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DES PLAINES PLANNING AND ZONING BOARD MEETING

June 8, 2021

MINUTES

The Des Plaines Planning and Zoning Board Meeting held its regularly-scheduled meeting on Tuesday, June 8, 2021, 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: Catalano, Fowler, Hofherr, Saletnik, Veremis, Szabo

ABSENT: Bader

ALSO PRESENT: Jonathan Stytz, Planner/Community & Economic Development
Wendy Bednarz/Recording Secretary

A quorum was present.

PUBLIC COMMENT

There was no Public Comment.

APPROVAL OF MINUTES

A motion was made by Board Member Hofherr, seconded by Board Member Fowler, to approve the minutes of May 11, 2021, as presented.

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

NAYES: None

ABSTAIN: None

*****MOTION CARRIED UNANIMOUSLY*****

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OLD BUSINESS

NEW BUSINESS

1. **Address:** 69-79 Broadway St

Case Number: 21-009-CU
Public Hearing

The petitioner is requesting a Conditional Use under Section 12-7-3(K) of the 1998 Des Plaines Zoning Ordinance, as amended, to locate a Commercially Zoned Assembly Use at 69-79 Broadway Street in the C-3 zoning district, and approval of any other such variations, waivers, and zoning relief as may be necessary.

PINs: 09-07-418-016-0000; -017; -018; -019
Petitioner: Steven Bonica, 732 W. Algonquin Road, Arlington Heights, IL 60005
Owner: Gerald J. Meyer, 108 W. Sunset Road, Mount Prospect, IL 60056

Chairman Szabo swore in Steven Bonica, Arlington Heights, who provided an overview of the request. The Petitioner stated that the request is for a Romanian Heritage Center, which will focus on social and cultural values, as well as a gathering space. The Center will provide youth programs and provide the general community with additional programs for college preparedness. The Petitioner stated that the Center will also host large events throughout the year (approximately 1-3 per month, on weekends). Parking is a general concern of the center, but the Petitioner stated that he is in process and has arranged parking agreements with neighboring properties for alleviate some of the parking issues.

The Petitioner provided a revised parking plan, which depicted 14 spaces at the rear of the property.

Chairman Szabo asked if the Board had any questions.

Member Fowler inquired about the maximum capacity of the multipurpose room, the net floor area of 2,300 square feet. The Petitioner stated that the capacity will comply with the assessment given by the Fire and Building Departments. Mr. Stytz stated that according to the materials submitted, the library will be used to tutor 12 students during the week and have 2-3 staff present. The Petitioner reiterated that there is a twelve-student maximum, based on efficiency.

Mr. Stytz also stated event attendance is estimated between 50-100 people per event.

Member Fowler also inquired about parking, the Petitioner stated that the Center is also considering valet parking options for events and a parking agreement with the Romanian Church.

Member Catalano inquired about the traffic study. Mr. Stytz stated that staff did not feel a traffic study was necessary and the requirement was waived.

Member Veremis was impressed with the number of classes offered, and inquired about the types of programs that are available at the Niles School. The Petitioner stated that the school in Niles is a private

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school, offering education to students in kindergarten through twelfth grade. While the school offers after school activities, the cultural center could not commit to something permanent.

There was additional discussion regarding parking for large-scale events including shuttling individuals from an off-site parking location and valet options, including valet location. The Petitioner also stated that they have looked into a Police presence for safety during events (crossing streets safely).

Chairman Szabo recommended that formal lease agreements be entered prior to hosting events. Chairman Szabo also inquired about the affiliation with the Romanian Church, the Petitioner stated that they are currently not members of the Romanian Church, but have shared interests and meet with Church leaders twice per year.

Member Saletnik reiterated the sentiment that parking is paramount and parking agreements are necessary. Mr. Bonica agreed with the statement and stated that he is looking at additional parking options and has reached out to his insurance provider to provide a certificate of insurance to properties.

Chairman Szabo asked if there were any questions or comments from the audience. The following comments were provided:

Edna Graef, 635 Yale Ct, stated that most of her concern stems from the current parking problems caused by commercial businesses, and inquired about how the Petitioner plans on preventing parking on residential streets. Ms. Graef also commended on the location of valet pick-up/drop-off. Ms. Graef said commented that she represented the neighbors of the area, and has tried to work with commercial owners regarding parking.

Chairman Szabo stated that some of the concerns that she has should be addressed by the Police Department. Member Fowler also stated that she has business in the area several times during normal business hours and parking has not been an issue.

