



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 10, 2022

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 Luszczak	Commissioner	Present	
Theodore McGinn	Commissioner	Absent	
Kevin Cavanaugh	Commissioner	Present	
John Pirog	Commissioner	Present	

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Apr 12, 2022 7:00 PM

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

III. PUBLIC HEARING

1. 1045 E. Lilac Drive

Notice was published in the Daily Herald on April 25, 2022 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Variation
2. Proof of Ownership
3. Plans/Elevations
4. Plat of Survey
5. Public Notice

Sworn in staff: Mr. Alex Bradshaw and Ms. Lyn Bremanis

Mr. Bradshaw gave a brief background of the request explaining the item was initially reviewed at the April 26th Zoning Board of Appeals meeting and was continued to allow the Petitioners and their representative to further review the plan alternatives. Ultimately, the Petitioners submitted a site plan demonstrating a code compliant garage replacement, but requested a 3-year window to construct the garage. As Staff indicated at the last Public Hearing, there is not legal mechanism in which to grant relief from the Code, based upon a future intention to comply through the construction of a replacement garage space. Therefore, Staff's recommendation to deny is maintained, as Staff does not believe that a hardship exists and there are several Code-compliant alternatives available.

Sworn in the petitioner: Ms. Kristen Mendez 1045 Lilac Drive

Ms. Mendez explained they currently have an attached one car garage and want to renovate to be a dining /living room. She explained she was unaware of the code requirement for a garage. She spoke to the standards and stated it won't alter the locality because there are homes in the neighborhood with no garage. She stated she has a list with that includes three in her neighborhood. Ms. Mendez submitted the list into record. She explained they need more space for her family. She spoke to the other standards stating this won't create a hardship rather improve the property. Ms. Mendez stated they will build a new garage, but don't have funds currently. She stated this won't affect the sale of the property because they will have a garage before they sell in the future. She pointed out no neighbors came to oppose the request the first time so she assumes the neighbors are in support. She stated they are asking for relief of the zoning ordinance

Ms. Wood submitted list as exhibit #6.

Ms. Wood asked how many homes on list are in the immediate neighborhood?

Ms. Mendez answered three and the rest in Palatine pointing out they will not be

the only one without a garage

Mr. Luszczak asked staff why they are opposed?

Mr. Bradshaw explained they are eliminating the required single garage space per code.

Ms. Wood asked how long they have owned the house?

Ms. Mendez answered since October, 2021.

Ms. Wood clarified the request is for more living space.

Ms. Mendez answered yes explaining they came from a much larger home in the city so bought with the intention to expand and with the quote it fit perfectly to renovate now. She stated they would rather have more living space than cars garaged. She stated she was unaware of the code at the time of purchase and when speaking to her contractor.

Ms. Wood asked what the current square footage is?

Ms. Mendez stated currently 1,000 square feet.

Ms. Wood asked about layout.

Ms. Mendez gave layout including small kitchen, living room, 3 bedrooms and a bath.

Ms. Wood stated they knew the size of the home at time of purchase. She asked what their intentions were?

Ms. Mendez stated they were outbid on home they wanted and knew they wanted more space and with the bid on this renovation this worked out

Mr. Luszczak asked if they will put garage eventually.

Ms. Mendez answered yes.

Mr. Luszczak asked if the Village could give them time?

Mr. Bradshaw explained staff is not able to give requested time extension.

Mr. Cavanaugh asked if any delay is acceptable?

Mr. Bradshaw explained there is no short term variation.

Ms. Wood asked if a shorter extension would be acceptable?

Ms. Bremanis explained a building permit is good for one year so it would have to be completed within that time.

Mr. Cavanaugh clarified the issue is limited finances.

Ms. Mendez answered yes. She asked staff if they consulted the Village Attorney?

Mr. Bradshaw explained there is not an ordinance process to allow for an agreement to accomplish what is being proposed. The zoning ordinance contains the parking requirements and there is not a process for the Village Attorney to do otherwise.

Mr. Luszczak asked staff about the properties that don't have garages.
Ms. Bremanis explained they are existing nonconforming either built before code was enforced or annexed in.

