

**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 meetings have resumed.
- The public will be permitted to attend a Planning and Zoning meeting but the meeting room will be limited to 10 members of the public at one time. 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 Joe Hennerfeind at [jhennerfeind@darienil.gov](mailto:jhennerfeind@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, October 7, 2020

7:00 PM

City Hall Council Chambers  
1702 Plainfield Road

AGENDA

1. Call to Order
2. Roll Call
3. Regular Meeting

**A. Public Hearing - PZC 2020-08**

**338 Janet Avenue (Front and Interior Side Yard Setback Variations)**

Petitioner Sean Piazza seeks approval to vary Section 5A-7-2-6(A) of the City Zoning Code, that otherwise requires both a 35 foot front yard setback and a 10 foot interior side yard setback, for a garage and second story addition to the existing house at 338 Janet Avenue in Darien, Illinois.

4. Correspondence
5. Old Business
6. New Business
7. Approval of Minutes August 5, 2020
8. Next Meeting October 21, 2020
9. Public Comments [On any topic related to planning and zoning]
10. Adjournment

**MINUTES  
CITY OF DARIEN  
PLANNING & ZONING COMMISSION MEETING  
August 5, 2020**

**PRESENT:** Lou Mallers – Chairperson, Michael Desmond, Robert Erickson, Hilda Gonzalez, Steve Hiatt, Julie Kasprowicz, Brian Liedtke, Ralph Stompanato

**ABSENT:** Bryan Gay

**OTHERS:** Joseph Hennerfeind-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:**

**A. Public Hearing PZC 2020-07– ComEd Substation – Lyman Avenue (Tower Height Variation) Petitioner Commonwealth Edison Seeks approval to vary Section 5A-5-12 (C) of the City Zoning Code, that otherwise requires a 60 foot maximum height for transmitting towers, for a proposed 104-foot tower to replace the existing 65-foot tower at the substation located north of 7700 Lyman Avenue in Darien, Illinois.**

Mr. Joe Hennerfeind, City Planner reported that there was an error in the initial notice and stated that the property has no address.

Mr. Hennerfeind reported that Commonwealth Edison currently has a 65' communications tower located at the substation on Lyman Avenue. He reported that the petitioner proposes to replace the 65' tower with one at 104' in height (100' tower and 4' lightening rod) to accommodate a Smart Grid Automation Device Monitoring Support Structure. Mr. Hennerfeind reported that the structure will serve ComEd communications system exclusively and will not be a co-location tower.

Mr. Hennerfeind reported that the upgrades are part of a smart grid initiative to improve monitoring and response and is expected to reduce outage periods, speed repairs, and allow for efficient power switching when accommodating grid interruptions.

Mr. Hennerfeind reported that the ComEd substation has existed since the 1970s and pre-dates all development surrounding the complex. He reported that in 1987 the property was annexed into Darien and Special Use approval was granted by the R-2 zoning.

Mr. Heinerfeind reported that all towers must meet primary setbacks as established by the zoning district requires a 35' front yard setback and a 30' side yard setback. He reported that the site plans show that the tower would be 117' from the front lot line and 59.5' from the side yard to the north, placing the existing 65' tall tower in the same

location. He further reported that the tower is 250' from the property line of the nearest residential home, the fire station parking lot to the north or the property which is also owned by ComEd which granted an easement for the lot's construction.

Mr. Hennerfeind reported that although Darien does not have a "fall zone" requirement, this would be the only adjacent developed area within immediate proximity.

Mr. Phil Haliburton, ComEd stated that the upgrade helps to sectionalize, automate and bring back outages faster.

Mr. Scott Saef, Sidney & Austin, representing ComEd displayed a power point presentation noting the details of the project. He also provided renderings of the facility.

Commissioner Hiatt questioned if the pole could be moved to another area on the property and if there is any flexibility regarding the height.

Mr. Saef stated that there has to be a close distance between the structure and radio equipment inside the building. He stated that the height is needed because the first antenna has to be above the tree line. He said if lower it will not support the system.

Chris Collins, ComEd stated that each antenna serves the same purpose. He stated that the remote radios will latch on to one of the antennas.

Commissioner Hiatt questioned if there is a need for 5 antennas.

