



# City of Aurora

44 East Downer Place  
Aurora, Illinois 60505  
www.aurora-il.org

## Legistar History Report

**File Number: 17-01019**

**File ID:** 17-01019

**Type:** Petition

**Status:** Draft

**Version:** 2

**General Ledger #:**

**In Control:** Planning & Development Committee

**File Created:** 11/03/2017

**File Name:** Michael K. Allison / 1219 5th Street / Major Variance

**Final Action:**

**Title:** An Ordinance Granting a Variance to the Quantity of Recreational Vehicles Allowed Pursuant to Section 5.13-3.8.1.B.ii, and to the Size of Recreational Vehicles Allowed Pursuant to Section 5.13-3.8.1.c.ii, for the Property Located at 1219 5th Street.

**Notes:**

**Agenda Date:** 12/14/2017

**Agenda Number:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit "A" - Legal Description - 2017-11-28 - 2017.181.pdf, Exhibit "B" - Plat of Survey - 2017-11-02 - 2017.181.pdf, Property Research Sheet - ID# 71259 - 2017-09-06 - 2017.181.pdf, Land Use Petition and Supporting Documents - 2017-11-02 - 2017.181.pdf, Legistar History Report - 2017-11-28 - 2017.181.pdf, Findings of Facts - 2017-11-28 - 2017.181.pdf

**Enactment Number:**

**Planning Case #:** AU34/1-17.181-V

**Hearing Date:**

**Drafter:** sbroadwell@aurora-il.org

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Committee of the Whole	11/07/2017	Forward to Planning Council	DST Staff Council (Planning Council)			
<b>Action Text:</b> This Petition was Forward to Planning Council to the DST Staff Council (Planning Council)							
1	DST Staff Council (Planning Council)	11/14/2017					
<b>Notes:</b> Mr. Sieben said he's got a small trailer, but then he wants 2 additional oversized recreational vehicles. One is his and one is his sons. He is not able to make it. He is out of town today, so he will come next Tuesday to discuss his request.							
1	DST Staff Council (Planning Council)	11/21/2017					

Notes: Representative Present: Mike Allison

*I'm Mike Allison. I am the property owner. I am requesting a variance to the city ordinance so that we can store more than 1 RV. My son and his wife also live with us. It is a multi-generation household. He also has an RV he purchased this year. I have one, so we are requesting the number. The size, the 25 foot limitation, both of our units are longer than 25 feet. Mine is definitely higher than the 10 foot limitation. His actually is also. His is actually 11 feet 5 inches in height.*

*Mr. Sieben said what are the lengths of both?*

*Mr. Allison said mine is 39 feet 6 inches and his is 37 feet 6 inches in length.*

*Mr. Sieben said are these pull or are they motorhomes?*

*Mr. Allison said they are pull.*

*Mr. Sieben said and then you have one additional small trailer, right, already?*

*Mr. Allison said correct. A utility.*

*Mr. Sieben said a small utility trailer. So essentially that would be the one allowed and so what you are asking for are the 2 additional, which would be the larger RV trailers and then you are also asking for a variance on the size of those.*

*Mr. Allison said correct.*

*Mr. Sieben said do you want to give a little more of a background why you are asking this and what's the unique situation here, the hardship?*

*Mr. Allison said well our unique situation is kind of this. I'm not exactly sure when the ordinance was passed, but I've been storing my RV there for north of 25 years.*

*Mr. Sieben said have you owned the property back since...*

*Mr. Allison said I've owned the property since 1994 and I stored it there a couple of years before. My father-in-law owned the property. We purchased it from him. We built the house in 1994 and completed it in 1995. We've always had that stored there. Again, I'm not sure when the ordinance was passed. Until this year, it has never been, or we've never been even looked at for it.*

*Mr. Sieben said it was modified in the middle of 2000 with size and so on, so there were some changes around that time.*

