



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

AGENDA • JULY 23, 2019

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jun 11, 2019 7:00 PM

III. PUBLIC HEARING

1. 1510 W. Northwest Highway

Variation to permit a 6,000 square foot hay storage shed to be located in the side yard instead of the maximum permitted 150 square feet pursuant to Section 6.01 (a) (4) (b) of the Palatine Zoning Ordinance.

2. 211-333 E. Northwest Highway

Variation for a freestanding sign (main entrance sign) to be 180 square feet instead of the maximum allowed 120 square feet pursuant to Sec. 8.03 (d)(1) of the Palatine Zoning Ordinance and Variation # O-177-97 (allowing 120 square feet instead of the 100 square feet permitted).

Variation permit tenant panels to exceed 1/3 of the total gross surface area of the freestanding sign (main entrance sign) pursuant to Sec. 8.03 (d)(1) of the Palatine Zoning Ordinance and Variation #O-177-97 (permitted tenant panels to exceed 1/3 of the sign).

Variation for a freestanding sign (middle sign) to be 110 square feet instead of the maximum allowed 60 square feet of gross surface area pursuant to Sec. 8.03 (d)(1) of the Palatine Zoning Ordinance.

IV. COMMUNICATIONS

V. ADJOURNMENT



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
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ZONING BOARD OF APPEALS

MINUTES • JUNE 11, 2019

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 Luszcak	Commissioner	Present	
Theodore McGinn	Commissioner	Absent	
Kevin Cavanaugh	Commissioner	Absent	
James Dittrich	Commissioner	Present	
John Pirog	Commissioner	Present	

Staff present: Ms. Katie Rivard

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - May 28, 2019 7:00 PM - **Accepted**
Mr. Dittrich made a motion to approve them minutes of May 28, 2019; seconded by Mr. Luszcak.

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

Minutes Acceptance: Minutes of Jun 11, 2019 7:00 PM (Approval of Minutes)

III. PUBLIC HEARING

1. 1360 E. Joan Drive - **Recommended to Approve**

Notice was published in the Daily Herald on May 27, 2019 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Variation
2. Proof of Ownership
3. Site Plan
4. Pictures Submitted by Petitioner
5. Narrative from Petitioner 4-16-19
6. Public Notice

Sworn in staff: Ms. Katie Rivard

Sworn in the petitioner: Mr. Michael Colby 1360 E. Joan Drive

Mr. Colby referred to the site plan slide to show the requested relief. He explained the work done was not done to increase the property value but rather just for personal enjoyment. He explained some of the work was done in negligence without permits but some such as the driveway had permits.

Mr. Pirog clarified the driveway permit was to replace but they added a foot closer

Mr. Colby explained the driveway was there when they bought the house and replaced due to it being in disrepair. He stated the Village inspected the permitted work and approved the work 15 years ago. He pointed out the deck was already there and was permitted so didn't realize he was required to get a permit to add 4 feet on to it. Mr. Colby stated the pool was on the plans when he pulled the deck permit. He stated the inspectors who inspected the deck stated the pool location was fine as well as in November 2018 the pool location was inspected and approved. Mr. Colby explained the pool was replaced under warranty through Great Escape who told him that since the pool is a replacement it did not require a permit.

Ms. Roth-Wurster clarified Great Escape stated a permit was not needed.

Mr. Colby stated they indicated since it was a replacement a permit was not needed.

Ms. Wood asked when the home was purchased.

Mr. Colby stated 1989.

Discussion on years of improvements and the order they were done.

Mr. Luszczyk asked if there was a permit when the pool was installed.

Mr. Colby explained the deck and pool were done at the same time. He stated

when he got the permit for the deck the plat showed the existing pool which was approved by the Village in 2003.

Ms. Rivard gave a brief summary of request indicating the timeline of the work that was done. She explained staff was made aware of the work without a permit approximately a year ago when the proposed deck expansion came in. She stated she has a copy of the deck permit that was issued but did not see a pool permit.

Mr. Colby pointed out the plat shows the pool at the end of the deck.

Ms. Rivard explained the above ground pool is setback 15 feet from rear lot line and 25 feet is required, the deck is setback 6 feet from side lot line 10 feet is required, concrete patio and walkway meet setbacks but since it is included in lot coverage which is over by approximately 4%. She stated the pergola is unpermitted and does not meet the setbacks. Ms. Rivard spoke to the driveway permit and referred to site plan slide to show unpermitted addition to driveway. She further explained the permit explicitly stated the driveway had to maintain a 2-foot setback.

Mr. Colby stated the Village approved his permit.

Discussion on the 3 foot by 6 foot section.

Ms. Rivard stated the brick paver walkway does not meet the setbacks. She stated the lot coverage is at 49% with the max being 45%. She stated there is a 10% maximum of aggregated floor area which includes the deck, pool and the pergola.

Ms. Wood explained to Mr. Colby the board will review the request and look to see if they meet the standards for variation.

Ms. Wood asked staff about the aggravated floor area.

Ms. Rivard explained it is not normal to see a property that exceeds the 10%.

Mr. Colby asked what aggregate floor area is.

Ms. Rivard explained it includes any structures that are permanently attached to the principal structure over 16 inches above grade. She further explained it can be no more than 10% of the required rear yard. She referred to the site plan slide to explain the required rear yard calculations.

Sworn in petitioner Ms. Marie Colby

Ms. Wood asked how long the structures have been there.

Mr. Colby explained the deck and the pool were in 2003, the driveway was replaced in the early 90's, the pergola was done 1 year ago and the paver bricks were in the early 90's.

Ms. Wood clarified driveway was done with contractor and paved more.

Ms. Colby they cut the area out and added but when the Village inspected they approved that area as well.

Mr. Colby explained when he replaced driveway with a permit he was asked if he

wanted to remove the tree and add pavement to the area. He stated he didn't know he had to change the permit to include the additional square area.

Ms. Wood asked if the Village was aware there was additional area being paved. Mr. Colby stated no because he didn't get permit for extension but pointed out the Village inspected the area along with the permitted driveway both before and after the asphalt went in.

Ms. Rivard explained the permit didn't include the additional area and it specifically stated the driveway had to be set back 2 feet.

Mr. Colby pointed out the additional square feet did not expand the width of the driveway.

Ms. Rivard stated the area was not part of permit so the approval was for everything besides that area. She stated she cannot speak to what the inspector approved when he went out there.

Ms. Colby stated it was done at the same time as the driveway.

Mr. Dittrich asked if the driveway area was moved 2 feet they would be fine.

Ms. Rivard explained they are allowed to replace existing but the area in question was new not existing.

Mr. Dittrich asked if the concrete patio is within code.

Ms. Rivard answered yes with the exception that it contributes to the overall lot coverage and was one of the items that was done without a permit.

Ms. Wood asked if there was a reason why the pool was setback 15 feet instead of 25 feet.

Mr. Colby explained it was put on the back of the deck and when the inspector came out he didn't say it had to be 25 feet.

Ms. Wood clarified there was a permit for the deck not the pool.

Ms. Rivard stated she didn't see a permit for the pool.

Mr. Dittrich asked if the setback was 25 feet in 2003.

Ms. Colby stated the pool has not moved since 2003.

Ms. Rivard explained the setbacks for permitted obstructions came into place after 2003 exact date is unknown. She stated the pool was removed and replaced.

Mr. Dittrich asked if a permit is required to replace an existing pool.

Ms. Rivard stated she is unsure but would assume so due to the electrical requirements. She explained if they replaced with the same size in the same location it would be allowed but they can't confirm what was previously there.

Mr. Colby stated it is the same size and has not changed the location.

Ms. Wood asked when the pool was changed.

Mr. Colby stated it was last year.

Ms. Colby explained the pool got a hole and was replaced under the warranty.

Mr. Colby stated in 2018 they had an inspection for the location of the pool and it was approved.

Ms. Wood asked staff about pool inspection.

Mr. Colby stated the Village told them to have the inspection done.

Ms. Rivard pointed out there is so much work that has been done and staff has tried to do as much research to work out what has been approved and what has not. She stated the pool is only 1 of 8 variations, and Staff is taking a neutral position on the pool. She explained it is not uncommon in this neighborhood to need a variation for decks and additions given the lot size.

Ms. Wood spoke to the deck setback and asked if originally built in 2003.

Mr. Colby answered yes.

Ms. Wood asked if it has changed since 2003.

Mr. Colby explained the deck is the reason this all started. He put a 4-foot extension, which he believed was okay because he only came as far out as the stairs.

Ms. Wood asked when the pergola was put up.

Mr. Colby stated approximately 2 years ago. He pointed out it wasn't taking up any additional coverage explaining it is not covered just open boards so it is more for aesthetics instead of permanent structure.

Mr. Dittrich asked about the stair location on the deck.

Mr. Colby referred to the site plan slide and explained since there are stairs on the other side of the deck he thought he could remove the stairs and extend the deck into that area.

Mr. Dittrich asked if stairs are counted in square footage

Ms. Rivard answered they are not typically counted in lot coverage.

Ms. Wood asked about flooding concerns in the area and other properties in area regarding lot lines and property coverage.

Ms. Rivard stated staff is unaware of any flooding concerns. She referred to the aerial slide to show other properties in area that received relief with the most common being setback relief for additions and decks.

