

City of Wilmington Planning & Zoning Commission Thursday, May 7, 2020 at 5:00 p.m.

PURSUANT TO EXECUTIVE ORDER 2020-07 SIGNED BY GOVERNOR PRITZKER AND GUIDANCE PROVIDED BY LEGAL COUNSEL, THE CITY OF WILMINGTON MAY CONDUCT ALL OR PORTIONS OF THIS MEETING BY USE OF TELEPHONIC OR ELECTRONIC MEANS WITHOUT A PHYSICAL QUORUM PRESENT IN THE BOARDROOM. PUBLIC ACCESS TO THIS MEETING IS AVAILABLE AS FOLLOWS:

JOIN ZOOM MEETING: https://us02web.zoom.us/j/9828302841?pwd=OEpCc2d4bEJIQ3R2eXlmdWtnWkVwdz09

MEETING ID: 982 830 2841 PASSWORD: 086905

ONE TAP MOBILE: +13126266799,,9828302841# US (Chicago) DIAL BY YOUR LOCATION: +1 312 626 6799 US (Chicago)

MEETING ID: 982 830 2841 PASSWORD: 086905

WE ARE HAPPY TO ACCOMMODATE WRITTEN PUBLIC COMMENTS. ANY WRITTEN COMMENTS MUST BE RECEIVED VIA EMAIL BY 3:00 P.M. ON THE DAY OF THE SCHEDULED MEETING. COMMENTS RECEIVED BY 3:00 P.M. WILL BE PUT INTO THE RECORD AND CONSIDERED BEFORE COMMITTEE ACTION. COMMENTS CAN BE SUBMITTED BY EMAIL TO JZILLER@WILMINGTON-IL.COM

Location & Time

Council Chamber Wilmington City Hall 1165 S. Water Street 5:00 p.m. 05/07/2020

Planning & Zoning Commission Members

Bryan Humphries, Chairman

Larry Clennon

Jonathan Jones

Ken Kulpa

Chris Smith

John Tryner

Jayson Walinski

Agenda

- 1. Call to Order
- 2. Roll Call
- 3. Review and Approve the April 2, 2020 Meeting Minutes
- 4. Commissioners Review/Approval/Recommendation of Request from Petitioner Gary & Jacqueline Van Duyne

Location: Pearl Street & Oak Street

[PIN 03-17-36-127-007-0000]

Request: Variance

- 5. Other pertinent information
- 6. Public Comment (State your full name clearly; limit 3 minutes each per Ordinance 19-06-18-01)
- 7. Adjournment

Minutes to the City of Wilmington Planning and Zoning Commission Meeting Wilmington City Hall 1165 South Water Street Thursday, April 2, 2019 at 5:00 PM

Call to Order

The April 2, 2020 meeting of the Wilmington Planning & Zoning Commission was called to order at 5:10 p.m. by Commission Chairman Bryan Humphries.

Chairman Humphries announced that this evenings' Planning & Zoning meeting is being held remotely using a video and audio recording program consistent with Executive Order 2020-07 which was ordered by Governor Pritzker on March 16, 2020 in response to the COVID-19 pandemic. This order addresses the provisions of the Open Meetings Act, 5 ILCS 120, requiring or relating to in-person attendance by members of a public body. Specifically, (1) the requirement in 5 ILCS 120/2.01 that "members of a public body must be physically present" is suspended; and (2) the conditions in 5 ILCS 120/7 limiting when remote participation is permitted are suspended. More importantly, based on what we know now about the coronavirus pandemic and prudent precautions as a result thereof, this meeting is being conducted in ways to provide the maximum amount of protection to our board, staff and the community. We apologize for any inconvenience to anyone, but we ask for understanding and compliance temporarily. Thank you.

Roll Call

Upon Roll Call by the Clerk the following members answered "Here" or "Present":

Commissioners Humphries, Kulpa, Jones, Clennon, Smith and Tryner

Commissioner's Absent

Walinski

Quorum

There being a sufficient number of members of the corporate authorities in attendance to constitute a quorum, the meeting was declared in order.

Other Officials in Attendance

Also, in attendance was the Deputy City Clerk/City Administrator Joie Ziller and City Planner/Engineer Rodney Tonelli

Approval of Minutes

Commissioner Tryner made a motion and Commissioner Jones seconded to approve the December 5, 2020 meeting minutes as written and have them placed on file after amendment is made

Upon roll call, the vote was:

AYES: <u>5</u> Jones, Kulpa, Clennon, Smith, Humphries

NAYS: 0

ABSTAIN: <u>1</u> Tryner **ABSENT:** <u>1</u> Walinski

Motion passed.