Mr. Collins stated that there has to be a 10 foot gap and that 5 antennas are needed for the number of devices in the area.

Commissioner Liedtke questioned the purpose of the pole.

Commissioner Kasprowitz questioned why not have a couple antennas.

Mr. Collins stated that the height is needed and there are requirements to have a horizontal separation of 100 feet.

Ms. Kimberly Marshall, 7700 Lyman stated that the area is an eyesore and requested if Com Ed can clean it up some. She said there are dead trees, garbage and that she has had to hire an exterminator because of carpenter ants and rodents.

Mr. Hennerfeind provided a map to the Board showing the floodplain. He reported that the vegetation in the wetland cannot be touched and the only way to do something with the dead trees is if they are unsafe. He did report that there can be a clean up to get rid of the trash. He requested that ComEd investigate and exterminate if possible.

Mr. Haliburton requested a copy of the photos which Ms. Marshall provided. He said he would work with their environmental staff to address the issue.

Alderman Eric Gustafson, stated that he had conversations with a few of the residents I his ward. He stated that even with screening residents will see the tower once winter comes.

Alderman Gustafson questioned if this is connected with the smart meters. He questioned how the system knows there is an outage in a certain area. Alderman Gustafson stated that when he has an outage he calls ComEd and they have no idea of the outage.

Mr. Collins stated that this proposal is strictly associated with the distribution lines. He stated that when the meters go out a signal goes to command center and can determine where there is an outage.

Alderman Gustafson stated that the people on Marlboro hear a loud buzzing noise. He questioned if this does not get approved what is the risk to Darien.

Mr. Collins stated that the risk is communications not working and outages more likely and more duration.

Alderman Gustafson questioned how many are going up in DuPage County.

Mr. Collins stated that there are approximately 95 across DuPage County and that they try to use existing infrastructure. He stated that they will have to build another 100.

Robert Marshall, Darien hard to believe that ComEd can't move 50 feet out with repeaters.

Mr. Collins stated that moving would be a loss from radio to antenna and a lot of infrastructure. He stated that repeaters are only for a small amount of devices.

Mr. Hennerfeind reported that the Committee received correspondence from Ann Dormandy.

Mr. Hennerfeind questioned if the substation at 87<sup>th</sup> and Lemont Road substation will result in any other poles within our jurisdiction.

Commissioner Liedtke asked if they would be open to using a different paint to blend.

Mr. Collins stated that they will not be upgrading at the substation and that they are willing to work with the City regarding the paint color.

Mr. Hennerfeind reported that the west side of property is in a higher restrictive flood zone and if moved there would be additional restrictions and not sure if moving is an option.

Commissioner Desmond stated that he was never a fan of tall towers but that this is an advantage to the City and a great benefit.

Commissioner Kasprowitz questioned if the poles can be added on later.

Mr. Collins stated that can probably add poles later but they have never done it.

Commissioner Liedtke questioned why they can't have 3 or 4 radios.

Mr. Collins reported that 5 radios maxes out and if one radio fails, other devices will pick up.

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

**Commissioner Liedtke made a motion and is was seconded by Commissioner Hiatt approval of PZC 2020-07– ComEd Substation – Lyman Avenue (Tower Height Variation) Petitioner Commonwealth Edison Seeks approval to vary Section 5A-5-12 (C) of the City Zoning Code, that otherwise requires a 60 foot maximum height for transmitting towers, for a proposed 104-foot tower to replace the existing 65-foot tower at the substation located north of 7700 Lyman Avenue in Darien, Illinois.**

**Upon roll call vote, THE MOTION CARRIED 8-0.**

Mr. Liedtke stated that he did not put a condition into the motion but he would strongly encourage a light blue or gray color to blend in.

### **CORRESPONDENCE**

There was no correspondence.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

Mr. Hennerfeind reported that the solar panel variation for Lace School will be brought before the PZC.

### **APPROVAL OF MINUTES**

**Commissioner Erickson made a motion and is was seconded by Commissioner Desmond to approve the June 17, 2020 Regular Meeting Minutes.**

**Upon voice vote, THE MOTION CARRIED 8-0.**

### **NEXT MEETING**

Mr. Hennerfeind announced that the next meeting is scheduled for August 19, 2020.

