



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

AGENDA • MARCH 23, 2021

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Feb 23, 2021 7:00 PM
2. Zoning Board of Appeals - Regular Meeting - Mar 9, 2021 7:00 PM

III. PUBLIC HEARING

1. 220 N. Smith Street Unit #120
Special Use to permit a medical (dental) office pursuant to Section 11.03 (d) (42) of the Palatine Zoning Ordinance.
2. 220 N. Smith Street Unit #117
Special Use to permit a maximum of eight (8) suites for massage and medical (chiropractic services) pursuant to Section 11.03 (d) (22) and (42) of the Palatine Zoning Ordinance.

IV. COMMUNICATIONS

V. ADJOURNMENT



VILLAGE OF PALATINE

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PALATINE, IL 60067-5339 – (847) 359-9050
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ZONING BOARD OF APPEALS MINUTES • FEBRUARY 23, 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	Absent	
Jan Wood	Commissioner	Present	
Jerry Luszcak	Commissioner	Present	
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 - Feb 9, 2021 7:00 PM - **Accepted**

RESULT: ACCEPTED [UNANIMOUS]
MOVER: James Dittrich, Commissioner
SECONDER: Brent Larson, Commissioner
AYES: Larson, Wood, Luszcak, McGinn, Cavanaugh, Dittrich, Pirog

Minutes Acceptance: Minutes of Feb 23, 2021 7:00 PM (Approval of Minutes)

III. PUBLIC HEARING**1. 308 S. Benton Street - Continued**

This item was requested to be continued, until the March 9th ZBA meeting.

Mr. McGinn made a motion to continue the 308 S Benton Street item to the March 9th Zoning Board Meeting; seconded by Mr. Luszczyk.

RESULT:	CONTINUED [UNANIMOUS]	Next: 3/9/2021 7:00 PM
MOVER:	Theodore McGinn, Commissioner	
SECONDER:	Jerry Luszczyk, Commissioner	
AYES:	Larson, Wood, Luszczyk, McGinn, Cavanaugh, Dittrich, Pirog	

Minutes Acceptance: Minutes of Feb 23, 2021 7:00 PM (Approval of Minutes)

2. Special Use amendment to Ord. #O-112-13 to allow for a change in the approved business plan, pursuant to Section 14.05 of the Zoning Ordinance at 1158 N. Deer Avenue. - **Recommend to Deny**

Notice was published in the Daily Herald on February 8, 2021 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use Amendment
2. Proof of Ownership
3. Plat of Survey
4. Neurorestorative Deer house revised business plan
5. Village of Palatine call log spreadsheet
6. IDPH - Community Residence License
7. Special Use Ordinance #O-112-13
8. Public Notice

Sworn in Staff: Ben Vyverberg

Sworn in petitioner: Mr. Chris Williamson - IL State Director for the Neurorestorative program - 1158 N. Deer Avenue.

Mr. Williamson explained that the original special use permit was granted issued in 2013 to allow adults with brain injuries to live in the home. The current request was to serve adults ages 18-22 with neurological brain impairments issues, which could include brain injury, autism or various mental health issues. Individuals referred to the program are not able to be served by their school district and are referred us for services at to their facility. The program allows them to attend an alternative school, located in Mount Prospect, which addresses their special needs. The goal is for patients to graduate from the program and help them to get back to their normal life. The facility is licensed by Public Health and is CARF accredited (Commission on Accreditation Rehab Facilities). CARF accreditation grants a 0 year approval, 1 year or 3 year approval. This facility has always received a 3 year accreditation approval, which indicates compliance with the required standards. DCFS can also come in for inspections, if they are a guardian assigned to one of the patients. The facility is not licensed by DCFS. We have quarterly inspections, monthly quality improvement reviews and all files are audited quarterly. There are monthly quality improvement review and quarterly visits to the home. The reasoning for smaller settings is a federal government mandate to reduce congregant living homes to smaller environments.

To comply with Palatine regulations, the facility doesn't have signs on the property or on their vehicles. They provide 24 hour wake staff at the house, seven days a week -- the staffing patterns is 2-2-2 pattern - varies at times based on needs. Patients participate in outside school Monday through Friday - pre COVID. They also participate in community events, attend movies or have store outings.

There has been an increase in 911 calls and we have worked to address the issues such as replacing broken windows due to the adolescents having increased upsets. These childrens' lives have been drastically affected during covid and has presented many challenges. They were unable to attend school on a regular basis, have family visits and there was a disruption to their normal therapy days and group sessions. We feel that property values have not been disrupted by having the group home in the neighborhood and cited recent home sales in the area that showed increases in a sale value and subsequent increased listing amount. Mr. Williamson states that he understands the increase in police calls but cites that adolescents have been under extreme pressure during this pandemic and are being dealt with.

Ms. Wood - inquires if Mr. Williamson is state director for this site or all of IL?

Mr. Williamson states - All of IL

Ms. Wood asks him to explain the difference between Neurological impairment and brain injury.

Mr. Williamson explains that traumatic brain injury can happen in many ways. A car accident, seizures, heart attack or stroke. Challenges with brain injuries can be verbal aggression, physical aggression, and ability to speak, no longer able to ambulate, among other challenges.

Neurological Impairments is a wide term and a brain injury can fall under this category. This would include a brain injury, seizure disorder, other types is autism, bipolar, and a range of mental health issues. Same challenges as brain injuries.

Ms. Wood comments that the original special use was for adults 18-21 and is confused how the facility started taking in teenagers and what authority did he have to make this change.

Mr. Williamson confirmed that currently the residents are 18-22 years old and was asked Mr. Williamson what type of schooling are the current residents enrolled in.

Mr. Williamson explains that they are enrolled in high school level education since most have not completed their education by age 18, as they are on a special program, because of an IEP.

Ms. Wood asks about life skill trainers and what is their background and education requirements to be life skill trainers.

Mr. Williamson explains that life skill trainers can be the staff that works in the house. Need to be 21, some have bachelor and associates degrees, but is not a requirement of the job. There are also background checks and internal training requirements.

Ms. Wood asks if employees go through a training program.

Mr. Williamson responds that they are required to do a 40 hour training course that includes CPR, CPI, trauma induced training, training on internal policies and training on the floor with senior staff.

Ms. Wood confirms that the staffing in the home is providing the therapy.

Mr. Williamson states that pre-covid the therapies were done outside the facility but since Covid it is now done at the home.

Ms. Wood asks if there are any social workers or medical workers in the home or

are they on call.

Mr. Williamson explains that they have RNs and LPNs on staff that are on call and some work 8 hour shifts at the home. The RN is based at the school, but comes to the house throughout the day. Some LPNs work shifts at this location. Also have teachers' aides doing shifts in the home and 4 teachers to provide educational services.

Ms. Wood - Is there someone with more training for brain injuries or individual on site,

Mr. Williamson - Resident supervisors are on staff 8 out of 24 hours a day and working 8 AM -4 PM or 11-7 overnight, at different times to provide additional training for shifts.

Discussion about the background and training about the residential supervisor.

Ms. Wood - If an adult is wandering in the neighborhood in a disruptive way, what can be done for an episode or incident ?

Mr. Williamson - Work to guide back gracefully - does not use force or they call local law enforcement. We cannot do a hold for more than 15 minutes at a time.

Ms. Wood - What type of evaluations are done if a person is deemed to have violent episodes or in anger or aggression ? What are the standards for acceptance ?

Mr. Williamson states that they try to determine if there is a pattern, consult with the physician, write behavioral plans, or issue a 30-day discharge notice, if needs can't be met.

Ms. Wood asks if there is an initial screening process to determine this information.

