



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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ZONING BOARD OF APPEALS MINUTES • NOVEMBER 13, 2019

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	Absent	
Jerry Luszczyk	Commissioner	Absent	
Theodore McGinn	Commissioner	Present	
Kevin Cavanaugh	Commissioner	Present	
James Dittrich	Commissioner	Present	
John Pirog	Commissioner	Absent	

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Oct 8, 2019 7:00 PM

Ms. Roth-Wurster made a motion to approve the minutes of October 8, 2019; seconded by Mr. Larson.

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

III. PUBLIC HEARING

1. 455 N. Benton Street

Notice was published in the Daily Herald on October 28, 2019 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. Proposed Sign Elevations
6. Public Notice

Sworn in Staff: Ms. Lyn Bremanis

Sworn in the petitioners: Mr. Tom Galvin Business manager of St. Theresa Parish and William Van Bruggen sign contractor

Mr. Gavin explained they are requesting approval for an updated and modernized sign that will sit on the corner of Northwest Highway and Benton.

Mr. Van Bruggen stated he has been working with the church to develop the new sign. He referred to the elevations slide to show the proposed sign rendering. He explained the sign itself was designed to meet code. He explained they found out during the permit process that the cap is considered part of the signage and requires the variance. Mr. Van Bruggen explained they decided to request the variance because they feel by reducing the sign with the cap seemed ineffective. He stated the sign is internally illuminated and fabricated of aluminum, has an architectural stone base as well as an architectural aluminum cap. He stated both the white letters as well as the green background will be internally illuminated by LED. Mr. Van Bruggen explained the sign was designed to be pleasant to look at and effective for both the church and the school. He spoke to the standards explaining it would not be effective if size was reduced being that the cap includes the cross which represents the institution. He stated it will not alter the character of the locality but rather will enhance the neighborhood with the stone and the pleasant colors of the illumination. He pointed out the cap with the cross is an extension of a symbol of the church. Mr. Van Bruggen explained the signs are to direct the general public for the church and school which is not easily visible to Northwest Highway.

Ms. Bremanis gave a brief overview explaining the property is zoned R1 single family which includes institutional uses such as the church. She referred to the plat of survey slide to show the location explaining the setback has been reviewed by the Village and engineering to ensure line of site are kept open. Ms. Bremanis explained they are looking to replace 2 existing signs and consolidate to the one proposed and will be approx. 2ft back from current sign. Ms.

Bremanis stated the main sign does meet code however; the cap brings it over requiring the variance.

Sworn in Mr. Jeff Kressmann resident Benton Street

Mr. Kressmann asked why the sign has to be so big. He stated he lives on Benton not St. Theresa Street. He stated he doesn't think the cars driving down the street will be able to read the smaller words on the sign and could cause traffic issues with people trying to slow down to read. Mr. Kressmann stated he thinks the sign should just read St Theresa to direct people to the church. He stated he likes living in a residential area and would hate to see the sign any bigger.

Mr. Cavanaugh asked if Mr. Kressmann's concern is with illumination or just size. Mr. Kressmann explained it is with the size. He spoke to existing traffic problems with people making U-turns to get into line to pick up their kids along Benton Street.

Mr. Van Bruggen explained the size of the sign is in conformance with what is allowed by ordinance. He explained the signage wording that matters is always in larger text and smaller text is to address people who may be interested.

Mr. Larson clarified how the sign is measured.

Ms. Bremanis referred to the elevation slide and explained how it is measured. She pointed out a lot of the square footage taken into account is actually empty space.

