



VILLAGE OF PALATINE

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

MINUTES • AUGUST 24, 2021

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

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

Staff present: Ms. Lyn Bremanis

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jul 27, 2021 7:00 PM

Mr. Luszczak made a motion to approve the minutes of July 27, 2021; seconded by Mr. Larson

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

III. PUBLIC HEARING

1. 888 W. Brookside Street

Notice was published in the Daily Herald on August 9, 2021 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Variation
2. Proof of Ownership
3. Plat of Survey/ Site Plan
4. Pool Elevation
5. Pictures from Petitioner- redacted
6. Public Notice

Sworn in staff: Ms. Lyn Bremanis

Sworn in the petitioner: Ms. Kim Cunningham 888 W Brookside

Ms. Cunningham stated they want to put an above ground pool and due to the location they require a variance. She referred to the site plan slide explaining the existing garage already exceeds the 150 sq.ft. Ms. Cunningham explained she is unable to install the pool elsewhere due to the septic field on the side of the property explaining they were told a pool would crush it. She explained they used to be unincorporated and the property has a unique layout with Crescent being the frontage which is part of needing the variance.

Ms. Bremanis gave a brief overview explaining the property is zoned R1. She stated there is an existing 2 car garage and adding the pool will bring the property up to approx. 1,082 sq.ft. She spoke to the uniqueness of the property with the house next door receiving setback relief due to the legal front yard being Crescent even though the house faces Kenilworth. Ms. Bremanis explained both properties functioning backyards are legally side yards. She spoke to the septic field that restricts the petitioner from installing the pool on that side of the property pointing out due to square footage of garage and pool they would still require relief. Ms. Bremanis stated they meet all setbacks and lot coverage requirements. She stated Community Services and Engineering have reviewed and had no issues.

Mr. Pirog asked if septic area is unusable.

Ms. Cunningham explained the well and septic is still in use.

Ms. Bremanis clarified the question is if it is buildable.

Ms. Cunningham explained there is a weight restriction and the pool would crush it.

Mr. Luszczak asked if they spoke to the neighbors.

Ms. Cunningham answered yes. She pointed out other neighbors have pools as well.

Ms. Bremanis referred to aerial slide referring to neighboring lot with in ground pool that did not require relief.

Mr. Pirog asked if swing sets are considered as an accessory structure.

Ms. Bremanis explained swing sets are not considered as an accessory structure.

Mr. McGinn asked about known flooding issues.

Ms. Cunningham explained they are on well and septic so have no flooding.

Mr. McGinn asked about neighborhood flooding.

Ms. Cunningham answered no not to her knowledge.

STAFF RECOMMENDATION:

The Petitioner is requesting to add a 594 square-foot above-ground pool to the Subject Property. Due to the configuration of the property, the location of the proposed pool and existing detached garage are located within the legal side yard, which, per Code, only allows a maximum of 150 square feet of accessory structures. This property is also unique as it was annexed into the Village in 2002 with the existing detached garage in its current location. In addition, the Subject Property has an existing well and septic system in the legal rear yard, which would not support a pool to be located in the rear yard. Staff notes that the building and lot coverages are below the maximum allowed in the R-1 District, the proposed pool meets setback requirements and the side yard is currently a functioning rear yard, which indicates there is capacity for the improvements. Therefore, the proposed pool should not change the essential character of the neighborhood. Staff intends to draft an accessory structure text amendment to better distinguish between the square footage limitations of detached garages, shed, and swimming pools for Plan Commission and Village Council consideration.

Therefore, Staff recommends approval of the proposal, subject to the following conditions:

1. The Variation shall substantially conform to the Site Plan and Elevations 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.

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

DELIBERATIONS:

Mr. Cavanaugh made motion seconded by Ms. Roth-Wurster.

Mr. Cavanaugh stated the main issue is the garage being counted as accessory

structure and in conjunction with the septic field it creates unique circumstance. He stated he sees no issues and it meets the standards.

