



Community & Economic Development
1420 Miner Street, Des Plaines, IL 60016
P: 847.391.5392 | W: desplaines.org

Planning and Zoning Board Agenda March 28, 2023 Room 102 – 7:00 P.M.

Call to Order and Roll Call

Approval of Minutes, March 14, 2023

Public Comment: For matters that are not on the agenda.

Pending Applications:

1. Address: 2805 Sycamore

Case Number: 23-008- V

The petitioner is requesting a variation from the setback requirements at the subject property to allow a residence to be setback less than five feet from the interior side property line, and any other variations, waivers, and zoning relief as may be necessary.

PIN: 09-33-303-019-0000

Petitioner: Jose George, 2805 Sycamore Street, Des Plaines IL 60018

Owner: Jose George, 2805 Sycamore Street, Des Plaines IL 60018

2. Address: 2109 Eastview Drive

Case Number: 23-009-V

The petitioner is requesting a variation from the building coverage requirements at the subject property to allow the construction of an addition that would result in a building coverage in excess of 30 percent for an interior lot, and any other variations, waivers, and zoning relief as may be necessary.

PIN: 09-29-308-010-0000

Petitioner: Ban Bahrani, 2109 Eastview Drive, Des Plaines, IL 60018

Owner: Ban Bahrani, 2109 Eastview Drive, Des Plaines, IL 60018

City of Des Plaines, in compliance with the Americans With Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in the meeting(s) or have questions about the accessibility of the meeting(s) or facilities, contact the ADA Coordinator at 847-391-5486 to allow the City to make reasonable accommodations for these persons. The public hearing may be continued to a further date, time and place without publication of a further published notice such as this notice.



DES PLAINES PLANNING AND ZONING BOARD MEETING
March 14, 2023
DRAFT MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, March 14, 2023, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

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

PRESENT: Catalano, Hofherr, Saletnik, Veremis Weaver

ABSENT: Fowler, Szabo

ALSO PRESENT: John Carlisle, CED Director
Jonathan Stytz, Senior Planner
Samantha Redman, Associate Planner
John Duddles, Asst Director of Public Works and Engineering
Laura Fast, Executive Assistant
Stewart Weiss, City Attorney

A quorum was present.

Call to Order and Roll Call

Approval of Minutes: February 28 ,2023

APPROVAL OF MINUTES

A motion was made by Board Member Hofherr, seconded by Board Member Catalano to approve the meeting minutes of February 28 2023

AYES: Hofherr, Catalano, Weaver, Veremis, Saletnik

NAYES: None

ABSTAIN: None

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

PUBLIC COMMENT ON NON-AGENDA ITEM

None

Applications

1. Address: 1781 Oakton Street

Case Number: 23-007-CU

The petitioner is requesting a conditional use permit to operate a Body Art Establishment in the C-3 General Commercial District.

PIN: 09-28-103-044-0000

Petitioner: Francisco Castellanos, 1401 S. Wolf Rd., Des Plaines, IL, 60018

Owner/Property

Control: Salvador Castellanos, 1479 Wicke St., Des Plaines, IL 60018

Case Number: #23-007-CU

Ward Number: #2, Alderman Colt Moylan

Existing Zoning: C-3, General Commercial

Surrounding Zoning: North: C-3, General Commercial

South: R-1, Single Family

East: C-3, General Commercial

West: C-3, General Commercial

Surrounding Land Uses: North: Commercial buildings

South: Single Family Residences

East: Commercial buildings

West: Commercial buildings

Street Classification: Oakton Street is classified as a minor arterial road.

Comprehensive Plan: Higher Density Urban Mix with Residential is the recommended use for this property.

Property/Zoning History: This building was originally built in 1965 according to the Cook County Assessor. The building's current configuration, with the commercial area on the ground floor and two apartments on the second floor, has existed throughout its known history. The

property has had a commercial zoning since the 1920s. Many buildings in this neighborhood are “mixed use,” meaning at least one residential unit is located above a commercial use. Previously, the commercial space was used for a radio store with apartments on the second story from the early 1970s to 2022. This site is located within the 100-year floodplain, requiring adherence to Federal Emergency Management Agency (FEMA) regulations for any construction in this location.

Project Description:

The petitioner, Francisco Castellanos of Serpent’s Lair is proposing a conditional use to allow a body art establishment at 1781 E. Oakton. The property currently consists of two occupied two-bedroom apartments on the second story and Angels and Dragons Emporium -- a sustainable clothing, accessories, and novelties store -- on half of the ground story. The tattoo shop is proposing to be located in the second half of the commercial space on the ground level.

Proposed Use and Hours of Operation

The attached floor plan includes the areas associated with the Angels and Dragons Emporium (485 square feet), the proposed area for the tattoo shop (485 square feet), shared areas including the bathrooms, and storage areas for the building. The proposed hours of operation are 11 a.m. to 7 p.m. Monday through Saturday and Sunday 12 p.m. to 6 p.m. and are by appointment only. The hours of operation for Angels and Dragons Emporium, the existing store in the building, are 11 a.m. to 7 p.m. Monday through Saturday and Sunday 12 p.m. to 5 p.m. The hours will overlap, supporting both businesses. Serpent’s Lair seeks to operate during these hours to limit disturbance to the existing residences in the building and the single-family residential neighborhood to the south.

Body Art Establishment Regulations

Body art establishments are defined in Section 12-13-3 as, “an establishment licensed under the Illinois Department of Public Health that conducts physical body adornment activities,” which may include piercing and tattooing. The proposed use for this location falls under this definition.

In 2020 the Zoning Ordinance was amended to define and regulate body art establishments. Body art establishments are only permitted within the C-3 zoning district with conditional use and may not be located closer than one mile to any other similar establishment. This location is outside of the range of the only other tattoo business in Des Plaines: High Class Studio, located at 633 Metropolitan Way.

The original intent of requiring a conditional use for body art establishments was to provide limitations on the location of these businesses and the proximity to other body art establishments. For a body art establishment, the conditional use process allows the City to determine if a use is compatible with its neighborhood and, partnered with state licensing regulations, ensure a facility will provide safe and sanitary services. Although parking may be a consideration for this location and for this type of business, the length of time required for tattooing (according to the petitioner, a minimum of one hour per customer, with larger projects taking several hours) limits the amount of traffic and parking generated. Serpent's Lair Tattoo is proposing to be by appointment only.

No federal laws – only state – exist regulating tattoo establishments. In Illinois tattooing is regulated by the Illinois Department of Public Health's Body Art Code.¹ This code requires all body art establishments to obtain registration with the state and regulates disinfection, sterilization, and disposal practices. All artists are required to have blood-borne pathogens certifications. No tattooing is permitted on anyone under the age of 18, and proof of ID is required.

Of note, the petitioner previously operated The Serpent's Lair Tattoo for nine years in northwest Chicago located at 4219 North Elston Ave. The Petitioner's Narrative and Response to Standards includes several letters from previous employees and clients discussing the former shop, noting the cleanliness, professionalism, and consideration of the shop within the neighborhood.

¹ Illinois Department of Public Health. (n.d.). Body Art Establishments. Springfield, IL, USA. Retrieved from <https://dph.illinois.gov/topics-services/environmental-health-protection/body-art-establishments.html>

The subject of this conditional use is the location of one specific tattoo studio, but it is worth noting the evolution of the industry. In past decades, tattooing and tattoo parlors have had a negative connotation within the United States. The practice has been associated with crime and deviancy, considered a taboo or counterculture practice, and many municipalities either severely restrict or prohibit tattoo businesses. However, the prevalence of tattoos on adults has been growing steadily in recent decades. Between 2012 and 2019, the percentage of American adults with a tattoo grew from 21% to 30%.² The global market size for tattoos is currently valued at \$1.75 billion and it is estimated to grow to \$3.55 billion by 2029.³ As this number grows, it is reasonable to assume that the correlation, or perception of a correlation, between tattoos and crime will lessen.

Existing Non-Conformity

The proposed business will be located within the existing commercial space.

The building is currently nonconforming with two two-bedroom apartments above the first story commercial space. Section 12-7-3.F.2.a allows *one* apartment above the first floor of a commercial building for properties in the C-3 zoning district between Oakton St and the railroad tracks east to the city limits. However, this restriction in number of apartments either did not exist when the building was constructed in the 1960s or a variation was granted to allow for residences above; of note, several neighboring buildings were granted a variation to construct apartments above storefronts between the 1960s, and when the Zoning Ordinance was amended in 2001 with the current language in Section 12-7-3.F.2.a. The existing retail space and the residential units can persist, provided they abide by the regulations regarding nonconformities.

² Jackson, C. (2019, 08 29). IPSOS. Retrieved from More Americans Have Tattoos Today than Seven Years Ago: <https://www.ipsos.com/en-us/news-polls/more-americans-have-tattoos-today>

³ Fortune Business Insights. (2022, 11). Fortune Business Insights. Retrieved from The global tattoo market is projected to grow from \$1.89 billion in 2022 to \$3.55 billion by 2029, at a CAGR of 9.43% in the forecast period 2022-2029: <https://www.fortunebusinessinsights.com/tattoo-market-104434>

Parking Requirements

Body art establishments are required to provide 1 space for every 250 square feet of floor area per Section 12-9-7. The definition of “floor area” in Section 12-13-3 allows spaces such as restrooms, mechanical rooms, hallways, and storage areas to be excluded. With a floor area of 485 square feet subject to the parking requirement, two spaces are required. The existing store in the unit is approximately the same size, requiring two spaces. The second story residences would require two spaces per dwelling unit, with four spaces total. The total parking required for this mixture of uses would be six spaces.

Off-street parking is located in the rear of the building, an area capable of holding approximately four standard spaces. Current striping does not meet the requirements of the Zoning Ordinance or the Illinois Accessibility Code. A suggested condition of approval is to restripe the parking area to the dimensions specified in Section 12-9-6, including adding one accessible space to meet the requirements of 12-9-8.

However, when the building was constructed, the parking requirements were significantly different. Section 12-9-2 states, “if the building or structure was erected prior to the effective date [of the current Zoning Ordinance], additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use.” The use of the building prior to its purchase in 2022 was a commercial radio store, classified as a “retail establishment.”

The amount of parking required for a retail establishment when the building was originally constructed was one space per 200 square feet of floor area, but only if the floor area exceeded 2,500 square feet. The definition of “floor area” for the purposes of calculating parking requirements in the 1961 Zoning Ordinance was the same as the current definition. Therefore, no parking was required for the approximately 970 square feet of total retail space. For the apartments, 1.5 spaces were required per dwelling unit with 0.25 spaces allocated for guest parking. The rear parking lot includes enough room for approximately four 8 ½ foot by 20 foot parking

spaces. In sum, at the time of construction, the property's uses met off-street parking requirements.

Because of this provision in Section 12-9-2, a parking variation is not required because two required spaces for retail = two required spaces for body art. However, with the conditional use process, the petitioner must demonstrate the proposed use will not be disruptive to the neighboring area. The PZB may consider how substantial the effect of not having off-street parking for this use will be to businesses and residents in this area.

Standards for Conditional Use

The following is a discussion of standards for conditional uses from Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided below and in the petitioner's response to standards. The PZB may use this rationale toward its recommendation, or the Board may make up its own.

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

Comment: Body art establishments require a conditional use permit in the C-3 Zoning District.

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

Comment: The 2019 Comprehensive Plan illustrates this area to be used for Higher Density Urban Mix. In addition, an established goal in the Comprehensive Plan is to "Revitalize the Oakton Street Corridor." Promoting economic vitality of a corridor requires supporting the establishment of businesses within existing storefronts. The approval of this conditional use allows for a vacant commercial space to be occupied and creates additional economic activity along Oakton Street.

3. 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: All uses will be located within an existing building; no changes to the appearance are proposed with the exception of signs for the business, which will be designed to meet requirements of the Zoning Ordinance. The existing storefront is harmonious with other similar buildings along Oakton Street. A building permit is currently being processed to repair the stairway in the rear of the building. The rear

parking lot will also be re-surfaced and re-stripped to meet code requirements and add an accessible space, as noted in the Conditions of Approval for this application.

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

Comment: As discussed in the Petitioner's Response to Standards, the business will operate by appointment only with no more than two customers at a time. Refer to the Parking section of this report for details on parking requirements. It is important to note that the property has never required off-street parking for the retail component of the building. On-street parking is available on Oakton Street to accommodate customers; however, the petitioner is also working with a nearby business, Kids Above All, on a parking agreement to accommodate parking for their site. Customers will be encouraged to use on-street parking, when necessary, unless a parking agreement can be formed to accommodate parking in other available parking areas. The hours of operation will be Monday through Saturday, 11 a.m. to 7 p.m. and Sundays 12 p.m. to 6 p.m., creating minimal disturbance for the existing residents within the building and the single-family residences to the south. A limited amount of traffic will be generated, as the business is by appointment only with no walk-ins or retail operations. State licensing is required to operate a body art establishment, which the petitioner will maintain while operating as this use.

5. The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:

Comment: The existing building has been adequately served by essential public facilities and services. Staff have no concerns that the proposed use will not be adequately served with essential public facilities and services. The establishment will follow all local and state regulations regarding disinfection, cleanliness, and proper disposal of all needles and other substances related to the business.

6. 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 would not create a burden on public facilities. This new business would be located within an existing, unoccupied portion of the building and provide additional commercial activity to this corridor.

7. 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: As discussed in the Petitioner's Narrative and Response to Standards, the hours of operation will be limited to normal business hours and will be by appointment only, creating limited generation of traffic. No larger truck traffic will be generated by any uses. All proposed activities would take place inside the building reducing any noise, smoke fumes, light, glare, odors, or other concerns.

8. 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: Access to the building will continue to be provided through the entrance on Oakton Street. New traffic generated will be limited to appointments for the business; it is important to note that the zoning of this property allows for other uses that could result in a greater amount of traffic/parking for the site, such as a restaurant or store. The existing street network can accommodate the limited amount of traffic for this new use.

9. 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 within an existing building and thus would not result in the loss or damage of natural, scenic, or historic features. No new development is proposed for this site.

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

Comment: The proposed uses comply with all applicable requirements as stated in the Zoning Ordinance.

Vice Chair Saletnik swore in Francisco Castellanos and Salvador Castellanos. Francisco Castellanos stated that he would like to open up a body art studio in Des Plaines. He has been a Des Plaines resident since 1987, he had a business in Chicago for 9 years, and would like to reopen the business in Des Plaines. Hours of operations would be 11:00 am to 7:00 pm Monday to Saturday and 12 to 6 pm on Sundays. The clients are mostly word of mouth and by appointment. Mr. Castellanos stated that he spends from 1 to 6 hours with a client.

Board Member Hofherr stated that he read the report and was very impressed by all the recommendations that were provided.

Board Member Catalano asked if the petitioner has seen the recommended conditions of approval. Francisco Castellanos stated that yes, they are aware of the conditions and the conditions would be taken care of before opening the business.

Vice Chair Saletnik asked the audience by hand vote if they were in favor of approval – stated a number of hands were raised. Vice Chair Saletnik then asked if anyone in the audience was against the proposal – no hands were raised. No comments from the audience.

Samantha Redman, Associate Planner reviewed the staff report. The petitioner is requesting a conditional use permit to operate a Body Art Establishment in the C-3 General Commercial District. Body Art Establishments as a conditional use are a recent addition to the text of the zoning ordinance, added in 2020. There are several requirements, including being at least one mile from any other body art establishment and the floor area of the establishment cannot be more than 2,000 square feet. Ms. Redman went over the site plan.

Ms. Redman explained the conditions of approval for include the hours of operation, replacement of the rear stair well and the rear parking area needs to be restriped, so the parking dimensions meet the City's requirements.

No parking variation was requested because Section 12-9-2 states, "if the building or structure was erected prior to the effective date [of the current Zoning Ordinance], additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use." The use of the building prior to its purchase in 2022 was a commercial radio store, classified as a "retail establishment." The amount of parking required for a retail establishment when the building was originally constructed was one space per 200 square feet of floor area, but only if the floor area exceeded 2,500 square feet. The definition of "floor area" for the purposes of calculating parking requirements in the 1961 Zoning Ordinance was the same as the current definition. Therefore, no parking was required for the approximately 970 square feet of total retail space. On-street parking is available at this location. However, Ms. Redman stated that through the conditional use process, the Board is able to determine if the lack of off-street parking will be disruptive to the neighborhood or create other issues in this area.

Ms. Redman stated that the board can recommend approval, approval with conditions or deny. The recommended condition of approval includes.

