

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 • 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

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

Staff present: Ms. Lyn Bremanis

III. APPROVAL OF MINUTES

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

Mr. Luszcak made a motion to approve the minutes of June 23, 2020; seconded by Mr. Larson.

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

IV. PUBLIC HEARING

1. 326 N Clark Drive

Notice was published in the Daily Herald on June 29, 2020 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use
2. Proof of Ownership
3. Site Plan
4. Floor Plan
5. Elevations
6. Support Emails
7. Public Notice

Sworn in staff: Ms. Lyn Bremanis**Sworn in petitioner: Mr. Kevin Thomas**

Mr. Thomas stated they have owned the home for 18 years, lived there for 3 years and rented for 15. He explained the tenant moved out recently so they want to complete a garage addition and move back in to downsize toward retirement. He explained the request is to reduce the front/side yard setback to 18ft to allow an addition. Mr. Thomas explained they are looking for garage space for storage. He stated they have spoken to most neighbors and there were no objectors. He stated he feels it won't infringe in any line site or on anyone's property. Mr. Thomas stated he hopes the request will increase the value of his property as well as the neighborhood's.

Ms. Bremanis gave a brief overview stating the property is zoned R2. She referred to an aerial showing location of the properties that sent letter of support. She spoke to the other properties in the area that have setback reductions indicated by a star on the aerial slide. Ms. Bremanis explained the request is to expand the garage going from a one car to a two car garage. She referred to the slide to show existing conditions. Ms. Bremanis corrected the packet info explaining the addition is 450 sq.ft. making the encroachment at 225 sq. ft. She referred to the site plan slide showing though it is at 18ft in the front it goes all the way back meeting code. She stated community services and engineering have reviewed and didn't have any issues.

Mr. Cavanaugh referred to the aerial asking if the stars are properties that have variations.

Ms. Bremanis explained they are properties that don't meet code explaining they may have been built as is or before setbacks were in place.

Mr. Cavanaugh asked if these are only ones that are existing nonconforming.

Ms. Bremanis answered yes in this immediate area.

Mr. Cavanaugh stated all the corner lots look close.

Ms. Bremanis stated she looked at various plats and many of them were right at the setback requirement.

Mr. Cavanaugh asked if any properties in the area that have received relief.

Ms. Bremanis stated she is not aware of any.

Mr. Thomas stated there is one corner lot on Glen or Robinson that added a detached garage that received relief. He stated he listed the address on his application.

Mr. McGinn asked if Mr. Thomas spoke to 950 E Bissell.

Mr. Thomas stated he spoke to both the house that faces Clark and the neighbor and both are in support as well as the neighbor in the rear.

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.

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

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

DELIBERATIONS:

Mr. Cavanaugh stated if anything they are improving the value of the property, standards have been met and there are no objections from neighbors.

Mr. Larson stated it is one of the corner lots that always have issues with front yard setbacks. He stated it meets the standards and won't have negative impact the area.

Ms. Wood stated it is a reasonable request with a small amount of square footage encroaching.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will go to Village Council on August 3, 2020.

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

2. 870 N. Virginia Lake Drive

Notice was published in the Daily Herald on June 29, 2020 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use and Variation
2. Proof of Ownership
3. Site Plan
4. Elevations
5. Public Notice

**Sworn in petitioner: Mr. David Paprocki 870 N Virginia Lake Court
Mr. Eric Hoffman: contactor Woodridge Deck and Gazebo Co, Schaumburg, IL**

Mr. Paprocki explained they currently have 2 small decks on the back of their house that are not big enough to sit or put furniture on. He referred to the site plan slide showing the area of encroachment stating they have talked to both neighbors who both have similar decks and approve. He stated the HOA also approves. Mr. Paprocki stated he has also talked to all neighbors in the cul-de-sac who all approve as well.

Mr. Cavanaugh asked if the current patio that they will be building on is pavers or concrete.

Mr. Paprocki stated concrete.

Mr. Hoffman explained it is exposed aggregate concrete.

Mr. Pirog clarified the concrete is existing.

Mr. Hoffman answered yes.

Mr. Paprocki explained the concrete was there when he bought the house 29 years ago.

Mr. Pirog asked if they will be pouring more cement.

Mr. Hoffman answered no except for the piers. He explained the design of deck is using treated laminated beams to get the spans. He explained the plan is to have 4 piers to keep it an open view but if they are required to angle the corners they will have to add more piers.

Mr. Paprocki stated in the 29 years he has lived there he has never had water come up to even the concrete patio.

Mr. Pirog asked if the variation is for the corners.

Mr. Hoffman answered yes.

Ms. Bremanis explained the special Use is for work done in the flood plain.

Ms. Wood clarified the concrete will stay.

Mr. Hoffman yes explaining they will drill a hole in it.

Mr. Paprocki stated the elevation at the ground level does not change at all.

Ms. Wood asked if the neighbors have any flooding issues.