STAFF RECOMMENDATION:

The Petitioner is proposing to construct a new freestanding sign, which exceeds the maximum permitted square footage for an institutional use in a residentially zoned property. The Subject Property is unique as it is approximately 15 acres and contains both a church and school. The Church will utilize the sign for both uses; and if approved, the Church plans to remove the 2 existing freestanding signs located at the same corner. Furthermore, without the architectural cap the sign is 50 square feet, which meets Code. Staff has reviewed the sign location to ensure that there is adequate line of sight open for both pedestrian and vehicular traffic. The Parish has 3 frontages along Benton Street, Northwest Highway, and technically a portion of Freemont Street. Additionally, Staff has reviewed other signage in this area and the proposed sign should not alter the essential character of the locality. Therefore, Staff recommends approval of the Variation, subject to the following condition:

1. The Variation shall substantially conform to the site plan and elevations submitted by the Petitioner, Rev. Timothy J. Fairman, St. Theresa Parish, on 10/04/2019, except as said plans may be changed to conform to the Village Code of Ordinances.

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

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

DELIBERATIONS:

Mr. Cavanaugh stated they are replacing 2 signs with 1 sign. He pointed out the 2 existing signs will deteriorate and the proposed is made of longer lasting material and will look nicer. He stated he understands the objector's point of view but maybe going from 2 signs to one sign may appease him. Mr. Cavanaugh pointed out the proposed sign is better technology and a better fit.

Mr. Larson stated the new sign's signage portion meets code. He spoke to the way the angled top is measured pointing out most of the area is empty space. He stated he doesn't think it will alter the essential character of the locality. Mr. Larson stated he thinks the top with the cross helps the church rather than just be a green square.

Ms. Roth-Wurster agrees that it meets the standards. She pointed out it is the architectural detail that puts it over which includes the cross. She stated she thinks that is important to have to indicate location with school and a church.

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 December 2, 2019.

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

2. 572 W. Helen Street

Notice was published in the Daily Herald on October 28, 2019 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. Elevations
6. Floor Plan
7. Public Notice

Sworn in Ms. Anna Pozniak owner

Ms. Pozniak explained they bought the property to use as a single family home and wants to convert it back to that. She explained originally she wanted to do a side garage but there was concern about the second building so they decided to connect the buildings. She spoke to the circular driveway request explaining she has an RV and because the street is so narrow that this will make it easier to maneuver her trailer for storage behind the second building.

Ms. Bremanis gave a brief overview explaining the property is zoned R1 single family. She stated it was annexed into the Village in 1994 and was a daycare at that time. She stated the daycare closed approx. 3 years ago and the current owners would like to convert it to a single family home. Ms. Bremanis explained since the buildings were separate the second building met the accessory structure setback but once they are connected they have to follow the R1 setback of 15ft. She pointed out it is currently at 9'10"which will not be changing. She referred to the site plan slide to show the section of the driveway they are removing indicated in red. Ms. Bremanis stated both building and lot coverage meet code. She stated they are adding a 4 car garage.

Mr. Larson clarified how the 35ft driveway is measured asking if it is due to the circular drive.

Ms. Bremanis answered yes referring to the site plan slide to show area measured. She explained though they are not reducing the width, which conforms more to residential. Ms. Bremanis referred to the slide to show existing conditions and elevations

STAFF RECOMMENDATION:

The Subject Property is zoned R-1 single-family residential. It previously operated as a daycare facility in unincorporated Cook County and included two buildings and a parking lot. The previous daycare facility ceased operating in 2016 and the Petitioner purchased the property in April 2019, with the intent to connect the two existing buildings to be used as one single-family residence. Under the current R-1 zoning, the addition and connection of the building would

result in the residence being setback less than the required 15 feet. The proposed addition should not change the impact of the existing setback from the western side lot line. The existing parking lot does not meet the residential driveway standards and was never intended to function as a residential driveway. While the Petitioner is removing a section of the asphalt into order to have a more traditional circular driveway, the remaining area still exceeds the maximum allowable width per Code. The proposed plans call for a new 4-car garage to connect both of the existing structures.

