

COMMITTEE OF THE WHOLE MEETING MONDAY, APRIL 16, 2018 NORTH AURORA VILLAGE HALL - 25 E. STATE ST.

(Immediately following the Village Board Meeting)

AGENDA

CALL TO ORDER

ROLL CALL

AUDIENCE COMMENTS

TRUSTEE COMMENTS

DISCUSSION

- 1. 511 Sharon Lane Variance Request
- 2. Business District Design Standards
- 3. FY 2018-19 Budget Discussion

EXECUTIVE SESSION

ADJOURN

Initials _____

VILLAGE OF NORTH AURORA BOARD REPORT

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES

CC: STEVE BOSCO, VILLAGE ADMINISTRATOR

FROM: MIKE TOTH, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR

SUBJECT: PETITION 18-04: 511 SHARON LANE FENCE HEIGHT VARIANCE

AGENDA: 4/16/2018 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

The subject property is situated on Sharon Lane at the entrance to the Hickory Court cul-de-sac and is of a 'peninsula' configuration. The petitioner is requesting a variance to erect a six (6) foot backyard fence. As the Plan Commission staff report will demonstrate, the configuration of the subject property is atypical and can be classified as a number of different lot types, which makes interpreting the allowable fence height in this situation difficult. It is of the interpretation of the Community and Economic Development Director that the petitioner would be allowed to erect a four (4) foot fence in the proposed location.

A public hearing was held on this item before the Plan Commission at their April 3, 2018 meeting. The Plan Commission had questions regarding the allowable fence height in the various areas of the property, which were answered by staff. After discussions with several surrounding property owners (only one was in attendance of the public hearing), the neighbors were not opposed to the variance as long as the fence was placed on the inside of the landscaping located in the backyard of the subject property. The submitted plans indicate that the fence will be placed on the inside of said landscaping and the Plan Commission conditioned their recommendation based upon that particular location. The Plan Commission unanimously recommended approval.

Staff is requesting feedback on the proposed variance at this time from the Village Board.

Attachments:

1. Staff report to the Plan Commission

Staff Report to the Village of North Aurora Plan Commission

FROM: Mike Toth, Community and Economic Development Director

GENERAL INFORMATION

Meeting Date: April 3, 2018

Petition Number: 18-04

Petitioner: Troy Johnson

Request: Fence height variance.

Subject Property(s): 511 Sharon Lane

Parcel Number(s): 12-34-405-022

Size: Approximately 0.33 acres

Current Zoning: R-1 Single Family Residence

District

Contiguous Zoning: North, South, East & West -

R-1 Single Family Residence District

Contiguous Land Use: North, South, East & West

- Single Family Residences

BACKGROUND

The petitioner is requesting a variance to erect a six (6) foot backyard fence. As the information below is intended to demonstrate, the configuration of the subject property is atypical and can be classified as a number of different lot types, which makes interpreting the allowable fence height in this situation difficult. It is of the interpretation of the Community and Economic Development Director that the petitioner would be allowed to erect a four (4) foot fence in the proposed location.

The subject property is situated on Sharon Lane at

the entrance to the Hickory Court cul-de-sac and is of a 'peninsula' configuration. While the Zoning Ordinance does not have a specific definition for the peninsula configuration, staff believes the subject property falls under three differing definitions of lot types:

Lot, Corner. A lot situated at the junction of, and abutting on, two or more intersecting streets.





Staff Report #18-04 April 3, 2018 Page 2 of 2

Lot, Double-Frontage. A lot, sometimes referred to as a "through lot," having frontage on two streets at opposite ends of the lot, which is not a "Corner Lot."

Lot, Reverse Corner. A "Corner Lot" where the side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear.

*Staff notes that Section 16.12.050 of the Subdivision Ordinance prohibits double frontage lots except where lots back upon a primary street. The subject property does not back upon a primary street.