1. The Subject Property shall only be used for activities related to the Body Art Establishment during the following times:
 - a.) 11 a.m. to 7 p.m. Monday through Saturday
 - b.) 12 p.m. to 6 p.m. on Sunday
2. The off-street parking area for the property must be striped in accordance with Section 12-9-6. One accessible parking space shall be located on site to meet accessibility standards pursuant to Section 12-9-8 and Illinois Accessibility Code.
3. The exterior stairwell on the rear of the building must be repaired or replaced prior to the issuance of business license for the body art establishment. A building permit must be submitted, approved, and final inspections completed by the Fire Department, in accordance with Fire Code for emergency exit stairwells.
4. All state licensing must be maintained to operate as a body art establishment at this location.

Case 23-007-CU
Case 23-005 FPLAT

1781 Oakton
622 Graceland
1332 -1368 Webford

Conditional Use
Tentative and Final Plat of
Subdivision

Member Hofherr asked if the owner has arranged for a fire inspector yet?

Francisco Castellano stated that they have not met with the fire inspector, but they will be.

A motion was made by Board Member Catalano seconded by Board Member Veremis to recommend approval to the City Council for the conditional use as requested with the four conditions as stated.

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

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

DRAFT

Case 23-007-CU
Case 23-005 FPLAT

1781 Oakton
622 Graceland
1332 -1368 Webford

Conditional Use
Tentative and Final Plat of
Subdivision

2. Address: : 622 Graceland Avenue and
1332 and 1368 Webford Avenue

Case Number: 23-005-FPLAT

The applicant is requesting a combined Tentative and Final Plat of Subdivision under the Subdivision Regulations to consolidate the three existing lots of record on the subject property into one, as required by Section 13-1-2 of the Subdivision Regulations. After the PZB's Plat of Subdivision review, the applicant intends to seek the following approvals from the City Council: (i) an amount for a Fee in Lieu of Dedication of Park Lands, the requirement for which is established in Chapter 13-4 of the Subdivision Regulations; and (ii) a redevelopment agreement.

Owners: Wessell Holdings, LLC (622 Graceland, 1368 Webford)
and City of Des Plaines (1332 Webford)

Applicant: *Formerly 622 Graceland Apartments, LLC, Now Mylo Residential Graceland Property, LLC; (Manager: Joe Taylor, Principal of Compasspoint Development)*

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

Ward: #3, Alderman Sean Oskerka

Existing Zoning: C-3 General Commercial District; rezoning to C-5 Central Business District was approved by Ordinance Z-23-22, but certain conditions must be met for the Ordinance to become effective (see Background)

Surrounding Zoning: North: Railroad tracks; then C-3 General Commercial District
South: C-3, General Commercial / R-1 Single-Family Residential Districts
East: C-5, Central Business District
West: C-3, General Commercial District

Surrounding Land Use: North: Union Pacific Railroad (Metra UP-Northwest Line); then a pharmacy
South: Commercial building (850 Graceland), United Methodist Church parking lot, single-family detached home in commercial district (1347 Webford), single-family detached homes in residential district (1333 and 1339 Webford)
East: Mixed-use residential and commercial (Bayview-Compasspoint project under construction at 1425 Ellinwood)
West: Small mixed-use building (1330 Webford), then multiple-family dwelling (1328 Webford)

Street Classification: Graceland Avenue is an arterial, and Webford Avenue is a local roadway.

Existing Land Use

The principal building at 622 Graceland is currently the headquarters of the Journal & Topics newspaper. According to the Des Plaines History Center, the building was constructed as a Post Office in 1940-1941, most likely under the Works Progress Administration (WPA). A smaller accessory building is also part of the Journal & Topics property. At 1332 Webford is a 38-space surface parking lot owned by the City, currently used for both time-limited (14 spaces) and permit-restricted (24 spaces) public parking.

Background:

On August 1, 2022, the City Council approved a zoning map amendment for the subject property, which spans 43,500 square feet, from the C-3 General Commercial to C-5 Central Business District to accommodate the proposed development. The effectiveness of the approval, however, was contingent upon the developer finalizing acquisition of the City-owned 1332 Webford Avenue property, the authorized sale agreement for which (approved by Ordinance M-22-22) lists additional requirements:

- Approval of a Tentative and Final Plat of Subdivision to consolidate 622 Graceland and 1332-1368 Webford into one lot of record.
- Successful acquisition by the developer of 1330 Webford, which is directly west of the subject property and zoned C-3, to be redeveloped as a park use (privately owned but with a permanent and perpetual easement for public access);
- Approval of a redevelopment agreement, with plans as exhibits approved by the City Council; and
- Submission of a rezoning covenant binding the future owner/developer not to object to a future rezoning of the subject property back to C-3 if the project is not carried out.

Tentative and Final Plat of Subdivision

Request Summary:

Due to the PZB’s original denial of the Tentative Plat of Subdivision in 2022, the applicant has submitted a new combined Tentative and Final Plat to consolidate the three lots of record on the subject property into one. The table below identifies the characteristics and uses of the existing lots.

Address	PIN	Size	Use
622 Graceland	09-17-306-036-0000	0.52 acres	Journal & Topics
1332 Webford	09-17-306-040-0000	0.31 acres	City parking lot
1368 Webford	09-17-306-038-0000	0.17 acres	Journal & Topics

Just west of the subject property is 1330 Webford Avenue, which would serve as an open-to-the-public park. However, 1330 Webford is a different zoning lot from 622 Graceland and 1332-1368 Webford and is a separate and individual lot of record. Therefore, 1330 Webford is not required under Section 13-1-2 to be included in the proposed subdivision. Nonetheless, because 1330 Webford is integral to the project and will be referenced in the redevelopment agreement, depictions, labels, and site planning for 1330 Webford are shown on the Plat and Final Engineering documents. An illustration and label are used to note a permanent and perpetual easement for public space that will be owned and maintained by the applicant. See the “Open Space and Recreation; Park Land Dedication or Fee-in-Lieu” section for more details.

Easements, Building and Setback Lines, Utility Correspondence

The attached Tentative and Final Plat of Subdivision shows the following easements and building lines: (i) a 50-foot-wide permanent and perpetual easement for public space on property at 1330 Webford (cross-hatched area); (ii) a 10-foot-wide public utilities and drainage easement on 1330 Webford Avenue (double cross-hatched area); (iii) a 20-foot building line extending across the proposed public park property at 1330 Webford; (iv) a 25-foot building line, to reflect the required side yard for the C-5 district, extending approximately 90 feet along Webford where the subject property is adjacent to residentially-zoned property; (v) a 5-foot building line, to reflect the required side yard for the C-5 district, extending approximately 200 feet along Webford where the subject property is adjacent to commercially zoned property; (vi) a 7-foot public sidewalk easement extending along the south property line along Webford; (vii) an approximately 3-foot-wide public utilities and drainage easement on the northwestern corner of the proposed Lot 1; (viii) a 16.5-foot-wide storm water detention area (bubble-hatched area); and (ix) various public utilities and drainage easements throughout the proposed Lot 1 (shaded areas). Written correspondence from major private utility providers to the applicant is attached.

Public Improvements and Final Engineering, PWE and Fire Review

Under Section 13-3-1 of the Subdivision Regulations, the developer is required to widen the segment of Webford in front of the proposed development and install/replace existing appropriate streetscaping (for example, sidewalk, street lighting, etc.) to match the downtown aesthetic, which is already present along the Graceland side of the site. Under the proposal, this style would be extended around the corner and onto the Webford sidewalk, with an emphasis for the area in front of the proposed restaurant/commercial space at the corner. Certain underground infrastructure, such as water mains and sewers, are required to be replaced and installed to the standards required by PWE. Specifically, the developer will be required to separate the existing combined storm and wastewater system for the entire 1300 block of Webford.

The developer has provided the City Engineer with an estimated cost of public improvements, an amount for which the City Engineer has approved in the attached memo. A performance security in the form of a letter of credit, with the City named as the

beneficiary, will be required to secure the improvements. An attached memo serves as the City Engineer's approval (as noted) under Section 13-2-4. The Fire Department also reviewed the Plat and Final Engineering submittal and has no changes from its recommendation regarding the design of the project from its 2022 memo (see attached).

Open Space and Recreation; Park Land Dedication or Fee-in-Lieu

The applicant is proposing two open space/park areas to serve the public, one on the 622 Graceland and 1332-1368 Webford property and the other on the separate lot at 1330 Webford. On the first property is an approximately 3,000- square-foot southern green space area along the south building elevation in between the two parking garage entrances. On the 1330 Webford property is an approximately 9,000-square-foot park space with patio area seating and a play lawn. A barrier between the railroad and the play lawn is shown. In general, the plans for both open space/park areas show passive recreational programming instead of active programming such as playgrounds, ball fields and courts, or fitness equipment. For residential developments at the proposed scale, Chapter 13-4 of the Subdivision Regulations requires providing public park land and/or paying a fee in lieu. The rationale is that residential developments increase demand for parks and recreation. As described above, the developer is proposing to provide two pieces of land for public-access park and open space. Further, private recreational areas within the building are intended to meet the needs of the anticipated future residents and potentially lessen the demand for public park facilities generated by those residents. The developer's providing of these areas may make the project eligible for credits and reductions in their obligation. However, the approval of the amount of that obligation rests with the City Council.

PZB Action and Conditions:

Pursuant to Sections 13-2-3 and 13-2-7 of the Subdivision Regulations, the PZB should take two separate motions:

- Vote on the *approval or denial* of the Tentative Plat of Subdivision; and
- Vote on *approval, approval with conditions, or denial* of the Final Plat of Subdivision, to be forwarded to the City Council for final decision.

If the PZB votes to forward Final Plat *approval* to the City Council, staff recommends the following condition: That construction-level street lighting detail as required in the attached Engineering memo is provided and approved by the PWE Department prior to issuance of any building or right-of-way permits.

Attachments

- Attachment 1: Location Map
- Attachment 2: Site Photos
- Attachment 3: ALTA Survey
- Attachment 4: Engineering Memo
- Attachment 5: Fire Comments and 2022 Memo
- Attachment 6: Utility Correspondence
- Attachment 7: Tentative and Final Plat of Subdivision

Attachment 8: Final Engineering Drawings, including Drainage Report

Vice Chair Saletnik swore in Bernard Citron, Joe Taylor and Maureen Mulligan on behalf of the applicant.

Mr. Citron stated that they are here today for the preliminary and final plat of sub-approval. Mr. Citron stated that the staff has done a full report and all the various departments, including Community Development and Engineering have indicated that they have met the requirements of the ordinance. He stated that Mrs. Mulligan is here if we would like to discuss any of the engineering. Mr. Citron also stated that this meeting is for the Plat of Subdivision and not the project.

Vice Chair Saletnik asked the audience for a poll to see how many are against the proposal. Eight hands raised that are against the proposal.

Jim Hansen came to the podium to speak but did not speak since he concluded he could not ask any questions.

City Attorney Stewart Weiss stated that since this is a review of a Plat it is not a public hearing. It is a public meeting so sworn testimony is not required and there can be no cross examination or questioning. The audience is allowed to have public comment.

Tom Lovestand commented that he looked at the Planning and Zoning Board Meeting minutes from April 24, 2018, which included discussion on a development called the Welkin mixed use development. He wants the board to look at the past questions and the petitioners' commitments and the boards 5 to 1 vote to deny the major variation and the tentative plat of subdivision. He states that it is important because the petitioner for this project is the same as the petitioner for the Welkin and Ellison Projects. He questioned the annual revenue that was discussed then and if the promises had been met. Mr. Lovestand asks that the board take some time and evaluate the pending request with your past questions and the petitioner's previous commitments and ask where those have been met.

Deb Lester passed out a handout. She commented about safety concerns about the public parkway being eliminated. She said she noticed children using this sidewalk frequently and train commuters and concerns with sidewalk right up against parking. Around the Welkin property and on Miner St there is a parkway before you get to the sidewalk. That is eliminated here in this new plat.

The second concern is the north side of the property where 60 apartments will be located. Someone made a FOIA request this summer and there was a memo from the fire department requesting apartments on the Webford side or an access road be provided so the fire department would have access. After that, there was a memo from the chief about access from the east, south, and west side, but no mention of north side. No explanation about how to rescue people from the north side of the building.

Another letter is included in the safety packet, from the August 1st meeting, from Union Pacific. The UP, which backs up to the building, this building will be built 2 feet according to the plat to the north neighbor. This request from UP was that the building be set back 50 ft from the buildings. Urges this to be considered by the board.

Final concern – the site line moving from Webford onto Graceland. IDOT has a manual called the public roads manual with a site triangle. When you drive to an intersection, you can move to your left and see oncoming traffic before making a right-hand turn. The current building is set back 15 ft from the sidewalk. The proposed building is 2.4 ft from the sidewalk. You would not be able to see traffic from this point. The bureau has a manual for the distance to be seen and make this triangle. It cuts off quite a bit of the corner of the building.

The developer pointed out that people may turn on Ellinwood to access the property. To do that, you need to turn left into the nearest lane, on the east side of Graceland. You have 2 seconds at a 30-mph speed limit (Graceland speed limit) to turn into the lane, signal and then move to make a right-hand turn. In the process, you go across a crosswalk to get to the library, stores, etc.

Ms. Lester would like the Board to consider whether this is ok to have traffic movement near the train tracks without a traffic signal and with the pedestrian crossing.

Jonathan Stytz, Senior Planner, reviewed the staff report. He discusses location of area and site details. The map amendment for this property has not taken place because there are certain things that must take place before the map amendment can occur. He discussed the site photos, with the areas owned by the City and Journal and Topics.

Mr. Stytz provides background on the process for Map Amendment. He discusses what else must be approved (park and other parts of RDA).

Mr. Stytz stated that on August 1, 2022, the City Council approved a zoning map amendment for the subject property, which spans 43,500 square feet, from the C-3 General Commercial to C-5 Central Business District to accommodate the proposed development. The project request is to consolidate three lots into one lot of record. Mr. Stytz explained the subdivision and public improvements slide and described the tentative and final plat of subdivision. He also describes the breakdown of final engineering plans and the considerations before the PZB for this request.

For tonight the board Pursuant to Sections 13-2-3 and 13-2-7 of the Subdivision Regulations, the PZB should take two separate motions:

- Vote on the *approval or denial* of the Tentative Plat of Subdivision; and
- Vote on *approval, approval with conditions, or denial* of the Final Plat of Subdivision, to be forwarded to the City Council for final decision.

If the PZB votes to forward Final Plat *approval* to the City Council, staff recommends the following condition: That construction-level street lighting detail as required in the attached Engineering memo is provided and approved by the PWE Department prior to issuance of any building or right-of-way permits.

City Attorney Stewart Weiss stated that whatever the board's recommendation tonight and CC final action, the approval of the plat would have a delayed effective date until re-zoning is complete. This requires all those map amendment conditions to occur too.

Member Weaver asked to hear the petitioner's comments around the three safety issues brought up for discussion tonight.

Mr. Citron stated the civil review and staff comments demonstrate these are not concerns. Your staff have not found these to be issues with this project. IDOT will be reviewing any permits along that road and will approve as it currently exists. It is a 7 ft wide sidewalk; this has been increased beyond the standard 5 ft per staff request. We exceed requirements. It is also parallel parking, so cars are not pulling into the sidewalk. The same issue with the Ellinwood turning movements. This was addressed by the professional traffic engineering consultant and the City engineer did not have concerns.

A motion was made by Board Member Catalano, seconded by Board Member Veremis to approve the tentative plat of subdivision and to approve the forwarding of the final plat of subdivision to City Council for final decision with the condition of the street lighting detail as mentioned in the staff report.

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

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

ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday March 28, 2023.

Vice Chairman Saletnik adjourned the meeting by voice vote at 7:39 p.m.

Sincerely,

Margie Mosele, Executive Assistant/Recording Secretary

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



MEMORANDUM

Date: March 23, 2023
To: Planning and Zoning Board (PZB)
From: Jonathan Stytz, AICP, Senior Planner JS
Subject: Consideration of a Standard Variation for Setbacks in the R-1 District at 2805 Sycamore Street, Case #23-008-V (6th Ward)

Issue: The petitioner is requesting a Standard Variation to reduce the required interior side yard setback from five feet to 0.21 feet in order to enclose an existing covered roof area to create an attached garage.

