

Case No. 24-008-FPLAT-FPUD
Case No. 24-009-V
Case No. 24-011-MAP-V
Case No. 24-004-CU

PUD and Plat
Variation
Map Amendment and Variations
Conditional Use

180 N. East River Road
1421 Henry Ave
1958 Illinois St
1628 Rand Road



DES PLAINES PLANNING AND ZONING BOARD MEETING
March 12, 2024
MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, March 12, 2024, 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: Szabo, Weaver, Saletnik, Veremis, Catalano
ABSENT: Hofherr, Fowler
ALSO PRESENT: Jeff Rogers, CED Director
Ryan Johnson, Assistant CED Director
Samantha Redman, Senior Planner
Jonathan Stytz, Senior Planner

A quorum was present.

APPROVAL OF MINUTES

A motion was made by Board Member Saletnik, seconded by Board Member Veremis to approve the meeting minutes of February 13, 2024.

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

MOTION CARRIED

PUBLIC COMMENT ON NON-AGENDA ITEM

There was no public comment.

Pending Applications:

1. **Address:** 1628 Rand Road **Case Number:** 24-004-CU

The petitioner is requesting the following items: (i) a Conditional Use amendment under Section 12-7-3(K) of the City of Des Plaines Municipal Code to allow a trade contractor use with outdoor display and storage; and (ii) a conditional use for a new motor vehicle sales use within existing tenant spaces in an existing multi-tenant building upon the subject property in the C-3 General Commercial zoning district.

PIN: 09-16-104-022-0000

Petitioner: Urszula Topolewicz, 2020 Berry Lane, Des Plaines, IL 60018

Owner: Art Investment LLC, 2020 Berry Lane, Des Plaines, IL 60018

The petitioner requested the continue this case to the April 9th Planning and Zoning Board Meeting.

Motion by Board Member Catalano, seconded by Board Member Weaver to approve a continuance to the April 9th Planning and Zoning Board Meeting.

AYES: Saletnik, Weaver, Catalano, Veremis, Szabo

NAYES: None

ABSTAIN: None

MOTION CARRIED

2. **Address:** 180 N. East River Road **Case Number:** 24-008-FPLAT-FPUD

Issue: The petitioner is requesting the following for the property at 180 N. East River Road: (i) a Final PUD, with exceptions for minimum lot area, building design, and required rear yard, to allow a 16-unit townhouse development; and (ii) a Final Plat of Subdivision to subdivide the existing single lot into 17 lots of record.

Petitioner: MAS Land Investments 2, LLC (Representative: Todd Polcyn, 837 N. Maple Avenue, Palatine, IL 60067)

Owner: MAS Land Investments 2, LLC (Representative: Todd Polcyn, 837 N. Maple Avenue, Palatine, IL 60067)

Case Number: 24-008-FPLAT-FPUD

PIN: 09-09-402-007-0000

Ward: None, unincorporated Cook County (future ward once annexed: #1, Alderman Mark A. Lysakowski)

Existing Zoning: Single Family Residential District (R4 in *Unincorporated Cook County*)

Existing Land Use: Single Family Residence

Surrounding Zoning: North: Single Family Residential District (R4) (Unincorporated Cook County)
 South: R-3, Townhouse Residential District (City of Des Plaines)
 East: R-3, Townhouse Residential District (City of Des Plaines)
 West: Single Family Residential District (R4) (Unincorporated Cook County)

Surrounding Land Use: North: Single Family Residence (Residential)
 South: Townhouse Residences (Residential)
 East: Townhouse Residences (Residential)
 West: Single Family Residence (Residential)

Street Classification: N. East River Road is classified as a major collector street and is under Cook County jurisdiction.

Comprehensive Plan: The subject property is in unincorporated Cook County and is not illustrated on the Future Land Use map in the 2019 Comprehensive Plan. However, the neighboring property abutting the subject property to the south is illustrated as multifamily residential. The Comprehensive Plan is generally supportive of exploring annexation opportunities.

Project Description: *Overview*
 Petitioner MAS Land Investments, LLC, owner of the subject property, intends to annex land to the City of Des Plaines and build a townhouse development. The subject property is located in unincorporated Cook County along N. East River Road and is comprised of one 40,245-square-foot (0.92-acre) parcel.

The subject property was improved with a one-story, 1,665-square-foot residence, a 1,194-square-foot detached garage (including two additions), two frame sheds approximately 82 and 90 square feet in size, and a combination of concrete and gravel driveway and parking areas as shown on the attached Plat of Survey. However, these improvements have since been demolished.

Proposed Improvements
 The proposal includes the removal of all existing site improvements to redevelop the subject property into a 16-unit PUD similar to the Insignia

Glen PUD located directly south of the subject property at 172 N. East River Road, which is already incorporated within Des Plaines (in other words, the property subject of this request is immediately north of and contiguous to Des Plaines' corporate boundary).

The proposed development consists of four separate three-story principal buildings—each with four units—as shown on the attached PUD Plat. The anticipated unit mix will be predominately two-bedrooms, but the floor plan is adaptable to create a third bedroom; the developer has not finalized the unit mix. Each unit will have an attached two-car garage on the lower level, living space with a balcony on the middle level, and bedrooms on the top level.

The proposal intends to mirror the general building and driveway design of the existing Insignia Glen development, built via PUD in the early 2000s, and will utilize the same private drive for access to East River Road via an existing access easement that was granted and recorded via the early 2000s PUD. For this reason, the existing gravel curb cut onto the subject property will be removed and replaced with turf and landscaping areas. New walkways are proposed along the private drive (south property line)—with walkway connections to each unit—and along N. East River Road (east property line) of the subject property for pedestrian access throughout the site and connections to the existing Insignia Glen PUD. The development also proposes common green spaces for residences opposite the driveway entrances where separate front door, porch area, and walkway connections are provided.

FINAL PUD

Request Description:

Overview

On September 18, 2023 (Ordinance Z-26-23), the City Council granted preliminary PUD approval of petitioner MAS Land Investments' proposal for 16 townhouses, known collectively as Insignia Glen 2. The approval was based on a proposed two-bedroom units on the upper level—with an option for a third bedroom on the lower level in lieu of a flex space—all of which would be horizontally connected to other units (i.e. townhouse style) across four separate buildings. Each building would be three stories with each unit having a ground-floor, two-car, rear-loaded garage that faces inward toward the development, not toward public streets. Walkways would connect unit front doors to public and private sidewalks. Units include decks, porches, and small landscaped front yards. However, the amount of private open space per unit is minimal, as the concept is built around shared open space.

Interspersed throughout the proposed development is a landscaped common plaza of approximately 20,986 square feet with plantings, walkways, and

open green space. There is no proposed stormwater detention area on Insignia Glen 2, but one private improvement is the addition of 12-inch storm sewer to connect with the existing detention area located on Insignia Glen 1 development at 172 N. East River Road. Eight visitor spaces are interspersed through the development, which in addition to the 32 outdoor and 32 indoor spaces for each of the 16 units would amount to a full total of 72 spaces, exceeding the minimum requirement of 36 pursuant to Section 12-9-7.

Concurrence with Preliminary Plat

The petitioner's final proposal reflects the site design of the preliminary plans, including the exception requests acknowledged in Ordinance Z-26-23, which granted preliminary approval. These exceptions are pursuant to Section 12-3-5 and would grant relief from the bulk regulations of the R-3 district:

- **Minimum lot area:** Eight units are proposed with a lot area of 1,040 square feet, and eight units are proposed at 1,248 square feet. The proposed lot area for each unit includes only the livable space inside the building and a small landscaped front yard. All other areas in the development (e.g. open space, private drives, stormwater basin) are allocated not to dwelling units but instead to the development overall. The minimum lot area per dwelling unit requirement pursuant to Section 12-7-2.J is 2,800 square feet.