The Petitioner stated that he also has a standby agreement to purchase an open lot near the clinic on Golf Rd; however, prior to purchase there is a temporary agreement for parking.

The Petitioner stated that he appreciates the concerns regarding parking, but is actively looking for additional parking options.

Chairman Szabo asked that the Staff Report be entered into record. Planner Stytz provided a summary of the following report:

Issue: The petitioner is requesting a Conditional Use under Section 12-7-3(K)(3) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a Commercially Zoned Assembly use in the C-3 zoning district at 69-79 Broadway Street.

Analysis:

Address: 69-79 Broadway Street

Owners: Steven Bonica, 732 W. Algonquin Road, Arlington Heights, IL 60005

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Petitioner: Harriet Denisewicz, Chicago Title Land Trust Company, 10 S. LaSalle Street, Suite 2750, Chicago, IL 60604

Case Number: 21-009-CU
Real Estate Index Numbers: 09-07-418-016-0000; -017; -018; -019

Ward: #7, Alderman Patsy Smith

Existing Zoning: C-3, General Commercial District

Existing Land Use: Vacant Building

Surrounding Zoning: North: C-3, General Commercial District
South: C-3, General Commercial District
East: R-1, Single Family Residential District
West: C-3, General Commercial District

Surrounding Land Use: North: Vacant Building
South: Multi-Unit Residential Building
East: Single Family Residences
West: Electrician (Commercial)/Vacant Building

Street Classification: Broadway Street is classified as a Local Street.

Comprehensive Plan: The Comprehensive Plan designates this site as Higher Density Urban Mix with Residential.

Project Description: The petitioner, Steven Bonica, has requested a Conditional Use Permit to operate a Community Center, Romanian Heritage Center NFP, at 69-79 Broadway Street. A community center is classified as a Commercially Zoned Assembly use, which is a conditional use in the C-3, General Commercial District. The subject properties are located within the C-3 zoning district, along Broadway Street between Cumberland Circle and the Cumberland Metra Station. The four subject properties contain a multi-unit, one-story building spanning all four lots, each with a separate PIN, with on-street parking in the front and a small accessory parking area at the rear as shown in the Plat of Survey for 69-73 Broadway Street, the Plat of Survey for 75-79 Broadway Street, and the following table.

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Address	PIN	Zoning District
69 Broadway Street	09-07-418-019-0000	C-3, General Commercial
73 Broadway Street	09-07-418-018-0000	C-3, General Commercial
75 Broadway Street	09-07-418-017-0000	C-3, General Commercial
79 Broadway Street	09-07-418-016-0000	C-3, General Commercial

The petitioner plans to completely remodel the interior of the existing building to locate a library/multi-purpose room, office areas, inaccessible Romanian heritage exhibit areas, conference room, kitchen area, restrooms, and storage areas based on the Floor Plan. The petitioner's proposal does not include any changes to the outside of the building with the exception of new landscaping and signage at the front of the building. The dumpster for this suite will be stored inside the building except on trash collection days. The Romanian Heritage Center NFP will be open on Monday through Friday from 8 am to 7 pm as a research and tutoring center, as denoted in the Proposed Activities, Programs, and Parking Plan and the Proposed Schedule of Activities. A maximum of two to three employees will be on site at a given time hosting a maximum of eight to ten sessions throughout the week with up to twelve students per session. This location will host evening meetings for the Board of Directors and Leadership Advisory Council with up to 20 people and various events once or twice a month. The proposed events include fellowship groups, commemorative and cultural events, exhibitions, concerts, community meetings, conferences, and seminars that are coordinated with the nearby Romanian Baptist Church of Chicago located at 484 E. Northwest Highway. See the Project Narrative for more details.

The following parking regulations apply to this request pursuant to Section 12-9-7 of the Des Plaines zoning Ordinance:

- One parking space for 200-square feet of gross activity area for community centers, banquet halls, and membership organizations; and
- One parking space for every 250-square feet of gross floor area for office areas.

Thus, a total of 19 off-street parking spaces are required including one handicap accessible parking space. The Site Plan shows the proposed parking area at the rear of the building, which is designed to accommodate 13 parking spaces and one handicap parking on the subject property. The petitioner intends to utilize a portion of the parking lot at the nearby Romanian Baptist Church of Chicago located at 484 E. Northwest Highway to accommodate the remaining required spaces and for monthly or bimonthly events. The proposal also includes the utilization of a valet service to address parking concerns, especially during events where 50-100 patrons could be in attendance. Staff has added a condition that the petitioner must obtain, execute, and submit a collective parking agreement with the nearby Romanian Baptist Church to

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staff to address all parking requirements pursuant to Sections 12-9-3 and 12-9-7 of the Des Plaines Zoning Ordinance.

