



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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ZONING BOARD OF APPEALS

MINUTES • OCTOBER 8, 2019

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Brent Larson	Commissioner	Present	
Cindy Roth-Wurster	Commissioner	Present	
Jan Wood	Commissioner	Present	
Jerry Luszczyk	Commissioner	Present	
Theodore McGinn	Commissioner	Present	
Kevin Cavanaugh	Commissioner	Present	
James Dittrich	Commissioner	Present	
John Pirog	Commissioner	Present	

Staff present: Ms Lyn Bremanis

II. APPROVAL OF MINUTES

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

Mr. Larson made a motion to accept the minutes from the July 23, 2019 ZBA meeting; seconded by Mr. Dittrich.

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

III. PUBLIC HEARING

1. 879 W. Kenilworth Avenue

Notice was published in the Daily Herald on September 23, 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-Site Plan
4. Fence Elevation
5. Letter of Objection dated 10-6-19
6. Public Notice

Sworn in Staff: Ms. Lyn Bremanis

Sworn in Mr. Richard Sabel 879 W. Kenilworth Ave

Mr. Sabel explained he and his wife have never built a home. He stated they went in front of council and feels this issue should have been reviewed at that time. He spoke to the relief he was granted allowing a 20ft setback on the west side of the home. Mr. Sabel explained they have a first floor walkout suite patio and since he travels often he is concerned with having a master suite porch accessible to anyone walking the streets while he is away. Mr. Sabel stated had the builder brought this to his attention he could have possibly shifted the home east to compensate for the 5ft line to install the fence. He addressed the standards pointing out the fence with the landscaping will enhance the appearance of neighborhood and serve an amazing purpose. He pointed out the house was designed to enhance the neighborhood. Mr. Sabel restated his concern with safety while he is traveling for business asking for the variation to allow the fence to be put 5ft from sidewalk to enclose his porch.

Mr. Pirog asked if the fence was moved by the pool would it block patio

Mr. Sabel stated if the fence only went around the pool the patio would be accessible.

Mr. Pirog clarified the request is for the front yard.

Mr. Sabel explained the legal front yard is off Crescent but with the house rotation it is on Kenilworth.

Mr. Cavanaugh referred to the site plan and clarified the 15.37 is the feet to the proposed fence to the porch.

Ms. Bremanis answered yes. She noted the redline on the site plan explaining if the request is not approved, the red line is where the fence would have to be located due to fencing requirements for the pool.

Mr. Cavanaugh clarified it is not realistic to be at the 20ft. line.

Ms. Bremanis answered yes it would have to be approx. 25 - 30ft. in order to enclose the pool.

Mr. Sabel stated the 20ft line would be exactly on the side of house. He restated the builder did not bring this to their attention.

Ms. Bremanis further explained because it is the legal front yard it would require a 30ft setback but the subject property received a front yard reduction at 20ft.

Mr. Pirog clarified even if this isn't granted they still need a fence around the pool.

Ms. Bremanis answered yes.

Mr. Sabel referred to the site plan slide and explained if this request is not granted the fence would have to go on the red line. He restated he is requesting the fence to enclose the patio and screen the ac units.

Mr. McGinn asked where the driveway is located.

Mr. Sabel referred to the site plan slide. He stated if he knew of the fencing issue he could have trimmed off the drive and moved the house to the east.

Discussion on door locations.

Mr. Sabel expressed his concern is the walkout patio to his bedroom and the safety of his wife while he is out of town.

Mr. Pirog asked why the fence was not in the original construction plans.

Mr. Sabel repeated he was not informed by his builder.

Mr. Pirog asked staff what exactly requires relief.

Ms. Bremanis referred to slide and explained the area of encroachment.

Mr. Luszczak asked about the setback on the front of the house.

Ms. Bremanis referred to the aerial and explained the new layout of the home when the properties were consolidated. She explained the setback relief they were granted included a deed restriction for a building line 27ft back.

