

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 14, 2020

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I.

Note: The July 14, 2020, the Zoning Board of Appeals meeting will take place in the Village Council Chambers (located at 200 E. Wood Street). The meeting will also be broadcast live on Comcast Channel 6 and streamed live through the Village's 'Agenda & Minutes' section of our website (www.palatine.il.us). Village Hall will be open for any member of the public that would like to provide comment or testimony regarding an agenda item at the meeting, while still adhering to the Governor's Executive Orders. If a member of the public cannot access the meeting through one of the above means, please contact the Department of Planning and Zoning at (847-359-9046) by no later than 3 PM on Tuesday, July 14th to be provided with a call in code.

II. CALL TO ORDER

III. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jun 23, 2020 7:00 PM

IV. PUBLIC HEARING

1. 326 N Clark Drive

Special Use to permit a front yard setback to be 18 feet from the side lot line instead of the minimum required 30 feet pursuant to Section 10.06 (c)(13) of the Palatine Zoning Ordinance.

2. 870 N. Virginia Lake Drive

Special Use to permit a raised (elevated) deck to be located in the floodplain pursuant to Section 6.08 (d) (2) (m) of the Palatine Code of Ordinances - Appendix B - Subdivision, Site Development and Floodplain Regulations.

Variation to permit a portion of a raised (elevated) deck to be located 20 feet from the rear lot line, instead of the minimum required 25 feet pursuant to Section 10.01 (d)(2)(u) of the Palatine Zoning Ordinance.

3. 2070 N Rand Road AB

Special Use to permit a medical office (chiropractor) pursuant to Section 11.03 (d) (42) of the Palatine Zoning Ordinance.

V. COMMUNICATIONS

VI. ADJOURNMENT



VILLAGE OF PALATINE

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

ZONING BOARD OF APPEALS

MINUTES • JUNE 23, 2020

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

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

Staff present: Mr. Ben Vyverberg

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jun 9, 2020 7:00 PM - **Accepted**

Mr. Luszczak made a motion to approve the minutes of June 9, 2020; seconded by Mr. Larson.

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

Minutes Acceptance: Minutes of Jun 23, 2020 7:00 PM (Approval of Minutes)

III. PUBLIC HEARING

1. 17 E. Northwest Highway -

Staff indicated to the Zoning Board of Appeals that the Petitioners had ultimately chosen to withdraw the application thereby removing it from any further Village consideration.

2. 1189 N. Coolidge Avenue - Recommended to Approve

Notice was published in the Daily Herald on June 8, 2020 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Variation
2. Proof of Ownership
3. Plat of Survey/ Site Plans
4. Public Notice

Sworn in staff: Mr. Ben Vyverberg**Sworn in petitioner: Mr. Mihajlo Danilovski 1189 N Coolidge**

Mr. Danilovski stated he purchased the home in late 2016 and built a deck without a permit because he didn't think it was required. He explained last year he did a home addition and during the permit process the deck was noted on the plat. Once he understood that a permit was required, he applied for a building permit for the deck and, upon Staff review, it was determined that the deck was required to be a minimum of 15 feet from the property line. Mr. Danilovski further explained to the ZBA that the deck is already built and he didn't know had to be setback 15 feet from the side property line. He explained in his previous town decks had to be 5 feet from the property line. He stated he is hoping to keep the deck, since it is fully built.

Ms. Wood clarified the deck was built in 2017.

Mr. Danilovski answered yes about 6 months after they moved there.

Mr. Dittrich asked if the neighbors have any issues.

Mr. Danilovski answered no. He stated the deck is kind of low and there are privacy bushes.

Mr. Pirog asked if they built the deck built themselves.

Mr. Danilovski answered yes him and his father in-law.

Ms. Wood clarified the location.

Mr. Danilovski explained it is directly behind kitchen and closer to the home to the south.

Ms. Wood asked if there are any objections including 1169 N. Coolidge.

Mr. Danilovski answered no. He stated they keep to themselves and have never heard anyone say anything.

Mr. Pirog asked if there is a fence.

Mr. Danilovski answered yes a chain link fence.

Mr. Pirog asked if it would be difficult to cut off 4ft.

Mr. Danilovski explained the deck is fully composite. He further explained the area which would need to be removed include a set of stairs that walk out to yard.

Ms. Wood asked if the steps are the area that is out further.

Mr. Danilovski answered yes there are steps to lead to backyard toward the back of the property line.

Mr. Vyverberg gave a brief overview of request explaining the petitioner was in for a building permit to connect the house and the garage and during the permit review and subsequent inspection staff noted the presence of the deck on the east side of the property. He stated since it was not permitted and staff advised the Petitioner to apply for a building permit. Mr. Vyverberg stated the property is zoned R1 single family residential which indicates if a deck is above 16 inches the minimum required setback is 15 feet. He stated the current building permit will remain open, pending the outcome of the zoning process. Mr. Vyverberg explained the location of the steps on the east side referring to the plat/site plan slide. He pointed out the rear yard setback exceeds the minimum required, so the required relief is for the side yard setback.

Mr. Pirog asked if there was any reason to not build to code.

Mr. Danilovski explained it made sense. He explained they put the grill on that side and didn't want to walk right out to the end of the deck. He stated it looks nicer to have more area when walking out from the kitchen. He restated since it is fully composite it would be difficult to cut off the 4 feet.

Mr. Larson clarified the 16 inches includes the total height of deck to the railing is another 36 inches.

Mr. Vyverberg explained it is to the top of the deck. He explained the reason is decks to a certain height would be considered unobtrusive like a patio which also would not require a railing. He referred to the slide of the old plat showing a patio that existed in the late 1990's. Mr. Vyverberg referred to the current plat/site plan showing location of fencing.

Ms. Wood asked if 10 feet is acceptable in other zoning districts.

Mr. Vyverberg answered yes stating the R1 has the most restrictive zoning requirements. He spoke to the area being annexed and how they automatically come in as the R1 zoning district.

Mr. Pirog asked if staff knew of any other variations in area.

Mr. Vyverberg stated not that staff did not note any during the review, excepting explaining any setback which existed before the homes were annexed. He pointed out in the aerial that rear yard and side yard for patios and decks are common in the area.

Mr. Dittrich asked the petitioner if the old patio structure on old plat was there when they built the deck.

Mr. Danilovski explained when they purchased the home there were 2 large

stones you walked out to.

STAFF RECOMMENDATION:

Decks and patios are customary rear yard improvements and typical within the Village. Per Code, decks above 16 inches in height are required to comply with the minimum side yard setbacks, as they tend to be larger and potentially less passive in use than an at-grade patio (minimum 2-foot side yard setback). Nevertheless, the deck was, at some point constructed without a permit and now requires a setback Variation. Therefore, Staff recommends Action at the Discretion of the Zoning Board of Appeals. If the ZBA recommends approval, Staff recommends the following condition:

1. The Special Use shall substantially conform to the site plan submitted by the Petitioner and the addition and deck plans by RB Custom Design, INC. 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. Larson.

DELIBERATIONS:

Mr. Dittrich stated though it is already built the board needs to look as if it was not built. He stated 11 feet vs 15 feet isn't that big of a deal. He pointed out there are privacy bushes and a fence and the neighboring house is not that close so has no issues. He stated with it being composite cutting it off would be a plight to the owner.

Mr. Larson stated looking at the aerial the 4 feet doesn't look out of character with the neighborhood. He stated had it come before the board before being built they may have been requested to move it but at this point it doesn't alter the character the essential character of the neighborhood.

Mr. Pirog stated he doesn't like it but understands the composite makes it difficult to remove. He stated he doesn't see any harm in the request.

Ms. Wood pointed out the board had some good points. She stated it is hard to say they can't yield a reasonable return. She stated had this request come through before being built the request for a few feet may have been considered but is hard to say. Mr. Wood spoke to the standards and stated given the individual situation she could be in favor.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will go to Village Council on July 13, 2020.

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

3. 410 S Oak Street - **Recommend to Deny**

Notice was published in the Daily Herald on June 8, 2020 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Variation
2. Proof of Ownership
3. Plat of Survey/Site Plan
4. Public Notice

Sworn in Mr. Umesh K Javvaji 410 S Oak

Mr. Javvaji stated they built home in 2017. He explained the builder requested him to remove the hydrant at the end of driveway and a tree but it was too costly. He stated anyone who comes to property and has to back a vehicle from the garage is going on the lawn toward the adjacent property causing the lawn to get ruined as well as a friend has hit the hydrant. Mr. Javvaji explained the circular drive will allow ease on exiting.

Mr. Pirog asked if there is room on other side to expand the current driveway. Mr. Javvaji explained there only 2 feet, which is what is required.

Mr. Larson asked if he was involved with the design of this home and if there was a thought to flip before.

