



**DES PLAINES PLANNING AND ZONING BOARD MEETING  
March 28, 2023  
MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, March 28, 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, Weaver, Fowler, Szabo

ABSENT: Veremis

ALSO PRESENT: Jonathan Stytz, Senior Planner  
Margie Mosele, Executive Assistant

A quorum was present.

**Call to Order and Roll Call**

**Approval of Minutes:** March 14 ,2023

**APPROVAL OF MINUTES**

**A motion was made by Board Member Weaver, seconded by Board Member Hofherr to approve the meeting minutes of March 14, 2023 with changes to page 1 and page 18.**

AYES: Weaver, Hofherr, Catalano, Saletnik, Szabo

NAYES: None

ABSTAIN: Fowler

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

**PUBLIC COMMENT ON NON-AGENDA ITEM**

None

**Applications**

1. **Address:** 2805 Sycamore Street **Case Number:** 23-008-V

**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.

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

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

**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:

	<b>Requirement</b>	<b>Proposed</b>
<b>Building Materials</b>	Natural stone, face brick, or anchored or adhered masonry veneer	Face brick, to match existing residence (Refer to attached Elevations)
<b>Blank</b>  <b>Wall Limitations</b>	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 claims 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 their 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 the staff’s opinion that the proposal does not adequately utilize the available space and access on the site or appropriately design 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 homeowners 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 has 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 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 set back 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

Chair Szabo swore in Jose George -Petitioner and Stan Weisbrod – Architect for the project. Mr. Weisbrod explained the project. The petitioner has an open-air covered garage. He would like to wall up to make it an enclosed garage. The new wall would be within inches of the property line. He stated that they would make this a rated wall to be fully compliant with the City's regulations. He stated that that in simple terms that they are just walling the garage.

Chair Szabo asked the petitioner if other neighbors have the same type of garage.

Mr. George stated that he does not know of any other neighbors with similar garages.

Member Hofherr asked if the neighbor's fence will be in the car area.

Mr. George stated that he has spoken to the neighbor, and he is ok to move the fence.

Member Catalano asked about diagram page 20.

Mr. Weisbrod stated that a year ago the Planning Department requested the diagram to have an alternative scheme in case it was needed. He stated that they are using the current scheme not the alternative. He stated this project is a simple request to close up the walls and make a complete garage.

Jonathan Stytz, Senior Planner reviewed the staff report. The petitioner is requesting a standard variation. He currently has a roof structure over a paved area. The roof structure is not a carport because it is attached to the house. Mr. Stytz reviewed pictures of the current structure. He explained the site plan which includes keeping the structure and enclosing it. Mr. Stytz went over the requirements and proposals 12-3-11 of the code. He went over the Floor Plan, Front, South and East Elevations.

Member Weaver asked staff if the city has heard from the neighbor at 1761 Pratt Ave. regarding this proposal?

Mr. Stytz stated that he has not heard anything from the neighbor about the project.

Member Fowler asked if they are planning to update the driveway?

Mr. Weisbord stated that he put some proposals on the plans that they could make the driveway nicer with decorative trim.

Staff Member Stytz stated that the site plan shows the driveway staying the same.

Member Weaver stated that there does not seem to be a lot of pervious surfaces between the driveways. He asked that in cases of heavy rain, where will the rainwater go?

Mr. Weisbord stated that they are proposing to avert the water onto the petitioner's property via roof gutter.

Member Hofherr asked where the downspout would be located?

Mr. Weisbord stated that they will have a downspout by the side panel of the garage, and it will be directed toward the street.

Mr. Stytz stated the 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 set back 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.

**A motion was made by Board Member Saletnik seconded by Board Member Fowler to recommend approval for the standard variation as requested with the three conditions as recommended by staff.**

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

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

Case 23-008-V  
Case 23-009 -V

2805 Sycamore  
2109 Eastview Drive

Variation  
Variation

**2 Address:** 2109 Eastview Drive

**Case Number:** 23-009-V

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.

**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

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

*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

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> No proposed changes.

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.

*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): \_\_\_\_\_

- 9. 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): \_\_\_\_\_

- 10. 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 homeowners 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): \_\_\_\_\_

**11. 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): \_\_\_\_\_

**12. 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): \_\_\_\_\_



**13. 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): \_\_\_\_\_

**14. 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

Chair Szabo swore in Ban Bahrani – petitioner and Mark Lunardin- Architect for the project.

Mr. Lunardin explained the scope of the project. The petitioners are working to enlarge and renovate the kitchen and adding a rear addition. The request for variation is to go over the coverage allowance by 1.6% The coverage allowance is 30% and the request is to go over 31.6%. The addition will have brick veneer that will match the rest of the house.

Chari Szabo asked if any of the neighbors asked about the project?

Mr. Bahrani stated that his next-door neighbor did something similar 15 years ago. He also stated that no one has asked him about the project.

Member Weaver stated that looking at the area right behind the proposal is already paved. He asked if they planned to go into the grass area.

Mr. Lunardin stated that they will not planning on adding any pervious surfaces into the grass area.

Member Catalano asked if they are planning to add a patio?

Mr. Lunardin stated that no plans have been made to add a patio but if they do they will go through the City's regulations and they would use a pervious surface.

Mrs. George stated that it would be nice to have an area to sit on in the back for two chairs. They would use a paving system for drainage.

Jonathan Stytz, Senior Planner, reviewed the staff report. He discusses location at 2109 Eastview in the R-1 district. He went over the site photos of the front, side, and rear of the project area. Mr. Stytz explained the building coverage definition.12-13-3. Since this is the only structure on the lots the total building coverage is based on the house size. He also went over the site plan showing the addition. He discussed the floor plan showing the differences between the existing plan and proposed plan. He went over pages 25 and 26 which includes the proposal with the east evaluation and proposed windows.

Mr. Stytz stated that 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.

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Member Saletnik asked staff to clarify that if the petitioner does a ground level patio, we could suggest that it be pervious but since it's a ground level patio it has nothing to do with the amount of buildable area. It does not add to the percentage of the buildable area of the lot.

Member Weave asked staff if this property has a maximum impervious surface limitation?

Staff Member Stytz stated that there is a rear lot coverage restriction which is 60 %. Only 60% of the rear lot can be covered by a paved surface.

Member Weaver asked if the proposal would put them in violation of the 60% rear lot coverage?

Staff Member Stytz stated that their proposal would not put them in violation.

**A motion was made by Board Member Saletnik seconded by Board Member Catalano recommend approval for the standard variation as requested with the two conditions as recommended by staff. Also, as a suggestion, if they do a ground level patio it would be highly recommended that it be pervious.**

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

NAYES: None

ABSTAIN: None

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

**ADJOURNMENT**

The next scheduled Planning & Zoning Board meeting is Tuesday April 11, 2023.

Chairman Szabo adjourned the meeting by voice vote at 7:38 p.m.

Sincerely,

Margie Mosele, Executive Assistant/Recording Secretary

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