



DES PLAINES PLANNING AND ZONING BOARD MEETING
September 13, 2022
MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, September 13, 2022, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

Chair Szabo made the following Announcements:

The public hearing for a standard variation request at 1624 Lincoln Avenue has been canceled, as it is no longer necessary. The necessary relief may be reviewed through a minor variation, which may be granted by the Zoning Administrator. Although the item is not on the agenda, any in attendance regarding this matter may comment under “Public Comment for matters not on the agenda.”

The review of a Plat of Subdivision at 1353 Lee Street had been scheduled for this meeting, with a public notice sign posted, but the applicant has not completed the necessary staff reviews for Board consideration. This item is not on tonight’s agenda and will be rescheduled, with a new public notice sign posted, for a later meeting. Although the item is not on the agenda, any in attendance regarding this matter may comment under “Public Comment for matters not on the agenda.”

Chair Szabo called the meeting to order at 7:03 p.m. and roll call was established.

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

ABSENT: Catalano for Roll – present at 7:15 pm

ALSO PRESENT: Jonathan Stytz, AICP, Senior Planner
Samantha Redman, Associate Planner
Margie Mosele, CED Executive Assistant

A quorum was present.

APPROVAL OF MINUTES

A motion was made by Board Member Weaver, seconded by Board Member Hofherr to approve the meeting minutes of August 23, 2022.

AYES: Fowler, Saletnik, Veremis, Szabo, Weaver, Hofherr,
NAYES: None
ABSTAIN: None

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

PUBLIC COMMENT ON NON-AGENDA ITEM

There was no public comment.

Pending Applications

1. Address: 1946 & 1990 White Street **Case Number:** 22-031-MAP-V

The petitioner, Des Plaines Park District, is requesting a Map Amendment under Section 12-3-7 of the Zoning Ordinance to rezone the properties at 1946 and 1990 White Street (collectively Arndt Park) from the R-1 Single Family Residential District to the I-1 Institutional District. The request is associated with a District project, which scope includes (non-exhaustively) adding an outdoor swimming pool and adjacent aquatic building, enlarging the parking lot, repurposing a recreational area for the purpose of a multipurpose ball court, and enhancing playgrounds, picnic areas, and walking paths.

In addition, several variations are requested related to the proposed project and rezoning: (i) a major variation to allow parking in the required front yard up to the lot line; (ii) a major variation from the interior parking lot landscaping requirement; (iii) a major variation from the perimeter parking lot landscaping requirement; (iv) a major variation from the required landscape buffering of areas abutting residential district; and (v) a major variation from the curb and gutter distance requirement for parking areas.

Address: 1946 and 1990 White St.

Petitioner: Des Plaines Park District

Owner: Des Plaines Park District

Case Number: 22-031-MAP-V

PIN: 09-29-224-015, 09-29-224-016, 09-29-224-052, 09-29-224-053,
09-29-224-051, 09-29-224-049, 09-29-232-021, 09-29-402-003,
09-29-402-012, 09-29-402-014, 09-29-402-017, 09-29-402-022,
09-29-402-023, 09-29-402-029

Property Area: 297,414.82 square feet (6.83 acres) north of Howard Avenue;

258,111.92 square feet (5.93 acres) south of Howard Avenue);
total is 555,526.74 square feet (12.75 acres).

- Ward:** #6, Alderman Malcolm Chester
- Existing Zoning:** R-1 Single Family Residential District (I-1 Institutional District is proposed)
- Existing Land Use:** Open Space – Public Park
- Surrounding Zoning:** North: R-1, Single-Family Residential District
South: M-2, General Manufacturing District
East: R-1, Single-Family Residential District and R-2 Two-Family Residential District
West: R-1, Single-Family Residential District and R-2 Two-Family Residential District
- Surrounding Land Use:** North: Elementary school, single-family & two-family residences
South: Manufacturing
East: Single-family and two-family residences
West: Single-family and two-family residences
- Street Classification:** White Street, Prospect Avenue, Stockton Avenue, Illinois Street, and Howard Avenue are local roads.
- Comprehensive Plan:** The Comprehensive Plan illustrates this area as open space.
- Zoning/Property History:** South Park, renamed Arndt Park in 1982, was acquired by the Des Plaines Park District (Park District) in 1951. The fieldhouse was constructed in 1958 and currently exists in the southwest.¹ 1946 White Street was formerly a single-family residence. According to city records, the park district purchased the property and demolished the house, incorporating this area as open space into the overall park complex in 2013. Park amenities include a playground, basketball courts, baseball fields, and a sled/snowboard hill with turf, shade trees, and other landscaping throughout the site. Public parking is provided in the lot to the southeast of the park, along White Street. The site is bisected by an existing right-of-way for Howard Avenue, as shown on the attached Location and Aerial Map. The site has been zoned Single Family Residential throughout its known history.²

Project Summary: The petitioner, the Des Plaines Park District, is

¹ Des Plaines Park District. "History". <https://www.dpparks.org/about/history/>

² Fletcher, E.N. "Official Zoning Map." City of Des Plaines, Cook County Illinois. December 31, 1959.

requesting a Map Amendment to rezone the subject property from R-1 Single Family Residential District to I-1 Institutional District. Their intent is to bring the zoning in line with the district typical for parks of more than two acres (I-1) and also to capitalize on the I-1 allowance for more than one principal building per zoning lot. There is currently only one principal building, but in adding the pool and an aquatic building, there are proposed to be two, which is not allowed in R-1. The associated variations will facilitate revitalization of the park to include a new pool and bathhouse, free game court, new playground equipment, two picnic shelters, lighting, landscaping, expansion of the parking lot, and a new walking loop around the park.

Project Details

The Arndt Park Aquatic and Recreation Facility is a proposed enhancement of an existing park facility. One component of the proposed project is the interior and exterior remodeling of the existing 2,617-square-foot field house. According to the petitioners, the fieldhouse building would continue to provide programming space for summer camps, athletics, classes, the Maine-Niles Special Recreation Association, and community rentals.