Mr. Javvaji explained they tore own the old home and built the new one.

Mr. Larson asked why not design with the garage on other side to avoid the tree and the fire hydrant.

Mr. Javvaji explained the driveway was done last and at the last moment the builder explained the limited width of the driveway. He stated he also has maneuvering issues parking his car in the second garage.

Ms. Wood asked if he spoke to contractors to review all options.

Mr. Javvaji explained to remove the hydrant costs \$5,000 and the tree is good shade

Discussion on cost difference.

Mr. Larson asked if the proposed driveway would go to street pointing out on the slide it shows it ends at the sidewalk.

Mr. Javvaji answered yes.

Mr. Dittrich asked if the fire hydrant removal had no cost would the drive be requested.

Mr. Javvaji answered no.

Ms. Wood asked if the only factor is the cost not that he prefers the circular drive.

Mr. Javvaji answered yes.

Mr. Vyverberg gave a brief overview of the request pointing out the fire hydrant has been in the same place for some time so it was a known condition when the property was built. He stated the home complies with all required setbacks and meets the bulk standards. Mr. Vyverberg explained the requested variation is for driveway width though it meets maximum lot coverage. He pointed out it is an older established subdivision where though the lots are lawful platted lots they are substandard for current requirements at only 60 feet in width. He spoke to other circular drives in area and the nuances associated.

Mr. Pirog asked if it would be easier to request a variation for the 2 feet at the lot line.

Mr. Vyverberg stated there are not a lot of options to improve the driveway, without requesting relief, due to the existing setbacks of the home and driveway and overall lot size. He spoke to the requirements of location for fire hydrants pertaining to linear distance for hoses. He stated relocating the fire hydrant becomes a privately born expense and the capacity would have to be examined by the Village.

Ms. Wood asked if it is normal to have a fire hydrant in that position

Mr. Vyverberg spoke to the previous home being smaller with one car garage so the driveway was different. He stated was an existing circumstance that the petitioner acknowledged in their building plans.

Discussion on relocation of fire hydrant and the required water flow capacity.

Ms. Wood asked the petitioner if they looked into the water flow capacity.

Mr. Javvaji answered no.

Mr. Dittrich asked if staff has an obligation when the permit came to indicate possible issues.

Mr. Vyverberg explained the homeowner had a private engineer and an architect submit plans which all showed the existing fire hydrant remaining in place. He further explained it was approved by staff because it meets all code requirements.

Sworn in Michael Kimak and Ms. Catherine Kvitek- 411 S. Benton Street.

Mr. Kimak expressed concern with the increased water flow from the new construction. He stated when home was built they noticed an increase in water flowing onto their lower laying property. He stated the property started to puddle and they lost a lot of landscaping. Mr. Kimak stated they had to replace sump pumps due to the extra flow. He stated a year later a deck was added and now a circular driveway and is concerned the added impermeable surface will cause more water drainage problems. Mr. Kimak asked what they will do to address the water flow.

Ms. Wood asked if these problems have been since the new home was constructed.

Mr. Kimak answered yes.

Ms. Kvitek stated it has increased. She pointed out the homes on Oak Street are 5 feet above elevation which caused her neighbors to spend thousands on a French drain system. She spoke to the erosion and puddling and water coming into basement and asked if properties can address their own storm water.

Ms. Wood asked if the problem occurred before and is now exasperated.

Ms. Kvitek stated she has noticed more since this home was built. She spoke to the increase in home size stating she realizes it is within the zoning requirements but is asking for them to put in some kind of system to direct water flow.

Ms. Wood asked if all the neighboring properties on Oak are up higher.

Ms. Kvitek submitted a picture to staff.

Mr. Luszczyk asked if the grade was changed.

Ms. Kvitek answered no.

Ms. Wood submitted the picture into record as objector's exhibit #1.

Mr. Dittrich asked how much more lot coverage was added with new built home.

Mr. Vyverberg stated a lot coverage analysis was done when home was constructed, which met code but does not have the calculation on the previous home.

Mr. Dittrich asked if the deck was wood or concrete.

Mr. Vyverberg answered wood.

Mr. Dittrich clarified under is gravel.

Mr. Vyverberg stated that is the typical finished improvement.

Ms. Wood asked if they can quantify the increased water flow.

Ms. Kvitek stated it is difficult. She spoke to the recent rain and how her properties took on water where she sunk in the mud up to her ankles and lost lilac bushes. He stated she added dirt and drain tiles. She stated Mr. Javvaji installed drainage which has since been removed.

Mr. Dittrich asked about yard currently from the rain.

Ms. Kvitek stated it is not a problem because it hasn't rained in 3 weeks. She spoke to the cost of adding a french drain in the front yard to hook up into the sewer system.

Mr. Luszczyk asked if these costs are incurred because of the new home being built behind.

Mr. Kimak answered yes.

Ms. Wood clarified these problems occurred before but now have become worse.

Ms. Kvitek stated they never had issues with their landscaping.

Ms. Wood asked staff if they are aware of problems on Benton in that area. Mr. Vyverberg stated the residents who have testified have been contact with the Village Engineer looking for solutions to issues that exist. He pointed out when the home was constructed there is a grading and engineering plan submitted during home building process which was reviewed, approved and inspected respectively. Mr. Vyverberg spoke the low lying areas on South Benton and Oak and vacant lots that are part of the Villages flooding improvement in the local flood plain.

Sworn in Ms. Carol Graf 341 S Benton

Ms. Graf stated her home is in a bowl with the properties to the west and east are higher. She stated she and her neighbor installed an \$8500 drainage system last spring. She stated it has kind of helped but if too many hardscapes are installed there is nowhere for the water to go except for someone's basement. She stated her neighbor even with the drainage system gets water. Ms. Graff stated she thinks raised curbs may help direct the water.

Ms. Wood asked if there have been other new homes built in the area
Ms. Graf stated the only new homes are on the west side of Benton so water comes rushing to their front yard.

Ms. Wood asked if the home in question caused an increase.
Ms. Graf answered no.

Ms. Wood asked staff what the current homes coverage is.
Mr. Vyverberg stated he believes it is approx. 38-39%. He explained it is minimal coverage being added.

Ms. Wood asked if the deck is already built.
Ms. Graf answered yes.

Sworn in Ms. Sally Graff 405 S Benton

Ms. Graf stated she has lived there for 60 years. She stated gradually they have built bigger homes and have always dealt with the problems. She stated the Village put in storm sewers which are higher than the sidewalks which causes the sidewalks to become a river. Ms. Graf stated they have planted all known plants that absorb water along fence line but you can watch the flow of water run down. She stated everything slopes from Oak into their backyards. She stated when more hardscapes is installed there is only one place for the water to go. Ms. Graf stated there is standing water at the high parts of their backyard.

Ms. Wood asked if the home in question being built caused an increase
Ms. Graf answered yes. She stated originally she made steps along the fence line to slow the water but even with the new drainage swale her basement still gets seepage. She stated the old home had a crawlspace to absorb some water but new home has basement so more water.

Mr. Vyverberg stated the Village Engineer can meet on site to discuss solutions

for current drainage issues but some circumstances need to be privately resolved.

Mr. Pirog asked if the Village Engineer had any issues with the request.

Mr. Vyverberg clarified the petitioner is going through the zoning process to determine if his request is feasible. He explained if Village Council approves there will have to be engineering plans submitted as part of the building permit process. Mr. Vyverberg explained the comments of no issues identified relate to the zoning relief requirements which is a different review from the permit process.

Mr. Pirog asked if the additional front yard concrete would cause more water flow to the back yard and then onto the neighboring properties.

Mr. Vyverberg stated it will require a building permit which will require review to engineering standards. He further explained the flow of the area and topography will have to be taken into account to determine the impact.

Mr. Javvaji spoke to the existing water problems. He explained his house is at the top of the hill. He stated the neighbor is stopping the water from flowing by increasing the dirt. Mr. Javvaji state there is no storm sewer on this property so all the water from his and the adjacent properties flow to Benton Street. He pointed out if he removes the fire hydrant and expands his driveway it will be the same amount of added concrete.

Mr. Dittrich clarified it is the same square footage of concrete.

Mr. Javvaji answered yes.

Ms. Wood asked if that would require relief.

Mr. Vyverberg stated staff would have to review accordingly.

Ms. Wood clarified the maximum is 30 feet and asked what the current drive is versus proposed.

Mr. Vyverberg explained referring to the site plan slide.

Mr. Luszcak clarified the driveway could not be widen without relief.

Mr. Vyverberg explained the petitioner did not submit such plans. He stated if another solution was proposed staff would have to review accordingly.

Mr. Javvaji stated the maximum is 35 feet and he is requesting 41 feet.

Ms. Wood asked how much impervious surface they are adding.

