



## 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 • OCTOBER 23, 2018

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Village Hall - Council Chambers

Regular Meeting

7:00 PM

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#### 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 | Late    | 7:02 PM |
| James Dittrich     | Commissioner | Present |         |
| John Pirog         | Commissioner | Present |         |

#### II. APPROVAL OF MINUTES

##### 1. Zoning Board of Appeals - Regular Meeting - Sep 11, 2018 7:00 PM

|                  |                                                               |
|------------------|---------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Brent Larson, Commissioner                                    |
| <b>SECONDER:</b> | Jerry Luszczak, Commissioner                                  |
| <b>AYES:</b>     | Larson, Roth-Wurster, Wood, Luszczak, McGinn, Dittrich, Pirog |
| <b>ABSENT:</b>   | Cavanaugh                                                     |

### III. PUBLIC HEARING

#### 1. 1002 E Olde Virginia Road

Notice was published in the Daily Herald on October 8, 2018 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
4. Site Plan
5. Elevation
6. Public Notice

**Sworn in staff: Ms. Lyn Bremanis**

**Sworn in petitioners: Ashok & Nisha Desai 1002 Old Virginia Rd**

Mr. Desai stated they would like to build a raised sunroom on the same level as their family room. He stated it would be an enclosed room to add extra living space. He stated he is developing a medical condition that requires him to stay on the same floor because he is restricted from using the stairs.

Ms. Bremanis gave a brief overview of the request stating it is a planned development part of Meadows Lake Subdivision. She referred to the aerial slide to show the lots are very small for Palatine standards being a little over 5,000 sq. feet. She spoke to the planned development rear setbacks of 20 ft. which the petitioner is looking to encroach into. Ms. Bremanis stated the sunroom is approx. 12' by 15' and the peak height meets code. She explained they are looking to install it on the existing patio so the lot coverage will not change. She referred to the existing condition slides to show location. She referred to the aerial slide to show the one other sunroom in the area and multiple decks that have a similar encroachment within the community. Ms. Bremanis stated Community Services and Engineering has reviewed and there were no concerns.

Mr. Pirog asked if all the homes shown on the aerial with deck encroachments went through the zoning process.

Ms. Bremanis answered no.

Ms. Bremanis continued to go through the existing condition slides.

Mr. McGinn asked if they spoke to the neighbors specifically 1001 E Meadow Lake Dr

Mr. Desai stated he did and they had no objections.

Mr. Pirog asked about flooding in the area

Ms. Bremanis explained it is currently a paver patio so should not change any

existing water flow.

Mr. Pirog asked if staff had concern about it being a corner lot

Ms. Bremanis stated she received no concerns

**STAFF RECOMMENDATION:**

The proposed sunroom encroaches into the minimum required rear yard. The home is set back approximately 22 feet from the rear property line and the proposed 12-foot addition requires relief. Many of the homes in this subdivision have decks with railings with similar encroachments. Staff is aware of only one other similar building addition that encroaches into the rear yard. This addition is a sunroom which is open in nature, but is a single story structure as opposed to the existing decks in the area. 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 submitted on 10/4/18 and elevation submitted 9/25/18 by the Petitioner, Ashok Desai, 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. Pirog made a motion to approve subject staff's conditions; seconded by Mr. Dittrich.**

Mr. Pirog spoke to the standards and stated he doesn't see a negative impact on the surrounding properties and no issues with the other conditions. He stated there are numerous decks that cover the same and pointed out they really have no choice to encroach if they do any addition.

Ms. Wood stated they are not adding additional lot coverage and pointed out this type of encroachment is common in the neighborhood.

