



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 1, 2020

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	
James Dittrich	Commissioner	Present	
John Pirog	Commissioner	Present	

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Oct 27, 2020 7:00 PM

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

III. PUBLIC HEARING

1. 1116-1120 W. Northwest Highway

The item was continued to the December 22nd 2020 ZBA Meeting.

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

2. 140 W. Wood Street #415

Notice was published in the Daily Herald on November 16, 2020 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. Plat of Survey for Unit #415
5. Floor Plans
6. Public Notice

Sworn in staff: Ms. Lyn Bremanis

Sworn in the petitioner: Mr. Matthew Sraga 522 S Dryden Place Arlington Heights, IL

Mr. Sraga explained they have owned the condo for 5 years. He stated they moved to Arlington Heights and the unit has been on the market for 16-18 months with good feedback. He stated the HOA is expensive and has gone up 15% each year to pay for capital improvements. Mr. Sraga stated he is struggling to sell because it is approaching same amount as the mortgage. He explained they are hoping to put the unit back to original state as a studio and 1 bedroom which was original when the building was originally built. He stated this will provide an affordable living area with lower HOA which would be split based on square footage making it more affordable.

Mr. Cavanaugh asked if he spoke to board.

Mr. Sraga answered yes and there are no issues. He spoke to an amendment to the declaration that requires four signatures.

Discussion on HOA putting limits on amount of studios.

Mr. Pirog asked if the other studios are also 362 sq.ft.

Mr. Sraga explained they are the same footprint on each floor.

Ms. Bremanis gave a brief overview. She state parking meets code since the last time this complex went before the board it went through a parking variation that took into account the other converted two bedroom units being reduced back to 2 units. Ms. Bremanis stated Community Services and Fire Prevention reviewed and had no concerns. She went through the slides that include floor plans and existing conditions.

Mr. Cavanaugh asked staff if there are any issues with the unit that came before the board last year.

Ms. Bremanis answered no.

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 Petitioners are requesting to divide their 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 Petitioners and submitted on 08/19/20, 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. Dittrich made a motion to approve subject staff's conditions; seconded by Ms. Roth-Wurster.

DELIBERATIONS:

Mr. Dittrich stated the petitioner has done a nice job meeting the standards. He spoke to the uniqueness being that it formerly was 2 units so just going back to original state. He stated it won't alter essential character since this has been done before. Mr. Dittrich stated the unit has been on market with no movement with a high HOA so this relief is understandable.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 8-0. This item will tentatively go to Village Council on December 14, 2020.

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

3. 658 E. Home Avenue

Notice was published in the Daily Herald on November 16, 2020 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. Photos Submitted by Petitioner
6. Letter of Support
7. Letter of Support 2
8. Public Notice
9. Letter of Support 3

Sworn in petitioner: Steven & Zhanna Parquette 658 E Home

Ms. Parquette stated the work has already been done explaining they have had issues every year with the grass dying along the asphalt driveway. She stated they added the ribbon to prevent this from happening and to better the appearance of their home.

Mr. Parquette stated they originally installed the bricks thinner but it didn't look right.

Ms. Parquette stated they followed the pattern and mimicked other properties in neighborhood.

Mr. Parquette referred to slide showing they lined up with the house.

Mr. Pirog asked if they knew they needed a permit.

Mr. Parquette answered no and neither did anyone in neighborhood. He stated he found out when a neighbor reported.

Ms. Parquette stated it was a live and learn experience.

Ms. Wood asked if one neighbor has issue.

Mr. Parquette stated they have an issue with the neighbor in general.

Ms. Bremanis gave a brief overview stating the property is part of Concord Mills subdivision, which is a planned development that follows the R2 zoning. She stated they have a 3 car garage but code limits the width to 25ft for the first 5ft. She referred to the survey/site plan to show the yellow triangle that requires relief.

Mr. Pirog clarified the asphalt alone is 25ft.

Ms. Bremanis answered no explaining that includes the brick.

Ms. Bremanis stated their building and lot coverage meet code. She stated

Community Services and Engineering reviewed and had no issues.

Mr. Pirog clarified the first 5ft is what they are requesting relief for.

Ms. Bremanis answered correct 5 ft from lot line to house has a maximum of 25ft.

STAFF RECOMMENDATION:

The Petitioners installed a paver ribbon along both sides of the driveway without a building permit, which now requires relief for maximum width at the lot line. While ribbons are not uncommon in the area, other driveways appear to meet Code for maximum driveway width. The addition of the ribbons should not change the character of the locality and the addition of any paver edge would require relief for any existing driveway, which is at the maximum driveway width within the first five feet of the property line. Nevertheless, Staff recommends action at the discretion of the Zoning Board of Appeals. If the ZBA decides to recommend approval, Staff recommends the following condition:

1. The Variation shall substantially conform to the site plan submitted by the Petitioners, Steven and Zhanna Parquette, except as such plans may be changed to conform to Village Codes and Ordinances.

Mr. Pirog stated it looks like decoration. He asked if they don't drive on it does it count

Ms. Bremanis explained it is a hard surface that can be driven on.

Mr. Parquette stated that is incorrect that the pavers will crack if driven on.

