



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
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ZONING BOARD OF APPEALS MINUTES • SEPTEMBER 27, 2022

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Cindy Roth-Wurster	Commissioner	Present	
Jan Wood	Commissioner	Present	
Jerry Luszczak	Commissioner	Present	
Theodore McGinn	Commissioner	Present	
Kevin Cavanaugh	Commissioner	Present	
John Pirog	Commissioner	Present	

II. MINUTES APPROVAL

1. Zoning Board of Appeals - Regular Meeting - Aug 9, 2022 7:00 PM

Mr. Luszczak made a motion to approve the minutes of Tuesday August 9, 2022; Seconded by Mr. Cavanaugh

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

III. PUBLIC HEARING

1. 906 S. Willow Walk Drive

Notice was published in the Daily Herald on September 12, 2022 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. Landscaping Plan
5. Public Notice

Sworn in staff: Mr. Alex Bradshaw

Sworn in the petitioner: Mr. Dave Wilkie 906 S. Willow Walk Drive

Mr. Wilkie stated they requested a permit to install a generator due to constant power outages in the neighborhood which have resulted in significant financial impacts due to flooding. He stated the whole house generator is a necessity. Mr. Wilkie stated they propose to put the generator in the obvious location where the gas meter and the electrical panel is located. He pointed out the property is on a corner and the generator would be on the north side. Mr. Wilkie stated staff requested the generator be installed on northwest side directly under the dining room window which is an access danger and visible from the inside the home. He stated the only other option would add an additional \$900 to run a gas line the entire length of house. He pointed out there are others in the neighborhood who have generators that are visible from the street. Mr. Wilkie referred to the landscape plan slide to show the shrubbery that will be planted to mask/cover the generator to keep the natural look of neighborhood.

Mr. Luszczak asked where staff requested the generator to be located.

Mr. Wilkie referred to existing condition slide to show location pointing out it would be visible through the window.

Mr. Luszczak asked if a generator is supposed to be away from the window.

Mr. Bradshaw stated that is correct agreeing that Fire Prevention may have an issue with its placement near a window.

Discussion on having to run gas and electric across home to relocate to opposite side not facing a street.

Mr. Bradshaw gave a brief overview stating the property is zoned R-1A and is uniquely situated as it abuts a street on 3 sides. He stated to install a generator in the side yard requires a variation. He stated the generator would be setback approximately 26.5 feet from northern property line. Mr. Bradshaw pointed out there are similar generators in neighborhood, none of which are in side yard but

all can be seen from street. He stated Community Services, Engineering, and Fire Prevention have reviewed and no issues were identified.

Mr. Cavanaugh asked if there is an existing variation.
Mr. Bradshaw answered no.

Discussion on setback.

STAFF RECOMMENDATION:

The Petitioner is proposing to install a generator to help prevent reoccurring power outages. The proposed generator will be located in the required side yard abutting a street, where the required setback is 35 feet. The generator is proposed to be set back approximately 26.5 feet from W. Illinois Avenue, and will have landscaping to provide a buffer that will help to keep the essential character of the locality unchanged.

Staff has provided alternate, permissible, locations for the generator. However, Staff understands that the Petitioner’s proposed location will allow for the most logistically efficient and effective installation. The home having street frontage on three sides also presents locational challenges. Therefore, Staff recommends approval of the requested Variation with the following condition:

1. The Variation shall substantially conform to the Site Plan and Landscaping Plan submitted by the Petitioner, David Wilkie, except as such plans may be changed to conform to the Village Codes and Ordinances.

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

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

DELIBERATIONS:

Mr. Cavanaugh stated the standards have been met. He pointed out the property is unique with roads on three sides. He stated the owner is trying to protect their home from water when power turns off and this is a good solution.

Ms. Roth-Wurster agreed the standards have been met and it is a unique property. She pointed out the other location does not meet fire code. She stated it won’t affect the character of locality with screening.

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 October 10, 2022.

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

2. 901 E. Holly Way

Notice was published in the Daily Herald on September 12, 2022 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use
2. Proof of Ownership
3. Plat of Survey
4. Site Plan
5. Fence Elevation
6. Public Notice

Sworn in the petitioner: Mr. Jeff Spitzer 901 E. Holly Way

Mr. Spitzer stated they are doing a patio and a fence project. He stated the existing fence was destroyed in a storm 2 years ago and repaired but wants to beautify the home and replace fence with 6-foot privacy fence. Mr. Spitzer explained they are looking for privacy from people driving down Ivy and protection from coyotes. He stated the house has been burglarized through the backyard patio door so they feel this gives more protection. Mr. Spitzer stated the patio contractor indicated the grill would be too close to the fence at current location and that 3ft was recommended so looking to move the fence out an additional 2 feet from current location.

Ms. Wood asked if the grill can be moved.

Mr. Spitzer stated the gas supply for the grill is located there. He explained if have to move the grill 3 feet from current fence it would be in front of the patio door which is not safe, and if they move to other side of the patio the cost of moving the gas line would be increased.

Mr. Luszczak if they spoke to the neighbor.

Mr. Spitzer answered yes and there is no issues. He pointed out it won't obstruct any views.

Ms. Wood asked what the special use is for.

Mr. Bradshaw explained for a fence to encroach 4 feet into the front yard.

