



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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<http://www.palatine.il.us>

ZONING BOARD OF APPEALS

MINUTES • OCTOBER 27, 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 Luszcza	Commissioner	Absent	
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 13, 2020 7:00 PM

Mr. Dittrich made a motion to approve the minutes of October 13, 2020; seconded by Mr. Larson.

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

III. PUBLIC HEARING

1. 203 S. Ashland Ave.

Notice was published in the Daily Herald on October 12, 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/ Site Plan
4. Fence Elevation
5. Public Notice

Sworn in Staff: Ms. Lyn Bremanis**Sworn in the petitioner: Mr. Jaime Reyes 203 S. Ashland Avenue**

Mr. Reyes stated a few years ago they came before the board for variation for setback to build home and are now seeking relief to build a fence. He explained they are seeking the variation because they would lose 300 sqft from their yard if they built to code. He stated due to the grading of the property the elevation of the fence at 0ft setback is actually lower than if setback at 5ft. He stated staff said no homes with 0ft setback though true in Meryl's across Palatine there is a home 4blocks away. He spoke to the neighbor's variation that was granted in 2015. Jaime explained they are trying to better their home and the community. He stated they are not seeking to change the character of the community. Jaime stated the proposed fence will make the community better and improve the value of the home and the surrounding properties.

Mr. McGinn asked why not build to code.

Mr. Reyes explained they are a corner lot with high traffic due to apartments to the east. He stated there is a lot of cut through traffic.

Mr. McGinn asked why not bring back to required setback.

Mr. Reyes restated they lose a lot of square footage.

Ms. Wood asked staff to address the grading comments.

Ms. Bremanis explained after looking at Cook County elevations in our gis10ft back there is a foot differential in grade. She stated the further back the fence is installed it will appear higher than on lot line.

Discussion of existing condition slides and location of fence.

Mr. Pirog pointed out with the slope of the property the last few feet are unusable. He asked if they considered the new code that allows a 4ft. fence 3ft. from the line which given the slope would be almost a 6ft fence.

Mr. Reyes explained they are looking for added security with the Bell Aire hotel

that has criminal activity wants more solid and higher fence. He stated he also has dogs.

Ms. Wood clarified they definitely want the 6ft solid board on board fence so the question is location. She clarified the reason to the lot line is to add square footage.

Mr. Reyes spoke to the code and how it relates to the location of his home being on the East West streets.

Mr. Larson asked where is the tree that would need to be removed.

Ms. Bremanis referred to existing condition slide and explained location of fence to tree.

Ms. Bremanis gave a brief overview of request stating the property is zoned R2, which is permitted to have the fence at a 5ft setback. She referred to the elevation slide to show the proposed style of fence. She spoke to the petitioners comments on the fence at 156 N Elmwood with a fence on the lot line. She explained the fence has been in existence for as far back as she can go so when replacing it didn't need relief rather just replaced an existing nonconforming fence. Ms. Bremanis referred to the existing neighbor conditions slide to show the landscaping of neighboring properties. She spoke to the neighbors approved variation explaining since that time Village Council has restated the fencing setback requirements for code amendment which requires landscaping. She stated part of their request is not to have landscaping. She stated Community Services and Engineering have reviewed and have no issues. She referred to the plat/Site plan slide to show location of the proposed fence in green and the fence at code in red. Ms. Bremanis went through the slides to show style and location of fence.

Ms. Wood clarified there are no ordinances for bushes that exceed height.

Ms. Bremanis stated there are no ordinances that address landscaping.

Ms. Roth-Wurster referred to the site plan slide and asked about the angled area.

Mr. Reyes explained this was done to improve the visibility when backing out.

Ms. Roth-Wurster asked staff if reviewed for line of site.

Ms. Bremanis answered yes Engineering reviewed.

Mr. Reyes spoke to the main point when setbacks are set but being mid-block it isn't a concern and are addressing by creating ample line of site. He stated he can't see a reason to take away square footage from a resident.

Ms. Roth-Wurster asked if there are other corner lots in area that have 6ft fence.

Ms. Bremanis stated she did not see any. She stated Mr. Reyes referred that there are a lot with landscaping but no fence, referring to slide.

Mr. Pirog asked if they considered the permitted 4ft decorative fence with the landscaping.

Mr. Reyes stated they would prefer to have solid fence with dogs.

Sworn in Ms. Mary Ellen Reyes 203 S. Ashland Avenue

Ms. Reyes stated as a new mother my main concern is there is no park nearby so the added square footage is a main reason.

