

ORDINANCE NO. O-24-14

**AN ORDINANCE GRANTING CERTAIN VARIATIONS FOR
THE PROPERTY AT
309 E. PALATINE ROAD, PROSPECT HEIGHTS, ILLINOIS**

(PZBA Case #24-08)

WHEREAS, the provisions of the Prospect Heights Zoning Ordinance applicable to the property legally described in Exhibit A attached hereto (hereinafter "Property") and commonly known as 309 E. Palatine Rd. prescribe that the minimum lot size for a buildable lot is 20,000 sq. ft.; the minimum lot width at building line is 100' and a maximum floor area ratio for a primary structure is 20% in the R1 Single-Family District; and

WHEREAS, the contract purchaser of the Property submitted for consideration a petition for variations to reduce the minimum lot size to 14,727 square feet, reduce the minimum lot width at the building from one hundred (100) feet to ninety-three (93) feet; and increase in the floor area ratio from for a new single-family house to 21.5% (3,160 sq. ft.) from the allowed 20% (2,945 sq. ft.) for a 14,727 square foot lot per Section 5-6-1 of the City of Prospect Heights Zoning Code on the property commonly known as 309 E. Palatine Rd., Prospect Heights, Illinois, in the City's R-1 Single Family Residential District; and

WHEREAS, the Plan/Zoning Board of Appeals held a public hearing on May 22, 2024 regarding said application; and

WHEREAS, the Plan/Zoning Board of Appeals determined that the petition met the standards to recommend approval of the Requested Variations with the condition to grant an additional variation to Section 5-3-4 H (f2) for the installation of a fence or screening within the 25' corner side yard setback up to the northern property line to screen Palatine Road.; and

WHEREAS, the Mayor and City Council have reviewed the recommendation of the Plan/Zoning Board of Appeals;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS as follows:

Section 1. The City Council hereby finds and determines that the facts set forth in the preamble hereto are true and correct and hereby incorporates them as part of this Ordinance.

Section 2. The Requested Variations are hereby granted.

Section 3. The home will be constructed substantially in accordance with the approved plans, documents and testimony submitted at the public hearing on this matter and with applicable codes.

Section 5. That this Ordinance and all exhibits attached hereto shall be recorded at the Cook County Recorder's Office at the expense of the Owners.

Section 5. The City Clerk is directed to publish this ordinance in pamphlet form and this Ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED AND APPROVED this 10th of June, 2024.


Patrick Ludvigsen, Mayor

ATTEST:


Joanna Prisiajouiuk, City Clerk

AYES: Cameron, Anderson, Morgan-Adams, Dolick, Dash

NAYS: None

ABSENT: None

Published in pamphlet form: June 11th, 2024



Exhibit A

Legal Description for 309 E. Palatine Rd, Prospect Heights, IL

(Future Address change to 714 Glendale Dr.)

LOT 6 (EXCEPT THE NORTH 27 FEET THEREOF AND THAT PART TAKEN BY THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS BY CONDEMNATION CASE NO. 03 L 50287 FOR RIGHT OF WAY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE ON AN ASSUMED BEARING N 00°-12'-31" W ON THE WEST LINE OF LOT 6, 93.02 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING N 00°-12'-31"W ON SAID WEST LINE 6.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF F.A.P.305 (PALATINE ROAD); THENCE S 89°-56'-59" E ON SAID SOUTHERLY RIGHT-OF-WAY LINE, 158.70 FEET TO EAST LINE OF SAID LOT 6, THENCE 00°-12'-31" E ON SAID EAST LINE, 16.00 FEET; THENCE N 47°-40'-34" W 14.87 FEET; THENCE N 89°-56'-59" W PARRALLEL WITH SOUTHERLY RIGHT-OF-WAY LINE, 147.75 FEET TO POINT OF BEGINNING) IN BLOCK 1 IN PROSPECT GLEN SUBDIVISION OF THE NORTH 15 ACRES OF THE EAST 60 ACRES OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON AUGUST 25, 1959 AS DOCUMENT #1881980.