Mr. Vyverberg stated approx. 350 sqft.

Mr. Pirog asked if the apron is included in the coverage calculations.

Mr. Vyverberg explained work in the right of way is not calculated in lot coverage.

Ms. Kvitek addressed Mr. Javvaji comments explaining she added soil because she thought it would absorb the moisture, added a small retaining all to hold soil in place and added the drain tile to drain to the middle of the yard. She stated

she is trying to slow the erosion. She suggested adding a lamp post to draw attention to hydrant location.

STAFF RECOMMENDATION:

The Petitioner has indicated the need for a circular driveway on the Subject Property to avoid maneuverability issues with exiting the driveway, which is directly adjacent to a fire hydrant. While Staff understands the questions being raised by the Petitioner, the hydrant remains in the same location as has existed on S. Oak Street for some time. And, the new home was constructed with the hydrant to remain in place. The hydrant (private expense) relocation would cost approximately \$5,000, assuming it meets the capacity requirements. The driveway cannot be widened with the existing fire hydrant in place. The Subject and surrounding lots in this area are narrow (60 feet) and a circular driveway would utilize 39% of the frontage for this lot. This driveway would not be in character with the neighborhood.

While there are other options to accomplish this request, they would involve removing an established tree in the front yard and relocating the hydrant. Therefore, Staff recommends denial of the Zoning Board of Appeals. If the Zoning Board of Appeals recommends approval, Staff recommends the following conditions:

1. The Special Use shall substantially conform to the site plan submitted by the Petitioner, Umesh Javvaji, except as such plans may be changed to conform to Village Codes and Ordinances.

Ms. Wood asked when staff mentions other options does that include the fire hydrant and tree removal

Ben answered yes. He spoke to the conditions of the tree and the hydrant. He stated when the homes was constructed and designed these things were taken into account by professionals. Ben pointed out the home could have been flip flopped the hydrant issue could have been avoided. He stated staff does not see adding a second curb cut on an interior lot that is only 60ft wide as being the best solution.

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

Mr. Larson made a motion to deny; seconded by Mr. Pirog.

DELIBERATIONS:

Mr. Larson stated the request doesn't meet the standards pointing out the petitioner can yield a reasonable return. He stated it is not unique circumstances since they knew about the hydrant when home was built and this request will alter the essential character of the locality.

Mr. Pirog agreed and pointed out there are alternatives.

Ms. Wood stated in the petitioner's defense it would be \$5,000 for hydrant, \$2,000 for tree and the cost of adding more pavement.

Mr. Pirog stated the main issue is the fire hydrant. He pointed out the drive is standard width so without the hydrant there wouldn't be an issue.

Mr. Luszczyk agreed the standards have not been met.

Mr. Dittrich stated there is no such thing as a good floodplain in Palatine. He stated he has never seen a fire hydrant that close to a drive. He stated he would hope the petitioner and the Village would come to some sort of agreement.

Ms. Wood stated the house is larger so does not quite fit into the neighborhood and then they are adding the driveway. She agreed it is strange to see fire hydrant there. She stated it should have been taken in account when the home was built but it wasn't. She stated she doesn't like the circular drive but pointed out it is not adding that much square footage.

Ms. Wood summarized that this request has not met the standards and was denied by a vote of 4-1. This item will go to Village Council on July 13, 2020.

RESULT:	RECOMMEND TO DENY [4 TO 1]
MOVER:	Brent Larson, Commissioner
SECONDER:	John Pirog, Commissioner
AYES:	Larson, Wood, Luszczyk, Pirog
NAYS:	Dittrich
ABSENT:	Roth-Wurster, McGinn, Cavanaugh

IV. COMMUNICATIONS**V. ADJOURNMENT**

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 07/14/20 07:00 PM

CASE STAFF STATEMENT (ID # 6128)

326 N Clark Drive

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Lyn Bremanis

PETITIONER: Kevin and Patricia Thomas

CASE NUMBER: 20-24

ADDRESS: 326 N Clark Street

PROPOSAL:

Special Use to permit a front yard setback to be 18 feet from the side lot line instead of the minimum required 30 feet pursuant to Section 10.06 (c)(13) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 326 N Clark Street District 4 (Solberg)	<u>CURRENT ZONING:</u> R-2 Single Family Residential
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SURROUNDING CONDITIONS:

<u>North:</u>	R-2 Single Family Residential
<u>South:</u>	R-2 Single Family Residential
<u>East:</u>	R-2 Single Family Residential
<u>West:</u>	R-2 Single Family Residential

BACKGROUND:

The petitioners are proposing to build a single-story addition onto the existing residence. Therefore, the Petitioners are requesting:

Special Use to permit a front yard setback to be 18 feet from the side lot line instead of the minimum required 30 feet

SITE ANALYSIS:

- The Subject Property is zoned R-2 Single Family. The residence is existing non-conforming from the from the rear lot property line at approximately 10 feet instead of the required 40 feet. The proposed addition will not alter this setback however does encroach into the front yard setback.
- The Petitioners are proposing to build an addition to expand the existing one car

garage to an oversized 2-car garage. The side yard setbacks meet code.

- The closest corner of the addition is set back approximately 18 feet from the front property line increasing to 30 feet along the south side of the property (Bissell).
- The addition is a one story which meets code.
- Both building and lot coverage meet code at 23.8% and 38% (maximum of 35% and 45% required). The addition is approximately 864 square feet, of which approximately 432 square feet will partially encroach into the required setback.
- The Petitioners also submitted several statements of support for the proposed building addition.
- While there are several homes in the area that have single-car garages, there are also numerous homes in this subdivision, which have 2-car garages.

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 SPECIAL USE: Since this Petition is not for a use publicly operated or traditionally affected with the public interest, those standards under Section 14.05 D (2) and (3) are applicable. Specifically, the Petitioners must show that the Special Use, if granted, will be operated in a manner consistent with the public health, safety, and welfare, and that the Special Use will not have a negative impact on the value of surrounding properties. The Petition for a Special Use is attached and the Petitioners have attempted to address the required standards.

STAFF RECOMMENDATION:

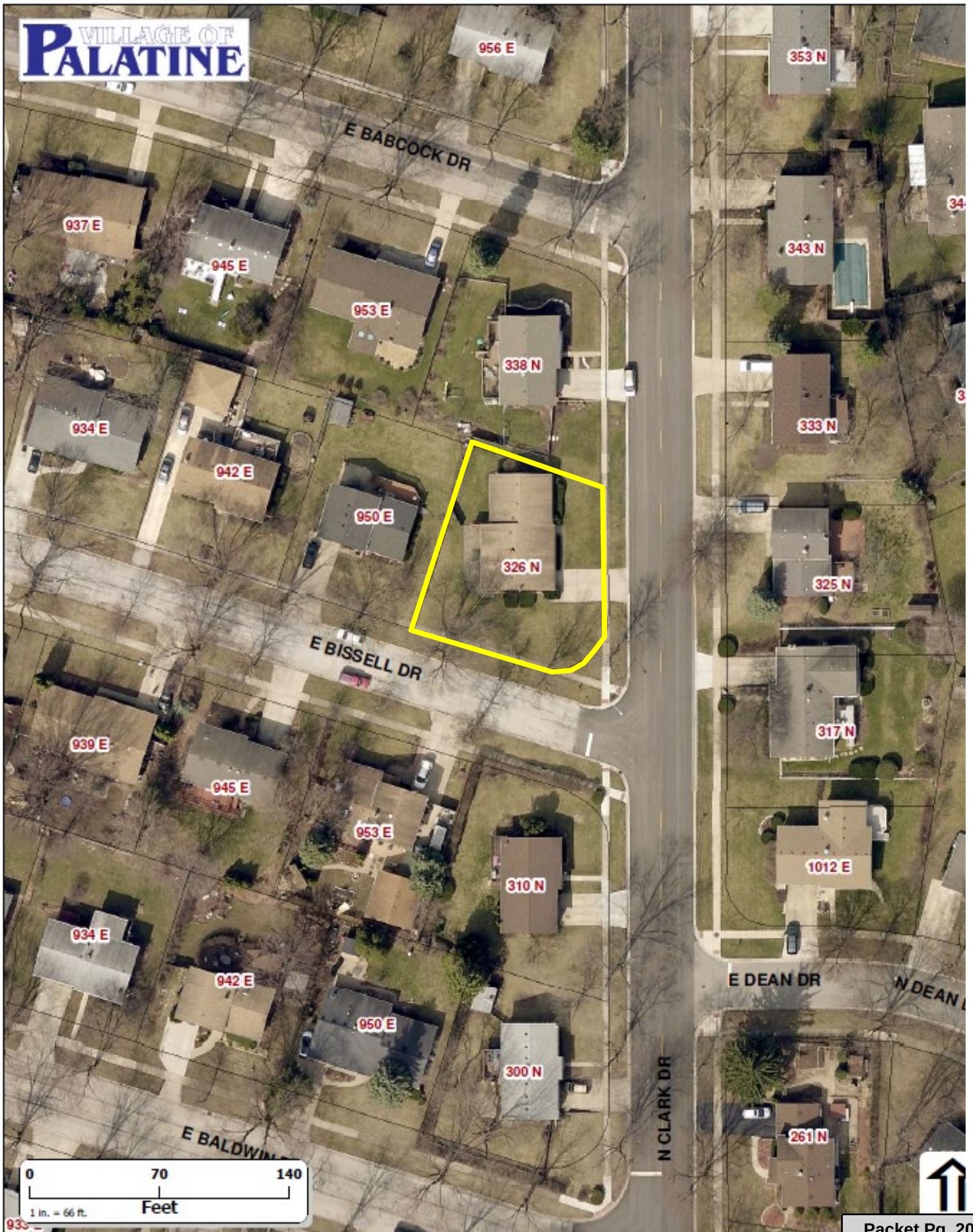
The Petitioner is requesting to construct a new addition that encroaches into the legal front yard. The property is unique as it is a corner lot and an irregular shape. It is not uncommon for homes located on corner lots to be oriented towards the side yard and to encroach into the legal front yard in this neighborhood. In addition, the proposal should not create any line of sight issues with the neighboring properties. Therefore, Staff recommends approval of the Special Use subject to the following condition:

