



**City of Wilmington  
Planning & Zoning Commission  
Thursday, April 2, 2020 at 5:00 p.m.**

**PURSUANT TO EXECUTIVE ORDER 2020-07 SIGNED BY GOVERNOR PRITZKER AND GUIDANCE PROVIDED BY LEGAL COUNSEL, THE CITY OF WILMINGTON MAY CONDUCT ALL OR PORTIONS OF THIS MEETING BY USE OF TELEPHONIC OR ELECTRONIC MEANS WITHOUT A PHYSICAL QUORUM PRESENT IN THE BOARDROOM. PUBLIC ACCESS TO THIS MEETING IS AVAILABLE AS FOLLOWS:**

**Join Zoom Meeting <https://us04web.zoom.us/j/641505447>**

**Meeting ID: 641 505 447**

**One tap mobile: +13126266799,,641505447# US (Chicago)**

**Dial by your location: 1 312 626 6799 US (Chicago)**

**Meeting ID: 641 505 447**

**Location & Time**

Council Chamber  
Wilmington City Hall  
1165 S. Water Street  
5:00 p.m. 04/02/2020

**Planning & Zoning  
Commission Members**

Bryan Humphries, Chairman  
Larry Clennon  
Jonathan Jones  
Ken Kulpa  
Chris Smith  
John Tryner  
Jayson Walinski

**Agenda**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approve to Elect \_\_\_\_\_ as Chairman for the April 2, 2020 Planning & Zoning Commission Meeting
5. Review and Approve the December 5, 2019 Meeting Minutes
6. Open Public Hearing  
Petitioner: Gary & Jacqueline Van Duyne  
Location: Pearl Street & Oak Street  
[PIN 03-17-36-127-007-0000]  
Request: two (2) front setback variance from 30 feet to 20 feet and a rear property setback variance from 25 feet to 15 feet for property located at the northwest corner of Pearl Street and Oak Street
7. Close Public Hearing
8. Commissioners Review/Approval/Recommendation of Request from Petitioner Gary & Jacqueline Van Duyne
9. Open Public Hearing  
Petitioner: Brian Van Duyne  
Location: 1212 N. Joliet Street  
[PIN 03-17-25-104-013-0000]  
Request: map amendment from R1-single family to R3-residential two family and a variance from required 12,000 square foot lot size to 7,300 square foot lot size for property located at 1212 N. Joliet Street
10. Close Public Hearing
11. Commissioners Review/Approval/Recommendation of Request from Petitioner Brian Van Duyne
12. Other pertinent information
13. Public Comment  
(State your full name clearly; limit 3 minutes each per Ordinance 19-06-18-01)
14. Adjournment

Posting Date:  
3/30/2020 2:22 PM jjz

**Minutes to the City of Wilmington**  
**Planning and Zoning Commission Meeting**  
**Wilmington City Hall**  
**1165 South Water Street**  
**Thursday, December 5, 2019 at 5:00 PM**

**Call to Order**

The December 5, 2019 meeting of the Wilmington Planning & Zoning Commission was called to order at 5:00 p.m. by Deputy City Clerk Joie Ziller in the Council Chambers of the Wilmington City Hall.

**Roll Call**

Upon Roll Call by the Clerk the following members answered “Here” or “Present”:

Commissioners Kulpa, Jones, Clennon, Wysocki, Smith and Tryner

**Commissioner’s Absent**

Humphries

**Quorum**

There being a sufficient number of members of the corporate authorities in attendance to constitute a quorum, the meeting was declared in order.

**Other Officials in Attendance**

Also, in attendance was the Deputy City Clerk/City Administrator Joie Ziller and City Planner/Engineer Rodney Tonelli

**Elect Vice Chairman**

Commissioner Smith made a motion and Commissioner Tryner seconded to Elect Ken Kulpa as Vice Chairman for the December 5, 2019 Planning & Zoning Commission Meeting

Upon roll call, the vote was:

**AYES:**     6 Smith, Tryner, Clennon, Jones, Wysocki, Kulpa

**NAYS:**     0

**ABSENT:** 1 Humphries

Motion passed.

**Approval of Minutes**

Commissioner Clennon made a motion and Commissioner Wysocki seconded to approve the November 5, 2019 Planning & Zoning meeting minutes as written and have them placed on file after amendment is made

Upon roll call, the vote was:

**AYES:**     4 Clennon, Wysocki, Jones, Kulpa

**NAYS:**     0

**ABSTAIN:** 2 Tryner, Smith  
**ABSENT:** 1 Humphries  
Motion passed.

**Public Hearing**

Petitioner: Mill Street Investments, LLC  
Location: Northeast Corner of Mill and Main  
[PIN 03-17-25-330-003-0000]  
Request: Planned Unit Development “PUD” along with Variances for a PUD

Commissioner Jones made a motion and Commissioner Wysocki seconded to open the public hearing at 5:04 p.m.

Upon roll call, the vote was:

**AYES:** 6 Smith, Tryner, Clennon, Jones, Wysocki, Kulpa  
**NAYS:** 0  
**ABSENT:** 1 Humphries  
Motion passed.

City Planner Rodney Tonelli reviewed his memo, dated October 30, 2019 with the Commission. The applicant, Mill Street Investments LLC is requesting approval of a Conditional Use Permit for Planned Unit Development and a Variance to permit a PUD less than one acre in size. The PUD includes variations from the City Code to permit a building setback of 14.5 feet from Main Street and 27 feet from Mill Street. The proposed 4,055 square foot building will be the new home of Fox’s Pizza. The memo prepared by City Planner Tonelli is attached for reference. There are twenty-nine (29) parking spots that are proposed with the site plan that meets the parking requirements. City Planner Tonelli explained that when we first met with the applicant and their architect, they had a different concept plan, and that concept had the building pushed all the way to the east end property line which backs up to the residential property line. The City worked with the petitioner’s architect to pull the building closer to the street, a more urban design and traditional historic look located through out downtown.

Greg Prucha, resident at 321 N. Main Street, expressed his concerns with this building being too close to his properties on Main Street & Mill Street and his property value is going to go down. Mr. Prucha stated his concerns about the back out parking on to the streets and it being too dangerous especially when the emergency vehicles are leaving the Fire Department.

Mrs. Prucha, resident at 321 N. Main Street is also concerned about the back out parking, along with all the additional vehicles constantly coming and going, the noise from the outdoor dining, music, gambling and drinking. Mrs. Prucha also included that when they purchased the home, they were told by the village that they only type of commercial business that could there was a professional office, such as doctors, lawyers, daycare. Our house is the Victorian on the corner, well kept and this just doesn’t fit with our décor.

City Planner Tonelli clarified that the property is zoned B2-Light Commercial, the restaurant and everything they're proposing to do are permitted uses in that zoning district.

