



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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ZONING BOARD OF APPEALS

MINUTES • JANUARY 23, 2018

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Brent Larson	Commissioner	Present	
Cindy Roth-Wurster	Commissioner	Present	
Jan Wood	Commissioner	Present	
Jerry Luszczak	Commissioner	Present	
Theodore McGinn	Commissioner	Absent	
Kevin Cavanaugh	Commissioner	Present	
James Dittrich	Commissioner	Present	
John Pirog	Commissioner	Present	

Staff present: Ms. Katie Romack

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jan 9, 2018 7:00 PM

Mr. Luszczak made a motion to approve the minutes of the January 9, 2018 ZBA meeting; seconded by Mr. Larson.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Jerry Luszczak, Commissioner
SECONDER:	Brent Larson, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Luszczak, Cavanaugh, Dittrich, Pirog
ABSENT:	McGinn

III. PUBLIC HEARING**1. 459 W. Northwest Highway**

The Petitioner did not meet the deadline for the Public Notice requirements. Therefore, this item shall be continued to the next Zoning Board of Appeals hearing on Tuesday, February 13, 2018.

Mr. Dittrich made a motion to continue the petition to the February 13, 2018 ZBA meeting; seconded by Ms. Roth-Wurster.

RESULT:	CONTINUED [UNANIMOUS]
MOVER:	James Dittrich, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Luszczyk, Cavanaugh, Dittrich, Pirog
ABSENT:	McGinn

2. 715 S. White Willow Bay

Sworn in staff: Ms. Katie Romack

Notice was published in the Daily Herald on January 8, 2018 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use
2. Proof of Ownership
3. Plat of Survey
4. Site Plan
5. Elevations
6. Public Notice

Ms. Romack gave the background of the request. The Petitioners, owners of the subject property, would like to remove an existing wood deck and replace it with a new sunroom off the rear of their home. Therefore, the Petitioners are requesting:

- **Special Use to permit a sunroom addition to be set back 32 feet from the rear lot line instead of the required 45 feet**

SITE ANALYSIS:

- The Subject Property is zoned R-1A Single Family, contains a single-family residence, and is located in the Willow Walk Subdivision. The lot size is approximately 16,000 square feet.
- The Petitioners are proposing to remove an existing wood deck and construct a sunroom off the rear of their home.
- The proposed sunroom is 12' x 13' (156 square feet). It would be set back 32 feet from the rear lot line and more than 15 feet from both side lot lines.
- The overall height of the sunroom is approximately 13 feet, which meets Code.
- The building and lot coverage is approximately 19% and 27%, respectively and meet Code.

DEPARTMENTAL REVIEWS:

Community Services	No issues identified.
Engineering	No issues identified.
Environmental Health	N/A
Fire Prevention	No issues identified.
Public Works	N/A
Police	N/A

STANDARDS FOR SPECIAL USE: Since this Petition is not for a use publicly operated or traditionally affected with the public interest, those standards under Section 14.05 D (2) and (3) are applicable. Specifically, the Petitioners must show that the Special Use, if granted, will be operated in a manner consistent with the public health, safety, and welfare, and that the Special Use will not have a negative impact on the value of surrounding properties. The Petition for a Special Use is attached, and the Petitioners have attempted to address the required standards.

Ms. Wood asked if there are any questions on Staff's presentation.

Mr. Cavanaugh asked if it is common for the properties in this subdivision to be nonconforming due to rear yard setback issues.

Ms. Romack stated it seemed like there was quite a few that did not meet the required setbacks just by an approximate measurement. She pointed out even if they currently met the setback it is likely they would need relief for an addition.

Sworn in petitioner: Mr. Larry Gerlach 715 S. White Willow Bay, Palatine

Mr. Gerlach explained their lot is different from most in the area being an L shaped ranch that is setback 45 feet from the back lot line. He pointed out because of the L shaped it is pushed farther back than the homes surrounding it. Mr. Gerlach stated the neighbors are 10 feet higher than their yard, which requires three terraces across their backyard for the change of elevation. He explained they currently have a 400 square foot deck that they want to remove and replace with a 156 square foot sunroom. He further explained this will give them more green area and will be farther away from the terraces. Mr. Gerlach stated the sunroom will be built with materials that will match the house and the retaining walls to ensure it fits in the neighborhood. He stated they have discussed with HOA and the neighbors and they completely approve. Mr. Gerlach explained over the last 6 years they have cleaned up the overgrown and dead landscaping from the terraces and made what was once an eye sore into a focal point that they would like to sit and enjoy through all weather conditions.