Ms. Wood clarified there are a lot of setbacks but not as much lot coverage.

Ms. Rivard explained a lot of the lots in this area are smaller with most being substandard to today's R-2 standards so it is not uncommon to come across these issues.

Mr. Dittrich asked Mr. Colby if they have spoken to neighbors.

Ms. Colby stated everyone is supportive and would sign off if the Village needed signatures for acceptance.

Mr. Colby pointed out the zoning sign has been out for over a month instead of the normal 2 weeks and no one has complained.

Ms. Rivard stated they have had one inquiry but no complaints.

Ms. Wood asked if the pool variation is due to safety, aesthetics or just to give room between neighbors and properties.

Ms. Rivard stated more for giving room pointing out additions have a greater setback at 40 feet. She explained pools and decks are permitted to be set back 25 feet, and it is not common to see relief for these items due to these lots being smaller.

Ms. Wood referred to the aerial asking if 1357 E. Michelle Drive received relief for their addition.

Ms. Rivard stated she did not come across any zoning relief granted for that property.

Ms. Colby pointed out their backyard is in between two houses. She spoke to the addition on the home behind being built years ago.

Mr. Colby referred to slide pointing out neighbors who have addition.

Ms. Colby pointed out there are a lot of additions in the neighborhood. She repeated they didn't do theirs for property value and plan on not leaving the area anytime soon.

Ms. Rivard stated the setback requirements have changed since 2006 so there may have been different circumstances for the addition, which is why you don't see more requests for zoning relief in the neighborhood.

Ms. Wood asked petitioners about flooding.

Mr. Colby stated even with the extensive rain this spring there has been no running water off theirs or the neighbor's lot. He stated the paver bricks were installed because they absorb water.

Ms. Wood asked when the brick paver walkway was put in.

Mr. Colby answered 1990.

Ms. Wood asked why they were installed.

Mr. Colby explained it bordered the concrete patio and is for aesthetics and to give a little additional room.

Ms. Wood asked for location of pavers that don't meet setback.

Ms. Rivard referred to site plan to show location.

Ms. Wood asked if the bricks were removable if needed to come into compliance.

Mr. Colby answered yes.

Ms. Wood asked if the driveway was concrete.

Mr. Colby answered no asphalt.

Mr. Dittrich asked what lot coverage would be if the brick pavers were removed

Ms. Rivard stated she can't calculate without knowing how much would be

removed.

Discussion on how much needs to be removed.

Ms. Rivard went through the slides to show existing conditions.

STAFF RECOMMENDATION:

Deck Expansion, Above-Ground Pool, & Pergola

Per the Zoning Ordinance, decks more than 16 inches above grade, or any structures permanently attached to the principle building, shall be setback a minimum 25 feet from the rear lot line and shall not encroach into the required side yard setback.

The deck expansion is currently set back 6 feet from the side property line instead of the minimum required 10 feet. Thus, a Variation of 4 feet is required. The above-ground pool is set back 15 feet from the rear lot line, instead of the minimum required 25 feet. And, a Variation of 10 feet is required. Lastly, the pergola is set back 20 feet from the rear lot line and 7 feet from the side property line, and requires a Variation of 5 feet and 3 feet, respectively.

Staff has reviewed the surrounding properties and identified several approved petitions for setback reductions to allow building additions and decks in the required rear and side yards. The most significant rear yard setback reduction was 30 feet to allow a sunroom addition to be set back 10 feet from the rear lot line. The most significant side yard setback reduction was 4 feet to allow an addition to be set back 6 feet from the side lot line. While Staff is not aware of a circumstance where zoning relief has been granted for a pergola to encroach in the required side or rear yards, the pergola is open-style and does not extend past the existing addition.

Ultimately, Staff recommends Action at the discretion of the Zoning Board of Appeals for these Variations:

- Variation to permit a deck to be set back 6 feet from the side lot line instead of the required 10 feet
- Variation to permit an above-ground pool to be set back 15 feet from the rear lot line instead of the required 25 feet
- Variation to permit a pergola to be set back 20 feet from the rear lot line instead of the required 25 feet
- Variation to permit a pergola attached to the principle structure to be setback 7 feet from the side lot line instead of the required 10 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.
- Variation to permit lot coverage to be 49 percent instead of the maximum permitted 45 percent
- Variation to permit the aggregate floor area of all permitted structures to be 22 percent instead of the maximum permitted 10 percent

Brick Paver Walkway and Driveway Expansion

The brick paver walkway and driveway expansion is setback approximately 1.4 feet and 1.7 feet, respectively, from the side property line instead of the minimum required 2 feet. When the Petitioner received permit approval in 2005 to remove and replace the driveway, the approved site plan explicitly stated the driveway shall be setback a minimum 2 feet. As previously mentioned, there have been

several surrounding properties that have received Special Uses and Variations for setback relief. However, with the exception of one petition, it is more typical that the 2-foot setback is maintained, excepting an approved Variation or existing legal non-conformity. Additionally, the removal of the walkway and driveway will help bring the subject property closer to compliance for lot coverage. With that being said, Staff recommends a portion of the walkway and driveway are removed to meet the 2-foot setback to remain consistent with the surrounding properties.

Therefore, Staff recommends denial of the following Variations:

- Variation to permit a brick paver walkway to be set back 1 foot from the side lot line instead of the required 2 feet
- Variation to permit a driveway to be set back 1 foot from the side lot line instead of the required 2 feet.

If the Zoning Board of Appeals recommends approval of the above Variations, Staff recommends the following conditions:

1. The Variations shall substantially conform to the site plan prepared by the Petitioner, Michael Colby, dated 07/23/2019, except as such plans may be changed to conform to Village codes and Ordinances.
2. The Petitioner shall submit all of the necessary building permit information (include all required plans, revisions, and response), including the driveway revisions to the Village, within the next 30 days.

Mr. Pirog asked if the pergola is included in the 22%

Ms. Rivard answered yes explaining it includes all structures that are permanently attached to the principle structure including the deck, pergola and the pool.

Ms. Wood asked how much of the 22% is contributed by the pergola.

Mr. Dittrich asked if the pergola covers the entire patio.

Mr. Colby answered yes it is approximately 16 feet x 15 feet.

Mr. Dittrich asked if removing pergola changes the lot coverage.

Ms. Rivard answered no because the patio is already covered under that.

Discussion on lot coverage and the difference of aggregate floor area.

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

Discussion on how to combine the variations.

Mr. Dittrich made a motion to approve the following subject to Staff's conditions; seconded by Ms. Wood.

- **Variation to permit an above-ground pool to be set back 15 feet from the rear lot line instead of the required 25 feet**
- **Variation to permit a pergola to be set back 20 feet from the rear lot line instead of the required 25 feet**
- **Variation to permit a pergola attached to the principle structure to be setback 7 feet from the side lot line instead of the required 10 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.**

- Variation to permit lot coverage to be 49 percent instead of the maximum permitted 45 percent
- Variation to permit the aggregate floor area of all permitted structures to be 22 percent instead of the maximum permitted 10 percent

DELIBERATIONS:

Mr. Dittrich stated the setback was changed after the pool was put in which makes it unique. He pointed out the pergola covers the concrete patio, which is in line with Village ordinance so anything related to it should be okay. He stated if the pergola is not a concern the aggravated floor area drops from 22% to 14% which is easier to swallow.

Discussion on lot coverage.

Ms. Wood agreed with Mr. Dittrich. She stated lot coverage is the most concerning and is unsure if the pavers, driveway and deck were removed if the lot coverage would go down enough.

Mr. Pirog pointed out it is only 4% over but is disproportionate to the backyard compared to the neighbor's properties so it alters the essential character of the locality.

Ms. Roth-Wurster spoke to the standards and expressed concern with lot coverage. She stated she doesn't see unique circumstance and feels it may alter the essential character of the locality because there is so much going on.

Ms. Wood stated aside from lot coverage she thinks it meets unique circumstance.

Motion failed by a vote of 1-4.

AYES: Dittrich

NAYS: Roth-Wurster, Wood, Luszczak, Pirog

Mr. Dittrich made another motion to approve the following, subject to Staff's conditions; seconded by Ms. Roth-Wurster:

- Variation to permit an above-ground pool to be set back 15 feet from the rear lot line instead of the required 25 feet
- Variation to permit a pergola to be set back 20 feet from the rear lot line instead of the required 25 feet
- Variation to permit a pergola attached to the principle structure to be setback 7 feet from the side lot line instead of the required 10 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.
- Variation to permit the aggregate floor area of all permitted structures to be 22 percent instead of the maximum permitted 10 percent

Mr. Pirog pointed out if those variations are approved the lot coverage is over. Discussion on lot coverage and how each item affects it.

Ms. Rivard stated maybe it would be easier to take each variation individually.

Mr. Dittrich withdrew his motion.

- Mr. Dittrich made a motion to approve the Variation to permit a deck to be set back 6 feet from the side lot line instead of the required 10 feet subject staff's conditions; seconded by Ms. Wood.

Motion failed by a vote of 4-1.

AYES: Wood

NAYS: Roth-Wurster, Luszczak, Dittrich, Pirog

- Mr. Dittrich made a motion to approve the variation to permit an above-ground pool to be set back 15 feet from the rear lot line instead of the required 25 feet subject staff's conditions; seconded by Mr. Luszczak.

