



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

AGENDA • OCTOBER 8, 2019

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jul 23, 2019 7:00 PM

III. PUBLIC HEARING

1. 879 W. Kenilworth Avenue

Special Use to permit a fence in the front yard pursuant to Section 6.03 (b) (6) (a) of the Palatine Zoning Ordinance.

2. 838 S. California Avenue

Variation to permit a driveway with retaining wall to be setback 0 feet from the side lot line instead the maximum 2 feet pursuant to Section 7.04 (i) (2) of the Palatine Zoning Ordinance.

Variation to permit a residential driveway to be 31 feet in width at the lot line instead of the maximum permitted 25 feet, for a minimum distance of 5 feet, pursuant to Section 7.04 (i) (3) of the Palatine Zoning Ordinance.

Variation to permit lot coverage to be 37 percent instead of the maximum permitted 35 percent pursuant to Section 10.02 (g) (1) (b) of the Palatine Zoning Ordinance.

3. 659 N Franklin Avenue

Variation to permit a patio to be zero (0) feet from the side lot line instead of the required two (2) feet per Section 10.01 (d) (1) of the Palatine Zoning Ordinance.

4. 803-805 N. Quentin Road

Special Use to permit a restaurant pursuant to Section 11.03 (d)(27) of the Palatine Zoning Ordinance.

IV. COMMUNICATIONS

V. ADJOURNMENT



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 • JULY 23, 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	Absent	
Jan Wood	Commissioner	Present	
Jerry Luszczak	Commissioner	Present	
Theodore McGinn	Commissioner	Absent	
Kevin Cavanaugh	Commissioner	Present	
James Dittrich	Commissioner	Present	
John Pirog	Commissioner	Present	

Staff present: Ms. Katie Rivard and Ms. Lyn Bremanis

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jun 11, 2019 7:00 PM - **Accepted**
Mr. Luszczak made a motion to approve the minutes of June 11, 2019;seconded by Mr. Dittrich.

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

Minutes Acceptance: Minutes of Jul 23, 2019 7:00 PM (Approval of Minutes)

III. PUBLIC HEARING

1. 1510 W. Northwest Highway - **Recommended to Approve**

Notice was published in the Daily Herald on July 8, 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. Elevations
6. Public Notice

Sworn in staff Ms. Katie Rivard and Ms. Lyn Bremanis

**Sworn in the petitioner: Mr. Steven Nagle - Superintendent of Facilities for the Palatine Park District - 1324 Arbor Avenue Highland Park, IL
Ms. Tony Bruns - Palatine Stables Manager - 440 N. Easy Street Palatine, IL**

Mr. Nagle explained they feel a shed will alleviate some operational issues and safety concerns. He pointed out they are well within the setbacks and ordinances within the Village.

Ms. Wood asked if there is any other place to locate where relief is not needed. Mr. Nagle stated no explaining they need to be close to animals and easy access to vehicles for delivery.

Ms. Wood asked if they own the adjacent property.
Mr. Nagle answered yes.

Mr. Pirog asked where it is stored now.
Mr. Nagle referred to the site plan slide to show location on top right corner of existing building.

Mr. Pirog asked why that can't continue to be used.
Mr. Nagle explained the proximity to the horses raises a health issue. He further explained it is not large enough to purchase hay in sufficient quantity so have to store some in the lower arena which takes away from business. Mr. Nagle stated they have to buy large quantities of hay due to cost and growing seasons.

Mr. Luszczyk asked if there is anything there now.
Mr. Nagle stated there is a grass pen to allow horses time outside.
Ms. Bruns referred to the existing conditions slide to show proposed locations.

Ms. Rivard gave a brief overview of the request explaining they are requesting a

6,000 sq. ft. storage shed to be located in the side yard that has maximum permitted square footage of 150 sq. ft. She stated the property is zoned R-1 Single Family and approximately 8.5 acres. She stated it will not have utilities being cold storage only. She referred to the site plan slide to show the existing buildings and proposed shed location. Ms. Rivard spoke to the setbacks and height that meet code. She stated the color will match the existing buildings. Ms. Rivard stated both building and lot coverage meet code. She stated there were no issues identified by any departments. She went through the slides to show elevations, and existing conditions.

Mr. Pirog asked if it was zoned for business would they need relief.

Ms. Rivard explained there is a maximum limit on accessory structures for any district.

Mr. Cavanaugh asked if there is any standing water in the area.

Ms. Rivard stated staff is not aware of any and Engineering had no issues.

Mr. Nagle explained it appears to be an older swale from the old camp ground.

Ms. Wood asked what the total acreage is.

Mr. Nagle stated 8.75 acres.

Ms. Rivard stated approximately 8.5 acres and the property next door is approximately 10 acres.

Mr. Nagle stated it is just over 11 acres.

STAFF RECOMMENDATION:

The Palatine Park District is proposing to construct a new 6,000 square foot hay storage shed on the Palatine Stables property. The Subject Property currently has two buildings, a main building and a lower barn, but it does not have a formal hay shed that is designed or large enough to meet the needs of the Stables. The proposed hay storage shed will provide a safe and adequate storage for the stables hay needs; however, given the size and location of the proposed hay storage shed, zoning relief is required.

Per the Zoning Ordinance, Park District facilities are permitted uses within all of the residential zoning districts. While the Petitioner is seeking relief for the size and location of the proposed hay barn, it should be noted that the overall size of the Park District property is approximately 8.5 acres and the setback of the structure exceeds the minimum requirements. Also the surrounding 10.3 acres directly east of the subject property are also owned and operated by the Park District. With that being said, the proposed hay storage shed should not impact the surrounding property owners or impact the essential character of the locality.

Therefore, Staff recommends approval of the proposed Variation to the Zoning Board of Appeals. If the Zoning Board of Appeals recommends approval, Staff would recommend the following condition:

1. The Variation shall substantially conform to the site plan and elevations prepared by DLA Architects and submitted on 06/17/2019, 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.

DELIBERATIONS:

Mr. Pirog stated there is no reason not to approve. He stated he feels the standards have been met pointing out there are no homes around so there is no one to object. He pointed out they own adjacent property so it seems like a reasonable request pointing out the space they are using now is insufficient.

Ms. Wood stated it makes sense based on the size. She spoke to reasonable return being met with health concerns with the horses, financial with buying the hay and having a facility to store the large bulk purchased and utilizing the arena space for park district activities instead of for storage.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to Village Council on August 5, 2019.

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

2. 211-333 E. Northwest Highway - **Recommended to Approve**

Notice was published in the Daily Herald on July 8, 2019 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Variation
2. Proof of Ownership
3. Palatine Plaza Site Plan
4. Plat of Survey
5. Sign Elevations
6. Ordinance #0-177-97- existing signage relief
7. Public Notice

Sworn in the petitioner: Mr. Charles Margosian Jr. Highland Management Associates owners and managers of Palatine Plaza 623 Prairie Ave Naperville, IL

Mr. Margosian stated they have owned the center since 1998 and are asking for a variance to change 2 of 3 pylon signs. He explained on one sign they would like to make the centers name smaller allowing for more tenant names to be displayed on one of the signs and adding more panels to the other. He stated online retail has made it difficult to find tenants speaking to the vacancies including the old Hobby Lobby space. Mr. Margosian stated he has heard objections from tenants that the center sits too far from Northwest Hwy. for attached signage so they would like more signage closer to road and by adding the additional panels this will help do so. He pointed out tenants require less space so by dividing tenant space requires more signage. Mr. Margosian pointed out as part of the deal with Amita health care they have to give part of the Hobby Lobby sign area to them so 2 panels already taken by them and Pete and Macs. He explained the tenants complain they can't be seen on the other sign and that it looks small so adding the additional panels makes it look proportional. Mr. Margosian spoke to the centers uniqueness with them being the largest unified center on Northwest Hwy. comparing them to the centers on Dundee and their signage. He stated they are not increasing height of the sign and are staying within the existing framework.

Mr. Cavanaugh asked if there will now be 23 panels with the request.

Mr. Margosian answered yes.

Mr. Cavanaugh asked if there are 23 tenant spaces currently.

Mr. Margosian stated there are more.

Mr. Cavanaugh clarified even with the variance some spaces will not be on the monuments.

Mr. Margosian answered yes.

Mr. Larson asked if this will be enough with splitting the Hobby Lobby.

Mr. Margosian answered yes explaining they hope to split into 3.

Mr. Larson asked if there will be any lighting changes.

Mr. Margosian answered no it will continue to be back lit.

Ms. Bremanis gave a brief overview of the request stating the property is zoned B2 and is approx. 12 acres in size. She stated there will be approx. 23 tenant spaces in plaza if they continue to spit Hobby Lobby. She spoke to the size of the frontage and stated the signs are appropriately spaced and meet code. She explained the center is looking to change 2 of the 3 sign referring to the sign elevation slides and the site plan slide to show location. Ms. Bremanis referred to the Plaza comparison slide to show similar centers. She explained the difference if they are all planned developments so the signage rules are specific to the planned development. She stated Community Services and Engineering reviewed and had no concerns. Ms. Bremanis referred to the slides to show existing conditions.

Mr. Cavanaugh referred to the plaza comparison slide asking if the plazas allow EMBs.

Ms. Bremanis stated their signs are not EMBs.

Discussion on the similarities and differences in the plazas.

Mr. Pirog asked if the other plazas have variations.

Ms. Bremanis explained they went through the planned development process and the regulations are specific to their site.

Mr. Pirog pointed out Deer Grove has double the signage.

Ms. Bremanis answered correct.

Mr. Cavanaugh clarified all that is being reviewed is the square footage not the number of panels.