This property is unique as it previously operated as a daycare facility, but it maintains a single-family residential zoning and is located in a single-family residential neighborhood. The proposed improvements do not change the existing setbacks and the pavement configuration is reduced in width, in attempting to further restore the residential use of the property. Lastly, the use of the property as a single-family residence aligns with the existing conditions and characteristics of the surrounding neighborhood. Therefore, Staff recommends approval of the Special Use and Variation, subject to the following conditions.

1. The Special Use and Variation shall substantially conform to the site plan, submitted by the Petitioner's Architect Robert Wcislo, on 10/16/2019, except as said plans may be revised to conform to the Village Code of Ordinances.
2. The final floor plan for the use of the existing building shall be submitted in a manner acceptable to the Directors of Planning and Zoning and Community Services.

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

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

DELIBERATIONS:

Mr. Larson stated nothing is changing on setbacks pointing out they are just connecting existing buildings so it should not have a negative impact on the surrounding properties. He spoke to the unique circumstance with the driveway with it being a daycare. He stated making a circular drive won't change the character of the neighborhood but rather make a little better than having a big parking lot. Mr. Larson spoke to the reasonable return being met by trying to bring it back to a single family home.

Ms. Roth-Wurster agreed with Mr. Larson pointing out they are not moving the buildings rather because of the connection it is measured differently.

Mr. Dittrich spoke to the uniqueness being that it was annexed in as a daycare and since it is no longer being utilized as such, the neighbors would probably appreciate the property looking more like a residence.

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 December 2, 2019.

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

3. 879 W. Kenilworth Avenue

Notice was published in the Daily Herald on October 28, 2019 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Variation
2. Proof of Ownership
3. Site Plan
4. Existing Conditions
5. Public Notice

Sworn in Mr. Richard Sabel owner

Mr. Sabel spoke to his original request for the fence variation explaining per the ZBA's recommendation he has the request not for a 10ft setback. He stated he came to find out the builder put the ac units outside of the setback lines. He stated pending the fence setback variance is granted the fence will screen the ac units. He pointed out it is common in his neighborhood to have ac units on the side of the home. Mr. Sabel stated he is lost for words and can't believe his builder did this since it is a pretty big oversight. He explained if the fence variance is granted the ac units would be encased by the fence. He repeated it is common in his area to have the ac units in side yard but explained they are within their setback line.

Ms. Bremanis gave a brief overview explaining the property was in front of the board approximately a year ago where they were approved for a 20ft front yard setback and a deed restriction along Kenilworth at 27ft to make that their acting front yard. She further explained Crescent is still their legal front yard. Ms. Bremanis stated ac units are not a permitted obstruction in the front yard. She referred to the slide to show the pictures submitted by the petitioner of neighbors with ac units in their side yards pointing out the ones on corners are within their setbacks. She stated if fence variance is granted it will screen the ac units.

Mr. Cavanaugh asked if the fence went to council yet.

Ms. Bremanis answered no it will go in conjunction with this request.

Mr. Dittrich asked if there is reason aside from aesthetics to determine where ac units can be located.

Ms. Bremanis clarified if he meant is it for safety issues.

Mr. Dittrich answered yes.

Ms. Bremanis answered not that she is aware of.

Mr. Larson asked if it was in side yard it would be 20ft setback.

Ms. Bremanis explained the property got a reduction of 20ft and the current units are at approximately 15-16 ft. from the property line. She explained if they had not received relief the front yard setback would be 30ft but they got a reduction to 20ft. which is similar to a side yard abutting a street.

Mr. Dittrich asked Mr. Sabel if he was planning on any landscaping. Mr. Sabel answered it was going to just be the fence with landscaping on the outside of the fence. He explained the fence will cover the ac units.

Mr. McGinn asked Mr. Sabel if he has spoken to the neighbors. Mr. Sabel answered yes. He stated they spoke to them about the fence setbacks including the neighbor most affected by the fence visibility for his driveway and no issues were determined.