Compliance with the Comprehensive Plan

The proposed project, including the proposed site improvements, addresses various goals and objectives of the 2019 Comprehensive Plan including the following aspects:

- **Future Land Use Plan:**
 - This property is designated as Higher Density Urban Mix with Residential on the Future Land Use Plan. The Future Land Use Plan strives to create a well-balanced development area with a healthy mixture of commercial and residential uses. While the proposed use does not have a retail component, the petitioner will enhance the subject property by renovating the existing vacant building to make it an asset in the City of Des Plaines as a whole.
 - The subject property is located along Broadway Street near the defined Northwest Highway and Golf Road commercial corridors in Des Plaines surrounded by commercial and residential development. The request would transform the existing vacant building into a community center that could help bridge the gap between the residences and commercial development in this area and bring benefits to the community as a whole.

While the aforementioned aspects represent a small portion of the goals and strategies of the Comprehensive Plan, there is a large emphasis on improving existing commercial developments throughout Des Plaines.

Conditional Use Findings: Conditional Use requests are subject to the standards set forth in Section 12-3-4(E) of the 1998 City of Des Plaines Zoning Ordinance, as amended. In reviewing these standards, staff has the following comments:

A. The proposed Conditional Use is in fact a Conditional Use established within the specific Zoning district involved:

Comment: The proposed community center is classified as a Commercially Zoned Assembly use. A Commercially Zoned Assembly use is a conditional use in the C-3 zoning district. Please see the petitioner's responses to Standards for Conditional Uses.

B. The proposed Conditional Use is in accordance with the objectives of the City's Comprehensive Plan:

Comment: The proposed community center repurposes an existing vacant building, which helps to achieve the goal of the Comprehensive Plan to foster and improve commercial developments. This proposal can also provide another asset to the community through the promotion of cultural diversity, which the Comprehensive Plan strives to preserve and foster. Please see the petitioner's responses to Standards for Conditional Uses.

C. The proposed Conditional Use is designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity:

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Comment: The proposed community center will not redevelop the existing vacant building in a way that would not be harmonious and appropriate in appearance to surrounding development since the petitioner does not plan to alter the building's exterior. Instead, the proposal includes additional landscaping in front of the building and parking area improvements at its rear to improve the aesthetic appearance of the property. Please see the petitioner's responses to Standards for Conditional Uses.

D. The proposed Conditional Use is not hazardous or disturbing to existing neighboring uses:

Comment: The proposed community center will not be hazardous or disturbing to the existing neighborhood uses since all of its operations will take place inside the building. The petitioner has proposed off-street parking spaces at the rear of the building and will provide a collective parking agreement with the nearby Romanian Baptist Church to utilize a portion of their parking spaces to meet parking standards and handle any overflow parking during events. Please see the petitioner's responses to Standards for Conditional Uses.

E. 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, agencies responsible for establishing the Conditional Use shall provide adequately any such services:

Comment: The existing building is adequately served by essential public facilities and services through property access from a rear alley, on street parking in the front, and municipal services. Staff does not feel that the proposed community center will alter the existing service of this property. Please see the petitioner's responses to Standards for Conditional Uses.

F. The proposed Conditional Use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic well-being of the entire community:

Comment: The existing building does not create excessive additional requirements at the public expense for public facilities and services. Staff does not feel that the proposed community center will create excessive additional requirements for public facilities and service, as the size and location of the existing building remain the same. Please see the petitioner's responses to Standards for Conditional Uses.

G. 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:

Comment: The proposed community center operations will not produce excessive production of traffic, noise, smoke fumes, glare, or odors since all operations will take place inside the building and consist of smaller groups of people. The anticipated events that will occur on occasion once or twice during the month will be scheduled and planned in coordination with the Romanian Baptist Church to ensure adequate parking is provided. Please see the petitioner's responses to Standards for Conditional Uses.

H. The proposed Conditional Use provides vehicular access to the property designed so that it does not create an interference with traffic on surrounding public thoroughfares:

Comment: The proposed community center will have parking and property access concentrated at the rear of building with some parking in the front of the building. Staff feels that the proposed parking and access to the site is sufficient during normal operations, but has required a collective parking agreement

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to be established and executed between the proposed Romanian Heritage Center NFP to accommodate events with larger vehicular and pedestrian traffic. The proposal includes the use of a valet to allow patrons to drop off their vehicle on site and have it parked in the existing Romanian Baptist Church parking lot during events. Please see the petitioner's responses to Standards for Conditional Uses.

