



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 10, 2023

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Cindy Roth-Wurster	Commissioner	Present	
Jan Wood	Commissioner	Absent	
Jerry Luszczyk	Commissioner	Present	
Theodore McGinn	Commissioner	Present	
Kevin Cavanaugh	Commissioner	Present	
John Pirog	Commissioner	Present	

II. MINUTES APPROVAL

1. Zoning Board of Appeals - Regular Meeting - Dec 13, 2022 7:00 PM

Mr. Luszczyk made a motion to approve the minutes of December 13, 2022; seconded by Ms. Roth-Wurster

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Jerry Luszczyk, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Roth-Wurster, Luszczyk, McGinn, Cavanaugh, Pirog
ABSENT:	Wood

III. PUBLIC HEARING

1. 140 W. Wood Street #104

Notice was published in the Daily Herald on December 26, 2022 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Variation
2. Proof of Ownership
3. Plat of Survey
4. Floor Plans
5. Objection email- David Jutla
6. Objection email- Gail Kloman
7. Public Notice

Sworn in staff: Ms. Lyn Bremanis

Sworn in the petitioner: Mr. John Simonaitis 140 W Wood Unit 104

Mr. Simonaitis stated he purchased the 2 bedroom unit in 2021. He stated they have been working on the building and have increased assessments by 14%. He stated they put in a new hvac system and his unit is becoming unreasonable on investment. Mr. Simonaitis explained it was originally 2 units and he still gets 2 electrical bills and will require to 2 hvac systems that he will have to maintain. He stated he is asking for a variance to revert the unit back to its native form.

Mr. Pirog asked if this will change the assessments and bills.

Mr. Simonaitis answered yes explaining he will reside in one unit and sell the other to reduce the cost.

Mr. McGinn asked if other units have done the same.

Mr. Simonaitis answered yes stating he knows of 2 other units with the same footprint that have been divided.

Mr. McGinn asked if he spoke to the neighbors.

Mr. Simonaitis answered yes explaining this won't change anything for them.

Ms. Bremanis gave a brief overview pointing out the 2 other units that went through the same process in 2019 and 2020. She spoke to a parking variation that is currently in place that will accommodate this new request. Ms. Bremanis stated the property is zoned R3 and as proposed will have 131 units. She stated Community Services, Engineering and Fire Prevention have all reviewed and had no issues.

Ms. Roth-Wurster asked what the work would entail.

Mr. Simonaitis explained the renovation is bringing it back to its native form of a studio and a one bedroom unit.

Ms. Roth-Wurster clarified the only impact on hallway is a door.
Mr. Simonaitis explained there was a door there at one time.

STAFF RECOMMENDATION:

In 1995, Park Towne was converted from apartments to privately owned condominiums. At the time, several studio and 1-bedroom units were combined into single 2-bedroom units. The Petitioner is requesting to divide the unit back to its original form. Per Code, multi-family units must be over 500 square feet. The addition of a studio unit should not affect the existing characteristics of the units within the building. Staff also reviewed the proposed request within the circumstances of the existing multi-family residential building, use, and its unit characteristics, as opposed to either a new building or conversion proposal from another use. Therefore, Staff recommends approval of the proposed Variation, subject to the following condition:

1. The Variation shall substantially conform to the floor plans prepared by the Petitioner submitted on 10/24/22, 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. Luszczak made a motion to approve subject staff's conditions; seconded by Ms. Roth-Wurster

DELIBERATIONS:

Mr. Luszczak stated there is nothing really changing just adding another unit. He pointed out it is all interior work with no effects on other residents.

Ms. Roth-Wurster stated it meets the standards and recalls seeing similar requests in the past.

Mr. McGinn summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will tentatively go to Village Council on January 16, 2023.

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

2. 1401 W. Autumn Road

Notice was published in the Daily Herald on December 26, 2022 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. Chicken Coop Elevations
6. Chicken Run Enclosure
7. Letters of Support
8. Public Notice

Sworn in the petitioner: Ryan and Kerstin Nelson 1401 W. Autumn Road

Mr. Nelson stated they are new residents since October. He stated they moved from California and drove across the country with the chickens. He stated they applied for a permit for the shed and learned after the fact that there was additional process to gain approval for the chickens. Mr. Nelson pointed out they got letters of approvals from all the neighbors.

Ms. Nelson explained the chickens belong to their son and they were under the impression they were allowed. She stated an anonymous complaint led them to realizing they needed to request the relief.

Mr. Nelson explained they are comfort chickens that have been raised from eggs. They have names and are more like pets.

Mr. Luszczak asked if the chickens stay in the shed.

