

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 13, 2018

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

Staff present: Ms. Katie Romack & Ms. Lyn Bremanis

Mr. Larson made a motion to open the February 27, 2018 Zoning Board of Appeals meeting; seconded by Ms. Roth- Wurster.

II. APPROVAL OF MINUTES

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

Mr. Dittrich made a motion to amend pg. 12 of the minutes of February 13th to say Mr. McGinn made the motion to deny the variation. Mr. McGinn agreed.

Mr. Larson made a motion to accept the amended minutes; seconded by Ms. Roth-Wurster.

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

2. Motion to appoint the vice chair of the Zoning Board and Appeals

Mr. Pirog made a motion to appoint Mr. McGinn to the vice chair of the Zoning Board and Appeals; seconded by Mr. Larson.

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

III. PUBLIC HEARING**1. 33 N. Clyde Avenue**

In coordination with the Public Hearing, Staff requested additional clarification information from the Petitioner. As this information was not received in advance of the Public Hearing, Staff is requesting that this item be continued until the April 10th ZBA meeting. This will also allow for a follow up inspection of the accessory structure.

Ms. Roth Wurster made a motion to continue this item to the April 10th ZBA meeting; seconded by Mr. Dittrich.

RESULT:	CONTINUED [UNANIMOUS]
AYES:	Larson, Roth-Wurster, Wood, McGinn, Dittrich, Pirog
ABSENT:	Luszczak, Cavanaugh

2. 35 S. Walnut Street

Sworn in staff: Ms. Katie Romack & Ms. Lyn Bremanis

Notice was published in the Daily Herald on February 26, 2018 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. Photos submitted by the Petitioners
6. Public Notice

Ms. Romack gave the background of the request explaining the petitioners have installed pavers alongside their driveway that encroach within the 2-foot setback. Therefore, the Petitioners are requesting:

- ☐ **Variation to permit pavers to be set back 0 feet from the side lot line instead of the minimum required 2 feet.**

SITE ANALYSIS:

- ☐ The Subject Property is zoned R-2 Single Family and is improved with a single-family residence and detached garage.
- ☐ The lot size is approximately 11,132 square feet.
- ☐ In September, the Petitioners obtained a building permit to remove and replace a portion of their driveway. In addition to removing and replacing their driveway, the Petitioners also installed pavers on the north side of their driveway, which encroach in the 2-foot setback.
- ☐ The pavers are approximately 2' x 100' and would be located on the side lot line.
- ☐ The existing driveway is approximately 11 feet wide (25 feet is the maximum at the lot line and 30 feet is the maximum total width).
- ☐ Both building and lot coverage meet Code.

DEPARTMENTAL REVIEWS:

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

STANDARDS FOR A VARIATION: Standards for a Variation are found in

Section 14.03 D (1) and (2) of the Zoning Code. Specifically, the Petitioners must show that the property in question 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; and that the variation, if granted, will not alter the essential character of the locality. The Petition for Variation is attached, and the Petitioners have attempted to address the required standards.

Ms. Wood asked if there are any questions on Staff's presentation. There were none.

Sworn in petitioner: Mr. Gary Miller 35 S Walnut St.

Mr. Miller explained he had a gravel driveway for over 30 years. He got a permit to replace it with a concrete driveway but once installed he was left with 2 feet of gravel to the north. He explained if there is a car in the driveway he is unable to get a car or boat out of the garage without the graveled area. He stated he would have obtained a permit or variance for the pavers if he knew he needed it. He pointed out he was just trying to make the property look better and put pavers where the gravel was.

Mr. McGinn asked if he spoke to the neighbors.

Mr. Miller answered yes the neighbor's next door have no issues and are happy with the improvements.

Mr. McGinn clarified these neighbors are to the north.

Mr. Miller answered yes.

Ms. Wood asked if the issue is with turning around in the driveway or maneuvering in and out.

Mr. Miller answered mainly to get in and out.

