



# 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 14, 2023

Village Hall - Council Chambers

Regular Meeting

7:00 PM

### I. CALL TO ORDER

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

### II. MINUTES APPROVAL

1. Zoning Board of Appeals - Regular Meeting - Feb 14, 2023 7:00 PM

**Mr. McGinn made a motion to accept the minutes of February 14, 2023;  
Seconded by Ms. Roth-Wurster**

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

**III. PUBLIC HEARING**

1. 640 W. Colfax Street

<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS]</b>
<b>MOVER:</b>	Cindy Roth-Wurster, Commissioner
<b>SECONDER:</b>	Jerry Luszczak, Commissioner
<b>AYES:</b>	Roth-Wurster, Wood, Luszczak, McGinn, Cavanaugh, Pirog

## 2. 720 E. Delgado Drive

**The Petitioner for 294 N. MacArthur Drive, LaRayne Hamman, was not present at the beginning of the scheduled public hearing. Therefore, the case for 294 N. MacArthur Drive was delayed and presented as the fourth item on the March 14, 2023 Zoning Board of Appeals agenda.**

Notice was published in the Daily Herald on February 27, 2023 and mailed to the owners of the surrounding properties.

**Petitioner's Exhibits:**

1. Application for Variation
2. Proof of Ownership
3. Plat of Survey
4. Site Plan
5. Fence Elevation
6. Existing Conditions
7. Public Notice

**Sworn in staff: Mr. Alex Bradshaw****Sworn in the petitioner: Ms. Becky Herr 720 E. Delgado Drive**

Ms. Herr stated she is the daughter of the property owners who want to install a 4ft picket fence. She explained they want the fence for added security. She stated they recently got a puppy and her sister has toddler children so the fence would help to not have to constantly watch them. Ms. Herr explained they need the variance because they have large trees and don't want to cut them down to put fence where code allows. She pointed out the neighbors have a privacy fence at same angle so would be consistent with neighborhood.

Ms. Wood asked what type of fence.  
Ms. Herr restated 4ft picket.

**Sworn in staff: Ms. Lyn Bremanis**

Mr. Bradshaw gave a brief overview explaining the petitioner is proposing a 4ft wooden picket abutting North Springwood Drive. He stated the proposed fence would be setback approx. 1ft 10inches and align with the adjacent neighbors' fence to the north. Mr. Bradshaw stated at least 3 properties in neighborhood have been granted zoning relief for fences in side yards abutting the street. He stated Community Services has reviewed and indicated the retaining wall is located in the Village right of way and needs to be relocated. He stated Engineering reviewed and has indicated the proposed fence is located within an easement and wants the petitioner to be aware that the Village of Palatine has certain rights to that easement.

Ms. Wood asked if the adjacent neighbors' fence is nonconforming.

Mr. Bradshaw answered yes it was installed prior to the relevant code.

Mr. Pirog asked if it will align with the neighbors' fence.

Mr. Bradshaw answered yes pointing out the neighbors' fence is taller and not open style like the petitioner's 4ft open style.

Mr. Pirog asked if they still have to cut the trees.

Mr. Bradshaw stated they will have to trim back but they will remain.

Ms. Herr explained they would only need to cut the bottom branches.

Mr. Pirog asked about the retaining wall.

Ms. Herr has spoken to landscaper to get it removed.

Ms. Wood asked where the fence would have to be to meet code.

Mr. Bradshaw stated code requires a 3ft setback from the property line.

Ms. Herr pointed out that would go through the evergreen trunks.

**STAFF RECOMMENDATION:**

The Petitioner is proposing to enclose their rear yard by constructing a 4-foot tall open-style fence along their eastern side property line abutting a public street. Although there are no discernible unique circumstances, there have been a few properties in the surrounding neighborhood that have been granted zoning relief for fences with comparable side yard setbacks. Additionally, the directly adjacent neighbor to the north has an existing side yard fence that will align with the Petitioners proposal.

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

1. The Variation shall substantially conform to the Site Plan and Elevation submitted by the Petitioner, Yvonne Herr, except as such plans may be changed to conform to the Village Codes and Ordinances.
2. The existing brick retaining wall, located along the eastern side property line abutting Springwood Drive, shall be removed from the Village right-of-way in a manner acceptable to the Director of Planning and Zoning.

Mr. Pirog asked if the only reason staff is not recommending approval is the lack of discernible unique circumstances.

Mr. Bradshaw answered, yes.

