

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 • MARCH 27, 2018

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 Luszcak	Commissioner	Absent	
Theodore McGinn	Commissioner	Present	
Kevin Cavanaugh	Commissioner	Present	
James Dittrich	Commissioner	Present	
John Pirog	Commissioner	Present	

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Mar 13, 2018 7:00 PM

I have two minor corrections to the minutes from our last meeting.

1. Packet Page 23 "Ms. Wood asked if any other questions for Petitioner. " should be changed to Mr. McGinn (I recused myself).
2. Packet page 24 "Ms. Wood summarized that this request . . ." please change to Mr. McGinn also (I recused)

RESULT:	ACCEPTED AS AMENDED [UNANIMOUS]
MOVER:	Theodore McGinn, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Roth-Wurster, Wood, McGinn, Cavanaugh, Dittrich, Pirog
ABSENT:	Larson, Luszcak

III. PUBLIC HEARING

1. 950 W. Colfax Street

Notice was published in the Daily Herald on March 12, 2018 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 Plans
7. Public Notice

Ms. Bremanis gave the background of the request explaining the petitioner is proposing to build a 2-story addition that encroaches into the minimum required front and interior side yard setbacks. Therefore, the petitioner is requesting:

- **Special Use to permit an addition to be setback 4 feet from the side lot line instead of the minimum required 5 feet and 10 feet from the front lot line instead of the minimum required 30 feet**

SITE ANALYSIS:

- The Subject Property is zoned R-2 Single Family. The residence has an existing non-conforming setback from the side lot property line at 4.97 feet instead of the required 5 feet for a side yard.
- The petitioner converted the existing 2- car garage into living space, without a permit. Per the Palatine Zoning Ordinance 7.03(b)(1) single family detached dwellings are required to have 3 parking spaces, including one garage space.
- The Petitioner is proposing to build a two-story addition including a garage that would align with the existing structure and located less than the minimum 5 feet from the side property line. The front yard setback for the addition would be 10 feet, instead of the minimum required 30 feet.
- The peak height meets code. Both building and lot coverage meet code.
- In reviewing the plats of survey of the homes in this area of W. Colfax Street, the typical front yard setback is a minimum of 35 feet and there are several homes with a 70 foot plus front yard setback. There are also 4 new homes being constructed in the 900 block of W. Colfax Street, which meet the minimum required 30-foot setback.
- Unlike other front yard setback reductions, which were approved to solve an infrastructure or storm water management problem, there is not a similar circumstance in this area.
- While the property has a substantial rear yard the existing home has minimal side yard setbacks not leaving room for a driveway for a detached garage. In

addition, the plat of survey indicates that this is the location of the septic field, which further limits the ability to use this area to resolve this issue.

DEPARTMENTAL REVIEWS:

Community Services	No Issues Identified
Engineering	No Issues Identified
Environmental Health	N/A
Fire Prevention	N/A
Public Works	N/A
Police	N/A

STANDARDS FOR SPECIAL USE: Since this Petition is not for a use publicly operated or traditionally affected with the public interest, those standards under Section 14.05 D (2) and (3) are applicable. Specifically, the Petitioners must show that the Special Use, if granted, will be operated in a manner consistent with the public health, safety, and welfare, and that the Special Use will not have a negative impact on the value of surrounding properties. The Petition for a Special Use is attached, and the Petitioners have attempted to address the required standards.

Mr. Pirog referred to the slide and clarified there are no sidewalks.

Ms. Bremanis stated there are none.

Mr. Pirog asked about the requirement for the driveway to have room for car to pull into.

Ms. Bremanis explained the code requires room for 3 parked cars. She further explained the way it was allowed two cars in the garage and 2 cars in the driveway. Ms. Bremanis pointed out though there are no sidewalks it is the property line not the curb line that are the guidelines.

Ms. Roth-Wurser asked about the septic fields and why engineering has no issues.

Ms. Bremanis explained they are not building in the septic fields and was only mentioned to explain why it would be an impediment to them to build in the rear.