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

STAFF RECOMMENDATION:

The Petitioners have indicated they need the additional driveway space for backing down the driveway and for getting vehicles in and out of the garage. In addition, the Petitioners have also indicated the pavers improve the appearance of the property. Given the location of the home, detached garage and driveway, the Petitioners have a limited area to widen their existing driveway. While the pavers are located on the lot line, it should not alter the essential character of the locality. Therefore, Staff recommends approval of the Variation, subject to the following conditions:

1. The Variation shall substantially conform to the site plan prepared by the Petitioners, Gary and Mary Robyn Miller, submitted on 01/12/2018, except as such plans may be changed to conform to Village Codes and Ordinances.
2. If grading changes are necessary on the neighboring property, written consent

from the property owner at 29 S. Walnut Street shall be provided.

3. Any storm water or drainage issues which are created by the pavers and which negatively impact the property to the west (29 S. Walnut Street) shall either be removed or revised in a manner acceptable to the Village Engineer and the 29 S. Walnut Street property owner.

Mr. Pirog asked about Condition #2 stating it doesn't make sense.

Ms. Romack explained they may need to get the neighbors consent to go on their property for any grading changes that are needed.

Mr. Pirog questioned how it meets the standards since there is a lot of room on the other side of the driveway to add on to.

Ms. Romack said the Petitioner can explain why they chose that area.

Mr. Pirog asked the Petitioner why he didn't utilize the space on the other side of the driveway.

Mr. Miller stated the goal was to put pavers on both side to look aesthetically pleasing but the gravel didn't extend farther out on the south side.

Ms. Wood clarified the pavers were put where the gravel was.

Mr. Miller answered yes.

Ms. Wood asked if they have any flooding issues.

Mr. Miller answered no.

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

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

DELIBERATIONS:

Mr. Dittrich stated it meets the standards for a variation particularly the unique circumstance with it being gravel which is not very common anymore. He pointed out it won't alter the essential character of the locality.

Ms. Roth-Wurster agreed.

Ms. Wood stated all the driveways in this area are kind of narrow on the line and butts up to the garages. She pointed out she has never seen any flooding in the area and understands they were following the gravel driveway location.

Ms. Wood summarized that this request had met the standards and was approved by a vote of 5-1. This item will go to Village Council on April 2, 2018.

RESULT:	RECOMMENDED TO APPROVE [5 TO 1]
MOVER:	James Dittrich, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Larson, Roth-Wurster, Wood, McGinn, Dittrich
NAYS:	Pirog
ABSENT:	Luszczak, Cavanaugh

3. 861 & 865 W. Kenilworth Avenue

Notice was published in the Daily Herald on February 26, 2018 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Ms. Bremanis gave the background of the request explaining The petitioner is proposing to consolidate 2 empty lots and construct a new residence. The proposed site plan does not meet the minimum required front yard setback. Therefore, the Petitioner is requesting:

- **Special Use to permit a residence to be setback 20 feet from the front yard lot line instead of the required 30 feet**

SITE ANALYSIS:

- The Subject Properties are zoned R-2 Single Family. The Petitioner is proposing to consolidate the two existing lots and construct a new home, within the existing R-2 Zoning. These lots are currently vacant.
- As part of the proposed consolidation, the legal front yard would shift to Crescent Avenue. The proposed home will face Kenilworth Avenue. The functional side yard abutting a street would be along Crescent Avenue.
- The Petitioner is requesting a 20-foot front yard setback. Per Code, a minimum 30-foot front yard setback is required. There is an existing recorded building line; however; the proposed site plan will not encroach beyond this building line.
- The Subject Properties were part of a 2-lot subdivision ("Lillian Place"), which was approved in 2006.
- The peak height of the proposed structure meets Code.
- Both building and lot coverage meet Code. Although the lot coverage is within the maximum allowable lot coverage (45%), the proposed improvements including the home, driveway, patio, and swimming pool are approximately 400 square feet below the maximum allowed.
- With the proposed consolidation, the zoning front yard will face Crescent Avenue and requires a 30-foot setback. The majority of the properties along Crescent Avenue are setback approximately 20 feet from the property line; however, these are typically side yards abutting a street lot lines and meet the required setbacks. The property directly south of the proposed home is setback 30 feet from the Crescent Avenue property line.
- In review of the homes in the area, Staff identified a front yard setback reduction

from 40 feet to 30 feet at 971 W. Kenilworth Avenue. Additionally, the newer homes that have been constructed in this area of W. Kenilworth Avenue, appear to conform to the minimum R-2 front yard setback of 30 feet.