Ms. Bremanis stated correct.

STAFF RECOMMENDATION:

The Petitioner is requesting additional tenant panels to two of the three existing freestanding signs. While the height and width of the signs will not be changing, the square footage of the signs is increasing and requires zoning relief. Also, by maintaining the signs bulk standards (height and width), the overall impact of the additional sign size should not alter the essential character of the shopping center. In addition, the main sign is further decreasing the size of the center name panel, which also requires a variation.

Palatine Plaza is unique in that most shopping centers of this size have separate sign plans specific to the center through the Planned Development process. Also, at its farthest, Palatine Plaza is set back approximately 415 feet from the Northwest Highway property line. In addition, the previous Hobby Lobby tenant space has been split into 3 separate spaces, which increases the number of tenants in the plaza to 23 units.

Therefore, Staff recommends approval of the proposed signs, subject to the following condition:

1. The Variations shall substantially conform to the sign elevation plans submitted by the Petitioner on 5/24/19 except 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 Mr. Luszczyk

DELIBERATIONS:

Mr. Dittrich pointed out they are doing what they need to do to move ahead with the new retail space. He spoke to the unique circumstances of being so far from Northwest Hwy. and the size of the old Hobby Lobby and makes sense that they need more sign space. He spoke to the similar plazas pointing out the request is not overly excessive and meets the standards so calls a motion to approve.

Mr. Luszczyk agreed with Mr. Dittrich pointing out the sign dimensions are staying the same so adding panels due to splitting up the tenant spaces makes sense.

Mr. Larson pointed out they are not changing the structure or the lighting of the signs so won't impact the surrounding areas.

Mr. Larson 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 August 5, 2019.

RESULT:	RECOMMENDED TO APPROVE [5 TO 0]
MOVER:	James Dittrich, Commissioner
SECONDER:	Jerry Luszczyk, Commissioner
AYES:	Larson, Luszczyk, Cavanaugh, Dittrich, Pirog
ABSENT:	Roth-Wurster, McGinn
RECUSED:	Wood

IV. COMMUNICATIONS**V. ADJOURNMENT**

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 10/08/19 07:00 PM

CASE STAFF STATEMENT (ID # 5524)

879 W. Kenilworth Avenue

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Lyn Bremanis

PETITIONER: Rich Sabel

CASE NUMBER: 19-50

ADDRESS: 879 W. Kenilworth Avenue

PROPOSAL:

Special Use to permit a fence in the front yard pursuant to Section 6.03 (b) (6) (a) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 879 W. Kenilworth Ave. District 1 (Millar)	<u>CURRENT ZONING:</u> R-2 Single Family Residential
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SURROUNDING CONDITIONS:

<u>North:</u>	R-2 Single Family Residential
<u>South:</u>	R-1 Single Family Residential
<u>East:</u>	R-2 Single Family Residential
<u>West:</u>	R-2 Single Family Residential

BACKGROUND:

The Petitioner is requesting to place a 6-foot solid fence in the legal front yard. Therefore the Petitioner is requesting a:

Special Use to permit a fence in the front yard

SITE ANALYSIS:

- The Subject Property is zoned R-2, Single Family Residential.
- The Petitioner went through a plat of consolidation process, which caused the legal front yard to shift to Crescent Avenue. The home faces Kenilworth Avenue, thus the functional side yard abutting a street would be along Crescent Avenue. The Petitioner was approved for a front yard setback reduction to 20 feet along Crescent Avenue but as part of that relief, a deed restriction was required for the setback along Kenilworth Avenue to be 27 feet.

- The Petitioner is proposing to install a 6-foot-tall solid fence set back 5 feet off the lot line along Crescent Avenue which is the functioning side yard abutting a street, but is the zoning front yard the legal front yard. This requires Special Use review. The fence is proposed in conjunction with the installation of an in ground pool.
- Although fencing is required (minimum height of 4 feet and maximum of 6 feet - with a minimum gate height of 4.5 feet) for the swimming pool, the Petitioner is requesting to locate it 5 feet from the front property line. The fencing could also be installed at the 20-foot Crescent Avenue setback line and still comply with the building and zoning code requirements, thus eliminating any need for zoning relief for the fence.
- The home is oriented facing Kenilworth Avenue and the fence is requested to be placed in what is utilized as a side yard and abuts the zoning front yard of the property to the south. The home directly south (888 W. Brookside Street) is the same size and has the same orientation as the Subject Property.
- The Petitioner is proposing to install landscaping between the fence and lot line along Crescent Avenue, as required by Code. The fencing will be setback 5 feet from the Crescent Avenue property line and would terminate approximately 48 feet south of the Kenilworth Avenue property line.

DEPARTMENTAL REVIEWS:

Community Services	No Issues Identified
Engineering	No Issues Identified
Environmental Health	N/A
Fire Prevention	N/A
Public Works	N/A
Police	N/A

STANDARDS FOR SPECIAL USE: Since this Petition is not for a use publicly operated or traditionally affected with the public interest, those standards under Section 14.05 D (2) and (3) are applicable. Specifically, the Petitioners must show that the Special Use, if granted, will be operated in a manner consistent with the public health, safety, and welfare, and that the Special Use will not have a negative impact on the value of surrounding properties. The Petition for a Special Use is attached, and the Petitioners have attempted to address the required standards.

- (5) With respect to front yard fencing and fencing in a rear yard/side yard abutting a street, the following additional standards must be met:

- a. Will meet the following aesthetic criteria:
 - i. Will not destroy existing vistas in the area;
 - ii. Will enhance the appearance of the homes and the streets in the area; and
 - iii. Will not detract from the overall appearance of the community; or
- b. The fencing is found to be necessary to protect private property or the safety of the inhabitants of the property.

STAFF RECOMMENDATION:

The Petitioner is requesting to build a 6-foot solid fence five (5) feet off the front yard property line, with the required landscaping. Through the Petitioner's selected house plan and by combining the previous two lots into one, the lot orientation and zoning yards were changed from the previous subdivision. While fencing is required for the installation of the in-ground swimming pool, it is not required to be placed in this location. The Petitioner has identified other fencing examples in the broader subdivision areas. Per Staff and previous building permit reviews, corner property fencing is not typical along Crescent Avenue. Staff identified fencing 3 examples of corner fencing along Crescent Avenue from Glencoe Road through Ellis Street. One was an existing condition from annexation (W. Hillside Street), one was set back 10 feet from the property line (W. Dorchester Street), and the last example was a small section of decorative fencing at a property corner on W. Hillside Street.

The lot line along Crescent Avenue is the functioning side yard abutting a street, but is the legal front yard per the Zoning Ordinance. Nevertheless, Staff recommends Action at the discretion of the Zoning Board of Appeals of the proposed Special Use subject to the following conditions:

1. The Variation shall substantially conform to the site plan and elevation submitted by the Petitioner, Richard Sabel, submitted 08/14/2019, except as said plans may be changed to conform to the Village Code of Ordinances.
2. The final landscaping/planting plan shall be submitted in a manner acceptable to the Director of Planning & Zoning prior to issuance of a building permit for the fence.

ATTACHMENTS:

- Aerial map - 879 W. Kenilworth Avenue
- Application
- Plat of Survey - Site Plan
- Fence Elevation

Case Staff Statement (ID # 5524)
Meeting of October 8, 2019

- Lots on a corner with a fence from petitioner
- Public Notice

VILLAGE OF
PALATINE



VILLAGE OF PALATINE

SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning
200 E. Wood Street • Palatine, IL • 60067-5339
Telephone: (847) 359-9047 • Fax (847) 963-6247

Office Use Only	Project Planner	Zoning Case #
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date



Background Information	PETITIONER(S)		Business Name (if applicable)	
	Richard T Sabel		Bos LLC	
	Subject Property Address			
	879 W. Kenilworth			
	AUTHORIZED AGENT (if applicable)		Business Name (if applicable)	
	Richard T Sabel		Bos LLC	
	Address		City/State/Zip Code	
	1575 W. Rue James Pl		Palatine IL 60067	
	Telephone	Fax	Email	
Relationship to Petitioner (contractor, architect, etc.)				
TYPE OF APPLICATION (check one)				
☐ Special Use ☐ Special Use Amendment ☐ Variation				
Existing Zoning District		Existing Land Use		Proposed Land Use
Generally describe your request:				
Request to build a fence in legal front yard				
The Home is now facing Kenilworth.				

