

MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
August 5, 2009

PRESENT: Beverly Meyer – Chairperson, Gloria Jiskra, Don Hickok, Ron Kiefer, John Lind, Kenneth Ritzert, Michael Griffith – Senior Planner

ABSENT: Robert Erickson, Ray Mielkus, Susan Vonder Heide

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

A. PZC 2009-05: 9001 Darien Woods Court: Petitioner requests a variation to permit an above ground pool within the interior side yard, where a detached accessory structure is not otherwise permitted.

Mr. Michael Griffith, Senior Planner, presented the staff report. He reported that the variation is to reduce the side yard to allow an above ground pool in the side yard. Mr. Griffith stated the lot has a narrow leg to the street with the bulk of the lot further away from the street. He stated the side yard is larger than the typical lot in Darien.

Mr. Griffith stated that the area to the north is a detention basin and that the yard is enclosed by a 6-foot tall fence. He said the yard is hidden from view.

The petitioners Rob and Sandy Dybcio, 9001 Darien Woods Court, Darien were present. Mr. Dybcio stated that they submitted a landscaping plan to the City and were approved. He stated that after approval they decided to put in an above ground pool. Mr. Dybcio stated that at that time he assumed that the landscaper submitted the revised plans with the pool but when he called to schedule the electrical inspection, Mr. Griffith informed him that pool were not allowed in the side yard and suggested that he request a variance.

Mr. Dybcio submitted photos to the PZC of the pool and landscaping. He stated that the pool is in the only logical place and that there are no objections from the neighbors.

Chairperson Meyer asked if the pool affects the drainage.

Mr. Griffith stated that the pool should not affect the drainage.

Commissioner Jiskra questioned the height of the pool.

Mr. Dybcio stated that the pool is a 12' x 24' – 54" oval pool.

Chairperson Meyer asked if the home owners were going to add a deck.

Mr. Dybcio stated that they do not have plans for a deck in the near future and that they have a patio. He stated that the pool has two gates and a ladder that can be raised for safety.

Commissioner Hickok asked if the fence was all the way around the pool. He stated that the fence appears to be close to the pool.

Mrs. Dybcio stated that there is gravel between the pool and the fence so there is no landscaping between the fence and the pool. She stated that two adults can fit through the area.

There was no one in the audience wishing to present public comment and Chairperson Meyer closed the public hearing at 7:11 p.m.

Commissioner Hickok made a motion, and it was seconded by Commissioner Ritzert that based upon the information presented, the request associated with PZC 2009-05 is in conformance with the standards of the Darien City Code and move that the Planning and Zoning Commission recommend approval of the petition as presented.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 6-0. Commissioner Erickson, Commissioner Mielkus and Commissioner Vonder Heide were not present.

Mr. Griffith reported that this would be forwarded to the Planning/Development Committee on Monday, August 24, 2009 at 6:30 p.m.

B. PZC 2009-06: 3165 Grandview Lane: Petitioner requests a variation to permit a deck to encroach 3 feet into the required 5-foot setback from an interior side lot line for a detached accessory structure and to encroach 5 feet into a 10-foot public utility and drainage easement.

Mr. Michael Griffith, Senior Planner, reported that the petitioner was not present. He stated that the petitioner was informed of the meeting and that he did not call to say he could not attend. Mr. Griffith suggested tabling the item until the petitioner is available to present his request.

Commissioner Hickok stated that since there were residents in the audience that he would like to hear the testimony.

Chairperson Meyer swore in those residents who were not sworn in at the beginning of the meeting and opened the public hearing to anyone wishing to present public comment.

Ms. Diana Hubbard-Replyuk, 3109 Grandview, stated that the petitioner has done a fair amount of work on his home and that she has never seen any posted permits. She stated that the petitioner had gravel delivered to his home and that he has moved it into his back yard. She further stated that he has constructed a deck without any permits. Ms. Hubbard-Replyuk stated

that the neighbors are concerned with what is being done in the petitioner's yard and that there will be water issues with the pond behind the home.

Chairperson Meyer questioned what the petitioner is doing with the gravel.

Ms. Hubbard-Replyuk stated that the petitioner used the gravel to build a retention wall and also has placed the gravel around the trees. She stated that she believed that the retention wall was built in a utility easement.

Commissioner Jiskra questioned how long the homeowner has lived in the home.

Ms. Hubbard-Replyuk stated that she believed that the homeowner has lived there 1 ½ years.

