

AGENDA

MEETING
OF THE HIGHWOOD
PLANNING AND ZONING COMMISSION

Wednesday, February 24, 2016

6:30 p.m. Meeting

Meeting will be held at Highwood City Hall
17 Highwood Avenue-Highwood, Illinois

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES
 - i. November 11, 2015
- IV. SCHEDULED BUSINESS
 - A. 502 Sheridan Road – Zoning Variations
 - i. Section 11-6-2C Special Use
 - ii. Section 11-6-2D Recommending an Allowance of Any Similar Use
 - iii. Section 11-8-5 Number of Required Parking Spaces
- V. ADJOURNMENT

CITY OF HIGHWOOD
PLAN COMMISSION AND ZONING BOARD OF APPEALS
17 Highwood Avenue
Highwood, Illinois

Wednesday, November 11, 2015
6:30 O'clock p.m.

RE: 218 North Avenue - Zoning Variations

MEMBERS PRESENT:

FERGUSON MILLS, Chairman

ROMAN BELUCH, Commissioner

ANTHONY BILOTTI, Commissioner

FRANK CAMPOREALE, Commissioner

PAUL FABBRI, Commissioner

SONJA FEDDERMANN, Commissioner

PAUL MARTINEZ, Commissioner

CHRIS MEYER, Commissioner

STAFF PRESENT:

SCOTT COREN, City Manager

HOWARD JABLECKI, City Attorney

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I N D E X

<u>WITNESS:</u>	<u>PAGE:</u>
Robert Ruggles	3
Judy Telander	20
Rick Telander	26
Unidentified Audience Members	33
 <u>EXHIBIT:</u>	
No exhibits	
Motion	33
Second	34
Vote	35

1 CHAIRMAN MILLS: Can we have a motion to open
2 the public hearing on --

3 COMMISSIONER BELUCH: I'll motion.

4 COMMISSIONER BILOTTI: Second.

5 MR. RUGGLES: Hi, I'm Bob Ruggles, architect.
6 I'm here with my clients, Rick and Judy Telander,
7 who's the owner of the property at 218 North Avenue.
8 We're seeking three variances tonight.

9 The zoning ordinance, 218 North
10 Avenue is described in the written petition. While I
11 think the requests are reasonably straight forward, I
12 put together some slides to provide clarity to the
13 request and make myself available for further
14 comments and further clarifications.

15 The variances that are requested is
16 a zoning variance 1) front yard setback of 17 foot 9
17 inches. I did read Scott's staff comments, and there
18 was some confusion between myself and the guy who was
19 hired to review the plans where we thought it
20 measured to the stairs and that we're actually at
21 somewhat less than that, at 22 foot, 9. Scott is
22 that the final number?

23 MR. COREN: I believe that's correct.

1 MR. RUGGLES: So where I was thinking the
2 measurement was taken to the stairs, the smallest
3 dimension possible, it actually goes to the face of
4 the porch or the face of the house. So instead of
5 asking for a variation for 17 foot 9, we're asking
6 for 22 foot.

7 MR. COREN: 22.41.

8 MR. RUGGLES: Whatever Scott says it is.

9 The second variation is one of the
10 floor area ratio. It's similar. The requirement is
11 40 percent of maximum area of the lot. We're asking
12 for 53.23 percent, similar to many of the duplex and
13 single-family residences in the existing district;
14 and this is largely attributable to the second floor
15 roof and dormer and the elevator area.

16 The third variance we're seeking is
17 one of lot coverage. 33 and a third is the maximum
18 currently allowed by ordinance, and 51 percent is
19 what we're looking for. This is mostly due to the
20 ramp, roof overhangs, roof gutters, porches and
21 stairs and is a nuisance of your building code, and
22 I'll walk through that and explain a little further.

23 So you have this within your packet,

1 and if you're trying to follow along or if anybody is
2 watching from wherever, we are going to go through
3 this first as the front yard variation.

4 You'll see that diagram. It shows
5 the red line is the front yard setback, the areas
6 that are in front of it; and the areas that are
7 encroaching that we spoke about. Number 2 will be
8 the maximum floor area, and number 3 will be the
9 maximum lot coverage.

10 This slide shows the proposed site
11 plan with all of the sidewalks, decks, rear
12 accessibility ramp, garage and first floor of the
13 house. You can see the area, the encroachment right
14 there. I guess we could ignore the stairs, because
15 those are not counted; but the porch and part of the
16 bedroom that does. And while I say 12 foot, 3, I'm
17 sorry about that. I didn't read Scott's final review
18 until I was headed out -- 10, 15 minutes before I
19 headed out the door. So I would change that. That
20 one would be not a 12 foot, 3 encroachment, but 5
21 foot less than that.

22 So you've been to the street and
23 will notice the adjacent houses are bungalows or

1 bungalow like and sit relatively close to the street.
2 I measured each house on the street using a handheld
3 laser and approximated the setback. It wasn't easy
4 because the street was torn up. It's great to see
5 the infrastructure improvement.

6 Did somebody say that North Avenue
7 was complete?

8 COMMISSIONER MEYER: Highwood Avenue.

9 MR. RUGGLES: Highwood Avenue is complete but
10 not North Avenue.

11 The encroachment being requested is
12 7 feet.

13 This is an aerial view to show the
14 alignment, and the purple shapes are the shapes of
15 the proposed roofs. Don't worry, we won't use purple
16 shingles. Keep in mind the satellite view is from
17 Google Earth, which sometimes is skewed a little. My
18 overlay is a CAD overlay which is precise, so they
19 look a little misaligned.

20 From my field measurements, the main
21 gable of the new house should align closely to the
22 other main gables on the adjacent structures. The
23 pattern on the street is of large gabled houses with

1 smaller porches, sometimes enclosed, sometimes not on
2 the front. I feel that once completed, the house
3 will look as if it belongs, as if it's always been
4 there.

5 I have a couple of street views that
6 show the alignment of the house on the street from
7 the west, from the east and the subject lot is
8 vacant. Again, the west that shows the pattern. I
9 don't know if we can blow this up or put this in
10 focus a little more. I put in some high-res images
11 here to help you all see it if you haven't been to
12 the site.

13 Anyway, the encroachment is the
14 pattern on the street, not the exception to the
15 street. So that's really the core of the front yard
16 setback. We're making a line to match the other
17 houses. The front yard setback, while this is the
18 properties across the street which are multi-family,
19 the average setback ranges between 13 to 17 feet from
20 what I was able to measure or estimate. Again, this
21 street was torn up, so I was having to guess kind of.
22 I used a laser to point it and measure it, and I had
23 to guess exactly where I thought the property line

1 was; but I think I got pretty close.

2 This slide addresses variation
3 number 2, a request to increase the minimum floor
4 area. As described in the petition, the house is
5 designed for first-floor living with a family room,
6 kitchen, office and two bedrooms. The overage can
7 mostly be attributed to the dormers, which you can
8 see in red up there, and floor plan up over here,
9 that are provided. They have light and ventilation
10 via the windows that are sized by minimum building
11 code requirements that allow the passage of
12 firefighters with breathing apparatus through the
13 window opening. The size of the window, the height
14 above the floor prescribe dimensions through the
15 building code. So it's not just an architect making
16 these things up. We get told exactly how high
17 windows are, and these are life-safety elements.
18 These elements along with the stair area and the
19 elevator total 715 square feet of this 763 square
20 feet required. This is important because I'm going
21 to show you an outside image that says if I get rid
22 of most of the area, it's not really going to change
23 the way the house looks from the street, but it does

1 add a lot of functionality.

2 The third slide, this slide,
3 illustrates the third variation request to increase
4 the minimum allowable lot coverage. If I cover up
5 the house and garage, kind of make it vanish, the
6 remaining area shown is that area that is included in
7 the lot area calculation. These elements that
8 comprise this area are roof overhangs and gutters,
9 the accessibility ramp, the porches and stairs up to
10 those porches.

11 The total overage requested is 1,300
12 square feet, and those elements contribute 1,253
13 square feet of the overage, so almost all of it.
14 Could you imagine the house without eaves, gutters or
15 stairs? I mean, that's a trade we just wouldn't
16 make.

17 Some of these views to get you an
18 idea of how we put the house together and how it's
19 kind of self-contained and cute little bungalow style
20 is a view from southwest, a view from the southeast,
21 a view from the northeast and a view from the
22 northwest.

23 This is a street-level view that

1 shows a view from somebody who is standing on the
2 street, on the sidewalk in front of the house; and if
3 I were to eliminate that dormer on the left and the
4 right, those little clips. The point is the house
5 would not substantially change if I merely removed
6 the dormers, but the living area upstairs would
7 substantially change because you wouldn't have the
8 light and ventilation requirements nor the
9 accessibility building code required size windows.

10 Another street-level view slightly
11 east of the last view. I feel that if you were to
12 reduce the floor area by removing the dormers and lot
13 coverage by either taking area off the back of the
14 house, removing the accessibility ramp to be entirely
15 compliant with the ordinances, the house would not
16 look much different at all from the street than what
17 I'm showing you right now.

18 Thank you for listening. That is
19 the end of the slide show. Are there any questions?

20 COMMISSIONER MEYER: I have a few -- Go
21 ahead.

22 CHAIRMAN MILLS: One of the major concerns in
23 Highwood is one often in drainage. How is this

1 going -- Is -- How is this going to effect the
2 runoff and drainage since it's an open lot now, which
3 is a pervious surface?

4 MR. RUGGLES: Well, the lot does drain.
5 There is about two and a half foot of grade from the
6 front to back. So use your existing infrastructure,
7 it goes through alleyways and pitches. If you have
8 storm sewer, we could tie in, if you wanted to.

9 Do you have a city engineer?

10 MR. COREN: We do. We don't have him
11 present. There are storm sewer facilities in that
12 area that we could have him tie into. The location
13 of the lot is about halfway up a hill over on North
14 Avenue, and that is something that we review when we
15 work on our capital projects. This area does not
16 have a large concern for drainage. The water is
17 really going to go really from the top of the hill
18 down to the bottom and pass through. It's always
19 good to have some impervious surface to handle that,
20 but I wouldn't expect a noticeable difference by the
21 construction of this house.

22 COMMISSIONER MARTINEZ: Maybe to speak to
23 that, the patio area and some of the other stuff is

1 the intention to have that semipermeable?

2 MR. RUGGLES: I understand exactly what
3 you're asking. Well, I believe almost anything that
4 you did, even -- well, short of a concrete patio,
5 which I don't believe we have fully discussed the
6 details of, but you know, a completely pervious slab
7 of concrete is probably not in the cards and probably
8 something more paver like that would allow
9 somewhat -- some permeability. So even if we were to
10 do a nice bluestone patio that was set in a mortar
11 sand bed, they really don't last -- They really don't
12 remain as permeable for more than a couple years due
13 to our freeze/thaw cycle. Water gets underneath
14 them. Frost is instoppable or an unstoppable force,
15 and it will crack and it will -- open water will get
16 in. So we're going to pitch water away from the
17 house the way anybody else would and use the existing
18 infrastructure. I mean, this is developing in a
19 developed neighborhood, so you know, to put all of
20 the burdens of all of the whole neighborhood's
21 impervious coverage woes on this lot, would be a
22 giant burden.

23 COMMISSIONER MEYER: I have a question. I

1 think it's going to be more for you and more of a
2 clarification, Scott.

3 So when I redid my house they
4 included my stairs. I had to get a variance on my
5 easement because it was like 25 feet and it was
6 supposed to be 30. Just for clarification, for my
7 head, they don't include stairs?

8 MR. COREN: I read the code and interpreted
9 it and I did not see it.

10 COMMISSIONER MEYER: Interesting.

11 MR. COREN: Sometimes you get into
12 interpretation of codes --

13 COMMISSIONER MEYER: Believe me, I
14 interpreted the sidewalks were wrong when I was going
15 for my variance; but the plot, as surveyed, had been
16 burned up many years ago in Waukegan.

17 The other question was: Did we
18 change the sidewalks all the way down or do they go
19 back out to regular?

20 Because I notice on North Avenue
21 we're doing that kind of interesting --

22 MR. COREN: I think you're talking about the
23 area in front of Everts Park.

1 COMMISSIONER MEYER: Yeah.

2 MR. COREN: As part of our Comprehensive Plan
3 and then Transit-Oriented Development Plan that we
4 put in place a few years ago, one of the things that
5 it calls for is what's called a shared streetscape
6 where both pedestrians and vehicles are supposed to
7 be able to comingle in an open fashion. So when you
8 have festivals --

9 COMMISSIONER MEYER: But that doesn't
10 continue further past --

11 MR. COREN: It does not continue on past --

12 COMMISSIONER MEYER: So they'll have normal
13 sidewalks already in.

14 MR. COREN: Correct. They are in place now,
15 and it's more standard the rest of the way down the
16 street.

17 COMMISSIONER BELUCH: So if I look at this
18 drawing, anything shaded that's not green space or
19 not your intention to have green space there?

20 MR. RUGGLES: Correct. Well, that's the
21 strict definition of the rule. Not all of it has to
22 be 100 percent. Engineers have sort of sliding
23 scales between what they call pervious and

1 impervious.

2 MR. COREN: And I believe that's also a code
3 interpretation that we've had, and as we looked at
4 our code, it is really a very strict interpretation
5 of impervious surface. So if you look at the area
6 where there is overhang or gutter, within our code
7 and within the interpretation we had in the past,
8 that is considered impervious surface. Now, you
9 could have grass or landscaping beds underneath where
10 those gutters or eaves are, so you're effectively
11 getting some drainage for some of those additional
12 areas, but that -- This picture that you see does
13 show those areas that might have impervious surface
14 underneath. But that's the way we've done it
15 previously.

16 COMMISSIONER BELUCH: A side setback is 5
17 feet, right? Are they supposed to be?

18 COMMISSIONER MEYER: Yes.

19 COMMISSIONER BELUCH: Side setbacks.

20 MR. COREN: Correct.

21 COMMISSIONER BELUCH: The garage is 5 and a
22 half feet or.

23 MR. RUGGLES: That's to the eave overhang,

1 and I think that there is a minimum distance away
2 from a lot line whether it's 3 feet, I think. We're
3 at 3 feet, 3 to the gutter.

4 COMMISSIONER BELUCH: Does anybody know
5 what's on the other side of that lot?

6 MR. RUGGLES: I do.

7 COMMISSIONER BELUCH: Is there a garage right
8 on that lot line as well?

9 MR. RUGGLES: It is, and that's exactly why
10 we're putting that garage there.

11 COMMISSIONER BELUCH: Because the other one
12 is there. So if one catches fire, it just moves on
13 to the next.

14 MR. RUGGLES: The other one is severely
15 non-conforming, but we're trying to preserve open
16 space for sunshine and a garden and open space and
17 enjoyment. And you know, let's face it, that thing
18 is going to cast a shadow -- it does cast a shadow
19 right now.

20 COMMISSIONER BELUCH: My whole point whether
21 it was the city or whomever, if we keep building
22 garages right on top of each other, if there is a
23 fire, the reason that we had these setbacks for side

1 lots and so forth was in case there is something like
2 that so it doesn't spread from one unit to the next
3 and the next and the next. So I mean, I don't know,
4 3 and a half feet is fine. 3 and a half feet is
5 fine. If the other guy is right on the lot line,
6 then, you know --

7 COMMISSIONER MEYER: And access for fire
8 equipment. That is what I was told when I had to
9 move my garage 5 feet off.

10 MR. RUGGLES: Well, what you're saying is
11 more of a statement than a question. I would have to
12 agree with everything that you said. But you know,
13 the buildings predate the zoning codes.

