



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

Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
October 12, 2015
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. 115 S. Pine Ave. - 9/21/15
- B. 905 S. Evergreen Ave. - 9/21/15
- C. 1441 N. Douglas Ave. - 9/21/15
- D. 1216 E. Mayfair Rd. - 9/21/15
- E. 903 E. Crabtree Dr. - 9/21/15

IV. REPORTS

V. OLD BUSINESS

VI. NEW BUSINESS

- A. Comenduley Residence - 902 N. Douglas Ave.
- B. Bigelow Residence - 826 E. Charles St.
- C. Switalski Residence - 910 S. Walnut Ave.
- D. Arland Residence - 2528 N. Walnut Ave.
- E. Jones Residence - 2507 S. Cedar Glen Dr.

VII. OTHER BUSINESS

VIII. ADJOURNMENT

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

(Voice), (847)368-5980 (Fax) or drobb@vah.com.



Item: Alexander Residence - 115 S. Pine Ave.

Department: Planning & Community Development

Approval of Minutes & Findings from 9/21/15 hearing.

ATTACHMENTS:

Description	Type
Minutes 9/21/15 - Alexander	Minutes
Findings 9/21/15 - Alexander	Minutes

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ZONING BOARD

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

OF APPEALS

RE: ALEXANDER RESIDENCE - 115 S. PINE AVENUE

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the
Arlington Heights Village Hall, 33 South Arlington Heights
Road, 1st Floor Buechner Room, Arlington Heights, Illinois on
the 21st day of September, 2015, at the hour of 7:00 o'clock p.m.

MEMBERS PRESENT:

JOSEPH GEISEL, Acting Chairman
TOM SCHWINGBECK
TOM DRAKE
JOSEPH SELBKA
PETER SIAVELIS

ALSO PRESENT:

DEREK MACH, Landscape Planner

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Acting Chair Geisel: Good evening everybody, let the Zoning Board of Appeals meeting on September 21, 2015 begin. Derek, can you please call the roll?

Mr. Mach: Mr. Petrillo (no response)

Mr. Mach: Mr. Divito (no response)

Mr. Mach: Mr. Geisel.

Mr. Geisel: Here.

Mr. Mach: Mr. Schwingbeck.

Mr. Schwingbeck: Here.

Mr. Mach: Mr. Selbka.

Mr. Selbka: Here.

Mr. Mach: Mr. Siavelis.

Mr. Siavelis: Here.

Mr. Mach: Mr. Drake.

Mr. Drake: Here.

Acting Chairman Geisel: If everyone could please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

Acting Chairman Geisel: Has everyone had an opportunity to look at the prior meeting minutes? Any corrections or comments? Hearing none, is there a motion to approve the minutes?

Mr. Siavelis: Move to approve.

Mr. Selbka: Second.

Acting Chairman Geisel: All those in favor say aye.

(Chorus of Ayes.)

Acting Chairman Geisel: Tonight we have only 5 members of a 7 member Board that are present. If there is less than 6, then anyone presenting tonight have the opportunity to re-present on a different night, on the next available agenda. Please keep that in mind if that is something that you feel is appropriate for your own presentation. Affirmative votes are a minimum of 4, so at this point you will need 4 out of 5 for approval.

There are the criteria that were in your application that you need to present tonight, you have to sustain a hardship and prove that your property cannot yield a reasonable return. If you are not able to get an approval, you have to indicate what your unique situation is, unique circumstances, and that your plan is not going to cause undo alteration of the character of your neighborhood. Those are the 3 primary requirements in your petition.

The first one tonight is the Alexander residence. Please come up to the podium. Is everybody signed in? If you will, I will swear you in.

(Witness Sworn.)

Acting Chairman Geisel: Please present your project.

Mr. Turman: My name is Amias Turman with Airoom Architects and Builders representing our clients, the homeowners, Justin and Marin Alexander of 115 S. Pine Avenue here in Arlington Heights. We are requesting a variation to the zoning ordinance Chapter 28, Section 5.1-3.4, and this to reduce the minimum lot width requirement. Currently,

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the lot width requirement is 50-feet, the current existing lot is 49.4-feet, and so we are asking for a variation of 8-inches essentially, to reduce the minimum lot size requirement. Of course the existing parcel therefore is existing non-conforming. The home was built in 1948, so it's an existing residence, it's been in the community for a very long time. The current comprehensive amendment of the zoning ordinance, I believe, was fully adopted in 2002, so many years after the existing home was built.

The necessity for the variation is to construct an addition on the back of the home. It's a 2-story addition, approximately 15-feet deep by 19-feet wide. The addition meets the required setbacks, the sideyard setback requirement as well as the rear yard setback requirement, so the existing addition as it stands would actually meet the current zoning ordinances, but the lot itself does not. Also, the project will meet the requirements for floor area ratio, impervious surface, as well as lot coverage.

In our findings of the need for a variation, we found that the property itself cannot yield a reasonable return if permitted to be used only under the conditions allowed by the R-3 zoning district. This of course is because of the fact that our clients would not be able to update their home to modern standards of living. Not only that, but if it continued to be an existing non-conforming use, it would actually de-value the property of the home because no additions or no exterior projects could be done to the property.

The plight of the homeowners is due to unique circumstances. Just as mentioned in the onset, the home was built many years prior to the adoption of the current zoning ordinance. So of course, back in 1948 the original builders could not foresee that that approved lot would be non-conforming in the future. So if granted, the variation will not alter the essential character, it's our opinion that it would not alter the essential character of the locality. In fact, the request for a required lot width reduction of 8-inches, we feel it will actually enhance the neighborhood, not only the property values of the locality, but then also the lot width reduction of 8-inches, it would not allow our clients to build or construct any addition or do anything to the property beyond what the current R-3 zoning ordinance requires.

Acting Chairman Geisel: Fairly straightforward, obviously it's a non-conforming lot.

Mr. Siavelis: When did the client acquire the home:

Mr. Turman: Five years ago.

Mr. Siavelis: So the siding renovation and all the work you have done, that work was done by you, correct?

Mr. Alexander: Correct.

Mr. Selbka: Did you check with your neighbors in regards to this?

Mr. Alexander: Yes, we in fact got signatures from all the neighbors.

Acting Chairman Geisel: Neighborhood support is always appreciated.

Acting Chairman Geisel: At this time is there anybody in the

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audience that has any comments on this matter? Please come up and sign in.

Ms. Blank: We are signed in. My name is Virginia Blank and I live at 114 S. Pine. We have lived here since 1967 and at one time, we too, outlived the space of our house and we looked for other residences and we could not find anything that was appropriate or the area was not as desirable as this particular area. So we too had to add onto our house and we were happy that we did because we were able to stay in our home and we've been there about 50 years. I'm just in favor of this project, I have seen the plan, it looks beautiful and it will be an addition to the neighborhood and we wish them every success.

Acting Chairman Geisel: Very kind of you to say so.

At this point I think comments from the Board, deliberation by the Board? This seems to be very straightforward, certainly well received by the neighbors.

Mr. Siavelis: It's reasonable, extremely reasonable, 8-inches is a nominal amount and I note that they are staying within the non-conforming structure as is, and the extent of the addition is very reasonable in my eyes.

Acting Chairman Geisel: Do we have a motion?

Mr. Siavelis: I'll move.

Mr. Selbka: Second.

Mr. Mach: Mr. Schwingbeck.

Mr. Schwingbeck: Yes.

Mr. Mach: Mr. Selbka.

Mr. Selbka: Yes.

Mr. Mach: Mr. Siavelis.

Mr. Siavelis: Yes.

Mr. Mach: Mr. Drake.

Mr. Drake: Yes.

Mr. Mach: Acting Chairman Geisel.

Acting Chairman Geisel: Yes.

Okay, the motion passes.

Mr. Turman: Thank you.

Mr. & Mrs. Alexander: Thank you.

Acting Chairman Geisel: Good luck with your project.

Mr. Alexander: Thank you, appreciate it.

(Whereupon, the hearing on the above-mentioned petition
Was adjourned at 7:12 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS September 21, 2015

PETITIONER: Alexander Residence
ADDRESS OF PROPERTY: 115 S. Pine Avenue
VARIATION: 5.1-3.4 (Minimum Lot Size)

A variance from Chapter 28, Section 5.1-3.4, to allow a 49.4-ft. wide, 6,521 sq. ft. lot to be buildable, where 70-feet wide, 8,750 sq. ft. 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 construct an addition on the rear of the home. The petitioner testified that the proposal is before the Zoning Board of Appeals because of the substandard lot width and pursuant to Chapter 28 no permit shall be issued for any parcel containing less than 6,250 SF and a lot width of 50 feet. The petitioner explained that the property is 49.4 feet wide and 6,521 square feet in area. The petitioner testified that they are requesting a variation for lot width in order to construct the addition.

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

Thereafter, a motion was made by Mr. Siavelis and seconded by Mr. Selbka. Thereafter, the Board voted 5-0 to approve the variance request.

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

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

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

Joseph Geisel, Acting Chairman
Zoning Board of Appeals
Village of Arlington Heights



Item: Brazzale/Balga Residence - 905 S. Evergreen Ave.

Department: Planning & Community Development

Approval of Minutes & Findings from 9/21/15 hearing.

ATTACHMENTS:

Description	Type
Minutes 9/21/15 - Brazzale/Balga	Minutes
Findings 9/21/15 - Brazzale/Balga	Minutes

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ZONING BOARD

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

OF APPEALS

RE: BRAZZALE/BALGA RESIDENCE - 905 S. EVERGREEN AVENUE

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the
Arlington Heights Village Hall, 33 South Arlington Heights
Road, 1st Floor Buechner Room, Arlington Heights, Illinois on
the 21st day of September, 2015, at the hour of 8:25 o'clock p.m.

MEMBERS PRESENT:

JOSEPH GEISEL, Acting Chairman
TOM SCHWINGBECK
TOM DRAKE
JOSEPH SELBKA
PETER SIAVELIS

ALSO PRESENT:

DEREK MACH, Landscape Planner

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Acting Chairman Geisel: The next petition is Brazalle/Balga. Good evening. Please state your name.

Ms. Kingsley: I'm Kirsten Kingsley with Kingsley Ginnodo Architects and I'm here with Tiana Brazzale and Paul Balga, 905 S. Evergreen.

Acting Chairman Geisel: Is everybody signed in that needs to be?
(Witness Sworn)

Ms. Kingsley: So we are here tonight for a couple side yard variances. This is a home that Tatiana has lived in for 22 years, she moved in in 1983 and we are doing a small addition to the rear of the property. So when we look at the written description of the variances from the Staff analysis, the addition is a 65 square foot addition off the back of the house but it really doesn't have anything to do with the variances. The variances have to do with the new roof.

So what Tatiana and Paul would like to do is they want to stay in their home, it's a 1,300 square foot house, they're going to live in it and they want it to be sustainable. They're going to add solar panels to the roof so that they can try and be as green and sustainable as possible. They will have a collector system for gutters so that they can re-use all the rainwater that they collect from the new roof. So essentially, I'm going to use this model if you don't mind, we used this at the Design Commission a couple of weeks ago, their design was approved by the Design Commission.

Essentially the house remains the same, This little box in back is a small addition in the back for the kitchen, that's the only addition. We're doing some interior remodeling and we're taking off the roof. So the roof, if you can see in your packet, is a standard ranch, hip roof. We're taking that off and we're putting in a roof that will allow for solar panels to be on the roof here, at a nice angle that would be good to receive sun rays, and they'll collect the water and water will come back.

So the variance has to do with the roof. Currently the home on the north side is over the side yard setback. This light dotted line is actually where the required side yard is supposed to be. The home exists over so it's a non-conforming home already, and the existing roof extends 2-feet beyond the face of the wall on both the north and the south side, as well as the west side. So what we're doing is we're matching that same overhang for the new roof. So that's the first variance, the first and second one, the 1.1 foot variance on the north and south side, we're keeping the same overhang the same. And then the last one, the 5.7 foot variance is for this, it's made out of cardboard right now, it won't be that bumpy, but it's a bresoles which breaks the sun of the western light that will come in their front window. That is their main living room area which they are keeping, that is their family, they're not adding a family room. What this will do is, because their existing 2-foot overhang is now higher up, because we had to raise it to put the solar panels on it, we'd like to put a bresoles attached to it, it doesn't have a roof, rain can get into it, but when the sun gets at a lower angle it will break up the sun so that

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it doesn't enter into the home in the summer months. In the winter months hopefully the sun will come through and then warm the floor.

So that is for the 5.7 foot variance. It doesn't come out 5-feet into the front of the yard, it's a 7-foot deep trellis really, and the reason why it's 5.7 feet variance is because the established front yard setback is way back here. So their garage is actually a non-conforming issue as well. That is already in the front yard because of the situation of the home. So that's uniqueness and hardship right there, is that the home is non-conforming.

And one other point that I'd like to say is that this trellis is kind of like a pergola, and a pergola is allowed in the front yard. So typically when we say a front yard porch, it's a roof structure, and this is not going to be roofed.

Acting Chairman Geisel: Okay.

Mr. Siavelis: The back of the petition contains, it looks like—

Ms. Ginnodo: Oh, I forgot, wait, is that neighbors?

Mr. Siavelis: Yes.

Ms. Ginnodo: Yes, I forgot and I should have remembered since the last petitioner. Tatiana and Paul submitted letters from 103 Orchard, immediately to the north, 915 and 919, the 2 immediately to the south, and the one across the street at 908, letters of approval from all those neighbors, an approval of their design.

Acting Chairman Geisel: At this point it's pretty straightforward, I don't know that I've got any comments or questions, given its replacement largely of existing in terms of the overhangs on either side and then the pergola.

Is there anybody in the audience that has any comments?

(No response)

Acting Chairman Geisel: Let's put it to the Board then.

Mr. Selbka: Motion to approve.

Mr. Siavelis: Second.

Mr. Mach: Mr. Schwingbeck?

Mr. Schwingbeck: Yes.

Mr. Mach: Mr. Selbka?

Mr. Selbka: Yes.

Mr. Mach: Mr. Siavelis?

Mr. Siavelis: Yes.

Mr. Mach: Mr. Drake?

Mr. Drake: Yes.

Mr. Mach: Acting Chairman Geisel:

Acting Chairman Geisel: Yes.

Ms. Kingsley: Thank you.

Acting Chairman Geisel: Good luck.

Ms. Brazzale: Thank you all very much, we appreciate it.

(Whereupon, the hearing on the above-mentioned petition was adjourned at 8:33 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS September 21, 2015

PETITIONER: Brazzale/Balga Residence
ADDRESS OF PROPERTY: 905 S. Evergreen Avenue
VARIATION: 5.1-3.6, 5.4 (Required Minimum Yards) (Table of Required Minimum Yards)

A 1.1 foot variance to allow an addition with a side yard setback of 5.9 feet from the north property line instead of the minimum 7.0 feet and an additional 2.0 feet for the eave; A 1.1 foot variance to allow an addition with a side yard setback of 5.9 feet from the south property line instead of the minimum 7.0 feet and an additional 2.0 feet for the eave; and a 5.7 foot variance to allow a covered front porch with a front yard setback of 22.7 feet from the west property line instead of the minimum 28.4 feet.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are proposing to remove the existing roof and install a new roof that will allow for solar panels and collect the rain water. The petitioner explained that the existing footprint is non-conforming and is encroaching into the required side yard setback. The petitioner also explained that they are proposing a roof/trellis structure over the front porch area that is encroaching into the required front yard setback.

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

Thereafter, a motion was made by Mr. Selbka and seconded by Mr. Siavelis. Thereafter, the Board voted 5-0 to approve the variance request.

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

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

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

Joseph Geisel, Acting Chairman
Zoning Board of Appeals
Village of Arlington Heights



Item: Hertel Residence - 1441 N. Douglas Ave.

Department: Planning & Community Development

Approval of Minutes & Findings from 9/21/15 hearing.

ATTACHMENTS:

Description	Type
Minutes 9/21/15 - Hertel	Minutes
Findings 9/21/15 - Hertel	Minutes

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ZONING BOARD

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

OF APPEALS

RE: HERTEL RESIDENCE - 1441 N. DOUGLAS AVENUE

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the
Arlington Heights Village Hall, 33 South Arlington Heights
Road, 1st Floor Buechner Room, Arlington Heights, Illinois on
the 21st day of September, 2015, at the hour of 8:33 o'clock p.m.

MEMBERS PRESENT:

JOSEPH GEISEL, Acting Chairman
TOM SCHWINGBECK
TOM DRAKE
JOSEPH SELBKA
PETER SIAVELIS

ALSO PRESENT:

DEREK MACH, Landscape Planner

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Acting Chairman Geisel: Can we have the Hertel presentation please?

Mr. Hertel: Hello, I'm the owner of 1441 Douglas, and I'm here to ask for a variance for the sideyard setback of 6.6 feet to 4.2 feet.

Acting Chairman Geisel: And your name and address please?

Mr. Hertel: My name is Scott Hertel, I live at 1441 N. Douglas in Arlington Heights.

Acting Chairman Geisel: Do you swear to tell the truth?

(Witness sworn).

Mr. Hertel: Yes. Okay, so I've been looking in the Arlington Heights area for about 8 months, we were looking for a house that had at least 1,500 square feet and a 2 car garage, especially with these winters. We found it very difficult to find anything in that range, we found houses that are \$350,000 or less with 1,200 square feet and then you've got 2000 plus square feet in the \$500,000's. So we found this unique residence and we've been there for a couple of months, where the garage is set back about 27 feet from the front of the home, it's a 1 and a half car garage. So upon looking at where to put a 2-car garage and add some living space, we saw the 1 and a half car garage especially adjoined to a bedroom in the back, as a unique opportunity for adding space. So with the garage, you see a lot of residences the area, they build a driveway going to the backyard and build a garage in the backyard. With this house, I see the unique opportunity to have the garage in the front of the house, we've got 27 to the property line, 27-feet from the build line in the front.

So upon looking at some of our building regulations, it requires 21-feet interior width, and I also want to match up the house which has brick, so the side wall and taking that half brick wall that's in the front of my house and bringing that along the garage and the side of the garage, would make that about an 11 inch wall. So with the interior width and the 11 inch wall, we're going over the side yard setback a little bit. And in addition, the overhang is 2-feet, so instead of 1 inch per foot, we'll have another foot for the overhang.

Mr. Siavelis: Did you talk to your neighbors about the plan?

Mr. Hertel: Yes, especially the one that's right next to us. They said it's our property and we can do what we want. The only thing they wanted to make sure is that we're not draining water towards their house, their garage is a little bit setback. So of course we'll either push that water out in the back where it slants down, or in the front of our driveway.

Mr. Siavelis: And you're going to keep the existing garage structure and convert that to living space?

Mr. Hertel: Yes, eventually.

Mr. Siavelis: But you're not going to add on to the south of the existing wall, right? The existing -

Mr. Hertel: No, of the existing garage, that stays the same and we're just coming out for the new garage.

Mr. Siavelis: I ask that because you kind of notch back to move, the existing structure will stay where it's at and you're not adding on

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to that, so your neighbor will not have a continuous wall at whatever that dimension is that represents your variance. Okay.

Mr. Schwingbeck: His driveway is right there, correct?

Mr. Hertel: Yes, it's driveway to driveway, so there's still with my setback and their driveway is about 18-feet.

Mr. Schwingbeck: Yeah, I think you come out his side door there into his driveway and -

Mr. Hertel: Yeah, it's like my driveway is right there and I'm facing his house.

Acting Chairman Geisel: Again, fairly straightforward with no objections. Any other comments? I would certainly support this project.

Mr. Siavelis: Me as well.

Acting Chairman Geisel: Can we get a motion?

Mr. Selbka: Motion to - is there anybody in the audience?

Acting Chairman Geisel: No.

Mr. Selbka: Motion to approve.

Mr. Siavelis: Second.

Mr. Mach: Mr. Schwingbeck?

Mr. Schwingbeck: Yes.

Mr. Mach: Mr. Selbka?

Mr. Selbka: Yes.

Mr. Mach: Mr. Siavelis?

Mr. Siavelis: Yes.

Mr. Mach: Mr. Drake?

Mr. Drake: Yes.

Mr. Mach: Acting Chairman Geisel?

Acting Chairman Geisel: Yes. Motion is approved. Thank you.

Mr. Hertel: All right, thank you very much.

Acting Chairman Geisel: Good luck.

(Whereupon, the hearing on the above-mentioned petition was adjourned at 8:38 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS September 21, 2015

PETITIONER: Hertel Residence
ADDRESS OF PROPERTY: 1441 N. Douglas Avenue
VARIATION: 5.1-3.6 (Required Minimum Yards) & 5.4 (Table of Required Minimum Yards)

A 1.6 foot variance to allow an attached garage with a side yard setback of 5.0 feet from the south property line instead of the minimum 6.6 feet, and an additional 2.0 feet for the eave.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are proposing to add a two car attached garage that is encroaching into the required side yard setback.

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

Thereafter, a motion was made by Mr. Selbka and seconded by Mr. Siavelis. Thereafter, the Board voted 5-0 to approve the variance request.

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

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

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

Joseph Geisel, Acting Chairman
Zoning Board of Appeals
Village of Arlington Heights



Item: Karsten Residence - 1216 E. Mayfair Rd.

Department: Planning & Community Development

Approval of Minutes & Findings from 9/21/15 hearing.

ATTACHMENTS:

Description	Type
Minutes 9/21/15 - Karsten	Minutes
Findings 9/21/15 - Karsten	Minutes

DRAFT

ZONING BOARD

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

OF APPEALS

RE: KARSTEN RESIDENCE - 1216 E. MAYFAIR ROAD

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the
Arlington Heights Village Hall, 33 South Arlington Heights
Road, 1st Floor Buechner Room, Arlington Heights, Illinois on
the 21st day of September, 2015, at the hour of 8:38 o'clock p.m.

MEMBERS PRESENT:

JOSEPH GEISEL, Acting Chairman
TOM SCHWINGBECK
TOM DRAKE
JOSEPH SELBKA
PETER SIAVELIS

ALSO PRESENT:

DEREK MACH, Landscape Planner

DRAFT

Acting Chairman Geisel: The Karsten Residence.

Mr. Smith: Hi there, I'm the architect Jereme Smith and this is the owner, Chris Karsten.

