



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 • APRIL 27, 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	Late	
Jan Wood	Commissioner	Present	
Jerry Luszczak	Commissioner	Absent	
Theodore McGinn	Commissioner	Absent	
Kevin Cavanaugh	Commissioner	Present	
James Dittrich	Commissioner	Present	
John Pirog	Commissioner	Present	

Staff present: Mr. Ben Vyverberg

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Apr 13, 2021 7:00 PM

Mr. Dittrich made a motion to approve the minutes of April 13, 2021; seconded by Mr. Larson.

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

III. PUBLIC HEARING

1. 1313 N. Ashland Avenue

Notice was published in the Daily Herald on April 12, 2021 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Variation
2. Proof of Ownership
3. Site Plan/ Plat of Survey
4. Examples of existing pools in subdivision-submitted by petitioner
5. Public Notice

Sworn in staff: Mr. Vyverberg

Sworn in the petitioner: Mr. Dan Nallen and Ms. Kim Nallen 1313 N. Ashland Avenue.

Mr. Nallen explained they are looking to replace their existing pool, which has leaks. He stated they are starting to remove the old pool and were going to replace with an in-ground, but it was too expensive. He stated they went to Great Escape and decided on a larger pool due to their lot size to maximize the coverage with an above-ground pool and enjoy all summer with their kids.

Mr. Pirog asked about the size difference between the proposed and old one.

Mr. Allen explained the previous was 21' and the new is 21' by 40'

Ms. Wood stated the existing is 380 sqft and proposed 709 sqft.

Mr. Pirog asked if there are any issues with water.

Mr. Nallen answered no explaining they did an addition and added drain tiles throughout the yard.

Ms. Nallen stated they are not changing the way the water drains explaining the grading will stay the same and have had no issues.

Mr. Cavanaugh asked if the deck will be board on board.

Mr. Nallen explained it will be maintenance free.

Mr. Cavanaugh asked if the water would run through ?

Mr. Allen answered yes.

Mr. Larson clarified the size of the pool is 709 sqft and the deck is 410 sqft.

Mr. Vyverberg gave a brief overview of request. He referred to the aerial pointing out the lot size being a pie shaped lot in the interior corner of the subdivision that exceeds the typical R-2 standard lot. He spoke to the way the zoning code evaluates accessory structures. He also stated the petitioner does have a larger lot, but is still limited to the 700sqft. He stated from a staff perspective it meets

the setbacks, is outside of the drainage easements and there is no issues with lot coverage. He referred to existing condition slide to show the current conditions which includes a shed.

Mr. Pirog asked about fencing around the pool

Mr. Vyverberg explained they will need to follow the fencing requirements during the building permit process.

Discussion on fencing requirements

STAFF RECOMMENDATION:

The Zoning Ordinance limits the ground floor area of all accessory structures to the lessor of: 20% of the rear yard area, 700 square feet, or 50% of the floor area of the principal structure. This is intended to ensure that detached garages, shed, and other similar structures do not exceed the size and nature of the principal structure. Swimming pools are regulated as accessory structures for both placement and square footage. This allows the Code to ensure that such improvements do not become excessive for a lot. Lot coverage and building coverage are also components of the review. The ground floor area limitations are also applied with a typically sized R-2 interior zoning lot of 10,000 square feet. In this instance, the Subject Property is one of the largest lots in the Shenandoah North Subdivision at 15,153 square feet. Swimming pools are not uncommon in this neighborhood. The lot coverage and building coverage comply with the Code requirements and although the proposed requires relief from the Code, the overall size of the property and compliance with lot and building coverages indicate that the lot can sustain the overall size of the swimming pool. Finally, the bulk nature of an above ground swimming pool is not nearly as obtrusive or impactful as a detached garage. Therefore, Staff recommends approval of the Variation, subject to the following condition:

1. The Special Use shall substantially conform to the Site Plan from Nekola Survey Inc.(As-Built grading plan), submitted in support of the Variation, except as such plans may be changed to conform to Village Codes and Ordinances.

