



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 25, 2021

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	Present	
John Pirog	Commissioner	Present	

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - May 11, 2021 7:00 PM

Mr. Dittrich made a motion to approve the minutes of May 11, 2021; seconded by Ms. Roth-Wurster.

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

III. PUBLIC HEARING

1. 2161 N Rand Ave - WITHDRAWN

**Mr. Ditttrich made a motion to continue to the June 8, 2021 ZBA meeting;
seconded by Mr. Pirog.**

2. 728 S. Warren Avenue

Notice was published in the Daily Herald on May 10, 2021 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. Elevation
6. Public Notice

Sworn in staff: Ms. Lyn Bremanis

Sworn in the petitioner: Mr. Andre Bracikowski 728 S Warren Palatine, IL

Mr. Bracikowski stated they are applying for a variation for a shed. He explained they need a shed to store necessary items. He stated they purchased the property a month ago and love living in Palatine. Mr. Bracikowski stated the property is large but the house doesn't have a basement for storage. He stated the property is a half-acre lot and zoned R-2 which allows for up to 45% of lot coverage which will be well under even with the shed at 22.3%. Mr. Bracikowski stated it is a nice looking shed from Tuff Shed which many neighbors have similar shed. He stated the shed is a need for the property pointing out most properties in the neighborhood have them and some have 2 sheds. He spoke to the items that he will store including mower, snow blower, patio furniture, pool supplies, and lawn equipment. Mr. Bracikowski spoke to the property layout with the long driveway and how difficult it is to cut the back grass. He pointed out the garage is only a car and a half so there is no room to store mower.

Mr. McGinn asked if they spoke to the neighbors.

Mr. Bracikowski answered yes and both direct neighbors were ok with it.

Mr. McGinn asked how long they have lived there.

Mr. Bracikowski stated approx. month and a half.

Mr. McGinn asked if they know of any flooding issues.

Mr. Bracikowski answered no.

Ms. Bremanis gave a brief overview stating the property is quite large at 19,658sqft. She stated it is zoned R-1C not R-2 regardless they are well under lot coverage. She spoke to the uniqueness being due to an existing above ground pool that due to height is considered an accessory structure. She stated it meets both setback and height requirements. Ms. Bremanis stated Community Services and Engineering have reviewed. She went through the existing conditions slides to show location of proposed shed.

STAFF RECOMMENDATION:

The Petitioner is requesting to add a 160-square foot shed to the property. With the existing aboveground pool with deck and detached garage, any additional accessory structure would require relief. Staff notes that the lot and building coverage are below the maximum allowed in the R-1C District, indicating that there is capacity for the improvements and the addition should not change the essential character of the neighborhood.

Therefore, Staff recommends approval of the proposal, subject to the following conditions:

1. The Variation shall substantially conform to the Site Plan and Elevations submitted by the Petitioner, except as such plans may be changed to conform to Village of Palatine 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 meets the standards. He stated with a lot size this large you would think you can add a shed. He pointed out the lot coverage is still low. He stated the maximum of 700 ft. does not fit all lot sizes.

Ms. Roth-Wurster agreed with Mr. Larson. She stated the petitioner had some compelling information as far as not having a basement and a smaller garage.

Ms. Wood stated he meets the standards of unique circumstance. She stated when you buy a half acre with an average size home and garage you assume you can add a shed. She stated the neighbors have sheds so will not change the character of locality.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will tentatively go to Village Council on June 7, 2021 or June 21, 2021.

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

3. 789 E. Dundee Road

Notice was published in the Daily Herald on May 10, 2021 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in Petitioner: Mr. Xue Chen 789 E Dundee

Mr. Chen stated this will be their 8th store in Chicago area. He stated they usually take over frozen yogurt stores because the layout works and they can reuse the existing equipment. He explained the concept is sushi in a bowl, which is quick for people to get in and out that is healthy. He spoke to the parking explaining they have rights to the parking spots in the adjacent Target parking lot.

Ms. Wood asked how much is takeout vs dine in.

Mr. Chen stated they do a lot of delivery service including Chow Now, Uber Eats and Door Dash and estimate approximately 70% is take-out. He explained the process is like an assembly line that is quick serving within 3 minutes. He stated they are only having 4 tables so will be mostly carryout.