Acting Chairman Geisel: And you've all signed in?

Mr. Smith: Yes, we're both signed in.

Acting Chairman Geisel: (Witnesses Sworn)

Mr. Smith: So we're seeking, the main variance for the rear setback, and this property is 1216 E. Mayfair Road. So currently the required setback is 30 feet on the north side of the house, and we are proposing 26 and 1/2 feet, so a 3 and 1/2 foot encroachment there, just on the second-floor addition, which is over the existing garage. So the garage would remain with that 30-foot setback. And I've just got a few points I think will illustrate the uniqueness, the hardship and the locality issues.

So I think the main factor is that we've got a new family, they just purchased the home, they're living in a condo right now and hoping to do the addition as soon as possible. So it's a family of 5. Right now there's only 3 bedrooms and they are currently small bedrooms. So a family of 5 and they need adequately sized bedrooms to accommodate their family right now. Their current home is roughly 1,900 square feet, not including the garage, and we're proposing adding a 490 square foot addition over the garage, and that would entail 2 bedrooms and then remodeling the other bedrooms and hallway inside.

We are under on the FAR, even with the basement included because we are similar to the previous project where we are just over the 50%. We've really tried to work with this long lot and extend to the north, and we think it works well. We've used the tudor coloring, the white and the brown, and we've used the same roof angles for the most part. It's kind of a unique long and skinny lot with both neighbors to the east and west, they actually have much larger homes and there are considerable trees and bushes as well.

We have 2 letters of support that are signed, if you would like to see them. The neighbor to the west really liked the design and said go for it basically. They have the most direct view from their backyard.

Mr. Siavelis: Let me interrupt you for a second because the hour is growing late, Design Commission is currently reviewing or re-reviewing the plan, right?

Mr. Smith: Right.

Mr. Siavelis: We had a note in our packet that indicates such, is that right?

Mr. Smith: That's correct, on the 29th we are meeting, and I have the new designs if, they're basically the same but we took their recommendations and we're meeting them on the 29th.

Mr. Siavelis: Do those new designs - with what we have here in front of us?

Mr. Smith: As far as the setbacks, yes, nothing has changed as far as the floor plan, it's basically siding and colors. And the

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owners have also talked to the neighbor to the east and he seemed amenable, he was in a bit of a rush but they're going to talk with them next week to get their signed letter as well.

I think that was basically the main points, I don't want to go on too long, it's getting late. But we are under the FAR, I think I mentioned, but I think the biggest point is the homeowner's really need the extra bedrooms and not just 9 x 10 rooms ideally.

Mr. Siavelis: How many bedrooms are in the house existing?

Mr. Smith: Currently there's 3.

Mr. Siavelis: And there's 5 members in the family?

Mr. Smith: Yes.

Mr. Siavelis: And that cantilevered structure that's going to be in the rear of the house there, that's what, additional bedroom space?

Mr. Smith: Right, that accommodates 2 bedrooms over the garage that are, we think adequately sized. There's also an existing patio that you might be able to see on the site plan that the addition goes out and over, we kind of thought that it just seemed to fit and gave a little shelter and shade from the rain. Also, I did mention that then neighbor on the east, they have a garage adjacent, their driveway and then their rear garage is adjacent to the addition.

Acting Chair Geisel: All right. Any other questions?

Mr. Mach: Is the balcony, it has a roof structure over it?

Mr. Smith: It does. The existing, actually from the very front of the house it extends that same roof angle and it comes out over the balcony.

Mr. Mach: Do you know how many feet that is offhand?

Mr. Smith: Yes, it's 3 more feet.

Mr. Mach: Chairman, just for the record, the variance should be noted the 3-1/2 foot variance plus the additional 2-feet for the eave and gutter, and the additional 3.5-feet for the roofed balcony structure.

Mr. Siavelis: Are you talking on the rear of the house or on the front of the house?

Mr. Mach: On the rear of the house.

Mr. Siavelis: That cantilevered structure there?

Mr. Mach: Yes, and then there's a balcony. Balconies are permitted obstructions; however, the roof structure would be considered eave.

Acting Chairman Geisel: All right, the distinction between the requested and what you just stated is -

Mr. Mach: And an additional 3-1/2 feet for the roof structure over the balcony.

Mr. Siavelis: So a total of 3 variances then, well -

Mr. Mach: Or one long one and a second one.

Mr. Siavelis: Yeah, right. Multiple components of the variance for the rear yard and the side yards.

Mr. Mach: Correct.

Mr. Siavelis: And is Design Commission looking at that rear balcony?

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Mr. Smith: They did not bring that up at all, they liked the west façade, their main concern was the east façade, so we developed that, actually changed siding to brown siding to match the neighbor and also to connect to the house, so basically subdue that side and tie it together better. That second variance is kind of in accordance with the existing setback, the existing home is at 4.9 feet for the side setback, so we'll be coming up from that.

Acting Chairman Geisel: You've indicated that you're still within the FAR?

Mr. Smith: Correct, even with the basement, yeah, we're at just about 2,900 square feet total, with the garage and the basement.

Acting Chairman Geisel: Okay, thank you, unless you've got any other comments you would like to make at this point?

Mr. Smith: Any comments?

Mr. Karsten: ---

Acting Chairman Geisel: Anybody from the audience like to make a comment?

(No response)

Comments from the Board?

Mr. Siavelis: I think this is one of the more unique ones we've seen in a while and I think you have a hardship here, this lot size and then the orientation between the 2 large lots and large houses. My biggest concern that I had when I looked at this property and looked at the petition was the fact that you're going pretty deep into the back yard, but then I took a better look down the property line in the back, there's a big shed back there, there's a lot of mature vegetation back there, and he's support from his neighbors, so I think there's a lot of checks in place on this process right here for this piece of property and they bode well for the petitioner so I support it. So I would move to approve.

Mr. Drake: Second.

Mr. Mach: Mr. Schwingbeck?

Mr. Schwingbeck: Yes.

Mr. Mach: Mr. Selbka?

Mr. Selbka: Yes.

Mr. Mach: Mr. Siavelis?

Mr. Siavelis: Yes.

Mr. Mach: Mr. Drake?

Mr. Drake: Yes.

Mr. Mach: Acting Chairman Geisel?

Acting Chairman Geisel: Yes. Good luck.

Mr. Smith: Thank you.

(Whereupon, the hearing on the above-mentioned petition was adjourned at 8:49 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS September 21, 2015

PETITIONER: Karsten Residence

ADDRESS OF PROPERTY: 1216 E. Mayfair Rd.

VARIATION: 5.1-3.6, 5.4 (Required Minimum Yards & Table of Required Minimum Yards)

A 3.5 foot variance to allow a second story addition with a rear yard setback of 26.5 feet from the north property line instead of the minimum 30.0 feet and an additional 2.0 feet for the eave and an additional 3.5 feet for the covered balcony; and a 0.1 foot variance to allow a second story addition with a side yard setback of 4.9 feet from the east property line instead of the minimum 5.0 feet.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are proposing a second story addition in the rear of the home above the existing attached garage. The petitioner explained that the proposed addition is cantilevered over the existing garage and that the cantilevered portion is encroaching into the required rear yard setback.

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

Thereafter, a motion was made by Mr. Siavelis and seconded by Mr. Drake. Thereafter, the Board voted 5-0 to approve the variance request.

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

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

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

Joseph Geisel, Acting Chairman
Zoning Board of Appeals
Village of Arlington Heights



Item: O'Brien Residence - 903 E. Crabtree Dr.

Department: Planning & Community Development

Approval of minutes and findings from 9/21/15 hearing.

ATTACHMENTS:

Description	Type
Minutes 9/21/15 - O'Brien	Minutes
Findings 9/21/15 - O'Brien	Minutes

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ZONING BOARD

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

OF APPEALS

RE: O'BRIEN RESIDENCE - 903 E. CRABTREE DRIVE

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the
Arlington Heights Village Hall, 33 South Arlington Heights
Road, 1st Floor Buechner Room, Arlington Heights, Illinois on
the 21st day of September, 2015, at the hour of 7:12 o'clock p.m.

MEMBERS PRESENT:

JOSEPH GEISEL, Acting Chairman
TOM SCHWINGBECK
TOM DRAKE
JOSEPH SELBKA
PETER SIAVELIS

ALSO PRESENT:

DEREK MACH, Landscape Planner

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Acting Chairman Geisel: The next petition is the O'Brien Residence. Give us just one moment to try to digest the material we were just provided with. Thank you.

Well you were here a couple of months ago and a decision was made to re-visit your proposal and so you are here to re-present.

Ms. O'Brien: Yes, and we thank you most heartedly for the continuation. Obviously, not having an architect did not permit you to get all of the technical information that you needed, so we brought Mr. Gerald McManus here tonight to address any questions that you might have. So we thank you very much indeed.

One of the things we talked about that night was to talk to our neighbors and I took your words to heart and it was really a very uplifting experience for me. I went through the neighborhood and I have collected 90 signatures of support from my neighbors. I went into the areas where my 250 square foot radius was. I went up and down Crabtree, my street, the 2 adjacent streets, Thorntree Terrace and Appletree Lane, Burke and Waverly. It was a very cathartic experience for me. I met very nice people, they were very anxious to listen to our plans, the reasons behind our plans for expansion, they were exceptionally kind to us. We met young families on other streets, our street is rather an older street, but we met young families, we set up play dates with our kids, I met ladies who expressed an interest in coming to see my home, I invited them in for coffee and cake, I've been welcomed in their homes. It has been an extremely wonderful experience for us. It's overwhelming support and we are most grateful and validated by the community support. I believe you've also received 15 or 16 e-mails of support from neighbors, many of whom overlook the backyard and we talked to them about that. So we are deeply appreciative of that.

We also want to address tonight some of the issues that were raised last time. The overwhelming trend seemed to be about the color of our home, which of course is not under your jurisdiction, but we listened to what our neighbors had to say and while my parents were the original owners, the house has only been painted I think 3 times over the 40 plus years, I'm in the house longer than any of the neighbors who did not like the color. It's always been a shade of green, we like the color but we took the decision that we would change the color of our home for our neighbors, as a conciliatory gesture, we felt that was the right thing to do. I made the unprecedented step to ask Steve Hautzinger to please allow me to go before the Design Commission, typically they do not revolve around issues of color, it's much bigger issues of course. But prior to going to that meeting, we went up and down the neighborhood and we showed people the color of our proposed color, it's a house down the street that we liked very much, and we got approval. Everyone that we talked to, including the folks that had commented about the green house. We went before the Design Commission, incidentally, it was interesting that 2 of the 4 commissioners felt that the green color was interesting and based on the fact that we've had it for a long time, they would be supportive of us keeping it; however, in

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view of the neighbors' comments, we definitely wanted to change it. So I have asked that we be tied, based on their decision, whatever they decided, that we would be tied to painting our house that color. Fortunately, they liked the color that we proposed, it's a much lighter yellow and hopefully it look lovely on the house, but we did not have to do that but we chose to do that. So any approval on your behalf tonight will absolutely tie us to painting the house that color and we hope to get the house painted before winter sets in anyway. We hope that we've taken a great step forward in showing that we are happy to appease the concerns of our neighbors.

The Design Commission also overwhelmingly approved the design and they had wonderful things to say about the design of the house, stating that it is quite difficult in these older model homes to have a seamless transition that it does not look like an addition and they had nice compliments for our architect on that. So they have approved the design, should we move forward tonight.

One of the other things that came up was our house conforming to the neighborhood and I would like to show just a few photos. As I went through the neighborhood I saw all different kinds of houses, lavender, peach, here's a house, 2 blues together, both different designs but co-existing, here's an interesting design...

Mr. Siavelis: Can I interrupt for one second? Color is not an issue in front of this Board.

Ms. O'Brien: No, no, no, I'm talking design at this point.

Mr. Siavelis: Wait a second, so we don't devolve into a discussion that consumes all of our time, lets focus on the salient points and the issues before us. We had this problem at the July meeting, let's not have that happen again.

Ms. O'Brien: Duly noted.

Mr. Siavelis: Speak to the requirements regarding the variance and issues.

Ms. O'Brien: Okay. The point I'm making though is that houses look different, they're not all the same types of models. Years ago there were about 7 models and they were all kind of similar, but what you see today, here's one that is 2 blocks from my house, a very tall house, it's an addition, they did something in the front and the back that required a variance; there's a ranch style house here and a smaller profile house here.

Acting Chair Geisel: To your point, I think we understand that you've tried to take in some of the comments made relative to color that certainly I'm sure your neighbors will appreciate the consolatory effort that you are making. The size of this particular project that you are doing has been scaled down a little bit, seemingly not a lot, but that's where we are at. Let's get on to those more relevant issues on that progress.

Ms. O'Brien: The point I was making was that there are big houses next to smaller houses and what we're proposing to do is just push back, we're not going up higher than any other house. In fact, I'm kind of dwarfed by the other houses, that's the nature of the Chestnut

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model, we sit very low. So any addition on our house in the back is really not noticeable from the front or even the side unless you own a Chestnut. Throughout the neighborhood we see big houses next to small houses, so from our perspective, what we are doing is really rather unobtrusive in scope when you look at pushing back like that, so that's just the point that I was trying to make.

The next issue that came up was shade, so I took pictures over several timeframes and different days and I will pass those along. It is what it is, nature moves the sun and at certain intervals I am casting shadow on other folks' houses and at different intervals they are casting shadows on mine. The house next door has big trees so his deck is shaded by those trees for a great percentage of the day and certainly those trees shade my backyard and patio for a great percentage of the day as well. So when it comes down to shade issues, it's a reciprocal arrangement.

Acting Chairman Geisel: I don't recall shade in particular being an issue if you will. I think part of what was discussed was for example, site lines from your neighbor...

Ms. O'Brien: Right, and Mr. McManus will turn over to that.

Acting Chairman Geisel: Perhaps since that was an issue that was discussed, maybe you want to address that.

Ms. O'Brien: Do you wish to talk about site lines at this point or do you want me to finish my...

Mr. McManus: Why don't you just finish yours.

Ms. O'Brien: Okay, than I will talk briefly about hardship. Again, we would not be here but for the fact that our original architect had miscalculation. Had we known that we would have had the opportunity to redesign everything, and gentlemen, prior to retiring early to take care of my ailing father and now I'm a stay-at-home mom, I held very high positions in the business sector and I know what due diligence is and I truly believe I did that. He came to us highly recommended, he gave me a list of references and I called recent ones and ones from 2 years prior, I checked the Better Business Bureau, and I even went out looking for blogs and yelp for any kind of negative statement, and not prior to our engagement nor since, has anyone said anything negative to him, his ratings are still excellent, he's been in business now 35 years. I liken this to the situation where a gentleman engages a highly touted surgeon at a highly accredited hospital and the surgeon removes his gall bladder instead of his ruptured appendix. The man did everything he could, you cannot blame the patient, and I appeal before you that we did everything we possibly could, we are not skilled. An architect is educated and certified. They have a skill set beyond what the average person would have. We don't even know how to anticipate how an architect could make an error. We don't have that skill set.

Acting Chairman Geisel: Fair enough, so noted.

Ms. O'Brien: The other situation is on our model, it's a 3 bedroom upstairs, down below there are 2 optional bedrooms and we maintain that they are suitable for bedrooms, certainly our house is

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in the condition that I couldn't. Our situation, we have 2 four-year old children and we can't disenfranchise them by placing them on a floor other than ours. We are anticipating the arrival of an elderly family member who will come to our home rather than a nursing home, and I certainly could not put her on a lower level, I have to be able to hear if somebody falls out of bed. We only have those 3 bedrooms. Right now it would be nice to be able to have a guest room to have our friends from Ireland and our family members come to visit us, that we cannot do, that's okay, that's not an urgency, but the elderly relative

Acting Chairman Geisel: All right, so if we can get to some other clarity here. Remind us again of the number of bedrooms existing upstairs.

Ms. O'Brien: There are 3 bedrooms and what we aim to do with this addition is to create an additional fourth bedroom. So one of the bedrooms would have to become a hallway because it's interior, so we would be placing 2 bedrooms on that upper level, with the middle bedroom then being the hallway area and closet, I guess. Then we would be able to have the bedroom for ourselves, one for our elderly relative, and our son and our daughter in their separate rooms. The lower level would not be usable at this stage, you know, based on the ages of the people involved, but even if I had a 16 year old, one of the ladies Mrs. Lealos sent you an email, she has a 16 year old and she said she lived in a Chestnut and actually sold it and moved 3 doors down...

Mr. Siavelis: No offense, but you keep wandering from the specifics, so really...

Ms. O'Brien: Oh, sorry, I'm sorry.

Mr. Siavelis: It would be very, I'm not trying to be rude, but.

Ms. O'Brien: Okay, so those are the 2 hardships, and then the water issue obviously that we are trying to address. By putting in that addition we will be shoring up the foundation and Gerry can talk more about that, but I don't have any options, I can't re-grade my backyard as one resident suggested, he's in a different situation without neighbors behind him. Another neighbor down the street has sandbags delivered by the Village I believe every year because he floods, same model home. It is a consistent thing and the emails that you were sent, folks talk about that. The Chestnut does have a notorious reputation for having water into that home.

Acting Chairman Geisel: Are you specifically having water entering your

Ms. O'Brien: Yes.

Acting Chairman Geisel:okay and how does this addition address correction of that?

Mr. McManus: Well it gets the bedroom spaces out from being subterranean. I think that's what Mrs. O'Brien is trying to

Acting Chairman Geisel: That's not evident during that whole, so okay.

Mr. Siavelis: What about the additional space that you are going

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to add, is it going to be subject to the flood issues that you have testified to, because you are showing windows on the southwest or rear elevation...

Mr. McManus: Windows are above grade. I personally haven't lived in the house so I don't know what their issues might be, but by reserving that as simple storage space, you can have shelving up off of the floor and if you have got a little bit of seepage or something, and the other issue is that if it were a truly living space, even if there were no stormwater, you would still have to deal with the issue of cold masonry walls and floor being in contact with cold below ground surfaces. Anytime you are in a basement room, even in the summertime, your feet are chilled by the coolness of the slab. If that were a situation for small children or an elderly live-in, these would not be desirable conditions.

Mr. Siavelis: Have you visited the subject property personally:

Mr. McManus: Yes, I measured it and I did the plans. I'm just saying that I have not been there when water has been seeping into the basement.

Ms. O'Brien: And Phase 1 did accomplish the sealing properties on the south end of our home. The new foundation, the drain tile, all of the components have sealed that up and we no longer have that quality.

Mr. Siavelis: So is there no water leakage since the completion of Phase 1?

Mr. McManus: On the new section, yes.

Ms. O'Brien: On that side, no, none at all.

Mr. Siavelis: Wait, one answer at a time.

Ms. O'Brien: I'm sorry.

Mr. McManus: No, no water on the new part of the foundation.

Mr. Siavelis: But on the old part of the foundation?

Mr. McManus: Yes.

Mr. Siavelis: Let me clarify. Has there been water leakage, subsequent to Phase 1 being completed, as to the old part of the foundation?

Mr. McManus: Yes.

Mr. Selbka: What has changed, what have you reduced since the last proposal:

Ms. O'Brien: We pulled back a foot, which is 49 square feet and some change I guess. We are now at 413.09 square feet and we were at 462.17, and so that was a reduction of 49 square feet.

Mr. Selbka: Where did the reduction occur?

Ms. O'Brien: We pulled straight back.

Mr. Selbka: From the...

Ms. O'Brien: Yeah, from the back...

Mr. McManus: Basically the entire addition was shortened from 18-feet to 17-feet.

Mr. McManus: The issue with site, I would just like to emphasize that the zoning ordinance talks about limits for any kind of construction, that's the way they protect people's views and fresh air

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and light and all that, and this home does not come close to the rear setback. I think the addition is some 15-feet away from the minimum, it's in about 1/2 -foot from the sideyard setback and the home is only, building height is measured from grade to mid-rafter if I read the zoning ordinance correctly, and this building with being only a story and a half tall and with a very low sloped roof, I calculated the mid-rafter height at 16-feet above grade and the zoning allows 15-feet as a measurement to mid-rafter. So this home because it is set on different levels and this level is partially below grade, doesn't have nearly the impact that a brand new 2 and 1/2-story home could have, in terms of blocking sun. I mean, somebody has to be south of everybody else in terms of casting a shadow, but if this were a vacant piece of land and somebody was building a new home, they could build a home that was further back and taller and cast a much greater shadow than the home that exists now, even with our addition, which has been kept basically in line with the previous addition so it has no impact to the street view at all. The shadow cast, although there is another block of building, it's no taller than any of the existing building now.

Acting Chairman Geisel: The existing conditions in that area are concrete patio?

Mr. McManus: That is basically what is there, yes.

Acting Chairman Geisel: So the impervious nature doesn't change tremendously...

Mr. McManus: No.

Acting Chairman Geisel: But the floor area obviously exceeds...

Mr. McManus: Correct, floor area is still over, but no other zoning qualification that I know of is being approached. The other thing to consider is that if they had simply dug the previous addition down 2 steps deeper, we would not be here at all. With our proposed addition, this lower level which constitutes the back lower level of the home, represented almost 900 square feet that is really a half story, I mean by the rules it's more than half above grade, but it's impact is not the same as a full story would be. So in suggesting that we are adding more than the square footage, you know, certainly by the letter that's true, but I'm saying the impact is much less than it would be if the ground floor were another half story above.

Acting Chairman Geisel: Okay, fair enough. That makes sense.

Mr. Selbka: So if the ground floor were extended out an extra couple feet with the last addition, it wouldn't even be counted toward the square footage.

Mr. McManus: It needs to be further down, because it's based on the floor to ceiling height, and the reason they did that, I'm sure had something to do with this water issue, there are no window wells. If you look at the photographs you will see that the windowsills are just above grade, and so I imagine that the whole thing was set up, I don't have any information on this, but just the fact that there are no window wells leads me to believe that they probably set it up to be just like that so they would not have to. And those are a problem

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anyway.

One other thing about those basement bedrooms is that this window issue comes back again in that if they were to be remodeled and re-used as bedrooms, we would not be able to use the windows that are there now. It's not really a zoning issue, but have you heard about egress responsibilities? So those windows would not work. One of the ways to fix that would be to actually dig down and create some of these window wells, which gets back to the problem. So it's just another reason why those subterranean bedrooms are not really well suited and we would be much better off...