Marianne (Weidling) Quirk, resident at 408 N. Kankakee Street is concerned with deliveries in the alley. The alley is already in bad shape and with the overhead wires, one of the larger delivery trucks could hit one of those. Mrs. Quirk is also concerned about the safety issues with the proposed back out parking.

Commissioner Smith made a motion and Commissioner Wysocki seconded to close the public hearing at 5:39 p.m.

Upon roll call, the vote was:

**AYES:**        6    Smith, Tryner, Clennon, Jones, Wysocki, Kulpa

**NAYS:**        0

**ABSENT:**    1    Humphries

Motion passed.

**Commissioners Review/Approval/Recommendation**

The Commissioners reviewed and discussed the PUD for Fox's Pizza. Commissioner Jones questioned the lighting plan. City Planner Tonelli explained that all the proposed outdoor lighting is down casting with shielding for no glare and/or spillage. Commissioner Jones asked if staff had any proposals for additional controls regarding the back out parking. City Planner Tonelli suggested that a four-way stop at N. Main Street and Mill Street could be a possible improvement. Other than that, it's not uncommon condition to have cars backing out in to the street and this condition exists several times on N. Main Street. Commissioner Wysocki indicated that she wouldn't have an issue if the proposed business was a doctor's office or lawyers office but with an establishment which includes drinking and gambling until 11 o'clock at night she does. Commissioner Wysocki also added that there is going to be more traffic and I would be fearful myself to park and would be reluctant to visit that establishment with that parking design. Commissioner Clennon informed the Commission that he will be abstaining on the recommendation to City Council as he has a vested interest in the proposed construction of this building. Commissioner Tryner explained that he too will be abstaining as he one of the attorneys involved when the Fox's purchased the property. Commissioner Kulpa stated his reason for voting no is due to the parking configuration.

Commissioner Smith made a motion and Commissioner Wysocki seconded to recommend that the City Council approve the Conditional Use Permit for a Planned Unit Development for Fox's Pizza and further, that the City Council approve a Variance to permit a PUD less than one acre in size subject to the following condition:

1. Submittal and City acceptance of an easement to the City/public over the sidewalks proposed along both Mill Street and Main Street.

Upon roll call, the vote was:

**AYES:**        1    Smith

**NAYS:**        3    Wysocki, Jones, Kulpa

**ABSTAIN:** 2 Clennon, Tryner  
**ABSENT:** 1 Humphries

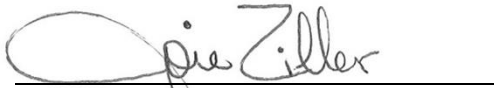
**Public Comment**

No public comment was made.

**Adjournment**

Motion to adjourn the meeting made by Commissioner Clennon and seconded by Commissioner Tryner. Upon voice vote, the motion carried. The Wilmington Planning & Zoning meeting held on December 5, 2019 adjourned at 6:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joie Ziller". The signature is written in black ink and is positioned above a horizontal line.

Joie Ziller  
Deputy City Clerk

CERTIFICATE OF PUBLICATION

STATE OF ILLINOIS .} Ss.  
County of Will,

Certificate of the Publisher

**Free Press Newspapers** certifies that it is the publisher of the The Free Press Advocate

The Free Press Advocate is a secular newspaper, has been continuously published **weekly** for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the city of Wilmington, township of Wilmington, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5. A notice, relating to the matter of:

**City of Wilmington  
to hold public hearing  
for zoning request at  
Pearl St. and Oak St.**

a true copy of which is attached, was published one times in The Free Press Advocate, namely one time per week for one successive weeks. The first publication of the notice was made in the newspaper, dated and published on March 18, 2020, and the last publication of the notice was made in the newspaper dated and published on March 18, 2020. This notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1. In witness, the Free Press Advocate has signed this certificate by **Eric D Fisher**, its publisher, at Wilmington, Illinois, on March 18, 2020.

**Free Press Newspapers**

By Eric D. Fisher Publisher  
Eric D. Fisher

Printer's Fee \$ 51.70

Given under my hand on March 18, 2020

*Janet M. Fisher*



*City of Wilmington  
to hold public hearing  
for zoning request  
at Pearl St. and Oak St.*

**PUBLIC NOTICE**

NOTICE OF PUBLIC HEARING  
PLANNING AND ZONING COMMISSION  
OF THE CITY OF WILMINGTON, IL

NOTICE IS HEREBY GIVEN THAT ON APRIL 2, 2020 AT 5:00 P.M., A PUBLIC HEARING WILL BE HELD BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF WILMINGTON AT THE CITY HALL LOCATED AT 1165 SOUTH WATER STREET, WILMINGTON, IL, 60481, FOR THE PURPOSE OF RECEIVING AND CONSIDERING TESTIMONY AND PUBLIC COMMENTS ON THE REQUEST OF PETITIONER AND CONTRACT PURCHASER, GARY W. VANDUYNE AND JACQUELINE VANDUYNE, 701 KOALA COURT, WILMINGTON, IL, IN REGARDS TO TWO (2) FRONT SET-BACK VARIANCE FROM 30 FEET TO 20 FEET AND A REAR PROPERTY SET-BACK VARIANCE FROM 25 FEET TO 15 FEET FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF PEARL STREET AND OAK STREET, WILMINGTON, ILLINOIS. THE PROPERTY IS LEGALLY DESCRIBED AS FOLLOWS:

LOT 2, BOTH INCLUSIVE IN BLOCK 6 BEING A SUBDIVISION BY H.O. ALDEN OF THE NORTHWEST ? OF SECTION 36, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.

PIN: 03-17-36-127-007-0000

ALL PERSONS INTERESTED IN ATTENDING ARE INVITED TO DO SO AND WILL BE GIVEN AN OPPORTUNITY TO BE HEARD. ADDITIONAL INFORMATION ON SUCH A REQUEST CAN BE OBTAINED FROM THE CITY OF WILMINGTON ZONING ADMINISTRATOR AT 1165 S. WATER STREET, WILMINGTON, IL 1-815-476-2175.

JOIE ZILLER  
DEPUTY CITY CLERK  
CITY OF WILMINGTON

Published in the Free Press Advocate on Wednesday, March 18, 2020.



Land Use Petition
City of Wilmington, Illinois

Petitioner: Gary W. + Jacqueline VanDyne
Address: 701 Koala Ct.
City: Wilmington State: IL Zip: 60481
Phone No.: 815 474 2997 Fax No.: Email: jvanddyne@spaoi.com

- Petitioner is the owner of the subject property and is the signer of this petition
Petitioner is the contract purchaser of the subject property and has attached a copy of said contract to this petition
Petitioner is acting on behalf of the owner of the subject property and has attached a letter granting such authority signed by the owner

In the event the property is held in trust, a notarized letter from an authorized trust officer identifying the petitioner as an authorized individual acting on behalf of the beneficiaries and providing the name, address, and percentage of interest of each beneficiary is attached to this executed petition.