**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 Monday, November 5, 2018.**

|                  |                                                                          |
|------------------|--------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>RECOMMENDED TO APPROVE [UNANIMOUS]</b>                                |
| <b>MOVER:</b>    | John Pirog, Commissioner                                                 |
| <b>SECONDER:</b> | James Dittrich, Commissioner                                             |
| <b>AYES:</b>     | Larson, Roth-Wurster, Wood, Luszczak, McGinn, Cavanaugh, Dittrich, Pirog |

2. 10-12 N. Bothwell Street

Notice was published in the Daily Herald on October 8, 2018 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
4. Business Plan
5. Floor Plan
6. Public Notice

**Sworn in petitioner: Ms. Celia Kallenborn 10 N Bothwell St**

Ms. Kallenborn stated she currently owns the bakery at 10 N Bothwell and specializes in cakes, cookies, and cupcakes. She stated they have limited space and would like to expand into the space next door to allow seating to serve pastries and coffee. Ms. Kallenborn stated currently there is no seating with just to go service. She further explained they would like to serve coffee and expand their menu. Ms. Kallenborn stated they currently have to limit the menu because of limited space and many customers have asked them to do more items.

Ms. Wood asked how much would the square footage increase.

Ms. Kallenborn explained currently they are approx. 780 sq. feet and the additional space is approx. 900 sq. feet, which almost doubles the space.

Ms. Wood clarified they are adding on approx.. 900 sq.ft

Ms. Kallenborn answered yes explaining only a portion will be used for seating with the remainder being used for storage and counter space.

Mr. Pirog asked if the seating would be for the public

Ms. Kallenborn explained it would be used for the public and the private events would be handled when they are not open to the public.

Ms. Wood asked how often they would have the parties and what ages. She asked if the parents would stay or drop off.

Ms. Kallenborn explained they have had interest from customers for small events but have not been able to do because of the kitchen needing to be a controlled environment for health department reasons. She stated the parties would be limited to 8 kids and the adult who booked the party would have to be present. She stated they would be primarily decorating cupcakes or Christmas treats and would be approx. 60-90 minutes at a time. Ms. Kallenborn spoke to the designated parking space in her lease that will be designated to customers and how employees will get business parking passes and park in allotted areas.

Ms. Bremanis gave a brief overview of the request stating the proposed hours are Tuesday-Saturday 7am-7pm Sunday 9am-3pm and closed Monday. She

stated they have 2 employees and the seating will be open to the public but won't be open during parties. Ms. Bremanis explained the subject property is located in the central business district which requires parking to be reviewed by administration at Village Council. She referred to the aerial to show locations and the parking lot.

Mr. Pirog asked about the parking analysis

Ms. Bremanis explained because it is located in the downtown area it will be reviewed by administration. She went through the existing condition slides. She stated Community Services, Environmental Health and Fire Prevention have all reviewed and have no concerns.

Ms. Wood asked if it is currently a restaurant

Ms. Bremanis explained per code a bakery is permitted but added seats triggers a restaurant, which requires a Special Use.

**STAFF RECOMMENDATION:**

The petitioner is proposing to expand the square footage of an existing bakery to include seating for 8. The expansion should not have a negative impact on the surrounding businesses. In addition, the business plan indicates that employees will utilize the Village's employee parking passes and will have one private parking space for customers to utilize as well. Therefore, staff recommends approval of the Special Use subject to the following conditions:

1. The Special Use shall substantially conform to the business plan submitted on 10/11/18 and the floor plan submitted by the petitioner on 9/6/18 except as such plans may be changed to conform to Village Codes and Ordinances.
2. All employees Sweet C's shall enroll in and utilize the designated downtown employee parking areas.

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**

Mr. Cavanaugh stated it meets the standards and is really just an expansion of an existing business. He stated he is familiar with the bakery and an expansion is a good sign.

Ms. Roth-Wurster agreed with Mr. Cavanaugh. She pointed out staff has explained the parking is a non-issue and has covered it with the conditions to have employees utilize the designated downtown parking areas.

Ms. Wood stated she is in favor but recognizes the change from a bakery to a restaurant. She spoke to the impact on the surrounding properties with parking demand which will be worked through with administratively.

**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 Monday, November 5, 2018.

|                  |                                                                             |
|------------------|-----------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>RECOMMENDED TO APPROVE [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Kevin Cavanaugh, Commissioner                                               |
| <b>SECONDER:</b> | Cindy Roth-Wurster, Commissioner                                            |
| <b>AYES:</b>     | Larson, Roth-Wurster, Wood, Luszczak, McGinn, Cavanaugh, Dittrich,<br>Pirog |

3. 1410 W Northwest Highway

Notice was published in the Daily Herald on October 8, 2018 and mailed to the owners of the surrounding properties.

