



**DES PLAINES PLANNING AND ZONING BOARD MEETING
May 10, 2022
MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, May 10, 2022, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

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

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

ABSENT: Weaver

ALSO PRESENT: John Carlisle, AICP, Director of Community & Economic Development
Vanessa Wells/Recording Secretary

A quorum was present.

APPROVAL OF MINUTES

A motion was made by Board Member Fowler, seconded by Board Member Catalano, to approve the minutes of April 12, 2022, as presented.

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

NAYES: None

ABSTAIN: None

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

A motion was made by Board Member Hofherr, seconded by Board Member Saletnik, to approve the minutes of April 26, 2022, as presented.

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

NAYES: None

ABSTAIN: None

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

PUBLIC COMMENT ON NON-AGENDA ITEM.

There was no public comment.

NEW BUSINESS

1. Addresses: 1311 Prairie Ave

Case Number: 22-012-V

The petitioner is requesting a variation to allow a detached garage to exceed the maximum height allowed for an accessory structure, and any other variations, waivers, and zoning relief as may be necessary.

PINs: 09-17-423-019-0000

Petitioner: William F. Schoenberg and Janet Horton, 1311 Prairie Avenue, Des Plaines, IL 60016

Owner: William F. Schoenberg and Janet Horton, 1311 Prairie Avenue, Des Plaines, IL 60016

Chairman Szabo swore in homeowner Doctor Janet Horton. Mrs. Horton stated she and her husband purchased the Victorian style home in 2009. When we purchased this home, it was neglected for many years and an eye sore to the community. Since the purchase of our home we made significant improvements. We would like to continue these improvements by building a functional garage that matches the aesthetics of our home.

Mrs. Horton said the plan is to demolish the existing garage and shed that are on the property and construct a new garage and driveway. The proposed request will meet the square footage, setbacks and lot coverage restrictions in the zoning ordinance.

Member Hofherr asked if the homeowner had any thoughts about renting out the second story of the garage.

Mrs. Horton responded she has no plans on renting out the space and that the intentions of the space is to store out of season tools and equipment that is currently being stored in the shed.

Member Catalano asked staff if it is legal to run a medical practice out of the garage.

John Carlisle, Director of Community and Economic Development, stated the City does have limits to home occupations that sets forth numerous criteria and I think running a medical practice out of a home or garage would run afoul of one of those.

Member Saletnik asked if there is going to be plumbing in the garage.

Mrs. Horton stated she does plan on having a slop sink but for the purpose of projects and gardening.

Mr. Carlisle gave his staff report.

Issue: The petitioner is requesting a Major Variation from Section 12-8-1(C) of the Zoning Ordinance to allow a detached garage of 18.25 feet in height where a maximum height of 15 feet is permitted.

Address: 1311 E. Prairie Avenue

Case Number: 22-012-V

PINs: 09-17-423-019-0000

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: Prairie Avenue is classified as a local road.

Comprehensive Plan: The Comprehensive Plan illustrates the property as single family residential.

Zoning/Property History: Based on City records, the existing structure has been utilized as a single-family residence.

Project Description: The petitioners, William F. Schoenberg and Janet L. Horton, are requesting a major variation to allow for an 18.25-foot-tall detached garage where a maximum of 15 feet is permitted for accessory structures. The subject property is located in the R-1 Single Family Residential District at 1311 E. Prairie Avenue in between Laurel Avenue and Graceland Avenue. The property is 7,500 square feet (0.17 acres) and currently consists of a 1,252-square-foot, two-story residence, paved driveway leading to a 573-square-foot detached garage, a 51-square-foot shed, sidewalks, wood deck area, and brick paver area as shown on the Plat of Survey. The existing garage is current located 3.31 feet from the northwest property line. See the attached Photos of Existing Conditions for additional information on the current conditions of the property.

The petitioner is proposing to demolish the existing detached garage, shed, and brick paver area to make room for a new 718-square-foot detached garage, two new paved walkways, and extended driveway area as shown on the attached Site Plan. While the existing detached garage is located just off the wood deck at the rear of the residence, the proposed detached garage will be set back so it is five feet off the south (rear) and west (side) property lines. The proposed garage will have two vehicle parking spaces, an area for yard equipment, and a utility sink on the first floor with a storage area on an attic level above, as shown in the attached Floor Plan. Accessory structures cannot serve as a living space, so staff has added a condition that the detached garage cannot be utilized as a living space at any time, unless accessory dwelling units were to be legalized under the Zoning Ordinance in the future. The proposed garage is meant to emulate the design of the existing residence from the roof pitch to the exterior building materials, which include vinyl siding, carriage-lock garage doors, and trim and shingles to match the exterior materials of the existing residence as shown on the attached Elevations. Pursuant to Section 12-8-1.C of the Zoning Ordinance, accessory structures, including detached garages, must be incidental to

the principal use served and subordinate in height, area, bulk, and location. Accessory structures are limited to 15 feet in building height, defined by Section 12-13-3 of the Zoning Ordinance as:

The vertical distance from the mean elevation of the finished lot grade at the front of building to the top of the highest roof beams on a flat or shed roof, the deck level of a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. Excluded elements are mechanical and elevator penthouses, chimneys, air conditioners, church spires and steeples and similar appurtenances. All excluded elements cannot exceed the maximum height of the respective or underlying zoning district by more than twenty-five feet (25').

