

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 11, 2019

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - May 28, 2019 7:00 PM

III. PUBLIC HEARING

1. 1360 E. Joan Drive

Variation to permit a deck to be set back 6 feet from the side lot line instead of the required 10 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.

Variation to permit an above-ground pool to be set back 15 feet from the rear lot line instead of the required 25 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.

Variation to permit a pergola to be set back 20 feet from the rear lot line instead of the required 25 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.

Variation to permit the aggregate floor area of all permitted structures to be 22 percent instead of the maximum permitted 10 percent pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.

Variation to permit a brick paver walkway to be set back 1 foot from the side lot line instead of the required 2 feet pursuant to Section 10.01 (d) (3) (b) of the Palatine Zoning Ordinance.

Variation to permit a driveway to be set back 1 foot from the side lot line instead of the required 2 feet pursuant to Section 7.04 (i) (2) of the Palatine Zoning Ordinance.

Variation to permit lot coverage to be 49 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 pergola attached to the principle structure to be setback 7 feet from the side lot line instead of the required 10 feet pursuant to Section

10.01 (d) (2) (u) of the Palatine Zoning Ordinance.

2. 373 W. Northwest Highway

Special Use to permit a restaurant pursuant to Section 11.03 (d)(27) of the Palatine Zoning Ordinance.

Variation for an additional 11 parking spaces to allow 158 parking spaces instead of the minimum required 177 parking spaces pursuant to Section 7.03 (b)(1) of the Palatine Zoning Ordinance.

IV. COMMUNICATIONS

V. ADJOURNMENT



VILLAGE OF PALATINE

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

ZONING BOARD OF APPEALS

MINUTES • MAY 28, 2019

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	Present	
Kevin Cavanaugh	Commissioner	Present	
James Dittrich	Commissioner	Absent	
John Pirog	Commissioner	Present	

Staff present: Ms. Lyn Bremanis

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - May 14, 2019 7:00 PM - **Accepted**
Mr. McGinn made a motion to approve the minutes of May 14, 2019; seconded by Mr. Cavanaugh.

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

Minutes Acceptance: Minutes of May 28, 2019 7:00 PM (Approval of Minutes)

III. PUBLIC HEARING**1. 1360 E. Joan Drive - Continued**

RESULT:	CONTINUED [UNANIMOUS]	Next: 6/11/2019 7:00 PM
MOVER:	Cindy Roth-Wurster, Commissioner	
SECONDER:	Theodore McGinn, Commissioner	
AYES:	Larson, Roth-Wurster, Wood, McGinn, Cavanaugh, Pirog	
ABSENT:	Luszczak, Dittrich	

Minutes Acceptance: Minutes of May 28, 2019 7:00 PM (Approval of Minutes)

2. 270 N. Smith Street - Recommended to Approve

Notice was published in the Daily Herald on May 13, 2019 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. Revised Site Plan
5. Revised Elevations
6. Revised Floor Plan
7. Beck email Objection
8. Public Notice

Sworn in staff: Ms. Lyn Bremanis

**Sworn in petitioner Mr. Tommy Palider 5705 W. Newport Ave Chicago, IL - grandson of the owner
Greg 1712 W. King Ave Mount Prospect, IL - friend of family**

Mr. Palider explained the house currently has a 13.9-foot setback. He stated since the last meeting they revised the plans. He pointed out the apartment buildings to the north are setback between 23-25 ft. Mr. Palider stated he spoke to a neighbor to the north who had lived there for 25 years who has never had any issues with their house. He stated the new plan is to move the house back to 23.5 feet which puts it right on top of the second set of foundations of the home which is approx. 10 feet back from current setback.

Greg explained they are trying to be in line with the existing apartment buildings. He spoke to the last meeting and how the difference between the townhome owner having to meet code is the townhome owner changed to a multifamily building and required a new foundation. Greg pointed out their plan is to not change the front or block any view explaining the second floor addition will be farther back.

Mr. Palider explained they are going up and were not planning on messing with the foundation to keep the cost down. He stated this is their first flip and have to get approved for additional loan to move the house back. Mr. Palider pointed out there is 70 ft. between their house and the neighbor's driveway. He spoke to the neighbor's concerns about the trees blocking views but pointed out the neighbors planted 2 trees at end of their driveway which will block the view as they grow.

Ms. Wood asked if the tree removal is still the plan.

Mr. Palider explained after further discussion the new plan is to take out all the trees in the front.

Mr. McGinn asked if they spoke to the owner to the south.

Mr. Palider answered no

Mr. McGinn asked what the difference in setback on this request vs the previous request.

Mr. Palider stated it is approx. 10 feet.

Ms. Wood asked what would be involved to go back to 30 ft.

Mr. Palider explained it would increase the concrete and foundation work to the front.

Ms. Wood asked if it was moved to 30 ft. would there still be any foundation left.

Mr. Palider explained yes just the sides

Ms. Roth-Wurster asked if they are losing square footage.

Mr. Palider answered no either the same or gaining 30-40 square feet. He explained they had to redesign the entire first floor which will cost more money to relocate the kitchen.

Ms. Bremanis gave a brief overview of the request explaining the property is zoned R-3 being used as a single family residential. She stated the building height, floor ratio and lot coverage meet code. She stated they estimated the neighboring property setbacks and came up with an average of 25.1 ft. referring to aerial slide. Ms. Bremanis stated this would not be out of character with the existing homes. She stated community services and engineering have reviewed again and have no concerns.

Mr. Cavanaugh asked about examples of a single family in a R-3.

Ms. Bremanis stated she does not have one but the front setback is the same as R-2.

STAFF RECOMMENDATION:

The Petitioner is requesting to construct a new addition at the rear of the home as well as a second story addition. The second story addition encroaches in the required front yard setback. The Petitioner has revised the previous plans, which now include the removal of approximately 10 feet of the existing structure to allow for a better line of sight and in response to the discussion during the initial review.

Most of the surrounding properties do not comply with the minimum front yard setback and while the proposed addition should not cause substantial injury to the value of other properties in the neighborhood, it would be located approximately 7 feet closer to the front property line than the neighboring duplex to the south. That property is also zoned R-3 and complies with the required 30-foot setback. Prior to the construction of the duplex in 2010, there was an existing home with an 11-foot front yard setback.

While Staff does not typically support setback reductions for new construction, most of the established front yard setbacks in this area are similar to the proposed setback and the plan intends to reuse a portion of existing foundation.

Therefore, Staff recommends approval of the Special Use, subject to the following condition:

1. The Special Use shall substantially conform to the site plan, elevation plans, and floor plan submitted by the Petitioner's Agent Tommy Palider, on 05/13/2019, as such plans may be changed to conform to Village Codes and Ordinances.

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

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

DELIBERATIONS:

Mr. McGinn spoke to the standards and stated the use will be operated in a manner consistent with the public health safety and welfare. He stated the plans are well done and have adjusted the plan to address the concerns previously discussed. Ted pointed out the new plan minimizes the safety concerns.

Mr. Larson agreed with Mr. McGinn. He stated the changes made make the difference to change his vote.

Ms. Roth-Wurster stated it meets the standards. She stated the petitioner has come up with a good solution to address the previously discussed concerns.

Ms. Wood stated she understands the neighbor to south concerns but pointed out it is a different situation. She pointed out the new plan addresses the concern on setback and removing trees will help a lot. She stated it won't have a negative impact.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will go to Village Council on June 10, 2019.

