

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 • JUNE 26, 2018

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 12, 2018 7:00 PM

III. PUBLIC HEARING

1. 43 S Ash Street

Variation to permit total square footage accessory structures to be 1200 square feet instead of the maximum 700 square feet per Section 6.01 (a) (1) of the Palatine Zoning Ordinance.

2. 628 N Hawk Street

Variation to permit a driveway to be set back 0 feet from the lot line, instead of the minimum distance 2 feet pursuant to Section 7.04 (i)(2) of the Palatine Zoning Ordinance.

3. 1407 E. Norman Drive

Variation to permit lot coverage to be 56 percent, instead of the maximum permitted 45 percent pursuant to Section 10.06 (g) (1) (b) of the Palatine Zoning Ordinance.

Variation to permit a patio to be set back 0 feet from the side lot lines, instead of the minimum required 2 feet pursuant to Section 10.01 (d) (3) (b) of the Palatine Zoning Ordinance.

Variation to permit an accessory structure to be located 3 feet from principal structure, instead of the minimum required 10 feet pursuant to Section 6.01 (a)(2)(b) of the Palatine Zoning Ordinance.

Variation to permit an accessory structure to be set back 0 feet, instead of the minimum required 5 feet, pursuant to Section 6.01 (a) (2) (b) of the Palatine Zoning Ordinance.

Variation to permit an accessory structure to be located in an easement, pursuant to Section 6.01 (a)(3)(c) of the Palatine Zoning Ordinance.

4. 1101 S Smith Street

Special Use to permit an accessory structure to be 18 feet in height instead of the maximum 15 feet per Section 6.01 (a) (1) of the Palatine Zoning Ordinance.

Variation to permit total square footage accessory structures to be 1120 square feet instead of the maximum 150 square feet in a side yard per Section 6.01 (b) 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 12, 2018

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

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - May 8, 2018 7:00 PM - **Accepted as Amended**

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

Minutes Acceptance: Minutes of Jun 12, 2018 7:00 PM (Approval of Minutes)

III. PUBLIC HEARING

1. 265 N Schiller Street - **Recommended to Approve**

Notice was published in the Daily Herald on May 28, 2018 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. Site Plan
5. Elevations
6. Public Notice

Sworn in petitioner: Mr. Dan Cunningham 814 Concord Lane Architect

Mr. Cunningham stated he is representing his client who could not be in attendance. He explained 17 months ago they went through the process and thought they had 2 years to complete but it expired in 1 year. Mr. Cunningham explained they are seeking for relief on the setback to add a small vestibule to hang clothes and cover the front of the house. He pointed out they have downsized the approved original plans to a smaller vestibule.

Ms. Roth-Wurster clarified there are no changes to the approved plans from 17 months ago

Mr. Cunningham explained they shrunk it down to half the size.

Ms. Bremanis gave a brief summary of the request explaining it is a R2 lot that is already at 45% lot coverage so anything they would do would require a variation. She explained they went through the special use process and were approved but it had expired.

Mr. Cunningham stated the job got too pricey so they had to change to a smaller size.

Ms. Bremanis referred to the slide showing the existing home and standards for a special use and variation.

STAFF RECOMMENDATION:

The proposed front porch encroaches into the required front yard and will also exceed the maximum lot coverage. This property has an existing non-conforming front yard setback and any addition in the front yard would require a front yard setback reduction. In addition, the property is currently at maximum lot coverage so any additional coverage would require relief. This addition should not impact the surrounding property owners or alter the essential character of the neighborhood. At 6,666 square feet, the Subject Lot was platted in 1926 and is 26 percent below the current R-2 standard lot area of 9,000 square feet. This is

typical for lots in this subdivision, but can create the need for zoning relief for building additions to the existing structures. The Petitioner previously went through the process where the project was previously approved, as well. Therefore, Staff recommends approval of the Special Use and Variation are subject to the following condition:

1. The Special Use and Variation shall substantially conform to the site plan and elevation plane prepared by the architect, Dan Cunningham, dated 5/15/2018, except as such plans may be changed to conform to Village Codes and Ordinances.

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

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

DELIBERATIONS:

Ms. Roth-Wurster stated they have seen the request before and it is even being reduced in size. She stated it meets the standards.

Ms. Wood stated it will not have a negative impact. She stated it went through the process before and it is a smaller request. She spoke to the unique circumstance of the small lots and stated it won't alter the character of the locality.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will be administratively reviewed.

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

2. Stone Garden Subdivision - **Recommended to Approve**

Notice was published in the Daily Herald on May 28, 2018 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in Mr. Gary Wronkiewicz 1000 S Brockway

Mr. Wronkiewicz referred to the slide showing the landscaping plan of the development and the slide of existing conditions showing the locations of the AGUA. He explained Comed submitted the service plan to install the service to the property in October of 2016. He stated the Village approved the plans and locations in November 2016 and Comed installed them where they were approved. He explained the reason he is here is because recently the Planning department informed him they are not permitted per code. Mr. Wronkiewicz referred to the slides showing they are screened by fencing and plants. He pointed out the meter on the house is more visible than the pedestal. He spoke to the other locations through the Village with similar pedestal locations referring to the slides of pictures. Mr. Wronkiewicz explained he is asking for the variation to permit the AGUA in the current locations which was approved by the Village of Palatine 17-18 months ago.

Ms. Wood asked if Comed submitted the variation requests

Mr. Wronkiewicz explained Comed submitted the plan with these locations, the Village of Palatine issued a permit and they were installed in the approved locations.

Ms. Wood asked if a variation was requested

Mr. Wronkiewicz answered no

Ms. Wood asked staff about the locations of the examples submitted by the petitioner.

Mr. Vyverberg pointed out the section of code that the petitioner is required relief from became part of the zoning ordinance in 2008 which was part of a reflection that some service providers were expanding new technology and the Village wanted to avoid the proliferation of these above ground utility appurtenances in front and corner side yards. He spoke to the aesthetic component that led to the relief process. Mr. Vyverberg explained if the AGUA is in the right of way they need to go to Village Council to request relief or as with this situation for a residential property they need to be in the rear or interior side yards. He explained the examples in the packet are difficult to determine if they are in the public right of way or within private property. He stated the dates of those developments preceded 2008 when it became part of zoning ordinance.

Ms. Wood asked why they can't be moved

Mr. Wronkiewicz referred to slide to show the size of the AGUA being approx. 3ft high and 10 inch in diameter. He pointed out the location of the AGUA and the utility pole and explained there is no easement to move it. He further explained if you extend the lines too long you will get a voltage drop. Mr. Wronkiewicz explained Comed proposed these locations for the best service for the homes. He stated Comed said it is cost prohibited to move them. He pointed out Comed needs room to service them.

Ms. Wood asked is the location difficulty is due to the fact there are 5 homes on a small parcel of land.

Mr. Wronkiewicz stated he can't answer for Comed. He stated he asked Comed to move and they said it was cost prohibited

Ms. Wood asked what the cost would be.

Mr. Wronkiewicz explained it could be \$50,000 and Comed said the Village already permitted the locations.

Ms. Wood asked how much the homes are selling for.

Mr. Wronkiewicz stated between \$489,000-\$537,000.

Ms. Wood asked if part of the problem is they don't have the room to maneuver.

Mr. Wronkiewicz explained that is part of it as well as cost. He spoke to the length of the underwire wire that would run from the pedestal to the homes explaining when you get within 200ft. you start getting voltage drops in the line.

Mr. Cavanaugh asked about the AGUA below lot 4

Mr. Wronkiewicz explained that is Comcast. He stated Comed serves off the transformers so you need to be the closest to them-

Mr. Cavanaugh asked if there is no means to run electrical from the Comcast one
Mr. Wronkiewicz stated no Comed is high voltage and Comcast is low voltage. He restated the AGUA were approved and a variation was never mentioned.

Mr. Pirog asked if staff came out and inspected in the 17 months.

Mr. Wronkiewicz stated they have had all kinds of inspections pointing out on the slide which houses are already occupied.

Mr. Vyverberg stated the site plan that Mr. Wronkiewicz spoke to is on packet page 44. He stated they applied for a right of way permit that was reviewed and approved by the Village Engineer. Mr. Vyverberg stated in the 10 years since this section of the ordinance was passed he is not aware of any requests from the utility company to locate in the front yard or the corner side yard. He stated the right of way application clearly speaks to the need to request for a variation. Mr. Vyverberg spoke to the 17 month disparity pointing out this is an active construction site. He stated once they became aware of the circumstances we could not administratively approve because it is a strict prohibition of the code.

He stated the petitioner did submit the appropriate paperwork and it was approved but the onus requirement is on Comed when they are going through this process to either request the variation or note that one is needed.

Mr. Pirog asked if it is possible Comed felt this is the only reasonable location but didn't apply for a variation

Mr. Vyverberg stated he never had a conversation with Comed and the permit was reviewed and approved. He stated when someone applies for a utility permit with the Village and it is approved there is not additional reinspection for utility locations.

Mr. Pirog asked if the burden is on the person applying for the permit or on the Village to let them know they need a variation

Mr. Vyverberg stated if Comed contacted him to ask if they could put the box there he would have informed them that is not permitted. He stated the fact that it started as a public right of way permit when it clearly is on private property maybe the location has shifted and a permit was issued.

Mr. Wronkiewicz spoke to the permit that shows the location exactly where they were installed

Mr. Pirog asked if the request would come through today where would the Village instruct them to install.

Mr. Vyverberg explained the logical conclusion is in between the buildings. He further explained the Village's intention is to avoid the proliferation or clustering of multiple boxes that are clearly in the front yard or corner side yard because it is the most visible. He pointed out the petitioner has attempted to screen it and avoid that effect.

Mr. Cavanaugh would you agree with petitioner that it may be cost prohibitive to move

Mr. Vyverberg stated that is what the application material from Comed indicates.

Ms. Roth-Wurster asked if these boxes only service the homes on this lot

Mr. Wronkiewicz answered yes

Mr. Dittrich asked if the landscaping is ok if there were no AGUA

Mr. Vyverberg answered yes explaining the planned development contemplated landscaping.

Mr. Wronkiewicz referred to the slide showing the AGUA is barely visible from the screening compared to the other locations.

Ms. Wood asked if the fence is approved.

Mr. Vyverberg answered yes as part of the Planned Development.

Ms. Roth-Wurster asked if it was approved as part of the site approval in 2014

Mr. Vyverberg answered yes

STAFF RECOMMENDATION:

The AGUA are located in the front and side yard abutting a street of Lots 3 and 1 respectively, in conflict with the Zoning Ordinance requirements. Although a utility permit was issued by the Village, neither a variation request nor approval was submitted, as required. Nevertheless, the AGUA are located behind a picket fence and there is landscaping adjacent to this area. Finally, the Petitioner submitted other examples of similarly situated AGUA, although some of the examples appear to be in the right-of-way, which follows a different Village Code. Therefore, Staff recommends action at the discretion of the Zoning Board of Appeals. If the Zoning Board of Appeals recommends approval, Staff recommends the following condition:

1. The Variation shall substantially conform to the site plan dated 2/12/2018, last updated 5/08/2018, except as such plans may be changed to conform to Village Codes and Ordinances. This could include additional landscaping proximate to the AGUA for additional screening, if recommend by the Village Arborist.

