



Community & Economic Development  
1420 Miner Street, Des Plaines, IL 60016  
P: 847.391.5392 | W: desplaines.org

## Planning and Zoning Board Agenda January 25, 2022 Room 102 – 7:00 P.M.

### **Call to Order**

### **Roll Call**

**Approval of Minutes:** January 11, 2022

**Public Comment:** For matters that are not on the Agenda

### **New Business:**

**1. Address:** 1473 Henry Avenue

**Case Number:** 22-001-V (Public Hearing)

The petitioner is requesting the following items under Section 12-3-6 of the Zoning Ordinance: (i) a Standard Variation from Section 12-7-2(J) to allow construction of a two-story addition to an existing single family residence that is set back less than five feet from the interior side property line; (ii) a Standard Variation to allow a building coverage that exceeds the 30 percent limit for interior lots in the R-1 district; and (iii) the approval of any other such variations, waivers, and zoning relief as may be necessary.

**PIN:** 09-20-219-012-0000

**Petitioner:** Kirk Vondra & Candice Vondra, 1473 Henry Avenue, Des Plaines, IL 60016

**Owner:** Kirk Vondra & Candice Vondra, 1473 Henry Avenue, Des Plaines, IL 60016

**2. Address:** 2410 S Des Plaines River Road      **Case Number:** 22-004-V (Public Hearing)

The petitioner is requesting a Major Variation under Section 12-3-6 and from Section 12-9-6 of the Zoning Ordinance to allow a drive aisle width that is less than the minimum requirement for a parking area, and the approval of any other such variations, waivers, and zoning relief as may be necessary.

**PIN:**            09-33-201-026-0000; -027

**Petitioner:**    George Nellamattathil, 5318 W. Devon Avenue, Chicago, IL 60616

**Owner:**        George Nellamattathil, 5318 W. Devon Avenue, Chicago, IL 60616

**3. Approval of Revised 2022 Meeting Calendar**

Next Agenda – February 8, 2022

City of Des Plaines, in compliance with the Americans With Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in the meeting(s) or have questions about the meeting(s) or facilities, contact the ADA Coordinator at 847-391-5486 to allow the City to make reasonable accommodations for these persons. The public hearing may be continued to a further date, time and place without publication of a further published notice such as this notice.

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**DES PLAINES PLANNING AND ZONING BOARD MEETING**

**January 11, 2022**

**DRAFT MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, January 11, 2022, at 7:00 p.m. in Room 101 of the Des Plaines Civic Center.

Chairman Szabo called the meeting to order at 7:00 p.m. and read this evening's cases. Roll call was established.

PRESENT: Szabo, Veremis, Saletnik, Hofherr, Catalano, Weaver

ABSENT: Fowler

ALSO PRESENT: John T. Carlisle, AICP, Director/Community & Economic Development  
Jonathan Stytz, Planner/Community & Economic Development  
Ryan Johnson, Assistant Director/Community & Economic Development  
Vanessa Wells/Recording Secretary

A quorum was present.

**APPROVAL OF MINUTES**

**A motion was made by Board Member Weaver, seconded by Board Member Hofherr, to approve the minutes of December 14, 2021, as presented.**

AYES: Szabo, Veremis, Saletnik, Hofherr, Weaver

NAYES: None

ABSTAIN: Catalano

**\*\*\*MOTION CARRIED \*\*\***

**PUBLIC COMMENT**

There was no public comment.

Case 21-053-FPLAT-MAP-CU-V	1495 Prospect Ave & 1932 Illinois St	Final Plat of Subdivision Conditional Use Map Amendment
Case 22-001-V	1364 E Algonquin	Variation of Structures Standard Variation

**OLD BUSINESS**

**1. Addresses:** 1495 Prospect Ave & 1932 Illinois St      **Case Number:** 21-053-FPLAT-MAP-CU-V  
**Public Hearing**

The petitioner is requesting the following items: (i) A Map Amendment from R-1, Single Family Residential District to R-3, Townhouse Residential District; (ii) A Conditional Use to allow a Residentially Zoned Assembly Use in the R-3 district; (iii) Variation to allow two principal buildings on a zoning lot where only one is permitted; and (iiii) The approval of any other such variations, waivers, and zoning relief as may be Necessary.

**PINs:** 09-29-230-004-0000; 09-29-230-005-0000; 09-29-230-006-0000; 09-29-230-007-0000; 09-29-230-034-0000; 09-29-230-021-0000; and 09-29-230-022-0000  
**Petitioner:** Phat Boa Temple Association of Illinois, Inc., 1495 Prospect Avenue, Des Plaines, IL 60018  
**Owner:** Phat Boa Temple Association of Illinois, Inc., 1495 Prospect Avenue, Des Plaines, IL 60018

Chairman Szabo swore in Phat Boa Temple Association of Illinois, Inc., 1495 Prospect Avenue, Des Plaines, IL 60018 and Thomas Buckley of Thomas Architects, 2800 S. River Road, Des Plaines, Illinois, 60018.

**Issue:** The petitioner requests combined approval of a Tentative Plat and recommended approval of Final Plat of Subdivision under Section 13-2-5 of the Subdivision Regulations to consolidate the existing seven parcels into one lot of record.

In addition, the petitioner is requesting the following under the Zoning Ordinance: (i) a Conditional Use under Section 12-7-2(I) for a residentially zoned assembly use at 1495 Prospect Avenue (Lot 1); (ii) a Map Amendment under Section 12-3-7 to rezone Lots 1 and 2 from R-1 Single Family Residential to R-3 Townhouse Residential; and (iii) a Variation from Section 12-7-1 to allow more than one principal building on a zoning lot.

**Addresses:** 1495 Prospect Avenue & 1932 Illinois Street  
**Petitioner:** Phat Boa Temple Association of Illinois, Inc., 1495 Prospect Avenue, Des Plaines, IL 60018  
**Owner:** Phat Boa Temple Association of Illinois, Inc., 1495 Prospect Avenue, Des Plaines, IL 60018

**Case Number:** 21-053-FPLAT-MAP-CU-V



Case 21-053-FPLAT-MAP-CU-V	1495 Prospect Ave & 1932 Illinois St	Final Plat of Subdivision Conditional Use Map Amendment
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**PINs:** 09-29-230-004-0000; -005; -006; -007; -021; -022; -034

**Ward:** #6, Alderman Malcolm Chester

**Existing Zoning:** R-1, Single Family Residential

**Existing Land Use:** Religious institution (1495 Prospect) and vacant/unused single-family detached house (1932 Illinois)

**Surrounding Zoning:** North: R-1, Single-Family Residential  
South: R-1, Single-Family Residential  
East: R-2, Two-Family Residential  
West: R-1, Single-Family Residential

**Surrounding Land Use:** North: Single-family detached homes  
South: Single-family detached homes  
East: Duplex buildings  
West: Single-family detached homes

**Street Classification:** Prospect Avenue and Illinois Street are both local roadways.

**Comprehensive Plan** The Comprehensive Plan illustrates the property at 1495 Prospect Avenue as institutional and the property at 1932 Illinois Street as single family residential.

**Zoning/Property History:** Based on City records, the existing structure was built in 1946 for use as a religious institution. Since its construction the structure has been used for multiple religious institutions and gone through some expansions and alterations to make improvements and bring the building into conformance. Phat Boa Temple has utilized the existing property and structure and property since 1994. The parking area was expanded from its existing size and configuration to add the row of parking spaces directly west of the building. There have been code enforcement violations issued to this property for debris, work done without permits, and number of accessory structures. However, the applicant has been working with the City to resolve outstanding issues, and to City staff's knowledge, this use generally has not caused issues with the surrounding neighborhood.

A conditional use was approved in 2011 through Ordinance Z-34-11 to permit an expansion of an existing "place of worship" at this address. Since then, the residential use matrix table has been revised to remove the place of worship use and replace it with "residentially zoned

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assembly. Given the change in terms, as well as the petitioner's desire for a zoning map amendment, it is necessary to seek a new conditional use at this time.

**Project Summary:**

The proposed project consists of enhancements to the parking areas, including striping and curbs; landscaping and green space installations; and a significant reduction in the amount of impervious surface to bring together a more cohesive and better engineered Phat Bao site. The site would include the main L-shaped assembly building as well as the former single-family house at 1932 Illinois, which is proposed to become a rectory (i.e. a home for the Temple Master). The existing statue, platform, and waterfall feature located within the buildable area on southern portion of the site are proposed to remain as part of this request. Under Section 12-7-1(C) of the Zoning Ordinance, these objects are classified as yard features defined in Section 12-13-3 as "Objects and features, including arbors, trellises, gazing balls, bird baths, statues, wishing wells, ornamental lights, and other similar features, intended to be used for aesthetic or practical purposes." Given the proposed consolidation of the existing seven parcels into one lot of record, the existing yard features will adhere the applicable setback regulations under Section 12-7-1(C). The petitioner is also working with staff to address outstanding building and life safety issues on the property as a whole and making any required interior and exterior improvements to the structures to increase conformance to the current code.

The *Site Plan – Proposed* drawing in the Site Plan and Architectural Plans (Attachment 4) indicates the existing 26 parking spaces, two of which are accessible, and details proposed enhancements to the existing parking area, including stripping and addition of parking lot landscaping. Section 12-9-7 of the Zoning Ordinance identifies the parking requirements that apply to assembly uses classified as places of worship and commercial theaters. The Off-Street Parking Requirements table states that for places of worship established prior to the adoption of the parking standards, which is September 21, 1998, the parking standard shall only apply in cases where additions are made to the existing facility. The standard for the existing structure in these cases is one space for every 10 seats in the main auditorium, sanctuary, nave or similar place of assembly and other rooms (gymnasiums, classrooms, offices) which are to be occupied simultaneously. Since the existing L-shaped building was constructed in 1946 prior to the adoption of the above parking standards, was enlarged in 2011 (and received a conditional use permit for the enlargement) and no changes to the existing structures are proposed in this request, the parking standard does not apply. No parking variation is necessary.

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### **Final Plat of Subdivision**

#### **Request Summary:**

The petitioner is requesting a Final Plat of Subdivision to consolidate the subject property from seven lots to one lot of record. The new subdivision, identified as 1495 Prospect Avenue Subdivision, will encompass the entire 37,085-square-foot property (0.85 acres). The petitioner's Final Plat of Subdivision (Attachment 5) shows the existing eleven lots that are proposed to be consolidated into one 37,102-square-foot (0.85 acre) L-shaped lot measuring 222 feet along Illinois Street (corner-side yard) and 200 feet along Prospect Avenue (front yard). The proposed lot includes the existing L-shaped religious institution at 1495 Prospect Avenue and existing unused residence at 1932 Illinois Street, neither of which are proposed to change with this request. The Final Plat includes minimum 25-foot front and rear building setbacks, 10-foot corner-side building setback, and 5-foot interior side yard building setbacks. The Final Plat also shows the location of the 15-foot-wide vacated public alley that was positioned in the southeastern portion of the lot1. Despite the separate addresses for the main worship building and the rectory, the property is considered one zoning lot because all of the contiguous property is within a single block, has common ownership (Phat Bao Temple), and has a scope of work (i.e. development permitting) that encompasses both lots as a unit (Section 12-13-3, "Lot, Zoning.")

### **Map Amendment & Conditional Use**

#### **Request Summary:**

The petitioner seeks to rezone the subject property from R-1 Single Family Residential to R-3 Townhouse Residential. This is due to the existing use of the property at 1495 Prospect Avenue as a residentially zoned assembly use, which is allowed in the R-1 district only on sites of one acre or more with frontage on a collector or arterial street. As the subject property is less than an acre and located on two local streets, these requirements cannot be met, requiring a rezoning. A residentially zoned assembly use is a conditional use in the R-3 district, but there are no acreage and street frontage requirements. Similarly, the proposed rectory use at 1932 Illinois Street also requires a conditional use in the R-1 district, but it is a *permitted* use in the R-3 district. See the table below.

**Excerpt of Table 1: Residential Districts Use Matrix**

USES	R-1	R-3
Convents, monasteries, rectories and parish houses	C	P
Residentially zoned assembly uses	<b>C*</b>	C

**\*On sites of >1 acre with frontage on a collector or arterial street.**

The table below provides a summary of the bulk regulations for the R-3 district. The bolded and italicized text indicates the regulations that are not met on the subject property. However, as all structures are existing and they are not proposed to be altered or enlarged in a way that would intensify a nonconformity, they are allowed to continue under Section 12-5-6. Setback variations are not required.

**Bulk Regulations for R-3 Townhouse Residential**

1495 Prospect Avenue		
Regulation	Required	Proposed
<b><i>Front Yard Setback (North)</i></b>	<b><i>Min.: 25 FT</i></b>	<b><i>8.17 FT</i></b>
<b><i>Rear Yard Setback (South)</i></b>	<b><i>Min: 25 FT</i></b>	<b><i>4.25 FT</i></b>
Interior Side Yard Setback (West)	Min. 5 FT	54.58 FT
<b><i>Corner Side Yard Setback (East)</i></b>	<b><i>Min. 10 FT</i></b>	<b><i>8.17 FT</i></b>
Building Height	Max. 45 FT	17.83 FT
1932 Illinois Street		
Regulation	Required	Proposed
<b><i>Front Yard (East)</i></b>	<b><i>Min.: 25 FT</i></b>	<b><i>8.25 FT</i></b>
Rear Yard (West)	Min: 25 FT	71.17 FT
Interior Side Yard (North)	Min. 5 FT	8.50 FT
Interior Side Yard (South)	Min. 5 FT	20.33 FT
Building Height	Max. 45 FT	21.83 FT
Both Addresses / Overall Property		
Regulation	Required	Proposed
Lot Width (Corner)	Min. 55 FT	200 FT
Lot Area (Corner)	Min. 2,800 SF/ DU	37,085 SF

**Variation**

**Request Summary:**

The petitioner’s project narrative requests several variations, many of which relate to existing conditions on the site. However, the staff has concluded that only one variation is required: to allow more than one

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principal structure on one lot of record.. The principal buildings include the L-shaped, main building used for the assembly use (primary principal building) and the existing house utilized as a rectory/parish house (secondary principal building). Because there are two principal buildings proposed for one zoning lot, and only one is allowed except for in certain circumstances that do not include the proposal, a variation is required from this provision. This section of the Ordinance does not seem to contemplate or accommodate a fairly common instance of religious uses across many faiths: on-site housing or offices in a separate building for clergy. It is foreseeable that the housing or office building(s) on religious properties would exceed the Ordinance's limitation on accessory structures in multiple ways (e.g. no more than 150 square feet in area, cannot be taller than the principal building). Instead, these buildings—in the petitioner's case, a rectory—are best classified as secondary principal buildings, but the Ordinance does not make an allowance for them. It is also important to note that both structures are under common ownership by the religious institution, Phat Bao Temple, and whose uses are connected to the proposed residentially zoned assembly use so the consolidation of the existing lots into one lot allows for a more cohesive design of the existing development.