I. The proposed Conditional Use does not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance:

Comment: The proposed community center will not result in the destruction, loss, or damage of natural, scenic, or historic features since the property is already developed with the building and parking area. In addition, the subject building is not listed as a historic significant structure. Please see the petitioner's responses to Standards for Conditional Uses.

J. The proposed Conditional Use complies with all additional regulations in the Zoning Ordinance specific to the Conditional Use requested:

Comment: The proposed community center will comply with all other regulations in the Zoning Ordinance. The conditional use for the Commercially Zoned Assembly use will be the only entitlement necessary for the proposed community center request as presented. Please see the petitioner's responses to Standards for Conditional Uses.

Recommendation: Staff recommends approval of the Conditional Use Permit for a Commercially Zoned Assembly use at 69-79 Broadway Street based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-4(E) (Standards for Conditional Uses) of the City of Des Plaines Zoning Ordinance.

Planning and Zoning Board Procedure: Under Section 12-3-4(D) (Procedure for Review and Decision for Conditional Uses) of the Zoning Ordinance, the Planning and Zoning Board has the authority to *recommend* that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use for a Commercially Zoned Assembly use at 69-79 Broadway Street. The City Council has final authority on the proposal.

A motion was made by Board Member Saletnik, seconded by Board Member Hofherr, to recommend approval of the Conditional Use under Section 12-7-3(K) of the 1998 Des Plaines Zoning Ordinance, as amended, to locate a Commercially Zoned Assembly Use at 69-79 Broadway Street in the C-3 zoning district, with the key condition of executed parking agreements, as presented:

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

NAYES: None

ABSTAIN: None

*****MOTION CARRIED UNANIMOUSLY*****

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2. **Address:** 1418-1424 Webford Ave

Case Number: 21-014-TPLAT-V
Public Hearing

The petitioner is requesting the following items: (i) a Tentative Plat of Subdivision under Section 13-2-2 of the Subdivision Regulations to split an existing lot into two new lots of record; (ii) a Standard Variation under Section 12-7-2(J) of the Des Plaines Zoning Ordinance, as amended, to allow a lot width of 50-feet where a minimum lot width of 55-feet is required in the R-1 zoning district; and the approval of any other such variations, waivers, and zoning relief as may be necessary.

PIN: 09-19-405-009-0000

Petitioner: Daniel Beniek, Skycrest Homes, 26303 W. Merton Road, Barrington, IL 60010

Owner: Daniel Beniek, Skycrest Homes, 26303 W. Merton Road, Barrington, IL 60010

Chairman Szabo swore in Daniel Beniek of Barrington, IL, representing the Petitioner, Skycrest Homes.

Mr. Beniek provided an overview of the request, indicating that he was not asking for special treatment since several of the lots in the area do not meet the 55-foot width requirement. The Petitioner also stated that this request was initially presented on 2006, but never completed.

Chairman Szabo asked if the Board had any questions.

Member Hofherr inquired about the use of the property. The Petitioner stated that there are plans to build a single family home, one on each lot. Member Hofherr also inquired about the construction schedule, the Petitioner stated that construction would begin as soon as possible once the request is approved.

Member Hofherr also inquired about the lot to the north of the subject properties, the Petitioner stated that he does not represent that property, but he believes that the current owner was not interested in selling the lot only.

The Petitioner also stated that Skycrest Homes is highly regarded and has a great reputation. The homes that will be built will have an approximately \$700K price point, which is on par for the area. The Petitioner also stated that the first home is roughly 2,700 square feet, with a main floor master suite. The homes will be large, but not at the maximum lot size.

Member Veremis inquired about how many other homes Skycrest has built in Des Plaines, the Petitioner stated that this will be the first home to be built by Skycrest in Des Plaines.

Chairman Szabo asked if there were any questions or concerns from the public.

Cassandra Faber of 1430 Wedgewood Ave, had a few questions. Ms. Faber had a concern about the driveway, requesting that the driveway was not shared or too narrow, especially with the concern of shared on-street parking. Mr. Beniek responded that potential buyer has requested a long driveway, approximately 40 feet, and will meet all the zoning requirements.

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Ms. Faber also asked about the ComEd easement, Mr. Beniek stated that he was familiar with the easement and plans will meet the requirements.