Subject Property

Location: Corner of Pearl St + Oak St.
Size of Property: 165 Ft X 82.5 Ft. Tax Parcel No.: 03-17-36-127-007-0000

The following documents have been attached:

- Legal Description, Plat of Survey, List of Adjacent Property Owners, Site Plan, Preliminary Plat, Final Plat, Preliminary Plan, Final Plan, Impact Fee Form, Bank Trust Letter

Type of Action Requested

- Annexation, Annexation Agreement, Concept Plan, Preliminary Plat/Plan (circle one), Final Plat/Plan (circle one), Map Amendment from to, Conditional Use, Variance, Site Plan Review

I have submitted the required filing fee. I understand that the fee is non-refundable. The fee is determined according to the attached schedule of fees. \$150.00 (initial here) \$150.00 (fee) plus \$500.00 deposit

Statement of Petition

Please provide a brief statement describing the proposal as it relates to the standards of petition accompanying this document (attach additional sheets if necessary).

The property is 165ft x 82.5 ft. I wish to build my house facing Oak St. With the setbacks, this leaves me with 27.5ft (depth) buildable property. I am asking for a variance of 10ft off the 25 ft setback of the back of the property and 10ft off the 30ft setback from the front of my property. This will give me 47.5ft (depth) of buildable property. I have spoke with recent approval from the homeowners that are within 250 ft of the property.

Number of Dwelling Units: 1 Type of Units: House Square Footage: 1700-1800 sq ft.
Proposed Time Schedule for Development: 1 year
Requested Variances: 2

Authorization

I hereby affirm that I have full legal capacity to authorize the filing of this petition and that all the information and exhibits herewith submitted are true and correct to the best of my knowledge.

State of Illinois, County of Will, Date 3/2/20, Signature of Petitioner



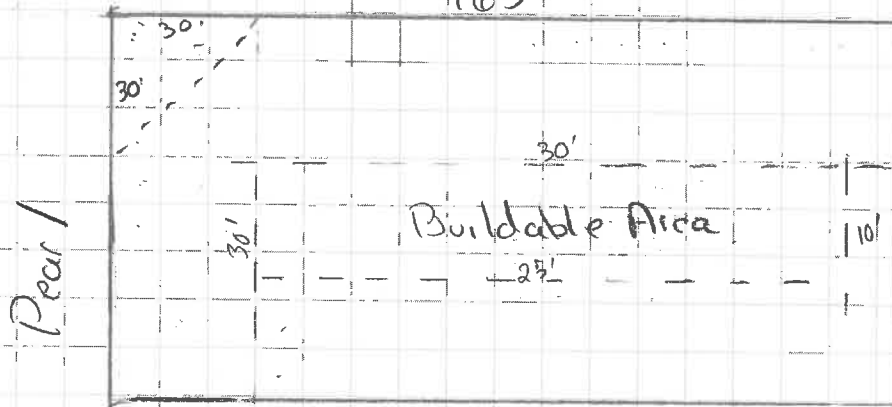
I, the undersigned, a notary public in and for the said county and state aforesaid, do hereby that Gary VanDyne is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act, for the uses and purposes set forth.

Notary Signature: [Signature] My Commission Expires: 4-14-2020

Given under my hand and notary seal this 14th day of March, A.D. 2020

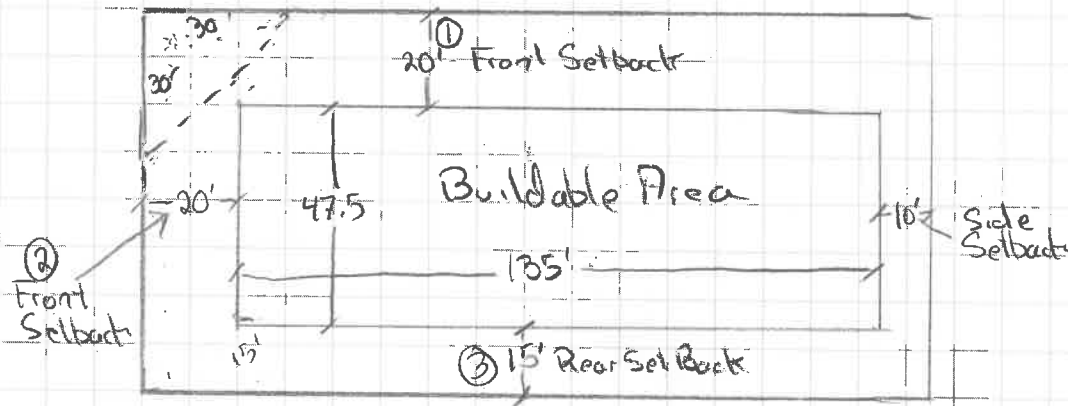
Oak St  
Per Zoning  
1165

Variances



- ① 150.53 R1 Setbacks  
Front Setback from 30' to 20'
- ② 150.53 R1 Setback  
2nd front setback from 30' to 20'
- ③ 150.53 R1 Setback  
Rear Setback from 25' to 15'

