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1773 E. Oakton St
1655 Lincoln Ave

Conditional Use
Standard Variation



DES PLAINES PLANNING AND ZONING BOARD MEETING
August 10, 2021
MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, August 10, 2021, at 7:00 p.m. in Room 101 of the Des Plaines Civic Center.

Chairman Szabo called the meeting to order at 7:02 p.m. and read this evening's cases. Roll call was established.

PRESENT: Catalano, Hofherr, Saletnik, Szabo

ABSENT: Bader, Fowler, Veremis

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 Catalano, to approve the minutes of June 22, 2021, as corrected.

AYES: Hofherr, Catalano, Saletnik, Szabo

NAYES: None

ABSTAIN: None

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

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OLD BUSINESS

None

NEW BUSINESS

1. Address: 1773 E. Oakton Street

Case Number: 21-028-CU

Public Hearing

The petitioners are requesting a Conditional Use pursuant to Section 12-7-3(K) to locate a Trade Contractor use at the subject property, and the approval of any other such variations, waivers, and zoning relief as may be necessary.

PIN: 09-28-103-046-0000

Petitioner: David Lenart, 602 Elderberry Lane, Mount Prospect, IL 60056

Owner: David Lenart, 602 Elderberry Lane, Mount Prospect, IL 60056

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) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a Trade Contractor use in the C-3 zoning district at 1773 E. Oakton Street.

Address: 1773 E. Oakton Street

Owners: Dawid Lenart, 602 Elderberry Lane, Mount Prospect, IL 60056

Petitioner: Dawid Lenart, 602 Elderberry Lane, Mount Prospect, IL 60056

Case Number: 21-028-CU

Real Estate Index

Number: 09-28-103-046-0000

Ward: #2, Alderman Colt Moylan

Existing Zoning: C-3, General Commercial District

Existing Land Use: Vacant Building

Surrounding Zoning: North: C-3, General Commercial District

South: R-1, Single Family Residential District

East: C-3, General Commercial District

West: C-3, General Commercial District

Surrounding Land Use: North: Multi-Family Residence

South: Single Family Residence

East: Multi-Family Residence

West: Office (Commercial)

Street Classification: Oakton Street is classified as a Minor Arterial road.

Comprehensive Plan: The Comprehensive Plan illustrates this site as Lower Density Urban Mix with Residential.

Project Description: The petitioner, Dawid Lenart, owner and operator of DGL Home Improvement, has requested a Conditional Use Permit for a Trade Contractor use at 1773 E. Oakton Street. The subject property is on the south side of Oakton Street in between Sycamore and Maple Streets with an improved alley running between the two streets behind the commercial development. The subject property is located within the C-3, General Commercial district and a Trade Contractor is a conditional use in the C-3 zoning district. The Plat of Survey shows a single-tenant building and an off-street surface parking area to its south. On-street parking along Oakton Street is directly adjacent to the north. Access to the subject property is limited to the on-street parking area to the north and the alley to the south.

The existing one-story, 1,849-square-foot building consists of an open floor plan with an existing restroom, overhead garage door, pedestrian door, and concrete ramp at the rear of the space. The petitioner wishes to use the front portion of the building as an office/showroom area and the rear portions of the building as a short-term storage area, based on the Architectural Plan/Site Plan. The petitioner's proposal does not include any changes to the exterior of the building. However, the petitioner does plan to remodel the interior to construct the proposed improvements. The dumpster for this suite will be stored inside the building, except on garbage pickup days, in compliance with Section 12-10-11 of the Des Plaines Zoning Ordinance.

The proposed Floor Plan includes an 843-square foot office/showroom space and 705-square foot warehouse space. The following parking regulations apply pursuant to Section 12-9-7 of the Des Plaines zoning Ordinance:

- One parking space for every 250 square feet of gross floor area for office spaces; and
- One parking space for every 1,500 square feet of gross floor area for warehouse space (i.e. accessory storage).

Thus, a total of four off-street parking spaces are required including one handicap accessible parking space. The existing pavement area does not meet the current code requirements for off-street parking and is a non-conforming structure governed under Section 12-5-6 of the Zoning Ordinance. Section 12-5-6(A) allows the non-conforming parking area to continue as long as it remains otherwise lawful to Section 12-5-3 of this section. Thus, a variation for parking requirements is not required.

DGL Home Improvement will be open Monday through Friday from 9 a.m. to 5 p.m. Their services will include repairs and replacement of roofing, siding, and gutters; installation of windows and skylights; interior renovations; and public adjusting. There will be occasional deliveries of office, siding, and roofing supplies at this site. A maximum of three employees will be on site at a given time. Please see the Project Narrative for more details.