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

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

DELIBERATIONS:

Mr. Pirog stated he was torn since he feels the right thing is to not approve but looking at the standards it won't alter locality. He stated the unique circumstance is a little shaky but feels the Village should have informed them they needed a variation. He stated they are not doing any harm and there is not really a place to put them.

Mr. Dittrich spoke to the unique circumstance is there are 5 homes on a small parcel which leads to a challenge. He stated the 2104 approval maybe should have been considered more carefully.

Ms. Wood stated the Village did approve. She pointed out they were granted a lot of homes on a very small parcel of land and because of it they are encountering other problems. She spoke to the standards stating there is uniqueness and they won't alter the character of the locality.

Ms. Roth-Wurster agreed with Ms. Wood. She stated there are not a lot of alternatives and the homes need electricity

Ms. Wood summarized that this request has met the standards and was approved by a vote of 5-1. This item will go to Village Council on June 18, 2018.

RESULT:	RECOMMENDED TO APPROVE [5 TO 1]
MOVER:	John Pirog, Commissioner
SECONDER:	James Dittrich, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Dittrich, Pirog
NAYS:	Cavanaugh
ABSENT:	Luszczak, McGinn

3. 217 N. Plum Grove Road - **Recommended to Approve**

Notice was published in the Daily Herald on May 28, 2018 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in petitioner: Mr. Lee Abrahams and Carol Abrahams 217 N Plum Grove

Mr. Abrahams stated the home was built in 1887 and has a small footprint. He explained it is too small for the size of garage he wants to build. He stated he wants to build a single story 24 by 24 garage which is over by approximately 84 sq.ft. Mr. Abrahams stated it is a standard size lot what at some point had a garage but either fell down or was taken down in the 50's. He explained he wants to bring it up to standards so they can put a couple cars in the garage. He stated he is asking for the variance for the size of the garage.

Mr. Cavanaugh asked if there is currently a paved driveway
Mr. Abrahams answered No not currently but stated there will be

Mr. Pirog asked if the neighbors are in similar situations
Mr. Abrahams spoke to the neighbors garages

Ms. Wood clarified Mr Pirog's question being similar small homes
Mr. Abrahams stated theirs is a smaller footprint. He stated they are just asking for a 2 car garage.

Mr. Cavanaugh asked if there will be lot coverage issues
Ms. Bremanis answered no

Ms. Bremanis gave a brief summary of the request explaining it is zoned R2. She stated the home is small and they are proposing a 2 car garage. She stated the building meets code.

Ms. Roth-Wurster asked if there were any issues during department reviews
Ms. Bremanis stated there were none

STAFF RECOMMENDATION:

Detached garages are not uncommon in the area and the addition of this garage should not impact the surrounding properties or general character of this subdivision. In addition, the setbacks, building and lot coverage percentage all

meet code. Therefore, Staff recommends approval of the Variation, subject to the following condition:

1. The Variation shall substantially conform to the site plan submitted by the Petitioners, Mr. Abrahams & Carol Abrahams on 3/18/2018, 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. Larson stated it meets all requirements for variation. He stated you would assume you could have a garage on a property. He spoke to the size of the home meeting the unique circumstance and stated it will not alter the character of the locality.

Ms. Wood agreed with Mr. Larson. She pointed out the only way to build a 2 car garage is to seek relief.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will be administratively reviewed.

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

4. 920 S. Harvard Drive - **Recommended to Approve**

Notice was published in the Daily Herald on May 28, 2018 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in petitioner: Mr. Brian Melton 920 S Harvard

Mr. Melton explained he is looking to extend the driveway off to the south side of the home. He stated the existing drive is only 17 ft. wide for a 2 car garage. He referred to the site plan slide to show proposed layout. Mr. Melton stated he has kids that will eventually be driving so will need future space for cars. He spoke to location of home being in busy area by both Fremd and Hunting Ridge. He pointed out the safety with cars being tucked away since high school students fly down his street. Mr. Melton stated his father and step mother live with them 3 month out of the year. He referred to slide to show the entrance to the in-law suite. He expressed his concern with the gas main location. He spoke to surrounding neighbors who have similar extended driveways.

Mr. Cavanaugh asked if there is no parking on Harvard on school days
Mr. Melton stated they can park on the street except during school events

Mr. Pirog asked about the gas line

Mr. Melton explained there is a gas main on the south side of the garage that comes out approx. a foot off the house. He stated if they went out 8-9 ft over there it would be tight with a car to pull in and back there.

Ms Wood asked about the petitioner being listed as Christopher
Mr. Melton stated that is his middle name.

Mr. Pirog asked if the other homes the petitioner discussed were all over 30 ft.
Ms. Bremanis explained she went out to check out the properties and because they are all right at 30 ft they did not require relief. She further explained the reason they need relief is because they need to pull away from the house a little which pushed them beyond the 30ft width.
Mr. Melton pointed out it is approx. 2.5 feet over.

Mr. Pirog referred to the existing conditions slide to show the closeness to the neighbor. He asked if they are filling in that area with concrete.
Mr. Melton stated partially. He explained the area by the large bush is a drainage area that runs all the way back for both the houses. He stated it should not be impacted.

Mr. Pirog asked if Engineering reviewed and had no issues.

Ms. Bremanis stated Engineering did review and they are still under in lot coverage and are maintaining the 2ft setback from the property line.

Mr. Pirog asked if there are any flooding issues.

Mr. Melton stated they have not but some neighbors have. He stated when he bought the home 5 years ago they disclosed they did get water but have not had an issue in the 5 years since.

Ms. Bremanis gave a brief overview of the request explaining it follows the R1-B so is a little more restrictive but they are still under the 40% in lot coverage. She stated they will have to come in for building permit which Engineering will further review but no issues were identified in the review thus far.

STAFF RECOMMENDATION:

The additional driveway width should not impact the surrounding properties or general character of this subdivision. In addition, the lot coverage percentage meets code and Engineering did not have any specific concerns with the proposal. Therefore, Staff recommends approval of the Variations, subject to the following condition:

1. The Variations shall substantially conform to the site plan submitted by the Petitioner, Chris Melton on 5/21/2018, 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. Cavanaugh.

DELIBERATIONS:

Mr. Dittrich stated at first he was skeptical but having seen other homes- unique circumstance being close to Fremd and Hunting Ridge- won't alter character of locality

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will be administratively reviewed.

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

5. 600 N. First Bank Drive - **Recommended to Approve**

Notice was published in the Daily Herald on May 28, 2018 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. Business Plan
5. Floor Plan
6. Public Notice

Sworn in petitioner: Dr. William Fager and Ms.Tara Whiteman Fager 41 S Northwest Hwy

Dr. Fager stated they are relocating their current chiropractic practice. He stated it is a 600 sq.ft. consolidation of space. He stated it is better structural with no potential water issues like they have been experiencing for the past 11 years. Dr. Fager stated it has better parking with better handicap accessibility.

Ms. Wood asked staff if they had any problems reported at their current location. Ms. Bremanis answered there have been no complaints

Ms. Bremanis gave a brief overview of their business plan. She stated they have 2 full time doctor and their business hours will be Monday and Tuesday 10 AM - 5 PM, Wednesday 10 AM - 8 PM, Thursday hours will vary, Friday 9 AM - 8 PM and Saturday 8 AM - 2 PM. She stated they expect approximately 10-12 clients per day. Ms. Bremanis stated the tenant space is approx. 1,700 square feet and requires 6 parking spaces. She stated the property has 54 spaces so meets all the parking requirements. She stated it has been reviewed by Community Services and Fire Prevention and had no concerns. Ms. Bremanis stated it is unique being part of the Renaissance Planned Development. She referred to the slide to show where medical uses are permitted uses in the development.

Mr. Cavanaugh asked if the current practice also has 2 doctors and if there is no growth just transferring.

Dr. Fager answered that is correct

STAFF RECOMMENDATION:

The proposed use of the property as a medical office (chiropractic) would occupy a vacant tenant space and should not have a negative impact upon the surrounding uses and properties. Although this would be a new location, the Petitioner is currently operating an established office and providing these services. Therefore, Staff recommends approval of the Special Use, subject to the following conditions:

1. The Special Use shall substantially conform to the Business Plan and Floor Plan

submitted by the Petitioner, William Fager on 5/05/18 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 Ms. Roth-Wurster.

DELIBERATIONS:

Mr. Larson stated it makes sense and they will be operating in a manner consistent with public health safety and welfare. He stated they won't have a negative impact because parking is minimal.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will be administratively reviewed.

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

6. 1407 E. Norman Drive - **Continued**

This item was continued to June 26, 2018.

RESULT:	CONTINUED [UNANIMOUS]
MOVER:	James Dittrich, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Cavanaugh, Dittrich, Pirog
ABSENT:	Luszczak, McGinn

IV. COMMUNICATIONS

There are 4 items scheduled for the June 26th Meeting

V. ADJOURNMENT

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 06/26/18 07:00 PM

CASE STAFF STATEMENT (ID # 4571)

43 S Ash Street

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Lyn Bremanis

PETITIONER: Joseph & Nicole Conrad

CASE NUMBER: 18-57

ADDRESS: 43 S Ash Street

PROPOSAL:

Variation to permit total square footage accessory structures to be 1200 square feet instead of the maximum 700 square feet per Section 6.01 (a) (1) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 43 S Ash Street District 2 (Lamerand)	<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 replace an existing garage on a property that already exceeds maximum accessory structure square footage. Therefore, the Petitioners are requesting approval of the following:

Variation to permit total square footage accessory structures to be 1200 square feet instead of the maximum 700 square feet

SITE ANALYSIS:

- The Subject Property is zoned R-2, Single Family Residential.
- The existing garage is approximately 445 square feet and the petitioners are proposing to replace it with a larger one at 600 square feet.

- The property existing square footage of the accessory structures is 984 square feet. This includes a pool and shed. With the new garage, the proposed accessory square footage is approximately 1200 square feet requiring a variation.
- The proposed height is approximately 13 feet, which meets code.
- The Setbacks meet code.
- Building and Lot Coverage meet 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 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 petitioners are requesting to replace the existing 2 car garage with a larger 2 car garage. With existing pool and shed any garage that increased in size would require a variation. The proposed garage is not out of character in size with other garages in the area. In addition, the setbacks, building and lot coverage percentage all meet code. Therefore, Staff recommends approval of the Variation, subject to the following condition:

1. The Variation shall substantially conform to the site plan and elevations submitted by the Petitioners, Joseph & Nicole Conrad on 5/25/2018, except as such plans may be changed to conform to Village Codes and Ordinances.