**Petitioner's Exhibits:**

1. Application for Special Use & Variation
2. Proof of Ownership
3. Plat of Survey
4. Site Plan & Sign Elevations
5. Public Notice

**Sworn in petitioner: Mr. John Mannion ,Studio 41 -1410 W Northwest Hwy-  
executive general manager**

**Mr. John Doyle Chicago Signs - 204 Gary Wheaton ,IL**

Mr. Mannion stated they purchased the old AC Imports dealership and will convert it into a Studio 41 kitchen and bath showroom. He stated they are here to talk about the signage plan to update the presence of the new showroom.

Mr. Doyle spoke to the EMB and how it is made according to all criteria set by the Village. He stated it will automatically dim at night and the hold time will meet the Village standards. Mr. Doyle pointed out the sign is smaller than what was previously there.

Ms. Bremanis gave a brief overview of the request stating the property is zoned B2. She referred to the plat to show location of signs. She stated all signs are considered freestanding signs due to their size. Ms. Bremanis referred to the site plan and elevations slides to show the size of the actual signage compared to the dark graphics. She referred to the comparison slide to show how the proposed sign compares to the old Jaguar dealer signs, which were approved when the property was annexed in and through a variation process.

Mr. Pirog asked if either signs were illuminated

Ms. Bremanis stated the petitioner can speak to how the signs are illuminated.

Mr. Pirog asked if this is in a Village approved EMB corridor.

Ms. Bremanis answered yes it is in the permitted Northwest Highway Corridor but explained it still requires a Special Use for an EMB.

Mr. Pirog referred to the aerial and pointed out that 2 of the 3 signs would be visible from the homes.

Ms. Bremanis spoke to site line calculations she had done and how the EMB would be screened by the building but the top of the sign may be visible from the second floor of the homes behind. She referred to the existing condition slides to show the height of the sign compared to the building height.

Ms. Wood asked about the location of the other 2 signs.

Ms. Bremanis referred to existing condition slides to show locations of the entrance signs. She referred to the aerial pointing out the two signs helps for drivers coming from both directions and allows another option if a driver passes the first sign.

Mr. Pirog asked about the trees in the aerial versus the packet.

Ms. Bremanis stated the slides are more current.

Mr. Pirog stated the trees would help block the signs from the homes

Ms. Bremanis explained that would be the smaller sign. She explained signs that are adjacent to residential properties are required to shut off all illumination from 11pm -7am.

Ms. Wood asked about height of the fence

Ms. Bremanis stated she does not know.

Mr. Cavanaugh asked if the fence would be coming down

Mr. Mannion stated they haven't made a decision but don't need the same kind of fencing as the car dealer had.

Mr. Doyle explained the reason the sign is 9ft is for address visibility explaining if shorter a vehicle waiting to exit could block the sign. He stated the concern is not only for the public but for emergency responders as well.

Ms. Bremanis clarified the brown and black part of the sign would not light up only the words Studio 41 and Koehler would and on the smaller signs the 1410.

Mr. Doyle answered that is correct.

Mr. Pirog asked about Village standards for dimming the signs.

Ms. Bremanis repeated because the signs that are adjacent to residential properties are required to shut off all illumination from 11pm -7am.

Ms. Wood pointed out the illumination could be bothersome to homes at 11:00pm. She asked about the brightness and if they plan on keeping them on till 11:00pm.

Mr. Mannion stated they will abide by Village regulations stating it would not be an issue to turn off earlier. He pointed out the message center will be blocked by the building and the two side entrance signs won't have much illumination besides the address. Mr. Mannion stated because Northwest Hwy is at a higher speed the signage is needed to be visible. He stated they have several signs at other Studio 41 locations and all are turned off at night.

Ms. Bremanis stated the EMB will not be facing residents.

Ms. Wood asked if the directional signs will be turn off with timers or when the store closes at night.

Mr. Mannion stated they will be automatic with a timer.

Mr. Doyle stated they would be on a time clock.

