

**CITY OF DARIEN
PLANNING AND ZONING COMMISSION**

Wednesday, March 16, 2022

7:00 PM

City Hall Council Chambers

1702 Plainfield Road

AGENDA

- 1) Call to Order
- 2) Roll Call
- 3) Regular Meeting – New Business (See Page 8)
 - a. Property Maintenance/Code Enforcement Overview, Discussion, and Q&A
- 4) Regular Meeting – Old Business
 - a. None.
- 5) Staff Updates & Correspondence
- 6) Approval of Minutes January 19, 2022
- 7) Next Meeting April 6, 2022
- 8) Public Comments [On Any Topic Related to Planning and Zoning]
- 9) Adjournment

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
January 19, 2022**

PRESENT: Lou Mallers – Chairperson, Robert Erickson, Bryan Gay, Shari Gillespie, Julie Kasprovicz, Brian Liedtke, Ralph Stompanato

ABSENT: Hilda Gonzalez

OTHERS: Jordan Yanke - City Planner, Chris Jackson

Chairperson Lou Mallers called the meeting to order at 7:00 p.m. via Zoom. Staff was present 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/OLD BUSINESS:

**A. Public Hearing – PZC2021-07 (CONTINUED FROM 12/15/2021)
1414 Sequoia Lane – Variations
Petitioner Anthony Maggiore seeks approval for Variations to City Code Section 5A7-2-6 (A) and Section 5A-5-9-2 (A)(2)(b)(1) of the Zoning Ordinance. The petition specifically requests to allow for an already constructed patio/terrace (i.e., platform) and hot tub to remain in their current location on the subject property. Property is located within the R-2 Single-Family Residence Zoning District and the Variation requests are to the following standards in the City of Darien Zoning Ordinance:**

1) Section 5A-7-2-6 (A):

Variation request to reduce the required rear yard setback (patio/terrace).

Variation request to reduce the required interior side yard setback (patio/terrace).

2) Section 5A-5-9-2 (A)(2)(b)(1):

Variation request to reduce the accessory structure setback requirements and to permit an accessory structure within a platted easement (hot tub).

Mr. Jordan Yanke, City Planner provided a brief overview for the Commissioners who were not present at the last meeting. He reported that the subject property was platted in 1956 and is part of the Brookhaven Manor Subdivision. He reported that the parcel was improved with a single-family residence, detached garage, shed, patio/terrace (i.e., platform), and hot tub. He further reported that the patio/terrace and hot tub were constructed and installed without issuance of a building permit.

Mr. Yanke reported that he met with the petitioner, Mr. Anthony Maggiore and provided the PZC with site photos and overall measurements. He reported that at the last hearing that the Committee's concerns were setting a precedent and that each and every variation that is submitted should be treated independently and that just because an approval was granted for one resident doesn't automatically approve another.

The petitioner, Mr. Anthony Maggiore apologized again for not following procedure. He stated that he understood the concerns from the PZC and their resistance to approving the variations and that precedence was a concern. He stated that his property is unique and that they carefully placed the patio/terrace and hot tub in the best location in the yard.

There was some discussion from the Committee members regarding the distance between the patio and fence and if the back fence is located outside of the lot line.

The petitioner stated that he believed there was 4-5" between the patio and the fence but that he would have to measure.

Mr. Yanke reported that staff will work with the petitioner to verify the North property line.

There was some discussion regarding the fence.

The petitioner stated that he has fence on all three sides but that the fence in the rear aligns with the other neighbors on both sides.

Commissioner Shari Gillespie questioned where the hot tub water would drain.

The petitioner reported that the hot tub was installed by a professional plumber and that the hot tub does not have to be drained but that the drain is connected to the existing line.

Commissioner Gay stated that he did not have any issues and that the placement is in the least offensive location.

Commissioner Erickson questioned the overhead lines being a few feet behind the property line and if the utility company needs to get to the utilities.

Mr. Yanke reported that the zoning needs to be approved first. He stated that if the utility company needs to get to the utilities that they would have to rip the structure out.

Commissioner Kasprovicz questioned the footings and if they would be inspected.

Mr. Yanke reported that the consultant will do the typical inspection once zoning is approved.

The petitioner stated that he would comply with the inspector's findings. He further stated that he believed that there was a Gazebo there before.

Commissioner Kasprovicz stated that she would have a hard time approving this if the petitioner went the proper route.

Commissioner Stompanato agreed with Commissioner Kasprovicz but stated that no utilities underground in the easement and the cost involved that he would have no issues.

Commissioner Liedtke stated that his perspective is unchanged from the previous meeting and that the location is the best place on the lot. He stated that the situation is very unique, and that the homeowner assumes all risk.

