



VILLAGE OF PALATINE

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

ZONING BOARD OF APPEALS

MINUTES • JUNE 11, 2019

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

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

Staff present: Ms. Katie Rivard

II. APPROVAL OF MINUTES

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

Mr. Dittrich made a motion to approve the minutes of May 28, 2019; seconded by Mr. Luszczyk.

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

III. PUBLIC HEARING

1. 1360 E. Joan Drive

Notice was published in the Daily Herald on May 27, 2019 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Variation
2. Proof of Ownership
3. Site Plan
4. Pictures Submitted by Petitioner
5. Narrative from Petitioner 4-16-19
6. Public Notice

Sworn in staff: Ms. Katie Rivard

Sworn in the petitioner: Mr. Michael Colby 1360 E. Joan Drive

Mr. Colby referred to the site plan slide to show the requested relief. He explained the work done was not done to increase the property value but rather just for personal enjoyment. He explained some of the work was done in negligence without permits but some such as the driveway had permits.

Mr. Pirog clarified the driveway permit was to replace but they added a foot closer

Mr. Colby explained the driveway was there when they bought the house and replaced due to it being in disrepair. He stated the Village inspected the permitted work and approved the work 15 years ago. He pointed out the deck was already there and was permitted so didn't realize he was required to get a permit to add 4 feet on to it. Mr. Colby stated the pool was on the plans when he pulled the deck permit. He stated the inspectors who inspected the deck stated the pool location was fine as well as in November 2018 the pool location was inspected and approved. Mr. Colby explained the pool was replaced under warranty through Great Escape who told him that since the pool is a replacement it did not require a permit.

Ms. Roth-Wurster clarified Great Escape stated a permit was not needed.

Mr. Colby stated they indicated since it was a replacement a permit was not needed.

Ms. Wood asked when the home was purchased.

Mr. Colby stated 1989.

Discussion on years of improvements and the order they were done.

Mr. Luszczyk asked if there was a permit when the pool was installed.

Mr. Colby explained the deck and pool were done at the same time. He stated

when he got the permit for the deck the plat showed the existing pool which was approved by the Village in 2003.

Ms. Rivard gave a brief summary of request indicating the timeline of the work that was done. She explained staff was made aware of the work without a permit approximately a year ago when the proposed deck expansion came in. She stated she has a copy of the deck permit that was issued but did not see a pool permit.

Mr. Colby pointed out the plat shows the pool at the end of the deck.

Ms. Rivard explained the above ground pool is setback 15 feet from rear lot line and 25 feet is required, the deck is setback 6 feet from side lot line 10 feet is required, concrete patio and walkway meet setbacks but since it is included in lot coverage which is over by approximately 4%. She stated the pergola is unpermitted and does not meet the setbacks. Ms. Rivard spoke to the driveway permit and referred to site plan slide to show unpermitted addition to driveway. She further explained the permit explicitly stated the driveway had to maintain a 2-foot setback.

Mr. Colby stated the Village approved his permit.

Discussion on the 3 foot by 6 foot section.

Ms. Rivard stated the brick paver walkway does not meet the setbacks. She stated the lot coverage is at 49% with the max being 45%. She stated there is a 10% maximum of aggregated floor area which includes the deck, pool and the pergola.

Ms. Wood explained to Mr. Colby the board will review the request and look to see if they meet the standards for variation.

Ms. Wood asked staff about the aggravated floor area.

Ms. Rivard explained it is not normal to see a property that exceeds the 10%.

Mr. Colby asked what aggregate floor area is.

Ms. Rivard explained it includes any structures that are permanently attached to the principal structure over 16 inches above grade. She further explained it can be no more than 10% of the required rear yard. She referred to the site plan slide to explain the required rear yard calculations.

Sworn in petitioner Ms. Marie Colby

Ms. Wood asked how long the structures have been there.

Mr. Colby explained the deck and the pool were in 2003, the driveway was replaced in the early 90's, the pergola was done 1 year ago and the paver bricks were in the early 90's.

Ms. Wood clarified driveway was done with contractor and paved more.

