



Agenda
Village of Arlington Heights
Zoning Board of Appeals
Buechner Room, 1st Floor
Arlington Heights Village Hall, 33 S. Arlington Heights Rd.
November 14, 2022
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. 751 S. Burton Pl. - 10/17/22
- B. 1304 N. Haddow Ave. - 10/17/22
- C. 1201 S. Belmont Ave. - 10/17/22
- D. 502 W. Campbell St. - 10/17/22

IV. REPORTS

V. OLD BUSINESS

- A. 751 S. Burton Pl. - ZBA#22-022

VI. NEW BUSINESS

- A. 704 W. Brittany Dr. - ZBA#22-027
- B. 1245 S. Arlington Heights Rd. - ZBA#22-026
- C. 1722 W. Oakton St - ZBA#22-028

VII. OTHER BUSINESS

- A. Public Comment

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 Rosangela Maldonado, at 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005, rmaldonado@vah.com or (847)368-5791.



**Zoning Board of Appeals
11/14/2022**

Item: 751 S. Burton Pl. - 10/17/22

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
751 S. Burton Pl. - 10/17/22 Minutes	Minutes

ZONING BOARD

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

OF APPEALS

RE: 751 SOUTH BURTON PLACE - ZBA #22-022

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 17th day of October, 2022 at the hour of
 8:00 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairperson
 TOM DRAKE
 JEFFREY LANAGHAN
 JOSEPH GEISEL
 JOSEPH SELBKA
 FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Moving on to the last and final petition of the evening, ZBA Petition No. 22-022, 751 South Burton Place. Go ahead, Derek.

MR. MACH: Thank you. The project requires approval from the Zoning Board for a variance for -- I apologize.

The property is zoned R-E and has a total land area of 20,000 square feet and a lot width of 100 feet. In 2015, a code compliant pool permit was approved. A separate permit was submitted for the pergola and expanded pool deck; however, this permit was rejected since it did not comply with code. As part of an inspection, it was noted that the pergola structure and the expanded pool deck had been constructed.

Therefore, the Petitioner is seeking the following variations:

- A 355 square-foot variation from Chapter 28, Section 5.1-0.5b to allow the existing 10,355 square feet of impervious surface coverage where 10,000 square feet is allowed; in addition, they're requesting
- A two-foot variance from Chapter 28, Section 6.5 and 6.6-5.1 for the existing pergola accessory structure and pool deck that is set back six feet from the east rear property line where eight feet is required; in addition, they're requesting
- A variance from Chapter 28, Section 6.5 and Section 6.6-5.1 for existing pool equipment that is set back four feet from the east property line and seven feet from the south property line where eight feet is required.

Thank you.

CHAIRPERSON SIAVELIS: Great. Thank you, Derek.

Go ahead, please identify yourself and we'll swear you in.

MR. BECKER: I'm Chad Becker.

CHAIRPERSON SIAVELIS: Okay, Chad, right hand, please.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, go ahead.

MR. BECKER: So, I've got a letter from the homeowner if I can read it?

CHAIRPERSON SIAVELIS: From the homeowner?

MR. BECKER: From the homeowner.

CHAIRPERSON SIAVELIS: Okay, so do us a favor. Just explain your relationship to the Petitioner.

MR. BECKER: So, it's a business relationship. I work with Mr. Creel who owns the property, so that's the relationship. He's unable to attend tonight due to work, so he asked me to step in and read the letter.

CHAIRPERSON SIAVELIS: Okay, so are you an employee of Mr. Creel? Is that how it is, what it is?

MR. BECKER: No, we work at the same company together, but yes, so I'm not an employee directly of his but within the company.

CHAIRPERSON SIAVELIS: Okay, and what company is that?

MR. BECKER: It's Canadian Pacific Railroad.

CHAIRPERSON SIAVELIS: Okay, go ahead.

MR. BECKER: Dear Board members, good evening. Unfortunately, due to work conflicts, I am unable to attend our variance request hearing in person. Please allow me to start my comments thanking you for considering our variance request for our home

at 751 South Burton Place.

We realize that building codes established in Arlington Heights have been developed out of care and concern for protecting our beautiful community of residents. That said, asking for a variance is not a request to be taken lightly. Unfortunately, during the building process, our builder failed to exercise the appropriate discipline to ensure our hardscape addition were constructed within code. We were not made aware of this problem until construction completed in 2015 as our building was unable to pass our final inspection of the exterior of our home required to obtain our certificate of occupancy. At that time, we were under the impression the variances were tied to excessive impervious surfaces, that our pergola/fireplace was two feet too close to our rear fence.

We immediately took steps to remedy some of the excessive impervious surfaces by having a portion of our driveway removed on the south side. In complete honesty, at the time we could not identify a remedy short of removing part or all of our pergola and fireplace. We were obviously reluctant to do so given the money we spent building it. Our builder committed to identifying alternate options to consider.

Since that time, we have lost contact with our builder. We recently contacted the Village to determine what we needed to do to obtain our certificate of occupancy and learned of the numerous variances. Rather than performing extensive demolition activities, removing our pergola, fireplace, porch and moving our pool from the pads, we felt it best to seek a variance.

Our hardscapes were built to complement our neighborhood and are contained within our fenced backyard area. Their current location have been in place for eight years with no complaints we are aware of.

We respectfully ask the Board to grant our variance request so that we could avoid the extensive costs, disruptions to our neighbors, and ultimately deteriorating the aesthetics of our backyard and home within our neighborhood. We deeply appreciate your consideration.

CHAIRPERSON SIAVELIS: Okay, do you have anything else to add beyond that? I'll let you answer the question. Is that the extent of the testimony that you could provide today in connection with this petition?

MR. BECKER: I don't have any other information to provide.

CHAIRPERSON SIAVELIS: Okay, so this is a very unique situation, Chad. You're in a unique situation and the Petitioner, Mr. Creel, has put the Board in a unique situation here. Frankly, the conditions that, you know, brought him to us are quite unique. I don't think any of us have seen anything like this in this Board.

At present, you haven't established all four elements, okay. Frankly, this petition raises a lot of questions that are best addressed by Mr. Creel. You certainly, I asked you a minute or so ago do you have any additional information beyond which that you read, the answer was no. So, if we asked you particular questions, you're going to be unlikely to be able to answer them, correct?

MR. BECKER: I would assume so, correct.

CHAIRPERSON SIAVELIS: Have you ever been to this property?

MR. BECKER: Just in the front yard.

CHAIRPERSON SIAVELIS: So, you've never been in the backyard?

MR. BECKER: Oh, the backyard as well when we replaced the tiles.

CHAIRPERSON SIAVELIS: When, I'm sorry, say that again?

MR. BECKER: The coping stones around the pool were replaced, so I went there to take a look at it based on Mr. Creel and showing him that.

CHAIRPERSON SIAVELIS: Were you responsible for the removal or replacement of those coping stones?

MR. BECKER: No. I was there with the pool company, and Mr. Creel was in a different location for work and we were Facetiming showing the cracked coping stones, so they replaced them. That's the only time I've been back there.

CHAIRPERSON SIAVELIS: When was that approximately?

MR. BECKER: About August of last year.

CHAIRPERSON SIAVELIS: August of last year. So, you haven't been there in, that's August of '21?

MR. BECKER: Correct.

CHAIRPERSON SIAVELIS: So, you haven't been at the property since August of '21?

MR. BECKER: Not in the backyard, no. Just the front yard.

CHAIRPERSON SIAVELIS: Have you talked with any of the neighbors in regards to this petition?

MR. BECKER: No.

CHAIRPERSON SIAVELIS: How many people live in this house?

MR. BECKER: A family of four.

CHAIRPERSON SIAVELIS: A family of four. Does that include spouse?

MR. BECKER: Correct, yes.

CHAIRPERSON SIAVELIS: Is that spouse here today?

MR. BECKER: No.

CHAIRPERSON SIAVELIS: Is that spouse aware that the petition has been filed?

MR. BECKER: Yes.

CHAIRPERSON SIAVELIS: And that spouse chose not to come today to speak in regards to this petition?

MR. BECKER: I was asked to represent, to read you the letter.

CHAIRPERSON SIAVELIS: Okay, what is the nature of your business relationship with Mr. Creel?

MR. BECKER: I'm his Chief of Staff.

CHAIRPERSON SIAVELIS: You're his Chief of Staff. What is his position and title?

MR. BECKER: CEO.

CHAIRPERSON SIAVELIS: Of Canadian Pacific Railway?

MR. BECKER: Correct.

CHAIRPERSON SIAVELIS: So, I'm of the mind that we go no further here. There's a lot of questions that I think need to be addressed and, unfortunately, Chad is not in a position to address them, including the passage of time, the diligence or lack thereof, the thought process that went into waiting essentially 6.5, maybe seven years, depending how you count the time period, right? These are things that the Petitioner needs to come forward with and address, right? These tie directly into the four elements that the Petitioner was aware of when he submitted this paperwork, excuse me.

Frankly, you're not in a position to address those types of questions, are you?

MR. BECKER: No.

CHAIRPERSON SIAVELIS: So, I'd like to hear from the other Board members as well, if you have anything to say.

COMMISSIONER SELBKA: Just to understand this, there's never been a certificate of occupancy that's been provided for this or issued for this house, and they've been living in the house for seven years?

MR. MACH: It's my understanding final certificate. It's upon the property owner to schedule and seek the final certificate of occupancy.

COMMISSIONER SELBKA: I mean, how do you live in a house where --

MR. MACH: It's my understanding there was a temporary certificate.

COMMISSIONER GEISEL: The CO issue aside, that's really not our purview.

COMMISSIONER SELBKA: No, it's not, but --

CHAIRPERSON SIAVELIS: It goes to the issue of diligence, or lack thereof.

COMMISSIONER GEISEL: Right, well, we've run into this situation before simply where the actual representative for the property or the project is not available and we spent an inappropriate amount of time going through, you know, without that individual being present.

CHAIRPERSON SIAVELIS: That's neither an excuse though or justification, right?

COMMISSIONER GEISEL: No. I'm just saying that it's just --

CHAIRPERSON SIAVELIS: Go ahead, Joe.

COMMISSIONER SELBKA: If we deny the variance then, I mean, that's --

CHAIRPERSON SIAVELIS: I think, okay, so Chad, what's your last name?

MR. BECKER: Becker.

CHAIRPERSON SIAVELIS: Becker. Mr. Becker, do you have anything else salient or relevant to add in regards to this petition beyond which you've already provided?

MR. BECKER: I don't know what you'd be looking for.

CHAIRPERSON SIAVELIS: Okay, there are a number of folks in the audience, okay, and I believe before we can move to the motion stage we should have the public commentary, right?

Derek, do you concur with that?

MR. MACH: Yes.

CHAIRPERSON SIAVELIS: So, I ask that you table your motion, Mr. Selbka, okay?

COMMISSIONER SELBKA: Okay.

CHAIRPERSON SIAVELIS: So, Mr. Becker, it's time now for you to take a seat, let any members of the audience who wish to comment on the petition do so, and then you'll have an opportunity to respond if you so desire, and then we'll move to deliberation. It's the same process that you saw play out.

MR. BECKER: Right, and what I heard earlier, is there an opportunity for a continuance for next month as well? Is that an option?

CHAIRPERSON SIAVELIS: You were listening carefully, good. Yes, that is a possibility.

MR. BECKER: Okay.

CHAIRPERSON SIAVELIS: Okay, the phase is now open for public commentary.

Come on up, sir. You raised your hand first.

MR. ELLIG: Thanks. My name is Dan Ellig. I live at 730 South Burton Place which is across the street and four doors down from the house in question.

I don't know the owner; I've never met the owner. As far as I know, the house has mainly been vacant. I read the application. I noted there are good reasons for variances. I didn't find any good reasons in this application personally. In fact, what I saw was someone that had done an application for a building permit and it was denied, and they went ahead and built it anyway, which I find really kind of annoying and appalling. So, I am totally against any kind of variance in this situation as far as I'm concerned.

You know, I have a particularly big problem with the hardscape which the Engineering Department called out. If there is a bad rain in our neighborhood, it looks like a river going down the street. The last thing we need is any kind of, you know, extra hardscape.

These are 20,000 square-foot lots. They allow 10,000 square feet of hardscape, which in my mind is already way too much hardscape, but regardless, the last thing that I want to see is, you know, a variance that increases the amount of hardscape. I don't think that the, in my opinion, the permeable hardscape is not a solution to this.

You know, the sad thing about this, as far as I can see, these are minor changes that all could have easily been met in the planning part of this process. I can't understand why somebody wouldn't make those changes and meet them. It makes a mockery of the whole zoning --

CHAIRPERSON SIAVELIS: Process?

MR. ELLIG: Code and process and permitting process, and I don't know how you guys, as a Zoning Board, can possibly approve something like this in any kind of, you know, good conscience.

So, I guess I have a couple of questions, that's my opinion, but I do have a couple of questions. In a case like this, what recourse does the Village have when you're dealing with someone who just totally ignores the codes? You know, can you restrict the builder from doing future business in the Village? It sounds like he didn't get the occupancy permit, that was going to be one of my questions. Is there any kind of encumbrance that can be put on the title of the property, for example, by the Village, you know, when it comes time to sell it?

Then I guess my other question is, of the things that were available to the Village to deal with this circumstance, what was done? It sounds like the occupancy permit, if I understand correctly, the occupancy permit was not given. But I'd appreciate some feedback I guess on that if you could. So, thank you.

CHAIRPERSON SIAVELIS: So, Derek, I don't know. I think the relevant question to ask, or to answer here is if there's a denial of these petitions, what transpires next, okay?

MR. MACH: Yes, it would either become a code enforcement issue or bring it into compliance prior to the certificate being issued.

CHAIRPERSON SIAVELIS: And prior to code enforcement.

MR. MACH: Right.

CHAIRPERSON SIAVELIS: Okay.

All right, any other comments from the public?

Step right up. Hello, please identify yourself for the record.

MS. KLEIN: I'm Debbie Klein.

CHAIRPERSON SIAVELIS: Go ahead.

MS. KLEIN: I live behind the house, we're to the east of the house.

CHAIRPERSON SIAVELIS: On Bristol?

MS. KLEIN: On Bristol, right.

CHAIRPERSON SIAVELIS: Directly behind?

MS. KLEIN: Directly behind, right. So, I just have points on all three variances. In terms of the pool structure which is the pergola that Engineering didn't have any comment on, from our perspective it has never impacted us, even though it's two feet beyond what it's supposed to be. For the pool equipment, which is also a minor issue, we've had no issue with that ourselves.

CHAIRPERSON SIAVELIS: No issue?

MS. KLEIN: None, no issue. So, those two, that's what we know right now so you should understand that. However, for the impervious 355 square feet where that exists, we do agree with Engineering, their recommendation, because we've had many drainage issues in our neighborhood. So, we do believe something needs to be done.

CHAIRPERSON SIAVELIS: Are you saying in your backyard? Water standing in your backyard?

MS. KLEIN: No, we have not had water standing in our backyard, but there has been, for some of the massive rains we've had, we did get some water then, but in terms of being impacted by water, we have not on a daily basis.

CHAIRPERSON SIAVELIS: Yes, and let me rephrase my question.

MS. KLEIN: Sure.

CHAIRPERSON SIAVELIS: I'm not talking about a daily basis or a periodic rain. I'm talking about those significant rains that occur a couple of times a year. Do those cause, do those types of heavy downpours, do those cause pooling or water or, you know, standing water in your backyard?

MS. KLEIN: We have one time it did.

CHAIRPERSON SIAVELIS: How long have you lived in your house?

MS. KLEIN: 30 years.

CHAIRPERSON SIAVELIS: And before this house was constructed, were you having standing water issues at all before?

MS. KLEIN: No.

CHAIRPERSON SIAVELIS: Did this house replace a smaller house that was on that lot?

MS. KLEIN: Yes. Yes. I think the other, the last question I had is there is a utility easement along the back five feet, and there are utility lines. The question is has utility been alerted to this issue in terms of the setback? That's just a question that we have.

CHAIRPERSON SIAVELIS: Derek, they're clear of the utility easement, are they not back there?

MR. MACH: Yes, they're outside the utility easement.

CHAIRPERSON SIAVELIS: Yes.

MS. KLEIN: Okay, all right.

CHAIRPERSON SIAVELIS: You can tell from the dimension on the drawings.

MS. KLEIN: Okay, so those are my points.

CHAIRPERSON SIAVELIS: So, all right, let me ask you this. As you sit here now knowing what you know, right, without hearing full testimony from the Petitioner, we just have the Petitioner's representative, his chief of staff, right, are you opposed to the granting of the three variances or are you in favor of them? Where do you come out? Because you are the adjacent neighbor closest to the offending structures, so your weight carries or your view carries appreciable weight with us as a Board.

MS. KLEIN: Definitely opposed to giving the variance on the 355 feet of impervious structure, or excuse me, I didn't say that right, impervious material, I definitely have an issue with that variance. The other two, I will be honest, the pergola is very, well, everyone has different tastes. So, it's not something I like but that's, you know, that's their taste. The pool equipment, no, I don't see an issue with that. That variance could be, I think, allowed. We've never heard it and we've never seen it.

CHAIRPERSON SIAVELIS: Okay, good to know. Thank you.

Any other comments from the public?

Come on up.

MR. BENTLEY: My name is Thomas Bentley, I'll be brief. Two points I wanted to make. The overall thrust here is the drainage issue. The Engineering Department is clearly not in favor of granting this variance to the impervious surface, and for good reason I think and I'm strongly in favor of adhering to their requirements. You know, it's been well documented that this neighborhood has drainage issues, there's water and, you know, I think we should be doing things to remediate the drainage issues instead of adding to them.

So, you know, my second point is more of a question, how did this happen? I mean, there was never, you know, I just don't understand how it happened. You know, this was known from day one and nothing happened. So, I know it's not on the Board, but it's not, I don't know who it's on, but somebody should have been, you know, should have been on this.

So, that begs the question, what's to prevent this from happening again? You know, and my question is then further, is this setting precedence? Because --

CHAIRPERSON SIAVELIS: Let me interrupt you right there, no, as to precedential value, no.

MR. BENTLEY: No precedence, okay.

CHAIRPERSON SIAVELIS: Each petition is evaluated on its individual merits, rises and falls on its merits and those facts.

MR. BENTLEY: Okay, so with that, I'll ask further then, suppose the neighbor next to them next year, they overbuild on their property, and then the city comes in and goes wait a minute, you can't, you have too much impervious surface here. So, he says, well, I'll get a variance then, you know, after the fact. Now you have two of these houses together that have insufficient drainage, they lack the minimum drainage, put it that way, you know. Then, so, is that guy going to be denied the variance? You know, I'm just, you know, trying to play out, you know, what's the process?

CHAIRPERSON SIAVELIS: So, again, that hypothetical situation, right, we

can't judge that because that's not in front of us but, you know, your point is well taken as to like how did this transpire and how can it not occur in the future, right. That, I think all of us on the Board are scratching our heads saying, okay, how did this go down, right. That's why I made the prior comments about absence of the Petitioner is problematic because we want to ask those questions and figure out how did things fall through the cracks, right, and get a better understanding of that. And Mr. Becker is, you know, not in a position to answer that.

One thing, let me ask you, what is your location relative to Petitioner?

MR. BENTLEY: I'm kiddie corner behind.

CHAIRPERSON SIAVELIS: Kiddie corner behind. So, 742 or 804?

MR. BENTLEY: 742.

CHAIRPERSON SIAVELIS: Okay, do you get water in your backyard in heavy rains?

MR. BENTLEY: Only in heavy rains. So, I guess my other concern, my second question was if we're setting precedent.

CHAIRPERSON SIAVELIS: No precedential value.

MR. BENTLEY: But nonetheless, it's astonishing that this happened, but anyway, thanks for your time.

CHAIRPERSON SIAVELIS: Certainly.

Anybody else?

Okay, come on up. Oh, you have exhibits, you came prepared.

MS. ZIMMERMAN: So, when variances --

CHAIRPERSON SIAVELIS: Identify yourself again for the record.

MS. ZIMMERMAN: Ellyn Zimmerman.

CHAIRPERSON SIAVELIS: Okay.

MS. ZIMMERMAN: When variances like these continue to be approved, this is what has happened over the years. Mike Pagones and I became best friends a few years ago and this is when this structure was coming down along with others.

CHAIRPERSON SIAVELIS: Okay, so if you're going to give this to us, just to let you know, if you're going to put this in front of us like this, then it becomes part of the record. So, you're going to --

MS. ZIMMERMAN: I'll take a picture, I'll send it to you, whatever. It's probably on the record now because the Board of Trustees has seen this also.

We are the lowest part of the neighborhood at 402 East Orchard. As these variances come and continue to be approved, we get --

CHAIRPERSON SIAVELIS: Is that your address, 402 East Orchard?

MS. ZIMMERMAN: Yes.

CHAIRPERSON SIAVELIS: Okay.

MS. ZIMMERMAN: Fortunately, well, my husband and I have put out tens of thousands of dollars with drainage, lost trees that we've had to have removed because they have drowned basically, and the Village more recently a few years ago finally put forward, I don't know how many thousands of dollars, to get some additional drainage now at that end of the block. However, we're still in the process, as the Scarsdale Estates Association, of looking into this whole issue of drainage. Again, Mike Pagones has been part of that. You also, Derek, have a letter from Gene Simpson that I'd like to make sure gets put into record. She's the president of our homeowner group at this point, and she

addressed those various aspects.

CHAIRPERSON SIAVELIS: Yes, we have a copy. That will definitely go in the record; it will be made of record.

MS. ZIMMERMAN: Okay, that said, I would just like to see the laws, the codes enforced. I appreciate all of your volunteerism. I appreciate also because I've been at meetings before two years ago when we were struggling with this and before we had the drains into effect or put into place. I had suggested then that you Planning folks and the Engineering Department have got to be in closer contact and in closer communication. I'm very pleased to hear that has taken place more frequently, at least from my standpoint.

For the life of me, I don't know why the Planning Department is on one floor and the other is on another floor here in Village Hall. I'd love to see it even in more closer proximity where there can be greater communication. But that said, that's my biggest issue is that surface area that these variances are allowed to take place. I hope you put a stop to it and you listen to the Engineering Department. Thank you.

CHAIRPERSON SIAVELIS: Thank you, okay.

MR. MACH: Can I read the --

CHAIRPERSON SIAVELIS: Do we need to read it in, Derek? We can't just move it in because it's a written record now attached to the papers and brought in?

MR. MACH: It should be read into the record, I think.

CHAIRPERSON SIAVELIS: Okay, go ahead.

MR. MACH: I am unable to attend the Zoning Board meeting tonight. My thoughts and concern on this matter are set forth.

The Petitioner is requesting a variance for code violations that were put in place by the Petitioner's own failure to comply with the Village permit requirements. It is surprising that the Village would consider a variance in these circumstances. By undertaking this petition, the Village is shifting the burden of holding the Village Municipal Code to residents of our neighborhood, thereby putting neighbor against neighbor.

I request that the Zoning Board consider the following issues in weighing the burdens of granting Petitioner's zoning variance:

1. The proposed use will not alter the essential character of the locality and will be compatible with the existing uses and zoning of nearby property. The Scarsdale Estates Association has been in communication with the Village of Arlington Heights regarding water drainage issues in our neighborhood. The proposed variance related to the impervious surface coverage is precisely the type of code violation that will alter the essential character of our neighborhood by contributing to our water drainage problems.
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. The home in question was built in 2014-15. This raises the question of how the Petitioner was able to obtain occupancy of the home in light of these violations. If the Village was aware of the violations, why hasn't action been taken in the past seven years? Our neighborhood is concerned that these sorts of violations exist throughout the neighborhood and the Village chooses to ignore them unless our residents complain.
3. The proposed variation is in harmony with the spirit and intent of this chapter. The

proposed variance is contrary to the spirit of the code, particularly in a neighborhood that does not have storm sewers and relies on overlay water drainage. Residents in our neighborhood have suffered significant water damage during heavy rains because of the increasing amount of impervious surface coverage in the neighborhood.

4. The variance requested is the minimum variance necessary. Prior to granting a variance, the Zoning Board should verify the requested square footage allowance with the survey conducted by the land surveyor. Gene Simpson.

Thank you.

CHAIRPERSON SIAVELIS: Thanks, Derek, appreciate it.

MS. ZIMMERMAN: Can I add something?

CHAIRPERSON SIAVELIS: Yes, please be concise.

MS. ZIMMERMAN: As we were talking, no one has really lived in the house for seven years. So, frankly, we're not really sure when someone actually lives in the house what that effect is going to be. When I say no one has lived in it, they'll be there maybe 10 days out of the year, and they've used the pool maybe 10 times in seven years. I don't know if that makes a difference, but it's hardly been used. Just a thought.

