

**VILLAGE OF RICHMOND
ZONING HEARING
Tuesday, June 4, 2013**

**IN THE MATTER OF THE PETITION BY GREGORY DUNCAN REQUESTING A VARIANCE TO
ALLOW A 110' LOT DEPTH FROM THE 120' DEPTH MANDATED BY THE UDO FOR THE
PROPERTY LOCATED AT 5402/5404 VALLEY DRIVE.**

PRESENT: Zoning Hearing Officer C. Eric Mayer.

ALSO PRESENT: Village President Peter Koenig and Village Clerk Karla L. Thomas

C. Eric Mayer, Hearing Officer called the hearing to order at 5:00 PM in the Village Hall, 5600 Hunter Drive, Richmond, IL.

Zoning Hearing Officer Mayer opened the hearing on the application of Gregory Duncan, owner of record, for a variance to allow a 110' depth from the 120' depth mandated by the UDO for the property located at 5402 and 5404 Valley Drive.

Village Clerk Thomas stated for the record that all fees and necessary documents required had been filed with the Village.

The following were then sworn in by the Village Clerk Thomas: Petitioner/Owner Gregory Duncan (1115 Iron Horse Court, Elgin IL 60124) and Purchasers Jeanette and Robert Pelikan (5406 Valley Drive, Richmond IL 60071).

PRESENTATION BY APPLICANT:

Mr. Duncan reported that upon the death of his mother he had inherited the house located at 5403 May Avenue and the two lots on Valley Drive known as 5402 & 5404 aka Lots 119 & 120. Mr. Duncan stated that he is selling the house and both lots and due to changes in the UDO, the lots are 10 feet in depth short; therefore, requiring him to ask for a variance to bring both lots into compliance with the rest of the street.

Attorney Jeremy W. Shaw with Prime Law Group LLC located at 747 S. Eastwood Drive in Woodstock, IL 60098 was present to represent Gregory Duncan.

Attorney Shaw then questioned his client regarding the standards. Is the survey present accurate? Mr. Duncan replied yes. If someone looks at a property tax map could you please explain why a division appears? Mr. Duncan stated that when the developer of Valley Drive built he created a 10-foot strip which blocked the petitioner's parent access to the lots. Mr. Duncan stated that he has purchased the 10-foot strip so that all the land is owned by him. Attorney Shaw asked Mr. Duncan if he has applied to consolidate the PINs for both lots. Mr. Duncan replied that he has done so. Attorney Shaw asked if the total depth of both lots were 110'. Mr. Duncan stated that they do. Attorney Shaw asked for the purpose of the record, what are the uses of the surrounding properties? Mr. Duncan stated residential property. Attorney Shaw asked his client if he created the 10' shortfall on the lot depths. Mr. Duncan stated that it was created when the UDO was adopted. Attorney Shaw asked if it would be your testimony, Mr. Duncan, that without the variation from the Village the property could not yield a satisfactory return upon sale. Mr. Duncan replied yes. Is it also correct that upon granting of this variance it will not be detrimental to the public health, safety or welfare? Mr. Duncan replied yes. Upon granting it will not change the condition of the property. Will it in anyway change the character of the neighborhood or location? Mr. Duncan stated it would maintain the character. Attorney Shaw asked by the granting of the variance would the property be in harmony with surrounding uses. Mr. Duncan replied yes.

QUESTIONS FROM ZONING HEARING OFFICER:

Hearing Officer Mayer then asked if the property width of the lots match the house on May Avenue? Mr. Duncan replied yes. Hearing Officer Mayer asked if he was selling both lots to the Pelikan's and is this going to be two individual lots or a consolidated lot? Mr. Duncan replied that it would be a consolidated lot. Attorney