Alignment 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 Lower 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 uses. While the current use is commercial, the petitioner will work to enhance the subject property by renovating the interior of existing building and resurfacing the existing asphalt area at the rear of the building. All activities and items stored will be inside to reduce any negative impacts.
- The subject property is located along the defined Oakton Street commercial corridor with single-family residences to the south, and commercial development to the north, east, and west. It contains a single-tenant building located in between established commercial developments along Oakton Street. The request would assist in the retention of a new commercial business at this location and provide additional retail goods and services for the residents of Des Plaines.

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 and enhancing commercial corridors throughout Des Plaines.

Conditional Use Findings: Conditional Use requests are subject to the standards set forth in Section 12-3-4(E) of the Zoning Ordinance. 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 use is classified as “Trade Contractor”, and the subject property is 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 Trade Contractor is a service-oriented use that primarily serves day-to-day needs of local residents. Additionally, the subject property is in the Oakton Business District, close to residential neighborhoods. The proposed nearby home-improvement business gives the households in those neighborhoods convenient access to the business’s services. 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:

Comment: The new business will transform the existing vacant space into a new commercial use. The proposal includes enhancements to the asphalt parking area in the rear and an interior building remodel. 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: All activities and storage of materials will take place inside the building. The existing building is set back away from the neighboring residences to the south, and no building footprint changes are proposed, which will help minimize the impact of the proposed use on surrounding properties. 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 subject property is served adequately by essential public facilities and services since it is currently accessible by Oakton Street and the alley area behind the property. The proposed Trade Contractor use will not affect the existing public facilities and services for 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 proposed use will operate within existing infrastructure and is not expected to have a uniquely high service demand. Further, it will transform a vacant building into a new asset for Des Plaines and can help improve the local economy. 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 Trade Contractor use will include an office/showroom space and short-term storage area, neither of which will produce excessive production of noise, smoke fumes, glare, or odors. Additionally, there is no fabrication of materials or products conducted on site. 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 subject property does not create interference with traffic in the area with the existing access points and configuration. The proposed Trade Contractor use does not intend to alter these access points or the overall configuration of the site. 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 subject property is currently developed and improved with a building and surface parking area. The proposed Trade Contractor use will not lead to the loss or damage of natural, scenic, or historic features of major importance on this property. 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 Trade Contractor use will comply with all additional regulations of the zoning Ordinance. Please see the petitioner's responses to Standards for Conditional Uses.

PZB Procedure and Recommended Conditions: Under Section 12-3-4(D) (Procedure for Review and Decision for Conditional Uses) of the Zoning Ordinance, the PZB has the authority to recommend that the

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City Council approve, approve subject to conditions, or deny the above-mentioned conditional use for a Trade Contractor use at 1773 E. Oakton Street. 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 12-3-4(E) (Standards for Conditional Uses) of the Zoning Ordinance. If the PZB recommends and City Council ultimately approves the request, staff recommends the following conditions:

1. A minimum of two four-foot long landscape planter boxes are installed along the front of the building and are populated with perennials.
2. No outside storage of raw materials or fabricated goods is permitted on site.

Chairman Szabo swore in the Petitioner, Dawid Lenart. The Petitioner provided a brief overview of the request for a conditional use.

Chairman Szabo asked if the Board had any questions.

Chairman Szabo inquired about the number of employees, the Petitioner stated that he may have up to three employees. The majority of employees will go directly to the job site.

Member Saletnik stated that the project narrative includes the occasional delivery of siding and roofing supplies. The Petitioner stated that some materials may be delivered to the office, for example special order items, and those items will be stored indoors.

Member Catalano asked if the Petitioner read and agreed to the two conditions:

1. A minimum of two four-foot long landscape planter boxes are installed along the front of the building and are populated with perennials.
2. No outside storage of raw materials or fabricated goods is permitted on site.

The Petitioner stated that he agreed to the proposed conditions.

Chairman Szabo asked if there were any questions or comments from the audience. There were no comments.