Ms. Wood asked if any issues with the home on Brookside that abuts the fence

Mr. Sabel explained John, owner of property to the south at 888 W. Brookside St. has at least 40ft. of visibility from his driveway so there are no issues. He stated he has discussed with him as well as other neighbors and there are no issues.

Ms. Wood read into record the letter of objection from Voula Trakas. She asked if Mr. Sabel has spoken to her.

Mr. Sabel explained he has not spoken to her and pointed out there are a lot of homes with the same scenario.

Mr. Larson asked what the setback would be if it was still the side yard.

Ms. Bremanis stated it would still be 20ft. since the it abuts the neighbors legal front yard.

Ms. Wood asked if the fence could go 10ft. back.

Mr. Sabel stated he would be fine with it being 10ft back. He restated his main concern is to get the porch within the fence.

Discussion on changing the distance of the request and where it is measured from.

Discussion on the sidewalk and why it stops.

Ms. Roth-Wurster asked if they currently occupy the home.

Mr. Sabel answered no not yet. He explained they should have been in there in June but looking to occupy the home within 5 weeks.

Ms. Roth-Wurster asked if he has spoken to the builder to come up with a solution.

Mr. Sabel explained it is impossible because it would require moving the house. He spoke to the problems this whole mess has caused for his family including school admittance.

Mr. Cavanaugh asked Mr. Sabel if he would move the fence back to the patio area.

Mr. Sabel answered yes if allowed to not screen the ac.

Ms. Bremanis gave a brief overview of the request. She referred to the fence elevation slide stating it will be 6ft in height. She pointed out the packet consisted of neighboring addresses with fences provided by the petitioner on corners referring to the existing fence slide to show map locations of these fences.

Ms. Roth-Wurster asked about the style of these fences.

Ms. Bremanis stated there are pictures in the packet.

Ms. Wood asked if 6ft is necessary for security.

Mr. Sabel stated security is the main factor for both the pool and extra security while he travels. He stated he has put security cameras all around his house for security but the fence will help prohibit people from access to his bedroom patio entrance.

Mr. Cavanaugh asked staff about the requirements of fences around pools.

Ms. Bremanis explained they need to be 4-6ft fully enclosed with a minimum 5.5ft height gate.

Ms. Bremanis stated Community Services and Engineering have reviewed the request and did not have any issues.

Sworn in Mr. James Garthwait 882 W Kenilworth Ave

Mr. Garthwait commended the petitioner. He stated they have asked the neighbors for their blessing and opinions. He stated the fence doesn't bother him

and doesn't think it will obstruct anything. Mr. Garthwait stated he understands the safety concerns and speaks for himself and the rest of the neighbors who fully support the request.

Mr. Cavanaugh asked Mr. Garthwait if he had a fence.
Mr. Garthwait answered no but would like one.

Mr. Luszczyk asked Mr. Garthwait if he has any safety concerns.
Mr. Garthwait stated he moved in 2012 and there was a series of break-ins so he too has cameras but would love a fence.

Ms. Bremanis asked the residents in attendance how many agreed with Mr. Garthwait.
Joel Christell, 849 W Kenilworth Avenue and George Borawski, 1025 W Kenilworth Avenue agreed.

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, Mr. Sabel and 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.

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

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

DELIBERATIONS:

Mr. Dittrich stated the fence on the side is not an eye sore. He pointed out it is a weird property with the new legal front yard once being a side yard. He stated the neighbors have no issues and it protects the pool and the master suite. Mr. Dittrich stated he thinks it meets the standard for unique circumstance.

Mr. McGinn stated it will aid to protect the inhabitants of the property.

Mr. Pirog agrees on protection but the pointed out the neighbors don't have fences. He stated he doesn't think it will enhance the appearance of home.

Ms. Wood expressed her concern that the neighbor who objected will be impacted. She stated the neighborhood has had beautiful transformations and pretty much open on Kenilworth. She pointed out the way the house is oriented the fence isn't really in the front yard and a side yard would be allowed if not for the neighbor.

