

**REGULAR MEETING-PLAN COMMISSION/ZONING BOARD OF APPEALS  
GREGORY J. BIELAWSKI MUNICIPAL CENTER, CAROL STREAM, DUPAGE COUNTY, ILLINOIS**

**NOVEMBER 27, 2006**

***All Matters on the Agenda may be discussed, amended and acted upon***

Chairman Don Weiss called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:30 p.m. and directed Recording Secretary Wynne Progar to call the roll.

Present: Commissioners Angelo Christopher, Lateef Vora, Dee Spink, David Michaelson, Joyce Hundhausen and Don Weiss  
Absent: Commissioner Ralph Smoot

**MINUTES :**

Commissioner Spink moved and Commissioner Michaelson made the second to approve the Minutes of the Meeting of November 13, 2006 as presented. The results of the roll call vote were:

Ayes: 5 Commissioners Vora, Spink, Michaelson, Hundhausen & Weiss  
Nays: 0  
Abstain: 1 Commissioner Christopher  
Absent: 1 Commissioner Smoot

Chairman Weiss welcomed Commissioner Angelo Christopher who was appointed by the Mayor at the Village Board meeting on November 20, 2006.

**PUBLIC HEARING:**

Commissioner Hundhausen moved and Commissioner Michaelson made the second to open the public hearing. The results of the roll call vote were:

Ayes: 6 Commissioners Christopher, Vora, Spink, Michaelson, Hundhausen & Weiss  
Nays: 0  
Absent: 1 Commissioner Smoot

**#06258: Mazhar Tabrezi, 1358 Tall Oaks  
Subdivision Code Variation – Lot Width for Circular Driveway  
CONTINUED FROM 11-13-06 MEETING**

Mazhar Tabrezi 18W Stevenson Drive, Glendale Heights, IL was sworn in as a witness in this matter. He stated that he does not have a rendering of his home and property, saying that his architect did not have an electronic format available. Mr. Tabrezi did note that staff has been given a landscape plan for the property. He said that he believes that the circular drive will enhance the property and allows for significant landscaping.

In response to call for public hearing, Mr. John Doeseckle, 673 Blake Court presented the Commissioners a petition signed by 23 residents of Tall Oaks Estates that are opposed to the granting of a variation to the existing subdivision code to allow a circular driveway. He noted that the landscaping plan that was supplied by Mr. Tabrezi shows numerous trees that have been cut down and no longer exist. Mr. Doeseckle asked Mr. Svalenka why the staff has recommended approval of this request and Mr. Svalenka replied that in general, the standards

of the Code allow that a variance be granted if the driveway itself does not have an adverse effect on the neighborhood and in his professional opinion, it would not have an adverse effect on the neighborhood based on all of the facts presented in the previous staff report.

Donna Doeseckle, 673 Blake Court commented that she disagrees that this will not have an adverse effect on the neighborhood because the drive is so close to the street, it is just like parking on the street all the time. The rest of the residents park their cars in their driveway off the street or in their garage.

Bobbie Saverino, 1366 Tall Oaks Drive asked if the petition signed by the residents will have any effect on the decisions made in regard to this case. Mr. Weiss explained that in the past there have been cases presented to the Plan Commission where residents have signed off on a petition that might be in favor of a case, saying that they do not have a problem with the variance being requested. That is taken into consideration just as much as this petition will be taken into consideration by each of the commissioners.

Bud Porter, 1350 Tall Oaks Drive, President of the Homeowner's Association commented that he lives on the adjacent property and he is very concerned about the amount of drainage from this circular driveway. He added that he is very concerned about the tree care issue in that many trees were cut down and there is no plan for replacement.

Mr. Svalenka said that this report serves as an addendum to the report that was presented to the Plan Commission/Zoning Board of Appeals (PC/ZBA) at the November 13, 2006, meeting. At that meeting, Mazhar H. Tabrezi requested a variation to the Subdivision Code to allow a circular driveway on a lot having a width of less than 90 feet as measured at the front lot line.

