

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
January 19, 2011**

PRESENT: Beverly Meyer – Chairperson, Don Hickok, Ron Kiefer, John Lind, Susan Vonder Heide, Michael Griffith – Senior Planner, Elizabeth Lahey-Secretary

ABSENT: Robert Erickson, Gloria Jiskra, Ray Mielkus

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 2010-17: 1133 James Peter Court: Petitioner seeks a variation to reduce the required rear yard setback for a patio from 20 feet to 10 feet.

Mr. Michael Griffith, Senior Planner presented the staff report. He stated that the petitioner is requesting a variation to reduce the required 20 foot setback to 10 feet. Mr. Griffith stated that the proposed patio dimensions are 48 ft. x 16 ft. He reported that the City Engineer reviewed the proposed site plan and noted that the rear yard swale within the 10-foot public utility and drainage easement is to be maintained. He further reported that the City Engineer noted that there is approximately 2.5 feet of slope between the house and the rear swale and that the petitioner will need to show how they will maintain the swale and suggested that maybe a retaining wall may be necessary along with a silt fence during construction.

Mr. Tom Papais, Rose Landscape Design, Inc., Darien stated that he was representing the petitioner. He stated that the backyard is narrow and that the homeowner would like to put in a patio but that there is no other functional way with the narrow area. Mr. Papais stated that they will stay out of the 10 ft. drainage easement.

Commissioner Kiefer questioned the design of the patio and if it would be two levels.

Mr. Papais stated that the patio will be all brick pavers with an enclosed grill area. He stated that there is a small six inch drop but not much change in the level.

Commissioner Ritzert questioned if the pavers would be mortared.

Mr. Papais stated that the patio will be constructed with the new lock system with gravel. He stated that he has been installing patios of this kind for 15 years.

Chairperson Meyer questioned the retaining wall and how the drainage would be handled.

Mr. Papais stated that the patio will have a slight slope with downspouts directional to the slope. He stated that if the retaining wall holds water that they will drill a hole in the wall so that the water will drain properly. Mr. Papais stated that there will be a seat wall on the upper patio and that there will be a way to drain through the hole.

Commissioner Ritzert questioned if there is sum pump discharge there presently.

Mr. Papais stated that he will look at the area and will see if he can bury the drain tiles to make it better.

Commissioner Lind stated that he looked at the proposal and that it does not appear that the patio will intrude on anyone.

Chairperson Meyer opened the meeting to anyone wishing to present public comment.

Ms. Shirley Miller, 1126 Timberlane, Darien stated that she lives to the south of the proposed patio. She stated that she has been in her home for 40 years and that she is concerned about the water flow. Ms. Miller also stated that she is concerned that all six homes in the area will also want the same thing.

Commissioner Lind asked Ms. Miller if she presently has water on her property.

Ms. Miller stated that she has some water now but worries about what is going to happen in the future. She stated that the homeowner purchased the property with the setbacks.

Commissioner Lind stated that the PZC does not set a precedent where the Zoning Ordinance does not have a meaning. He stated that it is required by the City Engineer to have proper drainage. Commissioner Lind stated that this proposal may even help some of the water that is there now.

Mr. Griffith stated that the City Engineer has been out to the property and will be out there if there are any drainage issues.

Chairperson Meyer asked if there was only one storm inlet.

Mr. Griffith stated that he was unaware and would have to look. He stated that drainage is not a zoning issue but an engineering issue. He further stated that the City Engineer will look at the proposal and that there will have to be a grading plan with inspections and verification that the swale is functioning properly.

Chairperson Meyer stated that she is concerned with setting a precedent and that she would feel more comfortable if she was certain that the drainage can be handled.

Mr. Griffith stated that the City takes drainage concerns very seriously. He stated that he would specifically express the concerns to the City Engineer regarding drainage.

Mr. Papais stated that as a Landscape Architect that they strive to improve the area and not impose anything to the adjacent properties. He stated that he will do what he can to not impede on the neighbors and that he is open to doing whatever the City Engineer instructs him to do.

There was no one else in the audience wishing to present public comment and Chairperson Meyer closed the public hearing at 7:40 p.m.

Commissioner Hickok 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 2010-17 is in conformance with the standards of the Darien City Code and move that the Planning and Zoning Commission approve the petition as presented subject to the following:

- 1. A plan is to be submitted with the building permit application that shows how the rear yard swale will be maintained in order to maintain proper drainage according to the City Engineer's recommendation.**

Upon roll call vote, THE MOTION CARRIED unanimously 5-0. Commissioner Erickson and Commissioner Jiskra and Commissioner Mielkus were not present.

Mr. Griffith announced that this would be forwarded to the Municipal Services Committee on Monday January 24, 2011 at 6:30 p.m.

MINUTES

Commissioner Hickok made a motion and it was seconded by Commissioner Kiefer to waive the reading of the January 5, 2011 Meeting Minutes.

Upon roll call vote, THE MOTION CARRIED unanimously 5-0. Commissioner Erickson, Commissioner Jiskra and Commissioner Mielkus were not present.

Commissioner Lind made a motion and it was seconded by Commissioner Hickok to approve the January 5, 2010 Meeting Minutes.

Upon roll call vote, THE MOTION CARRIED unanimously 5-0. Commissioner Erickson, Commissioner Jiskra and Commissioner Mielkus were not present.

CORRESPONDENCE:

None.

OLD BUSINESS/PLANNER'S REPORT:

None.

NEXT MEETING:

Mr. Griffith announced that the next meeting is scheduled for Wednesday, February 2, 2011 at 7:00 p.m.

ADJOURNMENT:

With no further business before the Commission, Commissioner Lind made a motion and it was seconded by Commissioner Kiefer to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 7:50 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Beverly Meyer
Chairman