Ms. Colby they cut the area out and added but when the Village inspected they approved that area as well.

Mr. Colby explained when he replaced driveway with a permit he was asked if he

wanted to remove the tree and add pavement to the area. He stated he didn't know he had to change the permit to include the additional square area.

Ms. Wood asked if the Village was aware there was additional area being paved. Mr. Colby stated no because he didn't get permit for extension but pointed out the Village inspected the area along with the permitted driveway both before and after the asphalt went in.

Ms. Rivard explained the permit didn't include the additional area and it specifically stated the driveway had to be set back 2 feet.

Mr. Colby pointed out the additional square feet did not expand the width of the driveway.

Ms. Rivard stated the area was not part of permit so the approval was for everything besides that area. She stated she cannot speak to what the inspector approved when he went out there.

Ms. Colby stated it was done at the same time as the driveway.

Mr. Dittrich asked if the driveway area was moved 2 feet they would be fine.

Ms. Rivard explained they are allowed to replace existing but the area in question was new not existing.

Mr. Dittrich asked if the concrete patio is within code.

Ms. Rivard answered yes with the exception that it contributes to the overall lot coverage and was one of the items that was done without a permit.

Ms. Wood asked if there was a reason why the pool was setback 15 feet instead of 25 feet.

Mr. Colby explained it was put on the back of the deck and when the inspector came out he didn't say it had to be 25 feet.

Ms. Wood clarified there was a permit for the deck not the pool.

Ms. Rivard stated she didn't see a permit for the pool.

Mr. Dittrich asked if the setback was 25 feet in 2003.

Ms. Colby stated the pool has not moved since 2003.

Ms. Rivard explained the setbacks for permitted obstructions came into place after 2003 exact date is unknown. She stated the pool was removed and replaced.

Mr. Dittrich asked if a permit is required to replace an existing pool.

Ms. Rivard stated she is unsure but would assume so due to the electrical requirements. She explained if they replaced with the same size in the same location it would be allowed but they can't confirm what was previously there.

Mr. Colby stated it is the same size and has not changed the location.

Ms. Wood asked when the pool was changed.

Mr. Colby stated it was last year.

Ms. Colby explained the pool got a hole and was replaced under the warranty.

Mr. Colby stated in 2018 they had an inspection for the location of the pool and it was approved.

Ms. Wood asked staff about pool inspection.

Mr. Colby stated the Village told them to have the inspection done.

Ms. Rivard pointed out there is so much work that has been done and staff has tried to do as much research to work out what has been approved and what has not. She stated the pool is only 1 of 8 variations, and Staff is taking a neutral position on the pool. She explained it is not uncommon in this neighborhood to need a variation for decks and additions given the lot size.

Ms. Wood spoke to the deck setback and asked if originally built in 2003.

Mr. Colby answered yes.

Ms. Wood asked if it has changed since 2003.

Mr. Colby explained the deck is the reason this all started. He put a 4-foot extension, which he believed was okay because he only came as far out as the stairs.

Ms. Wood asked when the pergola was put up.

Mr. Colby stated approximately 2 years ago. He pointed out it wasn't taking up any additional coverage explaining it is not covered just open boards so it is more for aesthetics instead of permanent structure.

Mr. Dittrich asked about the stair location on the deck.

Mr. Colby referred to the site plan slide and explained since there are stairs on the other side of the deck he thought he could remove the stairs and extend the deck into that area.

Mr. Dittrich asked if stairs are counted in square footage

Ms. Rivard answered they are not typically counted in lot coverage.

Ms. Wood asked about flooding concerns in the area and other properties in area regarding lot lines and property coverage.

Ms. Rivard stated staff is unaware of any flooding concerns. She referred to the aerial slide to show other properties in area that received relief with the most common being setback relief for additions and decks.

Ms. Wood clarified there are a lot of setbacks but not as much lot coverage.

Ms. Rivard explained a lot of the lots in this area are smaller with most being substandard to today's R-2 standards so it is not uncommon to come across these issues.