New building construction would include a new 5,115-square-foot aquatic center to the north of the fieldhouse. Outdoor pool facilities would include six lap lanes, a shallow area, a dive well depth, pool deck, an on-deck picnic area, and shade structures. This outdoor pool would serve as a replacement to the recently demolished Iroquois Pool, which had previously served the south Des Plaines community. The interior of the building is proposed to include a building/concession center, restrooms, locker rooms, storage, mechanical maintenance areas, and a lifeguard office. Proposed additions to the park overall include a new walking path loop, free game court, new playground equipment, two picnic shelters, security lighting, and an expanded parking lot.

Access to the site will continue to be provided along White Street. New lighting will be located around the aquatic building and will not exceed the spillage requirements. Refer to the Photometric Plan for locations and information on spillage of light. Refer to the Site Plan for locations of these facilities and Architectural Plans for specifics on the buildings.

Request Summary:

ZONING MAP AMENDMENT

Development Standards for I-1 Versus R-1

Parks are a permitted use within R-1 zoning districts. However, the intended zoning for public facilities, including parks, is I-1 zoning. The I-1 zoning district is designed to recognize the public nature of specific areas or properties, as well as provide guidelines for use and development in this zoning district, and provide protection of public and semi-public facilities

from encroachment of noncompatible uses. Re-zoning this area to I-1 would more closely align with the existing and future use of this park area. The below table provides a comparison of standards for the current R-1 zoning to the proposed I-1 zoning.

	R-1 (current zoning)	I-1 (proposed zoning)
Spacing and Number of Structures	Maximum one (1) principal structure and two (2) accessory structures	No limitations on number of structures. Lots greater than 4 acres in size may have more than one principal building per two acres of land area. Minimum separation between buildings must be 25 ft.
Maximum Building Height	35 ft (2 ½ stories)	Adjacent to nonresidential: 100 ft Adjacent to residential: 45 ft plus 5 ft for every 10 ft of additional setback provided
Front yard setback	25 ft	50 ft
Side yard setback	5 ft	25 ft
Rear yard setback	25 ft	50 ft
Minimum lot size	6,875 sq ft	2 acres

Development Standards for I-1

Amending the zoning of a property requires the new property to meet the bulk matrix requirements outlined in Section 12-7-5.A.7. See below for a comparison of the requirements and what is provided at the location.

	I-1 Requirements	Provided
Spacing and Number of Structures	No limitations on number of structures. Lots greater than 4 acres in size may have more than one principal building per two acres of land area. Minimum separation between buildings must be 25 ft.	Two (2) buildings on a 12.75-acre property.
Maximum Building Height	Adjacent to nonresidential: 100 ft Adjacent to residential: 45 ft plus 5 ft for every 10 ft of additional setback provided	Aquatic center: 26 feet 10 inches Existing field house: 10 feet
Front yard setback	50 ft	Existing and enlarged parking lot structure proposed in front yard. Off street parking spaces are permitted to be located within any required yard pursuant to 12-9-6.C.
Side yard setback	25 ft	Baseball diamond encroaches into required side yard at north lot line. Although Section 12-7-1.C requires a minimum 5-foot distance from the lot line, this is a nonconforming structure, and under Section 12-5-6 may continue.
Rear yard setback	50 ft	Walkway and landscaping encroach into setback allowable distance, as permitted

		by Section 12-7-1.C.
Minimum lot size	2 acres	12.75 acres
Maximum lot coverage	40%	Total building coverage: 0.36 acres Total site area: 12.75 acres Lot coverage: 2.8%

Required Buffering Between Institutional and Residential Districts

A required buffer area including an eight-foot-tall, solid fence, shade trees, and shrubs is required to exist between any institutional district abutting a residential district. A section of the west boundary is abutting residences and is required to provide this buffer. However, due to the existing open space and turf in this area, the petitioner has included a variation request to Section 12-10-9.C to grant relief from the requirement. It is worth noting there is existing fencing in this area that has stood for years, and the petitioner is arguing existing conditions should suffice, while also allowing desired visibility into the park. Refer to the Site Plan and the Petitioner’s Response to Standards for this variation for additional details.

Compliance with the Comprehensive Plan

The proposed project, including the proposed site improvements, address various the goals of the 2019 Comprehensive Plan to “Promote Recreational Facilities to Boost the Local Economy” and policy 7.12 to “Continue to implement the Des Plaines Park District’s Strategic Plan.” The Des Plaines Park District’s Strategic Plan includes an objective to explore the renovation or construction of pool facilities in the area, specifically noting Arndt Park as a possible location for this type of facility.³

VARIATIONS

The District is seeking multiple variations, three of which are driven by its desire to expand the existing parking lot. The expansion is intended to accommodate an anticipated growth in visitors to the park with the construction of the new pool facilities.

Outdoor parks require a minimum of two spaces plus one space for every half acre of property. For this 12.75-acre park, thirty (30) spaces are required, including two (2) accessible parking spaces. The site currently

³ Des Plaines Park District Strategic Plan 2019-2024, https://www.dpparks.org/wp-content/uploads/2019/08/DPParks_Strategic_Plan_2019-2024.pdf

has sufficient parking per the requirements – even with adding the aquatic facilities – with an existing sixty-six (66) total parking spaces, including three (3) accessible spaces. However, the District believes it is prudent to add parking. The proposed new lot will provide ninety-seven (97) total spaces, four (4) of which are accessible spaces.

Parking Lot Location and Curb

The I-1 district limits the location of parking in required yards to the rear. The petitioner has included a variation to the I-1 standards to allow for parking in the front yard. The existing parking lot is located in the front yard is proposed to be expanded to the north. In addition, a variation is included to vary the location of the curb and gutter. Parking areas are required to have curb and gutter located a minimum distance of 3.5 feet from any adjacent property line or right of way line, but the existing parking lot – and thus the proposed extension – are directly next to the White Street right of way. Refer to the Standards for Variation section for additional information on the justification for the parking in this location.