Mr. Siavelis: From a code standpoint?

Mr. McManus: Right, to have windows that are above grade and can have the egress windows and everything else.

Acting Chairman Geisel: All right, thank you, that is far more clarity than we had before. Any other questions?

Mr. Schwingbeck: Can I ask a non-structural question? We just received tonight quite a few emails and letters from your neighbors. Last time we met I don't believe there were any positive emails at all. So I have just a couple of questions on that. Why all of a sudden since the last meeting, such a buy in?

Ms. O'Brien: You know I just went and I started ringing doorbells. A lot of the folks I knew because I've lived there my entire life almost, and I explained to them that we did have some opposition and I wanted to make sure that one, they like the color of my stick, and that they were in agreement because it was really quite shocking to me at the last minute to have those negative comments and I wanted to make sure that the rest of the neighborhood was on board, you know. If we are doing something that really bothers people then I would like to know about it, and I spent a lot of time talking to people explaining, I even brought some of the drawings, which I don't really understand that well, but showing that it comes out here, we started the first addition and solved our problems because that was over the sunken driveway and the water was coming in. People who live in Chestnuts understood exactly what I am talking about, so they really were interested to hear about how I was trying to resolve it. But other people, you know, they felt like sure, you know, if you can do something that makes your house more livable, it's good for the community. We met so many nice people and people were really willing to listen to our story and to sign off and some even agreed to send emails for us and a lot of those emails are people that directly look out on the back. I wanted to make sure that they understood that we have a Phase 1 addition which you can see is not going to be a green wall, it's going to be a yellow wall, and we just want to complete it now so that we can shore up that foundation.

Mr. Schwingbeck: So on some of these emails we see people's names, and we don't know by looking at these emails where they live. Have you talked to your direct next store neighbors.

Ms. O'Brien: Yes.

Mr. Siavelis: How is their buy-in or not buy-in?

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Ms. O'Brien: Well Doran Moore liked the color and apparently she does not have any issue with the building at this point, she's not here tonight. We talked to ...

Mr. Schwingbeck: That was the woman that last time you said you used the property to get into the backyard?

Ms. O'Brien: Yes, that's correct.

Mr. Schwingbeck: And how about the neighbor that is directly to the one side of you with the wooden...

Mr. O'Brien: Mr. Ryg? Yes, we showed him the color, he approved the color, still doesn't want the building. You know, we do what we can, you know, we're trying to make as many concessions as we can. Gerry will talk about room size, why we can't pull back any farther and have a meaningful size room, but we have listed to these comments and we're trying to do all that we can. We did talk to...

Mr. Siavelis: So let me interrupt here. I just did a quick itemization or indexing of the emails that were provided to us before the petitioners began their testimony. There are 17 emails, 15 are in favor, 2 are opposed, and of the 2 that are opposed, the one from the neighbor directly adjacent to the property at 819, James and Micalyn Ryg, have a very detailed email and I suspect they are in the audience and we will be hearing from them shortly. But just to clarify for the record, they did submit an email detailing their opposition.

Ms. O'Brien: They are still opposed, there is no question.

Mr. Siavelis: And there is another opposition from a Ms. Cathy Poremba.

Ms. O'Brien: The people directly across from them.

Acting Chairman Geisel: The people directly across from the Ryg's?

Ms. O'Brien: From Jim Ryg, or directly across the street from the front of my house. They're good friends, I'm sure they are helping them out.

Acting Chairman Geisel: Derek, there was testimony earlier in the record by the architect, to the effect that if a new home was built on this property there would be, I don't remember exactly what the criteria was that the architect testified to. There would not be the need for a variance based upon the side yard setbacks, rear yard setbacks, front yard setbacks. Did you process that testimony and did you agree with that testimony?

Mr. Mach: Certainly a code compliant home could be built there. They would be allowed the same floor area ratio, the 3,938 square feet that's based on the overall lot square footage.

Mr. Siavelis: Okay.

Mr. Selbka: And the issue with this home is because the bottom floor is about 50%, a little more than 50% above grade that cuts into their possible square footage, correct?

Mr. Mach: Per code, any lower level that's greater than 50% above grade, would contribute to the overall floor area ratio.

Mr. McManus: And that represents nearly 900 square feet including the lower level extension that we're proposing with this

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remodeling.

Mr. Siavelis: If you had dropped the Phase 2 to contemplate the addition below that threshold, to get you down below grade, 50% below grade or even with grade, what would that look like, hypothetically speaking?

Mr. McManus: From the exterior?

Acting Chairman Geisel: Yes.

Mr. McManus: There would be no difference at all, what you would have to do to create...the grade stays the same so to get credit for that space being more than half below grade, leaving the second floor level where it is, you would simply lower that down.

Mr. Siavelis: Lower what down?

Mr. McManus: Lower the lower level floor which is storage in the plans...

Mr. Schwingbeck: On Phase 1?

Mr. McManus: Well that's already built. Oh, I see what you are saying, yes, if the previous design had lowered the floor to where all that lower level is more than half below grade, then that would have been over 460 square feet.

Mr. Siavelis: Okay, set that aside, Phase 1. I'm talking about Phase 2 and Phase 2 only.

Mr. McManus: Okay, so now that that's already there, if we did the same thing with this design, we would save the square footage of that level, so that would reduce our square footage by that amount.

Ms. O'Brien: But could I look out the window?

Mr. Siavelis: Hold on one second. We get to ask the questions here now, so hold on.

Ms. O'Brien: I'm sorry.

Mr. Siavelis: If you were to proceed in that manner, in that lower level you would have steps down to that area.

Mr. McManus: Steps down to that level, that storage level, but you could save all of that square footage.

Mr. Siavelis: And theoretically then you would not need a variance.

Mr. McManus: That's correct. The disadvantages would be...

Mr. Siavelis: For the steps down?

Mr. McManus: For the steps down, and that also means, since that's the lowest part where the groundwater can go, you would need a separate sump pump and drainage system. There's also an issue with the extension of the garage, which is on the interior, and that square footage could not be lowered and keep the garage level at the same. So there would be not the total savings in that regard, and the way around that would be to simply not expand the garage into that. If that makes sense. So there's a few square feet in play there, but from the outside it would look exactly the same.

Mr. Siavelis: Well you wouldn't need a variance.

Mr. McManus: We would not need a variance. So in effect, in your plan here, what we're asking for a variance is not to have to dig down 2 more feet and have some steps and another sump pump, which

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means that the impact in the neighborhood would be totally unchanged, other than the sound of the sump pump I suppose.

Acting Chairman Geisel: You know it's not all together. I'm lost on where you are going with that so that's an excellent point.

Mr. Siavelis: Sorry it took so long to get there, but I think that is something, given the extent of the opposition I anticipate we are going to hear very soon, that's something that should be considered by this Board and the petitioners and that's why I wanted to get that testimony in the record.

Acting Chairman Geisel: Okay at this point, does anybody else from the Board have any further questions?

(No response)

Why don't we see what your neighbors have to say. Does anybody from the audience wish to make a comment? Please sign in and state your name.

Mr. Szejka: I have signed in. My name is Michael Szejka, 2319 N. Burke, Arlington Heights.

(Witness sworn.)

Mr. Szejka: When we were here last time, one of the things we left with was, as you just discussed, speaking to the neighbors. To come in with a list of 90 signatures and 15 or however many emails there are, frankly I'm astounded. I'll let my neighbors speak for themselves. The neighbors that are next door, directly across the back, and myself who live across the back from Mr. Ryg, were not spoken to. We were not asked to sign any petition at all. Anybody can cherry pick signatures if that's what they intend to do. I can walk around the neighborhood and I'll find 90 people to say just about anything I want them to say. Those of us who are the most directly impacted, were not asked about the change in the plan, in any way shape or form, other than color, and I haven't been spoken to at all. So the folks who are against it and the folks who are the most impacted directly and adjacent to the property, were not asked to sign that petition, we cherry-picked signatures here.

So the thing I want to talk about is there are 3 criteria and you need to meet all of them. I haven't heard anything about hardship and unusual hardship. Having 3 bedrooms rather than 4 on an upper level is not an unusual hardship, many many homes have 3 bedrooms and folks get by with those just fine. When we talk about earning a reasonable yield on the property if it's used in its currently allowed state, I talked about last time and I said, I don't see how you wouldn't earn an appropriate return from the home because other homes like this sell and I was asked, I don't recall which one of the Board members asked me, asked me specifically do I have any facts to back that up or is that just my opinion. And after going back to think about that, it really doesn't matter whether I have any facts to back that up or whether it's my opinion. It's upon the petitioner to show that in its current state they can't earn an appropriate yield and they haven't done that, they haven't even addressed that. The home is saleable just as it is and they have not

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done anything to suggest that they meet one of those criteria, which is they can't earn an appropriate yield on their home in its current state.

Another question that I was asked was, well the home was coming out 18-feet and out 17-feet, I said how does that 17-feet closer impact you. And I wasn't sure where we were going with that because the question was being asked to me about the maximum height of the peak of the roof, which is coming closer to my home. So now it's 17-feet, but actually it's more than 17-feet, it's actually 17-feet plus another 12 or 14, because what you're doing here is shifting, your turning the gable from the side to the back. So now I have the highest peak facing the back and what faces me now is the lowest part of the roof, the highest part of the roof is another 12 to 14-feet away from my property. So now we've brought it to the front and then all the way on another 17-feet with the addition. So that's how much the highest peak comes closer to my home.

The last thing I want to do is I want to make a couple of comments about the size of the home. The average square footage of the base home in Arlington Heights, without additions, is 2,436 square feet. That's the average square foot in the neighborhood. The highest base model that was built in Ivy Hill before anybody did any alterations to their property, was 3,036 square feet.

Mr. Siavelis: Where are you getting that data from?

Mr. Szejka: I got this from a realtor web site, and we also did a Freedom of Information Act that since 1985 no floor ratio variances have been granted in Ivy Hill. This would be a first. No floor variance ratio has ever been granted in the Ivy Hill subdivision, this would be a first.

The last thing I want to say is, this whole issue of hardship, an architect's mistake again, that's an issue between the O'Briens and their architect, that's not an issue between the O'Briens and the building code. If you say, we made a mistake on our first addition, so therefore I have to get a variance. If you say that we built the first phase and there was a mistake in the first phase so now I deserve a variance for the second phase, you're setting a precedence that would tell anybody in town to build your addition in phases because if you need a second addition you have to get a variance.

Mr. Siavelis: But for the fact that there are no precedential values ---- in these decisions, so...

Mr. Szejka: Sure.

Mr. Siavelis: So next point.

Mr. Selbka: And do you know the percentage of variances that are granted by this Board, sir? It's approximately 90-95 percent, so it's not as though people are going to be intimidated by us granting or not granting one more variance, given that they have a pretty high chance of getting a variance regardless. But, go ahead.

Mr. Szejka: No, my point was simply that there have been none in Ivy Hill.

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Mr. Selbka: In Ivy Hill but in Arlington Heights as a whole...

Mr. Szejka: Oh sure, what we're talking about is the immediate area.

Mr. Selbka: I understand.

Mr. Siavelis: What is your address again?

Mr. Szejka: 2319 N. Burke, it's on the cul-de-sac.

Mr. Siavelis: Got it, okay I don't have any questions.

Mr. Szejka: Thank you.

Acting Chair Geisel: Any other comments?

Ms. Pecson: My name is Ellen Pecson, I live at 2315 N. Burke Drive, directly behind their home, and I have not signed in.

Acting Chair Geisel: And do you swear to tell the truth?

(Witness sworn)

Ms. Pecson: I do. I wasn't planning to speak tonight because I spoke last time and told you my thoughts. But I resent the fact that the O'Briens come before you saying that they have talked to their neighbors and they have all these signatures. I live directly behind and they did not come and talk to us at all about the addition. Mr. O'Brien came with the color swatch, but nothing at all about the addition that they plan to add. I live in the same model home that they do, we have 3 bedrooms upstairs, 2 bedrooms downstairs. We don't call it a basement because we have a basement also. This is a livable area, we have a large family room, we have 2 bedrooms, we have a bathroom. If you come in through the garage, there are no steps, it's an ideal situation for elderly relatives, and my parents spent many, many nights living very comfortably in one of the bedrooms in the lower level.

Water is an issue. It's something that we dealt with years ago, adding drain tile so that the 2 bedrooms on the lower level do not have water issues. I don't want to have a massive structure right behind me, and they have added a lovely big addition, I don't know what's in it but it is a good size compared to the rest of the house. I don't know what hardship they are suffering, when I live in the same house and have addressed the issues that they are talking about. Thanks.

Acting Chairman Geisel: Okay. Please state your name.

Mr. Ryg: Jim Ryg.

Ms. Ryg: I'm Micky Ryg.

Mr. Ryg: 819 Crabtree, I'm right next door to the O'Briens.

(Witness Sworn)

Mr. Ryg: I think this whole meeting is really based on hardship and in my opinion there is no hardship. In Phase 1 of their addition, they built a lower level, and that is their family room right now. So they are using that as a living space. There is really no reason why they can't use the rest of their lower level as living space. I don't understand why that's not usable. They also have a deeper basement and years back, they had that flood proofed with one of these companies, U.S. Waterproofing or one of these companies came in and dug up all around in that basement and put in drain tile and a sump

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pump. I know that's true because I talked to her father who had that done. So they've addressed the flooding issue there. I don't think flooding is an issue in that house at this point. It greatly impacts our home because their new addition will extend 5-feet beyond the back of my house. They are going to create this long wall that's 54-feet long right next to my house, creating this long tunnel between the 2 homes. These homes were built with a plan, they're not all in line, they're offset so that they don't have these tunnel situations between the homes, and that's exactly what we're going to have if this addition goes up. So that's my point.

Ms. Ryg: Well it comes back 17-feet and then from the Phase 1 that they put on here, this wall all open before that. Now they're coming 24-feet closer, so it comes out by our deck, when we sit outside we will be having this wall of house right by us where we've had openness all along. It does create shade in our backyard, even from Phase 1, it's so much more shaded, especially in the morning, and this will just pretty much eliminate any sunshine that we would get in our backyard.

Mr. Siavelis: Is there any vegetation between, bushes, landscaping, trees or anything like that between your property and the petitioner's property?

Ms. Ryg: No there is not, it's open.

Mr. Siavelis: And you sent this email that we have in front of us?

Ms. Ryg: I did, I wrote that.

Mr. Rgy: And I can show you, I don't have all the people that have signed her petition, but I have enough to give you an idea, the ones that she's had signed aren't even anywhere near her home. So I mean anybody can go around and get signatures of people around saying that they would approve her addition, but they aren't even impacted by it at all because they're nowhere near it.

Mr. Siavelis: Mr. Ryg, were you approached by the O'Briens...

Mr. Ryg: No.

Mr. Siavelis: To discuss the revised plan?

Mr. Ryg: The revised plan, not really, no.

Ms. Ryg: The paint color.

Mr. Ryg: The paint color, but never what was going to be changed. By changing it one foot, really, is not changing it, let's be honest.

Mr. Siavelis: So in your discussions with Mr. O'Brien or Mrs. O'Brien, you only focused on the paint color, is that correct?

Mr. Ryg: That's the only thing they talked about.

Mr. Siavelis: Did you ask any questions regarding the size of the proposed addition?

Mr. Rgy: I did.

Mr. Siavelis: What was the response to that?

Mr. Ryg: He responded that they were shortening it up.

Mr. Siavelis: With?

Mr. Ryg: It only would protrude a little bit beyond my house.

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Well I'm m Well, I'm in architectural work all the time, I can read drawings and I can measure, and it's 5-feet beyond the back of my house.

Mr. Drake: You would clearly be impacted. What do you think would be a reasonable accommodation for your neighbors?

Mr. Ryg: Well the bottom line is, if you don't like your house and it doesn't meet your needs, either you accept it the way it is or you move. I don't think there are a lot of options.

Ms. Ryg: I don't think there's good reason for the variance based on what they have expressed as being a real hardship. I don't think there is a hardship, I think we would experience the hardship from the family room when we sit in a chair and you look out, you know, it's all open now. We wouldn't have that, we would be looking at brick and siding, cutting off most of the green that we would see from our family room.

You know, it's a great neighborhood, we have lived there for 41 years and we have gotten along well with all of our neighbors. We hate to even be dragged into this, this is very hard for us because we are not confrontational people, I would say we are peacemakers and this is difficult for us to even have to stand up and speak as to why we don't want this, but really it will greatly impact us in our home and I don't think it adds anything, it certainly will take away from our value in our home and the way we are able to enjoy it, but I think it will take away from the value of the home. I think the long, you know 54-feet is not what people have between the homes, that is an extremely long way of siding coming between the homes. None of them were designed to have that, and so that would really negatively impact us when we're out in our yard, I mean, we're the ones that look at all of this siding all the time, you know, out in our backyard, that's what we see. People in front don't really see that, it's those of us around the back.

Mr. Siavelis: And that's due to the orientation of your patio or your deck, is that correct?

Ms. Ryg: Yes, we're in the back and it's on that side, so if that house comes further back and over, it's right by our patio and the open area of the yard.

Acting Chair Geisel: What's your address again?

Ms. Ryg: 819, we're right north.

Mr. Siavelis: And when did you buy that house?

Ms. Ryg: 1975.

Mr. Siavelis: New residents then.

Mr. Ryg: We were really never approached when they built the first phase either, so we never even knew that was coming.

Ms. Ryg: Not that they needed to, but usually neighbors tell somebody...

Mr. Ryg: It's kind of nice to share this with your neighbors, when you're going to put an addition on.

Mr. Siavalis: Tom, where did this photograph come from?

Mr. Ryg: The O'Briens brought them in.

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Mr. Siavelis: Derek, is that, where did this photograph come from, do you recall?

Mr. Mach: The O'Briens.

Mr. Siavelis: Does this photograph accurately show your house and the petitioner O'Brien's house?

Mr. Ryg: Yes.

Ms. Ryg: So this would come, the addition would come out...

Mr. Siavelis: That's fine, just answer that question, does the photograph show your home relative to the O'Briens.

Ms. Ryg: Yes.

Mr. Selbka: Could you show me where the addition would go and how it would affect...

Mr. Ryg: See the back of my house? It's going to go beyond there about 5-feet. So I will actually sit in my family room and can see the side of their new addition.

Mr. Selbka: Okay, but doesn't the view go out that way? So how is their...

Mr. Ryg: This view is a little misleading because---

Mr. Selbka: Here's another picture, so your view looks out this way and theirs goes out...

Mr. Ryg: But this is coming straight out so it's beyond this wall by 5-feet.

Ms. Ryg: When we sit in here, the chair is right there and you look out into your yard and that's what you see. So it's coming over...

Mr. Ryg: I would be able to see their addition from my family room, sitting in there.

Mr. Selbka: Okay, alright.

Acting Chairman Geisel: So based upon the plat of survey, it's a little bit further out than the existing addition that they did.

Acting Chairman Geisel: And when you look at the aerial that we were given, it looks more like infill for that corner than substantial projection out into the yard. That's where I'm kind of...

Mr. Ryg: That aerial photograph is not correct. The patio was not on there when that was taken, at least the one that was on your website.

Mr. Siavelis: It may have been a dated aerial photo.

Mr. Ryg: Right. Their poured patio wasn't on that picture.

Ms. Ryg: And the addition is more than just the poured patio.

Mr. Ryg: Right, it's beyond that, it's almost 3-feet...

Ms. Ryg: It says that it's basically the same, it is not the same, it comes beyond that cement patio.

Mr. Siavelis: Your deck is coincident with the side edge of your house, correct?

Mr. Ryg: Right.

Ms. Ryg: That's a pretty large variance, it's not like it's just a little bit, it's a large...

Mr. Ryg: They would have the biggest house in Ivy Hill, square footage, living space.

Acting Chairman Geisel: Somebody wins right now, so I don't

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know.

Mr. Ryg: That's right.

Mr. Siavelis: Okay.

Acting Chairman Geisel: Thank you, unless you have any other comments?

Mr. Ryg: Thank you.

Acting Chairman Geisel: Comments from the Board at this point?

Mr. Siavelis: Do the petitioners get a chance to come up and rebut or?

Acting Chairman Geisel: Forgive me, certainly, if they have any other comments, sure.

Ms. O'Brien: I have a few more photos if that helps you any, presently, from our side onto the patio we look at Jim's house. This is the patio in form.

Mr. O'Brien: And I'd like to make one point of clarification. I did approach Mr. Ryg and I talked to him. I went to his house at least a week and nobody was home. I finally found him and I explained it to him and I told him about the 17-feet. This is a small issue but I want to be sure that it was what honestly happened, that I told him about the paint color and I told him about the addition and he knew about the 17-feet because he saw it on the website, so I just want to say that.

Ms. O'Brien: And I'd also like to let you know, I did go to every house, obviously I'm not going to go to the people who have said unkind things to us, I know they're not going to sign my petition, but I went to every single house on Burke, knocked on every door, my husband did try to reach ----- and they weren't home, --- talked to the Pecsons one night about the color, we did ring your bell but you weren't home. But on Appletree, every single house along the north side or overlooks my backyard, every single one of them signed my petition. In fact, everybody from the entire length of Appletree signed that petition. Everybody on Crabtree, with the exception of the Poremba's and the Ryg's and Dora Moore, who have already stated their objections, I didn't want to ring their bell and take any abuse, so I didn't ring their bells to ask for them to sign a petition that I knew what the answer was going to be. But every single neighbor, every single one, the ones that are on the side of Jim and the side of Dora, that can look out their patios and look at my house, every single one of them signed it in support, and I even have an email from some of those neighbors. Every single house on Crabtree, every single house on Appletree, everybody on Thorntree except one person who wasn't home, and then on Waverly everybody in my radius with the exception of 2 people, one that I don't think she spoke English or she was motioning with her hands so I don't know, and then one other gentleman wasn't home, but everybody on Waverly in my radius, they were all supportive. It was an uplifting experience, believe me.

Mr. Siavelis: Okay, do you have any other comments that directly rebut the points made by those neighbors who are opposed?

