



City of Aurora

2nd Floor Council
Chambers
44 E Downer Place
Aurora, IL 60507

Planning and Zoning Commission Meeting Minutes

Wednesday
March 16, 2022
7:00 PM

CALL TO ORDER

Chairman Pilmer called the meeting to order at 7:00 p.m.

ROLL CALL

The following Commission members were present: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Gonzales and Mrs. Owusu-Safo. Mr. Choudhury, Mr. Elsbree and Mr. Kahn called in and excused themselves from the meeting.

OTHERS PRESENT

The following staff members were present: Mr. Sieben, Mrs. Morgan, Mr. Broadwell and Mrs. Jackson.

Others Present: Rich Johnson (1950 Richard Street) and Shelly Tucciarelli (Visionary Ventures Not For Profit Organization).

APPROVAL OF MINUTES

22-0186

Approval of the Minutes of the Planning and Zoning Commission meeting on March 2, 2022.

A motion was made by Mrs. Anderson, seconded by Mr. Gonzales, that the minutes be approved and filed. The motion carried.

PUBLIC COMMENT

Chairman Pilmer said if you are here for an item that does not appear on the agenda as a public hearing and you wish to speak to the Commission, we can give you 3 minutes to do so.

No one came forward.

AGENDA

22-0107

Requesting approval of a Major Variance pursuant to Section 34-406 of Chapter 34 of the City of Aurora Code of Ordinances for the property

located at 1950 Richard Street, to allow for a trailer to be parked between the primary structure and the front lot line (Richard Johnson - 22-0107 / AU18/2-22.031-V - SB - Ward 5) (PUBLIC HEARING)

Mr. Broadwell said as you just heard, this is the major variance for 1950 Richard Street. We do have the Petitioner here, who we'll bring up in a minute to give us some background. A little bit more information here. I'll pull up the Plat of Survey for the property, which will give you some context here. The provision in the Zoning Ordinance that's actually being varied here is 105.13-3.8.D.ii.a, which essentially allows for a vehicle to be parked in front of the primary structure on a residential property basically between the front of the primary structure and the lot line. Kind of moving back from that, the Petitioner owns one trailer that is used essentially for work that's about 14 feet in length that has been parked in front of the garage on the drive for a number of years now. The trailer itself is, based on the qualifying statement, is 7 feet wide, about 14 feet long. This 14 feet length does not include the, I guess we're calling it, the tongue, or what hitches the trailer to the vehicle, but it sounds like that's between 1½ feet to 2 feet. Then the trailer is 7 feet, 9 inches tall. So that's the nature of the variance and kind of, I guess, the characteristics of the trailer itself. One thing that I wanted to point out, that's included in the staff report, is that there are additional provisions in the Zoning Ordinance that kind of tie into parking vehicles on residential property. So for example, those other vehicles might be a boat or recreational vehicle, but as far as this variance is concerned, the Petitioner is parking one trailer, which is allowed on this lot, on the residential property, so that's not being varied. The trailer is not exceeding the maximum length of 20 feet per the Zoning Ordinance, so that's not included in the variance, and then he is also parking it on the driveway and not in the public right-of-way. The variance is very specific to this vehicle being parked between the primary structure and the front lot line. The Petitioner did write a qualifying statement, which was in your packet, which you can see and he can talk more about that in a minute, but one thing I wanted to point out about the property itself in regard to the hardship is that you can see the house here. It is kind of "L" shaped and when we refer to the primary structure in the staff report, we're talking about the entire structure. In the staff report, I referred to the front of the house, which is, I guess, the livable area and then the front of the driveway, the front of the garage, which is the garage itself. But as you can see, the front of the house is about 30 feet, a little under 30 feet, about 29½ feet setback from the front property line and then the front of the garage is about 45 feet based on the Plat of Survey, and then there's like a 15 foot gap kind of between the face of the garage where you can see it says 20.4 feet, the width there, measuring back to the front of the house. So there's this 15 foot gap where the Petitioner has been parking his trailer to this point. The "L" shape of the home does kind of provide kind of an area where the trailer can be parked out of the 30 foot setback, mostly parked out of the 30 foot setback and screened from the neighboring properties and from the street. What I'm pulling up right now, the property research sheet, you can see the house, the Petitioner's home, and it is highlighted right there. Then you can actually see the trailer right there, the white box there on the bottom left. The house itself, you can see, is one of only a few of these similarly "L" shaped houses on the block. You can see the neighbor's house there to the west. The trailer is basically flush with the neighbor's house. There is, I guess, some natural screening on the property. I think that's everything. Any questions for staff at this point?