STAFF RECOMMENDATION:

The Petitioners are requesting to build a 6-foot tall solid fence, 0 feet from the side lot line abutting a street, without the required landscape. Per code, the proposed fence requires a setback of 5-feet in a side yard abutting a street with landscaping. Solid fences in corner side yards are do not appear to be in any required side yards abutting a street in this neighborhood. This fence would be permitted set back 5 feet with landscaping, which would be more consistent to the existing conditions in the neighborhood. The proposed fence may alter the essential character of the neighborhood. In addition, the Village Council has provided additional policy direction regarding the setback and landscaping requirements for 6-foot fences in side yard abutting a street properties. Therefore, Staff recommends denial of the Zoning Board of Appeals. If the ZBA recommends approval, Staff recommends the following conditions:

1. The Variations for the fence shall substantially conform to the site plan and elevation plan submitted by the Petitioner on 8/6/20, except as such plans may be changed to conform to Village Codes and Ordinances.

Mr. Cavanaugh asked about the new guidance from village council.

Ms. Bremanis explained on side yards abutting a street you are allowed an open style 4ft high fence 3ft from lot line without landscaping.

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

Mr. Pirog made a motion to deny; seconded by Ms. Roth-Wurster.

DELIBERATIONS:

Mr. Pirog stated he empathizes with the situation but doesn't see how standards have been met. He stated they can build 5ft back. He pointed out the area they are losing is sloped.

Ms. Roth-Wurster stated there are always issues with corner lots. She stated concessions can be made for open style fence. She stated the standards not been met but conditions are preexisting. Ms. Roth-Wurster pointed out there are not a lot of fences in the area that are 6ft at 0 lot line.

Ms. Wood would like to vote in favor to help the petitioner out. She stated they can put a 6ft fence 5ft back. She stated standards have not been met.

Mr. Larson agreed. He stated he doesn't like the permitted landscaping that

hangs over the sidewalk and fences are not but the request does not meet the standards.

Mr. Dittrich stated he would vote to approve but the slope is unique and makes the area almost dead space. He stated it is better served with 5ft setback.

Mr. Cavanaugh agreed with James. He stated he was originally compelled to approve but with the slope of the property the added space is dead space.

Ms. Wood summarized that this request has not met the standards and was unanimously denied by a vote of 7-0. This item will tentatively go to Village Council on December 7, 2020.

RESULT:	RECOMMEND TO DENY [UNANIMOUS]
MOVER:	John Pirog, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Larson, Roth-Wurster, Wood, McGinn, Cavanaugh, Dittrich, Pirog
ABSENT:	Luszczak

2. 939 N. Franklin Avenue

Notice was published in the Daily Herald on October 12, 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/ Site Plan
4. Petitioners Exhibits
5. Petitioner Exhibit background information
6. Letters of Support- adjacent and surrounding property sign off
7. Public Notice
8. Objectors email

Ms. Bremanis explained the yellow aerial stars in support and red star is objecting on the aerial slide.

Sworn in the petitioner: Ms. Jesso Jesso & Mitch Picchiotti. 939 N Franklin Ave

Ms. Jesso explained they would like to keep a chicken coop for food security for their family. She stated they believe in sustainability stating they already garden. She stated the chickens will lay healthier eggs than store bought eggs, provide good fertilizers for gardeners, help to control insects and weeds, and help dispose of kitchen scraps. Ms. Jesso stated they would care and love them as pets considering them as an extension of their family. She stated the main benefit is for the fresh eggs. She stated all adjoining neighbors are in support. Ms. Jesso stated their house is setback 95ft from street with the street to the coop at 134ft. She stated their neighborhood was originally unincorporated with most lots being approximately an half an acre and 100 ft wide. Ms. Jesso explained her neighborhood has a stream, is heavily wooded, include wetlands and have no sidewalks. She stated it mirrors the unincorporated area that is just a couple hundred feet away to the east where chickens are permitted.

Ms. Bremanis referred to aerial to show the Village of Palatine limits.

Ms. Jesso spoke to the chicken coop in unincorporated that is just to the east. Ms. Jesso spoke to the common concerns. She explained they are proposing to get an Eglo chicken coop which is designed for urban settings being easy to clean and maintain. She referred to the coop elevation slide to show how it is easily maintained for waste, food and security. She pointed out they keep their yard well maintained

Mr. Pirog asked if there will be a fence around the coop.

Ms. Jesso explained they proposed 2 locations for the coop with one being setback below grade with natural landscape to provide natural camouflage.

Mr. Pirog asked if there is a fence directly surrounding the coop.
Mr. Picchiotti referred to slide showing fence around the coop.
Ms. Jesso explained the fencing would be reinforced with hardware cloth to prevent predators.