Ms. O'Brien: Just that you can see from the patio area from us,

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you know, it's just filling in that open area to complete the addition. We're coming out a foot further so that it's not a square box, so that there's a little bit of movement to the back of it, but I mean, it's nominal. Jim's deck comes out very far, I think Gerry talked about site lines, you know, it could be worse if we raise the house and build a new home, we're not asking to do that obviously, but....

Mr. McManus: If I could just interject. Again, the addition as planned does not exceed the side yard, rear yard or maximum building height. The idea that the neighbor can see a panoramic view that includes my client's backyard, does not mean, I mean, if the lot were vacant, you wouldn't tell somebody they couldn't build at all just because they were decreasing the view. The issue here is really not the decreasing view, it's just this floor area issue and it really doesn't...

Mr. Siavelis: ---- in the result of that structure that necessitates the variance due to the floor area metric, that's what the issue is.

Mr. McManus: Exactly.

Mr. McManus: Any more questions?

Acting Chairman Geisel : No, thank you.

Ms. O'Brien: I just want to thank everyone, I know this has been very protracted discussions and I thank you all for your time, it means a great deal to us. This is important to us, we wouldn't go through this, I mean it's been very difficult for us, but it is extremely important to us and so we thank you so much for your time and my apologies for talking a lot, so I thank you so very much indeed.

Mr. Siavelis: Mr. Chairman, why don't you open?

Acting Chairman Geisel: Well, when you look at the photo, what they're creating is sort of the inverse circumstances, where right now they look at their neighbor's house and they're creating a circumstance where their addition would do the same in reverse, and probably to a lesser extent in terms of the number of feet that you look at ---- So, a lot of the testimony tonight and how people choose to use the interior of their homes, which is their choice, it's their house. The 400 square feet that this represents, 413, you get down to at some level an issue if you don't go out far enough you don't have a usable room length with which to use. So, I think they've made some efforts to scale it back, I think they've made some efforts to address the color which was certainly a major hot button, and we all know we're not going to make everybody happy one way or the other, and that's not our job.

So having said that, I appreciate some comments from you guys as well.

Mr. Siavelis: So the issue that I focus on here in evaluating this, and I do appreciate the petitioner's efforts to scale back the size of that addition 1 foot and carry that across the proposed addition, but the issues that really drives the decision-making for me

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here is the fact that I don't think the undue hardship has been adequately demonstrated. It's the petitioner's burden, not our burden or responsibility to deduce that burden and to show that that hardship has been met. And then I look at the cluster of opposition and I don't like the fact that the 3 neighbors most immediate to this proposed addition are strong no's, and I think strong no is an understatement here. And I do not recall in the last 6 or 7 years that I've sat on this Board where we have granted a variance where there has been such a strong cluster of no votes; i.e. the neighbors most affected by the variance. We had some petitions in the past where you had a neighbor down the street or maybe across the street who were in opposition to it and we listened to it and probed their testimony and determined that they were not directly impacted by the proposed addition. That is not the case here. To the contrary, these 3 neighbors would be directly affected by it, their testimony is unequivocal, especially the neighbor Mr. and Mrs. Ryg, they've been consistent with their testimony and quite frankly, I afford that testimony greatly and I think it's probably deciding testimony in my decision not to support a variance.

Mr. Selbka: I disagree with Mr. Siavelis. I think there has been a hardship demonstrated here. The fact that an architect made an error is something that I don't think is based upon the fault of the O'Brien's, simply because they hired the architect. I think if there had been a mistake in the construction and there wasn't a concern from the neighbors, we would grant that variance and we would see that as a hardship. I think there's a second aspect of hardship here, which is not a high bond in that we grant 90 to 95% of the variances that come in front of us. It's a particular problem that would cause an individual to be harmed not by enforcing the zoning code strictly, and they've demonstrated that, also in regard to sort of the unique aspect of the structure, where they lose almost 900 square feet of their build out area simply because 2-feet of the base floor is a little bit too high.

So I think that they have demonstrated the hardship A, because of the previous architect's mistake which I don't think should be attributable to the O'Brien's, and B, because of the fact that the design of the current household makes it difficult to complete an appropriate addition. And that if they knocked down this place completely, they could build 10 feet higher than they are now, and they could build out almost 15 feet longer than they are now and nobody could say anything about it. It seems problematic to force them to destroy the whole property because of a quirk of the original architecture of the building.

I think reasonable rate of return isn't only the market return. I think reasonable rate of return is a family's ability to live in the house the way they want to live in the house, and the O'Brien's want to have bedroom above ground level. That might not be important to me, it's important to them and it's important to them to have their family above ground level and I'm willing to accept that,

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and therefore I think a reasonable rate of return comes in to play and is demonstrated by the fact that they can't live in the house the way they want to live in the house given the current architectural design on the house. And finally, look into the fact are we changing the character of the neighborhood and the locality, and there the objections of the neighbors come into play to a great extent, and I take those very seriously. But the thing is, most of the neighbors talked about the fact that the O'Brien's are not suffering a hardship, and at the end of the day the third part of it is not about the O'Brien's; the third part is about the neighbors.

Given the fact that a builder can come and basically raise this house to the ground and build a house 10 feet higher than this current house and 15 feet longer than this current house, I can't see how we deny the variance just because of a quirk of the architectural design, and therefore, I think that the 3 prongs have been met. I think this variance would basically be not problematic at all without the response from the neighbors. I don't see objectively a change in the character of the locality and therefore, I am going to vote for the variance.

Acting Chairman Geisel: Seems like it's basically an all or none too, because if you look at the calculations, I think 17 x 24, it's 408 square feet, so there's no way to scale this back further, just pull it back a little bit, it's virtually the entirety of this proposed addition.

Mr. Siavelis: It's binary, yeah or nay.

Acting Chairman Geisel: So what the former architect did or didn't do --- in terms of the miscalculations, but I mean they went all the way up to the maximum round 1, because the entirety of this is a variance. Whereas in other cases, we've seen where there's the opportunity to make some adjustments that result in a realignment and whatever else, but that's not the case here.

Mr. Schwingbeck: Well, I'm looking at the petitioner's ability to satisfy those 3 things and I would agree that a hardship to somebody is not necessarily a hardship to other people. But when I look at the hardship here of a home this size, I don't see the hardship really coming into play here, that we need to expand beyond what they're allowed to build on. They really haven't demonstrated that to me. I don't see if this doesn't go through that it's going to adversely affect selling the home in the future, I mean, there's plenty of homes in the neighborhood that are virtually similar to this one, and I certainly see it detracting from the value of the other surrounding homes right in the general vicinity, and I would agree that if we had 1 or 2 people that really objected to this, but we're seeing all of the neighbors right in that general vicinity really have a problem with this. But I just don't see a home of this size, that there's an additional hardship if they can't get this variance pushed through. That's what I'm really struggling with, I mean, this is an extremely large home to begin with. And I know that when we look throughout our community when we expand homes like this, there's water

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problems, we already discussed water problems when we met a couple of months ago, so I just don't see any of those 3 really being discussed where I would vote yes.

Mr. Drake: I'm a bit puzzled about the 'he said she said' between the neighbors, versions of the discussions that went on. I'm not passing judgment on who's telling the truth or who misunderstood what one neighbor said to the other, but it's a little bit confusing to me. And it's also a little bit confusing to me why if the petitioner knew that this was somewhat of an uphill battle, that you wouldn't find a way to communicate to some of the neighbors that said that you never even talked to them about this, other than the paint color or whatever. I don't know where the truth lies, I just don't.

I also don't know how someone can judge what is a hardship for their next door neighbor or the neighbor down the block when they're not living under that roof. None of you know what hardships are in my home if I want to do something, you can't possibly know what's going on in my life or is going to be going on in my life. So the hardship piece of it is difficult for me to understand how the neighbors could know on that. Beyond that, the issue of view and some of the other points have been made about if the house were leveled and were to be started over, I think those are valid points. I haven't decided how I'm going to vote yet. I wanted to hear the discussion, I wanted to actually look at the body language of the people that came in and spoke tonight and I appreciate the fact you did that. I know how, I've lived in the Village 31 years, and I know if someone was going to do something next door to me that was problematic I would be here as well. So, the fact that there isn't better communication among the neighbors, it actually makes me wonder if there's some bad blood that goes beyond the variance and the addition to the home, especially when the petitioner's family had lived there and she grew up there and the other residents that lived there for so long, it feels to me like there's some other underlying issues, but maybe there aren't, maybe it's just about a building and a view and changing the character of the neighborhood and affecting someone's home value, and that's okay, that's fair and you're entitled to feel that way and you're entitled to come here and speak.

Acting Chairman Geisel: Any other comments? If not, I'm not sure that we've at this point, you've got a motion for it and you've got a motion against it ---

Mr. Siavelis: I don't have to move against it, just move forward and if it's a second then we put it to a vote.

Acting Chair Geisel: Fair enough.

Mr. Selbka: Motion to approve.

Mr. Drake: I'll second.

Mr. Mach: Mr. Schwingbeck?

Mr. Schwingbeck: No.

Mr. Mach: Mr. Selbka?

Mr. Selbka: Yes.

Mr. Mach: Mr. Siavelis?

DRAFT

Mr. Siavelis: No.

Mr. Mach: Mr. Drake?

Mr. Drake: Yes.

Mr. Mach: Acting Chairman Geisel?

Acting Chairman Geisel: No.

This is one of those situations where we've used more time to debate than I think any other one that we've had in front of the Board, so I'm sorry that that's the case for you.

Ms. O'Brien: I greatly appreciate your time ---- we can come back and see you in a year or at the appropriate time. So we thank you very much.

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

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS September 21, 2015

PETITIONER: O'Brien Residence
ADDRESS OF PROPERTY: 903 E. Crabtree Dr.
VARIATION: 5.1-3.7, 5.3-3.2, 5.3-2

A 413 square foot variance from Section 5.1-3.7 (Maximum Floor Area Calculation for Single Family Lots in R-3 Zoning District), Section 5.3-3.2 & Section 5.3-2 (Floor Area Ratio, Building Coverage, Height) to allow a Floor Area Ratio (FAR) of 4,351 square feet instead of the maximum allowed 3,938 square feet.

The petitioner is the owner of a single family structure at 903 E. Crabtree Drive and wishes to construct an addition in the rear of the home which will exceed the allowable floor area ratio.

The petitioner and their architect testified that the following hardship would exist if the variance were not granted. The petitioner testified that their original architect miscalculated the floor area ratio as part of a previous phase that included an addition on the rear of the home. The petitioner explained that they proceeded with phase one of their project and were surprised to learn that they need a variance for the floor area ratio for the second phase. The petitioner also explained that they have water issues and that the proposed addition will help correct the water seepage. The petitioner explained that they have two bedrooms on the lower level of their home and they would like to expand the first level to include two new bedrooms. A few neighbors spoke in opposition of the project.

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

Thereafter, a motion was made by Mr. Selbka and seconded by Mr. Drake to approve an increase to the allowable floor area ratio by 413 square feet. Thereafter, the Board voted 2-3 to approve the variance request. The motion failed.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 2-3 to approve the variance as requested. The motion failed.

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

Joseph Geisel, Acting Chairman
Zoning Board of Appeals
Village of Arlington Heights



Item: ZBA#15-021 - Comenduley Residence - 902 N. Douglas Ave.

Department: Planning & Community Development

REQUEST

1. A variance from Chapter 28, section 5.1-3.4 (Minimum Lot Size) to allow a 43.5-ft. wide, 5,776 sq. ft. lot to be buildable, where 70 feet wide, 8,750 sq. ft. is required.
2. A 0.6 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a new home with a side yard setback of 4.4 feet from the north property line instead of the minimum 5.0 feet and an additional 1.0 feet for the eave.
3. A 5.0 foot variance from Chapter 28, Section 6.6-5 (Permitted Obstructions) to allow an air conditioning unit with a side yard setback of 0.0 feet from the north property line instead of the minimum required 5.0 feet.

ATTACHMENTS:

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

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: October 12, 2015
Date Prepared: October 7, 2015
Project Title: Comenduley Residence
Address: 902 N. Douglas Ave.

Background Information

Petition Number: ZBA #15-021
Petitioner: Preston Fawcett / Design First Builders
Address: 1201 Norwood Ave.
Itasca, IL 60143
Existing Zoning: R-3, Single-Family District

Requested Action/Background Information

The petitioner is proposing to construct a new two story home. The subject site is zoned R-3, One Family Dwelling District. The property has a total land area of 5,776 square feet and the proposed residence will have approximately 2,446 square feet.

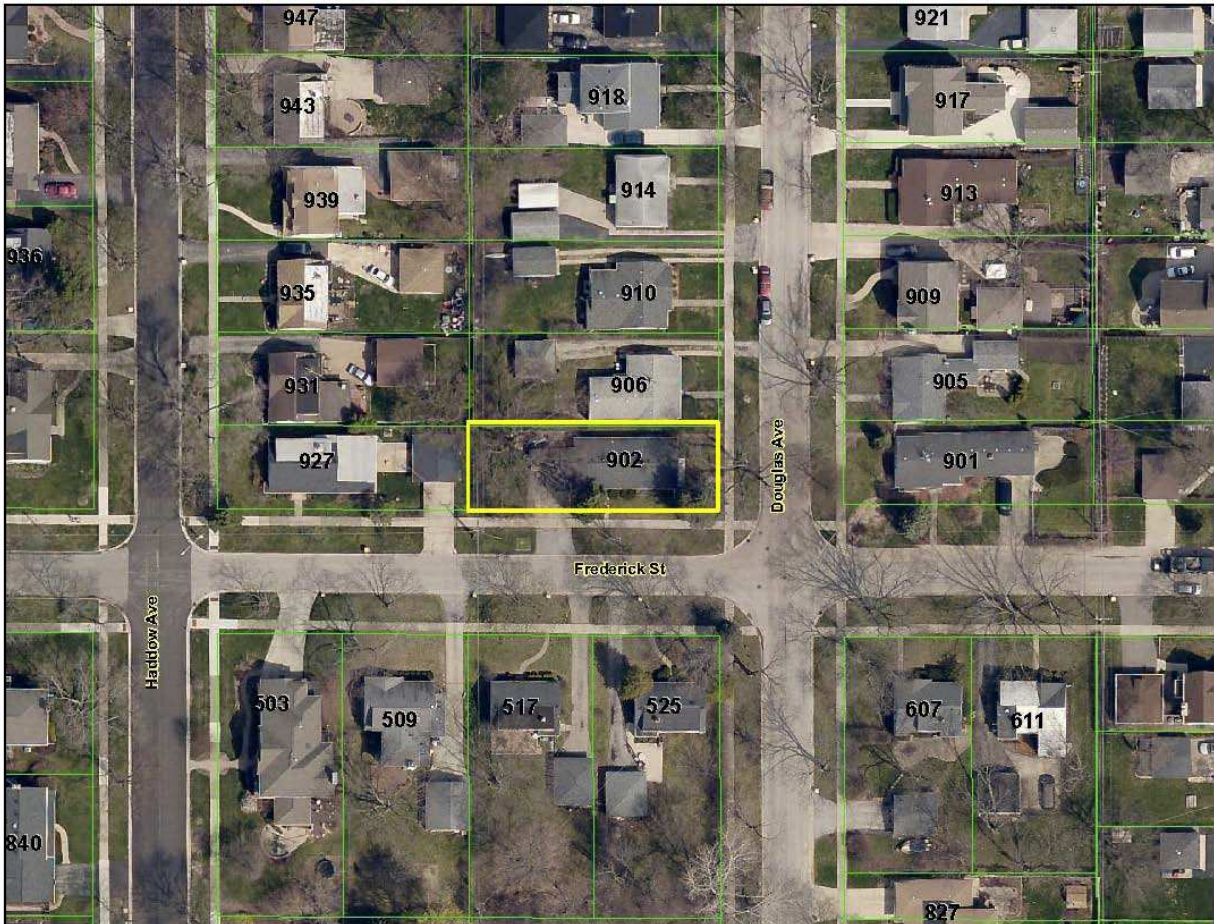
The proposed addition requires zoning variations to allow a side yard setback of 4.4 feet side setback, where 5.0 feet is required. The petitioner is proposing to locate the air conditioning compressor within the required side yard. In addition, the lot does not meet the minimum requirements for lot area and width for the R-3 zoning district. Therefore, the petitioner requires the following variations:

- A variance from Chapter 28, section 5.1-3.4 (Minimum Lot Size) to allow a 43.5-ft. wide, 5,776 sq. ft. lot to be buildable, where 70 feet wide, 8,750 sq. ft. is required.
- A 0.6 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a new home with a side yard setback of 4.4 feet from the north property line instead of the minimum 5.0 feet and an additional 1.0 feet for the eave as depicted on the plans dated September 4, 2015.
- A 5.0 foot variance from Chapter 28, Section 6.6-5 (Permitted Obstructions) to allow an air conditioning unit with a side yard setback of 0.0 feet from the north property line instead of the minimum required 5.0 feet as depicted on the plans dated September 4, 2015.

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and (2) the plight of the owner is due to unique circumstances; and (3) the variation, if granted, will not alter the essential character of the locality. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the three conditions enumerated.

Map of General Vicinity



Items Required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	9/25/15	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/25/15	
3. Letter that was Mailed	✓	9/25/15	
4. Photographs of Sign on Property	✓	9/25/15	

Photograph of Existing Structure



ZBA# 15-021

902 N Douglas Ave - ZBA

Rev. Eng: Nanci Julius, P.E.

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

Submitted: October 5, 2015

Completed – October 5, 2015

The proposed ZBA application indicates that the petitioner is seeking:

A variance to allow a 45.3 ft wide, 5,776 sq ft lot to be buildable, where 70 ft wide, 8,750 sq ft is required; a 0.6 ft variance to allow a new home with a side yard setback of 4.4 ft from the north property line instead of the minimum 5 ft and an additional 1 ft for the eave; and a 5 ft variance to allow an air conditioning unit with a side yard setback of 0 ft from the north property line instead of the minimum required 5 ft.

NOTE: THE PROPOSED PLANS DO NOT SHOW THE BASEMENT FLOOR PLAN. IT IS ASSUMED THAT THE ONE WINDOW WELL SHOWN ON THE SITE PLAN IN THE FRONT YARD IS SUFFICIENT. IN THE EVENT ANY ADDITIONAL WINDOW WELLS ARE REQUIRED, THEY WOULD HAVE TO MEET THE CURRENT SETBACK REQUIREMENTS.

The Engineering Department has no objection to the lot coverage or the 4.4 ft setback from the north property line. The Engineering Department is further NOT IN FAVOR of the 0 ft setback for the air conditioner unit.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Comenduley Residence

Project Address: 902 N. Douglas Ave.

ZBA #: 15-021

ZBA Hearing Date: October 12, 2015

To: Jim Massarelli, Director of Engineering
Charley Craig, Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: October 5, 2015

- A variance from Chapter 28, section 5.1-3.4 (Minimum Lot Size) to allow a 43.5-ft. wide, 5,776 sq. ft. lot to be buildable, where 70 feet wide, 8,750 sq. ft. is required.
- A 0.6 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a new home with a side yard setback of 4.4 feet from the north property line instead of the minimum 5.0 feet and an additional 1.0 feet for the eave.
- A 5.0 foot variance from Chapter 28, Section 6.6-5 (Permitted Obstructions) to allow an air conditioning unit with a side yard setback of 0.0 feet from the north property line instead of the minimum required 5.0 feet.

Attached are the Petitioner's:

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

Comments: THIS PROJECT IS SCHEDULED FOR DESIGN COMMISSION REVIEW ON 10-13-15. STAFF RECOMMENDS THAT THE GARAGE BE LOCATED IN THE REAR.

Please review, comment, and return to me no later than Wednesday, October 7th (9 a.m.)

- STEVE HAUTZINGER, DESIGN PLANNER

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Comenduley Residence

Project Address: 902 N. Douglas Ave.

ZBA #: 15-021

ZBA Hearing Date: October 12, 2015

To: Jim Massarelli, Director of Engineering
Charley Craig, Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: October 5, 2015

- A variance from Chapter 28, section 5.1-3.4 (Minimum Lot Size) to allow a 43.5-ft. wide, 5,776 sq. ft. lot to be buildable, where 70 feet wide, 8,750 sq. ft. is required.
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- A 5.0 foot variance from Chapter 28, Section 6.6-5 (Permitted Obstructions) to allow an air conditioning unit with a side yard setback of 0.0 feet from the north property line instead of the minimum required 5.0 feet.

Attached are the Petitioner's:

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

Comments: THE SIDE SETBACK OF LESS THAN 5' WILL ENTAIL FIRE RATED CONSTRUCTION OF SIDE WALLS. SEE 2009 I.R.C. SECTION 302.1.

CHARLEY CRAIG

Please review, comment, and return to me no later than Wednesday, October 7th (9 a.m.)

PETITION

NOW COMES the Petitioner Haunani Comenduley and Matthew Comenduley

being the owner of the property commonly known as 902 N. Douglas Avenue, Arlington Heights, IL 60004 and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 5.1-3.4, Chapter 28, of the Arlington Heights Municipal Code, in order to: Approve existing lot size for new house to be built on existing lot.

I hereby state that the following hardship would exist if the variation were not granted: Our hardship is that the zoning laws have changed since the original home was built, thereby not allowing the simple right to build a home on my property.

I hereby state that the following unique circumstances exist: The lot and lot size are existing conditions which do not conform to current zoning law.

I hereby state that the variation, if granted, will not alter the essential character of the locality because: The new house will be built within all zoning required setbacks, F.A.R., building height limitations, and will aesthetically fit into the existing character of the neighborhood. The only exceptions being the side yard setback that meets the 10 percent requirement of the existing lot width but not the new 50 foot minimum lot width, in addition the encroachment of the A/C condenser.

Signed: _____



Petitioner

Date: _____

10/6/2015



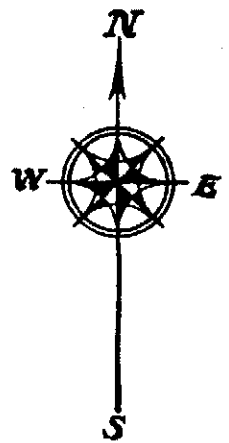
MURRY AND MOODY, LTD.

