



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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ZONING BOARD OF APPEALS MINUTES • SEPTEMBER 11, 2018

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

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

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

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Aug 28, 2018 7:00 PM

Mr. Luszczak made a motion to accept the minutes of the August 28, 2018 ZBA meeting; seconded by Mr. Larson

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

III. PUBLIC HEARING

1. 40 E Daniels Road

Notice was published in the Daily Herald on August 27, 2018 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use and Variation
2. Proof of Ownership
3. Site Plan
4. Elevation
5. Public Notice

Sworn in staff: Ms. Katie Romack and Ms. Lyn Bremanis

Sworn in petitioner: Mr. Jim Ramona 40 E. Daniels Rd

Mr. Romano stated they would like to put a fence to the east on the side yard. He stated they are a corner lot and have a dog so would like to go out to sidewalk because the yard is small. He pointed out if they put the fence where zoning allows it would cut the yard in half and not make much sense. Mr. Romano stated a few years ago the neighbor at 5 E. Daniels did exactly the same thing.

Mr. Pirog asked if the fence at 5 E Daniels go to the property line.

Mr. Romano stated they are a foot from the sidewalk. He spoke the location at 5 E Daniels being 2ft on their neighbor's property and pointed out they will be staying on their own property.

Ms. Bremanis clarified the other location was on the property line just like this request.

Mr. Pirog asked is the rule is 2ft or 6 inches in.

Ms. Bremanis explained the rule for a fence abutting a street and for this particular case where their rear yard is abutting the neighbors it would have to be 5 ft. She added if it was abutting the neighbor's front yard it would have to be 20ft.

Ms. Wood asked why they are asking for a variation not to install landscaping.

Mr. Romano stated he is confused about the landscaping. He asked if she is referring to the foot between the sidewalk and the fence.

Ms. Bremanis explained the code speaks to fences abutting streets that require a 5 or 20ft setback which requires landscaping between the fence and the property line. She further explained Mr. Romano is asking for relief not to do that because he is putting his fence on the property line. Ms. Bremanis stated staff added a

condition to require that strip between the fence and the sidewalk has some type of landscaping.

Mr. Romano stated he has no problem doing so. He referred to the picture of 5 E Daniels pointing out they have no landscaping.

Ms. Bremanis stated there was a condition that they were supposed to install landscaping so the Village will need to follow up on that.

Mr. Romano restated he has no problem putting the landscaping there stating he has landscaping there now. He stated he did not make the request not to install landscaping.

Mr. Luszczyk asked if they spoke to the neighbors.

Mr. Romano answered yes. He stated 54 E Daniels wants to put a fence between us. He stated they spoke to 41 E Daniels and 169 S Hale and all were fine with it.

Mr. Pirog referred to aerial and asked if 169 S Hale has a fence that is 5ft. back.

Mr. Romano explained she has a fence that goes up to his garage and stopped. He stated he thinks it is right on their lines.

Mr. Pirog pointed out the area he was referring to.

Mr. Romano explained that used to be an alley way which was vacated and they each got 8ft.

Ms. Bremanis referred to the Plat of Survey/Site Plan to show the vacated alleyway

Ms. Wood asked about the location for the variation for the landscaping

Ms. Bremanis explained if they met code and installed the fence 5ft off of the lot line the code would require them to install landscaping between the fence and their lot line. She further explained because of where their lot line and the sidewalk there is an area of ground so as a condition staff is asking for them to include landscaping in that area which is in the right of way.

Ms. Wood asked if the board is looking at the variation not to install landscaping.

Ms. Bremanis explained any fence put on the line would require the landscape variation

Mr. Pirog clarified it's because there is no room to put landscaping.

Ms. Bremanis answered yes because it is on the lot line.

Mr. Romano pointed out the lot line is a 1ft in from the sidewalk. He stated there will be 1ft from sidewalk to the fence so agreed the landscaping would look nice to not just have dirt.

Ms. Bremanis referred to slide to show where fence would be if they followed code.

Mr. Pirog clarified the top portion does not require the 5ft because it isn't abutting

a street

Ms. Bremanis answered yes.

Mr. Cavanaugh clarified the condition is needed because it is in the right of way.

Ms. Bremanis answered yes

Mr. McGinn asked if they are concerned with visibility backing out of the driveway.

Mr. Romano pointed out 5 E Daniels did a picket style fence to see through it which they plan to do the same.

Ms. Bremanis gave a brief overview of the request stating the property is zoned R2. She stated Community Services and Engineering reviewed and had no concerns.