-**Minimum rear yard:** Pursuant to Section 12-7-2.J, a minimum 30-foot-rear-yard-setback is required for buildings in the R-3 district that exceed 35 feet in height. However, the westernmost building is proposed to be setback 22 feet from the property line requiring a PUD exception.

-**Building Design Standards:** Pursuant to Section 12-3-11, attached single-family residential (i.e., townhouses) shall be constructed with 100 percent face brick, natural stone, or anchored or adhered masonry veneer on all street facing and side elevations with at least two complimentary colors or materials and a minimum of eight feet from the top of foundation on all remaining elevations.. However, the elevations do include non-masonry materials (i.e., siding) on street facing elevations.

Landscaping, Screening, and Lighting

The petitioner submitted a Final Landscape Plan that appears to conform with the requirements of Chapter 12-10. For example, building foundation landscaping is installed at the bases of the buildings, shade trees are interspersed throughout common areas and open space, and at lot lines where required—particularly at the north and west lot lines where the development abuts a single-family neighborhood—plantings are shown such that when they are mature, they should, in concert with the proposed fencing, provide ample screening. The petitioner has not submitted a photometric plan, but

one will be required at time of building permit to show how light will be contained within the borders of the development in conformance with Section 12-12-10 of the Zoning Ordinance.

Streets and Access

The subject property currently has direct access to N. East River Road (public street). However, based on the design of the proposed development this access point will be removed and sole access to the subject property will be via the existing private road located at 172 N. East River Road; cross-access agreement is effective. A portion of the subject property currently extends to the centerline of N. East River Road. As such, the proposal includes a dedication of the eastern 4,186-square-foot portion of the property to be utilized for street purposes as indicated on the Final PUD Plan.

Construction Schedule and Phasing Plan

The petitioner has submitted the attached construction schedule as required by Section 12-3-5.H. In summary, the developer intends to construct the proposed development starting with complete sitework of the entire property and then installing each of the four buildings from east to west, starting with the building that would front N. East River Road. Pursuant to the Zoning Ordinance, the petitioner has an 18-month period of flexibility on the dates in the construction schedule before the City Council may re-evaluate the final PUD approval.

FINAL PLAT OF SUBDIVISION

Request Description:

Overview

The proposal includes a subdivision of the subject property from one, 43,476-square-foot lot to 17 lots of record, including a separate lot for each of the 16 units (Lots 1-16) and one lot (Lot 17) for the common area of the PUD. The petitioner received PZB approval of the Tentative Plat to subdivide the existing lot into 17 lots. Now the petitioner is requesting a Final Plat of Subdivision, titled Insignia Glen 2 Subdivision, for 17 lots as detailed in the attached Final Plat of Subdivision.

The subdivision plat shows the location, boundaries, and size of each lot, which vary from 1,040 to 1,248 square feet in size for the townhouse lots and equates to 20,986 square feet for the single common space lot proposed, totaling 39,290 square feet (0.90-acres). The remaining 4,186 square feet account for the portion of the property that extends into the N. East River Road right-of-way, which is proposed to be dedicated to Cook County as part of this request.

Building Lines and Easements

The Insignia Glen 2 Subdivision shows the following easements and building lines: (i) a new 25-foot front building setback line along North East River

Road where the proposed subdivision abuts the street; (ii) a new 10-foot side building setback line along the north and south of the proposed subdivision; (iii) a new 22-foot rear building setback line along the west boundary of the proposed subdivision; (iv) a 2.5-foot cross access easement located on 172 N. East River Road but serves the subject property; and (v) a blanket easement for ingress, egress, public and private utilities, and drainage for Lot 17. The subdivision plat also shows the proposed dedication of the eastern 40-foot-long by 104-foot-wide portion of the subject property.

Subdivision Process, Required Public Improvements

Chapter 13-3 of the Subdivision Regulations allows the City to require various right-of-way (ROW) improvements based on criteria such as traffic and effect on adjacent properties. Certain underground infrastructure is required to be installed to the standards required by Public Works and Engineering (PWE). Under Section 13-3-1, the developer is required to: (i) grind and resurface the entire width of the private drive; (ii) add new five-foot-wide sidewalk along N. East River Road for the entire frontage of the proposed development with depressed curbs at the private road entrance; (iii) add a new storm sewer connection and extend the sanitary sewer structure along N. East River Road for the entire frontage of the proposed development; and add a fire hydrant and light pole along the north property line at the end of both proposed private roads. The developer has provided PWE with an estimated cost of both private and public improvements totaling \$379,308, an amount for which PWE has approved as noted in the attached PWE Approval Letter.

PUD Findings of Fact:

The following is a discussion of standards for PUDs from Section 12-3-5 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. The extent to which the Proposed Plan is or is not consistent with the stated purpose of the PUD regulations in Section 12-3-5.A of this title:

The proposed townhouse PUD generally aligns with the stated purposes of PUDs as analyzed in the Preliminary PUD Plat Review table above with a proposed multiple principal building development, designated open/common space, separate vehicular and pedestrian areas, perimeter and interior landscaping areas, and tree prevention plan, all of which foster public health, safety, and general welfare for residents.

2. The extent to which the proposed plan meets the prerequisites and standards of the planned unit development regulations:

The proposal is intended to meet the ownership/unified control requirements in the Zoning Ordinance. However, it did not meet the minimum size requirement, requiring a text amendment that was approved by City Council on September 5, 2023. That said, the PZB may determine if the proposed townhouse (two-family) developments with multiple principal buildings promote more unique and multiple use

developments throughout the City, especially for annexation opportunities, which could benefit Des Plaines as a whole.

3. The extent to which the proposed plan departs from the applicable zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to the density, dimension, area, bulk, and use and the reasons why such departures are or are not deemed to be in the public interest:

The proposal departs from the bulk regulations in Section 12-7-2.J of the Zoning Ordinance as it includes a denser townhouse residential development that exceeds the 2,800-square-foot minimum lot area requirement and proposes a rear yard building setback of 22 feet, which is less than the required minimum 25-foot-setback. The proposed density is similar to the density on surrounding townhouse developments in the area and allows for additional housing stock in the City. The rear yard building setback deficiency is located on the west side of the lot, which faces a single-family residence. However, the proposed landscape screening around the perimeter of the proposed townhouse PUD is sufficient to provide a defined transition between the two uses. In addition, the proposed development improves the current conditions of the subject property and development that is in disrepair.

4. The extent to which the physical design of the proposed development does or does not make adequate provision for public services, provide adequate control of vehicular traffic, provide for, protect open space, and further the amenities of light and air, recreation, and visual enjoyment:

The proposed design of the townhouse PUD and layout of residential buildings allow for a distinct open space/pedestrian area for all units, consolidated paved vehicular areas, and a defined separation between the two. It does provide for some recreational space in between the residential buildings, which could foster a greater quality of life for its residents. In addition, it substantially improves the aesthetic appearance and reduces adverse effects on the subject property.

5. The extent to which the relationship and compatibility of the proposed development is beneficial or adverse to adjacent properties and neighborhood:

The proposal is consistent with the existing townhouse residential developments to its south and east, especially the townhouse PUD located at 172 N. East River Road, which the proposed PUD development on the subject property is intended to mirror. It also redevelops a blighted property into a multiple unit residential development that will potentially improve surrounding property values.

6. The extent to which the proposed plan is not desirable to physical development, tax base, and economic well-being of the entire community:

The proposal would provide additional housing stock that helps to increase the tax base for the City and improve the economic well-being of Des Plaines. It would also provide extra economic benefit through utility and public service fees that are currently not eligible for the subject property at this time.

7. The extent to which the proposed plan is in conformity with the recommendations of the 2019 Comprehensive Plan:

The proposal increases housing stock and creates additional housing options for residences, which aligns with the housing goals and objectives of the Comprehensive Plan. It also redevelops an underutilized property and reduces blighted areas, both of which are promoted by the Comprehensive Plan.