14 COMMISSIONER BELUCH: I know that.

15 MR. RUGGLES: You know, we get what we get,
16 and we're trying to make the most of this.
17 Impervious surface is -- We're making the most out of
18 the pervious surface here by trying to provide as
19 much sunlight to the backyard. You know, the
20 backyard is a premium space. It's really a little
21 more valuable than the front yard. The front yard is
22 giving us a great look, a great place for people to
23 come by and great face to the street; but the

1 backyard, as we all know, is privacy and personal
2 enjoyment. That's what we're trying to preserve by
3 setting the garage there.

4 COMMISSIONER FEDDERMANN: There wasn't any
5 discussion in here about materials being used, so the
6 exterior of the house is brick?

7 MR. RUGGLES: It's going to be a shingle --
8 cedar/shingle.

9 COMMISSIONER FEDDERMANN: And then the
10 porches and stairs will be and ramp?

11 MR. RUGGLES: Will be -- We'll either look at
12 wood or a cement fiberboard for durability, but it
13 will have a wood look to it.

14 COMMISSIONER FEDDERMANN: So I'm not clear on
15 the plan where the ramp actually is.

16 MR. RUGGLES: You've got your finger right on
17 it there.

18 COMMISSIONER FEDDERMANN: This is it?

19 MR. RUGGLES: Yep.

20 COMMISSIONER FEDDERMANN: Is it that wide?

21 MR. RUGGLES: It goes back and forth. So it
22 is set specifically here because, you know, it's
23 thought that if the house ever needs to be fully

1 accessible, one of the reasons why the house is
2 pushed forward is to make room for this and still
3 provide for open space back here. If we didn't get
4 it this would get squished down and the ramp would
5 take more area. We would lose more open space. So
6 the idea is that how do I get -- If I'm in a
7 wheelchair or using a walker, using something where I
8 can't use these stairs anymore, how do I get from
9 here to here, down here, down here. This actually
10 goes from up. So my car is here. My van is here.
11 Go up. Go up. Go up. Back around. Up, up, up and
12 over and in.

13 I mean, could you imagine that on
14 the front yard, you know? We think we're thinking
15 ahead a little bit on this one and making that an
16 amenity in the back. You're going to want access to
17 your vehicle if you have to go to a doctor's
18 appointment, you have to go to the grocery store, you
19 have to go somewhere, you're going to want to get to
20 your vehicle. You're not going to want the ramp in
21 the front of the house. You want it in the back.

22 CHAIRMAN MILLS: Would moving the garage to
23 the other side of the back mess up access to the

1 house by the ramp?

2 MR. RUGGLES: No, it doesn't. And we have
3 had a lot of discussion about this whether -- you
4 know, what is -- and it really is talking about more
5 -- what is the more sunny area for the space that is
6 left over for gardening -- for gardening really.

7 COMMISSIONER BELUCH: Where is the driveway?

8 I take it this is on the north side
9 of the street, right? This is on your west side?

10 MR. RUGGLES: Right here. It's on the north
11 side.

12 MS. TELANDER: Can I say something, about the
13 place of the garage?

14 When you look out the back of our
15 house in the -- where the grassy area is, it goes
16 right to another grassy area for the people behind
17 us. So we're actually both -- We're doing something
18 for them and for us because there is no building
19 there. If we were to put our building there, we
20 would be right in their, you know, view of nature,
21 and then we would be blocked in both places.

22 MR. RUGGLES: Right. That's an excellent
23 point. Not only that, you know, what she has back

1 over here. I don't know if you've seen it. She has
2 a beautifully landscaped, and it's like a grove of
3 fruit trees back there. It's really well-manicured,
4 well taken care of. Her apron for her garage is
5 right here as well. I live in a house that has a
6 shared driveway, and I moved -- I'm fortunate enough
7 to be able to design for a lot of my neighbors. I
8 built my own house. I built my neighbor's house and
9 built two detached garages similar to this to where
10 the aprons communicate. So the bumper can overhang,
11 it doesn't hit anything. An alley is a shared space
12 anyway, and these aprons become little shared space.
13 We kind of cheat the width of that back out, and it
14 works a lot better.

15 CHAIRMAN MILLS: Other questions?

16 COMMISSIONER FEDDERMANN: Are you two
17 planning on occupying this home?

18 MS. TELANDER: Yes, forever.

19 COMMISSIONER FEDDERMANN: Hence the
20 wheelchair, just in case.

21 MS. TELANDER: Yeah. We're thinking ahead.
22 This is going to be our last house, and we want to be
23 able to last for a long time.

1 COMMISSIONER FEDDERMANN: So, can you tell
2 me, Mr. Ruggles, where the thought of the elevator is
3 coming in to play?

4 MR. RUGGLES: Sure. It's right here. So
5 part of the master closet, you come out. It's right
6 off the main right here.

7 COMMISSIONER FEDDERMANN: So that would be a
8 project for a later date?

9 MR. RUGGLES: Yes. Well, we just provide the
10 punch out. You know, the joists are framed in, and
11 you know, at the point that an elevator is needed, it
12 could be installed into the house easily. It's
13 easier to do it on the front end when we're doing the
14 framing than afterwards. If we have sort of a knock
15 out. So the joist gets framed as if you're going to
16 do it right away, then the carpenter comes in and
17 frames within; and then it can be easily taken out.
18 So the width of that is exactly the width of the shop
19 drawings, the last one I put in.

20 COMMISSIONER MARTINEZ: It doesn't change the
21 overall height; does it?

22 MR. RUGGLES: No, it doesn't change the
23 overall height.

1 COMMISSIONER MARTINEZ: I mean, I'm saying if
2 and when an elevator is put in, it's not going to
3 exceed the 35 foot.

4 MR. RUGGLES: No. These are little winch
5 operated elevators. There is nothing really super
6 spectacular about them. They work well enough, and
7 it's not, you know, the Grand Hyatt; but they work
8 good enough. I've installed a handful of them.

9 COMMISSIONER BELUCH: Could I ask the
10 Petitioner, why do you want an elevator? I mean is
11 it -- Do they have a history in the family or?

12 MR. RUGGLES: That's like why the duck
13 crossed the road.

14 COMMISSIONER BELUCH: No, I mean, most people
15 build -- Maybe I'm not following. I'm thinking an
16 elevator you get in and go up to the second floor.

17 MR. RUGGLES: That's right.

18 COMMISSIONER BELUCH: I don't know if
19 there's a house in Highwood that has an elevator in a
20 single-family home or whatever, you know. I mean,
21 that is just my question. Maybe I'm not seeing
22 something.

23 COMMISSIONER FABBRI: I see them in a lot of

1 houses we do today. People plan for getting older.

2 COMMISSIONER BELUCH: Okay. That was just an
3 innocent question.

4 MR. RUGGLES: There is more to this design
5 that I didn't go into because sometimes it's a
6 comfortable conversation; sometimes it's not. It's a
7 private conversation. I mean, this house is designed
8 for aging and for living full life in, and we have
9 accessed the elements that are designed into this
10 house. I would say I've seen it a lot. I'm seeing
11 it more and more. I have done it for 30 years, and I
12 have a range of clients that come to me. Some are
13 young and aren't thinking about it with growing
14 families. They say I need to downscale. I need to
15 get a smaller house, and I also need to plan for the
16 next X amount of years of my life.

17 COMMISSIONER BELUCH: And my point was I've
18 lived in Highwood for 30-something years, and I've
19 always seen people doing it for another reason.
20 Let's say I'm doing a studio on the second floor, and
21 I'm going to have a commercial business or something
22 like that; therefore, I want access for people to
23 come in. That was my take on it from living in this

1 town for as many years as I've lived. Nothing
2 intentionally --

3 MS. TELANDER: We lived in our last house for
4 31 years. We're hoping to get part of that out of
5 this house too.

6 COMMISSIONER FEDDERMANN: More than that.

7 MR. COREN: With that type of a concern
8 you're absolutely correct. We've seen all kinds of
9 uses in zoning districts that shouldn't be there.
10 Having any type of business in this area would be
11 very much --

12 COMMISSIONER BELUCH: Yeah, it's not zoned
13 for it.

14 MR. COREN: We do have a lot of those
15 concerns in a lot of our zoning districts, probably
16 more than most communities. One of the
17 recommendations that we had, as staff for this, also
18 because not only of business uses in residential
19 areas but also some of the overcrowding issues that
20 we've had, that is a duplex zoning, and part of
21 approving this zoning we recommended that there be
22 conditions placed on it. That it would only be
23 allowed to be a single-family home because of the

1 allowances for FAR. And also for impervious surface,
2 putting a larger home on a smaller lot, we want to
3 make sure it was maintained in that manner.

4 COMMISSIONER MEYER: On that same note, I
5 would like to say that I appreciate a single-family
6 home going in Highwood because I live in a duplex
7 area and put a single-family home and everybody
8 thought I was crazy.

9 I'm wondering if your neighbors --
10 You've talked to your neighbors about how big this
11 piece of property would be, and everybody seems to
12 be --

13 MR. TELANDER: I'm Rick. You know, we've
14 talked to the ones definitely on the -- it would be
15 the west side, and I've talked to the guy who owns
16 the building that is rented next to us on the right
17 side, the north side, not west --

18 MS. TELANDER: East side.

19 MR. TELANDER: And they seem all gung ho
20 about everything, you know.

21 And one thing, just to make a point,
22 I mean the elevator may seem a little extreme and
23 everything.

1 COMMISSIONER FEDDERMANN: No.

2 MR. TELANDER: A couple years ago I got both
3 my knees replaced. I can move around now. Like Judy
4 said, we're hoping to be here a long time. This was
5 not a very quick consideration for us. We've known
6 Highwood for all the times we lived in the area, in
7 the Chicago area for 40, 50 years, and we like it.
8 We're making it -- We feel we're making a life
9 investment in this place. This is not a fly-by-night
10 thing or anything like that. A lot of people can't
11 believe we're doing it. We are really excited about
12 it because we like everything that Highwood is.
13 There's no surprises to us about the city. We've
14 known it well from the bars, to the restaurants, to
15 everything.

16 So I think the neighbors are all
17 about it. I think we would only improve the
18 neighborhood. This is where we want to live. We
19 worked with Bob really carefully on the appearance of
20 the house and hope that it fits in. We don't want to
21 look like something that shouldn't be here, like a
22 spaceship landed or anything. It's single-family
23 always. That is all we ever wanted it for. We have

1 a lot of kids that might be visiting, that is hence
2 the extra area. That's it.

3 COMMISSIONER MEYER: Thank you, very much.

4 MR. RUGGLES: Rick was my neighbor for 18
5 years. Our kids went to kindergarten and 12th grade
6 together, and I tell you, I'm sad that he is leaving
7 our neighborhood; but Highwood is all the better off
8 for having the Telanders here, I'll tell you that.

9 While we're there laying out and
10 shooting grades and trying to figure out where water
11 would go, you know, the neighbors did come out and
12 you know, were excited about it, happy to see them
13 coming. It really seems like, you know, this one
14 isn't being forced at all.

15 CHAIRMAN MILLS: Are there two of these
16 easements through the property that you're going to
17 have to work around?

18 MR. RUGGLES: I didn't see any easements at
19 all that are there. Everything is overhead. It's
20 pretty large and overhead. The poles drops right
21 from the street. Gas line is coming in off the
22 street, and Scott was good enough to get me spot
23 elevations when he had North Avenue dug up. So he's

1 given me all the new utilities that are going in.
2 Excellent information, information we rarely get. We
3 kind of get something that's generally in this area,
4 you can go dig and find it. So to have really nice
5 spot elevations off your brand new utilities, that's
6 fantastic.

7 The other things you can see, the
8 gas -- I don't know where gas is. Gas on the street?
9 It's not down the alley.

10 MR. COREN: That I don't know.

11 MR. RUGGLES: That's the only one I don't
12 know. That's a really important one. We'll find it.
13 You know, just a call to J.U.L.I.E. It will show us
14 where it's at. That's the Joint Utility Location
15 Identification that comes -- Everybody who's in
16 construction knows what that is.

17 COMMISSIONER MEYER: We do too.

18 COMMISSIONER BILOTTI: Does our code offer or
19 does our city offer some, how can I say this,
20 encouraging features if you use more permeable
21 pavers?

22 You made a comment about not
23 worrying about the whole neighborhood's drainage. I

1 don't think anyone was implying here that we expect
2 you to handle the drainage issue. But for any new
3 development, what are we doing these days to
4 encourage people whether it's rain garden, whether
5 it's permeable pavers, something to hold more of the
6 water.

7 MR. COREN: You know, we really don't have
8 much in the stormwater code. We generally follow the
9 Lake County Stormwater requirements, which is
10 primarily utilized for more commercial-type spaces.

11 COMMISSIONER MARTINEZ: In the past, hasn't
12 -- I think the ZBA has asked for stipulations about
13 materials used. You know, I think there's been
14 instances where it's been very significant or very
15 significant variance was being asked for as far as
16 the lot coverage, but --

17 COMMISSIONER FEDDERMANN: I think that's
18 typically when we were talking driveways, and since
19 they're on the alley and have a skirt, I don't think
20 that applies here necessarily. You know, the
21 driveway is where we were asking for people to use
22 those open pavers or whatever.

23 MR. RUGGLES: If you're asking what could I

1 do, you just say hey, we don't -- Other than you have
2 an impervious lot coverage restriction, and we have
3 to ask for special permission to exceed it, as we
4 are, 450 of the 1300 square feet is attributable to
5 overhangs and gutters and downspouts and stuff that
6 are really not impervious. So let's talk about the
7 real impervious which is about 900 square feet.
8 About half of that is steps, porches and our
9 accessibility ramp that I would like not to, you
10 know, I would like to ask for that request. The
11 remaining say 300 or 400 square feet of it, we could
12 definitely look at doing pavers or something that add
13 some sort of permeable characteristics to it. Would
14 you be open to that?

15 MR. TELANDER: Yeah.

16 MR. RUGGLES: If there was a request or
17 something like that, we'd certainly work with the
18 engineer. I would be agreeable to that.

19 COMMISSIONER MARTINEZ: I think my general
20 opinion has been, and I think I mentioned this in the
21 past, the city code for a lot of these lots may seem
22 restrictive and having to come here and do all of
23 this, having this discussion seems like a bit of a

1 burden, but I think if anything, it encourages very
2 thoughtful design. It seems like the goal was
3 accomplished.

4 MR. RUGGLES: Well, it wasn't that I took,
5 you know, a blank sheet of paper and cranked out a
6 house without, you know, awareness of it. As a
7 matter of fact, we talked about it. The first
8 sketches were, you know, let's try to really make
9 this comply, and then what we ended up was not having
10 a second bedroom in there. You weren't able to get
11 the elevator, and the room sizes were just very, very
12 small. It just was a true hardship. So we decided
13 well, why don't we try to not be gross about it, but
14 let's ask what we think is reasonable and see if
15 you're open to that.

16 We think we came up with a pretty
17 good house I think from the street, and at the end of
18 the day, you know, if we trimmed area off this house,
19 we lose bedrooms and we'd lose things that are
20 important to the Telanders. That middle room is
21 intended for somebody to come help and assist and
22 live in the house. Kids to visit for sure in the
23 short term, but in the long run, maybe somebody else,

1 assisted living, you know, goes into that room.

2 CHAIRMAN MILLS: Any other questions?

3 (No response.)