Ms. Wood asked if this type of request has ever come through?
Ms. Bremanis answered no. She stated others have inquired, but once staff indicates the Village does not support they have not followed through with request.

Mr. Cavanaugh asked how many live in house?
Ms. Mendez answered 4.

Mr. Bradshaw stated staff's recommendation remains the same as the previous zoning board meeting.

STAFF RECOMMENDATION:

The Petitioners have indicated the need for additional living space within the residence on the Subject Property. The garage to living space conversion would completely eliminate the minimum required one garage parking space, which part of the required parking for single-family dwellings. While Staff understands that total number of parking may still be achieved due to the driveway that extends along the south side of the existing garage, eliminating the garage entirely would not be in character with the surrounding neighborhood. While Staff ultimately understands what the Petitioner wants to accomplish, Staff does not believe that adequate justification for the Variation has been established.

While there are other options to accomplish this request, it would involve constructing a detached garage, which is not in the proposed scope of work. Therefore, Staff recommends denial to the Zoning Board of Appeals. If the Zoning Board of Appeals recommends approval, Staff recommends the following conditions:

1. The Variation shall substantially conform to the site plan submitted by the Petitioners, Angel and Kristen Mendez, 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. Luszczak made a motion to approve subject staff's conditions; seconded by Mr. Cavanaugh

DELIBERATIONS:

Mr. Luszczak stated he can't see why it should not pass since they are not expanding the house or lot coverage. He pointed out they have agreed to build garage in a few years and are tight on money. He stated it is their land and their house.

Ms. Wood stated she understands Mr. Luszcak’s point. She spoke to the standards and how they don’t meet them.

Mr. Pirog stated he feels for them and doesn’t see any harm but doesn’t think it meets the standards.

Ms. Roth-Wurster empathizes with homeowner, but spoke to the standards and the inability to grant extension on garage.

Mr. Luszcak stated in the future the monetary value will increase with added square footage and added future garage.

Discussion on ability to remodel their home.

Mr. Cavanaugh asked if they would have to legally state that a garage is required if they sold before the new garage was constructed.

Mr. Bradshaw stated that is not up for discussion explaining the variation is to not have a garage.

Discussion on selling without a garage.

Ayes: Luszcak

Nays: Roth-Wurster, Wood, Cavanaugh, Pirog

Motion failed by a vote of 1-4

Mr. Cavanaugh made a motion to deny, subject staff’s conditions; seconded by Ms. Roth-Wurster

Ms. Wood summarized that this request was denied by a vote of 4-1. This item will tentatively go to Village Council on June 6, 2022.

RESULT:	RECOMMEND TO DENY [4 TO 1]
MOVER:	Kevin Cavanaugh, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Roth-Wurster, Wood, Cavanaugh, Pirog
NAYS:	Luszcak
ABSENT:	Larson, McGinn

2. 1463 W. Winnetka Street

Notice was published in the Daily Herald on April 25, 2022 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use
2. Proof of Ownership
3. Site Plan
4. Plat of Survey
5. Neighbor Consent forms
6. Sample Fence Elevation
7. Public Notice

Sworn in the petitioner: Mr. Simon Hill 1463 W. Winnetka Street

Mr. Hill explained they are requesting a 4-foot aluminum fence to be installed in the side and rear yard. He stated the special use is required because the fence faces Palos and abuts the neighbor's front yard current code requires it to be setback 20 feet. He pointed out on the plat slide that his house is located 20ft back. Mr. Hill stated he is requesting 3 feet from line behind the arborvitae trees shown on site photos slide. He stated he has received consent from immediate neighbors and wants to keep his dogs safe in his yard. Mr. Hill state it won't hinder the neighbor's view, as it is open-style and will otherwise meet all of the fencing standards.

Mr. Pirog asked why they can't meet code ?

Mr. Hill stated it is a small yard and the property line is only 20 feet from the house, so the fence would have to immediately abut his house, which restricts usage of the side yard.