A motion was made by Board Member Saletnik, seconded by Board Member Catalano, to recommend approval of the Conditional Use pursuant to Section 12-7-3(K) to locate a Trade Contractor use at the subject property, at 1773 E Oakton Street, and the approval of any other such variations, waivers, and zoning relief as may be necessary:

AYES: Saletnik, Catalano, Hofherr, Szabo

NAYES: None

ABSTAIN: None

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

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2. Address: 1655 Lincoln Ave

Case Number: 21-029-V

Public Hearing

The petitioner is requesting a Standard Variation from Section 12-7-2(J) of the Des Plaines Zoning Ordinance, as amended, to install a second story addition onto an existing residence that is located 2.57-feet from the interior side property line, where the minimum setback required for the interior side yard is 5-feet, and the approval of any other such variations, waivers, and zoning relief as may be necessary.

PIN: 09-21-311-006-0000

Petitioner: Alex Tedeschi, 1655 Lincoln Avenue, Des Plaines, IL 60018

Owner: Alex Tedeschi, 1655 Lincoln Avenue, Des Plaines, IL 60018

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 Standard Variation under Section 12-7-2(J) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow for second-story dormer additions to an existing single-family residence that does not meet the minimum five-foot side yard setback requirement for a principal structure in the R-1 zoning district at 1655 Lincoln Avenue.

Address: 1655 Lincoln Avenue

Owner: Alex Tedeschi, 1655 Lincoln Avenue, Des Plaines, IL 60018

Petitioner: Alex Tedeschi, 1655 Lincoln Avenue, Des Plaines, IL 60018

Case Number: 21-029-V

PIN: 09-21-311-006-0000

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: C-3, General Commercial District

East: R-1, Single-Family Residential District

West: R-1, Single Family Residential District

Surrounding Land Use: North: Single Family Residence

South: Multi-Family Residence

East: Single Family Residence

West: Single Family Residence

Street Classification: Lincoln Avenue is classified as a local road.

Comprehensive Plan: The Comprehensive Plan illustrates the site as Single-Family Residential.

Project Description: The petitioner, Alex Tedeschi, is requesting a Standard Variation to allow for second-story dormer additions to an existing single-family residence at 1655 Lincoln Avenue. The existing

house does not meet the minimum five-foot side yard setback requirement for principal structures in the R-1 zoning district. The subject property is approximately 11,309 square feet and 60 feet wide. It is improved with a two-story (20.5-feet tall), 1,131-square-foot residence, an uncovered patio with stairs, private walks, a 336-square-foot detached garage accessed from the street, and an asphalt driveway, as shown in the Plat of Survey. A building permit was issued in May 2021 for a 440-square-foot detached garage with an attached 154-square-foot covered porch area and a widened concrete driveway for this property that are not shown on the Plat of Survey. The existing single family residence is set back 2.57-feet from the east (side) property line and 19.64-feet from the north (front) property line. The minimum requirement for side yards is 5 feet, and the minimum for front yards is 25 feet. Please see the Existing Condition Photos for additional information on the existing conditions of the single-family residence on this property.

The petitioner is requesting the dormer additions to make the existing second story into a livable space complete with three bedrooms, closet areas, and restroom as shown in the Architectural Plan/Site Plan. The proposal includes the interior remodel of the second story and the addition of four dormers, two on the east side and two on the west side. The east building elevation is currently located 2.57-feet off the property line. The two proposed dormers on the east side of the building will be flush with the existing 2.57-foot building elevation setback, which extends the nonconformity vertically and triggers the need for the variance to reduce the minimum side yard (Section 12-7-2.J). Aside from the addition of the four dormers, the proposal does not include any changes to the existing single family residence (i.e., height, size, location, exterior building materials, etc.). There is an existing second-story dormer on the north (front) building elevation of the single family residence that encroaches into the required front yard. However, this dormer is not part of this proposal and will remain as is without any changes. There are no proposed changes to the first floor of the residence.

Alignment 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:
 - The property is marked for the Single Family Residential land use. The Future Land Use Plan strives to create a well-balanced development area with a healthy mixture of commercial and residential uses. The petitioner strives to make functional and aesthetic improvements to the existing property in an effort to utilize existing space in the building while still maintaining the character of the single family residence.

While the aforementioned aspects represent a small portion of the goals and strategies of the Comprehensive Plan, there is a large emphasis on encouraging reinvestment in residential properties in order to enhance the residential corridors throughout Des Plaines and to increase the quality of life for residents.

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.

- 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 physical constraints of the property's current configuration, including the location of buildings, prevent the petitioner from realistically complying with the Zoning Ordinance. The existing single family residence was constructed less than five feet from the side property line. Requiring the petitioner to relocate the existing residence could create a financial and physical hardship for the petitioner. Please see the responses to standards from the Petitioner.

