



DES PLAINES PLANNING AND ZONING BOARD MEETING
January 9, 2024
MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, January 9, 2024, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

Chair Szabo called the meeting to order at 7:00 p.m. and roll call was established.

PRESENT: Szabo, Fowler, Weaver, Saletnik, Veremis
ABSENT: Hofherr, Catalano
ALSO PRESENT: Ryan Johnson, Assistant CED Director
Samantha Redman, Senior Planner
Jeffrey Rogers, CED Director in Audience

A quorum was present.

APPROVAL OF MINUTES

A motion was made by Board Member Weaver, seconded by Board Member Saletnik to approve the meeting minutes of November 14, 2023.

AYES: Weaver, Szabo, Saletnik, Veremis, Fowler
NAYS: None
ABSENT: Hofherr, Catalano
ABSTAIN: None

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

PUBLIC COMMENT ON NON-AGENDA ITEM

There was no public comment.

Pending Applications:

Address: 1183 S River Road

Case Number: 23-047-V

The petitioner, Kathryn Kuntz, is requesting a major variation from Section 12-8-2.D of the Zoning Ordinance to allow a fence design with the finished side of the wood fence facing inward towards the subject property instead of the finished fence side facing neighboring properties as

required. Senior Planner Samantha Redman explained that the petitioner was unable to attend this evening’s meeting and requested a continuation.

A motion was made by Board Member Veremis, seconded by Board Member Fowler to continue case Number 23-047-V until January 23, 2024.

AYES: Weaver, Szabo, Saletnik, Veremis, Fowler
NAYS: None
ABSENT: Hofherr, Catalano
ABSTAIN: None

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

2 . Address: 542 Webford Avenue Case Number: 23-069-V

The petitioner is requesting a standard variation from Section 12-7-2.J of the Zoning Ordinance to reduce the required front yard setback from 25 feet to nine feet to construct a full second-story addition onto the existing single-family residence at 542 Webford Avenue.

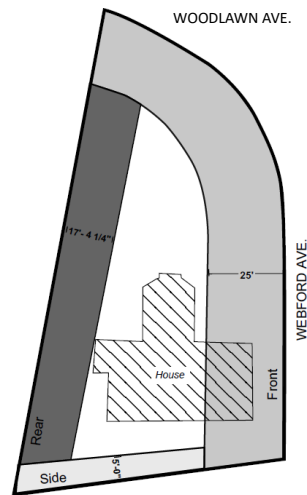
Petitioner: Cortni Jablenski, 542 Webford Avenue, Des Plaines, IL 60016
Owner: Cortni Jablenski, 542 Webford Avenue, Des Plaines, IL 60016
Case Number: 23-069-V
PIN: 09-17-314-017-0000
Ward: #3, Alderman Sean Oskerka
Existing Zoning: R-1, Single Family Residential District
Existing Land Use: Single Family 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 Residences (residential)
South: Single Family Residences (residential)
East: Single Family Residences (residential)
West: Single Family Residences (residential)
Street Classification: Webford Avenue and Woodlawn Avenue are local streets under Des Plaines jurisdiction.
Comprehensive Plan: Single Family Residential is the recommended use of the property.
Zoning/Property History: Based on historical aerial imagery and information provided in the attached.

Petitioner Responses to Standards for Variation, the subject property has contained the same single-family residence since it was constructed in 1926. When constructed, the residence was positioned a little over nine feet from the north (front) property line along Webford Avenue. Since its construction, the Zoning Ordinance has been updated to require a minimum 25-foot-setback between the residence and the front property line, making the existing residence a legal nonconforming structure. The petitioner has attested that no structural changes have been made to the residence since it was built.

Project Description:

Overview

The petitioner, Cortni Jablenski, is requesting a standard variation to reduce the required front yard setback from 25 feet to nine feet to construct a full second-story addition onto the existing single-family residence at 542 Webford Avenue. The subject property consists of a single, 9,919-square foot (0.23 acre) lot with a 1½-story brick and siding house, detached garage, concrete driveway off Webford Avenue, and residential walkways as shown in the attached Plat of Survey. The property shape is unique as it fronts both Webford Avenue and Woodlawn Avenue on a curve—which serves as the front yard for the property—and does not include a corner side yard as shown on the yard designation diagram below.



