



# 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 11, 2023

Village Hall - Council Chambers

Regular Meeting

7:00 PM

### I. CALL TO ORDER

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

Staff present: Mr. Alex Bradshaw

### II. MINUTES APPROVAL

1. Zoning Board of Appeals - Regular Meeting - Mar 28, 2023 7:00 PM

**Mr. McGinn made a motion to approve the minutes of March 28, 2023; seconded by Mr. Cavanaugh**

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Theodore McGinn, Commissioner
<b>SECONDER:</b>	Kevin Cavanaugh, Commissioner
<b>AYES:</b>	Roth-Wurster, Wood, McGinn, Cavanaugh, Pirog
<b>ABSENT:</b>	Luszczyk

**III. PUBLIC HEARING**

## 1. 24 E. Country Club Ct

Notice was published in the Daily Herald on March 27, 2023 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. Fence Elevation
6. Landscape Plan
7. Public Notice

**Sworn in Staff: Mr. Alex Bradshaw****Sworn in petitioner: Ms. Linda Klein 24 E. Country Club Ct**

Ms. Klein stated they are situated on a corner lot so there is not a lot of backyard room so they needed to go out to the side. She explained they are looking to expand to Pepper Tree Lane and go north. She stated they have grandchildren that visit often and a possible dog in future so looking for the fence to provide safety.

Mr. McGinn asked if they spoke to the neighbor at 1465 N. Pepper Tree Drive. Ms. Klein answered yes. She stated they signed off to allow the fence to go on their property to connect.

Mr. McGinn asked if there is a lot of traffic.

Ms. Klein stated it is a main street into the subdivision. She stated they do cross country across the street at Deer Grove which brings a lot of cars so this will help with safety.

Mr. McGinn asked about visibility of neighbor backing up in driveway.

Ms. Klein stated it will be metal fencing with landscaping and will improve the look of the yard.

Mr. Bradshaw gave a brief overview stating the petitioner is looking to install a 5ft open style aluminum fence in the side yard abutting a street. He stated the proposed fence will be setback 5ft from the side property line abutting Pepper Tree drive and will include landscaping. Mr. Bradshaw stated there is another property to the north that received a special use for a 6ft board on board fence setback 5ft similarly to the petitioner's request. He stated Community Services and Engineering have reviewed and no issues were identified.

**STAFF RECOMMENDATION:**

The Petitioner is proposing to install a 5-foot tall open-style fence in their side yard abutting N. Pepper Tree Drive. Comparable relief for a taller board-on-board fence in a side yard abutting a street was granted to another property in the immediate surrounding area (23 E. Country Club Ct). Ultimately, as the proposed fence plan includes a substantial landscaping plan, and the Engineering department did not identify any line-of-sight concerns, the proposed fence should not cause substantial injury to the value of other properties in the surrounding neighborhood. Therefore, Staff recommends approval of the Special Use, subject to the following condition:

1. The Special Use shall substantially conform to the Site Plan and Structure Elevation submitted by the Petitioner, Larry Klein, except as such plans may be changes to conform to the 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 Mr. Cavanaugh**

**DELIBERATIONS:**

Mr. McGinn stated it is straight forwarded. He stated the only issue was line of site but it’s an open fence and neighbors have no objection.

Mr. Pirog agreed with Mr. McGinn. He stated the open fence makes the difference.

Ms. Roth-Wurster stated the standards have been 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 May 1, 2023.**

<b>RESULT:</b>	<b>RECOMMENDED TO APPROVE [UNANIMOUS]</b>
<b>MOVER:</b>	Theodore McGinn, Commissioner
<b>SECONDER:</b>	Kevin Cavanaugh, Commissioner
<b>AYES:</b>	Roth-Wurster, Wood, McGinn, Cavanaugh, Pirog
<b>ABSENT:</b>	Luszczak

## 2. 707 S. White Willow Bay

Notice was published in the Daily Herald on March 27, 2023 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 petitioner: Mr. Jacob Defassio 525 N. Geri Ct, proxy for the owner Mary Henrickson**

Mr. Defassio stated Steve and Mary Henrickson are his in-laws. He stated they moved to Palatine 2.5 years ago. He explained they purchased this home as their retirement home. He stated it had a failing deck so last summer they received permits to remove deck and redo the concrete around the house and added a trench foundation with the hopes of building a screened porch this summer. Mr. Defassio stated many of the family has allergies and don't want chemical bug deterrent so this will provide bug free nights to enjoy retirement. He stated they received HOA approval from Willow Walk and have contacted neighbors who have signed off approval.