CHAIRPERSON SIAVELIS: All right, thank you very much.

Okay, the public commentary phase is now closed.

Mr. Becker, you have the opportunity now to respond if you so like. If you want, you also have other options. If you would like to ask us to consider a continuance to a later meeting date, that's certainly within your purview, okay. You can also ask us to fully consider and vote on and motion up the three variances in front of us. But you're paying attention here, you could see that that's going to be a heavy lift to get to yes, and you're not, in my view, you're not there. I'm not sure about the other Board members.

So, can you do me a favor because the reporter needs to get you clearly on the record here?

MR. BECKER: Yes, I'd like to request a continuance.

CHAIRPERSON SIAVELIS: Okay, so a continuance.

Derek, can he, he doesn't need to request a continuance to a specific date? That's an issue that can be worked out with you and the Petitioner in the future, is that correct?

MR. MACH: He can. If the Zoning Board would like to make it date specific to the next meeting, November 14th, the Petitioner would not be required to renotify, we'd ask them to update the sign in the front yard, or it could just be left open-ended; however, then the Petitioner will be required to resend the letters and update the sign.

CHAIRPERSON SIAVELIS: Did you get that? Do you understand?

MR. BECKER: So, my understanding, for next month then we would just update the signage for our yard, that's it?

CHAIRPERSON SIAVELIS: That's correct, but if it's open-ended, you're going to have to come back through the process of providing notice and all that. So, which one would you prefer?

MR. BECKER: I don't have his travel schedule. I guess then it would have to be the November meeting, the November 14th meeting.

CHAIRPERSON SIAVELIS: Okay, so with that in mind, are you asking us to

move to continue to the next meeting which is November 14th?

MR. BECKER: Correct, yes.

CHAIRPERSON SIAVELIS: With the understanding that the Petitioner himself is going to appear here in person, Mr. Creel, correct?

MR. BECKER: Yes.

CHAIRPERSON SIAVELIS: Right, because it should be obvious to you that we're going to need to hear from him directly.

MR. BECKER: Yes. Yes. Now, if it's open-ended, let me just ask you that, if it's open-ended, what does that mean for date selection?

MR. MACH: The Zoning Board typically meets the second Monday of each month. I will need advanced notice, 30 days in advance of the meeting date that the homeowner is targeting and then notification would have to be redone.

MR. BECKER: Okay, so it will be the November 14th meeting. I ask for that continuance.

CHAIRPERSON SIAVELIS: Say again louder, please.

MR. BECKER: I'm asking for a continuance to the November 14th meeting next month.

CHAIRPERSON SIAVELIS: That is what your request is?

MR. BECKER: Correct.

CHAIRPERSON SIAVELIS: Okay, we'll see if there's a motion to follow that. Tom, go ahead.

COMMISSIONER DRAKE: I do have a question. We've heard from a couple of people, they're not sure whether or not the Petitioner actually resides in the house. Can you comment on that? Do they live there?

MR. BECKER: They do.

COMMISSIONER DRAKE: They do? Full-time?

MR. BECKER: I wouldn't say full-time.

CHAIRPERSON SIAVELIS: Do they have multiple houses?

MR. BECKER: They do.

CHAIRPERSON SIAVELIS: Okay, so they're in this house periodically, is that right?

MR. BECKER: Correct, yes.

CHAIRPERSON SIAVELIS: Okay.

COMMISSIONER DRAKE: Thank you.

CHAIRPERSON SIAVELIS: So, I will tell you this. Okay, if we're going to continue this, Mr. Creel needs to attend. Don't waste our time again coming through this Board and having us work our way through all these issues and these other folks, the residents' time, okay. It's imperative that he is in attendance, okay. Otherwise, they're going to have great difficulty pushing this stone up the hill, okay?

MR. BECKER: Understood.

CHAIRPERSON SIAVELIS: Is there a motion?

COMMISSIONER LANAGHAN: Do we need a motion to continue, is that --

CHAIRPERSON SIAVELIS: Yes, we do need a motion to continue.

COMMISSIONER LANAGHAN: I move we continue to the November 14 meeting.

COMMISSIONER DRAKE: Second.

MR. MACH: Mr. Drake.
 COMMISSIONER DRAKE: Yes.
 MR. MACH: Mr. Geisel.
 COMMISSIONER GEISEL: Yes.
 MR. MACH: Mr. Lanaghan.
 COMMISSIONER LANAGHAN: Yes.
 MR. MACH: Mr. Selbka.
 COMMISSIONER SELBKA: No.
 MR. MACH: Mr. Portera.
 COMMISSIONER PORTERA: Yes.
 MR. MACH: Chairman Siavelis.
 CHAIRPERSON SIAVELIS: Yes.

There's no other business I believe on the docket. Is there any other public commentary unrelated to the petitions we've already, that's been spoken on and addressed?

(No response.)

CHAIRPERSON SIAVELIS: Okay, hearing none, is there a motion to adjourn?

COMMISSIONER DRAKE: So moved.
 COMMISSIONER LANAGHAN: Second.
 MR. BENTLEY: May I ask a question?

CHAIRPERSON SIAVELIS: We've already moved to adjourn. You can, if you want --

MR. BENTLEY: No. So, it's the next hearing, okay, the next hearing.

Does everybody have to return here to, you know, refute any commentary that you may hear?

CHAIRPERSON SIAVELIS: That's a decision for you to make on your own.

MR. BENTLEY: That answers my question.

CHAIRPERSON SIAVELIS: Okay, is there a motion to adjourn?

COMMISSIONER DRAKE: So moved.

CHAIRPERSON SIAVELIS: Second?

COMMISSIONER LANAGHAN: Second.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, we are now adjourned. Thank you, everyone.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:32 p.m.)



Zoning Board of Appeals 11/14/2022

Item: 1304 N. Haddow Ave. - 10/17/22

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
1304 N. Haddow Ave. - 10/17/22 Findings	Minutes
1304 N. Haddow Ave. - 10/17/22 Minutes	Minutes

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS October 17, 2022

PETITIONER: Beamer Residence

ADDRESS OF PROPERTY 1304 N. Haddow Ave.

VARIATION: 5.1-3.3, 10.2-11.1b (Required Minimum Yards, Parking Yards-Driveway Width)

A 6.1' variation to allow an addition with a rear yard setback of 23.9' instead of the required 30' and an additional 1.0' for the eave; A 1.9' variation to allow an addition with an exterior side yard setback of 25.0' instead of the required 26.9' and an additional 1.0' for the eave; A 2.0' variation to allow a driveway with a maximum width of 34.0' where a maximum width of 32.0' is permitted.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner testified that they are proposing a two-story addition in the rear of the home. The petitioner explained that the proposed addition includes an additional garage bay. The petitioner testified that there will be additional drivers in the family soon; therefore, the additional garage bay and expanded drive is necessary.

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. Selbka and seconded by Mr. Geisel. Thereafter, the Board voted 6-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 6-0 to grant the variance.

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.

Peter Siavelis, Chair
Zoning Board of Appeals
Village of Arlington Heights

ZONING BOARD

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

OF APPEALS

RE: 1304 NORTH HADDOW AVE - ZBA #22-023

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 17th day of October, 2022 at the hour of
7:00 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairperson
TOM DRAKE
JEFFREY LANAGHAN
JOSEPH GEISEL
JOSEPH SELBKA
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, folks, I'm going to call the meeting to order. Welcome, everyone, to tonight's October meeting for the Zoning Board of Appeals for the Village of Arlington Heights. Today is October 17, 2022.

We're going to go through some rules and protocol issues to help everybody understand how things proceed today. There are four petitions tonight, so it's important to be concise when it's your turn and your petition is called.

Before we do that, we need to do roll call though.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Here.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Here.

MR. MACH: Mr. Jaffe.

(No response.)

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Here.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Here.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Here.

CHAIRPERSON SIAVELIS: Okay, great, thank you.

Let's stand up and do the Pledge of Allegiance. The flag is right over there behind your right shoulders.

(Pledge of Allegiance recited.)

CHAIRPERSON SIAVELIS: Okay, approval of minutes.

Has everybody, have the Board members had a chance to review the draft minutes from the prior September meeting? If yes, are there any proposed revisions or edits or adders to that draft set of minutes?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, is there a motion to approve?

COMMISSIONER LANAGHAN: So moved.

CHAIRPERSON SIAVELIS: All in favor, say aye.

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: None, motion carries for approval of the draft minutes.

Okay, folks, let's now move to hearing procedures. There are some guidelines and rules that you should be aware of to make things go smoothly and things that we need to comply with.

So, first off, if there's less than six members present, okay, you have the option as a petitioner to continue the meeting because it takes four affirmative votes to approve a variance. Okay, that is obviously not the situation today. There are six of us, so that condition doesn't trigger, but it does take four affirmative votes to approve a variance regardless of the number of attendants in this situation.

If your petition is denied, you cannot reapply for an entire year. So, there is some jeopardy attached to a denial, so you should be aware of that.

There will be a Staff presentation provided by Derek that gives a project overview and the variances sought. That's designed to make things more efficient and get everybody lined up on the same page.

There are four elements necessary to establish in order for the Board to be able to grant a variance, okay. They are as follows:

1. That the proposed use will not alter the essential character of the locality and will be compatible with the existing uses and zoning of the nearby property;
2. That the plight of the owner is due to unique circumstances which may include the length of time the subject property has been vacant as zoned;
3. That the proposed variation is in harmony with the spirit and intent of Chapter 28 of the Village's Code; and
4. That the variance requested is the minimum variance necessary to allow reasonable use of the property.

A variance is permitted only if the evidence, in the judgment of this Board of Appeals, sustains each of the four conditions enumerated, so each of these four elements. Keep in mind, it is your responsibility as a petitioner to touch on and to establish each of these four elements. It is not the responsibility of the Board to elicit and pull testimony from you relating to these four elements. It is the petitioner's responsibility to do that. We have denied petitions in the past when petitioners cannot establish the four elements, so keep that in mind. These are the same four elements, by the way, that are included in the materials that the Village provides to you in connection with your submissions, okay, so it's not like anything has changed from the paperwork you've submitted.

Okay, with that in mind, we have four petitions up.

COMMISSIONER LANAGHAN: I'd like to propose, or I'd like to move actually that we move A to the last position. There is some complexity there and I think would be better suited to get some of the other folks out that are a little more straight-forward.

CHAIRPERSON SIAVELIS: Okay, so that's Petition A moving to the fourth slot and then essentially elevating B, C and D up one?

COMMISSIONER LANAGHAN: Correct.

CHAIRPERSON SIAVELIS: Okay, is there a second for that?

COMMISSIONER DRAKE: Second.

CHAIRPERSON SIAVELIS: Derek, voice vote or roll call?

MR. MACH: Voice vote.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, that motion carries.

So, folks, what we did there is we moved Petition A to the last slot because there's like, as Mr. Lanaghan said, there is some complexity in that petition. It's going to take a little bit more time to work our way through that petition and, you know, we're trying to be reasonable and manage time properly. We think it makes more sense to

do B first, then C, then D, and get you folks moving through here because it is 7:00 o'clock at night.

Okay, so with that in mind, first item of business is Petition ZBA No. 22-023. It's 1304 North Haddow Avenue. So, Petitioners who are going to speak in behalf of that, please approach the podium. We're going to do Staff review and overview, then you'll identify yourself, make sure you sign in if you haven't already done so, sign in while Derek is giving the overview, then we'll swear you in, okay?

Derek?

MR. MACH: Thank you, Chairman.

The Petitioner is proposing a two-story addition in the rear of the home. The proposed addition includes an additional garage bay with living space above. However, this results in a rear yard setback of 23.9 feet where 30 feet is required, and an exterior side yard setback of 25 feet where 26.9 feet is required. Therefore, they're requesting:

- A 6.1-foot variation from Chapter 28, Section 5.1-3.3 to allow an addition with a rear yard setback of 23.9 feet instead of the required 30 feet and an additional one foot for the eave;
- A 1.9-foot variation from Chapter 28, Section 5.1-3.3 to allow an addition with an exterior side yard setback of 25 feet instead of the required 26.9 feet and an additional one foot for the eave; as well as
- A two-foot variation from Chapter 28, Section 10.2-11.1b to allow a driveway with a maximum width of 34 feet where the maximum width allowed is 32 feet.

Thank you.

CHAIRPERSON SIAVELIS: Thanks very much, Derek.

Okay, are you both going to be speaking tonight on behalf of this petition, in regards to this petition?

MR. BEAMER: Yes, I'm the homeowner, he's the architect.

CHAIRPERSON SIAVELIS: Okay, gentlemen, identify yourself for the record, and keep in mind that your testimony is recorded and transcribed by a reporter. So, try not to speak over each other or speak over us; otherwise, it makes it really difficult for the reporter --

MR. BEAMER: Sure.

CHAIRPERSON SIAVELIS: -- and the transcript has a tendency to get garbled and so we don't want that.

Okay, so identify yourselves and then we'll swear you in.

MR. BEAMER: Ian Beamer, the homeowner.

MR. ROCK: And I'm William Rock, architect.

CHAIRPERSON SIAVELIS: Okay, please raise your right hands please.
(Witnesses sworn.)

CHAIRPERSON SIAVELIS: Okay, please proceed.

MR. BEAMER: Yes, so what we're looking to do is just to come north about 16 feet for an additional garage bay. Right now it's a split level home. We're not building above that additional garage bay, but if we don't build out the additional garage bay and just build over the existing two-car garage, it is my feeling that the home will just look like steps because you'll have a single story, a 1.5 story, and then a two-story home. I don't think that will look -- there you go. So, if you cut it off without that additional garage bay,

it's just going to look like a --

CHAIRPERSON SIAVELIS: Left to right?

MR. BEAMER: Correct. So, there is a current guy, say 30 feet to the north side on, obviously, we've got signs up. We sent letters to all the neighbors. I actually texted, we live in a cul de sac, texted the six neighbors on the cul de sac in addition and with the guy that lives behind me on Haddow, Jeff Hartman. Texted all of them, just said hey, you guys saw the sign, let me know if anybody has any questions, you know, to come over and talk about it. The guy to our north did, Hagen. So, they came over, he brought Stuart along with his neighbor to his north which is the Rubys. All the neighbors seem to be on board. I've got a copy of that text message; I'd be happy to show you that text chain.

CHAIRPERSON SIAVELIS: Any opposition voiced to you?

MR. BEAMER: Zero. Zero, literally excitement that we're improving obviously the value. So, that's, yes, and we've got two kids, a 13-year-old and a 15-year-old. Obviously, they'll be driving soon. So, we may need, when the car prices ever become reasonable again, a third vehicle, and then we'd like not to leave that third vehicle in the driveway. So, to get another garage bay, that would be fantastic. We've got some homes in the neighborhood with smaller setbacks off of corner lots, so we're in keeping with --

MR. ROCK: And we're in keeping with the style of the house.

MR. BEAMER: Very much so.

MR. ROCK: And the neighborhood. Like Ian said, it's not going to look like an addition. It will look like it was part of the original design.

MR. BEAMER: Yes. We made quite an effort to make sure we're in keeping with that style.

COMMISSIONER GEISEL: So, you did address one of the primary questions that we have, and that's whether or not you've approached your neighbors and you've done that. So, thank you for addressing that.

MR. BEAMER: Of course.

COMMISSIONER GEISEL: I understand that you're also trying to balance out the overall elevations and aesthetic. You said you are not, you are or you are not building over the new garage bay?

MR. ROCK: No.

MR. BEAMER: The additional garage bay will just be a single-story. Nothing, no living space above.

MR. ROCK: To help with balance, with the elevations.

MR. BEAMER: Correct. So, there will be a second story above the existing garage which is currently one-story now.

COMMISSIONER GEISEL: Okay, so in the notes there though, Derek, you suggested a new second floor over the garage.

MR. BEAMER: Over the existing garage, not the new garage.

MR. MACH: Yes, that's my error in the way it's phrased, but the elevations clearly show what's happening.

COMMISSIONER GEISEL: Well, that was my difficulty because the notes said one thing and the elevations said yet another.

MR. MACH: Right, that is my mistake.

COMMISSIONER GEISEL: Okay, so we can rely upon those elevations. You also said you've got a couple of teenagers. So, that's four of you in the home?

MR. BEAMER: Correct, yes.

COMMISSIONER GEISEL: And they'll be driving soon. The width of the driveway was specifically just limited to the approach to the garage itself?

MR. BEAMER: It's going to be as wide as the two garage doors --

COMMISSIONER GEISEL: So, you're not going to have an expansion there, okay. Really those are the questions I wanted to walk through. I appreciate that.

MR. BEAMER: Of course.

COMMISSIONER GEISEL: I'm not sure if anybody else has any.

COMMISSIONER LANAGHAN: I have one for Derek more than anything else just because these corner lots always kind of throw me off. Which yard, Derek, is the "front yard" and which is the rear? It's the short one, is that correct, even though the front door faces Haddow?

MR. MACH: That is correct.

COMMISSIONER LANAGHAN: Got it.

MR. MACH: Olive Street would be, per the zoning definition, the front yard and the Haddow frontage would be the exterior side yard, the rear yard to the east of the home.

MR. BEAMER: The address is Haddow, I don't know if that makes a difference.

CHAIRPERSON SIAVELIS: No, that's not germane to his question.

COMMISSIONER LANAGHAN: It doesn't when my question is on the zoning, yes, which always throws me off which is why I always ask that question.

MR. MACH: North, I'm sorry, north of the home is the rear yard.

COMMISSIONER LANAGHAN: Got it. So, that rear yard variation is an existing nonconforming state, is that a fair, because it's not 26 feet now I don't think, right?

MR. ROCK: It's probably 39 feet per this drawing in this proposed project.

COMMISSIONER LANAGHAN: So, that's the rear. What about the side yard? So, there's two variations here for the side yard and the rear yard setbacks.

MR. BEAMER: The side yard meaning behind the house with the patio, we're not going any farther. We're not extending that. That will all be in line.

COMMISSIONER LANAGHAN: So, the rear yard I get because you're building into that with the proposed garage.

MR. BEAMER: Right.

COMMISSIONER LANAGHAN: So, that one I get. The other one I think is probably an existing nonconforming use I'm assuming, is that correct, Derek?

MR. BEAMER: To the west is what you're saying, right?

COMMISSIONER LANAGHAN: To the west, correct.

MR. MACH: Yes.

MR. BEAMER: It looks that way, yes.

MR. ROCK: Yes.

COMMISSIONER LANAGHAN: Okay, I don't have any other questions. I appreciate that.

CHAIRPERSON SIAVELIS: Okay, any other questions from Board members?

(No response.)

CHAIRPERSON SIAVELIS: All right, at this point in time, we now shift into the phase for any comments from the audience. If there are comments from the audience, then you'll have an opportunity to rebut those comments. If not, we close down for Board deliberation, okay. So, if there's anything else you want to say in support of your petitions, now would be the time, or your petition, excuse me, singular. We're good?

MR. BEAMER: We're good.

CHAIRPERSON SIAVELIS: Okay. All right, go ahead, grab a seat. With that in mind, are there any comments from the audience in regards to this petition and this petition only?

(No response.)

CHAIRPERSON SIAVELIS: Okay, hearing none, we will now move to the deliberation phase for this petition.

COMMISSIONER GEISEL: So, based on the fact that, again a corner lot, the one variance sought really is existing nonconforming, to Jeff's point, appreciate you saying that. The northward addition, there's still a reasonable amount of green space left. The Petitioner has spoken with his neighbor. So, based upon configuration of the site and what they're trying to achieve, I would support the request.

CHAIRPERSON SIAVELIS: While also noting that the Engineering Department regarding all three variances --

COMMISSIONER GEISEL: Pardon?

CHAIRPERSON SIAVELIS: While noting that the Engineering Department was favorable and had no objections on all three.

COMMISSIONER GEISEL: Correct. I didn't feel I needed to since they didn't have objections, yes.

CHAIRPERSON SIAVELIS: Yes.

Any other comments?

(No response.)

CHAIRPERSON SIAVELIS: Is there a motion?

COMMISSIONER SELBKA: Motion to approve.

COMMISSIONER GEISEL: Second.

CHAIRPERSON SIAVELIS: Derek?

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, your petition is granted.

MR. BEAMER: Great, thank you!

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:14 p.m.)



**Zoning Board of Appeals
11/14/2022**

Item: 1201 S. Belmont Ave. - 10/17/22

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
1201 S. Belmont Ave. - 10/17/22 Findings	Minutes
1201 S. Belmont Ave. - 10/17/22 Minutes	Minutes

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS

October 17, 2022

PETITIONER: Matowicki Residence
ADDRESS OF PROPERTY 1201 S. Belmont Ave.
VARIATION: 5.1-1.1, 5.1-1.2, 5.1-1.3, 5.1-1.4, 5.1-1.5a, 5.1-1.5b

A variation to allow a lot with an area of 6,114 sf to be buildable where 15,000 sf is required; A 40' variation to allow a lot with a width of 50' to be buildable where 90' is required; A 7.6' variation to allow an addition with a front yard setback of 17.3' instead of the required 24.9' and an additional 1.0' for the eave; A 6.1' variation to allow an addition with an exterior side yard setback of 9.3' instead of the required 15.4' and an additional 1.0' for the eave; A 1.0' variation to allow an addition with a side yard setback of 4.0' instead of the required 5.0' and an additional 1.0' for the eave; A 255 sf variance to allow a FAR of 2,394 sf instead of the maximum allowed 2,139 sf; A 85 sf variation to allow 3,448 sf of impervious surface coverage where 3,363 sf is allowed; A 256 sf variation to allow building lot coverage of 2,090 sf where 1,834 is the maximum allowed by code.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that the project requires approval from the Zoning Board for a variance for lot width and lot size due to the existing 50' wide lot with 6,114 square feet not meeting the minimum required 90 foot width and 15,000 square feet. The petitioner is also proposing a second story addition above a portion of the existing single story home. In addition, the petitioner is proposing a new front porch that encroaches into the front and exterior side yard setback. The petitioner explained that the front porch will help define the main entrance and provide curb appeal. The petitioner testified that the addition will fit nicely in harmony and spirit of the neighboring properties.

The Zoning Board expressed concern with the variance for impervious surface coverage. The Zoning Board discussed the width of the front porch and the Zoning Board discussed the impact of reducing the depth of the porch as it relates to the variance for impervious surface coverage. After much discussion, the Zoning Board felt that the variance for impervious surface coverage should not exceed 85 square feet.

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. Lanaghan and seconded by Mr. Geisel. Thereafter, the Board voted 6-0 to approve the variance request, with a condition that the overage for impervious surface not exceed 85 square feet.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 6-0 to grant the variance.

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.

Peter Siavelis, Chair
Zoning Board of Appeals
Village of Arlington Heights

ZONING BOARD

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

OF APPEALS

RE: 1201 SOUTH BELMONT AVE - ZBA #22-024

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 17th day of October, 2022 at the hour of
7:14 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairperson
TOM DRAKE
JEFFREY LANAGHAN
JOSEPH GEISEL
JOSEPH SELBKA
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, the next item of business is ZBA #22-024, 1201 South Belmont Avenue.

Derek?

MS. BUKRANOVA: Good evening, gentlemen.

CHAIRPERSON SIAVELIS: Hi. We're going to do the Staff overview, and then we'll have you identify yourself, swear you in and away we go.

MS. BUKRANOVA: Absolutely.

CHAIRPERSON SIAVELIS: Go ahead, Derek.

MR. MACH: Thank you, Chairman.

The project requires approval from the Zoning Board for a variance for lot width and lot size due to the existing 50-foot wide lot and the 6,114 square feet not meeting the minimum required 90-foot width and 15,000 square feet. The Petitioner is also proposing a second-story addition above a portion of the existing single-story home. The Petitioner is proposing a new front porch that encroaches into the front and exterior side yard setback.

The Petitioner is requesting the following variations:

- A variation from Chapter 28, Section 5.1-1.1 to allow a lot with an area of 6,114 square feet to be buildable where 15,000 square feet is required;
- A 40-foot variation from Chapter 28, Section 5.1-1.2 to allow a lot with a width of 50 feet to be buildable where 90 feet is required;
- A 7.6-foot variation from Chapter 28, Section 5.1-1.3 to allow an addition with a front yard setback of 17.3 feet instead of the required 24.9 feet and an additional one foot for the eave;
- A 6.1-foot variation from Chapter 28, Section 5.1-1.3 to allow an addition with an exterior side yard setback of 9.3 feet instead of the required 15.4 feet and an additional one foot for the eave;
- A one-foot variation from Chapter 28, Section 5.1-1.3 to allow an addition with a side yard setback of four feet instead of the required five feet and an additional one foot for the eave;
- A 255 square-foot variance from Chapter 28, Section 5.1-1.4 to allow a floor area ratio of 2,394 square feet instead of the maximum allowed 2,139 square feet;
- A 151 square-foot variation from Chapter 28, Section 5.1-1.5b to allow 3,514 square feet of impervious surface coverage where 3,363 square feet is allowed; and
- A 256 square-foot variation from Chapter 28, Section 5.1-1.5a to allow building lot coverage of 2,090 square feet where 1,834 is the maximum allowed per code.