At the public hearing on November 13, 2006, the Plan Commission / Zoning Board of Appeals voted 5-0 to continue the public hearing to November 27 so as to allow the applicant more time to respond to the Plan Commission's questions and requests for additional information. The concerns of the Plan Commission fell into the following areas:

**Homeowner Association Concerns.** Representatives of the Tall Oaks homeowner association stated that the applicant has not followed the association requirement to submit landscape plans, site drainage plans and architectural plans for review and to be kept on file. Although not required by the Village, several Commissioners suggested that the public hearing should be continued to give the applicant more time to demonstrate compliance with the association requirements.

**Building and Driveway Appearance.** Several Plan Commissioners expressed interest in seeing a rendering showing what the circular driveway would look like in relation to the home. The applicant intends to have a completed rendering available for viewing at the November 27 meeting.

There has been some disagreement between the applicant and the homeowner association with respect to compliance with the homeowner association requirements. However, as noted on the attached correspondence, the homeowner association reviewed and signed-off on the petitioner's plans. Staff notes that the Village does not enforce the rules of the association. The applicant has submitted all of the information and plans required by the Village. Village staff has reviewed and approved or recommended approval of the applicant's entire submittal. The applicant has indicated that additional information will be offered during the presentation at the next public hearing.

Staff recommends approval of the requested variation in accordance with Section 7-4-18(A)(3) of the Carol Stream Subdivision Code to allow a circular driveway on a lot having a width of less than 90 feet as measured at the front lot line, subject to the following condition:

1. That the driveway widths shown on the Site and Grading Plan not be increased.

Commissioner Michaelsen commented that the petitioner has not provided a grading plan that would show the driveway pitch. He stated that there is no way to determine where the drainage from this circular driveway will go. It was noted that there was a site drainage plan in a previous packet and it did include elevation drawings that were approved by the Village Engineer. Commissioner Michaelsen said that he has concerns about snow removal and where it will be stored.

Commissioner Spink said that it appears that the petitioner has not provided what has been asked for and there is nothing to get an accurate picture of the need. She stated that the petitioner was aware of the by-laws of the association and has chosen to disregard them.

Commissioner Hundhausen said that she also expected to have more information regarding this project.

Commissioner Christopher commented that he cannot determine how any stormwater will be directed away from the neighbors property or how it will directed into the street since there are no curbs shown on what information has been provided. Mr. Tabrezi said that he can get some engineering plans that will supply that and how it will be dealt with.

Mr. Svalenka stated that there are site-grading plans that have been approved by the Village Engineer.

Chairman Weiss said that from an aesthetic standpoint, in his opinion, this does not fit on this lot. The operations of the street and the driveway barely even dictate why you have a circular driveway on this property. It is not a high traffic street and what will be looked at is a lot of concrete and while you are trying to build your home to your specifications, and no one is going to argue that, the idea or the need for a circular driveway, and whether there is three steps in the front or five or six in the back, is not anything that is convincing me that there is a definite need for the Village to step in and issue a variance. The impact on the neighborhood speaks for itself, and although the Village can't enforce any of that, we have given the opportunity for your neighbors to speak and they are not speaking in favor of the project. We have requested renderings that would give this Commission a visual example of what this driveway would look like in relation to the home and we have not received them. I have not seen a variation request that has come in here that has been looking for a reason to exist and I don't see that here. I've heard it in other cases, where there is an issue regarding hardship, an issue regarding a configuration of a property, I don't see it in this case.

Commissioner Spink moved and Commissioner Michaelsen made the second to recommend denial of the request for a variation to the subdivision code for a circular driveway. The results of the roll call vote were:

Ayes:	6	Commissioners Vora, Spink, Michaelsen, Hundhausen, Christopher and Weiss
Nays:	0	
Absent:	1	Commissioner Smoot

This matter will be heard at the Village Board at their meeting on December 4, 2006. The petitioner was advised to attend that meeting.

**#06289: Leslie Coker, 904 Forest Lane  
Variation – Zoning Code**

Leslie Coker, 904 Forest Lane, Carol Stream was sworn in as a witness in this matter. She explained that she is requesting a variance to the Zoning Code to allow a structure to remain as constructed on the property. The structure was shown as a deck, not a gazebo on the survey and it is located about 2.5 feet from the property line. The structure does not interfere with any utilities.

