

VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
<http://www.palatine.il.us>

ZONING BOARD OF APPEALS

MINUTES • MARCH 9, 2021

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

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

III. PUBLIC HEARING

1. 308 S. Benton Street

Notice was published in the Daily Herald on February 22, 2021 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use
2. Proof of Ownership
3. Plat of Survey/ Site Plan
4. Public Notice
5. Letter of Support

Sworn in Staff: Ben Vyverberg

Sworn in petitioner: Bryan Bergles 308 S. Benton St

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

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

Mr. Pirog asks if there is a fence.

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

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

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

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

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

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

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

Ms. Wood asks if the height is for aesthetics.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Wood asks Staff for clarification.

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Wood moves to Staff Recommendations

STAFF RECOMMENDATION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Bergles states the system would not be affected

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

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

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

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

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

DELIBERATIONS:

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

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

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

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

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

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

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

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

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

IV. COMMUNICATIONS

V. ADJOURNMENT