STAFF RECOMMENDATION:

The Petitioner is in the process of constructing a new residence. While the building permits were approved, they did not include the location of the air conditioner units. The HVAC inspections have not been completed, as of yet. The Contractor installed the units in the required front yard along Crescent, which is not permitted (as a permitted obstruction), per code. The Petitioner is requesting to keep the units in their current location. While there are examples of air conditioner units in side yards abutting a street in the area, they are located outside of the required side yard abutting a street setback and are permitted by Code. Staff understands the units have already been installed, however being located in the required front yard is not consistent with the neighborhood and does not comply with the Code requirements. There are other compliant locations in which the units could be placed.

Staff does not believe that there is justification for the Variation and recommends denial of the request. If the ZBA recommends approval, Staff recommends the following conditions:

1. The Variation shall substantially conform to the site plan submitted by the Petitioner, Richard Sabel, on 10/25/2019, except as said plans may be changed to conform to the Village Code of Ordinances.
2. A final screening plan for the air conditioner units shall be submitted in a manner acceptable to the Director of Planning & Zoning, prior to issuance of a building permit.

Mr. Dittrich asked why this wasn't discussed during the fence request. Ms. Bremanis explained that Staff wasn't aware of the units encroachment during that process as they were not shown on the approved building permit. Mr. Sabel stated the ac units have been installed for at least 7 months. He explained he had no idea they were in the wrong spot since he is not a contractor. He further explained through the previous request he found out about the error on location and hopes the work with the fence and landscaping will allow them to move forward.

Mr. McGinn asked Mr. Sabel if he asked his contractor for other compliant location possibilities. Mr. Sabel stated he is currently looking into other contractors

Mr. McGinn asked about the fence blocking the ac.

Mr. Sabel referred to the site plan slide to show location of porch and ac units explaining where the fence could go where it blocks ac units and indicated where the landscaping would be planted.

Mr. Larson clarified council will hear both request same time.

Ms. Bremanis answered yes.

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

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

DELIBERATIONS:

Mr. Dittrich spoke to this property's uniqueness having its legal front yard functioning as a side yard. He stated they have heard issues with properties like that. Mr. Dittrich stated having heard there is no physical safety in setback and a fence would be blocking the unit he can see how a variance can be granted in this instance

Mr. Larson stated if the fence request was tied to the ac request it would be different but without knowing about the fence he is unable to get his head around it.

Mr. Dittrich asked staff if the approval can be contingent on the fence.

Ms. Bremanis explained there is a condition that requires screening but if the Zoning Board would like to add an additional condition they could.

Mr. Cavanaugh asked if the fence approval included a condition for the Director of Planning and Zoning to have location approval.

Ms. Bremanis referred to the slide and explained the condition on location approval.

Mr. Cavanaugh asked if the red line on the slide was for the previous request or for what was recommended.

Ms. Bremanis explained the red line is at the 10ft setback that was recommended by the Zoning Board.

Mr. Larson stated if the request came through before it was installed his reaction would be to have them move it.

Ms. Roth-Wurster agreed with Mr. Larson on if the 2 requests came in together it would be easier to wrap our heads around it. She also agreed with Mr. Dittrich that it is not a safety issue. She pointed out there is already a condition if approved screening will be required and being ac units they are not causing a

line of site issue. Ms. Roth-Wurster spoke of other units through the Village with odd locations that even obstruct pathways.

Mr. McGinn summarized that this request has met the standards and was approved by a vote of 4-1. This item will go to Village Council on December 2, 2019.

RESULT:	RECOMMENDED TO APPROVE [4 TO 1]
MOVER:	James Dittrich, Commissioner
SECONDER:	Kevin Cavanaugh, Commissioner
AYES:	Roth-Wurster, McGinn, Cavanaugh, Dittrich
NAYS:	Larson
ABSENT:	Wood, Luszczyk, Pirog

IV. COMMUNICATIONS

V. ADJOURNMENT