1. Special Use shall substantially conform to the site, floor and elevation plans submitted by the Petitioners on 5/26/20, except as such plans may be changed to conform to Village Codes and Ordinances.

ATTACHMENTS:

- Aerial map - 326 N. Clark Drive
- Application
- Site Plan
- Floor Plan
- Elevation
- Support Email
- Public Notice

326 N Clark Drive



Attachment: Aerial map - 326 N. Clark Drive (326 N Clark Dr - SU Setback)



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	Zoning Case #
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date

date received

Background Information	PETITIONER(S) Kevin & Patricia Thomas		Business Name (if applicable)
	Subject Property Address 326 N. Clark Dr Palatine, IL 60074		
	AUTHORIZED AGENT (if applicable) N/A		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		
	Existing Zoning District R2	Existing Land Use R2	Proposed Land Use R2
	Generally describe your request: Request reduction on south lot line of setback requirement. Request setback be reduced from 30 to 18 feet to allow addition of additional garage space.		

Attachment: Application (326 N Clark Dr - SU Setback)

Lyn Bremanis, Planner
Planning & Zoning Dept
Village of Palatine
200 E Wood St
Palatine, IL 60067

RE: 326 N. Clark Dr, Palatine, IL 60074

Dear Ms. Bremanis

My wife Patricia and I are applying for a variance on our property at 326 N. Clark. Specifically we are asking for the setback on the south lot line to be reduced from 30 ft to 18ft. This would allow us to make the existing 1 car garage into a 2 car garage. We intend to move into the home as the tenant is vacating June 7th. We will be selling our home at 333 N. Clark Dr. We plan to live at 326 until we retire assuming we can get some consideration on the garage addition..

We will also be seeking a permit for a kitchen remodel. We have hired an architect and are interviewing contractors. I also plan to do some of the work myself.

Thank you for your assistance on this project. Please give me a call with any questions

Sincerely,



Kevin Thomas
847.857.8896
adjusterkev@gmail.com

Patricia Thomas
847.452.1025
Patythomas58@gmail.com

Attachment: Application (326 N Clark Dr - SU Setback)

Required Materials

- ☐ Filing Fee of \$ 360
- ☐ 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

The request is to add additional garage space. We plan to move into the home and have several cars and motorcycles. Also, looking forward to a future sale and retirement. This is necessary in the marketplace as our car garages are not appealing to current buyers.

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

The corner lot has unusual setback requirements. We are seeking a reasonable accommodation to improve our property to increase current usefulness and future marketability

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

We do not feel that the reduction in setback would be a burden on neighboring homes. The setback would place the home slightly closer to the street and not adjacent homes

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

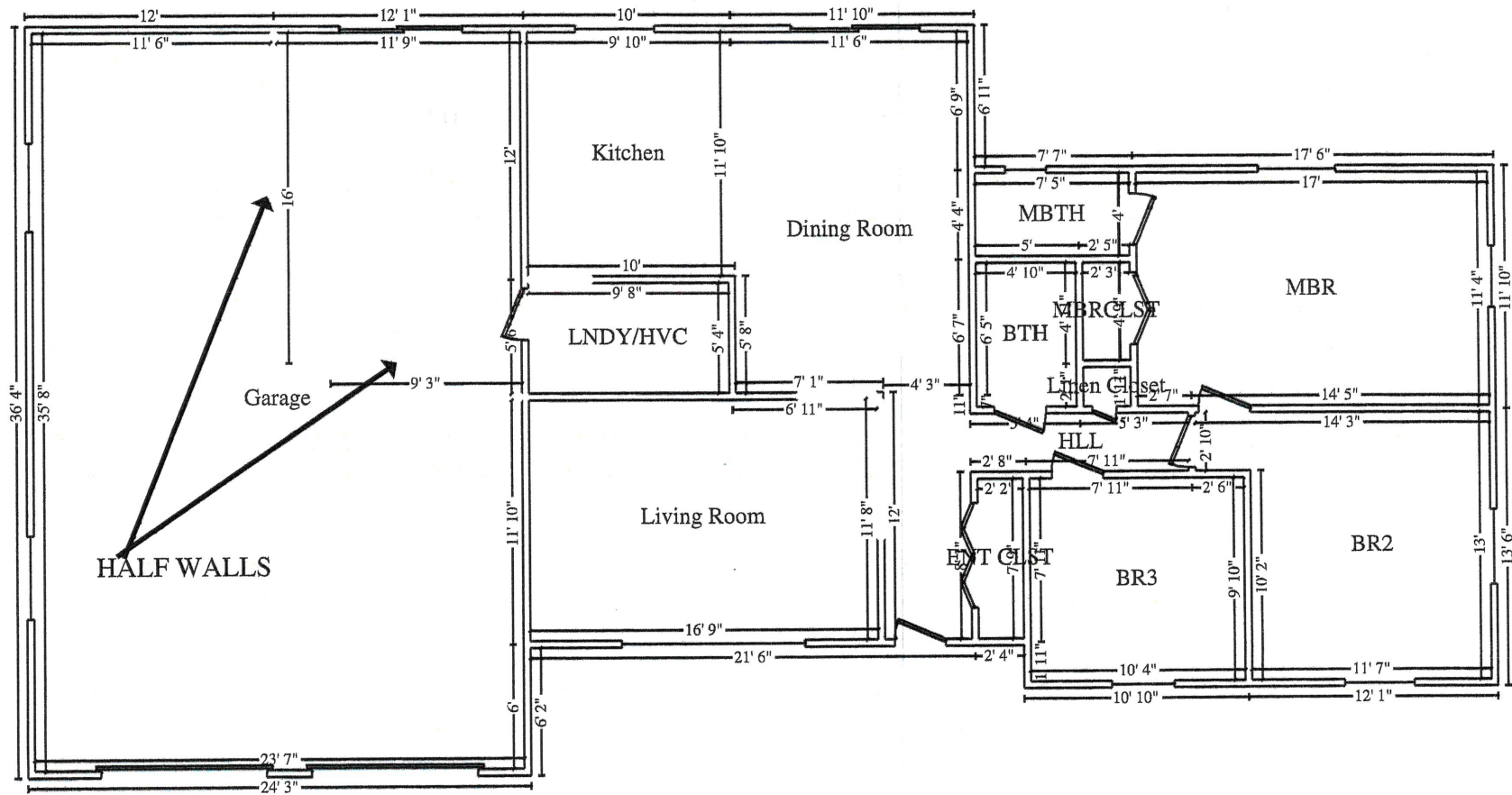
Would respectfully request that Staff and Commissioners consider properties listed below as precedence for variation in setback and FAR requirements.