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

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

DELIBERATIONS:

Mr. Larson spoke to the uniqueness of the lot because of the size. He stated it can support the excess of accessory structure and won't alter the essential character of the locality.

Ms. Wood agreed with Mr. Larson. She spoke to reasonable return stating with a lot of this size it is reasonable to assume one can put an oversized pool. She stated the pool is not overwhelming like a large garage. She spoke to other pools in the area stating this will not change the character of the locality.

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 3, 2021.

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

2. 1501 N. Hicks Road

Notice was published in the Daily Herald on April 12, 2021 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Variation
2. Proof of Ownership
3. Site Engineering Plans (site plan & Elevations)
4. Village of Palatine Simulations of Proposed Changes
5. Plat of Survey
6. Public Notice

Sworn in the petitioner: Mr. Matt Barry Director of Public Works 148 W Illinois

Mr. Barry subject property is presently used primarily for a water and communication facility. He stated currently there is a ground storage water tank and an elevated storage tank. He explained the Village desires to remove the elevated based on the condition and the cost to maintain. Mr. Barry explained in order to demolish the existing water tank it is necessary to install a monopole to address the communication needs of the Village. Mr. Barry referred to the site plan stating the proposed location will be on the northwest side of property. He referred to the slides to show the setbacks that will be increasing from current setbacks. He referred to the slides of elevation to show the views from the surrounding area to show the reduction of massing.

Mr. Pirog asked if they are moving existing equipment or adding new.

Mr. Barry stated they are moving existing. He referred to the slide explaining what communication would be utilizing the monopole including Northwest Central Emergency Dispatch, Village of Palatine's critical water communications, Palatine Park District, Village of Palatine Police and Fire critical redundancy and a relocated current cell carrier. He referred to the aerial showing setbacks to the existing water tank and neighboring properties. Mr. Barry spoke to the installation timeline explaining it should be constructed by winter conditions. He referred to the existing condition slides showing existing and proposed to show massing and bulk reduction. He spoke to the standards stating they feel they meet the unique circumstance with the current property situation and will be a relative improvement from the vista and increasing setbacks from the present conditions.

Mr. Larson asked if it can go anywhere else such as northeast corner to be farther from residential

Mr. Barry explained it has to be away from the existing elevated and ground facilities. He explained there are 2 water mains to the east of existing ground storage tank and the wiring needs to come back to the building at southwest end of property. He stated the ground storage tank is critical and the Village plans on keeping. He spoke to the maintenance required and how a 25ft clearance is needed which led them to the largest opening at the northeast.

Mr. Pirog asked about the safety concerns of someone crashing in to it being close to the parking lot

Mr. Barry stated there is a curb currently around the facility. He stated the elevation rises as you work toward the monopole. Mr. Barry stated it is presently fenced. He explained this type of facility is engineered to be like hitting a tree and likely will not be knocked over.

Mr. Pirog asked if this is a common design to serve the adjoining areas

Mr. Barry stated it will serve Palatine and is not intended to provide communication to adjoining municipalities.

Mr. Cavanaugh asked if there is more capacity with this than the current tower for future antennae.

Mr. Barry explained there would be structural capacity but is not anticipated or proposed.

Ms. Roth-Wurster clarified this type of monopole for safety during a storm is meant to collapse down

Mr. Barry answered yes

Mr. Dittrich asked staff if this property came before the board 1/12-2 years ago.

Mr. Vyverberg explained that property in question is North of Dundee

Mr. Dittrich asked if this is duplicitous.

Mr. Barry explained their facilities do not rely on them and they do not rely on us in anyway.

Mr. Vyverberg gave a brief overview explaining the zoning ordinance in regards to monopoles and the difference when used by government and those used for commercial not government usage. He spoke to the setback requirements as it relates to the height of the monopole which led to location of the proposed monopole. He referred to the site plan slide to show the proposed setbacks.