Mr. Williamson states that they work with their clinical evaluators that receive a referral from a school district or hospital to gather records, refer to clinical evaluations and face to face meetings. The decision to provide services is based on whether they are medically and clinically appropriate for the program and that the person can be kept safe and benefit that person. It is decided by the program director and nursing staff. We try to review all of the available records and while we are not always accurate, as the records do not always tell the story, we learn a lot after the fact. A report is written and provided to the school district.

Ms. Wood states that the clinic would now like to expand the population they serve to include not just traumatic brain injury, include neurological impairment services. Would like to know if there is a shortage of patients with traumatic brain injuries and if this is the reason for requesting to expand the services.

Mr. Williamson explains that there are other facilities providing day services that allows patients to stay closer to home. There is a high need for adolescence, 18 and up, is growing, especially in the area of autism. Brain injuries in the Chicago area, are served by RIC and Shirley Ryan. In the past we would receive adult referrals, there are 15 day programs where those people are going now. There is a large number of kids (18 and over) from Illinois, who were relocated out of state. They now want their dollars spent on Illinois in Illinois, which explains the need to expand the change in service.

Ms. Wood inquires if home would be filled if they were serving just traumatic

brain injury.

Mr. Williamson states that right now they would not - there are not enough patients. At the current time we would not build a home to serve those with traumatic brain injuries.

Ms. Wood states disconcerting effects on residents and what steps were taken for the increase in incidents.

Mr. Williamson stated that they met with the Village to discuss the circumstances. They additional training for staff and environmental modifications to address concerns. This included installing hurricane glass to prevent further breaking of glass. We are trying to find locks that cannot be pushed through or broken. We are increasing trauma induced and mental health training for Staff. CPI training for staff regarding hands-on training.

Mr. Larson asked when did the time change occur from non-violent, older residents with traumatic brain injuries to adolescents being allowed in the program?

Mr. Williamson stated that the school opened in 2016 and the changes started in 2017.

Mr. Larson asks if the employee training has changed?

Mr. Williamson states the training evolves. Staffing model is 2-2-1 to 2-2-2 back in 2017. The neurological impairment was more recent.

Mr. Larson - recent police log and the medicine that was taken. What kind of meds are kept at the location and are they locked?

Mr. Williamson - refers question to on-site staff.

Swear in - Camelia Botez - 1158 N Deer Avenue - Program Director

Ms. Botez - In response to Mr. Larson's question - meds are stored in med-locks and they are locked and contain vitamins and prescribed medications. According to nurse on duty, the staff was counting the medicine and the patient barged in and took the meds. They did not know what was taken and fought over the medication.

Mr. Larson - what kind of medicines are stored was there any changes to protocols to prevent this from happening in the future.

Mr. Williamson confirmed that there are prescription medicines.

Ms. Botez - These medicines are locked and the training has addressed this issue. Gummy vitamins were taken in that incident. As it was not known what was taken, Staff called 911.

Mr. Larson asks - What is the average length of a patients stay?

Mr. Williamson states that it is generally 1-2 years.

Mr. Pirog states that there are numerous incidents of 14, 15 & 16 year old reports as recently as 3 months ago. Is there anyone under 18 there now?

Mr. Williamson states - No. After meeting with Palatine officials it was determined

that they would not house any patients under 18 years old.

Mr. Pirog asks if there is any security personnel, as it seems that the police were just called.

Mr. Williamson states - No.

Mr. Pirog refers to a report on file that notes a patient with Bi-Polar/severe depression - what category does this fall under? Since you're a short term facility - can this be fixed in 6 months?

Mr. Williamson - Replies it would be a neurological impairment - No it would require long term care.

Ms. Wood - if someone is 19 and graduated high school - do they go to therapy?

Mr. Williamson - Replies - Once they graduate through the program and school. Yes, with the ultimate goal to be function normally discharge back to the home community or transition into a junior college.

Ms. Wood - Asks what are patients doing post high school?

Mr. Williamson - they would be in therapy or job training.

Ms. Wood - do you have behavior therapist?

Mr. Williamson - yes. Speech language, occupation, physical therapy, psychological, and behavior therapists are all components of the therapy provided.

Mr. Dittrich - In your opinion - what is the increase in the calls to the police? Is it the age of the resident or neurological impairment.

Mr. Williamson - it would be the restrictions that Covid has placed on the patients more than anything. The 15-year olds would not lead to any less calls. There would not be a difference between a neurological impairment or brain injury and the number of police calls.

Mr. Larson - clarity - wasn't it a much older group - adults? Special use was for 5 beds, correct?

Mr. Vyverberg - There was not an age range listed and the reference in the business plan only adults.

Explains the special use for the home located in McMahon subdivision and is zoned R2. Home is licensed through the Illinois Dept. of Public Health as a community residence. Special use was granted in 2013 for a 5th resident. The approved special use was conditioned upon a business plan for 5 adults with traumatic brain injury. At some point the home transitioned away from the business plan. The Village was unaware of the changing of the Special Use and business plan. Staff became aware of increase in police call for service and contacted Petitioner to meet. After meeting it was determined that they would only admit adults over 18 into the home. Petitioner also identified typical training requirements for employees. The Village notes numerous police and ambulance call at location which included calls for property damaged, battery and run away instances. Staff maintains that the frequency and type of police call are concerning.

Mr. Dittrich - if the business plan is approved - there will be no residents under 18, correct?

Mr. Vyverberg confirms that is the what the Petitioner's application.

Mr. Larson asks if they went back to a 4 person house would that bring them back to code?

Mr. Vyverberg responds - Yes.

Mr. Vyverberg presents yearly graph of police calls since opening of group home which indicates that recent spike in calls were during the time period that the home allowed residents under the age of 18. Mr. Vyverberg indicated that the blue charts are the summary of total calls and the red line indicates the fire calls of that total, as a factor of differentiation.

Deputy Chief Nord sworn in.

Officer Nord explains the graph of service calls made to the police department and details what some of the calls were for and explain what the call volumes indicate. What is significant about this information is that a primary police call for response and could be a 1-car, 2-car, or up to 4-5-car response, depending upon the nature of the call. In some of the circumstances, there was a secondary response for fire assistance, if a transport to the hospital. On the call log, there were public service checks for missing juvenile, battery, well-being, disturbance, or check for well-being and depend upon the coding out of the call. In 2020, there were 22 calls for service, 11 of those calls involved residents of the home running away; 9 were juveniles (14-17 years old) and 2 were adults. There were times when the residents were found in the driveway, in the community and there were times when they were found with Staff being escorted back to the home.

Deputy Chief Nord continued indicating that in 2021, there were 8 calls, with the primary police response. Four were for suicidal subject; one was a public service; two were ambulance calls, with police assist, and one was a missing person. Four of the eight calls were for residents going outside of the home. They were stopped within feet of the home or within the neighborhood. For the calls for service, there are two residents that, through early January are responsible for 4 calls for service, and another resident from September through February that is responsible for 6 calls. These calls are for primary police focus response. In this area, for a missing person a 2 to 4 car response is typical to bring as many resources to the area, before harm is done. The police are reacting to the information being relayed to dispatch and the 911-call taker. If there are threats of suicide, the response is upped even more, with the Fire Department will stage to help and search the area.

Mr. Larson states, from his experience, the neighborhood was a quiet neighborhood - have other calls increased to this neighborhood and how does this affect the resources?

Deputy Chief Nord indicates that the increase to this area to the neighborhood and began in 2020. In 2019, there were 4 calls for service and 3 of the 4 were ambulance related. In response to Mr. Larson's question about the time constraints for a call, Deputy Chief Nord responded that the time is dependent upon the call type and in one instance, the police were called were three times in

one day, as a resident ran away twice and another resident also ran away. Typically, the police response states that calls can be 30 -45 minutes depends on how long it takes for the all clear and take 1-2 officers, with one beat officer to remain, if needed. They spend time at the home speaking with Staff and the resident. The Police has a liaison office that is assigned to be at the house and check in with the home. This allows the Police to know the resident and know what to expect if an episode exists in the community, with the goal of safely return them back to the home.