DEPARTMENTAL REVIEWS:

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

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

Ms. Wood asked if there are any questions on Staff's presentation.

Ms. Wood pointed out 849 W Kenilworth appears to be setback less than 30 ft. Ms. Bremanis explained the neighborhood was annexed in 2002 and this property was annexed in as nonconforming.

Ms. Wood asked what the setback is on 849 W Kenilworth.

Ms. Bremanis stated going by an aerial it appears to be approx. 20-22 ft.

Ms. Wood read into record exhibit #8 drawings/ pictures submitted by the petitioner

Sworn in petitioner: Mr. Craig Ciaglia with Homes by Pinnacle builder and designer

Mr. Richard Sabel 1575 W Rue James Place property owner

Mr. Ciaglia explained they purchased the 2 properties that had a frontage on Kenilworth but realized after consolidating them the frontage becomes on Crescent which changes the setbacks. He stated they originally designed the home to be on Crescent but realized it would disturb the overall look of the block since all other houses face Kenilworth so they felt it facing Kenilworth would fit in much nicer. He stated they wanted to stay away from neighboring home and keep the mass in mind as how it relates to neighbors. He spoke to the location of the proposed home being 40 ft. from property line, 50 ft. from neighboring home with the west side being Crescent so home is over 100 ft. away.

He pointed out the home would fit within the setbacks if facing Crescent but would not fit with the neighborhood.

Mr. Sabel explained the request is to keep the house facing Kenilworth to maintain aesthetics of the overall appearance of the neighborhood

Mr. Pirog asked if there is something preventing the house from being moved back 10ft.

Mr. Ciaglia spoke to the need for a first floor master which creates a larger footprint.

Mr. Pirog asked why the plans cannot be moved back to meet setbacks.

Mr. Ciaglia explained the setbacks referring to the site plan and stated they thought it would be more beneficial to stay away from neighbors.

Ms. Wood asked if it is possible to go 10 ft. back to the south

Mr. Ciaglia explained that won't help with the west side

Mr. Pirog asked if the patio can be moved

Mr. Ciaglia explained the part in the setback on the west is the master bedroom.

Ms. Wood asked if they went back further they would have to go wider.

Mr. Ciaglia explained if they went back further they would still be within the setback off of Crescent Ave.

Mr. Larson asked if the area of the driveway is considered the backyard.

Ms. Bremanis explained currently the legal front yard is off of crescent with a setback of 30 ft. and a rear yard setback of 40 ft. She further explained if they moved the house back 10 ft. they would be requesting a rear yard setback reduction.

Mr. Ciaglia explained they felt it would be better to impose the shift onto Crescent where there is no home as opposed to shifting closer to home to the east.

Mr. Larson clarified if the home is twisted 90 degrees it would fit within setbacks but wouldn't fit with neighborhood

Mr. Ciaglia answered yes and explained how it would look like an oddity because it doesn't coincide with the other homes in the neighborhood.

Mr. McGinn clarified if turned it would still be the same home

Mr. Ciaglia answered yes with the garage facing Kenilworth. He stated they are trying to keep the frontage where all of the homes are facing Kenilworth.

Mr. Sabel stated it is a beautiful neighborhood and trying to prevent it from looking like an eyesore.

Mr. McGinn asked if they have spoken to the neighbors

Mr. Sabel answered yes they met all the neighbors and they are excited to have us join the neighborhood.

Mr. McGinn asked if they expressed their opinion on where it faces
Mr. Sabel answered no.

Mr. Pirog asked if the neighbors have seen the plans.
Mr. Sabel stated they have not seen plans but he has explained the plan is to have the home face Kenilworth to stay consistent with the rest of the block.