STAFF RECOMMENDATION:

The petitioners are requesting to install a fence on the lot line adjacent to E Daniels Road. Due to the proposed height of 4 feet and an open picket style therefore; staff does not believe that the fence would have a negative impact on the neighborhood. Therefore, Staff recommends approval of the proposed Special use and Variation to the Zoning Board of Appeals. If the Zoning Board of Appeals recommends approval, Staff would recommend the following conditions:

1. The Special Use and Variation shall substantially conform to the site plan submitted by the Petitioners, Jim and Marisa Romano on 08/23/2018, except as such plans may be changed to conform to Village Codes and Ordinances.
2. The final landscaping/planting plan shall be submitted in a manner acceptable to the Director of Planning and Zoning and the installed landscaping shall be maintained by the property owner, so as not to overhang or obstruct the sidewalk.

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

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

Mr. Larson stated it is an open style fence so should not have a negative impact on the surrounding properties. He stated corner lots always have fence issues and this makes sense since there is a variation down street for the exact same thing. He stated it meets the standards for both the special use and the variation.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will tentatively go to Village Council on Monday, October 1, 2018.

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

2. 438 S. Wilke Road

Notice was published in the Daily Herald on August 27, 2018 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use
2. Proof of Ownership
3. Plat of Survey
4. Site Plan
5. Floor Plans
6. Elevations
7. Public Notice

Sworn in petitioner: Mr. Tom Przepiorka son of owner

Mr. Przepiorka stated they are looking to add a second story addition. He explained the addition will go straight up with the front wall of the existing house which is already encroaching into setback. He stated they are also looking to add a rear ground level addition that will be roughly 20 by 20ft.

Mr. McGinn asked if they have spoken to the neighbors.

Mr. Przepiorka yes spoke to neighbors before they had plans and briefly discussed and they seemed to be happy since the current condition is an eye sore of the block.

Mr. McGinn clarified the neighbors had no concerns or issues

Mr. Przepiorka stated they did not voice any

Mr. Pirog clarified they are not expanding out just going up from the existing home.

Mr. Przepiorka explained they are not expanding in the front but the rear is expanding toward back of yard.

Mr. Luszczyk clarified the second story setbacks would be 3ft instead of 5 ft. He asked what the existing house is.

Mr. Przepiorka stated it is currently 5 ft.

Mr. Luszczyk asked if it just the overhang

Mr. Przepiorka explained the setback on the second story will be set inside the house. He referred to the Site Plan slide pointing out there is 35 ft for the existing house line and the setback is 40ft. Mr. Przepiorka stated the second story addition will be approx. 37 ft from front of property line.

Mr. Pirog clarified the existing garage will be drive through

Mr. Przepiorka answered yes explaining they will punch a hole through the rear of the garage to have a drive through to the back of the yard to where they will put a 2 car garage.

Ms. Wood asked if it will be a detached garage
Mr. Przepiorka answered yes

Ms. Wood asked if they will pave through there
Mr. Przepiorka explained they will most likely pave an asphalt driveway

Ms. Romack gave a brief overview of the request explaining the property is zoned R1C with a lot size of 34,000 sq.ft. She stated the petitioner is looking to get a special use for setback reductions for a new addition to the rear of the home as well as a second story addition on the existing footprint. She stated the home is currently nonconforming with a front yard setback of approx. 35ft. Ms. Romack stated the rear yard meets code and the side yard is approx. 4ft with 5ft being required. She stated they are putting in a new detached garage that is approx. 550 sq.ft. She stated when you account for the new garage combined with the existing shed the total square footage for accessories structures exceeds the maximum allowable code. Ms. Romack stated they have agreed to remove the shed which is a condition of approval to meet the square footage requirements for accessory structures. She stated the height of the structure meets code as well as all the setbacks on the detached garage and building and lot coverage. Ms. Romack stated there were no issues identified by any of the departments. She went through the slides to show elevations, floor plans, and existing conditions.

Mr. Cavanaugh asked if the lot coverage is ok with the new asphalt drive
Ms. Romack answered yes explaining it is only at 14% because their lot is so large.

STAFF RECOMMENDATION:

The Petitioner is requesting to construct a new addition at the rear of the home as well as a second story addition. The addition off the rear of the home encroaches in the required side yard setback and the second story addition encroaches in the required front and side yard setbacks. However, the existing residence has existing non-conforming front and side yard setbacks, and the proposed additions would align with the existing home. Most of the surrounding properties were subdivided in 1939 and later annexed in 1960. With that being said, Staff recommends approval of the Special Uses, subject to the following conditions:

1. The Special Uses shall substantially conform to the site plan, elevation plans, and floor plan submitted by the Petitioner's agent, Mr. Przepiorka Przepiorka, on 07/23/2018, as such plans may be changed to conform to Village Codes and Ordinances.
2. If approved, the Petitioner shall include the demolition of the shed as part of the building permit for the new additions. If the Petitioner would like to keep the shed, then a Variation shall be applied for.

Mr. Pirog asked if the shed needs to go because it pushes them past the lot

coverage

Ms. Romack answered yes for accessory structures.