Chairman Szabo asked that the Staff Report be entered into record. Planner Stytz provided a summary of the following report:

Issue: The petitioner is requesting: (i) Tentative Plat of Subdivision under Section 13-2 of the Subdivision Regulations to subdivide the existing vacant lot into two lots of record; (ii) a Standard Variation under Section 12-7-2(J) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow for a lot width of 50-feet where a minimum of 55-feet is required; and (iii) the approval of any other such variations, waivers, and zoning relief as may be necessary.

Analysis:

Address: 1418-1424 Wedgewood Avenue
Owner: Daniel Beniek, Skycrest Homes, 26303 W. Merton Road, Barrington, IL 60010
Petitioner: Daniel Beniek, Skycrest Homes, 26303 W. Merton Road, Barrington, IL 60010

Case Number: 21-014-SUB-V

Real Estate Index Number: 09-19-405-009-0000

Ward: #3, Alderman Sean Oskerka

Existing Zoning: R-1, Single Family District

Existing Land Use: Vacant Lot

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: Wedgewood Avenue is classified as a local street.

Comprehensive Plan: The Comprehensive Plan designates the site as Single Family Residential.

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Project Description:

The petitioner, Daniel Beniek, is requesting a Tentative Plat of Subdivision and Standard Variation for lot width for the property located at 1418- 1424 Wedgewood Avenue. The subject property is 19,984-square feet (0.459 acres) in size and is comprised of one unimproved lot as shown in the Plat of Survey. A request to subdivide the subject property was approved in 2006 and addresses 1418 and 1424 Wedgewood were assigned. However, the Final Plat of Subdivision was never recorded. Thus, the petitioner is requesting a new Tentative Plat of Subdivision and a variation for lot width for this site.

The petitioner is proposing to subdivide the existing vacant lot into two lots of record for future single-family home development. However, this proposal does not include the immediate development of the two proposed lots at this time. Both lots will be 10,000-square feet in size and measure 50-feet in width with a 30-foot front building setback. There are five-foot public utility easements proposed for the sides and ten-foot public utility easements proposed for the front and rear of each lot as shown in the Tentative Plat of Subdivision. There is also a variation request for lot width, as the proposed lots will not meet the minimum 55-foot lot width requirement for properties in the R-1 district pursuant to Section 12-7-2(J) of the Zoning Ordinance.

Tentative Plat of Subdivision Report

Name of Subdivision: Skycrest Subdivision

Address: 1418-1424 Wedgewood Avenue

Requests: Approval of Tentative Plat of Subdivision & Variation

Total Acreage of Subdivision: 0.459 acres

Lot Descriptions and Construction Plans:

The petitioner’s Tentative Plat shows the subdivision of the existing lot into two 10,000-square foot, 50-foot wide lots with a 30-foot building setback. The proposed public utility easements are five feet on the sides, ten-feet on the front, and ten-feet on the rear of each property.

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Compliance with the Comprehensive Plan

There are several parts of the 2019 Des Plaines Comprehensive Plan that align with the proposed project. Those portions are as follows:

- Under Overarching Principles:
 - The Comprehensive Plan seeks to promote a wider range of housing options and to encourage the reinvestment and preservation of established Des Plaines neighborhoods through the addition of new housing to fit diverse needs. The proposal seeks to reinvest in this vacant lot and provide additional housing options in this established neighborhood.
- Under Land Use Plan:
 - A primary goal of the Comprehensive Plan is to preserve and enhance established single-family neighborhoods while also expanding newer housing options. The proposal matches the existing character of the neighborhood and provides modern housing options that are prevalent in the immediate vicinity.
- Under Future Land Use Map:
 - The property is marked for Single-Family Residential land uses. These areas are designated for detached single-family residences to maintain and improve housing options for residents. The proposed use will transform an existing residential lot with one residence and provide an additional single-family housing option for the community as a whole.

While the aforementioned bullet points are only a small portion of the Comprehensive Plan, there is a large emphasis on maintaining detached single-family zoning areas and promoting the expansion of these developments to increase housing options for residents. The petitioner is proposing to take a 0.459-acre vacant parcel for future development of two new residences for the community.

Variation Findings: Variation requests are subject to the standards set forth in Section 12-3-6(H) of the 1998 City of Des Plaines Zoning Ordinance, as amended.

- 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: Requiring the petitioner to adhere to the minimum 55-foot lot width requirement would limit development on this property to one residence and would not meet the goals and objectives of the Comprehensive Plan to foster growth of residential areas and provide additional housing options. Furthermore, surrounding properties in the area have similar lot widths as the proposal. Please see the Petitioner's responses to Standards for Variations.