Address: 2805 Sycamore Street
Petitioner: Jose George, 2805 Sycamore Street, Des Plaines, IL 60018
Owner: Jose George, 2805 Sycamore Street, Des Plaines, IL 60018
Case Number: 23-008-V
Real Estate Index Number: 09-33-303-019-0000
Ward: #6, Alderman Malcolm Chester
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: C-3 General Commercial district
Surrounding Land Use: North: Single Family Residence (Residential)
South: Single Family Residence (Residential)
East: Single Family Residence (Residential)
West: ComEd Substation (Public Utilities)

- Street Classification:** Pratt Avenue and Sycamore Street are both local roads.
- Comprehensive Plan:** The Comprehensive Plan illustrates the site as residential.
- Zoning/Property History:** Based on City records, the subject property was annexed into the city in 1956 and has been utilized as a single-family residence.

Project Description:

Overview

The petitioner, Jose George, has requested a standard variation to allow an existing covered roof structure to be converted into an enclosed and attached garage in the R-1 Single Family Residential district at 2805 Sycamore Street. The subject property consists of a single, 7,000-square foot (0.16 acre) lot with a 1,698-square-foot split-level brick house—including a basement and covered roof area—two frame sheds, residential walkways, a concrete patio, and concrete driveway off Pratt Avenue as shown in the attached Plat of Survey. As such, the petitioner proposes to fully enclose the existing roof structure on all three open sides to convert it into an attached garage without any changes to the roof structure itself, the concrete slab under it, or the concrete driveway surface.

Existing Non-Conformity

The subject of the variation request is a roof structure with no walls except the east elevation of the residence for which it is attached with a setback that is less than one foot from the east property line. Note that the structure in question is referred to as a roof structure instead of a carport given that Section 12-13-3 defines a carport as “an accessory structure with a permanent roof and three or fewer walls that is generally used for storing motor vehicles, boats, equipment and other items.” Due to the fact that the structure is attached to the residence, it is not an accessory structure and therefore is not a carport by definition.

Since City records indicate that this roof structure has been existing on site prior to the adoption of the 1998 Zoning Ordinance, it is classified as a non-conforming structure. The current use of this structure is a covered off-street parking area for vehicles. However, the petitioner’s proposal to enclose the roof structure area with walls to utilize it as an attached garage increases the degree of the non-conformity requiring a variation request.

Proposed Floor Plan & Elevations

The existing roof structure is approximately 26 feet long by 18.63 feet wide (484.25 square feet), all of which the petitioner intends to utilize for the proposed attached garage as shown on the attached Floor Plan. The existing door on the east elevation of the residence will serve as the direct access into the house from the proposed garage. However, an additional door is proposed on the south elevation of the proposed attached garage to provide access to the concrete patio area directly abutting the existing roof structure. The existing window on the east elevation of the residence will be removed and the area filled in with brick to match the existing residence. However, a new window will be installed on the south elevation of the proposed attached garage facing the concrete patio area. A new 16-foot-wide by 7-foot-tall garage door will be installed on the north (front) elevation of the proposed attached garage and the new walls for the garage structure will consist of face brick that matches the existing exterior of the residence as shown in the attached Elevations.

Building Design Standards

Section 12-3-11 of the Zoning Ordinance requires that building design standards are met for projects when there are “appearance altering renovations to the front or corner facades of a principal structure.” Since the proposal does alter the front of the residence, the regulations in this section are required to be met. For the subject property, the front façade is the north elevation facing Pratt Avenue. A scaled drawing of the front elevation has not been provided. However, the provided elevations include an illustration that demonstrates the proposed alterations to the front of the residence. The proposed alterations will require the following:

	Requirement	Proposed
Building Materials	Natural stone, face brick, or anchored or adhered masonry veneer	Face brick, to match existing residence (Refer to attached Elevations)
Blank Wall Limitations	No rectangular area greater than 30 percent of a story's facade, as measured from the floor of one story to the floor of the next story, may be windowless	Scaled drawings not provided with sufficient information. Requirement must be met or minor variation obtained.
	No part of a story's facade may be windowless for a horizontal distance greater than 15 feet.	Scaled drawings not provided with sufficient information. Requirement must be met or minor variation obtained.

Off-Street Parking

Single family residences are required to provide two off-street parking spaces pursuant to Section 12-9-7 of the Zoning Ordinance. As shown on the attached Plat of Survey, there is ample space for two off-street parking spaces on the uncovered driveway area and two off-street parking spaces underneath the roof structure for a total of four. As noted on the attached Site Plan, there are no proposed changes to the current number of off-street parking spaces since the existing driveway and roof structure footprint are proposed to remain the same.

Alternative Plans Considered

As part of the revisions for this request, the petitioner submitted an exhibit identifying alternative garage plans considered for the subject property as shown on the attached Alternative Garage Plans. Two alternative plans are displayed, both proposing the removal of the existing driveway off Pratt Avenue, the conversion of the roof structure to a solarium, and a new garage and driveway surface accessed from Sycamore Street with slight differences in the garage and solarium setback distances from the property lines and hard surface size and locations. In the Response to Standards, the petitioner states the alternatives presented greater practical difficulty and would require more variations compared to the original plan. The PZB may wish to have the petitioner provide additional details on both alternative plans considered and why these alternative plans are not feasible.

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

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

Comment: Considering the other opportunities available, the zoning challenges encountered do not rise to the level of hardship or practical difficulty. The petitioner argues that a majority of the City’s population have two or more vehicles and claim that there is not ample space in the covered roof area to accommodate a two-car enclosed garage while meeting the setback requirement. However, the subject property has ample space in the rear yard to install a two-car detached garage and meet the minimum 5-foot-setback requirement, which is necessary space to satisfy the property owner’s needs and is a property characteristic not always available to other owners of smaller R-1 zoned properties. The R-1 bulk regulations apply to all residential properties in the R-1 zoning district, regardless of their characteristics, with the intention of promoting developments whose setback distance from property lines is consistent with other R-1 zoned properties throughout the City. Allowing an existing roof structure that does not meet minimum setback requirements to be enclosed sets a precedent for additional reduced structure separation areas on residential lots.

PZB Additions or Modifications (if necessary): _____

_____.

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

Comment: The subject property is a corner lot 70 feet wide and 7,000 square feet in area, which exceeds the minimum lot size requirement for a corner lot in the R-1 district. These dimensions are larger than many corner lots within the City in R-1 district. Even with the existing 1,698-square foot residence, there is still space to construct an enclosed garage structure whether attached or detached. It has been noted that the existing roof structure is non-conforming and there safety and security concerns associated with an open parking area. However, *these are conditions of the existing development on the property—not unique physical conditions of the subject property itself*, which is the basis of this variation standard. Further, the petitioner is still able to utilize the structure as is without any changes. Thus, the request appears to be more of a personal preference of the property owner instead of a definable physical condition.

PZB Additions or Modifications (if necessary): _____

_____.

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

Comment: While the subject property's location, size, and development 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. Even at 70 feet in width and 7,000 square feet in area, the subject property provides adequate space for the existing residence and garage without any unique physical conditions present. It is staff's opinion that the proposal does not adequately utilize the available space and access on the site or appropriately designs the proposed garage to avoid the need for a variation.

PZB Additions or Modifications (if necessary): _____

- 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 interior side yard setback does not deprive the property owners of substantial rights. First, while home owners are able to construct an enclosed garage, as permitted by the R-1 district regulations, having the ability to construct an enclosed garage structure, in and of itself, is not a right granted to property owners. Enforcing the setback requirements does not deny the property owners from constructing an enclosed garage structure on their property or address the importance of safety and security associated with an enclosed garage, but requires said enclosed garage structure to conform with the applicable setback requirements that apply to all R-1 zoned properties. Regarding the request to convert the existing roof structure and increase the degree of an existing non-conformity, the PZB may ask itself if this is a right to which Des Plaines property owners are entitled given there are available alternatives to achieve the functional, security, and safety needs of the petitioner elsewhere on the subject property.

PZB Additions or Modifications (if necessary): _____

- 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 provide a special privilege for the property owner not available to other single-family residential properties. As written under Standard No. 2, there are other single-family residences with similar lot characteristics and others that are non-conforming in size and area. Other corner lots in Des Plaines of various sizes and shapes have designed an enclosed garage structure that have met the required setback regulations, while others have requested and received variations. 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 determines the applicant has exhausted design options that do not require a variation. In this case, there

are different design options and positions for the enclosed garage structure elsewhere on the subject property, given the buildable space to the south. Granting a variation for this design at this location, when other viable options are available elsewhere on the property, could be too lenient and tread into the territory of allowing a special privilege.

PZB Additions or Modifications (if necessary): _____

_____.

- 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 attached garage is largely for the benefit of the property owner. For one, the existing covered parking area underneath the roof structure and driveway are able to accommodate multiple vehicles. Moreover, this off-street parking area could be replaced in the rear yard on the south portion of the property with a new driveway and enclosed detached garage structure. The existing roof structure and the proposal to enclose it for an attached garage use is not harmonious with other residences in the R-1 district and does not align with Chapter 7: Water Research Management of the Comprehensive Plan as the proposal would arguably further impact stormwater drainage on the property. There are reasonable options for designing a garage garage to create an enclosed and secure parking area on site without needing relief from the setback requirements.

PZB Additions or Modifications (if necessary): _____

_____.

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

Comment: There are alternatives to the proposed setback variation being requested as provided by the petitioner in the attached Alternative Garage Plans. One of these alternatives includes the removal of the driveway off Pratt Avenue and the construction of a detached garage and driveway surface at the rear of the property accessed by Sycamore Street, which would achieve the petitioner's primary goal of obtaining an enclosed and secure parking area. The PZB may wish to ask why certain alternative designs are not feasible.

PZB Additions or Modifications (if necessary): _____

_____.

8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.

Comment: The approval of the setback reduction may provide relief for the petitioner given their current proposal. However, staff argues that the alleged hardship related to the safety, security, and functionality associated with an enclosed two-car garage could be satisfied with alternative proposals that better utilize the available property and meet the setback requirements for all structures. And while the conversion of the existing roof structure into an attached garage may be more convenient and less intensive than the alternative plans, these are not factors in staff’s analysis that demonstrate a true hardship or practical difficulty.

PZB Additions or Modifications (if necessary): _____

_____.

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. 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 approves the request, staff recommends the following conditions.

Conditions of Approval:

1. No easements are affected or drainage concerns are created.
2. Fire-rated walls will be required for the entire east elevation and in all areas where the structure is setback less than five feet from the property line.
3. All appropriate building permit documents and details, including dimensions and labels necessary to denote the addition, must be submitted and approved for the proposed project. 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: Petitioner’s Responses to Standards for Variation
- Attachment 2: Location and Zoning Map
- Attachment 3: Plat of Survey
- Attachment 4: Site & Context Photos
- Attachment 5: Existing Condition Photos
- Attachment 6: Site Plan
- Attachment 7: Floor Plan
- Attachment 8: Elevations
- Attachment 9: Alternative Garage Plans

Revised: 21 March 2023

S J W

56 Lake Street, Oak Park, Illinois 60302

**ARCHITECTS
& ASSOCIATES, INC.**

Voice 708 305 0517

Des Plaines IL, Community and Economic Development

Standards and Deviations for 2805 Sycamore Street

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.

Response:

- a. The main reason this is a hardship is because reducing this space with a 5 foot setback minimizes the functionality of having a two car garage, thereby rendering the space as only effective for a one car garage. The US 2020 Census indicates that for Des Plaines, IL 19.8% of the population have (1) car or less and so 80.2% of the population has (2) cars or more. Therefore, having a (1) car garage is a non-starter.
 - b. The residents of 2805 Sycamore currently have an open-air covered parking area; that is a covered space whereupon they park their cars in the open air under the cover. Mrs. Shiney Jose currently works for the Hines Veterans Hospital and returns home after work late at night. The residents feel that it is dangerous, given the recent crime in the vicinity of their home. They require an enclosed garage to ensure adequate safety and overall comfort.
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 non-conforming; 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.

Response:

- a. The Des Plaines Planning Department has stated that the home already has a non-conforming structure (the open air covered parking). The Owner cannot comply with the existing 5'-0" set back because of the physical land restraints in which the current open air covered parking exists in order to achieve any

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semblance of a two-car garage. In view of the existing non-conformity it is not very far to go to construct an enclosed garage.

- b. This lot is exceptional as compared to other residential lots as it does not provide the level of comfort and security one expects from their home regarding having an enclosed garage. The peculiar physical conditions is that the existing covered parking area abuts an existing property without the required 5 foot setback. To clarify as a covered parking area the Owner requires a variance to the zoning rules and regulations.
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.

Response:

It is true that this physical reality existed and was not self-created. Nor was this condition the result of direct governmental action or created by natural forces.

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 of other lots subject to the same provision.

Response:

- a. As indicated in Item 1 above the 5' setback denies the Owners of this lot a measure of safety and comfort otherwise enjoyed by Owner's of typical lots that do have enclosed garages. See additional sketch showing alternatives as to where to place a garage on this property that indicates the difficulty and why the current sketch is the optimum proposal.
 - b. The less than one foot setback does not deprive the abutting owner (1761 Pratt Ave.) of their safety since the existing fence near the property will remain after construction, their level of safety and security is not diminished.
 - c. As a matter of enjoining the larger idea expressed in Standard #4, this standard discusses **substantial** rights, not just rights. Substantial rights are those possessed by humans in an ordered society, and involves the rights to be human (life, liberty and happiness) as opposed to procedural rights. It has been indicated that having an enclosed garage is not a (substantial) right but a convenience. This language coloring an enclosed garage as a mere convenience dismisses, derides and discounts the human importance of having the safety of an enclosed two car garage since not only is it a betterment of the property and thus the Village but it is an important (and for this family) and necessary human convenience that enables pursuit of their life, liberty and happiness.
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

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available to Owners or occupants of other lots subject to the same provision, nor merely the inability of the Owner to make money from the use of the subject lot.

Response:

- a. Altering the structure to meet the current code requirements will reduce the space to a one car garage, which is not in the Owner's interest. In addition, it will substantially alter the look of the house (regarding the existing roof) from what is had been previously for many years. Therefore, as has been stated it is necessary to encroach on the five-foot setback.
 - b. The Owner and his Architect are not able (since we do not have access to the data) to determine whether this gives the current Owners a special exception not available to others. Nor are we in the position to determine how many other property owners have already availed themselves of this special provision. Regarding this, the reality is that this is not a significant exception given that there already exists a covered open air car space and we are simply asking to wall in the existing structure.
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.

Response:

- a. In regard to R1 Single Family District (Section 12-7-2D) the following respond to those provisions:
 - i. Purpose: The purpose of the R-1 Single-Family Residential District is to provide for and preserve single-family residential environments at the lowest density within the City.
Our proposal does not change the single family residential environment.
 - ii. Permitted Uses: The uses permitted in the R-1 Single-Family Residential District are set forth in table 1, "Residential Districts Use Matrix", of this section.
Our proposal does not infringe upon this matrix.
 - iii. Conditional Uses: The uses allowed as conditional uses in the R-1 Single-Family Residential District, pursuant to section 12-3-4, "Conditional Uses", of this title, are set forth in table 1, "Residential Districts Use Matrix", of this section.
Our proposal does not contemplate any other conditional use.
 - iv. Bulk Regulations: The bulk regulations that apply to the R-1 single-family residential district are listed within table 2, "Residential Districts Bulk Matrix", of this section.
Our proposal infringes on the 5' side yard for R-1, and that is what this exception is contemplating.
- b. Regarding variation provisions (Section 12-3-6F) standards and variations, responses to those variations are part of this petition.

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- c. Regarding the comprehensive plan, the residence is part and parcel of the existing housing stock and is inclusive in the stated desire for the City of Des Plaines' diversity plan. In addition, note that on page 37 of the Comprehensive plan, it states "mix of housing types needed to allow residents to age in place and to provide homes for teachers, nurses and other members of the community." In fact, Mrs. Jose is engaged in the nursing profession and this potential accommodation would be portrayed as in sync with this aspect of the goals and aspirations of the comprehensive plan.
 - d. The proposed garage masonry infill would maintain the same set back from the street as currently exists. The surrounding lots do not have any further set backs from the street line. Regarding the setback from the adjacent property owner, the masonry infill would not impose a disharmonious status, in fact it would add a level of harmony because it would form a pleasing and consistent masonry whole as opposed to the inchoate form that now exists.
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.

Response:

An alternate proposal was drawn (by constructing the garage as a separate entity on the other side of the lot) but this presented more difficulties and code variances that the simplicity of the variance we are currently proposing. See the attached alternate plans as part of this petition. These alternate exhibits show do not solve the problem and only add additional problems, such as a new curb cut, similar side yard restraint, more paved area, etc. In fact these same sketches were previously shown to a representative of the City and were discouraged.