Parking Lot Landscaping

Landscaping is required to be located on the interior of parking lots and the perimeter. The petitioner has included a variation to reduce parking lot landscaping in both locations. Refer to the table below for the requirements and what landscaping is proposed to be provided.

	Requirement	Provided
Interior Parking Lot Landscaping (Section 12-10-8.A)	Not less than 5% of the interior parking lot shall be devoted to landscaping	No interior landscaping to be provided. Major variation included with this application to reduce the required landscaping from 5% to 0%.
Perimeter Parking Lot Landscaping (Section 12-10-8.B)		
<i>Location</i>	A perimeter landscape area shall be established along the end of the parking lot that is within a required yard and/or within 20 feet of a lot line.	Landscaping to be provided on the east boundary of the existing and proposed parking lot.
<i>Size</i>	The perimeter landscape area shall at least five feet in width.	Five feet of landscaping (turf) provided.
<i>Required Improvements</i>	Required improvements to include shade trees and shrubs.	Major variation included in this application to not require trees or shrubs to be located in this area.
	Ground Cover: Landscaped area	Landscaped area will be

outside of shrub masses shall be planted in turf or other ground cover approved by the zoning administrator.	turf.
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Landscaping

Landscaping will be provided around the proposed building, including shade trees, ornamental trees, shrubs, grasses and turf. The petitioner has requested a Major Variation to Section 12-10-9.C to reduce the landscape buffer requirements for required fencing and landscaping adjacent to the residential zoning district to the west. Refer to the attached landscape plans for information on location and the standard for variation provided by the petitioner and below.

Standards for Zoning Map Amendment

The following is a discussion of standards for zoning amendments from Section 12-3-7(E) of the Zoning Ordinance. Comments for how the proposed amendments would satisfy the standards is provided. The PZB may use these comments as rationale, or the Board may make up its own. See also the attached petitioner’s responses to standards.

1. The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the city council:

Comment: The land use for this property in the Comprehensive Plan is “Open Space,” a land use that includes public park and recreation areas. In the short term, the amendment from R-1 to I-1 facilitates the new development on this property and fulfills the Comprehensive Plan goal to, “promote recreational facilities to boost the local economy.” The proposed project also supports Policy 7.12 to “Continue to implement the Des Plaines Park District’s Strategic Plan.” The Des Plaines Park District’s Strategic Plan includes an objective to explore the renovation or construction of pool facilities in the area, specifically noting Arndt Park as a possible location for this type of facility.⁴

This site will continue to operate as a public park and provide necessary recreational facilities for the area, encouraging the use of parks with the City instead of venturing into other communities. In the long term, amending the zoning preserves this area as a public facility. I-1 zoning prevents the use of this area for anything except public or semi-public facilities and protects it from noncompatible uses.

PZB Additions or Modifications (if necessary): _____

2. The proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property:

Comment: Arndt Park has existed for 71 years in this location, a landmark within this residential neighborhood. I-1 is the intended zoning for public facilities within the zoning ordinance and this amendment aligns the zoning more closely with its historic and future

⁴ Des Plaines Park District Strategic Plan 2019-2024

uses.

PZB Additions or Modifications (if necessary): _____

3. The proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property:

Comment: There is no anticipated additional strain on public facilities and services for this zoning amendment. The area seeking the amendment is currently a public park and will continue to operate as a public park for the foreseeable future.

PZB Additions or Modifications (if necessary): _____

4. The proposed amendment will not have an adverse effect on the value of properties throughout the jurisdiction:

Comment: Amending the zoning to align with its current and future use as a public facility will preserve this valuable recreational resource in the established neighborhood. This amendment will have no adverse effect on property values in the city but reinforces the continued operation of this land for public use.

PZB Additions or Modifications (if necessary): _____

5. The proposed amendment reflects responsible standards for development and growth:

Comment: This site is a public park and will continue to operate as a public park. The Institutional District (I-1) is designed to protect public facilities, including parks, by providing guidelines for their continued use and future development and preventing incompatible uses to be located within these districts. This amendment would directly aid in the enhancement of this park to include desirable recreational amenities for its adjacent neighborhood and the community as a whole.

PZB Additions or Modifications (if necessary): _____

Standards for Variation

Summary of Variation Requests

1. Major Variation from Section 12-7-5.A.5.a to allow parking in the required front yard at the lot line (no setback).
2. Major Variation to Section 12-10-8.A.2 to vary required interior landscape areas in the proposed parking lot expansion.
3. Major Variation to Section 12-10-8.B.3 to vary required perimeter landscaping areas for the proposed parking lot expansion.
4. Major Variation to Section 12-10-9.C to reduce the landscape buffer requirements for required fencing and landscaping adjacent to a residential zoning district.
5. Major Variation to Section 12-9-6.D to vary the location of the curb and gutter of a parking area.

All of the variation requests are subject to the standards set forth in Section 12-3-6.H. of the Zoning Ordinance. The petitioner's statements for how the requests would satisfy each of the standards is attached, along with staff comments below. The PZB may use the petitioner's statements or staff comments as rationale, or the Board may create its own. The standards that serve as the basis of the rationale are the following:

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 parking lot does not contain interior landscaping. The proposed design seeks to balance the increased parking demand for the new aquatic facility without increasing additional impervious surface. Including the required 5% landscaping would expand the footprint of the parking lot, expanding impervious surface and requiring the loss of existing landscaping and mature trees to the north of the property. Further, requiring additional landscaping in the perimeter would result in the loss of existing landscaping and open space in this area and reduce the amount of usable space in the park. The variation for the parking lot curb is necessary to allow for the addition of curb to the existing parking lot and expansion of this area. Moving the curb back 3.5 feet would be impractical given the location of the current lot.

