



PLANNING AND ZONING COMMISSION

OCTOBER 28, 2025 AT 7:00 PM

VILLAGE HALL - COUNCIL CHAMBERS
200 E. WOOD STREET
PALATINE, IL 60067-5339
(847) 359-9050 www.palatine.il.us

AGENDA

REGULAR MEETING

7:00 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES
 - A. DRAFT PZC Minutes - 10/14/25
- IV. PUBLIC HEARING
 - A. 42 W. Robertson Street
 - 1. Variation to permit a driveway to be setback one foot, instead of the minimum required 2 feet, pursuant to Section 7.04 (i)(2) and a Variation to permit lot coverage of 55%, instead of the maximum permitted coverage of 45%.
- V. PUBLIC COMMENT
- VI. ADJOURNMENT



PLANNING AND ZONING COMMISSION

OCTOBER 14, 2025 AT 7:00 PM

VILLAGE HALL - COUNCIL CHAMBERS
200 E. WOOD STREET
PALATINE, IL 60067-5339
(847) 359-9050 www.palatine.il.us

MINUTES

REGULAR MEETING

7:00 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES

RESULT:	APPROVED
MOVER:	BETTENHAUSEN
SECONDER:	NOONAN
AYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Stephen Fedota, Eric Friedman, Patrick Noonan, Rodney Bettenhausen, Robert Kolososki
NAYES:	None

- A. Draft Planning & Zoning Commission meeting minutes: 9-23-2025

RESULT:	APPROVED
MOVER:	BETTENHAUSEN
SECONDER:	NOONAN
AYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Stephen Fedota, Eric Friedman, Patrick Noonan, Rodney Bettenhausen, Robert Kolososki
NAYES:	None

IV. PUBLIC HEARING

- A. 502 N. Brockway St

- 1. Variation to permit a deck to be set back 23-feet from the rear lot line, instead of the minimum required 25 feet, and, permit a deck to cover the required rear yard area by 22 percent, instead of the maximum coverage of 10 percent.

VAR-000215-2025 – 502 N Brockway

Notice was published in the Journal & Topics on September 25th, 2025 and mailed to

the owners of the surrounding properties.

Petitioner's Exhibits:

1. **APPLICATION**
2. **PLAT OF SURVEY**
3. **PROOF OF OWNERSHIP**
4. **PLANS**
5. **PUBLIC NOTICE**

Background:

The Petitioner is seeking a variation to replace and enlarge an existing deck, which, encroaches upon required rear yard setbacks and maximum coverage-limits for permitted obstructions. The petitioner is requesting the following: a variation to permit a deck to be set back 23-feet from the rear lot line, instead of the minimum required 25 feet, and permit a deck to cover the required rear yard area by 22 percent, instead of the maximum coverage of 10 percent.

Sworn in petitioner:

Petitioner: William Wukovits, 502 N. Brockway
Kristin Berryhill, Owner, Archadeck of Chicagoland, 395 W. Northwest Highway,
Palatine, IL

Mr. Wukovits states he understands the rules and regulations and notes that he works for the City of Des Plaines. He explains that the plat of survey needs to be updated, as he believes the current measurements are incorrect. He describes the condition of the yard as a hardship, with swamp-like issues and frequent flooding. The pond helps retain water but still overflows. The area was once woodlands and is now higher-elevated soccer fields, which direct water into his yard. The backyard remains wet, limiting use and making it difficult to entertain. He proposes a slightly larger deck—four feet wider on one side and two feet deeper.

Chairman Wood asks him to elaborate on the flooding issue.

Mr. Wukovits states that all yards in the area flood, especially to the south, and that his neighbor's sump pump drains into his yard. During rain events, the entire area floods.

Chairman Wood asks whether adding more impervious surface would worsen the problem.

Mr. Wukovits states that the deck is above ground and will allow water to filter through. He clarifies that he is not pouring a patio; the deck will be elevated with no concrete foundation.

Ms. Berryhill adds that they use ¾-inch washed stone under decks instead of pea gravel, which allows for better drainage and appearance.

Commissioner Kolososki notes that the survey shows a concrete patio from about 20 years ago and lists a 23-foot measurement. He asks if the patio is still existing. Mr. Wukovits confirms it is an old plat and his current measurements show 25 feet.

Commissioner Roth-Wurster asks if there is a drain pipe in the yard. Mr. Wukovits states that the pipe was not installed by the Village, but he located it—it's about two feet deep.

Chairman Wood asks if the concrete patio has been removed. Mr. Wukovits confirms it was removed approximately 20 years ago. Mr. Auer confirms that the site plan shows the proposed deck with no patio remaining.

Mr. Wukovits adds that there is a drain at the fence line, which carries sump pump discharge into the retention pond, but it is not sufficient, as standing water remains after rain.

Commissioner Kolososki suggests that a yard drain may help and notes that this has been a relatively dry year.

Mr. Wukovits agrees, noting that even in dry conditions, water still pools in certain areas.

Mr. Auer provides additional information, explaining that the proposed deck exceeds both the area and setback regulations. The deck will cover 22% of the required rear yard, exceeding the 10% maximum, and will be located approximately 23 feet from the lot line, less than the 25-foot minimum setback. He reads the standards for variation.

Commissioner Fedota asks if the petitioner spoke with neighbors.

Mr. Wukovits states that he did, and they support the request.

Commissioner Roth-Wurster asks if they considered a design that would meet the requirements without the variance.

Commissioner Fedota asks if a permeable patio would still exceed lot coverage.

Mr. Auer states that at the same size, it would exceed coverage. Ryan clarifies that this was incorrect; lot coverage would not be an issue with a permeable patio.

Commissioner Fedota states that if the deck were built at grade, there would be no issue, but it would be subject to flooding.

Commissioner Roth-Wurster asks again about the design and standards—why the plans could not comply.

Ms. Berryhill states they were unaware a variance would be required. The project was submitted for permit, and staff informed them of the variance requirement. They chose to pursue the variance rather than redesign.

Mr. Wukovits adds that the new deck is only slightly larger than the existing one.

Commissioner Roth-Wurster notes that the existing deck has reached the end of its life.

Ms. Berryhill states that when boards are no longer sound, they usually redeck the existing structure, but the substructure was not in good condition and needed

replacement.

Commissioner Kolososki asks if the deck could be cantilevered two feet.

Ms. Berryhill confirms that it is.

Commissioner Schubert asks if the new deck matches the previous dimensions.

Mr. Wukovits states it will extend two feet toward the back and four feet to the side.