Mr. Dittrich asked Mr. Colby if they have spoken to neighbors.

Ms. Colby stated everyone is supportive and would sign off if the Village needed signatures for acceptance.

Mr. Colby pointed out the zoning sign has been out for over a month instead of the normal 2 weeks and no one has complained.

Ms. Rivard stated they have had one inquiry but no complaints.

Ms. Wood asked if the pool variation is due to safety, aesthetics or just to give room between neighbors and properties.

Ms. Rivard stated more for giving room pointing out additions have a greater setback at 40 feet. She explained pools and decks are permitted to be set back 25 feet, and it is not common to see relief for these items due to these lots being smaller.

Ms. Wood referred to the aerial asking if 1357 E. Michelle Drive received relief for their addition.

Ms. Rivard stated she did not come across any zoning relief granted for that property.

Ms. Colby pointed out their backyard is in between two houses. She spoke to the addition on the home behind being built years ago.

Mr. Colby referred to slide pointing out neighbors who have addition.

Ms. Colby pointed out there are a lot of additions in the neighborhood. She repeated they didn't do theirs for property value and plan on not leaving the area anytime soon.

Ms. Rivard stated the setback requirements have changed since 2006 so there may have been different circumstances for the addition, which is why you don't see more requests for zoning relief in the neighborhood.

Ms. Wood asked petitioners about flooding.

Mr. Colby stated even with the extensive rain this spring there has been no running water off theirs or the neighbor's lot. He stated the paver bricks were installed because they absorb water.

Ms. Wood asked when the brick paver walkway was put in.

Mr. Colby answered 1990.

Ms. Wood asked why they were installed.

Mr. Colby explained it bordered the concrete patio and is for aesthetics and to give a little additional room.

Ms. Wood asked for location of pavers that don't meet setback.

Ms. Rivard referred to site plan to show location.

Ms. Wood asked if the bricks were removable if needed to come into compliance.

Mr. Colby answered yes.

Ms. Wood asked if the driveway was concrete.

Mr. Colby answered no asphalt.

Mr. Dittrich asked what lot coverage would be if the brick pavers were removed

Ms. Rivard stated she can't calculate without knowing how much would be

removed.

Discussion on how much needs to be removed.

Ms. Rivard went through the slides to show existing conditions.

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.

Mr. Pirog asked if the pergola is included in the 22%

Ms. Rivard answered yes explaining it includes all structures that are permanently attached to the principle structure including the deck, pergola and the pool.

Ms. Wood asked how much of the 22% is contributed by the pergola.

Mr. Dittrich asked if the pergola covers the entire patio.

Mr. Colby answered yes it is approximately 16 feet x 15 feet.

Mr. Dittrich asked if removing pergola changes the lot coverage.

Ms. Rivard answered no because the patio is already covered under that.

Discussion on lot coverage and the difference of aggregate floor area.

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

Discussion on how to combine the variations.

Mr. Dittrich made a motion to approve the following subject to Staff's conditions; seconded by Ms. Wood.

- **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

DELIBERATIONS:

Mr. Dittrich stated the setback was changed after the pool was put in which makes it unique. He pointed out the pergola covers the concrete patio, which is in line with Village ordinance so anything related to it should be okay. He stated if the pergola is not a concern the aggravated floor area drops from 22% to 14% which is easier to swallow.

Discussion on lot coverage.

Ms. Wood agreed with Mr. Dittrich. She stated lot coverage is the most concerning and is unsure if the pavers, driveway and deck were removed if the lot coverage would go down enough.

Mr. Pirog pointed out it is only 4% over but is disproportionate to the backyard compared to the neighbor's properties so it alters the essential character of the locality.

Ms. Roth-Wurster spoke to the standards and expressed concern with lot coverage. She stated she doesn't see unique circumstance and feels it may alter the essential character of the locality because there is so much going on.

Ms. Wood stated aside from lot coverage she thinks it meets unique circumstance.

Motion failed by a vote of 1-4.