Regarding the required buffer screening (plantings and fence, notably along the west lot line where the property abuts residential properties on Illinois Street), requiring a fence and landscaping in this area would reduce the amount of visibility into the park in this area for both the visitors and the adjacent residents. In the instance of Arndt Park, visibility into the park is actually useful for public safety, and neighborhood observation is important for observed ongoing use of the park.

PZB Additions or Modifications (if any): _____

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 parking lot does not contain interior landscaping and the petitioner seeks to continue this design with the expansion. This design reduces the loss of landscaping elsewhere, including mature trees, to create landscape islands in the parking lot. Existing turf and mature trees are located around the parking lot. Adding perimeter landscaping would disturb the existing landscaping and open space of the park surrounding the parking lot. The variation for the parking lot curb is necessary due to the distance of the property line from the existing parking lot; the property line extends into White Street rather than along the existing parking lot and park property.

Finally, the park has existed in this location for decades, and the adjacent residents have erected their own fences in this area at the lot line. Adding an additional fence and

landscaping in this buffer area would be excessive and prevent visibility of the park for the adjacent residents and visitors of the park.

PZB Additions or Modifications (if any): _____

- 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 existing parking lot did not require interior landscaping, perimeter landscaping or curb and gutter requirements when it was constructed. The petitioner seeks to expand the parking lot and maintain the same design without meeting these requirements. An additional landscaping and fencing buffer between residents and the park property has not existed throughout its history and has not been required previously due to its R-1 zoning. The petitioner seeks to maintain the same views of the park for the abutting residents, both for aesthetic and surveillance purposes.

PZB Additions or Modifications (if any): _____

- 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: Creating interior landscaping would require a larger footprint for the parking lot and thus removal of existing landscaping, open space, and mature trees to the north of the parking lot. Strict adherence to the perimeter landscaping standards would require the loss of other landscaping in the area surrounding the parking lot and reduce the amount of available open space for park use. Strict adherence to the buffer requirements would reduce the amount of useable recreational area and limit the amount of visibility of park, adversely affecting the aesthetics and hindering surveillance of the park. Strict adherence to the curb and gutter requirements would require offsetting the expansion area of the parking lot from the existing parking lot. The intent of this park and all parks within the city is to provide the maximum amount of attractive recreational space possible to the public.

PZB Additions or Modifications (if any): _____

- 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: Requiring additional landscaping in the perimeter would result in the loss of existing landscaping and open space in this area and reduce the amount of usable space in the park. This park and all parks within the city have an interest in providing the maximum amount of usable space for public use. A larger footprint would result in the loss of usable public park area. This park and all parks within the city have an interest in providing the

maximum amount of usable space for public use.

PZB Additions or Modifications (if any): _____

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 expansion of the parking lot without interior landscaping allows for a smaller footprint to accommodate additional parking demand from the aquatic facility without encroaching on other park amenities. Strict adherence to the perimeter landscaping standards would require the loss of other landscaping in the area surrounding the parking lot and reduce the amount of available open space for park use. Strict adherence to the buffer requirements would reduce the amount of useable recreational area and limit the amount of visibility of park, adversely affecting the aesthetics and hindering surveillance of the park. Strict adherence to the curb and gutter requirements would require movement of the parking lot and expansion into the public street.

PZB Additions or Modifications (if any): _____

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 no other locations that parking can be reasonably located on the site. According to the petitioner, this parking lot design is the most reasonable to meet increased parking demand on the site without creating additional impervious surface and loss of useable park space or expanding the parking lot into the public street. Further, no other remedy maintains the same amount of existing landscaping including mature trees in the perimeter of the parking lot. Finally, no other remedy would provide the same visibility of the park features for adjacent residents and visitors of the park.

PZB Additions or Modifications (if any): _____

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: Regarding parking lot location, parking lot landscaping (interior and perimeter), curb and gutter location, and screening into the park, the petitioner has asserted that full relief from the requirements is necessary to alleviate the hardship.

PZB Additions or Modifications (if any): _____

PZB Procedure and Recommended Conditions: Under Section 12-3-7.D (Amendments) and Section 12-3-6.G. (Major Variations) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve, approve subject to conditions, or deny the above-mentioned requests for a Map Amendment and Major Variations. The City Council has final

authority on the proposal. Consideration of the requests should be based on a review of the information presented by the petitioner and application of the standards above.

Conditions of Approval

1. Plans may be required to be revised during the building permit process to adhere to applicable local and state building and engineering requirements.
2. All landscaping must be maintained according to the landscape plan included with this application. Any modifications to the landscape plan will require review and approval by the zoning administrator.

Attachments:

- Attachment 1: Location and Aerial Map
- Attachment 2: Site and Context Photos
- Attachment 3: Plat of Survey
- Attachment 4: Petitioner's Project Narrative and Responses to Standards
- Attachment 5: Site Plan and Floor Plans
- Attachment 6: Landscape Plan
- Attachment 7: Photometric Plan

Chair Szabo swore in Don Miletic and Cayce Horton. Mr. Miletic is the Executive Director to the Park District representing Des Plaines Park District and Ms. Horton is an architect for Cordogan, Clark and Associates. Mr. Miletic explained the reasoning for the zoning change. This is for the Arndt Park project which would be incorporating a pool and major improvements to Arndt Park which is the 8.5-9-million-dollar project. The zoning amendment from R-1 to I-1 would be similar to other park districts. The park district will need to expand and redo the parking lot which is currently has 66 spaces and would increase to 97 spaces. They are looking to reduce some of the planting along the street area and also asking for reduces planting in the park area further to the west where there is lots of fencing. The Des Plaines Park District would like Arndt Park to have one of the nicest pools in Des Plaines.

Samantha Redman, associate planner, reviewed the staff report.

Member Weaver asked since there is an area of expansion, will trees would need to be removed for the project.