*Mr. Allison said so as I explained in my Qualifying Statement, the first thing is, in my case I'm an IT Project Manager for a large equipment manufacturing corporation and because of that I tour and go around and do work at all of our plants in the North American Free Trade Agreement. We have one plant in Canada, one plant in Mexico and 9 plants here in the US. It saves me a lot of money. It saves the company a lot of money by me using my RV. Having the restriction on the number of days that it can be there for loading and unloading and basically having to load it and unload it every time it is being used creates a problem for me to do that. Sometimes I will get hey I need you to be in Fargo Monday morning, or I need you to be in Grand Island. I'll get a call on Monday and say I need you to be in Grand Island tomorrow or Wednesday at the earliest. It kind of precludes that usage. It just takes too long to cool down the RV fridge. I can't keep things pre-panned, pre-stored. There are a whole bunch of things there; in my son's case also. Then the other thing that goes with it is if he and I travel together, which we occasionally do for our own personal trips, we can't have both of them there for loading and unloading. That's another kind of a problem for us. We do use them a fair amount during the summer. The 5 day exclusion, and I know that our nice friends down in the office of Property Standards, well they kind of looked the other way and made a September on that. I don't want to follow them. They shouldn't be making those kind of exclusions to the policy. If the policy is 5*

days in a month, it is 5 days in a month. I try to live by those rules as much as we possibly can. It kind of precludes us from both loading and unloading at the same time. That's another issue. We do do that several times a year.

Mr. Sieben said I think a couple of the other issues, you do have a very large lot. I think you have multiple lots there. Do you want to touch on that? Do you want to touch on how you might be screening these?

Mr. Allison said I do have a large lot. The lot is 179 by 181. It is a little larger than the standard, if you will, city property. It was actually 2 lots. About where the house driveway is, is where the 2 lots were separated. We conjoined those a few years ago into one tax property. At the time we built the house, we actually annexed the southernmost lot into the city so that we would have a unified property and we could build across those 2 parcel property lines. We have a fair amount of real estate there to do it. As you can see from the picture, there is existing gravel on both sides of the framed garage and that's where stored my utility trailer and the RV's traditionally over the years anyway. In terms of screening, what we plan on doing, we've recently just refreshed all the gravel with reclaimed asphalt. That was done in the last 3 weeks. We intend on putting moveable gates on each side of the framed garage that is there, so that will provide effective screening of the vehicles when they are parked, but be able to be opened for accessibility.

Mr. Sieben said so you'll keep the vehicles behind the front of that detached garage and then have a little screened fence.

Mr. Allison said correct. Now as an alternative, there is a cottonwood tree that is there that we're removing just north of the gravel driveway. We are actually removing it because it's got a problem with ants. That's going to be coming down and getting completed out this fall. When the weather gets colder, we've also considered maybe putting some kind of a natural landscape planting screen that would screen that side of it.

Mr. Sieben said that would always be good.

Mr. Allison said right because we can go a little higher, get a little more blocking visibility for the large 5th wheel that will be on that north side.

Mr. Sieben said staff doesn't do recommendations on variances. We'll kind of lay out the facts and we will maybe kind of stress like what you did, some of the unique characteristics of the property or length of time you've had them, screening and things like that. Those will all come into play. We are going to vote this out next week. You don't need to be here next week. You just need to be here at the Zoning Board hearing, which will be Wednesday, December 6th at 6:30 p.m.

1	DST Staff Council (Planning Council)	11/28/2017	Forwarded	Zoning Board of Appeals	12/06/2017	Pass
	<p><b>Action Text:</b> A motion was made by Mr. Broadwell, seconded by Mrs. Vacek, that this agenda item be Forwarded to the Zoning Board of Appeals, on the agenda for 12/6/2017. The motion carried by voice vote.</p> <p><b>Notes:</b> Mr. Broadwell said the Petitioner was here last week. I think we are all set for this to go to ZBA on December 6th. I move to vote this out of Planning Council for ZBA on December 6th. Mrs. Vacek seconded the motion. The motion carried unanimously.</p>					
2	Zoning Board of Appeals	12/06/2017	Forwarded	Planning & Development Committee	12/14/2017	Pass
	<p><b>Action Text:</b> A motion was made by Mr. Pilmer, seconded by Mrs. Anderson, that this agenda item be Forwarded to the Planning &amp; Development Committee, on the agenda for 12/14/2017. The motion carried.</p> <p><b>Notes:</b> Mr. Broadwell said the variances requested by the Petitioner, Michael Allison, are to allow the storage of 2 additional recreational vehicles on the subject property and to allow the storage of recreational vehicles that are greater than 25 feet in length and 11 feet in height. A little bit of background. The subject property is zoned R-1 One Family Dwelling District. It is located in a neighborhood that is generally residential. The subject property is about .75 acres, which in looking at it you can see the parcel map in your Property Research Sheet and Legistar packet. It is a little bit, generally, larger than the surrounding residential properties. The lot frontage is almost 179 feet and the lot depth is</p>					

181 feet. On the property there is a 2,100 square foot one story house with a 900 square foot detached garage. You can see a little bit more on your Property Research Sheet. Some more background here. The Petitioner frequently utilizes his recreational vehicles to travel for long distance work trips and for family trips and has been living at this location for over 20 years. There is currently 1 recreational trailer that is stored on the subject property that meets the standards of the Aurora Zoning Ordinance for one zoning lot. Existing restrictions that prohibit adequate storage of additional recreational vehicles on the subject property have proven a hardship for the Petitioner prohibiting an effective and efficient utilization and maintenance of the same vehicles. However, the considerable lot dimensions of the property and the presence of an attached garage allows the Petitioner to adequately screen the parked recreational vehicles from the adjacent residential properties through landscaping and fencing near the property with the property's line.