Mr. Pirog asked if the retaining walls are on his property.

Mr. Gerlach answered yes.

Mr. Pirog asked if they would be adding a cement foundation.

Mr. Gerlach answered yes.

Mr. Pirog asked if he had any concerns with drainage being that his property is on the low point and they are adding cement.

Mr. Gerlach explained they have no drainage problems because they put French drains in when they put in the retaining walls.

Ms. Wood asked if any other questions for Petitioner. There were no further questions for the Petitioner.

STAFF RECOMMENDATION:

The Petitioners are requesting to replace an existing deck in their rear yard with a new sunroom addition. While the proposed sunroom addition will be half the square footage of the existing deck, building additions are required to be set back 45 feet from the rear lot line. Staff does not believe the proposed sunroom addition will have a negative impact on the value of the surrounding properties or affect the surrounding property owners. Therefore, Staff recommends approval for the Special Use, subject to the following conditions:

1. The Special Use shall substantially conform to the site plan and elevation plans prepared by the architect, John M. Behrens, Architects, dated 12/11/2017, except as such plans may be changed to conform to Village Codes and Ordinances.

Ms. Wood asked if there were any questions on Staff's recommendation. There were no further questions. The public hearing was closed.

Mr. Cavanaugh made a motion to approve subject staff's conditions; seconded by Mr. Dittrich.

DELIBERATIONS:

Mr. Cavanaugh stated it is a great use of their backyard pointing out they obviously care about their property since they have put extensive amount of time and financial resources to make it livable and usable and this is a good second step to that.

Mr. Dittrich stated it meets the standards for a special use and thanked the petitioner for a thorough and well done presentation.

Ms. Wood summarized that this request had met the standards and was approved by a unanimous vote of 7-0. This item will go to Village Council on February 5, 2018.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Kevin Cavanaugh, Commissioner
SECONDER:	James Dittrich, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Luszczak, Cavanaugh, Dittrich, Pirog
ABSENT:	McGinn

3. 570 N. Smith Street

Notice was published in the Daily Herald on January 8, 2018 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. **Application for Special Use**
2. **Proof of Ownership**
3. **Business Plan**
4. **Plat of Survey**
5. **Plans**
6. **Public Notice**

Ms. Romack gave the background of the request. The Petitioners are proposing to operate a Japanese and Korean dine-in restaurant in the former Fortune Kookie Restaurant. Therefore, the Petitioners are requesting:

- **Special Use to permit a restaurant**

SITE ANALYSIS:

- The Subject Property is zoned B-2 General Business District and the lot size is approximately 21,000 square feet.
- The Petitioners are proposing to operate a Japanese and Korean restaurant.
- The Petitioners have other locations in Naperville, Clarendon Hills, and Schaumburg.
- The hours of operation would be 11:00 AM to 10:00 PM Monday through Thursday, 11:00 AM to 10:30 PM on Friday, 11:30 AM to 10:30 PM on Saturday and 12:00 PM to 9:00 PM on Sunday.
- There would be approximately 10 employees.
- The floor plan indicates seating for up to 116 people.
- Based on the number of seats, 46 parking spaces are required (1 space per 2.5 seats). There are 47 existing parking spaces.

DEPARTMENTAL REVIEWS:

Community Services	No issues identified.
Engineering	No issues identified.
Environmental Health	No issues identified.
Fire Prevention	N/A
Public Works	N/A
Police	N/A

STANDARDS FOR SPECIAL USE: Since this Petition is not for a use publicly operated or traditionally affected with the public interest, those standards under

Section 14.05 D (2) and (3) are applicable. Specifically, the Petitioners must show that the Special Use, if granted, will be operated in a manner consistent with the public health, safety, and welfare, and that the Special Use will not have a negative impact on the value of surrounding properties. The Petition for a Special Use is attached, and the Petitioners have attempted to address the required standards.

Ms. Wood asked if there are any questions on Staff's presentation.

Mr. Larson asked if the lot in the back is for this property's use.

Ms. Romack answered yes.

Mr. Cavanaugh asked if the 46 spots factor in employee parking too.

Ms. Romack explained the methods of parking calculations being based on either square footage or the number of seats.

