



Agenda  
Village of Arlington Heights  
Zoning Board of Appeals  
Buechner Room, 1st Floor  
33 S. Arlington Heights Rd.  
August 9, 2021  
7:00 PM

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF MINUTES**

- A. 1905 E. Grove St. - 7/12/21
- B. 436 S. Prindle Ave - 7/12/21
- C. 1818 S. Ridge Dr. - 7/12/21
- D. 307 S. Dwyer Ave. - 7/12/21

**IV. REPORTS**

**V. OLD BUSINESS**

**VI. NEW BUSINESS**

- A. 218 W. Palatine Rd. - ZBA#21-026
- B. 4029 N. Mitchell Ave. - ZBA#21-028

**VII. OTHER BUSINESS**

- A. Budget 2022

**VIII. ADJOURNMENT**

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**Zoning Board of Appeals  
8/9/2021**

**Item:** 1905 E Grove St - 7/12/21

**Department:** Planning & Community Development

**ATTACHMENTS:**

| <b>Description</b>                  | <b>Type</b> |
|-------------------------------------|-------------|
| 1905 E. Grove St. - 7/12/21 Minutes | Minutes     |
| 1905 E Grove St - 7/12/21 Findings  | Minutes     |

ZONING BOARD

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

OF APPEALS

RE: 1905 EAST GROVE STREET - ZBA #21-021

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 12th day of July, 2021 at the hour of  
7:00 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairperson  
TOM DRAKE  
JOSEPH GEISEL  
BENJAMIN JAFFE  
JEFFREY LANAGHAN

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Let's call the meeting to order, gentlemen. Welcome, everyone, to tonight's meeting, tonight is July 12th, 2021, the Village of Arlington Heights Zoning Board of Appeals meeting.

At this time, we're ready to proceed. Welcome, by the way, being in-person. It's our first in-person meeting in quite sometime, right? I think it was about February or March of 2020.

COMMISSIONER JAFFE: 16 months, yes.

CHAIRPERSON SIAVELIS: Yes, long time, long time. So, bear with us if we're a little bit rusty. We haven't done this one in-person in a while. We usually have the safety and comfort of Zoom to help us along and deal with the stumbles and bumbles, but we'll see how that plays out today.

Derek, could we do roll, please?

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Here.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Here.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Here.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Here.

MR. MACH: Mr. Selbka.

(No response.)

MR. MACH: Mr. Divito.

(No response.)

CHAIRPERSON SIAVELIS: Okay, let's go ahead with the approval of the minutes.

Has everybody had a chance to review the prior minutes, prior meeting minutes? Are there any proposed edits, revisions, anything of that nature?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, do I have a motion to approve the minutes?

COMMISSIONER DRAKE: So moved.

COMMISSIONER JAFFE: Seconded.

MR. MACH: All in favor.

CHAIRPERSON SIAVELIS: Okay, all in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: I thought we did that one by vote, okay. So, there are, what, Derek, you have the reports on here as well?

MR. MACH: I do. Pledge?

CHAIRPERSON SIAVELIS: Oh, okay, my bad.

(Pledge of Allegiance recited.)

CHAIRPERSON SIAVELIS: Way easier to do that now, all right. Okay, there are some hearing procedures that I'd like to kind of go through here and make sure

we're kind of squared away on it, folks.

So, the first item is if there's less than six members present, petitioners have the option to continue the meeting, because it takes four affirmative votes, so four yes votes to approve a variance regardless of the number of Board members in attendance. So, obviously, there's five of us; to get a yes on your variances, you need to go four for five, okay? If your variance, if your petition is denied, you as a petitioner cannot reapply for an entire year, so there is some downside to getting the no vote on your variance. So, again, you need to go four for five in yes votes to carry the day.

We're going to have the Staff presentation, by the way, for each of the petitions where the Staff gives a high-level overview of the petition and nuances of it and the details of it.

Next up procedurally here, it's important to realize that there's four elements necessary to establish for the Board to be able to grant a variance. So, it is the petitioner's responsibility to establish each and every one of these elements. It is not the Board's responsibility to pull these out of the petitioner and get sufficient testimony on the record. It's the petitioner's responsibility.

Here are the four elements:

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

A variation is permitted only if the evidence, in the judgment of this Board, sustains each of the four conditions enumerated, each of these four elements. Again, it's your responsibility as the petitioner to touch on and establish each of these four elements. Okay?

So, tonight, we have four petitions, all right. I'll call the first one, and then, Derek, I'll hand it off to you to give the Staff overview.

So, first petition is ZBA #21-021, that's the reference number. It's 1905 East Grove Street. So, go ahead, Derek.

MR. MACH: Thank you, Chairman.

The Petitioner is proposing to add a front porch to the existing home along the exterior side yard setback. The proposed porch is five feet by 25 feet, and the proposed setback is 14.8 feet where 21.9 feet is required.