Attachment: Application (879 W Kenilworth Ave. - VAR Fence)



SPECIAL USE

Required Materials

- ☐ Filing Fee of \$ 360.00
- ☒ Application Form
- ☒ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☒ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☒ Real Estate Interest Disclosure Form (see attached)
- ☒ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)
- ☐ Business Plan (if applicable; including, but not limited to nature of business, hours of operation, number of employees, and menu)

Additional Materials (as required by the Village)

- ☒ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.05 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. **If you are applying for a Variation only, you do not need to answer these items.**

1. The use is deemed necessary for the public convenience at that location

879 W Kenilworth

2. The use is designed, located, and proposed to be operated that the public health, safety and welfare will be protected

To fence pool, Orientation of home
No safety issues line of sight of neighbor will not be obstructed

3. The use will not cause substantial injury to nearby property values

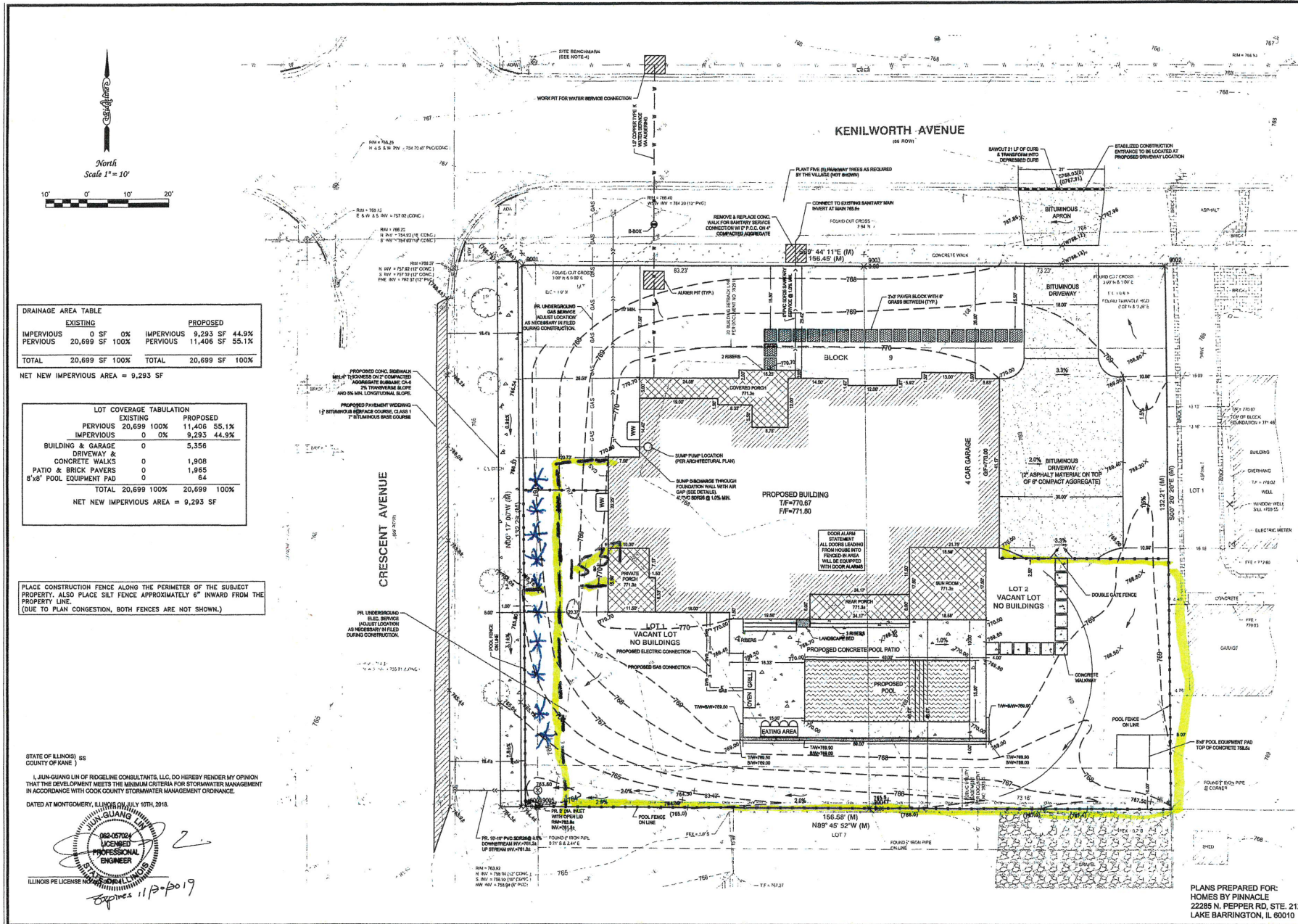
This is not out of character for the neighborhood. Will have
No negative impact on my neighbor.

4. With respect to live entertainment uses, the use shall not:

- a. Produce noise levels so great as to constitute an unreasonable interference for persons outside the confines of the establishment
- b. Impose undue health, sanitation or safety burdens on the village
- c. Create excessive demands on the Village of Palatine Police Department
- d. Be of a nature otherwise prohibited by law or village ordinance

5. For fence standards, see Section 14.05 of the Palatine Zoning Ordinance

Unique due to orientation functions as a side yard.



RIDGELINE CONSULTANTS, LLC
CONSULTING ENGINEERS - LAND SURVEYORS
ILLINOIS PROFESSIONAL DESIGN FIRM NO. 154-047968
15611 AUTUMN RIDGE, SUITE 200, PALATINE, IL 60067
TEL: (847) 391-7000 FAX: (847) 391-7001

NO.	DATE	REVISION
1	05/28/18	ISSUED FOR PERMIT
2	07/10/18	REVISED PER COMMENTS
3	07/10/18	REVISED PER COMMENTS
4	07/10/18	REVISED PER COMMENTS
5	07/10/18	REVISED PER COMMENTS
6	07/10/18	REVISED PER COMMENTS
7	07/10/18	REVISED PER COMMENTS
8	07/10/18	REVISED PER COMMENTS
9	07/10/18	REVISED PER COMMENTS
10	07/10/18	REVISED PER COMMENTS

GRADING PLAN
879 KENILWORTH AVENUE
PALATINE, ILLINOIS

DATE: 05/28/18
SCALE: 1" = 10'

SHEET
2 OF 3
2018-0082

Attachment: Plat of Survey - Site Plan (879 W Kenilworth Ave. - VAR Fence)



Attachment: Fence Elevation (879 W Kenilworth Ave. - VAR Fence)

1 Quentin Rd & Kathleen Rd



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)

2 Middleton Ave. & Whytecliffe Rd



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)

3 Kenilworth & Harrison



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)

4 Dorset Ave & Elm St



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)

5 North side of road on Gilbert, total of 3 or 4 houses



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)

6 Crescent Ave & Dorchester Rd



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)

7 Glencoe Rd & Harrison Ave



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)

8 Teal Dr & Mallard Dr



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)

9 Mallard Dr & Hunting Dr



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)

10 Illinois Ave & Mallard Dr



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)

11 Middleton Ave & hunting dr



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)



Attachment: Lots on a corner with a fence from petitioner (879 W Kenilworth Ave. - VAR Fence)

PUBLIC NOTICE

A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, October 8, 2019 at 7:00 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:

Special Use to permit a fence in the front yard pursuant to Section 6.03 (b) (6) (a) of the Palatine Zoning Ordinance.

The property is commonly known as 879 W. Kenilworth Ave. (02-21-410-003).

The Petitioner is proposing to build a 6-foot solid fence 5 feet off the lot line along Crescent Avenue with landscaping.

The above petition has been filed by Richard Sabel and is available for examination in the office of the Village Clerk, 200 E. Wood Street.

FILE #: 19-50
VILLAGE OF PALATINE
Jan Wood, Chair
Palatine Zoning Board of Appeals

DATED: This 23rd day of September, 2019
Published in Daily Herald
September 23, 2019 (4532697)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, North Aurora, Bannockburn, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn, East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery, Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods, Rolling Meadows, Rosemont, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow, St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills, Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood, Wilmette County(ies) of Cook, Kane, Lake, McHenry and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the **DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 09/23/2019 in said **DAILY HERALD**.

IN WITNESS WHEREOF, the undersigned, the said **PADDOCK PUBLICATIONS, Inc.**, has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY

Danula Baltz
Authorized Agent

Control # 4532697

Attachment: Public Notice (879 W Kenilworth Ave. - VAR Fence)

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 10/08/19 07:00 PM

CASE STAFF STATEMENT (ID # 5525)

838 S. California Avenue

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Lyn Bremanis

PETITIONER: Greg Drake

CASE NUMBER: 19 - 47

ADDRESS: 838 S. California Avenue

PROPOSAL:

Variation to permit a driveway with retaining wall to be setback 0 feet from the side lot line instead the maximum 2 feet pursuant to Section 7.04 (i) (2) of the Palatine Zoning Ordinance.

Variation to permit a residential driveway to be 31 feet in width at the lot line instead of the maximum permitted 25 feet, for a minimum distance of 5 feet, pursuant to Section 7.04 (i) (3) of the Palatine Zoning Ordinance.

Variation to permit lot coverage to be 37 percent instead of the maximum permitted 35 percent pursuant to Section 10.02 (g) (1) (b) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 838 S. California Ave. District 2 (Lamerand)	<u>CURRENT ZONING:</u> R-1 Single Family Residential
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SURROUNDING CONDITIONS:

<u>North:</u>	P - Planned Development Single Family Residential
<u>South:</u>	Out of Village Boundaries - Single Family Residential
<u>East:</u>	Out of Village Boundaries - Single Family Residential
<u>West:</u>	Out of Village Boundaries - Single Family Residential

BACKGROUND:

The Petitioner is requesting to expand the existing driveway. Therefore, the petitioner is requesting the following:

Variation to permit a driveway with retaining wall to be setback 0 feet from the side lot line instead the maximum 2 feet.

Variation to permit a residential driveway to be 31 feet in width at the lot line instead of the maximum permitted 25 feet, for a minimum distance of 5 feet.

Variation to permit lot coverage to be 37 percent instead of the maximum permitted 35 percent.