4 CHAIRMAN MILLS: Thank you for your patience.

5 Any comments from the public, this
6 is a public hearing.

7 UNIDENTIFIED AUDIENCE MEMBER: Rick is a good
8 guy.

9 UNIDENTIFIED AUDIENCE MEMBER: I just want to
10 say welcome to the neighborhood. I'm one of the
11 neighbors. My husband is the one you talked to,
12 Michael. I think we're good.

13 CHAIRMAN MILLS: We can close the public
14 hearing on this issue. Thank you.

15 MR. RUGGLES: Now, is there a vote or
16 something?

17 COMMISSIONER BELUCH: I'll motion to close
18 the public hearing.

19 COMMISSIONER MEYER: I second.

20 CHAIRMAN MILLS: All those in favor?

21 (Chorus of ayes.)

22 MR. JABLECKI: Any discussion, unless there's
23 a motion to recommend approval of the variances.

1 COMMISSIONER MARTINEZ: I'll make a motion to
2 recommend the approval of the variances.

3 COMMISSIONER MEYER: I second.

4 CHAIRMAN MILLS: Do we have to do all three
5 at once or?

6 COMMISSIONER MARTINEZ: The variance as noted
7 in the staff report.

8 COMMISSIONER FEDDERMANN: Wait, what did you
9 say?

10 COMMISSIONER MARTINEZ: As noted in the staff
11 report.

12 COMMISSIONER FEDDERMANN: Add the condition
13 that it must remain a single-family home.

14 COMMISSIONER MEYER: And any impervious
15 surface, driveway --

16 COMMISSIONER FEDDERMANN: Or sidewalks --

17 COMMISSIONER FABBRI: It's more sidewalk and
18 rear patio area.

19 MR. COREN: You could add that as a condition
20 if you wanted with these variances. So you could do
21 that -- formally do that or if you want you could
22 give us direction to work with them through the
23 building permitting process.

1 COMMISSIONER BELUCH: Meyer?

2 COMMISSIONER MEYER: Aye.

3 COMMISSIONER BELUCH: Biagi?

4 (No response.)

5 COMMISSIONER BELUCH: Bilotti?

6 COMMISSIONER BILOTTI: Aye.

7 COMMISSIONER BELUCH: Camporeale?

8 COMMISSIONER CAMPOREALE: Yes.

9 COMMISSIONER BELUCH: Fabbri?

10 COMMISSIONER FABBRI: Yes.

11 COMMISSIONER BELUCH: Martinez?

12 COMMISSIONER MARTINEZ: Aye.

13 COMMISSIONER BELUCH: Feddermann?

14 COMMISSIONER FEDDERMANN: Yes.

15 Welcome to Highwood.

16 (The hearing concluded
17 at 7:09 p.m.)

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1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS.
3

4 I, DEBORAH R. SANTI, Certified Shorthand
5 Reporter for the State of Illinois, do hereby certify
6 that on the 11th day of November, 2015, the Public
7 Hearing for 218 North Avenue, Highwood, Illinois, was
8 taken before me, reported stenographically, and was
9 thereafter reduced to typewriting.

10 The said hearing was taken at
11 the Village of Highwood, 17 Highwood Avenue,
12 Highwood, Illinois.

13 I further certify that the
14 foregoing is an accurate record of the hearing at the
15 time and place hereinabove referred to.

16 Witness my official signature on
17 the 8th day of December 2015.

18

19 _____
DEBORAH R. SANTI, CSR
20 CSR # 084-004107

21

22

23

CITY OF HIGHWOOD
PLAN COMMISSION AND ZONING BOARD OF APPEALS
17 Highwood Avenue
Highwood, Illinois

Wednesday, November 11, 2015
7:48 0'clock p.m.

RE: 320 Burchell Avenue - Zoning Variations

MEMBERS PRESENT:

FERGUSON MILLS, Chairman

ROMAN BELUCH, Commissioner

ANTHONY BILOTTI, Commissioner

FRANK CAMPOREALE, Commissioner

PAUL FABBRI, Commissioner

SONJA FEDDERMANN, Commissioner

PAUL MARTINEZ, Commissioner

CHRIS MEYER, Commissioner

STAFF PRESENT:

SCOTT COREN, City Manager

HOWARD JABLECKI, City Attorney

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I N D E X

WITNESS:

PAGE:

John Murphy

3

EXHIBIT:

No exhibits

Motion
Second
Vote

22
22
24

1 CHAIRMAN MILLS: A motion to open the public
2 hearing on 320 Burchell Avenue.

3 COMMISSIONER MEYER: I second.

4 How many houses do you own, Murphy?

5 MR. MURPHY: Just two.

6 CHAIRMAN MILLS: Did you have a presentation
7 for us or should we go directly to questions?

8 MR. MURPHY: You can go directly to
9 questions, if that's okay. I've been told several
10 different things. I was told that the front of my
11 house is actually Lockard, that the address is 320
12 Burchell and my front door faces Burchell. So I had
13 actually submitted some different drawings from a
14 Scott Hezner. He's an architect in Libertyville. He
15 wanted to tear the whole place down and do a two
16 family, and that is not something that I want to do,
17 nor can I afford it. I plan on moving into this
18 house. I bought it like 10 years, and my brother has
19 lived in it. I bought it actually for my brother to
20 live in it, and he rented it from me. He's been out
21 of there about a year-and-a-half now, and I'm renting
22 it currently. I plan to move into this house because
23 my kids are gone now, and I don't need three

1 bedrooms and two baths in the home that I currently
2 live in on Euclid, so.

3 COMMISSIONER MEYER: Are you selling that
4 house?

5 MR. MURPHY: No, I won't sell that.

6 COMMISSIONER MEYER: You'll rent that one?

7 MR. MURPHY: Yeah. I had that for 28 years.

8 So I don't want to complicate things
9 for tonight, but the architect is working -- I'm not
10 going to do a multi. It's zoned duplex, I think, or
11 two family, the Burchell property. I have no
12 interest in doing that. And to help the city I
13 would, I don't know if you can do that, I thought I
14 heard something earlier where you could surrender
15 that clause because I don't know that the city would
16 want another duplex there. I know my neighbors
17 probably wouldn't. There's a beautiful house right
18 behind me that's the old fire chief, Perry something.
19 It's a single-family home. So I don't have -- I
20 don't want to do -- The architect saw it, and he saw
21 a great idea, tear it down and do two units like
22 everybody else across the street. I have no
23 intention of doing that. I want to make it a little

1 bigger for my use, a ranch, an all one story would be
2 ideal for me as I get older. I don't need -- Again,
3 I'm getting a little redundant here, but I don't need
4 a lot of space.

5 COMMISSIONER FEDDERMANN: Well, you don't
6 want to make it a little bigger, you did make it a
7 little bigger.

8 MR. MURPHY: I did. 12 feet by 10 feet,
9 yeah, a little bigger. I think there's a total of --
10 They have a thousand square feet. I would argue that
11 it's maybe 875 square feet living space. If I add
12 this 10 by 12, I believe it is. I'm picking up 98
13 square feet.

14 Seven years ago I refinanced the
15 property only to find out when they did the survey
16 that the fence line was 3 feet off. So in other
17 words, I was able to gain 3 feet of my yard. So I
18 moved the chain-link fence. The neighbor to my east
19 of me, she is an older gal. She has a really nice
20 piece of property there. But the property lines were
21 off. So I was -- You know, I planted some bushes
22 there and moved the fence line to where it was
23 supposed to be where it is now currently.

1 MR. COREN: From our comments, and we've
2 encountered this a couple of times with 107 Burgess,
3 the rear property line, the side property line and
4 the front property line are all defined by code based
5 on the shape of the lot, not based on which direction
6 the front door goes. So that's why when you're
7 seeing a rear yard setback issue on what appears to
8 be what the side yard would be if you are viewing the
9 front door. So this is a little different than you
10 normally see in a lot of cases. That is part of the
11 issue.

12 COMMISSIONER BELUCH: So going to the north
13 there, that's a side setback, not a back setback?

14 MR. COREN: That would be a side setback.

15 COMMISSIONER FABBRI: The back is considered
16 the east.

17 MR. COREN: Correct.

18 MR. MURPHY: I'm going to propose at a later
19 date, because I didn't feel to complicate tonight's
20 thing, we need to get rolling. This has been hanging
21 out for a little bit right now, this variance that
22 I'm requesting on the back northeast corner of the
23 house. But I am -- The architect is currently

1 working on -- I want to tear the garage down, and I
2 want to -- I'm going to be squaring off the other
3 part of the house. This is what I'm going to propose
4 to do: square off the other part of the house where
5 I would pick up 9 feet by 22 feet to the existing
6 structure, and then that would be it. But I would
7 also want to tear down the existing garage and build
8 a bigger garage.

9 Now, Adrian told me immediately that
10 you can't have garages in your front yard, and I
11 guess legally he said that's the front yard because
12 Lockard is -- So it doesn't make much sense to me,
13 but I'm not going to be difficult. I just want
14 whatever the city would allow me to do, is what I
15 want. I'm not trying to be difficult here. I want
16 to get a new garage and add a little more square
17 footage, but that will be on the drawing that my
18 architect will submit in the next month.

19 MR. COREN: So here is where staff came with
20 this application. So we were called out in
21 February -- January, February of this year with what
22 is being done, and we put a stop work order on that.

23 Since that time we have been

1 encouraging the applicant to come in and ask for a
2 variation. About a month ago, six weeks ago, he came
3 in with a number of other ideas, such as putting a
4 garage in the other area; but we told him, as you
5 know, we can always look at these other things.
6 Since you had an outstanding item out for a long
7 time, you need to come in front of the board and
8 request that it be granted or it needs to come down
9 or you need to figure something else out because it's
10 been outstanding for a while. So there were some
11 other ideas out there, but we haven't gotten any
12 further on those yet.

13 COMMISSIONER MEYER: For my clarification,
14 what work were you doing, John, on your property
15 without a permit?

16 MR. MURPHY: That's a good question. You
17 know, 10 feet by 12 feet I was squaring off the back.
18 I wanted to get it in. This was actually --

19 COMMISSIONER MEYER: Electrical?

20 MR. MURPHY: I didn't move any electrical. I
21 moved the gas meter, and I did it --

22 COMMISSIONER MEYER: You're supposed to get a
23 permit for that. You know better.

1 MR. MURPHY: I did. The city knew about it.
2 The city knew about moving the meter, and they told
3 me -- Well, the city knew. North Shore Gas doesn't
4 report to you guys when they move a meter?

5 COMMISSIONER MEYER: No.

6 MR. MURPHY: Oh, okay. Because I talked to
7 Adrian specifically about it. He said Mr. Murphy,
8 you may not be granted the variance, so why would you
9 spend \$600 to move it? I did tell the city about
10 moving the gas meter.

11 MR. COREN: That was probably in the staff
12 work order.

13 COMMISSIONER MARTINEZ: The plat of survey is
14 before the work was done, right? Just in the
15 materials that I've got, that 11.29 setback?

16 MR. MURPHY: That's a good question.

17 COMMISSIONER MARTINEZ: It looks like --

18 MR. MURPHY: Can I look at that?

19 COMMISSIONER MARTINEZ: Yeah. Sure.

20 COMMISSIONER BILOTTI: This is dated the 26th
21 of February.

22 MR. MURPHY: The plat is after this. It must
23 be because right now that -- Right.

1 This is a better illustration. This
2 little thing right here --

3 COMMISSIONER MARTINEZ: Was the addition.
4 It's always been eleven four.

5 MR. MURPHY: Yes.

6 COMMISSIONER MARTINEZ: The only difference
7 is you did some work now so it's squared off.

8 MR. MURPHY: It is squared off. This is the
9 fence line that I found extra property when I did the
10 last survey like seven years ago.

11 COMMISSIONER MARTINEZ: So the -- I guess
12 what I'm saying is the balance of the spot that
13 wasn't squared off was eleven four from the
14 chain-link fence. The only difference now there is
15 another little spot --

16 MR. MURPHY: I just squared it off.

17 COMMISSIONER BELUCH: So this area you
18 already framed it?

19 MR. MURPHY: Yes. I squared that off, yes.

20 So down the road, what I'm going to
21 be proposing is the garage.

22 COMMISSIONER BELUCH: I pass by that house
23 every day.

1 MR. MURPHY: I thought it would be beneficial
2 to see what it's like. I would move the old garage
3 and conform by these, that way it wouldn't be so
4 close to the neighbors; and the new garage would be
5 way over here. They said I can't do that.

6 COMMISSIONER FEDDERMANN: That's a whole
7 another meeting. Let's just talk about the square
8 that you did.

9 MR. MURPHY: It's something that I want to
10 do, and it might be helpful in your decision process
11 with all of this.

12 COMMISSIONER BELUCH: You built your little
13 addition, you're building it right on the patio?

14 MR. MURPHY: It's built on piers.

15 COMMISSIONER BELUCH: You have piers?

16 MR. MURPHY: Yeah. It's built on piers, and
17 the new drawing --

18 COMMISSIONER BELUCH: I read this is just on
19 top of the patio. I was going to say, you, being a
20 contractor, you wouldn't want that --

21 MR. MURPHY: No. No. The new drawing shows
22 we're going to -- I don't know what the word is.
23 We're going to blow concrete underneath there to

1 conform in between the piers, and then saw cut it
2 because of moisture. But I'm a painting contractor,
3 not a building contractor.

4 COMMISSIONER BELUCH: Over the years I've
5 seen -- I've seen your truck there for a long time.
6 So I saw improvements all along, so.

7 COMMISSIONER BILOTTI: So the concrete patio
8 was already there.

9 MR. MURPHY: Yes. It's a pretty big lot. If
10 impervious surface is a question --

11 COMMISSIONER FEDDERMANN: It is already
12 impervious if there's a concrete patio.

13 MR. MURPHY: Oh, I'm sorry. A pervious
14 surface, if that's an issue, if there's not enough,
15 it's a pretty big lot. I don't think that would be
16 an issue. But that patio could be broken out because
17 it's not of use in the corner there.

18 MR. COREN: And with us, we did a zoning
19 review of this. Everything meets our zoning
20 requirements. The only item that did not was the
21 rear yard setback.

22 COMMISSIONER MEYER: Just for precedence
23 sake, what have we done in -- I mean, he's asking for

1 a variance to put on this addition that doesn't
2 violate any of our codes, right?

3 MR. COREN: It does, the rear yard setback.

4 COMMISSIONER MEYER: But it was already
5 there -- Oh, so there's -- You would have had -- To
6 do anything, you would have had to get a variance
7 because the house is already non-conforming, like
8 most of Highwood. Gotcha.

9 Now, what have we done in the past
10 when somebody built something and then they asked for
11 a variance?

12 MR. COREN: You know, it hasn't happened
13 since I have been here. I don't know.

14 COMMISSIONER MEYER: Do you guys know?

15 COMMISSIONER BELUCH: If it's in conformity
16 with the rest of the block, you know.

17 COMMISSIONER MARTINEZ: They were built on
18 non-conforming lots. I was out for that meeting.

19 MR. JABLECKI: Generally, you should look at
20 the same standards that would apply to any variance
21 whether it's built or not, and look at those
22 standards; and if the variance should be granted.

23 The building without a permit issue is more of an

1 enforcement action for the city.

2 MR. MURPHY: I asked Adrian what the city
3 would -- you know, I'm asking you guys what you guys
4 would like to see there. I'm not being real
5 difficult because I don't have the \$400,000 that was
6 suggested by my architect to tear it down and build
7 conforming new lines and the whole new two units and
8 get two rents out of it. So I was asking Adrian what
9 would the city want me to do with that piece of
10 property. I'm willing to work -- you know, rather
11 than pay the architect to draw up -- He already drew
12 up a big thing, and I don't want. He's going to draw
13 something different. But then I found out the garage
14 cannot be in the front yard, but the garage is in the
15 front yard right now; is that correct?

