



Agenda
Village of Arlington Heights
Zoning Board of Appeals
Buechner Room, 1st floor

Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
December 10, 2018
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. 415 N. Haddow Ave. - 11/13/18
- B. 4010 N. Harvard Ave. - 11/13/18
- C. 14 E. Brookwood Dr. - 11/13/18
- D. 508 S. Mitchell Ave. - 11/13/18

IV. REPORTS

V. OLD BUSINESS

VI. NEW BUSINESS

- A. 339 S. Windsor Dr. - ZBA#18-034

VII. OTHER BUSINESS

VIII. ADJOURNMENT

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact David Robb, Disability Services Coordinator, at 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005, (847)368-5793 (Voice), (847)368-5980 (Fax) or drobb@vah.com.



Item: 415 N. Haddow Ave. - 11/13/18

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
415 N. Haddow Ave. - Minutes 11/13/18	Minutes
415 N. Haddow Ave. - Findings 11/13/18	Minutes

ZONING BOARD

REPORT OF PROCEEDINGS OF A MEETING
BEFORE THE VILLAGE OF ARLINGTON HEIGHTS
ZONING BOARD OF APPEALS

OF APPEALS

RE: 415 NORTH HADDOW AVENUE - ZBA# 18-029

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor Beuchner Room,
Arlington Heights, Illinois on the 13th day of November, 2018 at the hour of
7:05 p.m.

MEMBERS PRESENT:

DAVID DIVITO, Chairman
JOSEPH SELBKA
JOSEPH GEISEL
BENJAMIN JAFFE
THOMAS SCHWINGBECK
THOMAS DRAKE
PETER SIAVELIS

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN DIVITO: I'd like to call to order the Arlington Heights Zoning Board of Appeals meeting for November 13th, 2018. Derek, would you do a roll call please?

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Here.

MR. MACH: Mr. Drake.

MR. DRAKE: Here.

MR. MACH: Mr. Geisel.

MR. GEISEL: Here.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Here.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Here.

MR. MACH: Mr. Selbka.

MR. SELBKA: Here.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Here.

CHAIRMAN DIVITO: Excellent. Our next order of business is please join us with the pledge of allegiance.

(Pledge of allegiance.)

CHAIRMAN DIVITO: Thank you all for that. All right, our first actual order of business is the approval of minutes from last month. Has everyone had an opportunity to review? Are there any errors or omissions that you would like to be brought up?

None being heard, is there a motion?

MR. DRAKE: So moved.

MR. SCHWINGBECK: Second.

CHAIRMAN DIVITO: Okay, all in favor?

(Chorus of ayes.)

CHAIRMAN DIVITO: All opposed?

(No response.)

CHAIRMAN DIVITO: All right. Let's see. So, the next order of business is we're actually going to go over the new petitions that are in front of us today. There is one that is a carryover from previous meetings, then three others that we'll get to tonight.

I'll go through some of the notes that I would like the petitioner to highlight on when they come up to present. We have everyone here, so you don't have to worry about a short vote, so we're good there. When you do present, we'd like to hear the four elements necessary for us to actually weigh our decision:

One, talk about how that the proposed use will not alter the essential character of the locality and will be compatible with the existing uses and zoning of nearby properties. Second, that the plight of the owner is due to unique circumstances which may include the length of time the subject property has been vacant as zoned. Three, that the proposed variation is in harmony with the spirit and intent of this chapter. Number four, the variation requested is the minimum variance necessary to allow reasonable use of the property. The variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of these four conditions.

So, with all that said, and if you need a reminder please feel free to ask, I would like to call up our first petitioner tonight, 415 North Haddow.

MR. SPORCICH: Hello. I'm Marc Sporcich.

CHAIRMAN DIVITO: Hi, have you all had an opportunity to sign in?

MR. SPORCICH: Yes.

CHAIRMAN DIVITO: All right.

MR. SELBKA: Okay, and actually I'll disclose that I know Mr. Sporcich and Ms. Cucci, his wife. I do not believe that it will affect my decision making and, therefore, I won't recuse. Additionally, there's a neighbor in the audience who is my sister who may testify on their behalf. But I don't think, because she's not a petitioner, that I need to recuse on this matter. So, with that I am disclosing.

CHAIRMAN DIVITO: Thank you for that. So, one at a time, your name and address for the record?

MR. SPORCICH: Marc Sporcich, address is 415 North Haddow Avenue, Arlington Heights.

MS. CUCCI: Julianna Cucci at the same address, 415 North Haddow.

MR. ROGNER: Paul Rogner, the architect.

CHAIRMAN DIVITO: Okay, and the address?

MR. ROGNER: 825 East Rand, Arlington Heights.

CHAIRMAN DIVITO: All right, I'll try and do all three of you at the same time here.

(Witnesses sworn.)

CHAIRMAN DIVITO: Thank you. Go ahead.

MR. SPORCICH: Yes, so we brought before the Commission a petition to get a variance. In particular, what I want to address is some aspect of the design that we feel very strongly about which is to make it a green building. What we're looking to do is, I don't know if you have the drawings or not, but we are looking to put solar panels on the roof. In doing so, it sort of helped dictate some of the work on them, into the pitch and things like that in the design of the roof.

I can take questions about it or are there things I can address before Paul speaks?

CHAIRMAN DIVITO: So, try and highlight the variances.

MR. SPORCICH: Okay, one variance in particular has to do with the height. I believe we're above, the height restriction is 25 feet, I believe the design ends up with the point of the roof at 26 feet. That largely has to do with putting those solar panels on the roof and giving the pitch both aesthetically looking right and also to get an angle which is ideal for the solar panel.

I believe there is a second piece of the petition also.

MR. ROGNER: I'll speak to it.

MR. SPORCICH: Okay, and Paul can speak to that, thank you.

MR. ROGNER: Yes, the other variance that we're looking for is the front yard setback. By virtue of creating a new second floor in the home and designing basically a design that's comparable to having an elongated American four-square, trying to keep it in that sort of craftsman style but yet give them the square footage on the second floor, what it led to was having to recreate the roof of the front porch, and really

only the roof. We aren't increasing the footprint of the front porch. I know that was a question I think you had asked me about earlier. We are maintaining the same footprint of the front porch and really just changing the roofline so that we can tuck it underneath the windows on the front of the new second floor. So, that was the major change that sort of triggered that variance.

Marc in speaking to the solar panels, that was one of the drivers of how we had to create the roof, because as an eight pitch which is what we're showing, it's pretty much at the minimum of what we would have to do in order to create a reasonable pitch for effective use of solar panels. If we went down to a seven pitch and tried to maintain ourselves below that level, they really wouldn't be that useful or effective as solar panels.

We also attempted to bring the entire roof down a little bit. Sometimes we'll use strategies where you bring that plate height of that second floor wall level down a little bit, and usually we'll bring it down like a foot. Unfortunately, what ends up happening then is on the side of the home we can't clear the windows with the roof and we ended up having to create dormers, and then that negates the roof space needed for solar panels. So, effectively, it kind of put us in between a rock and a hard place somewhat in order to pursue the strategies that we wanted to pursue.

One of the unique aspects of this home, too, is that it's elevated out of the brick. As a lot of the older homes are, it's a few feet out of the ground and not just, you know, a foot-and-a-half like you see with a lot of homes. So, that further exacerbates the issue in terms of height for us.

But we feel that it keeps within the existing character of the neighborhood. Size and scale is comparable to what we have directly around this home. There's even another American four-square style home just about a half a block away across the street. So, we definitely feel that it's in keeping with the character that we see around the area.

CHAIRMAN DIVITO: Okay, any questions from the Board members for the Petitioners? Tom?

MR. DRAKE: You said that you wanted to go green. What else are you doing in addition? Or are you doing anything in addition to the solar panels?

MR. SPORCICH: I can speak to that. High efficiency appliances, you know, the furnace and the like, as well as using foam insulation, spray foam- insulation so we can maintain, you know, better insulating values and keep the energy bills down, as well as, you know, using less fossil fuel to heat the home and cool the home.

MS. CUCCI: Additionally, we're using some things that we salvaged out of houses that had been torn down in the neighborhood in the interior of the home.

MR. SIAVELIS: Have you talked to the neighbors, your neighbors?

MS. CUCCI: We brought two here tonight.

MR. SIAVELIS: Okay, so that's a yes?

MS. CUCCI: Yes, yes.

MR. SIAVELIS: Did you get any opposition?

MS. CUCCI: None that we heard.

MR. SCHWINGBECK: So, you've gone to a lot of thought with that roof pitch for the solar, and we've discussed in this Board solar energy for industrial usage.

But what percentage of your electricity usage do you think you're going to gain from having the solar panels?

MR. ROGNER: Actually, Marc has done some research on that and one of the things that we had a certain number and size of solar panels that we were dealing with and I think maybe --

MR. SPORCICH: And I apologize for not having that information with me, but it looks to be that ComEd will allow you to go a certain point. You can't actually go above a certain point. We'll actually end up putting energy back onto the grid for some of the time. So, some periods of the day or many parts of the year, potentially we'll be generating more than we'll consume.

MR. SCHWINGBECK: More than you need?

MR. SPORCICH: Yes. But there is some restriction provided from the company. They don't want you putting out more than 10 percent I think.

MR. SCHWINGBECK: Thanks.

MR. SIAVELIS: So, how high is that foundation you said that sits above the ground like a little bit abnormally?

MR. ROGNER: I think I actually have it, yes, I think I actually have a dimension on that elevation. Thanks, Derek. Forgive me for not knowing that off the top of my head. But I want to say it was, yes, it's between 3.5 and four feet off the ground. So, it's several feet up.

MR. SIAVELIS: If you had a conventional elevation there, you wouldn't find yourself in this predicament.

MR. ROGNER: We're only asking for a little over a foot. It wouldn't be a problem, yes, it wouldn't be a problem at all.