Setback- 113 Boynton, 1032 Pratt, 844 Sayles

FAR - 953 Bissell, 113 Boynton, 159 Boynton, 1213 Sayles, 1417 Joyce

4.1.c

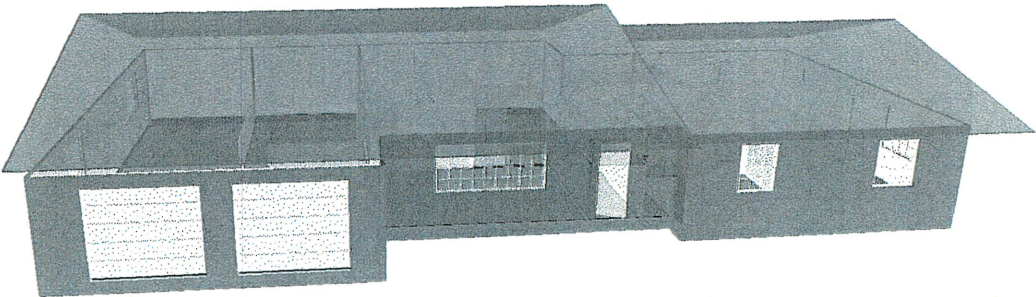




Attachment: Floor Plan (326 N Clark Dr - SU Setback)



Main Level



Attachment: Elevation (326 N Clark Dr - SU Setback)

Lyn Bremanis

From: Kirti Maheshwari <[REDACTED]>
Sent: Sunday, June 28, 2020 7:05 PM
To: Lyn Bremanis
Subject: 326 N Clark Dr Zoning Request

Follow Up Flag: Flag for follow up
Flag Status: Flagged

This email is to support the Zoning request submitted by Kevin and Pat Thomas for 326 N Clark Dr Palatine.
I have known Kevin& Pat for over a decade now

They always watch out for the kids playing out on street. During heavy rains Kevin walks down the street and checks on the houses to see if there is any risk of flooding - I have seen him do this in late night hours as well.

Kevin has taken a lead in hosting yearly block parties on Clark and Morris intersection for past many years. He would also work to get fire brigade for kids education as well.

When people are out of town, he is often requested to watch out the property.

We love his portable firepit as well - he would bring it out on block parties, Halloween and other occasions as well.

I am glad to have a person like him in my neighborhood and support his application fully.

Kirti

Attachment: Support Email (326 N Clark Dr - SU Setback)

Lyn Bremanis

From: Josie Seeberger [REDACTED]
Sent: Sunday, June 28, 2020 10:31 PM
To: Lyn Bremanis
Cc: seebergerfamily@gmail.com
Subject: Kevin & Patty Thomas at 326 N Clark Dr--Request to add 12 ft addition second car garage

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Lyn - Good day and hope you are doing well.

We are one of Kevin and Patty Thomas neighbors on Clark Drive for many years now and they are very good neighbors.

We just wanted to let you know that we support their request to have a 2 car garage at this address: 326 N Clark Drive.

Best regards,

The Seeberger Family,
Josie and Ron Seeberger
343 N Clark Drive, Palatine
(224-578-1477)

Attachment: Support Email (326 N Clark Dr - SU Setback)

Lyn Bremanis

From: Kathleen Sauerland <[REDACTED]>
Sent: Tuesday, June 30, 2020 11:42 AM
To: Lyn Bremanis
Subject: Special Use Permit for 326 Clark Drive

Hi Lyn,

We are writing to encourage the Village of Palatine to APPROVE the Special Use permit for an addition as requested by Kevin and Pat Thomas for 326 N Clark Drive. As longtime neighbors, we understand and respect the need for extra space on this property to accommodate their belongings. The Thomas' have been very good neighbors who take excellent care of both their home and land. They are responsible and amiable, and we are proud to support them in this request for the variance to the zoning ordinance.

Sincerely,
Brian & Kathy Sauerland

Attachment: Support Email (326 N Clark Dr - SU Setback)

Lyn Bremanis

From: Kimm Kozera <[REDACTED]>
Sent: Thursday, July 2, 2020 3:36 PM
To: Lyn Bremanis
Subject: RE: 326 N Clark Street

Kevin and Patricia Thomas have been our friends and neighbors for many years. We are aware of their project and variance request at 326 N Clark Dr and are fully in support of it.

http://palatinevillageil.iqm2.com/Citizens/Detail_LegalNotice.aspx?ID=1210

Kimm Kozera and Radoslav Lorkovic
405 N Clark Dr, Palatine, IL 60074

Attachment: Support Email (326 N Clark Dr - SU Setback)

PUBLIC NOTICE
A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, July 14, 2020 at 7:00 P.M. in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:

Special Use to permit a front yard setback to be 18 feet from the side lot line instead of the minimum required 30 feet pursuant to Section 10.06 (c)(13) of the Palatine Zoning Ordinance. The property is commonly known as 326 N Clark Street (02-13-302-024).

The Petitioner is proposing to build a single story addition that encroaches into the legal front yard along E. Bissell Drive.

The above petition has been filed by Kevin and Patricia Thomas and is available for examination in the office of the Village Clerk, 200 E. Wood Street.

FILE #: 20-24
VILLAGE OF PALATINE
Jan Wood, Chair
Palatine Zoning Board
of Appeals

DATED: This 29th day of June, 2020
Published in Daily Herald
June 29, 2020 (4547153)

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 06/29/2020 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 *Danula Baetz*
Authorized Agent

Control # 4547153

Attachment: Public Notice (326 N Clark Dr - SU Setback)

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 07/14/20 07:00 PM

CASE STAFF STATEMENT (ID # 6130)

870 N. Virginia Lake Drive

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: L. Bremanis

PETITIONER: David and Patricia Paprocki

CASE NUMBER: 20-25

ADDRESS: 870 N. Virginia Lake Court

PROPOSAL:

Special Use to permit a raised (elevated) deck to be located in the floodplain pursuant to Section 6.08 (d) (2) (m) of the Palatine Code of Ordinances - Appendix B - Subdivision, Site Development and Floodplain Regulations.

Variation to permit a portion of a raised (elevated) deck to be located 20 feet from the rear lot line, instead of the minimum required 25 feet pursuant to Section 10.01 (d)(2)(u) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 870 N. Virginia Lake Ct District 5 (Kozlowski)	<u>CURRENT ZONING:</u> R-2 Single Family Residential
---	--

SURROUNDING CONDITIONS:

North:	Retention Pond
South	R-2 Single Family Residential
East:	R-2 Single Family Residential
West:	R-2 Single Family Residential

BACKGROUND:

The Petitioner is proposing to build a raised (elevated) deck over an existing patio, which is located in the flood plain and partially encroaches upon the minimum rear yard setback. Therefore, the Petitioners are requesting:

Special Use to permit a raised (elevated) deck to be located in the floodplain.

Variation to permit a portion of a raised (elevated) deck to be located 20 feet from the rear lot line, instead of the minimum required 25 feet.

SITE ANALYSIS:

- The Subject Property is zoned R-2 Single Family and contains a single-family residence.
- The Petitioner is seeking a Special Use to build a deck over an existing patio. The subject property's entire rear yard is encumbered by the floodplain.
- Per the Subdivision Ordinance, elevated decks in the floodplain require Special Use review.
- There are many other homes around the lake in this subdivision, which also have similar raised decks along Virginia Lake. As required within the subdivision declarations, the HOA has approved the proposed deck.
- In addition, the lot is irregularly shaped and a portion of the proposed deck (approximately 28 square feet) encroaches into the minimum required 25-foot setback by each corner approximately 5 feet.
- The proposed deck is approximately 560 square feet and 9.5 feet in height.
- The existing lot coverage is non-conforming at approximately 48.2% (45% is permitted). Note - the addition of the deck does not change the lot coverage, as it is being placed over an existing patio, however does increase the building coverage to approximately 34%, which meets code.

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 SPECIAL USE: Since this Petition is not for a use publicly operated or traditionally affected with the public interest, those standards under Section 14.05 D (2) and (3) are applicable. Specifically, the Petitioners must show that the Special Use,

if granted, will be operated in a manner consistent with the public health, safety, and welfare, and that the Special Use will not have a negative impact on the value of surrounding properties. The Petition for a Special Use is attached, and the Petitioners have attempted to address the required standards.

