



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

November 18, 2019
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. 1219 E. Woodford Pl. - 10/15/19
- B. 631 N. Drury Ln. - 10/15/19
- C. 607 E. Davis St. - 10/15/19
- D. 307 W. Park Pl. - 10/15/19

IV. REPORTS

V. OLD BUSINESS

VI. NEW BUSINESS

- A. 2105 N. Verde Ave. - ZBA#19-031

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.



Zoning Board of Appeals 11/18/2019

Item: 1219 E. Woodford Pl. - 10/15/19

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
1219 E. Woodford Pl. - Minutes 10/15/19	Minutes
1219 E. Woodford Pl. - Findings 10/15/19	Minutes

ZONING BOARD

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

OF APPEALS

RE: 1219 EAST WOODFORD PLACE - ZBA #19-028

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, Buechner Room,
Arlington Heights, Illinois on the 15th day of October, 2019 at the hour of
7:40 p.m.

MEMBERS PRESENT:

DAVID DIVITO, Chairman
JOSEPH SELBKA
TOM DRAKE
BENJAMIN JAFFE
JEFFREY LANAGHAN

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN DIVITO: Moving on to the second item on the agenda this evening, Mr. Flubacker, you already beat me to the punch here, but it's 1219 East Woodford.

MR. FLUBACKER: Good evening.

CHAIRMAN DIVITO: Name and address for the record please?

MR. FLUBACKER: Bob Flubacker with Robert Flubacker Architects.

(Witness sworn.)

CHAIRMAN DIVITO: Thank you.

MR. FLUBACKER: Let me give you the short story here. In 2002, we were retained by the owner of this property to do a significant addition to the house that more than doubled the size of the house. At that time, the FAR for this zoning district was 0.5. I was contacted by the current owner of the house a couple of months ago to look at options of modifying the design to achieve a couple of goals.

The first goal was to provide a full bath on the first floor. The current house has two powder rooms rather than a full bath for use for elderly parents when they come stay at the house. The second goal was to get a better traffic flow through the house from the garage to the main living areas of the house without going through the kitchen. The kitchen is kind of an antiquated design, and without going into detail there's a lot of traffic congestion and difficulty in the kitchen area.

We examined a number of options of how to approach the project. For a number of reasons, the solution that's in front of you tonight is the best for my clients and solving all the various needs that they have.

I have a couple of exhibits I'd like to hand out if you don't mind.

(Whereupon Mr. Flubacker handed out exhibits to the Board.)

MR. FLUBACKER: What I'd like to do go through a couple of what I consider to be mitigating circumstances on the project. The first of the large sheets that you have of the plan shows the existing first floor plan and the proposed first floor plan. When we originally designed the house, there was a pergola that was part of the design in the back of the house that's in the lower left-hand corner of the plan. The addition we're proposing is basically the exact same footprint as that pergola.

The pictures that are attached to the front of the attachment show the existing situations on the house. So, the first picture is straight out of the pergola. The second is the side view of the pergola. You really don't see it because of some arborvitae that have grown adjacent to the house. The second page show a couple of other views of the pergola.

So, at least in my opinion, the addition that we'll be placing roughly the same size and the same massing as the pergola is in essence replacing an outside structure for an inside structure with generally the same massing as the existing conditions.

The second sheet of that attachment are the rear elevations. One of the mitigating circumstances in this particular case is the zoning ordinance in calculating FAR requires that any interior space over 14 feet be counted towards FAR. The top elevation shows the existing ceiling configuration in the great room, and because of that ceiling configuration, 225 square feet is added to the FAR of the house, and the lower

elevation, I showed dropping the ceiling to just below 14 feet which would eliminate that 225 square feet out of the calculation.

Going back to the original circumstance of the house construction, we were below the FAR and just a very minor modification of the ceiling would have allowed this addition within the existing FAR before the Village changed it in, what was it, Derek? 2009?

MR. MACH: Earlier, '05, '04.

MR. FLUBACKER: Was it earlier? The third thing I'd like to hand out is a diagram that shows the property in context of the neighborhood. The little green square is where the addition is. I would argue that it's in probably the least populated area in the entire neighborhood. The backyards are large there. The adjacent owner has a very large lot as well.

The two red dots are the attached letters of adjacent neighbors who are in support of the project. They are probably the two neighbors that are most affected by the project.

So, with that, I'd open it up to any questions you may have.

COMMISSIONER JAFFE: You stated at the beginning that you were contacted by the current property owners a couple of months ago. How long have the current property owners been in this home?

MS. GRAHAM: Six years.

COMMISSIONER JAFFE: Six years.

MR. FLUBACKER: They bought from my plan.

COMMISSIONER JAFFE: How many people live in the house?

MR. GRAHAM: Four.

MS. GRAHAM: Right, four. We have a daughter in college.

CHAIRMAN DIVITO: All right, come on up and swear in, sorry.

MS. GRAHAM: That's okay.

CHAIRMAN DIVITO: Have you signed in?

MS. GRAHAM: I have, sir, yes.

CHAIRMAN DIVITO: All right, so name and address for the record, please?

MS. GRAHAM: My name is Heidi Graham, 1219 East Woodford Place in Arlington Heights 6004.

(Witness sworn.)

CHAIRMAN DIVITO: Thank you.

COMMISSIONER JAFFE: So, there's three people in the house, a fourth in, someone said college?

MS. GRAHAM: Correct.

COMMISSIONER JAFFE: And then elderly relatives or parents could come and stay?

MS. GRAHAM: Correct. We do not have parents who live here in Arlington Heights. My parents live in Texas, and my in-laws live about five hours downstate or in Indiana. My father has Parkinson's, he was recently visiting us this summer, and it was concerning when he had to travel up and down the stairs each day. Of course, you know, there's no full bath on the main floor.

Certainly, my parents, I mean, I can go visit my parents in Texas, but

they do want to be able to come visit their grandchildren here, and I want them to be able to come. His mother can't, she can't also go up and down the stairs. So, we have this nice house where we can host our parents and they're forced really to be in a hotel or to not visit us at all, which is disappointing.

COMMISSIONER JAFFE: Thank you.

COMMISSIONER LANAGHAN: So, let me ask one question. Just from reading the letters, one person identifies 151 square-foot addition and you're asking for 493-foot variation. Is the house larger than what would be allowed currently?

MR. FLUBACKER: Yes.

COMMISSIONER LANAGHAN: Okay, so you're asking for 151 feet to be added?

MR. FLUBACKER: The addition is 151 feet.

COMMISSIONER LANAGHAN: Got you. So, you're over by, I'll call it 300 feet give or take, 300 feet currently.

MR. FLUBACKER: Additionally, one of the points I didn't make regarding that 225 square feet of the volume space that's added, the reduction of that ceiling height which would take out that 225 square feet is no change whatsoever to the exterior volume of the house. So, it's really kind of a mathematical exercise, that 225 square feet. I can understand if the volume of the space were full two-story walls and then the roof was on top of that, but this particular room, the bearing starts at a low elevation and then goes up high.

CHAIRMAN DIVITO: Did you have a chance to look at the Engineering note about the permeable surfaces?

MR. FLUBACKER: No, I did not see that.

CHAIRMAN DIVITO: Okay, so --

MR. FLUBACKER: The impermeable surfaces is actually reducing with this proposal.

CHAIRMAN DIVITO: Yes, I was just making a note that what was presented didn't include the full scope of the patios that --

MR. FLUBACKER: Yes. The impervious surface allowed currently is 4,952. The existing is 4,300 and the proposed reduces that by 15 square feet. So, we're substantially below the allowed impervious surface. We're also substantially below lot coverage as well.

CHAIRMAN DIVITO: Any other questions for the Petitioner?

(No response.)

CHAIRMAN DIVITO: All right, we'll see if anybody in the audience wishes to speak. At this time, I ask that anyone that wishes to speak from the audience?

(No response.)

CHAIRMAN DIVITO: None being heard, we'll close it down to Board discussion.

COMMISSIONER JAFFE: So, when I first read the packet, I did have some concerns about the hardship piece. But in listening to the architect as well as the property owners, those concerns are abated. So, I don't have any concerns if we were to move forward with granting the approval.

CHAIRMAN DIVITO: I honestly thought that that's why we had so many

people in the crowd tonight was for this one. So, I was actually, the testimony was, I thought you've done your homework and you've made valid statements as to the need.

MR. FLUBACKER: I was going to tease you that we were going to have manufacturing inside the house.

COMMISSIONER JAFFE: Good sense of humor.

CHAIRMAN DIVITO: Any other comments?

(No response.)

CHAIRMAN DIVITO: If not, is there a motion?

COMMISSIONER DRAKE: So moved.

COMMISSIONER JAFFE: Seconded.

CHAIRMAN DIVITO: Derek?

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes. Congratulations.

MR. FLUBACKER: Thank you.

MS. GRAHAM: Thank you.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:51 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS October 15, 2019

PETITIONER: Graham Residence
ADDRESS OF PROPERTY: 1219 E. Woodford Pl.
VARIATION: 5.1-3.3

A 593 square-foot variation to allow a home with a floor area of 4,993 square-feet where 4,400 square-feet is allowed.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that in 2002, a significant addition was added to the house. The petitioner explained that the floor area ratio at that time was 50 percent. The petitioner explained that the homeowners are exploring options for another addition in place of an existing pergola that is attached to the rear of the home. The petitioner explained that the proposed addition is the exact same footprint as that pergola and that the massing is similar. The petitioner testified that the house was under the required floor area ratio in 2002 when 50 percent was allowed.

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. Drake and seconded by Mr. Jaffe. Thereafter, the Board voted 5-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 5-0 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



**Zoning Board of Appeals
11/18/2019**

Item: 631 N. Drury Ln. - 10/15/19

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
631 N. Drury Ln. - Minutes 10/15/19	Minutes
631 N. Drury Ln. - Findings 10/15/19	Minutes

ZONING BOARD

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

OF APPEALS

RE: 631 NORTH DRURY LANE - ZBA #19-026

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, Buechner Room,
Arlington Heights, Illinois on the 15th day of October, 2019 at the hour of
7:02 p.m.

MEMBERS PRESENT:

DAVID DIVITO, Chairman
JOSEPH SELBKA
TOM DRAKE
BENJAMIN JAFFE
JEFFREY LANAGHAN

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN DIVITO: All right, so I'd like to call to order the Zoning Board of Appeals meeting for October 15th, 2019. Derek, would you do the roll call?

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Here.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. MACH: Mr. Geisel.

(No response.)

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Here.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Here.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Here.

MR. MACH: Mr. Siavelis.

(No response.)

CHAIRMAN DIVITO: All right, if you would all stand and join me in the Pledge of Allegiance?

(Pledge of Allegiance recited.)

CHAIRMAN DIVITO: Thank you all for that. Next item of business is the approval of meeting minutes from last month. Has everyone had an opportunity to review? Any errors or omissions to be called out?

(No response.)

CHAIRMAN DIVITO: None being heard, is there a motion?

COMMISSIONER DRAKE: So moved.

COMMISSIONER JAFFE: Second.

CHAIRMAN DIVITO: All in favor?

(Chorus of ayes.)

CHAIRMAN DIVITO: All opposed?

(No response.)

CHAIRMAN DIVITO: All right, so we are going to go into the new business for this month. But before we do, I want to go over a few different ground rules.