PZB Procedure and Recommended Conditions:

Under Section 13-2-7 (Planning and Zoning Board’s Procedure) of the Subdivision Regulations and Section 12-3-5.D.2.c (Procedure for Review and Decision for PUDs) of the Zoning Ordinance, the PZB has the authority to recommend that the City Council approve, approve with conditions, or deny the aforementioned requests at 180 N. East River Road.

The PZB should take the following motions. The zoning motions can be combined or taken individually:

- A motion pursuant to Section 12-3-5.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the request for a Conditional Use for a Final PUD, with exceptions for minimum lot area, building design, and minimum required rear yard; and
- A motion pursuant to Section 13-2-7 of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the proposed Final Plat of Subdivision.

If the PZB recommends approval, staff recommends the following conditions.

Conditions of Approval:

- 1.All proposed improvements and modifications shall be in full compliance with all applicable codes and ordinances. Drawings may have to be modified to comply with current codes and ordinances.
- 2.Improvements to the private drive for driveway curb cuts and on-street parking shall comply with the cross-access easement recorded with the approved PUD for the Insignia Glen development immediately to the south.
- 3.All governing documents for the construction and ongoing operation of the proposed development including but not limited to any development/annexation agreements, covenants, conditions, and restrictions, or any operating reciprocal easement agreements must be submitted to and approved by the City’s General Counsel prior to the recording of the Final Plat of PUD or Final Plat of Subdivision.
- 4.All land use and permitting approvals shall not become effective until the City finalizes approval of annexation of the subject property.

Josh Terpstra from Haeger Engineering provides an overview of the project. This group was previously before the Board and Council to annex this property into the City. The developer has two requests: approval of the final plat of subdivision to allow for townhouses. They are also requesting a rear yard setback reduction to 22 feet. There are also two other exceptions about the square footage of the lots and the masonry.

A context slide and map is provided. This area was annexed into the City and zoned R-3 like the neighboring parcels. Immediately to the south is the original Insignia Glen subdivision. Haeger Engineering also did this subdivision and PUD for the original Insignia Glen development. It was always envisioned that this proposed development would occur.

The existing site is a single-family home with a shed and other structures. Everything is proposed to be demolished.

The plan is in line with the existing Insignia Glen. Proposed access is from N. East River Rd onto the private cul-de-sac. There is an access easement provided on this lot. There are also utilities in and around the cul-de-sac. The detention is under the MWRD jurisdiction. The developer proposes permeable pavers and a drainage feature along the road. These elements provide the necessary volume control and allow for best management practices for stormwater.

J Davito did the landscaping plan. Mr. Terpstra gave an overview of the landscape plan, although J Davito was not in attendance at the meeting. The larger dark circles on the plan are trees and foundation plantings are provided per code.

The architecture is the same as it was for the preliminary PUD and tentative subdivision and the architect was available to answer any questions.

Senior Planner Jonathan Stytz summarizes the staff report.

Member Weaver asks about whether this is a preliminary or final PUD. Mr. Stytz clarifies it is a final PUD.

Member Szabo asks why full masonry is not provided on the building and why there is an exception requested.

Jay Cox, the architect, stated there are a few factors. The team started with the Des Plaines guidelines and worked with staff through many versions. However, the focus of the developer is to make a complementary development to the original Insignia Glen, with a mixture of siding and brick. Staff is doing their job to point out this masonry requirement, but the developer believes the fabric of community is better maintained by being complementary to the existing development, so it appears to be a complete project, versus having two phases look different.

Chairman Szabo stated they may look a little different but does not see a reason why masonry would not be possible. However, they are in favor of the project. Szabo stated that he sees other communities and their new buildings look so much more substantial compared to Des Plaines.

Chairman Szabo asked the audience if there was anyone who would like to speak on the proposal. Several individuals raised their hands.

Linda Radford, 172 N. East River Road, expressed concerns about traffic. With 16 more units, 72 more cars are going down this road. With delivery trucks coming 1-2 times a day and all the other mail, landscapers, etc. that will cause more traffic. I want to know what the builders think about this. I live in the first phase of Insignia Glen.

Member Catalano asked for clarification on what Ms. Radford meant by the "shared road" and if they meant N. East River Rd. Ms. Radford responded that they were referring to the cul-de-sac.

Satyabrata Mahapatra, 172 N. East River Rd, Unit C, expressed concerns about traffic. Since there is limited space, people will use their development's side for walking, biking, and parking. They will create more traffic. Mr. Mahapatra also expressed concerns that they do not have guest parking and no parking nearby and asked how this situation will be dealt with. It will still be hard to figure out who is a resident and who is not.

Syed Qadri, 172 N. East River Rd, expressed gratitude at the opportunity to express concerns. They wanted to know what the easement access grants the developers along the road. The residents have their plat of surveys that show the private road, and it grants easement to utility companies for ingress/egress. They would like documentation that states how the developer is able to use the road. The development utilizing the road for their development, which they have paid to maintain for 15 years. Mr. Qadri added that residents currently utilize the private road for overflow parking.

Mr. Qadri stated at the previous meeting, the developer described the association recovering 50% of the cost from tearing up the road during construction. He does not want access affecting their homes and quality of life. The neighbors do not feel it is ethical to pay for the re-construction of the private road, regardless if they have the easement. Insignia Glen residents should not pay for this work.

Mr. Qadri wants a better understanding of how they will tackle the traffic. There is no parking on N. East River Rd or Golf Rd. Extra vehicles might be expected during holidays. Residents don't have anywhere to park during holidays. Currently with the units we have, that road gets fully utilized. We don't know where those extra cars will park. The proposed guest parking is not adequate based on our experience and will cause issues for existing residents.

Rina Mahapatra, 172 N. East River Rd, expressed additional concerns about the road being too crowded. He believes the extra traffic will put their lives in danger. If the City approves it, the existing residents will have to live with the situation. The neighbors think this should be a private road or they should make their own road.

Staff and Haeger engineering discuss width of road. He mentioned it is approximately 24 feet wide. The proposed parking includes two exterior and two interior parking spaces for each unit. There are eight proposed guest parking spaces for use by the existing and proposed development. Walkways will be added north of the private road for use by both developments. A new walkway will be added along N. East River Road. Cross-access easement was recorded in 2002. The developer will cover 100 percent of the cost to reconstruct of the private drive.

Member Veremis asked who will maintain the private road for snow removal, general maintenance, etc. Mr. Terpstra responded that the current Homeowner's Association (HOA) at 172 N. East River Road maintains the private drive now but with the proposed development, the developer will cover a percentage of the maintenance costs.

Mr. Terpstra stated the current HOA handles that. The developer offered to pay a percentage of the road maintenance. It was a percentage of the 16 proposed units and the 24 units on the other side. Maintenance of the road would be a shared cost.

Mr. Mahapatra spoke again about on-street parking. The residents have to share the same road and are not satisfied with the developer's answer. How are they going to manage the parking? Suppose they have guests, where will they park?

Mr. Qadri asked additional questions about construction staging: How will they maintain the cleanliness of adjacent properties during construction? Will there be a fence? Will they ensure driveway stays clear of construction equipment or material so residents can continue to have full access to our property?

Todd Polcyn stated they will do the site work first and then work on the first building along N. East River Rd work. All staging will be contained on the subject property. A construction fence will be locked every day. The construction work will be monitored.

Chairman Szabo confirmed with the developer that a construction fence will surround the property entirely. The developer stated yes.

Mr. Terpstra stated the development will have a storm water improvement plan (SWPP) that limits the amount of debris on the site, particularly if it rains a lot. There are construction entrances to shake the mud loose. The City keeps a close eye on construction activities. The City will enforce any areas that need to be swept. Every effort will be made to maintain the SWPP regulations.