Mr. Cavanaugh asks how many group homes in Palatine?

Mr. Vyverberg states between 6-9 homes.

In response to Mr. Kavanaugh's question, as to how the police calls for service compare to other group homes, Deputy Chief Nord indicated that what is different in this instance is that these calls are primary police responses at this location, as opposed to the other homes have primary Fire response, with police support, which would be a medical primary response.

Mr. Luzcak inquired as to the calls whether the calls are coming from the surrounding residents and neighbors. Most of the calls are also coming from Staff.

Mr. Pirog notes that reports in 2020 and 2019, the majority were for residents under 18, but all of the calls for 2019, this should no longer be the case since residents will be 19 and above and does not include the younger residents.

Discussion with Deputy Chief Nord and Board regarding incidents on file and the last contact was from February 13th.

Discussion with Board as to whether the call spike, due to Covid. Deputy Chief indicated uncertainty if the residents are finding a way to get out if they do not want to be there.

Mr. McGinn asked if there is any increase crime data for the neighborhood. Deputy Chief does not have that data.

Mr. Williamson indicated that residents 18 and over are there voluntarily and they are able to sign themselves in or the guardian authorizes it. Neurorestorative is responsible for the residents.

Discussion about the residents' rights and concerns about trespassing, for example.

Deputy Chief Nord responded that it is a case by case basis and a trespassing complaint could lead to a citation.

Ms. Wood calls anyone from audience to speak.

Swear in - Dave Hagenbuch - 1181 N. Palos Avenue

Lives directly behind the group home since 2002.

Mr. Hagenbuch states he was at the village meeting in 2013. I had concerns at the time, but the first 6 years were a non-issue. Patients would walk around the block and seemed to always be escorted, but were friendly and open. They were a normal course of the day within the neighborhood.

Last year seemed to be a big change and talked about a violent incident in the driveway of the home which unsettled him. A young man, approximately 16 year old was trying to leave the driveway and 2 staff members tried to convince him to return to the home and was tackled and taken into the house. On another occasion he talked about hearing loud screams coming from inside of the house on at least 3 occasions has heard screams coming from the home. He feels it is the nature of the problems of the individuals and makes them unpredictable. They have basically been good neighbors up until the past year. They also park a lot on the sidewalk, causing pedestrians to have to walk around the vehicles. I wonder whether they are equipped to take care of the type of patients there.

Mr. Cavanaugh asks if the calls escalating in the last year and a half a result of what is going on in the world ?

Mr. Hagenbuch can't confirm if it is related to world issues, but it also could be a different environment were created in the home and Covid does not seem to be the only factor. Notes number of police calls.

Swear in - Frank Annerino - 1195 N. Palos Avenue

Indicated that he was here for the opening of the group home. Home is kitty corner to group home and has been a resident since initial application. The applied for a Special Use for 5 residents that were specifically for adults with traumatic brain injuries. In 2019, there were a noted spike in police calls was pre-covid. In the previous 7 years, there were 17 calls and in 2020, there were 20. There were an average of 3 calls per year, but there were 10 calls in 2020, and 3 in the first month of 2021. The transition from traumatic brain injuries to an all-encompassing neurological impairment appears to cover everything. There are violent and suicidal residents and police calls for an individual with a knife. Talked about how group home is close to a playground and how tragic it would be if one of the residents could turn violent and possibly endangering the lives of children in the area. It would be negligent to let this continue. It was disingenuous to change the business plan, without the Villages approval caused a lack of trust. It is unsettling, as a neighbor, that this is happening. I think this is a business decision.

Swear in - Joseph Oleksak - 1176 N Deer Avenue

Directly next door

Understands the plight. Prior to buying the house he researched police reports and found the incidents were low and felt it would be a safe environment for his family. They review the police calls, prior to moving into the home. He was also aware of the screaming and the outbursts at the home. It kept happening and

happening. Talked about seeing the police at the home on numerous occasions. Frustrated and fears for his family. Stated he also owns a business and understands that in the community where his business operates and would not operate outside of the requirements. The home should not be able to operate outside of guidelines. Does not understand how they can change the parameters under which they were approved. The shift from brain injuries to now a broad spectrum of services outside of brain injuries. From 2016 through 2018, there were no issues. The transition began in 2019. This is concerning given the amount of investment in our home.

Boardmember Pirog inquired whether the resident whether the age differences of the residents.

Mr. Olekask spoke about Oppositional defiance disorder and concerns about younger and older residents with differing needs. Questioned whether there was the expertise to address the many types of residents served within the broadened spectrum of services and security to address the issues at the home.

Mr. Larson asked the resident about the observational range of ages at the home.

Mr. Olekask responded that there was a range.

Ms. Wood inquired as to the basis or observation of incidents or causes for concern.

Mr. Olekask indicated that his office faces their building. He has heard banging and seen window glass bending from someone hitting the glass. Observed a resident leaving the home, crying and an employee walking with her trying to convince her to return. He observed what seemed to be an employee who appeared to be hit in the face crying in the driveway.

Swear in - David Ratkovich - 1189 N. Palos Avenue

New to Palatine since November. States he is a licensed Private Investigator and police officer. Previous owner of his home indicated that the previous owner discussed damage to garage door of the home. Talks about incidents witnessed at home involving screaming within the house. Concerns over no security staff and what hands on training is provided.

Ms. Wood invited the petitioner back to podium to address concerns. Mr. Williamson understands concerns and assures that they meet all legal and licensing requirements. Questioned Staff training at the home and the medicine storage at the home. Has there been a security assessment of the home and medicine storage. Has the company done everything possible to address the issues ? Is there a relationship with a medical system with behavioral health provider ? Are there involuntary holds at the home ? Notes that Palatine has

been a great partner and that they are rectifying age requirements and reiterates additional training in places and anticipates emergency call to come down.

Ms. Wood asks about current residents and what are their challenges. A five minute break was called.

Mr. Williamson describes the current resident issues. The home meets all of the legal and license requirements. Palatine has been a good partner. The age requirements have been rectified. The additional training was put into place and the calls for service will be reduced. Also, pre-COVID, the residents are at school from 8 AM to 4 PM for school and summer school. The residents are affected and have mental health issues. Some of the residents causing the calls are no longer in the home.

Ms. Wood asked about the profile of residents of those with brain injuries versus other categories.

Mr. Williamson summarized the background of the residents.

Mr. Kavanaugh inquired about the residents and police calls generated.

Ms. Botez indicated that one of the residents like the police officers to come to the home.

Mr. Larson asked about the age range of the residents and police calls over the years.

Ms. Botez indicated that 4-5 of the calls were from the same resident. A younger person was also response.

The calls were about residents both over and under 18.

Mr. Hagenbuch would like to see the Petitioner successful and they were for the first six years, but questioned whether they are equating the former patient profile with the current resident treatments.

STAFF RECOMMENDATION:

The Subject Property was approved for a Special Use to allow for a group home to serve five adult residents, who were impacted by a traumatic brain injury. The business plan transitioned to provide service to minors with varied neurological impairments. Upon the Village determining that a transition was made outside of the Special Use requirements, the Petitioner summarily responded and applied for a Special Use Amendment to allow the service transition for residents 18 years or older.

The Staff review of both the frequency and types of police calls for service

demonstrate a lack of compliance with the required Special Use standards and the prior Special Use approval, that the operation is designed and proposed to be operated that the public health, safety, and welfare are protected. These calls include property damage, battery, and impact to the surrounding properties. The volume of calls also significantly increased, beginning in 2020. These calls for service would seem to operate as a preview of the requested special use amendment.