Therefore, they're requesting a 7.1-foot variation from Chapter 28, Section 5.1-3.2a and Section 6.6-5.1 to allow a front porch with an exterior side yard setback of 14.8 feet where 21.9 feet is required, and an additional one foot for the eave. Thank you, Chairman.

CHAIRPERSON SIAVELIS: All right, thank you.

Okay, so who is going to speak on behalf of this petition? Okay, please go on up, sir. A couple of things, housekeeping items, okay? Have you signed

in?

MR. PURDOM: Yes, I have.

CHAIRPERSON SIAVELIS: Okay, can you identify yourself? Then I'm going to swear you in.

MR. PURDOM: Okay, I am Kevin Purdom for JRC Design Build.

CHAIRPERSON SIAVELIS: All right, Kevin, please raise your right hand.  
(Witness sworn.)

CHAIRPERSON SIAVELIS: Great. Go ahead.

MR. PURDOM: Okay, so thank you for all your time. Again, we are proposing a front porch addition on the side of the house. It is a corner lot. To meet the four criteria, we plan to keep the design simple and true to the neighborhood and the existing houses. All design guidelines have been met.

The unique circumstances that this house has is that the existing house is actually already encroaching into that side yard setback. So, if we were to build anything on that side yard, we will need to get a variance, and that's why we are going forward with this petition.

The harmony and spirit of the chapter is true in this design because we are following the design guidelines, and all the zoning elements have been met except for this side yard setback.

Then this is the minimum variance based on what the client would like. They wanted a way to see their kids walking home from school along that sidewalk. Right now there is nothing, and in this way they would be able to sit on the porch, covered in rain, protect from rain the packages that are delivered, and able to sit out there and watch their kids to enforce safety.

I also have an e-mail from the homeowner who is not able to make it, and I'd like to enter that tonight:

There are currently five of us living here, my husband, myself, and our three children ages five, three, and eight months. We have lived here for seven years and hope to stay forever. We have had quite a few neighbors ask us what we are doing, especially with the big variance sign up front. I've been able to show them what we hope to have with drawings and renderings. We have received nothing but positive feedback.

A huge reason we have decided to invest in our house is the close proximity to the park. When our children get older and more independent, we would love to be able to keep an eye on them as they play at the park. Knowing they are safe and being able to see them from our front porch is the key to this design. We currently do not have anything covering over our front porch, so mail and packages get wet frequently. Being in a corner lot, the ability to see our children go up and down the sidewalk in front of our home is also important to us.

Thanks. Mary Kate and Roger Olsen.

CHAIRPERSON SIAVELIS: Was that, a copy of that e-mail sent to the Village for their --

MR. PURDOM: I do not believe so.

MR. MACH: Can I get a copy for the record?

MR. PURDOM: Yes, sure.

CHAIRPERSON SIAVELIS: Derek, do you just want to read in a little bit of the particulars there so the record is clear? Like again, who it came from, the day it was sent and to whom it was sent?

MR. MACH: Sure. It's an e-mail to Kevin Purdom from Mary Kate, the homeowner.

CHAIRPERSON SIAVELIS: Okay, and it was sent today?

MR. MACH: Yes, I think it's 7/12/21.

CHAIRPERSON SIAVELIS: Okay, great. Okay, anything else before we move to the question phase?

MR. PURDOM: That is all.

CHAIRPERSON SIAVELIS: Okay, Joe, I think you have lead here.

COMMISSIONER GEISEL: So, Kevin, if I'm understanding this correctly, it's not just a porch that you're doing. There's an addition as well, is that what I understand?

MR. PURDOM: No, it's just the front porch.

COMMISSIONER GEISEL: Just the front porch?

MR. PURDOM: Front porch and the roofline.

COMMISSIONER GEISEL: Okay, that's what I couldn't understand if the, based on this rendering, if there was other work being done.

MR. PURDOM: No, it's just the front porch, five by 25 with five-foot overhanging roof.

COMMISSIONER GEISEL: Well, simply put, I guess based on the fact that there is no overhang whatsoever on the front door, I mean, I guess I certainly understand the nature of the request. We've had many front porch requests before us over time, and I think based on what you've put forth here, it seems fairly reasonable. There's, you said, three kids in their family?

MR. PURDOM: Yes.

COMMISSIONER GEISEL: So, I can understand the potential need. So, I'm not sure if anybody else has any other comments or questions?

COMMISSIONER LANAGHAN: I had just a couple if I could, Kevin. So, I think you mentioned in there that the house already has existing variances or requirements?

MR. PURDOM: Yes.

COMMISSIONER LANAGHAN: You're already over the line?

MR. PURDOM: Yes, they are over the line based on the average setbacks for that exterior side yard. They had that variance approved, I don't have it in my paperwork but I know it's in the application that I submitted.