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

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

**DELIBERATIONS:**

Mr. Cavanaugh stated it is a 4ft open style fence so he is not concerned. He stated these type of fences have been allowed in past for residents with kids and pets and thinks the petitioner has stated a good case.

Ms. Wood stated the code requires 3ft setback and they are at almost 2ft, so it's close. She stated it is a unique circumstance with the neighbors' nonconforming fence. She stated it won't alter the locality.

Ms. Roth-Wurster stated there is always a concern with line of site on corner properties but it is 4ft open style. She stated it won't alter locality and the landscaper will fix the department review concerns.

**Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to Village Council on April 3, 2023**

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

## 3. 108 S Walnut Street

Notice was published in the Daily Herald on February 27, 2023 and mailed to the owners of the surrounding properties.

**Petitioner's Exhibits:**

1. Application for Special Use & Variation
2. Proof of Ownership
3. Plat of Survey
4. Site Plan
5. Elevations & Floor Plans
6. Petitioner submitted surrounding Property sign-offs
7. Public Notice

**Sworn in petitioner: Mr. Pawel Bialy 108 S. Walnut Street & Frank Skorski friend**

Mr. Bialy explained they are looking to build a new garage. He stated the concrete is all broke in the old garage and wants all new. He explained they have no basement, no attic, and has kids and lots of toys and Christmas stuff. Mr. Bialy stated his wife likes to decorate so has a lot of stuff. He explained it will be the same property footprint just higher for storage.

Ms. Wood asked if he spoke to the neighbors.

Mr. Bialy answered yes explaining most say good luck. He stated the old owner didn't keep up the property and he has worked hard to clean it up. He stated the neighbors are happy because it is good for the neighborhood. He pointed out the location of the garage is not visible from the street. Mr. Bialy spoke to a neighbor who built large garage that is visible to everyone.

Mr. McGinn asked if there is any flooding issues.

Mr. Bialy answered no.

Ms. Wood asked if they will tear down the old one.

Mr. Bialy answered yes explaining they will match the siding with the house to make it look nice.

Ms. Bremanis gave a brief overview explaining there are pavers added that staff cannot establish when they were installed which caused the lot coverage overage requiring the variation. She stated the property is zoned R2 which allows 45% coverage and they are at approx. 49%. Ms. Bremanis referred to the elevations slide to show the proposed garage explaining Staff's concern is the total mass appearing as a second primary structure. She stated the petitioner has indicated it will be storage only. She spoke to the other garages in the neighborhood that have been approved for height have different roof lines.

Mr. Pirog pointed out 2 out of the 3 garages look taller than the principal structure.

Ms. Bremanis explained how the height is calculated referring to the slide.

Ms. Wood asked what the height of the home is.

Ms. Bremanis answered approximately 18.6 ft.

Ms. Wood asked the height of the proposed garage.

Ms. Bremanis answered 23.5 ft. She explained staff is concerned about the massing.

Ms. Wood stated it is behind the home so won't really be visible.

Ms. Bremanis stated that is correct pointing out it will also be behind neighbor garage blocking visibility on the other street.

Mr. Cavanaugh asked about the red stars on the aerial map slide.

Ms. Bremanis explained the red stars are neighbor approved signed off with no issues and yellow star is similar garages.

Ms. Bremanis stated Engineering and Community Services have reviewed and had no issues.

Mr. Cavanaugh asked if staff had any discussion with the petitioner about lowering.

Ms. Bremanis answered yes. She stated the petitioner wants to do this.

Mr. McGinn asked if staff's concern with the shape is because of the possibility of someone living up there or just because it looks different.

Ms. Bremanis explained it is different than what has been approved in the past. She stated the petitioner has signed off that it will not be used as living space.

Mr. Luszczak asked what the Village concern is.

Ms. Bremanis explained they are concerned with the massing, pointing out it looks like a second principal structure rather than a traditional garage.

Mr. Cavanaugh asked if there are any other garages in Village that are similar.

Ms. Bremanis answered yes explaining they are existing nonconforming.

Mr. McGinn asked if they would need relief if they went with a traditional style.

Ms. Bremanis explained the midpoint would need to come down.

Mr. Pirog asked if other homes have basements.

Ms. Bremanis stated staff is not aware.

Ms. Wood asked Mr. Bialy if they looked into lowering the peak.

Mr. Bialy stated he could maybe change a little of the slope, but wants to keep the look to the same as the house.

Mr. Skorski stated they have been working with Mr. Vyverberg, the director of planning and zoning, for 2 years ago and has been kicked around and would like to get an ok. He stated they could possibly drop one foot but the bottom line is

he has no place to store his belongings. He stated the garage will not be visible like the other garages. Mr. Sikorski stated no one will be living up there. He stated it will be used for storage and the neighbors are all okay with it.