STAFF RECOMMENDATION:

The petitioner is requesting to construct a deck that exceeds both the maximum coverage and rear setback for permitted obstructions in the rear yard. Staff recognizes the front setback for principal structure differs from the surrounding area and impacts the rear yard depth. Staff does not anticipate the proposed deck to negatively affect the character of the locality. Therefore, Staff recommends approval of the requested variation, subject to the following conditions:

1. The variation shall substantially conform to the plans prepared by the Archadeck of Chicagoland, dated 08/22/2025, except as such plans may be changed to conform to Village Codes and Ordinances.

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

Commissioner Noonan Made a motion to approve subject staff's conditions; seconded by Commissioner Fedota.

DISCUSSION:

Commissioner Fedota states this is a unique circumstance. The home sits farther back than others in the neighborhood, and the tight lot makes the variance reasonable. He notes the neighbors' support and sees no reason for delay.

Chairman Wood comments that this is a smaller 7,600-square-foot lot and that the request is modest. She believes it meets the standards and reflects unique circumstances without altering the neighborhood's character.

Commissioner Roth-Wurster states that each request is considered individually. She agrees this is a unique situation, given the flooding conditions, and that it will not alter the character of the locality.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 8-0. This item will tentatively go to Village Council on Monday, October 20th, 2025.

RESULT:	APPROVED
MOVER:	NOONAN
SECONDER:	FEDOTA
AYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Stephen Fedota, Eric Friedman, Patrick Noonan, Rodney Bettenhausen, Robert Kolososki

NAYES:	None
---------------	------

B. 150 W. Northwest Hwy

1. Special use to operate a medical office use at the subject property

SU-000214-2025 – 150 W Northwest Highway

Notice was published in the Journal & Topics on September 25th, 2025 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. **APPLICATION**
2. **PROOF OF OWNERSHIP**
3. **PLAT OF SURVEY**
4. **PLAN**
5. **BUSINESS PLAN**
6. **PUBLIC NOTICE**

Background:

The Petitioner is seeking Special Use approval to permit the operation of physical therapy clinic at the subject address. The petitioner is requesting the following a Special use approval to permit a Medical office use at the subject property.

Sworn in petitioner:

Sworn in petitioner:

Jeremy Wilmot, DXU Architects, 412 S. Wells Street, Chicago, IL

Mr. Wilmot explains that the business is expanding to include rehabilitation and wellness services. The mission is to improve health, mobility, and quality of life for clients. The facility will operate with three employees—one therapist, one receptionist, and one physical therapy assistant. They anticipate approximately ten patients per day, totaling around fifty per week or 2,000–2,500 per year. Mr. Wilmot provides an overview of the services to be offered.

Chairman Wood asks about anticipated growth for the business.

Mr. Wilmot states that all patients are seen by appointment only. The company has several other offices in the area, with surgeries performed in Schaumburg and Hoffman Estates. This Palatine location is intended as a convenient outpatient extension for local patients.

Chairman Wood notes that the 3,000-square-foot space could accommodate more than one patient at a time.

Mr. Wilmot responds that the applicant selected this location because of its larger size, favorable price, and convenient location. The additional space provides flexibility to accommodate patients comfortably.

Chairman Wood again inquires about projected growth.

Mr. Wilmot clarifies that, as the architect, he cannot estimate the number of future patients. He adds that the facility will provide outpatient ambulatory care, where patients do not typically require assistance.

Commissioner Kolososki asks whether acupuncture will be among the offered services.

Mr. Wilmot confirms that it will not.

Commissioner Fedota notes that he is familiar with the practice and that it is well established with multiple offices. He adds that the number of patients will likely depend on the local demand in the Palatine area.

Chairman Wood emphasizes the importance of evaluating parking and potential impacts on existing tenants if the business grows. She asks how increased activity might affect other tenants within the property.

Mr. Wilmot explains that appointments are scheduled to avoid overlap, and patients are seen promptly. With one lead physical therapist, there would not be groups of patients waiting, minimizing parking demand.

Mr. Auer provides additional information, stating that staff has evaluated the parking and does not anticipate any issues. He notes that surrounding businesses are compatible with the proposed use, and the business plan anticipates around ten visitors per day.

Staff recommendation is read into the record.

STAFF RECOMMENDATION:

Medical office uses are permitted in the subject zoning district following Special use approval. After review of the submitted business plan, Staff does not foresee any negative impacts generated by the proposed use. The number of parking spaces required for the proposed use are satisfied by the existing parking facilities. Staff recommends approval of the proposed business. If the Planning and Zoning Commission recommends approval, Staff recommends the following conditions:

1. The Special Use shall substantially conform to the Business Plan and Floor Plan submitted by the Petitioner, except as such plans may be changed to conform to Village of Palatine Codes and Ordinances.

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

Commissioner Schubert Made a motion to approve subject staff's conditions; seconded by Commissioner Fedota.

DISCUSSION:

Commissioner Schubert states that this is a good use of the space, with no parking issues or negative impacts anticipated. He adds that the use will help attract more people to Palatine and is a positive addition to the area.

Commissioner Roth-Wurster states that the request meets the standards and is consistent with previous approvals for similar uses that operate by scheduled appointments. She is in favor.

Chairman Wood expresses some concern about parking, noting that while the lot appears to have sufficient spaces, it is a tight area and larger tenant spaces may

create higher parking demand. She acknowledges that the hours of operation differ from the previous tenant and overall is in favor of the request.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 8-0. This item will tentatively go to Village Council on Monday November 3rd, 2025.

RESULT:	APPROVED
MOVER:	SCHUBERT
SECONDER:	ROTH-WURSTER
AYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Stephen Fedota, Eric Friedman, Patrick Noonan, Rodney Bettenhausen, Robert Kolososki
NAYES:	None

C. 60 W. Palatine Road

1. Special Use to permit medical office use at the subject property.

SU-000208-2025 – 60 W Palatine Road

Notice was published in the Journal & Topics on September 25th, 2025 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. APPLICATION
2. PROOF OF OWNERSHIP
3. PLAT OF SURVEY
4. FLOOR PLAN
5. BUSINESS PLAN
6. PUBLIC NOTICE

Background:

The Petitioner is seeking Special use approval to permit the operation of podiatry clinic at the subject address. The petitioner is requesting a Special use approval to permit a Medical office use at the subject property.

Sworn in petitioner:

Dr. Natalie Domek – 60 W Palatine Rd, Palatine, IL

Dr. Domek explains that the new business, *Podiatry Palatine*, will provide podiatric

services in downtown Palatine. She notes that no podiatry offices currently exist in the downtown area. Dr. Domek currently operates a successful practice in Arlington Heights and wishes to expand by opening a Palatine location. She states that she lives in Palatine and would like local referrals to be directed here rather than to Arlington Heights. The space requires no structural changes or building permits, and she plans to replicate the Arlington Heights business model. The location is easily accessible for residents, with many able to walk or take the Metra.