Mr. Bradshaw gave a brief overview referring to site photos slide and the proposed fence will approximately align with adjacent neighboring fence. He stated the proposed fence will be set back 3 feet. He pointed out with the proposed fence height and style landscaping is not required but there is existing trees lining the property. Mr. Bradshaw stated because of the existing landscaping the proposed fence will have little to no impact on the surrounding properties. He stated Community Services and Engineering reviewed the Petition and did not identify any issues with the request.

STAFF RECOMMENDATION:

The Petitioners are proposing to install a 4-foot open style fence, which is set back approximately three (3) feet from the side yard abutting a street lot line along N. Palos Ave. The N. Palos Avenue lot line also abuts the side lot line of the front yard of the adjacent lot to the south. Per Code, the required setback is 20 feet. Staff did not identify any negative impacts the proposed fence would have on the surrounding neighborhood. Staff also does not have any concerns

about the line of sight impact to the property at 1068 N. Palos Avenue (directly south), as there is an existing evergreen row separating the driveway and the proposed fence. Additionally, the fence is only 4 feet tall and of an open-style construction. Therefore, Staff recommends Approval of the proposed Special Use with the following condition:

- 1. The Special Use shall substantially conform to the site plan and elevation plan submitted by the Petitioners, Simon & Deborah Hill, except as said plans may be changed to conform to the Village Code of Ordinances.

Ms. Wood asked staff if the lot is standard size
Mr. Bradshaw answered yes stating it is approx. 85 by 119.

Ms. Roth-Wurster asked about neighbor approval forms
Mr. Bradshaw clarified the request started as administrative and was changed to full special use.

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

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

DELIBERATIONS:

Ms. Roth-Wurster stated the 4-foot open style fence won’t negatively impact the neighborhood. She stated the letters of support are reassuring. Ms. Roth-Wurster spoke to standards and how they are met

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will tentatively go to Village Council on June 6, 2022.

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

3. 224 W. Kenilworth Ave

Notice was published in the Daily Herald on April 25, 2022 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. Concept Plans
5. Public Notice

Sworn in the petitioner: Mr. Mark Swanson Architect 536 S Summit Street - Barrington, IL

Mr. Swanson explained they are proposed to add a 2nd story to the existing a 1-story residence. He stated they are building over the existing footprint, with the existing 7-foot side-yard setback. He stated the added front porch will expand into the front setback by 4 feet. Mr. Swanson explained the addition in the rear yard complies with the setbacks. He stated this will double the size of the house.

Ms. Wood asked if only the porch would encroach into the front setback

Mr. Swanson explained both the porch and approximately 60 square feet of the house.

Ms. Wood asked if the porch is open-style.

Mr. Swanson answered yes.

Mr. Swanson explained the bump out in the front gives a gable to provide relief to elevation.

Ms. Wood asked if there was a way to not encroach ?

Mr. Swanson explained the current house is at the minimum required front setback.

Mr. Pirog asked if both the porch and addition need relief.

Mr. Swanson answered yes, as the existing side yard setback does not meet the current minimum required.

Ms. Wood asked what the reason for the addition is.

Mr. Swanson explained it is part of space configuration that is needed for the added dining room

Mr. Bradshaw gave a brief overview stating all surrounding properties are zoned R-2 with Paddock Elementary school to the north. He explained the subject property is approximately 10,005 square feet single-story, with a 1-car detached garage. Mr. Bradshaw stated it is existing nonconforming with an existing side yard setback of 7.9 feet, instead of the minimum required 10 feet. He pointed out

the proposed work will not encroach in the rear or the opposing side yard setbacks, but will encroach 4 feet into minimum required 30-foot front yard setback. Mr. Bradshaw stated it meets both building and lot coverage. He stated Community Services and Fire Prevention have reviewed and had no issues. Mr. Bradshaw stated Engineering review indicated elevations and grades around the structure will be required due to the salt creek border and surrounding flood hazard area.

Ms. Wood asked if the surrounding homes meet setback requirements.

Mr. Bradshaw stated there are no existing setbacks for front yards to staff's knowledge, referring to the existing conditions slide to show the area homes.