Sworn in petitioner - Peter Foster 950 W Colfax St. Palatine, IL

Mr. Foster explained the proposal is for an addition off the front because the septic tank in the rear causes issues with building in the rear. He explained the reason they need the addition is because their family has grown from 2 children to 4. He explained this is why they converted the garage space to living space. Mr. Foster explained the layout of the proposed addition.

Mr. McGinn asked if he has spoken to the neighbors.

Mr. Foster stated they have seen the elevations and have no issues with it.

Mr. McGinn asked if 946 and 954 W Colfax are okay with it.

Mr. Foster stated yes his immediate neighbors.

Mr. Pirog asked how the 3 cars will be parked.

Mr. Foster explained it will be a side load garage with 2 spots in garage and potentially 1 in the driveway.

Mr. Pirog pointed out with 4 kids there is a possibility of having 4 cars.

Mr. Foster agreed that may be true but pointed out there is an age difference between them.

Ms. Wood asked if the garage door will be moved.

Mr. Foster explained the intent is to move to align with the living room and build a porch off that.

Ms. Wood asked if they had looked into the possibility of building in the back.

Mr. Foster explained not in detail but it would quite extensive and would require ripping up the whole back yard because they would have to move the septic field and the leech tank.

Ms. Wood asked what they would do if the petition is not approved.

Mr. Foster explained he would apply for a variation to remove requirement of a garage space and live with what they have.

Ms. Wood asked how long they have not had a garage.

Mr. Foster stated since September.

Ms. Wood asked how many vehicles they currently have.

Mr. Foster explained there are 3 but they are selling 1. He further explained they didn't use the garage to store cars when they had it.

Mr. Cavanaugh asked if they actually looked into building the addition in the back.

Mr. Foster explained he looked but didn't put any hard cost to it.

Mr. Cavanaugh asked if he was forced would it be feasible.

Mr. Foster stated it is doable but not ideal.

Ms. Wood asked how long they have been in the house

Mr. Foster answered 5 years.

Ms. Wood asked about the makeup of the neighborhood related to the request.

Mr. Foster stated he doesn't think it will have a significant impact since the houses sit so far back from the road. He further explained the addition would still be 40-45 feet back from the road.

Ms. Wood asked staff about the distance if in the future sidewalks were added.

Ms. Bremanis explained Colfax is an IDOT road so those decisions are made by them. She further explained there is always a possibility they would widen the

road which is why the parkways are so large.

Ms. Wood asked staff if the addition currently would be 40-45 ft. from the road.

Ms. Bremanis stated she did not have a plat of survey to go by but by an aerial view it looked like 30 ft.

Ms. Wood asked the petitioner if his numbers are an estimate.

Mr. Foster explained his estimate at 15 steps each step being a yard.

Ms. Wood asked about the distance related to the tree.

Mr. Foster explained the tree is approx. on the property line so the addition would be 10 ft. on the house side of the tree. He referred to the existing condition slide pointing out the bricks in the grass is where the addition would be.

Discussion on which bricks and the location of the addition.

Mr. McGinn asked staff why the house to the left in the existing condition slide is set so far back.

Ms. Bremanis explained 10 years ago a developer came in and developed the properties next to it.

Mr. Cavanaugh clarified the newer homes have the 70 ft. setback.

Ms. Bremanis corrected some of the older homes have the 70 ft. setback.

Mr. Cavanaugh asked if the 4 newer homes have the 70 ft. setback.

Ms. Bremanis stated the newer homes that are in construction are setback approx. 35 ft.

Discussion on the setbacks of the houses on the block.

Ms. Roth-Wurser asked if staff was aware of any homes this close to the road on Maple.

Ms. Bremanis stated she did not see anything comparable in the immediate couple block area.

Mr. Cavanaugh asked if the reason the neighbors to the south are closer to the street is because they have septic fields in the back as well.

Mr. Foster stated that is correct explaining the neighbor to the northwest has one in the front but all properties to the southeast have it in the back.

Ms. Wood asked staff if they widen the road how many feet would be added.

Ms. Bremanis stated she does not know but can say it is not on any capital improvement list at this point for either sidewalks or widening of the road but could potentially happen.