Mr. Miletic responded that 16 trees will be removed but they will be planting 23 trees. Mr. Miletic states that will occur in the general area of 1946 White Street, which was a home purchased by the park in 1997 and later demolished.

Chair Szabo swore in resident Mike Roggeman, 1894 White Street. He asked if there would be parking in the grass. He also asked if vehicles are able to drive in the park, stating that would be a safety concern.

Mr. Miletic responded that only vehicles allowed in the park are Des Plaines Park District maintenance vehicles.

Samantha Redman stated that there is no vehicular access to the park except for to the parking lot. Also, as seen on the site map there is an existing gate that blocks access on the north boundary, at the terminus of Prospect Avenue.

Chair Szabo asked how long the pool would be open.

Mr. Miletic stated the pool would be open from Memorial Day to Labor Day. They hope the project will be completed by August. He said depending on staffing they would like to keep the pool open later into September for the first year.

A motion was made by Board Member Weaver, seconded by Board Member Fowler to recommend approval of a map amendment to change the current zoning district from R-1 Single Family Residential District to I-1 Institutional District.

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

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

A motion was made by Board Member Veremis, seconded by Board Member Saletnik to recommend approval of the five following variations: (i) a variation to allow parking in the required front yard in the I-1 district; (ii) a variation from the minimum parking lot curb distance; (iii) variations from the required interior parking lot landscaping; (iv) a variation from the required perimeter parking lot landscaping; and (v) a variation to the buffer requirements for I-1 properties abutting residential zoning districts.

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

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

2. Address: 815 Thacker Street

Case Number: 22-032-V

The petitioner is requesting the following items under the Zoning Ordinance: (i) a variation to allow the width of a residential driveway to be more than 20 feet, with approximately 2.5 parking spaces, for a residential property with no garage; (ii) a variation to allow a residential driveway on a property with no garage or carport without the installation of evergreen shrub landscaping along the entire exterior edge of the driveway; (iii) a variation to allow a residential walkway to be less than one foot from the property line; and (iv) a variation to allow a patio to be set back less than five feet from the property line in the R-1 Single Family Residential District at 815 Thacker Street. A minor variation to allow a residential driveway to be less than two feet from the property line is also required, but the Zoning Administrator will consider separately.

Address: 815 Thacker Street

Owner: Felipe Pulido, 641 Greenview Avenue, Des Plaines, IL 60016

Petitioner: Miguel Pulido, 815 Thacker Street, Des Plaines, IL 60016

Case Number: 22-032-V

PIN: 09-19-203-069-0000

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 Residence
South: Single Family Residence
East: Single Family Residence
West: Single Family Residence

Street Classification: Thacker Street is classified as a major collector.

Comprehensive Plan: The Comprehensive Plan illustrates the site as single-family residential.

Zoning/Property History: Based on City records, there have been continuous violations attributed to this property from 2019 to present in regard to work being completed without proper building permits starting with the removal of the residential driveway. Code enforcement notified the petitioner with an enforcement letter on July 19, 2019 addressing the violations and a follow-up enforcement letter on August 7, 2019 when no response had been received and no building permit had been filed. Around August 31, 2019, the petitioner approached staff regarding a minor variation request for the driveway width and the setback of a concrete pad and patio surface. Staff informed the petitioner of the requirements for the minor variation and answered questions regarding the required submittals and process. The Zoning Administrator determined that a minor variation request could be approved—based on the attached 2019 Minor Variation Site Plan that differs from the one that has been built and is proposed as part of this request—but not before the other code violations on the property had been addressed.

On September 20, 2019, a ticket was issued for the removal of the driveway followed by a citation to attend an administrative hearing on October 3, 2019 when no response was received. The petitioner contacted staff on October 3, 2019 and the administrative hearing date was moved to November 7, 2019. The minor variation was approved on October 10, 2019 with the attached 2019 Minor Variation Site Plan. The petitioner did not show at the November 7, 2019 or December 5, 2019 hearings and the outstanding code violations had not been resolved so fines were issued and the administrative hearing case was closed.

By June 22, 2020, work had begun on the property for the driveway without proper building permits. Staff posted stop work orders and repeatedly contacted the petitioner but received no response. Staff noted that the stop order signs were removed from the residence and work was continuing on the driveway. A citation was issued on June 26, 2020 for work done without a permit. By June 29, 2020, the driveway, sidewalk, and patio surfaces had been paved on the property. On December 6, 2020, an administrative hearing was held and a final judgement was given including a fine for all work done on the subject property in 2020. This case was then escalated to Cook County Circuit Court with the first hearing in February 2021

and monthly continuances since then. The next scheduled court date is September 21, 2022, and the recommendations of the PZB will be considered in the hearing.

Project Description:

The petitioner, Miguel Pulido, is requesting Major Variations for the following: (i) to allow the width of a residential driveway to be 22'-11," resulting in 2.55 parking spaces, where a maximum width of 20 feet is permitted for a residential property without a garage or carport; (ii) a variation to allow a residential driveway on a property with no garage or carport without the installation of evergreen shrub landscaping along the entire exterior edge of the driveway; (iii) to allow a residential walkway to be six inches from the property line where the minimum is one foot from the property line; and (iv) to allow a patio to be six inches from the property line where the minimum is five feet in the R-1 Single Family Residential District at 815 Thacker Street. These requests are related to existing structures and surfaces on the subject property that were installed without a building permit and do not comply with the applicable regulations in the Zoning Ordinance. Note that the proposed driveway width equates to 2.55 off-street parking spaces which makes the request ineligible for a minor variation under Section 12-3-6.E.1.e. The subject property is 11,878 square feet and is currently improved with a one-story, 1,561-square-foot residence as shown in the attached Plat of Survey dated February 1, 2017. Since then, the petitioner has done the following work on the subject property, which is the genesis of the variation requests:

- The existing concrete residential driveway has been widened to 22'-11" and is only six inches off the east property line;
- There is no evergreen shrub landscaping installed along the entire exterior (east) edge of the driveway for a property without a garage;
- The existing concrete residential walkway has been widened to 6'-6" and is only six inches off the east property line; and
- The existing concrete patio dimensions have been expanded to 16'-0" long by 15'-0" wide and the patio is now only six inches off the east property line.