The Petitioner was sworn in.

Good evening. I'm Mike Allison from 1219 5th Street, Aurora. I'm the owner of the property. I've been storing my RV here for actually a few years before I built the house, which was 1994/1995. This was the first time we've been notified by the city that we were in violation of ordinance and we wanted to make sure that we got right with the city. After working with the office of Property Standards and with Planning Council, we decided that going after this variance was our best solution. The property has adequate storage and as you can see on the screen overhead, this is a Google Maps satellite view of the property. The framed garage to the south has adequate storage on the side on the south side of it for one RV and on the other side for the second RV. There are existing gravel driveways, which have been refreshed with crushed asphalt this fall. We plan on adding additional screening to the front side of the property, which won't interfere with egress to the vehicles, but will provide better screening for the street.

Mrs. Truax said so are the RV's visible from the street?

Mr. Allison said when you drive by the house, directly in front, correct. They would be.

Mrs. Truax said I don't know the age of the map or anything. Is that pretty much where things are?

Mr. Allison said correct. That one is a year or so old, but yes that's pretty much the location.

Mrs. Truax said so you have cars in addition to the...

Mr. Allison said those are not there now.

Mr. Sieben said I believe this aerial is a few years old. It might be 2013. This is actually our GIS, not Google.

Mr. Broadwell said I think it is actually 2016.

Mr. Sieben said 2016. But Mr. Allison has removed the other miscellaneous vehicles. I believe he does have a very small pull behind trailer and then he is asking for the variance for the two very large pull behind RV trailers.

Chairman Cameron said now is the 900 square foot garage, was that part of the house that was on this other lot to start with or how did that arrive?

Mr. Allison said the property immediately to the north and immediately to the south and our property in the center was all part of Thom Excavating at one point. The small house to the south of us was Grandma and Grampa Thom. The house on the north was built by Dick Thom, I believe, in the 60's. When Dick was relocating, he sold the center property to my Father-in-Law, who in turn sold it to us. That framed garage was there. They used that for storing equipment and trucks years ago. I believe the garage was built in the late 40's or early 50's.

Chairman Cameron said now when you say the gravel was replaced with crushed asphalt, what is

*crushed asphalt?*

*Mr. Allison said reclaimed asphalt, grindings.*

*Chairman Cameron said sticker and grindings.*

*Mr. Allison said correct.*

*Mrs. Truax said I'm assuming that letters went to the neighbors. Did we have any response from the neighbors or how do they feel about this?*

*Mr. Broadwell said we did do the mailing and we didn't have any responses.*

*Mrs. Truax said do you know how your neighbors feel about this?*

*Mr. Allison said we have had no complaints or comments from the neighbors other than they are okay with it and that's the neighbor immediately to the south. They would be the most impacted.*

*Chairman Cameron said that's the long narrow house?*

*Mr. Allison said correct.*

*Chairman Cameron said is your intent to store the recreational vehicles in the spot where the single one is now?*

*Mr. Allison said it would be one on each side of the framed garage, behind the front line of that framed garage.*

*Chairman Cameron said would those be, in effect, prepared pads?*

*Mr. Allison said currently right now it is reclaimed asphalt.*

*Mrs. Truax said I guess this is a question for staff. If the variance is allowed, it stays with the property or it stays with the Petitioner?*

*Mr. Sieben said it would stay with the property, but it is fairly specific to what he is doing there. I'm not sure this would be real applicable to another owner, but it does stay with the property. I think we have pretty specific sizes we are varying.*

*Mr. Broadwell said yes. We do have sizes.*

*Mr. Sieben said and I believe Mr. Allison also stated he would, are you going to put a fence up on each side of that garage for additional screening?*

*Mr. Allison said correct, as well as natural plantings also.*

*Chairman Cameron said is that a fence or more of a gate?*

*Mr. Allison said it will be more of a moveable gate. For outward appearances from the street, it will look like a piece of fence.*