Case Staff Statement (ID # 4571)
Meeting of June 26, 2018

ATTACHMENTS:

- Aerial
- Application
- Plat of Survey
- Site Plan
- Elevations
- Public Notice

43 S Ash Street

3.1.a

VILLAGE OF
PALATINE

W PALATINE RD

SASH ST

SELM ST

W GLENCOE RD

0 100 200
1 in. = 95 ft. Feet

Attachment: Aerial (43 S Ash Street - VAR Garage)



Packet Pg. 22

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 # 18-57
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date



Background Information	PETITIONER(S)		Business Name (if applicable)	
	JOSEPH & NICOLE CONRAD			
	Subject Property Address			
	43 S. ASH STREET			
	AUTHORIZED AGENT (if applicable)		Business Name (if applicable)	
	ANDREW VENAMORE - MACH 1, INC.			
	Address		City/State/Zip Code	
	602 ACADEMY DRIVE, NORTHBROOK, IL 60062			
	Telephone	Fax	Email	
	(224) 619-4539	(224) 326-2483	andrew@venamore.net	
Relationship to Petitioner (contractor, architect, etc.)				
PERMIT AND ZONING SPECIALIST - assisting the H/O in permit procurement				
TYPE OF APPLICATION (check one)				
☐ Special Use ☐ Special Use Amendment ☒ Variation				
Existing Zoning District		Existing Land Use		Proposed Land Use
R-2		S.F.R.		S.F.R.
Generally describe your request:				
THIS PROJECT PROPOSES TO REPLACE AN EXISTING DECREPIT DETACHED GARAGE (20'x22') WITH A NEW 24'x25' DETACHED GARAGE IN THE SAME LOCATION. SINCE THE ZONING ORDINANCE LIMITS THE AMOUNT OF REAR YARD COVERAGE TO 700 SF (as measured from the rear of the house to the rear PL), THE PROPERTY ALREADY EXHIBITS AN EXISTING NON-CONFORMING CONDITION - THE CURRENT REAR YARD COVERAGE IS 968 SF. ANY REPLACEMENT STRUCTURE WHICH IS LARGER THAN THE CURRENT GARAGE REQUIRES APPLICATION FOR A VARIATION.				

Attachment: Application (43 S Ash Street - VAR Garage)

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

SEE ATTACHED DOCUMENT

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

**EXPLANATION OF VARIATION
VILLAGE OF PALATINE
43 S. Ash Street – Joseph and Nicole Conrad**

- 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 existing garage on this property is decrepit and needs to be replaced. If the regulations were enforced, then the replacement structure could not be constructed since the existing conditions associated with the rear of the lot (i.e. sheds and pool) have already pushed this rear yard into non-compliance. The replacement garage, which is more realistically sized for a Palatine residential property, will provide the owners with the ability to park their vehicles and to store outdoor items during the winter months.

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

Since the existing property is already non-conforming with respect to the permitted rear yard accessory structure coverage (permitted is 700SF, while the existing is 959SF), any submission to provide a more practically sized garage requires zoning relief. This condition of the existing property is not due to the applicant, but rather previous owner/s of the property.

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

Since the replacement garage is proposed for the same location (though slightly larger), it will not have a detrimental impact on the residential nature of the neighborhood. Detached garages are a feature of the area and this new structure will serve to enhance the character of the vicinity since it presents an owner who is very interested in improving their property.

- 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.**

While the lot is of a regular nature, this project is being subject to a section of the Zoning Ordinance that limits the ground floor area of all rear yard accessory structures – including a pre-existing above ground pool. This, in combination with the two existing sheds, have led to an existing non-conforming condition as it relates to the rear yard coverage, which necessitates a variation when even trying to update a dilapidated garage structure.

b. A unique hardship for the property not generally applicable to other properties in the same zoning district.

The hardship is related to the rear yard coverage conditions that currently exist on the lot.

c. The request is not based on a desire to make more money out of the property.

The owners are intending to replace an existing decrepit garage since it needs to be updated, and this condition is not solely based on a desire to make more money from the property.

d. The petitioner has not created the alleged hardship for the property.

As described above, owners previous to the applicant were the ones to have created the hardship of rear yard accessory coverage.

e. The request will not be detrimental to the public welfare or other properties in the neighborhood.

Since a detached garage is a standard use within the Village of Palatine, the proposed replacement structure will not create any detrimental issue within 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.

The proposed structure will replace an existing garage and will create no additional impact on the property values of the neighborhood: it in fact may help to increase them. In addition, it will not impact any further the supply of light and air to the neighbors and will not further increase the danger of fire or endanger the public safety.

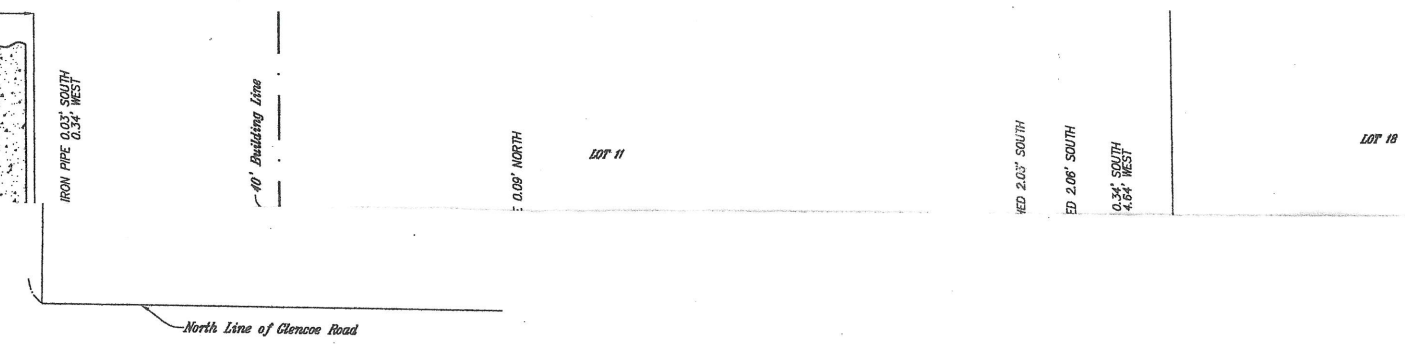
WOLF PACK CONSULTING, LLC
PLAT OF SURVEY

LOT 12 IN BLOCK 4 IN MERRILL'S GARDEN HOME, A SUBDIVISION IN THE NORTH
HALF OF THE NORTHWEST QUARTER OF SECTION 22, IN TOWNSHIP 42 NORTH,
RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: 43 SOUTH ASH STREET, PALATINE, ILLINOIS

WOLF PACK CONSULTING
1612 OGDEN AVENUE SUITE 202
Lisle, ILLINOIS 60532
WWW.WOLFPACKDC.COM
(815) 436-8520 OFFICE
(815) 436-8520 FAX

BASIS OF BEARINGS = THE NORTH LINE OF LOT 12 IN
BLOCK 4 IN MERRILL'S GARDEN HOME = S89°59'17"E (ASSUMED)



MY LICENSE EXPIRES NOVEMBER 30, 2016

PREPARED FOR: JOSEPH CONRAD	
DATE: DECEMBER 4, 2015	
SCALE: 1"=20'	DRAWN BY: JJN./MJN.
JOB# 15-214	FLD. BK/PG: 98-2

NOTES:
THIS COPY NOT VALID WITHOUT EMBOSSED SEAL.
ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF.
BUILDING LINES AND BASEMENTS ARE SHOWN ONLY WHERE THEY ARE
SO RECORDED IN THE MAPS. COMPARE THE LOCAL DESCRIPTION,
BUILDING LINES, AND BASEMENTS AS SHOWN HEREON WITH YOUR DEED
OR TITLE POLICY.
CONSULT THE LOCAL AUTHORITIES FOR ADDITIONAL SETBACK LINES AND
RESTRICTIONS NOT SHOWN HEREON. COMPARE ALL POINTS PRIOR TO
CONSTRUCTION AND REPORT ANY DISCREPANCIES AT ONCE.
DO NOT ASSUME DISTANCES FROM SCALED MEASUREMENTS MADE HEREON.

STATE OF ILLINOIS) SS.
COUNTY OF DUPAGE)

I, MICHAEL J. NELSON, AN ILLINOIS PROFESSIONAL LAND SURVEYOR,
DO HEREBY CERTIFY THAT I HAVE SUPERVISED THE PROPERTY DESCRIBED
ABOVE, AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION
OF SAID SURVEY, ALL MEASUREMENTS BEING CORRECTED TO THE STANDARD
AT 68 DEGREES FAHRENHEIT.

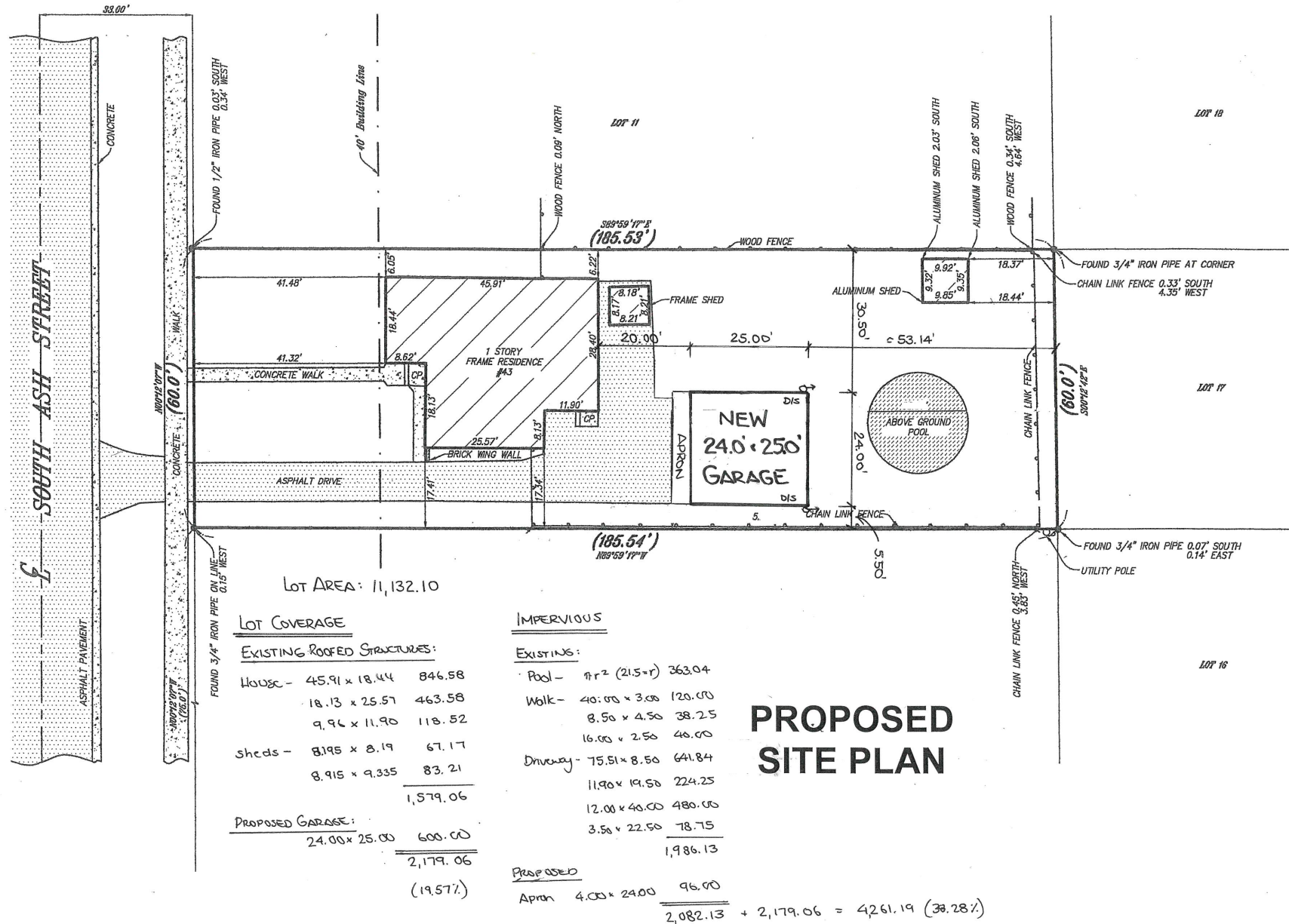
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS
MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