Land Surveyors

Illinois Professional Land Surveying Firm Corporation License No. 048-000087

933 S. Plum Grove Road Suite 101 Palatine, Illinois 60067

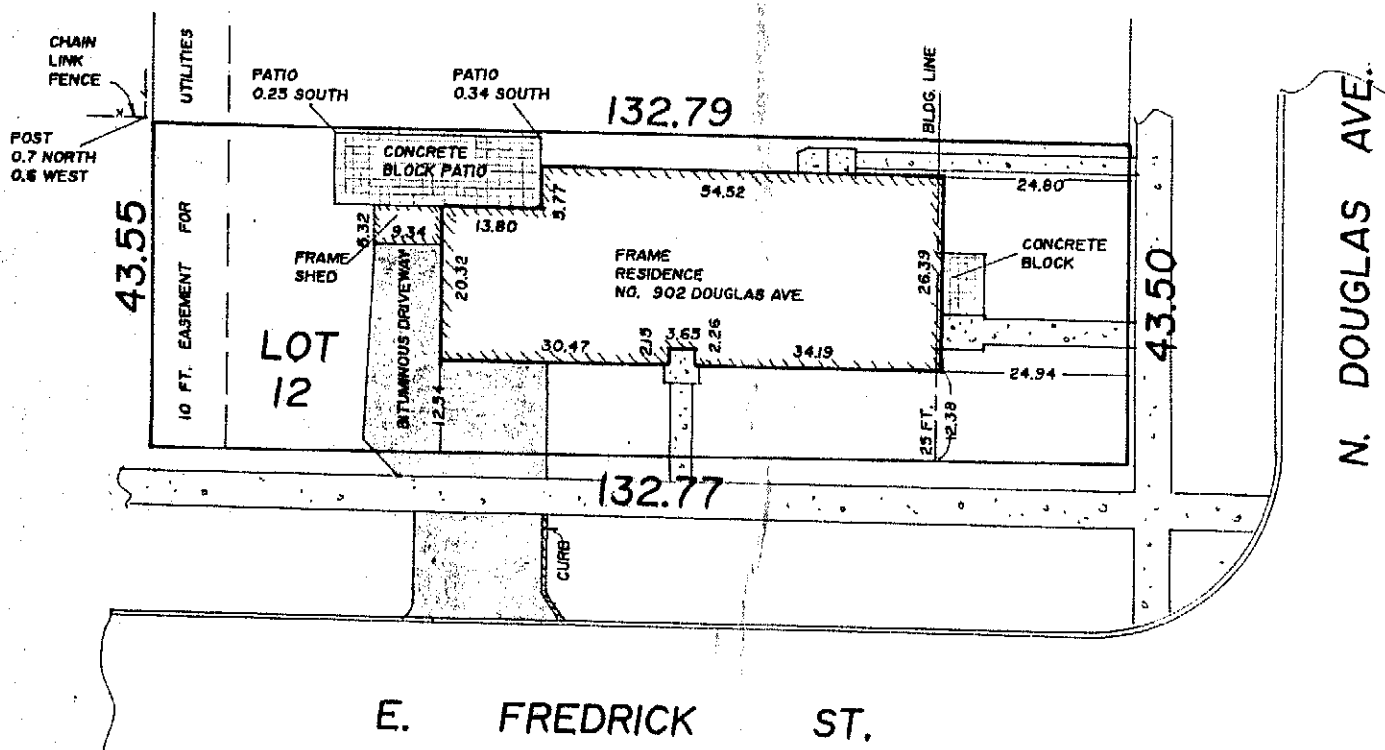
Phone: (847) 358-5960



PLAT OF SURVEY

OF

LOT 12 IN GOELZ'S SUBDIVISION OF BLOCK 1 IN D.W. MILLER'S ARLINGTON HEIGHTS ACRE ADDITION IN THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED AS DOCUMENT NUMBER 1354091, IN COOK COUNTY, ILLINOIS.



E. FREDRICK ST.

N. DOUGLAS AVE.

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

SEP - 9 2015

RECEIVED

LEGEND AND NOTES

Dimensions shown thus: 50.25 are feet and decimal parts thereof. Angular data shown thus: 90° 00' 00" indicate degrees, minutes and seconds.

50.25 / N 90° 00' 00" E indicates measure dimension / bearing.
(50.25) / (N 90° 00' 00" E) indicates record dimension / bearing.
(50.25 d) / (N 90° 00' 00" E d) indicates deed call dimension / bearing.

Bearings shown hereon, if any, per local or assumed data, unless shown otherwise.

Compare your points before using same and report any differences immediately.

Check legal description with deed or title policy and report any discrepancy immediately. Building lines and easements, if any, shown hereon are as shown on the recorded subdivision plat or as indicated.

STATE OF ILLINOIS } ss.
COUNTY OF COOK }

I, James C. Colbourne II, an Illinois Professional Land Surveyor do hereby certify that I have surveyed the above described property, and that the above plat is a correct representation of said survey.

Palatine, Illinois AUGUST 20, 2002

James C. Colbourne II
Illinois Professional Land Surveyor

ORDER No. 02-1454 207L35 SURVEY MADE FOR LAW OFFICE OF STEVEN G. EVANS SCALE 1" = 20'

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630-259-7777
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SEP - 9 2015

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FINANCIAL INVESTMENT OPPORTUNITY

A NEW SINGLE FAMILY RESIDENCE ON EXISTING LOT

912-71-9002

Nani and Matthew

COMENDULEY

902 N. DOUGLAS AVE.

ARLINGTON HEIGHTS, IL

60004

1 SITE PLAN
SCALE: 1/8" = 1'-0"

**902 N. DOUGLAS AVENUE
ARLINGTON HEIGHTS, IL. 60004**

LOT SIZE		5777 SF
ZONE		R3
FAR		.45
FAR ALLOWED		2599.0 SF
TOT. 1ST	+	1660.0 SF
GARAGE	-	400.0 SF
1ST FLOOR	=	1260.0 SF
2ND	+	1330.0 SF
TOTAL PROPOSED	=	2590.0 SF
LOT COVERAGE ALLOWED		2310
		.40
TOT. 1ST W/ GARAGE PROPOSED		1660.0 SF
ALLOWED HEIGHT		25.0' & 2.5 STORIES
PROPOSED BUILDING HEIGHT		25'-0" - 2.0 STORIES
ATTACHED GARAGE		500.00 SF
IMPERVIOUS COVERAGE		
PROPERTY ALLOWED		3177.00 SF
CORNER LOT FRONT YARD ALLOWED		1217.00 SF
PROPOSED PROPERTY		2123.00 SF
PROPOSED FRONT YARD		363.00 SF
REQUIRED SETBACKS		
FRONT		25.00'
SIDE		4.35'
EXT SIDE		12.5'
REAR		30.0'
PROPOSED		
FRONT		25.5'
SIDE		4.5'
EXT SID		12.5'
REAR		38.99'

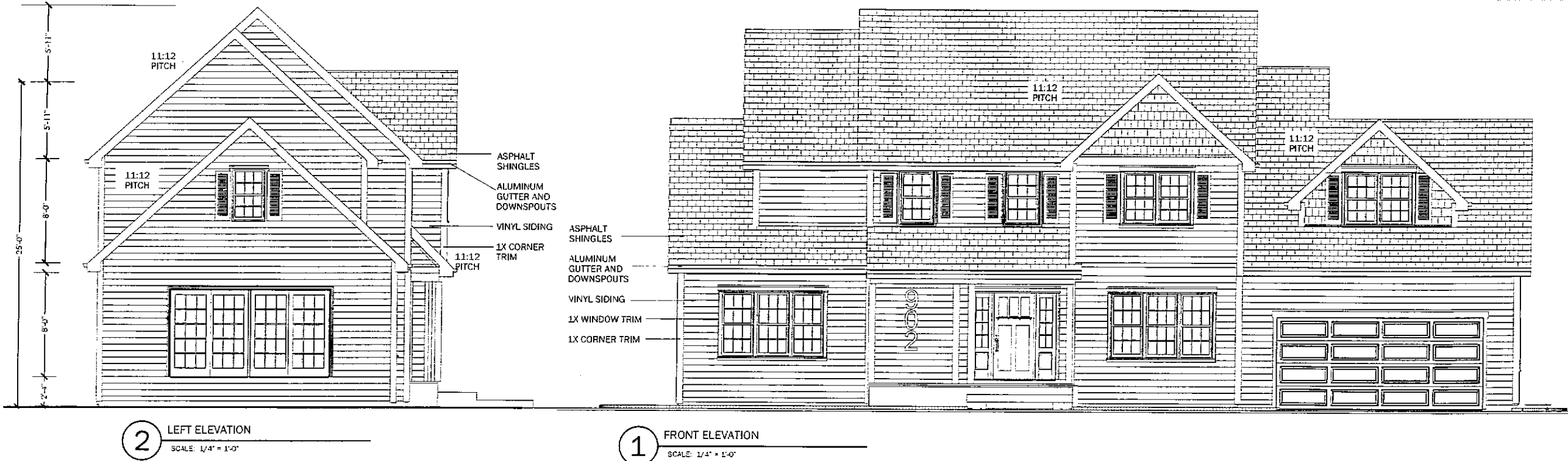
DESIGN REVIEW SUBMITTAL																							
DESCRIPTION DESIGN SET		SUBMIT WITH NAME DATE 09.04.15																					
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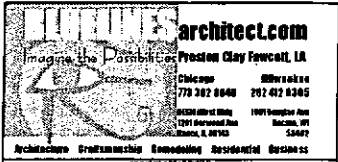
ITEM	MATERIAL	MANUFACTURER	COLOR
Siding	Vinyl	Mastic	Desert Sand
Accent Siding	Vinyl	Mastic	Pebblestone Clay
Gutters/Trim/Fascia	Vinyl	Mastic	White
Roofing	Asphalt Shingles	IKO	Weather Wood
Windows	Vinyl	Alsie	White
Garage Door	Steel	Clopay	White
Entry Door	Fiberglass	Therma Tru	White
Shutters	Vinyl	Alsie	White



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A NEW SINGLE FAMILY RESIDENCE ON EXISTING LOT

Nani and Matthew COMENDULEY

902 N. DOUGLAS AVE.
ARLINGTON HEIGHTS, IL 60004

DESIGN REVIEW SUBMITTAL

DESCRIPTION	DATE
DESIGN SET	09.04.15

NO.	DATE	REVISION
CS	1	COVER SHEET / SITE PLAN
FP	2	FLOOR PLANS
EE	3	EXTERIOR ELEVATIONS

PRINT DATE 8/4/2015 10:43:20	3 3 EXTERIOR ELEVATIONS
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Item: ZBA#15-022 - Bigelow Residence - 826 E. Charles St.

Department: Planning & Community Development

REQUEST

1. A variation from Chapter 28, Section 6.5-2 to allow an accessory structure (detached garage) in the side yard where accessory structures are only allowed in the rear yard.

ATTACHMENTS:

Description

Staff Report

Department Comments

Supporting Documents & Drawings

Type

Report

Correspondence

Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: October 12, 2015
Date Prepared: October 7, 2015
Project Title: Bigelow Residence
Address: 826 E. Charles St.

Background Information

Petition Number: ZBA #15-022
Petitioner: Michael Bigelow
Address: 826 E. Charles St.
Arlington Heights IL 60004
Existing Zoning: R-1, Single-Family District

Requested Action/Background Information

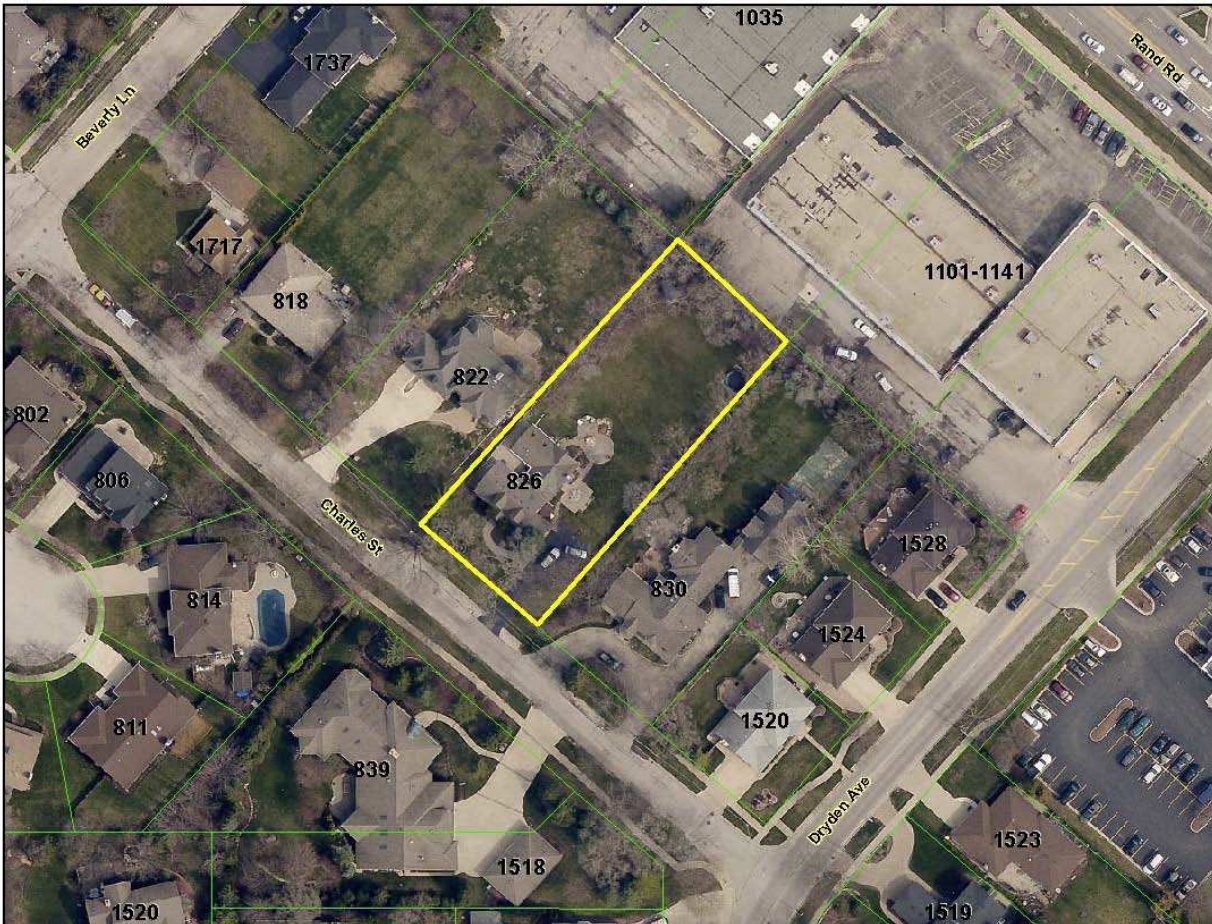
The petitioner proposes to construct a detached garage in the side yard where detached garages are only permitted in the rear yard. The lot is approximately 25,000 square feet and is zoned R-1, One Family Dwelling District. Therefore, the petitioner requests the following variation:

- **A variation from Chapter 28, Section 6.5-2 to allow an accessory structure (detached garage) in the side yard where accessory structures are only allowed in the rear yard as depicted on the plans received September 11, 2015.**

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and (2) the plight of the owner is due to unique circumstances; and (3) the variation, if granted, will not alter the essential character of the locality. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the three conditions enumerated.

Map of General Vicinity



Items Required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	9/23/15	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/23/15	
3. Letter that was Mailed	✓	9/23/15	
4. Photographs of Sign on Property	✓	9/23/15	

Photograph of Existing Structure



ZBA# 15-022

826 E Charles St - ZBA

Rev. Eng: Nanci Julius, P.E.

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

729

Submitted: October 5, 2015

Completed – October 5, 2015

The proposed ZBA application indicates that the petitioner is seeking:

A variation to allow an accessory structure (detached garage) in the side yard where accessory structures are only allowed in the rear yard.

A DETAILED, DIMENSIONED, SITE PLAN SHOWING THE LOCATION OF THE PROPOSED GARAGE WAS NOT PROVIDED.

The Engineering Department has no objection to the proposed variance. The proposed garage will have to meet existing setback requirements.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Bigelow Residence

Project Address: 826 E. Charles St.

ZBA #: 15-022

ZBA Hearing Date: October 12, 2015

To: Jim Massarelli, Director of Engineering
Charley Craig, Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: October 5, 2015

- A variation from Chapter 28, Section 6.5-2 to allow an accessory structure (detached garage) in the side yard where accessory structures are only allowed in the rear yard.

Attached are the Petitioner's:

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

Comments: NO COMMENTS.

-STEVE HAUTZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Wednesday, October 7th (9 a.m.)

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Bigelow Residence

Project Address: 826 E. Charles St.

ZBA #: 15-022

ZBA Hearing Date: October 12, 2015

To: Jim Massarelli, Director of Engineering
Charley Craig, Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: October 5, 2015

- A variation from Chapter 28, Section 6.5-2 to allow an accessory structure (detached garage) in the side yard where accessory structures are only allowed in the rear yard.

Attached are the Petitioner's:

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

Comments: NO COMMENTS

Please review, comment, and return to me no later than Wednesday, October 7th (9 a.m.)

RECEIVED

OCT - 5 2015

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

PETITION

NOW COMES the Petitioners, Michael Bigelow and Joanne Kloeppel being the owners of the property commonly known as: 826 East Charles Street, Arlington Heights, IL and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section ~~6.5-2~~ Chapter 28, of the Arlington Heights Municipal Code, in order to:

- 1) Construct a detached complementary 2 car garage next to their home, in the same style and colors as their 1942 Cape Cod, which currently does not have a garage.
- 2) Locate the garage in both the most unobtrusive and the most convenient location.
- 3) Preserve the park like setting of the large 100 by 250 sq/ft yard and neighborhood by not placing the garage in the middle of the park like yard that would ruin our view as well as the neighbors from their windows.
- 4) Avoid installation of an additional 24 ft wide by 37 ft deep driveway to accommodate the code required setback location for a garage, which would necessitate covering substantial green space with hard surface (blacktop or cement).

Code requires the garage be built behind the structure line. We are requesting to build the garage 6 feet behind the original structure line which would align it to be parallel with the addition on the back of the home, not behind it. The location would leave approximately 23 feet between the home and the garage and allow existing patio to remain.

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

- 1) The driveway length would have to be extended a minimum of 37 feet or 43%, from it's current length of 85 feet long to 122 feet long to meet the requirement, creating an unsightly huge driveway/hard surface.
- 2) The newly required huge driveway would require extensive snowplowing. Both both petitioners have back issues and would be at greater risk of injury from shoveling.
- 3) The side door on the house would not allow easy or safe access to/from the garage because the walk would be long and potentially dangerous in icy wet weather.
- 4) Mature huge trees (oak and pine) would have to be removed to place the garage deeper on the lot.
- 5) The aesthetics of the lot would be jeopardized as the park like setting would have a garage in the middle of it.
- 6) The burden to install such a long deep driveway makes the project not only visually unappealing but also cost prohibitive.

I hereby state that the following unique circumstances exist:

- 1) Unique mature wooded lot is 100 feet wide by 250 feet deep with a 1942 Cape Cod home set on the north side of the property, leaving approximately 50 feet open on the south side of the lot.
- 2) The original home has a 33 foot deep addition built directly behind it.
- 3) Locating the garage parallel with the addition on the wide lot preserves the green space and still leaves enough visual green space between the home and garage to keep the lot appealing and not crowded.
- 4) The original tree lined black top 14 foot wide driveway goes from the street towards the rear of the original home where it widens out to 27 feet wide and it appears a garage should have been built - but never was. We would like to put a garage where the driveway currently ends as it looks like it should be there.

RECEIVED











SAMPLE OF PROPOSED GARAGE WITH PROPOSED PITCH - COLORS WILL MATCH EXISTING HOME.



AERIAL PHOTO OF EXISTING HOME WITH EXAMPLE GARAGE INSERTED WHERE GARAGE WOULD BE PLACED.

KDC CONSULTANTS INC.

16144 S. BELL ROAD
HOMER GLEN, ILLINOIS 60461

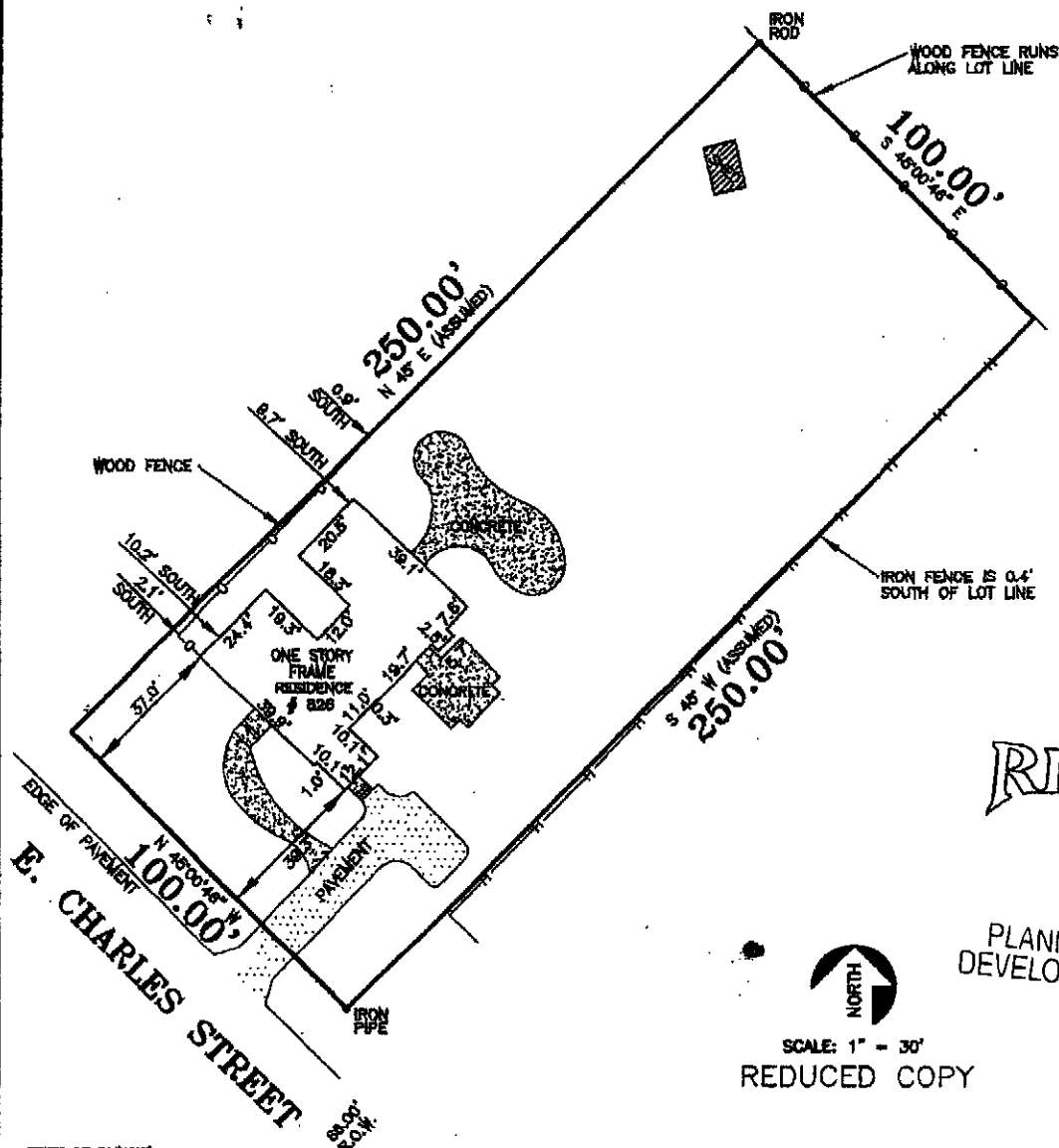
WWW.KDCCONSULTANTSINC.COM
LAND PLANNING ENGINEERING LAND SURVEYING

(708) 845-0545
Fax: 845-0546

PLAT OF SURVEY

OF
LOT 100 IN C.A. GOELZ'S ARLINGTON HEIGHTS GARDENS, BEING A SUBDIVISION IN THE
NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD
PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 03-20-210-010
LOT AREA=25,000 S.F.