First and foremost, this is a seven-person board, and I'll read off my cheat sheets here. If less than six members are present, petitioners have the option to continue the meeting, meaning not go in front of the Board tonight and actually ask to see another night for the variance. You do need four affirmative votes in order to make the motion pass. So, there's only five of us, so four to five needed to approve.

This evening, we do have four different items, so I'm going to ask that petitioners speak concisely to the four elements necessary to establish order, for us in order to review the material and grant the variance if appropriate. I'll just read them off and we'll take it from there.

The first one is that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property. The second, that the plight of the owner is unique due to the circumstances which may include length of time the subject property has been vacant as zoned. Third,

that the proposed variance is in harmony and spirit of the intent of this chapter. The fourth, that the variance requested is the minimum variance necessary to allow reasonable use of the property.

So, with all of that said, I'd like to call up the first petitioner for the evening, and that would be 631 North Drury. Have you had an opportunity to sign in?

MS. MYERS: I did.

CHAIRMAN DIVITO: Excellent.

MS. MYERS: Yes, thank you for asking.

CHAIRMAN DIVITO: Name and address for the record?

MS. MYERS: I am Amy Myers, 631 North Drury Lane.

(Witness sworn.)

CHAIRMAN DIVITO: Excellent.

MS. MYERS: Yes, so it's a pleasure to speak before you this evening on behalf of our project at 631 North Drury Lane. I am the homeowner along with my husband who is sitting right here, Mike Baker. We wanted to just give you a little bit of context for the project and the request for variance before our architect walks you through very specifically in detail the four criteria that you base your decisions on.

We have a pretty clear why for this project, and that is really twofold. One is we need more space. I now work at home. I run a full-time consulting practice out of my home. My husband sometimes works at home, and over time plans to transition career-wise to an at-home career as well. We also absolutely adore, over the past few years that adoration and passion has grown, for having friends, family and neighbors into our home, making a sumptuous feast out of the wonderful produce we have in our garden.

So, we really needed more space, we realized that at one point. We thought of the easy way out was to go look for another community, another neighborhood, which we did do that. We looked at some houses and, quite frankly, gentlemen, nothing we saw felt quite right. Then we realized why. It's because we absolutely adore the City of Good Neighbors, Arlington Heights, and we absolutely love our amazing street. It's so amazing; I suggest you all check it out sometime.

But Drury Lane has book clubs; we have happy hours. We talk to each other. We know our neighbors; we help each other out. There are a couple of neighbors in support of this project here with me tonight. There's others that have lent their support through letters. So, we are a community that bonds and socializes, which is unique in 2019.

So, we said we don't really want to move. So, how do we get the space without moving? So, we hired Mike Kollman from Wexler/Kollman Architectural Firm, and we briefed him very specifically. Please give us a home that gives us the space we need, meets those requirements but also does it in a way that preserves the integrity and the charm and the value of the current neighborhood. We want our home to fit in with the rest of the houses. We want people next door to us to feel good about the renovations.

Consequently, we also said to him give us something that's useful so people know how to go in and out of the house. Right now, our front door is on the side, and we even invested in a brick walkway, and still, out of the 19 years Mike and I have

resided at 631 North Drury Lane, only one guest has ever knocked on our front door. Instead, they traipse through the very busy kitchen as we're preparing food, so that makes entertaining a little challenging. We like to have the benefit most homeowners have, which is a front door.

So, then what about the porch? Well, as we looked for other houses in other lovely communities that didn't feel quite right, we saw a lot of front porches. Really, we thought why are we staying in this straight? We're staying in this straight because we love the friends we've made over the many years. We love the neighbors we have and we want to connect with those neighbors. How better to do it than to have something more than just a porch or a portico that you walk in and out into the house from? Rather, why not have a porch where we can actually connect, commune, have tea with our neighbors?

So, that's really the why behind the project. This is very meaningful to us and the reason we would even request a variance, because in all other ways what we're planning to do meets with all coding regulation. We're also absolutely thrilled that on September 24th, the Design Commission was thumbs up including the option with the front porch.

So, I thank you for the time. I'm going to hand it over to Mike Kollman, our architect, who will walk you through very specifically the four items that you guys laid out. Thank you.

CHAIRMAN DIVITO: Thank you.

MR. KOLLMAN: Good evening.

CHAIRMAN DIVITO: So, I'll swear you in. Name and address for the record?

MR. KOLLMAN: Mike Kollman, 329 West Park Avenue, Libertyville, Illinois. (Witness sworn.)

CHAIRMAN DIVITO: Thank you.

MR. KOLLMAN: Thank you. So, as Amy said, my name is Mike Kollman. I'm an architect and builder, and I specialize in high performance architecture and construction. I'm proud to represent Mike and Amy here tonight to present their vision for their new home.

As Amy said, they have lived in the neighborhood for over 19 years. When it came to think about upgrading their home, they came to me asking what could be repurposed, recycled, remodeled into their vision of what a home should look like.

That's the existing house. Amy mentioned to you the existing front door which you can't really see. That's the front of the house, and then go to the next slide. That's the actual front door on the left side there which is kind of buried, you can't, it's not visible from the street.

So, as we started going through, you know, the different options, one of the things they wanted to do was the idea of building this sustainably with respect to the site and scale of the neighborhood, and with the good of the community in mind. So, armed with that directive, we began to study the alternatives as to how we might be able to make the house work for them. Our thought was to reuse as much of the 1960's split-level home as possible, and to enlarge or modify where necessary. You can go to the next slide.

The plan presented tonight is the culmination of that thought process. The proposed design, as Amy said, complies with all the bulk zoning regulations for height, mass, size, and setbacks, with the exception of the open front porch which we feel is necessary in order to define a new front entranceway, add a welcoming gesture to the neighborhood, and provide space for interaction with the neighbors.

Since the open front porch contains no solid walls and is essentially a roof floating eight feet above the ground on four columns, its visual impact would be minimal in terms of additional mass. However, the architectural impact of the new home with a new welcoming front porch will provide a significant connection to the neighborhood.

The subject property is in the R-3 Zoning District which requires a 25-foot yard setback, or the average of the block which in our case is 29.9 feet. We are asking you to consider and approve the open front porch addition of 6.5 feet deep, resulting in a 23.7-foot setback. All other zoning requirements will be met.

You may ask how did we arrive at 6.5 feet deep. We actually set up a couple of lawn chairs out in front of the house and calculated how much space that takes and to be able to walk in front of it. We came up with six feet, and that's what we have in front of the columns is six feet from the back of the column to the house. So, that's where we came up with the 6.5 feet.

By reusing and recycling this home into a home designed for the future and respecting the scale of the neighborhood, we hope to set an example that others may wish to follow. In taking this approach of recycling the home, we are minimizing the disruption to the site as well as the surrounding neighbors as compared with tearing down and starting over again. As far as the standards, I'll go through those with you one by one.

We're suggesting that we will not alter the essential character of the locality. The variations that we're requesting today will not negatively alter the essential character of the locality. As a matter of fact, we feel the proposed entrance porch is designed to respect the scale of the existing neighborhood while adding an open outdoor space to encourage interaction with the neighbors. We feel this addition will enhance the character of the locality.

Its unique circumstances, the subject property is unique in that the home was designed without a front-facing entrance. Lively street presence was undesirable at the time this home was constructed. This is no longer the case as the trend in neighborhood planning is to connect the home to the activities on the street.

The proposed variation is in harmony with the spirit and intent of this chapter, and that is, yes, for a number of reasons. We are not materially detrimental to the public welfare, materially injurious to the enjoyment, use, development or value of the property or improvements permitted in the vicinity. This improvement will actually add value to the neighborhood, thus increasing taxable value of the land and building within the Village. Adequate supply of light will not be impaired. There will be no shadows cast on adjacent property or lots.

COMMISSIONER JAFFE: Excuse me, is the content that you're reading on the PowerPoint the same content that was included in the package?

MR. KOLLMAN: Yes.

COMMISSIONER JAFFE: Word for word?

MR. KOLLMAN: Yes.

COMMISSIONER JAFFE: Okay, I just want to make sure because I see a lot of content there. I just want to make sure.

MR. KOLLMAN: Yes, it is. It's the same.

CHAIRMAN DIVITO: And that's a very good point. So, all of the Commissioners have been given the actual docket, so you don't necessarily need to verbalize what is in the petition itself.

MR. KOLLMAN: Okay, that's fine. Then I won't, you guys are reading it, that's fine.

CHAIRMAN DIVITO: Yes, just saving your --

MR. KOLLMAN: Fine, thank you. So, some of our guiding principles, in addition to the sensitivity to the neighborhood and the surroundings and the idea to connect to the community in a very inviting way, we also plan to build this home to LEED standards. We've gone through the preliminary checklist on that. For those of you that aren't familiar with it, we take a lot of these environmental factors into consideration as we're designing a home.

So, this may hopefully be the first LEED certified home in Arlington Heights. The preliminary indication is that it will be a platinum certification which is the highest level available through the US Green Building Council. So, we're very proud of that, and again we're hoping to set an example of how we can recycle an older home into something that is usable well into the future.

So, I guess to summarize, Mike and Amy are doing this project and asking for this variance for the right reasons. They're not looking to do this to make money. They plan to live here. They have taken the time to share these plans with their neighbors, the immediate neighbors, who many have enthusiastically supported what they're doing. As a matter of fact, we've got three letters here from neighbors in proximity that support the idea and the plans that we're showing tonight, so I'd like to share those with you. There's also some folks here that are going to speak on their behalf.

The Design Commission, as Amy said, was very positive in their unanimous approval of the design of this project. They provided us with a few exceptions that we took to heart and have modified accordingly. So, thank you, Design Commission, for that. We appreciate your consideration to this request and would be happy to answer any questions that you might have.

CHAIRMAN DIVITO: So, the first question I have is actually related to the conservation of what's on the property. The Engineering Department noted that the front porch will be constructed very near if not on top of the existing tree, and it wasn't marked for removal. So, is it in the plan to remove or is it staying?

MR. KOLLMAN: It is in the plan to remove the tree.

CHAIRMAN DIVITO: Okay, Derek, does that alter anything from our scope?

MR. MACH: Per code, they are allowed to remove the tree.

MR. KOLLMAN: And the reason is the roots for that tree are growing underneath the driveway and actually into the foundation, and it's overhanging the structure currently. So, it's beyond its prime and it's somewhat dangerous.

MR. MACH: Although we would encourage them to consider that it be replaced.

MR. KOLLMAN: Yes. We will be replacing with additional landscaping as well.

CHAIRMAN DIVITO: Any other questions from the Board members for the Petitioner?

COMMISSIONER DRAKE: It looked like on the drawings that there is a deck on top of the garage. Is that the case?

MR. KOLLMAN: Yes. A green roof is the plan, so they'd actually be growing things up there for the use of eating, herbs and things like that, plants, yes.

COMMISSIONER DRAKE: Right.

MR. KOLLMAN: We're also capturing rainwater that's coming off the roof to water that green roof garden up there.

CHAIRMAN DIVITO: 625 is the adjacent property that would be potentially impacted by the rooftop, right?

MR. KOLLMAN: Yes.

CHAIRMAN DIVITO: And they did write a letter of recommendation.

MR. KOLLMAN: Correct.

CHAIRMAN DIVITO: Any other questions from Board members for the Petitioner?

(No response.)

CHAIRMAN DIVITO: Take a seat for now and let's see if anybody else wants to speak on this. So, at this time, I'd like to offer an opportunity for those in the audience to come and be heard on this petition. Does anyone wish to be heard? Come on up.