As Requested



Residence Parking Oak St

Current Zoning R1  
30' Front Yard  
10' Side Yard  
25' Rear Yard



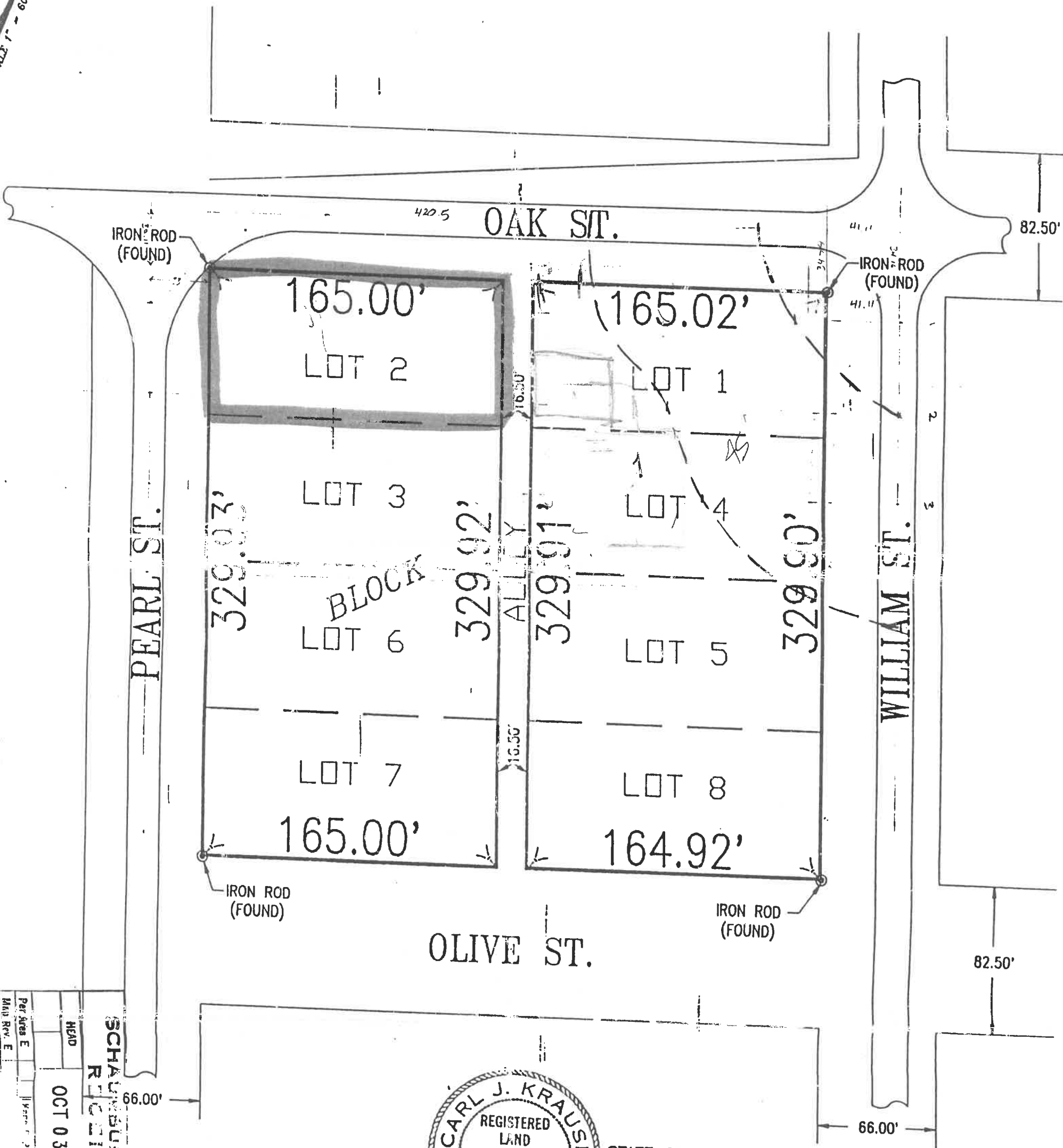


# Survey

of

LOTS 1 TO 8, BOTH INCLUSIVE IN BLOCK 6 BEING A SUBDIVISION BY H.O. ALDEN OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 33 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.

SCALE 1" = 60'



SCHAUBUNG DON  
RECEIVED  
OCT 03 1994  
HEAD  
Par Area E  
Map Rev. E  
NEIP ADV



STATE OF ILLINOIS  
COUNTY OF LIVINGSTON SS

I, CARL J. KRAUSE, AN ILLINOIS REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

CULLOM, ILLINOIS Feb 18th, 1994  
*Carl Krause*

FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR ABSTRACT, DEED, CONTRACT AND LOCAL BUILDING LINE REGULATION.

DISTANCES ARE MARKED IN FEET AND DECIMALS

ORDER NO.: 930659  
ORDERED BY: ST. ROSE PARISH

# Memorandum

To: Wilmington Planning and Zoning Commission  
From: Rodney Tonelli, AICP  
Date: March 30, 2020  
RE: Variance Request – Van Duyne – Corner of Pearl St. and Oak St.

The Applicants, Gary and Jacqueline Van Duyne have submitted a petition for setback variances to increase the buildable area on an existing, vacant lot located at the southeast corner of Pearl Street and Oak Street (PIN 03-17-36-127-007-0000).

## Summary

The subject property is a vacant single-family lot which measures 82.5 feet (Pearl Street frontage) by 165 feet (Oak Street frontage). The lot area is calculated at 13,612 square feet. (See Figure 1 - Aerial).

Figure 1 - Aerial



The Applicants desire to construct a new home on the parcel and would like to build the house facing Oak Street. The Applicants state that orienting the house this direction would allow only 27.5 feet of building depth while adhering to the 30 foot front yard setback requirement and 25 foot rear yard setback requirement. The Applicants have not presented any specific house plans or provided a site plan demonstrating how the house they intend to build would fit on the parcel. They have requested the following variances:

1. A variance to reduce the front yard setback along Oak Street from 30 feet to 20 feet



2. A variance to reduce the front yard setback along Pearl Street from 30 feet to 20 feet
3. A variance to reduce the rear yard setback (south lot line) from 25 feet to 15 feet.

The resulting building depth from the requested variances increase from 27.5 feet to 47.5 feet for the orientation they prefer.

**Current Zoning**

The property is zoned R1: Residential Single Family (See Figure 2 – Current Zoning). Below are the Zoning Ordinance requirements for R-1 lots.

*150.53 - R-1 Single-Family Residential District.*

*(A) Purpose and intent. The intent is to provide for an environment of predominantly low density single unit dwellings plus certain other facilities which serve the residents living in the district.*

*(B) Permitted land uses and developments.*

*(1) Single-family detached dwellings;*

*(2) Public parks, playgrounds, forest preserves and public recreational areas.*

*(C) Conditional uses.*

*(1) Conditional uses permitted in the E-R Estate Residential District.*

*(D) Bulk and density requirements.*

*(1) Minimum lot size. The minimum lot size for permitted and conditional land uses in the R-1 Single-Family Residential District shall be as follows:*

<i>Single-family detached dwelling</i>	<i>10,000 square feet</i>
<i>Nonresidential uses</i>	<i>Five acres, unless otherwise specified</i>

*(2) Minimum lot width. The minimum lot width for permitted and conditional land uses in the R-1 Single-Family Residential District shall be as follows:*

<i>Single-family detached dwelling</i>	<i>75 feet</i>
<i>Nonresidential uses</i>	<i>300 feet unless otherwise specified</i>