Mr. Pirog pointed out with consolidating 2 lots they couldn't make house fit in the setbacks.

Mr. Ciaglia explained the change in setbacks once the properties were consolidated.

Mr. Pirog asked if the change in setbacks is automatic per code.
Ms. Bremanis explained that on corner properties the legal front yard is always the shorter of the two.

Ms. Roth-Wurster asked if it would be different if the property was in the middle of the block

Ms. Bremanis answered yes if in the middle of the block the front would remain on Kenilworth.

Mr. Pirog asked about the home on the other side of Crescent referring to Exhibit pointing out it looks like a mirror image.

Mr. Ciaglia stated the home to west on other side faces Kenilworth but has chosen to do 2 driveways that are accessible from Kenilworth and Crescent. He further explained it would be consistent with their plans.

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

STAFF RECOMMENDATION:

The subject home is zoned R-2 and the combined lot area is the equivalent to an R-1 lot (20,000 square feet), with the benefit of reduced R-2 setbacks. The proposed building plans could be revised to comply with the front yard setback. Additionally, the proposed consolidation allows for a substantial building pad, which is allowed by-right. Staff does not typically recommend front yard setback reductions for vacant parcels and new construction. Therefore, Staff recommends denial of the Special Use. If the Zoning Board of Appeals recommends approval, Staff recommends the following condition:

1. The Special Use shall substantially conform to the site plan and elevations prepared by Homes by Pinnacle Inc. dated 1/12/18 except as such plans may be changed to conform to Village Codes and Ordinances.

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

Mr. Pirog asked what it means to have a substantial building pad.
Ms. Bremanis explained the building pad is approx. 5300 sq. ft.

Mr. Pirog asked what a building pad is.

Ms. Bremanis explained it is the first floor square footage on the site plan.

Mr. Pirog asked if anyone has expressed their property values would go down.

Ms. Bremanis answered no.

Mr. Ciaglia asked if the building pad is just the foundation footprint or the total square footage of the first and second floor.

Ms. Bremanis answered just the first floor.

Mr. Ciaglia stated the living space on the 1st floor is less than 5400 sq. ft.

Ms. Bremanis asked what the correct number for the foundation.

Mr. Ciaglia stated he doesn't have those numbers.

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

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

DELIBERATIONS:

Mr. Larson stated it meets the standards and won't have a negative impact on the surrounding properties but rather will enhance the neighborhood. He stated there are no issues with public health safety and welfare. He pointed out the corner lots are always interesting where the side becomes the front yard. He stated it makes sense to make consistent with the other homes on the street.

Ms. Wood pointed out historically we look strongly at new construction. She stated she sees where staff is coming from but has seen this neighborhood transition over the years. She spoke to the change over the years and how there are many large homes and can see what they mean on them all facing Kenilworth. She stated it fits in very well with that area and for that reason she is in favor.

Ms. Roth-Wurster stated the home and footprint are beautiful and understand the home being on a corner does present issues that would not be a concern if it was a middle lot. She spoke to other large homes in neighborhood that have 3 car garages and manage to stay within the setbacks. She thinks it is attractive but thinks it is difficult to determine if it will have a negative impact and if it is consistent with neighboring properties.

Ms. Wood stated looking at the neighborhood she does not think it will have a negative impact on the value.

Ms. Wood summarized that this request had met the standards and was approved by a vote of 5-1. This item will go to Village Council on April 9, 2018.

RESULT:	RECOMMENDED TO APPROVE [5 TO 1]
MOVER:	Brent Larson, Commissioner
SECONDER:	James Dittrich, Commissioner
AYES:	Larson, Wood, McGinn, Dittrich, Pirog
NAYS:	Roth-Wurster
ABSENT:	Luszczak, Cavanaugh

4. 203 N. Benton Street

Notice was published in the Daily Herald on February 26, 2018 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. Floor Plan and elevations
6. Public Notice

Ms. Romack gave the background of the request explaining the petitioner would like to replace an existing detached garage with a new detached garage. In addition, the Petitioner would like to install a fence set back 1 foot from the side lot line abutting a street. Therefore, the Petitioner is requesting:

1. **Special Use to permit a detached garage to be 18 feet in height instead of the maximum permitted 15 feet**
2. **Variation to permit a detached garage to be 960 square feet instead of the maximum permitted 686 square feet**
3. **Variation to permit a fence to be set back 1 foot from the side lot line abutting a street instead of the minimum required 5 feet**

SITE ANALYSIS:

- The Subject Property is zoned R-2 Single Family and is improved with a single-family residence and detached garage.
- The lot size is approximately 9,834 square feet.
- The existing detached garage is approximately 367 square feet (20.17' x 18.18'). In addition to removing the detached garage, the Petitioner is also removing the driveway adjacent to the house. There is also an existing 120 square foot shed adjacent to the garage. Both of these accessory structures will be removed to allow the proposed improvement.
- The proposed detached garage is 24' x 40' (960 square feet). Per Code, an accessory structure cannot exceed 50% of the floor area of the principal structure. Therefore, a Variation is required.
- The overall height of the detached garage is 18 feet. Per Code, the maximum height of an accessory structure is 15 feet. Therefore, a Variation is required.
- The detached garage would be set back 6 feet from both the side and rear yards and 20 feet from the side yard abutting a street (Lincoln Street).
- The second story of the detached garage will be used for storage only.
- The Petitioner is also proposing a picket style fence set back 1 foot from the side lot line abutting the street. The Petitioner has indicated he will install landscaping between the fence and lot line as required per Code.
- Both building and lot coverage meet Code.

DEPARTMENTAL REVIEWS:

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

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

STANDARDS FOR A VARIATION: Standards for a Variation are found in Section 14.03 D (1) and (2) of the Zoning Code. Specifically, the Petitioners must show that the property in question 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; and that the variation, if granted, will not alter the essential character of the locality. The Petition for Variation is attached, and the Petitioners have attempted to address the required standards.

Ms. Wood asked if the other variations were as large as the current request.

Ms. Romack explained the other variations: the structure at 208 N. Benton is 1300 square feet, the structure at 57 N. Hale Street is approximately 880 square feet, and the structure at 126 E. Lincoln Street is 720 square feet.

Ms. Wood asked what the height of the garage next door on Lincoln Street.

Ms. Romack stated that is unknown but none of the other properties mentioned had requested a Special Use for height.

Mr. Pirog pointed out the Petitioner's statement indicates it is the same height.

Mr. Dittrich referred to the slide asking if they are removing the driveway next to the house.

Ms. Romack answered yes and explained the plan is to remove the driveway and put a sidewalk there and make the other driveway longer.

Mr. Dittrich asked if it meets lot coverage.

Ms. Romack answered yes.

Sworn in petitioner: Mr. Dan Johnston 203 N. Benton, Palatine

Mr. Johnston explained the current garage is not suitable to park cars in. He stated it is small and has been there since the late 40's. He stated they would like to bring it up to Code by bringing it back, which will match the one right next door in height and width just 5 feet deeper. He explained the reason to make deeper is to get as close to the lot line as possible and maximize the space they have while staying consistent to the look of the neighborhood. He explained he is trying to make it look nice and maximize the yard space for children and pets.

Mr. McGinn asked if he spoke to neighbor to the east of garage.
Mr. Johnston answered yes every week.

Mr. McGinn asked if they have any concerns.
Mr. Johnston answered no he said he would have gone bigger if he could have.

Mr. McGinn asked if he has concern about it being close to his property line.
Mr. Johnston answered no.

Mr. Pirog asked if there is currently a fence.
Mr. Johnston answered no but multiple homes including 125 E. Colfax Street have picket fences that run right alongside so this will fit right in.

Ms. Wood asked what how far back the fences setbacks are.
Mr. Johnston stated they are all within a foot. He stated all neighbors he has spoken to have been encouraging

Mr. Dittrich asked about the location of the fence.
Mr. Johnston explained it will stop at the back line on the north side of the garage. He stated they will have vegetation between his property and the property to the east.