Thank you, Chairman.

CHAIRPERSON SIAVELIS: Okay, so Derek, that's eight variances sought?

MR. MACH: That is correct.

CHAIRPERSON SIAVELIS: Okay, all right, good. We're on the same page here.

All right, please identify yourself for the record. Did you sign in, by the way?

MS. BUKRANOVA: Yes, I did.

CHAIRPERSON SIAVELIS: Okay, please identify yourself.

MS. BUKRANOVA: Beata Bukranova, and I'm the owner of 1201 South

Belmont.

CHAIRPERSON SIAVELIS: Okay, can you raise your right hand please to swear you in?

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, please proceed.

MS. BUKRANOVA: So, we own, my husband is also present, a split level home very much similar to the one you just saw on Haddow, except we have a detached garage. So, that's part of the actual property. We have learned that we are on a substandard lot and so anything we wanted to do in proposed additions, we had to seek this variation.

What we are seeking is to just add a second floor above the existing kitchen and dining room area which is the shaded dark part of the property. We are actually not extending any of the walls or adding any inside livable space. We're simply trying to go up to have another bathroom and bedroom since we also have two teenagers and also elderly parents that we are very likely to care for in the future.

What we are trying to also build is a porch that you see kind of in an L shape for several reasons, one being that currently the eave of the room extends to about half of the front entry porch, or the little stoop I should say. There is no porch currently, which causes a lot of issues with water accumulating, whether it's snowing, raining or anything like that, and causing black ice to form and various differing conditions for ingress and egress from and inside of the house.

What you're looking on top of the picture over there is actually the south side or the back side of our current house which is an entrance into our kitchen, and that's not our main entrance. Everybody confuses that and we constantly have people come to the wrong door so to speak, to our kitchen where there is very little room for any kind of maneuver or incoming, because the front, the actual main entrance is somewhat hidden, unexposed and not visible. We're also trying to fix that by adding that porch in the front as well as the little stoop to attract and kind of direct the traffic to the correct entrance.

Similarly to Haddow, we are adding that porch and we'd like to propose to kind of wrap around halfway, the porch around also for several reasons. One is being that, believe it or not, the very right side is considered our front yard which is completely unappealing because it's nothing but a flat brick wall, not a single window, not a single entrance, nothing on that wall. We can see it on, I don't know if it was page 13 or page 15 of the packet. If you go, I think it's more up actually -- oh, yes, that small picture, if you were to enlarge it, please? Okay, if I may?

This subject property obviously is our property. All you can see from the main road is a flat wall and nothing, literally nothing out there. So, we're trying to add that porch to add balance. You can see it nicely from that roof projection of the proposed house, as well as to give it a curb appeal because it really has zero curb appeal right now facing Belmont, the main street.

Also, this is the west side of the property which catches some sun. Everything from the main entrance is on the north side which has constant shadow. So, even for our elderly parents, we hope to take care of them, it would be a nice little porch area to sit around and enjoy their time outside.

When it comes to that area that's also very close, why we're trying to cover that porch area is because we are having trouble with standing water in that area

currently. So, we had to extend all of our downspouts at least eight feet away from the house. That ground seems to be very impermeable as it is now. It appears to be very clay-like ground with some probably post construction debris mixed, and so we have constant puddles of water coming towards our foundation. So, building that porch around would be a nice addition as well as would serve a great purpose.

We are proposing an eight-foot for the reason that on the north side we have a big window extending out which takes about a foot, foot-and-a-half of the actual usable part of the porch, as well as we're proposing to put nice posts with some brick around which also obviously would take away several feet from the actual usable part of the area. You can see it out here. So, for a real turn to pass by or have any kind of maneuverability, we need to put that eight feet of porch. We believe that this is the least amount of area that we need to have proper use and reasonable use for which we are requesting the variation.

All the other properties around us, if you drive across Cypress which would be, which the front of the house is now facing are two-story houses. Actually, they are of a greater height than what we are proposing with the addition being added on. So, it would nicely fit with the area, with the zoning and the current proposed based upon the neighborhood.

Let me see. Yes, so those are nicely in harmony and spirit of the neighboring properties.

COMMISSIONER LANAGHAN: All right, if I could ask a couple of questions?

MS. BUKRANOVA: Sure.

COMMISSIONER LANAGHAN: I think you stated in your proposal that you've lived in the house since 2004?

MS. BUKRANOVA: Correct.

COMMISSIONER LANAGHAN: Correct, and you have four people currently living in the house?

MS. BUKRANOVA: Currently, yes.

COMMISSIONER LANAGHAN: Okay, Derek, quick question just for clarification again. The 15,000-foot zoned lot is the overall? I don't think there's a yard out there that's 15,000 feet, is there, right? So, the whole subdivision is kind of nonconforming?

MR. MACH: That is correct.

COMMISSIONER LANAGHAN: Got you, okay. Thank you for that.

In general, I understand the second floor addition. You're staying inside the setbacks, that makes sense to me. I do have a question with the porch.

MS. BUKRANOVA: Sure.

COMMISSIONER LANAGHAN: Before I go there, are you aware that the Engineering Division and the Design Commission both had concerns with the plans?

MS. BUKRANOVA: As I understand it, they had issues with permeability and the ratio.

COMMISSIONER LANAGHAN: Correct.

MS. BUKRANOVA: As I stated, we are currently having an issue with that ground not being permeable and water accumulating and being kind of drawn towards our foundation.

COMMISSIONER LANAGHAN: Sure.

MS. BUKRANOVA: So, nothing really grows there except for a very old bush that's right outside which we'll have to remove because it's causing issues to the foundation. The roots are getting there and also sheltering all kinds of animals including a skunk that we've dealt with for over a year, which obviously is not pleasant.

COMMISSIONER LANAGHAN: Sure.

MS. BUKRANOVA: So, that would be something that would really assist with all that issue.

COMMISSIONER LANAGHAN: So, let me ask you a couple of other questions then. The concrete walk that goes from your driveway to the front door, that exists?

MS. BUKRANOVA: Yes, it does.

COMMISSIONER LANAGHAN: Okay, and the concrete walk that goes from Belmont to your concrete patio as well as the concrete patio, that all exist currently?

MS. BUKRANOVA: Yes.

COMMISSIONER LANAGHAN: Okay, so really the only new impervious surface that you're adding is the porch area?

MS. BUKRANOVA: Yes.

COMMISSIONER LANAGHAN: So, again, kind of following the Design Commission's thoughts, you know, I agree with them that I have absolutely no issue with covering your front door. That makes sense. You should have that, you should be able to have people come to your front door and not your kitchen. That makes a ton of sense, but the eight-foot to the side does feel a little out of scale for that. Is that something you'd consider reducing in size on the west side?

MS. BUKRANOVA: On the west side, we could potentially scale down, I believe a foot or so from that west side portion because we do not have any windows fronting, extending out.

COMMISSIONER LANAGHAN: Correct, it's over the top of that.

MS. BUKRANOVA: Yes. So, definitely, we could definitely take that in consideration.

COMMISSIONER LANAGHAN: Because that will help with your impervious surfaces, that will help with your lot coverages, you know, all your variances become better if we can squeeze that somewhat.

MS. BUKRANOVA: Scaling down a foot should be fine because that would be sufficient space to maneuver a wheelchair.

COMMISSIONER LANAGHAN: And you're planning for wheelchairs for your parents or your husband's parents?

MS. BUKRANOVA: My father has already been prescribed a --

COMMISSIONER LANAGHAN: Got you, okay.

CHAIRPERSON SIAVELIS: So, would that be necessary if that concrete walk there that's shown on the south side there that leads into Belmont, is that the walk that funnels people towards your kitchen door that you mentioned about 10 minutes ago?

MS. BUKRANOVA: Well, it appears so. It's a walkway that's been there, it's existing, it's not something we have put in, and there's just nothing to attract like to our actual front door because it's just a flat wall.

CHAIRPERSON SIAVELIS: Right. So, I'm wondering this, and I didn't run

the calculation yet, but if you were to remove that walk, okay, since it's a walk to nowhere essentially, would that allow you then to keep the patio, or you know, the porch design that you have right now? Will you then essentially fit under the impervious lot calculation?

MS. BUKRANOVA: Right. It's difficult to answer at this point because I know that there is some engineering --

CHAIRPERSON SIAVELIS: Did you consider that with your architect? Let me ask you in that way.

MS. BUKRANOVA: I have not, and I know that there are sewer lines and water lines and whatnot going right under that sidewalk or very near the sidewalk, as well as it's a connection to our mailbox so to speak because our mailbox is exactly at the end of that walkway. It's somehow how they were designed originally, yes. It just makes no sense to me, but that's how they are done.

COMMISSIONER LANAGHAN: Yes, I mean, it's roughly 280 square feet which would, you know, which would eliminate the impervious issue at least. We'd still be over the maximum floor area ratio a bit, but --

CHAIRPERSON SIAVELIS: But that was one of the main --

COMMISSIONER LANAGHAN: -- you'd be out of the impervious and you'd be out of the --

CHAIRPERSON SIAVELIS: And that's what the Engineering Division flagged.

COMMISSIONER LANAGHAN: Correct. Correct.

MS. BUKRANOVA: Quite frankly, I would be much more amenable to cutting on the side than --

COMMISSIONER LANAGHAN: Shrinking the porch down?

MS. BUKRANOVA: Actually, on the west side of the porch. The front would be difficult given the bay window and the posts. But the west side, to scale it down say a foot off of it, and I'm not sure how it would play into it because I know the only person who does use it all the time is our mailman if he needs to put our packages because that's a straight route from our mailbox into our house.

CHAIRPERSON SIAVELIS: Where is your mailbox located currently?

MS. BUKRANOVA: It's exactly at the end.

CHAIRPERSON SIAVELIS: Point to it.

MS. BUKRANOVA: This one here actually. The mailbox is right here.

CHAIRPERSON SIAVELIS: Yes, I mean, not where I thought but okay.

MS. BUKRANOVA: And I know that he goes down Belmont. He does not deliver mail on Cypress and then goes down Haddow.

CHAIRPERSON SIAVELIS: So, essentially then he doesn't use that little concrete walk then?

MS. BUKRANOVA: He does, the mailman does.

COMMISSIONER LANAGHAN: He's dropping off packages is what she just said.

MS. BUKRANOVA: Because he goes down Belmont, and then he goes up Haddow. But on Cypress, we do not have any mailboxes on the Cypress side, so there are no mailboxes on Cypress around that area, just down Belmont, and then down Haddow which is the parallel street to Belmont. Like I said also about the, I know the sewer lines are right there.

COMMISSIONER LANAGHAN: So, any suggestions on how we can get to some impervious to help the Engineering Department out? Because it looks like most of it is existing other than the porch, so other than cutting the porch down to --

CHAIRPERSON SIAVELIS: If you cut a foot down off the west side of the porch, is that going to get you there?

COMMISSIONER LANAGHAN: It's 22 feet, no.

COMMISSIONER GEISEL: No, you're not going to get there, but to Jeff's point, you know, the 25 feet from the property line to the home and then four feet of sidewalk, you're right at 200 square feet there.

COMMISSIONER LANAGHAN: Yes.

MS. BUKRANOVA: If you were to cut a foot all across the porch, front and side, we would have to make the calculations, but it still might not be enough to --

COMMISSIONER LANAGHAN: It would be about 44 feet.

CHAIRPERSON SIAVELIS: Yes, you're still going to be short.

COMMISSIONER LANAGHAN: You're still going to be considerably short. What I would probably suggest, you know, maybe to Joe's point, would be to cut the sidewalk from the house and maybe put some steppers in there. You can put those steppers in an impervious material to allow moisture to percolate down and I think should be fine; if that's something you'd consider.

CHAIRPERSON SIAVELIS: Because then you'll get under the calculation pretty easily and you won't have to shrink your porch.

COMMISSIONER LANAGHAN: Right.

MS. BUKRANOVA: Well, I'm not sure how that would work out with the existing, how much of that existing concrete sidewalk would we have to be exchanging for.

COMMISSIONER LANAGHAN: Well, I think just the easy calculation is 25 by four is only 100 feet, yes, so that's not going to quite do it, Joe. I was taking your math and that's not quite going to do it.

COMMISSIONER GEISEL: Yes, no.

COMMISSIONER LANAGHAN: So, maybe it's a little tougher than --

CHAIRPERSON SIAVELIS: So, maybe a combination of both.

COMMISSIONER LANAGHAN: Yes.

COMMISSIONER GEISEL: You basically have to remove that whole west porch to get --

COMMISSIONER LANAGHAN: Pretty close.

COMMISSIONER GEISEL: And you might --

COMMISSIONER LANAGHAN: Yes, to get, as just a porch add, you'd have to take almost the whole thing off which I don't think is what they're trying to do.

CHAIRPERSON SIAVELIS: Right, because you've got that solid wall, yes, you've got that solid wall there.

COMMISSIONER LANAGHAN: Yes.

CHAIRPERSON SIAVELIS: Unless, right, and that's kind of a little bit of an eyesore.

COMMISSIONER LANAGHAN: Yes. No, I don't disagree that the porch is -

-

CHAIRPERSON SIAVELIS: Right. So, unless we want to give her, maybe split the difference and give her relief on that.

COMMISSIONER LANAGHAN: I'm not sure what you're saying.

CHAIRPERSON SIAVELIS: Basically, condition the variance to say, okay, look, if you're going to reduce the porch with a foot, for example --

COMMISSIONER LANAGHAN: I see, yes.

CHAIRPERSON SIAVELIS: To kind of work with the impervious, to try and give some compromise, some ground on the impervious calculation, right, the Engineering Department's issue there, then we essentially would still vote for the variance and help the homeowner out in that regard.

COMMISSIONER LANAGHAN: Yes, I think that sounds reasonable. Are you saying remove the sidewalk from the front of the house up to the mailbox or just cut the sidewalk or cut the porch down?

CHAIRPERSON SIAVELIS: I think we have to ask the Petitioner, right?

COMMISSIONER LANAGHAN: Yes.

CHAIRPERSON SIAVELIS: I see a couple of options, right. You can ask us to vote on the petition as it currently stands with all these variances, right? You could try to, you have an option to modify it in view of our discussions which includes but is not limited to reducing at least the west side of the porch and some extent of the concrete walk, okay, and that's your decision as you're kind of sitting here. You have to kind of tell us that, right, and whether some of the Board members move to support that, right?

MS. BUKRANOVA: Right. Well, I would like to personally request a support and of course accommodate what Engineering recommends by just cutting a foot down all across the porch area while leaving the sidewalk as is, because I believe that's going to increase the cost tremendously and potentially cause additional issues with the existing sewer lines that are running right along there, and you know, we just --

CHAIRPERSON SIAVELIS: Let me give you another potential suggestion here. Unless your project is on a tight timeline, okay, we can, and Derek, correct me if I'm wrong, we can essentially move for, you can seek a continuance, request a continuance from us to get to next month's meeting. That way you can investigate a bit further, check with your contractor in general, and make a more accurate determination and assessment in view of what you've heard here tonight, right. You've got eight variances up right now.

MS. BUKRANOVA: Right. Well, I understand.

CHAIRPERSON SIAVELIS: There's a lot of moving parts here.

MS. BUKRANOVA: We would be willing to also, if that would help, just get rid of the variance needed for the south part of that stoop underneath the window enlargement that's proposed on the south side. So, we can get rid of that and then get rid of a variance that's required for that purpose on the south side.

We are somewhat on a tight schedule because we need to replace the roof and we have a deadline to replace the roof. That was severely damaged in the storm, so we have a deadline for the replacement and obviously with the upcoming winter and spring issues. We are under a deadline.

MR. MACH: The Zoning Board could vote on some of the variances and vote on the impervious surface coverage separately if they'd like, but it is Petitioner's --

CHAIRPERSON SIAVELIS: Call?

MR. MACH: To figure out --

COMMISSIONER DRAKE: So, she can get a continuance on one of the variances and we vote on the other seven, is that what you're saying?

MR. MACH: I would recommend if the Zoning Board wants additional information either to continue it or to take action this evening on all eight motions.

CHAIRPERSON SIAVELIS: Well, taking action on, for example, the eighth one could be a continuance as well and we could take action on the seven that are not as troublesome or as complicated, could we not?

MR. MACH: You could, but we'd recommend, yes.

CHAIRPERSON SIAVELIS: Well, the problem is though, right, if we decline on the eighth, if she gets a no on the eighth, she's precluded for a year, right? Then your project is really caught up in limbo then.

MS. BUKRANOVA: Yes, the project is done. We're not going to do it because we have to replace the roof. So, if we just continue to replace the roof, which is a must, then we're not going to be building obviously. We're not going to put on a new roof and then tear it down and build a complete new roof again. It makes absolutely no economic sense. So, I would really ask that you would allow us the variance with cutting down a foot away from that porch to seven feet.

CHAIRPERSON SIAVELIS: On the north side and the west side?

MS. BUKRANOVA: And the west side, yes.

COMMISSIONER LANAGHAN: Okay, if we're going to vote, I know we're on that right now.

CHAIRPERSON SIAVELIS: Any other questions from Board members?

COMMISSIONER GEISEL: Just for example, if one foot off the front if you would, and it's not as desirable but two feet off the side, because we've done several six-foot porches, people have figured that out.

COMMISSIONER LANAGHAN: The north side I get, if they've got a bay window that's sticking out there, that probably will, especially if you're trying to move a wheelchair around, could be difficult. The west side I have less of an issue with that. You know, the impervious, I'd like to see it solved, but let's face it, everything except the porch is existing. So, you know, they're not adding anything other than the porch, and I do think covering your front door makes a ton of sense.

COMMISSIONER GEISEL: That I don't have an issue with. It's just more so that --

COMMISSIONER LANAGHAN: Yes, the size of it.

COMMISSIONER GEISEL: -- that side porch. Quite frankly, you could do the project without that. I mean, I understand you want it, but you could do it without it.

COMMISSIONER LANAGHAN: Right.

CHAIRPERSON SIAVELIS: So, are you in favor of --

COMMISSIONER GEISEL: Oh, what I was simply suggesting was if you pull a foot off the front and two feet off the side, that's close to 75 square feet, you're about half.

CHAIRPERSON SIAVELIS: Yes, okay. Yes, because it's 151.

COMMISSIONER GEISEL: Yes.

CHAIRPERSON SIAVELIS: Tom and Joe and Frank, what's your sentiment on that? If you reduce the north patio or porch by a foot and then the west by two feet, would you be able to support that?

COMMISSIONER PORTERA: Yes, I think so. I think the Petitioner has done a fine job of explaining the unique circumstances and what they're trying to do here,

you know, with the bay window and posts and the wheelchairs and the front, but again, if you're willing to cut that down, then I would be able to support that.

CHAIRPERSON SIAVELIS: Joe?

COMMISSIONER SELBKA: Yes, that's what I, the only other possible suggestion we have is to replace the concrete patio in the back with sort of the pervious pavers as opposed to concrete.

COMMISSIONER LANAGHAN: It exists, so the concrete patio exists there already.

COMMISSIONER SELBKA: Yes, I know that.

COMMISSIONER LANAGHAN: So, they'd have to tear that out to, yes.

COMMISSIONER SELBKA: Yes.

CHAIRPERSON SIAVELIS: Did you say, I'm sorry, the patio or did you say the walk? I'm sorry.

COMMISSIONER SELBKA: The patio, a portion of that patio with pervious pavers as opposed to, to limit or reduce the amount of impervious surface out there, but --

CHAIRPERSON SIAVELIS: Yes.

COMMISSIONER SELBKA: -- I would go along with that compromise with the rest of the Board.

COMMISSIONER GEISEL: Sometimes the impervious issues are more common sense when we've got a much larger lot. This lot is --

COMMISSIONER LANAGHAN: It's a tight lot.

COMMISSIONER GEISEL: It's a tight lot. It's also just very heavily constructed. There's a number of walkways, patio, after that the driveway, the --

COMMISSIONER LANAGHAN: That all exists, all of that exists, yes.

CHAIRPERSON SIAVELIS: That's exactly why I went right at the south concrete walk because I was looking at that. If you want to focus people to the north side of the house or the front door, get rid of that south walk so people don't get channeled there.

COMMISSIONER SELBKA: Correct, you're providing the --

CHAIRPERSON SIAVELIS: Right, the ingress and egress avenue.

Okay, the Petitioner doesn't want to do that, so it's like, okay. All right, so, are you following us? I know we're talking about a lot of different things here, unfortunately.

MS. BUKRANOVA: I'm following, yes.

CHAIRPERSON SIAVELIS: So, the current proposal that seems to have some support is one foot off the width on the north porch, two feet on the west side porch. Is that something you want us to consider and is that something you'd be willing to do to gain approval of the variance?

MS. BUKRANOVA: Just a second. Six feet should be sufficient to provide access for a wheelchair and turn around?

COMMISSIONER LANAGHAN: Yes, four-foot is good actually, so you'd be fine in that respect.

MS. BUKRANOVA: Even to turn around?

COMMISSIONER LANAGHAN: Yes.

MS. BUKRANOVA: Okay, I guess then, yes, please.

CHAIRPERSON SIAVELIS: Okay, take a seat. Let's have public

commentary if any.

Any public comments? Come on up, ma'am.

MS. ZIMMERMAN: My name is Ellyn Zimmerman. I'm wondering what is the overall amount of impervious surface for which the variance then would be requested?

CHAIRPERSON SIAVELIS: Basically 75 feet.

MS. ZIMMERMAN: 75 feet.

CHAIRPERSON SIAVELIS: Yes.

MS. ZIMMERMAN: Thank you.

CHAIRPERSON SIAVELIS: Under the proposal just talked about, just discussed.

MS. ZIMMERMAN: Taking off two feet on one side and one foot on the other side.

CHAIRPERSON SIAVELIS: Correct.

MS. ZIMMERMAN: Thank you.

COMMISSIONER DRAKE: I have a question for this resident. If you could come back up, ma'am?

MS. ZIMMERMAN: Yes?

COMMISSIONER DRAKE: Are you in favor of this project? Are you a neighbor? Are you comfortable with the project?

MS. ZIMMERMAN: I'm not an immediate neighbor. I'm very concerned though about when Engineering is mentioning about impervious surfaces and Planning folks are offering the variances, especially in areas where there are no sewers, gutters, et cetera. Even where there are, there are still issues. This homeowner indicated she's got problems with water. I'm very concerned about that.

COMMISSIONER DRAKE: All right, thank you.

MS. ZIMMERMAN: You bet.

CHAIRPERSON SIAVELIS: Okay, any other comments from the public?

MS. DALTON: Yes.

CHAIRPERSON SIAVELIS: Go ahead.

MS. DALTON: Hi, my name is Clara Dalton. I live exactly next door to Peter and Beata, and we're both fully in support of what they want to do to this home. Our driveway butts up right next to the sidewalk on their south side.

CHAIRPERSON SIAVELIS: So, yes, so you're just south? You're the adjoining neighbor to the south.

MS. DALTON: Yes, we're exactly right there. We've never had any water problems between the two houses. You know, I know there's always that concern of you've got too much concrete, there's nowhere for the water to go. There's enough grass space between my driveway and their sidewalk that absorbs anything, even when we get the heavy snows in the winter.

CHAIRPERSON SIAVELIS: How long have you lived there?

MS. DALTON: We've lived there 45 years.

CHAIRPERSON SIAVELIS: Oh, okay. Your sample size is large enough then. Okay, thank you very much, appreciate it.

COMMISSIONER LANAGHAN: Yes, very much appreciated.

MR. GRAMS: Jeffrey Grams, I've lived there 66.5 years. I love what they're doing. I just live, if you go up just a hair, 1137. One more street, that yellow brick ranch

that's showing up right there. I like what they're going to do; I'm all in favor of it.

CHAIRPERSON SIAVELIS: Thank you.

Okay, any other commentary from the public?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, so you have an opportunity if you want to rebut it. You can choose not to as well, and then we just move to deliberation phase, but recognize where we're at in the process, right, the compromise position essentially on the porch, right? So, if you want to discuss anything else on that, now is the time; otherwise, we go to deliberation and we proceed from there.

(No response.)

CHAIRPERSON SIAVELIS: Okay, let's go to deliberation.

Jeff, you want to start?

COMMISSIONER LANAGHAN: Yes.