Ms. Wood asked if any other questions for Petitioner. There were no further questions for the Petitioner.

STAFF RECOMMENDATION:

The Petitioner is proposing to build an addition that encroaches into the minimum required front and side yard setbacks. While the side yard encroachment should not have a negative impact due to its minimal encroachment, Staff is concerned about the requested 10 foot front yard setback for the 2-story addition and its potential impact. It is both inconsistent with all of the other front yard setbacks in the area and has the potential to negatively impact the surrounding properties. Therefore, Staff recommends denial of the Special Use subject to the following conditions:

1. The Special Use shall substantially conform to the elevation plan dated 2/3/18 and site plan dated 2/9/18 submitted by the Petitioner except as such plans may be revised to conform to Village Codes and Ordinances.

Ms. Wood asked if there were any questions on Staff's recommendation.

Mr. Cavanaugh clarified staff is recommending denial but the conditions are if the board approves the request.

Ms. Bremanis answered yes.

Mr. Dittrich asked where the closest property is that is hooked up to Village sewers.

Ms. Bremanis referred to the aerial slide to show the closest property and explained the property in question is a substantial distance away from connecting to the village sewer system.

Mr. Pirog asked if the homes along North Lake shore Dr. are conforming being that close to the road.

Ms. Bremanis stated she doesn't know.

Mr. Dittrich stated those are townhomes.

Mr. Cavanaugh asked if connecting to the sewer would be a cheaper option.

Ms. Bremanis stated that is not that close in terms of connecting to a sewer.

Ms. Roth-Wurser asked if this area was developed 10 years ago.

Ms. Bremanis stated she believe so.

Ms. Roth-Wurser asked if it was a condition of the PUD

Ms. Bremanis answered no explaining there was no PUD associated with it.

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

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

DELIBERATIONS:

Mr. Cavanaugh stated this is a unique situation because the petitioner has a septic field in the back which makes it difficult to work into. He stated he is not

100% certain it won't affect property values but they are limited.

Mr. Dittrich stated generally he would be against but this stretch of Colfax is kind of weird being it is used to get around the Northwest Highway/ Quentin light. He stated he feels there may be a little more leeway to allow it to go through but it is not clear-cut.

Ms. Roth-Wurser stated she went out to look at the property and had to park on Maple because there was nowhere to park on Colfax. She spoke to the possibility of IDOT expansion and to the how all the properties line up and the impact this may have on the area.

Mr. Cavanaugh pointed out if IDOT expands the homeowner will have created the situation for himself.

Mr. McGinn agreed with staff and spoke to the adverse impact on the community.

Mr. Pirog spoke to the only criteria for a special use being not having a negative impact and how staff believes it will.

Ms. Wood stated she is torn on this one. She stated she has driven past this property a lot in the last week and there is nowhere to park. She stated she is leaning toward it since there are train tracks there so it already has a negative impact and is different. She pointed out if it does not go through they will apply to not have a garage and then their cars would be sitting out and it won't look good. Ms. Wood agreed with Mr. Cavanaugh council will have to make a hard decision.

Ms. Wood summarized that this request will go to council with no recommendation by a vote of 3-3. This item will go to Village Council on April 16, 2018.

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

2. 787 E. Dundee Road

Notice was published in the Daily Herald on March 12, 2018.

Petitioner's Exhibits:

1. Aerial map - 787 E Dundee Road
2. Application
3. Plat of Survey
4. Business Plan
5. Floor plan
6. Public Notice

Ms. Bremanis gave the background of the request stating the petitioners are proposing to open a Restaurant. Therefore, the Petitioner is requesting:

- **Special Use to permit a restaurant**

SITE ANALYSIS:

- The Subject Property is zoned P, Planned Development and is an out lot in the Deer Grove Shopping Center. The Subject Tenant Space is approximately 2,000 square feet and is within a six unit building that is approximately 11,940 square feet.
- The Planned Development conforms to the uses for the B-2, General Business district.
- The Petitioner is proposing to open a new restaurant, Royal Crab House, at the location previously known as Pie Five Pizza Company which has been closed for approximately one year.
- The proposed hours of operation are Monday through Friday from 10:30 am to 2 pm; 4:30 pm to 9:30 pm, Saturday 11:30 am to 10:00 pm and Sunday 1:00 pm - 9:00 pm.
- There will be 5 full-time and 4 part-time employees.
- The floor plan indicates 70 seats which the same as Pie Five's seating count, see attached. This space received a parking variation in 2014, which would still would apply.

