



VILLAGE OF PALATINE

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

MINUTES • MARCH 10, 2020

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Feb 25, 2020 7:00 PM

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

III. PUBLIC HEARING

1. 1355 N King George Court

Sworn in staff: Ms. Lyn Bremanis

Sworn in petitioner: Mr. Brad Sashko, property owner, 1355 N King George Court

Mr. Sashko stated that the sunroom has been constructed. The rear required rear yard setback is 40 feet, his is currently at approximately 35 feet. He moved into the house approximately 2 years ago. We wanted to remove and reconstruct the unsafe deck. He started the process with Mr. Nelson, the Village Plan Reviewer, after watching his kids play on the deck, he made the decision that it had to be done, so he met with Mr. Nelson, he was overwhelmed and made the rash decision and went ahead and started working without the building permit. It was a poor decision, he did a lot of research he had a great discussion with Mr. Nelson, but he was impatient and accepted the responsibility and accountability of his actions, he will work with Community Services and will make sure the sun room was built according to the standards and codes. What was overlooked was the zoning ordinance, the rear set back is 40 feet, the setback is currently at 35.99 feet.

Ms. Wood asked what the distance of the encroachment is.

Ms. Bremanis stated that it is approximately 4.01 feet encroachment.

Ms. Wood asked if the entire back area is encroached.

Ms. Bremanis stated that it is only a small area.

Mr. Luszczyk asked the petitioner if he has spoken to his neighbors in regards to this.

Mr. Sashko stated at he spoke to his neighbors directly behind him at 1358 Pepper Tree, the neighbor was aware of the public notice and hopes he enjoys. His neighbor had no issues with it. Mr. Sashko also stated that he has a letter from the next-door neighbor; who was mostly affected by it. Even though the permit is not issued yet, the neighbor is still in support of it.

Mr. Luszczyk asked the petitioner if he received the permit yet.

Mr. Sashko responded that no, it is part of the whole process.

Ms. Bremanis stated that the permit will not be issued until we find out if this request will be granted. If it is not, he could not go ahead with the project.

Mr. Sashko stated that the feedback that he has received from the plan reviewer, Sanyokta Kapur and Planning and Zoning, was that he had to modify a staircase that was pre-existing. The deck that he built had to be modified because the stairs that were pre-existing are not within 3/8 inch steps and he had to add electrical to make sure the stairs are lighted.

Ms. Wood asked if he could have made it less than the 4 - 5 feet that he is over and how would it affect the plans.

Mr. Sashko stated that he used the exact same measurements as the pre-existing deck. The size of the sunroom is almost 2/3 of the size and the other portion is being used for the deck.

Ms. Wood asked if it was the deck that was there.

Mr. Sashko replied that he replaced the deck. The posts were not to code, there was surface concrete only, so he completely ripped them out.

For clarification, Ms. Wood asked when purchased a home, the deck was there and it was in disrepair.

Mr. Sashko answered yes.

Ms. Wood asked if he wanted to make it a 3 season room or sunroom on the same dimensions.

Mr. Sashko answered yes.

Mr. McGinn asked the petitioner to describe the landscaping that is in between his property and 1358 Pepper Tree.

Mr. Sashko replied that there is a fence line of 5 feet on his property line and there is landscaping on his side. There is all brush and trees on the other side of the 5 feet area. Mr. Sashko also stated that with the thick landscaping that he didn't even realize that his neighbors had a shed in the back of their property.

Mr. Dittrich had a question for staff; did the previous deck have a special use?

Ms. Bremanis stated that the codes for decks can encroach up to 25 feet in the rear yard from the lot line. Where this changed was this is no longer a deck, it is an addition, so now it follows the 40 foot setback. If he would've just replaced the deck, it would've been up to code.

Ms. Roth-Wurster had a question for staff; are we aware if there any homes where there any accessory structures that are within 35 feet that don't meet the 40 feet requirement?

Ms Bremanis stated that she is not aware of any. This is a uniquely shaped lot the way it is laid out.

