



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

AGENDA • DECEMBER 14, 2021

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Oct 26, 2021 7:00 PM

III. PUBLIC HEARING

1. 409 S Elm Street

Special Use to permit a fence in the side yard abutting a street, where the side lot line of said yard abuts the side lot line of the front yard of an adjacent lot, pursuant to Section 6.03 (b) (6) (b) of the Village of Palatine Zoning Ordinance.

2. 893 W. Willow Street

Variation to permit a rear yard setback of 18 feet instead of the minimum required 25 feet for a permitted obstruction, pursuant to Section 10.06 (c) (13) of the Palatine Zoning Ordinance.

IV. COMMUNICATIONS

V. ADJOURNMENT



VILLAGE OF PALATINE

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ZONING BOARD OF APPEALS

MINUTES • OCTOBER 26, 2021

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Oct 12, 2021 7:00 PM - **Accepted**

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

Minutes Acceptance: Minutes of Oct 26, 2021 7:00 PM (Approval of Minutes)

III. PUBLIC HEARING**1. 519 W. Dorset Avenue - Recommended to Approve****PUBLIC HEARING**

Notice was published in the Daily Herald on October 11th, 2021 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in Staff: Lyn Bremanis & Alex Bradshaw

Sworn in petitioner: Chris Kartsunes - 519 W. Dorset Ave

Mr. Kartsunes explains that they are requesting a special use to build a pool in their backyard. He states it would serve a dual purpose by adding aesthetics to his property and providing therapy for an existing health condition.

Mr. Pirog refers to a site plan picture and asks if the items that were recently removed were on concrete.

Mr. Kartsunes confirms that they did have concrete slabs. The patio was 25 X 25, the shed is 8 X 8 and will be removed when the pool is installed. The fence was installed last year in preparation of the new pool.

Ms. Wood asks if he is aware of any flooding in the area.

Mr. Kartsunes states that flooding is not an issue in his neighborhood.

Ms. Roth-Wurster asks the size of the pool and he states that it is 16 X 38.

Ms Wood asks staff for any additional information.

Ms. Bremanis provides a site analysis and explains that the property will exceed the maximum lot coverage by 110 square feet. She states that the pool would meet the building coverage and the shed from the rear yard would be removed in anticipation of installing the pool.

STAFF RECOMMENDATION:

The Petitioner is requesting to add a 946 square-foot in-ground pool to the

Subject Property. This puts the total lot coverage over the permitted maximum 45% however the

Petitioner is removing an existing concrete patio and shed to offset the total lot coverage on the property increasing the total lot coverage to 47%. Engineering did not have any concerns and the additional 2% lot coverage should not have a negative impact on the surrounding area. In addition, the proposed pool should not change the essential character of the neighborhood and any perceived impact would be to the Subject Property. Therefore, Staff recommends approval of the proposal, subject to the following conditions:

1. The Variation shall substantially conform to the Site Plan submitted by the Petitioner, except as such plans may be changed to conform to Village of Palatine Codes and Ordinances.

Mr. Pirog questions the square footage of the shed and has concerns if the resident would require additional storage in the future.

Mr. Kartsunes states that he would utilize the garage for any additional storage.

There were no further questions. The Zoning Board closed the Public Hearing.

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

DELIBERATIONS:

Mr. Pirog states that based on the standards it would meet his approval.

Ms. Wood states that the 2nd driveway predates the ownership of the property and the pool is low profile. She states there are unique circumstances and this request would not alter the character of the locality.

Ms. Roth-Wurster agrees and states that since engineering had no flood concerns she views this as a positive request.

Mr. Cavanaugh agrees with staff recommendation. Meets standard and believes it will be done professionally.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 4-0. This item will tentatively go to Village Council on Monday, November 8th, 2021

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

2. 371 S. Clyde Court - **Recommended to Approve**

PUBLIC HEARING

Notice was published in the Daily Herald on October 11th, 2021 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use and Variation
2. Proof of Ownership
3. Plat of Survey
4. Site Plan
5. Elevation & Floor Plan

The Petitioner is requesting to build a sun room that will encroach into the required rear yard setback. Therefore, the Petitioner is requesting special Use to permit a sunroom addition to be setback 15 feet from the rear lot line, instead of the minimum required 40 feet.

Sworn in petitioner: Shawn Purnell - Purnell Architects, Inc.

Mr. Purnell is developing a design for a sunroom in the rear of the home. The footprint of the sunroom is the same as the existing deck. It is the intention to replace the deck with the proposed sunroom. He states that the design intent is to keep a low profile, lower roof lines and insure that it would not encroach any site lines. The unusual shape of the lot would assist in the variance request.

Mr. Cavanaugh refers to the drawing and confirms with Mr. Purnell that the exact dimensions are 17.5' X 22'. Mr. Purnell confirms that is correct.

Mr. Pirog asks if cement is the support under the sunroom.

Mr. Purnell states that the sunroom is elevated at the same height as the deck. The existing pier supports would have to be demolished as they would not support the sunroom and new concrete supports would be constructed.

Ms. Wood questions the setback from the rear lot line of 15' instead of 40' and asks if these are the dimensions to the retention base.

Ms. Roth-Wurster questions if the lot to the right of the property is a buildable lot.

Ms. Bremanis explains that it is in the flood plain and is virtually unbuildable.

Mr. Cavanaugh questions if the subject property is in the flood plain.

Ms. Bremanis explains that the subject property is not in the flood plain.

Mr. Pirog asks if the deck was special use.

Ms. Bremanis states it was built prior to ownership. The house is non-conforming because it was built under the R2 development. She states engineering reviewed this request and did not have any concerns. The shape of the lot is what makes this property unique.

Ms. Wood asks if any questions from the audience.

Beverly Karlin 1116 Whytecliff is sworn in.

Ms. Karlin questions if the concrete footing would make it a permanent structure.

Ms. Bremanis confirms any addition would be a permanent structure.

Ms. Karlin asks if the set back request would set precedence for other properties in the neighborhood.

Ms. Bremanis states that every request is unique and would be addressed on a case by case basis.

Ms. Wood confirms it would be a case by case basis.

Chris Wade 1102 Whytecliff is sworn in.

Mr. Wade would like to know the height of the sunroom.

Mr. Purnell states that it would match the existing fascia height and it would not come up any higher than the bay windows.

STAFF RECOMMENDATION:

The Petitioner is requesting to construct a new sunroom addition, which encroaches into the rear yard. The property is unique as it is at the end of a cul-de-sac, an irregular shape and any addition would require relief. In addition, the proposal should not create any line of sight issues with the neighboring properties and the properties back up to up to a 10-acre detention basin, which is the closest property to the addition. However, this setback reduction from 40 feet to 15 is substantial. Therefore, Staff recommends action at the discretion of the Zoning Board of Appeals. If the Special Use is approved recommends the following condition:

1. Special Use shall substantially conform to the site, floor and elevation plans submitted by the Petitioners on 5/26/20, except as such plans may be changed to conform to Village Codes and Ordinances.

The Zoning Board closed the public hearing

Mr. Cavanaugh made a motion to approve the special use subject to staff's conditions; seconded by Ms. Roth Wurster.

DELIBERATIONS:

Mr. Cavanaugh states that the proposed sunroom will match with the house and tie into the existing structure. There is no homes that are being encroached or site lines being affected. The set back is large but it doesn't affect any other homeowners. The shape of the property is unique.

Ms. Roth Wurster states she agrees and confirms that the property is shaped uniquely and stats that this request will not cause any substantial injury to the values of any other properties in the neighborhood.

Ms. Wood also concurs and adds that if it does not abutt anyone else's home and this request would not have an impact or affect the value of any other properties.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 4-0. This item will tentatively go to Village Council on Monday, November 8th, 2021

Communications:

Garage widening on Helen Rd - village council approved half of driveway.
Dog N Suds relocation was approved.

November 9th meeting is cancelled.

Mr. Cavanaugh made a motion to adjourn the public hearing, seconded by Ms. Roth Wurster.

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

IV. COMMUNICATIONS**V. ADJOURNMENT**

Minutes Acceptance: Minutes of Oct 26, 2021 7:00 PM (Approval of Minutes)

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 12/14/21 07:00 PM

CASE STAFF STATEMENT (ID # 7263)

409 S Elm Street

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM:

PETITIONER: Anne & Lance Laird

CASE NUMBER: 21-79

ADDRESS: 409 South Elm Street

PROPOSAL:

Special Use to permit a fence in the side yard abutting a street where the side lot line of said yard abuts the side lot line of the front yard of an adjacent lot pursuant to Section 6.03 (b) (6) (b) of the Village of Palatine Zoning Ordinance.