MR. SPORCICH: This is also with pretty standard set of ceilings on the second floor, right?

MR. ROGNER: Yes.

MR. SPORCICH: It's an eight-foot ceiling. It's not like we're over to 10-foot ceilings or --

MR. ROGNER: Yes, nine or 10-foot ceilings or anything crazy. It's an eight-foot ceiling on the second level. Like I said, we even tried bringing that rafter down an extra foot. Sometimes we'll use that strategy, but as soon as we did that it started to, you know, wreak havoc on that flat plane of roof that we're trying to achieve for the solar panels.

MR. SIAVELIS: Okay, that sounds good.

MR. SELBKA: Can you explain the hardship in the porch variation that you're asking for? Why do you need that extra foot-and-a-half?

MR. ROGNER: We're trying to basically create a design that's an American four-square and give them some additional square footage. Right now, because the house is a story-and-a-half essentially, very little square footage is available for bedrooms. They're really tight, sort of tucked under that existing roof line.

So, by doing so and creating a true second floor, what ends up happening is the front porch's current roof does not give us the ability to even have any windows facing forward. Any kind of design that we tried to create really did not look appropriate for that elevation. So, we merely wanted to just create a different roof that

had a shallower pitch so that we can put some windows on the front of the house and, you know, make it look good and make it look reasonable for the neighborhood.

CHAIRMAN DIVITO: Any other questions for the Petitioners? Okay, you guys can take a seat. We'll see if there's anybody that wants to speak from the audience.

MR. ROGNER: Thank you.

CHAIRMAN DIVITO: All right. So, at this point, I'll open it up for anyone from the audience who wishes to come and speak on behalf of this petition.

Have you had a chance to sign in?

MS. BIENENGA: Yes, I did.

CHAIRMAN DIVITO: Excellent. So, your name and address for the record please?

MS. BIENENGA: Dawn Bienenga, 315 North Belmont Avenue.
(Witness sworn.)

CHAIRMAN DIVITO: Thank you.

MS. BIENENGA: I just wanted to say I had a chance to review the design plans the other evening pretty extensively. I'm just really happy with the design that they ended up selecting because I do feel like it fits the character of our neighborhood very much. The Rec Park neighborhood is pretty cool in that all the houses are fairly unique but they all have a very similar theme to them, and I feel like the new plans will fit that very well.

Also, as a science educator and a concerned citizen for, you know, just advancing green technologies, Marc Sporcich is a member of the Arlington Heights Cool Cities Group, I think that the use of solar panels is a really unobtrusive way to, you know, try to get back some of our environmental concerns. It's a nice thing. I hope more neighbors actually see them and start to consider that technology when doing remodels for their houses. Thank you.

CHAIRMAN DIVITO: Thank you. Anyone else from the audience that wishes to speak? All right, none being heard, we'll close it down to Board discussion. Anyone else want to lead off?

MR. GEISEL: I think the proposal fits in with that neighborhood quite well. It's dominated by arts and crafts style bungalows and four-squares fit that design element. The fact that, I think somewhere in there, as the architect said, that the first floor foundation is already 3.5 feet above grade which is consistent with older homes that readily pushes up that height. So, I find that their request is actually truly reasonable.

MR. SIAVELIS: Yes, that's why I asked that particular set of questions because I think that's an essential aspect of this house and the petition and it justifies the unique circumstances. Absent that elevation, I think I would probably have more questions on it. But providing that testimony, the dimensions there, and the drawings which seem accurate, I think that it's a valid point for that particular variance.

MR. GEISEL: And the other, for the front porch, the fact that they're not expanding the footprint of it, I would assume perhaps the existing eaves might actually be existing nonconforming which they're simply replacing above the existing.

MR. SIAVELIS: Agree.

MR. SELBKA: I think it is, since they already have a porch there, to just reconstruct a usable porch on that lot I think is, and in that home I think is certainly helpful

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for the neighborhood and helpful for the building to fit into the neighborhood which would be a better reason I'd be in favor of this as well.

CHAIRMAN DIVITO: So, with all that, is there a motion?

MR. SIAVELIS: I'll move.

MR. GEISEL: Second.

CHAIRMAN DIVITO: Derek?

MR. MACH: Mr. Drake.

MR. DRAKE: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Here.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes. The motion is approved. You do not need to stick around for the rest of the meeting.

MS. CUCCI: Thank you.

MR. SPORCICH: Thank you very much.

CHAIRMAN DIVITO: Thank you.

(Whereupon, the above-mentioned petition was adjourned at 7:20 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS

November 13, 2018

PETITIONER: Sporcich Residence

ADDRESS OF PROPERTY: 415 N. Haddow Ave.

VARIATION: 5.1-3.5, 5.1-3.2a

A 1' variation to permit a single-family home with a midpoint roof height of 26-feet where a maximum midpoint roof height of 25' is permitted; and a 1.5' variation to permit a reconstructed front porch with a front yard setback of 27.1' where 28.6' is required, and an additional 1.5' for the eave.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that the additional roof height is needed in order to create a reasonable pitch for solar panels. The petitioner testified that the footprint of the structure will remain the same. The petitioner explained that the home is older and that it is elevated out of the ground which contributes to the need for a height variance. The petitioner also explained that they are proposing to reconstruct the existing non-conforming front porch.

Based upon the foregoing as well as other evidence submitted, the Zoning Board of Appeals finds that the petitioner has established the necessary elements for the granting of a variance, namely; that the petitioners would sustain a hardship if the variance were not granted; that the situation of the petitioners is unique; and, that the granting of a variance would not alter the essential character of the neighborhood. Proof of ownership and compliance with the Notification Provisions of the Ordinance were presented.

Thereafter, a motion was made by Mr. Siavelis and seconded by Mr. Geisel. Thereafter, the Board voted 7-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 7-0 to grant the variance as requested.

The granting of a variance for this property shall not be construed as an approval to construct or encroach upon any easement areas unless written consent has been granted by each utility company and a copy of each letter is on file with the petition for this variation, nor be construed as a waiver of any requirements of the building code or other applicable ordinances of the Village.

It is expressly noted that no order of this Board permitting the aforesaid variance shall be valid for a period longer than one (1) year unless such construction is started and proceeds to completion within the terms of such permit.

David Divito, Chairman
Zoning Board of Appeals
Village of Arlington Heights



Item: 4010 N. Harvard Ave. - 11/13/18

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
4010 N. Harvard Ave. - Minutes 11/13/18	Minutes
4010 N. Harvard Ave. - Findings 11/13/18	Minutes

ZONING BOARD

REPORT OF PROCEEDINGS OF A MEETING
BEFORE THE VILLAGE OF ARLINGTON HEIGHTS
ZONING BOARD OF APPEALS

OF APPEALS

RE: 4010 NORTH HARVARD AVENUE - ZBA# 18-031

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor Beuchner Room,
Arlington Heights, Illinois on the 13th day of November, 2018 at the hour of
7:20 p.m.

MEMBERS PRESENT:

DAVID DIVITO, Chairman
JOSEPH SELBKA
JOSEPH GEISEL
BENJAMIN JAFFE
THOMAS SCHWINGBECK
THOMAS DRAKE
PETER SIABELIS

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN DIVITO: All right, next order of business is 4010 North Harvard. Have you had a chance to sign in?

MS. CICHY: I did.

CHAIRMAN DIVITO: Excellent. Name and address for the record please?

MS. CICHY: Lori Cichy, 4010 North Harvard.

CHAIRMAN DIVITO: All right.

(Witness sworn.)

CHAIRMAN DIVITO: Thank you.

MS. CICHY: So, I'm here because I'd like to widen my driveway, and it's bigger than what the code says. That's why I have a variance.

CHAIRMAN DIVITO: So, thinking of the hardship?

MS. CICHY: So, the reason I wanted to make the driveway bigger is because in front of the driveway there will also be a walkway going back to my fence.

We've been in the house 17 years. So, when we moved in, those things right there we didn't take down such as the fence in the backyard and trees. So, where our fence door is must be farther out than where other people's fence door is. We can't tear down the fence and move it over unless we tear down our tree, and so I don't want to tear down the tree and I don't want to tear down my fence. So, just kind of driving around the neighborhood, saw what other people did, this is kind of what I've seen.

So, I thought just kind of aesthetically it's not going to go past, it's not going to have a big staggered jump in the walkway, it will just really line up with the driveway and go straight back. In fact, there's also planting back there, so we're going to have to alter that. So, just I guess aesthetically and financially it seems to work best.

CHAIRMAN DIVITO: All right. How many people live in the house currently?

MS. CICHY: Four.

MR. JAFFE: Have you shared the plans with your neighbors?

MS. CICHY: Yes.

MR. JAFFE: Any comments that they made?

MS. CICHY: Oh, that's nice. Yes, they wanted to know like, oh, what type of material are you using and stuff like that, it's just concrete. The walkway will be concrete.

CHAIRMAN DIVITO: You live on the corner, I mean it is a corner house.

MS. CICHY: I live on the corner, so I'm not encroaching on any neighbors. Like I said, I drove around the neighborhood trying to figure out, you know, how is this done and, you know, I felt like, I know one of the things I had to talk about was how keeping it is in character with the neighborhood. So, I have seen that in other places.

I do have, since I'm on a corner, I do have 25 feet, so I'm not getting close to the sidewalk or building line or anything like that not getting to any neighbors.

CHAIRMAN DIVITO: You're redoing the apron as well?

MS. CICHY: Yes. So, I do know, I did, and I talked to Derek and I talked to their people, so I know that the apron just stays 22 feet, and the one that jumps across the sidewalk, it still stays 22 feet. It just gets bigger up at the top so that when the walkway comes, it can join with the driveway.

MR. SIAVELIS: Kind of flares out.

MS. CICHY: Exactly, yes.

CHAIRMAN DIVITO: Good. Okay, any questions from the Board? All right, let me see if anyone in the audience wants to speak on this one. You can take a seat.