For reference purposes, the following table illustrates allowable fence heights for residential districts:

Residential Fence Height Table

	Front Yard and/or Corner Side Yard	Interior Side Yard	Rear Yard
Residential and Estate Districts	Fence shall not exceed three feet above grade in front and four feet above grade in corner side yard.	Fence shall not exceed six feet above grade or eight feet above grade if adjacent to a business, office or industrial district.	Fence shall not exceed six feet above grade or eight feet above grade if adjacent to a business, office or industrial district.

The Zoning Ordinance defines a 'yard' as an area on a lot which is unoccupied and unobstructed from its lowest level to the sky, except for obstructions specifically permitted by this Ordinance. A yard extends along a lot line for a depth specified by the zoning district in which such lot is located. The Zoning Ordinance defines the various yards as follows:

Yard, Corner Side. A side yard on a corner lot which abuts a public street.

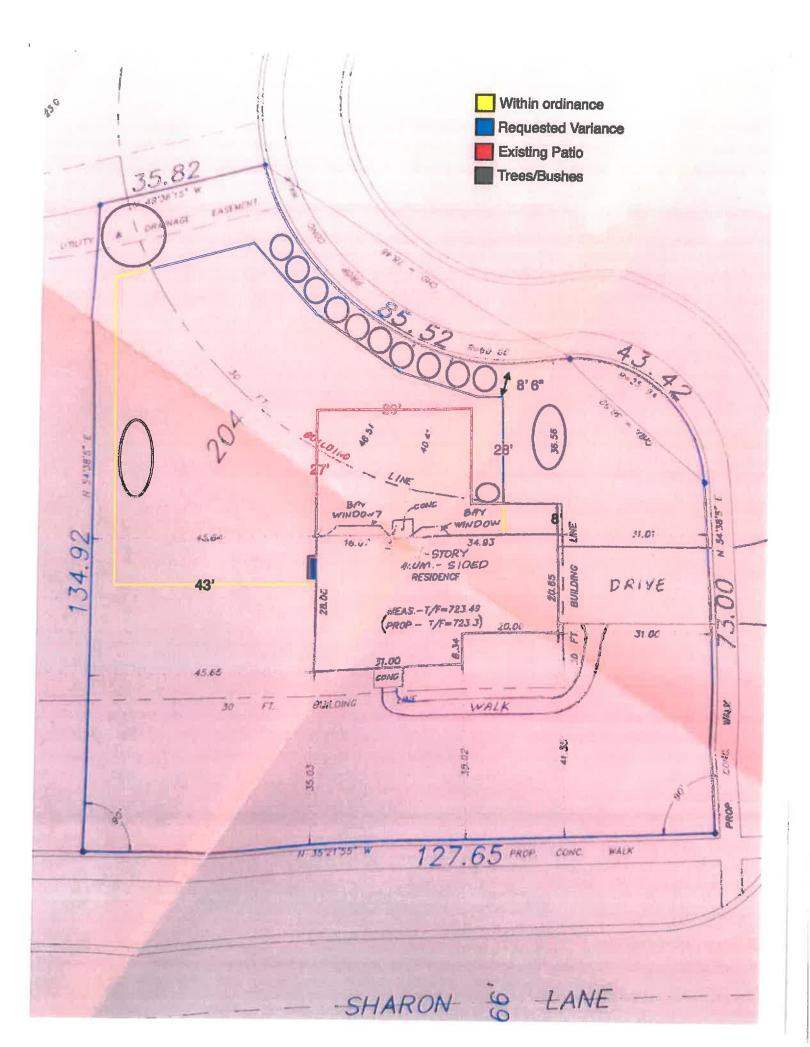
Yard, Front. A yard extending the full width of the lot between side lot lines for the required minimum depth, as specified by the zoning district in which such lot is located, measured perpendicular to the front lot line.