No, I think in general, you know, it's a nonconforming lot to start with, so I completely understand where they're going with that. Unfortunately, the majority of the impervious surface is already there so it would be difficult to tear it out. I think the compromise on the porch which is really the only new impervious surface being added is reasonable. The second floor is very much in keeping with what's around there. So, with the compromise that they've offered up, I'm very much in favor.

CHAIRPERSON SIAVELIS: And in view of the neighbors' support.

COMMISSIONER LANAGHAN: Absolutely.

CHAIRPERSON SIAVELIS: The directly adjacent neighbor.

COMMISSIONER LANAGHAN: Yes.

CHAIRPERSON SIAVELIS: Okay.

All right, any other comments?

(No response.)

CHAIRPERSON SIAVELIS: Okay, do we have a motion? So, let's make sure we motion it clearly because of the nuance.

COMMISSIONER LANAGHAN: We can take a shot at it. I move to approve the, let me see if I can figure out the right one here.

CHAIRPERSON SIAVELIS: It's number seven, I believe.

COMMISSIONER LANAGHAN: Number seven. Well, there's probably several of these that are going to be affected actually with the setbacks.

CHAIRPERSON SIAVELIS: Oh, that's right.

COMMISSIONER LANAGHAN: So, I move to approve the variances presented with the modification that the north porch becomes seven-foot in depth and the west porch becomes six feet in depth.

Does that do it, Derek?

MR. MACH: Yes.

COMMISSIONER LANAGHAN: Instead of eight feet on both of those, yes.

MR. MACH: Another option is just to adjust the impervious surface coverage and then the Petitioner has the ability to adjust the porch and make it up elsewhere.

COMMISSIONER LANAGHAN: Adjust that as needed, we can do that. If I calculated it correctly, it's about 85 feet is where we'd be. It's basically 44 on one side and 22 on the other, so it's 66 total off of 151 is 85 feet. Okay, I can do that, to adjust --

CHAIRPERSON SIAVELIS: Are you rescinding your motion? Because you made a motion, right? It hasn't been seconded yet.

COMMISSIONER LANAGHAN: Do I need to rescind that and adjust it accordingly?

CHAIRPERSON SIAVELIS: Or make a second motion?

MR. MACH: The motion is still on the floor so you can just continue to --

COMMISSIONER LANAGHAN: To adjust it accordingly. So, I'm not sure if this is correct, Peter, but, so let me modify the previous motion to adjust the seventh variance from 151 square feet of impervious surface to allow 85 feet, and Derek, I can do the math if you'd like me to or I can let you do that one and let the --

MR. MACH: Sure. So, just to clarify, it's an 85-foot variation?

COMMISSIONER LANAGHAN: Correct.

MR. MACH: For impervious surface coverage.

COMMISSIONER LANAGHAN: Correct. Is that clear as mud? Excellent.

CHAIRPERSON SIAVELIS: Derek, he does not need to restate that, does he?

MR. MACH: No.

CHAIRPERSON SIAVELIS: Okay, do we have a second?

COMMISSIONER SELBKA: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, your variances have been granted as modified and moved by Mr. Lanaghan.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:50 p.m.)



**Zoning Board of Appeals
11/14/2022**

Item: 502 W. Campbell St. - 10/17/22

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
502 W. Campbell St. - 10/17/22 Findings	Minutes
502 W. Campbell St. - 10/17/22 Minutes	Minutes

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS October 17, 2022

PETITIONER: O'Neill Residence

ADDRESS OF PROPERTY 502 W. Campbell St.

VARIATION: 6.5-6 (Height of Accessory Structures in Rear Yards)

A 4.1' variation to allow a detached garage with a peak height of 19.1' above grade where a maximum peak height of 15.0' is allowed.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner testified that they are proposing to demolish the existing two-car detached garage and rebuild a larger garage. The petitioner testified that the existing garage is 17.7 feet high. The petitioner explained that the new garage roof slope will match the existing home. The petitioner shared a letter of support from a neighbor.

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. Lanaghan. Thereafter, the Board voted 6-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 6-0 to grant the variance.

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.

Peter Siavelis, Chair
Zoning Board of Appeals
Village of Arlington Heights

ZONING BOARD

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

OF APPEALS

RE: 502 WEST CAMPBELL STREET - ZBA #22-025

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 17th day of October, 2022 at the hour of
7:50 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairperson
TOM DRAKE
JEFFREY LANAGHAN
JOSEPH GEISEL
JOSEPH SELBKA
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, next item up is ZBA Petition No. 22-025, and folks, you don't have to stay if you don't want to. You're not going to hurt our feelings by leaving, okay. 22-025, 502 West Campbell Street.

Okay, Derek, overview please.

MR. MACH: The Petitioner is seeking to construct a new detached garage. The proposed detached garage has a peak height of 19.1 feet above grade where a maximum peak of 15 feet is allowed.

Therefore, they're requesting a 4.1-foot variation from Chapter 28, Section 6.5-6 to allow a detached garage with a peak height of 19.1 feet above grade where a maximum height of 15 feet is allowed. Thank you.

CHAIRPERSON SIAVELIS: Great. Please identify yourself for the record.

MR. PURDOM: My name is Kevin Purdom, I'm with JRC Design Build as their architect.

CHAIRPERSON SIAVELIS: Raise your right hand, Kevin.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, proceed.

MR. PURDOM: All right, so my client is looking to demolish their existing rundown two-car garage and we will be building a slightly larger, about one foot on each side, two-car detached garage. Very simple, it will have a trellis across the front. The existing garage is actually 17-foot-eight, so it's already nonconforming and it's very rundown so they don't even want to keep it at all. They're just going to demo and build something that's more fitting with the existing house.

They're asking for this peak height to be higher because the peak height of the house is 10 to 12, and we will be building that same to match the garage and the main house. All other requirements for the zoning are being met, both the rear and side yard setbacks. Again, the existing garage is already nonconforming.

We have, the neighbor directly adjacent has sent a letter of support for us. I believe I sent that to Derek if he wants to read it.

CHAIRPERSON SIAVELIS: It's in the file. Are we going to read it, Derek? Go ahead.

MR. MACH: I don't need to. It would be fine.

CHAIRPERSON SIAVELIS: Let's not, it's 10 to. It's in the file and it was in our materials so we read it.

MR. PURDOM: Yes, no problem. All materials are going to match the existing house, so we just want to get that peak height to be a little bit higher than what is existing and it will enhance the look of both the garage and the main house.

COMMISSIONER DRAKE: Hi, I just have a few questions for you.

MR. PURDOM: Sure.

COMMISSIONER DRAKE: How many residents live in the house?

MR. PURDOM: Right now it's two.

COMMISSIONER DRAKE: Two, okay, and just two drivers?

MR. PURDOM: I believe so, yes.

COMMISSIONER DRAKE: Okay, and how old is that existing garage and everything else?

MR. O'NEILL: I'm Robert O'Neill, I'm the owner. Do you need me to sign

in? Okay.

CHAIRPERSON SIAVELIS: And I'll swear you.

MR. O'NEILL: Okay.

CHAIRPERSON SIAVELIS: Again, please identify yourself because you were speaking from out there to make sure you were heard.

MR. O'NEILL: Okay, I'm Robert O'Neill. I'm the owner of the home located at 502 West Campbell.

CHAIRPERSON SIAVELIS: Right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, go ahead, can you answer the question?

MR. O'NEILL: My belief is that part of the garage is as old as the house. The house was built in 1895. The back portion of the garage I believe was a little barn to keep a carriage and a horse in when the house was originally built. Somewhere along the line, the front portion of the garage which you can see from the street was added on. I believe it added about six or eight feet to the front of the garage to make it deep enough to hold two cars.

COMMISSIONER DRAKE: Okay, and how long have you resided there?

MR. O'NEILL: 30 years.

COMMISSIONER DRAKE: 30 years, okay. We saw the comment from the one neighbor, the e-mail. Were there any other comments from any of the other residents?

MR. O'NEILL: No.

COMMISSIONER DRAKE: That's all I have.

MR. O'NEILL: Okay, our intent was to knock the garage down right after we bought the house.

CHAIRPERSON SIAVELIS: 30 years ago?

MR. O'NEILL: Yes.

CHAIRPERSON SIAVELIS: Okay, these things happen.

All right, let's see if there's any comments from the public.

(No response.)

CHAIRPERSON SIAVELIS: All right, seeing none, we'll move to deliberations. You gentlemen can sit down please.

COMMISSIONER DRAKE: I think this is pretty straight-forward. It's a reasonable request. It's an existing nonconforming on the current garage. None of the three departments, there were no red flags from the internal departments. We've got a letter of support from the neighbor, and it doesn't look like there's anyone else here that has an issue with it. I think it's probably about time since 1890 to get a new barn or a new garage, whatever you want to call it. So, I'm in favor of the petition.

CHAIRPERSON SIAVELIS: Any other comments?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, is there a motion?

COMMISSIONER DRAKE: I would move to approve this petition.

CHAIRPERSON SIAVELIS: Second? Is there a second?

COMMISSIONER LANAGHAN: Second.

CHAIRPERSON SIAVELIS: Thank you.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, petition granted.

MR. O'NEILL: Thank you.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:00 p.m.)



Zoning Board of Appeals 11/14/2022

Item: 751 S. Burton Pl. - ZBA#22-022

Department: Planning & Community Development

REQUEST

- A 2 foot variance from Chapter 28, Section 6.5 and 6.6-5.1 (Table of Permitted Obstructions) for the existing pool structure (pergola) and pool deck that is setback 6 feet from the east (rear) property line where 8 feet is required.
- A variance from Chapter 28, Section 6.5 and 6.6-5.1 (Table of Permitted Obstructions) for existing pool equipment that is setback 4 feet from the east (rear) property line and 7 feet from the south (side) property line where 8 feet is required.

ATTACHMENTS:

Description	Type
Supporting Documents	Exhibits

MEMORANDUM

To: Chairman Siavelis and Members of the Zoning Board of Appeals

From: Derek Mach, Staff Liaison

Date: November 9, 2022

Re: Creel Petition – ZBA 22-022

At the October 17, Zoning Board meeting, the petitioner was requesting a variance for impervious surface coverage and two variations related to the swimming pool. At the hearing, the Zoning Board continued the petition to the November 14, 2022 meeting and requested that the property owner be present.

Since the meeting, the petitioner has submitted for a building permit (attached) to reduce the amount of impervious surface coverage. In order to reduce the impervious surface coverage, the petitioner is eliminating the circular drive. The driveway portion that is perpendicular to Burton Street along the south property line will remain. A walkway will be installed from the front door and connect to the driveway to the south.

Therefore, the impervious surface variance is being withdrawn since the petitioner addressed the variance request with the elimination of the circular driveway. The petitioner is requesting the following two variations related to the swimming pool:

- **A 2 foot variance from Chapter 28, Section 6.5 and 6.6-5.1 (Table of Permitted Obstructions) for the existing pool structure (pergola) and pool deck that is setback 6 feet from the east (rear) property line where 8 feet is required.**
- **A variance from Chapter 28, Section 6.5 and 6.6-5.1 (Table of Permitted Obstructions) for existing pool equipment that is setback 4 feet from the east (rear) property line and 7 feet from the south (side) property line where 8 feet is required.**

Attached are the minutes from the October 17, 2022 Zoning Board meeting. Please feel free to contact me with any questions at (847) 368-5232.

C: *Bill Enright, Assistant Director of Planning and Community Development*
ZBA File 22-022

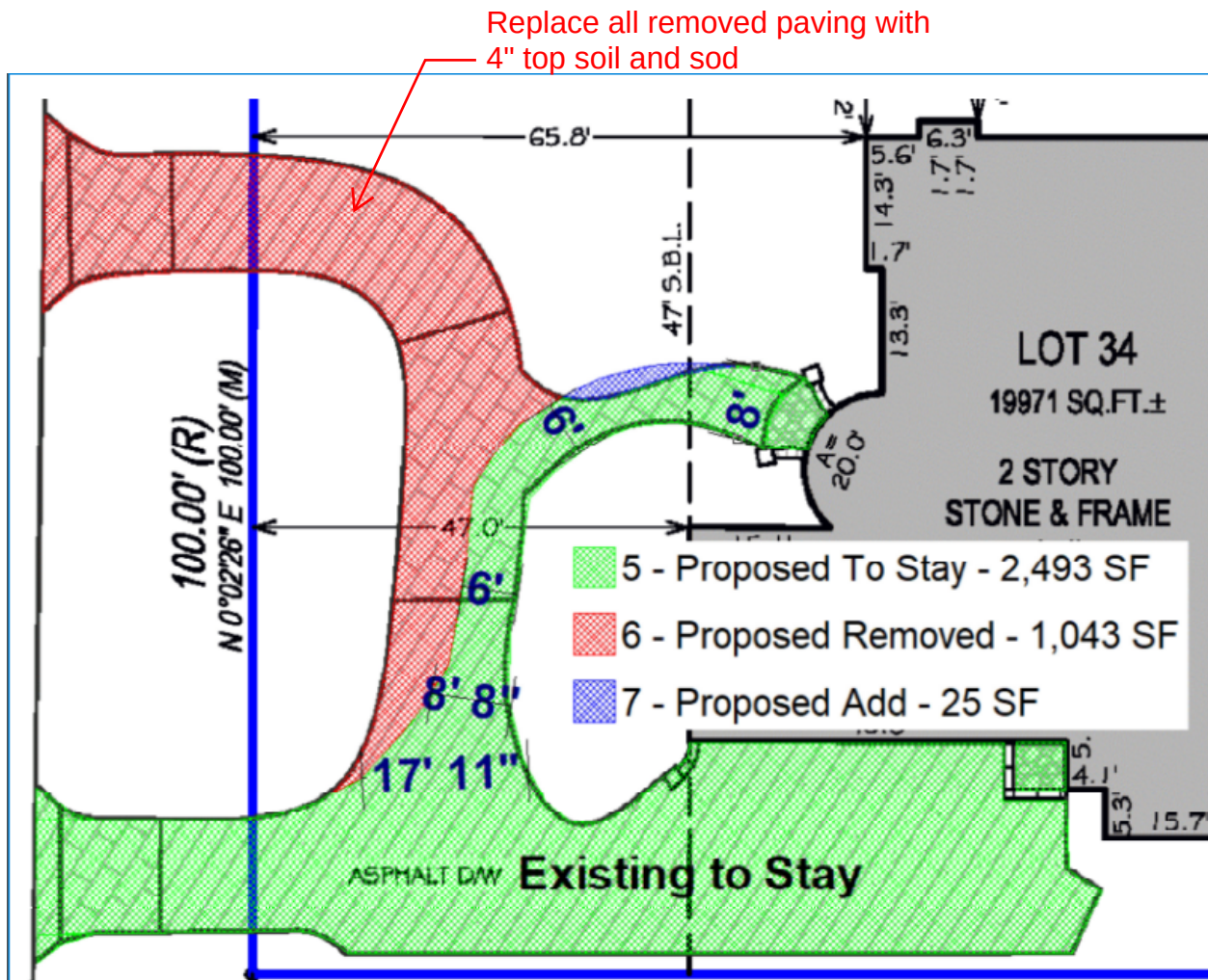
Reviewed For Code Compliance
Village of Arlington Heights
Digital Stamp

Addendum to Application Number: 22-4143

Project Address: 751 S Burton PL, Arlington Heights, IL 60005

From: Power Construction Co. (Scott Crossman 847-354-8199)

Please see the below addendum to our permit request (Application Number 22-4143). We propose to provide 4" of top soil and sod in all areas of paving to be removed per plan below.



ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: October 17, 2022
Date Prepared: October 11, 2022
Project Title: Creel Residence
Address: 751 S. Burton Pl.

Background Information

Petition Number: ZBA #22-022
Petitioner: Keith Creel
Address: 751 S. Burton Pl.
Arlington Heights IL 60005

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

Requested Action/Background Information

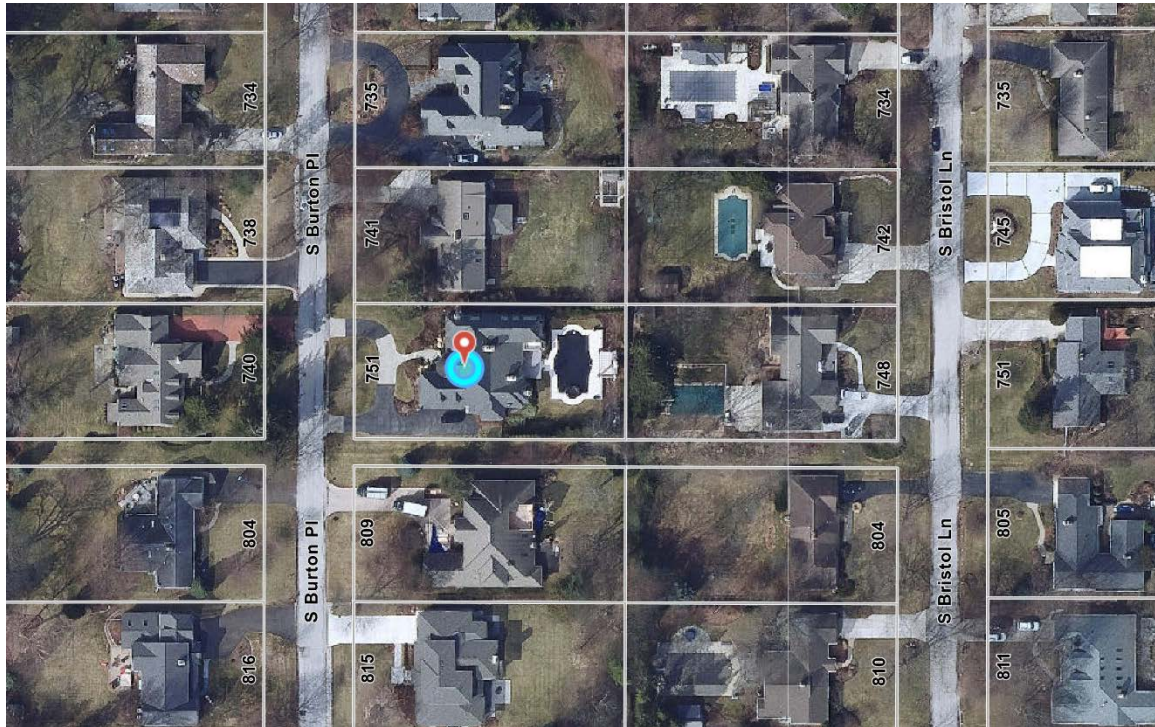
The subject property is zoned R-E, One-Family Dwelling District and includes a single-family home, that is approximately 5,943 square feet. The property has a total land area of 20,000 square-feet and a lot width of 100 feet. In 2015 a code compliant pool permit was approved. A separate permit was submitted for the pergola and expanded pool deck; however, this permit was rejected since it did not comply with code. As part of an inspection, it was noted that the pergola structure and the expanded pool deck had been constructed. Therefore, the homeowner is seeking the following variations:

- A 355 square foot variation from Chapter 28, Section 5.1-0.5b (Maximum Impervious Surface Coverage) to allow (existing) 10,355 square feet of impervious surface coverage where 10,000 square feet is allowed.
- A 2 foot variance from Chapter 28, Section 6.5 and 6.6-5.1 (Table of Permitted Obstructions) for the existing pool structure (pergola) and pool deck that is setback 6 feet from the east (rear) property line where 8 feet is required.
- A variance from Chapter 28, Section 6.5 and 6.6-5.1 (Table of Permitted Obstructions) for existing pool equipment that is setback 4 feet from the east (rear) property line and 7 feet from the south (side) property line where 8 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	✓	9/30/22	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/30/22	
3. Letter that was Mailed	✓	9/30/22	
4. Photographs of Sign on Property	✓	9/30/22	

Photographs of Existing Structure





Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Nusrat Jahan, Building & Life Safety Department

Project Name: Creel Residence

Project Address: 751 S Burton Place

ZBA #: 22-022

Date: October 06, 2022

Derek:

I have reviewed the request for the following variance:

- A 355 square foot variation from Chapter 28, Section 5.1-0.5b (Maximum Impervious Surface Coverage) to allow (existing) 10,355 square feet of impervious surface coverage where 10,000 square feet is allowed.
- A 2 foot variance from Chapter 28, Section 6.5 and 6.6-5.1 (Table of Permitted Obstructions) for the existing pool structure (pergola) and pool deck that is setback 6 feet from the east (rear) property line where 8 feet is required.
- A variance from Chapter 28, Section 6.5 and 6.6-5.1 (Table of Permitted Obstructions) for existing pool equipment that is setback 4 feet from the east (rear) property line and 7 feet from the south (side) property line where 8 feet is required.

and do not have any objection to the request.

ZBA# 22-022
751 S Burton Pl- ZBA
Rev. Eng: Mike Pagones, P.E., Village Engineer
cc: Briget Schwab, P.E.

Application Date: 8-8-22
Received by Planning: 9-2-22
Transmitted to Engineering: 9-28-22
Completed: 10-6-22
ZBA Meeting Date: 10-17-22

The proposed ZBA application indicates that the petitioner is seeking:

- A 355 square foot variation from Chapter 28, Section 5.1-0.5b (Maximum Impervious Surface Coverage) to allow (existing) 10,355 square feet of impervious surface coverage where 10,000 square feet is allowed.
- A 2-foot variance from Chapter 28, Section 6.5 and 6.6-5.1 (Table of Permitted Obstructions) for the existing pool structure (pergola) and pool deck that is setback 6 feet from the east (rear) property line where 8 feet is required.
- A variance from Chapter 28, Section 6.5 and 6.6-5.1 (Table of Permitted Obstructions) for existing pool equipment that is setback 4 feet from the east (rear) property line and 7 feet from the south (side) property line where 8 feet is required.

The Engineering Division is NOT IN FAVOR of the proposed variance for impervious surface coverage. If the variance for impervious surface coverage is granted, it is recommended that the petitioner be required to use permeable pavers that allows for detention for a portion of the patio to offset the increase in impervious surface.

The Engineering Division has NO COMMENT on the proposed variance requests for Table of Permitted Obstructions.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Creel Residence

Project Address: 751 S Burton Place

ZBA #: 22-022

ZBA Hearing Date: October 17, 2022

To: Mike Pagones, Village Engineer
Jorge Torres, Director of Building and Life Safety

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

From: Derek Mach, Landscape Planner

Transmitted On: September 28, 2022

- A 355 square foot variation from Chapter 28, Section 5.1-0.5b (Maximum Impervious Surface Coverage) to allow (existing) 10,355 square feet of impervious surface coverage where 10,000 square feet is allowed.
- A 2 foot variance from Chapter 28, Section 6.5 and 6.6-5.1 (Table of Permitted Obstructions) for the existing pool structure (pergola) and pool deck that is setback 6 feet from the east (rear) property line where 8 feet is required.
- A variance from Chapter 28, Section 6.5 and 6.6-5.1 (Table of Permitted Obstructions) for existing pool equipment that is setback 4 feet from the east (rear) property line and 7 feet from the south (side) property line where 8 feet is required.

Attached are the Petitioner's:

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

Comments: No Comments.

Steve Hautzinger, Design Planner

Please review, comment, and return to me no later than October 7, 2022.

PETITION

The following petition form shall be used when submitting a petition for a variation from Chapter 28 of the Arlington Heights Municipal Code. This must be submitted with a fully executed application to the Zoning Board of Appeals. Please refer to Section 12 of Chapter 28 of the Arlington Heights Municipal Code for information regarding the criteria by which the Zoning Board of Appeals will evaluate variation requests. (Attached to this application packet.)

RECEIVED

SEP 07 2022

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

PETITION

NOW COMES the Petitioner KENT CREEL

being the owner of the property commonly known as: 751 S BURTON PL

and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section _____

Chapter 28, of the Arlington Heights Municipal Code, in order to: request building code variance

approved for 3 conditions 1. impervious surface coverage 10355 sq. ft. 2. Pool setback
3. pool equipment pad encroachment rear of lot

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 (please explain): the home has

been completed in good taste to reflect well on neighbors and neighborhood
All 1st class materials and finishes. Conditions have been as is for
over 7 years with no complaints.

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain): the home was built in 2014

and completed in 2015. I was not aware of any encroachments
until after builder finished home ^{tried to} secure final inspections

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain):
variances are not visible in nature unless specifically
measured. They have been in place over 7 years w/ no complaints.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): Considerable money was spent in good faith to build our
home to honor our neighborhood & to be enjoyed by family, friends
and neighbors. If forced to remove hard surfaces now the
expense and damage to property would be extensive.

