



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 8, 2022

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	Present	
John Pirog	Commissioner	Present	

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Feb 8, 2022 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
AYES:	Roth-Wurster, Wood, Luszczyk, McGinn, Cavanaugh, Pirog
ABSENT:	Larson

III. PUBLIC HEARING

1. 1028 W. Austin Lane

1. 1028 W Austin Lane

Notice was published in the Daily Herald on February 21, 2022 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Variation Application
2. Site Plan
3. Plat of Survey
4. Public Notice

Sworn in staff: Alex Bradshaw and Ben Vyverberg**Sworn in Petitioner: Mr. John Ciesla, 1028 W Austin Lane**

Mr. Ciesla explained his request to expand his driveway as a circular driveway to allow for easy access in and out and additional surface area for parking of cars for his family and guests. It would also provide a safer play area for his children. He states that other properties have this type of driveway.

Mr. Pirog asked if the work has already been started.

Mr. Ciesla replies that it has and explains that the contractor applied and received a permit that was to replace existing driveway only.

Ms. Wood shows pictures of other circle drives in the neighborhood that were submitted by Mr. Ciesla.

Ms. Wood asks if he has discussed the project with neighbors.

Mr. Ciesla responds that he has talked with neighbors and hasn't had any negative feed back.

Ms. Wood asks staff if they are aware of any issues with surrounding neighbors.

Mr. Bradshaw states that they have not received any concerns in regards to this project. He states no concrete has been poured.

Mr. Pirog asks if there has been any problems with rain water.

Mr. Ciesla states that the water flows downward from his property.

Ms. Wood asks if they have any flooding issues.

Mr. Ciesla states they do not.

Ms. Roth-Wurster clarifies that the issue is the width of the driveway and that the wider width is where the circular form of the driveway is formed.

Mr. Ciesla confirms that this is correct.

Ms. Wood discusses the available parking on his property.

Mr. Pirog asks if the Commercial vehicles that are mentioned in the petition are being removed from the property.

Mr. Ciesla states the company van is now being stored off-site and the car with the commercial lettering has had the lettering removed.

Ms. Wood asks for clarifications on the driveway dimensions.

Mr. Vyverberg clarifies the code and the dimensions as it relates to the Village Code.

Ms. Wood asks Staff if any of the circular driveways that were submitted had permits.

Mr. Bradshaw states that, to their knowledge, none of the locations had permits and the first aerial on record was from 2005 and they were existing previous to that year.

Ms. Wood asks if they were confirming.

Mr. Bradshaw states they are existing and non-conforming.

Ms. Wood asks if codes have changed since they were built.

Mr. Vyverberg states they were built to the current regulations and are legal non-conforming.

Mr. Bradshaw explains the width of the driveway at its widest point would be 48' wide and the combined width of the existing and proposed driveways, measured at the lot lines, would be 35 feet. The Zoning ordinance allows a maximum of 25 feet within 5 feet of the lot line. He also provides pictures of circular driveways in the area were that were constructed prior to 2005 and without any special approvals. He states that the commercial vehicles would be stored off site. He explains that both the building coverage and lot coverage are within the allowable percentage per code. Community services had no issues, engineering has no issues and states that the tree trimming within the public right of way will be done by a licensed arborist.

Mr. Pirog recalls a residence on Oak St that requested a similar project and was ultimately denied.

Mr. Vyverberg explains that there were differences in the width of the property line and the lot size. He indicated that the Subject Property has approximately 280 feet of frontage and the other property referenced had a much narrower frontage, at approximately 60 feet. These circumstances of the variations were vastly different.

STAFF RECOMMENDATION:

The Petitioner indicates the need for a circular driveway on the Subject Property will improve access and flow, when entering and leaving the residence. While Staff understands that there are other properties in the area with circular driveways, none went through a Variation process, as they were constructed

prior to the adoption of the relevant Zoning Ordinance.

The Petitioner is aware of the commercial vehicle ordinance requirements and has secured off-site parking accommodations for the commercial vehicle. Per the application materials, the driveway extension would not be associated with home occupation staging or commercial parking.

Therefore, Staff recommends approval of the requested Variations, subject to the following conditions:

1. The Variation shall substantially conform to the site plan submitted by the Petitioner, John Ciesla, except as such plans may be changed to conform to the Village's Codes and Ordinances.
2. Removal of parkway trees is not allowed, without written approval from the Director of Public Works. Any trimming of the trees in the public right-of-way shall be done by a licensed arborist and shall be subject to inspection by the Village Arborist.

**Mr. Pirog made a motion to approve subject staff's conditions;
Seconded by Mr. McGinn.**

DISCUSSION:

Mr. Pirog understands the need for a bigger driveway, the property is large and meets the standards. Has no issues with the request.

Mr. McGinn believes it would not alter the character of the locality.

Ms. Wood confirms that the location is a corner lot and it may give the flair to the site. It is a unique circumstance and would not alter the character of the locality.

Ms. Roth states that it would fit the character of the neighborhood.