Lisle, Illinois, DECEMBER 4, 2015

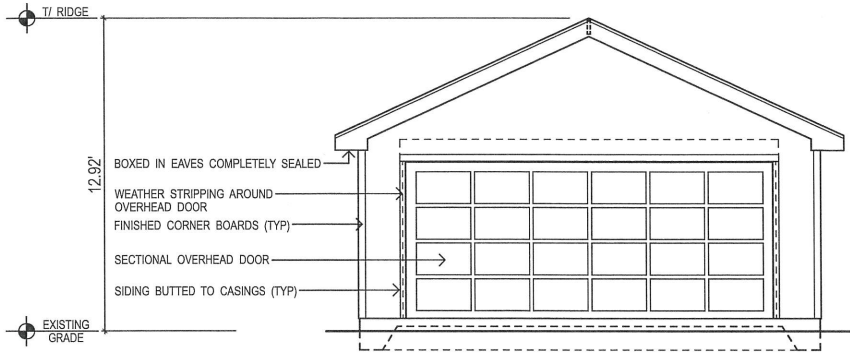
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3095
PROFESSIONAL DESIGN FIRM LICENSE NO. 184.007246-0010 EXPIRES 04/30/2017
FIELD WORK COMPLETED: DECEMBER 4, 2015

Attachment: Plat of Survey (43 S Ash Street - VAR Garage)

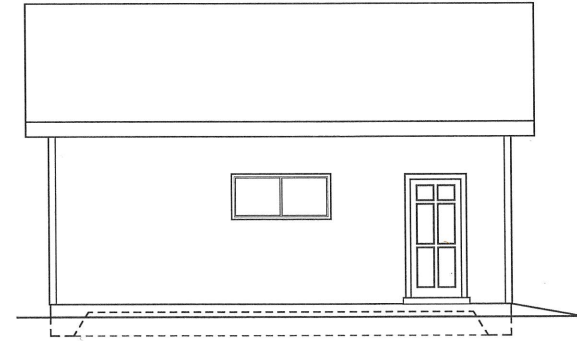




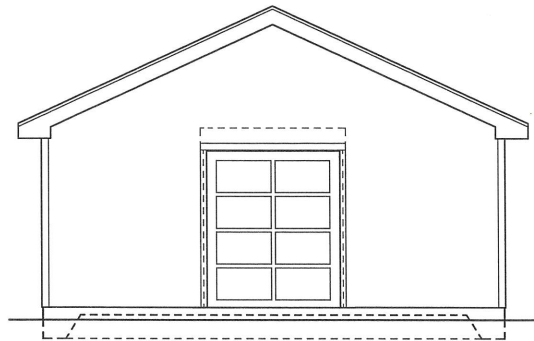
SPECIFIC WINDOW AND DOOR STYLES SHOWN
ON PLANS ARE REPRESENTATIVE ONLY



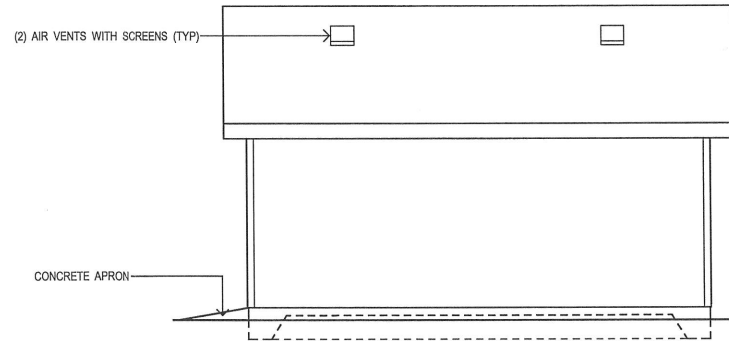
WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

NOTE: DRAWINGS ARE NOT TO SCALE



DETACHED GARAGE - GABLE ROOF
43 SOUTH ASH STREET, PALATINE - JOSEPH & NICOLE CONRAD

THESE PLANS REMAIN THE PROPERTY OF MACH 1, INC. AND THEIR REPRODUCTION IS EXPRESSLY FORBIDDEN

CONTRACTOR:
DANLEY'S GARAGE WORLD
620 ACADEMY DRIVE
NORTHBROOK, IL. 60062
PHONE: 847/562-9390
FAX: 847/562-1939

SHEET NAME:
ELEVATIONS
SHEET NUMBER:
2 OF 2

Attachment: Elevations (43 S Ash Street - VAR Garage)

PUBLIC NOTICE
 A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, June 26, 2018 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:
Variation to permit total square footage accessory structures to be 1200 square feet instead of the maximum 700 square feet per Section 6.01 (a) (1) of the Palatine Zoning Ordinance.
 The property is commonly known as 43 S Ash Street (02-24-210-041-0000).
 The Petitioner is requesting to replace their existing garage (approximately 20 X 22 feet) with a larger one (24 X 25 feet).
 The above petition has been filed by Joseph and Nicole Conrad and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
 FILE #: 18-57
 VILLAGE OF PALATINE
 Jan Wood, Chair
 Palatine Zoning Board of Appeals
 DATED: This 11th day of June, 2018.
 Published in Daily Herald- June 11, 2018 (4502342)

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 June 11, 2018 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 # 4502342

Attachment: Public Notice (43 S Ash Street - VAR Garage)

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 06/26/18 07:00 PM

CASE STAFF STATEMENT (ID # 4572)

628 N Hawk Street

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Lyn Bremanis

PETITIONER: Matthew and Monica Balough

CASE NUMBER: 18-56

ADDRESS: 628 N Hawk Street

PROPOSAL:

Variation to permit a driveway to be set back 0 feet from the lot line instead of the minimum distance 2 feet pursuant to Section 7.04 (i)(2) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 628 N Hawk Street District 6 (Helms)	<u>CURRENT ZONING:</u> R-2 Single Family Residential
---	--

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-1 Single Family Residential (St. Joseph's Home)

BACKGROUND:

The Petitioners are proposing to extend their driveway along the side of the home that is set back 0 feet from the side lot line. Therefore, the Petitioners are requesting approval of the following:

Variation to permit a driveway to be set back 0 feet of the lot line, instead of the minimum distance 2 feet

SITE ANALYSIS:

- The Subject Property is zoned R-2 Single Family.
- The petitioners are proposing to extend the driveway along the side of the house

to store a commercial vehicle. Due to the existing setback of the house the driveway would have to go up to the lot line.

- The commercial vehicle will need to be appropriately screened during the building permit process.
- Both building and lot coverage meet 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 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 Petitioners have indicated they need the additional driveway space to appropriately store a commercial vehicle. Given the location of the home and existing driveway any driveway extension to the side yard would require relief. While the proposed driveway is located on the lot line, it should not alter the essential character of the locality. Therefore, Staff recommends approval of the Variation, subject to the following conditions:

1. The Variation shall substantially conform to the site plan prepared by the Petitioners, Matthew and Monica Balough, submitted on 05/25/2018, except as such plans may be changed to conform to Village Codes and Ordinances.
2. If grading changes are necessary on the neighboring property, written consent from the property owner at 622 N. Hawk Street shall be provided.

Case Staff Statement (ID # 4572)
Meeting of June 26, 2018

ATTACHMENTS:

- Aerial
- Application
- Plat of Survey-Site Plan
- Public Notice

628 N Hawk Street

3.2.a

VILLAGE OF
PALATINE



Attachment: Aerial (628 N Hawk Street - VAR Driveway)

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 # 18-56
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date



Background Information	PETITIONER(S)		Business Name (if applicable)	
	MATTHEW BALOGH, MONICA BALOGH			
	Subject Property Address 628 N HAWK ST PALATINE IL 60067			
	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	
Generally describe your request: We request a decreased offset between asphalt driveway + property line. We would like to extend our driveway next to our house to park a business truck behind a fence line. We request a zero or minimal offset so we can build a fence on the property line and have driveway right inside of the fence.				

Attachment: Application (628 N Hawk Street - VAR Driveway)

Required Materials

- ☐ Filing Fee of \$ 232
- ☐ 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

Since the truck won't fit in our attached 6' garage, we would like to put work truck behind fence/property line to be within code.