Commissioner Kolososki asks whether she believes there is sufficient parking to support the business.

Dr. Domek responds that she does, noting that additional parking is available across the street in the Garfield public parking lot.

Chairman Wood raises concern about parking availability, particularly for elderly patients who may prefer parking adjacent to the building. She notes that daytime hours from 8:00 a.m. to 3:00 p.m. should not pose an issue, but evening hours could conflict with nearby businesses that have nighttime operations.

Dr. Domek states that she understands and plans to avoid conflicts by maintaining the proposed business hours. She adds that she intends to reduce her overall working hours to spend more time with her family.

Commissioner Fedota asks if the Arlington Heights office will be moved to Palatine.

Dr. Domek clarifies that this will be an expansion, not a relocation.

Commissioner Fedota then asks whether she will personally work at the Palatine clinic or remain in Arlington Heights.

Dr. Domek states that she will work exclusively in Palatine, while her three associate doctors will continue at the Arlington Heights office.

Commissioner Kolososki notes that parking is generally sufficient during the day but becomes more limited during evening hours.

Commissioner Fedota agrees, adding that Saturday mornings can also be busy.

Commissioner Bettenhausen asks if there are plans to add additional staff in the future.

Dr. Domek replies that there are no immediate plans for additional staff.

Mr. Auer provides additional information, explaining that the property is zoned B-3 (Central Business District) and the proposed use will not conflict with surrounding tenants. Staff reviewed parking availability at different times of the day and concluded that there are no anticipated parking issues. The proposed use does not require a change to the parking requirements, and no exterior building modifications are planned. Photos of nearby parking areas were provided as part of the staff review. Auer states that the commission may add the condition to require employees to enroll and participate in the downtown parking program. This requires employees to use public parking lot "H" to avoid parking conflicts in the Village Square retail center. Commissioner Roth-Wurster requests clarification. Planner Bremanis states that if required by the Village, the condition enables the Village at any time to require employees to park in public parking lot "h".

STAFF RECOMMENDATION:

Medical office uses are permitted in the subject zoning district following Special use review. After review of the submitted business plan, Staff does not foresee any

negative impacts generated by the proposed use. Additionally, the proposed hours would not seem to conflict with the peak hours of many of the surrounding restaurant and retail uses. Therefore, Staff recommends approval of the proposed business. If the Planning and Zoning Commission recommends approval, Staff recommends the following conditions:

1. The Special Use shall substantially conform to the Business Plan and Floor Plan submitted by the Petitioner, except as such plans may be changed to conform to Village of Palatine Codes and Ordinances.
2. If required by the Village, employees shall enroll in and utilize the Village's Downtown employee parking program.

-

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

Commissioner Fedota Made a motion to approve subject staff's conditions; seconded by Commissioner Noonan.

DISCUSSION:

Commissioner Fedota comments on the staff condition requiring participation in the Village's downtown employee parking program. He states that it likely would not be necessary but acknowledges that the condition will be followed. He expresses no concerns with the request.

Chairman Wood states that the standards have been met and notes that the petitioner has already been operating successfully elsewhere without any public health, safety, or welfare issues. She adds that the use will not negatively impact surrounding property values and that the proposed hours are appropriate for this location. She is in favor of the request.

Commissioner Roth-Wurster remarks that she frequently walks and drives by this area and agrees that the business hours are compatible with the location. She states that the use protects public health, safety, and welfare and adds that it will be a welcome addition to the downtown area.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 8-0. This item will tentatively go to Village Council on Monday, November 3rd, 2025

RESULT:	APPROVED
MOVER:	FEDOTA
SECONDER:	NOONAN
AYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Stephen Fedota, Eric Friedman, Patrick Noonan, Rodney Bettenhausen, Robert Kolososki
NAYES:	None

D. 550 E Knox Street

1. Special Use to permit a fence to be set back 8 feet from the side property line abutting a street, instead of the minimum required 20 feet at the subject property.

SU-000193-2025 – 550 E Knox St

Notice was published in the Journal & Topics on September 4th, 2025 and notification mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. **Application**
2. **Proof of Ownership**
3. **Plat/Site Plan**
4. **Elevations**
5. **Public Notice**

Background:

The Subject Property is part of the Shenandoah North Planned Development and is governed by the R-2 Single Family District standards. The Petitioner installed and extended a non-conforming 5-foot open-style picket fence, with a 6-foot vinyl solid fence. Per code, non-conforming fences may be replaced in the same location, with the same height and level of openness. The previous fence was initially installed in 2001 and replaced in 2017. In this instance, the Petitioner applied for a permit to replace the previous fence and further extend its placement to the front of the home, with a 6-foot vinyl fence. As the fence type, height, style of openness, and proposed location were all proposed to change, Staff failed the permit application, as zoning relief (special use for a fence in the side yard abutting a street) would be required. Through the initial review process, Staff also discussed the zoning relief requirements, with the contractor and building permit applicant, while the property owner also listed as a contact. Despite the failed building permit and clear Staff comments, the fence was installed according to the proposed plan and without the required zoning relief and outside of the building permit process. Therefore, the Petitioner is requesting a Special Use to permit a fence to be set back 8 feet from the side property line abutting a street, instead of the minimum required 20 feet at the subject property.

Sworn in petitioner: Iliias Nazaraliev – 550 E Knox St, Owner

Mr. Nazaraliev explained that his house is on a corner lot and he installed an extended fence for the safety and privacy of his family. He noted that other corner houses had similar fences. He did not request a special use before installation because he thought the contractor did. He discussed the fence with neighbors, who had no concerns. He stated the fence does not block visibility to the street or disturb

the surroundings. The fence was installed at the same location as the previous fence but extended up to the windows rather than the corner of the house.

Chairman Wood asked if he had spoken to the neighbor at 547. Mr. Nazaraliev confirmed he had, and that three other neighbors also expressed no concerns. When asked how long the new fence has been up, he stated since March. Chairman Wood confirmed no complaints had been received, and Ms. Bremanis confirmed that she was not aware of any complaints.

Chairman Wood asked Ms. Bremanis if she had seen similar fences in the area. She stated she had not; corner lots did not have similar fences in terms of style or setback. Mr. Nazaraliev said he did not have specific addresses of similar fences. Commissioner Kolososki noted that the fence was built before a permit was obtained. Mr. Nazaraliev explained that the contractor was in a rush and he did not know it would be an issue. Commissioner Schubert asked if a permit had been applied for, and Ms. Bremanis confirmed that there was one applied for but not approved. She did not know who installed the fence.