The previous Special Use's operation and business plan did not create any significant police calls for service and appeared to operate without impact to the surrounding properties. The substance of the calls for service over the last year are impactful and contrary to compliance with the required Special Use standards.

The Special Use standards were read into the record.

Therefore, Staff does not believe that the proposed Petition complies with the necessary standards, including, but not limited to, being designed, located, and proposed to be operated that the public health, safety, and welfare will be protected and recommends denial of the requested Special Use Amendment. Therefore, if the Zoning Board of Appeals recommends approval, Staff recommends the following conditions:

1. The Special Use shall substantially business plan submitted by the Petitioner on 12/01/20, except as such plans may be changed to conform to Village Codes and Ordinances.

Discussion:

Mr. Kavanaugh asks what will it revert to if denied?

Mr. Vyverberg stated it would be permitted to operate as a 4 resident group home

Ms. Wood asks if they would be able to go to the Special Use of 5

Mr. Vyverberg stated the special use would remain in effect

Mr. Pirog asks if they can go back to 4 if the special use is denied.

Mr. Vyverberg states that they could.

Mr. Kavanaugh asks if age would be a factor.

Mr. Vyverberg states that it would be an over 18 group home.

Ms. Wood asks if petitioner or anyone else has any questions about staff's recommendations.

Christian Novay - Representative for Petitioner at 1158 Deer Ave - asks Mr. Vyverberg if he feels the most recent use of the preview of events to come is valid.

Mr. Vyverberg confirms that he was part of the meeting at Village Hall where Staff indicated that the Petitioner was operating outside of the approved special

use and the Petitioner indicated that they were not going to revert to the approved special use and applied for an amendment.

Mr. Novay asked if he was in agreement that at the meeting it was discussed that no one under 18 would be housed at the facility.

Mr. Vyverberg indicated that this was the basis of their petition.

Mr. Novay states that it can't be a preview of events to come if what is at issue has already been eliminated.

Mr. Vyverberg indicated that the petitioner received an earlier question to the petitioner about the age of a resident and their service need for a neurological impairment or traumatic brain injury were factors in the police calls for service and could not assess the impact.

Mr. Novay and agreed and asked whether Mr. Vyverberg agreed that the police calls were for those under 18.

Mr. Hagenbuch indicated that the calls in January through February 13th were for residents 19 years and older.

Mr. Pirog asked whether the residents may be discharged.

Mr. Williamson indicated that the particular resident was discharged and clarified that the 19 year old referenced was still residing there, but another 17 year old resident remained. The residents are given chance to remain and if unsuccessful they would be discharged.

The Public Hearing was closed.

DELIBERATIONS:

Mr. Larson states that prior to the change in special use and business plan for type of resident at the house. The age aside, prior to the use, there were not issues. Perhaps this use is not the best for the area and not operating in the interest of the health safety and welfare for the area. Also spoke to the impact to the property values based upon the amount of police calls. Discussed the issues with property values.

The resident and neighborhood has been affected negatively and noted the safety and welfare of the public. Discussed the issues with property values.

Mr. Dittrich agrees with Mr. Larson and can go back to the original special use for 5 adults, with traumatic brain injuries.

Ms. Wood also agrees. The home for Neurological Impairment of Brain Injury is a compassionate thing. It's admirable and touching that Mr. Williamson wants a home to help these people. The purpose this home serves is incredible, but unfortunately it may not be in the right neighborhood and states it may be too dense and with families.

Feels the standards for SU have not been met. Notes that there have been problems with trust and neighborhood safety. Residence could be at risk. Realizes patients need to get best care possible, but need to consider the safety of the residents, but this is not working. Also notes that there has been injury to

the value of the surrounding properties and neighborhood safety. States that she can't support.

Mr. Pirog states that standards have not been met and can't support. Suggest that they revert back to the original request and prove that they can manage the current request for a year or two and then request a new SU.

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

Mr. Dittrich made a motion to deny subject staff's conditions; seconded by Mr. Larson

RESULT:	RECOMMEND TO DENY [UNANIMOUS]
AYES:	Larson, Wood, Luszczak, McGinn, Cavanaugh, Dittrich, Pirog

IV. COMMUNICATIONS

V. ADJOURNMENT



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 9, 2021

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

II. APPROVAL OF MINUTES

The minutes from the February 23, 2021 meeting will be reviewed at the March 23rd meeting.

III. PUBLIC HEARING

1. 308 S. Benton Street - **Recommended to Approve**

Notice was published in the Daily Herald on February 22, 2021 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/ Site Plan
4. Public Notice
5. Letter of Support

Sworn in Staff: Ben Vyverberg

Sworn in petitioner: Bryan Bergles 308 S. Benton St

Mr. Bergles stated they are seeking a variance and set back for a 2-car garage. The request is for the garage to be located 2.5 feet from the lot line and height relief for a 22' garage. Also requesting a 6' set back off the home. He states that the property lot is narrow. At time of purchase it was a single story ranch and a variance was requested for a remodel and is now a 2-story home. The new special use request is to add a 2-car garage. Mr. Bergles states that it is a challenging property due to the size and lot coverage restrictions. He states that

Minutes Acceptance: Minutes of Mar 9, 2021 7:00 PM (Approval of Minutes)

the variance would allow them to be able to pull straight into the garage without any obstacles. If the garage is built further back on the lot it would require more lot coverage. Mr. Bergles talks about the private underground storm sewage system that he installed and was approved by the village. He stated that it ties into the villages' sewer system and prevents flooding in his backyard. It also benefits his neighbors and prevents flooding in their yards. He states that if the garage was to go further back on the lot line it would risk having the garage in a flood plain. Mr. Bergles states that he doesn't want to go further back into the yard and that the side lot relief would allow him to have the 2-car garage closer to the house. Without the side lot relief it would be a challenge to get the 2nd vehicle into the garage. The goal is to be able to pull straight in and to have a 2nd story on the garage for storage. Mr. Bergles points out that the west property behind him and the property to the North have 2-story garages. He explains that his property would not stand out and it would add to the aesthetics of the neighborhood. Mr. Bergles explains that the garage would definitely be a 10' set back from other properties and would not compromise other structures in the area.

Mr. Pirog asks if there is a fence.

Mr. Bergles states that there is fence to the north of the structure.

Ms. Wood asks what the reason for the additional couple of feet is and what is preventing you to stay within the property line requirements.

Mr. Bergles states that it is to allow room to get to the 2nd spot in the garage. He states that if he was to go further into the yard it would require additional lot coverage and a different variance.

Ms. Wood asks if the 2-car garage was taken into consideration when the addition was built.

Mr. Bergles states that it is a narrow lot. The addition has no validation - that is why he is requesting relief on the side yard.

Ms. Wood asks if the run off from the garage will go onto any of the neighbor's yards.

Mr. Bergles states run off would go into the underground storm system.

Ms. Wood asks if the height is for aesthetics.

Mr. Bergles states that he is requesting the additional height for extra storage space.

Ms. Wood states his home mixes in with the neighborhood and the garage is partially hidden. She states that she has not seen garages as tall as his request and it seems out of character.

Mr. Bergles states that the house to the north has a garage that measures 20' in height.

Ms. Wood asks if he knows when the garage was built.

Mr. Bergles states that it was built prior to '08 when he purchased the house. He also talks about a home on Hale St with a 2-car garage with an office above.

Ms. Wood asks staff if they have any information on these properties.

Mr. Vyverberg states that a survey of surrounding properties was completed and there are a few properties that received lot coverage variations and 2 other properties that received variances for setback. There was also 1 instance of a property on the south side with a covered awning/ side port that was allowed to be placed at 4.5' instead of 5'. Mr. Vyverberg agrees that in the instances that Mr. Bergles has sited he did not find any zoning relief to the property to the North or West regarding height of square footage.