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

3. 934 N. Arrowhead Drive - **Recommended to Approve**

Notice was published in the Daily Herald on April 29, 2019 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. Site Plan
5. Elevations
6. Public Notice

Sworn in petitioner: Mr. John Deleon 934 N Arrowhead Dr- owner

Mr. Deleon stated they have been living in the home since 2011. He stated they love the area but have found a lot of homes have this type of addition. He explained the addition will be approx. 200 square feet and will give a little more space for his family as well as complement the house. Mr. Deleon pointed his lot is a large corner lot so won't compromise any safety health or welfare to surrounding area. He stated he has shown the plans to the neighbors and they are in favor.

Ms. Wood asked the difference in the footprint of patio vs the addition.
Mr. Deleon explained they are looking to add on 206 square feet.

Ms. Wood asked what the is the square footage of the current patio.
Mr. Deleon explained it is approx. 300 square feet and will be removed during construction.

Mr. McGinn asked he spoke to neighbor at 940 N. Arrowhead.
Mr. Deleon stated he spoke to all neighbors and they are on board.

Mr. McGinn asked if they were concerned about being too close to their property.
Mr. Deleon explained he let them know the northeast and northwest corner doesn't meet setback but the neighbor doesn't have any objections. He stated he thinks it adds more value and more livable space. Mr. Deleon pointed out they have a 1/3 of an acre lot so have the room for it.

Ms. Bremanis gave a brief overview of the request explaining it is zoned R-2 single family with a current setback of 35 feet which is existing non-conforming so any addition would require relief. She stated the addition is one story and meets height requirements and building and lot coverage are at approx. 16 and 20%.

Mr. Cavanaugh asked if the property was annexed or why existing nonconforming

Ms. Bremanis stated it is unknown but pointed out the shape of the lot and how

the home is situated on an angle.

Ms. Bremanis stated community services and engineering have reviewed and had no concerns.

STAFF RECOMMENDATION:

The Petitioner is requesting to build a 207 square foot addition that will further encroach into the required rear yard. This property is unique, as it is irregularly shaped, built on an angle, and is a corner cul de sac lot. Any addition to this area of the home would require relief. The addition should not have a negative impact on the surrounding properties therefore Staff recommends approval of the Special Use subject to the following conditions:

1. The Special Use shall substantially conform to the site plan prepared by Thomas Buckley Architect dated 2/1/19, 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 Ms. Roth-Wurster.

DELIBERATIONS:

Mr. Cavanaugh stated it improves the appearance of the home and will have a positive effect on the neighboring properties. He pointed out there is an existing patio so there is no concern on lot coverage or water issues.

Ms. Roth-Wurster pointed out it is existing non-conforming and quite a few homes in the area with the same type of addition. She also pointed out the petitioner has spoken to the neighbors and have received good feedback. She stated it should not have a negative impact and meets the standards.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will go to Village Council on June 10, 2019.

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

4. 1170 E. Dundee Road - **Recommended to Approve**

Notice was published in the Daily Herald on May 13, 2019 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in petitioners: Ms. Citlallin Lara and Mr. Jorge Mauricio 631 E North St Itasca, IL

Ms. Lara explained they want to open a banquet hall holding family, corporate and church events. She stated they are not doing any changes to the property and will remain the hours of operation the Village determines for a banquet hall.

Mr. Cavanaugh asked if they had any past experience serving liquor and alcohol. Ms. Lara stated they had a business in Elgin for 15 years.

Ms. Wood asked if there are any anticipated parking problems asking what the maximum attendance would be.

Ms. Lara stated their maximum is 300 and doesn't see any issues with parking.

Ms. Wood asked what days or hours the maximum sized event would be expected.

Ms. Lara explained most events would be on the weekends in the evening or afternoons.

Ms. Wood asked if security was required at their previous location.

Ms. Lara answered yes stating they will also provide at the proposed location.

Ms. Wood asked if the security was both inside and outside.

Ms. Lara answered yes.

Mr. Mauricio explained it was a larger place with a maximum attendance of 500 so they had a total of 5 security guards inside, 1 at the door, and 1 walking the parking lot.

Ms. Wood asked if the definition of security will be discussed.

Ms. Bremanis stated the petitioners have spoken with the police department and they are all on the same page.

Ms. Bremanis gave a brief overview explaining the property is zoned B-1. She stated the location has previously been 2 other banquet halls. Ms. Bremanis stated they are not changing the floor plan referring to the floor plan slide. She

stated it is 7,500 square feet. Ms. Bremanis referred to the slides to show existing conditions and location. She stated the 2 previous banquet halls had the same parking variation and there were no issues that staff is aware of. She stated community services, environmental health, fire prevention and police have all reviewed and any security questions police had were addressed in a May 3rd meeting with the petitioner. Ms. Bremanis stated after the meeting the police support the hours of operation as well as the security plan.

Ms. Wood asked if there is parking in the back.

Mr. Mauricio explained there is no parking in the back explaining the area is for deliveries and for the apartments but there is parking on the sides.

Ms. Wood what is latest they would be open.

Ms. Lara stated they are hoping midnight but the liquor license is to 2 am.

Ms. Bremanis explained they have agreed to hours of operation closing at Friday and Saturdays at 2:00 am and during the week by 1:00 am.

Ms. Wood asked about lighting.

Mr. Mauricio explained there is lighting in the back that is mostly provided by the apartments as well as lighting along the wall. He stated there is lighting in the front but as he understands the plaza plans on redoing the lighting.

Ms. Wood spoke to previous issues with non-guests entering the building asking if there will be anything to prevent this.

Mr. Mauricio explained they would require an invitation to get in.

Ms. Wood asked if they have their max of 300 will there be enough parking.

Ms. Lara answered yes.

Ms. Wood asked staff if any issues with prior owners.

Ms. Bremanis no issues she was aware of.

Discussion on how long the location has been vacant.

STAFF RECOMMENDATION:

The petitioner is requesting approval of a Special Use to allow a banquet facility within the Plaza La Rosita. The tenant space has been used off and on over the past 10 years as a banquet facility. Staff is not aware of any issues or problems that might have occurred in the past related to these uses.

The business owners have significant experience in banquet operations, special events, and restaurant food service, which should coordinate well at this location.

For the previous banquet uses, a Variation was granted for parking. Staff is not aware of any parking concerns or complaints within the shopping center. Parking on the property is adequate for the use and should not conflict with other uses. Also, the varying event times and scheduling should not significantly impact the parking availability for the other uses.

Therefore, due to adequacy of the space and parking along with the experience of the business owners, Staff is recommending approval of the Special Use, subject to the following conditions:

1. The Special Use shall substantially conform to the Excellence Banquets business plan, dated April 10, 2019 and the floorplan dated April 2, 2019, except as such plans may be changed to conform to Village Codes and Ordinances.
2. The banquet facility may remain open until 1 AM (Monday thru Friday) and 2 AM (Saturday & Sunday).
3. Security shall be provided until 1AM (Monday-Friday) or 2AM (Saturday-Sunday) or 30 minutes after closing, whichever is later. The security plan must be coordinated with the Police Department and shall be provided for the banquet facility as well as the rest of the shopping center. The petitioner shall make the necessary adjustments to the plan should the Police Department require it including increasing the number of security personnel working an event.
4. Food service including either full multiple course meals, hors d'oeuvres, buffet or smorgasbord will be provided at all events in accordance with the Class H Banquet Hall Liquor License.
5. The facility shall be permitted to hold special events celebrations such as weddings, baptisms, cotillions, quinceneras, social club events, reunions, family events, funeral luncheons, scheduled events or cultural events supporting a non-profit, religious or community organization, or similar events.
6. The live entertainment and liquor service activities are only permitted as accessory activities to the principal use as a banquet service. These uses can only occur in conjunction with a banquet service (identified in condition #5) and pursuant to the applicable liquor license and Village Code requirements.
7. The Village shall conduct a 6-month review of the operations, parking and traffic, after the petitioner receives a Certificate of occupancy.