Ms. Roth-Wurster stated the home is beautiful and the orientation does have a slight elevation and is very close to Crescent Ave and would be split in half by a fence. She pointed out the unique circumstance was created by the petitioner. She spoke to other corner lots that have been approved are a lot of time 4ft or open fences rather than a 6ft. fence. Ms. Roth-Wurster stated she thinks there could be changes like a 10ft setback instead which she would be more favorable of. She stated the home enhances the neighborhood but she doesn't think the fence will.

Mr. McGinn spoke to destroying vistas and safety of driveways pointing out the location of the fence will not affect the neighboring properties.

Discussion on safety of vehicular visibility.

Mr. Cavanaugh pointed out they are required to have 4-6ft fence for the pool.

Discussion on whether this fence meets pool requirements.

Ms. Wood agreed with Ms. Roth-Wurster on the not liking the height at 6ft and the board on board style. She stated she understands their request for safety. She stated she is leaning toward support because it is not in the front but would like to see it back a little further.

Discussion on recommending to be pushed back to 10ft.

Discussion on adding a condition.

The original motion failed

AYES: McGinn, Dittrich

NAYS: Larson. Roth-Wurster, Wood, Luszczak, Cavanaugh, Pirog

Mr. Cavanaugh made a motion to approve with the variation with a setback increased to 10ft and fence length along Crescent Avenue shortened to a location acceptable by the Director of Planning and Zoning; Seconded by Mr. Luszczak

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 October 14th.

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

2. 838 S. California Avenue

Notice was published in the Daily Herald on September 23, 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. Letter from Neighbor dated 8/11/2019
6. Public Notice

Sworn in petitioner Mr. Gregory Drake 838 S California Ave

Mr. Drake stated the house was built 2007 and they purchased it in 2012. He stated he has 5 children. He explained the layout of his 3 car garage, pointing out there is very little room to get in and out. Mr. Drake explained he has to do a 4 point turn to get in and ends up backing into the raised curb. He referred to pictures showing the non-conforming retaining wall and spoke to the water drainage issues that have caused the wall to deteriorate.

Mr. Pirog clarified the water is on the neighbor's property.
Mr. Drake answered yes.

Mr. Luszczyk asked where the property line is.

Mr. Drake referred to the existing conditions slide explaining the retaining wall sits .7 feet from the property line.

Mr. Drake stated 80% of water from driveway flows between the houses instead of draining to the street for the sewer system to handle. He spoke to the letter from the neighbor in support of project but also concerned with the water.

Discussion on the water collection area and the old culvert.

Mr. Pirog asked how the request addresses these issues.

Mr. Drake explained he is looking to get rid of the planter box, add 325 sqft to the drive for future parking spaces for the 5 kids, to aid his wife in backing out and to allow water to run off drive into street. He stated the goal is to help with the water situation, make it look more tasteful, and to make more functional for the family.

Mr. Pirog asked if it will eliminate the 4 point turn.

Mr. Drake answered no but would allow better water clearance. He explained the only way to avoid that is to go right up to the property line. He explained the current setback is .7ft and he is requesting .5ft. He stated he would be happy to keep it as is but would prefer it to be at half a foot. Mr. Drake explained since he won't be able to eliminate the 4 point turn the additional square footage will allow easier access to the driveway if more cars are parked there.

Mr. Pirog clarified if he was happy with staff's recommendations.

Mr. Drake explained he would prefer the parallel line but would be fine keeping it the way it is at .7ft.

Discussion on where the lot line changes from .7 to 1.49ft referring to the slides and how they plan to straighten it out.

Ms. Bremanis explained when calculating the distance anything under 1ft is considered 0ft.

Mr. Drake explained the last request is to make an apron so when the family backs out its uniform. He addressed the standards referring to the reasonable return standard pointing out if the wall gets pushed top 2ft setback he won't be able to access his garage. He stated the current driveway is failing, a nonconforming structure is present, water is an issue and the project will help with the water issue. Mr. Drake spoke to the uniqueness being it is a side load garage and the fact he has 5 kids soon to have additional cars on drive.

Mr. Cavanaugh asked if he is working with an architect or contractor on the wall. Mr. Drake stated he is working with a structural engineer.