So, just for everyone's education, this is a recorded session. That's why we do the swearing in, that's why we have a lot of formality around this meeting. It's not that I just want to torture everyone into public speaking.

So, name and address for the record please?

MS. HANLON: My name is Jean Hanlon, and I live at 1505 East Hawthorne, at the corner of Hawthorne and Drury Lane, one house removed from the current property that's under consideration.

(Witness sworn.)

CHAIRMAN DIVITO: Thank you.

MS. HANLON: Well, I thought that there would be more of an explanation. I have reviewed the file a couple of weeks ago, and I looked at it today.

Just for introduction, I am the founder of the Village of Arlington Heights Environmental Control Commission. I chaired it for 10 years and I was known throughout the state for my expertise in a number of areas, and I represented the Village in many state and various meetings and so forth. I am also a retired attorney, and I officed in Arlington Heights for over 30 years and elsewhere, and I have been very active in the community.

Now, the only reason I mention this was not to aggrandize myself but to illustrate to you that I have always been an active resident and concerned about the welfare of our community. My husband was a Trustee on the Board with John Woods at

the time the Village experienced that very famous case, the Village of Arlington Heights v. the Metropolitan Housing Corporation. As you probably know, we won that case based on the integrity of our zoning.

What I see and I'm beginning to see, not just in our area, that we're getting kind of lax in zoning. Zoning is there to protect the individuality of our neighborhoods and to cause stability and so forth. I'm here tonight in opposition to the granting of this variance because, as I noticed, the four elements that are required to grant a variance, one of whom is obviously a hardship. This is not a hardship. No way.

They can do whatever they want to remodel their house, just like I could remodel my house within the regulations that currently exist. Putting on a front door and talking about all this interaction on the street and that, that's crazy. This is a very quiet neighborhood and you don't see a lot of activity or commotion. Once in a while you see people walking their dogs.

CHAIRMAN DIVITO: You don't feel that it's inconvenient for not being able to walk through the front door versus a side door which this house has?

MS. HANLON: Let me say I bought the second house in the subdivision in 1958, and that was on Wilshire where Stoltzner began his building. Then in 1963, he began to develop on Drury Lane. The thing about this was, at the time when Arlington Heights was experiencing a boom in building and that and the Village was growing, there were a lot of problems. But it was like living out in the country, and there was a farm on the property that is now Drury Lane. At the back of my lot on Wilshire, I had cabbages growing, and in the morning there would be peacocks, you know, straddling the backyard.

Very rural kind of thing, very quiet, and it's still a very quiet neighborhood. It's a very, I think, lovely neighborhood, and the people take good care of their homes. They're very pleasant people for the most part. So, it's a place that you want to remain so.

One of the things that I saw when I reviewed the file today to see if there were any additions and I would have a change of mind by any of those additions, that I saw a picture of the house that you, what it would look like after it's remodeled. That does not fit the neighborhood. It is not, if anybody would go out to the neighborhood and take a look at it, it does not belong there. It's just, there are neighborhoods where a house like that would fit very nicely, but it's not in our neighborhood.

So, when a house is going to jut out, you know, because of variances, you know, granted, all the way down Drury Lane to Oakton Street where Stoltzner built, there are no violations or variances where the people, the houses are all in a line. They have kept that, you know, setback. So, to have one house sticking out, that's a sore thumb type of thing, and it's not in the same kind of look to the neighborhood.

Now, I'm not against progress or anything like that. But I think when you build something, you have to keep in mind what the neighborhood looks like. But in addition to that, one of the things that I was disturbed about the first time I looked at it, there's requirements for documents, and the parties, instead of putting forth a warranty deed or a trust deed or a title commitment, they provided a release of a mortgage. But what they didn't tell you is that they have another mortgage on the house which is

substantial. We all know that in a mortgage document, there is a provision that requires when you make any changes to the property which is mortgaged, that you have to get the permission of the mortgagee. I did not see any permission from the mortgagee in that file even today. So, how can they build this without the permission of their mortgagee? I don't see how that's possible. But nobody is asking.

CHAIRMAN DIVITO: That's not for us to rule on either.

MS. HANLON: Pardon?

COMMISSIONER SELBKA: That's not in our jurisdiction to rule on it.

MS. HANLON: Well, I'm just telling you, you have a file and all the things are supposed to be accurate in the file. How is this not, you know, looked at? So, what I'm saying with that, if that's the case, there should be no variance granted because you don't have the permission with the party that's necessary to okay this remodeling.

Then we have, oh, where was I? That I had asked when I was there the first time, I noticed on the plans that there was two business offices that were listed. So, I asked the gentleman from the Village, I said, well, what kind of business are these people in? I said this is, you know, a residential area. An ordinance restricts what kind of businesses you can have in such a residential neighborhood. But you have to get the permission and notify the Village that you're doing business from your house, and then they give you the approval or they don't give you the approval. But there's nothing mentioned about that. What I learned and was told by these gentlemen was they couldn't ask that question.

As a former village officer, I know damn well you can ask questions that affect a piece of property. Why would two people tell me that you couldn't do that? They couldn't do that? Why not? They certainly could. That, to me, is they were not doing the job that they were hired to do. That's what the citizens expect, that people do their jobs.

So, I had to find out myself what kind of a business this was. They are called block finders or block shoppers, according to the advertisements that I've seen. They're using their home address as their business address, but there is no approval in the file or anything relating that the Village has okayed that particular activity.

COMMISSIONER JAFFE: But, ma'am, is that relevant to this particular variance?

MS. HANLON: Yes, it is relevant. It is relevant, you're approving --

COMMISSIONER JAFFE: This 6.2-foot variance on a front yard setback, is what you're saying relevant to what this Board needs to do to decide whether that variance ought to be granted? A 6.2 front yard setback?

MS. HANLON: Okay, then we'll go back. I'm just trying to show you that this file is not properly addressed, and there's all kinds of things that need to be answered. Before you rule on that, then you should have these answers, so that you get a true picture of what this is all about. So, we can --

COMMISSIONER SELBKA: Why do we need a true picture of whether they're doing business in the house or not to grant a variance that's for a front porch?

MS. HANLON: Because you're making it possible, I believe that the whole purpose of this remodeling is for business purposes, not for residential purposes.

CHAIRMAN DIVITO: I'm going to stop this here. It's just stating that if it

makes it to our docket, we're assuming that everything has been filed and it's proper. I can make a judgment assuming those facts that it is a valid petition coming to us. So, my focus, my lens is purely on what is being requested and the facts that are associated with it.

MS. HANLON: All right, then --

CHAIRMAN DIVITO: If you want to take the legal matters out of the filing, that's more of a Village thing. You can bring it up with them. But for the Zoning Board, our Commissioners, I can't speak to a lot of the legal requirements behind --

MS. HANLON: But you can speak to the four points that are necessary to grant a variance.

CHAIRMAN DIVITO: And I have differing opinions to what you've mentioned, right? So, I'm --

MS. HANLON: All right, but a variance requires a hardship, and in order to grant a variance, the people have to have approval of all four elements. They don't have that, because what it requires --

CHAIRMAN DIVITO: It's not your point to state that though. It's our point to state that.

MS. HANLON: But I have a right to say and present my view.

CHAIRMAN DIVITO: Your points have been made. I have 100 percent appreciate you taking the time and effort and all the time and service that you've provided. Don't think that I'm discrediting anything so far, but at the same time I want to make sure that we understand that you can voice your opinion and then we are going to rule on it.

MS. HANLON: Okay, if that's the case, may I do this and save you some time? I have a statement here. Could I give it to each one of the Board members?

CHAIRMAN DIVITO: Yes.

MS. HANLON: And you could read it at your leisure?

CHAIRMAN DIVITO: Absolutely.

MS. HANLON: Okay, and I appreciate that very much. I thank you very much for giving me the opportunity to express my views. Even though I disagree, I certainly know that everybody has an opinion and they base it on something that I think there's good, you know, people try to do the best that they can. Since I own this property and I've been a 61-year resident of the neighborhood, you know, that's a big thing for me. I don't like to see something that doesn't fit, and one of the reports in that file indicates, like with the porch, that there are no porches like that in the neighborhood. It really doesn't fit the neighborhood.

The other thing that I'd like just to mention is one of the, I think it was the Engineering Department that said with the gutters on the porch, that you'd have to add another foot because, what do you call the gutter part on the roof?

CHAIRMAN DIVITO: The overhang.

MS. HANLON: So, let me give you --

(Whereupon Ms. Hanlon handed out her statement to the Board.)

MS. HANLON: You need a woman on this Board.

CHAIRMAN DIVITO: Yes, we do. We had one when I first started here. She, unfortunately, had retired. So, is that your application then?

MS. HANLON: Pardon?

CHAIRMAN DIVITO: Are you applying for the role?

MS. HANLON: Why sure, why not?

MR. MACH: I'd just like to state that the Petitioner has satisfied the requirements for proof of ownership and did provide a copy of the warranty deed, which meets the requirements per the application. The homeowners does have office space in the house they're allowed. However, if they are operating a home-based business, they would need to submit for home occupation. With that said, the Zoning Board of Appeals should evaluate the variance request in front of them for the front yard encroachment.

CHAIRMAN DIVITO: All right, is there anyone else from the audience that wishes to speak on this petition? Come on up. Everyone should be old pros as to how to do this. So, name and address for the record please?

MS. TATUM: Julie Tatum, 619 Drury Lane.

(Witness sworn.)

CHAIRMAN DIVITO: Did you sign in?

MS. TATUM: I did. Again, my name is Julie Tatum, and I live two doors down from Mike and Amy. I have lived in our home, my husband and I had bought our home in 2008. I would like to just, I'm here to support Mike and Amy and just let everybody know that while I did listen intently to what you said, I'm sorry, I don't think we've ever met --

CHAIRMAN DIVITO: And this is more of you addressing the Board.

MS. TATUM: For sure.

CHAIRMAN DIVITO: Sorry, if you want to address the audience, you can do so after.

MS. TATUM: Okay, sure, sure, sure. Totally respect that. But I would like to say that Mike and Amy have pretty much, they've been working on this project for a significant amount of time. Throughout this whole time, they've run a lot of ideas past a lot of neighbors. They've been very receptive to, hey, have you thought of this, have you thought of this? I think that they've been very conscious of making sure the neighbors are heard, and they've made changes based on some of the feedback before we even got to this point.

I do think that, I'm a stay-at-home mom now, so I'm on the block constantly all day long, and I do think it's an active neighborhood where on our portion of the street they are the only ones without a front door. I do have three kids that, or four kids, excuse me, now that are constantly running over by their house. Down the block, two other neighbors, like I do think it's a rather active neighborhood that would benefit having a front door.

So, I just think, I'm here to voice my support of this project and the way that I think it was conducted, because I do think it was very thoughtful with neighbors in mind. So, thanks.

CHAIRMAN DIVITO: Thank you. Anyone else from the audience? Name and address for the record?

MS. ELLEN: Erin Ellen, 635 North Drury Lane.

(Witness sworn.)

MS. ELLEN: We're the neighbors to the north of Mike and Amy. I've been

a life-long Arlington Heights resident, so I've seen the changes that have gone on in the Village. I echo everything Julie said about how conscientious Mike and Amy have been about this project, the heart involved and dedication that they've poured into this. All the environmental stuff they're doing is just really absolutely commendable. I know you mentioned the tree, they talked about how they can reuse the wood in the project, like it's very down to that level of detail and it's just awesome.