*Chairman Cameron said I noticed in here the proposal is to allow storage of recreational vehicles that are greater than 25 feet in length and 11 feet in height. In that kind of a proposal, it could be 40 feet long. Is that the intent that we are doing here?*

*Mr. Allison said my personal RV that I store is 39 feet, 8 inches long and it is 13'5" tall.*

*Mr. Sieben said I think we would be glad to be specific with what he has. We could modify that if*

*that's the wish of the Commission, or the Board.*

*Mrs. Truax said we are limiting this to 2 now?*

*Mr. Allison said correct.*

*Chairman Cameron said where does the utility trailer fit in?*

*Mr. Allison said it fits behind on the south side, behind where the RV would be parked, so it actually sits at the back line of the garage back 4 to 15 feet.*

*Chairman Cameron said that trailer in all ways conforms, except for the number?*

*Mr. Sieben said correct. So we are considering that the one that you can have. Then the 2 oversized ones are for the variance.*

*Mrs. Truax said can you say that again.*

*Mr. Sieben said he has a small pull behind utility trailer. That's allowed on the property where it is and the size is fine, so the variance is for the 2 large RV pull behinds.*

*Mrs. Truax said okay so the variance is actually for 2 trailers?*

*Mr. Sieben said for 2 additional, correct.*

*Mrs. Truax said 2 additional ones.*

*Mr. Sieben said correct, yes.*

*Chairman Cameron said are these basically 5th wheel trailers? Is that what they are?*

*Mr. Allison said mine is. My son's is a regular pull behind.*

*Chairman Cameron said and that's where you get the extra height.*

*Mr. Allison said yes. The 5th wheel is taller, yes sir.*

*Mrs. Cole said I'm kind of having a problem with this because, and I guess this is maybe a question for staff. Are we setting a dangerous precedent? I know this is an oversized lot. This lot is very large, but I remember when we changed these rules and there were multiple RV owners, I believe, who were not very happy with the city's new rules because they liked having their large RV next to the kitchen where they could load it and unload it for weekend trips all week long. Also the fact that this would stay with the property, would there be anything to preclude when this gentleman does not own this property that the next owner, say his cousin Bob and his Uncle Jack have RV's that they would like to store somewhere so they bring them to this property and store them. That's a lot of questions for staff.*

*Mr. Sieben said at least 2 main questions there. The last question, and this goes to Mrs. Truax, I think we have in the past limited the variance to the property owner. I think we have done that. Our thought was that this is very specific. We could limit the variance and the size of the trailers specifically to what he has, but I think we can limit it to the property owner that if he does sell it that that variance would go away. As far as a precedent, you know we do allow a certain amount of time for loading and unloading. Mr. Allison was aware of that. He was complying for a while, but due to his business travels and so on he wanted to ask for these to be here as long as they were screened. If you recall, we approved one over at Foran and Colorado. It was screened with a large fence. We've approved very, very few of these since I've been here. I think the way we looked at this is that as he testified, historically this was actually kind of a commercial site with Thom Excavating. This is a very large lot. It is at least 3 times larger than the lots on either side of it and he does have adequate area to set*

these aside in the back and screen them so we really felt that this was kind of a unique type of lot that it may not be setting a precedent, even though we don't give recommendations. Those are our thoughts.

Mrs. Truax said a couple more questions. Is there a fence in the back between the Pearl Street residence and yours?

Mr. Allison said yes there is, plus there are also a lot of trees that grow along that fence line to provide natural screening as well.

Mrs. Truax said okay and so the fence on the picture is being obscured by the...

Mr. Allison said by the trees and growth, correct.

Mrs. Truax said by the boundary line that's drawn there?

Mr. Allison said yes.

Mr. Sieben said back to Mrs. Cole, we get some requests for this type of thing and usually we can work something out with the homeowner. They usually don't get to this stage where they apply for a variance. Either we work out the loading and unloading or we give them time to find other places. Again, this was, we thought, more of a unique property and a situation.

Mr. Pilmer said are all the neighboring properties there annexed into the city?

Mr. Sieben yes, I believe they are. I think just south of here you get Township

Mr. Allison said the house immediately to the south is still Township. The house immediately to the north is city and the properties behind on Pearl Street, I believe, are all City of Aurora.

Mr. Sieben said if you look at the TV, actually to the east across the street, that is outside of the city and actually the little house to the south is outside. You do have some duplexes and apartments to the west.

Mr. Pilmer said did I read in here somewhere, did you annex it in?