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

It would be behind fence next to existing driveway. Alternative is building driveway on other side of house which could alter character

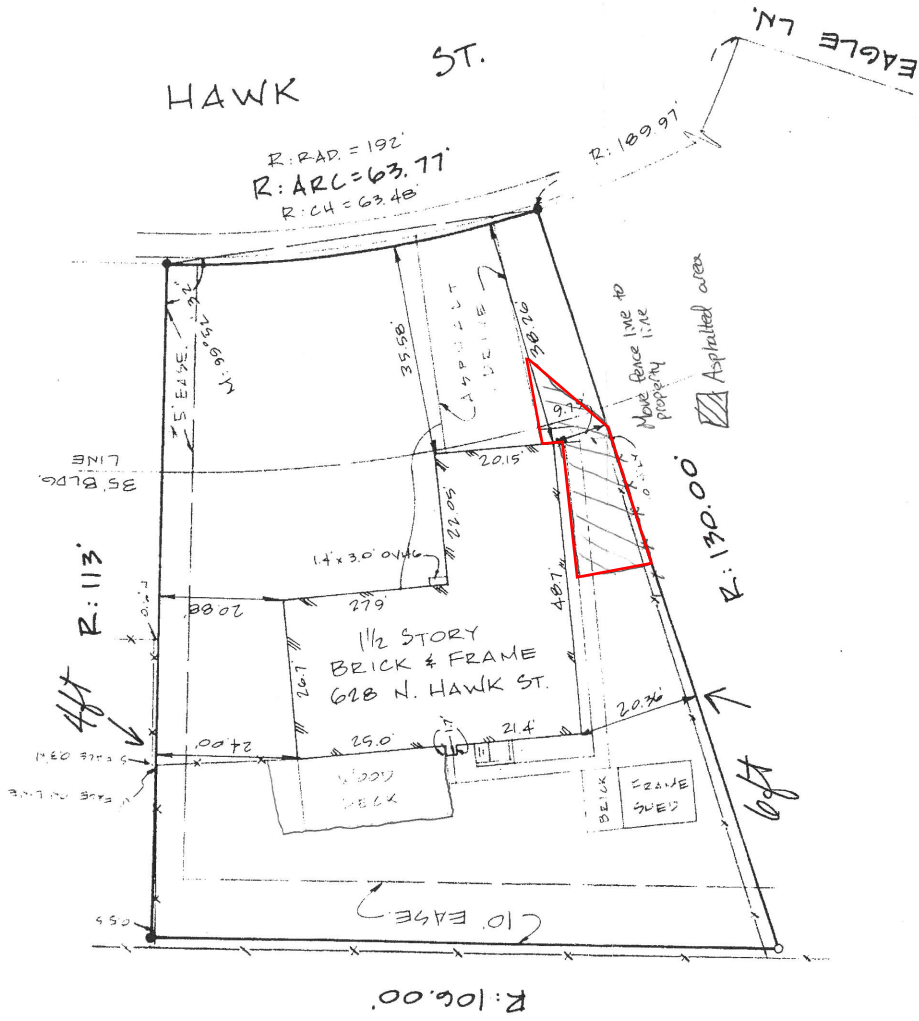
4. In order to supplement the above standards, the Zoning Board of Appeals may also consider the following:
 - a. The particular surroundings, shape, or topographical conditions of the property
 - b. A unique hardship for the property not generally applicable to other properties in the same zoning district
 - 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

PLAT OF SURVEY

Of Lot 13 in Village of Palatine, Cinderella Park, being a subdivision of part of the Northwest 1/4 of Section 14, Township 42 North, Range 10, East of the Third Principal Meridian, in Cook County, Illinois.



APPROVED
 6/23/2008 BY AL
 PLANNING & ZONING



* EASEMENT WIDTH BASED ON
 SCALING OF RECORDED PLAT.

Legend	
R - record distance	CH - chord
M - measured distance	● - Found iron
D - deed	○ - Set iron
Concrete shown shaded	—○— Utility pole
-X-X-X- Fence line	—○— Utility pole
— Limits of building	—○— Utility pole
Scale 1" = 20 feet	

Date of Survey SEP 16 1999
 State of Illinois
 County of DuPage

I hereby certify that the above described property has been surveyed, under my supervision, according to the official record and that the above plat correctly represents said survey. All distances are in feet and decimals thereof.

I hereby certify that unless otherwise shown, the buildings on the parcel are within property lines and the adjoining visible improvements do not encroach on the above described property.

SCHLAF-SEDIG & ASSOCIATES, INC.
 1030 Summerfield Drive
 Roselle, Illinois 60172
 (630) 924-7100

Wendy B. Ayer

Compare the description of this plat with deed. Refer to title policy for items of record not shown above. Unless otherwise noted, utilities within easements are not shown hereon. Underground utilities including but not limited to conduits and cables (if any) have not been shown hereon.

PUBLIC NOTICE

A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, June 26, 2018 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 driveway to be located 0 feet of the lot line instead of the minimum distance 2 feet pursuant to Section 7.04 (i)(2) of the Palatine Zoning Ordinance.

The property is commonly known as 628 N Hawk Street (0214-108-009-0000).

The Petitioner is requesting to extend their driveway along the side of their house going out to the lot line.

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

FILE #: 18-56

VILLAGE OF PALATINE

Jan Wood, Chair

Palatine Zoning Board of Appeals

DATED: This 11th day of June, 2018.

Published in Daily Herald-

June 11, 2018 (4502344)

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 June 11, 2018 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 Baltz*
Authorized Agent

Control # 4502344

Attachment: Public Notice (628 N Hawk Street - VAR Driveway)

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 06/26/18 07:00 PM

CASE STAFF STATEMENT (ID # 4590)

1407 E. Norman Drive

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Lyn Bremanis

PETITIONER: Nicole Curylo

CASE NUMBER: 18-44

ADDRESS: 1407 E Norman Drive

PROPOSAL:

Variation to permit lot coverage to be 56 percent instead of the maximum permitted 45 percent pursuant to Section 10.06 (g) (1) (b) of the Palatine Zoning Ordinance.

Variation to permit a patio to be set back 0 feet from the side lot lines instead of the required 2 feet pursuant to Section 10.01 (d) (3) (b) of the Palatine Zoning Ordinance.

Variation to permit an accessory structure to be located 3 feet from principal structure instead of the minimum required 10 feet pursuant to Section 6.01 (a)(2)(b) of the Palatine Zoning Ordinance.

Variation to permit an accessory structure to be set back 0 feet, instead of the minimum required 5 feet pursuant to Section 6.01 (a) (2) (b) of the Palatine Zoning Ordinance.

Variation to permit an accessory structure to be located in an easement pursuant to Section 6.01 (a)(3)(c) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 1407 E Norman Dr District 5 (Kozlowski)	<u>CURRENT ZONING:</u> R-2 Single Family Residential
--	--

SURROUNDING CONDITIONS:

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

BACKGROUND:

The Petitioner is requesting relief for the work completed without a permit including

adding pavement, adding a shed and replacing a shed in an easement. Therefore the Petitioner is requesting the following relief:

Variation to permit lot coverage to be 56 percent instead of the maximum permitted 45 percent.

Variation to permit a patio to be set back 0 feet from the side lot lines instead of the required 2 feet.

Variation to permit an accessory structure to be located 3 feet from principal structure instead of the minimum required 10 feet.

Variation to permit an accessory structure on the lot line instead of the minimum required set back 5.

Variation to permit an accessory structure to be located in an easement.

SITE ANALYSIS:

- The Subject Property is zoned R-2 Single Family Residential. The Petitioner completed improvements to the property outside of the permit process, which the Village determined through drainage complaint made to the Village.
- The Petitioner constructed a paver patio and walkway to the property line, instead of the minimum required 2-foot setback. Also, the installed pavers increase the lot coverage to approximately 56%, whereas the maximum allowed is 45%.
- A shed was added in the side yard to the east and is on the property line and 3 feet way from the primary structure, with a minimum 10 feet being required. Both of these require variations.
- The Petitioner identifies in the application materials that the placement of this shed should not impact the neighboring property or alter the essential character, as it is located behind a fence and adjacent to a public walk way.
- An existing shed was replaced in the rear of the property and did not receive relief for a shed in the easement. This also requires a variation and the Petitioner is required to obtain utility company approvals for its placement.
- Both sheds are under 15 feet and meet code for height.
- Building coverage meets code at 27%, with a maximum 35% allowed.

DEPARTMENTAL REVIEWS:

Community Services	No Issues Identified
Engineering	Recommends the following changes: 1. Removal of the paver stones along the rear lot line to allow permeable surface for runoff 2. Removal of the first 2 feet of the paver installed at the west side lot line also for the more permeable area for run off. 3. Removal of the first 2 feet of the paver installed at the west side lot line 4. The sump pump also discharges to the east property line this should be pulled back on the residents property
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 constructed a patio and sidewalk and replaced an existing shed without a permit. While the smaller shed did not require a permit, it is still required to meet the setback requirements for an accessory structure. Through a drainage complaint, the Village became aware of these improvements.

The Village Engineer completed several site inspections to the property and made technical recommendations to address any potential drainage issues. The petitioners have agreed to work with the Village Engineer to make these changes. Staff anticipates that completion of the recommended changes, (which will be inspected prior to approving final occupancy permit, should the relief be approved), will eliminate any drainage concerns moving forward. In addition, Staff does not have any concerns for the request for a shed in an easement which replaced an existing shed in a similar location. The Variations should not alter the essential character of the neighborhood. Nevertheless, Staff recommends action at the discretion of the Zoning Board of Appeals. If the ZBA recommends approval, Staff recommends the following conditions:

1. The Variations shall substantially conform to the site plan submitted by the Petitioner, Nicole Curylo, except as such plans may be changed to

conform to Village Codes and Ordinances.

2. The site plan shall be revised in a manner acceptable to the Village Engineer, in order to address any identified storm water concerns. This should include the re-routing of the sum pump discharge and the removal of certain sections of the paver patio to achieve a setback and remove any potential impediments to the existing grade.
3. If any grading changes are necessary on any of the surrounding neighboring properties (with a 0 foot setback), written consent from said property owners shall be required.

ATTACHMENTS:

- Aerial
- Application
- Plat of Survey-Site Plan
- Photos submitted by Petitioner
- Public Notice

1407 E Norman Drive

3.3.a

VILLAGE OF
PALATINE



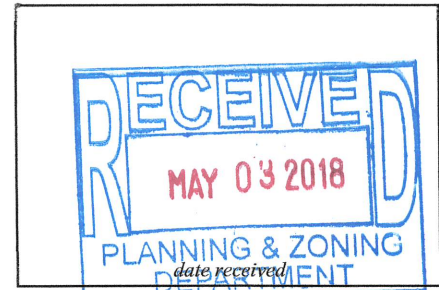
Attachment: Aerial (1407 E Norman Drive - VAR setback, lot coverage, easements)



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 <i>Lyn Bremanis</i>	Zoning Case # <i>18-43</i>
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date



Background Information	PETITIONER(S) Nicole Curylo		Business Name (if applicable)		
	Subject Property Address 1407 E Norman Drive, Palatine, IL 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:				
	1. Requesting variation of permit lot coverage to be 56% instead of the maximum permitted 45% 2. Requesting variation to permit a patio to be set back 0 feet from the side lines instead of the required 2 feet. 3. Requesting variation to permit an accessory structure (shed) to be located 3 feet from principal structure instead of the minimum required 10 feet. 4. Requesting to permit an accessory structure to be located on the easement in the backyard. 5. Requesting an accessory structure (shed) to be 0 feet off the lot line instead of the required 5 feet.				

Attachment: Application (1407 E Norman Drive - VAR setback, lot coverage, easements)



VARIATION

Required Materials

- ☐ Filing Fee of \$ 232
- ☐ 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

Does not apply

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

See attached

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

The character will not be altered if granted

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

UNIQUENESS OF PROPERTY

- Our backyard lot size is much smaller than many of the surrounding neighbors. For example, our house sits 17 feet further back than our next door neighbor (1415 E Norman Drive) which decreases are overall backyard size.
- There is a public walkway (crosswalk) that measures 6 feet by 10 inches that is between us and our neighbors.

