



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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ZONING BOARD OF APPEALS

MINUTES • MARCH 12, 2019

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

Staff present: Ms. Lyn Bremanis

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Feb 26, 2019 7:00 PM

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

III. PUBLIC HEARING

1. 762 E. Mill Valley Road

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

Petitioner's Exhibits:

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

Sworn in staff: Ms. Lyn Bremanis

Sworn in petitioner: Mr. Steven Heinz 762 Mill Valley Road

Mr. Heinz stated they are looking to erect a fence on the east and west side. He stated there is already a fence on the north side. He explained the reason for the fence is because they moved in less than 2 years ago and have 2 dogs. Mr. Heinz pointed out it is a busy corner at a busy intersection. They don't want other dogs to come in to their yard and fight with their dogs or their dogs to get out and get hit by traffic. Mr. Heinz explained they are looking for the fence to be approximately 1 ft. away from the property line because the neighbor to the north has their fence there and want them to line up. He referred to the existing conditions slide to show the location of the neighbors' fence and proposed location. He stated they will keep the grass and the bushes. Mr. Heinz pointed out the existing bushes are planted at the 5 ft. line so if the fence goes there they would have to remove the bushes.

Mr. Pirog clarified the existing bushes are at the 5 ft line.

Mr. Heinz explained the trunks are at 5 ft. He stated they will trim them back and plan to plant more on the other side.

Ms. Wood asked if he is referring to the east side.

Mr. Heinz stated that is on the street side.

Ms. Wood asked if they would do the same thing on the other side.

Mr. Heinz stated they would keep the bushes on the other side.

Mr. Pirog asked if the property slopes down.

Mr. Heinz answered no not really.

Ms. Bremanis referred to existing conditions slide to show property being pretty flat.

Ms. Wood asked about the height of the existing fence in the slide.

Mr. Heinz answered 6 ft.

Ms. Bremanis clarified the fence on the slide is across the street showing location on aerial.

Mr. Pirog clarified 761 Mill Valley is 1ft. off the property line.

Ms. Bremanis answered that is correct explaining they received a variation in 1998.

Mr. Cavanaugh expressed his concern is that the shrubs get overgrown and block the sidewalk. He asked Mr. Heinz if they are committed to maintain the landscaping.

Mr. Heinz answered yes explaining trimming bushes is something he likes to do.

Ms. Wood asked if 6ft. high fencing is allowed

Ms. Bremanis answered yes explaining they are only seeking relief on setback.

Sworn in Julia Heinz daughter

Ms. Heinz pointed out the main reason for the fence is there are 2 children that frequently run through their yard that have special needs. She stated they don't want their big dogs to think they are playing with them. Ms. Heinz explained the fence will add safety for the community as well as for their family.

Ms. Wood asked if dogs are in the yard without a fence.

Ms. Heinz answered yes explaining they go out with them or they are chained up. She pointed out if someone runs through the backyard you can't really prevent anything from happening.

Mr. Pirog clarified they are chained up in the backyard.

Ms. Heinz answered yes but pointed out they need enough room to go to the bathroom so if a child runs through the backyard they go right to the dogs.

Ms. Bremanis gave a brief overview explaining the property is zoned R-2, the required setback would be 5 ft., and they are requesting less than 1ft. She pointed out the uniqueness is they are adjacent from Palatine High school parking lot. She referred to the elevation slide to show a sample of what they are proposing to install. Ms. Bremanis stated they have agreed to do all of the required landscaping. She referred to slides to show existing conditions to show consistency of fences along Rohlwing Road.

Ms. Roth-Wurster asked how long the expanse is.

Mr. Heinz answered 38ft.

Ms. Roth-Wurster clarified it closes off at the house.

Mr. Heinz explained it closes off at the back of the house to the existing fence by the neighbor.

Ms. Roth-Wurster asked staff if there was no concern with line of site on the sidewalk

Ms. Bremanis answered no pointing out there are no driveways pulling out there.

STAFF RECOMMENDATION:

The Petitioner is requesting approval to install a fence within one (1) foot of the property line. Landscaping will also be installed between the fence and property line. The fence height and location will generally match the fence directly to the north (761 E. Juniper Drive). Additionally, if the fence was required to meet the required five (5) foot setback requirement, removal of some of the existing vegetation which is fairly large and mature would be necessary. The proposed fence will be consistent with the adjacent properties and their fences and should not negatively impact the neighborhoods or adjacent properties. There is a pending text amendment to the Village Council (to be reviewed in March), which is proposed to reduce the required side yard abutting a street setback for fences from its current 5-foot requirement down to a minimum 3 feet for decorative fences, not more than 48 inches in height. Although the proposed fence would still be required to be set back 5 feet, it would also align with the neighboring fence to the north and is comparable to others in the area.

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

1. The Variation shall substantially conform to the site plan submitted by the Petitioner, Stephen Heinz, as shown on the Plat of Survey as prepared by MEI and dated 09/07/2017, except as said plan may be changed to conform to the Village Code of Ordinances.
2. The final landscaping/planting plan shall be submitted in a manner acceptable to the Director of Planning & Zoning prior to issuance of a building permit for the fence.
3. The landscaping shall be installed within 60 days of completion of the fence installation.
4. Once the plant material has been installed, the Petitioner shall maintain said plant materials so that they do not overhang or obstruct the adjacent sidewalk.