Member Veremis asked about the phasing of the road improvements: will it be done half of the road at a time? How long would it take? Mr. Terpstra stated that is typically how it works, but the developer does not have a contractor yet for the staging plan. There should no problem pouring in less than a day.

Member Weaver stated the responses to the questions were helpful.

A motion was made by Board Member Weaver, seconded by Board Member Veremis, to recommend City Council approval of a conditional use for a final PUD with three exceptions and the four conditions as noted by staff.

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

MOTION CARRIED

A motion was made by Board Member Weaver, seconded by Board Member Catalano, to recommend City Council their approval of the final plat of subdivision with the four conditions as drafted by staff.

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

*****MOTION CARRIED*****

Mr. Mahapatra approached the podium and stated their issues were not addressed regarding parking and traffic.

Chairman Szabo stated the board may see the issue differently, but do not have the final say on this project. The PZB recommends the City Council approval and encourages interested members of the public to attend the City Council meeting for this case.

3. Address: 1421 Henry Ave Case Number: 24-009-V

The petitioner is requesting a standard variation to reduce the required front yard setback from 25 feet to 11 feet 6 inches to construct a full second-story addition onto the existing single-family residence at 1421 Henry Ave.

Petitioner: George Cherny, 2742 Linneman Street, Glenview, IL 60025

Owner: George Cherny, 2742 Linneman Street, Glenview, IL 60025

Case Number: 24-009-V

PIN: 09-20-219-004-0000

Ward: #2, Alderman Colt Moylan

Existing Zoning: R-1, Single Family Residential District

Existing Land Use: Single Family Residence

Surrounding Zoning: North:R-1, Single Family Residential District

South: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 Residences

South: Single Family Residences

East:Single Family Residences

West:Single Family Residences

Street Classification: Henry Avenue is a local street under Des Plaines jurisdiction.

Comprehensive Plan :Single Family Residential is the recommended use of the property.

Zoning/Property History: Based on information from the Cook County Assessor, the subject property has contained the same single-family residence since it was constructed in approximately 1921. The footprint and location of the property has not changed since it was built. Since its construction, the zoning ordinance has been updated to require a minimum 25-foot-setback between the residence and the front property line, making the existing residence a legal nonconforming structure.

Project Description: _

Overview

The petitioner, George Cherny, is requesting a variation to reduce the required front yard setback from 25 feet to 11 feet 6 inches to construct a full second-story addition onto the existing single-family residence at 1421 Henry Avenue. The existing house is 11 feet 6 inches from the property line and the proposed second story addition will be set back 19 feet 8 inches. The subject property consists of a 6,240 square-foot lot with a 1½-story house and detached garage.

Existing Non-Conformity

Since City records indicate that this residence—with the 11-foot 6-inch setback—has been in existence on site prior to the adoption of the 1998 Zoning Ordinance, it is classified as a non-conforming structure governed by Section 12-5-6 of the Zoning Ordinance. This section does allow, with some limitations, a nonconforming structure to be repaired, maintained, altered, or enlarged provided that the repair, maintenance, alteration, or enlargement does not:

“create any new nonconformity or increase the degree of the existing nonconformity of all or any part of such structure. For the purposes of this section, the vertical or horizontal extension of a structure shall be considered to increase the degree of an existing nonconformity related to a required yard or setback.” (Section 12-5-6.B)

The petitioner’s proposal to construct a second story addition on top of the existing building footprint increases the degree of the non-conformity requiring a variation request.

Proposed Improvements and Scope of Work

The new second-story addition includes three bedrooms and two bathrooms. No significant changes are proposed to the structure or footprint of the existing first floor or basement. Replacement of the detached garage on the north side of the property is also proposed.

The proposal will increase the existing residence height to 31 feet, 8 inches, which is under the maximum building height of 35 feet pursuant to Section 12-7-2.J of the Zoning Ordinance for residences located in the R-1 district. The existing exterior building material is vinyl siding. Existing vinyl siding will be replaced with new vinyl siding. The proposed second story addition will be covered entirely with vinyl siding as shown in the attached Site and Architectural Plan.

Section 12-3-11 requires alteration of structures to meet building design standards if they result in appearance altering renovations to the front or corner facades of a principal structure or when an addition results in a greater than 15 percent change to gross floor area. This proposal involves both an alteration of the front of the residence (adding a second story) and a 19 percent change in gross floor area.

The table below provides a comparison between the required building design standards and the proposed alterations to the residence on the subject property. Refer to the attached Site and Architectural Plan for additional information.

Section 12-3-11: Building Design Standards		
	Requirement	Proposed
Building Materials – Ground Story	Natural stone, face brick, or anchored or adhered masonry veneer	Existing vinyl siding areas to be replaced with new vinyl siding*
Building Materials – Upper Story	Ground story materials plus painted or stained wood, stucco, vinyl siding, and fiber cement board	New vinyl siding to be installed for entire second story addition (all elevations)
Blank Wall	No rectangular area greater than 30 percent of	Compliant, largest windowless area comprises 21 percent of the

Limitations	a story's facade may be windowless	front facade
	No part of a story's facade may be windowless for a horizontal distance greater than 15 feet	Compliant, largest windowless area comprises six linear feet

** Minor variation required to allow for existing vinyl siding to remain.*

Although the vinyl siding on the ground floor is existing, Section 12-3-11 requires the ground floor building materials be modified to be natural stone, face brick, or masonry veneer; however, a minor variation can be granted to deviate from this rule. Minor variations are granted administratively, and staff are currently reviewing a request to allow the vinyl siding on the ground story to remain. Vinyl siding is permitted as an upper story material for detached single family residences and all other requirements are met.

Off-Street Parking

The attached Site and Architectural Plan indicates that there are no proposed changes to the current number of off-street parking spaces and that the existing driveway and detached garage footprint will remain the same. 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, the replacement of the detached garage is proposed and will provide two off-street parking spaces. Note a condition of approval is suggested to require the driveway, parkway, and apron to be modified to meet requirements prior to issuance of building permit. Section 12-9-6.B.3.a limits the number of driveways and curb cuts. The existing garage is accessed from a driveway connecting to Henry Avenue. Because the proposed garage is being accessed from the alley, creating a second access point and driveway, the existing driveway, curb cut, and apron must be removed.

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: The existing residence was constructed prior to current regulations requiring the 25-foot front yard setback and is positioned a little more than eleven feet from the front property line. Requiring the addition to comply with the required front yard setback would substantially restrict the property owner from making improvements to the existing structure.

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

Comment: The existing house is a non-conforming structure and located closer than twenty-five feet from the lot line. In addition, the subject property is 6,240 square feet, which is slightly smaller than the existing minimum lot size for an R-1 zoned interior lot (6,875 square feet). To meet building coverage requirements, less than 1,872 square feet of the property can be covered with structures (house and garage). To allow for the 890 square foot second story addition, the building footprint would need to be expanded, reducing the amount of open space on the property.

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

Comment: The unique physical conditions of the subject property are not the result of the current property owner or their predecessor. In addition, the subject property is land-locked preventing the property owner from addressing the physical conditions on the subject property.

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: Given the unique physical conditions of the subject property, it can be argued that carrying out the strict letter of this code for the front yard setback could deprive the property owner of the ability to make improvements to the subject property that are commonly enjoyed by other owners of single-family residential lots. The petitioner intends to add the second story addition in lieu of expanding the existing main level in order to preserve the character of the existing residence and limit the amount of additional building coverage on the property.

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 not provide a special privilege for the property owner not available to other single-family residential properties. Most other buildings along this street are located less than 25 feet from the front property line, and several have similar second story additions. This variation would allow the property owner the ability to make improvements to the subject property as other property owners along Henry Avenue who reside in homes with similar reduced setback distances as the subject property. In addition, the granting of this variation does not inherently allow the property owner to make additional money off the subject property and its development.