MS. CICHY: Okay, thank you.

CHAIRMAN DIVITO: Does anyone from the audience wish to speak on this petition? None being heard, we'll close it down for Board discussion.

MR. SCHWINGBECK: It seems pretty straightforward.

MR. SIAVELIS: Agreed.

MR. SCHWINGBECK: Agreed. They're not enlarging it that much, flaring it a little bit. I think it looks good.

CHAIRMAN DIVITO: Yes, corner lot, not infringing on the neighbors. All right. So, with all that being said, is there a motion?

MR. JAFFE: Motion to approve.

MR. DRAKE: Second.

CHAIRMAN DIVITO: Derek?

MR. MACH: Mr. Drake.

MR. DRAKE: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Yes.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes. It is approved. You as well do not need to stick around.

MS. CICHY: Okay, thank you.

(Whereupon, the above-mentioned petition was adjourned at 7:25 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS November 13, 2018

PETITIONER: Cichy Residence
ADDRESS OF PROPERTY: 4010 N. Harvard Ave.
VARIATION: 10.2-11.1b

A 4' variation to allow a driveway that is 26' in width where code allows a maximum driveway width of 22'.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that are proposing to widen their driveway in order to line up with a walkway that runs along the side of the house.

Based upon the foregoing as well as other evidence submitted, the Zoning Board of Appeals finds that the petitioner has established the necessary elements for the granting of a variance, namely; that the petitioners would sustain a hardship if the variance were not granted; that the situation of the petitioners is unique; and, that the granting of a variance would not alter the essential character of the neighborhood. Proof of ownership and compliance with the Notification Provisions of the Ordinance were presented.

Thereafter, a motion was made by Mr. Siavelis and seconded by Mr. Drake. Thereafter, the Board voted 7-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 7-0 to grant the variance as requested.

The granting of a variance for this property shall not be construed as an approval to construct or encroach upon any easement areas unless written consent has been granted by each utility company and a copy of each letter is on file with the petition for this variation, nor be construed as a waiver of any requirements of the building code or other applicable ordinances of the Village.

It is expressly noted that no order of this Board permitting the aforesaid variance shall be valid for a period longer than one (1) year unless such construction is started and proceeds to completion within the terms of such permit.

David Divito, Chairman
Zoning Board of Appeals
Village of Arlington Heights



Item: 14 E. Brookwood Dr. - 11/13/18

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
14 E. Brookwood Dr. - Minutes 11/13/18	Minutes
14 E. Brookwood Dr. - Findings 11/3/18	Minutes

ZONING BOARD

REPORT OF PROCEEDINGS OF A MEETING
BEFORE THE VILLAGE OF ARLINGTON HEIGHTS
ZONING BOARD OF APPEALS

OF APPEALS

RE: 14 EAST BROOKWOOD DRIVE - ZBA# 18-032

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor Beuchner Room,
Arlington Heights, Illinois on the 13th day of November, 2018 at the hour of
7:25 p.m.

MEMBERS PRESENT:

DAVID DIVITO, Chairman
JOSEPH SELBKA
JOSEPH GEISEL
BENJAMIN JAFFE
THOMAS SCHWINGBECK
THOMAS DRAKE
PETER SIAVELIS

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN DIVITO: All right, moving right along, we are at 14 East Brookwood.

MR. KLIKAS: I signed already --

CHAIRMAN DIVITO: No worries. So, if you want to start? Name and address for the record?

MR. KLIKAS: Minas Anthony Klikas, 14 East Brookwood, my wife Nikki.

MRS. KLIKAS: Nikki Klikas, 14 East Brookwood.

CHAIRMAN DIVITO: All right.

(Witnesses sworn.)

CHAIRMAN DIVITO: All right, thank you.

MR. KLIKAS: So, I tried to be organized because this is my first time I ever do anything like this.

CHAIRMAN DIVITO: No worries.

MR. KLIKAS: So, the first thing you want to know about the four things is the reason why we want it and the unique circumstances, is that correct? So, what we did was, just to give you a little background, I had the driveway, I went and got the permit. The permit was fine, had the driveway put in. Me and my wife, and her parents both live with us, it's a tri-level, one of the older ones, built in '71 where it's got a fifth bedroom on the first floor. So, my mother-in-law is fully disabled and we take care of her. My father-in-law is not at this time but they both live us, us and our three kids.

So, when we got the driveway, it's a 24-foot driveway. It was grandfathered in because that was the existing driveway. I did that and then the current steps when you walk, when you come out the front door, I don't think it shows it, I actually have a plat of survey if that helps, from the front door down the side of the garage once you get to the driveway it's like a corner, so like the walkway ends and then it's just straight grass and you got to be on the driveway. Being with the walker and the wheelchair, we wanted to just provide a little access to get straight to the sidewalk because a lot of times when we wheel over in the car or my kids roam around the neighborhood, being that we have all the grass to actually make her mobile.

So, what I did was, just in my ignorance, instead of an 18-inch brick ribbon, I figured wheelchair/walker, I looked at the ADA, I put 30 inches down straight, got pictures of it. When the Building Department came, I showed them the driveway, he walked and he goes that's fine, it shouldn't be a problem but you need to get a variance because we only allow 18 inches and I'm at 30 inches. So, the side of the house has a sidewalk that stops at the driveway in the front, I just continued straight down, I took pictures of it to show you, and it ends, I didn't encroach on the sidewalk or go past on the city side or anything like that.

I did it to ADA standards where it's not more than 1.2 percent grade. Part of the reason I'm here is to get to the variance because it's over 18 inches for the brick width. He goes, technically, it could be considered parking. So, he goes I know you're not using it for that because you could tell the brick pavers I got when I went to, you know, how people put pavers because they like the aesthetics and then they can't move a wheelchair or a walker, you get stuck in all that fun stuff. So, they make them flat edge so you got lines but there's no bumps, you know, in the winter and all that.

That is what I did. The hardship, or the unique circumstances is that

being that we take care of her full time, she lives with us and she's only 61, fully disabled, so she's going to, you know, by the grace of God be around a long time. But I need to have a setup as she ages, us ages, when I'm gone for 24 hours at the firehouse, like today I'm gone, I got flipped to come here just because I want to make sure that I get this done because I already had where I had to leave because she fell in the front lawn and, you know, all that kind of stuff.

As far as aesthetics to the neighbors, I could get signatures. I mean I got all the signature for the mailings and did all that. But if there's a problem I'd just get them to come in, but they didn't have a problem. I'm surrounded by U drives, I took pictures to show you that. Also, straight across the street at four or five-car driveways. I'm not looking, I just want a walkway.

What else did you guys want to know? Did I cover everything?

MR. SIAVELIS: It's pretty thorough for your first time. Good job.

CHAIRMAN DIVITO: Yes.

MR. KLIKAS: Well, you guys are here all the time, I don't think I have to waste your time. I did bring, because I do know being a city worker, I used to work in -- for a couple of decades, I did bring her, to show her permanent disability because some people play games, I got the city sticker with the disability for her to prove that she's got our address and all that kind of stuff. So, if you need that, and I have a hardship, then I have all that. That's all I got. Thank you for listening.

CHAIRMAN DIVITO: Yes, thank you. Any questions for the Petitioner?

MR. GEISEL: None.

CHAIRMAN DIVITO: All right, I'll open it up for the audience. Thank you.

MR. KLIKAS: Oh, yes.

MRS. KLIKAS: Thank you.

MR. KLIKAS: Thank you.

CHAIRMAN DIVITO: All right. Anyone from the audience wish to speak on this petition? None being heard, we'll close it down to Board discussion.

MR. SIAVELIS: Another straightforward petition.

MR. JAFFE: Comprehensive summary. The hardship is valid and legitimate. I'm supportive of it.

MR. SCHWINGBECK: Yes, I as well.

CHAIRMAN DIVITO: Okay, is there a motion?

MR. JAFFE: Motion to approve.

MR. GEISEL: Second.

CHAIRMAN DIVITO: Derek?

MR. MACH: Mr. Drake.

MR. DRAKE: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Yes.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes. Approved, so you're all set.

MRS. KIKLAS: Thank you.

CHAIRMAN DIVITO: Thank you for your service.

MR. KLIKAS: Do I get something showing in the mail to me or something?

Should I go back to the --

MR. MACH: I'll coordinate with you.

MR. KLIKAS: Thank you for your time.

CHAIRMAN DIVITO: Thank you.

(Whereupon, the above-mentioned petition was adjourned at 7:30 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS November 13, 2018

PETITIONER: Klikas Residence
ADDRESS OF PROPERTY: 14 E. Brookwood Dr.
VARIATION: 10.2-11.1b

A 7' variation to allow a driveway that is 29' in width where code allows a maximum driveway width of 22'.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner testified that they expanded the width of the driveway in order to create an accessible walkway for a family member.

Based upon the foregoing as well as other evidence submitted, the Zoning Board of Appeals finds that the petitioner has established the necessary elements for the granting of a variance, namely; that the petitioners would sustain a hardship if the variance were not granted; that the situation of the petitioners is unique; and, that the granting of a variance would not alter the essential character of the neighborhood. Proof of ownership and compliance with the Notification Provisions of the Ordinance were presented.

Thereafter, a motion was made by Mr. Siavelis and seconded by Mr. Selbka. Thereafter, the Board voted 7-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 7-0 to grant the variance as requested.

The granting of a variance for this property shall not be construed as an approval to construct or encroach upon any easement areas unless written consent has been granted by each utility company and a copy of each letter is on file with the petition for this variation, nor be construed as a waiver of any requirements of the building code or other applicable ordinances of the Village.

It is expressly noted that no order of this Board permitting the aforesaid variance shall be valid for a period longer than one (1) year unless such construction is started and proceeds to completion within the terms of such permit.