Chairman Pilmer said any questions of staff? Hearing none, I would ask the Petitioner if they would like to come forward.

The Petitioner was sworn in.

I'm Richard Johnson. I'm the owner at 1950 Richard. I tell everybody we've lived here 28 years and they named the street after me when we moved in, but they don't believe that. My wife Carrie of almost 38 years is here. Like I mentioned, we've been there for 28 years. First of all, good evening to the Commission and the Zoning people. Steve kind of laid out a lot of the issues with this. I've had a trailer in front of there since 2005. I originally got a citation from somebody in the city in 2011, I believe, and we kind of talked about it and then with the setback, I had permission to leave it there. So I had not heard anything for such a long time and then I'm not sure when the date was, maybe 2018, I had another citation on that. I explained that in 2011 I was allowed to have it. They looked it up and said yes, I see that, I'll void my case. Then a decision was made to say well you can have that trailer there, but if you get a new one, that won't be allowed. I'm was a little confused by that, but we're here now to explain that. When I got the new trailer, which was a little over a year ago, I got another citation and they said you got a new trailer, that wasn't allowed, even though I never agreed to that. Just to go a little in reverse, the reason I got that trailer, and I had the other one for like 15 years, was because it got rear-ended, so it no longer safe to drive, stuff falling off the back, and it was not secure, so I had to get another one. I do handyman work. I try to stay busy doing that. I also have a DJ business where I do weddings and stuff. Before COVID I was doing anywhere from 90 to 100 events a year. That helps me pay for kids in college and a little added income. If I can interject the fact that I was an Aurora police officer for 14 years. I ended up going out on disability in what was called a Line of Duty disability where I had blew my legs out and had some surgeries and ended up having a knee replacement and I was awarded what they call a Line of Duty disability. So I get a pension on that, but because of state law, because state law has statutes on police, fire, and I believe correction pensions, that I don't get any increase until I turn 60. I may look 60, but I'm not quite there yet. I've got a couple more years, so honestly, I have not had zero increase since then. My wife works at a veterinary hospital and was working mainly just 3 days a week. Just started back almost full time now. Now that our kids are grown, we have older kids, but I'm putting one in college through the University of Illinois-Chicago. If you guys have kids, you know what the cost of college is. One, I try to stay busy and I work. In that trailer is literally a working, rolling workshop. I have tools in there, there's electric in there. I even have shore power in there to where I can charge batteries for inverter to have power remotely if I need it, mainly for lighting is what I mainly use it for. Then on weekends I pull some of that stuff out and roll in the sound equipment and do my music stuff on the weekends. I'll leave that where that's at. The big reason why I can't have it stored anywhere; one, the cost of it would be offsetting what I do, not all of it, but a good portion of it. Plus I have a lot of fears of security with the thousands of dollars compiled over the year of tools and things like that, music, the sound equipment. That is a big issue. Plus I have cameras all around my house that watch this thing. I have Ring plus a security system. That's a big portion of why I can't have it there. I can't have it in the garage because a normal garage has a 7 foot header and most trailers won't fit in there unless you have, and it would be major to try and do that, so it won't fit in the garage. It would have to be in almost an outdoor storage, so security is a big issue for me and the amount of equipment that's at risk. If I have it stored somewhere, then the insurance goes up as well. We've talked about the citations I've received, and I was instructed that I could do this zoning variance and I've kind of followed through with great instructions with Steve and Ed and we've come to this point. I can mention too that I personally have not heard anything from my neighbors. My neighbor that's directly to the west of me which, I think, Steve had mentioned, it was kind of like was a physical barrier, if you will. When I originally had that citation in 2011, they asked for a letter from her that it was okay with her and she doesn't oppose of that. She did that and I assume that's on record here in the city as

well. Like I said, we've been there a long time. I would ask for your consideration in this. It is pretty much my whole work life. I don't like to sit around. With all the injuries and stuff I've got, even my kids say Dad you've got to quit doing that. Honestly, if I sit around, I get worse, so I like to stay busy. I think that's about all I have to offer. I hope that kind of explained everything and I'm happy to answer any questions that anybody has.