**STAFF RECOMMENDATION:**

Detached garages are both typical and common in this subdivision. And, there have been several other examples of such receiving zoning relief. The Petitioner is requesting to build a detached garage exceeding the maximum height regulations. The ground floor will allow the parking of vehicles, with the 2nd floor would be used for residential storage only. While other garages in the area were approved for zoning relief, with higher maximum accessory structure heights, the full second floor to the proposed seems excessive and also could question the subordinate requirements for accessory structures. The proposed façade elevation differs from the previously approved, and by virtue of the full second story is dissimilar to the previously approved garages and out of character for the neighborhood.

The Petitioner lot coverage is an existing circumstance and may have occurred with the installation a paver patio in the rear yard taking the total lot coverage over the maximum permitted. While the lot coverage should not alter the essential character, there is not a permit on file for its installation.

Therefore, Staff recommends action at the discretion for the Variation for lot coverage and denial for the Special Use for the proposed garage height.

If the ZBA recommends approval of the Special use and Variation, Staff recommends the following condition:

1. The Special Use and Variation shall substantially conform to the site plan and elevations submitted by the Petitioner except as such plans may be changed to conform to Village Codes and Ordinances. This should include any necessary permit application and materials for the paver patio.
2. The existing shed to the north of the residence shall be removed.
3. Per the Submitted application materials, the garage shall not be used for habitation or home occupation purposes.

**Sworn in Mr. Juan Pablo Rojas, Brandy Rojas, Juan Urive 121 S. Quentin Rd, 127 S. Quentin, 115 S. Quentin Rd**

Ms. Rojas stated she understands the need for storage and is not opposed to the request but expressed her concern with flooding.

Mr. Rojas stated he is concerned the whole property is concrete. He stated he is concerned that the rain will go to their properties and wants the water run off to go to front.

Mr. Luszczak clarified the new garage will be on same footprint.

Ms. Bremanis answered yes and during the permit process the downspouts will have to be reviewed by Engineering.

Mr. Rojas stated their garage is bigger than most neighbors.

Mr. Pirog asked if the water would flow to the street.

Ms. Bremanis stated she doesn't have elevations.

Ms. Bremanis clarified they are not adding any more lot coverage just height.

Mr. Rojas stated the fence does not go all around the property.

Ms. Bremanis referred to existing conditions slide to show the fence.

Mr. Bialy stated they are not changing any flood issues because they are not covering more of the property. He stated he can change the pavers to wood if that would help.

Mr. Pirog asked staff if they are aware of flooding.

Ms. Bremanis stated engineering has reviewed and had no issues.

Mr. Skorski stated the square footage is not changing and the Petitioner is willing to remove the pavers. He stated the peak of the roof will not change the amount of rain and the amount of concrete is the same.

Discussion on removing the pavers.

Ms. Rojas submitted pictures of flooding in backyards off Quentin.

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

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

**DELIBERATIONS:**

Mr. Luszczak stated the flooding should not be affected because the coverage of lot remains the same. He pointed out the garage is not visible to the street and the extra storage is good for the owner.

Mr. Cavanaugh stated he understands staffs' concern and likes that the petitioner is willing to lower the height a little. He stated he understands the need for storage.

Ms. Wood stated she lives in the neighborhood so knows the petitioner has done a great job of cleaning up the home. She stated there are smaller homes in the neighborhood and some with bigger garages. She pointed out the majority of the garage won't be visible from the street. Ms. Wood stated flooding is always a concern and should be explored. She stated the new garage can be an opportunity to reroute the water flow. She stated she thinks removing the pavers could help.

Mr. Pirog stated he thinks removing the pavers would help but thinks the garage in itself will change the neighborhood. He stated he does not think there is a need for such a large second floor.

**Ms. Wood summarized that this request has met the standards and was approved by a vote of 5-1. This item will tentatively go to Village Council on April 3, 2023**

<b>RESULT:</b>	<b>RECOMMENDED TO APPROVE [5 TO 1]</b>
<b>MOVER:</b>	Jerry Luszczak, Commissioner
<b>SECONDER:</b>	Kevin Cavanaugh, Commissioner
<b>AYES:</b>	Roth-Wurster, Wood, Luszczak, McGinn, Cavanaugh
<b>NAYS:</b>	Pirog

## 4. 294 N. MacArthur Drive

Notice was published in the Daily Herald on February 27, 2023 and mailed to the owners of the surrounding properties.