Ms. Wood asks if anyone has any more questions for the petitioner.

Mr. Pirog states that if you already have water issues wouldn't this make it worse?

Mr. Bergles states that is why the down spouts would tie into the private storm system. He doesn't believe the new structure will change the water issues.

Ms. Wood asks if he built the garage at 15' at midpoint wouldn't he still have the needed storage.

Mr. Bergles would like to keep with the character of the house.

Mr. Pirog asks if the architect recommended the 2.5'. Who determined the 2.5' rather than the 5'?

Mr. Bergles states that the curve to get around the corner and the back deck would be near impossible to get to the garage space, which is the reason for the requested 2.5'.

Mr. Pirog asks if he built the garage further back would the variance be required.

Mr. Bergles states he is trying to avoid the flood plain. The garage plan as drawn would have the best curb appeal. The 5' on the side of the garage is not useful and is dead space. Therefore, the 2.5' request seems the best use for this space.

Mr. Pirog asks if neighbors had to sign anything to approve his plan.

Mr. Bergles states that neighbors are in support and there has not been any negative feedback.

Ms. Wood asks Staff for clarification.

Mr. Vyverberg discusses a point of clarification and speaks about the flood plain on Mr. Bergles' rear west side of property. Mr. Vyverberg explains that it is not in the flood plain but flows to the west. A permit was requested to add the storm sewer system and approved but it was not in the flood plain.

Staff did not object to the 6' relief from the principal structure to the garage. Initial concern is that the existing garage is a 1-car garage and the new request is not meeting the setback. The special use is also requesting the new structure to be built with a maximum height of 22' and it diminishes the setback almost in half.

This is a concern for staff. He believes it would be possible that the underlying 5' setback could be met. Mr. Vyverberg staff understands the perspective about moving the cars in and out and the room it requires. ZBA is aware that detached garages are more common than attached in the neighborhood. Staff understands what the petitioner is trying to do in regards to height and rooflines. Staff found that within a couple blocks of the property there is accessory structure relief and lot coverage reliefs. Staff is not recommending approval to the ZBA and the village council and ZBA will review.

Mr. Pirog asks if there is any way to do what petitioner is asking for if the 2.75 is not granted. He would have to push it back, right?

Mr. Vyverberg said that if the garage met the 5' setback which is required by code the lot coverage would increase and a different type of lot coverage variation would be required. The only way to accomplish this is to relocate to the south and west and increase the lot coverage.

Mr. Dittrich asks if staff would approve if the garage were it not as high. Is the denial because of the height coupled with the lot line?

Mr. Vyverberg states that demolishing the structure and starting new to meet the side yard setback.

Mr. Pirog notes the petitioner stated if it was built further back it would be in the flood plain/sewer area.

Mr. Vyverberg states that there is the ability to meet the side yard setback requirement with the garage this size and not have any storm water concerns. It would have to be built a certain way and graded accordingly but it's not an impossibility

Ms. Wood asks if there are any questions for staff.

Mr. Dittrich refers to 61 E corner lot - Is the garage considered a legal garage or is it in the side yard. How far is this garage from the side line?

Mr. Vyverberg states they pulled the plat of surveys for the surrounding properties. The property garage in question sits 10' from the property line. This would be considered a rear yard.

Ms. Wood moves to Staff Recommendations

STAFF RECOMMENDATION:

Detached garages are both typical and common in this subdivision. The Petitioners are requesting to build a 2-car detached garage that exceeds both the maximum height and minimum setback requirements, as well as, the total maximum allowable lot coverage. The Subject and surrounding properties were platted in 1926 and most of the lots in this area are substandard for lot width (a minimum of 75 feet wide is the current requirement and has been since the early

1970's) and total lot size. Most of the homes in the neighborhood have detached garages (including the lot directly north of the Subject Property - that resident submitted an email of support for the request).

The setback from the house of 6 feet was previously contemplated when the Petitioner completed the second story addition. Staff does not object to the proposed separation variation between structures. Nevertheless, Staff believes that the proposed garage could comply with the minimum 5-foot setback requirement from the side property line. The existing garage is a single-story and is setback 4.84 feet from the side property line. The new garage is 546 square feet versus the existing 308 square feet. Staff does not believe that the standards have been met to justify the setback reduction for the garage. Staff understands that in order to meet the setback requirement, additional lot coverage relief would be required and the garage would further encroach into the rear yard. Nevertheless, Staff recommends denial of the requested setback reduction.

The proposed garage is 22 feet tall, which is lower than the highest point of the existing home, 30 feet. However, there did not appear to be any detached structures of similar height, and the neighboring detached garages do meet Code for a maximum height of 15 feet. The submitted plans indicate that the second story would be unfinished and used for storage only. However, this could be achieved and still meet the height requirements. The lot is substandard for lot area, which impacts the lot coverage increase. As with the previous improvements, the lot existing at the maximum lot coverage allowed, so any additional impervious surface would have required a lot coverage variation. Due to the existing grading in the area, the Village Engineer indicates that any additional lot coverage will not impact the surround properties and the Petitioner recently extended a private storm sewer on the north side of the property line. Therefore, Staff does not have any other specific concerns about the lot coverage variation.

Staff recommends action at the discretion for Special Use to exceed the maximum height of an accessory structure of the Zoning Board of Appeals. If the Zoning Board of Appeals recommends approval of the Special Use, Staff recommends the following condition:

1. The Special Use and Variations shall substantially conform to the plans prepared by the architect, KAPA dated 6/30/2020, and elevations submitted by the Petitioner on 11/9/21, except as such plans may be changed to conform to Village Codes and Ordinances.

Mr. Vyverberg said there is also a question about the down spouts and gutters if this is approved it will be addressed at the building permit level.

Mr. Pirog asks if the 55' lot is a unique circumstance. Has other properties in the neighborhood requested the 2' set back variation. Can you clarify why the request doesn't it meet the standards.

Mr. Vyverberg states that it is ultimately at the discretion of the ZBA. From staff perspective, specifically for the variation, petitioner must show if the property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; that the plight of the owner is due to unique circumstances; Staff feels that the findings show it is physically possible to relocate the garage on the property to meet the side yard setback.

Ms. Wood asks if there are any questions on staff's recommendations.

Mr. Bergles states he is here to request a variance and relief from the standards and village code.

Mr. Dittrich - asks Mr. Bergles to confirm the underground sewage system that is installed in back corner of lot.

Mr. Bergles states that he installed the sewage system to eliminate standing water on his property.

Mr. Dittrich states that the reason for building the garage as planned would not be affected if the garage were moved back further it would cut into the underground sewage.

Mr. Bergles states the system would not be affected

Ms. Wood asks if there are any other questions for staff or petitioner.

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

Mr. Dittrich made a motion to approve the special use to permit an accessory structure to exceed the maximum height allowed subject to staff's condition.

Ms. Wood - would you like to address 3 motions.

Mr. Dittrich amends motion and approves all 3 - the special use and 2 variations subject to staff's condition.

DELIBERATIONS:

Mr. Dittrich states the lot coverage is already at 45%. Anything beyond a one-car garage will exceed the Village ordinances. Village staff hasn't expressed any concern in regards to lot coverage. He notes that the Special Use exceeding 15' on the height is high but the height of the house is at 30'. Does not feel that it would be out of place.

Regarding the lot line variation he believes the patio with the steps would be difficult to pull out of the garage and it creates obstacles.

Ted believes it could get costly and interfere with some of his drainage structures. To have a reasonable return on your property you would need a 2-

car garage and from that stand point, the variation has been met.

Mr. Pirog talks about the lot line and either way it would need a variance due to lot size.

