

CITY OF DARIEN
PLANNING AND ZONING COMMISSION

Wednesday, March 15, 2023

7:00 PM

City Hall Council Chambers

1702 Plainfield Road

AGENDA

1) Call to Order

2) Roll Call

3) Regular Meeting – New Business

a. Public Hearing – PZC2023-01 – PAGE 7

6805 Scotch Pine Trail – Variation

Petitioners Don & Joan Noe seek approval of a Variation from City Code Section 5A-7-3-6 (A) of the Zoning Ordinance. The petition specifically requests to allow for an addition to an existing single-family residence, with the addition being a sunroom. Property is located within the R-3 Multi-Family Residence Zoning District and the Variation request is to the following standard in the R-3 District of the City of Darien Zoning Ordinance:

- Section 5A-7-3-6 (A): Variation request to reduce the required rear yard setback.

4) Staff Updates & Correspondence

5) Approval of Minutes November 16, 2022

6) Next Meeting April 5, 2023

7) Public Comments [On Any Topic Related to Planning and Zoning]

8) Adjournment

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
November 16, 2022**

PRESENT: Lou Mallers – Chairperson, Bryan Gay, Hilda Gonzalez, Chris Jackson, Julie Kasprowicz, Ralph Stompanato

ABSENT: Robert Erickson, Shari Gillespie

OTHERS: Jordan Yanke - City Planner

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

REGULAR MEETING/NEW BUSINESS

- a. Public Hearing – PZC 2022-03 (REVISED FROM 09/07/2022) – 8431 Wilmette Avenue – Special Use Amendment & Variation Petitioner Art Cano seeks approval for an amendment to a Special Use and Variation request from Section 5A-7-3-5(D) of the Zoning Ordinance. The petition specifically requests to allow for the interior remodeling and addition of two (2) studio apartments inside an existing apartment building.**

Mr. Jordan Yanke, City Planner reported that this is a revised application and that the petitioner has proposed a remodel to the building's lower-level storage area into two additional studio/efficiency apartments. He reported that the two additional units would result in seven units total throughout the building's three floors, and the increase in dwelling units requires an amendment to the existing special use for the site.

Mr. Yanke reported that the proposal does not meet the Minimum Land Area per Dwelling Unit provision and the zoning code requires a minimum of 27,500 square feet in land area for the site given the type and number of units proposed. He further reported that the property is 17,706 square feet according to the plat of survey and that the existing conditions, such as building setbacks, parking setbacks, and lot coverage will not be altered and are allowed to remain. Mr. Yanke reported that the site contains the required number of parking spaces for the proposed number of units and that the code specifies a ratio of 2 spaces per dwelling unit.

Mr. Art Cano, petitioner stated that he has revised his plan from three 500 square foot apartments to two 750 square foot apartments which complies with the zoning ordinance.

Commissioner Chris Jackson questioned if the rent would remain the same.

Mr. Cano stated that the cost will be adjusted accordingly.

Chairperson Mallers questioned when the petitioner plans to begin construction.

Mr. Cano stated that he would be out the country until March but that they would complete the permit and drawings by January.

Commissioner Jackson asked about the window wells and if there would be a cover. He stated that he was concerned and that he would like there to be some ventilation.

Mr. Cano stated that the window wells will have a cover and that the code has strict requirements.

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

Commissioner Gay made a motion, and it was seconded by Commissioner Jackson to approve PZC 2022-03 – 8431 Wilmette Avenue – Special Use Amendment & Variation for an amendment to a Special Use and Variation request from Section 5A-7-3-5(D) of the Zoning Ordinance with the following condition:

- 1. Project shall comply with applicable building and fire codes. The window wells and/or covers shall not impede proper airflow and circulation from the basement dwellings to the outside.**

Upon roll call vote, THE MOTION UNANIMOUSLY PASSED 6-0.

- b. Public Hearing – PZC2022-06 – 2019 75TH Street – Special Use Amendment & Variation Petitioner Joe Fontana (Fry the Coop) seeks approval for an amendment to a Special Use and Variation request from Section 4-3-10(B)(2) of the Sign Code. The petition specifically requests to allow for outdoor seating/dining and wall signage on a second building front for a new eating establishment.**

Mr. Jordan Yanke, City Planner reported that the subject property is located on the south side of 75th Street, just west of Fairview Avenue. He reported that the existing building was formerly a Steak 'n Shake restaurant with a drive-through, but the site has been vacant for a few years. Mr. Yanke reported that the petitioner is opening a new restaurant (Fry the Coop) by repurposing the building and has requested an amendment to the original special use ordinance that authorized Steak 'n Shake but restricted outdoor seating/dining. He also reported that the original ordinance also restricted wall signs on any building front that does not face 75th Street.