REASONS FOR IMPROVEMENTS (variations)

- The sheds are necessary for storage due to the fact that our 2 car garage is very small and our SUVs give us no extra space for storage.
- The structure (shed) in the backyard is on the easement due to the fact it replaced a permitted shed (permit #10158, issued 6/29/1990) due to the animals eating away at the bottom which made it unrepairable. Also, it was placed on the easement due to the size of our backyard.
- The backyard paver/patio is simply uniform to the existing cement patio
- The side brick paver/patio does not set back the required 3 feet due to there is a unique crosswalk.
- The side shed doesn't impair neighbors supply of light, air, or increase danger of fires and doesn't endanger the public safety due to the fact it is adjacent to our fence which is adjacent to the crosswalk.
- Our side shed is not 5 feet off the lot line due to the fact it would blok our side windows which would prevent air and natural light.



ADAMS AND ADAMS

ILLINOIS REGISTERED LAND SURVEYORS

PLAT OF SURVEY
OF301 NORTH WILLE STREET
MOUNT PROSPECT, ILLINOIS 60056
PHONE: 255-3512

ANTON T. ADAMS #35-1423

ANTON ADAMS #35-2810

Lot 16 in Block 14 in WINSTON PARK NORTHWEST UNIT NUMBER 1, being a Subdivision in Section 13, Township 42 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded July 30, 1957 as Document Number 16372096, in Cook County, Illinois.

SHEDS

PAVERS



Attachment: Plat of Survey-Site Plan (1407 E Norman Drive - VAR setback, lot coverage, easements)

ANTON T. ADAMS, Illinois Registered Land Surveyor, hereby certify that we have surveyed the property described above and that the plat herein drawn is a correct representation of all survey measurements made in accordance with a standard of 62 degrees Fahrenheit.

MOUNT PROSPECT, ILLINOIS, May 30th A.D. 2007

Anton J. Adams
ILLINOIS REGISTERED LAND SURVEYOR



Attachment: Photos submitted by Petitioner (1407 E Norman Drive - VAR setback, lot coverage, easements)



Attachment: Photos submitted by Petitioner (1407 E Norman Drive - VAR setback, lot coverage, easements)



Attachment: Photos submitted by Petitioner (1407 E Norman Drive - VAR setback, lot coverage, easements)



Attachment: Photos submitted by Petitioner (1407 E Norman Drive - VAR setback, lot coverage, easements)

PUBLIC NOTICE
 A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, June 12, 2018 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 lot coverage to be 56 percent instead of the maximum permitted 45 percent pursuant to Section 10.06 (g) (1) (b) of the Palatine Zoning Ordinance.
 Variation to permit a patio to be set back 0 feet from the side lot lines instead of the required 2 feet pursuant to Section 10.01 (d) (3) (b) of the Palatine Zoning Ordinance.
 Variation to permit an accessory structure to be located 3 feet from principal structure instead of the minimum required 10 feet pursuant to Section 6.01 (a)(2)(b) of the Palatine Zoning Ordinance.
 Variation to permit an accessory structure to be located in an easement pursuant to Section 6.01 (a)(3)(c) of the Palatine Zoning Ordinance.
 Variation to permit an accessory structure to be set back 0 feet instead of the minimum required set back 5 feet pursuant to Section 6.01 (a) (2) (b) of the Palatine Zoning Ordinance.
 The property is commonly known as 1407 E Norman Drive (02-13-408-013-0000).
 The Petitioner is requesting relief from lot coverage, setbacks and sheds that already exist.
 The above petition has been filed by Nicole Curylo and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
 FILE #: 18-44
 VILLAGE OF PALATINE
 Jan Wood, Chair
 Palatine Zoning Board of Appeals
 DATED: This 28th day of May, 2018.
 Published in Daily Herald
 May 28, 2018 (4501303)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Northwest Suburbs 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 Northwest Suburbs DAILY HERALD. That said Northwest Suburbs DAILY HERALD is a secular newspaper, published in Arlington Heights and has been circulated daily in the Village(s) of:

Arlington Heights, Barrington, Barrington Hills, Bartlett, Buffalo Grove, Deer Park, Des Plaines, Elk Grove, Franklin Park, Glenview, Hanover Park, Hoffman Estates, Inverness, Melrose Park, Morton Grove, Mt Prospect, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Rolling Meadows, Rosemont, Schaumburg, Schiller Park, South Barrington, Streamwood, Wheeling, Wilmette

County(ies) of Cook

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 Northwest Suburbs 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 May 28, 2018 in said Northwest Suburbs 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 Laurel Baltz
Designee of the Publisher and Officer of the Daily Herald

Control # 4501303

Attachment: Public Notice (1407 E Norman Drive - VAR setback, lot coverage, easements)

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 06/26/18 07:00 PM

CASE STAFF STATEMENT (ID # 4574)

1101 S Smith Street

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Lyn Bremanis

PETITIONER: Ken Ligon

CASE NUMBER: 18-24

ADDRESS: 1101 S Smith Street

PROPOSAL:

Special Use to permit an accessory structure to be 18 feet in height instead of the maximum 15 feet per Section 6.01 (a) (1) of the Palatine Zoning Ordinance.

Variation to permit total square footage accessory structures to be 1120 square feet instead of the maximum 150 square feet in a side yard per Section 6.01 (b) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 1101 S Smith Street District 2 (Lamerand)	<u>CURRENT ZONING:</u> R-1 Single Family Residential
--	--

SURROUNDING CONDITIONS:

<u>North:</u>	R-1 Single Family Residential
<u>South:</u>	R-1 Single Family Residential
<u>East:</u>	R-1 Single Family Residential
<u>West:</u>	R-1 Single Family Residential

BACKGROUND:

The Petitioner is proposing to replace the existing 2 car garage with a larger garage that exceeds the maximum square footage in a side yard. Therefore, the Petitioner is requesting approval of the following:

Special Use to permit an accessory structure to be 18 feet in height instead of the maximum 15 feet.

Variation to permit total square footage accessory structure to be 1120 square feet instead of the maximum 150 square feet in a side yard per

Section 6.01 (b) of the Palatine Zoning Ordinance.**SITE ANALYSIS:**

- The Subject Property is zoned R-1, Single Family Residential and is approximately 22,000 square feet (.5 acres). It was annexed into the Village in 1990 and the home and detached garage were in existence at that time.
- The Petitioner would like to demolish the existing detached garage and construct a new larger detached garage. The proposed garage is approximately 1020 square feet (24 feet wide by 42 feet deep).
- Per the Zoning Ordinance, the maximum square footage for accessory structures in the side yard is 150 square feet, thus requiring a Variation.
- The property has an existing nonconforming garage that is approximately 695 square feet (24.3 feet x 26.3 feet + a 56 square foot bump out on the south side). The existing detached garage is a single story and appears to be below the 15 height limitation. Its non-conformity relates to the overall square footage and setback on the south side. As indicated, it was an existing circumstance at the time of annexation.
- The proposed garage is almost 18 feet in height. Per Code, the maximum height is a single store of not more than 15 feet, except through a Special Use. The proposed garage would provide storage for 3 vehicles and a storage area above the garage parking area.
- In addition, there is an existing shed at approximately 100 square feet bringing the proposed total accessory structure square footage to 1120 square feet.
- The proposed Setbacks meet code. The proposed garage would be setback approximately 50 feet from the western property line (Smith Street) and 7 feet from the southern (interior side property line directly adjacent to 1115 S. Smith Street).
- Lot Coverage 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
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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 Petitioner 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 Petitioner has 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 Petitioner 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 Petitioner have attempted to address the required standards.

STAFF RECOMMENDATION:

The Petitioner is proposing to replace an existing garage in the side yard with one approximately 425 square feet larger. Per code accessory structures can only be a maximum of 150 square feet in the side yard while in the rear yard 700 square feet is permitted. Were the proposed garage attached to the existing house and met the minimum 15-foot interior side yard setback requirement, the Petitioner could obtain a building permit to complete. In support of the zoning relief, the Petitioner obtained and submitted sign off approvals from some of the surrounding property owners, including the property owner directly south of the proposed improvement.

This property is unique in that it has an existing garage in the side yard. Per the non-conforming section of the zoning ordinance, if the garage were damaged beyond 50% of the replacement cost, any repair or replacement would have to comply with the current accessory structure requirements for location, size, and setback. Staff discussed attaching the proposed garage to the home, which the Petitioner spoke to regarding cost concerns. Staff recognizes and understands the Petitioner's desire to garage the vehicles and have an additional storage area. In addition, the Petitioner has obtained approvals for the proposed garage from some surrounding neighbors.

Per Code, a detached garage of up to 700 square feet (not in consideration of the existing shed) could be either constructed off of Bryant Avenue or in the rear yard behind the existing home. In either circumstance, this would require the new construction or extension of the driveway.

Nevertheless, the Zoning Ordinance indicates the maximum accessory structure size is

700 square feet and the required location detached garages is in the rear yard. This is to both minimize any impact and likely to uniformly locate these structures similarly. Therefore, Staff recommends denial of the Variations. If the Zoning Board of Appeals recommends approval, Staff recommends the following conditions:

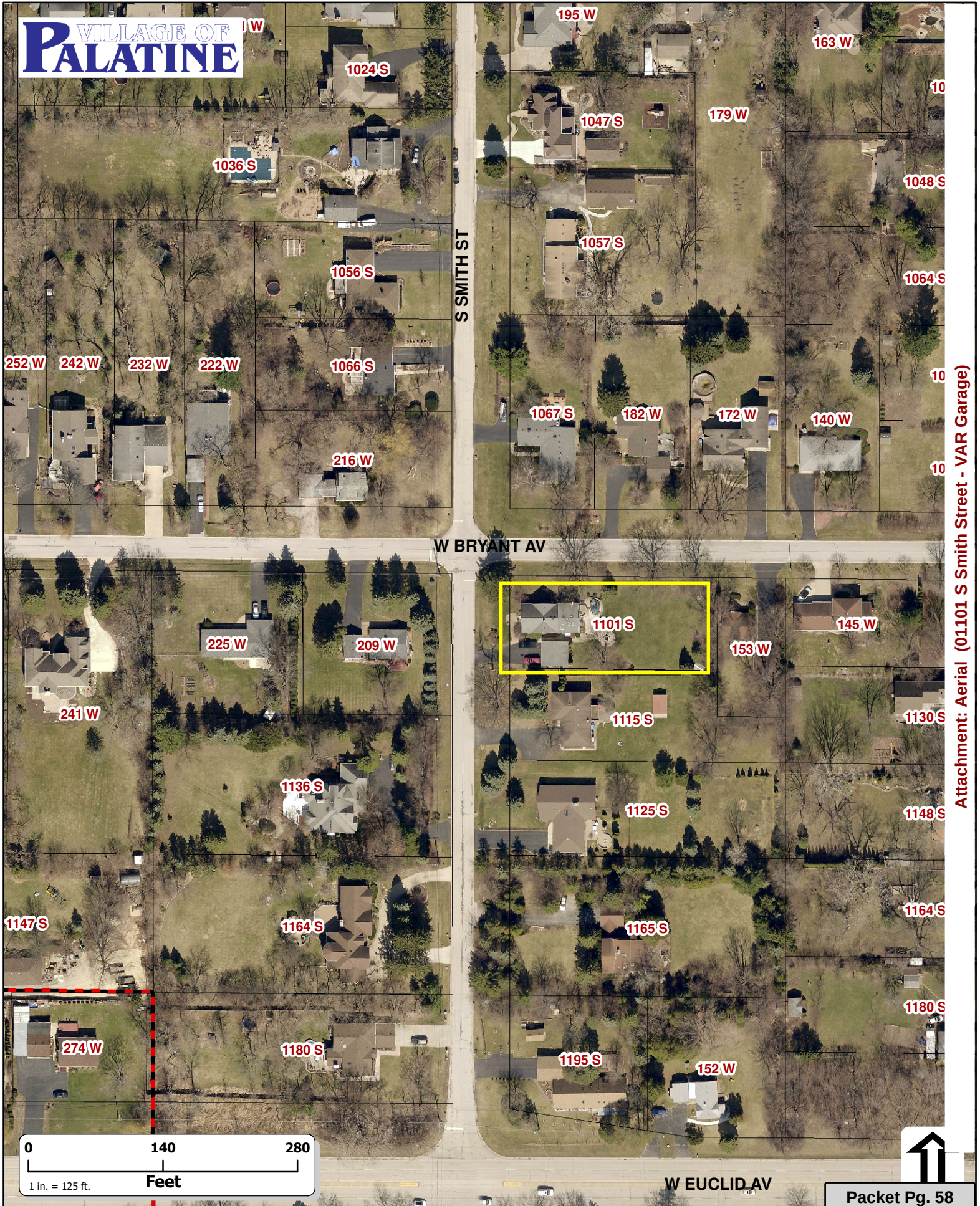
1. The Special Use and Variations shall substantially conform to the site plan submitted by the petitioner on 05/30/18 and elevations prepared by Muran Architects submitted on 3/22/18 except as such plans may be changed to conform to Village Codes and Ordinances.
2. The detached garage, including the second floor space, shall not be used in pursuant of any commercial business.
3. The detached garage may not be used for a dwelling unit.

