



City of Aurora

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

Legistar History Report

File Number: 15-00598

File ID: 15-00598

Type: Petition

Status: Draft

Version: 3

General Ledger #:

In Control: Planning & Development Committee

File Created: 07/01/2015

File Name: A Touch of Glass and Mirror / 939 Montgomery Avenue / Variance

Final Action:

Title: An Ordinance Granting a Setback Variance for property located at 939 Montgomery Avenue (A Touch of Glass and Mirror - L15-00598 / AU29/4-15.075-V - ES - Ward 4) (PUBLIC HEARING)

Notes:

Agenda Date: 08/27/2015

Agenda Number:

Sponsors:

Enactment Date:

Attachments: EXHIBIT A Legal Description.pdf, Property Research Sheet - 2015-03-24 - 2015.075.pdf, Land Use Petition and Supporting Documentation - 2015-07-01 - 2015.075.pdf, Plat of Survey - 2015-07-01 - 2015.075.pdf, Final Plan - 2015-07-01 - 2015.075.pdf, Building Elevations - 2015-07-01 - 2015.075.pdf, Legistar History Report - 2015-08-12 - 2015.075.pdf, Findings of Fact (ZBA).pdf

Enactment Number:

Planning Case #: AU29/4-15.075-V

Hearing Date:

Drafter: esieben@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	07/07/2015	Forward to Planning Council	DST Staff Council (Planning Council)	07/14/2015		
	Action Text: This Petition was Forward to Planning Council to the DST Staff Council (Planning Council)						
1	DST Staff Council (Planning Council)	07/14/2015					
	Notes: Mr. Sieben said this is right across from Papa G's. This is a very small lot where the business has been there a number of years. They currently park a couple of trucks on the south side of the building there. They'd like to enclose that into a garage space instead of having the trucks outside, so that would be a setback variance because of the existing conditions and then lot coverage. I'll be reviewing that and getting back with the Petitioner.						
1	DST Staff Council (Planning Council)	07/21/2015					

Notes: Mr. Sieben said I will be reviewing this and getting them the notice information.

Mr. Krientz said I am still waiting for a Fire Access Plan from them and have been in contact with them.

Mr. Sieben said this is set for the August 19th Zoning Board of Appeals.

1 DST Staff Council 07/28/2015
(Planning Council)

Notes: Mr. Sieben said they are doing a small addition. Public notice information has gone out. This is set for the August 19th Zoning Board of Appeals. Gary, I understand you just approved the Fire Plan that was sent to you. I don't think they sent the Fire Plan to me, so I'll ask them to get a file of it for our records.

Mr. Wiet said do they own the property to the south?

Mr. Sieben said no. There is a little house there that is zoned M-1, so we'll see if the neighbor has any issues or wants any type of screening like a fence or something.

1 DST Staff Council 08/04/2015
(Planning Council)

Notes: Mr. Sieben said this is going to the August 19th ZBA. We'll be voting this out next week.

1 DST Staff Council 08/11/2015 Forwarded Zoning Board of Appeals 08/19/2015 Pass
(Planning Council)

Action Text: A motion was made by Mr. Sieben, seconded by Mr. Beneke, that this agenda item be Forwarded to the Zoning Board of Appeals, on the agenda for 8/19/2015. The motion carried by voice vote.

Notes: Mr. Sieben said I do need to make a motion to move this forward. This is going to the August 19th ZBA meeting. This is for a small addition to the existing Touch of Glass and Mirror at 939 Montgomery Avenue. The small addition is basically essentially the size of a 2 car garage addition with a, I think, small office and storage space also in there. It is really to enclose where they currently keep their couple of trucks. This is in a manufacturing area, so I make a motion to move this forward to the August 19th ZBA. Mr. Beneke seconded the motion. The motion carried unanimously.

3 Zoning Board of Appeals 08/19/2015 Forwarded Planning & Development Committee 08/27/2015 Pass

Action Text: A motion was made by Mrs. Cole, seconded by Mrs. Anderson, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 8/27/2015. The motion carried.

Notes: Mr. Sieben said the Petitioner, A Touch of Glass and Mirror, is proposing a setback variance for their property. This is down just off of Lake Street at 939 Montgomery Avenue. This is zoned M-1. Surrounding properties are also zoned M-1 Light Manufacturing. This is in an industrial area in our Comprehensive Plan. The Petitioner wishes to add an 18 by 26 foot garage addition of 680 square feet on the south side of the building. On the screen you see the site plan with the property outlined with a dashed line. Currently where the addition is proposed there is a storage area where there are generally 2 trucks stored outside. They've been broken into in the past. The addition is in line with the rest of the building, hence there would be a 2 foot setback to the rear lot line and a 3 foot setback to the south lot line. Again, this is being built to the minimum size to fit their 2 trucks. This area is zoned and planned industrial. It is an existing business. It does not create negative impacts on surrounding property and will enclose current commercial vehicles on the property. That's the staff report. If there are any other questions of me, otherwise I can turn it over to the Petitioner's representative.

The Petitioners were sworn in.

I'm Scott Van Duzor. I will be the builder representing John Anderson, who is the owner. Ed explained it very well. I don't know what I can even add.

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 staff recommends approval of the setback variance for the addition at 939 Montgomery Avenue.

MOTION OF APPROVAL WAS MADE BY: Mrs. Cole

MOTION SECONDED BY: Mrs. Anderson

AYES: Mrs. Anderson, Mr. Cameron, Mrs. Cole

NAYS: None

FINDINGS OF FACT

1. *Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if a strict letter of regulations were carried out.*

Mrs. Cole said this is true. The lot is a very small sized lot and he is building the minimum size garage he can build that will fit his 2 trucks and he still needs the variance.

2. *The conditions upon which the petition for a variance is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.*

Mr. Cameron said it is a unique site, a very small lot and will move the trucks that are currently parked outside to within the inside of a building, which will make it less likely that they can be accessed or damaged and it should also make it look better in the area by moving the stuff inside.

3. *The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property.*

Mrs. Cole said the hardship is created by the ordinance and actually the last time any action was taken on this property was in 1925 and I doubt too many businesses had 2 trucks in 1925.

4. *The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

Mrs. Anderson said it will not be detrimental to the public health, welfare, or injurious to other property or improvements in the neighborhood in which the company is located.

5. *The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

Mr. Cameron said it should be an improvement to the area and improve the looks of the site.

Mr. Sieben said this will next be heard at the Planning and Development Committee meeting a week from tomorrow, Thursday, August 27, 2015, at 4:00 p.m. in the 5th Floor Conference Room of this building.

Aye: 3 At Large Cameron, At Large Cole and Anderson