Mr. Yanke reported that the petitioner is proposing an outdoor seating/dining area and a wall sign on the west side of the building facing Home Depot. He reported that with the amendment request, the petitioner must also receive a variance from the City's Sign Code to allow a wall sign on a second building front that is a non-street front.

Mr. Joe Fontana, petitioner stated that he is honored to be opening in Darien. He stated that they updated the façade and presently have no plans to open an outdoor patio. He further stated that they would like to add in garage doors with a small patio in the next five years.

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

Mr. Eric Gustafson, Alderman, City of Darien stated that the location is in his Ward and that it will be a great addition to the City. He stated that Mr. Fontana is going to decorate with photos from the historical society with a goal to connect to the youth. He further stated that the sign will be in a perfect spot and that he strongly supports the proposal.

A resident in the room asked if the petitioner would be removing any trees.

Mr. Fontana stated that they had no plans to remove the trees.

Commissioner Julie Kasprovicz questioned if any homes could see the sign and asked about the hours of operation and if the sign would remain on.

Mr. Yanke reported that there are no homes that will be impacted by the sign. He reported that they will close at 9:00 p.m. and that the sign will remain off from 11:00 p.m. – 7:00 a.m.

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

Commissioner Gay made a motion, and it was seconded by Commissioner Gonzalez to approve PZC 2022-06 – 2019 75th Street an amendment to a Special Use and Variation request from Section 4-3-10(B)(2) of the Sign Code and to allow for outdoor seating/dining and wall signage on a second building front for a new eating establishment.

Upon roll call vote, THE MOTION UNANIMOUSLY PASSED 6-0.

**c. Public Hearing – PZC2022-07 –3480 Drover Lane – Variation
Petitioner Jon Prepelica seeks approval of a Variation from City Code Section 5A-7-2-6(A) of the Zoning Ordinance. The petition specifically requests to allow for an addition to an existing single-family residence, with the addition being a sunroom. Property is located within the R-2 Single-Family Residence Zoning**

Mr. Jordan Yanke, City Planner reported that the subject property was platted in 1978 and is part of Gallagher and Henry's Farmingdale Village Unit 6 Subdivision. He reported that the parcel is improved with a single-family residence and unenclosed deck in the rear yard.

Mr. Yanke reported that the petitioner is proposing a sunroom addition on the rear part of the residence where the deck is currently located. He reported that the residence maintains an approximate 30' distance from the rear property line while the existing deck appears to be slightly under 15' from the rear lot line. He reported that the proposed sunroom would replace the deck and have a setback of 15' from the rear lot line according to the site plan.

Mr. Yanke reported that he did not hear from any residents but did receive one inquiry from the neighbor to the south but no issues.

Mr. Jon Prepelica, petitioner stated that he was proposing a sunroom.

Commissioner Julie Kasprovicz questioned if there was any other location to build.

Mr. Yanke reported that there is no other good location. given the history and it is in a tough spot.

Chairperson Mallers opening the public hearing to anyone wishing to present public comment.

Mr. Eric Gustafson, Alderman, City of Darien stated that this is an improvement to the home and the neighborhood.

Commissioner Kasprovicz made a motion and it was seconded by Commissioner Jackson approval of PZC 2022-07 –3480 Drover Lane – Variation from City Code Section 5A-7-2-6(A) of the Zoning Ordinance to allow for an addition to an existing single-family residence, with the addition being a sunroom.

Upon roll call vote, THE MOTION UNANIMOUSLY PASSED 6-0.

STAFF UPDATES AND CORRESPONDENCE

Mr. Jordan Yanke reported that the Council approved the Key Development Areas.

APPROVAL OF THE MINUTES

Commissioner Gonzalez made a motion and it was seconded by Commissioner Kasprovicz to approve the September 21, 2022 Regular Meeting Minutes.

Upon roll call vote, the motion CARRIED UNANIMOUSLY 6-0. Commissioner Stompanato abstained.

NEXT MEETING

Chairperson Lou Mallers announced that the next meeting is scheduled for Wednesday, December 7, 2022 at 7:00 p.m.

PUBLIC COMMENTS ON 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 Gay made a motion and it was seconded by Commissioner Stompanato to adjourn the meeting.

Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 7:52 p.m.