Ms. Wood agrees that a 2-car garage is a reasonable request. The accessory structure located 2' from lot line is a concern and notes that after driving by the lot, she observes that the property looks very crowded. Ms. Wood notes that there are unique circumstances to the size of the structures and the size of the lots. Architecturally it does make sense since it is hidden from the view. The 2' side lot gives her pause.

Ms. Roth- Wurster states that the home is lovely. She states that her concern is the lot coverage. The area already has an issue with water and this may enhance it. She is concerned about adding anything to the lot coverage. In regards to the location and 2' from the side lot line she notes that in her neighborhood there are garages 2' from lot line. If neighbors that are most impacted by it don't have a problem with it than she's fine with the request. She also notes that pulling in and out of the garage in a straight shot is important.

Ms. Wood summarized that this request has met the standards and was approved by a vote of 4-2. This item will tentatively go to Village Council on April 12, 2021

RESULT:	RECOMMENDED TO APPROVE [4 TO 2]
MOVER:	James Dittrich, Commissioner
SECONDER:	Theodore McGinn, Commissioner
AYES:	Luszczak, McGinn, Dittrich, Pirog
NAYS:	Roth-Wurster, Wood
ABSENT:	Larson, Cavanaugh

IV. COMMUNICATIONS**V. ADJOURNMENT**

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 03/23/21 07:00 PM

CASE STAFF STATEMENT (ID # 6635)

220 N. Smith Street Unit #120

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Lyn Bremanis

PETITIONER: Dr. Russell Verbic (Verbic Orthodontics)

CASE NUMBER: 21-17

ADDRESS: 220 N. Smith Street Unit #120

PROPOSAL:

Special Use to permit a medical (dental) office pursuant to Section 11.03 (d) (42) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 220 N. Smith St. #117 District 6 (Helms)	<u>CURRENT ZONING:</u> P- Planned Development
---	---

SURROUNDING CONDITIONS:

<u>North:</u>	R-2 Multifamily Residential District
<u>South:</u>	P- Planned Development (Multi-family residential)
<u>East:</u>	R-2 Multifamily Residential District
<u>West:</u>	M - Manufacturing District

BACKGROUND:

The Petitioner is proposing to relocate a dental office in the Gateway Center. Therefore, the Petitioner is requesting:

Special Use to permit a medical (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 is proposing to operate a dental office specializing in orthodontics. The practice is currently located at 600 N. North Court, but would like to relocate

their existing office within the subject property.

- The subject tenant space is approximately 2,161 square feet.
- The proposed hours of operation are Monday - Friday from 7:00 am to 6:00 pm.
- There will be 5 employees working at any given time.
- The average number of patients per hour is 3.
- Based on the square footage, 7 parking spaces are required for this use. There will be 5 parking spaces allocated to the practice for employees in the adjacent parking garage. Hamilton Partners has 378 total parking spaces within the parking garage.
- Additionally, there are 68 3-hour maximum parking spaces reserved for office and retail visitors on the 1st floor of the parking garage.

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, is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected and that the Special Use will not cause substantial injury to the value of other property in the neighborhood in which it is located. The Petition for a Special Use is attached, and the Petitioners have attempted to address the required standards.

STAFF RECOMMENDATION:

The proposed use of the tenant space as a dental office would occupy a vacant tenant space and maintain the current mixture of office and service uses within the building and overall development. This is a relocation of the existing practice within Palatine 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 2/23/21 and the Floor Plan prepared by Apex Design Build dated 1/15/21, except as such plans may be changed to conform to Village Codes and Ordinances.

ATTACHMENTS:

- Aerial map
- Special Use Application
- Plat of Survey
- Business Plan
- Floor Plan
- Public Notice

220 N Smith Street Unit #120

3.1.a

VILLAGE OF
PALATINE



Attachment: Aerial map (220 N Smith Street Unit 120 - SU medical)

VILLAGE OF PALATINE

SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning
200 E. Wood Street • Palatine, IL • 60067-5339
Telephone: (847) 359-9047 • Fax (847) 963-6247

Office Use Only	Project Planner	Zoning Case #
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date

date received

Background Information	PETITIONER(S)		Business Name (if applicable)	
	Russell M. Verbic		Verbic Orthodontics	
	Subject Property Address			
	220 N. Smith St., Suite 120, Palatine, IL 60067			
	AUTHORIZED AGENT (if applicable)		Business Name (if applicable)	
	Address		City/State/Zip Code	
	Telephone	Fax	Email	
	Relationship to Petitioner (contractor, architect, etc.)			
	TYPE OF APPLICATION (check one)			
	☒ Special Use ☐ Special Use Amendment ☐ Variation			
Existing Zoning District		Existing Land Use	Proposed Land Use	
Generally describe your request: <u>Approval to build out an orthodontist office (adjacent to an existing Periodontist office)</u>				

Attachment: Special Use Application (220 N Smith Street Unit 120 - SU medical)

PALATINE

SPECIAL USE

Required Materials

- ☐ Filing Fee of \$ _____
- ☐ Application Form
- ☐ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☐ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☐ Real Estate Interest Disclosure Form (see attached)
- ☐ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)
- ☐ Business Plan (if applicable; including, but not limited to nature of business, hours of operation, number of employees, and menu)

Additional Materials (as required by the Village)

- ☐ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.05 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Variation only, you do not need to answer these items.***

1. The use is deemed necessary for the public convenience at that location

Yes

2. The use is designed, located, and proposed to be operated that the public health, safety and welfare will be protected

Yes

3. The use will not cause substantial injury to nearby property values

Nearby property values will not be harmed.

4. With respect to live entertainment uses, the use shall not:
- a. Produce noise levels so great as to constitute an unreasonable interference for persons outside the confines of the establishment
 - b. Impose undue health, sanitation or safety burdens on the village
 - c. Create excessive demands on the Village of Palatine Police Department
 - d. Be of a nature otherwise prohibited by law or village ordinance

5. For fence standards, see Section 14.05 of the Palatine Zoning Ordinance

A) No high levels of noise. B) No increased health, sanitation, safety burdens to the Village. C) No increased demands from Police.
D) Standard Orthodontist practice.

5. No exterior work

REVISIONS: 		CONSULTING ENGINEERS SITE DEVELOPMENT ENGINEERS LAND SURVEYORS	DATE: 12/18/17 JOB NO: 3155 FILENAME: 3155ALTA.LT
		9575 W. Higgins Road, Suite 700, Rosemont, Illinois 60018 Phone: (847) 696-6260 Fax: (847) 696-6265	SHEET 1 OF 1



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Village of Palatine

Department of Planning & Zoning

200 E. Wood St.

Palatine, IL 60067

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02/23/2021

RE: Business Plan

To Whom it may concern:

I plan to operate an orthodontic practice at 220 N. Smith Street, Suite 120, which is 2161 square feet. I am relocating from 600 N. North Court, Suite 220. There will be six orthodontic adjustment chairs in the clinical area and a reception area with seating for 10 people. There will be an average of 3 patients at any time. There will be five employees working on the premises and 5 parking spaces have been allotted in the building's parking garage in their designated employee only parking area. The hours of operation will be Monday-Friday 7:00am to 6:00pm.

Sincerely,

Russell M. Verbic

600 N. North Court, Suite 220
Palatine, IL 60067
Tel: (847) 359-7980
Fax: (847) 359-7585

133 Park Avenue
Barrington, IL 60010
Tel: (847) 382-5588
Fax: (847) 382-6044

www.palatinebraces.com
www.barringtonbraces.com

Attachment: Business Plan (220 N Smith Street Unit 120 - SU medical)



1 FLOOR PLAN - 1ST FLOOR
1/4" = 1'-0" NOTE: IF DRAWING IS PRINTED @ 11X17 SCALE: 1/8" = 1'-0"

PUBLIC NOTICE
A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, March 23, 2021 at 7:00 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:

Special Use to permit a medical (dental) office pursuant to Section 11.03 (d) (42) of the Palatine Zoning Ordinance.