Commissioner Erickson stated that the existing fence lines up with the neighbors and that the homeowner is following what is there.

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

Commissioner Liedtke made a motion, and it was seconded by Commissioner Gay approval of PZC 2021-07 1414 Sequoia Lane –Variations to City Code Section 5A7-2-6 (A) and Section 5A-5-9-2 (A)(2)(b)(1) of the Zoning Ordinance to allow for an already constructed patio/terrace (i.e., platform) and hot tub to remain in their current location on the subject property. Property is located within the R-2 Single-Family Residence Zoning District and the Variation requests are to the following standards in the City of Darien Zoning Ordinance with the following conditions:

- 1) The City's Architectural/Building Code Consultant grants approval for the patio/terrace and hot tub structures.**
- 2) The patio/terrace and hot tub structures are confirmed and/or altered to be located entirely within the subject property's northern and eastern boundary lines.**

Upon roll call vote, THE MOTION CARRIED 6-1. Commissioner Kasprovicz voted Nay.

Mr. Yanke reported that this would be forwarded to the Municipal Services Committee on Monday, January 24th at 7:00 p.m.

REGULAR MEETING – NEW BUSINESS

A. PZC Discussion Item – Evaluate/Update Key Development Areas (Reference Existing List of Key Development Areas in Packet

Mr. Jordan Yanke, City Planner reported that the City is making progress with the Economic Development Committee to reevaluate the Key Development Areas with input from the PZC to create a new document.

He reported on the following:

Key Development Area #1: Shopping District -EDC recommended no change. PZC recommended no change. Commissioner Liedtke stated that the area needs to be updated and modernized and that there needs to be a plan and a vision.

Commissioner Gay stated that the City needs a partner and that Mr. Manos has been working with the City.

Commissioner Gillespie stated that Brookhaven is an eyesore and that the parking lot is hard to navigate.

Key Development Area #2: Southwest corner of 75th and Lyman (former Fire Station) EDC recommended to keep in place for any opportunity for redevelopment. PZC recommended to extend it to the property to the west that was annexed.

Key Development Area #3: East side of Lemont Road between 75th Street and Woodmere Townhomes. EDC recommended to remove from list. PZC recommended the same.

Key Development Area #4: Northwest corner of Plainfield Road and Clarendon Hills Road including Darien Community Park, Hinsdale South High School Campus, Tri-State Fire District Station, Indian Prairie and Sportsplex. EDC recommended to expand the property to the west where the library is located. PZC recommended also adding the empty lot.

Key Development Area #5: South of I-55 east of Cass Avenue. EDC recommended making it single family. PZC recommended the same.

Key Development Area #6: Northeast corner of I-55 and Lemont Road interchange – EDC recommended to keep the area. PZC recommended the same.

Key Development Area #7: Southwest quadrant of Lemont Road and 87th Street. EDC recommended to expand to the North at Lemont and 87th Street. PZC recommended the same.

Mr. Yanke reported on the following Non-Key Development Areas:

A and B: EDC recommended to remove the already developed area. PZC recommended the same.

C - EDC recommended to remove the already developed area. PZC recommended to check out the area underdeveloped.

D – EDC recommended to remove. PZC recommended the same.

E - EDC recommended to remove. PZC recommended the same.

F – EDC recommended no change. PZC recommended the same.
G – EDC recommended to remove. PZC recommended the same.

H – EDC recommended no change. PZC recommended the same.

I – EDC recommended to remove. PZC recommended the same.

J/K – EDC recommended to keep on the list. Hotel that was built may lend itself to build something in the area. PZC recommended the same.

L – EDC recommended to keep on the list – no significant change. PZC recommended the same.

M – EDC recommended to keep on the list. PZC recommended the same.

N – EDC recommended to remove. PZC recommended the same.

There was significant discussion regarding the City working with the County to building something for the large biking community in the area.

STAFF UPDATES & CORRESPONDENCE

Mr. Yanke introduced Mr. Chris Jackson who will be joining the PZC.

Mr. Yanke reported that Commissioner Gonzalez asked for Code Enforcement procedures. He reported that the Council receives monthly reports and that he would make it available to the PZC. He further reported that he would invite the Code Enforcement Officer to a future meeting.

APPROVAL OF MINUTES

Commissioner Gay made a motion, and it was seconded by Commissioner Kasproicz to approve the December 15, 2022, Regular Meeting Minutes.

Upon voice vote, THE MOTION CARRIED 7-0.

NEXT MEETING

Mr. Jordan Yanke announced that the next meeting scheduled for Wednesday, February 2, 2022, may be cancelled.

