

**MINUTES  
CITY OF DARIEN  
PLANNING & ZONING COMMISSION MEETING  
September 15, 2010**

**PRESENT:** Beverly Meyer – Chairperson, Gloria Jiskra, Don Hickok, Ron Kiefer, John Lind, Ray Mielkus, Ken Ritzert, Michael Griffith – Senior Planner, Elizabeth Lahey-Secretary

**ABSENT:** Robert Erickson, Susan Vonder Heide

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. Public Hearing: PZC 2010-13: 622 72<sup>nd</sup> Street: Petitioner seeks a variation to reduce the required side yard setback from 10 feet to 6.8 feet for an addition to an attached garage**

Mr. Michael Griffith, Senior Planner presented the staff report. He stated that the petitioner is seeking a variation to reduce the required side yard setback from 10 feet to 6.8 feet to construct an addition to the garage.

Mr. Griffith reported that the petitioner can explain to the PZC the need for the garage. He stated that the lot coverage is met and that the building plans have not been submitted but that he did not anticipate any issues.

Mr. Griffith reported that a letter of objection from the neighbor to the west at 626 72<sup>nd</sup> Street was submitted prior to the meeting and that the PZC received a copy.

Ms. Gabriella Comstock, Keough and Moody, attorney for petitioner stated that the homeowners are seeking a variation to build a garage to store a classic car and miscellaneous items. She stated that although the plans had not been submitted that she had them with her. She further stated that the proposed garage addition would be a single story with exterior materials to coordinate with the house.

Chairperson Meyer questioned why the garage addition was set back from the front of the existing garage.

The petitioner, Ms. Melissa Kauzlarich stated that it was an architectural detail and was placed in the location to utilize the space and make it adjacent to the house.

Commissioner Kiefer asked if they needed to enlarge the driveway.

Ms. Comstock stated that there is already a driveway to the garage and that some additional asphalt may be needed to expand. She noted that there would be a separate door on the garage.

Commissioner Ritzert referenced the letter of objection and noted that a tree would be removed.

Chairperson Meyer explained that the tree belongs to the petitioner.

Mrs. Kauzlarich stated that the tree in question was their tree.

Commissioner Hickok questioned if the garage was heated.

Mrs. Kauzlarich stated that she did not believe it would be heated.

Ms. Comstock stated that the letter of objection referenced that the addition may have an affect on the drainage. She stated that there is no evidence to support such a statement.

Commissioner Kiefer stated that the property appears to dip in the back.

Ms. Kauzlarich stated that they have the least sloped lot and that there have never been any drainage issues.

Chairperson Meyer reported that Mr. Dan Gombac, Director informed her that the sheet flow does not show any problems by constructing a garage.

Ms. Kauzlarich stated that the neighbor's tree produces sap and needles on their property. She stated that any trees which have been taken down have been replaced.

Chairperson Meyer questioned the size of the tree which would be removed.

Commissioner Jiskra stated that she walked the property and that the tree is very large.

Ms. Comstock stated that an addition to the property was completed in 2004 and that drainage was required at that time and the structure is in compliance.

Chairperson Meyer stated that she was concerned because the request in an addition.

Mr. Griffith reported that the Director suggested that if granted that the petitioner connect the downspouts to the back of the street.

Ms. Comstock stated that the petitioner was not against the recommendation to connect the downspouts.

Commissioner Mielkus asked if there was any thought to building the garage to the building line.

Ms. Comstock stated that they considered it but that more driveway would be needed with removal of trees and that they thought it was better for the neighborhood.

Mr. Griffith stated that many of the newer homes are now built with 3-car garages. He stated that zoning issues related to more garage space is common in all areas of Darien. Mr. Griffith stated that a garage in front of the existing garage would require a variation.

Commissioner Hickok questioned if there were overhead utilities.

Ms. Kauzlarich stated that there are overhead utilities but that long term they would like to have them buried.

Chairperson Meyer asked if there was fence.

Ms. Kauzlarich stated that they have a chain linked fence that surrounds the house. She stated that it will remain up to the garage.

Commissioner Ritzert asked if the garage wall would be taken out between the two buildings.

Ms. Kauzlarich stated that the wall will remain.

Commissioner Lind stated that he was concerned that the addition would alter the character of the neighborhood. He stated that a garage in the back would not require more than a simple variation.

Ms. Comstock stated that the petitioner considered it in the back but that they would need to put in a driveway on the west side of the property line and remove several trees and that there would be a problem with privacy.

Commissioner Ritzert stated that it is disturbing that the neighbor thinks that this addition is detrimental to the neighborhood.

Ms. Comstock stated that the petitioner discussed their plan with the neighbors and that the objection is a huge surprise to the petitioner.

Mr. Robert Claes, Robert M. Claes, Ltd., attorney representing the Werner and Anne Thiele Family Trust, 626 72<sup>nd</sup> Street stated that his clients strongly object to the petition. He stated that the letter he submitted showed photos taken of homes within a block of the subject property all zoned R-1 and illustrates the character of the neighborhood.