Commissioner Kolososki asked if the blocked windows bothered him. Mr. Nazaraliev said he has two small children and was uncomfortable with residents being able to look inside the house.

Chairman Wood asked if following the original fence line would have still provided a safe area for the children. Mr. Nazaraliev said it would have been open and accessible to anyone.

Commissioner Noonan asked if a 5-foot solid fence at the original location would still require a special use. Ms. Bremanis stated that it would because of changes to the style and height.

Ms. Bremanis clarified that if approved, additional landscaping would be required along the fence line. She asked if a solid fence would require special use, and Ms. Bremanis confirmed that it would. Chairman Wood asked if the current fence is conforming, and Ms. Bremanis stated it is non-conforming.

Chairman Wood inquired about the appearance of the backyard, but no pictures were available.

STAFF RECOMMENDATION:

The placement and extension of the previous 5-foot open-style fence, with a 6-foot solid fence would potentially create a line-of-sight concern for the adjacent property owner to the north. The installed fence is approximately 7 feet from the neighboring driveway and only eight feet from the Delgado Drive right-of-way line. Staff also notes, that, as a corner property, the changed height, open-style, and fence line extension to the front of home, present a more impactful vista, than the previous fence. Under Village Code, the property owner could have replaced the existing 5-foot fence in kind without requiring relief, with a fence of a similar height and openness. As noted, Staff both failed the building permit and explained the Code-related requirements leading to the failed permit. Inexplicably, the fence was installed accordingly.

Therefore, Staff recommends denial of the requested Special Use. If the Planning and Zoning Commission recommends approval, Staff recommends the following conditions:

1. The Special Use shall substantially conform to the Site Plan and Elevations submitted by Iliias Nazaraliev, petitioner, except as such plans may be changed to conform to the Village's Codes and Ordinances.
2. A landscaping plan will be required at permit level in a manner acceptable to the Director of Planning & Zoning.

Chairman Noonan referenced a picture, noting that the previous fence was not conforming.

Ms. Bremanis clarified that the fence did not meet the setback requirement.

Commissioner Fedota suggested conditions for approval: allow the fence to remain as is and require additional landscaping along the fence line.

Ms. Bremanis confirmed that Village code would require the landscaping.

Commissioner Fedota added that the landscaping may block the neighbors' view.

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

Commissioner Fedota Made a motion to approve subject staff's conditions; seconded by Commissioner Friedman.

DISCUSSION:

Discussion focused on the fence and its impact.

Commissioner Noonan noted that while he does not condone the fence being installed without following procedure, no neighbors have objected.

Commissioner Kolososki emphasized that a permit should have been obtained before installation.

Chairman Wood stated that proper procedure was not followed.

Commissioner Roth-Wurster remarked that while many corner lots have fences, they can give a false sense of security, and corner lot restrictions exist for a reason. She noted that the petitioner's responsibility was to work through the proper channels, and if the application had come before the Commission, it likely would not have been approved as is.

Chairman Wood added that if this were treated as a new request, they would likely negotiate reducing the fence and reach a direct resolution, representing the Village's interests and not making the assumption that because no neighbors objected that they are in favor of the fence.

Commissioner Noonan noted that there were no letters of approval and if a neighbor had concerns, they would be present.

Commissioner Fedota stated the fence encroaches on the vista, does not meet standards, and the extension is excessive.

Commissioner Roth-Wurster said she had driven by and found the fence to be individually imposing and too large.

Commissioner Friedman noted that a solid fence impacts safety.

Commissioner Roth-Wurster added that vinyl fences essentially function as walls.

Chairman Wood emphasized that the fence does not allow for proper turning radius in neighbors' driveways.

Commissioner Roth-Wurster noted that it impacts the line of sight.

Chairman Wood concluded that the fence is excessive.
 Commissioner Bettenhausen stated that the fence overwhelms the vista, is too bold and white, and does not resemble anything in the neighborhood.
 Chairman Wood confirmed that it is not similar to surrounding properties.

Chairman Wood summarized that this request has not met the standards and was unanimously denied by a vote of 8-0. This item will tentatively go to Village Council on Monday, November 3rd, 2025.

RESULT:	FAILED
MOVER:	FEDOTA
SECONDER:	FRIEDMAN
AYES:	None
NAYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Stephen Fedota, Eric Friedman, Patrick Noonan, Rodney Bettenhausen, Robert Kolososki

A second vote was taken for a Motion to Deny which was passed

RESULT:	DENIED
MOVER:	NOONAN
SECONDER:	SCHUBERT
AYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Stephen Fedota, Eric Friedman, Patrick Noonan, Rodney Bettenhausen, Robert Kolososki
NAYES:	None

E. 293 N Northwest Hwy

1. Special Use to permit a Tobacco Shop and electronic cigarette store use at the subject property.

SU-000205-2025 – 293 N Northwest Highway

Notice was published in the Journal & Topics on September 25th, 2025 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. APPLICATION
2. PROOF OF OWNERSHIP
3. PLAT OF SURVEY

4. **FLOOR PLAN**
5. **BUSINESS PLAN**
6. **PRODUCT LIST**
7. **LETTERS OF OPPOSITION**
8. **PUBLIC NOTICE**

Background:

The Petitioner is seeking Special use approval to permit the operation of a tobacco and electronic cigarette store at the subject address. The petitioner is requesting a Special use approval to permit a Tobacco shop and electronic cigarette store.

Sworn in petitioner:

Petitioner – Khaldoon Omer, 293 N. Northwest Highway, Owner's Son and Manager of the location.

Mr. Omer states they would like to cater to the older community, offering cigars, tobacco bags, electronic cigarettes, and non-nicotine products. Mr. Omer notes the location is ideal, with only one employee working at a time and typically one or two customers at once. He confirms they will ID all customers, no one under 21 will be allowed, and no smoking will be permitted on site. He states the business will comply with all city and state codes.

Chairman Wood asks if there is another location in Palatine and whether this is a second or new business.

Mr. Omer states this is an additional location; the first location is smaller, and this new one will allow for more offerings and products.

Chairman Wood asks for clarification on the smoking ordinance.

Mr. Auer states that the Clean Air Ordinance prohibits smoking within 15 feet of any entrance points within the strip mall.

Commissioner Friedman clarifies that there are enough entry points along the building—not just at this tenant space—making it unlikely that smoking would occur on the sidewalk in front of the store.

Chairman Wood notes that even at 20 feet away, smoking is still restricted, and asks if there have been any issues at the other location.

Mr. Auer states there has been no code enforcement history at the other Palatine location.

Chairman Wood asks how long the other location has been open.

Mr. Omer states it has been open for two years.

Mr. Auer confirms that the prior special use for that location was approved in 2023.

Commissioner Fedota asks if there will be a walk-in humidor.