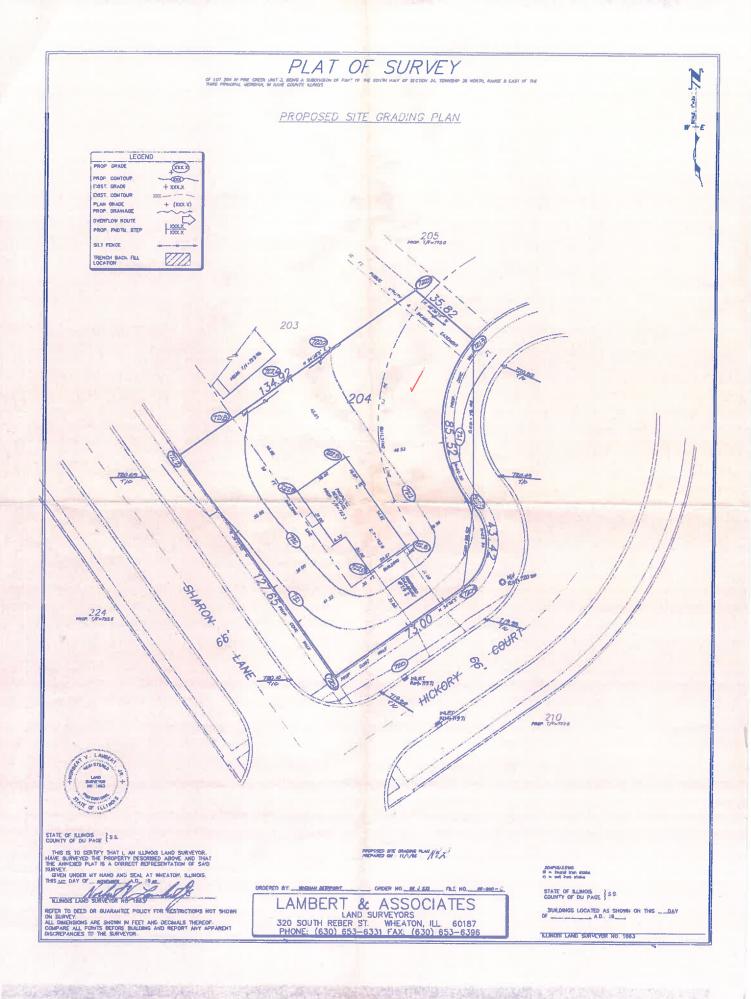
Yard, Rear. A yard extending between the side lot lines for the required minimum depth, as specified by the zoning district in which such lot is located, measured perpendicular to the rear lot line. In the case of an irregular or triangular shaped lot, the rear lot line shall be deemed to be a line ten (10) feet in length, within the lot, which is parallel to and at a maximum distance from the front lot line.

Yard, Reverse Corner Side. A side yard of a reverse corner lot which abuts a public street.

Yard, Interior Side. A side yard that does not abut a street right-of-way.

Yard, Side. A yard extending along a side lot line between the front and rear yard, for the required minimum depth, as specified for the district in which such lot is located, measured perpendicular to the side lot line.





APPLICATION FOR VARIATION

VILLAGE OF NORTH AURORA 25 B. State Street North Aurora, IL 60542		PETITION NO. 18-04				
		FILENAME SII CHARANT LANG COLOR		VAR		
		DATE STAMP	RECEIVED	•		
I.	APPLICANT AND OWNER DATA		MAR 0 9 2019			
	Name of Applicant* Troy Johnson		VILLAGE OF ANDERH AUROBA			
	Address of Applicant 511 Sharon Lane, North Aurora, 80542					
	Telephone No. (630) 687-2673					
	Name of Owner (s) * Troy Johnson					
	Address of Owner (s) 511 Sharon Lane, North Aurora, 80542					
Telephone No. (630) 687-2673						
	Rmail Address Tmjohnso88@gmail.com					
	If applicant is other than owner, attach letter of authorization from Owner					
	Title of Record to the real estate was acquired b					
п.	Address of Property 511 Sharon Lane, North Aurora, 60542 (indicate location of common address) Legal Description: See Plat of Survey					
	Parcel Size .33 Acres					
	Present Use Residential (business, manufacturing, residential, etc.)					
	Present Zoning District R1 (Zoning Ordinance Classification)					
III.	PROPOSED VARIATION(S)					
	Variation requested (state specific measurements) Back yard fence to 6ft Height					
	Code Section that pertains to Variation 17.12.3.C					