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

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

DELIBERATIONS:

Mr. Cavanaugh pointed out the location has been a banquet hall and the petitioners have done their due diligence and have a lot of experience in the restaurant business so can operate a facility that will not cause harm to the area. He stated they have done a lot of work with the Village and police to meet the standards.

Mr. McGinn agreed with Mr. Cavanaugh.

Ms. Wood spoke to the prior banquet hall owners and the concerns of noises and disturbances to the neighboring residential properties. She pointed out since there were no issues with prior owners parking is most likely not a problem. She

stated she thinks it's a great use for the location and staff's conditions will aid in the business operating without a negative impact on the health safety and welfare while serving a great function within the community. Ms. Wood pointed out the petitioner has provided a lot of information indicating they will run a very professional organization and hope it is successful.

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

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

5. 231-233 E. Northwest Highway - **Recommended to Approve**

Ms. Wood recused herself and Mr. McGinn took over as chairman.

Notice was published in the Daily Herald on May 13, 2019 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in petitioner Mr. David Hill Amita Health 25 E Schaumburg Rd

Mr. Hill stated Amita is currently located at 50 E Northwest Hwy just east of the proposed location and have been operating there for 7 years. He explained they are seeking to relocate to a slightly larger retail medical space that would also accommodate more parking. Mr. Hill explained they would offer immediate care, occupational health, physician clinic, and x-ray services.

Mr. Cavanaugh asked if there is anything newly offered that is not currently offered.

Mr. Hill explained it will allow expanded occupational health and therapy which is currently offered just crammed into a small area.

Ms. Bremanis gave a brief summary of request explaining it is proposed to go into Palatine Plaza which is zoned B-2. She referred to the slides to show the proposed and existing floor plans to show the expansion. She pointed out it was previously a healthcare medical use before and is adding 1000 square feet and rearranging the floor plan. Ms. Bremanis went through the existing conditions slides to show location. She spoke to the parking explaining the center is over parked by 70 spaces. She spoke to the proposed hours of operations being Monday-Friday 8 am-8:30 pm. and Saturday -Sunday 9 am-6 pm with a tenant space of approx. 7628 square feet.

Ms. Roth-Wurster asked if both sets of doors are for the proposed property
Ms. Bremanis answered yes but in the floor plan they removed a door

Mr. Cavanaugh asked if fire had an issue.

Ms. Bremanis answered no. She stated community services, engineering and fire prevention reviewed and had no issues.

STAFF RECOMMENDATION:

The Petitioner is requesting to relocate an existing medical office to the proposed tenant space. The space was previously occupied by a medical use. While Petitioner is planning on expanding the space by approximately 1000 square feet

the business plan shows the use being similar to the previous tenant. Palatine Plaza is currently over parked by 70 spaces and staff does not believe this use as proposed will create any parking issues. As the proposed use would be occupying a vacant tenant space and maintain a mixture of uses within the development. 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 on 05/02/19, 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 for the space since it was already a medical use so they are just reusing a space that has been vacant for a while. He pointed out there is no parking concerns and they will be operating in a manner consistent with public health safety and welfare. Mr. Larson stated filling the spot will not have a negative impact on surrounding businesses.

Ms. Roth-Wurster agreed with Mr. Larson and pointed out moving down the street it is a valid reason to expand services and help with the parking.

Mr. McGinn summarized that this request has met the standards and was unanimously approved by a vote of 5-0-1. This item will go to Village Council on June 10, 2019.

RESULT:	RECOMMENDED TO APPROVE [5 TO 0]
MOVER:	Brent Larson, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Larson, Roth-Wurster, McGinn, Cavanaugh, Pirog
ABSENT:	Luszczak, Dittrich
RECUSED:	Wood

IV. COMMUNICATIONS

140 W Northwest Highway - Health Club was approved at Village Council.

Next meeting is June 11th and there will be two items.

Mr. McGinn made note that he will not be at the June 11th meeting.

V. ADJOURNMENT

1. Motion to Adjourn - **Motion Carried by Voice Vote**

Mr. Cavanaugh made a motion to adjourn; seconded by Ms. Roth-Wurster.

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

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 06/11/19 07:00 PM

CASE STAFF STATEMENT (ID # 5327)

1360 E. Joan Drive

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Katie Rivard

PETITIONER: Michael Colby

CASE NUMBER: 19-09

ADDRESS: 1360 E. Joan Drive

PROPOSAL:

Variation to permit a deck to be set back 6 feet from the side lot line instead of the required 10 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.

Variation to permit an above-ground pool to be set back 15 feet from the rear lot line instead of the required 25 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.

Variation to permit a pergola to be set back 20 feet from the rear lot line instead of the required 25 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.

Variation to permit the aggregate floor area of all permitted structures to be 22 percent instead of the maximum permitted 10 percent pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.

Variation to permit a brick paver walkway to be set back 1 foot from the side lot line instead of the required 2 feet pursuant to Section 10.01 (d) (3) (b) of the Palatine Zoning Ordinance.

Variation to permit a driveway to be set back 1 foot from the side lot line instead of the required 2 feet pursuant to Section 7.04 (l) (2) of the Palatine Zoning Ordinance.

Variation to permit lot coverage to be 49 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 pergola attached to the principle structure to be setback 7 feet from the side lot line instead of the required 10 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 1360 E. Joan Drive District 5 (Kozlowski)	<u>CURRENT ZONING:</u> R-2 Single-Family
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SURROUNDING CONDITIONS:

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

BACKGROUND:

The Petitioner is requesting lot coverage and setback relief for a deck expansion, above-ground pool, pergola, concrete patio and walkway, driveway expansion, and brick paver walkways. Therefore, the Petitioner is requesting the following:

1. Variation to permit a deck to be set back 6 feet from the side lot line instead of the required 10 feet
2. Variation to permit an above-ground pool to be set back 15 feet from the rear lot line instead of the required 25 feet
3. Variation to permit a pergola to be set back 20 feet from the rear lot line instead of the required 25 feet
4. Variation to permit the aggregate floor area of all permitted structures to be 22 percent instead of the maximum permitted 10 percent
5. Variation to permit a brick paver walkway to be set back 1 foot from the side lot line instead of the required 2 feet
6. Variation to permit a driveway to be set back 1 foot from the side lot line instead of the required 2 feet
7. Variation to permit lot coverage to be 49 percent instead of the maximum permitted 45 percent
8. Variation to permit a pergola attached to the principle structure to be setback 7 feet from the side lot line instead of the required 10 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.

SITE ANALYSIS:

- The Subject Property is zoned R-2 Single-Family and the lot size is approximately 8,500 square feet.
- The Petitioner made improvements to his property, without obtaining the required permits. The Village became aware of this in July 2018, through a proposed deck expansion, and then followed up with the Petitioner. The Petitioner proceeded

with the deck expansion, after the Village provided notification of the required building permit. When the Petitioner applied for a building permit to expand the deck, Staff became aware of other multiple instances of work without the required building permits. The property has been cited and is presently in the adjudication process. That process is separate from the zoning relief being sought. The following work was completed on the subject property, outside of the building permit process:

1. Deck Expansion: The deck was expanded and is set back 6 feet from the side lot line instead of the minimum required 10-foot setback.
 2. Above-Ground Pool: An above-ground pool was added to the backyard and is set back 15 feet from the rear lot line instead of the minimum required 25 feet. A pool, when attached to the principal structure and more than 16 inches in height, shall be setback a minimum of 25 feet from the rear lot line.
 3. Concrete Patio & Walkway: A concrete patio and walkway were constructed in the rear yard. While these improvements meet the required setbacks, they are included in the overall lot coverage which exceeds the maximum 45%.
 4. Pergola: A pergola was constructed and attached to the principle structure over the concrete patio. Per the zoning ordinance, a pergola, when attached to the principle structure and more than 16 inches above grade, shall be setback 25 feet from the rear lot line and cannot encroach into the required side yard. The pergola is set back 20 feet from the rear lot line and 7 feet from the side lot line.
 5. Driveway Expansion: The driveway was expanded and is set back 1.7 feet from the side lot line instead of the minimum required 2-foot setback.
 6. Brick Paver Walkway: The brick paver walkway was constructed on the east side of the subject property. The walkway is set back 1.4 feet from the side lot line instead of the minimum 2-foot setback.
- The table below outlines the improvements requiring zoning relief with the existing and required setbacks.