<u>LOCATION:</u> 409 South Elm St. District 2 (Lamerand)	<u>CURRENT ZONING:</u> R-2 Single Family Residential
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SURROUNDING CONDITIONS:

<u>North:</u>	R-2 Single Family Residential
<u>South:</u>	R-2 Single Family Residential
<u>East:</u>	R-2 Single Family Residential
<u>West:</u>	R-2 Single Family Residential

BACKGROUND:

The Petitioners are proposing to build a six (6) foot solid cedar fence in the side yard abutting a street where the side lot line of said yard abuts the side lot line of the front yard of an adjacent lot, and it is 12 feet off the lot line with landscaping. Therefore the Petitioner is requesting:

Special Use to permit a fence in the side yard abutting a street

SITE ANALYSIS:

- The Subject Property is zoned R-2 Single Family (Palatine Knolls 1st Add. Subdivision) and contains a single-family residence. The lot is located at the southwest corner of West Dorset Avenue and South Elm Street.

- The Petitioners are proposing to erect a new six (6) foot wood fence in the side yard abutting the street. The fence will replace a row of bushes that were removed earlier this year. The proposed fence will be approximately 56 feet long and will terminate at the corner of the owner's home.
- The proposed fence will be setback twelve (12) feet from the side property line abutting West Dorset Avenue with landscaping.
- The lot to the west at 529 West Dorset Avenue has a driveway approximately 10 feet from the common property line. Without the bushes, the visibility from the driveway should actually improve. Based on the proposed location, the new fence will have little or no impact on the visibility from the driveway of the 529 property.

DEPARTMENTAL REVIEWS:

Community Services	No Issues Identified
Engineering	No Issues Identified
Environmental Health	N/A
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.

- 5) With respect to front yard fencing and fencing in a rear yard/side yard abutting a street, the following additional standards must be met:
 - a. Will meet the following aesthetic criteria:
 - i. Will not destroy existing vistas in the area;
 - ii. Will enhance the appearance of the homes and the streets in the area; and
 - iii. Will not detract from the overall appearance of the community; or
 - b. The fencing is found to be necessary to protect private property or the safety of the inhabitants of the property.

STAFF RECOMMENDATION:

The Petitioners are proposing to build a 6 foot solid fence approximately 12 feet off of the lot line along W. Dorset Avenue. The lot line along Dorset Avenue 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 west, per the Zoning Ordinance thus requires a 20 foot setback. Staff has consistently recommended a greater setback in instances of proposed solid fences being proposed with nearby driveways. Therefore, Staff recommends Action at the discretion of the Zoning Board of Appeals of the proposed Special Use with the fence being set back 12 feet from the front property line subject to the following conditions:

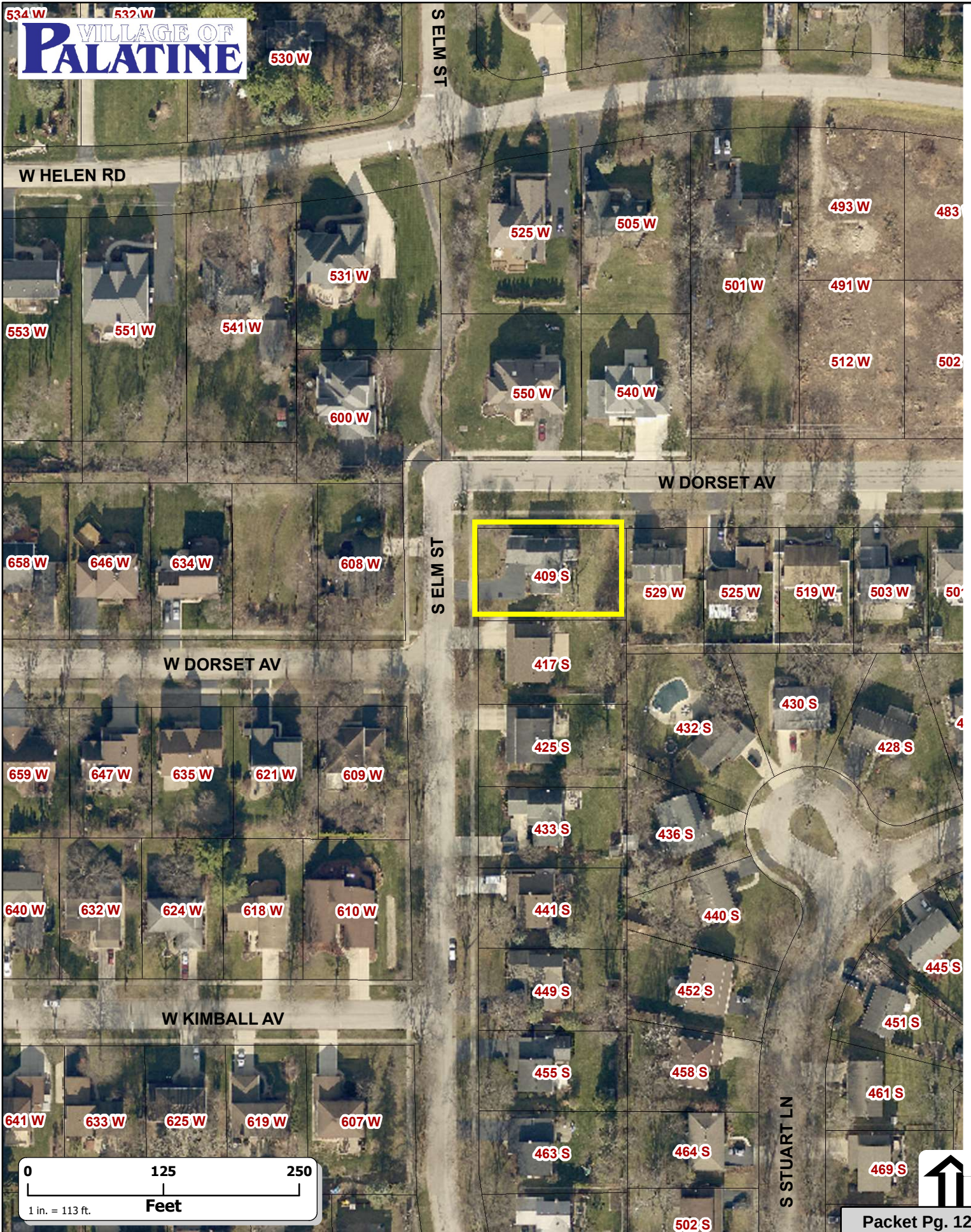
1. The Special Use shall substantially conform to the site plan and illustration submitted by the Petitioners, Anne & Lance Laird, on 11/17/2021, except as said plans may be changed to conform to the Village Code of Ordinances.

ATTACHMENTS:

- Aerial Map
- Application
- Site Plan
- Site Landscape Plan & Concept Illustration
- Petitioner Pictures
- Letters of Support
- Public Notice

409 S Elm Street

3.1.a



VILLAGE OF PALATINE

SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning
200 E. Wood Street • Palatine, IL • 60067-5339
Telephone: (847) 359-9047 • Fax (847) 963-6247

Office Use Only	Project Planner	Zoning Case # 21-79
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date

date received

Background Information	PETITIONER(S) Anne and Lance Laird		Business Name (if applicable)	
	Subject Property Address 409 S. Elm Street Palatine, IL 60067			
	AUTHORIZED AGENT (if applicable)		Business Name (if applicable)	
	Address		City/State/Zip Code	
	Telephone	Fax	Email	
	Relationship to Petitioner (contractor, architect, etc.)			
	TYPE OF APPLICATION (check one) ☒ Special Use ☐ Special Use Amendment ☐ Variation			
	Existing Zoning District R-2	Existing Land Use residential	Proposed Land Use	
	Generally describe your request: Please see attached sheet for discription of request.			

Attachment: Application (409 S Elm St - SU Fence)

General description of request:

I am requesting a permit for a fence in my backyard for a variety of reasons. We live at the corner of Elm and Dorset. Dorset is a heavily walked area for neighbors and others. We would like the fence for privacy and safety of our family. We have a young child who would like to play in her backyard but I feel with it being open, even when bushes were there, it was easy access for anyone to enter our backyard. We also have a dog and would like to let our dog enjoy the backyard and not have to be tied up. The reason we are asking to build outside of our build line is because our build line butts right up against our screened in porch. If we were to put a fence there then it would diminish the use of the screened porch as we would be looking directly into a fence, thus lowering our property value. It was stated to me that the reason for this hearing is because others in my neighborhood do not have the same type of fencing, a 6ft fence. My neighbors directly across the street from me at 608 Dorset have a 6ft fence along with the neighbors kiddy corner to me at 609 Dorset, the corner of Dorset and Elm, have a 6ft fence. The neighbors directly behind my next door neighbors at 432 S. Stuart Lane has a 6ft fence. As you continue down Elm Street there are various neighbors with 6ft fences. Another example is 555 S. Echo, the corner of Elm and Echo have a 6ft fence. The fence we would like to put in our yard is a very clean neutral cedar fence.



I do not believe the fence will be an eye sore to any neighbors as it will be an enhancement to the neighborhood. I have already agreed, and was planning on, putting landscaping along the fence on the Dorset side. Below is a picture of the proposed landscaping from Noland Landscaping in Palatine.



I feel this fence would enhance the overall appearance of our property along with creating a clean fresh look to the neighborhood.