Ms. Roth-Wurster pointed out the location is unique because of layout and side yard. She stated even with adding the pool the property stays within percentage of coverage so not a big deal.

Mr. Luszczyk stated they are under lot coverage so sees no issue.

Mr. McGinn summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to Village Council on September 7, 2021.

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

2. 515 S. Echo Lane

Notice was published in the Daily Herald on August 9, 2021 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Variation
2. Proof of Ownership
3. Plat of Survey
4. Site Plan
5. Elevations
6. Photos from Petitioner
7. Public Notice

Sworn in the petitioner: Mr. Adam Haley 515 S Echo Lane

Mr. Haley explained they are looking to add a front porch the entire length of house aside from the garage. He stated they live on a quiet street with slow traffic which allows their 3 kids to play with the other neighborhood kids in the front yard. He stated it would be nice to watch the kids from the porch. Mr. Haley stated this is their forever home so they want to grow into and enjoy to its fullest. He stated it will not only be beneficial but will also beautify the neighborhood. He explained they bought partially because of the in ground pool and due to pavers around pool they are over coverage. Mr. Haley stated with the preexisting conditions at time of purchase the additional porch puts them over even more. He stated he has had no flooding and all neighbors are excited about porch as well.

Ms. Bremanis made a brief overview stating the property is zoned R2 allowing a maximum of 45%. She explained with the preexisting pool and groundwork the property is at 59%. Ms. Bremanis stated the pool was built in 1967 prior to lot coverage requirements. She spoke to the request being for a front porch that is approx. 185 sq.ft. bringing the total lot coverage to 61.3%. Ms. Bremanis stated the building coverage does meet code. She stated both Community Services and Engineering have reviewed and have no issues. She referred to existing condition slides to show location of proposed porch and existing pool.

Ms. Roth-Wurster asked if they looked into ways to help minimize lot coverage Mr. Haley answered yes. He explained they can remove a few pavers and put down pea gravel but would not get them down enough and would make more of a mess. He further explained the difficulty of removing pavers around the pool and remaining areas are sidewalks, which are needed.

Ms. Roth-Wurster asked about actual dimensions.

Mr. Haley explained the current porch is 10ft and the proposed is 10ft by30ft.

Mr. Pirog asked about the many walkways.

Mr. Haley referred to slide explaining where they each lead.

STAFF RECOMMENDATION:

The Petitioners are requesting to expand the existing covered porch at the front of the residence. At 59.2%, the property currently exceeds the maximum lot coverage (45%) as the existing pool and surrounding patio were permitted and approved in 1967, prior to lot coverage regulations. Staff believes the proposed porch will not alter the essential character of the area, as a majority of the existing lot coverage is located in the rear yard. However, the proposed porch will further increase the overall lot coverage that already exceeds the maximum permitted. The Village Engineer did not identify any specific stormwater management issues with the Subject Property.

Nevertheless, Staff recommends action at the discretion of the Zoning Board of Appeals. If the Zoning Board of Appeals recommends approval, Staff recommends the following conditions:

1. The Special Use and Variation shall substantially conform to the Site Plan and Elevations submitted by the Petitioners, except as such plans may be changed to conform to Village of Palatine Codes and Ordinances.

Ms. Roth-Wurster asked why lot coverage was created.

Ms. Bremanis explained flooding was an issue in certain areas so they implemented a standard that seemed reasonable.

Mr. Pirog application doesn't mention the porch speaks to walkways

Mr. Haley explained the application process brought attention to their existing lot coverage overage which led to the current request to include the sidewalks.

Ms. Bremanis clarified they have an existing nonconforming condition and the current request gives the variation for existing and proposed conditions. She stated the ordinance will speak to the proposed site plan.

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

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

DELIBERATIONS:

Mr. Cavanaugh stated he is torn but the fact the pool is an existing condition they bought into and they are trying to make their forever home and beautify the neighborhood just barely meets the standards.

