

WHEATON PLANNING AND ZONING BOARD

I. CALL TO ORDER AND ROLL CALL VOTE

Chair Aranas called the Tuesday, January 11, 2022 Wheaton Planning and Zoning Board meeting to order at 7:00 p.m. in-person and via zoom. Upon roll call, the following were:

Roll Call Vote

Present: Nicole Aranas (via zoom)
Christopher Dabovich
Bob Gudmundson
Cecilia Horejs
Dan Wanzung

Absent: Chris Derrick
Mark Plunkett

City Staff Present: Tracy Jones, Staff Planner
Jim Kozik, Director of Planning and Economic
Development

II. APPROVAL OF MINUTES - DECEMBER 14, 2021

The minutes were approved as presented.

III. PUBLIC COMMENT

There was none.

IV. NEW BUSINESS

ZA #22-01/ TEXT AMENDMENT/ ARTICLE 24.7.2B - RECREATIONAL VEHICLE PARKING RESTRICTIONS

Pursuant to notice duly published on December 20, 2021, Chair Aranas called to order the January 11, 2022 public hearing requesting a proposed text amendment, initiated at the request of Wheaton residents Mark and Janice Burlingame, to the text of Article 24 of the Wheaton Zoning Ordinance pertaining to recreational vehicle parking restrictions. It should be noted that in addition to being published in the Daily Herald, the proposed text amendment was also featured in the Wheaton Weekly newsletter.

Letters of support from Melvin and Veronica Godson, Larry Klem, Vern and Fran Neuhaus, Daniel Novak, Carlos and Linda Vergara, and Diane Swierenga were received and incorporated into the record.

Staff Planner Jones stated that the existing language of Article 24.7.2b states that “Any non-motorized or motorized recreational vehicle shall be parked or stored only behind the front of a house and shall be set back at least five feet (5') from the rear lot line, and three feet (3') from the side lot line. On corner lots, the vehicle shall also be located behind the wall of the house adjacent to the side yard facing a street.” On behalf of Mr. and Mrs. Burlingame, staff drafted language to amend the second sentence of Article 24.7.2b to state that “On corner lots, the vehicle shall be setback at least 20 feet from the side yard abutting a street property line”.

Staff Planner Jones stated that Mr. and Mrs. Burlingame own a house at the northeast corner of Naperville Road and Elm Street. The Wheaton Zoning Ordinance defines the front yard of a corner lot as the shorter of the two street

sides, thus Naperville Road is considered the front yard and Elm Street is considered the corner side yard for this property.

Staff Planner Jones stated that Mr. and Mrs. Burlingame have parked a recreational vehicle in their corner side yard (in front of the wall of the house adjacent to the side yard facing a street) for many years. The City of Wheaton has recently started enforcement/ litigation action against them to force them to relocate their recreational vehicle. The Burlingame's have initiated this text amendment request to mitigate the City's enforcement/ litigation action and to allow them to keep their recreational vehicle in its existing location.

Staff Planner Jones stated that prior to an amendment in 2002, the third sentence of Article 24.7.2b of the Wheaton Zoning Ordinance stated that "On corner lots, the vehicle shall also be located behind the required setback line for any side yard facing a street." Because the City uses an averaging method to determine the required side yard abutting a street setback for each corner lot, which is based on the average of the required setback and the placement of a neighboring home, the area in which a recreational vehicle could be parked would be different for every home.

Staff Planner Jones stated that in 2002, the second sentence of Article 24.7.2b of the Zoning Ordinance was amended to state that "On corner lots, the vehicle shall also be located behind the wall of the house adjacent to the side yard facing a street." At the time, the City of Wheaton approved this amendment, which remains in effect today, to eliminate the need to calculate the required side yard facing a street setback, since the required setback for each corner lot would be different based on the City's averaging method. The City also wanted the amendment to reduce the visibility of recreational vehicles parked on corner lots and to reduce the potential impact of these vehicles on adjacent properties.

Staff Planner Jones stated that to compare the City of Wheaton's recreational vehicle parking restrictions to neighboring communities, staff gathered and reviewed the recreational vehicle parking restrictions for Downers Grove, Elmhurst, Glen Ellyn, Lisle, and Naperville. After reviewing these parking restrictions, staff believes that the existing language is still in line with these communities and provides a simple method to describe where a recreational vehicle may be parked on a property.

Janice Burlingame, 1015 S. Naperville Road, Wheaton was sworn in. Ms. Burlingame stated that they have parked an RV on the south side of their property since 1999. While the RV has been replaced over the years, the size of the RV has stayed relatively the same.

Ms. Burlingame stated that she would like the Board to consider two text amendments pertaining to recreational vehicle parking restrictions. First, as drafted by staff, she would like the Board to consider amending the second sentence of Article 24.7.2b to state that "On corner lots, the vehicle shall be setback at least 20 feet from the side yard abutting a street property line". Second, as suggested by their attorney, she would like the Board to consider adding the following sentence to the existing language "That the Ordinance be amended to provide that the restrictions contained in the amended Ordinance 24.7.2, made effective in 2002, shall not apply to Wheaton residents who had an RV on their primary residence in a location that was compliant with said Ordinance prior to the 2002 amendment and that any such residents shall be permitted to park an RV in a location on their property which is compliant with the requirements as set forth in the Ordinance prior to the 2002 amendment."