Signed: Kent Creel
Petitioner

Date: 8/8/22

August 8, 2022

Keith E Creel

751 S Burton Place

Arlington Heights, IL 60005

Zoning Board of Appeals

Arlington Heights, IL



Subject: Petition for Variation of the Arlington Heights Municipal Code

Dear Officers of the Zoning Board,

I am writing to supplement my petition for variance included with this letter. My wife and I purchased 751 S Burton Place in late 2013. In 2014 we built a new home on the property which we completed in 2015. During this period of construction, I was required to travel extensively for my employer. As a result, we were not able to be here managing the construction project closely. In 2015 upon completing construction, our builder advised us that in the process of securing final inspections for our CO, we were written up for several building code violations tied to:

1. Excessive impervious surface – 10333 sq ft vs 10000 sq ft allowed
2. Encroachment on setbacks on the rear of our home with our pool/pergola (set back of 6 ft vs 8 ft required)
3. Pool equipment pad encroaching .4 ' on the south set back and 1' on the rear setback spaces
4. Side of front driveway was encroaching in the required setback space.

Given our home was complete and the extensive and costly work completed, we were obviously taken back by the builders oversights. We had the builder remove the portion of the front driveway that was encroaching on the side set back therefore item 4 above is resolved . He committed to remedying the remaining issues and/ or pursue a variance petition on our behalf.

Unfortunately my extensive travel has continued to the point we have not been able to enjoy our home often and I allowed too much time to lapse requiring our builder to remedy the problems as committed. Fast forward seven years- during which time I lost contact with our builder and did not pursue confirmation of the concerns being remedied, until I recently requested information from Arlington Heights on our CO status. I found upon my inquiry the file has not been advanced to resolution. I have reviewed options to remedy the encroachments however to move our pergola or pool equipment pad would be extremely problematic. The pergola would need to be torn down and reconstructed two feet shorter as the pool obviously cannot be adjusted. The pool equipment pad would have to be deconstructed and rebuilt as well. Finally to remove any of the hardscapes would leave an eye sore after for neighbors or a future potential home owner to endure.

With this said, I am respectfully requesting consideration from the board for variances to allow our property to remain as currently built. The work was done with high quality to complement our neighborhood and Arlington Heights. It is aesthetically pleasing and has remained as is for over 7 years with no complaints from neighbors. I realize the municipal codes are established to protect each of our rights building and coexisting as neighbors and residents in Arlington Heights. I by no means take this request for granted, in fact I know variances are carefully weighed and not easily achieved. I deeply respect and appreciate the board's consideration to my request for the variances that I have petitioned for in my application.

Thank you again for your time and consideration.

Respectfully,

A handwritten signature in cursive script, appearing to read "Keith E. Creel".

Keith E Creel



www.exactaland.com | office: 773.305.4011



PROPERTY ADDRESS:
751 S BURTON PLACE, ARLINGTON HEIGHTS, ILLINOIS 60005

SURVEY NUMBER: 2207.1530

DATE SIGNED: 07/27/22

FIELD WORK DATE: 7/27/2022

REVISION DATE(S):
(REV.0 7/27/2022)

POINTS OF INTEREST
NONE VISIBLE

STATE OF ILLINOIS } SS
COUNTY OF LASALLE }

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. GIVEN UNDER MY HAND AND SEAL THIS DATE HEREON.



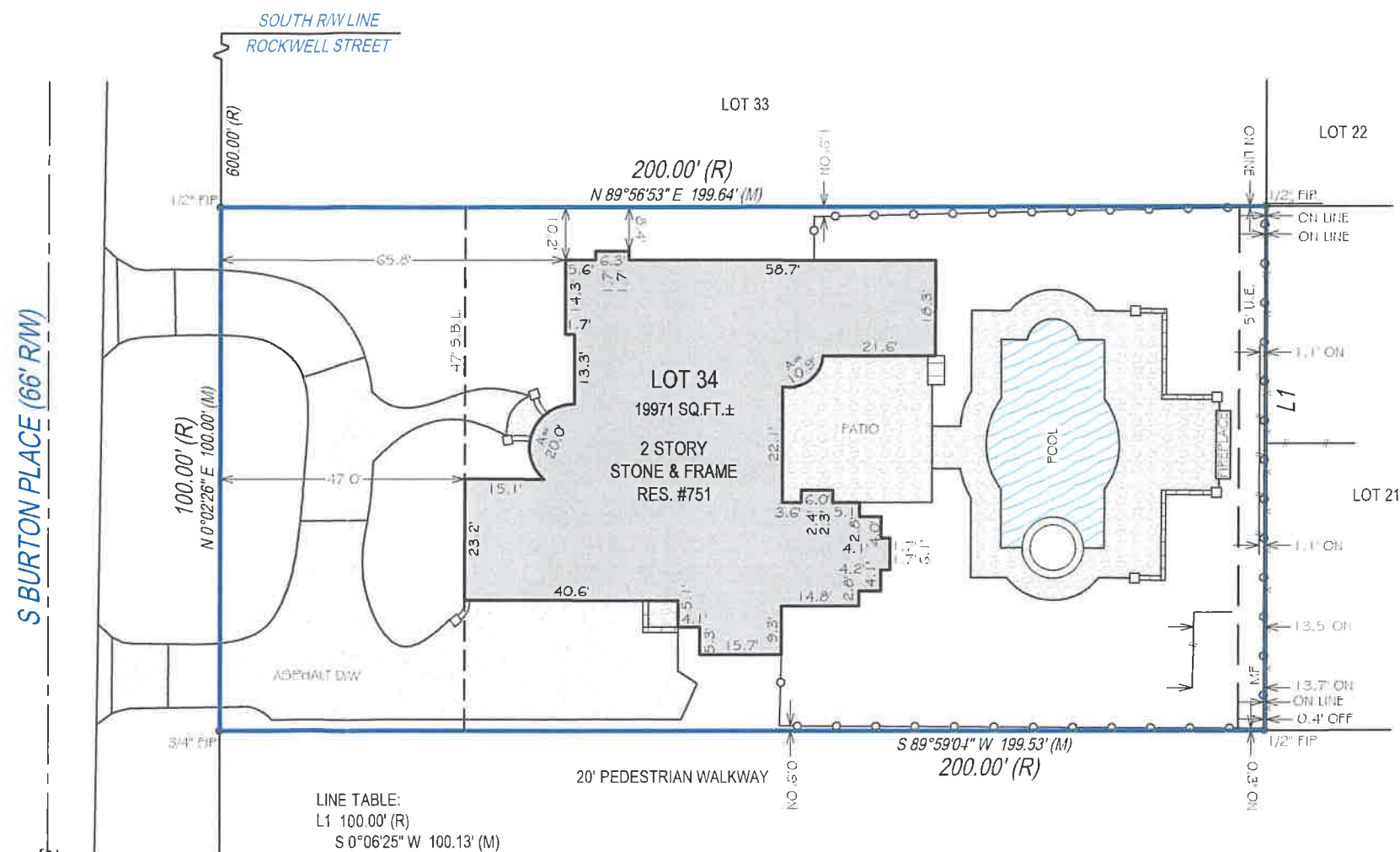
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2971
LICENSE EXPIRES 11/30/2022
EXACTA LAND SURVEYORS, LLC
PROFESSIONAL DESIGN FIRM 184008059-0008



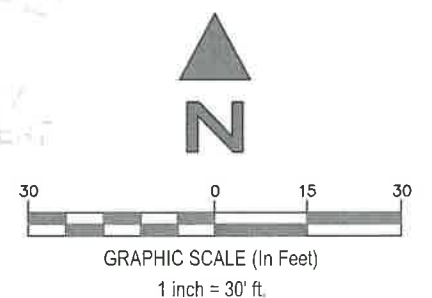
Exacta Land Surveyors, LLC
PLS# 184008059
o: 773.305.4011
316 East Jackson Street | Morris, IL 60450



2207.1530
BOUNDARY SURVEY
COOK COUNTY



RECEIVED
SEP 07 2022
PLANNING & DEVELOPMENT DEPARTMENT



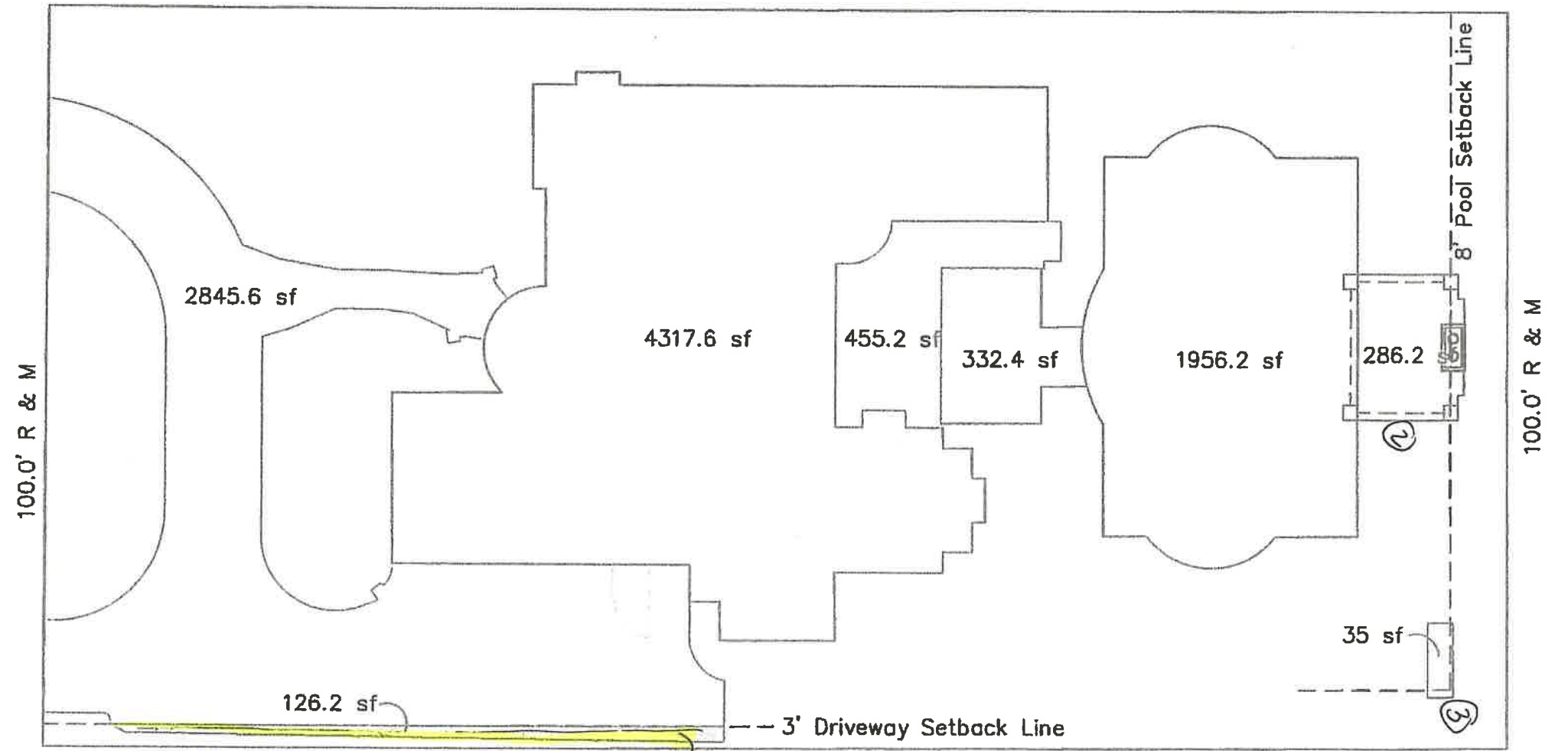
SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

RECEIVED

SEP 07 2022

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

200.0' R 199.5'M



①
10333 sq ft
- 1262 sq ft removed
10229 sq ft.
inversions

THIS HAS BEEN
REMOVED



RECEIVED

SEP 07 2002

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

RECEIVED
SEP 07 2022
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT





**Zoning Board of Appeals
11/14/2022**

Item: 704 W. Brittany Dr. - ZBA#22-027

Department: Planning & Community Development

REQUEST

- A 310 square foot variation from Chapter 28, Section 5.1-3.5 (Maximum Impervious Surface Coverage) to allow 5,007 square feet of impervious surface coverage (existing) where 4,697 square feet is allowed.

ATTACHMENTS:

Description

Supporting Documents

Type

Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: November 14, 2022
Date Prepared: November 9, 2022
Project Title: Schnittker Residence
Address: 704 W. Brittany Drive.

Background Information

Petition Number: ZBA #22-027
Petitioner: John Schnittker
Address: 704 W. Brittany Drive
Arlington Heights IL 60004

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

Requested Action/Background Information

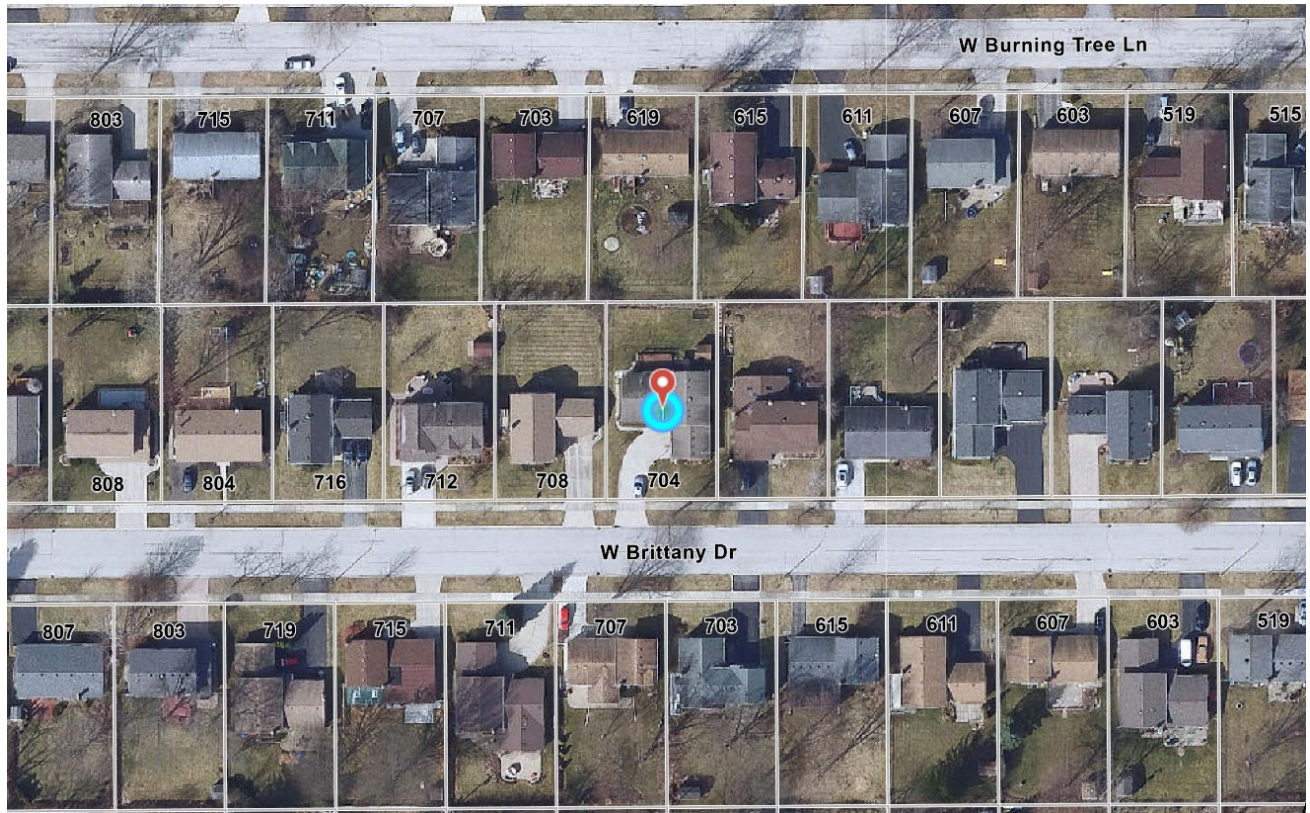
The subject property is zoned R-3, One-Family Dwelling District and includes a single-family home. The property has a total land area of 9,394 square-feet and a lot width of 72.5 feet. This past July, the homeowner submitted for a patio permit which was approved in error. The patio along with the existing impervious surface coverage exceed what is allowed per code and the petitioner would like to construct a gazebo above the existing non-conforming patio. Therefore, the petitioner is seeking the following variation:

- **A 310 square foot variation from Chapter 28, Section 5.1-3.5 (Maximum Impervious Surface Coverage) to allow 5,007 square feet of impervious surface coverage (existing) where 4,697 square feet is allowed.**

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	✓		
2. List of Property Owners Within 250 feet of Subject Property	✓		
3. Letter that was Mailed	✓		
4. Photographs of Sign on Property	✓		

Photographs of Existing Structure





Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Nusrat Jahan, Building & Life Safety Department

Project Name: Schnittker Residence

Project Address: 704 W Brittany Drive

ZBA #: 22-027

Date: November 1, 2022

Derek:

I have reviewed the request for the following variance:

- **A 310 square foot variation from Chapter 28, Section 5.1-3.5 (Maximum Impervious Surface Coverage) to allow 5,007 square feet of impervious surface coverage (existing) where 4,697 square feet is allowed.**

and do not have any objection to the request.

ZBA# 22-027
704 W Brittany Dr- ZBA
Rev. Eng: Mike Pagones, P.E., Village Engineer
cc: Briget Schwab, P.E.

Application Date: 10/10/2022
Received by Planning:
Transmitted to Engineering: 10/27/2022
Completed: 10/28/2022
ZBA Meeting Date: 11/14/2022

The proposed ZBA application indicates that the petitioner is seeking:

- A 310 square foot variation from Chapter 28, Section 5.1-3.5 (Maximum Impervious Surface Coverage) to allow 5,007 square feet of impervious surface coverage (existing) where 4,697 square feet is allowed.

The Engineering Division is NOT IN FAVOR of the proposed variance for impervious surface coverage. If the variance for impervious surface coverage is granted, it is recommended that the petitioner be required to use permeable pavers that allows for detention for a portion of the patio to offset the increase in impervious surface.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Schnittker Residence

Project Address: 704 W Brittany Drive

ZBA #: 22-027

ZBA Hearing Date: November 14, 2022

To: Mike Pagones, Village Engineer
Jorge Torres, Director of Building and Life Safety

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

From: Derek Mach, Landscape Planner

Transmitted On: October 27, 2022

- A 310 square foot variation from Chapter 28, Section 5.1-3.5 (Maximum Impervious Surface Coverage) to allow 5,007 square feet of impervious surface coverage (existing) where 4,697 square feet is allowed.

Attached are the Petitioner's:

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

Comments: No Comments.

Steve Hautzinger, Design Planner

Please review, comment, and return to me no later than November 4, 2022.

PETITION

The following petition form shall be used when submitting a petition for a variation from Chapter 28 of the Arlington Heights Municipal Code. This must be submitted with a fully executed application to the Zoning Board of Appeals. Please refer to Section 12 of Chapter 28 of the Arlington Heights Municipal Code for information regarding the criteria by which the Zoning Board of Appeals will evaluate variation requests. (Attached to this application packet.)

PETITION

NOW COMES the Petitioner JOHN SCHNITTKE
being the owner of the property commonly known as: 704 W. BRITTANY DR.
and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 5.1-3.4b
Chapter 28, of the Arlington Heights Municipal Code, in order to: BUILD A 20' X 12' GAZEBO
ON EXISTING CONCRETE PATIO

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 (please explain): THE USE OF OUR PATIO IS AS A GATHERING PLACE FOR FAMILY & FRIENDS. ALSO TO WATCH THE BIRDS ON THE FEEDER.

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain): THE PATIO IS ALREADY COMPLETE REF. PERMIT # 22-2535 THIS PAST SUMMER.

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain): THE PROPOSED GAZEBO WILL PROVIDE SHADE & MAKE IT MORE ENJOYABLE ON HOT SUMMER DAYS.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): THE PATIO WAS EXTENDED ON BOTH SIDES TO CONNECT TO THE SIDEWALK & SHED. THIS IMPROVEMENT REMOVED THE PREVIOUS TRIP HAZARDS.

Signed: _____


Petitioner

Date: 10/10/22

COMMONLY KNOWN AS: 704 BRITTANY DRIVE, ARLINGTON HEIGHTS, ILLINOIS.

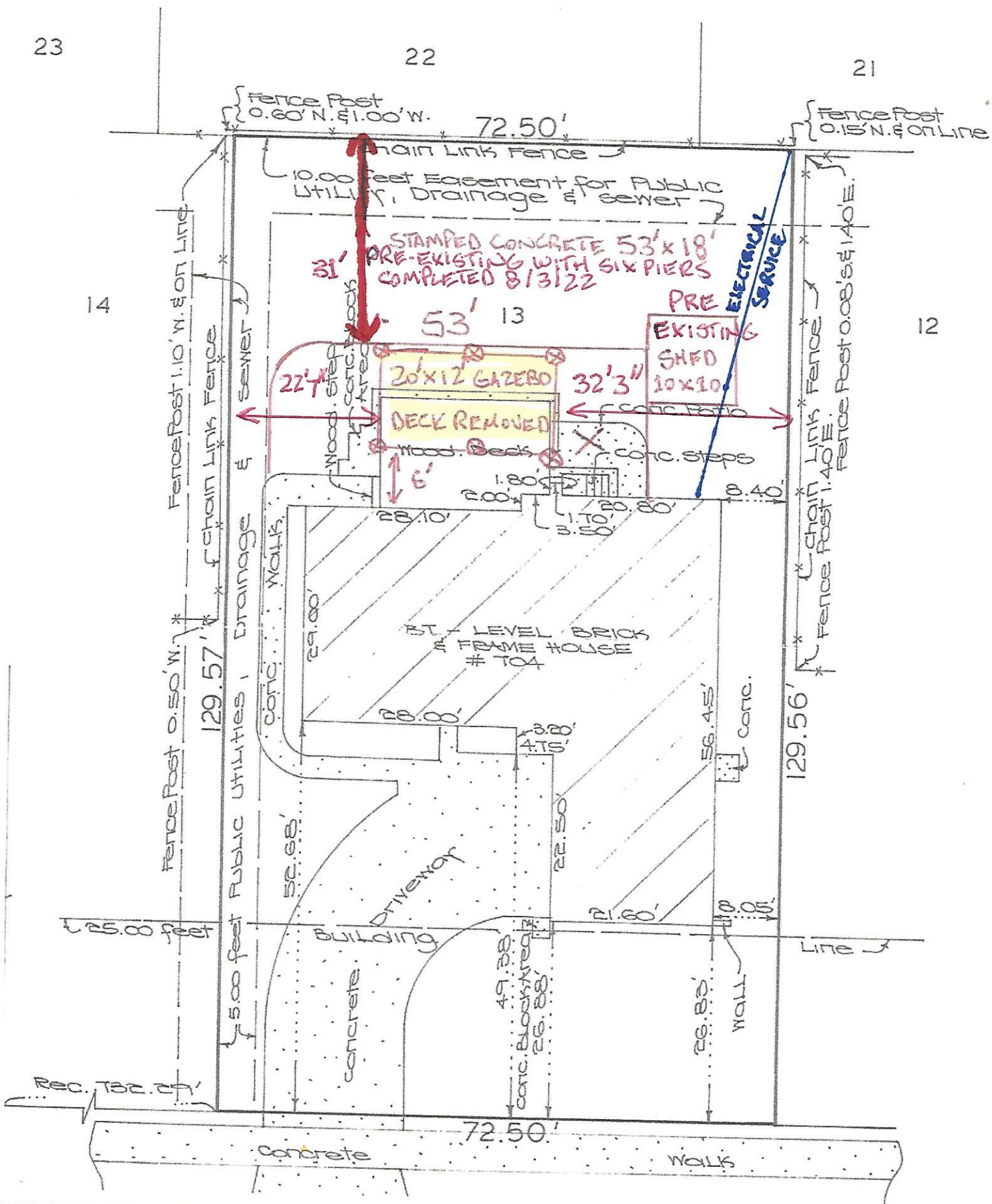
23

22

21

14

12



12' x 20' WOOD GAZEBO

with ALUMINUM ROOF

Installation and Operating Instructions – YM12952



HEIGHT:
3.099 m / 10'2"

IMPORTANT, RETAIN FOR FUTURE REFERENCE: READ CAREFULLY

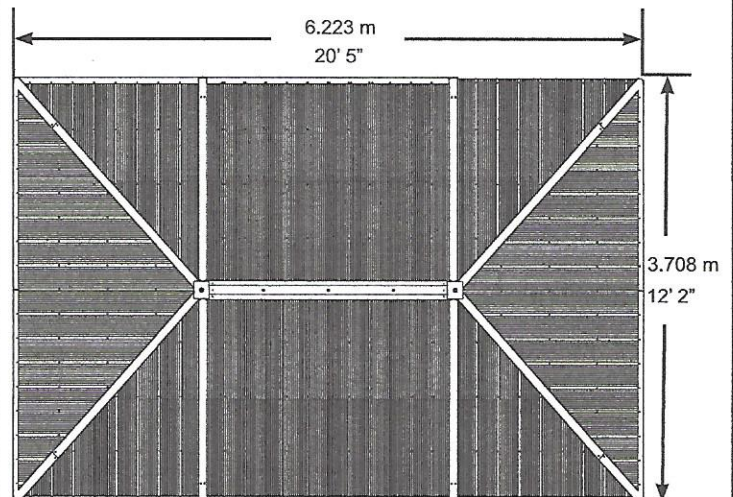
Revised 07-21-22

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English and French Spoken

Patents Pending



Permanent Installation Examples

Note: It is critically important you start with square, solid and level footings, concrete pad or deck to attach your Pergola Room.