Public Hearing

Petitioner: Gary & Jacqueline Van Duyne Location: Pearl Street & Oak Street

[PIN 03-17-36-127-007-0000]

Request: two (2) front setback variance from 30 feet to 20 feet and a rear property

setback variance from 25 feet to 15 feet for property located at the northwest

corner of Pearl Street and Oak Street

Commissioner Kulpa made a motion and Commissioner Smith seconded to open the public hearing at 5:13 p.m.

Upon roll call, the vote was:

AYES: <u>6</u> Kulpa, Smith, Clennon, Jones, Tryner, Humphries

NAYS: $\underline{\mathbf{0}}$

ABSENT: 1 Walinski

Motion passed.

Petitioner Gary Van Duyne explained to the Commission that he is interested in purchasing the lot from his cousin and he would like to have the front of the house facing Oak Street. Gary Van Duyne is requesting for setback variances to increase the buildable area on the vacant lot.

City Planner Rodney Tonelli reviewed the memorandum (attached) he prepared for the Commission.

Commissioner Clennon made a motion and Commissioner Tryner seconded to close the public hearing at 5:22 p.m.

Upon roll call, the vote was:

AYES: 6 Clennon, Tyner, Smith, Kulpa, Jones, Humphries

NAYS: 0

ABSENT: 1 Walinski

Motion passed.

Commissioners Review/Approval/Recommendation

The Commissioners at this time agreed to table their recommendation rather than deny the petitioner's request. Based on the facts that the request does not meet the standards for variances as outlined in Section 150.12 of the Code of Ordinances. Specifically, strict enforcement of the ordinances is not deemed to create practical difficulties or impose exceptional hardship; the property in question can yield a reasonable return under the conditions allowed in the R-1 zoning district; the plight of the owner is not unique and their request is deemed a matter of preference only; and the variance if granted would alter the character of the area. The Commission has

instructed Gary Van Duyne to provide them with a set of plans of the exact house he would like to build so they can see how it is going to fit on the lot.

Public Hearing

Petitioner: Brian Van Duyne Location: 1212 N. Joliet Street

[PIN 03-17-25-104-013-0000]

Request: map amendment from R2-single family to R3-residential two family and a

variance from required 12,000 square foot lot size to 7,300 square foot lot

size for property located at 1212 N. Joliet Street

Commissioner Smith made a motion and Commissioner Kulpa seconded to open the public hearing at 5:55 p.m.

Upon roll call, the vote was:

AYES: <u>6</u> Smith, Kulpa, Clennon, Tryner, Jones, Humphries

NAYS: $\underline{\mathbf{0}}$

ABSENT: $\overline{1}$ Walinski

Motion passed.

Petitioner, Brian Van Duyne explained to the Commission his plan to build a single-story duplex on the property. Brian Van Duyne is requesting the property to be re-zoned to R-3 Two-Family Residential and a variance for lot area from 12,000 square feet to 7,300 square feet.

City Planner Rodney Tonelli reviewed the memorandum (attached) he prepared for the Commission.

Commissioner Tryner made a motion and Commissioner Clennon seconded to close the public hearing at 5:59 p.m.

Upon roll call, the vote was:

AYES: <u>6</u> Tryner, Clennon, Smith, Kulpa, Jones, Humphries

NAYS: 0

ABSENT: <u>1</u> Walinski

Motion passed.

Commissioners Review/Approval/Recommendation

Commissioner Jones made a motion and Commissioner Clennon seconded for the Commission to recommend to the City Council to approve the Map Amendment from R-2 to R-3 and a Variance for lot area from 12,000 square feet to 7,300 square feet. The map amendment is consistent with surrounding zoning, surrounding uses and the trend of use in the area. The rezoning is not deemed to have any significant detrimental effect on adjacent properties and can be appropriately served with existing public facilities. The variance for lot area is unique in that the existing lot size cannot be altered and it is consistent with other similarly zoned lots in the area.

Upon roll call, the vote was:

Kulpa, Smith, Clennon, Jones, Tryner, Humphries **AYES:**

NAYS:

 0
 1
 Walinski **ABSENT:**

Motion passed.

Public Comment

No public comment was made.

Adjournment

Motion to adjourn the meeting made by Commissioner Tryner and seconded by Commissioner Clennon. Upon voice vote, the motion carried. The Wilmington Planning & Zoning meeting held on April 2, 2020 adjourned at 6:04 p.m.