Mr. Allison said correct. It was originally 2 tax parcels. One part was in the Township, the south. The north was already in the city. We annexed into the city in order to be able to build the house.

Mrs. Truax said so this would be limited to the property owner's own trailers, not open for storing other people's trailers?

Mr. Sieben said correct.

Mrs. Truax and that would be a violation?

Mr. Sieben said correct.

Mr. Allison said I believe that the ordinances for the city for storage already require that and we are not asking to exclude that.

Chairman Cameron said do you own both of them?

Mr. Allison said my son, who lives with us, owns the second.

Chairman Cameron said I don't know how you change that wording because physically and technically there are 2 owners.

Mr. Allison said I'm the only owner of the house, but yes. I would say if it is a resident to the property I would say would be applicable.

Chairman Cameron said it seems to me as though, as I know from my children, you never know what and where they are going to be, but you might want to have it that no else outside of the close personal family is in there because we wouldn't want to have it as a rentable space.

Mr. Sieben said right. In other words, if they sell these and then they rent it out to similar size, right.

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

MOTION OF APPROVAL WAS MADE BY: Mr. Pilmer

MOTION SECONDED BY: Mrs. Anderson

Mrs. Cole said I have a question on the motion. Are we going to put on that this is for the residents? Do we need to do that to clarify it so it stays with the Petitioner?

Mr. Sieben said yes, you should make that part of your motion.

Mr. Pilmer said that in the event of a sale it would fall off because there is always going to be a resident living there.

Mr. Sieben said this is for the current owner and immediate family.

Mr. Pilmer said so for the existing owner and it would fall off in the event of sale or change of title.

MOTION OF APPROVAL WITH THE RESTRICTION WAS MADE BY: Mr. Pilmer

MOTION SECONDED BY: Mrs. Anderson

AYES: Mrs. Anderson, Mr. Bergeron, Mrs. Cole, Mr. Pilmer

NAYS: Mrs. Truax

#### FINDINGS OF FACT

1. Is the proposal in accordance with all applicable official physical development policies and other related official plans and policies of the City of Aurora?

Mrs. Cole said these are listed in the staff report.

2. Does the proposal represent the logical establishment and/or consistent extension of the requested classification in consideration of the existing land uses, existing zoning classifications, and essential character of the general area of the property in question?

Mr. Pilmer said the variance is unique to the existing property in that it is a double lot in the general area.

3. Is the proposal consistent with a desirable trend of development in the general area of the property in question, occurring since the property in question was placed in its present zoning classification, desirability being defined as the trend's consistency with applicable official physical development policies and other related official plans and policies of the City of Aurora?

Mrs. Truax said I don't think it is necessarily consistent with a desirable trend of development. That's why it is a variance and that's why I think we stipulated that it stays only with the existing property owner and does not translate to later on whether somebody can also do this variance.

4. Will the proposal maintain a compatible relationship with the traffic pattern and traffic volume of adjacent streets and not have an adverse effect upon traffic or pedestrian movement and safety in the general area of the property in question?



Mr. Pilmer said the variance should have no impact.

5. Will the proposal allow for the provision of adequate public services and facilities to the property in question and have no adverse effect upon existing public services and facilities?

Mrs. Anderson said they are all in place.

6. Does the proposal take adequate measures or will they be taken to provide ingress and egress so designed as to maximize pedestrian and vehicular circulation ease and safety, minimize traffic congestion, and not substantially increase the congestion in the public streets?

Mrs. Truax said I don't think that's an issue in this petition.

8a. Is the variance based on the particular physical surroundings, shape or topographical conditions of the specific property involved so that a particular hardship to the owner would result, as distinguished from a mere inconvenience, if a strict letter of regulations were carried out?

Mr. Pilmer said based on the information we received tonight in our packet, it does seem that a hardship would result and the variance is based on the uniqueness of the property and the surrounding area.

8b. Is the variance based on unique conditions to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification?

Mrs. Cole said this is a very large lot and most lots within the City of Aurora with this zoning classification are not this large.

8c. Is the variance based on an alleged difficulty or hardship that is caused by the ordinance and has not been created by any person presently having an interest in the property?

Mr. Pilmer said I would say that's correct, that the variance is based on an alleged hardship due to the ordinance.

Mr. Broadwell said this will next be heard at the Planning and Development Committee meeting on Thursday, December 14, 2017, at 4:00 p.m. in the 5th floor conference room of this building.

Aye: 4 At Large Anderson, At Large Bergeron, At Large Cole and At Large Pilmer  
Nay: 1 At Large Truax

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