#### **Alignment with the 2019 Comprehensive Plan**

- Under Land Use & Development:
  - The Future Land Use Plan illustrates the property as institutional, which includes uses such as schools, libraries, community organizations, places of worship, and public facilities. The existing place of worship use is a well-established institution in Des Plaines, and the petitioner is proposing to bring certain non-conforming aspects of the property into conformance with current City of Des Plaines codes. The proposal furthers the goal of the Future Land Use Plan to utilize this property as an institution and foster investment of the site as a whole.
- Under Diversity & Inclusion:
  - The principle to celebrate and promote diversity in Des Plaines is detailed in the Comprehensive Plan as a way to “continue developing as a vibrant and diverse community.” The proposal celebrates and fosters the continuance of existing diverse cultural centers in Des Plaines while also preserving the people, character, and diversity that make up its composition.

#### **Conditional Use Findings**

Conditional Use requests are subject to the standards set forth in Section 12-3- 4(E) of the Zoning Ordinance. The Future Land Use plan illustrates this property as an institutional use, which is support for

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the proposed conditional use request to legitimize the existing religious institution on the subject property. The existing use are currently served by adequate public utilities and services, and has not been hazardous or disturbing to surrounding uses. The conditional use is procedural Please see the Petitioner's Responses for Standards in Attachment 2. The standards that should serve as the basis of findings are the following:

- 1) The proposed conditional use is in fact a conditional use established within the specific zoning district involved;
- 2) The proposed conditional use is in accordance with the objectives of the city's comprehensive plan and this title;
- 3) The proposed conditional use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
- 4) The proposed conditional use is not hazardous or disturbing to existing neighboring uses;
- 5) The proposed conditional use is to be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or the persons or agencies responsible for the establishment of the proposed conditional use shall provide adequately any such services;
- 6) The proposed conditional use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community;
- 7) The proposed conditional use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
- 8) The proposed conditional use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares;
- 9) The proposed conditional use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and
- 10) The proposed conditional use complies with all additional regulations in this title specific to the conditional use requested.

### **Map Amendment Findings**

As required, the proposed development is reviewed below in terms of the findings contained in 12-3-7 of the Zoning Ordinance. Staff has found that the proposed map amendment allows for the retention of a well-established institution in Des Plaines that promotes diversity in alignment with the Comprehensive Plan. Further, establishing R-3 zoning is the petitioner's most logical path to approval. The existing development is adequately served by public facilities and services and has not had an adverse effect on

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surrounding development since its establishment. Please see the Petitioner's Responses for Standards in Attachment 2. The standards that should serve as the basis of findings are the following:

- 1) Whether the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the city council;
- 2) Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property;
- 3) Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property;
- 4) Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and
- 5) Whether the proposed amendment reflects responsible standards for development and growth.

#### **Variation Findings**

Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. The variation request to allow two principal buildings seems justifiable, given that on-site housing and offices are common for churches of many faiths and that Zoning Ordinance does not accommodate or consider that arrangement. In addition, as these two structures are under common ownership and associated with the same use, it is beneficial to consolidate the existing seven lots into one lot of record in order to create a more cohesive development. Please see the Petitioner's Responses for Standards in Attachment 2. The standards that should serve as the basis of findings are the following:

- 1) **Hardship:** No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty.
- 2) **Unique Physical Condition:** The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.
- 3) **Not Self-Created:** The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title.
- 4) **Denied Substantial Rights:** The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

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- 5) **Not Merely Special Privilege:** The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.
- 6) **Title And Plan Purposes:** The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan.
- 7) **No Other Remedy:** There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.
- 8) **Minimum Required:** The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-4(F) of the Zoning Ordinance (Conditional Uses), Section 12-3-6(G) of the Zoning Ordinance (Major Variations), Section 12-3-7 of the Zoning Ordinance (Amendments), and Section 13-2-5 of the Subdivision Regulations, the PZB has the authority to recommend approval, approval subject to conditions, or denial the request: The City Council has the final authority over the Final Plat of Subdivision, Conditional Uses, Map Amendment, and Variation requests.

The decision should be based on review of the information presented by the applicant and the standards and conditions met by Section 12-3-4(E) (Findings of Fact for Conditional Uses), Section 12-3-6(H) of the Zoning Ordinance (Findings of Fact for Variations), and Section 12-3-7(E) of the Zoning Ordinance (Findings of Fact for Amendments) as outlined in the Zoning Ordinance, as well as Section 13-2-5 of the Subdivision Regulations. If the PZB intends to recommend approval of the requests, staff recommends the following conditions.

**Conditions of Approval:**

- 1) The petitioner shall revise the Landscape Plan to meet all applicable landscaping requirements under Section 12-10 of the Des Plaines Zoning Ordinance at time of building permit.
- 2) The governing documents for the subject parcels will be reviewed and approved by the City Attorney prior to the recording of any Final Plat of Subdivision.
- 3) All proposed improvements and modifications shall be in full compliance with all applicable codes and ordinances. Drawings may have to be modified to comply with current codes and ordinances.

Chairman Szabo asked is the Board had any questions.

Member Weaver stated he is happy with the landscape improvements that will be made to the property.



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Chair Szabo asked the petitioner how long has the temple been there.

The petitioner stated since 1992.

**A motion was made by Board Member Weaver, seconded by Board Member Hofherr, to approve a Conditional Use under Section 12-7-2(I) for a residentially zoned assembly use at 1495 Prospect Avenue (Lot 1).**

AYES: Szabo, Veremis, Saletnik, Hofherr, Catalano, Weaver

NAYES: None

ABSTAIN: None

**\*\*\*MOTION CARRIES UNANIMOUSLY \*\*\***

**A motion was made by Board Member Weaver, seconded by Board Member Hofherr, to approve a Map Amendment under Section 12-3-7 to rezone Lots 1 and 2 from R-1 Single Family Residential to R-3 Townhouse Residential.**

AYES: Szabo, Veremis, Saletnik, Hofherr, Catalano, Weaver

NAYES: None

ABSTAIN: None

**\*\*\*MOTION CARRIES UNANIMOUSLY \*\*\***

**A motion was made by Board Member Weaver, seconded by Board Member Hofherr, to approve a Variation from Section 12-7-1 to allow more than one principal building on a zoning lot.**

AYES: Szabo, Veremis, Saletnik, Hofherr, Catalano, Weaver

NAYES: None

ABSTAIN: None

**\*\*\*MOTION CARRIES UNANIMOUSLY \*\*\***

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## **NEW BUSINESS**

**1. Addresses:** 1364 E. Algonquin Road

**Case Number:** 22-001-V  
**Public Hearing**

The petitioner is requesting a Standard Variation under Section 12-3-6 from Section 12-7-2(J) of the Zoning Ordinance to allow a second story addition onto an existing single family residence that is set back less than five feet from the interior side yard, and the approval of any other such variations, waivers, and zoning relief as may be necessary.

**PINs:** 09-20-221-033-0000

**Petitioner:** Wieslaw Poniatowski, 1364 E. Algonquin Road, Des Plaines, IL 60016

**Owner:** Wieslaw Poniatowski, 1364 E. Algonquin Road, Des Plaines, IL 60016

Chairman Szabo swore in Wieslaw Poniatowski, 1364 E. Algonquin Road, Des Plaines, IL 60016.

Mr. Poniatowski, stated he is requesting a Standard Variation to reduce the required interior side yard setback from five feet to 3.26 feet as part of a proposed a second-story addition to an existing single family residence

Member Saletnik thanks the petitioner for coming up with a creative design that was well thought out and planned.

**Issue:** The petitioner is requesting a Standard Variation to reduce the required interior side yard setback from five feet to 3.26 feet as part of a proposed a second-story addition to an existing single family residence in the R-1 Single Family Residential District at 1364 E. Algonquin Road. A Minor Variation to reduce the required front yard setback from 25 feet to 24.40 feet is also required but will be considered separately by the Zoning Administrator.

**Address:** 1364 E. Algonquin Road

**Owner:** Wieslaw Poniatowski, 1364 Algonquin Road, Des Plaines, IL 60016

**Petitioner:** Wieslaw Poniatowski, 1364 Algonquin Road, Des Plaines, IL 60016

**Case Number:** 21-055-V

**PIN:** 09-20-221-033-0000

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**Ward:** #2, Alderman Colt Moylan

**Existing Zoning:** R-1, Single Family Residential District

**Existing Land Use:** Single Family Residence

**Surrounding Zoning:** North: R-1, Single Family Residential District  
 South: R-1, Single Family Residential District  
 East: R-1, Single-Family Residential District  
 West: R-1, Single Family Residential District

**Surrounding Land Use:** North: Single Family Residence  
 South: Single Family Residence  
 East: Single Family Residence  
 West: Single Family Residence

**Street Classification:** Algonquin Road is classified as a major collector.

**Comprehensive Plan:** The Comprehensive Plan illustrates the site as single family residential.

**Project Description:** The petitioner, Wieslaw Poniatowski, is requesting a Standard Variation through the PZB and Minor Variation through the Zoning Administrator to reduce the required interior side and front yards to install a room addition on an existing single-story single-family detached house. The subject property consists of one lot totaling 6,274 square feet and is currently improved with a one-story, 813-square-foot residence, a 126-square foot covered front porch, an uncovered wood deck, private walks, a concrete driveway, and a 729-square foot detached garage, as shown in the Plat of Survey (Attachment 3). At its closest points, the existing house is set back 24.40 feet from the south (front) property line, 3.26 feet from the west (side) property line, 26.30 feet from the east (side) property line, and approximately 60.07 feet from the north (rear) property line. The house is an existing nonconforming structure with regard to both the interior side and front yards. Section 12-5-6 of the Zoning Ordinance allows nonconforming structure to be enlarged, but only when the addition area does not increase the degree of the nonconformity (vertically or horizontally). In this case, the proposed additions are flush with the existing building setbacks, and therefore variations are required. See the Existing Conditions Photos (Attachment 7) for a visual of the current conditions of the subject property.

The proposed additions include a second-story addition on top of the existing one-story residence matching the existing 3.26-foot interior side

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yard setback and the 24.40-foot yard setback of the existing one-story house and a new two-story addition, which will be setback 24.40 feet from the front lot line, directly east of the existing residence as illustrated on the Site Plan (Attachment 4). The proposed 24.40-foot front yard setback is classified as a minor variation under Section 12-3-6 of the Zoning Ordinance as it would vary the front yard setback by less than 30 percent of the R-1 district regulations. However, the proposed 3.26-foot interior side yard setback requires an interior side yard reduction of more than 30 percent, which cannot be granted through a minor variation by the zoning administrator and must instead be a standard variation by the PZB. In all, the proposed addition will increase the area of the first floor from 813 square feet to 989 square feet with the addition of a foyer and provide 711 square feet of new livable space on the second floor for two bedrooms and a bathroom as illustrated in the Floor Plans (Attachment 5), which is still in line with the maximum 30 percent building coverage requirement for the R-1 district.

The proposed two-story addition results in an addition to the principal structure that is greater than a 15 percent change of gross floor area and appearance altering renovations to the front façade of the principal structure. This degree of changes requires the project to comply with the Building Design Review standards in Section 12-3-11 of the Zoning Ordinance. The proposed second floor portion of the addition will be designed to match the exterior building materials, height, and overall appearance of the existing residence for all elevations as illustrated in the Elevations (Attachment 6). The new first floor portion of the addition proposes masonry materials to conform to the Building Design Review Standards.

**Variation Findings:** Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Staff has the following comments based on the standards. The PZB may use staff comments, the petitioner's response, or state their own comments as rationale for their decision.

- 1. Hardship: No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty.**

*Comment:* Contrary to the petitioner's response, the subject property's size would allow for an addition onto the existing residence in conformance with the R-1 district bulk regulations and without the variation requests based on design as the proposed second story could be positioned five feet away from the property line and floor plans could be reworked to accommodate the majority, if not all, of the proposed space. That being said, staff sees how the existing location of the residence 3.26 feet off the property line does presents a hardship for the property owner to

add a second story onto the existing residence. It would likely be cost-prohibitive for the property owner to relocate the residence to meet the minimum five foot interior side yard setback or create new structural requirements involved in positioning the second story on the existing first floor and five feet away from the property line. See the Petitioner's responses to Standards for Variations.

- 2. Unique Physical Condition: The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.**

*Comment:* The lot is 50 feet wide instead of the minimum 55, which makes it a nonconforming lot. However, that is not especially unique, in staff's opinion. This physical condition exists throughout Des Plaines and along this street as there are several other interior lots in the immediate area and throughout Des Plaines that have similar shapes and yard designations. On the other hand, the existing home is not positioned in the center of the 50-foot-wide lot but instead offset to the west. The Plat of Survey indicates the original structure was built within a 25-foot-wide lot, which explains the current condition of an open 25 feet to the east. The PZB might find this somewhat unique, but the condition likely does exist on other properties in Des Plaines. See the Petitioner's responses to Standards for Variations.

- 3. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title.**

*Comment:* While the subject property's location, size, and development may not be a result of any action or inaction of the property owner, the subject property was purchased with the understanding of these attributes and conditions. In addition to the decent size of the existing residence, there are other options to reduce building coverage on site, such as a reduction in the size of the existing detached garage or front porch, which would provide the petitioner with additional options to expand the existing residence in conformance with the applicable City codes based on design. See the Petitioner's responses to Standards for Variations.

- 4. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.**

*Comment:* Staff finds that carrying out the strict letter of this code to require the addition to be set back five feet from the interior side yard or the minimum 25-foot front yard setback may be challenging for the petitioner but would by no means deny them from the substantial rights

enjoyed by other owners of similarly zoned lots since this regulation is enforced for all residentially zoned properties regardless of size, location, and composition of the property. In the immediate area, there are many one-story residences with attics situated on lots with a similar composition of the subject property. All room additions are held to the same standards under Section 12-7-2(J) of the Zoning Ordinance, so enforcing the minimum interior side yard and front yard setbacks would not deprive the property owner from any substantial rights enjoyed by other single family residential properties. See the Petitioner's responses to Standards for Variations.

5. **Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.**

*Comment:* Granting this variation could, in fact, provide a special privilege for the property owner not available to other single family residential properties. As written under Standard No. 2, there are other single family residences with similar lot compositions and developments. Other interior lots in Des Plaines of various sizes and shapes have designed additions to nonconforming structures that met the required setback regulations, while others have requested and received variations. That indicates to staff that variation decisions are made on a case-by-case, project-by-project, basis upon applying the variation standards. In those evaluations, the determining body (e.g. PZB and/or City Council) usually looked to see if the applicant exhausted design options that do not require a variation. In this case, it seems there are different design options and positions for the addition on this site, given the buildable space to the east. Granting a variation for this design, when other viable options are available, could be too lenient and tread into the territory of allowing a special privilege. Certainly the PZB should decide. See the Petitioner's responses to Standards for Variations.

6. **Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan.**

*Comment:* On one hand, the project would allow re-investment into a single-family home, which the Zoning Ordinance and Comprehensive Plan want to encourage. The positioning of the existing residence does pose some complications for the petitioner when making improvements to the structure, especially in relation to the interior side yard setback. However, staff finds that there are reasonable options for redesigning the single family home to add additional space without needing relief from the required setbacks. See the Petitioner's responses to Standards for Variations.

