



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 23, 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 Luszcza	Commissioner	Absent	
Theodore McGinn	Commissioner	Present	
Kevin Cavanaugh	Commissioner	Present	
James Dittrich	Commissioner	Present	
John Pirog	Commissioner	Absent	

Staff present: Ms. Lyn Bremanis

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Apr 9, 2019 7:00 PM

Ms. Roth-Wurster made a motion to approve the minutes of the April 9,2019 Zoning Board meeting; seconded by Mr. Dittrich.

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

III. PUBLIC HEARING

1. 270 N. Smith Street

Sworn in staff: Ms. Lyn Bremanis

Notice was published in the Daily Herald on April 8, 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. Floor Plan
7. Public Notice

Sworn in petitioner: Mr. Tommy Palider Grandson of owner 5705 W Newport Ave Chicago , IL

Greg, friend 1712 W King Ave Mount Prospect, IL helping with construction

Mr. Palider stated they are trying to renovate the property to bring value up explaining they are hoping to keep the first floor the same size at it is with the existing 13 foot setback. He pointed out this will increase the value of the property as well as the surrounding area.

Ms. Wood asked when the home was purchased.

Mr. Palider answered January 2019.

Ms. Wood asked if they purchased with the idea to renovate.

Mr. Palider answered yes.

Ms. Wood clarified they are trying to keep the existing first floor foundation.

Mr. Palider explained the plan is build an attach attached garage vs existing detached to the house to allow for a big yard.

Ms. Wood asked if they plan on keeping the trees in the front.

Mr. Palider explained they plan on keeping one tree to the left.

Mr. Cavanaugh asked if they plan on occupying the house.

Mr. Palider answered no the plan is to flip it.

Mr. McGinn asked if they spoke to the neighbors.

Mr. Palider answered no.

Ms. Wood clarified the neighbors are apartment buildings.

Mr. Palider answered yes explaining they have spoken to one lady who just said

hi.

Ms. Wood clarified the surrounding properties consist of multifamily and a cemetery.

Mr. Palider answered yes.

Mr. Palider stated currently the first floor is 950 square feet and the proposed total will be 3050 square feet.

Ms. Bremanis gave a brief overview explaining this is a single family use for a R-3 multifamily zoned property. She pointed out the general floor plan is remaining referring to the site plan. She stated the home is currently setback 13.95 feet and the proposed second story will be approximately 18 feet back. Ms. Bremanis referred to the slides showing the elevations and existing conditions. She referred to the aerial explaining the properties to the north are setback approximately 23-25 feet and the one at the south is right at 30 feet, which meets code. She stated the building height, lot coverage and building coverage all meet code. Ms. Bremanis stated community services and engineering have reviewed and have no issues.

Ms. Wood asked if a single family home can be built in a multi-use space.

Ms. Bremanis answered yes explaining the R-3 addresses single family uses.

Mr. Cavanaugh asked if any of the special rules for single family in R-3 apply to this request.

Ms. Bremanis answered yes explaining the floor ratio and lot coverage previously discussed applies.

Ms. Wood asked what year the home was built.

Mr. Palider stated approx. 1927.

Ms. Bremanis stated she went through Cook County records and could not find it.

Sworn in Ms. Amber DiGiovanni 268 N Smith Street

Ms. DiGiovanni stated she appreciates the intentions to beautify but expressed concern with the front yard setback that would reduce visibility and cause safety issues for pedestrians.

Mr. Cavanaugh asked if the tree removal will help.

Ms. DiGiovanni stated the large pine in the front does cause an obstruction.

Mr. Cavanaugh asked if it would be better is all trees were removed.

Ms. DiGiovanni answered no because the structure would still be there.

Mr. Cavanaugh asked if they can turn around in their drive

Ms. DiGiovanni answered yes but sometimes there are cars in drive that don't allow it.

Mr. McGinn asked if there are accidents on that street

Ms. DiGiovanni answered no but stated there are times, where you can't see someone coming.

Mr. McGinn asked what the speed limit is on Smith.
Ms. DiGiovanni answered 25-30.

Ms. Wood stated it is a valid concern but pointed out it has been this way for many years and the first floor is legally non-conforming so can remain as it is. She asked Ms. DiGiovanni how long she has lived there.

Ms. DiGiovanni answered 5 years. She stated she is a commuter and pointed out with the multi-family and traffic you always have to be aware coming out of parking lots.

Sworn in Mr. Patrick Beck owner of 262-268 N Smith

Mr. Beck stated he objects to the variance. He stated it is a 100 year old structure and now is the time to bring it into conformance. He stated when they built they had to conform to the standards. Mr. Beck expressed concern that it would be detrimental to the neighborhood in property values because nothing else is that close to the road.

Ms. Bremanis asked Mr. Palider what the relocation of the house would affect the cost of construction.

Mr. Palider answered it would be a substantial amount of money to redo a whole new foundation. He spoke to Smith being a peaked road being the real reason for visibility issues so the home being moved back will not alleviate this.

Ms. Wood asked if they looked into the cost of a new foundation.

Mr. Palider answered yes they had estimates done and it would cost quite a bit.

Ms. Wood asked Mr. Beck which property he owns.

Mr. Beck answered the building next door.

Ms. Wood asked when it was built.

Mr. Beck answered 5 years ago.

Ms. Wood asked if it was built 30 feet back.

Mr. Beck stated they conformed to the standards. He pointed out they have plenty of room to set house back.

Mr. Cavanaugh asked what was on property before they built.