There were no comments or questions from those in attendance at the call for public hearing. Mr. Svalenka said that Leslie Coker of 904 Forest Lane has filed an application for a rear yard setback variation to allow an existing gazebo to remain as constructed on her property. Staff has verified that when Ms. Coker purchased the home in 2005, there was an existing screen porch on the property that had been built by a previous owner without a building permit. The 256 square foot gazebo is well within the allowable lot coverage for the property, but is located approximately 2½ feet from the rear lot line rather than the required minimum ten feet. In order for the gazebo to remain as constructed, Ms. Coker is requesting a rear yard setback variation from Section 16-12-1(C)(3) of the Zoning Code.

**Rear Yard Setback:**

The required rear yard setback for accessory structures greater than 144 square feet in size, per Section 16-12-1(C)(3) of the Carol Stream Zoning Code, is not less than ten feet. The existing 16'x16' gazebo is set back only approximately 2½ feet from the rear property line. It should be noted that there is an existing 10-foot wide public utility and drainage easement along the rear property line. If the Plan Commission/Zoning Board of Appeals were to recommend approval of the rear yard setback variance, staff would advise that the recommendation be conditional upon approval by the Village Board of an easement encroachment.

In review of the request, staff notes that the PC/ZBA has heard five similar cases in the past eight years involving variation requests for residential structures built without, or contrary to, an approved building permit. These are as follows:

Case #99180 – The PC/ZBA recommended denial of a corner side yard setback variation for a shed that was constructed at the wrong location in error and contrary to the approved building permit.

Case #01127 – The PC/ZBA recommended approval of rear yard setback and lot coverage variations to allow an existing three-season room to remain as constructed, after the room was constructed by a contractor who never obtained a building permit even though he was paid to do so by the petitioner.

Case #02227 – The PC/ZBA recommended approval of a variation to allow an existing eight by four foot shed to remain three feet eight inches from the rear property line as opposed to the required five feet. The shed was built by a previous owner and existed when the petitioner purchased the property.

Case #03003 – The PC/ZBA's vote to recommend approval failed, for a side yard setback variation for a deck. The deck was constructed by the petitioner without a permit.

Case #06180 – The PC/ZBA recommended approval of lot coverage and rear yard setback variations for an existing screen porch to remain as constructed on his property. When the petitioner purchased the home, there was an existing screen porch on the property that had been built by a previous owner without a building permit.

Staff would note that the two cases that failed to receive a positive recommendation from the PC/ZBA involved acts of noncompliance on the parts of the petitioners. The three cases that received positive recommendations involved homeowners who placed a reliance on a contractor or previous homeowner to have obtained proper building permits for the structures.

In staff's evaluation of this case, we note that the standards for approval of a variation have not been met. The need for the variation was created by a previous property owner, as the gazebo was built without a permit and not in compliance with the rear yard setback standard of the Zoning Code. However, there are factors that support the approval of the variation as well. The variation is minor in that it involves only an accessory structure. In three similar cases (#01127, #02227, and #06180), the PC/ZBA recommended approval of variations for homeowners in similar circumstances.

**RECOMMENDATION**

If the Plan Commission determines to recommend approval of the requested rear yard setback variation, staff recommends that it only do so subject to the following conditions:

1. That the applicant must obtain a proper building permit for the gazebo; and,
2. That the applicant receives approval of an Easement Encroachment from the Village Board of Trustees.

Commissioner Christopher said that he agreed with the staff recommendation.

Commissioner Michaelsen asked if the deck was screened and Ms. Coker said that there is lattice, but there has never been any screen. In response to the question as to the location of the utility pedestal, it was determined that it was on the opposite corner of the yard from the gazebo.

Commissioner Vora asked if the petitioner knows the cost of moving the structure and was told that she does not, but that it would be more than she could undertake financially.

Commissioner Michaelsen asked if the structure disrupts any stormwater through the yard and Ms. Coker said that she has had the yard regraded and there is no problem with standing water.

Chairman Weiss said that he had driven past the property and that he believes that there are many precedents for the approval of this request.

Commissioner Spink moved and Commissioner Vora made the second to recommend approval of the request for a variation for a rear yard setback in accordance with staff recommendations. The results of the roll call vote were:

Ayes:	6	Commissioners Vora, Spink, Michaelsen, Hundhausen, Christopher and Weiss
Nays:	0	
Absent:	1	Commissioner Smoot

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on December 4, 2006 and was advised to attend that meeting.