David Divito, Chairman
Zoning Board of Appeals
Village of Arlington Heights



Item: 508 S. Mitchell Ave. - 11/13/18

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
508 S. Mitchell Ave. - Minutes 11/13/18	Minutes
508 S. Mitchell Ave. - Findings 11/13/18	Minutes

ZONING BOARD

REPORT OF PROCEEDINGS OF A MEETING
BEFORE THE VILLAGE OF ARLINGTON HEIGHTS
ZONING BOARD OF APPEALS

OF APPEALS

RE: 508 SOUTH MITCHELL AVENUE - ZBA# 18-033

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor Beuchner Room,
Arlington Heights, Illinois on the 13th day of November, 2018 at the hour of
7:30 p.m.

MEMBERS PRESENT:

DAVID DIVITO, Chairman
JOSEPH SELBKA
JOSEPH GEISEL
BENJAMIN JAFFE
THOMAS SCHWINGBECK
THOMAS DRAKE
PETER SIABELIS

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN DIVITO: All right, and bringing us home this evening is 508 South Mitchell. Did you have a chance to sign in already?

MR. BAUER: I did, thank you.

CHAIRMAN DIVITO: Excellent. Name and address for the record please?

MR. BAUER: Good evening, Mr. Chairman and members of the Board. My name is Steve Bauer, I'm an attorney with Meltzer, Purtill & Stelle here this evening on behalf of the owners of 508 South Mitchell, Lindsey and Joe Jakeways. I'm joined this evening by Lindsey Jakeways.

(Witness sworn.)

CHAIRMAN DIVITO: Thank you. Before you begin, I just want to mention, Jay Cherwin, I actually know Jay but I don't think that for this petition it's going to sway my vote.

MR. BAUER: Sure. I believe that Jay is here really in observation, not to provide any support of presentation or testimony.

MR. JAFFE: For the record, I also know Mr. Cherwin, just so you have full disclosure.

MR. BAUER: Fair enough, thank you very much. So, Mr. Chairman and members of the Board, the subject property is located at 508 South Mitchell as I indicated previously. That's generally located at the southwest corner of Park Street and Mitchell Avenue. This is one of four lots that are relatively recently created having been preliminary platted in 2016 and final platted in 2017. This is one of three buildable lots in that total four-lot subdivision.

The request before you this evening is for an increase in maximum building lot coverage from 35 percent to 38 percent for a total of 3,200 square feet. I want to make a particular point and note that this is not a request to increase impervious surface on the subject property. In fact, the proposed house that's the subject of this request is actually six percent or 474 square feet below the maximum permitted impervious surface. This is for what the code regulation has called building lot coverage which pertains to covered spaces on the subject property. It includes things like porches.

The subject property, excuse me, the subject home that is the request before you this evening includes a pretty uniquely designed rear porch which, Derek, if I could ask you to go to the end of the packet? I believe that there are two images toward the end of the back one of which shows the rear facade of the home. That rear facade, as you can see, shows a significant and pretty intricately designed rear porch. It's very symmetrical as is evident by the photograph. This is an exemplary of the exact home that's proposed for the subject property, but it's a mere image, meaning that the porch that you see on the right would actually be on the left, so that would be on the north side of the subject property.

I also want to note that there are three other types of building regulation that this subject home does specifically comply with: setbacks, building height, and floor area ratio. By the way, that's in addition to the maximum impervious surface for the subject property. So, all four of those elements are conforming. It's this fifth type of element related to maximum building lot coverage that is nonconforming by a factor of three percent.

As the written responses to the standards for variation indicate, the

rear porch is obviously not visible from the South Mitchell Avenue right-of-way. That I think is quite meaningful in that it obviously won't be a part of the public street wall along the Mitchell Avenue. Clearly, it is not visible, it can't be discerned and can't be perceived as part of the home's overall mass and bulk which, again, I think is important because in communicating with your Staff, that is the only reasonable conclusion we can come to that this building lot coverage standard is intended to regulate a home's or structure's overall building mass and bulk.

I also think it's quite relevant to note that the proposed home, including specifically this rear porch which is driving the need for the requested variation, is exactly as drawn and as presented on this photograph permissible with respect to the footprint of the porch if it were not a covered space. So, to say that differently, if this porch exactly as you see it had no roof or instead had like a pergola style roof with like, you know, beams and rafters and not a completely enclosed roof as presented, that's permissible by right. So, I think that's pretty significant in that, you know, as a practical matter there is not a significant distinction between a structure like the one that you see here and a structure that would for example have like a pergola style roof where it's clearly framed out and gives the same perception of mass or bulk.

Lastly, I would like to mention that we did secure letters of no objection from both the property owner to the north as well as the property owner to the west. Derek, if I could ask you please to go to the plat of subdivision that's included in the packet? That's great.

So, I'm speaking specifically, can I walk away from the mic?

CHAIRMAN DIVITO: Absolutely. Just speak up as it is recorded.

MR. BAUER: So, this is the subject property. This is the footprint of the proposed home exactly as shown. This is the porch that's at issue causing the increase in building lot coverage for which the variation is requested. So, naturally, the closest property owner to the porch or even the home for that matter is going to be this property owner to the north. So, we have obtained a letter of no objection from both this property owner as well as this property owner. Obviously, this property owner will have the most direct line of sight to the entire width of the porch as it's proposed.

MR. SIAVELIS: And there's going to be no house to the northwest corner of that survey, correct?

MR. BAUER: That's correct. The northwest corner that you speak of --

MR. SIAVELIS: Retention?

MR. BAUER: Yes, sir, it's exactly devoted to stormwater management.

CHAIRMAN DIVITO: The other three lots have been sold?

MR. SIAVELIS: Two.

CHAIRMAN DIVITO: Or I'm sorry, the other two lots?

MR. BAUER: One of the two lots have been sold. The lot to the immediate north is owned by an affiliate of the party that subdivided this property. By the way, I have those letters with me. I'd be happy to present them if you'd care to have them, or I can read the relevant portions of them.

MR. SIAVELIS: Are they not in the packet that you submitted?

MR. BAUER: They're not. I've taken these as recently as today. So, I did send them to Staff, but I don't know that they made it to you.

CHAIRMAN DIVITO: Derek, do you know if --

MR. MACH: Steve, you mentioned making copies?

MR. BAUER: Yes.

CHAIRMAN DIVITO: Yes, you might as well just have us included here.

MR. BAUER: Would you each like a copy? Or you just want one?

MR. SCHWINGBECK: I think each.

CHAIRMAN DIVITO: If you have them, that would be probably useful.

MR. BAUER: I've got eight, there's seven of you, right? So, that's one.

MR. SCHWINGBECK: This is a letter from the owner of the property where there's no home built on it yet though, correct?

MR. BAUER: That's correct. So, what I can tell you specifically in response to that last question, the owner of the property to the immediate west, that is Lot 3, is Master Craft Builders and Carpentry. I have e-mail correspondence actually with me which advises that Master Craft has a contract purchaser for that lot and they're in the process of designing a home for that contract purchaser.

MR. SIAVELIS: So, is there a relationship between your client and Master Craft Builders and Carpentry?

MR. BAUER: None.

MR. SIAVELIS: Is there a relationship between your client and JMC Development?

MR. BAUER: JMC is the subdivider of the property, and I believe that JMC Realty which is an affiliate of JMC Development was the contract seller of the property now owned by my client. But again, JMC continues to own the lot to the immediate north of the subject property. So, it has, you know, an ongoing interest in what happens on the subject property and in the neighborhood as a whole.

I don't know if I can proceed or if you'd like to continue reading?

CHAIRMAN DIVITO: No, please.

MR. BAUER: Okay, so I just want to quickly mention that we're very pleased to have received the Design Commission's unanimous recommendation of approval for the home exactly as it's presented or is being presented to you now. Also, as you may have noticed in the packet for this particular item, both the Engineering Department and the Village's Building and Life Safety Department indicated that they have no objection to the proposed building or the variation request which again is for the outdoor space, this covered rear porch.

I'm happy to take any questions you may have. Otherwise, we respectfully request the Board's approval.

MR. JAFFE: Did you draft both of these letters?

MR. BAUER: I did. I did, correct, yes. I did that for two reasons. One, so that we could tell the story, you know, we obviously explained to these parties what we were asking for, but I also wanted them to be able to have the benefit in writing of what we're asking so they could know instead of just taking our word. Then two, they asked us to do it sort of specific for them to not have to deal with preparing the letters. It's not uncommon in my experience though.

MR. SIAVELIS: What's your plan if we deny the variance?

MR. BAUER: I mean obviously the home would have to be modified in

some respect, but I can tell you in speaking with the builder of this home who unfortunately was unable to be here tonight, this home is taken from the design of a home produced, you know, like a canned plan if you will. The home was specifically customized to be reduced in size to fit on this lot, which is why it's conforming for the four out of five types of elements that I described to you earlier.

When they looked at any type of way to modify the home further, the architect determined that the rooms were becoming so small and the design was becoming so compromised that it just didn't work anymore. So, as a practical matter, it seemed to make more sense to request this which I will respectfully call a de minimis variation given the technicality relative to roof coverage as opposed compromising the integrity of the home's design.

Did you want me to quickly go through the standards? Or do you think that what I have described is adequate?

MR. GEISEL: I think you've described it adequately.

CHAIRMAN DIVITO: I just want to go down one more path with you on the alternative. So, if denied, would you consider just removing that roof line creating a covered patio, or a patio in general? You'd probably then still have the ability to do an accessory structure and get your covered seating area elsewhere.

MR. BAUER: I'm sorry. To make sure I understand your question --

CHAIRMAN DIVITO: So, I'm just saying because it's attached to the home, because you're going for the square footage variation, if that gets denied, would you consider removing that portion of the structure, that covered seating area, and moving to an adjacent piece?

MR. MACH: Just to clarify, code would not allow for a detached, you know, accessory structure such as a gazebo or attached, you know, if it's a covered structure per the definition for building lot coverage.

CHAIRMAN DIVITO: Okay, so it still would fall within the same --

MR. MACH: It would.