Respectfully submitted,

Joie Ziller

Deputy City Clerk



Land Use Petition City of Wilmington, Illinois

Petitioner: Gary W. + Jacqueline Van Dryne
Address: 701 Knala Ct.
City: Wilmington State: /L Zip: 6048/
Phone No.: 815 474 2997 Fax No.: Email: I Vandryne 65 Paol. Co
Petitioner is the owner of the subject property and is the signer of this petition Petitioner is the contract purchaser of the subject property and has attached a copy of said contract to this petition Petitioner is the contract purchaser of the subject property and has attached a letter granting such authority signed by the owner
In the event the property is held in trust, a notarized letter from an authorized trust officer identifying the petitioner as an authorized individual acting on behalf of the beneficiaries and providing the name, address, and percentage of interest of each beneficiary is attached to this executed petition.
Subject Property
Location: Corner of Pearl St + Oak St.
Size of Property: 165 Ft X 82.5 Ft. Tax Parcel No.: 03-17-36-127-007-0000
The following documents have been attached:
Image: Size Plan It is to f Adjacent Property Owners ☐ Preliminary Plat ☐ Preliminary Plat ☐ Preliminary Plat ☐ Impact Fee Form ☐ Final Plan ☐ Final Plan ☐ Bank Trust Letter
Type of Action Requested
☐ Annexation ☐ Preliminary Plat/Plan (circle one) ☐ Conditional Use ☐ Annexation Agreement ☐ Final Plat/Plan (circle one) ☐ Variance ☐ Concept Plan ☐ Map Amendment from to ☐ Site Plan Review
I have submitted the required filing fee. I understand that the fee is non-refundable. The fee is determined according to the attached schedule of fees.
Statement of Petition Que \$500.00 deposit
Please provide a brief statement describing the proposal as it relates to the standards of petition accompanying this document (attach additional sheets if necessary).
The property is 165Ft x 82.5 Ft. I wish to Build my house facing OakSt. With the setBacks this leaves me with 27.5ft(depth) Buildake property. I am asking for a variance of 10 ft off the 25 ft setBack of the Back of the property and lost off the 30ft setBack from the front of my property. This will give me 42.5ft(depth) of Buildable property. I have spoke with tree with approval from the homeonies that are withing 250 ft of the property. Number of Dwelling Units Type of Units Ouse Square Footage 1700-1800 50 ft. Proposed Time Schedule for Development 1984
Authorization
I hereby affirm that I have full legal capacity to authorize the filing of this petition and that all the information and exhibits herewith submitted are true and correct to the best of my knowledge. The petitioner invites city representatives to make all reasonable inspections and investigation of the subject property during the period of processing this petition. State of Illinois State of Date Signature of Petitioner Signature of Petitioner Notary Public Seal
I, the undersigned, a notary public in and for the said county and state aforesaid, do hereby that 60 undersigned, as notary public in and for the said county and state aforesaid, do hereby that 60 undersigned is personally known to me to be the same person whose name is pubscribed to the forgoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act, for the uses and purposes set forth. Notary Signature: My Commission Expires:
Given under my hand and notary seal this day of day of



LI I ZUTUPH LOTS 1 TO 8, BOTH INCLUSIVE IN BLOCK 6 BEING A SUBDIVISION BY H.O. ALDEN OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS. 420.5 SIT. 82.50' IRON ROD $u_{1,i}$ (FOUND) IRON ROD (FOUND) 165.02 S TO. X 329 32 LOT 3 6 LOT 5 7 LOT 8 165.00° 164.92' IRON ROD IRON ROD (FOUND) (FOUND) OLIVE 82.50' NFIP NFIP Rev AP.5 HEAD 0 ii A IK 66.00 OCT C REGISTERED 66.00 0 LAND STATE OF ILLINOIS SURVEYOR 1994 COUNTY OF LIVINGSTON **6**) No. 11 UD 1750 I, CARL J. KRAUSE, AN ILLINOIS REGISTERED LAND Ü OF ILL SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT TO YOUR ABSTRACT, DEED, CONTRACT AND LOCAL BUILDING LINE REGULATION. HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. VISTANCES ARE MARKED IN FEET AND DECIMALS CULLOM, ILLINOIS PROER NO .: 930659 PROERED BY: ST. ROSE PARISH

Memorandum

To: Wilmington Planning and Zoning Commission

From: Rodney Tonelli, AICP

Date: March 30, 2020

RE: Variance Request – Van Duyne – Corner of Pearl St. and Oak St.

The Applicants, Gary and Jacqueline Van Duyne have submitted a petition for setback variances to increase the buildable area on an existing, vacant lot located at the southeast corner of Pearl Street and Oak Street (PIN 03-17-36-127-007-0000).