**#06272 : Parkway Bank, 908 W. Army Trail Road  
Special Use – Drive-up Window  
Special Use – Bank**

CONTINUED FROM 11-13-06 MEETING

Mehran Farahmandpour, Architect at 4866 RFD Long Grove, IL, and William Gleason, Parkway Bank, 4800 N. Harlem Ave., Harwood Heights, IL were sworn in as witnesses in this matter. Mr. Farahmandpour said that they have made adjustments for crosswalks, and signage to the site plan, but the majority of the plan remains the same in regard to the bank, drive-thru lanes and the numbers and dimensions.

Mr. Gleason said in regard to the bank operations, the hours would be 7 am –7 pm Monday thru Friday, 7am to 3 pm on Saturday and closed on Sunday. The lobby hours would be 9am to 6 pm, Monday and Friday, 9 to 5 on Tuesday, Wednesday & Thursday and 9am to noon on Saturday. He said that the reason it is important to have a drive up is because 50% of the transactions occur at the drive up. Long lines at drive up banks no longer happen due to the various methods of banking that have evolved, such as direct deposit, Internet transactions and the like. The average volume at a branch of this size, the peak time would be between 5&6pm and would be ten cars in that time period. There would be approximately 5 employees at any given time. The owners of the shopping center are asking for this use, Parkway Bank would be the lessee. He noted that one of the owners of the shopping center is also Chairman of the Parkway Bank. Mr. Gleason commented that if they do not get the drive up, it would not make sense to be here.

There were no comments or questions from those in attendance at the call for public hearing. Mr. Svalenka said this report serves as an addendum to the report that was presented to the Plan Commission/Zoning Board of Appeals (PC/ZBA) at the November 13, 2006, meeting. At that meeting, Mehran Farahmandpour, an architect representing the property owner, made a presentation requesting two zoning approvals that would allow for the development of a Parkway Bank along with ancillary drive-up service at the southeast corner of the multi-tenant retail building at the southeast corner of the existing County Farm Plaza shopping center.

At the public hearing, the Plan Commissioners had several questions regarding operation of the bank. Representatives of Parkway Bank were not present, and the Mr. Farahmandpour could not answer bank operation questions. Therefore, on November 13, 2006, the Plan Commission / Zoning Board of Appeals voted 5-0 to continue the public hearing to November 27 so as to allow representatives of Parkway Bank to appear at the public hearing to respond to the Plan Commission's questions. The Commissioners' questions included requesting more detailed information regarding number of employees, type of proposed bank services, and traffic circulation signage. The Commissioners also questioned whether the bank would consider operating without approval of drive-up service lanes.

**Summary:**

The applicant has indicated that additional information will be offered by representatives of Parkway Bank during the presentation at the next public hearing.

Staff would like to note that the applicant admitted at the public hearing on November 13 that in order to provide the four stacking spaces per drive-up bank teller required by the Zoning Code, the last car would start to impede the drive aisle, and that there is no defense for that, and that it is a reality of the site. Section 16-15-8(E) of the Zoning Code states that no special use shall be recommended by the Plan Commission nor approved by the Board of Trustees unless the special use will conform to the applicable regulations of the district in which it is located. The proposed special use does not comply with the regulation stating that four stacking spaces shall be provided per drive-up bank teller.

If the proposed Parkway Bank were to simply move into the existing tenant space without removal of the existing parking spaces and without demolition of part of the building for the drive-up lanes, staff would support approval of the Special Use Permit for the bank. Based on the issues raised in the report presented at the public hearing on November 13, 2006, and based on the testimony given at the public hearing, staff recommends denial of the Special Use Permit for Drive-up Service Window, ancillary to a permitted or special use. Staff would recommend approval of the Special Use Permit for the bank, subject to the condition that the applicant submit revised plans that remove all outdoor construction associated with the proposed drive-up lanes.

Commissioner Michaelsen said that concurred with the Staff Report.

Commissioner Spink asked if the bank would locate here without the drive thru and was told no. In regard to any signage, it would be done in accordance with Code requirements and would be whatever necessary for the safety of the public. Commissioner Spink asked if the driveway at the back of the center would be a full access drive or right out only and it was stated that they would like to have both turns, but they would agree to right turn only.