Ms. Wood clarified the addition will be on the existing patio keeping the same footprint.

Mr. Defassio answered, yes, the concrete was built for it.

Ms. Roth-Wurster asked about the size.

Mr. Defassio stated the concrete is approx. 13 by 21. He stated the property is odd shaped being part of cul-de-sac.

Ms. Roth-Wurster asked if it is one story with same roof line as house.

Mr. Defassio answered, yes, stating it will be a continuation of the house.

Ms. Wood asked if there are windows.

Mr. Defassio answered yes stating it will have windows and screens.

Ms. Roth-Wurster asked if there will be a door.

Mr. Defassio answered yes.

Mr. Bradshaw gave a brief overview stating the current residence is set back 23ft from rear property line and is legal nonconforming. He stated they are seeking Special Use for the 3-season room addition to be set back 20ft. He stated the

proposed addition will not encroach in any side yard setbacks. Mr. Bradshaw stated per staff analysis other homes in area comply with the setback requirements but the subject property's configuration the required rear yard setback is restricting to the point any addition would require relief. He stated the site has significant grade differential from neighboring properties.

Mr. Pirog asked what the relevance of the grade differential is.

Mr. Bradshaw explained it won't take away from the current look of the house rather maintaining status quo of current vista.

Mr. Bradshaw stated both building and lot coverage are under maximum allowed. He stated Community Services and Engineering have reviewed and no issues were identified.

Ms. Wood asked if they received a special use for the patio.

Mr. Bradshaw explained a patio is a permitted obstruction and can be 2ft from the property line.

**STAFF RECOMMENDATION:**

The Petitioner is proposing to construct an addition to the rear of the existing legal non-conforming residence. The single-story addition will be contained to the existing patio off the northwest corner of the home. Although there has not been comparable relief granted in the surrounding area, the addition will not be visible from the street and the significant grade differential with the adjacent property to the rear will not change the existing vista. Ultimately, the proposal should not cause substantial injury to the property values in the neighborhood. Nevertheless, Staff recommends Action at the Discretion of the ZBA. If the ZBA recommends approval, Staff recommends the following condition:

1. The Special Use shall substantially conform to the Site Plan and Elevation Plan submitted by the Petitioner, Mary Henrickson, except as such plans may be changed to conform to the Village Codes and Ordinances.

Mr. Pirog not recommending approval because no other homes are similar.

Mr. Bradshaw answered, yes, but also because of the substantial reduction from the required 45ft setback.

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

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

**DELIBERATIONS:**

Mr. Pirog spoke to the standards. He stated there is no injury and the safety and welfare will increase enclosing the space. He stated he has a similar room and knows how great it is. He stated it meets the standards.

Ms. Wood stated when looking at setbacks you want to ensure it won't impede anyone view but this will be an open 3 season room with glass so won't affect anyone's view. She stated there will be no injury to the property so is in favor.

Ms. Roth-Wurster spoke to the unique pie shaped lot not having a lot of backyard. She stated it is replacing a deck with a single-story addition with the same elevation as the house so is a little more favorable.

**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 1, 2023.**

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

## 3. 1326 W. North Street

Notice was published in the Daily Herald on March 27, 2023 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. Floor Plan
6. Elevations
7. HOA Approval Letter
8. Signed Neighborhood Petition
9. Ordinance O-31-11 Rezone R1 to R1A
10. Ordinance O-63-11 Special Use & Variation
11. Resolution R-033-111 Balogh Subdivision Approval
12. Public Notice

**Sworn in petitioner: Mr. Jason Derbick, 1326 W. North Street**

Mr. Derbick stated during the pandemic they decided they needed more space to spend with family and neighbors. He stated he had an architect draw up plans and applied for a permit but was told that he would need relief because the zoning did not match his plat of survey setbacks. Mr. Derbick spoke to the 4 vacant lots to the north and the possibility of them being developed pointing out it will have no impact on his project. He stated there has been a lot of zoning and amendments to the property and is looking for the same consideration. He stated there will be no negative impact on easement, drainage or neighboring views just looking for variance to go a little further back off house.

