



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

Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
November 13, 2017
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. 1315 E. Miner St. - 10/16/17
- B. 827 N. Highland Ave. - 10/16/17
- C. 626 W. Campbell St. - 10/16/17
- D. 1628 N. Evergreen Ave. - 10/16/17
- E. 1103 E. Euclid Ave. - 10/16/17
- F. 130 S. Fernandez Ave. - 10/16/17
- G. 221 S. Evergreen Ave. - 10/16/17

IV. REPORTS

V. OLD BUSINESS

VI. NEW BUSINESS

- A. 416 S. Windsor Dr. - ZBA#17-054
- B. 304 S. Mitchell Ave. - ZBA#17-055

VII. OTHER BUSINESS

VIII. ADJOURNMENT

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



Item: 1315 E. Miner St. - 10/16/17

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
1315 E. Miner St. - Minutes 10/16/17	Minutes
1315 E. Miner St. - Findings 10/16/17	Minutes

ZONING BOARD

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

OF APPEALS

RE: 1315 EAST MINER STREET - ZBA#17-047

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor Beuchner Room,
Arlington Heights, Illinois on the 16th day of October, 2017 at the hour of
7:01 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN DIVITO: All right, it is 7:01. I'm calling to order the October 16th Zoning Board of Appeals meeting. Derek, would you do the roll call please?

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Here.

MR. MACH: Mr. Drake.

MR. DRAKE: Here.

MR. MACH: Mr. Geisel.

MR. GEISEL: Here.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Here.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Here.

MR. MACH: Mr. Selbka.

MR. SELBKA: Here.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Here.

CHAIRMAN DIVITO: The second order of business is the actual pledge of allegiance. So, if you would please stand? The flag is up here in the corner.

(Pledge of allegiance recited.)

CHAIRMAN DIVITO: Thank you. All right, we have a full Board here tonight, so all seven members are present. We do have a full agenda of another seven items. But before we get into that, we have minutes from previous meetings, last month's meetings. So, has everyone had a chance to review for errors and omissions?

(Chorus of yeses.)

CHAIRMAN DIVITO: All right. Are there any to be heard? None being heard, is there a motion to approve?

MR. DRAKE: So moved.

MR. SIAVELIS: Second.

CHAIRMAN DIVITO: All in favor?

(Chorus of ayes.)

CHAIRMAN DIVITO: All opposed?

(No response.)

CHAIRMAN DIVITO: All right. So, for this evening, we have, of course I need to pull up my agenda, I apologize here, seven new items. So, the way it's going to work tonight, I'll call you one at a time; at which point, I ask that the presenters take the opportunity to highlight the three elements necessary to be established in order for us to actually grant the variance that you're requesting. For everyone's sake, I'll repeat them up here, so that way hopefully you can remember it when it's your turn to speak.

The first one is that you would sustain a hardship or show that the property cannot yield a reasonable return if permitted to be used only under the strict guidance of the regulations. The second, unique characteristic is the actual unique situation of the petitioner itself. Finally, show that if we do grant the variance, that you will not alter the characteristics of the neighborhood.

So, with all that being said, the first order of business, Peter, I think you have that one?

MR. SIAVELIS: I do.

CHAIRMAN DIVITO: All right, it's 1315 East Miner.

MR. SCHULZ: Good evening.

CHAIRMAN DIVITO: Your name and address for the record?

MR. SCHULZ: My name is Ryan Schulz. I'm the Director of Facilities Management for Arlington Heights School District 25. The property address is 1315 East Miner Street in Arlington Heights.

CHAIRMAN DIVITO: All right, raise your right hand.

(Witness sworn.)

CHAIRMAN DIVITO: Thank you. Peter?

MR. SIAVELIS: Go ahead, sir, and speak to the three showings, explain the petition and each of the showings.

MR. SCHULZ: Sure. You have just received a small slide deck showing some of the information behind this variance request and the hardship that it currently presents. We did have a fence installed at that location that was approximately seven feet high. It was put in in the 1990's. There is no known record of a variance being granted at that time from the Zoning Board of Appeals or from the state or any other body. It was a little bit different environment at that time with the school districts and the state. They've put a clear guideline now that zoning does apply to school districts, so that's why we're here this evening seeking the variance for the fence that will be proposed at the said property.

Again, the fence before that fell down in March was approximately seven feet high. We've had some conversations with the neighbors along that property line where the playground is located. They requested a little bit higher section for a portion of the fence, and then a lower portion for one of the neighbors just based on their preference in their backyards. So, they prefer a section of the property for a six-foot fence and it would step up to eight feet for the other two properties along the property line.

So, again the first two, or the couple of slides kind of show what the previous fence looked like. It was a wood fence, a privacy fence with very few gaps. It provided some screening from the playground structure at our property, at Windsor Elementary School. So, again it fell down in March, it was kind of in the middle of our construction project, so we kind of waited it out, just left it up with a construction fence for the time being. Once we got the new playground in, we decided it was time to go ahead and pursue the new fence option for that property.

So, again the impacted properties would be 1304 Campbell, 1308 Campbell, and 1312 Campbell. Behind 1312 Campbell which is farthest east would be the six-foot privacy fence with a gate that would allow their students that access to the property. Again, that was at their request, and again that would give them a little bit more access toward the property to give them more freedom to move through and forth to their property. Then over to the other two properties at 1308 and 1304 would be an eight-foot privacy fence. Again, that is where the majority of the playground structure is located, providing them a little bit more privacy from the playground structure and visibility into their yard, also providing some sound screening for the playground structure as well.

Again, all this, the playground structure and the construction project was approved by the Plan Commission previously through the construction project portion of the project. So, again just seeking those approvals of the privacy fence.

Again, if you look a little bit further, it shows the plat of survey. I just want to point out the plat shows the previous conditions of the site. It does not show the exact location of the new playground structure that's installed. Again, it's a very similar location, so that's why the fence will be going back up in a very similar location to where it previously was.

Slide seven just shows a quick elevation of kind of the proportions of what the six-foot section would be to the eight-foot section of the fence. Slide number eight shows the intended privacy paneling that would be installed. Again, it would have a six-foot section, stepping up to an eight-foot section, the same type of fence for that location.

Moving on, it just gives a little bit of a perspective of the picture of where the playground sits in relation to the property line. So, you can see the outline of the gravel area that was at the time and that's where our rubber play service currently sits.

Then the last slide is just a quick letter from the three neighbors that are impacted by our playground, just in support of this and just saying that we've reviewed it with them, saying that they support the intended six-foot section along with the intended eight-foot section of the fencing.

MR. SIAVELIS: Okay, so the version of the letter we have from the neighbors is truncated on the left side, so it's cut off. Do you have a clean version or a different version?

MR. SCHULZ: Is that in the slide deck it's truncated, sorry?

MR. SIAVELIS: Yes.

MR. SCHULZ: It is?

MR. SIAVELIS: Yes. Let's see.

MR. SCHULZ: Derek, do you know if you had an original of that? Or I can have them speak to it, there are several of them here, too, as well, if you'd like to speak to them.

MR. MACH: I don't believe I do.

MR. SCHULZ: Sorry about that. I didn't notice that it was cut off, but again --

MR. SIAVELIS: Yes, the left side is cut off, looks like the margin got cropped off.

MR. SCHULZ: I'm sorry about that. Yes, so in general, we've reviewed it on site with them. They're generally accepting of the proposed idea. We've sent them the slide deck as well so they've reviewed this submittal. So, that's where we came up with this information on the length and the heights for the section of fence.

MR. SIAVELIS: Okay, so what about east of 1312? Is there going to be a fence east of 1312?

MR. SCHULZ: So, east of 1312, no. At 12 there is not, because again there is no play structure at that location. So, that's why again there wouldn't be a fence located at that location for property 12 which is on Miner, a Miner address.

MR. SIAVELIS: All right, the property 12. So, where is the east border of the fence?

MR. SCHULZ: East border would stop where the green line is, right at the property line of 1312 to make it consistent because they do have a property fence in their yard, so side fences, to make it consistent --

MR. SIAVELIS: And there is no fence line extending north from that termination point there on the east, right?

MR. SCHULZ: No, correct. It stops at the property line.

MR. SIAVELIS: Then the same thing on the west side, it stops at the property line between 12, 18 and 1304?

MR. SCHULZ: Yes, correct. Yes, there is a stake, there is a surveying stake and that's where it stops.

MR. SIAVELIS: Okay, and that fence is two feet from the north of the property line?

MR. SCHULZ: Yes, correct. That's the intent, yes.

MR. SIAVELIS: The existing fence was seven you said?

MR. SCHULZ: Seven feet high approximately at that same line, at about two feet off the property line.

MR. SELBKA: Why do you want an eight-foot fence for two of the lots and a six-foot fence for one?

MR. SCHULZ: Again, that was at the request of those neighbors. Those two neighbors at 1304 and 1308 are kind of right in line with the playground, and they wanted that additional screening. The one at 1312 just didn't want the eight-foot fence, they would like it a little bit lower and didn't want the full screening. So, that's where we came up with the little bit of a step.

MR. SIAVELIS: Do they have kids over at that school?

MR. SCHULZ: Yes, I believe so. Yes, right.

MR. SIAVELIS: All right. I don't have any other questions. I'm going to open it up to the attendees if any.

CHAIRMAN DIVITO: Are there other questions from the Board about this? Okay. No questions from the Board. We can see if there's anybody from the audience who wants to speak, so thanks.

So, at this time, anyone from the audience who wish to speak on this petition? None being heard, we'll close it down for Board discussion.

MR. SIAVELIS: So, I think, you know, given the layout here of the playground close, you know, to that side of the land basically and the proximity of those houses, and the school district taking into account the wishes of the property owners, I think this is reasonable. At first, when I saw this material, I was like eight-foot fence is an awfully high fence, like worrying about Shaq basically peering in. But if I lived there in that situation, I can understand that, why they are seeking that.

I do think for a point of clarification, for the record to make sure the record is clean, we should identify the folks who submitted a letter in support since the materials are, like I said, truncated on the left. Let's do that so it's nice and clean. But other than that, I'm both in favor and in support.

MR. SELBKA: Yes, my kids actually go to Windsor right now. That playground does get loud and it's pretty close to those houses. So, I can understand why they want that fence, and I think it's a good idea. So, I would be in favor of this.

MR. SIAVELIS: Okay, so let's just have the Petitioner just clarify on the record who in fact submitted the letter that's attached to the PowerPoint deck slide.

MR. SCHULZ: Yes, it was --

CHAIRMAN DIVITO: Can you speak up just so that we can --

MR. SCHULZ: Yes, let me get all their names.

MR. SIAVELIS: With addresses, too.

MR. SCHULZ: Let me make sure I'm pronouncing it, Olin? Olin and Anita Baptist at 1304 East Campbell. Jeffrey and Mary Josephs at 1308 East Campbell. Then Kathy Miles at 1218 East Campbell.

MR. SIAVELIS: Okay, thank you. With that in mind, I move to approve.

MR. GEISEL: Second.

CHAIRMAN DIVITO: Derek?

MR. MACH: Mr. Drake.

MR. DRAKE: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Yes.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes. Approved, thank you.

MR. SCHULZ: Thank you.

CHAIRMAN DIVITO: So, after the petition is closed, if you're here for that, you could actually leave, you don't need to stay for the whole thing.

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

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS October 16, 2017

PETITIONER: Arlington Heights School District #25

ADDRESS OF PROPERTY: 1315 E. Miner St.

VARIATION: 6.13-3b2, 6.15-2.2, 6.13-3b

A 3-foot variance to allow an increase to the maximum fence height from 5-feet to 8-feet, for a fence located along the south property line adjacent to 1304 and 1308 E. Campbell St.; A 1-foot variance to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the south property line adjacent to 1312 E. Campbell St.; and a variation to allow a solid fence along the south property line adjacent to 1304, 1308 and 1312 E. Campbell Street, where only a semi-open or open fence is permitted.

The petitioner testified that there is currently a seven foot high fence near the playground equipment along the shared property line adjacent to the residential district. The petitioner explained that the fence is in poor condition and is due for replacement. The petitioner explained that the State has placed guidelines indicating that local zoning applies to school districts. The petitioner testified that they have been coordinating with the neighbors that are adjacent to the playground area. The petitioner testified that the new eight foot high solid fence will be located along 1304 E. Campbell and 1308 E. Campbell and a new six foot high solid fence will be located adjacent to 1312 E. Campbell. The petitioner testified that the playground structure and the construction project was recently approved by the Plan Commission and the Village Board as part of a large renovation/expansion.

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

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

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

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

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

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



Item: 827 N. Highland Ave. - 10/16/17

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
827 N. Highland Ave. - Minutes 10/16/17	Minutes
827 N. Highland Ave. - Findings 10/16/17	Minutes

ZONING BOARD

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

OF APPEALS

RE: 827 NORTH HIGHLAND AVENUE - ZBA#17-048

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor Beuchner Room,
Arlington Heights, Illinois on the 16th day of October, 2017 at the hour of
7:14 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN DIVITO: All right, the next order of business was 827 North Highland Avenue. Which from the Board has this one?

MR. SCHWINGBECK: I do.

CHAIRMAN DIVITO: Go ahead.

MR. BUCKLEY: My name is Thomas Buckley, I live at 5928 Eaton Drive, Hoffman Estates. I'm the architect, and I'm here with the owner as well.

MR. CECCHI: Steve Cecchi, I live at 827 North Highland.

MR. BUCKLEY: Okay, this --

CHAIRMAN DIVITO: Before that, let's swear you in right now.
(Witnesses sworn.)

CHAIRMAN DIVITO: Okay.

MR. BUCKLEY: I was approached by the homeowner to build or to design for an open porch facing the rear. The requirement per the zoning code is to be 10-foot away from a detached or an accessory structure I guess, in this case a detached garage. We're kind of restricted, not kind of, we're restricted as to where we can put the addition because there is a built-in generator and a window well, and it prevents us from moving the addition any farther south where we could bring the addition within compliance of 10-foot away from the garage. It's already only 10-foot deep, so the homeowner has agreed to doing a 10 by 12 addition, that will satisfy their needs.

We also approached the Building Department. There is, you know, the Building Department does not have an issue providing that the garage is one-hour fire rated. This is a masonry garage with face brick on the interior and four-inch concrete block on the interior, so the fire rating is a non-issue. Other than that, it is an open porch, not a screened porch, not a three-season room. It just has two posts holding up a roof.

One of the hardships is that to move it in a different location would be a hardship in the sense of what it would cost to move the generator. Impractical. To go ahead and meet the 10-foot requirement would only give them about 8.5 wide, you know, porch which really is unusable. It does not affect any of the neighbors and, you know, I don't think it will impact the health and welfare of the community.

MR. SCHWINGBECK: Should we go to the audience?

CHAIRMAN DIVITO: Is there any questions from anybody?

MR. SCHWINGBECK: Any questions from the Board?

MR. JAFFE: No.

MR. SCHWINGBECK: Are there any audience members that want to speak on this? Okay, we'll close it down for Board discussion. Any comments on this one?

MR. JAFFE: I walked by the property in question. It's very near my home, and everything that they've described I think is true to how it's been laid out. I don't think it's going to be altering the essential character. I think they are working with what they have. No concerns, no questions.

CHAIRMAN DIVITO: Yes, I think it's a very reasonable request given the circumstances.

MR. SCHWINGBECK: Right, keeping to the same footprint as the existing deck back there. So, do we have a motion?

MR. DRAKE: I'd move approval.

MR. JAFFE: Seconded.

CHAIRMAN DIVITO: Derek?

MR. MACH: Mr. Drake.

MR. DRAKE: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Yes.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes.

MR. BUCKLEY: This is ultimate authority that we can submit for permanent or does this go before the Village Board?

MR. MACH: You can submit for permanent.

(Whereupon, the above-mentioned petition was adjourned at 7:18 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS October 16, 2017

PETITIONER: Cecchi Residence
ADDRESS OF PROPERTY: 827 N. Highland Ave.
VARIATION: 6.5-7a-iv. (Location of Accessory Structures)

A 1.5-foot variation to allow a detached garage that is 8.5-feet from the principal structure where 10-feet is required.

The petitioner explained that they are proposing an attached open air porch in the rear yard. The petitioner further explained that the proposed porch is 8.5 feet from the detached garage where 10 feet is required. The petitioner testified that they are restricted as to where the porch can be placed due to an existing generator and window well.

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

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

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

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

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

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



Item: 626 W. Campbell St. - 10/16/17

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
626 W. Campbell St. - Minutes 10/16/17	Minutes
626 W. Campbell St. - Findings 10/16/17	Minutes

ZONING BOARD

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

RE: 626 WEST CAMPBELL STREET - ZBA#17-049

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor Beuchner Room,
Arlington Heights, Illinois on the 16th day of October, 2017 at the hour of
7:18 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN DIVITO: Moving right along, we are at 626 West Campbell. Who has this one?

MR. DRAKE: I do.

CHAIRMAN DIVITO: Okay, go ahead.

MR. MATZEN: My name is Ryan Matzen. I'm the owner of 626 West Campbell.
(Witness sworn.)

CHAIRMAN DIVITO: Thanks.

MR. MATZEN: We're petitioning for a variance of the 10-foot offset from a detached structure, similar to the last example. We are hoping to build a second-story addition on top of an existing first-story home.

So, the three issues, the hardship, you know, the garage is existing. It's already within five feet of the house. So, we're hoping to build on top of the existing footprint and not expand the footprint. It just economically wouldn't make sense for us to alter the design and take an additional five feet of space from the upstairs.

Unique circumstances, again that it's already within five feet of the garage, or the garage and the house are already within five feet of each other. In the future, we hope to build a new garage farther away, so I'm hoping that's just temporary anyway.

Then the third point, you know, we've had the plan as designed so the second-story addition looks in character with the existing home. So, the roof lines and everything match up.

MR. DRAKE: So, I do have a few questions for you.

MR. MATZEN: Sure.

MR. DRAKE: Have you spoken with the neighbors about the project?

MR. MATZEN: I have.

MR. DRAKE: Any kind of feedback? Or maybe some of them are here?

MR. MATZEN: I don't think any of them are here. Yes, we submitted, or mailed out the letters to all the nearby property owners. Didn't hear anything from anybody. I did verbally speak with my neighbors on either side. They're both in support of it.

MR. DRAKE: How many family members reside there?

MR. MATZEN: Four.

MR. DRAKE: Four?

MR. MATZEN: Just four of us.

MR. DRAKE: You mentioned that you are looking down the road maybe doing something with the existing, moving it farther back or something --

MR. MATZEN: Correct, correct. Moving it farther back, farther to the north. It could be 18 feet away from the house when that happens.

MR. DRAKE: You have a pretty deep backyard?

MR. MATZEN: Yes.

MR. DRAKE: Those are really the only questions that I have. Other members of the Board, questions or comments? No. Okay, is there anyone from the audience that wants to comment on this?

I think this is another one that's pretty straightforward. One of the things that I noticed is you have a pretty diverse neighborhood there as far as the types of homes and designs. So, the character of the neighborhood I think is each individual house, anything that's done there that matches the house as much as the rest of the neighborhood. So, I would be in

favor of the project. I think he satisfied all the criteria.

CHAIRMAN DIVITO: Okay, is that movement?

MR. DRAKE: I would move approval, yes.

MR. SIAVELIS: I'll second.

CHAIRMAN DIVITO: Okay, Derek?

MR. MACH: Mr. Drake.

MR. DRAKE: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Yes.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes. Thank you.

MR. MATZEN: Thank you.

(Whereupon, the above-mentioned petition was adjourned at 7:21 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS October 16, 2017

PETITIONER: Matzen Residence
ADDRESS OF PROPERTY: 626 W. Campbell St.
VARIATION: 6.5-7a-iv. (Location of Accessory Structures)

A 5-foot variance to allow a detached garage that is 5.0 feet from the principal structure, where 10-feet is required.

The petitioner explained that they are proposing to construct a second story addition on top of the existing foundation. The petitioner further explained that the addition will be within ten feet of the detached garage. The petitioner testified that the garage is existing and the home is currently five feet from the garage. The petitioner also testified that the second story addition is in character with the existing home and the roof lines.

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. Siavelis. Thereafter, the Board voted 7-0 to approve the variance request.

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

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

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

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



Item: 1628 N. Evergreen Ave. - 10/16/17

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
1628 N. Evergreen Ave. - Minutes 10/16/17	Minutes
1628 N. Evergreen Ave. - Findings 10/16/17	Minutes

ZONING BOARD

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

OF APPEALS

RE: 1628 NORTH EVERGREEN AVENUE - ZBA#17-050

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor Beuchner Room,
Arlington Heights, Illinois on the 16th day of October, 2017 at the hour of
7:21 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN DIVITO: All right. Next item is 1628 North Evergreen.

MS. KOCIUBA: Good evening. My name is Beata Kociuba. I am the architect for the proposed principal house and the detached garage.

CHAIRMAN DIVITO: Your address?

MS. KOCIUBA: The address is 1628 North Evergreen.

CHAIRMAN DIVITO: What's your address though?

MS. KOCIUBA: My address? The company is BK Architects, located in Park Ridge, 100 Higgins, Suite 205.

(Witness sworn.)

CHAIRMAN DIVITO: Thank you.

MS. KOCIUBA: We are asking, do I have permission to talk?

CHAIRMAN DIVITO: Yes, please.