The following code sections are in conflict with the petitioner's

request as summarized in the table below:

Zoning Regulation	Requirement	Proposal
Driveway width (no garage or carport)	Maximum 20'-0"	22'-11", more than 2.5 parking spaces
Driveway Exterior Landscaping (required for properties without a garage or carport)	Evergreen bushes installed along the full exterior edge of the driveway	No landscaping proposed
Driveway setback from property line	Minimum 2'-0"	0'-6"
Walkway setback from property line	Minimum 1'-0"	0'-6"
Patio setback from property line	Minimum 5'-0"	0'-6"

Since the aforementioned improvements on the subject property do not meet the requirements above, a major variation request is required for each item with the exception of the driveway setback request which is a minor variation decided by the Zoning **Variation Findings:** Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Staff has the following comments based on the standards. The PZB may use staff comments, the petitioner's responses, or state their own comments as rationale for their decision.

- 1. Hardship: No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty.**

Comment: Staff does not see a hardship or practical difficulty preventing the petitioner from complying with the driveway width, landscaping, and setback requirements for residential driveways, residential walkways, and patios. Generally, there is not only ample space to install each of these surfaces and their respective non-paved landscape and/or turf setback areas on the subject property in conformance with code requirements, there is nothing that qualifies as a hardship or practical difficulty on the subject property that is any different from all other residential properties, which are governed by the same regulations. The 20-foot driveway width regulation allows for a minimum of two off-street

parking spaces, as required by code, and there is ample room on site to accommodate the required two off-street parking spaces. This, in addition to the available on-street parking that is available on both the north and south sides of Thacker Street that front the subject property, negates the parking and safety concerns asserted by the petitioner as parking on the driveway apron is not necessary. A third off-street parking space was available on the subject property via a single-car-wide attached garage. However, the petitioner converted a portion of it into storage space, reducing its size so that is no longer large enough to accommodate a vehicle and therefore eliminating an off-street parking space on the subject property. It is important to note that the 2'-11" wide driveway area that is in excess of the maximum driveway width regulation is only a partial parking space so its removal to make the driveway compliant with the code would not remove available off-street parking from the property. The front and interior side yards provide more than enough room and design flexibility to meet the petitioner's needs and meet the code requirements. As these requests do not constitute a defined hardship or practical difficulty, approving the variation requests would undermine the setback regulations and reward work done without proper permitting.

- 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 does not see a unique physical condition on the subject property that warrants the requested variations. In fact, this property consists of three parcels (collectively one zoning lot) and is larger than all of the residential properties in the immediate vicinity, giving the petitioner ample space to locate and design improvements to comply with all applicable codes. While the rear portion of the property has an irregular shape, this in no way affects the surfaces that are the subject of the variation requests. The petitioner has made improvements to address topographical aspects of the property related to flooding on the property and has credited the installation of the concrete swales as an impactful solution to these issues. While the concrete swales may alleviate these concerns, staff argues that these swales would still be effective even if relocated to meet the appropriate setback requirements. In fact, the decrease of paved area near the property lines, especially along the side of the residence, would further help alleviate water run-off concerns expressed by the petitioner. Thus, the variation requests appear to be more of a personal preference and convenience of the property owner instead of a definable physical condition. Nonetheless, see the Petitioner's responses to Standards for Variations.

- 3. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title.**

Comment: While the subject property's location and size 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. Additionally, the further development of the subject property through interior/exterior remodeling of the residence, site grading, and the installation of the multiple hard surfaces—including the aforementioned driveway, walkway, and patio surfaces that are subject of the variation requests—are the direct result of the petitioner. In any case, it is staff's opinion that the proposal does not adequately utilize the available space and access on the site or appropriately design the proposed improvements to avoid the need for variations. Nonetheless, see the Petitioner's responses to Standards for Variations.

- 4. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.**

Comment: Carrying out the strict letter of this code for the driveway width and various hard surface setback regulations does not deprive the property owners of substantial rights. First, while some homeowners may have larger garages or additional space that allows them to install larger pavement areas on their properties, having the ability to construct these larger pavement areas is not, in and of itself, a right granted to property owners. All residential properties are governed by the same setback requirements in Section 12-7-1.C of the Zoning Ordinance regardless of size, shape, and development. Enforcing the setback requirements does not deny the property owners from constructing the hard surfaces on the subject property but requires said hard surfaces to conform with the applicable setback requirements that apply to all residential properties. The argument that the requested variations for work done on the subject property without permits shall be approved solely because other residential properties have existing non-conforming surfaces near or abutting property lines is dubious, as property nonconformities are common enough that property owners throughout Des Plaines must work with what they have, so to speak. All obstructions in required yards, such as driveways, walkways, patios, etc., are held to the same standards under Section 12-7-1.C, so enforcing the minimum setback requirements would not deprive the property owner from any substantial rights enjoyed by other single-family residential properties.

- 5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.**

Comment: Granting this variation would, in fact, provide a special privilege for the property owner not available to other single-family residential properties. Namely, the hard surfaces that are the subject of the variation requests were installed on the property without permits in violation of the Zoning Ordinance. Approving the variations under this condition, even if merit is found for any of the requests, reinforces improper actions by the homeowner that would not be eligible for other residents. While other properties may have existing non-conformities in relation to driveway, walkway, and patio setbacks for surfaces established through earlier regulations—and have repaired said non-conformities regularly—this does not compare to the proposal on the subject property for new non-conformities created without permits in direct violation of the current codes. The aforementioned consideration for setbacks indicates to staff that variation decisions are made on a case-by-case, project-by-project basis upon applying the variation standards. In those evaluations, the determining body (e.g. PZB and/or City Council) usually looked to see if the applicant exhausted design options that do not require a variation. In this case, it seems there are different design options and positions for the surfaces on this site, given the ample space in the front and side yards. Granting a variation for this design, when other viable options are available, could be too lenient and tread into the territory of allowing a special privilege. Nonetheless, the PZB and Council should decide.