SITE ANALYSIS:

- The Subject Property is zoned R-1 Single Family. The property was annexed into the Village in 2006, and the existing single-family residence was demolished. A new single family residence was constructed in 2007.
- The existing driveway placement and configuration were designed to accommodate the 3-car side load garage. The Petitioner is proposing to extend his existing driveway to exceed the maximum allowable width at the lot line as well as encroach in the required 2-foot side yard setback to address access and turning movements for the existing side load garage. As an existing condition, the existing driveway and retaining wall are setback less than 2 feet from the side property line. However, the Petitioner is requesting to further encroach into in the setback and extend the retaining wall to the front property line.
- The current wall ranges from .7 feet at the north end to 1.49 feet to the south per the plat of survey. The petitioner is requesting to relocate the existing wall to .5 feet along the entire retaining wall. It is Staff's recommendation that the wall and driveway remain in their existing location and be extended to the lot line along the existing 1.49 feet setback as moving it further into the encroachment would be exasperate an existing condition between the Subject Property and the property to the north.
- The proposed driveway would have a total width at the property line of 31 feet. Per Code, the maximum driveway width at the property line for a distance of 5 feet is 25 feet. It is noted that the driveways at the existing homes to the north are approximately 30 feet in width at the lot line.
- Currently, the lot coverage is at approximately 36%, which exceeds the maximum allowed 35%. The addition of the driveway extension will put the proposed lot coverage at 37%. The home was constructed prior to the maximum lot coverage requirements being part of the Village Code.
- Building coverage is 14%, which meets Code.

DEPARTMENTAL REVIEWS:

Community Services	No Issues Identified
Engineering	Drainage plans required to address storm water concerns
Environmental Health	N/A

Fire Prevention	N/A
Public Works	N/A
Police	N/A

STANDARDS FOR A VARIATION: Standards for a Variation are found in Section 14.03 D (1) and (2) of the Zoning Code. Specifically, the Petitioners must show that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; that the plight of the owner is due to unique circumstances; and that the variation, if granted, will not alter the essential character of the locality. The Petition for Variation is attached, and the Petitioners have attempted to address the required standards.

STAFF RECOMMENDATION:

The Petitioner is requesting to expand the existing driveway, which will encroach into the required 2-foot required setback, exceed maximum width of 25 feet at the lot line and further exceed the maximum lot coverage.

The Petitioner has stated that due to the orientation of the garage there is no way to reconfigure the driveway and allow parking without blocking access to the garage without relief. In addition, the proposed driveway will reduce the need of street parking. The proposed driveway width at the property is consistent with the existing residential driveways to the north.

There is an existing driveway and retaining wall with a significant elevation change. While the Petitioner would like to move the retaining wall closer to the lot line Staff recommends maintaining the existing setback of the retaining wall and driveway and maintaining an approximately 1.5 feet setback for the extension of the wall.

Therefore, Staff recommends denial of the requested 0 foot setback and action at the discretion of the Zoning Board of Appeals for the driveway width, lot coverage and replacing the retaining wall in its current location with a 1.5 foot setback for the driveway and retaining wall extension. If the ZBA recommends approval, Staff recommends the following conditions:

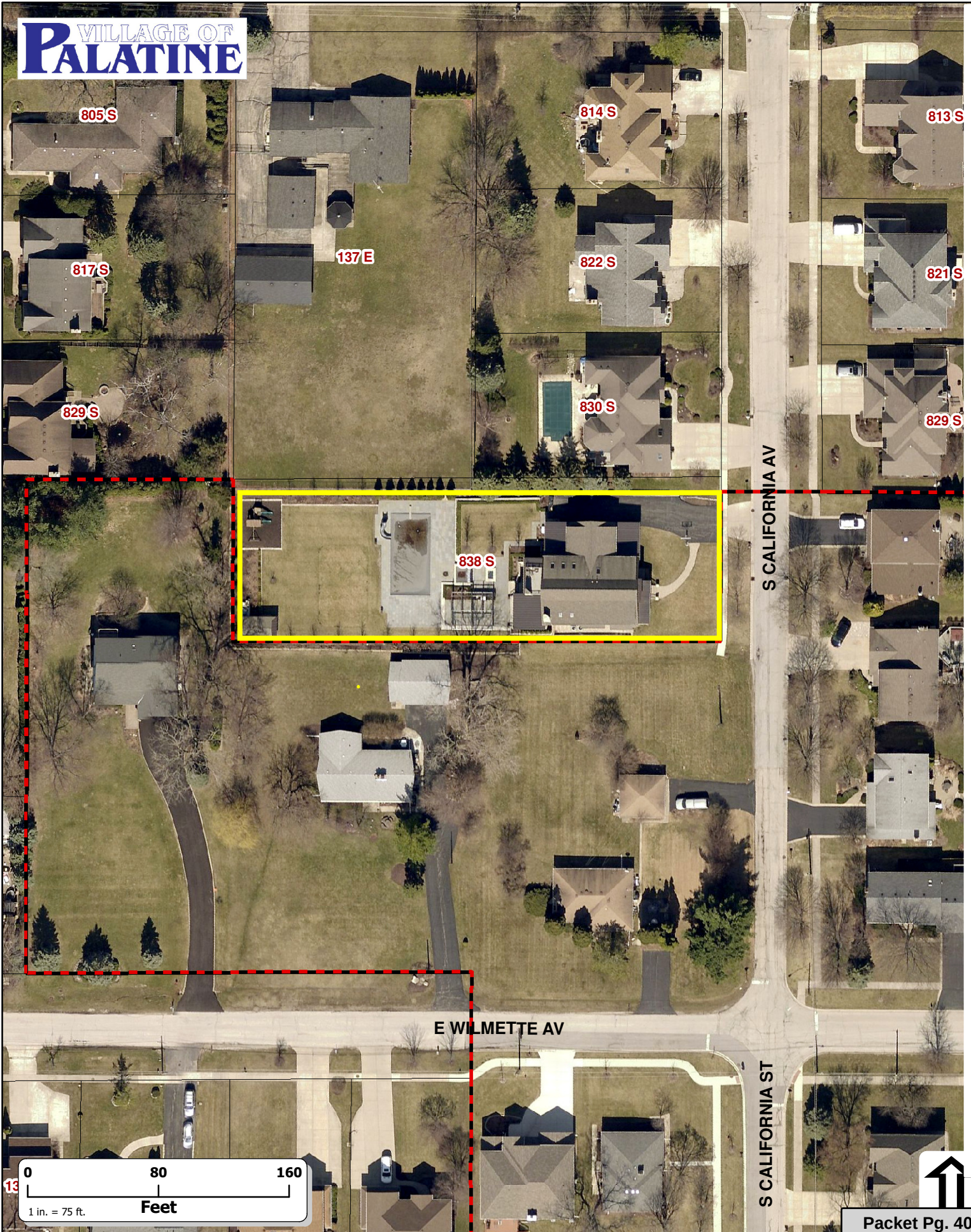
1. The Variations shall substantially conform to the site plan submitted by the Petitioner, Greg Drake, on 09/23/2019, except the relocation of the proposed retaining to wall to maintain the existing setbacks shown on the plat of survey. In addition said plans may be changed to conform to the Village Code of Ordinances.
2. If any grading changes are necessary on the neighboring property (830 S. California Avenue), written consent from that property owner shall be provided.

3. As a component of the building permit submission, the engineering plans shall be revised in a manner acceptable to the Village Engineer to accommodate the existing drainage circumstances and adequately address any future stormwater concerns, with the proposed improvements.
4. Any storm water or drainage issues, which are created by the retaining wall or driveway extensions and which negatively impact the property to the north (830 S California Avenue) shall either be removed or revised in a manner acceptable to the Village Engineer and the 830 S. California Avenue property owner.

ATTACHMENTS:

- Aerial map - 838 S. California Avenue
- Application
- Plat of Survey
- Site Plan
- Letter from Neighbor
- Public Notice

VILLAGE OF
PALATINE



Attachment: Aerial map - 838 S. California Avenue (838 S. California Ave - VAR Driveway)



SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning
 200 E. Wood Street • Palatine, IL • 60067-5339
 Telephone: (847) 359-9047 • Fax (847) 963-6247

Office Use Only	Project Planner LB	Zoning Case # 19-47
	Filing Fee \$275	Notification Deadline
	ZBA Public Hearing Date	Village Council Date

date received

Background Information	PETITIONER(S) Gregory Drake		Business Name (if applicable)	
	Subject Property Address 838 California Ave Palatine, IL 60067			
	AUTHORIZED AGENT (if applicable) Stefan Wereminski		Business Name (if applicable)	
	Address 1420 California Ave Rolling Meadows, IL 60008		City/State/Zip Code	
	Telephone (847) 420-2429	Fax	Email s.wereminski@gmail.com	
	Relationship to Petitioner (contractor, architect, etc.) Employee			
	TYPE OF APPLICATION (check one) ☐ Special Use ☐ Special Use Amendment ☒ Variation			
	Existing Zoning District R-1 Single Family	Existing Land Use	Proposed Land Use	
	Generally describe your request: The petitioner respectfully requests to increase the maximum lot coverage to replace the existing drive way with a new drive in the same exact location while increasing the size of the drive by 325 square feet towards the interior of the property to increase the size of the drive just enough to allow for additional parking along the side of the drive while allowing for safe access to the garage. The petitioner has 5 children; the oldest child will be reaching driving age in the next 3 years and an additional child will reach driving age almost every year after. The proposed drive will allow for safe parking off the residential street while allowing the petitioner to still access his existing garage which is oriented of the side of the property. The new drive will not expand towards the lot line any more than the existing drive already in place and replaces the existing retaining wall which is deteriorating causing a safety concern for the structural integrity of the existing driveway. The orientation of the driveway cannot be altered due to the orientation of the garage on the side of the property.			

