

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
June 7, 2017**

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

ABSENT: Brian Liedtke, Andrew Kelly

OTHER: Alderman Sylvia McIvor

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 (continued) Case: PZC 2017-02 - 620 Wilton Court (Schimel) Petitioners Ted and Diane Schimel, owners of the house at 7620 Wilton Court, seek approval of a variation to Section 5A-5-11 (A) of the Darien Zoning Code to allow storage of their boat in their front yard.**

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 the petitioners decided to change the requested variation to the front yard.

Mr. Manning reported that the petitioners brought in a letter which was included in the board packet. He further reported that there was much discussion regarding “grandfathering” and that per the City Attorney grandfathering is only considered for buildings or structures and not a boat.

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

The petitioners Ted and Diane Schimel stated that Alderman McIvor advised them wait to speak until after discussion.

Alderman Sylvia McIvor stated that she was not advising one way or the other but that she was present as a resident and Alderman and that she is not an attorney.

Mr. Schimel stated that their neighbors prefer to have the boat stored on the driveway instead of disturbing the neighbors. He stated that they were under the impression that the City preferred their first petition and that they did not know that they had any options. Mrs. Schimel stated that their close neighbors petitioned all the neighbors within 220 feet and that there were 25-30 residents who preferred to see the boat stored on the driveway. She stated that the two who organized the petition were at the last hearing.

Sylvia McIvor stated that she was the Alderman in the Ward and that she has been Alderman since the first time they were cited. She asked the Committee for a show of hands of those who walked the property.

Alderman McIvor presented a packet of materials to the Committee showing Google Earth maps and several other photos showing the neighbor homes to the right and illustrating the logistics of the land. She further presented a photo showing that the other side where the boat is parked is

“dicey” and that there is a significant elevation change and that a variation would also be needed to put the boat in the side yard.

Alderman McIvor stated that if the petitioners put the boat on the side yard with the significant elevation change and because the properties are tight, that the boat would be taller than the neighbor's windows. She provided two other photos showing the suggested previous variation request with driveway cut. She pointed out that the house where it sits is the highest point.

Alderman McIvor stated that the conditions need to be looked at. She stated that the Schimel's property is like a corner lot and that there are not a lot of options for storage. She questioned if staff received any correspondence for this hearing.

Mr. Manning stated that he did not receive any correspondence for this hearing.

Alderman McIvor stated that she was not an attorney and that she is not supporting or rejecting but rather trying to portray what is there. She stated that she sees a hardship and that the petitioner's purchased the boat before an ordinance was in place.

Commissioner Gay questioned when the boat was purchased.

Mrs. Schimel stated that the boat was purchased in August 2004 and that the boat only has 700 hours. She stated that the boat is in good condition and that it was not used for a while because of her husband's health.

Commissioner Gay questioned if this would be transferrable to the next property owner.

Mr. Manning reported that it will be transferrable unless there is specific conditions stated in the motion.

Commissioner Gay stated that a recreational vehicle can be just about anything and that he was concerned with this wording.

Mr. Manning reported on options for placing the boat on the side but stated that a variation would still be needed. He also stated that they may have to elevate one side of the driveway 1-3 feet above grade.

Chairperson Mallers stated that moving the driveway back would have to match what is currently there and make the driveway the same but putting it back where it is would not be visibly seen.

Mr. Manning stated that he received some correspondence from neighbors for previous nearing including one in favor and 1 against front yard storage. He stated that there was testimony that there were 25-30 neighbors in favor but there is no information to back it up.

Alderman McIvor stated that the minutes from the last meeting indicated that there were two neighbors stating that they would like the boat to stay where it is.

Alderman McIvor stated that the petitioner followed the public hearing process and that everything was done to notify the neighbors.

Mrs. Schimel questioned if Mr. Manning had a copy of an email from the neighbor to Dan Gombac.

Mr. Manning stated that he received the correspondence but did not have it with him.

Alderman McIvor also stated that she received a letter and questioned why this is even being talked about.

There was no one in the audience wishing to present public comment and Chairperson Mallers closed the public hearing.

Commissioner Mielkus made a motion recommending approval to the City Council of PZC 2017-02 7620 Wilton Court a variation to Section 5A-5-11 (A) of the Darien Zoning Code to allow storage of a boat in front yard driveway with the following conditions:

- 1. Petition of support from adjacent property owners supporting that the boat be placed in the driveway;**
- 2. Boat may remain parked in the driveway until such time the property is sold or the Schimel's no longer reside at 7620 Wilton Court.**

There was discussion and no one seconded the motion.

Chairperson Mallers declared the motion dead.

Commissioner Laratta stated that a petition from the neighbors is not necessary. He stated that the public hearing process was followed and that the petitioners have been before the Committee twice.

Chairperson Mallers stated that the PZC represents the community and that there has been communication both for and against the petition.

Commissioner Erickson stated that the hardship is there.

Commissioner Cortez stated that if there were issues the room would be packed.

Alderman McIvor stated that all of the residents were contacted and that the public hearing notification was followed.

Commissioner Gay made a motion and it was seconded by Commissioner Laratta recommending approval to the City Council of PZC 2017-02 7620 Wilton Court a variation to Section 5A-5-11 (A) of the Darien Zoning Code to allow storage of a boat only on their front driveway with the following conditions:

- 1. Variation is specific to the property owners;**
- 2. Variation is null and void when the Schimel's sell the property, sell the boat or no longer reside at 7620 Wilton Court.**

Mr. Manning cited the five standards for variances in the City of Darien and three standards for variations in the State of Illinois. He stated that the motion needs to show how they comply with the standards.

Alderman McIvor stated that the staff review contents on page 2 second paragraph show approval for boat storage in the front yard on 5/30/17. She questioned why this was different than a driveway?

Commissioner Gay stated that the petition on 5/30/17 was a side yard and it was stored the same amount of time. He stated that there was existing screening and it was stored on an unpaved pad. He further stated that it would be much easier if the petitioner stored his boat off site but that the boat has been stored there for 13 years and is in the character of the property. He also stated that the elevation provides unique circumstances.

Commissioner Gay made a motion and it was seconded by Commissioner Laratta that based on the standards and conditions set forth by the City of Darien on Standard 5 "whether the proposed variation will adversely alter the essential character of the neighborhood" as well as conditions 1,2, and 3, that this request meets those standards and would not alter the essential character of the location and recommend approval of variation PZC 2017-02 7620 Wilton Court - Ted and Diane Schimel 5A-5-11 (A) of the Darien Zoning Code to allow storage to specifically store a boat and boat only in the front yard and that this variation be allowed only for the Schimel's residing at 7620 Wilton Ct. or when they own or store the boat on this property.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 6-0.

Mr. Manning reported that this would be forwarded to the Municipal Services Committee on June 26th at 6:30 pm.

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 Erickson made a motion and it was seconded by Commissioner Mielkus to approve the May 3, 2017 Regular Meeting Minutes.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 6-0.

NEXT MEETING

Chairperson Mallers announced that the next meeting is scheduled for Wednesday, June 21, 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 Cortez. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:05 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
Chairman