**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 Hiatt made a motion and it was seconded by Commissioner Desmond. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 8:30 p.m.**

**RESPECTFULLY SUBMITTED:**

**APPROVED:**

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**Elizabeth Lahey  
Secretary**

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**Lou Mallers  
Chairperson**

**AGENDA MEMO**  
**PLANNING AND ZONING COMMISSION**  
**October 7, 2020**

**Case**

PZC 2020-08      338 Janet Avenue      (Piazza)

**Issue Statement**

Petitioner Sean Piazza seeks approval to vary Section 5A-7-2-6(A) of the City Zoning Code, that otherwise requires both a 35 foot front yard setback and a 10 foot interior side yard setback, for a garage and second story addition to the existing house at 338 Janet Avenue in Darien, Illinois.

**General Information**

Petitioner / Property Owner:	Sean Piazza
Property Location / PIN#:	338 Janet Avenue / 09-26-103-020
Zoning / Land Use:	Site: R-2 / single-family residence North, South, East, West: R-2 / single-family residence
Comprehensive Plan:	Future Land Use: Low Density Residential
Size of Subject Lot:	75' x 163' = 12,225 square feet
Natural Features:	Relatively flat with eastern portion in floodplain
Transportation:	Frontage to Janet with single drive to carport

**Zoning Provisions**

Section 5A-7-2-6(A); required minimum yards for single-family detached dwellings;

Front Yard:	35 feet
Interior Side Yard:	10 feet

**Development History and Proposal**

Platted in 1946 as a portion of the Tri-State Village subdivision, this neighborhood was developed with a permitted 27' front yard setback to the street. Subsequently becoming incorporated as a part of Darien, the R-2 zoning district amended this to a 35' front yard setback, and added a side yard setback requirement of 10'.

The lot is improved with a single-story ranch with an attached carport, and does not currently conform to either required setback. The petitioner proposes a substantial rehabilitation, including the conversion of the carport to a 2-car garage with a second-story addition above. The home sits between 34.20' and 35' to the front property line and 9' to the eastern side yard where the construction is proposed. The proposed enclosed garage dictates a minimum size for construction, which also intends to utilize some in-ground foundation improvements that were previously constructed. As proposed, the new construction would have a setback of 33.44' to the front yard (1.56' encroachment) and 7.17' to the interior side yard (2.83' encroachment). The petitioner indicates that the rehabilitation will fit the character of the neighborhood as many homes were built with similar encroachments. The adjacent home to the east is 14.34' from the property line. Although the eastern property line is in the floodplain, no construction will occur in the zone.

**Petitioner Documents** (attached to this memo)

1. Application, including narrative and variation justification
2. Plat of Survey
3. Proposed Front Elevation
4. Proposed Site Plan and Floodplain Illustration



**Staff Documents** (attached to this memo)

5. Location Map
6. Location Map w/floodplain
7. Zoning Variation Decision Criteria

**Staff Plan Review**

The petitioner is proposing a remodel of an existing home with an established setback encroachments. While the side yard encroachment is essential for the useable width of the garage, the front yard encroachment is preferred for aesthetic reasons. The requested variations will not substantially alter the neighborhood or existing conditions.

**Findings of Fact**

The Petitioners were asked to provide evidence or finding-of-fact that would support their requested variation, especially in terms of the pertinent variation criteria. Staff notes relevant criteria below:

- Unique Circumstances – zoning setbacks became more stringent over time.
- Character of the Locality – other homes on the street currently have similar encroachments.
- Essential Need – an attached and enclosed garage is not an atypical request.

**Pending Meeting Schedule**

Planning and Zoning Commission:	October 7, 2020
Municipal Services Committee:	October 26, 2020 (potential for October 19)
City Council:	November 2, 2020 (potential for October 19)





# ZONING APPLICATION

## CITY OF DARIEN

1702 Plainfield Road, Darien, IL 60561

[www.darienil.us](http://www.darienil.us) 630-852-5000

### CONTACT INFORMATION

Sean Piazza

Applicant's Name

Sean Piazza

Owner's Name

338 Janet Ave, Darien, IL 60561

Address, City, State, Zip Code

338 Janet Ave, Darien, IL 60561

Address, City, State, Zip Code

815-530-0247

Telephone

815-530-0247

Telephone

piazza.mannerino@yahoo.com

Email

piazza.mannerino@yahoo.com

Email

### PROPERTY INFORMATION

338 Janet Ave, Darien, IL 60561

Property address

09-26-103-020

PIN Number(s)

R-2

Zoning District

Residential

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.)