SPECIAL USE

Required Materials

- ☒ Filing Fee of \$ _____
- ☒ Application Form
- ☒ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☒ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☒ Real Estate Interest Disclosure Form (see attached)
- ☒ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)
- ☐ Business Plan (if applicable; including, but not limited to nature of business, hours of operation, number of employees, and menu)

Additional Materials (as required by the Village)

- ☐ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.05 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Variation only, you do not need to answer these items.***

1. The use is deemed necessary for the public convenience at that location

We would like to be able to use more of our backyard for our child and dog. It would also provide privacy. Dorset is a high and safety traffic street. It would also provide safety for my family as we do have personal possessions in our backyard and screened in porch.

2. The use is designed, located, and proposed to be operated that the public health, safety and welfare will be protected

There are 6ft fences in our neighborhood that are open to the street, this is a common item. We have hired a contractor to do the work, Action Fencing out of Mundelein, IL.

3. The use will not cause substantial injury to nearby property values

No, this fence will infact enhance the neighborhood. It is a clean looking fence that will have landscaping along the Dorset side.

4. With respect to live entertainment uses, the use shall not:

- a. Produce noise levels so great as to constitute an unreasonable interference for persons outside the confines of the establishment
- b. Impose undue health, sanitation or safety burdens on the village
- c. Create excessive demands on the Village of Palatine Police Department
- d. Be of a nature otherwise prohibited by law or village ordinance

5. For fence standards, see Section 14.05 of the Palatine Zoning Ordinance

I feel the fence will enhance the appearance of the street and our home and will not distract from the overall appearance of the neighborhood. It is necessary to protect my family as we have a young child and personal items outside.

PROFESSIONALS ASSOCIATED SURVEY, INC.

PROFESSIONAL DESIGN FIRM NO. 184-003023

7100 N. TRIPP AVENUE
LINCOLNWOOD, ILLINOIS 60712
www.professionalsassociated.com

TEL: (847) 675-3000
FAX: (847) 675-2167
e-mail: pa@professionalsassociated.com

PLAT OF SURVEY

OF

LOT 46 IN PALATINE KNOLLS FIRST ADDITION, BEING A RESUBDIVISION OF LOTS 1 AND 3 IN ARTHUR T. MCINTOSH AND CO'S QUENTIN ROAD FARMS IN SECTION 22, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LAND TOTAL AREA: 11,847.61 SQ.FT. = 0.271 ACRE.

COMMONLY KNOWN AS: 409 SOUTH ELM STREET, PALATINE, ILLINOIS.

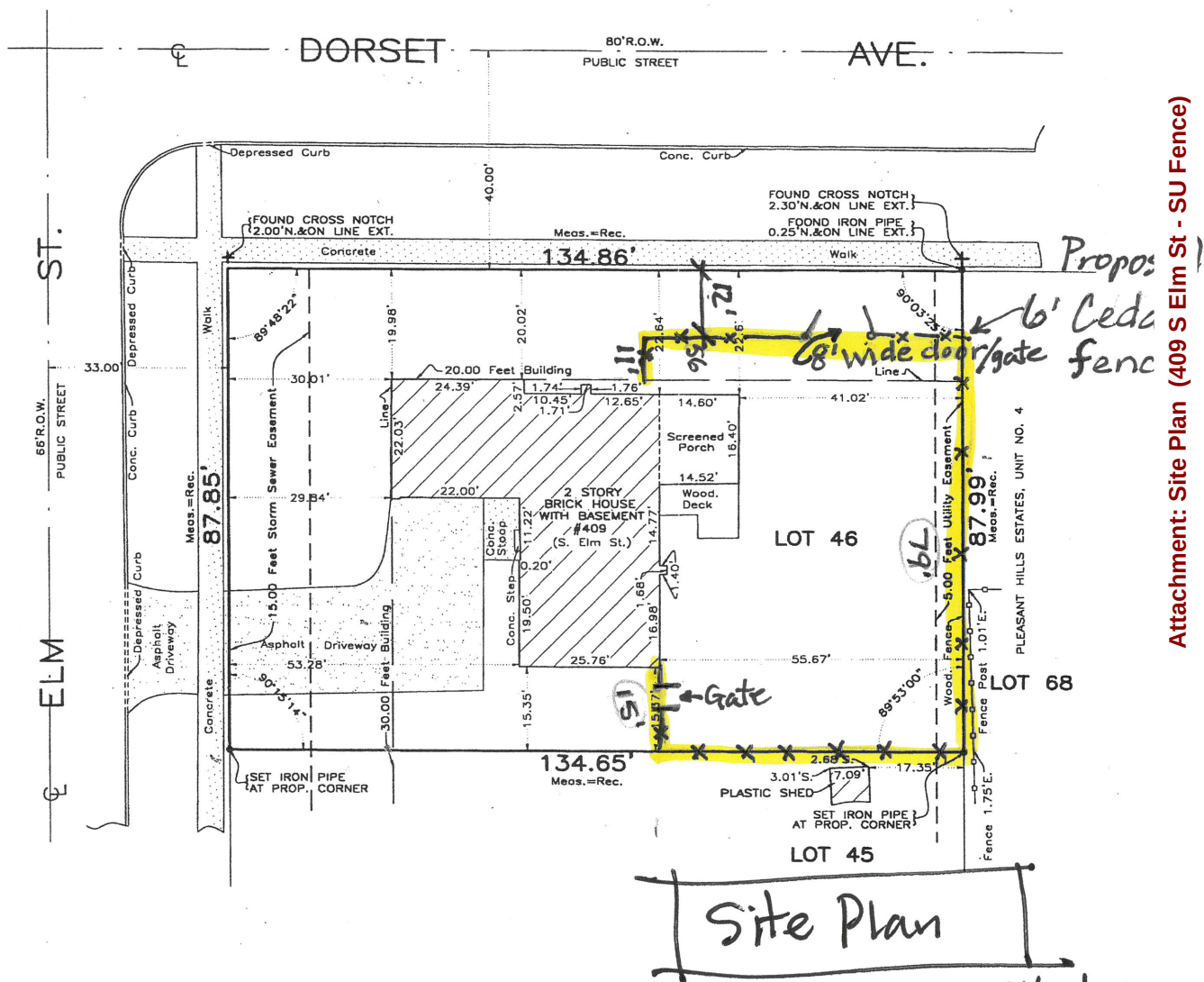


GRAPHIC SCALE

0 20

(IN FEET)

1 Inch = 20 Ft.



Attachment: Site Plan (409 S Elm St - SU Fence)

THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREON DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY SHOULD BE COMPARED WITH THE TITLE OR DEED. DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING. BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

Order No. 14-87658
Scale: 1 inch = 20 feet.
Date of Field Work: July 10, 2014.
Ordered by: Katherine S. O. Malley
Attorney at Law



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

THIS SURVEY HAS BEEN ORDERED FOR SURFACE DIMENSIONS ONLY, NOT FOR ELEVATIONS. THIS IS NOT AN ALTA SURVEY.

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

State of Illinois s.s.
County of Cook

We, PROFESSIONALS ASSOCIATED SURVEY INC., do hereby certify that we have surveyed the above described property and that, to the best of our knowledge, the plat hereon drawn is an accurate representation of said survey.

Date:

7/11/2014
Milton E. Donaldson
ILL. PROF. LAND SURVEYOR - LICENSE EXP. DATE NOV
Drawn by: J.V.

Packet Pg. 17

PROFESSIONALS ASSOCIATED SURVEY, INC.