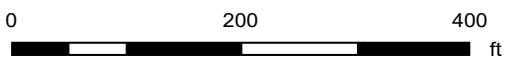
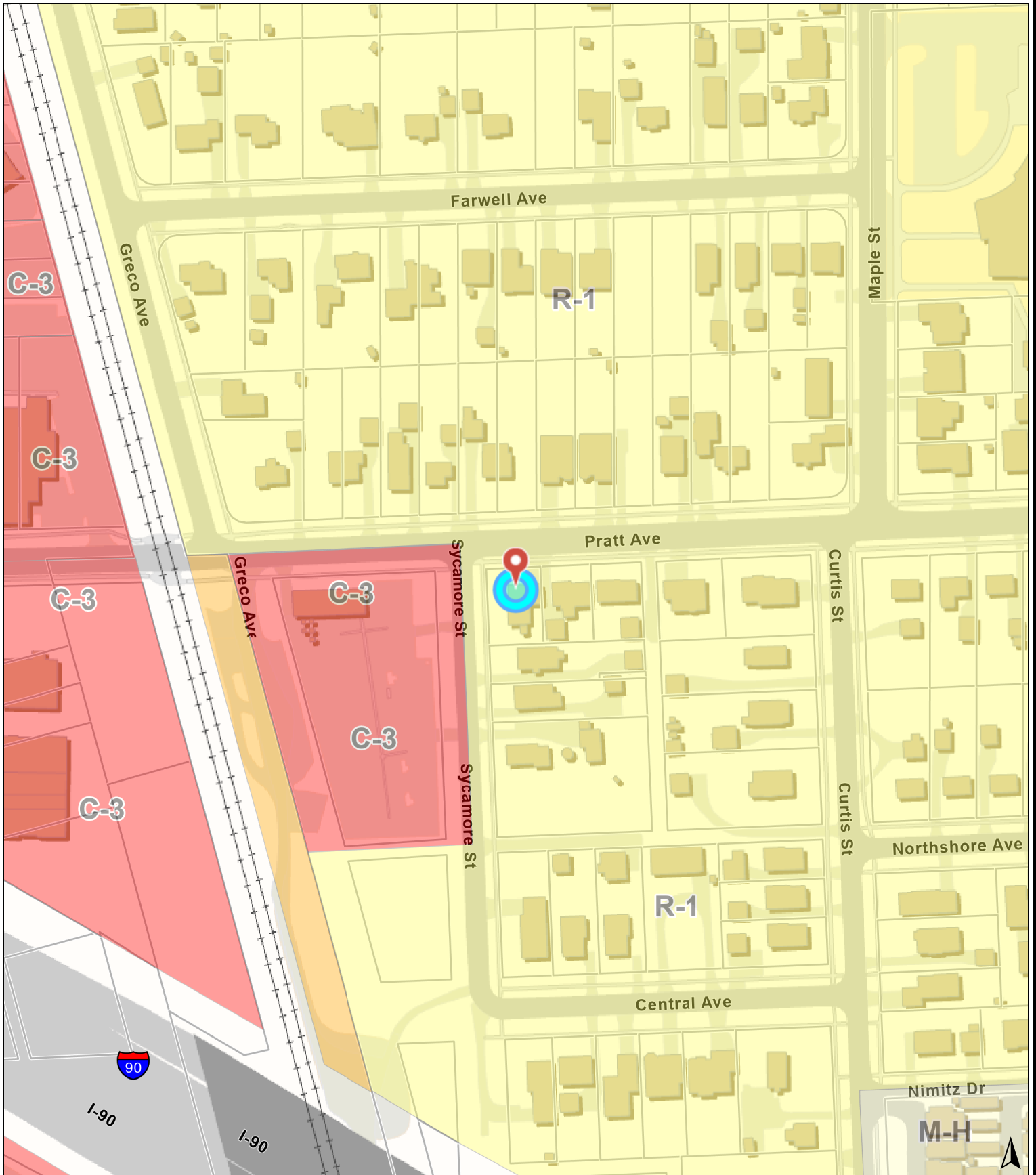
8. Minimum required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.

Response:

Yes, our proposal is the minimum measure of relief. Its simplicity cannot be overstated and will serve the current Owners desire to have a covered garage and alleviate their hardship.



Stan Weisbrod, NCARB, LEED AP
Principal
SJW Architects & Associates, Inc.



Print Date: 3/24/2023

Notes

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

EXHIBIT "F" CURRENT PLAT OF SURVEY 2805 SYCAMORE

TOPOGRAPHIC SURVEY
BOUNDARY SURVEY
ALTA/NSPS LAND TITLE SURVEY
CONDOMINIUM SURVEY
MORTGAGE INSPECTION

HYLTON E. DONALDSON PROFESSIONAL LAND SURVEYOR

10848 SOUTH HALSTED STREET, CHICAGO, IL 60628
TEL:(773) 253-8539 OFFICE CELL:(708) 897-7798 WAYLSURVEY@YAHOO.COM

PLAT OF SURVEY



THE WEST 70 FEET OF LOTS 41, 42, 43 AND 44 (EXCEPT THE NORTH 3 FEET OF LOT 44) IN BLOCK 1 IN SCOTT'S RESUBDIVISION OF BLOCKS 1 AND 2 AND PART OF BLOCKS 4 AND 6 IN ORCHARD PLACE, IN SECTION 33, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 25, 1892 AS DOCUMENT 1617466 IN BOOK 52 OF PLATS, PAGE 19, IN COOK COUNTY, ILLINOIS.

LAND TOTAL AREA: 7000 SQ. FEET = 0.161 ACRE

COMMONLY KNOWN AS: 2805 SYCAMORE STREET, DES PLAINES, ILLINOIS.

FIELD WORK WAS COMPLETED ON:
OCTOBER 7, 2022

CAD: JJ FIELD WORK: RA
CHECK BY: HD

ORDER NO. 2022-4301

SCALE: 1 INCH = 16 FEET

DATE: OCTOBER 14, 2022

ORDERED BY: JOSE GEORGE

LEGEND:

- M=MEASURED DISTANCE
- R=RECORDED DISTANCE (DEED)
- — — — — PROPERTY LINE
- x-x-x- CHAIN LINK FENCE
- o-o-o- WOOD FENCE
- o-o-o- IRON FENCE
- x-x-x- PLASTIC FENCE

NOTES:

- NO TITLE INSURANCE POLICY PROVIDED FOR SURVEYOR.
- THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREON DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY IT SHOULD BE COMPARED WITH THE TITLE OR DEED.
- DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.
- FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO YOUR DEED, TITLE POLICY AND LOCAL ZONING ORDINANCE, ETC.

STATE OF ILLINOIS } ss.
COUNTY OF COOK }

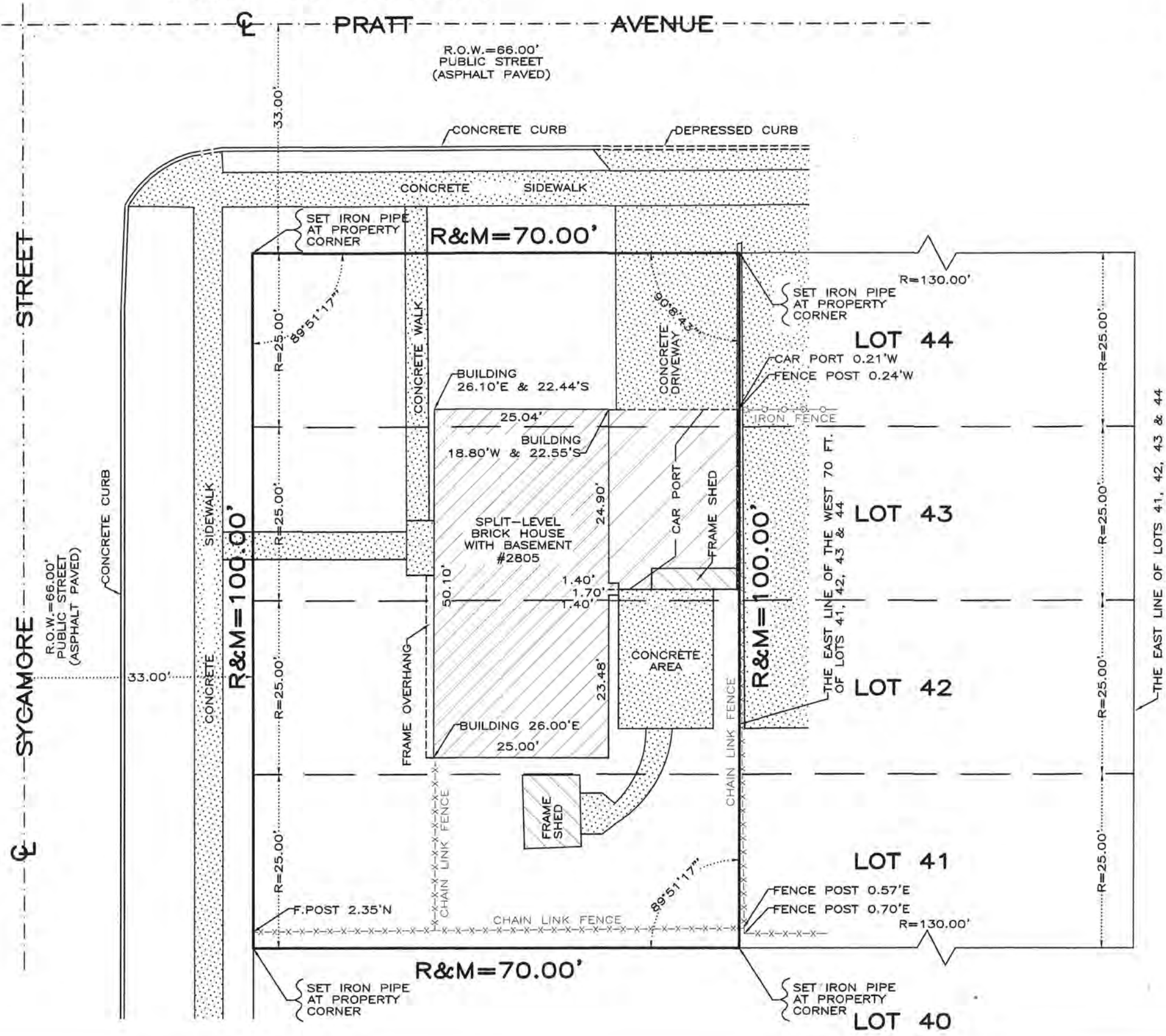
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

I, HYLTON E. DONALDSON, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

Hylton E. Donaldson

HYLTON E. DONALDSON, PROFESSIONAL LAND SURVEYOR
NO. 035-002819, STATE OF ILLINOIS,

MY LICENSE EXPIRES NOVEMBER 30, 2022.





2805 Sycamore St – Public Notice & Residence Entrance



2805 Sycamore St – Looking Northeast at Rear Yard



2805 Sycamore St – Close-up of Roof Structure & Driveway



2805 Sycamore St – Looking South at Roof Structure & Driveway

SJW

ARCHITECTS
& ASSOCIATES, INC.

56 Lake Street, Oak Park, Illinois 60302

Voice 708.305.0517



EXHIBIT "G" SITE PLAN, 2805 SYCAMORE

REV. 9, 2022

TOPOGRAPHIC SURVEY
BOUNDARY SURVEY
ALTA/NSPS LAND TITLE SURVEY
CONDOMINIUM SURVEY
MORTGAGE INSPECTION

HYLTON E. DONALDSON PROFESSIONAL LAND SURVEYOR

10848 SOUTH HALSTED STREET, CHICAGO, IL 60628
TEL: (773) 253-8539 OFFICE CELL: (708) 897-7796 WAYLSURVEY@YAHOO.COM

PLAT OF SURVEY



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STATE OF ILLINOIS }
COUNTY OF COOK. } SS.

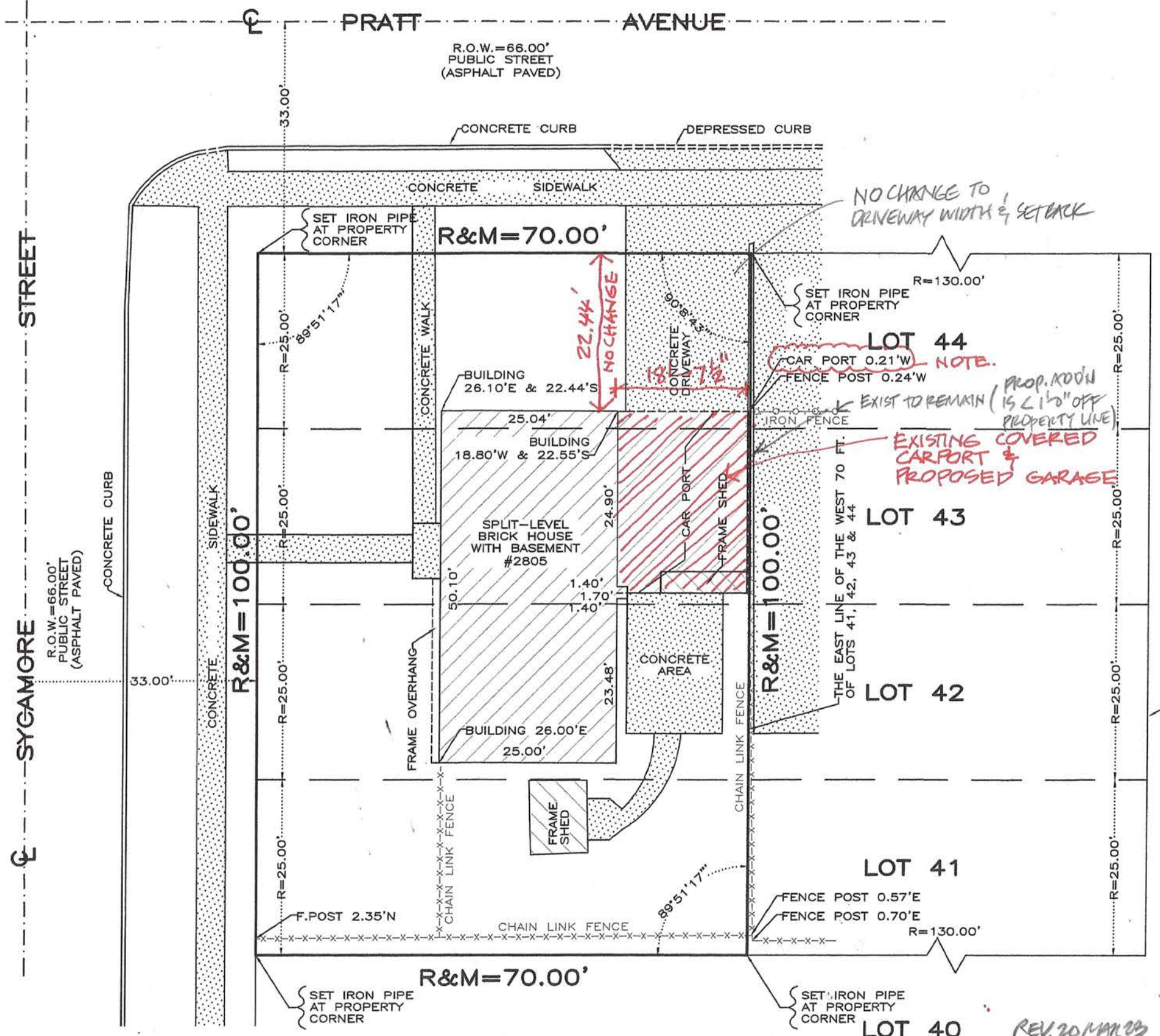
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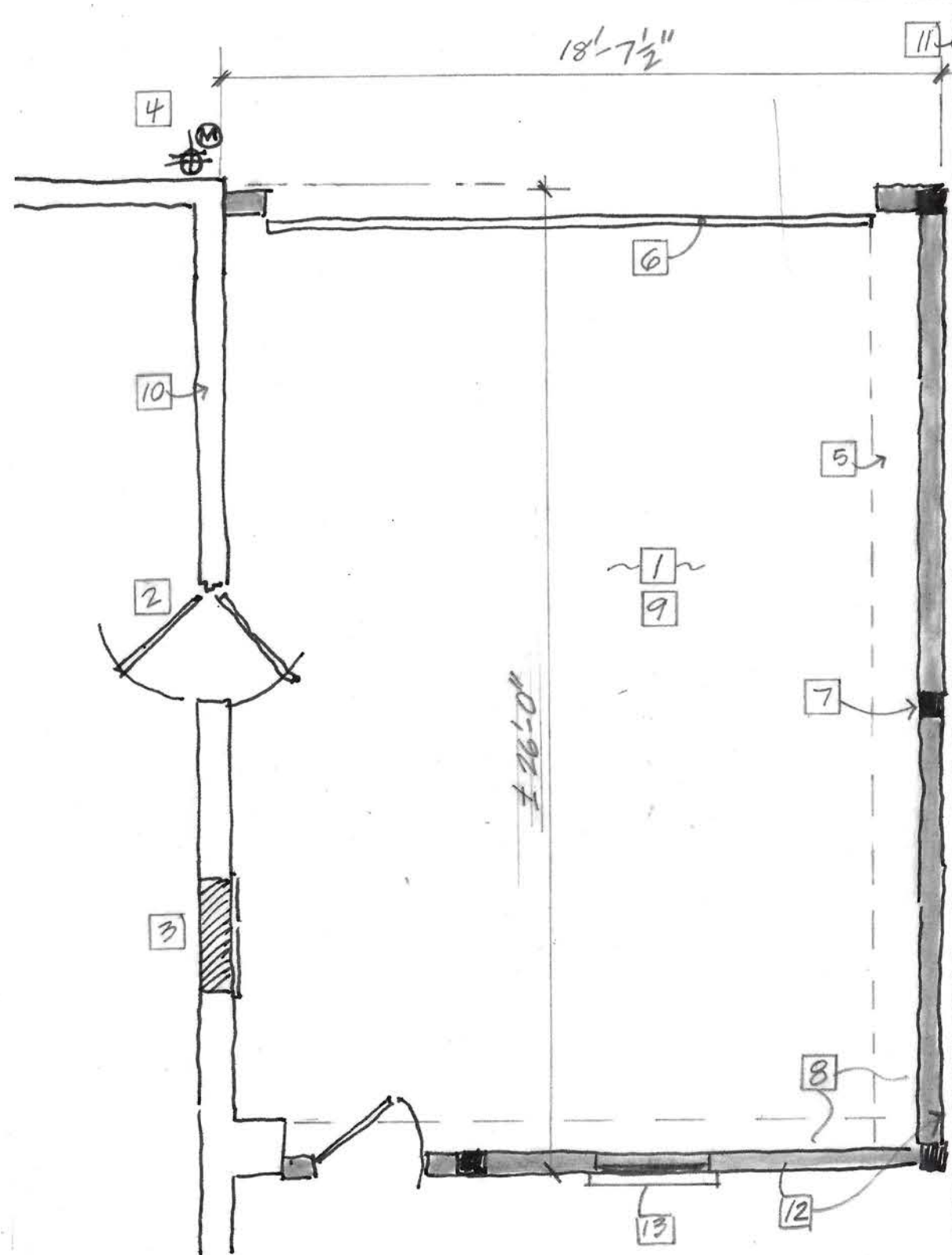
HYLTON E. DONALDSON, PROFESSIONAL LAND SURVEYOR
NO. 035-002819, STATE OF ILLINOIS,