Ms. Bremanis stated per the code this is included in the driveway width.

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

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

DELIBERATIONS:

Mr. Luszczyk stated the pavers look great and such a small amount of relief so don't see any problems.

Mr. Larson agreed it is a small amount of relief. He stated it will not alter the neighborhood but rather enhance it and help with their lawn problems. He stated it meets the standards.

Ms. Wood stated the request is reasonable being that they lined up with existing architecture. She spoke to the uniqueness and that other homes are similar.

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

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

4. 832 N. Glenn Drive

Notice was published in the Daily Herald on November 16, 2020 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/ Site Plan
4. Public Notice

Sworn in petitioner: Melissa and Andrew Rice 832 Glenn Drive

Mr. Rice stated they were house shopping year and half ago and found this style home and fell in love with layout. He stated several homes had patios off kitchen which is convenient. He explained he poured the patio assuming it would be okay because it was similar to other homes they seen. Mr. Rice pointed out the curve in his lot which then puts the patio in the setback. He stated they are looking for a variation to not cut off a corner of their patio. He stated many neighbors have complemented them on their improvements. Mr. Rice submitted a letter of support from neighbor into record and stated multiple others were going to come in support. He stated he spoke to other neighbors and no issues.

Ms. Rice stated the neighbor who wrote the letter of support said patio has helped the drainage in her yard.

Mr. Rice explained the patio is pitched to the middle of their own yard.

Mr. Pirog asked if a company poured cement without permit.

Mr. Rice explained they did it themselves.

Mr. Pirog asked if they didn't know they needed a permit.

Mr. Rice answered they did not explaining this is the first time owning a house. He stated he now knows and is sorry for not applying for permit first. Mr. Rice pointed out had he applied for permit he could have used the minor variation application, which only requires signatures from neighbors and goes straight to council.

Mr. Larson spoke to location of the patio and the possibility of moving to meet code. He asked if this would meet expectations.

Mr. Rice answered no explaining the door location and interior layout that prevents moving.

Mr. Pirog asked if there are steps.

Mr. Rice explained they are working to get permit which is approved but waiting on variation.

Mr. Larson clarified the inside of the home dictated the location of door which led to patio location.

Ms. Rice answered yes explaining there was nowhere else the door would work.

Mr. Rice pointed out if his lot was square they would not need the variation which meets unique circumstance. He pointed out the landscaping that screens the patio.

Mr. Cavanaugh asked if there was furniture on the other patio.

Mr. Rice answered yes. He stated the patio is for grilling and entertaining.

Mr. Cavanaugh asked if they intend on adding a fence.

Mr. Rice answered yes hopefully sooner than later.

Ms. Roth-Wurster asked how much is encroaching.

Mr. Rice explained the patio is 16 by 17ft and 10 inches off the building in case they need to fix drain tiles. He stated 4ft is in the encroachment.

Ms. Rice explained the reason for location is to center with the door off the dining room.

Ms. Wood read the letter of support into record.

Mr. Dittrich asked if they have noticed water pooling.

Mr. Rice answered no rather has stopped his sump pump from running continuously so has improved.

Ms. Bremanis gave a brief overview stating the property is zoned R2 with a 20ft setback requirement. She spoke the possibility of side yard patios abutting a street being processed under a minor variation but explained due to this being work without a permit it does not qualify. Ms. Bremanis stated Community Services and Engineering have reviewed and had no issues. She stated both building and lot coverage met code.

STAFF RECOMMENDATION:

The Petitioner installed a concrete patio, without a building permit, which encroaches into the required side yard abutting a street setback. In addition to not being allowed as a permitted obstruction, patios encroaching into the setback are not typical for corner properties in this neighborhood. While the Petitioner could have constructed the patio elsewhere on the property, which met Code and did not require zoning relief, the installed patio encroaches 4 feet into the required side yard. Therefore, Staff recommends action at the discretion of the Zoning Board of Appeals. If the Zoning Board of Appeals decides to recommend approval, Staff recommends the following condition:

1. The Variation shall substantially conform to the site plan submitted by the Petitioner, Andrew Rice, 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. Larson made a motion to approve subject staff's conditions; seconded by Mr. McGinn

DELIBERATIONS:

Mr. Larson spoke to the uniqueness with the curved side yards. He stated it seems to be a reasonable request that is not very large. He stated it won't alter the essential character of the locality.

Mr. McGinn stated the layout of the house and having a patio off the kitchen makes sense.

Mr. Dittrich stated it will not alter the essential character of the locality. He stated the patio would look odd if they have to cut out the corner to meet code.

Ms. Roth-Wurster spoke to the landscaping that screens the patio and how you would not know it doesn't meet code.

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

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

5. 1576 N. Rand Road

Notice was published in the Daily Herald on November 16, 2020 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 Plans
5. Elevations
6. Floor Plan
7. Business Plan
8. Public Notice

**Sworn in petitioner: Mr. Joe Minorik area construction manager
Kenneth Sak Watermark Engineering**

Mr. Minorik explained the proposal includes remodeling the exterior and interior of the facility. He explained they proposed a new play place addition that requires setback relief. He explained they are asking for a variance at 36 ft. instead of the required 40ft. Mr. Minorik stated the drive thru is reconfigured similar to existing. He explained the second variance is for parking relief for 47 stalls instated of 56 to accommodate the play place and the cooler.