DEPARTMENTAL REVIEWS:

Community Services	No Issues Identified
Engineering	No Issues Identified
Environmental Health	No Issues Identified
Fire Prevention	No Issues Identified
Public Works	N/A

Police	N/A
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STANDARDS FOR SPECIAL USE: Since this Petition is not for a use publicly operated or traditionally affected with the public interest, those standards under Section 14.05 D (2) and (3) are applicable. Specifically, the Petitioners must show that the Special Use, if granted, will be operated in a manner consistent with the public health, safety, and welfare, and that the Special Use will not have a negative impact on the value of surrounding properties. The Petition for a Special Use is attached, and the Petitioners have attempted to address the required standards.

Ms. Wood asked if there are any questions.

Ms. Wood asked if the parking was available in the shopping center. Ms. Bremanis stated that it was.

Mr. Cavanaugh stated that he is familiar with this center and knows the owners are very good about having their employees' park south of the building.

Ms. Wood asked if The Village has received any complaints concerning the parking. Ms. Bremanis stated none that she was aware of.

Sworn in petitioners: Linda Chen - 1442 Somerset Pl, Barrington, IL 60010

James Zhang - 1442 Somerset Pl, Barrington, IL 60010

Ms. Chen stated she will be a co-owner and Mr. Zhang will be managing the restaurant. Ms. Chen opened her first restaurant in 2005 in Downer's Grove and this will their 4th restaurant so has a lot of restaurant experience.

Mr. Zhang stated the space was a previous restaurant and is set up for them with little changes needed. Ms. Chen has many years experience specifically with seafood and they are very familiar with the restaurant regulations.

Mr. McGinn asked this is going to be more of fast food type of restaurant or sit down. Ms. Chen stated it will a sit down environment.

Mr. McGinn asked if there will be take-out. Mr. Zhang replied yes.

STAFF RECOMMENDATION:

The Petitioner is proposing to operate a new restaurant in a space that was previously another restaurant, Pie Five space in the Deer Grove Centre. The use and seating count are to remain the same. Therefore, this proposed use should not have a negative impact on the neighboring businesses. Therefore, Staff recommends approval of the Special Use subject to the following conditions:

1. The Special Use shall substantially conform to the business plan and floor submitted by the Petitioner on 2/21/2018 except as such plans may be revised 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 to staffs conditions;
Seconded by Ms. Roth-Wurster.**

DELIBERATIONS:

Mr. Dittrich stated this is a petitioner wanting to move into a space that was previously a restaurant, using basically the same seating plan and there is already an existing variation for parking. This meets all the standards and should be approved.

Mr. Cavanaugh stated he has spent a lot of time at Jersey Mike's and the owner understands a new restaurant is competition but clusters of restaurants tend to be more successful. He thinks it is great to see a restaurant going in there.

Ms. Wood stated while the parking is tight in front of the building there is access to additional parking and is replacing a restaurant.

Ms. Roth-Wurster agreed that people may just have to walk a little further.

Ms. Wood summarized that this request had met the standards and was approved by a vote of 6-0. This item will tentatively go to the Village Council on April 16, 2018.

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

3. 220 N. Smith Street

Mr. McGinn recused himself.

Notice was published in the Daily Herald on March 12, 2018.