Summary

The subject property is a vacant single-family lot which measures 82.5 feet (Pearl Street frontage) by 165 feet (Oak Street frontage). The lot area is calculated at 13,612 square feet. (See Figure 1 - Aerial).



Figure 1 - Aerial

The Applicants desire to construct a new home on the parcel and would like to build the house facing Oak Street. The Applicants state that orienting the house this direction would allow only 27.5 feet of building depth while adhering to the 30 foot front yard setback requirement and 25 foot rear yard setback requirement. The Applicants have not presented any specific house plans or provided a site plan demonstrating how the house they intend to build would fit on the parcel. They have requested the following variances:

1. A variance to reduce the front yard setback along Oak Street form 30 feet to 20 feet



- 2. A variance to reduce the front yard setback along Pearl Street from 30 feet to 20 feet
- 3. A variance to reduce the rear yard setback (south lot line) from 25 feet to 15 feet.

The resulting building depth from the requested variances increase from 27.5 feet to 47.5 feet for the orientation they prefer.

Current Zoning

The property is zoned R1: Residential Single Family (See Figure 2 – Current Zoning). Below are the Zoning Ordinance requirements for R-1 lots.

- 150.53 R-1 Single-Family Residential District.
- (A) Purpose and intent. The intent is to provide for an environment of predominantly low density single unit dwellings plus certain other facilities which serve the residents living in the district.
- (B) Permitted land uses and developments.
- (1) Single-family detached dwellings;
- (2) Public parks, playgrounds, forest preserves and public recreational areas.
- (C) Conditional uses.
- (1) Conditional uses permitted in the E-R Estate Residential District.
- (D) Bulk and density requirements.
- (1) Minimum lot size. The minimum lot size for permitted and conditional land uses in the R-1 Single-Family Residential District shall be as follows:

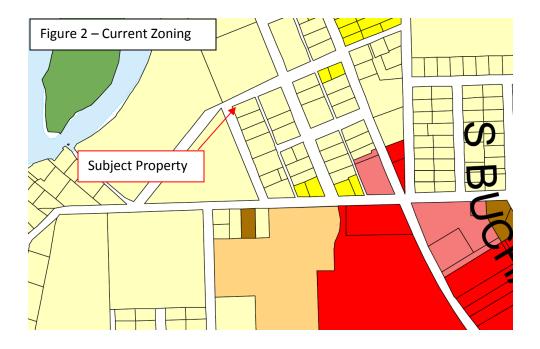
Single-family detached dwelling	10,000 square feet
Nonresidential uses	Five acres, unless otherwise specified

(2) Minimum lot width. The minimum lot width for permitted and conditional land uses in the R-1 Single-Family Residential District shall be as follows:

Single-family detached dwelling	75 feet
Nonresidential uses	300 feet unless otherwise specified

- (3) Building setback requirements.
 - (a) Front yard. No principal building shall be allowed within 30 feet of any front lot line or a street right-of-way line.
 - (b) Side yard. No principal building shall be allowed within 10 feet of any side lot line.
 - (c) Rear yard. No principal building shall be allowed within 25 feet of any rear lot line.





Review and Analysis

Staff has reviewed the submitted request. The size and dimensions of the parcel are sufficient to build upon without need for any variances. The lot has adequate width, depth and area to be built upon. Fronting the house on Pearl Street would provide for a building width of 42.5 feet adhering to the required setbacks. It is staff's understanding that the applicant has not submitted any particular house plans or demonstrated that the lot has any limitations to building. Below are the standards for Variances that the Plan Commission shall consider when making a recommendation to the City Council. This lot does not appear to have any unique circumstances as compared to other lots within the neighborhood.