Ms. Wood asked if they spoke to the neighbors.

Mr. Derbick answered yes pointing out the stars on the slide are neighbors who signed petition in favor. He stated Mr. Balogh who owns the 2 lots to the northwest does not live there but has his verbal approval. Mr. Derbick stated the HOA also approves.

Mr. McGinn asked about the possible future development without a road.

Mr. Derbick stated he is unsure exact orientation and if it will be a road or driveway continuation. He pointed out the neighbor to the east is setback 18ft from his rear yard so will be 4ft less than their current house so will not impede any views. Mr. Derbick stated the neighbor to west has large patio and canopy. He referred to slide to show existing conditions. He stated as individual lots the vacant lots do not meet zoning standards and are unbuildable.

Mr. McGinn asked what the addition looks like.

Mr. Derbick stated it will roughly be 16ft wide by 22ft deep with all screening and

doors on both sides with a clear view all the way through. He stated there are several homes in the community with similar structures so will blend with area and increase property value.

Mr. Bradshaw gave a brief overview explaining when the area was most recently subdivided the 4 vacant lots by themselves don't meet the R-1 standards so as a condition there would only be 2 buildable lots if ever expanded. He explained the proposed 3 season room would be setback 22ft instead of the required 45ft. Mr. Bradshaw stated the existing residence is setback 46.5ft so any addition would require zoning relief. He stated the property to the east is existing nonconforming setback 18ft. He stated the area was annexed from Cook County in 2005 which speaks to any other existing nonconforming additions. Mr. Bradshaw stated both building and lot coverage meet code. He stated Community Services have reviewed with no issues identified and Engineering noted in their review that no fill or leveling of rear yard should be allowed other than for addition and any excavating material shall be hauled offsite.

Ms. Roth-Wurster clarified that if developed a home would never be built directly behind him.

Mr. Bradshaw stated there will not be a home in the unimproved right of way. He explained if homes are built on the other lots they would be setback a minimum of 32ft.

**Sworn in Mr. Tony Calabrese 1317 N. Deer Ave, adjacent HOA**

Tony stated he is supporting on the behalf of the HOA. He stated there are a lot of younger kids and families and the home is popular. He thinks this will enhance the neighborhood and are supportive.

**STAFF RECOMMENDATION:**

The Petitioner is proposing to construct a 3-seasons room addition to the rear of their existing single-family residence. There is potential for further residential development to the north, but the present configuration consists of unimproved right-of-way and 4 vacant lots. Staff notes the any redevelopment in this area would follow the Northwest Sub Area plan, which would consolidate these lots into 2 buildable R-1A lots and would require the extension of Hill Street. If the 2 buildable lots are ever developed, there would be a minimum 32-foot setback to the proposed addition. Although the current home complies with the underlying R-1A setback requirements, the proposed addition and resulting setback would be greater than the existing home directly to the east (that home and setback existed at annexation). The Petitioner included sign-off approvals from the surrounding property owners and the Subdivision HOA to the west. Nevertheless, the contemplated encroachment is approximately 23 feet into the required 45-foot setback.

Therefore, Staff recommends action at the discretion of the Zoning Board of Appeals. If the Zoning Board of Appeals recommends approval, Staff recommends the following condition:

- 1. The Special Use shall substantially conform to the Site Plan and Elevation Plan submitted by the Petitioner, Jason Derbick, except as such plans may be changed to conform to the 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. McGinn.**

**DELIBERATIONS:**

Mr. Cavanaugh stated the addition fits well with the area and home. He stated he understands concern with unimproved home in surrounding properties but they are building first.

Mr. McGinn pointed out the property won’t be directly adjacent to potential property development so won’t have adverse impact.

Ms. Roth-Wurster stated with the unimproved right of way being directly behind she thinks this is a nice done plan and HOA is approving. She pointed out the home next to them is at 18ft so also encroaching so this won’t look out of character.