MY LICENSE EXPIRES NOVEMBER 30, 2022.



REV. 20 MAR 23

EXHIBIT "H-2" FLOOR PLAN 2805 SYCAMORE



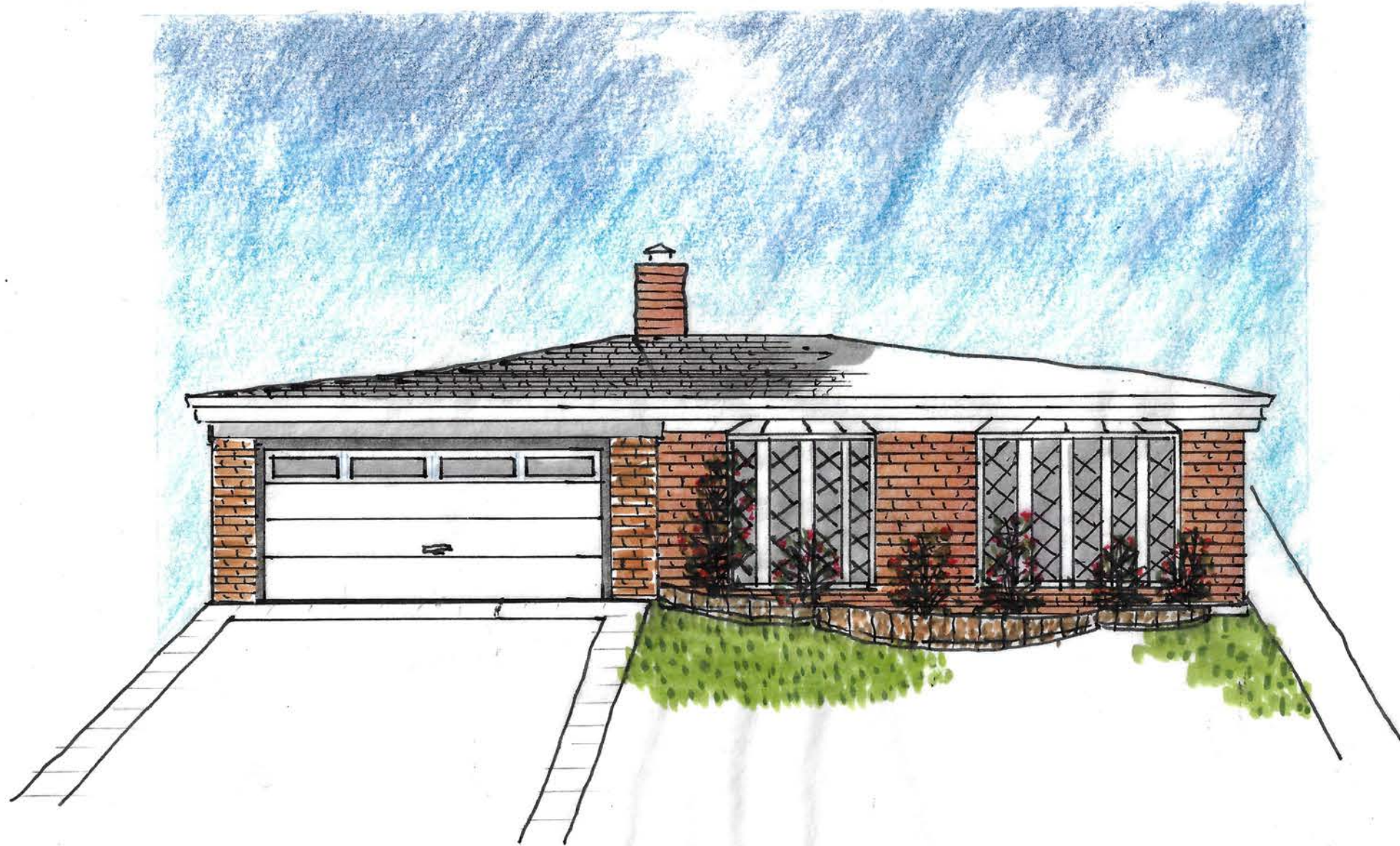
PARTIAL FLOOR PLAN
1/4" = 1'-0"

NOTES

1. EXIST. CONC. SLAB & CARPORT STRUCTURE TO REMAIN
2. PROVIDE NEW MTL RATED DOOR
3. BRICK-IN EXISTING WINDOW
4. RELOCATE GAS METER
5. NEW 5" THK CONC. DOWEL-IN FOR NEW PIER/WALL FOOTING
6. NEW INSULATED MOTORIZED GARAGE DOOR (16'-0" x 7'-0")
7. EXIST. WD. COLUMNS - UNDER PIN FOR NEW CONC. PIER
8. TYPICAL - BRACE STRUCTURE DURING REHAB FOR NEW (1) HR RATED WALL
9. EXIST. ROOF STRUCTURE TO REMAIN
10. EXIST. HOUSE STRUCTURE - NO DIMENSIONAL CHANGE
11. PROPERTY LINE - SEE SITE PLAN
12. NEW BRICK FACINGS TO MATCH EXISTING
13. NEW WINDOW.

R. 4 FEB. 2013 5 DEC. 2012

EXHIBIT "H-1" ELEVATION 2805 SYCAMORE



AS POSSIBLE
MATCH BRICK
COLOR

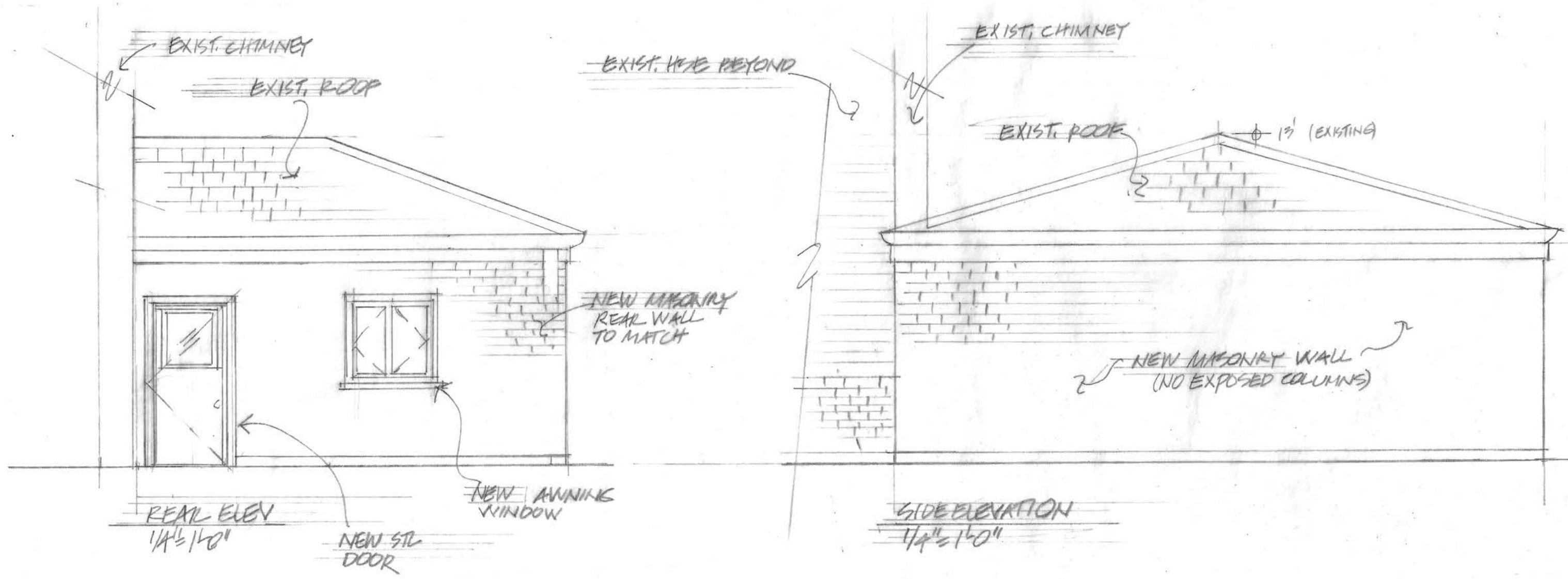


GARAGE
WINDOW

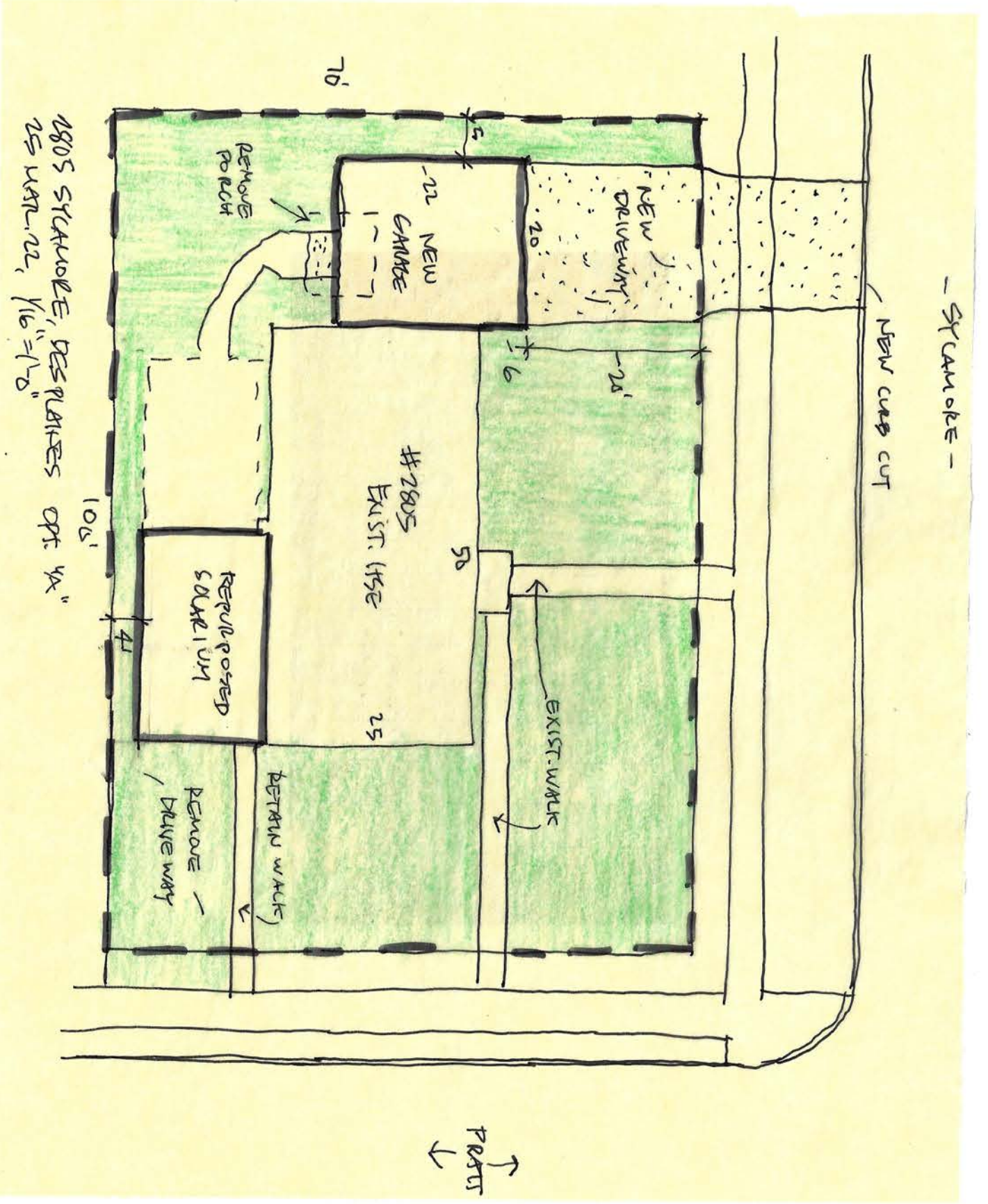
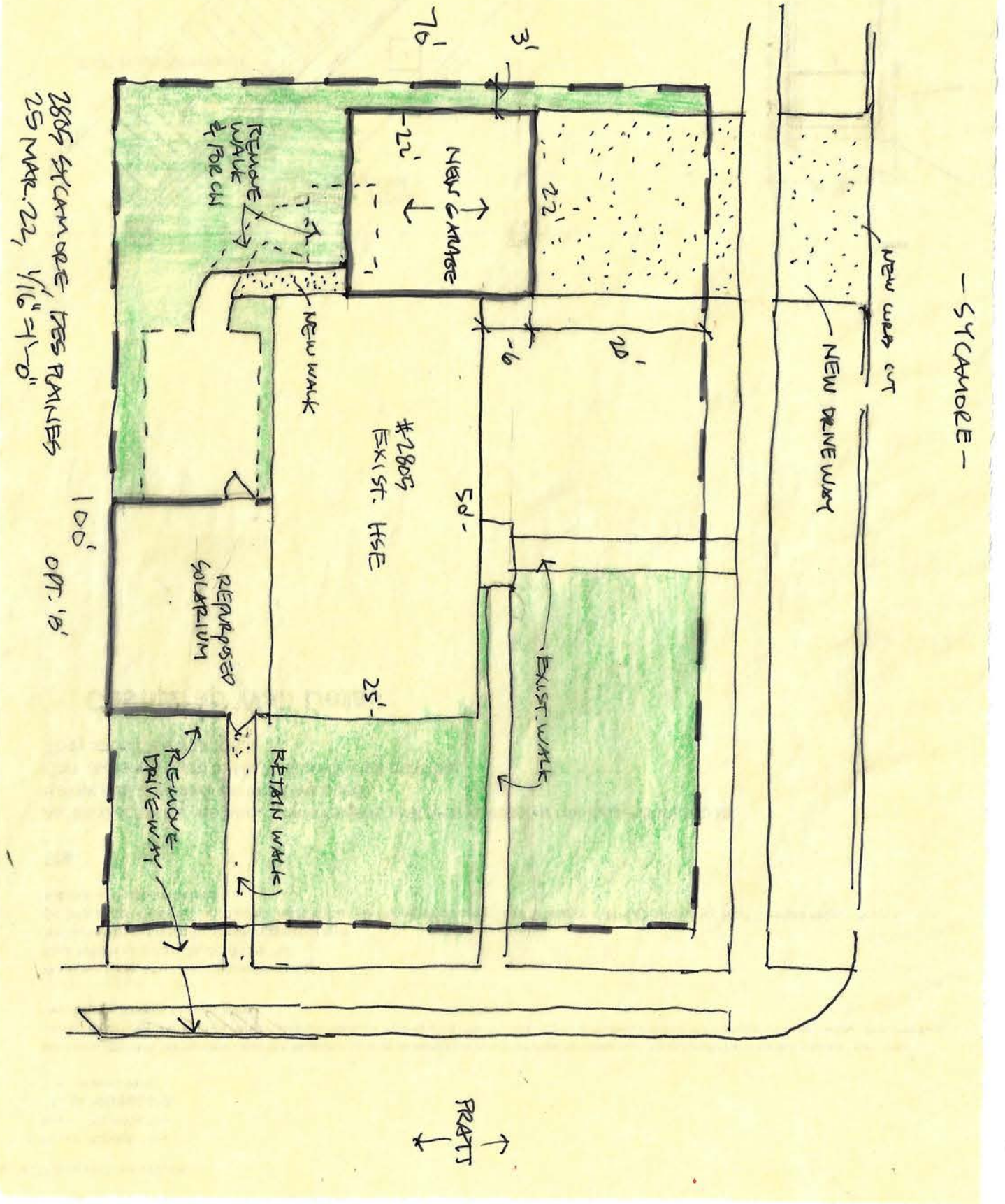
ARCHITECT:
SJW
ARCHITECTS & ASSOCIATES
56 LAKE STREET
OAK PARK, ILLINOIS, 60302
P.708.305.0517