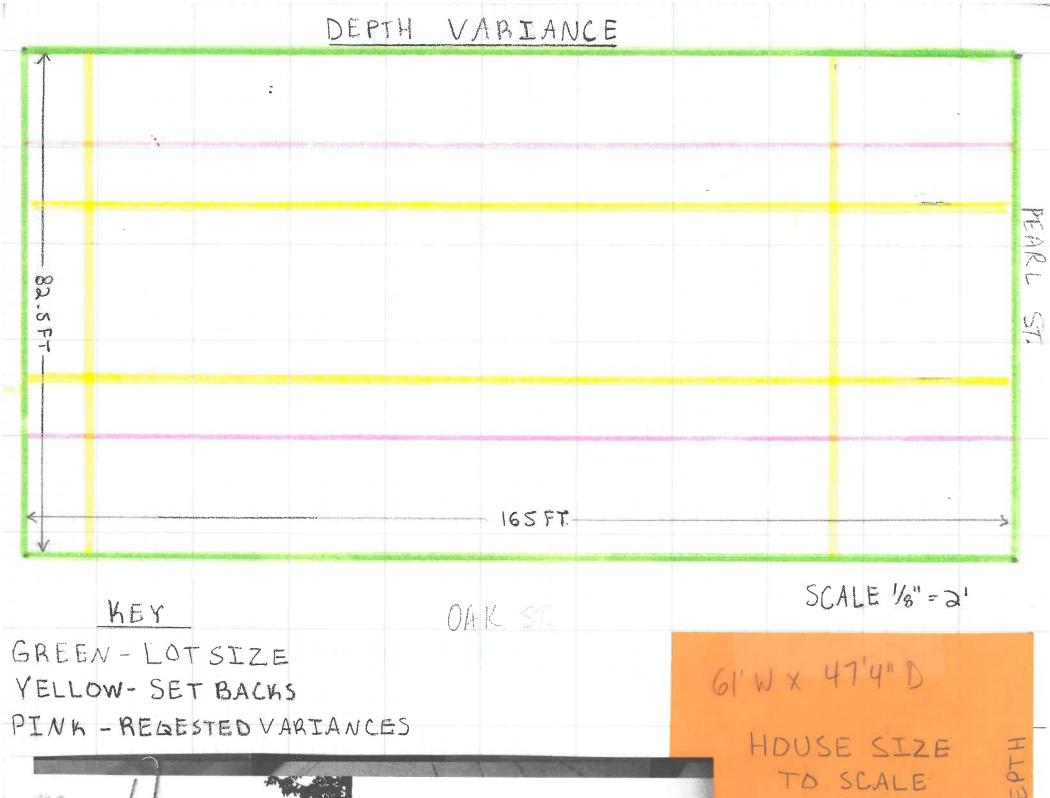
150.12 - Variations.

- (A) The city council, after receiving a report from the planning and zoning commission (PZC) containing their findings and recommendations, may vary the regulations of this chapter within their general purpose and intent.
- (B) The PZC shall make recommendation and provide findings of fact to the city council to the same that:
 - (1) Adequate evidence was submitted to establish practical difficulties or particular hardship so that, in the judgement of the PZC, a variation is permitted because the evidence sustained the existence of each of the four following conditions:
 - (a) Reasons that strict enforcement of the code would involve practical difficulties or impose exceptional hardship;

- (b) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular district or zone;
- (c) The plight of the owner is due to unique circumstances;
- (d) The variation, if granted, will not alter the essential character of the locality.
- (2) Procedures for variations. An application for a variance shall be processed in accordance with the provisions of <u>Section 150.18</u> of this chapter.
- (3) Conditions and restrictions. The PZC may recommend and the city council may impose conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards set forth in this section.

Recommended Actions

Staff is recommending that the Wilmington Planning and Zoning Commission recommend denial of the Variance requests based on the facts that the request does not meet the standards for variances as outlined in Section 150.12 of the City of Wilmington Code of Ordinances. Specifically, strict enforcement of the ordinance is not deemed to create practical difficulties or impose exceptional hardship; the property in question can yield a reasonable return under the conditions allowed in the R-1 zoning district; the plight of the owner is not unique and their request is deemed a matter of preference only; and the variance if granted would alter the character of the area.



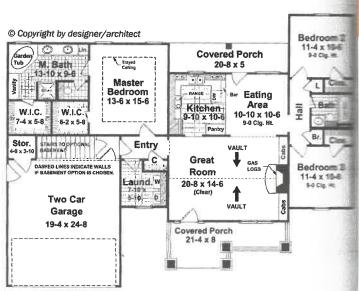


designer/architect

#F04-077D-0138

sions: 61' W x 47'4" D Sq. Ft.: 1,509 Bathrooms: 2 ntion: Slab, basement or pace. please specify when \$ 950

\$1,015 \$1,125 ucible Master: \$1,200 Il List: \$130



FRONT WIDTH

Planning & Zoning Committee and City Council Members,

I am the property owner of Lot #3 on Pearl St. in Wilmington, Il. I am fully aware and support the variances that Gary and Jackie Van Duyne are requesting.

Keith S. Van Duyne 4/26/2020 Keith Van Duyne

Planning & Zoning Committee and City Council Members,

I am the property owner of Lot #1 and Lot #4 on Williams St. in Wilmington, Il. I am fully aware and support the variances that Gary and Jackie Van Duyne are requesting.

David Van Duyne