7. **No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.**

*Comment:* The petitioner proposes 1,840 square feet of building coverage when the maximum is

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1,882. While it would appear they do not have much of an allowance to use more of the eastern portion of the lot and have a larger footprint, reducing the existing building coverage such as the detached garage (which is larger than the allowable 720 square feet) or front porch area, could also provide room for alternative designs with a smaller second floor that could be confined within the buildable area. The PZB may wish to ask why certain alternative designs are not feasible. Please see the Petitioner's responses to Standards for Variations.

**8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.**

*Comment:* The request for the setback reduction is not, in staff's opinion, the minimum measure of relief to address the petitioner's concerns. Instead, the petitioner could redesign the proposed additions, in concert with reducing accessory structures, to better utilize the available property and to meet the setback requirement. See the Petitioner's responses to Standards for Variations.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-6(F) of the Zoning Ordinance (Standard Variations), the PZB has the authority to approve, approve subject to conditions, or deny the request: A variation allowing a 3.26-foot interior side yard setback from the east lot line to accommodate the proposed additions for an existing single-family residence at 1364 E. Algonquin Road. The decision should be based on review of the information presented by the applicant and the standards and conditions met by Section 12-3-6(H) (Findings of Fact for Variations) as outlined in the Zoning Ordinance. If the PZB approves the request, staff recommends the following conditions.

**Conditions of Approval:**

1. No easements are affected or drainage concerns are created.
2. A fire sprinkler system shall be installed in accordance with all applicable fire, building, and City of Des Plaines codes. All fire sprinkler plans shall be submitted at time of building permit.
3. Fire-rated walls will be required for the west elevation in all areas where the structure is setback less than five feet from the property line.
4. That plans may need to be revised at time of building permit to comply with applicable City of Des Plaines codes.
5. That all appropriate building permit documents and details are submitted as necessary for the single family residence. All permit documents shall be sealed and signed by a design professional licensed in the State of Illinois and must comply with all City of Des Plaines building and life safety codes.

It was noted by Planner Stytz that the PZB can decide on the standard variation request. However, the minor variation would be decided by the Zoning Administrator.

Chairman Szabo asked if the Board had any questions. There were no questions.

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**A motion was made by Board Member Saletnik, seconded by Board Member Weaver, to recommend approval of a Standard Variation to reduce the required interior side yard setback from five feet to 3.26 feet as part of a proposed a second-story addition to an existing single family residence in the R-1 Single Family Residential District at 1364 E. Algonquin Road.**

AYES: Szabo, Veremis, Saletnik, Hofherr, Catalano, Weaver

NAYES: None

ABSTAIN: None

**\*\*\*MOTION CARRIES UNANIMOUSLY \*\*\***

John T. Carlisle, Director of Community and Economic Development, introduced the department's new staff members; Assistant Director of Community Economic Development, Ryan Johnson and Executive Assistant, Vanessa Wells.

Director Carlisle noted the upcoming City Council meeting may have a topic of interest for the PZB. Council would like to explore the redesign of Metropolitan Square Plaza that was originally presented six years ago. Lakota Group will be back to present the concepts.

Director Carlisle noted the February 22, 2022 meeting is being held the same night as City Council due to the holiday on Monday February 21<sup>st</sup>. He suggested changing the PZB meeting to Wednesday, February 23, if there is consensus to do so.

#### **ADJOURNMENT**

The next scheduled Planning & Zoning Board meeting is Tuesday, January 25, 2022.

Chairman Szabo adjourned the meeting by voice vote at 7:30 p.m.

Sincerely,

Vanessa Wells, Recording Secretary

cc: City Officials, Aldermen, Zoning Board of Appeals, Petitioners



MEMORANDUM

Date: January 20, 2022

To: Planning and Zoning Board (PZB)

From: Jonathan Stytz, Planner JS

Cc: John T. Carlisle, AICP, Director of Community and Economic Development JC

Subject: Consideration of a Standard Variation to reduce the required interior side yard setback for a proposed second story addition and allow additional building coverage at 1473 Henry Avenue, Case #22-001-V (2<sup>nd</sup> Ward)

**Issue:** The petitioner is requesting the following: (i) a Standard Variation to reduce the required interior side yard setback from five feet to 2.25 feet; and (ii) a Standard Variation to allow a building coverage of 35.6 percent where 30 percent is permitted for interior lots. This relief is required to build a second-story addition to an existing single family residence in the R-1 Single Family Residential District at 1473 Henry Avenue.

**Address:** 1473 Henry Avenue

**Owners:** Kirk and Candace Vondra, 1473 Henry Avenue, Des Plaines, IL 60016

**Petitioners:** Kirk and Candace Vondra, 1473 Henry Avenue, Des Plaines, IL 60016

**Case Number:** 22-001-V

**PIN:** 09-20-219-012-0000

**Ward:** #2, Alderman Colt Moylan

**Existing Zoning:** R-1, Single Family Residential District

**Existing Land Use:** Single Family Residence

**Surrounding Zoning:** North: R-1, Single Family Residential District  
South: R-1, Single Family Residential District  
East: R-1, Single-Family Residential District  
West: R-1, Single Family Residential District

**Surrounding Land Use:** North: Single Family Residence  
South: Single Family Residence  
East: Single Family Residence  
West: Single Family Residence

**Street Classification:** Henry Avenue is classified as a local street.

**Comprehensive Plan:** The Comprehensive Plan illustrates the site as single family residential.

**Zoning/Property History:** Based on City records, the existing structure has been utilized as a single family residence. A second story addition was added back in 1958.

**Project Description:** The petitioners, Kirk and Candace Vondra, are requesting Standard Variations through the PZB to: (i) reduce the required interior side yard from five feet to 2.25 feet; and (ii) to allow 35.6 percent building coverage where a maximum of 30 percent building coverage is permitted for interior lots in the R-1 district. They propose a two-story addition on an existing single-story single-family detached house. The subject property consists of one lot of 6,104 square feet and is currently improved with a two-story, 1,610-square-foot residence, a 36-square-foot covered front porch, a wood deck with open trellis, private walks, an asphalt driveway, and a 450-square foot detached garage, as shown in the Plat of Survey (Attachment 3). At its closest points, the existing house is set back 13.10 feet from the north (front) property line, 2.60 feet from the west (interior side) property line, 21.90 feet from the east (interior side) property line, and approximately 64.90 feet from the south (rear) property line. The house is an existing nonconforming structure with regard to both the west interior side and front yards. In this case, the proposed addition on the east elevation of the existing residence creates new deficiencies for both the west interior side yard and the total building coverage, and therefore variations are required. See the Existing Conditions Photos (Attachment 7) for the current conditions of the subject property.

The proposed addition includes a two-story addition on the east elevation of the existing two-story residence extending the width of the existing residence towards the east interior side property line, reducing the east interior side yard from 21.90 feet to 2.25 feet, and increasing the building coverage from 26 percent existing to 35.6 percent as illustrated on the Site Plan (Attachment 4). The proposed 2.25-foot interior side yard setback requires an interior side yard reduction of more than 30 percent, which cannot be granted through a minor variation by the zoning administrator and must instead be a standard variation by the PZB. Similarly, an increase in building coverage to greater than 30 percent requires a standard variation through the PZB. In all, the proposed addition will increase the area of the residence from 1,610 square feet to 2,213 square feet, including a new attached garage on the first level, and a family room and bedroom with bathroom and office nook on the second floor as illustrated in the Floor Plans (Attachment 5). Dimensions for the addition have not been identified on the Site Plan and Floor Plan drawings, so staff has added a condition that these drawings are revised to show all appropriate dimensions. While the existing detached garage will be removed as part of this request, the proposed building coverage exceeds 30 percent, requiring a standard variation.

The project amounts to a greater than a 15 percent change of gross floor area and includes appearance-altering renovations to the front façade. Therefore, the project must comply with the Building Design Review standards in Section 12-3-11 of the Zoning Ordinance. The project would comply, as the new first floor portion of the addition proposes masonry veneer on all elevations to conform to these design standards. The second level of the proposed addition proposes fiber cement board and siding to match the second-story materials on the existing residence as illustrated in the Elevations (Attachment 6).

**Variation Findings:** Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Staff has the following comments based on the standards. The PZB may use staff comments, the petitioner’s response, or state their own comments as rationale for their decision.

- 1. Hardship: No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty.**

*Comment:* Staff does not see a hardship or practical difficulty preventing the petitioner from complying with the minimum interior side yard setback or the maximum building coverage requirement, as there are opportunities to construct the two-story addition without a variation even with the property dimensions. First, the subject property has ample space in the rear yard and access to an alley, both of which provide the necessary space to satisfy the property owner’s needs and are property characteristics not always available to other owners of smaller R-1 zoned properties. A larger detached garage, accessed from the alley, could be constructed to provide room for multiple vehicles and a smaller room addition onto the existing house could be positioned outside of the required interior side yard and could be sized to be underneath the maximum building coverage threshold. The R-1 bulk regulations apply to all residential properties in the R-1 zoning district, regardless of their characteristics, with the intention of promoting developments whose size is proportional to the property’s size and consistent with other R-1 zoned properties throughout the City. Simply put, adding a larger structure that comprises more area on a property, which currently does not meet minimum lot width and area requirements, not only increases drainage concerns for the area but also sets a precedent for overbuilding on residential lots. Taking into account the other opportunities available on site, the zoning challenges encountered do not rise to the level of hardship or practical difficulty. See the Petitioner’s responses to Standards for Variations.

- 2. Unique Physical Condition: The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.**

*Comment:* The lot is 50 feet wide instead of the minimum 55, which makes it a nonconforming lot. However, that is not especially unique, in staff’s opinion. This physical condition exists throughout Des Plaines and along this street as there are several other interior lots in the immediate area and throughout Des Plaines that have similar widths and property areas. On the other hand, the flat 30 percent building coverage requirement for interior lots in the R-1 district is consistent across all R-1 zoned properties regardless of their size. Contrary to the petitioner’s belief, the maximum 30 percent building coverage requirement for their 6,104-square foot property is applied the same way for a 10,000-square foot property. Simply put, the physical conditions of the subject property, while less than the minimum lot width and area required in the R-1 district, are not unique and do not inherently

limit the property owners from constructing an addition on their property, but rather restrict the scale of the addition in proportion to the subject property's area. Moreover, the argument can be made that the larger garage and additional living space sought by the property owners could be designed and positioned to achieve the desired results while still within the confines of the code. Thus, the request appears to be more of a personal preference of the property owner instead of a definable physical condition. Nonetheless, see the Petitioner's responses to Standards for Variations.

- 3. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title.**

*Comment:* While the subject property's location, size, and development may not be a result of any action or inaction of the property owner, the subject property was purchased with the understanding of these attributes and conditions. Even at 50 feet in width and 6,104 square feet in area, the subject property provides adequate space for the existing residence and garage without any unique physical conditions present. It is staff's opinion that the proposal does not adequately utilize the available space and access on the site or appropriately design the proposed addition to avoid the need for variations. Nonetheless, see the Petitioner's responses to Standards for Variations.

- 4. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.**

*Comment:* Staff's review has concluded that carrying out the strict letter of this code for both the interior side yard setback and building coverage does not deprive the property owners of substantial rights. First, while home owners of 55-foot-wide lots can construct a 45-foot-wide residence as permitted by the R-1 district regulations, having the ability to construct a 45-foot-wide residence is not, in and of itself, a right granted to property owners. Similar to building coverage, all R-1 zoned properties are governed by the same building setback requirements. Enforcing the setback and building coverage requirements does not deny the property owners from constructing an addition on their house but requires said addition to conform with the applicable setback and building coverage requirements that apply to all R-1 zoned properties. The argument that the requested variations shall be approved solely because the subject property does not meet the minimum size and width standards is dubious, as property nonconformities are common enough that property owners throughout Des Plaines must work with what they have, so to speak. All room additions are held to the same standards under Section 12-7-2(J) of the Zoning Ordinance, so enforcing the minimum setback and maximum building coverage requirements would not deprive the property owner from any substantial rights enjoyed by other single family residential properties. Regarding the proposal to replace a detached garage with an attached garage, the PZB may ask itself if this is a right to which Des Plaines property owners are entitled. See the Petitioner's responses to Standards for Variations.

- 5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.**

*Comment:* Granting this variation would, in fact, provide a special privilege for the property owner not available to other single family residential properties. As written under Standard No. 2, there are other single family residences with similar lot dimensions. Other interior lots in Des Plaines of various sizes and shapes have designed additions to nonconforming structures that met the required setback regulations, while others have requested and received variations. On the contrary, the 30 percent building coverage regulation is not an inherent characteristic of any property, and other interior lots in

Des Plaines of various shapes and sizes have designed additions to meet the required building coverage regulation. An addition could be designed to meet the building coverage regulation regardless of lot width and lot area characteristics. The aforementioned consideration for both setbacks and building coverage indicates to staff that variation decisions are made on a case-by-case, project-by-project basis upon applying the variation standards. In those evaluations, the determining body (e.g. PZB and/or City Council) usually looked to see if the applicant exhausted design options that do not require a variation. In this case, it seems there are different design options and positions for the addition on this site, given the buildable space to the east. Granting a variation for this design, when other viable options are available, could be too lenient and tread into the territory of allowing a special privilege. Nonetheless, the PZB should decide. See the Petitioner's responses to Standards for Variations.

- 6. Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan.**

*Comment:* On one hand, the project would allow re-investment into a single-family home, which the Zoning Ordinance and Comprehensive Plan want to encourage. However, the proposed addition is largely for the benefit of the property owners. For one, the existing detached garage and deep driveway are currently able to accommodate multiple vehicles on the subject property without a perceived impact on the street and alley. The proposal not only shortens the available off-street parking area in front of the new garage but also creates smaller building setbacks and increased building coverage on a smaller lot, neither of which aligns with Chapter 7: Water Research Management of the Comprehensive Plan. Moreover, staff's review concludes that there are reasonable options for redesigning the single family home to add additional space without needing relief from the required setbacks and building coverage. See the Petitioner's responses to Standards for Variations.

- 7. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.**

*Comment:* There are multiple alternatives to the proposed setback and building coverage variations being requested by the petitioner. First, the code allows for a maximum 720-square-foot detached garage, which could be accessed from the alley at the rear of the property and free up rear yard and side yard space that is currently taken up by the existing driveway. As for the room addition, this could be redesigned as a thinner and deeper addition in the buildable area that projects less towards the side property line and stays within the maximum allowed building coverage limit. Conversely, this addition could also be added onto the rear elevation, or a portion of the rear elevation, of the existing residence to achieve additional living space the petitioners are seeking. The PZB may wish to ask why certain alternative designs are not feasible. Please see the Petitioner's responses to Standards for Variations.

- 8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.**

*Comment:* The request for the setback reduction is not, in staff's opinion, the minimum measure of relief to address the petitioner's concerns. Instead, the petitioner could redesign the proposed additions, in concert with reducing accessory structures, to better utilize the available property and to meet the setback requirement. See the Petitioner's responses to Standards for Variations.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-6(F) of the Zoning Ordinance (Standard Variations), the PZB has the authority to approve, approve subject to conditions, or deny the request: A variation allowing a 2.25-foot interior side yard setback from the east lot line and a variation to allow a building coverage of 35.6 percent to accommodate the proposed two-story addition for the single-

family residence at 1473 Henry Avenue. The decision should be based on review of the information presented by the applicant and the standards and conditions met by Section 12-3-6(H) (Findings of Fact for Variations) as outlined in the Zoning Ordinance. If the PZB approves the request, staff recommends the following conditions.