Mr. Dittrich asked if their rear yard is completely fenced.
Ms. Jesso answered yes.
Mr. pointed out their 6ft fence in the existing conditions slide.

Mr. Pirog asked if they would remain outside year round.
Ms. Jesso answered yes pointing out this is addressed in their submittal documents in the packet.
Mr. Picchiotti stated urban chicken keeping has been a growing over the last few years. He stated Chicago and Rolling Meadows allows chickens.
Ms. Jesso stated 10 suburban areas have allowed chickens in the last 3 years. She stated they are only looking to keep hens not roosters that are loud. She stated they plan to get a quieter breed. Ms. Jesso explained a hen at its noisiest is when it lays an egg which is comparable to a normal human conversation. She stated dogs are louder. She stated they plan to get a hardier breed for winter conditions stating the Eglo is designed for all weather conditions. She spoke to the added measures they would take in the winter.

Mr. Cavanaugh asked about controlling the smell.
Ms. Jesso explained chickens themselves don't smell. She stated the smell comes from their feces which they plan to maintain the area and clean on a regular basis. She stated she participated in the Windy City Chicago Coop tour and there were no issues with smell. She stated urban keeping has come a long way to address these concerns including support groups to aid in issues. Ms. Jesso stated her friend has the same coop and has had no issues or complaints.

Ms. Wood asked if the chickens will stay in the fenced area.
Ms. Jesso answered yes.

Mr. Pirog asked if approved will it be for them or for the property.
Ms. Bremanis stated to them.

Ms. Wood asked if their fence is in good working order.
Mr. Picchiotti answered yes.

Mr. Dittrich asked if they spoke to the neighbors behind on Quentin.
Ms. Jesso explained it is commercial. She stated they spoke to their Councilman who said they did not need to.

Mr. Dittrich asked about coyotes.
Ms. Jesso explained there are all sorts of animals but the security and protection they will put in place will deter them.
Mr. Picchiotti explained the hardware cloth will make it impossible for them to get in.

Mr. Cavanaugh asked staff if the statute limits to 6 hens or just the request.

Ms. Bremanis explained the petitioner is requesting 6 hens and is included as a condition.

Ms. Jesso explained the proposed Eglo coop allows for 6 hens.

Ms. Wood asked if the lot size meets code.

Ms. Bremanis gave a brief overview explaining the lot is zoned R1 which is the largest of the residential lots. She stated staff considers a chicken coop an accessory structure and this meets the required setbacks. She stated the coop would be approx. 35ft. from the closest neighbor's house and the yard is completely fenced in referring to the existing conditions slides. Ms. Bremanis spoke to the different locations that were proposed explaining the petitioner and staff agrees the one below grade is the preferred choice. She stated Community Services and Engineering have reviewed and had no issues and Environmental Health stated the owner shall obtain all required permits and registration for chickens.

Mr. Pirog asked why there is no 6 month follow up.

Ms. Bremanis stated it can be added. She stated If any complaints they would be addressed regardless.

Ms. Roth-Wurster asked if each chicken needs to be registered individually.

Ms. Jesso stated they are purchased in a flock so registered together.

Ms. Roth-Wurster asked if it is a county permit.

Ms. Jesso stated it is from the Department of Agriculture. She explained they have been wanting to do this for a long time and have been looking to relocate to unincorporated Palatine to do so. She stated her neighbors said they would support so thought this would be an opportunity to stay in the Village. She stated she spoke to their Councilman and were encouraged to apply.

Sworn in Ms. Sara Murphy 925 N Franklin Av

Ms. Murphy stated they have been neighbors for 2 months located directly adjacent and have no concerns.

Sworn in Mr. Dan Schumacher 955 N Franklin Av

Mr. Schumacher stated he is in favor of the chickens. He stated they maintain for their property and are good neighbors and know they will take care of chickens. He expressed his concern with heavy snows and how they will protect the chickens. Mr. Schumacher asked if they need a permit.

Ms. Bremanis explained they will need to register with the Illinois Department of Agriculture and will have an ordinance that is tied to the site plan.

Mr. Schumacher asked if they will do inspections.

Ms. Bremanis stated that is under the Department of Agriculture.

Ms. Jesso stated she spoke to the neighbor that sent in the objectors email. She

stated she tried to answer all her questions and assured her that if anything bothers her they will work with her to address them. She addressed Mr. Schumacher's concerns about snow explaining they don't want moisture in coop so best to keep dry. She pointed out their patio area is pea gravel which provides good drainage so not a lot of snow accumulates.

