



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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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

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

III. PUBLIC HEARING

1. 265 N Schiller Street

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

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

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

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

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

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