



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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<http://www.palatine.il.us>

ZONING BOARD OF APPEALS

MINUTES • APRIL 9, 2019

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 Luszczyk	Commissioner	Present	
Theodore McGinn	Commissioner	Present	
Kevin Cavanaugh	Commissioner	Present	
James Dittrich	Commissioner	Present	
John Pirog	Commissioner	Present	

Staff present: Ms. Lyn Bremanis

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Mar 12, 2019 7:00 PM

Mr. Dittrich made a motion to approve the minutes of March 12, 2019; seconded Mr. Luszczyk

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

III. PUBLIC HEARING

1. 1133 S. Vermont Street

Mr. Dittrich made a motion to continue the request to the May14th ZBA meeting; seconded by Mr. Cavanaugh.

RESULT:	CONTINUED [UNANIMOUS]	Next: 5/14/2019 7:00 PM
MOVER:	James Dittrich, Commissioner	
SECONDER:	Kevin Cavanaugh, Commissioner	
AYES:	Roth-Wurster, Wood, Luszczak, McGinn, Cavanaugh, Dittrich, Pirog	
ABSENT:	Larson	

2. 140 W. Wood Street Unit 109

Notice was published in the Daily Herald on March 25, 2019 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Variation
2. Proof of Ownership
3. Plat of Survey
4. Site Plan
5. Renovation Plans
6. Park Towne Parking Regulations
7. Comparable Properties submitted by the Petitioner
8. Public Notice

Sworn in staff: Ms. Lyn Bremanis

Sworn in petitioner: Mr. John Heraty 140 W Wood Unit 109

Mr. Bill Weidner 140 W Wood Unit 122 President of Condo Association Board of Directors

Mr. Heraty explained he purchased the condo in 2007 when the market was at peak. He stated he didn't know it was a conversion unit at that time. He stated his family is looking to grow and buy a home but the market has dropped. Mr. Heraty explained the Association does not allow hardships as in renting or a co-investor. He explained the uniqueness of his property being a 2 bedroom 2 bath corner unit that used to be a 1 bedroom and a studio. He stated instead of filing for hardship he is requesting to bring the property back to its original setup. He spoke to the other units in the building that were converted into 2bd 2bath units when the building went from apartments to condos. Mr. Heraty stated he is just trying to break even by separating the units and selling them separately. He stated the units already have 2 separate meters so the conversion would be as simple as closing up the wall, opening up a door and installing a kitchen.

Mr. Weidner spoke to the background on the Association and their opinion on this matter. He pointed out a substantial amount of the units are 380 square foot studios and 1 bedroom units and according to the Association declarations combining of units is allowed provided they get board approval. He spoke to the impact this request would have on the building explaining the assessments would be the same just split between the two units. Mr. Weidner spoke to the parking and how they allocate the spots. He stated they use around 70% of their spaces and lease spaces to the Village for commuter parking. He stated they continue to monitor their parking situation and if they run into a parking problem they can take back those spaces from the Village.

Mr. Heraty explained he is doing this to conform to the way the building was originally.

Mr. McGinn asked how the parking is allocated.

Mr. Weidner explained they issue stickers that relates to their space. He further explained they are not assignment rather it's a first come first serve basis.

Mr. McGinn asked if some tenants were train commuters.

Mr. Weidner explained they have many tenants that don't drive including train commuters and elderly.

Ms. Roth-Wurster asked about the amount of spaces allocated for the unit and how the new owners would request spaces.

Mr. Weidner explained the unit now has 2 spaces because Mr. Heraty and his wife each have cars. He further explained the amount of stickers once the unit is sold will be determined on how many drivers move in.

Mr. Dittrich asked how many studios are in the whole complex.

Ms. Bremanis stated there are currently 40 with this request making it 41.

Mr. Dittrich asked how many are filled.

Mr. Weidner stated maybe 3-4 are empty.

Mr. Dittrich clarified that none of the existing studios are over 500 square.feet.

Mr. Heraty answered no explaining they are all identical at approx. 378 square.feet

Mr. Weidner explained there are 5 styles of units in the building explaining how many sq.ft each unit is with the smallest being approx. 380 square.feet. He stated at this time the board is not allowing any non-native units to divide the units due to the way the plumbing and mechanicals are put together.

Ms. Roth-Wurster clarified the plan is to close it off and rebuild a kitchen that was originally formulated.

Mr. Heraty answered yes explaining they will close off the unit and create a separate entrance. He further explained the plumbing is already there so they will just need to install cabinets, countertops and appliances. Mr. Heraty stated they then would call utilities to separate the two bills and get two tax ID numbers.

Ms. Bremanis gave a brief overview referring to the slides showing the parking, floor plans, and existing conditions. She stated Community Services and Fire Prevention have reviewed and had no concerns. She stated when the building was built the parking regulations were 1 per 5 spaces per unit where in today's standards it is 2 units.

Sworn in Ms. Janet Pesut 1220 W Chase apt GE Chicago, IL (140 W Wood Unit 124)

Ms. Pesut stated she has owned a unit in Park Towne for 19 years and lives there part time. She stated the request was discussed in December at their annual meeting at which time they got the board to vote on an amendment on declaration. She spoke to her concerns regarding the bylaws and how the

amendment was handled. Ms. Pesut spoke to her concerns with the work they have done without a permit.