STAFF RECOMMENDATION:

The Petitioners are requesting to have a chicken coop, with up to six chickens in the rear yard of their property. The location proposed for the coop complies with the accessory structure height and setback requirements. The Petitioners have provided support from the seven of the surrounding property owners and are proposing a coop, which outlines specific maintenance procedures. In addition, the property abuts a vacant commercially zoned property to the rear. The coop would be located in an area that is approximately 3-4 feet lower in elevation than the rest of the yard and is screened by a solid 6-foot fence on both sides of the property, which abut other residential properties. The business plan identifies specific maintenance practices and requirements and is included as a required condition.

The Village amended the Zoning Ordinance in 2012 to allow residentially zoned properties to petition for special uses for an accessory unique use. This process allows the Zoning Board of Appeals to evaluate the specific characteristics of the proposal and its compliance with the standards. However, chicken coops are not permitted by right and there is presently only one property in the Village, which received an accessory unique use approval. That property is also zoned R-1 and represents the largest minimum lot size requirement in the Village. The Petitioners have submitted sign-off approvals from seven of the surrounding properties and have presented a thorough business plan, as part of the proposal. Nevertheless, this Special Use category is ultimately a policy decision for the Village Council. Therefore, Staff recommends action at the discretion of the Zoning Board of Appeals. If the ZBA recommends approval, Staff recommends the following conditions:

1. The Special Use shall substantially conform to the site plan and operations and submitted by the Petitioner on 9/21/20 attached hereto except as such plans shall be revised to conform to Village Codes and Ordinances.
2. Roosters shall be prohibited from property.
3. Any perimeter fencing along the side and rear yards or landscaping on the subject property, which provides screening for this accessory unique use, shall remain in place while the accessory unique use is in existence.
4. A maximum of 6 hens shall be allowed as part of the Accessory Unique Use.
5. Any eggs produced as a result of the Accessory Unique Use shall not be used for business or commercial purposes.
6. In addition to zoning approval with the Village of Palatine, the property owner shall obtain all other required permits and registration, and provide proof of registration with the Illinois Department of Agriculture Livestock Premises

Registration to the Village's Environmental Health Department.

7. The slaughter of hens at the property shall be prohibited.

Ms. Wood asked what #7 condition was.

Ms. Bremanis restated.

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

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

DELIBERATIONS:

Mr. Larson stated the location of the property makes sense being that there is nothing behind and all adjacent properties are in support. He stated it won't have a negative impact on the surrounding properties. Mr. Larson stated their presentation makes it clear they will operate in a manner consistent with the public health safety and welfare so thinks it meets the standards and should be approved.

Ms. Wood asked staff if there has been any complaints of the one existing coop in Palatine.

Ms. Bremanis stated not that she are aware of.

Mr. Cavanaugh stated he is impressed with the petitioner's info and due diligence. He pointed out the petitioners stated they grew up with chickens so thinks they know how to handle them He agreed with Mr. Larson about neighbors being in support pointing out the lot size is adequate.

Ms. Wood stated the petitioner addressed the public health safety and welfare standards. She stated there is no info on it having a negative impact. She pointed out the neighbors are in favor and they have spoken to the one objecting. Ms. Wood stated staffs' conditions make sense. She says they don't have a lot of research to go by but all info provided gives a good sense of assurance and supports the standards.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will tentatively go to Village Council on December 7, 2020.

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

3. 784 E. Dundee Road

Notice was published in the Daily Herald on October 12, 2020 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use
2. Proof of Ownership
3. Site Plan
4. Floor Plan
5. Business Plan
6. Plat of Survey
7. Plaza Use Plan
8. Public Notice

Sworn in the petitioners: Hiren Patel and Darshil Ranpariya

Mr. Ranpariya stated they have a joint ownership. He stated they currently have 2 other locations with this being their third. He stated both are licensed dentists being in practice since 2011 and 2014.

Mr. Cavanaugh asked where the other locations are.

Mr. Ranpariya answered West Chicago and Waukegan.

Mr. McGinn asked if there are any concerns with parking.

Mr. Ranpariya stated as mentioned in business plan they start with 2-3 chairs. He stated they will only see 1-2 patients at a time. He pointed out in the floor plan there is 7 chairs which would have maximum 6 patients.

Mr. McGinn asked if they plan on using the rear parking in complex.

Mr. Ranpariya answered Yes for staff.

