



VILLAGE OF PALATINE

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

ZONING BOARD OF APPEALS MINUTES • SEPTEMBER 9, 2020

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Brent Larson	Commissioner	Absent	
Cindy Roth-Wurster	Commissioner	Present	
Jan Wood	Commissioner	Present	
Jerry Luszczak	Commissioner	Absent	
Theodore McGinn	Commissioner	Absent	
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 - Aug 25, 2020 7:00 PM

Mr. Cavanaugh made a motion to approve the minutes of August 25,2020; seconded by Mr. Dittrich.

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

III. PUBLIC HEARING

1. 1070 S Brockway Street

Ms. Roth-Wurster made a motion to continue to October 13, 2020; seconded by Mr. Dittrich.

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

2. 707 W Helen Road

Mr. Dittrich made a motion to continue to date to be determined; seconded by Ms. Roth-Wurster.

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

3. 154 N. Maple Street

Notice was published in the Daily Herald on August 24, 2020 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. Sample Elevations
5. Public Notice

Mr. Cavanaugh made note that he previously have spoken to the owner on this property but have no affiliation currently and does not think it will affect his opinion on request.

Sworn in staff: Ms. Lyn Bremanis

Sworn in the petitioner: Mr. Matt Panzino 408 S Kensington Ct Palatine, IL

Mr. Panzino explained he is looking to reduce the setback on Wood St from 20ft to 10ft. He stated he has the lot for sale and is working with a builder to co-market it. Mr. Panzino explained he is looking to align the home with other homes on the street. He stated he used to own 152 Wood and bought the vacant lot while living there. He stated he had the lot listed as is but was approached by builder and now has it co-marketed.

Ms. Wood asked if he has spoken to other builders. She asked if built within setbacks what the issue is.

Mr. Panzino explained they would be limited. He spoke to the home at 152 and how it compares. He explained he is trying to keep in line with other homes that have been built. Mr. Panzino stated custom homes have an expectation. He explained with the current setback he is limited from a square footage perspective.

Ms. Wood asked what square footage difference would be without variation.

Mr. Panzino stated he doesn't know. He explained the additional footage along Wood allows to keep consistent with what is being built in area. He stated he spoke to numerous builders and all agreed the setback relief would be more marketable and attractive to buyers.

Ms. Wood asked if other homes in the area needed variations.

Ms. Bremanis explained interior lots only need 5ft setback.

Mr. Pirog asked if the other homes as big as the proposed.

Ms. Bremanis referred to slide to show existing homes.

Mr. Panzino stated the home at 152 Wood has 2750 sq. ft. of livable square footage with 4bd 2.5 baths.

Ms. Wood asked what proposed square footage is.

Mr. Panzino stated approx. 3000 sq. ft.

Ms. Wood asked if the 3000 sq. ft. meets lot coverage.

Ms. Bremanis explained if approved they would still need to meet code including lot coverage and remaining setbacks.

Mr. Panzino stated they are prepared to do so.

Ms. Roth-Wurster asked how it compares to area.

Ms. Bremanis stated there are not many corner lots. She pointed out the adjacent home has a 6ft setback. She stated there are 2 homes that meet setbacks but they are older homes and have front yards facing side.

Ms. Roth-Wurster pointed out the neighborhood is filled with townhomes that are a part of planned developments.

Ms. Bremanis explained planned developments have different standards.

Mr. Cavanaugh stated he lives in the area and there are plenty of new homes going up so won't be out of character. He stated this will improve the character of the neighborhood just by clearing trees to improve site line.

Ms. Bremanis gave a brief overview of the request stating the property next to the proposed has a setback of approx. 6ft. so the proposed would be 4ft. further back. She referred to the proposed floor plan showing the conceptual plan is for a 4bd home. She referred to the existing condition slide to show the other homes in the area that are all comparable. Ms. Bremanis stated the property is substandard being 7740sqft instead of the standard 10,000.

