



## VILLAGE OF PALATINE

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

### PLANNING AND ZONING COMMISSION

#### MINUTES • AUGUST 8, 2023

Village Hall - Council Chambers

Regular Meeting

7:00 PM

#### I. CALL TO ORDER

| Attendee Name       | Title            | Status  | Arrived |
|---------------------|------------------|---------|---------|
| Patrick Noonan      | Commissioner     | Present |         |
| Cindy Roth-Wurster  | Commissioner     | Present |         |
| Eric Friedman       | Vice Chairperson | Present |         |
| Jan Wood            | Chairperson      | Present |         |
| Jerry Luszczak      | Commissioner     | Present |         |
| Rodney Bettenhausen | Commissioner     | Present |         |
| Robert Kolososki    | Commissioner     | Present |         |
| Kevin Cavanaugh     | Commissioner     | Absent  |         |
| Stephen Fedota      | Commissioner     | Present |         |

Staff present: Mr. Alex Bradshaw

#### II. MEETING MINUTES

1. Planning and Zoning Commission - Regular Meeting - Jul 25, 2023 7:00 PM

**Mr. Luszczak made a motion to approve the minutes of July 25, 2023; seconded by Ms. Roth-Wurster**

|                  |                                                                                 |
|------------------|---------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                                                     |
| <b>MOVER:</b>    | Jerry Luszczak, Commissioner                                                    |
| <b>SECONDER:</b> | Cindy Roth-Wurster, Commissioner                                                |
| <b>AYES:</b>     | Noonan, Roth-Wurster, Friedman, Wood, Luszczak, Bettenhausen, Kolososki, Fedota |
| <b>ABSENT:</b>   | Cavanaugh                                                                       |

**III. PUBLIC HEARING**

1. 874-912 N. Qunetin Road - Final Planned Development to allow a 9-unit development (4 duplex & 1 single unit) NOTE - the developer requested that this item be referred back to Staff, as the plans are being further evaluated for potential amendments. A new notice and another Public Hearing will be required in the future. No further action is required at this time.

2. 969 N. Carmel Drive

Notice was published in the Journal & Topics on July 20, 2023 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. Floor Plan & Elevations
5. Public Notice

Mr. Bradshaw gave a brief outline of the request explaining the Petitioner is proposing to construct a single-story addition to the rear of the existing single-family residence. The proposed 350 square foot addition would be set back approximately 26 feet from the rear property line. Therefore, the Petitioner is requesting:

- Special Use to permit an addition to be set back 26 feet from the rear lot line, instead of the minimum required 40 feet.

**Sworn in the petitioner: Mr. Mark Sullivan 904 S. Roselle Rd. Schaumburg, IL**

Mr. Sullivan stated the homeowner would like to construct a room addition off the back to be used as a great room for entertaining. He stated there will be lots of windows and will add property value to the home and the surrounding area.

Commissioner Friedman asked Mr. Sullivan what his relationship to project. Mr. Sullivan stated he is under contract with the owners.

Commissioner Friedman asked Mr. Sullivan if he has done additions in Palatine. Mr. Sullivan answered yes and surrounding areas.

Chairman Wood clarified the addition is 350 square feet. Mr. Sullivan answered yes.

Chairman Wood asked if it's a great room or 3 seasons room. Mr. Sullivan answered yes, it would function as a great room addition.

Commissioner Kolososki asked if it would be heated and air conditioned. Mr. Sullivan answered yes, with a split system to just power the addition.

Chairman Wood asked if the addition is going on the concrete slab. Mr. Sullivan stated the condenser will be freestanding.

Chairman Wood asked if the addition is going on the existing concrete patio slab. Commissioner Fedota asked if the addition has a slab foundation.

Mr. Sullivan answered yes, the addition will be on a slab.

Commissioner Fedota stated the slides look like it extends beyond the building line.

Mr. Sullivan explained it is straight with roofline.

Commissioner Friedman asked if they tried to meet code.

Mr. Sullivan stated the homeowner did not want to reduce square footage.

Chairman Wood asked about the current set back.

Mr. Bradshaw stated it is approx. 43ft.

Commissioner Kolososki stated there are other homes in the area with setback encroachments referring to aerial slide.

Mr. Bradshaw gave a brief overview stating the existing home is setback 43ft so any addition would require zoning relief. He stated both building and lot coverage are under the maximum permitted by zoning ordinance. He referred to aerial slide to show other properties with similar setbacks and explained all are existing non-conforming.

Chairman Wood clarified with addition it is still under building and lot coverage.

Mr. Bradshaw answered, yes.

Mr. Bradshaw stated Community Services and Engineering reviewed the petition, with Community Services having no issues and Engineering indicating further review will be done as part of the building permit process.

Commissioner Kolososki asked if there were any complaints from neighbors.

Mr. Bradshaw answered no, nothing was reported to Staff.