Ms. Burlingame stated that at the City Council Proceedings on July 1, 2002, Director Kozik stated that "The Burlingame's RV complies with the current and proposed regulations. The Planning and Zoning Board recommended the change in language to make it easier for people to determine where an RV can be located since people often did not know how to calculate the front yard or rear yard setback requirements."

Director Kozik confirmed that he did make this statement during the City Council Proceedings on July 1, 2002, but he added that this statement was made before the proposed text amendment language was altered and then adopted by the City Council.

Ms. Burlingame disagreed with this statement made by Director Kozik.

Ms. Burlingame stated that they constructed a horseshoe shaped driveway on the south side of their property to accommodate the RV, with the appropriate permits. She added that this was done at a tremendous expense that they would not have incurred if they were told that they could not park their RV in this location.

Mr. Wanzung moved and then Mr. Dabovich seconded the motion to close the public hearing. On a voice vote, all voted aye.

The Board discussed the proposed text amendment request in detail. After reviewing the recreational vehicle parking restrictions of several comparable communities, the Board felt that the City's existing language is still in line with the other comparable communities and provides a simple method to describe where a recreational vehicle may be parked on a property while reducing the visibility of recreational vehicles parked on corner lots and thereby reducing the potential impact of these vehicles on adjacent properties.

While the Board was sympathetic to Mr. and Mrs. Burlingame's situation, they did not support the amended language which would alter the recreational vehicle parking restrictions for all corner lots in Wheaton or the additional language which would allow a grandfathering component as it would be difficult to document and enforce. The City Attorney has further opined that the use cannot be grandfathered, since the parking of a recreational vehicle is not considered a use.

Chair Aranas entertained a motion to waive their regular rules for a second meeting and vote this evening.

Ms. Burlingame stated that she was opposed to this motion, as she would like a second meeting on their text amendment request to give them additional time to seek further legal representation.

Staff Planner Jones stated that the Planning and Zoning Board was only a recommendation body, and their recommendation would be forwarded to the City Council for a final decision. She added that additional testimony could be provided at the City Council meeting and that the Burlingame's could seek further legal representation for this meeting.

Mr. Dabovich moved and then Mr. Gudmundson seconded the motion to waive their regular rules and vote tonight. On a voice vote, all voted aye.

Mr. Gudmundson moved and then Mr. Wanzung seconded the motion to recommend approval of ZA #22-01, requesting a proposed text amendment, initiated at the request of Wheaton residents Mark and Janice Burlingame, to the text of Article 24 of the Wheaton Zoning Ordinance pertaining to recreational vehicle parking restrictions as presented.

Roll Call Vote

Ayes:	None
Nays:	Nicole Aranas (via zoom) Christopher Dabovich Bob Gudmundson Cecilia Horejs

Absent: Dan Wanzung
Chris Derrick
Mark Plunkett

Motion Failed

ZA #22-02/ TEXT AMENDMENT/ ARTICLE 3.4D.1 - RESIDENTIAL EXTERIOR LIGHTING RESTRICTIONS

Pursuant to notice duly published on December 20, 2021, Chair Aranas called to order the January 11, 2022 public hearing requesting a proposed text amendment, initiated at the request of Wheaton resident Thomas Dymit, to the text of Article 3 of the Wheaton Zoning Ordinance pertaining to residential exterior lighting. It should be noted that in addition to being published in the Daily Herald, the proposed text amendment was also featured in the Wheaton Weekly newsletter.

Staff Planner Jones stated that the existing language of Article 3.4.D1 states that “With the exception of decorative coach-style lights and low-voltage landscape lighting, exterior lighting fixtures shall be designed or shaded so as to avoid casting direct light or glare towards surrounding properties or streets and shall not exceed the existing foot-candle requirement included in the performance standards article of the Zoning Ordinance.” Mr. Dymit is proposing to add a sentence to Article 3.4.D1 which states that “The source of light for decorative coach-style lights shall not exceed two-hundred (200) lumens”.

Staff Planner Jones stated that Mr. Dymit owns a house at the northeast corner of Underwood Terrace and Dawes Avenue and that he submitted this text amendment request in response to an on-going lighting issue that he is having with his neighbor to the south. The neighbor has a decorative coach-style light on the north side of their attached garage. While this light is currently exempt from the foot-candle requirement included in the performance standards article of the Zoning Ordinance, it complies with these standards. However, Mr. Dymit still feels that the light creates too much direct light and/ or glare on his property. To address this issue, he is proposing to add additional language to the existing text which states that “The source of light for decorative coach-style lights shall not exceed two-hundred (200) lumens”. Staff does not have any issues with the proposed lumen limit for decorative coach-style lights proposed by Mr. Dymit. For reference, two-hundred (200) lumens are roughly equivalent to 25 watts.