- 2. Unique Physical Condition: The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape**

or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot:

Comment: The existing property was platted with its current dimensions before the code was updated from a minimum lot width of 50-feet to 55-feet. Under the previous code, the property would have met the standards for a subdivision. However, the property is land-locked so it cannot be expanded to meet the requirements. 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 unique physical condition is not the result of the current owner or previous owners as the property was platted long before the zoning code update to change the minimum lot width required from 50-feet to 55-feet. Additionally, there is not a way for the petitioner to widen the lot to meet the 55-foot lot width requirement. 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: Carrying out the strict letter of the code would prevent the petitioner from subdividing the existing property for use of two single family residences as many of the surrounding properties have done, which would deny them the substantial rights of neighboring property owners. A majority of the existing lots in this area are less than 55-feet wide and do not meet the current minimum 55-foot lot width requirement. 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: The variation request would not provide the petitioner with any special privilege that is not already enjoyed by many of the surrounding property owners or allow him to make more money from the property. The petitioner does not plan to develop these lots at this time, but rather to subdivide them for future development. Please see the Petitioner's responses to Standards for Variations.

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

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Comment: The proposal would result in the future development of this site that would be in harmony with the specific purposes of Section 12-3-6 of the Zoning Ordinance or the Comprehensive Plan. This proposal sets to develop this vacant property into two separate lots to add residential options in Des Plaines. 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: There is no way that the petitioner can alter the dimensions of the property to meet the 55-foot minimum lot width requirement, as the property is land-locked by developed properties. The variation is required for the petitioner to create two residential lots and expand housing options in Des Plaines. 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 variation request is the minimum measure of relief necessary to allow the petitioner to create two residential lots out of the large existing vacant lot. Please see the Petitioner's responses to Standards for Variations.

Recommendation: Staff recommends approval of the request for a Tentative Plat of Subdivision pursuant to 13-2 of the Des Plaines Subdivision Ordinance and the Standard Variation request for lot width pursuant to Section 12-3-6 of the Des Plaines Zoning Ordinance.

Planning and Zoning Board Procedure: Under Section 13-2-7 (Approval of Tentative Plat By Planning and Zoning Board) of the Subdivision Ordinance and Section 12-3-6 (Approval of Variations), the Planning and Zoning Board has the authority to approve, approve subject to conditions, or deny the above-mentioned Tentative Plat of Subdivision and Standard Variation request for the property at 1418-1424 Wedgewood Avenue.

A motion was made by Board Member Catalano, seconded by Board Member Fowler, (i) a Tentative Plat of Subdivision under Section 13-2-2 of the Subdivision Regulations to split an existing lot into two new lots of record; (ii) a Standard Variation under Section 12-7-2(J) of the Des Plaines Zoning Ordinance, as amended, to allow a lot width of 50-feet where a minimum lot width of 55-feet is required in the R-1 zoning district; and the approval of any other such variations, waivers, and zoning relief as may be necessary , as presented.

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

NAYES: None

ABSTAIN: None

*****MOTION CARRIED UNANIMOUSLY*****

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3. **Addresses:** 1316 Webford Ave

Case Number: 21-016-V
Public Hearing

The petitioner is requesting a Major Variation under Section 12-8-1(C) of the Des Plaines Zoning Ordinance, as amended, to allow for the installation of an 897-square foot detached garage where the maximum detached garage area is 720-square feet in the R-1 zoning district, and the approval of any other such variations, waivers, and zoning relief as may be necessary.

PIN: 09-17-306-028-0000
Petitioner: Chris Colldock, 1316 Webford Avenue, Des Plaines, IL 60018
Owner: Chris Colldock, 1316 Webford Avenue, Des Plaines, IL 60018

Chairman Szabo swore in Chris Colldock and Michelle Daniel, property owners and Petitioners for the property located at 1316 Webford, Des Plaines.

The Petitioners provided an overview of the request, stating that they are requesting a larger garage to provide additional privacy, a noise barrier and to square off the garage to get rid of the L-shape. The Petitioners stated that this is their third year in the house and fell in love with the character of the home.

Chairman Szabo asked if the Board had any questions.

Member Saletnik asked in the option the Petitioners are requesting is "Option B", the box shaped garage. The Petitioners stated that Option B is the option they are requesting; the Petitioner stated the front elevation will match the character of the home, and went over the characters that will be removed.

Further, Member Saletnik, inquired why the Petitioners presented architectural plans of a fully conforming garage and proposing a different garage. The Petitioners stated that the new garage would have some of the same elements and provide additional storage and privacy.

The Petitioners also stated that the garage will only be used as storage and to enhance privacy, and not be used as a work shop.

