



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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ZONING BOARD OF APPEALS MINUTES • AUGUST 9, 2022

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

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

II. MINUTES APPROVAL

1. Zoning Board of Appeals - Regular Meeting - Jul 26, 2022 7:00 PM

**Mr. Luszczak made a motion to approve the minutes of July 26, 2022;
Seconded by Ms. Roth-Wurster**

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

III. PUBLIC HEARING

1. 433 N. Stark Drive

Notice was published in the Daily Herald on July 25, 2022 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in staff: Mr. Alex Bradshaw

Sworn in petitioner: Mr. Jeremy Hall and Ms. Amanda Hall 433 N Stark Drive. Mr. Hall stated they were before the board a month ago with the same request. He stated they took the comments and revised the proposal. He explained they pulled the 6ft back to setback for zoning and are asking for a 4ft fence in the front yard setback. Mr. Hall stated they also pulled back to 5ft setback. He explained per the zoning ordinance due to the lot line along Stark being 8ft shorter than Wilton is considered their front yard. He pointed out the fence would be permitted if the lot line along Stark was 8ft longer. Mr. Hall stated they took in account the site lines from the neighbor which is farther than others in the area. He stated he doesn't see an issue and neither does neighbors. He spoke to security issues and explained they want to secure their rear yard and are just asking to fence in their yard like all their neighbors.

Mr. Pirog asked if the neighbors have issues with the revised plan.

Ms. Hall answered no pointing out they have provided affidavits of approval.

Mr. Bradshaw gave a brief overview explaining the proposed fence abuts the front yard of the yard to the north. He stated the petitioner is aware of the original line of site issues and have presented consent from the adjacent neighbor. Mr. Bradshaw stated the petitioner has altered the original request to be a 4ft picket style throughout the entire front yard referring to site plan slide. He stated Community Services and Engineering have reviewed and have no issues.

STAFF RECOMMENDATION:

The Petitioners are proposing to construct a 4-foot open style fence in the required front yard of the Subject Property. The proposed fence will be set back approximately 5 feet from the required front property line that abuts N. Stark Drive. Said property line also abuts the side lot line of the front yard of the

adjacent lot to the north. Per Code, the required setback is 30 feet. Although it is not required, the Petitioner has proposed landscaping between the existing fence and the front lot line abutting the street, which will provide an effective buffer.

Staff previously identified a potential line of sight question for the property directly to the north (441 N. Stark Drive), abutting the required front yard of the Subject Property. The proposed fence plan has been amended to maintain a 4-foot tall open-style fence through the entire 30 foot required front yard. Staff did not identify any other negative impacts the proposed fence would have on the overall appearance of the surrounding neighborhood.

Therefore, Staff recommends approval of the requested Special Use, subject to the following condition:

1. The Special Use shall substantially conform to the site plan and elevation plan submitted by the Petitioners, Amanda and Jeremy Hall, except as said plans may be changed to conform to the Village’s Codes and Ordinances.

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

Mr. Pirog made a motion to approve subject staff’s conditions; seconded by Mr. Cavanaugh

DELIBERATIONS:

Mr. Pirog stated the standards including the extra standards for fences have been met and this is a reasonable request.

Ms. Wood agreed the standards have been met specifically for aesthetics for fences.

Ms. Roth-Wurster stated had it been higher she may have an issue.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will tentatively go to Village Council on August 15, 2022

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

2. 1835 N. Laurel Drive

Notice was published in the Daily Herald on July 11, 2022 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use
2. Proof of Ownership
3. Plat of Survey
4. Updated Site Plan
5. Site Plan
6. Neighbor Objection letter- Antoniou
7. Public Notice
8. Objector Letter
9. Objector Letter

Mr. Bradshaw gave a brief history of request stating the item was initially reviewed at the July 26th ZBA meeting and was continued to determine if the petitioner and the adjacent property owner wanted to further discuss the proposed plan and any alternatives. He stated the petitioner determined that they would like to proceed with the site plan presented at the July 26th meeting, which provides an approximately 14-foot setback from the front property line therefore, Staff maintains its recommendation of action at the discretion of the Zoning Board of Appeals.