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:

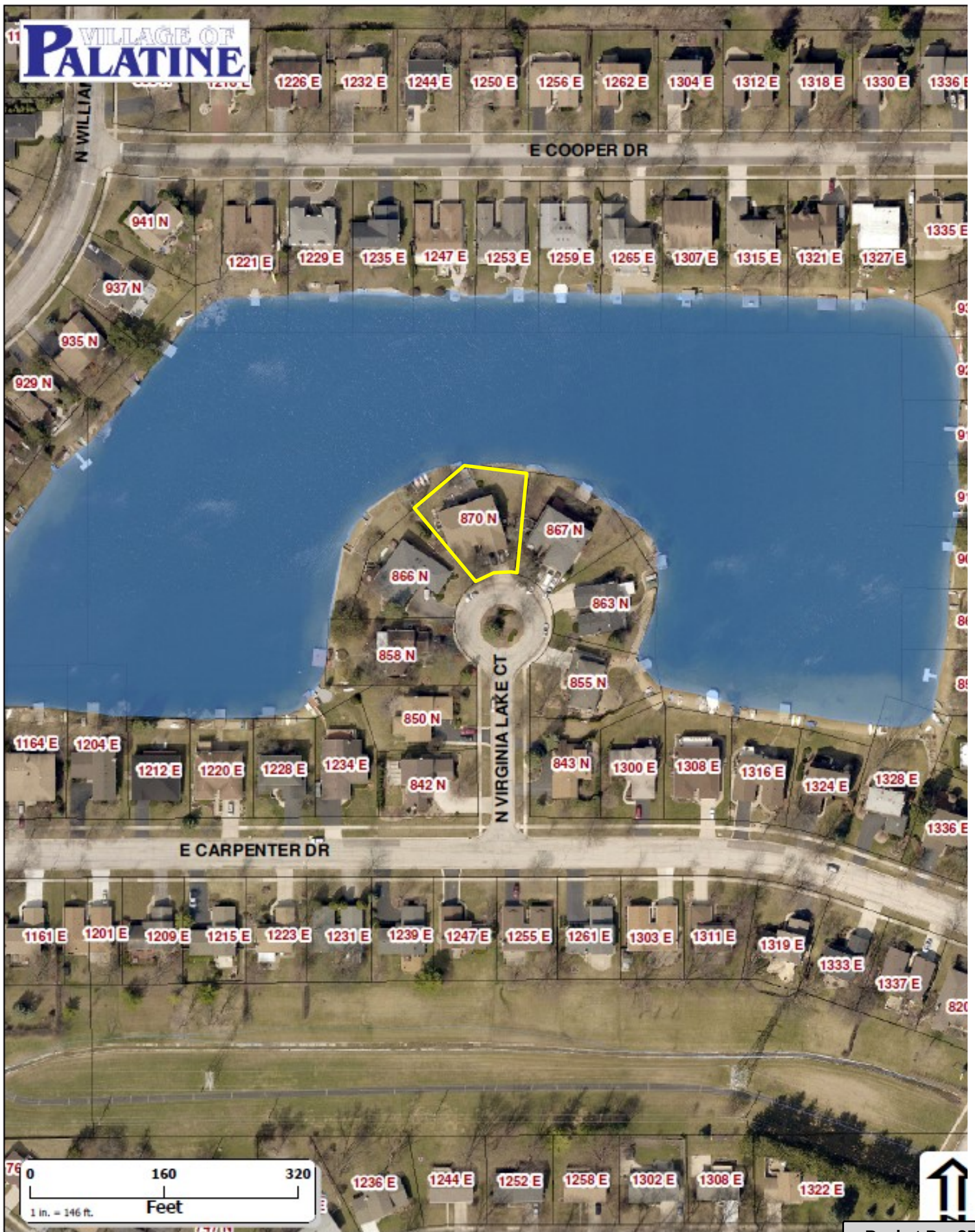
While the floodplain encumbers much of the surrounding area, the Village Engineer has reviewed this proposal and does not have any specific concerns. The deck is elevated at 9.5 feet in height. Raised decks are allowed as a Special Use within the floodplain, provided they are not located in the floodplain or other areas essential to the conveyance of flood waters, of which the proposed is not. Additionally, the square footage of the deck's encroachment into the rear yard is minimal and should not have a negative impact of the surrounding area. Therefore, Staff recommends approval of the proposed Special Use, subject to the following conditions:

1. The Special Use shall substantially conform to the site plan submitted by the Agents, Christiana Briseno and Eric Hoffman on 05/28/2020 except as such plans may be changed to conform to Village Codes and Ordinances.

ATTACHMENTS:

- Aerial map - 870 N. Virginia Lake Drive
- Application
- Site Plan
- Elevations
- Flood Plain Map
- Public Notice

870 N Virginia Lake Court





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	Zoning Case #
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date

date received

Background Information	PETITIONER(S)		Business Name (if applicable)
	David and Patricia Paprocki		
	Subject Property Address 870 N. Virginia Lake Court Palatine IL		
	AUTHORIZED AGENT (if applicable)		Business Name (if applicable)
	Eric Hoffman and Cristina Briseno Woodridge Deck & Gazebo Co.		
	Address 2246 Palmer Dr. #101 Schaumburg IL 60173		City/State/Zip Code
	Telephone 8475772722	Fax	Email permits@deckandgazebo.com
	Relationship to Petitioner (contractor, architect, etc.) contractor		
	TYPE OF APPLICATION (check one)		
	☐ Special Use ☐ Special Use Amendment ☒ Variation		
Existing Zoning District R-2 single family	Existing Land Use Residential	Proposed Land Use Residential	
Generally describe your request:			
Replacing existing deck with new PVC deck. Proposed new deck encoraches into 25' set back by approximately 4'6" on the left and 2' on the right., it tappers off to nothing toward the center of the proposed deck because of the shape of the property. See submitted highlighted plat. We have resided at this address for almost 30 years and have also seen comparable structures that our surrounding neighbors have.			

Attachment: Application (870 N Virginia Lake Dr - SU VAR deck in floodplain)



SPECIAL USE

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)
- ☐ Business Plan (if applicable; including, but not limited to nature of business, hours of operation, number of employees, and menu)

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 14.05 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Variation only, you do not need to answer these items.***

1. The use is deemed necessary for the public convenience at that location

In comparison to the other properties near by the proposed improvement would add value to the property and be similar to the structures the properties next door have.

2. The use is designed, located, and proposed to be operated that the public health, safety and welfare will be protected

The plans will be in accordance to IRC and Village ordinances to be safe for the public, health safety and welfare.

3. The use will not cause substantial injury to nearby property values

The proposed deck will add value to the property and the surrounding properties as well. It will be comparable to the already existing structures in the surrounding area.

4. With respect to live entertainment uses, the use shall not:

- a. Produce noise levels so great as to constitute an unreasonable interference for persons outside the confines of the establishment
- b. Impose undue health, sanitation or safety burdens on the village
- c. Create excessive demands on the Village of Palatine Police Department
- d. Be of a nature otherwise prohibited by law or village ordinance

5. For fence standards, see Section 14.05 of the Palatine Zoning Ordinance

The use of the deck is for the owners of the property and will not violate any noise ordinances nor create excessive amounts of noise to disrupt the neighborhood or warrant a call to law enforcement.



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

In comparison to the other properties near by the proposed improvement would add value to the property and be similar to the surrounding neighbors.

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

The neighbors lots are square where as our property comes to a point causing the small amount of proposed deck to encroach on the set backs.

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

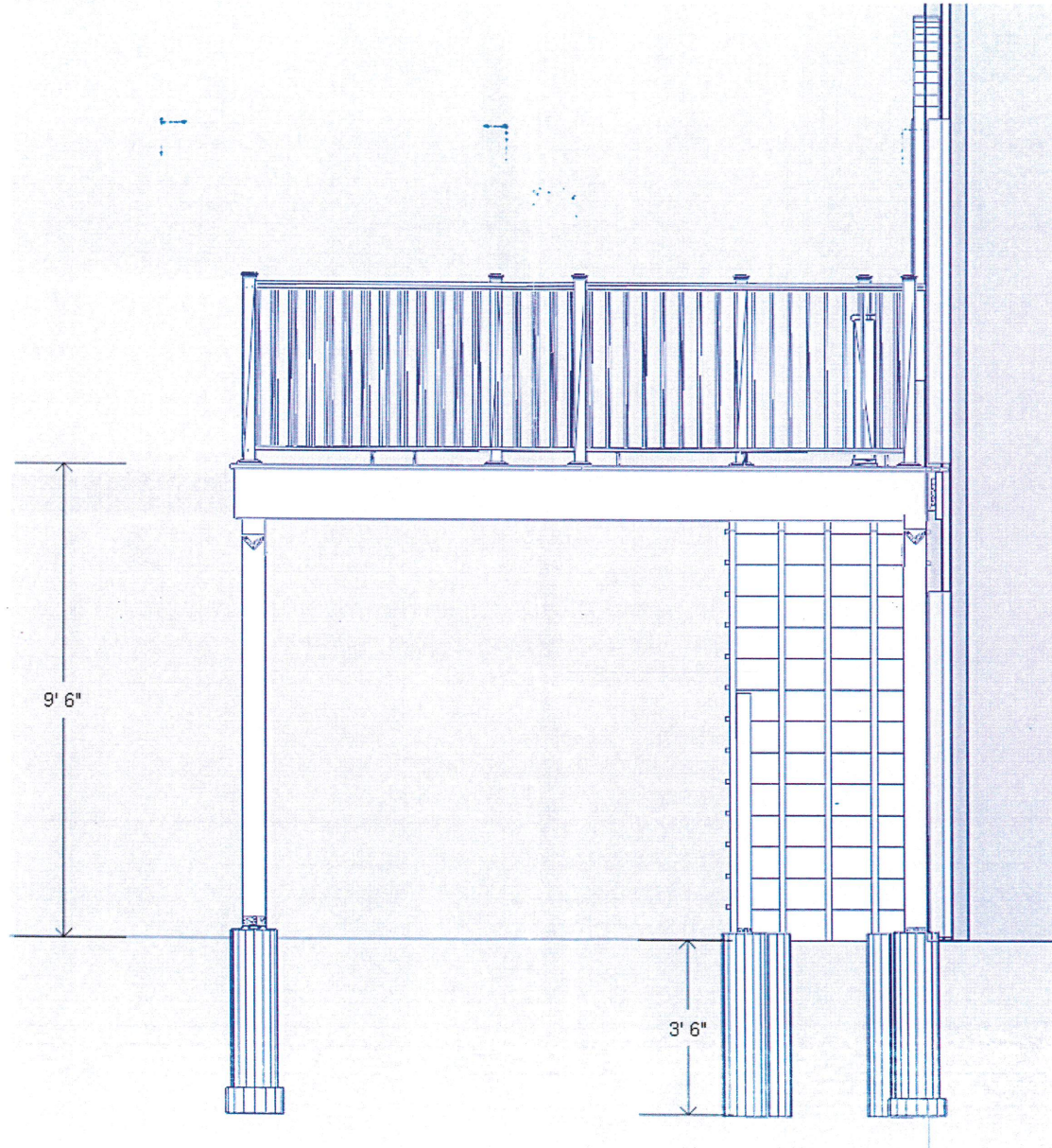
It will not alter the character, it will match what the neighbors currently have.