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

STAFF RECOMMENDATION:

The Petitioner is proposing to construct a detached garage that requires relief due to its size and height and a fence that requires relief because of its location. The Petitioner has indicated the garage would be in keeping with the neighborhood and the fence will help him to maximize his backyard for his family. The Petitioner would use the garage for vehicles, storage and a work room only. Detached garages of this size and height are not uncommon in this neighborhood; thus the proposed garage should not have a negative impact on the value of the surrounding properties. The proposed fence would be picket-style should not alter the essential character of the locality. Therefore, Staff recommends approval of the Special Use and Variations subject to the following conditions:

1. The Special Use and Variations shall substantially conform to the site plan and

elevations prepared by Regency Garages, dated 01/26/2018, except as such plans may be changed to conform to Village Codes and Ordinances.

2. The detached garage, including the second floor space, shall not be used in pursuant of any commercial business.
3. The detached garage may not be used for a dwelling unit.

Ms. Wood asked if there were any questions on Staff's recommendation. There were no further questions. The public hearing was closed.

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

DELIBERATIONS:

Ms. Roth-Wurster stated it meets the standards for a Special Use and won't have a negative impact on the values of the surrounding properties. She stated the Variation has uniqueness with these historical homes having larger garages because they need it.

Ms. Wood summarized that this request had met the standards and was approved by a unanimous vote of 6-0. This item will go to Village Council on April 2, 2018.

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

5. 223 E. Northwest Highway

Ms. Wood recused herself and turned over the meeting to Mr. McGinn.

Notice was published in the Daily Herald on February 26, 2018 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/Site Plans
4. Business Plan
5. Floor Plan
6. Elevations
7. Fence Elevation
8. Letter from Highland Management dated 1-30-18
9. Public Notice

Ms. Bremanis gave the background of the request explaining the Petitioner is proposing to operate a pet resort (kennel) at the Subject Property. Therefore, the Petitioner is requesting:

1. **Special Use for a kennel**
2. **Variation to allow gross surface area of attached sign to be 99 square feet instead of the allowed 66 square feet**
3. **Variation to allow an 8 foot fence instead of the permitted 6 foot**

SITE ANALYSIS:

- The Subject Property is zoned B-2 General Business District. The Subject Property is the existing Palatine Plaza shopping center.
- The Subject Tenant Space is currently vacant but was formerly the west half of the previous Hobby Lobby. The space is approximately 12,000 square feet.
- Services will include boarding, daycare, grooming and training. The dogs will remain on premises at all times.
- The proposed hours of operation are Monday through Friday from 6:30 AM to 7 PM, Saturday from 8 AM to 5 PM, and Sunday from 8 AM to 6 PM.
- There will be between 15-20 employees and have a kenneling capacity of up 110 dogs. In addition to the Special Use review, kennels are licensed and inspected by the Illinois Department of Agriculture.
- The Petitioner currently has other locations including 2 in Arizona, 2 in Missouri and 1 in Kansas. <http://petemac.com/>. They were also approved for a Special Use in Downer's Grove, IL in the fall of 2017.
- The Petitioner is proposing install a 99 square foot sign instead of the permitted 66 square feet. Therefore, a Variation is required. Given the size of the tenant space and the corner frontage, the proposed sign is not out of character for the center or a similarly size tenant space.

- The Petitioner is proposing to construct a 2,423 square foot outdoor area that will remove 11 existing parking spaces. The outdoor area would be enclosed by an 8-foot tall fence. Per Code, fences in the business district cannot exceed 6 feet in height. Therefore, a Variation is required.
- Outdoor play area is utilized for up to 45 dogs from 8 AM to 4 PM for the daycare/kenned dogs. The outdoor area is further utilized until 9 PM for small group (same family) or individual bathroom breaks. A component of the business plan indicates that the outdoor area will be staffed and monitored at all times. The outdoor space is approximately 150 feet from the adjacent commercial property to the west and 230 feet and 370 feet to the adjacent church and school property and building to the southwest.
- The proposed access entrance is completely separate from the other tenant entrances in the center. It is located on the west end of the center and adjacent to available on this section of the building. This design will not encourage conflicts between dogs planning to stay at the kennel and the other shoppers and customers at Palatine Plaza.
- The proposed use requires 1 parking spaces per 300 square feet. The shopping center has 573 existing parking spaces, but with the removal of 11 parking spaces for the outdoor area, 562 parking spaces will remain. Despite the removal of the 11 parking spaces, with regard to the proposed tenant composition, the plaza will be over parked by 70 parking spaces.