Attachment: Application (838 S. California Ave - VAR Driveway)



VARIATION

Required Materials

- ☐ Filing Fee of \$ _____
- ☐ Application Form
- ☐ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☐ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☐ Real Estate Interest Disclosure Form (see attached)
- ☐ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)

Additional Materials (as required by the Village)

- ☐ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.03 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Special Use only, you do not need to answer these items.***

1. That the property cannot yield a reasonable return if used only under the conditions allowed by the regulations governing the zoning district in which it is located

The current driveway is set in the same location as the proposed drive but is deteriorating and needs to be replaced. _____

Without removal and replacement, access to the garage will be cut off. _____

2. That the plight of the owner is due to unique circumstances

The existing drive is in the same location as proposed and was constructed with the house when it was built. There is no way to reconfigure the drive given the garage location off the side of the property. _____

3. That the variation, if granted, will not alter the essential character of the locality

The proposed drive is in the same location as the current drive so the character of the locality will be retained. _____

4. In order to supplement the above standards, the Zoning Board of Appeals may also consider the following:

- a. The particular surroundings, shape, or topographical conditions of the property
- b. A unique hardship for the property not generally applicable to other properties in the same zoning district
- c. The request is not based on a desire to make more money out of the property
- d. The petitioner has not created the alleged hardship for the property
- e. The request will not be detrimental to the public welfare or other properties in the neighborhood
- f. The request will not impair the supply of light and air to adjacent properties, substantially increase the danger of fire, endanger the public safety, or substantially diminish or impair neighboring property values

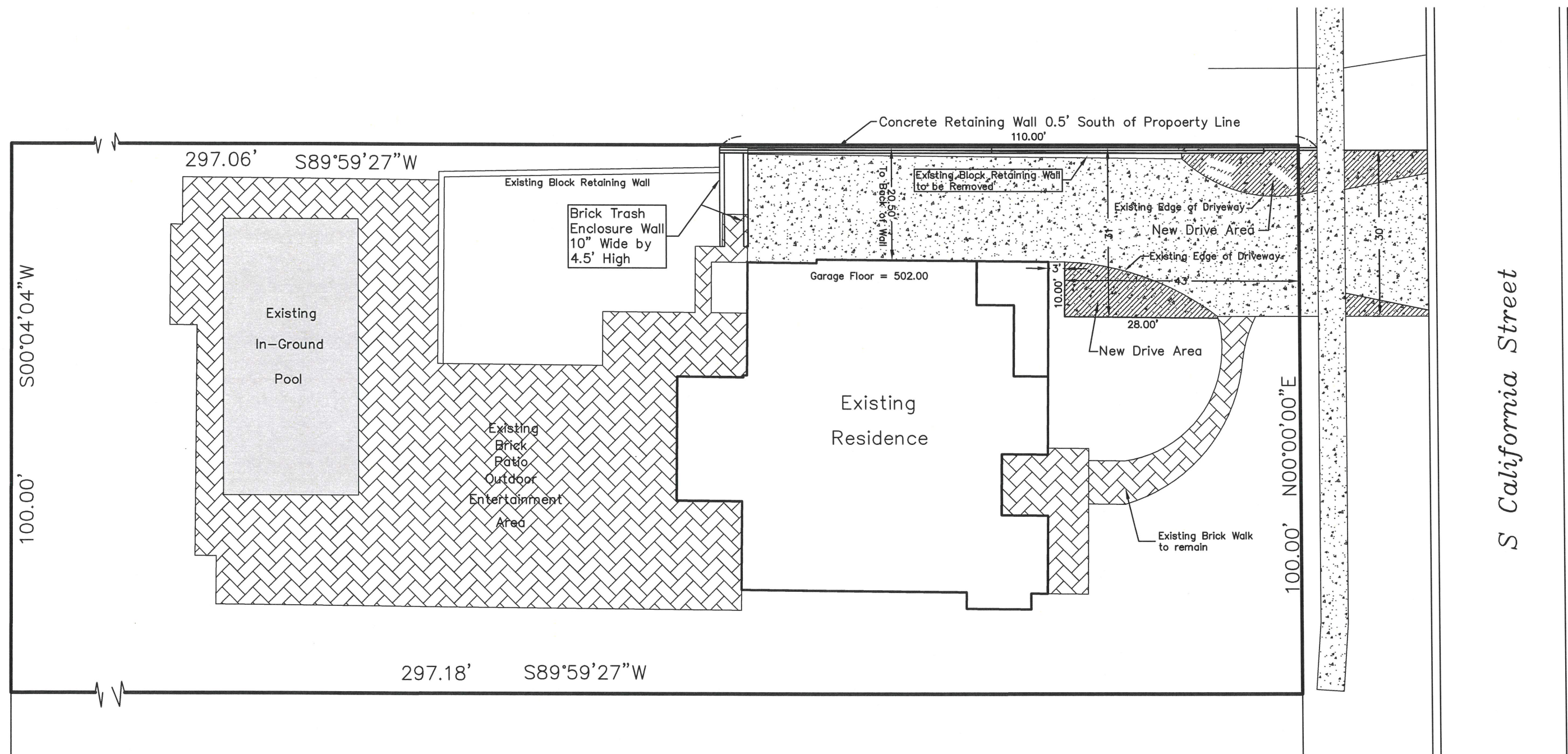
The request is to replace the existing drive which is deteriorating. The proposed drive is in the same location as the existing so it will not change the character of the property. The proposed drive will also allow for increased parking in the drive without blocking access to the garage. The property owner has 5 children; the oldest child will be reaching driving age in the next 3 years and an additional child will reach driving age almost every year after. _____

The proposed drive will also cut down on street parking as it will provide safe parking without obstructing the use of the properties garage. _____

New Drive & Retaining Wall Site Plan

THE NORTH 100 FEET OF LOT 4, IN BLOCK 11 IN ARTHUR T MCINTOSH AND COMPANY'S PALATINE ESTATES, UNIT NO. 2. BEING A SUBDIVISION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

838 S. California Ave., Palatine, ILLINOIS.



New Lot Area Coverage	
North Drive Area	134 sq. ft.
South Drive Area	191 sq. ft.
Total New	325 sq. ft.

RYNEAR & SON, INC.
Consulting Engineers
Professional Corporation Licenses #184-004637

PREPARED FOR: Greg Drake
PROJECT NO: 19-7946

595 BUTTONWOOD CIR, NAPERVILLE, IL. 60540
PH: (630) 355-9889 FAX: (630) 355-5362

August 11, 2019

Sanyokta Kapur, Assistant Building Official
Palatine Community Services Department
Palatine, IL 60067

Re: Drake Property at 838 S. California Avenue, Palatine, IL – Retention Wall Extension adjacent to Koenig Property

This letter is being requested by the Village of Palatine Building department. It relates to the property owned by Greg/Missy Drake; looking to extend their retention wall butting up to our property at 830 S. California Ave., Palatine.

Greg Drake has shared their planned building diagram with us and discussed that they are looking to have their retaining wall rebuilt between our two property lines and extended to the sidewalk. As long as the Village of Palatine can ensure this modification will not have any negative affect to our property, such as increased flooding between our two properties, we do not object to this modification.

We are confident the Palatine Zoning/Building/Planning Departments will come to a just conclusion that will be of benefit to all parties and not negatively impact either our or the Drake's property.

Sincerely,

Ernie and Sandi Koenig

830 S. California Ave. Palatine, IL



Attachment: Letter from Neighbor (838 S. California Ave - VAR Driveway)

PUBLIC NOTICE
 A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, October 8, 2019 at 7:00 P.M. in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:
 Variation to permit a driveway with retaining wall to be setback 0 feet from the side lot line instead the maximum 2 feet pursuant to Section 7.04 (i) (2) of the Palatine Zoning Ordinance.
 Variation to permit a residential driveway to be 31 feet in width at the lot line instead of the maximum permitted 25 feet, for a minimum distance of 5 feet, pursuant to Section 7.04 (i) (3) of the Palatine Zoning Ordinance.
 Variation to permit lot coverage to be 37 percent instead of the maximum permitted 35 percent pursuant to Section 10.02 (g) (1) (b) of the Palatine Zoning Ordinance.
 The property is commonly known as 838 S. California Ave. (02-26-101-008).
 The Petitioner is proposing to expand the existing driveway.
 The above petition has been filed by Gregory Drake and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
 FILE #: 19-47
 VILLAGE OF PALATINE
 Jan Wood, Chair
 Palatine Zoning Board of Appeals
 DATED: This 23rd day of September, 2019
 Published in Daily Herald September 23, 2019 (4532696)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, North Aurora, Bannockburn, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn, East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery, Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods, Rolling Meadows, Rosemont, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow, St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills, Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood, Wilmette

County(ies) of Cook, Kane, Lake, McHenry and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 09/23/2019 in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
 DAILY HERALD NEWSPAPERS

BY

Authorized Agent

Control # 4532696

Attachment: Public Notice (838 S. California Ave - VAR Driveway)

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 10/08/19 07:00 PM

CASE STAFF STATEMENT (ID # 5526)

659 N Franklin Avenue

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Lyn Bremanis

PETITIONER: Michaela Lacinova

CASE NUMBER: 19-32

ADDRESS: 659 N. Franklin Ave.

PROPOSAL:

Variation to permit a patio to be zero (0) feet from the side lot line instead of the required two (2) feet per Section 10.01 (d) (1) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 659 N Franklin Avenue District 1 (Millar)	<u>CURRENT ZONING:</u> R-2, Single Family Residential
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SURROUNDING CONDITIONS:

<u>North:</u>	R-2, Single Family Residential
<u>South:</u>	R-2, Single Family Residential
<u>East:</u>	R-2, Single Family Residential
<u>West:</u>	R-2, Single Family Residential

BACKGROUND:

The Petitioner constructed a patio that encroaches into the required 2-foot setback. Therefore, the Petitioner is requesting a:

Variation to permit a patio to be zero (0) feet from the side lot line instead of the required two (2) feet.