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SEP 11 2015

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



SCALE: 1" = 30'
REDUCED COPY

STATE OF ILLINOIS
COUNTY OF WILL

WE, KDC CONSULTANTS INC., AS ILLINOIS LICENSED
PROFESSIONAL LAND SURVEYORS, HEREBY CERTIFY THAT WE
HAVE SURVEYED THE PROPERTY DESCRIBED IN THE CAPTION
TO THE PLAT HEREON DRAWN AND THAT THIS PROFESSIONAL
SERVICE CONFORMS TO THE CURRENT ILLINOIS SURVEYING
STANDARDS FOR A BOUNDARY SURVEY.
ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS OF A
FOOT AND ARE CORRECT AT A TEMPERATURE OF 68 DEGREES
FAHRENHEIT. DIMENSIONS SHOWN ON BUILDINGS ARE TO THE
OUTSIDE OF BUILDINGS.

SURVEYED 6TH DAY OF AUGUST 2013.

SIGNED THIS 13TH DAY OF AUGUST 2013.

BY: PROFESSIONAL ILLINOIS LAND SURVEYOR No. 3184



LICENSE EXPIRATION
11-30-2014

PREPARED FOR: STURM

CONTINUE LEGAL DESCRIPTION WHEN USED AND REPORT ANY DISCREPANCY
IMMEDIATELY. A TITLE COMMITMENT MAY NOT HAVE BEEN FURNISHED FOR USE
IN PREPARATION OF THIS SURVEY. IF A TITLE COMMITMENT WAS NOT
FURNISHED, THERE MAY BE PRESENTLY EXISTING EASEMENTS OR OTHER
RESTRICTIONS NOT SHOWN ON THIS PLAT. THIS PLAT DOES NOT SHOW
BUILDING RESTRICTIONS ESTABLISHED BY LOCAL ORDINANCES. LOCAL
AUTHORITIES MUST BE CONSULTED REGARDING ANY RESTRICTIONS.
SUBJECT TO EASEMENTS OF RECORD.

DO NOT SCALE DIMENSIONS FROM THIS PLAT. NO EXTRAPOLATIONS
SHOULD BE MADE FROM THE INFORMATION SHOWN WITHOUT THE
PERMISSION OF KDC CONSULTANTS INC. THIS PLAT IS
NOT TRANSMISSIBLE. ONLY PRINTS WITH AN EMBOSSED SEAL ARE
OFFICIAL COPIES. © COPYRIGHT, ALL RIGHTS RESERVED.

SURVEY No. 13-08-007

Michael Bigelow
826 East Charles Rd.
Arlington Heights IL.

2 Roof Vents

12"

2'x 8'
Ridge

235# Roof Shingles
15# Felt

4X8X1/2" Plywood Roof Sheeting

2" x 6" Rafters

16 O.C.

2" x 6" Ties (8)

Boxed Eaves

← 2 - 2" x 4"

(2) 2" x 12" Header w/ 1/2" plywood
filch plate for stiffener

q' walls

2" x 4" - 16" o.c. wall studs

Contractor:

GERGES
GARAGES & DOORS INC.
4921 W. 95th Street
Oak Lawn, IL 60453

Wall Sheathing 4' x 8' OSB

OSB Wall Siding →

18x8 O.H. Door

36" Service Door

8x7 O.H. Door

1/2" anchor bolts 6' o.c.

2"x4" Wolmanized Bottom Plates

Concrete Slab 4" Min.

Wire Mesh

Grade

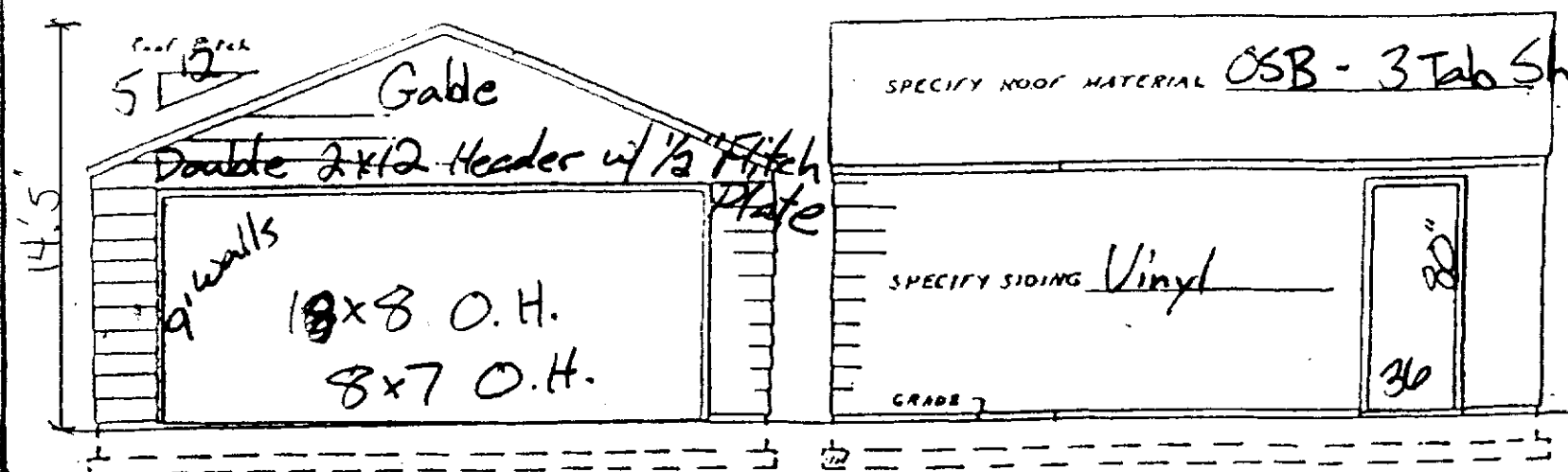
Concrete Footing

↑ 4" Gravel

RECEIVED
SEP 11 2015

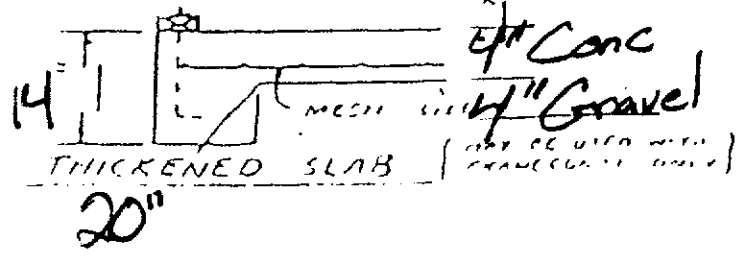
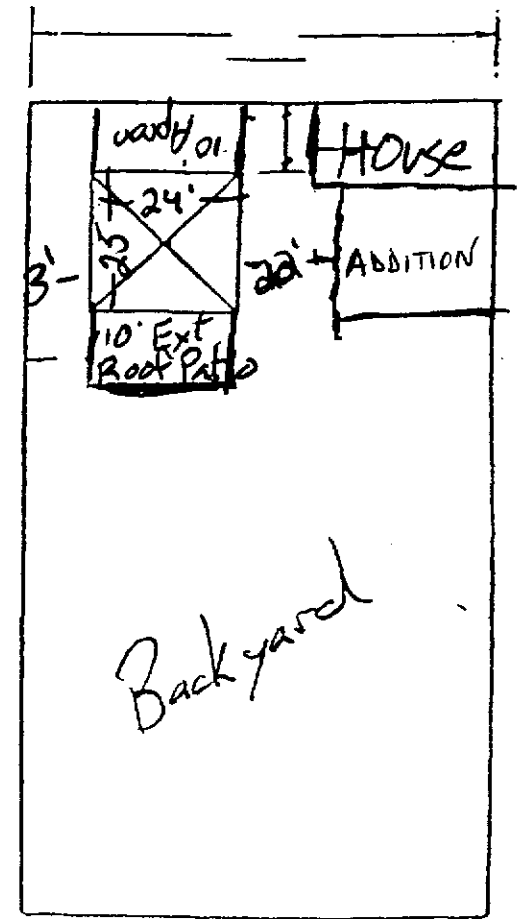
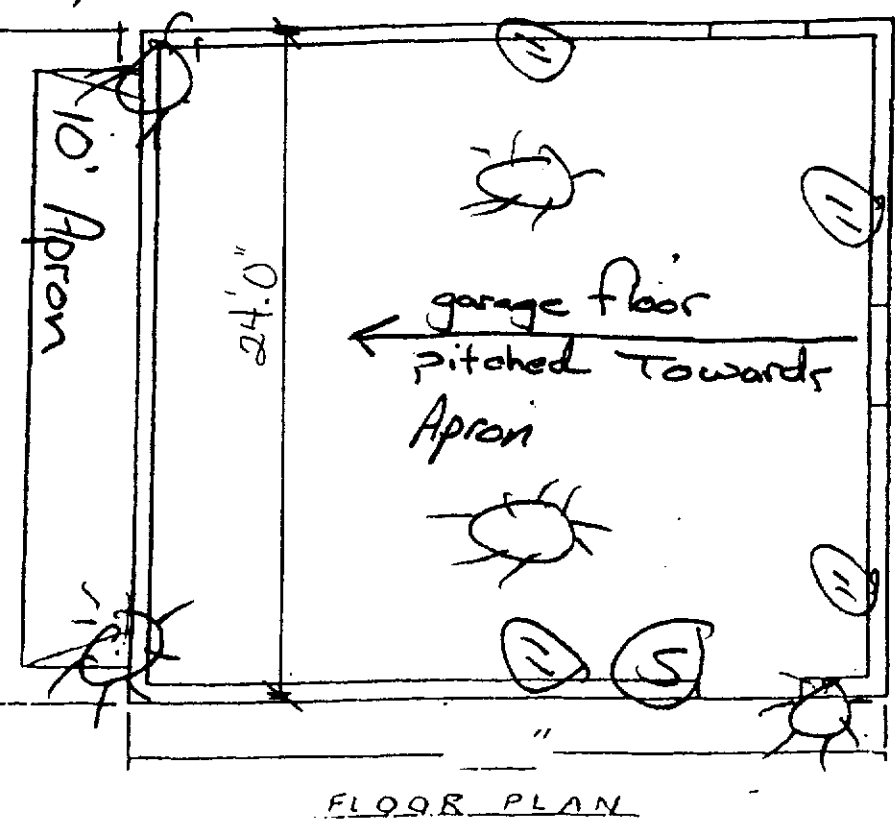
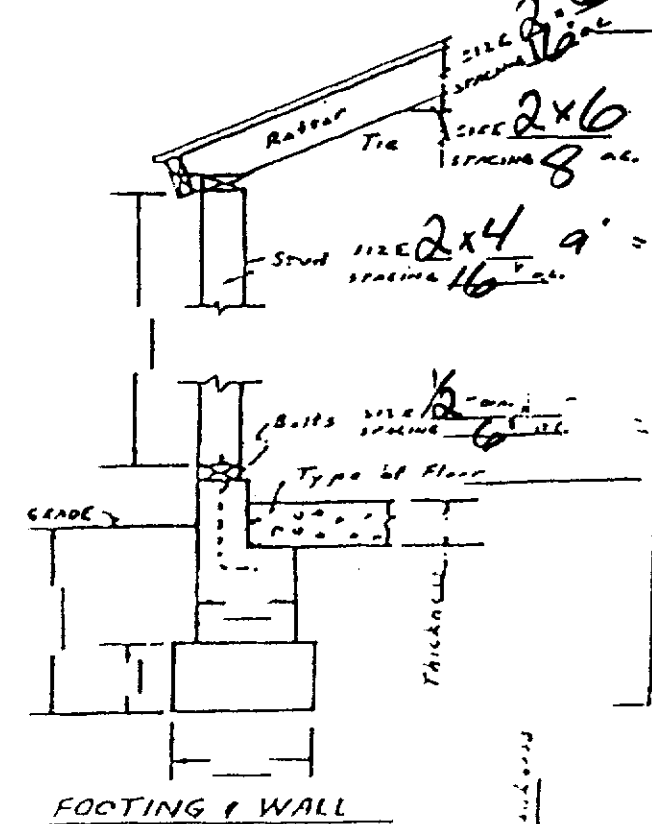
SEP 11 2015

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



OSB - 3 Tab Shingles #235
#15 Felt
Aluminum S.F.G.D.

FRONT SIDE 25'0"



- ⑤ switch
- ★ Lights
- ② DBI Outlet

ONE-STORY DETACHED GARAGE
PLAN, ELEVATIONS, & DETAILS
Michael Bigelow
826 East Charles
Arlington Heights IL.



Item: ZBA#15-023 - Switalski Residence - 910 S. Walnut Ave.

Department: Planning & Community Development

REQUEST

1. A variation from Chapter 28, Section 5.3-1.1 (Table of Minimum Lot Size & Minimum Lot Width), Section 5.1-1.4 (Minimum Lot Size) and Section 5.1-1.5 (Minimum Lot Width) to allow a 75.0 feet wide, 12,171 square feet lot to be buildable where 90 feet and 15,000 square feet is required.
2. A 10.9 foot variance from Chapter 28, Section 5.1-1.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a second story addition with a front yard setback of 24.4 feet from the east property line instead of the minimum 35.3 feet.

ATTACHMENTS:

Description

Staff Report

Department Comments

Supporting Documents & Drawings

Type

Report

Correspondence

Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: October 12, 2015
Date Prepared: October 7, 2015
Project Title: Switalski Residence
Address: 910 S. Walnut Ave.

Background Information

Petition Number: ZBA #15-023
Petitioner: Wojciech Switalski
Address: 910 S. Walnut Ave.
Arlington Heights IL 60005
Existing Zoning: R-1, Single-Family District

Requested Action/Background Information

The petitioner is proposing to add a second floor addition above the existing one story home. The petitioner is also proposing to expand the footprint and add a one story addition in the rear of the home. The subject site is zoned R-1, One Family Dwelling District. The property has a total land area of 12,171 square feet and the expanded residence will have approximately 2,709 square feet.

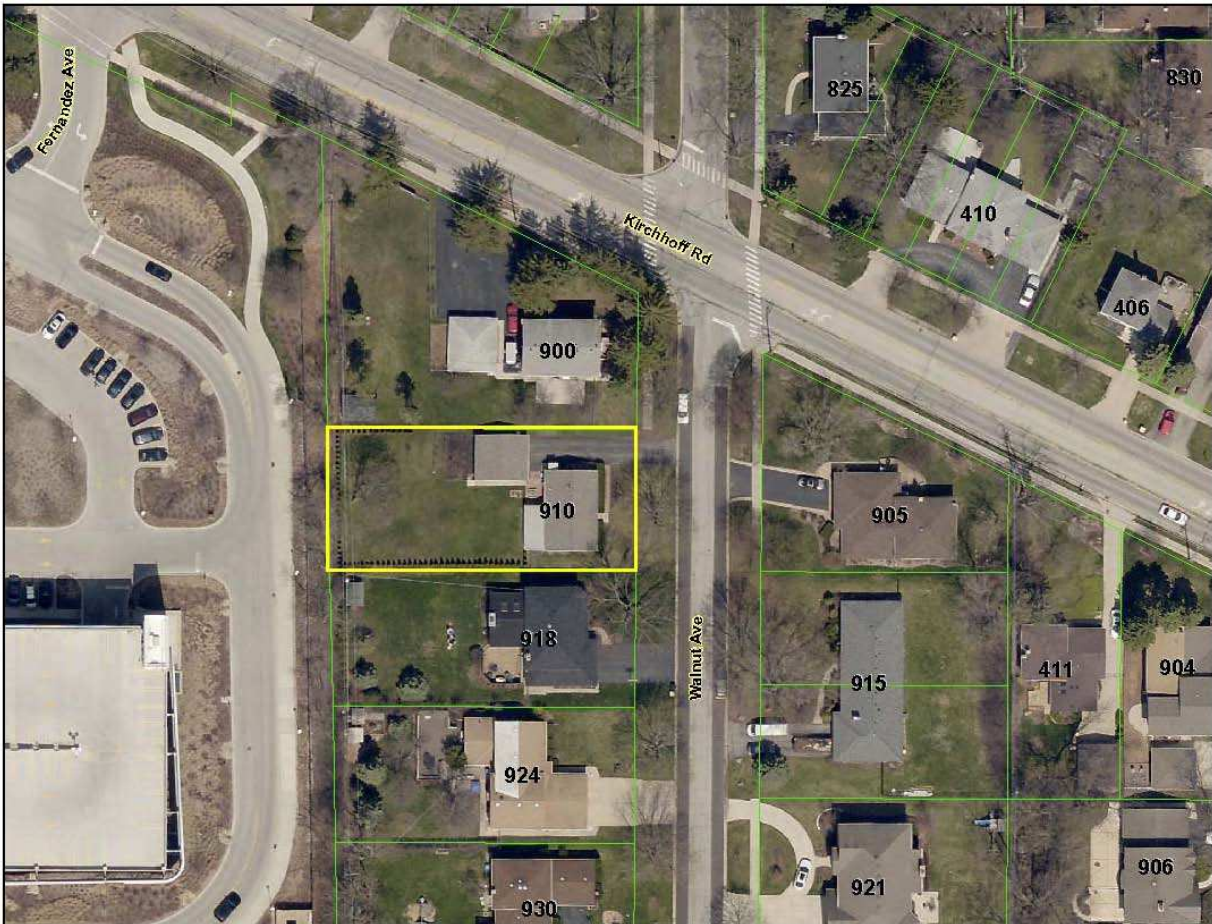
The proposed addition requires zoning variations to allow a second story addition with a front yard setback of 24.4 feet side setback, where 35.3 feet is required. In addition, the lot does not meet the minimum requirements for lot area and width for the R-1 zoning district. Therefore, the petitioner requires the following variations:

- A variation from Chapter 28, Section 5.3-1.1 (Table of Minimum Lot Size & Minimum Lot Width), Section 5.1-1.4 (Minimum Lot Size) and Section 5.1-1.5 (Minimum Lot Width) to allow a 75.0 feet wide, 12,171 square feet lot to be buildable where 90 feet and 15,000 square feet is required.
- A 10.9 foot variance from Chapter 28, Section 5.1-1.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a second story addition with a front yard setback of 24.4 feet from the east property line instead of the minimum 35.3 feet as depicted on the plans received September 18, 2015.

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and (2) the plight of the owner is due to unique circumstances; and (3) the variation, if granted, will not alter the essential character of the locality. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the three conditions enumerated.

Map of General Vicinity



Items Required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	9/23/15	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/23/15	
3. Letter that was Mailed	✓	9/23/15	
4. Photographs of Sign on Property	✓	9/23/15	

Photograph of Existing Structure



ZBA# 15-023

910 S Walnut Ave- ZBA

Rev. Eng: Nanci Julius, P.E.

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

Submitted: October 5, 2015

Completed – October 5, 2015

The proposed ZBA application indicates that the petitioner is seeking:

A variation to allow a 75 ft wide, 12,171 sq ft lot to be buildable, where a 90 ft and 15,000 sf is required; and a 10.9 ft variance to allow a second story addition with a front yard setback of 24.4 ft from the east property line instead of the minimum 35.3 ft.

Note: The existing home is non-conforming, and the proposed addition will not increase the non-conformity.

The Engineering Department has no objection to the proposed variance.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Switalski Residence

Project Address: 910 S. Walnut Ave.

ZBA #: 15-023

ZBA Hearing Date: October 12, 2015

To: Jim Massarelli, Director of Engineering
Charley Craig, Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: October 5, 2015

- A variation from Chapter 28, Section 5.3-1.1 (Table of Minimum Lot Size & Minimum Lot Width), Section 5.1-1.4 (Minimum Lot Size) and Section 5.1-1.5 (Minimum Lot Width) to allow a 75.0 feet wide, 12,171 square feet lot to be buildable where 90 feet and 15,000 square feet is required.
- A 10.9 foot variance from Chapter 28, Section 5.1-1.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a second story addition with a front yard setback of 24.4 feet from the east property line instead of the minimum 35.3 feet.

Attached are the Petitioner's:

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

Comments: THE PROPOSED DESIGN IS FAVORABLE FOR AN ADMINISTRATIVE APPROVAL,
APPROVAL, PENDING A FEW MINOR REVISIONS AND THE OUTCOME OF THE ZBA
REVIEW.