The property is commonly known as 220 N. Smith Street Unit #120 (02-15-400-054).

The Petitioner is proposing to relocate their existing dental office, Verbic Orthodontics, to the Gateway Center.

The above petition has been filed by Dr. Russell Verbic and is available for examination in the office of the Village Clerk, 200 E. Wood Street.

FILE #: 21-17

VILLAGE OF PALATINE
Jan Wood, Chair
Palatine Zoning Board of Appeals

DATED: This 8th day of March, 2021
Published in Daily Herald
March 8, 2021 (4559675)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Northwest Suburbs Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **Northwest Suburbs DAILY HERALD**. That said Northwest Suburbs DAILY HERALD is a secular newspaper, published in Arlington Heights and has been circulated daily in the Village(s) of: Arlington Heights, Barrington, Barrington Hills, Bartlett, Buffalo Grove, Deer Park, Des Plaines, Elk Grove, Franklin Park, Glenview, Hanover Park, Hoffman Estates, Inverness, Melrose Park, Morton Grove, Mt Prospect, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Rolling Meadows, Rosemont, Schaumburg, Schiller Park, South Barrington, Streamwood, Wheeling, Wilmette

County(ies) of Cook

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and in general circulation throughout said Village(s), County(ies) and State

I further certify that the Northwest Suburbs DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a copy, was published 03/08/2021 in said Northwest Suburbs DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, its authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY

Daula Baitz

Designee of the Publisher and Officer of the Daily Herald

Control # 4559675

Attachment: Public Notice (220 N Smith Street Unit 120 - SU medical)

Dec 3/15

**VILLAGE OF PALATINE
Zoning Board of Appeals**

SCHEDULED 03/23/21 07:00 PM

CASE STAFF STATEMENT (ID # 6636)

220 N. Smith Street Unit #117

TO: Palatine Zoning Board of Appeals
Jan Wood, Chair

FROM: Lyn Bremanis

PETITIONER: Debra Muffoletto & Sharon Niewinski, My Salon Suite of Palatine

CASE NUMBER: 21-10

ADDRESS: 220 N. Smith Street Unit #117

PROPOSAL:

Special Use to permit a maximum of eight (8) suites for massage and medical (chiropractic services) pursuant to Section 11.03 (d) (22) and (42) of the Palatine Zoning Ordinance.

<u>LOCATION:</u> 220 N. Smith St. #117 District 6 (Helms)	<u>CURRENT ZONING:</u> P- Planned Development
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SURROUNDING CONDITIONS:

<u>North:</u>	R-2 Multifamily Residential District
<u>South:</u>	P- Planned Development (Multi-family residential)
<u>East:</u>	R-2 Multifamily Residential District
<u>West:</u>	M - Manufacturing District

BACKGROUND:

The Petitioners are proposing to allow up to 8 suites to be used for massage and medical (chiropractic) uses. Therefore, the Petitioners are requesting:

Special Use to permit a maximum of eight (8) suites for massage and medical (chiropractic services).

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 Petitioners own My Salon Suites of Palatine, which provides individual rooms for beauty/health and wellness businesses that are permitted uses. The Petitioners are requesting that 8 of these suites are approved for massage and/or chiropractic services. The Petitioners have stated they will verify appropriate licenses as both uses require a State License.
- The subject tenant space is approximately 4,588 square feet with 31 suites ranging from 127 to 248 square feet.
- The proposed hours of operation are Monday - Sunday from 7:00 am to 10:00 pm. Individual tenants set their own hours within this timeframe.
- If these uses are permitted, this will not affect the current parking requirements, as the Zoning Ordinance requires the same 1 parking/300 square feet, per 300 square feet of gross floor area for these uses.
- There are 25 parking spaces allocated to the space in the adjacent parking garage. Hamilton Partners has 378 total parking spaces, within the parking garage.
- Additionally, there are 68 3-hour maximum parking spaces reserved for office and retail visitors on the 1st floor of the parking garage.

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, is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected and that the Special Use will not cause substantial injury to the value of other property in the neighborhood in which it is located. The Petition for a Special Use is attached, and the Petitioners have attempted to address the required standards.

STAFF RECOMMENDATION:

My Salon Suites are mall-style suites consisting of individual beauty, health and

wellness type businesses. The spaces are set-up for individual microbusinesses, and the Petitioners are seeking a Special Use to allow up to 8 of the 31 tenant spaces to be used for massage and chiropractic services. However, Chiropractors do have a much higher number of clients per day in comparison to the existing businesses and proposed massage uses.

Therefore, Staff is proposing that there be a maximum of 3 chiropractors permitted at any one time. With this limitation, the proposed Special Use should not have a negative impact on the surrounding businesses or properties. In addition, each massage therapist and chiropractor will be required to obtain a Palatine Business License and provide a copy of their respective State licensure. 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 Plan submitted by the Petitioners on 2/19/21 except as such plans may be changed to conform to Village Codes and Ordinances.
2. The massage and chiropractic tenants shall apply for a business license with the Village of Palatine and provide a copy of the State License with the business license application.
3. Not more than three (3) chiropractic tenants shall be permitted at any one time.

ATTACHMENTS:

- Aerial map
- Special Use Application
- Plat of Survey
- Business Plan
- Floor Plan
- Public Notice

220 N Smith Street Unit #117

3.2.a





SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning
 200 E. Wood Street • Palatine, IL • 60067-5339
 Telephone: (847) 359-9047 • Fax (847) 963-6247

Office Use Only	Project Planner	Zoning Case #
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date

date received

Background Information	PETITIONER(S)		Business Name (if applicable)	
	Debra Muffoletto & Sharon Niewinski - Muffski, Inc. -dba- My Salon Suite of Palatine			
	Subject Property Address 220 N Smith Street, Suite 117 Palatine 60067			
	AUTHORIZED AGENT (if applicable)		Business Name (if applicable)	
	Address		City/State/Zip Code	
	Telephone	Fax	Email	
	Relationship to Petitioner (contractor, architect, etc.)			
	TYPE OF APPLICATION (check one)			
	☒ Special Use ☐ Special Use Amendment ☐ Variation			
	Existing Zoning District		Existing Land Use	
Generally describe your request: We are requesting to have 25% or 8 suites out of 31 total suites zoned for Massage and Chiropractic services.				

Attachment: Special Use Application (220 N Smith Street Unit 117 - SU massage and medical)



SPECIAL USE

Required Materials

- Filing Fee of \$ _____
- ☐ Application Form
- Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☐ Real Estate Interest Disclosure Form (see attached)
- ☐ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)
- ☐ Business Plan (if applicable; including, but not limited to nature of business, hours of operation, number of employees, and menu)

Additional Materials (as required by the Village)

- ☐ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.05 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Variation only, you do not need to answer these items.***

1. The use is deemed necessary for the public convenience at that location

With the addition of Massage Therapy and Chiropractic Services, My Salon Suite of Palatine will become a convenient one stop full service health/wellness and beauty establishment.

2. The use is designed, located, and proposed to be operated that the public health, safety and welfare will be protected

The owners of My Salon Suite of Palatine will verify credentials, licensure and background of all individuals prior to entering into a lease.

All of the individual business owners will follow the standard and best practices for their discipline as required by My Salon Suite of Palatine.

This will ensure that the public health, safety and welfare are protected.

3. The use will not cause substantial injury to nearby property values

My Salon Suite of Palatine is already established as a Salon, adding Massage Therapy and Chiropractic services will not cause injury to nearby property values. This salon if anything, has enhanced the Palatine Offerings and value of being in this community.