The owner would like to replace his partially covered carport with a new attached 2 car garage with a 2<sup>nd</sup> floor addition above it.

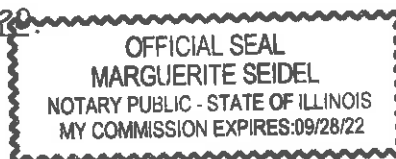
Sean Piazza  
Applicant Signature

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that SEAN PIAZZA 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 2 day of Sept. 2020

Marguerite Seidel  
Notary Public

For office use only	
Date Received:	<u>9/4/20</u>
Case Number:	<u>PZC 2020-08</u>
Fee Paid:	<u>360.00</u>
Hearing Date:	<u>10/7/20</u>



**Narrative: Justification for zoning of property at 338 Janet Avenue, Darien, Illinois**

**The footprint where the owner is building does not allow the owner to meet the zoning requirement.**

**The garage cannot be built back further to meet the requirements because there is an existing covered patio off the side of the home. The garage is needed because it will replace the car port that is presently in the space. It will allow the owners to store the cars and all family bicycles and yard equipment. There is no problem with the slope or shape of the property.**

**There is no negative impact to the neighbors or the community. The new garage will be an appealing sight vs. the car port that is presently in the space. The positive impacts to the community outweigh the negative impacts.**

**Conclusion: The homeowner requests permission to exceed the front set-back by 18" and the side set-back by 2'-10". It will be a two car garage, 26.88' x 19.78' (532 square feet) with a second floor living space, 26.88' x 19.78' (532 square feet).**

## **JUSTIFICATION NARRATIVE**

338 Janet Avenue, Darien, IL

We are requesting permission to exceed the front set back by 18" and the east side set back by 2'-10". We are proposing to construct an attached two car garage, 26.88' x 19.78' (532 square feet) with a second floor living space, 26.88' x 19.78' (532 square feet).

We are requesting these variances so that we may build an attached two car garage in place of the current carport. The existing carport is cluttered with vehicles, family bicycles and yard equipment which is visible from the street. By building a two car garage we will be able to store these items out of site from the neighbors. This would be an improvement to the neighborhood, without impacting the neighbors.

Without these variances we would only be allowed to build a one car garage.

### **2a. Variance for east side set back:**

By extending the proposed addition east 19.78' we will be able to create a two car garage where we can keep our two vehicles, family bicycles and yard equipment.

### **Variance for front set back:**

By extending the proposed addition forward 18" from the existing house we will be able to create a more aesthetically pleasing front façade.

### **2b. Plight of the owner:**

How to provide a garage large enough to store two vehicles, family bicycles and yard equipment and make it aesthetically pleasing to the neighborhood?

### **2c. Essential character of the locality:**

The variances, if granted, will not alter the essential character of the locality, it will improve it.

### **3a. Essential Need:**

We currently have a partially roofed carport. The need for storage is great.

**3b. Problem with Property:**

**No problems with the property.**

**3c. Smallest Solution:**

**To eliminate the carport clutter and provide an aesthetically pleasing façade we have proposed the smallest solution.**