Mr. Pirog asked if the demo include removing the cement then

Ms. Romack stated she would assume that would be part of it.

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

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

Mr. Pirog stated it meets the standards especially since it is not going beyond the existing setbacks. He stated it meets the lot coverage so there is no reason to not approve.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will tentatively go to Village Council on Monday, October 1, 2018.

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

3. 856 E Holly Way

Notice was published in the Daily Herald on August 27, 2018 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Variation
2. Proof of Ownership
3. Site Plan
4. Elevation
5. Public Notice

Sworn in petitioner: Ms. Katharina Nigliaccio 856 E Holly Way

Ms. Nigliaccio stated they have a pool in the backyard and want to add small deck to make it easier to access the pool for older guests and grandson. She stated they would like to have steps onto deck and into pool rather than a ladder.

Ms. Wood asked what is included in the 1586 sq.ft.

Ms. Bremanis explained it includes the pool, shed and the proposed deck.

Ms. Wood asked if staff had the amount of each.

Ms. Bremanis answered no stating they were non-conforming in accessory structures before adding the deck so anything they would add would require relief.

Mr. Luszczak asked about lot coverage

Ms. Bremanis stated they are well under being at 29%.

Ms. Wood asked how the 674 is computed

Ms. Bremanis explained it is 50% of the primary structure which includes the house not the attached deck. She explained since that number is less than the 700 they go with the more restrictive code.

Ms. Wood asked what the approx. square footage of the pool

Ms. Nigliaccio stated it is 28ft diameter

Ms. Wood asked what the square footage of the proposed deck is.

Ms. Nigliaccio stated approx. 20ft by 12ft

Ms. Bremanis gave a brief overview of the request stating the property is zoned R2. She stated the deck will be setback 20ft from side lot line to the east and 30ft from the rear and 10ft from the house which all meet code. She stated both building and lot coverage meets code. Ms. Bremanis stated Community Services and Engineering have reviewed and have no concerns. She went through the slides to show existing conditions.

Mr. Pirog asked petitioner to address the standards.

Ms. Nigliaccio stated she doesn't understand

Ms. Wood asked how long pool has been there

Ms. Nigliaccio stated the survey has a date and that's the year the pool was put in

Mr. McGinn asked how the deck would enhance the enjoyment of the pool

Ms. Nigliaccio stated it would be easier for everyone to get in and out of the pool. She stated she has a 3 year old grandson that she worries about when he is on the current ladder. She stated it would be easier for her when her older relatives to use as well.

Ms. Wood asked how long have they been in the home

Ms. Nigliaccio stated since December of 1982

Ms. Wood asked if they put the pool in

Ms. Nigliaccio answered yes many years after

Ms. Wood asked within the last 10 years

Ms. Nigliaccio answered longer

Ms. Wood asked staff if the pool itself would go over the accessory structure

Ms. Bremanis stated the pool is approx. 572 sq.ft. and the additional deck is 379 and the exiting shed is 222 sq.ft.

Ms. Wood asked if the shed has been there

Ms. Nigliaccio stated the shed was there before the pool

Ms. Bremanis repeated her overview of the project.

Mr. Dittrich asked what the square footage of the principle structure

Ms. Bremanis answered 1388

Discussion on the square footage calculations.

Mr. Dittrich asked if the 28.95 % lot coverage includes the proposed deck.

Ms. Bremanis answered that is correct

Ms. Wood clarified if the house was bigger it could be up to 750sq.ft.

Ms. Bremanis answered accessory structures are a maximum of 700sq.ft.

Mr. Pirog referred to the plat of survey/site plan slide and asked if along the fence is all cement by the basketball net.

Ms. Nigliaccio answered no there is a sidewalk that runs to the back of the house.

STAFF RECOMMENDATION:

The petitioner is proposing to construct a new deck onto a portion of the existing

above-ground pool. The pool does not have a deck connected to it at this time. They currently have a patio and above-ground deck connected to the home. The proposed deck will not be connected to the existing deck. The petitioner has indicated that they want to create this separation for the safety reasons related to their grandchildren.

The property, without the proposed deck, exceeds the maximum allowable coverage for accessory structures.

Please note that the 2017 Aerial shows the lot located directly to the east (862) has a pool with a deck which completely surrounds the pool. There are also several pools located north and east of the subject property.

The proposed deck will enhance the overall use and enjoyment of the pool for the petitioners. It should not impact the surrounding property owners or impact the essential character of the neighborhood. Therefore, Staff recommends approval of the proposed Variation to the Zoning Board of Appeals. If the Zoning Board of Appeals recommends approval, Staff would recommend the following condition:

1. The Variation shall substantially conform to the site plan submitted by the Petitioners, Katharina and Andrew Nigliaccio on 08/03/2018, except as such plans may be changed to conform to Village Codes and Ordinances.

