

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
June 2, 2010**

PRESENT: Beverly Meyer – Chairperson, Don Hickok, Gloria Jiskra, Ron Kiefer, John Lind, Ray Mielkus, Ken Ritzert, Susan Vonder Heide, Michael Griffith – Senior Planner

ABSENT: Robert Erickson, Elizabeth Lahey - Secretary

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

- A. **PZC 2010-07: Public Hearing – Petitioner seeks approval of a variation to permit a patio to extend to the rear lot line, a distance of 13 feet, encroaching into the required 20 foot setback for patios and decks (the rear wall of the existing house is approximately 13 feet from the rear lot line).**

Mr. Michael Griffith, Senior Planner, presented the staff report. He stated that this is a variation from the Zoning Ordinance and relates to a proposed patio. Mr. Griffith stated that under the current Zoning Ordinance, patios are to be at least 20 feet from a rear property line. He noted that on the petitioner's plat of survey that the house is about 13 feet from the rear property line and is not a typical situation in Darien. Mr. Griffith reported that most homes in Darien are 30 plus feet from the rear property line.

Mr. Griffith stated that the petitioner is proposing to take out the existing patio and replace it in the same location with a 19' x 13' patio so that the patio extends from the house to the rear lot line.

Mr. Griffith reported that the property backs up to Bailey Road and that the petitioner is not encroaching on anyone's rear or side yard and it is fairly screened. He stated that his assumption is that the home was built while it was still unincorporated.

Chairperson Meyer stated that Mr. Dan Gombac, Director reported that there is a four foot drop onto Bailey Road so there is not an issue with drainage.

Mr. Joe Warzecha, 7938 Pine Court, Darien stated that the present patio has been removed and he would like to redo the patio with the same measurements. He stated that the distance from the property line is 21 feet and the extension of the present patio is approximately 16 feet. He further stated that he is only asking for an extra three feet from the original patio.

Mr. Warzecha provided photos of the patio to the PZC. He stated that the reason for the new patio is because the patio buckled.

Mr. Warzecha stated that he measured and it appears that the fences on Bailey Road appear to encroach. He asked what Mr. Griffith used to determine the measurement.

Mr. Griffith stated that the City has to go by the plat of survey and if the petitioner wishes to provide a plat showing that other fences are encroaching he can do that. He stated that the fences do not define the property line.

Mr. Warzecha stated that he has already spent \$500 and the costs are adding up. He asked if there was a grandfather clause.

Mrs. Warzecha stated that she has had the same patio for 38 years and she does not understand why they cannot have the same patio.

Chairperson Meyer asked if the petitioner has had the joint utilities location checked to see if there are any utilities within that part of the yard.

Mr. Warzecha stated that they have not. He stated that the patio has been there for 38 years. He further stated that the contractor should know if there are utilities in the area.

Commissioner Hickok did not recommend going out to get another plat of survey. He stated that it really does not show what the lot line is. He suggested that the petitioner leave it alone.

Chairperson Meyer asked if this is the exact replacement.

Mrs. Warzecha stated that this is the exact replacement. She stated that all they want to do is replace the patio and make it better. She further stated that they would like to have a stamped patio and make it 16' x 19'.

Mr. Griffith stated that the survey shows 13 feet. He stated that the petitioner could produce a survey that shows that the property line is further away but the City cannot issue a permit to put a patio in a public right of way.

Mr. Warzecha asked if they do nothing if the patio would be acceptable at 13 feet.

Mr. Griffith stated that the survey shows 13 feet from the rear of the house to the property line.

Mr. Warzecha asked if he could go out and build the patio based on the 13 feet.

Mr. Griffith answered yes if the variation is granted. He stated that the criteria are based on the plat of survey. He stated that if the petitioner thinks the plat is incorrect, then the petitioner can produce a new survey.

Chairperson Meyer stated that a new plat is not very expensive if the petitioner goes to the same company that produced the present survey because they already have a baseline. She stated that it would be more economical.

Commissioner Kiefer suggested that if the PZC approves the request that it be approved from the lot line instead of an exact measurement. He stated that it would simplify things if the petitioner decided to get a new plat.

Commissioner Hickok cautioned the petitioner that a new plat may show smaller measurements.

Commissioner Ritzert stated that this goes over an easement. He asked if there was any activity in that area.

Mr. Warzecha stated that there is no activity except for squirrels and birds. He stated that all he would like to do is replace what was there.

Commissioner Lind stated that he agreed that a couple more feet of concrete would make the value better.

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

Commissioner Kiefer made a motion, and it was seconded by Commissioner Vonder Heide that based upon the submitted petition and the information presented that the request associated with PZC 2010-07 is in conformance with the standards of the Darien City Code and recommend to the City Council approval of the petition up to the property line rather than as presented. Upon roll call vote, THE MOTION CARRIED 8-0. Commissioner Erickson was not present.

Mr. Griffith stated that this would be forwarded to the Municipal Services Committee on Monday, June 28, 2010 at 6:30 p.m.

MINUTES

Commissioner Kiefer made a motion, and it was seconded by Commissioner Lind to waive the reading of the April 21, 2010 Meeting Minutes.

Upon voice vote, THE MOTION CARRIED UNANIMOUSLY 8-0. Commissioner Erickson was not present.

Commissioner Ritzert made a motion, and it was seconded by Commissioner Mielkus to approve the April 21, 2010 Meeting Minutes.

Upon voice vote, THE MOTION CARRIED UNANIMOUSLY 8-0. Commissioner Erickson was not present.

CORRESPONDENCE:

Mr. Griffith reported that he received a letter from a resident regarding PZC 2010-07.

OLD BUSINESS/PLANNER'S REPORT:

Mr. Griffith reported that both petitions on the RVs were denied. He stated that there was some discussion from residents and Aldermen at the City Council Meeting and that the Council felt that they liked the Ordinance and that there was no interest in changing it.

NEXT MEETING:

Mr. Griffith reported that the next meeting is scheduled for Wednesday, May 5, 2010 at 7:00 p.m.

ADJOURNMENT:

With no further business before the Commission, Commissioner Lind made a motion and it was seconded by Commissioner Mielkus to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:06 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Michael Griffith
Senior Planner

Beverly Meyer
Chairman