Discussion on percentage of carryout

Ms. Wood asked about peak times.

Mr. Chen stated they are busiest between 12pm-1pm.

Ms. Wood asked if most people take their food to go.

Mr. Chen answered yes.

Ms. Wood asked about dinner hours.

Mr. Chen explained they are not as busy during dinner as lunch.

Ms. Wood asked about Saturday lunches.

Mr. Chen explained it depends on the store. Stores in primarily commercial areas tend to be quiet but if near a lot of residential can be steady.

Mr. Pirog pointed out there are only 4 tables so will not accommodate a lot of cars.

Mr. Chen answered it is mostly in and out.

Mr. Pirog asked about the sign already being installed and if they are all ready to go waiting for approval.

Mr. Chen answered yes.

Mr. McGinn asked what was there before.

Mr. Chen answered a Menchie's Yogurt. He stated they have taken over 3 previous Menchie's locations.

Mr. Pirog asked where employees will park.

Mr. Chen stated they will park in the lot to the south. He further explained it is family business and often employees will take one car.

Ms. Wood clarified everything is ready but not open yet.

Mr. Chen answered not yet, they are wait for approval.

Ms. Bremanis gave a brief overview speaking to the parking variation with Menchie's being considered as a frozen yogurt store which does not require a special use and has different parking requirements. She spoke to the Poke restaurant parking requirements being 1 per 100 which the more restrictive. Ms. Bremanis stated store is 1600 sq.ft. and requires variation of 11 spaces. She spoke to the other restaurant tenants in the center which follow the same regulations even though they are also mostly takeout. She spoke to the cross parking agreement giving access to the parking around the main lot. Ms. Bremanis stated Community Services, Environmental Health and Fire Prevention have reviewed and had no issues.

Ms. Wood asked if the Village is aware of any complaints regarding businesses or lot flow.

Ms. Bremanis answered no.

Discussion on traffic backup and flow referring to aerial slide.

STAFF RECOMMENDATION:

The Petitioner is proposing a new restaurant in the tenant space previously occupied by a frozen yogurt shop with 15 seats. The proposed restaurant will have 24 seats; therefore, per code, the parking requirement increases by 11 spaces. The business plan indicates 70% of the sales will be take-out. In addition, Deer Grove Centre has an existing Operating and Easement Agreement (OEA) that allows the center to use additional parking areas throughout the center for spill-over parking. Staff believes the proposed use should not affect the parking or disrupt the function of the shopping center. Therefore, Staff recommends approval of the proposal, subject to the following conditions:

1. The Special Use and Variation shall substantially conform to the Floor Plan and Business Plan submitted by the Petitioner, except as such plans may be changed to conform to Village of Palatine Codes and Ordinances.

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

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

DELIBERATIONS:

Mr. Cavanaugh stated it is a good use for space with the previous tenant Menchies being a similar concept. He stated the shopping center is difficult to get in and out but this use will not change anything. He spoke to the easement agreement with Target so spots are available and this use won't drastically increase traffic

Mr. Larson referred to the aerial, which shows how busy the east side of the lot is. He pointed out their location is closer to the West side which has plenty of parking. He stated he goes there for lunch a lot and there is always plenty of parking spots.

Mr. Dittrich stated adding another restaurant does not change much. He stated he goes there a lot for Jersey Mike's and never has a problem with parking. He stated he doesn't see an issue adding another restaurant that does 70% takeout.

Ms. Wood stated the board needs to review to ensure there is no negative impact on the other businesses in the center. She spoke to the parking lot flow within lot instead of into traffic. She stated it meets the standards and with them having 8 other locations it gives a positive feeling with experience.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will tentatively go to Village Council on June 7, 2021 or June 21, 2021.

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

IV. COMMUNICATIONS

Ms. Bremanis provides an update on the two items from the previous meeting will be heard at Village Council on June 7th

Next meeting is scheduled for 6/8 and there will be 3 items on the agenda.

V. ADJOURNMENT

1. Motion to Adjourn

Ms. Roth-Wuster made a motion to adjourn; seconded by Mr Dittrich.

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