The public input portion of the public hearing was opened. No witnesses came forward. The public input portion of the public hearing was closed.

Chairman Pilmer said staff won't have a recommendation, but if you want to read the Findings of Fact.

Mr. Broadwell said I'll read the Findings of Fact. As you just said, we don't do the recommendation, but we do kind of provide our thoughts. I can do that as well.

- 1. The major variance request is based on the particular physical surroundings of the subject property, as the Petitioner is able to park his trailer in front of the primary structure while keeping it mostly out of the minimum front yard setback*
- 2. The major variance request is based on conditions that are unique to the subject property, as the trailer is parked in one of the few "L" shaped homes on this block, or within the impact area, which provides additional parking area and screening for the trailer to be parked outdoors on the subject property.*
- 3. The major variance request is based on a hardship caused by the Zoning Ordinance, as the trailer is not otherwise allowed to be parked between the primary structure and the front lot line, despite having an additional, approximately 15 feet, of driveway leading to the face of the garage, which extends past the face of the home that is closest to the public right-of-way.*
- 4. The major variance request is in all other respects in conformance to the applicable regulations of the district in which it is located, as indicated in the staff report.*

Mr. Sieben said and if I could just follow up what Steve said. Like he said, we don't do a recommendation on variances, but as the Findings of Fact state, this is kind of a unique shaped house and even though this doesn't meet the letter of the law because it is in front of the structure because that portion of the home is basically at a 45 foot setback versus the rest of the house, which is at the 29 or 30 foot setback. This is tucked away back there behind the typical 30 foot setback, so staff felt this was kind of a unique situation with the shape of the house.

MOTION OF APPROVAL WAS MADE BY: Mrs. Owusu-Safo

MOTION SECONDED BY: Mr. Chambers

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Gonzales, Mrs. Owusu-Safo

NAYS: None

Chairman Pilmer said we are to evaluate the proposal with respect to 4 questions for our Findings of Fact and I would ask, unless there's any additional discussion on these 4 points, we incorporate what was in the staff's report into our Findings of Fact.

MOTION OF APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mrs. Anderson

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Gonzales, Mrs. Owusu-Safo

NAYS: None

Mr. Sieben said actually with variances, Planning and Zoning Commission is the final vote, so it is approved.

A motion was made by Mrs. Owusu-Safo, seconded by Mr. Chambers, that this agenda item be approved. The motion carried.

22-0111

A Major Variance for Minimum Floor Area Ratio pursuant to Sec. 34-403 and 34-406 of Chapter 34 of the Code of Ordinances, City of Aurora, Illinois for property located at 631 and 641 S. Lake Street to vary Sec. III.A.1.4 of the Fox Valley Apartments-Lincoln School Plan Description to remove the minimum floor area requirement within the historic Lincoln School building (Fox Valley Apartments, LP / Lincoln School - 22-0111 / AU28/1-22.032-V - JM - Ward 4) (PUBLIC HEARING)

Mrs. Morgan said so if you recall, this project came before the Planning and Zoning Commission back in November for the Rezoning and Conditional Use Planned Development and Final Plan and Plat. With that Plan Description, we had originally required a minimum of 420 square feet for the floor area. That's what the plans at the time had showed, so that's what we put in the Plan Description. When the Petitioners took the project, if you recall, the project is using Historic Preservation Tax Credits as part of their finance, as well as some city funds being part of the project, part of those tax credits required them to be reviewed, the interior and exterior, by the National Park Service. The National Park Service came back and said that some of the interior partition walls needed to be preserved in order to get the tax credits. The Petitioner was able to go back and reconfigure the floor plan to preserve those partition walls, but in doing so, they had to reduce 2 of the units down to 300 square feet. All of the rest of the units meet that minimum 420 square feet. It is just 2 units that are being affected in order to be able to get the Historic Preservation Tax Credits. Here is the floor plan. Are there any questions for me?