All requests for building height variation are Major, requiring final approval of the City Council.

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 its decision, but if recommendation approval, the Board should make statements in the affirmative for how the request would meet the standards.

- 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: Restricting the garage height to 15 feet would not present a practical hardship for the property owner as there are alternative designs that could be utilized to match the style of the residence without the additional height. Considering that the proposed garage is 3 feet, 3 inches over the requirement, design adjustments could be made to make the garage height conforming while also matching the style of the residence.

- 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: There is no unique physical condition with the subject lot itself to prevent the property owner from complying the regulations. While the existing residence has a unique design, there are no unique characteristics of the subject property that differ from the surrounding residential properties.

- 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 existing residence may have been constructed prior to the current owner purchasing the property. However, the property owner purchased the property with the existing property characteristics, none of which represent a hardship for the accessory structure height restriction.

- 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: Carrying out the strict letter of this code would not deprive the owner of substantial rights as there are other options to construct the detached garage and match the style of the residence within the code parameters.

- 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 seem to provide special privilege to the property owner, as other residential properties – of many types of architectural style – have constructed accessory structures that meet the height restrictions.

- 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: The City's residential district contains a wide variety of different housing styles similar to the residence on the subject property. While the detached garage could match the overarching harmony of the surrounding neighborhood, it could also do the same while meeting the height requirement.

- 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: To staff it does not seem that alternative design options have been exhausted such that the desired roof and building style could be achieved without exceeding the maximum 15 feet. The Board is encouraged to ask the Petitioner to testify and demonstrate why these alternatives are not feasible.

- 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: Consistent with staff's conclusion that is no practical difficulty established to warrant the variation, there is also no minimum measure of relief. Nonetheless, if the Board finds there is a hardship or practical difficulty, it might consider whether the full 3 feet and 3 inches of relief are necessary.

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 at 1311 Prairie Avenue. 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 conditions:

1. That all appropriate building permit documents and details are submitted as necessary for the proposed detached garage, driveway, and sidewalk areas. 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.
2. The detached garage cannot be utilized as a living space at any time, unless the Zoning Ordinance is amended in the future to allow accessory dwelling units.

Chris Walsh of 560 Webford asked if the homeowner eliminated the slop sink in the garage would it make the request easier to approve and eliminate the concern for making the garage a living space.

Chair Szabo stated it wouldn't per sway him either way.

Member Saletnik stated has incorporated and recommended a condition that states the detached garage cannot be used as a living space at any time, unless future changes to the zoning ordinance have been made. With this being a condition, I think it would take care of it.

Member Fowler noted the new garage is very attractive.

Member Saletnik stated the intent of the ordinance is that garages should not be out of character and over powering in size. In this case since the house has a very high roof, the new roof on the garage is in character with the main house and is lower than the main house.

A motion was made by Board Member Hofherr, seconded by Board Member Saletnik, to recommend approval of a Major Variation from Section 12-8-1(C) of the Zoning Ordinance to allow a detached garage of 18.25 feet in height where a maximum height of 15 feet is permitted.

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

NAYES: None

ABSTAIN: None

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

2. Addresses: 622 Graceland Avenue, 1332 and 1368 Webford Avenue
Case Number: 21-052-MAP-TSUB-V

The petitioner is requesting the following items: (i) zoning map amendment to rezone the subject property from C-3 General Commercial District to C-5 Central Business District; (ii) Tentative Plat of Subdivision to consolidate three existing lots lot of record into one; (iii) zoning variation to locate off-street parking and loading in the required side yard; (iv) zoning variation to allow curb and gutter for off-street parking within 3.5 feet of the property line; (v) zoning variation to allow parking spaces next to a public sidewalk without a landscape divider strip; (vi) zoning variation to allow a parking lot with more than 10 spaces to provide landscaping not in strict accordance with Section 12-10-8: Parking Lot Landscaping; and (vii) any other variations, waivers, and zoning relief as may be necessary.

PINs: 09-17-306-036-0000; 09-17-306-038-0000; 09-17-306-040-0000

Petitioner: Joe Taylor, 622 Graceland Apartments, LLC, 202 S. Cook Street, Suite 210, Barrington, IL 60010

Owner: Wessell Holdings, LLC, 622 Graceland Avenue, Des Plaines, IL 60016; City of Des Plaines, 1420 Miner Street, Des Plaines, IL 60016

Chairman Szabo noted the petitioner has submitted a request to continue the hearing to the Board's regular meeting on Tuesday, May 24. In response to input received, they are making design changes that require both additional time of their team and staff for review.

Chairman Szabo asked if anyone would like to comment on this request or add something new from the last meeting and stated if you were sworn in at the last hearing you do not need to be sworn in, but if this is your first time speaking you will be sworn in when you come up to speak.

David Gates, Jr., Author of several Post Office mural books asked if at the May 24 meeting he can bring a video of the artwork to show everyone the depression artwork that is in the Journal and Topic building.