SITE ANALYSIS:

- The Subject Property is zoned R-2, Single Family Residential.
- The Petitioner constructed a 392 square foot patio that is located 0 feet from the side lot line.
- The patio includes a fire pit and built-in bench, that is setback approximately 30 feet from the front lot line, and is screened with landscaping on the Franklin

Avenue side of the property.

- The existing driveway encroaches into the 2-foot setback, although per the submitted Plat of Survey (dated May 2019), this was an existing condition. A review of the GIS aerial photographs indicates this previous encroachment.
- Building and Lot Coverage meet code at 20% and 44% respectively. 35% and 45% are the maximum allowed.
- Additional work was completed without building permits; however, upon Village review of new plat of survey prepared for the Petitioner, the patio location is the only improvement, which requires zoning relief. The property was cited and is within the adjudication process, which is separate from the zoning relief process.

DEPARTMENTAL REVIEWS:

Community Services	No Issues Identified
Engineering	No Issues Identified
Environmental Health	N/A
Fire Prevention	No Issues Identified
Public Works	N/A
Police	N/A

STANDARDS FOR A VARIATION: Standards for a Variation are found in Section 14.03 D (1) and (2) of the Zoning Code. Specifically, the Petitioners must show that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; that the plight of the owner is due to unique circumstances; and that the variation, if granted, will not alter the essential character of the locality. The Petition for Variation is attached, and the Petitioners have attempted to address the required standards.

STAFF RECOMMENDATION:

The Petitioner constructed a patio in the side yard without a permit that encroaches into the required side lot setback. Staff understands that the existing driveway is paved to the property line. Nevertheless, Staff does not think that the requested relief for the patio complies with the required standards. From the submitted plans, it appears as though the 2-foot setback can be achieved, while still maintaining the other improvements. Also, relief for a patio constructed on the lot line is not something typically supported without specific justification. Therefore, Staff recommends denial of the requested Variation to the Zoning Board of Appeals. If the ZBA recommends approval, Staff recommends the following conditions:

1. The Variation shall substantially conform to the site plan submitted by the Agent,

Miroslav Poulik, on 05/06/2019, except as said plans may be changed to conform to the Village Code of Ordinances.

2. In any grading changes are necessary on the neighboring property at 637 N. Franklin Avenue, written consent from the property owner at 637 N. Franklin Avenue shall be provided.
3. Any stormwater or drainage issues that are created by the Subject Patio and which negatively impact the property to the south (637 N. Franklin Avenue) shall either be removed or revised in a manner acceptable to the Village Engineer and the 637 N. Franklin Avenue property owner.

ATTACHMENTS:

- Aerial
- Application
- Plat of Survey - Site Plan
- Existing Conditions
- Public Notice

659 N. Franklin Avenue

3.3.a

VILLAGE OF
PALATINE

N QUENTIN RD

W ALVA ST

N FRANKLIN AV



0 90 180
1 in. = 80 ft. Feet



VILLAGE OF PALATINE

SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning
200 E. Wood Street • Palatine, IL • 60067-5339
Telephone: (847) 359-9047 • Fax (847) 963-6247

Office Use Only	Project Planner	Zoning Case #
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date

date received

Background Information	PETITIONER(S)		Business Name (if applicable)	
	Michaela Lacinova			
	Subject Property Address			
	659 N. Franklin ave Palatine, IL. 60067			
	AUTHORIZED AGENT (if applicable)		Business Name (if applicable)	
	Michaela Lacinova			
	Address		City/State/Zip Code	
	659 N. Franklin ave Palatine, IL. 60067			
	Telephone	Fax	Email	
	312 925 1276	855 576 0373	EXPACIFICSTATE@YAHOO.COM	
Relationship to Petitioner (contractor, architect, etc.)				
TYPE OF APPLICATION (check one)				
☐ Special Use ☐ Special Use Amendment ☐ Variation				
Existing Zoning District		Existing Land Use		Proposed Land Use
Generally describe your request:				
My patio is The original driveway area Extended all the way to the fence and not 2 feet away from it so I built a patio of stone that is 2.5 feet away from the fence line. I request that a variance be granted for this patio as it fulfills the conditions in the variation application page 5. Section 4 A, B, C, D, E, F.				

Attachment: Application (659 N Franklin Ave.- VAR Setback)

Required Materials

- ☐ Filing Fee of \$ 240⁰⁰
- ☐ Application Form
- ☐ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☐ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☐ Real Estate Interest Disclosure Form (see attached)
- ☐ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)

Additional Materials (as required by the Village)

- ☐ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.03 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Special Use only, you do not need to answer these items.***

1. That the property cannot yield a reasonable return if used only under the conditions allowed by the regulations governing the zoning district in which it is located

2. That the plight of the owner is due to unique circumstances
Yes, original driveway extended all the way to fence line

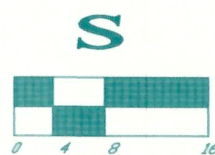
3. That the variation, if granted, will not alter the essential character of the locality
Yes, it will not.

4. In order to supplement the above standards, the Zoning Board of Appeals may also consider the following:

- ☐ a. The particular surroundings, shape, or topographical conditions of the property
- ☒ b. A unique hardship for the property not generally applicable to other properties in the same zoning district
- ☒ c. The request is not based on a desire to make more money out of the property
- ☒ d. The petitioner has not created the alleged hardship for the property
- ☒ e. The request will not be detrimental to the public welfare or other properties in the neighborhood
- ☒ f. The request will not impair the supply of light and air to adjacent properties, substantially increase the danger of fire, endanger the public safety, or substantially diminish or impair neighboring property values

All the above conditions apply.

North



1 IN. = 16 FT.
VERIFY SCALE
AGAINST THIS
GRAPHIC

BASIS OF BEARINGS IS ASSUMED

LINE TABLE

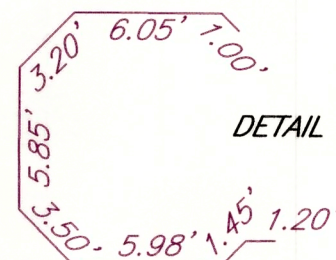
Line	Bearing	Distance	Measure
L1	N.00°06'02"E.	60.00'	60.00'
L2	S.89°21'14"E.	189.47'	189.47'
L3	S.00°06'02"W.	60.00'	60.00'
L4	N.89°21'14"W.	189.47'	189.47'

PLAT OF SURVEY

by
Michael J. Emmert Surveys, Inc.
of

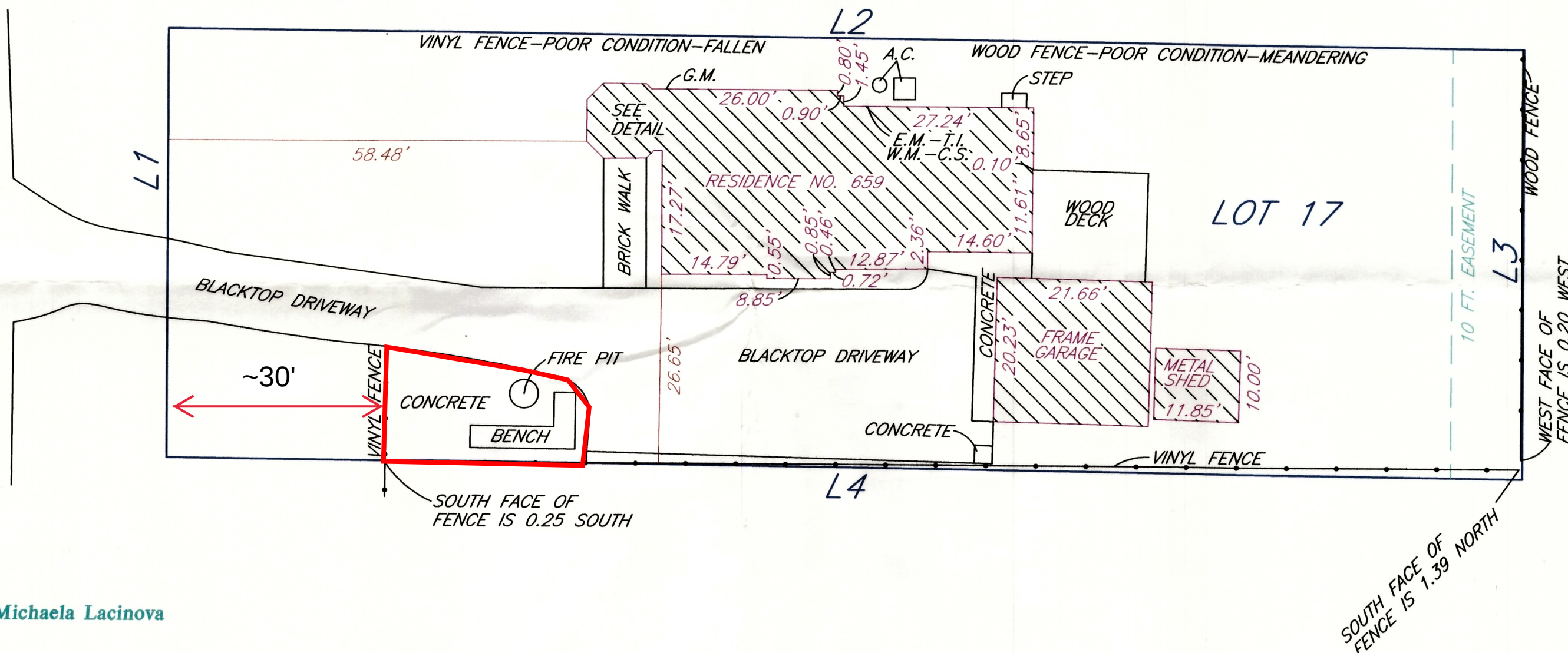
Property located at: 659 FRANKLIN AVENUE
Legally described as:

LOT 17 IN BLOCK 9 IN FRANK E. MERRILL AND COMPANY'S GREATER PALATINE,
BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 16,
LYING NORTHEASTERLY OF THE NORTHWEST HIGHWAY, IN TOWNSHIP 42 NORTH,
RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



DETAIL

N. FRANKLIN AVENUE



Survey ordered by: Michaela Lacinova

State of Illinois)
County of Du Page)

Michael J. Emmert Surveys, Inc., does hereby certify that we have surveyed the above described property and prepared the plat hereon drawn. The legal description shown hereon is provided by others. Refer to deed or title policy for building setbacks, easements or other restrictions which may exist. Dimensions not noted hereon shall not be assumed by scaling or otherwise. Compare all points before building and report any discrepancies. This professional service conforms to the current Illinois Minimum Standards for a Boundary Survey.