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: On one hand, the project would allow re-investment into a single-family home, which the Zoning Ordinance and Comprehensive Plan want to encourage. However, the proposed hard surfaces, including their dimensions and setbacks, is largely for the benefit of the property owner. For one, the existing driveway is currently able to accommodate multiple vehicles on the subject property without a perceived impact on the street and alley. The previous attached garage, a portion of which was converted into storage space making it unusable for vehicle parking, did provide another off-street space in addition to the driveway. The proposal not only fails to provide additional adequate off-street parking space outside of the requirements on the site but also adds additional impervious surfaces on the property with known flooding and drainage concerns, neither of which aligns with Chapter 7: Water Resource Management of the Comprehensive Plan. Moreover, staff's review concludes that there are reasonable options for redesigning the hard surfaces on site to provide adequate parking, pedestrian access, and recreation space without needing relief from the required setback regulations.

7. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.

Comment: There are multiple alternatives to the proposed setback variations being requested by the petitioner. First, the driveway width regulation allows for a 20-foot-wide driveway surface that is more than enough space for vehicle access and parking. Repurposing the space previously utilized as an attached single-car-wide garage would provide an additional off-street parking space. Further, the space between the residence and the east property line is more than sufficient to accommodate a walkway with concrete swale for paved pedestrian access and the one-foot-wide non-paved separation area. Alternatively, the existing walkway installed along the other side of the residence could be widened where there is even more space to design and accommodate a wider walkway. If additional drainage needs are realized, a drainage system along the side of the residence or walkway could be installed to handle water run-off instead of excessive paved areas or concrete swales. The rear portion of the site is expansive and could easily be utilized for patio space that is nowhere near property lines. The existing patio at the back of the house could also be expanded to the south away from the house while still maintaining the required 5'-0" setback requirement from the property line. The identified receptacle pad alongside the house could also be positioned and designed against the residence to attach to the walkway while also being located a minimum of one foot off the property line. Given the multiple alternatives available, 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 request for the setback reduction is not, in staff's opinion, the minimum measure of relief to address the petitioner's concerns. Instead, the petitioner could redesign the proposed hard surface areas to better utilize the available property and to meet the requirements.

PZB Procedure and Recommended Conditions: Under Section 12-3-6(G) of the Zoning Ordinance (Major Variations), the PZB has the authority to recommend approval, approval subject to conditions, or denial of the major variation requests for the single-family residence at 815 Thacker Street. 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. The City Council has the final authority. If the PZB recommends approval of the requests, staff recommends the conditions below.

Recommended Conditions of Approval:

1. No easements are affected or drainage concerns are created.
2. Minimum three-foot-wide landscape areas shall be installed on the west side of the driveway and in front of the residence populated with shrubs and perennials. A landscape plan shall be provided identifying the landscape areas, their dimensions, and the names, quantity, and location of the planting material to be installed within them.

3. That plans are revised at time of building permit to display all dimensions and labels necessary to denote the proposed improvements and to comply with applicable City of Des Plaines codes.
4. That all appropriate building permit documents and details are submitted as necessary for the proposed hard surfaces. All permit documents shall be sealed and signed by a design professional licensed in the State of Illinois and must comply with all City of Des Plaines building and life safety codes.

Attachments:

Attachment 1: Location and Zoning Map

Attachment 2: Plat of Survey

Attachment 3: Existing Condition Photos

Attachment 4: 2019 Minor Variation Site Plan

Attachment 5: Project Narrative and Petitioner's Responses to Standards for Variation

Attachment 6: 2022 Major Variation Proposed Site Plan

Attachment 7: Site & Context Photos

Chair Szabo swore in Miguel Pulido, who is the petitioner. Mr. Pulido stated the reason for applying for the variations is to keep the concrete as it is. The reason he did it is because his property had continued issues with extreme flooding. He said the cement work and swale collect and reroutes the runoff, and it is typical every other house on the block. He feels the swale has helped to protect neighbors from flooding. Mr. Pulido stated that the Des Plaines City Engineer, Mr. La Berg, was at the property three weeks ago and even checked the grading mentioning that he should keep it. Mr. Pulido showed photos and videos of before and after the concrete work. Mr. Pulido showed a video after last heavy rain showing no puddling because driveway was pitched towards the swale and goes down to the storm drain. Mr. Pulido stated all his neighbors love the work because it is protecting their properties as well. Mr. Pulido is asking that the City allow the work as is and move on to allow the variation and permit.

Chair Szabo asked if this work was done two years ago, how did you end up here tonight?

Mr. Pulido stated that there is a lawsuit going on and this is the next step to finalize it. Mr. Pulido stated that he had a partial permit to start but he did not agree with all of the restrictions, so he was working to get a full permit. He stated his work is typical and within code.

Member Hofherr asked how many violations or citations Mr. Pulido has had with the City of Des Plaines for work without permits.

Mr. Pulido stated he has been in court every two months since 2020 and they have all been continued since he is working with zoning. Mr. Pulido stated the fee was dismissed but he had a fine that was around \$1000.

Member Hofherr said it took numerous tickets before you came through to get this resolved. I am sure they told you that you need a permit.

Member Saletnik asked the staff at what point did engineering get involved, and why did it take two years to get it resolved?

Jonathan Stytz, Senior Planner, responded that staff has been working with the petitioner since 2019 but is unaware of the exact date that engineering became involved. Senior Planner Stytz mentioned that additional information will be provided to answer this question in the review of the staff report.

Chair Szabo asked staff to review the staff report, which Senior Planner Stytz did.