Please review, comment, and return to me no later than Wednesday, October 7th (9 a.m.)

-STEVE HAUTZINGER, DESIGN PLANNER

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Switalski Residence

Project Address: 910 S. Walnut Ave.

ZBA #: 15-023

ZBA Hearing Date: October 12, 2015

To: Jim Massarelli, Director of Engineering
Charley Craig, Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: October 5, 2015

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- A 10.9 foot variance from Chapter 28, Section 5.1-1.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a second story addition with a front yard setback of 24.4 feet from the east property line instead of the minimum 35.3 feet.

Attached are the Petitioner's:

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

Comments: Mr. Craig - NO COMMENT

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OCT - 5 2015

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Please review, comment, and return to me no later than Wednesday, October 7th (9 a.m.)

PETITION

NOW COMES the Petitioner RAFAL SWITALSKI

Being the owner of the property commonly known as: 910 WALNUT AVE

And appeals to the Zoning Board fo Appeals of the Arlington Heights for a Variation from Section 12, Chapter 28, of the Arlington Heights Municipal Code, in order to:

RECEIVE THE ZONING VARIATION TO ALLOW THE PROPOSED SECOND FLOOR ADDITION (the existing property setback is 24.4 ft and required is 35.3 ft).

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

IT WILL NOT BE POSSIBLE TO CREATE SECOND FLOOR OVER EXISTING STRUCTURE.

I hereby state that the following unique circumstances exist:

STREET AVERAGE SETBACK IS STRONGLY AFFECTED BY THE TWO (2) PROPERTIES (first located around 60feet and second over 110feet from street curb).

I hereby state that the variation, if granted, will not alter the essential character of the locality because: MOST OF THE HOUSES AT THIS SIDE OF THE STREET ARE LOCATED AT SIMILAR DISTANCE FROM STREET CURB AND SOME OF THEM HAVE ALREADY SECOND FLOOR.

SIGNED.....

ARCHITECT ANDRZEJ KACPRZYNSKI

DATE: 09/17/15

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SEP 18 2015

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

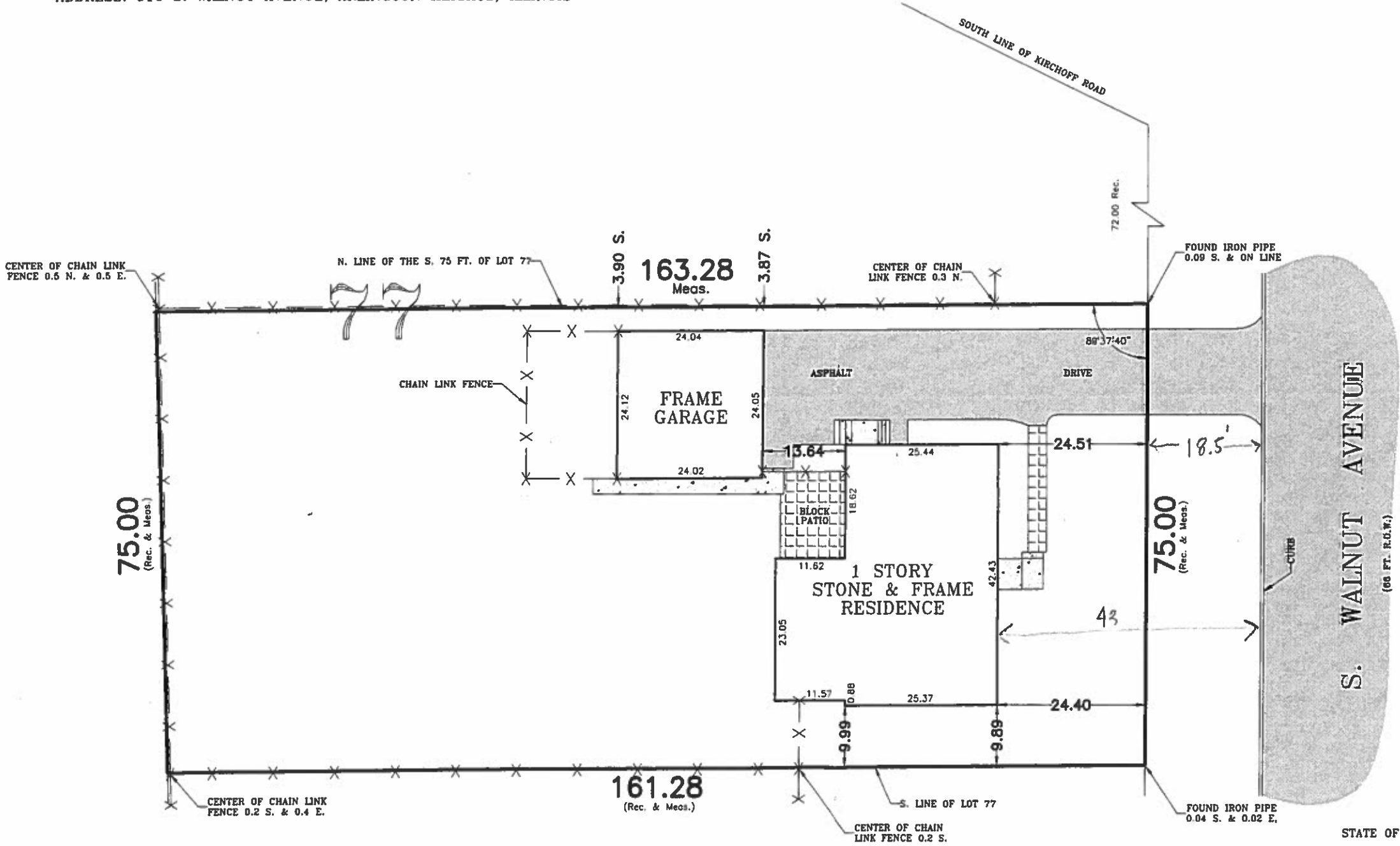
PLAT OF SURVEY
of

THE SOUTH 75 FEET OF LOT 77 IN R.A. CEPEK'S ARLINGTON HIGHLANDS, A SUBDIVISION OF PART OF SECTIONS 4 AND 9, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PARTS OF SECTIONS 31 AND 32, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ADDRESS: 910 S. WALNUT AVENUE, ARLINGTON HEIGHTS, ILLINOIS



SCALE: 1"=20'



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SEPT 2 2015

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



GENERAL NOTES:

- 1) THE LEGAL DESCRIPTION HAS BEEN PROVIDED BY THE CLIENT OR THEIR AGENT.
- 2) THIS SURVEY SHOWS THE BUILDING LINES AND EASEMENTS AS INDICATED BY THE RECORDED PLAT. THIS PLAT DOES NOT SHOW ANY RESTRICTIONS ESTABLISHED BY LOCAL ORDINANCES UNLESS SUPPLIED BY THE CLIENT.
- 3) BASIS OF BEARING FOR THIS SURVEY IS AS THE NORTH ARROW INDICATES, AND IS SHOWN TO INDICATE THE ANGULAR RELATIONSHIP OF THE BOUNDARY LINES.
- 4) MONUMENTS, IF SET, DURING THIS SURVEY, REPRESENT THE TRUE CORNERS OF THIS DESCRIPTION AS SURVEYED.
- 5) LOCATION OF SOME FEATURES MAY BE EXAGGERATED FOR CLARITY. NO INTERPOLATIONS MAY BE MADE FROM THE INFORMATION SHOWN HEREON.
- 6) ONLY COPIES WITH AN ORIGINAL SIGNATURE AND SEAL ARE OFFICIAL LEGAL DOCUMENTS. ALL SURVEYS ARE COPYRIGHTED MATERIALS WITH ALL RIGHTS RESERVED.



STATE OF ILLINOIS)
COUNTY OF COOK) S.S.

SURVEY ORDERED BY: WOJCIECH SWITALSKI

I, MICHAEL J. LOPEZ, AS AN EMPLOYEE OF PREFERRED SURVEY INC., DO HEREBY STATE THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARD FOR A BOUNDARY SURVEY. PROPERTY CORNERS HAVE BEEN SET OR NOT IN ACCORDANCE WITH CLIENT AGREEMENT. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECTED TO A TEMPERATURE OF 68 DEGREES FAHRENHEIT.

GIVEN UNDER MY HAND AND SEAL THIS
23RD DAY OF JUNE A.D. 2014

[Signature]
MY LICENSE EXPIRES ON 11/30/14
P.S.I. NO. 1410453

Professional Design Registration #184-002795

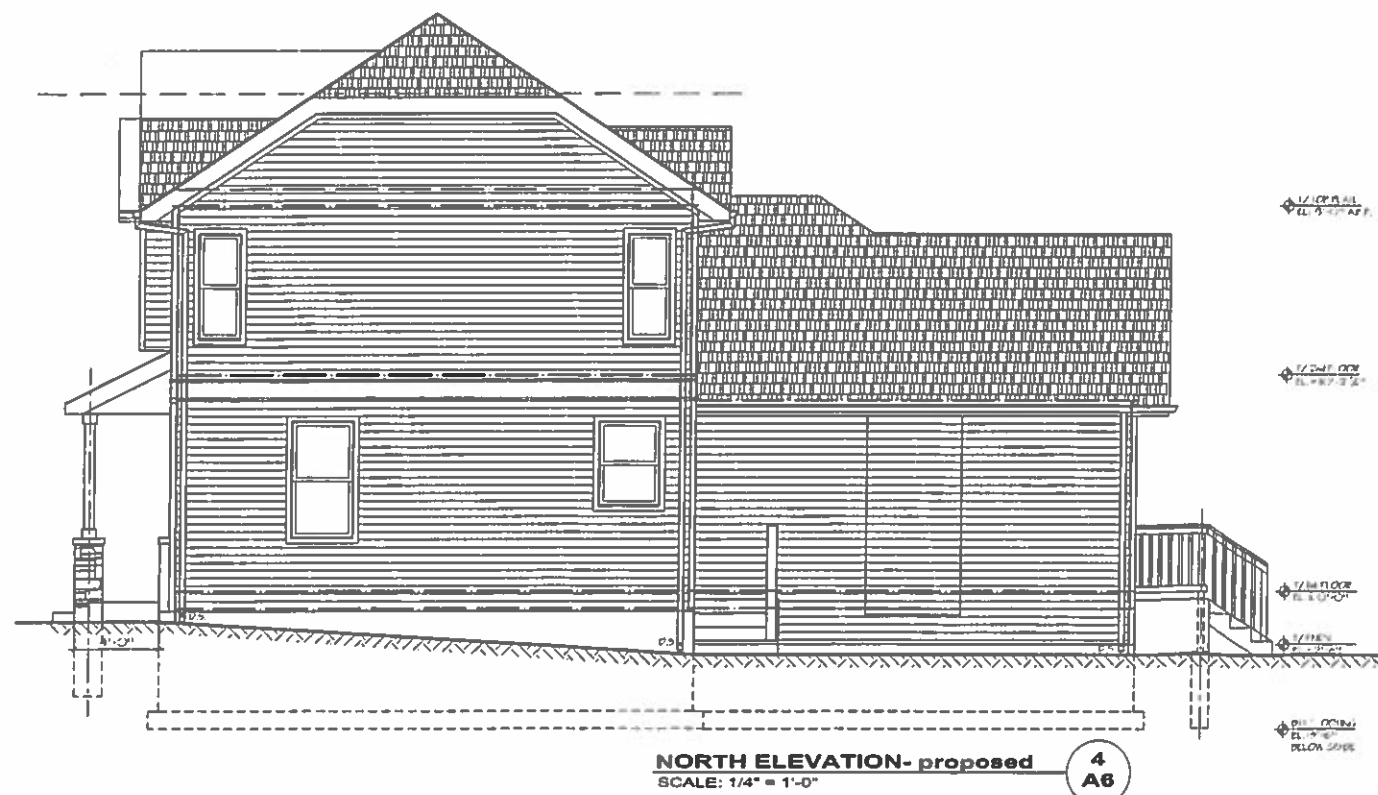
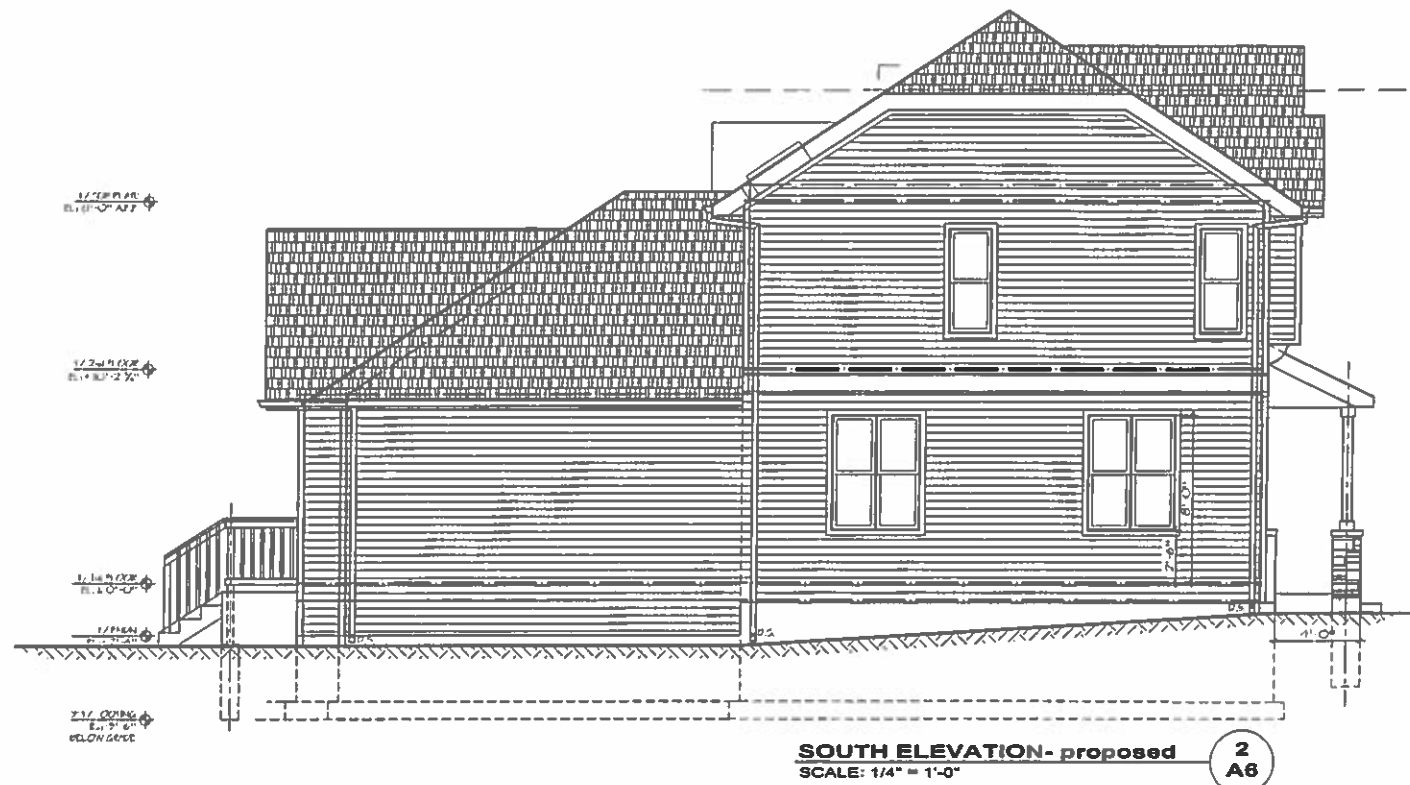


PREFERRED SURVEY, INC.

7845 W. 79TH STREET, BRIDGEVIEW, IL, 60455
Phone 708-458-7845 / Fax 708-458-7855
www.psisurvey.com

Field Work Completed	06/21/14	FLD CREW:	GZ/AD
Land Area Surveyed	12,170.7 Sq. Ft.	CAD	EH
Drawing Revised			

MATERIAL SCHEDULE			
ITEM	MATERIAL	MANUFACTURER	COLOR
ROOF	ASPHALT SHINGLES	'DAVINCORI'	BLACK / BRONZE
SIDING	FIBER CEMENT	'PPG'	BEIGE
WINDOWS	VINYL	'ADVANCED WINDOWS & DOORS'	OFF-WHITE
GARAGE DOORS	ALUMINUM	'AMAR'	OFF-WHITE
STONE	LIMESTONE		GRAY
CURTAINS	ALUMINUM		OFF-WHITE
TRIM	ALUMINUM		OFF-WHITE
FASCIA	ALUMINUM		OFF-WHITE



ISSUE DATES	
DATE	DESCRIPTION
01/15/2024	ISSUED FOR PERMIT
01/15/2024	ISSUED FOR PERMIT
01/15/2024	ISSUED FOR PERMIT
01/15/2024	ISSUED FOR PERMIT

SINGLE FAMILY RESIDENCE
1st AND 2nd FLOOR ADDITION & REMODELING
910 S WALNUT AVE ARLINGTON HTS, IL

NO.	DATE	BY	CHKD BY
1	01/15/2024	ARCHITECT	ARCHITECT
2	01/15/2024	ARCHITECT	ARCHITECT
3	01/15/2024	ARCHITECT	ARCHITECT

DRAWING LIST
PROPOSED ELEVATIONS
SHEET NO
A6



Item: ZBA#15-024 - Arland Residence - 2528 N. Walnut Ave.

Department: Planning & Community Development

REQUEST

1. A 29 square foot variation from Chapter 28, Section 6.5-5 (Percentage of Required Rear Yard Occupied) for 1,025 square feet of coverage where the maximum allowed is 996.
2. A 1 foot variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the perimeter of the sport court in the rear yard .
3. A 5 foot variance from Chapter 28, Section 6.13b (location of Fences) to allow an increase to the maximum fence height from 5 feet to 10 feet for a fence located along the southeast edge of the sport court in the rear yard.

ATTACHMENTS:

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

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: October 12, 2015
Date Prepared: October 7, 2015
Project Title: Arland Residence
Address: 2528 N. Walnut Ave.

Background Information

Petition Number: ZBA #15-024
Petitioner: Tim & Kristen Arland
Address: 2528 N. Walnut Ave.
Arlington Heights IL 60004
Existing Zoning: R-3, Single-Family District

Requested Action/Background Information

The lot is approximately 9,626 square feet and is zoned R-3, One Family Dwelling District. The homeowner and contractor at 2528 N. Walnut Avenue have constructed a shed, sport court, and fencing around the sport court in the rear yard. A permit was submitted for the shed and approved. A second separate permit was submitted for the sport court which did not show the shed or the fencing, and the sport court was approved. The shed and the sport court resulted in an overage of the allowable rear yard coverage therefore, the petitioner is requesting a variation for the required rear yard coverage. Of the required rear yard, a maximum of 40% is permitted for accessory structures coverage, which is 996 square feet. The sport court and the shed consist of a total of 1,025 square feet of coverage where 996 is permitted.

The netting and fencing were not illustrated on the permit and have been installed. Pursuant to code, the maximum fence height in the rear yard is 5 feet and the petitioner is proposing 6 feet along with a 10 foot section located on the southeast edge of the sport court.

The petitioner requests the following variations:

- **A 29 square foot variation from Chapter 28, Section 6.5-5 (Percentage of Required Rear Yard Occupied) for 1,025 square feet of coverage where the maximum allowed is 996.**
- **A 1 foot variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the perimeter of the sport court in the rear yard**
- **A 5 foot variance from Chapter 28, Section 6.13b (location of Fences) to allow an increase to the maximum fence height from 5 feet to 10 feet for a fence located along the southeast edge of the sport court in the rear yard.**

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and (2) the plight of the owner is due to unique circumstances; and (3) the variation, if granted, will not alter the essential character of the locality. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the three conditions enumerated.

Map of General Vicinity



Items Required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	9/25/15	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/25/15	
3. Letter that was Mailed	✓	9/25/15	
4. Photographs of Sign on Property	✓	9/25/15	

Photograph of Existing Structure



ZBA# 15-0231

2528 N Walnut Ave- ZBA

Rev. Eng: Nanci Julius, P.E.

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

Submitted: October 5, 2015

Completed – October 5, 2015

The proposed ZBA application indicates that the petitioner is seeking:

A 29 sq ft variance (percentage of required rear yard occupied) for 1,025 sq ft coverage where the maximum allowed is 996; A 1 ft variance to allow an increase to the maximum fence height from 5 ft to 6 ft, located along the perimeter of the sport court in the rear yard; and a 5 ft variance to allow an increase to the maximum fence height from 5 ft to 10 ft for a fence located along the southeast edge of the sport court in the rear yard.

NOTE: THE SPORT COURT HAS ALREADY BEEN CONSTRUCTED.

The Engineering Department is not in favor of granting the variance for the lot coverage. The Engineering Department further has “NO COMMENT” on the fence height.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Arland Residence

Project Address: 2528 N. Walnut Ave.

ZBA #: 15-024

ZBA Hearing Date: October 12, 2015

To: Jim Massarelli, Director of Engineering
Charley Craig, Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: October 5, 2015

- A 29 square foot variation from Chapter 28, Section 6.5-5 (Percentage of Required Rear Yard Occupied) for 1,025 square feet of coverage where the maximum allowed is 996.
- A 1 foot variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the perimeter of the sport court in the rear yard
- A 5 foot variance from Chapter 28, Section 6.13b (location of Fences) to allow an increase to the maximum fence height from 5 feet to 10 feet for a fence located along the southeast edge of the sport court in the rear yard.

Attached are the Petitioner's:

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

Comments: NO COMMENTS.

- STEVE HAUTZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Wednesday, October 7th (9 a.m.)

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Arland Residence

Project Address: 2528 N. Walnut Ave.

ZBA #: 15-024

ZBA Hearing Date: October 12, 2015

To: Jim Massarelli, Director of Engineering
Charley Craig, Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: October 5, 2015

- A 29 square foot variation from Chapter 28, Section 6.5-5 (Percentage of Required Rear Yard Occupied) for 1,025 square feet of coverage where the maximum allowed is 996.
- A 1 foot variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the perimeter of the sport court in the rear yard
- A 5 foot variance from Chapter 28, Section 6.13b (location of Fences) to allow an increase to the maximum fence height from 5 feet to 10 feet for a fence located along the southeast edge of the sport court in the rear yard.

