



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
<http://www.palatine.il.us>

ZONING BOARD OF APPEALS

MINUTES • JANUARY 11, 2022

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	Present	
Kevin Cavanaugh	Commissioner	Present	
John Pirog	Commissioner	Present	

Staff present: Ms. Lyn Bremanis & Mr. Alex Bradshaw

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Dec 14, 2021 7:00 PM

Mr. McGinn made a motion to approve the minutes of December 14, 2021; seconded by Ms. Roth-Wurster

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Theodore McGinn, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Luszczak, McGinn, Cavanaugh, Pirog

III. PUBLIC HEARING

1. 157 E. Wood Street

Notice was published in the Daily Herald on December 27, 2021 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Aerial Map
2. Application
3. Petitioner Justification Letter
4. Plat of Survey
5. Site Plan
6. Fence Elevation
7. Letter of Support (1)
8. Letter of Support (2)
9. Letter of Support (3)
10. Public Notice

Sworn in staff: Ms. Lyn Bremanis and Mr. Alex Bradshaw

Sworn in the petitioner: Ms. Lyndsay Degrazia 157 E. Wood Street homeowner

Ms. Degrazia stated they recently purchased the home in June and have two toddlers. She stated they noticed early on there is an existing fence to the south and no fence line to the east to protect their children from heavy traffic. She spoke to standards of child safety. Ms. Degrazia explained they are looking to install an open face black aluminum fence 4 feet in height and 5 feet off the sidewalk. She stated the lots are narrow, so the 5 feet would allow less encroachment and more room to play. She stated the neighbors have agreed to allow the wood panels of the existing fence to be removed and replaced, with the same black aluminum material to make it aesthetically more pleasing. Ms. Degrazia spoke to the standards explaining the vistas will be improved removing the existing privacy fence and adding something more see-through. She stated the new fence will enhance the homes in the area by removing the current rotting fence and replacing with an iron fence that looks nice. Ms. Degrazia stated it will not detract from the overall appearance and neighbors are in support, pointing out the letters in the exhibit folder. She restated child safety is most important.

Mr. Pirog asked who owns the current wood fence.
Ms. Degrazia answered they do.

Mr. Pirog asked if it will be removed.

Ms. Degrazia explained they spoke to a fence contractor who suggested replacing the stakes, rather than replacing the fence. She stated they will need to determine costs.

Ms. Bremanis stated they will not need relief for any other part of the fence.

Mr. Pirog asked why they want install the fence, with a 5-foot setback, since their yard is so big.

Ms. Degrazia stated the yard has a lot of pavement so does not feel big. She stated if they place the fence at the 20 feet, it will look strange and aesthetically too far back in to the lawn. She stated she does not think 5 feet would be hindering.

Ms. Roth-Wurster asked how far the current privacy fence is set back.

Ms. Degrazia stated approximately 11 feet.

Ms. Bremanis gave a brief overview referring to slides showing the location of neighbor's submitted letters of support. The location of the proposed fence on site plan and existing conditions slides were also presented.

Mr. Cavanaugh asked about required landscaping.

Ms. Bremanis explained there was a recent text amendment that allows 4-foot open style fencing, without landscaping.

STAFF RECOMMENDATION:

The Petitioner is proposing to install a 4-foot open style fence, approximately 5 feet off the N. Oak Street lot line. The Oak Street lot line is the required side yard abutting a street and also abuts the side lot line of the front yard of the adjacent lot to the south. Per Code, the required setback is 20 feet.

The proposed fence is an open-style and, at four feet, is shorter than existing solid six-foot fence existing on the shared property line, approximately 10 feet from the Oak Street property line. And, the Petitioner is proposing to remove two 6-foot panels from the existing fence (shared property line on the south side of the lot) and replace with the 4-foot open style fence. Staff does not have any specific concerns about the line of sight impact to the property at 114 N. Oak Street, as the driveway is set back approximately 16 feet from the fence.

Nevertheless, there are not many similarly placed fences in the immediate area of the Subject Property. While there are proximate areas, with existing non-conforming fences (setback), this is not the fencing characteristic, along Wood and Oak Streets.

Therefore, Staff recommends Action at the discretion of the Zoning Board of Appeals of the proposed Special Use. If the Special Use is approved Staff recommends the following condition:

1. The Special Use shall substantially conform to the site plan and elevation plan submitted by the Petitioner, Lindsay DeGrazia, except as said plans may be changed to conform to the Village Code of Ordinances.