Mr. Dittrich asked if 161 Wood has a fence and if the proposed will be required to have a fence.

Ms. Bremanis answered not to her knowledge and no fence will be required.

Sworn in Ms. Christine Svenson 390 W Mahogany Unit 401

Ms. Svenson stated she lives in the unit that faces south and directly looks upon the proposed lot. She stated she would like the corner to look better but is concerned about the size of the proposed home. She stated she thinks it will look unsightly and impact her view.

Mr. Cavanaugh clarified her concern is with her view of a home instead of the trees

Ms. Svenson stated she thinks the 10ft will make a huge difference. She stated she thinks the setback is there for a reason.

Sworn in Mr. Todd Nelson 146 N Maple Palatine, IL

Mr. Nelson stated he has 3 small children and would love to have the site line cleared out. He stated he would love to see a house there and the proposal would match the changes in the neighborhood.

Mr. Dittrich asked Mr. Nelson if he has any concern with the site line with the reduced setback.

Mr. Nelson no the trees already block the views of the road.

Ms. Wood asked if there are any regulations on trees past the property line.

Ms. Bremanis explained if there was a complaint Public Works would evaluate. She further explained if they determines the trees affected the site lines they would most likely trim.

Mr. Panzino stated he is sympathetic but wants to keep the request in perspective on size 3000 sq. ft. vs 2750 sq. ft. is the size of a bathroom. He stated the home next door is 3250 sq. ft. So the proposed home will not stand out. Mr. Panzino stated the goal is to improve the look of the neighborhood and keep uniformity of the neighborhood. He pointed out the home across the street that is setback 6ft and has plenty of room to walk up and down street.

Ms. Wood asked if other lots are same size

Mr. Panzino answered yes.

STAFF RECOMMENDATION:

The Petitioner is proposing a side yard abutting a street setback for a vacant lot to allow for the development of a new custom home. This lot is narrow at 60 feet, as compared to current minimum required 85 feet, which will affect the building pad width of a proposed home. In addition, the home directly to the west of the property has an existing non-conforming setback at approximately 5.5 feet from the side lot line and there are multiple other corner lots in the area, which do not provide a 20-foot side yard abutting a street setback.

While the proposed should not impact the surrounding property owners or alter the essential character of the neighborhood, compliance with the side yard setback requirements would allow a 35-foot wide building pad. Therefore, Staff recommends action at the discretion of the Zoning Board of Appeals. If the ZBA recommends approval of the Special Use, Staff recommends the following condition:

1. The Special Use shall substantially conform to the plans submitted by Petitioner on 9/02/2020 except as such plans may be changed to conform to Village Codes and Ordinances.

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

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

by Mr. Cavanaugh.

DELIBERATIONS:

Mr. Dittrich stated the corner lot always presents unique circumstances. He stated he is relieved it wasn't a legal front yard situation. He stated because of the comparison to the home and narrow lot size it is fair to build to similar homes in area. Mr. Dittrich pointed out the site line concern has been addressed by the petitioner and the neighbor.

Mr. Cavanaugh agreed with Mr. Dittrich. He stated he thinks the existing property is a hindrance to the public health and safety as it inhibits site lines. He stated he doesn't see a negative value impact and is keeping in line with the other homes in the area. Mr. Cavanaugh stated he sees no issues and the standards have been met.

Ms. Wood understands the concern of the neighbor but in this instance with the lot being narrower, the neighboring property already having a nonconforming setback and other homes being built that are the same size as proposed homes being built on adjoining lots she doesn't see it sticking out and or having a negative impact. Ms. Wood stated she thinks the standards have been met.

Ms. Roth-Wurster stated there is a lot of development in the area. She stated she thinks it will not be marketable as is and would remain a vacant lot and this request will blend in with the neighborhood.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will go to Village Council on September 21, 2020.