RESPECTFULLY SUBMITTED:

Elizabeth Lahey
Secretary

APPROVED:

Lou Mallers
Chairman

AGENDA MEMO
PLANNING AND ZONING COMMISSION
MARCH 15, 2023

CASE

PZC2023-01 Variation (Rear Yard Setback)
Don & Joan Noe – 6805 Scotch Pine Trail

ISSUE STATEMENT

Petitioners Don & Joan Noe seeks approval of a variation request from Section 5A-7-3-6 (A) of the City Zoning Code to allow for an addition to an existing single-family residence, with the addition being a sunroom. Property is located within the R-3 Multi-Family Residence Zoning District and the Variation request is to the following standard in the R-3 District:

- Zoning Section 5A-7-3-6 (A): R-3 District Rear Yard Requirement.

GENERAL INFORMATION

Petitioner/Owner:	Don & Joan Noe
Property Location:	6805 Scotch Pine Trail
PIN Number:	09-22-301-038
Existing Zoning:	Multi-Family Residence District (R-3)
Existing Land Use:	Single Family
Comprehensive Plan:	Medium Density Residential (Existing/Future)
Surrounding Zoning & Uses	
North:	Multi-Family Residence District (R-3); Multi-Family
East:	Single Family Residence District (R-2); School
South:	Multi-Family Residence District (R-3); Single Family
West:	Multi-Family Residence District (R-3); Single Family
Size of Property:	0.29 Acres
Floodplain:	According to the DuPage County Parcel Viewer System, there is no floodplain on the subject site.
Natural Features:	N/A
Transportation:	The petition site gains access off Scotch Pine Trail, which is a private drive stemming from Bavarian Lane.

PETITIONER DOCUMENTS (ATTACHED TO MEMO)

- 1) APPLICATION
- 2) JUSTIFICATION NARRATIVE
- 3) SITE PLAN
- 4) FLOOR PLAN
- 5) BUILDING ELEVATION

CITY STAFF DOCUMENTS (ATTACHED TO MEMO)

- 6) LOCATION MAP & AERIAL IMAGE
- 7) SITE PHOTO

PLANNING OVERVIEW/DISCUSSION

The subject property was platted in 1986 and is part of the Woodlands of Darien Subdivision. The parcel is improved with a single-family residence and unenclosed deck in the rear yard. The property is primarily flat and does not contain any natural features or floodplain. According to the submitted application and site plan, the petitioner is proposing a sunroom addition on the rear part of the residence where the deck is currently located.

The residence maintains a distance slightly greater than 30’ from the rear property line (eastern lot line) while the existing deck is 18.2’ from the rear lot line. The proposed sunroom would replace the deck and have a setback no less than 18.2’ from the rear lot line. Given the property’s zoning designation, which is R-3 Multi-Family Residence District, there is a required rear yard setback of 30’. Therefore, the petitioner has submitted this variation which requests approval to construct the sunroom resulting in an encroachment of 11.8’.

Site Plan Review & Findings of Fact

City staff has reviewed the petitioner submitted documents and staff does not have any review comments on the site plan. Additionally, the petitioner was asked to submit *Findings of Fact* that would support the requested variation. Those findings are attached to this memo under the submitted Justification Narrative.

DECISION MODE

The Planning and Zoning Commission will consider this item at its meeting on March 15, 2023.

MEETING SCHEDULE

Planning and Zoning Commission	March 15, 2023
Municipal Services Committee	March 27, 2023
City Council	April 3, 2023

ATTACHMENT 1: APPLICATION



ZONING APPLICATION

RECEIVED
FEB 06 2023
Community Development
City of Darien

CITY OF DARIEN
1702 Plainfield Road, Darien, IL 60561
www.darienil.us 630-852-5000

CONTACT INFORMATION

<u>Donald & Joan Noe</u> Applicant's Name	<u>Donald & Joan Noe</u> Owner's Name
<u>6805 Scotch Pine Trail, Darien, IL 60561</u> Address, City, State, Zip Code	<u>6805 Scotch Pine Trail Darien, IL 60561</u> Address, City, State, Zip Code
<u>815-718-2768 / 815-718-9193</u> Telephone	<u>815-718-2768 / 815-718-9193</u> Telephone
<u>noe.don6@gmail.com/noe.joan6@gmail.com</u> Email	<u>noe.don6@gmail.com/noe.joan6@gmail.com</u> Email

PROPERTY INFORMATION

<u>6805 Scotch Pine Trail</u> Property address	<u>09-22-301-038</u> PIN Number(s)
<u>R-3</u> Zoning District	<u>Residential</u> Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

REQUEST

Brief description of the zoning approval requested. (Contact the City Planner for guidance.)