**Conditions of Approval:**

1. No easements are affected or drainage concerns are created.
2. Fire-rated walls will be required for the east elevation in all areas where the structure is setback less than five feet from the property line.
3. That the existing detached garage and any paved area served this garage are removed prior to the construction of the proposed room addition.
4. That no pavement installation, parking, or other vehicular use is conducted off the alley at any time for any reason.
5. That plans are revised at time of building permit to display all dimensions and labels necessary to denote the proposed development and to comply with applicable City of Des Plaines codes.
6. That all appropriate building permit documents and details are submitted as necessary for the single family residence. All permit documents shall be sealed and signed by a design professional licensed in the State of Illinois and must comply with all City of Des Plaines building and life safety codes.

**Attachments:**

- Attachment 1: Petitioner’s Responses to Standards for Variation
- Attachment 2: Location Map
- Attachment 3: Plat of Survey
- Attachment 4: Site Plan
- Attachment 5: Floor Plan
- Attachment 6: Elevations
- Attachment 7: Existing Condition Photos
- Attachment 8: Site & Context Photos

## Responses to Standards for Variations (updated as of 1/14/22)

The Vondra Family, 1473 Henry Ave Des Plaines, IL 60016

1. Hardship: No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty.

Our Response 1/14/22:

The hardships stem from the R-1 Zoning District criteria established for our neighborhood. Many of the neighborhood home lot sizes, including ours, do not meet the standard minimum lot area AND minimum lot width listed as “minimums”. We seek a side yard setback consistent with when the home and neighborhood was created. We are also seeking a variance since the maximum building coverage will exceed 30%. Given the lot being non-conforming, we feel the overage is not significant. Based on our non-conforming 50-foot-wide lot, our proposed building coverage would be 35.6%. Our current lot has mostly hardscape from the street all the way to the back alley. With this proposed plan, we would be reducing the impermeable coverage of the rear yard by over 500 square feet.

We have multiple vehicles that cannot be all parked inside our current garage. We are looking to make an addition to our house and attach a larger garage, in addition to adding additional living space above the garage. If we were to just increase our existing detached garage, we would not be able to have the additional living space above due to current zoning regulations and would not be adding additional greenspace. We have a young growing family and hope to increase our back yard by utilizing the side yard for the garage instead. The side yard currently is hardscape and not optimized for young children to play near the road. By adding the garage onto the house and removing the detached garage in the back, we increase and create usable green space in the back yard, while maximizing the use of the side yard, making a safer place for our family. The way the house was originally built, if we add a garage next to the house, in order to put in a standard size garage door, we would encroach on the 5ft set back side yard requirement. We need those few extra feet to make a standard width size garage and garage door fit.

2. Unique Physical Condition: The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

Our Response 1/14/22:

It is our belief that the zoning district values are too broad stroke for our area. Our physical conditions match many other home conditions with a public alley. We are trying improve our home

which helps the neighborhood. Our attached addition is deep to allow our multiple cars to be parked inside and not on the street. It keeps them safe and not a physical nuisance being parked outside.

There is a church located across the street and goes to the end of the block. There is not street parking in front of the church, which creates less street parking for houses in the area. When there are events and services at the Church (services, weddings, funerals, etc.), there are additional vehicles that utilize our block for parking beyond the parking lot at the back of the church. This causes extra congestion for us. We understand our current situation allows for both on and off-street parking, but we do not have sufficient space to park all of our vehicles inside our existing garage. We currently pay for off-site storage because we are unable to park all vehicles inside a garage at our current house. With weather and safety concerns, we want to keep our cars parked safely inside a garage. Des Plaines is close to the city of Chicago and with rising crimes, there is an increased desire to keep our property safe by parking our cars inside.

Adding this addition to our property will add more character and value to our existing home with the hope of helping to increase the property values for the other homes in our area as a result. We take great pride in maintaining our home and property. We have found when one neighbor puts effort into updating or maintaining a nice property, nearby neighbors follow suit. No one wants to be the house on the block that needs the most work and encourages a positive outlook.

3. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title.

Our Response 1/14/22:

The physical lot that we live on has always been the same since the neighborhood was first subdivided to the best of our knowledge. The street being one-way and the Church across the street has also been in existence and we did not create any condition to limit parking or have any control on when the Church has events. We also are unable to control or predict potential crime in our area. We are just looking to create a safe and secure property for our family to enjoy.

4. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

Our Response 1/14/22:

This is the very core of our position. Other homes if they have the minimum lot width of 55 feet (per the current R-1 zoning regulation) would be allowed and could enjoy a 45-foot-wide home. We seek the same 45-foot-wide home with our addition but with our actual lot width of 50 feet.

The current zoning law is based off a 55 foot wide lot. Our lot, as well as many other lots that are similar to ours that were subdivided originally, are around 50 foot wide. There are numerous homes in the area that do not conform with the required setbacks. With the change in the



environment since the start of Covid in March 2020, many families have been forced to stay within their homes and properties in an effort to keep their families safe. We have 3 small children that were all under 5 years old when Covid began, with at least one child with breathing issues, forcing us to be extremely careful not to come in contact with unhealthy situations. This has required us to remain in our house more than expected. With the uncertainty of our future status of being able to leave our home in a more frequent basis, we would like to be able to make sure our property suits our needs and safety concerns.

5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.

Our Response 1/14/22:

We seek a standard 20'-0" garage width many enjoy each and every day.

We are attempting to put this addition onto our home to help fill the need to keep our property safe and better utilize the land. With the garage at the back of the property, the backyard space for our children to safely play is greatly reduced. By removing the old detached garage and adding the garage onto the house, it gives us the safety we desire to be able to park all our vehicles on our property indoors and allow our children the safety of our back yard. We feel the variance request is a reasonable request as we are only asking for a side yard set back of 2 ft 3 in as well as a maximum building coverage of 35.6%. Given the width of the lot and the location of the existing house, we need the additional set back in order to put in a standard width garage of 20 feet, with a 16 foot overhead garage door. In addition, the neighbor on the East side of our property, has a fence running along the proposed new garage site. This addition will not cause increased constraint for them since they already have a fence along their yard. We are building this addition for our family solely, and not for any monetary gain.

6. Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan.

Our Response 1/14/22:

The proposed home's improvement would maintain harmony with the neighborhood. In fact, our proposed addition, which requires a variation, enhances our neighborhood by reducing cars parked on the street and driveway. Given the street is one-way only, it is already a burden to homeowner's with ONLY one side of the street that can have parked vehicles due to small street widths.

According the city's Comprehensive plan, it's primary goal is to preserve and enhance established single-family neighborhoods. We are looking to enhance our property that supports the comprehensive plan.

7. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.

Our Response 1/14/22:

Without the side yard setback, there is not means or remedy to have an attached Standard width 2-car garage that other homeowners enjoy. We only seek a 20'-0" garage with a 16'-0" overhead door and not more than that.

Given the change in our state of the world since Covid began, we are spending nearly 100% of our time in our home/on our property. We enjoy the Des Plaines community and would like to remain residents and homeowners here. In order to create a space that would allow us to park all of our vehicles safely in a garage on our property and create additional living space, we request this variance. We will be unable to move forward with this project to create the needed space without this variance.

8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.

Our Response 1/14/22:

In order to have ingress/egress in and out of cars parked in the garage, we need a standard, 20 foot wide garage as well as accommodate a standard, 16 foot wide garage door.

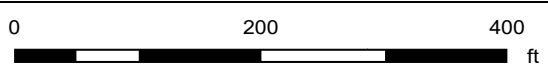


**Legend**

Zoning and Development

Zoning

- R-1: Single Family Residential



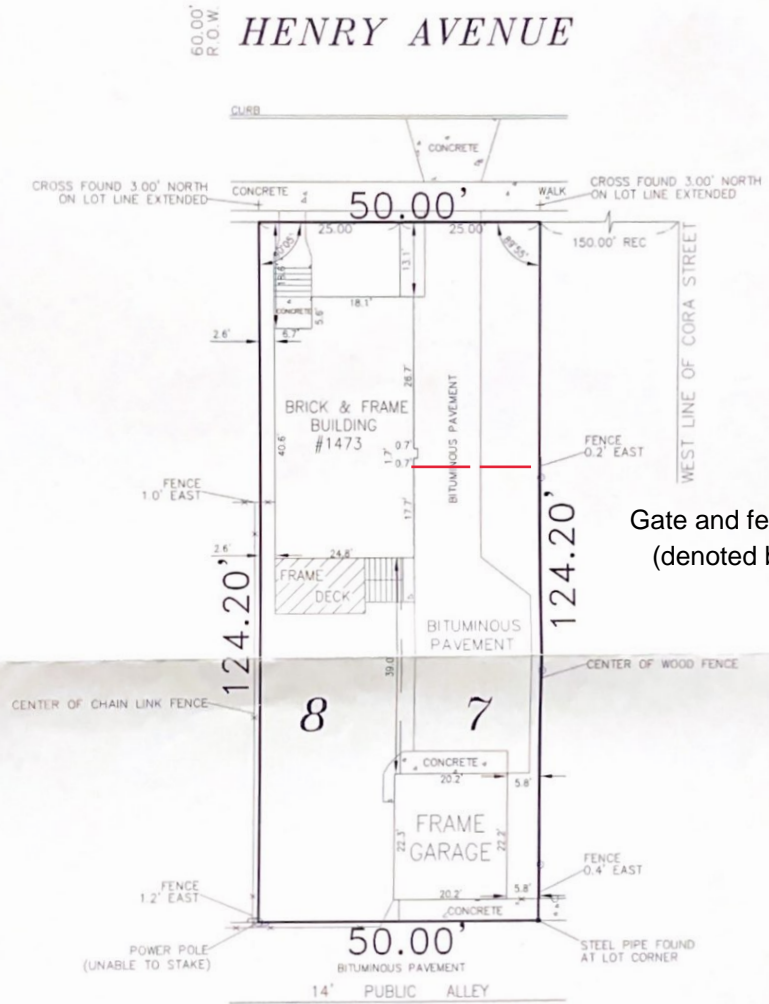
Print Date: 1/20/2022

Notes

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

# PLAT OF SURVEY

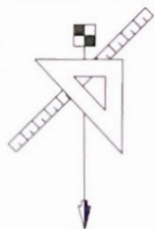
LOTS 7 AND 8 IN BLOCK 6 IN RIVERSIDE ADDITION TO DES PLAINES, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 20, AND OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1981 AS DOCUMENT NO. 1539637, IN COOK COUNTY, ILLINOIS.



Gate and fence added in 2021 (denoted by red line)

**NOTES**

1. SUBJECT PROPERTY AREA: 6,210 SQ FT MORE OR LESS  
 PREPARED FOR: LAW OFFICES OF JUDY L. DEANGELIS



**Urchell and Associates, Inc.**  
 Land Surveying Services

PHONE 708 925 7155  
 FAX 773 298 9500  
 WEBSITE www.urchellandassociates.com  
 DESIGN FIRM REGISTRATION #104-004894



FIELD WORK COMPLETED: 10/07/19  
 THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS STANDARDS FOR A BOUNDARY SURVEY.

DATED: 10/08/19  
*Robert J. Urchell*

ROBERT J. URCHELL I.P.L.S. No. 3438  
 LICENSE RENEWAL DATE: NOVEMBER 30, 2020  
 SURVEY No. 19-09-018

NO IMPROVEMENTS SHOULD BE CONSTRUCTED ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF CONSTRUCTION.

FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

# ZONING ANALYSIS

Zoning District: R1

Min. Lot Area Req. by Zoning Code: 6,875sf

Actual Lot Area: 6,210sf.

Min. Lot Width Req. by zoning code: 55'

Actual Lot Width: 50'

Max Height 2.5 Stories/35'-0" (No change proposed)

Min. Front Yard Setback: 25'-0" (No change proposed)

Min. Side Yard Setback: 5'-0"

West Side: 2'-7" +/- (Existing - No Change)

East Side: 2'-3" (Proposed) - Relief sought

22'-7" (Existing)

EW Setback would be (+/-) 5'-0" on an R1 lot w/ Req Width (55')

Min. Rear Yard Setback: 25'-0"

Existing: 65'

Proposed: 38'-1"

Max. Rear Yard Coverage (60%):

Existing: 1,684sf (27%)

Proposed: 0sf (0%)

Max. Building Coverage (30%): 1,863sf permitted @ actual lot (6,210sf)

2,062sf permitted if lot was sized to R1 min. (6,875sf)

Existing: 1,610sf (26%)

Proposed: 2,213sf (35.6%) - Relief Sought:

coverage would be 32% if lot was sized to R1 min. (6,875sf)

Existing Residence: 1,104sf

Proposed Addition: +1,109sf (Residence + Gar.)

Existing Gar.: -470sf

Front Porch (No Change): 36sf

Additional Site Areas:

Driveway (proposed): 625sf

Existing: 1,770sf

Rear Deck & Patio (proposed): 206sf

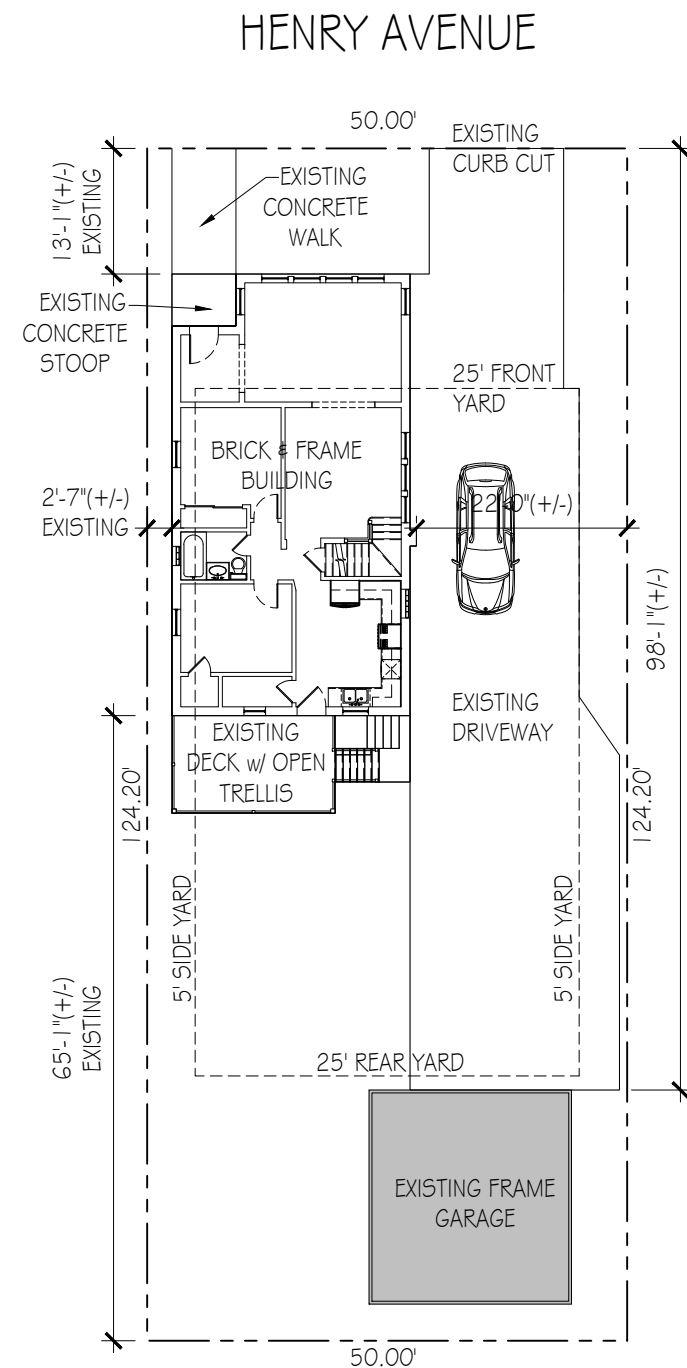
Existing: 227sf

Front Walk: 87sf (No Change)