**Petitioner's Exhibits:**

1. Application for Variation
2. Proof of Ownership
3. Plat of Survey
4. Site Plan
5. Elevations
6. Public Notice

**Sworn in the petitioner: Ms. LaRayne Hamman 294 N. MacArthur Drive**

Ms. Hamman explained she is looking to build a larger covered front stoop for entry of guests, packages, holiday decorating, and to make her home a little different. She stated her house has an alcove which has been issue with packages and trick or treaters. She stated this will give more space to hand out treats.

Ms. Wood stated she understands wanting a larger stoop. She asked why they want so big to need a variation.

Ms. Hamman explained she wants the extra area to be covered to protect packages and wants more area for holiday decorating.

Mr. Bradshaw gave a brief overview explaining the existing stoop is 7ft by 4ft and the proposed is 11ft by 6ft. which extends the roof overhang and encroaches 5ft into required front yard setback. He explained the petitioner is requesting the larger stoop to allow adequate room for visitors and deliveries. Mr. Bradshaw explained per code within the residential district a front stoop is a permitted obstruction in the front yard so long as the maximum size does not exceed 9ft by 5ft. He stated Community Services and Engineering have reviewed and had no issues.

Ms. Wood asked if other properties have similar variations.

Mr. Bradshaw stated this is the first one he has seen.

Ms. Bremanis stated there are two on Benton but were a little higher both covered. She stated both like this were open style.

**STAFF RECOMMENDATION:**

The Petitioner is proposing to expand and cover an existing front stoop to allow for it to adequately function as a space for deliveries and for visitors. Although the majority of the front stoops in the surrounding neighborhood are relatively smaller the size, the open-style of the canopy, and the 25' setback from the front property line should not alter the essential character of the locality. Therefore, Staff recommends approval of the Variation, subject to the following condition:

1. The Variation shall substantially conform to the Site Plan and Elevation Plan submitted by the Petitioner, LaRayne Hamman, 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. McGinn made a motion to approve subject staff’s conditions; seconded by Ms. Roth-Wurster.**

**DELIBERATIONS:**

Mr. McGinn stated it is a minor request that won’t have an impact or alteration to the character of the locality.

Ms. Roth-Wurster stated it meet the standards. She stated she thinks the minor change will look nice will add value to the home.

**Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to Village Council on April 3, 2023**

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

## 5. 365 W. Northwest Highway

Notice was published in the Daily Herald on February 27, 2023 and mailed to the owners of the surrounding properties.

**Petitioner's Exhibits:**

1. Application for Special Use Amendment
2. Proof of Ownership
3. Business Plan
4. Floor Plan
5. Public Notice

**Sworn in petitioner: Mr. Manny Rafidia, Mr. Jeremy Rafidia, Mr. Henry Rafidia, 365 W Northwest Hwy**

Mr. Manny Rafidia stated him and his family own and manage Hot Pockets and One Taco and Dos tequila. He stated both businesses have done well bringing lots of customers to the area. He stated they have experienced hardship in the last few years because tenants have moved out. Mr. Manny Rafidia stated they have replaced the medical and office spaces with more entertainment and restaurants creating a more lively and productive environment. He explained he brought in live music entertainment to Hot Pockets but found out it was not allowed under the approved use. He stated they immediately stopped and started the process to get approved. Mr. Manny Rafidia explained they are asking for a DJ once a week and maybe small bands on the weekend and to extend the hour to 2am.

Mr. Pirog pointed out the application is reverse.  
Mr. Henry Rafidia stated the application is correct.

Mr. Pirog asked about the hours of the DJ.  
Mr. Henry Rafidia stated 10-1am. He explained they close at 2am so this will give ample amount of time to get everyone out.

Ms. Wood clarified the requested hours are Friday and Saturday open to 2am and the music would stop at 1am.  
Mr. Henry Rafidia answered, yes.

Ms. Wood clarified the requested time for Wednesday is midnight.  
Mr. Henry Rafidia answered, yes, but the live entertainment would end at 10pm.

Ms. Wood stated an objector's letter with photos was submitted.

Mr. Pirog asked if any studies were done on how loud this would be.  
Mr. Henry Rafidia explained they plan on using the existing house speakers. He explained the bands are Wednesday night to support local bands and create a community for people to hang out.

Mr. Pirog asked if bands bring their own sound equipment.  
Mr. Henry Rafidia stated if they bring their own they will check the decibels.