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

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

DELIBERATIONS:

Mr. Luszczyk stated it is a great idea with the open fence allowing visibility. He stated the safety of children is important.

Mr. Cavanaugh stated he has been through the area in the morning and agrees with concerns of rolling through stop signs. He stated the safety of kids is a real concern.

Ms. Wood pointed out the setback relief is a big request. She stated fences do affect aesthetic value but the open style 4-foot fences makes sense.

Ms. Roth-Wurster agreed with Ms. Wood. She stated they made a wise choice on fence style and thinks it meets the standards.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will tentatively go to Village Council on January 24, 2022

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Jerry Luszczyk, Commissioner
SECONDER:	Kevin Cavanaugh, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Luszczyk, McGinn, Cavanaugh, Pirog

2. 1660 N. Rand Road

Notice was published in the Daily Herald on December 27, 2021 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. Floor Plan
5. Smoothie King Business Plan
6. Public Notice

Ms. Bremanis gave a brief staff statement:

The Petitioner applied for and received a building permit to renovate the property, which included a drive-thru on the building permit plans. As part of that process, Staff did not note the required Special Use review for the drive thru. The legal non-conforming status for its use expired, after the last user vacated the building. Once this was noted, Staff contacted the Petitioner, who immediately applied for relief.

Sworn in the petitioner: Faisal Raja 1660 N. Rand Road owner

Mr. Raja stated the building was vacated 2 years ago. He stated they did an extensive renovation for Smoothie King, which is a national franchise. He pointed out they had a double drive thru, but changed it to single drive thru. Mr. Raja stated the building permit process took 7 months to complete and when the occupancy stage occurred, they were notified that the drive thru required a special use. He explained they were not informed they needed a special use, but applied once notified. He pointed out they will be using the same stacking as previous ownership.

Mr. Luszczak asked about previous tenant.

Mr. Raja stated Checkers

Ms. Bremanis stated there was a Checkers when it was annexed into the Village and after that there was a drive thru insurance company.

Mr. Cavanaugh asked if Smoothie King is open now.

Mr. Raja answered yes.

Ms. Wood asked if they need the drive-thru for their customers.

Mr. Raja answered yes, especially with COVID. He explained customers are more comfortable with it being a safer and easier way to hand off purchases and they don't have to wear a mask.

Ms. Wood asked if there is seating inside.

Mr. Raja answered no. He explained there is a walk-in lobby but no seating.

Mr. Luszczyk clarified they will have one drive thru.
Mr. Raja answered yes.

Ms. Roth-Wurster asked about ordering location.
Mr. Raja referred to slide to show location.

Ms. Roth-Wurster asked about surrounding properties and if there is any residential concerns.
Mr. Raja explained it is parking lots of strip center, cabinet business, and church.

Ms. Bremanis gave a brief overview of request stating their closing hours are 9 PM Monday-Saturday and 8 PM on Sunday and estimate approx. 120 drive thru customers and 20 walk-ins. She stated the building is approximately 1,200 square feet, with no seating and they are over parked. Ms. Bremanis stated Community Services, Engineering, Environmental Health and Fire Prevention have reviewed and had no concerns. She referred to the slide to show the drive-thru, floor plan, and existing conditions.

STAFF RECOMMENDATION:

The proposed re-use of the drive-through is an existing condition, on the Rand Road commercial corridor and is not adjacent to any residential homes. The business plan does not propose late hours and its use should not impact the surrounding properties. Notwithstanding the procedural omission for the drive thru, Staff believes the drive thru use is appropriate for the location and will not have an impact on the surrounding property values or on the public health, safety and welfare. Therefore, Staff recommends approval of the Special Use for the drive thru subject to the following condition:

1. The Special Use shall substantially conform to the business plan, site plan and floor plan submitted by the Petitioner submitted 12/21/2021, except as such plans may be changed to conform to Village Codes and Ordinances.

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

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

DELIBERATIONS:

Mr. Cavanaugh agrees with staff recommendation as laid out.

Mr. Luszczyk pointed out they had 2 drive thru and are going down to 1. He stated he doesn't see any issues. Ms. Wood stated it is great to see a restaurant go back in space and they are using existing drive thru. She stated the standards have been met.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will tentatively go to

Village Council on January 24, 2022

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

IV. COMMUNICATIONS**V. ADJOURNMENT**

1. Motion to Adjourn

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