Mr. Griffith reported that the City has no record of permits for the work that has been done to the home. He stated that staff has been out to the site and that it is believed that the retention wall is outside of the utility easement based on the plans. Mr. Griffith stated that the City Engineer looked at the retaining wall and does not believe there will be a drainage issue. He reported that at the request of the City the petitioner hired an engineer who stated that the wall is constructed properly.

There were several other residents in the audience who did not provide their name who stated that the JULIE lines are marked under the gravel. They stated that if there are electrical problems that the utility company will have to dig through the gravel.

Mr. Griffith stated that the City has a letter from the petitioner's engineer stating that the wall is sound. He stated that the deck which is an issue encroaches into the easement 5 feet.

Commissioner Jiskra questioned the height of the deck.

Ms. Hubbard-Replyuk stated that she believed the deck was approximately 4-5 feet and slopes down.

Commissioner Jiskra stated that the shed appeared close to the lot line.

Mr. Griffith stated that the shed is shown on the survey and that the City has not been aggressive in requiring old sheds to be moved unless there is a complaint or it is a new shed.

Commissioner Jiskra asked if a resident is fined for not getting the proper permits.

Mr. Griffith explained that the process is that a violation letter is sent, if the homeowner does not comply with the notice, then a ticket is issued for the resident to appear in Court, and then if the judge finds the homeowner in violation, a fine can be assessed. He said, the City does not issue fines. He said building permit fees can be increased. Mr. Griffith stated that the homeowner met with staff and tried to get a building permit. He stated the variation petition is a way for the homeowner to address the zoning matter and that he was working on addressing the retention wall.

Mr. Griffith stated that the variance is for the deck location and that the petitioner is required to relocate the deck if the variation is not granted.

Commissioner Hickok questioned the distance of the property line to the water.

Mr. Griffith stated that the distance appears to be more than 4 feet. He provided the PZC with photos of the deck and retaining wall. Mr. Griffith stated that the photos provided show the gravel/retention wall and deck.

Mr. Richard Mueller, 3149 Grandview Lane, stated that the owner of the house does what he wants. He stated that there are illegal things going on inside the house and that there is a small child living in the house and the deck near the water is not safe.

Chairperson Meyer stated that anything that goes on inside the house is a police matter and that the PZC does not have jurisdiction over such issues.

Commissioner Hickok asked for topography.

Mr. Vernon Lund, 3157 Grandview, stated that he is concerned that the homeowner built the deck over high power volt lines.

Chairperson Meyer suggested continuing the public hearing to the next meeting.

Mr. Griffith stated that the next PZC meeting will be held on Wednesday, August 19, 2009 at 7:00 p.m. He stated that if at that time the homeowner does not show up that the PZC take that into consideration and vote.

Chairperson Meyer asked about the recourse if the wall fails even though there is a letter.

Mr. Griffith stated that it is the homeowner's liability. He stated that he would discuss the issues with the Director and will instruct the petitioner that he needs to attend the public hearing in order to defend himself. Mr. Griffith also stated that he would recheck the location of the wall and if it is in the utility easement.

Commissioner Lind stated that he does not think that the letter from the petitioner's engineer is valid because he uses the word "assumption."

Commissioner Hickok made a motion, and it was seconded by Commissioner Lind to table PZC 2009-06 until the next meeting.

Upon voice vote, THE MOTION CARRIED UNANIMOUSLY 6-0. Commissioner Erickson, Commissioner Mielkus and Commissioner Vonder Heide were not present.

MINUTES:

Commissioner Hickok made a motion, and it was seconded by Commissioner Jiskra to waive the reading of the May 6, 2008 Meeting Minutes and the July 1, 2009 Meeting Minutes.

Upon voice vote, **THE MOTION CARRIED UNANIMOUSLY 6-0.** Commissioner Erickson, Commissioner Mielkus and Commissioner Vonder Heide were not present.

Commissioner Hickok made a motion, and it was seconded by Commissioner Kiefer to approve the May 6, 2008 Meeting Minutes and the July 1, 2009 Meeting Minutes.

Upon voice vote, **THE MOTION CARRIED UNANIMOUSLY 6-0.** Commissioner Erickson, Commissioner Mielkus and Commissioner Vonder Heide were not present.

CORRESPONDENCE:

None.

OLD BUSINESS/PLANNER'S REPORT:

None.

NEXT MEETING:

Mr. Griffith reported that the next meeting will held on Wednesday, August 19, 2009 at 7:00 p.m.

ADJOURNMENT:

With no further business before the Commission, Commissioner Kiefer made a motion and it was seconded by Commissioner Ritzert to adjourn. Upon voice vote, **THE MOTION CARRIED** unanimously and the meeting adjourned at 7:59 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Beverly Meyer
Chairman