Petitioner's Exhibits:

1. Aerial map - 220 N. Smith Street
2. Application
3. Business Plan
4. Plat of Survey
5. Floor plan
6. O-054-01 - Gateway Center Final Planned Development Ordinance
7. Public Notice

Ms. Bremanis gave the background of the request stating the petitioners are looking to relocate their existing dental practice. Therefore, the Petitioner is requesting:

- **Special Use to permit a dental office**

SITE ANALYSIS:

- The subject property is zoned Planned Development and contains the Gateway Center. The subject property is governed by Planned Development Ordinance #O-54-01 and the uses are regulated by the B-2 standards.
- The Petitioner has an existing practice located at 553 N. North Court, but would like to relocate this office to the subject property.
- The subject tenant space is approximately 3,471 square feet. The proposed hours of operation are Monday through Thursday from 8 AM to 5 PM, Friday from 8 AM to 4 PM, and once a month on Saturday from 8 AM to 12 PM.
- There will be 6-11 employees working at any given time. The average number of patients per hours is 2-4 and the maximum is 6 patients at any given time.
- Based on the square footage, 12 parking spaces are required for this use. Within the Gateway parking garage, there are 378 parking spaces for the office building. Of the 378 spaces, 15 parking spaces will be allotted to the proposed use. If the proposed use requires more than 15 parking spaces, the property owner will provide additional parking spaces.
- In addition to the office building parking spaces, there is also 68 3-hour parking spaces on the first floor reserved for office/retail visitors.

DEPARTMENTAL REVIEWS:

Community Services	No issues identified.
Engineering	N/A
Environmental Health	N/A
Fire Prevention	No issues identified.
Public Works	N/A
Police	N/A

STANDARDS FOR SPECIAL USE: Since this Petition is not for a use publicly operated or traditionally affected with the public interest, those standards under Section 14.05 D (2) and (3) are applicable. Specifically, the Petitioners must show that the Special Use, if granted, will be operated in a manner consistent with the public health, safety, and welfare, and that the Special Use will not have a negative impact on the value of surrounding properties. The Petition for a Special Use is attached, and the Petitioners have attempted to address the required standards.

Ms. Wood asked if there are any questions. There were none.

Sworn in petitioner: Mike Rolfs, Hamilton Partners Inc., 1130 Lake Cook Road, Buffalo Grove, 60089

Mr. Rolfs is owner of building and outlined the request.

Ms. Roth-Wurster asked where the business would be located in the building. Mr. Rolfs stated it is on the first floor taking part of the previous fitness center.

Mr. Cavanaugh asked if there was any more medical uses in the building besides Novacare. Mr. Rolfs stated no.

STAFF RECOMMENDATION:

The Petitioner is proposing to occupy a vacant tenant space in the Gateway Center. The Gateway Center currently has a mix of restaurant, office, and service uses. Therefore, the proposed business operations should not have a negative impact on the surrounding properties within this center.

The property owner of the Gateway Center has already allotted 15 parking spaces for the proposed use, with the potential for additional parking spaces, if needed. In addition to these allotted spaces, the Gateway Center has 68 dedicated off-street parking spaces for office/retail customers. Additionally, this is an established dental office, with defined patient office visit patterns and capacity that should not exceed the available parking resources. Therefore, Staff recommends approval of the Special Use subject to the following conditions:

1. The Special Use shall substantially conform to the floor plan prepared by The Jenkin Group dated 02/23/2018 and the business plan submitted by the

Petitioner, Dr. Sheffield Hyde on 02/26/2018, 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 to staffs conditions; Seconded by Mr. Dittrich.

DELIBERATIONS:

Mr. Cavanaugh stated it is a good use of the space. A medical office should not require any additional parking than what was provided.

Ms. Wood summarized that this request had met the standards and was approved by a vote of 5-0. This item will tentatively go to the Village Council on April 9, 2018.

RESULT:	RECOMMENDED TO APPROVE [5 TO 0]
AYES:	Roth-Wurster, Wood, Cavanaugh, Dittrich, Pirog
ABSTAIN:	McGinn
ABSENT:	Larson, Luszczak

IV. COMMUNICATIONS

Ms. Bremanis stated none of the items have gone to Village Council from the previous meeting. The next ZBA meeting will on April 10th. As always please let Staff know as soon as possible if you are not going to be able to attend. Mr. Pirog stated he will not be able to attend the April 10th meeting.

V. ADJOURNMENT