

Case 22-001-V

1473 Henry Avenue

Standard Variation

Case 22-004-V

2410 S Des Plaines River Road

Major Variation



DES PLAINES PLANNING AND ZONING BOARD MEETING

January 25, 2022

APPROVED MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, January 25, 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, Fowler

ABSENT: None

ALSO PRESENT: Jonathan Stytz, Planner/Community & Economic Development
Vanessa Wells/Recording Secretary

A quorum was present.

APPROVAL OF MINUTES

A motion was made by Board Member Hofherr, seconded by Board Member Weaver to approve the minutes of January 11, 2022, as presented.

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

NAYES: None

ABSTAIN: None

*****MOTION CARRIED *****

PUBLIC COMMENT

There was no public comment.

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NEW BUSINESS

1. Addresses: 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.

PINs: 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

Chairman Szabo swore in Kirk and Candice Vondra, 1473 Henry Avenue, Des Plaines, IL 60016 and their architect Kevin Kazimer from 18 Executive Court. South Barrington, IL 60010.

Candice Vondra homeowner of 1473 Henry stated her family takes great pride in their home and the neighborhood and wanted to make sure the addition matched closely to the existing and surrounding homes in the area.

Kirk Vondra homeowner of 1473 Henry stated they did not want to build another box, so when we saw Kevin's plans we loved the idea of attaching the garage and adding green space behind the garage to allow for better drainage in our yard and our neighbor's yards as well as a space for our kids to play.

Member Catalano stated he thinks the math is off and from what he calculated the total square footage would be larger than the 35.6 percent and it is actually 36.2 percent.

Kevin Kazimer, architect, stated that in fact the calculations are 36.2 percent and there was a miscalculation on the plans.

Jonathan Stytz, Planner for CED gave his staff report.

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, Des Plaines, IL 60016

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

Petitioner: Kirk Vondra & Candice 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

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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

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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 inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate 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.**

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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

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and 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.

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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 surveying 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.

Kevin Kazimer, architect stated the homeowners had a question regarding the third condition. He asked the members of the board if the existing garage could stay up while the project was taking place to allow for storage of construction items and their vehicles. Once the project is completed we can take down the previous structure. The homeowners also can obtain a temporary certificate of occupancy for the existing garage.

Member Saletnik stated he wanted to make an amendment to change the wording in condition three (3) to read that the existing detached garage and any paved area served this garage are removed ~~prior~~ *after* the construction of the proposed room addition is complete.

A motion was made by Board Member Saletnik, seconded by Board Member Fowler, to approve a (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 36 percent where 30 percent is permitted for interior lots and amend condition three to read the existing detached garage be removed *after* the construction of the proposed room addition is complete.

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

NAYES: None

ABSTAIN: None

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

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2. Addresses: 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.

PINs: 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

Chairman Szabo swore in petitioner George Nellamattathil, 5318 W. Devon Avenue, Chicago, IL 60616 and his architect Henry Bills, 226 Linden Rd. Barrington IL.

George Nellamattathil stated he owns Edgebrook Radiology and he is requesting a drive aisle that is less than the minimum requirement in the parking area. He stated that they never have more than five patients in the building at one time but we would like to use the south end of the lot for parking just in case we have additional staff.

Henry Bills, architect, stated safety is always a concern and we would like to have a two way stop sign and speed bumps put in place to reduce speed of the vehicles on the east side of the property at its narrowest point.

Member Weaver asked who owns the property in between the east property line of the subject property and the southbound I-294 on-ramp.

Mr. Nellamattathil stated that IDOT owns this property and it is a drainage swale for the highway.

Member Weaver asked if Mr. Nellamattathil felt that IDOT would consider granting an easement in this area to allow for a wider drive aisle.

Mr. Nellamattathil stated that he had not reached out to IDOT about that option.

Chair Szabo asked how long the other property has been vacant.

Jonathan Stytz, Planner, stated he checked and there was a business license from 2017-2018, so it has been vacant roughly three years.

Jonathan Stytz, Planner for CED gave his staff report.

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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

PIN: 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.

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.

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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**

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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 that 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.

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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 commercial building. 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.

A motion was made by Board Member Catalano, seconded by Board Member Hofherr to recommend approval 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 with the addition of speedbumps and two way stop signs.

Case 22-001-V

1473 Henry Avenue

Standard Variation

Case 22-004-V

2410 S Des Plaines River Road

Major Variation

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

NAYES: None

ABSTAIN: None

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

3. Approval of Revised 2022 Meeting Calendar

Jonathan Stytz, Planner, noted the update to the 2022 meeting calendar. The second PZB Meeting in February will be held on Wednesday the 23rd, instead of Tuesday the 22nd.

*****MOTION CARRIES UNANIMOUSLY BY VOICE VOTE*****

ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday, February 8, 2022.

Chairman Szabo adjourned the meeting by voice vote at 7:40 p.m.

Sincerely,

Vanessa Wells, Recording Secretary

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