



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
October 13, 2014
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Fornagiel Residence - 1124 W. Greenbriar Ct.
- B. Wagner Residence - 415 S. Windsor Dr.
- C. Horwath Residence - 1232 N. Race Ave.
- D. Salituro Residence - 404 N. Haddow Ave.
- E. Salhani Residence - 1302 S. Princeton Ave.

IV. REPORTS

V. OLD BUSINESS

- A. ZBA#14-028 - Cerniglia Residence -1256 E. Kensington Rd.(continued from 9/8/14)

VI. NEW BUSINESS

- A. ZBA#14-029 - Swanson Residence - 721 S. McKinley Ave.
- B. ZBA#14-030 - Goldberg Residence - 1628 W. Canterbury Ct.
- C. ZBA#14-031 - McHale Residence - 210 E. Fairview St.
- D. ZBA#14-032 - Zanotti Residence - 1515 W. St. James Pl.
- E. ZBA#14-033 - Egan Residence - 3282 N. Windsor Dr.
- F. ZBA#14-034 - LaSalvia Residence - 1119 N. Beverly Ln.
- G. ZBA#14-035 - Reizer Residence - 407 S. Beverly Ln.

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: Fornagiel Residence - 1124 W. Greenbriar Ct.

Department: Planning & Community Development Department

Approval of Minutes and Findings from 9/08/14 hearing

ATTACHMENTS:

Description	Type
Findings 9/08/14 - Fornagiel	Minutes
Minutes 9/08/14 - Fornagiel	Minutes

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS September 8, 2014

PETITIONER: Fornagiel Residence
ADDRESS OF PROPERTY: 1124 W. Greenbriar Ct.
VARIATION: 5.1-3.6, 5.4 (Required Minimum Yards, Table of Required Minimum Yards)

A 9.42' variance to allow an expansion to the attached garage with a front yard setback of 20.46' from the south property line instead of the minimum 29.88' and an additional 1.5' for the eave; a 1.8' variance to allow an expansion to the attached garage with a side yard setback of 5.0' from the east property line instead of the minimum 6.8' and an additional 1.5' for the eave.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are proposing to expand the existing attached garage. The petitioner testified that they live on a cul de sac and that the parking is limited. The petitioner also testified that there is a fire hydrant in front of their house. The petitioner explained that there are three drivers in the home and that they are proposing to expand the one car attached garage and construct a two car attached garage.

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. Divito. 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.

Carl Anfenson, Acting Chairman
Zoning Board of Appeals
Village of Arlington Heights

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ZONING BOARD

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

OF APPEALS

RE: FORNAGIEL RESIDENCE - 1124 WEST GREENBRIAR COURT - ZBA#14-023

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the
Arlington Heights Village Hall, 33 South Arlington Heights
Road, 1st Floor Beuchner Room, Arlington Heights, Illinois
on the 8th day of September, 2014, at the hour of 7:05
o'clock p.m.

MEMBERS PRESENT:

CARL ANFENSON, Acting Chair
JOSEPH SELBKA
DAVID DIVITO
BARBARA LIVERMORE
JOSEPH GEISEL
PETER SIAVELIS

ALSO PRESENT:

DEREK MACH, Landscape Planner

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ACTING CHAIR ANFENSON: All right. It is five after, so we're going to go ahead and call this meeting of the Arlington Heights Zoning Board of Appeals to order. First item on the agenda is the roll call.

MR. MACH: Mr. Petrillo.

(No response.)

MR. MACH: Mrs. Livermore.

MRS. LIVERMORE: Here.

MR. MACH: Mr. Anfenson.

ACTING CHAIR ANFENSON: Here.

MR. MACH: Mr. Siavelis.

(No response.)

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Divito.

MR. DIVITO: Here.

MR. MACH: Mr. Selbka.

MR. SELBKA: Here.

ACTING CHAIR ANFENSON: Great, thank you. Now, can I ask you please to rise for the pledge of allegiance?

(Pledge of allegiance.)

ACTING CHAIR ANFENSON: Thank you very much. We have approval of the minutes from last month's meeting. Did everybody have a chance to review? Good evening, Peter.

MR. SIAVELIS: Yes.

ACTING CHAIR ANFENSON: Peter, any comments on the minutes from last month?

MR. SIAVELIS: No, they look straight to me.

MR. SELBKA: I'll motion to approve.

ACTING CHAIR ANFENSON: We have a motion to approve. Do we have a second?

MR. DIVITO: Second.

ACTING CHAIR ANFENSON: All in favor, please say aye.

(Chorus of ayes.)

ACTING CHAIR ANFENSON: Opposed?

(No response.)

ACTING CHAIR ANFENSON: Great, thank you. So, we do have five petitions on the agenda tonight. We have six; however, we do have the first one, the Cerniglia Residence, 1256 East Kensington Road, has asked for a continuance. So, can I ask, I'll make a motion to continue the petition until next month. Does anybody have a second?

MRS. LIVERMORE: Second.

ACTING CHAIR ANFENSON: All in favor say aye.

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(Chorus of ayes.)

ACTING CHAIR ANFENSON: Opposed?

(No response.)

ACTING CHAIR ANFENSON: Great, thank you. So, that leaves us with five petitions this evening. So, as I call each of you up, if you'd please come up to the podium and I'll swear you in. If you have not signed in, I'll ask you to sign in, and state your name and address for the record. Then you'll have a chance to state your petition, really hitting on the three main points which is your hardship that you'll suffer, the uniqueness of the situation, and how the variance will not affect the character of the neighborhood.

And then, I will, after your presentation, I will allow anybody in the audience from the neighborhood who wishes to speak on behalf of the petition to give their time. And then the petitioner will be allowed to respond at the end of any of the public discussion. Then we'll close it out for Board discussion from there.

Now, we do have a board of six members, so we have a quorum. And I'll call the first petition, it is the Fornagiel. Fornagiel, is that right?

MR. FORNAGIEL: Close enough.

ACTING CHAIR ANFENSON: Good evening. Can you please state your name and address?

MR. FORNAGIEL: Yes. My name is Art Fornagiel, owner and resident of 1124 Greenbriar Court property. We've been at this property for 14 years.

ACTING CHAIR ANFENSON: Can I ask you to raise your right hand?

(Witness sworn.)

ACTING CHAIR ANFENSON: Thank you very much. You can proceed.

MR. FORNAGIEL: So, we've lived in this community for 14 years. Great neighborhood, nice cul de sac, quiet cul de sac. Unfortunately, in a cul de sac, we don't have enough parking space. And on top of it, we got a hydrant in front of the house.

I've got a couple of pictures if you guys would like to see how the street looks on the busy --

ACTING CHAIR ANFENSON: Can we keep these?

MR. FORNAGIEL: Here you go, on the busy weekends when family visits. Also, we've got a swimming pool close, one block from us.

MRS. LIVERMORE: I saw.

MR. FORNAGIEL: So, today I'm here to ask the Board to

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approve my garage addition project. I was postponing for years, but now we're adding a new driver, my daughter, you know, a new driver to our family. So, it's going to be rough to, you know, shift cars everyday back and forth. We've got four cars right now.

Also, we think about the future even, when the daughter leaves, you know. We'd like to do the project now since we still got health and strength to do the bigger projects, so later we can enjoy retiring and with a two-car garage without, you know, moving cars.

To get my project going, I would like to ask you good ladies and gentlemen to reduce my front yard setback average from 29.88 to 20.46, and also, side setback from 6.78 to 5. Did you guys see that one to the easement?

ACTING CHAIR ANFENSON: Yes.

MR. FORNAGIEL: Also, to keep the look of the neighborhood in tact, I'm going to use the same material which mean bricks and siding mix, same as it is, same kind.

I had two neighbors who wanted to come in but they couldn't because of the time in all this, so I got, I talked to a few, a few just checked me out because of the sign, and I took my time to go and discuss my project with others. I got about 40 people on my cul de sac to sign that they don't have any objection.

MRS. LIVERMORE: That's nice.

ACTING CHAIR ANFENSON: Thank you.

MR. FORNAGIEL: A few of them wanted to come in but, you know, they couldn't, and the rest of them I just asked to sign saying they've got nothing against it.

Okay. Also, I received a nice letter from the Engineering Department and Building saying there's no objection on their side, and Design Department saying no concerns. This is my plan.

ACTING CHAIR ANFENSON: Just a quick clarification. Derek, I don't need to read all these into the record, do I? All the names and address of everybody submitted? This will go into that?

MR. MACH: Yes, it will go into the file.

ACTING CHAIR ANFENSON: Okay. If anybody wants to take a look, here.

MR. FORNAGIEL: So, that's all I had. That's my plan.

ACTING CHAIR ANFENSON: Great.

MR. FORNAGIEL: So, I'm hoping for your approval.

ACTING CHAIR ANFENSON: So, you did not hear any

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objections from anybody you talked to about your plan?

MR. FORNAGIEL: No, I talked to everybody on my street.

At the last minute, my most affected neighbors on the side that I'm going to the side yard, he came in and signed. He had some objection, he came in actually to the town, looked at the plans, and today he came to me and we showed, we measured everything, and he signed the petition that he approved.

ACTING CHAIR ANFENSON: You definitely have a unique lot. I mean did you even --

MR. FORNAGIEL: It's rough.

ACTING CHAIR ANFENSON: Is there any other alternatives that you could even consider?

MR. FORNAGIEL: No. I tried -- I asked for it in the back but that's not enough to go in the back.

ACTING CHAIR ANFENSON: Right. Right. I think it was well-designed for what you have to work with. Any questions from Board members?

MRS. LIVERMORE: If this is approved tonight, will you get all cars off the street?

MR. FORNAGIEL: Yes.

MRS. LIVERMORE: Thank you.

ACTING CHAIR ANFENSON: Any other questions? Great. You may have a seat, thank you very much.

MR. FORNAGIEL: Thank you.

ACTING CHAIR ANFENSON: Anybody in the audience who wishes to speak on this petition? None being heard, I'll close it to Board discussion. Pretty straightforward case. I think a very unique lot, so the hardship is pretty evident.

MR. SIAVELIS: And not an ostentatious request, I mean a two-car garage.

MRS. LIVERMORE: Yes.

MR. DIVITO: Right.

ACTING CHAIR ANFENSON: Agreed.

MR. GEISEL: Particularly with the street parking, I think there's a need.

MRS. LIVERMORE: Yes.

MR. SIAVELIS: And here, universal, he informs and included his neighbors, it's pretty straightforward.

ACTING CHAIR ANFENSON: Do I have a motion?

MR. SIAVELIS: I'll move.

MR. DIVITO: I'll second.

ACTING CHAIR ANFENSON: Great. Let's take a vote.

MR. MACH: Mrs. Livermore.

MRS. LIVERMORE: Yes.

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MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Mr. Divito.

MR. DIVITO: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Mr. Anfenson.

ACTING CHAIR ANFENSON: Yes. Congratulations, it passes. Good luck to you.

MR. FORNAGIEL: Thank you very much.

ACTING CHAIR ANFENSON: All right. You don't have to stick around tonight. You can be on your way.

MR. FORNAGIEL: We can leave?

ACTING CHAIR ANFENSON: Yes, you don't have to stick around. Thank you.

MR. FORNAGIEL: Good night.

ACTING CHAIR ANFENSON: Good night.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:09 p.m.)



Item: Wagner Residence - 415 S. Windsor Dr.

Department: Planning & Community Development Department

Approval of Minutes and Findings from 9/08/14 hearing

ATTACHMENTS:

Description	Type
Findings 9/08/14 - Wagner	Minutes
Minutes 9/08/14 - Wagner	Minutes

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS September 8, 2014

PETITIONER: Wagner Residence
ADDRESS OF PROPERTY: 415 S. Windsor Dr.
VARIATION: 5.1-3.6, 5.4 (Required Minimum Yards, Table of Required Minimum Yards)

A 4' variance to allow a side yard setback of 3.7' from the south property line instead of the minimum 7.7' and an additional 1' for the eave.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner testified that they propose to demolish the existing detached garage and sell a portion of their zoning lot (Lot 71) as a buildable lot. In order to sell the lot, a variation is necessary for the existing home located on lot 72 since the sale of lot 71 would create a nonconforming side yard setback for the existing home. The petitioner testified that they have been trying to sell the home as is for almost four years. The public spoke against the project and explained that the proposed 50 foot wide lot would be out of character for the area. The petitioner testified that the maintenance of the property is becoming a financial burden and that they need to sell the property. The petitioner testified that there has been interest in the house but there has been no interest in lot 71. The petitioner explained that with the home and the large lot combined, they are having difficulty selling the property due to the cost. The petitioner explained that there are other 50 foot wide lots in the neighborhood.

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 Ms. Livermore and seconded by Mr. Siavelis. 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.

Carl Anfenson, Acting Chairman
Zoning Board of Appeals
Village of Arlington Heights

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ZONING BOARD

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

OF APPEALS

RE: WAGNER RESIDENCE - 415 SOUTH WINDSOR DRIVE - ZBA#14-024

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the
Arlington Heights Village Hall, 33 South Arlington Heights
Road, 1st Floor Beuchner Room, Arlington Heights, Illinois
on the 8th day of September, 2014, at the hour of 7:09
o'clock p.m.

MEMBERS PRESENT:

CARL ANFENSON, Acting Chair
JOSEPH SELBKA
DAVID DIVITO
BARBARA LIVERMORE
JOSEPH GEISEL
PETER SIABELIS

ALSO PRESENT:

DEREK MACH, Landscape Planner

DRAFT

ACTING CHAIR ANFENSON: So, next on the agenda, I've lost my agenda. The Wagner Residence. Good evening. Sure, if you want to pull that over, you can use that as a stand.

MR. LARRY WAGNER: Hi.

MR. SIAVELIS: It's going to fall.

ACTING CHAIR ANFENSON: Yes, it's a little uneven there. Great, good evening.

MRS. WAGNER: Thank you.

ACTING CHAIR ANFENSON: Can I ask each of you to state your name and address please?

MRS. WAGNER: Yes. I'm Jacqueline Wagner, and my address is 1255 West Prospect Avenue in Mount Prospect, Illinois.

MR. LARRY WAGNER: My name is Larry Wagner, 1255 West Prospect Avenue, Mount Prospect, Illinois.

MR. RONALD WAGNER: Excuse me. Ronald Wagner, address is 411 East Mayfair Road, Arlington Heights.

MRS. WAGNER: And he's our son.

ACTING CHAIR ANFENSON: Okay, excellent. Can I ask you to raise your right hand?

(Witnesses sworn.)

ACTING CHAIR ANFENSON: Great, you may proceed please.

MR. LARRY WAGNER: We are here this evening to request a variance for our side yard on our lot so we can sell our home. And she's going to speak and then we're asking Ron to give the presentation.

MRS. WAGNER: We have a unique lot, lots I should say, three lots in the subdivision on Stonegate. And here is Windsor Drive. And we have half of a lot on the north end and then we have a 50, which is 25 feet, a full lot in the center here, which is 50 feet. And then we have another lot that is 50 feet. So, we have two and-a-half lots, and so it takes up quite a bit of space, which is unique in that area. There is much available that takes up all that, using all that space, okay.

And then I'd just like to say that, I hope you don't mind if I wrote this down?

ACTING CHAIR ANFENSON: That's fine.

MRS. WAGNER: I'm a little bit nervous. We are retired schoolteachers. And like many homeowners, our home was a big part of our savings for retirement. When we decided to sell this house four years ago and we moved into a condo to downsize and try to start saving more money, we offered it as a property in its entirety. Well, unfortunately, we bought this property at the top of the market. And then, as you know, the market dropped considerably over the last number of years.

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So, when we decided to sell this home four years ago, we offered it as a total package. There were several inquiries about purchasing the vacant lot that had the garage on it, but we really wanted to try to sell it all and get out from under it. There were absolutely no offers for the entire property.

As the economy weakened further and the crash of the real estate market was with us, trying to sell this three-package lot was pretty close to impossible, especially after what we had paid for it in the beginning. So, we decided to try to sell the house only on this lot with the extra lot right here on the north. We received an offer finally, finally, last spring. And we became aware at that time that we were going to need to have a side yard variance.

MR. SIAVELIS: How did you find that out?

MRS. WAGNER: Through the realtor from the people that were making the offer. Their realtor said to me we couldn't sell it as it was, it was going to need a variance. So, we started that process, and so we're here finally tonight.

And as we get older, it's getting harder and harder to maintain this piece of property. As you know, taxes and utilities are quite high, especially in this area. And there's a lot of other expenses to having a large home and property such as this, with the landscaping and all. And we also try to do a good job keeping it up in repair. We know we have a responsibility to our neighbors. And we've been able to do that so far. But it's getting harder and harder.

And I don't know how much you're aware, that the teachers' retirements are in the news quite a bit, and we just don't know what's going to happen with our retirement in the future. And especially at our age, if there's only one of us, there is no way we can manage this home. And so, in order to sell it, we need to be able to break it into two sections, the home with the extra lot that a garage could be put on, and this separate piece of property.

So, that's why we're here asking for your consideration.

ACTING CHAIR ANFENSON: So, what is your plan with Lot 71 then?

MRS. WAGNER: To sell it separately.

ACTING CHAIR ANFENSON: Okay. So, the offer is just for the other lot and-a-half?

MRS. WAGNER: Right.

ACTING CHAIR ANFENSON: So, if you do sell that, you'll

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still be left with Lot 71. You're looking to sell that separately?

MRS. WAGNER: Right.

ACTING CHAIR ANFENSON: Would that be considered a buildable lot?

MRS. WAGNER: It has --

MRS. LIVERMORE: It's 50. It's 50 feet.

MRS. WAGNER: Yes. It has that whole -- we had no idea that this was going to come up when we purchased this.

MR. SIAVELIS: What year did you purchase this?

MRS. WAGNER: 2005.

MRS. LIVERMORE: And with the other lot would be the 75?

MRS. WAGNER: Right. This is 25, this is, there are three separate lots with three separate PIN numbers. This is 25 feet, this is 50 feet, and then this is 50 feet.

MRS. LIVERMORE: I would like to know if you have been paying taxes on different properties.

MRS. WAGNER: Yes.

MRS. LIVERMORE: The three different tax bills?

MRS. WAGNER: Oh, yes.

MR. SIAVELIS: Are you saying three different PINs associated with this property?

MRS. WAGNER: Yes. Yes, yes. Yes, we've been paying three separate tax bills all along.

MRS. LIVERMORE: My big question is do you have an attorney to help you with this?

MRS. WAGNER: Well, we have an attorney but we haven't asked him to help us.

MRS. LIVERMORE: You're going to need to file a writ of partition I believe in order to separate out the properties even though --

MRS. WAGNER: Well, they're already separated. They're separate lots of title. I mean they're not --

MRS. LIVERMORE: Okay.

MRS. WAGNER: There are three separate titles.

MR. LARRY WAGNER: You mean parcels.

MRS. LIVERMORE: Parcels.

MRS. WAGNER: Parcels, yes.

MRS. LIVERMORE: Okay. Okay.

ACTING CHAIR ANFENSON: So, do you know when the house was built?

MRS. WAGNER: I believe it was in the late 1930s.

ACTING CHAIR ANFENSON: Okay. And you made no, you didn't do any work to the home, any additions or anything?

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MRS. WAGNER: We've put on a patio. We took out the old patio and put on a new patio.

ACTING CHAIR ANFENSON: A patio, okay.

MR. SIAVELIS: With the footprint of the house?

ACTING CHAIR ANFENSON: The footprint of the house has been the same?

MR. LARRY WAGNER: No, we did not change that.

MRS. WAGNER: No, no, no. No, we've done all kinds of repairs, the chimney and the foundation last year and all kinds of things, but --

MR. RONALD WAGNER: The original house was built with a one-car attached garage.

MRS. LIVERMORE: Okay.

MR. RONALD WAGNER: Right here. So, this was always meant to be a separate lot for the future to be built on when they laid out the neighborhood. And they converted it, as you see, they did a pretty nice job of blending it in. That bay window looks like it belongs, but when they decided to do that, that's when the previous owners added a three-car garage.

MR. SIAVELIS: So, that single car attached garage for the main house on Lot 72, okay, that was done before you folks acquired the property, correct?

MRS. WAGNER: Yes, that was done before the people that we bought it from acquired the property. They had it at least 12 years.

MR. LARRY WAGNER: And maybe, I'm not sure, I believe the people we bought it from are the people who had the three-car garage built but I'm not positive.

ACTING CHAIR ANFENSON: And since the time you've been working the property, you mentioned you had no offers. Is that no offers that were acceptable to you or no offers at all?

MR. LARRY WAGNER: No offers except this, right.

MRS. WAGNER: No offers, no.

ACTING CHAIR ANFENSON: Okay.

MR. LARRY WAGNER: We have certainly inquiries about purchasing the lot by itself, but we didn't feel that we wanted to do that. We wanted the people who were interested in the house to have the first choice and the full package. But now, since we have the offer for just the house and the 25-foot lot on the north, which would qualify for a two-car garage, by the way, we have already checked that out --

MR. RONALD WAGNER: We submitted a building plan for the two-car garage here, or there's plenty of room to do a detached

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garage in the back, but it would be up to the potential buyer which one they want to do.

ACTING CHAIR ANFENSON: Sure, yes.

MRS. WAGNER: But it's, I mean, you know how much the taxes are just alone.

MRS. LIVERMORE: And you're planning to remove the garage that's --

MRS. WAGNER: Yes.

MR. LARRY WAGNER: Yes, ma'am. And the shed on that lot.

MRS. LIVERMORE: Okay.

MR. SIABELIS: Can you clarify something for the record? You talked about how you had difficulty maintaining, that this is a burden in maintaining it, and you also alluded to financial issues. Is that what you were talking about in part when you said, when you mentioned about difficulty in maintaining the property?

MR. LARRY WAGNER: Yes. The, well, I'm sorry, go ahead.

MRS. WAGNER: Well, we've already done the things that have been necessary. But I mean, before long it's probably going to need a new roof. We haven't had to replace the roof as long as we've had it. And I mean, it's just, you know, I mean you just have to keep up with the house. And in a neighborhood like this, we certainly don't want to not do what is, you know, needs to be done.

ACTING CHAIR ANFENSON: And was it four years ago that you moved out of the house?

MRS. WAGNER: Yes.

MR. LARRY WAGNER: Actually --

MRS. WAGNER: Yes, so 2010. October.

MR. LARRY WAGNER: We did have friends of the family rent it for one year.

MRS. WAGNER: To help out, save with cost.

MR. LARRY WAGNER: And to help us with the --

ACTING CHAIR ANFENSON: With the cost?

MR. LARRY WAGNER: With keeping the home, with the cost.

MRS. WAGNER: Yes.

MR. DIVITO: So, the variance is for a side yard setback. But would that be for the north side of the lot?

MR. LARRY WAGNER: It's actually to the south side.

MR. DIVITO: Oh, you're actually doing it with the south side.

MR. RONALD WAGNER: The south side of the adjacent house has a 4-foot setback from the original lot line.

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MR. DIVITO: Got it, okay. Just want to make sure.

MR. RONALD WAGNER: So, what we've got is a non-conforming preexisting condition.

MR. DIVITO: Yes.

MRS. LIVERMORE: Yes.

MRS. WAGNER: When we bought the house, there were stepping stones all around the side to the back and we didn't know any different.

MR. LARRY WAGNER: Yes.

ACTING CHAIR ANFENSON: Okay.

MR. SIAVELIS: So, if the garage is torn down, right, and that parcel which is Lot 71 is sold, the variance would apply, the variance that's being petitioned for right now would apply to the Lot 72? And basically --

ACTING CHAIR ANFENSON: To Lot 72, right. But Lot 71, if they had a proposed structure --

MR. SIAVELIS: I mean it's not --

ACTING CHAIR ANFENSON: Right, yes, there's no variances approved for that lot, correct.

MR. SIAVELIS: More than necessary, right.

ACTING CHAIR ANFENSON: Right.

MR. LARRY WAGNER: On the right, if I can put in, it's not very clear, well, on the right are a couple of drawings showing that on the 50-foot lot.

MR. RONALD WAGNER: Yes. So, these would be two scenarios that if we did sell, if my folks did sell this lot, if someone wanted to build, it would probably be helpful, too, if we could show two examples, one with a side drive and one with an attached garage. And I guess if you're familiar with the neighborhood, you know, even with the 4-foot side yard setback, the new house would have to have a 5-foot setback and the homes would be, at a minimum, 9 feet apart from each other which in that neighborhood is certainly, you know, pretty good. There's a lot of homes in that neighborhood built with 3 or 4-foot side yards and houses with 6 feet or closer together. So, at a very minimum, you're talking a 9-foot separation. And if someone opted to do a side drive, they would be 14 feet apart from each other.

So, that would very much fit the character of the neighborhood. And really, if you were to look at this, it is a beautiful property but it doesn't, as it stands right now, it doesn't fit the character of the neighborhood because as you're driving down Windsor and you've got a 50-foot lot house and a 50-foot lot house and a 50-foot lot house and a 50-foot lot, and then you have 125 feet with a kind of not so attractive garage sticking

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out like a sore thumb. So, really, eventually this could actually make that section look better with the house there versus --

ACTING CHAIR ANFENSON: But you're testifying though that you will, due to your situation, you'll be selling that as a lot, you don't have any plans to build your own home or a building structure?

MR. RONALD WAGNER: Correct.

MRS. WAGNER: No, no.

MR. LARRY WAGNER: We do not.

MRS. WAGNER: No, no. We have a condo, so we're trying to eliminate responsibility.

ACTING CHAIR ANFENSON: I understand.

MRS. WAGNER: And I can't get my kids to take all the stuff I'm trying to give away.

MRS. LIVERMORE: Box it and send it to them.

MR. RONALD WAGNER: And then I'd just like to point out, you can see in the neighborhood, the standard lot is 50 feet. There are some lots that are bigger and there are some homes that are built across multiple lots, but the standard lot is 50 feet. And so, I mean I think again a house would look very nice there on a 50-foot lot.

ACTING CHAIR ANFENSON: All right, thank you. Any other questions from Board members? Thank you so much.

MR. LARRY WAGNER: Thank you.

MRS. WAGNER: Thank you.

ACTING CHAIR ANFENSON: I gather there are some neighbors here interested? I don't know if you want to take a look at, it's on the plans so we can turn that a little bit so the audience can see the diagram. And I see somebody over here wishes to speak?

MR. BLAIR: Yes.

ACTING CHAIR ANFENSON: You can step on up. So, state your name and address please.

MR. BLAIR: Daniel Blair, 422 South Windsor.

(Witness sworn.)

ACTING CHAIR ANFENSON: Thank you.

MR. BLAIR: I'm actually the lot directly to the right of the house, so that's 71, I would be Lot 70. So, that would be directly to the right.

I'll start by saying I think this is a bit of an interesting situation. The homeowners have owned the home since 2005, but I think it's been, primarily their primary residence has been in Florida for roughly eight months or more out of the year.

And so, while there was a departure at some point, you know,

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going back years past, I think their time was mostly split between their alternative residences.

And so, as it relates to, also I think to the sellability of the property, at no point has there been any significant real estate activity. There's been no major real estate brokers. I think there have been multiple efforts to sell the home for sale by owner. And I do know that, you know, I know of another family in the neighborhood that initially put the offer in on the home.

I think one of the key points to not being able to sell the home is that I think they were looking to receive somewhere close to a million dollars for the parcels combined, which is a significant amount of money. I think the ability to sell the home is certainly there. There are many, many people in the neighborhood that are very interested in the property in its entirety at a price that is comparable to what other things in the neighborhood have been going for which, at least by our recollection, we know that the initial offer they received on the house stand-alone was \$600,000 minus the parcel to the right, at least from that family that was willing to offer on the home. So, the idea that more than the initial payment of the home that could be recouped is certainly there.

But I think more than anything else, as it relates to the character of the neighborhood, that's a significant concern to all of us. There is no modification to these existing parcels that can be done that is not going to have this super huge impact on the neighborhood itself. When you continue past the home, there are additional homes with extra wide lots. The openness of the neighborhood, the mature trees that are there, it's an absolute impossibility for the character of this block of our neighborhood to be kept as is.

MRS. LIVERMORE: I don't understand that point at all.

MR. BLAIR: There are multiple 60-year-old mature trees in the front to the left of the property where any garage by definition would have to be built. Those would have to be removed. We have no idea what the actual building of Lot 71 would be.

MRS. LIVERMORE: No.

MR. BLAIR: And there is a guarantee that, at least for me purchasing my property, expecting I was buying the sidelines and the openness of the neighborhood, that would be completely up in the air. I have no idea what the neighborhood, what the views out of my own windows or the impact it would cause.

MRS. LIVERMORE: But someone would build there anyway.

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MR. BLAIR: Well, it's not a buildable lot today.

MRS. LIVERMORE: It is a buildable lot at 50 feet.

MR. BLAIR: And what would happen to the lot next door?

ACTING CHAIR ANFENSON: It's not buildable without the variance.

MR. BLAIR: That's my point.

ACTING CHAIR ANFENSON: Yes.

MR. BLAIR: And that's something that's been there for 62, 60 some odd years.

ACTING CHAIR ANFENSON: Unless the property, I guess if the property was torn down and rebuilt in compliance.

MR. BLAIR: Sure.

ACTING CHAIR ANFENSON: Then it's --

MR. BLAIR: But then that's a significant change over all, and I don't think that's what's being requested. I think over all, you know, we'd expect that the Board would be helping to serve the residents. And I think what we've seen, at least, and I'll let other residents speak, you know, to that issue, is basically a desire to purchase the property, to split the property up only to find that the property is not splittable or buildable as is without wiping out all structures that exist on the property.

MR. SELBKA: Isn't every other lot on the block a regular sized lot? Isn't this the only sort of --

MR. BLAIR: No, actually, well, when you go, so the very next home is the split of Lot 73 --

MR. SELBKA: So, was that 75 feet?

MR. BLAIR: So that would be 75 feet.

MR. SELBKA: Okay. 50 feet less than the 125 of this parcel.

MR. BLAIR: And then you get to the corner, and then the next lot is another I believe 75 or 80 feet continuing on down. But I don't know when we turn the corner, Ken, I don't know what your lot is, but it's probably 230 odd feet or something to that nature. So, there's significant large lots that are part of the character of the neighborhood.

MR. SELBKA: So, 423, 427, 431 are not 50-foot lots?

MR. BLAIR: No, that's the other way. Yes, I believe those are. I haven't measured those but I think you're right. More close enough to 50 feet, you might have a 55 or a 54 or 57.

MR. SELBKA: All right.

ACTING CHAIR ANFENSON: We'll have to work on our equipment here.

Any other questions? Any more questions, comments?

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Thank you very much for your time.

MR. BLAIR: Thank you.

ACTING CHAIR ANFENSON: Other neighbors? Please step forward. Good evening. Have you had a chance to sign in?

MR. CHILDS: I can do that.

ACTING CHAIR ANFENSON: While you're writing, if you want to state your name and address for the record?

MR. CHILDS: Yes, I'm Garrett Childs and I'm at 407 South Windsor, so I would be the other side of, on this side of it. So, as you heard from Rick, we're on this side.

ACTING CHAIR ANFENSON: And I'll ask you to raise your right hand when you're done.

(Witness sworn.)

ACTING CHAIR ANFENSON: Thank you.

MR. CHILDS: Yes, and I'll be real brief. I think with respect to the owners, I think from my perspective, you know, we purchased this home three years. We love the character of the street, as we discussed, having larger lots and, you know, a mixture of real estate I guess. But what would really change on this side, I think we heard from Rick that who knows what will go up here and what will impact his view from the windows and things.

But on this side, if you imagine this whole green space being taken up by a driveway and a big new garage right there, I think we're just concerned that that would change the character of what we originally purchased.

So, we're concerned with that. And we do love the street, love this character we've been talking about, and we do think that there's too many unknowns here to necessarily make this viable.

ACTING CHAIR ANFENSON: Any questions?

MR. SELBKA: Is 407 a 50-foot lot or a 75-foot lot?

MR. CHILDS: 75-ish, yes.

MR. SIAVELIS: So, you have 25 of the other 25 of lot -

MR. CHILDS: I do.

MR. SIAVELIS: Right?

MR. CHILDS: I do.

MR. SIAVELIS: And you realize that they could put a very large garage on Lot 73 fully compliant with code and have no issues with that, right?

MR. CHILDS: Correct. Big, huge, mature tree right here. I don't see how that can't stay would be one issue. But yes, we realize it's within code on that side.

MR. SELBKA: Is your neighbor at 405, is he a 50-foot lot or a 75-foot lot?

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MR. CHILDS: On which lot number was that again?
MR. SELBKA: From the other side of you. So, you're 407

--

MR. CHILDS: It's 50.
MR. SELBKA: That would be 50?
MR. CHILDS: Right. Correct, she would be on the

corner.

MR. SIAVELIS: How long have you lived there?

MR. CHILDS: We have lived there three years.

MR. SIAVELIS: Three years.

ACTING CHAIR ANFENSON: Any other questions for this witness? Thank you. Anyone else? You'd be next. Did you have a chance to sign in earlier?

MR. GIANNOULES: Yes, I'm signed in. And if I may just familiarize myself with --

ACTING CHAIR ANFENSON: If you would please state your name and address?

MR. GIANNOULES: Kenneth Giannoules, 402 South Gibbons.
(Witness sworn.)

ACTING CHAIR ANFENSON: Thank you.

MR. GIANNOULES: I'd like to bring to the attention of this Board two cases that were brought to previous boards from the immediate neighborhoods.

ACTING CHAIR ANFENSON: Just so you know, other previous cases mean nothing on the decisioning of this property. Each property is unique in itself and there is no other case preceding that would influence this. So, if that's what you are speaking to, we won't hear it.

MR. GIANNOULES: Okay. Just a question?

ACTING CHAIR ANFENSON: Yes.

MR. GIANNOULES: The variance is the exact same variance.

ACTING CHAIR ANFENSON: If you want to talk about the character of the neighborhood, you can talk about the character of the neighborhood, but not a previous property's variance.

MR. SIAVELIS: There's no precedential value to prior decisions.

MR. GIANNOULES: Okay. The only other thing that I have that may or may not be of interest or admissible or whichever, the Cook County Assessor's Office reflects that 415 South Windsor Drive had a homeowner's exception in 2012, 2010 and 2009. During that period of time, either all or part of that period of time, that residence was rented. I don't know if that has a bearing on that.

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Furthermore, the address of the Appellants, in sending notification to the residents in the neighborhood, had an address of 1255 West Prospect Avenue, Unit 104, in Mount Prospect, with the return address of the Wagners, Kenneth and Jacqueline I believe -- Larry Wagner. It's interesting to note, whether it makes any difference, that the Wagners also had a homeowner's exception in Mount Prospect at the same time.

ACTING CHAIR ANFENSON: Okay. All right.

MR. SIAVELIS: Sir, how long have you lived in --

MR. GIANNOULES: 25 years.

MR. SIAVELIS: Okay. I recall there was a property on the other side of Windsor owned by Tony and Rita Biggers. Do you remember them? British couple?

MR. GIANNOULES: Yes. My wife would know them better.

MR. SIAVELIS: Okay. They had a large parcel, correct?

MR. GIANNOULES: Right.

MR. SIAVELIS: Okay. And if memory serves me, they had a large vacant parcel next to them that they owned, right, and they sold that parcel and built, and another home was built on that parcel, correct?

MR. GIANNOULES: Right.

MR. SIAVELIS: Okay. I'm just trying to recall because there was testimony earlier about the character of the neighborhood and these large parcels, and I was wondering if you were in the neighborhood when that was done.

MR. GIANNOULES: No, I wasn't.

MR. SIAVELIS: You weren't? But you said you lived, when did you say you moved into the neighborhood?

MR. GIANNOULES: 25 years ago.

MR. SIAVELIS: Yes, that was done within 25 years.

MR. GIANNOULES: My wife knew the couple, I didn't know them.

MR. SIAVELIS: I'm just trying to recall that because you were talking about the neighborhood and the history of the neighborhood, and there was prior testimony along those lines so I'm just trying to remember that and to see if you could clue me in on some of those details.

MR. GIANNOULES: Right. Well, you may recall the parcel then on Stratford right here on the corner, which doesn't show. Right here. It's the parcel right here on the corner with a house being this side of the lot, and this was an unbuildable lot which was denied by the Board which I can't testify to evidently, but it's the same situation that you have here. The Board denied the exemption on this lot for this homeowner to sell this lot

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separately. Incidentally, that homeowner is still living there, happy as good times could be, and really takes care of his home as do the Appellants. That property, west of that property, it's the property in the back here, it's not directly affected by whatever he does back here except for the character of the neighborhood.

ACTING CHAIR ANFENSON: Other comments, questions?

MR. GIANNOULES: Does anybody want this? The assessment?

ACTING CHAIR ANFENSON: If you want to present it, we can submit it into the package, yes. It's the exemption history of the home.

MRS. LIVERMORE: Well, that's a legal matter and that's not up to us.

MR. SELBKA: Yes, that's beyond our purview.

ACTING CHAIR ANFENSON: Yes, sir, please step up.

MR. GRUENDEL: My name is Richard Gruendel, I live at 441 South Windsor.

(Witness sworn.)

ACTING CHAIR ANFENSON: Thank you.

MR. GRUENDEL: I've been in our house now 28 years. And there's a lot of comments, I'll keep it real brief. The biggest thing of mine is a concern on the character. The 50-foot lot itself, 20 years ago, put in a house in there, okay. Current houses though, just the current construction style would not fit within that 50-foot lot. 12-foot ceilings, the house next door, Rick, I'm surprised he didn't comment on that but just the height of that house.

I guess the one thing, if you were to grant the variance on there, would that also include some limitation as far as the size, the width of the house that could be in there, and the height? Again, I am familiar somewhat, I do recall seeing the property built across the parkway from us, the lot that was split.

At the time, again the house was about 20 years ago, the size, the general size of the house was in keeping with, you know, what they were at that time.

Current construction though, again they are much larger properties and I just don't see how that would fit in to the 50-foot lot without having to be restricted in size.

MR. SIAVELIS: You understand that variance doesn't apply to Lot 71, the 50-foot lot, right?

MR. GRUENDEL: I do, yes.

MR. SIAVELIS: Okay.

MR. GRUENDEL: But I mean that's a direct outcome of your decision here tonight, that then there will be a property,

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there will be another meeting as far as the home that can be put into the lot and the variances required for that.

MRS. LIVERMORE: That would be if someone --

ACTING CHAIR ANFENSON: If they were requesting a variance, they may not even.

MRS. LIVERMORE: The Design Commission tells people what they can build.

MR. SIAVELIS: Right, different board.

MRS. LIVERMORE: Different board entirely. However, you are welcome to go and have input when and if that would come before the Design Commission.

MR. GRUENDEL: Okay. All right. Well, thank you then.

ACTING CHAIR ANFENSON: Thank you. Any others in the audience? Please step up.

MR. VAVERIS: Hi.

ACTING CHAIR ANFENSON: Hi, did you have a chance to sign in?

MR. VAVERIS: I did.

ACTING CHAIR ANFENSON: Can you state your name and address?

MR. VAVERIS: I'm Erik Vaveris, 437 South Windsor Drive.

ACTING CHAIR ANFENSON: Raise your right hand.

(Witness sworn.)

ACTING CHAIR ANFENSON: Thank you.

MR. VAVERIS: I just want to echo the comments about the character of the neighborhood. We felt very lucky to be able to move into this neighborhood at the bottom of the housing crisis. And as you walk down Windsor Drive, it is true that there are some approximately 50-foot wide lots. But when you get to this property and the ones next to it, everything really opens up with the trees and the parkway across the street. It's a very, very beautiful setting.

The other thing I just want to point out is that I have not met the owners, but when my wife first met the owner, he was very quick to point out that this is an investment property. And houses in our neighborhood have sold regularly since we've lived there over the last three and-a-half years. This is a beautiful property and a beautiful house. There is no reason it couldn't sell. It has been sporadically on the market by owner at times and I think really the only issue here is price.

We were very disappointed when we had to sell at the bottom of the housing market because we really needed a little bit more room. We sold at a loss. As I said, we felt very, very lucky to be able to move into a place on this street. So, when

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they spoke about the issues that they're having financially, it's really just due to the fact that the house is not worth what they wish it were worth. And I don't believe that for solely financial reasons that an exception to the zoning regulations should be made.

They don't currently live in the house. They're not neighbors. It's sat vacant for several years. They have maintained it very well, but this is purely a financial issue. And due to the character of the neighborhood issue that everyone has expressed, I feel very strongly that the exception should not be granted.

ACTING CHAIR ANFENSON: Do you think, well, they did testify that they did not receive any offers on the property before this last one.

MR. VAVERIS: It has not been consistently for sale. There has been a for sale by owner. I had some friends who were looking to move and there was actually a realtor sign in the yard, but then I couldn't find the property at the realtor and then the sign was taken down a couple days later. So, I don't know, you know, exactly what it's been listed for or for how long. But it has only been sporadically for sale.

MR. SIAVELIS: What's the distance between your house, the north wall of your house and the neighbor's south wall?

MR. VAVERIS: The north wall of our house?

MR. SIAVELIS: Roughly.

MR. VAVERIS: And the neighbor's south wall. Boy, I'm not good with distances. Maybe 15 feet. It's not a 50-foot.

MR. SIAVELIS: Yes, are you on a 50-foot lot?

MR. VAVERIS: No, it's --

MR. SIAVELIS: How long?

MR. VAVERIS: I really don't recall. It's two PIN numbers for property tax purposes, and our house is a little bit wider than those, and there's a little bit of space between us and our neighbor to the north.

MR. SIAVELIS: Or is it 75 feet?

MR. VAVERIS: What's that?

MR. BLAIR: He means you and the Gillespie's house.

MR. VAVERIS: How far between the two?

MR. SIAVELIS: Yes.

MR. VAVERIS: Yes, I'm not sure off the top of my head.

ACTING CHAIR ANFENSON: You said 437?

MR. VAVERIS: Yes.

MR. SIAVELIS: Right there.

ACTING CHAIR ANFENSON: Yes.

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MR. SIAVELIS: What about your other neighbor, do you know what the --

MR. VAVERIS: I really don't.

MR. GRUENDEL: It's more than 20 feet between our houses.

MR. VAVERIS: Our houses? Okay.

MR. GRUENDEL: My measure is I can't spit out my window into his house.

MR. VAVERIS: We got those bushes for that reason.

ACTING CHAIR ANFENSON: Any other questions?

MR. VAVERIS: But there's probably, yes, I guess probably at least about 20 feet between us and the house to the north of ours.

MRS. LIVERMORE: Is it your feeling that a sincere effort to sell this as one parcel has not been made?

MR. VAVERIS: Yes, it is my feeling. It's a beautiful property. Houses have sold in the neighborhood regularly over the last three and-a-half years. There is no reason that I know of why this wouldn't sell if it were offered at the right price.

MR. SIAVELIS: And when did you move in?

MR. VAVERIS: December of 2010, over three and-a-half years ago.

MRS. LIVERMORE: Thank you.

MR. VAVERIS: Thank you.

ACTING CHAIR ANFENSON: Thank you. Others? Yes? Please step up.

MR. BRUMM: Randel Brumm, 209 South Windsor Drive. So, I'm on Windsor Drive. I've been there since 1992.

(Witness sworn.)

ACTING CHAIR ANFENSON: Thank you.

MR. BRUMM: Just in relation to a couple of topics, character of the neighborhood and intent to sell. I would agree that what I've seen is there's been a sporadic for sale sign. Sometimes it's been blown down. It really isn't being taken care of in terms of selling the property. So, I would agree with that and vouch for that and reinforce that statement.

The other thing is I put in an addition on my home and took great pains to make sure that it fit within the character of the neighborhood from a variety of aspects, making it brick addition, staying within the set-asides, putting a second car garage, and ensuring that putting the second-car garage did not impinge upon about the set-aside between my house and my neighbor's house, as well as carrying the property to the back. I jogged the property to ensure that the entire property stayed

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within the set-aside allotment of the properties in characteristic to the neighborhood.

I think they fully understood the property they were buying and knew whether they could be sold separately or not.

MR. SIAVELIS: What evidence do you have of that?

MR. BRUMM: Because as a homeowner myself, when I bought my home 23 years ago, the intent was there is a possibility of putting a second-car garage on there within the stated set-aside, and the realtor was fully capable of explaining that.

MR. SIAVELIS: So, you're basing that on your experience then?

MR. BRUMM: As a purchaser and a buyer, yes.

MR. SIAVELIS: Okay.

MR. BRUMM: Yes. Not that I know what the realtor told them at all, but just as an informed owner, investor and homeowner in the neighborhood. So, just from that perspective, that's my considerations.

My lot is 70-foot across in the front. The set-aside is 7 feet back, we're 7 feet back. Our neighbor is 70 feet, they're more than 7 feet back. It's, you know, wonderful to have the space between the homes and that's the characteristic. Putting 4 feet off that property and not knowing what the next property is going to be sets a lot of risk for two adjacent homeowners. And so, I think you need to consider that. Thank you.

ACTING CHAIR ANFENSON: Any questions for this witness? Thank you. Any others in the audience? Yes, sir.

MR. FREEMAN: Yes.

ACTING CHAIR ANFENSON: Did you have a chance to sign in?

MR. FREEMAN: I did. Nathan Freeman, 404 South Windsor Drive.

(Witness sworn.)

ACTING CHAIR ANFENSON: Thank you.

MR. FREEMAN: I live across the street, 404 South Windsor, and I have one of the lots that, you know, aren't that 50-foot regularity, a little bit bigger. I don't know the exact size, you guys probably know it a little bit better than me, but I think it's over 75. And you know, I agree, you know, with the real estate market stuff and what Randel said. You know, your home is a big investment as, you know, you kind of get to your retirement. And obviously I'm quite a ways from retirement, I have three kids to put through college yet, but nevertheless, my home is still a big investment for me.

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And so, at the bottom of the market, I put aside a little amount of money, close to half a million dollars into my home at 404 South Windsor at the bottom of the market, just because, number one, as an investment, we love, both my wife and I, we moved to the neighborhood in 2003. The appeal of the neighborhood with the large lots at the end of the streets reminds us a lot of New England where we have family that lives there. So, we doubled down and, you know, put a lot of our own capital into, back into Arlington Heights, back into the neighborhood, and again kind of adhered to all the rules and restrictions on being how close we were to our neighbors and what have you. So, that again, obviously we put a lot of money in.

And as far as, I don't want to beat a dead horse here, but as far as, you know, the house being for sale, you know, again living across the street, you know, waking up and going to work and, you know, heading outside to get the paper and what have you, I very rarely saw this for sale sign in the yard over the past few years. So, you know, occasionally I did but again I didn't see that on a consistent basis.

ACTING CHAIR ANFENSON: Any questions? Thank you so much. I'll open it up to any others. Have we gone through the, is there somebody back there? Okay. Hi.

MS. MILLER: Hi there.

ACTING CHAIR ANFENSON: Did you have a chance to sign in?

MS. MILLER: No. I'm doing it right now.

ACTING CHAIR ANFENSON: Okay. Please sign in, at the same time you can state your name and address for the record.

MS. MILLER: Michelle Miller, I live at 422 South Gibbons. My husband and I, our first home, it's going to be our only home because we love the neighborhood so much.

(Witness sworn.)

MS. MILLER: We have been there now for 18 years. We love the neighborhood. We bought in because of the character of the neighborhood. This is going to be our first home, and because of the wonderful neighborhood, the character, we decided to just build over our garage, okay, and we are going to, we decided we're staying.

That being said, I am directly behind the Blairs, and this property is catty corner in my backyard. The concern that I have, I'm here to support the Blairs, and the concern that I have is the unknown, the unknown of what is going to be going in. We have been here for 18 years. The sight lines from my yard to that yard, it's a beautiful piece of land, I can't imagine

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someone not wanting to buy that, it's gorgeous.

And so, my concern for my neighbors is that we don't know what's going to be going in. And I don't know how it's going to affect the character of the neighborhood. And that's it.

ACTING CHAIR ANFENSON: Questions? Thank you so much. Is there anybody else back behind that sign over there that I'm not seeing? Okay.

So, I think we've gone through the audience. I'll invite the Wagners back up to respond to any of the comments that you heard and maybe address a few more questions from the Board.

MR. LARRY WAGNER: I think the one response that I was going to address is the trees in the neighborhood. We do have two very large maple trees in our front yard. But when we were looking at putting an addition garage onto the existing home, which I have a drawing here from the architect that we were considering to do to show the potential owners, I had a contractor, a concrete contractor come in and I asked them how we could put this driveway in without taking the tree down. And he said it could be done, and that's my response to that.

MR. RONALD WAGNER: You can actually see there's quite a bit of room between the two trees that you can put a driveway through there. It may have to jog slightly but I think that would be the preference of anybody that appreciates that neighborhood is of course to keep the large trees, right. I do understand the homeowners' concern and appreciate their concern. It is a great neighborhood.

I live right here in the sister neighborhood at Scarsdale and really can understand the uncertainty. But there are, you are protected by the Village and their Design Committee and you'll have a chance to come and talk to them. But we're not even proposing building on the lot. This is about being able to sell the property.

ACTING CHAIR ANFENSON: All right. You did hear some testimony about the belief that you did not make a wholehearted effort to sell the house, can you just comment on that?

MR. LARRY WAGNER: Well, the only comment that I can make is, yes, I think I did do a poor job of trying to sell it myself. And I think like a lot of people in selling their home, they may feel that they should make a profit. We were not trying to make a profit from the sale of the property. I would have been very happy to have sold the property for what we purchased it for.

In the process of the decline in the real estate market, we did put the home, the property on sale for a little bit

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more which I thought every did until they accept an offer. This was the first offer that we received. We were in the process of negotiating down from the offer which they actually offered us more than what we were asking for the house. But we had to negotiate, or felt that we needed to negotiate for them to put another garage on that 25-foot lot to the north. So, we were in the process of this negotiation when their realtor came and said that the home couldn't be sold without getting this variance.

MR. RONALD WAGNER: You had actually gone past negotiating, you had a contract.

MR. LARRY WAGNER: Yes, we did.

MR. RONALD WAGNER: You did agree on a price that was final, your asking price.

MR. SELBKA: Did you get a contract on Lot 72 and the half of 73?

MR. LARRY WAGNER: Correct.

MR. SELBKA: Okay. But you never had a contract on 71, 72, 73?

MR. LARRY WAGNER: Correct.

MR. SELBKA: But you tried to sell 71, 72 and 73 together?

MRS. WAGNER: Yes.

MR. LARRY WAGNER: In the beginning, that is how we offered it, as a full package. We didn't consider offering it in two pieces or, you know, a 50-foot lot. Then as we went on, we decided that we would say either/or, but we didn't want to sell the lot until we had a buyer for the house.

MRS. WAGNER: In case the buyer would want to have the lot also, they had that option of somehow being able to do the whole package.

MR. LARRY WAGNER: And when this offer came up, we said it's more than time.

MRS. WAGNER: I would also like to say that when we bought this piece of property, we were told that we had three PIN numbers, three lots of records, and we would be able to sell the lot.

MR. LARRY WAGNER: We did not use a realtor. We bought it from the --

MRS. WAGNER: The lots separately.

MR. LARRY WAGNER: And did not realize that it could not be sold or broken up. In fact, in the very beginning, we had considered -- do you need this?

ACTING CHAIR ANFENSON: No, that's okay. We don't need it tonight.

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MR. LARRY WAGNER: In the very beginning, we thought that we might be able to actually build a new home on that lot. And then this real estate market, when we retired, it was no longer an option for us.

MR. SIAVELIS: When you learned though the necessity of a variance from the buyer's broker, that's how the events occurred, correct?

MR. LARRY WAGNER: Yes, sir.

MRS. WAGNER: Yes.

MR. SIAVELIS: Did you verify that with anybody here at the Village?

MR. LARRY WAGNER: Yes, I did. I came and talked to Derek to see what we needed to do to be able to separate and sell the house.

MR. SIAVELIS: And when was that approximately?

MRS. WAGNER: About two months ago, three months ago?

MR. LARRY WAGNER: No, it hasn't been that long, has it? Has it been two months? Actually, Ron came in and visited with him first because we were not in town.

MR. SIAVELIS: Okay. And do you feel that you need that variance to be able to market the property so they're 71 through 73, or 72 and 73 plus 71? I mean --

MR. LARRY WAGNER: Well, with our experience, I don't see anyone, we have never had anyone who wanted to buy the whole package or make us an offer on the whole package. That would have been a, if it was within a reasonable number that we purchased the home, we would have done it.

MR. SIAVELIS: Okay. And I just want to clarify, just to ask a couple of other things that you just may have been asked earlier on. The house on 72 is 4 feet from the property line, correct?

MR. LARRY WAGNER: Correct.

MR. SIAVELIS: Okay. And 71, if a structure is built there, that's conforming and doesn't require a variance, 5-foot setbacks on 71?

MR. RONALD WAGNER: Correct.

MR. SIAVELIS: So, you have 9 feet between those two houses then?

MRS. WAGNER: Yes.

MR. SIAVELIS: Okay. And then the other question I had here is if you don't get this variance because you have significant, we've heard a lot of significant opposition from the neighbors in here, if you don't get this variance, where do you go next? What do you do next?

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MRS. WAGNER: Well, before we answer that question, I would just like to say that I think if you went through all of the homes that are in Stonegate, okay, and I don't know for sure, but there's got to be at least more than half that are on 50-foot lots, okay.

MRS. LIVERMORE: I'd agree.

MRS. WAGNER: And that alone should make it possible to have this as a buildable separate lot. And I mean I know all the neighbors are concerned, but I mean we did buy this as an investment. Everybody buys their house as an investment. And now it's our time, we have to sell it.

MR. RONALD WAGNER: And there have been new homes built in the current year on 50-foot lots, all in Windsor Parkway that look very nice and fit the character of the neighborhood.

MRS. WAGNER: And so, if we, I mean I just don't understand why this variance would not be approved. It's not, we're not asking for that much space.

MR. SIAVELIS: Can you answer the question?

MR. LARRY WAGNER: I would like to answer the question before I forget what it was. I really wouldn't, I don't want to think about it. If it happens, then we'll have to take it from there.

ACTING CHAIR ANFENSON: Do you have a broker's opinion on what the value, what you should be listing it as, as the full three?

MR. LARRY WAGNER: Well, the broker that we did have in this, and let me say it, the last, we did have a broker with the house when we got this offer, and the reason the sign was taken down immediately was because of this problem with this variance. The broker that we had advised us to put it at a lower price than what the offer came in. So, I guess what I'm saying is yes. And the offer, or the asking price I didn't think was that unreasonable, but it was less than what I thought we should be able to ask for.

MRS. WAGNER: But we were willing to sell it, but we couldn't.

MR. DIVITO: Did you get a broker's opinion for the entire three, or two and-a-half parcel?

MR. LARRY WAGNER: To offer it as a package?

MR. DIVITO: As a whole package.

MR. LARRY WAGNER: No, sir, we didn't really.

MR. RONALD WAGNER: But the person you listed with, how did you instruct them to sell it, as a whole or separately?

MR. LARRY WAGNER: I told him that we would consider an

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offer for the lot separate from the house, but we wanted to sell the house first, and that we did have a number in mind. But we didn't come out and put the exact number down as this is the price for the whole package.

MRS. WAGNER: One of the problems with establishing a price is it's a unique piece of property and there are no comparables.

MR. LARRY WAGNER: As one package.

MRS. WAGNER: As a package, there are no comparables in the neighborhood.

MR. RONALD WAGNER: But about a year and-a-half ago, there was a flurry in the neighborhood where a couple of homes came on around the million dollar mark or just half a million dollar mark, other unique homes, large, you know, Tudors, kind of tucked back in the -- parts of Stonegate --

MR. DIVITO: So, I'm hearing, not to cut you off, but I'm hearing conflicting stories here. Just you're talking about recovering your costs and then you're talking about setting a price. So, if you know what your costs are, you should be able to set your price accordingly if you want to just recoup the costs, right?

MR. LARRY WAGNER: We could do that, yes, but the question I think was did we discuss it with our realtor or did he advise us, and we didn't really, he did not advise us. We told him the area or the estimate that we would like to get out of the vacant lot, yes.

MR. RONALD WAGNER: Mr. Divito, I'd like to disclose that I have my real estate license here in Arlington Heights for about seven years but I let it go about two years ago. So, I do keep a close eye on real estate value in the neighborhoods and so I was consulting as well on the value. I can give you what I think the value is today, and that's kind of where I was going with the couple of million dollar homes that came on the market and sold right away. I did not advise them that their house is worth a million dollars, they never would have asked for a million dollars.

MRS. WAGNER: No.

MR. GEISEL: So, but you engaged a broker and the broker never gave you an opinion on value or suggested a potential sale price?

MRS. LIVERMORE: They told the broker what they wanted is what I'm hearing.

MR. LARRY WAGNER: And we discussed that and he helped us decide what we should put it on the market this last time.

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MRS. WAGNER: Because we were just doing the house now.
MR. SIAVELIS: When you say it --
MR. LARRY WAGNER: Oh, I'm sorry, the property.
MR. SIAVELIS: Selling 72?
MR. LARRY WAGNER: The home, yes.
MRS. WAGNER: We were not asking his advice for the --
MR. LARRY WAGNER: The total.
MRS. WAGNER: Lot with the garage at this point.
MR. LARRY WAGNER: Because we thought --
MR. RONALD WAGNER: I think the question that they're asking is a lot of folks here think you didn't try to sell your house very hard and you're asking way too much money. So, how much were you originally asking? So, there's basically the feeling of around 900 to 949, right?
MR. LARRY WAGNER: Correct.
MR. SIAVELIS: And is that for --
MRS. WAGNER: For all of it.
MR. SIAVELIS: That number is --
MR. LARRY WAGNER: For all of it.
MR. SIAVELIS: And all of it is 71, 72 and 73?
MR. LARRY WAGNER: Correct.
MRS. WAGNER: Correct.
MR. LARRY WAGNER: As an asking price.
MR. RONALD WAGNER: But again, it wasn't marketed very well, it was just a for sale by owner sign in front and trying to take --
MR. LARRY WAGNER: In hindsight, before the crash, we would have been very happy.
ACTING CHAIR ANFENSON: And today, your offer is 600 for 72 and 73?
MR. LARRY WAGNER: Yes.
MRS. WAGNER: Correct.
MR. SIAVELIS: Is that offer still pending? Has that expired? What's the status of that?
MR. LARRY WAGNER: The contract expired, and the reason again, the individual, I did not go back and say, I was waiting until we found out what we were going to get from the side yard variance before I contacted them again and see if they were still interested. They also, part of the offer was it was pending on the sale of their house also. And so, again, it's kind of hard to, I don't know if there's anything else that's relevant to your questions.
MRS. WAGNER: And as soon as we sell this, we're going to Florida permanently.

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ACTING CHAIR ANFENSON: Okay. Thank you so much for your time.

MR. LARRY WAGNER: Thank you. Thank you for your consideration.

ACTING CHAIR ANFENSON: We'll close it now to just discussion of the Board. Obviously a difficult, a lot of emotions involved with the neighborhood and the neighbors and, you know, what this lot has looked like for many years. Obviously that house has stood there for a long time and, you know, we do have technically a buildable lot next door at a 50-foot lot. But because of the existing non-conforming home, we need to consider a variance next door.

And you know, it is interesting because there are a lot of alternatives an owner would have with that lot. They could change the existing structure, make it conforming and build a home on each lot, right, and change the look of the neighborhood entirely without ever seeking a variance.

MR. SIAVELIS: Dramatically.

ACTING CHAIR ANFENSON: So, you know, I think right there is an important consideration, you know, when you're considering what they're asking for versus what could possibly occur with these two lots.

MR. GEISEL: Well, this was platted back in, what, the 30's? And so, there's a mix of 50's and 75's where they were split. But it would appear that the homes that were constructed on 50's, you know, had that, you know, they were designed to obviously accommodate that size lot and a new home would have to abide by a 5-foot setback on either side as well. To be conforming, if that's a 75-foot wide lot, you'd have to have 7 and-a-half feet.

ACTING CHAIR ANFENSON: Right.

MR. GEISEL: So, really it comes down to a 3-foot difference if there's 4 feet existing.

MR. SIAVELIS: And I wrestle with this one. I don't remember when we've had a situation this tricky, at least in this calendar year we haven't. You would have to really scratch your heads to go back a little further. This is tough, I mean if you look at how this weighs out. This neighborhood is unique, there is no doubt about it. There is a mix of 50's, 75's, 100's that have been now 50 and 50.

I just, I personally have a lot of difficulty with denying a variance when it imposes a significant financial hardship like this. I think it's heavy-handed and I don't like it personally. And we all have our own personal views up here,

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that's why we ask a lot of probing questions and ask a lot of tough follow-up questions, probably more than you folks expected.

But I come back to the points that other Board members made. That's a buildable 50-foot lot at 71. That house on 72 is 4 feet from the property line. That's a lot farther than we've seen on a number of other cases that I've seen on the Board in the last seven years, or six years that I've been on it. I think this is a close call but, at the end of the day, I'd support it.

ACTING CHAIR ANFENSON: Well, the reasonable return question is an important one.

MR. SIAVELIS: Yes.

ACTING CHAIR ANFENSON: They are entitled to get a reasonable return on their investment and it is difficult to say whether that can be done. They have testified for the fact that over the last four years they haven't been able to get that.

MR. SELBKA: I think the issue I have on the reasonable return question is are we looking at this as one 75-foot lot and one 50-foot lot, or one 125-foot lot? Because if two owners owned Lot 71 and a second owner owned Lot 72 and half of 73, it would be an existing non-conforming use to have the house there and nobody would expect to rip down that house for an extra 3 feet. But if we're looking at it as one lot, 71, 72 and half of 73, then we are changing the character of that lot.

I was looking at the zoning code and it says that when two or more parcels of land each of which lacks adequate area and dimension to qualify for a permitted use are contiguous and held in one ownership prior to December 21, 1959, they shall be maintained and used as one zoning lot for such use. But in theory, both these lots could be used for two uses in having two houses there. So, I don't even know if the zoning code really addresses this.

I keep going back to whether I should be thinking of this as two lots or one lot. And if it's one lot, then the neighborhood owners sort of have a point in that it is changing the character quite a bit and there might be reasonable return. But if it's two lots, a small one-71, and then a bigger one-72 and half of 73, then it would be unfair not to grant the variance of a house that's been sitting there for 30 or 40 years.

MR. SIAVELIS: Yes, those are good points. I didn't look at the specifics of the code. And the other thing I think we should be cognizant of is the fact that this variance has a finite duration, right? One year, right? This variance doesn't go on in perpetuity, correct?

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MRS. LIVERMORE: That's right, a year?

MR. SIAVELIS: Derek, do you agree with that?

ACTING CHAIR ANFENSON: Derek, if the variance is approved, that variance is -- yes, if it's approved, is it only good for a year or is it approved for the --

MR. MACH: No, it would continue with the land.

ACTING CHAIR ANFENSON: With the land.

MRS. LIVERMORE: Okay.

ACTING CHAIR ANFENSON: Unless there's a new variance that occurs later?

MR. MACH: Right.

ACTING CHAIR ANFENSON: So, approving this variance, it would stay with the lot for --

MR. SIAVELIS: It runs with the lot, okay.

ACTING CHAIR ANFENSON: Yes.

MR. SIAVELIS: Forever.

MR. GEISEL: You know, you spoke about the reasonable return issue, and to be honest none of us asked because we didn't want to, but we don't know what they bought it for, don't know what they were trying to get, you know, for it. If someone came in front of us and said here's the facts, I've laid those out, we'd have, you know, reasonable information with which to make a decision. Moreover, if they demonstrated I've had broker after broker, here's listing after listing and nothing has occurred, again taking it the correct way to the market and doing so, then you've demonstrated that you've attempted to gain a reasonable return and you haven't been able to do so. That's not the case right now.

MR. SIAVELIS: So, are you saying there's a lack of evidence to support that problem?

MR. GEISEL: Oh, yes.

MRS. LIVERMORE: I think what I'm hearing from the neighbors is there are a bunch of unknowns here. What will happen to those big trees? What will be built there? And what I'm saying is you can have input on what is built there by going, by attending the Design Commissions and there will be signs that go up and notify you of such a meeting on this property if this comes to pass and your concern is what will be built. And it is possible to avoid big trees; if you can't go between them, you can go around them, and they are worth doing that I think. And probably a new owner would, too.

ACTING CHAIR ANFENSON: Derek, can I ask a clarifying question? I mean if the house was torn down, eliminated, and all the structures were, we'd just have those lots there with the

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current owner, could then, they could then sell the lots separately with no issues?

MR. MACH: Yes, as two separate buildable lots.

ACTING CHAIR ANFENSON: As two separate buildable lots, okay. Okay.

MR. SELBKA: Although Derek did point out 3.2-142 talks about a tract of land located which is designated or required as a tract to be used to obtain compliance with the regulations of the zoning district or developed or built upon as a unit under single ownership of control, a zoning lot may or may not coincide with the lot of record. So, it seems like we need to look at this as one lot. And --

MR. SIAVELIS: What's that section?

MR. SELBKA: That's 3.2-142. It seems like we have to look at this as one lot rather than two, at least as far as the zoning code is concerned. And then we have to make a determination whether there's a possibility of getting a reasonable rate of return by selling Lot 71, 72 and half of 73 together.

ACTING CHAIR ANFENSON: If you view it as one. But what I, so the question I just asked is if they eliminate all structures to sell it as one lot, then how do you consider it? You can't consider it as one lot.

MR. MACH: This is currently functioning as one zoning lot per the zoning code.

ACTING CHAIR ANFENSON: Per the zone because of the variance that, because the other house would be existing non-conforming.

MR. MACH: Right, Lot 71 is, in order to comply with code, the existing home is relying on Lot 71 to meet the setback.

ACTING CHAIR ANFENSON: Right.

MR. GEISEL: So, it's one lot.

MR. MACH: However, it is parceled.

MR. SIAVELIS: But if they tore down the house on 72, the reliance of 71 on 72 is moot then, right?

ACTING CHAIR ANFENSON: Correct.

MR. SIAVELIS: So, now you're in the position that was Carl was talking about, right, where you could build two separate houses, one centered on 72-73 and then one conforming on 71.

ACTING CHAIR ANFENSON: Right.

MR. SIAVELIS: Theoretically, there would be no variance required now.

ACTING CHAIR ANFENSON: Right.

MR. GEISEL: And effectively, you are going to have a

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twofold change because you don't have a garage on for 72, so someone is going to have to build a garage on 73. So, this isn't just a question of the two, it's really a threefold change.

MR. SIAVELIS: Which --

MR. GEISEL: Well, the idea being that you've got 71, you know, as one parcel, you've got the variance that you're granting to 72, and you're going to have another structure placed on 73.

MR. SIAVELIS: Okay. I view your 2 and 3 as one, so okay, but whatever, how it will become, I see your point.

MR. SELBKA: And lot 73, the garage, could be built there and conform completely with the zoning code.

MR. GEISEL: Oh, yes.

MR. SELBKA: So, I don't know if that would necessarily be a change in the character of the neighborhood to put, I mean if they wanted two garages, in theory they could put one up on 73 right now.

MR. SIAVELIS: You could put a really big garage up on 73.

ACTING CHAIR ANFENSON: So, yes, to try and big this to closure, we can talk about it for a long time, there's a lot of information, we've heard a lot of different viewpoints. You know, I think what we're dealing with here is it is a beautiful lot, it's a beautiful neighborhood. And if we talk about the characteristic of the neighborhood, I do agree there's been other 50-foot lots that have had homes built recently, very nice that fit into the character of the neighborhood. And that's kind of what I can see happening here.

The question is, you know, is that, do we allow that home as it stands today to be an existing non-compliant, to now be a non-compliant variance. I think going back to the hardship, the financial hardship and realizing a reasonable return, it's hard for me to not approve that variance because it's a nice home today, it's a beautiful home where it is. I think a homeowner would love to have that home the way it is and still, you know, somebody may be able to build on that lot next door and have a nice, I don't see it changing the essential character of the neighborhood. I see it being a change but not being a change to the character. That's my viewpoint.

MR. DIVITO: I'll agree to the characteristic point of view, that, yes, it can be managed to where it still fits the character. But for me, I haven't seen enough evidence to show the financial burden. The case wasn't fully put together I guess is my point.

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ACTING CHAIR ANFENSON: Do you have some other questions that you want to ask to build the case?

MR. DIVITO: That would be --

MRS. LIVERMORE: The homeowners?

MR. DIVITO: Yes, I mean I guess we can go through, you know, if we want to get into the --

ACTING CHAIR ANFENSON: Does the Board, do the Board members feel like they need more information and want to bring the Petitioners back up to ask questions?

MR. SELBKA: Well, I have a question I guess. Is the financial burden knocking down the existing home and leaving it 4 feet to the west or is the financial burden of having to sell the property as two and-a-half lots? Because if the financial burden is knocking the house down, that's a huge financial burden. If the financial burden is selling it as two and-a-half lots, then I don't know if there is evidence of that.

MR. SIAVELIS: But they can't sell it as two and-a-half lots right after we grant the variance, right?

MR. SELBKA: Right, exactly.

MR. SIAVELIS: I mean there may be another financial burden, as you were saying, and I'm wondering, isn't there another financial burden, carry costs associated with this and finding the million-dollar buyer?

MR. SELBKA: Well, they can sell it two and-a-half lots now. They can sell it as --

MR. SIAVELIS: Right, that's the million-dollar buyer.

MR. SELBKA: Right, exactly, exactly. But you're right, they do have to carry that cost for a long period of time.

ACTING CHAIR ANFENSON: So, we have the burden of making a full hearing. And I want everybody to feel that they got enough information to truly make the vote. So, if you feel like you need to ask more questions from the Petitioners, I'm willing to do it.

MR. SIAVELIS: I personally don't need any more evidence, but if somebody else wants to ask, that's fine by me.

MR. DIVITO: No, I don't need to.

MR. SIAVELIS: Now, are we ready? Barbara?

ACTING CHAIR ANFENSON: Do we have any motions?

MRS. LIVERMORE: I move approval.

MR. SIAVELIS: I'll second.

ACTING CHAIR ANFENSON: We have a motion and a second. Any other comments? Discussion? Let's take a vote.

MR. MACH: Mr. Divito.

MR. DIVITO: No.

MR. MACH: Mr. Geisel.

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MR. GEISEL: No.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Mrs. Livermore.

MRS. LIVERMORE: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Mr. Anfenson.

ACTING CHAIR ANFENSON: Yes.

MRS. LIVERMORE: It's approved.

ACTING CHAIR ANFENSON: It's approved, you got four affirmative votes so it does pass.

MR. LARRY WAGNER: Thank you.

MRS. WAGNER: Thank you.

ACTING CHAIR ANFENSON: Okay. Next, we have the -- thank you all. Thank you everyone for coming in and sharing your opinions. We really appreciate it. It was very helpful.

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



Item: Horwath Residence - 1232 N. Race Ave.

Department: Planning & Community Development Department

Approval of Minutes and Findings from 9/08/14 hearing.

ATTACHMENTS:

Description	Type
Findings 9/08/14 - Horwath	Minutes
Minutes 9/08/14 - Horwath	Minutes

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS September 8, 2014

PETITIONER: Horwath Residence
ADDRESS OF PROPERTY: 1232 N. Race Ave.
VARIATION: 5.1-3.6, 5.4 (Required Minimum Yards, Table of Required Minimum Yards)

A 5.5' variance to allow a 25' wide covered front porch with a front yard setback of 19.0' from the east property line instead of the minimum 25' and an additional 1' for the eave; A 0.5' variance to allow a second-story addition with a front yard setback of 24.5' from the east property line instead of the minimum 25'.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are proposing a front porch that would be encroaching into the required front yard setback. The petitioner further explained that as part of the project they are proposing a code compliant second story addition.

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 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.

Carl Anfenson, Acting Chairman
Zoning Board of Appeals
Village of Arlington Heights

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ZONING BOARD

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

OF APPEALS

RE: HORWATH RESIDENCE - 1232 NORTH RACE AVENUE - ZBA#14-025

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the
Arlington Heights Village Hall, 33 South Arlington Heights
Road, 1st Floor Beuchner Room, Arlington Heights, Illinois
on the 8th day of September, 2014, at the hour of 7:05
o'clock p.m.

MEMBERS PRESENT:

CARL ANFENSON, Acting Chair
JOSEPH SELBKA
DAVID DIVITO
BARBARA LIVERMORE
JOSEPH GEISEL
PETER SIABELIS

ALSO PRESENT:

DEREK MACH, Landscape Planner

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ACTING CHAIR ANFENSON: Okay. So, the next Petitioner is the Horwath Residence. Thank you for being patient.

MR. HORWATH: Oh, no problem, thank you. I think we should be a little bit easier.

ACTING CHAIR ANFENSON: Okay.

MRS. LIVERMORE: It's like a no brainer.

MR. HORWATH: Yes. I'm Tim Horwath, this is my wife Erica Horwath, and we are at 1232 North Race.

ACTING CHAIR ANFENSON: Great.

(Witnesses sworn.)

ACTING CHAIR ANFENSON: Thank you.

MR. HORWATH: We are looking to get a variance to encroach into the front yard setback. I've lived in Arlington Heights my whole life. And my wife is a nurse at Northwest Community Hospital, and we have a 16-month-old at home. And we love the neighborhood and we'd love to stay, so we've decided to do a remodel on the house, go up with a second story.

We'd like to keep the design with the look and characteristic of a lot of the other houses in the neighborhood. So, we decided to go with JRC Design Builds for the design and the build of the home. We'd like to do the front porch, I printed out a picture here of the house, my house and the house next to it. That's actually a good example. We'd like to keep the front porch going from one side to the other side to keep it with a lot of the other homes that have been built in the neighborhood.

I know it's not a huge amount that we're, you know, wanting to go there, but that's really our, I think the biggest thing to, the biggest hardship would be if we were to do it another way, we'd pretty much have to, you know, knock the whole house down and then build it, you know, back to keep that same design, because we have the driveway on the other side, and when with the design on the inside of the house, we'd like to be able to have a traditional foyer for the kids to set their backpacks and coats and all that. And you know, right now when you walk in, you're kind of walking into the family room. And we'd like to keep the design, you know, with a foyer, so this would be the easiest route for that. And just aesthetically, like I said, the outside, it would keep up with the neighborhood.

ACTING CHAIR ANFENSON: So, I'm sorry, how long did you say you have owned the home?

MR. HORWATH: Five years now.

ACTING CHAIR ANFENSON: Five years.

MR. SIAVELIS: And this front porch, the width on the front porch is only, that's subject to the variance, that

DRAFT

necessitates a variance is only, what that dimension?

MR. HORWATH: It's 5 by 25.

MR. SIAVELIS: So, it doesn't span the entirety of the width of the house, correct?

MR. HORWATH: Just, no, not including the garage there. The garage is actually set back.

MR. SIAVELIS: So, just the front porch, it's not the entirety.

MR. HORWATH: So, just, yes, just the front.

MR. SIAVELIS: Not the full width footprint of the house, correct?

MR. HORWATH: Right, yes.

MR. GEISEL: Yes, I believe it's 5.5. It's a little bit hard to see there.

MR. HORWATH: Yes, it's a very fine print there.

MR. SIAVELIS: Good catch.

ACTING CHAIR ANFENSON: And so, really the alternatives that you looked at to avoid the variation?

MR. HORWATH: Yes, the alternatives that we looked at were, you know, on the side of the house sort of where it is, but that is where the driveway is. And with the design on the inside of the house, you'd be kind of walking into the family room area there, with the doorway being there. And we want to create a traditional foyer, you know, like I said, with the kids' backpacks and, you know, just to have a foyer there. That's where the stairwell is going to be. So, that impacts the inside of the house.

And then the only other way that we thought of that was, you know, completely demolishing the house and rebuilding the entire thing which is outside of our budget.

ACTING CHAIR ANFENSON: Yes, right. Do we have questions? No questions.

MR. HORWATH: Thank you very much.

MRS. LIVERMORE: It seems quite straightforward.

MR. HORWATH: Yes.

ACTING CHAIR ANFENSON: Let's see if you have neighbors who have showed up to speak. Do we have anyone that wishes to speak? No?

MR. HORWATH: Just in support of.

MRS. LIVERMORE: In support.

MR. HORWATH: Thank you.

ACTING CHAIR ANFENSON: Neighbors here to support, thank you. Okay, you can have a seat. Thank you very much.

MR. SIAVELIS: This is, I'm sorry, I didn't mean to jump

DRAFT

the gun.

ACTING CHAIR ANFENSON: No, that's fine.

MR. SIAVELIS: Okay. This seems very straightforward, very non-controversial, very minor. So, especially after the prior one.

ACTING CHAIR ANFENSON: And you agree with the hardship in this case?

MRS. LIVERMORE: Yes. Yes.

ACTING CHAIR ANFENSON: That being said, do we have a motion?

MR. SIAVELIS: I'll move.

MR. GEISEL: Second.

ACTING CHAIR ANFENSON: Let's take a vote.

MR. MACH: Mrs. Livermore.

MRS. LIVERMORE: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Mr. Divito.

MR. DIVITO: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Mr. Anfenson.

ACTING CHAIR ANFENSON: Yes. Congratulations.

MR. HORWATH: Thank you.

ACTING CHAIR ANFENSON: Good luck to you.

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



Item: Salituro Residence - 404 N. Haddow Ave.

Department: Planning & Community Development Department

Approval of Minutes and Findings from 9/08/14 hearing.

ATTACHMENTS:

Description	Type
Findings 9/08/14 - Salituro	Minutes
Minutes 9/08/14 - Salituro	Minutes

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS September 8, 2014

PETITIONER: Salituro Residence
ADDRESS OF PROPERTY: 404 N. Haddow Ave.
VARIATION: 6.6-5 (Permitted Obstructions)

A 2.0' variance to allow a generator in the required side yard setback with a setback of 4.6' from the north property line instead of the minimum required 6.6'.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are proposing a generator that is encroaching into the required side yard setback. The petitioner testified that they live on a corner lot and the code compliant options for locating the generator are limited or not feasible due to the site configuration. The petitioner testified that the generator will be screened with landscaping.

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 Ms. Livermore and seconded by Mr. Divito. Thereafter, the Board voted 5-0 to approve the variance request. Mr. Selbka recused himself.

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

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

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

Carl Anfenson, Acting Chairman
Zoning Board of Appeals
Village of Arlington Heights

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ZONING BOARD

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

OF APPEALS

RE: SALITURO RESIDENCE - 404 NORTH HADDOW AVENUE - ZBA#14-026

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the
Arlington Heights Village Hall, 33 South Arlington Heights
Road, 1st Floor Beuchner Room, Arlington Heights, Illinois
on the 8th day of September, 2014, at the hour of 7:05
o'clock p.m.

MEMBERS PRESENT:

CARL ANFENSON, Acting Chair
JOSEPH SELBKA
DAVID DIVITO
BARBARA LIVERMORE
JOSEPH GEISEL
PETER SIABELIS

ALSO PRESENT:

DEREK MACH, Landscape Planner

DRAFT

ACTING CHAIR ANFENSON: Okay. Do we have the -- thank you for coming in. Thank you for being patient through all the process.

Okay. We have the Salituro Residence. Did I say that correctly?

MR. SALITURO: Salituro.

MRS. LIVERMORE: Salituro.

MR. SELBKA: I'd like to recuse myself for this.

ACTING CHAIR ANFENSON: Don't go too far.

MR. SELBKA: I'll be right outside.

MRS. LIVERMORE: The generator?

MR. SALITURO: Yes.

ACTING CHAIR ANFENSON: Please state your name and address.

MR. SALITURO: My name is Chris Salituro from 404 North Haddow Avenue.

(Witness sworn.)

ACTING CHAIR ANFENSON: Thank you.

MR. SALITURO: So, our house, we've been there for about two years. Before that, we were around the corner for eight years. And this new house on Haddow, actually the whole neighborhood I feel like is set, like on top of a very high water table. So, there is a sump pump in the basement, but it runs all the time even when it's not raining. And so, as evidenced by the storm three days ago which is kind of funny, I was like so close to having the generator, very quickly after the power is out, the sump runs out of power even on the backup battery because it's just running all the time, it's running all the time. So, we would like a generator that would start automatically, be able to power the sump to keep the basement from flooding.

I think the house is, I don't know, the uniqueness that I see is the house is situated on a corner lot. And it's set very far to the north, away from the one corner towards the, you know, interior of the block. And so, that's the place that we feel like makes the most sense for the generator because it has like sort of two front yards. So, we're bordering, you know, two streets.

We don't want to have it in the front because we feel like, you know, it's a walkable neighborhood with front porches and people on it. It's like having the generator out in front of your house, it feels a little bit much. You want me to close the door? So, we want to put it on the side where it's hidden, so that people walking by or whatever wouldn't have to look at it. It wouldn't be, you know, aesthetically pleasing.

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My neighbor's house next to me is also set very far away, 25 feet away from my house. I submitted a picture. I hope, I think Derek maybe passed it along but --

MR. SIAVELIS: Where exactly are you planning on putting the generator?

MRS. LIVERMORE: Well, there are two window wells.

MR. SIAVELIS: Oh, it's on the package? Sorry.

MRS. LIVERMORE: There are two window wells, Peter, it's between.

MR. SALITURO: So, if you have the plat where I drew it in, you have the plat with it drawn in there, there is a little bump out there that's 5.9 feet. That's a chimney, an existing brick chimney that's goes up. And then there's sort of, then the house comes in, it's like a little, you know, I don't know what you, a nook or something. Yes, and so I want to put it in there.

So, there's already sort of a nook built in there. And it also happens to be a spot where there's no windows, and the generator requires to be 5 feet from any entrance in or out of the house like a window or door.

So, that's a perfect spot because there's no windows. It's sort of tucked in with the house around it. But even that, it's still something like 4.7 feet, or 4 feet 7 inches to the lot line, and I think it needs to be 6.6 because of the --

ACTING CHAIR ANFENSON: So, you said the neighbor to the north has a good, how far from the lot line is their home?

MR. SALITURO: So, the neighbor to the north is about 25 feet.

ACTING CHAIR ANFENSON: From the lot line?

MR. SALITURO: From the lot line.

ACTING CHAIR ANFENSON: Okay.

MR. SALITURO: And he gave me a letter which I sent in, I don't know, it may be a little bit late. He wanted to be here in support but he got called out of town. So, instead he wrote a letter.

ACTING CHAIR ANFENSON: Great, that answers my question.

MRS. LIVERMORE: It's okay. It's okay.

MR. SALITURO: Okay.

MR. SIAVELIS: And there's a lot of foliage in between your houses, there are bushes, trees and --

MR. SALITURO: Yes, there's, yes, yes, it's landscaped. And actually, we would like to landscape it more but we didn't want to landscape it first and then have to tear it up to eventually put in a generator or something like that.

ACTING CHAIR ANFENSON: So, you will have some

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landscaping around the generator?

MR. SALITURO: Yes, that's the whole --

ACTING CHAIR ANFENSON: To be blocked from view from the neighbors. Anybody express a concern to you?

MR. SALITURO: No, just support from him.

ACTING CHAIR ANFENSON: Any questions from the Board? Thank you so much, appreciate it. Anybody who wishes to be heard on this petition? No? I'll open it up to Board discussion.

MRS. LIVERMORE: There are measures being taken also. I was there today and a window well is being redone probably with gravel, it looked like clay, it will make better drainage to keep water out of your basement. I don't see any problem with this. It's very small.

MR. DIVITO: Yes.

ACTING CHAIR ANFENSON: So, do we have a motion?

MRS. LIVERMORE: I'll move approval.

MR. DIVITO: I'll second.

ACTING CHAIR ANFENSON: Let's take a vote.

MR. MACH: Mrs. Livermore.

MRS. LIVERMORE: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Mr. Divito.

MR. DIVITO: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Anfenson.

ACTING CHAIR ANFENSON: Yes. Congratulations. Good luck to you.

MR. SALITURO: Thank you very much.

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



Item: Salhani Residence - 1302 S. Princeton Ave.

Department: Planning & Community Development Department

Approval of Minutes and Findings from 9/08/14 hearing.

ATTACHMENTS:

Description	Type
Findings 9/08/14 - Salhani	Minutes
Minutes 9/08/14 - Salhani	Minutes

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS September 8, 2014

PETITIONER: Salhani Residence
ADDRESS OF PROPERTY: 1302 S. Princeton Ave.
VARIATION: 6.13-3c1 (Exterior Side Yards)

A 10.65' variance to allow a 5' tall semi open fence in the exterior side yard that is along the north property line with no street side landscaping where a 10.65' setback is required, and a 2' height variance to allow a 5' tall fence in the exterior sideyard along the perimeter of the lot where a 3' high fence is allowed.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are proposing a five foot high open fence in the exterior side yard along the property line. The petitioner testified that there are existing large evergreen shrubs that would conflict with the fence if the fence was setback half the distance between the property line and the house. The petitioner explained that the evergreen shrubs provide protection from golf balls that come from the golf course to the north.

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 Ms. Livermore and seconded by Mr. Selbka. 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.

Carl Anfenson, Acting Chairman
Zoning Board of Appeals
Village of Arlington Heights

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ZONING BOARD

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

OF APPEALS

RE: SALHANI RESIDENCE - 1302 SOUTH PRINCETON AVENUE - ZBA#14-027

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 8th day of September, 2014, at the hour of 7:05
o'clock p.m.

MEMBERS PRESENT:

CARL ANFENSON, Acting Chair
JOSEPH SELBKA
DAVID DIVITO
BARBARA LIVERMORE
JOSEPH GEISEL
PETER SIAVELIS

ALSO PRESENT:

DEREK MACH, Landscape Planner

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ACTING CHAIR ANFENSON: All right. We have one final petition, Salhani petition.

MR. SALHANI: Alexander Salhani --

ACTING CHAIR ANFENSON: Could you get that?

MR. SALHANI: 1302 South Princeton.

MR. SIAVELIS: You have to speak up to the mic.

MR. SALHANI: Yes. Do I need to sign in?

ACTING CHAIR ANFENSON: Please, yes, if you did not sign in, please sign in. And I will ask you to raise your right hand.

(Witness sworn.)

ACTING CHAIR ANFENSON: Thank you very much. You may proceed.

MR. SALHANI: I'm here to get a variance for my lot to install a fence.

MRS. LIVERMORE: None of us can hear you, sir.

MR. SALHANI: I'm hear to --

MRS. LIVERMORE: Speak, speak loud.

MR. SALHANI: I'm hear to ask the Board to allow me to put a fence against my perimeter property. I do have trees against my property and it's already existent and almost 15 to 20 feet high. And I don't think it's going to change my property or if anybody's because it's against White Oak because White Oak has actually a golf course next to it. So, it's not going to change the entire area down there. And that's what I'm here for.

ACTING CHAIR ANFENSON: And can you just speak to the reason for the fence?

MR. SALHANI: Well, the reason for the fence, I do have a child, two and-a-half years old, and who is actually active which he runs to the street and --

MRS. LIVERMORE: Very active? How old is your child?

MR. SALHANI: He's two and-a-half years old. And the reason why, the main reason I'm here for, because I get a lot of trash between the trees and, you know, daily I have to go out and pick all this garbage, and dog waste goes inside the, you know, bushes. And I'm trying to avoid that problem, you know, from being there. We thought to remove those bushes but they were like 20, 15 feet.

MRS. LIVERMORE: Yes.

MR. SALHANI: And we couldn't remove them because of the golf course across of me which is, I got almost, for the past 12 years I lived there, two windows shattered. And when I went down to the golf course, they said, oh, go find who shattered your window, I can't help you. I had to go and install them by myself, they didn't care. And other incidents we had, the windshield

DRAFT

cracked because of the golf course, you know, golf balls. And the reason why we cannot remove these trees because a lot of golf balls in my lot comes from the golf course.

MR. SIAVELIS: That's a unique circumstance there.

ACTING CHAIR ANFENSON: Yes, it is.

MRS. LIVERMORE: Yes.

MR. REID: If you allow me to, I can help him out. I haven't signed in --

ACTING CHAIR ANFENSON: I'll give you a chance. You can come up and testify once you sign in.

MR. REID: Yes, I'll sign, yes.

ACTING CHAIR ANFENSON: And state your name and address.

MR. REID: Tim Reid, 1306 South Princeton Avenue. I am, I live in the residence just south of 1302.

(Witness sworn.)

ACTING CHAIR ANFENSON: Thank you.

MR. SIAVELIS: So, you're his next-door neighbor to the south?

MR. REID: I am his next-door neighbor to the south. And I can vouch for him on the condition of his trees. What he's talking about is the row of arborvitaes that he has on the north portion of his lot. Across it from that is the golf course. And unfortunately, right now, due to the ash borer, he is unfortunately will be, he'll be losing all three of his ash trees in front. So, he'll be losing a lot of protection from the golf course. So, if this fence can help him keep those existing trees, it definitely would help, I definitely would be for it.

ACTING CHAIR ANFENSON: Thank you. Have you heard any concern from any neighbors about the proposal?

MR. SALHANI: Not really. I haven't heard any concerns.

MRS. LIVERMORE: I hope it's tall enough.

MR. SALHANI: It's going to be --

MR. REID: It's going to be definitely tall enough. I don't think it's, in my opinion, I don't think the style of the fence he's chosen, I don't think it's going to take away from the long parkway view that you get when you get on --

MRS. LIVERMORE: Yes. And there aren't fences on your side of White Oak, there aren't any.

MR. REID: There aren't any fences, you are correct in making that statement. There are no fences from, if you go from Wilke Avenue all the way up to Casper, there are no fences there.

So, his will be the first. But what I'm saying is that his fence, because of the color choice that he's making, and because you would, you know, he'd be allowed to be putting the fence there

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anyway without the variance, it's still going to be a good choice.

MR. SIAVELIS: And he's got no true neighbor to his north.

MRS. LIVERMORE: Well, he's got the road.

MR. SIAVELIS: Right, exactly.

MR. REID: He lives on a very busy, right, White Oak is a very busy street.

MRS. LIVERMORE: It can be. What color is this fence?

MR. SALHANI: It's going to be black.

MR. REID: It's going to be a black fence.

MR. SALHANI: It's a black fence.

MRS. LIVERMORE: Oh, wrought iron?

MR. REID: Yes.

MR. SALHANI: Yes, it's actually aluminum. It's almost

--

MRS. LIVERMORE: What?

MR. SALHANI: Aluminum. It's aluminum.

MRS. LIVERMORE: What, aluminum?

ACTING CHAIR ANFENSON: Yes, so the exact --

MR. REID: It's an anodized metal.

MRS. LIVERMORE: I don't think that's going to stop a golf ball.

MR. REID: No, it's not going to stop a golf ball but, I mean in lieu of putting a wider fence or a heavier duty fence, right, he would have to probably remove those arborvitaes.

MRS. LIVERMORE: This fence is going to go the length of the lot?

MR. SALHANI: Actually not all the way to the end, no. It's going to go like about maybe 20 feet from the back to the front.

ACTING CHAIR ANFENSON: Yes, do we have an illustration of where the fence is going to go?

MR. SALHANI: It's not about the golf course though. It's about protecting my child from the speeding cars going against the, there isn't any stop sign almost a mile from Old Wilke all the way to --

MRS. LIVERMORE: Here on the front, too?

MR. GEISEL: No, I think he's just doing the back.

MR. REID: Yes, just doing the back.

MR. SALHANI: Yes, I'm just doing the back. Just doing the back.

MR. REID: The arborvitaes, where he's starting that, the fence he's putting in on the north side is the start of these arborvitaes that help protect his back property from the golf

DRAFT

balls.

MR. SIAVELIS: So, there's an annotated survey, right, and it looks like somebody drew in where the arborvitaes are a little roughly.

MR. SALHANI: Yes.

MR. REID: Yes.

MR. SIAVELIS: Okay. So, your testimony then, the fence will basically enclose the arborvitaes in your backyard?

MR. SALHANI: Yes.

MRS. LIVERMORE: Okay.

MR. SALHANI: And my concern which is there isn't any stop sign going from, all the way from Wilke Road all the way to, what is it, Casper?

MR. REID: It goes from, yes Wilke to Casper.

MR. SALHANI: It's about a mile and the speeding cars.

MRS. LIVERMORE: It's not a mile but, yes, I noticed that.

MR. SALHANI: It's the speeding cars constantly.

MRS. LIVERMORE: If they go too fast --

MR. SALHANI: After 11:00 o'clock, they go too fast.

MR. REID: Yes, it's a drag strip.

MR. SALHANI: Racing cars. And I had a tree actually, an ash tree which is going to be -- it's going to be a nice one, has a big chunk of it that went off because someone hit it. I remember it was 2:00 in the morning, hit it and walked away.

MRS. LIVERMORE: That was a car.

ACTING CHAIR ANFENSON: Any other comments, questions? Thank you. Yes, I will say I drive down White Oak and this street multiple times a day. And so, I know the property and where the fence is being placed very well. And I don't think it will be an eyesore whatsoever for this location. And I certainly understand, yes, the traffic on White Oak, it is a very active street.

MR. GEISEL: I'll say, definitely.

ACTING CHAIR ANFENSON: So, I'll accept any motions.

MRS. LIVERMORE: I'll move approval.

MR. SELBKA: Second.

ACTING CHAIR ANFENSON: Let's take a vote.

MR. MACH: Mrs. Livermore.

MRS. LIVERMORE: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Mr. Divito.

MR. DIVITO: Yes.

MR. MACH: Mr. Geisel.

DRAFT

MR. GEISEL: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Mr. Anfenson.

ACTING CHAIR ANFENSON: Yes.

MR. SALHANI: Thank you.

ACTING CHAIR ANFENSON: Congratulations, petition
passes. Thank you so much.

MRS. LIVERMORE: Thank you for your patience.

ACTING CHAIR ANFENSON: Thank you for being patient all
night long. So, is there any other business to be heard? Can we
have a motion to dismiss?

MR. DIVITO: Motion to dismiss.

MR. GEISEL: Aye, second.

ACTING CHAIR ANFENSON: All in favor say aye.

(Chorus of ayes.)

ACTING CHAIR ANFENSON: Dismissed.

(Whereupon, the public hearing on the above-
mentioned petition was adjourned at 8:47 p.m.)



Item: ZBA#14-028 - Cerniglia Residence - 1256 E. Kensington Rd.

Department: Planning & Community Development

REQUEST

1. A 8.0 foot variance from Chapter 28, Section 11.2-11.1b and Section 11.2-9 to allow a 30.0 foot wide driveway where the maximum width is 22 feet.

ATTACHMENTS:

Description

Staff Report
Department Comments
Drawings & Documents

Type

Report
Correspondence
Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: September 8, 2014
Date Prepared: September 2, 2014
Project Title: Cerniglia Residence
Address: 1256 E. Kensington Rd.

Background Information

Petition Number: ZBA #14-028
Petitioner: Brian Cerniglia
Address: 1256 E. Kensington Rd.
Arlington Heights, IL 60004
Existing Zoning: R-3, Single-Family

Requested Action/Background Information

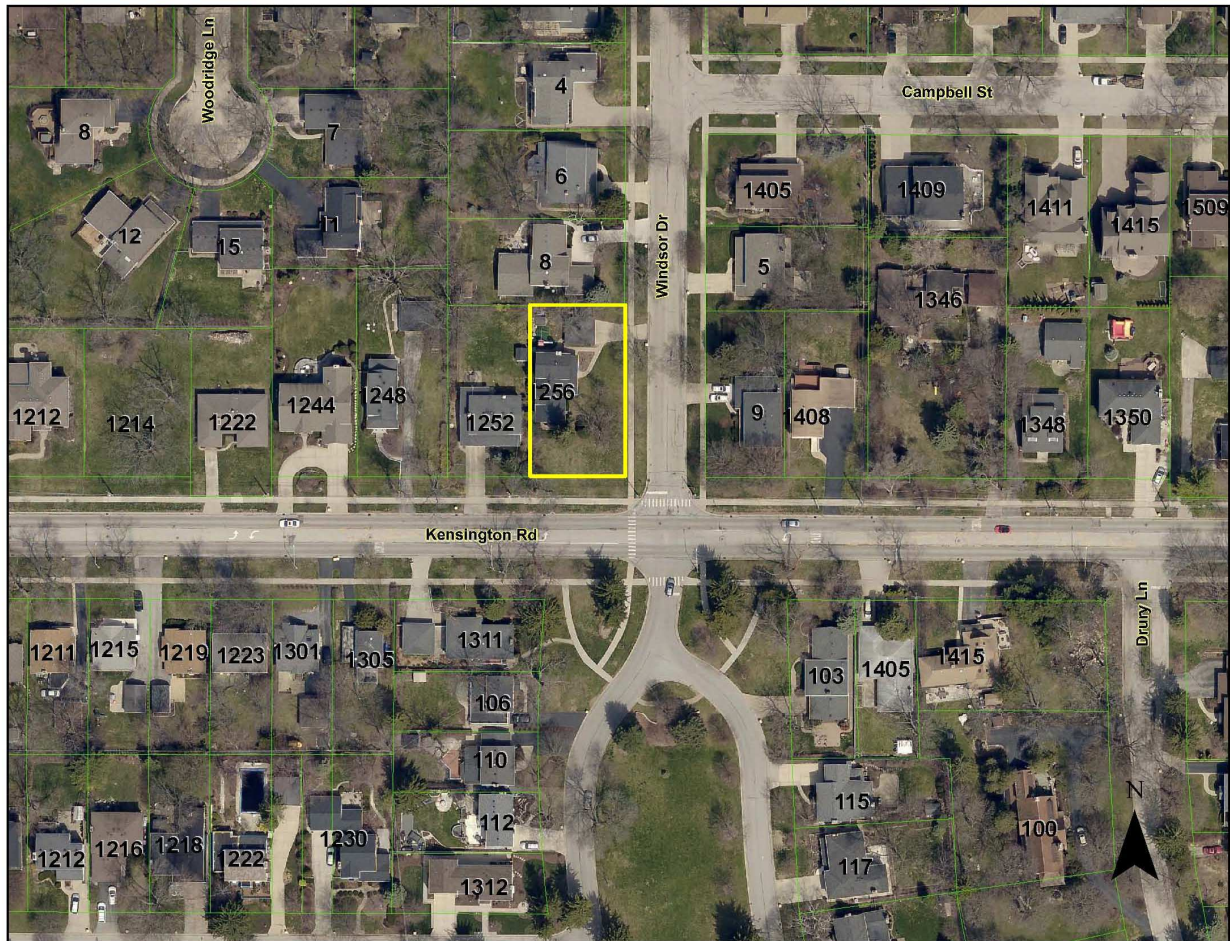
The petitioner proposes to widen the driveway which will exceed the allowable width of 22 feet. The proposed driveway is 30.0 feet wide. Therefore, the petitioner requests the following variation:

- A 8.0 foot variance from Chapter 28, Section 11.2-11.1b and Section 11.2-9 to allow a 30.0 foot wide driveway where the maximum width is 22 feet.

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the 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	✓	9/24/14	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/24/14	
3. Letter that was Mailed	✓	9/25/14	
4. Photographs of Sign on Property	✓	9/24/14	

Photograph of Existing Structure



ZBA# 14-028

1256 E Kensington - ZBA

Rev. Eng: Nanci Julius, P.E.

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

Submitted: August 25, 2014

Completed – August 26, 2014



The proposed ZBA application indicates that the petitioner is seeking:

A 8 ft wide variance to allow a 30 ft wide driveway where the maximum width is 22 ft.

The proposed driveway is located within a 10' public utility easement.

The Engineering Department has no objection to the proposed variance. If the proposed driveway is something other than asphalt or concrete in the public right-of-way OR public utility easement, a waiver would be required.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Cerniglia Residence

Project Address: 1256 E. Kensington Rd.

ZBA #: 14-028

ZBA Hearing Date: September 8, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, 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: September 22, 2014

- A 8.0 foot variance from Chapter 28, Section 11.2-11.1b and Section 11.2-9 to allow a 30.0 foot wide driveway where the maximum width is 22 feet.

Attached are the Petitioner's:

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

Comments: NO COMMENTS.

RECEIVED

AUG 25 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

CHARLEY CRAIG A.B.O.

Please review, comment, and return to me no later than Friday, August 29, 2014.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Cerniglia Residence

Project Address: 1256 E. Kensington Rd.

ZBA #: 14-028

ZBA Hearing Date: September 8, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, 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: September 22, 2014

- A 8.0 foot variance from Chapter 28, Section 11.2-11.1b and Section 11.2-9 to allow a 30.0 foot wide driveway where the maximum width is 22 feet.

Attached are the Petitioner's:

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

Comments: NO COMMENT.

-S. HAUTZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Friday, August 29, 2014.

PETITION

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

PETITION

NOW COMES the Petitioner Brian Cerniglia

being the owner of the property commonly known as: _____

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

11.2 - 11.1 Chapter 28, of the Arlington Heights Municipal Code, in order to: extend
driveway to remove existing taper and provide
access to side of garage using decorative paver stones

I hereby state that the following hardship would exist if the variation were not granted:

area today is a mix of dirt and gravel, providing
poor access to storage/parking space and poor appearance

I hereby state that the following unique circumstances exist: current space

is covered by dirt/grass/weeds/stones/gravel
approval of driveway extension would improve overall property

I hereby state that the variation, if granted, will not alter the essential character of the locality because: additional

paver driveway will only improve the existing area
where dirt/stone and ruts from vehicles exist
today

Signed: _____

Brian Cerniglia
Petitioner

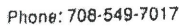
Date: _____

8-20-14

RECEIVED

AUG 20 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



Registered: Illinois
Wisconsin

Of

4' shadow box



AUG 20 2014

LANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

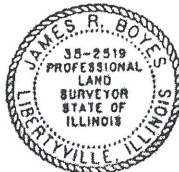
KENSINGTON

RD.

ORDERED BY: Paul Hageman

ORDER NO: 94-165

BOYES LAND SURVEYING
15445 OAK SPRING RD.
LIBERTYVILLE, IL 60048



STATE OF ILLINOIS)
COUNTY OF LAKE) SS

I, JAMES R. BOYES, AN ILLINOIS REGISTERED LAND SURVEYOR HEREBY CERTIFY THAT THEY HAVE SURVEYED THE PROPERTY DESCRIBED HEREON, AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. ALL DIMENSIONS IN FEET AND DECIMAL PARTS THEREOF.

THIS 20th DAY OF April A.D. 1894

ILLINOIS REGISTERED LAND SURVEYOR NO. 2519



Item: ZBA#14-029 - Swanson Residence - 721 S. McKinley Ave.

Department: Planning & Community Development

REQUEST

1. A 2.5 foot variance from Chapter 28, Section 6.5-2 for a new detached garage with a rear yard setback of 2.5 feet instead of the minimum required 5 feet and an additional 1.0 feet for the eave.
2. A 1.2 foot variance from Chapter 28, Section 11.2-11.1f for a new detached garage where the driveway pavement shall be a minimum of 22 feet from the face of the garage to the edge of the driveway pavement and 20.8 feet is proposed.
3. A 913.5 square foot variance from Chapter 28, Section 5.1-3.8 & 5.3-2 to allow an increase to the impervious surface coverage of 5671.5 square feet where the maximum allowed is 4,758 square feet.

ATTACHMENTS:

Description	Type
Staff Report	Report
Department Comments	Correspondence
Supporting Documents & Drawings	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: October 13, 2014
Date Prepared: October 6, 2014
Project Title: Swanson Residence
Address: 721 S. McKinley Avenue

Background Information

Petition Number: ZBA #14-029
Petitioner: Everett Swanson
Address: 721 S. McKinley Avenue
Arlington Heights, IL 60005
Existing Zoning: R-3, Single-Family

Requested Action/Background Information

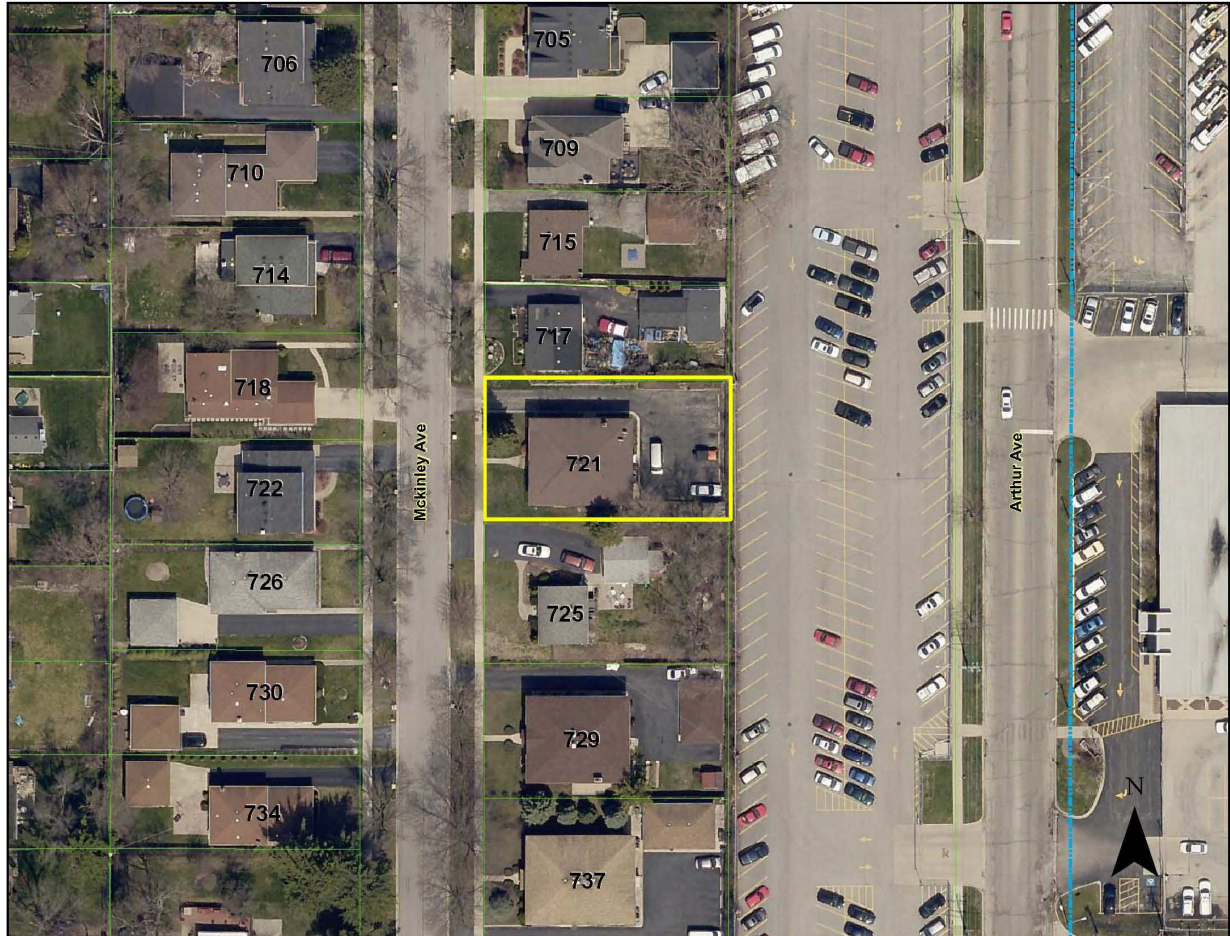
The petitioner is proposing to construct a three car detached garage that is setback 2.5 feet from the rear property line where 5 feet is required. In addition, the petitioner is requesting a driveway variation for the setback from the face of the garage and a variation for impervious surface coverage. The petitioner requests the following variations:

- A 2.5 foot variance from Chapter 28, Section 6.5-2 for a new detached garage with a rear yard setback of 2.5 feet instead of the minimum required 5 feet and an additional 1.0 feet for the eave.
- A 1.2 foot variance from Chapter 28, Section 11.2-11.1f for a new detached garage where the driveway pavement shall be a minimum of 22 feet from the face of the garage to the edge of the driveway pavement and 20.8 feet is proposed.
- A 913.5 square foot variance from Chapter 28, Section 5.1-3.8 & 5.3-2 to allow an increase to the impervious surface coverage of 5671.5 square feet where the maximum allowed is 4,758 square feet.

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the 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	✓	9/24/14	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/24/14	
3. Letter that was Mailed	✓	9/24/14	
4. Photographs of Sign on Property	✓	9/24/14	

Photograph of Existing Structure



ZBA# 14-029

721 S McKinley- ZBA

Rev. Eng: Nanci Julius, P.E.

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



Submitted: September 19, 2014

Completed – September 26, 2014

The proposed ZBA application indicates that the petitioner is seeking:

A 2.5 ft variance for a new detached garage with a rear yard setback of 2.5 ft; a 1.2 ft variance to allow a new detached garage where the driveway pavement shall be a minimum of 22 ft from the face of the garage to the edge of the driveway pavement, and 20.8 ft is proposed; and a 913.5 sq ft variance to allow an increase to the impervious surface coverage of 5,671.5 sq ft where the maximum allowed is 4,758 sq ft.

The proposed garage will be located where there is an existing parking lot. The impervious area will not be greatly altered with the garage.

The Engineering Department has no objection to the proposed variance.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Swanson Residence

Project Address: 721 S. McKinley Ave.

ZBA #: 14-029

ZBA Hearing Date: October 13, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, 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: September 19, 2014

- A 2.5 foot variance from Chapter 28, Section 6.5-2 for a new detached garage with a rear yard setback of 2.5 feet instead of the minimum required 5 feet and an additional 1.0 feet for the eave.
- A 1.2 foot variance from Chapter 28, Section 11.2-11.1f for a new detached garage where the driveway pavement shall be a minimum of 22 feet from the face of the garage to the edge of the driveway pavement and 20.8 feet is proposed.
- A 913.5 square foot variance from Chapter 28, Section 5.1-3.8 & 5.3-2 to allow an increase to the impervious surface coverage of 5671.5 square feet where the maximum allowed is 4,758 square feet.

Attached are the Petitioner's:

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

Comments: NO COMMENT.

-S. HAUTZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Wednesday, October 1, 2014.

PROJECT REVIEW TRANSMITTAL

for Zoning Board of Appeals Review

Project Name: Swanson Residence

Project Address: 721 S. McKinley Ave.

ZBA #: 14-029

ZBA Hearing Date: October 13, 2014

RECEIVED
SEP 19 2014

To: Jim Massarelli, Director of Engineering
James McCalister, Director of Building Services

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: September 19, 2014

- A 2.5 foot variance from Chapter 28, Section 6.5-2 for a new detached garage with a rear yard setback of 2.5 feet instead of the minimum required 5 feet and an additional 1.0 feet for the eave.
- A 1.2 foot variance from Chapter 28, Section 11.2-11.1f for a new detached garage where the driveway pavement shall be a minimum of 22 feet from the face of the garage to the edge of the driveway pavement and 20.8 feet is proposed.
- A 913.5 square foot variance from Chapter 28, Section 5.1-3.8 & 5.3-2 to allow an increase to the impervious surface coverage of 5671.5 square feet where the maximum allowed is 4,758 square feet.

Attached are the Petitioner's:

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

Comments: WALLS LESS THAN 5' TO PROPERTY LINE
MAY REQUIRE FIRE RATED CONSTRUCTION

Please review, comment, and return to me no later than Wednesday, October 1, 2014.

CHARLEY CRAIG

PETITION

NOW COMES the Petitioners, Everett L. Swanson & Marilyn J. Swanson, being the owners of the property commonly known as: 721 So. McKinley Ave. and appeal to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Sections 6.5-2, 5.1-3.8, and 11.2-11, Chapter 28 of the Arlington Heights Municipal Code,

- in order to build a new detached garage with a rear yard setback of 2.5 feet instead of the required minimum 5 feet.
- for a side load garage with a driveway that is less than 22 feet from the face of the garage.
- to exceed the allowable impervious surface coverage,

We hereby state that the following hardship would exist if the variation were not granted:

We would not be able to build a garage because we would not be able to comply with the distance required to back up and turn around, or have enough parking .

We hereby state that the following unique circumstances exist:

While we currently exceed the allowable impervious surface coverage, we will be decreasing the amount exceeded. Even after moving the garage back to 2.5 feet from the rear yard setback, we will have a side load garage with a driveway that is 21.9 feet from the face of the 21.5 foot deep garage.

We hereby state that the variation, if granted, will not alter the essential character of the locality because:

Our rear yard backs up to a berm with a fence and bushes separating us from ComEd's parking lot. None of this is visible from McKinley Ave.

Other three flats on the block already have reduced rear yard setbacks.

We have examined other ways to position the garage and no other positioning comes as close to satisfying the requirements as the one presented.

Signed Everett L. Swanson

Petitioners

Date 9-9-14

RECEIVED

SEP - 8 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

PLAT OF SURVEY

BY

JOHN M. HENRIKSEN

576 E. NORTHWEST HIGHWAY DES PLAINES, ILLINOIS 60016
TEL. 847-795-0301 FAX. 847-795-0302
WWW.HENRIKSENSURVEY.COM

OF

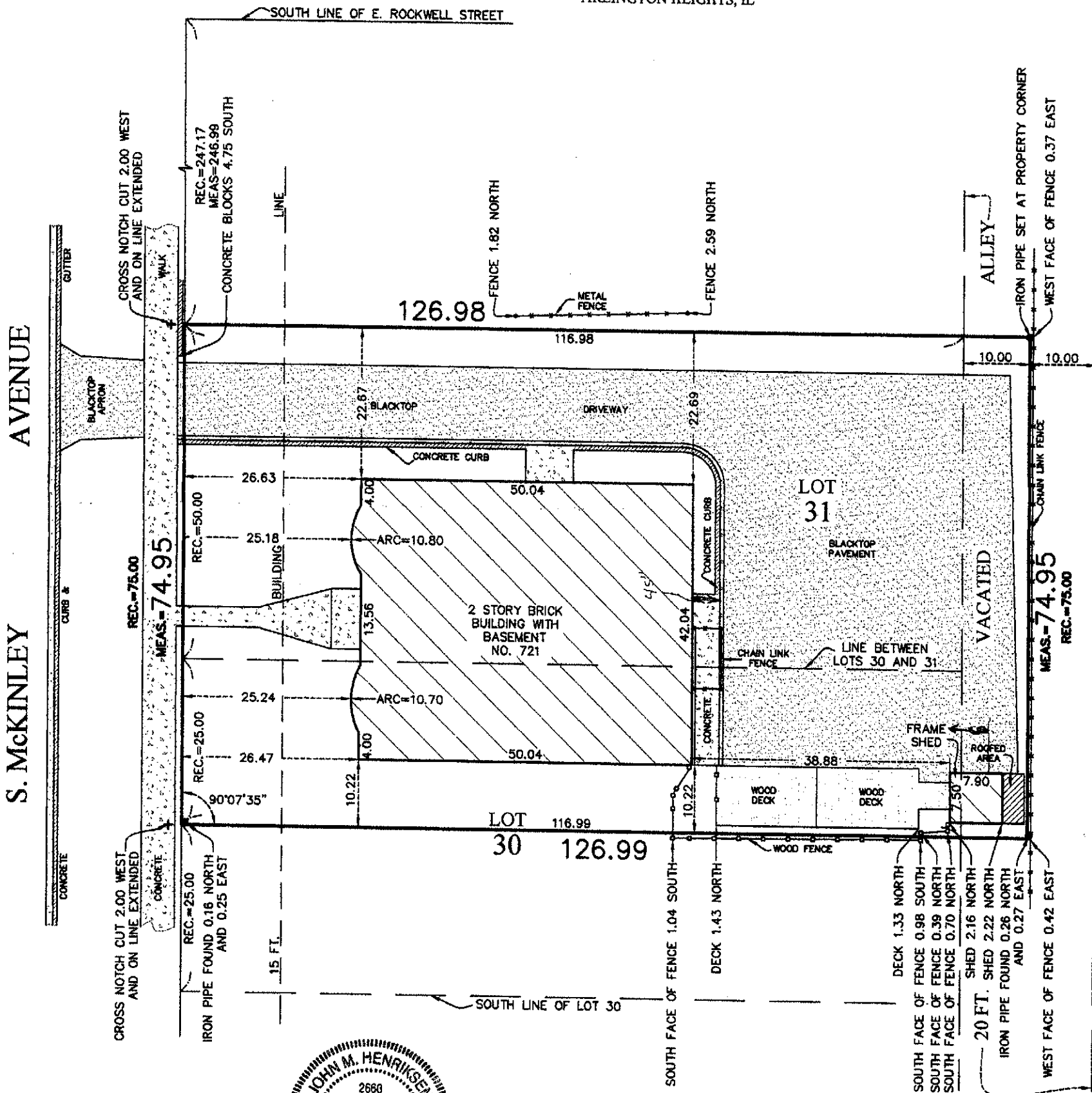
LOT 31 AND THE NORTH 1/2 OF LOT 30 TOGETHER WITH THE WEST 1/2 OF THE VACATED ALLEY EAST OF AND ADJOINING SAID PARCEL IN BLOCK 17 IN ARLINGTON HEIGHTS PARK MANOR, BEING A SUBDIVISION OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 32 AND ALSO OF THE EAST 1/2 OF THE NORTHEAST 1/4 (LYING SOUTH OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY RIGHT OF WAY) OF SECTION 32, TOWNSHIP 42 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, AS PER PLAT RECORDED APRIL 29, 1926 AS DOCUMENT NO. 9257733, ALL IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 721 S. MCKINLEY AVENUE
ARLINGTON HEIGHTS, IL

RECEIVED

SEP - 8 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



ORDER NUMBER: 140087

SCALE: 1 INCH = 15 FEET

ORDERED BY: EVERETT SWANSON

BUILDING LINES AND EASEMENTS, IF ANY, SHOWN HEREON ARE BUILDING LINES AND EASEMENTS AS SHOWN ON THE RECORDED SUBDIVISION PLAT. CONSULT LOCAL AUTHORITIES FOR BUILDING LINES ESTABLISHED BY LOCAL ORDINANCES.

PLEASE CHECK LEGAL DESCRIPTION WITH DEED.

COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY DISCREPANCY IMMEDIATELY.

DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.



FRACTIONAL INCH EQUIVALENTS
OF HUNDREDTHS OF A FOOT

0.01" = 1/8"	0.25" = 3"
0.02" = 1/4"	0.33" = 4"
0.03" = 3/8"	0.37" = 4 1/2"
0.04" = 1/2"	0.38" = 4 1/2"
0.05" = 5/8"	0.42" = 5"
0.06" = 3/4"	0.50" = 6"
0.07" = 7/8"	0.58" = 7"
0.08" = 1"	0.62" = 7 1/2"
0.09" = 1 1/8"	0.63" = 7 1/2"
0.10" = 1 1/4"	0.67" = 8"
0.11" = 1 3/8"	0.75" = 9"
0.12" = 1 1/2"	0.83" = 10"
0.13" = 1 1/2"	0.87" = 10 1/2"
0.14" = 1 5/8"	0.88" = 10 1/2"
0.15" = 3/4"	0.92" = 11"
0.16" = 1 7/8"	1.00" = 12"
0.17" = 2"	

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

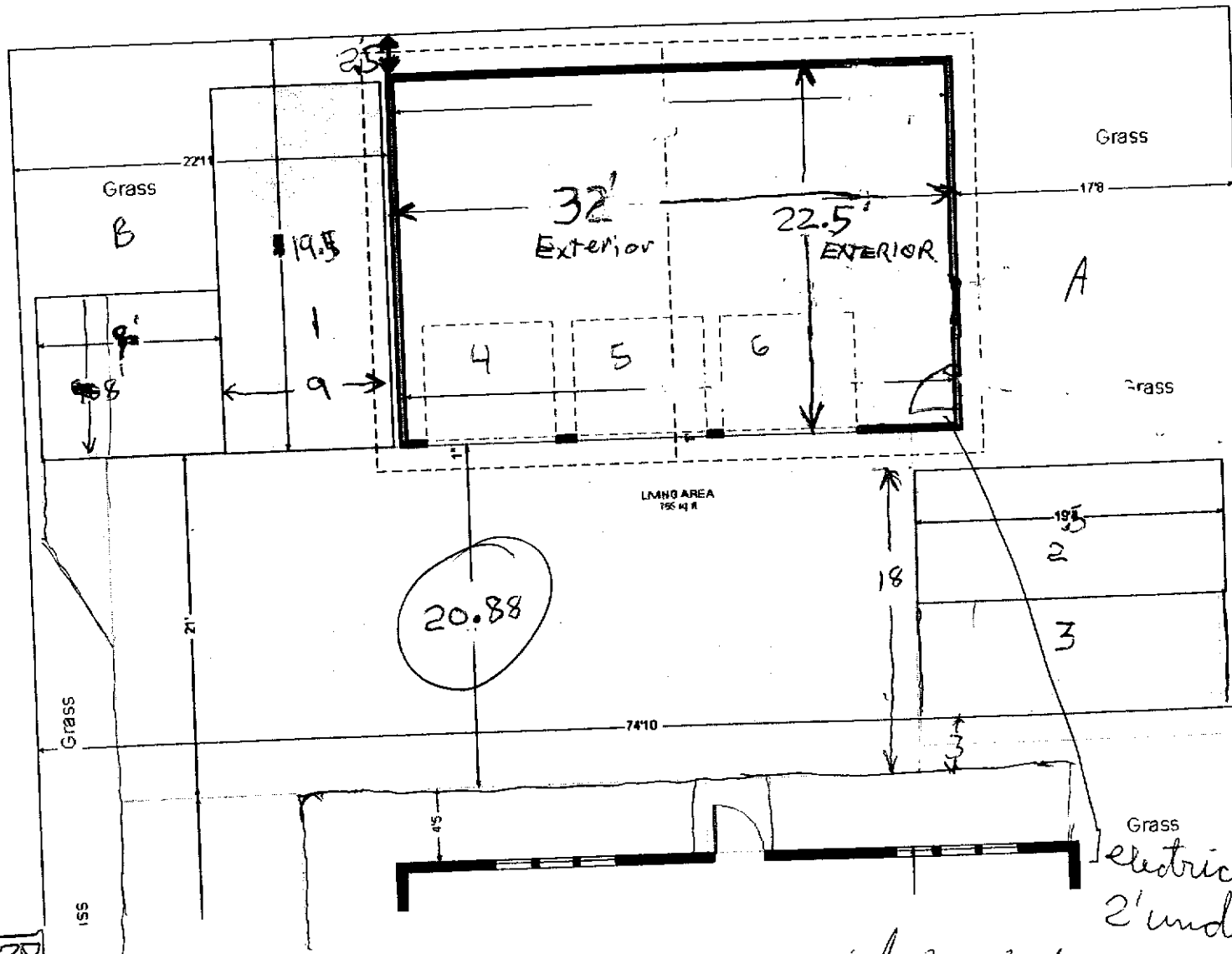
STATE OF ILLINOIS;
COUNTY OF COOK;

I, JOHN M. HENRIKSEN, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. DIMENSIONS ARE SHOWN IN FEET DECIMAL PARTS THEREOF.

DES PLAINES, ILLINOIS

MAY 12, 2014.

John M. Henriksen
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2668
LICENSE EXPIRES NOVEMBER 30, 2014.



This Drawing Shown w/ Absolute.

RECEIVED

SEP - 9 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



Item: ZBA#14-030 - Goldberg Residence - 1628 W. Canterbury Ct.

Department: Planning & Community Development

REQUEST

1. A 1 foot variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the perimeter of the rear yard.

ATTACHMENTS:

Description	Type
Staff Report	Report
Department Comments	Correspondence
Supporting Documents & Drawings	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: October 13, 2014
Date Prepared: October 6, 2014
Project Title: Goldberg Residence
Address: 1628 W. Canterbury Ct.

Background Information

Petition Number: ZBA #14-030
Petitioner: Theodore L. Goldberg
Address: 1628 W. Canterbury Ct.
Arlington Heights, IL 60004
Existing Zoning: R-3, Single-Family

Requested Action/Background Information

The petitioner proposes to construct a 6 foot high semi-open wood fence in the rear yard along the rear property line and the side property line. Therefore, the petitioner requests the following variation:

- **A 1 foot variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the perimeter of the rear yard.**

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.

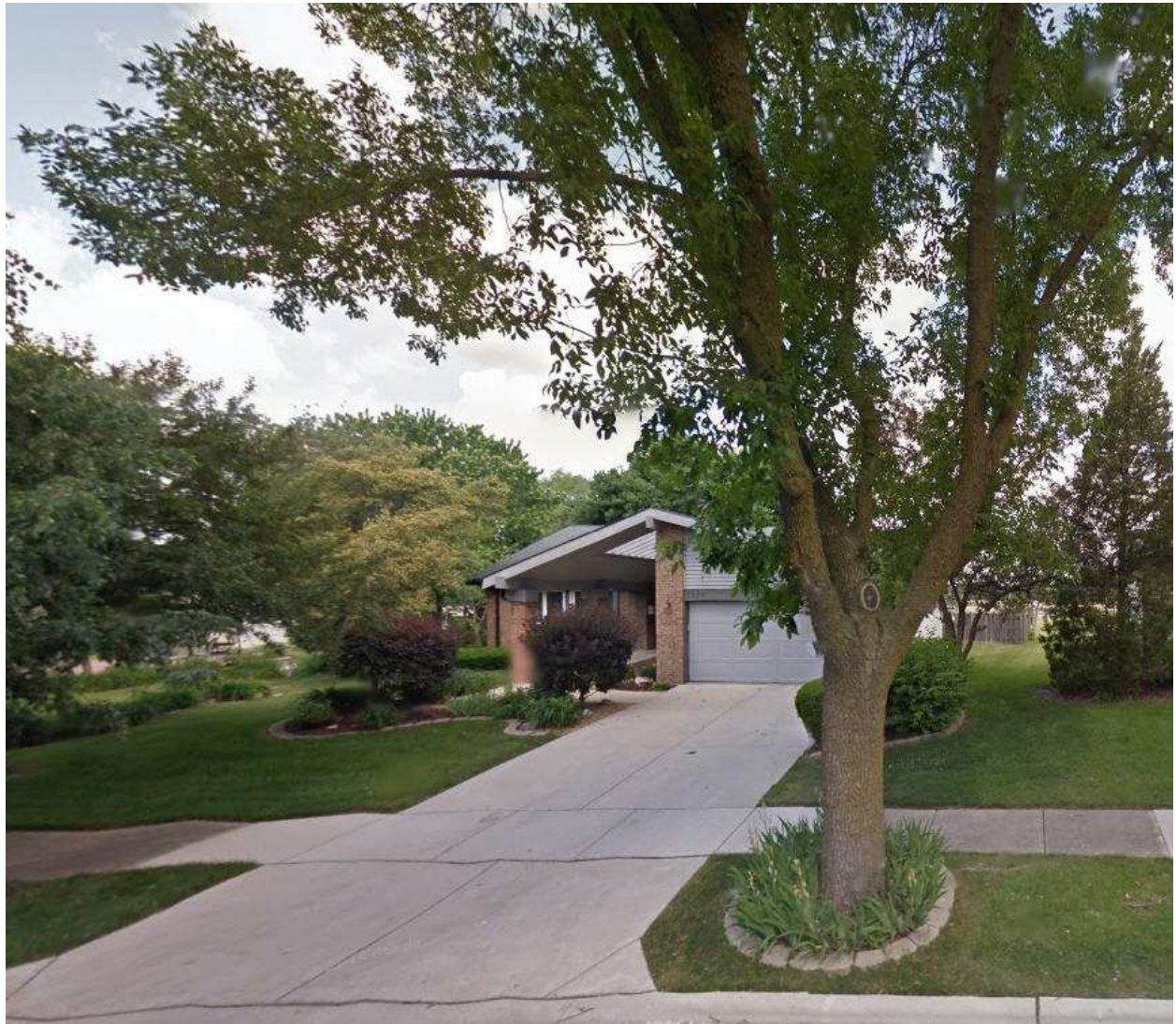
Map of General Vicinity



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	✓	9/19/14	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/19/14	
3. Letter that was Mailed	✓	9/19/14	
4. Photographs of Sign on Property	✓	9/19/14	

Photograph of Existing Structure



ZBA# 14-030

1628 W Canterbury Ct- ZBA

Rev. Eng: Nanci Julius, P.E.

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

Submitted: September 19, 2014

Completed – September 26, 2014

The proposed ZBA application indicates that the petitioner is seeking:

A 1 ft variance to allow an increase to the maximum fence height from 5 ft to 6 ft, for a fence located along the perimeter of the rear yard.

The Engineering Department has no objection to the proposed variance.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Goldberg Residence

Project Address: 1628 W. Canterbury Ct.

ZBA #: 14-030

ZBA Hearing Date: October 13, 2014

To: ~~Jim Massarelli, Director of Engineering~~
~~James McCalister, Director of Building Services~~

RECEIVED

SEP 19 2014

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

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: September 18, 2014

- A 1 foot variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the perimeter of the rear yard.

Attached are the Petitioner's:

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

Comments: NO COMMENT

CHARLEY CRAIG

Please review, comment, and return to me no later than Wednesday, October 1, 2014.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Goldberg Residence

Project Address: 1628 W. Canterbury Ct.

ZBA #: 14-030

ZBA Hearing Date: October 13, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, 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: September 18, 2014

- A 1 foot variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the perimeter of the rear yard.

Attached are the Petitioner's:

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

Comments: NO COMMENT.

-S. HAUTZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Wednesday, October 1, 2014.

PETITION

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

RECEIVED

PETITION

SEP 10 2014

NOW COMES the Petitioner Theodore L. Goldberg

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

being the owner of the property commonly known as: 1628 W. Canterbury Ct., Arlington Heights, IL 60004

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

 , Chapter 28, of the Arlington Heights Municipal Code, in order to: replace a 5 foot fence
destroyed by a storm with a 6 foot wooden fence of similar design.

I hereby state that the following hardship would exist if the variation were not granted:

Our backyard is parallel with and faces Route 53/Wilke Road with a short Commonwealth Edison
drainage area in between. In addition, our yard slopes downward away from the house so that the
existing (destroyed) fence appears lower in our yard than the actual five feet. We have a small dog
and have had coyotes in the open Commonwealth Edison space multiple times over the years. My
wife and son are both handicapped and once my wife was stuck in the small enclosed dog pen in
our yard due to the coyotes standing on their hind paws against the fence when she was out with
our dog. For both increased safety for my family and pet as well as a little more privacy from the
highway, we request approval of the extra foot to have a 6 foot fence. Recently, our neighbor, 3
houses away and also along Route 53, put up a 6 foot fence very similar to the fence we request to

I hereby state that the variation, if granted, will not alter the essential character of the locality because: My back yard does not face other housing but faces the highway and open Commonwealth Edison land

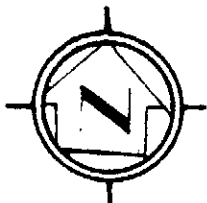
I backup to open space/detention basin so it won't impact character of the neighborhood.

Signed: Theodore L. Goldberg
Petitioner

Theodore L. Goldberg

Date: Sept. 11, 2014

1729 NORTH ROSELLE ROAD
ROSELLE, ILLINOIS 60172
PHONE : (312) 894-5680



LAND - MARINE - CONSTRUCTION SURVEYS

MORTGAGEE'S INSPECTION SURVEY

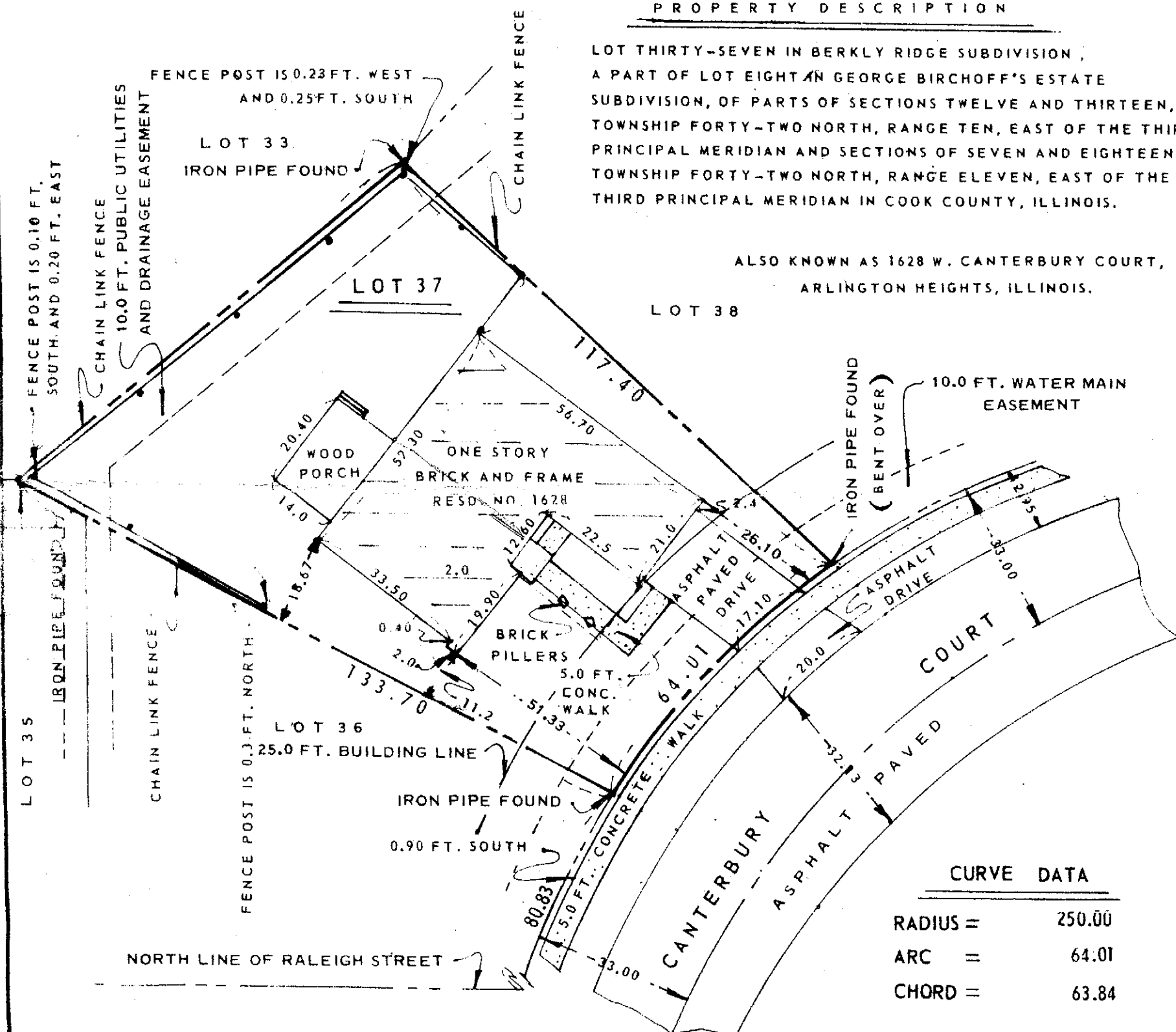
THIS MORTGAGEE'S INSPECTION WAS PREPARED FOR IDENTIFICATION PURPOSES FOR A REAL ESTATE SALE TRANSACTION, NO CORNERS WERE SET. DO NOT USE FOR ESTABLISHING FENCE LINES OR CONSTRUCTION.

PROPERTY DESCRIPTION

LOT THIRTY-SEVEN IN BERKLY RIDGE SUBDIVISION,
A PART OF LOT EIGHT IN GEORGE BIRCHOFF'S ESTATE
SUBDIVISION, OF PARTS OF SECTIONS TWELVE AND THIRTEEN,
TOWNSHIP FORTY-TWO NORTH, RANGE TEN, EAST OF THE THIRD
PRINCIPAL MERIDIAN AND SECTIONS OF SEVEN AND EIGHTEEN
TOWNSHIP FORTY-TWO NORTH, RANGE ELEVEN, EAST OF THE
THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

ALSO KNOWN AS 1628 W. CANTERBURY COURT,
ARLINGTON HEIGHTS, ILLINOIS.

LOT 38



CURVE DATA

```

RADIUS =      250.00
ARC     =      64.01
CHORD   =      63.84

```

**WARNING : SCALING FROM REPRODUCTION
IS NOT RECOMMENDED .**

ORDER NO. 79-3205

ORDERED BY : MR. FRANK M. HINES

**REAL ESTATE TRANSACTION INSPECTION.
FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR
ABSTRACT , DEED , CONTRACT OR ZONING
ORDINANCE .**

STATE OF ILLINOIS
COUNTY OF DU PAGE S.S.

I, DOMINIC L. MARCHESE, HEREBY CERTIFY THAT I HAVE PREPARED THE ABOVE MORTGAGEE'S INSPECTION IN ACCORDANCE WITH THE STANDARD ADOPTED BY THE AMERICAN CONGRESS ON SURVEYING AND MAPPING AND THE ILLINOIS REGISTERED LAND SURVEYORS ASSOCIATION AND THAT THE DRAWING SHOWN HEREON IS A CORRECT REPRESENTATION OF SAID INSPECTION.
ROSELLE, ILLINOIS; NOVEMBER 6, 1979

Dominic L. Marchelle
ILLINOIS REGISTERED LAND SURVEYOR NO. 1615

RECEIVED

SEP 10 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



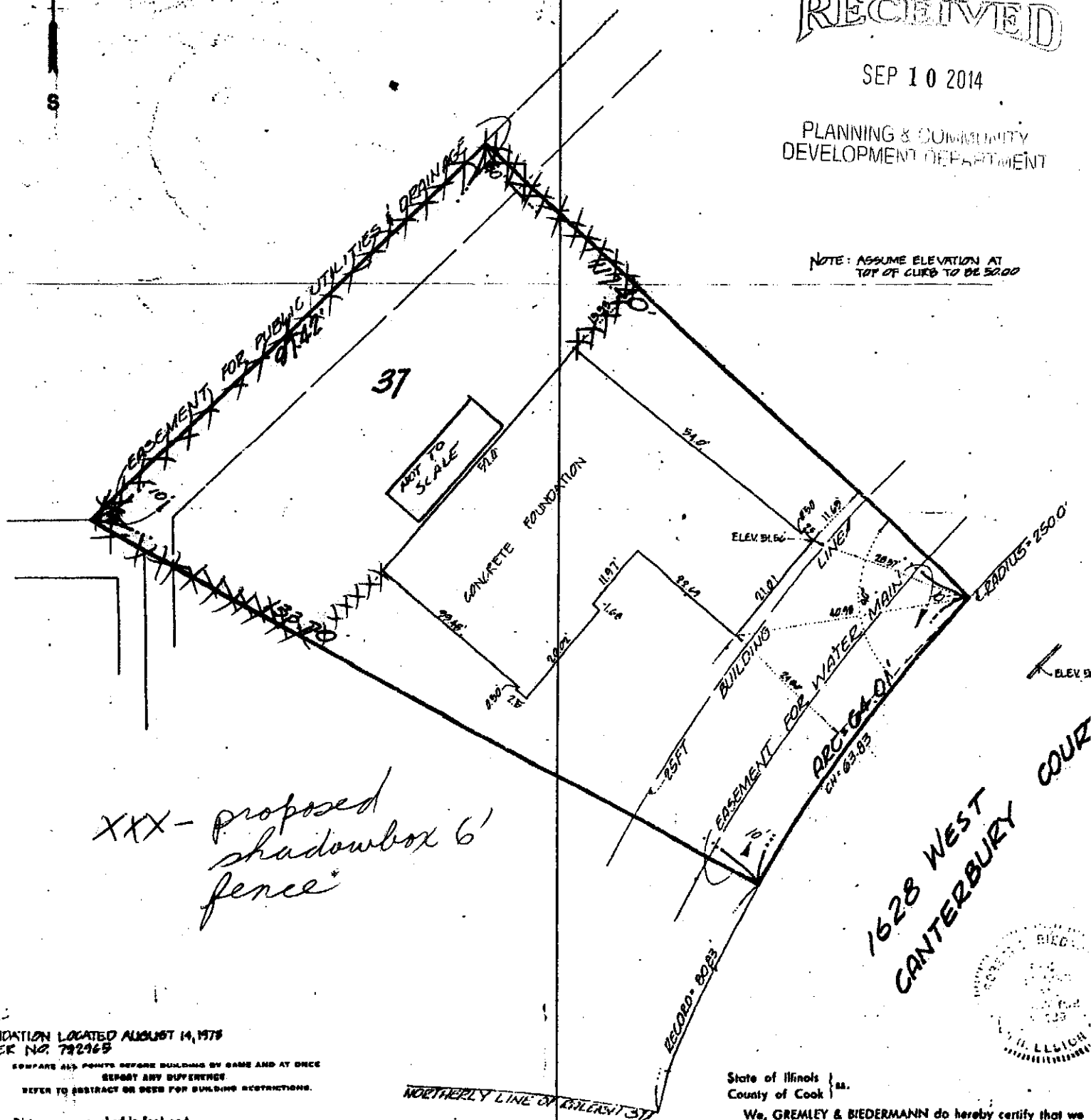
LOT 37 IN BERKLEY RIDGE SUBDIVISION OF PART OF LOT 8 IN GEORGE KIRCHOFF ESTATE SUBDIVISION OF PARTS OF SECTIONS 12 AND 13, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN AND SECTIONS 7 AND 10, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

RECEIVED

SEP 10 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

NOTE: ASSUME ELEVATION AT
TOP OF CURB TO BE 52.00



XXX - proposed shadowbox 6' fence

1628 WEST
CANTERBURY COURT

LOCATION LOCATED AUGUST 14, 1975
ER NO. 792965

COMPARE ALL POINTS BEFORE BUILDING BY GAGE AND AT ONCE
REPORT ANY DIFFERENCE.
REFER TO ABSTRACT OR DEED FOR BUILDING INSTRUCTIONS.

Distances are marked in feet and decimal parts thereof. -

Order No. 723622

Scale 1 inch = 15 feet

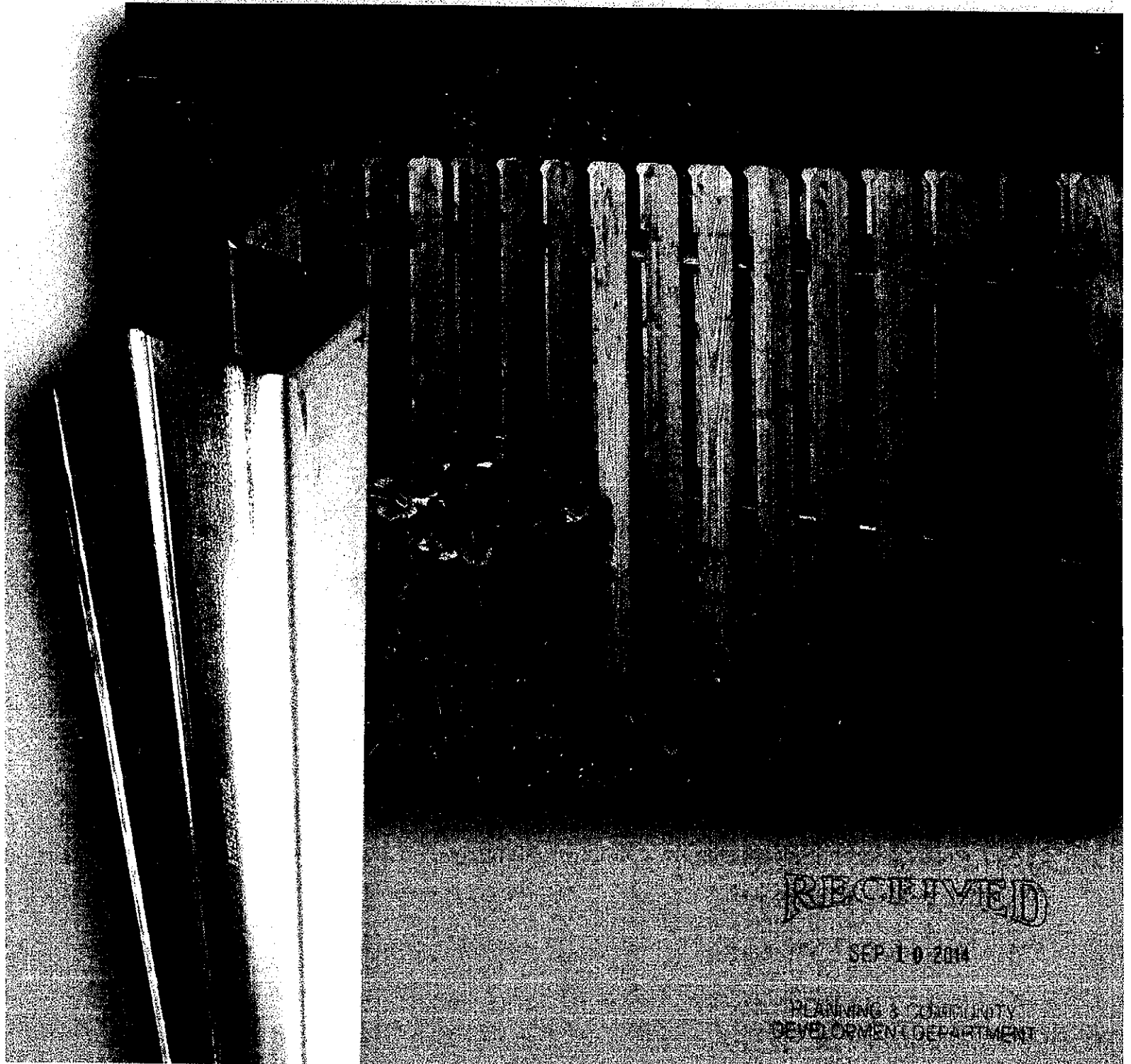
Date 6-26-72

State of Illinois } ss.
County of Cook }

We, GREMEY & BIEDERMANN do hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey corrected to a temperature of 62° Fahrenheit.

REG. 111, Land Surveyor

PostMaster® Steel Posts





Item: ZBA#14-031 - McHale Residence - 210 E. Fairview St.

Department: Planning & Community Development

REQUEST

1. A 8.8 foot setback variance from Chapter 28, Section 6.13-3c1 (Exterior Side Yards) to allow a 5 foot tall semi open fence in the exterior side yard that is along the south property line with no street side landscaping where a 8.8 foot setback is required.
2. A 2 foot height variance from Chapter 28, Section 6.13-3 (Exterior Side Yards) to allow a 5 foot tall fence in the exterior side yard along the perimeter of the lot where a 3 foot high fence is allowed.

ATTACHMENTS:

Description	Type
Staff Report	Report
Department Comments	Correspondence
Supporting Documents & Drawings	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: October 13, 2014
Date Prepared: October 6, 2014
Project Title: McHale Residence
Address: 210 E. Fairview St.

Background Information

Petition Number: ZBA #14-031
Petitioner: Brien J. McHale
Address: 210 E. Fairview St.
Arlington Heights, IL 60005
Existing Zoning: R-3, Single-Family

Requested Action/Background Information

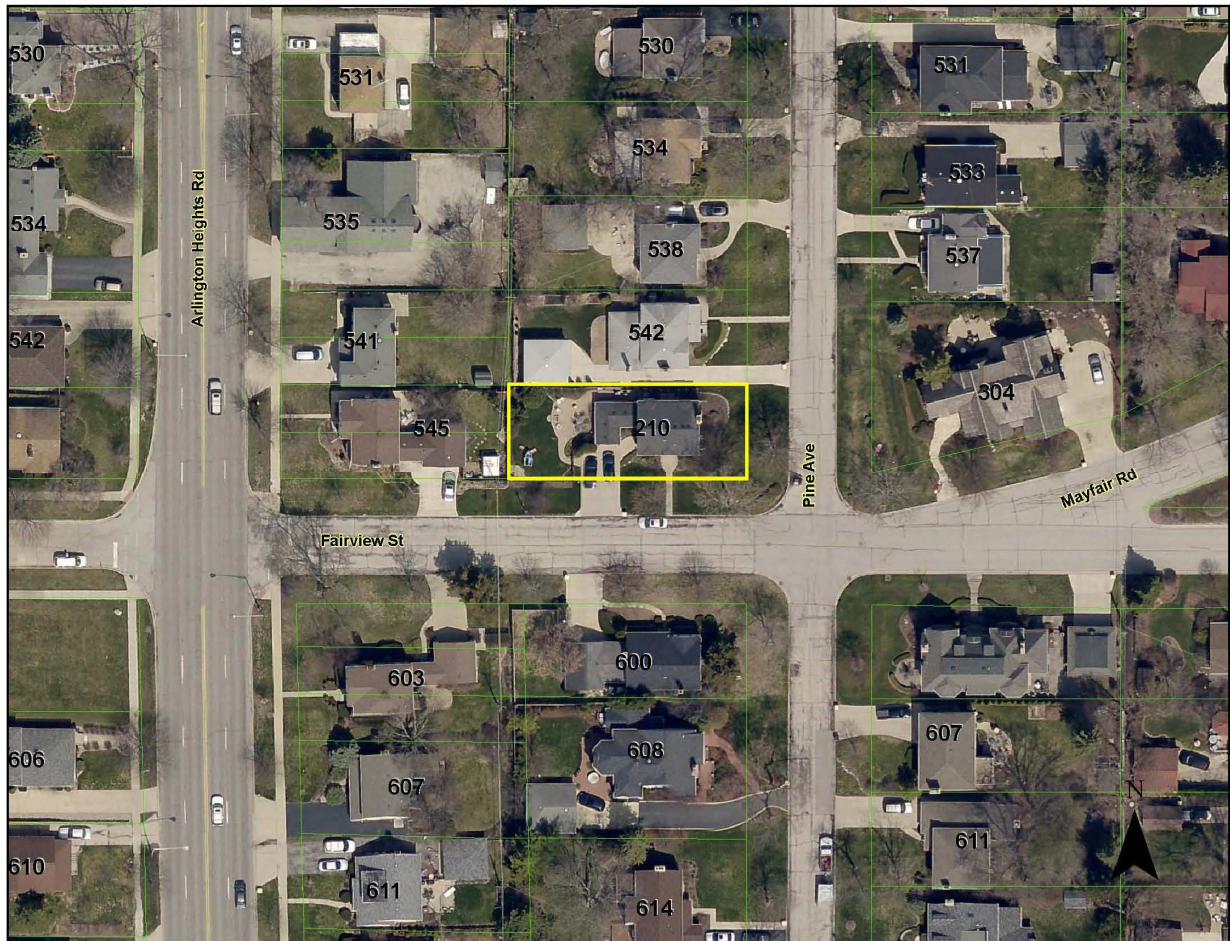
The petitioner proposes to construct a 5' high semi-open wood fence along the property line in the exterior side yard. Therefore, the petitioner requests the following variations:

- **A 8.8 foot setback variance from Chapter 28, Section 6.13-3c1 (Exterior Side Yards) to allow a 5 foot tall semi open fence in the exterior side yard that is along the south property line with no street side landscaping where a 8.8 foot setback is required.**
- **A 2 foot height variance from Chapter 28, Section 6.13-3 (Exterior Side Yards) to allow a 5 foot tall fence in the exterior side yard along the perimeter of the lot where a 3 foot high fence is allowed.**

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the 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	✓	9/23/14	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/23/14	
3. Letter that was Mailed	✓	9/23/14	
4. Photographs of Sign on Property	✓	9/23/14	

Photograph of Existing Structure



ZBA# 14-031

210 E Fairview St- ZBA

Rev. Eng: Nanci Julius, P.E.

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

Submitted: September 19, 2014

Completed – September 26, 2014

The proposed ZBA application indicates that the petitioner is seeking:

A 8.8 ft setback variance to allow a 5 ft tall semi open fence in the exterior side yard that is along the south property line with no street side landscaping where a 8.8 ft setback is required; and a 2 ft height variance to allow a 5 ft tall fence in the exterior side yard along the perimeter of the lot where a 3 ft high fence is allowed.

The proposed plan is to replace the fence in the existing location, and the existing fence is not in compliance with current codes.

The Engineering Department has no objection to the proposed variance.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: McHale Residence

Project Address: 210 E. Fairview St.

ZBA #: 14-031

ZBA Hearing Date: October 13, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, 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: September 18, 2014

RECEIVED

SEP 19 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

- A 8.8 foot setback variance from Chapter 28, Section 6.13-3c1 (Exterior Side Yards) to allow a 5 foot tall semi open fence in the exterior side yard that is along the south property line with no street side landscaping where a 8.8 foot setback is required.
- A 2 foot height variance from Chapter 28, Section 6.13-3 (Exterior Side Yards) to allow a 5 foot tall fence in the exterior side yard along the perimeter of the lot where a 3 foot high fence is allowed.

Attached are the Petitioner's:

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

Comments: NO COMMENTS

CHARLEY CRAIG

Please review, comment, and return to me no later than Wednesday, October 1, 2014.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: McHale Residence

Project Address: 210 E. Fairview St.

ZBA #: 14-031

ZBA Hearing Date: October 13, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, 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: September 18, 2014

- A 8.8 foot setback variance from Chapter 28, Section 6.13-3c1 (Exterior Side Yards) to allow a 5 foot tall semi open fence in the exterior side yard that is along the south property line with no street side landscaping where a 8.8 foot setback is required.
- A 2 foot height variance from Chapter 28, Section 6.13-3 (Exterior Side Yards) to allow a 5 foot tall fence in the exterior side yard along the perimeter of the lot where a 3 foot high fence is allowed.

Attached are the Petitioner's:

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

Comments: NO COMMENT.

- S. HAUTZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Wednesday, October 1, 2014.

PETITION

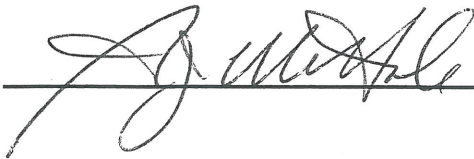
NOW COMES the Petitioner Brien J. McHale
being the owner of the property commonly known as: 210 E. Fairview, Arlington Heights, IL
and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a
Variation from Section 6.13-3 (b) 4, Chapter 28, of the Arlington Heights Municipal
Code, in order to: replace an existing fence on the subject property in a location that
varies from the set-back requirements of the Fence Regulations as established under
the Village of Arlington Heights Municipal Code.

I herby state that the following hardship would exist if the variation were not
granted: failure to grant the variation would result in the petitioner losing beneficial use
of the property comprised of the set-back footage (approximately 8.5 feet from the
existing lot line) and cause the petitioner to relocate both existing landscaping and a
sandbox from the set-back footage.

I herby state that the following unique circumstances exist: the petitioner is
seeking approval by the Village of Arlington Heights, Zoning Board of Appeals to
replace an existing fence that is of the same style, built of the same material and
located in the exact same location as the existing fence that was erected for the
petitioner by a contactor approximately 30 years ago, under a permit obtained by the
contractor. This fence replaced a previous fence that had existed on the property in
exactly the same location, although of a more closed style and taller than that erected
by petitioner in 1984. It is believed the original fence was erected by a prior owner
sometime during the 1960's.

I herby state that the variation, if granted, will not alter the essential character
of the locality because: there is virtually no change to the locality by the petitioner's
request.

Signed: _____



Date: _____

Sept. 11, 2014

RECEIVED

SEP 11 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Village Green Assoc., Inc.

Land Surveyors

Plat of Survey



SCALE: 1" = 15'

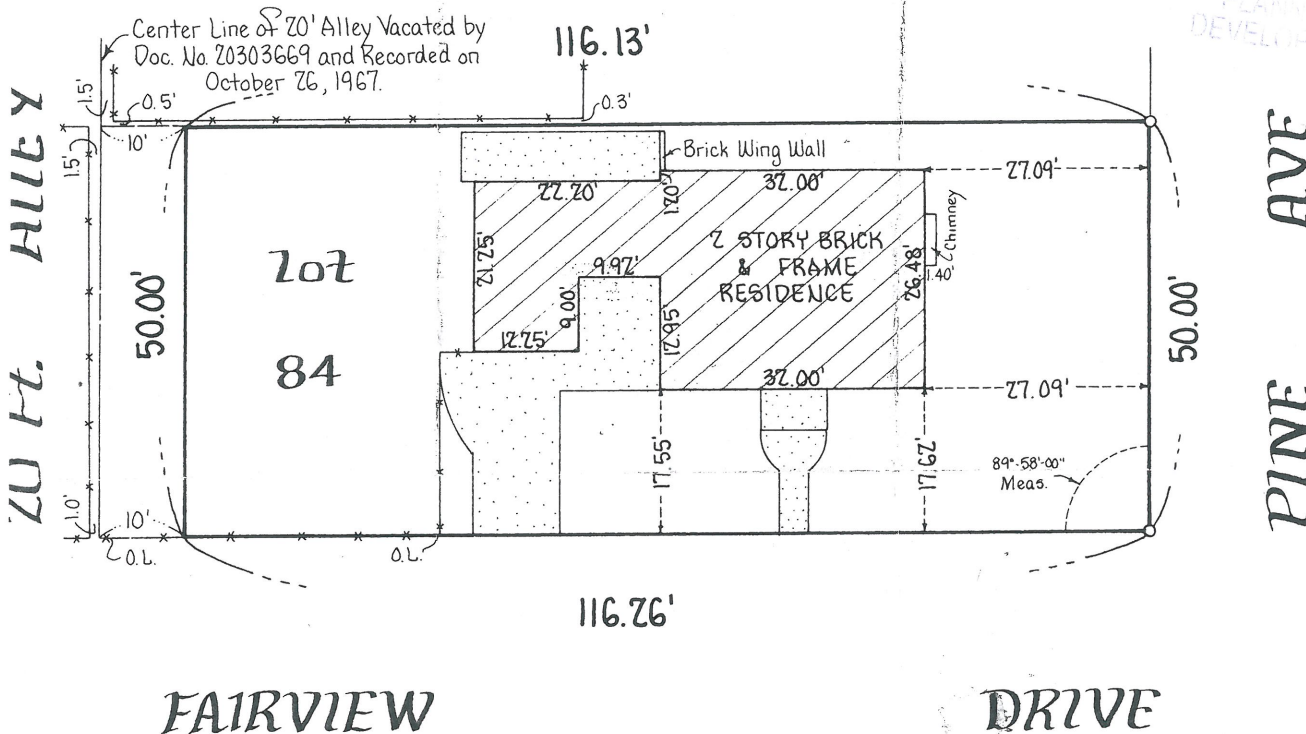


OF PROPERTY DESCRIBED AS: Lot 84 in SCARSDALE, a subdivision of part of the West 1/2 of the East 1/2 and part of the East 1/2 of the West 1/2 of Section 32, Township 42 North, Range 11 East of the Third Principal Meridian in Cook County, Illinois.

RECEIVED

SEP 11 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



FAIRVIEW

DRIVE

CAVEAT:

Fences must not be erected using building ties - rather, metal stakes at lot corners must be utilized.

- - Indicates concrete
- X-X- Indicates fencing
- - Indicates metal stake found
- - Indicates metal stake set

PREPARED FOR MARGARETTEN & COMPANY, INC.

DATED: November 22nd, 1983 A.D.

PROPERTY ADDRESS 210 E. FAIRVIEW DR.

STATE OF ILLINOIS)
COUNTY OF KANE) SS

ARLINGTON HEIGHTS, ILL.

We, Village Green Assoc., Inc., do hereby certify that we have surveyed the above described property according to the official record, and that the above plat correctly represents said survey.

STATE OF ILLINOIS) BUYER: MCMALE
COUNTY OF KANE) SS

James T. Stowell
JAMES T. STOWELL R.L.S. NO. 1952

We, Village Green Assoc., Inc., do hereby certify that the buildings on the lot shown are within the property lines and that the adjoining building improvements do not encroach on said lot, except if, and where, noted thusly. *

James T. Stowell
JAMES T. STOWELL R.L.S. NO. 1952

Any discrepancy in measurements should be promptly reported to the surveyor for explanation or correction.

COMPARE THE DESCRIPTION ON THIS PLAT WITH DEED.
REFER TO DEED FOR EASEMENTS AND BUILDING LINES.



Village Green Assoc., Inc.

506 BARRETT STREET
ELGIN, ILLINOIS 60120

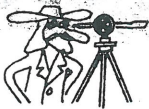
Phone (312) 695-4235

NO. 6061

Village Green Assoc., Inc.

Land Surveyors

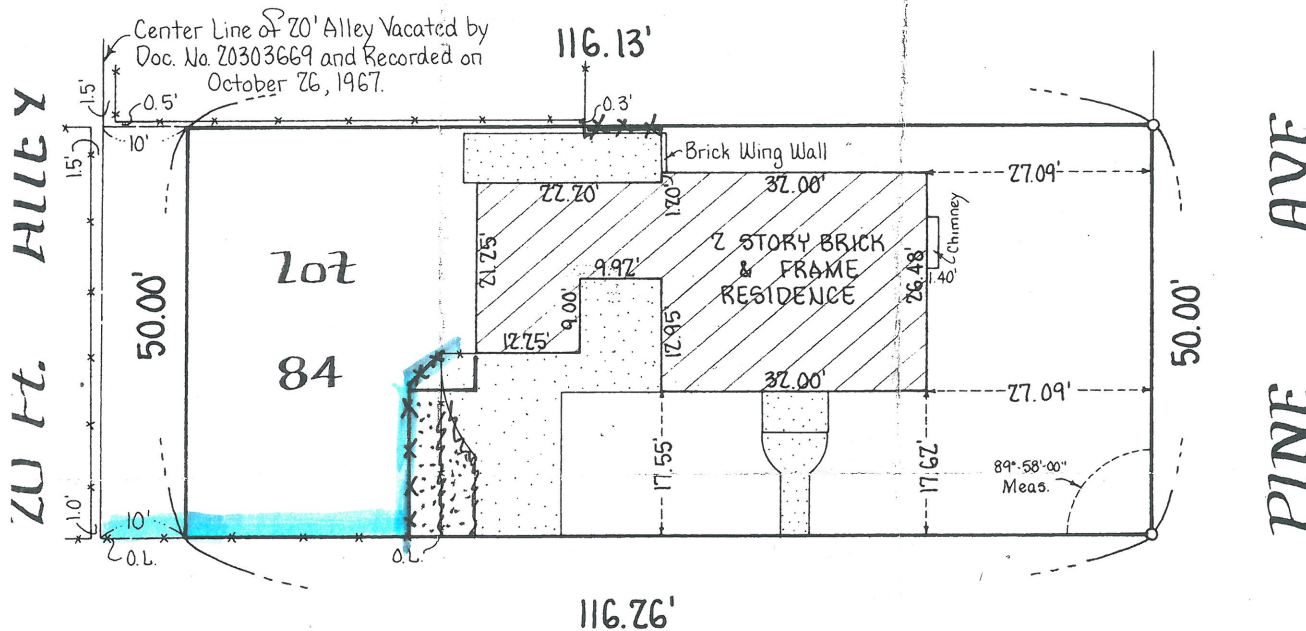
Plat of Survey



SCALE: 1" = 15'



OF PROPERTY DESCRIBED AS: *Lot* 84 in SCARSDALE, a subdivision of part of the West 1/2 of the East 1/2 and part of the East 1/2 of the West 1/2 of Section 3Z, Township 4Z North, Range 11 East of the Third Principal Meridian in Cook County, Illinois.



FAIRVIEW

DRIVE RECEIVED

SEP 11 2014

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

CAVEAT:

Fences must not be erected using building ties - rather, metal stakes at lot corners must be utilized.

PREPARED FOR MARGARETTEN & COMPANY, INC.

PROPERTY ADDRESS 210 E. FAIRVIEW DR.

ARLINGTON HEIGHTS, ILL.

STATE OF ILLINOIS)
COUNTY OF KANE) SS

BUYER: McHALE

We, Village Green Assoc., Inc., do hereby certify that the buildings on the lot shown are within the property lines and that the adjoining building improvements do not encroach on said lot, except if, and where, noted thusly. *

James T. Stowell
JAMES T. STOWELL R.L.S. NO. 1952

Any discrepancy in measurements should be promptly reported to the surveyor for explanation or correction.

COMPARE THE DESCRIPTION ON THIS PLAT WITH DEED.
REFER TO DEED FOR EASEMENTS AND BUILDING LINES.

- Indicates concrete
- X-X- Indicates fencing
- O - Indicates metal stake found
- - Indicates metal stake set

DATED: November 22nd, 1983 A.D.

STATE OF ILLINOIS)
COUNTY OF KANE) SS

We, Village Green Assoc., Inc., do hereby certify that we have surveyed the above described property according to the official record, and that the above plat correctly represents said survey.

James T. Stowell
JAMES T. STOWELL R.L.S. NO. 1952



Village Green Assoc., Inc.

506 BARRETT STREET
ELGIN, ILLINOIS 60120

Phone (312) 695-4235

NO. 6061



PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

SEP 11 2004

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NORTHWEST CEDAR PRODUCTS

815-836-8731
815-836-8730 Fax

Email: northwestcedarproducts@gmail.com

15537 S. Weber Rd. • Romeoville, IL 60446

See Our Fence Gallery At:

WWW.NORTHWESTCEDARPRODUCTS.COM

TEO:
630-347-4498

630-971-1034
847-330-1180

Proposal for: MCHALE, BRIEN J.	Home Phone:	Date: 6/18/14
Address: 210 E. FAIRVIEW ST.	Work Phone: 847-571-3577	Target Install Date: 7/29/14
City, Zip Code, County: ARLINGTON HEIGHTS 60005	Cell Phone: If 1st: 847-571-9603	
Email:	Subdivision: COON CO / NO SOB SCARSDALE	

CUSTOMER TO: OBTAIN PERMIT

Provide plat of survey • Dirt removal not included
3 years warranty • 1 year on gates

DIRT REMOVAL
TEAR DOWN &
HAUL FIVE FOOT
CEDAR

INSTALL

HEIGHT: **5' SPACE PICKET (w) 2" SPACE**
STYLE: **GOthic SCALLOP**

BOARD: **4" NORTHERN WHITE CEDAR**
3/4" THICK, #1 & BETTER GRADE

FRAMES: **2 - 2" x 4" - 8'**

FACIAL CONSTRUCTION

POST: **FULL 4" x 4" S CENTER CUT SET 36" IN**
(w) LANTERN TOPS CONCRETE

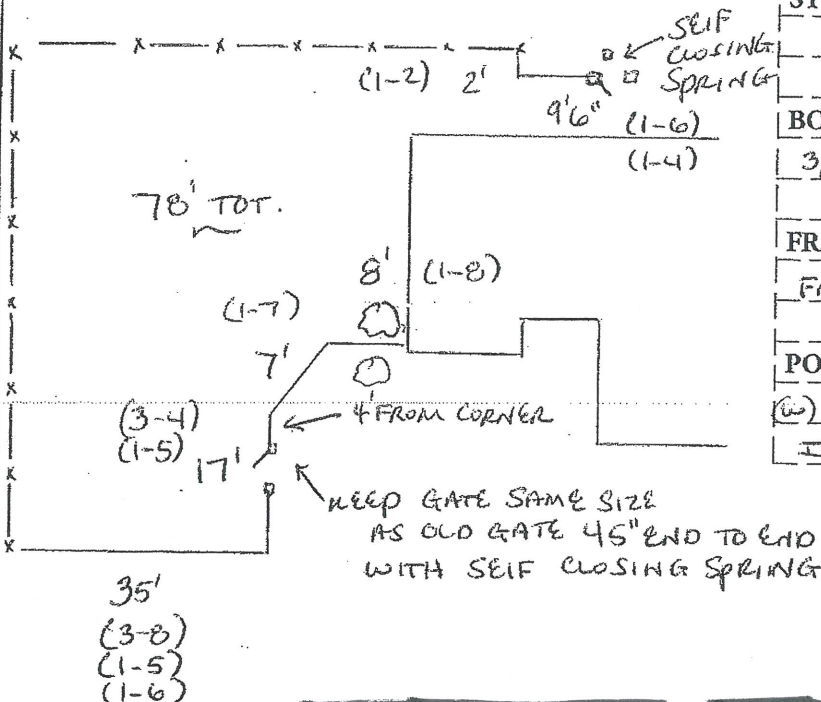
INSTALL TWO GATES FOUR FOOT WIDE

MATERIAL **(w) SELF CLOSING SPRINGS**

TAX

LABOR

EXTRAS



TOTAL \$1872

DEPOSIT \$ 936 RECEIVED 6/25

(ck or approval # 2043/2)

BALANCE UPON COMPLETION \$ 936

(ck or approval #)

All material is guaranteed to be as specified. All work to be done in a workmanlike manner according to standard practices. Any alterations or deviations from the above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation insurance. Customer is responsible for any home owners association rules and covenants.

BUYER'S RIGHT TO CANCEL: YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DAY OF THIS TRANSACTION.

Salesman **TEO SETRAM**

Signature

SEP 11 2014

Date

FOR OFFICE USE ONLY

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



Item: ZBA#14-032 - Zanotti Residence - 1515 W. St. James Place

Department: Planning & Community Development

The petitioner withdrew their application, therefore the project is not moving forward.

ATTACHMENTS:

Description

Type

No Attachments Available



Item: ZBA#14-033 - Egan Residence - 3282 N. Windsor Dr.

Department: Planning & Community Development

REQUEST

1. A 2,097 square foot variance from Section 5.1-3.8 & 5.3-2 for impervious surface coverage which includes 1,907 square feet of existing nonconforming impervious surface coverage and for 190 square feet of proposed impervious surface coverage for a total of 7,070 square feet where the maximum allowed is 4,973 square feet.

ATTACHMENTS:

Description	Type
Staff Report	Report
Department Comments	Correspondence
Supporting Documents & Drawings	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: October 13, 2014
Date Prepared: October 6, 2014
Project Title: Egan Residence
Address: 3282 N. Windsor Dr.

Background Information

Petition Number: ZBA #14-033
Petitioner: Kyle Egan
Address: 120 E. Marquardt Dr.
Wheeling, IL 60090
Existing Zoning: R-3, Single-Family

Requested Action/Background Information

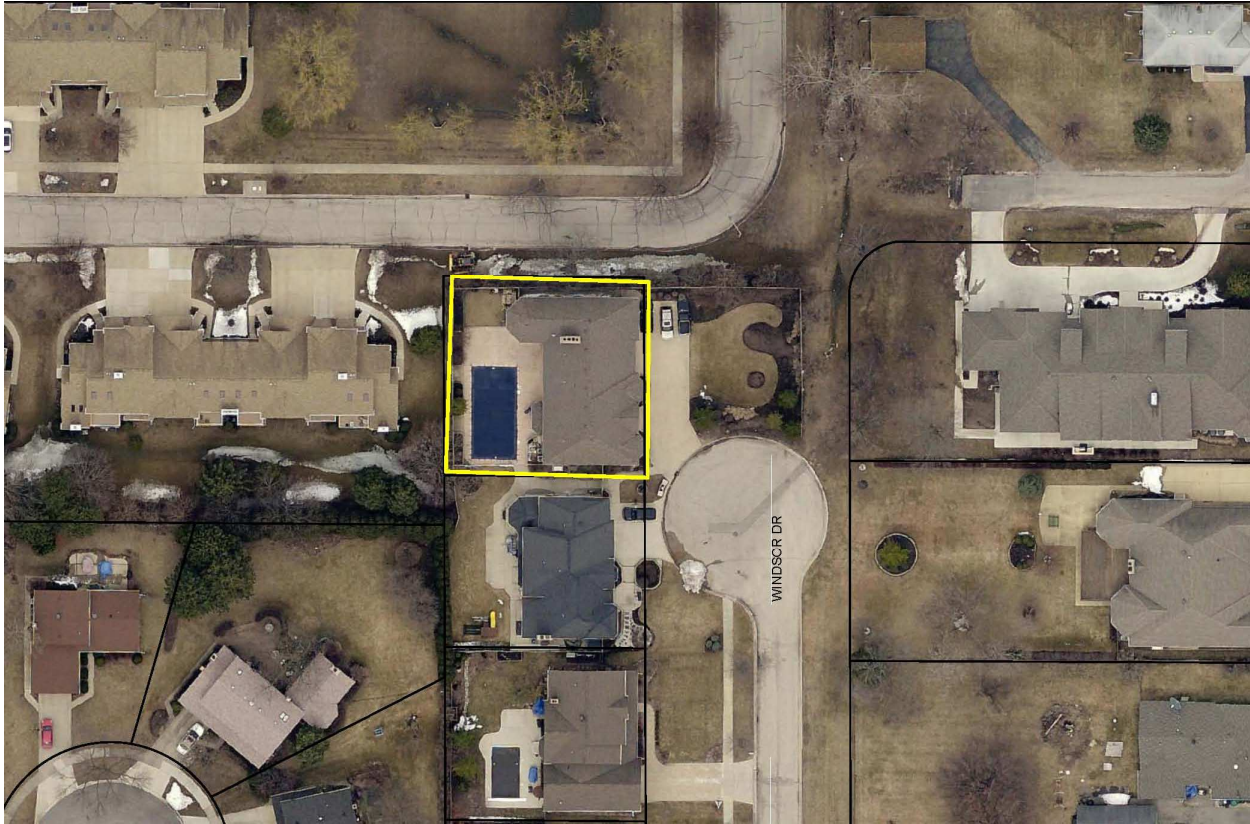
The petitioner is seeking a variation for increasing the impervious surface coverage for a new 190 square foot water feature that would be located in the rear yard. Pursuant to Chapter 28, Section 5.1-3.8, the petitioner is allowed 4,973 square feet for impervious surface coverage and 7,070 is proposed of which 1,907 is legal non-conforming. The proposed water feature is increasing the overall impervious surface coverage. In 1992, the petitioner received a 1,220 square foot variation from the Zoning Board of Appeals for building lot coverage; however, there was no impervious surface coverage requirement in Chapter 28 at that time. Therefore, the petitioner requests the following variation:

- **A 2,097 square foot variance from Section 5.1-3.8 & 5.3-2 for impervious surface coverage which includes 1,907 square feet of existing nonconforming impervious surface coverage and for 190 square feet of proposed impervious surface coverage for a total of 7,070 square feet where the maximum allowed is 4,973 square feet.**

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the 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	✓	9/26/14	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/26/14	
3. Letter that was Mailed	✓	9/26/14	
4. Photographs of Sign on Property	✓	9/26/14	

Photograph of Existing Structure



ZBA# 14-033

3282 N Windsor - ZBA

Rev. Eng: Nanci Julius, P.E.

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



Submitted: September 19, 2014

Completed – September 26, 2014

The proposed ZBA application indicates that the petitioner is seeking:

A 1.8 ft variance to allow a 28.2 ft wide covered front porch with a front yard setback of 23.3 ft from the south property line instead of the minimum 25 ft and an additional 1.7 ft for the eave; and a 3 ft variance to allow a front porch with a side yard setback of 3.3 ft from the east property line instead of the minimum 6.3 ft and an additional 1.7 ft for the eave.

The petitioner had been rejected for the 190 sq ft water feature.

The Engineering Department is NOT IN FAVOR of increasing the impervious area, therefore the Engineering Department is NOT IN FAVOR of the requested variance.

PROJECT REVIEW TRANSMITTAL

for Zoning Board of Appeals Review

Project Name: Egan Residence

Project Address: 3282 N. Windsor Dr.

ZBA #: 14-033

ZBA Hearing Date: October 13, 2014

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PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

To: ~~Jim Massarelli, Director of Engineering~~
James McCalister, 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: September 18, 2014

- A 2,097 square foot variance from Section 5.1-3.8 & 5.3-2 for impervious surface coverage which includes 1,907 square feet of existing nonconforming impervious surface coverage and for 190 square feet of proposed impervious surface coverage for a total of 7,070 square feet where the maximum allowed is 4,973 square feet.

Attached are the Petitioner's:

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

Comments: NO COMMENTS

CHARLEY CRAIG

Please review, comment, and return to me no later than Wednesday, October 1, 2014.

PROJECT REVIEW TRANSMITTAL

for Zoning Board of Appeals Review

Project Name: Egan Residence

Project Address: 3282 N. Windsor Dr.

ZBA #: 14-033

ZBA Hearing Date: October 13, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, 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: September 18, 2014

- A 2,097 square foot variance from Section 5.1-3.8 & 5.3-2 for impervious surface coverage which includes 1,907 square feet of existing nonconforming impervious surface coverage and for 190 square feet of proposed impervious surface coverage for a total of 7,070 square feet where the maximum allowed is 4,973 square feet.

Attached are the Petitioner's:

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

Comments: NO COMMENT.

- S. HAUTZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Wednesday, October 1, 2014.

PETITION

NOW COMES the Petitioner, Kyle Egan, on behalf of George LoVerde, the owner of the property commonly known as 3282 N. Windsor Dr., Arlington Heights, IL 60004, and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 5, Chapter 28, of the Arlington Heights Municipal Code, in order to exceed the maximum impervious lot coverage of 40% of the required rear yard and 50% of the overall lot to install a water feature in the rear yard.

I hereby state that the following hardship would exist if the variation were not granted:

Mr. and Mrs. LoVerde would be unable to continue to beautify their home and fully enjoy their retirement living. They seek to add character to the property and create a better outdoor environment to share with their children and grandchildren.

I hereby state that the following unique circumstances exist:

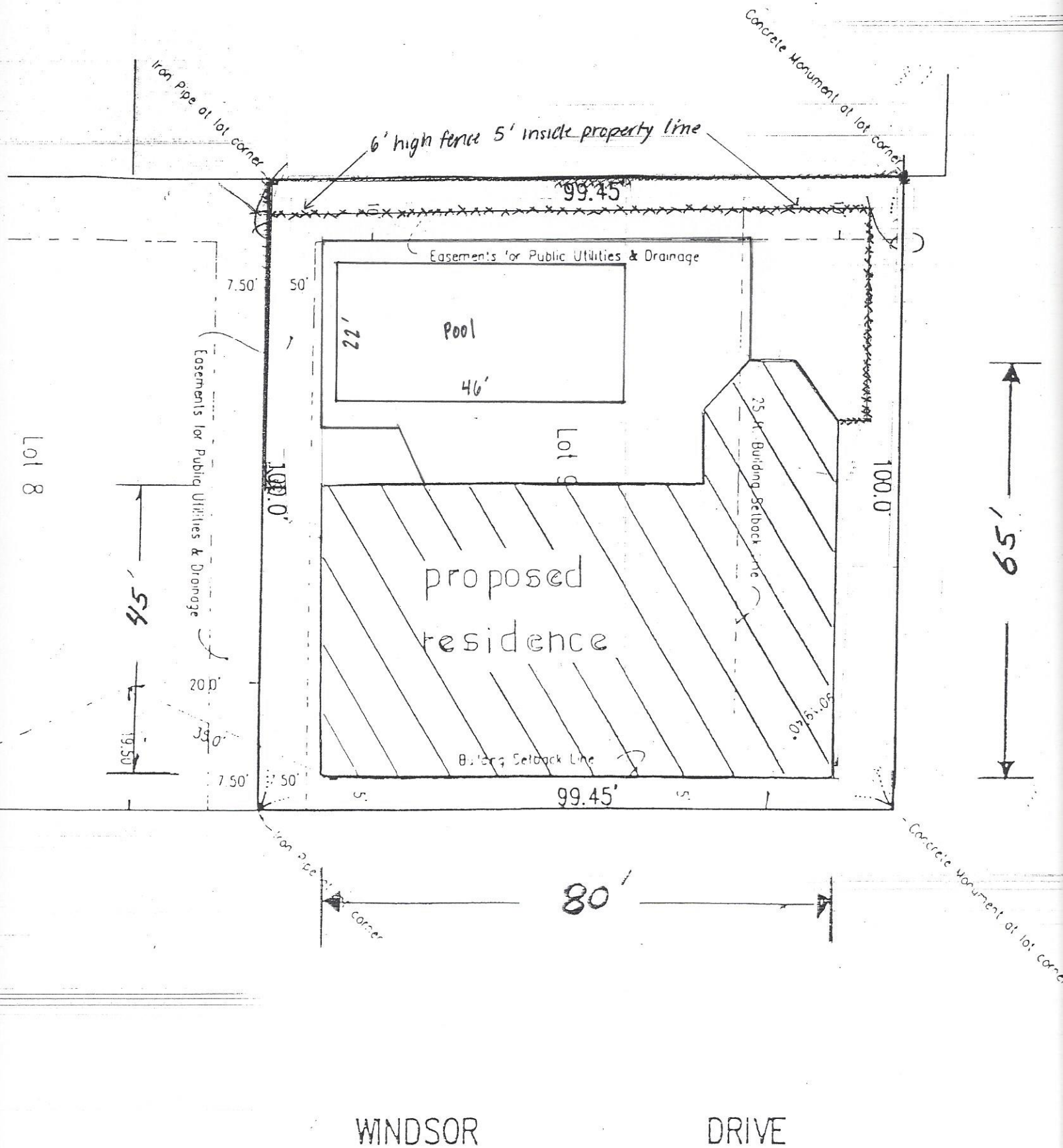
A variance was approved in 1992 for the construction of a pool and pool deck that exceeds the maximum impervious lot coverage of 40% of the required rear yard and 50% of the overall lot. The permit application for the 190 sq. ft. water feature was denied because the lot coverage had already exceeded the maximum.

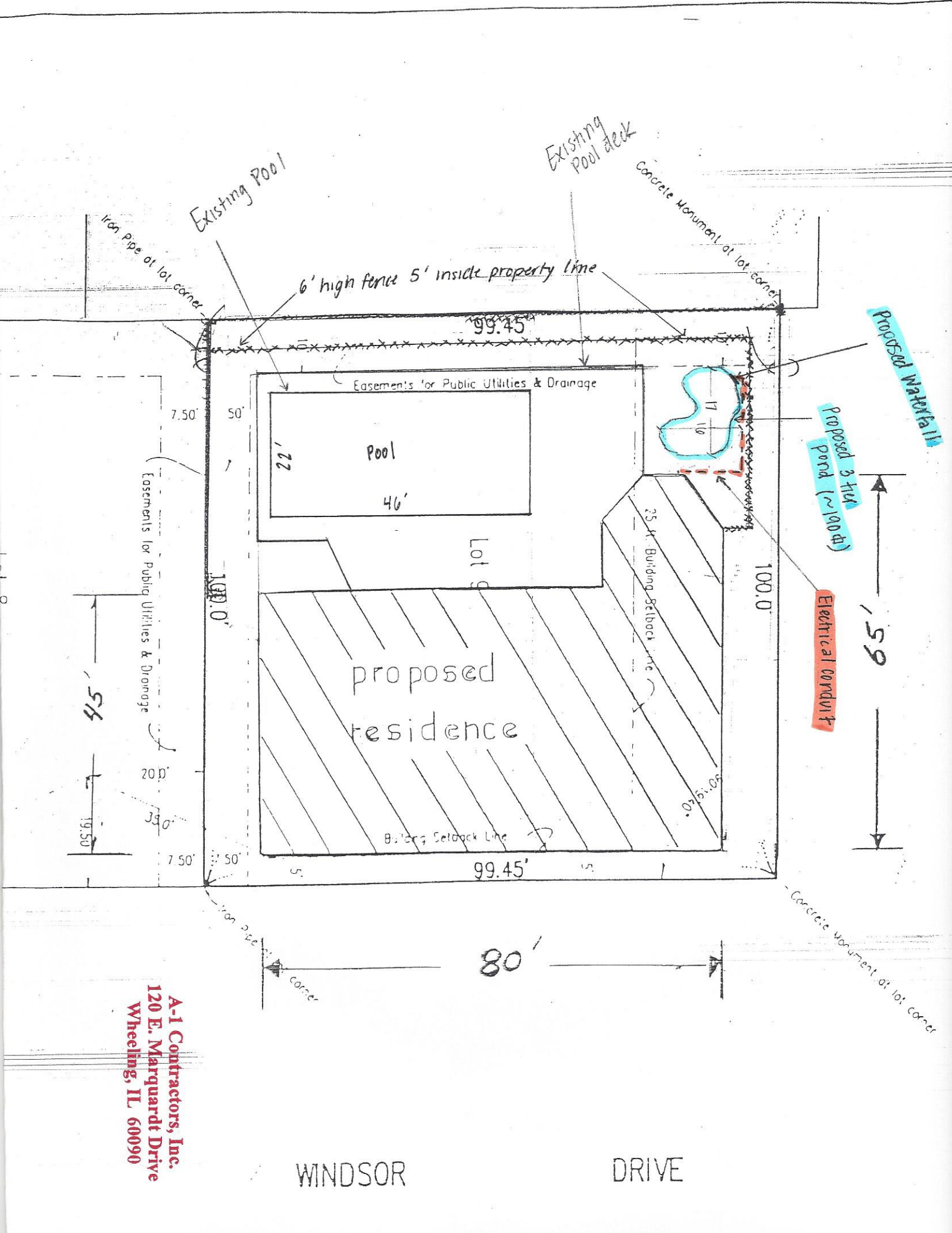
I hereby state that the variation, if granted, will not alter the essential character of the locality because:

The water feature will add value to the property, which will in turn add value to the surrounding properties. The water feature will also add aesthetic value to the rear yard. The existing perimeter wood fence will block the view of the structure from surrounding properties.

Signed: Kyle Egan
Petitioner

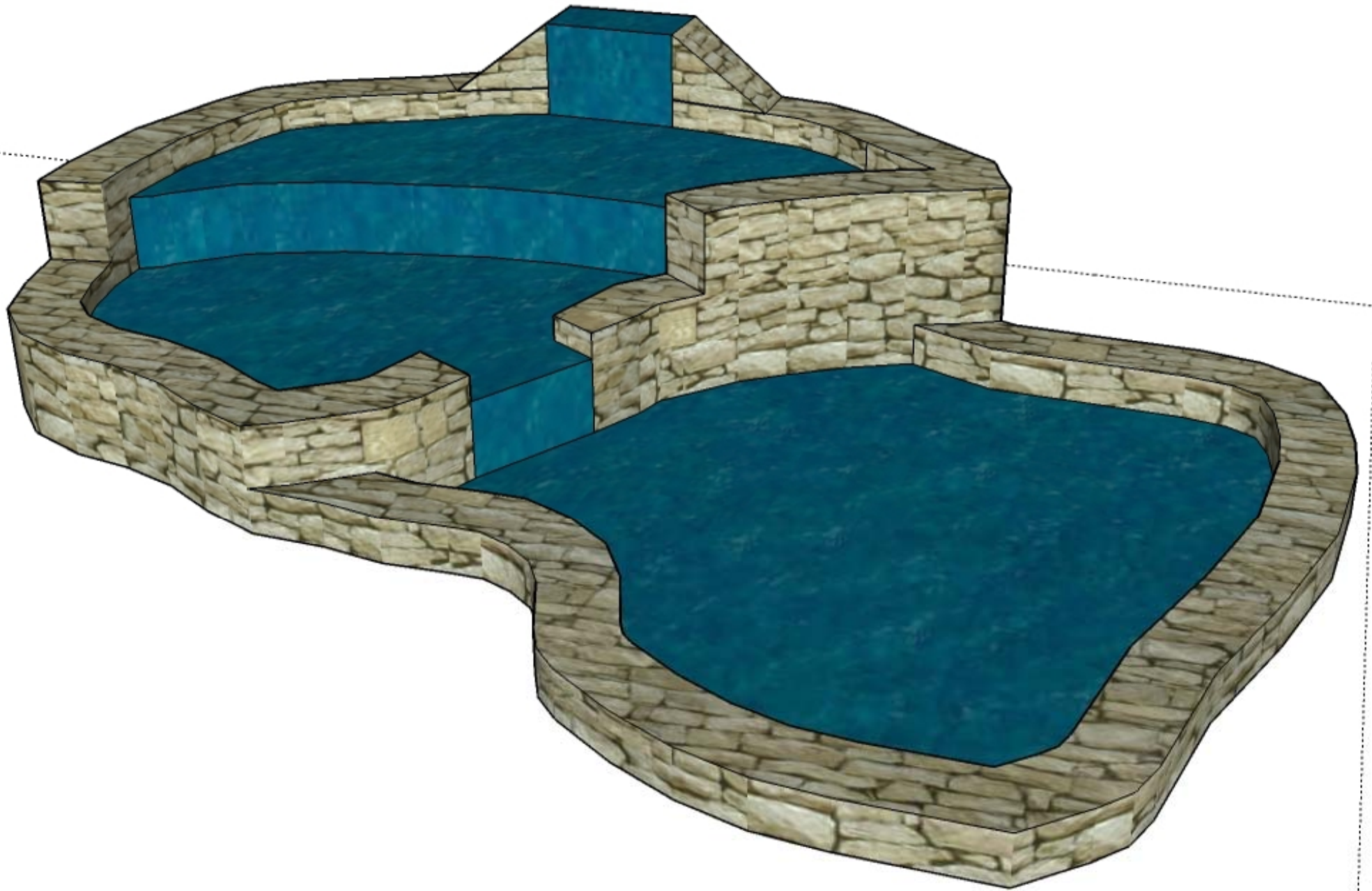
Date: 9/12/2014

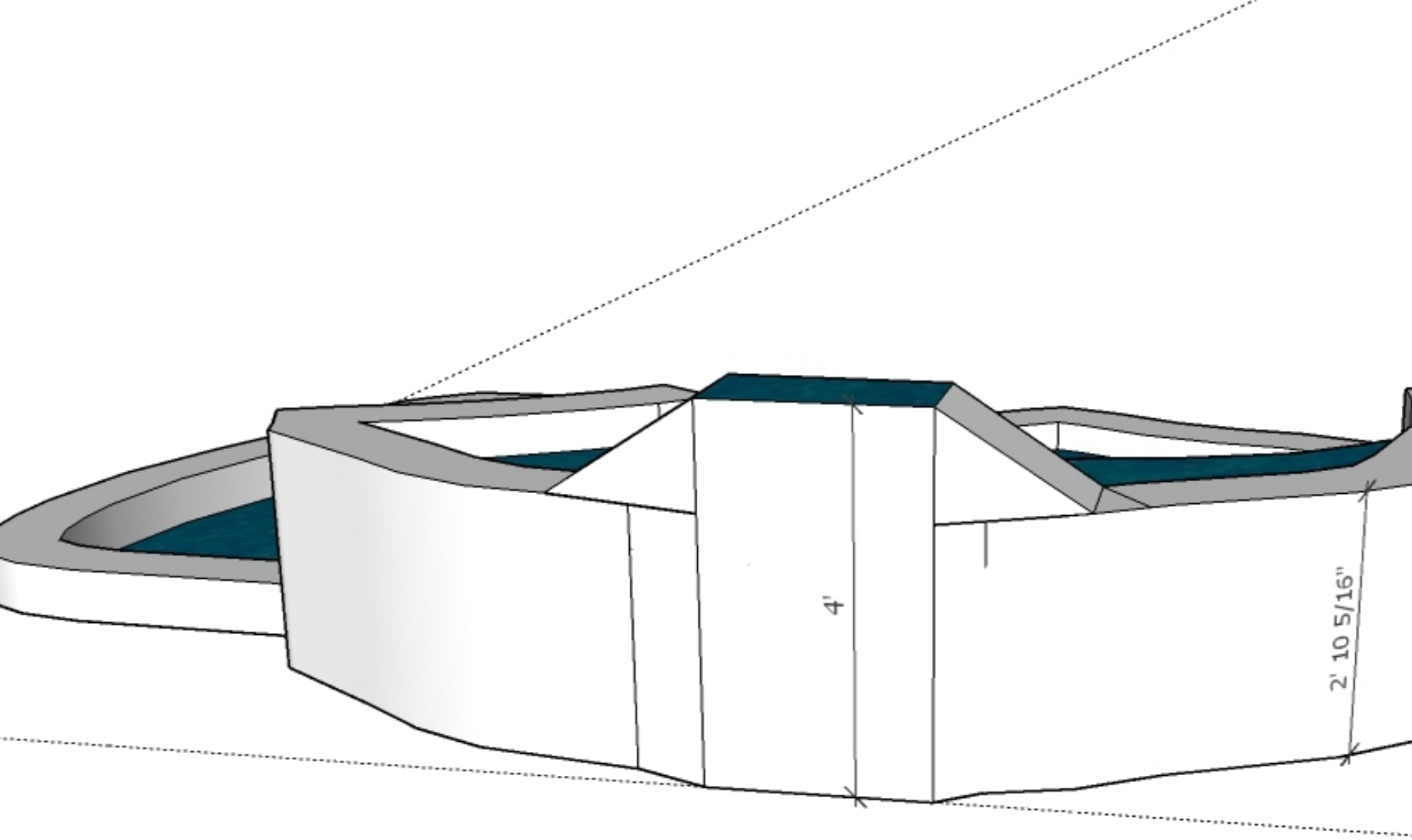




A-1 Contractors, Inc.
120 E. Margardt Drive
Wheeling, IL 60090

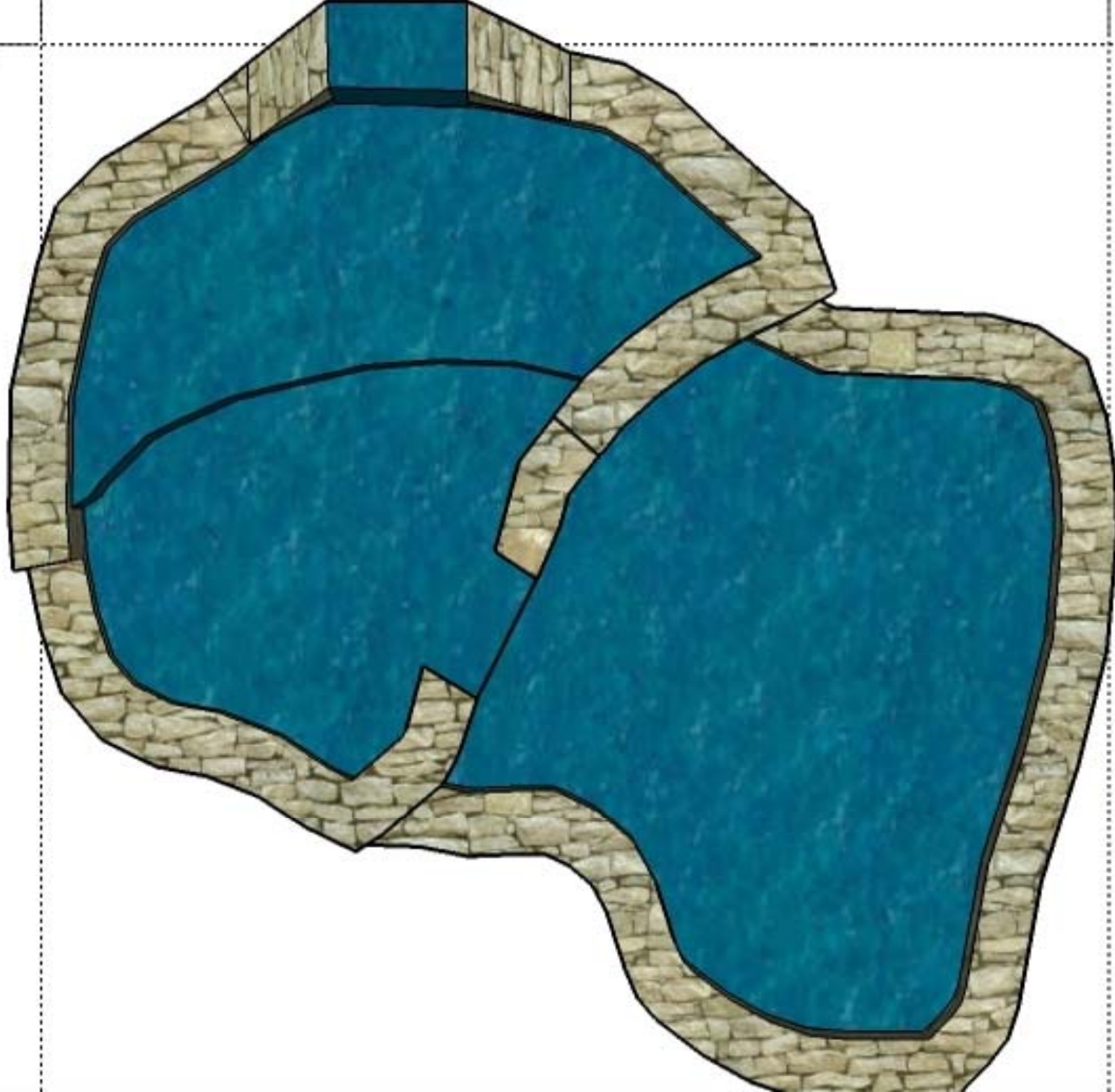
WINDSOR DRIVE





16' 8 3/8"

17'



11' 10 15/16"

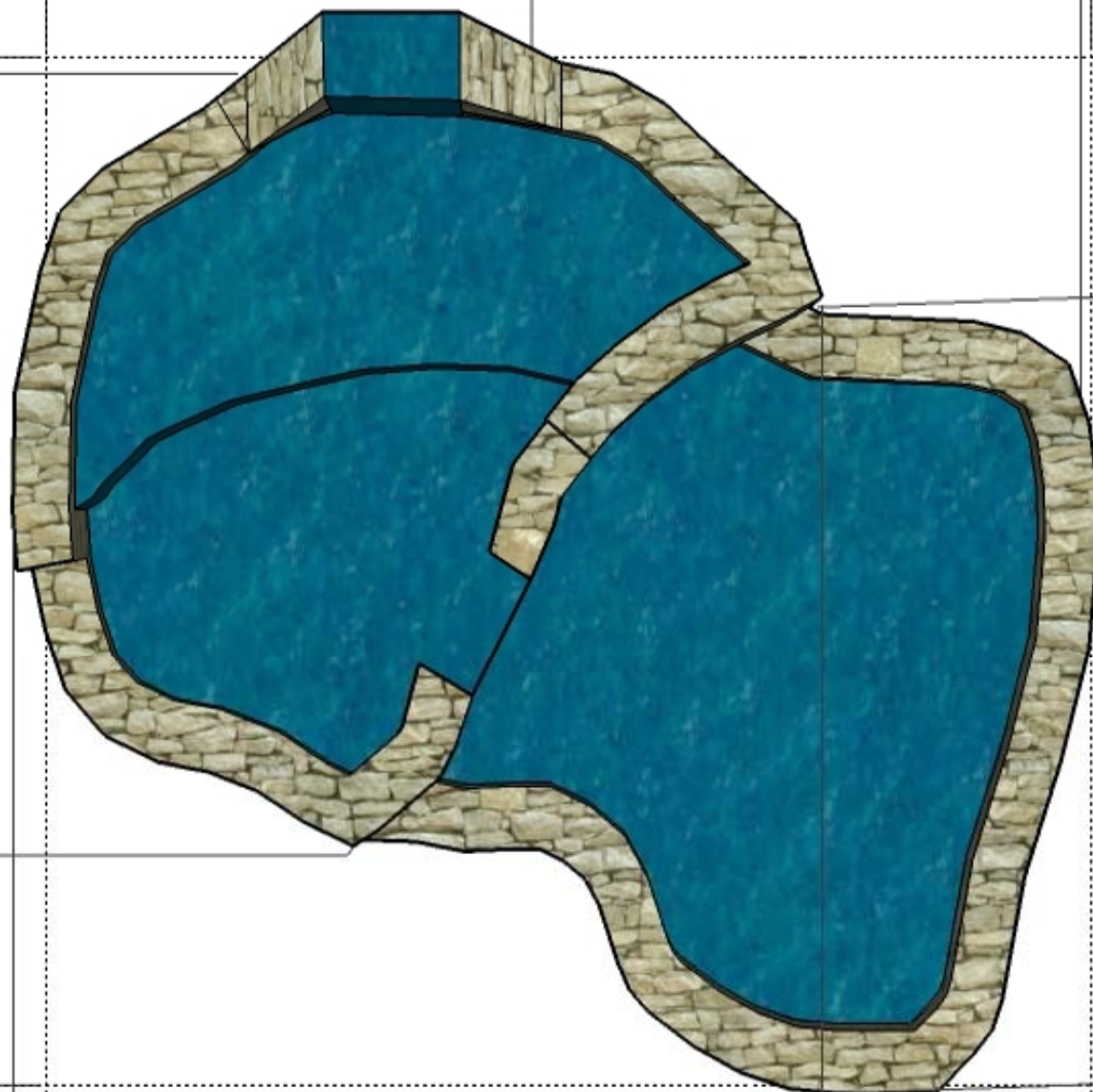
16' 8 3/8"

12' 4"

17'

8' 11 3/8"

12' 7 1/16"





Item: ZBA#14-034 - LaSalvia Residence - 1119 N. Beverly Ln.

Department: Planning & Community Development

REQUEST

1. A 8.5 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a 21.7 foot wide covered front porch with a front yard setback of 21.3 feet from the northwest property line instead of the minimum 29.8 feet and an additional 1.0 feet for the eave.

2. A variation from Chapter 28, Section 6.5-2 to allow a portion of an accessory structure (detached garage) in the side yard where accessory structures are only allowed in the rear yard. A 1 foot variation from Chapter 28. Section 6.5-2 to allow an accessory structure (detached garage) with a separation of 9 feet from the principal structure where 10 feet is required.

ATTACHMENTS:

Description

Staff Report
Department Comments
Supporting Documents & Drawings

Type

Report
Correspondence
Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: October 13, 2014
Date Prepared: October 6, 2014
Project Title: LaSalvia Residence
Address: 1119 N. Beverly Ln.

Background Information

Petition Number: ZBA #14-034
Petitioner: Kingsley/Ginnodo Architects / Keith Ginnodo
Address: 314 N. Pine Ave.
Arlington Heights, IL 60004
Existing Zoning: R-3, Single-Family

Requested Action/Background Information

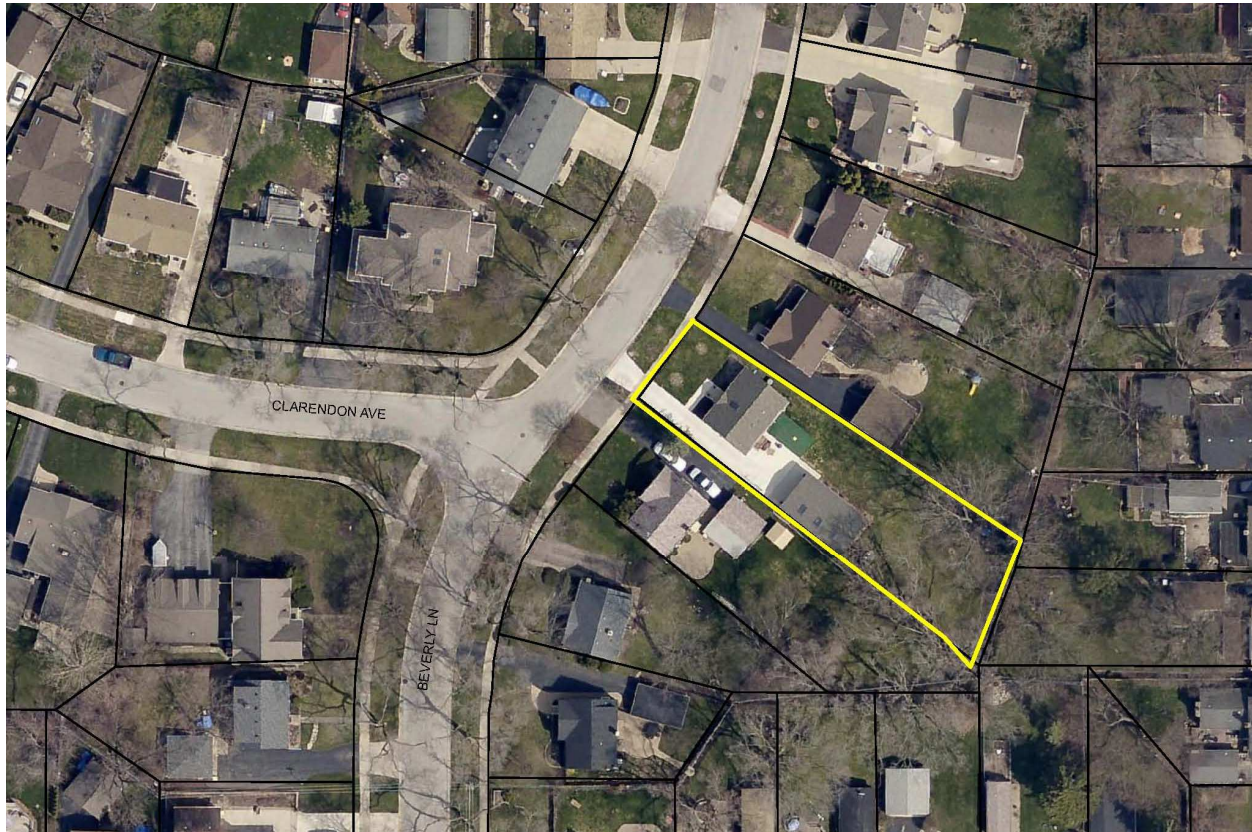
The petitioner is proposing a covered front porch that is encroaching into the required front yard setback. The petitioner is also proposing an addition in the rear yard that encroaches into the required separation for a detached garage. As a result of the rear yard addition, a portion of the detached garage will be located in the side yard. Therefore, the petitioner requests the following variations:

- **A 8.5 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a 21.7 foot wide covered front porch with a front yard setback of 21.3 feet from the northwest property line instead of the minimum 29.8 feet and an additional 1.0 feet for the eave.**
- **A variation from Chapter 28, Section 6.5-2 to allow a portion of an accessory structure (detached garage) in the side yard where accessory structures are only allowed in the rear yard.**
- **A 1 foot variation from Chapter 28. Section 6.5-2 to allow an accessory structure (detached garage) with a separation of 9 feet from the principal structure where 10 feet is required.**

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the 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	✓	9/26/14	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/26/14	
3. Letter that was Mailed	✓	9/26/14	
4. Photographs of Sign on Property	✓	9/26/14	

Photograph of Existing Structure



ZBA# 14-034

1119 N Beverly Ln- ZBA

Rev. Eng: Nanci Julius, P.E.

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

Submitted: September 19, 2014

Completed – September 26, 2014

The proposed ZBA application indicates that the petitioner is seeking:

A 8.5 ft variance to allow a 21.7 ft wide covered front porch with a front yard setback of 21.3 ft from the NW property line instead of the minimum 29.8 ft and an additional 1 ft for the eave; and a variance to allow a portion of the accessory structure (detached garage) in the side yard where accessory structures are only allowed in the rear yard; and a 1 ft variance to allow an accessory structure with a separation of 9 ft from the principal structure where 10 ft is required.

Two site plans were provided – one site plan shows the proposed addition (for the front porch and the 2 story addition) with the existing garage. A second site plan shows the proposed garage in relation to the existing home. **ONE SITE PLAN SHOWING ALL PROPOSED IMPROVEMENTS SHOULD HAVE BEEN PROVIDED.**

The Engineering Department has no objection to the variance related to the front porch. The Engineering Department also has no objection to the setbacks requested for the new detached garage, however; as a complete site plan was not provided showing the proposed garage in relation to the proposed improvements to the home, the Engineering Department reserves the right to comment on any drainage concerns that may become apparent on a complete site plan during the plan review process.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: LaSalvia Residence

Project Address: 1119 N. Beverly Ln.

ZBA #: 14-034

ZBA Hearing Date: October 13, 2014

RECEIVED
SEP 19 2014

To: ~~Jim Massarelli, Director of Engineering~~
James McCalister, 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: September 18, 2014

- A 8.5 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a 21.7 foot wide covered front porch with a front yard setback of 21.3 feet from the northwest property line instead of the minimum 29.8 feet and an additional 1.0 feet for the eave.
- A variation from Chapter 28, Section 6.5-2 to allow a portion of an accessory structure (detached garage) in the side yard where accessory structures are only allowed in the rear yard.
- A 1 foot variation from Chapter 28, Section 6.5-2 to allow an accessory structure (detached garage) with a separation of 9 feet from the principal structure where 10 feet is required.

Attached are the Petitioner's:

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

Comments: 9' SEPARATION WILL REQUIRE FULLY
DRYWALLED GARAGE INTERIOR. CHARLEY CRAIG

Please review, comment, and return to me no later than Wednesday, October 1, 2014.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: LaSalvia Residence

Project Address: 1119 N. Beverly Ln.

ZBA #: 14-034

ZBA Hearing Date: October 13, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, 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: September 18, 2014

- A 8.5 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a 21.7 foot wide covered front porch with a front yard setback of 21.3 feet from the northwest property line instead of the minimum 29.8 feet and an additional 1.0 feet for the eave.
- A variation from Chapter 28, Section 6.5-2 to allow a portion of an accessory structure (detached garage) in the side yard where accessory structures are only allowed in the rear yard.
- A 1 foot variation from Chapter 28, Section 6.5-2 to allow an accessory structure (detached garage) with a separation of 9 feet from the principal structure where 10 feet is required.

Attached are the Petitioner's:

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

Comments: A DESIGN COMMISSION APPLICATION IS REQUIRED,
BUT NO OBJECTION TO THE PROPOSED FRONT PORCH. VERY NICE
DESIGN.

Please review, comment, and return to me no later than Wednesday, October 1, 2014.

- S. HAUTZINGER, DESIGN PLANNER

August 12, 2014

PETITION

1119 North Beverly Lane, Arlington Heights, Illinois 60004

NOW COMES the Petitioner Oksana and Frank LaSalvia being the owner of the property commonly known as: 1119 North Beverly Lane, Arlington Heights, Illinois 60004 and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variance from the Arlington Heights Municipal Code, Chapter 28 Zoning Regulations, Section 5.1-3.6 (Required Minimum Yards) in order to allow a front yard of 21.34' whereas 29.75' is required in order to build a front entry and porch.

I hereby state that the following hardship would exist if the variation were not granted: The existing home has a limited front entry that does not provide room for reception of guests nor a coat closet. There are 3 adults and 4 children, 3 of whom are in High School, that live in the home. They are in need of a more gracious entry with a cover for protection from the elements.

I hereby state that the following unique circumstances exist: The home is situated on a curve in the street creating an illusion that the house is set back farther than it is. The houses adjacent to the home are not in strict alignment with one another due to the curve of the street.

I hereby state that the variation, if granted, will not alter the essential character of the locality. The new entry porch and foyer are designed to harmonize with the size, scale and character of the neighborhood and the surrounding homes. The fact that the home is located on the curve minimizes the perception of the front yard encroachment.

Signed: (petitioner) Oksana LaSalvia date: 9-12-14

RECEIVED

SEP 12 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

NORTH

PLAT OF SURVEY

MARCHESE SURVEYING, INC.

RESIDENTIAL - COMMERCIAL SURVEYS

1281-G Hummicht Circle
Bartlett, Illinois 60103

Phone: (630) 830-1570
Fax: (630) 830-1844

PROPERTY DESCRIPTION

LOT 35 IN BLOCK 4 IN ARLINGTON GREENS, BEING A SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 11, 1952 AS DOCUMENT NUMBER 1408517, IN COOK COUNTY, ILLINOIS.

ALSO KNOWN AS: 1119 NORTH BEVERLY LANE IN ARLINGTON HEIGHTS, ILLINOIS.

JOB COPY TO BE AT JOB SITE
INSPECTIONS WILL NOT BE MADE
UNLESS THIS SET IS AVAILABLE
AT CONSTRUCTION SITE

DATE 11-16-09 ADDRESS 1119 N. Beverly Ln
NOTES: PAGE #
PLANS APPROVED CONTINGENT UPON REVISED DRAWINGS SUBMITTED (DATE)
APPROVED PLANS ARE REQUIRED AT THE JOB SITE/NO INSPECTIONS WILL OCCUR WITHOUT THE APPROVED PLANS ON SITE.
ARCHITECT/CONTRACTOR OR OWNER IS RESPONSIBLE TO MEET ALL APPLICABLE FEDERAL, STATE AND LOCAL CODES/STANDARDS.
NICHOLAS J. ADDEPO, CAD DIRECTOR OF BUILDING VILLAGE OF ARLINGTON HEIGHTS, ILLINOIS
OF COPIES 103 PERMIT # 09-3647

ANY CHANGES MADE TO THE SCOPE OF WORK THAT IS NOT REFLECTED ON THE VILLAGE BENCH MARK MUST BE RESUBMITTED FOR APPROVAL.

3 INCH DIAMETER BRASS DISC SET IN CONCRETE 4 INCHES ABOVE GRADE, APPROXIMATELY 34.00 FEET NORTH OF THE CENTERLINE OF OAKTON STREET AND APPROXIMATELY 34.00 FEET EAST OF THE CENTERLINE OF DRYDEN AVENUE AT THE NORTHEAST CORNER OF THE INTERSECTION.

ELEVATION = +890.29 (N.G.V.D. 1929 DATUM PROVIDED BY VILLAGE OF VILLAGE OF ARLINGTON HEIGHTS)

SITE BENCH MARK

THE SOUTHEAST PLAGE BOLT ON A FIRE HYDRANT LOCATED APPROXIMATELY 2 LOTS SOUTH OF THE THE SURVEY SITE SHOWN HEREON AND EAST OF BEVERLY LANE.

ELEVATION = +894.74 (N.G.V.D. 1929 DATUM PROVIDED BY VILLAGE OF VILLAGE OF ARLINGTON HEIGHTS)

T/F = TOP OF FOUNDATION
F/F = FINISHED FLOOR
TOC = TOP OF CURB
BOC = BOTTOM OF CURB
○ = PROPOSED ELEVATION

NOTE: TO CONVERT FROM D.G.V.D. 1929 DATUM TO N.A.V.D. 1988 DATUM SIMPLY SUBTRACT 0.30 FROM DATA SHOWN HEREON.

A PRELIMINARY TITLE POLICY REPORT WAS NOT FURNISHED TO MARCHESE SURVEYING INC. FOR OUR USE IN PREPARING THIS SURVEY, THEREFORE THERE MAY BE ADDITIONAL EASEMENTS AND OR SERVITUDE'S EFFECTING THIS PROPERTY WHICH ARE NOT SHOWN ON THIS PLAT OF SURVEY.

SCALE: ONE INCH = FIFTEEN FEET

ORDER NO: 09-15005A

ORDERED BY: MR. FRANK R. LASALVIA

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE. FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO YOUR CONTRACT, DEED, TITLE INSURANCE POLICY AND ZONING ORDINANCE.

STATE OF ILLINOIS S.S.
COUNTY OF DUPAGE

I, ROCCO J. MARCHESE, HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

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

DATED AT BARTLETT, NOVEMBER 3, 2009



Rocco J. Marchese
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3039
MY LICENSE EXPIRES ON NOVEMBER 30, 2010

ANY REPRODUCTION OF THIS PLAT IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT FROM MARCHESE SURVEYING, INC.

DRAWN BY: T.A.T.
CHECK BY: R.J.M.

RECEIVED
SEP 18 2014
PLANNING & ZONING DEPARTMENT
DEVELOPMENT REVIEW UNIT

DRAWING LIST

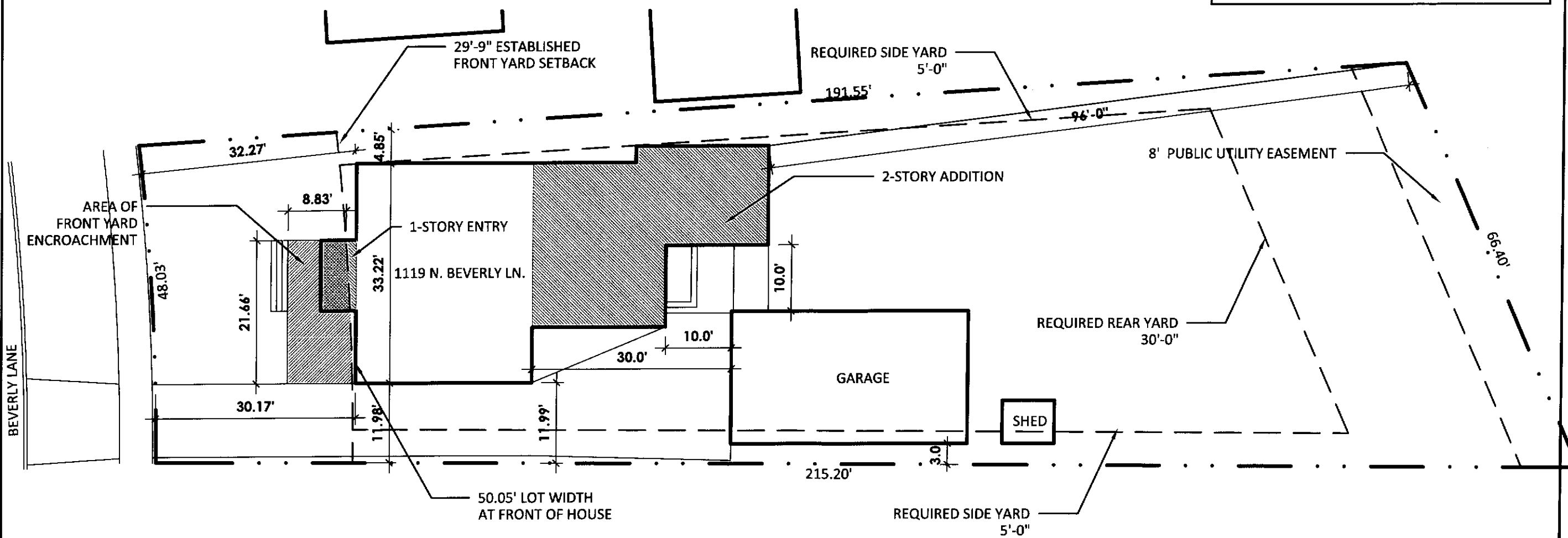
- A0 SITE PLAN
- A2 FIRST FLOOR PLAN
- A3 SECOND FLOOR PLAN
- EX0 EXISTING SITE PLAN
- EX1 EXISTING BASEMENT PLAN
- EX2 EXISTING FIRST FLOOR PLAN
- EX3 EXISTING SECOND FLOOR PLAN
- EX4 EXISTING ROOF PLAN
- EX5 EXISTING WEST ELEVATION
- EX6 EXISTING SOUTH ELEVATION
- EX7 EXISTING EAST ELEVATION
- EX8 EXISTING NORTH ELEVATION
- EX9 EXISTING WEST ELEVATION - GARAGE
- EX10 EXISTING NORTH ELEVATION - GARAGE

FRONT YARD SETBACKS

ADDRESS	SETBACK
1101 N. BEVERLY	30'-0"
1107 N. BEVERLY	31'-6"
1111 N. BEVERLY	29'-0"
1115 N. BEVERLY	29'-5"
1119 N. BEVERLY	30'-2"
1123 N. BEVERLY	31'-5"
1125 N. BEVERLY	29'-11"
1129 N. BEVERLY	29'-9"
1133 N. BEVERLY	27'-3"
1137 N. BEVERLY	29'-8"
1141 N. BEVERLY	29'-10"
1145 N. BEVERLY	29'-9"
1149 N. BEVERLY	29'-6"
1151 N. BEVERLY	29'-6"
1157 N. BEVERLY	29'-9"
TOTAL:	446'-5"

446'-5" / 15 HOUSES = 29'-9"

ESTABLISHED FRONT YARD SET BACK = 29'- 9"



1 SITE PLAN
1/16" = 1'-0"

1 1/2 1/4

DRAWING LIST

- EX0 EXISTING SITE PLAN
- EX1 EXISTING BASEMENT PLAN
- EX2 EXISTING FIRST FLOOR PLAN
- EX3 EXISTING SECOND FLOOR PLAN
- EX4 EXISTING ROOF PLAN
- EX5 EXISTING WEST ELEVATION
- EX6 EXISTING SOUTH ELEVATION
- EX7 EXISTING EAST ELEVATION
- EX8 EXISTING NORTH ELEVATION
- EX9 EXISTING GARAGE WEST ELEVATION
- EX10 EXISTING GARAGE NORTH ELEVATION

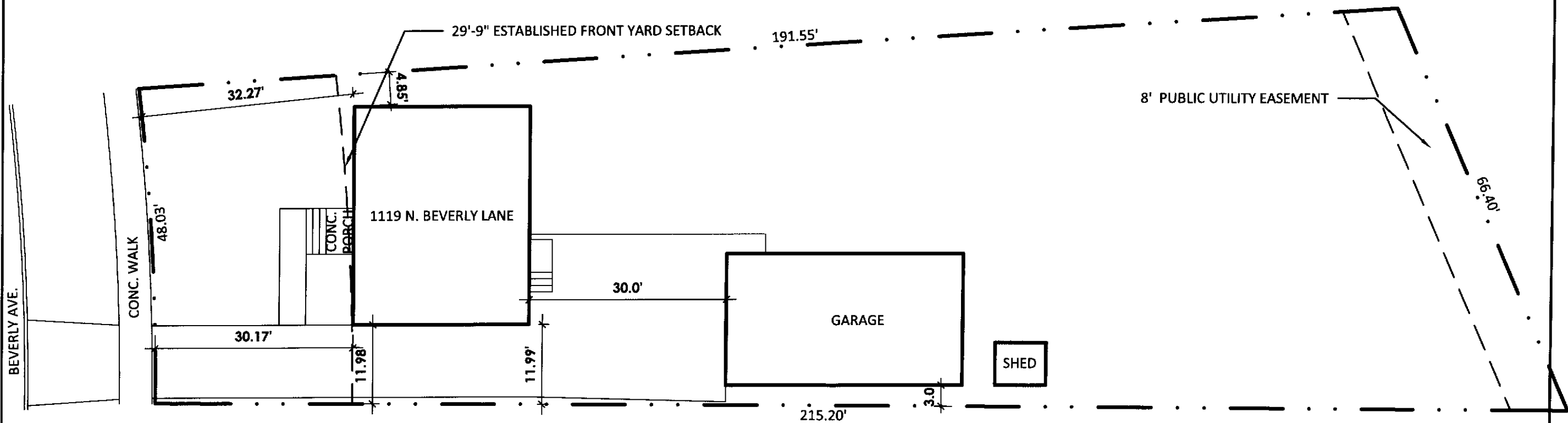
KINGSLEY + GINNODO ARCHITECTS
314 N PINE AV ARLINGTON HTS ILLINOIS 60004

EXO

8.25.14

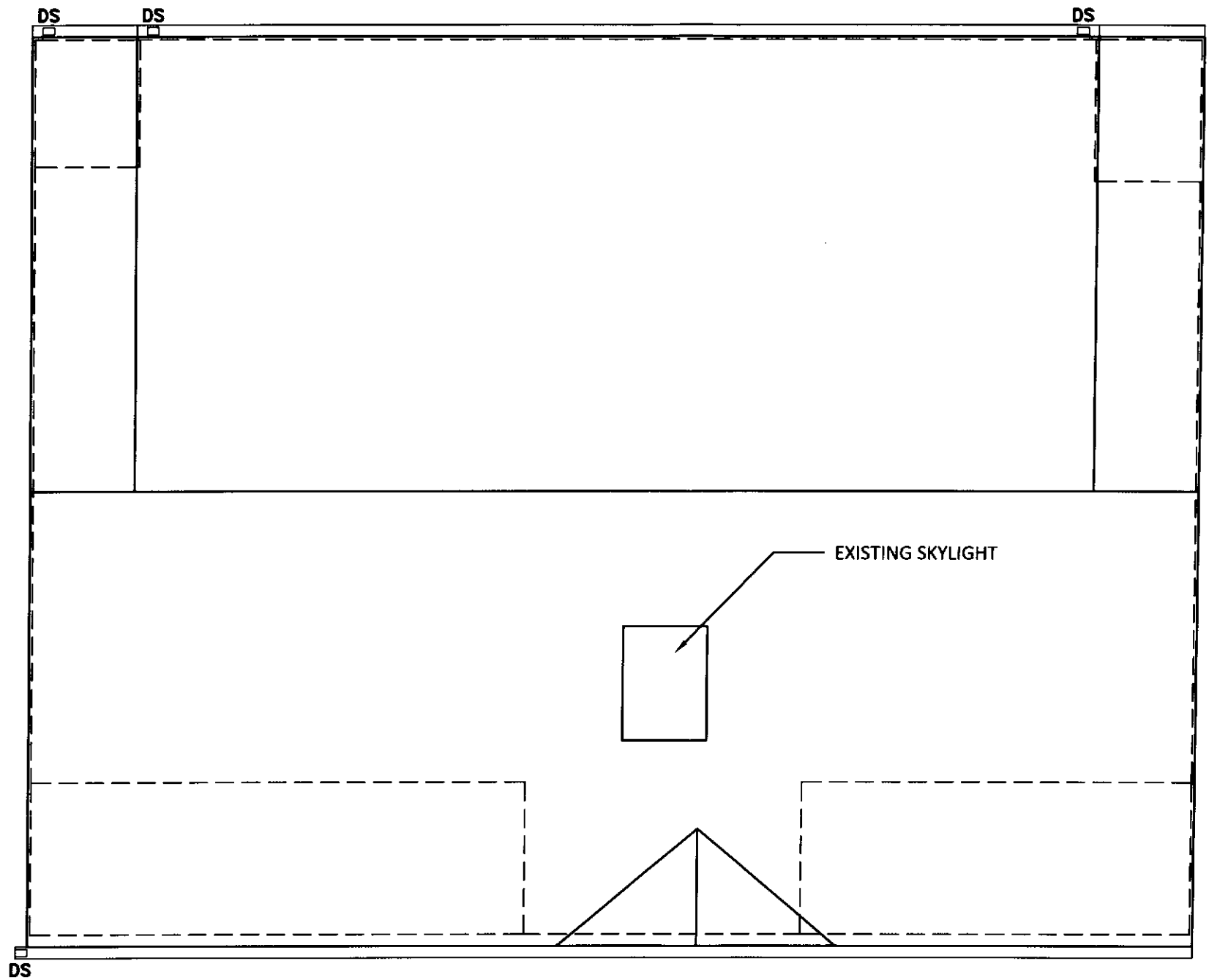
KGA

LASALVIA RESIDENCE
1119 N BEVERLY LANE, ARLINGTON HEIGHTS, IL 60004



1 EXISTING SITE PLAN
1/16" = 1'-0"

1 1/2 1/4



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

LASALVIA RESIDENCE
1119 N BEVERLY AVENUE, ARLINGTON HEIGHTS, IL 60004



KINGSLEY + GINNODO ARCHITECTS

314 N PINE AV ARLINGTON HTS ILLINOIS 60004

EX4
8.25.14

1

1/2

1/4



1 EXISTING WEST ELEVATION
1/4" = 1'-0"

LASALVIA RESIDENCE
1119 N BEVERLY AVENUE, ARLINGTON HEIGHTS, IL 60004

KGA

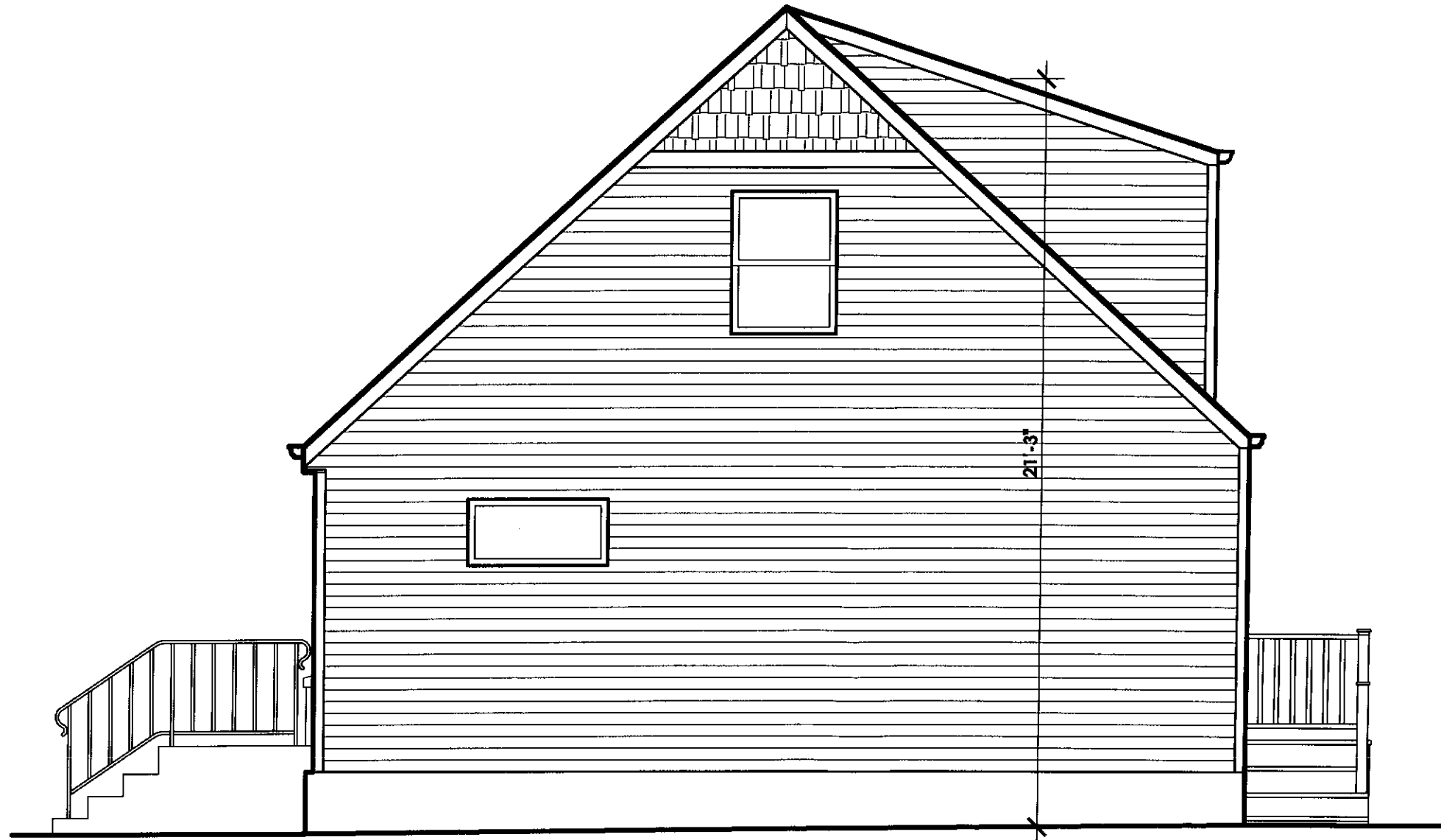
KINGSLEY + GINNODO ARCHITECTS

314 N PINE AV ARLINGTON HTS ILLINOIS 60004

EX5

8.25.14

1 1/2 1/4



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

LASALVIA RESIDENCE
1119 N BEVERLY LANE, ARLINGTON HEIGHTS, IL 60004



KINGSLEY + GINNODO ARCHITECTS
314 N PINE AV ARLINGTON HTS ILLINOIS 60004
8.25.14
EX6

1 1/2 1/4



1 EXISTING EAST ELEVATION
1/4" = 1'-0"

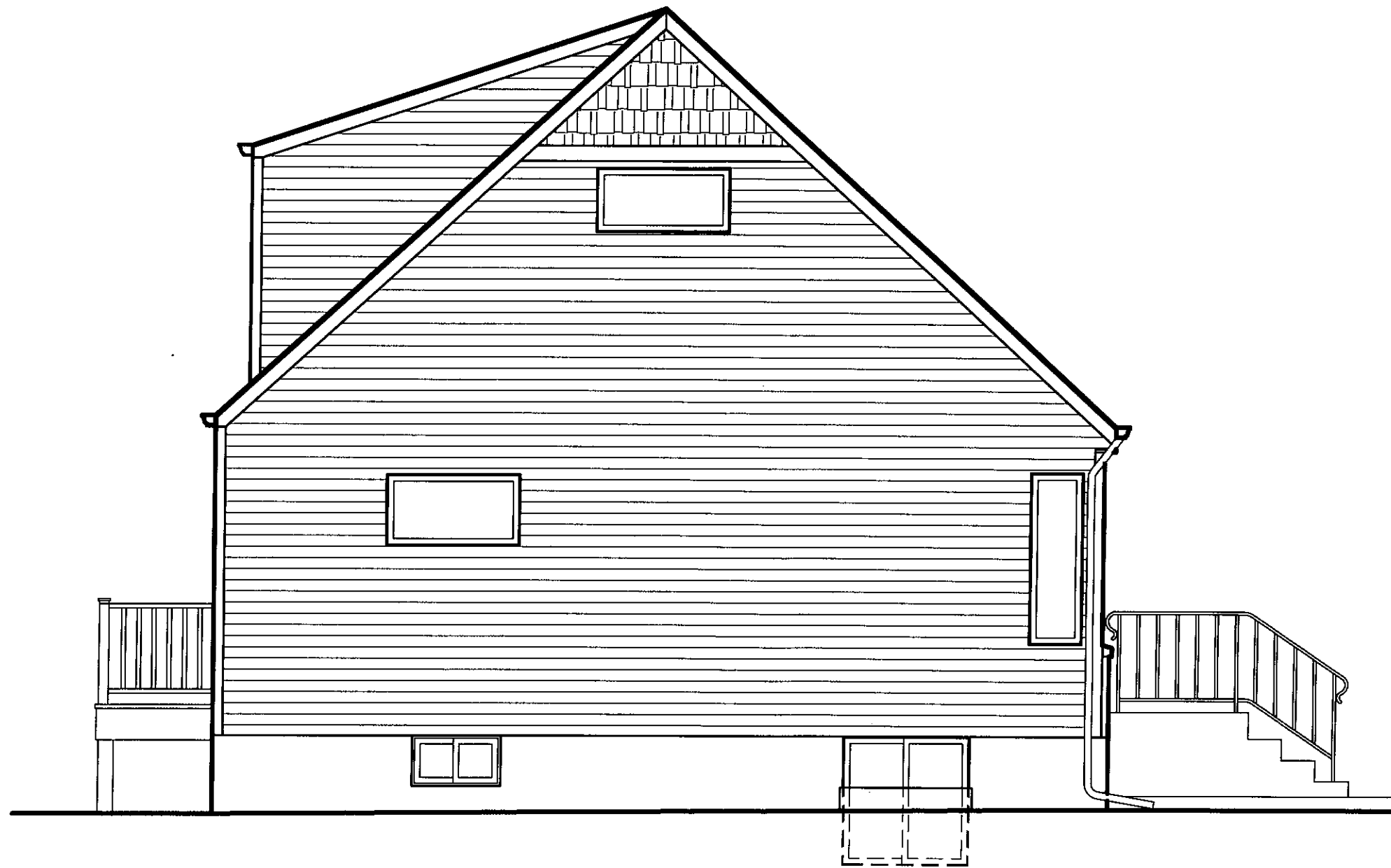
LASALVIA RESIDENCE
1119 N BEVERLY AVENUE, ARLINGTON HEIGHTS, IL 60004

KGA

KINGSLEY + GINNODO ARCHITECTS
314 N PINE AV ARLINGTON HTS ILLINOIS 60004

EX7

8.25.14



1 EXISTING NORTH ELEVATION
1/4" = 1'-0"



1 EXISTING GARAGE NORTH ELEVATION
1/4" = 1'-0"

LASALVIA RESIDENCE
1119 N BEVERLY AVENUE, ARLINGTON HEIGHTS, IL 60004



KINGSLEY + GINNODO ARCHITECTS
314 N PINE AV ARLINGTON HTS ILLINOIS 60004

EX10
8.25.14

1 1/2 1/4

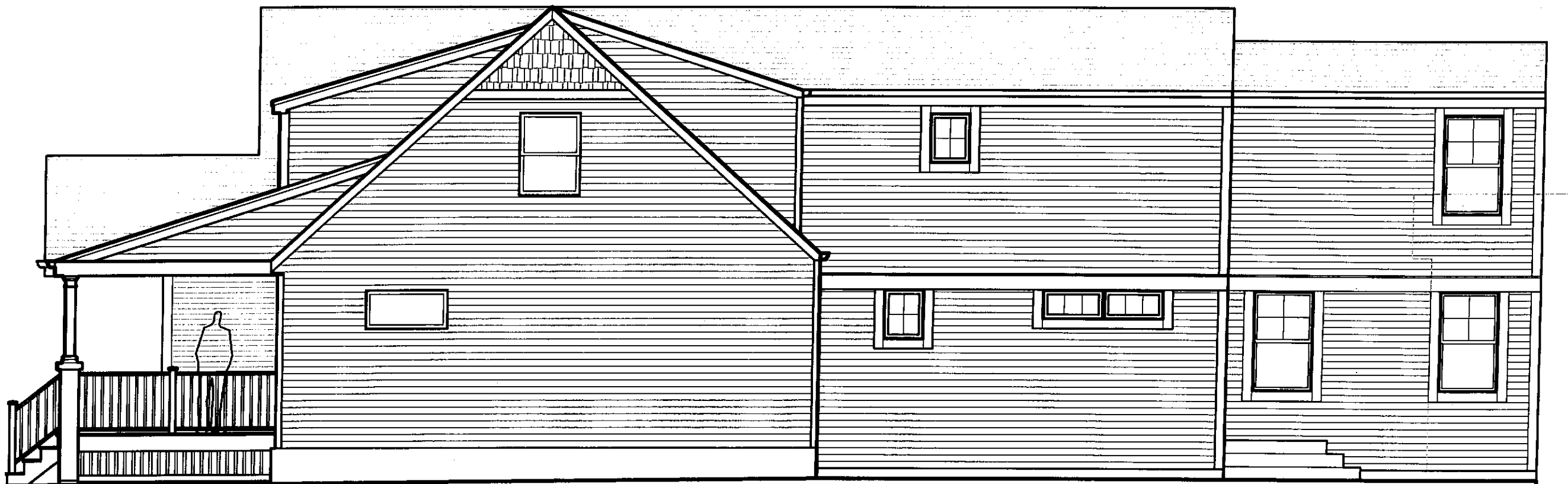


1 WEST ELEVATION
3/16" = 1'-0"

LASALVIA RESIDENCE
1119 N BEVERLY LANE, ARLINGTON HEIGHTS, IL 60004

KGA
KINGSLEY + GINNODO ARCHITECTS
314 N PINE AV ARLINGTON HTS ILLINOIS 60004
9.17.14 9.16.14
A5

1 1/2 1/4



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

LASALVIA RESIDENCE
1119 N BEVERLY LANE, ARLINGTON HEIGHTS, IL 60004



KINGSLEY + CINNODO ARCHITECTS
314 N PINE AV ARLINGTON HTS ILLINOIS 60004

A6

9.17.14

1

1/2

1/4



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

LASALVIA RESIDENCE
1119 N BEVERLY LANE, ARLINGTON HEIGHTS, IL 60004

KINGSLEY + GINNODO ARCHITECTS
314 N PINE AV ARLINGTON HTS ILLINOIS 60004



A7

9.17.14

1 1/2 1/4



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

LASALVIA RESIDENCE
1119 N BEVERLY LANE, ARLINGTON HEIGHTS, IL 60004



KINGSLEY + GINNODO ARCHITECTS
314 N PINE AV ARLINGTON HTS ILLINOIS 60004

A8

9.17.14



Item: ZBA#14-035 - Reizer Residence - 407 S. Beverly Ln.

Department: Planning & Community Development

REQUEST

1. A 18.2 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 home with an exterior side yard setback of 13.0 feet instead of the minimum required 31.2 feet and an additional 0.5 feet for the eave.

ATTACHMENTS:

Description	Type
Staff Report	Report
Department Comments	Correspondence
Supporting Documents & Drawings	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: October 13, 2014
Date Prepared: October 6, 2014
Project Title: Reizer Residence
Address: 407 S. Beverly Ln.

Background Information

Petition Number: ZBA #14-035
Petitioner: David Szafarz
Address: 13705 W. Irma Lee Ct. Suite 100
Lake Forest, IL 60045
Existing Zoning: R-3, Single-Family

Requested Action/Background Information

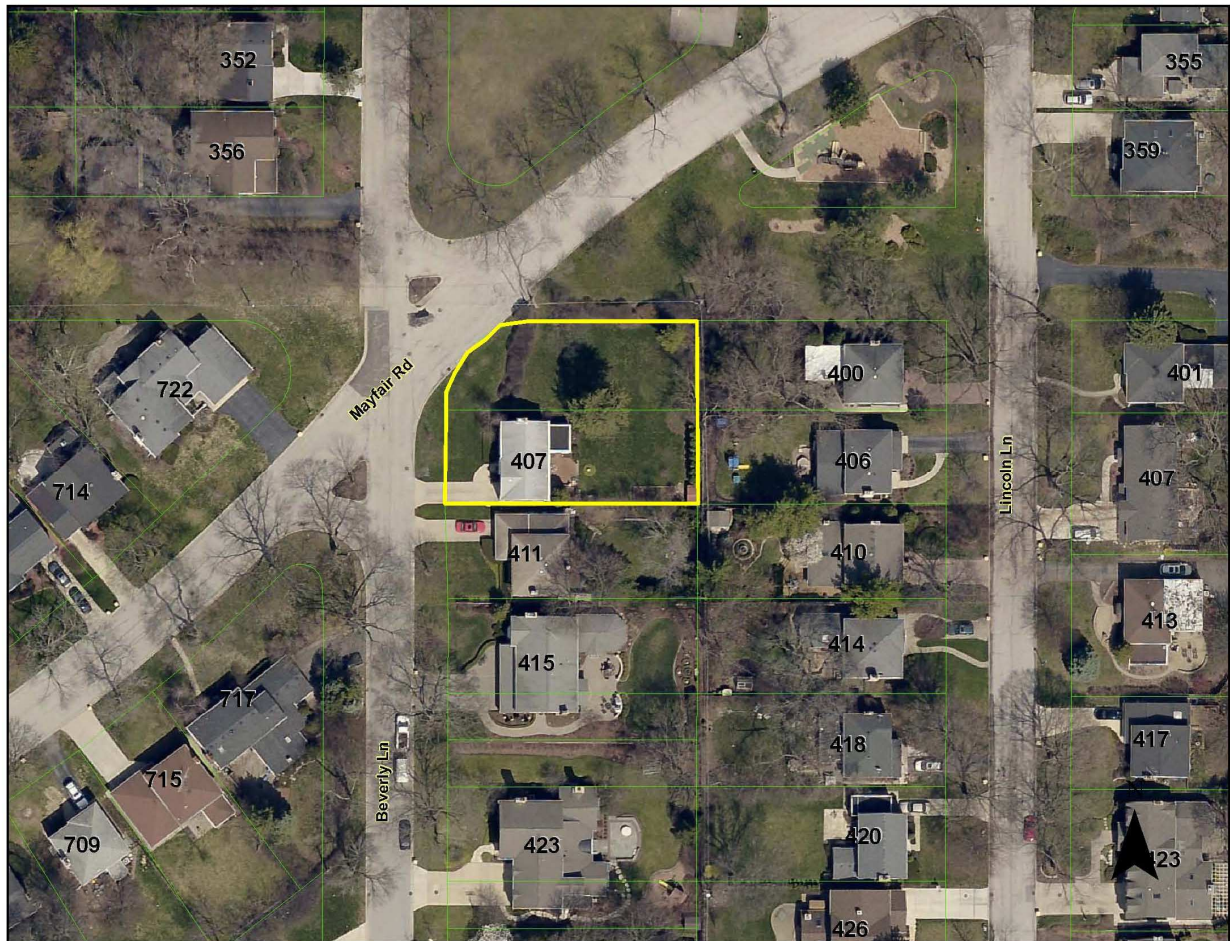
The petitioner is proposing to demolish the existing house and build a new two story single-family home with an attached garage. The petitioner is proposing to locate the home 13.0 feet from the north (exterior side) lot line instead of the minimum required 31.2 feet. Therefore, the petitioner requests an 18.2 foot exterior side yard setback variance. The petitioner requests the following variation:

- **A 18.2 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 home with an exterior side yard setback of 13.0 feet instead of the minimum required 31.2 feet and an additional 0.5 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	✓	9/25/14	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/25/14	
3. Letter that was Mailed	✓	9/25/14	
4. Photographs of Sign on Property	✓	9/25/14	

Photograph of Existing Structure



ZBA# 14-035

407 S Beverly Ln- ZBA

Rev. Eng: Nanci Julius, P.E.

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



Submitted: September 19, 2014

Completed – September 26, 2014

The proposed ZBA application indicates that the petitioner is seeking:

A 18.2 ft variance to allow a new home with an exterior side yard setback of 13 ft instead of the minimum required 31.2 ft and an additional 0.5 ft for the eave.

Grove St right-of-way on the north side of the property is open parkway with no street improvements.

The Engineering Department has no objection to the proposed variance.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Reizer Residence

Project Address: 407 S. Beverly Ln.

ZBA #: 14-035

ZBA Hearing Date: October 13, 2014

RECEIVED
SEP 19 2014

To: Jim Massarelli, Director of Engineering
James McCalister, 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: September 18, 2014

- A 18.2 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 home with an exterior side yard setback of 13.0 feet instead of the minimum required 31.2 feet and an additional 0.5 feet for the eave.

Attached are the Petitioner's:

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

Comments: NO COMMENT

CHARLEY CRAIG

Please review, comment, and return to me no later than Wednesday, October 1, 2014.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Reizer Residence

Project Address: 407 S. Beverly Ln.

ZBA #: 14-035

ZBA Hearing Date: October 13, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, 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: September 18, 2014

- A 18.2 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 home with an exterior side yard setback of 13.0 feet instead of the minimum required 31.2 feet and an additional 0.5 feet for the eave.

Attached are the Petitioner's:

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

Comments: APPROVED BY THE DESIGN COMMISSION ON
9-23-14.

- S. HAUTZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Wednesday, October 1, 2014.

PETITION

NOW COMES the Petitioners, Adam and Mia Reizer

Being the owner of the property commonly known as: 407 S. Beverly Lane

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:

Request a variation to allow an encroachment of a new home into the required exterior side yard.

The requested setback along unimproved Grove Street is 13 feet in lieu of the required 31.24 feet setback.

I hereby state the following hardship would exist if the variation were not granted:

Due to the unique layout of the home, its location on the lot, and the fact that there is only one additional house on the block, the resulting average of the block setback would result in an extremely large setback that would take up more than one half of the northern-most lot (442). In addition, the petitioners met with the Village staff to seek guidance prior to purchasing the property. During a meeting and a subsequent email from the Village staff, the owners were led to believe that the exterior side yard setback would be approximately 10 feet, matching the other house along unimproved Grove Street, known as 400 S. Lincoln.

I hereby state that the following unique circumstances exist:

The property is very unique because it is located on three streets: Beverly Lane, Mayfair Road and unimproved Grove Street. It also is unique because it is a double lot (lots 441 and 442) with an existing house currently built on the south lot only (441). As the existing house was built on the southern of the two lots, it skews the average of the block along unimproved Grove Street.

As the intent of the average of the block setback criteria is to create some consistency along the street, this unique situation does just the opposite. The house on 400 S. Lincoln has a 10 feet setback along unimproved Grove Street and the subject property would have 31.24 feet setback as a result of this ordinance. In addition, if the northern-most lot (442) was developed as a single lot, the setback would be 10 feet in lieu of 32.14 feet.

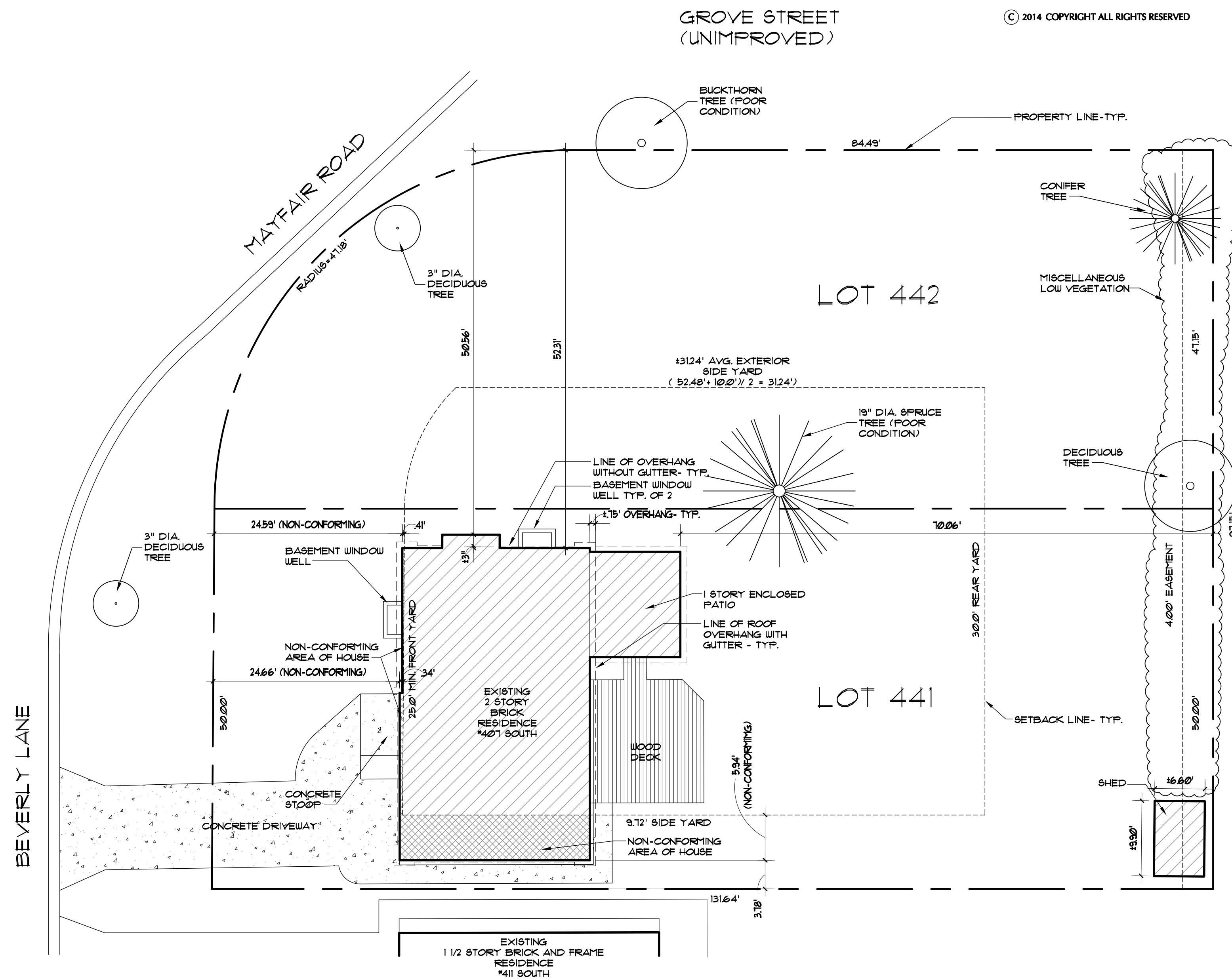
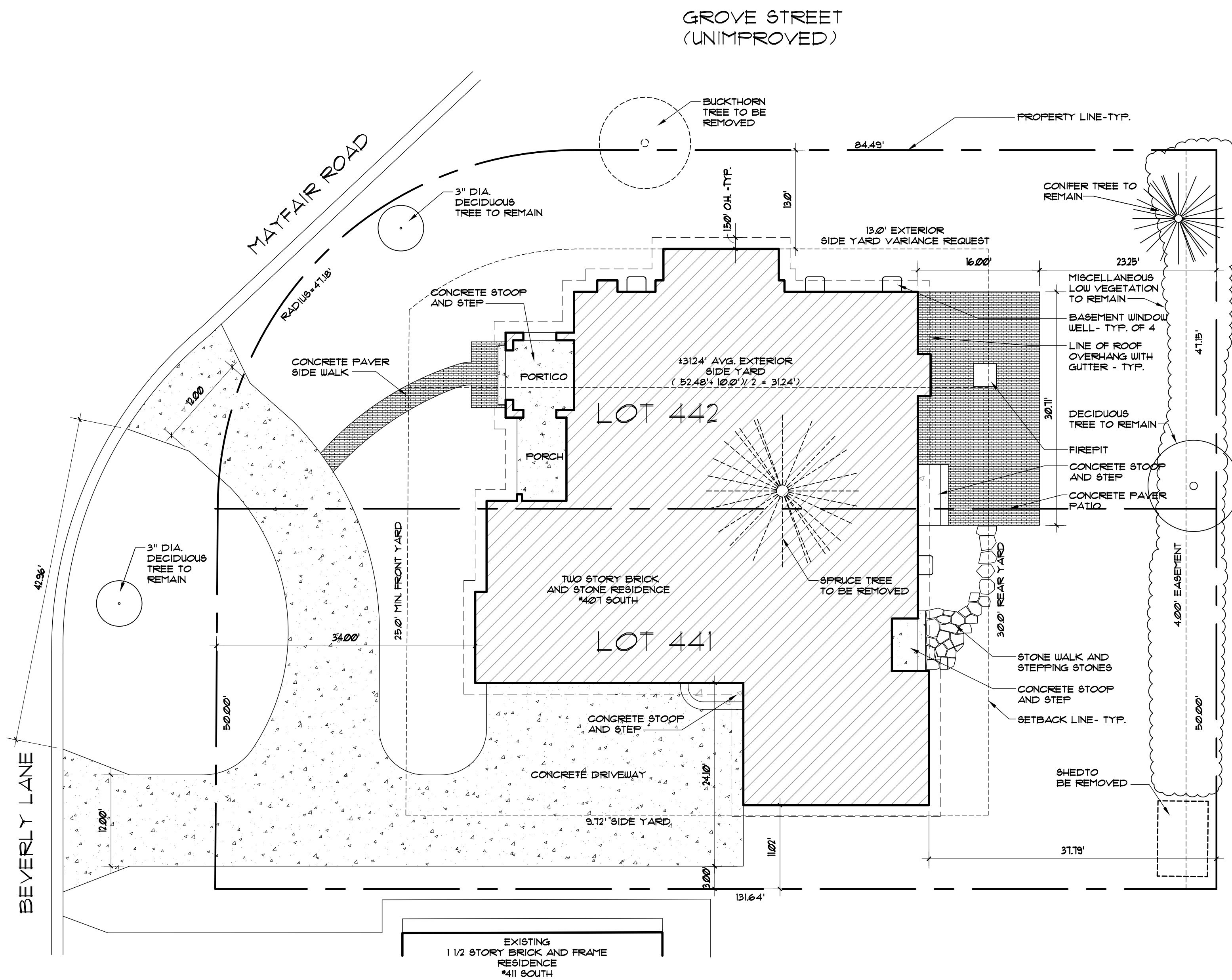
I hereby state that the variation, if granted, will not alter the essential character of the locality because:

The requested setback would be closer to the setback of the existing house to the east, creating a more consistent setback along unimproved Grove.

Signed: Mia Perez Date: 9.12.14

[illegible]

ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYING CORPORATION NO. 4183



PROPOSED SITE PLAN
1"=10'



PROPOSED IMPERVIOUS SURFACE CALCULATIONS:

FIRST FLOOR AREA	=	2,036 SQ. FT.
GARAGES	=	1,031 SQ. FT.
PORCH/ PORTICO	=	171 SQ. FT.
DRIVEWAY	=	1,082 SQ. FT.
FRONT SIDEWALK	=	106 SQ. FT.
PATIO	=	482 SQ. FT.
REAR STEP AND SIDEWALK	=	72 SQ. FT.
GARAGE STOOP	=	21 SQ. FT.
TOTAL	=	5,873 SQ. FT.
MAXIMUM ALLOWED:		
12,317.6 SQ. FT. X .50	=	6,159 SQ. FT.

FRONT YARD IMPERVIOUS SURFACE CALCULATIONS:

PROPOSED COVERAGE	=	991 SQ. FT.
MAXIMUM ALLOWED:		
1,991 SQ. FT. X .50	=	995.5 SQ. FT.

EXISTING SITE PLAN
1/8"=1'



EXISTING IMPERVIOUS SURFACE CALCULATIONS:

BUILDING COVERAGE	=	1,198 SQ. FT.
SHED	=	65 SQ. FT.
DRIVEWAY	=	515 SQ. FT.
FRONT STOOP AND SIDEWALK	=	105 SQ. FT.
SOUTH SIDEWALK	=	101 SQ. FT.
WOOD DECK	=	248 SQ. FT.
TOTAL	=	2,238 SQ. FT.
MAXIMUM ALLOWED:		
12,317.6 SQ. FT. X .50	=	6,159 SQ. FT.

FRONT YARD IMPERVIOUS SURFACE CALCULATIONS:

EXISTING COVERAGE	=	414 SQ. FT.
MAXIMUM ALLOWED:		
1,991 SQ. FT. X .50	=	995.5 SQ. FT.

CUSTOM RESIDENCE FOR
**ADAM AND MIA
REIZER**
401 S. BEVERLY LANE
ARLINGTON HEIGHTS, ILLINOIS

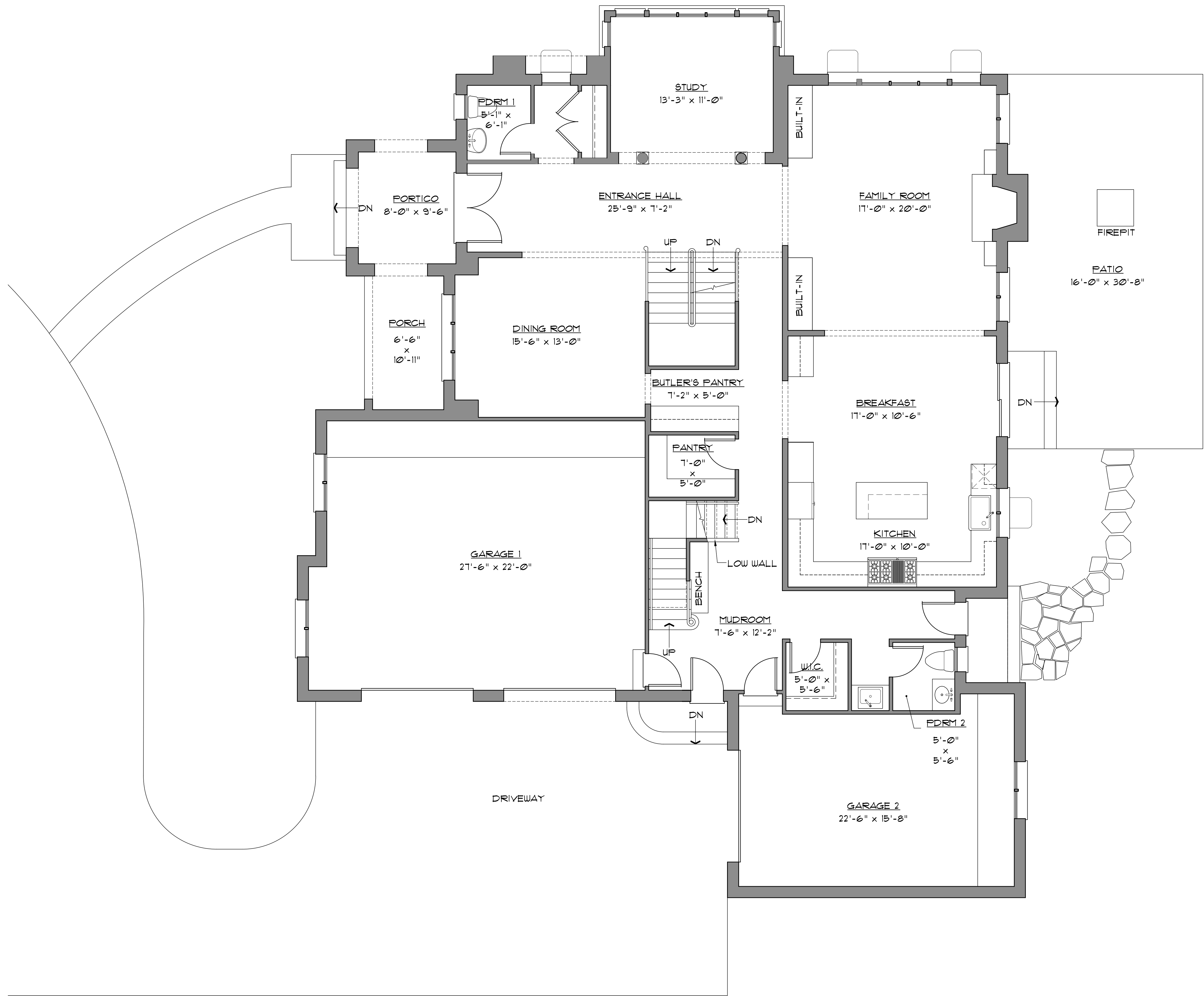
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09/03/14

DOWNEY
SZAFARZ
ARCHITECTS

13705 W. Irma Lee Ct. Suite 100
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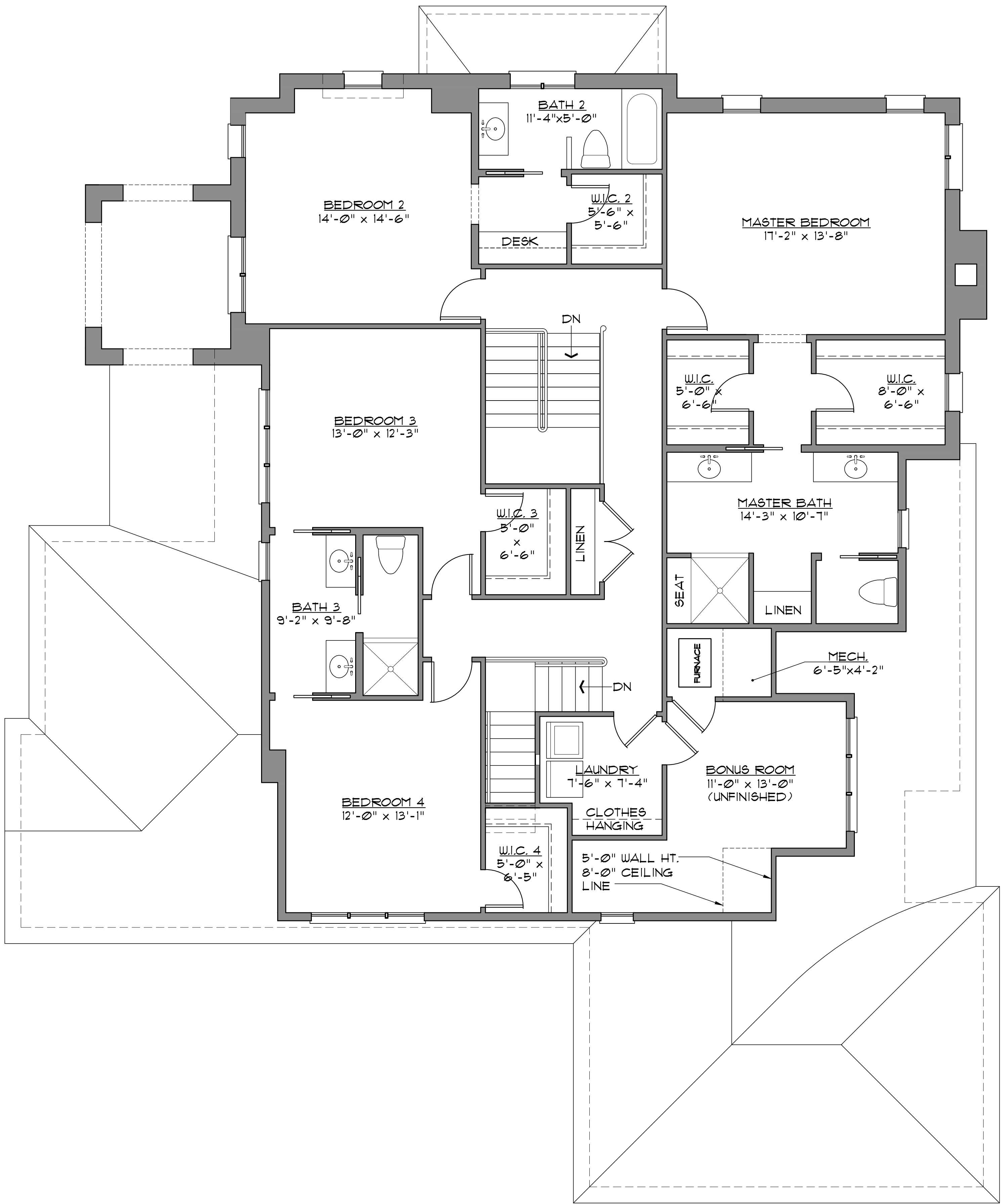
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FIRST FLOOR PLAN
1/4"=1'-0"
NORTH

CUSTOM RESIDENCE FOR
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401 S. BEVERLY LANE
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14052.00
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SECOND FLOOR PLAN
1/4"=1'-0"



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$$1/4'' = 1' - 0''$$

$$1/4'' = 1' - 0''$$

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ARLINGTON HEIGHTS, ILLINOIS

14052.00

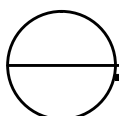
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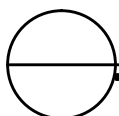
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 SOUTH ELEVATION
1/4"=1'-0"



 EAST ELEVATION
1/4"=1'-0"

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