Mr. Cavanaugh asked if the structural engineer is preparing the drainage plans. Mr. Drake answered yes.

Discussion and clarification of where it is being extended.

Mr. Pirog asked if the wall is an approved variation now.

Ms. Bremanis explained it is an existing condition with the property being annexed in 2006 and was demolished and rebuilt.

Mr. Pirog asked to replace wall would he be required to get another variation or is it grandfathered in.

Ms. Bremanis explained he can replace as is.

Mr. Drake spoke to the character of the locality pointing out the neighbors to the north all have 30ft driveways. He stated it is conforming with neighborhood, will be tasteful, will assist in garbage tote storage, will help with water drainage and will help access to drive once kids start driving.

Sworn in Mr. Tony Rynearson 595 Buttonwood Cir Naperville, IL Engineer

Mr. Rynearson explained there is a 6 inch curb that will extend all the way to the sidewalk. He explained the grade runs from west to east and the 6 inch curb would convey all the drainage to the street.

Mr. Pirog clarified the sidewalk slants out to the street.

Mr. Rynearson explained the sidewalk is higher so will flow to the street.

Mr. Dittrich pointed out the grassy area that is lower.

Mr. Rynearson stated they did a topography and have elevations established.

Mr. Cavanaugh spoke to the culvert on the neighbor's property and how this will affect the water drainage.

Mr. Rynearson spoke to the slope of the driveway explaining the water will run west to east not toward the neighbor.

Mr. Cavanaugh asked if it will improve the culvert during a big rain or not make things worse.

Mr. Rynearson explained this will decrease the flow.

Mr. Luszczyk clarified the elevations.

Mr. Rynearson explained the back of the drive where the car is 1ft. higher than the sidewalk.

Mr. Cavanaugh asked if the water accumulation is causing the wall to fail.

Mr. Rynearson stated it definitely is contributing to it.

Mr. Cavanaugh asked what happens if they replace it and the water still accumulates.

Mr. Rynearson explained it is currently a segmental block and they will be replacing with a concrete wall. He further explained the method of construction.

Mr. Drake stated he was told when the wall was built they didn't take the apron toward the house so the weight of the drive has started to push the wall over.

Mr. Rynearson explained there is a footing that supports it.

Mr. Cavanaugh asked if they are replacing the whole driveway.

Mr. Drake answered yes.

Mr. Luszczyk asked if it will be concrete.

Mr. Drake answered yes.

Mr. Pirog asked if the street floods.

Mr. Drake stated he has seen in flood in 2 major rains.

Discussion on where the water should go.

Ms. Bremanis gave a brief overview explaining the request is for 3 different things including lot coverage relief. She explained they are existing over lot coverage so anything they do requires relief. She referred to the slide to show the areas requiring relief in red. Ms. Bremanis stated they are adding the retaining wall to the lot line which is tied to the setback request. She stated the Village Engineer has reviewed and is recommending leaving the wall where it is. Ms. Bremanis explained the 3rd request is to increase the width of the driveway which is fairly common in the area. She stated Community Services have reviewed and has no issues and Engineering has indicated a drainage plan will be required to address the storm water conditions for the final permit.

Mr. Pirog clarified the shaded toward the street is new.

Ms. Bremanis answered yes explaining that is the widened apron area.

Ms. Wood asked about the property to the south.

Mr. Drake stated that's all part of one property owner.

Mr. Larson clarified if the engineer recommends leaving at the .7ft

Ms. Bremanis explained he recommends it doesn't further encroach into the setback.

Mr. Drake would like to keep it at .7 parallel at the lot line.

Discussion on where the .7 line is located.

Sworn in Mr. Jim Lewandowski 1430 California Ave Rolling Meadows, IL

Mr. Lewandowski stated Mr. Drake has explained to all the neighbors the request and we have no issues. He stated it will improve the look, the water runoff and aid in the storage of his garbage cans. He stated all neighbors are in support.

Mr. Cavanaugh asked Mr. Lewandowski if his driveway or front yard floods

Mr. Lewandowski answered no. He agreed with Mr. Drake that there has been a few times with extreme rain the water accumulates in the street but the water seems to dissipate quickly after the rain has stopped.