- 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 structure two and a half feet from the lot line is unique. The existing residence location and configuration limit the optimal locations for a dormer making it difficult for the petitioner to comply with all applicable zoning regulations. Please see the responses to standards from the Petitioner.

- 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 size and shape of the property have not changed due to any action of the petitioner. The unique physical constraints of the property are unavoidable due to the fact that the property is land-locked. Please see the responses to standards from the Petitioner.

- 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 of the strict letter of the Zoning Ordinance would not allow the petitioner to adequately and intuitively utilize and expand the second story area of the residence. Please see the responses to standards from the Petitioner.

- 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 approval of this variation would not provide the petitioner with any special privilege or additional right, as these exact circumstances occurring on a different property would warrant similar consideration. The proposal would allow the petitioner to make improvements to an existing property by improving the existing second story area of the residence with additional living space. Please see the responses to standards from the Petitioner.

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 approval of this variation would contribute to a harmonious neighborhood by accommodating a proposed investment in a single-family residence that upon completion will be in context with the surrounding area. Reinvestment in and retention of the illustrated single-family neighborhoods is supported by the Comprehensive Plan. Please see the responses to standards from 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: It would be impractical for the applicant to design the dormers in a way that maintained the five-foot minimum side yard. The location of the existing residence is nonconforming with the current side yard, so reducing the side yard to allow for the proposed project is the most reasonable way to encourage and support the planned reinvestment in the property. Please see the responses to standards from the Petitioner.

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 this variation would be the minimum measure of relief for the petitioner to overcome the existing physical hardship on the property and make improvements to the existing residence. Please see the responses to standards from the Petitioner.

PZB Procedure and Recommended Conditions: Under Section 12-3-6(F) of the Zoning Ordinance (Standard Variations), the PZB has the authority to approve, approve subject to conditions, or deny the request: A variance allowing a two and a half foot wide side yard setback from east lot line to accommodate the proposed second-story dormer addition to an existing single-family residence at 1655 Lincoln Avenue. The decision should be based on review of the information presented by the applicant and the standards and conditions met by Section 12-3-6(H) (Findings of Fact for Variations) as outlined in the Zoning Ordinance.

If the PZB supports approving the request, staff recommends the following conditions.

1. No portion of the single family residence overhangs the property line.
2. No easements are affected or drainage concerns are created with the construction of the detached garage addition and all roof downspouts are directed away from the neighbor to the north.
3. All construction with a fire separation distance of less than five feet is required to comply with the requirements of the 2015 International Residential Code, 'Section R302 Fire – Resistant Construction.' The current design requires that the dormer additions proposed for the East side of the principal structure will be required to comply with the fire resistant construction requirements. All required documentation should be included with building permit submittal.
4. All debris shall be removed from the property.

5. That all appropriate building permit documents and fire-rated separation details are submitted as necessary depending on the use classification of the proposed space. 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.

Planner Stytz reiterated that the Planning & Zoning Board is the approval body for this request.

Chairman Szabo swore in Ellen Whitehead and Alex Tedeschi. Ms. Whitehead is the architect for the project and provided an overview of the request, stating that the request it to improve the property by bringing dormers up to code to provide space for a usable second story addition. The variation is in regards to the side yard setback.

Chairman Szabo asked if the Board had any questions.

Member Hofherr asked how many people would be living at the property. Mr. Tedeschi stated that four people would be living at the home, his wife, daughter, baby and himself.

Member Saletnik asked if the new construction is not beyond the existing perimeter. Ms. Whitehead stated that the new construction would not be beyond the existing perimeter.

Chairman Szabo asked if there were any questions or comments from the audience. There were no comments.

Member Catalano asked if the Petitioner read and agreed to the conditions. Both Ms. Whitehead and Mr. Tedeschi are aware of and agree to the conditions listed.

Chairman Szabo commented the Petitioner that he had drawings available.

A motion was made by Board Member Hofherr, seconded by Board Member Catalano, for approval of the request for a Standard Variation from Section 12-7-2(J) of the Des Plaines Zoning Ordinance, as amended, to install a second story addition onto an existing residence that is located 2.57-feet from the interior side property line, where the minimum setback required for the interior side yard is 5-feet, and the approval of any other such variations, waivers, and zoning relief as may be necessary, at the property located at 1655 Lincoln Ave, as presented.

AYES: Hofherr, Catalano, Saletnik, Szabo

NAYES: None

ABSTAIN: None

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

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ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday, August 24, 2021.

Chairman Szabo adjourned the meeting by voice vote at 7:19 p.m.

Sincerely,

Wendy Bednarz, Recording Secretary

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