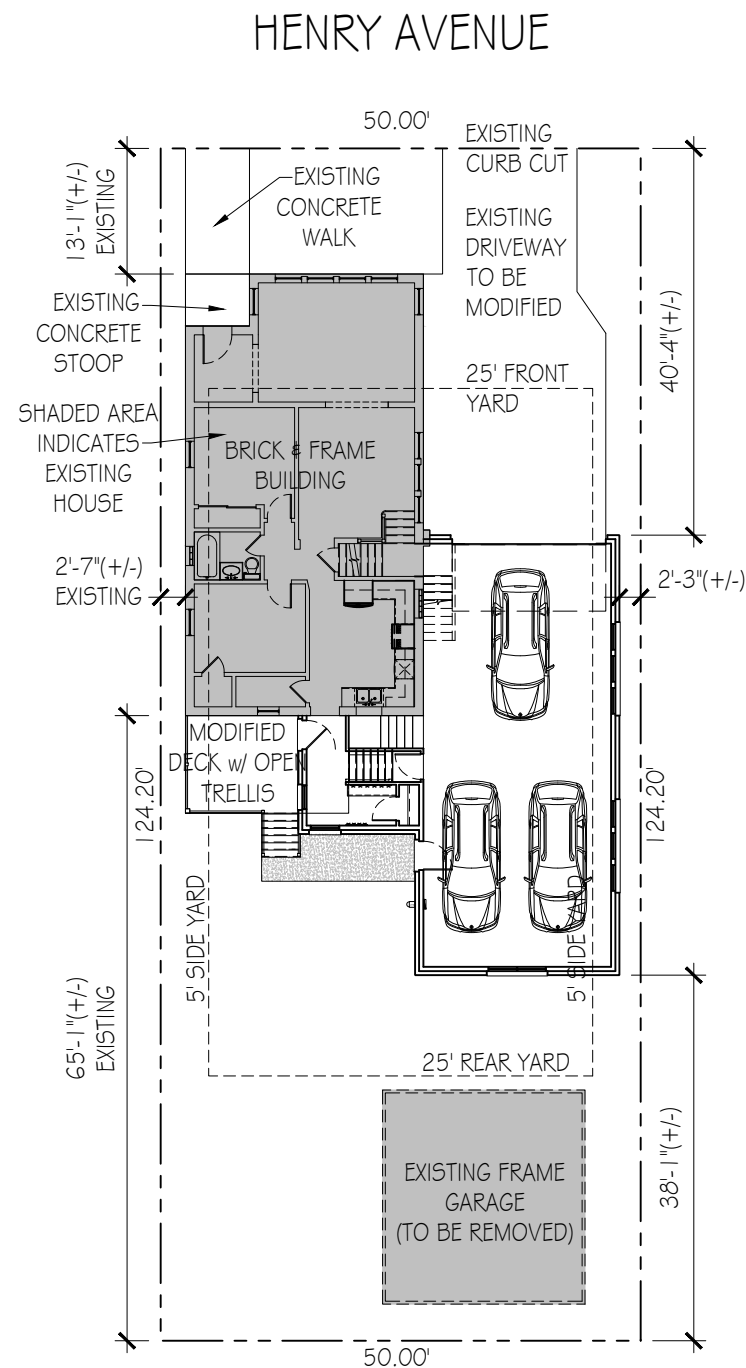
Impervious Site Coverage (includes buildings, pavement, decks and porches)

Existing: 3746sf (60% of 6210sf lot)

Proposed: 3231sf (52% of 6210sf lot)



Existing Site Plan



Proposed Site Plan

1473 Henry Ave

Des Plaines, Illinois



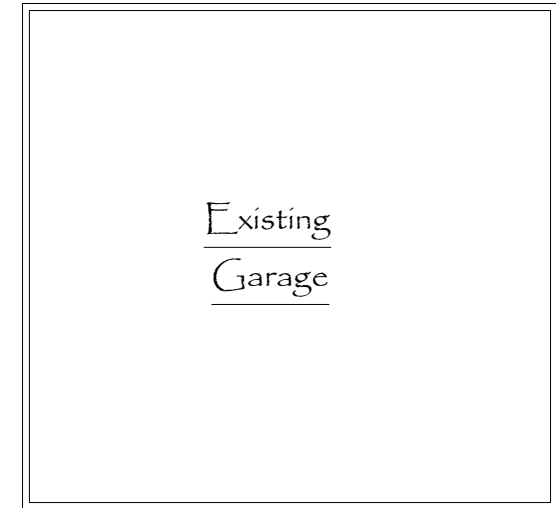
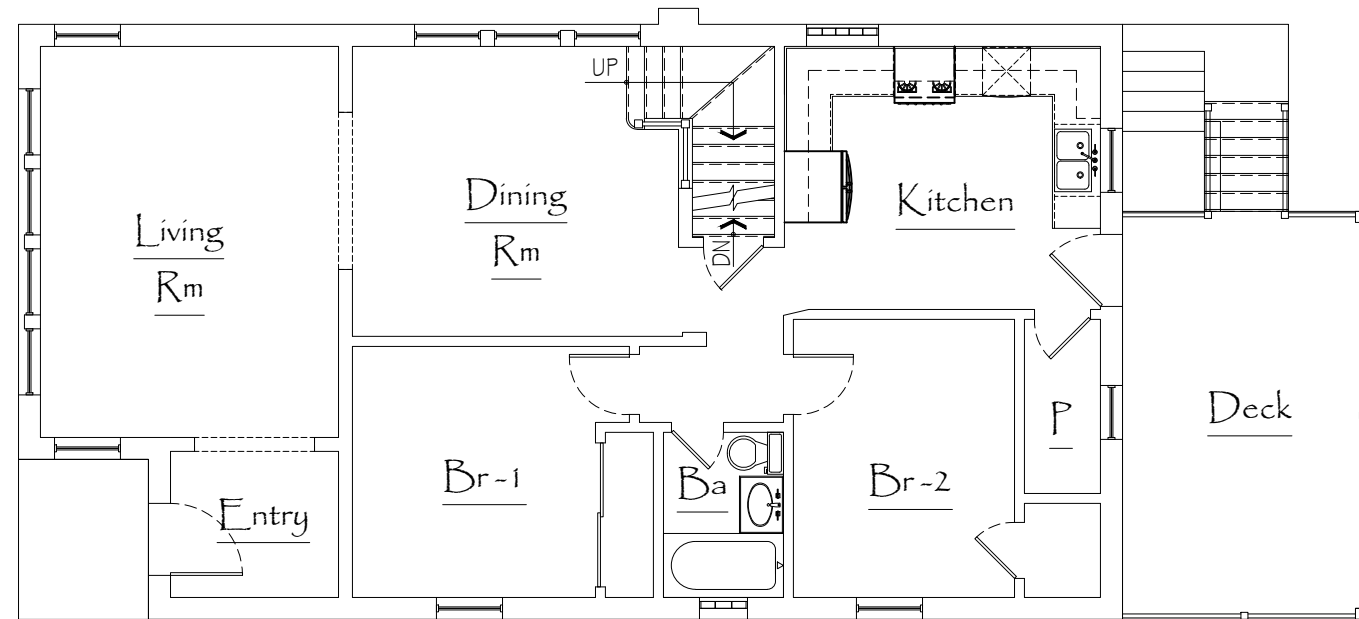
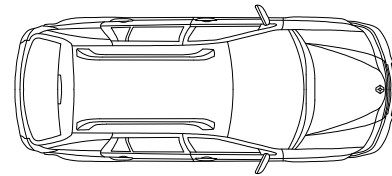
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Existing First Floor Level

1473 Henry Ave  
Des Plaines, Illinois

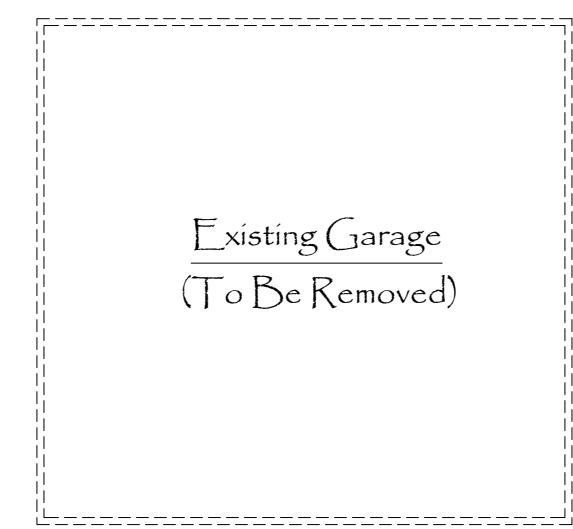
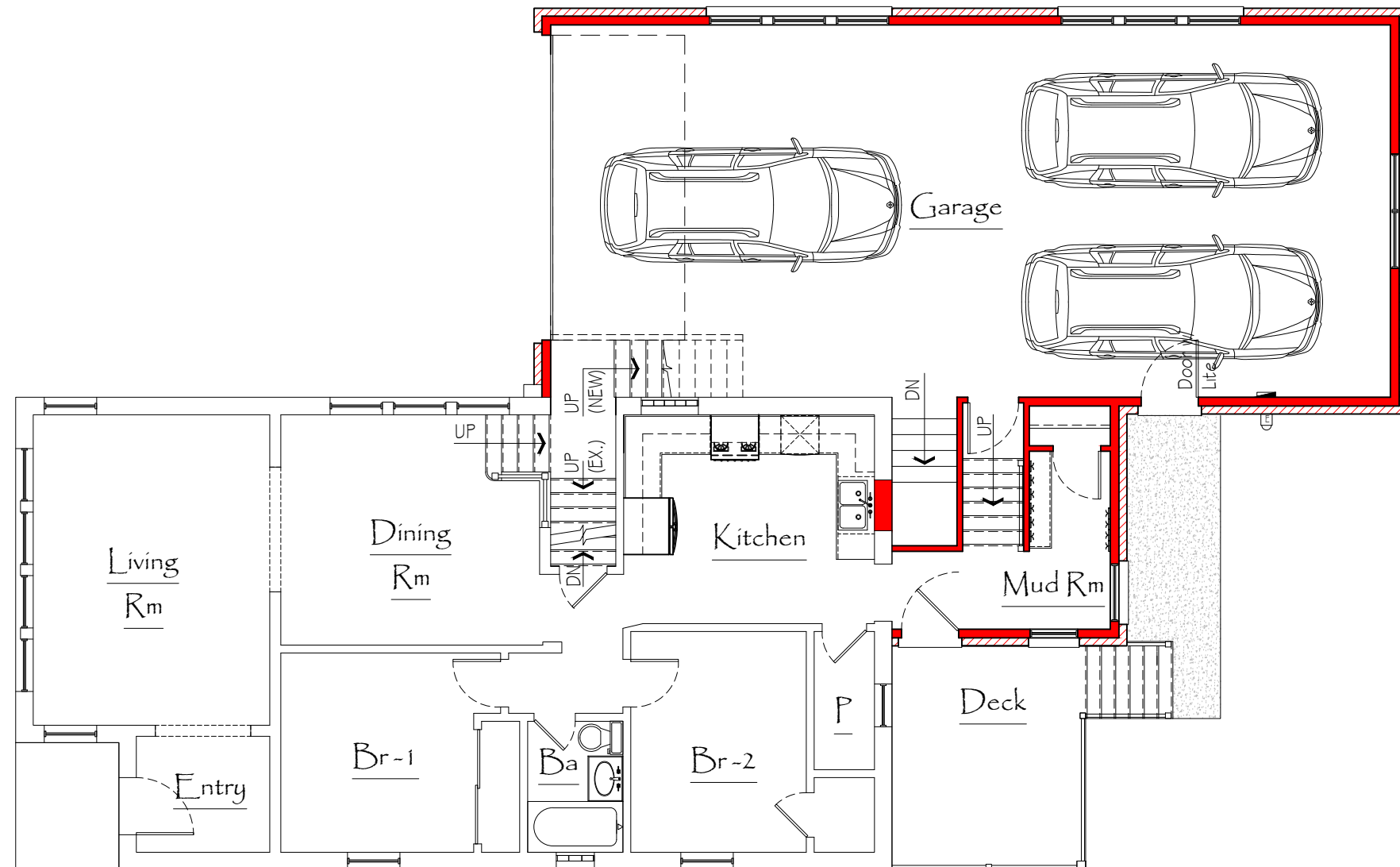


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**AREA SUMMARY**

First Flr. Level = 1,233sf  
 1,104sf Existing  
 129sf Addition  
 Second Flr. Level = 1,585sf  
 807sf Over Existing  
 778sf Over Proposed Garage  
 Total: = 2,818sf