PROFESSIONAL DESIGN FIRM NO. 184-003023

7100 N. TRIPP AVENUE
LINCOLNWOOD, ILLINOIS 60712
www.professionalsassociated.com

TEL: (847) 675-3000
FAX: (847) 675-2167
e-mail: pa@professionalsassociated.com

PLAT OF SURVEY

OF

LOT 46 IN PALATINE KNOLLS FIRST ADDITION, BEING A RESUBDIVISION OF LOTS 1 AND 3 IN ARTHUR T. MCINTOSH AND CO'S QUENTIN ROAD FARMS IN SECTION 22, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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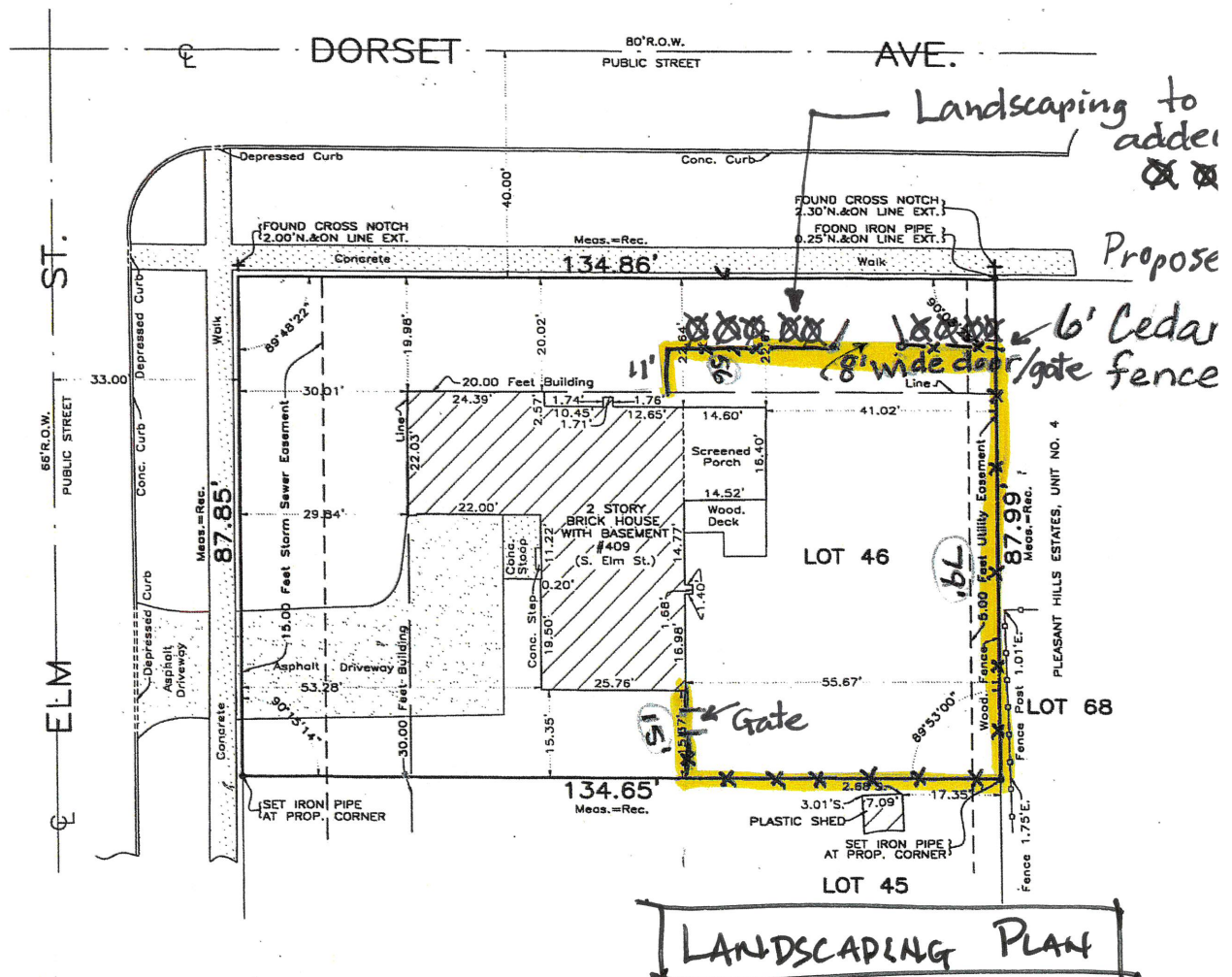


GRAPHIC SCALE

0 20

(IN FEET)

1 inch = 20 Ft.



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COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

State of Illinois, s.s.
County of Cook

We, PROFESSIONALS ASSOCIATED SURVEY INC., do hereby certify that we have surveyed the above described property and that, to the best of our knowledge, the plat hereon drawn is an accurate representation of said survey.

Date: 7/11/2014
Milton E. Donaldson
ILL. PROF. LAND SURVEYOR - LICENSE EXP. DATE NOV. 30, 2014
Drawn by: J.V.



Fences in Side Yards Submitted by Petitioner

394 W Michigan Ave



537 S Echo Lane



John Kalmar

From: Katherine Kotowski [REDACTED]
Sent: Friday, November 12, 2021 1:44 PM
To: Ben Vyverberg; John Kalmar
Subject: Laird Property Fence - 409 S. Elm Street Palatine

Caution: This is an external email, Please take care when clicking links or opening attachments. When in doubt, please talk with the sender or check with VOP IT

Hello Ben and John and to whom it may concern,

My name is Katherine Kotowski and I am a neighbor of the Laird Family and live directly across the street at 550 W Dorset Ave Palatine IL.

I would like this message to get to the Zoning Board of Appeals in regards to my neighbor's property at 409 S Elm Street. We are aware that they would like to put a fence in their backyard and we are in full support of this. Our neighbor has shown us her plans for the fence, which looks like it will improve the look of our neighborhood, and I'm writing to tell you that we are in favor of the fence and think it will be great for them and their family.

From my understanding, it's been rather difficult for our neighbor to obtain approval for a fence from the village. I'm not sure why you would need our approval for something they want to do on their property, but please know that as neighbors we are in full support.

Please reach out to me with any questions.

Thank you,
 Katherine Kotowski
 [REDACTED]

Attachment: Letters of Support (409 S Elm St - SU Fence)

John Kalmar

From: kris harding [REDACTED]
Sent: Thursday, November 11, 2021 8:49 PM
To: Ben Vyverberg
Cc: John Kalmar
Subject: Agreement of fence

Caution: This is an external email, Please take care when clicking links or opening attachments. When in doubt, please talk with the sender or check with VOP IT

Hello:

I live at 417 S. Elm Street, Palatine and am writing to the Zoning Board of Appeals in regards to my neighbor at 409 S. Elm Street. Our neighbor has shown us the plans to install a new fence and I am in favor of the fence! It would enhance the neighborhood aesthetics and would be an asset to our street and finish off their house. It would provide nice privacy and mix in well with the many other fences in our neighborhood.

Sincerely,
Kris Williams-Harding

Attachment: Letters of Support (409 S Elm St - SU Fence)

John Kalmar

From: John Luk [REDACTED]
Sent: Thursday, November 11, 2021 5:41 PM
To: BVyerberg@palatine.il.us; John Kalmar
Subject: My Neighbor's New Fence

Caution: This is an external email, Please take care when clicking links or opening attachments. When in doubt, please talk with the sender or check with VOP IT

To Whom it may concern

I live at 529 W Dorset Ave, Palatine. And I am writing to the Zoning Board Of Appeals in regards to my neighbor's property located at 409 S. Elm Street. We are aware that they would like to put up a fence in their backyard. Our neighbor has shown us the plan for the fence and I am writing to inform you that I am in favor of their fence. I feel that the fence would enhance the neighborhood aesthetics.

Sincerely,

John and Ruby Luk
529 W Dorset Ave
Palatine
[REDACTED]

Attachment: Letters of Support (409 S Elm St - SU Fence)

John Kalmar

From: Jane Hitz [REDACTED]
Sent: Friday, November 12, 2021 4:32 PM
To: Ben Vyverberg; John Kalmar
Subject: Fence at 409 S. Elm St., Palatine

Caution: This is an external email, Please take care when clicking links or opening attachments. When in doubt, please talk with the sender or check with VOP IT

To whom it may concern:

My husband and I live at 600 W Dorset Ave, Palatine, IL, which is across the street from Annie and Lance Laird's home at 409 S. Elm St.

I am writing the Palatine Zoning Board of Appeals regarding the fence the Lairds want to erect on their property. They have shown us the plan and renderings of how the fence would look.

We have absolutely no objections to the fence and think it would be a good-looking addition to their property and the neighborhood.

Jane Hitz

Attachment: Letters of Support (409 S Elm St - SU Fence)

PUBLIC NOTICE
A Public Hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, December 14, 2021 at 7 P.M. in the Village Council Chambers at Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:

Special Use to permit a fence in the side yard abutting a street where the side lot line of said yard abuts the side lot line of the front yard of an adjacent lot pursuant to Section 6.03 (b) (6) of the Village of Palatine Zoning Ordinance.

The property is commonly known as 409 South Elm Street (02-22-302-049-0000).

The Petitioners are proposing to install a six (6) foot tall solid fence located 12 feet from the side lot line abutting West Dorset Avenue, with the required landscaping, instead of the minimum required setback of 20 feet.

The above petition has been filed by Anne & Lance Laird and is available for examination in the office of the Village Clerk, 200 E. Wood Street.