Mr. Beck explained there was a nonconforming home that was removed prior to them building.

Mr. Cavanaugh asked if they put in a new foundation.

Mr. Beck answered yes

Ms. Wood clarified surrounding setbacks are approx. 23-25 feet to the north.

Ms. Bremanis answered yes referring to aerial slide.

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. However, the existing residence has existing non-conforming front yard setback, and the second story addition would be further set back than the existing home (18.1 feet versus 13.5 feet). Most of the surrounding properties have a nonconforming front yard setbacks thus the proposed addition should not have a negative impact of 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, elevation plans, and floor plan submitted by the Petitioner's Agent Tommy Palider, on 03/13/2019, 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 Ms. Roth-Wurster.

DELIBERATIONS:

Mr. McGinn stated it is a hard issue and the objectors have brought up legitimate points on safety but the property has been there for many years. He pointed out this will improve the value of the property and the surrounding properties. He stated the standards have been met.

Mr. Cavanaugh stated he agrees and disagrees with Ms. McGinn. He stated the public health safety and welfare is an issue but agrees the values will be improved. He expressed concern for the safety of pedestrians. He pointed out the property to the south was required to conform to the standards so the same should be applicable for other rehabs.

Mr. McGinn stated the public health safety and welfare have been met because they are not changing the current existing condition.

Mr. Cavanaugh stated they are rehabbing so now is the time to improve the safety.

Ms. Roth-Wurster agreed with Mr. McGinn that is an existing condition. She stated she rides her bike in the area and spoke to the issue being the condition of the road. She spoke to the difference being a single family single tenant versus the multi-use tenant to the south. Ms. Roth-Wurster spoke to the cost factor to have to change the foundation which may prevent the petitioner from improving the property. She stated other departments have reviewed and see no issues.

She stated she does not see it having a huge negative impact but will have a positive impact with the design of the home improving the property.

Ms. Wood stated it is difficult because the home has been there for 100 years and they are not going out any further. She pointed out the property need a lot of work so the rehab is positive. She spoke to the removal of all the trees may help more. Ms. Wood spoke to the difference with the property to the south being they knocked down the building and built a multi-use building new. She stated she does not think it will have a negative impact and the safety of public health and welfare is hard because it has been there for years.

Ms. Wood summarized that this request will go forward with a neutral recommendation by a vote of 3-3. This item will tentatively go to Village Council on May 6, 2019.

RESULT:	NO RECOMMENDATION [3 TO 3]
MOVER:	Theodore McGinn, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Roth-Wurster, McGinn, Dittrich
NAYS:	Larson, Wood, Cavanaugh
ABSENT:	Luszczak, Pirog

2. 1590 N Rand Road Unit A

Notice was published in the Daily Herald on April 8, 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. Business Plan
5. Floor Plan
6. Deer Grove Crossing PD Ordinance-#0-44-97
7. Public Notice

Sworn in petitioner: Dr. Vu Kong 52 Wood Oaks Drive South Barrington ,IL owner

Peter Cangelosi 8708 Coventry Dr Woodridge , IL real estate broker

Dr. Kong stated he is a dentist that currently practices in Elgin, IL. He stated they have been there for 10 years and have built up a great working relationship with the community and is looking to do the same thing in Palatine

Mr. Cavanaugh asked if he is a solo practitioner

Dr. Kong explained it is him with a few associates to help out.

Mr. Cavanaugh asked if he would split his time between Palatine and Elgin

Dr. Kong answered yes.

Ms. Wood asked if there is a concern with parking

Dr. Kong stated they reviewed and there is plenty of parking

Ms. Bremanis spoke to the cross action parking agreement that gives an excess of 78 spaces referring to the aerial slide.

Ms. Wood asked about the other tenants in the center

Ms. Bremanis referred to slide showing existing conditions to show tenants

Mr. Cavanaugh asked Mr. Kong if he has any concern about there being too many dentists in area.

Mr. Kong stated No explaining they did a demographic research and are think they will do ok.

Ms. Bremanis gave a brief overview explaining it is a planned development following the B1 use list. She spoke to the hours being Monday-Friday 8am-6pm, Saturday 9am-1pm and closed on Sundays. She stated they are proposing 5 employees with an estimated 10 patients a day to start increasing to 30 over the first 3 years. Ms. Bremanis spoke to the size of the space being 2080 sq.ft with 6 exam rooms referring to floor plan slide. She spoke to the parking and

how it is under parked, but pointed out the cross action parking agreement that compensates it. Ms. Bremanis stated community services and fire prevention have both reviewed and have no concerns.

STAFF RECOMMENDATION:

The proposed use of the property as a dental office would occupy a vacant tenant space and maintain the mixture of office and service uses within the building and overall development. Although this is a new location, this is an expansion of an existing practice and 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 Business Plan submitted by the Petitioner on 3/30/19 and the Floor Plan prepared EKI Architects LTD dated 2/13/19, 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 Mr. Larson.

DELIBERATIONS:

Mr. Cavanaugh stated it is straight forward. He pointed out it is a vacant space and this is a good use that meets the standards

Mr. Larson pointed out this use has the least impact on parking.

Ms. Wood agreed stating it will be a good fit

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 May 6, 2019.

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

IV. COMMUNICATIONS**V. ADJOURNMENT**

1. Motion to Adjourn

Mr. Dittrich made a 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, McGinn, Cavanaugh, Dittrich
ABSENT:	Luszczak, Pirog