I also just want to say there are several in our longer street, there are several homes that have been redone that are much larger, much more than what people might need, you know. So, I don't think what Amy and Mike are asking for, easy access, common sense access to their home, is anything out of the ordinary that we wouldn't support wholeheartedly. So, that's it. Thanks.

CHAIRMAN DIVITO: Thank you. Anyone else from the audience on this petition?

(No response.)

CHAIRMAN DIVITO: All right, none being heard, let's close it down for Board discussion. Anyone want to start this one off?

COMMISSIONER SELBKA: Well, I am in favor of granting the variance. I know the neighborhood, I walk in that neighborhood every now and then or jog in that neighborhood. I've seen the design. I don't think it's out of place in that neighborhood. I think it's a very nice design and I think it fits in the neighborhood.

As to hardship, I did have that question when I first reviewed the petition. But the architect's testimony that they measured the porch and how you could only have chairs and walk on the porch if the variance was granted, for me that is a requirement for reasonable use of a front porch. Therefore, I would find that this, for a reasonable use of that front porch which is what they're trying to do, that there is a hardship that would allow for us to find the variance. Therefore, I would be in favor of the variance.

COMMISSIONER DRAKE: I would agree with all of that, and then add to it the Design Commission approval. There's no Staff objections per Derek. All the paperwork that's needed is in order, exclusive of a business license or whatever that paperwork involves. While there was one neighbor, one resident that voiced opposition, we have three e-mails and two residents, two neighbors that came out tonight on a dreary October night to speak on the Petitioner's behalf. So, I'm also in favor of the variance.

COMMISSIONER JAFFE: I mean, I value the system that we have and why the Zoning Board exists, and that is to evaluate all aspects, opinions, input, comments. I appreciate the input of the audience, but I would concur with my two other Board members that I would support the request for this variance.

COMMISSIONER LANAGHAN: Well, I'd say the same. I did go out, I drove the neighborhood for, I circled the block three or four times. I'd have to say it took me two or three of those before I found the front door, before I even saw it. So, I completely understand while that may not fall into a hardship, it certainly is inconvenient. I would have been one of those people walking into your kitchen, there's no question.

You know, I do think a front porch, I think the rest and the size of the building is very much in keeping with the neighborhood. I don't know that there's a ton of front porches in there, but you know, I do think that for a neighborhood that many of the

residents have stated is an active one, I think that makes sense to have something like that out there to interact with folks.

CHAIRMAN DIVITO: To put ourselves into others' shoes to understand their circumstances and hardships is always kind of difficult. This one for me was a little bit more straightforward, not having that front door, not having the protection from the elements, not having the clear understanding as to which is which, so it makes it an awkward situation when coming up and visiting and things of that nature.

I do feel that you've gone through a great amount of time and detail and effort to actually come up with a reasonable request to accomplish what you're trying to do to make the home more appealing, not less. So, I do feel that we are hitting on all of the different items, elements required for it.

But I do appreciate the neighborhood coming both for support and to offer opinions in opposition. This is why we are good neighbors, that we have the forum; we have the ability to do so.

So, with all of that, is there a motion?

COMMISSIONER DRAKE: I would move approval of the petition.

COMMISSIONER SELBKA: Second.

CHAIRMAN DIVITO: Derek?

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes. So, the motion is approved. You do not need to stay for the rest of the meeting. If you want to leave now, it's okay.

MR. KOLLMAN: Thank you.

MS. MYERS: Thank you.

CHAIRMAN DIVITO: Thank you.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:40 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS

October 15, 2019

PETITIONER: Baker/Meyers Residence

ADDRESS OF PROPERTY: 631 N. Drury Ln.

VARIATION: 5.1-3.2

A 6.2' variance to allow an addition with a front yard setback of 23.7' from the west property line instead of the minimum 29.9' and an additional 1.0' for the eave.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are proposing an addition to the existing home. The petitioner further explained that as part of the project they are proposing a front porch that is encroaching into the required front yard setback. The petitioner explained that one of the goals of the project is to relocate the front door from the side of the home to the front elevation. The petitioner testified that the proposed design complies with all the bulk zoning regulations for height, mass, size, and setbacks, with the exception of the open front porch. The petitioner explained that the open front porch contains no solid walls therefore its visual impact is minimal in terms of additional mass.

The petitioner testified that per the R-3 Zoning District, a 25-foot yard setback is required or the average of the block. The petitioner explained that for the subject house, the average of the block is required which is 29.9 feet and that the proposed front porch is setback 23.7-feet. The petitioner testified that they will not negatively alter the essential character of the locality and that the proposed entrance porch is designed to respect the scale of the existing neighborhood while adding an open outdoor space to encourage interaction with the neighbors.

The petitioner testified that by recycling the home, they are minimizing the disruption to the site as well as the surrounding neighbors as compared with tearing down the home and rebuilding. The petitioner testified that they will not alter the essential character of the locality. The petitioner also testified that it is a unique circumstance, in that the home was designed without a front-facing entrance. The petitioner further testified that the proposed variation is in harmony with the spirit and intent of this chapter since they are not, materially detrimental to the public welfare, materially injurious to the enjoyment, use, development or value of the property or improvements permitted in the vicinity. The petitioner testified that the improvement will add value to the neighborhood, thus increasing taxable value of the land and building within the Village.

Neighbors spoke in support and against the proposed project.

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. Drake and seconded by Mr. Selbka. Thereafter, the Board voted 5-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 5-0 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.



**Zoning Board of Appeals
11/18/2019**

Item: 607 E. Davis St. - 10/15/19

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
607 E. Davis St. - Minutes 10/15/19	Minutes
607 E. Davis St. - Findings 10/15/19	Minutes

ZONING BOARD

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

OF APPEALS

RE: 607 EAST DAVIS STREET - ZBA #19-029

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, Buechner Room,
Arlington Heights, Illinois on the 15th day of October, 2019 at the hour of
7:51 p.m.

MEMBERS PRESENT:

DAVID DIVITO, Chairman
JOSEPH SELBKA
TOM DRAKE
BENJAMIN JAFFE
JEFFREY LANAGHAN

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN DIVITO: All right, moving right along, we will pick up at 607 East Davis Street. Have you had an opportunity to sign in?

MR. BUDZIK: Yes.

CHAIRMAN DIVITO: So, name and address for the record?

MR. BUDZIK: Thomas Budzik, 2800 South River Road, Des Plaines.
(Witness sworn.)

MR. BUDZIK: Good evening, Board members. As I stated, my name is Tom Budzik. I'm the architect on this project. With me today is the homeowner, Mike Ericksen.

Mike has recently purchased this home and is looking to make some improvements to the home to make it, to provide for some just modern amenities so that you can feel comfortable and kind of creating new roots here in Arlington Heights. His father also lives in Arlington Heights, recently completed his home here as well, so he's anxious to get closer to his family.

What we're here today to request is a couple of variances. One is a reduction to the side yard setback on the northwest side of the property. This is to allow for the construction of an attached two-car garage. The other request is for a reduction in the front yard setback to, I want to clarify, it's actually for two portions of this. It's for the front porch as well as for a slight extension on that garage addition as well. So, the garage does protrude a little bit past the front face of the existing home.

With regards to the four standards for the zoning variance, the home itself, it's a gambrel home, two-story massing. Very comparable homes on the entire street there, kind of similar style, similar time period. The gambrel has a little bit of an older feel to it. It's a faux gambrel so we're not actually tearing off the second floor. We will be basically just kind of refacing the home, and along with that, putting a rear and side addition on the home. So, we do feel that it fits in with the character of the neighborhood.

The unique circumstances in this case happen to be with how the home was originally situated on the property. The southeast setback is actually quite generous, and if we take the kind of buildable width of the property, if we were to basically just shift this, somehow magically shift this existing home to the southeast, we would be able to fit the same footprint on the property. So, the large advantage here is we're basically reusing existing housing stock as opposed to tearing down and building new.

Strict adherence to the zoning ordinance would allow for only 17-foot five inches on the interior dimension for the garage side. So, that would not really allow for a two-car garage. Similarly, we're also proposing a six-foot, that front porch encroachment is six feet.

The garage depth which does go a little bit past the front face, that garage depth is 22 feet five inches. In this case, we felt that it was better to request a little bit of an encroachment in the front as opposed to a further encroachment to the side, so as to allow just a little bit more room on the garage. 20 by 22 is by no means a large two-car garage.

In terms of the minimum amount of variance necessary, so what we've done with the garage in deciding what the garage is, we have stepped back the second floor portion that's above the garage. So, that second floor portion does fully comply with the side setback. The addition that goes behind the garage also fully

complies with the side setback. So, we're asking really for the minimum that we possibly can here.

We did just go through the Design Commission last week. It was approved unanimously. They were quite happy with the aesthetic of the home. They were very happy with the front porch and how that serves as kind of a unifying element to the design.

So, that's the project we're here to present. Do you have any questions?

CHAIRMAN DIVITO: How long has the owner been in the property?

MR. BUDZIK: It was purchased in about -- okay, you want to come up?

CHAIRMAN DIVITO: Why don't you come on up? We'll swear you in.
Name and address for the record?

MR. ERICKSEN: Mike Ericksen, 607 East Davis Street.

(Witness sworn.)

MR. ERICKSEN: I moved in last year, September.

CHAIRMAN DIVITO: How many people are in the residence?

MR. ERICKSEN: One, I'm living there.

CHAIRMAN DIVITO: Got it.

COMMISSIONER DRAKE: What about feedback from your neighbors?
Have you talked about the project with your neighbors?

MR. ERICKSEN: I talked with one neighbor on Bristol Street. I think there were a couple of concerns about snowdrift between the houses in the winter. There's a bush between there that I removed to try to help with that feature. But some had wanted to look at, you know, the remodel to address that issue.

COMMISSIONER DRAKE: Thank you.

COMMISSIONER JAFFE: In the packet, I see some comments from the Building and Life Safety Department regarding the side yard setback.

MR. BUDZIK: Yes, I forgot to mention that. So, we did clarify that. That 21-foot requirement is for new construction, and I think Derek might have an updated report from the Building Department saying that the 21-foot is not required for additions. So, we're fine with requesting a 20-foot garage.

COMMISSIONER JAFFE: So, Derek, these comments are now void superseded by these?

MR. MACH: Correct, they are void. Since it's an addition to the existing garage, that 21-foot minimum interior dimension is not applicable. They only apply for this new construction.

COMMISSIONER LANAGHAN: So, basically, if I understood that correctly, the objection from Life Safety before was on the dimension inside of the garage? Okay, so they don't have to go that far. They still need the three-foot variance on the outside.

MR. MACH: Correct.

COMMISSIONER JAFFE: But then is it also still conditional on requiring the west wall of the garage to have a fire resistance rating of one hour with exposure, outside wall? The comments from Building and Life Safety addressed first the width but also there are some additional texts here.

MR. MACH: Right.

COMMISSIONER JAFFE: So, if we were to approve this variance, is it conditional upon the Petitioner to make sure that the garage met these requirements?

MR. MACH: Those comments, it's my understanding those comments still stand and they would, the Petitioner would have to satisfy all building code requirements.

MR. BUDZIK: Yes, my understanding is when it's closer than five feet, you have to provide that one-hour protection, which is fine. We can provide one-hour protection on that wall. There's no issues with that.

CHAIRMAN DIVITO: That's more of the process of them going through inspection and the, well, inspection and the occupancy being granted.

MR. MACH: Correct.

COMMISSIONER DRAKE: So, if someone makes a motion on this petition, we don't have to make any change? The language just stands as is?