FILE #: 21-79

VILLAGE OF PALATINE

Jan Wood, Chair

Palatine Zoning Board

of Appeals

DATED: This 29th day of

November, 2021

Published in Daily Herald

November 29, 2021 (4574128)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Northwest Suburbs Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **Northwest Suburbs DAILY HERALD**. That said **Northwest Suburbs DAILY HERALD** is a secular newspaper, published in Arlington Heights and has been circulated daily in the Village(s) of: Arlington Heights, Barrington, Barrington Hills, Bartlett, Buffalo Grove, Deer Park, Des Plaines, Elk Grove, Franklin Park, Glenview, Hanover Park, Hoffman Estates, Inverness, Melrose Park, Morton Grove, Mt Prospect, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Rolling Meadows, Rosemont, Schaumburg, Schiller Park, South Barrington, Streamwood, Wheeling, Wilmette

County(ies) of Cook

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and in general circulation throughout said Village(s), County(ies) and State

I further certify that the Northwest Suburbs DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a copy, was published 11/29/2021 in said Northwest Suburbs DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, its authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY



Designee of the Publisher and Officer of the Daily Herald

Control # 4574128

Attachment: Public Notice (409 S Elm St - SU Fence)

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 12/14/21 07:00 PM

CASE STAFF STATEMENT (ID # 7264)

893 W. Willow Street

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Lyn Bremanis

PETITIONERS: Alexander & Andrea Scherr

CASE NUMBER: 21-87

ADDRESS: 893 W. Willow Street

PROPOSAL:

Variation to permit a rear yard setback of 18 feet instead of the minimum required 25 feet for a permitted obstruction, pursuant to Section 10.06 (c) (13) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 893 W. Willow Street District 1 (Millar)	<u>CURRENT ZONING:</u> R-2, Single Family Residential
---	---

SURROUNDING CONDITIONS:

<u>North:</u>	R-2, Single Family Residential
<u>South:</u>	Planned Development - Hidden Hill Subdivision
<u>East:</u>	R-2, Single Family Residential
<u>West:</u>	R-2, Single Family Residential

BACKGROUND:

The Petitioners are proposing to remove the existing deck and create a new landing and patio. The patio with the grill & counter top area and a portion of the lower landing and stairs leading to the patio encroach into the required 25-foot rear yard setback. Therefore, the Petitioners are requesting a:

Variation to permit a rear yard setback of 18 feet instead of the minimum required 25 feet.

SITE ANALYSIS:

- The Subject Property is located in the Quentin Willow Estates Subdivision and is zoned R-2, Single Family Residential. The house, which situated on a 9,603 s.f. lot, is just over 30 feet from the rear lot line which is non-conforming, as the required setback is 40 feet.

- The Plat of Survey incorrectly shows the recorded rear yard setback line (BSL) as 30 feet. Regarding to placement of the house, Staff is not aware of any variations being granted from the required 40 feet.
- An Administrative Variation was granted in April 2001 for the existing deck per Ordinance #O-36-01.
- The Petitioners are proposing to remove the existing deck and create a new landing outside the rear sliding glass door. From the landing, a series of stairs will extend downwards to a new patio planned in the rear yard. An outdoor kitchen area with grill & counter tops will be created on the proposed patio located at the bottom of the stairs. The total area of the improvement will be 506 sf.
- The property, with the proposed improvements, will meet the required building and lot coverage requirements (26% and 43%).

DEPARTMENTAL REVIEWS:

Community Services	No Issues Identified
Engineering	No Issues Identified
Environmental Health	N/A
Fire Prevention	N/A
Public Works	N/A
Police	N/A

STANDARDS FOR A VARIATION: Standards for a Variation are found in Section 14.03 D (1) and (2) of the Zoning Code. Specifically, the Petitioners must show that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; that the plight of the owner is due to unique circumstances; and that the variation, if granted, will not alter the essential character of the locality. The Petition for Variation is attached, and the Petitioners have attempted to address the required standards.

STAFF RECOMMENDATION:

The Petitioners are proposing to construct a new landing and patio that encroaches into the required rear yard setback. The subject property will remain within the allowable rear and total lot coverage by removing the existing wood deck off the rear of the house. Staff believes that the requested relief for the proposed landing should not impact the surrounding properties. Nevertheless, the above grade landing and encroachment is within 18 feet of the rear property line. Therefore, Staff recommends action at the discretion of the requested Variation to the Zoning Board of Appeals. If the ZBA

recommends approval, Staff recommends the following conditions:

1. The Variation shall substantially conform to the site plan last revised by the Agent, Yahvor Goranov, on 8/23/2021 and submitted on 10/04/2021, except as said plans may be changed to conform to the Village Code of Ordinances.
2. The Petitioner shall submit a cross section plan with building permit application showing any required grading cut and, or, fill for the rear yard in a manner acceptable by the Village Engineer.

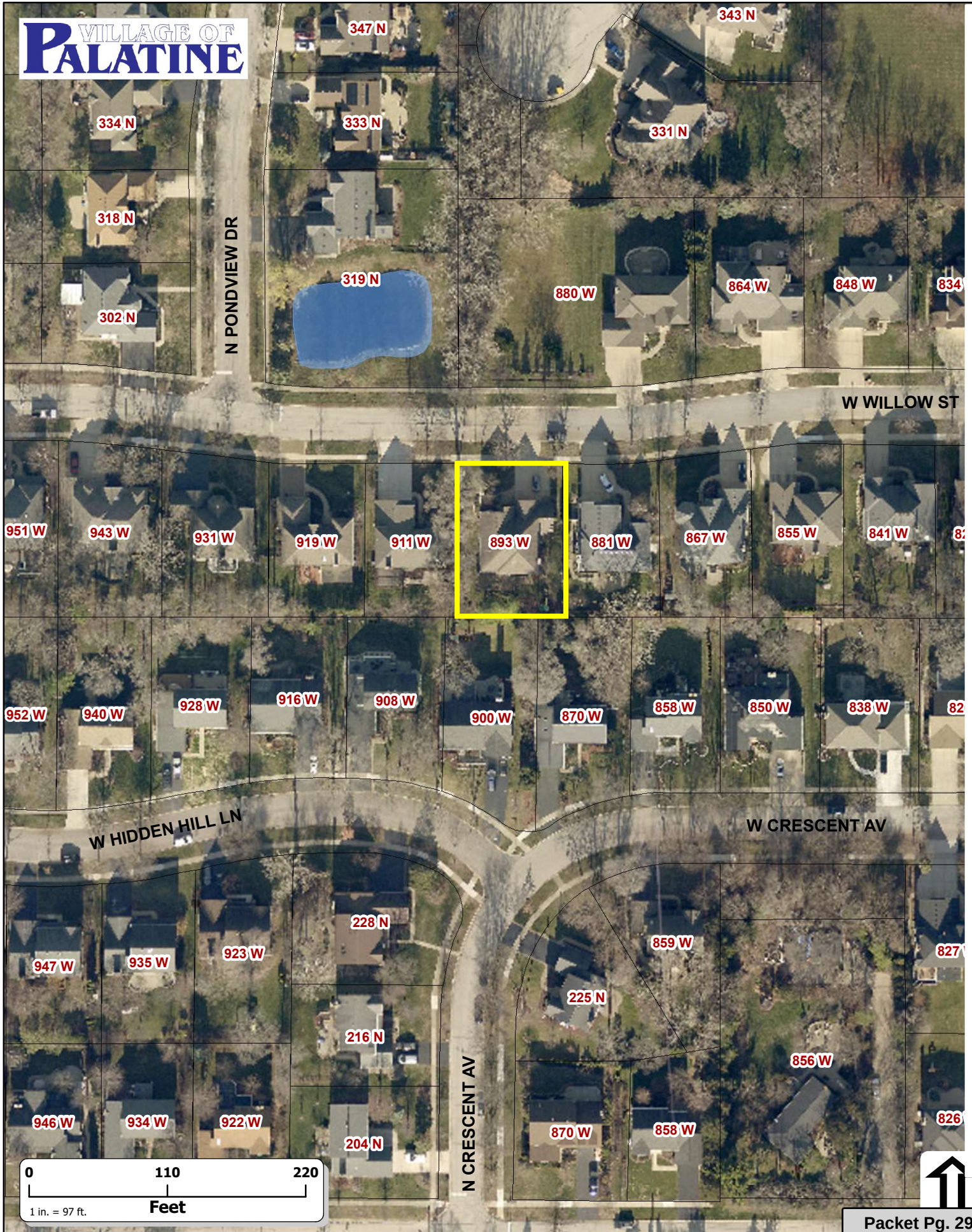
ATTACHMENTS:

- Aerial Map
- Application
- Plat of Survey
- Site Plan
- Elevations
- Public Notice

830 W. Willow Street

3.2.a

VILLAGE OF
PALATINE



Attachment: Aerial Map (893 W. Willow St - VAR deck setback)

VILLAGE OF PALATINE

~~ADMINISTRATIVE~~

SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning

200 E. Wood Street · Palatine, IL · 60067-5339

Telephone: (847) 359-9047 · Fax (847) 963-6247

Office Use Only	Project Planner	Zoning Case #
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date

date received

Background Information	PETITIONER(S)		Business Name (if applicable)	
	ALEXANDER & ANDREA SCHERR			
	Subject Property Address			
	893 W. WILLOW STREET			
	AUTHORIZED AGENT (if applicable)		Business Name (if applicable)	
	YAVOR GORANOV		YK6ARCHITECTS + BUILDERS	
	Address		City/State/Zip Code	
	730 EUCLID AVE		GLEN ELLYN, IL 60137	
	Telephone	Fax	Email	
	630.660.9654	N/A	YK6ARCHITECTS@GMAIL.COM	
Relationship to Petitioner (contractor, architect, etc.)				
ARCHITECT				
TYPE OF APPLICATION (check one)				
☐ Special Use ☐ Special Use Amendment ☒ Variation				
Existing Zoning District		Existing Land Use		Proposed Land Use
R2		SINGLE FAMILY RES.		NO CHANGE
Generally describe your request:				
REQUESTING A ZONING VARIANCE TO REDUCE THE				
REQUIRED REAR YARD SETBACK TO 18'-6" FROM				
25'-0".				