Motion was approved by a unanimous vote of 5-0.

AYES: Roth-Wurster, Wood, Luszczak, Dittrich, Pirog

- Mr. Dittrich made a motion to approve the variation to permit a pergola to be set back 20 feet from the rear lot line instead of the required 25 feet subject staff's conditions; seconded by Mr. Luszczak.

Motion was approved by a unanimous vote of 5-0.

AYES: Roth-Wurster, Wood, Luszczak, Dittrich, Pirog

- Mr. Dittrich made a motion to approve the variation to permit the aggregate floor area of all permitted structures to be 22 percent instead of the maximum permitted 10 percent subject staff's conditions; seconded by Ms. Roth-Wurster.

Motion was approved by a vote of 4-1.

AYES: Roth-Wurster, Wood, Luszczak, Dittrich

NAYS: Pirog

- Mr. Pirog made a motion to deny the variation to permit a brick paver walkway to be set back 1 foot from the side lot line instead of the required 2 feet subject staff's conditions; seconded by Mr. Luszczak.

Motion of denial was approved by a vote of 4-1.

AYES: Roth-Wurster, Wood, Luszczak, Pirog

NAYS: Dittrich

DELIBERATIONS:

Mr. Pirog pointed out they are easily removed and according to staff no one else in the area has so should not be approved.

Mr. Dittrich pointed out it is a matter of inches on setback and then just falls into lot coverage.

Ms. Roth-Wurster spoke to setback and the reasons they are needed.

Ms. Wood pointed out there is a lot going on and depending on the length of the pavers removed it can help reduce the lot coverage which is ultimately what the goal is.

- **Mr. Dittrich made a motion to approve the variation to permit a driveway to be set back 1 foot from the side lot line instead of the required 2 feet. subject staff's conditions; seconded by Ms. Wood.**

Motion was approved by a vote of 4-1.

AYES: Roth-Wurster, Wood, Luszczak, Dittrich

NAYS: Pirog

DELIBERATIONS:

Mr. Dittrich pointed out it is even less inches than the brick pavers and he voted to approve them.

Ms. Wood stated it is such a small amount of relief that had they requested the relief on its own the board may have approved it. She spoke to the standards.

Mr. Pirog pointed out there was only one petition that doesn't meet the standards in the area

Mr. Luszczak pointed out it is only 5 inches and asphalt is harder to take out.

- **Mr. Luszczak made a motion to deny the variation to permit lot coverage to be 49 percent instead of the maximum permitted 45 percent subject staff's conditions; seconded by Mr. Pirog.**

Motion of denial was approved by a vote of 4-1.

AYES: Roth-Wurster, Wood, Luszczak, Pirog

NAYS: Dittrich

DELIBERATIONS:

Mr. Luszczak stated most of the board is sticklers for lot coverage.

Ms. Woof stated lot coverage is a big issue and in this case she is not sure if the standards have been met.

- **Ms. Roth-Wurster made a motion to approve the variation to permit a pergola attached to the principle structure to be setback 7 feet from the side lot line instead of the required 10 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance subject staff's conditions; seconded by Mr. Dittrich.**

Motion was approved by a unanimous vote of 5-0.

AYES: Roth-Wurster, Wood, Luszczak, Dittrich, Pirog

DELIBERATIONS:

Ms. Roth-Wurster stated the impact is minimal and doesn't really alter the character of the neighborhood.

Mr. Dittrich pointed out of all the accessory structures this takes up the least space.

- Mr. Pirog made a motion to deny the variation to permit a deck to be set back 6 feet from the side lot line instead of the required 10 feet subject staff's conditions; seconded by Mr. Luszczak.

Motion of denial was approved by a unanimous vote of 5-0.

AYES: Roth-Wurster, Wood, Luszczak, Dittrich, Pirog

Ms. Wood stated this item will go to Village Council on July 15, 2019.

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

2. 373 W. Northwest Highway - **Recommended to Approve**

Notice was published in the Daily Herald on May 27, 2019 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use and Variation
2. Proof of Ownership
3. Plat of Survey
4. Business Plan
5. Floor Plan
6. Public Notice

Sworn in petitioner Mr. Jeremy Rafidia 373 W. Northwest Highway - Property and business owner

Mr. Rafidia stated perspective tenant requested extra seating which requires the special Use and extra parking.

Discussion on location of proposed restaurant in the center.

Mr. Pirog asked about the variation for parking.

Ms. Rivard explained there is an existing parking variation but because the location is changing from catering to a restaurant it requires an additional parking variation.

Ms. Wood asked as a center owner what his experience with parking related to the peak hours of this request.

Mr. Rafidia stated their peak hours are during lunch and dinner and the majority of the spaces would not be affected. He stated they have not had and complaints from any current tenants.

Ms. Wood asked if Brick 14 has similar parking demands as Portofino's did.
Mr. Rafidia answered yes.

Ms. Roth-Wurster asked if the business will be sit down and carryout.
Mr. Rafidia explained it will be mainly carryout but will have some seating.

Ms. Wood asked how he determined it would be mostly carryout.
Mr. Rafidia explained they looked at perspective tenant's other businesses which had similar layouts with not too much seating.

Ms. Wood clarified that Mr. Rafidia would not be operating the restaurant.
Mr. Rafidia stated that is correct.

Discussion on tenant's other businesses.

Discussion on parking related to current tenants.

Ms. Rivard gave a brief summary of request explaining the tenant space is approximately 1,600 sq. ft. with a total of 16 required parking spaces. She stated the former use was a catering establishment with no seating. She explained the added seating requires the Special Use. Ms. Rivard spoke to the hours of operation being Sunday -Thursday 11am-8pm and Friday-Saturday 11am-9pm with 2 full-time and 1 part-time employee. She spoke to the parking requirements pointing out they need a variation for 11 spaces. Ms. Rivard stated there were no issues from Community Services, Environmental Health or Fire Prevention.

Mr. Pirog asked if they would be serving alcohol.
Mr. Rafidia answered no.

Ms. Rivard referred to the slides to show the existing conditions and to show the location in the center.

Ms. Wood asked staff about any known parking issues.
Ms. Rivard stated staff did parking counts and there were approximately 30 spaces available during all times during the day.

STAFF RECOMMENDATION:

The proposed use would occupy a tenant space that was previously a catering business in the Century Plaza. Given the variety of current tenants, the proposed use should be compatible with the other restaurants, retail stores, and service businesses within the center. The Petitioner provided the hours of operation and peak times of usage for all of the business to further demonstrate the lack of parking conflicts. Staff also reviewed the parking demands at various times in the center and did not observe any parking conflicts. Therefore, Staff recommends approval of the Special Use and Variation, subject to the following conditions:

1. The Special Use and Variation shall substantially conform to the floor plan and the business plan submitted by the Petitioner on 04/09/2019, 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. Luszcak.

DELIBERATIONS:

Mr. Dittrich stated a Special Use is required for a restaurant and there are restaurants in the same plaza so the request makes sense. He stated the parking request is easy due to the mix other tenants.

Ms. Wood agreed with Mr. Dittrich stating she has visited the center often and there are always plenty of parking spaces.

Ms. Roth-Wurster stated it is good for new businesses and restaurants to come

in.

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 June 17, 2019.

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

IV. COMMUNICATIONS

Ms. Rivard stated the following:

- The banquet center at 1170 E. Dundee was approved by Village Council.
- The Special Use for an addition at 824 W. Dorset Avenue was approved by Village Council.
- The Special Use for Amita Health was approved by Village Council.
- The Variation for lot coverage for 1157 W. Chatham Drive was approved by Village Council.
- The Special use for an addition at 934 N. Arrowhead Drive was approved by Village Council.

The next ZBA meeting is TBD.

V. ADJOURNMENT

Minutes Acceptance: Minutes of Jun 11, 2019 7:00 PM (Approval of Minutes)

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 07/23/19 07:00 PM

CASE STAFF STATEMENT (ID # 5450)

1510 W. Northwest Highway

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Katie Rivard

PETITIONER: Steven Nagle (Palatine Park District)

CASE NUMBER: 19-34

ADDRESS: 1510 W. Northwest Highway

PROPOSAL:

Variation to permit a 6,000 square foot hay storage shed to be located in the side yard instead of the maximum permitted 150 square feet pursuant to Section 6.01 (a) (4) (b) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 1510 W. Northwest Highway District 1 (Millar)	<u>CURRENT ZONING:</u> R-1 Single-Family
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SURROUNDING CONDITIONS:

<u>North:</u>	Village Boundaries (Deer Grove Forest Preserve)
<u>South:</u>	Village Boundaries (Inverness)
<u>East:</u>	Planned Development (Palatine Park District)
<u>West:</u>	B-2 General Business

BACKGROUND:

The Petitioner is requesting to construct a new 6,000 square foot hay storage shed at the Palatine Stables. Therefore, the Petitioner is requesting:

- **Variation to permit a 6,000 square foot hay storage shed to be located in the side yard instead of the maximum permitted 150 square feet**

SITE ANALYSIS:

- The Subject Property is zoned R-1 Single-Family and contains the Palatine Stables (approximately 8.5 acres). Palatine Stables is an equestrian facility owned and operated by the Palatine Park District.
- The Petitioner is seeking a Variation to permit a 6,000 square foot hay storage shed at the southeast corner of the Subject Property. The new shed will provide safe and adequate storage for the stable's hay needs (primarily feed for the horses). The shed will not have utilities.

