



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 • DECEMBER 14, 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 Luszcza	Commissioner	Present	
Theodore McGinn	Commissioner	Present	
Kevin Cavanaugh	Commissioner	Present	
John Pirog	Commissioner	Present	

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

II. APPROVAL OF MINUTES

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

**Mr. McGinn made a motion to approve the minutes of October 26, 2021;
seconded by Mr. Luszcza**

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

III. PUBLIC HEARING

1. 409 S Elm Street

Notice was published in the Daily Herald on November 29, 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/ Site Plan
4. Landscaping Plan
5. Pictures submitted by Petitioner
6. Letters of Support
7. Public Notice

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

Sworn in the petitioner: Ms. Anne Laird 409 S. Elm Street

Ms. Laird explained the reason for the relief is their build line abuts her screened porch. She stated they want to use their yard for her family and are asking to put a 6 ft. fence, 12 feet off of the property line. Ms. Laird stated it is a high traffic area and they have a young child and animal and are looking for privacy.

Mr. Pirog asked why they can't meet code since they won't be able to see over fence in proposed location.

Ms. Laird explained they are not looking to see over just don't want to look directly into a fence. She stated the old bush line allowed ample space and would like to continue that.

Ms. Wood asked if she spoke to the neighbors.

Ms. Laird answered yes. She stated they showed the landscaping idea and all agreed its fine.

Ms. Wood asked if Ms. Laird showed a picture of the fence and the landscaping plan.

Ms. Laird answered yes.

Ms. Roth-Wurster asked about the distance from the screened porch.

Ms. Laird explained the build line would allow about a 1-foot distance from the porch, but they are requesting a 10-foot separation for the fence from the porch.

Ms. Wood asked where the fence can be without a special use.

Ms. Bremanis explained it can be approximately 1ft from screened porch or by providing the minimum required 20-foot setback.

Ms. Wood asked why it needs to be away from screened porch.

Ms. Laird stated they want the fence for privacy. She explained the bush line exceeded what they are requesting.

Mr. Pirog stated there are no standards for bushes and the fence is taller.
Ms. Laird stated they were tall bushes.

Ms. Bremanis pointed out the proposed fence line would be on the other side of bushes referring to existing conditions slide.

Mr. McGinn asked about traffic.
Ms. Laird stated it is a high traffic area with walking traffic, with families and dogs and cars.

Mr. McGinn questioned the difficulty for neighbor backing out of their driveway.
Ms. Laird stated the bushes were more intrusive.

Ms. Wood clarified the fence can be at porch but can't be further out toward the street (Dorset Avenue).
Ms. Bremanis explained it can be out approximately a foot, with a minimum 20-foot setback.
Mr. Pirog pointed out it could be 3ft.
Ms. Bremanis agreed with Mr. Pirog.

Ms. Laird stated there is a tree in that corner referring to existing conditions slide.
Mr. Cavanaugh clarified location of fence and asked if the fence was closer than requested would they lose the tree.
Ms. Laird answered yes.

Mr. Pirog clarified it is a small area of the fence that requires relief.
Ms. Bremanis answered yes, referring to elevation and landscaping slide to show what it would look like.

Mr. McGinn inquired about the traffic along Dorset Avenue. Ms. Laird indicated that the area is high traffic, in both vehicular and pedestrian traffic.

Mr. Cavanaugh pointed the fence rendering is not an accurate picture of what will be installed.
Ms. Laird that is correct.

Discussion on the height of the bushes.

Ms. Bremanis gave brief overview stating Engineering and Community Services reviewed and did not identify any specific issues. She stated the property is zoned R2 which has a 20ft side yard setback on a side yard abutting a street.

Mr. Pirog asked about other properties with similar variations.
Ms. Laird answered yes on Michigan and cedar.
Mr. Cavanaugh pointed out they are in the packet.

Discussion on the other fences submitted.

Ms. Wood asked if the fences submitted needed relief.

Ms. Bremanis explained they were installed before the code existed so are grandfathered in and did not require relief, as the Code allows for the replacement of existing fences.

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 east, per the Zoning Ordinance, thus a 20-foot setback is required. 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, Ms. Laird & Lance Laird, on 11/17/2021, except as said plans may be changed to conform to the Village Code of Ordinances.

Mr. Pirog asked if new bushes would be part of this request.

Ms. Bremanis answered yes they would be a requirement.

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

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

DELIBERATIONS:

Mr. Cavanaugh stated there are always corner lot issues but the safety of a child and animals are at the utmost importance. He stated the fence is an upgrade of the bushes that existed and won't destroy existing vistas and will add to aesthetics.

Mr. Pirog stated he is not thrilled with the request, but thinks it meets the standards.

Ms. Wood agreed that it meets the standards. She pointed out the neighbors don't see a problem, so is in favor.

Ms. Roth-Wurster stated she rides her bike through area and agrees it is busy. She stated she doesn't like the idea of a big cedar fence on a corner lot but engineering doesn't see a problem and thinks it meets the standards.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to

Village Council on January 10, 2022.

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

2. 893 W. Willow Street

Notice was published in the Daily Herald on November 29, 2021 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. Site Plan
5. Elevations
6. Public Notice

Sworn in petitioner: Ms. Andrea Scherr and Mr. Alexander Scherr

Ms. Scherr explained they are proposing to build a patio mainly for the well-being and to ensure a safe environment for their kids and family. She stated the current deck is 9 risers high, which is much higher than other houses in area. She pointed out the deck is old and needs to come down because it is unsafe. She spoke to neighbors with decks and patios that are closer to ground level and how the neighborhood children all play together and they are the only house with a deck so high up. Ms. Scherr spoke to the variation that was granted 25 years ago to allow the current deck to be setback at 20 feet, instead of the minimum required 25 feet. She further explained the proposed setback is 18.6 feet with only a small portion of the deck/landing at 18.6 feet. She spoke to the outdoor kitchen on her plans pointed out it has no electrical and are not moving any gas lines, but rather just adding a counter and the existing grill.

Ms. Wood asked how long they have owned the home.

Mr. Scherr answered March 2018.

Ms. Roth-Wurster asked why they can't build to code.

Ms. Scherr explained the current 40 feet line goes right through house and makes the backyard smaller. She stated the neighbors would appreciate them lowering to ground level to not have sound travel over them. She stated they all explored all options to replace the deck asking neighbors for recommendations.

Mr. Pirog asked about neighborhood flooding issues.

Ms. Scherr answered no. She spoke to the incline of her and her neighbor property making it difficult.

Ms. Wood asked if the majority of the proposed would meet the 25-foot setback.

Ms. Bremanis clarified that the deck has an existing variation for a 20-foot setback. She explained the area of patio that is at ground level is not in question.

Ms. Bremanis gave brief overview stating the property is unique as the house was built encroaching into the required setback. She stated Engineering and Community Services reviewed and did not identify any issues. She stated lot

coverage and building coverage meet the standards.

Mr. Pirog clarified there is no issue with lot coverage.

Ms. Bremanis stated that is correct.

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.

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

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

DELIBERATIONS:

Ms. Roth-Wurster spoke to the unique circumstance that the deck being higher and looks feeble. The solution to bring down to ground level is a reasonable return on investment and will not have negative impact on surrounding properties.

Mr. McGinn agreed with Ms. Roth-Wurster that the standards have been met.

Ms. Wood agreed there is uniqueness with the non-conforming setback. She stated it makes sense to replace and the request seems reasonable and isn't overwhelming. Ms. Wood stated it meets the standards.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to Village Council on January 10, 2022.

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

IV. COMMUNICATIONS

V. ADJOURNMENT