[SEE ATTACHED LETTER]

Donald Noe
Applicant Signature

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that Donald Noe is personally known by me to be the same person whose name is subscribed above and has appeared before me this day in person and acknowledged that they have signed this document as their own free and voluntary act, for the purposes therein set forth.

Given under my hand and seal, this 6 day of February, 2023

For office use only	
Date Received:	<u>02/06/23</u>
Case Number:	<u>PZC2023-01</u>
Fee Paid:	<u>\$360.00</u>
Hearing Date:	<u>03/15/23</u>

Dorothy M. Hathaway
Notary Public



ATTACHMENT 2: JUSTIFICATION NARRATIVE

February 3rd, 2023

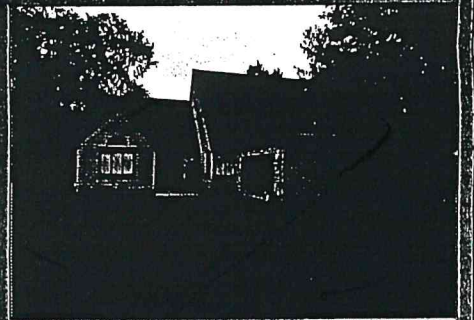
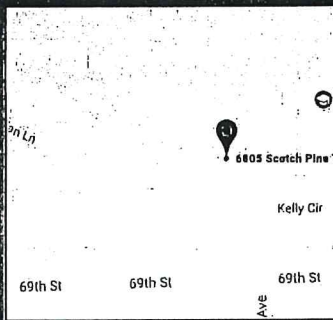
To The City of Darien and the Planning and Zoning Commission

We, Donald, and Joan Noe, are requesting a variance to the existing zoning standards for our home. We currently live at 6805 Scotch Pine Trail, located in the Woodlands subdivision.

Our specific request is for the approval of a zoning variance for our property so we may add a sunroom to the back of our home. Currently there is a deck occupying the space we would like to convert to a sunroom. Because our lot is quite shallow, this request would require us to impinge upon the required 30 feet of our lot line. From our perspective or knowledge, there is no other suitable or reasonable way to redesign the proposed improvements. As noted on the Platt survey, there is even less space available on the three other sides of the house.

There is no other option for us to expand our space, giving us the opportunity to enjoy the outside for all four seasons, instead of only summer with the existing deck. This request will not create a neighbor problem. As one can note, the back of our lot faces a street. Because of this location, there would be no infringement upon the outdoor space of a "backyard" neighbor. The current deck structure is at 18.2 feet from the lot line. The new sunroom will remain 18.2 feet from the lot line.

With the addition of the sunroom, even though it will be a variance from the typical 30 feet from the lot line, there is no foreseeable negative impact to the neighborhood due to the existing location of our home. The addition of this sunroom will enhance the aesthetic value of our home, and most importantly, provide us the opportunity to benefit from enjoying the outdoors year-round, and the health benefits it is known to offer seniors.