Mr. Nelson answered yes explaining they have straw, bedding and heating to keep warm. He stated they are hens so they are quiet unlike roosters.

Mr. Luszczak asked if the chickens will be running around outside.

Mr. Nelson explained they have a chicken run to use in the summer that they used in California and are working on a leash.

Kerstin stated they will never let them run free.

Mr. Pirog asked what the lifespan of chickens is.

Ms. Nelson answered 5-7 years and they are all currently under 1. She stated they are not producing eggs in the winter but will try in the spring.

Mr. Luszczak asked how many hens they have.

Mr. Nelson answered 6.

Mr. Luszczak asked how many eggs they produce.

Ms. Nelson stated once they are old enough they should lay an egg every other day.

Played Petitioner's video of son giving the reasons for having the chickens.
Ms. Nelson stated their son has mental health issues and this has helped.

Mr. McGinn asked about smell /waste.

Ms. Nelson explained they use zeolite powder to help with ammonia smell and a fresh layer of straw. She stated there is no strong odor because they change towels every day and rinse water. She stated there is no real noise, and in the summer if in the chicken run they will keep grass kept and fresh to avoid flies.

Mr. McGinn asked if the chicken run is enclosed.

Mr. Nelson referred to slide to show the enclosed run.

Mr. McGinn asked if they spoke to the neighbors.

Mr. Nelson spoke to the letters of support submitted from all adjacent neighbors.

Ms. Nelson stated they were told by neighbors they used to have chickens and horses on their property.

Ms. Bremanis gave a brief overview stating the property is zoned Planned Development following the R2 standards. She stated the request is for an 80 square foot chicken coop with a maximum of 6 hens with an additional 54square foot fence run which is well under the permitted 700 square foot accessory structure. Ms. Bremanis referred to the site plan slide to show the location of the shed currently and the proposed location changes that would satisfy council discussions. She referred to the slide to show Village Council discussed criteria. Ms. Bremanis stated Community Services, Engineering and Environmental Services have reviewed and have no comments.

Mr. Pirog asked if council review is official.

Ms. Bremanis answered no it was just a conversation. She spoke to the one chicken coop that was approved in 2013 for a property zoned R1 on 1.8 acres. She stated many of council's criteria were conditions on that special use approval.

Mr. McGinn asked if this request meets council parameters.

Ms. Bremanis spoke to the options on the letters neighbor submitted regarding the location of the coop. She stated the current proposal is to move coop closer to home away from lot line.

Mr. Nelson spoke to the fence discussion and how most neighbors would prefer not to have a fence. He stated they would build a new coop if necessary, but hoping not to.

Ms. Nelson stated they want to follow any guidelines necessary.

Sworn in Catherine Putzer 1184 N. Deer Ave.

Ms. Putzer stated they are new neighbors moving in December 21. She stated they met the family at a local park and they introduced kids to chickens. She stated they are very friendly quiet animals and can see the coop from her kitchen window and it's beautiful. Ms. Putzer stated they never hear them so there is no nuisance and the children in the neighborhood love them. She stated she does

not want a fence explaining they purchased home because of the openness of the area.

Sworn in Ms. Julie Picchiotti 939 N. Franklin Ave.

Ms. Picchiotti stated she herself went through process and attended the Village Council meeting discussion pointing out even with the perimeters a variance can be requested.

Ms. Bremanis clarified if the perimeters were part of code a variance can be requested but currently not part of code.

Sworn in Ms. Joelle Kern 124 W. Pleasant Hill Blvd.

Ms. Kern stated she is in support. She stated she has experience in raising chickens and it is a positive experience and will be happy to see in Palatine

STAFF RECOMMENDATION:

The Petitioners are proposing to construct a chicken coop and run in their rear yard. The Petitioner was able to obtain letters of support from 15 of their surrounding neighbors, including those whom are directly adjacent. Per the submitted application, the Petitioners have also proposed to construct a 6-foot solid fence to combat any potential injury to the value of other properties in the neighborhood. Ultimately, this is a policy decision for the Village Council; therefore, Staff recommends action at the discretion of the Zoning Board of Appeals. If the Zoning Board of Appeals recommends approval, Staff recommends the following conditions:

1. The Special Use shall substantially conform to the Site Plan and Coop Elevation submitted by the Petitioners, Mr. Nelson & Kerstin Nelson, except as such plans may be changed to conform to the Village Codes and Ordinances.
2. Roosters shall be prohibited from the property.
3. The accessory structure housing the chickens shall be screened with either a 6-foot solid fence or densely planted landscaping in a manner acceptable to the Village of Palatine.
4. A maximum of 6 hens shall be allowed as part of the Accessory Unique Use.
5. Any eggs produced as a result of the Accessory Unique Use shall not be used for business or commercial purposes.
6. A review shall be scheduled before the Village Council following 6 months of keeping the hens on the Subject Property. The Village Council reserves the right to impose additional conditions or modify conditions to address any concerns, in conjunction with the 6-month review.