Mr. Cavanaugh asked if they leave the wall existing would all drainage plans would still be done.

Ms. Bremanis answered yes.

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, Mr. 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 storm water 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.

Mr. Pirog clarified the recommendation at 1.5ft and the current setback of .7ft.

Ms. Bremanis referred to the slide and explained staff's recommendation is to maintain the current setback on the existing wall and as it goes to lot like they maintain the 1.5ft. setback.

Mr. Pirog asked if the .7 is okay for the rest of it.

Ms. Bremanis stated that would be replacing as is condition.

Mr. Pirog asked why the engineer didn't recommend putting on lot line.

Ms. Bremanis stated she does not have that information but pointed out it is not typical to recommend a 0ft. setback.

Mr. Cavanaugh asked if the request is denied at 0ft.can they still replace the wall as is.

Ms. Bremanis answered yes but explained they could not extend it. She referred to the site plan slide and explained the relief requested.

Greg explained the 8-10 inches makes a difference for turning into the garage so would prefer it at the .7ft. parallel with the lot line.

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 spoke to the standards pointing out the uniqueness. He stated they

didn't build it this way and the extra feet will help. He pointed out the neighbors do not care and it won't alter the character of the locality. Mr. Pirog pointed out it will help with the drainage and flooding.

Ms. Bremanis clarified the request is at .5ft.

Mr. Cavanaugh agreed with Mr. Pirog but pointed out the Village Engineers recommendation. He stated he was leaning to deny the 0ft. setback and approve the rest which still allows them to replace the wall in the existing location.

Ms. Bremanis clarified Mr. Cavanaugh the extension requires a setback.

Mr. Cavanaugh clarified he was recommending essentially what staff recommended.

Mr. Dittrich pointed out the request isn't for that big of a difference. He explained he came from a home of 5 kids and the little extra space will help with maneuvering vehicles.

Mr. Pirog asked if this gets approved can the Village Engineer still deny it. Mr. Bremanis explained one of the conditions is that they need to provide drainage plans that are satisfactory to the Village Engineer.

Ms. Roth-Wurster agreed with Mr. Dittrich. She stated it needs to be redone and is glad the Village Engineer is reviewing. She spoke to lot coverage concerns and the possible issues this will cause the neighbor.

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 at a to be determined date.

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

3. 659 N Franklin Avenue

Notice was published in the Daily Herald on September 23, 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/Site Plan
4. Public Notice

Sworn in Mr. Miroslav Poulik 659 N Franklin Ave.

Mr. Poulik stated they built the concrete patio 3 years ago explaining he didn't know he needed a permit. He spoke the area between the bench and the fence being built with stone and concrete that is the requested area of relief.

Mr. Pirog referred to the existing conditions slide clarifying the area where the red arrow points to is the requested relief area.

Ms. Bremanis answered yes.

Mr. Pirog asked if it is part of a continuous cement slab.

Mr. Poulik the area goes from the driveway to the fence.

Ms. Bremanis referred to the site plan slide clarifying the area of the patio and the location to the driveway being built right on the lot line.

Mr. Pirog asked if it was part of the original driveway.

Ms. Bremanis answered no.

Mr. Larson asked if the blue tarped off area is the area in question.

Ms. Bremanis answered yes.

Mr. Poulik explained they tarped it to protect against the weather to keep it in good condition.

Ms. Wood asked how many feet the patio is on the lot line.

Ms. Bremanis stated she does not have the exact number.

Ms. Wood referred to the Plat of survey slide asking if it runs along the whole red line.

Mr. Poulik answered yes.

Ms. Wood asked if the area along fence is needed.

Mr. Poulik explained it is better to clean the leaves.

Ms. Wood asked if the area is poured concrete or stones.

Mr. Poulik explained they are stone pavers and mosaic stones.

Ms. Wood asked if there are any flooding issues when it rains.
Mr. Poulik answered no.