Mr. Omer responds that cigars will be kept on shelves and within a display case, not in a walk-in humidor.

Commissioner Roth-Wurster asks if there are any concerns about smoking outside the store or if customers typically come in and leave.

Mr. Omer states customers only come in to purchase items and leave. No smoking is allowed inside or outside, and he enforces that rule strictly.

Commissioner Fedota clarifies that this special use is permitted in the B-2 district.

Commissioner Friedman mentions that there is a similar business a block north and asks if there is any record of problems from police or community development.

Mr. Auer states he did not review code enforcement history for that area. This business is not in operation.

Mr. Auer adds that no CBD or marijuana products will be sold, no drug paraphernalia, and no smoking lounge is included in the proposal. The business must adhere to all village ordinances. The previous tenant was an insurance agency, so parking requirements remain unchanged. He also notes that two letters of objection were submitted.

Commissioner Kolososki asks if there will be any gambling machines.

Mr. Omer responds there will be none—only tobacco products will be sold.

Commissioner Friedman asks about vape product litter and whether any measures are in place to prevent it.

Mr. Omer states that employees are required to check and clean the parking lot at the end of each shift, and other stores under his management have not had issues with litter.

Commissioner Fedota asks about signage and visibility.

Mr. Omer states that he will review village guidelines before installing signage and will comply with all regulations.

Mr. Auer adds that in the past, smoke shops have used excessive signage. The applicant did submit a preliminary sign plan which did not concern staff.

STAFF RECOMMENDATION:

Tobacco shops and electronic cigarette stores are permitted in the subject zoning district following Special use approval. Following review of the submitted business plan, Staff does not anticipate the proposed use to generate negative impacts upon the surrounding area. Letters of opposition have been submitted by residents. The letters state concern regarding the proximity to youth patrons of the martial arts business in the shopping center. Staff recommends action at the discretion of the Planning and Zoning Commission. If the Planning and Zoning Commission recommends approval, Staff recommends the following conditions:

1. The Special Use shall substantially conform to the Business Plan and Floor Plan submitted by the Petitioner, except as such plans may be changed to conform to Village of Palatine Codes and Ordinances.
2. The Petitioner shall follow the Village of Palatine's Clean Indoor Air Ordinance and drug paraphernalia regulations in Chapter 12 of the Village Code.

Commissioner Schubert asks if any parking issues are anticipated.

Mr. Auer responds that no parking issues are expected.

Chairman Wood notes that although the parking lot can occasionally be full, this business should not have an impact.

Commissioner Bettenhausen asks about clean indoor air ordinance.

Mr. Auer explains that there are numerous regulations set forth in the ordinance. One example, in addition to the 15-foot buffer, is a prohibition for smoking in public areas.

Commissioner Bettenhausen asks if a store like this would be required to have special ventilation.

Mr. Auer states that ventilation requirements fall outside P&Z review and would be addressed during the building review.

Chairman Wood confirms that only products with no smoking allowed will be present.

Commissioner Bettenhausen expresses concerns about potential odors from the products.

Mr. Omer states that there will be no issues with cigars, nothing will be sold for smoking in-store, and no odors will be present.

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

Commissioner Noonan Made a motion to approve subject staff's conditions; seconded by Commissioner Ruth-Wurster.

DISCUSSION:

Commissioner Noonan acknowledges the letters of opposition, noting that there is no smoking inside the store and no complaints at the existing location.

Commissioner Fedota comments that while this is an expansion, the business has a good reputation. Although some may not like the product, there is demand in the community.

Commissioner Roth-Wurster notes that the petitioner already manages this type of business without complaints from the other business. They consistently ID customers, follow the rules, and operate within allowed standards.

Chairman Wood appreciates the resident concerns but states there should be no issues with smoking, people smoking on the sidewalk, or customers not being carded. She emphasizes that the petitioner will enforce the rules and expresses confidence in the request.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 8-0. This item will tentatively go to Village Council on Monday, November 3rd, 2025

RESULT:	APPROVED
MOVER:	NOONAN
SECONDER:	ROTH-WURSTER

AYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Stephen Fedota, Eric Friedman, Patrick Noonan, Rodney Bettenhausen, Robert Kolososki
NAYES:	None

V. PUBLIC COMMENT**VI. ADJOURNMENT**



**VILLAGE OF PALATINE
PLANNING AND ZONING COMMISSION**

42 W. Robertson Street – Variation

October 28, 2025

TO: Palatine Planning and Zoning Commission
Jan Wood, Chair

FROM: Ryan Auer

PETITIONER: Kelly Schnell, Owner

PLAN NUMBER: VAR-000216-2025

ADDRESS: 42 W. Robertson Street

BACKGROUND:

The Petitioner is seeking a variation to expand an existing driveway with paver stones. Therefore, the petitioner is requesting the following:

- 1. Variation to permit a driveway to be setback one foot, instead of the minimum required 2 feet, pursuant to Section 7.04 (i)(2).**
- 2. Variation to permit lot coverage of 55%, instead of the maximum permitted coverage of 45%.**

Surrounding Zoning/Uses:

North	"R-2", Single-Family District (Robertson & Patton's Add. to Palatine)
South:	"R-2", Single-Family District (Robertson & Patton's Add. to Palatine)
East:	"R-2", Single-Family District (Robertson & Patton's Add. to Palatine)
West:	"R-2", Single-Family District (Robertson & Patton's Add. to Palatine)

KEY ISSUES:

- The Subject Property is zoned "R-2" Single-Family district, and is located within the Robertson & Patton's Addition to Palatine Subdivision. The property is approximately 8,172 square feet in size and consists of a single-family residence with a detached-garage.

- The Petitioner is proposing to expand the existing driveway width by 2 feet. The petitioner states the driveway area is constrained and is seeking to enhance mobility when moving around parked vehicles. The expansion will consist of landscaping paver stones.
- The proposed expansion will encroach 1 foot into the required 2-foot setback for residential driveways. An open space of 1 foot will be maintained between the lot line and the proposed driveway expansion. The expansion will not conflict any additional residential driveway standards established by the zoning ordinance.
- The principal structure is positioned near to the western side lot line. The submitted plat of survey displays the principal structure setback at a distance of 13 feet from this side lot line. The existing driveway is 10 feet wide and cannot be expanded to the east.
- The dimensions of the subject lot are compliant with “R-2” zoning district standards. The subject lot is 66 feet wide. Lots platted prior to the 1958 date are permitted a minimum lot width of 50 feet. The respective subdivision was annexed prior to 1958 and has no record of plat modification.
- The proposed expansion will exceed the maximum permitted lot coverage in the “R-2” zone district. Existing lot coverage is approximately 4,254 square feet. Adding the proposed 238 square-foot expansion will raise the total lot coverage for the site to a total of 4492 square feet – covering 55% of the subject property.
- A letter of support has been submitted by the neighbor located immediately west of the subject property; nearest to the proposal.