PROPERTY COMMONLY KNOWN AS 309 EAST PALATINE ROAD, PROSPECT HEIGHTS, IL

PIN #: 03-22-207-004-0000



City of Prospect Heights

Department of Building & Zoning
8 North Elmhurst Road, Prospect Heights Illinois, 60070-6070
Office: 847/398-6070 x 211-FAX: 847/590-1854
www.prospect-heights.il.us

MEMORANDUM

Date: June 3, 2024

To: Mayor Ludvigsen and City Council

From: Daniel A. Peterson, Director of Building & Development

Subject: ZBA Case No. 24-08 V – 309 E. Palatine Rd, Prospect Heights, IL
Variations to Reduce Minimum Lot Size and Width, and Increase the Maximum Allowable Floor Area Ratio for a Primary Building

Issue: Mr. & Mrs. Salazar are under contract to purchase undeveloped vacant lot at the intersection of Glendale Drive and Palatine Rd. Consider variations to Section 5-6-1 D Lot Size to reduce the minimum lot area from, 20,000 sq. ft. to 14, 727 sq. ft. and reduce the minimum lot width from 100' to 93' ft. width at the building line; and to allow an increase in the maximum Floor Area Ratio (FAR) of a primary building from 20% (2,945 sq. ft.) to 21.5% (3,160 sq. ft.) for a proposed new house located at 309 E. Palatine Rd, Prospect Heights, Illinois, in the City's R-1 Single Family Residential District.

Background: The PZBA held a public hearing on May 22, 2024. Testimony was provided by the applicant supporting the variation request. The lot does not meet the minimum lot size requirements due to condemnation takings from IDOT in 1959. The required setback distances will be met even with the requested variations. After testimony and deliberation the PZBA members also approved a variance to allow the applicant relief to construct a fence or plant dense shrubs/landscaping in the required corner side yard along the Palatine Road frontage. There was no testimony provided by the public. After deliberation, the PZBA voted 5-0 to recommend approval of the variations.

The applicants have requested an address change to 714 Glendale Drive. This address change will be handled administratively after the project receives all approvals.

The applicants have requested a waiver of first reading.

Recommendation: Waiver of First Reading and approval of Ordinance No. O-24-14 Granting Certain Variations for the property at 309 E. Palatine Rd.



City of Prospect Heights

Department of Building & Zoning
8 North Elmhurst Road, Prospect Heights Illinois, 60070-6070
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www.prospect-heights.il.us

MEMORANDUM

Date: May 1, 2024

To: Planning/Zoning Board Commissioners

From: Daniel A. Peterson, Director of Building & Development

Subject: ZBA Case No. 24-08 V – 309 E. Palatine Rd, Prospect Heights, IL
Variations to Reduce Minimum Lot Size and Width, and Exceed the Maximum Allowable Floor Area Ratio for a Primary Building

Please be advised that Hector and Erica Salazar, contract purchasers, of the subject property, are seeking the following variations:

1. Consider variations to Section 5-6-1 D Lot Size to reduce the minimum lot area from, 20,000 sq. ft. to 14, 727 sq. ft. and reduce the minimum lot width from 100' to 93' ft. width at the building line; and
2. Consideration of a variation to allow an increase in the maximum Floor Area Ratio (FAR) of a primary building from 20% (2,945 sq. ft.) to 21.5% (3,160 sq. ft.) for a proposed new house located at 309 E. Palatine Rd, Prospect Heights, Illinois, in the City's R-1 Single Family Residential District.

Mr. & Mrs. Salazar are under contract to purchase undeveloped vacant at the intersection of Glendale Drive and Palatine Rd. The lot does not meet the minimum lot size requirements due to condemnation takings from IDOT in 1959. Additionally, the applicants are seeking a minimal 215 sq. ft. (1.5%) increase in FAR for a primary structure. However, the total lot coverage is under the 25% (3,682 sq. ft.) maximum allowed for all structures per Section 5-6-1 H1.

The applicants have requested an address change to 714 Glendale Drive. This address change will be handled administratively after the project receives all approvals.

Please contact me should you have any questions regarding this application.

Thank you.

Memorandum

To: Prospect Heights Mayor and City Council

From: Maciej Kempa – Chairman
Plan / Zoning Board of Appeals

Date: May 31, 2024

Subject: Recommendation
Case No. ZBA – 24-08 Variations
Applicant: Hector & Erica Salazar
Property Address: 309 E. Palatine Rd.
Hearing Date: May 22, 2024

I. Purpose

Conduct a public hearing regarding an application for a Variations to Section 5-6-1 D1 of the City of Prospect Heights Zoning Code for the purpose of constructing a new single family home.

Requested Relief:

- A. Reduce the minimum lot size from 20,000 sq. ft. to 14,727 sq. ft.; and
- B. Reduce the minimum lot width at the building line from 100' to 93', and
- C. Increase the maximum floor ratio from 20% (2,945 sq. ft.) to 21.5% (3,160 sq. ft.) To construct an attached 2- car garage onto the existing legal nonconforming primary structure the R-1 Single Family Residential District at 14 Kenneth Avenue.