Mr. Pirog asked if there are outside speakers.  
Mr. Henry Rafidia answered yes they currently have outside speakers.

Mr. Pirog asked staff if there is a limit on decibels  
Mr. Bradshaw answered no not for the commercial district. He explained the code indicates you should not hear from outside the boundaries of the site.

Ms. Wood clarified the entertainment will be inside but the music will be played outside as well.  
Mr. Manny Rafidia stated there are speakers outside for people who choose to sit outside.  
Mr. Henry Rafidia explained the volume is controlled separately outside.

Ms. Wood asked if the back door is ever open that music may be heard.  
Mr. Henry Rafidia referred to floor plan to show location of band and location of emergency exit that they do not use. He stated the back door for the kitchen is on other side away from band.

Ms. Wood asked if clientele will increase.  
Mr. Henry Rafidia stated Wednesdays are slow and hope this will be an opportunity to bring more people out and support the local entertainment.

Ms. Wood asked if there is a dancing area.  
Mr. Henry Rafidia answered explaining they are not building out a stage so it will be similar to the existing juke box but will hopefully draw a younger crowd. He stated they are not turning into a music venue.

Ms. Wood asked about parking.  
Mr. Henry Rafidia stated it has worked well with the mix of tenants in the center.

Ms. Roth-Wurster asked about the seating capacity.  
Mr. Henry Rafidia answered 165.  
Mr. Manny Rafidia stated he has owned the center since 1995 and was one of the promoters for the developer to build the subdivision behind his center. He stated he allowed the fire trucks to utilize his lot for emergency access to the development.

Mr. McGinn asked about concerns with security and if there has been any issues.  
Mr. Jeremy Rafidia stated they have security cameras in both front and back of both businesses and have had no issues.

Ms. Wood asked how the cameras are monitored.  
Mr. Jeremy Rafidia stated they have security screens in the office to view.

Ms. Wood asked if anyone is real time monitoring.

Mr. Jeremy Rafidia answered no but has a 30 day back-log of recording to look back at if need be.

Ms. Wood asked what the normal crowd attendance is.  
Mr. Jeremy Rafidia answered maybe 100.

Ms. Wood asked what the busiest day is.  
Mr. Jeremy Rafidia stated maybe Saturday because the crowd comes in throughout day.

Mr. Bradshaw gave a brief overview explaining the petitioner is proposing to amend their previously approved Special Use for Hot Pockets Sports Bar. He stated the amendment would allow live entertainment, alterations to the floor plan, and changes to the hours of operation. He stated there was a parking variation granted in 2021 and will remain valid since no changes to seating or expansion. He stated Community Services, Fire Prevention and the Police Department have reviewed and no issues were identified.

Ms. Wood asked about liquor license allowance  
Mr. Bradshaw explained the liquor license allows to serve alcohol to 1am and is not facilitated by zoning.

Ms. Wood asked if there are similar businesses that are that close to residential areas.  
Mr. Bradshaw stated Dirty Nellies is comparable being close to the apartment buildings and properties along tracks and have similar liquor license.

**Sworn in Mr. Mike Osterbur 649 N. Hidden Prairie Ct**

Mr. Osterbur asked what the current hours of the business are. He stated he sent photos to staff. He stated his house is close to the back door and is concerned about the noise. He expressed concern with the increased traffic and the noise from cars and the dumpster. Mr. Osterbur stated he want to be good neighbors but thinks is concerned with security with younger crowds later at night possibly entering their properties.

Mr. McGinn asked if they have had issues with car break ins.  
Mr. Osterbur answered no. He stated he is concerned with the extended hours. He stated he can hear the music with current system on the weekends and is concerned with being open till 2am it will create all kinds of problems including noise traffic, loitering and pulling more people into residential area. Mr. Osterbur stated he is concerned it will affect properties.

Ms. Wood asked when he can hear the music.  
Mr. Osterbur stated he can hear it even when the door is closed.

Mr. Pirog asked why he hasn't called police  
Mr. Osterbur stated he wants to be a good neighbor. He stated it is not so loud and he goes to these establishments. He stated he does not want it to be an

entertainment district.

Ms. Wood asked if his windows are open.

Mr. Osterbur stated he can hear with them closed. He referred to the aerial to show how close his house is.

**Sworn in Mr. Mitul Patel 668 N. Hidden Prairie Ct**

Mr. Patel stated he has the same concerns as Mr. Osterbur regrading noise and late nights.

Ms. Wood asked if he can hear the noise.

Mr. Patel answered no.