Establishment	Parking Requirement	Square footage	Total Required spaces
Brown's Chicken	1 per 2.5 seats (1/100 sf)	1,825 sf (22 seats)	18
Retail (<u>this includes the 40 required parking spaces for the Subject Use</u>)	1/300 square feet	131,987	440
Dairy Queen	1/100 square feet	1,850	19
Subway	1/100 square feet	1495	15
Total square footage	137,157	Total required parking	492
Total parking provided			573 parking spaces total Once 11 spaces are removed there will be 562 (70 parking spaces over)

DEPARTMENTAL REVIEWS:

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

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

STANDARDS FOR A VARIATION: Standards for a Variation are found in Section 14.03 D (1) and (2) of the Zoning Code. Specifically, the Petitioners must show that the property in question 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; and that the variation, if granted, will not alter the essential character of the locality. The Petition for Variation is attached, and the Petitioners have attempted to address the required standards.

Mr. Pirog asked where the entrance will be
Ms. Bremanis referred to the existing condition slide and explained.

Mr. Pirog asked about the sign not being out of character and clarified all the signs in the center came in for variations
Ms. Bremanis spoke to the center having higher and lower spaces and how their sign compares.

Mr. Pirog asked if Ace received a variation
Ms. Bremanis stated she doesn't have that information.

Ms. Roth-Wurster pointed out it may be grandfathered in.
Ms. Bremanis stated that is possible since it has been there a long time

Ms. Roth-Wurster asked if there are other kennels in area that do not have an outdoor area.
Ms. Bremanis stated she is not aware of any kennels without an outdoor area

**Sworn in petitioner: Ms. Gay Barwald 1255 W Baseline Rd Mesa, AZ
Bryan Spain 1502 Crawley Rd Arlington ,Texas**

Ms. Barwald stated Pete and Mac's have been in the home away pet care business for 20 years. She stated they have cared for hundreds of thousands of dogs over the years. She showed pictures of suites on slide explaining they use glass tiles which the ABKA says is the best material to build for animals that allows them to easily sanitize. She stated they feel every dog deserves their own room. Ms. Barwald referred to the slide to show an example of how the outside area will look but explained they are requesting the variance to put a solid 8ft poly vinyl instead of the 6ft. She explained the 8ft is to keep the animals safe as well as to mitigate noise. She stated the area will have a solid roof and turf.

Mr. Pirog stated the slide shows a 6ft fence and asked why they need an 8ft fence.
Ms. Barwald explained as they have evolved they would prefer to go with an 8ft solid fence for safety.

Mr. Dittrich asked if they spoke to funeral home
Ms. Barwald stated the last time they were in town they dropped off info and have not received any feedback.

Ms. Barwald referred to the slide of the boarding area pointing out they hang

sound baffles to help mitigate any noise. She stated they are very cognoscente of their neighbors.

Mr. Larson asked if the sight shown is similar to the requested size.
Ms. Barwald answered yes.

Ms. Barwald referred to the slide explaining they install a Trent drain system to control waste that will be tied into city sewer systems. She explained they are all about controlling waste and odor with their ac systems turning the air 3-4 times an hour.

Mr. McGinn asked if they have any concerns with pet drop off.
Ms. Barwald explained they will install poop stations. She stated they require staff to do hourly perimeter check to make sure customers know their facilities are clean

Sworn in Mr. Charles Margosian 800 Ramsgate Ct. Naperville

Mr. Margosian stated he has been the main owner of the shopping center since 1988. He spoke to the drastic changes they have made the center. He stated they are very comfortable with the operators and would not put anything in there that would cause detriment. He stated they have been good citizens in the town and work hard to maintain it.