STAFF RECOMMENDATION

The Petitioners are requesting to construct a new addition to the front and rear of the home, as well as a second story addition. The existing residence has an existing non-conforming side yard setback from the eastern lot line. The addition off the front of the home encroaches into the required front yard setback and the second story addition would align with the existing home, therefore requiring relief for the existing side yard setback. Staff has not identified any negative impacts that the proposed additions would have on the surrounding neighborhood. Therefore, Staff recommends approval of the Special Use, subject to the following conditions:

1. The Special Use shall substantially conform to the site plan, elevation plans, and floor plan submitted by the Petitioner's agent, Mark Swanson, except as such plans may be changed to conform to Village Codes and Ordinances.
2. If approved, the Petitioners shall provide grade elevations around the structure in a matter acceptable to the Village Engineer.

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

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

DELIBERATIONS:

Mr. Pirog stated he doesn't think it is necessary but the standards have been met and with staff recommending approval and no issues identified he would vote for approval.

Mr. Cavanaugh pointed out they are not changing footprint much rather just going up.

Ms. Wood agreed with Mr. Pirog. She stated the 4-foot encroachment is not too large though not common in neighborhood. Ms. Wood stated it will not cause injury to property and will be a nice addition so meets the standards

Mr. Luszczak agreed since they have the means to do should approve.

Ms. Roth-Wurster pointed out the neighborhood is cookie cutter. She stated adding a porch creates more community. She stated this will improve the home overall and meets the standards

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will tentatively go to Village Council on June 6, 2022.

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

4. 300 N. Northwest Highway

Notice was published in the Daily Herald on April 25, 2022 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in the petitioner: Mr. Felipe Gonzalez 300 N. Northwest Highway - owner

Felipe stated he has been working as a chef for 25 years and he has found that people, enjoy to eat and also would like to have wine and beer. He stated this will improve his business.

Mr. Pirog asked if it is for lunch and dinner ?

Mr. Gonzalez explained that it is anticipated to be mostly for dinner.

Mr. Pirog asked if there is a bar ?

Mr. Gonzalez explained they will have a place to store the alcohol and will take out whenever needed.

Mr. Pirog asked if there will be staff training.

Mr. Gonzalez answered yes

Sworn in Mr. Felipe Gonzalez Jr. - son of business owner

Mr. Gonzalez Jr stated their customers ask for alcohol so they are looking to expand and improve the quality of the restaurant which improves revenue. He stated they want to improve the experience and bring in new clients

Ms. Wood asked how long have they owned the restaurant.

Mr. Gonzalez Jr explained the restaurant has been around since the 60's or 70's, but under their new ownership, since January 2020.

Ms. Wood clarified the restaurant closes at 11pm.

Mr. Gonzalez Jr spoke to hours and liquor license hours.

Mr. Bradshaw gave a brief overview stating the property is zoned B-2, with other commercial business surrounding and residential to the west. He spoke to the business plan including hours of operation and liquor serving hours. He stated there are no proposed changes to the restaurants floor plan and the parking requirement will not change. Mr. Bradshaw explained the liquor license will be evaluated by the liquor commission. He stated Community Services have

reviewed and did not identify any issues.

Ms. Wood asked if there is fencing between the business and the residential area
Mr. Bradshaw referred to site photo indicating yes

Ms. Wood expressed concern with later hours and parking lighting.
Mr. Gonzalez Jr stated there has been no issues.

Ms. Wood asked staff if issues arise will staff follow-up
Mr. Bradshaw answered yes.

Sworn in Ms. Deb Gabriel 135 N. Babcock Drive

Ms. Gabriel stated she is in full support for liquor license to go into restaurant. She stated she dines there often and would like to enjoy a good meal with a drink. She stated this will enhance the dining experience. She stated they are a good contributor to Palatine and would like to see them thrive.

STAFF RECOMMENDATION:

The Petitioner is proposing to introduce a local liquor license at the existing Café Fourteen. As the Floor Plan and seating count are not increasing, and the parking requirement remains the same. Ultimately, Staff did not identify any concerns with the proposal. Therefore, Staff recommends approval of the Special Use to permit the restaurant to operate with a local liquor license, subject to the following condition:

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

Ms. Wood asked if they are operating currently with expanded hours, but without liquor.
Mr. Bradshaw answered yes.
Mr. Gonzalez confirmed.