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

Attachment: Application (870 N Virginia Lake Dr - SU VAR deck in floodplain)

Attachment: Site Plan (870 N Virginia Lake Dr - SU VAR deck in floodplain)





Attachment: Elevations (870 N Virginia Lake Dr - SU VAR deck in floodplain)



Attachment: Elevations (870 N Virginia Lake Dr - SU VAR deck in floodplain)

870 N Virginia Lake Court - Flood Plain

4.2.e



PUBLIC NOTICE
 A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, July 14, 2020 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:
 Special Use to permit a raised (elevated) deck to be located in the floodplain pursuant to Section 6.08 (d) (2) (m) of the Palatine Code of Ordinances - Appendix B - Subdivision, Site Development and Floodplain Regulations.
 Variation to permit a portion of a raised (elevated) deck to be located 20 feet from the rear lot line, instead of the minimum required 25 feet pursuant to Section 10.01 (d)(2)(u) of the Palatine Zoning Ordinance.
 The property is commonly known as 870 N. Virginia Lake Court (02-12-406-010).
 The Petitioner is proposing to build a raised (elevated) deck over an existing patio, which is located in the flood plain and partially encroaches upon the minimum rear yard setback.
 The above petition has been filed by David and Patricia Paprocki and is available for examination in the office of the Village Clerk, 200 E. Wood Street.

FILE #: 20-25
 VILLAGE OF PALATINE
 Jan Wood, Chair
 Palatine Zoning Board of Appeals
 DATED: This 29th day of June, 2020
 Published in Daily Herald
 June 29, 2020 (4547154)

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, Montgomer Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlak 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 Ho 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 06/29/2020 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 # 4547154

Attachment: Public Notice (870 N Virginia Lake Dr - SU VAR deck in floodplain)

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 07/14/20 07:00 PM

CASE STAFF STATEMENT (ID # 6132)

2070 N Rand Road AB

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Lyn Bremanis

PETITIONER: Vartan Chakalian, Spine & Well Necessities

CASE NUMBER: 20-26

ADDRESS: 2070 N. Rand Road AB

PROPOSAL:

Special Use to permit a medical office (chiropractor) pursuant to Section 11.03 (d) (42) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 2070 N. Rand Road AB District 3 (Myslinski)	<u>CURRENT ZONING:</u> P- Planned Development
--	---

SURROUNDING CONDITIONS:

<u>North:</u>	P- Planned Development
<u>South:</u>	P- Planned Development
<u>East:</u>	P- Planned Development
<u>West:</u>	P- Planned Development

BACKGROUND:

The Petitioner is proposing to open a new Chiropractic Office at the subject property. Therefore, the Petitioner is requesting:

Special Use to permit a medical office (chiropractor).

SITE ANALYSIS:

- The Subject Property is zoned Planned Development and contains a shopping center (18,316 square feet) and the Butera grocery store (47,000 square feet). The Planned Development follows both the Village's B-2 (General Business) District and Cook County's C-4 (General Commercial).

- The Petitioner intends to open a Chiropractic Office.
- The proposed use would occupy 2 existing tenant spaces in the shopping center. The total area is approximately 2,400 square feet.
- The hours of operation would be:
Monday, Wednesday, Thursday: 10 AM - 1 PM | 3 PM - 6 PM
Tuesday: 3 PM - 6 PM.
- The business plan anticipates 10-30 patients per hour.
- The parking requirement is based on the 1/300 square feet requiring 8 spaces. There are 294 spaces provided at the shopping center and 243 required, thus an excess of 51 parking spaces.

DEPARTMENTAL REVIEWS:

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

STANDARDS FOR SPECIAL USE: Since this Petition is not for a use publicly operated or traditionally affected with the public interest, those standards under Section 14.05 D (2) and (3) are applicable. Specifically, the Petitioners must show that the Special Use, if granted, will be operated in a manner consistent with the public health, safety, and welfare, and that the Special Use will not have a negative impact on the value of surrounding properties. The Petition for a Special Use is attached, and the Petitioners have attempted to address the required standards.

STAFF RECOMMENDATION:

The petitioner is requesting to open a chiropractic office in the subject tenant space. The development is over parked by 51 spaces, therefore, Staff does not have any parking concerns. This location will maintain a mixture of commercial and service uses within the development and should not have a negative impact of the surrounding properties. Therefore, Staff recommends approval of the Special Use, subject to the following conditions:

1. Special Use shall substantially conform to the Business Plan submitted by the Petitioner on 6/11/20 and the Floor Plan prepared Carlson Architects dated 6/04/20, except as such plans may be changed to conform to Village Codes and Ordinances.

ATTACHMENTS:

- Aerial map - 2070 N. Rand Road
- Application
- Plat of Survey
- Floor Plan
- Business Plan
- Public Notice

2070 N Rand Road AB



Attachment: Aerial map - 2070 N. Rand Road (2070 N Rand Rd AB - SU Medical)

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	Zoning Case #
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date

date received

Background Information	PETITIONER(S)		Business Name (if applicable)	
	VARTAN CHAKALIAN		FOUNDATIONS SPINE & WELL-NECESSITY	
	Subject Property Address			
	2070 N RAND RD, SUITES AB, PALATINE 60074			
	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			
Existing Zoning District		Existing Land Use		Proposed Land Use
Generally describe your request:				
WILL BE PROVIDING MEDICAL SERVICES TO THE COMMUNITY OF PALATINE. SERVICES INCLUDE ADJUSTMENTS OF THE SPINE, ACUPUNCTURE, EASTERN MEDICINE, DIET/NUTRITION ADVICE, EXERCISE & REHAB				

Attachment: Application (2070 N Rand Rd AB - SU Medical)



SPECIAL USE

Required Materials

- ☐ Filing Fee of \$ 898
- ☐ 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)
- ☐ Business Plan (if applicable; including, but not limited to nature of business, hours of operation, number of employees, and menu)

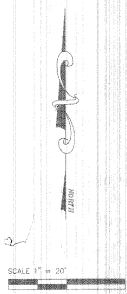
Additional Materials (as required by the Village)

- ☐ 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 14.05 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. **If you are applying for a Variation only, you do not need to answer these items.**

1. The use is deemed necessary for the public convenience at that location
YES. PLENTY OF PARKING, LOCATED ON MAJOR PALATINE HIGHWAY, RAND RD.
2. The use is designed, located, and proposed to be operated that the public health, safety and welfare will be protected
YES, LICENCED CONTRACTORS & ARCHITECT WILL BE DESIGNING/BUILDING SPACE. BE SPACE WILL BE UP TO CODE & ADA COMPLIANT, ABIDING TO ALL PUBLIC HEALTH & SAFETY GUID. WE
3. The use will not cause substantial injury to nearby property values
OUR USE WILL NOT AFFECT SURROUNDING PROPERTIES. IF ANYTHING, IT MAY ADD VALUE TO THE PLAZA B/C OF INCREASED FOOT TRAFFIC
4. With respect to live entertainment uses, the use shall not:
 - a. Produce noise levels so great as to constitute an unreasonable interference for persons outside the confines of the establishment
 - b. Impose undue health, sanitation or safety burdens on the village
 - c. Create excessive demands on the Village of Palatine Police Department
 - d. Be of a nature otherwise prohibited by law or village ordinance
5. For fence standards, see Section 14.05 of the Palatine Zoning Ordinance



LEGEND	
EXISTING FEATURES	
	STORM CATCHMENT
	FLARED END SECTION
	STORM INLET
	LIGHT POLE
	HYDRANT
	VALVE VAULT
	WATER VALVE
	STORM MANHOLE
	SANITARY MANHOLE
	FINISHED FLOOR ELEVATION
	SPOT
	POWER POLE
PROPOSED FEATURES	
	X.M.E. 771.10 MATCH EXISTING ELEVATION
	X.T.C. 771.00 TOP OF CURB ELEVATION
	X.O.R. 771.20 FINISHED GRADE ELEVATION
	X.E.P. 771.10 EDGE OF PAVEMENT ELEVATION
	SPOT
	INLET FILTER
UTILITY LINE TYPES	
	EXISTING SANITARY SEWER
	EXISTING STORM SEWER
	EXISTING WATER MAIN
	TEMPORARY CONSTRUCTION FENCE
	PROPOSED STORM SEWER
	PROPOSED CONTOUR 770
	EXISTING CONTOUR 770
	PROPOSED RIDGELINE

GENERAL NOTES

- FOR GRADING NOTES, SEE SHEET C-B.