We supply Post Mounts with this structure which gives you the flexibility to permanently install your structure to a pre-existing or new wood or concrete surface.

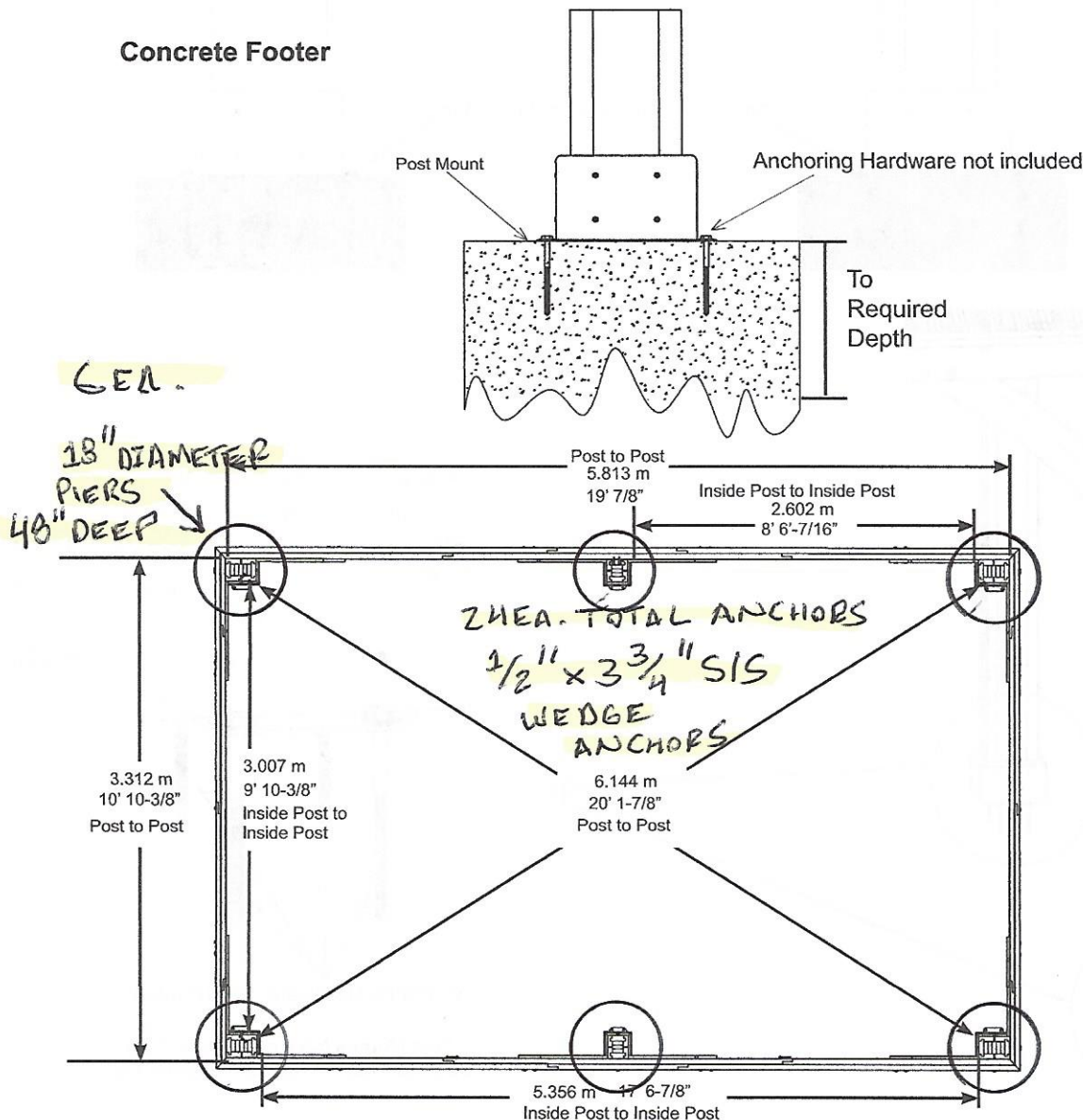
- The hardware to attach the Post Mount to the structure is included.
- The hardware to mount the structure permanently will need to be purchased separately at your local hardware store.

If you are mounting to concrete footers see below for the correct locations and placement. Please double check for possibility of any underground utilities such as gas, telephone, cable or sprinkler lines.

Following are some examples of how to mount the structure to wood or concrete surfaces.

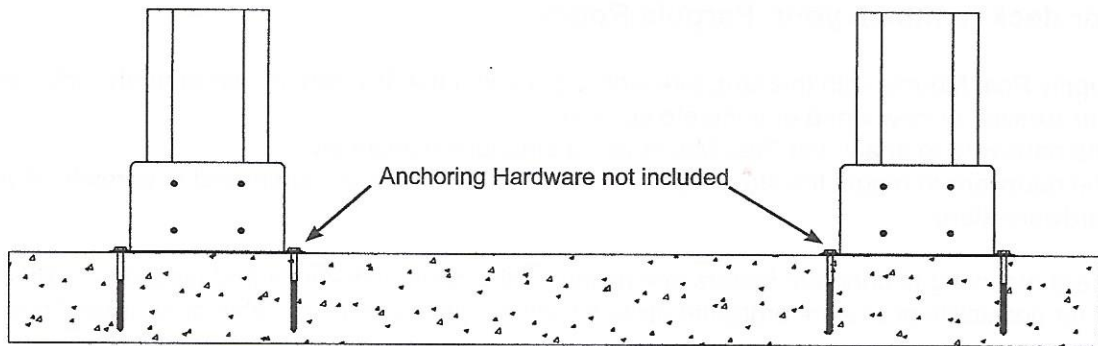
Refer to your local building and city codes, ordinances, neighbourhood covenants, or height restrictions regarding this type of structure for guidance on acceptable installation requirements.

Concrete Footer

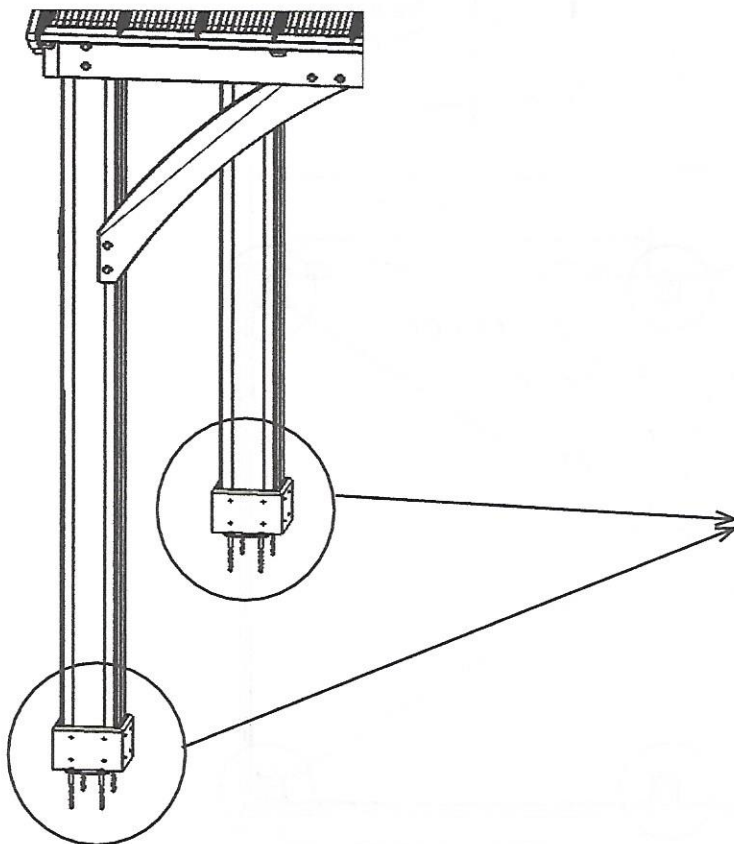


Permanent Installation Examples cont.

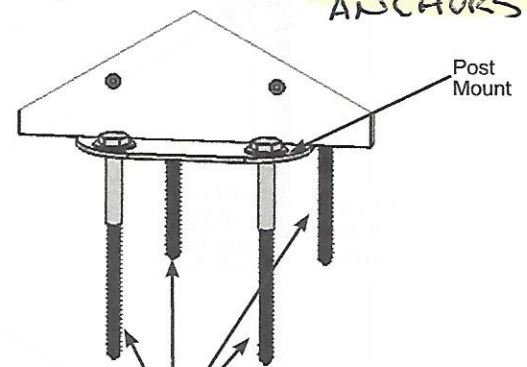
Concrete Patio [min. 3.616 m x 6.1 m (11' 10-3/8" x 20' 7/8")] with 15.24 cm (6") clearance on all sides



Wood Deck [min. 3.616 m x 6.1 m (11' 10-3/8" x 20' 7/8")] with 15.24 cm (6") clearance on all sides



4EA. PER POST
1/2" x 3 3/4" SIS WEDGE
ANCHORS



Anchoring Hardware (not included)

Post Mounts have a 12.7 mm (1/2") diameter hole for anchoring hardware.



Zoning Board of Appeals 11/14/2022

Item: 1245 S. Arlington Heights Rd. - ZBA#22-026

Department: Planning & Community Development

REQUEST

- A 3 foot variation from Chapter 28, Section 6.13-3 (Location of Fences) and Chapter 28, Section 6.13-3a (Location of Fences – Front Yard) to allow a 6 foot tall solid fence in the front yard (Arlington Heights Road), where code allows a 3 foot tall fence of open design.
- A 6.2 foot variation from Chapter 28, Section 5.1-3.3 (Required Minimum Yards) to allow a new home with a front yard setback of 26.3 feet instead of the required 32.5 feet and an additional 1.0 feet for the eave.
- A 8.6 foot variation from Chapter 28, Section 5.1-3.3 (Required Minimum Yards) to allow a new home with an exterior side yard setback of 31.6 feet instead of the required 40.2 feet and an additional 1.0 feet for the eave.

ATTACHMENTS:

Description

Supporting Documents

Type

Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: November 14, 2022
Date Prepared: November 8, 2022
Project Title: Ibarra/Recendez Residence
Address: 1245 S. Arlington Heights Rd.

Background Information

Petition Number: ZBA #22-026
Petitioner: Keith Ginnodo – Kingsley/Ginnodo Architects
Address: 33 N. Hickory Ave.
Arlington Heights IL 60004

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

Requested Action/Background Information

The petitioner is proposing to build a new single-story residence with an attached two-car garage at the northwest corner of White Oak and Arlington Heights Road. The subject site is zoned R-3, One Family Dwelling District. The property has a total land area of 14,933 square feet and the proposed residence will have approximately 3,827 square feet.

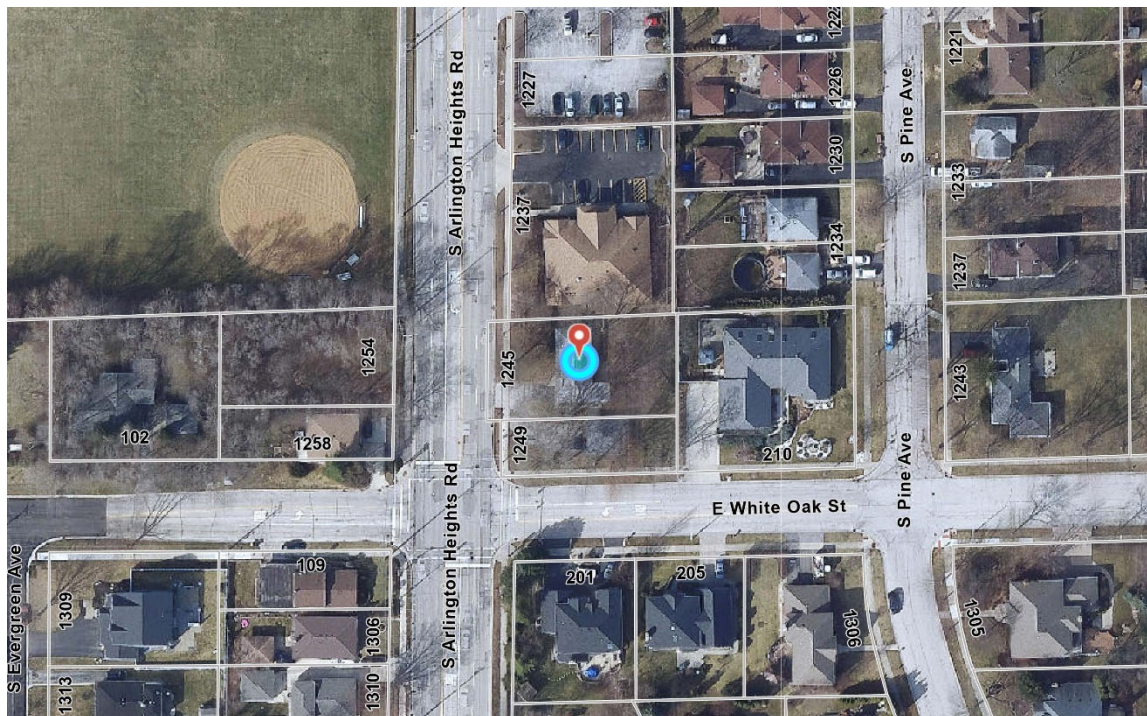
This proposed home requires a zoning variation to allow a front yard setback of 26.3 feet, where 32.5 feet is the minimum required and a variation to allow an exterior side yard setback of 31.6 feet where 40.2 feet is required. In addition, the petitioner is proposing a six foot tall solid fence (board on board) in the front yard along Arlington Heights Road where code limits the height of fences to an open three foot high fence. If the Zoning Board is supportive of the variance request, it is recommended that the fence be setback to allow for landscaping on the streetside. Therefore, the petitioner requests the following variations:

- **A 3 foot variation from Chapter 28, Section 6.13-3 (Location of Fences) and Chapter 28, Section 6.13-3a (Location of Fences – Front Yard) to allow a 6 foot tall solid fence in the front yard (Arlington Heights Road), where code allows a 3 foot tall fence of open design.**
- **A 6.2 foot variation from Chapter 28, Section 5.1-3.3 (Required Minimum Yards) to allow a new home with a front yard setback of 26.3 feet instead of the required 32.5 feet and an additional 1.0 feet for the eave.**
- **A 8.6 foot variation from Chapter 28, Section 5.1-3.3 (Required Minimum Yards) to allow a new home with an exterior side yard setback of 31.6 feet instead of the required 40.2 feet and an additional 1.0 feet for the eave.**

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	✓		
2. List of Property Owners Within 250 feet of Subject Property	✓		
3. Letter that was Mailed	✓		
4. Photographs of Sign on Property	✓		

Photographs of Existing Structure





Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Nusrat Jahan, Building & Life Safety Department

Project Name: Ibarra & Recendez Residence

Project Address: 1245 S Arlington Heights Road

ZBA #: 22-026

Date: November 1, 2022

Derek:

I have reviewed the request for the following variance:

- **A 3 foot variation from Chapter 28, Section 6.13-3 (Location of Fences) and Chapter 28, Section 6.13-3a (Location of Fences – Front Yard) to allow a 6 foot tall solid fence in the front yard (Arlington Heights Road), where code allows a 3 foot tall fence of open design.**
- **A 6.2 foot variation from Chapter 28, Section 5.1-3.3 (Required Minimum Yards) to allow a new home with a front yard setback of 26.3 feet instead of the required 32.5 feet and an additional 1.0 feet for the eave.**
- **A 8.6 foot variation from Chapter 28, Section 5.1-3.3 (Required Minimum Yards) to allow a new home with an exterior side yard setback of 31.6 feet instead of the required 40.2 feet and an additional 1.0 feet for the eave.**

and do not have any objection to the request.

ZBA# 22-026

1245 S Arlington Heights Rd- ZBA

Rev. Eng: Mike Pagones, P.E., Village Engineer

cc: Briget Schwab, P.E.

Application Date: 10/12/2022

Received by Planning:

Transmitted to Engineering: 10/27/2022

Completed: 10/28/2022

ZBA Meeting Date: 11/14/2022

The proposed ZBA application indicates that the petitioner is seeking:

- A 3 foot variation from Chapter 28, Section 6.13-3 (Location of Fences) and Chapter 28, Section 6.13-3a (Location of Fences – Front Yard) to allow a 6 foot tall solid fence in the front yard (Arlington Heights Road), where code allows a 3 foot tall fence of open design.
- A 6.2 foot variation from Chapter 28, Section 5.1-3.3 (Required Minimum Yards) to allow a new home with a front yard setback of 26.3 feet instead of the required 32.5 feet and an additional 1.0 feet for the eave.
- A 8.6 foot variation from Chapter 28, Section 5.1-3.3 (Required Minimum Yards) to allow a new home with an exterior side yard setback of 31.6 feet instead of the required 40.2 feet and an additional 1.0 feet for the eave.

The Engineering Department has NO OBJECTION to the variance request for location of fences.

The Engineering Department has NO COMMENT to the variance request for Required Minimum Yards for a reduced front yard setback and reduced exterior side yard setback.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Ibarra & Recendez Residence

Project Address: 1245 S Arlington Heights Road

ZBA #: 22-026

ZBA Hearing Date: November 14, 2022

To: Mike Pagones, Village Engineer
Jorge Torres, Director of Building and Life Safety

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

From: Derek Mach, Landscape Planner

Transmitted On: October 27, 2022

- A 3 foot variation from Chapter 28, Section 6.13-3 (Location of Fences) and Chapter 28, Section 6.13-3a (Location of Fences – Front Yard) to allow a 6 foot tall solid fence in the front yard (Arlington Heights Road), where code allows a 3 foot tall fence of open design.
- A 6.2 foot variation from Chapter 28, Section 5.1-3.3 (Required Minimum Yards) to allow a new home with a front yard setback of 26.3 feet instead of the required 32.5 feet and an additional 1.0 feet for the eave.
- A 8.6 foot variation from Chapter 28, Section 5.1-3.3 (Required Minimum Yards) to allow a new home with an exterior side yard setback of 31.6 feet instead of the required 40.2 feet and an additional 1.0 feet for the eave.

Attached are the Petitioner's:

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

Comments: This project is scheduled for Design Commission review on November 15, 2022.

Overall, the proposed design is nicely done, but the proposed farmhouse design style will be discussed.

Steve Hautzinger, Design Planner

Please review, comment, and return to me no later than November 4, 2022.

October 10, 2022

PETITION

Ernesto Ibarra and Angie Recendez Residence – 1245 South Arlington Heights Road, Arlington Heights, Illinois 60005

NOW COMES the Petitioner Ernesto Ibarra and Angie Recendez being the owners of the property commonly known as: 1245 South Arlington Heights Road, Arlington Heights, Illinois 60005 and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variance from the Arlington Heights Municipal Code, Chapter 28 Zoning Regulations, Section 5.1-3.3 (Required Minimum Yards) and section 6.13-3 in order: to build a new home with a front yard setback of 26.3 feet instead of the required 32.5 feet and an additional 1.0 feet for the eave; an exterior side yard setback of 31.3 feet instead of the required 40.2 feet and an additional 1.0 feet for the eave; a 6-foot tall fence in the front yard there code allows a 3 foot tall fence; and any other variations which may be required by the Zoning Board of Appeals.

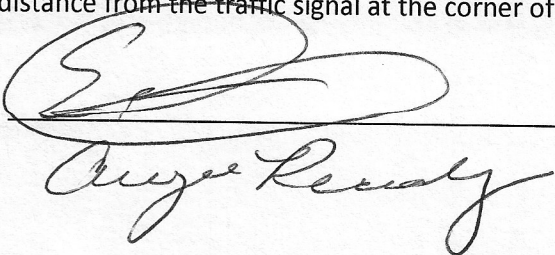
I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with the existing uses and zoning of nearby property if the variations were granted: The proposed new home will be in line with the building to the North and the home directly to the East.

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned: The lot currently has a single-family home that is set back from Arlington Heights Road which creates a hardship when establishing the required setback which is an average of the current setbacks. The required exterior side yard setback is also an average of the current single-family home and the adjacent home. The previous demolished garage which had been located at the corner of the property would have created a smaller required sideyard due to it's location to White Oak.

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter: Homes typically align on a street and this new home will do the same.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property: The new home will align with the adjacent buildings, providing the same amount of front yard and side yard setback as each of them provide. The new house location will provide the largest backyard for this young family, while at the same time providing a side loaded garage with a driveway that is the greatest distance from the traffic signal at the corner of the property.

Signed: (petitioner)



date:

11-OCT-2022

10/11/22

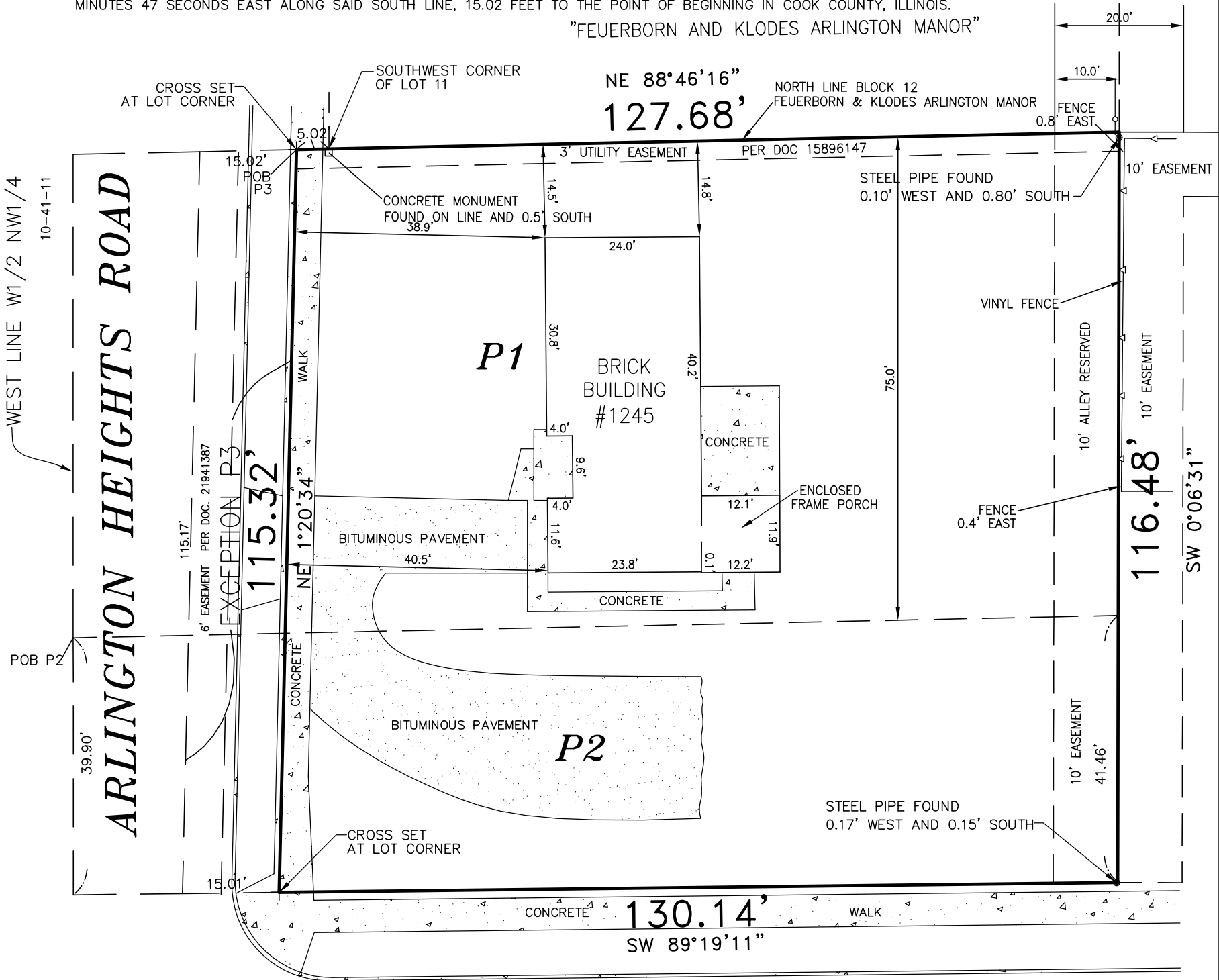
PLAT OF SURVEY

PARCEL 1: THE NORTH 75 FEET OF THAT PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN. LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF FEUERBORN AND KLODE'S ARLINGTON MANOR AND WEST OF THE CENTER LINE OF THE ALLEY EXTENDED SOUTH AS LAID OUT IN BLOCK 12 IN SAID FEUERBORN AND KLODE'S: ARLINGTON MANOR, BEING A SUBDIVISION OF PART OF THE WEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 10 AND PART OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING PUBLIC ROAD HERETOFORE DEDICATED AND RESERVING THE EAST 10 FEET OF THE ABOVE DESCRIBED TRACT FOR USE AS A PUBLIC ALLEY AND EXCEPT THAT PART OF DESCRIBED AS PARCEL 3.