Jordan Minerva of 535 Webford stated before he moved to his current home, he lived on Fifth Avenue across from condominiums. Although these units were set back off the street, had green space, and they face one another. But over time I noticed that the City cannot always help when buildings start to deteriorate and need maintenance. With these issues it causes others property values to decline. Moving on Webford I was very happy with the neighborhood and even the corner lot being a C-3.

Tom Lovestend of 570 Webford stated many residents continue to speak out about their concerns for the proposed Compasspoint development. Anyone can see that the Journal building location is not suited for an 80 foot high-rise development. The request from the developer to change the property from a C3 to a C5 district should not be considered in a residential neighborhood. Also keep in mind the Journal and Topic building is really the last green space we have available downtown. It would be a great opportunity to turn the space into a park comparable to Jackman Park in Glenview.

Marian Cosmides of 570 Webford noted that there are flyers all over Des Plaines to stop this development. These signs are not just in our ward but all over this town. Des Plaines does not need another high-rise building or rental properties. I want to ask the board if they are aware if the City Council listens to these planning and zoning meetings or do they just make the decisions on their own.

Member Saletnik stated all of the meeting minutes from our meetings go to City Council and those minutes come with our recommendations and comments for the projects that are presented.

Evan Vogel of 1810 Woodland stated he is in support of this project but would prefer these units to be condominiums rather than apartments.

Chris Walsh of 560 Webford stated there is a rumor going around that the Ellinwood project was actually not recommended from this board and City Council passed the project. I want to know if anyone can answer that or confirm it.

Chair Szabo stated he would have to look back and does not remember the vote. He suggested Mr. Walsh review the meeting minutes.

Chris Walsh continued and asked if there is a density number we are looking at or a limit that is trying to be reached.

Member Saletnik responded that the density is not measured per ward and it has to do with property and the individual building and its square footage. It is not based upon the overall locality. For individual

properties the building code and the zoning ordinance sets what the max density can be based on square footage and or size of the lots.

Chris Walsh stated at the beginning he thought he heard one of the reasons why we are entertaining this development was to reach the density goal.

Member Saletnik stated what's in the comprehensive plan is something different. It is not a law that has to be followed to the letter but it is recommendations made by professionals as a goal that the city can try to follow.

Member Fowler stated the recommendation came from CMAP, a planning agency.

Chris Walsh asked if a petition was brought forward, would there be a certain amount of signatures or a magic number that you feel it would be advantageous to move forward.

Chair Szabo stated the petition would have to be brought forward from the residents not the Planning and Zoning Board. As the zoning board we just have to look at what the density would be for the proposal being presented.

Linda Fruhoff of 700 Graceland stated she is greatly concerned about the amount of traffic this new development will add to this area. There are times that I wait twenty minutes to just get across the tracks and adding more people and cars to the area is only going to make things worse.

Paul Beranek of 512 Arlington, asked why there was only a few agendas available for residents and asked for more information to be provided next time.

Member Catalano stated the agenda has the same request as it did at the April 12, 2022 meeting. Since this is a continuance and the new materials have not been brought forward and that the request is the same.

John Carlisle, Director of Community & Economic Development, stated once the new materials are received we will upload them to the City's website where it can be viewed at desplaines.org/gracelandwebford.

Chairman Szabo read the continuance request letter from the Petitioner. It states On behalf of the Graceland Apartments LLC, the applicant for the proposed project at Webford and Graceland we are requesting that the hearing before the Planning and Zoning Board that is currently scheduled for May 10 be continued to May 24. The developer, in response to some of the input from the first hearing is undertaking a number of design changes. We recognize that the City's staff needs time to review these changes. We are requesting that the continuance be until the May 24th agenda.

Member Fowler asked if the board motions against the continuance what happens.

John Carlisle, Director of Community & Economic Development stated the rules of procedure do reference the appropriateness of granting at least one continuance to a petitioner upon their request. I did make a recommendation in my report to continue until at least May 24 so you can review the revised project and its attempt to address the input received from the last meeting.

Case 21-052-MAP-TSUB-V
Case 22-012-V

622 Graceland Ave
1311 Prairie Ave

Map Amendment/TPSUB/Variation
Variation

Philip Rominski of 1333 Webford asked staff when will the revised materials be submitted and when will we be able to see them?

John Carlisle, Director of Community & Economic Development stated the plans should be in within a few days and once received we can get them uploaded to the city's landing page for this project. However, the actual staff report will not be completed until May 20, 2022.

A motion was made by Board Member Hofherr, seconded by Board Member Catalano to approve the continuation of 622 Graceland Ave. case number 21-052-MAP-TSUB-V to May 24th, 2022 as requested by the petitioner.

AYES: Szabo, Veremis, Saletnik, Hofherr, Catalano

NAYES: Fowler

ABSTAIN: None

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

ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday, March 24, 2022.

Chairman Szabo adjourned the meeting by voice vote at 7:48 p.m.

Sincerely,

Vanessa Wells

Vanessa Wells, Recording Secretary

cc: City Officials, Aldermen, Planning & Zoning Board, Petitioners