Sworn in petitioner: Mr. Dennis Galang 1835 N Laurel Drive

Mr. Galang explained they are requesting a special use for 6ft fence with a 14ft setback. He stated he and his wife believe the fence will give added security and protection and privacy and secure play area for sons. He stated the fence will give peace of mind for added security for sons' bedroom. Mr. Galang explained they have had people walk close to their son's bedroom so this is why they had this idea. He stated he thinks it meets the standards, won't destroy the vista and will enhance the property. He pointed out the direct neighbor have a similar structure and layout. Mr. Galang stated he knows the neighbor objects but has attempted to address their concerns by moving the original request back to 14ft to help with the line of site. He pointed out the neighbors' shrubs are as far back so will not create a new issue.

Mr. Pirog asked if the fence will remain or be replaced.

Mr. Galang explained it will be replaced and pushed back.

Ms. Wood asked if they considered other types of fences.

Mr. Galang stated they liked the neighbors design and thinks it will blend more with the neighborhood.

Ms. Roth-Wurster asked about the concern of people on their property is with

them cutting across or going in yard.

Mr. Galang stated he is unsure. He stated he assumes they are cutting across.

Ms. Roth-Wurster clarified they are looking for a 6ft privacy fence.

Mr. Galang answered yes explaining they found cigarettes outside their kid's window, which worried his wife. He stated the purpose of the fence is to keep his family safe.

Ms. Roth-Wurster asked if the property line goes to the sidewalk.

Mr. Galang stated he thinks so.

Mr. Bradshaw explained the property line is typically 1ft beyond the sidewalk.

Mr. Bradshaw gave a brief overview of request stating the request was reviewed at the July 26th ZBA meeting. He pointed out though not discussed prior the existing fence is being removed which will provide additional alleviation of the line of site concerns. He stated Community Services and Engineering have reviewed and have no issues.

Sworn in Mr. Greg Antinou 855 E Aster Avenue

Mr. Antinou stated they waited for contact from Mr. Galang, but never heard from them to discuss options. He stated he is before the board with the same request as last the meeting and restated his concerns with a fence in his mom's front yard. He restated his preference on fence location and line of site concerns. Mr. Antinou stated they have come up with multiple proposals. He pointed out the petitioner has a chain link fence on the other side of the property and is unsure why they can't do the same on this side. Mr. Antinou stated he thinks a 4ft fence would be suffice to give the petitioner what they are looking for.

Ms. Wood asked if his mother's objections is more aesthetics or safety.

Mr. Antinou stated he doesn't think 14ft is legitimate for safety and will depend on the vehicle. He referred to the existing conditions slide and spoke to the current fences location that they agreed to allow the previous owner to install. He stated he agrees to allow the 6ft fence to go 8ft longer than existing.

Mr. Cavanaugh asked who property the bushes are on is.

Mr. Antinou answered theirs.

Mr. Cavanaugh asked about the line of site with the bushes and if they could even see the fence, due to the existing height of the bushes.

Mr. Antinou explained they have only left bushes grow higher because the fence fell down.

Mr. Cavanaugh clarified they let them grow for privacy.

Mr. Antinou stated they are not opposed to replacing the current fence but doesn't want a 6ft fence in their front yard.

Discussion on current layout of bushes and fencing.

Mr. Pirog asked about the current request already splitting the difference.
Mr. Antinou stated he is unaware of any split.

Ms. Wood referred to existing condition slide to point out the shrubs are 6ft high along the whole lot line.

Mr. Antinou explained they let them overgrow because the fence was in bad shape.

Mr. Galang stated the neighbors' request at 31 feet won't work because it will be right next to their house.

Ms. Wood asked if considered moving back to their home.

Mr. Galang stated it will be along their bushes so won't have affect with obstruction because they currently don't have an issue.

Mr. Antinou stated it is 23 ft. to the shrubs which they would be willing to allow a fence there. He pointed out not all neighbors signed off and restated that he spoke to the neighbors who signed off originally and how they may have had different responses

Mr. Pirog asked why these neighbors are not in attendance.

Mr. Antinou pointed out speaking at meeting is not in the norm and maybe they have other priorities/responsibilities.

Mr. Pirog asked staff if they have been contacted by any other neighbors.

Mr. Bradshaw answered no.

Mr. Bradshaw explained the sign off from the neighbors is not required, but rather additional supporting documents.