CHAIRMAN DIVITO: It would, okay.

MR. BAUER: I'm sorry, that's why I was actually asking for clarification. So, it's not the fact that it's attached to the home. It's the fact that it's a covered structure anywhere on the lot that's an issue.

CHAIRMAN DIVITO: Okay, all right, so you don't need to answer that question.

MR. BAUER: Sure.

CHAIRMAN DIVITO: Any other questions from the Board members? No?

MR. SIAVELIS: Actually I have one more question. I just want to make sure I understand this. Let me look at this letter real quick. So, the letter from JMC Development, that's the current, that's the house to the north, that's the property to the north, correct?

MR. BAUER: That's correct.

MR. SIAVELIS: There's no house built on that lot, correct?

MR. BAUER: That's correct.

MR. SIAVELIS: That is also the owner of your client's property, right?

MR. BAUER: No, my client owns the subject property.

MR. SIAVELIS: Okay, your client owns that. What's the relationship again between the Lot 1 owner and your client?

MR. BAUER: So, JMC Development, if I'm recalling the entities correctly, is an affiliate of JMC Realty. JMC Realty I think is the party that proposed and obtained subdivision approval for this overall four-lot subdivision.

MR. SIAVELIS: And your client is a builder or developer of this lot, correct?

MR. BAUER: Well, my client is a lot purchaser, just a regular person like you and me, not in the business of building homes. So, they acquired the subject property specifically with the desire to live in this neighborhood in Arlington Heights and are seeking to propose this home as modified to fit on the site subject to the three percent building lot coverage variation. Does that make sense?

MR. SIAVELIS: Yes, it does, and upon construction they'll reside in this subject property?

MR. BAUER: Yes, and again I have a representative of the homeowner here, or the property owner here.

MR. SCHWINGBECK: We see here a similar type home. We haven't seen any plans for the home. Who is the builder?

MR. BAUER: Steve Patterman. I think the name of his company is Patterman Design Builders if I recall correctly. Mr. Patterman did appear at the Design Commission meeting, and the meeting minutes which are in your packet include some testimony that he had provided.

MR. SCHWINGBECK: But I think the question was if you took the roof off and made it a pergola, we wouldn't even be having this discussion.

MR. BAUER: That's correct. If it did not have a fully covered roof, then there would be no need for a request for variation because the footprint of the porch where you can actually walk on and use is permissible by right.

MR. SCHWINGBECK: Keeping the roof of that porch alone and not touching it, there was just no way to get rid of that 244 square feet somewhere in the house when it hasn't even been built yet?

MR. BAUER: Well, again they've already shrunk the house down. You know, I personally was not a part of that process.

MR. SCHWINGBECK: Right.

MR. BAUER: But they shrunk it down before they even got to the Design Commission to fit on the property.

MR. SCHWINGBECK: Right.

MR. BAUER: Which again is what enabled them to be able to comply with respect to four out of the five bulk regulations. The architect, as I understand from the builder, was actually surprised based on the application of building lot coverage definition that something like this proposed outdoor space would be the cause of something that would necessitate this three percent variation. It's a pretty unique provision, you know.

I apologize, I don't know if any of you are architects or in the building industry but, because I think most of the architects would tell you, you know, typically a structure runs into an issue with respect to one of those other four types of regulation like impervious surface or FAR or building lot coverage or building height before you have a maximum building lot coverage issue. Like FAR specifically is something that would

obviously drive a home that is, or any structure for that matter that is too hard for the site.

That's not the case here. You know, here you've got a structure that's proposed to be conforming in four out of five respects. Again, we're talking about an outdoor space that is, if you were to look back at the photos that are included in the back of the packet, quite intricately designed in the overall architecture of the home in terms of symmetry with a sort of mansard style roof if you will on each side of the home. Also, uniquely designed with respect to this location being the rear of the home where, you know, passersby, pedestrians, motorists won't even see or experience or perceive, you know, the fact that there's a porch space and outdoor space that has a covered roof.

MR. SIAVELIS: So, the building lot coverage at 35 percent according to your papers is 2,951, correct?

MR. BAUER: That's right.

MR. SIAVELIS: You're seeking 249 more square feet to get you up to?

MR. BAUER: 3,200.

MR. SIAVELIS: 3,200.

MR. BAUER: Which is purely a function of just that outdoor porch having a covered roof.

MR. SIAVELIS: Yes, well, let me take you through the math real quick.

MR. BAUER: Sorry.

MR. SIAVELIS: So, that's a 7.8 percent increase, right? What's the dimensions of that covered porch?

MR. BAUER: It's roughly not quite 300 square feet.

MR. SIAVELIS: So, it's basically 1.3 times to get you to that net multiplier right off of 248-249, right, to get you up to that distance. So, what I'm trying to understand is the scale of that porch with respect to what you're seeking as a variance, right, and how close you are to the 35 percent, and what's taking the 38 percent and how, you know, is that solely attributable to the porch? Yes, you stated it that way and then I'm trying to figure out how much more of that porch is pushing you to that 38 percent, you know, that three percent.

MR. BAUER: Oh, sure.

MR. SIAVELIS: That's what I'm trying to figure out. So, I'm trying to figure out if you scaled it down like some of my fellow Board members here are talking about, right, if you scaled it down potentially, how much would you have to scale it down and what would you lose for the outdoor.

MR. BAUER: Sure, I appreciate that comment. If I can, I would ask you to look at the building elevations that are included, the line drawings, not the photograph, that I was speaking to earlier. Derek, can you please pull that up? Yes, so you can just scroll down a little bit please? I'm sorry, I meant make the lower page more visible.

So, I think this will respond to your comment, Commissioner. This is the left elevation of the home as is obviously identified. This is the porch that's visible, for example, from the south of the property looking north at the property. Can you go to the next page?

So, then here is the right elevation which would be standing north looking south at the side of the property. This is the porch here. You can see the slab here, and it's difficult to tell because of the similarity in building materials. But the point is

the porch starts and ends here.

My point, if you could please go back to the previous image, my point with respect to your comment, Commissioner, is that I don't sincerely believe that there is a significant difference in, for example, pulling the roof back as I believe you were suggesting and the, you know, 'benefit' attained by doing that as opposed to the porch as has been presented and, you know, drawn, necessitating the variation as requested. I don't think, you know, as sort of a, you know, pro and con, you know, cost benefit analysis if you would, that there's really a meaningful benefit gained by pulling the porch roof back because the resulting product is that you have a porch and there'll be a portion of the outdoor porch area that becomes uncovered and, therefore, not usable in inclement weather.

MR. SIAVELIS: Okay, so since you broached that issue, if you, looking at this left elevation view, if you took that outer leftmost periphery of that porch and you made it collinear or coplanar with the view we're seeing here, would that get you under?

MR. BAUER: No, because the porch is only like 16 feet wide. So, you pull the back, I think, I was looking actually for a dimension for that space in preparation for the meeting tonight. There's comparable dimension on this elevation which unfortunately because of it being projected is not very clear, but I think that this space is something like two feet, maybe 2.5 feet.

MR. SIAVELIS: It's 32 feet 40-inch.

MR. BAUER: Right. So, I mean clearly, you know, the amount of variation that's necessitated by the outdoor porch roof cover, you know, would not be addressed simply by pulling back the roof.

MR. GEISEL: I would also suggest to you that that's a mathematic function that's based on the size of the lot and you've got an 8,400 square-foot lot which is not a very big lot. So, quite frankly, it can easily drive this percentage given the fact that their setbacks all meet and they're well under on impervious. So, you know, it's an older, smaller lot. When you factor in the comments from the Design Committee and then here, honestly, I don't believe what they're asking for is that problematic. You can't see it from, you know, it's not up front where it's creating, you know, a major issue that's not consistent with the balance of the neighborhood.

MR. BAUER: If I could just add quickly in direct response to that comment, If you review the response given to you in the standard form regarding the variation being necessary to allow reasonable use of the subject property as proposed, there are specific references to statements made in the Staff report and Design Commission regarding this proposed home as presented to you this evening being 'very consistent with the appearance of existing homes in the immediate vicinity of the property' and will 'fit well in subject property's neighborhood' and will 'complement the adjacent cottage style homes.'

So, I think, you know, this home given its unique character is, and as Staff and Design Commission observed, you know, complementary and compatible structure. Again, we're talking about a building element that is not even visible from the right-of-way. Thank you.

MR. SCHWINGBECK: You know, you gave us a couple of letters here from folks where there isn't a house. Has there been any dialogue with the homeowner or the property owner with folks that are neighbors that have homes there?

MR. BAUER: You're speaking of other properties, correct?

MR. SCHWINGBECK: Yes, so next door to them.

MR. BAUER: I can tell you that I personally specifically reached out to the property owner to the south, and I can tell you that a property owner representative by way of letter twice reached out to the property owner to the south, and we have not received any responses.

CHAIRMAN DIVITO: Okay, well, perhaps they're here.

MR. SCHWINGBECK: I would also suggest to you that the people who have those vacant lots are as or more motivated than anybody to not have something problematic constructed immediately adjacent to them when they're attempting to market those properties.

CHAIRMAN DIVITO: Right.

MR. BAUER: Which by the way, I'm sorry to interrupt you, which by the way I think is, particularly the development to the property to the north which is still owned by the affiliate of the original subdivider. It's not been sold, you know, to a builder or to, you know, prospective homeowner --

MR. SCHWINGBECK: I understand.

CHAIRMAN DIVITO: How long has the property been vacant and not lived in for, even before it was subdivided?

MR. BAUER: I can't answer that question. We did not represent the party when it was a vacant property.

CHAIRMAN DIVITO: All right. Any other questions from Board members? I want to see if there's anybody else from the audience that wishes to speak. So, is there anybody that wishes to speak on this petition?

Good evening. Have you had a chance to sign in?

MR. KABAT: Yes, I have.