Mr. Pirog asked if the main reason they are in front of the board is for the play place or the drive thru.

Ms. Bremanis explained they are adding the play place, which removes the parking spaces requiring the parking variation.

Mr. Sak explained there are only 2 stalls being removed for the play place and 1 at upper left corner. He stated they are moving the transformer and moved a stall to accommodate a new transformer.

Mr. Pirog asked if the play place is fenced in.

Ms. Bremanis explained it is indoor.

Mr. Minorik explained the reason for encroachment is to allow spacing of tables.

Ms. Wood asked if there are changes to the drive thru.

Mr. Minorik explained it will change slightly to accommodate the freezer box.

Ms. Bremanis stated they currently have the 2-lane drive thru and the proposed will meet code.

Mr. Sak stated they will install new menu boards and upgrade equipment in drive thru to keep up with efficiency.

Mr. Dittrich asked if they can provide analytics to show 75% of business is in drive thru.

Mr. Minorik stated the dining room has been closed since March. He stated they can provide pre-Covid numbers explaining this info is tracked internally.

Mr. Dittrich asked if staff has confirmed numbers.

Ms. Bremanis answered no.

Ms. Wood pointed out adding the play place would add people staying so it may increase parking need.

Ms. Bremanis explained the added square footage only adds 4 seats.

Discussion on the amount of seating and required parking.

Mr. Minorik explained the parking count stating they have 16,000 stores across the country and the last thing they would like to do is short park their own lot. He stated they have a similar location in Hanover Park, which has less parking so is confident that McDonalds believes there is enough parking.

Ms. Wood asked staff if there are any complaints about parking shortage.

Ms. Bremanis answered no.

Mr. Pirog asked if the play place is new or remodeled.

Mr. Minorik answered it is new.

Ms. Bremanis gave a brief overview stating the property is zoned B5 and was annexed into Village in 1994. She referred to the aerial slide to show neighboring properties with similar setbacks. She spoke to the parking explaining they have the more restrictive requirement being 1 per 100sqft instead calculating based on per seat. Ms. Bremanis stated Community Services, Engineering, Environmental Health, and Fire Prevention, have reviewed the plans and had no issues. She went through slides to show proposed elevations and location of cooler. Ms. Bremanis stated they agreed to additional landscaping along back lot line the runs along an empty lot that would be an improvement for the residents that reside there.

STAFF RECOMMENDATION:

The Petitioner is requesting to expand an existing McDonald's to include an addition on the front of the building for both additional seating and a play place that encroaches 4 feet into the required minimum 40-foot front yard setback. The plans also contemplate an addition onto the rear of the building for a walk-in cooler that meets the required rear yard setback. There are other buildings along this section of Rand Road that provide setbacks between 17' and 32'; therefore, this encroachment should not alter the character of the area. Staff also notes that the existing building, parking, and setbacks were established in unincorporated Cook County and subsequently annexed into the Village. The Subject Lot allows minimal areas for expansion.

Additionally, the expansion will remove 4 existing parking spaces and add 4 additional seats to the total seat count. However, the Petitioner has indicated that

they are typically 75% drive-thru and are confident that 47 parking spaces will sufficiently handle the parking demand. Therefore, Staff recommends approval of the Special Use Amendment and Variations subject to the following condition:

1. The Special Use Amendment and Variations shall substantially conform to the business operations submitted by the Petitioner dated 9/9/2020, the floor plan prepared by the architect, EIS dated 9/18/20, and site plans prepared by Watermark Engineering dated 10/10/20 attached hereto except as such plans shall be revised 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 Ms. Roth-Wurster.

DELIBERATIONS:

Mr. Cavanaugh stated the special use and variation are tied together reviewing an old ordinance to allow change in the floor plan. He stated the play place has no issues and is in line with other business along the corridor. He stated he initially had an issue with the parking but the petitioner is a large corporation and has metrix and ability to study. He stated if they are willing to say most of business is drive thru and can afford to lose the parking spots then it is ok. Mr. Cavanaugh stated it meets the standards.

Ms. Roth-Wurster agreed with Mr. Cavanaugh that the standards have been met. She pointed out McDonalds on Northwest Hwy just came thru and gave similar info. She stated the new design will be good for area.

Ms. Wood stated the restaurant has been there for number of years and there have been no issues according to staff. She stated these are nice improvements but the play place gives pause that may increase customer seating. She stated looking at the trend even pre-Covid is more drive thru. Ms. Wood spoke to the standards and stated this will not alter essential character.

Ms. Wood summarized that this request has met the standards and was approved by a vote of 7-1. This item will tentatively go to Village Council on December 14, 2020.

RESULT:	RECOMMENDED TO APPROVE [7 TO 1]
MOVER:	Kevin Cavanaugh, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Luszczak, McGinn, Cavanaugh, Pirog
NAYS:	Dittrich

IV. COMMUNICATIONS

V. ADJOURNMENT