Ms. Wood stated it is not an addition that takes up entire setback and has an open feeling. She stated the standards have been 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 May 1, 2023.**

<b>RESULT:</b>	<b>RECOMMENDED TO APPROVE [UNANIMOUS]</b>
<b>MOVER:</b>	Kevin Cavanaugh, Commissioner
<b>SECONDER:</b>	Theodore McGinn, Commissioner
<b>AYES:</b>	Roth-Wurster, Wood, McGinn, Cavanaugh, Pirog
<b>ABSENT:</b>	Luszczak

## 4. 1242 E. Dundee Road

Notice was published in the Daily Herald on March 27, 2023 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. Floor Plan
5. Business Plan
6. Public Notice

**Sworn in petitioner: Mr. Allan Fridman, 555 Skokie Blvd Northbrook, IL 60062, Attorney**

**Mr. Henry Hernandez 9405 Margail Des Plaines, IL, owner**

Mr. Fridman stated Mr. Hernandez is looking to open Paper Route at 1242 E. Dundee. He stated the area is commercial with neighboring businesses including a liquor store, furniture store and cell phone. He stated the space has been vacant for 8 months. He stated it is located in the commercial district and there is no surrounding vape/tobacco stores in the area so believes the use is deemed necessary for public convenience. Mr. Fridman stated it will comply with the Palatine Clean Air Act and will limit patrons to 21 years and older. He stated it will not cause injury to nearby property values as it is all commercial.

Ms. Wood referred to the business plan and asked what are lawful cannabis accessories.

Mr. Fridman referred to the Palatine ordinance chapter 12 to explain what is allowed.

Discussion on what is allowed by code.

Mr. Bradshaw stated per their business plan there are no glass products listed as their products for sale. He further explained that the code and how it is enforced by the police department.

Ms. Wood asked about hours.

Mr. Fridman stated they will be open 9am-10pm.

Mr. Hernandez stated they will be open to 10pm on weekends and 9pm on weekdays.

Mr. McGinn asked about the procedures to enforce the age requirement.

Mr. Fridman explained customer will be required to provide a valid id to be permitted in the business.

Ms. Wood asked about signage in the windows.

Mr. Fridman stated there will not be much signage to not block view.

Mr. Bradshaw gave a brief overview pointing out the parking requirement will remain the same with the proposed use. He stated the site was previously occupied by a furniture store that has been closed for a number of months. He referred to the existing conditions slide to show neighboring tenants including a cleaners, a liquor store and a T-Mobile. He stated Community Services, Fire Prevention, and Police have all reviewed and no issues were identified.

**STAFF RECOMMENDATION:**

The Petitioner is proposing to open a tobacco shop in a multi-tenant shopping center. The Petitioner is aware that the sale of drug paraphernalia with the intent to use it for a controlled substance is prohibited. Furthermore, the Petitioner is proposing to have "21+" signage posted in prominent locations within the tenant space, and will have all customers present a valid form of identification for all purchases. Ultimately, the proposal would be another commercial use within the center and should not cause any substantial injury to the value of the surrounding properties. The parking requirements would also not change with this use. Therefore, Staff recommends approval of the requested Special Use with the following condition:

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

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. Cavanaugh.**

**DELIBERATIONS:**

Ms. Roth-Wurster stated it is a well thought out business plan and a good location based on market analysis. She stated it meets the standards.

Ms. Wood stated there is no information to indicate it will negatively affect safety health and welfare or cause damage to area.

Ms. Roth-Wurster stated there is no parking issues.

**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 1, 2023.**

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

**IV. COMMUNICATIONS**

**V. ADJOURNMENT**

1. Motion To Adjourn

**Ms. Roth-Wurster made a motion to adjourn; seconded by Mr. McGinn**

<b>RESULT:</b>	<b>MOTION CARRIED BY VOICE VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Cindy Roth-Wurster, Commissioner
<b>SECONDER:</b>	Theodore McGinn, Commissioner
<b>AYES:</b>	Roth-Wurster, Wood, McGinn, Cavanaugh, Pirog
<b>ABSENT:</b>	Luszczak