CHAIRMAN DIVITO: Excellent.

MR. KABAT: My name is Cyril Kabat of 510 South Chestnut. I did receive the letter that the attorney sent.

(Witness sworn.)

CHAIRMAN DIVITO: Thank you. What was your address again, sir?

MR. KABAT: 510 South Chestnut. That would be one lot straight through to the east.

MR. SIAVELIS: Can you, I'm sorry, can you say your name again? I didn't catch that.

MR. KABAT: Cyril Kabat, K-a-b-a-t. First name is Cyril, C-y-r-i-l.

MR. SIAVELIS: Got you, thank you.

MR. KABAT: I did not know that this is my friend going to live in this house. So, I just wanted to bring up a few comments about actually the way I understand the proposal now, whether they built the house without the porch or with the porch, they still would cover the same amount of land. That area over there, our area is very wet, I mean the whole -- as you know. But at Park and Chestnut is the corner where South Middle School is. That floods in a heavy rainstorm. Of course, that's one of the things that I've been concerned about is because if it floods in the morning or about 3:00 o'clock, there's a lot of kids and a lot of cars going through there.

The corner of Park and Chestnut is a large house on a double lot. That house needed to have a variance in order to pump the water directly into the sewer system. Then when they built the large house on the double lot at Park and Mitchell across the street from, across and a little bit angled over from this one, they built a big house with a swimming pool and a big patio. Now we have water running out onto Park and going down the gutter towards, down to that area.

So, I guess I'm really not sure that these concerns are in the purview of what we're discussing. But I would just like to continue the fact the retention pond has been in existence for the whole year and I'm not sure but I understand that the retention pond is supposed to be handled by the owners of the lot, that the guy who put the design together is supposed to be maintaining that. That retention pond has water in it all the time, and so quite obviously there's too much water around for that to seep down into the ground.

Right now, there is ice on the pond. So, I don't know if that's been constructed incorrectly or if that's what's intended. If it's intended, I think you're aware that Our Lady of the Wayside has a school right across the street from this property, too, and that pond when you look at it, it's almost like you could get stuck down in the mud and you --

So, I'm just presenting this stuff so that, because I know you're going to be involved in approving the three houses for these lots. I just wanted to say that you take into consideration the fact that we have all this water around also, and as you cover the land, it has less place to go.

MR. GEISEL: I would only suggest to you that we would only be involved in the event that they were requesting a variance such as this. To your initial point, he's well under in terms of what he's asking for, what they're requesting to do in terms of impervious coverage. This particular variance sought does not impact the impervious nature of what they're constructing.

MR. KABAT: Okay, so you're saying that even the maintenance of the water retention pond is not your purview?

MR. SIAVELIS: Yes, that's correct.

MR. KABAT: That's somebody else? Some other committee?

MR. GEISEL: Engineering. I mean you would definitely be well within, as a resident, to bring that to their attention. Oddly enough, Engineering had no objection here for this particular petition.

MR. SIAVELIS: In fact, the paperwork from Engineering specifically said they are not, and I quote, "They are not over the allowed impervious."

MR. KABAT: Okay, well --

MR. SIAVELIS: But that doesn't preclude you from raising your, calling the Engineering Department and raising your concerns.

MR. KABAT: Okay.

CHAIRMAN DIVITO: Your other concern about the pond and the safety around it, I would bring that up to Life Safety Department. So, Building and Life Safety.

MR. KABAT: Okay.

CHAIRMAN DIVITO: I think that would be --

MR. MACH: Engineering.

MR. SIAVELIS: Yes, Engineering also. Pretty much discuss all of that.

MR. JAFFE: You have very relevant observations.

CHAIRMAN DIVITO: Anyone else from the audience wish to speak? None being heard, close it down for Board discussion. Peter, you want to start this one off?

MR. SIAVELIS: Sure, since I asked the lion's share of the questions. I was skeptical coming in. But looking at the papers, reviewing the papers and the imagery, I think Petitioner's counsel did a good job explaining exactly what he sought, why he sought, and the fact that four of the five other criteria are met. This only impacts one criteria, and quite frankly, a covered porch I know is a highly desired feature and I don't think it adds a lot of visual affect, I think counsel was right, when you look at it from both elevations. Engineering signed off on it like we've noted.

So, in the absence of strong neighborhood opposition, neighbor opposition, I'm in support of this petition.

CHAIRMAN DIVITO: I'll actually go along with the Design Committee, too. I think the design features that this covered porch brings to it balances the weight of the house, right? It brings some nice natural element to the home design. So, you know, to your points about the covered, you know, for the size of the variance, I don't think it's that much for the type of coverage that they're seeking.

MR. GEISEL: I think it's more common for us to see this type of variance after the fact. This is being considered as part of the initial construction which we don't see this frequently. So, the opportunity integrated into the initial design was well done.

MR. SIAVELIS: Yes, and I surmise that we'll see more covered patio living spaces in the future because it's becoming a more popular feature with outdoor living. Nevertheless though, I still think it's a reasonable design. Your point about lot size, that's a really good point, too, that you made in response when we were discussing amongst ourselves.

CHAIRMAN DIVITO: One last thing is the Petitioner did mention the idea that the dimensions, the size of the overall structure was shrunk down to fit this. So, that specifically addresses one of the four concerns.

MR. DRAKE: The only thing I would add is it's about that time that block is being developed. It seems like it's been an eyesore for a long time, and I think the house design is nice and he made a great case.

CHAIRMAN DIVITO: Yes, that's why I actually I asked that question to see how long it's been vacant, how long it's been uninhabited. Now we're going to have three additional taxpayers in that corner.

MR. DRAKE: Yes, finally.

CHAIRMAN DIVITO: Right. All right, is there any motion?

MR. SIAVELIS: I'll move.

MR. GEISEL: Second.

CHAIRMAN DIVITO: Derek?

MR. MACH: Mr. Drake.

MR. DRAKE: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Yes.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes. Motion is approved.

MR. BAUER: Thanks very much.

CHAIRMAN DIVITO: Thank you. All right, a couple of extra things for tonight's meeting. We have the final budget that needed to be approved, is that right, Derek? Or is that just a mailing that they sent?

MR. MACH: There's no need for ZBA to make a recommendation.

CHAIRMAN DIVITO: Right, I got some e-mail. Is that just the documentation saying it was approved?

MR. MACH: Yes, or informing you, if you so choose to. I think it's up for discussion. I'll verify and send you an e-mail.

CHAIRMAN DIVITO: So, with that being said, there's nothing else to cover. Is there a motion to adjourn?

MR. GEISEL: Motion to adjourn.

CHAIRMAN DIVITO: Second?

MR. JAFFE: Second.

CHAIRMAN DIVITO: All right, all in favor?

(Chorus of ayes.)

CHAIRMAN DIVITO: All opposed?

(No response.)

CHAIRMAN DIVITO: All right, we're adjourned.

(Whereupon, the above-mentioned petition was adjourned at 8:05 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS November 13, 2018

PETITIONER: Jaquays Residence

ADDRESS OF PROPERTY: 508 S. Mitchell Ave.

VARIATION: 5.1-3.4a

A 244 square foot variation to allow a home with a building lot coverage of 3,200 square feet where 2,956 square feet is the maximum allowed.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner testified that they are proposing a new house that is meeting all zoning requirements except building lot coverage. The petitioner testified that they are proposing a covered open air porch on the rear of the home. The petitioner testified that since the porch is covered it contributes to building lot coverage. The Zoning Board evaluated the location and placement of the porch. The petitioner testified that the rear porch is an integral design element of the proposed house and that the porch is located on the rear façade which renders the porch free from view by pedestrians or motorists traversing along the S. Mitchell right of way. The petitioner presented letters of support from the neighbor to the north and the neighbor to the west.

Based upon the foregoing as well as other evidence submitted, the Zoning Board of Appeals finds that the petitioner has established the necessary elements for the granting of a variance, namely; that the petitioners would sustain a hardship if the variance were not granted; that the situation of the petitioners is unique; and, that the granting of a variance would not alter the essential character of the neighborhood. Proof of ownership and compliance with the Notification Provisions of the Ordinance were presented.

Thereafter, a motion was made by Mr. Siavelis and seconded by Mr. Geisel. Thereafter, the Board voted 7-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 7-0 to grant the variance as requested.

The granting of a variance for this property shall not be construed as an approval to construct or encroach upon any easement areas unless written consent has been granted by each utility company and a copy of each letter is on file with the petition for this variation, nor be construed as a waiver of any requirements of the building code or other applicable ordinances of the Village.

It is expressly noted that no order of this Board permitting the aforesaid variance shall be valid for a period longer than one (1) year unless such construction is started and proceeds to completion within the terms of such permit.

David Divito, Chairman
Zoning Board of Appeals
Village of Arlington Heights



Item: 339 S. Windsor Dr. - ZBA#18-034

Department: Planning & Community Development

Request

A 3.8 foot variance from Chapter 28, Section 6.5-6 (Accessory Buildings) to allow an increase to the maximum height of an accessory structure (detached garage) from 15.0 feet to 18.8 feet.

ATTACHMENTS:

Description	Type
Supporting Documents	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: December 10, 2018
Date Prepared: December 3, 2018
Project Title: Srodulski Residence
Address: 508 S. Mitchell Avenue

Background Information

Petition Number: ZBA #18-034
Petitioner: Marc Srodulski
Address: 339 S. Windsor Dr.
Arlington Heights IL 60004

Existing Zoning: R-3 – Residential Single-Family District

Requested Action/Background Information

The petitioner is proposing to add a second story addition to the existing garage. The existing garage exceeds the allowable height for an accessory structure. The petitioner is proposing to expand the structure by adding dormers on the front and the rear of the garage in order to create an office space. The expansion exceeds the height requirement for an accessory structure. Therefore, the petitioner request the following variation:

- **A 3.8 foot variance from Chapter 28, Section 6.5-6 (Accessory Buildings) to allow an increase to the maximum height of an accessory structure (detached garage) from 15.0 feet to 18.8 feet.**

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property; and (2) the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned; and (3) the proposed variation is in harmony with the spirit and intent of this Chapter; and (4) the variance requested is the minimum variance necessary to allow reasonable use of the property. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the four conditions enumerated.