Date of field survey: May 17, 2019

Dated this 17th. day of May 2019

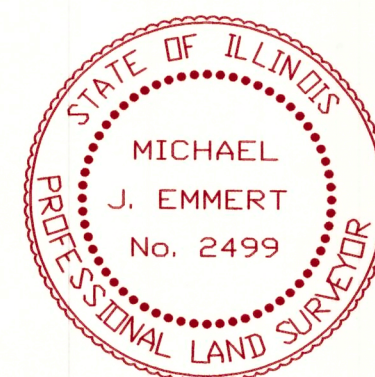
By: _____ President

Professional Illinois Land Surveyor No. 2499

License expires on November 30, 2020

Professional Design Firm Land Surveyor Corporation No. 184.004811

A.C. - AIR CONDITIONER
W.M. - WATER METER
G.M. - GAS METER
T.I. - TELEPHONE INTERFACE
C.S. - CABLE SERVICE
E.M. - ELECTRIC METER



	1/8	1/4	3/8	1/2	5/8	3/4	7/8	
0 AND	.01	.02	.03	.04	.05	.06	.07	.08 = 1 INCH
1 AND	.09	.10	.11	.125	.14	.15	.16	.17 = 2 INCHES
2 AND	.18	.19	.20	.21	.22	.23	.24	.25 = 3 INCHES
3 AND	.26	.27	.28	.29	.30	.31	.32	.33 = 4 INCHES
4 AND	.34	.35	.36	.375	.39	.40	.41	.42 = 5 INCHES
5 AND	.43	.44	.45	.46	.47	.48	.49	.50 = 6 INCHES
6 AND	.51	.52	.53	.54	.55	.56	.57	.58 = 7 INCHES
7 AND	.59	.60	.61	.625	.64	.65	.66	.67 = 8 INCHES
8 AND	.68	.69	.70	.71	.72	.73	.74	.75 = 9 INCHES
9 AND	.76	.77	.78	.79	.80	.81	.82	.83 = 10 INCHES
10 AND	.84	.85	.86	.875	.89	.90	.91	.92 = 11 INCHES
11 AND	.93	.94	.95	.96	.97	.98	.99	1.0 = 1 FOOT

mike@mjesurveys.com
Michael J. Emmert Surveys, Inc
185 East Vallette Street
Elmhurst, Illinois 60126
Office 630-516-0383
Fax 630-516-0387

659 N. Franklin Avenue – Existing Conditions



Attachment: Existing Conditions (659 N Franklin Ave.- VAR Setback)

PUBLIC NOTICE

A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, October 8, 2019 at 7:00 P.M. in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:

Variation to permit a patio to be zero (0) feet from the side lot line instead of the required two (2) feet per Section 10.01 (d) (3) of the Palatine Zoning Ordinance.

The property is commonly known as 659 N Franklin Ave. (02-16-208-004).

The Petitioner is requesting a setback reduction for a patio that was already constructed.

The above petition has been filed by Michaela Lacinova and is available for examination in the office of the Village Clerk, 200 E. Wood Street.

FILE #: 19-32
VILLAGE OF PALATINE
Jan Wood, Chair
Palatine Zoning Board of Appeals

DATED: This 23rd day of September, 2019
Published in Daily Herald
September 23, 2019 (4532694)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, North Aurora, Bannockburn, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn, East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery, Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods, Rolling Meadows, Rosemont, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow, St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills, Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood, Wilmette

County(ies) of Cook, Kane, Lake, McHenry

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 09/23/2019 in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY

Authorised Agent

Control # 4532694

Attachment: Public Notice (659 N Franklin Ave.- VAR Setback)

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 10/08/19 07:00 PM

CASE STAFF STATEMENT (ID # 5549)

803-805 N. Quentin Road

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Lyn Bremanis

PETITIONER: Khadija Nisar, Makki Fast Food and Grill

CASE NUMBER: 19-53

ADDRESS: 803 and 805 N Quentin Road

PROPOSAL:

Special Use to permit a restaurant pursuant to Section 11.03 (d)(27) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 803 & 805 N Quentin Road District 1 (Millar)	<u>CURRENT ZONING:</u> Planned Development
---	--

SURROUNDING CONDITIONS:

<u>North:</u>	Out of Village Boundaries (Residential)
<u>South:</u>	B-1 Shopping Center District
<u>East:</u>	R-1 Single Family Residential
<u>West:</u>	B-2 General Business District

BACKGROUND:

The Petitioner is requesting to open a restaurant. Therefore the Petitioner is requesting:

Special Use to permit a restaurant.

SITE ANALYSIS:

- The Subject Property, is located in the Quentin Corners Shopping Center and is zoned Planned Development. The shopping center has a specific use list, but also follows the B-2 General Business use list.
- The Subject Tenant Space is 1,744 square feet and the overall shopping center is 47,483 square feet total.
- This location was previously occupied by Great American Bagel Company

- The Petitioner currently has a restaurant in Chicago and is proposing to relocate to this location. The business plan, floor plan and menu are attached.
- The proposed hours of operation are daily from 10 AM to 11 PM.
- There would be 4 employees.
- Per the floor plan, 25 seats are proposed.
- The restaurant requires 17 spaces, per the 1/100 square foot requirement parking requirement.
- There are 204 parking spaces available at the shopping center and the parking demand is 200 parking spaces, including the proposed restaurant. This leaves a surplus of 4 spaces parking spaces. Therefore, a parking variation is not required.

DEPARTMENTAL REVIEWS:

Community Services	No Issues Identified
Engineering	No Issues Identified
Environmental Health	N/A
Fire Prevention	No Issues Identified
Public Works	N/A
Police	N/A

STANDARDS FOR SPECIAL USE: Since this Petition is not for a use publicly operated or traditionally affected with the public interest, those standards under Section 14.05 D (2) and (3) are applicable. Specifically, the Petitioners must show that the Special Use, if granted, will be operated in a manner consistent with the public health, safety, and welfare, and that the Special Use will not have a negative impact on the value of surrounding properties. The Petition for a Special Use is attached, and the Petitioners have attempted to address the required standards.

STAFF RECOMMENDATION:

The Petitioner is proposing to relocate an existing restaurant to this tenant space. The space was previously occupied by Great American Bagel however Great American Bagel did not require a Special Use per the Planned Development. The center is over parked by 4 spaces. While the parking spaces in front of the tenant space are limited, there is adequate parking in the main parking lot. The proposed use will be occupying a vacant tenant space and should not have a negative impact on the surrounding properties. Therefore, Staff recommends approval of the Special Use subject to the following conditions:

1. The Special Use shall substantially conform to the business plan and floor plan submitted by the Petitioner, Khadija Nisar, on 09/05/2019, except as said plans may be changed to conform to the Village Code of Ordinances.

ATTACHMENTS:

- Aerial
- Application
- Plat of Survey
- Business Plan
- Menu
- Floor Plan
- Public Notice

3.4.a

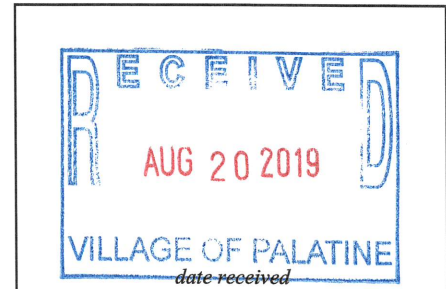


VILLAGE OF PALATINE

SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning
200 E. Wood Street • Palatine, IL • 60067-5339
Telephone: (847) 359-9047 • Fax (847) 963-6247

Office Use Only	Project Planner	Zoning Case # 19-53
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date



Background Information	PETITIONER(S)		Business Name (if applicable)	
	Khadija nisar		Makki grill	
	Subject Property Address Quentin Rd & Northwest Hwy, palatine I'll 60067			
	AUTHORIZED AGENT (if applicable)		Business Name (if applicable)	
	Address		City/State/Zip Code	
	Telephone	Fax	Email	
	Relationship to Petitioner (contractor, architect, etc.)			
	TYPE OF APPLICATION (check one)			
	☐ Special Use ☐ Special Use Amendment ☐ Variation			
	Existing Zoning District		Existing Land Use	
Generally describe your request: The nature of the business is to provide eat in and dine in facility for the patrons. The premises will have an arrangement for 30-35 people. The hours of operations will be from 10am till 11pm. We plan to in both kitchen and wait staff .				