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.

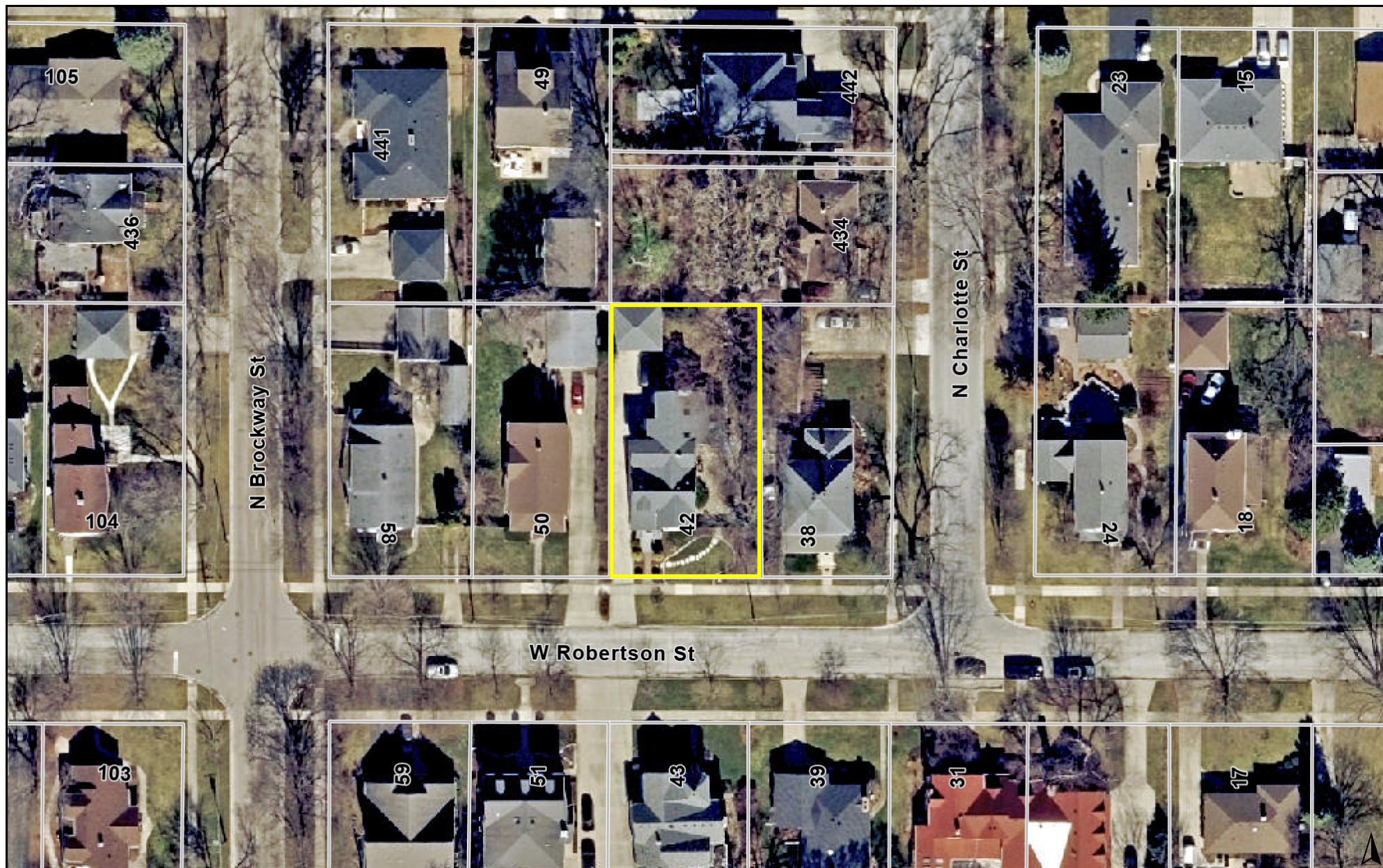
STAFF RECOMMENDATION:

The applicant is requesting to widen the existing driveway at the subject property. The expansion will result in an encroachment upon the minimum two-foot setback for residential driveways. The principal structure and driveway are positioned near a lot line and does limit the owner’s ability to expand the driveway in either direction. The proposed improvements will exceed the lot coverage maximum for the respective zoning district. Staff does not anticipate the request to conflict with the standards for variations.

Therefore, Staff recommends approval of the requested variation with the following

conditions:

1. The variation shall substantially conform to the plans prepared by the petitioner, except as such plans may be changed to conform to Village Codes and Ordinances.