- The Subject Property has an existing main building and lower barn. The lower barn is approximately 13,437 square feet; and, when combined with the hay storage shed the total square footage of accessory structures is 19,437 square feet.
- Per the Petitioner, Palatine Stables does not have a formal hay shed and the structure that is currently used for hay storage is not designed or large enough for the Stable's needs. Additionally, the Petitioner has indicated that based on the current location of the hay presents a potential health hazard to the District owned horses.
- The proposed shed would be setback 15 feet from the interior side lot line and more than 100 feet from the front lot line. The shed would be 14'-10" in height. The color of the shed would match the existing barns.
- The building and lot coverage calculations were provided by the Palatine Park District and include the stone parking lot. The proposed building coverage would be approximately 16% (25% maximum), and the property lot coverage would be 27% (35% maximum). Both meet Code.

DEPARTMENTAL REVIEWS:

Community Services	No issues identified.
Engineering	No issues identified.
Environmental Health	N/A
Fire Prevention	No issues identified.
Public Works	N/A
Police	N/A

STANDARDS FOR A VARIATION: Standards for a Variation are found in Section 14.03 D (1) and (2) of the Zoning Code. Specifically, the Petitioners must show that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; that the plight of the owner is due to unique circumstances; and that the variation, if granted, will not alter the essential character of the locality. The Petition for Variation is attached, and the Petitioners have attempted to address the required standards.

STAFF RECOMMENDATION:

The Palatine Park District is proposing to construct a new 6,000 square foot hay storage shed on the Palatine Stables property. The Subject Property currently has two buildings, a main building and a lower barn, but it does not have a formal hay shed that is designed or large enough to meet the needs of the Stables. The proposed hay storage shed will provide a safe and adequate storage for the stables hay needs; however, given the size and location of the proposed hay storage shed, zoning relief is required. Per the Zoning Ordinance, Park District facilities are permitted uses within all of the residential zoning districts. While the Petitioner is seeking relief for the size and location of the proposed hay barn, it should be noted that the overall size of the Park District

property is approximately 8.5 acres and the setback of the structure exceeds the minimum requirements. Also the surrounding 10.3 acres directly east of the subject property are also owned and operated by the Park District. With that being said, the proposed hay storage shed should not impact the surrounding property owners or impact the essential character of the locality.

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 and elevations prepared by DLA Architects and submitted on 06/17/2019, except as such plans may be changed to conform to Village Codes and Ordinances.

ATTACHMENTS:

- Aerial map - 1510 W. Northwest Highway
- Application
- Plat of Survey
- Site Plan
- Elevations
- Public Notice

1510 W. Northwest Highway

3.1.a

VILLAGE OF
PALATINE



Attachment: Aerial map - 1510 W. Northwest Highway (1510 W. Northwest Highway - VAR hay storage shed)



VILLAGE OF PALATINE

SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning
200 E. Wood Street • Palatine, IL • 60067-5339
Telephone: (847) 359-9047 • Fax (847) 963-6247

Office Use Only	Project Planner KR	Zoning Case # 19-34
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date 7/23/19	Village Council Date

date received

Background Information	PETITIONER(S)		Business Name (if applicable) PALATINE PARK DISTRICT	
	Subject Property Address 1510 W. NORTHWEST HWY. PALATINE			
	AUTHORIZED AGENT (if applicable) STEVEN T. NAGLE		Business Name (if applicable) PALATINE PARK DIST.	
	Address 250 E. WOOD ST.		City/State/Zip Code PALATINE, IL	
	Telephone 847-991-0333	Fax -	Email SNAGLE@PALATINEPARKS.IL	
	Relationship to Petitioner (contractor, architect, etc.) Staff.			
	TYPE OF APPLICATION (check one) ☐ Special Use ☐ Special Use Amendment ☒ Variation			
	Existing Zoning District R-1	Existing Land Use Stables (Recreation)	Proposed Land Use Storage	
	Generally describe your request: TO BUILD A 6,000 S.F. Hay Storage SHED ON THE SOUTHWEST CORNER OF THE PROPERTY. THE NEW SHED WILL PROVIDE SAFE AND ENOUGH STORAGE FOR STABLE'S Hay Needs. WHICH IS THE PRIMARY FEED FOR THE HORSES. THE STRUCTURE WILL NOT HAVE LIGHTS OR ELECTRICITY.			

Attachment: Application (1510 W. Northwest Highway - VAR hay storage shed)

Required Materials

- ☐ Filing Fee of \$ _____
- ☐ Application Form
- ☐ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☐ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☐ Real Estate Interest Disclosure Form (see attached)
- ☐ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)

Additional Materials (as required by the Village)

- ☐ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.03 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Special Use only, you do not need to answer these items.***

1. That the property cannot yield a reasonable return if used only under the conditions allowed by the regulations governing the zoning district in which it is located

2. That the plight of the owner is due to unique circumstances

3. That the variation, if granted, will not alter the essential character of the locality

4. In order to supplement the above standards, the Zoning Board of Appeals may also consider the following:

- a. The particular surroundings, shape, or topographical conditions of the property
- b. A unique hardship for the property not generally applicable to other properties in the same zoning district
- c. The request is not based on a desire to make more money out of the property
- d. The petitioner has not created the alleged hardship for the property
- e. The request will not be detrimental to the public welfare or other properties in the neighborhood
- f. The request will not impair the supply of light and air to adjacent properties, substantially increase the danger of fire, endanger the public safety, or substantially diminish or impair neighboring property values

ATTACHED

April 25, 2019

Special Use & Variation Application – Petitioner Justification – Page 5 of 9

Palatine Park District – Hay Storage Shed – 1510 W. Northwest Hwy – Palatine

Questions #1: Reasonable return under current conditions

The Palatine Stables currently has no formal Hay Storage Shed. This requires the District to store Hay (feed) in a structure that it is not designed for; is not large enough for, and is in close proximity to the District owned horses/ponies. This represent unsafe conditions for the animals, for staff and requires the storage of hay inside the smaller indoor Arena. Thereby impacting the amount of space we have to perform Riding Lessons. All these conditions contribute to a negative business impact and unsafe conditions.

Questions #2: Plight of Owner

Operating a Stables is unique unto itself. The Palatine Park District continually strives to improve tax-payer owned facilities, operate in a safe environment and contain operating costs. The original stables property was built in the 1950's and underwent an expansion in the mid 70's. Almost no improvements were completed on the property until the Park District took ownership in 1989. The current area where Hay is stored (converted garage) represents a potential health hazard to the District' owned horses. The proximity of the Hay, which has a dust factor, can affect the Horses as they are sensitive to the point of asthmatic/health impact.

Question #3: Variation will not alter character of the property

No, it will not. The Shed structure being proposed will be built with similar materials and color schemes to match the existing buildings. None of the current property features will be disturbed or changed – access roads, parking, lighting or customer access.

Attachment: Application (1510 W. Northwest Highway - VAR hay storage shed)

Dean R. Crouse & Associates, Inc.
Illinois Registered Land Surveyors
7001 W. MONTROSE, SUITE 110
NORRIDGE, ILLINOIS 60064
PHONE: 452-0301

PLAT OF SURVEY

LEGAL DESCRIPTION:

THAT PART OF THE WEST HALF OF THE EAST HALF OF SECTION 8, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
THAT PART NORTH OF THE CENTER LINE OF NORTHWEST HIGHWAY, LYING SOUTH AND ADJACENT TO THE CENTER LINE OF DUNDEE ROAD (EXCEPT DUNDEE ROAD AS WIDENED) AND (EXCEPT NORTHWEST HIGHWAY AS WIDENED), AND (EXCEPT THE WEST 5 ACRES) AND (EXCEPT THAT PART COMMENCING ON THE EAST LINE 50.4 FEET SOUTH OF THE CENTER LINE OF DUNDEE ROAD; THENCE SOUTH ALONG THE EAST LINE 1,272.45 FEET TO THE ORIGINAL NORTHERLY LINE OF NORTHWEST HIGHWAY; THENCE NORTHWESTERLY ALONG SAID ORIGINAL NORTHERLY LINE 677.61 FEET; THENCE NORTHEASTERLY 102 DEGREES, 42 MINUTES, 03 SECONDS, 582.80 FEET; THENCE NORTH 02 DEGREES, 03 MINUTES, 40 SECONDS EAST, 119.44 FEET TO A POINT 398.34 FEET WEST OF THE EAST LINE; THENCE NORTH 89 DEGREES, 29 MINUTES, 40 SECONDS EAST, 135.38 FEET; THENCE NORTH 01 DEGREES, 31 MINUTES, 20 SECONDS EAST, 207.34 FEET; THENCE NORTH 80 DEGREES, 12 MINUTES, 20 SECONDS EAST, 261.26 FEET TO THE POINT OF BEGINNING), IN COOK COUNTY, ILLINOIS