Sworn in petitioner Ms. Jane Lee, Petitioner, 570 N. Smith Street, Palatine

Ms. Lee explained they are requesting a special use to operate a Japanese restaurant with a regular Japanese menu and an all you can eat sushi option. She stated the location was formerly a Chinese restaurant called Fortune Kookie. Ms. Lee stated they purchased the property last year and submitted the restaurant plans to the Village. She stated they have over 10 years of experience in the restaurant business having locations in Naperville, Clarendon Hills, Lombard and Rosemont. Ms. Lee stated last year they opened a location in Schaumburg and it is getting busy and popular. She stated they now want to open a location in Palatine and hope to get approval from the board to serve great food and service.

Ms. Wood asked if any other questions for Petitioner. There were no further questions for the Petitioner.

STAFF RECOMMENDATION:

The proposed restaurant will occupy the former Fortune Kookie restaurant, which has been vacant for more than 6 months. With the proposed number of seats, the restaurant has adequate parking available. Staff believes the proposed restaurant is a compatible use at this location and should not have a negative impact on the surrounding properties. Therefore, Staff recommends approval of the Special Use subject to the following condition:

1. The Special Use shall substantially conform to the business plan prepared by the Petitioners, Dongyeol Lee and Jane Lee, and the floor plan prepared by Jakl-Brandeis Architects Ltd. dated 01/05/2018, except as such plans may be changed to conform to Village Codes and Ordinances. Ms. Wood asked if there were any questions on Staff's recommendation.

Sworn in Sandra Fontana 529 N. Smith Street, Palatine

Ms. Fontana stated she is the closest residential property to the restaurant and feels it would be nice to welcome another restaurant since it was previously a

restaurant. She pointed out it would help the property value not having a vacant property. Ms. Fontana stated she would like to see some minor changes including professional landscaping. She also spoke to concerns with the garbage including the area being dirty and the hours of pickup.

Mr. Pirog asked if our code limits the hours of refuse pickup.

Ms. Romack stated that garage pick-up is not permitted at all hours of the night but she would have to check on the exact pick-up times. She further suggested Ms. Fontana to contact the Village if garage pick-up becomes an issue once they open. She pointed out there are certain requirements for screening of the garbage area and will be addressed through the building permit process. Ms. Romack explained with new developments there are typically landscaping requirements but since this was an existing site it is not typically required. She stated she can speak to the Petitioners to see if they would be willing to add more landscaping.

Ms. Lee stated she has not opened yet but will take care of the garbage once they open.

Ms. Wood asked if they had any plans for landscaping.

Sworn in Mr. Dongyeol Lee, Petitioner

Mr. Lee explained they will hire a company who will handle the remodeling.

There were no further questions. The public hearing was closed.

Mr. Larson made a motion to approve subject staff's conditions; seconded by Ms. Roth-Wurster.

DELIBERATIONS:

Mr. Larson stated it makes sense since the property was a restaurant previously. He stated it won't have a negative impact on the surrounding properties and pointed out they have a history of running successful businesses in the area. He stated he looks forward to trying it out when they open.

Ms. Roth-Wurster agreed with Mr. Larson. She spoke to neighbors' concerns and pointed out staff indicated they will be addressed.

Ms. Wood stated it is a good complement to the area since the hours are more afternoon and evening similar the previous restaurant and the other businesses in the area are heavier in the morning hours.

Ms. Wood summarized that this request had met the standards and was approved by a unanimous vote of 7-0. This item will go to Village Council on February 5, 2018.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Brent Larson, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Luszczyk, Cavanaugh, Dittrich, Pirog
ABSENT:	McGinn

IV. COMMUNICATIONS

Ms. Romack stated the following items were approved at the January 15th Village Council meeting:

- 217 N. Benton Street: Special Use for a canopy encroachment
- 108 N. Forest Avenue: Special Use for a second story addition
- 231 N. Northwest Highway: Special Use for the chiropractor office

There is no update on 225 W. Kenilworth Avenue.

755 W. Benton Street is still scheduled for February 5th.

The next ZBA meeting is scheduled for February 13th and there will be 5 items on the agenda.

V. ADJOURNMENT

1. Motion to Adjourn

Mr. Dittrich made a motion to adjourn; seconded by Mr. Luszczak.

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	James Dittrich, Commissioner
SECONDER:	Jerry Luszczak, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Luszczak, Cavanaugh, Dittrich, Pirog
ABSENT:	McGinn