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

Comment: The project would allow re-investment into a single-family home, which the Zoning Ordinance and Comprehensive Plan encourage. While one could argue that the proposed second story addition in the location and design identified on the attached Site and Architectural Plan is largely for the benefit of the property owner, a study of the area indicates that many of the neighboring properties are developed in a similar fashion. It can be concluded that the proposed second story addition as proposed will be in harmony with existing development and potentially provide more benefit for the neighborhood as a whole—in relation to property values—than just for the petitioner.

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

Comment: There are alternatives to the proposed setback variation being requested including a one-story addition on the west side of the existing residence, reduced second-story addition, or setting the second story back 25 feet. However, after consideration of these alternatives, it can be argued that either alternative could be unreasonably difficult given the existing floor plan of the building and negatively impact the existing character of the residence making it less harmonious with neighboring properties. Also, the alternative of adding a one-story addition would inherently increase the building coverage of the subject property, which is not necessarily promoted by the Comprehensive Plan for lower-density residential developments.

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: A minor variation from Section 12-3-11 will be required to allow the vinyl siding on the ground floor. Minor variations are granted by the Zoning Administrator and do not require board or council approval. Other than this variation, this is the only zoning relief required.

PZB Procedure and Recommended Conditions: Under Section 12-3-6.F (Procedure for Review and Decision for Standard Variations) of the Zoning Ordinance, the PZB has the *final* authority to approve, approve subject to conditions, or deny the above-mentioned standard variation request for the building setback.

Consideration of the request should be based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-6.H (Findings of Fact for Variations) of the Zoning Ordinance. If the PZB approves the request, staff recommends the following conditions.

Conditions of Approval:

1. Unless applicable zoning relief is granted from Section 12-9-6.B.3.a, plans must be revised prior to issuance of building permit to remove or modify the existing ribbon driveway, apron, and curb cut along Henry Avenue if the detached garage is intended to be accessed from the alley. Parkway may need to be restored, as determined by the Director of Public Works and Engineering.
2. Architectural plans included with this variation may be revised during final building permit review process without requiring an amendment to this variation ordinance, provided there is no increase in front yard encroachment or building height and the approved plans conform with Building Design Standards in Section 12-3-11.

Chairman Szabo swore in George Cherny of 2742 Linneman St, Glenview IL, and Alex Kozconny, the architect located at 1790 Svannah Circ, Mundelin, IL 60060.

Mr. Cherny explained that they recently purchased this property and would like to add a second floor to this one-story residence. The footprint of the building would not change. They are seeking a variation to add the 2nd floor, as the building's footprint does not meet current zoning codes. Mr. Kozconny explained that they were seeking to reduce the front yard to eleven feet, so that they can add a 2nd story addition.

Board Member Weaver asked why they would keep the current concrete ribbon driveway strips when there will be access to the garage from the alley. Mr. Kazionny explained this was at the request of the owner, but if the concrete strips need to be removed, they will be removed.

Board Member Catalano addressed staff and stated that the vertical change does not change the existing non-conformity of the building footprint. Senior Planner Samantha Redman explained that the City's non-conforming structure code states that any increase to a non-conformity horizontally or vertically requires a standard variation. Board Member Catalano said he understands the regulation, but does not quite understand the reasoning behind it. Senior Planner Redman explained that this regulation could be considered for a text amendment. Chairman Szabo suggested that such cases could be changed to Minor Variations that could be reviewed by staff.

Board Member Saletnik stated that his house is located near this address, and that his house is also legal non-conforming, as it is too close to what is now the front yard setback, like many houses in his neighborhood, and this case is not out of the ordinary for the neighborhood.

Board Member Catalano asked staff if there were instances where such a request could cause issues. CED Director Jeff Rogers replied that the increase in height upon a non-conforming footprint could make the structure more imposing to a neighbor, and that's the reason for this code. When there's a frequency of these requests due to a development pattern in certain neighborhoods, there could be a change to the code, but it would generally include a maximum, so that certain cases would still reach the PZB for review.

Board Member Veremis asked the petitioner how long they owned the property, and Mr. Kazionny said a couple of months. Board Member Veremis asked if they would clean up the rubble in the back yard, which appears to be the remnants of a garage, and the petitioner stated that they would.

Senior Planner Samantha Redman presented the staff overview, including two proposed conditions.

Tom Madalinski, 1409 Henry St., was sworn in, and thanked the petitioner for taking on this project. Mr. Madalinski asked if a full footing would be required on the front porch area. Mr. Madalinski then asked if another change came up, whether the approved variation would cover any other projects at this property as well. Senior Planner Redman explained that any other requests that require a variation outside of this request would need to go to the PZB, and the petitioner is not granted any sort of blanket variation. Mr. Madalinski explained that a house on his street has a wall built within three feet of the lot line, and it was a change from what the PZB approved. Senior Planner Redman explained that there is a Minor Variation Process, but affected neighbors have to sign off. In regards to the first question, the Building Code Division reviews the plans to ensure that the design will meet all applicable building codes.

The petitioner stated that the front porch would be repaired, and that a new foundation would be installed for that porch.

Motion by Board Member Veremis, seconded by Board Member Weaver to approve with the recommended conditions by staff to a standard variation request for the building setback at 1421 Henry Avenue.

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

MOTION CARRIED

3. Address: 1958 Illinois St

Case Number 24-011-MAP-V

The petitioner is requesting the following items: (i) a zoning map amendment from R-1, Single Family Residential to R-3, Townhouse Residential; (ii) variation to the minimum lot area requirement; (iii) a Major Variation from the off-street parking requirement; and (iv) any other variations, waivers, and zoning relief as may be necessary.

PINs: 09-29-230-025 & 09-29-230-026

Petitioner/Owner: Wojciech Gracz and Anna Boruk, 1958 Illinois Street, Des Plaines, Illinois 60018

Case Number: #24-011-MAP-V

Ward Number: #6, Alderman Mark Walsten

Existing Zoning: R-1, Single-Family Residential

Surrounding Zoning: North: R-1, Single Family Residential
South: R-1, Single Family Residential
East: R-2, Two-Family Residential
West: R-1, Single Family Residential

Surrounding Land Uses: North: Single family residence
South: Single family residence
East: Duplexes
West: Single family residence

Street Classification: Illinois Street is classified as a local road.

Comprehensive Plan: Single Family Residential is the recommended use for this property.

Property/Zoning History: Per city records, this property was re-zoned from Single Family Residential to Two Family Residential in 1968 (Ordinance Z-36-68). In 1971, a building permit and certificate of occupancy was issued for a two-dwelling building. No permits are located within City records for conversion of the basement into a garden unit. Between 1968 and the update of the 1998 Zoning Ordinance, this property was re-zoned to the current R-1, Single Family Residential zoning district.

In 1973, a zoning map amendment and variation case was submitted for this property to legalize a garden unit (a third dwelling unit) constructed without zoning or building approval; within the minutes of the case reviewed by the Zoning Board of Appeals, the property owner at that time explained that they converted the garden unit without proper authorization and requested relief to allow the unit to remain (Refer to Previous 1973 Zoning Case Materials attachment). The Board denied the request for relief, the case escalated, and enforcement action was taken. The property owner in 1973 was ordered to remove the kitchen facilities and evict the tenants of the garden unit. In 1978, a complaint was filed once again about the use of the garden unit and the property owner requested the same zoning relief, which was denied again in 1983. It is important to note the current property owners are unassociated with the previous property owner who requested this relief in the 1970s and 1980s.

No building permits were provided by the property owner, and staff did not discover any records permitting the conversion of the “garden unit” into a dwelling unit. Regardless, the Petitioner’s Narrative and Response to Standards states that the property has operated as a three-flat and the associated requests are to continue to operate all three dwelling units.