4. With respect to live entertainment uses, the use shall not:

- a. Produce noise levels so great as to constitute an unreasonable interference for persons outside the confines of the establishment
- b. Impose undue health, sanitation or safety burdens on the village
- c. Create excessive demands on the Village of Palatine Police Department
- d. Be of a nature otherwise prohibited by law or village ordinance

5. For fence standards, see Section 14.05 of the Palatine Zoning Ordinance

N/A

MY SALON Suite®

220 N. Smith Street, Suite 117
Palatine, Illinois 60067
(847) 859-9677

Summary:

My Salon Suite of Palatine is a mall of individual beauty/health and wellness businesses in one location. The expansion of services to include Massage and Chiropractic services provides a diversity of offerings within the 31-suite salon. We are requesting 25% or 8 suites to be able to obtain a business license for Massage and/or Chiropractic Services.

Purpose:

The concept of this business model is to provide suites for beauty and wellness professionals who wish to provide individual service to their own clients and to own and operate their own business. In this era of a global pandemic, the model also offers a welcoming safe, clean and private alternative to a traditional salon/spa or clinic where groups of people gather for service.

Marketing:

The My Salon Suite of Palatine opened in May of 2019 and has been utilizing a variety of marketing strategies, which include but are not limited to, Direct Mail, Social Media: Facebook, Instagram, and LinkedIn. Building signage, print marketing in town (Palatine) directory and membership in Palatine Chamber of Commerce.

Services & Hours of Operation:

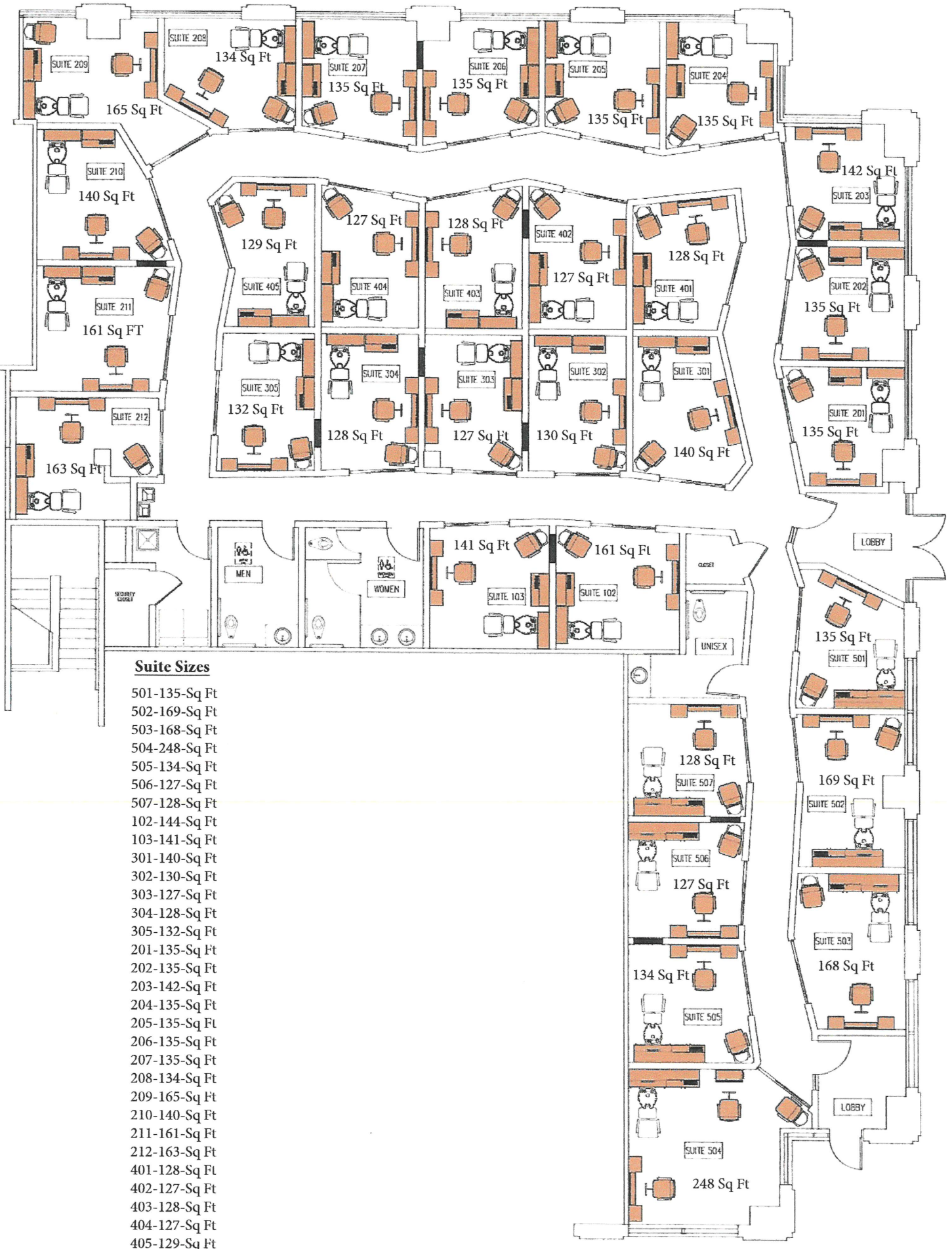
In addition to the Hair services and other beauty services currently offered at My Salon Suite of Palatine, the addition of Massage and Chiropractic services provides a full service offering of beauty, spa and wellness in one location.

The hours of operation will be flexible to meet the needs of the clients and business owners. The specific hours of operation will be established by the individual business owner, but will be between the hours of 7:00AM & 10:00PM seven days per week.

Conclusion

The owners of My Salon Suite of Palatine intend to verify the credentials/background of the Massage Therapists and Chiropractors that lease a suite for their own business. All must have proper licensure and professional liability insurance.

This salon with diverse services will enrich the downtown Palatine area with a salon of individual suites providing fulsome offerings for beauty and health/wellness in one location.



PUBLIC NOTICE
 A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, March 23, 2021 at 7:00 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:
 Special Use to permit a maximum of eight (8) suites for massage and medical (chiropractic services) pursuant to Section 11.03 (d) (22) and (42) of the Palatine Zoning Ordinance.
 The property is commonly known as 220 N. Smith Street Unit #117 (02-15-400-054).
 The Petitioners are requesting to permit up to eight (8) suites in My Salon Suites located within the Gateway Center to be used for massage and chiropractic services.
 The above petition has been filed by Debra Muffoletto and Sharon Niewinski and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
 FILE #: 21-10
 VILLAGE OF PALATINE
 Jan Wood, Chair
 Palatine Zoning Board of Appeals
 DATED: This 8th day of March, 2021
 Published in Daily Herald
 March 8, 2021 (4559673)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Northwest Suburbs Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **Northwest Suburbs DAILY HERALD**. That said **Northwest Suburbs DAILY HERALD** is a secular newspaper, published in Arlington Heights and has been circulated daily in the Village(s) of: Arlington Heights, Barrington, Barrington Hills, Bartlett, Buffalo Grove, Deer Park, Des Plaines, Elk Grove, Franklin Park, Glenview, Hanover Park, Hoffman Estates, Inverness, Melrose Park, Morton Grove, Mt Prospect, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Rolling Meadows, Rosemont, Schaumburg, Schiller Park, South Barrington, Streamwood, Wheeling, Wilmette

County(ies) of Cook

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and in general circulation throughout said Village(s), County(ies) and State

I further certify that the Northwest Suburbs DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a copy, was published 03/08/2021 in said Northwest Suburbs DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, its authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY

Daula Baltz

Designee of the Publisher and Officer of the Daily Herald

Control # 4559673

Attachment: Public Notice (220 N Smith Street Unit 117 - SU massage and medical)

Rec 3/15