Reason for request To allow for the enjoyment of an outdoor, private space as well as an exercise space for my dog. The uniqueness of the property shape falls within a grey area for zoning, restricting my ability to construct a 6ft. fence on my property.

Explanation of purpose to which property will be put Residential.

- IV. Findings of Fact for Variations. A variation from the provisions of the Zoning Ordinance shall not be granted unless the Plan Commission in its recommendation, and Village Board in its decision, makes specific findings of fact directly based on each and every standard and condition imposed by this section. Please provide a written response to each of the following standards for variations: See attached*
 - 1. Hardship. No variation shall be granted unless the applicant shall establish that carrying out the strict letter of the provisions of this Ordinance would create a practical difficulty or particular hardship.
 - 2. Unique Physical Conditions. The subject property is exceptional, as compared to other properties subject to the same provisions, by means of a unique physical condition, including:
 - a. Irregular or substandard size, shape, or configuration; or
 - b. Exceptional topographical features; or
 - c. Presence of an existing use, structure, or sign, whether conforming or nonconforming; or
 - d. Other extraordinary physical conditions peculiar to, and inherent in, the subject property.

These unique physical conditions shall amount to more than a mere inconvenience to the property owner and shall relate to or arise out of the characteristics of the property rather than the personal situation or preference of the current property owner.

- 3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the property owner, or his/her predecessors in title, and it existed at the time of enactment of the provisions from which a variation is sought, was created by natural forces or was the result of governmental action, other than the adoption of this Ordinance.
- 4. Denied Substantial Rights. The carrying out of the strict letter of the provision(s) from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other properties subject to the same provisions.

- 5. Not Merely Special Privilege. The alleged hardship or difficulty is neither merely the inability of the owner or occupants to enjoy some special privilege or additional right not available to owners or occupants of other lots or properties subject to the same provisions, nor merely the inability of the owner to gain a greater financial return from the use of the subject property.
- 6. Conformance with Ordinance and Plan Purposes. The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes of this Ordinance, including the provision from which a variation is sought, or the general purpose and intent of the Comprehensive Plan.
- 7. No Other Remedy. There is no means, other than granting the requested variation, by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a legal and reasonable use of the subject property.
- 8. Minimum Relief Required. The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of the Ordinance.
- 9. Public Welfare. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located.
- 10. Public Safety, Light and Air. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety within the neighborhood in any way.
- 11. Noise and Odor. The proposed variation will not produce excessive noise or odor as to be detrimental to the health and welfare of the public, or which interferes unreasonably with the comfort of the public.

IV. **CHECKLIST FOR ATTACHMENTS** The following items attached hereto and made part hereof: 25 copies of an 8 ½ x 11" or 8 ½ x 14" plot plan of the property showing dimensions of all lot lines, existing and proposed structures and distances from lot lines, easements, and adjoining streets or uses. (large sized copies may be requested by Staff) A list containing the names of registered owners, their addresses and tax parcel number of all properties within 250 feet of the location for which the variation is requested. Legal description. Proof of ownership by deed or title or insurance policy.