16 MR. COREN: Correct.

17 MR. MURPHY: So what does the city want me to
18 do with -- what would they like or suggest? Do I get
19 the neighbors to sign something that they would like
20 because it would be a huge improvement. I mean, the
21 garage right now looks like a chicken barn; and you
22 know, anything there is going to be a huge
23 improvement.

1 MR. COREN: What we do in this instance, the
2 staff will usually give some help or direction and
3 try to advise them what would be up to code and what
4 would not be up to code so the applicant can really
5 understand where they're at.

6 COMMISSIONER FEDDERMANN: Clearly, you're
7 between a wall and a hard place.

8 COMMISSIONER MEYER: Then we would have to
9 allow them to do a garage whether we think it's front
10 yard, backyard.

11 MR. MURPHY: Oh, so there'd be another
12 variance for the garage?

13 COMMISSIONER FEDDERMANN: Oh, absolutely.

14 MR. COREN: No, wait. So right now front-
15 yard structures are not allowed in the front yard
16 period. Those aren't things that you are able to
17 request a variance for. It's just they're not
18 permitted. So if someone wanted to build a shed in
19 their front yard, that wouldn't come up for a
20 variance, that would just be not permitted within
21 that --

22 COMMISSIONER FEDDERMANN: So he can't even
23 remodel his garage?

1 MR. COREN: So he could not -- He could not
2 come with an application for a shed, to put a shed in
3 that area in front of Lockard. That would go in that
4 front yard. He would not be able to do that. You
5 could not even grant a variation for that.

6 MR. MURPHY: But I don't want to put a shed.

7 MR. COREN: Any accessory.

8 COMMISSIONER FABBRI: Couldn't he put a
9 garage, if you would like to, put it on the south
10 side of that property. If he wanted to move his
11 garage over there, because then he would be on the
12 side yard.

13 COMMISSIONER FEDDERMANN: That's smart.

14 COMMISSIONER FABBRI: I mean, I'm trying to
15 give him options.

16 MR. MURPHY: That is where my front door is.

17 COMMISSIONER FABBRI: He would have to move
18 his front door to Lockard Lane then.

19 COMMISSIONER MEYER: But isn't his address
20 Burchell?

21 MR. COREN: It doesn't follow address.

22 COMMISSIONER MEYER: Because we have to go by
23 the plat of survey, not what the post office put as

1 the number. But that is a burden on this piece of
2 property. There has to be a way around that.

3 COMMISSIONER BELUCH: You're saying no, but
4 the front door is on Burchell. The front of the
5 house -- He's not tearing it down. If he were to
6 tear it down and build something, now you step into
7 front yard is Lockard Lane.

8 COMMISSIONER FEDDERMANN: But that's his plan
9 for the garage.

10 MR. MURPHY: My plan would be to tear the
11 existing garage down and move that. You see how
12 close it gets to the next property? Because the
13 architect -- Here is the garage. Move it, you know,
14 conforming with this line here. The whole garage
15 would go that way.

16 COMMISSIONER MEYER: So in front of your
17 house basically?

18 MR. MURPHY: I think that would be better
19 because the drawing the architect showed me of
20 buildable property, he's done a lot of stuff, was a
21 long rectangular. Tear down what is there. So I
22 would think that line away from my neighbor's line
23 would be more advantageous.

1 COMMISSIONER MARTINEZ: If you attach the
2 garage to the house, you could keep it in the same
3 spot.

4 COMMISSIONER FEDDERMANN: Build a firewall and
5 we could attach the garage.

6 MR. JABLECKI: Because it's not an accessory
7 structure.

8 COMMISSIONER MARTINEZ: The problem is is
9 that the smallest area facing the street is
10 considered the front of the house. The Burchell side
11 is wider than the Lockard side. The problem is you
12 want to have the garage basically on the Lockard
13 side, not on the Burchell side, which makes sense.
14 So it's a new structure. So the way you could fix it
15 if you had -- if it were attached.

16 MR. MURPHY: So tell the architect to draw
17 that up and propose that. It's still a variance,
18 right?

19 COMMISSIONER MARTINEZ: It may be a variance
20 based on some other thing. Maybe the distance of
21 this or whatever, that's a staff issue. But as far
22 as like the problem of you wanting to have the garage
23 in that corner instead of having to swap the thing

1 around, if you attach it, you're okay, I think.

2 MR. COREN: Correct.

3 MR. MURPHY: If it's attached it's okay.

4 MR. COREN: And I always have to do this

5 caveat when it comes to building reviews and

6 permitting and codes, then we have -- I have to --

7 MR. MURPHY: Well, then it would make sense

8 with that little corner that I want to add also to

9 square off the house. That could be done at the same

10 time?

11 COMMISSIONER BELUCH: Which way would you

12 come in?

13 MR. MURPHY: You would still come in for

14 Burchell. I don't want to change the driveway.

15 COMMISSIONER BELUCH: Oh, you do have a

16 driveway there.

17 COMMISSIONER MEYER: He's just pushing it

18 over.

19 MR. MURPHY: It's a really pretty lot. Leave

20 that the way it is.

21 COMMISSIONER MARTINEZ: That only addresses

22 the problem of where the garage is situated with

23 respect to the lot. There is still maybe other

1 issues that staff would talk about with where it is,
2 and --

3 MR. MURPHY: Maybe they could make that side
4 of the garage that faces Lockard look really nice.

5 COMMISSIONER MARTINEZ: It's not -- You know,
6 it's not the aesthetics. I think we all get it that
7 the lot is a weird lot. To fix that lot problem,
8 this would do it; but there may be other problems.

9 MR. MURPHY: I've been in Highwood for 30
10 years. I want to -- I really want to move in there.
11 I have three bedrooms and two full baths right now,
12 and it's just myself. I want to get out of that and
13 get over to Burchell.

14 COMMISSIONER MARTINEZ: That's a good spot.

15 COMMISSIONER BELUCH: So what's facing us?
16 Are we --

17 COMMISSIONER MEYER: I'm good. We have to
18 close --

19 MR. JABLECKI: Rear yard setback variances.
20 You can ask for comment.

21 MR. COREN: Just one more thing to address.
22 I have a couple of questions about the existing
23 structure and what happens now is our building plan

1 reviewer will review the plans and make sure that it
2 becomes compliant with whatever codes we have.

3 COMMISSIONER FEDDERMANN: So do we need to
4 put that in the motion?

5 MR. COREN: That happens automatically
6 because it becomes part of our building permit
7 process, and he would never get a certificate of
8 occupancy to occupy that until that was approved by
9 the inspector. That comes automatically afterwards.

10 COMMISSIONER BILOTTI: So just a simple
11 question, it could never be considered that Burchell
12 was the front?

13 MR. JABLECKI: Because of the way the code
14 defines lots.

15 COMMISSIONER MARTINEZ: The Burchell side is
16 wider --

17 COMMISSIONER BILOTTI: But the house faces
18 Burchell --

19 COMMISSIONER MEYER: The plot of survey
20 dictates it or city code dictates it?

21 MR. JABLECKI: The frontage.

22 MR. COREN: The city code dictates based on
23 what the plat of survey is, but based on the plat of

1 survey which shows the shape of the lot, that is what
2 clarifies what is the front, back and side yards.

3 COMMISSIONER MEYER: Okay. I'm good if
4 everybody else is good.

5 COMMISSIONER FEDDERMANN: Motion to close the
6 public hearing.

7 COMMISSIONER MEYER: I second.

8 CHAIRMAN MILLS: All in favor?

9 (Chorus of ayes.)

10 COMMISSIONER MEYER: I make a motion to grant
11 the variance with -- I don't think we need any
12 stipulations, so no stipulations.

13 COMMISSIONER BELUCH: And I'll second that.

14 MR. COREN: If you want to, he was mentioning
15 that you put a condition that it remain a single
16 family.

17 MR. MEYER: I assume that's going to happen
18 when he does his -- This is just a partial.

19 MR. MURPHY: Does that have value?

20 COMMISSIONER MEYER: Yes, that's an added
21 value.

22 COMMISSIONER BELUCH: I wasn't in favor in
23 changing it to single family because then we're doing

1 the spot zoning thing since the lot is a Lockard Lane
2 lot, but it's a Burchell address. So on Burchell
3 they are multi.

4 MR. MURPHY: The neighbors -- There's a nice
5 single family lady that lives there, and all of the
6 houses on Lockard are single-family homes. So it
7 would be nice to keep my address or lot
8 residential -- just single family.

9 COMMISSIONER BELUCH: Since it's a Burchell
10 address, I would leave it. If we change the address
11 to Lockard Lane, then yes, single family, because now
12 you can have a single family, multi-unit, and that
13 defeats the purpose. We've been doing that for 20
14 years, spot zoning a block.

15 MR. JABLECKI: Just for the record, it
16 wouldn't change the zoning classification. This
17 would just be a condition that would keep it a
18 single-family home.

19 COMMISSIONER MEYER: And just him. When he
20 sold it, that --

21 MR. JABLECKI: It's a condition on the
22 granting of the variance.

23 COMMISSIONER BELUCH: That's fine to remain

1 single family.

2 COMMISSIONER MEYER: Are we doing a roll
3 call?

4 MR. MEYER: I motioned.

5 CHAIRMAN MILLS: Motioned what?

6 COMMISSIONER MEYER: Motion to grant the
7 variance, the rear setback variance.

8 COMMISSIONER BELUCH: And then I put a caveat
9 to make it a single family.

10 COMMISSIONER BELUCH: Beluch, aye.

11 Feddermann?

12 COMMISSIONER FEDDERMANN: Aye.

13 COMMISSIONER BELUCH: Mills?

14 CHAIRMAN MILLS: Aye.

15 COMMISSIONER BELUCH: Meyer?

16 COMMISSIONER MEYER: Here.

17 COMMISSIONER BELUCH: Bilotti?

18 COMMISSIONER BILOTTI: Yes.

19 COMMISSIONER BELUCH: Camporeale?

20 COMMISSIONER CAMPOREALE: Yes.

21 COMMISSIONER BELUCH: Fabbri?

22 COMMISSIONER FABBRI: Yes.

23 COMMISSIONER BELUCH: And Mr. Martinez?

1 COMMISSIONER MARTINEZ: Aye.

2 COMMISSIONER BELUCH: Okay.

3 CHAIRMAN MILLS: A motion to approve the
4 minutes?

5 COMMISSIONER MEYER: I second or I make a
6 motion, whatever.

7 COMMISSIONER FABBRI: I second.

8 COMMISSIONER BELUCH: Do we have a motion?

9 CHAIRMAN MILLS: Formally, yes.

10 COMMISSIONER MEYER: Do we do a -- Do we have
11 to do a roll call on the motion to the minutes or can
12 we do that as a blanket?

13 COMMISSIONER BELUCH: Feddermann?

14 COMMISSIONER FEDDERMANN: Abstain. I was not
15 here.

16 COMMISSIONER BELUCH: Beluch, yes.

17 Mills?

18 CHAIRMAN MILLS: Yes.

19 COMMISSIONER BELUCH: Meyer?

20 COMMISSIONER MEYER: Yes.

21 COMMISSIONER BELUCH: Bilotti?

22 COMMISSIONER BILOTTI: Yes.

23 COMMISSIONER BELUCH: Camporeale?

1 COMMISSIONER CAMPOREALE: Yes.

2 COMMISSIONER BELUCH: Fabbri?

3 COMMISSIONER FABBRI: Yes.

4 COMMISSIONER BELUCH: Martinez?

5 COMMISSIONER MARTINEZ: Yes.

6 COMMISSIONER MEYER: I now make a motion to
7 adjourn.

8 COMMISSIONER FEDDERMANN: Second.

9 (The meeting adjourned
10 at 8:15 p.m.)

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1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS.
3)

4 I, DEBORAH R. SANTI, Certified Shorthand
5 Reporter for the State of Illinois, do hereby certify
6 that on the 11th day of November, 2015, the Public
7 Hearing for 320 Burchell Avenue, Highwood, Illinois,
8 was taken before me, reported stenographically, and
9 was thereafter reduced to typewriting.

10 The said hearing was taken at
11 the Village of Highwood, 17 Highwood Avenue,
12 Highwood, Illinois.

13 I further certify that the
14 foregoing is an accurate record of the hearing at the
15 time and place hereinabove referred to.

16 Witness my official signature on
17 the 8th day of December 2015.

18
19 _____
20 DEBORAH R. SANTI, CSR
21 CSR # 084-004107
22
23

CITY OF HIGHWOOD
PLAN COMMISSION AND ZONING BOARD OF APPEALS
17 Highwood Avenue
Highwood, Illinois

Wednesday, November 11, 2015
7:10 O'clock p.m.

RE: 552 Sheridan Road - Zoning Variations

MEMBERS PRESENT:

FERGUSON MILLS, Chairman

ROMAN BELUCH, Commissioner

ANTHONY BILOTTI, Commissioner

FRANK CAMPOREALE, Commissioner

PAUL FABBRI, Commissioner

SONJA FEDDERMANN, Commissioner

PAUL MARTINEZ, Commissioner

CHRIS MEYER, Commissioner

STAFF PRESENT:

SCOTT COREN, City Manager

HOWARD JABLECKI, City Attorney

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I N D E X

WITNESS:

PAGE:

Roy Hernandez

3

EXHIBIT:

No exhibits

Motion
Second
Vote

36
37
37

1 house in the old-school way of doing it, combined
2 with new-school craft beverages.

3 But today I'm before you to talk
4 about the parking ordinances and variances. We
5 have -- I believe you have our application in front
6 of you. I think we made 12 copies of it, and it lays
7 out the parking that were shortfall requirements and
8 what we're requesting.

9 I think I initially did not -- I
10 forgot to include that we needed 10 spots in addition
11 to the four, the minimum. So we're actually here
12 before to you ask for a variance on eight spots. We
13 have six in the back that are for us, and I don't
14 believe it specifically says in the table that
15 taverns fall under the list yet, but I do understand
16 that hopefully we can help clarify that and add that
17 to the table so that future taverns, that want to do
18 business in Highwood, can understand that they have
19 to go through this process as well. So that
20 notwithstanding, I believe we're asking for a
21 variance for eight spots.

22 A little history about why we chose
23 to move where we are is that we were in business for

1 two years along the strip at 316 Greenbay Road
2 between Froggy's French Cafe and Humble Pub and
3 Santi's pretty much on what I call restaurant row.
4 I'm not sure what the residents call it, but I did
5 just move to town two weeks ago, so that's what I
6 call it. But yeah, it's pretty much impossible to
7 try to run a mixed retail business on that street
8 unless you do valet, but people that are going in and
9 out of a store to just buy to-go beer, aren't going
10 to valet and wait for their car. So we changed our
11 model accordingly to understand that if we're going
12 to be on an entertainment strip then we needed to
13 provide entertainment. So we have evolved our model
14 to become a little bit on premise and off premise,
15 and that helped a lot. Because then we were -- The
16 people that were going to the restaurants and/or
17 going to see live shows in the area, who had valeted
18 and were walking past us, would see us and come in
19 for a before-dinner drink or before-concert drink or
20 after-concert drink. So that definitely got us to
21 where we are now.