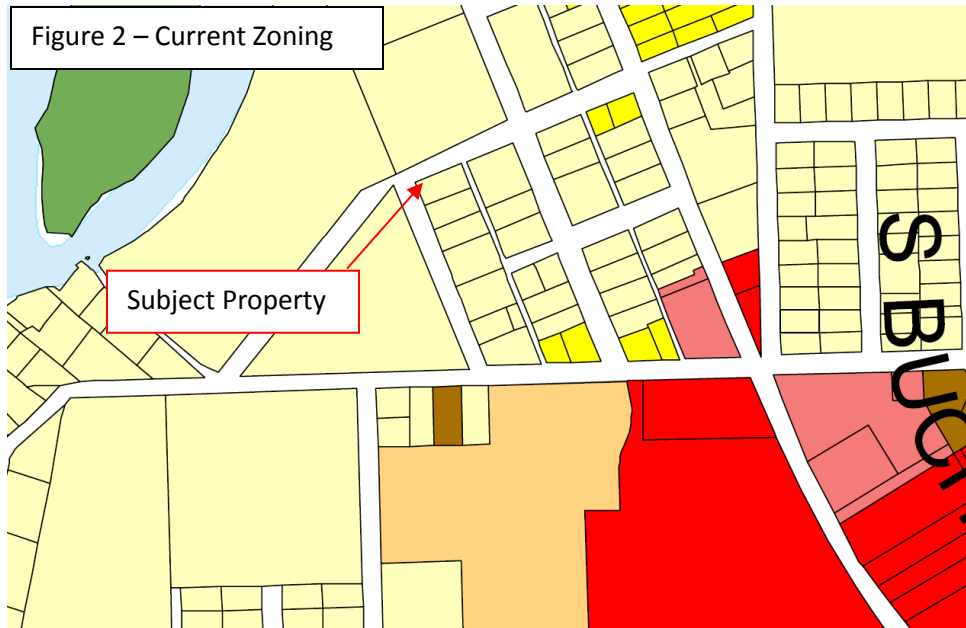
*(3) Building setback requirements.*

*(a) Front yard. No principal building shall be allowed within 30 feet of any front lot line or a street right-of-way line.*

*(b) Side yard. No principal building shall be allowed within 10 feet of any side lot line.*

*(c) Rear yard. No principal building shall be allowed within 25 feet of any rear lot line.*





## **Review and Analysis**

Staff has reviewed the submitted request. The size and dimensions of the parcel are sufficient to build upon without need for any variances. The lot has adequate width, depth and area to be built upon. Fronting the house on Pearl Street would provide for a building width of 42.5 feet adhering to the required setbacks. It is staff's understanding that the applicant has not submitted any particular house plans or demonstrated that the lot has any limitations to building. Below are the standards for Variances that the Plan Commission shall consider when making a recommendation to the City Council. This lot does not appear to have any unique circumstances as compared to other lots within the neighborhood.

150.12 - Variations.

(A) The city council, after receiving a report from the planning and zoning commission (PZC) containing their findings and recommendations, may vary the regulations of this chapter within their general purpose and intent.

(B) The PZC shall make recommendation and provide findings of fact to the city council to the same that:

(1) Adequate evidence was submitted to establish practical difficulties or particular hardship so that, in the judgement of the PZC, a variation is permitted because the evidence sustained the existence of each of the four following conditions:

(a) Reasons that strict enforcement of the code would involve practical difficulties or impose exceptional hardship;



(b) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular district or zone;

(c) The plight of the owner is due to unique circumstances;

(d) The variation, if granted, will not alter the essential character of the locality.

(2) Procedures for variations. An application for a variance shall be processed in accordance with the provisions of [Section 150.18](#) of this chapter.

(3) Conditions and restrictions. The PZC may recommend and the city council may impose conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards set forth in this section.

### **Recommended Actions**

Staff is recommending that the Wilmington Planning and Zoning Commission recommend denial of the Variance requests based on the facts that the request does not meet the standards for variances as outlined in Section 150.12 of the City of Wilmington Code of Ordinances. Specifically, strict enforcement of the ordinance is not deemed to create practical difficulties or impose exceptional hardship; the property in question can yield a reasonable return under the conditions allowed in the R-1 zoning district; the plight of the owner is not unique and their request is deemed a matter of preference only; and the variance if granted would alter the character of the area.



CERTIFICATE OF PUBLICATION

STATE OF ILLINOIS .} Ss.  
County of Will,

Certificate of the Publisher

**Free Press Newspapers** certifies that it is the publisher of the The Free Press Advocate

The Free Press Advocate is a secular newspaper, has been continuously published **weekly** for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the city of Wilmington, township of Wilmington, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5. A notice, relating to the matter of:

**City of Wilmington  
to hold public hearing  
for zoning request at  
1212 N. Joliet St.**

a true copy of which is attached, was published one times in The Free Press Advocate, namely one time per week for one successive weeks. The first publication of the notice was made in the newspaper, dated and published on March 18, 2020, and the last publication of the notice was made in the newspaper dated and published on March 18, 2020. This notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1. In witness, the Free Press Advocate has signed this certificate by **Eric D Fisher**, its publisher, at Wilmington, Illinois, on March 18, 2020.

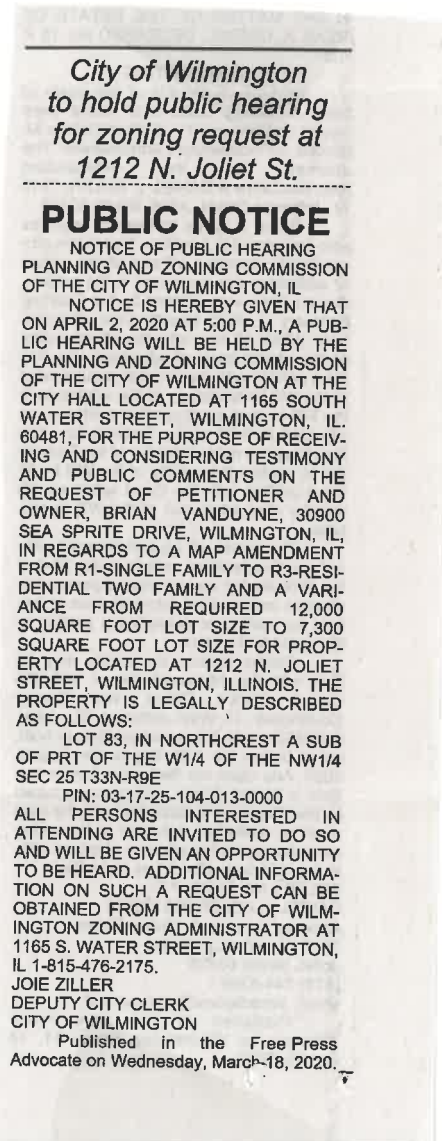
**Free Press Newspapers**

By Eric D. Fisher, Publisher  
Eric D. Fisher

Printer's Fee \$ 47.30

Given under my hand on March 18, 2020

Janet M. Fisher  
Janet M. Fisher, Notary Public  
**OFFICIAL SEAL**  
**JANET M. FISHER**  
NOTARY PUBLIC, STATE OF ILLINOIS  
COMMISSION EXPIRES 12-15-20