II. Comments and Testimonies

Director Peterson provided a brief description of the request and the legal nonconforming conditions of the existing property. The property is vacant. 1959 IDOT condemned a portion of the property for the Palatine Road right-of-way condemnation case #03-L-50257. The result was the lot does not meet the minimum requirements for a buildable lot.

Director Peterson stated with the requested variations the property would be buildable and still meet the yard requirements of the R-1 Single-Family District. Including area for accessory structures.

Mr. Hector Salazar, applicant, provided testimony that they were looking for a lot to build their new home. He described the design of the proposed home and how this home would be able to be built with the variation. He also testified that they were aware of Palatine Rd. and possible noise, but were considering landscaping or screening. He stated that this was for their personal use. He also explained that they had soils testing to confirm there were not bad soils. Tests were positive.

Mrs. Erica Salazar provided testimony to address the screening and buffering that they plan to install in relation to the noise from Palatine Rd.

No other testimony was present by the public.

III. Board and Staff Comments

Commissioner Saewert wanted clarification that the project would not cause drainage issues for the neighboring property. Director Peterson confirmed drainage is not an issue.

Commissioners Saewert asked additional questions regarding noise buffering and screening and how the applicants were going to address this issue as the extensive tree and vegetation growth will be removed to accommodate the new house. Applicants restated plans for plantings or screening. Also the home would act as a buffer.

Commissioner Patel also commented on noise can be an issue based on previously living along Palatine Rd. and suggested installing a berm and dense evergreen screening at the northern property line.

Director Peterson indicated that the property was a corner lot and any fencing along the Palatine frontage would require a variation to encroach into the required 25' corner side yard setback.

Chairman Kempa asked if the PZBA could add this as a condition or grant the additional variation at this time.

Director Peterson indicated that the PZBA had the authority to grant the additional relief.

After deliberation the PZBA determined to add the relief for the corner side yard setback to allow for fencing and screen along the northern property line up to the 40' front building line.

IV. Decisions and Findings

After reviewing the application packet, testimony and deliberation the PZBA finds that the application satisfies the standards listed in Section 5-8-10 F for granting of the requested variations.

Chairman Kempa asked for a motion to accept into the record the documents and testimony and finding of fact. Motion by Commissioner Simmons seconded by Commissioner Saewert approved by a 5-0 roll call vote.

Chairman Kempa asked for a motion to recommend to the City Council approval of the variation lot size for the construction of a new single-family home. Motion by Commissioner Simmons seconded by Commissioner Saewert approved by a 5-0 roll call vote.

Chairman Kempa asked for a motion to recommend to the City Council approval of a variation to increase the Floor Area Ratio (FAR). Motion by Commissioner Mishevski second by Commissioner Patel approved by a 5-0 roll call vote.

Chairman Kempa asked for a motion to recommend to the City Council approval of a variation to allow an encroachment into the required 25' corner side yard setback for the purpose to install fencing, landscape buffering along the Palatine Rd. lot line. Motion by Commission Simmons second by Commissioner Patel approved by a 5-0 roll call vote.

The motion was 7-0 to recommend approval of the variation request and forward to the City Council.

Respectfully Submitted

PZBA Meeting

Case #24-08 V

309 E. Palatine Rd. Prospect Heights. IL

EXHIBITS LIST			
No.	Date	Description	Prepared
1	04/22/24	Completed Application	Applicant
1a	04/22/24	Proof of Right to Seek Variation	Property Owner In file
2	04/22/24	Plat of Survey	Continental Engineers & Surveyors Inc. 12/3/10
3	04/22/24	Hardship Letter	Applicant
4	04/22/24	Proposed Elevation & Floor Plans	Applicant
5	05/2024	Proof of Publication Exhibits	In File
6		Staff Zoning Exhibit	Director Peterson
7	05/2024	Zoning Review	Director Peterson
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April 18, 2024

Mr. Dan Peterson
Director of Building and Development
City Hall Offices
8 N. Elmhurst Road
Prospect Heights, IL 60070
To whom it may concern:

Re: Zoning Variance Application
301 E. Palatine Rd
Prospect Heights, IL 60070

Dear Mr. Peterson:

This letter is in support of the Variance Application filed by Hector and Erica Salazar for a lot size variance for the above referenced property. This lot is titled in the name of the Roger H. Evans Revocable Trust dated October 29, 1999 and the Susan M. Evans Revocable Trust dated October 29, 1999.