Mr. McGinn asked if he spoke to the neighbors.
Mr. Poulik answered yes they all support.

Ms. Wood asked if the reason to keep is because it is easier to maintain or for aesthetics.
Mr. Poulik explained the whole area is mosaic and stone.

Ms. Bremanis gave a brief overview explaining the property is zoned R-2 Single Family Residential with the patio being approx. 392 sqft. She pointed out the patio is located 0ft. from the side lot line and includes a fireplace, a built in bench and landscaping. She stated the existing driveway does encroach into the 2ft. setback and is an existing condition at least back to 2005 per GIS maps. Ms. Bremanis stated building and lot coverage do meet code. She spoke to additional work that was built without permits but explained the patio is the only work that requires zoning relief. Ms. Bremanis stated the property was cited for adjudication which is going under a separate zoning relief process. She stated Community Services, Engineering and Fire Prevention have reviewed and did not identify any issues.

Mr. Pirog asked if the brick bench is 2ft. away
Mr. Poulik stated it is 2.5 feet

Mr. Pirog clarified if the request is denied the line of brick between the bench and the fence is all that needs to be removed.
Ms. Bremanis answered yes.

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 storm water 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.

Ms. Wood clarified the “patio constructed” is referring to the pavers.
Ms. Bremanis referred to slide to show the 2ft. area that does not meet code.

Ms. Wood asked if that area is considered patio.
Ms. Bremanis stated yes it is solid surface.

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

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

DELIBERATIONS:

Mr. Luszczyk stated he doesn't see a problem because it is permeable surface.

Mr. Pirog stated he doesn't think it meets the standards even though it seems harmless. He stated he doesn't see the harm in taking out since it is not a continuous paved surface.

Ms. Wood stated the property was annexed in with the existing driveway encroaching into the setback. She pointed out they bought the property thinking things could be built to that lot line so reasonable return is addressed.

Ms. Wood summarized that this request has met the standards and was approved by a vote of 5-3. This item will tentatively go to Village Council on October 21, 2019.

RESULT:	RECOMMENDED TO APPROVE [5 TO 3]
MOVER:	Jerry Luszczyk, Commissioner
SECONDER:	James Dittrich, Commissioner
AYES:	Larson, Wood, Luszczyk, Cavanaugh, Dittrich
NAYS:	Roth-Wurster, McGinn, Pirog

4. 803-805 N. Quentin Road

Notice was published in the Daily Herald on September 23, 2019 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. Menu
6. Floor Plan
7. Public Notice

Sworn in Ms. Khadija Nisar

Ms. Nisar stated she has a restaurant in Chicago on Kimball and wants to open a second branch on Quentin Road in Palatine. She stated she hasn't seen any Halal restaurants in Palatine and the majority of Muslims look to eat at such. Ms. Nisar explained the food is the same as other fast food but Muslims that follow halal require this special preparation which her restaurant will have. She point out her menu has the Halal sign.

Mr. Larson clarified location is where the bagel place used to be.
Ms. Bremanis answered yes.

Mr. Larson asked if it will be sit down and takeout.
Ms. Nisar answered both.

Mr. Larson asked about parking concerns.
Ms. Bremanis stated the center is over parked.

Ms. Nisar spoke to her menu varying from the taco shop.

Ms. Wood clarified the location.
Ms. Bremanis referred to the existing conditions slide to show location explaining it was once Great American Bagel and considered a deli.

Ms. Bremanis gave a brief overview stating the property is zoned planned development and follows the B2 standards. She stated Great American Bagel was allowed without a special use because the planned development has a use list which permitted bakeries and delis. Ms. Bremanis stated the tenant space is 1744 square feet. She spoke to the proposed hours of operation being 10am-11pm daily and will have 4 employees. Ms. Bremanis spoke to the floor plan having 25 seats. She spoke to the parking requirements explaining the center is over parked by 4 spaces. She stated Community Services, Engineering, Fire Prevention, and Environmental Health have reviewed and have not identified any issues.

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

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

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 October 14, 2019.

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

IV. COMMUNICATIONS

V. ADJOURNMENT