0 100 200
ft

Print Date: 10/7/2025

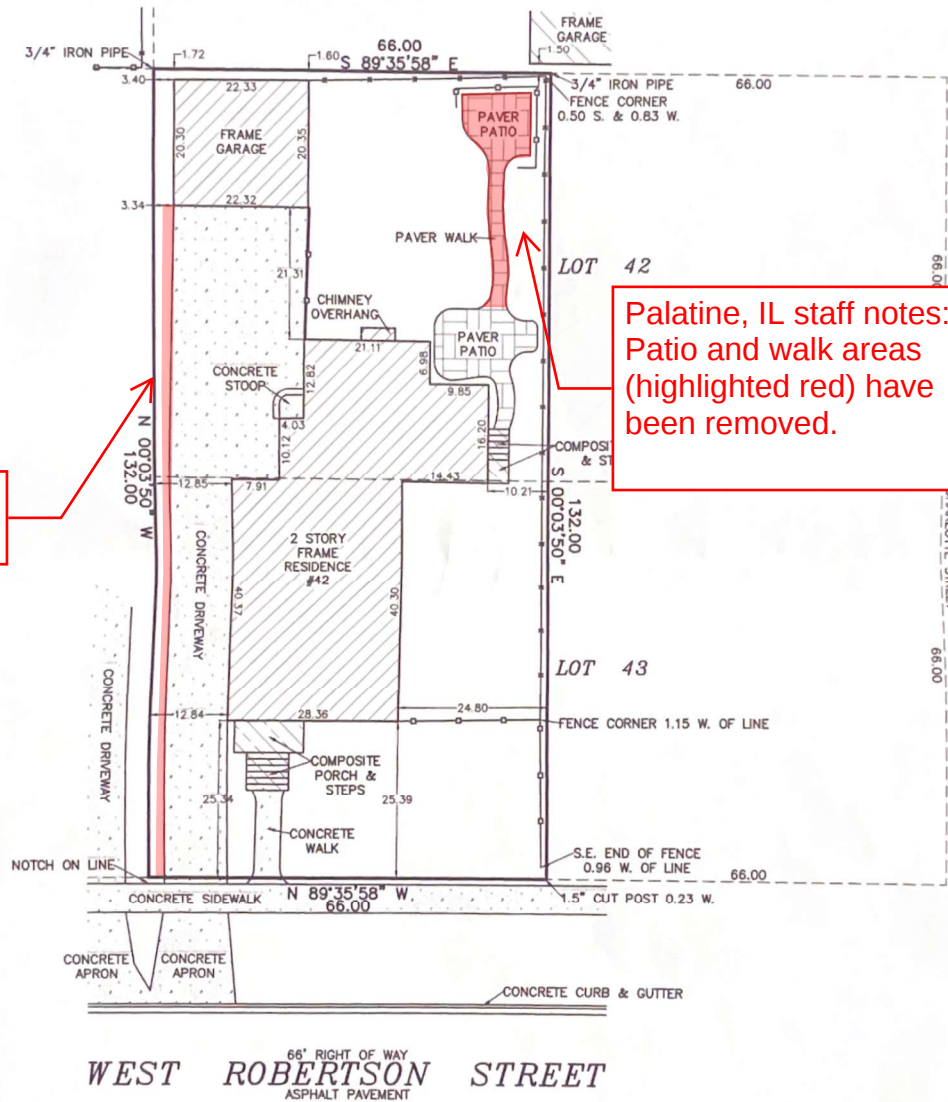
Notes

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

PLAT OF SURVEY

THE WEST 1/2 OF LOTS 42 AND 43 IN BLOCK "D" IN ROBERTSON AND PATTESS ADDITION TO PALATINE, A SUBDIVISION OF THE SOUTH 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

BASIS OF BEARING
(ASSUMED)



Proposed 2-ft
driveway ribbon.

Palatine, IL staff notes:
Patio and walk areas
(highlighted red) have
been removed.

LEGEND
—●— CHAIN LINK FENCE
—○— WOOD FENCE

MEASURED LOT AREA = 8,712 SQ. FT. (0.200 ACRES)

- * All dimensions shown are given in feet & decimal parts thereof
- * No angles or distances are to be assumed by scaling
- * Legal description, building lines and easements are taken from recorded subdivision plat and/or other available documentation. Refer to title policy, deed or local jurisdiction for building setbacks and easements not shown hereon and report any discrepancies.

Scale: 1"=20'
Order # 25-132
Address: 42 W. Robertson St.
Palatine, IL 60067
P.I.N. 02-15-214-007
Ordered by: Alma & Alma, Ltd.



STATE OF ILLINOIS } ss.
COUNTY OF KANE }

I, Keith E. DeLaney, an Illinois Professional Land Surveyor do hereby certify that I have surveyed the above described property, and that the above plat is a correct representation of said survey.

Keith E. DeLaney Illinois P.L.S. #035-003385
Dated: May 27, 2025

Field work completed: May 27, 2025
Professional Design Firm Lic. No. 184.005204
This professional service conforms to the current Illinois minimum standards for a boundary survey.

THIS SURVEY IS VALID ONLY WITH EMBOSSED SEAL



VARIATION APPLICATION

Department of Planning & Zoning

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

Petitioner Name

Kelly Schnell

Business Name (if applicable)

Subject Property Address

42 W ROBERTSON STREET

Please provide a description of your proposed request:

We would like to add a 2' paver ribbon along the side of our driveway. This will turn a non-functioning space between the neighboring driveway and ours into a functional space to allow us to get in and out of our cars along our long, narrow driveway. This will also allow my children safe access with their bikes as they pass beside the cars in the driveway.

Petitioner Justification

Variations shall not be granted except on findings based upon the evidence in each specific case. Please address the following standards as these will be used in considering the specific relief you are seeking.

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:

We currently have limited space along the left side of our driveway. Parking along side the house creates a pinch point we are trying to alleviate. This will help devote a space to access the sidewalk and the road. We also believe this will add beauty and charm to our home.

That the plight of the owner is due to unique circumstances:

Right now the central space between the driveways serves no real purpose. We are trying to combine function and beauty with the addition of the ribbon. We did this on our previous home on Plum Grove and it was a beautiful addition to our landscape.

That the Variation, if granted, will not alter the essential character of the locality:

The addition of the ribbon will impose no adverse effects to the surrounding area. My neighbor in the house next door is amenable to the addition of the pavers and will provide a letter stating so as well at a future date. Again this will bring both function and beauty to our home and the neighborhood in general.

In order to supplement the above standards, the Planning and Zoning Commission 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 the public welfare or other properties in the neighborhood.
- f. The request will not impair 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.

This request will not create adverse impacts on the surrounding properties.

Sept 15, 2025

To: Village of Palatine Planning Committee

From: Property owners: 50 W Robertson St, Palatine
David E Bornside
Margaret V Heath

Re: Variance: Paver Ribbon for 42 W Robertson St (Kelly Schnell)

It is our understanding that there is a request to add a 24 inch paver ribbon along the existing driveway at 42 W Robertson St. This addition will be within the property line between their residence and ours. As property owners at 50 W Robertson St, we do not have any objections with this request.