Existing Non-Conformity

The existing residence footprint is located a little over nine feet (9'-0 1/4") at its closest point from the north (front) property line abutting Webford Avenue. Since City records indicate that this residence has been in existence on site prior to the adoption of the 1998 Zoning Ordinance, it is classified as a non-conforming structure governed by Section 12-5-6 of the Zoning Ordinance. This section does allow, with some limitations, a nonconforming structure to be repaired, maintained, altered, or enlarged provided that the repair, maintenance, alteration, or enlargement does not:

“create any new nonconformity or increase the degree of the existing nonconformity of all or any part of such structure. For the purposes of this section, the vertical or horizontal extension of a structure shall be considered to increase the degree of an existing nonconformity related to a required yard or setback.” (Section 12-5-6.B)

The petitioner’s proposal to construct a second story addition on top of the existing building footprint increases the degree of the non-conformity requiring a variation request.

Proposed Floor Plan and Scope of Work

The new second story addition includes four separate bedrooms—including a master bedroom with its own bathroom—each with their own closets and a separate bathroom and closet area as shown on the attached Site and Architectural Plan. Also included in the proposal is the full remodel of the existing main level of the residence—including alterations to the existing front porch, family room, kitchen, office, closet, and mudroom—and excluding the dining room and bathroom areas as shown in the attached Site and Architectural Plan. Aside from the existing mudroom located at the rear of the residence, which will be repurposed for a storage area, the uses of all other existing areas of the main level will be retained. The walls of the existing screened front porch will be removed but the roof structure will remain. The last portion of the proposal includes the construction of a new wood deck with stairs proposed for the southwest corner of the residence.

Proposed Elevations and Required Building Design Standards

The proposal will increase the existing residence height to 30 feet, which is under the maximum building height of 35 feet pursuant to Section 12-7-2.J of the Zoning Ordinance for residences located in the R-1 district. The existing exterior building materials for the residence are predominately vinyl siding with some brick accent areas on the north and west elevations. The existing brick will be retained, and the existing vinyl siding will be replaced with new vinyl siding. The proposed second story addition will be constructed entirely with vinyl siding as shown in the attached Site and Architectural Plan.

Section 12-3-11 of the Zoning Ordinance requires that building design standards are met for projects when there are “appearance altering renovations to the front or corner facades of a principal structure.” Since the proposal does alter the front of the residence, the regulations in this section are required to be met. For the subject property, the front façade is the north and northwest elevations facing Webford Avenue and Woodlawn Avenue. The table below provides a comparison between the required building design standards and the proposed alterations to the residence on the subject property. Refer to the attached Site and Architectural Plan for additional information.

Section 12-3-11: Building Design Standards		
	Requirement	Proposed
Building Materials – Ground Story	Natural stone, face brick, or anchored or adhered masonry veneer	Existing face brick areas will be retained in their entirety. Existing vinyl siding areas will be replaced with new vinyl siding*
Building Materials – Upper Story	Ground story materials plus painted or stained wood, stucco, vinyl siding, and fiber cement board	New vinyl siding to be installed for entire second story addition (all elevations)**
Blank Wall Limitations	No rectangular area greater than 30 percent of a story's facade may be windowless	Compliant, largest windowless area comprises 21 percent of the front facade
	No part of a story's facade may be windowless for a horizontal distance greater than 15 feet	Compliant, largest windowless area comprises six linear feet

** Existing legal non-conformity governed under Section 12-5-6 since the residence was constructed prior to the adoption of the building design standards.*

*** All new vinyl siding must be installed above the first-floor ceiling to be compliant with Section 12-3-11. Adjustments may be necessary so as not to increase the degree of an existing non-conformity.*

Off-Street Parking

The attached Site and Architectural Plan indicates that there are no proposed changes to the current number of off-street parking spaces and that the existing driveway and detached garage footprint will remain the same. Single family residences are required to provide two off-street parking spaces pursuant to Section 12-9-7 of the Zoning Ordinance. As shown on the attached Plat of Survey, there is ample space for one off-street parking space in the detached garage and multiple off-street parking spaces on the concrete driveway.

Variation Findings: Variation requests are subject to the standards set forth in Section 12-3-6.H. of the Zoning Ordinance. Rationale for how well the proposal addresses the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided responses as written as its rationale, modify, or adopt its own.

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: The existing residence was constructed prior to current regulations requiring the 25-foot-front-yard-setback and is positioned nine feet from the front property line. Requiring the addition to comply with the required front yard setback would substantially restrict the property owner from making improvements to the existing structure.

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 subject property is located on a curve where Webford Avenue intersects with Woodlawn Avenue creating a uniquely shaped corner lot with three sides and no corner-side yard. The front yard extends along the curve of both Webford Avenue and Woodlawn Avenue reducing the available space on the property for an addition.