Please contact Jennifer Evans Piet at (773) 544-7653 or jenniferpiet@atproperties.com if you have any questions of require additional documentation.

Sincerely,

The Roger H. Evans Revocable Trust
Dated October 29, 1999

By: Jennifer Piet
Jennifer Evans Piet, Successor Trustee

The Susan M. Evans Revocable Trust
Dated October 29, 1999

By: Susan M. Evans
Susan M. Evans, Trustee



To whom it may concern:

This letter is to request the variations below for the lot currently located at 309 E. Palatine Road Prospect Heights Il 60070.

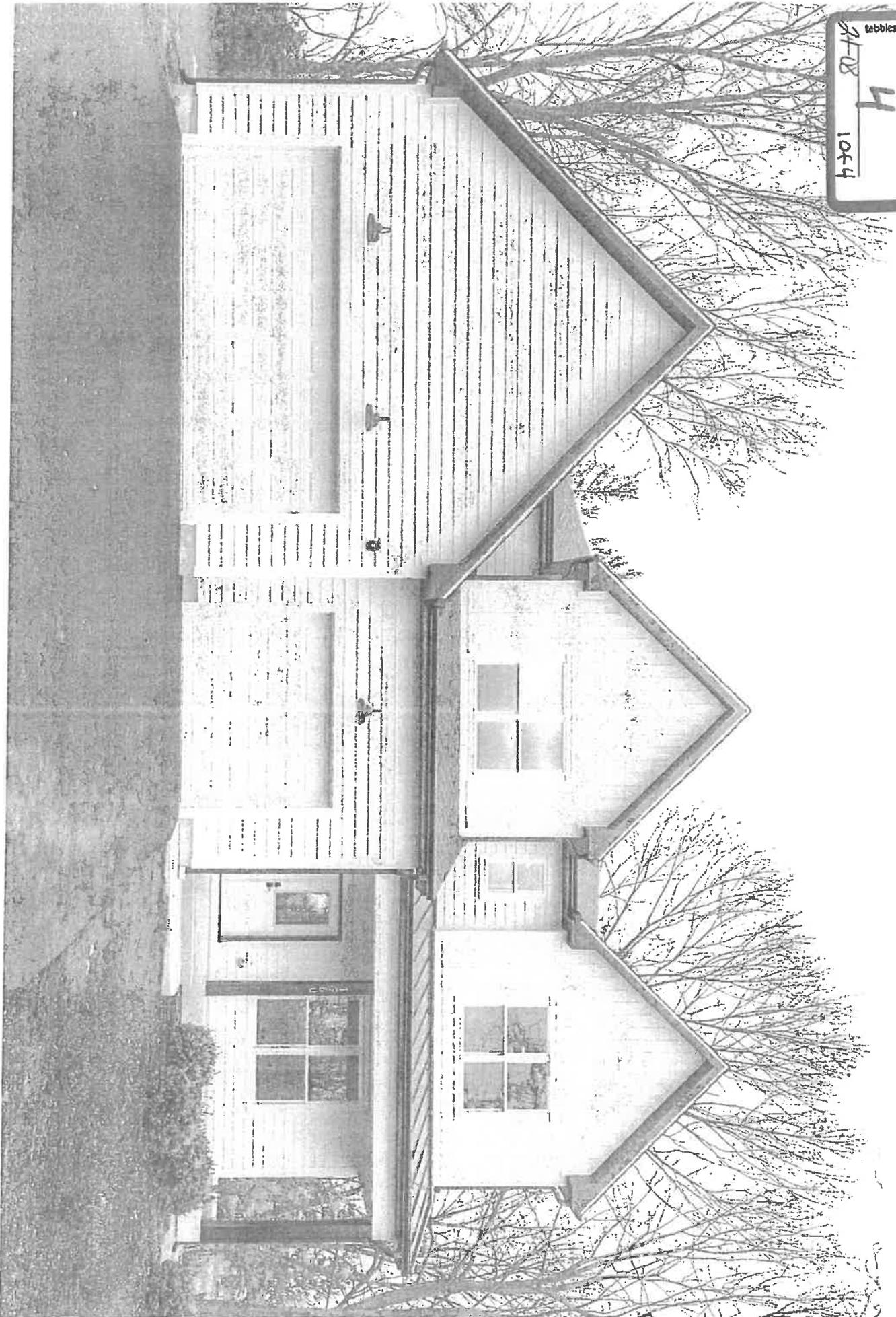
Variation #1: The lot in its current condition is only 14,727 sq ft. which does not meet Section 5-6-1D which requires a minimum lot size of 20,000 sq ft. We are asking for this lot to be deemed buildable as it was the DOT that took the square footage of this lot because of the frontage road (Case No 03 L 5027)..