Mr. Luszczak asked if his concern is hours or live entertainment

Mr. Patel stated his concern is because he is not sure what it will sound like. He spoke to the noise from Durty Nellies and is concerned it will be as loud. He stated he has daughter so noise is a big concern.

**Sworn in Mr. Herold Hamilton 657 N. Hidden Prairie Ct**

Mr. Hamilton echoed same concern. He stated they already have a variance and thinks the change from sports bar to entertainment will change the character. He stated on New Year's Eve there were people lighting fireworks in their lot. Mr. Hamilton stated there is a different crowd that comes out from midnight-2am.

**Sworn in Mr. Mike Studsman 596 N. Hidden Prairie Ct**

Mr. Studsman stated he wants to support the request. He stated he does not see it being like Durty Nellies because there is no dance floor. He stated he doesn't hear any noise and thinks if they are using the same speakers the noise will not change.

**Sworn in Mr. David Barszcz 1540 N. St. Marks Palatine, IL**

Mr. Barszcz stated he is in support. He stated he is the DJ and been in business for 25 years. He stated he knows how to control the crowd.

Mr. Pirog asked how he controls the volume.

Mr. Barszcz stated he will have his own board hooked up to their speakers and will work with management.

Ms. Wood asked about the volume change.

Mr. Barszcz stated there should be no change. He stated he is a professional that is retired from the bank.

Mr. Osterbur asked if Mr. Studsman works at Hot Pockets.

Mr. Studsman answered no.

Mr. Osterbur pointed out there can a turnover of DJs and asked about the age of the bands.

Mr. Henry Rafidia stated they are willing to work with the neighbors. He stated if the music is off an hour before they close people won't loiter.

Discussion on current hours and the proposed changes.

Mr. Henry Rafidia stated they will add signs on back doors to remind employees to not slam on dumpsters or hang in back.

Mr. Jeremy Rafidia stated they will install door closures so doors don't slam.

Mr. Henry Rafidia stated they closed at 7pm on New Year's Eve so fireworks were not their customers.

Ms. Wood asked about the volume.

Mr. Henry Rafidia explained the speakers are for the juke box and is zoned for 2 zones and was installed under standards by a company. He stated the speakers are intended for lower music which forces them to keep the music lower to keep quality up. Mr. Henry Rafidia stated the bands will not be underage.

Mr. Pirog asked if they are open to a line of communications with residents.

Mr. Henry Rafidia answered yes stating a lot of the neighbors are customers.

Ms. Wood asked how important is extending the hours to midnight.

Mr. Henry Rafidia stated they will close earlier if they are not busy. He stated the midnight allows couples to come out after kids go to bed'.

**Sworn in Ms. Deb Gabriel 135 N. Babcock DR**

Ms. Gabriel stated other restaurants are open till midnight so thinks should be a level playing field.

Ms. Wood stated it depends on liquor license.

**Sworn in Ms. Leslie Paul-Osterber**

Ms. Osterber stated she has lived there 10 years. She stated when she bought it was a medical building and now it is entertainment. She stated it is loud and they try to ignore. She is concerned with being open later there will be later noise. She spoke to the fences and dumpster enclosure being broken and dilapidated. Ms. Osterber stated it used to be quiet and now has changed adding more noise and traffic.

Mr. Osterbur asked why 2am when midnight is reasonable.

Mr. Patel asked if they are currently open to 2am or are the hours changing.

Mr. Bradshaw stated the previous special use was for 12am. He stated the petitioner indicated they are open till 2am. He explained they are here today to amend the existing special use to extend the hours.

Mr. Manny Rafidia stated there are 2 big signs with his phone number and name for anyone to reach out to him. He stated he spoke to the neighbors as soon as they opened and asked them to wait and see how it goes. He stated he has

invested his own money to keep property going because they could not find any other tenants. Mr. Manny Rafidia stated the vacancy would have been an eye sore.

Mr. Henry Rafidia stated they will address employees about hanging outside. He stated their customers are looking for 2am because other establishments are open that late.

Mr. Patel stated he appreciates the open lines of communication. He stated his concern is the uncertainty.