*City of Wilmington  
to hold public hearing  
for zoning request at  
1212 N. Joliet St.*

**PUBLIC NOTICE**

NOTICE OF PUBLIC HEARING  
PLANNING AND ZONING COMMISSION  
OF THE CITY OF WILMINGTON, IL

NOTICE IS HEREBY GIVEN THAT ON APRIL 2, 2020 AT 5:00 P.M., A PUBLIC HEARING WILL BE HELD BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF WILMINGTON AT THE CITY HALL LOCATED AT 1165 SOUTH WATER STREET, WILMINGTON, IL. 60481, FOR THE PURPOSE OF RECEIVING AND CONSIDERING TESTIMONY AND PUBLIC COMMENTS ON THE REQUEST OF PETITIONER AND OWNER, BRIAN VANDUYNE, 30900 SEA SPRITE DRIVE, WILMINGTON, IL, IN REGARDS TO A MAP AMENDMENT FROM R1-SINGLE FAMILY TO R3-RESIDENTIAL TWO FAMILY AND A VARIANCE FROM REQUIRED 12,000 SQUARE FOOT LOT SIZE TO 7,300 SQUARE FOOT LOT SIZE FOR PROPERTY LOCATED AT 1212 N. JOLIET STREET, WILMINGTON, ILLINOIS. THE PROPERTY IS LEGALLY DESCRIBED AS FOLLOWS:

LOT 83, IN NORTHCREST A SUB OF PRT OF THE W1/4 OF THE NW1/4 SEC 25 T33N-R9E

PIN: 03-17-25-104-013-0000

ALL PERSONS INTERESTED IN ATTENDING ARE INVITED TO DO SO AND WILL BE GIVEN AN OPPORTUNITY TO BE HEARD. ADDITIONAL INFORMATION ON SUCH A REQUEST CAN BE OBTAINED FROM THE CITY OF WILMINGTON ZONING ADMINISTRATOR AT 1165 S. WATER STREET, WILMINGTON, IL 1-815-476-2175.

JOIE ZILLER  
DEPUTY CITY CLERK  
CITY OF WILMINGTON

Published in the Free Press Advocate on Wednesday, March-18, 2020.



Land Use Petition
City of Wilmington, Illinois

Petitioner: Brian VanDuyne
Address: 30900 Sea Sprite Dr
City: Wilmington State: IL Zip: 60481
Phone No.: (815) 207-9557 Fax No.: Email: brian.vanduyne@comcast.net

- Petitioner is the owner of the subject property and is the signer of this petition
Petitioner is the contract purchaser of the subject property and has attached a copy of said contract to this petition
Petitioner is acting on behalf of the owner of the subject property and has attached a letter granting such authority signed by the owner

In the event the property is held in trust, a notarized letter from an authorized trust officer identifying the petitioner as an authorized individual acting on behalf of the beneficiaries and providing the name, address, and percentage of interest of each beneficiary is attached to this executed petition.

Subject Property

Location: 1212 N. Joliet St Wilmington, IL 60481
Size of Property: Approximately 7300 ft^2 Tax Parcel No.: 03-17-25-104-013-0000

The following documents have been attached:

- Legal Description, Plat of Survey, List of Adjacent Property Owners, Site Plan, Preliminary Plat, Final Plat, Preliminary Plan, Final Plan, Impact Fee Form, Bank Trust Letter

Type of Action Requested

- Annexation, Annexation Agreement, Concept Plan, Preliminary Plat/Plan (circle one), Final Plat/Plan (circle one), Map Amendment from R1 to R3, Conditional Use, Variance, Site Plan Review

I have submitted the required filing fee. I understand that the fee is non-refundable. The fee is determined according to the attached schedule of fees.

Statement of Petition

Please provide a brief statement describing the proposal as it relates to the standards of petition accompanying this document (attach additional sheets if necessary).

To change zoning from existing R1 single family to R3 two unit
Variance from required 13000 sq ft lot size to 7300 sq ft as existing Ret Ord 150.55

Number of Dwelling Units: 2 Type of Units: Duplex Square Footage: less than 1800 ft^2
Proposed Time Schedule for Development: Requested Variances:

Authorization

I hereby affirm that I have full legal capacity to authorize the filing of this petition and that all the information and exhibits herewith submitted are true and correct to the best of my knowledge.

State of Illinois Date: 3-12-20 Signature of Petitioner



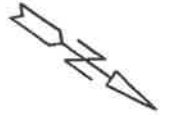
I, the undersigned, a notary public in and for the said county and state aforesaid, do hereby that Jolynn Ziller is personally known to me to be the same person whose name is subscribed to the forgoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act, for the uses and purposes set forth.

Notary Signature: My Commission Expires: 11-26-2025

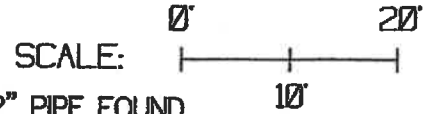
Given under my hand and notary seal this 12 day of March, A.D. 2020

MAR 12 2020
ck 3828+3829
City of Wilmington

1212 N. JOLIET STREET  
WILMINGTON, IL



68.46' MEAS.  
68.15' REC.



5/8" ROD FOUND

90°-27'

CENTERLINE OF SEWER, WATER AND POLE EASEMENT

1/2" PIPE FOUND

FENCE IS  
0.65' N'LY

100.72' REC. & MEAS.

11'

36'

11'

52'

Proposed  
Bldg.

34'

95.70' REC. & MEAS.

FENCE IS  
0.36' N'LY

Parking

25'

Parking

R = 761.84'

CHM = 82.79'  
CHR = 82.89'

84'-56"-38" MEAS.

1/2" ROD SET

82.93' ARC.