Variation #2: Based on our meeting with Prospect Heights Building and Development and per initial calculations the primary structure allowable on the lot in question should not exceed 2,945 sq ft. The spec home that we are planning on building (Please see attached renderings) will have an approximate square footage of 3,160 sq ft. We are politely asking if there can be a variation to allow us to build a slightly bigger home than what is currently allowed because of the reduced lot size.

Thank you.

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87-08
4
1044

EXHIBIT



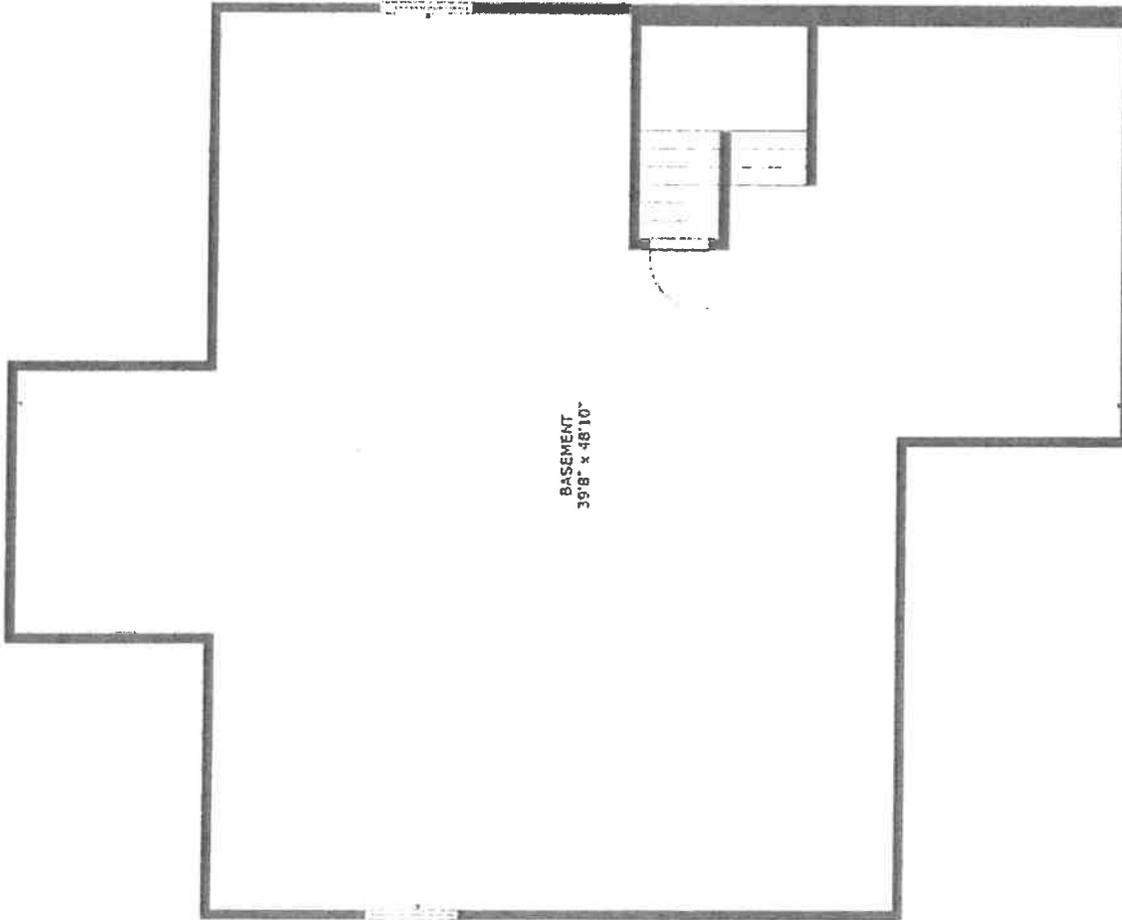


GROSS INTERNAL AREA
FLOOR 1: 1472 sq. ft. FLOOR 2: 1508 sq. ft.
FLOOR 3: 1601 sq. ft.
TOTAL: 4580 sq. ft.