REV 5 FEB. 23

EXHIBIT H-4 ELEVATIONS 2805 SYCAMORE



REV. 20 MAR 23
5 FEB, 2023





MEMORANDUM

Date: March 23, 2023
To: Planning and Zoning Board (PZB)
From: Jonathan Stytz, AICP, Senior Planner JS
Subject: Consideration of a Standard Variation for Building Coverage in the R-1 District at 2109 Eastview Drive, Case #23-009-V (5th Ward)

Issue: The petitioner is requesting a Standard Variation to allow a total building coverage to 31.60 percent where a maximum of 30.00 percent is permitted for an interior lot in the R-1 district.

Address: 2109 Eastview Drive
Petitioner: Ban Bahrani and Badi Aisalami, 2109 Eastview Drive, Des Plaines, IL 60018
Owner: Ban Bahrani and Badi Aisalami, 2109 Eastview Drive, Des Plaines, IL 60018
Case Number: 23-009-V
Real Estate Index Number: 09-29-308-010-0000
Ward: #5, Alderman Carla Brookman
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 (Residential)
South: Single Family Residence (Residential)
East: Park (Recreation)
West: Single Family Residence (Residential)

Street Classification: Eastview Drive is classified as a local road.

Comprehensive Plan: The Comprehensive Plan illustrates the site as residential.

Zoning/Property History: Based on City records, the subject property was annexed into the city in 1959 and has been utilized as a single-family residence. In 2017, a building permit was approved for an interior remodel of the lower level of the residence to add a dedicated laundry/mechanical area, restroom, and lower level living space. Aside from the existing 1,883-square foot residence, there are no other structures constructed on the subject property. As such, the current building coverage is 1,883 square feet or 26.9 percent of the total property area (7,000 square feet).

Project Description:

Overview

The petitioners, Ban Bahrani and Badi Aisalami, have requested a standard variation to allow a total building coverage of 31.60 percent in order to construct a one-story addition onto the existing residence in the R-1 Single Family Residential district at 2109 Eastview Drive. The maximum building coverage allowed for this zoning district is 30 percent. As defined in Section 12-13-3 of the Zoning Ordinance, building coverage is “the percentage of the surface area of a zoning lot that is occupied by principal buildings and any accessory buildings and structures. All areas of buildings or structures covered by a roof are included in building coverage.”

The subject property consists of a single, 7,000-square foot (0.16 acre) lot with an 1,883-square-foot 1½-story brick house, residential walkways, a concrete patio, and concrete driveway off Eastview Drive as shown in the attached Plat of Survey and the attached Photos of Existing Conditions. The petitioners propose to replace the existing concrete patio area located at the southeast corner of the residence with a new 322-square-foot addition for use as an expanded kitchen area and living space. For additional information on the proposal, please see the attached Site Plan and Project Narrative.

The proposed 322-square-foot addition to the residence by the petitioners increases the overall building coverage to 2,205 square feet or 31.6 percent of the total property area, in violation of Section 12-7-2.J restricting building coverage of interior lots in the R-1 district to no more than 30 percent and requiring a standard variation.

Proposed Floor Plan & Elevations

The proposed addition will be about 8¾ feet in height compared to 8¼ feet in height of the remainder of the first (main) level of the residence. It also notes that the addition will be notched in slightly from both the south elevation and east elevation of the existing residence resulting in a 5¼-foot setback from the south property line—in conformance with the required minimum 5-foot-side-yard setback—as shown on the attached Site Plan.

The existing split-level residence consists of three levels, each with separate living spaces as shown on the attached Architectural Plans. The table below compares the proposed floor plan changes included with the proposal.

Level	Existing Area (SF)	Proposed Area (SF)
Lower Level ¹ <ul style="list-style-type: none"> • Living area • Laundry/mechanical • Restroom 	Total: 427 SF <ul style="list-style-type: none"> • 221 SF • 147 SF • 59 SF 	Total: 436 SF <ul style="list-style-type: none"> • 233 SF • 143 SF • 60 SF
First (Main) Level <ul style="list-style-type: none"> • Second Living / Dining area • Kitchen • Foyer and closet area • Attached garage • Family Room (Proposed Addition)² 	Total: 1,195 SF <ul style="list-style-type: none"> • 561 SF • 150 SF • 108 SF • 376 SF • N/A 	Total: 1,499 SF <ul style="list-style-type: none"> • 484 SF • 244 SF • 73 SF • 376 SF • 322 SF
Second (Upper) Level ³ <ul style="list-style-type: none"> • Bedroom 1 • Bedroom 2 • Bedroom 3 • Hallway • Restroom 	Total: 675 SF <ul style="list-style-type: none"> • 199 SF • 111 SF • 159 SF • 61 SF • 91 SF 	Total: 675 SF <ul style="list-style-type: none"> • 199 SF • 111 SF • 159 SF • 61 SF • 91 SF

Building Design Standards

Section 12-3-11 of the Zoning Ordinance requires that building design standards are met for projects that consisting of “additions to principal structures resulting in greater than a fifteen percent change of gross floor area.” Since the proposal does result in a greater than 15 percent change in floor area (17 percent), the exterior building material regulations in this section are required to be met.

In regard to exterior building materials, the exterior elevation drawings of the attached Architectural Plans identify that the new addition will be constructed with face brick (a permitted ground story material for detached single family residences) and it will match the brick on a majority of the residence.

As for the transparency requirements, these are not required as this regulation is only required on street-facing elevations. Since the proposed addition area faces the side and rear property boundaries, it does not need to comply with the blank wall limitations that restrict the amount of windowless area permitted on a building façade in Section 12-3-11 of the code. However, the proposal does include the addition of a large window area on both the south and east building elevations.

¹ Proposed changes on the lower level including the filling-in of the window in the laundry/mechanical room and installing full counter top and cabinets with washer/dryer; slight increase of 9-square-feet in area proposed.

² Adds a new 322-square-foot addition that replaces the existing outdoor concrete patio area with a 253-square-foot family room area and 69-square-foot overhang area that is not habitable.

³ No proposed changes.

Comparison of Surrounding Properties

The petitioner has argued that many interior lots along Eastview Drive exceed 30 percent in building coverage pursuant to the Des Plaines Geographic Information System (GIS) map. However, this service is utilized as a reference and does not accurately represent the building coverage of all structures on properties. Scaled site plans or surveys would be required to determine the exact dimensions of each structure and lot to calculate building coverage. In addition, it is not standard practice to approve a variation based on existing non-conformities in a neighborhood. Variations are meant to be reviewed on a case-by-case basis, examining any uniqueness and hardship presented by the conditions of a *specific property*. Comparison of the variation request with the Zoning Ordinance and comprehensive plan are discussed in staff's responses.

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

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

Comment: Considering the other opportunities available, the zoning challenges encountered do not rise to the level of hardship or practical difficulty. First, the existing residence has a second (upper) level that could be expanded to make room for additional living space, which could satisfy the property owner's needs. Moreover, the size of the subject property (7,000 square feet) is larger than many interior lots in Des Plaines and larger than the minimum 6,875-square-foot interior lot size required. Due to the size, the property has space for a larger building than most other interior lots subject property to have more building coverage than many other interior lots based on the building coverage allowance of 30 percent of the total lot area and is a property characteristic not always available to other owners of smaller R-1 zoned properties. The existing split-level design of the residence may pose some design challenges to the petitioner, including the lack of use of the 69-square-foot overhang area on the residence's south elevation. However, this does not deny the petitioner the ability to construct an addition on the property, but rather limits the size of the addition.

PZB Additions or Modifications (if necessary): _____

_____.

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

Comment: The subject property is an interior lot 56 feet wide and 7,000 square feet in area, which exceeds the minimum lot size requirement for an interior lot in the R-1 district. As this is not always the case for corner lots in the R-1 district—some of which with non-conforming lot widths and areas—this does not qualify as a physical constraint of the property. The existing 27 percent building coverage of the lot is not unique either as other interior residential lots in the city have constraints based on existing large developments positioned on smaller lots. The GIS map noted by the petitioner is a reference tool and not an accurate source for determining building coverage. Thus, the request appears to be more of a personal preference of the property owner instead of a definable physical condition.

PZB Additions or Modifications (if necessary): _____

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

Comment: While the subject property’s location, size, and development 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. Even at 56 feet in width and 7,000 square feet in area, the subject property provides adequate space for a single-story or second-story addition without any unique physical conditions present. As such, the proposal does not adequately utilize the available space on the site or appropriately designs the proposed addition to avoid the need for a variation.

PZB Additions or Modifications (if necessary): _____

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

Comment: Staff’s review has concluded that carrying out the strict letter of this code for building coverage does not deprive the property owners of substantial rights. First, while home owners are able to construct an addition, as permitted by the R-1 district regulations, having the ability to construct an addition, in and of itself, is not a right granted to property owners. Enforcing the building coverage requirements does not deny the property owners from constructing an addition on their property but requires said addition to conform with the applicable building coverage requirements that apply to all R-1 zoned properties. One could also argue that the proposal could be redesigned to make a smaller single-story addition more functional, and would be permitted without a variation. PZB may ask itself if this is a right to which Des Plaines property owners are entitled.

PZB Additions or Modifications (if necessary): _____

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. Other interior lots in Des Plaines of various sizes and shapes have designed additions that meet the required building coverage regulations, and the petitioners have the ability to do so as well on the subject property. The aforementioned consideration for building coverage 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 addition that have not been considered by the petitioner. *The PZB may wish to ask what, if any, alternative plans the petitioner considered prior to requesting the variation request.* 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 should decide.

PZB Additions or Modifications (if necessary): _____

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 existing 1,883-square-foot residence is of considerable size for the lot, covering nearly 27 percent of the subject property. Also, the proposed addition exceeds the maximum building coverage allowed while creating 69 square feet of non-inhabitable space, which is neither functional nor practical and is not an effective use of the available space on the property. In addition, there are reasonable options for redesigning the proposed addition to create a functional living space without needing relief.

PZB Additions or Modifications (if necessary): _____

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

Comment: There are alternatives to the proposed building coverage variation being requested. There is an option to build up on a portion of the first (main) level. The Ordinance allows for up to 2½ stories or 35 feet of total building height, which is possible given the height of the existing first (main) level. A smaller single-story addition with a redesigned floor plan is also possible. The PZB may wish to ask why certain alternative designs are not feasible.

PZB Additions or Modifications (if necessary): _____

_____.

8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.

Comment: The approval of the additional building coverage may provide relief for the petitioner given their current proposal. However, staff argues that the alleged hardship related to the functionality associated with an enlarged kitchen and living space could be satisfied with alternative proposals that better utilize the available property and meet the building coverage requirement for the property. And while the anticipated location and work associated with a ground-level, single-story addition may be more convenient and less intensive than the alternative plans, such as a second-story addition, as these are not factors in staff’s analysis that demonstrate a true hardship or practical difficulty.

PZB Additions or Modifications (if necessary): _____

_____.

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. 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 approves the request, staff recommends the following conditions.

Conditions of Approval:

1. No easements are affected or drainage concerns are created.
2. That all appropriate building permit documents and details, including all dimensions and labels necessary to denote the addition are submitted as necessary for the proposal. 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: Project Narrative
- Attachment 2: Petitioner’s Responses to Standards for Variation
- Attachment 3: Location Map
- Attachment 4: Plat of Survey
- Attachment 5: Site & Context Photos
- Attachment 6: Existing Condition Photos
- Attachment 7: Site Plan
- Attachment 8: Architectural Plans

March 23, 2023

RE: Project Narrative for a Zoning Variance for 2109 Eastview Drive

An existing single-family residence with a proposed kitchen remodel and a one-story addition with brick veneer exterior to match existing over a crawl space with a continuous concrete foundation. The addition will have a flat roof that will match the existing height and extend from the existing house.

The scope of the project is to remodel and enlarge a small kitchen which is original to the house from 1962. The needs and lifestyle in 1962 were different than today. Especially since Ban and Badi want to age in place in their home.

As a result of enlarging the kitchen, some existing living area will be displaced. We propose an addition to replace this living space.

The reason for the variation is that the existing rear of the house has about a 44" overhang at the bedroom level at about 44" above grade. The area under this overhang will not be habitable space. As a result, the proposed addition will exceed the allowable building lot coverage of 2100 sf by 105 sf. (68.8 sf of which is uninhabitable.)

As a result, instead of the 30% allowable Building Lot Coverage, we are asking for a 31.6% Building Lot Coverage.

The exterior aesthetic characteristics of the existing house will be maintained through the addition. The addition will follow all required setbacks and will hardly be visible from the street.

The homeowners have a fondness for the neighborhood and their neighbors. They are longtime residents at that house and would like to age in place.

If you have any questions or require any additional information, I can be contacted at your convenience at 847-213-5236, if needed.

Sincerely,



Marc Lunardini

Registered Project Architect
Airoom Architects, Builders & Remodelers
6825 N. Lincoln Ave., Lincolnwood IL 60712
Direct: (847) 213-5236
Cell: (630) 248.9874
Email: mlunardini@airoom.com
Main office: 847.763.1100



Airoom Lincolnwood 6825 N. Lincoln Avenue • Lincolnwood, IL 60712 • 847.967.ROOM (7666)

Airoom Naperville 2764 Aurora Avenue • Naperville, IL 60540 • 630.364.7900

Airoom Online airoom.com

March 23, 2023

RE: Reasons for requesting a Variation for 2109 Eastview Drive

In order to understand your reasons for requesting a variation, please answer the following items completely and thoroughly (two to three sentences each). Variation applicants must demonstrate that special circumstances or unusual conditions prevent them from following the specific regulations of their zoning district. Applicants must prove that the zoning regulations, in combination with the uncommon conditions of the property, prevents them from making any reasonable use of the land. Keep in mind that no variation may be granted that would adversely affect surrounding properties or the general neighborhood.

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.

The existing house is a split level at which the existing overhang at the half story above grade creates an uninhabitable space at the rear of the house. This creates a situation where the footprint of the proposed addition needs to be larger than what is allowed in lot coverage to compensate for the uninhabitable area. As a result, in lieu of an allowable 30% building lot coverage, we are asking for 31.6% building lot coverage. Please see attached drawings.

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.

According to the G.I.S. Map of Des Plaines, more than 50% of the homes on the block are over the allowable 30% Building Lot Coverage. (See attached). Because of the uninhabitable space under the half story overhang, we are asking for 31.6% Building Lot Coverage. This would be less than most of the homes on the block.



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.

The homeowners did not create this situation. The design of the existing split-level home makes part of the proposed building lot coverage unusable.

