

**MINUTES
CITY OF DARIEN
PLANNING/DEVELOPMENT COMMITTEE MEETING
August 24, 2009**

PRESENT: Alderman Sylvia McIvor, Alderman John Poteraske, Dan Gombac-Director,
Michael Griffith – Senior Planner, Elizabeth Lahey-Secretary

ABSENT: Alderman Joseph Marchese

Chairperson McIvor called the Planning/Development Committee Meeting to order at 6:30 p.m. at City Hall – City Council Chambers, Darien, Illinois and declared a quorum present.

MEETING:

- 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. (Committee discussion followed by public comment).**

Mr. Michael Griffith, Senior Planner, presented the staff report. He stated that the petitioner is seeking a variation to allow an above ground pool to be within the side yard. He further stated that the Zoning Ordinance prohibits detached accessory structures in front and side yards, requiring them to be located in rear yards.

Mr. Griffith stated that that the property is a unique site and that there is not a home on the north side, adjacent to the pool location. He stated that drainage is not an issue and that the homeowner's side yard is larger than the typical side yard, and larger than their rear yard. He further stated that the yard is enclosed by a 6 ft. tall fence.

Alderman Poteraske asked for the fence location on the drawings.

The petitioner, Mr. Rob Dybcio, stated that the fence is located on both sides of the house and is fully enclosed.

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

Alderman Poteraske made a motion and it was seconded by Alderman McIvor that based upon the submitted petition and 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/Development Committee recommend to the City Council approval of the petition as presented.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Marchese was not present.

Chairperson McIvor announced that this would be forwarded to the City Council on Tuesday, September 8, 2009 at 7:30 p.m.

B. PZC 2009-06: 3165 Grandview Lane: Petitioner requests a variation to permit a deck to encroach 4 feet into the required 5-foot setback from an interior side lot line for a detached accessory structure and to encroach 9 feet into a 10-foot public utility and drainage easement. (Committee discussion followed by public comment).

Mr. Michael Griffith, Senior Planner presented the staff report. He reported that the petitioner seeks approval for a deck, detached from the house to encroach 4 feet into the required 5-foot setback from a side lot line for accessory structures, and to encroach 9 feet into a 10-foot wide public utility and drainage easement.

Mr. Griffith reported that the staff report highlights other issues that were noted and addressed by the petitioner.

Alderman Poteraske asked staff to report on the issues.

Mr. Griffith reported that the plat showed a shed and that the shed is gone. He stated that a fence was installed without a permit, but that the fence is within code in terms of location and height. Mr. Griffith further reported that the back door is plywood and that the petitioner is working through the process of completing the home improvements.

Chairperson McIvor noted that the variation is for the deck only.

Mr. Griffith stated that there was an issue with the retention wall. He reported that the City Engineer did not find any negative impact and that the homeowner provided a letter from an engineer stated that the structure is sound. He stated the retaining wall has been found to be located within the easement.

Mr. Dan Gombac, Director, stated that staff contacted Commonwealth Edison asking if there were any concerns regarding the retaining wall within the easement. He stated that he received a letter from Ms. Katie Maier from Commonwealth Edison stating that the homeowner has erected a 4' wood retention wall along the back of his property and also on the southwest end of his property a deck. Mr. Gombac stated that the letter also stated that one of the 4x4 post supporting the deck is installed on top of a red JULIE mark which appears to be primary cable and that the post could cause an issue later down the road. Mr. Gombac also read that Ms. Maier stated that the truckloads of gravel to extend the yard has added 4' of fill and that they have primary cable buried and although there is not an issue with weight that the cable would be impossible to repair without major excavation.

Mr. Griffith reported that railings on the retaining wall are not required per the Building Code.

Chairperson McIvor stated that she attended the public hearing and had questions for the petitioner. She stated that she spoke to the next door neighbor and that he was not opposed if the deck was constructed properly. She stated that at that time the railing was discussed.

Chairperson McIvor read aloud a letter from Mr. Mike Tarnowski, Don Morris Architects, P.C. stating that per Section R312.1, International Residential Code, a guardrail is required for porches, balconies, ramps or raised floor surfaces. Therefore, a guardrail for a retaining wall is not required.

Chairperson McIvor stated that she was concerned about the covered utility lines and based on the Commonwealth Edison comments that it appears that ComEd would abandon the old cable and "Flow Mo" the new cable if there was a problem with the line.

Mr. Gombac stated that letters from three homeowners were received who all supported the project. He stated that the letters were submitted after the PZC meeting.

Chairperson McIvor stated that presently all work has stopped and that the homeowner has been cooperating.

The petitioner, Mr. Richard Paulikonis stated that at the PZC meeting there was a lot of discussion regarding the retention wall. He stated that he is making substantial changes to the back because there is no back yard. Mr. Paulikonis stated that he stopped the work when he received a letter from the City but that he would like to complete the work in his yard. He submitted photos of the yard to the Committee.

Chairperson McIvor stated that at the PZC she stated that she was concerned that there was not a railing because the homeowner has a small child and that there is an incline that leads into the pond.

Mr. Paulikonis stated that his consultant suggested installing a small decorative fence so that it blocks anyone from walking into the pond.