MR. MACH: Correct, yes.

CHAIRMAN DIVITO: So, I know it was asked about the neighbors. Was the neighbor directly to the west --

MR. BUDZIK: Mike?

MR. ERICKSEN: Yes, directly to the west.

CHAIRMAN DIVITO: They're the ones that you did speak with?

MR. ERICKSEN: Correct, yes.

CHAIRMAN DIVITO: Any other questions for the Petitioner?

(No response.)

CHAIRMAN DIVITO: All right, let's see if anybody else wants to speak on this one. Is there anyone from the audience that wishes to speak on this petition?

MR. MOORE: I would.

CHAIRMAN DIVITO: Excellent.

MR. MOORE: Hi.

CHAIRMAN DIVITO: How are you?

MR. MOORE: Good.

CHAIRMAN DIVITO: All right, so name and address?

MR. MOORE: Fred Moore, 227 South Bristol Lane.

(Witness sworn.)

MR. MOORE: I'm going to go a little bit off script here.

CHAIRMAN DIVITO: I will keep you on script as well.

MR. MOORE: Okay, but time-wise --

CHAIRMAN DIVITO: Don't worry.

MR. MOORE: Time-wise, this house has been bought and sold three times in the last, it could be around six, seven, eight years. The two prior owners basically had this exact same conversation with me, and after reasonable discussion, they decided they'll just buy another house. So, I was a little surprised that we're even having this conversation when you talk about a hardship coming in and saying, you know, I bought this, now it's a hardship.

So, let me get back on script here. I'm here to state my opposition to a request for a 50-percent reduction in this property line variance directly east of my residence. In my opinion, there are three reasons the variance should not be approved. First, property value. I believe having a two-story building three feet off the property line

decreases the value of my property. I've spoken with several real estate experts that agree with me.

Second is the safety. Occasionally, we have severe snowstorms. There are times when the doors are blocked from snowdrifts, and I apologize, I probably should have passed these out earlier. Can you start to pass some of those out? So, the easiest exit for me is my kitchen door which faces directly this expansion. This expansion is coming three feet towards me and going up 20 feet. I'm not an engineer, but I'm pretty sure that whatever drifts I've had before will be increased exponentially with this expansion.

This expansion changes the topography, if you're looking at that back kitchen door and you see where the hedges have been removed, just imagine coming out six feet and up 20 feet. There's also some pictures in there from last November where it really wasn't a real severe storm, but as you can see with those hedges, they were actually leaning on my back kitchen door. So, without belaboring it, I just feel that this variance will block my ability to exit the house safely.

Then, finally, probably the most important, I'm concerned with the flooding with the basement. This change in topography will also increase the flow of water onto my property. Again, I'm no engineer, it's just, to me it's just simple science. There's less room for the water to go to, it's going to come on my side of the property, erode my foundation, eventually into my basement. Between washer, dryer, furnace, hot water heater, I've got thousands of dollars of appliances in my basement, and I've heard some real horror stories that, I didn't get the lady's name here but I've heard some real horror stories where she talked about we've gotten sort of lax in our zoning. You can hear the horror stories from these people who have, we've been here 25 years, and you hear people saying I've been here 30, 40 years, never needed a sump pump, never had a flood until that remodel project was approved.

So, I'm saying one of the four categories was hardship, I'm saying the hardship is on me. Again, I'm all for improving the property value in the neighborhood, I'm just opposed to the particular request for this 50-percent reduction in the variance. If you walk through that neighborhood, there are some houses that are similarly located and they chose to do a tandem. So, if you want to accommodate, and this was the discussion I had with the other neighbors, and they said, well, we don't really do it, we're just going to move.

So, as I said when I started, I'm really surprised we're having this discussion. The two prior neighbors within the last six, seven years, just decided to move. Now all of a sudden it's an issue. So, thank you for your time.

CHAIRMAN DIVITO: I appreciate it, thank you. Anyone else from the audience who wishes to speak on this petition?

MS. BRAUN: Hi.

CHAIRMAN DIVITO: Name and address for the record?

MS. BRAUN: Thelma Braun, Prospect Heights, I'm the real estate agent.
(Witness sworn.)

CHAIRMAN DIVITO: Thank you.

MS. BRAUN: I just, I was called in to give an opinion. When you look at the homes in Scarsdale, and they're all the average same size, you can put those homes

close together and it doesn't have an adverse effect on either one of them. But when you have one that's the average size and you put something a lot bigger, not only a lot bigger but much closer than it should be, that in itself is going to affect the curb appeal, but more importantly, you do not have that much land between those two houses.

Now you're going to cover up another three feet I think he's asking, and where is that water going to go except that that happens to be right into their basement because the topography of that particular area has the water running toward Bristol which is where their house is. So, I do think that that is going to affect their, just the habitability of the house if they're going to have to finally put up with a flooding basement.

CHAIRMAN DIVITO: One question for you. How long have you been a realtor?

MS. BRAUN: Since the 70's.

CHAIRMAN DIVITO: Thank you. Anyone else from the audience that wishes to speak on this petition?

COMMISSIONER JAFFE: Can I ask the previous --

CHAIRMAN DIVITO: Absolutely.

COMMISSIONER JAFFE: Just one more question, sir.

MR. MOORE: Yes?

COMMISSIONER JAFFE: So, we saw the pictures in the wintertime. In the, you said 26-28 years that you've lived there, ever any water issues?

MR. MOORE: No.

COMMISSIONER JAFFE: Nothing?

MR. MOORE: Never any problem. I don't even have a sump pump. When I talk to folks, we get into those conversations, they sort of look at you in amazement. I don't even have a sump pump. I've never had water issues.

COMMISSIONER JAFFE: Okay, thank you.

MRS. MOORE: Chyrel Moore, I live at 227 South Bristol, Arlington Heights.
(Witness sworn.)

MRS. MOORE: My comment is, I agree with upgrading your home, making it better for you. But when it affects your property because of nature, Mother Nature has changed over the years. The weather is much heavier. We don't have control about where the water is going to go. We've never had a problem with flooding. But as you know, when you start to build and you're changing the foundation of a home which raises it, then there is going to be a problem with flooding for us. We've been lucky so far in living there and haven't had any problem with that.

As you know, the winter storms are very, very heavy and they come down. We've had problems between the corners, but that wind drift, when you have the tall houses coming, that's going to be a safety problem of us getting out that backdoor. That's an issue for us. Thank you.

CHAIRMAN DIVITO: Appreciate it, thank you. Any other questions for the Petitioner or any of the people who have spoken on this petition?

(No response.)

CHAIRMAN DIVITO: All right, close it down to Board discussion.

MR. MOORE: Can I have just one other thing I can throw out? Would a

property owner have any recourse against the Village if the Village made such a decision and it turned out that they had those issues?

CHAIRMAN DIVITO: That is beyond my knowledge.

COMMISSIONER SELBKA: You'd need to speak to your own lawyer about that, sir.

MR. MOORE: Okay, or my lawyer speak to your lawyer, right?

CHAIRMAN DIVITO: To the Village attorney, correct.

MR. MOORE: Okay.

CHAIRMAN DIVITO: All right, so we are closed for Board discussion. Oh, one more? If I open it for one I've got to open it for all.

MR. BUDZIK: Sorry about that. Just a couple of brief things. So, as part of the building permitting process, this will be reviewed by Engineering. Engineering said that they have no concerns right now. The owner is perfectly fine if Engineering deems it's appropriate and necessary in this case to put a storm sewer along that side of the property line, so a catch basin that will help to mitigate any kind of stormwater issues, as well as potentially extending any fence which might aggravate any kind of snowdrift issues. So, we're definitely willing to work with the neighbor to alleviate any concerns in those regards.

COMMISSIONER SELBKA: You're willing to put a fence in or not put a fence in?

MR. BUDZIK: Not put a fence in, as we think a fence would actually aggravate snowdrifts.

CHAIRMAN DIVITO: Okay. All right, this time we are closed for Board discussion.

COMMISSIONER JAFFE: I have to say, I have an issue with shrinking side yards by half. I run around the neighborhood, I live not too far from here, and you know, I don't really see and I didn't hear much of a reason given from why you need it and it was a hardship to not have a, you know, to require a two-car garage. It would be nice to have one, I get that. But I mean, there's certainly plenty houses on the block that don't have it. I just think when you're cutting your side yard down in half, that doesn't feel right to me, and I just haven't heard enough of a hardship given as to why we'd grant that one.

I don't mind the porch in front. I think it's a good-looking design in general. But I just don't see the reason to take that side yard.

COMMISSIONER DRAKE: I drove by the property, I didn't walk the property. But when I see pictures that I saw this evening, I think I share my fellow Commissioner's concern.

CHAIRMAN DIVITO: The hardship to me is also one of the things that I'm struggling the most with, right, because if this was a longstanding resident who brought a family or aging parents coming back moving in where there's more people that you needed the additional space for the two-car garage, that would make more sense. Yes, the design looks beautiful, but you're doing it at the expense of the spacing between those two houses, one being on the corner that has very little backyard to begin with. So, that's probably the concern and struggle I'm having on this petition.

COMMISSIONER DRAKE: You can add me to the same list about the hardship, and I'm concerned about the proximity of the two properties. Again, I can

appreciate the value of improving your property, and it is a nice design, but I think I'm stuck where everybody else is.

COMMISSIONER SELBKA: I think the problem is that you have to show a greater, at least in my mind, a greater hardship, especially if you're going to possibly impose a hardship on a neighbor. Taking out a side yard by half is problematic to say the least. I guess the only issue I would have is if you wanted to try and talk to your neighbor and see if there was some kind of maybe a ratio that would satisfy them, maybe you could do something like that. But right now, yes, I think that given the imposition you're going to put on your neighbor, that the hardship just isn't enough to justify that.

So, unless you can do something to really ameliorate your neighbor's issues which I think are genuine, I would be inclined to be against this petition.

CHAIRMAN DIVITO: My fear, too, is that this house has changed hands multiple times within the past few years. I don't want it to be flipped and for the owners that have to live with the repercussions are going to be the ones that are the ones that stay, because it would definitely look nice than what is existing and, you know, Design Committee agrees with that. But the hardship that we're forcing on to an existing longstanding resident is the other part of the equation for me.

All right, so I think we all said our pieces there. A motion?

COMMISSIONER JAFFE: Are the two variations tied to each other?

CHAIRMAN DIVITO: That's a very good point. So, I will ask the Petitioner, do you want us to split the variance request? Or do you want to do wholesale?

MR. MACH: I would recommend, since if one variance is not approved it's going to significantly change their design.

CHAIRMAN DIVITO: Great point. Very good point.

COMMISSIONER DRAKE: Can this petition be tabled to give the architect and the homeowner time to work with the resident and re-look at the whole project and then come back in front of us? Can we just agree to that, act on it?

MR. MACH: The Petitioner could come back, if the design is of significant change, they can come back to the Zoning Board of Appeals. They cannot come back with the same design or a similar design within a one-year period. But if it's a significant change, they can return to the Zoning Board.

COMMISSIONER DRAKE: They have to go back in front of the Design Commission though if they change their design, is that correct?

MR. MACH: Yes.

CHAIRMAN DIVITO: Well, and the significant change would only be relevant to the variances that are requested, like they're asking for the side yard setback, 3.2-foot variance, right? If they were to scale that back to be considerable, that would be significant enough in order for them to come back in front of us.

MR. MACH: We're going to have to evaluate and see what they propose.

