



**Planning & Zoning Commission
Special Meeting-Proceedings and Minutes
Diamond, Illinois**

November 12, 2019

Proceedings and Recommendations made and ordered of record of said Commission in the Village of Diamond, State of Illinois, on the twelfth day of November, 2019.

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November 12, 2019**

The special meeting of the Planning & Zoning Commission was held on Tuesday, November 12, 2019, and called to order at 6:00 P.M., in the Conference Room of the Village Hall, Chairman Craig VanDuyne presiding. Upon Roll Call, present were Scott Tidwell, Mindy Rampa and Bob Bianchetta. Absent was Juston McDonald. Roll Call was called by Cindy Haywood, Secretary.

APPROVAL OF MINUTES

MOTION was made by Commissioner Bianchetta and **SECOND** by Commissioner Tidwell to approve the special meeting minutes dated March 4, 2019. **All Ayes, Motion Carried.**

PUBLIC HEARING

PZ-03-2019: Variation 1050 Crown Court

MOTION was made by Commissioner Bianchetta and **SECOND** by Commissioner Tidwell to open public hearing PZ-03-2019: Variation 1050 Crown Court. **All Ayes, Motion Carried.**

Mr. Shawn Dames, property owner of 1050 Crown Court, stated that he and his wife planned to construct a covered patio in their backyard, and they received a permit to do so. Upon commencing construction, it was brought to their attention that the existing pool area should have been counted towards the maximum allowable coverage on the property and they would now need a variance to continue with the project.

Village Engineer Mike Perry said that the coverage calculations were confirmed and following a site visit, it was determined that the shed area was not shown on survey which caused the coverage to exceed the 40% allowed in the rear yard if the pool area is counted. He added that previous interpretation was that the pool itself would hold water and therefore, not be included in the calculation; however, the ordinance requires it to be included. Mr. Perry further stated that the Dames' have a pool pump that removes the standing water from the cover of the pool.

Mr. Perry explained that the new structure will have a complete gutter and drainage system, so the water is piped to the front of the yard. He said that they had a survey crew verify drainage and determined that the water will drain within the site and not onto the neighboring properties.

In response to Commissioner Bianchetta, Mr. Perry stated that, historically there are some drainage issues within the subdivision which were previously addressed, and a recent issue relates to the

development of property located in Coal City. They are working with the Developer to rectify the issues. He said in his opinion, these issues would not impact the subject property.

Mr. Kevin Young, 1045 Regent Court, distributed a photo of the subject property and said it is his understanding that the purpose of the 40% coverage is to ensure that there is ample land to absorb water; however, a majority of their backyard will be covered. He said there will be 60 feet of elevated concrete along his 100-foot rear yard and he feels that allowing this structure will impact the whole subdivision. During the recent floods, he said there was standing water on his property. Mr. Young said the french drain depicted on the photo was installed and drains to a catch basin at the southwest corner of his property. Mr. Perry explained how the overall drainage of the subdivision is designed to flow and how storm sewers are designed to work. He reiterated that during the last storm event, there was a significant amount of standing water in the subdivision and the Village is trying to determine the cause of that and working with the developer of the Coal City Subdivision to the west to come up with a solution. Mr. Dames said they are willing to take recommendations from the Village Engineer to alleviate any drainage concerns of the neighbor. In response to Chairman VanDuyne, Mr. Perry said a swale could be provided to perhaps improve drainage; however, he feels what is being proposed is adequate and the water is being collected and routed in a responsible manner.

MOTION was made by Commissioner Bianchetta and **SECOND** by Commissioner Tidwell to close public hearing PZ-03-2019: Variation 1050 Crown Court. **All Ayes, Motion Carried.**

NEW BUSINESS

Consideration of PZ-03-2019: Variation 1050 Crown Court -Including Findings

MOTION was made by Commissioner Tidwell and **SECOND** by Commissioner Bianchetta to recommend to the Village Board approval of a variation of Section 7.05 of the Village of Diamond Zoning Ordinance (Section 151.080 of the Village of Diamond Code of Ordinances) to permit more than 35% of total lot coverage allowed under the R-1 One Family Residence District and Section 3.13.3 of the Village of Diamond Zoning Ordinance (Section 151.015(C) of the Village of Diamond Code of Ordinances) to permit more than 40% of the required rear yard to be occupied by accessory structures, for the property commonly known as 1050 Crown Court subject to the following condition:

The Applicant shall ensure the grading of the restored yards surrounding the improvement and shall not impact drainage of any neighboring or adjacent properties to a degree whereby neighboring or adjacent properties receive additional storm flow following the construction of the new accessory structure. The Applicant shall comply with storm water management recommendations from the Village Engineer, including and based on the following findings:

1. The variance will not alter the essential character of the locality.
2. The particular physical surroundings, shape or topographical citations of the property involved will bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

3. The conditions upon which the variance application is based would not be applicable generally to other property within the same zoning classification.
4. The purpose of the variance is not based exclusively upon a desire to make more money out of the property.
5. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.
6. The granting of the variance will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located.
7. The requested variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the damage of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

All Ayes, Motion Carried.

OLD BUSINESS

No discussion or consideration.

VILLAGE LEGAL COUNSEL

There was no comment.

BOARD MEMBERS OPEN FORUM

There were no comments.

PUBLIC COMMENT

There were no comments.

ADJOURNMENT

MOTION was made by Commissioner Tidwell and **SECOND** by Commissioner Bianchetta to adjourn at 5:45 P.M. **ALL AYES, MOTION CARRIED.**

Respectfully Submitted,

/s/ Cindy Haywood

**Cindy Haywood
Planning & Zoning Secretary**