**STAFF RECOMMENDATION:**

The Petitioner proposes to have live entertainment as part of their restaurant operations. The proposal also includes alterations to the existing floor plan and hours of operation to accommodate said live entertainment. The application indicates that there are no plans to install any additional seating for the live entertainment events, and the proposed hours of operation are compliant with the hours permitted by the liquor license classification, the proposed use should not cause substantial injury to the value of the surrounding properties in the neighborhood. Therefore, Staff recommends approval of the Special Use Amendment, with the following conditions:

1. The Special Use shall substantially conform to the Floor Plan submitted by the Petitioner, Manny Rafidia, except as such plans may be changed to conform to the Village's Codes and Ordinances.
2. Staff shall conduct a Live Entertainment Special Use review not more than 3 months after the live entertainment occupancy is implemented, to determine if noise control measures are necessary, at the discretion of the Village Council. Staff reserves the right to recommend additional conditions to the Live Entertainment Special Use for Village Council review.

Discussion on distance from hot pockets to closest residential.

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

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

**DELIBERATIONS:**

Mr. Luszczak stated the sound should not get louder since they are using the same speakers. He stated he has some concern about the hours same as residents.

Mr. McGinn pointed out the location abuts Northwest Highway. He stated it is a strip mall in a commercial high traffic area so the noise will always be a factor. He stated he does not think the Special use will contribute that much more.

Ms. Roth-Wurster spoke to the standards. She stated the shopping center used to have live entertainment. She stated the hours won't have that much impact. She stated she has a lot of friends that get off late at night and are looking for somewhere to hang out. She stated they are trying to expand operation with the limited space so won't be able to have big bands. Ms. Roth-Wurster stated she does not think it will be much different than what is currently and thinks it is good they are addressing the neighbors' concerns.

Mr. McGinn stated the petitioners' proposal is well thought-out. He pointed out they have invested money in security and will continue to operate accordingly.

Ms. Wood stated she is concerned with how close to residential. She spoke to the neighbors' concern about noise and the extended hours and how it can create injury to neighboring properties being residential.

**Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-1. This item will tentatively go to Village Council on April 3, 2023**

<b>RESULT:</b>	<b>RECOMMENDED TO APPROVE [5 TO 1]</b>
<b>MOVER:</b>	Kevin Cavanaugh, Commissioner
<b>SECONDER:</b>	Jerry Luszczak, Commissioner
<b>AYES:</b>	Roth-Wurster, Luszczak, McGinn, Cavanaugh, Pirog
<b>NAYS:</b>	Wood

## 6. 218- 220 N Northwest Highway

Notice was published in the Daily Herald on February 27, 2023 and mailed to the owners of the surrounding properties.

**Petitioner's Exhibits:**

1. Application for Special Use & Variation
2. Proof of Ownership
3. Plat of Survey
4. Site Plan
5. Elevations
6. Floor Plan
7. Signage Plans
8. Public Notice

**Sworn in Mr. Mitch Goltz GW Properties 2211 N. Elston Chicago IL**

Mr. Goltz stated they recently acquired the property in foreclosure. He spoke to the unique configuration. He stated it was formerly Mother Cluckers restaurant. He stated the site has no landscaping with 5 curb cuts. Mr. Goltz stated the building is in poor condition, boarded up from a car driving through it. He stated he has tried to market it but no one wants to lease the existing building. He stated they are proposing a complete redevelopment of the site. Mr. Goltz explained they will do a compete demo of the building bringing in a national tenant named Strickland Brothers Oil who has over 125 locations across the country. He stated it fits on the site and will be a quiet use complimenting the other uses in the area. Mr. Goltz stated they will be adding landscaping, cleaning up the setbacks and consolidating the curb cuts. He spoke to the daily operations including oil changes, state inspection, and routine maintenance. He stated there will be no body work, no overnight storage, approx. 3 employees and no peak hours or lines. He stated it will meet all codes in Palatine and state regulatory bodies.

Ms. Wood asked how many service bays.

Mr. Goltz answered 3.

Ms. Wood asked when the property was purchased and what was anticipated.

Mr. Goltz explained they were looking to renovate and lease to other tenants before the car drove through it. He stated with the site configuration is irregular and difficult to find a user that would fit on the site.

Ms. Wood asked about the bay doors being open.

Mr. Goltz explained there are no hydraulic lifts but rather there will be pits under the cars. He stated the customers stay in their cars during the service which allows a smooth transition. He stated the doors stay open throughout the day. Mr. Goltz stated the building is insulated, there will be no loud noises so no concerns that sound will emanate out of the property. He stated there is no on-site storage of chemicals.

Ms. Wood asked if there are additional services.

Mr. Goltz stated they will do tire rotations but do not sell tires to install. He stated there is no body work or overnight storage. He spoke to the stacking capabilities accommodating 3 cars waiting but stated it is highly unlikely to have a line waiting.

Mr. McGinn asked if the intended entry going east on Hicks Rd.