Attachment: Application (893 W. Willow St - VAR deck setback)



VARIATION

Required Materials

- ☐ Filing Fee of \$ _____
- ☐ Application Form
- ☐ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☐ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☐ Real Estate Interest Disclosure Form (see attached)
- ☐ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)

Additional Materials (as required by the Village)

- ☐ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.03 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Special Use only, you do not need to answer these items.***

1. That the property cannot yield a reasonable return if used only under the conditions allowed by the regulations governing the zoning district in which it is located

SEE EXHIBIT "A" + PLANS

2. That the plight of the owner is due to unique circumstances

SEE EXHIBIT "A" + PLANS + PLAT OF SURVEY

3. That the variation, if granted, will not alter the essential character of the locality

SEE EXHIBIT "A" + PLANS

4. In order to supplement the above standards, the Zoning Board of Appeals may also consider the following:
 - a. The particular surroundings, shape, or topographical conditions of the property
 - b. A unique hardship for the property not generally applicable to other properties in the same zoning district
 - c. The request is not based on a desire to make more money out of the property
 - d. The petitioner has not created the alleged hardship for the property
 - e. The request will not be detrimental to the public welfare or other properties in the neighborhood
 - f. The request will not impair the supply of light and air to adjacent properties, substantially increase the danger of fire, endanger the public safety, or substantially diminish or impair neighboring property values

SEE EXHIBIT "A" + PLANS

Attachment: Application (893 W. Willow St - VAR deck setback)

September 30, 2021

TO: Village of Palatine Building Department

FROM: Yavor Goranov – Principal
YKG Architects + Builders
Glen Ellyn, IL 60137

RE: Request for Variation in connection with
backyard Patio Renovations to property, located at:

893 W. Willow Street
Palatine, IL 60067

EXHIBIT 'A'

Application **Page 5** addendum:

Item # 1:

Due to the unique zoning circumstances (see **item #2**) created by Government Regulations this property would not allow the current/future Owners to achieve a desirable connection between main floor and backyard. That would clearly have a negative impact on the quality of life and therefor the Property would not yield a reasonable return.

Item # 2:

The Owner is requesting an Variation due to unique characteristics of this Property as follows:

- a) due to existing topography the first floor is considerably higher than the rear yard grade level and thus the elevation differential requires nine (9) risers down.
- b) the existing house is encroaching into the required rear yard setback and that reduces greatly the allowable area for the proposed patio.
- c) the existing **P.U.E.** places further restrictions to the utilization of the available back yard space.
- d) the existing wood deck elevation above existing grade presents a safety concerns for the Owner and his family. It also renders a big portion of the backyard useless i.e. the area under the deck.

Attachment: Application (893 W. Willow St - VAR deck setback)

Item # 3:

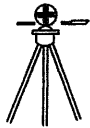
The Proposed Patio Design is not going to alter in any shape or form the essential character of the subject property. (see enclosed plans)

Item # 4:

Items a) and b) – see enclosed plans and exhibit above.

Based on the enclosed Plans and exhibit the answer to sub-items c), d), e) and f) is as follows:

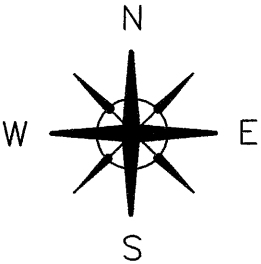
- c) this request is NOT based on desire to make more money but simply to be able to fully enjoy the small backyard.
- d) the Petitioner has NOT created any of the hardship as listed above. (see enclosed Plat of Survey and plans)
- e) Judging by the enclosed plans, the proposed masonry Patio will NOT be detrimental to the public welfare or other neighborhood properties.
- f) the proposed patio design will not impair/alter the supply of light and air to any adjacent properties and it will actually decrease the danger of fire (being made of non-combustible materials vs. existing wood deck)
Also, it is the Petitioner's belief that the new custom patio design will actually enhance neighboring properties values.



SCALE: 1" = 20 FEET

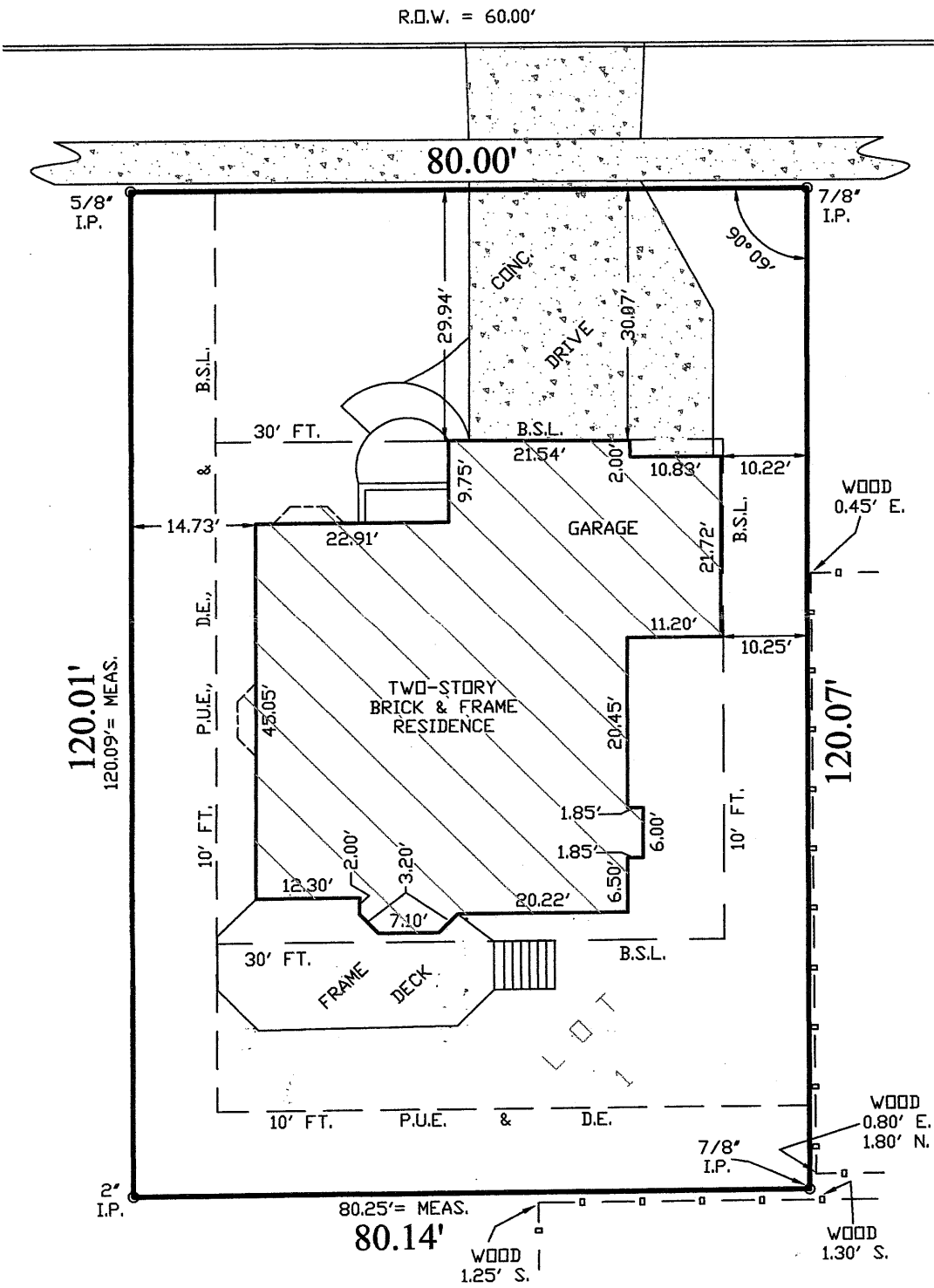
PLAT OF SURVEY

OF



LOT 1 OF QUENTIN WILLOW ESTATES SUBDIVISION OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

W. WILLOW STREET



Attachment: Plat of Survey (893 W. Willow St - VAR deck setback)

STATE OF ILLINOIS)
COUNTY OF KANE) SS:

I, ANDREW J. TOBIN, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY ACCORDING TO THE OFFICIAL RECORD, AND THAT THE PLAT CORRECTLY REPRESENTS SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS.

BY: Andrew J. Tobin
PROFESSIONAL LAND SURVEYOR
LICENSE NO. 35-3519
EXPIRES 11/30/18

ANY DISCREPANCY IN MEASUREMENTS SHOULD BE PROMPTLY REPORTED TO THE SURVEYOR FOR EXPLANATION OR CORRECTION.
COMPARE THE DESCRIPTION ON THIS PLAT WITH DEED.
REFER TO DEEDS FOR EASEMENTS AND BUILDING LINES.