Mr. Paprocki answered no stating the neighbors have similar decks.

Mr. Cavanaugh referred to the aerial slide pointing out the structure of the home is in flood plain.

Ms. Bremanis answered yes.

Mr. Paprocki stated he thinks the flood plain changed after the home was built.

Mr. Cavanaugh asked if there is a basement.

Mr. Paprocki explained there is a lower level that has a walkout.

Mr. Cavanaugh asked if they ever got water in house.

Mr. Paprocki answered no. He explained the way the lake fills from the bottom so when it fills it empties which is why there is no flooding problems. He referred to aerial to show the culvert location which flows water to a creek near 53.

Ms. Bremanis gave a brief overview of the request stating the property is zoned R2. She stated the subdivision ordinance requires a special use for any decks in the flood plain. She referred to the existing condition slides to show how common these decks are in the area. Ms. Bremanis stated the proposed deck is approx. 560 sq.ft. and 9ft. high. She stated they are over on lot coverage at 48.2% however the proposed request will not change this. Ms. Bremanis stated the building coverage meets code. She stated community services and engineering have reviewed and have no issues.

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 Mr. Eric Hoffman on 05/28/2020 except as such plans may be changed to conform to Village Codes and Ordinances.

Ms. Bremanis added the corner encroachment is only 28sq.ft.

Ms. Wood clarified the patio is in the flood plain but the deck is not.

Ms. Bremanis explained the deck is in the flood plain as well. She referred to the

flood plain slide showing the flood plain goes more than half way through their house.

Ms. Wood clarified the terminology of the code for deck sin the flood plain
Ms. Bremanis explained it reads where there is conveyance of water. She pointed out there is no water running in this area.

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

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

DELIBERATIONS:

Mr. McGinn stated the request is for a minor variation. He stated the layout of the deck won't have an adverse effect in the community. Mr. McGinn pointed out many of the decks in neighborhood are similar so it won't alter the property. He stated the unique circumstances being met because the home is already located in a flood plain. Mr. McGinn stated the conditions have been met.

Mr. Cavanaugh stated it is in keeping with the neighborhood with multiple other properties having similar decks. He stated this will allow the homeowner to get more use out of the property.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will go to Village Council on August 3, 2020.

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

3. 2070 N Rand Road AB

Notice was published in the Daily Herald on June 29, 2020 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in petitioner: Mr. Vartan Chakalian Foundations Spine & Well-Necessities 2070 N Rand Rd AB

Mr. Chakalian stated the goal is to open a chiropractor facility. He explained when they initially open they will offer chiropractic services and as they move along they plan to add on Chinese herbal medicine, acupuncture and physical therapy. Mr. Chakalian stated the community needs it. He spoke to different research that indicates the need for back pain relief, C-section related chronic disorders as well as the chronic opiate epidemic related to back pain. He stated the goal is to impact the community in a positive way. Mr. Chakalian stated there is plenty of parking.

Mr. Cavanuagh asked how many staff they would have to accommodate the 30 patients per hour.

Mr. Chakalian explained those numbers are by year 5 so probably 5 employees.

Mr. Cavanuagh asked about current staffing being between 2-3.

Mr. Chakalian stated including himself there would be 2 other staff.

Discussion on times and amount of patients.

Ms. Wood asked if he has a current location.

Mr. Chakalian answered no. He stated he has been out of school and in practice for 5 years. Mr. Chakalian spoke to the safety of public standards referring to research on chiropractic services.

Mr. McGinn recused himself.

Mr. Pirog spoke to the parking.

Ms. Bremanis referred to plat to show the ample parking.

Ms. Bremanis gave a brief overview of the request stating it 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). She stated they would occupy 2 existing tenant spaces in the shopping center with a total area of approximately 2,400 square feet. She spoke to the hours of operation being Monday, Wednesday, Thursday: 10 AM - 1 PM | 3 PM - 6 PM Tuesday: 3 PM - 6 PM. Ms. Bremanis stated the parking is over parked by 51 spaces. She stated community services and fire prevention have reviewed and have no concerns.

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.

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

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

DELIBERATIONS:

Mr. Larson stated it is a good use for the area. He stated there is not much in the center so parking is open. He stated it won't have a negative impact on the value of the surrounding properties and will be operate in a manner consistent with the public health safety and welfare.

Ms. Wood stated medical is consistent with public health safety and welfare. She pointed out parking is not an issue.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will go to Village Council on August 3, 2020.

RESULT:	RECOMMENDED TO APPROVE [6 TO 0]
MOVER:	Brent Larson, Commissioner
SECONDER:	John Pirog, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Luszczyk, Cavanaugh, Pirog
ABSENT:	Dittrich
RECUSED:	McGinn

V. COMMUNICATIONS**VI. ADJOURNMENT**

1. Motion to Adjourn

Mr. Pirog made a motion to adjourn; seconded by Mr. Cavanaugh

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