Mr. Pirog asked if condition number 3 is in addition to the 6-foot fence in the proposal.

Ms. Bremanis explained that is part of it.

Mr. Pirog asked if they still will be required to add a fence even though the area has no fences.

Ms. Bremanis explained it is a condition that was added into the proposal and can be removed, however, could ultimately be put back in at Council level.

Mr. Cavanaugh asked why the last few items on the bullet points are not conditions.

Ms. Bremanis explained they are meeting them in their proposal.

Mr. Nelson suggested a 1 year probation to do determine if a fence is needed.

Ms. Nelson stated if issues come up they will be happy to address.

Mr. Pirog pointed out the 6 month review in condition.

Ms. Bremanis clarified they are suggesting the fence be removed and can be added in if need be.

Mr. Cavanaugh asked what the need for the fence is.

Ms. Nelson explained they added for the standards.

Ms. Bremanis explained the purpose is for screening for neighbors. She spoke to the letters having 2 options with and without fences.

Mr. Cavanaugh asked if the letter did not ask would it still be part of conditions.

Ms. Bremanis answered yes would still be part of conditions being part of the criteria set in Village Council discussion.

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

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

DELIBERATIONS:

Mr. Pirog stated the proposal is architected and a lot of thought has been considered for the public health safety and welfare. He stated if all neighbors do not feel it will cause injury to their properties so it meets standards. He stated they have great plan to protect everyone as well as the chickens.

Ms. Roth-Wurster stated the standards have been addressed. She stated it is important to see what neighbors think and agree to strike the fence and add later if needed. She spoke to the way a fence can look awkward.

Mr. McGinn spoke to standards of substantial injury. She stated most surrounding properties are against the fence and the neighbors don't have issue with the chickens.

Mr. Cavanaugh recommended striking #3 and council can add in at a later date if they feel the need.

Discussion on changing the motion.

Mr. Pirog withdrew his original motion.

Mr. Cavanaugh made a motion to approve subject staff conditions removing #3; seconded by Ms. Roth-Wurster

Mr. McGinn summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will tentatively go to Village Council on February 6, 2023.

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

3. 1713 N. Rand Road #100

Notice was published in the Daily Herald on December 26, 2022 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. Business Plan
6. Floor Plan
7. Public Notice

Sworn in the petitioner: Mr. Vladyslav Shataliuk 4308 Blue Iris Court Island Lake, IL owner of business

Mr. Shataliuk stated he is planning to open a smoke shop and thinks it will be beneficial as there are not many smoke shops in area. He spoke of one being down Rand Road but in a different city. Mr. Shataliuk stated his business will not allow sale of drug paraphernalia with the main focus on tobacco and hookah products.

Ms. Bremanis gave a brief overview stating the property is zoned B2 occupying approx. 902 square feet and located along the Rand Corridor. She stated the petitioner is aware of all Village regulations and is prepared to follow them. Ms. Bremanis spoke to the hours of operations being Monday-Sunday 8am-10pm with 1 full time and 2 part time employees. She stated per the business plan all customers will be required to show valid identification showing they are 21 years or older. Ms. Bremanis stated the parking requirements will remain the same. She stated Community Services, Engineering, Fire Prevention, and Police have reviewed and have no concerns.

STAFF RECOMMENDATION:

The Petitioner is proposing to open a tobacco shop in a multi-tenant shopping center. The Petitioner is aware that the sale of drug paraphernalia with the intent to use it for a controlled substance is prohibited. Furthermore, the Petitioner is proposing to have "21+" signage posted in prominent locations within the tenant space, and will have all customers present a valid form of identification for all purchases. With that said, the proposed use should not cause any substantial injury to the value of the surrounding properties. Therefore, Staff recommends approval of the requested Special Use with the following condition:

1. The Special Use shall substantially conform to the Business Plan and Floor Plan submitted by the Petitioner, Vladyslav Shataliuk, except as such plans may be changed to conform to the Village Codes and Ordinances.

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

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

DELIBERATIONS:

Mr. Pirog stated it is a good business plan. He pointed out the petitioner is aware and agreed to follow all regulations. He stated he thinks this is a great opportunity.

Mr. McGinn stated the location is good being in the Rand corridor.

Mr. Cavanaugh stated it is a good use of space.

Mr. McGinn summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will tentatively go to Village Council on January 16, 2023.

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

IV. COMMUNICATIONS

V. ADJOURNMENT