**3d. Create Neighborhood Problem:**

**No. It will be an improvement to the neighborhood.**

**3e. Create Community Problem:**

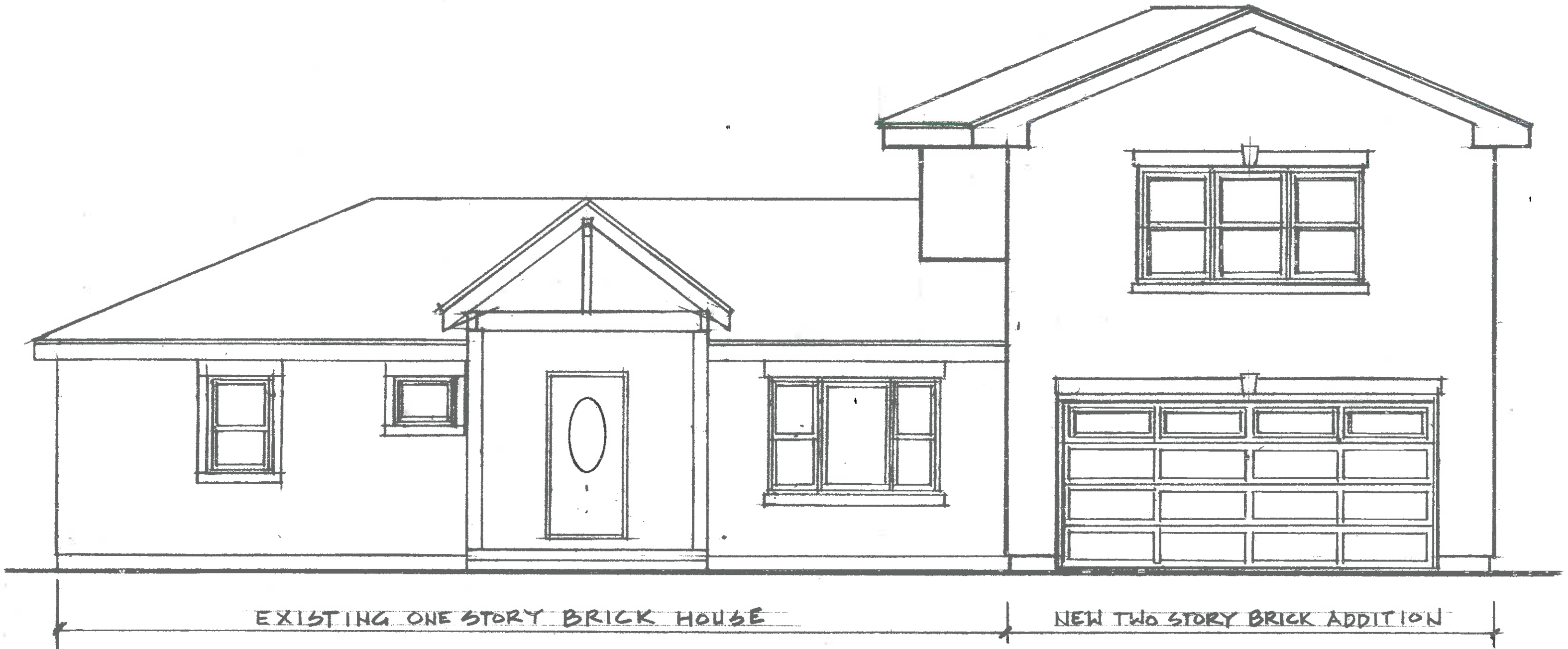
**No. It will be an improvement to the community.**

**3f. Net Benefit:**

**The positive impacts to the community outweighs the negative impacts. The proposed addition will hide the existing carport clutter that is currently exposed to the neighborhood and it will be done in an aesthetically pleasing manner.**

