



**DES PLAINES PLANNING AND ZONING BOARD MEETING**

**MARCH 22, 2016  
MINUTES**

The Des Plaines Planning and Zoning Board Meeting held its regularly-scheduled meeting on Tuesday, March 22, 2016, at 7 p.m. in Room 102 of the Des Plaines Civic Center.

**ZONING BOARD**

**PRESENT:** Saletnik, Schell, Szabo, Catalano, Hofherr, Green

**ABSENT:** Yi

**ALSO PRESENT:** Scott Mangum, AICP, Senior Planner/Community & Economic Development  
Manuela Ramirez/Recording Secretary  
Caitlin Saraceno/Community & Economic Development Intern

Chairman Szabo called the meeting to order at 7:05 p.m. and read this evening's cases. Roll call was conducted.

**APPROVAL OF MINUTES**

**A motion was made by Board Member Saletnik, seconded by Board Member Schell, to approve the minutes of February 23, 2016, as presented.**

**AYES:** Saletnik, Schell, Szabo

**NAYES:** None

**ABSTAIN:** Catalano, Hofherr, Green

**\*\*\*MOTION CARRIED UNANIMOUSLY\*\*\***

**PUBLIC COMMENT**

There were no comments.

**NEW BUSINESS**

1. **Addresses:** 1664 Van Buren Avenue

**Case Number: 16-009-V**

The petitioner is requesting a Standard Variation under Section 12-7-2.D.4 of the 1998 Des Plaines Zoning Ordinance, as amended, to enlarge a front porch with a front setback of approximately 15.89-feet, where a minimum setback of 25-feet is required in the R-1 Single-Family Residential District.

**PINs:** 09-21-300-021-0000

**Petitioner:** Paulette Ciofani, 1664 Van Buren Avenue, Des Plaines, IL 60018

**Owner:** Paulette Ciofani, 1664 Van Buren Avenue, Des Plaines, IL 60018

Ms. Ciofani owner of 1664 Van Buren stated she doesn't have a 25-foot setback to build her porch/landing within the regulations of the Zoning Code. She stated that she wants to have curb appeal and make her home beautiful.

Board Member Saletnik asked about neighboring properties. The petitioner states that other neighbors have the same issue.

Senior Planner, Scott Mangum read the staff report for the record:

In reviewing the variation request, staff has considered the following information:

The 60-foot by 129-foot (7,740 square foot) lot at 1664 Van Buren Avenue is a legal conforming lot with regards to lot width (55-feet would be required of a lot in a new subdivision) and exceeds the minimum lot size of 6,875 square feet. A one and a half-story frame single-family residence with detached two-car garage currently exist on site. A standard variation was granted in 2012 to construct the 20-foot by 28-foot (560 square foot) garage with a side setback of 2.82-feet. The applicant proposes to widen an existing open landing into an open concrete porch covered with decking material. The open porch that would project 78-inches from the front of the house with a width of approximately 12-feet, resulting in a setback of approximately 15.89-feet from the front property line. The existing nonconforming porch/landing would be allowed to continue or repaired, but the proposed expansion of the porch necessitates the variation.

During a visual survey of the street, staff found several properties that also project into the required front-yard setback. This variety of setbacks is relatively common in this neighborhood with older housing stock. This request, a setback variation of greater than 30%, is a standard variation and shall be considered by the Zoning Board of Appeals.

**Recommendation:** Staff recommends approval of the requested setback variation based on review of the information presented by the applicant and the standards and conditions imposed by Section 12-3-6.H (Findings of Fact for Variations) as outlined within the City of Des Plaines Zoning Ordinance. Staff believes that the front-yard setback variation to replace an existing porch is justified based on the location of the existing house and the development pattern in the neighborhood with other structures that project into the front yard setback. Further, the one-story open porch may add visual interest to the front elevation of the house.

**Planning and Zoning Board Procedure:** Under Section 12-3-6.F of the Zoning Ordinance (Standard Variations) the Planning and Zoning Board has the authority to approve, approve subject to conditions, or disapprove the above-mentioned variance for the location of a structure within the R-1 Zoning District.