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

4. 373 W. Northwest Highway

Notice was published in the Daily Herald on August 24, 2020 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use
2. Proof of Ownership
3. Business Plan
4. Proposed Floor Plan
5. Existing Floor Plan
6. Menu
7. Public Notice

**Sworn in Petitioner: Ms. Theresa Slovick 6820 Joliet Rd Indian Head Park-
Work for owner**

Ms. Slovick explained they want to expand into the vacant space next to the existing vacant restaurant. She further explained the plan it to utilize the current restaurant (Fortune Noodles) and expand to have a proper dining room.

Ms. Wood clarified they had a special use for the one property and are expanding into the other.

Ms. Bremanis explained each tenant space had a separate special use. She stated Mr. Rafidia is requesting a special use amendment to include the other restaurant.

Mr. Dittrich asked what businesses were included in the special use.

Ms. Bremanis stated Fortune Noodle and a taco restaurant.

Ms. Wood clarified they are tearing down the wall and making one space.

Ms. Bremanis referred to the floor plan to show the wall being removed and the area that will become dining. She stated they are keeping the Fortune Noodle kitchen.

Mr. Cavanaugh asked if there will be a bar.

Ms. Bremanis answered yes.

Mr. Cavanaugh asked if they have a full liquor license now.

Ms. Bremanis explained they are going before the commission.

Mr. Dittrich asked if both restaurants opened.

Ms. Slovick stated no not the taco restaurant.

Ms. Wood asked if there will be sit down and takeout.

Ms. Slovick explained there will be mostly sit-down. She stated the owner has

another location in Bartlet that is very successful.

Ms. Wood asked who the owner is.

Ms. Slovick stated Manny Rafidia.

Mr. Dittrich asked if the amendment is because it has been a year.

Ms. Bremanis explained the clock starts when they got the building permit and this is the same owner.

Ms. Wood asked if there is any parking concern with the proposed having more sit down customers.

Ms. Bremanis explained the previous requests were based on square footage so the parking already took into account for a restaurant. She stated there has not been any issues in the past.

Ms. Wood asked if the Italian restaurant on the end is open.

Ms. Slovick answered yes.

Ms. Roth-Wurster asked if the hours of 11-12am will be everyday.

Ms. Bremanis explained they are following the liquor license hours.

Ms. Bremanis gave a brief overview of the request stating the property is zoned B2 which requires restaurants to get a special use. She stated the property was approved for two restaurants and the parking was considered in those requests. She further explained even with the increased seating the parking requirement has not changed. Ms. Bremanis spoke to the proposed staff including 3 cooks, 2-3 bartenders and 5 servers and a manager. She stated the floor plan indicated 70 seats. She stated Community Services, Engineering, and Fire Prevention have reviewed and had no issues.

STAFF RECOMMENDATION:

The proposed use would occupy a tenant space that was two separate restaurants in the Century Plaza. This amendment allows for one restaurant in place of two previously approved restaurants and should not have a negative effect on the surrounding businesses. Therefore, Staff recommends approval of the Special Use Amendment, subject to the following conditions:

1. The Special Use shall substantially conform to the floor plan and the business plan submitted by the Petitioner on 07/13/2020, except as such plans may be changed to conform to Village Codes and Ordinances.

Ms. Wood asked if Mr. Rafidia owns the location in Bartlet

Ms. Slovick answered yes

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:

Ms. Roth-Wurster stated both the parking and restaurant type is not a concern. She stated the request meets the standards. She stated the shopping center has a good mix that most spaces will be closed before dinner time.

Ms. Wood stated it is nice when businesses open a second location because come with experience. She stated the menu is enticing and does not see the proposed having a negative impact on the area.

Mr. Dittrich agreed with Ms. Wood. He stated he has never see a parking issue with this center. He stated if this had not been an amendment he would not be in favor with so many restaurants going through and not opening.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will go to Village Council on September 21, 2020.

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

IV. COMMUNICATIONS

V. ADJOURNMENT