Required Relief	Existing Setback	Required Setback
Deck expansion	6 feet	10 feet
Above-ground pool	15 feet	25 feet
Brick paver walkway (on the east side of the concrete patio)	1.4 feet	2 feet
Driveway expansion	1.7 feet	2 feet

Pergola	20 feet	25 feet
---------	---------	---------

- As a result of these improvements, the existing lot coverage is approximately 49%, which exceeds the maximum permitted 45%. The existing building coverage is approximately 28% and meets Code.
- Per the Zoning Ordinance, the maximum aggregate floor area of all permitted structures is 10%. The aggregate floor area for the subject property includes the deck expansion, above-ground pool, and pergola and totals 22% (685 square feet).

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:**Deck Expansion, Above-Ground Pool, & Pergola**

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

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

Staff has reviewed the surrounding properties and identified several approved petitions for setback reductions to allow building additions and decks in the required rear and side yards. The most significant rear yard setback reduction was 30 feet to allow a

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

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

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

Brick Paver Walkway and Driveway Expansion

The brick paver walkway and driveway expansion is setback approximately 1.4 feet and 1.7 feet, respectively, from the side property line instead of the minimum required 2 feet. When the Petitioner received permit approval in 2005 to remove and replace the driveway, the approved site plan explicitly stated the driveway shall be setback a minimum 2 feet. As previously mentioned, there have been several surrounding properties that have received Special Uses and Variations for setback relief. However, with the exception of one petition, it is more typical that the 2-foot setback is maintained, excepting an approved Variation or existing legal non-conformity. Additionally, the removal of the walkway and driveway will help bring the subject property closer to compliance for lot coverage. With that being said, Staff recommends a portion of the walkway and driveway are removed to meet the 2-foot setback to remain consistent with the surrounding properties.

Therefore, Staff recommends denial of the following Variations:

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

of the required 2 feet.

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

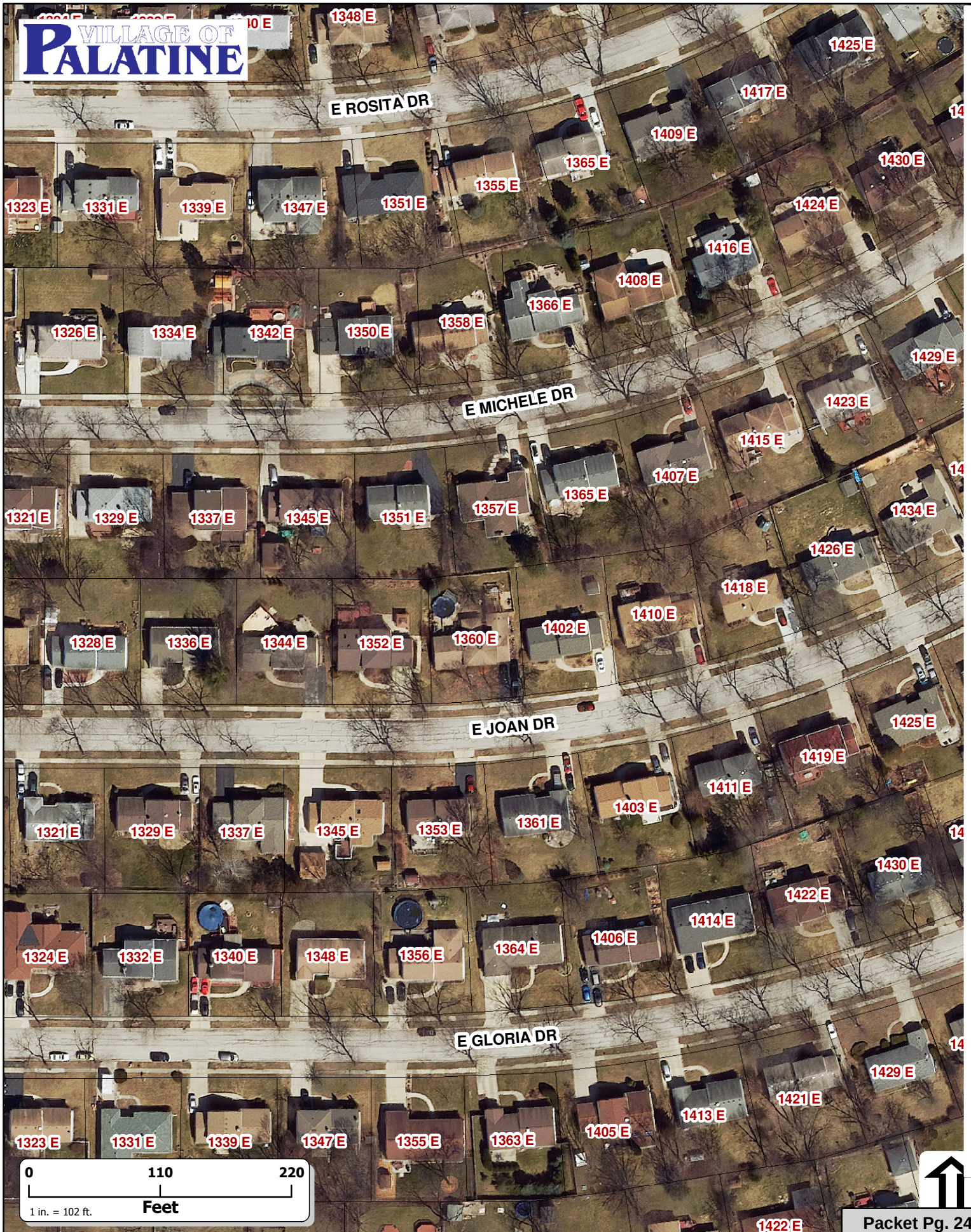
1. The Variations shall substantially conform to the site plan prepared by the Petitioner, Michael Colby, dated 07/23/2019, except as such plans may be changed to conform to Village codes and Ordinances.
2. The Petitioner shall submit all of the necessary building permit information (include all required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

ATTACHMENTS:

- Aerial 1360 E. Joan Drive
- Application
- Site Plan
- Pictures submitted by the Petitioner 4-15-19
- Narrative from Petitioner 4-16-19
- Public Notice

1360 E. Joan Drive

3.1.a

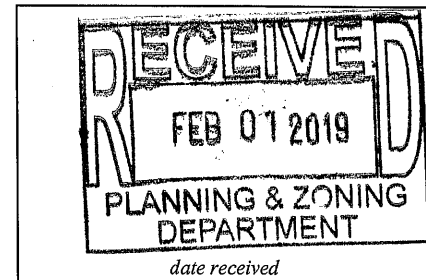


VILLAGE OF PALATINE

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>KR</i>	Zoning Case # <i>19-09</i>
	Filing Fee <i>\$300</i>	Notification Deadline
	ZBA Public Hearing Date <i>6/11/19</i>	Village Council Date