Mr. Claes stated that the R-1 zoning district provides the largest lots, with large side yards. He stated that it is the petitioner's burden to meet the standards to grant a variation which resemble the Illinois case law. Mr. Claes stated that hardship has not been addressed. He stated that the question of whether the essential character has not been met and that the requirement is for a 10-foot side yard.

Mr. Claes questioned the need for a variation. He stated that under the code there is room to construct a garage in the rear yard and that a driveway will fit through the side yard. He further stated that garages in the rear yards are common in the neighborhood.

Mr. Claes stated that the minimum side yard is 10 feet and that there are none in Darien with 6.75 feet. He stated that large side yards are what attract buyers to the neighborhood and that the petitioners are requesting to reduce the side yard by 40% and the required setback by 32%. Mr. Claes stated that the new homes in the neighborhood are meeting the required setback.

Mr. Claes again referenced that the petitioner has not created the need for a variation. He stated that the need has been glossed over.

Mr. Claes expressed concern with regard to drainage. He referenced photo #2 and noted the different garage floor elevations between his client and the petitioner's garages. He stated that a reduced side yard would make it more difficult to handle drainage.

Mr. Claes stated that his client is very upset and that he is not clear as to what communication was exchanged before the petition was filed.

Commissioner Ritzert stated that the City has not granted this type of request before.

Mr. Griffith stated that the City has granted variations to reduce side yard set backs. He stated that a variation was granted to a house on Plainfield Road to reduce the setback to approximately 5 feet. He also stated that there was a home on 68<sup>th</sup> Street or Iris where a 5-foot setback was granted and that in both cases they involved garages.

Mr. Griffith noted that the 10-foot side yard requirement applies to both R-1 and R-2 zoning districts and that the new homes recently constructed in the neighborhood meet the 10-foot side yard requirement but that there have been instances where the plan showed an encroachment. Mr. Griffith stated that the permit applicant was given the options to revise the plan or seek a variation.

Commissioner Kiefer stated that he did not think that a 3 car garage was detrimental to the neighborhood and that it would make the house more valuable. He stated that a garage in the back yard is not a better option and that the proposed encroachment of 3.2 feet is not excessive and that the proposed variation is not out of character with the area.

There was no one else in the audience wishing to present public comment and Chairperson Meyer closed the public hearing at 7:55 p.m.

**Commissioner Kiefer made a motion, and it was seconded by Commissioner Hickok that based upon the submitted petition and the information presented, the request associated with PZC 2010-13 is in conformance with the standards of the Darien City Code and move that the Planning and Zoning Commission approve the petition as presented.**

**Upon roll call vote, THE MOTION CARRIED by a vote of 5-2. Commissioner Erickson and Commissioner Vonder Heide were not present.**

**Ayes: Meyer, Hickok, Jiskra, Kiefer, Mielkus**

**Nays: Lind, Ritzert**

Mr. Griffith announced that this would be forwarded to the Municipal Services Committee.

**B. Public Hearing: PZC 2010-12: 1406 Plainfield Road: Petitioner seeks a variation to permit a detached accessory structure, a garage, within an interior side yard and to reduce the required rear yard setback from 30 feet to 14.7 feet for an addition to the residence.**

Mr. Michael Griffith, Senior Planner presented the staff report. He reported that the petitioner seeks a variation from the Zoning Ordinance related to two structures. He stated that the first is to construct a detached garage accessory structure within an interior side yard. Mr. Griffith stated that the garage meets the applicable setbacks and complies with the Code.

Mr. Griffith reported that there is an addition to the house and that it was constructed without a building permit which encroaches into the required rear yard setback. He stated that the required setback from the rear lot line is 30 feet and that the addition is 14.7 feet from the rear lot line.

Mr. Griffith stated that the lot is unique and represents a classic zoning variation case. He stated that the lot does not have the lot depth required under the Darien Zoning Ordinance which makes it difficult to locate accessory structures within the rear yard. Mr. Griffith stated that the side yards are larger than the typical side yard for Darien and that is where the opportunities are for improvements to the property. He stated that the house does not meet the current building setbacks and that the lot was recorded prior to the City's incorporation.

Chairperson Meyer suggested that the PZC discuss each variation request separately.

Ms. Eva Zanayed, the petitioner stated that she moved into the home 11 months ago and that she likes the neighborhood. She stated that the driveway is short to Plainfield Road and in snowy months, the snow plows push the snow onto her driveway.

Ms. Zanayed stated that there was a garage in 2000 and that it was converted to a room in the house.

Ms. Zanayed's fiancée Tony approached the podium and stated that he would speak for both of them because Ms. Zanayed's language was not clear. He stated that he moved into the house with Ms. Zanayed and her kids and that more space is needed for storage and for their vehicles.

Tony stated that they did not construct an addition but that they had to remove all of the wood shingles on the house because they contained lead. He stated that the neighbor to the north and behind them built close to the lot line and probably within the easement.

Tony submitted a letter for Mr. Ron Kelysas, resident at 1401 77<sup>th</sup> Street in favor of their request.

Commissioner Jiskra questioned if the garage as proposed would block the air and light the neighbor.