Member Fowler commended the Petitioners on the renovation of the home and adding value to the property.

Member Veremis stated that the driveway will also need to be paved with a hard surface (currently gravel). The driveway resurfacing is currently a condition of the variance request.

Chairman Szabo asked if there were any questions or concerns from the public. There were no questions from the public.

Chairman Szabo asked that the Staff Report be entered into record. Planner Stytz provided a summary of the following report:

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Issue: The petitioner is requesting a Major Variation under Section 12-8-1(C) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow the construction of a 897-square foot detached garage at 1316 Webford Avenue where the maximum area permitted for a detached garage in a residential zoning district is 720-square feet.

Analysis:

Address: 1316 Webford Avenue
Owner: Chris Colldock, 1316 Webford Avenue, Des Plaines, IL 60016
Petitioner: Chris Colldock, 1316 Webford Avenue, Des Plaines, IL 60016
Case Number: 21-016-V
PIN: 09-17-306-028-0000
Ward: #3, Alderman Sean Oskerka

Existing Zoning: R-1, Single Family Residential District
Existing Land Use: Single Family Residence

Surrounding Zoning: North: C-3, General Commercial District
South: R-3, Townhouse Residential District
East: R-3, Townhouse Residential District
West: R-3, Townhouse Residential District

Surrounding Land Use: North: Walgreens (Commercial)
South: Single Family Residences
East: Single Family Residences
West: Single Family Residences

Street Classification: Webford Avenue is classified as a local street.

Comprehensive Plan: The Comprehensive Plan designates the site as Residential.

Project Description: The petitioner, Chris Colldock, is requesting a major variation to allow for an 879-square foot detached garage in the R-1, Single Family Residential District at 1316 Webford Avenue where a maximum area for a detached garage in a residential zoning district is 720-square feet. The subject property is located along Webford Avenue near Downtown Des Plaines and backs up to the Metra railroad. The property is 13,650-square feet (0.31 acres) in size and currently consists of a one-story residence, patio area, detached garage, and driveway area as shown on the Plat of Survey. The existing one-car detached garage is approximately 337-square feet in size, is located 3.67-feet from the east property line, and is setback approximately 33.37-feet from the north property line. Pursuant to Section 12-8-1(C), the maximum area for a detached garage in a residential zoning district is 720-square foot.

The petitioner is proposing to construct a one-story, 897-square foot detached garage with an 18-foot wide garage door. The proposed garage will be setback 5'-6" off the east property line and 19'-2" off the north property line to meet the minimum five-foot setback requirement for detached garages as shown in the Site Plan. The petitioner is requesting the over-sized detached garage to accommodate additional vehicles, yard equipment, seasonal furniture, and personal workbench for residence maintenance on the

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property in an enclosed structure, which is not possible in the existing one-car garage. The proposal would replace the existing detached garage with the new 879-square foot detached garage setback further from the property lines but without any changes to access as shown in the Site Plan. Please note that while the driveway surface on the Site Plan does not reflect the design, setback, and dimensions that the petitioner proposes to install on the property, the petitioner intends to conform with all required driveway regulations. The petitioner has provided garage plans to illustrate the overall design, layout, and elevations of the proposed garage as shown in the Garage Plans. It is important to note that the garage plans depicted in the architectural drawings do not reflect the exact shape and dimensions of the current detached garage proposed, but rather are included for illustrative purposes for what the proposed rectangular detached garage will look like when completed. The existing gravel driveway leading from the front property line to the existing detached garage does not comply with current code. If approval is recommended for this request, staff is adding a condition that the gravel driveway is improved with a dust-free hard surface.

Pursuant to Section 12-8-1(C)(5) of the Des Plaines Zoning Ordinance, the maximum area of a detached garage shall be seven hundred twenty (720) square feet or less. The petitioner's request to allow for a detached garage that exceeds the 720-square foot maximum for accessory structures in Des Plaines constitutes the need for a major variation to Section 12-8-1(C) of the 1998 Des Plaines Zoning Ordinance.

Variation Findings: Variation requests are subject to the standards set forth in Section 12-3-6(H) of the 1998 City of Des Plaines Zoning Ordinance, as amended.

- 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 finds that there is no hardship or practical difficulty preventing the petitioner from complying with the 720-square foot maximum area allowance for detached garages in residential districts as a 720-square foot space does allow for the storage of multiple vehicles, equipment, and workbench area depending on design. Additionally, the zoning code allows for two accessory structures for each property so a shed could be added to accommodate additional storage as needed. Please see the Petitioner's responses to Standards for Variations.