22 The reason we moved off the strip
23 was because the parking is pretty bad over there, and

1 where we are now, at the corner of Sheridan and
2 Washington, the parking is significantly better. In
3 fact, I was checking in on the cameras while I was
4 listening to the Telander presentation, and there are
5 plenty of spots in front of us. So that is a special
6 type of parking. It's public parking, but it is at
7 an angle on the street, kind of off the street but
8 it's not our parking, so we don't own it. So
9 henceforth we're here to go through the process.

10 I don't know if this is the
11 appropriate time to ask for clarification though, but
12 I would like some clarification because as I read the
13 ordinances, I don't think we actually should have to
14 go through the process at all. And if this is not
15 the proper time, then I can -- I'd be more than happy
16 to take -- pick it up at some other time.

17 I have other business owners that
18 are interested in this town, and they come to our
19 establishment, and they ask me for advice on how to
20 navigate through the process. So in fact, I
21 volunteered to Mr. Marquez, Adrian, to help him put
22 together a guidebook for businesses that are starting
23 businesses with charts as to what processes they're

1 going to have to go through from beginning to end
2 with all of the forms, how long the processes take.
3 So I think we need clarification on this issue, even
4 if it's not before we take care of us. I think it's
5 necessary in the future. So if you would like to
6 hear my presentation about that, I can present that
7 to you now or we could do it at some other time.
8 It's really up to --

9 CHAIRMAN MILLS: Well, I think your question
10 about the appropriateness of -- your request to this
11 Commission is really either for the city manager or
12 the attorney.

13 MR. COREN: Well, I can explain how I
14 interpreted the code, because even as we talked about
15 in the last -- with the last petitioner, there is
16 always different ways that you can interpret the
17 code, and especially with the parking section.
18 Frequently, we'll get people that will ask if they
19 can be part of one requirement or another.

20 Now, when we analyzed the parking
21 requirement for this, it says restaurants is one of
22 the categories, and another -- Well, maybe I'll take
23 a step back. There is a minimum requirement for any

1 type of parking. So if you have any type of a
2 commercial space, you are required to provide one
3 parking spot for every 300 square feet of retail
4 space. There is also a list of other types of uses,
5 and one example is a restaurant. And the idea behind
6 parking ordinances, such as these, is if you're going
7 in to a restaurant, you're generally going in a car
8 or with a family of four, parking, and you're staying
9 a longer period of time than you might at like a
10 Walgreens or retail store or something like that.

11 As such, because more cars are going
12 to that restaurant, more spaces are needed to be
13 provided off street in order to provide for that. As
14 we looked at his business model, there were people
15 that were coming in and they could be staying for a
16 period of time in order to have a drink. His liquor
17 license requires that he provides cheese, crackers,
18 bread, those types of things in order to serve
19 alcohol. So we viewed that as the closest item
20 within our own parking requirement to his business.
21 So we said that the restaurant was a pretty fair
22 category.

23 Now, there is also a miscellaneous

1 category in there. So if there was a strong argument
2 that some other type of calculation could apply, they
3 could do that; and I think we saw a little bit of
4 that with the theater, but most notably with the
5 Hotel Moraine. We talked about what a senior living
6 facility would do versus a purely residential or
7 younger living facility and a grocery store. So
8 there's all types of different calculations that you
9 could take in to account.

10 COMMISSIONER FEDDERMANN: Is there a specific
11 parking code for taverns?

12 MR. COREN: Not within the parking code, but
13 if you look in the code on our use matrix, there is a
14 list of I would say probably about 50 to 75 different
15 types of uses. Now, each of those specific uses
16 doesn't provide a parking calculation for that. The
17 parking calculations are a little more general, so it
18 doesn't say, for example, a market research company
19 where it might within the use matrix, it doesn't say
20 that. It doesn't have that specificity within the
21 parking code. But you don't necessarily need that
22 within the parking code because you're not usually
23 telling the difference between one type of use or

1 another. It doesn't make sense to have those
2 calculations for it.

3 COMMISSIONER MARTINEZ: So does this hinge on
4 the classification that was created by the liquor
5 license?

6 In other words, is there a liquor
7 license for a restaurant versus one for a pure
8 tavern, like just a store that sells liquor; does
9 that make sense?

10 MR. COREN: There are different liquor
11 categories that do have that. So a Walgreens that
12 have prepackaged which is different from a Wooden
13 Nickel that serves primarily alcohol versus a Del Rio
14 which is a sit-down restaurant.

15 COMMISSIONER MARTINEZ: So this -- The nature
16 of the liquor license characterized this as a Del
17 Rio, is that the case?

18 MR. COREN: That is not correct. So we have
19 probably 15 to 20 different liquor license
20 categories. The one that the Art of Beer has is the
21 same as the Cellar Gate. So that's kind of its
22 comparable use.

23 COMMISSIONER BELUCH: And that's based on

1 what, square footage or?

2 COMMISSIONER MEYER: No, his type of
3 business.

4 COMMISSIONER BELUCH: No, I mean Cellar Gate
5 as well. I mean, there's people in the
6 establishments. They are going to park their cars.
7 So how did we come up with a formula for 10 for Art
8 of Beer?

9 MR. COREN: For the Art of Beer, I used the
10 restaurant classification within our parking code to
11 do that.

12 Now, the applicant did at one time
13 say that he was not a restaurant or tavern, and my
14 response to that was, you know, that might work well
15 for the parking restriction; but then you would need
16 to come in for a special use if you're considered
17 something different than what is in the matrix.

18 COMMISSIONER FEDDERMANN: Well, somehow we've
19 already set precedent with Cellar Gate.

20 MR. COREN: And they did not require a
21 special use either. They would be considered a
22 restaurant or tavern. And really --

23 COMMISSIONER FEDDERMANN: I mean, what

1 parking formula did we make them use?

2 MR. COREN: That I don't know.

3 COMMISSIONER MARTINEZ: I think that would --

4 This was a long time ago, Cellar Gate was --

5 COMMISSIONER MEYER: 10 plus, I guess.

6 COMMISSIONER MARTINEZ: No. I think it was
7 like six to seven. But I think in terms of maybe the
8 broader discussion now of like new businesses and
9 whatever, maybe that would be --

10 COMMISSIONER FABBRI: Well, just last year or
11 a couple of years ago when we made Little Caesars,
12 when they moved in, they were classified restaurant,
13 and they had reimbursed the city for parking stalls
14 per stall.

15 COMMISSIONER MARTINEZ: But they talked about
16 their model being -- You have food in your hands in
17 30 seconds.

18 MR. COREN: If you're talking about general
19 business operations, and I was trying to put myself
20 in the Art of Beer.

21 COMMISSIONER MEYER: Well, don't we have like
22 just a minimum?

23 Let's say we don't categorize. What

1 is the bare minimum for having a business, no matter
2 what it is, parking? We're always going to have
3 these kind of rules, right? It's just what it is.
4 We have a parking shortage in town, and it's not
5 going away.

6 MR. COREN: We do. That minimum is one for
7 every 300 square feet.

8 COMMISSIONER MEYER: How many square feet are
9 over there?

10 MR. HERNANDEZ: 1,032.

11 COMMISSIONER FEDDERMANN: So that would be
12 three or four spots.

13 MR. COREN: Now, if you have -- If you look
14 at the operations, you have an occupancy of
15 potentially 38 people. Now, when I've gone to the
16 Art of Beer before --

17 COMMISSIONER MEYER: It's packed.

18 MR. COREN: I've been there an hour, hour and
19 a half, generally in that general range. So if you
20 have -- For every four people, that would be nine
21 spots, and they would stay there for an hour, hour
22 and a half, that range. But that's using a small
23 sample. The operation is not necessarily one where

1 someone is going in there and shopping for 10
2 minutes. It's --

3 COMMISSIONER MEYER: Sitting down and
4 drinking.

5 COMMISSIONER FEDDERMANN: You don't
6 typically -- I don't want to put words in your mouth.
7 If you could clarify for us typically how many
8 employees you have on staff at any given time.

9 MR. HERNANDEZ: It's me and another person.
10 While we were doing our build out, I had two staff
11 and then me popping in every now and then while I was
12 working on the build out. It's me -- Well,
13 technically, I am an employee as well. So two at one
14 time. Busy times, which we hope to get even busier,
15 we would have three; but no more than three at one
16 time, including myself.

17 COMMISSIONER MEYER: And where do you guys
18 park?

19 MR. HERNANDEZ: I have a motorcycle, so I
20 just -- I just moved --

21 COMMISSIONER MEYER: Be careful. We have an
22 attorney and city manager here.

23 MR. HERNANDEZ: But yeah, I make them park

1 further down on the street or on the angled streets
2 that are on the north and south side of Washington
3 Avenue. Not in front of our space. Not in front of
4 Mr. Joseph's, as he's requested that we play nice,
5 which we do; but there's a row of parking spots.

6 COMMISSIONER MEYER: In the alley.

7 MR. HERNANDEZ: Well, no. They are in front
8 of on the northern side of Washington, that aren't
9 actually right in front of any businesses.

10 COMMISSIONER MEYER: Well, the spinal joint,
11 right, is that where you're talking? Little Caesars,
12 that area?

13 MR. HERNANDEZ: Yes. Yes.

14 COMMISSIONER FEDDERMANN: What if you
15 encouraged your employees to park on Bank Lane.

16 MR. HERNANDEZ: That's what I want them to
17 do. When things start to get busier is to have them
18 park on Bank Lane.

19 CHAIRMAN MILLS: There are 13 slots up there
20 on the west side of the north end of Bank Lane, and
21 I've never seen them all full.

22 MR. HERNANDEZ: Absolutely. That is again
23 part of the reason we moved there was to alleviate

1 the parking that was over there and also not to deal
2 with it anymore.

3 COMMISSIONER BILOTTI: Are some of those set
4 aside for the railway?

5 COMMISSIONER FEDDERMANN: No.

6 COMMISSIONER MEYER: It's all city.

7 COMMISSIONER MARTINEZ: What are the typical
8 hours of operation in relation to the other
9 businesses in the area?

10 MR. HERNANDEZ: Well, we are open when the --
11 I should say I guess the professional service
12 businesses that are there, like the Brian Luck State
13 Farm Insurance Agency that is right next door or also
14 our cohabitant or roommate, if you will, that is the
15 Chico's Tax Service. So we open at 3:00. We usually
16 don't start seeing a lot of people until after 5:00,
17 and that is when the spots -- all of those employees
18 that do park on the street end up taking off. But
19 during dinnertime though, you will get overflow from
20 Cellar Gate, from Lucky Fish and from Mean Wiener
21 parking on Washington Avenue. Not much, but the
22 smart people that know that parking is there, they
23 don't even look for parking in those lots. They just

1 park there and walk around the corner to those
2 businesses. At around eight o'clock, once the dinner
3 rush is over, and that is on the weekend. It's
4 earlier in the day -- weekday, like around 7:30, all
5 of those spots are wide open.

6 COMMISSIONER MARTINEZ: So would you say your
7 peak hours of operation are on kind of either side of
8 the dinner hour?

9 MR. HERNANDEZ: They are after dinner.
10 Basically after dinner. We'll get some shoppers that
11 come in, especially on a Friday when people are going
12 out of town and they want to try to beat rush hour.
13 We just changed our hours on Friday to 11:00 a.m. to
14 accommodate those people. So we will get some people
15 that come in and out real quick for that.

16 COMMISSIONER MARTINEZ: This was a
17 consideration for the entertainment venue in the old
18 Bertucci's, with their assurances that they wouldn't
19 really get going until well after the dinner hour,
20 like seven, eight o'clock; and this was from a
21 parking standpoint, do you remember this?

22 COMMISSIONER FEDDERMANN: Yeah. People that
23 live in my house walk.

1 MR. HERNANDEZ: Well, most of our business is
2 people that walk, yeah, because we're not that far
3 off the strip. We do bring a lot of people in from
4 neighboring areas: Deerfield, Vernon Hills, Lake
5 Forest.

6 COMMISSIONER FEDDERMANN: But I mean, the
7 Highwoodians walk from home, you know.

8 MR. HERNANDEZ: Almost all of them walk. In
9 the wintertime, I hope they drive if it's too cold
10 for them to walk, you know. That's one of the things
11 that hits a lot of businesses hard on the restaurant
12 row is that it's too cold to wander around for
13 parking. So those who don't mind the valet will go
14 to the valet; but those who do, you know, will go
15 elsewhere. So we're really counting on that. This
16 winter we won't see a dip because we actually have
17 convenient parking provided by you, the City of
18 Highwood.

19 CHAIRMAN MILLS: Realize this doesn't have
20 much to do with your specific request, but one of the
21 things to my mind makes it a little bit easier is if
22 you leave the 10 slots in front of Joseph's open,
23 there are still six more slots down in front of you

1 on the south side of Washington, and on the other
2 side there are another 10 up on the roadside, on the
3 west side of that, and six more across the street
4 from you on the east side.

5 MR. HERNANDEZ: Yes.

6 COMMISSIONER FEDDERMANN: Down Bank Lane,
7 which is not far.

8 MR. HERNANDEZ: I mean, at one time every
9 single space in Highwood that has been vacant since
10 December was at the top of our list at one time or
11 another, and this one took the cake on all of them,
12 definitely because of parking as a top priority and
13 then also because of visibility as well. So that T
14 intersection is a long light, and I hope it stays
15 long, so.

16 COMMISSIONER BELUCH: Scott, this is for the
17 city. Is the 150 per parking shortfall, is that a
18 one-time fee or annual fee?

19 MR. COREN: One-time fee.

20 COMMISSIONER BELUCH: It's a done deal. What
21 are we messing around with?

22 MR. COREN: He had to request a variance and
23 he does also have an open question concerning

1 interpretation, if there's any feedback on that.

2 COMMISSIONER MEYER: We interpret the way you
3 interpret it, Scott.

4 COMMISSIONER BELUCH: I think it's
5 appropriate because just knowing your establishment
6 before, I've been there once or twice, you do draw
7 people. You have to park someplace. So what the
8 city came up with 10 parking spots, I think that is
9 perfectly acceptable, in my eyes, considering the
10 kind of business that you have.

11 MR. COREN: So it's one per four -- for every
12 four people.

13 MR. HERNANDEZ: Plus four, right, is 14; but
14 we have six.

15 MR. COREN: So it's 14 total spaces that are
16 required. There is a shortfall of eight spaces.

17 COMMISSIONER MARTINEZ: I think from the
18 standpoint of the broader issue, I think the Cellar
19 Gate question would be operative, if that is even
20 something that could be researched, how this was
21 interpreted, the Cellar Gate model, only because I
22 think the way that the liquor license categorization
23 seems very helpful in determining what the usage of

1 this facility was because it's kind of hybrid, so.

2 MR. COREN: I can definitely research. The
3 comparables that I used were like Bridie McKenna's.

4 COMMISSIONER FEDDERMANN: Well, maybe -- I
5 mean, I think we're all thinking we're going to
6 approve this. Maybe before the parking shortfall fee
7 is assessed, because this has to go to the City
8 Council anyway, if we can look in to what Cellar
9 Gate's equation was, you know, what we did for them.
10 We did set precedent, and that would be the fair way
11 to do it on Roy's behalf anyway.

12 MR. HERNANDEZ: If I may, my other question
13 though was part of the table not mentioning taverns,
14 which I still think and regardless of what is passed
15 for us, I think that has to get thrown in there.
16 It's just going to make it easier for future tavern
17 owners to understand where they fall without having
18 to try to figure out and waste any time.