CROSS FOUND

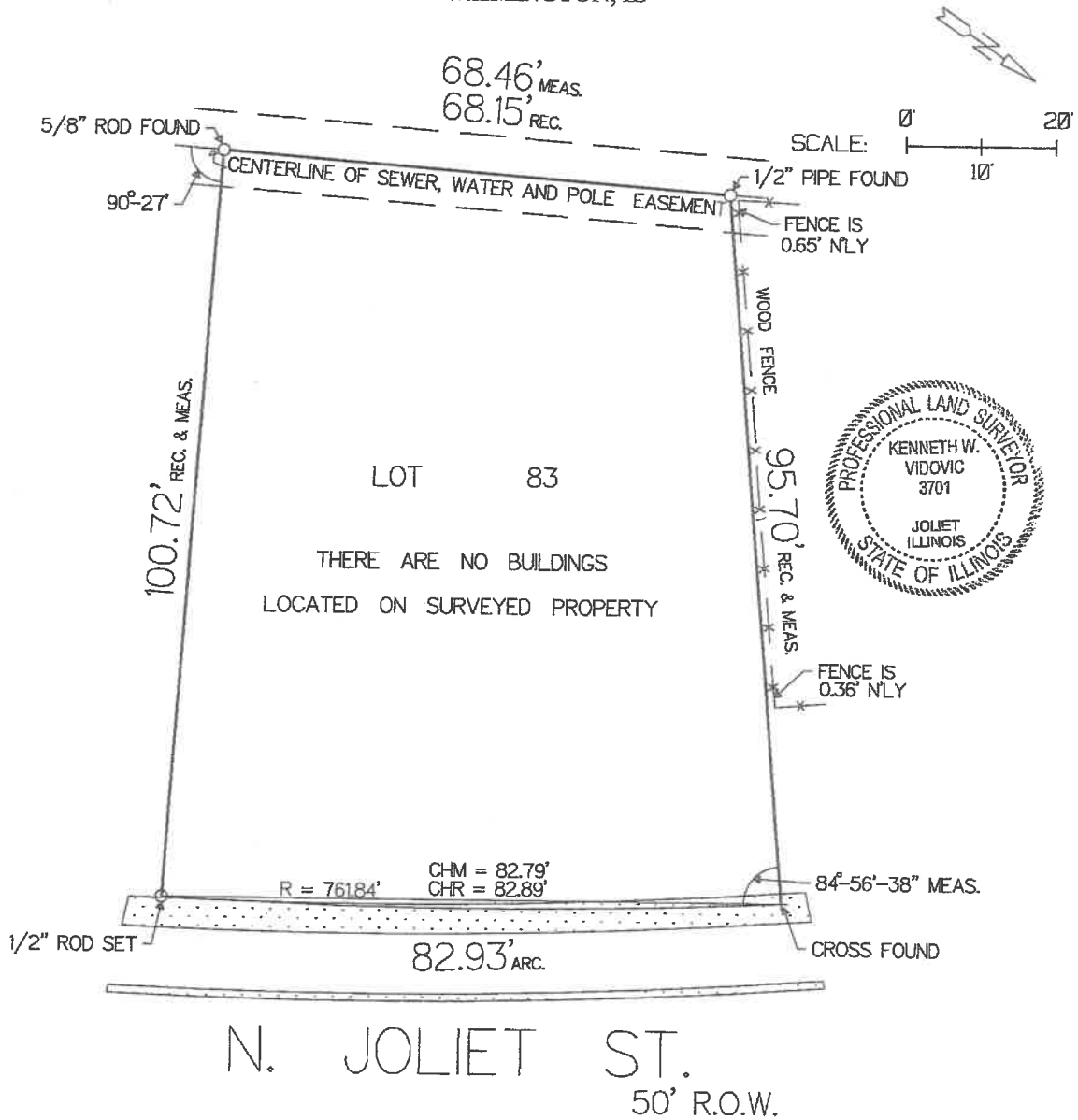
N. JOLIET ST.  
50' R.O.W.




# PLAT OF SURVEY

LOT 83, IN NORTHCREST, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST QUARTER OF SECTION 25, IN TOWNSHIP 33 NORTH, AND IN RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 18, 1948, IN PLAT BOOK 27, PAGE 1, AS DOCUMENT NO. 646750 EXCEPT THEREFROM THE SOURCE MATERIAL BENEATH THE SURFACE TOGETHER WITH THE RIGHT TO MINE AND REMOVE THE SAME, TOWNSHIP OF WILMINGTON, COUNTY, OF WILL, STATE OF ILLINOIS.

1212 N. JOLIET STREET  
WILMINGTON, IL



<p><b>COMMUNITY SURVEY INC.</b> 81 N. CHICAGO STREET, SUITE 207 JOLIET, IL 60432 (815) 722-9005 (815) 722-9019 - fax EMAIL: kvcommunitysurvey@att.net DESIGN FIRM NO. 184-002899 CHECK DEED OR GUARANTEE POLICY FOR BUILDING LINE OR EASEMENT RESTRICTIONS NOT SHOWN ON PLAT OF SURVEY. COMPARE POINTS BEFORE BUILDING.</p>	<p>WE, COMMUNITY SURVEY INC., DO HEREBY CERTIFY THAT WE HAVE SURVEYED FOR GLORIA LONGEST UNDER MY HAND AND SEAL ON THIS 11TH DAY OF FEBRUARY 2020. FIELD WORK 2/5/2020 THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEY NUMBER 19-26503  ILLINOIS LAND SURVEYOR NO. 3701 EXPIRES 11/30/2020</p>
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# Memorandum

To: Wilmington Planning and Zoning Commission  
From: Rodney Tonelli, AICP  
Date: March 30, 2020  
RE: Rezoning and Variance Request – Brian Van Duyne – 1212 N. Joliet Street

The Applicant, Brian Van Duyne has submitted a petition for a Map Amendment from R-2 Single-Family to R-3 Two-Family and a Variance for lot area from 12,000 square feet to 7,300 square feet for a vacant parcel located at 1212 N. Joliet Street (PIN 03-17-25-104-013-0000).

## Summary

The subject property is a vacant single-family lot in the Northcrest Subdivision which has 82.93 feet of frontage along Joliet Street. The depth ranges from 95.7 feet on the shortest side to 100.72 feet on the longest side. The lot area is calculated at approximately 7,300 square feet. (See Figure 1 - Aerial).