CHAIRMAN DIVITO: Right.

MR. BUDZIK: So, if I may?

CHAIRMAN DIVITO: Come on up just to make sure that we're capturing it in the microphone please.

MR. BUDZIK: I think that we would rather have them split up and have the front considered separately from the side.

CHAIRMAN DIVITO: To Derek's point though, because of the design approval that was attached with the overall design, by splitting it, you wouldn't have the ability to build that garage as designed. So, then you would have to go back in front of Design, and it would be cleaner for you to have us do it wholesale and not do it piecemeal.

MR. MACH: The Petitioner is going to need to make revisions or come back with a code compliant design. The Zoning Board can't just grant a front yard setback variance if the design is going to change.

COMMISSIONER LANAGHAN: Based on the design, right.

MR. MACH: Right.

COMMISSIONER LANAGHAN: Yes.

CHAIRMAN DIVITO: So, I spoke too quickly before by offering to split it. I apologize.

MR. BUDZIK: Okay. Could we, at this point, choose to continue to next month if the owner would like to speak with the neighbor to try to come to some sort of resolution on this?

CHAIRMAN DIVITO: So, I know we've offered that in the past, but it was mostly because we've done so before the Board has closed for discussion when we've offered continuances for those in the past. Regardless, I think, Derek, what would you suggest?

MR. MACH: Staff would recommend that the Zoning Board take action here. Members of the neighborhood came out to the meeting.

CHAIRMAN DIVITO: Yes. So, from my standpoint, we've already gone through the petition.

MR. BUDZIK: Yes, okay.

CHAIRMAN DIVITO: As well as the recommendation from Staff. Knowing from the conversations we've had where the issues are and the changes that, in my mind, that would have to come, they would be pretty significant that I don't think one month is going to give us enough time to figure out as to satisfy all the additional requirements to come back here and speak. So, I think it's easier and cleaner just to have us rule on this and then pick up at the other end.

COMMISSIONER DRAKE: I'm respectful of your comment, but we had a discussion within the Board that we would let the architect come back up and speak again. So, I don't know that we, and I understand why you did that, I think it was a courteous and right thing to do. I just, I don't know that the order of how we're doing this makes sense to me. Not a criticism, just, you know, we're all trying to find a solution here that sends people out of the room happy, and maybe we're not going to get there.

CHAIRMAN DIVITO: Definitely. We are definitely trying to work both sides of the table here.

COMMISSIONER SELBKA: I think I would prefer a continuance simply because I don't know if the neighbors' concerns can be addressed, but it seems like at the very least in moving to redesign, if that's where we have to go, it would be great to get some meaningful input between the neighbor and the architect. If they could come to a solution, that would be I think certainly a smart way to go and see if they can do it. It would be nice if this house did change, the house definitely needs some updating. If

there's some way we can make the parties happy through their own conversations, at least to continue it and have them think about it, I would like to do that if possible.

COMMISSIONER DRAKE: Engineering and the other departments made their recommendations based on all of these submissions, but they're not here to hear the conversation that's going on from the next-door neighbor and the Board discussions going on right now. So, it seems to me that even though they're the experts and we're not, it's a little bit of a vacuum when they look at all the paperwork and make their comments and then, you know, a few weeks later we're here discussing this and listening to all the things that we have to consider in making a decision. So, I would be where Joe was on that about the continuance.

CHAIRMAN DIVITO: I'm seeing that side and I'm actually, I can hear the counter argument in my head as well. The neighbor's plight is only part of the reason why I'm leaning towards not being in favor. So, as much as, even if they come to full agreement, that as designed it will work, I'm still not solved that that's going to hundred percent sway me. But that's neither here nor there.

One question I do have, and I'm going to probably go to the neighbor on this one is that you've mentioned the changing of hands all the time.

MR. MOORE: Yes.

CHAIRMAN DIVITO: Has the property sat vacant?

MR. MOORE: No. We moved in in '94, and the two owners Dave and Gertrude Rittberg had been there. The original owner in the 50's was Gertrude's aunt. So, Gertrude and her husband moved in with her, and they were there, I think she went to a nursing home in what, like 2010, 2011, 2012. So, for that 50 years, it was like sort of one owner. Then since about 2011-2012, it's been bought and, well, this is the third owner in those six, seven years. I don't know if I'm answering your question.

CHAIRMAN DIVITO: Yes, so it has changed ownership.

MR. MOORE: Yes. Yes, it never sat, it never sat --

CHAIRMAN DIVITO: Three additional times since around --

MRS. MOORE: Yes, since Gertrude and her husband, there's been three owners.

CHAIRMAN DIVITO: Since about 2012.

MR. MOORE: Right.

CHAIRMAN DIVITO: So, in the last seven years, it changed ownership around three times.

MR. MOORE: Right, right.

CHAIRMAN DIVITO: And it was never vacant?

MR. MOORE: Not to my knowledge, no.

MRS. MOORE: And I agree that rebuilding and remodeling the house, because each owner that moved in there wanted to do that, but after they had engineers, they even did a huge remodel on the kitchen and they were going to make a tandem garage and do all of this, but then when she got farther in to it, you know, with their architect, they decided, you know, for what we're going to put into this, there's another house in the neighborhood and she went and they moved to the neighborhood.

MR. MOORE: That's where they moved, to another bigger house in the neighborhood.

MRS. MOORE: The last owner did the same thing. They were thinking about doing an addition to the house and making some changes. They ended up moving over to Sherwood. So, people have come and moved into that house and thought about doing it, but because of the way the situation of the house is, it's hard, because it puts a hardship.

But I do have a question. There's space on the other side of the house for a garage.

CHAIRMAN DIVITO: Well, that would be part of --

COMMISSIONER JAFFE: I think that's part of your other discussions.

CHAIRMAN DIVITO: Yes, yes.

COMMISSIONER SELBKA: I guess the one question I would have for the neighbors is do you think it would be worthwhile to talk to the architect and work this --

MRS. MOORE: No.

COMMISSIONER SELBKA: You don't think so?

MR. MOORE: I mean, to be honest, I sort of came tonight hoping for a decision and a resolution. You know, in the spirit of, you know, being neighborly, I would like them to go back and sort of redo it and then go through this entire process, because it sounds like between Engineering and things like that, you know, it needs to just be reviewed, I think that's where you were headed, it needs to just sort of be reviewed in total and then come back like it is now. So, I don't know if I'm answering your question.

COMMISSIONER SELBKA: Yes.

CHAIRMAN DIVITO: All right, so I think the first decision that we as the Board need to come to is are we motioning on this?

COMMISSIONER LANAGHAN: I would suggest we do. I understand why a continuance is appealing, but from having done Design and what have you, what we're asking them to basically do is to lop off a one-car garage and there's stuff above it. You know, that's going to take another design, that's going to take another look-through and, quite frankly, you know, we need the Engineering Department and the Building Department to look at what that comes back to us before we can, in my opinion, really I think decide on that.

COMMISSIONER JAFFE: I would agree. Every petition and variance is unique. Sometimes they can be modified or tweaked. This one seems to be more transformational and is going to require input from other parties.

CHAIRMAN DIVITO: I'm kind of in favor of just making our decision tonight. At least we know that, with the facts that we had tonight, we did that, and then letting the neighbors work out whether they can come to an agreement as to what they should, and it's not necessarily the neighbor's point, but the owner, if they want to come back and present to us at another time.

So, I'm just going off the majority rules on that standpoint, not to discount your opinions here. But given that, do we have a motion?

COMMISSIONER LANAGHAN: I move that we deny this request, and I don't have it in front of me. Do you want me to read the variance?

CHAIRMAN DIVITO: No, just a motion.

COMMISSIONER LANAGHAN: So, motion to deny.

COMMISSIONER JAFFE: Seconded.

CHAIRMAN DIVITO: Derek?

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes to decline.

COMMISSIONER DRAKE: Yes to decline.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes. So, the petition did not pass. So, the only advice is to reconsider the plans, work with the neighbors and then come back and re-submit. Thank you.

MRS. MOORE: Thank you. Could I get the pictures?

CHAIRMAN DIVITO: Actually I think we need to have that be part of the record.

MRS. MOORE: Oh, you need it.

CHAIRMAN DIVITO: Sorry.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:26 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS October 15, 2019

PETITIONER: Ericksen Residence

ADDRESS OF PROPERTY: 607 E. Davis St.

VARIATION: 5.1-3.2b, 5-1-3.2a

A 3.2' variance to allow a side yard setback of 3.1' where 6.3' is required, and a 7.4' variance to allow a front yard setback of 21.6' where 29' is required.

The petitioner explained that the homeowner recently purchased the home and is looking to make improvements. The petitioner explained that the homeowner is proposing to expand the attached one car garage and create a two car garage. The petitioner also explained that they are proposing a front porch that is encroaching into the required front yard setback. The petitioner testified that as part of the project, they are proposing to tear off the faux gambrel roof and reface the second story. The petitioner testified that they stepped back the second floor addition that is located above the garage so that the second floor portion complies with the side yard setback. The petitioner explained that the way the home is situated on the property necessitates a variation but that they are proposing to reuse the existing home. The petitioner testified that they have received design approval from the Design Commission.

A neighbor spoke in opposition to the project. The neighbor expressed concern with the proximity of the proposed addition to their property and the possible impact on their property value. The neighbor also expressed concern with water, drainage and snowdrifts.

Based upon the foregoing as well as other evidence submitted, the Zoning Board of Appeals finds that the petitioner has not 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 to deny was made by Mr. Lanaghan and seconded by Mr. Jaffe. Thereafter, the Board voted 5-0 to deny the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 5-0 to deny the variance as requested.

You are hereby notified that this ruling is subject to appeal to the Circuit Court of Cook County, under the Administrative Review Law. Such appeal must be filed within thirty-five (35) days of the date of receipt of this decision.

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



**Zoning Board of Appeals
11/18/2019**

Item: 307 W. Park Pl. - 10/15/19

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
307 W. Park Pl. - Minutes 10/15/19	Minutes
307 W. Park Pl. - Findings 10/15/19	Minutes

ZONING BOARD

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

OF APPEALS

RE: 307 WEST PARK PLACE - ZBA #19-030

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, Buechner Room,
Arlington Heights, Illinois on the 15th day of October, 2019 at the hour of
8:26 p.m.

MEMBERS PRESENT:

DAVID DIVITO, Chairman
JOSEPH SELBKA
TOM DRAKE
BENJAMIN JAFFE
JEFFREY LANAGHAN

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN DIVITO: All right, so the last item on the agenda tonight is 307 West Park. I appreciate the patience.

MS. DEPA: Hello. Rebecca Depa --

CHAIRMAN DIVITO: Sorry, name and address for the record?

MS. DEPA: Sorry. Rebecca Depa, I'm representing 307 West Park.
(Witness sworn.)

CHAIRMAN DIVITO: Thank you.

MS. DEPA: So, I just want to start off by saying it seems like there's a common theme here, sense of community, homes, Arlington Heights, why are people moving to the area. So, why buy a home and why buy a home in Arlington Heights is kind of our thought. That is incredible pride, looking for that neighborhood and community feel. In our case, we're really lobbying for additional outdoor space.

So, tonight we're asking for a variation of about 250 square feet to exceed the 50 percent coverage. Right now, we have a very modest hardscape. It's just the home, it's the driveway, and it's the garage. The client is unable to add any ample hardscape, so that means no additional outdoor living space. So, why have a home when you want that outdoor and indoor space? You might as well live in a condo. So, we feel that this is a very important element and something that should be granted.