Ms Wood asked staff what are the dimensions of the addition?

Ms. Bremanis stated that they are 15.67 x 19 feet or about 298 square feet.

Ms. Wood asked staff if there was any other information.

Ms Bremanis stated that the Subject Property is zoned R-2 Single Family Residential.

The proposed sunroom is 15.67 feet X 19 feet and the rear yard setback is 35 feet.

The addition is a one-story structure and meets code for height at 15.25 feet.

Both building and lot coverage meet code (approximately 15% and 24%).

A letter indicating support for the requested relief was submitted by the property owner at 1367 King George Court, which is directly north of the subject property and shares the interior side yard.

STAFF RECOMMENDATION:

The Petitioner applied for a building permit to replace the deck, with a sunroom in July 2019; however, the permit was never issued. As a follow-up to the initial building permit review, the Petitioner was sent a review letter advising that if the deck structure were to be converted to a sunroom, a rear yard setback reduction would be required. Ultimately, the Petitioner constructed the sunroom, without the required building permit.

While Staff does not believe the Special Use would alter the essential character of the neighborhood, the Petitioner constructed the sunroom in the absence of a building permit and required zoning relief. 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 Special Use shall substantially conform to the elevation plan and site plan submitted by the Petitioner, Brad Sashko, except as such plans may be changed to conform to Village Codes and Ordinances.

Public hearing was closed.

Mr. Dittrich stated that the petitioner met the conditions for the special use and understands that the permit was not received a head of the time, he sees no issues with the encroachment.

Mr. McGinn stated that it is a uniquely shaped lot also the neighbor at 1358 does not have an issue and furthermore, there is a lot of landscaping and trees, you will not be able to notice it.

Motion to approve subject to staffs conditions

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 the Village Council on April 13, 2020.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
AYES:	Roth-Wurster, Wood, Luszczyk, McGinn, Cavanaugh, Dittrich
ABSENT:	Larson, Pirog

2. 2391 N. Hicks Road

Sworn in petitioners: Mr. Terry R. Yormark II, Lake Cook Commons, LLC. property owner 16 Vanderbrook Drive, South Barrington and Ms. Kristina Gaardbo & Mr. Greg Gaardbo 665 Woodland Road, Palatine business owners

Ms. Gaardbo stated that they have been at 773 N Quentin Rd, opened as an event space in October 2016. Previously, they were using the space as a commissary. She stated by March 2017 they opened as a successful restaurant on the weekends. They are celebrating their 3rd anniversary in March. Ms. Gaardbo indicated they are looking to expand in size, seating and hours. The demand is there, the customers are requesting more seating and hours. Ms. Gaardbo stated they are happy with the space. She indicated the hours of operations would be 6 days per week, but they are asking for 7 days per week since they are seeking a Class "D" liquor license. Ms. Gaardbo stated they are not necessarily looking to operate during until midnight but more around 8 or 9 PM unless there are hosting an event. The menu will expand, but will still be Texas BBQ. Ms. Gaardbo explained they will be adding specials and combo plates. She indicated they are trying to give the customers what they are requesting, and bring more people to their business and into Palatine. It's a great location to get other communities to come to the area and create more revenue for Palatine as well.

Ms. Wood asked for a little more information about the outdoor seating. Will there be music, lighting and what the hours will be?

Ms. Gaardbo replied that it will be on the outside wall closest to Lake Cook Road; the current dimensions are 35' X 18'. There will have picnic tables with lights and an awning, and possibly some music. Outdoor seating hours correspond with restaurant hours.

Ms. Wood asked what the distance is from the patio to the residences.

Ms. Bremanis stated that is approximately 300 feet from the corner of the building where the patio will be to the residences.

Ms Wood asked what type of lighting will be provided on the patio.

Mr. Gaardbo responded that it will be string lighting, more decorative. He presented a photo of a patio with the lighting they would like to emulate.

Mr. Cavanaugh asked if the vehicles will be parked in back of the building closer to the residents. Mr. Cavanaugh asked they describe the truck details.