Ms. Wood explained the zoning board has to limit their review to the zoning variation request.

Ms. Pesut stated the declaration amendment has to be done legally in order to grant a zoning variance expressing her concern that it has not. She read into record a letter from the management company that was mailed to the units and expressed her disagreement to it.

Ms. Wood explained her concerns would need to be taken up with the condo board.

Ms. Pesut restated in order to grant a variance there needs to be a valid amendment to the declaration.

Ms. Bremanis explained the board is looking at the split to the condo into 2 units. She asked Ms. Pesut if any of her concerns were related to the split then they can be addressed by the zoning board.

Ms. Pesut spoke to the claim of uniqueness pointing out there are 3 other units that are 2 bedroom 2 bath and they too should be able to split theirs.

Mr. McGinn asked if there are other concerns that will have an adverse impact on her unit.

Ms. Pesut stated her unit is fine other than the controversies in the building and the problems with the board not fixing things.

Ms. Wood stated her concerns are not part of the zoning hearing explaining she will need to speak to Mr. Weidner.

Ms. Pesut stated the board is now aware there are 3 other units that should be eligible should this go through.

Ms. Bremanis explained if those units want to split they would have to go through the zoning process as well. She stated this process would not encompass for the other 3 and they would have to apply for a variation as well.

Ms. Pesut clarified it is not saying they can't.

Ms. Bremanis clarified it is not saying they can't request it. She clarified even if this request fails the other 3 can come before the board and request it.

Ms. Pesut stated in order to get an additional tax number they need a valid declaration to present to the cook county board.

Ms. Wood explained that is on the petitioner to take care of restating the zoning board is looking at the zoning variance request.

Ms. Pesut submitted the letter that was recorded into the record.

Mr. Pirog asked if Ms. Pesut addressed her concerns with staff.

Ms. Pesut stated she filed a freedom of information act to find out what the petitioner had filed.

Mr. Cavanaugh asked who she sent the FOIA request to.

Ms. Pesut explained she requested documents to show what they filed for the request.

Ms. Wood pointed out all documents are available online on the Village website.

Ms. Bremanis clarified Ms. Pesut was looking for the signed declarations that are not part of the packet so staff requested her to go through a formal process.

Ms. Bremanis submitted the letter that was read by Ms. Pesut as Objectors exhibit #1

Mr. Weidner stated when Mr. Hearty made his request the board reached out to their attorneys to see what would need to be done to make this legal. He further explained their attorney explained the amendment to the declaration could be done by a simple vote of the board and not a majority of the membership. He stated they have had KSN as their attorney for several years who are the top condo attorney law firm in the area. Mr. Weidner stated everything they did including the filing, the meeting, the adopting the declaration was all done with the advice from their attorneys. He stated the attorney also prepared all the paperwork. He explained the letter was sent to try to explain what was going on.

Ms. Roth-Wurster asked how many total active units

Mr. Weidner stated currently 128. He clarified there are other units that were combined but Mr. Heraty's unit is unique because his is the only corner unit and the square footage is larger than the 1 bedroom plus the studio in the other configurations.

Mr. Pirog asked if construction has started

Mr. Weidner explained the work that has been done is the door was sealed up and a new door was opened to the hall along with minor demolition work to do discovery in the unit. He stated a permit was applied for this work which is why this process began. He stated no wiring, plumbing or electrical has been done. Mr. Weidner explained the reason they closed off the door is to help mitigate the effect of construction on the unit they are currently living in.

Ms. Bremanis clarified an inspector did go to site and no other work is going on until this process is complete and their building permit is issued.

Ms. Roth-Wurster asked if the unit number should this pass would be 109 and 111.

Mr. Weidner answered yes.

STAFF RECOMMENDATION:

In 1995, Park Towne was converted from apartments to privately owned condominiums. At the time several studio and 1-bedroom units were combined into single 2-bedroom units. The Petitioners are requesting to divide their unit back to its original form. Per Code, multi-family units must be over 500 square feet. The building is unique in that there are currently 40 studios in the building

that are under the 500 square feet. Therefore, the addition of a studio unit should not affect the essential character of the building.

In addition Park Towne currently has a parking permit system in place, which controls the number of cars at any time. The complex is unique in the number of studio units and being directly adjacent to the train station. Therefore, Staff recommends approval of the proposed Variations, subject to the following conditions:

1. The Variations shall substantially conform to the site plan prepared by Zarko Sekerez & Associates, Inc. dated 11/29/19, 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. Dittrich made a motion to approve subject staff's conditions; seconded by Ms. Roth-Wurster.

DELIBERATIONS:

Mr. Dittrich stated the uniqueness has been established and it won't alter the essential character of the locality because this was the way it was. He expressed disappointment with the procedural issues. He stated based on the purview of the ZBA the variation should be approved

Ms. Roth-Wurster stated looking at the zoning standards it was well presented. She stated the historical aspect has been well explained. Ms. Roth-Wurster stated the uniqueness and the effect on the locality have been addressed and the standards have been met.

Mr. McGinn pointed out they have the parking situation under control so it should not have an adverse effect.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will go to Village Council on May 6, 2019.

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

IV. COMMUNICATIONS**V. ADJOURNMENT**

1. Motion to Adjourn

Mr. Cavanaugh made a motion to adjourn; seconded by Mr. Dittrich.

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