19 My actual areas of questioning were
20 Section 11-8-2, and this is probably where you come
21 in, my friend, the extent of control. Because if you
22 look at 11-8-2-C and D, there is language in both of
23 those that as I interpret it -- Again, like Scott

1 says, there are several ways of interpreting it; and
2 that is what I was alluding to in the beginning of my
3 presentation was if you had time to hear that, there
4 is language in there that based on my understanding
5 doesn't apply to us and would actually exempt us from
6 the whole process entirely. The aforementioned
7 examples have been brought to my attention, such as
8 Humble Pub and Bridie McKenna's, especially Humble
9 Pub. They shouldn't have also had to go through the
10 process based on those two sections that I had
11 pointed out. It's just about if you read it, the
12 increase of intensity -- I don't know if you have the
13 code.

14 COMMISSIONER MEYER: Not in front of us.

15 MR. HERNANDEZ: Well, it reads: When a
16 building or structure shall undergo any increase in
17 number of dwelling units, gross area or seating
18 capacity, which would be our use case, or other unit
19 of measurement specified hereinafter for required
20 parking or loading facilities; and further, when said
21 increase, again, that is our scenario, would result
22 in a requirement for additional total parking,
23 parking shall be increased accordingly provided that

1 existing parking would at least equal or exceed the
2 parking requirements resulting from application
3 provisions of this title to the entire building or
4 structure.

5 And I've read a lot of code in order
6 to get our business started and evolved, but that is
7 classic existing structure language which is created
8 to prevent existing buildings from retroactively
9 having to conform to new requirements when they are
10 not able to do so. For example, when an existing
11 building has an increase in seating capacity, the
12 building must increase its parking spaces to meet the
13 requirements provided that the land has enough spaces
14 to meet the requirements. This is in line with
15 countless examples of language about to deal with
16 prohibited costs associated with dealing with
17 existing structures that don't meet current
18 requirements adopted after said buildings were
19 constructed.

20 In this case, it's understood that
21 building owners can't create more land when none
22 exists simply to create more parking spaces for
23 existing buildings that were built before these

1 provisions were adopted. So that was one clause
2 which to me --

3 COMMISSIONER MARTINEZ: I think -- I think
4 this gets into the intensification of use issue. So
5 in other words, Humble Pub, when it was Silver Dollar
6 it changed; but it didn't necessarily change the use.
7 So they wouldn't have had to go in. Where as like if
8 they -- If Humble Pub or the Alley, it's 812 or 412,
9 whatever, if they're dramatically changing their use.
10 Like they were serving food before. If they didn't
11 serve any food and didn't have any entertainment and
12 all of a sudden wanted to serve food and have
13 entertainment, then I think they might have to come
14 in because it would be a change of use.

15 MR. HERNANDEZ: Provided that the land they
16 already have was existing before the provisions were
17 adopted actually can meet or exceed the requirements.
18 And that is why I was saying that Section 11-8-2C, to
19 me, is all about existing -- It's the same thing that
20 happens when you need to make a building handicapped
21 accessible whenever you're doing renovations. You
22 are required to do so up to 20 percent of the budget
23 that you're spending on your renovation. So that the

1 cost to improve the building to make it handicapped
2 accessible isn't disproportionate to the renovation
3 cost. So this is the exact same kind of language I
4 see there.

5 But that notwithstanding, if you
6 look at 11-8-2D when you do conversions and
7 alterations, there is some -- There is wording in
8 there about when you renovate a space, which is what
9 we did, provided that you have to meet requirements
10 that the table provides, so long as the cost of your
11 renovation over 36 months that were done, doesn't
12 exceed 20 percent of the value of the existing
13 structure. That structure was bought for 1.5
14 million, and we spent \$9,000 to do it. So that is
15 the reason that I had when I was filling out the
16 application to go through the process. It asks you
17 specifically to point to sections of the code, and I
18 looked at it, and because I like to read the code, I
19 was just surprised. Again, it doesn't seem like we
20 should even have to go through the process. Not that
21 I mind, because if it helps clarify things.

22 Again, I get a lot of business
23 owners that come in and ask me a lot of questions. I

1 want to be able to provide them with clear answers
2 because I don't want the reputation of the city to be
3 soiled in any way. I want more businesses to come
4 in. I really care about this town, and I've grown
5 very -- I'm very dear to it, which is why I moved
6 away from the north side of Chicago and kept this
7 business here when we decided to expand and deal with
8 our parking problems in the first place.

9 So again, it's nothing that has to
10 be decided now. I just wanted to bring it to your
11 attention because I think that's -- it's got to be
12 clarified a little bit so that future business
13 owners, at least when they come to me and ask me how
14 did that process go for you, I can clearly tell them
15 what their situation is. That's why I bring up the
16 Humble Pub case and the Bridie McKenna case. If they
17 aren't changing the use, and they are not doing an
18 extensive renovation based on the way the ordinance
19 is written, they shouldn't have to go through the
20 process either, unless this is a process that you're
21 making every business do even long after a building
22 has been built. So that's kind of what I'm trying --
23 People ask me what is this for, and I'm trying to

1 tell them it's either for building new buildings or
2 for changing uses or it's for any business that wants
3 to do business in Highwood; and I'm a little unclear
4 on that. That is what I'm trying to get
5 clarification on.

6 COMMISSIONER BELUCH: You're directing all of
7 your questions to that code. I have been here for
8 22, 25 years on this committee, and my understanding
9 was, just like The Grill, when new ownership takes
10 over, the old title disappears. If you had a
11 shortfall for parking, it's a formality. You are
12 going to come here in front of this board for that
13 all over again no matter who. So whatever that
14 person had, that disappears. Now you're the owner,
15 you are going to have a shortfall. You are going to
16 go through the same process. We did that with The
17 Grill and the Caribbean people. They came here for
18 the same thing. The previous guy had a shortfall;
19 they have a shortfall. It's a formality. They were
20 granted, and now they're starting their business.

21 MR. HERNANDEZ: Okay. So when someone asks
22 me that question, then I tell them it doesn't have to
23 do with the building changing hands, it has to do

1 with a new business coming in, and that has to go
2 through the process.

3 MR. COREN: When businesses come in, we do
4 talk to them about this. We go over with them. We
5 go over the interpretations and how it has been done
6 before, how it hasn't. Now, a lot of times we'll get
7 requests to try to do that differently or change
8 things like we did in this instance. We always tell
9 people you're always welcome to bring it up to the
10 board, and if the board has differences or if they
11 want to change something, they can. I think they did
12 that after Little Caesars, with the parking shortfall
13 for Little Caesars. I think they changed fees or
14 reduced fee structures. We're always open to those
15 things.

16 If the Commission wants to view a
17 minimum standard the way that applicant is, we can
18 certainly do that. But when you change from a retail
19 space, which it was before with a garage, and you
20 move to a place where people are going to linger a
21 little more, we thought this was the most fair and
22 accurate way to do it.

23 I should say also a couple of

1 members of the commission, Martinez and Bilotti are
2 on a group currently where we're reviewing our
3 downtown zoning, and we're likely going to
4 drastically change that in the future. It will come
5 to you guys as well. There's a lot of different
6 things that we discuss in those like parking
7 requirements. We do have a TOD plan that suggests
8 1.2 per dwelling unit, I don't remember; but those
9 things will all be taken in to account when we bring
10 this to the Commission in the future.

11 COMMISSIONER MEYER: I guess you could tell
12 future business people that. I wouldn't even know
13 what your business is all about. I drive by it. I
14 don't drink beer. Do you serve anything other than
15 beer?

16 MR. HERNANDEZ: We do wine now too. Cellar
17 Gate has partnered with us.

18 COMMISSIONER MARTINEZ: And cider.

19 MR. HERNANDEZ: But no, it was just -- I
20 understand it's a formality, and I think that clears
21 it up a little bit to me that all businesses have to
22 go through the process. I guess my question, what I
23 was bringing up with pieces of code that I

1 highlighted, was that in that process and in that
2 code where it says extent of control where it governs
3 what -- who falls under those -- who has to meet the
4 requirements of that table, those two sections of the
5 code seem to exempt us from that. 11-8-2C and
6 11-8-2D. That is the reason, you know, we are going
7 through the process. As I said I would -- I'm here
8 before you to do that, but it's just I would assume
9 that part of that process is seeing if you even meet
10 the requirements to go through that, and it would
11 seem to me, based on 11-8-2C and D that we don't,
12 based on that section of code that I had just read.
13 But again, we can take care of it at some other time
14 for other businesses. That's all I've got.

15 COMMISSIONER MEYER: When I heard him read
16 it, I thought he did -- to me, it felt like he did.

17 MR. COREN: I don't have it in front of me.
18 I don't have this piece.

19 COMMISSIONER MEYER: When he read it, to me,
20 I was like, yeah, yeah, yeah.

21 MR. COREN: Right, because I think one of the
22 things he mentioned was intensification of the use
23 and going from retail to this type of a setting is an

1 intensification of use.

2 COMMISSIONER MEYER: Both.

3 MR. HERNANDEZ: But it's telling you that
4 when you intensify the use, you do have to meet the
5 requirement of the existing building up to the number
6 of spots that that existing building already has. We
7 have six spots. That is all we have. Again, that is
8 classic language when you're dealing with existing
9 old buildings where code has changed after the fact
10 that those buildings were built, and you can't expect
11 a landowner, which I am not, I don't own that
12 property, to create new spots when none exist.
13 That's why I was saying going through the process the
14 beginning is the extent of control. And if you meet
15 any of these causes, then you have to meet the
16 requirements in that table. I'm pretty familiar
17 with, you know, doing that, and we've done that
18 everywhere we needed to. It just -- it kind of
19 struck me as odd because it's -- that section right
20 there plus D, the alteration that we did, the 20
21 percent of 4.5 million isn't even close to \$9,000.
22 So not only is there one clause we shouldn't have to
23 meet the table for, there's two; and that is kind of

1 why I was confused. Because the Humble Pub example
2 did come up to my attention several times, and I've
3 talked to T.J., the owner, about that situation. But
4 again, they didn't increase the intensity, they
5 actually decreased it. Their alterations were very,
6 very minor. They didn't change the use at all, yet
7 they were told they had to go through the process.

8 COMMISSIONER BELUCH: And they came here.

9 MR. HERNANDEZ: Right. Right. And as I
10 understand, they were told that they didn't have to
11 meet it. It wasn't because of 11-8-2C and D, but C
12 and D does actually exempt them from going through
13 the process or meeting the requirements, I'm sorry,
14 not going through the process.

15 COMMISSIONER BELUCH: I'm sure if there was a
16 bar or restaurant on that -- in that building, the
17 requirement would have been different at that point
18 in time as well. You know, I think the business
19 dictates kind of what requirement you have for
20 parking and so forth.

21 MR. HERNANDEZ: I get it. I definitely have
22 suffered through the parking, so I want to do
23 anything we can to alleviate the issue.

1 COMMISSIONER MEYER: And sometimes by coming
2 here we talk about like -- Sometimes people don't
3 think about where their employees should park, and
4 they don't think about other things. So by being
5 here we go through this all of the time, we're like
6 oh, what about this? What about this? You know what
7 I'm saying?

8 MR. HERNANDEZ: I appreciate it. I really
9 do. And I have told them to park on Bank Lane. I'm
10 not sure where they're parking right now. Actually,
11 only one of our employees drives. The other takes
12 the train, and the other lives in Fort Sheridan
13 Place. So I'll definitely talk to the employees.

14 Thank you.

15 CHAIRMAN MILLS: Any more questions?

16 (No response.)

17 COMMISSIONER FEDDERMANN: Motion to close the
18 public hearing.

19 COMMISSIONER FABBRI: Second it.

20 CHAIRMAN MILLS: I assume there are no
21 comments from the public.

22 COMMISSIONER FEDDERMANN: I motioned to close
23 the public hearing. I think Paul already seconded.

1 CHAIRMAN MILLS: All those in favor?

2 (Chorus of ayes.)

3 CHAIRMAN MILLS: Opposed?

4 (No response.)

5 CHAIRMAN MILLS: Public hearing is closed.

6 MR. JABLECKI: You need to motion on the
7 variance request.

8 COMMISSIONER MEYER: I make a motion that
9 we -- on the variance that -- I like what you were
10 saying like it's going to go to City Council anyway.
11 If Scott would do research on what they did, and you
12 know what I'm saying, make it the fairest whatever
13 we've done in the past so that it would be --

14 MR. COREN: I could -- The deadline for
15 getting stuff on the agenda for the City Council is
16 tomorrow. I'm not sure I'm going to have it done by
17 then. If the applicant is willing to wait, I can
18 certainly do that.

19 Right now there is a capacity --
20 There is a capacity restriction on him based on the
21 number of parking spots he has, which the
22 miscellaneous category under the zoning administrator
23 allowed me to make that call without having the

1 formal. So he can't increase his capacity until he
2 does have the approval from the City Council. If
3 that is confusing enough.

4 COMMISSIONER MEYER: So I guess it's a moot
5 point on the Cellar. We make a motion on what's on
6 the agenda, and that's all we can do.

7 MR. COREN: You can make that motion for the
8 Cellar Gate, just it would be a different Council
9 date.

10 COMMISSIONER MEYER: It would be up to him.
11 He would have to wait. It's up to him.

12 MR. HERNANDEZ: I would say that, you know, I
13 would encourage the research to be done just to know
14 what it is; but I can tell you that, and Scott
15 probably would agree, I presume that it's probably
16 lost, if you will. I can talk to Kayla and Eric, but
17 I would be willing to go with whatever the Council
18 does sooner, and then if you find retroactively that
19 I'm paying less than what they paid, I will pay what
20 they paid even if it's higher.

21 COMMISSIONER MEYER: I was assuming you would
22 be paying more now.

23 MR. HERNANDEZ: If it goes up we'll pay.

1 Whatever they paid, we'll definitely pay that. If
2 it's less, it doesn't matter.

3 CHAIRMAN MILLS: I think there's one
4 significant difference between Cellar Gate and this,
5 and that is Cellar Gate is on Sheridan. While the
6 address for this is on Sheridan, the actual access
7 and all of the parking is going to be on Washington
8 or Bank Lane.

9 COMMISSIONER MEYER: He has Bank.

10 MR. COREN: I wouldn't tie in to the Cellar
11 Gate price.

12 COMMISSIONER MEYER: Not on the price.

13 MR. COREN: The price was much higher when
14 Cellar Gate came in.

15 COMMISSIONER MEYER: More of how did we
16 calculate what their business was, and how many.
17 That is all I was saying. But again, it sounds like
18 he just wants to pay the full retail.

19 MR. HERNANDEZ: Or more if you found out that
20 Cellar Gate paid more.

21 COMMISSIONER FABBRI: Because we've lowered
22 the rate, so.

23 COMMISSIONER MEYER: So I make a motion that

1 we accept the variation.

2 COMMISSIONER CAMPOREALE: Second.

3 CHAIRMAN MILLS: All those in favor?

4 COMMISSIONER BELUCH: What is the motion?

5 COMMISSIONER MEYER: The motion as presented.

6 COMMISSIONER CAMPOREALE: Accept the

7 variances.

8 COMMISSIONER BELUCH: On the parking, on the
9 parking shortfall variation.

10 COMMISSIONER MEYER: That was all we're
11 doing, right?

12 COMMISSIONER BELUCH: I'm sorry, who
13 motioned?

14 COMMISSIONER MEYER: I motioned.

15 COMMISSIONER BELUCH: Camporeale seconded.

16 COMMISSIONER BELUCH: Feddermann?

17 COMMISSIONER FEDDERMANN: Yes.

18 Beluch, yes.

19 Mills?

20 CHAIRMAN MILLS: Yes.

21 COMMISSIONER BELUCH: Meyer?

22 COMMISSIONER MEYER: Yes.

23 COMMISSIONER BELUCH: Biagi?

1 (No response.)