Attachment: Application (803-805 N. Quentin Road - SU Restaurant)

SPECIAL USE

Required Materials

- ☐ Filing Fee of \$ _____
- ☐ Application Form
- ☐ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☐ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☐ Real Estate Interest Disclosure Form (see attached)
- ☐ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)
- ☐ Business Plan (if applicable; including, but not limited to nature of business, hours of operation, number of employees, and menu)

Additional Materials (as required by the Village)

- ☐ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.05 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Variation only, you do not need to answer these items.***

1. The use is deemed necessary for the public convenience at that location

The purpose is to provide a south asian eatery at the location as there is no other south a n restaurant and grill around. Specifically indian cuisine.

2. The use is designed, located, and proposed to be operated that the public health, safety and welfare will be protected

The use is designed as per the health and safety regulations and necessary insurances will be in place.

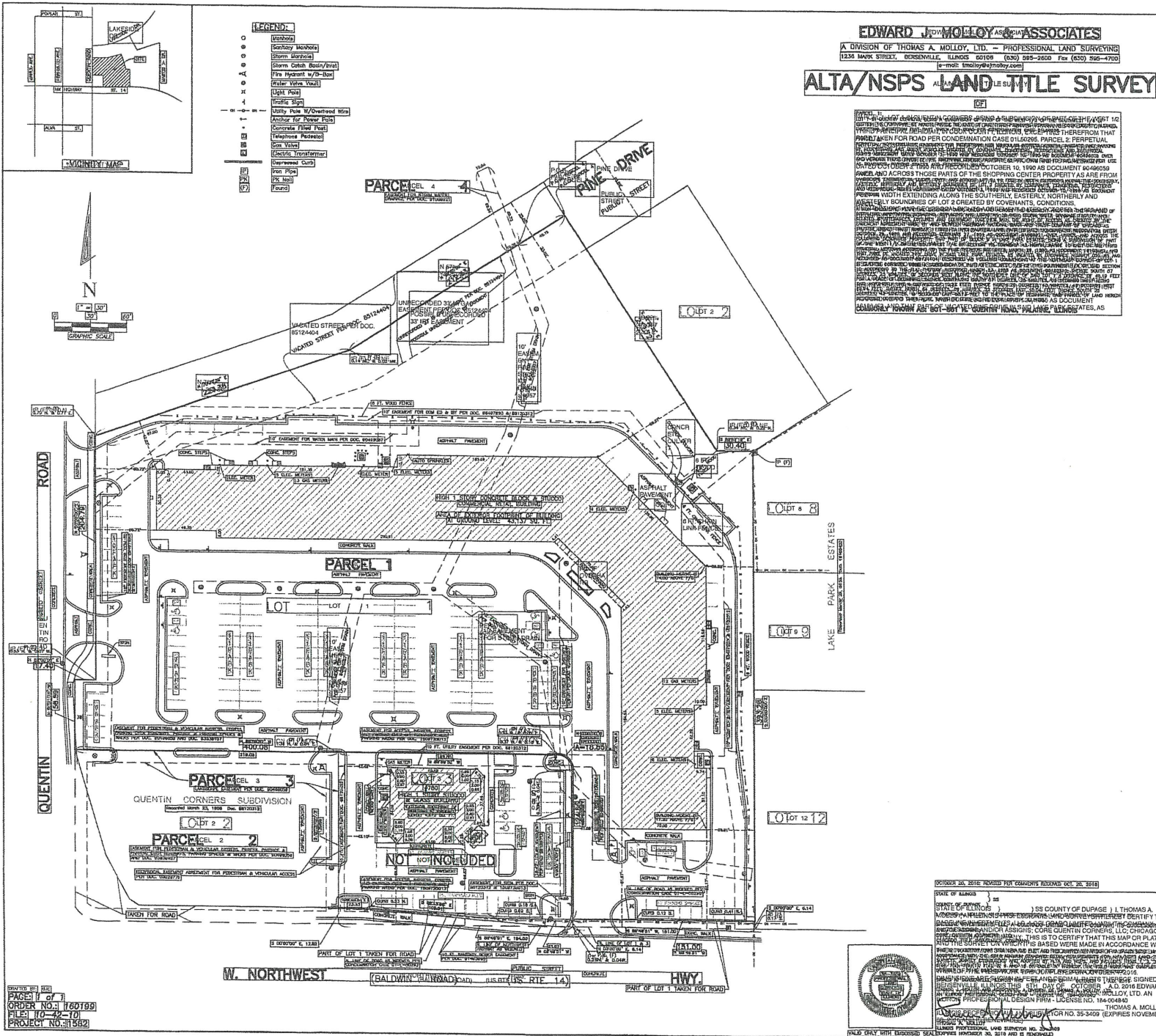
3. The use will not cause substantial injury to nearby property values

The use will not cause any injury and damage to surrounded property values. All the necessary measures will be taken in order to protect their interests.

4. With respect to live entertainment uses, the use shall not:

- ☒ a. Produce noise levels so great as to constitute an unreasonable interference for persons outside the confines of the establishment
- ☒ b. Impose undue health, sanitation or safety burdens on the village
- ☒ c. Create excessive demands on the Village of Palatine Police Department
- ☐ d. Be of a nature otherwise prohibited by law or village ordinance

5. For fence standards, see Section 14.05 of the Palatine Zoning Ordinance



Business Plan Application

Respected sir,ma'am

The nature of the business is to provide eat in and dine in facility for the patrons. The premises will have an arrangement for (20-25) people.

The hours of operation will be from (10:00 am till 11:00 pm)

We plan to employ (4) employees to in both kitchen and wait staff.

Thank you

SEA FOOD

- 60 4 Pc Fish
- 61 5 Pc Fish
- 62 10 Pc Fish
- 63 9 Pc Fish
- 64 Shrimp Basket
- 65 6 Pc Jumbo Shrimp

DESSERTS

- 66 Ice Cream

NAAN

- 67 Normal Naan
- 68 Paratha

BEVERAGES

- 69 Soda Can
- 70 Bottle Water
- 71 Special Falooda
- 72 Lassi

EXTRA SAUCE

- 73 Cheese Sauce
- 74 All Extra Sauces each

Catering Available For:-

- ★ Parties
- ★ Weddings
- ★ Office Meetings
- ★ Birthdays

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AVE CHICAGO IL.
60625.**

(773) 661

Packet Pg. 64

VALUE MEAL

(Includes Fries & Soda)

- 1 Cheese burger
- 2 Double Cheese burger
- 3 Gyro Cheese Burger
- 4 Philly Steak
- 5 Philly Chicken
- 6 Chicken Sandwich Crispy
- 7 Chicken Grilled
- 8 3 PC Chicken Tenders
- 9 8 PC Chicken Nuggets
- 10 Gyro Sandwich
- 11 Gyro Plate
- 12 Sub Sandwich Combo
- 13 (Terkey, Roast beef or Comed beef)
Gym Shoe
- 14 Italian Beef w/Gyros
- 15 Hot Dog Meal
- 16 (2 Hot Dog)
2 Pizza Puff
- 17 Fish Sandwich
- 18 3 Tacos or 1 Burrito

PIZZA

(Thin Crust 14)

- 19 Cheese
- 20 Veggie
- 21 Chicken
- 22 Beef
- 23 Gyro

WEEKLY SPECIAL

- 24 Nehari
(With 1 PC Naan)
- 25 Haleem
(With 1 PC Naan)
- 26 Chicken Karahi
- 27 Chicken Pulao

B.B.Q

- 28 Chicken Chargha
(with Rice & Big Drink)
- 29 Chicken Chargha
(With 1 Naan & Big Drink)
- 30 Chicken Tikka
- 31 (2 Pc with Naan)

CHICKEN WINGS

- 32 6 Pc
- 33 9 Pc
- 34 12 Pc
- 35 15 Pc

CHICKEN TENDERS

- 36 7 Pc
- 37 10 Pc
- 38 14 Pc

APPETIZERS

- 39 Medium Fries
- 40 Large Fries
- 41 Cheese Fries
- 42 Gyro & Cheese Fries
- 43 Beef & Cheese Fries
- 44 1 PC Pizza puff with Fries
- 45 Cheese sticks 5pc
- 46 Jalapeno Poppers 5pc
- 47 Samosa Veggie 0.99 Beef / chicken
- 48 5 Pc Crispy Onions Ring

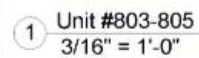
RICE DISHES

- 49 Chicken Biryani
- 50 Beef Biryani
- 51 Veggie Biryani
- 52 Vagetable Egg Fried Rice
- 53 Butter Chicken Masala
(Served with Rice or Pita Bread)
- 54 Gyro with Rice
- 55 Chicken Rice

MAKKI SPECIALS

(Add \$ 2.00 for Fries & Soda)

- 56 Makki Burger
- 57 Gryo Wrap
- 58 Chicken Wrap
- 59 Ban Kabab



A2.1

Project #:
14-004

Date:
2014 03 06

PUBLIC NOTICE
 A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, October 8, 2019 at 7:00 P.M., in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:
 Special Use to permit a restaurant pursuant to Section 11.03 (d)(27) of the Palatine Zoning Ordinance. The property is commonly known as 803-805 N. Quentin Road (02-10-306-020). The Petitioner is proposing to open a new restaurant. The above petition has been filed by Khadija Nisar, Makkhi Grill and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
 FILE #: 19-53
 VILLAGE OF PALATINE
 Jan Wood, Chair
 Palatine Zoning Board of Appeals
 DATED: This 23rd day of September, 2019
 Published in Daily Herald September 23, 2019 (4532695)

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BY

Authorized Agent

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Attachment: Public Notice (803-805 N. Quentin Road - SU Restaurant)