Staff Planner Jones stated that since Mr. Dymit submitted this text amendment request, staff has also encountered difficulty addressing complaints relating to decorative coach-style lights, low-voltage landscape lights, and flood lights. The way the existing text is written, it specifically excludes decorative coach-style lights and low-voltage landscape lights from having to comply with the performance standards article of the Zoning Ordinance which staff believes was not the intent.

Staff Planner Jones stated that to compare the City of Wheaton’s residential exterior lighting restrictions to neighboring communities, staff gathered and reviewed the residential exterior lighting restrictions for Downers Grove, Elmhurst, and Lisle. After reviewing these lighting restrictions, staff believes that the existing language should be revised to reduce glare on adjacent properties and to allow for better enforcement of future lighting complaints that were previously considered unenforceable.

Staff Planner Jones stated that to address Mr. Dymit’s concerns pertaining to glare by requiring a lumen limit for decorative coach-style lights and City Staff’s concerns pertaining to enforcement by requiring that decorative coach-style lights, low-voltage landscape lights, and flood lights must all comply with the performance standards article of the Zoning Ordinance, Mr. Dymit and City Staff are proposing to replace the existing language with the following:

“Article 3.4.D1 - Residential Exterior Lighting

With the exception of decorative coach-style lights, all exterior lighting fixtures shall be designed, shaded, and/or oriented so as to avoid casting direct light or glare towards surrounding properties or streets. All exterior lighting fixtures, including but not limited to decorative coach-style lights, low-voltage landscape lights, and flood lights shall not exceed the existing foot-candle requirement included in the performance standards article of the Zoning Ordinance. Flood lights shall only stay on for five (5) minutes after they're triggered. The source of light for decorative coach-style lights shall not exceed 200 lumens.”

Thomas Dymit, 1303 Underwood Terrace, Wheaton was sworn in. Mr. Dymit stated that a new house was built to the south of him in 2018 and there is a decorative coach-style light on the north side of their attached garage that produces a large amount of glare toward his home. He has asked his neighbor to turn off the light at night to no avail. He submitted a picture of his son's bedroom that faces his neighbor's house for reference. Since the existing language in the Zoning Ordinance for residential exterior lighting does not include a lumen limit for decorative coach-style lights, enforcement has not been possible to date.

Lorena Arellano, 916 W. Elm Street, Wheaton was sworn in. Ms. Arellano stated that her neighbor's flood and landscape lights are producing a large amount of glare toward her home. She has repeatedly asked her neighbor to turn off the lights at night to no avail. She submitted pictures of her children's bedrooms that face the neighbor's house for reference and stated that the lights keep her children up at night. Since the existing language in the Zoning Ordinance for residential exterior lighting does not mention flood lights and specifically excludes low-voltage landscape lights from the performance standards article of the Zoning Ordinance, enforcement has not been possible to date.

Jeff Gahris, 1826 E. Willow Avenue, Wheaton was sworn in. Mr. Gahris stated that he was glad that the City of Wheaton was reviewing its current residential exterior lighting requirements. He added that the existing language is somewhat vague, and he suggested adding language pertaining to color temperature.

Chair Aranas questioned whether existing residential exterior lights would be considered grandfathered.

Director Kozik stated that the use of the existing lights would not be grandfathered.

Mr. Gudmundson questioned whether the City of Wheaton has a light meter.

Staff Planner Jones stated that the City of Wheaton does have a light meter and she has previously used it.

Mr. Dabovich moved and then Ms. Horejs seconded the motion to close the public hearing. On a voice vote, all voted aye.

The Board discussed the proposed text amendment request in detail. After reviewing the residential exterior lighting restrictions of several comparable communities, the Board felt that the proposed amendment would be effective in reducing glare on adjacent properties and would allow for better enforcement of future lighting complaints that were previously considered unenforceable.

Mr. Gudmundson moved and then Mr. Wanzung seconded the motion to waive their regular rules and vote tonight. On a voice vote, all voted aye.

Mr. Gudmundson moved and then Mr. Dabovich seconded the motion to recommend approval of ZA #22-02 requesting a proposed text amendment, initiated at the request of Wheaton resident Thomas Dymit and City Staff, to the text of Article 3 of the Wheaton Zoning Ordinance pertaining to residential exterior lighting as presented.

Roll Call Vote

Ayes: Nicole Aranas (via zoom)
Christopher Dabovich
Bob Gudmundson
Cecilia Horejs
Dan Wanzung

Nays: None

Absent: Chris Derrick
Mark Plunkett

Motion Passed Unanimously

V. MISCELLANEOUS

There was none.

VI. ADJOURNMENT

Mr. Wanzung moved and then Ms. Horejs seconded the motion to adjourn the meeting at 8:43 p.m. On a voice vote, all voted aye.

Respectfully submitted,
Tracy L. Jones, Staff Planner