Project Description: _

The property is currently occupied by a two-story building with a basement and a two car, detached garage with a hard surface parking area adjacent to the garage. The property is permitted to have two dwelling units. The petitioner is requesting a zoning map amendment from R-1, Single-Family Residential to R-3, Townhouse Residential. Variations for parking and reducing lot area are necessary zoning relief to allow for the use of this property as a three-unit, or “three-flat,” residential building.

Illegal Versus Legal Non-Conforming Uses

Within the Petitioner’s Response to Standards, they state the intent of the requests is to “permit the legal use of the property” with the three dwelling units. Section 12-5-5 allows “lawfully existing nonconforming uses” to persist as long as otherwise lawful; i.e. if the property was permitted as a three-flat per prior zoning rules or relief, it would be permitted to continue to operate as such. However, for this property to have been considered a “legal non-conforming use” the use must have previously been allowed by the Zoning Ordinance in effect when the use was established.

The zoning for this property was two-family residential when it was constructed between 1969 and 1971, meaning only two dwelling units were permitted to exist. As discussed in the Property/Zoning History section of

this report, identical zoning map amendment and variation requests to permit three dwelling units were denied by the Zoning Board of Appeals in 1973 and 1983. Since 1983, there is no documentation demonstrating the three-unit use was established legally, so the use as a three-flat would be considered an *illegal* non-conforming use. Therefore, the zoning map amendment and variations are necessary to allow for the intended use of this building for three separate dwelling units.

Any non-conforming use is subject to Section 12-5-5 of the Zoning Ordinance, which limits nonconforming uses (i.e., a two flat within in a single-family residential zoning district) from having any improvements completed unless they can be considered ordinary repair and maintenance. The property, if used for two dwelling units, would lose its legal non-conforming status if the owner structurally altered the building or enlarged it in any way. Simply, if an addition is added to the building at any point in the future or structural changes needed to occur to remedy any defects, the entire building would no longer be able to have two dwelling units, and instead would need to be de-converted to meet standards of a single-family residence. Granting this zoning relief would eliminate this legal non-conforming status and allow the property to have three dwelling units without the limitations of Section 12-5-5.

It is important to note that no building permits are on record for the conversion of the basement into a “garden unit.” Unless a previous building permit is provided demonstrating this conversion was performed with City approval, the unit will be required to be updated to meet International Building Code (IBC) requirements and pass a building inspection prior to the issuance of a rental license of the garden unit (Section 4-17-1 of the City Code).

Zoning Map Amendment Overview

The purpose of a zoning map amendment is to determine whether an existing zoning district is suitable for a location and, if not, which zoning district would be more suitable, given the context of the neighborhood, city goals, and local, state, and national development trends. The Amenities and Services Map attachment demonstrates the proximity of the property to amenities within a “walkable” distance, which is approximately a half mile, or an 8–15-minute walk for the average person¹.

¹ Bohannon, R. W. (1997). Comfortable and maximum walking speeds of adults aged 20-79 years: reference values and determinants. *Age and Ageing*, page 17.

Although a specific project can be considered alongside any zoning application, zoning change deliberation often looks at a property at a larger scale within the neighborhood and city. A Site Plan Review, as required by Section 12-3-2, was performed for this property. The Site Plan Review contributes to the overall assessment of a zoning map amendment. Refer to the Site Plan Review section of this report.

R-1 Zoning and Suitability of the Site for Proposed R-3 Zoning

The below table provides a comparison of the types of residential units permitted per various zoning districts. The R-1, Single-Family Residential district limits the number of dwellings to one unit per parcel. To allow for more than one residence on this property, the property would need to have the zoning changed to a higher density zoning, like R-3, Townhouse Residential.

Multiple family residences are defined as, “residential building(s) containing three or more dwelling units.” Therefore, if re-zoned to R-3, where multiple family dwellings *are* allowed but single-family dwellings are *not* allowed, the property would not be able to de-convert any of the three units and continue to be a permitted use in this zoning district. In other words, choosing to rezone the property represents a commitment that the building will be used for three units.

Residential Districts Use Matrix				
<i>Use</i>	<i>R-1 (Current)</i>	<i>R-2 (Current)</i>	<i>R-3 (Proposed)</i>	<i>R-4</i>
Single Family Detached	P	C*	C*	C*
Townhouse	Not permitted	Not permitted	P	P
Two-family	Not permitted	P	Not permitted	Not permitted
Multiple Family	Not permitted	Not permitted	P	P

*Note: Only applies to single-family detached dwellings that were lawfully constructed prior to August 17, 2020 and are located in a zoning district other than R-1.

The R-1 Single-Family and R-3 Townhouse Residential districts have different size and setback requirements. The table below provides a comparison.

R-2 Versus R-3 Bulk Standards		
<i>Bulk Controls</i>	<i>R-1</i>	<i>R-3</i>
Maximum height	2 ½ stories to 35 ft	45 ft
Minimum front yard	25 ft	25 ft
Minimum side yard	5 ft	Buildings 35 ft. and under: 5 ft. Over 35 ft.: 10 ft.
Minimum rear yard	25 ft or 20% of lot depth, whichever is less	Buildings 35 ft. and under: 25 ft. or 20% of lot depth, whichever is less Buildings over 35 ft.: 30 ft.
Minimum lot width	55 ft.	45 ft.
Minimum lot area	6,875 sq. ft.	2800 sq. ft. per dwelling unit

Bulk Standards of Existing/Proposed Use

Below provides a comparison of what the requirements are for the new zoning district and what is existing/proposed at the property.

R-3 – Townhome Residential District Bulk Standards		
<i>Bulk Controls</i>	<i>Maximum Allowed</i>	<i>Existing</i>
Maximum height	45 ft	≤ 35 ft

Minimum front yard	25 ft	25 ft
Minimum side yard	Buildings 35 ft. and under: 5 ft.	5 ft.
Minimum rear yard	Buildings 35 ft. and under: 25 ft. or 20% of lot depth, whichever is less	37 ft.
Minimum lot width	45 ft.	50 ft
Minimum lot area	2800 sq. ft. per dwelling unit	2083.3 sq ft per dwelling unit ¹

¹ Calculation: Total Lot Area (6250 sq. ft.) divided by Proposed Units. Variation requested to provide relief from this requirement.

Variation Requests

Variations to lot area and parking are necessary for this property to be used in the manner envisioned.

Off-Street Parking

The off-street parking requirement for a multiple-family building (any residential building with three or more dwelling units) in the R-3 district is two parking spaces per dwelling unit. Per the Petitioner’s Narrative, three off-street parking spaces are provided via the garage. Six off-street parking spaces would be required, so a major variation is requested to provide relief from this requirement. On-street parking is available on the east side of Illinois Street, on the opposite side of the street from the property; however, within the Zoning Ordinance, only off-street parking can count towards fulfilling the parking requirement. On-street parking cannot be reserved for specific properties.

The 1960 Zoning Ordinance in effect during the construction of these buildings also required two off-street spaces per dwelling unit. Historic

aerials indicate the three-car garage or a similarly sized structure and the parking pad adjacent to the property has existed since the property was developed in 1971, for a total of four off-street parking spaces on the property. Adding one dwelling unit would require two additional parking spaces, per the zoning ordinance. A variation is requested to allow the existing four spaces to satisfy parking requirements.

Minimum Lot Area

The zoning district of a property determines the required minimum lot area. Particularly when expressed as a “per unit” ratio, this rule is intended to control density. For the R-1 zoning district, one dwelling unit is allowed on a property and the lot must be a minimum of 6,875 sq. ft. For the R-3 zoning district, multiple units are allowed, but 2,800 square feet must be provided per dwelling unit. To calculate whether it meets this requirement, the total lot area is divided by the number of dwelling units. See the table below for calculations for this site, depending on the zoning district. A variation is necessary if the property is re-zoned to R-3, but a variation is not required for the existing non-conforming use.