PROPERTY ADDRESS: 6805 SCOTCH PINE TRAIL DARIEN, ILLINOIS 60561

SURVEY NUMBER: IL1707.3294

FIELD WORK DATE: 7/24/2017

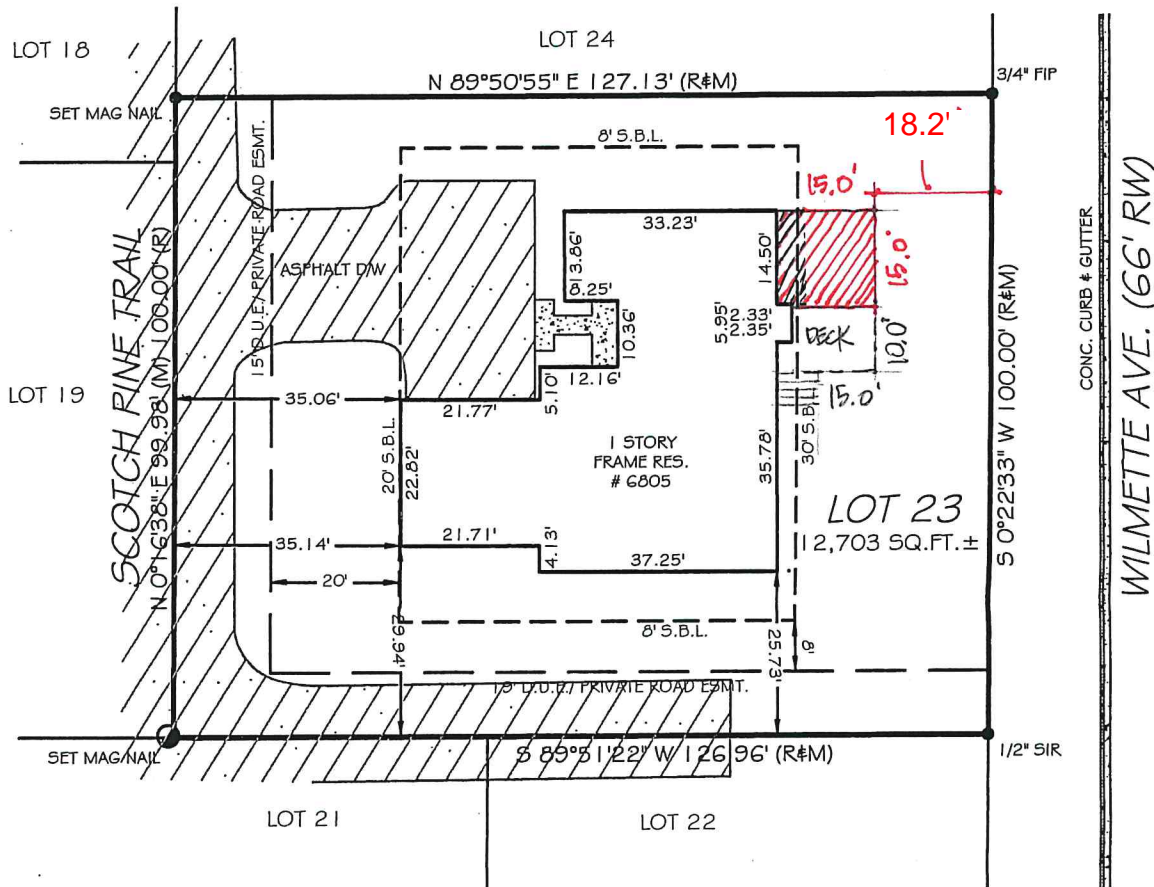
REVISION DATE(S): (REV.0 7/26/2017)

ATTACHMENT 3: SITE PLAN

17073294
BOUNDARY SURVEY
DUPAGE COUNTY

LOT 23 IN WOODLANDS OF DARIEN, BEING A SUBDIVISION IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 22, 1986 AS DOCUMENT R86-79970, IN DUPAGE COUNTY, ILLINOIS.

*PROPOSED
SUNROOM*

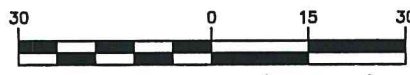


STATE OF ILLINOIS } ss
COUNTY OF DUPAGE

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY, GIVEN UNDER MY HAND AND SEAL THIS 26TH DAY OF JULY, 2017 AT 312 S. HALE STREET IN WHEATON, IL 60187.

Warren D. Johnson

ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2971
LICENSE EXPIRES 11/30/2018
EXACTA LAND SURVEYORS LB# 5763



GRAPHIC SCALE (In Feet)
1 inch = 30' ft.



THE ABOVE SURVEY IS A PROFESSIONAL SERVICE IN COMPLIANCE WITH THE MINIMUM STANDARDS OF THE STATE OF ILLINOIS. NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. PLEASE REFER ALSO TO YOUR DEED, TITLE POLICY AND LOCAL ORDINANCES. COPYRIGHT BY EXACTA ILLINOIS SURVEYORS. THIS DOCUMENT MAY ONLY BE USED BY THE PARTIES TO WHICH IT IS CERTIFIED. PLEASE DIRECT QUESTIONS OR COMMENTS TO EXACTA ILLINOIS SURVEYORS, INC. AT THE NUMBER IN THE BOTTOM RIGHT CORNER.

CLIENT NUMBER: 17-125434

DATE: 7/26/2017

BUYER: CATHERINE CLIFFORD

SELLER: PAUL GAY

CERTIFIED TO: CATHERINE CLIFFORD; ADVISORS TITLE NETWORK;
MTEAM MORTGAGE GROUP

POINTS OF INTEREST
NONE VISIBLE

Exacta Proudly Supports

THE **cara** PROGRAM

transforming lives...

www.thecaraprogram.org

Since 1991, The Cara Program has placed more than 4,600 motivated adults into more than 8,600 quality jobs, catalyzing the same number of families to stop the transfer of poverty from one generation to the next.

EXACTA
ILLINOIS SURVEYORS, INC.