Filing fee in the amount of \$200.00 - If payment is r made payable to the Village of North Aurora.	nade by check, it should be			
Letter of authorization from owner, if applicable.				
Disclosure of beneficiaries of Land Trust, if applicable	le,			
The Applicant authorizes the Village of North Aurora representatives to inspection during the hearing process.	enter on to the property to make			
The Applicant is responsible for publishing a legal notice in the newspaper, sending mail notices to properties within 250 feet, and posting a sign on the property advertising the public hearing. These shall be in accordance with village Ordinances at the times decided by the Village of North Aurora.				
I (we) certify that all of the above statements and the statements contained in any documents submitted herewith are true to the best of my (our) knowledge and belief.				
Applicant or Authorized Agent	Date			
Owner /	3/9/18 Date			

- IV. Findings of Fact for Variations. A variation from the provisions of the Zoning Ordinance shall not be granted unless the Plan Commission in its recommendation, and Village Board in its decision, makes specific findings of fact directly based on each and every standard and condition imposed by this section. Please provide a written response to each of the following standards for variations:
- 1. Hardship. No variation shall be granted unless the applicant shall establish that carrying out the strict letter of the provisions of this Ordinance would create a practical difficulty or particular hardship.
- * The zoning for my property insists that the back yard falls under the same limitations as a front yard due to it's unique position on a corner lot with Hickory Ct. directly behind me. With that, it allows for a 6ft fence on half of the yard, and 4ft on the other half. Building within the 4ft limitation would not allow me the same privileges enjoyed by other residents of the neighborhood.
- 2. Unique Physical Conditions. The subject property is exceptional, as compared to other properties subject to the same provisions, by means of a unique physical condition, including:
- a. Irregular or substandard size, shape, or configuration; or
 - b. Exceptional topographical features; or
 - c. Presence of an existing use, structure, or sign, whether conforming or nonconforming; or
 - d. Other extraordinary physical conditions peculiar to, and inherent in, the subject property.

These unique physical conditions shall amount to more than a mere inconvenience to the property owner and shall relate to or arise out of the characteristics of the property rather than the personal situation or preference of the current property owner.

* Refer to question (1) and the proposed plan layout for patio dimensions.

- 3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the property owner, or his/her predecessors in title, and it existed at the time of enactment of the provisions from which a variation is sought, was created by natural forces or was the result of governmental action, other than the adoption of this Ordinance.
- * The limitations are the result of a unique "peninsula" like property shape that fits within a grey area of zoning. It is currently being zoned as essentially having two front yards.
- 4. Denied Substantial Rights. The carrying out of the strict letter of the provision(s) from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other properties subject to the same provisions.
- * The limitations restrict my ability to enjoy the benefits of a 6ft fence around my back yard and prevents me from providing an exercise space for my dog. Other corner lot properties in Pine Creek enjoy the benefits of a 6ft fence (See below)

Applicatin for Variation Page 2 of 5

- 5. Not Merely Special Privilege. The alleged hardship or difficulty is neither merely the inability of the owner or occupants to enjoy some special privilege or additional right not available to owners or occupants of other lots or properties subject to the same provisions, nor merely the inability of the owner to gain a greater financial return from the use of the subject property.
- * The hardship is the result of a unique property shape and position. Other corner lots enjoy the benefits of a 6ft fence (Ie. 600 Sharon Lane) across the street from my property.
- 6. Conformance with Ordinance and Plan Purposes. The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes of this

Ordinance, including the provision from which a variation is sought, or the general purpose and intent of the Comprehensive Plan.

- * The fence would act only as a standard structure around the perimeter of my property.
- 7. No Other Remedy. There is no means, other than granting the requested variation, by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a legal and reasonable use of the subject property. All other viable options have been exhausted.
- *Under the current zoning the structure would run at a diagonal across the center of my property and require the destruction, and rebuilding of my patio. The space enclosed as a result would not allow enough room to be usable.

The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of the Ordinance.

- * My request is only to have the portion of the fence zoned for 4ft height, to be adjusted to 6ft height.
- 9. Public Welfare. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located.
- * My intention is to be a constructive member of this town, community, and the Pine Creek neighborhood. This project will not under any circumstance limit, or endanger the well being of any of the aforementioned.
- 10. Public Safety, Light and Air. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety within the neighborhood in any way.