Mr. Cavanaugh asked if the structure to the north is a garage that is approx. 130' setback

Mr. Vyverberg explained he did not evaluate the floor plan but it looks like a side load garage which adds at least 20' to the structure itself.

Mr. Dittrich asked what the intention of the height setback.

Mr. Vyverberg explained it is part of the existing code that has been evaluated over the years. He spoke to the surrounding municipal codes and what the FCC prescribes and what municipalities are allowed to do to regulate. Mr. Vyverberg stated the code was most likely written when fall concerns were more prevalent and structural integrity wasn't as it is today. He stated it allows for separation from residential.

Sworn in Ms. Karen Golevicz 1508 N Waterbury Circle

Ms. Golevicz stated she received notification from the person she bought home from 20 years ago. She spoke to past hearing notices and how no one in her community knows about this request. She stated she is against this pole. Ms. Golevicz explained the new pole will be more visible than the water tower now. She expressed her concern is that it will lower the property values and make it difficult to sell.

Mr. Cavanaugh asked why she feels it is more visible
Ms. Golevicz explained it is easier to see out her window

Mr. Cavanaugh clarified it is in her line of sight
Ms. Golevicz stated it is obvious. She stated not a lot of people want to purchase a home with cell tower nearby

Ms. Wood pointed out the monopole being less dense and smaller than elevated water tank.
Ms. Golevicz explained a water tower is expected but a cell tower is not

Mr. Vyverberg explained the property is zoned residential and notice is not required to be sent certified mail. He explained when commercial sends notice they are done certified but residential is sent by regular mail. He spoke to the mailing area and how the Village obtains the addresses from Cook County Assessor.

Mr. Cavanaugh suggested Ms. Golevicz notify the neighbors of the upcoming council meeting.

Mr. Pirog asked where the notice signs are posted
Mr. Vyverberg explained code requires residential property to be posted along the frontage referring to the aerial slide to show where sign was posted along Waterbury.

Ms. Wood asked how many cell towers there are in the Village
Mr. Vyverberg approximated 5-7. He spoke to some in the area including both high schools being installed along with the lights along the field.

Mr. Pirog clarified this is the only one that is emergency for Palatine
Mr. Vyverberg explained the proposed cell tower is different being the only one that services the emergency communication to the Village, Northwest Dispatch and Park District as previously outlined.

Mr. Barry stated he is happy to meet with the neighbor to discuss anything that can minimize the impact but pointed out the constraints of the property that limit the position of the monopole. He pointed out the only viable area for the monopole is the northwest quadrant.

STAFF RECOMMENDATION:

The proposed monopole provides a greater setback than the existing elevated water tank. It is also moved north within the lot and 2 of the requested areas for relief are from the commercial properties (Northwest Shopping Center & Deer Grove Shopping Center) on either side of the site. The Village is required to provide the Northwest Dispatch emergency communication antennas and they have existed at the Subject Property for many years.

The Petitioner identified the required emergency communications, protection of the public water supply, and critical infrastructure, as unique circumstances to the petition. The proposed monopole increases the setback from the existing elevated water tank and the most proximately impacted properties are commercial centers. Finally, Staff notes again that the proposed monopole will be the same height as the existing elevated water tank, but would be far less visually obtrusive.

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

1. The Variations shall substantially conform to the engineering plans from WT Group, dated 01/18/21, last revised on 03/11/21, 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. Pirog made a motion to approve subject staff's conditions; seconded by Mr. Dittrich

DELIBERATIONS:

Mr. Pirog spoke to the standards. He stated he feels they meet the unique circumstance. He stated it is required by law and they are trying to keep in same location as far as possible to residents. He stated he understands neighboring resident concerns but they have the opportunity to voice their opinion at council. John stated he feels it should be approved.

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 17, 2021.

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

IV. COMMUNICATIONS**V. ADJOURNMENT**

1. Motion to adjourn

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

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