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

Comment: Staff finds that there is no unique physical condition on the subject property than differs from any other property along this street as there are several other properties backing up to the Metra train tracks that share the same conditions. While detached garages and other accessory structures inevitably may provide some semblance of privacy and noise reduction, this is not their intended purpose. Additionally, there is ample room to install landscaping as a natural

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barrier to address the noise and privacy concerns posed by the petitioner. 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: While the subject property's location, size, and close proximity to the Metra train tracks 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. As such, staff does not find these physical conditions of the subject property warrant the approval of a variation for an over-sized garage, whether for privacy, noise dampening, or additional storage, since other properties along this street deal with similar circumstances. 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 finds that carrying out the strict letter of this code to permit a 720-square foot detached garage would not deprive the existing property owner of 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. All new detached garages are held to the same standards under Section 12-8-1(C) of the Zoning Ordinance so enforcing the maximum detached garage area would not prevent the property owner from any substantial rights enjoyed by other single family residential properties. 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 finds that the granting of this variation for density would, in fact, provide a special privilege for the property owner not available to other single family residential properties as it would give the petitioner preferential treatment over owners of other single family residences. Additionally, it could create a precedence for additional over-sized garage requests for single family residential properties that do not meet the standards for variations and may not have the available space or justifiable need for an over-sized detached garage. Please see the Petitioner's responses to Standards for Variations.

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

Comment: Staff finds that the proposed over-sized detached garage would not be harmonious with the surrounding single family residential development in this area or for other single family

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zoned properties in Des Plaines and does not meet the standards for variation in Section 12-3-6 of the Zoning Ordinance. Additionally, the zoning code requires a minimum of two off-street parking spaces, which a 720-square foot garage can meet and exceed depending on design. The request for the oversized detached garage would not support the goals and objectives of the Comprehensive Plan as this does not benefit other residents or the City of Des Plaines as a whole. 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 finds that there are ways to avoid the requested variation for an oversized garage. Aside from the fact that the allowable 720-square foot size for a detached garage can accommodate multiple vehicles, equipment storage, and work area depending on its design, the zoning code allows up to two accessory structures for each property up to 150-square feet in size. Thus, a shed could be added on the property as a second accessory structure to accommodate additional storage as needed totaling 870-square feet, which is near the area that the petitioner is requesting for the detached garage. An additional alternative if more space is needed is constructing an addition on the existing residence, in conformance with all applicable codes, since there is ample room in the rear yard. In essence, there are other available options aside from the variation to remedy the petitioner's posed concerns. 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 finds that the approval of this variation request for an oversized garage is not the minimum measure of relief to address the petitioner's concerns, but rather the installation of mature landscaping at the rear of the property to reduce noise, add privacy, and allow for outdoor space. In addition to that, the zoning ordinance allows properties that abut a railroad right-of-way to install an eight-foot tall fence along the side that abuts the alley, which could assist in the privacy and noise reduction measures. Please see the Petitioner's responses to Standards for Variations.

Recommendation: Staff recommends denial of the request to allow the construction of an 879-square foot detached garage in the R-1 zoning district at 1316 Webford Avenue 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 within the City of Des Plaines Zoning Ordinance, as amended. If the request is recommended for approval, staff recommends adding a condition that the existing gravel driveway shall be improved with a dust-free hard surface in conformance with all applicable City of Des Plaines codes within 60 days of City Council approval.

Planning and Zoning Board Procedure: Under Section 12-3-6(F) of the Zoning Ordinance (Major Variations), the Planning and Zoning Board has the authority to *recommend* that the City Council approve, approve subject to conditions, or disapprove the above-mentioned variance for detached garage area within the R-1 Zoning District at 1316 Webford Avenue. The City Council has the final authority on the proposal.

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A motion was made by Board Member Hofherr, seconded by Board Member Catalano, to approve a Major Variation under Section 12-8-1(C) of the Des Plaines Zoning Ordinance, as amended, to allow for the installation of an 897-square foot detached garage where the maximum detached garage area is 720-square feet in the R-1 zoning district, and the approval of any other such variations, waivers, and zoning relief as may be necessary, with the additional condition that revised plans be presented to City Council depicting the new garage characteristics.

AYES: Hofherr, Catalano, Fowler, Veremis, Szabo

NAYES: Saletnik

ABSTAIN: None

*****MOTION CARRIES *****

ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday, June 22, 2021.

Chairman Szabo adjourned the meeting by voice vote at 8:13 p.m.

Sincerely,

Wendy Bednarz, Recording Secretary

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