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.

The homeowner wishes to have similar building lot coverage as most of the other homeowners on the block now have. According to the G.I.S. Map of Des Plaines, more than 50% of the homes on the block are over the allowable 30% Building Lot Coverage. Because of the uninhabitable space under the half story overhang, we are asking for 31.6% Building Lot Coverage. This would be less than most of the homes on the block. The homeowner would like to update and expand their existing small kitchen which was built in 1962. To give the homeowners a functional contemporary kitchen, the renovation and expansion eliminates some of the existing living area. We propose an addition to replace some of this living area. This addition will contain a more functional family room for a more contemporary lifestyle in which they can age in place. If we were to build an addition that conforms to the size of the allowable lot coverage, the room in the addition would be considerably smaller and not functional in the way the homeowner wishes to age in place due to the uninhabitable space under the bedroom level overhang.

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.

We do not think this is a special privilege or an additional right. The homeowners have a fondness for their neighborhood and want to age in place. The addition is to improve the homeowner's quality of life through improving and expanding their small kitchen that was built in 1962 and to create a functional living space. The homeowner wishes to have similar building lot coverage as most of the other homeowners on the block now have. According to the G.I.S. Map of Des Plaines, more than 50% of the homes on the block are over the allowable 30% Building Lot Coverage. All the lots that comprise the block are the same size as the applicant's property, except for the corner lot.

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.

Section 12-7-2.D of the Des Plaines Zoning Ordinance states the addition will be allowable because it falls within the permitted uses of the district as stated in the Residential Districts Use Matrix.

Granted, the footprint of the house will be enlarged, but the addition will be in harmony with the rest of the neighborhood. The addition will not be noticeable from the street and will follow both the rear and side yard setbacks. The addition will have brick veneer that will match the existing house.

Section 12-3-6.F of the Des Plaines Zoning Ordinance states that a variance can be granted to vary the maximum lot requirements set forth in the residential districts up to but not more than twenty percent (20%) of the applicable district requirement. The amount of proposed area for the addition that exceeds the maximum building lot coverage is less than 20% of the of the applicable district requirement.

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

The addition cannot be located anywhere else at the house because of level changes and setback restrictions. The proposed kitchen renovation and enlargement displaces some living area which is added back by the new rear addition. A 2nd floor addition will not work because the kitchen and living areas are at the 1st floor. If we were to build an addition in which the size would follow the allowable lot coverage, the room in the addition would be considerably smaller and not functional in the way the homeowner wishes for to age in place.



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

The addition needs to be larger than the allowable lot coverage to compensate for the uninhabitable space & to create a functional room. The size of the addition as shown allows for a functional and usable space to allow the homeowner to age in place.

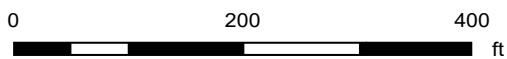
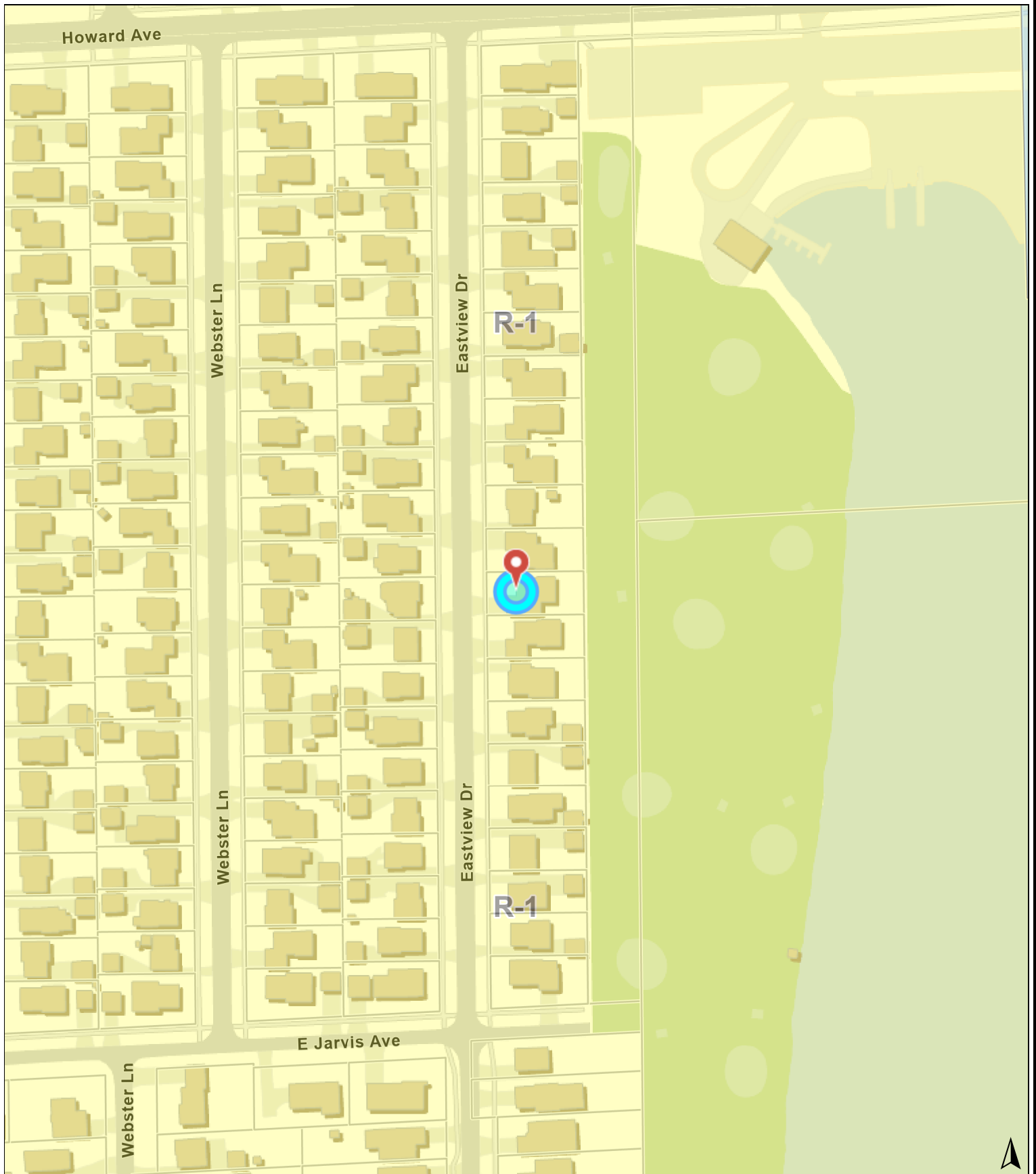
If you have any questions or require any additional information, I can be contacted at your convenience at 847-213-5236, if needed.

Sincerely,



Marc Lunardini
Registered Project Architect
Airoom Architects, Builders & Remodelers
6825 N. Lincoln Ave., Lincolnwood IL 60712
Direct: (847) 213-5236
Cell: (630) 248.9874
Email: mlunardini@airoom.com
Main office: 847.763.1100





Print Date: 3/24/2023

Notes

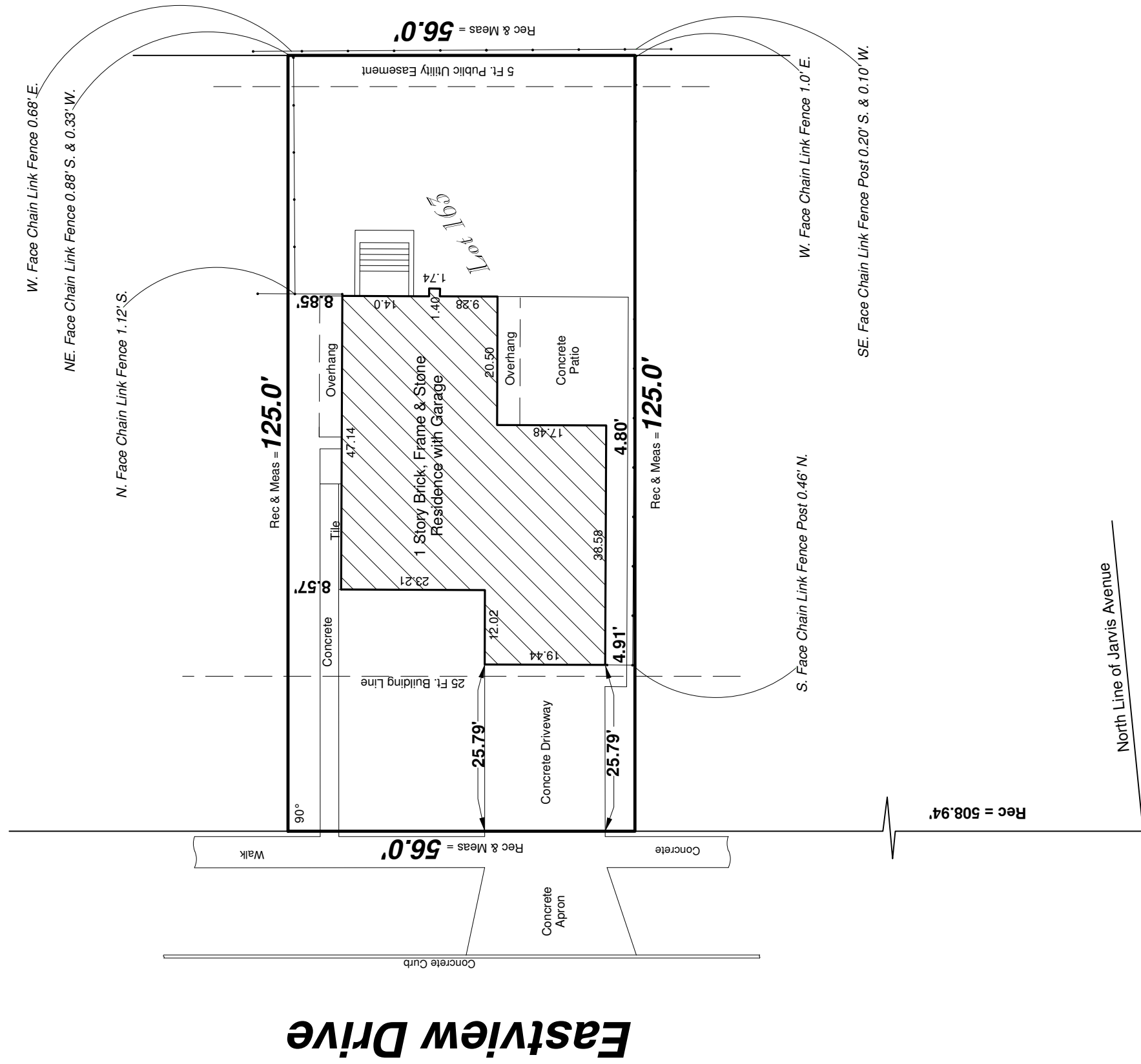
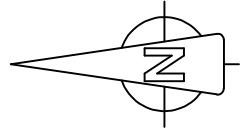
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Plat of Survey

Central Survey Company, Inc., 6415 N. Caldwell Ave., Chicago, Illinois 60646-2713
 Phone (773) 631-5285 www.Centralsurvey.com Fax (773) 775-2071

Legal Description

Lot 163 in Lakeview Towers Number 3, being a Subdivision of the Northwest 1/4 of the Southwest 1/4 (except the West 632 feet thereof at right angles measurement) in Section 29, Township 41 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois Commonly Known as: 2109 Eastview Drive, DesPlaines, Illinois
 Area of Land Described: 7,000 Sq. Ft.



This professional service conforms to current Illinois minimum standards for a boundary survey.

Legend

N.	=	North
S.	=	South
E.	=	East
W.	=	West
(TYP)	=	Typical
Rec	=	Record
Meas	=	Measure
St.	=	Street
Ave.	=	Avenue

Decimal/Inch Conversions
0.01' = 1/8"
0.02' = 1/4"
0.03' = 3/8"
0.04' = 1/2"
0.05' = 5/8"
0.06' = 3/4"
0.07' = 7/8"
0.08' = 1"
0.17' = 2"
0.25' = 3"
0.33' = 4"
0.42' = 5"
0.50' = 6"
0.58' = 7"
0.67' = 8"
0.75' = 9"
0.83' = 10"
0.92' = 11"
1.00' = 12"

NOTES: *Property corners were NOT staked per customer.
 *AutoCad file will not be provided under this contract. *For building restrictions refer to your abstract, deed, contract, title policy and local ordinances. *Assume no dimension from scaling upon this plat. *Compare all points before building and report any difference at once.

State of Illinois)
 County of Cook) S.S.

Central Survey LLC does hereby certify that an on the ground survey per record description of the land shown hereon was performed on Jan. 25, 2023 and that the map or plat hereon drawn is a correct representation of said survey. When bearings are shown the bearing base is assumed. Dimensions are shown in feet and hundredths and are correct at a temperature of 68° Fahrenheit.

Scale: 1 Inch equals 20 Feet.
 Ordered By: _____ Airroom _____
 Order Number: 2109G

Dated this 25th day of January 2023
 John M. Henriksen Professional Design Firm Land Surveying LLC (#184.005417)



2109 Eastview Dr – Looking Northeast at Front Yard



2109 Eastview Dr – Residence North and West Elevation



2109 Eastview Dr – Public Notice & Residence Entrance



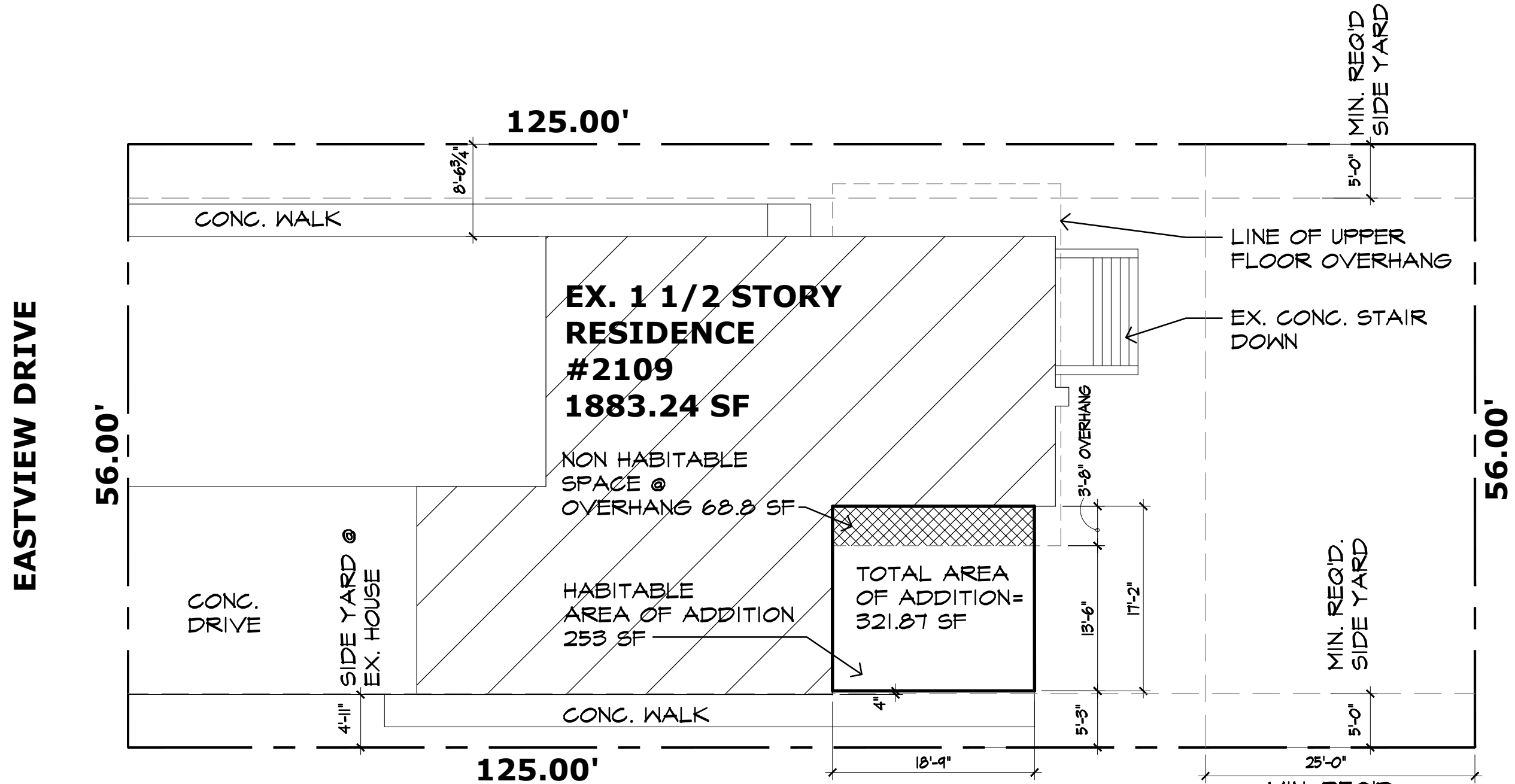
2109 Eastview Dr – Residence South Elevation (Proposed Addition)