Sworn in Mr. Steve Haramaris owner of shopping center

Mr. Haramaris stated it is the old Verizon space. He stated Verizon had 8-10 employees and at any time 10-14 customers so this is way less usage. He explained they are taking 2 of the 3 tenant spaces. He spoke to the parking and usage explaining they have signage directing to additional parking in back. Mr. Haramaris stated generally employees park in the back. He stated Verizon's absorption of parking was greater and didn't need approval.

Ms. Bremanis gave a brief overview stating it is zoned Planned Development following the B2 use list so they require a special use. She stated they are taking 2 tenant spaces with a total of 2230 sq. ft. She spoke to the center having 3 buildings with this space being to the far east referring to the slides showing current tenants. Ms. Bremanis spoke to the hours of operation being 5 days a week 9-5. She spoke to parking. She stated Community Services and Fire

Prevention have reviewed and had no issues. She referred to existing conditions slides to show center and parking.

Mr. Pirog asked if having 2 medical in a center a problem.

Ms. Bremanis stated it is something to be aware of. She stated there were 2 medical uses proposed a few years ago in a center and that parking can vary depending on the practice so staff recommends action of discretion.

Mr. Pirog asked if there is a limit on the number of dentists.

Ms. Bremanis explained the petitioners spoke to the amount of staff. She stated they have 7 exam rooms so want to ensure if the business plan changes and want more than 2 dentists at a time they will have to come back for approval.

STAFF RECOMMENDATION: STAFF RECOMMENDATION:

The Petitioner is requesting to open a dental office in the proposed tenant space, which was previously occupied by Verizon. The center as a whole is over parked by 6 spaces, with 34 spaces located in the rear of the building. The property manager indicates employee parking is encouraged, behind the buildings to allow for maximum customer parking in the front. The proposed use would be occupying a vacant tenant space, however it would be the second medical office use in the building. Therefore, Staff recommends action at the discretion of the Zoning Board of Appeals. If the ZBA decides to recommend approval Staff recommends the following conditions.

1. The Special Use shall substantially conform to the business operations and floor plan submitted by the Petitioner on 9/21/20 attached hereto except as such plans shall be revised to conform to Village Codes and Ordinances.
2. Additional Village of Palatine review will be required to increase the number of dentists identified within the business plan or for any significant expansion of the hours of operation, as determined by the Village of Palatine.

Ms. Wood asked about the second condition. She stated it is not normal to limit expansion

Ms. Bremanis explained they will have 7 exam rooms with 2 staff. She stated the layout created pause. She explained staff wants to make sure it does not grow outside of business plan.

Ms. Wood clarified if that was for parking.

Ms. Bremanis answered yes.

Mr. Cavanaugh asked if they would just meet with staff or have to come back before the board.

Ms. Bremanis stated it depends what the new proposal is.

Mr. Haramaris expressed concern that staff is using other centers as an example for the 2 medical uses. He stated for their center it is not a valid concern. He spoke to other medical use in their center (Epic) being sparsely used. He stated

he is not concerned with parking and conflicts with other tenant spaces.

Ms. Wood asked about the condition on changes of hours and what deems significant .

Ms. Bremanis stated staffs main concern is not the hours but rather the possibility of additional dentists.

Discussion on staffs concern of expansion.

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

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

DELIBERATIONS:

Mr. Cavanaugh stated he understands the parking concerns with urgent care in the same center but the landlord has stated it will be less busier than Verizon. He stated this at its busiest will barely compare. He stated there is no concern with parking and it's a great use for a vacant spot. Mr. Cavanaugh stated it is good to fill vacancies and are always in favor of more healthcare providers.

Mr. McGinn noted the petitioners have testified that they each have many years of experience so will operate in a manner consistent with the public health safety and welfare of the community. He stated he would eliminate the second condition but is okay with the motion the way it is.

Ms. Wood stated she understands the increase of the number of dentists but is stuck on the significant expansion of hours being not clear.

Ms. Bremanis stated the condition on hours can be removed.

Mr. Pirog stated there is no harm with condition.

Discussion on what staff meant as substantial expansion.

Discussion on changing approval to include the removal of "expansion of hours".

Mr. Cavanaugh withdrew the motion as written.

Mr. Cavanaugh made a motion to approve subject staff's conditions with the second condition omitting the hour expansion portion; seconded by Mr. Larson.

Mr. Larson stated he suggests that the employees park in the back because parking gets a little tight.

Ms. Wood spoke to other tenant spaces and the busyness of the center.

Ms. Roth-Wurster pointed out this use will be mostly be by appointment so will have more control.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will tentatively go to Village Council on November 9, 2020.

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

IV. COMMUNICATIONS

V. ADJOURNMENT