	<i>R-1 (Existing)</i>	<i>R-3 (Proposed)</i>
Existing Lot Area	6,250 sq. ft.	
Minimum lot area	6,875	2,800 sq. ft. per dwelling unit
Total Units	2 dwelling units*	3 dwelling units
Total Required Lot Area	5,600 sq. ft.	8,400 sq. ft.

*Existing non-conforming use.

Site Plan Review

Pursuant to Section 12-3-7.D.2 of the Zoning Ordinance, a Site Plan Review is required for all map amendment requests to assess how the request meets the characteristics identified in Section 12-3-2, which are listed below along with staff’s assessment of each in relation to the current site plan provided by the petitioner, located in the Plat of Survey/Site Plan attachment.

Site Plan Review	
<i>Item</i>	<i>Analysis (based on Proposal)</i>

The arrangement of structures on the site	Along this block, the adjacent buildings are generally closer to the front lot line than the subject property. The existing building does cover more of the lot than most other buildings in this neighborhood; however, no alterations expanding the footprint of the building or any additional hard surfaces are proposed at this time. This property has existed in this form and location since 1971.
The arrangement of open space and landscape improvements	Adequate landscaping is provided in the front yard. The rear yard is entirely impervious surface, which does not violate any zoning rules in this case but is not an ideal or best-practice design.
The adequacy of the proposed circulation system on the site	<p>Garages facing the alley provide vehicular access with limited conflict points with pedestrians and motorists. A walkway is provided from the front and side doors to a public sidewalk.</p> <p>Parking would not meet the off-street parking requirements of Section 12-9-7. Four spaces are provided where six are required. However, on-street parking is available along the east side of Illinois Street. Although not adjacent to the property, there is a bus stop for PACE 230 near Arndt Park, a less than 10-minute walk. This bus route provides a 10-minute ride to the Des Plaines Metra station and Downtown. Providing “parking light” housing where a household may be limited to one car instead of multiple encourages the use of alternatives.</p>
The location, design, and screening of proposed off-street parking areas	Off-street parking is located at the rear of the property facing the alley. The parking is screened by the building and the front yard.
The adequacy of the proposed landscaping design on the site	No additional landscaping is proposed. The front yard landscaping is proposed to remain.
The design, location, and installation of	No additional lighting is proposed for the site. No compliance issues have been identified with the

proposed site illumination	lighting at this property.
The correlation of the proposed site plan with adopted land use policies, goals, and objectives of the comp. plan	<p>The Comprehensive Plan illustrates this area for single family residential uses, which could include both single-family detached and attached units.</p> <p>The proposed plan supports the following goals:</p> <p>Goal 4.1. Ensure the City has several housing options to fit diverse needs.</p> <p>Goal 4.3 Provide new housing at different price points</p>

Standards for Zoning Map Amendment:

The following is a discussion of standards for zoning map amendments from Section 12-3-7.E 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. Whether the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the City Council;

Comment: The existing housing stock throughout the city is predominantly single-family residential and the Comprehensive Plan states it is a goal to maintain this stock of high-quality single family residential property within the city. However, the detached single family housing type is an increasingly unaffordable product for many existing and future residents. In comparison, three flats provide additional housing stock at a more financially attainable scale due to the smaller size and reduced maintenance cost. In addition, the proposed amendment and development is supported by Goal 4.1. Ensure the City has several housing options to fit diverse needs.

2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development;

Comment: In terms of compatibility, a higher density residential use than the existing single-family zoning is not outside of the character of the neighborhood. The subject property is within a neighborhood of R-1 zoning to the south and west, and R-2 zoning to the west, and a section of R-3, townhouse residential zoning to the north. However, the size of the property (6,250 sq. ft. or 0.14 acres) limits development potential to increase density without substantial zoning relief and faces limitations in terms of parking.

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

Comment: Staff anticipates adequate public facilities and services would be provided if this property were re-zoned to allow for additional dwelling units on this property. Per the Amenities and Services Map, this property is within a half mile of several parks, schools, and public transit opportunities.

4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and

Comment: The proposed map amendment would allow for opportunities for additional residential units of different types in an area with facilities and services that can accommodate this. The proposed use of the building will legally add an additional dwelling unit but will not involve any foreseeable additional expansion or construction, and will allow the property to continue to be used how it has been used in the past, albeit without explicit permission in terms of zoning and building.

5. Whether the proposed amendment reflects responsible standards for development and growth.

Comment: As discussed in Standard 1, the Comprehensive Plan encourages additional housing options including townhomes or multiple family residences, which are permitted by right in the proposed zoning district. However, re-zoning one property to R-3 in an island of R-1 and R-2 does not demonstrate responsible decisions for development and growth. Rezoning a property of this size would be inadequate for a larger scale residential development without a significant amount of zoning relief and would seem to demonstrate a special privilege for one property owner. The property is landlocked by a residence to the south and a public alley to the north and east, further limiting development potential.

The Amenities and Services Map attachment displays the available parks, schools, and commercial areas present within a 0.5-mile (10-minute walk) radius of the property. Although there are other areas of the City with a greater proximity to retail, restaurant and grocery establishments, the area has ample access to park space (Arndt Park, with a new aquatic center a block away) and access to public transit.

Standards for Variation:

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 or would not satisfy the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided staff comments 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: Without the variations for parking and lot area, the property would be unable to operate as a three-unit building. The inability to rent or use the basement as a dwelling unit does not constitute a “hardship.” The property never received zoning relief that allowed for this use in this

location and it can continue to operate as a two-flat, if the variations and the zoning map amendment are not approved.

Through either testimony in the public hearing or via the submitted responses, the Board should review, question, and evaluate whether a hardship or practical difficulty exists.

1. **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 typical rectangular lot that is neither exceptional to the surrounding lots nor contains unique physical features that prevent the petitioner from complying with the appropriate regulations.

2. **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: Any perceived unique physical conditions or hardships created from these items are a direct result of the actions of the property owner. The property owner is seeking to continue operation of a third dwelling unit where only two have been permitted. If the property owner were to de-convert the third dwelling unit and operate the residential building as a two-flat, no variations would be necessary.

3. **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: The rights denied to the property owner would be the ability to use an additional dwelling unit in the building. However, the property could continue as a non-conforming use with two residential units. Denying the variations would not allow the use of the third unit and, if re-zoned, would result in the building not meeting R-3 requirements. However, the property is currently a non-conforming use with the two units in the R-1 zoning district, meaning it faces limitations within Section 12-5-5 of the Zoning Ordinance limiting the building to only ordinary repair and maintenance and not allowing any structural alterations or enlargement of the structure. Denial of the map amendment and variations means it would continue to be subject to the non-conforming use regulations.

4. **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 may, in fact, provide a special privilege for the property owner not available to other properties in this zoning district. 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. The PZB may ask the petitioner to explain whether they have exhausted other alternatives.

5. 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: With the variations sought, it would meet all applicable requirements for the R-3 zoning district.

6. 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: In this case, one clear remedy is to not use this building as a three-flat or to provide a design solution that increases off-street parking. However, there is limited space to expand the off-street parking area. There is no other remedy for the lot area variation, if the re-zoning of this site is approved for R-3; this property is landlocked with no readily available opportunities to acquire additional property. The PZB may wish to ask why certain alternative designs are not feasible for the parking area.

7. 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: Combined with the zoning map amendment from R-1 to R-3, the variations requested provide the minimum relief necessary.

PZB Procedure and Recommended Conditions: Under Section 12-3-7.D (Procedure for Review and Decision for Amendments) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve or deny the above-mentioned zoning map amendment. Section 12-3-6.F of the Zoning Ordinance (Major Variations), the PZB has the authority to *recommend* approval, approval subject to conditions, or denial of the request to City Council. City Council has final authority on the proposal.

Consideration of the request should be based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-7.E (Standards for Amendments) and Section 12-3-6.F (Standards for Variations) of the Zoning Ordinance. If the PZB recommends and City Council ultimately approves the request, staff recommends the following condition on approval of the variation.