SCALE: 1"=50'
DATE: JAN 2, 1983
ORDER # 802985



SURFACE FEATURES LEGEND

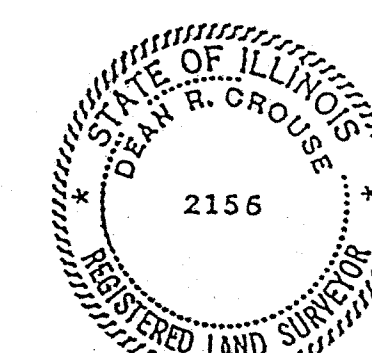
- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE
- WATER MANHOLE
- INLET
- CATCH BASIN
- ILLINOIS BELL TELEPHONE CO. MANHOLE
- COMMONWEALTH EDISON CO. MANHOLE
- △ TELEPHONE PEDESTAL
- OVERHEAD WIRES
- UTILITY POLE
- FIRE HYDRANT
- WATER SHUT-OFF VALVE
- GAS SHUT-OFF VALVE
- STREET LIGHT POLE
- ⊗ TRAFFIC SIGNAL VAULT
- ⊗ TRAFFIC LIGHT
- SIGN
- MAILBOX
- HANDICAP PARKING

UNDERGROUND UTILITIES

- SANITARY SEWER MAIN
- STORM SEWER MAIN (SIZE AND TYPE SHOWN)
- WATER MAIN
- GAS MAIN
- ILLINOIS BELL TELEPHONE CO. CONDUIT OR CABLE

NOTE:
UTILITY INFORMATION SHOWN IS BASED ON VISIBLE SURFACE EVIDENCE AND INFORMATION SUPPLIED BY RESPONDING UTILITY COMPANIES. OTHER UTILITIES MAY EXIST BUT ARE NOT SHOWN DUE TO LACK OF AVAILABLE RECORDS AND MAPS.

WARNING!
BEFORE BEGINNING ANY CONSTRUCTION CONTACT J.U.L.I.E. FOR UTILITY STAKING AT 1-800-892-0123.

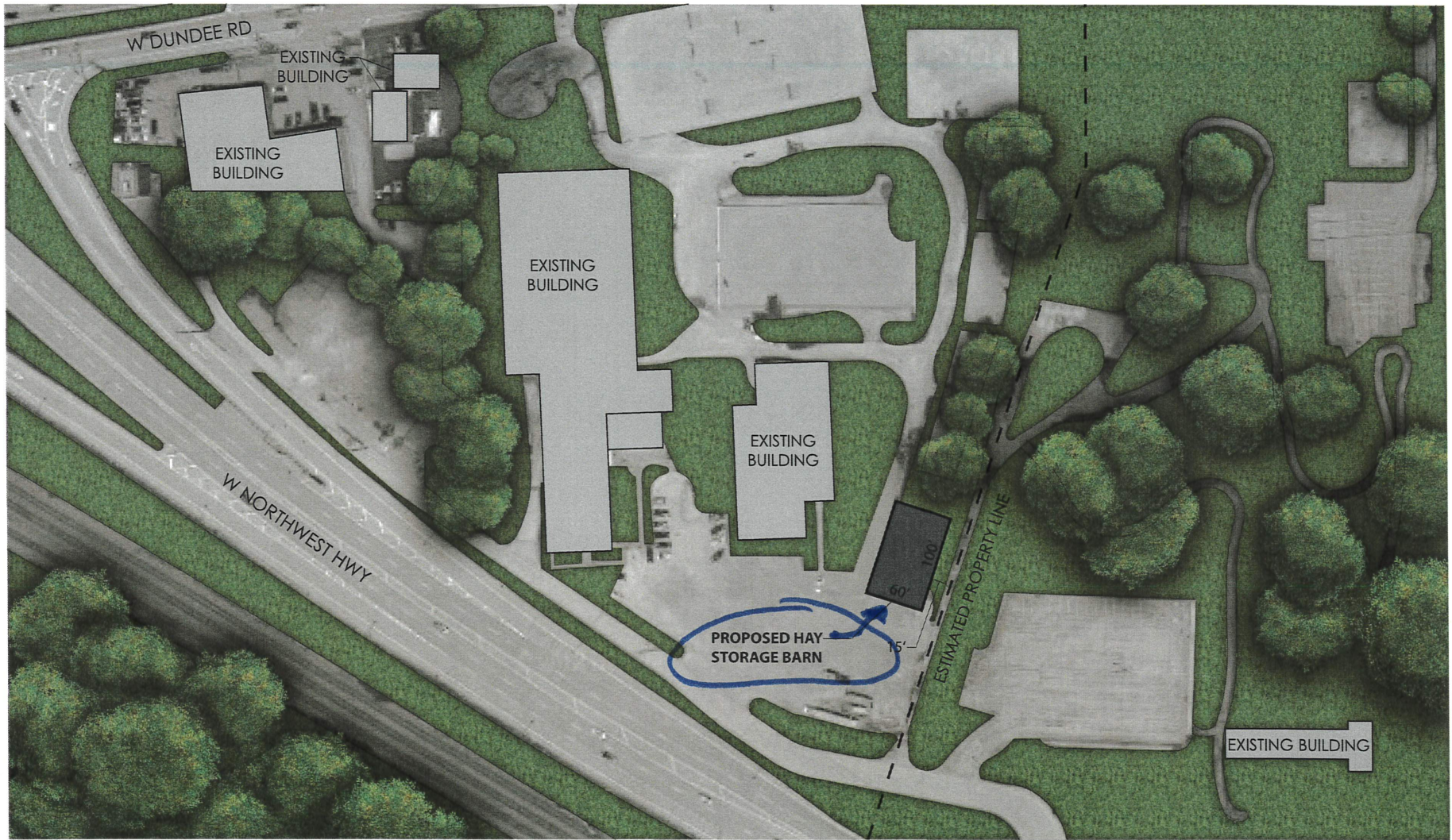


STATE OF ILLINOIS
COUNTY OF COOK

TO:-CHICAGO TITLE INSURANCE COMPANY
-PALATINE PARK DISTRICT

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT WAS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM IN 1986; AND MEETS THE REQUIREMENTS OF A CLASS C SURVEY, AS DEFINED THEREIN.

Dean R. Crouse
DEAN R. CROUSE
ILLINOIS REGISTERED LAND SURVEYOR #2156



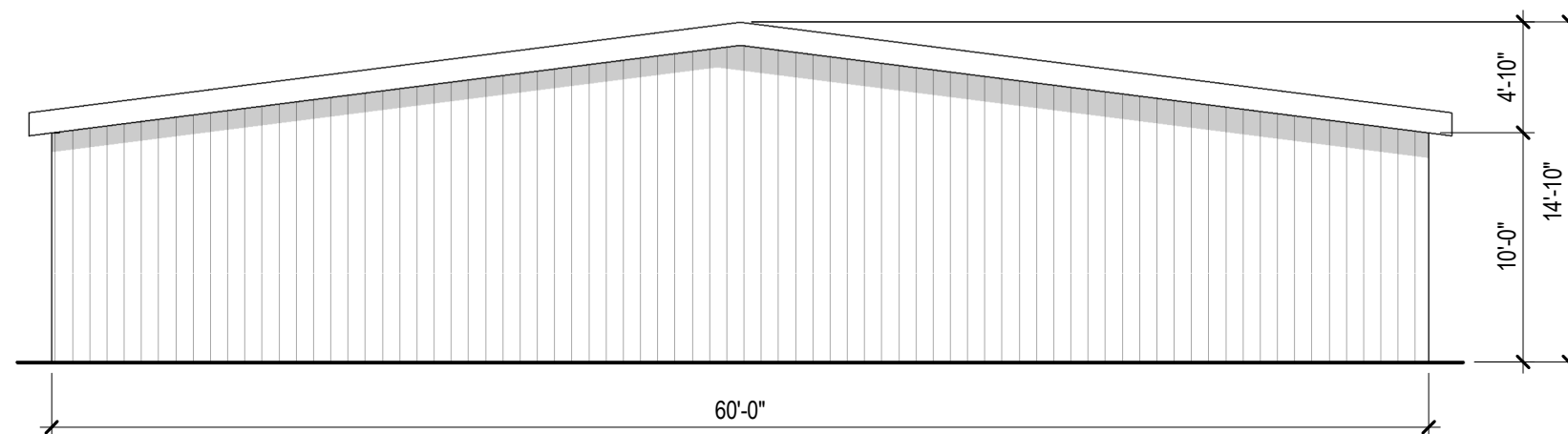
PALATINE STABLES - PROPOSED HAY BARN PALATINE PARK DISTRICT

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form follows
learning

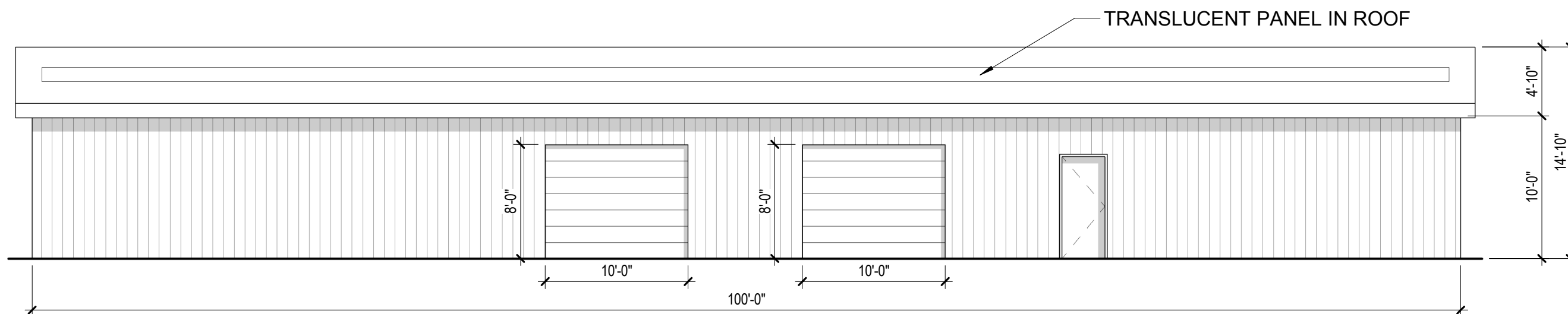
Attachment: Site Plan (1510 W. Northwest Highway - VAR hay storage shed)