2 COMMISSIONER BELUCH: Bilotti.

3 COMMISSIONER BILOTTI: Yes.

4 COMMISSIONER BELUCH: Camporeale?

5 COMMISSIONER CAMPOREALE: Yes.

6 COMMISSIONER BELUCH: Fabbri?

7 COMMISSIONER FABBRI: Yes.

8 COMMISSIONER BELUCH: Martinez?

9 COMMISSIONER MARTINEZ: Yes.

10 (The hearing concluded
11 at 7:48 p.m.)

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1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS.
3

4 I, DEBORAH R. SANTI, Certified Shorthand
5 Reporter for the State of Illinois, do hereby certify
6 that on the 11th day of November, 2015, the Public
7 Hearing for 552 Sheridan, Highwood, Illinois, was
8 taken before me, reported stenographically, and was
9 thereafter reduced to typewriting.

10 The said hearing was taken at
11 the Village of Highwood, 17 Highwood Avenue,
12 Highwood, Illinois.

13 I further certify that the
14 foregoing is an accurate record of the hearing at the
15 time and place hereinabove referred to.

16 Witness my official signature on
17 the 8th day of December 2015.

18

19 _____
DEBORAH R. SANTI, CSR
20 CSR # 084-004107

21

22

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**CITY OF HIGHWOOD
PLANNING & ZONING COMMISSION STAFF REPORT**

**Public Hearing
Wednesday, February 24, 2016**

Project Addresses:	502 Sheridan Road
Property Owner:	Javier & Alva Sandoval
Applicant / Petitioner:	Vape312, Incorporated Contact: Tang Wong
Zoning:	B-1

Nature of Request:

The petitioners seek to open an e-cigarette retail store. An e-cigarette store does not match any of the uses listed in the matrix under our zoning code in the B-1 or any other district. When a use does not conform to one of the existing categories it must apply for a special use in the B-1 district.

The petitioner also indicates 4 parking spaces are provided for the occupancy. Section 11-8-5 of the code requires 1 parking space for every 300 square feet of commercial space, for a total of ten spaces.

Current Use and Conditions

The property is currently vacant. The site is located on Sheridan Road in one of the main stretches of the busy B-1 zoning district. There are a variety of retail type businesses and restaurants in the vicinity that would complement this type of use.

The commission reviewed an application for a similar business at 828 Sheridan Road in April of 2015. This does not mean there is a requirement that this special use permit be approved.

E-cigarettes are a relatively new product that the zoning code predates. Staff considered defining this business as a tobacco, cigarette or cigar operation, but no tobacco would be sold and though the product appears to be related there are very significant differences. Staff considered this primarily a retail store. The use may attract patrons that could utilize other Highwood businesses and surrounding restaurants. There is only one additional similar store in the surrounding area, which could make this a draw from surrounding communities.

To accommodate the special use, a parking shortfall variation would also be required. The fee for the parking shortfall of six spaces would require the payment of \$900 to the parking shortfall fund.

Staff Recommendation

Staff recommends approval of this application, contingent upon the petitioner filling all other requirements of the building permitting process.

Staff Report Prepared By: Scott Coren, City Manager

INSTRUCTIONS TO THE PETITIONER:

You may seek a variation from the Zoning Ordinance of the City of Highwood, as amended. These instructions are provided as a courtesy by the City of Highwood. They are not a substitute for your own legal research or legal counsel. You may wish to seek legal advice in your Petition for Variation as it will aid in the prompt determination of your Petition. Copies of the Zoning Code are available for inspection and/or purchase at Highwood City Hall.

The City may require that any requests for zoning changes be accompanied by an application to the Lake County Soil and Water Conservation District. If that is the case, that District requires at least a thirty (30) day advance notification. Generally, Lake County Soil and Water Conservation District approval will be required only when it appears that the variation proposed has substantial changes to topography and the like.

Zoning variations and Special Use Permits are controlled by Section 9.0 of the Highwood Zoning Code. They are heard by the Planning and Zoning Commission. Your petition must disclose the following items:

- (1) The name of the Petitioner;
- (2) The fee holder (holder of the title of the property); if the two are not one in the same, you must disclose how the Petitioner is legally authorized to present the variation petition, and the fee holder must consent in writing to the petition;
- (3) The full legal description of the property, common address and parcel identification number. You should submit a copy of a Deed, Title Policy or Plat-of-Survey containing the legal description. If you are a tenant, you must submit an executed copy of your lease agreement;
- (4) You must describe in detail the scope of work and the zoning variation or special use sought. If the variation includes an encroachment, state the extent of the encroachment. Specify the provisions of the Zoning Code from which you are seeking a variation and include such site plans, sketches, diagrams, engineering studies or other relevant materials which help to explain the variation and why you qualify for a variation pursuant to Section 9.7 of the Zoning Code;
- (5) An application fee in the sum of \$600.00 (3 or less units) or \$900.00 (4 or more units and Commercial) payable to the City of Highwood must be enclosed.
- (6) Additionally, the City Manager's Office required the application to provide an escrow in the amount of \$2,500. The escrow covers the cost of publication, attorney fees, consultant fees, court reporting services and any other fees incurred as a result of your petition;
- (7) It is your responsibility to explain in detail in your petition (be prepared to present competent evidence to the Planning and Zoning Commission) why you qualify for the zoning variation or special use. The variation can only be granted if the following conditions exist:
 - a. You must establish the hardship you will incur if the variation is not granted. State your hardship. For example, *"My kitchen is located on the side of the house and I need a larger kitchen for my family. If we try to location the kitchen in another area of the house it will be prohibitively expensive;"*

- b. The construction or use is in harmony with the surrounding construction or use;
- c. The construction or use is not objectionable to the surrounding residents;
- d. Strict application of the provisions of the Zoning Ordinance would deprive you, the petitioner, of any reasonable use of this land. Mere loss and value shall not justify a variation; there must be a deprivation of beneficial use of the land;
- e. The variation or special use is only a minor deviation of the provisions of the Zoning Ordinance.

ALL REQUESTS FOR A ZONING VARIATION MUST BE SUBMITTED TO THE BUILDING/ZONING OFFICIAL AT LEAST TEN (10) DAYS PRIOR TO THE NEXT SCHEDULED CITY COUNCIL MEETING. During that ten (10) day period the application will be reviewed by the Mayor, Building Official and Zoning Administrator for completeness. If the application is determined to be complete, generally speaking, that application will be referred to the Planning and Zoning Commission at the next City Council meeting. The Planning and Zoning Commission will hold and schedule a public hearing as required to review your petition.

Your attendance at the public hearing is required. You will be required to present your petition. It is your responsibility to be familiar with the Zoning Code and request any relief you deem appropriate and to be forthcoming with any facts or circumstances which may be important for a review of your petition. **THEREFORE, IF THERE ARE ANY DATES AT WHICH YOU CANNOT ATTEND THE HEARING, THE SAME SHOULD BE NOTED IN YOUR PETITION.**

After the hearing the Planning and Zoning Commission will make its recommendations and the Chairman will forward a written recommendation to the City Council. The City Council may then approve or deny the recommendation. Generally speaking, this will occur at the next meeting of the City Council following the Planning and Zoning Commission hearing. If the variation is approved, an ordinance is drafted and voted upon at the next City Council meeting. Assuming the variation is granted, you must make your submission to the Building and Zoning Official for plan review and issuance of the appropriate permits.

PLEASE NOTE THAT THE CITY MAY IMPOSE A REQUIREMENT THAT YOU, AS THE PETITIONER AND/OR THE OWNER, PAY ALL COSTS (STAFF, LEGAL, ENGINEERING, PLANNING, ETC.) THAT ARE INCURRED BY THE CITY AS A RESULT OF YOUR PETITION, OR THE DEVELOPMENT PROCESS.

Depending on various schedules, the length of the hearings, the zoning variation process may take six (6) to twelve (12) weeks with an additional two (2) to four (4) weeks to obtain a building permit. Please plan accordingly.

Copies of the Zoning Ordinance and Rules of Procedure for the Planning and Zoning Commission are available upon request.

Attached to these instructions is a form for reference only.

Very Truly Yours,

Highwood Planning and Zoning Commission

CITY OF HIGHWOOD – PETITION FOR A VARIATION

GENERAL INSTRUCTIONS

1. Please type or print legibly;
2. If more room is required for any answer, attach an Exhibit;
3. **Include twelve (12) copies of all “required documents.” Required documents include: a lease (if you are a tenant), a deed or title policy, a site plan, a current plat-of-survey and plans showing elevation(s) and/or floor plan;**
4. Include a check payable to the City of Highwood in the sum of \$600.00 (3 or less units) or \$900.00 (4 or more units and Commercial) being the application fee;
5. If applicable, include a copy of the Lake County Soil and Water Conservation District application. Please indicate the date of filing of said application.

APPLICATION

1. Name, address, telephone number(s) (home, work, fax, pager, and cellular) and e-mail address of applicant.

**Vape312, Incorporated
9241 Parkside Ave.
Morton Grove, Il. 60053-1569**

Contact: Tang Wong



2. Name, address, telephone number(s) (home, work, fax, pager, and cellular) and e-mail address of attorney for applicant.

N/A

3. Name, address, telephone number(s) (home, work, fax, pager, and cellular) and e-mail address of owner of property (fee holder). If the property owner is different than applicant please specify why applicant is legally authorized to present this petition. Include written proof of such authority (e.g. Power of Attorney). **Include a copy of the deed or title insurance policy showing title in the property owner.**

**Javier & Alva Sandoval
434 Pine Street
Deerfield, Il. 60015**



4. Indicate when and how the property owner acquired title to the property for which a variance is sought. If you are not the property owner, state your interest in the property and be prepared to provide documentation of your interest at the hearing.

We intend to lease 502 Sheridan Rd., Highwood, Il 60040 and open an E-Cigarette retail store.

5. Provide the legal description, common address and parcel identification number of the property. Refer to copy of Deed for legal description of property

**502 SHERIDAN RD.
HIGHWOOD, IL 60040**

6. State the Zoning District in which the property is located.

The Property is B-1 Zoning District

7. State the scope of the work and indicate the specific variation you are requesting. Attach such diagrams, drawings or other information as may be useful to the Planning and Zoning Commission in understanding your variation. You must indicate the specific sections of the Highwood Zoning Code for which the variation is sought.

N/A

8. Explain why the proposed variation or use is in harmony with the surrounding construction or use.

Our retail will sell similar but much safer E-cigarettes like the ones sold in the liquor stores nearby as well as the gas station on Old Elm and Sheridan rd. Our retail store will also be similar to “North Shore Vapes” located on 828 Sheridan Rd.

9. Explain why the variation or use is not objectionable to the surrounding residents.

Residents are already used to these products because they are already being sold at retail locations and gas stations near by.

10. Explain why strict application of the provisions of the Highwood Zoning Code would deprive you of any reasonable use of the land. Remember, mere loss in value will not justify a variation; there must be a deprivation of beneficial use of the land.

This is a minor deviation as similar uses already exist

11. Explain why the variation or special use is only a minor deviation of the provisions of the Highwood Zoning Ordinance.

This is a minor deviation as similar uses already exist

12. Describe in detail the current use(s) of the property (for example, single-family, duplex, multi-family, type(s) of business use). As applicable, describe the number of residential units, layout of the property, layout of each unit, size (square footage), and occupancy of the units of same and/or whether the property is used for residential or business purposes. Also, indicate the parking plan, number of parking spaces and vehicles used by occupants of the property. Use an attachment, if necessary.

Current use of property is a free standing building with commercial use on first floor and 2 residential units on second floor. 10 parking total parking spaces. 4 spaces for commercial and 6 spaces for residential.

13. Explain any other relevant factors which should be considered by the Planning and Zoning Commission. (Such as the hardship that will occur if the variation is not granted). If your application is for a Special Use Permit, include an explanation as to your compliance with the requirements for same.

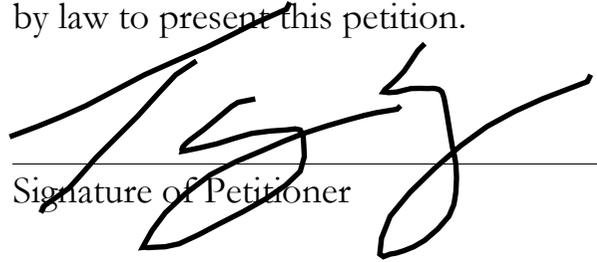
Based on the review of Highwood Zoning code, it is not anticipated that the proposed retail location would be noncompliant with requirements in any section

14. Please note any dates on which you cannot attend a Planning and Zoning Commission meeting, as your attendance is required to present the petition. Note: these are traditionally scheduled weekday evenings at the Highwood City Hall, 17 Highwood Avenue, Highwood, Illinois, 60040.

I will be available to attend all meetings

15. State the name, address and telephone number of any witness you intend to use. Further, if your neighbors do not object to the variation, try to obtain and include written statements from them.

I, the undersigned being duly sworn on oath depose and state that I have read the above and foregoing petition by me subscribed, that the same is true in substance and in fact. Further, I am the owner of the property for which a variation is sought, or am otherwise authorized by law to present this petition.



Signature of Petitioner

1/14/2016

Date

CONSENT OF OWNER

I, the undersigned being duly sworn on oath depose and state that I have read the above and foregoing petition. Further, I am the owner of the property for which a variation is sought and consent to the hearing of this petition. I acknowledge that the costs of zoning proceedings may be assessed to the petitioner and/or property owner.

Signature of Petitioner

Date

Mary Ellen Vanderventer
Lake County Recorder of Deeds

18 N. County Street
Waukegan, IL 60085

(847)360-6673
(FAX) (847)625-7200

PLAT ACT AFFIDAVIT

STATE OF ILLINOIS

COUNTY OF LAKE } SS.

DOCUMENT NO. _____

I, (Name) SALVATORE LOCASCIO, being duly sworn on oath, state that

I reside at 138 Old Elm, Lake Forest, IL 60055, and that the attached deed is not in violation of the Plat Act, Ch. 765 ILCS 205/1.1(b), as the provision of this Act do not apply and no plat is required due to the following exception (Circle the number applicable to the attached deed):

1. The division or subdivision of the land into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access;
2. The divisions of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easement of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
9. The sale of a single lot of less than five acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.
10. The conveyance of land does not involve any land division and is described in the same manner as title was taken by grantor(s).

AFFIANT further states that this affidavit is made for the purpose of inducing the RECORDER OF LAKE COUNTY, ILLINOIS to accept the attached deed for recording.

Salvatore Locascio
(Signature)

SUBSCRIBED AND SWORN TO BEFORE ME

this 13th day of July, 2004



Notary Public
5646383

3

5062781
29084451
TRUSTEE'S DEED

THIS INDENTURE, dated August 12, 2004 between LASALLE BANK NATIONAL ASSOCIATION, a National Banking Association, successor trustee to American National Bank and Trust Company of Chicago duly authorized to accept and execute trusts within the State of Illinois, not personally but as Trustee under the provisions of a deed or deeds in trust duly recorded and delivered to said Bank in pursuance of a certain Trust Agreement dated February 9, 1994 and known as Trust Number 4857-HP party of the first part, and Javier Sandoval and Elva Sandoval, as joint tenants with rights of survivorship, 434 Pine Street, Deerfield, Illinois 60015, party/parties

5646383

FILED FOR RECORD BY:
MARY ELLEN VANDERVENTER
LAKE COUNTY, IL RECORDER
09/16/2004 - 12:44:05 P.M.
RECEIPT #: 183778
DRAWER #: 18

(Reserved for Recorders Use Only)

of the second part. WITNESSETH, that said party of the first part, in consideration of the sum of TEN (\$10.00) Dollars and other good and valuable consideration in hand paid, does hereby convey and QUIT-CLAIM unto said party/parties of the second part, the following described real estate, situated in Lake County, Illinois, to-wit:

Parcel 1: The Southerly Half of the Northerly Half of Lot 7 in Block 17 of Plat "D" of Highwood, being Evert's and Mear's Subdivision of Lots 60, 61 and 63 of Evert's and Jeffery's Division of Lands in Sections 14 and 15, Township 43 North, Range 12, East of the Third Principal Meridian, in Lake County, Illinois.