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 unique physical conditions of the subject property are not the result of the current property owner or their predecessor. In addition, the subject property is land-locked preventing the property owner from addressing the physical conditions on the subject property.

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: Given the unique physical conditions of the subject property, it can be argued that carrying out the strict letter of this code for the front yard setback could deprive the property owner of the ability to make improvements to the subject property that are commonly enjoyed by other owners of single-family residential lots. The petitioner intends to add the second story addition in lieu of expanding the existing main level in order to preserve the character of the existing residence.

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 not provide a special privilege for the property owner not available to other single-family residential properties. Instead, it allows the property owner the ability to make improvements to the subject property as other property owners along Webford Avenue who reside in homes with similar reduced setback distances as the subject property. The petitioner has noted that there are several homes in the surrounding area that have similar reduced setbacks from the front property line—a characteristic that is prevalent in the neighborhood—and they have made improvements to their residents in a similar fashion. In addition, the granting of this variation does

not inherently allow the property owner to make additional money off the subject property and its development.

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 project would allow re-investment into a single-family home, which the Zoning Ordinance and Comprehensive Plan encourage. While one could argue that the proposed second story addition in the location and design identified on the attached Site and Architectural Plan is largely for the benefit of the property owner, a study of the area indicates that many of the neighboring properties are developed in a similar fashion. It can be concluded that the proposed second story addition as proposed will be in harmony with existing development and potentially provide more benefit for the neighborhood as a whole—in relation to property values—than just for the petitioner.

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 alternatives to the proposed setback variation being requested including a one-story addition on the west side of the existing residence or reduced second-story addition. However, after consideration of these alternatives, it can be argued that either alternative could negatively impact the existing character of the residence making it less harmonious with neighboring properties. Also, the alternative of adding a one-story addition would inherently increase the building coverage of the subject property, which is not necessarily promoted by the Comprehensive Plan for lower-density residential developments. The PZB may wish to ask why certain alternative designs 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: The approval of the setback reduction would be the minimum relief for the petitioner given their current proposal.

PZB Procedure and Recommended Conditions: Under Section 12-3-6.F (Procedure for Review and Decision for Standard Variations) of the Zoning Ordinance, the PZB has the final authority to approve, approve subject to conditions, or deny the above-mentioned standard variation request for the building setback at 542 Webford Avenue.

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 (Findings of Fact for Variations) of the Zoning Ordinance. If the PZB approves the request, staff recommends the following condition.

Condition of Approval:

1. Architectural plans included with this variation may be revised during final building permit review process without requiring an amendment to this variation ordinance, provided there is no increase in

front yard encroachment or building height and the approved plans conform with Building Design Standards in Section 12-3-11.

Petitioner Cortni Jablenski was sworn it.

Ms. Jablenski explained that the current regulation requires a 25-foot-front-yard-setback, and the front lot line of her house is nine feet from the sidewalk.

Senior Planner Samantha Redman presented staff slides and an overview of the case. The structure was constructed in 1926 prior to the adoption of the current zoning code regulations. Requiring the addition to comply with the required front yard setback would substantially restrict the property owner from making improvements to the existing structure. The structure would be legal non-conforming; however, adding the second story adds to the degree of non-conformity. Proposed plan drawings and elevations were reviewed.

A motion was made by Board Member Veremis, seconded by Board Member Weaver to approve a Standard Variation to reduce the required front yard from 25-feet to 9-feet.

AYES: Weaver, Szabo, Saletnik, Veremis, Fowler
NAYS: None
ABSENT: Hofherr, Catalano
ABSTAIN: None

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

DISCUSSION

a. Legal Training: The City's Legal Counsel proposed a training session for PZB members and members of City Staff. Member Fowler asked if the session could be recorded, or if she could attend remotely via Teams. Staff will consult with Legal Counsel and report back to the Commission. PZB members confirmed the training date of February 6, 2024, 7:00 p.m.

b. A workshop to discuss the Building Design Review section of Code was proposed for March 5, 2024, 7:00 p.m. Chairman Szabo stated that he likes this idea. Member Fowler added that she likes the idea of design review and that she would like to see standards put in place for developments. Senior Planner Samantha Redman explained that a memo may be created to include the code section in question. Staff also researched building design codes of other communities and has requested information through a Northwest Municipal Conference survey. The results will be shared at the Workshop. CED Director Jeffrey Rogers explained how surrounding communities structure their building design reviews, including the use of design committees.

ADJOURNMENT

Chairman Szabo adjourned the meeting at 7:25 p.m.

Sincerely,

Laura Fast, Deputy City Clerk/Recording Secretary

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