Background Information	PETITIONER(S) <i>Michael & Marie Colby</i>		Business Name (if applicable)	
	Subject Property Address <i>1360 JOAN DRIVE Palatine IL 60074</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 <i>R-2 SF</i>	Existing Land Use <i>Single Family Res.</i>	Proposed Land Use <i>Single Family Res.</i>	
	Generally describe your request: <i>I have used 98% of property as opposed to 45% & I am requesting the additional 3%</i>			

Attachment: Application (1360 E. Joan Drive - VAR lot coverage & setbacks)

VILLAGE OF PALATINE

VARIATION

Required Materials

- Before*
- After*
- ☐ 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

N/A

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

N/A

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

The VARIATION IF GRANTED WILL NOT ALTER THE ESSENTIAL CHARACTER OF

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

LOCALITY

1360 Joan Drive

570 E. NORTHWEST HWY.
DES PLAINES, ILLINOIS 60016
(847) 699-0018

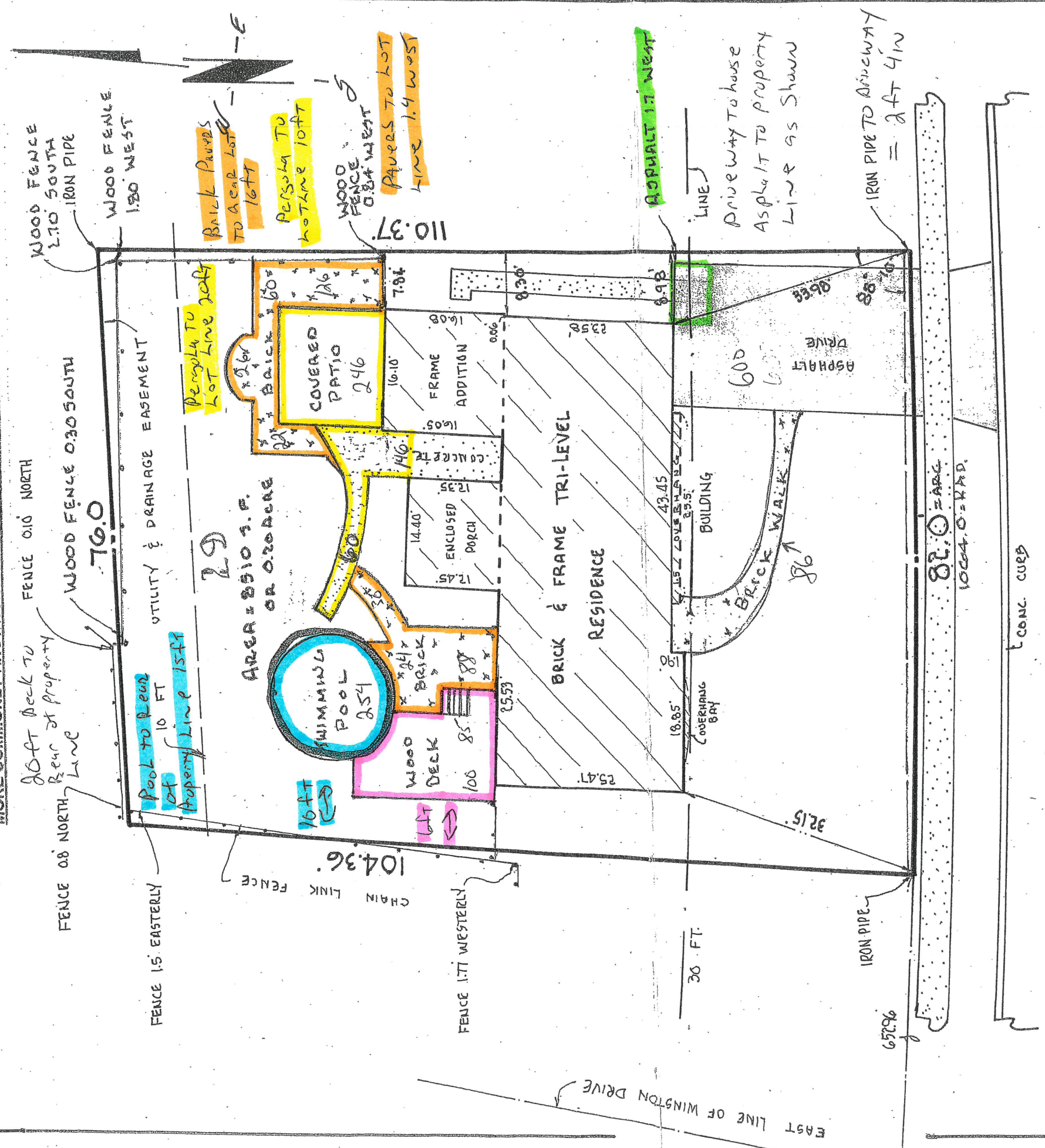
R. W. STANLEY & ASSOCIATES
ILLINOIS PROFESSIONAL LAND SURVEYOR

PHONE (847) 699-0018

PLAT OF SURVEY

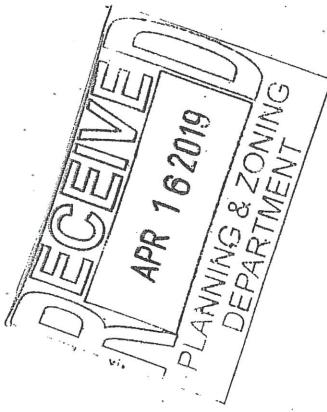
LOT 29 IN BLOCK 10 IN WINSTON PARK NORTHWEST UNIT 1, BEING A SUBDIVISION IN SECTION 13, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 30, 1957 AS DOCUMENT NUMBER 16972096, IN COOK COUNTY, ILLINOIS.

MORE COMMONLY KNOWN AS: 1360 JOAN DRIVE, PALATINE, ILLINOIS



JOAN

DRIVE



Scale: 1 inch equals 15 feet
Ordered by MIKE COLO
Order number 18-1114

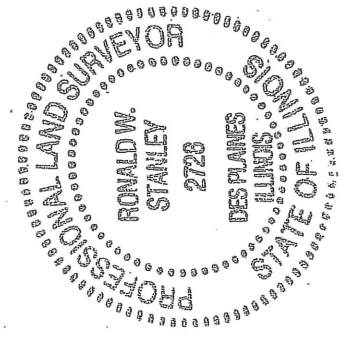
Note:
Compare the description on this plat with your deed, abstract, or certificate of title, also compare all points before building by same and report any difference at once. For building line and other restrictions not shown hereon, refer to your abstract, deed, contract, or zoning ordinance.

This Professional Service Conforms
To the current Illinois minimum Standards
For a Boundary Survey

State of Illinois) S.S.
County of Cook)

I, Ronald W. Stanley, hereby certify that the above described property has been surveyed under my supervision and that the plat hereon drawn is a correct representation of said survey.
Dimensions are shown in feet and decimal parts thereof and are corrected to a temperature of 62° Fahrenheit.