**STAFF RECOMMENDATION:**

The Petitioner is proposing to construct a home addition off the rear of their existing residence. The required 40-foot setback for the subject property is restricting to the point where any addition to the rear of the existing residence would require zoning relief. Additionally, there are several residences in the surrounding neighborhood with existing non-conforming rear yard setbacks that are comparable, or lesser than, the Petitioner's proposal it should not cause any substantial injury to the value of the other properties in the surrounding area. 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 Elevations submitted by the Petitioner, Jim Dunne, Rite Way Construction, except as such plans may be changed to conform to the Village's Codes and Ordinances.

Chairman Wood asked if all the lots are the same size in the area.

Mr. Bradshaw stated they are standard for the R-2 zoning district.

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.**

**DELIBERATIONS:**

Commissioner Friedman stated the proposed setback is similar to other properties in the area. He stated it is single story and won't impose on surrounding neighbors.

Commissioner Kolososki stated the proportion of addition to original house is good.

Chairman Wood stated it should not have any issues with health safety and welfare, fits in with neighborhood, no injury to property so the standards have been met.

**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 August 21, 2023.**

|                  |                                                                                 |
|------------------|---------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>RECOMMEND TO APPROVE [UNANIMOUS]</b>                                         |
| <b>MOVER:</b>    | Patrick Noonan, Commissioner                                                    |
| <b>SECONDER:</b> | Stephen Fedota, Commissioner                                                    |
| <b>AYES:</b>     | Noonan, Roth-Wurster, Friedman, Wood, Luszczak, Bettenhausen, Kolososki, Fedota |
| <b>ABSENT:</b>   | Cavanaugh                                                                       |

## 3. 615 E. Delgado Drive

Notice was published in the Journal & Topics on July 20, 2023 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. Fence Elevations
5. Neighbor Objection Letter G. George
6. Public Notice

Mr. Bradshaw gave a brief outline of the request explaining the Petitioner is proposing to install a 6-foot tall solid fence to be set back 10 feet from the side property line abutting E. Princeton Street, instead of the minimum required 20 feet. Therefore, the Petitioner is requesting:

- Special Use to permit a fence in the side yard abutting a street, where the side lot line of said side yard abutting a street abuts the side lot line of the front yard of an adjacent lot.

**Sworn in the petitioner: Mr. Tyler Nicolay, 615 E. Delgado Drive**

Mr. Nicolay stated they moved in last October. He stated there is a wall of bushes along the south and east lot line that are 20 feet high and need upkeep. He stated the bushes run directly on the sidewalk. Mr. Nicolay stated they want to close in yard for dog and son and remove bushes and install fence but maintain square footage. He referred to site plan slide to show location. He pointed out by taking out the bushes the sidewalk will be more usable and make the stop sign more visible and will open the site line for all neighbors. Mr. Nicolay stated it will improve the property value as the bushes stick out and the fence will look more like other homes.

Chairman Wood asked what area requires relief.

Mr. Bradshaw explained referring to slide.

Discussion on location being in right of way and removal.

Commissioner Kolososki asked if this will be done this year.

Mr. Nicolay answered, yes.

Chairman Wood asked Mr. Nicolay if they considered a shorter fence or open style.

Mr. Nicolay answered, yes, but explained they have a 70-pound dog and doesn't think the objecting neighbor is happy with that either.

Commissioner Fedota pointed out the difference in square footage with the 20-

foot setback is approximately 550 square feet of yard space.

Mr. Nicolay pointed out the Zoning Ordinance is centralized around not blocking line of site and this will make the line of site more open than existing. He stated he wants to retain as much square footage as possible.

Chairman Wood asked Mr. Nicolay if he would be open to a shorter open picket style fence.

Mr. Nicolay answers, not both, but open to further discussing.

Discussion on current landscaping and possible options of keeping-up existing landscaping.

Commissioner Kolososki asked what the relief is needed for.

Mr. Nicolay explained zoning says the fence needs to be setback 20 feet from sidewalk and they are asking for 10 feet from sidewalk.

Mr. Bradshaw referred to slide to show area requiring relief.

Mr. Bradshaw gave a brief overview explaining the proposed fence would be directly adjacent to the 30-foot front yard of 608 E Princeton Street. He stated it would be 90 feet from their driveway. He stated the petition indicated that the dense landscaping will be entirely removed which will help the line of site issues. Mr. Bradshaw stated the required landscaping will be installed between the fence and the side property line abutting Princeton Street. He referred to the aerial slide showing comparable fence relief in the area.

Commissioner Fedota asked if there are any issues with water migration.

Mr. Bradshaw stated Engineering has reviewed and no issues were identified.

**Sworn in Ms. Helen George & Mr. George George, 608 E. Princeton Street, abutting the backyard of subject property**

Ms. George stated they are objecting the variance because it is directly in their front yard and they don't want a fence in their front yard. She stated there are no fences in their subdivision in the front yard. Ms. George stated fences tend to deteriorate and will be an eyesore in front of their home and bring down the property value. She stated they want to destroy the greenery that has been there for 50 years. She stated they had a working relationship with the previous owners on landscaping maintenance. Ms. George referred to the existing conditions slide to the current view being bushes and expressed concern with the fence.

Discussion on location being considered their front yard view/side yard view.

Commissioner Kolososki asked Ms. George if an open fence would be preferred.

