



# City of Aurora

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

## Legistar History Report

**File Number: 16-00484**

<b>File ID:</b> 16-00484	<b>Type:</b> Petition	<b>Status:</b> Draft
<b>Version:</b> 2	<b>General Ledger #:</b>	<b>In Control:</b> Planning & Development Committee
<b>File Name:</b> Mark Keith / 551 Old Indian Trail / Shed Setback Variance		<b>File Created:</b> 05/24/2016
		<b>Final Action:</b>

**Title:** An Ordinance Approving a Size Variance for a shed (200 sf. and 20 foot wall length) for property located at 551 Old Indian Trail

**Notes:**

**Agenda Date:** 07/28/2016

**Agenda Number:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Property Research Sheet - 2015-10-26 - 2015.260.pdf, Land Use Petition and Supporting Documents - 2016-05-19 - 2015.260.pdf, Plat of Survey - 2016-05-19 - 2015.260.pdf, Legistar History Report - 2016-07-14 - 2015.260.pdf, Findings of Facts.pdf

**Enactment Number:**

**Planning Case #:** AU16/2-15.260-V

**Hearing Date:**

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

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Committee of the Whole	06/07/2016	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)	06/14/2016					
	<b>Notes:</b>		<i>Mr. Sieben said we had a meeting with Mr. Keith. Basically he replaced a shed on his property with an oversized shed that he had delivered, I think, from Wisconsin. It is 10 by 20. It is too large. It is also too close to the lot line on Indian Trail. What he is proposing to do is he will have the shed moved so it is a 5 foot setback off the rear lot line and he would just be asking for a size variance for the shed. He was not able to be here today. He does have a very large lot, so we will set this for a Zoning Board of Appeals and I will be getting a date for him. It will be sometime in July though.</i>				
1	DST Staff Council (Planning Council)	06/21/2016					
	<b>Notes:</b>		<i>Mr. Sieben said this will go to the July 20th ZBA. I need to work on notices for that.</i>				
1	DST Staff Council (Planning Council)	06/28/2016					

**Notes:** Mr. Sieben said notices went out. This will go to the July 20th Zoning Board of Appeals meeting.

- 1 DST Staff Council 07/05/2016  
(Planning Council)  
**Notes:** Mr. Sieben said this will go to the July 20th ZBA.
  
- 1 DST Staff Council 07/12/2016 Forwarded Zoning Board of Appeals 07/20/2016 Pass  
(Planning Council)  
**Action Text:** A motion was made by Mr. Sieben, seconded by Mr. Minnella, that this agenda item be Forwarded to the Zoning Board of Appeals, on the agenda for 7/20/2016. The motion carried by voice vote.  
**Notes:** Mr. Sieben said I make a motion to move this forward to the July 20th ZBA meeting. Mr. Minnella seconded the motion. The motion carried unanimously.
  
- 2 Zoning Board of Appeals 07/20/2016 Forwarded Planning & Development Committee 07/28/2016 Pass

**Action Text:** A motion was made by Mr. Pilmer, seconded by Mr. Bergeron, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 7/28/2016. The motion carried.

**Notes:** Mr. Sieben said the purpose of the hearing tonight is the Petitioner, Mr. Mark Keith who is here, is requesting approval of a size variance for a shed on his property at 551 Old Indian Trail. The shed is 250 square feet in size, which is 10 by 20 feet, which exceeds the maximum allowed size by 40 square feet. Also the 20 foot wall length exceeds the maximum wall length by 4 feet. The maximum for a shed is 160 square feet with a 16 foot wall max. A little background, Mr. Keith replaced a smaller existing shed with the current shed in 2015. A Zoning Inspector noticed the new shed because it does back up to Indian Trail Road and cited it for needing a permit. A permit could not be issued in that it was too large and only 1 foot from the rear property line. It is required to be 5 feet off the rear property line. We had a subsequent meeting with Mr. Keith and after discussion Mr. Keith offered to have the shed moved to the proper location so it wasn't right on the property line. Staff agreed not to object to a variance for the size and wall length if it was moved to the property location. Staff feels that the 10 by 20 shed does not impede the use of property or adjoining proper due to the very large size of the lot. The lot is 4/10 of an acre. It is about 80 by 220, so it is one of the larger lots in Aurora. The overall size of the shed will not be unduly large. Mr. Keith did indicate in his Qualifying Statement that he needed the larger shed for additional storage of yard equipment and other holiday items. Staff also feels the quality of the shed is of very high materials. So that is the background. Unless there are any questions of me, I can turn it over to the Mr. Keith.

The Petitioner was sworn in.

Good evening. I'm Mark Keith. My address is 551 Old Indian Trail, Aurora, Illinois. As Ed was saying, basically what I'm trying to do is get the shed approved. I pretty much did everything that they've asked me to do. I've move it, which wasn't the easiest to say the least. I'm just looking for an approval.

Chairman Cameron said are you 5 feet away from the fence line?

Mr. Keith said yes. I am 5 feet away from the fence line and I've actually centered the shed, so it is in the center of the property. It meets everything that they've asked me to do. There is nothing left except for just to get it actually approved.

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

Mr. Sieben said technically we don't do approval or negative recommendations on variances. It is looked at as hardship or practical difficulty. However, as based on the testimony I've already given and the fact that the variance should not impair use of neighboring properties or impair property values, staff would not object to said variance. I don't really think this would set a precedent. Again, it is high quality. It is on a very, very large lot and, again, as long as it meets to the setback requirements, I don't think it would have any impact on the neighboring properties.

MOTION OF APPROVAL WAS MADE BY: Mr. Pilmer  
 MOTION SECONDED BY: Mr. Bergeron  
 AYES: Mr. Bergeron, Mrs. Cole, Mr. Pilmer, Mrs. Truax  
 NAYS: None

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 it is except for the size of the shed and that's what the variance is for is so that the little larger shed can be on this very large piece of property.*

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 I would say granting the variance is a logical consideration based on the existing zoning classification and the overall size of the property.*

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?*

*Mr. Pilmer said the variance is for basically a slightly oversized storage shed, so albeit it may not comply based on the size, however, the variance is granted based on the size of the lot and the overall high quality condition of the storage shed.*

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. Bergeron said this should have absolutely no effect on traffic.*

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?*

*Mr. Bergeron said all these services are in effect right now.*

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. Cole said this will have no effect on traffic in the public streets. The only one that will be accessing the shed will be the property owner.*

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 I believe the hardship here is the Petitioner and property owners made a significant investment to make an improvement to his overall property and, therefore, based on the overall situation, I think the variance is warranted.*

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 size of shed would not be appropriate on a smaller lot.*

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?*

*Mrs. Cole said the variance is based on the fact that the gentleman invested in a larger sized shed than what the city allows. However, he stores yard equipment in it and I would assume that perhaps his yard equipment is a little larger than an ordinary sized lot's lawn mower. When it was called to his attention, he did what the city requested of him, so I think we are okay with this.*

*Mr. Sieben said this will next be heard at the Planning and Development Committee meeting on*

*Thursday, July 28, 2016, at 4:00 p.m. in the 5th floor conference room of this building.*

Aye: 4 At Large Truax, At Large Bergeron, At Large Cole and At Large Pilmer

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