PARCEL 2: THAT PART OF THE WEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID SECTION WITH A LINE 75 FEET SOUTH OF, MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE SOUTH LINE OF FEUERBORN AND KLODE'S ARLINGTON MANOR, BEING A SUBDIVISION OF PART OF THE WEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 10 AND PART OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RUNNING THENCE EAST ALONG SAID PARALLEL LINE TO THE SOUTH EXTENSION OF THE CENTERLINE OF THE ALLEY AS LAID OUT IN BLOCK 12 IN SAID SUBDIVISION, THENCE SOUTH ALONG SAID EXTENSION OF THE CENTERLINE OF ALLEY A DISTANCE OF 41.46 FEET; THENCE WEST TO A POINT OF BEGINNING; THENCE NORTH 39.90 FEET TO THE POINT OF BEGINNING; EXCEPTING PUBLIC ROAD HERETOFORE DEDICATED IN COOK COUNTY, ILLINOIS, AND EXCEPT THAT PART DESCRIBED AS PARCEL 3.

PARCEL 3: THAT PART OF THE WEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 11 IN BLOCK 12 OF FEUERBORN AND KLODE'S ARLINGTON MANOR ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1926 AS DOCUMENT 9267929; THENCE ON AN ASSUMED BEARING OF SOUTH 88 DEGREES 06 MINUTES 47 SECONDS WEST ALONG THE SOUTH LINE OF SAID BLOCK 12, 5.03 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 41 MINUTES 05 SECONDS WEST, 115.31 FEET TO A POINT ON THE NORTH LINE OF WHITE OAK STREET AS DEDICATED IN OAKS BURY ON THE PARK, RECORDED NOVEMBER 11, 1989 AS DOCUMENT 89481454; THENCE SOUTH 88 DEGREES 41 MINUTES 25 SECONDS WEST ALONG SAID NORTH LINE OF WHITE OAK STREET, 15.01 FEET TO A POINT ON THE EAST LINE OF ARLINGTON HEIGHTS ROAD AS DEDICATED BY PLAT RECORDED JUNE 19, 1922 AS DOCUMENT 7544736; THENCE NORTH 0 DEGREES 41 MINUTES 05 SECONDS EAST ALONG SAID EAST LINE, 115.16 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID FEUERBORN AND KLODE'S ARLINGTON MANOR; THENCE NORTH 88 DEGREES 06 MINUTES 47 SECONDS EAST ALONG SAID SOUTH LINE, 15.02 FEET TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS.

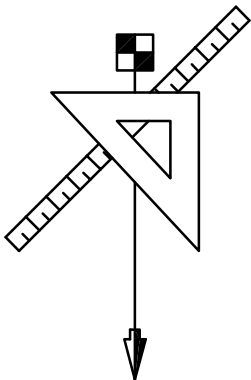
"FEUERBORN AND KLODES ARLINGTON MANOR"



NOTES:

1. SUBJECT PROPERTY AREA: 14,933 SQ FT MORE OR LESS

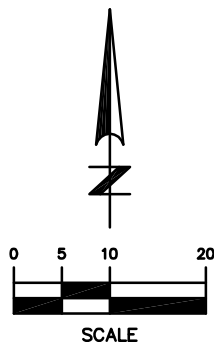
PREPARED FOR: RALPH W. DEANGELIS, ATTORNEY



Urchell and Associates, Inc.
Land Surveying Services

PHONE 708.925.7155
FAX 773.298.9500
WEBSITE www.urchellandassociates.com

DESIGN FIRM REGISTRATION #184-004894



FIELD WORK COMPLETED: 11/18/21

THIS PROFESSIONAL SERVICE CONFORMS TO THE
CURRENT ILLINOIS STANDARDS FOR A BOUNDARY SURVEY.

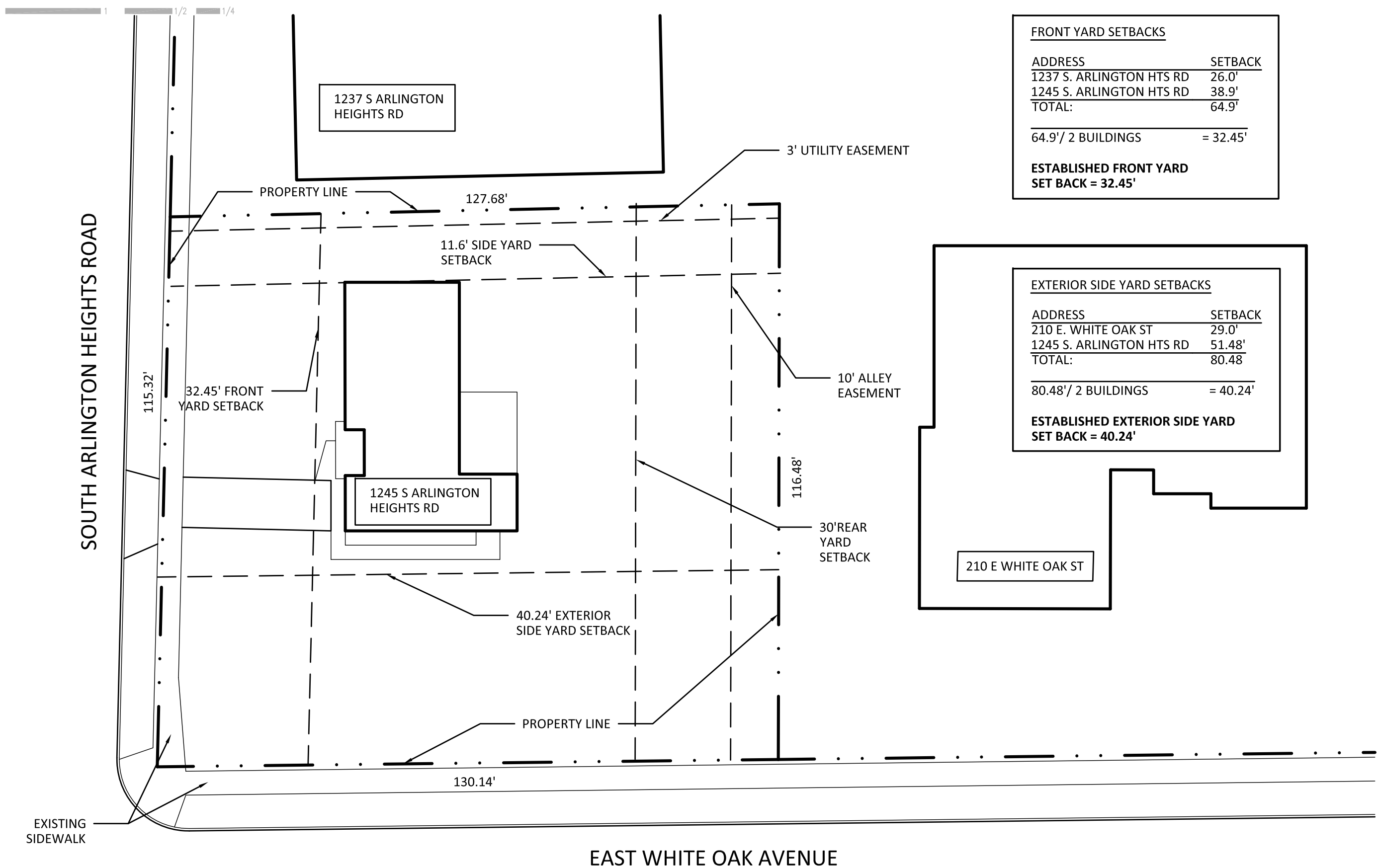
DATED: 11/18/21

[Signature]

ROBERT J. URCELL I.P.L.S. No. 3438
LICENSE RENEWAL DATE: NOVEMBER 30, 2022
SURVEY No. 21-10-149

NO IMPROVEMENTS SHOULD BE CONSTRUCTED ON THE BASIS OF THIS PLAT
ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED
PRIOR TO COMMENCEMENT OF CONSTRUCTION.

FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO
YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND
ZONING ORDINANCES.



FRONT YARD SETBACKS	
ADDRESS	SETBACK
1237 S. ARLINGTON HTS RD	26.0'
1245 S. ARLINGTON HTS RD	38.9'
TOTAL:	64.9'
64.9' / 2 BUILDINGS	= 32.45'
ESTABLISHED FRONT YARD SET BACK = 32.45'	

EXTERIOR SIDE YARD SETBACKS	
ADDRESS	SETBACK
210 E. WHITE OAK ST	29.0'
1245 S. ARLINGTON HTS RD	51.48'
TOTAL:	80.48
80.48' / 2 BUILDINGS	= 40.24'
ESTABLISHED EXTERIOR SIDE YARD SET BACK = 40.24'	

210 E WHITE OAK ST

1 EXISTING SITE PLAN
1" = 20'-0"

KINGSLEY + GINNODO ARCHITECTS
33 N HICKORY AV. ARLINGTON HTS. IL 60004

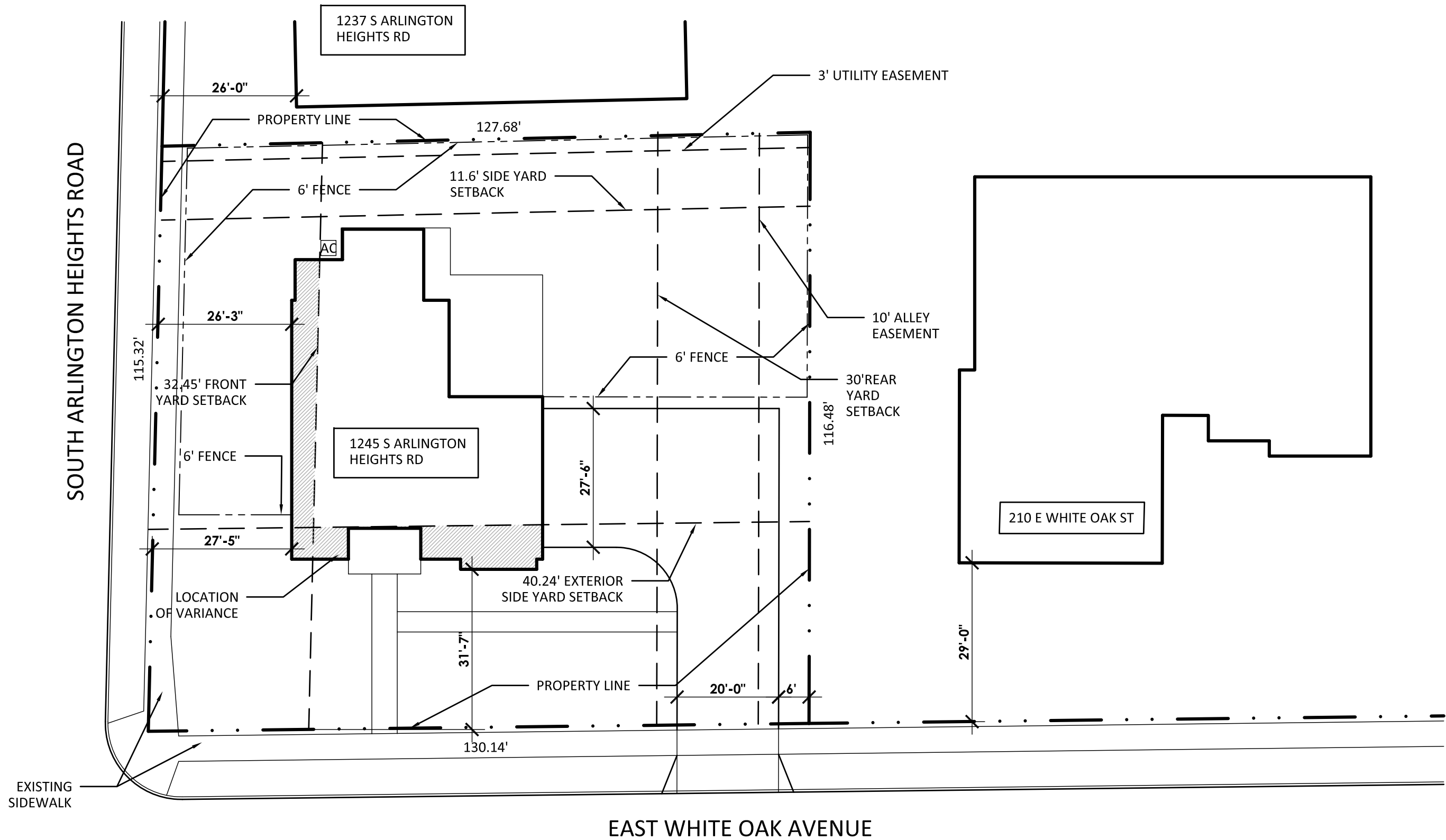
EXO

10.5.22
7.8.22
© KINGSLEY + GINNODO ARCHITECTS



IBARRA RESIDENCE

1245 S ARLINGTON HTS RD, ARLINGTON HTS, IL 60005



1 PROPOSED SITE PLAN
1" = 20'-0"

KINGSLEY + GINNODO ARCHITECTS
33 N HICKORY AV. ARLINGTON HTS. IL 60004

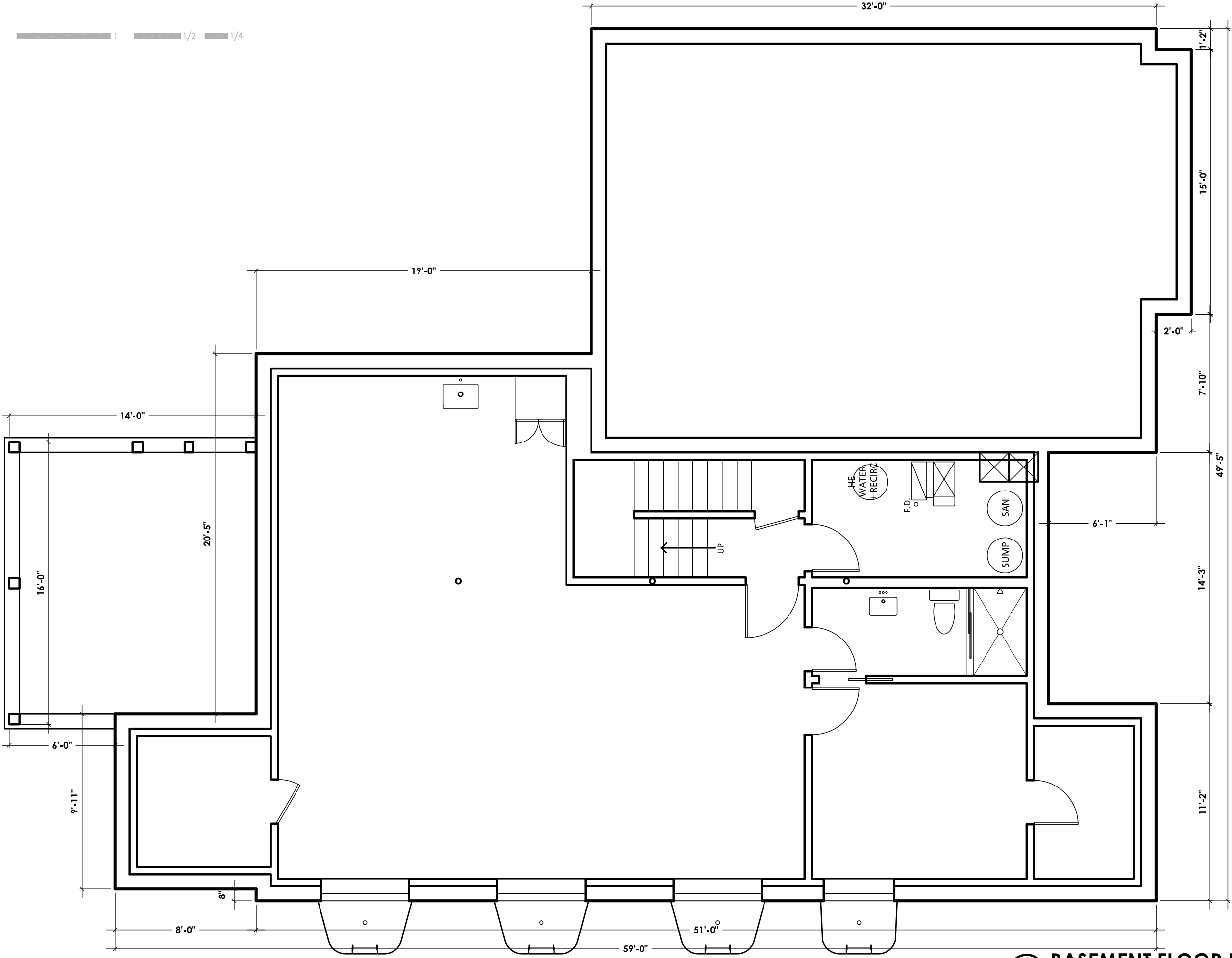
A0

10.7.22
© KINGSLEY + GINNODO ARCHITECTS



IBARRA RESIDENCE

1245 S ARLINGTON HTS RD, ARLINGTON HTS, IL 60005



1 BASEMENT FLOOR PLAN
3/16" = 1'-0"



1 1/2 1/4

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33 N HICKORY AV. ARLINGTON HTS. IL 60004

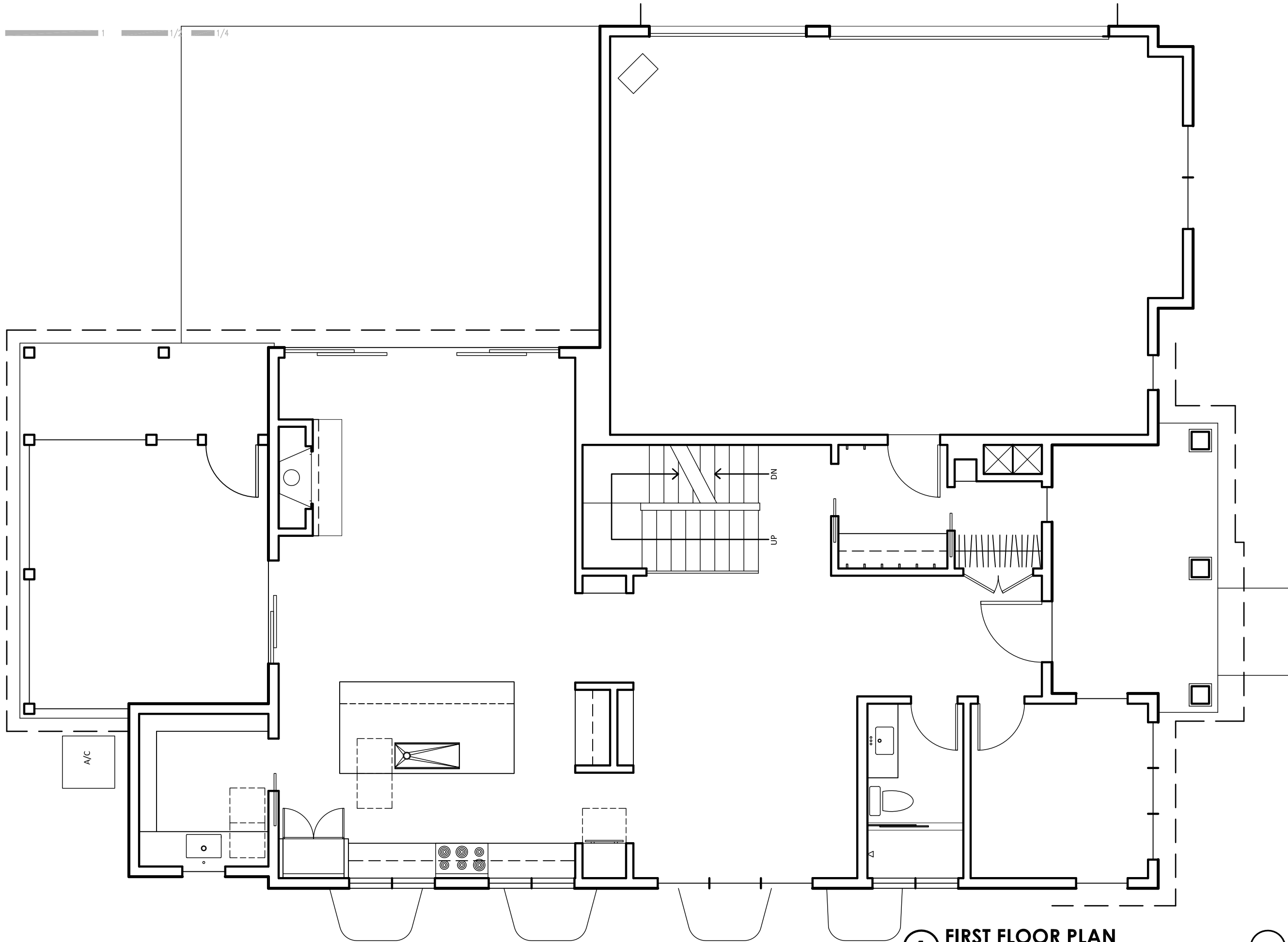
IBARRA RESIDENCE

1245 S ARLINGTON HTS RD, ARLINGTON HTS, IL 60005

A1

10.7.22

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1 FIRST FLOOR PLAN
3/16" = 1'-0"

IBARRA RESIDENCE
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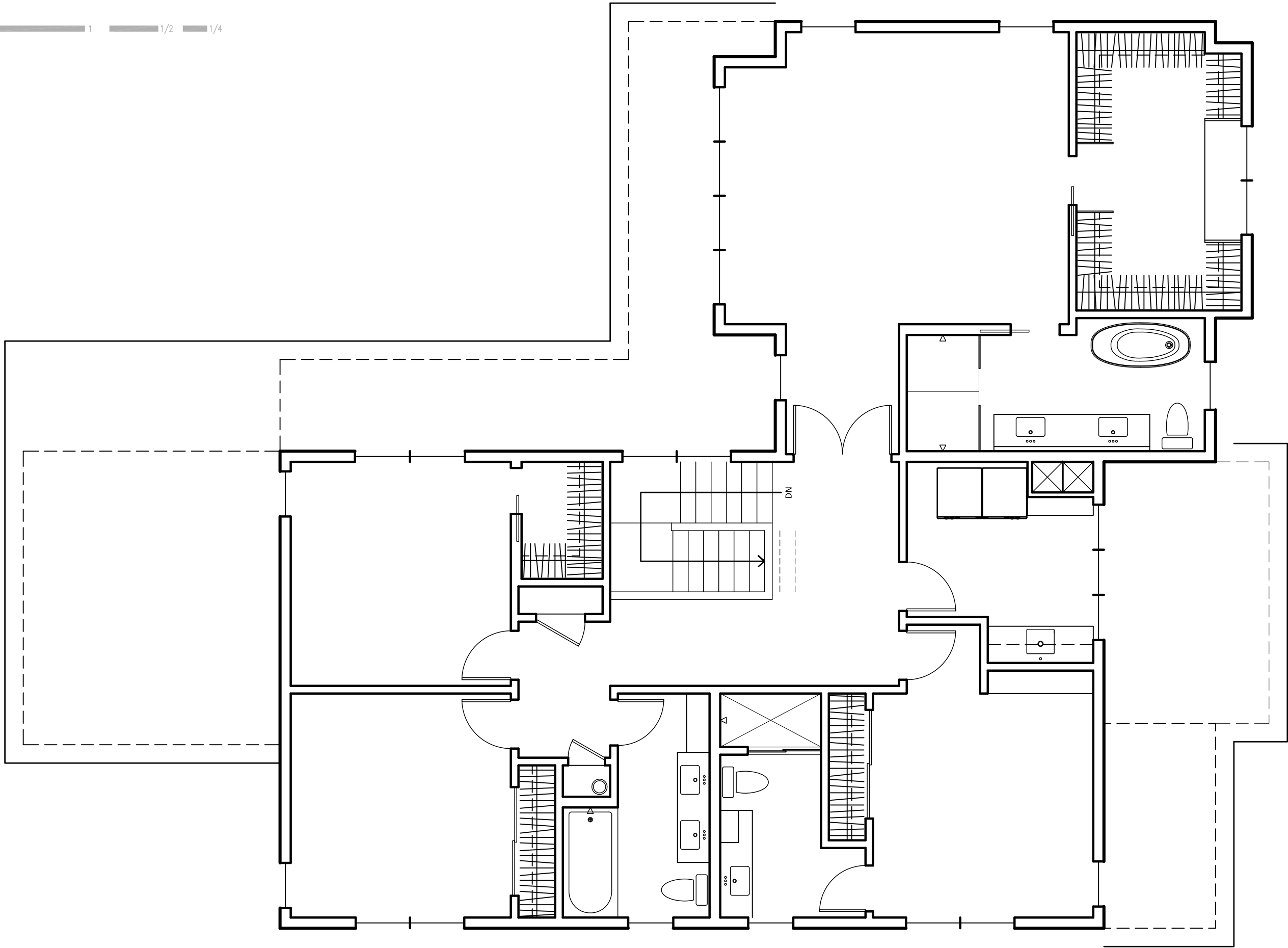
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1 1/2 1/4