MS. KOCIUBA: We are asking for a variance to increase the height of the detached garage. The principal building is right now under construction, and at the same time we applied for a permit for a detached garage. We tried to follow the guidelines from the Village, so I think everybody liked our house because we didn't even have to go through the Appearance Commission for the house.

So, we agree with the Village that first we will apply for a permit with the height of the building which is allowed by the code. Then we will try to get the variance to, let's say more per the guidelines, to match the detached garage with the principal building. We have stayed with the character; unfortunately, with the height, too, which we are asking for a variance.

I just want to tell that like the guidelines for a house works perfectly, the guideline is saying that the detached garage should match the details of the principal residence. These are the words from the guidelines. When we have, we have a couple of styles of the house. One, when the people have a two-story exposed wall of the building, then the roof is pitched low and it's not a lot of roof. The guidelines with a description for a garage matched perfectly. But the house that we designed, if I can ask to move the picture for elevations, our character of the house is different. We have a one-story, and can I have one more page because this is from the back, I would like the one for the front. Yes.

So, our house is more like a one-story house with a big roof, pitched to 12-12. So, at the back in the right corner, we have the height of the garage, 15 feet, which is allowed by the code, but honestly it's not matching the house. So, it's like, I cannot follow the guidelines if I keep the openness. So, it's why we are asking to match the slope of the roof to have 12 by 12 for our garage which is like has two parts. It's a garage which is a little over 500 square feet and has a roofed porch.

Maybe I'll just add that one of the biggest issues of the project, of the whole development was to have many porches because of the health condition of the owner who cannot be exposed to the sun. So, we have a porch in the front, porch in the back, and a porch next to the garage so he can enjoy the outside life, too, around the house.

So, we have a garage moved 10 feet from the neighbor from the east. So, I don't think it will be a big issue regarding the sun, blocking the light. Especially, our corner, the northeast corner where the garage is located, it's very much screened by our neighbors' trees and bushes. So, it will be not very much visible for our neighbors from the east and from the north.

I think this is all materials that we used for the garage, matching completely with the house, stucco character of windows, character of roof, everything is like a small baby of

the principal building.

MR. GEISEL: Derek, can you put the prior elevation back there? Thank you.

MS. KOCIUBA: So, at the bottom is --

MR. GEISEL: I just wanted to understand, for clarification, so thank you for providing, you know, both versions so that we can get a better perspective of what the code version would look like versus what you're requesting. Did you testify that the change was actually at the suggestion of the Design Committee?

MS. KOCIUBA: When I had the meeting with the Staff from the Village, yes, we talked about that variance. The suggestion was to do the foundation together to apply with a lower roof and, after we start construction, to apply for a permit, yes.

MR. GEISEL: That was not my question.

MS. KOCIUBA: Oh, I'm sorry.

MR. GEISEL: My question was did the Design Committee actually suggest that you alter --

MS. KOCIUBA: We were not presenting the house in front of the committee because it was approved as a sample that met the guidelines. So, we didn't go before the Appearance Commission. It was approved.

MR. MACH: The design approval was handled administratively.

MR. GEISEL: Okay.

MR. SIAVELIS: So, you're seeking approval to build a detached two-car garage in addition to the attached three-car garage on the house?

MS. KOCIUBA: We already have a permit to build this garage which is in the lower right corner. It's under construction right now. We're only asking to change the pitch of the roof to meet the style, character and --

MR. SIAVELIS: Okay, so I'll ask the question again, how many garages, in a slightly different way?

MS. KOCIUBA: We have five.

MR. SIAVELIS: Five?

MS. KOCIUBA: Three attached and two detached. I believe six is the maximum in the Village.

MR. SIAVELIS: Okay, so according to you, what you're seeking, three will be attached and we see here in front of you on the screen and which was provided to us.

MS. KOCIUBA: Yes.

MR. SIAVELIS: And then a detached garage you're seeking a variance on will be a two-car garage?

MS. KOCIUBA: Yes.

MR. JAFFE: Two variances, right?

MR. SIAVELIS: Two variances?

MS. KOCIUBA: No, it's one variance.

MR. SIAVELIS: No, it's two variances in the way it's laid out to us. In the materials provided to us, it's specified as two variances. Are you aware of that?

MS. KOCIUBA: But I believe that I talked to Mr. Derek and he said that it was some kind of mistake, right? That he talked with the Building Department and the size of the garage with the layout, with the 15 feet height was approved and it's under construction right now.

MR. SIAVELIS: So, that doesn't make sense.

MR. JAFFE: Yes, I think we need it clarified because the documents that we have, there's two variances. One for a six-foot four-inch variance to allow a 21-foot four-inch tall detached garage where 15 feet is allowed.

MS. KOCIUBA: Yes, this is what we are asking.

MR. JAFFE: And then our documents there is a second that says a 117 square-foot variance from Chapter 28, Section 6.5-7(a), Maximum Garage Size, to allow a detached garage with a size of 837 square feet where 720 square feet is the maximum allowed. So, you guys are saying --

MS. KOCIUBA: I think Mr. Derek should explain because he talked to the Building Department.

MR. MACH: The Petitioner did receive a permit for the 837 square feet. The permit was issued from the Department of Building in error. The Petitioner does need a variation for the size since the maximum size allowed for a garage footprint which would include the garage and the roofed area is 720 square feet. Therefore, they would need the 137 square-foot variance for the footprint as well as a height variance for the six feet four inches.

MR. SIAVELIS: So, Derek, with that clarification in mind, we could potentially split up the two requests for variances and allow the, hypothetically speaking depending upon the testimony that we receive here today and comments from the neighbors, the variance for the maximum garage size but decline the variance on the height?

MR. MACH: Yes.

MR. JAFFE: Or vice versa.

MR. SIAVELIS: Or vice versa. We can unbundle that if we see fit.

MR. JAFFE: Right. Derek --

MR. SIAVELIS: And the Petitioner agrees to go forward if we unbundle it. Because they are two separate variances, two separate showings.

MS. KOCIUBA: But if I can add, when I talked to the Village and we, you know, went through the process of permit, the detached structure contains a garage which is over 500 square feet and the open porch which is not included into the garage. It's why nobody told us that we need to have any variance regarding the size of this second building.

MR. SIAVELIS: That may be so, but the documents in front of us, right, and what Derek clarified here for us indicates to us and demonstrates to us that you need two variances for this detached garage. Okay, do you understand that?

MS. KOCIUBA: Yes, I understand. It's just we already have a permit. I know, I know.

MR. SIAVELIS: Well, there's an explanation provided as to that.

MS. KOCIUBA: No, but nobody told us that we need a variance because it was accepted as a porch plus garage, and the garage is much less than 700. We are not over in the lot coverage, building size, impervious coverage. We are making all the setbacks. So, it's why the permit was issued and we are building the lower garage, but the same size porch and the garage.

MR. SIAVELIS: So, Derek, can you clarify as to the calculation of the detached garage and address the comment that the Petitioner's architect made about the porch area not counting in the count, with the square footage count?

MR. MACH: Sure. It is one structure, so you know, per code we would measure the entire structure, the footprint of the entire structure which the maximum allowed would be 720. So, the garage area as well as the roofed patio area would be included in that calculation.

MR. SELBKA: Can you explain one more time why you need the 21-foot high garage as opposed to 15-foot high garage?

MS. KOCIUBA: Just to match the pitch of the roof, just to look like, the garage, to follow your guidelines, the detached garage would match the details of the principal residence, to style, elements, material, details. So, this is what I'm trying to do.

MR. SELBKA: Is the Village requiring the higher --

MS. KOCIUBA: No, it's just, you know, the house, what I'm trying to explain, that a lot of houses are two-story with their walls, and the roof is 12 to five, 12 to six. So, the roofs of both structures are matching perfectly. When you are building this type of a house, this style, you know, the guidelines, if I follow it, I have to ask for a variance.

MR. JAFFE: I guess I'm struggling with how this relates to point number two, that the plight of the owner is due to unique circumstances. We're talking about matching heights for a brand new construction. I guess I'm not, I'm trying to understand how this is a hardship or how it's a plight if what you're seeking to achieve is that these two structures match.

MS. KOCIUBA: They look nicer.

MR. SIAVELIS: But that's not --

MS. KOCIUBA: I know, I know. To follow the guidelines from the Village.

MR. JAFFE: But we have a variance, that's why we're here today. So, even though there's guidelines, what you're asking for is a variation to those guidelines.

MR. SIAVELIS: The thing that troubles him and troubles me is that this is a design choice, that's what this is. You're in a position of requesting a variance based on design choices you made for the primary structure, the house.

MS. KOCIUBA: Yes.

MR. SIAVELIS: That's not a unique circumstance as this Board has evaluated over a number of years and even on its own face without considering other properties in this Village. You brought yourself to the unique circumstances, you designed in the unique circumstances. That is troublesome, at least to me, especially when we have a relatively strong opposition from at least this neighbor, okay, who is adjacent to the property and submitting in writing today an e-mail, actually it's Thursday, last Thursday. So, I personally --

MS. KOCIUBA: May I? I read this letter.

MR. SIAVELIS: Have you seen this?

MS. KOCIUBA: Yes, I read this letter and I can explain a couple of things, one about the drainage of the lot. I don't know if you've been on the property but the back of the lot is more than two feet higher than the front. So, water would be not, you know, flowing to the east to the neighbor. I know it's a very typical comment that building more structure we are having more problem with the drainage. But on the other side, we are providing underground storm sewer which will allow to eliminate water from the property. Like I said, there is a slope from the neighbor; they are flooding us, not we flooding them. This is one thing.

About the light, we are located on the west side. So, we are talking about the east light coming to the property and we are 10 feet from the property line. The entire west part of the lot is covered with big trees and bushes. So, I don't see we cover the light, too, regarding this issue.

MR. SIAVELIS: Did your clients live in the house before it was torn down?

MS. KOCIUBA: No, they bought it, and they are here, and they are planning not to buy and sell but just to live. It's why there are so many conditions just provided only for them, like

a porch next to the garage, porch in the front. It's just they are planning to stay on this property for a long time. Because they have many cars and the kids are living with them, so it's why they need a five-car garage. While I can tell that, they can speak by themselves, too, why this is a solution regarding the garages.

MR. SIAVELIS: What's the distance between the back of the house and the front of the detached garage? I can't read it too well on Section 4.5 of the papers.

MS. KOCIUBA: I'll tell it. Just right now, it's about 55 feet from the site plan. It's more than 50 feet. Because the distance to the property line is 10, the garage is 22 something, and we have a whole distance 85. So, more than 50 feet is between them.

MR. SIAVELIS: 52 feet.

MS. KOCIUBA: Yes.

MR. SCHWINGBECK: You know, when I looked at this property, I scanned the report and I went out quickly to look at it. I really thought I was going out to look at a detached garage. I was shocked to see that it's a completely empty lot, under construction. I agree with you, this is not a case where the house was there and they're looking at a garage. It's a fresh start on an empty lot.

I don't know what other folks think, but do you really need, you said you had a roofed porch in the front, a roofed porch in the back, and another roofed patio off the garage.

MS. KOCIUBA: This is what the owner requested.

MR. SCHWINGBECK: I know they're requesting it but we've got two different variances, as some of the other Commissioners said. That second 117 square-foot over, is it really a necessity to have a third roofed patio?

MS. KOCIUBA: I don't know how there's misunderstanding regarding size of this garage because this is even a copy of my approved plans which the Zoning checked twice with a correction and, you know, the porch is included in the lot coverage. It's the same thing like the porch for a house. It's never included to the size of the house.

MR. SELBKA: Has construction begun on the garage right now?

MS. KOCIUBA: Both, yes, because we have a permit.

MR. SELBKA: So, you've laid the foundations?

MS. KOCIUBA: Yes. We have a permit with the size. I'm just telling you that porch in the back, it was never counted as a part of the house. Same thing, Zoning treated the porch next to the garage and was treating that garage as 546, and the detached, the rear porch which I specified on the drawings, it's 291. So, it's why it's never an issue regarding variance during the permit. The permit is issued already for this.

MR. SIAVELIS: We understand that. That's like the third time you've said it.

MS. KOCIUBA: And you know, we asked for the height, right now it was a surprise for me. Mr. Derek called me three days ago or two days ago informing me that we need two variances. I said why, when we asked for one, you know, it's more simple.

MR. SIAVELIS: Was notice provided on the second variance?

MR. MACH: No, not in the letter. It was included in the newspaper publication.

MR. SIAVELIS: In the Daily Herald?

MR. MACH: Yes.

MR. DRAKE: Derek, I'm trying to reconcile a little bit why so many of us up here seem to be struggling with this including me, and yet the Staff people and the Village didn't seem to have any objections to any of this. Then you mentioned error earlier and the issues with the

permit, I can't connect all the dots here. Maybe it's just me.

What am I missing here? Staff seems to be on board and many of us up here are struggling. Can you shed, I know you're not in the Engineering Department, but can you maybe speak to some of these other sectors?

MR. MACH: Sure. The Petitioner submitted for a building permit, and the Department of Planning reviewed that permit. At that time, the garage was code compliant. It was at 720 square feet. A month or so after that, they submitted an addendum to the permit and they increased the size of the garage. You know, the Department of Planning did not see the permit, and the permit was issued with the larger footprint.

MS. KOCIUBA: No, we didn't, no, no, no. We never changed the size of the garage. It was from the beginning the same size of the garage, more than 500 plus the porch. Nothing was changed.

MR. MACH: Well, there's a clouded, the original dimension of the garage width was at 30.5 feet, and the addendum that was submitted four to six weeks after that increased it to 34.5 feet which is what's pushing the size of the garage over.

MS. KOCIUBA: Can you tell me again?

MR. MACH: I don't have the permit plans with me.

MR. KICINSKI: I have the permit plans.

MR. MACH: Is that the most, this wasn't original June submittal. Okay, this is the August 3rd. The June 29th submittal was --

MR. KICINSKI: This is the --

MR. MACH: This is the addendum that was submitted August 3rd. The June 29th submitted was a different footprint.

CHAIRMAN DIVITO: Sir, you need to step up. When you do, I'll swear you in. No, you can come up, we just need to swear you in. So, name and address?

MR. KICINSKI: My name is Robert Kicinski, and address 1708 East Euclid, we're residents right now with Arlington Heights.

(Witness sworn.)

MS. KOCIUBA: There is a rule in the Village that inside the garage has to be a minimum of 21 feet. Maybe it was a small difference. I found the original first submitted drawings but it was less than 21 feet. Maybe I changed it by a couple of inches but it was really a small change.

MR. KICINSKI: We have a few inches extra, so we did I think a few inches on both sides of the garage. We didn't exceed any print of the garage, so that's what was approved by the Village and we already started the construction of the garage. We are asking only so you guys will let us build the nicer garage which is community standard, but a nicer garage which is a mirror almost --

MS. KOCIUBA: The character of the principal --

MR. KICINSKI: Character of the big house, so everything looks just like it's supposed to. We're trying to bring the community up, not down, and everything will look nice and looks like it's supposed to be. Otherwise, a small garage with a small roof, it looks just ugly.

MR. JAFFE: So, I don't think we're questioning or debating or asking about the design, the cosmetics. I think what we're trying to get underneath here is our paperwork indicates a request for two variances.

MR. KICINSKI: The paperwork, what I was told, the paperwork was misread and

that's the problem. We're supposed to only go for the garage height and this is it.

MR. SIAVELIS: It doesn't matter. It's a distinction about a difference at this point. As we explained to you, we can handle each of the two variances separately, right? So, you need to make showings of each one of the two variances.

MS. KOCIUBA: Okay, we just didn't know that we had this issue.

MR. SIAVELIS: Right. So, at this point, you need to address the three showings. Well, let's go to the audience and see if there's any commentary from the audience. Then we'll open it up for Board discussion, if we have further questions for you, we'll proceed when that happens.

CHAIRMAN DIVITO: A question for you though. Are you willing to accept the variation as two separate requests? Or are they bundled for you? Because I just want to make sure --

MR. KICINSKI: They are bundled, they are really bundled to us because of my health issues. Wherever I go, I've got to be out of the sun, I can't be under the sun. That's why we have so many porches.

MR. SIAVELIS: Explain again.

MS. KOCIUBA: That he's looking --

MR. KICINSKI: That's why we --

CHAIRMAN DIVITO: But we're not saying the porch, we're saying one is for the size, so the size with the porch with the lower roof is one variance.

MR. KICINSKI: Yes.

CHAIRMAN DIVITO: The second is for the higher variance. So, if we unbundle those, you still get the porch and the size of the garage, you just don't have the height. Or you put them both together and there's a chance that both of them get denied. So, I want to ask the question, do you want both of them bundled or do you want us to be able to view them individually?

MR. KICINSKI: We don't want to already lose the porch. The porch is really done for myself.

MR. SCHWINGBECK: The porch, I didn't hear you, the porch is what?

MR. KICINSKI: The porch is designed, we have those porches because of my health issues. I can't be under the sun.

CHAIRMAN DIVITO: Understood. So, does that mean you are willing to separate the two?

MR. KICINSKI: I have to accept the two, otherwise I can't use the garage. I have to stay home.

MS. KOCIUBA: Yes, yes.

CHAIRMAN DIVITO: Yes, you're willing to split them?

MR. KICINSKI: Yes, we're going to split them, yes.

CHAIRMAN DIVITO: Just in case, okay.

MR. SIAVELIS: Let's go to the audience.

CHAIRMAN DIVITO: Any other questions before we turn it back to the audience? All right. You guys can take a seat for now.

MS. KOCIUBA: Okay, my last thing, there is a house styled like a French Provincial on the south side in the block, a very nice building with stucco and stone. It has a garage, a bigger garage but attached to the building with the same height. Now, I cannot imagine, I know

we are talking about detached and attached, but --

CHAIRMAN DIVITO: Not only that but there is no precedent. So, each individual petitioner is viewed on its own individual merits.

MS. KOCIUBA: I know. Well, I was trying to make a nice garage and follow the guidelines.

MR. SIAVELIS: Right, we got that already. Let's go to the audience.

CHAIRMAN DIVITO: Is there anyone from the audience that wishes to present on this petition? Okay, none being heard, close it down for Board discussion. So, do you want to start off?

MR. GEISEL: You know, I know we have the letter which talks about the flooding issues. But based upon testimony and height, this property does not seem to be contributing to the water on the property of the folks that issued the letter.

I just want to clarify, Derek, are they under FAR across the board?

MR. MACH: They are, as well as impervious building coverage.

MR. GEISEL: So, the 117 square feet or so which is part of the accessory structure but still well under in terms of total FAR?

MR. MACH: It is.

CHAIRMAN DIVITO: Question. I know you guys haven't been able to see this yet because I'm still holding on to it. Steven?

MR. MACH: Yes, that's the Director of Building.

CHAIRMAN DIVITO: Director of Building, okay. So, I just wanted to make sure you guys get a chance to read the message from Steven, the Director of Building --

MR. SELBKA: Well, on the maximum garage size, I understand that there were some issues with the Building Department. But because of the permit issue and they've already started pouring concrete, to me that's kind of a hardship to say, okay, now we're going to stop and you've got to dig up whatever you're doing and re-jigger it.

MR. SIAVELIS: Reduce it.

MR. SELBKA: And reduce it while construction is ongoing. So, I do think there is a hardship on the maximum garage size because they have started construction already.

On the height, I don't see, like some of my fellow Board members, about whether this is truly a hardship to increase the height of the garage.

MR. SIAVELIS: So, I agree with you one hundred percent on the size. It was an inadvertent mistake from the Village on that. They obviously, you know, put the forms in, they poured concrete, and quite frankly they're under the FAR, so I would support the variance on the standard garage size even regardless if they hadn't poured. Okay, so that's where I come out on that issue. That's why I asked to push for the issue of separating the two variances needed. So, I support the increased garage size.

The height I don't support. I don't think there is a unique circumstance frankly. I think the Petitioner brought itself to the unique circumstance given the design choices made in building this home. That second story height of the garage that's being sought, 21 feet essentially, that's a two-story house basically out there. So, I'm not in favor of that, but I am in favor of the increased size.

CHAIRMAN DIVITO: Yes, I'm with you on, and I'm struggling with the size, too, just because of the timeline and the inconsistencies in the blueprints. I would love to have both sets of prints, the original submittal, so we can see what was actually on that drawing and on the second.

But understanding that there is an investment already done with the construction cost, you know, I can see that hardship. I can go along with the size, self-imposed.

MR. SIAVELIS: The height you mean.

CHAIRMAN DIVITO: The height. The height is a self-imposed one based off the design, you know. I'm kind of with you on that one, Peter.

MR. SIAVELIS: Yes, and just so the record is clear on that, the height if no variances is obtained, the height is still 15 feet. That's a good sized high point of that garage, especially when it's 50 some feet behind the house. If that garage was offset as 10 feet, I think it would from the rear line of the house, I think that that would maybe raise other questions. But that's why I asked for a clarification on the record, what's the distance between the rear of the house and the front of that garage. 50 some feet is a healthy margin, it's a quarter of that lot depth.

So, that's another factor that tips me in not supporting the height variation. Then I would weigh that versus the comment from the neighbor, the Duffys, who submitted this pretty thorough, pretty detailed e-mail to the Village stating their opposition on a number of, some of which are hard to assess, the flooding. It's kind of hard for us to assess here, but certainly the height and the size of the garage we can assess.

CHAIRMAN DIVITO: Yes. Not to make light on the flooding, I know when they go through the process for inspection and everything, the Engineering Department will be able to control a little bit of some of that.