Senior Planner Stytz explained that staff stated that in July 2019 Code Enforcement sent a letter to Mr. Pulido for work being done without a permit and sent a follow-up letter on August 7, 2019 when no response had been received and no building permit had been filed. Around August 2019 the petitioner submitted a permit for a minor variation to help alleviate the flood concerns expressed and to allow additional parking spaces. Senior Planner Stytz displayed and discussed the minor variation site plan that was approved in 2019, identifying what surfaces were approved. He added that the corresponding building permit for the minor variation site plan was approved but never picked up by the petitioner.

Staff further described that in 2022, work began on the driveway without any permits. Des Plaines Code Enforcement staff posted stop work orders which were not followed. A diagram was shown and explained of what was approved in 2019 versus what was completed in 2022. He mentioned that there were no building permits for the work completed in 2022.

Staff explained each of the variations requested by the petitioner, noting that there was a recent remodel to the home that removed an existing attached garage, classifying the property as having no garage or carport, and now requiring a major variation for the proposed driveway width request. He also added that properties without a garage or carport are required to install landscaping along the full exterior edge of the driveway.

Member Hofherr asked if the City was aware of the hard surfaces installed on the property and approved of them or if the hard surfaces were installed without approval until they were addressed by the City.

Staff recalled that 2019 Minor Variation was approved to address the flooding and parking concerns expressed by the petitioner and referred to the 2019 Site Plan noting the approved hard surfaces and their dimensions.

Member Saletnik asked to go back to the site plans for questions. He asked the petitioner if he addressed the swale and drainage problem with the city before doing the work.

Mr. Pulido once again stated that the work is typical of other homes on Thacker. I did it to protect against the extreme flooding. Mr. Pulido stated that the City Engineer was out and checked it out and reported to the court that the grading in my backyard is perfect and my concrete should remain to keep his neighbor's property dry.

Staff went over other slides showing violation of current codes including driveway, sidewalk, and patio extensions in addition to the removal of the existing garage removed.

Member Catalano asked if Engineering was involved and whether they authorized it?

Senior Planner Stytz stated that engineering was involved in 2019 but he is not aware of any current engineering report.

Chair Szabo swore in Tim Burchard, 823 East Thacker. Mr. Burchard said he is a neighbor of Mr. Pulido. Mr. Burchard's father has lived in the house for 30 years. He stated that this is the first time in 30 years that he did not have pooling in his yard. He stated that before the concrete was done that he would have puddled in his and his neighbors' yards. Mr. Burchard stated he has no objections to the variations. Mr. Burchard also stated that he talked to the engineer and stated Mr. La Berg agreed that the swale does help with the water retention issue.

Chair Szabo swore in Jove Joy, 795 East Thacker, two houses west of Mr. Pulido. Mr. Joy stated that Mr. Pulido has been doing a lot of work the last few years including a roof, siding and concrete and did not know if he has had permits. Mr. Joy stated that when Mr. Pulido built his driveway, he put all the dirt on his additional property which is located behind him. He believes he is using the dirt to increase the height of his yard causing flooding in the neighboring yards. He believes the other neighbor that is affected has already reported to the city. Mr. Joy stated he does not have any pictures, but he can bring some next time. Mr. Joy stated his other neighbor is also having problems but was not available to come to the meeting. He was just responding to letter sent.

Member Fowler asked staff if the triangular properties in the back have anything to do with this variation.

Staff stated no, the two triangle properties in the back do not affect the variations we are discussing.

Member Weaver stated that he is concern about the accomplished drainage for the few houses that was done without permit is channeling the water to other areas. Channeling water does not make it go away. Where is that water going?

Mr. Pulido states that the water is channeling and draining into the lawn and down the storm drain not causing accumulation. Also, the city walkway has a control joint that stops the water between your driveway and the city sidewalk.

Chair Szabo asked if Engineer La Berg went to court and said that the work is fine. Did he sign off on what you have done?

Mr. Pulido stated yes, Engineer La Berg came out to court, and it was continued until September 2022 depending on the outcome of this meeting.

Staff stated that the first circuit court meeting was in February of 2021 and has been continued monthly since then. The next meeting will be September 21,2022. Based on the determination of tonight's meeting we will relay the information to the Circuit Court Case.

Member Catalano stated that Mr. Pulido solved his drainage problems. But we need verification from Engineer La Berg and Mr. Catalano suggested we table this until we talk to Engineer La Berg.

Member Weaver stated that the case before us and the Cook County circuit court is fees for not having a permit and not obeying the stop work orders. Mr. Pulido has had a three-year process of not getting approval. This is not about whether Mr. Pulido's solution is working. This is still a case about the building permit process not being followed.

Mr. Pulido stated that he is sorry for the past and he was just trying to get things done for his family to be able to move into the house. He stated he is sorry for not following the process, but he wants to continue working and building in Des Plaines. He stated he just wants to move on from this.

Member Veremis asked if the court case was only dealing with fines and penalties if the outcome of this meeting would affect circuit court.

Staff stated that the motion or decisions from this meeting will be considered by the court in their proceedings.

A motion was made by Board Member Fowler, seconded by Board Member Saletnik to recommend approval of the following items: (i) a variation to allow the width of a residential driveway to be more than 20 feet, with approximately 2.5 parking spaces, for a residential property with no garage; (ii) a variation to allow a residential driveway on a property with no garage or carport without the installation of evergreen shrub landscaping along the entire exterior edge of the driveway; (iii) a variation to allow a residential walkway to be less than one foot from the property line; and (iv) a variation to allow a patio to be set back less than five feet from the property.

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

*****MOTION CARRIES BY A 4 TO 3 VOTE****

Case 22-031MAP-V
Case 22-032-V

1946 & 1990 White Street
815 Thacker Street

Map Amendment
Variation

ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday, September 27, 2022.

Chairman Szabo adjourned the meeting by voice vote at 8:40 p.m.

Sincerely,

Margie Mosele, Executive Assistant/Recording Secretary

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