Des Plaines, Illinois OCTOBER 9 20 18
Ronald W. Stanley
Illinois Professional Land Surveyor No. 2728
License expires 11.30.18





[Sent from Yahoo Mail on Android](#)

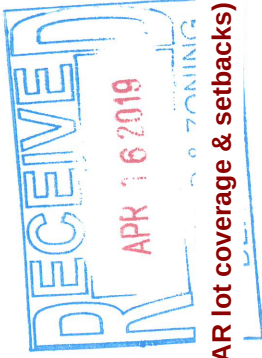


Attachment: Pictures submitted by the Petitioner 4-15-19 (1360 E. Joan Drive - VAR lot coverage & setbacks)

1360 Joan Dr

Yahoo Mail - (No Subject)

4/15/2019



[Sent from Yahoo Mail on Android](#)

1360 Joan Drive

Yahoo Mail - (No Subject)

4/15/2019



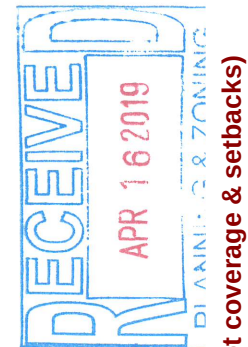
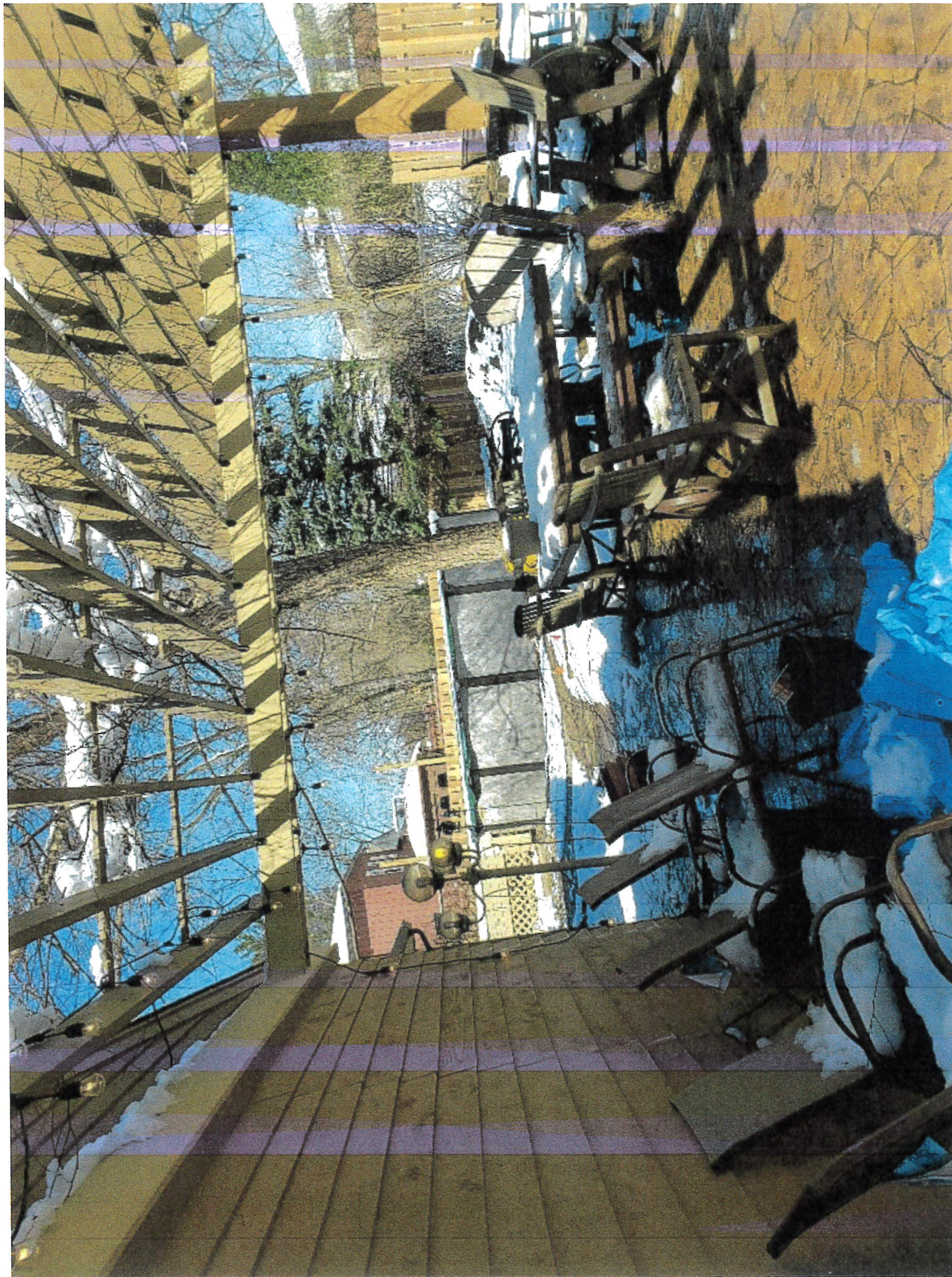
RECEIVED
APR 16 2019
PLANNING & ZONING

[Sent from Yahoo Mail on Android](#)

1360 Joan Dr

Yahoo Mail - (No Subject)

4/15/2019



[Sent from Yahoo Mail on Android](#)

1360 Joan Dr



[Sent from Yahoo Mail on Android](#)



Attachment: Pictures submitted by the Petitioner 4-15-19 (1360 E. Joan Drive - VAR lot coverage & setbacks)

Katie Rivard

From: Michael Colby [REDACTED]
Sent: Tuesday, April 16, 2019 1:25 PM
To: Katie Rivard

To Whom It may Concern,

I have submitted permits for the deck, pool, pavers bricks, concrete patios and the pergola. I was also asked to submit the square footage of my driveway and front walkway. The above additions were made to add to the creature comforts of the backyard as we plan on staying in our home.

The above additions put the coverage of our property at 45% coverage that put us over the maximum of 42% for our location.

A permit was submitted for the replacement of the drive. The village approved the initial design and completed work. Katie Rivard noted there was an addition added to the northeast corner of the driveway without a permit for the addition. This area was an additional 42 square feet.

I was asked to provide the square footage of the front walkway. The total square footage was measured out to be approximately 86 sq. ft. This is an approximation as the square footage increases as one gets closer to the front entrance. A permit was submitted for and reviewed upon completion of the patio paver replacement walkway. The drawings of the original concrete sidewalk and the paver bricks appear to be identical. It should be noted that the paver bricks are not cemented together and allow for the absorption of water.

I had the paver bricks added to the patio in the backyard at the same time and assumed the permit covered that work. The concrete patio was added a few years before. I did not submit a permit as it was a small addition 225 sq ft. with all the work completed per code.

The pergola was added above the patio without taking up any additional space.

A permit was applied for the original deck and pool. I was told there was no permit for the pool, however the permit for the deck shows the pool at the end of deck. The inspector for the project told us we needed a door alarm and a gate for the stairs. Last year we replaced the original pool with a replacement. The owner of Great Escape Patio and Pool told us because we were replacing the pool we did not need a permit.

An additional four feet has been framed out off the deck. Our neighbor said she was not concerned we added the extra square footage. The extra decking did not extend past the area of where the stairs extend to her property from the original deck.

I would appreciate your consideration to allow for the additional variance to our property.

Thank-you for your time and patience.

Mike and Marie Colby
 1360 East Joan Drive
 [REDACTED]

Attachment: Narrative from Petitioner 4-16-19 (1360 E. Joan Drive - VAR lot coverage & setbacks)

PUBLIC NOTICE

A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, June 11, 2019 at 7:00 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:

1. Variation to permit a deck to be set back 6 feet from the side lot line instead of the required 10 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.
 2. Variation to permit an above-ground pool to be set back 15 feet from the rear lot line instead of the required 25 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.
 3. Variation to permit a pergola attached to the principle structure to be set back 20 feet from the rear lot line instead of the required 25 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.
 4. Variation to permit the aggregate floor area of all permitted structures to be 22 percent instead of the maximum permitted 10 percent pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.
 5. Variation to permit a brick paver walkway to be set back 1 foot from the side lot line instead of the required 2 feet pursuant to Section 10.01 (d) (3) (b) of the Palatine Zoning Ordinance.
 6. Variation to permit a driveway to be set back 1 foot from the side lot line instead of the required 2 feet pursuant to Section 7.04 (1) (2) of the Palatine Zoning Ordinance.
 7. Variation to permit lot coverage to be 49 percent instead of the maximum permitted 45 percent pursuant to Section 10.06 (g) (1) (b) of the Palatine Zoning Ordinance.
 8. Variation to permit a pergola attached to the principle structure to be set back 7 feet from the side lot line instead of the required 10 feet pursuant to Section 10.01 (d) (2) (u) of the Palatine Zoning Ordinance.
- The property is commonly known as 1360 E. Joan Drive (02-13-404-028). The Petitioner is requesting lot coverage and setback relief for an existing deck expansion, above-ground pool, pergola attached to the principle structure, concrete patio, driveway expansion and brick paver walkways. This petition was originally scheduled for the May 28th Zoning Board of Appeals hearing, but it has been continued to the June 11th Zoning Board of Appeals hearing due to revisions to the items listed above.
- The above petition has been filed by Michael Colby and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
FILE #: 19-09
VILLAGE OF PALATINE
Jan Wood, Chair
Palatine Zoning
Board of Appeals
DATED: This 27th day of May, 2019
Published in Daily Herald
May 27, 2019 (4525598)

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 27-MAY-19 in said **DAILY HERALD**.