So, the hardscape that we're proposing is completely permeable. We're going to have a 14-inch base, and that's in your packet. So, not only the finished media, but the entire base for our patio will be permeable, as well as for the walk. You can see, too, the materials; it's a slate chip and then that permeable base as well.

We do feel that this will fit with the neighborhood. It will speak to the architectural integrity of the home and align with the community. We feel this is a unique circumstance in the sense that they are unable to have any kind of outdoor living space in the sense of a hardscape right now. We're landscape designers and landscape contractors, so even to have a four-person, six-person sitting space, the 200 square feet that is allowed with this now wouldn't even allow, would allow like two people could fit in this space. So, to have any outdoor entertaining, we're requesting the extra 257 square feet.

We think this is modest. We think this is tasteful and really fitting with the community and the neighborhood.

COMMISSIONER JAFFE: Have you or the property owners spoken to any of the neighbors about the plan?

MS. DEPA: We have sent out our letters for everyone in our radius. Come up?

MR. FISCHER: Sure.

CHAIRMAN DIVITO: Come on up, we'll swear you in. Name and address for the record?

MR. FISCHER: Jeremy Fischer at 307 West Park Place.
(Witness sworn.)

CHAIRMAN DIVITO: Thank you.

MR. FISCHER: Yes, our neighbor to the southwest, we've spoken to the apartment owners that our border is their parking lot. Behind us is commercial, and we have spoken with him. He was very, he's changed lights for us and it doesn't affect him at

night. Then our neighbors to the northeast, we've spoken to them about this and they have no, we just put in a fence, we had a permit and they were very happy to have us pay for a new fence.

COMMISSIONER JAFFE: Thank you.

CHAIRMAN DIVITO: How long have you lived in the residence?

MR. FISCHER: Seven years. We moved in, we did interior remodeling in keeping with the bungalow feel. We so enjoy living in HANA neighborhood. This is a very active block party neighborhood, and Thursday night fires, and community house hops and progressive dinners. So, right now we currently just have a little green patch with no outdoor space. This is what we're hoping for.

CHAIRMAN DIVITO: All right, quick clarification on the drawing, on the plat of survey. From the residence to that walkway, in between that, is that all just grass? So, in between the, at the back of the residence --

MS. DEPA: That's going to be a deck there.

CHAIRMAN DIVITO: So, that white space right there, that is a deck?

MR. FISCHER: There is nothing right now. That process is still, I'm still waiting to hear back --

COMMISSIONER LANAGHAN: So, is there a deck plan that we're going to talk about later, or is it --

MR. FISCHER: No, as far as --

CHAIRMAN DIVITO: Can you come back up to the mic?

MR. FISCHER: No, that permit, we got revisions back two weeks ago, and we had those submitted. So, we haven't heard anything about, because of the permeable ability of the deck or what goes underneath it yet.

MR. MACH: An open air deck would not count towards impervious surface coverage if it's typical decking board.

CHAIRMAN DIVITO: So, it's not going to be a covered deck.

MR. FISCHER: One layer, no railing, yes, simple deck.

CHAIRMAN DIVITO: No kids living in the --

MR. FISCHER: No kids in the deck?

CHAIRMAN DIVITO: No kids in the residence?

MR. FISCHER: Oh, no, we have two kids, yes, my wife and I. That whole space used to be swing set, and now they're in middle school. So, the swing set is down and we're looking to get a deck.

COMMISSIONER LANAGHAN: So, the deck is what, like six or eight inches off the ground?

MR. FISCHER: Yes.

CHAIRMAN DIVITO: Any other questions for the Petitioner?

(No response.)

CHAIRMAN DIVITO: No one left in the audience that wishes to speak on this behalf, so close it down to Board discussion.

COMMISSIONER JAFFE: So, I'm reading the notes and the Petitioner and the designer addressed the condition about ensuring that the materials would be permeable. So, once that is verified, I do not have any other concerns. I would support

this.

CHAIRMAN DIVITO: Yes, given the location especially, and knowing the type of hardscapes that are, you know, the asphalt surfaces adjacent to the property, I'm kind of a little bit more in favor with them beautifying their property to make it a little bit more enjoyable.

COMMISSIONER LANAGHAN: I agree, and with the, you know, the apartments to the, what is that, the south, you know, they really don't have a spot to put the garage anywhere else. So, they're using all the hardscape just getting back to the garage. Making it impermeable I think is a great solution and solves the problem. So, I'd definitely support it.

CHAIRMAN DIVITO: Is there a motion?

COMMISSIONER DRAKE: I move approval of the petition.

COMMISSIONER JAFFE: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes. Approved, congrats. Thank you for your patience. All right, Derek, is there any other business that needed to be heard tonight?

MR. MACH: No.

CHAIRMAN DIVITO: No. So, if there's nothing else to be heard, is there a motion to adjourn?

COMMISSIONER JAFFE: The next meeting is on Veterans Day. What are we going to do about that

MR. MACH: It's been rescheduled to, I believe it's November 17th. I'll confirm and send an e-mail reminding the Zoning Board.

COMMISSIONER SELBKA: Take all those --

CHAIRMAN DIVITO: We're still in session. So, is there a motion to adjourn?

COMMISSIONER JAFFE: Motion to adjourn.

COMMISSIONER DRAKE: Second.

CHAIRMAN DIVITO: All in favor?

(Chorus of ayes.)

CHAIRMAN DIVITO: Opposed?

(No response.)

CHAIRMAN DIVITO: We're adjourned.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:37 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS October 15, 2019

PETITIONER: Fischer Residence

ADDRESS OF PROPERTY: 307 W. Park Pl.

VARIATION: 5.1-7.4

A 257 square-foot variance to allow impervious surface coverage of 3,757 square-feet where a maximum coverage of 3,500 square-feet is allowed.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are requesting a variance for 257 square feet of impervious surface coverage. The petitioner testified that the proposed hardscape is permeable. The petitioner explained that the sub-base will consist of 14 inches of permeable material with slate chips on the surface.

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. Drake and seconded by Mr. Jaffe. Thereafter, the Board voted 5-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 5-0 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



**Zoning Board of Appeals
11/18/2019**

Item: 2105 N. Verde Ave. - ZBA#19-031

Department: Planning & Community Development

REQUEST

–
A 10 foot variation from Chapter 28, Section 5.1-3.2d (Required Minimum Yards – Rear Yards) to allow a rear yard setback of 20 feet where 30 feet is required.

ATTACHMENTS:

Description

Supporting Documents

Type

Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: November 18, 2019
Date Prepared: November 12, 2019
Project Title: Gherman Residence
Address: 2105 N. Verde Dr.

Background Information

Petition Number: ZBA #19-031
Petitioner: Claudia Gherman
Address: 2105 N. Verde Dr.
Arlington Heights IL 60004

Existing Zoning: R-3 Single-Family Residential District

Requested Action/Background Information

The subject property is zoned R-3, One-Family Dwelling District. The petitioner is proposing to construct an unenclosed rear porch onto their home. However, due to the configuration of the home on the lot, this results in a rear yard setback of 20 feet where 30 feet is required. Therefore, the petitioner requests the following variation:

- **A 10 foot variation from Chapter 28, Section 5.1-3.2d (Required Minimum Yards – Rear Yards) to allow a rear yard setback of 20 feet where 30 feet is required.**

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.

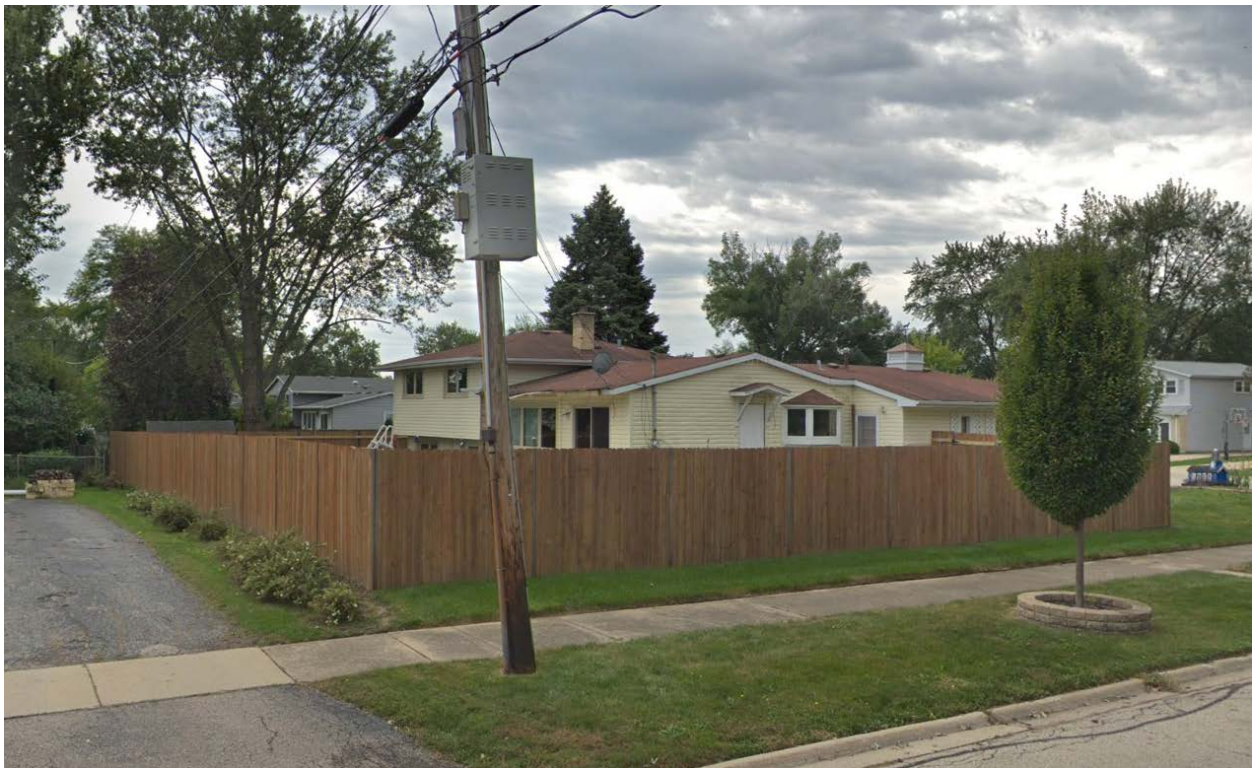
Map of General Vicinity



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	✓	11/1/19	
2. List of Property Owners Within 250 feet of Subject Property	✓	10/24/19	
3. Letter that was Mailed	✓	11/1/19	
4. Photographs of Sign on Property	✓	11/1/19	

Photographs of Existing Structure



ZBA# 19-031

2105 N Verde Dr- ZBA

Rev. Eng: Briget Schwab, P.E.

cc: Mike Pagonos, P.E. Village Engineer



Application Date: September 18, 2019

Received by Planning:

Transmitted to Engineering: October 29, 2019

Completed: October 30, 2019

The proposed ZBA application indicates that the petitioner is seeking:

A 10-foot variance from Chapter 28, Section 5.1-3.2d (required Minimum Yards-Rear Yards) to allow a rear yard setback of 20 feet where 30 feet is required.

The Engineering Division has NO OBJECTION on the proposed variances for setback.

NOTE: An existing patio is in the location of the proposed pergola.