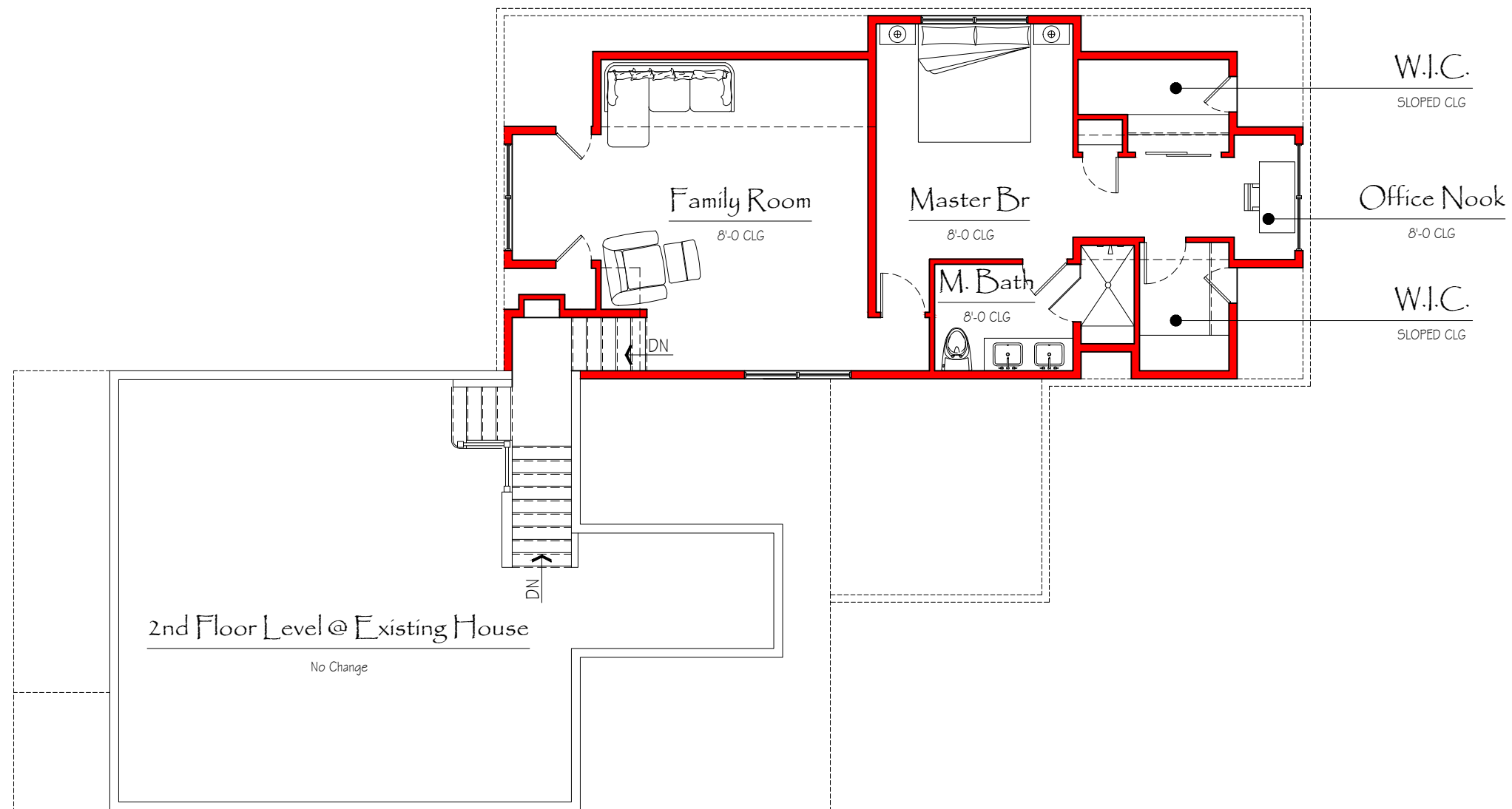
New Attached Garage = 980sf  
 Existing Detached Garage = -470sf

Proposed First Floor Level

1473 Henry Ave  
Des Plaines, Illinois



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Proposed Family Rm & Master Bedroom (Second Floor Level)

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Des Plaines, Illinois



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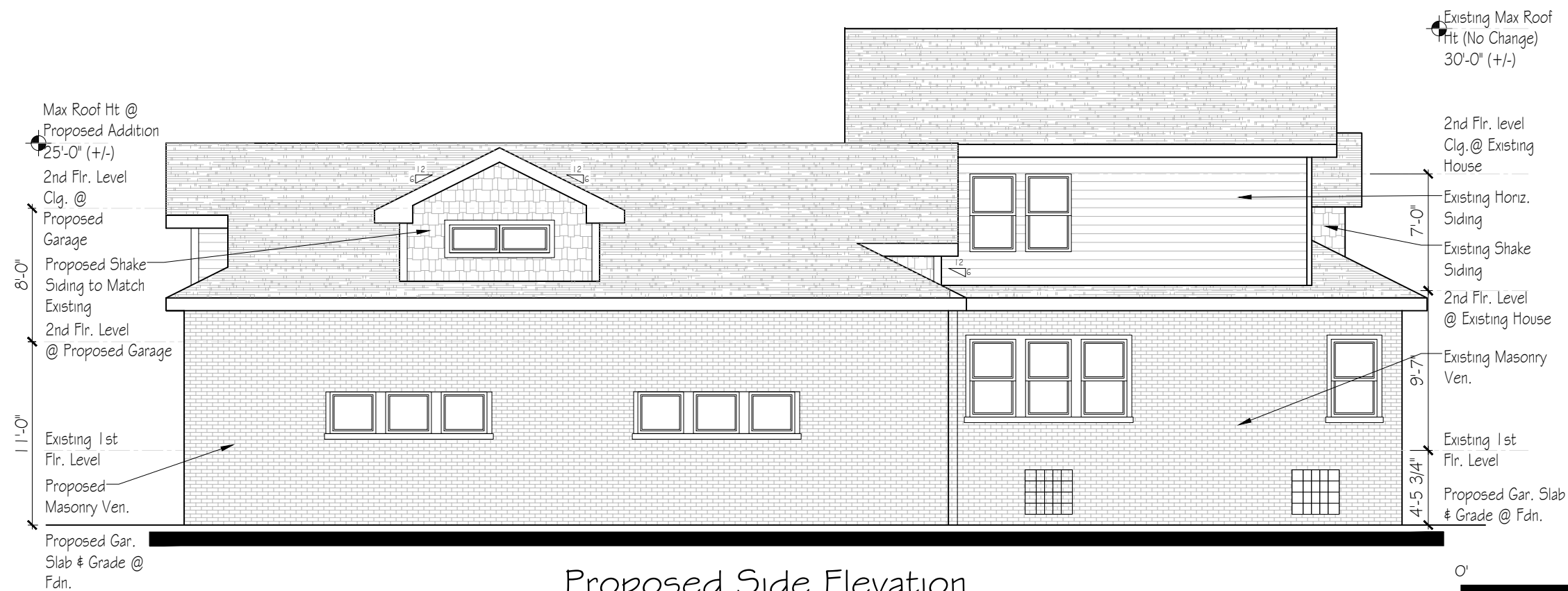
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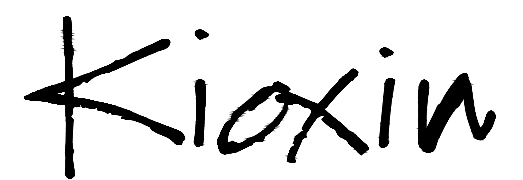


Proposed Front Elevation



Proposed Side Elevation

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Des Plaines, Illinois



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Proposed Rear Elevation

1473 Henry Ave  
Des Plaines, Illinois



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1473 Henry Ave – Public Notice



1473 Henry Ave – Looking South at Front of Property



1473 Henry Ave – Looking South at Existing Driveway & Garage



1473 Henry Ave – Looking Northwest at Rear of Existing Garage





MEMORANDUM

Date: January 20, 2022  
To: Planning and Zoning Board (PZB)  
From: Jonathan Stytz, Planner JS  
Cc: John T. Carlisle, AICP, Director of Community & Economic Development JC  
Subject: Consideration of a Major Variation to allow a drive aisle with less than the required width at 2410 S. River Road (6<sup>th</sup> Ward)

**Issue:** The petitioner is requesting a Major Variation from Section 12-9-6(B) of the Zoning Ordinance, as amended, to allow a two-way drive aisle width of 13.86 feet where 22 feet is required.

**Address:** 2410 S. River Road  
**Owner:** George Nellamattahil, 2410 S. River Road, Des Plaines, IL 60016  
**Petitioner:** George Nellamattahil, 2410 S. River Road, Des Plaines, IL 60016  
**Case Number:** 22-004-V  
**PINs:** 09-33-201-025-0000; -026; -027  
**Ward:** #6, Alderman Malcolm Chester  
**Existing Zoning:** C-3, General Commercial District  
**Existing Land Use:** Vacant office building; cell tower; billboard  
**Surrounding Zoning:** North: C-3, General Commercial District  
South: R-1, Single Family Residential District  
East: OS, Open Space Special Purpose District (Park Ridge)  
West: R-1, Single Family Residential / C-3, General Commercial Districts  
**Surrounding Land Use:** North: Gas station (Commercial)  
South: Single family residences  
East: I-294; Open Space  
West: Single family residences / restaurant (Commercial)

**Street Classification:** River Road is classified as a minor arterial.

**Comprehensive Plan:** The Comprehensive Plan illustrates the site as commercial.

**Zoning/Property History:** Based on City records, the property was annexed into Des Plaines in 1956. The existing structure has been utilized as an office in the past but has been vacant since December of 2018.

**Project Description:** The petitioner, George Nellamattahil, is requesting a major variation to allow for a 13.86-foot-wide drive aisle width for two-way travel where a minimum of 22 feet is required. The subject property is located in the C-3 General Commercial District at 2410 S. River Road directly southwest of the River Road and Touhy Avenue intersection and abutting I-294. The property consists of three parcels totaling 28,999 square feet (0.67 acres) and currently consists of a 7,358-square foot, one-story commercial building, paved parking area, cell tower, and billboard as shown on the Plat of Survey (Attachment 4). The existing one-story commercial building is located on the west property line and is setback 13.86 feet from the east property line, which runs diagonal with the southbound I-294 on-ramp. The existing cell tower, billboard, and rear pavement area of the property are all accessed by the existing 13.86-foot wide drive aisle along the east side of the building.

The petitioner is proposing to locate a medical office use in the existing building and utilize the rear paved portion of the property for additional parking. The proposal includes an interior remodel of the building to retrofit it for the new medical office use as well as some site improvements such as stripping for 90-degree parking spaces, new landscaping, and new dumpster enclosure as shown on the Site Plan (Attachment 5). There are no proposed exterior alterations to the existing building. The petitioner is requesting the variation for drive aisle width because the proposed medical office use requires more parking spaces than the number of parking spaces that can be accommodated at the front of the building. This requires employees, customers, and the like to utilize the existing 13.86-foot drive aisle alongside the building, which does not provide enough width for two-way vehicular travel. While Section 12-5-6 of the Zoning Ordinance (Nonconforming Structures) allows for nonconformities to continue in some circumstances, in this case it is likely the degree of the nonconformity would increase, requiring a variation. Parking lots are structures, and for this parking lot, in its existing deteriorated state, it is not possible to determine how many striped spaces are located in the rear. Therefore, it must be assumed that the striping is creating additional spaces and will lead to additional traffic and use of rear of the parking lot, requiring more activity through the nonconforming, narrow drive aisle.

Pursuant to Section 12-9-6 of the Des Plaines Zoning Ordinance, one parking space is required for every 250 square feet of gross floor area. Floor area, as defined in Section 12-13-3 of the Zoning Ordinance, includes all space devoted to the proposed office use and any portion of the total proposed storage area greater than 10 percent of the entire combined floor area of the building. Based on the Floor Plans (Attachment 6), the proposed office space and portions of intended storage over 10 percent of the entire combined floor area equates to a total of 15 required parking spaces. The Site Plan (Attachment 5) shows that 23



parking spaces, including two handicap accessible spaces, are proposed, which meets the minimum requirement. Pursuant to Section 12-9-6 of the Zoning Ordinance, the minimum drive aisle width for two-way travel lanes in 90-degree parking areas is 22 feet. Since the existing building is set back only 13.86 feet from the east property line, the proposed drive aisle width does not meet the necessary minimum drive aisle width, requiring a major variation.

**Variation Findings:** Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance.

- 1. Hardship: No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty:**

*Comment:* Staff's review concludes that the layout of the existing development does not provide the property owner ample space to meet the minimum drive aisle requirements. The enforcement of the minimum drive aisle width would either restrict the scale and/or the type of uses permitted on the subject property, especially those requiring larger parking space counts, or create a cost-prohibitive alteration to the building reducing its size. Please see the Petitioner's responses to Standards for Variations.

- 2. Unique Physical Condition: The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot:**

*Comment:* Staff's review concludes that there are some unique physical conditions on the subject property than differs from many other properties along both River Road and Touhy Avenue. First, the lot frontage along Touhy Avenue is narrow and is located directly west of the River Road and Touhy Avenue intersection, negating the use of the north curb-cut for full access to the site. The lot frontage along River Road is greater, but the abutting I-294 on-ramp also restricts the vehicular movements and access on the east curb-cut onto River Road. Additionally, the property is abnormally-shaped and does not provide additional space for proper circulation on the site. Last, the subject property is land-locked, preventing the property owner from acquiring additional land to rectify the existing drive aisle width deficit. Please see the Petitioner's responses to Standards for Variations.

- 3. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title:**

*Comment:* The subject property and adjoining commercial properties were annexed into the City in 1956. There is no indication that the current owner or previous owners took action to create the existing property as it is today. Please see the Petitioner's responses to Standards for Variations.

- 4. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision:**

*Comment:* Staff's review concludes that carrying out the strict letter of this code to require the minimum 22-foot-wide drive aisle along the east side of the building would limit the property owner

from fully utilizing the existing structure and property as a whole, and thus would deprive the owner of substantial rights enjoyed by other commercial properties. Additionally, it would adversely affect the proposed office use on the subject property that would not apply to other commercially zoned properties with office uses. Please see the Petitioner's responses to Standards for Variations.

- 5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot:**

*Comment:* Staff's review concludes that the granting of this variation for drive aisle width would not provide any special privilege but rather a solution to some of the existing unique physical conditions of the site and practical difficulties associated with the development of the subject property. As the deficient drive aisle width has been an existing characteristic on the site since it was developed, granting the variation would instead better utilize the existing commercial property. Additionally, the granting of this variation does not allow the property owner to make additional money with the proposed use but rather allows the property owner to locate a new use in Des Plaines to provide additional services to residents. Please see the Petitioner's responses to Standards for Variations.

- 6. Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan:**

*Comment:* Staff's review concludes that the proposed variation would help meet objectives of the Comprehensive Plan, especially those pertaining to the retention of new businesses and the addition of new services for Des Plaines' residents. The granting of this variation for drive aisle width for this proposed use has the potential to align with the objectives of the Comprehensive Plan better than a smaller use or an underutilized property. Please see the Petitioner's responses to Standards for Variations.

- 7. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.**

*Comment:* Staff's review concludes that there are no reasonable ways to avoid the requested variation for the drive aisle width given the characteristics of the existing development and the property as a whole. Any potential options, including a demolition of a portion of the existing building, would be too cost prohibitive for any use and could drive potential businesses away. Please see the Petitioner's responses to Standards for Variations.

- 8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.**

*Comment:* Staff's review concludes that the approval of this variation request is the minimum measure if relief to address the petitioner's concerns and the existing conditions on site. The variation would allow the property owner to fully utilize the existing building with a new use and provide ample parking for all future patrons. Please see the Petitioner's responses to Standards for Variations.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-6(G)(2) (Procedure for Review and Decision for Major Variations) of the Zoning Ordinance, the PZB has the authority to recommend that the City Council approve, approve subject to conditions, or deny the above-mentioned major variation for drive aisle width at 2410 S. River Road. The City Council has final authority on the proposal.

Consideration of the request should be based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-6(H) (Standards for Variations) of the Zoning Ordinance. If the PZB recommends and City Council ultimately approves the request, staff recommends the following condition:

1. That all appropriate building permit documents and details are submitted as necessary for the single family residence. All permit documents shall be sealed and signed by a design professional licensed in the State of Illinois and must comply with all City of Des Plaines building codes.