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

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY *Danula Baltz*
Authorized Agent

Control # 4525598

Attachment: Public Notice (1360 E. Joan Drive - VAR lot coverage & setbacks)

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 06/11/19 07:00 PM

CASE STAFF STATEMENT (ID # 5325)

373 W. Northwest Highway

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Lyn Bremanis

PETITIONER: Manny Rafidia, Taco Express

CASE NUMBER: 19-20

ADDRESS: 373 W. Northwest Highway

PROPOSAL:

Special Use to permit a restaurant pursuant to Section 11.03 (d)(27) of the Palatine Zoning Ordinance.

Variation for an additional 11 parking spaces to allow 158 parking spaces instead of the minimum required 177 parking spaces pursuant to Section 7.03 (b)(1) of the Palatine Zoning Ordinance (this parking Variation is based upon the existing parking variation for the shopping center).

<u>LOCATION:</u>	373 W. Northwest Highway District 6 (Helms)	<u>CURRENT ZONING:</u>	B-2 General Business District
-------------------------	--	-------------------------------	----------------------------------

SURROUNDING CONDITIONS:

<u>North:</u>	Planned Development (Lexington Oaks / Hamilton Creek)
<u>South:</u>	M Manufacturing (Open Space)
<u>East:</u>	B-2 General Business
<u>West:</u>	Planned Development (Hidden Prairie)

BACKGROUND:

The Petitioner is requesting to open a new restaurant in a space that was previously a catering business. Therefore, the Petitioner is requesting

1. **Special Use to permit a restaurant.**
2. **Variation for an additional 11 parking spaces to allow 158 parking spaces instead of the minimum required 177 parking spaces.**

SITE ANALYSIS:

- The Subject Property is zoned B-2 General Business District and it is located in

Case Staff Statement (ID # 5325)
Meeting of June 11, 2019

the Century Plaza.

- The Subject Tenant Space is 1,600 square feet and the shopping center is 37,223 square feet total.
- This location was approved for a Special Use for a Catering Establishment (Simply Delicious); however, since seating was not contemplated a new Special Use is required.
- Other tenants in this shopping center are listed in the business plan.
- The proposed hours of operation are Sunday through Thursday from 11:00 AM to 8:00 PM and Friday through Saturday from 11:00 AM to 9:00 PM.
- There would be 2 full-time employees and 1 part-time employee.
- The floor plan indicates a total of 16 seats. The Petitioner stated they are not planning to make any changes in the existing kitchen.
- The restaurant requires 16 spaces per the 1/100 square foot requirement.
- The shopping center has 158 parking spaces for the existing uses. This includes an existing parking variation of 8 spaces (O-53-17) for a total of 166 spaces. An additional 11 spaces would be required.

Address	Business	Square Footage	Requirement	Parking Spaces Required
355 W. Northwest Highway	Woman Care	8,200	1/300	27
357 W. Northwest Highway	Vacant	1,000	1/300	3
359-361 W. Northwest Highway	The Wine Cellar	4,470	1/300	15
363-369 W. Northwest Highway	Billing Associates	6,400	1/300	21
371 W. Northwest Highway	Family Practice	2,870	1/300	10
373 W. Northwest Highway	Proposed Restaurant	1600 (16 seats)	1/100	16
375 W. Northwest Highway	Fortune Noodles	2,593 (28 seats)	1/100	26
377 W. Northwest Highway	JD Michaels	3,290	1/300	11
381 W. Northwest Highway	Palatine Dental	3,200	1/300	11
383 W. Northwest Highway	Portifino's	2,400 (82 seats)	1 per 2.5 seats	33
385 W. Northwest Highway	Pediatric Central	1,200	1/300	4
Total Spaces Required (with proposed new restaurant use)				177
Total Spaces Provided				158

Case Staff Statement (ID # 5325)
Meeting of June 11, 2019

Existing Parking Variation	8 spaces
Deficit	11 spaces (177 required; 166 through variation)

DEPARTMENTAL REVIEWS:

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

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

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

1. The Special Use and Variation shall substantially conform to the floor plan and the business plan submitted by the Petitioner on 04/09/2019, except as such plans may be changed to conform to Village Codes and Ordinances.

ATTACHMENTS:

- Aerial 373 W. Northwest Highway
- Application
- Plat of Survey
- Business Plan
- Floor Plan
- Public Notice

3.2.a

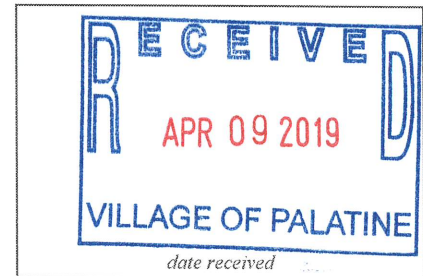




SPECIAL USE & VARIATION APPLICATION

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>19-20</i>
	Filing Fee <i>898</i>	Notification Deadline
	ZBA Public Hearing Date	Village Council Date



Background Information	PETITIONER(S) MANNY RAFIDIA		Business Name (if applicable)		
	Subject Property Address 373 W. NORTHWEST HWY.				
	AUTHORIZED AGENT (if applicable) MANNY RAFIDIA		Business Name (if applicable)		
	Address PO BOX 338, ITASCA, IL 60143		City/State/Zip Code		
	Telephone 847-921-9200	Fax	Email TSCRMADISON@GMAIL.COM		
	Relationship to Petitioner (contractor, architect, etc.) OWNER				
	TYPE OF APPLICATION (check one) ☒ Special Use ☐ Special Use Amendment ☐ Variation				
	Existing Zoning District		Existing Land Use		Proposed Land Use
	Generally describe your request: INTENT TO USE THE EXISTING RESTAURANT WITH A NEW MEXICAN FAST FOOD MENU AND ADDITIONAL 16 SEATS.				

Attachment: Application (373 W. Northwest Highway - SU Restaurant)



SPECIAL USE

Required Materials

- ☐ Filing Fee of \$ _____
- ☐ Application Form
- ☐ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☐ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☐ Real Estate Interest Disclosure Form (see attached)
- ☐ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)
- ☐ Business Plan (if applicable; including, but not limited to nature of business, hours of operation, number of employees, and menu)

Additional Materials (as required by the Village)

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

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.05 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Variation only, you do not need to answer these items.***

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

YES

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

YES

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

YES

4. With respect to live entertainment uses, the use shall not:
- a. Produce noise levels so great as to constitute an unreasonable interference for persons outside the confines of the establishment
 - b. Impose undue health, sanitation or safety burdens on the village
 - c. Create excessive demands on the Village of Palatine Police Department
 - d. Be of a nature otherwise prohibited by law or village ordinance
5. For fence standards, see Section 14.05 of the Palatine Zoning Ordinance



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

THIS IS PROPERLY ZONED FOR A RESTAURANT USE.