Ms. Roth-Wurster asked staff if there was any concern with line of site with cars coming in and out.

Ms. Bremanis explained there will be a full evaluation in the permit process

Ms. Wood asked how far they are expecting the customers to come from.

Mr. Mannion explained their locations typically draw from a 20 miles radius.

Ms. Roth-Wurster asked if the signage is important for drive by traffic

Mr. Mannion answered yes very much. He spoke to the analysis they have done to ensure the signs are the most visible and pointed out the setback is the same as the existing.

Ms. Roth-Wurster asked what would be shown on the EMB

Mr. Mannion stated typically it would have an image of a product or message on tile or vanities. He further explained it would be product related to give people a sense of what is inside.

**Sworn in Mr. Chirag Patel 1379 W Deer Ct.**

Mr. Patel stated his back yard is adjacent to the north side of the site. He expressed his concern with illumination even after the signs are dimmed pointing out from his second floor window he is more than likely to see the glow at night. He stated he would like to see studies from the sign company to figure that out. Mr. Patel spoke to the concerns of how often the EMB message would change and how that will be visible from his property.

Ms. Wood clarified his question is for the side signs.

Mr. Patel answered yes and spoke to the size of the sign relative to the existing signs.

Ms. Wood asked if concern is the EMB in general or reflective to his home

Mr. Patel spoke to the size of the sign relative to the to the YMCA sign. He spoke to the percent of the sign being EMB. He expressed concerns with the size and the fact that they are back to back signs even though it is within an allowed distance. Mr. Patel stated he would like a requirement to turn the signs off at 8pm if the business is not open.

Ms. Bremanis explained per code an EMB can be up to 40% of the sign. She referred to slide to show how much would be EMB of the proposed sign.

Discussion on the size and height difference of proposed and existing.

Mr. Cavanaugh asked for slide to show the height of the Jaguar sign.

Ms. Bremanis explained it is not the Jaguar sign but rather the AC Imports explaining it is 29ft. She stated the Jaguar sign is no longer there.

Mr. Cavanaugh asked what the peak height of the building is where the EMB sign will be

Ms. Bremanis explained the lower part is at 18'8" and the higher 23'4".

Ms. Wood asked the proposed EMB height  
Ms. Bremanis stated the height of the EMB is 15' tall with the rest of the sign going up to 27'

Mr. Luszczyk clarified the sign is 6' higher than the highest part of the building.  
Ms. Bremanis stated that is correct.

Mr. Cavanaugh clarified the EMB only goes up 15' but the Koehler and Studio 41 is also illuminated  
Ms. Bremanis answered that is correct.

Ms. Wood clarified the EMB would be shielded by the building but the Koehler portion would not and will be illuminated.  
Ms. Bremanis answered that is correct.

Mr. Luszczyk asked what the distance from the second floor bedroom is  
Mr. Patel stated there is a clear sight line because there are no trees.

Mr. Luszczyk clarified he won't see the EMB part.  
Mr. Patel stated based on the size in the description he won't but will see the glow and the lit up Koehler part on the top.

Mr. Cavanaugh stated static signs like the Koehler are easy to turn off at night  
Mr. Patel asked if their timers can turn them off a little earlier. He asked if this is the time to discuss the fence or is it planned later.

Mr. Mannion pointed out the lighting on the Koehler and the Studio 41 on the main sign is backlit so they don't project out or make a glow. He stated the business hours are typically till 6pm during the week, 4pm on Saturday and closed on Sunday so can work out different hours to turn off the signs. Mr. Mannion stated they always are going to conform to Village requirements first. He stated they are trying to put the best presentation to allow customers to find the business. He spoke to how message centers are part of the retail landscape and how people like them because they help draw awareness.

Ms. Wood asked about the distance from the signs to the property behind  
Mr. Mannion spoke to the size of the building and the size of the parking lot that separates it from the residential area.  
Ms. Bremanis stated it is approx. 330 ft. from the back of the home to the lot line.

Ms. Wood asked about plans for fencing  
Mr. Mannion stated he does not have an immediate answer. He stated if they leave the fence they will update improve pointing out he thought the neighbors would want it to create a barrier to the parking lot.