**A motion was made by Board Member Hofher, seconded by Board Member Green, to approve the Standard Variation Request to enlarge a front porch with a front setback of approximately 15.89-feet, where a minimum setback of 25-feet is required in the R-1 Single Family District.**

AYES: Saletnik, Schell, Szabo, Hofher, Green, Catalano

NAYES: None

**\*\*\*MOTION CARRIED UNANIMOUSLY\*\*\***

2. **Addresses:** 1383 Prospect Avenue

**Case Number: 16-008-MAP**

The petitioner is requesting an Amendment to the Official Des Plaines Zoning Map, as amended, to reclassify the property from the C-1, Neighborhood Shopping Commercial Zoning District to the R-1, Single-Family Residential Zoning District.

**PIN:** 09-29-228-033-0000, 09-29-228-031-0000

**Petitioner:** Krystyna Skolyszewski, 1383 Prospect Avenue, Des Plaines, IL 60018

**Owner:** MKM Living Trust, 1383 Prospect Avenue, Des Plaines, IL 60018

Chairman Szabo swore in Mr. Skolyszewski and Mrs. Skolyszewski petitioners and owners of 1383 Prospect Avenue. Mr. Skolyszewski stated that they want to rezone the property from C-1 to R-1. The previous property owner had used the building with the adjacent building for a day care, but the home is set up as a residential home and they would like to use one of the rooms as an office for her accounting business for a home based business. All of her visitors would be by appointment and don't foresee any traffic issues.

Board Member Hofherr asked the petitioners if they or anyone else currently lives in the house. The petitioners confirmed that they live in the house.

Board Member Saletnik inquired whether the building was built as a residence. The petitioners stated that it was.

Chairman Szabo stated that an accountant was a good fit for a home business.

Board Member Catalano asked if the neighboring property would be required to increase the height of their fence to eight feet. Mr. Mangum stated that no changes would be required immediately as a result of a rezoning, however, future development by neighboring properties would be restricted because of the adjacency to an R-1 property.

Senior Planner Scott Mangum read the Staff report for the record:

In reviewing the map amendment request, staff has considered the following information:

The applicant, Krystyna Skolyszewski has requested a Map Amendment to reclassify the property at 1383 Prospect Avenue from the C-1, Neighborhood Shopping District to the R-1, Single Family Residential Zoning District. The approximately 1,245 square-foot one-story building with a basement was approved for use as an office building in 2015 with four offices and a kitchen on the first floor. The lot is approximately 69-feet by 125-feet with a total area of approximately 8,616 square feet. A two-car detached garage is accessed from the alley.

In 2015 the City Council granted a Conditional Use to the petitioner to authorize the operation of an accounting, tax preparation, and financial services office in the C-1, Neighborhood Shopping District. At the time the petitioner stated that the office use would be open Monday through Friday between the hours of 9 a.m. and 6 p.m. and employ one person at the office location. An office use requires a Conditional Use Permit in the C-1 zoning district. The building was previously occupied, along with the property to the west, as a Child Care Center but was likely constructed as a single-family residence based on the appearance of the structure.

The applicant seeks to reside in the structure, but also operate the office as a Home Occupation. A Home Occupations would be allowed, subject to regulations found in Section 12-8-8 of the Zoning Ordinance, notably: The operator of the business must reside in the dwelling unit; The home occupation shall not interfere with the delivery of utilities or other services to neighboring properties; There shall be no alteration to the residential appearance of the premises; No visitors in conjunction with the home occupation (clients, patrons, pupils, salespersons, etc.) shall be permitted between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M.; There shall be no advertising, signs, display, or other indications of a home occupation in any yard, on the exterior of the dwelling unit or visible from anywhere outside of the dwelling unit; The total interior floor area used for the home occupation shall not exceed fifteen percent (15%) of the total interior floor area of the dwelling; Only one person may be employed on the site in connection with the home occupation who is not an actual resident of the dwelling unit; Deliveries shall not restrict or obstruct traffic circulation and may occur only between nine o'clock (9:00) A.M. and five o'clock (5:00) P.M. Monday through Friday.