AYES: Dittrich

NAYS: Roth-Wurster, Wood, Luszczak, Pirog

Mr. Dittrich made another motion to approve the following, subject to Staff's conditions; seconded by Ms. Roth-Wurster:

- 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 the aggregate floor area of all permitted structures to be 22 percent instead of the maximum permitted 10 percent

Mr. Pirog pointed out if those variations are approved the lot coverage is over.
Discussion on lot coverage and how each item affects it.

Ms. Rivard stated maybe it would be easier to take each variation individually.

Mr. Dittrich withdrew his motion.

- Mr. Dittrich made a motion to approve the Variation to permit a deck to be set back 6 feet from the side lot line instead of the required 10 feet subject staff's conditions; seconded by Ms. Wood.
Motion failed by a vote of 4-1.
AYES: Wood
NAYS: Roth-Wurster, Luszczak, Dittrich, Pirog
- Mr. Dittrich made a motion to approve the variation to permit an above-ground pool to be set back 15 feet from the rear lot line instead of the required 25 feet subject staff's conditions; seconded by Mr. Luszczak.
Motion was approved by a unanimous vote of 5-0.
AYES: Roth-Wurster, Wood, Luszczak, Dittrich, Pirog
- Mr. Dittrich made a motion to approve the variation to permit a pergola to be set back 20 feet from the rear lot line instead of the required 25 feet subject staff's conditions; seconded by Mr. Luszczak.
Motion was approved by a unanimous vote of 5-0.
AYES: Roth-Wurster, Wood, Luszczak, Dittrich, Pirog
- Mr. Dittrich made a motion to approve the variation to permit the aggregate floor area of all permitted structures to be 22 percent instead of the maximum permitted 10 percent subject staff's conditions; seconded by Ms. Roth-Wurster.
Motion was approved by a vote of 4-1.
AYES: Roth-Wurster, Wood, Luszczak, Dittrich
NAYS: Pirog
- Mr. Pirog made a motion to deny the variation to permit a brick paver walkway to be set back 1 foot from the side lot line instead of the required 2 feet subject staff's conditions; seconded by Mr. Luszczak.
Motion of denial was approved by a vote of 4-1.
AYES: Roth-Wurster, Wood, Luszczak, Pirog
NAYS: Dittrich

DELIBERATIONS:

Mr. Pirog pointed out they are easily removed and according to staff no one else in the area has so should not be approved.

Mr. Dittrich pointed out it is a matter of inches on setback and then just falls into lot coverage.

Ms. Roth-Wurster spoke to setback and the reasons they are needed.

Ms. Wood pointed out there is a lot going on and depending on the length of the pavers removed it can help reduce the lot coverage which is ultimately what the goal is.

- **Mr. Dittrich made a motion to approve the variation to permit a driveway to be set back 1 foot from the side lot line instead of the required 2 feet. subject staff's conditions; seconded by Ms. Wood.**

Motion was approved by a vote of 4-1.

AYES: Roth-Wurster, Wood, Luszczak, Dittrich

NAYS: Pirog

DELIBERATIONS:

Mr. Dittrich pointed out it is even less inches than the brick pavers and he voted to approve them.

Ms. Wood stated it is such a small amount of relief that had they requested the relief on its own the board may have approved it. She spoke to the standards.

Mr. Pirog pointed out there was only one petition that doesn't meet the standards in the area

Mr. Luszczak pointed out it is only 5 inches and asphalt is harder to take out.

- **Mr. Luszczak made a motion to deny the variation to permit lot coverage to be 49 percent instead of the maximum permitted 45 percent subject staff's conditions; seconded by Mr. Pirog.**

Motion of denial was approved by a vote of 4-1.

AYES: Roth-Wurster, Wood, Luszczak, Pirog

NAYS: Dittrich

DELIBERATIONS:

Mr. Luszczak stated most of the board is sticklers for lot coverage.

Ms. Woof stated lot coverage is a big issue and in this case she is not sure if the standards have been met.

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

Motion was approved by a unanimous vote of 5-0.