Tony stated that a garage in the rear yard would obstruct the neighbor's view.

Chairperson Meyer reported that Mr. Dan Gombac, Director informed her that staff did not have any issues regarding drainage.

Commissioner Hickok asked if the petitioner considered attaching the garage to the house to avoid the need for a variation.

Tony stated that an attached garage would cost an additional \$20,000.

He stated that they intend to install a gate and that they do not have plans to connect the structures at the present time.

Chairperson Meyer asked if there would be a sidewalk to the service door.

Tony stated that there is a sidewalk there presently but that they would probably replace it with a new one.

Commissioner Lind stated that the proposed garage would not impact the neighbor's to the north and the east and that it would be an improvement to the neighborhood.

Chairperson Meyer questioned the curb cut on Plainfield Road.

Tony stated that they had not addressed the driveway and that they will make it work with the existing driveway.

Chairperson Meyer informed the petitioner that any change regarding the curb cut was a County issue.

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

**Commissioner Hickok made a motion, and it was seconded by Commissioner Lind that based upon the submitted petition and the information presented, the request associated with PZC 2010-12 is in conformance with the standards of the Darien City Code and move that the Planning and Zoning Commission approve the petition associated with the proposed garage subject to:**

- 1. The shed along the east lot line (12.2 feet x 16.2 feet) is to be removed upon completion of the garage, or a building permit is to be issued and it is to comply with the Darien City Code.**

**2. All applicable building code requirements are to be met for the garage.**

**Upon roll call vote, THE MOTION CARRIED unanimously 7-0. Commissioner Erickson and Commissioner Vonder Heide were not present.**

Mr. Griffith reported that an addition was constructed on the back of the home without obtaining a building permit. He reported that this is a code enforcement matter.

Tony distributed photos of the property. He stated that the existing sunroom was enlarged by approximately 5 feet. He further stated that Ms. Zanayed obtained a roof permit and were under the impression that this allowed them to rebuild the roof for the sunroom which had been damaged in the storm. Tony stated that they were both told that this was not required to replace siding, windows and doors on the home.

Commissioner Kiefer questioned if the petitioner had receipts of the work done.

Tony stated that Ms. Zanayed's brother did the work and that the homeowner is listed as the contractor.

Mr. Griffith reported that staff reviewed aerial photos of the property showing the back side of the house but much larger. He stated that the construction was for a full fledged addition which required a building permit. He further stated that Ms. Zanayed was tagged for a shed without a permit and at that time she was told that a building permit for an addition was needed.

Commissioner Jiskra questioned if the work has stopped.

Mr. Griffith reported that the City notified the petitioner to stop work.

Tony stated that the shed is temporary storing items that were in the sunroom.

Chairperson Meyer stated that if there is a need to keep the shed it has to be out of the easement.

Commissioner Kiefer stated that the shape of the lot restricts what can be built.

Chairperson Meyer asked how much the addition was enlarged and in what direction.

Tony stated that it is approximately 5-6 feet toward the right side of the house.

Chairperson Meyer explained that the Darien enforces its ordinances and is a well kept community.

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

**Commissioner Lind made a motion, and it was seconded by Commissioner Kiefer that based upon the submitted petition and the information presented, the request associated with PZC 2010-12 is in conformance with the standards of the Darien**

**City Code and move that the Planning and Zoning Commission approve the petition associated with the proposed addition subject to:**

- 3. The shed along the east lot line (12.2 feet x 16.2 feet) is to be removed upon completion of the garage, or a building permit is to be issued and it is to comply with the Darien City Code.**
- 4. All applicable building code requirements are to be met for the addition.**

**Upon roll call vote, THE MOTION CARRIED unanimously 6-0. Commissioner Hickok stepped out of the room during the vote. Commissioner Erickson and Commissioner Vonder Heide were not present**

### **MINUTES**

**Commissioner Kiefer made a motion and it was seconded by Commissioner Mielkus to waive the reading of the August 18, 2010 Meeting Minutes.**

**Upon roll call vote, THE MOTION CARRIED unanimously 6-0. Commissioner Jiskra, abstained. Commissioner Erickson and Commissioner Vonder Heide were not present.**

**Commissioner Hickok made a motion and it was seconded by Commissioner Lind to approve the August 18, 2010 Meeting Minutes.**

**Upon roll call vote, THE MOTION CARRIED unanimously 7-0. Commissioner Erickson and Commissioner Vonder Heide were not present.**

### **CORRESPONDENCE:**

None.

### **OLD BUSINESS/PLANNER'S REPORT:**

Mr. Griffith reported that there are new business inquiries coming to Darien.

### **NEXT MEETING:**

Chairperson Meyer announced that the next meeting is scheduled for Wednesday, October 6, 2010.



**ADJOURNMENT:**

**With no further business before the Commission, Commissioner Jiskra made a motion and it was seconded by Commissioner Lind to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 9:00 p.m.**

**RESPECTFULLY SUBMITTED:**

**APPROVED:**

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**Elizabeth Lahey  
Secretary**

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**Beverly Meyer  
Chairman**