Ms. Wood asked staff is neighbors can still bring objections before council.

Mr. Bradshaw answered yes.

STAFF RECOMMENDATION:

The Petitioner is proposing to expand an existing fence to enclose a portion of the Subject Property's required front yard. As the existing fence is in poor condition, the proposal will enhance the appearance of the home. Also, the addition of landscaping along the fence line, between the fence and the sidewalk, will provide an effective buffer and an enhanced vista to the area.

Staff understands that there are comparable front yard fences in the area. However, all of the examples that were compiled by the Petitioner are existing non-conforming fences with smaller setbacks from the lot line, and are without landscaping. Therefore, Staff recommends action at the discretion of the Zoning Board of Appeals for the proposed Special Use. If the Special Use is approved, Staff recommends the following condition:

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

submitted by the Petitioner, Dennis Galang, except as said plans may be changed to conform to the Village’s Codes and Ordinances

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

Mr. Pirog made a motion to approve subject staff’s conditions; seconded by Mr. Cavanaugh

DELIBERATIONS:

Mr. Pirog stated this request is not a slam dunk. He stated staff recommendation spoke to enhancing the appearance which covers some standards and the fence will increase the safety. Mr. Pirog pointed out the shrubs are already more than the fence will be. He stated the 14ft seems enough.

Mr. Cavanaugh stated people cut across for short cuts so understands homeowner concern. He stated he agrees with Mr. Pirog and thinks it will improve the appearance of the property. He stated the 14ft will not be an issue for pulling out driveway.

Ms. Wood stated the fence satisfies the standard of public health safety and welfare. She stated she understands the privacy and security concerns so the fence makes sense. She stated in her opinion aesthetically the board onboard is not pleasing.

Ms. Roth-Wurster spoke to aesthetics and safety. She stated the new fence will look better than what is currently there. She pointed out the standards have changed over many years and the current fence does not look nice and causes safety issues. Ms. Roth-Wurster agreed the board on board isn’t the most pleasant looking but pointed out they have agreed to add landscaping to make look better. She pointed out they can add shrubs further down with.out relief. Ms. Roth-Wurster stated a 6ft fence back 15ft and new will be better than the current situation.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will tentatively go to Village Council on August 15, 2022

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

3. 165 W. Northwest Highway

Notice was published in the Daily Herald on July 25, 2022 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use Amendment
2. Proof of Ownership
3. Plat of Survey
4. Floor Plan
5. Hours of Operation
6. Existing Conditions
7. Public Notice

Sworn in petitioner: Mr. Socrates Siliras and Ms. Georgia Siliras 165 W Northwest Highway

Mr. Siliras stated they are looking for greater business. He stated times are tough on business these days. He explained they are looking for a Class G full service liquor license with gaming.

Ms. Wood clarified the hours won't change.

Mr. Siliras answered no.

Ms. Wood clarified they are just reconfiguring seats for gaming and adding a full service liquor license.

Mr. Siliras answered yes.

Mr. Bradshaw gave a brief overview stating they are proposing to change their current class G liquor license to a class D. He stated the proposal requires a special use amendment to the original special use granted in 1998. He stated per the submitted application and updated floor plan, the seating area in the back right portion of the restaurant will be removed to make space for video gaming, which is considered as an ancillary use. Mr. Bradshaw stated the number of total seats is decreasing, but the total square footage of the restaurant will remain the same therefore the parking requirement will also remain the same. He stated Community Services have reviewed and had no issues.

Ms. Wood asked about parking issues.

Mr. Siliras stated years ago they were busier but have no issues.

Ms. Wood asked about the eat-in and to-go ratio.

Mr. Siliras stated most are to go and they also have deliveries with companies like Grub Hub.

Ms. Wood asked staff if they know of any complaints in the 15 years business history.

Mr. Bradshaw stated none that staff is aware of.

Ms. Roth-Wurster asked if the bar service will have staff.

Mr. Siliras explained there will just be liquor on the wall and a small bar area.