**3g. Sacrifice Basic Protections:**

**The proposed addition will enhance aesthetic values and will eliminate the nuisance of a cluttered carport.**

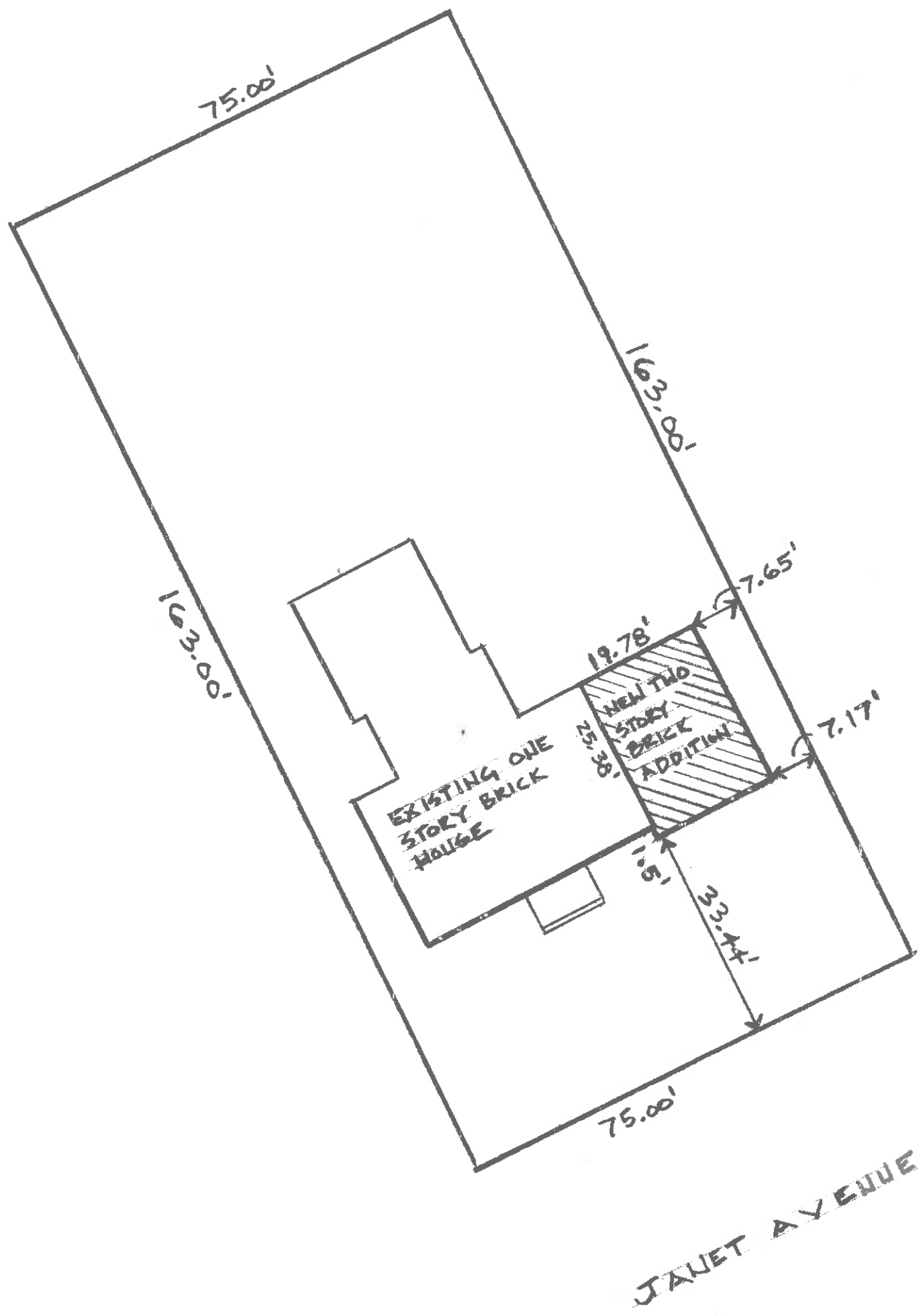


**PROPOSED FRONT ELEVATION**

SEAN PIAZZA RESIDENCE  
338 Janet Avenue, Darien, IL

SCALE: 1/4" = 1'-0"

WENDLING DESIGNS  
(708)528-4718



**PROPOSED SITE PLAN**

**SCALE: 1" = 20'-0"**

SEAN PIAZZA RESIDENCE

WENDLING DESIGNS

338 Janet Avenue, Darien, IL

(708)528-4718



- ZONEX - AREA OF MINIMAL FLOOD HAZARD
- 0.2% ANNUAL CHANCE OF FLOOD HAZARD
- ZONE AE - 1% ANNUAL CHANCE OF FLOOD HAZARD
- REGULATORY FLOODWAY

**FLOODPLAIN SITE PLAN**

SCALE: 1" = 20'-0"