Ms. Roth-Wurster asked how long has the been vacant
Mr. Margosian answered almost 2 years but explained they have been trying to lease it for longer than that.

Mr. McGinn asked if any tenants have concerns
Mr. Margosian answered no and stated many are encouraging it because it will increase traffic with as many as 100 drop-offs.

Mr. McGinn asked if any other questions for Petitioner. There were no further questions for the Petitioner.

STAFF RECOMMENDATION:

The Petitioner is proposing to operate a new kennel known as Pete & Mac's Pet Resort in the west section of the former Hobby Lobby space in the Palatine Plaza Shopping Center. The Petitioner has proposed several design elements into the project to minimize any potential impacts including screening material and the location of their outdoor play area located on the side of the building. Therefore, this proposed use should not have a negative impact on the neighboring businesses. Therefore, Staff recommends approval of the Special Use and Variations subject to the following conditions:

1. The Special Use and Variations shall substantially conform to the business plan submitted by the Petitioner dated 3/06/2018 and the site plan and floor plan dated 1/30/18 submitted by the architect Studio 21 except as such plans may be revised to conform to Village Codes and Ordinances.

2. The Petitioner shall prepare a revised site and business plan to locate waste receptacles proximate to the tenant space, including a maintenance and disposal plan, in a manner acceptable to the Village of Palatine.
3. Dogs shall not be walked off-site.
4. Dogs shall be leashed at all times when arriving and departing the facility.
5. Dogs shall not be outside the building (Pete & Mac - outdoor play area) except between the hours of 7 AM and 9 PM.
6. Staff will conduct a 6-month review of the Special Use and, if deemed necessary, will recommend additional conditions and requirements to the Village Council regarding the Special Use operations.

Mr. McGinn asked if there were any questions on Staff's recommendation.

Ms. Roth-Wurster asked what they would be looking for with condition #6.

Ms. Bremanis explained that is a condition that is added all the time to address any unforeseen issues. She further explained but any complaints would be addressed right away.

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

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

DELIBERATIONS:

Mr. Dittrich stated the kennel seems to be impressive with a plan that can utilize the space and has a successful track record. He spoke to the size of the sign and pointed out it needs to be bigger to be visible because the location is back in the corner. He stated he is in favor of the 8ft fence to lessen the noise and visibility because it borders the funeral home.

Mr. McGinn pointed out it reduces the risk of dogs jumping over the fence.

Mr. Pirog agreed with Mr. Dittrich except the 8ft fence. He stated he has not heard a valid reason for the variation and thinks it will be a safety issue for the people watching the dogs.

Ms. Roth-Wurster pointed out 8 ft. fences has been allowed and with this being a commercial use it won't have a negative impact but rather will increase the safety and security. She stated it seems like a solid operation and a good use of the space.

Mr. Larson stated the sign is setback a ways from the road which leads to unique circumstances

Mr. McGinn asked if Mr. Dittrich would like to separate the special use and variation approvals.

Mr. Dittrich answered no.

Ms. Wood summarized that this request had met the standards and was

approved by a vote of 4-1. This item will go to Village Council on April 9, 2018.

RESULT:	RECOMMENDED TO APPROVE [4 TO 1]
MOVER:	James Dittrich, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Larson, Roth-Wurster, McGinn, Dittrich
NAYS:	Pirog
ABSENT:	Luszczak, Cavanaugh
RECUSED:	Wood

IV. COMMUNICATIONS

Ms. Romack stated the petitions that have gone to Village Council are as follows:

- 1109 W. Whippoorwill Lane - the Special Use for the tree house was denied
- 158 S. Bothwell Street - the Variation for the garage was approved
- 1000 S. Quentin Road - the Special Use and Variation for the EMB sign was approved
- 459 W. Northwest Highway - the Special Use for the masseuse was approved
- 720 W. Euclid Avenue - the Special Use for Crunch Fitness was approved

Ms. Romack stated the next meeting is scheduled for Tuesday, March 27.

V. ADJOURNMENT

1. Motion to Adjourn

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

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