Mr. Pirog asked if the parking will be lit up all night long  
Mr. Mannion answered no explaining they don't need the same lights as the car dealer had.

Mr. Pirog clarified it will be lit up at some level at night

Mr. Mannion stated it will be lit up for a period of time.

Ms. Bremanis stated there are Village standards for parking lot lights especially next to residential areas.

Mr. Luszczak clarified there will most likely be less lights than with the car dealer

Mr. Mannion answered yes most likely half.

**STAFF RECOMMENDATION:**

The Petitioner is proposing to open a Studio 41 kitchen and design center on a 2.25-acre corner property along Northwest Highway. EMB's are contemplated as a Special Use along the Northwest Highway corridor and will meet all of the location and size requirements. In addition, the Petitioner has agreed to comply with all operational standards.

While the square footage of the main freestanding sign is 300 square feet, approximately 130 square feet are comprised of a solid/general accent graphic, which is typically a foundation and not included in the square footage calculation. As proposed, the definition of a sign would include this in the total sign square footage calculation.

The Petitioner refers to the two additional signs located at the entrances along Northwest Highway and Deer Road as directional signage. However, per Village code these would be considered as additional freestanding signs due their size (35 square feet each versus what is typically considered directional signage at 8 square feet). As with the larger freestanding sign, a percentage of the sign is a basic solid base, with minimal accent graphic. Staff does not believe the proposal will have a negative impact on the surrounding properties and due to the previous signage relief granted and the size and location of the property. In addition, the previous signage received relief for height, square footage, and an additional freestanding sign. Therefore, Staff recommends approval of the Special Use and Variations with the following conditions:

1. The Special Use and Variations shall substantially conform to the site plan and elevations submitted by the petitioner on 7/20/18, except as such plans may be changed to conform to Village Codes and Ordinances.

Mr. Patel asked if the timing limit can go on the record.

Ms. Wood clarified timing on illumination in the approval.

Mr. Patel answered yes.

Mr. Cavanaugh asked if illumination times are in the code

Ms. Bremanis explained per code it has to be shut off by 11:00 pm but explained the resident is asking to have it turned off earlier.

Ms. Wood clarified he is looking for an additional stipulation that it will be turned off earlier.

Mr. Pirog asked if adding that condition is the ZBA's purview

Ms. Bremanis stated the board can add conditions but Village Council will decide to keep them.

Mr. Pirog asked if other EMB's have similar stipulations.  
Discussion on other location

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. Larson**

Ms. Roth-Wurster stated it meets the standards for both Special Use and Variation. She stated they had good testimony and with the location it helps to have good directional signs as well as promotional so people know what it is. She stated it is being done tastefully and will comply with Village codes

Mr. McGinn pointed out they are uniquely situated along YMCA and the additional signage will help yield a reasonable return.

Mr. Larson stated the EMB sign is fairly far from the residential area and there is a building blocking it. He stated any sign will most likely have some kind of backlighting.

Ms. Roth-Wurster agreed with Mr. Larson pointing out it is not a full lit sign.

Ms. Wood stated they need to look at the effect of a new business on a residential area. She spoke to the possible negative effects but stated in this case the sign is at least 300ft. away and is back lit. She stated she understand the reservations but doesn't think it will have an impact. Ms. Wood stated she understands the need for the signage especially to attract the customers from other areas and the EMB is not overwhelming so is in favor. She stated they have met the standards.

**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 Monday, November 5, 2018.**

|                  |                                                                |
|------------------|----------------------------------------------------------------|
| <b>RESULT:</b>   | <b>RECOMMENDED TO APPROVE [7 TO 1]</b>                         |
| <b>MOVER:</b>    | Cindy Roth-Wurster, Commissioner                               |
| <b>SECONDER:</b> | Brent Larson, Commissioner                                     |
| <b>AYES:</b>     | Larson, Roth-Wurster, Wood, Luszczak, McGinn, Cavanaugh, Pirog |
| <b>NAYS:</b>     | Dittrich                                                       |

**IV. COMMUNICATIONS**

**V. ADJOURNMENT**