Ms. Wood asked what would be allowed.

Mr. Bradshaw explained the petitioner can replace the existing fence with same height and style.

Mr. Pirog asked Mr. Spitzer if they are set on the 6 feet.

Mr. Spitzer answered yes explaining the 6ft would give better protection.

Ms. Wood clarified the fence is for safety, privacy, and crime deterrent.

Mr. Spitzer answered yes

Mr. Cavanaugh asked how old existing fence is.
Mr. Spitzer answered 33 years.

Mr. Cavanaugh asked if there is another material for the fence that can be used that would be more heat resistance and not require the additional feet.
Mr. Spitzer stated he is not sure if there is treated wood that is fire proof.

Mr. Luszczyk suggested adding sheet metal to protect.
Mr. Spitzer stated that may be an option but would want it to look aesthetically pleasing.

Mr. Pirog asked if there is an extension to move grill over slightly.
Mr. Spitzer explained if moved it would be in front of patio doors.

Ms. Wood asked about comparable fences in area.
Mr. Spitzer spoke of other properties that have 6ft vinyl referring to slides he brought showing locations.

Discussion on other fences being in front yards / existing non-conforming.

Mr. Bradshaw gave a brief overview stating the petitioner is proposing to construct a fence that encroaches into the 30-foot front yard. He stated the 6-foot vinyl fence would be setback approx. 26 feet from lot line abutting Ivy Place. He spoke to the existing landscape buffer that is between the proposed fence and property line. Mr. Bradshaw pointed out the neighboring driveway is approx. 60 feet from shared line therefore line-of-sight does not appear to be a concern. He stated Community Services reviewed and indicated there does not appear to be adequate justification provided to encroach into the required front yard of the Subject Property. Mr. Bradshaw stated Engineering reviewed as well and did not identify any issues.

Ms. Wood pointed out there are a lot of solid fences in neighborhood.
Mr. Bradshaw explained they are nonconforming pre-existing to current zoning code.

Ms. Wood asked about other burglaries in neighborhood.
Mr. Bradshaw stated staff has no knowledge.

STAFF RECOMMENDATION:

The Petitioner is proposing to relocate and expand an existing fence, which is in disrepair, with a 6-foot tall solid vinyl privacy fence that will encroach 4 feet into the required front yard of the Subject Property. The Petitioner's justification indicates that the proposal will not take away from the existing vista in the area, as there is existing landscaping that will remain as a buffer between the fence and the lot line abutting N. Ivy Place.

However, Staff does not believe that there has been adequate justification provided by the Petitioner to encroach into the required front yard, and the proposed 6-foot solid vinyl fence is taller, more substantial, and encroaches

further into the required front yard than the existing fence. Additionally, per the submitted materials, Staff did not find the encroachment to be necessary to protect private property or the safety of the inhabitants. Therefore, Staff recommends denial of the request to the Zoning Board of Appeals. If the Zoning Board of Appeals recommends approval, Staff recommends the following condition:

1. The Special Use shall substantially conform to the Site Plan and Elevation submitted by the Petitioner, Jeff Spitzer, except as such plans may be changed to conform to the Village Codes and Ordinances.

Mr. Pirog asked if the only option instead of variation is to replace with a 4-foot fence.

Mr. Bradshaw answered yes or move back to conform to 30 feet setback.

Ms. Wood asked if the board can approve the fence but not the 2 additional feet.

Mr. Bradshaw explained the current fence encroaches 2 feet into the required setback so would still require a special use to install a 6-foot solid fence in the existing location.

Mr. Spitzer clarified the fence could be approved at the existing line at 6 feet in height.

Ms. Wood stated if the board approved.

Mr. Cavanaugh asked Mr. Spitzer if they would be okay with that.

Mr. Spitzer stated they would be open and would apply something to protect the fence as Mr. Luszczyk suggested.

Ms. Roth-Wurster asked if the gas grill was there when they bought the home.

Mr. Spitzer answered no they installed.

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

Mr. Luszczyk made a motion to approve the 6-foot solid vinyl fence at the existing fence location; seconded by Mr. Cavanaugh

DELIBERATIONS:

Mr. Luszczyk stated the fence was there already and understands the need for privacy and security.

Mr. Cavanaugh stated the only complaint is for the additional encroachment into the front yard so keep where it is. He stated the contractor can figure out the heat issue.

Mr. McGinn stated the only issue is with the immediate neighbor (1907) who is ok with it and there is no sight line impacts so meet standards.

Ms. Wood stated she is not a fan of vinyl but that's her preference. She pointed

out the neighborhood has a good amount of fences close to the lot lines so would be conforming to the area. She stated the petitioners have good reason with burglary and coyotes so makes sense for safety.

Ms. Roth-Wurster agreed with Ms. Wood.

Ms. Wood summarized that this request has met the standards and was unanimously approved as amended by a vote of 6-0. This item will tentatively go to Village Council on October 10, 2022.

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

IV. COMMUNICATIONS

V. ADJOURNMENT

1. Motion to Adjourn

Mr. Luszczak made a motion to adjourn; seconded by Mr. McGinn

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Jerry Luszczak, Commissioner
SECONDER:	Kevin Cavanaugh, Commissioner
AYES:	Roth-Wurster, Wood, Luszczak, McGinn, Cavanaugh, Pirog