- * There will not be any limitations of resources, or public safety to the surrounding neighbors as a result of this structure.
- 11. Noise and Odor. The proposed variation will not produce excessive noise or odor as to be detrimental to the health and welfare of the public, or which interferes unreasonably with the comfort of the public.
- * To elaborate on the above (10) This structure will not produce any harmful effect on the environment, whether health related, or aesthetically.

VILLAGE OF NORTH AURORA BOARD REPORT

TO:

VILLAGE PRESIDENT & BOARD OF TRUSTEES

CC: STEVE BOSCO, VILLAGE ADMINISTRATOR

FROM:

MIKE TOTH, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR

SUBJECT:

PETITION 18-05: BUSINESS DISTRICT DESIGN STANDARDS

AGENDA:

4/16/2018 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

In an effort to expand economic development activities, including marketing and promoting of North Aurora, a goal of the Strategic Plan is to review the Zoning and Sign Ordinances when appropriate.

Chapter 8.4 of the Zoning Ordinance establishes design standards for commercial development. Upon review of the previous Zoning Ordinances, staff was unable to locate any business district design standards; therefore, the standards were adopted with the new Zoning Ordinance on January 1, 2013. After reviewing the design standards, staff discovered many inconsistencies with the standards, and is of the opinion that the standards do not take into consideration the built environment of North Aurora. More specifically, many of the existing commercial buildings in the Village would be deemed non-conforming with respect to the adopted design criteria. As such, staff has only used the standards as general guidelines thus far.

Chapter 4.4 of the Zoning Ordinance sets forth provisions for the site plan review process. Site plan review is required for all new multi-family, townhouse, commercial, and industrial development and additions of the like over 25% of the floor area. The site plan review process and special use process provides staff, Plan Commission and Village Board the authority to review and require certain building design elements, if desired.

Staff has drafted amendments to the business district design standards. The amendments would re-establish the standards as guidelines. Staff believes that the authority to require preferred elements still remains through the site plan review and special use processes (as conditions of approval). This would allow each development to continue to be viewed in the context of surrounding developments, including existing planned unit developments.

Staff requested input from the Plan Commission on the subject matter at a workshop session on February 6, 2018. The Plan Commission did not have an issue with pursuing the text amendments, but wanted to ensure that the Village maintained authority to require certain elements. A public hearing was held on this item on April 3, 2018 and the Plan Commission again restated their concern regarding the delegation of authority to regulate design and architectural features. The Plan Commission also wanted design provisions to be required of redevelopment projects, not just new construction. The Plan Commission unanimously recommended approval of the text amendments under the condition that language is added regarding redevelopment projects.

Staff is requesting feedback on the proposed text amendment at this time from the Village Board.

8.4 - Business district design standards guidelines.

To promote orderly development and ensure compatibility with development on adjacent property, it is recommended that development and redevelopment within all Business Districts shall comply with observe the design standards of this section. These guidelines will be used as a basis during the site plan review process and may become conditions of approval during the site plan review and/or special use process. Franchise establishments must also adhere to these standards. Figure 8-1: Business Design Guidelines illustrates these design guidelines.

A. Facade.

- 1. Multi-story buildings shall be designed with a definable base, middle and top. Rooflines, cornice treatments and window designs should divide larger buildings.
- 2. Facades of buildings, including side facades, shall should be visually broken into bays to avoid the appearance of large, blank walls. When visible from the public right-of-way, facades must should include architectural features to avoid the appearance of blank walls facing the street. These include, but are not limited to, changes in the wall plane of at least two-feet, changes in wall texture or masonry patterns, colonnade, columns or pilasters.
- 3. The use of multiple materials, textures or colors is required recommended to add visual interest to the facade. Building facades in excess of one hundred (100) feet must should include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than two feet such as an offset, reveal, pilaster or projecting rib. All elements must repeat at intervals of no more than twenty five (25) feet.
- Predominant facade colors must be subtle, neutral or earth tone colors. Primary colors, high-intensity colors, metallic or fluorescent colors, and black are prohibited as predominant facade colors. Building trim and accent areas may be brighter and include primary colors.