ATTACHMENTS:

- Aerial
- Application
- Plat of Survey
- Site Plan
- Elevations and Floor Plan
- Letters of Support1
- Letter of Support2
- Public Notice

1101 S Smith Street

3.4.a

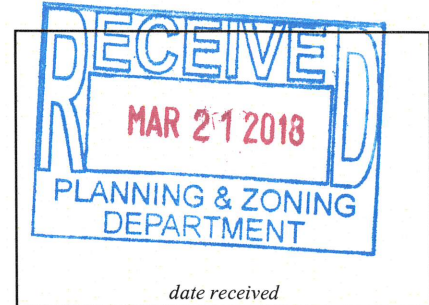


VILLAGE OF PALATINE

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 <i>Lyn Bremanis</i>	Zoning Case # <i>18-24</i>
	Filing Fee <i>\$225</i>	Notification Deadline
	ZBA Public Hearing Date	Village Council Date



Background Information	PETITIONER(S) <i>KEVIN LIGON</i>		Business Name (if applicable)		
	Subject Property Address <i>1101 S. SMITH ST., PALATINE, IL. 60067</i>				
	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: <i>Removal of existing detached garage to build a new four car garage. Need variance for a height of 18' and a variance for square footage. Need the extra space for 3 full size pick-ups and a ford explorer. Also need the height for storage. Need it taller to match horse height more.</i>				

Attachment: Application (01101 S Smith Street - VAR Garage)



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

NEED MORE STORAGE AND ROOM FOR VEHICLES

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

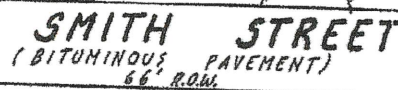
3 FULL SIZE PICK-UPS AND A FORD EXPLORER

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

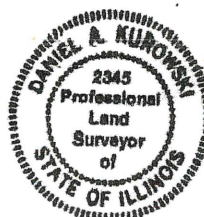
IF ANYTHING, IT WILL LOOK BETTER DUE TO THE HEIGHT OF THE HOUSE

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



FOX RIVER GROVE, ILLINOIS 60021 APRIL 5, 1998

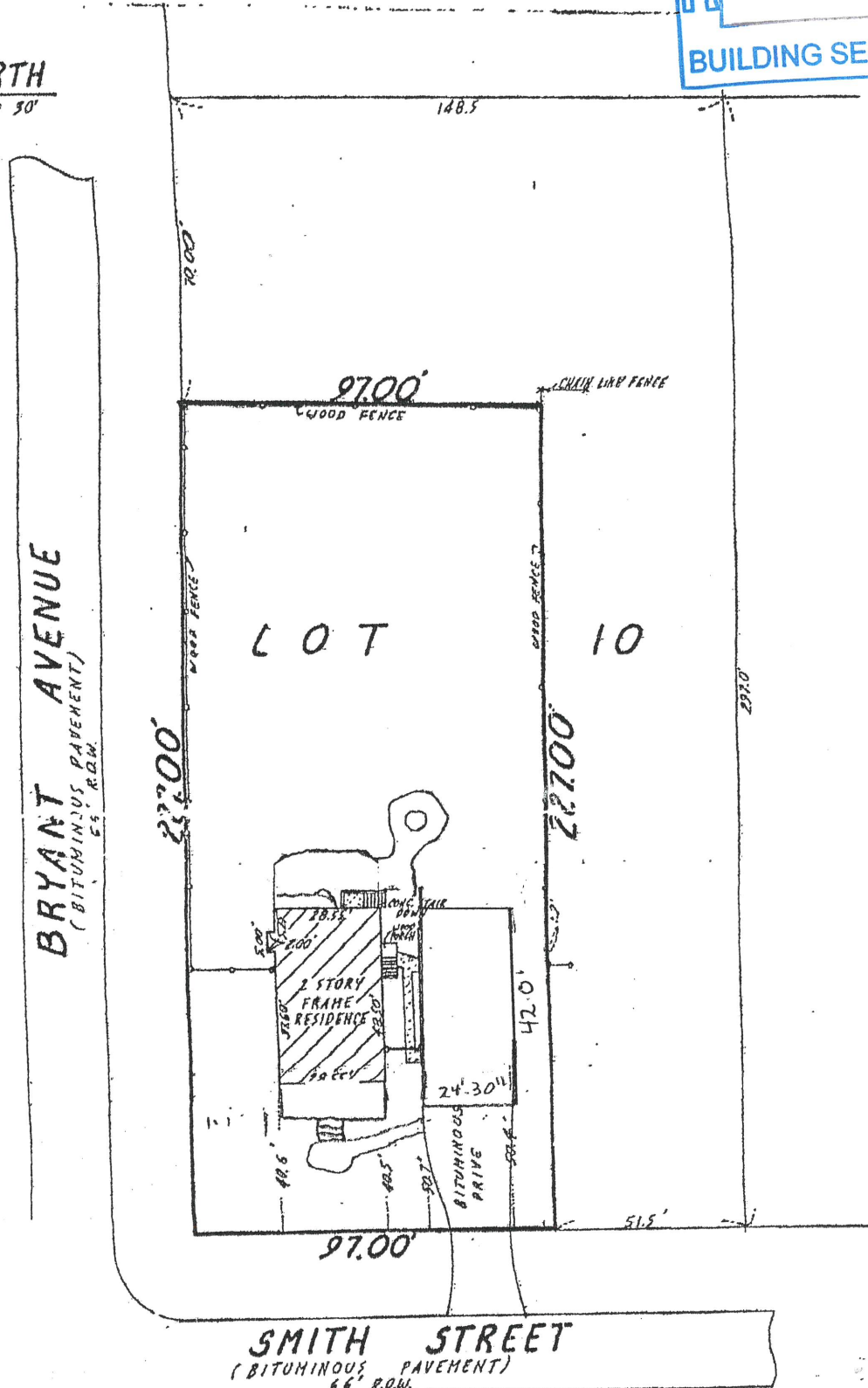


010011

OF
THE NORTH 97 FEET OF LOT 10 (EXCEPT THE EAST 70 FEET THEREOF) IN BLOCK
24 IN ARTHUR T. MCINTOSH AND COMPANY'S PALATINE ESTATES UNIT NO. 3,
BEING A SUBDIVISION OF PARTS OF SECTIONS 26 AND 27, TOWNSHIP 42 NORTH,
RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,
ILLINOIS.



NORTH
SCALE: 1" = 30'



LTG NO. : 941891

COMMON ADDRESS : 1101 S. SMITH ST.
PALATINE, ILLINOIS 60067

KUROWSKI ENGINEERING COMPANY
408 ABBURY AVENUE FOX RIVER GROVE ILLINOIS 60021
639-9391

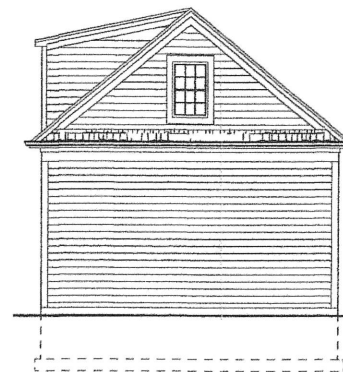
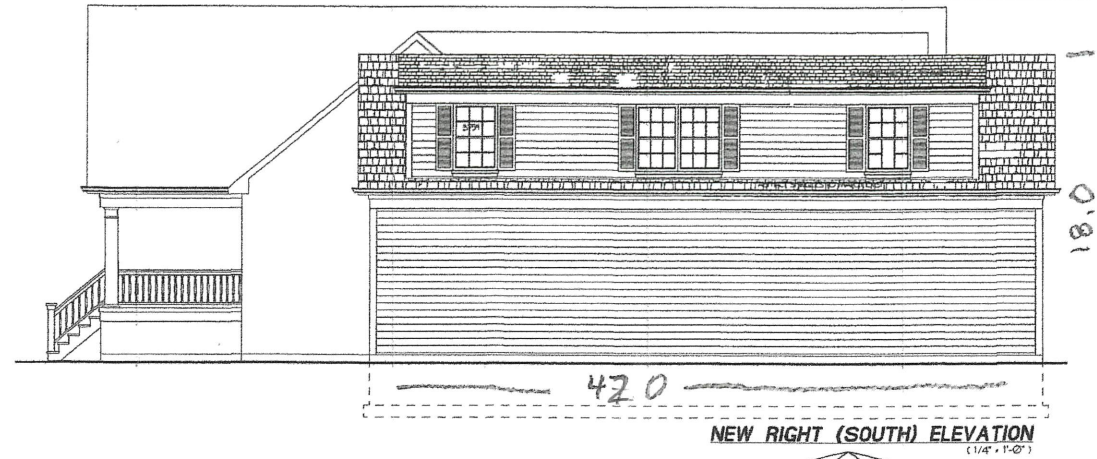


STATE OF ILLINOIS } ss:
COUNTY OF MCHEERY }

I, DANIEL A. KUROWSKI, AN ILLINOIS PROFESSIONAL LAND
SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY
HAS BEEN SURVEYED, UNDER MY SUPERVISION, IN THE MANNER REPRE-
SENTED ON THE PLAT HEREON DRAWN.

DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND
ARE CORRELATED TO A TEMPERATURE OF 62 DEGREES FAHREN

FOX RIVER GROVE, ILLINOIS 60021 APRIL 5, 1999



NEW FRONT (WEST) ELEVATION
(1/4" = 1'-0")

NEW DETACHED GARAGE ADDITION FOR:

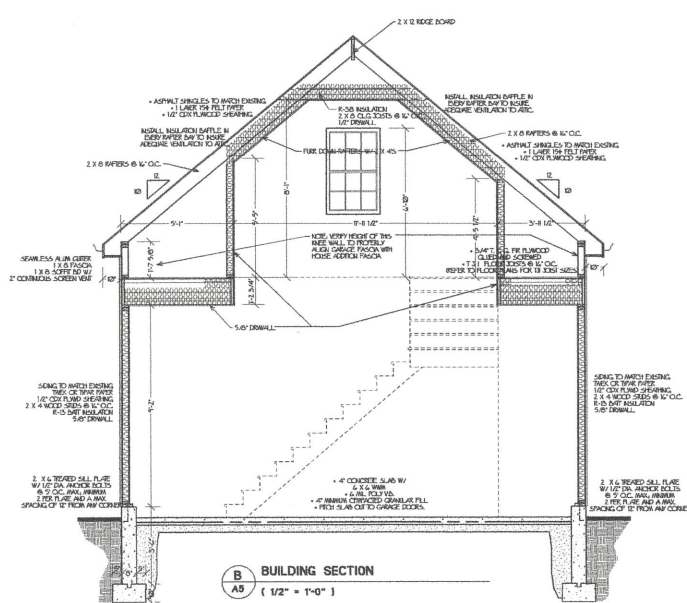
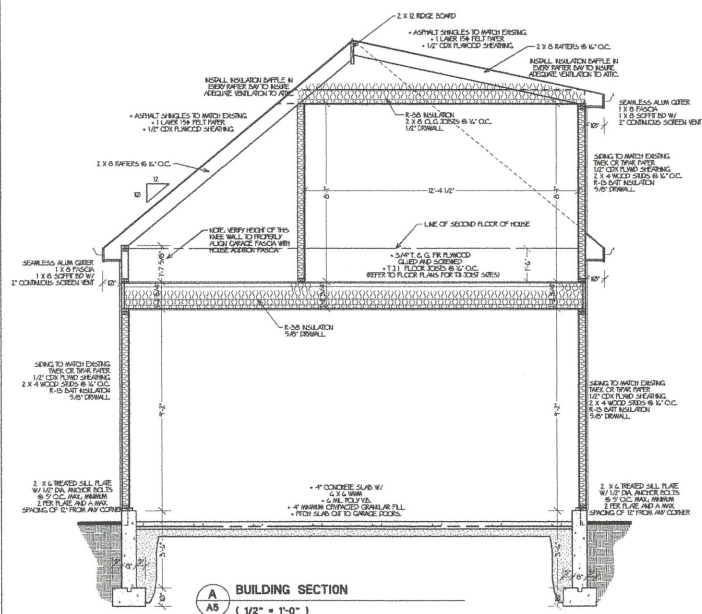
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J.N.
REV

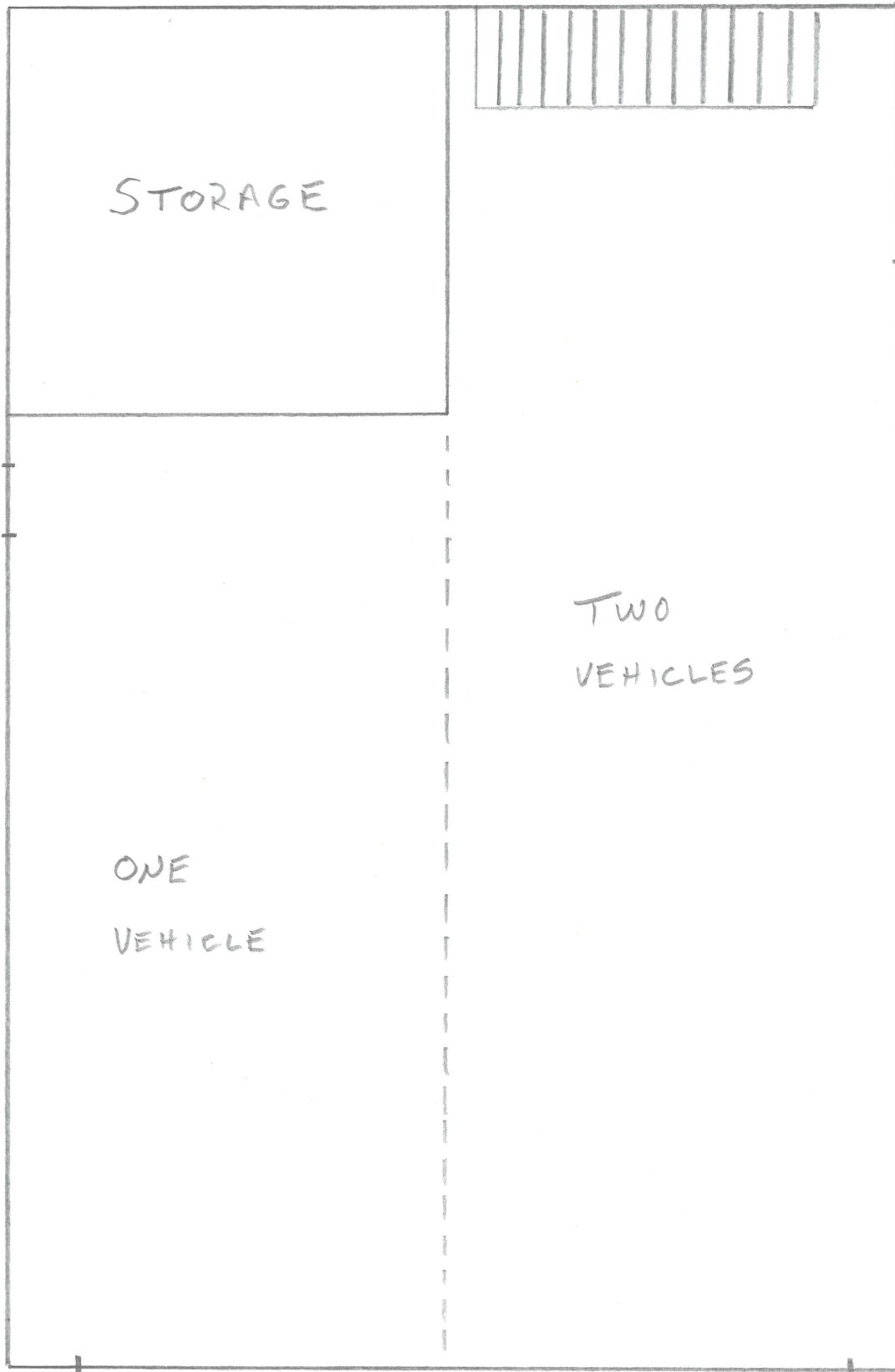
S H



MURAN

Attachment: Elevations and Floor Plan (01101 S Smith Street - VAR Garage)





My neighbor at 1101 South Smith Street is in the process of securing a permit to build a garage on the south side of their property. This is where the existing garage is presently located and they are requesting a four car garage in place of a 2 car garage. The current garage is 24'3" wide x 26'3" deep and the new garage would be 24'3" wide x 42' deep and would have a storage area above the vehicle area. I have seen the plans and have no objection to their request. Thank you.

Name

Wendy R. Schulte

Address

153 W BRYANT

Contact number

847 452-7263

Attachment: Letters of Support1 (01101 S Smith Street - VAR Garage)

My neighbor at 1101 South Smith Street is in the process of securing a permit to build a garage on the south side of their property. This is where the existing garage is presently located and they are requesting a four car garage in place of a 2 car garage. The current garage is 24'3" wide x 26'3" deep and the new garage would be 24'3" wide x 42' deep and would have a storage area above the vehicle area. I have seen the plans and have no objection to their request. Thank you.

Name

Martin J. Remy

Address

1115 S. SMITH ST

Contact number

847 358 7308

Attachment: Letters of Support1 (01101 S Smith Street - VAR Garage)

My neighbor at 1101 South Smith Street is in the process of securing a permit to build a garage on the south side of their property. This is where the existing garage is presently located and they are requesting a four car garage in place of a 2 car garage. The current garage is 24'3" wide x 26'3" deep and the new garage would be 24'3" wide x 42' deep and would have a storage area above the vehicle area. I have seen the plans and have no objection to their request. Thank you.

Name Wynne Ann White

Address 172 W Bryant

Contact number 847-359-8243

Attachment: Letters of Support1 (01101 S Smith Street - VAR Garage)

Lyn Bremanis

From: Jeff Schrader [REDACTED]
Sent: Tuesday, June 12, 2018 11:31 AM
To: Lyn Bremanis
Subject: 1101 South Smith Street - Notice of Public Hearing; File Number 18-24

TO: Lyn Bremanis at City of Palatine

FROM: Jeff Schrader – Home owner and resident at 1125 South Smith Street.

I've gotten a notice of a Public Hearing for a garage to be replaced with a new, garage/building at 1101 South Smith Street.

There is one residence between my Home/address above and the Petitioner's Home/address.

I will not be able to be at the above Public Hearing on 6/26 at 7:00pm, but would like the Zoning Board of Appeals to know that I believe the Special Use and the Variation should be granted to the Petitioner, Ken Ligon, to build the larger garage that is proposed.

Thank you in advance for including my opinion/comment ([this email](#)) at the Zoning Board of Appeals meeting.

Please advise on the Committee/Village date for this meeting as well.

Jeff Schrader
[REDACTED]
[REDACTED]
1125 South Smith Street
Palatine, IL. 60067

Attachment: Letter of Support2 (01101 S Smith Street - VAR Garage)

PUBLIC NOTICE
 A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, June 26, 2018 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 an accessory structure to be 18 feet in height instead of the maximum 15 feet per Section 6.01 (a) (1) of the Palatine Zoning Ordinance. Variation to permit total square footage accessory structures to be 1120 square feet instead of the maximum 150 square feet in a side yard per Section 6.01 (b) of the Palatine Zoning Ordinance.
 The property is commonly known as 1101 S Smith Street (02-27-206-015-0000). The Petitioner is requesting to replace the existing garage (approximately 24 X 26 feet) with a larger one (24 X 42 feet).
 The above petition has been filed by Ken Ligon and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
 FILE #: 18-24
 VILLAGE OF PALATINE
 Jon Wood, Chair
 Palatine Zoning Board of Appeals
 DATED: This 11th day of June, 2018.
 Published in Daily Herald- June 11, 2018 (4502345)

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 June 11, 2018 _____ 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 Laula Baltz
 Authorized Agent

Control # 4502345

Attachment: Public Notice (01101 S Smith Street - VAR Garage)