STAFF RECOMMENDATION:

The Petitioner is proposing to change their liquor license classification and alter the floor plan at their current location on Northwest Highway. The floor plan alteration will eliminate 5 tables, but the total square footage of the restaurant will be unchanged. Therefore the parking requirement for the Subject Property will remain the same. Furthermore, the change in liquor license, and proposed ancillary gaming use, will not change the current hours of operation, as they will continue to be open no later than 9 PM. Therefore, Staff recommends approval of the requested Special Use Amendment with the following condition:

1. The Special Use shall substantially conform to the floor plan and hours of operation submitted by the Petitioner, Socrates Siliras, except as such plans may be changed to conform to the Village Codes and Ordinances.

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

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

DELIBERATIONS:

Mr. Cavanaugh pointed out this is a trend that most restaurants are going to. He stated he didn't know Chiggy's didn't have full service license and the request makes sense.

Ms. Wood pointed out the business has been in business for 25 years. She stated she has never seen it overcrowded with a lot of business being to go. She stated adding gaming and liquor goes along with the current business trends.

Ms. Roth-Wurster agreed.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will tentatively go to Village Council on August 15, 2022

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

4. 345 W. Northwest Highway

Notice was published in the Daily Herald on July 25, 2022 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in petitioner: Mr. Jason Carey CFO of Greater Family Health 345 W. Northwest Highway.

Ms. Lisa Sharp - Sharp Architects.

Mr. Carey stated they are looking for relief to signage ordinances to exceed the maximum 100 SF. He stated they are asking to increase sign square footage pointing out the actual words are under allowance, but the greater than symbol branding portion puts them over.

Discussion on how square footage is calculated.

Mr. Bradshaw gave a brief overview stating the subject property is zoned B-2 general business and is located within the Steven's Point shopping plaza. He stated the Greater Family Health was granted a Special Use for a medical use in 2021. He explained, per the submitted sign elevations, the proposed signage will be approximately 2.5 times larger than what is currently displayed, but will have the same style and text as the existing sign.

He noted that 45 square feet of the calculation is actually blank space. He stated the property was granted a signage variation in 1996, but was split between 3 separate signs. He pointed out the façade is setback 330 square feet from property line along Northwest Highway making it difficult for passerby to identify the clinic from the road reducing the number of potential clients. He pointed out similar variations for setback have been approved for centers like Palatine Plaza (ex: Ace Hardware) Mr. Bradshaw stated Community Services have reviewed and per code, the maximum square footage for a single attached sign is 100 square feet however, there has been a comparable variation approved for the Subject Property in the past.

STAFF RECOMMENDATION:

The Petitioner is proposing to install an attached sign that will be approximately 2.5 times larger than the existing sign. The Subject Property's front façade is uniquely shaped and has been expanded since the signage Variation was granted in 1996, lending itself to take on a larger attached sign. As the shopping center is set back approximately 330 feet from the property line along Northwest

Highway, Staff agrees that the larger sign will make Greater Family Health significantly more visible, particularly given the setback from Northwest Highway.

Ultimately, the proposed sign should not alter the character of the surrounding area due to the new sign maintaining the same text and style as the existing sign. Additionally, a signage Variation for attached signage square footage was previously granted to the Subject Property, and similar signage Variations have been granted within the Palatine Plaza shopping center, which has a comparable setback from Northwest Highway. As noted, the sign area for the text ("Greater Family Health") is 82 square feet and the additional square footage is driven by the periphery of the arrow, which increases the square footage to 145 square feet and reflects the Zoning Ordinance's method for calculating the gross surface area of a sign.

Therefore, Staff recommends approval of the requested variation, subject to the following condition:

1. The Special Use shall substantially conform to the Site Plan and Elevations submitted by the Petitioner's agent, Lisa Sharp, except as said plans may be changed to conform to the Village's Codes and Ordinances.

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

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

DELIBERATIONS:

Mr. Cavanaugh stated it is the same logo and signage just slightly bigger. He stated they are far from the road so he believes it meets the standards.

Ms. Roth-Wurster spoke to the uniqueness being vertical format.

Ms. Wood stated everyone wants bigger signs, but this makes sense because of setback and gable. She stated it meets the standards in uniqueness distance and design. She stated she is in favor.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will tentatively go to Village Council on August 15, 2022

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

IV. COMMUNICATIONS

V. ADJOURNMENT

1. Motion to Adjourn

Mr. Luszczak made a motion to adjourn; seconded by Ms. Roth-Wurster

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