AYES: Roth-Wurster, Wood, Luszczak, Dittrich, Pirog

DELIBERATIONS:

Ms. Roth-Wurster stated the impact is minimal and doesn't really alter the character of the neighborhood.

Mr. Dittrich pointed out of all the accessory structures this takes up the least space.

- **Mr. Pirog made a motion to deny the variation to permit a deck to be set back 6 feet from the side lot line instead of the required 10 feet subject staff's conditions; seconded by Mr. Luszcza.**

Motion of denial was approved by a unanimous vote of 5-0.

AYES: Roth-Wurster, Wood, Luszcza, Dittrich, Pirog

Ms. Wood stated this item will go to Village Council on July 15, 2019.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
AYES:	Roth-Wurster, Wood, Luszcza, Dittrich, Pirog
ABSENT:	Larson, McGinn, Cavanaugh

2. 373 W. Northwest Highway

Notice was published in the Daily Herald on May 27, 2019 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. Business Plan
5. Floor Plan
6. Public Notice

Sworn in petitioner Mr. Jeremy Rafidia 373 W. Northwest Highway - Property and business owner

Mr. Rafidia stated perspective tenant requested extra seating which requires the special Use and extra parking.

Discussion on location of proposed restaurant in the center.

Mr. Pirog asked about the variation for parking.

Ms. Rivard explained there is an existing parking variation but because the location is changing from catering to a restaurant it requires an additional parking variation.

Ms. Wood asked as a center owner what his experience with parking related to the peak hours of this request.

Mr. Rafidia stated their peak hours are during lunch and dinner and the majority of the spaces would not be affected. He stated they have not had and complaints from any current tenants.

Ms. Wood asked if Brick 14 has similar parking demands as Portofino's did.

Mr. Rafidia answered yes.

Ms. Roth-Wurster asked if the business will be sit down and carryout.

Mr. Rafidia explained it will be mainly carryout but will have some seating.

Ms. Wood asked how he determined it would be mostly carryout.

Mr. Rafidia explained they looked at perspective tenant's other businesses which had similar layouts with not too much seating.

Ms. Wood clarified that Mr. Rafidia would not be operating the restaurant.

Mr. Rafidia stated that is correct.

Discussion on tenant's other businesses.

Discussion on parking related to current tenants.

Ms. Rivard gave a brief summary of request explaining the tenant space is approximately 1,600 sq. ft. with a total of 16 required parking spaces. She stated the former use was a catering establishment with no seating. She explained the added seating requires the Special Use. Ms. Rivard spoke to the hours of operation being Sunday -Thursday 11am-8pm and Friday-Saturday 11am-9pm with 2 full-time and 1 part-time employee. She spoke to the parking requirements pointing out they need a variation for 11 spaces. Ms. Rivard stated there were no issues from Community Services, Environmental Health or Fire Prevention.

Mr. Pirog asked if they would be serving alcohol.

Mr. Rafidia answered no.

Ms. Rivard referred to the slides to show the existing conditions and to show the location in the center.

Ms. Wood asked staff about any known parking issues.

Ms. Rivard stated staff did parking counts and there were approximately 30 spaces available during all times during the day.

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.

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

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

DELIBERATIONS:

Mr. Dittrich stated a Special Use is required for a restaurant and there are restaurants in the same plaza so the request makes sense. He stated the parking request is easy due to the mix other tenants.

Ms. Wood agreed with Mr. Dittrich stating she has visited the center often and there are always plenty of parking spaces.

Ms. Roth-Wurster stated it is good for new businesses and restaurants to come

in.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will go to Village Council on June 17, 2019.

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

IV. COMMUNICATIONS

Ms. Rivard stated the following:

- The banquet center at 1170 E. Dundee was approved by Village Council.
- The Special Use for an addition at 824 W. Dorset Avenue was approved by Village Council.
- The Special Use for Amita Health was approved by Village Council.
- The Variation for lot coverage for 1157 W. Chatham Drive was approved by Village Council.
- The Special use for an addition at 934 N. Arrowhead Drive was approved by Village Council.

The next ZBA meeting is TBD.

V. ADJOURNMENT