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 Stompanato made a motion, and it was seconded by Commissioner Gillespie. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 8:52 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
Chairperson

AGENDA MEMO
PLANNING AND ZONING COMMISSION
MARCH 16, 2022

ISSUE STATEMENT

The City of Darien has regulations that require property owners to maintain their property. These regulations are enforced through steps taken in what is traditionally known as Code Enforcement or Property Maintenance. While regulations and enforcement procedures can fluctuate from one jurisdiction to the next, this memo and meeting session is meant to bring awareness to common regulations and procedures that pertain to the City of Darien.

The following includes information and brief summaries of code sections that are most commonly triggered by compliance issues throughout the City. While these are the more common compliance issues, numerous others are seen through the enforcement process as well. City staff, including the Code Officer, will provide a brief introduction on the common compliance issues, as well as the enforcement process, during the March 16, 2022 Planning and Zoning Commission Meeting. This will precede Q&A from the Commission. For reference, the Planning and Zoning Commission recommended this topic during its last regular meeting on January 19, 2022.

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- **GENERAL PROPERTY MAINTENANCE**
 - **4-1-10-1: IPMC 302.7 – Accessory Structure Maintenance**
Accessory structures including fences shall be maintained structurally sound and in good repair.
 - **4-1-10-1: IPMC 302.8 – Inoperable Vehicles**
No inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly or disrepair.
 - **4-1-10-1: IPMC 308.1 – Rubbish/Trash**
Exterior property and premises shall be free from any accumulation of rubbish or garbage.

 - **RECREATIONAL VEHICLES**
Includes all trailers, tow dollies, snow plow blades, boats, boat trailers, mobile homes, travel trailers, campers, off road vehicles, personal watercraft and other recreational vehicles (All Defined as Recreational Vehicle (RV)).
 - **5A-5-11 (A): Only 1 RV Per Property**
 - **5A-5-11 (A)1(A): Use (3 Days on Driveway Permitted**
 - **5A-5-11 (A)4: Licensed (Must Have Current Registration)**
 - **5A-5-11 (A)5: Location for Storage (Side or Rear Yard, on Paved Surface, 5' from Property Lines)**

 - **PARKING ON GRASS**
 - **5A-11-2-1 (F)4: Parking Location Must be on a Paved Surface**

- **GARBAGE: CONTAINERS AND STORAGE**

- **7-1-5 (A): Proper Containment**

- Any refuse, recyclables, or compostable materials placed on the parkway shall be stored in containers or otherwise appropriately secured to ensure that debris or refuse is not scattered by weather, animals, or other causes.

- **7-1-5 (B): Containment (Permissible Locations/Timing for Pick-Up)**

- Refuse, recyclables or compostable materials stored in approved containers such as kraft bags, may be placed on the parkway twenty four (24) hours before the scheduled scavenger service and containers used to store these items shall be removed from the parkway twenty four (24) hours after said scavenger service. It shall be unlawful to place such containers anywhere between the front of the main building, or the side when facing the street, and the street, except during the times specified hereinabove. City-approved containers may be stored between the front of the main building and the street, or between the side of the building and the street when the side of the building is facing the street. The make and model of the approved containers are on file in the City's Building Department.

- **WEEDS**

- **7-2-3: NOXIOUS WEEDS PROHIBITED**

- It shall be unlawful for anyone to permit any weeds, grasses or plants other than trees, bushes, flowers, crops, garden plants or other ornamental plants to grow to a height exceeding eight inches (8") anywhere in the City. Any such weeds or plants exceeding such height are hereby declared to be a nuisance.

- **JUNK/TRASH**

- **7-3-1: DEFINITION; NUISANCES PROHIBITED**

- General Junk (Rubbish/Trash/Inoperable Equipment and Vehicles): To store, keep, or maintain outside of a closed building, any junk, parts, machinery or equipment not in an operable condition, or motor vehicle not in an operable condition, where such inoperable motor vehicle is an actual danger or detriment to life, safety, health or peaceful enjoyment of the property of surrounding land owners.

- **DEAD TREES**

- **7-3-1 (R): DEAD TREES**

- To maintain nuisance trees on private property defined as trees that are dead or substantially dead; that are diseased with Dutch Elm, Oak Wilt, Emerald Ash Borer, Gypsy Moth, Asian Long Horn Beetle, or other infectious diseases that are not being successfully treated as determined by the City Arborist; or have grown over to neighbor's property or public property and are pushing or rubbing structures or blocking view or access for pedestrian and vehicular safety.

ACCESS THE CITY'S MUNICIPAL CODE HERE: [CITY CODE](#)