1

SOUTH ELEVATION

1/8" = 1'-0"



2

WEST ELEVATION

1/8" = 1'-0"

Attachment: Elevations (1510 W. Northwest Highway - VAR hay storage shed)

PALATINE STABLES - ELEVATIONS

PALATINE PARK DISTRICT

05/29/19

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PUBLIC NOTICE
 A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, July 23, 2019 at 7:00 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:
Variation to permit a 6,000 square foot hay storage shed to be located in the side yard instead of the maximum permitted 150 square feet pursuant to Section 6.01 (a) (4) (b) of the Palatine Zoning Ordinance.
 The property is commonly known as 1510 W. Northwest Highway (02-06-201-013).
 The Petitioner is requesting to construct a new 6,000 square foot hay storage shed at the Palatine Stables. The above petition has been filed by Steven Nagle (Palatine Park District) and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
FILE #: 19-34
VILLAGE OF PALATINE
 Jan Wood, Chair
 Palatine Zoning Board of Appeals
DATED: This 8th day of July, 2019
 Published in Daily Herald July 8, 2019 (4528175)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, North Aurora, Bannockburn, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn, East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods, Rolling Meadows, Rosemont, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow, St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills, Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood, Wilmette County(ies) of Cook, Kane, Lake, McHenry and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the **DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 08-JUL-19 in said **DAILY HERALD**.

IN WITNESS WHEREOF, the undersigned, the said **PADDOCK PUBLICATIONS, Inc.**, has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY

Authorized Agent

Control # 4528175

Attachment: Public Notice (1510 W. Northwest Highway - VAR hay storage shed)

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 07/23/19 07:00 PM

CASE STAFF STATEMENT (ID # 5449)

211-333 E. Northwest Highway

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Lyn Bremanis

PETITIONER: Highland Management Associates, INC

CASE NUMBER: 19-25

ADDRESS: 211-333 E. Northwest Highway

PROPOSAL:

Variation for a freestanding sign (main entrance sign) to be 180 square feet instead of the maximum allowed 120 square feet pursuant to Section 8.03 (d)(1) of the Palatine Zoning Ordinance and Variation #O-177-97 (allowing 120 square feet instead of the 100 square feet permitted).

Variation permit tenant panels to exceed 1/3 of the total gross surface area of the freestanding sign (main entrance sign) pursuant to Section 8.03 (d)(1) of the Palatine Zoning Ordinance and Variation #O-177-97 (permitted tenant panels to exceed 1/3 of the sign).

Variation for a freestanding sign (middle sign) to be 110 square feet instead of the maximum allowed 60 square feet of gross surface area pursuant to Section 8.03 (d)(1) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 211-333 E. Northwest Highway District 6 (Helms)	<u>CURRENT ZONING:</u> B-2 General Business District
--	--

SURROUNDING CONDITIONS:

<u>North:</u>	P - Planned Development
<u>South:</u>	R-1 Single Family Residential (St. Theresa School)
<u>East:</u>	B-2 General Business District
<u>West:</u>	B-2 General Business District

BACKGROUND:

The Petitioner is requesting to add tenant panels to two of the three existing freestanding signs. Therefore, the Petitioner is requesting:

Variation for a freestanding sign (main entrance sign) to be 180 square feet instead of the maximum allowed 120 square feet.

Variation permit tenant panels to exceed 1/3 of the total gross surface area of the freestanding sign (main entrance sign).

Variation for a freestanding sign (middle sign) to be 110 square feet instead of the maximum allowed 60 square feet of gross surface area.

SITE ANALYSIS:

- The Subject Property is zoned B-2 General Business District. The Subject Property is the existing Palatine Plaza shopping center. The property is approximately 12 acres.
- There are approximately 23 tenant spaces in the plaza. A portion of the former Hobby Lobby space was subsequently divided and is now occupied by Pete & Mac's. The developer's intention to further divide the remaining space into 2 tenant spaces.
- This Subject shopping center has approximately 1,266 linear feet of frontage along Northwest Highway. The spacing for the existing signs are currently more than 250 feet apart, which meets the Code requirements for spacing, when multiple signs are provided.
- There are 3 existing freestanding signs. This Plaza meets the code requirements for 3 signs.
- The Petitioner is proposing to make changes to the Main Drive Pylon and Middle Pylon. The signs have previously received zoning relief. Below outlines what was previously approved and what is being requested.

Sign	Existing Condition	Proposed	Existing Relief
Main Drive Pylon	120 square feet; 4 tenant panels; Tenant panels exceed 1/3 of total sign	<u>180 square feet; 8 tenant panels;</u> <u>Increase tenant panel percentage</u>	Per #O-177-97, 120 square feet; 4 tenant panels; Tenant panels to exceed 1/3 total gross surface area
Large Pylon to East	145 square feet; Tenant panels exceed 1/3 of total sign	<u>No changes</u>	Per #O-130-05, 145 square feet
Small Pylon	80 square feet; Tenant panels exceed 1/3 of total sign	<u>110 square feet;</u> <u>12 tenant panels</u>	

DEPARTMENTAL REVIEWS:

Community Services	No Issues Identified
Engineering	No Issues Identified
Environmental Health	N/A
Fire Prevention	N/A
Public Works	N/A
Police	N/A

STANDARDS FOR A VARIATION: Standards for a Variation are found in Section 14.03 D (1) and (2) of the Zoning Code. Specifically, the Petitioners must show that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; that the plight of the owner is due to unique circumstances; and that the variation, if granted, will not alter the essential character of the locality. The Petition for Variation is attached, and the Petitioners have attempted to address the required standards.

STAFF RECOMMENDATION:

The Petitioner is requesting additional tenant panels to two of the three existing freestanding signs. While the height and width of the signs will not be changing, the square footage of the signs is increasing and requires zoning relief. Also, by maintaining the signs bulk standards (height and width), the overall impact of the additional sign size should not alter the essential character of the shopping center. In addition, the middle sign is further decreasing the size of the center name panel, which also requires a variation.

Palatine Plaza is unique in that most shopping centers of this size have separate sign plans specific to the center through the Planned Development process. Also, at its farthest, Palatine Plaza is set back approximately 415 feet from the Northwest Highway property line. In addition, the previous Hobby Lobby tenant space has been split into 3 separate spaces, which increases the number of tenants in the plaza to 23 units.

Therefore, Staff recommends approval of the proposed signs, subject to the following condition:

1. The Variations shall substantially conform to the sign elevation plans submitted by the Petitioner on 5/24/19 except to conform to Village Codes and Ordinances.

ATTACHMENTS:

- Aerial map 211 - 333 E. Northwest Highway

Case Staff Statement (ID # 5449)
Meeting of July 23, 2019

- Application
- Palatine Plaza Site Plan
- Plat of Survey
- Sign Elevations
- Ordinance #O-177-97 - existing signage relief for Palatine Plaza
- Public Notice

Palatine Plaza

3.2.a



VILLAGE OF PALATINE

SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning
200 E. Wood Street • Palatine, IL • 60067-5339
Telephone: (847) 359-9047 • Fax (847) 963-6247

Office Use Only	Project Planner LYN BREMANIS	Zoning Case # 19-25
	Filing Fee \$779	Notification Deadline
	ZBA Public Hearing Date	Village Council Date



Background Information	PETITIONER(S)		Business Name (if applicable)	
	Palatine LLC / Highland Management Associates, Inc.			
	Subject Property Address 211 - 333 E. Northwest Highway, Palatine, IL			
	AUTHORIZED AGENT (if applicable)		Business Name (if applicable)	
	Address		City/State/Zip Code	
	Telephone	Fax	Email	
	Relationship to Petitioner (contractor, architect, etc.)			
	TYPE OF APPLICATION (check one)			
	☐ Special Use ☐ Special Use Amendment ☒ Variation Sign Variance to 8.03 (d) 1 (b) and (c)			
	Existing Zoning District B-2	Existing Land Use Retail Shopping Center	Proposed Land Use Retail Shopping Center	
Generally describe your request: Petitioner is requesting to reconfigure the large pylon sign at the monumental entrance to the shopping center, decreasing the size of the existing "Palatine Plaza" lettering at the top of the sign from the current size and reconfiguring the remainder of the sign to include additional sign panels. Petitioner further requests the addition of two new signage panels to the base of the sign totaling 50 square feet of signage. Petitioner is further requesting the to reconfigure the smallest pylon sign to eliminate the words Palatine Plaza and address and wishes to replace with a tenant name / tenant signage. Petitioner is also requesting an addition to the smallest pylon sign of panels totaling 30 square of signage at the bottom.				