**Attachments:**

- Attachment 1: Project Narrative
- Attachment 2: Petitioner's Responses to Standards for Variation
- Attachment 3: Location Map
- Attachment 4: Plat of Survey
- Attachment 5: Site Plan
- Attachment 6: Floor Plan
- Attachment 7: Site and Context Photos

# Edgebrook Medical Building, Inc

5318 W Devon Ae  
Chicago, IL 60646  
847-533-9029

---

Date: Dec 22,2021

Re: 2410 River Road, Des Plaines, IL. Permit # 2021-07000318

## PROJECT NARRATIVE

Edgebrook Medical Building, Inc, the owner of the above property is in the process developing the property to home a Medical Imaging Center that is being relocated from 5320 W Devon Ave, Chicago, IL 60646. The proposed imaging modalities are listed below with details of operating hours and the number of employees and the projected number of patients at any given time. While the exterior of the building will be maintained as is, the finished exterior will make the property consistent with the adjacent property and to the expected standards of the city of Des Plaines. While we anticipate being able to accommodate all our patients at the east side of the building, provisions need to be made for staff parking and any additional parking needs that may arise. Application for a major zoning variation is also sought to address the hardship on the drive Isle width for the property.

## MODALITIES:

1. MRI scanner
2. CT Scanner
3. Mammography
4. X-Ray
5. Ultrasound

## HOURS OF OPERATION

M-F: 9am to 5Pm  
Sat: 9am to 2Pm  
Sunday: Closed

## PATIENT SCHEDULE

The Schedule of patients the center will be as follows:

MRI: 1 patient every hour  
CT: 1 Patient every 3 hours  
Mammography: 1 patient every hour one day a week  
X-Ray: 1 Patient every 3 hours ( as needed basis)  
Ultrasound: 1 patient an hour one day a week.

In summary, we will see a maximum of 3 patients every hour Monday to Wednesday and 4 patients an hour on Thursday and Friday.

**STAFFING**

The following staff will be at work.

- 1 MRI/CT Tech, Monday thru Saturday
- 1 Ultrasound tech one day a week
- 1 Mammography Tech one day a week
- 1 Reception Person
- 1 Biller

Sincerely

George Nellamattathil, MS, RT(R)(MR)(CT)  
President/CEO, Edgebrook Medical Building

EDGEBROOK MEDICAL BUILDING, INC

2410 S River Road, Des Plaines, IL 60016

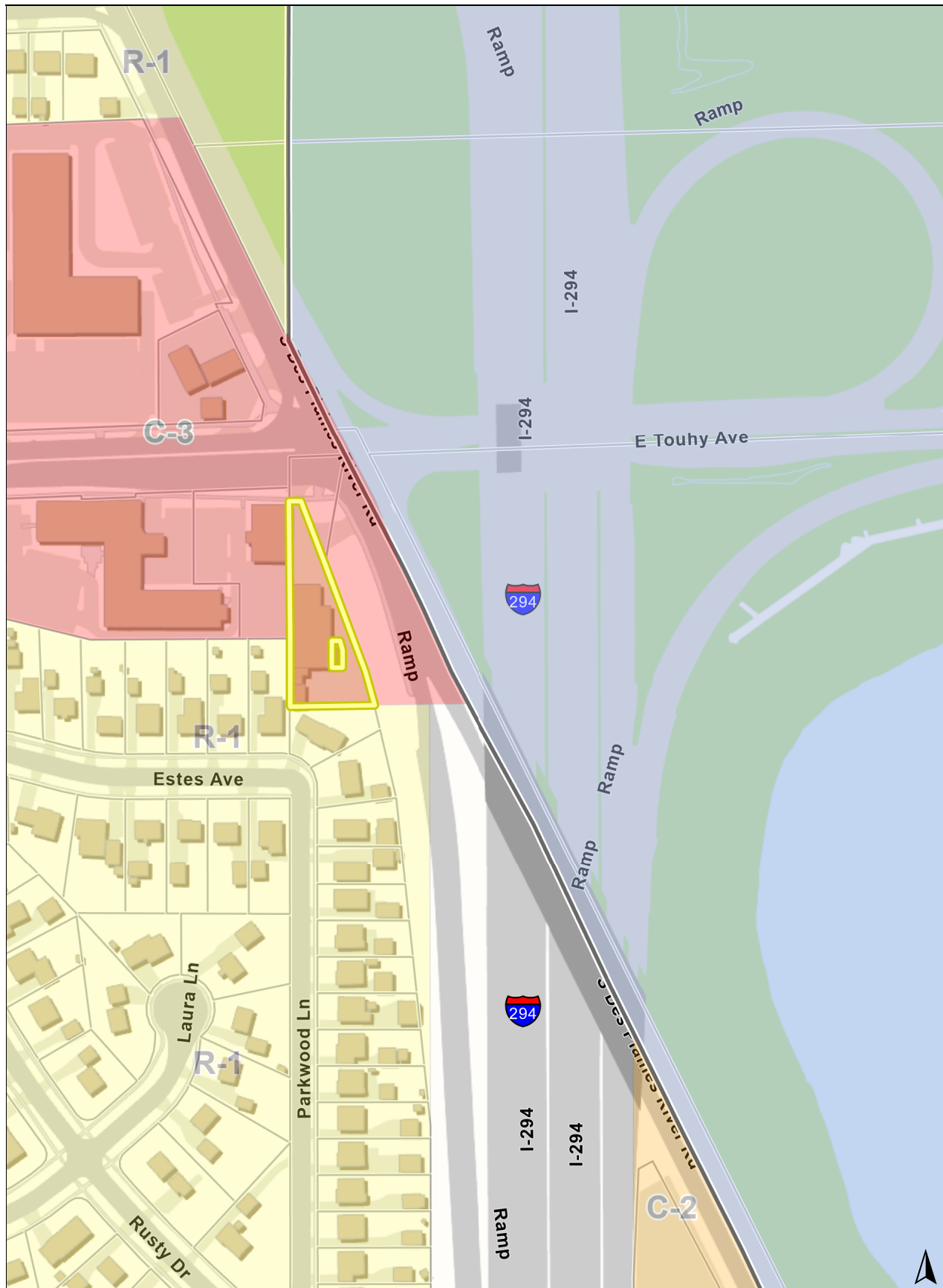
Tel: 847-53-9029

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STANDARDS FOR VARIATION

1. **HARDSHIP:** The building was purchased for the purpose of developing the property to site a Medical Imaging Center. Currently the area on the northeast side does not have sufficient space to accommodate two vehicles to pass each other. If the current zoning ordinance is enforced, we will not be able to access the southside parking area of the building which will be primarily used for the staff to park and deliveries. The building does not have any other provisions to access the parking area on the south end of the building.
2. **UNIQUE PHYSICAL CONDITION:** The unique physical condition of the building with a billboard located in the property and irregular shape of the property line along the east do not provide any provisions for the owner to adhere to the current zoning regulation on Aisle width.
3. **NOT SELF- CREATED:** It must be noted that the unique physical conditions of the property were not the result of any action or inaction by the current or previous owner of the property. The current conditions were already existing at the time of purchase of the building.
4. **DENIED SUBSTANTIAL RIGHTS:** The carrying out of the strict letter of the provision will deprive the owner from carrying out a service to the community. It must be noted that while most patients can be accommodated on the north side of the building a variance will allow proper use of the parking spaces in the south end of the property.
5. **NOT MERELY SPECIAL PRIVILEGE:** It must be noted that the request for variation is not for the owner to enjoy special privileges or additional rights. The request for variation is an appeal to make use of the property to serve the community safely and to bring quality Medical Imaging service to the community.
6. **TITLE AND PLAN PURPOSES:** The variation will not result in a use of the lot that would not be in harmony with the general and specific purpose of the variation request. The variation will not alter the lot in any way and will not cause any inconvenience or danger to adjacent property owners of the public.
7. **NO OTHER REMEDY:** The owner and its consultants find no other remedy to address the hardship given the fact that the owner does not own any property on the west or south end of the property to gain access to the south end of the parking spaces. The approval of the variance will remedy the hardship to the extent of the reasonable use of the property.

8. **MINIMUM REQUIRED:** The requested variation is the minimum measure of relief necessary to alleviate the hardship presented by the application of the title. It must be noted that the owner will take all measures to ensure safety of patients and employees who are using the drive Aisle.

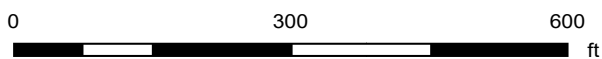


**Legend**

Zoning and Development

Zoning

- C-2: Limited Office Commercial
- C-3: General Comm
- R-1: Single Family Residential



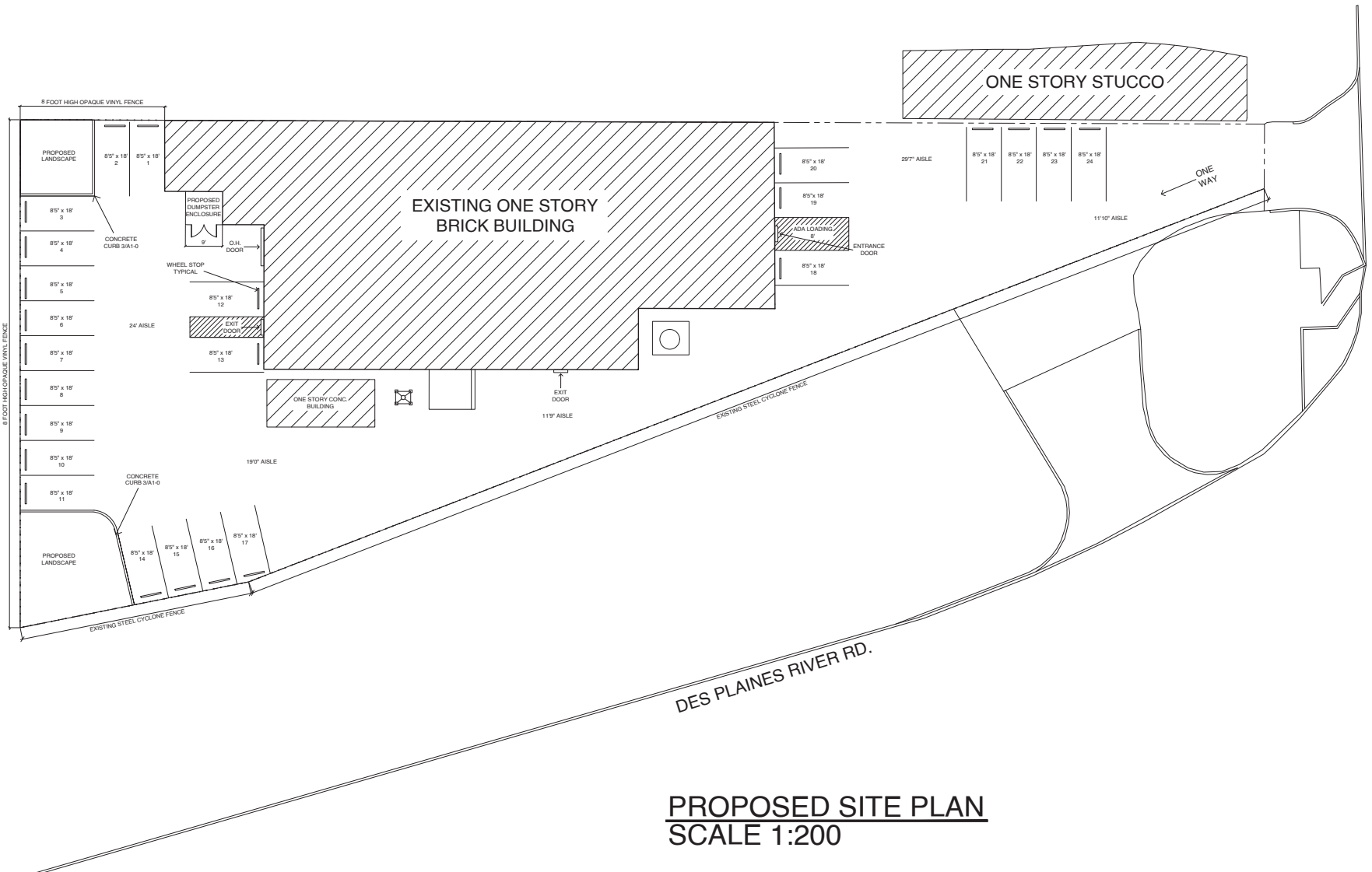
Print Date: 1/20/2022

**Notes**

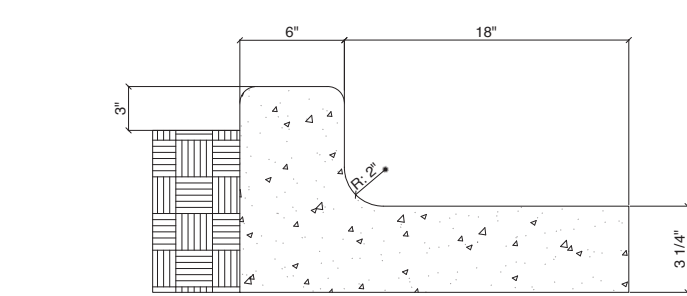
Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.



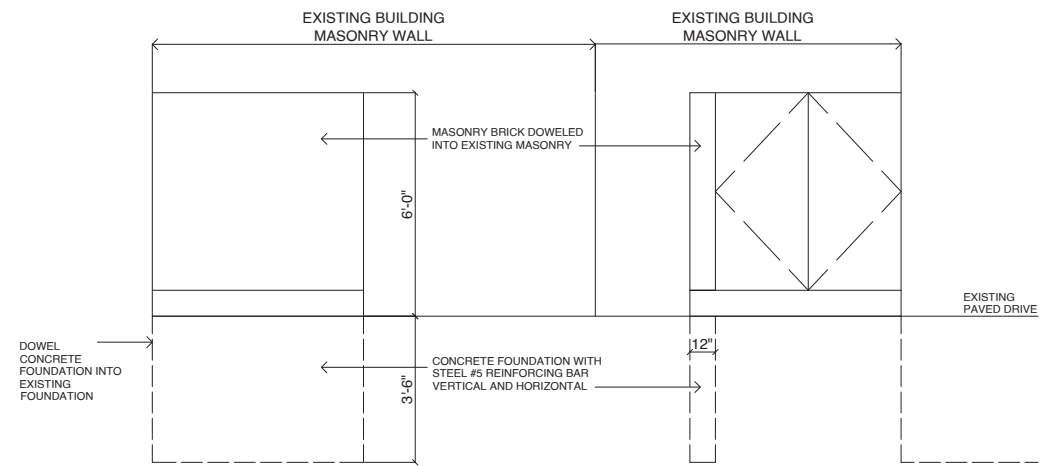




**PROPOSED SITE PLAN**  
SCALE 1:200



**DETAIL CONCRETE CURB 3/A1-0**  
NTS



**DUMPSTER ENCLOSURE SOUTH ELEVATION**  
NTS

**DUMPSTER ENCLOSURE EAST ELEVATION**  
NTS

DRAWING INDEX
A1.0 PROPOSED SITE PLAN
A2.0 PROPOSED FLOOR PLAN
A3.0 PROPOSED REFLECTED CEILING PLAN
P1.0 PROPOSED PLUMBING
E1.0 PROPOSED ELECTRIC

PROJECT DESCRIPTION
INTERIOR ALTERATIONS TO EXISTING BUILDING FOR DIAGNOSTIC IMAGING OFFICES

APPLICABLE BUILDING CODES
2015 International Building Code
2015 International Fire Code
2000 NFPA 101 Life Safety Code
2015 International Fuel Gas Code
2014 National Electrical Code
2015 International Mechanical Code
2015 International Property Maintenance Code
2014 Illinois Plumbing Code
2018 International Energy Conservation Code
2018 Illinois Accessibility Code
Des Plaines Amendments-Title 10

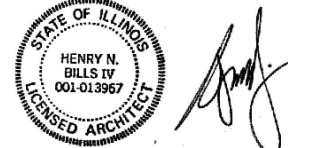
BUILDING DATA
APPROXIMATELY 7210 SQUARE FEET OF EXISTING CONSTRUCTION, CONSTRUCTION TYPE 2A
NO FIRE SPRINKLERS

OCCUPANT LOAD
SIX TOTAL PATIENTS DURING ANY ONE HOUR OF AN EIGHT HOUR BUSINESS DAY, 8AM TO 5PM
NINE TOTAL EMPLOYEES DURING ANY ONE HOUR OF AN EIGHT HOUR BUSINESS DAY, 8AM TO 5PM



**Technology Consulting Group**  
226 Linden Road  
Barrington Illinois 60010-3130  
847-304-8855

**ARCHITECT'S CERTIFICATION**  
I HAVE PREPARED, OR CAUSED TO BE PREPARED UNDER MY DIRECT SUPERVISION, THE ATTACHED PLANS AND SPECIFICATIONS AND STATE THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF AND TO THE EXTENT OF MY CONTRACTUAL OBLIGATION, THEY ARE IN COMPLIANCE WITH THE ENVIRONMENTAL BARRIERS ACT, THE ILLINOIS ACCESSIBILITY CODE, THE AMERICANS WITH DISABILITIES ACT, AND ALL APPLICABLE BUILDING CODES.