EXHIBIT
H
24-18 3044
Abbles



GROSS INTERNAL AREA
FLOOR 1: 1472 sq. ft. FLOOR 2: 1508 sq. ft.
FLOOR 3: 1601 sq. ft.
TOTAL: 4580 sq. ft.



BASEMENT
39'8" x 48'10"

GROSS INTERNAL AREA
FLOOR 1: 1472 sq. ft. FLOOR 2: 1508 sq. ft.
FLOOR 3: 1601 sq. ft.
TOTAL: 4580 sq. ft.



OF COOK COUNTY, ILLINOIS, ON AUGUST 25, 1948 AS DOCUMENT #1281980.

1ST PALATINE ROAD PROSPECT HEIGHTS, ILL.

EXHIBIT

6

AH-08 1042

PALATINE ROAD

589°56'59"E 58.70'(R&B)

N89°56'59"W

27.75' REVERS

COMMON SIDE

25'

40'

Front Yard 40'

CLENDALE DRIVE

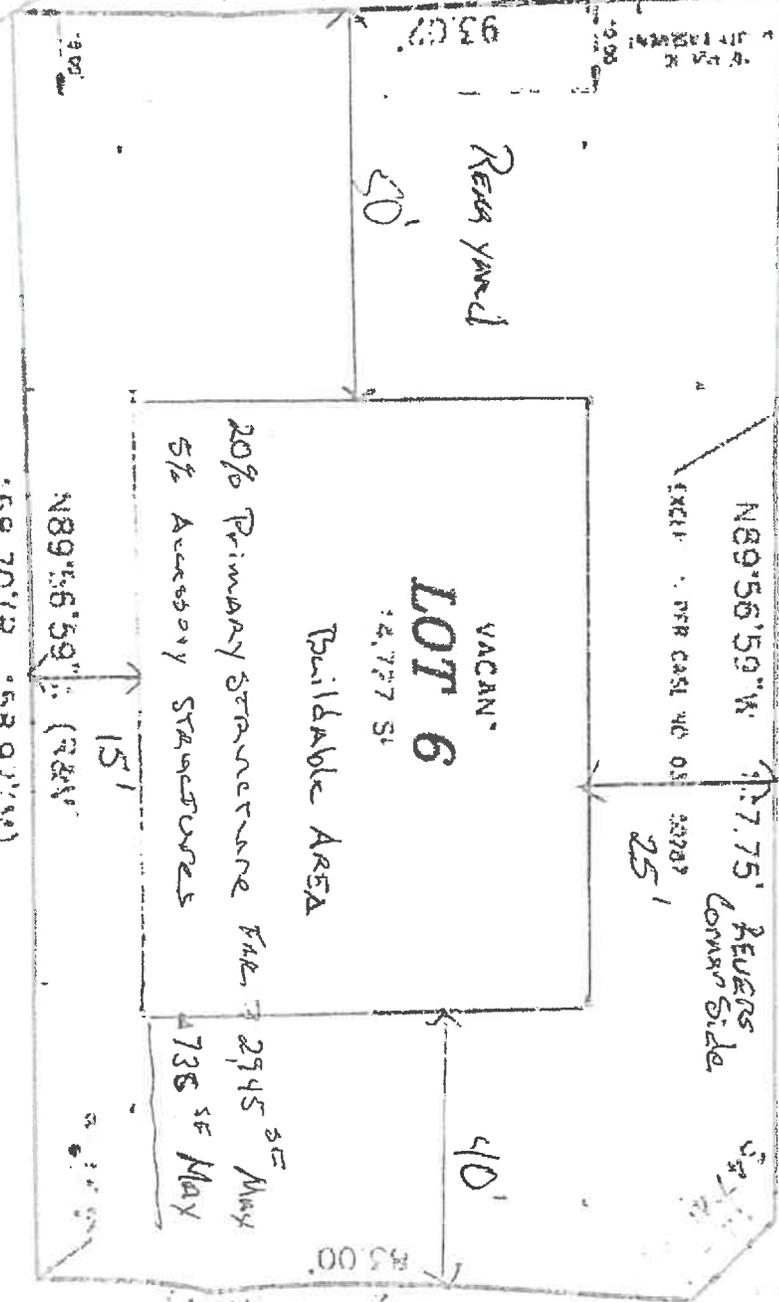
58.70'(R 58.97'(M))

Interior Side = 15'

* Zoning Variance Requested.