Suggested Condition of Approval - Prior to issuance of rental license, property owner must provide either evidence of previous permits converting the basement unit to meet building code requirements or pass a City building inspection demonstrating sufficient compliance with applicable International Building Code for a new unit of this type.

Chairman Szabo swore in Gene Bobroff, attorney for the petitioners and Pete Gialamas, Realtor. Mr. Bobroff explained the requests for a map amendment from R-1 to R-3, a variation for lot area, and a variation for parking. Mr. Bobroff explained the property that looks like a “Chicago-style” three flat and detached garage, all constructed in 1971. All three levels have separate entrances and exits, three utility boxes and three addresses per the Post Office. The petitioner purchased the property in 2022 from the prior owner, the Sisterhood of the Living Word, who purchased the property in 1995. The Sisterhood stated to the petitioner that they did not make any changes to the property since they purchased and they rented the units out to their nuns.

Mr. Bobroff stated the petitioner occupies the first floor and tenants occupy the garden and third floor units. The neighborhood consists of R-1, R-2, and R-3 properties and C-1 across Mannheim. The two parcels to the north are R-3 zoned residences and the parcel directly to the south is a three-flat. The opposite side are R-2 zoned properties. The requests will not have an impact on the density of the neighborhood.

Mr. Bobroff discussed parking. There is a three-car garage and four additional parking spaces along the driveway. Parking is not an issue and the tenants have never had any issues with parking or any complaints from the City about parking.

Mr. Bobroff described the rental history. The property was purchased from the Sisterhood and they continuously rented the units and received rental licenses. The most recent was granted in 2021 for the garden apartment to the Sisterhood. Since the petitioner purchased the property, the city has continuously approved rental licenses for the property.

Mr. Bobroff discussed 1625 Linden Avenue which had the same requests granted by the City with identical situations last year, except there are rental licenses for 1958 Illinois St demonstrating the City recognizes them as three separate rental units.

Mr. Gialamas discussed how the property on Linden Street closed in January 2023 and if it was sold as a two-flat, the sale price would have been significantly lower. They feel there is a hardship if the requests are not granted. They feel this building was setup as a three-flat with egress on the front and back of the building for the apartment downstairs. When the property was purchased by the petitioner, there was a kitchen in the garden unit already.

Member Weaver asked about how the property was acquired as a three-flat with an appraisal and mortgage classifying it as a three-flat for a building that was not legally a three-flat. Mr. Gialamas clarified confusion that he was discussing Linden Street, not the sale of this building at 1958 Illinois Street. It was stated that neither Mr. Bobroff nor Mr. Gialamas represented the petitioner for the sale of 1958 Illinois Street.

Member Veremis asked about how much the building sold for. Mr. Bobroff stated the petitioner paid cash for the building, so this question of whether the three-flat was legal was not encountered because no underwriting occurred.

Samantha Redman, Senior Planner discussed the requests and the history of the property as a two-flat and the zoning changes over the years. Senior Planner Redman reiterated that the property was previously constructed with a building permit as a two-flat within a two-family residential zoning between 1968 and 1971, and the zoning was changed to the current R-1 zoning district between 1971 and today, making a two-flat a nonconforming use.

Senior Planner Redman discussed the history of zoning requests on this property. In 1973 and 1983, similar requests were denied by the Zoning Board of Appeals to allow a three-flat in this location followed by a code enforcement case. Rental licenses were issued in 2019 and 2022, however, that does not fulfill the zoning relief necessary for a three-flat in this location.

Senior Planner Redman discussed the requests, including the zoning map amendments and the major variations for minimum lot area and parking, including discussion of the reasoning for the parking variation. Although the petitioner stated there is sufficient parking, Senior Planner Redman stated that tandem parking is not permitted, so this variation is required to reduce the total required parking from six spaces to the available three spaces.

Senior Planner Redman concluded by describing how staff do not provide recommendations for approval or denial, but assesses whether standards are met and communicated the information the Board should take into consideration with their recommendation. Motions and conditions of approval were described, including the condition that affirms all units are habitable and meet code requirements.

Member Weaver made a comment stating that if the request was for R-2 zoning rather than R-3, the variations would not be necessary. Mr. Gialamas responded that the previously approved requests at 1625 Linden Street was for a lot smaller than 1958 Illinois Street.

Member Saletnik asked questions about the rental license and the two entrances to the basement and when these were added. Member Weaver stated the record is clear this property was never permitted for three dwelling units. Member Veremis stated the picture window and the two entrances would indicate a third unit. Member Saletnik believed staff would have flagged this issue with the two entrances to the basement.

Jeff Rogers, CED Director, stated there is one exterior entrance and an interior entrance. The entrances to the three units can be accessed with an interior vestibule. Member Saletnik asked about the picture on page 15 of 45 of the staff report, and whether this is a vestibule in the entrance. If that is the stairwell going down, it was built with a formal entryway from the vestibule that he considers a classic three-flat present all over the Chicago area. That is contradictory to how it was analyzed by the City.

Member Veremis asked whether this was built as an apartment or as a regular basement. Senior Planner Redman stated staff does not have the original building plans, but directed the Board to refer to the attachments with discussion with the previous property owner for the denied zoning relief and whether building permits were acquired. When you read through the minutes, it demonstrates building permits were not issued at that time for the garden unit, and staff does not have evidence of any new permits for the garden unit after construction of the building.

Member Saletnik asked if it was built without a building permit. Senior Planner Redman clarifies it was built with a building permit, but the older records are not available, and stated it was permitted to be built

as a two-flat. Member Veremis asked about rental licenses and why they were issued. Senior Planner Redman stated staff is not certain about what considerations were in place when a rental license was issued to the previous religious group in this location, but can only state that zoning relief does not currently exist allowing for three dwelling units on this property that would allow for three rental licenses.

Member Weaver stated the reversion of the zoning from two-family to single family was a serious mistake that should not have happened. However, if the request was for a two-flat in R-2 zoning, it would meet all lot area and parking requirements.

Chairman Szabo asked for any public comment. No public comment.

Member Saletnik said to take into consideration that the people who purchased the buildings did not create this situation. Member Veremis asked about how many people live in the building. Mr. Bobroff stated there are two people in the garden apartment, two people on the first floor, three people on the second floor. Member Szabo said it was good enough for the nuns, so it should be good enough for everyone else. Mr. Bobroff stated the nuns are still living there and the petitioners have chosen to allow the nuns to remain as tenants. Member Szabo stated it has operated that way for a long time.

Member Szabo asked if the nuns were asked to leave in the past. Senior Planner Redman clarified in 1983, a vicar and their partner were asked to vacate the garden unit, as discussed in the attachments of the staff report. No code enforcement issues related to the garden apartment have been encountered since the 1983-1984 case.

Motion by Board Member Saletnik, seconded by Board Member Catalano to recommend the City Council's approval of a zoning map amendment from R-1, Single Family Residential to R-3, Townhouse Residential for the property at 1958 Illinois Street.

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

MOTION CARRIED

Motion by Board Member Saletnik, seconded by Board Member Catalano to recommend the City Council's approval of major variations for minimum lot area and off-street parking requirements at 1958 Illinois Street, with staff recommended condition of approval

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

MOTION CARRIED

Other items:

Senior Planner Samantha Redman confirmed the March 26, 2024 PZB meeting will be cancelled. PZB discussed the workshop on March 5th and staff thanked the PZB for attending and stated it was productive for the developer.

Member Saletnik asked what was done to advertise the workshop. Senior Planner Redman stated the advertising of the workshop was the same as the others, but staff and the Board are unsure why it was not as well attended as the previous.

ADJOURNMENT

Chairman Szabo adjourned the meeting at 8:30 p.m.

Sincerely,

Zofia Gwozdz/Recording Secretary

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