Ms. Wood asked when the wood deck around house would part of an accessory structure

Ms. Bremanis answered when the deck is 16 inches in heights and not connected to the home

Ms. Wood asked if part of it is connected

Ms. Bremanis stated the petitioner can answer.

Ms. Nigliaccio explained there is a walkway and planter box that is connected to the deck that is connected to the home.

Ms. Wood asked if it is possible the deck would not be considered an accessory structure

Ms. Bremanis stated according to the numbers any addition accessory square footage would require relief. She pointed out the relief is tied to this site plan.

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

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

Mr. Dittrich fits in with neighborhood which has a lot of pools. He pointed out the overall lot coverage is still 30% which isn't much of a concern. Mr. Dittrich stated they have been living here for a while and have had the pool so this is a matter of convenience for their older and younger relatives. He stated it won't alter the

essential character of the locality

Ms. Wood stated the board wants to look at each matter individually and historically overall how we view things. She stated these requests are common with a pool because the pool generally take up a lot of room so would most likely be over the accessory structure. Ms. Wood pointed out the deck is not outrageous and there is plenty of room in the backyard so it would not stand out or affect the essential character of the locality.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will tentatively go to Village Council on Monday, October 1, 2018.

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

4. 207 W. Glade Street

Notice was published in the Daily Herald on August 27, 2018 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in petitioner: Mr. Robert Feekin 207 W Glade RD

Mr. Feekin stated they had brick a patio with a concrete stoop but the brick patio was dilapidated so decided to enlarge the patio and do stamped concrete. He explained in this process they removed the concrete stoop so now in order to get down from the house to the patio they are requesting to build a small 6ft. by 12ft. deck. He further explained since the house is in a flood plain so needs approval to build the deck. Mr. Feekin pointed out the steps in the existing condition slide are temporary.

Ms. Romack gave a brief overview of the request stating the property is zoned R2. She stated the petitioner wants to replace a concrete stoop with a new deck. She referred to the aerial showing most of the property is located in the flood plain. Ms. Romack explained per the subdivision ordinance elevated decks require special use review and approval. She stated he did receive a minor use special use and variation to remove and replace an existing shed. Ms. Romack stated the deck will be approx. 72 sq.ft. and both building and lot coverage meets code. She stated there were no issues identified by any of the departments. She went through the slides of existing conditions.

Mr. Pirog asked if there is no increase in lot coverage.

Ms. Romack answered there is no increase showing on the slide that the patio has already been replaced which was approved by a building permit and the deck will go on the existing patio so it will not increase the lot coverage.

Mr. McGinn asked if Mr. Feekin has spoken to the neighbors

Mr. Feekin answered yes stating one neighbor is here today. He stated he spoke to the other neighbors when he got the shed.

Ms. Wood asked if there were no objections

Mr. Feekin answered no pointing out it is not visible to most neighbors.

Mr. Dittrich asked staff to see the flood plain aerial.

Ms. Romack explained any elevated structures on this property would require relief.

Mr. Pirog asked Mr. Feekin if his property floods
Mr. Feekin answered no. He stated with all the rain the lawn goes down and the water retention area floods and goes to the far part of his lot by the fence. He further explained as soon as it stops raining it drains away. Mr. Feekin stated his basement never floods.

Ms. Romack pointed out the detention basin is far enough away that it won't have any adverse effect.

Ms. Wood stated the Village has done a lot of work to address this issue.

STAFF RECOMMENDATION:

While the floodplain encumbers much of the surrounding area, the Village Engineer has reviewed this proposal and does not have any concerns. Additionally, the Petitioner recently removed and replaced a shed in the floodplain, which was reviewed ultimately approved by Village Council. Therefore, Staff recommends approval of the proposed Special Use, subject to the following conditions:

1. The Special Use shall substantially conform to the site plan submitted by the Petitioner, Robert Feekin, on 08/09/2018 except as such plans may be changed to conform to Village Codes and Ordinances.

Sworn in Ms. Joanna Przywara 223 W Glade

Ms. Przywara stated she is the closest neighbor and doesn't see any issues. She stated they have a nice yard and this will help them.

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

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

Mr. McGinn stated it is straightforward and will have not have a negative impact on the surrounding properties. He pointed out the neighbor testified that they have no issues

Ms. Wood stated she doesn't see how it will have a negative impact on the surrounding properties values and will be consistent with the public health safety and welfare.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will tentatively go to Village Council on Monday, October 1, 2018.

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

5. 1613 N Rand Road

The project was withdrawn prior to the meeting.

RESULT:	WITHDRAWN
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IV. COMMUNICATIONS**V. ADJOURNMENT**

1. Motion to Adjourn

Mr. Dittrich made a motion to adjourn; seconded by Mr. Cavanaugh.

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