SEAN PIAZZA RESIDENCE  
338 Janet Avenue, Darien, IL

WENDLING DESIGNS  
(708)528-4718



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

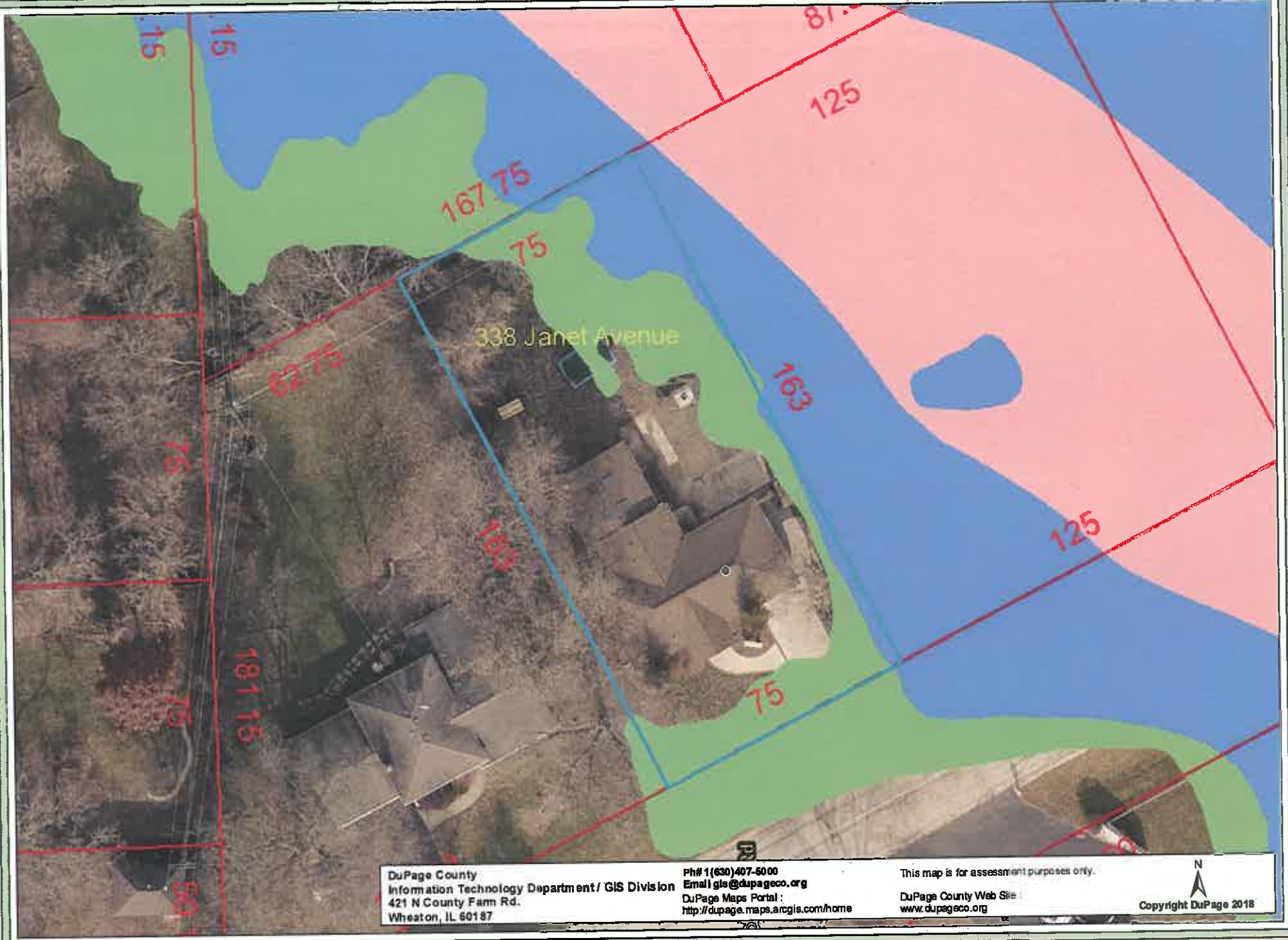
Phone: (630) 407-6000  
Email: [gis@dupageco.org](mailto:gis@dupageco.org)  
DuPage Maps Portal:  
<http://dupage.maps.arcgis.com/home>

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DuPage County Web Site:  
[www.dupageco.org](http://www.dupageco.org)

  
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**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.

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

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

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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.

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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.

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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.

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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.

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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.

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

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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.

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