THIS SURVEY IS ONLY VALID WHEN ACCOMPANIED BY AN EMBOSSED SEAL.

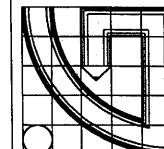


ANDREW J. TOBIN

P.O. BOX 42 DUNDEE, ILLINOIS 60118 847-695-4235

DATED: FEBRUARY 8, 2018
PREPARED FOR: SAMMONS LAW OFFICE
PROPERTY ADDRESS: 893 W. WILLOW ST.
PALATINE, ILLINOIS
SURVEY ORDER NO: 18028

INDICATES FOUND STAKE ○ CHAIN LINK FENCING
INDICATES SET STAKE ● WOOD FENCING
INDICATES CONCRETE

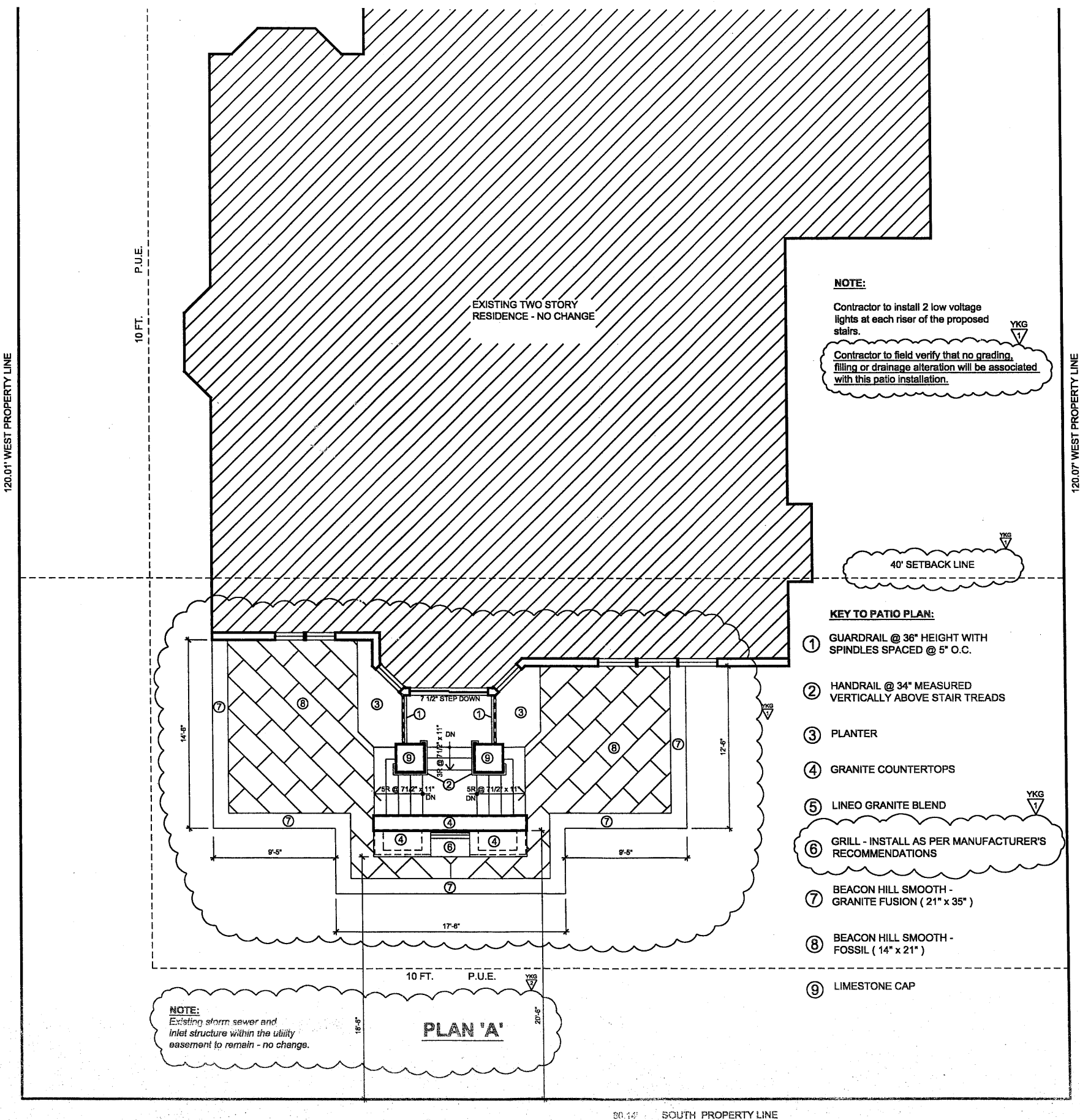


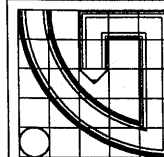
YKG Architects + Builders
730 EUCLID AVE / GLEN ELLYN / IL 60137 / TEL (630) 660-9654
EMAIL: YKGARCHITECTS@GMAIL.COM

PATIO ADDITION TO SCHERR RESIDENCE, LOCATED AT:
893 WEST WILLOW ROAD
PALATINE, IL 60067

A2.0

Attachment: Site Plan (893 W. Willow St - VAR deck setback)





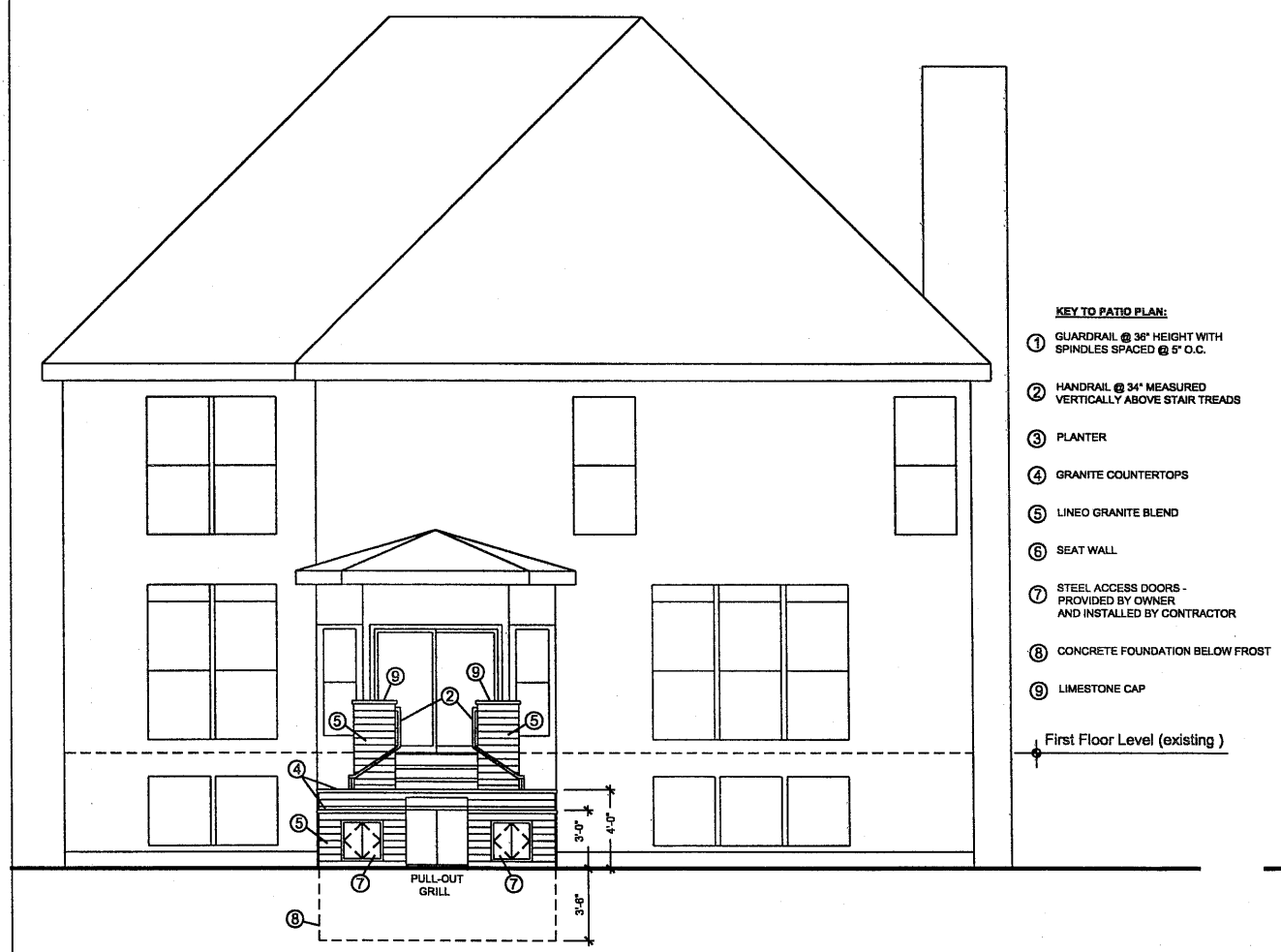
YKG Architects + Builders

730 EUCLID AVE / GLEN ELLYN / IL 60137 / TEL (630) 660-9654
EMAIL: YKGARCHITECTS@GMAIL.COM

PATIO ADDITION TO SCHERR RESIDENCE, LOCATED AT:
893 WEST WILLOW ROAD
PALATINE, IL 60067

A3.0

Attachment: Elevations (893 W. Willow St - VAR deck setback)