Map of General Vicinity



Items required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	11/26/18	
2. List of Property Owners Within 250 feet of Subject Property	✓	11/26/18	
3. Letter that was Mailed	✓	11/26/18	
4. Photographs of Sign on Property	✓	11/26/18	

Photographs of Existing Structure



7/11/18

ZBA# 18-034
339 S Windsor Dr - ZBA
Rev. Eng: Nanci Julius, P.E.
cc: Michael L. Pagones, P.E., Village Engineer

Submitted: November 20, 2018
Completed: November 27, 2018

The proposed ZBA application indicates that the petitioner is seeking:

A 3.8 ft variance to allow an increase to the maximum height of an accessory structure (detached garage) from 15 ft to 18.8 ft.

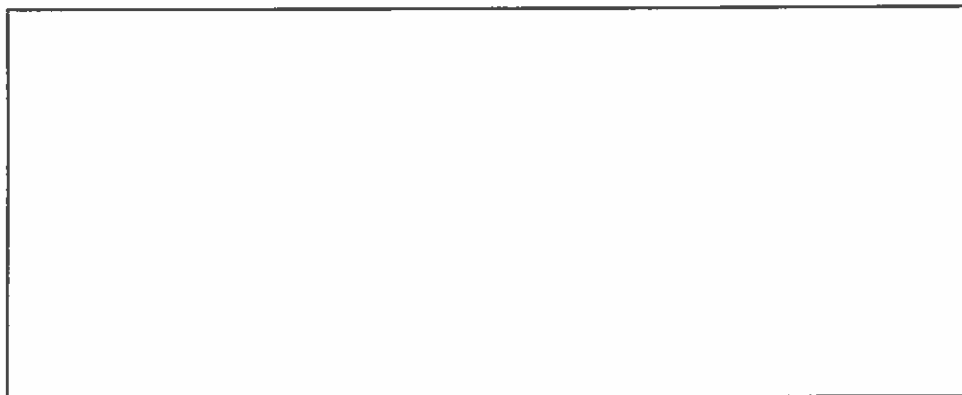
Note: The height of the existing detached garage is non-conforming, and the proposed plans to install dormers to the existing garage will not increase the non-conformity.

The Engineering Department has NO OBJECTION to the proposed variance.

RECEIVED

NOV 27 2018

**PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT**





**Village of Arlington Heights
Building & Life Safety Department**

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison
From: Deb Pierce, Building & Life Safety Department
Project Name: Srodulski Residence
Project Address: 339 S Windsor Drive
ZBA #: 18-034
Date: November 27, 2018

RECEIVED
NOV 28 2018
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Derek:

I have reviewed the request for the following variance:

- A 3.8 foot variance to allow an increase to the maximum height of an accessory structure, detached garage, from 15.0 feet to 18.8 feet.

I have no objection to the variance.

A permit is required.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Srodulski Residence

Project Address: 339 S. Windsor Drive

ZBA #: 18-034

ZBA Hearing Date: December 10th, 2018

To: Mike Pagones, Village Engineer
Steven Touloumis, Director of Building Services

C: Bill Enright, Deputy Director of Planning and Community Development
Steve Hautzinger, Design Planner

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: November 20, 2018

- A 3.8 foot variance from Chapter 28, Section 6.5-6 (Accessory Buildings) to allow an increase to the maximum height of an accessory structure (detached garage) from 15.0 feet to 18.8 feet.

Attached are the Petitioner's:

- ☐ Application & Petition
- ☐ Plat of Survey
- ☐ Site Plan
- ☐ Other: _____

Comments: THE PROPOSED DORMERS ARE NICELY DESIGNED
TO COMPLEMENT THE ARCHITECTURE OF THE EXISTING
TUDOR STYLE HOUSE. - STEVE HAUZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Thursday, November 29, 2018.

Marc & Heather Srodulski
339 South Windsor Drive
Arlington Heights IL 60004

PETITION FOR VARIANCE

NOW COME the Petitioners MARC & HEATHER SRODULSKI being the owners of the property commonly known as 339 South Windsor Drive, Arlington Heights IL 60004, with our appeal to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation of Chapter 28, Section 6.5-6 of the Arlington Heights Municipal Code.

The variance is required for the following reasons:

- To allow for the construction of dormers on the roof of the existing detached two-car brick garage to facilitate the creation of a home office space. The proposed office space will have electric and HVAC but will otherwise not contemplate plumbing of any kind.
- The variance will allow us maintain the architectural and historic character of this 1928 English Tudor while maximizing usable space to avoid scraping and rebuilding on the site. It's a small house.

We hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby properties if the variation is granted. (12.2(1)). The height variance requested is merely technical, as the proposed design changes do not increase the existing height of the pre-existing nonconforming garage. The dormers proposed improve the character of the existing structure.

We further state that the variance requested is unique to this property and the circumstances of the existing structure and locality.(12.2.(2)). The home and the garage under consideration were constructed in 1928, one of the first residential dwellings constructed in the Stonegate subdivision. Few other properties in the area have detached two-car brick garages that would be subject to or seek a similar variance.

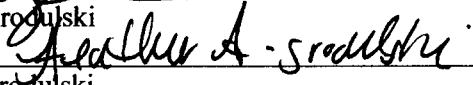
We further state that the proposed variation is in harmony with the spirit and intent of the Municipal Zoning Code because (28-2.3) it will protect the character and the stability of this residential area within the Village and will promote the orderly and beneficial development of such area and will allow for continued and improved tax revenue to the Village.

We finally state that the variance requested is the minimum variance necessary to allow reasonable use of the existing property. Indeed, the variance requested is merely technical, as no changes will be made to the height or footprint of the existing structure. The only modifications sought are the construction of the front and rear dormers which, by necessity, alter the existing slope of the roofline but otherwise make no material alterations of the structure.

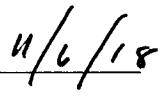
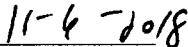
Signed:



Marc L. Srodulski



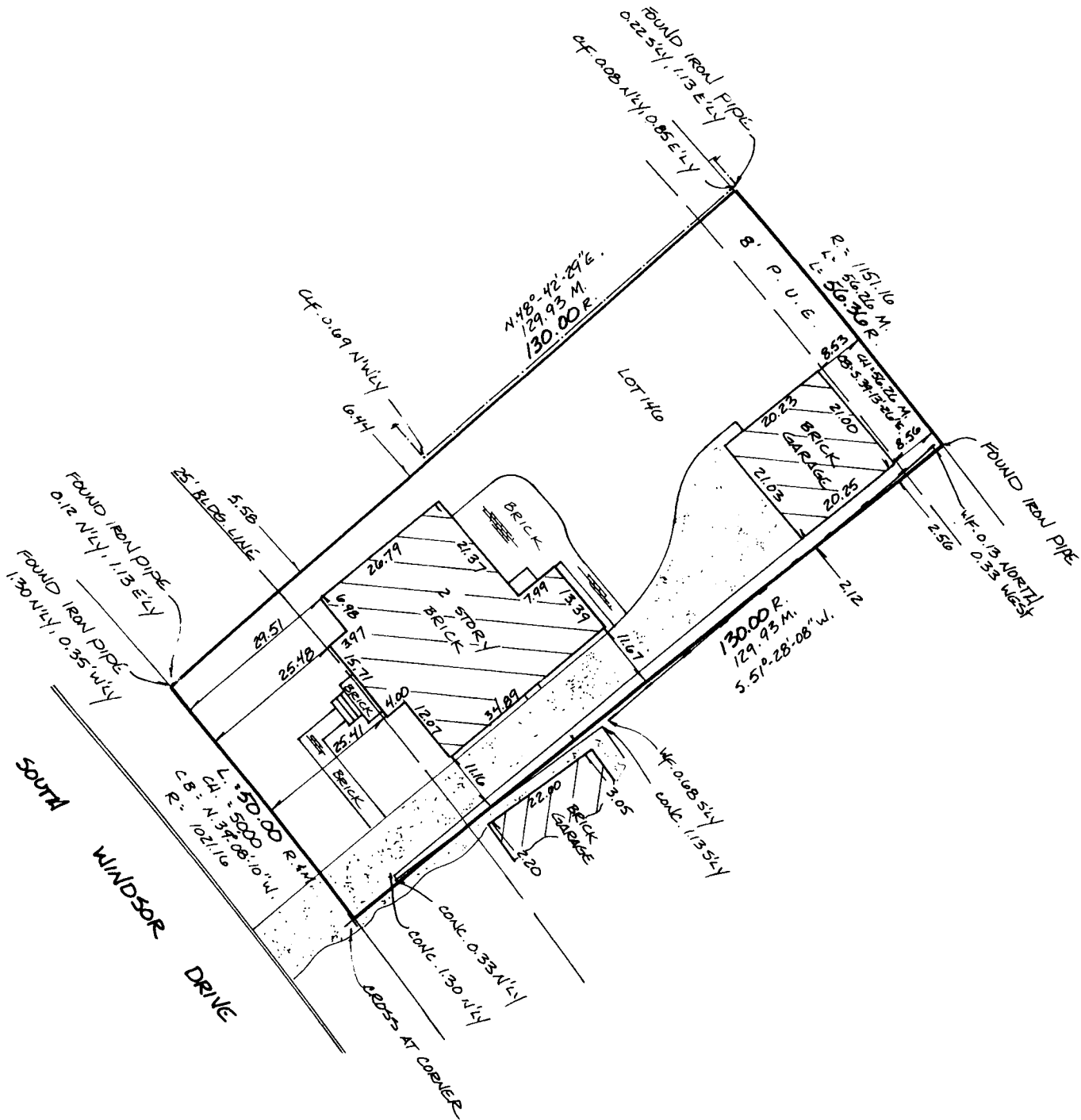
Heather Srodulski

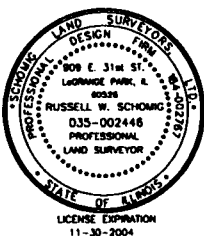
Plat of Survey

LOT 146 IN STONEGATE, BEING A SUBDIVISION OF H. ROY BERRY COMPANY'S EAST MORELAND, BEING A SUBDIVISION OF THAT PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 33, AND THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 32, LYING NORTHEASTERLY OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY ALL IN TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS.