Mr. Svalenka stated that the plan shows a wide open access and does not have any curbing to force a right turn only, and he added that this is the truck access for the other buildings in the shopping plaza, so it would not be advisable for this to be a right out only access.

Chairman Weiss commented that he believes that the ingress and exit from that drive would be a potential serious traffic issue. It would need to be able to have emergency vehicles enter and exit from this drive, as well as truck deliveries. While he is in favor of having new business come to the community, especially where it has not been marketable for retail business, and he can appreciate customer service needs by having the drive up, but he agrees with the staff

recommendation, that from a safety and practicable standpoint that the use of the driveway should be permitted for the drive up.

Commissioner Michaelsen moved and Commissioner Vora made the second to recommend approval of a special use for a bank. The results of the roll call vote were:

Ayes:	5	Commissioners Christopher, Vora, Michaelsen, Hundhausen & Weiss
Nays:	1	Commissioner Spink
Absent:	1	Commissioner Smoot

Commissioner Michaelsen moved and Commissioner Spink made the second to recommend denial of the request for a special use for a drive up service window. The results of the roll call vote were:

Ayes:	4	Commissioner Spink, Michaelsen, Christopher & Weiss
Nays:	2	Commissioner Vora and Hundhausen
Absent:	1	Commissioner Smoot

The petitioner was reminded that these matters will be heard by the Village Board at their meeting on December 4, 2006 and was advised to attend that meeting.

**#06304: Skyline Plastering, 232-236 Westgate Drive  
Special Use Permit – Contractor’s Office and Shop**

Chuck Bundrick, 472 Randy Road, Carol Stream was sworn in as a witness in this matter. He explained that he now operates his business at 472 Randy Road and they need a larger building for the operation and have found that at 232 –236 Westgate Drive. There were no comments or questions from those in attendance at the call for public hearing. Mr. Svalenka said that Chuck Bundrick is the President of Skyline Plastering, a commercial installer of EIFS systems, cement, and gypsum plaster systems. Skyline Plastering currently operates out of rented space at 472 Randy Road in Carol Stream. The business has outgrown the current location, and is currently under contract to purchase the subject property at 232-236 Westgate Drive. Therefore, the applicant requests a Special Use Permit for a *Contractor’s Office and Shops* to allow Skyline Plastering to operate at the new location in Carol Stream.

**Special Use:**

Skyline Plastering is requesting approval of a Special Use Permit for a *Contractor’s Office and Shops* in accordance with §16-10-2 (B)(6) of the Carol Stream Zoning Code. The 19,915 square foot building is proposed to contain warehouse space for tools, equipment, and excess materials, and office space for approximately 5 employees at any one time. All operations would take place inside the building, and the applicant has indicated that there would be no outside storage or operations.

Staff has evaluated the request from an operational standpoint. The building is a combination of warehouse and office space. The applicant would use approximately 500 square feet of office space, with the remaining 19,415 used for warehouse and storage. The parking requirement for business office space per Section 16-13-3(C) of the Zoning Code is one space per 250 square feet of floor area. The parking requirement for warehouse space per Section 16-13-3(J) of the Zoning Code is four spaces plus one space per each 1,500 square feet of floor space over 1,200 square feet. Eighteen spaces are required by code and the site plan shows 20 existing parking spaces. Based on the information submitted, staff recommends approval of the Special Use Permit for *Contractor’s Office and Shops* in accordance with §16-10-2 (B)(6) of the Carol Stream Zoning Code.

Commissioner Spink asked if there would be any overnight parking of company cars or trucks

and was told that any vehicles would be in the building.

Commissioner Michaelsen asked if there was scrap brought back to the building as was told that all scrap is disposed at the job site. It was stated that any supplies and scaffolding would be kept in the building until sent to another job site. In response to the question of office hours, they will be from 7:30 am to 5 pm, and that all materials used are dropped at the job site, not at the warehouse.

Chairman Weiss commented that it is great that a growing business can continue to operate within the Village and he does not have a problem with this request.