Figure 1 - Aerial

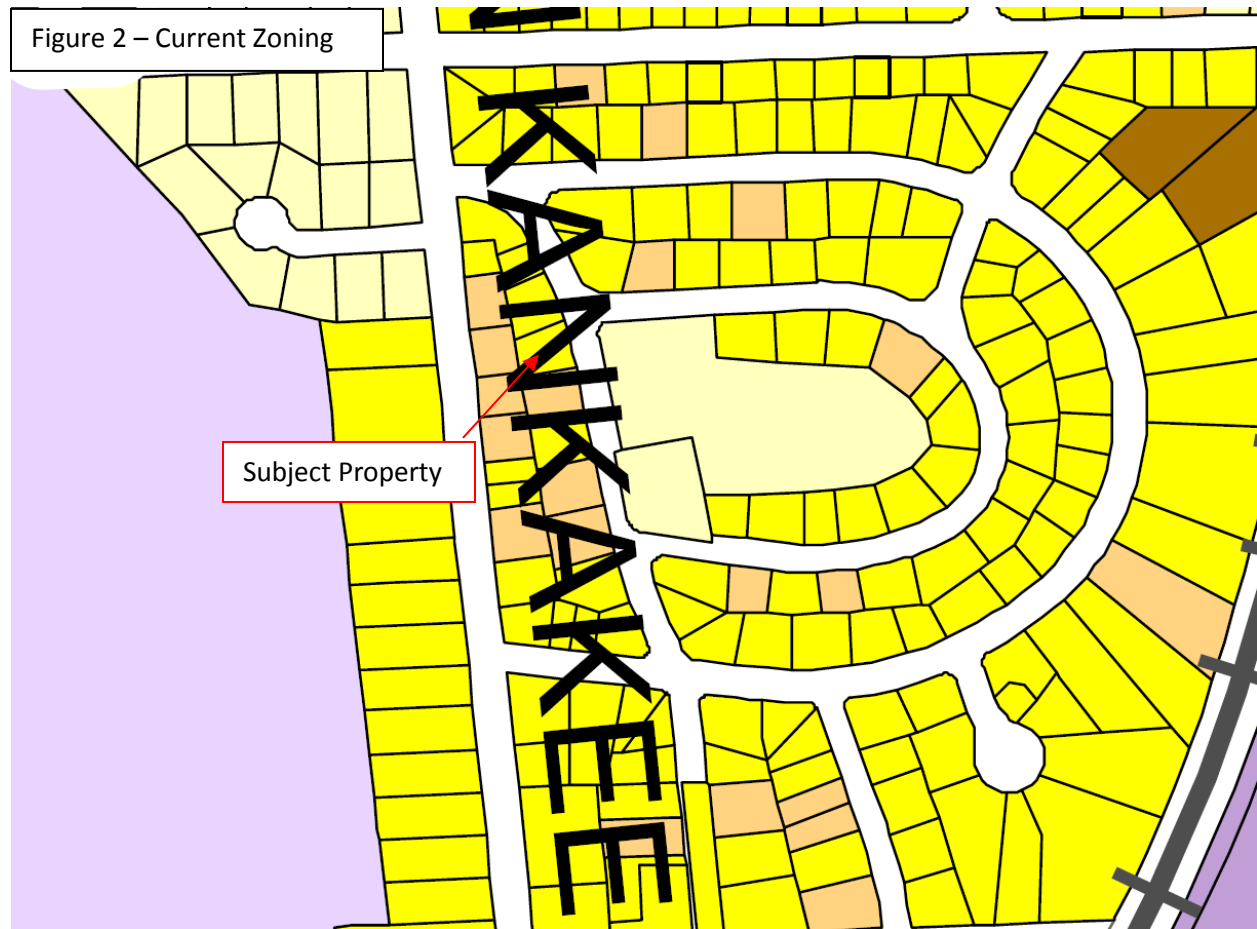


The Applicant desires to construct a new duplex home on the parcel. The variance request is to permit the existing lot area of 7,300 square feet which is less than the minimum 12,000 square foot lot size required in the R-3 zoning district.



## **Current Zoning**

The property is zoned R2: Residential Single Family (See Figure 2 – Current Zoning).



Adjoining zonings include R-3 Two family on the west and south sides of the subject parcel, R-2 Single-Family on the north side and R-1 Single Family on the east (across Joliet Street which is the Northcrest Park site). Adjoining land uses include duplex homes on the west and south sides of the subject parcel, a single-family on the north side and City Park site to the east.

## **Review and Analysis**

Staff has reviewed the submitted request. The requested R-3 zoning is consistent with the adjoining zoning and uses. As indicated previously, the subject property adjoins two other R-3 parcels which are occupied by two-family buildings. The lot area is consistent with and similar to the other R-3 zoned parcels in the vicinity. A sketch plan of the proposed building footprint provided by the applicant demonstrates that a two-family home can be constructed on the parcel without need for any setback variances. Even under the current R-2 zoning district, the parcel would require a variance for lot area as it does not meet the R-2 minimum lot size requirements. Below are the standards for Map Amendments and Variances as stated in the City of Wilmington Code of Ordinances:



150.12 - Variations.

(A) *The city council, after receiving a report from the planning and zoning commission (PZC) containing their findings and recommendations, may vary the regulations of this chapter within their general purpose and intent.*

(B) *The PZC shall make recommendation and provide findings of fact to the city council to the same that:*

*(1) Adequate evidence was submitted to establish practical difficulties or particular hardship so that, in the judgement of the PZC, a variation is permitted because the evidence sustained the existence of each of the four following conditions:*

*(a) Reasons that strict enforcement of the code would involve practical difficulties or impose exceptional hardship;*

*(b) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular district or zone;*

*(c) The plight of the owner is due to unique circumstances;*

*(d) The variation, if granted, will not alter the essential character of the locality.*

*(2) Procedures for variations. An application for a variance shall be processed in accordance with the provisions of [Section 150.18](#) of this chapter.*

*(3) Conditions and restrictions. The PZC may recommend and the city council may impose conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards set forth in this section.*

150.14 - Map amendments (rezoning).

*The city council, after receiving a report from the PZC containing its findings and recommendations, may amend the zoning district boundary lines.*

(A) *Standards for map amendments. The PZC shall make findings and recommendations based upon the evidence presented to it in each specific case that:*

*(1) The proposed rezoning conforms to the comprehensive plan; or conditions or trends of development have changed in the area of the request, since the adoption of the comprehensive plan, to warrant the need for different types of land uses or densities. Furthermore, the proposed rezoning is appropriate considering the length of time the property has been vacant, as originally zoned, and taking into account the surrounding area's trend of development;*

*(2) The proposed rezoning conforms to the intent and purpose of this chapter;*



*(3) The proposed rezoning will not have a significant detrimental effect on the long-range development of adjacent properties or on adjacent land uses;*

*(4) Adequate public facilities and services exist or can be provided.*

*(B) Procedure. An application for a map amendment shall be processed in accordance with the provisions of [Section 150.18](#) of this chapter.*

*(C) For the purpose of implementing the above the PZC and city council shall give weight to the following considerations:*

*(1) The potential benefits and detriments of the proposed zoning change to the public health, safety and welfare;*

*(2) The extent to which the proposed amendment is in compliance with and/or deviates from the adopted comprehensive plan;*

*(3) The suitability of the property in question for the uses permitted under the proposed zoning;*

*(4) The adequacy of appropriate public facilities, such as sewer, water and roads and of other required services.*

### **Recommended Actions**

Staff is recommending that the Wilmington Planning and Zoning Commission recommend to the City Council approval of the Map Amendment from R-2 to R-3 and a Variance for lot area from 12,000 square feet to 7,300 square feet. The map amendment is consistent with surrounding zoning, surrounding uses and the trend of use in the area. The rezoning is not deemed to have any significant detrimental effect on adjacent properties and can be appropriately served with existing public facilities. The variance for lot area is unique in that the existing lot size cannot be altered and it is consistent with other similarly zoned lots in the area.