Mrs. Owusu-Safo said I have one. So was the 420, was that an ordinance or was it just because their original floor plan description showed 420? It is not anywhere that we require a minimum of 420?

Mrs. Morgan said no. We do have minimum requirements for most of our residential portions, so that 420 was altered from what's traditionally included in the Zoning Ordinance because they were showing 420. What is the Zoning Ordinance, do you remember Ed? Is it 450?

Mr. Sieben said is it typically 450, but we went down to 420 because, I think, their smallest unit was a little over 420, so we put that in there. We could have put a condition in there that per the National Park Service standards and then we wouldn't be back here. So this is purely because they had to save certain portions.

Mrs. Morgan said in the future we are thinking maybe to make sure we have a little more flexibility in these National Park Service...

Mr. Sieben said so this is kind of like a city imposed thing because that's what they were showing.

Mrs. Morgan said and this is only for the historic school. The new construction has to meet our standards.

Mr. Sieben said new construction would be different.

Mrs. Morgan said so it is unique because of the historic existing school.

Mrs. Owusu-Safo said the existing constraints of the building is causing this.

Mrs. Morgan said yes.

Chairman Pilmer said the space was there that they could move, but they can't because of the designation.

Mrs. Morgan said correct.

The Petitioner was sworn in.

I'm Shelly Tucciarelli, 232 S. Oak Street, Itasca, Illinois. Just thank you so much for this opportunity to extend this variance to the Commission. Again, like we said, we worked really hard with this adaptive reuse and once it was submitted to NPS, the National Park Service, those were the comments that we received back, to keep those walls. Our architect did go in and reconfigured everything and this was our best solution.

The public input portion of the public hearing was opened. No witnesses came forward. The public input portion of the public hearing was closed.

Mrs. Morgan said staff has the following comments regarding the Findings of Fact:

- 1. Staff believes the variance is based on a particular physical surrounding, shape or topographical condition that will result in a hardship due to the site containing a historic school and that the reuse of the historic building is not feasible without the assistance of the Historic Preservation Tax Credits.*
- 2. Staff believes the request is unique to the property due to the site containing one of the few remaining historic progressive era schools that the city is supportive of preserving.*
- 3. Staff believes the Plan Description's minimum floor area requirement is causing the hardship as it will not allow the floor area plan to be altered in a manner that would preserve the interior spaces and that the hardship was not created by the developer.*
- 4. Staff believes that the major variance conforms in all other ways to the Fox Valley Apartments – Lincoln School Plan Description and to Chapter 49 of the Code of Ordinances, City of Aurora.*

Mrs. Morgan said and as mentioned, we do not provide recommendations for a variance, so the staff would note that the staff believes the request is based on the physical hardship of adaptively reusing the historic building and the adaptive reuse will benefit the City of Aurora.

MOTION OF APPROVAL WAS MADE BY: Mrs. Anderson

MOTION SECONDED BY: Mr. Gonzales

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Gonzales, Mrs. Owusu-Safo

NAYS: None

Chairman Pilmer said we do have our Findings of Fact. We have 4 questions to ask regarding this case and, again, would add that unless there are specific additions or changes that we incorporate what was in the staff's report.

MOTION OF APPROVAL WAS MADE BY: Mr. Chambers

MOTION SECONDED BY: Mrs. Anderson

AYES: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mr. Gonzales, Mrs. Owusu-Safo

NAYS: None

Chairman Pilmer said then, again, I think that is the final, so that is approved.

A motion was made by Mrs. Anderson, seconded by Mr. Gonzales, that this agenda item be approved. The motion carried.

PENDING

ANNOUNCEMENTS

Mr. Sieben said our next meeting will be the regular meeting on April 6th and we will have a full 9 member Commission then. We have a new member, I think, next week, but she will be available April 6th.

ADJOURNMENT

A motion was made by Mr. Chambers, seconded by Mrs. Owusu-Safo, that the agenda be adjourned. The motion carried by voice vote. Chairman Pilmer adjourned the meeting at 7:28 p.m.

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