B. Fenestration.

- Windows shall should be set back into or projected out from the facade to provide depth and shadow. Windows shall should include visually prominent sills or other appropriate forms of framing. Awnings or shutters should be used to accentuate window openings and add interest to the design of the building.
- 2. The ground floor facade shall should maintain a transparency of at least sixty (60) fifty (50) percent. Windows shall be constructed of clear or lightly tinted glass (no tinting above twenty (20) percent or reflective glass).

C. Rooflines.

- 1. Roofs design shall should be designed as an integral part of the facade design.
- Roof lines must should either be varied with a change in height or with the incorporation of a major focal point feature, such as a dormer, gable or projected wall feature, every one hundred (100) linear feet in building length.
- 3. Mansard roofs are prohibited discouraged.
- 4. Parapet walls shall should feature three-dimensional cornice treatments or other shadow-creating detail elements along their tops.
- 5. "Green roof" designs are encouraged.

D. Entrances.

- All buildings shall should have a public entrance from the sidewalk along the primary street frontage. Public entrances should be articulated from the building mass.
- 2. Facades that abut parking areas and contain a public entrance shall should make provisions for pedestrian walkways and landscape areas.
- 3. If outlot buildings are part of a large retail development, outlot buildings must define the street frontage by placement near the street with showcase windows and entrances oriented toward the street, as well as to the interior parking lot.
- E. Exterior Building Finishes Materials.
 - 1. The following materials are permitted for use on exterior elevations:
 - a. Clay brick.
 - b. Natural or cast stone.
 - c. Wood.
 - d. Architectural pre-cast concrete panels (flat panels with no detail are prohibited).
 - e. Split face concrete block.
 - Predominant facade colors should be subtle, neutral or earth-tone colors. Primary colors, high-intensity colors, metallic or fluorescent colors, and black are discouraged as predominant facade colors. Building trim and accent areas may be brighter and include primary colors.
 - 2. The following building materials are prohibited discouraged as predominate building materials. However, such materials may be used as part of decorative or detail elements, or as part of the exterior construction that is not used as a surface finish material.
 - a. Plain concrete block.
 - b. Utility brick.
 - b. c. Aluminum, steel or other metal sidings.
 - c. d. Metal wall panels.
 - d. e. Exposed aggregate (rough finish) concrete wall panels.
 - f. Exterior insulating finish systems (EIFS).
 - q. Plastic.
 - h. Glass curtain walls.
 - e. i. Flat pre-cast concrete panels with no detail
 - f. Vinyl siding.

FIGURE 8-1: BUSINESS DESIGN GUIDELINES



Facades should incorporate articulation features such as projections or recesses along the building length.



At least 50% of the facade <u>must-should</u> be transparent from the street level.





Different materials, textures and or colors should be utilized to add visual interest to the facade.



Arcades help to articulate building mass and public entrances. In addition, varied roof lines help break up building frontages.

Arcades help to articulate building mass and public entrances. In addition, varied roof lines help break up building frontages.



Roof lines should be varied with the incorporation of a major focal point feature, such as a gable or projected wall feature, every 100 linear feet of building length.



Public entrances should be articulated from the building mass using such means as a raised parapet and distinct tile design work.

Public entrances should be articulated from the building mass using such means as a raised parapet and distinct tile work.



Public plazas help to minimize the effect of large parking areas and distinguish the path to building entrances.



Public entrances should be clearly delineated for pedestrians.



Buildings near the street should maintain facades and entrances oriented toward the street as well as to the interior parking lot.

(Ord. No. 12-08-20-02, § 2, 8-20-2012)