Mr. Pirog clarified the variation is for one side.

Ms. Bremanis answered that is correct the other side is permitted explaining this is for the east side.

Ms. Wood asked if there are height requirements for the landscaping plan.

Ms. Bremanis answered no stating per code it is approximately 3 ft. in height. She clarified on the site plan slide to show location of relief requested.

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

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

DELIBERATIONS:

Mr. Cavanaugh stated it is a good improvement for the area and is keeping with other properties on Rohlwing Road and around the High School. He pointed out it

is a safety issue for the dogs as well as for kids running through the yard. Mr. Cavanaugh stated it meets the standards and is in keeping with the neighborhood.

Mr. McGinn pointed out the variance of the property to the north creates unique circumstance requiring them to match up with that fence.

Ms. Roth-Wurster stated she agrees that it meets the standards and won't alter the essential character of locality.

Ms. Wood stated she is not always in favor of the 1ft. setback but looking at the individual circumstances this one seems to warrant it so is in favor.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 8-0. This item will go to Village Council on April 1, 2019.

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

2. 1417 N. Rand Road

Notice was published in the Daily Herald on February 25, 2019 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. Floor Plan
5. Business Plan
6. Other Location Interiors
7. Public Notice

Sworn in petitioner: Ms. Denise Karanus 1417 N Rand Rd

Ms. Karanus stated they are planning on taking over the old Jason's Deli location which has been vacant for some time and open a new restaurant. She explained their proposed restaurant, Sweet Basil Café, is currently open in Streeter, Illinois and plan on expanding and opening in Palatine, Peoria and Riverwoods. She stated they anticipate 40 employees which will bring vitality to the area. Ms. Karanus pointed out the area is in need of more restaurants that include breakfast ,lunch and dinner. She stated they hope to revitalize the center by taking over a space that has been vacant for a while.

Ms. Wood clarified they currently own 2 restaurants in Bloomington and Peoria Ms. Karanus explained they used to own Wild Berries but both locations since have been sold. She explained the pictures were to represent how their businesses look.

Ms. Wood asked if the restaurant will be individually owned or a franchise. Ms. Karanus explained it is family owned explaining her husband is the chef and she handles the management. She further explained they have adult children that are also involved.

Ms. Wood pointed out the large menu.
Ms. Karanus stated all is home cooked and prepared on site.

Ms. Wood asked how many sq.ft. the location is.
Ms. Karanus stated this is their smallest location at approx. 4700 sq. ft.
Ms. Bremanis corrected approx. 4800 sq.ft.
Ms. Karanus explained they will keep the basic floor plan used by Jason's Deli but are reducing the seating to be less congested.

Ms. Wood clarified there will be no liquor service.
Ms. Karanus explained not at this time but stated if they did in the future it would be a service bar not a bar to sit at.

Ms. Bremanis gave a brief summary of request stating the property is zoned Planned Development following the B1 and B2 uses. She spoke to the hours being 7 am-9 pm daily. She stated the menu will be varied and they are not offering liquor service. Ms. Bremanis spoke to the seating being reduced from 166 to 145. She stated currently the parking plaza is significantly over parked. Ms. Bremanis stated Community Services, Engineering and Fire Prevention have all reviewed and have no concerns. She referred to the slides to show existing conditions.

Mr. Dittrich asked if the seating plan on the slide is for the 166 or 145.

Ms. Bremanis stated it was for the 166 explaining they will adjust the seating layout. She explained from a staff's perspective when reviewing the kitchen layout and seating plan She stated Environmental Health wants to review to ensure the kitchen can support their business plan. Ms. Bremanis stated in reducing the seats there would not be any issues but will need to meet all fire codes.

STAFF RECOMMENDATION:

The Petitioner is proposing to open a new restaurant in a vacant tenant space previously occupied by a restaurant. The proposed restaurant would reduce the number of seats from the previous restaurant. Park Place Shopping Center is substantially over parked; therefore, Staff does not have any parking concerns. The Petitioner previously owned two restaurants and currently owns one in Illinois and the proposed location will be their third restaurant. As the proposed use would be occupying a vacant tenant space previously occupied by another restaurant, it 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 floor plan and business plan submitted by the petitioner on 02/08/2019, 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 Mr. Dittrich.

DELIBERATIONS:

Mr. McGinn stated it is straight forward since they are replacing a restaurant with a new restaurant. He pointed out it fits with the character of the locality. Mr. McGinn stated the petitioner has experience in the restaurant business so it will be operated in a manner consistent with the health and welfare of the area.

Ms. Wood stated it will be a great addition pointing out the plaza needs new life. She stated a family restaurant is perfect for the location and the hours are great. Ms. Wood stated they are filling a vacancy as well as offering employment to the area. She spoke to the menu and how it is great to offer the area another dining option. She stated it meets the standards and is a welcome addition to the town.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 8-0. This item will go to Village Council on March 18, 2019.

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

IV. COMMUNICATIONS

V. ADJOURNMENT