Mr. Goltz stated with Colfax being a one way Street he believes the vast majority of people will come in off Northwest Highway. He stated there is a capability to enter in off all three streets.

Ms. Bremanis gave a brief overview explaining the variation is in regards to the 10 ft. setback requirement of a side yard abutting a street. She stated the current building is setback 1ft. and when the petitioner tried to meet the setback they could not accommodate the two lanes in the front that staff felt was more important for traffic flow than requiring the relief for the 5ft. She spoke to the current curb cuts and how the proposed will create a more consistent entry and exit of the property. Ms. Bremanis stated in addition to rebuilding the buildings they have submitted landscaping plans to add green space along with trees and plants around the property. Ms. Bremanis referred to the slides to show a sample of the signage.

Ms. Roth-Wurster asked if there will be additional signage other than the wall signs.

Ms. Bremanis indicated they are reusing the existing freestanding sign cabinet, referring to slide to show location.

Mr. Pirog asked about traffic concerns.

Mr. Goltz stated it is not a high traffic use.

Ms. Bremanis stated staff reviewed stacking possibilities.

Ms. Bremanis stated Community Services, Engineering, and Fire Prevention have reviewed and had no issues.

**Ms. Deb Gabriel previously sworn in.**

Ms. Gabriel stated she has a business in office space on Colfax. She stated she is concerned about the exit onto Colfax being a one way street. She stated she is also concerned about parking. She asked about the change of curb cuts on Colfax.

Ms. Bremanis stated the concern was to not be directly across from Starbucks.

Ms. Gabriel stated she is concerned about safety. She asked if there could be more signage to indicate not to block intersection.

Discussion on parking.

Ms. Gabriel asked about the street parking on Colfax.  
Ms. Bremanis stated there are no proposed changes.

Ms. Gabriel asked if more can be added since they are reducing the number of entries.

Mr. Goltz stated there should be more parking because they are closing all the access points. He stated he does not see any conflicting traffic pattern being a one-way street.

Ms. Gabriel stated she is concerned they will try to turn the wrong way.

Mr. Goltz stated they can have a sign saying no right turn.

Ms. Bremanis pointed out Colfax and Northwest Highway are IDOT roads and will be reviewed by them.

**STAFF RECOMMENDATION:**

The proposed building redevelops a vacant commercial site. The redevelopment will improve the site and the use is consistent with the neighboring businesses along Northwest Highway. In addition, the plans indicate that the building will be insulated and the majority of the work is done in a pit, which further reduces noise. Oil changes uses require Special Use review and are considered a category of auto repair in the Code. This allows Staff and the ZBA to further evaluate the merits of the proposed use.

The site meets the other bulk zoning requirements, with the exception of the side yard setback. The current building provides an approximately a 1-foot side yard abutting a street setback lot line along N. Hicks Place. The proposed building will be setback 5 feet increases the existing setback by 4 feet. This section of Northwest Highway is a decidedly commercial corridor. There other more intensive similar uses in the area. When Northwest Highway was reconfigured, IDOT determined that Colfax Street would be one-way west bound (north side of the Subject Property) and Hicks Place would provide access back through Northwest Highway for east bound vehicles exiting the property.

Therefore, Staff recommends approval of the Special Use and Variation, pursuant to the following conditions:

1. The Special Use and Variation shall substantially conform to the site plan prepared by Mark T. DiGanci, architect dated 2/23/2023, elevations plans prepared by Oak Line Studio, Architecture and Design dated 2/08/2023 and the business plan, except as such plans may be changed to conform to Village Codes and Ordinances.
2. A Plat of Consolidation shall be submitted in a manner acceptable to the Director of Planning and Zoning and the Village Engineer.
3. The final traffic direction signage within the Subject Property will be submitted in a manner acceptable to the Village Engineer.

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

**Mr. McGinn made a motion to approve subject staff's conditions; seconded by Ms. Roth-Wurster**

**DELIBERATIONS:**

Mr. McGinn stated it is a unique parcel and cannot imagine a better use. He stated the plan proposed is well thought out. He stated it will fit into the character of the locality and thinks the standards have been met.

Ms. Wood agreed with Mr. McGinn. She stated for an imperfect parcel this is a close to perfect solution. She stated it will be less parking demand than a restaurant and thinks it meets the standards so is in favor.

Ms. Roth-Wurster agreed with Ms. Wood.

**Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to Village Council on April 3, 2023**

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

**IV. COMMUNICATIONS**

**V. ADJOURNMENT**

1. Motion to Adjourn

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

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