David E Bornside

Date 9/15/2025

Margaret V Heath

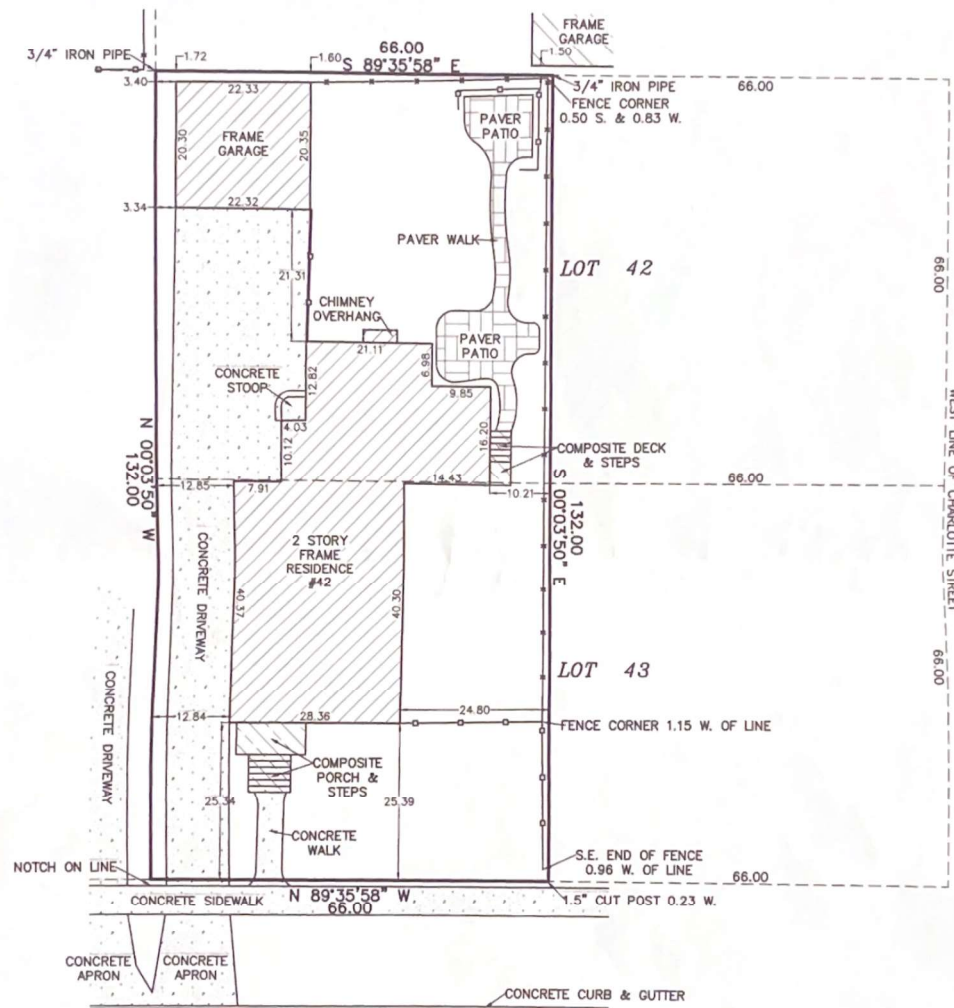
Date 9/15/2025

PLAT OF SURVEY

OF

THE WEST 1/2 OF LOTS 42 AND 43 IN BLOCK "D" IN ROBERTSON AND PATTENS ADDITION TO PALATINE, A SUBDIVISION OF THE SOUTH 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

BASIS OF BEARING
(ASSUMED)



WEST ROBERTSON STREET
66' RIGHT OF WAY
ASPHALT PAVEMENT

LEGEND

- CHAIN LINK FENCE
- WOOD FENCE

MEASURED LOT AREA = 8,712 SQ. FT. (0.200 ACRES)

- * All dimensions shown are given in feet & decimal parts thereof
- * No angles or distances are to be assumed by scaling
- * Legal description, building lines and easements are taken from recorded subdivision plat and/or other available documentation. Refer to title policy, deed or local jurisdiction for building setbacks and easements not shown hereon and report any discrepancies.

Scale: 1"=20'
Order # 25-132
Address: 42 W. Robertson St.
Palatine, IL 60067
P.I.N. 02-15-214-007
Ordered by: Alma & Alma, Ltd.



STATE OF ILLINOIS } ss.
COUNTY OF KANE }

I, Keith E. DeLaney, an Illinois Professional Land Surveyor do hereby certify that I have surveyed the above described property, and that the above plat is a correct representation of said survey.

Keith E. DeLaney, Illinois P.L.S. #035-003385
Dated: May 27, 2025

Field work completed: May 27, 2025
Professional Design Firm Lic. No. 184.005204
This professional service conforms to the current Illinois minimum standards for a boundary survey.

THIS SURVEY IS VALID ONLY WITH EMBOSSED SEAL

CERTIFICATE OF PUBLICATION

DES PLAINES JOURNAL, INC., a 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:

Journal & Topics Newspapers
AKA Des Plaines Journal, Inc.
622 Graceland Ave.
Des Plaines, IL 60016-4556

and that said newspaper(s) is a secular newspaper of general circulation and has been published weekly in the

(Village) (Town) (City) (Township) of PALATINE 42 W. ROBERTSON ST.



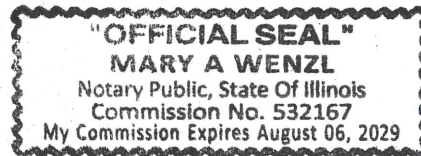
County of COOK

and State of Illinois, continuously for more than one year prior to date of the first publication of the notice attached hereto, and that said newspaper(s) complies with the requirements of Paragraphs 5 and 10, Chapter 100, of the Illinois Revised Statutes.

Further, that the notice, of which the attached is a true copy, was published ONE times in the said newspaper(s), namely once each week for ONE successive week(s) and that the first publication of said notice was made on the 9TH day of OCTOBER, A.D. 2025, and the last publication thereof was made on the 9TH day of OCTOBER, A.D. 2025.

Your Legal appeared in
the following Journal & Topics
Newspapers
(Des Plaines Journal, Inc.)

- ☐ Des Plaines Journal
- ☐ Elk Grove Village Journal
- ☐ Mt. Prospect Journal
- ☐ Niles Journal
- ☐ Park Ridge-Golf Mill Journal
- ☐ Prospect Heights Journal
- ☐ Rosemont Journal
- ☐ Arlington Heights Topics
- ☐ Buffalo Grove Topics
- ☒ Palatine Topics
- ☐ Rolling Meadows Topics
- ☐ Wheeling Topics
- ☐ Suburban Journal
- ☐ Northwest Journal
- ☐ Glenview Journal



Mary A. Wenzl

IN WITNESS WHEREOF, THE DES PLAINES JOURNAL, INC., has caused this certificate to be signed and its corporate seal affixed hereto at Des Plaines, Illinois this 9TH day of OCTOBER, A.D., 2025.

By Todd Wessell

President

Title of Corporate Officer

County of Cook

State of Illinois

Subscribed and sworn to before me this 9TH day of OCTOBER, A.D., 2025.

My commission expires the 6TH day of AUGUST, A.D., 2029.

PUBLIC NOTICE

A Public Hearing will be held before the Village of Palatine Planning and Zoning Commission on Tuesday, October 28, 2025 at 7 PM, in the Village Council Chambers in Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:

- 1. Variation to permit a driveway to be setback one foot, instead of the minimum required 2 feet pursuant to Section 7.04 (i)(2).**
- 2. Variation to permit lot coverage of 55%, instead of the maximum permitted coverage of 45%.**

The property is commonly known as 42 W. Robertson Street.

The Petitioner is proposing to expand the existing driveway width by 2 feet for pedestrian access to the rear of the home. The existing improvements cover approximately 52% of the lot. The expansion of the driveway will increase the lot the coverage to an estimated 55%.

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

FILE #: VAR-000216-2025

VILLAGE OF PALATINE

Jan Wood, Chair
Palatine Planning and Zoning Commission

DATED: This 9th day of October 2025

RA