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

Mr. Gombac stated that all of the rear yards in the area are unique and there is no other area in Darien like this. He stated that staff looked at the request and that based on the letters and the testimony that staff would be in favor of keeping the deck.

Alderman Poteraske stated that he was bothered because there are a lot of issues.

Mr. Griffith stated that the intent of the setback requirements is only for the neighbors.

Chairperson McIvor stated that the adjacent neighbor is in the audience and that he has no objections.

Alderman Poteraske made a motion and it was seconded by Alderman McIvor that based upon the submitted petition and the information presented, the request associated with PZC 2009-06 is in substantial conformance with the standards of the Darien City Code and move that the Planning/Development Committee recommend to the City Council approval of the petition as presented.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Marchese was not present.

Chairperson McIvor announced that this would be forwarded to the City Council on September 21, 2009 at 7:30 p.m. She noted that this is at the request of the petitioner who will be out of town until then.

Alderman Poteraske stated that he did not want this item in the consent agenda.

- C. PZC 2009-07: Text Amendment to the Zoning Ordinance: Fence height along Route 83: Consideration of a text amendment to the Zoning Ordinance to increase the maximum permitted height of fences along the corner side and rear lot lines for residential lots adjacent to Illinois Route 83 (Kingery Highway) from 6 feet to 8 feet. (Committee discussion followed by public comment).**

Mr. Michael Griffith, Senior Planner presented the staff report. He stated that this is based on several requests from residents who back up to Route 83. Mr. Griffith stated that the text amendment will permit fences 8 feet tall along the rear and corner side lot lines for residentially zoned lots abutting Route 83. He stated that the alternative would be for individual homeowners to petition for a variation.

Alderman Poteraske questioned why staff did not broaden the area.

Mr. Griffith stated that the same question was discussed at the PZC meeting and that the Comprehensive Plan defines various streets. He asked the Committee if they wanted to see 8 ft. tall fences along Cass Avenue as an example.

Alderman Poteraske stated that 8 ft. tall fences will not reduce the noise. He asked what the benefit would be.

Mr. Dan Gombac, Director stated that the 8 ft. tall fence will screen the cars. He stated that based on the elevation that Route 83 is higher.

Alderman Poteraske asked if there was a reason for doing this.

Mr. Gombac stated that there are a total of 18 homes in the area. He stated that some of the homes already have 8 ft. tall fences at the developer's expense through an agreement between the City Council and the developer.

Chairperson McIvor questioned if there were any obstruction issues.

Mr. Griffith stated that there were no vision issues.

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

Alderman Poteraske made a motion and it was seconded by Alderman McIvor that based upon the submitted petition and the information presented, that the Planning/Development Committee recommend to the City Council approval of the petition as presented,

- 1. To permit 8-foot tall fences along the rear and corner side lot lines abutting Route 83 only, on residentially zoned lots only.**

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Marchese was not present.

Chairperson McIvor announced that this would be forwarded to the City Council on September 8, 2009 at 7:30 p.m.

D. Boundary Agreement: Consideration of a Boundary Agreement between the Village of Willowbrook and the City of Darien. (Committee discussion followed by public comment).

Mr. Michael Griffith, Senior Planner reported that there is a Boundary Agreement between the Village of Willowbrook and the City of Darien which was adopted in 1989 and is set to expire this December 2009. He reported that the Village of Willowbrook has request renewing the Agreement.

Mr. Griffith reported that there are approximately half a dozen parcels of unincorporated territory that lie between the current and proposed Boundary Agreement line and the current Darien corporate boundary line. He stated that these parcels are planned to be residentially zoned if ever annexed into Darien.

Alderman Poteraske questioned if the area includes Timberlake.

Mr. Griffith reported that it did not. He stated that the request to move forward on the Agreement was based on the Committee's discussion.

Chairperson McIvor questioned the changes over the last 20 years.

Mr. Dan Gombac, Director reported that there is an additional water main and that the only negative impact would be if the City took over the infrastructure.

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

Alderman McIvor made a motion and it was seconded by Alderman Poteraske that the Planning/Development Committee recommend to the City Council approval of the draft Boundary Agreement between the Village of Willowbrook and the City of Darien.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Marchese was not present.

Mr. Griffith announced that the notice will be published and that this would not be on the City Council agenda until October.

PUBLIC COMMENT:

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

MINUTES:

Alderman Poteraske made a motion and it was seconded by Alderman McIvor to approve the July 27, 2009 Meeting Minutes.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Marchese was not present.

CORRESPONDENCE:

None.

OLD BUSINESS:

None.

DIRECTOR'S REPORT:

Mr. Dan Gombac, Director reported on the following:

James Peter Ct.: Staff trying to finish the development.

Speedway: Moved project to 2010. Redoing plans.

NEXT MEETING:

Chairperson McIvor announced that the next regularly scheduled meeting is scheduled for Monday, September 28, 2009 at 6:30 p.m.

ADJOURNMENT:

With no further business before the Committee, Alderman Poterasko made a motion and it was seconded by Alderman McIvor to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 7:27 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

**Elizabeth Lahey
Secretary**

**Sylvia McIvor
Chairperson**

**John Poterasko
Alderman**

**Joseph Marchese
Alderman**