* Not to Scale 2/14/24

Only for Representative Purposes. *SP*



93.00'

4.00'

12/3/15

CONTINENTAL ENGINEERS & SURVEYORS, INC.

Consulting Engineers & Land Surveyors & Planners

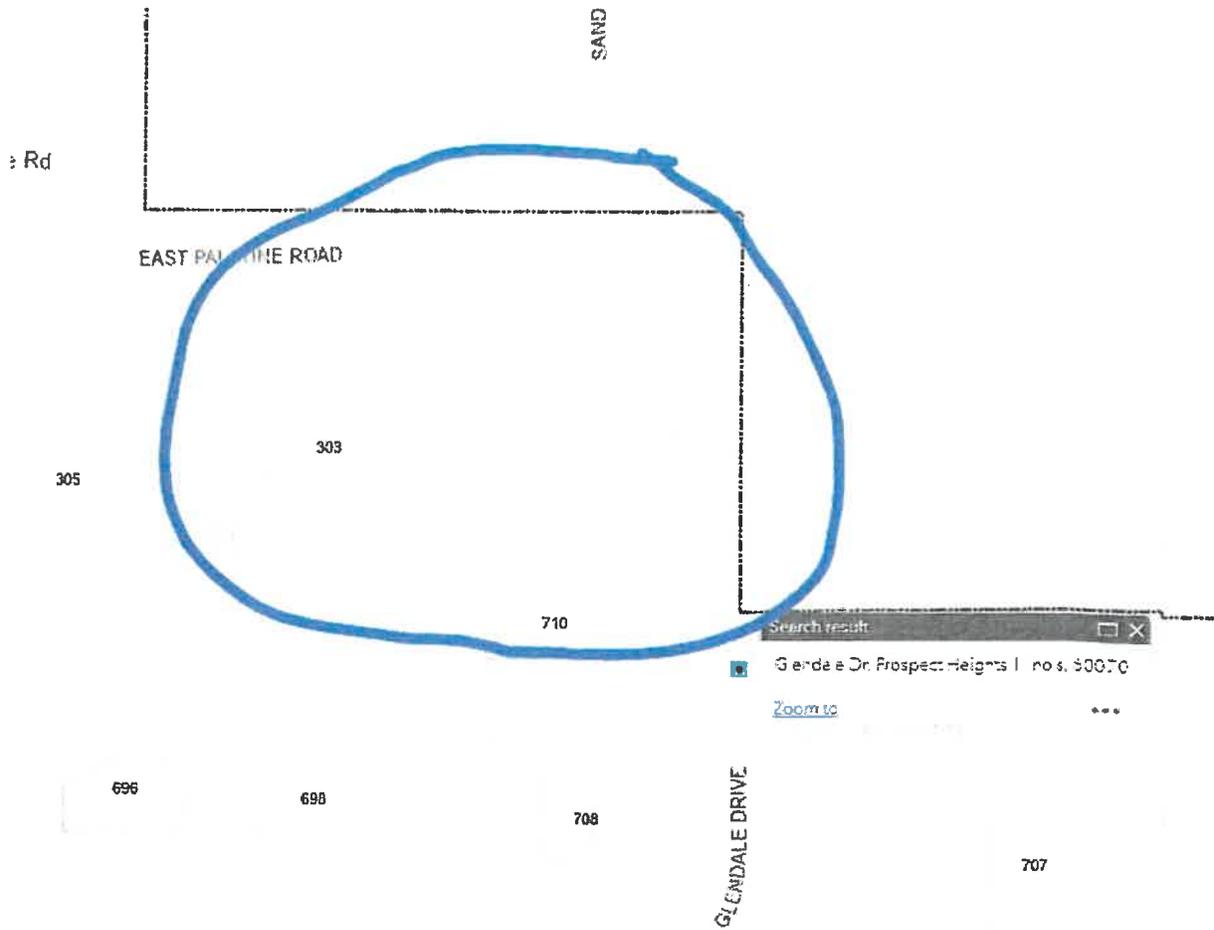
1315 FARMERS ROAD, CHICAGO, ILLINOIS 60605

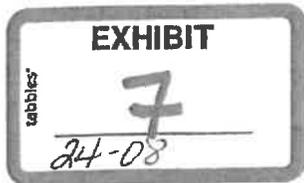
TEL: (773) 399-3495 FAX: (773) 399-3495

NOTE: DIMENSIONS AND LOCATIONS ARE BASED UPON THE RECORD DRAWING AND FIELD SURVEY. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION OF ANY STRUCTURE WITHOUT THE WRITTEN CONSENT OF CONTINENTAL ENGINEERS & SURVEYORS, INC.