MR. SCHWINGBECK: I just had one other question for the Petitioner. I'm still a little confused about something. I did not walk on to the property today because there was heavy equipment on the property still working. It does not look like you've actually started to frame up the house or the garage.

MR. KICINSKI: It's already poured.

MR. SCHWINGBECK: The foundation is poured?

MR. KICINSKI: Yes. The foundation is poured.

MR. SIAVELIS: Does that change your views in any way, Tom?

MR. SCHWINGBECK: No, because I, too, I don't see, I mean that's a large garage. We're talking about five cars here, but I just don't understand the roofed patio back there. We're not talking about a three-acre piece of parcel here where somebody is going to be in the back by the garage and needs to sit under some shade. I mean this is a fairly small lot and we've already got a roofed patio in the backyard.

MR. SIAVELIS: Yes, and I weigh that versus the testimony from the Petitioner regarding his medical condition.

MR. SCHWINGBECK: Right.

MR. SIAVELIS: I don't have reason to dispute that.

MR. SCHWINGBECK: Right.

MR. SIAVELIS: So, I've factored that into my view that larger garage size is okay.

MR. SCHWINGBECK: Yes, right.

MR. SIAVELIS: Especially since he's under the FAR.

MR. GEISEL: Yes, that's what I wanted to be very clear about in terms of that. I can understand the desire to have the height from an aesthetic standpoint. However, given the number of buttons being pushed, maybe only one of those need to get pushed in terms of the size, you have five cars.

MR. SIAVELIS: Okay, so can we, I think we're ready to move on, make a motion.

CHAIRMAN DIVITO: Get a vote on each individually? What do you want?

MR. SIAVELIS: I can bundle them or I can unbundle them. I can do it either way whichever makes it faster for us. So, I move to grant the variance pertaining to the size of the garage, that's the first variance presented to us in the material, okay. I'm sorry, that's the second.

MR. SELBKA: That's the second.

MR. SIAVELIS: The second, I'm sorry, I reversed the order. Again to clarify, I move to grant the variance providing a 117 square-foot variation to allow a detached garage with the size of 837 square feet where 720 is the maximum allowed.

MR. SELBKA: Second.

MR. SIAVELIS: That's the extent of my motion because I would decline the first variance pertaining to the height of the garage. I don't think the showings have been established and I think that we discussed we could vote one but not the other.

CHAIRMAN DIVITO: So, we have a motion to approve the second bullet, the size variation for, the 117 square-foot variation only.

MR. SIAVELIS: Yes.

MR. SCHWINGBECK: And not vote on the --

MR. SELBKA: Well, that will probably come up in a minute or two.

MR. MACH: Mr. Drake.

MR. DRAKE: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Yes.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: No.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes. So, the second would be to deny, a movement to --

MR. SIAVELIS: Do we need an affirmative vote on a denial or do we have --

MR. MACH: Can you repeat that question?

MR. SIAVELIS: Sure. Do we need to move to deny or a non-move, okay, does that act as a de facto --

MR. MACH: The Zoning Board should take action.

MR. SIAVELIS: Okay. I move to decline and deny the first variance sought regarding a six-foot four-inch variance to allow a 21-foot four-inch tall detached garage where 15 feet is allowed.

CHAIRMAN DIVITO: Okay, and so a vote in favor is a vote to decline?

MR. SIAVELIS: To deny, yes.

CHAIRMAN DIVITO: Okay, is there a second?

MR. DRAKE: Second.

CHAIRMAN DIVITO: Okay, Derek?

MR. MACH: Mr. Drake.

MR. DRAKE: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Yes.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes. So, first variation for the height is declined, but the second for the size is approved. So, thank you.

MS. KOCIUBA: Thank you.

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

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS October 16, 2017

PETITIONER: Kicinski Residence

ADDRESS OF PROPERTY: 1628 N. Evergreen Ave.

VARIATION: 6.5-7a-iv. (Location of Accessory Structures)

A 6-foot, 4-inch variance to allow a 21-foot, 4-inch tall detached garage where 15-feet is allowed. A 117 square foot variation to allow a detached garage with a size of 837 square feet where 720 square feet is the maximum allowed.

The petitioner explained that they are constructing a new home and detached garage and are requesting a variance for increasing the height of the proposed detached garage. The petitioner explained that in order to match the roof line of the new house, a variance is necessary. The petitioner explained that matching the roofline of the principal structure is consistent with the Village's design guidelines. The petitioner also explained that they are seeking a variance for the footprint of the garage. The petitioner testified that they received a permit for an 837 square foot garage and covered patio but were later informed that the permit was approved in error. The petitioner explained that they have poured the foundation for the 837 square foot garage and covered patio.

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

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

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

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

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 for the size, namely; that the petitioners would sustain a hardship if the variance were not granted; that the situation of the petitioners is unique; and, that the granting of a variance would not alter the essential character of the neighborhood. Proof of ownership and compliance with the Notification Provisions of the Ordinance were presented.

Thereafter, a motion was made by Mr. Siavelis and seconded by Mr. Selbka. Thereafter, the Board voted 6-1 to approve the variance request for the size.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 6-1 to

grant the variance for the size of the accessory structure as requested.

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

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

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



Item: 1103 E. Euclid Ave. - 10/16/17

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
1103 E. Euclid Ave. - Minutes 10/16/17	Minutes
1103 E. Euclid Ave. - Findings 10/16/17	Exhibits

ZONING BOARD

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

OF APPEALS

RE: 1103 EAST EUCLID AVENUE - ZBA#17-051

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor Beuchner Room,
Arlington Heights, Illinois on the 16th day of October, 2017 at the hour of
8:00 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN DIVITO: Peter, I know you have --

MR. SIAVELIS: One more.

CHAIRMAN DIVITO: You have one more, okay. Let's see, that was 1628. So, next order of business is 1103 East Euclid.

MR. SELBKA: That one is mine I think. Can I get your name please?

MR. DUCHEK: Paul Duchek and Sue Duchek.

MR. ROGNER: Paul Rogner.

MR. SELBKA: And your address?

MR. DUCHEK: Currently, we're at 416 East Hawthorne, but the petition for 1103 East Euclid.

MR. ROGNER: 825 East Rand, Arlington Heights.

MR. SELBKA: Would you all raise your right hand?
(Witnesses sworn.)

MR. SELBKA: All right. Could you please discuss the three points you need for a variation for your petition?

MR. DUCHEK: Well, as far as our hardship, we need the additional two-car garage because we have a lot of accessory equipment, lawn mowers, I've got boats and trailers, campers that I want to get under cover. That's, I think, part of it. Currently, we live at 416 East Hawthorne. I've got a two-car garage at that location, and in 26 years that we've lived there my wife's got her car in the garage 30 times maybe. So, I need a lot of storage for just the lawn tractors and, like I said, boats and trailers I want to get under cover.

MR. SELBKA: You want to increase the size from 15 feet to 19.5 feet?

MR. DUCHEK: Correct.

MR. SELBKA: Why do you want to do that? What's the hardship there? Well, it's just that we're trying to make it aesthetically pleasing, matching the ridge lines. We're going to be putting an addition off the other side of the house to add a master bedroom, bathroom, laundry. So, all those peaks are going to be equal.

MRS. DUCHEK: But it's matching the current height that's there now.

MR. DUCHEK: Right.

MRS. DUCHEK: We're not adding anything higher, we just want to continue it.

MR. SELBKA: Can you testify as to the other two points?

MR. ROGNER: As far as the uniqueness, one of the factors that comes into play here is the sheer size of the lot. It's a fairly large lot for this zoning district. Even on that, our rear yard setback to the structure is 120 feet, side yard setback to the structure is over 26 feet. So, we still have a significant amount of distance between this addition and the neighbors. As you can see, the overall size of the lot is fairly significant.

Then as far as the character, it's a simple structure that we're adding onto. It's a simple gable and we're just trying to, you know, tying in similar details as far as the addition is concerned so that it looks like it belongs on that garage. So, we used another simple gable and similar detailing and roof pitches to tie it in nicely, as well as it will tie in with the additions on the house that are planned with the higher pitched gables and the like.

MR. SIAVELIS: I see in the paperwork here that you stated that you're a builder/developer and do 95 percent of my work in Arlington Heights, due to the amount of supplies and equipment that is necessary to perform my job, I require a substantial amount of space to store my tools. Is that correct? Is that true?

MR. DUCHEK: That's true also, yes.

MR. SIAVELIS: What are you putting, what are you contemplating putting in this garage structure?

MR. DUCHEK: Like I said, I've got lawn mowers, I have a big John Deere. I've got right now on the side of the current garage, I've got a camper, I've got a snowmobile trailer, all that kind of stuff. Of course I'm going to have saws and, you know, saws and all of that kind of stuff obviously.

MR. SIAVELIS: And you contemplate putting all of that inside the new structure?

MR. DUCHEK: Right. So, we're going to be, it's not going to be constantly used for traffic, the front of the garage will be used for cars, the back of the garage will be --

MR. SIAVELIS: Storage.

MR. DUCHEK: Used for storage.

CHAIRMAN DIVITO: Have you seen the note from the Design Commission?

MR. DUCHEK: No.

CHAIRMAN DIVITO: They just mentioned the, talking about the actual design, lacks character of the main house, so just trying to tie in some of the characteristics a little bit more. Then a mention about double-hung windows versus the siding windows that you are installing. So, it's more about just details about how to construct that.

MR. ROGNER: Again, we were just trying to stay in keeping with the existing structure which has the sliding windows. Certainly the if Design Commission has suggestions of those sorts, we would be happy to, you know, discuss those and make some changes --

MR. GEISEL: So, the existing garage has sliding?

MR. ROGNER: Yes, it does.

MR. GEISEL: Okay, so that's a part we're missing.

MR. ROGNER: Yes, we were just trying to keep in line with what the existing structure had.

MR. SELBKA: Any other questions from the Board?

MR. DRAKE: That area is pretty secluded where you plan to build the structure. How about the neighbors? Have you had contact with people around there?

MRS. DUCHEK: The two to the west are both in support, Sharon and Tom, and then the one on the corner. The one to the east I have not met. We don't live there so passing back and forth have not met them. I know that one of the neighbors is here tonight, so I don't know where they're at on the petition.

MR. SELBKA: Anything else?

MR. ROGNER: No.

MR. SELBKA: Okay, I'll open it up to comments from the public. Does anyone have any comments on this? Could I have your name and address, sir?

MR. BARNES: Yes, my name is Jim Barnes and my address is 410 North Brighton Place. We have the property to the south of this property in question.

MR. SELBKA: Would you sign in please?

MR. BARNES: Oh, sure.

MR. SELBKA: Thank you, sir. Would you raise your right hand?

(Witness sworn.)

MR. SELBKA: Go ahead.

MR. BARNES: As I said, we're to the south of the property and we're fine with what

the Duchecks intend to do. Thank you.

MR. SELBKA: Okay, thank you. Anyone else? Your name and address please?

MR. HAUSTLER: My name is Chris Haustler, 1115 East Euclid. We're to the east of the property.

MR. SELBKA: If you could sign in and then I'll swear you in? Raise your right hand please.

(Witness sworn.)

MR. HAUSTLER: So, I have a couple of questions, clarifying questions. If you can put up the vicinity, the Google Map, that would be helpful. So, we're at the eastern side.

A couple of questions. First off, we're elongating the garage from how much square footage, how much linear feet to how much? So, this is my concern.

MR. SIAVELIS: Can you identify just where your house is?

MR. HAUSTLER: Right here, and this is the garage I believe.

MR. ROGNER: Yes, correct.

MR. HAUSTLER: Okay, so we're talking about lengthening this and actually adding a driveway this way, right?

MR. ROGNER: Correct. So, we're going back towards the south approximately 27 feet, and then in width the addition to the garage is 24.

MR. HAUSTLER: What is it currently?

MR. ROGNER: If I recall, it was about almost the same proportions.

CHAIRMAN DIVITO: The width of the garage is about 27.5.

MR. ROGNER: Yes, we're basically taking about the same footprint and just turned it to create the addition. So, the width of the existing garage is about, roughly about 27 feet, and so we're adding back 27 feet in that long dimension.

MR. HAUSTLER: Okay, and what color will it be?

MR. ROGNER: White.

MR. HAUSTLER: Do we have any plantings?

MRS. DUCHEK: We do. I actually am meeting with and have contacted a design company that's out of Wheeling, Milieu Landscape. They had two of their team members out. I have not seen the design yet. So, the plan is to, and again for the Board, I don't know who has walked it, it's heavily wooded. We had Sabatello Trees come in and clear. It was a very overgrown property that was just wild. So, he came through and he spotted what had to go and what needed to go, and we've gotten rid of the brush, and only actual trees have been left.

So, no additional removal is coming out. So, it's just a matter of once it is in, once I have an opportunity to consult with the design team. So, yes, there is going to be some, it's just in the process at this point.

MR. HAUSTLER: Got you. So, I will share my concerns. Of course we travel that driveway everyday. That's the way we get into our property and actually one of the grand benefits of the property that we bought three years ago. Driving past a much larger, wide garage is not something that I had planned on, and that is frankly something I think about. If we can hide it, I'm all for that. It is helpful that there are some woods, but some large plantings will be appreciated.

The other things, when I read the note about this meeting, it was, the hardship was about storing materials. So, my questions were about, all right, what kind of materials? Are we talking building materials? How often are they going to be moved? Do you need a forklift? Do you need a flatbed truck coming in? That kind of thing.

MRS. DUCHEK: You've seen our snowmobile trailer sitting outside. That's the trailer, the camper is the other trailer. We don't have any other mechanical equipment. It's just tools.

MR. HAUSTLER: Okay, and the camper will go inside?

MRS. DUCHEK: Yes.

MR. HAUSTLER: All right. So, as long as it's not building materials and not moving in and out all the time.

MR. DUCHEK: No.

MR. HAUSTLER: All right. My one concern is we need to make sure the plantings make it more important because while there is a large, I mean these are very large lots, the benefit of my property that I bought three years ago is for that large front yard.

MRS. DUCHEK: There's still, and I, you know, kind of did a, when we were walking the design team through the back there, I think just from the back of where the garage is going to be coming forward, I think there's like four mature- trees in that area. So, even if we try to put in large mature, additional buffer, I don't know if it's going to grow greatly there.

MR. HAUSTLER: It needs to be tried. This is a concern for me and I would appreciate all the folks that have a decision to make here, that we actually understand that this is a part of the neighborhood. I honestly think that it affects, you know, one person's property and the value of that property, and that is ours. So, with that, I would like your consideration.

MR. SELBKA: I have a question for you. Are you concerned about the size of the garage in terms of the square footage of the garage? Or the size of the garage in terms of the height?

MR. HAUSTLER: I am, height a little bit, square footage no, because frankly I don't see the width of it. That goes toward the center of their lot. I am more concerned about the height and the facing, the east facing wall, the length of that wall which is what we're going to see.

MR. SELBKA: Okay.

MR. HAUSTLER: Out in our living room.

MRS. DUCHEK: And it is unique that your house is set so far back, so I do understand that.

MR. HAUSTLER: Yes, because that's our backyard.

MR. SELBKA: Any other questions? Anyone else from the audience who would like to speak? Okay, I will open it up for Board discussion.

I think this is exactly the same issue we just debated on the Evergreen. We've got the issue of height and the neighbors objected to the height of the garage. The aesthetic of matching the pitch of the garage to the house I don't think is a hardship. I don't think it was a hardship on the last place and I don't think it's a hardship on this place.

MR. GEISEL: But I don't think that's what they're doing, Joe. They're matching the existing height of the existing garage.

MR. SELBKA: Building it bigger.

MR. GEISEL: They're not tying the height of this to the house. It's simply an extension of the existing height of the existing garage.

MR. SELBKA: Is that correct?

MR. SIAVELIS: Is that correct?

MR. SELBKA: Just to clarify.

MR. ROGNER: The existing roof pitch, yes. We're matching the roof pitch.

MRS. DUCHEK: We're not going higher than the current one.

MR. ROGNER: No.

MR. SIAVELIS: So, the current garage height is what?

MR. SELBKA: Is 19.5 feet. The current garage height is 19.5 feet.

MR. SIAVELIS: Is that correct?

MR. ROGNER: Correct.

MR. SIAVELIS: And the desire, the new addition for the garage, the height of that addition to the garage will be?

MR. ROGNER: The same.

MR. SIAVELIS: 19.5.

MR. GEISEL: Go ahead, sorry.

MR. SIAVELIS: No, that's okay, because that --

MR. SELBKA: I didn't actually understand that.

MR. SIAVELIS: Yes, that's a big difference for me. That's a big difference for me and that's why I asked it so tediously because unlike the first petition where I think, or the prior petition where I think the petitioners were bringing themselves to the necessity of a variance and the alleged unique circumstances, I think this is different because you have an existing nonconforming structure that you're trying to match up to. Quite frankly --

CHAIRMAN DIVITO: Actually conforming, I think it's actually conforming.

MR. SIAVELIS: It is conforming, yes, exactly, to get it to match up to that. I think it would look strange if you had the new garage structure at a significantly reduced height which would be 4.5 feet difference. It would look really odd to me, especially if I was driving up and down, or I could see it as I access the neighbor's property. But, so that's a big distinction.

MR. SELBKA: No, that is, you're right. Okay, I take that back.

MR. GEISEL: And I think trying to attach this to the existing storage as opposed to, for example, creating, you know, a shed or an accessory structure that could be virtually as large even farther back and closer to your home, to be honest, without requiring a variance, so your points were well made. There's a, keeping it in front and tying it to the existing, it would kind of bundle all of that activity in one location rather than having it in multiple locations.

MR. SIAVELIS: Right, given the overall depth of this property. I mean they could put a significant structure in the backyard and not come before us.

MR. GEISEL: Correct, and much closer to their home.

MR. SIAVELIS: Right, to the neighbor's house.

MR. GEISEL: Correct. So, bringing it up to the garage, you see the back of the garage now and you'll still see the back of the garage.

MR. SIAVELIS: Plus, I think it should be noted, the Petitioners' willingness, activities to date regarding landscaping foliage and willingness to engage with the neighbor and constructively address that. We urge you to do that. In the past, I think we've conditioned acceptance of variances on that. I don't know if that's entirely appropriate because we don't have enough materials to substantiate that and support that, and there's a lot of mature trees out in this property, so filling in between them is easier said than actually done. But I think it is worth noting that the Petitioner has expressed a willingness to address that going forward.

MR. SCHWINGBECK: Yes. I think the other positive, too, and I certainly appreciate what the neighbor said, that driving up and down that driveway and having some of that accessory equipment and the other trailers in the garage, instead of driving up and down the

driveway and seeing that outside the garage would be a big plus.

MR. SIAVELIS: That's a good point.

MR. GEISEL: They could simply tuck them behind in looking at it.

MR. SCHWINGBECK: Right.

MR. GEISEL: And closing it is beneficial in that regard.

MR. SELBKA: And there was no objection to the square footage increase.

MR. GEISEL: I don't think so, particularly given that the size of this property, what is it, three acres?

MR. DUCHEK: An acre and a quarter.

MR. GEISEL: I couldn't remember what that was, sorry.

CHAIRMAN DIVITO: Okay, is there a motion?

MR. SCHWINGBECK: I'll motion we approve.

MR. SIAVELIS: I'll second.

CHAIRMAN DIVITO: Okay, Derek?

MR. MACH: Mr. Drake.

MR. DRAKE: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Yes.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes.

MR. DUCHEK: Thank you.

MR. ROGNER: Thank you.

(Whereupon, the above-mentioned petition was adjourned at 8:19 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS October 16, 2017

PETITIONER: Ducheck Residence

ADDRESS OF PROPERTY: 1103 E. Euclid Ave.

VARIATION: 6.5-7a, 6.5-6

A 589 square foot variance to allow a 1,309 square foot garage, where 720 square feet is allowed; A 4.5-foot variance to allow a detached garage with a height of 19.5-feet, where 15-feet is allowed.

The petitioner testified that they need additional garage space and are proposing a 1,309 square foot garage where 720 square feet is allowed. The petitioner explained that they would like to keep their accessory equipment and recreational equipment within the garage. The petitioner testified that they are also requesting a height variation. The petitioner explained that the height of the proposed expansion is consistent with the ridge line of the existing garage. The petitioner testified that the garage is approximately 26 feet from the side property line and 120 feet from the rear property line. The petitioner also testified that the lot is approximately 44,000 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. Schwingbeck and seconded by Mr. Siavelis. Thereafter, the Board voted 7-0 to approve the variance request.

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

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

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

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



Item: 130 S. Fernandez Ave. - 10/16/17

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
130 S. Fernandez Ave. - Minutes 10/16/17	Minutes
130 S. Fernandez Ave. - Findings 10/16/17	Minutes

ZONING BOARD

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

RE: 130 SOUTH FERNANDEZ AVENUE - ZBA#17-052

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor Beuchner Room,
Arlington Heights, Illinois on the 16th day of October, 2017 at the hour of
8:19 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN DIVITO: We are at 130 South Fernandez now. Just so you guys are clear, we are losing a Board member due to time conflicts.

(Mr. Siavelis was excused for the remainder of the meeting.)

MR. JAFFE: So, is this the 130 South Fernandez?

MR. GINNODO: That's correct.

MR. JAFFE: Could both of you identify your names and addresses?

MR. GINNODO: Sure. My name is Keith Ginnodo with Kingsley Ginnodo Architects. I'm at 33 North Hickory in Arlington Heights.

MR. WOLF: Mike Wolf, I'm the property owner, and my wife Marilyn over here. We're the property owners at 130 South Fernandez.

MR. JAFFE: Have you both signed in?

MR. WOLF: We will, yes.

MR. GINNODO: Yes, I'm in, here you go.

BOARD MEMBER: I have a comment while they're signing in. I do know the Petitioners but I don't think that has any effect on how I deal with this matter. So, I'm not going to recuse myself but I do want that in the record.

MR. JAFFE: Noted. Okay, can you both raise your right hand?

(Witnesses sworn.)

MR. JAFFE: Thank you. You can proceed.

MR. GINNODO: All right. What the Wolfs are doing, first of all, they've been residents of Arlington Heights for a long time, raised their family here. This is a new house for them, a new old house. They're buying an existing ranch and their plan is to make it a long-term home for themselves and continue living in Arlington Heights and to welcome their family members back as they continue to grow their own families. So, this is largely the purpose of the project.

It is a major overhaul to the existing. It will change the appearance. One aspect of this is that we've gone to some pains to design it so that it doesn't overwhelm the neighboring properties. Though there is a second floor, it's designed within the gable roof in such a manner that it tries to be neighborly to the one-story buildings to either side as illustrated in the bottom there.

Across the street, there is a two-story redo that is expressly two-story, and then another just almost next door to that which appears again like a one-and-a-half story residence. Both of those structures have porches in the front of them. I'm not sure whether they needed a variation to accomplish that or not. I know that's not a precedent here, but what we are trying to establish is that we're trying to make a new appearance and yet respect the ranches that are nearby and yet kind of maintain a similar quality, scope, and character to the transition that's happening in the neighborhood.

So, that kind of explains the background of it. Because it is a major, this is kind of getting at the hardship, because it is a major renovation and the building line was established back in who knows when, it's a 30-foot building line put right on the property line plat of survey. All the houses are on there. But because the neighborhood is changing and porches are becoming part of the architecture of the context, we felt it was a good idea to allow shelter at the front door and because it's a large enough renovation and investment in the project that a little squinchy one that satisfies the parameters of the code seemed out of scale and didn't really get the owners what we were trying to accomplish with the house. So, the return on the investment, if

you want to go down that road, is that other properties in the neighborhood have a feature that we're trying to accomplish here. Without it, it would be out of scale with the investment we're making on the property.

With respect to uniqueness, again I've talked much about keeping the house in scale with the neighbors and we're kind of just going to go along with that. In terms of character of the neighborhood, the liaison process for the Design Commission has kind of given us a conditional approval on the design as long as we pass through the Zoning Administrative Board of Appeals situation here.

MR. JAFFE: Mr. Wolf, have you spoken to your neighbors about your project?

MR. WOLF: Yes. It was on both sides and across the street, and they're all in favor of it. I mean to put a scale, it's about the difference from where I'm sitting to right here. It's really very, very small and it's not very long, so you can't see it from the street. You really wouldn't notice the difference.

MR. JAFFE: Other questions from the Board? Okay, we'll open it up to any questions or comments from the audience, thank you.

Do we have any audience who would like to speak about this petition? Okay, so we'll close it down for Board discussion.

MR. SCHWINGBECK: You know, we've heard a lot of people come and talk about porches, keeping the sun out of the house, things like that. It's a very modest porch. A lot of times when you're coming home, you open the garage door, you drive your car in, you run into the garage. If you ever go up to somebody's house that doesn't have one of these and you're standing out in the rain ringing the doorbell, it's nice to have a little porch there that you can just stand on there.

So, I like them. They look great. I think they really add to the neighborhood and I think it's a nice addition.

CHAIRMAN DIVITO: Yes, I would say it's a modest request considering some of the requests that we've had come through this Board in the past regarding porches. So, I'd be in favor.

MR. GEISEL: And in keeping with what they're constructing.

CHAIRMAN DIVITO: Right.

MR. JAFFE: Is there a motion to approve?

MR. DRAKE: I'd move approval.

MR. SCHWINGBECK: Second.

CHAIRMAN DIVITO: Okay, Derek please.

MR. MACH: Mr. Drake.

MR. DRAKE: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Yes.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes.

MR. GINNODO: Thank you very much.

MR. WOLF: Thank you.

CHAIRMAN DIVITO: Thank you for your patience.

(Whereupon, the above-mentioned petition was adjourned at 8:25 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS October 16, 2017

PETITIONER: Wolfe Residence
ADDRESS OF PROPERTY: 130 S. Fernandez Ave.
VARIATION: 5.1-2.7, 5.4

A 3.0-foot variance to allow a covered front porch with a front yard setback of 27.0-feet and an additional 2.0-feet for the eave from the east property line instead of the minimum required 30.0-feet.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are buying an existing ranch and their plan is to make it a long-term home for themselves. The petitioner further explained that as part of the project they are proposing a covered front porch that is encroaching into the required front yard setback. The petitioner explained that the neighborhood is changing and there are other porches on the block. The petitioner explained that the porch will allow for shelter at the front door.

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. 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 as requested.

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

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

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



Item: 221 S. Evergreen Ave. - 10/16/17

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
221 S. Evergreen Ave. - Minutes 10/16/17	Minutes
221 S. Evergreen Ave. - Findings 10/16/17	Minutes

ZONING BOARD

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

RE: 221 SOUTH EVERGREEN AVENUE - ZBA#17-053

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor Beuchner Room,
Arlington Heights, Illinois on the 16th day of October, 2017 at the hour of
8:25 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN DIVITO: To take us home, an oldie but a goodie, 221 South Evergreen. All right.

MR. LABELLE: Thank you for that introduction, I appreciate that.

CHAIRMAN DIVITO: Name and address?

MR. LABELLE: Joseph LaBelle with Rize Properties, LLC. Address is 784 Busse Highway, Park Ridge, Illinois 60068.

CHAIRMAN DIVITO: All right.

(Witness sworn.)

CHAIRMAN DIVITO: For the record, I know one of the Petitioners, but again, we've ruled on this in the past. I feel like I can keep, you know, I can continue on this.

MR. LABELLE: Sure.

CHAIRMAN DIVITO: All right. So, you are back in front of us. Do you mind explaining what the differences are and what the plight is?

MR. LABELLE: Sure. Yes, thank you for having me here tonight. So, to sort of recap where we are, the building that we're designing tonight is the exact same building as back in June. If you recall, the project is a three-unit townhouse building at the corner of Evergreen and South. I'm the purchaser, Joe here is the current owner. We were supposed to close back in June. But upon closing, we essentially realized there was an issue with the plat of survey, the recorded lot dimensions versus the dimensions as measured and occupied currently.

So, this goes back to the 1800's when the survey discrepancy between the original survey and then later changes apparently, however it came about, that block is one of, I'm understanding, several blocks in town that has some discrepancy between the monumented recorded lines versus actually measured and occupied lines. So, this particular property, we went forward back in June for a variance that was approved at 66.660 by 136 feet. That is the property actually as measured and occupied. The surveyor has been out several times to verify this. So, that is truly the property as is currently occupied. However, the deeded or recorded lot is 132 feet deep by 61.33 feet wide. It's about a five-foot difference between the width and almost five feet difference at the depth.

We found that this discrepancy exists across the block. The depth apparently along Evergreen, all these properties are actually about five feet off of the sidewalk. So, that is what accounts for that depth difference. Actually we have now a plat of survey from Property 2 which is three doors, two doors to the north that had the same exact issue. So, it's an issue on the block. The width is just a factor of, again going back to the original recorded measurements just not lying up to where it's at today.

So, I guess just to sort of reiterate, we're not changing anything. The building is the same as was approved before. However, we do want to shift it two feet towards South Avenue just because, to make sure that there's no issues with that north side. So, this property, there's no one else that would have a claim to this property. There's five feet of a gap essentially, and the best path forward after reviewing this a number of times is not legally for us to go forward and to actually legally get this recorded, because it would require a lot of time and effort and require everybody on the block to be involved. It's just a challenging, time consuming, costly thing.

So, the preference was to go back in front of the Board here, request a variance for what would be the recorded deeded lot size versus as measured and as occupied. That five feet would remain as is, no one would be using it. In fact, we would likely move forward

with putting a fence along that property and having our condo docs that that's essentially, you know, as occupied versus deeded. So, the shift in going two feet towards the south was really more of a suggestion of Staff to just accommodate in case there was any sort of concern or discrepancy at that north property, to have a little more space there.

So, with that being said, what I'll do is I'll maybe state the variance in terms of hardship based on the lot size specifically because as we talked about last time, the building and deck has been approved. So, the unique circumstance is just what I explained, that the lot size as recorded and measured, I'm sorry, as measured and occupied does not match as recorded and a discrepancy is an issue.

The hardship that would exist is if we were to proceed with the variance as approved previously, upon going to sell our units, we would not be able to sell them, or we would not have clear title because the setbacks as approved which show to be encroaching, or the building would be shown to be encroaching given the smaller lots which our title company is going to recognize. They won't recognize the larger. So, that's the hardship.

As far as the character of the locality, just like the previous approval, our intention I believe this building is actually improving the neighborhood, with the design aesthetic, tying in single-family homes with larger structures towards the downtown. Clearly, it's a blighted home on the property that needs to be torn down, so our goal is to remove that and build this and improve the neighborhood.

CHAIRMAN DIVITO: So, if the Board remembers, this was one that we actually at length reviewed each of the individual variances and went and checked off one at a time and actually approved each one at a time. Given the new data based off of the recorded deed, the only new variance that you're asking for is the position of the building, is that right?

MR. LABELLE: That's correct, shifting it two feet towards South Street.

CHAIRMAN DIVITO: South Street. So, you're giving more room to the properties north then?

MR. LABELLE: To the north.

CHAIRMAN DIVITO: So, that whole balcony issue that we debated on and the air conditioners --

MR. LABELLE: Correct, it will actually improve that circumstance. Originally, we were going to go forward with that originally from day one. This now kind of has made that be more of a, I think a benefit to the property onto the north which will likely be developed at some point in the future, but improving that. The setback at South essentially is 20 feet, so it's a pretty healthy setback. The setbacks across the street are 10 feet, so this is quite a lot deeper than that. So, shifting it two feet toward South Street just seems an appropriate measure to take to give it a little more space on the property.

MR. JAFFE: So, I guess I have a quick point of clarification, because I wasn't here for the first meeting. This, the packet that we have for tonight, and it's dated, submitted September 26th, completed October 2nd, this is the ZBA#17-053 from Nancy Julius, copying James Massarelli. It's all air conditioner issue.

So, this was addressed back in June or this is still open? Because it's highlighted on this form.

MR. LABELLE: If I could speak, that was approved in June. That was one of the variances requested then as well for air conditioning that's in the, what's essentially the side yard.

MR. JAFFE: Right. I'm just calling it out because in our packet there is this

highlighted language where the Engineering Department is saying that it's not in favor based on the positioning of the AC units. I just, again not knowing the history, was this already addressed in this --

CHAIRMAN DIVITO: That's a good point. Derek, the end of the new material and the beginning of the old material, do you know where the delineation lies?

MR. MACH: Regarding the comment initially from Engineering?

MR. JAFFE: Yes.

CHAIRMAN DIVITO: So, is it --

MR. JAFFE: Because then below it, it goes on to state the Engineering Department has no objections on the front yard setback, rear yard setback, or minimum lot size variances. So, how I'm interpreting this is this bottom statement is good but because this other thing in here I don't know how to interpret it.

MR. SCHWINGBECK: I think we had talked to you guys back in June, I think we did, about could we put the air conditioning units on the roof.

MR. LABELLE: I don't recall that discussion, but the roof is a pitched roof, a gable roof. So, in order to have them on the roof it would have to be a flat.

MR. SCHWINGBECK: It would have to be a flat, okay.

MR. LABELLE: Yes, and that was one of the requests actually from the Design Commission. They actually preferred our pitched roof, gable roof versus the flat.

MR. SELBKA: As to the issue of the property not being deeded to you, did you look at doing a sort of adverse possession claim?

MR. LABELLE: Yes, the issue is there is really no other owner that can claim it. It's essentially land that's just there. It's been occupied for so long, it wouldn't, that would require the whole block. We couldn't go to just the neighbor to the north. For instance, it would require petitioning the entire block which is a pretty significant step and issue. Now, the property at --

MR. PAVELECK: What happens is -- sorry.

CHAIRMAN DIVITO: Name and address?

MR. PAVELECK: Joe Paveleck, 220 Brookdale, Palatine.

(Witness sworn.)

MR. PAVELECK: What happens is when you start breaking down and let's say each property were to get six inches or five inches or whatever the breakdown would be, there's so much new development on there, once you get into those row homes, it stops it immediately because you're not going to then take six inches of somebody's living room, right? So, I think once you hit that new development, it kind of stops it.

MR. LABELLE: Right, the process would essentially involve the whole block, portioning a slight amount to every single property across the block. It would take essentially a suit in order to have that happen where, it's not going to happen. So, the owner to the north can't claim it with that same exact reason, it would require the whole block. So, essentially what will happen here, and this is based on our counsel and our title company, is they're saying, look, the property as occupied is what it is. If we were to be building a single-family home or buying it to stay on the property, we have to keep a fence right there, there would be no issue.

We're buying it to sell it and because it's these three units, we need to be clear with our purchasers exactly what they're getting so no one else can lay a claim to it. But given that there is a five-foot discrepancy, we couldn't move forward with closing on this with that issue, knowing that we would have a problem when we go to sell it. So, it really is just a technical,

you know, issue that we had to resolve, and this was the resolution that was concluded.

MR. PAVELECK: So, we went to about 10 different title companies looking for title insurance because that's all this really comes down to. One of them came back with about a 120-page report, and within there, 217 South Evergreen had the same identical issue, 132-foot depth recorded, monumented 136-137. So, there's a five-foot setback in engineering error 100 years ago that's been consistent down the block. 217 actually went from the monumented line to the north to the deeded line to the south. So, they took the best of both worlds.

I don't know how it laid out but Joe and I have been out there multiple times measuring, going where is the error, where is the error, where is the error? And there is not one, everything ties out.

MR. LABELLE: The surveyor also has been multiple times in the property to remeasure. There was a second surveyor. They were all coming with the exact same conclusion, that there is no dispute about how it's measured and occupied. The dispute just comes down specifically to the deeded, you know, lot lines.

CHAIRMAN DIVITO: Clarification. You mentioned a fence along the property line. Where are you going to do it? As occupied?

MR. LABELLE: The goal would be to do it as occupied.

MR. PAVELECK: Currently, there is one there as well.

MR. LABELLE: There is a fence there currently, correct. So, if we do that, however, we're going to be stating it in our declarations that that's the case, that that's essentially occupying not deeded. So, if someone were to put something there later, you know, technically, potentially they'd have an issue, but that would be our goal would be to keep that fence as is and in the current location.

MR. MACH: Chairman Divito, the Engineering's comments from May 26th were provided the survey is accurate, the Engineering Department is in favor of the proposed variances; however, detailed site plan was not provided. The Engineering Department may have other concerns that may need to be addressed during the permit review process of the proposed site plan.

CHAIRMAN DIVITO: So, that is different than what we're reading in today's?

MR. MACH: Yes, I believe they have concerns with the air conditioning units if the grading is going to occur between the southern line of the line as occupied and the structure.

MR. LABELLE: Maybe, I'm not sure, but in that case, just pointing out and coming back to that the lot as occupied would remain the same, so what was approved previously would not change. So, that particular part of the property, really we would actually develop and grade and landscape as if it was part of this property. Drainage I would think could be, you know, handled and managed that way as well. So, it might just be, maybe a lack of understanding of the current occupied lots that are remaining as is.

CHAIRMAN DIVITO: With the moving of it forward as well, basically you have an extra two feet that you're going to be doing.

MR. LABELLE: Correct.

CHAIRMAN DIVITO: For drainage and whatnot.

MR. LABELLE: Right. So, previously we had an eight-foot setback approved at that side yard, moving it two feet to the south would essentially make that 10 feet, so actually improving the scenario, you know, versus what was approved previously.

MR. SELBKA: The actual placement of the air conditioning units is not changed at

all?

MR. LABELLE: It would be the same, that's correct.

CHAIRMAN DIVITO: Okay, do you guys have any, are there other questions from the Board? No? Anybody in the audience that wishes to speak?

MR. LABELLE: I will, maybe one more comment.

CHAIRMAN DIVITO: Yes.

MR. LABELLE: The neighbors have been very supportive, the neighbors across the street.

CHAIRMAN DIVITO: I was going to mention that as well.

MR. LABELLE: Yes.

CHAIRMAN DIVITO: So, your number one fan I believe wrote a letter in, it's capture in the petition.

MR. LABELLE: So, yes, they've shown support and I think that gives us some level of confidence and comfort, too. They want to see this building torn down. The Village does as well I know. So, that's our intention and our goal.

CHAIRMAN DIVITO: Okay, give us a chance to just talk.

MR. LABELLE: Sure.

CHAIRMAN DIVITO: So, I was going to mention that the one neighbor that came back for both their testimony and the month after, just being a cheerleader for changing that in the neighborhood. You know, I understand the act of God that would be needed to actually correct the deed and put everything back in order to make this a non-issue. I appreciate the, you know, the flexibility I guess of our Village and the Engineering Department to actually to come up with this suggestion. I'm still pretty confident in what we've voted on in the past. The fact that they're moving it a little bit closer to South to give a little bit more relief to the back in my opinion is also another positive. So, I'd like to hear if you guys have any other opinions on that.

MR. GEISEL: Dealing with title companies routinely, they can be maddening. So, to the extent that, you know, this makes sense, to clarify the issue and be able to put the property in a fashion that can be sold as intended.

MR. SELBKA: Yes, I think it would cost at least \$10,000 to \$25,000, as somebody who does a lot of real estate litigation like this, to clear the title. It would take six months to an extra year at a minimum, and I think that counts as a hardship. So, I'm in favor of this.

CHAIRMAN DIVITO: Okay, is there a motion?

MR. SELBKA: Yes, I'll motion to approve.

MR. JAFFE: Seconded.

CHAIRMAN DIVITO: Derek.

MR. MACH: Mr. Drake.

MR. DRAKE: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Yes.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Chairman Divito.

CHAIRMAN DIVITO: Yes. Thank you, guys.

MR. PAVELECK: Thank you very much.

MR. LABELLE: Thank you.

CHAIRMAN DIVITO: All right. I believe that is the end of the old and new. So, is there a motion to adjourn?

MR. SCHWINGBECK: Motion.

CHAIRMAN DIVITO: Second?

MR. GEISEL: Second.

CHAIRMAN DIVITO: All right, all in favor?

(Chorus of ayes.)

CHAIRMAN DIVITO: All opposed?

(No response.)

CHAIRMAN DIVITO: All right. We're adjourned. Thank you.

(Whereupon, the above-mentioned petition was adjourned at 8:45 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS October 16, 2017

PETITIONER: 221 S. Evergreen Ave.

ADDRESS OF PROPERTY: 221 S. Evergreen Ave.

VARIATION: 5.1-6.3, 5.1-6.4.1, 5.1-6.5, 6.6-5, 5.4

A 2,405 square foot variation to allow a reduction to the minimum lot size from 10,500 to 8,095 square feet; A 10.9 foot variance to allow a structure with a side yard setback of 4.8 feet from the north property line instead of the minimum 15.7 feet and an additional 2.0 feet for the eave; A 14.9 foot variance to allow balconies with a side yard setback of 0.8 feet from the north property line instead of the minimum required 15.7 feet; A variance to allow three air conditioning units in the required side yard; A 12.7 foot variance to allow a structure with a front yard setback of 21.3 feet from the west property line instead of the minimum 34.0 feet and an additional 2.0 feet for the eave; An 8.3 foot variance to allow a structure with a rear yard setback of 30.7 feet from the east property line instead of the minimum 39.0 feet and an additional 2.0 feet for the eave; A 2.0 foot variance to allow a structure with an exterior side yard setback of 18.0 feet from the south property line instead of the minimum 20.0 feet and an additional 2.0 feet for the eave; and a 126 square foot variance to allow a structure with a building lot coverage of 2,960 square feet instead of the maximum 2,834 square feet.

The petitioner explained that they appeared in front of the Zoning Board of Appeals on June 12, 2017 and that variations were granted for a three unit building on a 9,118 square foot lot. The petitioner further explained that the plat of survey that was originally submitted included an area along the north property line that was identified as 'occupied'. The petitioner testified that there is a discrepancy between the recorded lot dimensions and the lot dimensions as measured and occupied. The petitioner explained that the survey discrepancy goes back to the 1800's. The petitioner also explained that the property as measured and occupied is 66.7'x136'. The petitioner testified that the surveyor has been out several times to verify this; however, the deeded or recorded lot is 132 feet deep by 61.33 feet wide. The petitioner explained that there is a five-foot difference between the width and a four foot difference in the depth. The petitioner testified that the discrepancy exists across the block. The petitioner explained that upon closing, it was realized that there was an issue with the plat of survey and the recorded lot dimensions versus the dimensions as measured and occupied. The petitioner explained that as a result, the lot size is smaller than what was presented at the June 12 Zoning Board of Appeals meeting. The petitioner explained that the building is being shifted two feet to the south which changes some of the variations and additional variations are required because of the smaller lot size. The petitioner testified that the building design is the exact same building that was presented at the June 12, 2017 Zoning Board of Appeals meeting.

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. Jaffe. 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 as requested.

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

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

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



Item: 416 S. Windsor Dr. - ZBA#17-054

Department: Planning & Community Development

REQUEST

1. A 3.6 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a new house with a side yard setback of 3.5 feet from the north property line instead of the minimum 7.1 feet and an additional 1.0 feet for the eave.
2. A 4.0 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a new house with a front yard setback of 21.0 feet from the east property line instead of the minimum 25.0 feet and an additional 1.0 feet for the eave.

ATTACHMENTS:

Description

Supporting Documents
Resident Letter

Type

Exhibits
Correspondence

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: November 13, 2017
Date Prepared: November 6, 2017
Project Title: Mattes Residence
Address: 416 S. Windsor Dr.

Background Information

Petition Number: ZBA #17-054
Petitioner: Erin Mattes
Address: 416 S. Windsor Dr.
Arlington Heights IL 60004
Existing Zoning: R-3, Single-Family Residential District

Requested Action/Background Information

The subject site is zoned R-3, One Family Dwelling District. The property has a total land area of 8,758 square feet and the petitioner is proposing a home that will have approximately 3,164 square feet. The petitioner appeared in front of the Zoning Board of Appeals on February 13, 2017 and received variations for an addition that was encroaching into the side yard setback and the front yard setback. The variations were approved with a condition that required the petitioner to come up with an amenable solution to alleviate the water at the discretion or satisfaction of the Village.

The petitioner is returning to the ZBA proposing to tear down the existing home and construct a new home utilizing a portion of the existing foundation. The variations have not changed from the previous approval. The proposed home encroaches into the required side yard setback. In addition to the side yard setback, the petitioner is proposing a front porch that is encroaching into the required front yard setback. Therefore, the petitioner requests the following variations:

- A 3.6 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a new house with a side yard setback of 3.5 feet from the north property line instead of the minimum 7.1 feet and an additional 1.0 feet for the eave.
- A 4.0 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a new house with a front yard setback of 21.0 feet from the east property line instead of the minimum 25.0 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 property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and (2) the plight of the owner is due to unique circumstances; and (3) the variation, if granted, will not alter the essential character of the locality. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the three 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	✓	10/27/17	
2. List of Property Owners Within 250 feet of Subject Property	✓	10/27/17	
3. Letter that was Mailed	✓	10/27/17	
4. Photographs of Sign on Property	✓	10/27/17	

Photographs of Existing Structure



ZBA# 17-054

416 S Windsor Dr - ZBA

Rev. Eng: Nanci Julius, P.E.

cc: James J. Massarelli, P.E. Director of Engineering



Submitted: January 19, 2017

Completed: January 23, 2017

REVISED: February 1, 2017

The proposed ZBA application indicates that the petitioner is seeking:

A 3.6 ft variance to allow an addition with a side yard setback of 3.5 ft from the north property line instead of the minimum 7.1 ft and an additional 1 ft for the eave; and a 4 ft variance to allow an addition with a front yard setback of 21 ft from the east property line instead of the minimum 25 ft and an additional 1 ft for the eave.

Per Jim Massarelli, the Engineering Department IS NOT IN FAVOR of the proposed side yard setback of 3.5 ft (5 ft minimum); and has NO OBJECTION to the front yard setback variance.

New ZBA application #17-054

Submitted October 25, 2017

Completed November 1, 2017

Per Derek Mach, the previous submittal was for an addition. This submittal is to tear down the existing home and build a new home on the existing foundation, and to expand the garage to the north. The application is requesting the same variances.

Per Jim Massarelli, the Engineering Department IS NOT IN FAVOR of the proposed side yard setback of 3.5 ft, 5 FT MINIMUM FOR ADEQUATE DRAINAGE ALONG THE SIDE YARD; and has NO OBJECTION to the front yard setback variance.



Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Deb Pierce, Building & Life Safety Department

Project Name: Mattes Residence

Project Address: 416 S Windsor Drive

ZBA #: 17-054

Date: November 1, 2017

Derek:

I have reviewed the request for the following variances:

- to allow a side yard setback of 3.5 feet from the north property line where a minimum of 7.1 feet is required;
- to allow a front yard setback of 21.0 feet from the east property line where a minimum of 25 feet is required, and an additional 1.0 feet for the eave;

and, have no objections to the variances with the following comments:

1. The entire two-story wall on the north property line with a distance of less than 5 feet to the lot line shall have a minimum fire-resistance rating of 1-hour with exposure from both the interior and exterior of the wall.
2. The soffit and fascia of the same wall section within 5 feet of the lot line shall have 5/8-inch drywall under the normal weather protective materials.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Mattes Residence

Project Address: 416 S. Windsor Dr.

ZBA #: 17-054

ZBA Hearing Date: November 13th, 2017

To: Jim Massarelli, Director of Engineering
Steven Touloumis, Director of Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: October 25th, 2017

- A 3.6 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a new house with a side yard setback of 3.5 feet from the north property line instead of the minimum 7.1 feet and an additional 1.0 feet for the eave.
- A 4.0 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a new house with a front yard setback of 21.0 feet from the east property line instead of the minimum 25.0 feet and an additional 1.0 feet for the eave.

Attached are the Petitioner's:

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

Comments: Overall, the revised design is similar to the previously approved design, except for an increase in height and some changes to the side and rear elevations. The side wall of the garage is now taller and it lacks detail. It is recommended that the height of the garage roof be lowered by at least one foot and a window be added to the side of the garage to break up the blank wall. It is also recommended that the stone base on the front garage wall be wrapped a couple of feet down the side. With these recommendations, the revised design is favorable for an administrative approval, pending the outcome of the ZBA review.

- Steve Hautzinger, Design Planner

PETITION

Now comes the Petitioners, David and Erin Mattes, being the owners of the property commonly known as 416 S. Windsor Drive, Arlington Heights, IL 60004 and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 5.1-3.6, Chapter 28, of the Arlington Heights Municipal Code, in order to construct a new house including a 2-car garage and a concrete porch on the entire length of the house.

We hereby state that the following hardship would exist if the variation were not granted: We would be forced to keep our vehicles in the driveway year-round and still have an inadequate garage. After a considerable investment, the front facade would not be aesthetically comparable to our neighbors.

We hereby state that the following unique circumstances exist: The pie shaped lot has caused us to create the request for a 3.5' side yard setback and the original homes' front yard setback is the reason to request a variance for a front porch.

We hereby state that the variation, if granted, will not alter the essential character of the locality because there are many newly remodeled homes with 2 car garages and full second floor additions over the garage and a few beautiful porches.

Signed: David Mattes Erin Mattes

Date: 10/13/17

Petitioners

RECEIVED
OCT 13 2017
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

LEGEND

A = ASSUMED
C = CALCULATED
CH = CHORD
CL = CENTERLINE
D = DEED
E = EAST
F.I.P. = FOUND IRON PIPE
F.I.R. = FOUND IRON ROD
FT. = FEET/FOOT
L = ARC LENGTH
M = MEASURED
N = NORTH
NE = NORTHEAST

NW = NORTHWEST
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R = RECORD
RAD = RADIUS
R.O.W. = RIGHT OF WAY
S = SOUTH
S.I.P. = SET IRON PIPE
S.I.R. = SET IRON ROD
SE = SOUTHEAST
SW = SOUTHWEST
W = WEST

PLAT OF SURVEY OF

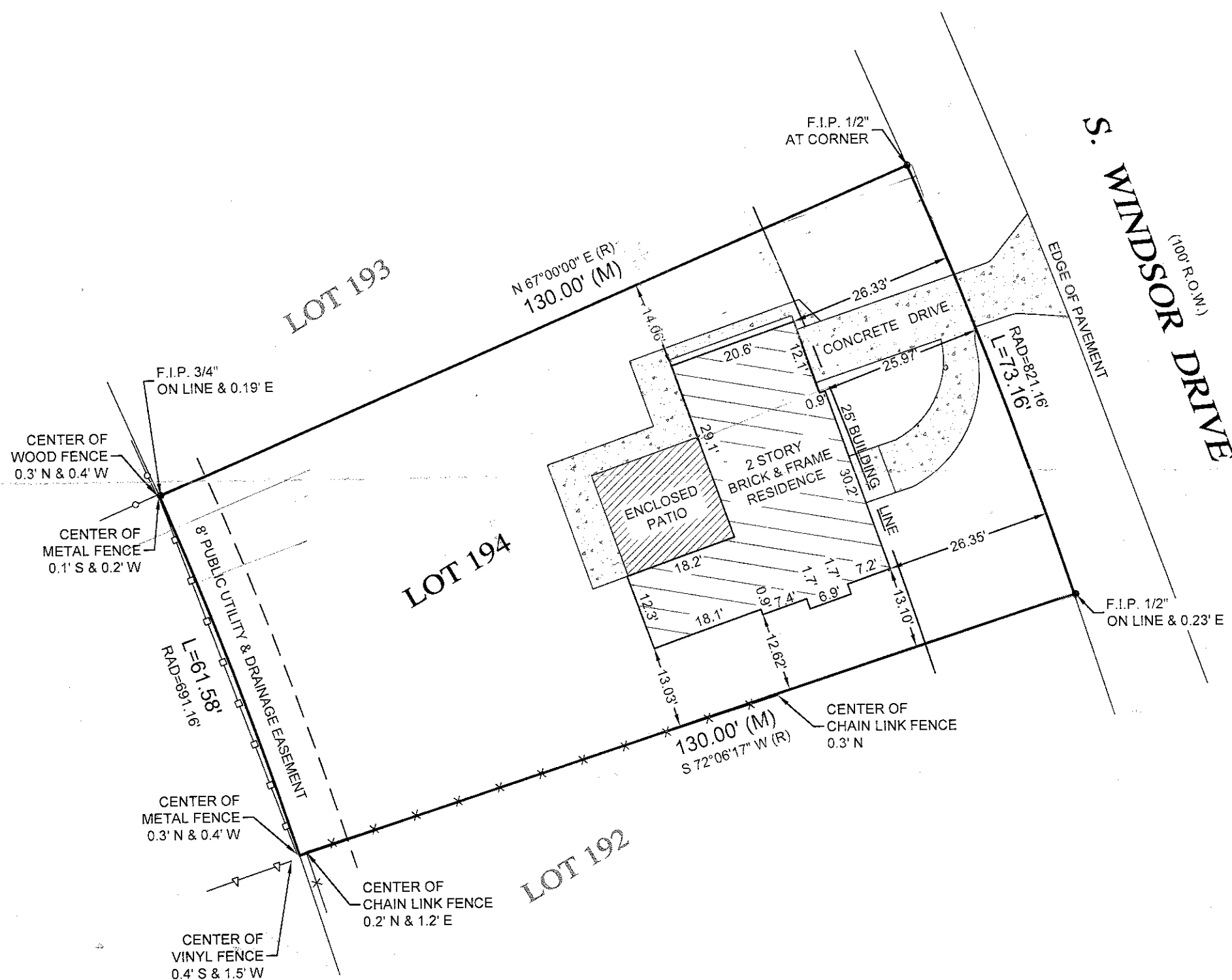
LOT 194 IN STONEGATE, BEING A RESUBDIVISION OF H. ROY BERRY COMPANY'S EAST MORELAND, BEING A SUBDIVISION OF THAT PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 33 AND THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 32, LYING NORTHEASTERLY OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY, ALL IN TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



BASIS OF BEARING:
NORTHWEST LINE OF LOT 194 AS FOUND
MONUMENTED AND OCCUPIED PER RECORD
SUBDIVISION.
N 67°00'00" E (R)

AREA OF SURVEY:

"CONTAINING 8758 SQ. FT. OR 0.20 ACRES MORE OR LESS"

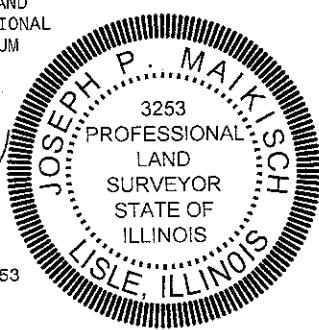


Morris Engineering, Inc.
515 Warrenville Road, Lisle, IL 60532
Phone: (630) 271-0770
FAX: (630) 271-0774
WEBSITE: WWW.ECIVIL.COM

STATE OF ILLINOIS } ss
COUNTY OF DUPAGE }
I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT "THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY," AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED, THIS 15TH DAY OF AUGUST, A.D. 2016, AT Lisle, ILLINOIS

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3253
LICENSE EXPIRATION DATE NOVEMBER 30, 2016
ILLINOIS BUSINESS REGISTRATION NO. 184-001245



NOTE:

1. ALL TIES SHOWN ON THIS SURVEY ARE MEASURED TO THE BUILDING'S SIDING (BRICK, FRAME, STUCCO, METAL, ETC.) AND NOT TO THE FOUNDATION, UNLESS NOTED OTHERWISE.
2. ROOF LINES AND OVERHANGS ARE TYPICALLY NOT SHOWN HEREON.
3. COMPARE ALL DISTANCES AND POINTS IN FIELD AND REPORT ANY DISCREPANCIES TO SURVEYOR AT ONCE.
4. NO DIMENSIONS SHALL BE ASSUMED BY SCALING.

ADDRESS COMMONLY KNOWN AS 416 S. WINDSOR DRIVE
ARLINGTON HEIGHTS, ILLINOIS

CLIENT DROST KIVLAHAN MCMAHON & O'CONNOR LLC

FIELDWORK DATE (CREW) 08-12-16 (DS/BV)

DRAWN BY: R.S. REVISED: JOB NO. 16-07-0312

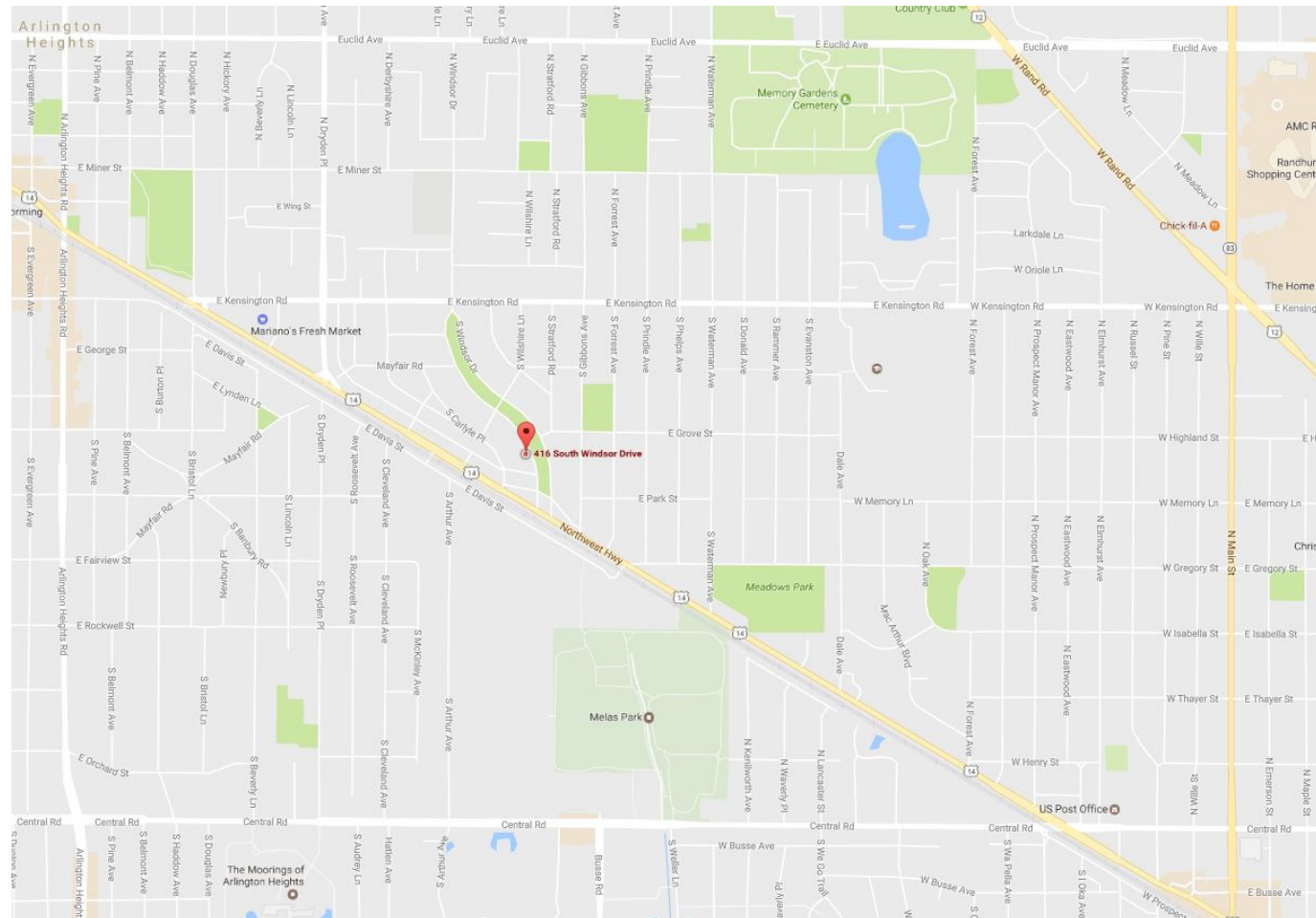
PROPOSED TWO STORY ADDITION FOR:

MR. & MRS. MATTES



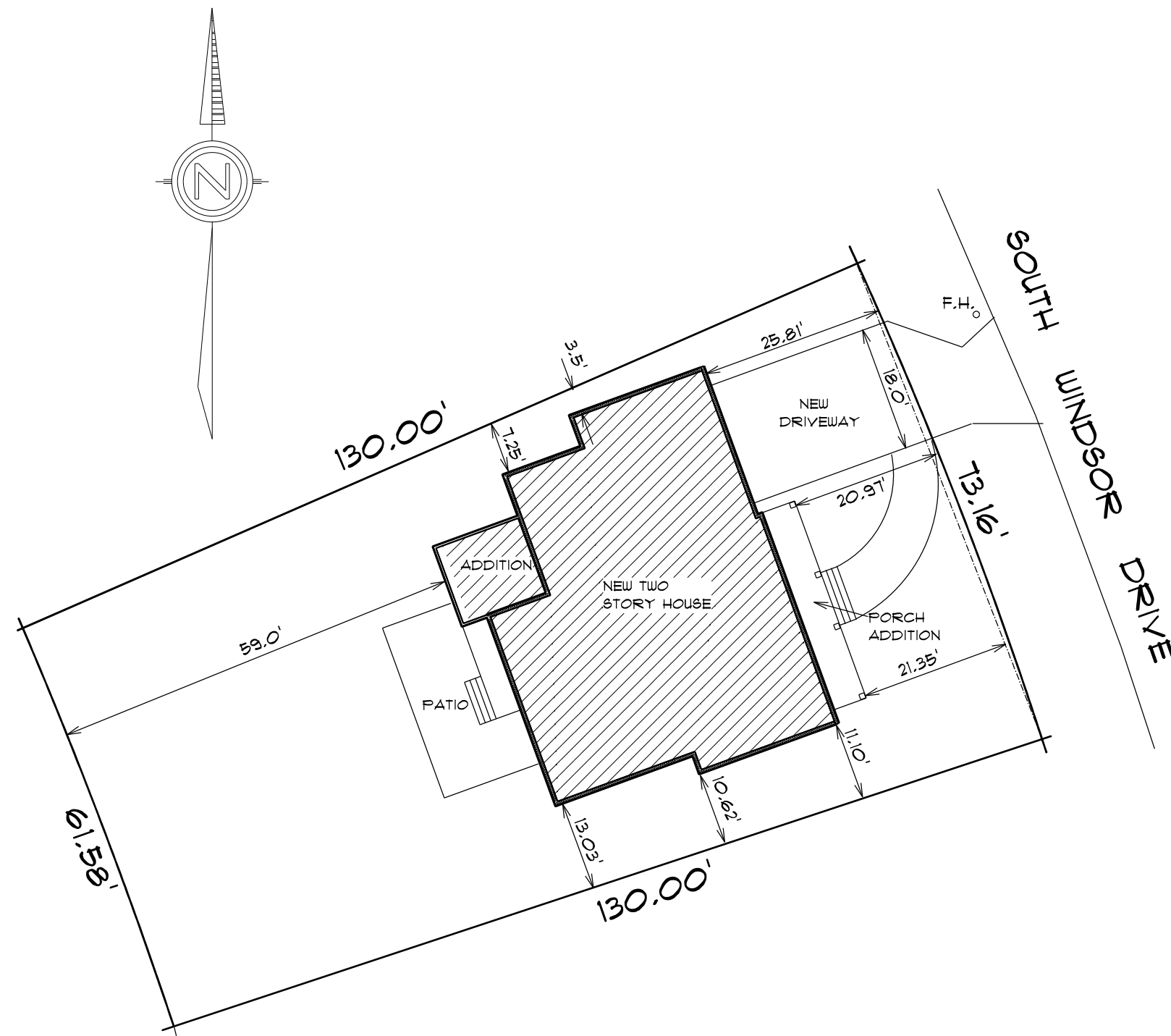
AERIAL IMAGE

NO SCALE



LOCATION MAP

NO SCALE



SITE PLAN

SCALE 1" = 20' - 0"

SPECIAL SAFETY NOTE

ALL CONTRACTORS, SUBCONTRACTORS AND THEIR REPRESENTATIVES ON THE PROJECT SHALL AT ALL TIMES PRIOR AND DURING HE COURSE OF HE ACTIVITY BE RESPONSIBLE FOR THE SAFETY OF THEIR EMPLOYEES AS WELL AS OTHERS AND IN THE CARE OF THE PROPERTY. EACH AS REPRESENTATIVES OF THEIR EMPLOYEES SHALL ASCERTAIN THAT THE CONDITIONS UNDER WHICH THEY WILL BE REQUESTED TO ACCOMPLISH THEIR WORK ARE SAFE AND MEET ALL REGULATIONS OF THE OCCUPATIONAL SAFETY AND HAZARD ACT OR OTHER GOVERNING REGULATIONS. THE BEGINNING OF WORK BY A CONTRACTOR OR SUBCONTRACTOR SHALL INDICATE SATISFACTION CONCERNING SAFETY AND FULL RESPONSIBILITY FOR ACCIDENTS AND/ OR DAMAGE. IF UNSATISFIED, THE CONTRACTOR OR SUBCONTRACTOR SHALL INDICATE THE ACTIONS AND/ OR DEVICES NECESSARY TO RENDER THE JOB-SITE SAFE. IF THE WORK OF OTHER PARTIES IS, UPON INSPECTION, FOUND AT ANY TIME TO BE UNSAFE, THE CONTRACTOR OR SUBCONTRACTOR SHALL IMMEDIATELY STOP ALL WORK AND NOTIFY THE GENERAL CONTRACTOR, ARCHITECT AND OWNER. THE BEGINNING OF WORK SHALL INDICATE ACKNOWLEDGEMENT AND ACCEPTANCE OF THESE REQUIREMENTS.

SPECIAL NOTE

THE ARCHITECT IS NOT SUPERVISING THE CONSTRUCTION OF THE BUILDING.

THEREFORE, THE USE OF THESE DRAWINGS BY THE OWNER OR ANY CONTRACTORS, SUBCONTRACTORS, BUILDER, TRADESMAN OR WORKMAN SHALL CONSTITUTE A HOLD HARMLESS AGREEMENT BETWEEN THE DRAWINGS USER AND THE ARCHITECT. THE USER SHALL IN FACT AGREE TO HOLD THE ARCHITECT HARMLESS FOR ANY RESPONSIBILITY IN REGARD TO THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES AND FOR ANY SAFETY PRECAUTIONS OR PROGRAMS IN CONNECTION WITH THE WORK. FURTHER THE ARCHITECT SHALL BE HELD HARMLESS FOR ANY RESPONSIBILITY IN REGARD TO AY COSTS OR PROBLEMS ARISING FROM THE NEGLIGENCE OF THE CONTRACTOR, SUBCONTRACTOR, BUILDER, TRADESMAN OR WORKMAN OR FOR THEIR FAILURE TO COMPLY WITH AND ADHERE TO THESE PLANS AND SPECIFICATIONS.

THE USE OF THESE PLANS TO OBTAIN A BUILDING PERMIT SHALL CONSTITUTE THE ACCEPTANCE AND APPROVAL OF ALL REQUIREMENTS CONTAINED THEREIN.

PRESCRIPTIVE METHOD

R402.1.1 Insulation and fenestration criteria.
The building thermal envelope shall meet the requirements of Table R402.1.1 based on the climate zone specified in Chapter 3.

TABLE R402.1.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a

CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC ^{b, c}	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE	FLOOR R-VALUE	BASEMENT ^d WALL R-VALUE	SLAB ^d R-VALUE & DEPTH	CRAWL SPACE ^e WALL R-VALUE
1	NR	0.75	0.25	30	13	3/4	13	0	0	0
2	0.40	0.65	0.25	38	13	4/8	13	0	0	0
3	0.35	0.55	0.25	38	20 or 13+5 ^h	8/13	19	5/13 ^f	0	5/13
4 except Region 4	0.35	0.55	0.40	49	20 or 13+5 ^h	8/13	19	10/13	10, 2 ft	10/13
5 and Region 4	0.32	0.55	NR	49	20 or 13+5 ^h	13/17	30 ^g	15/19	10, 2 ft	15/19
6	0.32	0.55	NR	49	20+5 or 13+10 ^h	15/20	30 ^g	15/19	10, 4 ft	15/19
7 and 8	0.32	0.55	NR	49	20+5 or 13+10 ^h	19/21	38 ^g	15/19	10, 4 ft	15/19

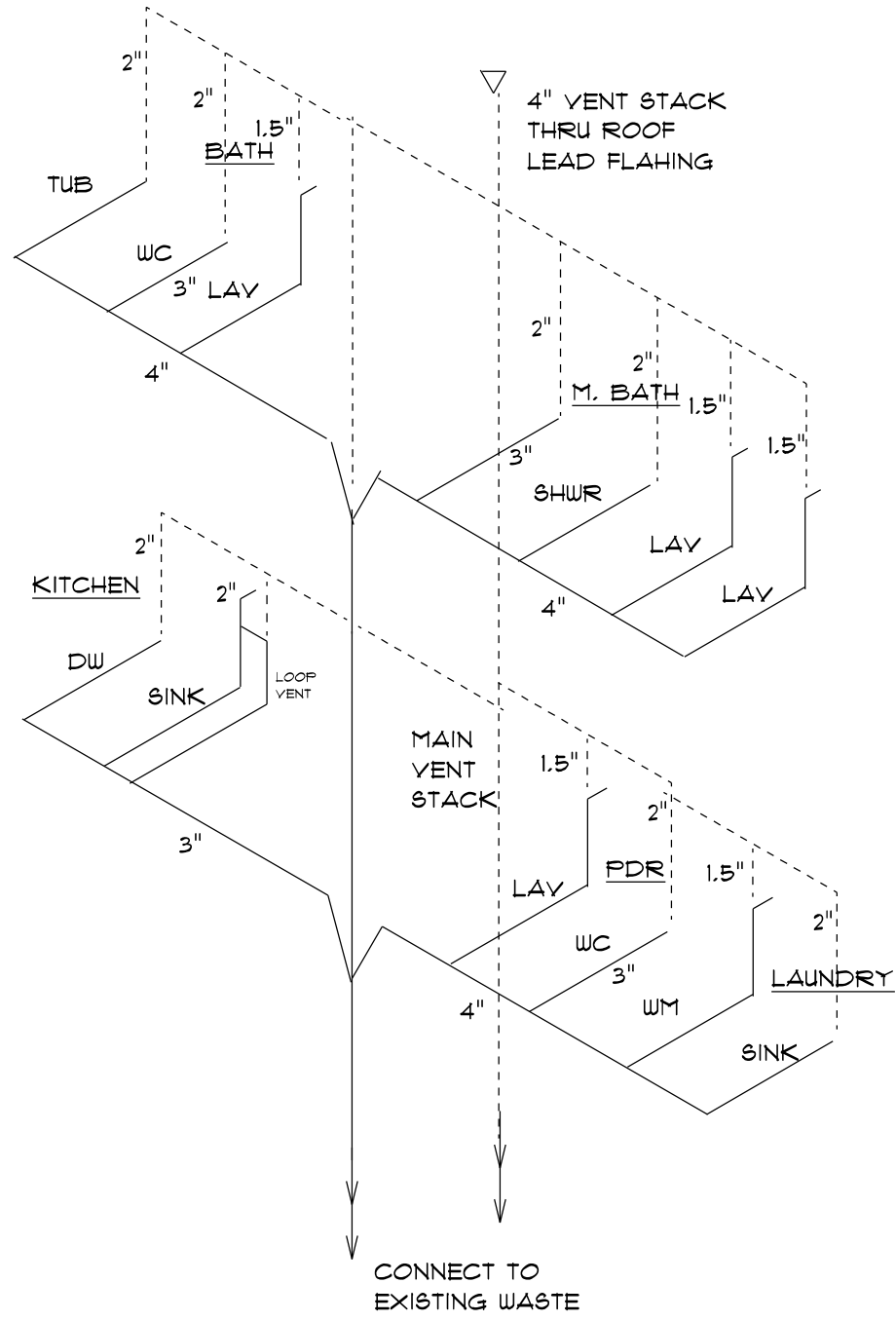
SHEET INDEX

SHEET NUMBER	SHEET DESCRIPTION
C8	SITE PLAN / INDEX / LOCATION MAP
A1	EXISTING & DEMOLITION FLOOR PLANS
A2	FOUNDATION PLAN & DETAILS
A3	FIRST FLOOR PLAN & DETAILS
A4	SECOND FLOOR PLAN & DETAILS
A5	ROOF PLAN & PLUMBING DIAGRAMS
A6	BUILDING ELEVATIONS
E1	ELECTRIC FOUNDATION & DETAILS
E2	ELECTRIC FIRST & SECOND FLOOR PLAN

VILLAGE CODES:

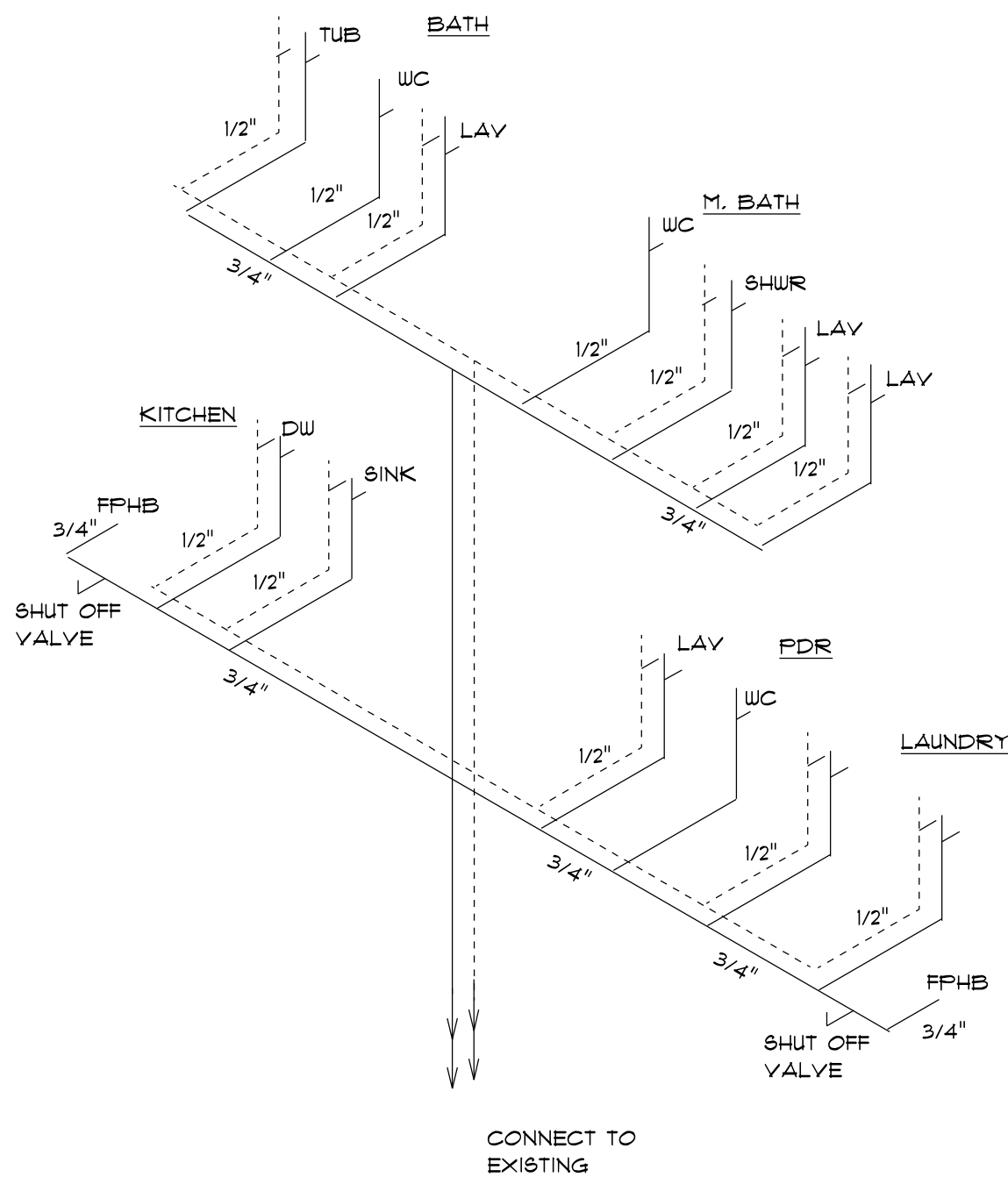
INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION
INTERNATION BUILDING CODE, 2009 EDITION
INTERNATIONAL MECHANICAL CODE, 2009 EDITION
INTERNATIONAL FUEL GAS CODE, 2009 EDITION
ILLINOIS ENERGY CONSERVATION CODE, 2015 EDITION
INTERNATIONAL FIRE CODE, 2009 EDITION
LIFE SAFETY CODE, NAFFPA 101, 2000 EDITION
NATIONAL ELECTRICAL CODE, 2009 EDITION
ILLINOIS PLUMBING CODE, 2014 EDITION
ILLINOIS ACCESSIBILITY CODE, 1991 LATEST EDITION

ALL CODES LISTED CODES AND VILLAGE OF ARLINGTON HEIGHTS AMENDMENTS



WASTE & VENT. DIA.

SCHEDULE 40 PVC
BELOW GRADE WASTE TO BE CAST IRON ONLY
WASTE AND VENT PIPING TO BE SCHEDULE 40 PVC, COPPER TYPE M, L OR K, OR CAST IRON
METAL TUBING IS TO BE PROVIDED FOR REMOTE WATER METER READER. LOCATION TO BE COORDINATED WITH BUILDING INSPECTOR (FCO 6-4.1)
SEWER PIPE USED TO PENETRATE FOUNDATION WALLS SHALL BE CAST IRON ONLY AND SHALL EXTEND ONTO VIRGIN SOIL ON THE EXTERIOR. A 6" X 4" MISSION COUPLING AND FULL SIZE 6" CLEANOUT SHALL BE INSTALLED. ALL MISSION COUPLINGS SHALL BE NON-SHEAR TYPE.
A 3" FULL SIZE STACK IS REQUIRED FOR WATER CLOSET UNLESS RE-VENTED BACK TO MAIN FULL SIZE STACK WITHIN 20 FEET.
BUILDING SEWER SHALL HAVE A FULL SIZE CLEAN OUT 6" INSTALLED OUTSIDE OF BUILDING
STACK TEST WITH AIR OR WATER REQUIRED ON ALL ROUGH AND UNDERGROUND PLUMBING
15LBS AIR TEST OR WATER PRESSURE REQUIRED ON WATER PIPING AT TIME OF ROUGH INSPECTION
MINIMUM SIZE UNDERGROUND SANITARY TO BE 4"
ALL NEW PLUMBING MUST MEET ILLINOIS PLUMBING CODE
100 PSI TEST REQUIRED ON WATER PIPE
ALL NEW FIXTURES SHALL GO INTO SEALED EJECTOR PIT



WATER SUPPLY DIA.

HOT AND COLD AIR CHAMBERS 24"
ALL CHAMBERS MINIMUM 24"
ABOVE GROUND TYPE 'L' COPPER
BELOW GROUND TYPE 'K' COPPER
PROVIDE AIR CHAMBERS AT ALL FIXTURES INCLUDING WATER CLOSET



ROOF PLAN SCALE 1/4" = 1'-0"

WATER CALCULATIONS			
FIXTURES	NUMBER OF FIXTURES	FIXTURE UNIT	TOTAL
KITCHEN SINK	1	2	2
WATER CLOSETS	3	3	9
LAVATORIES	5	1	5
BATH TUBS	1	2	2
SHOWERS	1	2	2
WASHING MACHINES	1	2	2
DISHWASHER	1	1	1
UTILITY SINK	2	3	6
			29 W.S.F.U.

EXISTING 3/4" SERVICE PER IPC SECTION 830 TABLE

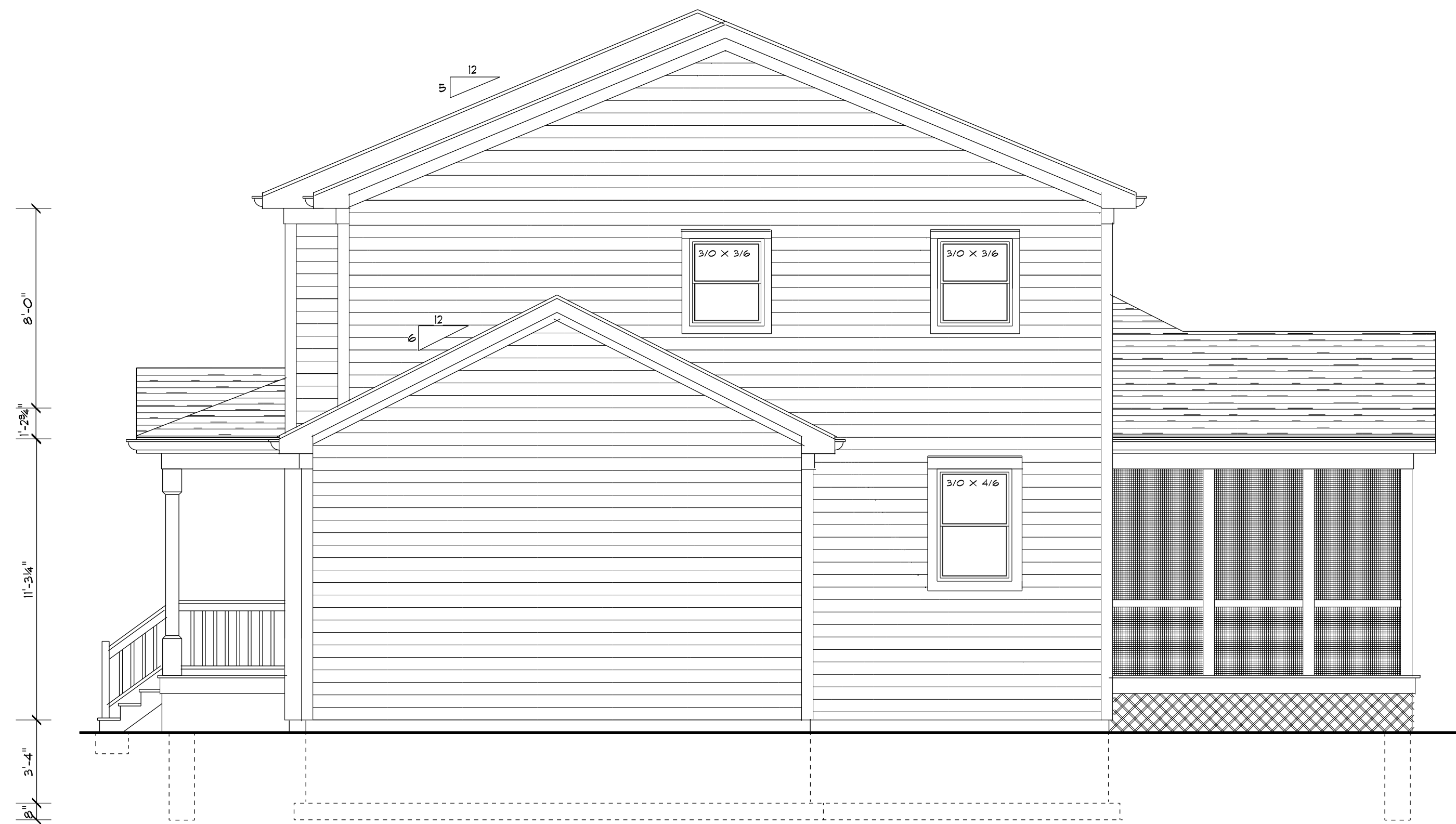
LIGHT & VENT SCHEDULE						
ROOM	AREA S.F.	LIGHT		VENTILATION		REMARKS
KITCHEN / GREAT RM	122	325.0	140.0	68.0	120.0	
LIVING ROOM	256	20.6	34.0	10.3	14.0	
DINING ROOM	114	9.2	16.0	4.6	8.0	
PANTRY	30	—	—	—	—	
POUDER ROOM	24	—	—	—	—	15 CFM
LAUNDRY	114	—	8.0	—	4.0	
MASTER BEDROOM	320	25.6	30.0	12.8	15.0	
MASTER BATH	150	—	16.0	—	8.0	15 CFM / 100 CFM
WALK IN CLOSET	10	—	—	—	—	
BEDROOM #2	140	11.2	28.0	5.6	28.0	
BEDROOM #3	155	12.4	26.0	6.2	13.0	
BEDROOM #4	123	10.0	13.0	5.0	6.5	
BATHROOM	63	—	—	9.2	—	100 CFM



LEFT ELEVATION SCALE 1/4" = 1'-0"



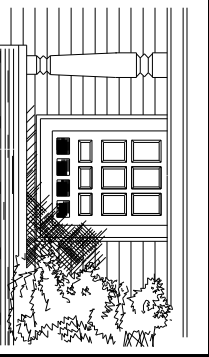
FRONT ELEVATION SCALE 1/4" = 1'-0"



RIGHT ELEVATION SCALE 1/4" = 1'-0"



REAR ELEVATION SCALE 1/4" = 1'-0"



PRAIRIE TECH, LTD
ARCHITECTS • DEVELOPERS • BUILDERS
415 SOUTH MIDDLETON AVENUE
PALATKA, ILLINOIS 60067
(847) 202-9223

PROPOSED ADDITION FOR:
MR. & MRS. MATTES
416 S. WINDSOR DRIVE ARLINGTON HEIGHTS ILLINOIS 60005

DATE
NOV 1, 2017

REVISION

JOB #

SHEET #

A6

NOVEMBER 3, 2017

Mr. David DiVito, Chairman
Village of Arlington Heights
Zoning Board of Appeals
33 S. Arlington Heights Road
Arlington Heights, Illinois, 60005

Re: Petition for Zoning Variation – 416 S. Windsor Dr., Arlington Hts., IL 60004

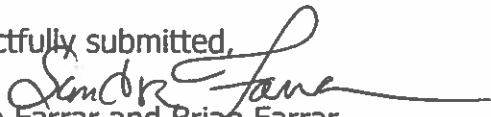
Dear Chairman DiVito,

Sandra Farrar and Brian Farrar are owners of record for the property immediately north of and adjacent to the subject party, with an address of 410 S. Windsor Drive, Arlington Heights, Illinois 60004. This correspondence is being sent to advise of the objection of Sandra Farrar and Brian Farrar to the proposed and requested variations before the zoning board for November 13th, 2017 for the property of 416 S. Windsor, Arlington Heights, IL. 60004.

The previous variance petition for this same property was presented on February 13th, 2017. The appeal on November 13th is similar to the variance request of January 13th, 2017. The previous variance request had stipulations requiring prevention of any type of watershed from 416 S. towards the property of 410 S. Windsor. Please refer to the meeting minutes of the Village of Arlington Heights variance request from February 13th, 2017. The elevation of 416 S. Windsor at the property line being 1 to 2 feet higher in elevation and the resulting watershed from gutters and run off is still an issue as stated before at the variance meeting of February 13, 2017. Please also refer to objections outlined by our attorney Jeffrey Braiman in a letter dated February 3rd, 2017 for the variance meeting last February. I have attached a copy.

Please be advised that we are in objection to the Variance Appeal before the Village of Arlington Heights on November 13th, 2017 for 416 S. Windsor Drive, Arlington Heights, IL., 60004. We request chance to appeal this variation request before the Arlington Heights Zoning Board of Appeals on February 13, 2017 with our representative Jeffrey S. Braiman.

Respectfully submitted,


Sandra Farrar and Brian Farrar

RECEIVED
NOV 06 2017
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

BRAIMAN & ASSOCIATES

JEFFREY S. BRAIMAN
Attorney at Law

February 3, 2017

Mr. Anthony Petrillo, Chairman
Village of Arlington Heights
Zoning Board of Appeals
33 S. Arlington Heights Road
Arlington Heights, Illinois 60005

4256 N. ARLINGTON HEIGHTS ROAD
SUITE 202
ARLINGTON HEIGHTS, ILLINOIS 60004
TELEPHONE: (847) 577-8870
FAX: (847) 577-8935
Jbraiman@braimanlaw.com

VIA EMAIL TO: DMACH@VAH.COM

Re: Petition for Zoning Variation - 416 S. Windsor Dr., Arlington Hts., IL 60005

Dear Chairman Petrillo;

Please be advised that the undersigned has been retained by Mr. and Mrs. Brian Farrar relative to the Petition for a Zoning Variation filed by David and Erin Mattes and scheduled to be heard by the Arlington Village of Heights Zoning Board of Appeals on February 13, 2017. My clients are the owners of record for the property immediately north of and adjacent to the subject property with a common address of 410 S. Windsor Drive, Arlington Heights, Illinois 60005. This correspondence is being sent to advise of my clients objection to the proposed and requested variations.

It is our understanding that the Petition seeks two separate variations to the Village's Zoning Ordinances, Chapter 28, Section 5.1-3.6 and Section 534 regarding both side yard and front yard setbacks. My clients object to both.

The first requested variation is for the reduction of the side yard setback from the required 7.1 feet to a 3.5 foot setback, or a variation of 3.6 feet from the requirements contained in the Village's Zoning Ordinance. Similarly, the Petitioner seeks a 4.0 variance to allow a front yard setback of 21 feet as opposed to the requirement of a 25.0 foot setback. The objectors believe that the requests are not warranted and do not meet the standards for variations to the Zoning Ordinance.

Under the Village's Zoning Ordinance, variations to the standards set forth therein can only be allowed if the Petitioner can demonstrate and the Zoning Board of Appeals finds that the:

...variation of the strict application of the terms of the Zoning Ordinance as in harmony with its general purposes and intent, but only when the Board is satisfied that a granting of such variation **will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty...**and at the same time the surrounding property will be properly protected. Section 6-202 (e) (c) Emphasis added.

The Ordinance further provides that the Board shall require evidence from the applicant that:

- 1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and,
- 2) The plight of the owner is due to unique circumstances; and,

Mr. Anthony Petrillo, Chairman
Village of Arlington Heights
Zoning Board of Appeals
February 3, 2017
Page 2

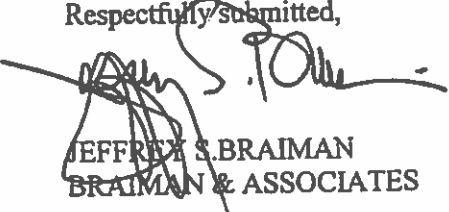
- 3) The variation, if granted, will not alter the essential character of the locality.
Section 6-202 (e) (c)

It is the position of Mr. and Mrs. Farrar that the application for the variations do not meet the required standards and demand the applicant provide strict proof of said standards. It is apparent that the applicants are seeking, in part to expand their current garage from a one car garage to a two car garage. They recently purchased said residence in August 2016, obviously with the knowledge that the property had a one car garage and knew or should have known that an expansion of the garage would not be allowable under the current zoning ordinance. Numerous homes throughout the Village either have no attached garage or are limited to a one car garage. The applicant has failed to demonstrate that a "demonstrable and unusual hardship" exists and the expansion of the garage clearly is a matter of convenience. Further, one is hard pressed to believe that the plight of the owner/applicant is due to unique circumstances. They purchased the property knowing of its present configuration and condition and any hardship or unique circumstance is of their own choosing or creation.

Lastly, the topography of the subject property and the Farrar's property creates an additional concern and justification for denying the variations. Currently, the Mattes' property sits 1 -2 feet above the Farrar's property. During certain weather events water is forced and flows onto my clients' property from the Mattes' property and floods my client's side yard. A reduction of the side yard setback and the addition of more impervious area will only cause more runoff onto the Farrar's property and exacerbate the current condition.

For the reasons stated above, on behalf of Brian and Sandra Farrar, I respectfully request that the request for variations to the Village of Arlington Heights Zoning Ordinance requested by David and Erin Mattes be denied.

Respectfully submitted,



JEFFREY S. BRAIMAN
BRAIMAN & ASSOCIATES



Item: 304 S. Mitchell Ave. - ZBA#17-055

Department: Planning & Community Development

REQUEST

A 116 square foot variation from Chapter 28, Section 6.5-7a (Maximum Garage Size) to allow a detached garage with a size of 836 square feet where 720 square feet is the maximum allowed.

ATTACHMENTS:

Description	Type
Supporting Documents	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: November 13, 2017
Date Prepared: November 6, 2017
Project Title: Lawson Residence
Address: 304 S. Mitchell Ave.

Background Information

Petition Number: ZBA #17-055
Petitioner: Keith Ginnodo / Kingsley/Ginnodo Architects
Address: 33 N. Hickory Ave.
Arlington Heights IL 60004
Existing Zoning: R-3, Single-Family Residential District

Requested Action/Background Information

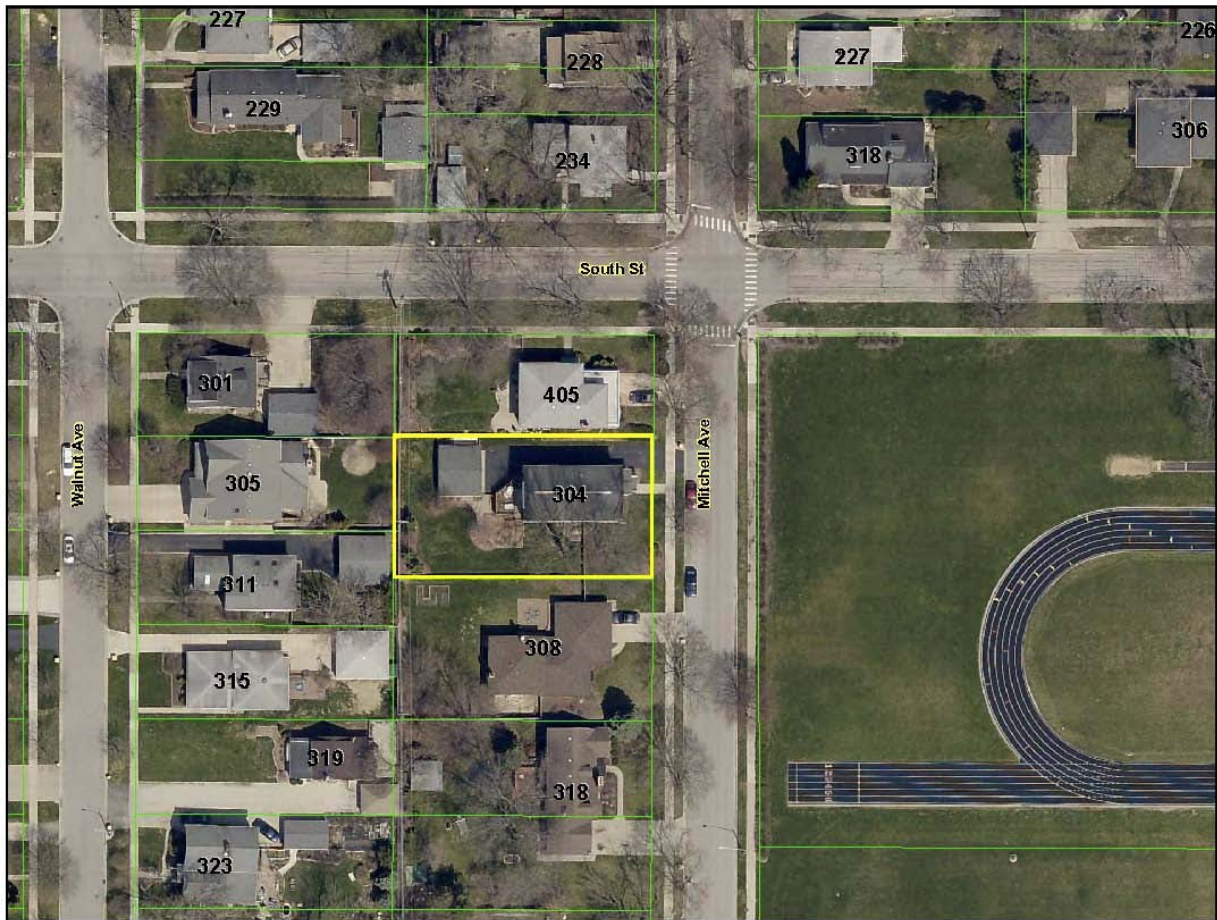
The petitioner wishes to construct an addition to the existing two car detached garage. The addition consists of a shed/storage area in the rear of the garage resulting in a garage that is 836 square feet where 720 square feet is the maximum size permitted. Therefore, the petitioner requests the following variation:

- **A 116 square foot variation from Chapter 28, Section 6.5-7a (Maximum Garage Size) to allow a detached garage with a size of 836 square feet where 720 square feet is the maximum 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 property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and (2) the plight of the owner is due to unique circumstances; and (3) the variation, if granted, will not alter the essential character of the locality. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the three 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	✓	10/27/17	
2. List of Property Owners Within 250 feet of Subject Property	✓	10/27/17	
3. Letter that was Mailed	✓	10/27/17	
4. Photographs of Sign on Property	✓	10/27/17	

Photographs of Existing Structure



ZBA# 17-055
304 S Mitchell- ZBA
Rev. Eng: Nanci Julius, P.E.
cc: James J. Massarelli, P.E. Director of Engineering

Submitted: October 25, 2017
Completed: October 27, 2017

The proposed ZBA application indicates that the petitioner is seeking:

A 116 sq ft variance to allow a detached garage with a size of 836 sq ft where 720 sq ft is the maximum allowed.

NOTE: The plan is for a small addition to the rear of the garage instead of building a separate shed.

The Engineering Department IS NO OBJECTION to the requested variance.

RECEIVED
NOV 01 2017
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Deb Pierce, Building & Life Safety Department

Project Name: Larson Residence

Project Address: 304 S Mitchell Ave

ZBA #: 17-055

Date: November 1, 2017

Derek:

I have reviewed the request for the variance to allow an 836 square foot detached garage where the maximum allowed is 720 square feet and have no objection to the variance.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Larson Residence

Project Address: 304 S. Mitchell Ave.

ZBA #: 17-055

ZBA Hearing Date: November 13th, 2017

To: Jim Massarelli, Director of Engineering
Steven Touloumis, Director of Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: October 25th, 2017

- A 116 square foot variation from Chapter 28, Section 6.5-7a (Maximum Garage Size) to allow a detached garage with a size of 836 square feet where 720 square feet is the maximum 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 Wednesday, November 1st, 2017.

October 20, 2017

PETITION

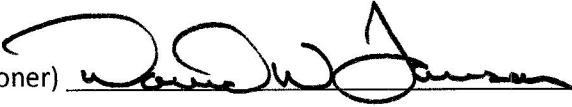
304 S. Mitchell Avenue, Arlington Heights, Illinois 60005

NOW COMES the Petitioner David and Kim Lawson being the owner of the property commonly known as: 304 S Mitchell Avenue, 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 6.5-7a (Maximum Size of Accessory Structures) in order to build an addition to the existing garage, which exceeds the allowable size by 116 SF.

I hereby state that the following hardship would exist if the variation were not granted: If the allowable sf size of the garage were mandated, the shed and the garage would require separation. The two would need to stand alone as two separate buildings. This would not only take up more yard but it would not maximize the usage of sharing one wall and foundation.

I hereby state that the following unique circumstances exist: The proposed combined square foot coverage of the garage and the shed is 184 SF less than the allowable if the two were separated on the site. By attaching the shed to the garage, it minimizes the amount of new foundation and siding required for the shed.

I hereby state that the variation, if granted, will not alter the essential character of the locality. The existing garage is located toward the rear of the yard with a privacy fence at the rear and side property lines. The shed addition will not be visible from the house nor from numerous surrounding homes. The materials of the shed, however, will match the house and the garage. The project, as designed, will not alter the essential character of the locality.

Signed: (petitioner)  date: 10/20/17

1216 E. Central Road
Arlington Heights, IL 60005
Phone: 708-392-7600
Fax: 708-392-7719



218 N. County Street
Waukegan, IL 60085
Phone: 708-336-2473
Fax: 708-336-2113

PLAT OF SURVEY

9800 S Roberts Road
Palos Hills, IL 60465
Phone: 708-430-4077
Fax: 708-598-0696

460 S. County Farm Road
Wheaton, IL 60187
Phone: 708-690-3733
Fax: 708-690-3735

LOT 2 AND THE NORTH 1/2 OF LOT 3 IN CALVIN MITCHELL'S SUBDIVISION OF LOTS 1 AND 2 OF CAROLINE FIENE'S SUBDIVISION OF THE SOUTH 50 ACRES OF THE EAST 1/2 OF THE NORTH-EAST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

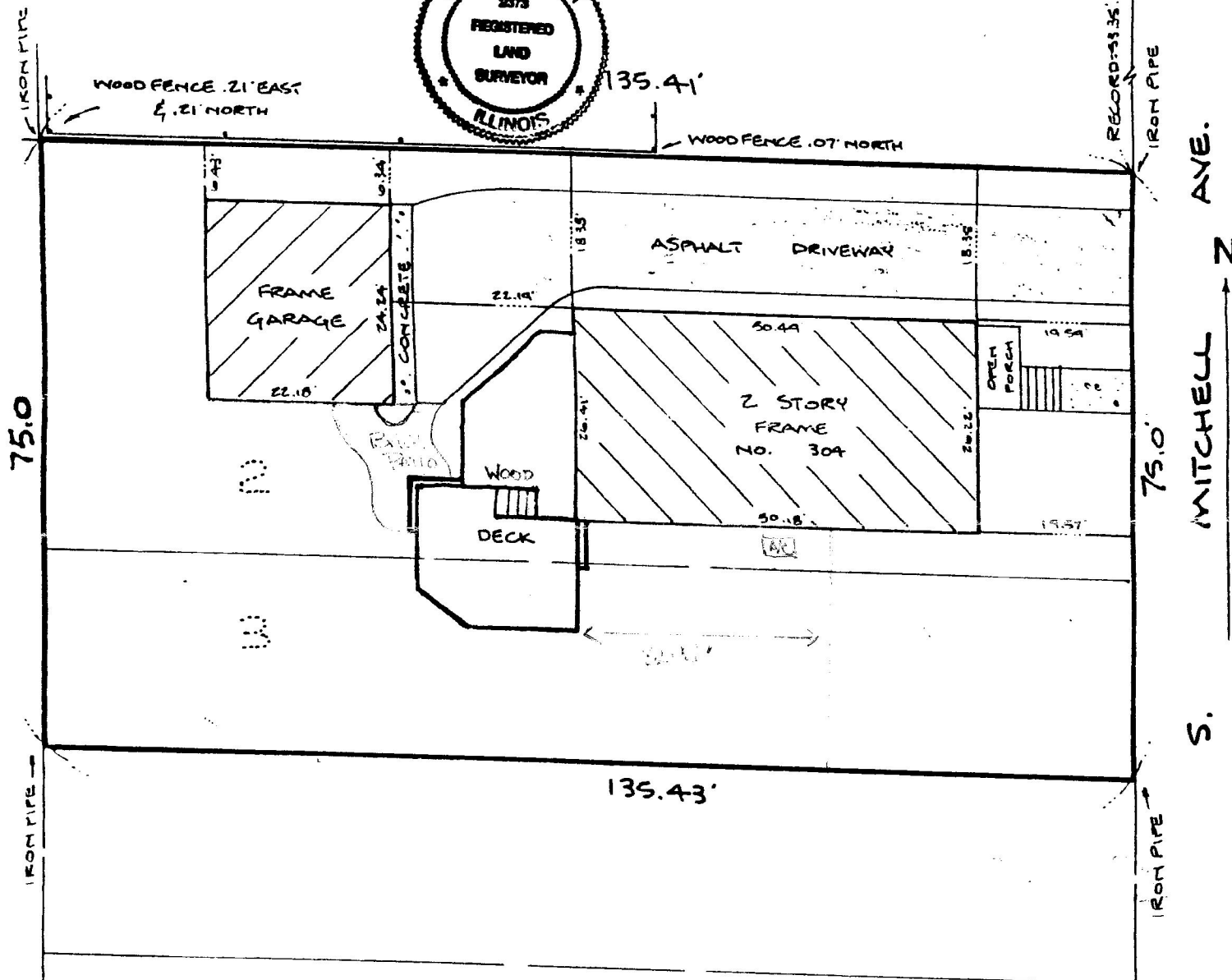
*RE-INSPECTED 5/13/97
AS NEW JOB NO. 108110
NO CHANGES.

BY:

David N. Mann



SOUTH ST.



* ORIGINAL JOB NO. 98360 DATED 11/20/92
RE-INSPECTED 10/12/95 AS NEW JOB NO. 104696
REMOVED GARAGE, GRAVEL, AND CONCRETE, WINDOW BOX,
FRAME SHED, AND WOOD FENCE, CHANGED HOUSE, ADDED
NEW GARAGE, NEW CONCRETE, OPEN PORCH, WOOD DECK,
WOOD FENCE, AND ASPHALT DRIVEWAY.

STATE OF ILLINOIS)

COUNTY OF LAKE)

On behalf of MID AMERICA SURVEY COMPANY, I hereby certify that the building(s) on property shown are within the property lines as monumented and that the adjoining improvements do not encroach unless shown. Dated OCT. 13 19 95

All distances shown are in feet & decimal parts thereof. No angles or distances are to be determined by scaling.

Scale 1" = 20'

Job No. 104696 / 108110

Address 304 S. MITCHELL AVE.

ARLINGTON HTS.

PIN 03-31-218-019

Township WHEELING

Ordered By PETERS, ESQ. / 377897

MID AMERICA SURVEY COMPANY

By

David N. Mann

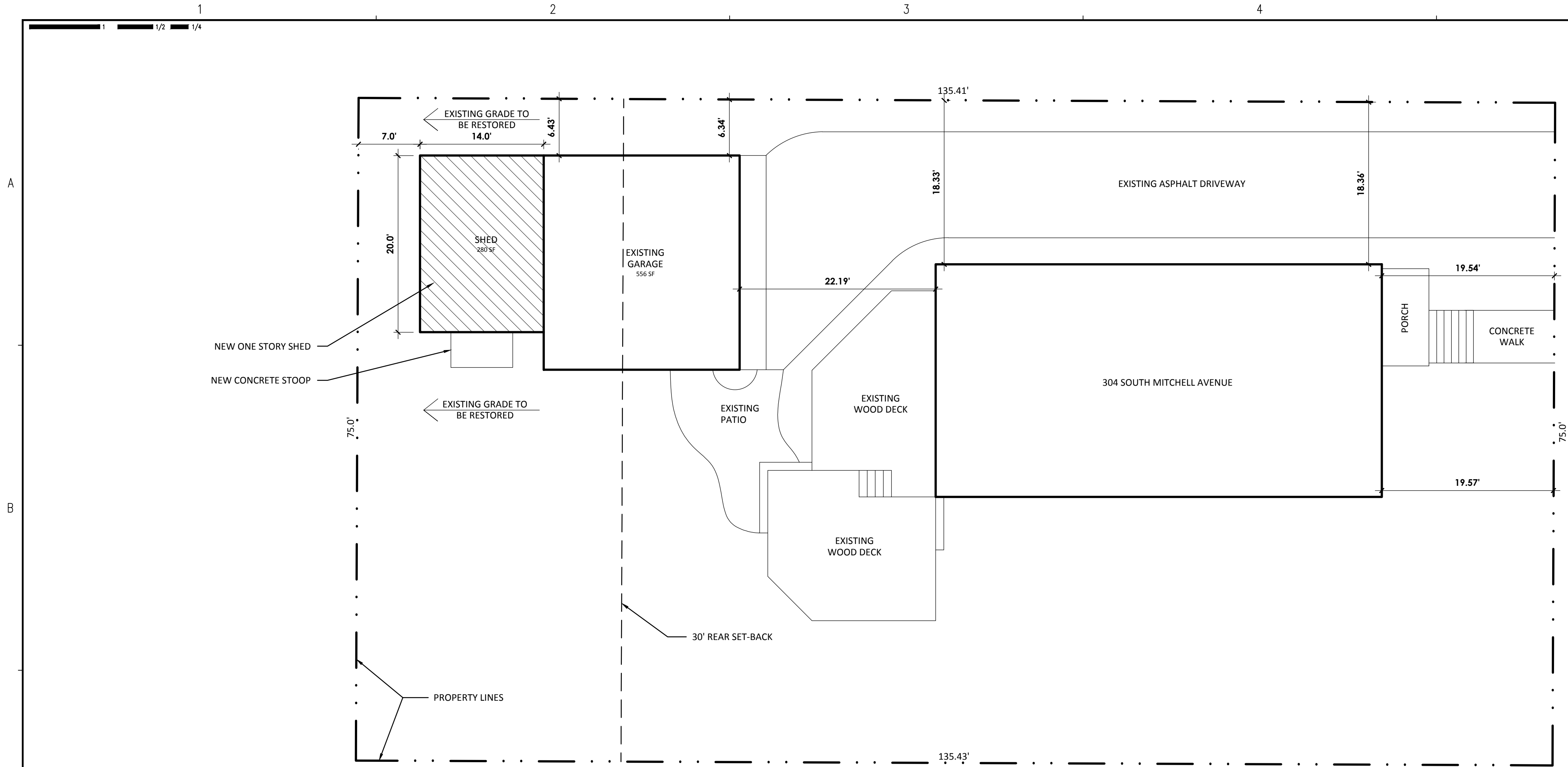
Registered Illinois Land Surveyor

NOTES:

This plat has been made for use in a mortgage loan transaction and is not to be used for construction. Unless otherwise noted, lot dimensions shown are record or deed dimensions.

Compare your description and site markings with this plat and at once report any discrepancies which you may find.

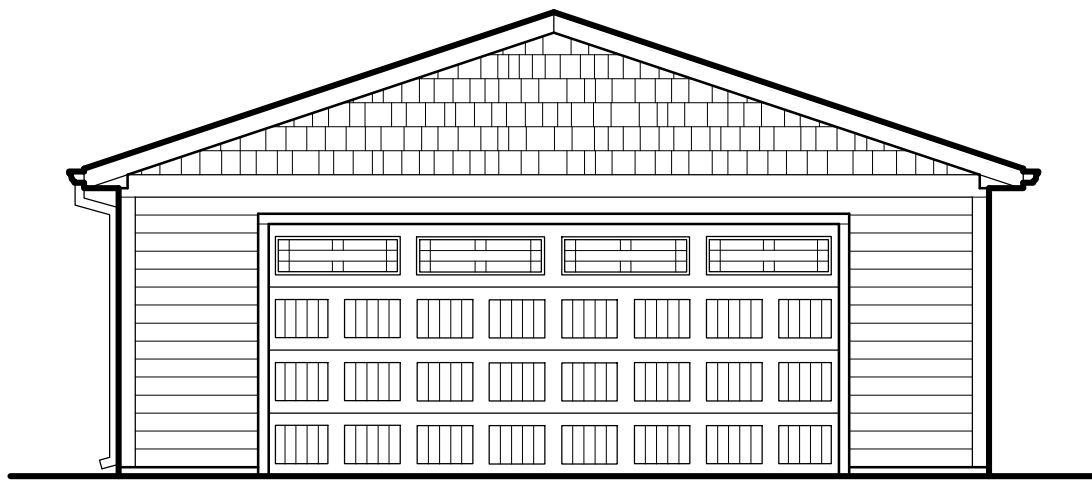
COPYRIGHT 1995 MID AMERICA SURVEY COMPANY



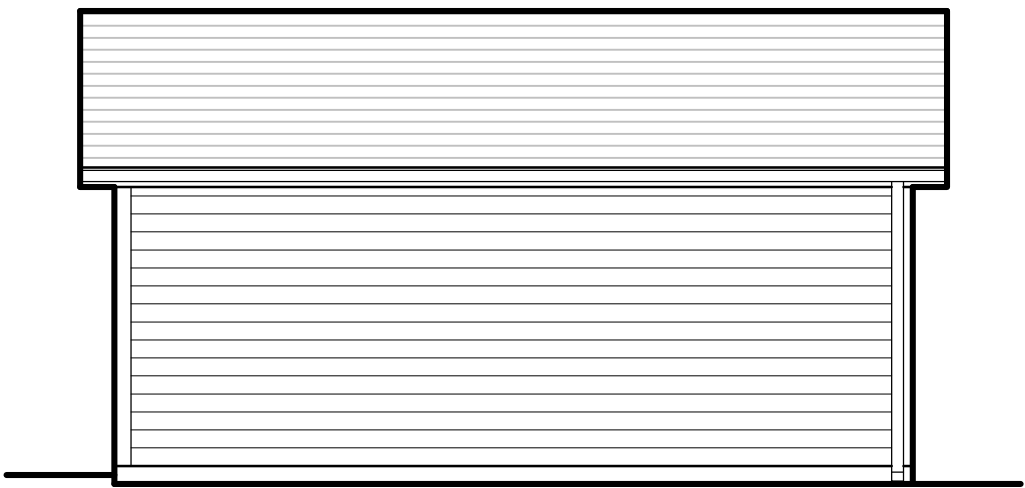
5 PROPOSED SITE PLAN
1/8" = 1'-0"



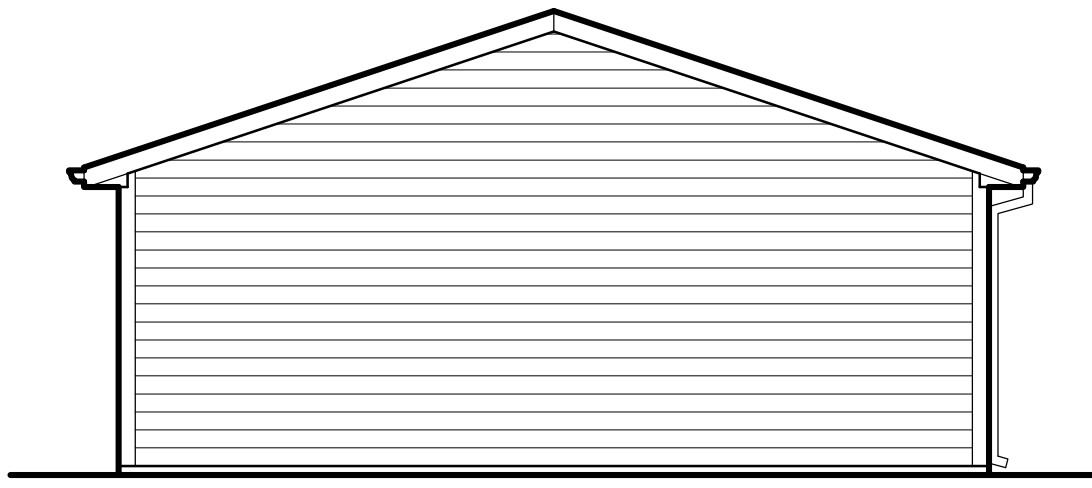
7 GARAGE - EXISTING SOUTH ELEVATION
3/16" = 1'-0"



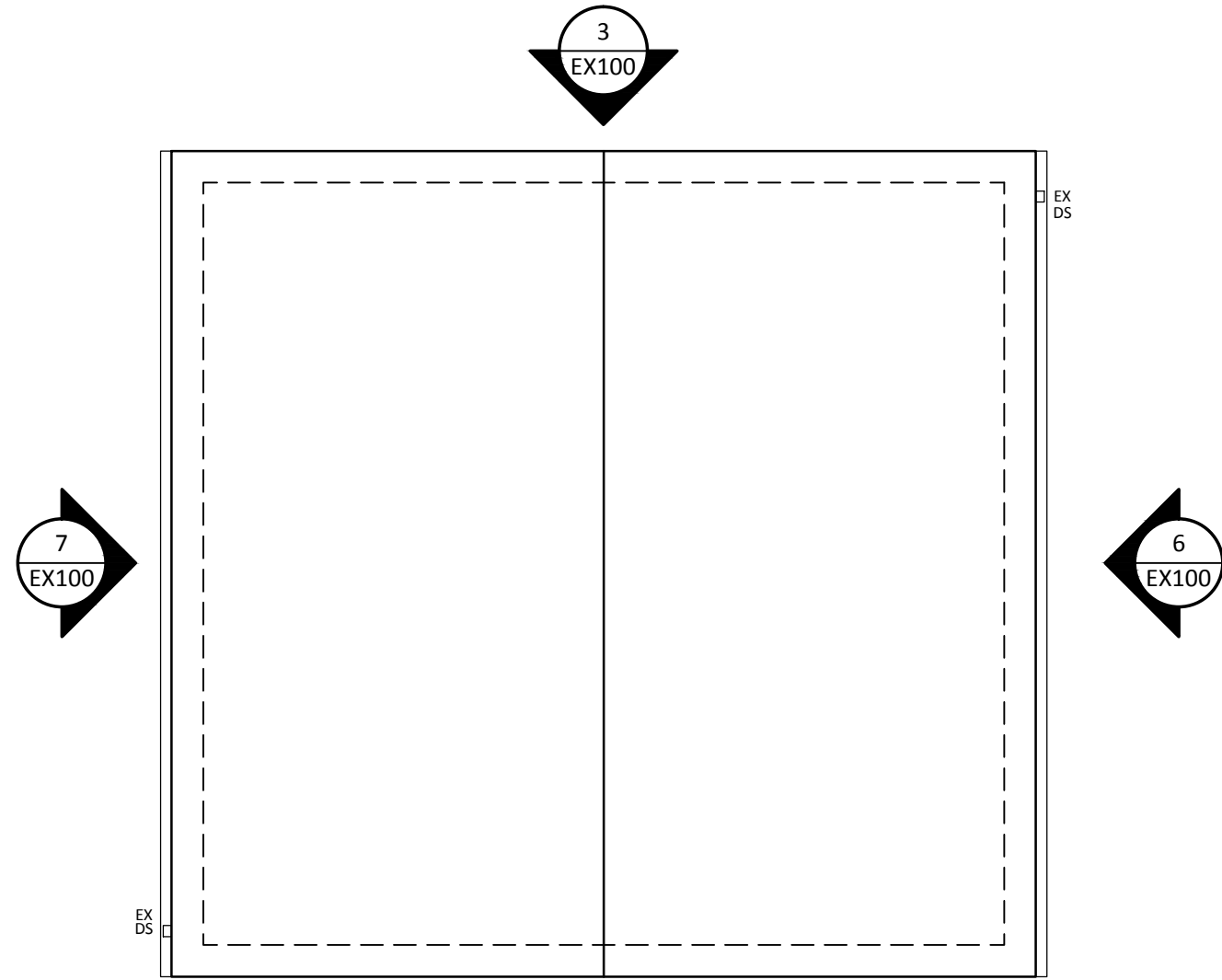
4 GARAGE - EXISTING EAST ELEVATION
3/16" = 1'-0"



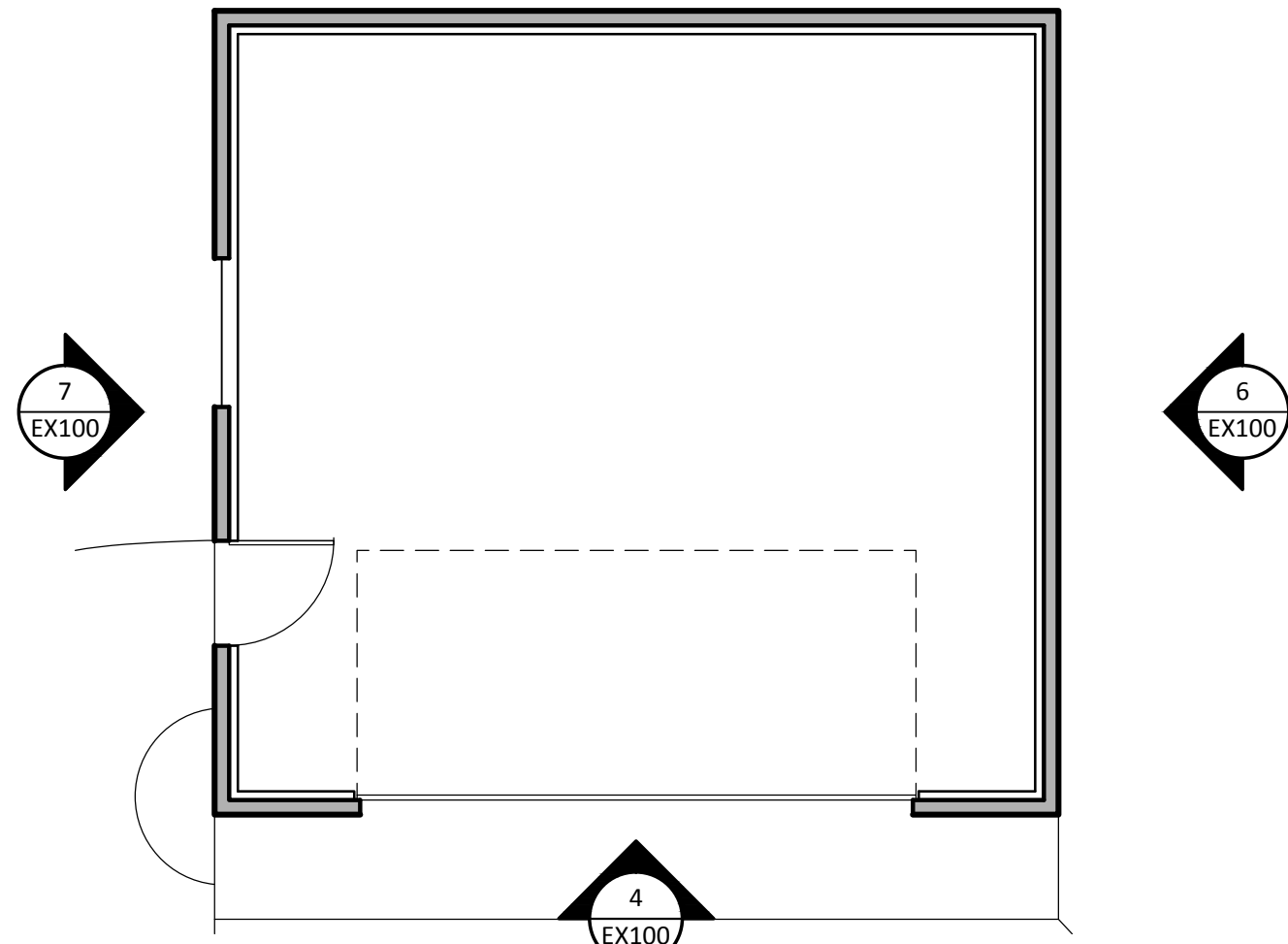
6 GARAGE - EXISTING NORTH ELEVATION
3/16" = 1'-0"



3 GARAGE - EXISTING WEST ELEVATION
3/16" = 1'-0"



2 GARAGE - EXISTING ROOF PLAN
3/16" = 1'-0"



1 GARAGE - EXISTING PLAN
3/16" = 1'-0"

DRAWING LIST

- A100 TITLE SHEET, SITE PLAN, EXISTING PLANS & ELEVATIONS
A200 PLANS & EXTERIOR ELEVATIONS



KINGSLEY + GINNODO ARCHITECTS

33 N HICKORY AV ARLINGTON HTS IL 60004 847 975 5008 info@kingsleyginnodo.com

© KINGSLEY + GINNODO ARCHITECTS

NOT FOR CONSTRUCTION

DAVID & KIM
LAWSON

304 S. MITCHELL AVENUE
ARLINGTON HTS., IL 60005

LAWSON
GARAGE

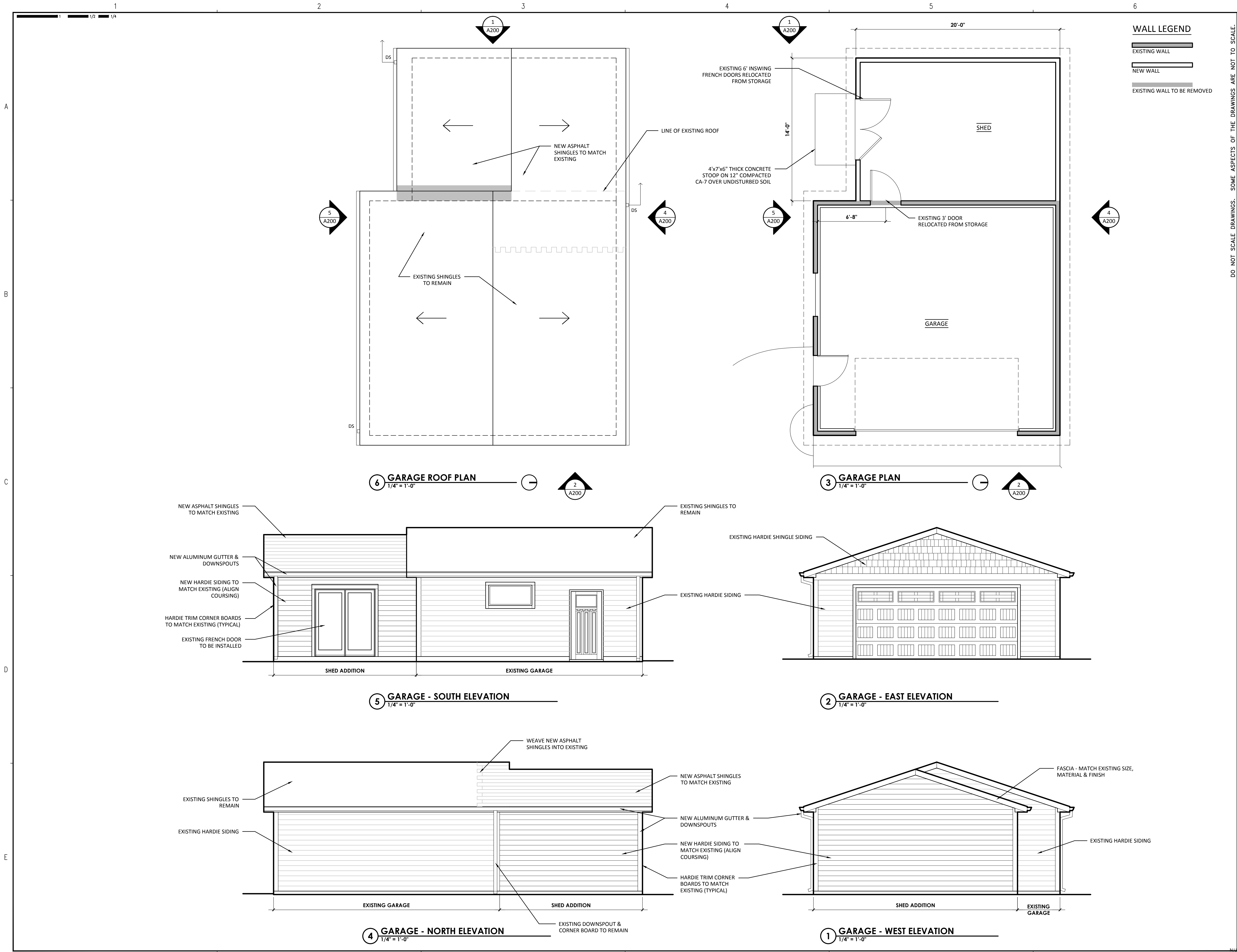
no.	revision	init.	date
	ZBA		10/20/17

TITLE SHEET, SITE
PLAN, EXISTING
PLANS & ELEVATIONS

date	drawn by	checked by

Job No. **LAWSON**

Sheet No. **A100**



DO NOT SCALE DRAWINGS. SOME ASPECTS OF THE DRAWINGS ARE NOT TO SCALE.

NOT FOR CONSTRUCTION

DAVID & KIM LAWSON
304 S. MITCHELL AVENUE
ARLINGTON HTS., IL 60005

LAWSON GARAGE

no.	revision	init.	date
ZBA			10/20/17

PLANS & EXTERIOR ELEVATIONS

date drawn by checked by

Job No. **LAWSON**

Sheet No. **A200**