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 March 14, 2022

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

2. 154 W. Northwest Highway

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Notice was published in the Daily Herald on February 21, 2022 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Special Use Application
2. Business Plan
3. Floor Plan
4. Plat of Survey
5. Public Notice

Sworn in Petitioner: Annie Basa 154 W Northwest Highway

Ms. Basa explains she is requesting special use to operate an existing restaurant, with a liquor license. She states that since the pandemic and restrictions placed on businesses, she is struggling to survive. She states a liquor license would help to increase her business, as her customers frequently request wine or beer.

Mr. Pirog asks if she has ever owned or managed a business with a liquor license.

Ms. Basa states she has not.

Mr. Pirog asks if she has a plan to train her staff on the rules and regulations for serving alcohol.

Ms. Basa states she would comply with all requirements needed to train the staff.

Ms. Wood asks if the previous restaurant had a liquor license.

Mr. Bradshaw states that the previous restaurant did have a liquor license.

Mr. Bradshaw states that the property is zoned B-2. He explains that, prior to the current restaurant's occupancy, the previous liquor license is non-transferable. He provides information about location and hours of business. He states the parking requirement would not change with the addition of a liquor license as the number of seats is not increasing.

STAFF RECOMMENDATION:

The Petitioner is proposing to introduce a local liquor license at the existing Annie's Restaurant & Pancake House in Eurofresh Plaza. As the floorplan and seating count are not increasing, the parking requirement remains the same. Ultimately, Staff did not identify any concerns with the proposal. Therefore, Staff recommends approval of the Special Use to permit the restaurant to operate with a local liquor license, subject to the following condition:

1. The Special Use shall substantially conform to the Business Plan and Floor Plan submitted by the Petitioner, except as such plans may be changed to conform to the Village of Palatine Codes and Ordinances.

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

DISCUSSION:

Mr. Cavanaugh states that the petitioner is prepared and ready to offer the additional product. He has no concerns with issuing a liquor license for this location.

Ms. Wood states the previous restaurant operated with a liquor license without any problems and based on the petitioners request it would be a benefit for the restaurant

Ms. Roth-Wurster states this business would benefit with a liquor license and has a bar already in place at the restaurant.

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 March 14, 2022

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

3. 44 W. Palatine Road

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Notice was published in the Daily Herald on February 21, 2022 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Special Use Application
2. Business Plan
3. Floor Plan
4. Plat of Survey
5. Public Notice

Sworn in Petitioner: Mr. Giovanni Labbate

Mr. Labbate explains he is requesting to open a new restaurant with a liquor license serving beer and wine only. He owns two other restaurants in the Mount Prospect area and has not had any issues. He talks about the parking availability in the strip mall and states the business would seat approximately 40 patrons. He points out that parking will not only be available at the strip mall but the surrounding area also has available parking.

Ms. Wood states her concerns about the parking availability. Normally the strip center wouldn't be available to support this business but with surrounding parking availability in the downtown area it may be accommodated. She asks if he has given thought about how this would affect the other businesses.

Mr. Labbate states he doesn't foresee this will be an issue for surrounding businesses.

Mr. Bradshaw states the property is zoned B-3 Central Business District and provides information on surrounding businesses. The restaurant is a sit down and takeout pizza restaurant that has proposed liquor service with 24 seats. He provides the proposed hours of business and information on their business plan. He explains the Zoning Ordinance in regards to parking spaces and states 20 parking spaces are required for this use and since the property is located in the Central business District the ordinance allows for the required parking to be waived by the Administrator. Additional parking spaces on Bothwell St. can be utilized by customers along with other public parking areas in the Downtown area.

Mr. Pirog asks if it's possible to allocate a couple of reserved spots for easy carry out.

Mr. Vyverberg states that the business can work with the property owner to request allocated spots.

STAFF RECOMMENDATION:

The Petitioner is proposing to open a new restaurant and operate with a local liquor license. The Subject Property shares 30 onsite parking spaces with other tenants in the Village Square Shopping Plaza, but falls short of the required parking. With employees utilizing the downtown employee parking areas, the shared parking lot and the public parking lot directly across Palatine Road can be utilized for customer parking.

Ultimately, the proposed use is compatible with the surrounding downtown area, and Staff did not identify any additional concerns. Therefore, Staff recommends approval of the Special Use to permit a restaurant to operate with a local liquor license, subject to the following conditions:

1. The Special Use shall substantially conform to the Business Plan and Floor Plan submitted by the Petitioner, except as such plan may be changed to conform to the Village of Palatine's Codes and Ordinances.
2. All employees of Tievoli shall enroll in and utilize the designated downtown employee parking areas.
3. As necessary, customers should be directed to utilize the public parking lot across Palatine Road (Lot H) or the surrounding on-street parking along Bothwell Street and Railroad Avenue for additional parking needs.

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

DISCUSSION:

Mr. Luszczyk states he hasn't seen that parking lot full on the occasions that he drives by and believes parking will not be a problem.

Ms. Wood states her concern about parking but acknowledges that the surrounding downtown area could accommodate overflow if needed.

Ms. Roth-Wurster states she doesn't have concerns and also acknowledges that the surrounding area can accommodate additional parking.

Mr. McGinn states it would be a good business for the downtown area.

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 March 14, 2022

Communications:

Mr. Vyverberg states the Village Council approved the Popeye's request.

1st meeting in April 12th will have 3 items on the agenda and the meeting for March 22, 2022 has been cancelled.

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

IV. COMMUNICATIONS

V. ADJOURNMENT