Ms. Gaardbo said they will be removing the letters off of the vehicle known as "Mad Max" or it will be counted as signage. It is used as a catering vehicle. It will be park on an angle near the patio to provide atmosphere and also we will have access to it for events. There will be 3 vehicles, the event truck, "Mad Max" and the wood truck. The vehicles give character to the building, and people love to come and take pics in front of the truck.

Ms. Wood reviewed the photo of a similar patio provided by Ms. Gaardbo and asked if this is what she had in mind of the patio.

Ms. Gaardbo responded yes. She further indicated is also aware that building permits will be required for the outdoor area.

Ms. Wood asked staff if they need to address anything as far as the outdoor sound goes.

Ms. Bremanis stated that there are regulations for sound and if they were ever to bring in live entertainment, they would need a separate permit for that.

Ms. Wood asked if it was just music playing outdoors that would be ok.

Ms. Bremanis said yes, as long as it follows our code.

This property is zoned Planned Development and follows the B-2 standards. The current special use includes the restaurant, catering, and cooking classes. All of those uses will come to this location. There are 12-15 employees planned at this location. 77 seats are proposed for the restaurant. The outdoor seating will have 20 seats for seasonal use. There are 125 spaces, 119 are required. Three commercial vehicles will come to this location and 2 other would be stored off-site. Screening will be required on the east side of the property from the residential property. No other departments had any other issues for review.

Mr. Cavanaugh stated that he saw the photo with the handicapped spot was relocated to the front. He asked if is it 2 for the whole shopping center? Is that sufficient?

Ms. Bremanis stated that she is not sure what the regulations are. If it didn't meet code, it is under existing conditions, they have room, so if it is necessary they can add them.

Mr. Yorkmark said they just recently redid the parking lot. The number of handicapped spots are sufficient; no spots are being removed. There are 125 spaces, 119 are required. They spent more than \$250,000. This is a Palatine success story and I'm glad they decided to stay in Palatine.

The Petitioner is proposing to relocate an existing restaurant and catering business to a vacant tenant space in Lake Cook Commons. The proposal includes the addition of an outdoor seating area and the relocation of three vehicles that are used to add atmosphere, two of which will be used for offsite catering events as well. Lake Cook Commons will have 125 parking spaces once the outdoor area is added. With the addition of the restaurant the site will still be over parked by 6 spaces, therefore Staff does not have any parking concerns.

As the proposed use would be occupying a vacant tenant space previously occupied by another restaurant/convenient mart, 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 business plan, including the commercial vehicle parking plan, submitted by the Petitioner on 2/15/20 and the

floor plan and site plan prepared by the architect, J. DiMaria Architecture, LLC on 2/19/2020, except as such plans may be changed to conform to Village Codes and Ordinances. The business plan should be revised to include the intended use of the 4 parking spaces, directly north of the outdoor seating area, as employee parking for Chicago Culinary Kitchen. This would further limit the frequency of use and turnover for those spaces.

2. A final landscaping/fencing plan shall be submitted in a manner acceptable to the Director of Planning and Zoning.
3. None of the commercial vehicles/trailers will be utilized including for cooking or food storage, holding, or preparation, without the review and approval from the Village of Palatine.

Public hearing was closed.

Mr. Cavanaugh made a motion to approve the Special Use subject to Staff's condition; seconded by Ms. Roth-Wurster.

Mr. Cavanaugh states this is a great use of a vacant spot. It will be a valuable resource to this part of town.

Ms. Roth-Wurster - Agreed. The standards have been met, this is a great use of the space. This is a wonderful Palatine success story.

Ms. Wood - Agree, it will have a positive impact to the community. When their name is mentioned, it is a successful business, they are active in the community and in the Chamber of Commerce. Great idea adding the outdoor area and a great idea to expand and it'll help contribute to Palatine in a positive way.

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 the Village Council on March 16, 2020.

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

IV. COMMUNICATIONS

V. ADJOURNMENT