1 SECOND FLOOR PLAN
3/16" = 1'-0"



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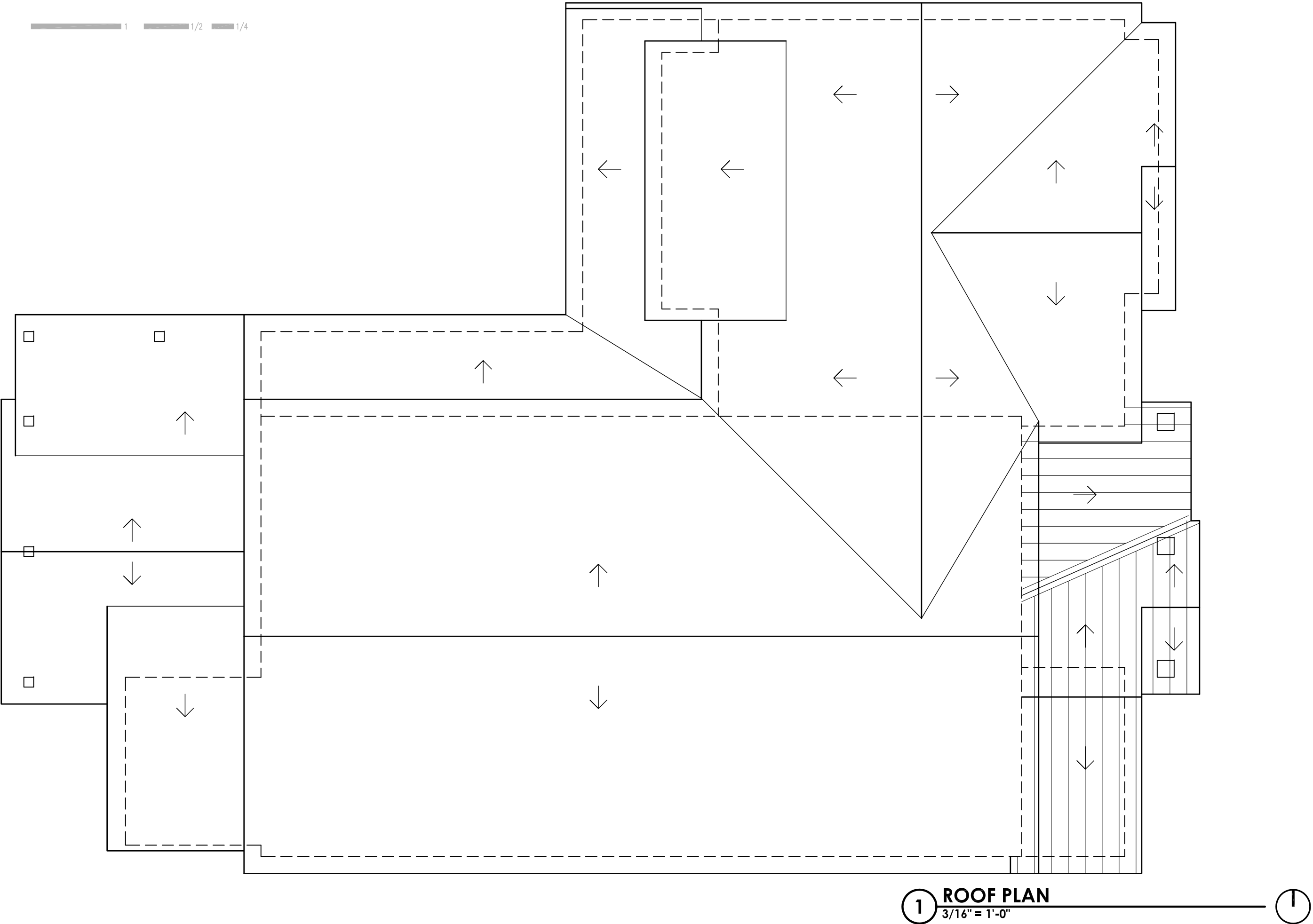


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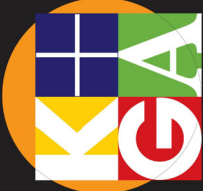
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IBARRA RESIDENCE
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1 SOUTH ELEVATION
3/16" = 1'-0"

IBARRA RESIDENCE
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1 WEST ELEVATION
3/16" = 1'-0"

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A6

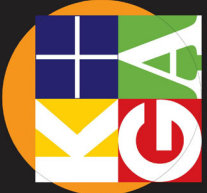
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1 NORTH ELEVATION
3/16" = 1'-0"

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1 EAST ELEVATION
3/16" = 1'-0"

IBARRA RESIDENCE
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Zoning Board of Appeals 11/14/2022

Item: 1722 W. Oakton St. - ZBA#22-028

Department: Planning & Community Development

REQUEST

- A 3 foot variation from Chapter 28, Section 6.13-3 (Location of Fences) and Chapter 28, Section 6.13-3a (Location of Fences – Front Yard) to allow a 6 foot tall solid fence in the front yard (Wilke Road), where code allows a 3 foot tall fence of open design.

ATTACHMENTS:

Description

Supporting Documents

Type

Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: November 14, 2022
Date Prepared: November 9, 2022
Project Title: Jimenez Residence
Address: 1722 W. Oakton St.

Background Information

Petition Number: ZBA #22-028
Petitioner: C Daniel Jimenez
Address: 1722 W. Oakton St.
Arlington Heights IL 60004

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

Requested Action/Background Information

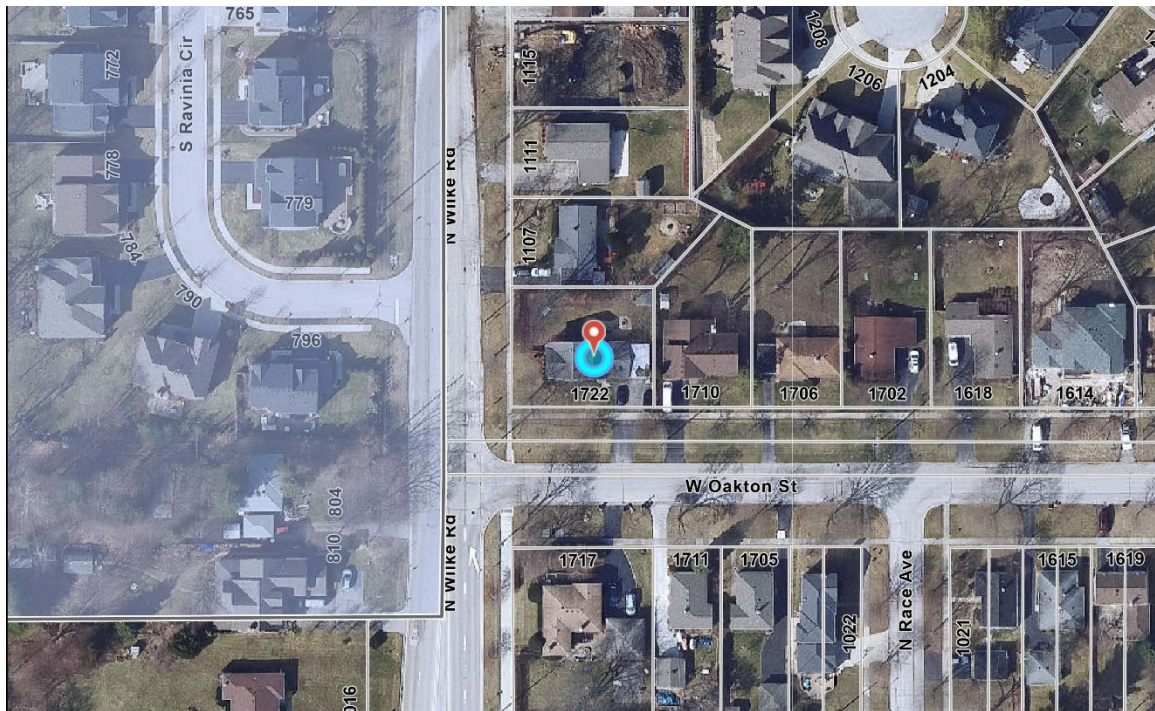
The subject property is zoned R-3, One Family Dwelling District and is located at the northeast corner of Wilke Road and Oakton Street. The petitioner is proposing to replace the existing six foot tall solid fence in the front yard (Wilke Road) where code limits the height of fences to an open three foot high fence. The fence is setback five feet from the property line along Wilke Road and if the Zoning Board is supportive of the variance request, it is recommended that the landscaping on the streetside of the fence be maintained. The petitioner is requesting the following variation:

- **A 3 foot variation from Chapter 28, Section 6.13-3 (Location of Fences) and Chapter 28, Section 6.13-3a (Location of Fences – Front Yard) to allow a 6 foot tall solid fence in the front yard (Wilke Road), where code allows a 3 foot tall fence of open design.**

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	✓		
2. List of Property Owners Within 250 feet of Subject Property	✓		
3. Letter that was Mailed	✓		
4. Photographs of Sign on Property	✓		

Photographs of Existing Structure





Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Nusrat Jahan, Building & Life Safety Department

Project Name: Jimenez Residence

Project Address: 1722 W Oakton Street

ZBA #: 22-028

Date: November 1, 2022

Derek:

I have reviewed the request for the following variance:

- **A 3 foot variation from Chapter 28, Section 6.13-3 (Location of Fences) and Chapter 28, Section 6.13-3a (Location of Fences – Front Yard) to allow a 6 foot tall solid fence in the front yard (Wilke Road), where code allows a 3 foot tall fence of open design.**

and do not have any objection to the request.

ZBA# 22-028
1722 W Oakton St - ZBA
Rev. Eng: Mike Pagones, P.E., Village Engineer
cc: Briget Schwab, P.E.

Application Date: 9/15/2022
Received by Planning:
Transmitted to Engineering: 10/27/2022
Completed: 10/6/2022
ZBA Meeting Date: 11/14/2022

The proposed ZBA application indicates that the petitioner is seeking:

- A 3 foot variation from Chapter 28, Section 6.13-3 (Location of Fences) and Chapter 28, Section 6.13-3a (Location of Fences – Front Yard) to allow a 6 foot tall solid fence in the front yard (Wilke Road), where code allows a 3 foot tall fence of open design.

The Engineering Department has NO OBJECTION to the variance request for location of fences.

NOTES: Replacing an existing in same location.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Jimenez Residence

Project Address: 1722 W Oakton Street

ZBA #: 22-028

ZBA Hearing Date: November 14, 2022

To: Mike Pagones, Village Engineer
Jorge Torres, Director of Building and Life Safety

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

From: Derek Mach, Landscape Planner

Transmitted On: October 27, 2022

- A 3 foot variation from Chapter 28, Section 6.13-3 (Location of Fences) and Chapter 28, Section 6.13-3a (Location of Fences – Front Yard) to allow a 6 foot tall solid fence in the front yard (Wilke Road), where code allows a 3 foot tall fence of open design.

Attached are the Petitioner's:

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

Comments: No comments.

Steve Hautzinger, Design Planner

Please review, comment, and return to me no later than November 4, 2022.

PETITION

The following petition form shall be used when submitting a petition for a variation from Chapter 28 of the Arlington Heights Municipal Code. This must be submitted with a fully executed application to the Zoning Board of Appeals. Please refer to Section 12 of Chapter 28 of the Arlington Heights Municipal Code for information regarding the criteria by which the Zoning Board of Appeals will evaluate variation requests. (Attached to this application packet.)

PETITION

NOW COMES the Petitioner C Daniel Jimenez

being the owner of the property commonly known as: 1722 W Oakton St

and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 6.13-3

Chapter 28, of the Arlington Heights Municipal Code, in order to: Replace an existing fence
of a similar height

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 (please explain): _____

There are multiple residences on the street with similar fences in style and height on Wilke.

There is also a tree/bush line in front of the proposed fence that would block the fence on our property

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

What defines the front lot according to the chapter does not reflect the a realistic interpretation of the front yard

a the time of purchase.

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

Contesting the definition of what is a the front yard of a corner lot.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): The fence would barely be visible due to the tree line, our dogs and

family rely on the protection of this fence height that is currently there

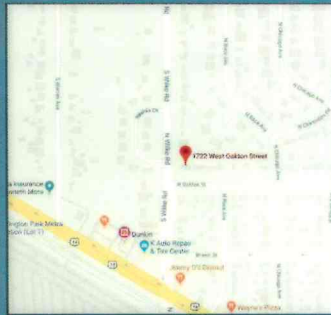
Signed: _____

C Daniel Jimenez
Petitioner

Date: 10-14-22

EXACTA

LAND SURVEYORS, LLC



PROPERTY ADDRESS: 1722 W OAKTON STREET, ARLINGTON HEIGHTS, ILLINOIS 60004

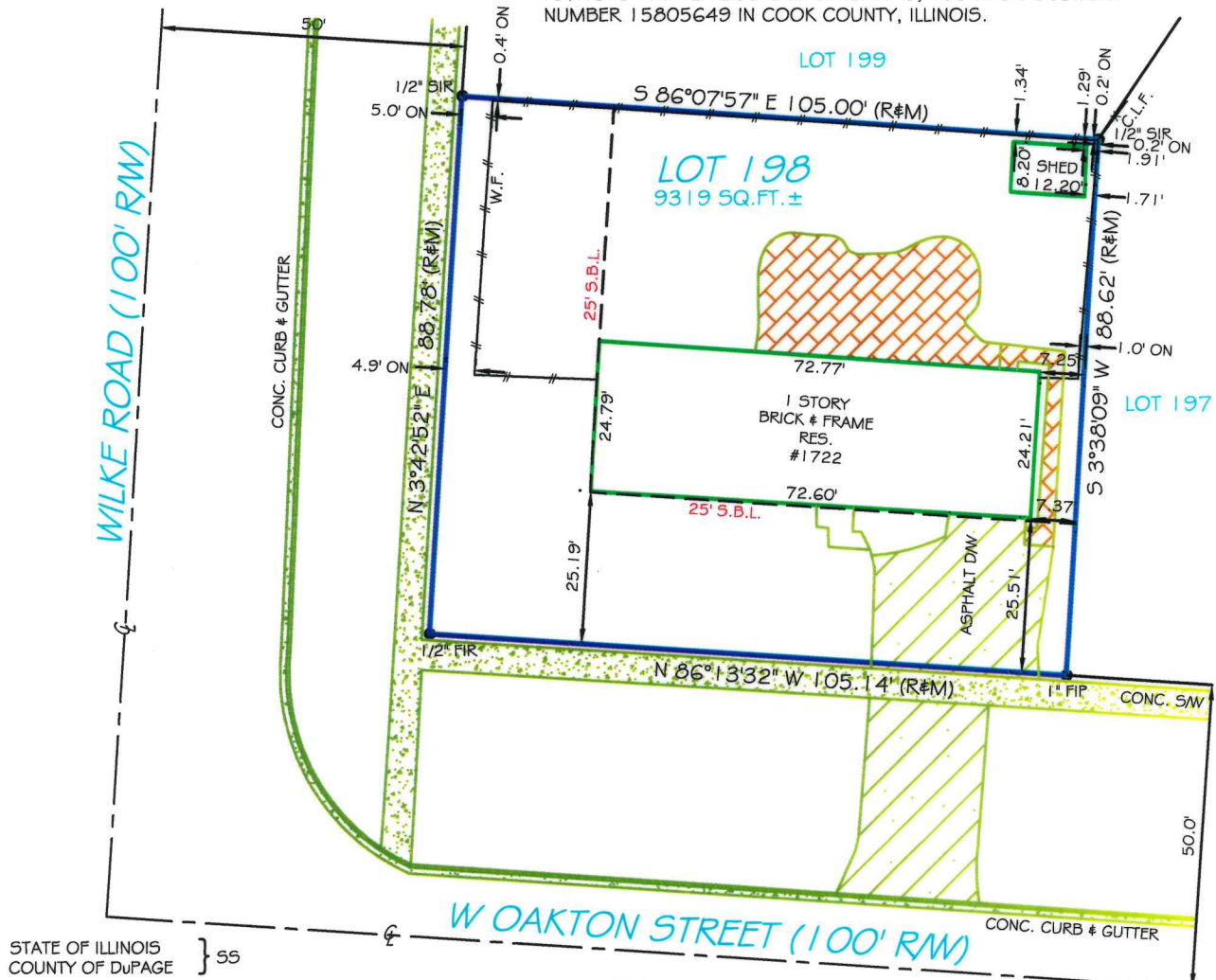
SURVEY NUMBER: 1906.0208

FIELD WORK DATE: 6/13/2019

REVISION DATE(S): (REV.0 6/13/2019)

1906.0208
BOUNDARY SURVEY
COOK COUNTY

LOT 198 IN RAYMOND L. LUTGERT'S SUBDIVISION OF THE WEST +78 ACRES OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE SOUTH 25 FEET THEREOF), ACCORDING TO THE PLAT RECORDED OCTOBER 1953 AS DOCUMENT NUMBER 1574615 AND RE-RECORDED JANUARY 6, 1954 AS DOCUMENT NUMBER 15805649 IN COOK COUNTY, ILLINOIS.



STATE OF ILLINOIS } ss
COUNTY OF DUPAGE

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY, GIVEN UNDER MY HAND AND SEAL THIS 13TH DAY OF JUNE, 2019 AT 312 S. HALE STREET IN WHEATON, IL 60187.

Warren D. Johnson

ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2971
LICENSE EXPIRES 11/30/2020
EXACTA LAND SURVEYORS
PROFESSIONAL DESIGN FIRM 184008059-0008



30 0 15 30
GRAPHIC SCALE (In Feet)
1 inch = 30' ft.



THE ABOVE SURVEY IS A PROFESSIONAL SERVICE IN COMPLIANCE WITH THE MINIMUM STANDARDS OF THE STATE OF ILLINOIS. NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. PLEASE REFER ALSO TO YOUR DEED, TITLE POLICY AND LOCAL ORDINANCES. COPYRIGHT BY EXACTA ILLINOIS SURVEYORS. THIS DOCUMENT MAY ONLY BE USED BY THE PARTIES TO WHICH IT IS CERTIFIED. PLEASE DIRECT QUESTIONS OR COMMENTS TO EXACTA ILLINOIS SURVEYORS, INC. AT THE NUMBER IN THE BOTTOM RIGHT CORNER.

CLIENT NUMBER:

DATE: 06/13/19

BUYER:

SELLER:

CERTIFIED TO: JP TITLE GUARANTY, INC

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Exacta Proudly Supports

THE cara PROGRAM
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www.thecaraprogram.org

Since 1981, The Cara Program has placed more than 4,800 motivated adults into more than 6,800 quality jobs, catalyzing the same number of families to stop the transfer of poverty from one generation to the next.

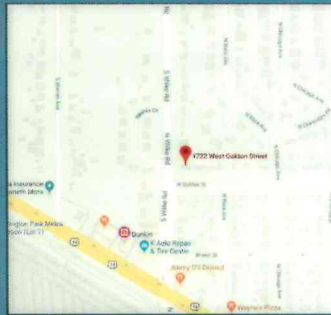
EXACTA LAND SURVEYORS, LLC.

LB# 184008059
316 East Jackson Street, Morris, IL 60450
Phone: 773.305.4011

Please remit payment to: 2132 E 9th St, Suite 310 | Cleveland, OH 44115

EXACTA

LAND SURVEYORS, LLC



PROPERTY ADDRESS: 1722 W OAKTON STREET, ARLINGTON HEIGHTS, ILLINOIS 60004

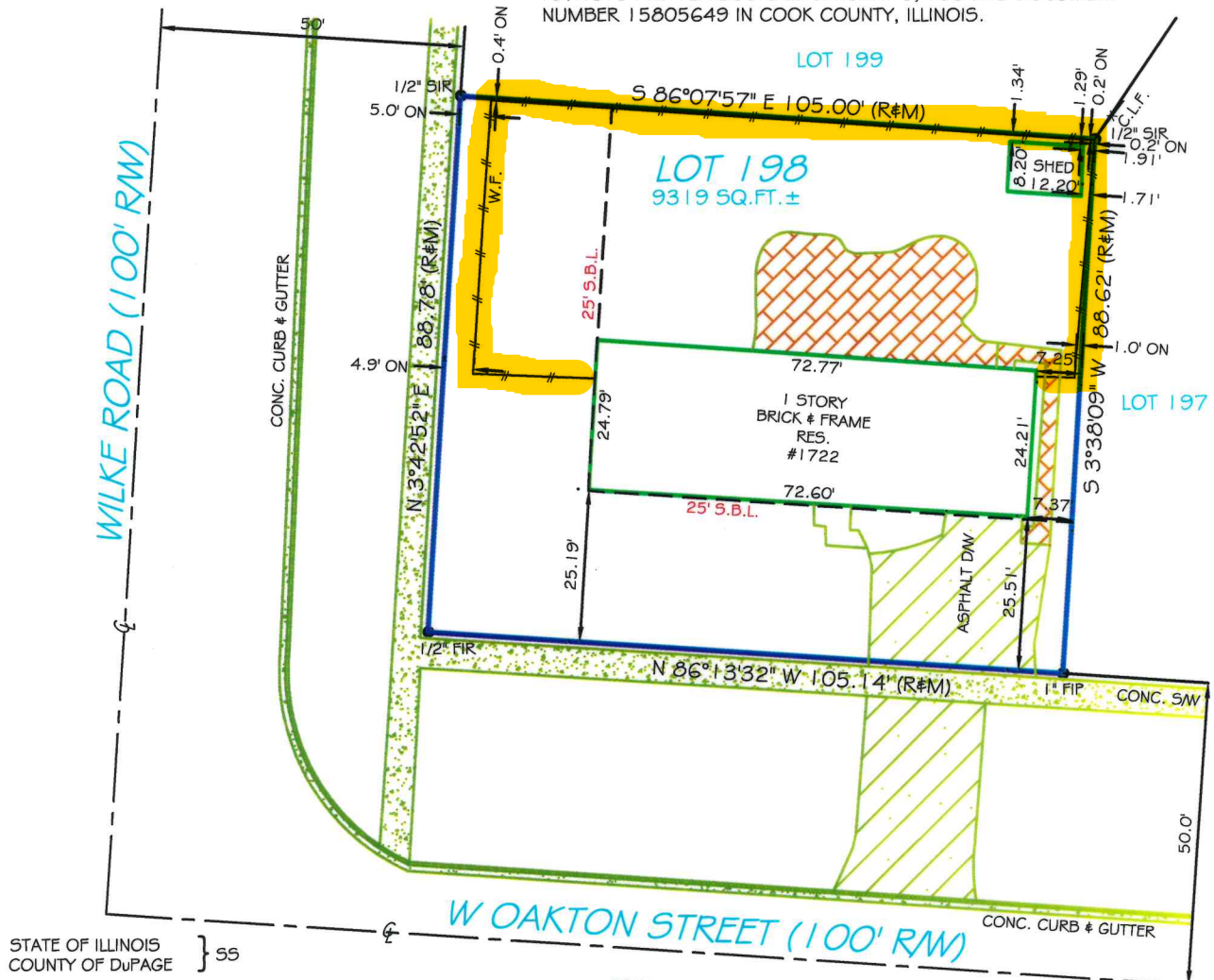
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Warren D. Johnson

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PROFESSIONAL DESIGN FIRM 184008059-0008



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GRAPHIC SCALE (In Feet)
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