Attachment: Application (211-333 E. Northwest Highway - VAR Signs)



VARIATION

Required Materials

- ☐ Filing Fee of \$ _____
- ☐ Application Form
- ☐ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☐ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☐ Real Estate Interest Disclosure Form (see attached)
- ☐ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)

Additional Materials (as required by the Village)

- ☐ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.03 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Special Use only, you do not need to answer these items.***

1. That the property cannot yield a reasonable return if used only under the conditions allowed by the regulations governing the zoning district in which it is located

Please see attached

2. That the plight of the owner is due to unique circumstances

Please see attached

3. That the variation, if granted, will not alter the essential character of the locality

Please see attached

4. In order to supplement the above standards, the Zoning Board of Appeals may also consider the following:

- a. The particular surroundings, shape, or topographical conditions of the property
 - b. A unique hardship for the property not generally applicable to other properties in the same zoning district
 - c. The request is not based on a desire to make more money out of the property
 - d. The petitioner has not created the alleged hardship for the property
 - e. The request will not be detrimental to the public welfare or other properties in the neighborhood
 - f. The request will not impair the supply of light and air to adjacent properties, substantially increase the danger of fire, endanger the public safety, or substantially diminish or impair neighboring property values
-
-
-

REQUEST FOR VARIATION TO SECTION 8.03 (D) PARAGRAPH 1 (B) AND (C)

Petitioner, Palatine LLC, is the owner of Palatine Plaza located at 211-333 E. Northwest Highway, Palatine, IL (the “Shopping Center” or the “Property”).

The Petitioner respectfully requests a variation from the Village of Palatine to allow Petitioner to reconfigure two (2) of the three (3) existing pylon signs at the Shopping Center.

Pylon Sign at Monumental Drive (Please see Exhibits A and B for Diagrams):

Petitioner is requesting to reconfigure the existing sign panels, reducing the size of the panel containing “Palatine Plaza” and the address of the Shopping Center, thereby allowing space for additional Tenant signage within the existing footprint on the sign. Petitioner is further requesting to add 50 square feet of signage at the base of the sign to allow for additional Tenant panels.

Pylon Sign on Northwest Highway (Please see Exhibits C and D for Diagrams):

Petitioner is requesting to eliminate the name and address from this sign and replace such panel with Tenant names. Petitioner further requests to add 30 square feet of signage which would allow petitioner to increase the size of Tenant panels or display additional tenant names on this pylon sign.

Petitioner Justification:

That the property cannot yield a reasonable return if used only under the conditions allowed by the regulations governing the zoning district in which it is located

The increase of online sales and shift in retail spending habits that has occurred since the 2008 recession has resulted in a situation of distress amongst traditional retailers and retail shopping centers throughout the United States. The competition amongst properties for tenants is more intense than it has ever been in the 21 years Palatine LLC has owned the Shopping Center. The former Hobby Lobby space (46,175 square feet, 34% of Property’s rentable area) has been vacant at the Property since May 2016, with very few interested potential tenants. The Landlord successfully leased 12,220 square feet to Pete N’ Macs with the help of a Special Use from the Village of Palatine, however that tenant will not begin generating rental income until mid-2019 due to rent concessions. Further, the costs associated with this transaction required an investment by the Landlord in excess of \$800,000. The former Alexian Brothers (7,628 square feet) at the Property has been vacant since late 2011. Altogether the Property is currently over 38 percent vacant. The Property and the tenants at the Property were further negatively impacted by the financial troubles of Ace Hardware. The Petitioner was able to retain Mutual Ace Hardware as a new Ace Hardware operator for that space, but had to make significant rental concessions to induce Mutual to take the space, which is around 10,000 square feet larger than the current prototype for Ace Hardware. Additionally, the Petitioner suffered a significant loss of income during the time period that Palatine Ace was suffering financially and unable to make its rent, common area maintenance and real estate tax payments.

The primary objection of potential Tenants for the former Hobby Lobby space and other spaces at the Shopping Center is the distance from Northwest Highway, and the resultant hindrance to visibility of their store front signage. The addition of space on the pylon signs would allow potential tenants to be represented on street front signage and help to combat the perception of limited visibility. In addition, the space formerly occupied by Hobby Lobby is likely to be split into 3 smaller spaces. If Petitioner split the existing available signage into 3 smaller panels, the resultant panels on the sign would be considered quite small and inadequate for an anchor tenant. The additional signage square footage will allow Petitioner to offer larger sign panels to potential tenants for the Hobby Lobby space as well as other vacancies.

The property is further challenged by the trend amongst larger retailers to locate with other similar retailers. In the case of Palatine, this means larger retail tenants tend to seek space near their competitors amongst the new product along Dundee Road instead of along the older Northwest Highway corridor. With a dearth of options (many of which are in Lake County with lower real estate taxes), Palatine Plaza struggles to compete for new tenants. Again, additional signage and street presence would serve to help attract new tenants to the Property and the corridor.

The Petitioner has been taking several steps to combat the market conditions, which include; aggressively marketing the vacancies to non-traditional and traditional retail users; reinvesting in the Property (parking lot and drainage improvements and repaving in 2016-2017 at a cost of over \$500,000, a new roof on the Hobby Lobby in 2019 at a cost of over \$250,000 and the aforementioned \$800,000 investment in demising the old Hobby Lobby space for Pete and Macs). The Petitioner would like to further invest in the Property by reconfiguring these pylon signs and is requesting the variance to help aide in attracting new tenants to the vacancies.

That the plight of the owner is due to unique circumstances

As previously mentioned, as the largest unified shopping center on Northwest Highway by rentable square footage, Palatine Plaza is facing unique challenges to attract larger tenants. The unique characteristics and the trends among retailers make this particular location more difficult to market than many competing properties. While the property benefits from the fact that Landlord has not built outlots in front of the main building to enhance Landlord's yields, it has been challenged by the distance from the road and decreased visibility of storefront signage. The installation of the additional panels on the signs will allow more prominent and visible signage for potential tenants near to the road.

Further Considerations

Petitioner does not believe the requested changes will fundamentally alter the overall appearance of the Shopping Center or the signs. The current signs are lower than the allowed 25 foot height limit, and will remain at their current height. The new sign panels will be lower than the existing panels and placed in such a manner that they will not impact visibility or hamper traffic flow.

The Property has the words "Palatine Plaza" and the address displayed on all three of the existing pylon signs, despite the fact that the Property very clearly presents as a unified shopping center. The request to remove the name of the center and address from the middle sign (with such information to remain on two of the signs) should not hamper consumers ability to locate the shopping center by name or address. This will allow Petitioner to add the much needed additional tenant signage without increasing the height of this sign or changing the fundamental appearance of the sign.

The Property and businesses in the Shopping Center have been suffering as a result of the general retail environment, the relocation of Hobby Lobby and the economic woes of Palatine Ace. Our hope is that offering additional prominent signage at the road will help attract new tenants to serve as anchors and also help the existing businesses within Palatine Plaza.

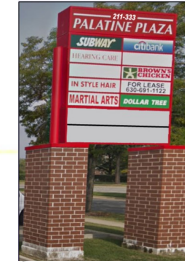
PLAT OF SURVEY

CHARLES A. MIONSKE, INC., SURVEYORS AND ENGINEERS

2024 ROUTE 176, CRYSTAL LAKE, ILL. 60014

PHONE NO. (815) 455-3252

SHEET 2 OF



Main Drive Pylon

Middle Pylon

Large Pylon

295 Feet

260 Feet

SCALE: 1" = 30'
JOB NO. 84210-1
5529
90339

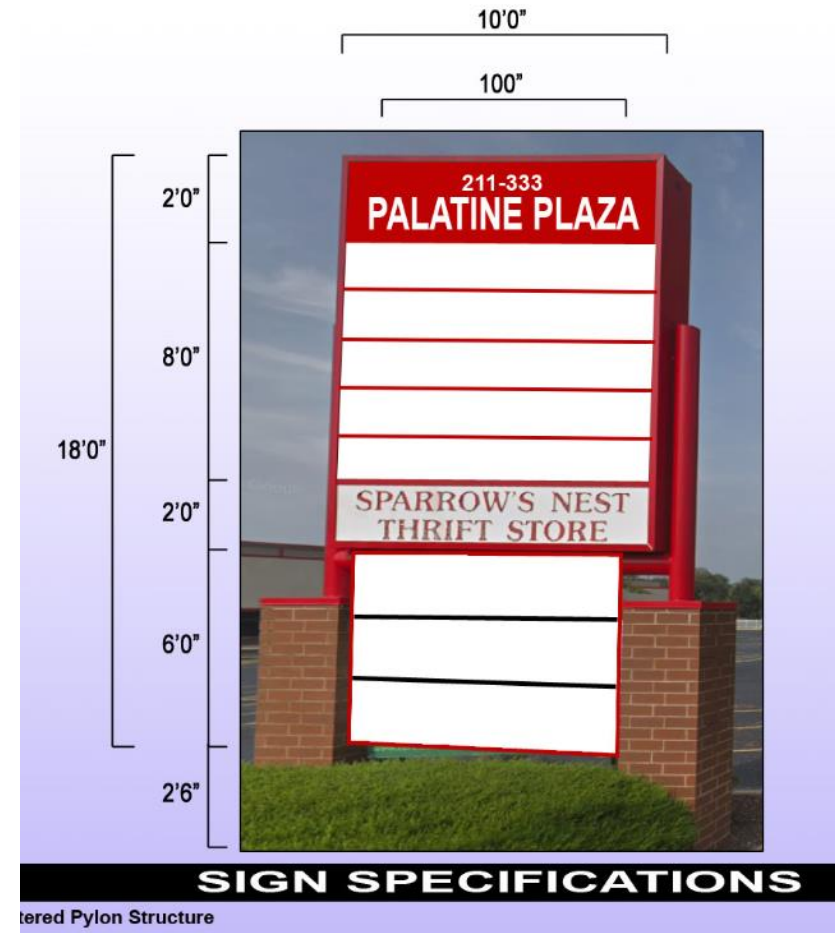
ROAD
HICKS (S.B.I. ROUTE #53)