Henry N. Bills, A.I.A.  
Registered Architect  
State of Illinois No. 001-013967  
Expiration 30 November 2022



PROJECT  
Alterations to:  
EDGEBROOK DES PLAINES  
2410 SOUTH RIVER ROAD  
DES PLAINES, ILLINOIS 60018-3201

SHEET TITLE  
PROPOSED SITE PLAN

DESIGNED BY HNB DRAWN BY HAC

DATE  
23 NOVEMBER 2021

REVISIONS

PROJECT NO.  
Edgebrook Des Plaines

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE AND SHALL REMAIN THE PROPERTY AND COPYRIGHT OF THE ARCHITECT WHETHER THE PROJECT FOR WHICH THEY ARE PREPARED IS EXECUTED OR NOT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY THE OWNER OR OTHERS ON EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT EXCEPT BY WRITTEN AUTHORIZATION FROM THE ARCHITECT. ANY REUSE WITH WRITTEN AUTHORIZATION OR ADAPTATION BY THE ARCHITECT WILL BE AT THE OWNER'S SOLE RISK WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE ARCHITECT AND THE OWNER SHALL INDEMNIFY AND HOLD HARMLESS THE ARCHITECT FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES INCLUDING ATTORNEY'S FEES ARISING OUT OF OR RESULTING THEREFROM. ANY DISCREPANCY SHALL BE BROUGHT TO THE ARCHITECT'S ATTENTION PRIOR TO THE START OF ANY WORK. THE ARCHITECT ASSUMES NO RESPONSIBILITY WHATSOEVER FOR ANY DISCREPANCY NOT BROUGHT TO HIS ATTENTION. THE DRAWINGS SHALL NOT BE SCALED. DIMENSIONS NOT SHOWN ON THE DRAWINGS SHALL BE DETERMINED BY THE ARCHITECT.

SHEET NO.

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Henry N. Bills, A.I.A.  
Registered Architect  
State of Illinois No. 001-013967  
Expiration 30 November 2022



JOB NORTH  
AREA OF WORK SQ.FT. 7,210

PROJECT  
Alterations to:  
EDGEBROOK DES PLAINES  
2410 SOUTH RIVER ROAD  
DES PLAINES, ILLINOIS 60018-3201

SHEET TITLE  
PROPOSED FLOOR PLAN  
AND WALL TYPES

DESIGNED BY HNB DRAWN BY HAC

DATE 16 NOVEMBER 2021

REVISIONS

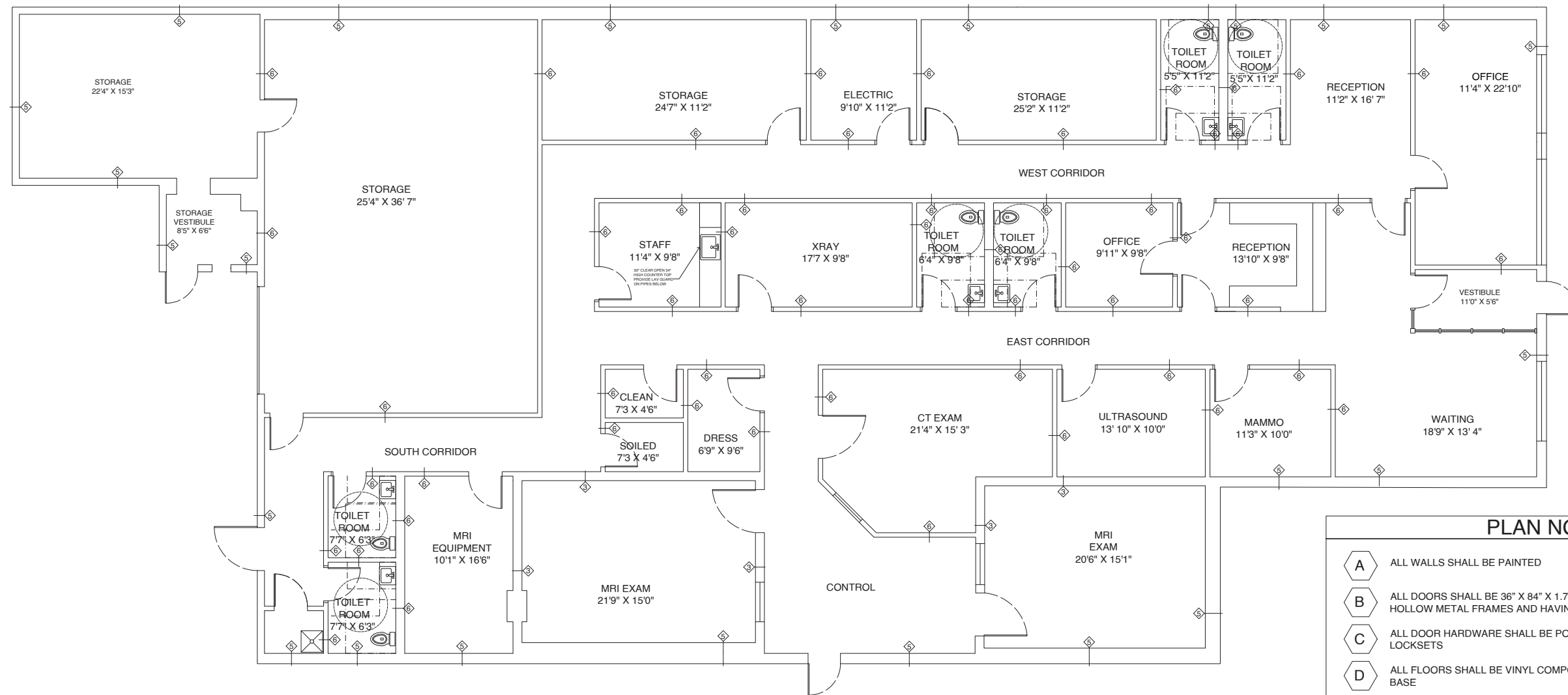
PROJECT NO. Edgebrook Des Plaines

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SHEET NO.

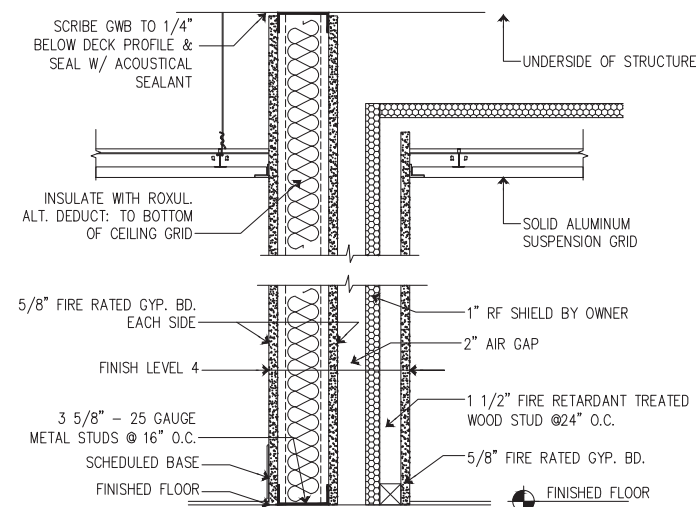
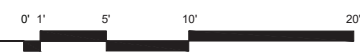
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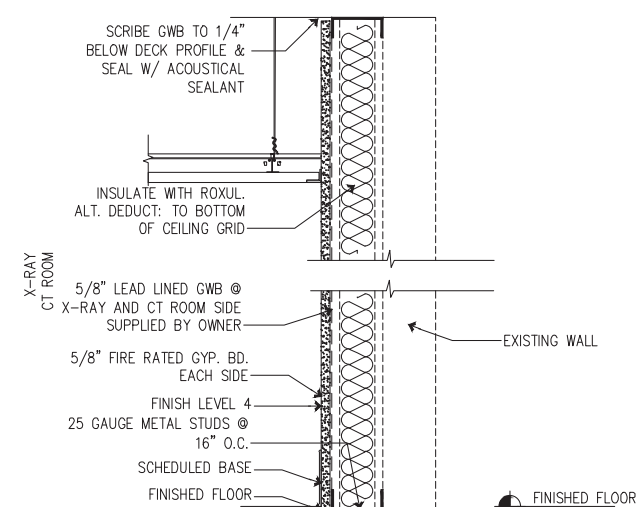


- ### PLAN NOTES
- A** ALL WALLS SHALL BE PAINTED
  - B** ALL DOORS SHALL BE 36" X 84" X 1.75" SOLID CORE PLAIN SLICED RED OAK IN HOLLOW METAL FRAMES AND HAVING CLEAR OPENING OF 18"
  - C** ALL DOOR HARDWARE SHALL BE POSITIVE LATCHING ADA HANDLE LOCKSETS
  - D** ALL FLOORS SHALL BE VINYL COMPOSITION TILE WITH 4" VINYL COVE WALL BASE
  - E** ALL COUNTERTOP/WORKSURFACES SHALL BE NO HIGHER THAN 30"-34" ABOVE FINISH FLOOR
  - F** ALL SUSPENDED CEILING SHALL BE CLASS A ACOUSTIC TILE IN 15/16" WHITE METAL GRID

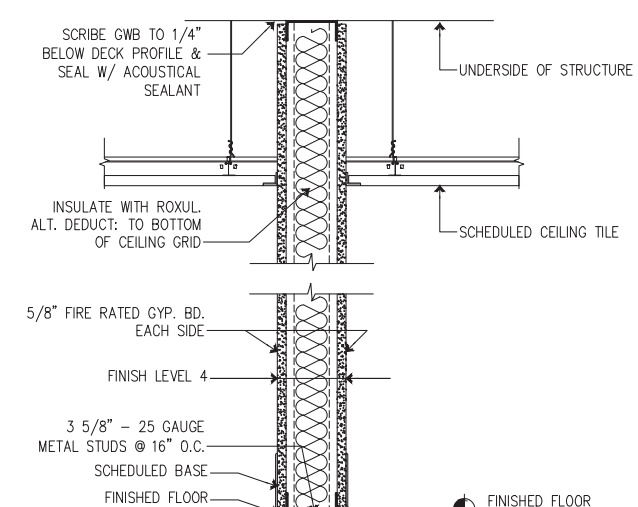
## PROPOSED FLOOR PLAN SCALE : 3/16" = 1'



TYPE 3 [3]



TYPE 5 [5]



TYPE 6 [6]





2410 S. River Rd – Looking South at Front of Property



2410 S. River Rd – Looking West at Rear of Property



2410 S. River Rd – Public Notice



2410 S. River Rd – Looking Southeast at Side of Building





**PLANNING AND ZONING BOARD  
 HEARING DATES & 2022 APPLICATION DEADLINES  
 REVISED**

Regularly scheduled meetings of the Planning and Zoning Board are held on the second and fourth Tuesday of each month, except for December, at 7:00 pm in Room 102 of City Hall (1420 Miner St, Des Plaines).

Applications must contain all of the required information and be submitted to the Planning and Zoning Division of the Department of Community and Economic Development (Room 301) by 4:00 pm on the application deadline.

<b>PLANNING &amp; ZONING BOARD 2022 DATES</b>		
<b>HEARING DATE</b>	<b>APPLICATION DEADLINE</b>	<b>LEGAL NOTICE/SIGN POSTING</b>
TUESDAY, JANUARY 11	MONDAY, DECEMBER 6, 2021	MONDAY, DECEMBER 20, 2021
TUESDAY, JANUARY 25	MONDAY, DECEMBER 20, 2021	MONDAY, JANUARY 3
TUESDAY, FEBRUARY 8	MONDAY, JANUARY 3, 2021	FRIDAY, JANUARY 14
WEDNESDAY, FEBRUARY 23	FRIDAY, JANUARY 14	MONDAY, JANUARY 31
TUESDAY, MARCH 8	MONDAY, JANUARY 31	FRIDAY, FEBRUARY 11
TUESDAY, MARCH 22	MONDAY, FEBRUARY 14	MONDAY, FEBRUARY 28
TUESDAY, APRIL 12	MONDAY, MARCH 7	MONDAY, MARCH 21
TUESDAY, APRIL 26	MONDAY, MARCH 21	MONDAY, APRIL 4
TUESDAY, MAY 10	MONDAY, APRIL 4	MONDAY, APRIL 18
TUESDAY, MAY 24	MONDAY, APRIL 18	MONDAY, MAY 2
TUESDAY, JUNE 14	MONDAY, MAY 9	MONDAY, MAY 16
TUESDAY, JUNE 28	MONDAY, MAY 23	MONDAY, JUNE 6
TUESDAY, JULY 12	MONDAY, JUNE 6	MONDAY, JUNE 20
TUESDAY, JULY 26	MONDAY, JUNE 20	FRIDAY, JULY 1
TUESDAY, AUGUST 9	FRIDAY, JULY 1	MONDAY, JULY 18
TUESDAY, AUGUST 23	MONDAY, JULY 18	MONDAY, AUGUST 1
TUESDAY, SEPTEMBER 13	MONDAY, AUGUST 8	MONDAY, AUGUST 22
TUESDAY, SEPTEMBER 27	MONDAY, AUGUST 22	FRIDAY, SEPTEMBER 2
TUESDAY, OCTOBER 11	FRIDAY, SEPTEMBER 2	MONDAY, SEPTEMBER 19
TUESDAY, OCTOBER 25	MONDAY, SEPTEMBER 19	MONDAY, OCTOBER 3
TUESDAY, NOVEMBER 8	MONDAY, OCTOBER 3	MONDAY, OCTOBER 17
TUESDAY, NOVEMBER 22	MONDAY, OCTOBER 17	MONDAY, OCTOBER 31
TUESDAY, DECEMBER 13	MONDAY, NOVEMBER 7	MONDAY, NOVEMBER 21