Attached are the Petitioner's:

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

Comments: NO COMMENT.

RECEIVED

OCT - 5 2015

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Please review, comment, and return to me no later than Wednesday, October 7th (9 a.m.)

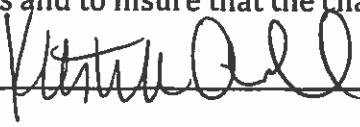
PETITION

NOW COMES the petitioners Tim and Kristen Arland being the owners of the property commonly known as: 2528 N. Walnut Ave., Arlington Heights, IL 60004 and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a variation from section 6.13-3 and section 6.5-5, chapter 28, of the Arlington Heights Municipal Code, in order to: Allow us to exceed the lot coverage allowed in the required rear yard by 29 sq. ft. and allow installation of a 10' high ball rebounder system and 6' high ball containment system for the backyard court installed on our property.

I hereby state that the following hardships would exist if the variation were not granted: We would be required to move our newly installed concrete court 7" to the North because our sports contractor applied for a permit for our court shortly after we had applied for and been issued a permit for a shed and when the Village issued the permit for the court they did not take into account the lot coverage of the shed permit that was already issued and went ahead and issued the court permit without taking the shed coverage into account because the shed had not yet been built even though it was permitted. The court that we built has equipment installed to make that court useable for our family and we would not be able to use the court in the way we planned if we did not have that equipment, The city has defined that sports equipment as a fence which adds a height restriction that limits the usefulness of the entire court area, particularly the ball rebounder system, which is useless if it is restricted to a fence height but is a very important piece of equipment on our court. Our court was designed to be useful for the following sports: basketball, tennis, soccer, baseball, and lacrosse, which are important to our family. Taking away the ball rebounder will take away the possibility of practicing 3 out of 5 of those sports. A ball rebounder is something dozens of families have installed in their yards in Arlington Heights without a permit being required. It is truly a hardship that, because we have a court which includes the scrutiny involved in the permit process, we would not be allowed to have this piece of equipment which will help our children improve their sports skills in the sports they choose to play.

I hereby state that the following unique circumstances exist: Please see the above statement of hardship for those unique circumstances.

I hereby state that the variation, if granted, will not alter the essential character of the locality because: The lot coverage issue is such a small amount and was a result of a clear mistake and is truly a matter of inches which I am sure will not be readily noticeable by neighbors. The ball rebounder will not alter the character of the locality because many other localities have these products installed without adverse effect. We will also install landscape screening to mitigate the effect of these products and to insure that the character of the neighborhood is unchanged.

Signed  Date 9/12/15

PLAT OF SURVEY

OF

LOT 8 IN BLOCK 20 IN THE BERKLEY SQUARE UNIT 6, A SUBDIVISION IN THE
NORTHEAST QUARTER OF THE NORTHEAST QUARTER SECTION 18, TOWNSHIP 42
NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE
PLAT THEREOF RECORDED AUGUST 16, 1967 AS DOCUMENT 20231041 IN COOK
COUNTY, ILLINOIS.



REQUIRED REAR YARD

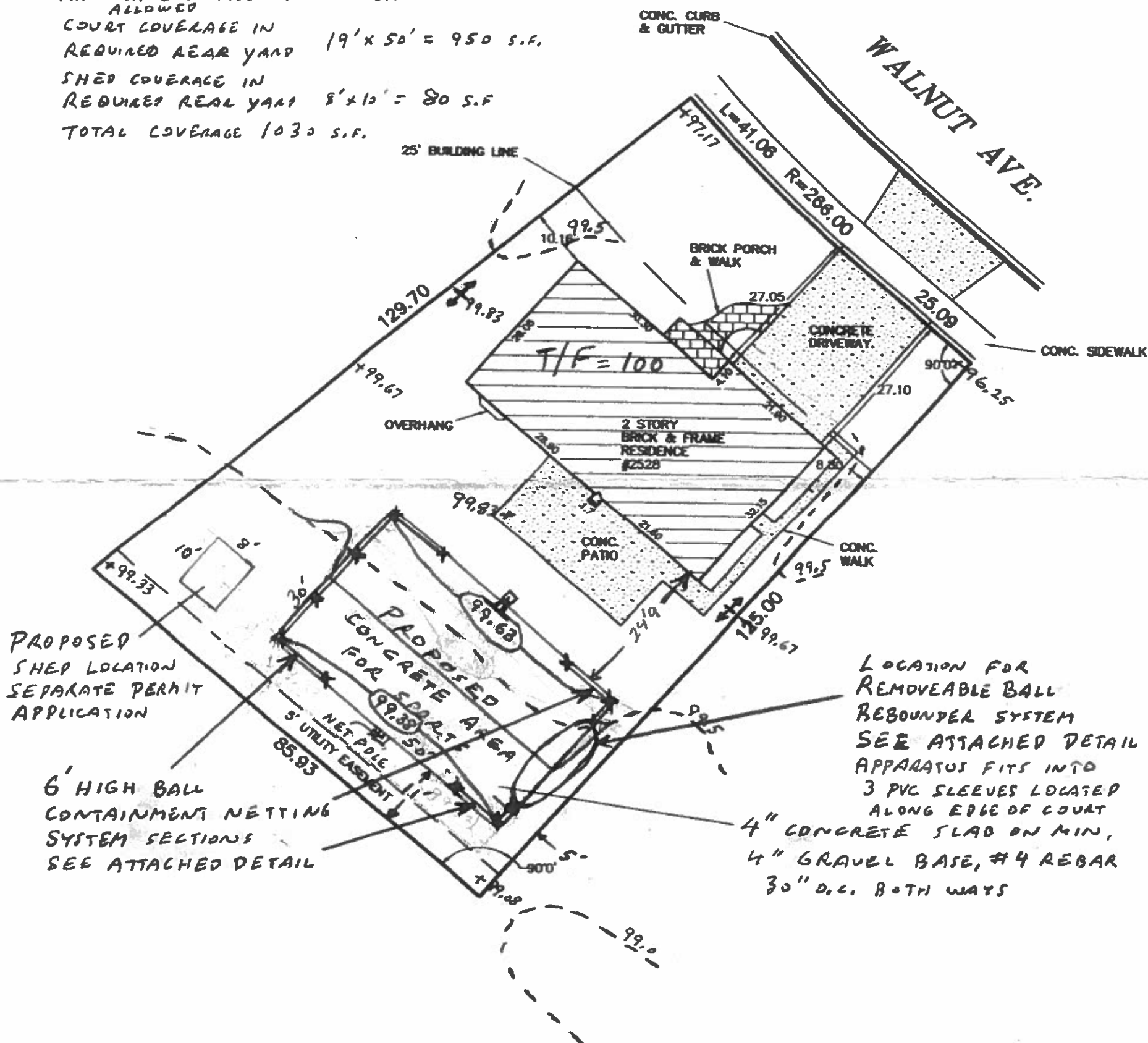
30' x 85.93' = 2577.9 S.F.

MAXIMUM COVERAGE = 1031.16 S.F.
ALLOWED

COURT COVERAGE IN
REQUIRED REAR YARD 19' x 50' = 950 S.F.

SHED COVERAGE IN
REQUIRED REAR YARD 8' x 10' = 80 S.F.

TOTAL COVERAGE 1030 S.F.



1" IRON PIPES AT LOT CORNERS.

- * All dimensions shown are given in feet & decimal parts thereof
- * No angles or distances are to be assumed by scaling
- * Legal description, building lines and easements are taken from recorded subdivision plat and/or other available documentation. Refer to title policy, deed or local jurisdiction for building setbacks and easements not shown hereon and report any discrepancies.

Scale: 1"=20'
Order #: 06-177
Address: 2528 N. Walnut Ave.
Arlington Heights, IL 60004
P.I.N. 03-18-211-008
Ordered by: Bralman & Assoc.

THIS SURVEY IS VALID ONLY WITH EMBOSSED SEAL

STATE OF ILLINOIS)
COUNTY OF COOK) ss.

I, Thomas R. Knauber, an Illinois Professional Land Surveyor do hereby certify that I have surveyed the above described property, and that the above plat is a correct representation of said survey.

Thomas R. Knauber Illinois P.L.S. #035-003405
Dated: June 19, 2006
Field work completed: June 19, 2006

This professional service conforms to the current Illinois minimum standards for a boundary survey.



Item: ZBA#15-025 - Jones Residence - 2507 S. Cedar Glen Dr.

Department: Planning & Community Development

REQUEST

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

ATTACHMENTS:

Description

Staff Report

Department Comments

Supporting Documents & Drawings

Type

Report

Correspondence

Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: October 12, 2015
Date Prepared: October 7, 2015
Project Title: Jones Residence
Address: 2507 S. Cedar Glen Dr.

Background Information

Petition Number: ZBA #15-025
Petitioner: William Jones
Address: 2507 S. Cedar Glen Dr.
Arlington Heights IL 60005
Existing Zoning: R-3, Single-Family District

Requested Action/Background Information

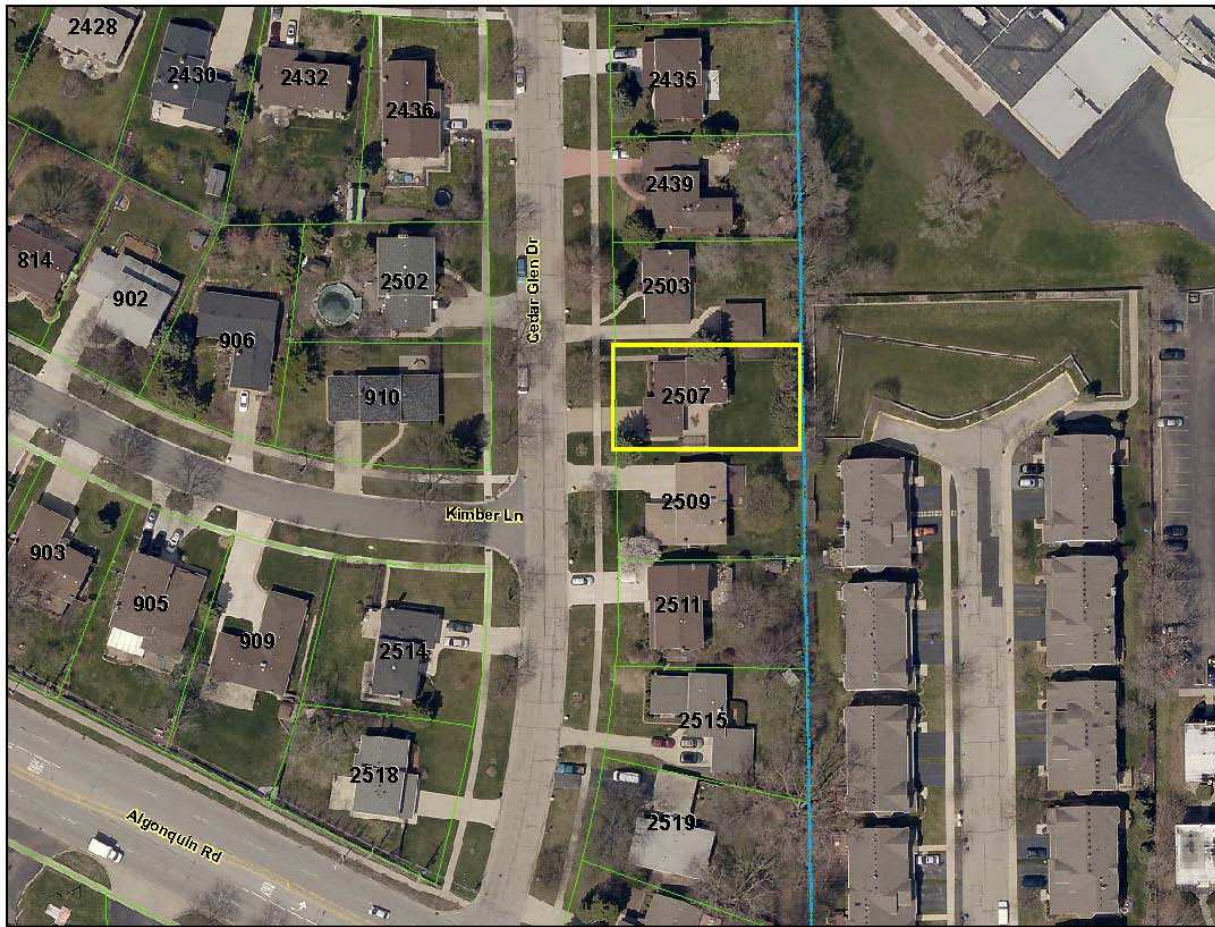
The petitioner proposes to construct a 6 foot high semi-open wood fence in the rear yard along the rear and side property line. The lot is approximately 9,310 square feet and is zoned R-3, One Family Dwelling District. The petitioner requests the following variation:

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

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and (2) the plight of the owner is due to unique circumstances; and (3) the variation, if granted, will not alter the essential character of the locality. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the three conditions enumerated.

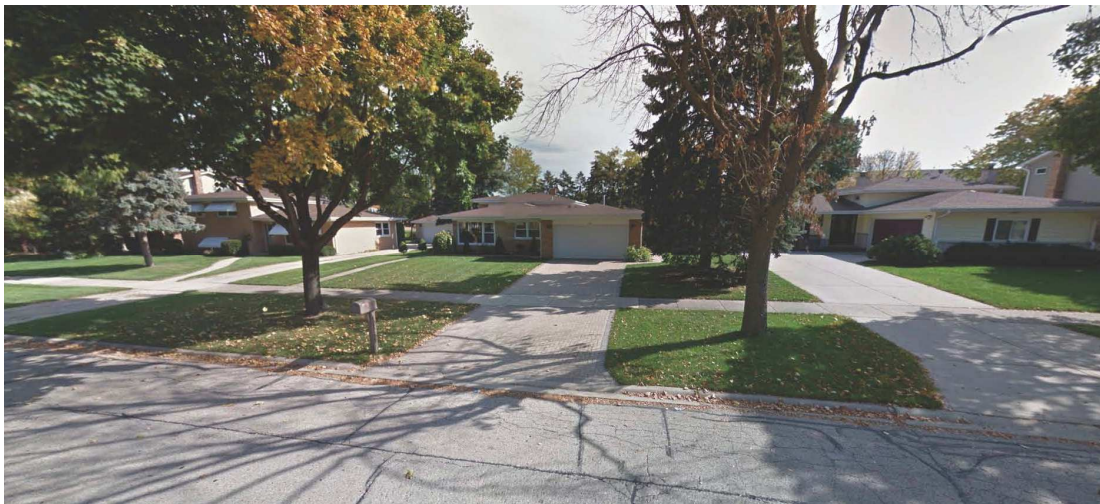
Map of General Vicinity



Items Required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	9/25/15	
2. List of Property Owners Within 250 feet of Subject Property	✓	9/25/15	
3. Letter that was Mailed	✓	9/25/15	
4. Photographs of Sign on Property	✓	9/25/15	

Photograph of Existing Structure



ZBA# 15-025

2507 S Cedar Glen Dr - ZBA

Rev. Eng: Nanci Julius, P.E.

cc: James J. Massarelli, P.E. Director of Engineering 297

Submitted: October 5, 2015

Completed – October 5, 2015

The proposed ZBA application indicates that the petitioner is seeking:

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

The Engineering Department has no comment on the proposed variance.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Jones Residence

Project Address: 2507 S. Cedar Glen Dr.

ZBA #: 15-025

ZBA Hearing Date: October 12, 2015

To: Jim Massarelli, Director of Engineering
Charley Craig, Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: October 5, 2015

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

Attached are the Petitioner's:

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

Comments: NO COMMENTS.

-STEVE HAUTZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Wednesday, October 7th (9 a.m.)

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Jones Residence

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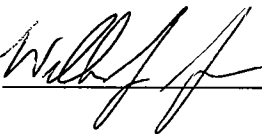
Now COMES the Petitioner: William Jones

Being the owner of the property commonly known as: 2507 South Cedar Glen Dr. Arlington Heights 60005

And appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 6.13-3b, Chapter 28, of the Arlington Heights Municipal Code, in order to: allow a 1 foot variance from Chapter 28, Section 6.13-3b (Location of Fences) to increase the maximum fence height from 5-feet to 6-feet.

I hereby state that the following hardship would exist if the variation were not granted: My fiancé and I own two dogs (Brittany's). They are highly energetic, friendly, and extremely athletic bird dogs. Due to their athletic nature they can easily jump over a 5 foot fence, putting their lives in possible danger. Prior to purchasing this home we lived in a rental property in Des Plaines with a 6-foot wooden fence. Our dog was able to jump high enough so as her head was above the 6-foot fence, and our neighbor was able to see her. If the fence were only 5-feet tall she could have escaped the yard, and ran off – losing us a valued member of our family.

I hereby state that the variation, if granted, will not alter the essential character of the locality because: Everything else within the property will remain the same. Additionally there are a few houses in the neighborhood which have a wooden fence already, of a similar height.

Signed: 

Date: 9-17-15



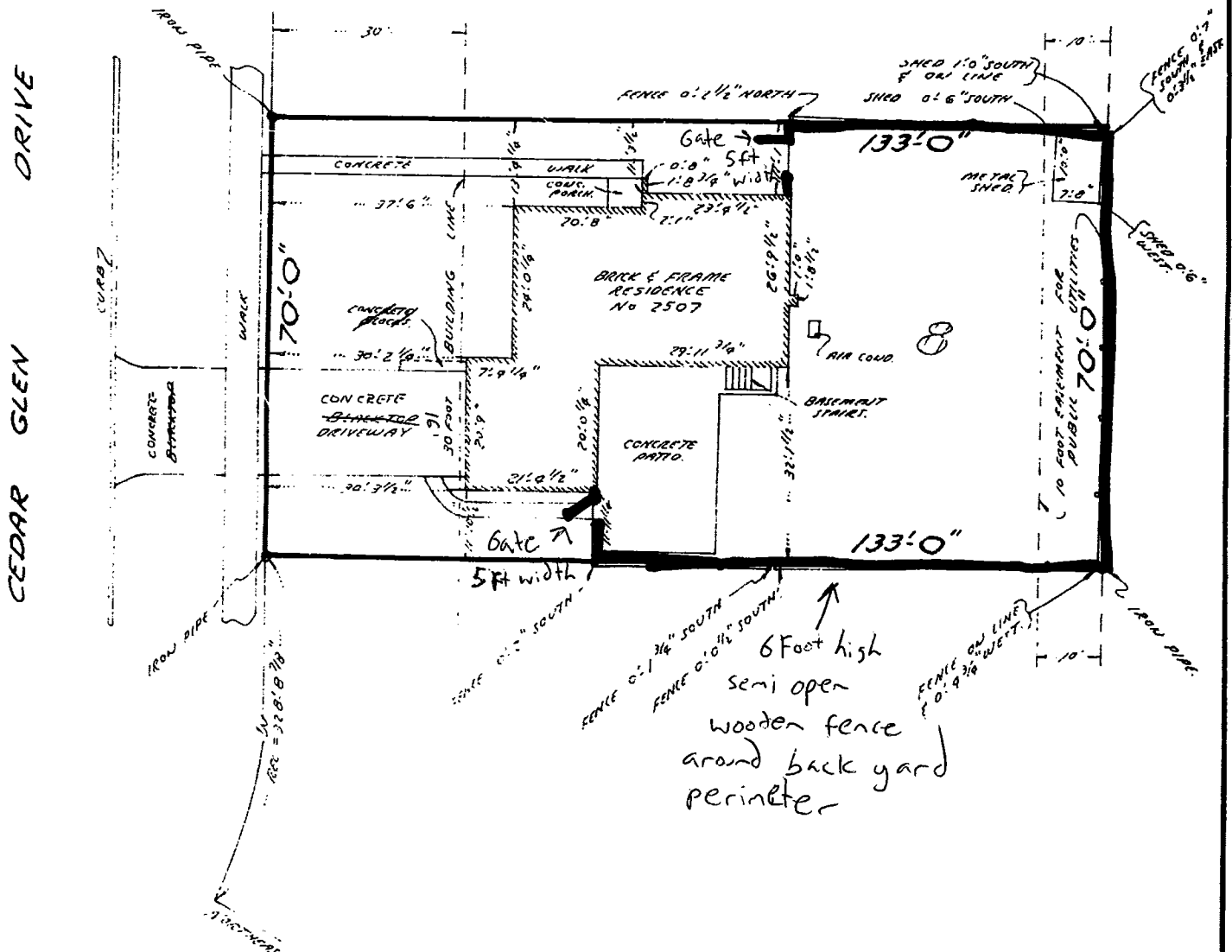
ADAMS AND ADAMS
ILLINOIS REGISTERED LAND SURVEYORS

301 NORTH WILLE STREET
MOUNT PROSPECT, ILLINOIS 60056
PHONE: 255-3512

PLAT OF SURVEY OF

ANTON J. ADAMS #35-1423
ANTON ADAMS #35-2810

Lot 8 in Block 1 in CEDAR GLEN SUBDIVISION, a Subdivision of Lots 1, 5 and 6 in Cwen's Subdivision of the West 15 rods of the Southeast 1/4 and the East 46/100th (as measured on the North line and the South line) of the East 1/2 of the Southeast 1/4 of Section 15, Township 41 North, Range 11, East of the Third Principal Meridian, also the Northeast 1/4 of the Northwest 1/4 of Section 22, Township 41 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.



Survey brought up to date to show all
improvements on APRIL 17TH 2000

Anton J. Adams
Registered Illinois Land Surveyor #1423

STATE OF ILLINOIS
COUNTY OF COOK

We, ADAMS AND ADAMS, Illinois Registered
Land Surveyors, hereby certify that we have surveyed the
property described above and that the plat herein drawn
is a correct representation of said survey. Measurements
are all corrected to a standard of 62 degrees Fahrenheit.

MOUNT PROSPECT, ILLINOIS, MAY 29TH A.D. 1990

Anton J. Adams

Illinois Registered Land Surveyor

APRIL 15 1990

FILE NUMBER 31875

DATE WORK COMPLETED 5/11/90

DRAWN BY WITNER, BOLTZ & GARDNER

ADDITION: Compare this plat with the original plat, abstract or certificate of title and all other records before building by same and at once report any difference, building lines shown only where they are shown and to the map; otherwise refer to your best judgment of zoning board.