RECEIVED

NOV 01 2019

**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: Gherman Residence – Porch Plan on East Side of House

Project Address: 2105 N Verde Dr

ZBA #: 19-031

Date: October 30, 2019

Derek:

I have reviewed the application for the porch plan and do not have any objections.

RECEIVED
OCT 31 2019
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Gherman Residence

Project Address: 2105 N. Verde Dr.

ZBA #: 19-031

ZBA Hearing Date: November 18th, 2019

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: October 29, 2019

- A 10 foot variation from Chapter 28, Section 5.1-3.2d (Required Minimum Yards – Rear Yards) to allow a rear yard setback of 20 feet where 30 feet is required.

Attached are the Petitioner's:

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

Comments: THE FINISHES FOR THE PROPOSED PORCH MUST
MATCH THE EXISTING HOUSE, INCLUDING ROOFING COLOR AND
TRIM. - STEVE HAUZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Wednesday, November 6, 2019.

RECEIVED

OCT 29 2019

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

PETITION

NOW COMES the Petitioner CLAUDIA GHERMAN

being the owner of the property commonly know as 2105 N Verde Dr, Arlington Heights IL 60004 and appeals to the Zoning Board of Appeals of Arlington Heights for a Variation from section 5.1-3 Chapter 28, of Arlington Heights Municipal Code, in order to ; Request permit to replace an old pergola to a new one that is 20 feet away from property line.

I 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 property if the variation(s) were granted ;

This pergola ~~will be~~ part of my home and not an extra unit or a business. Rebuild the old pergola is not out of character for my neighbors and it doesn't need zoning requirement strictly

I hereby state that the plight of owner is due to unique circumstances, which include the length of time the subject property has been vacant as zoned (please explain) ;

My house is located on a corner lot and ~~is~~ situated toward the back resulting in need of this variation. All the neighbor houses are located more towards the front street, where my house is position near the set back of the property line

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain) ;

I am not looking to add another level to my house but just to rebuild a pergola that was initially there in the past and there is still enough space to the set back of the property line.

I hereby state that the variance is the minimum variance necessary to allow reasonable use of the property (please explain)

I am not looking to built an extreme large pergola (porch) but just to replace the old pergola that was there previously.

Signed



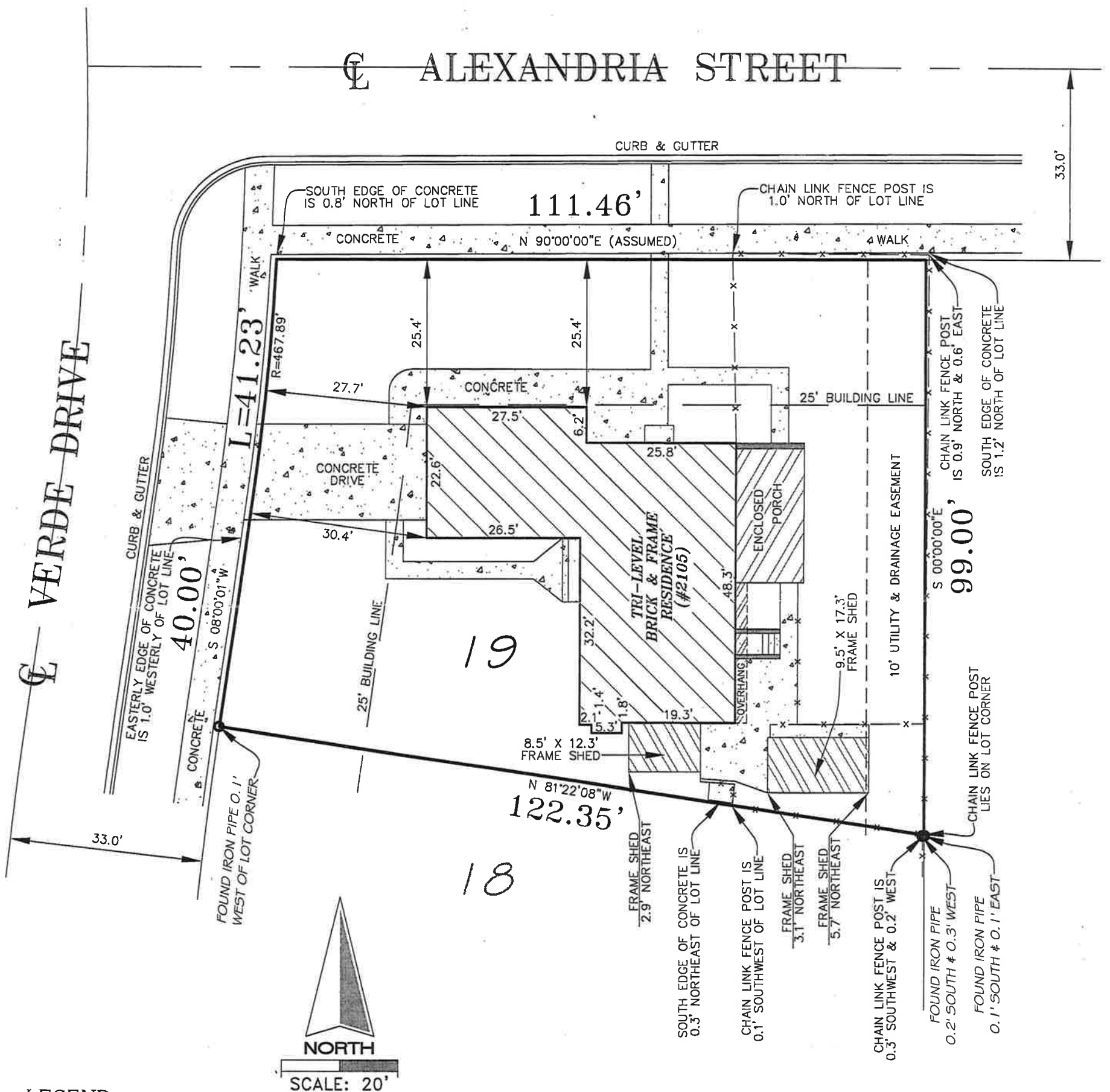
Date

09/18/19

PLAT OF SURVEY

OF

LOT 19 IN GREENBRIER IN THE VILLAGE GREEN UNIT NO. 1, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF ARLINGTON HEIGHTS WHEELING TOWNSHIP, IN COOK COUNTY, ILLINOIS.



LEGEND

(R/M) - RECORD / MEASURED
L - ARC LENGTH
R - RADIUS
CH - CHORD

AREA = 10,433 SQ. FT.
MORE OR LESS

PREPARED FOR: DAVID W. BELCONIS (ATTORNEY AT LAW)
JOB ADDRESS: 2105 N. VERDE DRIVE, ARLINGTON HEIGHTS, IL
SELLER/BUYER: ZETTLEMEIR TRUST / GHERMAN
JOB NO.: 17-03-0100

NEKOLA SURVEY, INC.

PROFESSIONAL LAND SURVEYING SERVICES
WWW.NEKOLASURVEY.COM

400 N. SCHMIDT RD., STE. 203
BOLINGBROOK, ILLINOIS 60440
(630) 226-1530 PHONE (630) 226-1430 FAX



FIELD WORK COMPLETED ON THE 6TH DAY OF APRIL, 2017.

(STATE OF ILLINOIS)
(COUNTY OF WILL) SS

NEKOLA SURVEY INC. DOES HEREBY CERTIFY THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 7TH DAY OF APRIL, 2017.

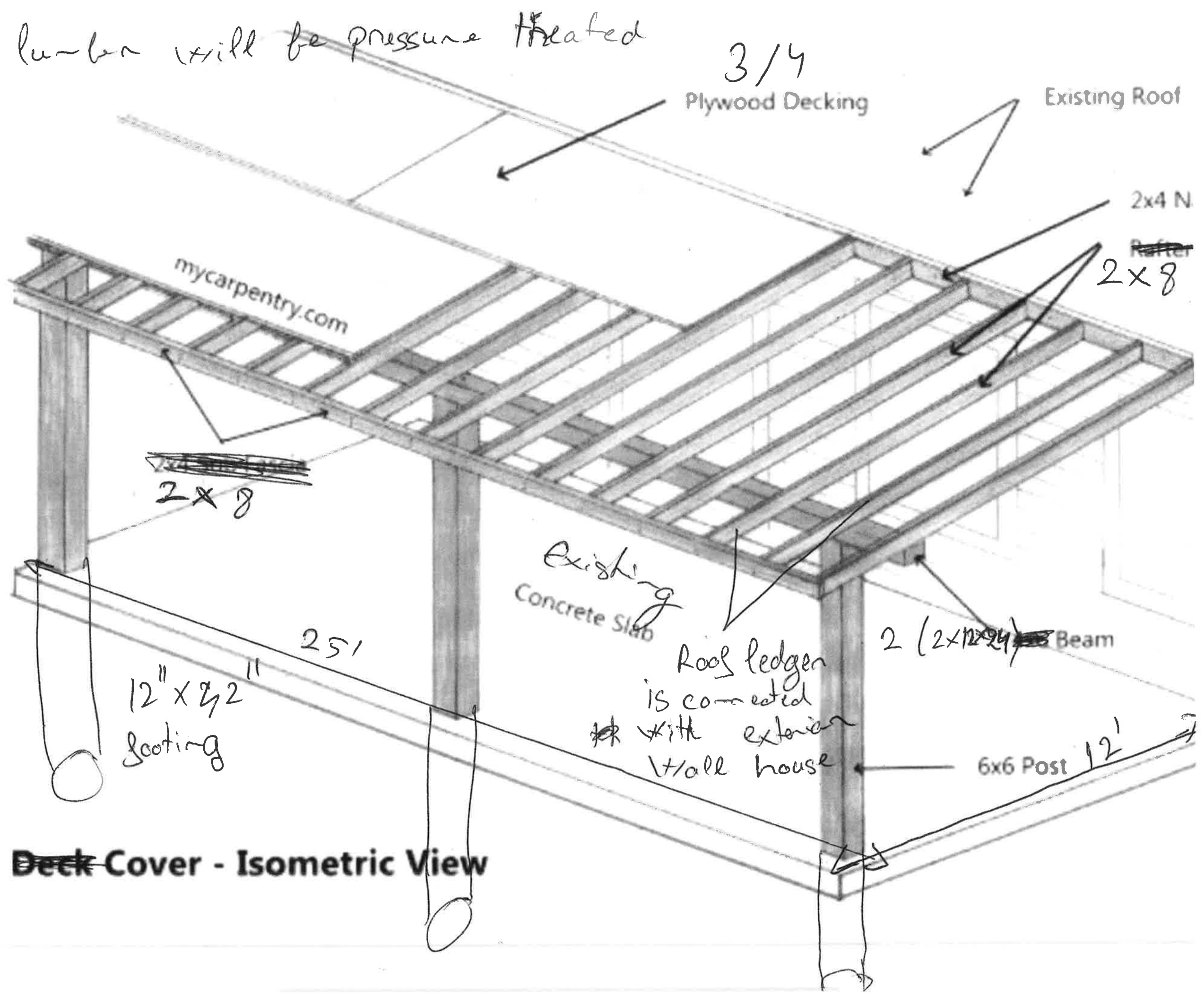
LPLS No. 2923
LICENSE RENEWAL DATE: 30 NOVEMBER 2018.

☐ - "X" IN BOX INDICATES THE HEREON DRAWN PLAT WAS ORDERED AS A NON MONUMENTED SURVEY.

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

All lumber will be pressure treated

3/4



Deck Cover - Isometric View