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

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

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

AGREED

Taco Express**Proposed 373 W. Northwest Hwy., Palatine**

The hours of operation will be from 11:00 am – 8:00 pm Sunday-Thursday and 11:00 am – 9:00 pm Friday-Saturday. There would be 2 full time employees and 1 part time employee.

Century Plaza Tenant listing and hours of operation of the tenants at Century Plaza:

355 W. NW Hwy. Woman Care, medical use open 8:00 am – 6:00 pm (closed Saturday and Sunday).
Peak hours by appointment.

361 W. NW Hwy. Wine Cellar, open 11:00 am – 7:00 pm. Peak hours none.

363 W. NW Hwy. Billing Associates, office use open 8:00 am – 5:00 pm (closed Saturday and Sunday).
Peak hours none.

371 W. NW Hwy. Urgent Care, medical use open 10:00 am – 8:00 pm. Peak hours by appointment.

375 W. NW Hwy. Fortune Noodles, open 11:00 am – 9:00 pm Monday – Saturday and 12:00 pm – 9:00 pm Sunday. Peak hours 5:00 pm – 8:00 pm.

377 W. NW Hwy. Salon Suites, open 9:00 am – 6:00 pm (closed Sunday and Monday). Peak hours 11:00 am – 5:00 pm.

381 W. NW Hwy., Palatine Dental, open 11:00 am – 6:00 pm (closed Wednesday, Saturday and Sunday).
Peak hours by appointment.

383 W. NW Hwy. Portofino's Woodfire Pizza & Pasta, open 11:00 am – 10:00 pm. Peak hours 5:00 pm – 9:00 pm.

385 W. NW Hwy. Pediatric Central, medical use, open 11:00 am – 5:00 pm (closed Saturday and Sunday).
Peak hours none.

MEAT OPTIONS

asada-steak
 pastor-pork
 pollo-chicken
 carnitas-fried pork
 barbacoa-mexican bbq
 chile relleno-stuffed pepper
 picadillo-ground beef
 tripas-tripes
 lengua-tongue
 cecina-thin salted steak
 chorizo-mexican sausage
 pescado-fish 
 cabeza-beef head 
 milanesa-breaded steak/chicken 
 jamon-ham 

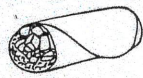
our recommendation on serving style



taco



torta



burrito

TACOS.....\$2.20

served with: onions & cilantro
 or lettuce & tomato

TORTAS.....\$5.50

served with: lettuce, tomato, avocado, beans,
 cheese & sour cream

BURRITOS..\$6.50

served with: served with: lettuce, tomato, avocado,
 beans, cheese & sour cream

Burrito Suizo-smothered with melted cheese & salsa....\$8.00

TACO SALAD.....\$7.50

served with: meat of choice, beans, rice,
 sour cream, avocado, lettuce,
 tomato & cheese

BURRITO BELLY BOWL ...\$7.50

meat of choice & chips on the side
 served with: beans, rice, sour cream,
 avocado, lettuce, tomato & cheese

ALL ITEMS AVAILABLE IN VEGGIE

DESAYUNOS.....\$8.50

breakfast choices served with rice, beans & 6 tortillas

HUEVOS CON jamon-ham chorizo-mexican sausage
 eggs with: rancheros-country style

breakfast burrito.....\$6.50

especial cilantro grill..\$9.95

PLATILLOS\$11.95

served with: rice, beans, salad & 6 tortillas

cesina a la mexicana

thin salted steak

milanesa de res o pollo

breaded steak or chicken

bistec a la mexicana

chopped flank steak

chile relleno

2 cheese stuffed peppers

DINNERS\$8.50

all dinners include rice & beans

taco dinner

3 tacos

torta dinner

meat of choice

burrito dinner

meat of choice

cilantro dinner

1taco, 1 tamale & 1 quesadi

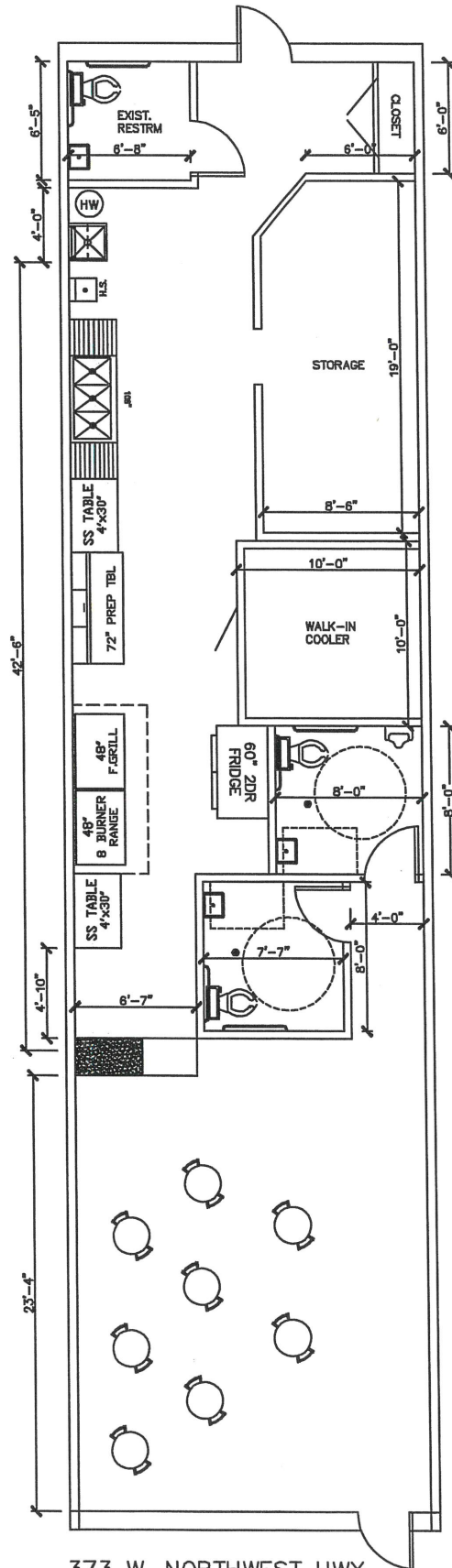
tamal dinner

3 tamales: pork or chicken

tostada dinner

2 tostadas, meat of choice





373 W. NORTHWEST HWY.
1,600 SQ. FT.

PUBLIC NOTICE
 A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, June 11, 2019 at 7:00 P.M. in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:
Special Use to permit a restaurant pursuant to Section 11.03 (d)(27) of the Palatine Zoning Ordinance.
Variation of 11 additional parking spaces to allow 158 parking spaces instead of the minimum now required 169 parking spaces, pursuant to Section 7.03 (b)(1) of the Palatine Zoning Ordinance and the existing parking variation granted through Ordinance #0-53-17 (this Variation allowed 169 parking spaces instead of the 177 parking spaces required).
 The property is commonly known as 373 W Northwest Highway (02-15-102-100).
 The Petitioner is proposing to open a restaurant, Taco Express.
 The above petition has been filed by Manny Rafidia and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
 FILE #: 19-20
 VILLAGE OF PALATINE
 Jan Wood, Chair
 Palatine Zoning Board of Appeals
 DATED: This 27th day of May, 2019
 Published in Daily Herald
 May 27, 2019 (4525597)

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 27-MAY-19 in said DAILY HERALD.

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

PADDOCK PUBLICATIONS, INC.
 DAILY HERALD NEWSPAPERS

BY

Authorized Agent

Control # 4525597

Attachment: Public Notice (373 W. Northwest Highway - SU Restaurant)