GENERAL NOTES

- ALL HALF-TONE INFORMATION IS PER PROPOSED DESIGN IMPROVEMENT PLANS.
- ALL FULL-TONE INFORMATION REFLECTS THE AS-CONSTRUCTED, FIELD VERIFIED, CONDITION.
- FIELD WORK WAS COMPLETED NOVEMBER 8, 2010.

AS-BUILT DRAWING

DATE : NOVEMBER 11, 2010

I HEREBY CERTIFY THAT THE PUBLIC IMPROVEMENTS WERE CONSTRUCTED IN GENERAL CONFORMANCE WITH THE APPROVED PLANS AND SPECIFICATIONS PREPARED BY LANDMARK ENGINEERING GROUP DATE SEPTEMBER 23, 2010. THE AS-BUILT DATA PRESENTED HEREIN IS BASED ON THE FIELD SURVEY COMPLETED ON NOVEMBER 8, 2010 AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF ILLINOIS.

CHARLES B. GILMORE, P.E. DATE
ILLINOIS REG. #062-059124 EXP. DATE 11/30/11
IF SEAL AND/OR SIGNATURE IS NOT A CONTRASTING COLOR, THIS DOCUMENT IS NOT AN ORIGINAL.

CARLSONAR
128 S HALE ST
PALATINE, ILLINOIS 60067
WWW.CARLSONARCHITECTURE.COM

RENOVATION
2070 N RAND RD
PALATINE, IL 60074

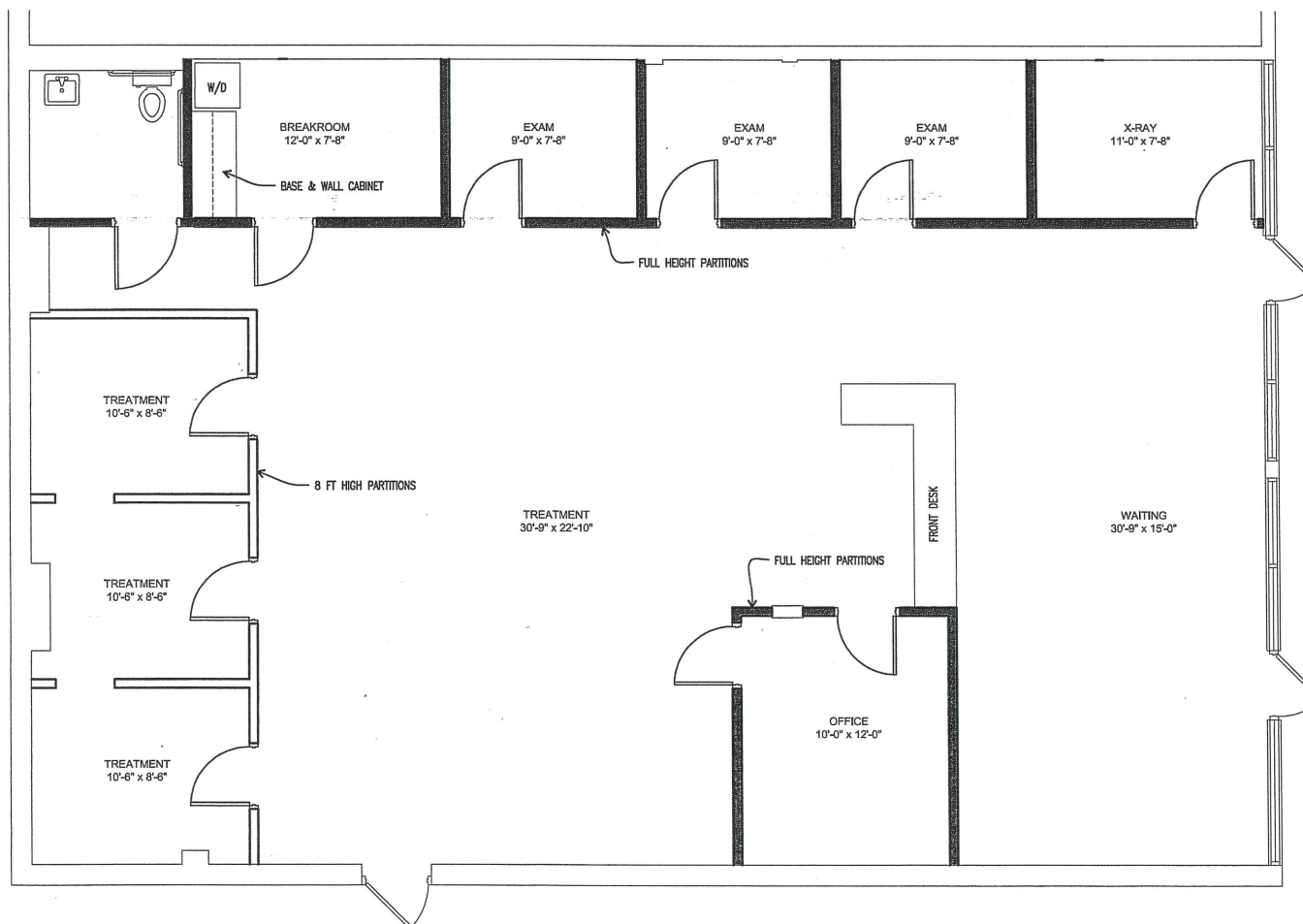
PROJECT NUMBER:
19022

NO.	REVISION	REMARKS	DATE
1			

DATE:
06.04.2020

**PROPOSED
FLOOR PLAN**

SHEET NUMBER:
A101



A4 PROPOSED PLAN
Scale: 1/4"=1'-0"



Foundations Spine & Well-necessities PLLC Business Plan

Nature of Business

Foundations Spine & Well-necessities (FSWN) is a chiropractic health clinic. Although providing Chiropractic services is the primary service FSWN will be offering, it may later include services such as acupuncture, Eastern Medicine, and physical therapy, all of which naturally fall in to the scope of Chiropractic clinics.

Hours of Operation

Monday: 10am-1pm | 3pm-6pm

Tuesday: 3pm-6pm

Wednesday: 10am-1pm | 3pm-6pm

Thursday: 10am-1pm | 3pm-6pm

These hours are treatment hours available to the public. Employee Training and marketing hours may vary depending on the situation. Employees will typically begin shifts at 9am, and potentially finish at 8pm.

Number of Employees

FSWN will begin business with 1-2 employees. It expects to scale, by year 5, to 4-6 employees.

Number of Patients expected to see

FSWN expect to start business seeing 10-30 patients per hour. It expects to scale, by year 5, to 30-50 per hour. Because of the nature of FSWN's business model, FSWN expects to treat many families, where each family may consist of 3-4 patients (1 car per family, not necessarily 50 cars per hour).

PUBLIC NOTICE
 A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, July 14, 2020 at 7:00 P.M. in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:
Special Use to permit a medical office (chiropractor) pursuant to Section 11.03 (d) (42) of the Palatine Zoning Ordinance.
 The property is commonly known as 2070 N. Rand Road AB (02-02-204-013).
 The Petitioner is proposing to open a chiropractic office. The above petition has been filed by Vartan Chakalian, Spine & Well Necessities and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
FILE #: 20-26
VILLAGE OF PALATINE
 Jan Wood, Chair
 Palatine Zoning Board of Appeals
DATED: This 29th day of June, 2020
 Published in Daily Herald
 June 29, 2020 (4547155)

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, Montgomer Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlak 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 Hol 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 06/29/2020 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 # 4547155

Attachment: Public Notice (2070 N Rand Rd AB - SU Medical)