Mr. Luszcak pointed out the porch will still be even with the house not encroaching any further into front yard. He stated the patio is permeable so don't see problem.

Mr. McGinn stated issue would be with flooding and the Village Engineer does

not see any concern and the petitioner testified there is no flooding.

Ms. Roth-Wurster stated she is torn. She spoke to the standards including uniqueness and reasonable return and how she doesn't think meets them. She agreed it is nice to have a porch and agrees it helps with neighborhood.

Mr. Pirog stated he is torn but agrees with Mr. Cavanaugh being that the property has a history.

Mr. McGinn summarized that this request has met the standards and was approved by a vote of 5-1. This item will tentatively go to Village Council on September 7, 2021.

RESULT:	RECOMMENDED TO APPROVE [5 TO 1]
MOVER:	Kevin Cavanaugh, Commissioner
SECONDER:	Jerry Luszczak, Commissioner
AYES:	Larson, Luszczak, McGinn, Cavanaugh, Pirog
NAYS:	Roth-Wurster
ABSENT:	Wood

3. 1611 N. Rand Road

Notice was published in the Daily Herald on August 9, 2021 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. Floor Plan
5. Business Plan
6. Public Notice

Sworn in petitioner: Mr. Teej Patel 219 Rohlwing Road and Maulik Patel 831 Valley Stream Drive, Wheeling

Mr. Patel stated he will be the owner if approved. He stated he has lived in Palatine for 14 years. He stated they saw the empty store and inquired. Mr. Patel stated the Village has helped them through process since this is their first time. Mr. Maulik Patel explained they are friends and he will be the co-owner.

Ms. Bremanis gave a brief overview explained the plaza is zoned B2 and packaged liquor stores require a special use in all districts in the Village of Palatine. She spoke to their business plan indicating they would be open Monday-Sunday 10am-10pm having 2 employees present during hours of operation. She stated in addition to liquor they will sell prepackaged mixers and tobacco. Ms. Bremanis spoke to deliveries being made to rear of entrance referring to the existing conditions slide. She spoke to the parking which is not changing noting there is a license agreement to allow parking on side of plaza between 6am-7pm. Ms. Bremanis stated Community Services, Fire Prevention and Police have all reviewed and have no issues.

Mr. Pirog asked about signs.

Mr. Patel stated they will put up a sign with name and Liquors and will follow all village code.

Ms. Bremanis explained they are allowed up to 40ft and will require a building permit.

Mr. McGinn asked if they had any experience.

Mr. Patel answered yes. He stated in his college years he ran a liquor store and is currently helping run the store at the corner of Rand and 53. He stated he is currently working office in the medical field. Mr. Patel stated he also has experience in gas stations and tobacco stores.

Mr. McGinn asked if Mr. Patel would be there most of the time.

Mr. Patel answered yes explaining that he will typically be there after his current job around 1 PM.

STAFF RECOMMENDATION:

The proposed liquor store will occupy a vacant tenant space in the Chicago Clock Shopping Plaza, previously occupied by Sports Fan Marketing, a retail use. As the parking requirements are not changing, and the center has a license agreement to use additional parking spaces on Capri Drive, Staff did not identify any specific parking concerns. Additionally, the Police Department has reviewed the proposal and did not identify any initial concerns. Ultimately, the locations for liquor stores are policy recommendations for the Zoning Board to review and policy decisions for the Village Council and Liquor Commission. Therefore, Staff recommends action at the discretion of the Zoning Board of Appeals. If the Zoning Board of Appeals 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.

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

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

DELIBERATIONS:

Mr. Pirog stated it is a good use of area. He stated even though parking is tight the business is one that people only stay for 5 minutes and leave so parking should not be an issue. He stated it could be a good addition and meets the standards.

Mr. McGinn summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to Village Council on September 7, 2021 or September 13, 2021.

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

IV. COMMUNICATIONS**V. ADJOURNMENT**

1. Motion to Adjourn

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