Attachment: Palatine Plaza Site Plan (211-333 E. Northwest Highway - VAR Signs)

PHONE NO. (815) 455-3252

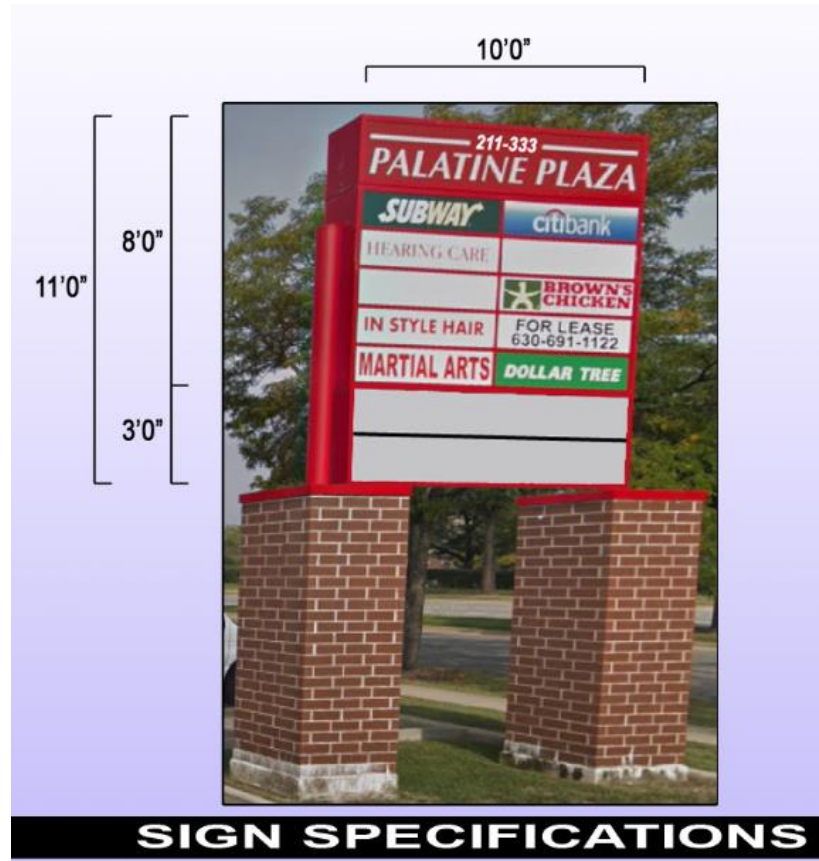


Main Drive Pylon



- Variation for a freestanding sign to be 180 square feet instead of the previously approved 120 square feet of gross surface area pursuant to Sec. 8.03 (d)(1) of the Palatine Zoning Ordinance.
- Variation permit tenant panels to exceed 1/3 of the total gross surface area of the freestanding sign pursuant to Sec. 8.03 (d)(1) of the Palatine Zoning Ordinance.

Middle Pylon



- Variation for a freestanding sign to be 110 square feet instead of the permitted 60 square feet of gross surface area pursuant to Sec. 8.03 (d)(1) of the Palatine Zoning Ordinance.

Large Pylon to East – No Changes



ORDINANCE NO. 0-177-97**AN ORDINANCE
GRANTING SIGN VARIATIONS
PALATINE PLAZA**

WHEREAS, pursuant to a petition and public hearing on October 18, 1997, of which public notice was given as required by law, the Zoning Board of Appeals of the Village of Palatine, in accordance with the Zoning Ordinance of the Village of Palatine, in such case made and provided, has held such public hearing and reported its findings relative to a request to construct two (2) freestanding signs 120 square feet in area, instead of the maximum permitted, a variation to permit four (4) tenant panels on the freestanding signs, a variation to permit tenant panels to exceed 1/3 of the total gross surface area of the freestanding signs pursuant to Sec. 8.03 (c)(1) of the Palatine Zoning Ordinance; and a variation of .5 square feet to permit 1.5 square feet of attached signage per one (1) lineal foot of tenant space frontage instead of the maximum permitted one (1) lineal foot of frontage, pursuant to Sec. 8.03(c) (2) of the Palatine Zoning Ordinance, on the following legally described property:

See legal description attached hereto as Exhibit "A"

commonly known as 223-333 (odd) E. Northwest Highway (Palatine Plaza).

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Village Council of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power:

SECTION 1: That a Variation to construct two (2) freestanding signs 120 square feet in area, instead of the maximum permitted, a variation to permit four (4) tenant panels on the freestanding signs, a variation to permit tenant panels to exceed 1/3 of the total gross surface area of the freestanding signs pursuant to Sec. 8.03 (c)(1) of the Palatine Zoning Ordinance, and a variation of .5 square feet to permit 1.5 square feet of attached signage per one (1) lineal foot of tenant space frontage instead of the maximum permitted one (1) lineal foot of frontage, pursuant to Sec. 8.03(c) (2) of the Palatine Zoning Ordinance, be granted subject to the following conditions:

1. The freestanding signs shall be constructed to substantially conform to the Structural Plan Designed by Rainbow signs dated 9/6/97, except as such plans may be changed to conform to Village codes and ordinances, and to the following conditions.
2. The petitioner shall construct public sidewalks along Northwest Highway in a manner acceptable to the Village by June 1, 1998.
3. The petitioner shall repair the wooden rear fence adjacent to Palatine Plaza in a manner acceptable to the Village of Palatine, by June 1, 1998.

SECTION 2: That the petition for variations, a copy of the public notice and the report of the hearing be attached hereto and form a part of this ordinance.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED: This 10 day of November, 1997

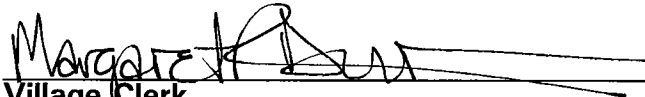
AYES: 6 **NAYS:** 0 **ABSENT:** 0 **PASS:** 0

APPROVED by me this 10 day of November, 1997


Mayor of the Village of Palatine

ATTESTED and **FILED** in the office of the Village Clerk this

10 day of November, 1997


Village Clerk

PUBLIC NOTICE
A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, July 23, 2019 at 7:00 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:
Variation for a freestanding sign (main entrance sign) to be 180 square feet instead of the maximum allowed 120 square feet pursuant to Sec. 8.03 (d)(1) of the Palatine Zoning Ordinance and Variation # O-177-97 (allowing 120 square feet instead of the 100 square feet permitted).
Variation permit tenant panels to exceed 1/3 of the total gross surface area of the freestanding sign (main entrance sign) pursuant to Sec. 8.03 (d)(1) of the Palatine Zoning Ordinance and Variation #O-177-97 (permitted tenant panels to exceed 1/3 of the sign).
Variation for a freestanding sign (middle sign) to be 110 square feet instead of the maximum allowed 60 square feet of gross surface area pursuant to Sec. 8.03 (d)(1) of the Palatine Zoning Ordinance.
The property is commonly known as 211-333 E. Northwest Highway (02-14-101-009).
The Petitioner is requesting to add tenant panels to two of the three existing freestanding signs.
The above petition has been filed by Highland Management Associates, INC. and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
FILE #: 19-25
VILLAGE OF PALATINE
Jan Wood, Chair
Palatine Zoning Board of Appeals
DATED: This 8th day of July, 2019
Published in Daily Herald
July 8, 2019 (4528174)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, North Aurora, Bannockburn, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn, East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods, Rolling Meadows, Rosemont, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow, St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills, Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood, Wilmette
County(ies) of Cook, Kane, Lake, McHenry
and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the **DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 08-JUL-19 in said **DAILY HERALD**.

IN WITNESS WHEREOF, the undersigned, the said **PADDOCK PUBLICATIONS, Inc.**, has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY

Authorized Agent

Control # 4528174

Attachment: Public Notice (211-333 E. Northwest Highway - VAR Signs)