Parcel 2: The Southerly 25 Feet of Lot 6 and the Northerly 25 Feet of Lot 7 in Block 17 in Plat "D" of Highwood, being Evert's and Mear's Subdivision of Lots 60, 61 and 63 of Evert's and Jeffery's Division of Lands in Sections 14 and 15, Township 43 North, Range 12, East of the Third Principal Meridian, in Lake County, Illinois.

Commonly Known As 502-504 Sheridan Road, Highwood, Illinois 60040
Property Index Numbers 16-15-208-032-0000 and 16-15-208-033-0000

together with the tenements and appurtenances thereunto belonging.

TO HAVE AND TO HOLD, the same unto said party of the second part, and to the proper use, benefit and behoof, forever, of said party of the second part.

This deed is executed by the party of the first part, as Trustee, as aforesaid, pursuant to and in the exercise of the power and authority granted to and vested in it by the terms of said Deed or Deeds in Trust and the provisions of said Trust Agreement above mentioned, and of every other power and authority thereunto enabling. This deed is made subject to the liens of all trust deeds and/or mortgages upon said real estate, if any, recorded or registered in said county.

IN WITNESS WHEREOF, said party of the first part has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by one of its officers, the day and year first above written.

LASALLE BANK NATIONAL ASSOCIATION, as trustee and not personally,

By: [Signature]
Christine C. Young
Trust Officer

Prepared By: LASALLE BANK NATIONAL ASSOCIATION, 4747 WEST DEMPSTER STREET, SKOKIE, ILLINOIS 60076

STATE OF ILLINOIS) I, the undersigned, a Notary Public in and for said County and State, do hereby certify
COUNTY OF COOK) Christine C. Young, an officer of LaSalle Bank National Association personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that said officer of said association signed and delivered this instrument as a free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and seal this 12th day of August, 2004

5646383

[Signature]
NOTARY PUBLIC



3

MAIL TO: WILLIAM MOSCOVI
Rev. 8/00 421 N. SHERIDAN RD.
HIGHWOOD, IL 60040

SEND FUTURE TAX BILLS TO:
JAVIER and ELVA SANDOVAL
434 PINE ST.
DEERFIELD, IL 60015

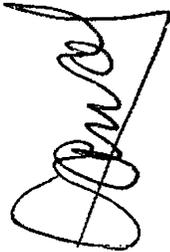
STREET ADDRESS: 502-504 SHERIDAN ROAD
CITY: HIGHWOOD COUNTY: LAKE
TAX NUMBER: 16-15-208-032-0000

LEGAL DESCRIPTION:

PARCEL 1: THE SOUTHERLY 1/2 OF THE NORTHERLY 1/2 OF LOT 7 IN BLOCK 17 IN PLAT "D" OF HIGHWOOD, BEING EVERTS AND MEARS SUBDIVISION OF LOTS 60, 61 AND 63 IN EVERTS AND JEFFERY'S DIVISION OF LANDS IN SECTIONS 14 AND 15, TOWNSHIP 43 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 22, 1874, IN BOOK "A" OF PLATS, PAGE 17, IN LAKE COUNTY, ILLINOIS.

PARCEL 2: THE SOUTHERLY 25 FEET OF LOT 6 AND THE NORTHERLY 25 FEET OF LOT 7 IN BLOCK 17 IN PLAT "D" OF HIGHWOOD, BEING EVERTS AND MEARS SUBDIVISION OF LOTS 60, 61 AND 63 IN EVERTS AND JEFFERY'S DIVISION OF LANDS IN SECTIONS 14 AND 15, TOWNSHIP 43 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 22, 1874, IN BOOK "A" OF PLATS, PAGE 17, IN LAKE COUNTY, ILLINOIS.

IL 7051-



STATE & COUNTY TAX STATE OF ILLINOIS
 AUG. 27. 04
LAKE COUNTY

# 0000028389	REAL ESTATE TRANSFER TAX
	0105750
	FP326708

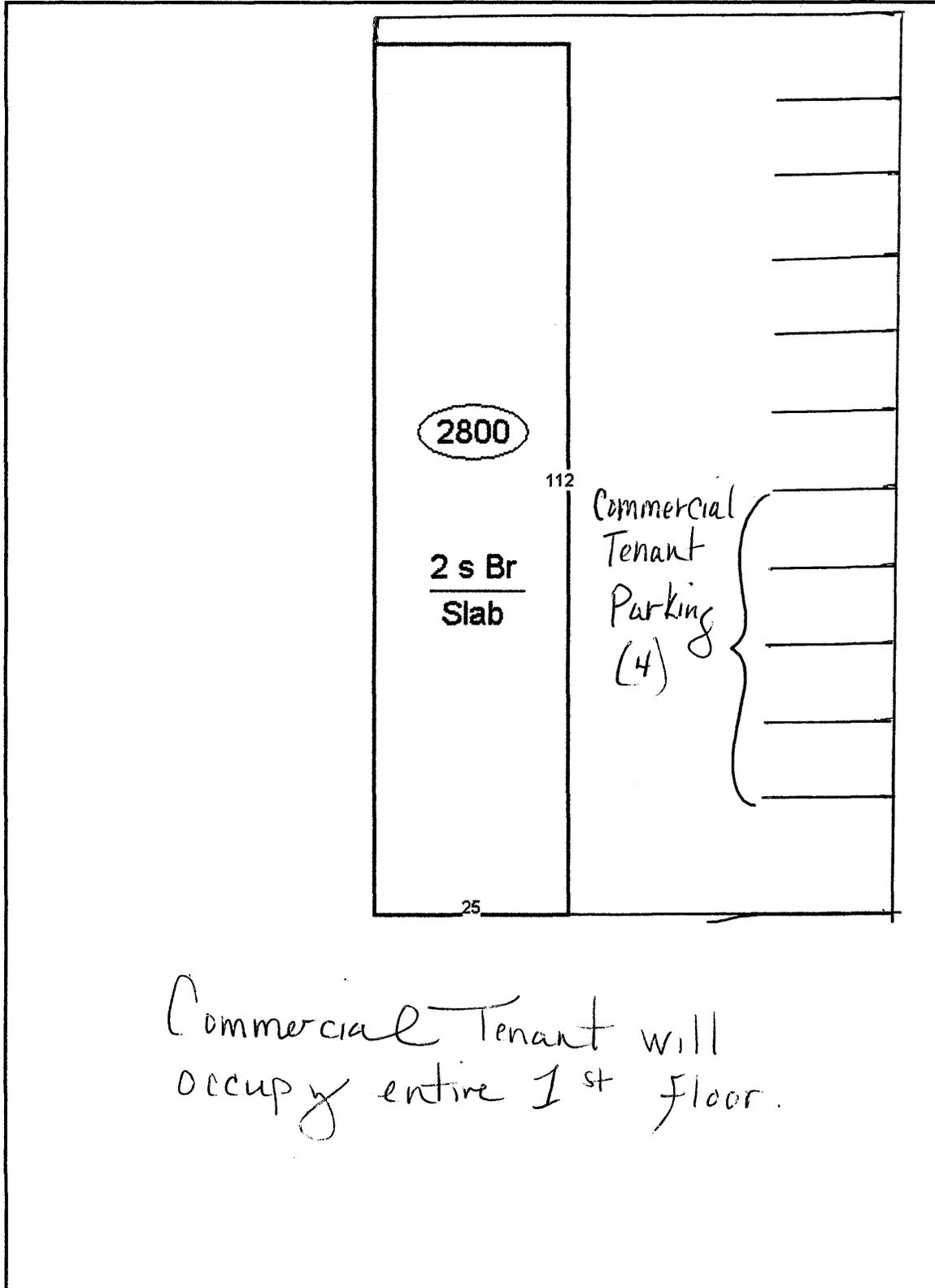
5646383

2



Lake County, Illinois

Property Tax Assessment Information



Commercial Tenant will occupy entire 1st floor.

Legend

Number enclosed in an oval = footprint area of the improvement

Within the improvement section

Above the line = above grade improvements footprint
Below the line = below grade improvements footprint

A = attic
B = basement
C = crawl space

Slab = area is on a concrete slab

1sFr = one story frame area

1sBr = one story brick

2sFr = two story frame area

L(Fin) = lower level finished area, common in split level and raised ranches

B(Fin) = basement area finished

$\frac{3}{4}B + \frac{1}{4}C$ = the basement is approximately $\frac{3}{4}$ finished and $\frac{1}{4}$ crawl space

OH = overhang, common in split level and raised ranches

Other common features:

FrG = frame



UNITED SURVEY SERVICE, LLC

CONSTRUCTION AND LAND SURVEYORS
9881 ELMS TERRACE, DES PLAINES, IL 60016
TEL: (847) 299-1010 FAX: (847) 299-5887
E-MAIL: USURVEY@IX.NETCOM.COM

**ALTA / ACSM
LAND TITLE SURVEY
OF**

PARCEL 1:

THE SOUTHERLY 1/2 OF THE NORTHERLY 1/2 OF LOT 7 IN BLOCK 17 IN PLAT 'D' OF HIGHWOOD, BEING EVERTS AND MEARS SUBDIVISION OF LOTS 60, 61 AND 63 IN EVERTS AND JEFFERY'S DIVISION OF LOTS IN SECTIONS 14 AND 15, TOWNSHIP 43 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 22, 1974, IN BOOK 'A' OF PLATS, PAGE 17, IN LAKE COUNTY, ILLINOIS.

PARCEL 2:

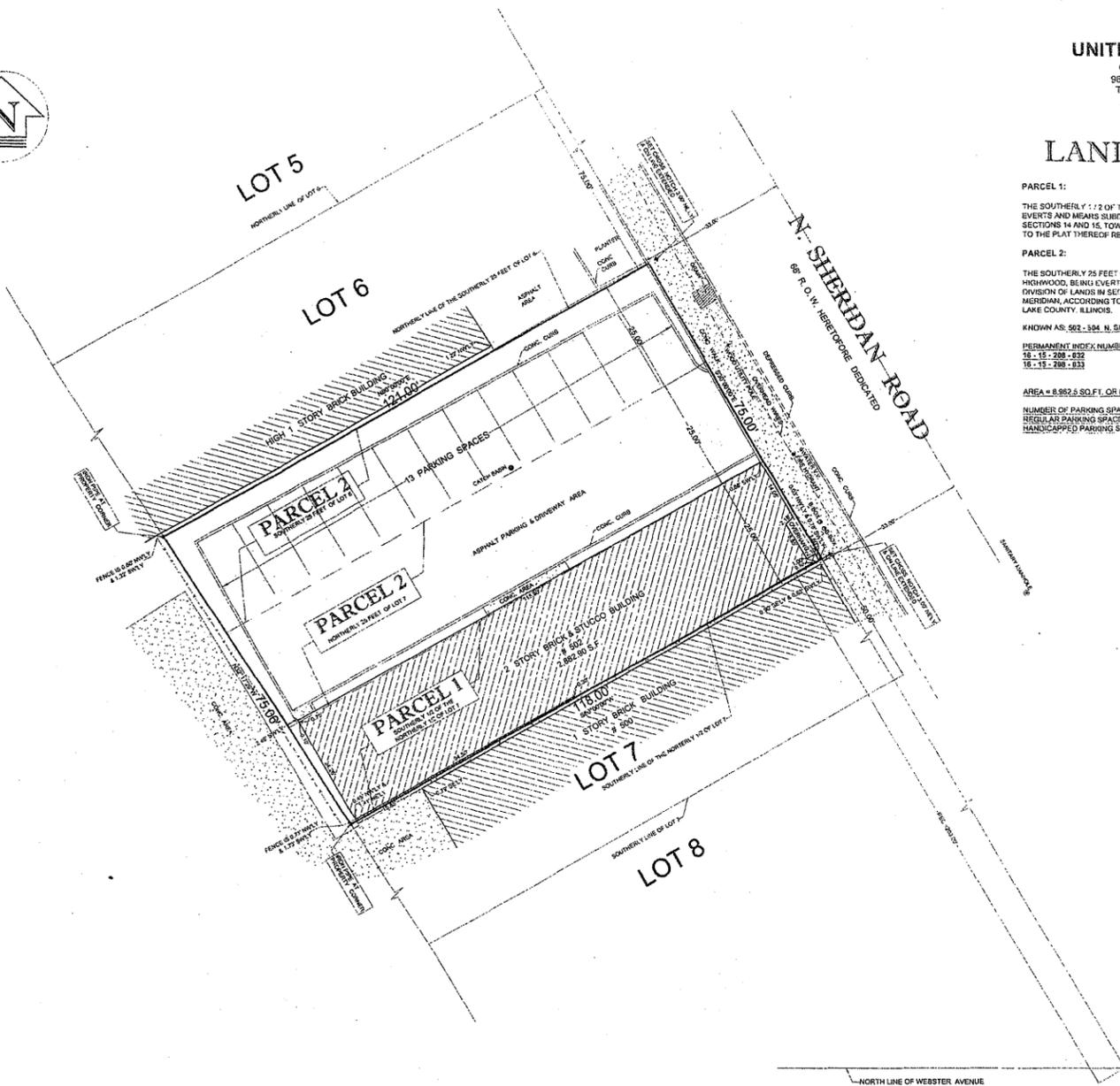
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KNOWN AS: 562 - 504, N. SHERIDAN ROAD, HIGHWOOD, ILLINOIS.

PERMANENT INDEX NUMBERS:
18 - 15 - 208 - 632
18 - 15 - 208 - 633

AREA = 8,982.5 SQ. FT. OR 0.2057 ACRE.

NUMBER OF PARKING SPACES: 13
REGULAR PARKING SPACES: 13
HANDICAPPED PARKING SPACES: 3



LOCATION MAP



ORDERED BY:	
MARK A. LOCASCIO, LTD.	
LAW OFFICES	
SCALE: 1" = 10'	
DATE: AUGUST 11, 2004	
FILE NO.:	
2004 - 12182	
DATE	REVISION

THE SUBJECT PROPERTY IS NOT IN A FLOOD HAZARD AREA AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AS SHOWN ON FLOOD INSURANCE MAP.
FLOOD ZONE: "X" - AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN
COMMUNITY NUMBER PANEL: 171033 0393 F
PANEL: 283 OF 295
MAP NUMBER: 17097C0283 F
EFFECTIVE DATE: SEPTEMBER 3, 1997



THE UNDERSIGNED CERTIFIES TO:
-CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARDS" DETAIL REQUIREMENTS FOR ALTA / ACSM LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1995, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 7(b), 7(c), 8, 9, 10, AND 11 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT THE SURVEY MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE "MINIMUM ANGLE, DISTANCE, AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA / ACSM LAND TITLE SURVEYS".

DES PLAINES, ILLINOIS, AUGUST 11, A.D. 2004.

BY: Roy G. Lawniczak, REGISTERED ILLINOIS LAND SURVEYOR NO. 35-2290