COMMON ADDRESS: 339 SOUTH WINDSOR DRIVE



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SURVEYED: AUGUST 5, 2003
BUILDING LOCATED: AUGUST 5, 2003
ORDERED BY: Pokorny & Associates Limited
PLAT NUMBER: 033710 SCALE: 1"= 20'

STATE OF ILLINOIS)
COUNTY OF COOK) ss.

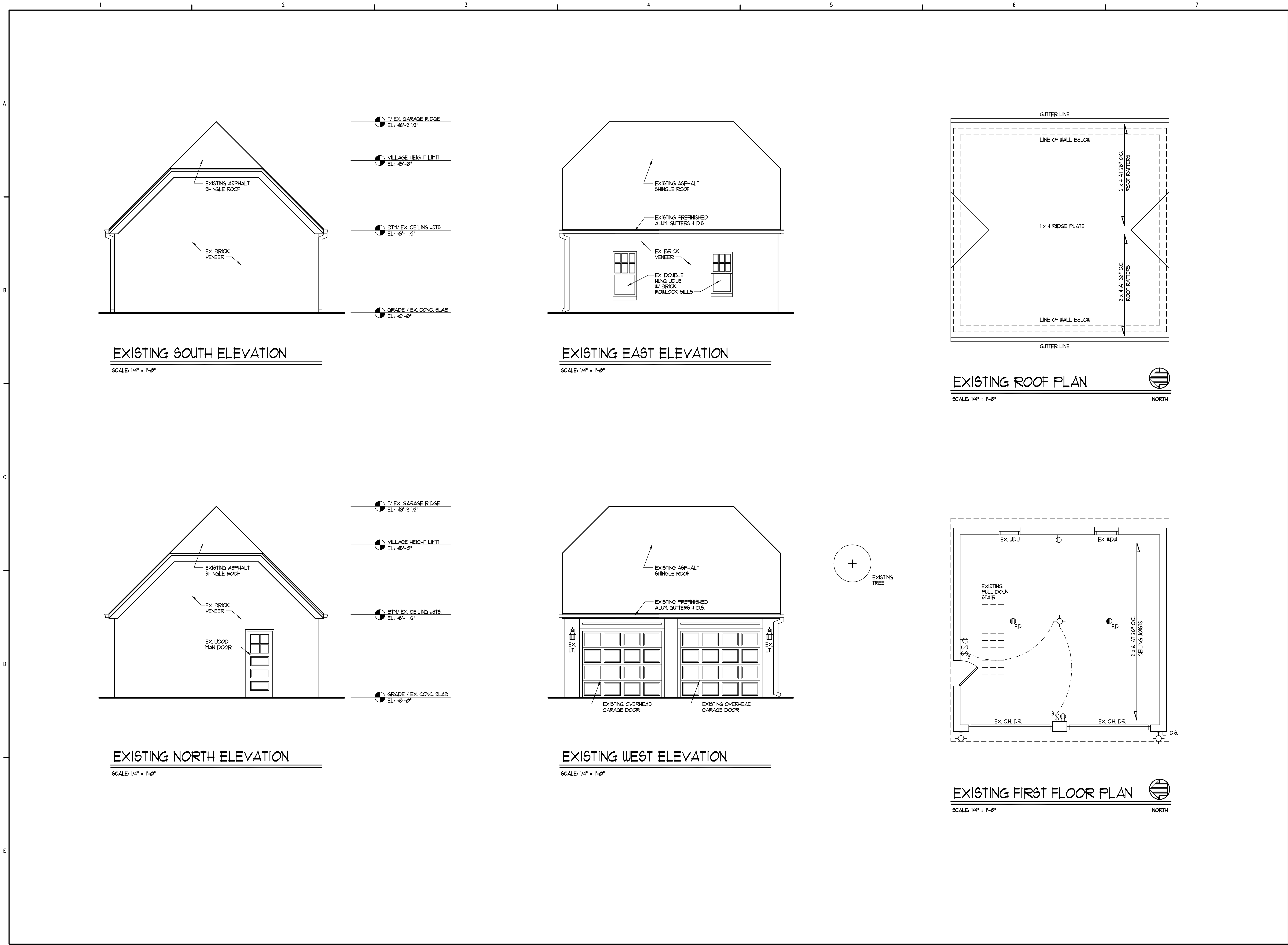
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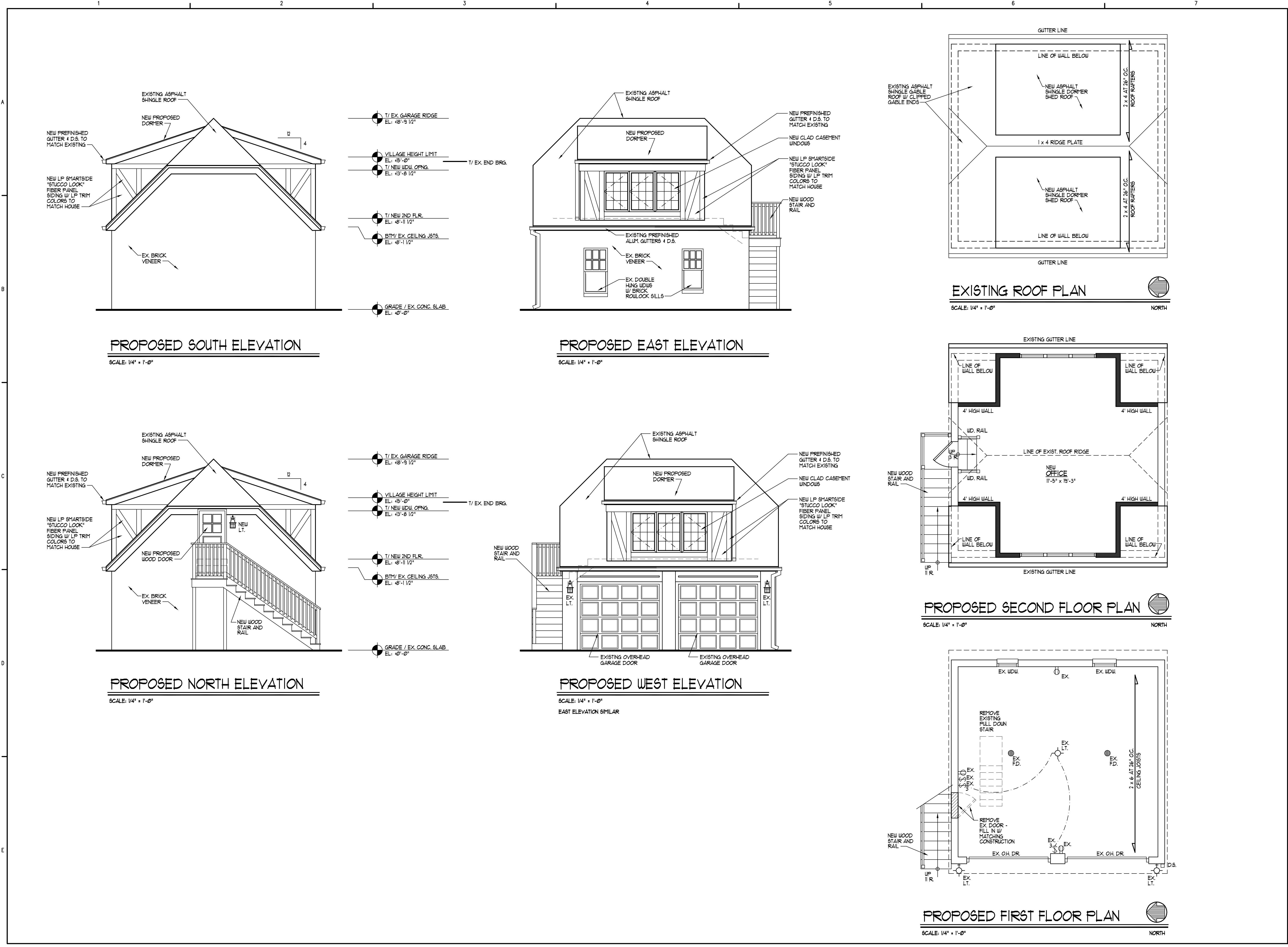
ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS OF A FOOT AND ARE CORRECT AT A TEMPERATURE OF 68 DEGREES FAHRENHEIT, DIMENSIONS SHOWN ON BUILDINGS ARE TO THE OUTSIDE OF BUILDINGS.

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C.L.F. = CHAIN LINK FENCE
W.F. = WOOD FENCE
B.L. = BUILDING LINES
P.U.E. = PUBLIC UTILITY EASEMENT
D.E. = DRAINAGE EASEMENT

Russell W. Schomig
PROFESSIONAL ILLINOIS LAND SURVEYOR





**SRUDULSKI
RESIDENCE**

339 S. WINDSOR DRIVE
ARLINGTON HTS, IL 60004

REVISION:	DATE:
△	
△	
△	
△	
10/19/2018	

SHEET TITLE:
PROPOSED FLR PLAN
PROPOSED EXT. ELEV

© 2018 EHLA	A101/DJG
PROJECT NO. 180008	SHEET NO.
DRAWN BY: MGL	A102
CHECKED BY: SJE	SHEET 2 OF 2