ALLOWABLE

LOT AREA = 7000 SF
 BUILDING COVERAGE = .3 X 7000 = 2100 SF
 EXISTING HOUSE IS 1883.2 SF
 ALLOWABLE ADDITION = 216.8 SF

PROPOSED

LOT COVERAGE = 1883.24 + 321.87 = 2205.11 SF
 2205.11 / 7000 = 31.6 % PROPOSED LOT COVERAGE

N

SITE PLAN

3/32"=1'-0"

AIROOM
 ARCHITECTS & BUILDERS
 SINCE 1958
 Airoom Architects Corp.
 6825 N. Lincoln Avenue
 Lincolnwood, Illinois 60712
 Phone: (847)763-1100 Fax: (847)679-0446
 Website: www.airoom.com
 Email: info@airoom.com

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BAHRANI - ALSALAMI
BAN - BADI
2109 EASTVIEW DRIVE
DES PLAINES
PHI: 773.691.4076

3.22.23

SITE PLAN

01-52-220110

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AIROOM

ARCHITECTS · BUILDERS · REMODELERS

— SINCE 1958 —

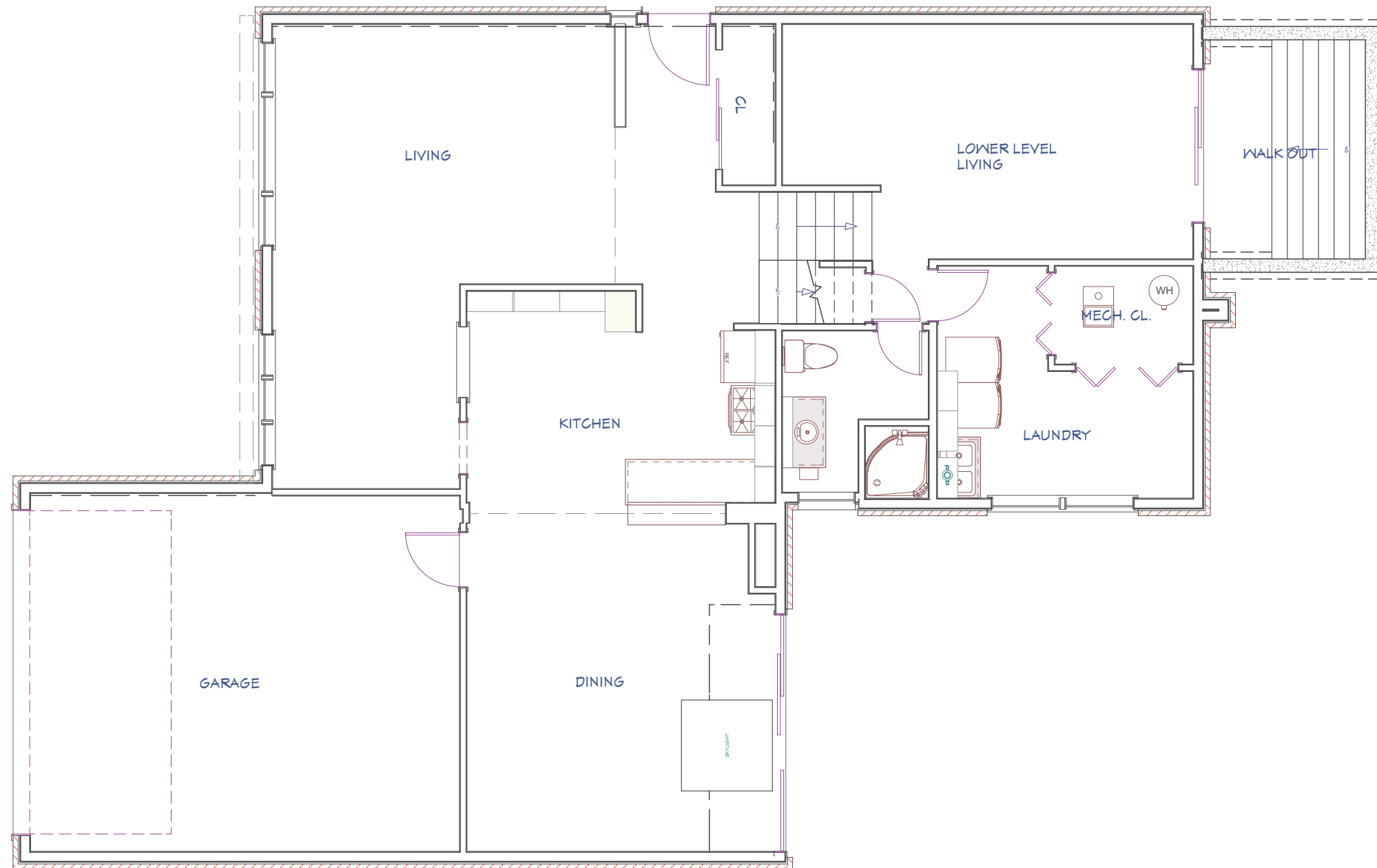
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DES PLAINES, IL 60018

MARCH 22, 2023





FIRST & LOWER LEVEL FLOOR

EXISTING FIRST AND LOWER LEVEL FLOOR PLAN
SCALE: 1/4"=1'

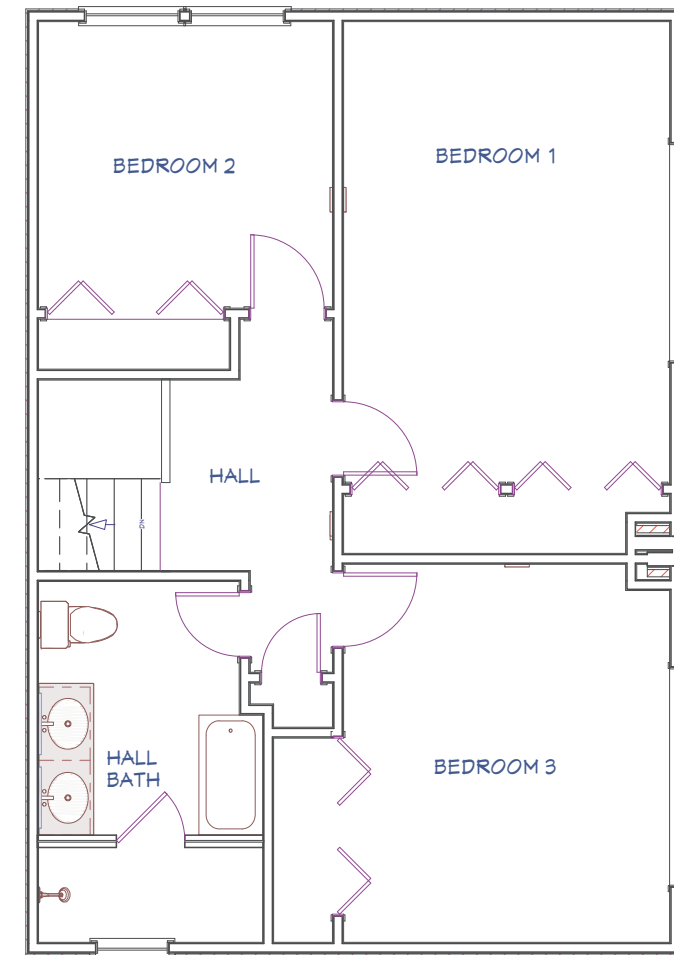
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MARCH 22, 2023





FIRST & LOWER LEVEL FLOOR

EXISTING SECOND FLOOR PLAN
SCALE: 1/4"=1'

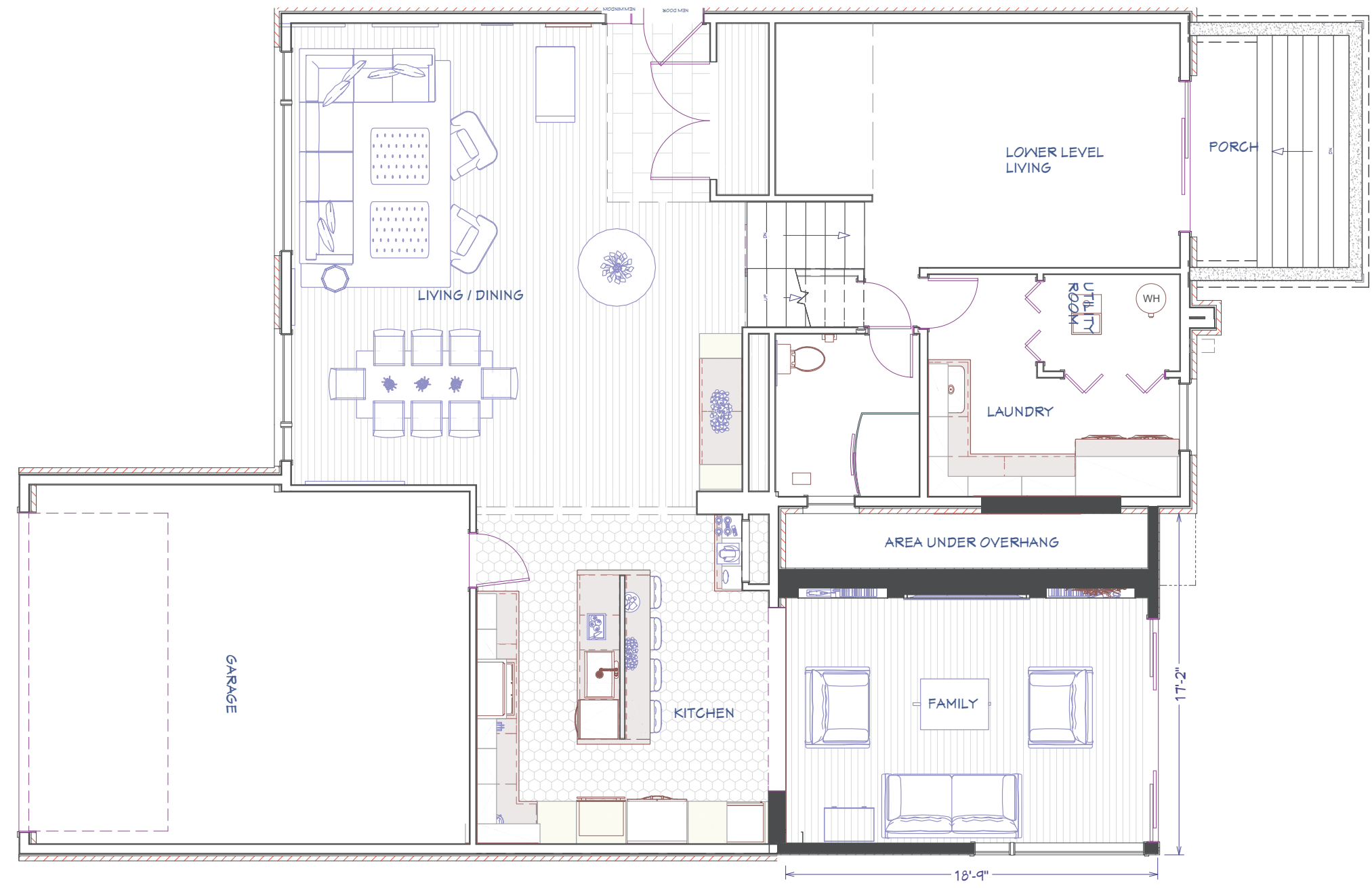
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MARCH 22, 2023





FIRST & LOWER LEVEL FLOOR

PROPOSED FLOOR PLAN
SCALE: 1/4"=1'

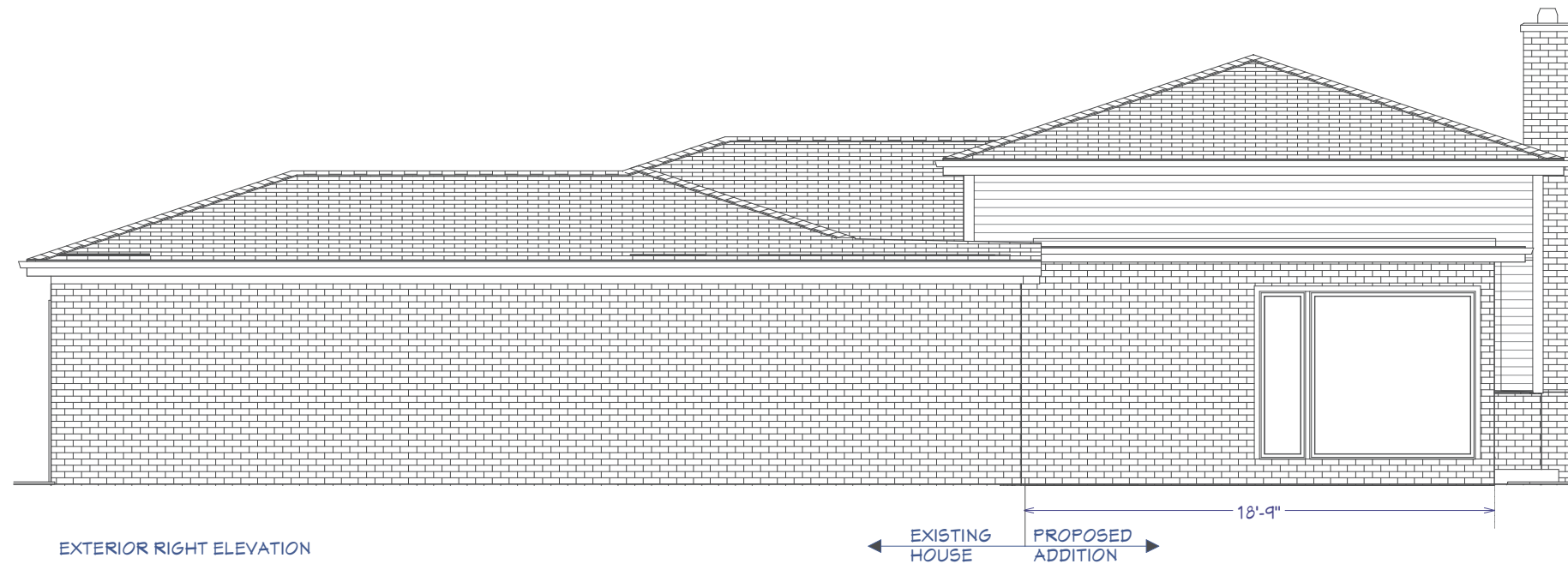
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EXTERIOR RIGHT ELEVATION



EXTERIOR LEFT ELEVATION

PROPOSED EXTERIOR ELEVATIONS
SCALE: 1/4"=1'

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MARCH 22, 2023

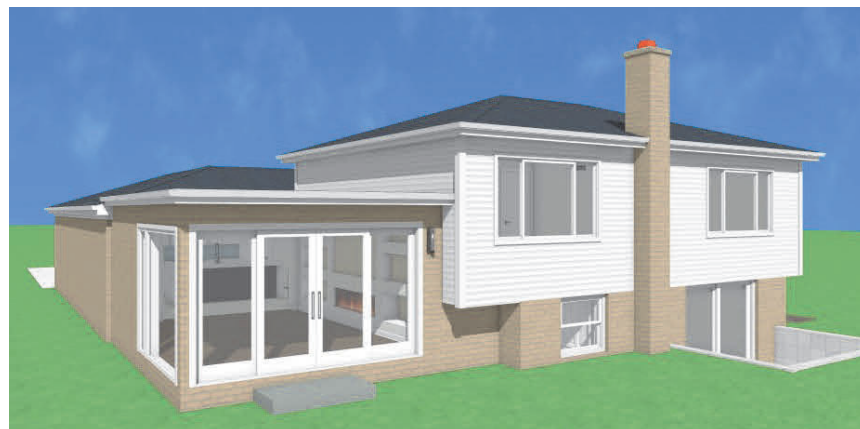




EXTERIOR FRONT ELEVATION



FRONT PERSPECTIVE VIEW



BACK PERSPECTIVE VIEW



EXTERIOR BACK ELEVATION



PROPOSED EXTERIOR ELEVATIONS AND VIEWS
SCALE: 1/4"=1'

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