EXHIBIT
tabbles: 6
2708 2012

Prospect Heights GIS Image of 309 E. Palatine Rd.





Zoning Review

Date: May 1, 2024

Reviewer: Daniel A. Peterson, Director of Building & Development

Applicant: Hector and Erica Salazar

Subject Property: 309 E. Palatine Road

Application: Requesting Variations to Reduce Minimum Lot Size and Exceed Maximum Allowable Floor Area Ration (FAR)

Project: New Single Family Residence

Documents Reviewed: Completed Application. See list of exhibits in packet.

Applicable Zoning Sections: Single Family Residential District: 5-6-1
Minimum Lot Size: 5-6-1 D
Floor Area Ratio: 5-6-1 H
Variation Standards: 5-10-8 F

Current Zoning: R-1 Single Family Residential District
Current Use: Vacant Lot - Single Family Residential Permitted Use

Request: The petitioner is seeking two variations:

1. Consider variations to Section 5-6-1 D Lot Size to reduce the minimum lot area from, 20,000 sq. ft. to 14, 727 sq. ft. and reduce the minimum lot width from 100' to 93' ft. width at the building line; and
2. Consideration of a variation to allow an increase in the maximum Floor Area Ratio (FAR) of a primary building from 20% (2,945 sq. ft.) to 21.5% (3,160 sq. ft.) for a proposed new house located at 309 E. Palatine Rd, Prospect Heights, Illinois, in the City's R-1 Single Family Residential District.

They are not seeking a variation to Lot Coverage which is 25% which includes any accessory buildings.

Standards for Variations:

Staff has reviewed the project for conformance with the standards for variation. Commissioners should review for conformance with the standards for a variation.

5-10-8: VARIATIONS:

F. Standards For Variations: The plan/zoning board of appeals shall not recommend variation of the regulations of this title unless it shall make findings of fact based upon the evidence as presented that: (Ord. 0-77-27, 7-18-1977; amd. Ord. 0-03-35, 9-15-2003)

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

Response: The current lot size was created by an IDOT condemnation case in 1959. The result of the takings is the current lot is only 14,727 sq. ft. and 93' wide at the front building line are not in conformance with the City's minimum standards for lot size in the R-1 District. This situation is unique to this particular lot.

A zoning analysis has been completed. See Exhibit 6. The maximum FAR for the primary structure at 20% is 2945 sq. ft. The applicant is proposing to construct a 3,160 sq. ft. new home and is requesting a 1.5% (215 sq. ft.) increase in FAR. If approved the property could still support a 523 sq. accessory structures for a maximum of 25% FAR as allowed by section 5-6-1 H.

2. Literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.

Response: Standard met. The literal interpretation of the zoning would render the property unbuildable for R-1 use.

The lot does not meet the minimum requirements for rezoning to B-1, B-2 or B-3 Commercial Districts.

3. The alleged hardship has not been directly created by any person presently, or a predecessor in interest, having a proprietary interest in the premises.

Response: Plan commission should evaluate the hardship letter and legal description on Plat of Survey as presented.

4. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Response: Standard met. The property is located at the corner of Glendale Dr. and Palatine Rd. and abuts 2 single family residential properties in Prospect Heights and 2 vacant properties across the street in the Village of Wheeling.

5. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

Response: Standard met.

6. The proposed variation will not alter the essential character of the locality.

Response: The overall project will not alter the essential character of the locality.

7. The proposed variation is in harmony with the spirit and intent of this title.

Response: Standard met.

8. Granting the variation requested will not confer the applicant any special privilege that is denied by this title to owners of other lands, structures, or buildings in the same district.

Response: Standard will be met as each case is reviewed and granting of the variation is not denying the right of others in the same district to seek the same variation.

9. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variation. (Ord. 0-77-27, 7-18-1977)

Response: Standard met. This case is based upon the conditions of the property.

10. The plan/zoning board of appeals shall further make a finding that the reasons set forth in the application justify the granting of the variation, and that the variation is the minimum variation that will make possible the reasonable use of the land, building, or structure. (Ord. 0-77-27, 7-18-1977; amd. Ord. 0-03-35, 9-15-2003)

Response: The variations are the minimal required necessary to make reasonable use of the land for the purpose of a residential use.

The board may impose such conditions and restrictions upon the location, construction, design and use of property benefited by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values.

Conclusion: Staff concurs with the request.