LB# 184005763

www.exactachicago.com
P: (773) 305-4010 • F: (773) 305-4011
316 East Jackson Street, Morris, IL 60450

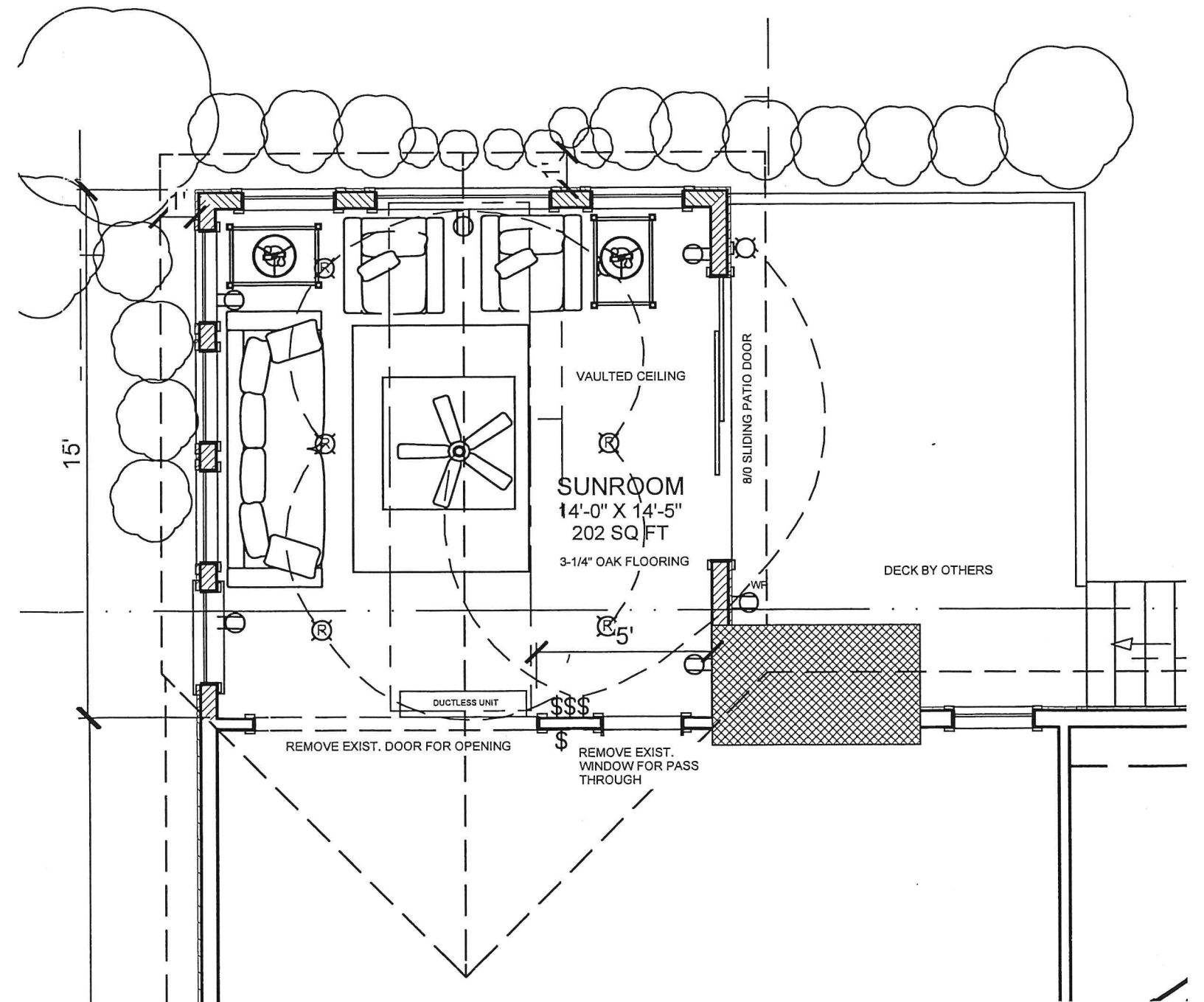
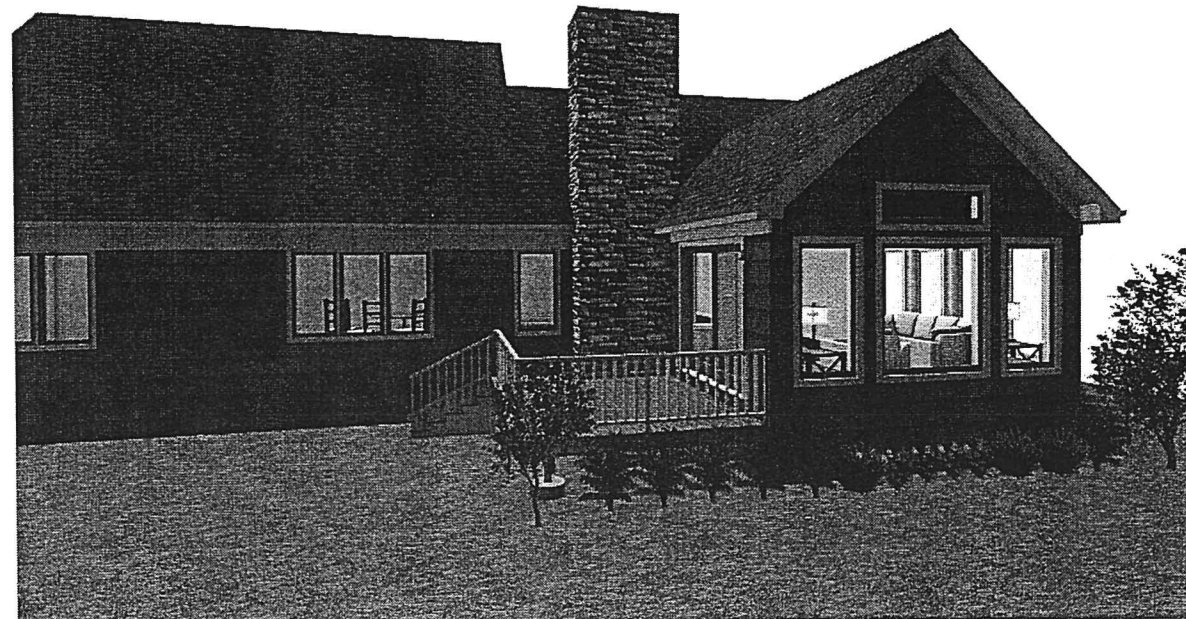
NOE RESIDENCE