The adjacent properties to the east and west are located within the C-1, Neighborhood Shopping District, where an alley separates the R-1 zoned properties to the south and Prospect Avenue separates the R-3 zoned properties to the north. The applicant stated that reducing the property taxes from a commercial to residential assessment is a reason for the request.

#### **Standards for a Zoning Map Amendment**

To analyze this map amendment request, the standards for amendments contained in Section 12-3-7.E of the Zoning Ordinance are used. Following is a discussion of those standards:

#### **1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.**

The 2007 City of Des Plaines Comprehensive Plan recommends Low-Density Mixed Use for this site. The proposed single-family residential zoning district is a residential district, but with a lower density than recommended by the Comprehensive Plan.

#### **2. Whether the proposed amendment is compatible with the current conditions and the overall character of existing developments in the immediate vicinity of the subject property.**

The current conditions around the facility include a mix of commercial, multi-family residential, and single-family residential uses. The proposed residence with Home Occupation, within an existing structure may not be incompatible with the surrounding uses, however, the change to the R-1 Zoning District would impose greater restrictions on the use and development rights of the adjacent commercial properties. For example, an 8-foot solid fence is required between a C-1 property and a residential district or use, stricter noise

ordinance requirements are applicable, and there are increased side yard setback requirements adjacent to residential.

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

The public facilities and the public services provided by the City of Des Plaines are expected to be adequate. If the zoning amendment is approved, no expansion of public facilities or services is anticipated.

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

The proposed use of the site would change from a commercial office use to a residence with a Home Occupation where surrounding properties are a mix of residential, and commercial. The amendment may not have a direct adverse effect on the property values, however, additional restrictions would be placed on the adjacent commercial properties.

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

The proposed map amendment to reclassify the property to the R-1, Single-Family Residential District, does not directly reflect the proposed future land use of the area as Low-Density Multi-Family Residential, and would be dissimilar to the zoning of the remaining commercial properties on the block face, however, there are residentially zoned properties to the north and south of the site.

**Recommendation:** The Community Development Department recommends consideration of the Map Amendment from C-1 to R-1 which would allow the use of the property as a residence with a home occupation, based on review of the information presented by the applicant and the findings made above, as specified in Section 12-3-7.E (Standards for Amendments) of the City of Des Plaines Zoning Ordinance. Although not completely in accordance with the Comprehensive Plan, the proposed zoning and use of the property is not anticipated to cause adverse impacts on surrounding properties. However, the Map Amendment would have the effect of imposing additional restrictions on adjacent commercial properties.

**Planning and Zoning Board Procedure:** Under Section 12-3-7.D (Amendments) of the Zoning Ordinance the Planning and Zoning Board has the authority to recommend that the City Council approve, approve subject to conditions, or deny the above-mentioned Map Amendment request. The City Council has the final authority on the project.

Chairman Szabo asked if anyone in audience had comments. There were none.

Chairman Szabo asked if the Board has further comments. There were none.

**A motion was made by Board Member Hofher, seconded by Board Member Saletnik, to recommend approval of the Map Amendment as requested to the City Council.**

AYES: Saletnik, Schell, Szabo, Catalano, Green, Hofher

NAYES: None

Case #16-009-V – 1664 Van Buren Avenue – Front Porch Variation

Case #16-008-MAP – 1383 Prospect Avenue – Map Amendment

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**\*\*\*MOTION CARRIED UNANIMOUSLY\*\*\***

**OLD BUSINESS**

There was no Old Business.

**ADJOURNMENT**

**A motion was made by Board Member Catalano, seconded by Board Member Green, to adjourn the meeting at 7:25 p.m. On a voice vote, the motion carried unanimously.**

Sincerely,

Manuela Ramirez/Recording Secretary

cc: City Officials, Aldermen, Zoning Board of Appeals, Petitioners