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 they are a restaurant that has been around for decades. He stated they are well run and have had no issues so adding liquor to a dinner service restaurants is logical and meets the standards.

Ms. Roth-Wurster agreed the request meets the standards. She stated she has dined there and enjoyed the food and a glass of wine would have been nice.

Ms. Wood summarized that this request has met the standards and was

unanimously approved by a vote of 5-0. This item will tentatively go to Village Council on May 16, 2022.

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

5. 1116-1128 W Northwest Highway

Notice was published in the Daily Herald on April 25, 2022 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Ms. Bremanis gave a brief explanation of the background of the request stating the Petitioner was approved for a Special Use to open a restaurant with liquor service and a parking variation in December of 2020. She explained that per code, the Special Use expires after 1 year without any activity, issuance of a building permit, or extension of the Special Use. Ms. Bremanis pointed out the parking variation is still valid, so the request being reviewed is for a new Special Use to permit a restaurant to operate with a local liquor license with no changes from original approved request.

Ms. Wood clarified that parking is not being addressed.

Ms. Bremanis explained the approved parking variation is still in place. She pointed out none of the uses in the building have changed since approval.

Mr. Luszczak clarified the request was already approved.

Ms. Bremanis answered yes explaining the special use expired.

Ms. Roth-Wurster asked if the liquor request is new.

Ms. Bremanis explained they were already approved for a liquor license.

Sworn in Mr. Pasquale DiDiana 1116-1120 W Northwest Highway

Mr. DiDiana explained he has been in the restaurant business since he was 14 with his family owning 30 restaurants all over the Chicagoland area. He stated he and his wife have always loved Palatine. He explained they found the opportunity to open in Palatine in 2020 at the same time of starting a family and owning 5 other restaurants during Covid. He spoke to family hardships that delayed opening. Mr. DiDiana stated they are ready to open now.

Ms. Wood clarified the request has not changed.

Mr. DiDiana stated it is the same.

Ms. Wood asked if same percentage will be takeout.

Mr. DiDiana answered yes.

Ms. Wood asked where they currently are in process.

Mr. DiDiana explained they submitted but need to resubmit. He explained this is holding up the process.

Ms. Roth-Wurster asked if there will be training for liquor license.

Mr. DiDiana answered yes.

Ms. Bremanis gave a brief overview of the business plan including hours, dine in, takeout and delivery information. She pointed out prior to Village Council they submitted an addendum indicating all deliveries would not go through the neighborhood. Ms. Bremanis stated Community Services, Engineering, Environmental Health and Fire Prevention have all re-reviewed and have no issues.

Sworn in Cathy Seskiewicz 1053 W. Sutton CT

Ms. Seskiewicz stated she lives adjacent to strip mall. She expressed concern about noise with the dumpster at night.

Mr. DiDiana stated they neighbor with a lot of communities and are great neighbors. He thanked Cathy for her insight and stated they will be considerate.

STAFF RECOMMENDATION:

The proposed Special Use was approved in 2020 along with a parking variation. Due to no activity, the Special Use expired in December of 2021 however, the parking variation remains in place. Petitioner is requesting a new Special Use with no changes from the previous approval. Therefore, Staff recommends the approval of the Special Use, subject to the following condition:

1. The Special Use shall substantially conform to the floor plan and business plan submitted by the petitioner as attached, except as such plan 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 is unfortunate with the petitioner's hardships. He stated the use was previously approved and it's a good use for the space and a good business plan so he supports the special use.

Ms. Roth-Wurster stated the standards have been met. She stated it is a good plan and can't wait to try it.

Ms. Wood stated she originally had concerns with parking but that is not in discussion this evening. She stated the standards were met before and there are

no changes.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will tentatively go to Village Council on May 16, 2022.

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

IV. COMMUNICATIONS

V. ADJOURNMENT

1. Motion to Adjourn

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