DARIEN, IL
01/31/23

gpl 2-2-23

ATTACHMENT 4: FLOOR PLAN

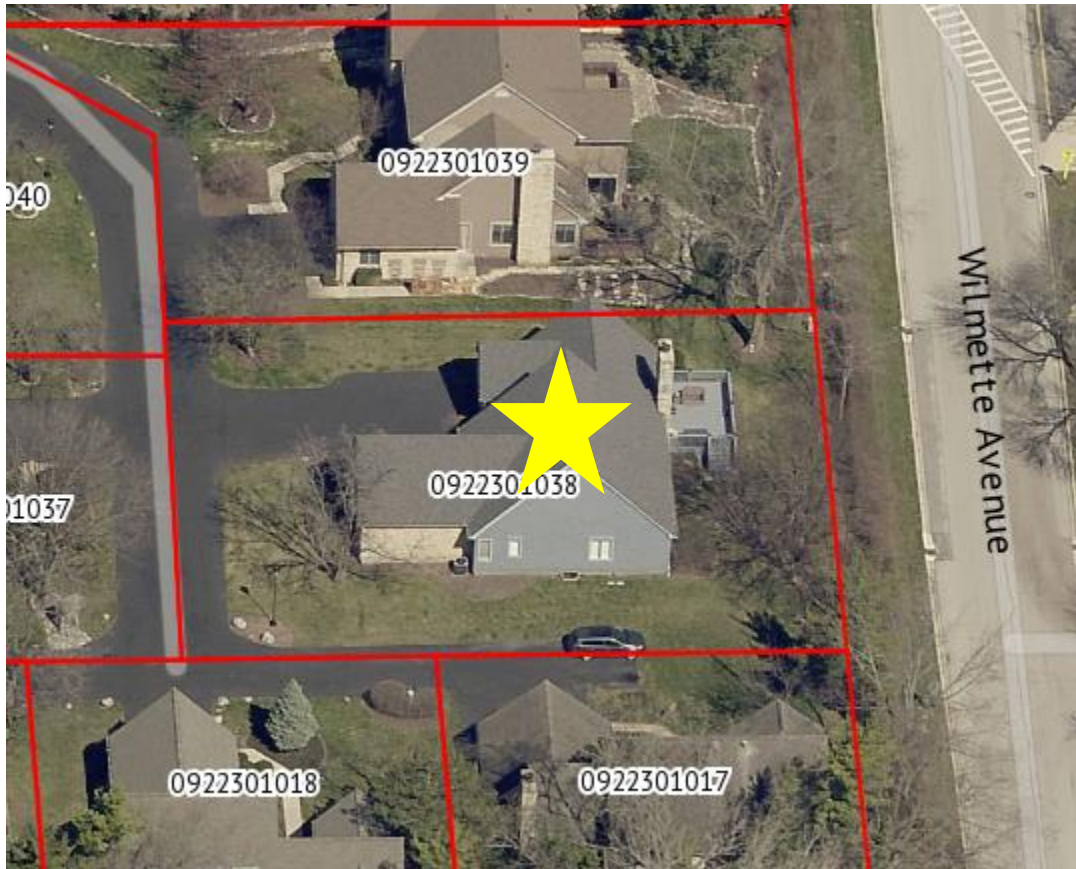
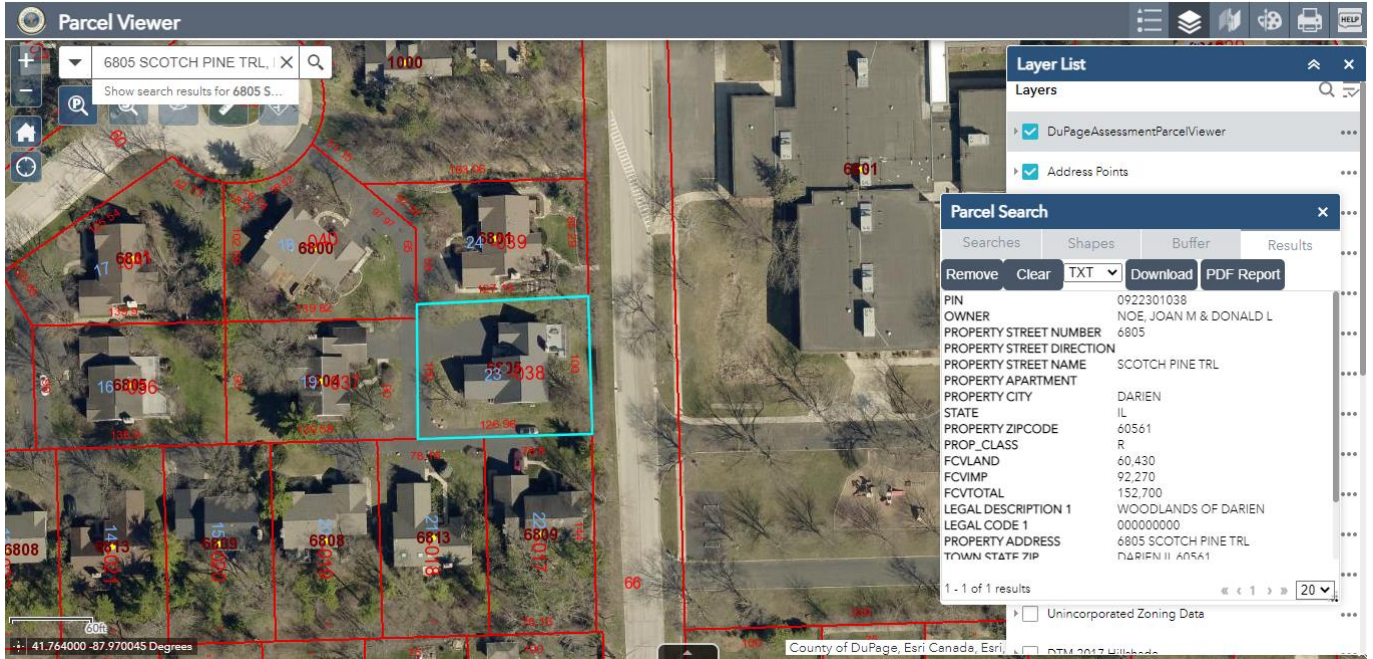
THIS DESIGN CONCEPT DRAWING IS THE PROPERTY OF BRADFORD & KENT BUILDERS, INC. AND IS SOLELY INTENDED TO COMMUNICATE THE CONCEPT OF THE PROJECT TO THE CLIENT. THE ARCHITECTURAL WORKING DRAWINGS WILL DETERMINE FINAL DIMENSIONS, PROJECT DESIGN, AND SCOPE OF WORK. ALL DRAWINGS WILL BE SUBMITTED TO THE CLIENT FOR THEIR APPROVAL PRIOR TO CONSTRUCTION.



NOE RESIDENCE



ATTACHMENT 6: LOCATION MAP & AERIAL IMAGE



ATTACHMENT 7: SITE PHOTOS

