

Case 21-053-FPLAT-MAP-CU-V

1495 Prospect Ave & 1932 Illinois St

Final Plat of Subdivision
Conditional Use
Map Amendment
Variation of Structures
Standard Variation

Case 22-001-V

1364 E Algonquin



DES PLAINES PLANNING AND ZONING BOARD MEETING

January 11, 2022

APPROVED 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.

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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 Architects.

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(l) 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.

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

Case Number: 21-053-FPLAT-MAP-CU-V
PIN: 09-29-230-004-0000; -005; -006; -007; -021; -022; -034

Ward: #6, Alderman Malcolm Chester

Existing Zoning: R-1, Single Family Residential

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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 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

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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.

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.”)

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
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Convents, monasteries, rectories and parish houses	C	P
Residentially zoned assembly uses	C*	C

**On sites of one acre or more 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
<i>Front Yard Setback (North)</i>	<i>Min.: 25 FT</i>	<i>8.17 FT</i>
<i>Rear Yard Setback (South)</i>	<i>Min: 25 FT</i>	<i>4.25 FT</i>
Interior Side Yard Setback (West)	Min. 5 FT	54.58 FT
<i>Corner Side Yard Setback (East)</i>	<i>Min. 10 FT</i>	<i>8.17 FT</i>
Building Height	Max. 45 FT	17.83 FT
1932 Illinois Street		
Regulation	Required	Proposed
<i>Front Yard (East)</i>	<i>Min.: 25 FT</i>	<i>8.25 FT</i>
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

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 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

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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 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

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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 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

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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.
- 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. 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

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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.

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(l) 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 *****

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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

Ward: #2, Alderman Colt Moylan

Existing Zoning: R-1, Single Family Residential District

Existing Land Use: Single Family Residence

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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 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 of 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

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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.

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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

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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 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.

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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.

Chairman Szabo asked is the Board had any questions.

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. A Minor Variation to reduce the required front yard setback from 25 feet to 24.40.

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

NAYES: None

ABSTAIN: None

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

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John T. Carlisle, Director of Community and Economic Development introduced the departments 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 Board. Council would like to explore the redesign of Metropolitan Square Plaza that was originally apart of the comprehensive plan roughly six (6) years ago. Lakota Group will be back to present their ideas.

Director Carlisle noted the February 22, 2022 meeting is being held the same night as City Council due to the holiday on Monday February 21st. I would like to suggest changing the PZB meeting to Wednesday February 23rd, if we have 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