Commissioner Hundhausen moved and Commissioner Spink made the second to recommend approval of the request for a special use permit for a Contractor's Office and Shops for Skyline Plastering, Ind. At 232-236 Westgate Drive in accordance with staff recommendations. The results of the roll call vote were:

Ayes:	6	Commissioners Vora, Spink, Michaelsen, Hundhausen, Christopher and Weiss
Nays:	0	
Absent:	1	Commissioner Smoot

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on December 4, 2006 and was advised to attend that meeting.

**#06292: Peacock Engineering, 720 Center Street  
Special Use Permit – Outdoor activities and operations**

Rick Schultz, 130 W. Lake Street, Suite 6, Bloomingdale, IL was sworn in as a witness in this matter. He explained that the request is for a special use permit to allow an exterior tank for the use of nitrogen for food processing. The tank would be located behind the building and it would be painted the same color as the building.

There were no comments or questions from those in attendance at the call for public hearing.

Mr. Svalenka said that Richard J. Schultz, representing Peacock Engineering, has submitted an application requesting approval of a Special Use Permit for *Outdoor Activities and Operations* to allow a storage tank to be located outside the building at 720 Center Street.

**Special Use:**

Peacock Engineering wishes to locate the proposed tank outside the building along the west foundation of the building, directly adjacent to the existing trash compactor and enclosure. The tank would be used to store nitrogen, which would be used in the food manufacturing process inside the building.

Staff has evaluated the request from an aesthetic standpoint. The proposed tank is 19 feet tall and 7 feet, 2 inches wide. The adjacent building wall is approximately 38 feet tall. The applicant proposes to paint the tank to match the existing color of the adjacent building wall. A seven-foot high PVC fence matching the existing seven-foot high fence around the adjacent trash compactor would surround the tank. Because of its location along the western building wall, and because of the height of the building, the tank would not be visible from the public street to the east. The nearest adjacent building to the west is across the retention pond and is over 350 feet away. Because of the proposed seven-foot fence, because of the proposed matching paint, and because of the distance to the nearest buildings, the tank would have minimal impact on neighboring properties.

Based on the information submitted, staff recommends approval of the Special Use Permit for *Outdoor Activities and Operations* in accordance with §16-10-2 (B)(14) of the Carol Stream Zoning Code.



Commissioner Vora asked about the size of the tank and was told that it is 19 feet tall and 7 feet 2 inches wide. It was also determined that the tank is supplied by BOC gasses and has a pressure gauge and other safety requirements.

Commissioner Michaelsen asked if there are safety requirements in regard to the closeness to the building and Mr. Schultz said that there are no flammability problems, that it will be on a concrete pad and it will allow more volume of nitrogen than the portable tanks now being used.

Commissioner Spink asked if they will be installing bollards to protect the tank from traffic and was told that they did not plan to have them, but if required, it would not be a problem. She asked if there may be the need for an additional tank later, and was told that it could be possible and it could be located in front of the tank they are adding now.

Commissioner Christopher inquired if the tank would be bolted into the concrete pad and was told it will be placed in accordance with the Fire Code.

Commissioner Michaelsen said that he would like to add the recommendation to add whatever bollards are determined to be needed for safety either every six feet, or at each corner.

Commissioner Michaelsen moved and Commissioner Spink made the second to recommend approval of a special use for Outdoor Activities and Operations in accordance with a condition that safety bollards be installed one at each corner to deter vehicle damage, or placed at the architect's discretion. The results of the roll call vote were:

Ayes:	6	Commissioners Vora, Spink, Michaelsen, Hundhausen, Christopher and Weiss
Nays:	0	
Absent:	1	Commissioner Smoot

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on December 4, 2006 and was advised to attend that meeting.

Commissioner Hundhausen moved and Commissioner Michaelsen made the second to close the public hearing. The results of the roll call vote were:

Ayes:	6	Commissioners Vora, Spink, Michaelsen, Hundhausen, Christopher and Weiss
Nays:	0	
Absent:	1	Commissioner Smoot

**New Business:**

Chairman Weiss asked the Commissioners for their recommendation of a Chairman Pro-Tem. Following some discussion it was determined to continue this matter to a future date.

**Adjournment:**

Commissioner Michaelsen moved and Commissioner Spink made the second to adjourn at 8:55 p.m. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD