Agenda
Village of Arlington Heights
Zoning Board of Appeals
Virtual Meeting

October 12, 2020
7:00 PM

I. CALL TO ORDER

A. In response to the COVID-19 pandemic, this meeting is closed to in-person, public attendance. The meeting is being held virtually, which permits the public to fully participate via their computers or using their phones.

To participate in the virtual meeting, please follow these instructions: https://bit.ly/3lqGXNg

Individuals who wish to comment or ask a question on an item on the Agenda may either participate virtually or send an email to the Village at dmach@vah.com. Please limit emails to 200 words or less. To be shared at the meeting, the email must be received by 3:00 p.m. on October 12, 2020.

II. ROLL CALL

III. APPROVAL OF MINUTES

A. 1141 N. Chestnut Ave. - 9/14/20
B. 1252 N. Yale Ave. - 9/14/20
C. 2360 E. Bradshire Ct. - 9/14/20
D. 129 S. Highland Ave. - 9/14/20
E. 948 E. University Dr. - 9/14/20

IV. REPORTS

V. OLD BUSINESS

VI. NEW BUSINESS

A. 123 S. Mitchell Ave. - ZBA#20-025
B. 1228 N. Chestnut Ave. - ZBA#20-026
C. 1533 N. Patton Ave. - ZBA#20-027

VII. OTHER BUSINESS

VIII.ADJOURNMENT

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

Zoning Board of Appeals
10/12/2020

Item: 1141 N. Chestnut Ave. - 9/14/20

Department: Planning and Community Development

ATTACHMENTS:

Description	Type
1141 N. Chestnut Ave. - 9/14/20 - Minutes	Minutes
1141 N. Chestnut Ave. - 9/14/20 Findings	Minutes

ZONING BOARD
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OF APPEALS

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

RE: 1141 NORTH CHESTNUT AVENUE

REPORT OF PROCEEDINGS had before the Village of Arlington Heights Zoning Board of Appeals taken virtually in response to the COVID-19 pandemic, which permits the public to fully participate via their computers or using their phones, on the 14th day of September, 2020, at the hour of 7:00 p.m.

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MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Hello, everyone. Welcome to the September 14th, 2020 Arlington Heights ZBA meeting, Zoning Board of Appeals meeting. My name is Peter Siavelis; I'm the Chairman of the Zoning Board of Appeals and I'd like to welcome you.

There are a couple of procedural items that we need to address and get in the record, so that's where I'll commence.

First off, I find that the public health concerns related to the Corona virus pandemic render in-person attendance at the regular meeting location in the Village Hall not feasible. Hence, we proceed with this Zoom call, this Zoom video call.

Some ground rules now for petitioners, by the way. After the petitioner's presentation, as part of the comments from the audience, public attendees will have an opportunity to speak if they so desire. If you want to speak and you're a member of the public, please select the Raise Hand icon on display and wait for myself or Derek to call on you. We'll proceed one at a time in that manner.

For all participants, please mute your microphone when not speaking to avoid background noise and feedback. During the meeting, if the Staff Liaison, that's Derek, loses connection, please remain in the meeting until the host can rejoin and resume the meeting. I don't think that's happened to us yet, but now that I said that it will probably happen tonight. If you as a participant lose connection, you can rejoin using the original meeting link that Derek provided to you.

Okay, so with that in mind, let's proceed to roll call.

Derek?

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Here.

MR. MACH: Mr. Drake.

CHAIRPERSON SIAVELIS: Tom, you've got to --

COMMISSIONER DRAKE: Here.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Here.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Here.

MR. MACH: Mr. Lanaghan.

(No response.)

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Here.

MR. MACH: Mr. Divito.

COMMISSIONER DIVITO: Here.

CHAIRPERSON SIAVELIS: Great, thank you, everyone.

Next up is the Pledge of Allegiance. Derek, I see you have the flag displayed there on the screen. So, if you can rise and we'll do the Pledge of Allegiance?

(Pledge of Allegiance recited.)

CHAIRPERSON SIAVELIS: Thank you.

Next item is the approval of the minutes from our August meeting. Hopefully, all the Board members have had an opportunity to review those minutes. I note that there is an old business item, but that should not impact the approval of the

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minutes.

Do we have a motion to approve the minutes?

COMMISSIONER DIVITO: I'll move.

COMMISSIONER GEISEL: Second.

MR. MACH: So, Mr. Divito was first, and I'm sorry, who was second?

CHAIRPERSON SIAVELIS: Joe Geisel.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Mr. Divito.

COMMISSIONER DIVITO: Yes.

CHAIRPERSON SIAVELIS: Okay, moving along, we need to go over a couple of hearing procedures for today's discussions and for the petitions that are going to be heard today. This is, the first one is really directed to the petitioners, although, Derek, we have six or more members, do we not?

MR. MACH: That is correct, Chairman.

CHAIRPERSON SIAVELIS: Okay, so this is essentially perfunctory, but if less than six members are present, the petitioners have an option to continue the meeting, okay. It takes four affirmative votes to approve a variance regardless of the number of the Board members in attendance. Four is the magic number. If a petition is denied, so if a variance is denied, a petitioner cannot apply for an entire year, so for a one-year period. So, that's the petitioner's, basically your decision. You need four affirmative votes to carry the variance.

Derek, you're going to give the Staff presentation on each of the petitions, but I was thinking, I noticed here on the agenda you provided, I'm going to elaborate on what the elements are.

So, petitioners, there are four elements necessary to establish for the Board to take action on your variance in granting. Those are, these elements, I'll read them in a second, but they are your responsibility as the petitioner to establish this, not for the Board to establish them before you. You must make an affirmative showing on these four elements:

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

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reasonable use of the property.

So, any variation shall be permitted only if the evidence, in the judgment of this Board of Appeals, sustains each of the four conditions enumerated.

Derek, I presume we're going to proceed to the old business item first, correct?

MR. MACH: Correct.

CHAIRPERSON SIAVELIS: Okay.

MR. MACH: Chairman, on August 18th, 2020, the Zoning Board of Appeals granted variations for 1141 North Chestnut in order to create two buildable lots. However, upon further review of the survey, it was noted that four feet was previously deeded to the property to the south. Therefore, the variations that were previously granted for Lot 11 on August 18th, 2020 were not consistent with the survey. In order to consider variations consistent with the survey, a motion to reconsider variations for 1141 North Chestnut would be in order.

CHAIRPERSON SIAVELIS: Thank you, Derek.

Given that information and the materials that were submitted in connection with this petition last month or the prior meeting, I hereby move to reconsider the variation for 1141 North Chestnut Avenue.

MR. MACH: Chairman, just a reminder that the motion needs to come from one of the ZBA members that were on the prevailing side of the motion on August 18th. Mr. Jaffe was not present at the meeting, but the remaining Zoning Board was on the prevailing side, but the motion must be made by one of the ZBA members.

CHAIRPERSON SIAVELIS: Okay, that's right, I can't make that motion.

COMMISSIONER GEISEL: I'll make the motion to reconsider, Joe Geisel.

COMMISSIONER DIVITO: And I'll second --

COMMISSIONER DRAKE: I second that.

MR. MACH: So, Mr. Geisel first, and Mr. Drake second.

Roll call, Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Mr. Divito.

COMMISSIONER DIVITO: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Okay, so for reconsideration here, Derek, did you want to step through the aspects of the memo or did you want me to regarding 1141 North Chestnut?

MR. MACH: Just since the variations that were approved on August 18th were not consistent with the survey, the variations should be as follows:

- A variation from Chapter 28, Section 5.1-3.1, to allow Lot 11 with an area of 7,397 square feet to be buildable where 8,750 square feet is required.

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- In addition, a 14-foot variation from Chapter 28, Section 5.1-3.1 to allow Lot 11 with a width of 56 feet to be buildable where 70 feet is required.

CHAIRPERSON SIAVELIS: Right, so two variations here, Derek. So, my thought process is consistent with what we talked about in August. I think that while we granted these variations, right, I think they're pretty much, they were reasonable, not controversial; and the adjusted variations or revised variations that Derek elaborated here seem reasonable and not controversial for many of the same reasons or the exact same reasons. So, I think this is, both of the variations sought are both right.

COMMISSIONER GEISEL: I would agree. All of the elements remain exactly the same, and the rationale for approving it in my mind hasn't changed, and would support the acceptance of this request.

COMMISSIONER DRAKE: I would agree with both of the prior Board members.

COMMISSIONER DIVITO: It's disappointing that, you know, the data wasn't accurate first time we reviewed it, but again this isn't a substantial change. So, I think we're still on track.

CHAIRPERSON SIAVELIS: Great, agreed.

COMMISSIONER SELBKA: Agree.

CHAIRPERSON SIAVELIS: Thanks, Joe. Do we have a motion?

MR. MACH: Chairman, we should, if there's anyone in the public that would maybe want to comment on this?

CHAIRPERSON SIAVELIS: Yes, yes, we can do that now. So, I don't recall there being comments in the public before, but let's see if anybody in attendance in the public wants to speak in regards to 1141 North Chestnut under reconsideration of the prior variances that were laid out here.

(No response.)

CHAIRPERSON SIAVELIS: Derek, do you have anyone clicking on the Raise Your Hand icon?

MR. MACH: I do not have any raised hands.

CHAIRPERSON SIAVELIS: Okay, thank you.

So, no comments from the audience in the public. I'll reiterate my question, do we have a motion from the Board?

COMMISSIONER DRAKE: I would move for approval of the two variation requests.

COMMISSIONER GEISEL: Second.

MR. MACH: I'm sorry, who seconded the motion?

CHAIRPERSON SIAVELIS: Joe Geisel.

COMMISSIONER GEISEL: Geisel.

MR. MACH: So, I have Mr. Drake first and Mr. Geisel seconded the motion.

CHAIRPERSON SIAVELIS: That's correct.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

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COMMISSIONER JAFFE: Yes.
MR. MACH: Mr. Selbka.
COMMISSIONER SELBKA: Yes.
MR. MACH: Mr. Divito.
COMMISSIONER DIVITO: Yes.
MR. MACH: Chairman Siavelis.
CHAIRPERSON SIAVELIS: Yes.

Okay, that should close out old business.

(Whereupon, the public hearing on the above-mentioned matter was concluded at 7:13 p.m.)

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ZONING BOARD OF APPEALS
VILLAGE OF ARLINGTON HEIGHTS

FINDINGS
September 14, 2020

PETITIONER: 1141 N. Chestnut Ave.

ADDRESS OF PROPERTY: 1141 N. Chestnut Ave.

VARIATION: Lot 11: 5.1-3.1 (Minimum Lot Size & Width)
Lot 12: 5.1-3.1, 5.1-3.2 (Minimum Lot Size & Width, Required Minimum Yards)

Lot 11-Standard Interior Lot: A variation to allow a lot (Lot 11) with an area of 7,397 sf to be buildable where 8,750 sf is required; and a variation to allow a lot (Lot 11) with a width of 56-feet to be buildable where 70-feet is required.

Lot 12- Corner Lot: A variation to allow a lot (lot 12) with an area of 8,469 sf to be buildable where 8,750 sf is required; A 26-foot variation to allow a lot (Lot 12) with a width of 64-feet to be buildable where 90'feet is required for a corner lot; and a 12.3-foot variation to allow a new home with an exterior side yard setback of 11.0-feet instead of the required 23.3-feet.

On August 18, 2020, the Zoning Board of Appeals granted variations for 1141 N. Chestnut in order to create two buildable lots. The petitioner is proposing to knock down the existing home and create two buildable lots. The zoning lot consists of two parcels; however, variations are necessary since the parcels (Lot 11 and Lot 12) do not meet the minimum R-3 zoning requirements for lot width and area. The petitioner testified that the two lots will be comparable to the lots in the neighborhood.

Since the meeting, it was discovered that the variations that were granted for Lot 11 are incorrect. The petitioner received a variation for a 60-foot wide lot, but the lot is 56 feet in width. Upon further review of the survey, it was noted that 4 feet was previously deeded to the property to the south. The variations that were granted for Lot 11 on August 18, 2020 were as follows:

Lot 11 (Standard Interior Lot)

- A variation from Chapter 28, Section 5.1-3.1 (Minimum Lot Size), to allow a lot (Lot 11) with an area of 7,920 square feet to be buildable where 8,750 square feet is required.
- A 10 foot variation from Chapter 28, Section 5.1-3.1 (Minimum Lot Width) to allow a lot (Lot 11) with a width of 60 feet to be buildable where 70 feet is required.

On September 14, 2020, the Zoning Board made a motion to reconsider August 18, 2020 motion. The motion was made by Mr. Geisel and seconded by Mr. Davito to reconsider the August 18, 2020 motion. Thereafter, the Board voted 6-0 to reconsider the variance request.

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

Since the variations approved on August 18, 2020 were incorrect for Lot 11, the variations were reconsidered at the September 14, 2020 meeting. The ZBA reconsidered the following variations:

- A variation from Chapter 28, Section 5.1-3.1 (Minimum Lot Size), to allow a lot (Lot 11) with an area of 7,397 square feet to be buildable where 8,750 square feet is required.

- A 14 foot variation from Chapter 28, Section 5.1-3.1 (Minimum Lot Width) to allow a lot (Lot 11) with a width of 56 feet to be buildable where 70 feet is required.

Thereafter, a motion was made by Mr. Drake and seconded by Mr. Geisel to approve the revised variance request. 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 reconsider the variance .

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.

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

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

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

Zoning Board of Appeals
10/12/2020

Item: 1252 N. Yale Ave. - 9/14/20

Department: Planning and Community Development

ATTACHMENTS:

Description	Type
1252 N Yale Ave - 9/14/20 Minutes	Minutes
1252 N. Yale Ave - 9/14/20 Findings	Minutes

ZONING BOARD
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OF APPEALS

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

RE: 1252 NORTH YALE AVENUE - ZBA #20-021

REPORT OF PROCEEDINGS had before the Village of Arlington Heights Zoning Board of Appeals taken virtually in response to the COVID-19 pandemic, which permits the public to fully participate via their computers or using their phones, on the 14th day of September, 2020, at the hour of 7:13 p.m.

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MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: We will move to new business. First item up on new business is 1252 North Yale Avenue, ZBA Reference No. 20-021.

So, do we have the Petitioners here? Could the Petitioners identify themselves as well?

MR. FLUBACKER: If you can hear me, this is Bob Flubacker for the Petitioner.

CHAIRPERSON SIAVELIS: Hello, Bob.

MR. FLUBACKER: How are you doing?

CHAIRPERSON SIAVELIS: Great, thank you. I'm going to have to swear you in, Bob.

MR. FLUBACKER: Okay, I believe my owners are also on the call. They may not be identified by name on there.

CHAIRPERSON SIAVELIS: Okay, hold on a second. Bob, I'll tell you what, I'll swear you in.

COMMISSIONER DIVITO: Guys, it looks like they're in the attendees.

MR. CORLEY: Can you hear me now?

COMMISSIONER DIVITO: There we go.

CHAIRPERSON SIAVELIS: There we go. Robert Corley?

MR. CORLEY: Yes, can you hear me?

CHAIRPERSON SIAVELIS: Yes, we can hear you. I'll tell you what, do you anticipate speaking, Mr. Corley, today? If yes, I'm going to swear you in, too.

MR. CORLEY: I'll let Bob talk, and if I need something, I'll raise my hand.

CHAIRPERSON SIAVELIS: Roger then.

Okay, Bob, let me swear you in and we'll go from there, right?

MR. FLUBACKER: Sounds good.

CHAIRPERSON SIAVELIS: Bob, can you put your screen on?

MR. FLUBACKER: Yes.

CHAIRPERSON SIAVELIS: Great, thank you.

Can you raise your right hand, too?

(Witness sworn.)

CHAIRPERSON SIAVELIS: Great, thanks. Go ahead, Bob, please proceed.

MR. FLUBACKER: This case is, Derek, do you want to introduce the case or do you want me to go through it?

MR. MACH: Thank you. I would just like to read the motions into the record and give a brief overview.

In February 2019, the Zoning Board approved variations for the subject site. Pursuant to Chapter 28, no order of the Board permitting the erection or alteration of a building shall be valid for a period longer than one year, unless a building permit for such alteration is obtained within such period and such alteration is started and proceeds to completion in accordance with the terms of the permit. Since a year has passed, the approvals from the Zoning Board are no longer valid. Therefore, the Petitioner is returning with essentially the same project with a slight reduction to the floor area ratio and the building lot coverage.

The site is zoned R-3 and includes a single-family home that's

approximately 3,900 square feet. The property has a total land area of 8,743 square feet and a lot width of 82 feet. The Petitioner is proposing to add an addition to the rear of the existing home. However, this would result in a rear yard setback of 18 feet where 30 feet is required and a total floor area of 4,650 square feet where the maximum allowed is 3,934 square feet. In addition, this would result in a building lot coverage that's 124 square feet above what is permitted, and 109 square-foot impervious surface coverage variation.

So, they're requesting:

- A 12-foot variation from Chapter 28, Section 5.1-3.2 to allow a rear yard setback of 18 feet where 30 feet is required;
- A 716 square-foot variation from Chapter 28, Section 5.1-3.3 to allow a maximum square footage of 4,650 square feet where 3,934 square feet is the maximum allowed by code;
- A 124 square-foot variation from Chapter 28, Section 5.1-3.4a to allow building lot coverage of 3,184 square feet where 3,060 is the maximum allowed by code; and
- A 109 square-foot variation from Chapter 28, Section 5.1-3.4b to allow impervious surface coverage of 4,480 square feet where 4,371 square feet is the maximum allowed by code.

Thank you, Chairman.

CHAIRPERSON SIAVELIS: Great, thank you, Derek.

Okay, go ahead, Bob, please proceed with Petitioner's presentation.

MR. FLUBACKER: When we came before the Board about a year and a half ago, the presentation started with the fact that my owner had actually wanted to consolidate the property that he lives on now with the property to the west which fronts on Illinois Street directly behind him, making a much larger lot which would make all of the requests that are before you today moot. The Village had expressed no desire to allow these lots to be consolidated, so leaving us really the only option of coming before you for variations here.

The lot is a very unique size. It's I believe 60-foot wide, but the unique part of it is it's only 105 feet deep. So, it's roughly 25 or more feet shallower than the typical lot in town. We're proposing a screened porch addition where the setback is very close to the existing house, so almost anything we would add to the back would go into that rear setbacks, so we're proposing an addition that goes 12 feet into the setback.

The impact on the neighbors is slight or minimal. As you can see on the exhibit that's at the screen right now, the only neighbor that is close to the addition is to the south, and the part of their property that is close to the addition is their detached garage. At the last meeting, we had three letters from neighbors, of the four neighbors affected by the project, that were in favor of the addition.

One of the issues that was discussed was relative to the impervious surface and a suggestion that the pavers that are currently in the patio be used for the new patio which I believe is the plan, that the owner is now to reuse those pavers for their new patio. So, the impervious is a little deceptive, that the patio is going to be considered pervious pavers.

So, to answer the four criteria, the addition is designed to be the same materials and the shapes of structure as the existing house. So, it should not alter

the character of this existing house which I hope would not alter the character of the neighborhood.

The unique aspects of the project is the particular lot dimension of 105 feet as well as the ownership of the contiguous lot to the rear of the house. I believe this is in the intent of the Zoning Ordinance for all the light and ventilation and safety requirements and zoning requests. The screened porch is really the minimum size that's usable, so we did try to minimize how much of the encroachment we had into the rear yard. It was unanimously approved at the Zoning Board a year and a half ago, and the only change really to the project at this submittal is the reduction of about 70 square feet of space. There was a reduction at the north end of the screened porch.

So, with that, I'll be happy to answer any questions you may have.

COMMISSIONER JAFFE: I guess I'll ask the first question. What has changed in the past year and a half? Why did the project not move forward in the last 19 months?

MR. FLUBACKER: The primary reason is pricing. The original bids came in very, very high. I think it's part because of market conditions in general, and the pandemic and the resulting shutdown of everything has not helped matters. But the primary delay was getting the pricing hammered out with a prospective contractor and getting it to a price that is logical to go forward with.

COMMISSIONER DRAKE: Bob, could you repeat the comments about the pavers? I'm not clear, the ones that are there now, are they pervious or impervious?

MR. FLUBACKER: They are pervious pavers, they're sand-set Unilock pavers, and they're intended to be reused.

COMMISSIONER DRAKE: Okay, thank you.

COMMISSIONER JAFFE: I guess I'll just ask one more question. Bob, you said last year you had letters from, I believe you mentioned at least three or four of the neighbors that surround the property. Has the owner gone back and let those neighbors know that there is going to be a second attempt to pursue this project? If so, what was the reaction from the neighbors?

MR. FLUBACKER: I'm not sure. I'll have to ask the owner to speak up on that issue.

MR. CORLEY: If I can, I'm here. I sent out all letters initially, and then we actually --

CHAIRPERSON SIAVELIS: Mr. Corley, hold on one second. Now, I'm just going to swear you in.

MR. CORLEY: I'm sorry.

CHAIRPERSON SIAVELIS: I should have done it before, but I apologize. Let's just deal with the protocol and then you can respond.

So, please raise your right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Great, thank you. Please proceed.

MR. CORLEY: So, I sent out the original letters that were required. Then we found out the meeting was going to be held virtually, so I actually sent out a second set of letters. Nobody has actually come back to me at this time, and I haven't spoken with anybody personally because we haven't been around each other. So, there has

been no response, positive or negative.

COMMISSIONER JAFFE: Okay, thank you.

CHAIRPERSON SIAVELIS: Okay, any other questions from a Board member?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, I will open the discussion up to comments from the audience. Again, click on the Raise Your Hand icon if you as a member of the audience would like to speak and be heard on the Corley petition.

(No response.)

CHAIRPERSON SIAVELIS: Derek, do you have anybody?

MR. MACH: I'm not showing any hands.

CHAIRPERSON SIAVELIS: Okay, we'll close that phase out.

So, now we're basically at the phase of deliberation by the Board members. I think, you know, listening to Mr. Flubacker and Mr. Corley, and reviewing the materials, I think that the four variances sought are generally reasonable and I could support these. I don't know what the other Board members feel at this point in time, but I'd be interested in what you guys have to say.

COMMISSIONER JAFFE: My biggest question was just around the timing, right. We went through this 19 months ago and I was just curious as to why we're revisiting it, but I understand the answer and I do want to support it again.

COMMISSIONER DIVITO: Yes, I was going to say we went through this before, we approved this in the past. I'm in support of it again. I remember this one because of how many different variations that we looked at and how nicely Bob worked through them last time for us, too.

COMMISSIONER GEISEL: Also, I think the basis for the delay is somewhat reasonable. No one should hurry to construct something just because of the time period if the economics don't make sense. So, I think the basis for the delay is reasonable, you know, in that regard.

CHAIRPERSON SIAVELIS: Okay, thank you.

Any other comments from the Board members?

COMMISSIONER SELBKA: I just think it's a reasonable --

CHAIRPERSON SIAVELIS: Joe, you went to muted.

COMMISSIONER SELBKA: Yes, sorry. I think it's a reasonable excuse as to why they didn't speak to their neighbors. Obviously, everybody is reluctant to speak to people these days because of COVID. So, I wouldn't hold that against them either.

CHAIRPERSON SIAVELIS: Yes, good point.

All right, do we have a motion?

COMMISSIONER DRAKE: I'd move approval of the request.

CHAIRPERSON SIAVELIS: Great, do we have a second?

COMMISSIONER DIVITO: Second.

MR. MACH: So, I have Mr. Drake first and Mr. Divito seconded the motion.

Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.
COMMISSIONER JAFFE: Yes.
MR. MACH: Mr. Selbka.
COMMISSIONER SELBKA: Yes.
MR. MACH: Mr. Divito.
COMMISSIONER DIVITO: Yes.
MR. MACH: Chairman Siavelis.
CHAIRPERSON SIAVELIS: Yes.
Congratulations.
MR. FLUBACKER: Thank you very much, guys.
CHAIRPERSON SIAVELIS: All four variances are granted.
MR. CORLEY: Do we hang up now?
CHAIRPERSON SIAVELIS: Yes. Unless you want to shoot the rest of your evening and watch.
MR. FLUBACKER: Thank you very much, guys.
(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:27 p.m.)

DRAFT

ZONING BOARD OF APPEALS
VILLAGE OF ARLINGTON HEIGHTS

FINDINGS
September 14, 2020

PETITIONER: Corley Residence

ADDRESS OF PROPERTY: 1252 N. Yale Ave.

VARIATION: 5.1-3.2d, 5.1-3.3, 5.1-3.4a, 5.1-3.4b

A 12' variation to allow a rear yard setback of 18' where 30' is required; A 716 sf variation to allow a maximum square footage of 4,650 sf where 3,934 sf is the maximum allowed by code; A 124 sf variation to allow building lot coverage of 3,184 sf where 3,060 sf is the maximum allowed by code; A 109 sf variation to allow impervious surface coverage of 4,480 sf where 4,371 sf is the maximum allowed by code.

The petitioner explained that they appeared in front of the Zoning Board of Appeals about a year and a half ago. The petitioner explained that the property owner has two lots and if the lots were consolidated the variations would not be necessary. The petitioner testified that Village staff was not is support of lot consolidation for the two parcels; therefore, the property owner elected to pursue the variances. The petitioner also testified that the lot is only 105 feet deep and in order to construct a screen porch the variation is necessary. The petitioner testified that there were three letters from neighbors in support of the project that were presented at the last meeting. The petitioner testified that the proposed screen porch and patio will not alter the character of 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 Mr. Drake 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, with a condition that

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

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

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

Zoning Board of Appeals
10/12/2020

Item: 2360 E. Bradshire Ct. - 9/14/20

Department: Planning and Community Development

ATTACHMENTS:

Description	**Type**
2360 E Bradshire Ct - 9/14/20 Minutes	Minutes
2360 E Bradshire Ct - 9/14/20 Findings	Minutes

ZONING BOARD
_____
_____
_____
OF APPEALS

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

RE: 2360 EAST BRADSHIRE COURT - ZBA #20-022

REPORT OF PROCEEDINGS had before the Village of Arlington Heights Zoning Board of Appeals taken virtually in response to the COVID-19 pandemic, which permits the public to fully participate via their computers or using their phones, on the 14th day of September, 2020, at the hour of 7:27 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

DRAFT

CHAIRPERSON SIAVELIS: Okay, next item is 2360 East Bradshire Court, ZBA Reference No. 20-022.

MR. MACH: Chairman, the Petitioner installed a basketball pole in the front yard that is approximately three feet from the side property line where five feet is required. Therefore, the Petitioner is requesting a variance from Chapter 28, Section 6.6-5.1, Table of Permitted Obstructions, to allow an existing basketball pole that is located approximately three feet from the side property line where five feet is required.

CHAIRPERSON SIAVELIS: All right.

MR. MACH: We do have, Chairman, I did receive comments regarding this petition when, I'd like to share for the record when appropriate.

CHAIRPERSON SIAVELIS: Okay, Derek, my thought process there is that when we go to comments from the audience, right, that phase, that it would be the appropriate spot to read those into the record.

MR. MACH: Sure.

CHAIRPERSON SIAVELIS: Okay, so with that in mind, who is speaking on behalf of this petition?

MRS. MOSQUEDA: We are, the owners.

CHAIRPERSON SIAVELIS: Okay, hello.

MRS. MOSQUEDA: Hi.

CHAIRPERSON SIAVELIS: Please identify yourselves for the record, and then I'll swear you in.

MR. MOSQUEDA: I'm Edgar Mosqueda. This is my wife, Cheryl Mosqueda.

CHAIRPERSON SIAVELIS: Okay, can you both raise your right hand please so we can swear you in?

(Witnesses sworn.)

CHAIRPERSON SIAVELIS: Okay, please proceed, and be mindful of the four showings, right, the four elements you must establish for us to further evaluate and potentially grant the variance you seek.

MRS. MOSQUEDA: Sure. We're looking to obtain approval for the variance from code to allow our existing basketball pole to remain at two feet less than the required minimum setback of five feet from the side property line. Approving the variance doesn't alter the character or the existing use and/or the safety of the surrounding area and/or nearby property. I mean, we've provided the pictures to show how far back we were from the home itself, more than 10 feet from the home. We're requesting consistency with waiving the minimum setback distance as there are many homes within our zero lot line subdivision that have in-ground poles on the outside part of their driveways just like ours.

So, just the above, it's not altering the character nor the existing use. The unique circumstance is that we're just requesting that consistency, whether approved or granted to be waived, be consistently applied in our subdivision. We don't want to be singled out.

We feel that the basketball pole is still within harmony of the character of our cul de sac and neighborhood, and that our basketball pole is the minimum necessary variance that we're requesting as we can't move it farther back

towards our driveway.

CHAIRPERSON SIAVELIS: All right, is there anything else that you care to raise in support of your petition?

MR. MOSQUEDA: I think that's it for now.

CHAIRPERSON SIAVELIS: Okay, so Joe, do you have any questions you want to --

COMMISSIONER GEISEL: I have a few questions please. So, obviously you have it in place for your kids. How many kids do you have?

MRS. MOSQUEDA: Three.

MR. MOSQUEDA: Three.

COMMISSIONER GEISEL: Three, and they make regular use of this?

MRS. MOSQUEDA: They do.

MR. MOSQUEDA: Yes, they use this.

COMMISSIONER GEISEL: Well, all right. So, the unit itself appears to be just behind the driveway. How long has it been in place?

MRS. MOSQUEDA: Was it last year?

MR. MOSQUEDA: Yes, last year.

MRS. MOSQUEDA: Last year around maybe May or June.

COMMISSIONER GEISEL: Okay, well, that being said, I think it was understood in your submittal that you had put together your community is a zero lot line, and therefore, five feet was not going to be achievable. So, under the circumstances, I'm not sure what other avenues would exist. To your point, basketball poles are fairly common in many driveways throughout this town which it's great to see kids out and playing.

MRS. MOSQUEDA: Thank you.

CHAIRPERSON SIAVELIS: So, Joe, do you have any other questions? Because I had a quick follow-up to ask.

COMMISSIONER GEISEL: Please go ahead.

CHAIRPERSON SIAVELIS: So, was this basketball pole installed by a company or did you folks self install?

MRS. MOSQUEDA: A company. We searched them on the internet and they had the best reviews. So, we had sought them out and went through the process with them and they installed the unit.

CHAIRPERSON SIAVELIS: Great. Do you know whether they applied for a permit to install the --

MRS. MOSQUEDA: We didn't know. I mean --

MR. MOSQUEDA: Yes, we had a bunch of meetings only to find out after the fact, we just, actually we were just relying on the fact that they're highly recommended, the highest recommended.

CHAIRPERSON SIAVELIS: Okay, and I noticed in one of these pictures, your neighbor maybe across the street diagonally to you has a basketball pole, glass backboard as well, or transparent backboard as well. Am I interpreting the pictures correctly?

MR. MOSQUEDA: Yes, that's correct.

CHAIRPERSON SIAVELIS: So, just so we're clear, in one of the pictures

that you have provided to us, you have a tape measure down on the ground and the property line marked --

MRS. MOSQUEDA: That wasn't our --

MR. MOSQUEDA: That wasn't our picture.

MRS. MOSQUEDA: That wasn't our picture, so it must have been somebody --

MR. MOSQUEDA: Maybe the neighbor.

MRS. MOSQUEDA: Probably our neighbor provided that picture, but that's the wrong measurement because Derek had communicated to me that the measurement is from the pole to the property line which is three feet.

CHAIRPERSON SIAVELIS: Okay, I was curious. I zoomed in on that picture and I looked at the tape measure and it didn't seem to be three feet.

MRS. MOSQUEDA: I specifically asked where should we measure, should we measure from the cement or from the pole? Derek had said from the pole because it's the one that's protruding.

CHAIRPERSON SIAVELIS: Okay, that makes sense.

MR. MACH: Chairman, code reads to the pole, so the measurement should be to the back of the pole, the back of the pole closest to the property line since the foundation is at grade.

CHAIRPERSON SIAVELIS: Right, okay.

Petitioners, did you paint that pink line on the grass? Did you have that survey chart done or was that done by your neighbor?

MR. MOSQUEDA: Our neighbor did.

MRS. MOSQUEDA: No, our neighbor; he must have contracted somebody maybe. I don't know, we're just assuming. We didn't do that line. We had a plat of survey done, but we didn't mark that line. It was marked by our neighbor or whoever he contracted.

CHAIRPERSON SIAVELIS: Okay, good to know.

All right, any other questions from the Board members?

COMMISSIONER DRAKE: Yes, I have a question. Did you look at all, rather than digging the pole out and trying to move it, did you look at some sort of portable system that could be on wheels that you could actually move around?

MR. MOSQUEDA: The answer is no. We just, this, because it's in ground, it's actually safer, because the other ones, they kind of, the ones that are portable, they are more likely to fall over.

CHAIRPERSON SIAVELIS: Yes, and I'm sorry, Tom, did you have a follow-up there?

COMMISSIONER DRAKE: Yes, I have a second question. I want to be clear on why you want to move the pole. You mentioned about when you went through the petition consistency, but maybe I missed it, I didn't hear anything about would the pole farther back be safer or, you know, easy to back your car? Were there other reasons, maybe I missed them, but I didn't hear them?

COMMISSIONER GEISEL: Tom, I don't believe that they want to move the pole. I believe it's the neighbor that is objecting to its presence.

MR. MOSQUEDA: Correct.

CHAIRPERSON SIAVELIS: Right. Yes, Tom, they have not made a representation to this Board, at least verbally or in the papers, that they're considering moving the pole.

MR. MOSQUEDA: Correct.

CHAIRPERSON SIAVELIS: So, I just want to comment real quickly on what the Petitioners, how they responded to Mr. Drake's first question about safety. I had a similar experience with this as far as portable hoops versus being in ground and professionally installed. I think your answer, Petitioners, is entirely reasonable. Quite frankly, the hoops that are movable, they have a pedestal or a base that is extremely large. Not only is it going to kill your grass, but it's, you know, kind of it's an eyesore as compared to one that is professionally installed. It has a cleaner base and flange that installs in that manner. So, I understand and generally agree with your answer there.

So, with that in mind, are there any other questions from the Board members before we go to the audience?

(No response.)

CHAIRPERSON SIAVELIS: Okay, Derek, why don't you read in the e-mails that you have, the correspondence that you have from the public? Then we'll see if there's any members of the public who still wish to comment on this petition, okay?

MR. MACH: Sure. Chairman, I'm going to read these in the order that they were received:

Lisa and Dan Mullen: We do not have any issues with the basketball pole remaining in its existing location at Mr. and Mrs. Mosqueda's residence at 2360 Bradshire Court.

This is from Jan Nocita: As a neighbor of the Arlington Heights family residing at the home noted above, please know that I have no issues with the basketball pole remaining in its existing location at Mr. and Mrs. Mosqueda's residence.

My name is Andrea Armstrong, I live across the street from 2360 Bradshire Court. I do not have any issues, not one with the basketball pole remaining in its existing location at Mr. and Mrs. Mosqueda's residence at 2360 East Bradshire Court. I am disheartened by the unnecessary pain, disruption, and work the Complainant has created by this. We support the variance from code.

Hi, I'm Alan Travis, a few doors away from the Mosqueda family. My wife and I have no issues with their basketball pole. To me the location is no different than the thousands of basketball poles in Arlington Heights. Thank you.

To whom it may concern: I do not have any issue with the basketball pole remaining in its existing location at Mr. and Mrs. Mosqueda's residence at 2360 East Bradshire as long has his direct neighbor does not have any objection. Thank you, Stilian Dinev.

Jason and Angela Sternburgh: We are sending this e-mail to voice support to allow the basketball pole to remain at Mr. and Mrs. Mosqueda's residence at 2360 East Bradshire Court. We have no issue with its current location. Thank you. Jason and Angela Sternburgh.

To the Zoning Committee: Hello. We are Reggie and Mini Kuncheria, Arlington Heights. We are writing this letter to inform the committee about our concern over the basketball hoop installed by my neighbor who lives at 2360 East

Bradshire Court. My family and I are worried about our safety. This hoop is very close to the property boundary line. It is two and three quarters feet from the property line. The hoop is not a safe distance from my house. I have my bedroom and bathroom glass windows just behind and above the basketball hoop. When the players shoot the ball and if they miss the backboard, then the ball will hit my bedroom glass window. Not only that, they also throw the ball to my house wall; if they miss the wall, the ball will land in the glass window. The Nicor Gas line and gas meter are very close to the hoop. I have my family member work at night and it is very disruptive to sleep at daytime, then next day to have to go to work without enough sleep. Other neighbors' kids join in playing with them. It is very annoying. Because the hoop is very close to my house, it is too noisy when they play basketball. I have my children in college and high school. This pandemic situation means most high school and college students have to do e-learning from home with online classes. It is very distracting for my kids to focus with all this noise. My wife is also teaching from home and the noise can be heard by her students. The hoop is not safe for my house and the neighborhood. This basketball hoop is very high. The homeowner put up the hoop without the association approval and city permit. The person who installed this basketball hoop does not have a license to install a basketball hoop, and so he didn't follow any safety measures. According to the land survey company, the house at 2360 East Bradshire Court was built very close to the property line. My family and I request that the hearing committee remove or relocate the hoop. Sincerely, Mr. and Mrs. Kuncheria.

To whom it may concern: We are neighbors on the same street and do not have any issue with the basketball pole remaining in its existing location at Mr. and Mrs. Mosqueda's residence at 2360 East Bradshire Court. Thank you. Amy Golden.

We do not have any issues with the basketball pole remaining in its existing location at Mr. and Mrs. Mosqueda's residence at 2360 East Bradshire Court. Dolores and Ed Dukay.

Good evening, I have lived in the Courts of Russetwood community since 2001. I love living in the Courts of Russetwood. I don't care what my neighbors do on their properties as long as they follow our rules, association, Village and state, and they don't impact my property. The Mosqueda family is a nice family that lives across the street from me. I do not want to get involved in a neighbor dispute. However, once you involve me, I must look at all the facts. No approval was given to the Mosqueda family regarding the basketball pole installation and this is a rule within the Courts of Russetwood Homeowners Association. No approval was given by the Village of Arlington Heights to install the pole. If this variance is granted, then it can eventually impact my property if I get new neighbors and they want to do the same thing near my property line. If the Mosqueda family had followed the rules, then this would never have happened and they would not have put their neighbors in the position to choose sides. Blessings. Glen Garley.

I, Carina Santamaria, do not have any issue with the basketball pole remaining in its existing location at Mr. and Mrs. Mosqueda's house located at 2360 East Bradshire Court. Our family has lived next door to the Mosquedas for five years. Their family is what you hope for in your neighbors, friendly, respectful, a good member of our community, and someone you can always rely on. The basketball pole is not a nuisance

by any means and the family is always respectful of everyone's space and property when it is used. We are very fortunate to have such great neighbors. Sincerely, Carina Santamaria.

Let's see. We do not have any issues with the basketball pole remaining in its existing location at Mr. and Mrs. Mosqueda's residence at 2360 East Bradshire Court. Andrea Nunez.

One last one. We do not have any issues with the basketball pole remaining in its existing location. Paul Armstrong.

That's all the comments I had.

CHAIRPERSON SIAVELIS: Derek, how many was that total? Derek, did you get my question?

MR. MACH: I did, 12.

CHAIRPERSON SIAVELIS: How many was that, Derek?

MR. MACH: It's 12 e-mails in support or opposition.

CHAIRPERSON SIAVELIS: That's 12 total?

MR. MACH: Total, correct.

CHAIRPERSON SIAVELIS: So, by my count it was 10 to two? Support to opposition?

MR. MACH: I'm sorry, Chairman, I want to count one more time.

CHAIRPERSON SIAVELIS: Okay.

MR. MACH: It's 13 responses.

CHAIRPERSON SIAVELIS: Okay, so it's 11 to two total.

All right, at this point in time, are there any audience members who would like to weigh in and provide their thoughts on this petition? If so, now is the time to click on our Raise Your Hand icon if you want to be heard. Otherwise, we'll move to the next phase.

MR. MACH: There are a few raised hands.

CHAIRPERSON SIAVELIS: Go ahead, Derek, just a few.

Hello, yes? Please identify --

MR. KUNCHERIA: I am the owner of 2358. I couldn't even hear anything, you know, it was on delay until now, you know.

MRS. KUNCHERIA: We can hear, but we can't respond.

MR. KUNCHERIA: I cannot respond anything to it.

CHAIRPERSON SIAVELIS: No, you didn't have the opportunity to respond. Now is the chance for you to provide your --

MR. KUNCHERIA: Yes, okay.

CHAIRPERSON SIAVELIS: Hold on one second. Hold on one second.

MR. KUNCHERIA: Sure.

CHAIRPERSON SIAVELIS: You need to identify yourself for the record clearly, and then we're going to swear you -- actually, we don't need to swear you in. I apologize, we don't need to swear you in.

Just identify yourself clearly so the record is clear. Please be mindful, if you already submitted an e-mail or a letter either in support or opposition, please keep your comments brief. We're already at the 45-minute mark of this hearing, so we'd like to avoid repetitious comments. So, go ahead.

DRAFT

MR. KUNCHERIA: Okay, my name is Reggie Kuncheria. My wife Mini Kuncheria is here. So, I presented the letter and I sent it that, you know, this basketball hoop was installed without permit. It's close to my property, you know, because my concern is when I sell my house like maybe in five years, 10 years or whatever time, maybe next year, I don't want any trouble then in the future saying that, you know, this is another issue. Also, I stated that, because of a person working at night and next day they have to go back to work again, work in a hospital, because it's late morning coming, like maybe they're coming like 11:00 in the morning and then they have to go back to 7:00 at night, it's during this time, because this is making so much noise, pounding the ball in the ground, the person cannot sleep. That's my concern about this.

CHAIRPERSON SIAVELIS: Okay, so are you advocating for a position where nobody would be able to play basketball on the driveway whatsoever? Because that's the logical conclusion of what you're stating, and I find that hard to believe that anyone would advocate for that position.

MR. KUNCHERIA: Then why did we put the five feet as setback to that? The requirement is five feet, right?

CHAIRPERSON SIAVELIS: The requirement is five feet. That doesn't preclude playing basketball in the driveway during the day. If the Petitioners put another basketball pole on the other side of the driveway inset to their property line, they can play basketball to their heart's concern from sunrise to sunset.

MR. KUNCHERIA: That's okay, I'm just making that comment. What about something happens, they miss the basket and hit my window? Who's responsible for that then? Hitting my window, the person sleeping in there?

CHAIRPERSON SIAVELIS: Okay, so we're going to play the game of what ifs on this? I mean, I looked closely. I saw what you said in your letter there, and I looked closely at the position, the relative position of the basketball hoop to your window. I've got to believe that a concern based upon that is essentially unreasonable.

Your neighbors have a lot of support from the other neighbors in the area.

MR. KUNCHERIA: I think you said for this evening --

CHAIRPERSON SIAVELIS: Hold on a second, hold on a second. Let me finish. Obviously, if they broke a window, they would do the honorable thing and take care of the responsibility. I mean, the Board doesn't act upon supposition and hypotheticals that are wild.

COMMISSIONER GEISEL: Peter, if I might ask a quick question?

CHAIRPERSON SIAVELIS: Sure.

COMMISSIONER GEISEL: Has the window been hit and broken previously?

MR. KUNCHERIA: Who are you asking? Are you asking me?

COMMISSIONER GEISEL: Yes, Mr. Kuncheria. Has the window been hit and broken previously?

MR. KUNCHERIA: This basketball is pretty new.

COMMISSIONER GEISEL: Simple question. Has the window been hit and broken up until now? Yes or no?

MR. KUNCHERIA: It's not broke, because you're asking that so after broke,

you know, this is to prevent this from happening, right?

COMMISSIONER GEISEL: I'm simply asking you as to whether or not the window --

MR. KUNCHERIA: Okay, the answer is no; the answer is no.

COMMISSIONER GEISEL: Okay, that's what I wanted. Thank you very much, I appreciate it. Thank you.

COMMISSIONER SELBKA: Mr. Kuncheria, I have a question. This is Joe Selbka. I read your letter and your complaints. If they took that basketball hoop and put it on the other side of the driveway, it would be completely within code. Are there any problems that you complained about that could possibly be solved by moving the basketball hoop? Because it looks like all of the same possibilities are there, you know, there's noise, there's the possibility of hitting a house. It seems like nothing that you've complained of could possibly be fixed by moving this basketball hoop to the other side of the driveway. Is that true?

MR. KUNCHERIA: I didn't get the question right. If they move that, it's not going to prevent everything from house is the answer to your question is?

COMMISSIONER SELBKA: Yes, if they move it to the other side of the driveway, won't you have all the same problems?

MR. KUNCHERIA: How if they're shooting the other way, right? Not towards my wall or my window, right?

COMMISSIONER SELBKA: Well, when I play basketball, obviously there are passes and dribbles that go both ways regardless.

MR. KUNCHERIA: You know, this is a tiny area, I don't know, you know, because they start with the basketball, then they start with a different ball, you know, they were throwing the ball to my wall, that's why. That's what in the past happened. That's why I started complaining already.

CHAIRPERSON SIAVELIS: Okay, so that's not at issue right now. If they're throwing a different ball off your house, that's not at issue. That's when you've got to walk over there and talk to your neighbor and be a good neighbor and ask them to stop doing that, okay? The issue in front of this Board is narrowly drawn as to the variance sought for the basketball pole.

So, this is the point in time where you make any other concise points and then we move on to other members in the audience from the public because --

MR. KUNCHERIA: I would like to move it, that's what I would say, from this, you know. That's why they put in these guidelines, right? Five feet, you know, that's all. I don't know, I don't want to say anything else.

CHAIRPERSON SIAVELIS: Okay, got it.

Let's move on then to the other, if there's any other members in the audience. Derek?

MR. MACH: There was one other member I just unmuted.

CHAIRPERSON SIAVELIS: Okay, is that person ready to speak?

MR. MACH: There's someone who had their hand up by the name of Mini. I'm not sure if you still would like to speak?

MR. KUNCHERIA: Because, you know, I've been through, that's why, I'm sorry, that's why --

MR. MACH: Okay, I just wanted to make sure.

MR. KUNCHERIA: -- because we couldn't get into this computer, we changed the computer, that's why. I'm sorry about that.

MR. MACH: Okay, would she like to speak?

MRS. KUNCHERIA: No.

MR. KUNCHERIA: I mean, she's the person during the nighttime will work, you know, that's okay.

MRS. KUNCHERIA: It's just unfair.

MR. KUNCHERIA: You know, nothing is going to happen here.

MRS. KUNCHERIA: But if nothing changed, then there is no need to talk.

MR. MACH: Okay, Chairman, I have no other hands raised regarding this petition.

CHAIRPERSON SIAVELIS: Okay, thank you, Derek, appreciate it.

Let's now move on now to the next phase. Any responses from the Petitioner to the comments? I would just ask that the Petitioners, if you do have comments, just have them narrowly drawn because we may have a couple of questions from, follow-up points from the Board by the way.

MRS. MOSQUEDA: Can you hear?

CHAIRPERSON SIAVELIS: Yes.

MRS. MOSQUEDA: Can you hear me? All I want to say is that our kids that pay basketball are 11 and 13 petite little girls. It would take an awful lot of strength to be able to throw a basketball to hit a second floor window. You know, the one time that a ball hit the wall, it was a neighbor girl who was nine years old, they were playing volleyball, not basketball. The volleyball accidentally hit the base of the home. She apologized and he threatened to call the police. I mean, it's just, that's the situation that we're dealing with.

CHAIRPERSON SIAVELIS: Okay, I got it, loud and clear. Understood.

Any comments or follow-up points from Board members before we close this petition down for deliberation by the Board?

COMMISSIONER GEISEL: Peter, I think as you noted, if the pole had been relocated to the other side of the driveway, the majority of what's at hand here would still be an issue. The community itself is a zero lot line community reportedly, and he doesn't have five feet on the other side of the property. So, nothing can be done about that. A variance would have to be requested, that's what we're doing.

So, at this point, we have a non-conforming use that they're requesting a variance for, which under the circumstance I believe to be reasonable. I would support the variance.

CHAIRPERSON SIAVELIS: Well said, Joe, I agree with you. I think you made a really good point asking the one neighbor who's in opposition whether the ball actually ever hit that window and broke the window. The answer after some teeth pulling there was no, and I can see why. There's a considerable distance between the basketball hoop and the window.

I also note that the side of the house that's facing the basketball pole, there's no first floor window down there. Windows are on the second floor. There are not many of them, they are relatively narrow. I think the situation may have been

potentially different if the neighbor's, the adjacent neighbor's home, the entranceway was right there right behind the basketball pole, but that's not the case.

I'll also note the strong support that we received from members of the public by my count, too, in support of the variance and the Petitioners. I think that's a very strong statement there as far as the neighborhood culture and the neighborhood view on basketball poles in this situation.

So, I agree with you, Joe. I would support this petition.

COMMISSIONER GEISEL: Having said that though, the only thing that they might want to consider is simply, I've seen many basketball, similar backboards that have been installed where people have put netting behind it. It's actually constructed for that purpose. It might be something to at least consider, but I'm not going so far as to suggest that that would be a requirement. Just given the situation, it might be something.

MRS. MOSQUEDA: Thank you.

CHAIRPERSON SIAVELIS: Good point, Joe.

All right, any other, well, any other comments from Board members?

(No response.)

CHAIRPERSON SIAVELIS: If not, do we have a motion?

COMMISSIONER DIVITO: So, real quick. I dropped out here, my Zoom crashed on me, so I didn't hear a few of the comments. But I just want to say that I have one of those portable ones, so let's play that scenario out. Say you don't have this one here that's installed, you put a portable one, you could actually move it closer to that window. You can move it a little bit farther as a temporary basis just to keep on playing. So, you actually would put, if that long shot would be an actual feasible shot, to hit that window, you know, it would be even more dangerous if you had the portable one.

So, the fact that you have a stationary one, that you have it at such a great distance away from any type of glass, it kind of squashes that concern for me. To put it on the other side, that would be inconsistent with the entire neighborhood and entire Arlington Heights if you put it on the walkway side. It kind of just distracts, it takes away from the property value.

So, I think they did it very tastefully. It looks really nice, and I hope they get good use of it.

CHAIRPERSON SIAVELIS: Okay, with that in mind, do we have a motion?

COMMISSIONER JAFFE: I move to approve the petition as presented.

COMMISSIONER DIVITO: And I'll second it.

CHAIRPERSON SIAVELIS: Great, let's go to vote.

MR. MACH: So, that was Mr. Jaffe first and Mr. Divito seconded the motion.

Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

DRAFT

MR. MACH: Mr. Divito.
COMMISSIONER DIVITO: Yes.
MR. MACH: Chairman Siavelis.
CHAIRPERSON SIAVELIS: Yes.
Congratulations.
MRS. MOSQUEDA: Thank you very much, we appreciate it.
CHAIRPERSON SIAVELIS: Your variance is granted. All right, let's move on. Petitioners and members in the audience who participated, you do not have to stick around for this next one if you so desire.

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

DRAFT

ZONING BOARD OF APPEALS
VILLAGE OF ARLINGTON HEIGHTS

FINDINGS
September 14, 2020

PETITIONER: Mosqueda Residence

ADDRESS OF PROPERTY: 2360 E. Bradshire Ct.

VARIATION: 6.6-5.1

A variance to allow an existing basketball pole that is located approximately 3-feet from the side property line where 5-feet is required.

The petitioner testified that they are seeking approval for a variance to allow an existing basketball pole to remain at two feet less than the required minimum setback of five feet from the side property line. The petitioner testified that approving the variance will not alter the character or the existing use and/or the safety of the surrounding area and/or nearby property. The petitioner explained that the neighborhood is comprised of homes with a zero lot line on one side of the parcel. The petitioner explained that they feel that the basketball pole is within harmony of the character of the cul de sac and neighborhood, and that the basketball pole is the minimum necessary variance that they are requesting since it cannot be moved further towards the driveway. Neighbors spoke in support and against the variance and e-mails were read into the record.

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. Jaffe 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, with a condition that

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

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

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

Zoning Board of Appeals
10/12/2020

Item: 129 S. Highland Ave. - 9/14/20

Department: Planning and Community Development

ATTACHMENTS:

Description	Type
129 S Highland Ave - 9/14/20 Minutes	Minutes
129 S Highland Ave - 9/14/20 Findings	Minutes

ZONING BOARD
_____
_____
_____
OF APPEALS

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

RE: 129 SOUTH HIGHLAND AVENUE - ZBA #20-023

REPORT OF PROCEEDINGS had before the Village of Arlington Heights Zoning Board of Appeals taken virtually in response to the COVID-19 pandemic, which permits the public to fully participate via their computers or using their phones, on the 14th day of September, 2020, at the hour of 8:00 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

DRAFT

CHAIRPERSON SIAVELIS: The next item is 129 South Highland Avenue, ZBA Reference No. 20-023.

Derek, do you want to bring up the picture here?

MR. MACH: I do. I'm just pulling it up.

Okay, the Petitioner is proposing to demolish the existing one-and-a-half story residence and build a new two-story single-family residence with a detached two-car garage. The site is zoned R-4, Two-Family Dwelling District. The property has a total land area of 6,600 square feet, and the proposed residence will have approximately 2,968 square feet. The project does require approval by the Zoning Board of Appeals for the variation in lot width and size due to the existing 50-foot wide lot with 6,600 square feet not meeting the minimum required 70 feet width and 8,750 square feet in area.

The project design does comply with all other zoning requirements. The Petitioner is requesting a variation from Chapter 28, Section 5.1-4.1 to allow a lot width with an area of 6,600 square feet to be buildable where 8,750 square feet is required. They're requesting a 20-foot variation from Chapter 28, Section 5.1-4.1 to allow a lot with a width of 50 feet to be buildable where 70 feet is required.

CHAIRPERSON SIAVELIS: Great, thanks, Derek.

Who's speaking on behalf of this petition?

MR. BUDZIK: That would be myself, Tom Budzik.

CHAIRPERSON SIAVELIS: Hi, Tom. We'll swear you in in a second. Are the homeowners, are they participating as well or just you today?

MR. BUDZIK: I know they're on the call. I don't know if they're going to want to speak.

CHAIRPERSON SIAVELIS: Okay, let's proceed with swearing you in, and you'll answer questions and obviously present. If they're needed, to the extent they're needed, we'll swear the owners in and proceed in that manner, okay?

MR. BUDZIK: Okay.

CHAIRPERSON SIAVELIS: All right, please raise your right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Great, thanks. Please proceed.

MR. BUDZIK: So, this is an existing improved lot in the R-4 Zoning District. There's currently a brick bungalow on the property. A quick little background, the Petitioner is also the owner of the property directly to the south of this. We prepared the plans for his home a couple of years back; he currently lives there. He purchased this property originally with the intent of trying to remodel or put an addition on the existing property. After we reviewed it with them, we determined that it was functionally obsolete and there's a structural issue to the rear of the house. So, we wanted to simply tear down the home and build a new home in its place.

We've gone through the Design Commission. It's been unanimously approved. It was brought to our attention as we submitted to the Design Commission to provide them regarding lot width and lot area. So, we're simply here to present essentially to allow for a home that's exactly the same as the one before, just building a new home on it.

In terms of the character of the neighborhood, the home is situated

very similar to the existing bungalow. It has a detached garage; the home is biased to the north. The majority of the lots, actually all but three of the lots on the side of Highland are basically the same size, so they're all 50 by 133 plus or minus. So, they all have this issue with the lot area and lot width.

It was deemed by the acceptance from the Appearance Commission that the build is harmonious with the neighborhood, in character with the neighborhood. Obviously, it's the minimum variance for this lot.

CHAIRPERSON SIAVELIS: Okay, so the existing structure, you said the structure was unsound, is that correct?

MR. BUDZIK: The rear half of the building, there's issues on the foundations. Then the masonry wall on the back of the home requires substantial work.

CHAIRPERSON SIAVELIS: Okay, and that substantial work, does that, would that come at a significant price? Is that your viewpoint?

MR. BUDZIK: Yes, exactly. Essentially, there was virtually no cost savings by trying to remodel the home as opposed to rebuilding.

CHAIRPERSON SIAVELIS: Okay, and is the Petitioner planning on, in the event the variance is granted and a new house is built, is the Petitioner retaining ownership of that house? Renting that house? Selling that house? What's the general thought process there?

MR. BUDZIK: It's meant to be spec home, so it would be for sale.

CHAIRPERSON SIAVELIS: The house just to the north of the subject property, right, so the subject property is Lot 26, right? So, the house just to the north, is that a 50-foot lot there?

MR. BUDZIK: Based on the GIS map, they're all very close to 50 feet. I don't know if they're exactly 50.

CHAIRPERSON SIAVELIS: All right, and the Petitioners are in the house just to the south of Lot 26, is that correct?

MR. BUDZIK: Yes.

CHAIRPERSON SIAVELIS: What's the width of that lot?

MR. BUDZIK: I don't recall offhand. That's one of the three that's a little bit wider. I think it's around 65 feet.

CHAIRPERSON SIAVELIS: 65 or 70 maybe?

MR. BUDZIK: Something like that.

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

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, I think we're at the spot where we can open it up to the audience.

Derek, before we go to the live audience, I believe there were some e-mails received in regards to this petition?

MR. MACH: There are, thank you. I just want to stress to the Zoning Board of Appeals that I'm reading these in the order that they're received.

I ask that you deny this egregious variance request for the property listed above: 33 percent over minimum lot size and 40 percent over minimum lot width. The zoning regulations were written with a purpose; continued allowance of egregious

variances makes a mockery of the regulations. Please take into consideration the requirements to approve said variances.

Then they list the variation criteria from Chapter 28, 11.2: that the proposed use will not alter the essential character of the locality and will be compatible with existing uses; the plight of the owner is due to the unique circumstances; the proposed variation is in harmony with the spirit and intent of this chapter; and the variance requested is the minimum variance necessary to allow reasonable use of the property.

It does not appear that any of the above requirements are met in this case, and all must be met to approve a variance. Thank you. Keith Allen.

The next e-mail: You asked for comments and questions on 129 South Highland. My comment is on the bigger issue of how design and construction are handled. A number of homeowners in this neighborhood have water problems, mostly from the intensity of storms and the amount of rain, including record-breaking 10-inch rains in May for three years running now. People have filled in what used to be swales along their back lot line that were supposed to allow water to flow to the street. Water that could be sent to the street has been allowed to flow onto adjacent properties. Sheds and compost piles impede flow. I would like to see the Village study this area-wide problem and provide help for existing homeowners. Mary Anne O'Toole.

To whom it may concern: I have been a resident for over 30 years. I've watched tear-down after tear-down change the look and feel of my Village. I am concerned about the size of the proposed rebuild at 129 South Highland. The plans require a 70-foot wide lot and is currently 50 feet wide. The plans require 8,750 square feet, the lot is 6,600 square feet. We are losing more and more of our green space in Arlington Heights which is having a negative effect on sewers and creating more flooding issues. I respectfully request that the variance requested be denied. In addition to being too big for the lot, the consequences of this building will affect the entire neighborhood for years to come. Bridget Murdoch.

To whom it may concern: The proposed variance at 129 South Highland Avenue is overbroad and should be denied. Those in the community believe in progress, but that progress needs to make sense. The proposed variance at 129 Highland far exceeds reasonable bounds. Permitting oversized houses on undersized lots prioritizes profits over residential quality of life. Our great neighborhood should not risk diminishing the functionality and visual appeal that defines our city and brought us all together as neighbors. Taking into account the surrounding community has made where we live prosperous in the past and present and will ensure its success for many years to come. My very best. Robert Raymond.

To the Zoning Board of Appeals: I have read the Staff Design Commission report concerning the proposed project for 129 South Highland. I don't quite comprehend the reason to allow the variance. The home appears to be oversized than what the Zoning Board has deemed safe and acceptable. The reason for creating an ordinance to regulate the size of the home in the first place is for the health, safety and general welfare of the people in the community. Did we forget that? There is a reason to move to Arlington Heights, to be part of a good upstanding community with good neighbors. How can you deem the homeowner a good neighbor when they have already demonstrated they are above the rules that the rest of the community must abide? A

good neighbor should respect the rules that have made the community what it is today, not bending rules to take advantage of their neighbor. If this variance is not denied, will past homeowners who have had similar requests denied have recourse? If not, why not? If this variance is not denied, how will the value of neighboring homes be protected? I ask the Zoning Board of Appeals to abide by the rules on a consistent basis and deny the variance. Edward Rojak.

This is in regards to the home to be built at 129 South Highland. I live on the 500 block of South Highland Avenue, a resident for 38 years. I think the idea of replacing the existing structure there is a good idea; however, please take into account the size of the home being requested. You the Village has set ordinances and rules regarding home appearance, construction, specs regarding that construction in order to preserve quality and standards that make Arlington Heights a desirable place to live. So, why not follow those ordinances and rules that all residents are bound by? Please keep our neighborhoods the way they were intended to exist. Thank you. Concerned Citizen from the 500 block of South Highland.

Please reject the variance for 129 South Highland Avenue. The owner is requesting a change in the square footage of the proposed house by 26 percent and is changing the width of the house by 40 percent. These are big increases. These changes would be like squeezing a size 10 foot into a size 8 shoe. It would be painful and wouldn't look or feel right. I believe that this large home on a 50-foot wide lot would be out of proportion and this does not meet the Village building standards. Building a house with 2,968 square feet of living space on a 50-foot lot would be disproportionate with other neighborhood homes. It would also set a dangerous precedent for future homes in VAH. Other builders would follow suit and our neighborhoods would change. Higher density and higher price would be difficult for families to afford. What is the justification for this request? It could mean more money for the builder/owner at the expense of the neighborhood. The public good is more important than the private profit. Please enforce your existing building code and do not allow the proposed variance. Consider what is best for our community. Catherine Meersman.

Then, investing in the neighborhood through new construction is welcome. However, the Zoning Board of Appeals should reengage the Engineering Division who reported no objection to the proposed variance of minimum lot size and width in the 8/25/20 memo to Derek Mach without addressing the current flooding issues. Flash flooding where heavy rain overwhelms sewers has become the norm in our neighborhood. Severe storms cause street and surface flooding in our block. While we cannot immediately address the increased flood risk, as climate change leads to more severe rainstorms, the high standing water along Highland and at the intersection of Highland and George should be considered before overbuilding on yet another small lot in the block. The impervious surface of the new construction is the concern as water runs more quickly off of impervious surface causing flooding to become more common and more intense. The impervious surface shows 3,290 square feet of the 6,600 lot or 49.8 percent. If built on the minimum required lot of 8,750 square feet, the impervious surface would be reduced by 25 percent, or only 37.6 percent. While impervious surface meets code, the Engineering Division did not take into consideration the current flooding situation. Municipalities contribute to flooding when they permit new construction without

ensuring the infrastructure is adequate to accommodate increased storm and surface water runoff. Before this variance is approved, the Village should work with the Engineering Division and builder to remediate the sewer and drainage problems. Fran Horner.

To the Zoning Board of Appeals, the Petitioner of PC# 20-046 is asking for a variance to the existing from the Arlington Heights Municipal Code Chapter 28, Section 5.1-4.1, lot size minimum from 8,750 square feet to 6,600 square feet at 25 percent reduction in square feet, minimum lot width from 70 feet to 50 feet at 33 percent reduction in the width of the lot. These variances are too large. I'm asking the Zoning Board of Appeals to follow the rules fairly and consistently and not approve the requested variances. Thank you. Maureen Sutton.

Deny the variance at 129 South Highland because there is an existing safety problem with street flooding. I've lived here for 30 years. Until about a year ago, it was rare for Highland to flood. It is now routine. I sent a video and photos with my neighbors, and I have contacted VAH about this hazard. The water covers the street and goes up the driveways and blocks the sidewalks at 129, 133 and 201 Highland. The sidewalks are blocked at 132 and 202 Highland. The sewer grate at 132 spouts geysers. The water stands for hours. Cars will hydroplane. Standing water and freezing temperatures are dangerous. There are 13 children that live on Highland from Sigwalt to George. May God have mercy on us if there is an injury due to neglect of this hazard. The planned house is too large for the lot. Follow the rules, don't make this worse. Thank you. Donald Meersman.

The following e-mail message was generated -- okay, I'm sorry.

It is well known that Arlington Heights has some of the strictest building codes and Design Commission decisions in the entire northwest suburban area, which is a very good thing. In response to the request for a variance by the owner of the above property, I believe the request to build a larger home on that specific postage stamp sized property is just too much. This specific neighborhood of older homes has had major water drainage issues for many years. We are already anticipating what the additional 16 townhomes at the north end of our block is going to mean regarding this same issue. Please follow the current Arlington Heights Municipal Codes. They were created for very specific reasons. I know that every other home on this block, especially those with basements, will appreciate your thoughtful consideration. Pamela Schneider.

I am concerned that the approval of this variance with the size of the building and the reduced minimum size required lot will add to the possibility of additional flooding in this area during heavy storms. Thanks. Concerned South Highland residents.

Zoning Board, please address whether it was an oversight that the Arlington Heights Municipal Code, Chapter 28, Section 5.1-4.1 does not include the most common building site size in the designated R-4 area, the 50 by 132-foot lot. It seems inefficient not to address this and require a variance for every request to replace a single-family structure on a standard lot. As a long-time resident of the neighborhood, I applaud the way that new construction is integrated into the area with attention to details of design elements. Having wintered and summered for 40 years at the property directly behind this one, I welcome the upgrade to the housing stock, but agree with the Design Commission that the modern adjusted design may not be a good fit. Given the much

larger footprint of the new structure and the large increase of driveway covered, snow removal issues need to be anticipated considering this in adjacent properties. Wishing all the best, by Bob O'Mickman.

CHAIRPERSON SIAVELIS: Is that all, Derek, or is there more?

MR. MACH: That is all.

COMMISSIONER DRAKE: Derek, do you have a tally of how many of those comments were immediate neighbors of the Petitioner? Or within, you know, eyeshot?

MR. MACH: Mr. Drake, it's difficult to say since not all of them give their address. There are a handful on the 100 block, and there's a handful on the 200 block of Highland, and there's a handful from Chestnut, but they're generally in the area of the subject home.

COMMISSIONER DRAKE: Okay, great. Thanks, Derek.

COMMISSIONER JAFFE: Derek, am I also reading the packet correctly that when this property went before the Design Commission on July 28th, I'm reading the notes, there wasn't any neighbor feedback as a part of that meeting?

MR. MACH: That is correct. I was not present at that meeting, but yes, there's no one that spoke regarding the petition, regarding the design of the proposed home.

COMMISSIONER JAFFE: Thank you. That's what I was seeing; I wanted to see if somebody else read up the same line.

CHAIRPERSON SIAVELIS: Yes, and Ben, did you see the commentary there from the Engineering Division? That it had no objection to the proposed variance for minimum lot size and width?

COMMISSIONER JAFFE: Yes, I mean, throughout the packet from other Village offices, I didn't see any big concerns. But the thing that I just found most compelling about, you know, while I respect and I was glad to hear all the testimony, I was just a little surprised that none of that occurred during the Design session of July 28th, 2020.

CHAIRPERSON SIAVELIS: Right, and I apologize, I dropped off for a bit because I had a battery issue, so I missed a little bit until I got my power cord plugged in and had to re-log in and all that. Ben, can you just tell me which phase we're at right now? Are we still, do we just close out the comments from the audience and we're waiting --

COMMISSIONER JAFFE: No. Chairman, we haven't even gotten to the audience member comment. Derek read probably about a dozen to a dozen-and-a-half letters from neighbors in the general vicinity. So, now I would presume that if there are anybody on the call to provide live comments, we would be at that point.

CHAIRPERSON SIAVELIS: Okay, great. Thank you, I appreciate that update.

Derek, before we move to that, does that close out all the written comments you received either by letter or e-mail or fax or however?

MR. MACH: It does. I do have a video that was asked if I would play it. It's a short video. Hopefully, it will allow me to.

(Whereupon, a video was played.)

CHAIRPERSON SIAVELIS: Who's the author of this, who's the producer of this video, do we know? How was this submitted?

MR. MACH: One of the residents that sent an e-mail, I think it's Mr. Meersman, did share the video and asked that, or two videos, and asked that it be shared as part of the meeting.

COMMISSIONER JAFFE: Do we have a sense, was that video taken from the Petitioner's property? Was it taken across the street? Like what are we just looking at?

CHAIRPERSON SIAVELIS: That's across the street. That looks across the street, yes.

COMMISSIONER GEISEL: Across the street looking south by the looks of it.

CHAIRPERSON SIAVELIS: No, from the south probably looking north.

COMMISSIONER GEISEL: Across the street looking north.

COMMISSIONER DIVITO: Yes, on the west side of the block.

CHAIRPERSON SIAVELIS: Okay. All right, let's, so we can move here in an efficient manner, at this point in time, if there's any members of the audience who would like to be heard, now is the time for you to click on the Raise Your Hand icon. Please be mindful of the significant amount of feedback we've already received via e-mails on this and, you know, try and keep your comments as concise as possible.

MR. ERICKSON: Yes, I just unmuted myself. I'm the homeowner.

CHAIRPERSON SIAVELIS: Okay, at this point in time, since your architect is representing you, we just have to hold on a minute. We're going to have the general public who is not the Petitioner, i.e., you, go first.

MR. ERICKSON: Okay, that's fine.

CHAIRPERSON SIAVELIS: Okay, Derek, what do you have for us?

MR. MACH: I do have, I think it's Mr. Meersman, I just unmuted.

MR. MEERSMAN: Hello? Hello.

MR. MACH: Yes, we can you.

MR. MEERSMAN: Hello, my name is Donald Meersman. I live at 202 South on Highland Avenue. I have lived here for 30 years. I am a resident of Arlington Heights for 40 years. I would like to respond to some comments that were made about the Design Commission.

The Design Commission only is concerned with the visual --

CHAIRPERSON SIAVELIS: Hold on, hold on one second, Mr. Meersman. You've got to confine your comments, not to the Design Commission, you've got to confine your comments to the Zoning Board issues, right? We have a packet of information that's provided to us that includes Design Commission results, okay, but we're not in the business of reviewing, responding, or addressing Design Commission findings, okay?

MR. MEERSMAN: Yes, sir. Please deny this very large variance. If it is granted, it will set a precedent with long-term consequences. What do you tell the next guy who wants to ignore the Village of Arlington Heights codes and overbuild a house for profit? Fair is fair. If you let one guy do it, then you've got to let the next guy do it, too. Please follow the rules fairly and consistently. We also have a dangerous flooding

problem that may become worse if this is granted. Thank you very much.

CHAIRPERSON SIAVELIS: Thank you, Mr. Meersman, we appreciate that.

Any other comments from the audience, the public who is not the Petitioner?

COMMISSIONER JAFFE: Peter, is it worth noting that each petition, each variance that's submitted before this Board is judged independently on its own merits and its own conditions, and we don't issue or cite precedent as part of our decision making process?

CHAIRPERSON SIAVELIS: Yes. So, Ben, I was going to make that point. Thank you for doing that. I was contemplating on doing that at the end of the audience segment, but why don't you just put a little bit more meat on that bone just to respond to Mr. Meersman's point?

COMMISSIONER JAFFE: Certainly. So, I just think that it's important for the audience to understand that, yes, while you're looking at each of these cases and might logically come to the conclusion that if we approve one variance, that other petitioners, property owners will use this as an example to get their variance approved in the future. That is not how this Board operates, which is why we have the four factors that we ask each petitioner to cite and explain so we can judge each petition independently based on its locale, based on the conditions, based on the circumstances of the owner. So, this isn't Marbury v. Madison. There is no precedence cited as we evaluate each petition on a meeting by meeting basis.

CHAIRPERSON SIAVELIS: Well said, Mr. Jaffe. Thank you very much.

Derek, any other members of the audience who would like to speak and provide remarks in a concise manner?

MR. MACH: I did have one and I'm not sure what happened. Mr. Geier? There you go. Yes, I do, just, Mr. Philip Geier.

CHAIRPERSON SIAVELIS: Okay, Mr. Geier, go ahead. Please provide some concise words.

MS. SMEBAKKEN: Yes, this is Lessi Smebakken; I'm his wife. We live one block over on Vail, 226 South Vail. We often visit that street and we would just like to note that there have been several houses rebuilt on our street that are very much in keeping with the same houses that were there before. I don't think it's fair that somebody that built a great big house on a very small lot, then you know, buys the property, and then wants to sell another great big house on a very small lot. We as homeowners know that it only makes sense to have these homes proportionate to the homes that are on the lot. So, that's all I have to say. Thank you.

CHAIRPERSON SIAVELIS: Okay, great. Thank you very much.

Petitioner, now is your chance to respond to the comments we've heard from the audience members, both verbal and written. I'm not sure if you want to start yourself or have your architect start, but now is the opportunity.

COMMISSIONER DIVITO: Peter, as a reminder, do we want to swear him in?

CHAIRPERSON SIAVELIS: Yes, thank you very much. I appreciate it, Dave. So, we already swore in Tom.

Mr. Erickson, if you are going to speak, I need to swear you in ahead of time, okay?

MR. ERICKSON: Yes, that's fine.

CHAIRPERSON SIAVELIS: Okay, I'm not seeing you on the screen, I apologize.

MR. ERICKSON: Okay, let me -- there you go. CHAIRPERSON SIAVELIS: There you go, I got you now.

Okay, I see your hand, your right hand is raised, thank you.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, so Mr. Erickson, do you want to start or do you want to have Tom Budzik start? Either one.

MR. ERICKSON: Tom, do you want to start?

MR. BUDZIK: Sure, I'll just jump in.

The majority of the points, I heard two basic commentary and all of them. One was for bulk. To be clear, the home that we're proposing is completely compliant with all the bulk regulations. The only issue is with the lot width and lot area. We could have put an addition on the home and, on the existing home and built just a bigger home without going through this process. So, I don't feel that the bulk arguments really carry much weight because they're somewhat irrelevant. They have nothing to do with the lot width or lot area.

The other issue was regarding the sewer improvements and just the stormwater issues in general. Given that the owner of this property resides directly to the south, it's in his interest to provide the civil engineering as good as he possibly can so as to minimize issues not only on the subject property but of course on his property and the neighborhood in general. Also, given that our civil engineers worked on the property to the south; they're very familiar with the area and familiar with the surrounding area.

CHAIRPERSON SIAVELIS: Okay, thank you very much, Tom.

Mr. Erickson?

MR. ERICKSON: Yes, I'd like to just make some comments. We bought 133 South Highland when it was a little shack; a 1,000 square-foot shack. On the adjacent corner, that's where Donald and Catherine Meersman live. They don't like any change to any of the neighborhood. They fought us on the Design Commission for 133, and it was approved. For 129 South Highland, we went to Design Commission, no one objected to it.

It was just what Tom stated, we could do an addition to that lot and not have to go to Design Commission, built at 2,964 feet, same garage and everything, and we wouldn't have to go back to Zoning, we wouldn't have to do Design Commission or anything.

When we purchased this land in 2017, 129 South Highland was in very bad disrepair. There was a gentleman living in there who was having financial problems. The house went into foreclosure. To say that the back of the house, there are some brick problems, I think someone needs to look at the back of this house.

When I started cutting the grass here, when it was a thousand square-foot house, the garage almost fell on me one day. I went to the Village. They made him take the garage down. It took two men and four hours to tear the garage

down. There's no garage on that. There was an attached garage on that house. That garage had a fire on it, the whole back.

The roof is totally dilapidated. When I finally got in there first time one year ago; it's been raining inside of that house for at least five years. The roof is totally gone in that house. The structure on that house is bad.

CHAIRPERSON SIAVELIS: Hold on, hold on. Hold on one second. Mr. Erickson, hold on a second.

Members in the audience, you need to go to mute. This is not free flow exchange and response, right? It's Mr. Erickson's opportunity to respond.

MR. ERICKSON: Okay, I'm a degreed civil engineering from the University of Illinois in Champaign. I mean, this is what I do for a living. The water in the front that they showed, I think it's because Arlington Heights is probably using a four-inch converter to hold the water for like two to four hours after a big rainfall, and then it releases and it goes back out, but that's an issue for Arlington Heights. That has nothing to do with 133 Highland, with the drains around the whole outside of it. I even have two manholes in the front of the house per engineering.

If I'm required to do that at 129 South Highland, I will do that also. Engineering knows me well. I made sure everything was done properly on 133. If there's a problem with water holding on the streets, it's not because of 133 Highland. It's because the Village needs to look at it.

I didn't realize this was going to be a popularity contest. The people three doors to the south of me, all houses three doors to the south and three doors to the north all approved this. Those are my neighbors that are right with me. There's no issue. What happened is adjacent to me, I found out yesterday that Donald and Catherine Meersman went around with a petition to get all of these people to go against us because they don't like change to the community.

So, I think Tom Budzik, my architect, and myself have done everything per Village code. We got past the Design Commission. You have to admit the R-4 zoning for this area is a little unique. It's the only place in Arlington Heights where there's R-4 zoning is one street of Highland where they say that the lots have to be 70-foot wide and have to be I think 8,700 square feet. There's only, I think two, and I'm one of them at 133 Highland that hits that. I'm 65 feet wide, but my depth gets me the 8,700 or 8,300 or whatever square foot. All of the other houses on the east side of Highland Avenue are 50-foot wide.

CHAIRPERSON SIAVELIS: Okay, Mr. Erickson, let me interrupt you for a second. I want a clarification on that point because I asked the architect that question maybe 10-15 minutes ago.

MR. ERICKSON: Yes.

CHAIRPERSON SIAVELIS: So, 129 South Highland Avenue is Lot 26 on the plat. The lot directly to the north of Lot 26, is that, what's the width of that lot?

MR. ERICKSON: I believe that's also 50 by 132 to the north.

CHAIRPERSON SIAVELIS: Okay, and your current residence is at 133 South Highland, correct?

MR. ERICKSON: Correct, and it's 65-foot wide by 132.

CHAIRPERSON SIAVELIS: And the lot just to your south, of 133 South

Highland?

MR. ERICKSON: 50-foot by 132.

CHAIRPERSON SIAVELIS: Okay.

MR. ERICKSON: But again, I didn't realize this was a popularity contest, so I could have had my neighbors, the three to the south, the three to the north send letters in and say they're for it. I've talked to them personally. This was, you know, I thought once we get to Design Commission, this was just a formality because, again this R-4 Zoning District is very unusual. I didn't know this when I bought the property that the R-4 was 70-foot wide by 132.

CHAIRPERSON SIAVELIS: Okay, I got you. So, I just want to address a point you've made three times now. This is not really a popularity contest. Don't think of it in that manner. While neighborhood input is important of your neighbors, right, it is an important component, it's not the sole component. It's not the driving component. We take a number of factors into account, all right, so don't think of this as a popularity contest. It surely isn't.

The members of this Board take our duties seriously. We do a lot of work before these presentations, and we're not going to get swayed one way or another just based upon neighbor feedback. We look at the ordinances themselves. We look at the showings that you make. We use our common sense and we listen to the questions and answers that are presented to us and raised to us. So, keep that in mind, okay?

MR. ERICKSON: No, I appreciate that. But I would like for the record to state I do have the three to the south and the north and I could provide letters from them that, you know, they approve of what we're doing here. I've shown them prints and, so --

CHAIRPERSON SIAVELIS: Okay, I got that; I get that. Now, let me address another point here, R-4 versus R-3.

Derek, you're putting up on the screen here, why don't you, before you explain what's up on the screen right now, if this particular street was, or the area of the subject site was zoned R-3, would we be here with needing the two variances sought in view of the plans that Mr. Erickson and Mr. Budzik have presented to us?

MR. MACH: No. If this was zoned R-3, the proposed home would not need the variance for lot width and area.

CHAIRPERSON SIAVELIS: Okay, understood. But it is R-4, right, it's just the context point that I wanted to make. So, why don't you explain what you're showing on the screen here?

MR. MACH: Just sharing the zoning map, this orange area shows the R-4, this yellow area is R-3. That's just showing that this lot is 50 feet in width which is, if you look at the block, the majority of the homes are consistent in lot width and area.

CHAIRPERSON SIAVELIS: Okay, can you zoom in on that a bit and then drag it down?

MR. MACH: Yes.

CHAIRPERSON SIAVELIS: That's good. Yes, drag it down, there you go. Thanks.

So, if I'm interpreting this map that you're displaying, Derek, and by the way, the subject site 129 South Highland, that's denoted by the red dot, correct?

MR. MACH: Correct, yes.

CHAIRPERSON SIAVELIS: Okay, so the four pieces of property, or the four parcels to the north of 129 South Highland are all in 50-foot lots?

MR. MACH: Correct.

CHAIRPERSON SIAVELIS: Okay, and then Mr. Erickson's house due south is 65 feet wide, correct?

MR. MACH: Correct.

CHAIRPERSON SIAVELIS: Then there is a number of houses to the south there that you're displaying that are 50-foot wide, correct?

MR. MACH: Yes.

CHAIRPERSON SIAVELIS: Okay, and then across the street, across Highland, there is a number of houses that are 50 feet as well. There's one at the corner of George and Highland, I think it's 55.7, correct?

MR. MACH: Yes. Immediately across the street, those lot widths are varied more. But to the south, they're primarily 50 feet in width, south of George Street.

CHAIRPERSON SIAVELIS: Yes, and I see a 50-foot lot out there with 122 South Highland to the right. Okay, so thank you for providing this information. It confirms what Mr. Erickson and his architect were referring to.

Are there any other comments or question from the Board members to Mr. Erickson or his architect?

COMMISSIONER DIVITO: I just want to ask one clarifying question, and this goes all the way back up to the very top where it has the two requests that are in front of us today. So, it's really just talking about making these buildable lots, right? That's the point of this. It's not size, it's not the coverage, we're talking about if the structure didn't exist, to make this into a buildable lot.

MR. MACH: I'm sorry, Mr. Divito, is that a question for me?

COMMISSIONER DIVITO: Yes, Derek, I think that's, you're probably the most suited to answer that question, right?

MR. MACH: Yes. The proposed home is meeting building lot coverage, floor area ratio, setbacks and impervious surface coverage for a 6,600 square-foot lot.

COMMISSIONER DIVITO: So, the two things that we're asked to lay on are just to be able to make this into a buildable lot.

MR. MACH: Correct. It's right around 50 percent impervious surface coverage. It is allowed up to 55 percent, and then if you want the exact numbers, I can provide it for floor area ratio as well as building lot coverage.

CHAIRPERSON SIAVELIS: But he's in conformity with those requirements?

MR. MACH: He is, correct.

COMMISSIONER DIVITO: Right.

COMMISSIONER GEISEL: But this is existing non-conforming?

MR. MACH: The lot.

COMMISSIONER GEISEL: Yes.

MR. MACH: Yes.

COMMISSIONER GEISEL: Because it's in the R-4 overlay.

MR. MACH: Correct, it's in the R-4 Zoning District. It doesn't meet, for a single-family home, it doesn't meet the minimum lot width and area.

COMMISSIONER GEISEL: And the majority of the neighborhood is existing non-conforming?

MR. MACH: Right, right.

COMMISSIONER SELBKA: But Derek, just to be clear, there's no way to build any kind of new home on this lot without a variance, correct?

MR. MACH: Correct, for lot width and area.

CHAIRPERSON SIAVELIS: So, the follow-up, Derek, then on Joe's point right there and Dave's point, if the Petitioner for whatever reason wanted to tear this house down but rebuild it exactly to the same dimensions, the existing structure to the exact same dimensions, it would need a variance for that as well, wouldn't it?

MR. MACH: Correct, yes.

CHAIRPERSON SIAVELIS: Okay, okay, all right.

COMMISSIONER GEISEL: So, I believe a number of those comments of the people that were made unfortunately don't understand the variances that have been requested because they do not include, to Derek's point in the conversation, any request for variances on buildable area beyond permitted or impervious area beyond permitted. They're under all of those. So, this is a very, very simple existing non-conforming, replacing a structure that has been reviewed by the architect and is structurally deficient. They looked at it first. I'm assuming had it been less expensive or easier to construct on the existing, they would have done so. But given the fact that they can't do that because of structural issues, this is actually a very, very simple request that I don't understand how many people misconstrued the actual requests.

CHAIRPERSON SIAVELIS: That's a good point, Joe, and that's why I think this last three or four minutes of kind of summarizing where things stand and the realities of the R-4 zoning versus R-3 really bring the point home. So, I thank you for drawing those conclusions and helping kind of wrap up the analysis.

Are there any other comments from Board members?

(No response.)

CHAIRPERSON SIAVELIS: If not, is there a motion to be made?

COMMISSIONER JAFFE: I would move to approve the petition as presented.

COMMISSIONER DIVITO: I'll second it.

MR. MACH: I have Mr. Jaffe first and Mr. Divito seconded the motion.

Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Mr. Divito.

COMMISSIONER DIVITO: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

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All right, Petitioners, your two variances have been granted.

COMMISSIONER DIVITO: Peter, if you don't mind, we've done this in the past when the room was full of an audience, I'd like to do it as well today, you know. I know that we're doing this virtually, but it's not that we don't respect the feedback provided by the members of the community, but again with our purview, what we're asked to judge on, you know, it's really looking at it in a very limited scope for what we're supposed to be ruling for these petitions.

CHAIRPERSON SIAVELIS: Right, that's a good point. Thanks, Dave, I appreciate you making that point.

To the aspects regarding the water retention and drainage, those are points to be raised with Engineering and during permitting. So, if the neighbors feel strongly about that, certainly get in contact with the various departments here in the Village, make your concerns known, put your concerns in writing. Mr. Erickson is aware of them at least right now, and the Village will be as well if you bring them to their attention. Hopefully, all parties could work towards a favorable resolution with that.

COMMISSIONER GEISEL: For further clarity, the engineering issues and flooding issues are well outside of our purview. We are zoning only. We aren't actually permitted to necessarily take those into account relative to our view. They're relevant and they should be brought to the Village accordingly.

CHAIRPERSON SIAVELIS: All right. Thank you very much. Let's move on to the next petition.

MR. ERICKSON: Thank you, gentlemen. Thank you.

CHAIRPERSON SIAVELIS: Thank you.

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

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ZONING BOARD OF APPEALS
VILLAGE OF ARLINGTON HEIGHTS

FINDINGS
September 14, 2020

PETITIONER: Ericksen Residence

ADDRESS OF PROPERTY: 129 S. Highland Ave.

VARIATION: 5.1-4.1

A variation to allow a lot with an area of 6,600 sf to be buildable where 8,750 sf is required; A 20' variation to allow a lot width of 50' to be buildable where 70' is required.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are proposing to demolish the existing one-and-a-half story residence and build a new two-story single-family residence with a detached two-car garage. The site is zoned R-4, Two-Family Dwelling District. The property has a total land area of 6,600 square feet, and the proposed residence will have approximately 2,968 square feet. The project requires approval for a variation in lot width and size due to the existing 50-foot wide lot with 6,600 square feet not meeting the minimum required 70 feet width and 8,750 square feet in area.

The petitioner explained that it was brought to their attention as part of Design Commission review that the lot width and size are deficient for the R-4 zoning district. The petitioner testified that all but three of the lots on the same side of Highland are approximately 50 feet in width and 132 feet deep. The petitioner testified that they are meeting all other zoning requirements. Residents spoke in opposition to the variance. E-mails in opposition and in support of the variance were shared with the Zoning Board and read into the record.

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. Jaffe 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, with a condition that

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

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

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

Zoning Board of Appeals
10/12/2020

Item: 948 E. University Dr. - 9/14/20

Department: Planning and Community Development

ATTACHMENTS:

Description	Type
948 E University Dr - 9/14/20 Minutes	Minutes
948 E University Dr - 9/14/20 Findings	Minutes

ZONING BOARD
_____
_____
_____
OF APPEALS

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

RE: 948 EAST UNIVERSITY DRIVE - ZBA #20-024

REPORT OF PROCEEDINGS had before the Village of Arlington Heights Zoning Board of Appeals taken virtually in response to the COVID-19 pandemic, which permits the public to fully participate via their computers or using their phones, on the 14th day of September, 2020, at the hour of 8:47 p.m.

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MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, next petition, 948 East University Drive, ZBA Reference No. 20-024.

MR. MACH: Chairman, the subject property has frontage along North Dryden Place and University Drive. Pursuant to Chapter 28, the smaller of the two dimensions adjacent to a street shall be considered the front yard, and for the subject property, the frontage along North Dryden Place is defined as the front. The Petitioner is proposing to replace the existing five-foot tall, semi-open board-on-board wood fence in their front yard. However, fences in front yards are only permitted to be a maximum of three feet tall and must be open in design. Therefore, they are requesting a two-foot variation from Chapter 28, Section 6.13-3 and Chapter 28, Section 6.13-3a to allow a five-foot tall, semi-open fence in the front yard where code allows a three-foot tall fence of open design.

CHAIRPERSON SIAVELIS: Okay, who's presenting on behalf here of this petition?

MR. PADOWSKI: It's myself and my wife. I'm Mike Padowski, this is my wife Silva. We're the owners of 948 East University.

CHAIRPERSON SIAVELIS: All right, let's get you both sworn in please, and then you can begin. So, I see you both have your hands up there, right.

(Witnesses sworn.)

CHAIRPERSON SIAVELIS: All right, please commence.

MR. PADOWSKI: Okay, thank you for your time. I know it's getting late so I'll try to keep it short.

So, right now we have a five-foot fence on the side of our lot. It's a five-foot, semi-open wooden fence at the side of our house facing Dryden Place. The fence is about 15 years, it is getting a little bit wobbly. I'd like to replace that portion of the fence, I'd like to replace it with the same exact five-foot, semi-open wooden style. Same shape, same layout, same everything.

Unfortunately, due to the unique shape of our lot, the side of our house is actually what's considered the front yard, it's not the front of our house. So, if I take that fence down, per Arlington Heights code in the front yard I'm currently only allowed to put a three-foot open fence in its place. However, I'm asking for a variance to allow the five-foot semi-open because while technically that's the front yard, in practice that is actually the side of my house. That fence actually covers our backyard, the other side of the fence is where our deck is where we spend a lot of time as a family sitting around and eating. We do like the extra reasonable level of privacy that that extra two feet of the five-foot fence provides us.

So, a little bit more about the fence. As I mentioned, the fence is about 15 years old, so my neighbors have been looking at the fence for quite sometime now. Because we're looking to replace it with the same exact fence, we're not looking to change the general aesthetics of our property today. What you saw yesterday is what you'll see tomorrow. It may actually be better because the fence is now new.

Also, the general design of the fence and the layout as far as to the side of the house and kicks out a little bit towards the sidewalk and then the back lot, that's relatively common in Northgate in that subdivision. I actually attached a couple of pictures to our packet of the corner houses in a similar situation with similar fencing. So,

I'm not trying to do anything that's unprecedented or hasn't been generally accepted by the community.

Lastly, we do have some landscaping covering a significant part of that fence, and from certain angles it's hard to tell that there's even a fence there. You'd have to be standing next to it looking right at it. So, we're not talking about something that's out in the wide open where, you know, when you build something and mess it up, it's not going to become an eyesore to the community.

We were asked to consider a different layout for the fence, maybe start at the corner of our house and go straight back. The big issue there is that we do have an existing pond in that corner of the property. It really only allows that fence to be run one way which is the way it's run right now, just going around the pond. The pond is, I think that the last reason why we do prefer the five-foot fence there over a three-foot fence is just to provide an additional factor of safety for that water feature.

Okay, so that's what we'd like to do and why we'd like to do it. Again, thank you for your time.

CHAIRPERSON SIAVELIS: Thank you.

Tom, do you have any questions for the Petitioner?

COMMISSIONER DRAKE: Yes, I do have a few, Mr. Chairman, thank you. I'll be brief as well.

Hi, folks.

MR. PADOWSKI: Hi.

COMMISSIONER DRAKE: The fence has been there 15 years. Did you put that fence in? Were you the homeowners at the time?

MR. PADOWSKI: No, we moved there about four-and-a-half years ago. We talked to the neighbors that have been there for a long time to get that estimate and based on the shape of the wood. I'm pretty familiar with wooden fences; I just estimated it to be about 15 to 20 years old.

COMMISSIONER DRAKE: Okay, and the neighbors that would be affected by that; they're looking at it now. The neighbors, have you talked to any of those folks? Is that what you went to do?

MR. PADOWSKI: Yes, I did. I talked --

COMMISSIONER DRAKE: Any feedback, reaction, whatever?

MR. PADOWSKI: You know, there was a, when I sent the letters out and when people read our sign, there was just an immediate, I'll call it a misconception I guess of what we're actually trying to do. Most people thought we were trying to put a five-foot fence on the University side of our lot and they did show some concern against that because, you know, we'd be doing something that is unprecedented, putting up a fence in the front of our house. We did not consider that the front yard until we put in for this permit to be honest. But once I told them that this variance is really about that fence from the side and that I wanted to replace it with exactly what's there today, nobody I spoke to, and I spoke to several people, had any concern about us doing it.

COMMISSIONER DRAKE: Okay, and just a question, have you had any issue with, at least the part of town I live in, coyotes are a hot topic here. Have you had any problem with critters up in your area that would be another reason to want to have a higher fence than code permits?

MR. PADOWSKI: Yes, so this, the variance is just for this section of the fence, but the permit was to actually fence in the whole property. We were dog owners a long time ago. We would like to get back into that lifestyle; it's one of the reasons why we would like to fence in the whole property would be to keep the animals safe.

COMMISSIONER DRAKE: Okay, I think, Peter, those are the only questions I have right now.

CHAIRPERSON SIAVELIS: Okay, thanks a lot, Tom.

Are there any other questions from the Board members directed to this Petitioners?

(No response.)

CHAIRPERSON SIAVELIS: Okay, hearing none, Derek, comments from the audience?

MR. MACH: Chairman, I just want to share one written response I received pertaining to this petition.

We live on Volz Drive in Arlington Heights. We're not in favor of granting the requested two-foot variation for the proposed fence on this property. There are no other fences of this height in the front yards of the Northgate Subdivision. A five-foot fence would be an eyesore and detract from the visual appeal of the neighborhood. This variance would also set a future precedence. A three-foot fence should be more than sufficient and no variation should be allowed. It should also be considered that this property has already received a variation on an oversized detached garage. Codes are written to ensure the quality of the whole neighborhood as considered when individuals make changes to their property. Please abide by the code as written. Thank you. Bob and Judy Collin.

CHAIRPERSON SIAVELIS: Got it. Thanks, Derek.

Any other members in the audience, Derek, that you see? Perhaps I'll just make the verbal instruction. If there are other audience members out there and you wish to speak, now is the time to click on the Raise Your Hand icon to weigh in with any comments. Otherwise, we move to the next phase.

(No response.)

MR. MACH: Chairman, I'm not seeing anyone wishing to speak.

CHAIRPERSON SIAVELIS: Great, thanks.

The Petitioner can respond to that inquiry or that e-mail from the public, but I think you already have when you clarified the position of fence on the side versus the front yard.

MR. PADOWSKI: That's correct.

CHAIRPERSON SIAVELIS: Can you just restate that just to make sure it's entirely clear?

MR. PADOWSKI: Yes. The variance is for the Dryden side, and I think it's pretty clear from that e-mail that those people think that we're putting something on the University side where there is no fence. I agree, that would be an eyesore, but that isn't what I'm trying to do.

CHAIRPERSON SIAVELIS: Okay, I thought that's what you said, but just to make sure we're squared away there. Could you just answer one quick question? I noticed in the pictures that you submitted, there's a photograph basically taken on an

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angle to your house, and it shows that there are bushes and trees external to that fence that you're replacing. Is that correct?

MR. PADOWSKI: That is correct.

CHAIRPERSON SIAVELIS: So, those bushes and trees obscure at least a portion of the existing fence and the replacement fence being sought, correct?

MR. PADOWSKI: Right, they do. Then there's a tree about midway through, and at the end there are some evergreens. So, there's a lot of angles where that fence isn't even visible.

CHAIRPERSON SIAVELIS: Okay, got it.

All right, any other comments from the Board members or further inquiries to the Petitioner?

(No response.)

CHAIRPERSON SIAVELIS: All right, if not, is there a motion?

COMMISSIONER DRAKE: I would move approval of the petition as presented.

COMMISSIONER DIVITO: I'll second that.

MR. MACH: Okay, Mr. Drake first and Mr. Divito seconded the motion.

Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Mr. Divito.

COMMISSIONER DIVITO: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

All right, congratulations, your variance has been granted.

MR. PADOWSKI: Thank you very much, we appreciate it.

CHAIRPERSON SIAVELIS: Thank you very much for your time.

That is the last item of business, I believe. Derek, am I correct in that?

MR. MACH: Yes.

CHAIRPERSON SIAVELIS: I'm looking at the agenda real quick. I believe that's the last item.

As we are approaching 9:00 o'clock, two hours in, do we have a motion for adjournment?

COMMISSIONER DRAKE: So moved.

COMMISSIONER SELBKA: Second.

CHAIRPERSON SIAVELIS: All in favor?

MR. MACH: Chairman, roll call please.

CHAIRPERSON SIAVELIS: Oh, really.

MR. MACH: Mr. Drake, I have first, I'm sorry, who seconded the motion?

COMMISSIONER SELBKA: I did, Derek.

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MR. MACH: Thank you.
Mr. Drake.
COMMISSIONER DRAKE: Yes.
MR. MACH: Mr. Geisel.
COMMISSIONER GEISEL: Yes.
MR. MACH: Mr. Jaffe.
COMMISSIONER JAFFE: Yes.
MR. MACH: Mr. Selbka.
COMMISSIONER SELBKA: Yes.
MR. MACH: Mr. Divito.
COMMISSIONER DIVITO: Yes, please.
MR. MACH: Chairman Siavelis.
CHAIRPERSON SIAVELIS: Yes, absolutely.
All right, thank you, everyone. Have a good night.
(Whereupon, the public hearing on the above-mentioned petition was adjourned at 9:00 p.m.)

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ZONING BOARD OF APPEALS
VILLAGE OF ARLINGTON HEIGHTS

FINDINGS
September 14, 2020

PETITIONER: Padowski Residence

ADDRESS OF PROPERTY: 948 E. University Dr.

VARIATION: 6.13-2, 6.13-3a

A 2' variation to allow a 5' tall semi-open fence in the front yard, where code allows a 3' tall fence of open design.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner testified that they are proposing to replace the existing fence along Dryden Place. The petitioner explained that they live on a corner lot and the front of their house faces University; however, the front yard per the zoning code is along Dryden Place. The petitioner stated that the fence is approximately 15 years old.

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

Thereafter, a motion was made by Mr. Drake and seconded by Mr. 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, with a condition that

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

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

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

Zoning Board of Appeals
10/12/2020

Item: 123 S. Mitchell Ave. - ZBA#20-025

Department: Planning and Community Development

REQUEST

• A 390 square foot variation from Chapter 28, Section 5.1-3.4b (Maximum Impervious Surface Coverage) to allow 3,906 square feet of impervious surface coverage where 3,516 square feet is allowed.

ATTACHMENTS:

Description	Type
Supporting Documents	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: October 12, 2020
Date Prepared: October 7, 2020
Project Title: Volkman Residence
Address: 123 S. Mitchell Ave.

Background Information

Petition Number: ZBA #20-025
Petitioner: Robert & Janis Volkman
Address: 123 S. Mitchell Ave.
Arlington Heights IL 60005

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

Requested Action/Background Information

The petitioner is requesting a variance for impervious surface coverage to allow the construction of a patio. The petitioner is proposing to remove the existing patio and construct a new patio. The subject property currently exceeds the allowable impervious surface coverage and the proposed patio results in an increase to the overall impervious surface coverage by approximately 140 square feet. Therefore, the petitioner requests the following variance:

- A 390 square foot variation from Chapter 28, Section 5.1-3.4b (Maximum Impervious Surface Coverage) to allow 3,906 square feet of impervious surface coverage where 3,516 square feet is allowed.

Variation Review Standards

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

Map of General Vicinity

Items required to be Submitted 15 Days Prior to Public Hearing

Item	Provided	Dated	Remarks
1. Notification Affidavit	✓	9/24/20	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/24/20	
3. Letter that was Mailed	✓	9/24/20	
4. Photographs of Sign on Property	✓	9/24/20	

Photographs of Existing Structure

-

Village of Arlington Heights
Building & Life Safety Department

Interoffice Memorandum

To: **Derek Mach, Zoning Board of Appeals Liaison**

From: **Deb Pierce, Building & Life Safety Department**

Project Name: **Volkman Residence**

Project Address: **123 S Mitchell Ave**

ZBA #: **20-025**

Date: **September 23, 2020**

Derek:

I have reviewed the request for the following variance:

- A 390 square foot variation from Chapter 28, Section 5.1-3.4b (Maximum Impervious Surface Coverage) to allow 3,906 square feet of impervious surface coverage where 3,516 square feet is allowed;

and do not have any objections or comments.

ZBA# 20-025
123 S. Mitchell Avenue - ZBA
Rev. Eng: Briget Schwab, P.E.
cc: Mike Pagones, P.E. Village Engineer

Application Date: September 9, 2020
Received by Planning:
Transmitted to Engineering: September 22, 2020
Received by Briget: September 22, 2020
Completed: September 29, 2020

The proposed ZBA application indicates that the petitioner is seeking:

A 390 square foot variation from Chapter 28, Section 5.1-3.4b (Maximum Impervious Surface Coverage) to allow 3,906 square feet of impervious surface coverage where 3,516 square feet is allowed.

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

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Volkman Residence

Project Address: 123 S. Mitchell Avenue

ZBA #: 20-025

ZBA Hearing Date: October 12, 2020

To:	Mike Pagones, Village Engineer Mark Fink, Assistant Building Official
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, 2020

- A 390 square foot variation from Chapter 28, Section 5.1-3.4b (Maximum Impervious Surface Coverage) to allow 3,906 square feet of impervious surface coverage where 3,516 square feet is allowed.

Attached are the Petitioner's:

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

Comments: No Comments. Steve Hautzinger, Design Planner

Please review, comment, and return to me no later than October 1, 2020.

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 if the Arlington Heights Municipal Code for information regarding the criteria by which the Zoning Board of Appeals will evaluate variation requests. (Attached to this application packet.)

RECEIVED
SEP 10 2020
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

PETITION

NOW COMES the Petitioner Robert & Janis Volkmann

being the owner of the property commonly know as: 123 S. Mitchell Ave.

and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 5.1-3.4 Chapter 28, of the Arlington Heights Municipal Code, in order to: Remove and relocate our damaged patio.

I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the variation(s) were granted (please explain): Our hardscape design will only exceed the allowable coverage by about 5%. The much-needed proposed path will also allow us access to our garage service door year round.

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain): The existing patio is being torn up by shallow tree roots and will only continue to get more damaged. The best solution is to move the patio.

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain): An emphasis on green space will include an environmentally-friendly 6' rain garden in addition to 70 new plantings.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): In addition to solving the patio issue, the proposed landscape design will also allow us to install a drain that will run water away from the basement where there has been seepage.

Signed: [signature] Petitioner

Date: 9-3-20

SURVEY PLAT

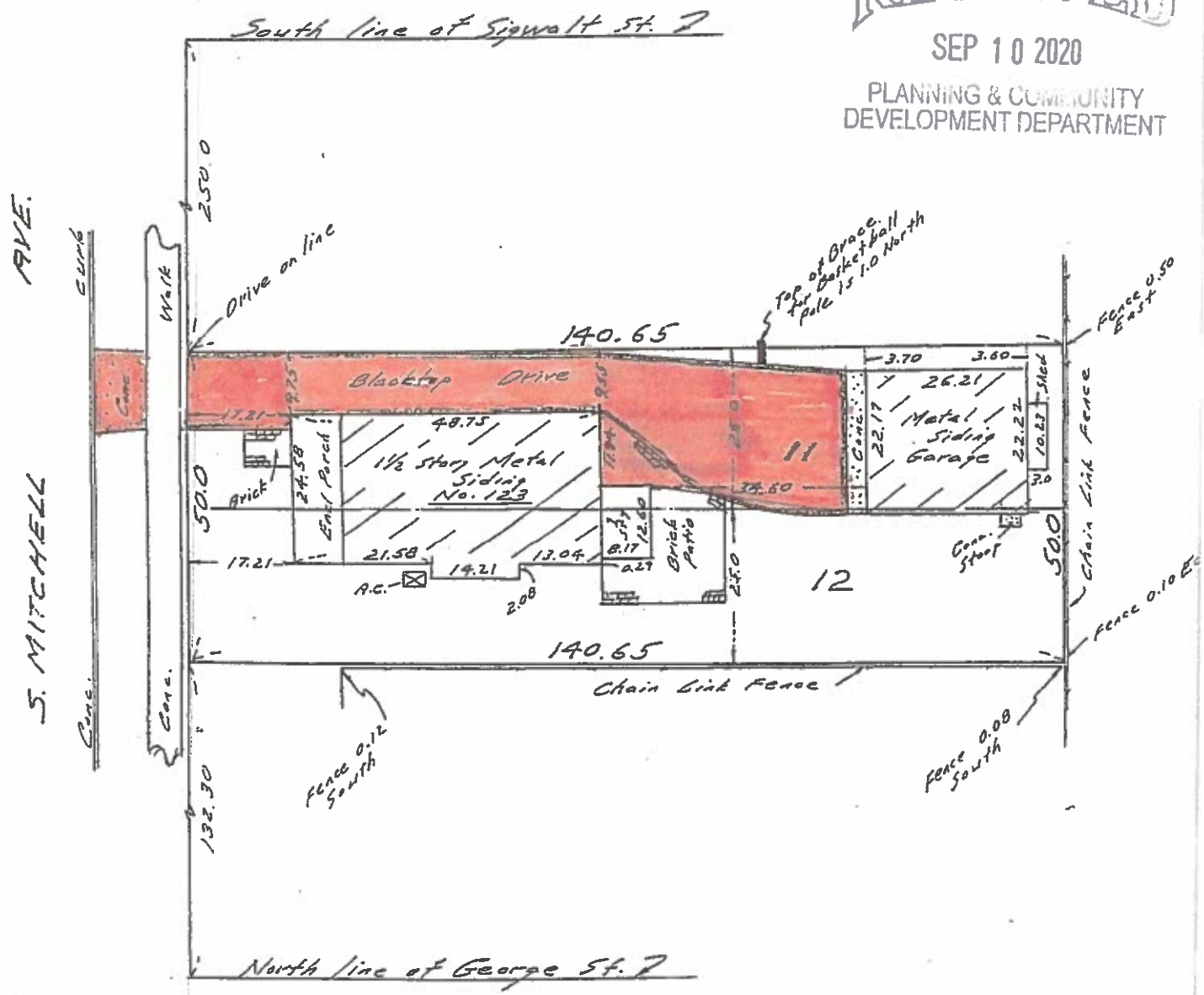
TELEPHONE NO.
(847) 956-1224

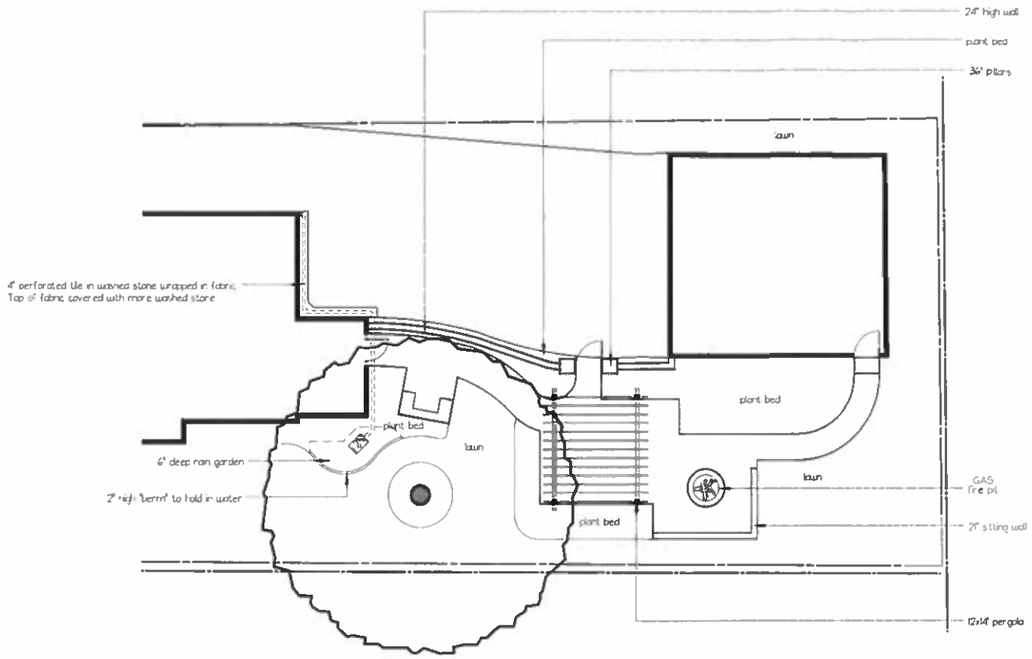
BAUER SURVEYING
2045 S. ARLINGTON HEIGHTS RD.
SUITE 108-A
ARLINGTON HEIGHTS, IL 60005

Lots 11 and 12 in Block 2 in Westview Addition to Arlington Heights, being a Subdivision of the East 805.9 feet of the North 405 feet of the Northeast quarter of Section 31, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

Reviewed For Code Compliance
Village of Arlington Heights
Digital Stamp

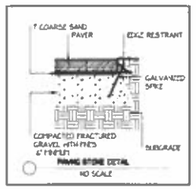
RECEIVED
SEP 10 2020
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

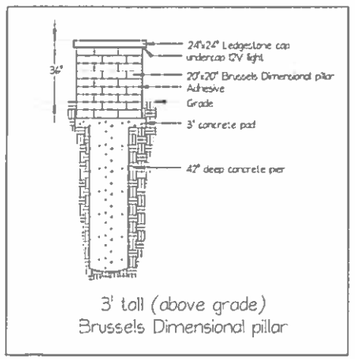




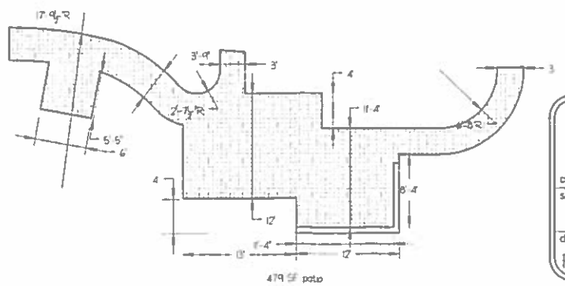
PVC Drain Tile Section
no scale

Rain garden section view
not to scale





3' tall (above grade)
Brussels Dimensional pillar



Volkman Residence		
123 South Mitchell Avenue Arlington Heights, IL		
client:		
scale 1/8" = 1' 0"	date 7/30/2020	revision 08/31/20
drawn by and copyrighted by PH, Townline Design	checked by 847-244-4111	drawing #

RECEIVED
SEP 10 2020
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Zoning Board of Appeals
10/12/2020

Item: 1228 N. Chestnut Ave. - ZBA#20-026

Department: Planning and Community Development

REQUEST

• A 1.1 foot variation from Chapter 28, Section 5.1-3.2 (Required Minimum Yards) to allow an addition with a side yard setback of 4.9 feet instead of the required 6.0 feet and an additional 1.5 feet for the eave.

ATTACHMENTS:

Description	Type
Supporting Documents	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: October 12, 2020
Date Prepared: October 7, 2020
Project Title: 1228 N. Chestnut Ave. Residence
Address: 1228 N. Chestnut Ave.

Background Information
Petition Number: ZBA #20-026
Petitioner: Matt Cochran
Address: 1228 N. Chestnut Ave.
Arlington Heights IL 60004

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

Requested Action/Background Information

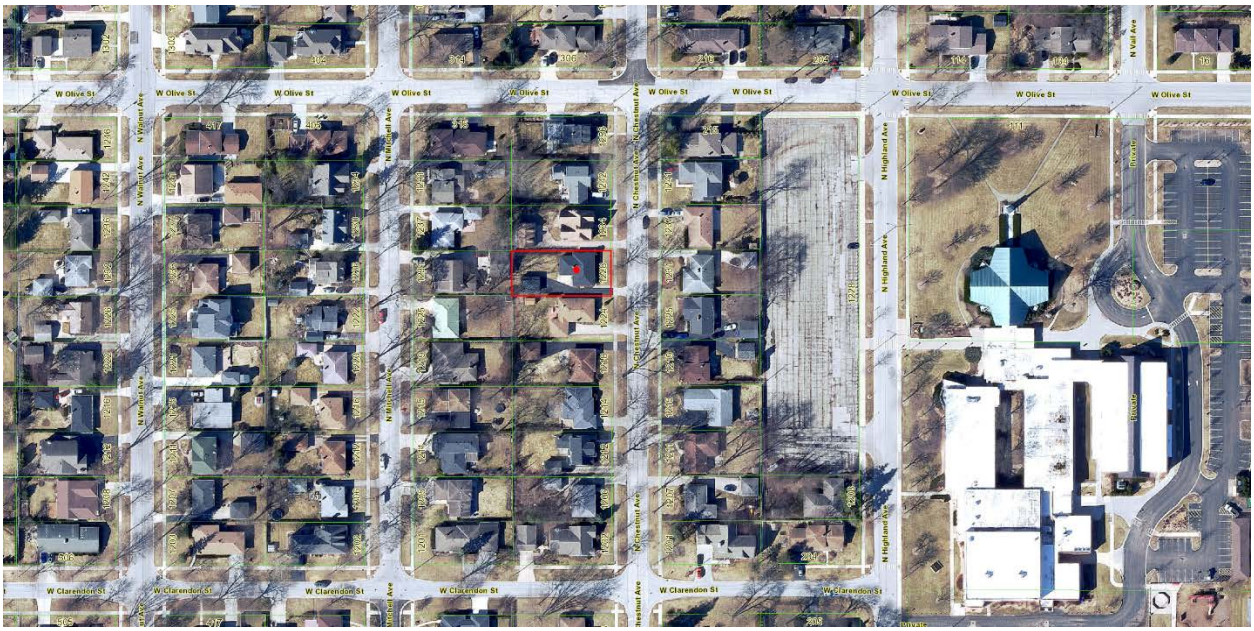
The petitioner is proposing a second floor addition to an existing one-story residence. The subject site is zoned R-3, One Family Dwelling District. The property has a total land area of 7,922 square feet and the proposed residence with the addition will be approximately 2,632 square feet. Along the north property line, the proposed addition encroaches 1.1 feet into the required side yard setback; therefore, the petitioner is requesting the following variation:

- A 1.1 foot variation from Chapter 28, Section 5.1-3.2 (Required Minimum Yards) to allow an addition with a side yard setback of 4.9 feet instead of the required 6.0 feet and an additional 1.5 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 proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property; and (2) the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned; and (3) the proposed variation is in harmony with the spirit and intent of this Chapter; and (4) the variance requested is the minimum variance necessary to allow reasonable use of the property. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the four conditions enumerated.

Map of General Vicinity



Items required to be Submitted 15 Days Prior to Public Hearing

Item	Provided	Dated	Remarks
1. Notification Affidavit	✓	9/22/20	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/22/20	
3. Letter that was Mailed	✓	9/22/20	
4. Photographs of Sign on Property	✓	9/22/20	

Photographs of Existing Structure

-

Village of Arlington Heights
Building & Life Safety Department

Interoffice Memorandum

To: **Derek Mach, Zoning Board of Appeals Liaison**

From: **Deb Pierce, Building & Life Safety Department**

Project Name: **Cochran Residence**

Project Address: **1228 N Chestnut Ave**

ZBA #: **20-026**

Date: **September 23, 2020**

Derek:

I have reviewed the request for the following variance:

- A 1.1 foot variation from Chapter 28, Section 5.1-3.2 (Required Minimum Yards) to allow an addition with a side yard setback of 4.9 feet instead of the required 6.0 feet.

and have the following comment:

1. The north wall of the addition shall have a minimum fire-resistance rating of 1-hour, with exposure from both the inside and outside, based on the distance to the lot line of less than 5 feet.

2. The soffit of the north wall of the addition shall have 5/8-inch exterior grade gypsum board under the normal protection material based on the distance to the lot line of less than 5 feet.

ZBA# 20-026
1228 N Chestnut Avenue - ZBA
Rev. Eng: Briget Schwab, P.E.
cc: Mike Pagones, P.E. Village Engineer

Application Date: September 2, 2020
Received by Planning:
Transmitted to Engineering: September 22, 2020
Received by Briget: September 22, 2020
Completed: September 29, 2020

The proposed ZBA application indicates that the petitioner is seeking:

A 1.1 foot variation from Chapter 28, Section 5.1-3.2 (Required Minimum Yards) to allow an addition with a side yard setback of 4.9 feet instead of the required 6.0 feet.

The Engineering Division has NO COMMENT on the proposed variance requests for required minimum yards.

Note: Proposed second story addition will follow the existing footprint of the house.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Cochran Residence

Project Address: 1228 N. Chestnut Avenue

ZBA #: 20-026

ZBA Hearing Date: October 12, 2020

To:	Mike Pagones, Village Engineer Mark Fink, Assistant Building Official
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, 2020

- A 1.1 foot variation from Chapter 28, Section 5.1-3.2 (Required Minimum Yards) to allow an addition with a side yard setback of 4.9 feet instead of the required 6.0 feet.

Attached are the Petitioner's:

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

Comments: The Design Commission application for this project is currently under review. Staff does not object to the basic massing of the proposed second floor addition.

- Steve Hautzinger, Design Planner

Please review, comment, and return to me no later than October 1, 2020.

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 if 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 Matt Cochran

being the owner of the property commonly know as: 1228 N. Chestnut Ave.

and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 5.1-3.2

Chapter 28, of the Arlington Heights Municipal Code, in order to: Reduce the yard setback on the north side of the residence from 10% (6') to existing (4'11")

I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the variation(s) were granted (please explain): The proposed use will not alter the essential character of the locality. There is a mix of ranch and 2 story residences, including a substantial house immediately north of the subject property.

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain): The existing house was situated on the lot in its current location by the original contractor. The current owner is not responsible for the location of the home nor its non conforming setback.

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain): The proposed variationis in the harmony with the spirit and intent of the Zoning Code. Building height, floor area ratio, impervious area, lot coverage, and other setbacks are all within R-3 district requirements.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): The proposed setback variation is the only adjustment requested. To meet the current setback, the addition would need to be reduced by 1' 1", which would result in additional cost and distract from the desired curb appeal.

Signed: _____ Date: 9/3/20

Petitioner

ANTON ADAMS
Illinois Professional Land Surveyor

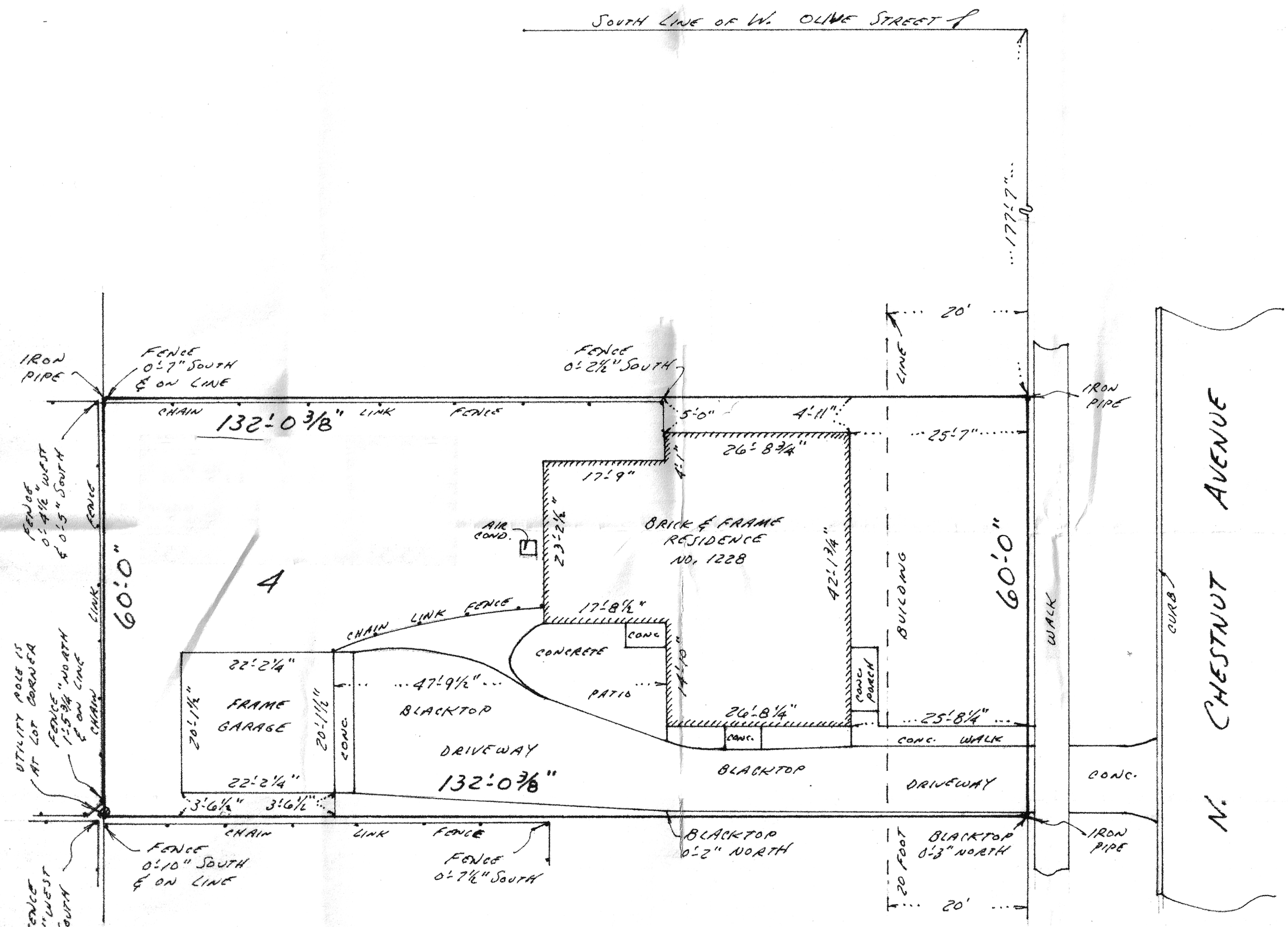
301 N. Wille Street
Mt. Prospect, IL 60056 (847) 255-3512

PLAT OF SURVEY

of

SCALE: 1 inch = 15 feet

Lot 4 in Block 10 in Northwest Highlands, a Subdivision of the East ½ of the Southeast ¼ (except the 2 acres in extreme Southeast corner) of Section 19, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.



ORDER NUMBER: 49504

FIELD BOOK: 42-11-114 PAGE: 13

ORDERED BY: Scheller Law LLC

Compare legal description on this plat with deed or title policy. Compare all points before building by same and report any differences at once. Building lines and easements, if any, are shown as they appear on the recorded plat of subdivision, otherwise refer to deed, title policy or Zoning ordinances. Distances or angles shown may not be assumed by scaling.

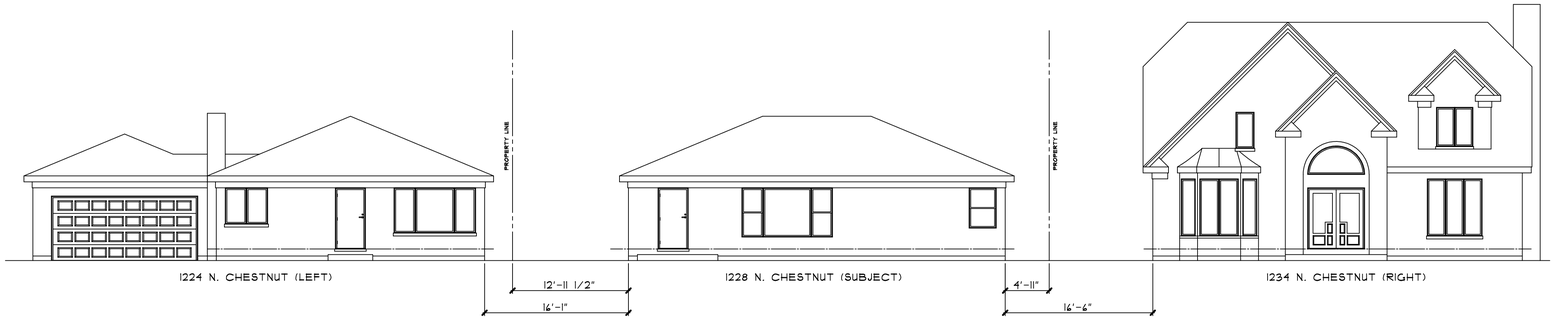
PROFESSIONAL LAND SURVEYOR
ANTON ADAMS
35-2810
MT. PROSPECT
ILLINOIS
STATE OF ILLINOIS

STATE OF ILLINOIS)
COUNTY OF COOK) ss.

I, ANTON ADAMS, Illinois Professional Land Surveyor, hereby certify that I have surveyed the property described above and that the plat hereon drawn is a correct representation thereof. This professional service conforms to the current Illinois minimum standards for a boundary survey.

MOUNT PROSPECT, ILLINOIS. November 19 A.D. 2019

Illinois Professional Land Surveyor
License #35-2810 expires 11/20



EXISTING ELEVATION STUDY

SCALE 1/8" = 1'-0"

PROPOSED ELEVATION STUDY

SCALE 1/8" = 1'-0"

ELEVATION MATERIALS

LOCATION	HATCH	DESCRIPTION	MANUF.
SIDING [1]		BRICK FACING (PAINTED LIGHT GRAY)	
SIDING [2]		HORIZONTAL FIBER CEMENTBOARD SIDING 6" REVEAL [WHITE IN COLOR]	
SIDING [3]		BOARD AND BATTEN SIDING [WHITE IN COLOR]	
ROOFING [1]		ASPHALT SHINGLES [CHARCOAL IN COLOR]	
ROOFING [2]		STANDING SEAM METAL ROOFING [GRAY IN COLOR]	

LOCATION	HATCH	DESCRIPTION	MANUF.
TRIM		FIBER CEMENTBOARD TRIM [WHITE IN COLOR]	
SOFFIT AND FASCIA		VENTED SOFFIT [WHITE IN COLOR]	
WINDOWS		BLACK WINDOW FRAMES	
WOOD COLUMNS		CEDAR PAINTED WHITE	
GUTTERS + DOWNSPOUTS		ALUMINUM - [WHITE IN COLOR]	
DOORS		GRAY WITH BLACK BRICK MOLD	

8-11-20 SUBMITTAL TO DESIGN COMMISSION

THOMAS BUCKLEY ARCHITECT
P.O. BOX 95624
HOFFMAN ESTATES, IL 60195
TEL. 847-310-9530 e-mail:
tom@thomasbuckleyarchitect.com

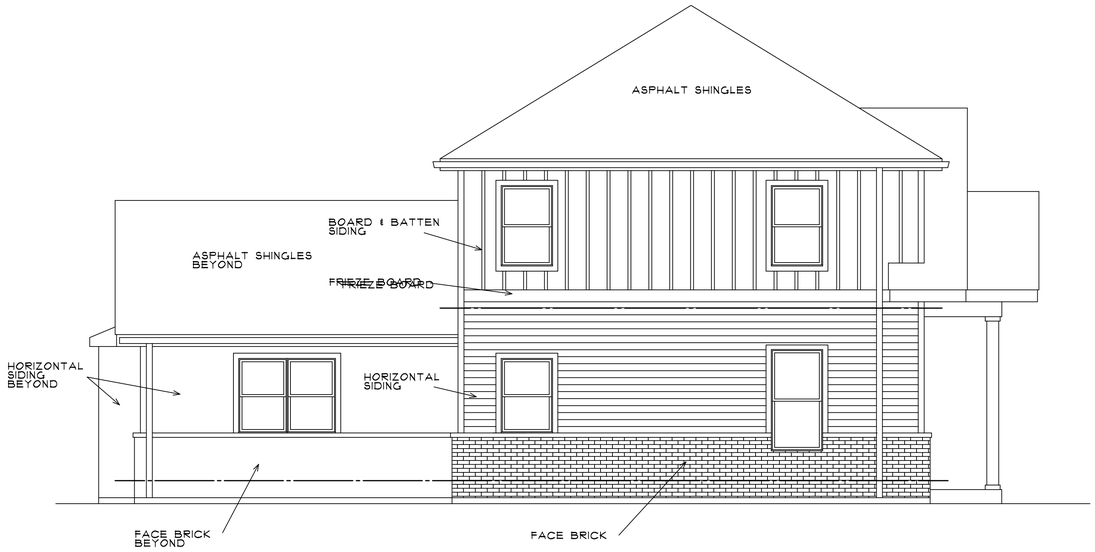
DBC RESIDENCE

1228 N CHESTNUT AVE
ARLINGTON HEIGHTS, IL

2020-010
JF TB

3-1-20

A-2
OF FOUR

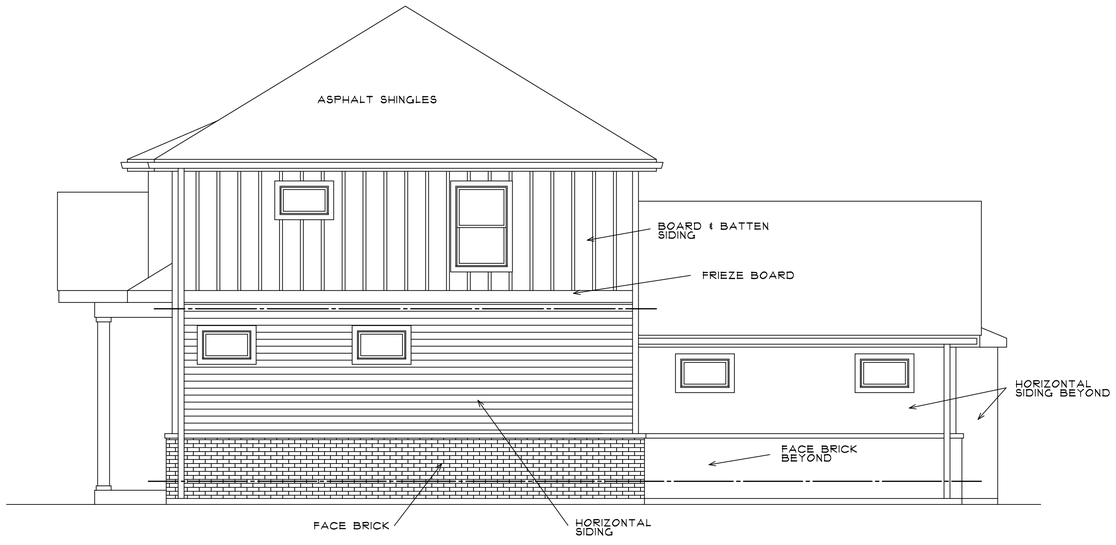


SOUTH ELEVATION

SCALE 1/4" = 1'-0"

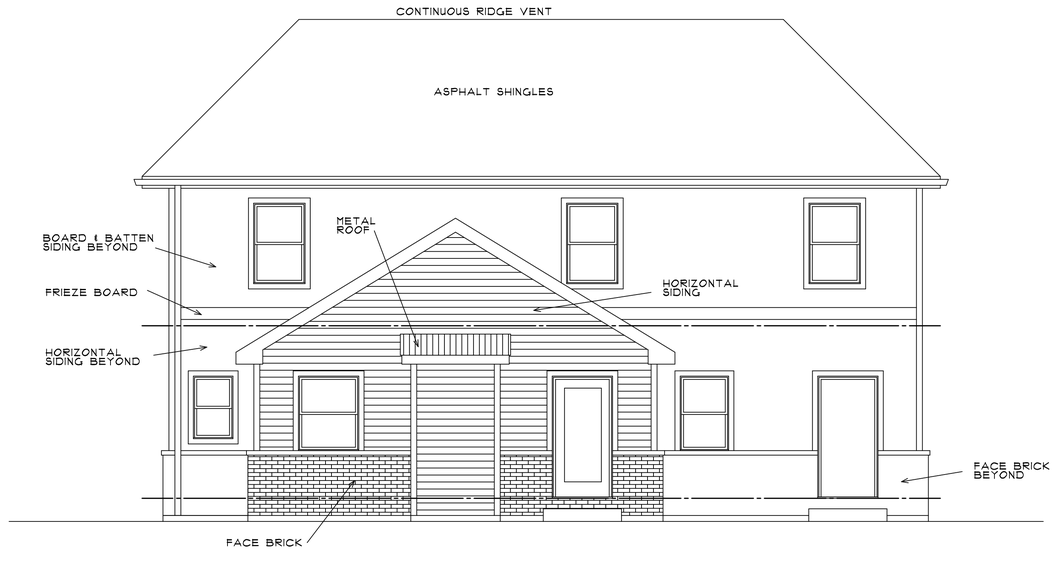
EAST ELEVATION

SCALE 1/4" = 1'-0"



NORTH ELEVATION

SCALE 1/4" = 1'-0"



WEST ELEVATION

SCALE 1/4" = 1'-0"

PROPOSED SECOND FLOOR ADDITION AND FIRST FLOOR REMODEL

8-11-20 SUBMITTAL TO DESIGN COMMISSION

DBC RESIDENCE

1228 N CHESTNUT AVE
ARLINGTON HEIGHTS, IL

THOMAS BUCKLEY ARCHITECT
P.O. BOX 95424
HOFFMAN ESTATES, IL 60195
TEL. 847-310-9530 e-mail:
tom@thomasbuckleyarchitect.com

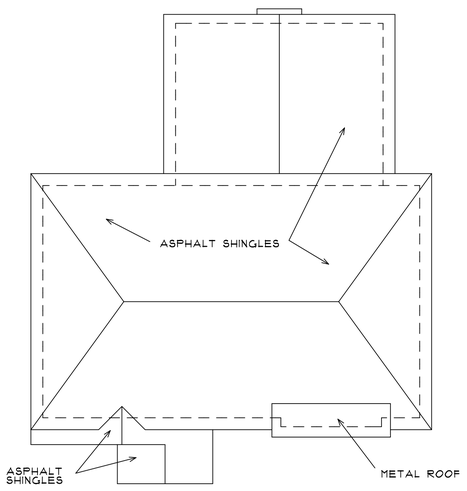
2020-010
JF TB

3-1-20

A-3
OF FOUR

DBC RESIDENCE

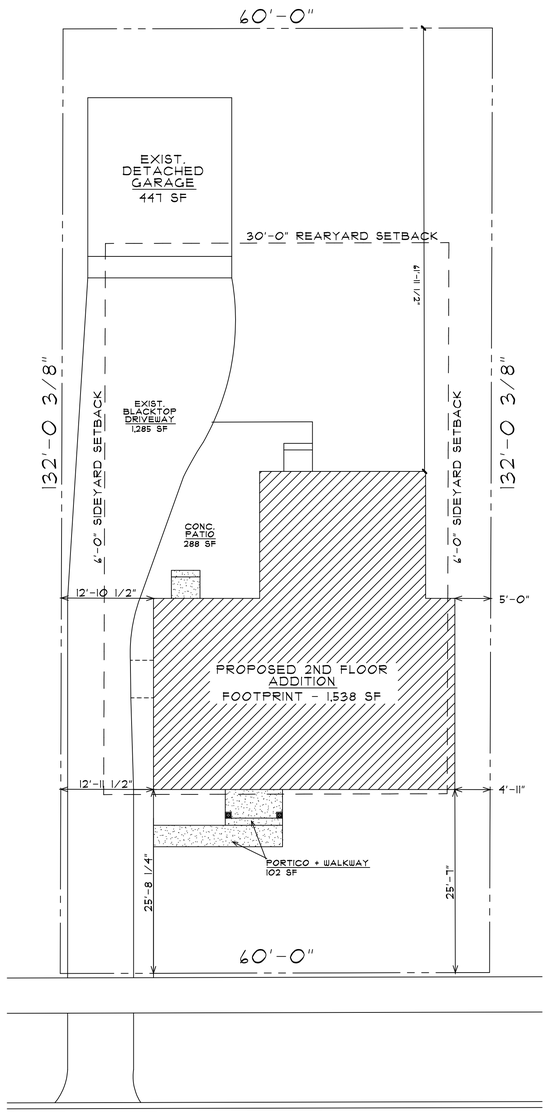
1228 NORTH CHESTNUT AVE.
ARLINGTON HEIGHTS, IL 60004



ROOF PLAN

SCALE 1/8" = 1'-0"

NORTH



SITE PLAN

SCALE 1" = 10.0'

NORTH

ZONING CALCULATIONS - (R-3)	
LOCATION	REQUIRED AREA (SQ. FT.)
LOT	7,921.8
MAX F.A.R. (LA X 0.45)	3,564.81
PROPOSED F.A.R.	2,633 (33.24%)
MAX BUILDING LOT COVERAGE (35%)	2,772.63
PROPOSED LOT COVERAGE	1,985
MAX IMPERVIOUS COVERAGE (55%)	4,356.99
PROPOSED IMPERVIOUS COVERAGE	3,660
LOCATION	PROPOSED AREA (SQ. FT.)
1ST FLOOR FOOTPRINT	1,538
EXIST. DETACHED GARAGE (F.A.R. -400)	447 (47)
PROPOSED 2ND FLOOR	1,095
EXIST. PATIO + DRIVEWAY	1,553
PROPOSED PORTICO + WALKWAY	122

SETBACKS - (R-3)		
LOCATION	REQUIRED DIMENSION	PROPOSED DIMENSION
FRONTYARD	25'-0"	EXIST. 25'-7"
INTERIOR SIDEYARD (10%)	4'-0"	EXIST. 4'-11"
REARYARD	30'-0"	EXIST. 41'-11 1/2"
HEIGHT	25'-0" (MEAN)	23'-8" (MEAN)

INDEX OF DRAWINGS	
SHEET	DESCRIPTION
G-1	SITE PLAN + ZONING CALCULATIONS
A-1	1ST + 2ND FLOOR CONSTRUCTION PLANS
A-2	ELEVATION STUDY
A-3	EXTERIOR ELEVATIONS

8-11-20 SUBMITTAL TO DESIGN COMMISSION

DBC RESIDENCE

THOMAS BUCKLEY ARCHITECT
P.O. BOX 95624
HOFFMAN ESTATES, IL 60195
TEL. 847-310-9530
e-mail: tom@thomasbuckleyarchitect.com

ARCHITECT'S CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY DIRECTION AND THAT TO THE BEST OF MY KNOWLEDGE COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.

CERT. NO. 001.008121
EXP. 11-30-20
DATE

1228 N CHESTNUT AVE
ARLINGTON HEIGHTS, IL

2020-010
JF TB

3-1-20

G-1
OF FOUR

Zoning Board of Appeals
10/12/2020

Item: 1533 N. Patton Ave. - ZBA#20-027

Department: Planning and Community Development

REQUEST

• A 7.8 foot variation from Chapter 28, Section 5.1-3.2 (Required Minimum Yards) to allow a garage addition with a front yard setback of 22.2 feet instead of the required 30.0 feet.

ATTACHMENTS:

Description	Type
Supporting Documents	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: October 12, 2020
Date Prepared: October 7, 2020
Project Title: Wirkus Residence
Address: 1533 N. Patton Ave.

Background Information

Petition Number: ZBA #20-027
Petitioner: Robert Flubacker Architects
Address: 1835 Rohlwing Rd. Suite B
Rolling Meadows IL 60008

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

Requested Action/Background Information

The petitioner proposes to expand the existing one-car attached garage into a two-car garage and re-orient the garage to front-load versus the existing side-load garage. As part of the project the petitioner would remove the driveway for the side load garage and reorient the drive for the front load garage.

The existing house is setback 32.3 feet from the front (west) property line and the proposed addition will decrease the setback to 22.2 feet, although the minimum required setback is 30.0 feet (the average setback for the block). Therefore, the petitioner requests the following variance:

- A 7.8 foot variation from Chapter 28, Section 5.1-3.2 (Required Minimum Yards) to allow a garage addition with a front yard setback of 22.2 feet instead of the required 30.0 feet.

Variation Review Standards

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

Petition – ZBA#20-027
PIN: 03-19-112-024

Map of General Vicinity

Items required to be Submitted 15 Days Prior to Public Hearing

Item	Provided	Dated	Remarks
1. Notification Affidavit	✓	9/28/20	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/28/20	
3. Letter that was Mailed	✓	9/28/20	
4. Photographs of Sign on Property	✓	9/28/20	

Photographs of Existing Structure

Village of Arlington Heights
Building & Life Safety Department

Interoffice Memorandum

To: **Derek Mach, Zoning Board of Appeals Liaison**

From: **Deb Pierce, Building & Life Safety Department**

Project Name: **Wirkus Residence**

Project Address: **1533 N Patton Ave**

ZBA #: **20-027**

Date: **September 23, 2020**

Derek:

I have reviewed the request for the following variance:

- A 5.8 foot variation from Chapter 28, Section 5.1-3.2 (Required Minimum Yards) to allow an garage addition with a front yard setback of 24.2 feet instead of the required 30.0 feet.

and do not have any objections or comments.

ZBA# 20-027
1533 N Patton Avenue - ZBA
Rev. Eng: Briget Schwab, P.E.
cc: Mike Pagones, P.E. Village Engineer

Application Date: September 9, 2020
Received by Planning:
Transmitted to Engineering: September 22, 2020
Received by Briget: September 22, 2020
Completed: September 29, 2020

The proposed ZBA application indicates that the petitioner is seeking:

A 5.8 foot variation from Chapter 28, Section 5.1-3.2 (Required Minimum Yards) to allow a garage addition with a front yard setback of 24.2 feet instead of the required 30.0 feet.

The Engineering Division has NO COMMENT on the proposed variance request for required minimum yards.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Wirkus Residence

Project Address: 1533 N. Patton Avenue

ZBA #: 20-027

ZBA Hearing Date: October 12, 2020

To:	Mike Pagones, Village Engineer Mark Fink, Assistant Building Official
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, 2020

- A 5.8 foot variation from Chapter 28, Section 5.1-3.2 (Required Minimum Yards) to allow a garage addition with a front yard setback of 24.2 feet instead of the required 30.0 feet.

Attached are the Petitioner's:

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

Comments: The proposed design fits well with the existing house and neighborhood.

Steve Hautzinger, Design Planner

Please review, comment, and return to me no later than October 1, 2020.

PETITION

NOW COMES the Petitioner, **Robert Flubacker**, being the petitioner of the property commonly known as: **1533 Patton Ave.**, and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a variation from **Section 5.1-3.2 Required Minimum Yard: Front yard**, Chapter 28, of the Arlington Heights Municipal Code, in order to:

Construct an extension of the existing attached garage, encroaching approximately 5'-9" into the front yard setback of 30'-0".

I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the variation were not granted:

Through significant improvements, updates and exterior enhancements the property will increase in value substantially which will remain consistent with other new projects in the neighborhood. The improved property will fit well within the surrounding neighborhood while also lending a uniqueness to the property.

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

The existing house has a side-load, one-car garage that:

1. Has a very large driveway, substantially in shade which ices up and becomes dangerous in the winter.
2. The length of the existing garage is adequate for the width of a new two-car garage, requiring minimal remodeling of the existing house.
3. Is currently settling and needs structural attention.

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter:

The proposed addition is to provide a two-car garage which is similar to the preponderance of homes in the area. The addition is virtually the same situation as the home at 1536 N. Patton Ave. (across the street) with a proposed setback 2 feet less than that home.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property:

The proposed garage is the minimum code required depth for a garage providing for the minimum front yard encroachment. The design additionally substantially reduces the impervious surface coverage of the lot as well as enhances the curb appeal of the home.

Signed: _____ Date: 9.10.20.

Petitioner

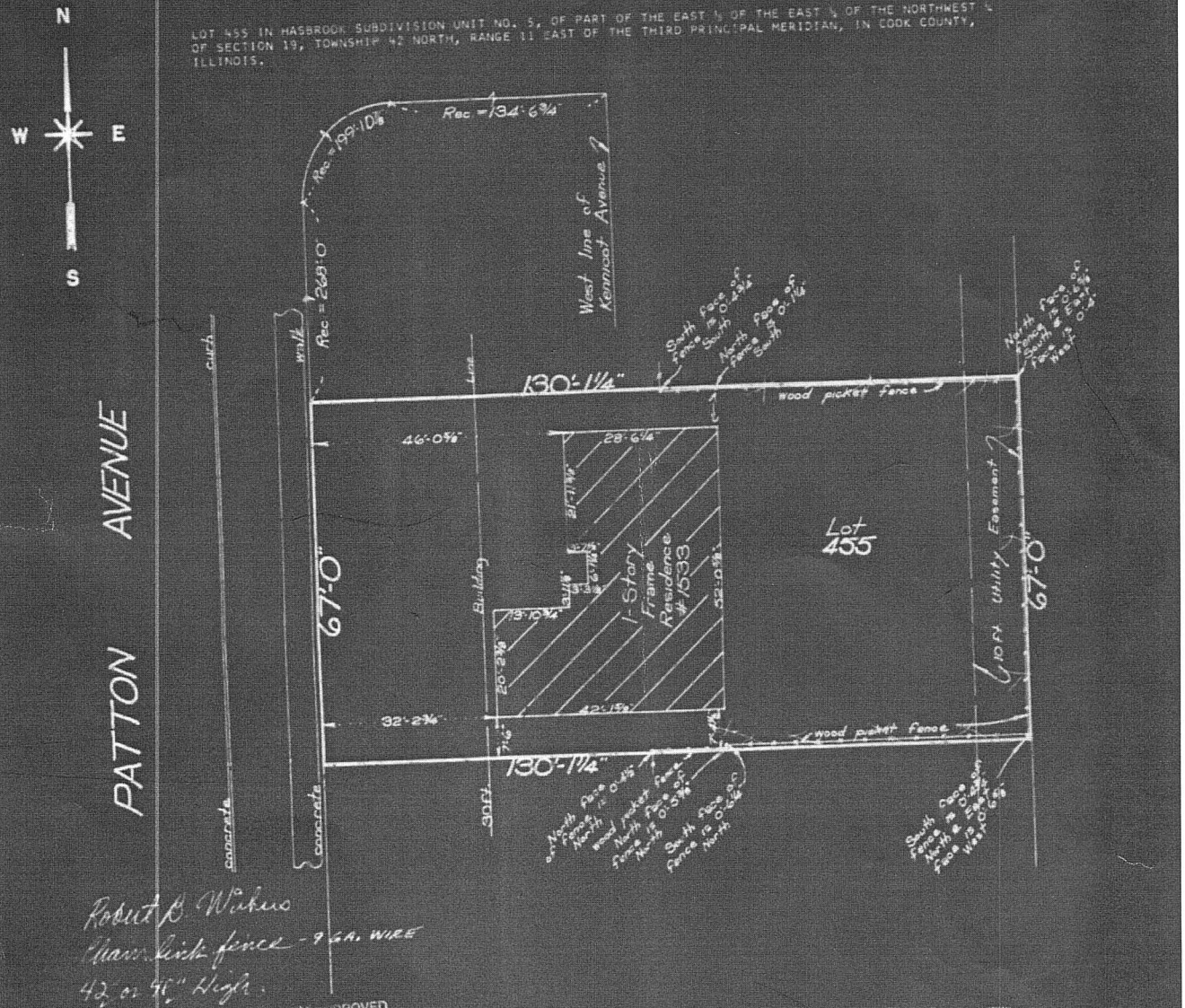
5740 NORTH ELSTON AVENUE
CHICAGO, ILLINOIS 60646

CERTIFIED SURVEY CO.

Phone: 775-7755
775-7756

PLAT OF SURVEY

LOT 455 IN HASBROOK SUBDIVISION UNIT NO. 5, OF PART OF THE EAST ½ OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 19, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



Robert B. Wilkins
Chain link fence - 9 GA. WIRE
42 or 48" High.

X APPROVED
☐ REJECTED
__ FENCE __ AIR/COND
__ SIGN __ ZONING
DATE 6-7-72
JERRY DHONT
Zoning Inspector

PAUL F. MISTURAK
REGISTERED
No. 1679
STATE OF ILLINOIS
LAND SURVEYOR

☒ CHECK (✓) IN BOX MEANS THIS SURVEY HAS BEEN MADE FOR USE IN CONNECTION WITH A REAL ESTATE OR MORTGAGE LOAN TRANSACTION AND IS NOT TO BE USED FOR CONSTRUCTION. DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING

Order No. 752970
Scale: 1 inch = 15 feet
Date September 14, 1972
Ordered by Schuyler, Stough & Morris

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS. OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

State of Illinois } ss.
County of Cook }

We, CERTIFIED SURVEY CO. do hereby certify that we have located the building on the above property.

Paul F. Misturak
Land Surveyor

Loc. No. _____
Date _____

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

State of Illinois } ss.
County of Cook }

We, CERTIFIED SURVEY CO. do hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey.

Paul F. Misturak
REG. ILL. Land Surveyor

ALTERATIONS AND ADDITIONS FOR

THE WIRKUS RESIDENCE

1533 PATTON AVE.
ARLINGTON HEIGHTS, ILLINOIS

ABBREVIATIONS

@	AT	EXP.	EXPANSION	P.LAM.	PLASTIC LAMINATE
<	ANGLE	F.D.	FLOOR DRAIN	PLYWD.	PLYWOOD
5S	FIVE SHELVES	F.F.	FINISH FLOOR	P.S.F.	POUNDS PER SQUARE FOOT
A./C.	AIR CONDITIONING	FIN.	FINISH	P.S.I.	POUNDS PER SQUARE INCH
ADJ.	ADJUSTABLE	FIXT.	FIXTURE	PSL	PARALLEL STRAND LUMBER
A.F.F.	ABOVE FINISH FLOOR	FND.	FOUNDATION	PVC.	POLYVINYL CHLORIDE
ALT.	ALTERNATE	F.O.C.	FACE OF CONCRETE	R.	RADIUS
ALUM.	ALUMINUM	F.O.S.	FACE OF STUD	R.D.	ROOF DRAIN
APPROX.	APPROXIMATE	FRZ.	FREEZER	R&S	ROD & SHELF
ARCH.	ARCHITECTURAL	F.S.	FOOTING SUMP	REBAR.	REINFORCING BAR
B/	BOTTOM OF	FTG.	FOOTING	REF.	REFRIGERATOR
BD.	BOARD	FURN.	FURNACE	REG.	REGULAR
B.I.	BUILT-IN	GA.	GAUGE	REINF.	REINFORCE
BLDG.	BUILDING	GALV.	GALVANIZED	RM.	ROOM
B.O.	BY OWNER	GLU-LAM.	GLUE LAMINATED BEAM	R.O.	ROUGH OPENING
BRG.	BEARING	GYP.BD.	GYPSUM BOARD	S.C.	SOLID CORE
C.	CARPET	HGT.	HEIGHT	SECT.	SECTION
CAB.	CABINET	H.M.	HOLLOW METAL	S.H.	SINGLE-HUNG CLOSET ROD
C.I.	CAST IRON	HORZ.	HORIZONTAL	SIM.	SIMILAR
C.J.	CONSTRUCTION JOINTS	HTG.	HEATING	S.P.	SUMP PIT
C.L.	CENTER LINE	H.V.A.C.	HEATING, VENTILATION, AIR CONDITIONING	SPEC.	SPECIFICATION
CLG.	CEILING			SQ.	SQUARE
C.M.U.	CONCRETE MASONRY UNIT	H.W.	HOT WATER	STD.	STANDARD
C.O.	CASED OPENING/ CLEAN OUT	INSUL.	INSULATION	STL.	STEEL
COL.	COLUMN	INT.	INTERIOR	STOR.	STORAGE
CONC.	CONCRETE	L.	LINEN	STRUCT.	STRUCTURAL
CONST.	CONSTRUCTION	LAM.	LAMINATE	SUSP.	SUSPENDED
CONT.	CONTINUOUS	LAV.	LAVATORY	T/	TOP OF
C.T.	CERAMIC TILE	LLV	LONG LEG VERTICAL	T.&B.	TOP & BOTTOM
C.W.	COLD WATER	LVL	LAMINATED VENEER LUMBER	T.&G.	TONGUE & GROOVE
D.	DRYER	MAX.	MAXIMUM	TEL.	TELEPHONE
DEMO.	DEMOLITION	M.C.	MEDICINE CABINET	T.M.E.	TO MATCH EXIST.
D.H.	DOUBLE-HUNG CLOSET RODS	MECH.	MECHANICAL	T.O.P.	TOP OF PLATE
DIA.	DIAMETER	MED.	MEDIUM	TV.	TELEVISION
DIM.	DIMENSION	MICRO.	MICROWAVE	TYP.	TYPICAL
DISP.	DISPOSAL	MIN.	MINIMUM	U.O.N.	UNLESS OTHERWISE NOTED
DIV.	DIVISION	MISC.	MISCELLANEOUS	V.C.T.	VINYL COMPOSITION TILE
DN.	DOWN	M.O.	MASONRY OPENING	VERT.	VERTICAL
D.S.	DOWN SPOUT	MTL.	METAL	V.T.R.	VENT THRU ROOF
D.W.	DISHWASHER	NFHB	NON-FREEZE HOSE BIBB	W/	WITH
EA.	EACH	N.I.C.	NOT IN CONTRACT	W.	WASHER
EIFS.	EXTERIOR INSULATION AND FINISH SYSTEM	NO.	NUMBER	W.C.	WATER CLOSET
		NOM.	NOMINAL	WD.	WOOD
ELECT.	ELECTRICAL	N.T.S.	NOT TO SCALE	WDW.	WINDOW
ELEV.	ELEVATION	O.A.	OVER ALL	W.H.	WATER HEATER
EP	EJECTOR PIT/SUMP	O.C.	ON CENTER	W.I.C.	WALK-IN CLOSET
EQ.	EQUAL	O.H.	OVERHANG	W/O	WITHOUT
EQUIP.	EQUIPMENT	OPP.	OPPOSITE	WT.	WEIGHT
EQUIV.	EQUIVALENT	OV.	OVEN	W.W.F.	WELDED WIRE FABRIC
E.W.	EACH WAY	PERF.	PERFORATED		
EXIST.	EXISTING	PL.	PLATE		

SYMBOLS

1 / A-1 — DETAIL NUMBER (TYP.) / SHEET NUMBER (TYP.)
ELEVATION KEY

1 / A-1 — 1 / A-1
BUILDING SECTION KEY

1 / A-1
MAJOR WALL SECTION KEY

1 / A-1
DETAIL KEY

ELEVATION MARK

ROOM NAME

A
NEW HEADER REFERENCE TAG

EXISTING PARTITION TO REMAIN

EXISTING CONSTRUCTION TO BE REMOVED

NEW FRAMED PARTITION

EXISTING DOOR TO REMAIN

A — 4" TYP. U.O.N. — DOOR R.O.
NEW DOOR & REFERENCE TAG

A
NEW WINDOW REFERENCE TAG

CODE DATA

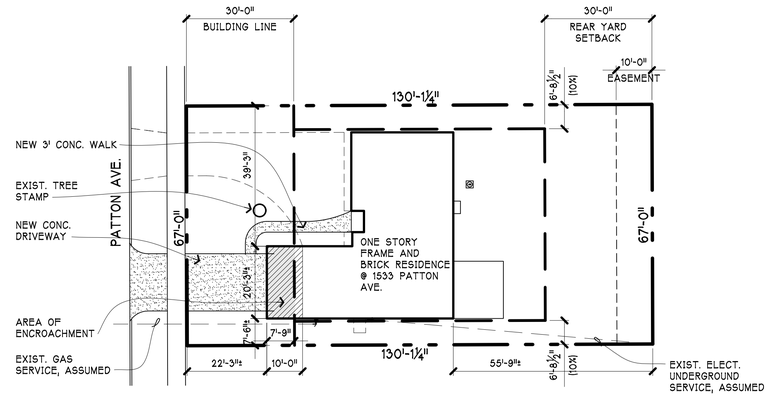
ALL CONSTRUCTION SHALL CONFORM WITH THE FOLLOWING:

- 2018 INTERNATIONAL CODE COUNCIL SERIES:
  - -INTERNATIONAL BUILDING CODE (IBC)
  - -INTERNATIONAL EXISTING BUILDING CODE (IEBC)
  - -INTERNATIONAL FIRE CODE (IFC)
  - -INTERNATIONAL FUEL GAS CODE (IFGC)
  - -INTERNATIONAL MECHANICAL CODE (IMC)
  - -INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)
  - -INTERNATIONAL RESIDENTIAL CODE (IRC)
  - -INTERNATIONAL SWIMMING POOL AND SPA CODE
- 2017 NATIONAL ELECTRICAL CODE (NFPA 70)
- 2018 ILLINOIS ENERGY CONSERVATION CODE w/ STATE AMENDMENTS
- 2014 ILLINOIS STATE PLUMBING CODE
- 2018 ILLINOIS ACCESSIBILITY CODE
- 2015 NFPA LIFE SAFETY CODE
- INCLUDING ALL APPROVED LOCAL AMENDMENTS TO THE ABOVE REFERENCED CODES

LIST OF DRAWINGS

A-0 TITLE SHEET / SITE PLAN
A-1 PARTIAL FLOOR PLAN
A-2 EXTERIOR ELEVATIONS

SITE PLAN



NORTH

1 / EX-0 SITE PLAN
1" = 20'-0"

SITE PLAN LEGEND:

- EXIST. CONSTRUCTION TO REMAIN
- NEW FIRST FLOOR CONSTRUCTION
- PROPERTY LINE
- SETBACK LINE

CODE REVIEW

ZONING R-3

LOT AREA 8,717 SQ.FT.

	EXISTING	ALLOWED	PROPOSED
BUILDING AREAS			
FIRST FLOOR	1,455 SQ.FT.		EXISTING
ATTACHED GARAGE	282 SQ.FT.		483 SQ.FT.
FLOOR AREA RATIO (FAR)	1,455 SQ.FT.	3,922 SQ.FT.	1,538 SQ.FT.
BUILDING LOT COVERAGE	1,737 SQ.FT.	3,050 SQ.FT.	1,938 SQ.FT.
IMPERVIOUS SURFACE COVER	3,030 SQ.FT.	4,358 SQ.FT.	2,674 SQ.FT.
BUILDING HEIGHT	12.5 FT.	25 FT.	11.5 FT.

ROBERT FLUBACKER ARCHITECTS LIMITED

1835-B Rohlwing Rd.
Rolling Meadows,
Illinois 60008
847-704-3200

IL Design Firm
#184.001489

ALTERATIONS AND ADDITION FOR
THE WIRKUS RESIDENCE
1533 PATTON AVE.
ARLINGTON HEIGHTS, ILLINOIS

Date	Description
9/10/20	ZBA
9/25/20	UPDATED

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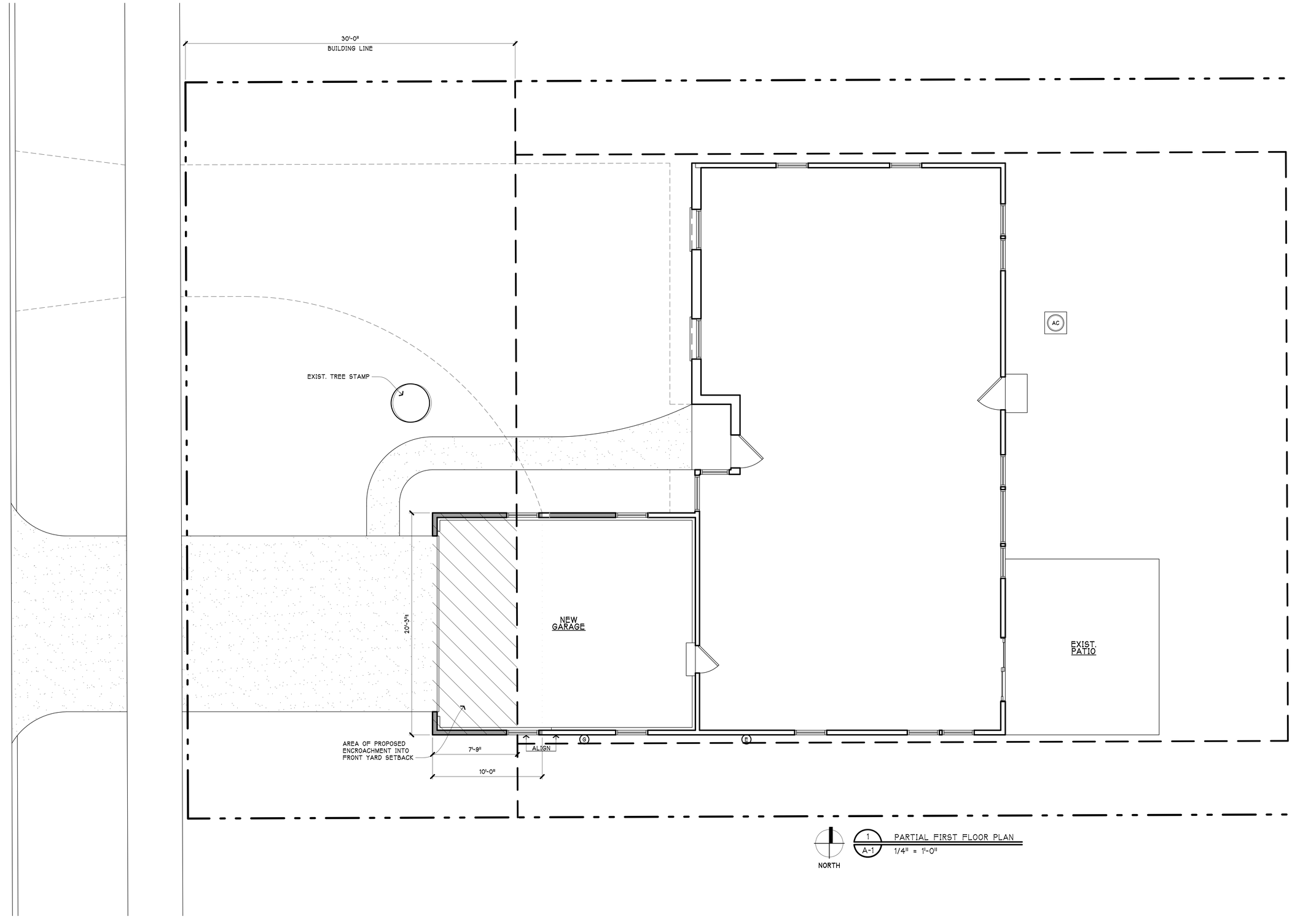
Project Number
20018

A-0



1 / A-1 PARTIAL FIRST FLOOR PLAN

1/4" = 1'-0"

RFA
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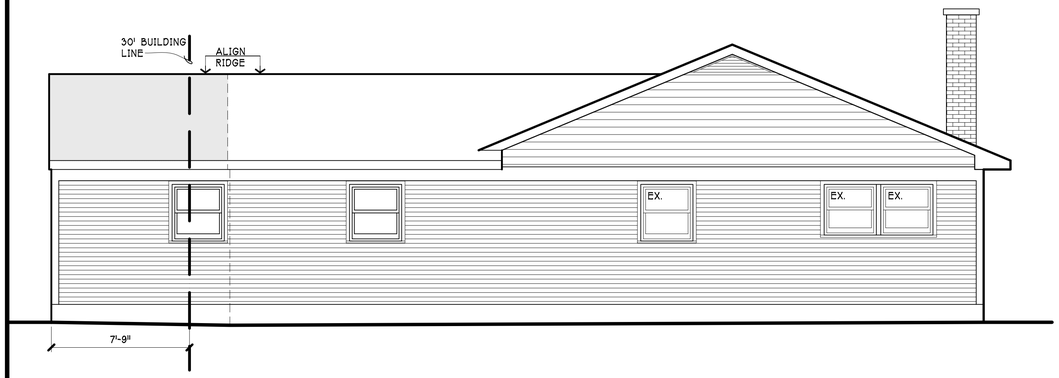
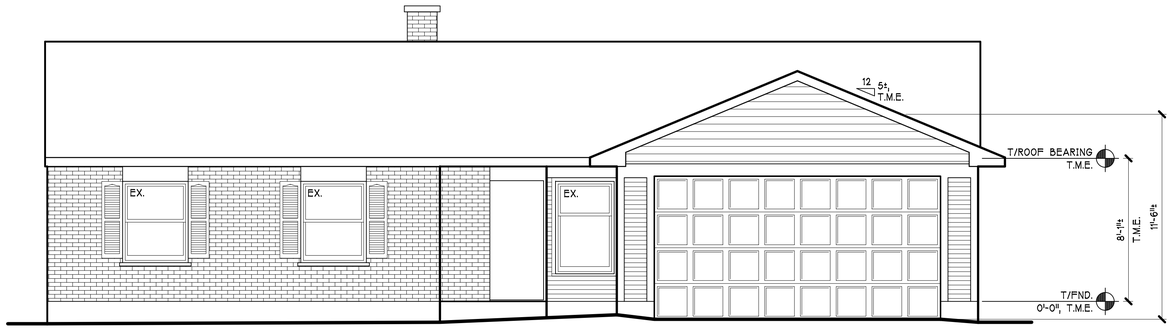
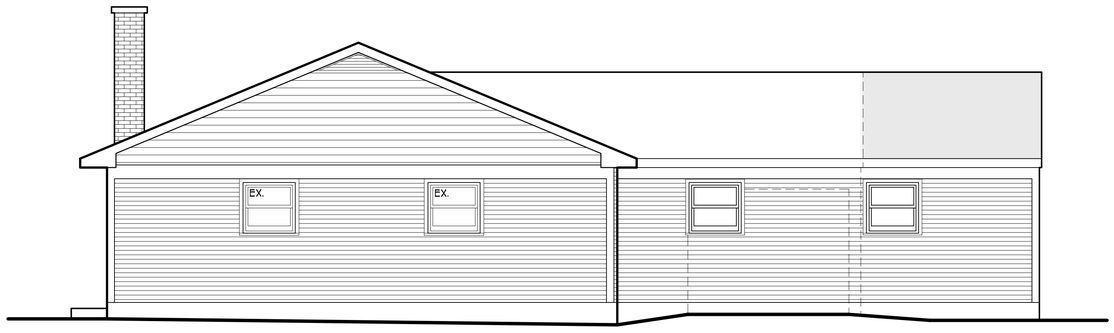


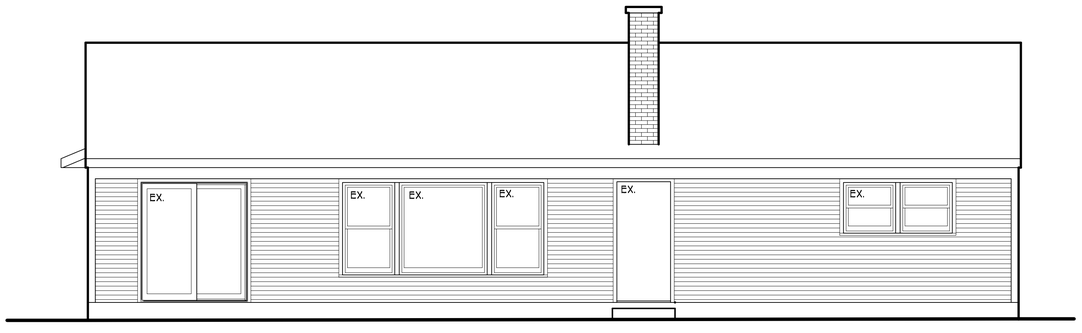
1 A-2 SOUTH ELEVATION
1/4" = 1'-0"



2 A-2 WEST ELEVATION
1/4" = 1'-0"



3 A-2 NORTH ELEVATION
1/4" = 1'-0"



4 A-2 EAST ELEVATION
1/4" = 1'-0"

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A-2