Ms. George stated their dog would be barking and it would not be appealing.

Commissioner Kolososki asked Ms. George if they prefer unruly landscaping.

Ms. George stated it wasn't always unruly.

Commissioner Fedota clarified the variance is only for the 10 feet, the bushes

can be removed and a fence can be installed 20 feet from side property line.  
Mr. Bradshaw answered, yes.

Ms. George stated the shrubbery does absorb water.

Chairman Wood pointed out Ms. George can plant shrubbery on their side.  
Ms. George stated they can't because their elevation is higher.

Discussion on other fences abutting directly on sidewalk

Chairman Wood asked if the fences directly on sidewalks are in their subdivision.  
Ms. George explained they are in Concord and possibly annexed in that way.  
Mr. Bradshaw explained the starred properties on the aerial slide were granted zoning relief for fences in side yards abutting a street.

Ms. George suggested removing bushes on sidewalk and they can help maintain bushes along their lot line.

Commissioner Luszczak stated this is outside of the boards purview and they need to discuss with the petitioner.

Mr. George read into record his objection letter submitted.

Commissioner Roth-Wurster stated the homeowner is trying to improve the property. She pointed out there are invasive plants within the existing landscaping. The Petitioner is trying to clean up the property and put a new fence.

**STAFF RECOMMENDATION:**

The Petitioner is requesting to fence in the required side yard of the subject property. The proposed 6-foot tall solid wood fence would enclose the rear and side yard abutting E. Princeton Street. The new fence would be set back approximately 10 feet from the subject side lot line abutting the street. Per the Zoning Ordinance, the minimum required setback is 20 feet. Nonetheless, the intended removal of the existing shrubs will undoubtedly improve the current lines of sight around the intersection of Princeton Street and Delgado Drive. However, the removal of the existing landscaping and the installation of a solid 6-foot privacy fence 10 feet off the side property line could be a significant alteration to the existing vista.

Therefore, Staff recommends action at the discretion of the Planning and Zoning Commission. If the Planning and Zoning Commission recommends approval of the Special Use, Staff recommends the following conditions:

1. The Special Use shall substantially conform to the Site Plan and Fence Elevation submitted by the Petitioner, Tyler Nicolay, 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.

**Commissioner Luszcak made a motion to approve subject staff's conditions; seconded by Commissioner Roth-Wurster.**

**DELIBERATIONS:**

Commissioner Luszcak stated it is an improvement to the property and will provide a better sightline for the road, protecting the family's kids and pets.

Commissioner Roth-Wurster pointed out it is very overgrown and this will improve the line of sight and not cause issues with neighbors' drive. She stated the bushes are on the Petitioner's lot and they have the right to remove and use their back yard. She stated the additional 10 feet will cause more hardship to petitioner limiting the usage of their yard. Commissioner Roth-Wurster stated this will improve the vista and the line of site.

Commissioner Kolososki agreed fences deteriorate and thinks they should consider a different material that weathers better.

Commissioner Fedota expressed concern with 619 E. Princeton and their possible issue with line of sight. He stated he thinks the Village should issue a citation for the bushes encroaching on the sidewalk.

Chairman Wood pointed out the board is here to discuss the setback relief. She stated she thinks the 10 feet is too much and thinks there is a better solution. She stated she doesn't think the standards have been met.

Commissioner Noonan pointed out there will be landscaping facing the neighbors across the street.

Discussion on landscaping requirements.

Commissioner Roth-Wurster asked about location of property line.  
Mr. Bradshaw explained it is roughly a foot off the sidewalk.

Commissioner Bettenhausen agreed the bushes are unkept but thinks removing them and putting a 6-foot solid fence is too stark of a contrast. He stated he is in favor if it was shorter.

**Chairman Wood summarized that this request has met the standards and was approved by a vote of 5-3. This item will tentatively go to Village Council on August 21, 2023.**

|                  |                                                    |
|------------------|----------------------------------------------------|
| <b>RESULT:</b>   | <b>RECOMMEND TO APPROVE [5 TO 3]</b>               |
| <b>MOVER:</b>    | Jerry Luszcak, Commissioner                        |
| <b>SECONDER:</b> | Cindy Roth-Wurster, Commissioner                   |
| <b>AYES:</b>     | Noonan, Roth-Wurster, Friedman, Luszcak, Kolososki |
| <b>NAYS:</b>     | Wood, Bettenhausen, Fedota                         |
| <b>ABSENT:</b>   | Cavanaugh                                          |

**IV. COMMUNICATION****V. ADJOURNMENT**

## 1. Motion to Adjourn

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

|                  |                                                                                    |
|------------------|------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>MOTION CARRIED BY VOICE VOTE [UNANIMOUS]</b>                                    |
| <b>MOVER:</b>    | Patrick Noonan, Commissioner                                                       |
| <b>SECONDER:</b> | Cindy Roth-Wurster, Commissioner                                                   |
| <b>AYES:</b>     | Noonan, Roth-Wurster, Friedman, Wood, Luszczak, Bettenhausen,<br>Kolososki, Fedota |
| <b>ABSENT:</b>   | Cavanaugh                                                                          |