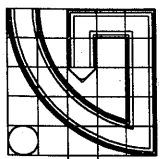


SOUTH ELEVATION - AFTER



PROPOSED PATIO STAIRS SCHEMATIC SECTION

scale: 1/4" = 1' - 0"



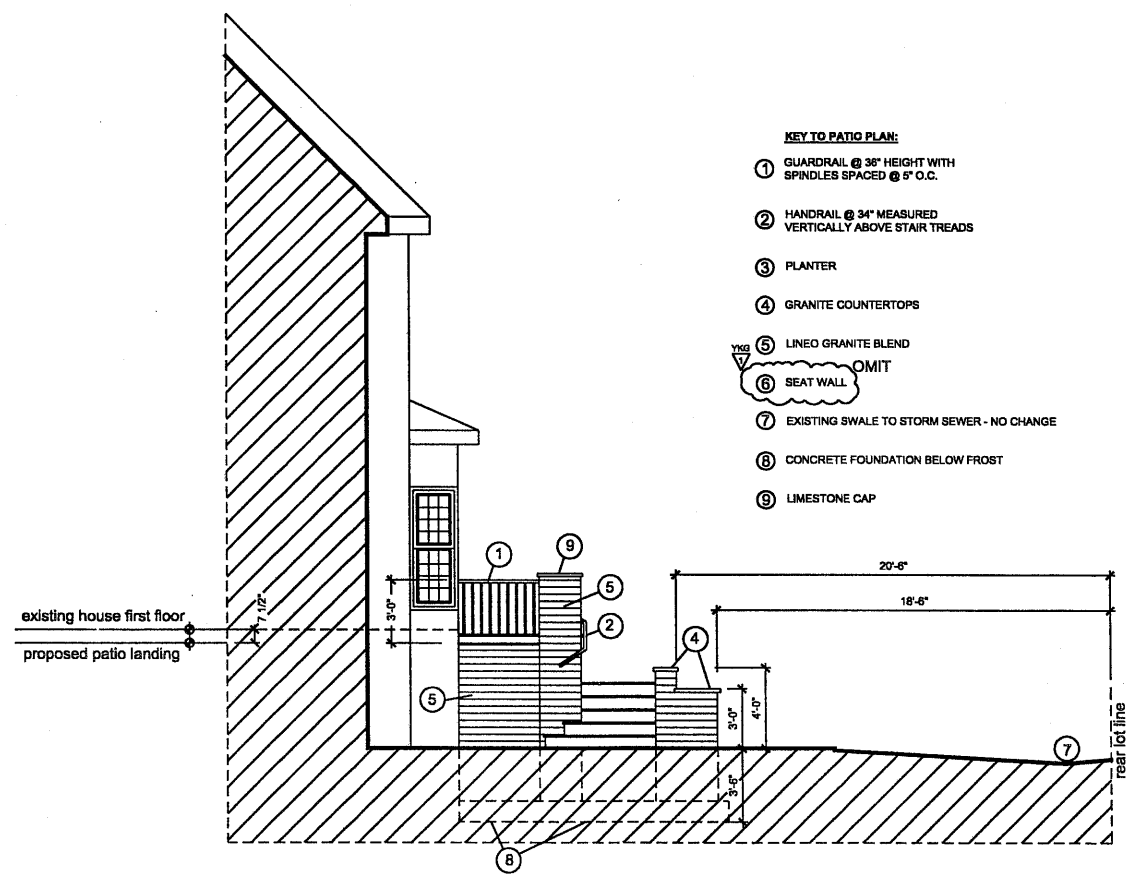
YKG Architects + Builders

730 EUCLID AVE / GLEN ELLYN / IL 60137 / TEL (630) 660-9654
EMAIL: YKGARCHITECTS@GMAIL.COM

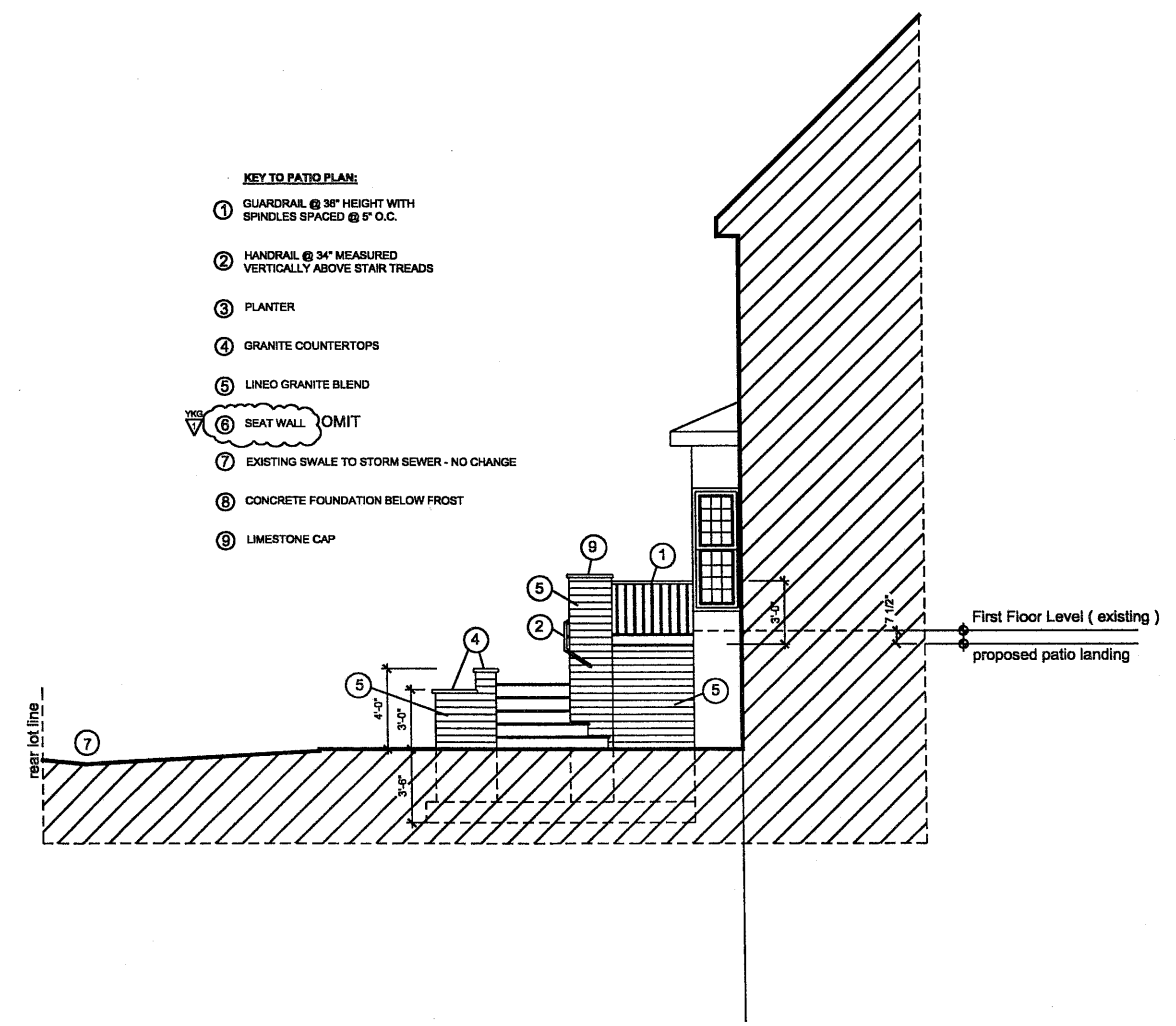
PATIO ADDITION TO SCHERR RESIDENCE, LOCATED AT:

893 WEST WILLOW ROAD
PALATINE, IL 60067

A4.0



PROPOSED PATIO WEST ELEVATION - AFTER



PROPOSED PATIO EAST ELEVATION - AFTER

scale: 1/4" = 1'-0"

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 The property is commonly known as 893 West Willow Street (02-16-413-025-0000).
 The Petitioners are proposing to construct a deck containing an outdoor kitchen area with grill & counter tops that encroach into the required rear yard setback. The above petition has been filed by Alexander & Andrea Scherr and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
FILE #: 21-87
VILLAGE OF PALATINE
 Jan Wood, Chair
 Palatine Zoning Board of Appeals
DATED: This 29th day of November, 2021
 Published in Daily Herald
 November 29, 2021 (4574130)

CERTIFICATE OF PUBLICATION

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PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY *Danula Baltz*
Designee of the Publisher and Officer of the Daily Herald

Control # 4574130

Attachment: Public Notice (893 W. Willow St - VAR deck setback)