COMMISSIONER LANAGHAN: Got you.

MR. PURDOM: For the actual --

COMMISSIONER LANAGHAN: So, no other variances to your knowledge on it?

MR. PURDOM: Not to my knowledge, no.

COMMISSIONER LANAGHAN: So, basically there's already an existing variance which has been approved, and this is, and to Joe's point, I think this makes a lot of sense for what's being done here and to do a little bit of -- outside, I think it makes

some sense.

COMMISSIONER JAFFE: So, on the point about the existing variance, I was going to ask, so this property petitioned in April for two variances for a fence exception. When I drove by the property, I couldn't really tell if that new fence was erected. So, I understand these are two separate petitions, but I'm also just trying to get a comprehensive view of how many different types of changes the homeowner is trying to make.

MR. PURDOM: At the moment, the only new project that they're undergoing is this porch that I'm aware of. I'm not aware of any fence. That's not under our contract. To my knowledge, I do not know.

CHAIRPERSON SIAVELIS: Is there a fence on the property?

COMMISSIONER JAFFE: Yes, and they were asking, in our April meeting, there was a --

CHAIRPERSON SIAVELIS: For height?

COMMISSIONER JAFFE: Yes, and there was, all they wanted, I think it was a zero-foot setback because it is a corner lot. So, again, we approved it and I understand they're mutually exclusive, but at the same time, the property owner seems to be wanting to make multiple changes and I wouldn't have brought it up if it weren't just three months ago.

CHAIRPERSON SIAVELIS: Okay, any comments from the audience?

(No response.)

CHAIRPERSON SIAVELIS: And we're not taking any remote comments, right, Derek? There's nobody like on the line where we have an open line?

MR. MACH: No.

CHAIRPERSON SIAVELIS: Everything is in-person here?

MR. MACH: Correct.

CHAIRPERSON SIAVELIS: Okay, good, so I can move faster through that phase. All right, so no comments from the audience, no response needed from the Petitioner to non-existing comments. So, deliberation of the Board members is the next phase here.

So, Joe, you want to start off? I mean, you can basically echo what you said, if there's anything more than that?

COMMISSIONER GEISEL: Yes. Again, I wasn't sure because the, on this, that's why I asked the initial question. Based on the photo that's provided here, it simply shows a pitched roof over the garage where the rendering shows like an improvement of some sort above the garage. So, that's why I wasn't sure if that was part of the project or not.

Regardless, I still think that my prior comment makes sense in terms of just the entirely flat elevation on that home. Five-foot, I think based on prior deliberation, is a reasonable size, and I think it would look odd if they stopped it short in terms of not going the entirety of that front portion of the house. So, I believe that what's been proposed is reasonable and I would support it.

CHAIRPERSON SIAVELIS: Thanks, Joe.

Yes, I agree with your comments there. I think a five by 25-foot porch there is, you know, reasonable, understandable. They're not asking, it's not a huge

ask or a significant ask from my eyes, and the house is set so reasonably far back from the sidewalk there. It's not like it's going to be sitting right on top of the sidewalk, and I'm not looking at the rendering making that comment. I was looking at the plat of survey and the pictures on file, not the rendering. So, I'm in support of it as well.

Any other comments from Board members?

(No response.)

CHAIRPERSON SIAVELIS: Okay, do we have a motion?

COMMISSIONER GEISEL: I would move to approve the variance as noted here.

COMMISSIONER LANAGHAN: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

All right, congratulations, your petition is granted.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:11 p.m.)

# ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS  
July 12, 2021

PETITIONER: Olsen/McCarte Residence

ADDRESS OF PROPERTY: 1905 E. Grove St

VARIATION: 5.1-3.2a, 6.6-5.1 (Required Minimum Yards, Table of Permitted Obstructions)

A 7.1' variation to allow a front porch with an exterior side yard setback of 14.8' where 21.9' is required, and an additional 1.0' for the eave.

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The petitioner testified that the home is located on a corner lot and that they are proposing a porch addition along the exterior side yard. The petitioner explained that the design of the porch is consistent with the single family design guidelines. The petitioner testified that the house is already encroaching into the required exterior side yard setback but all other zoning requirements are being met. The petitioner explained that the homeowner would like a usable porch that would provide more protection from the elements.

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. Geisel and seconded by Mr. Lanaghan. 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.

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



**Zoning Board of Appeals  
8/9/2021**

**Item:** 436 S. Prindle Ave - 7/12/21

**Department:** Planning & Community Development

**ATTACHMENTS:**

| <b>Description</b>                   | <b>Type</b> |
|--------------------------------------|-------------|
| 436 S. Prindle Ave - 7/12/21 Minutes | Minutes     |
| 436 S Prindle Ave - 7/12/21 Findings | Minutes     |

ZONING BOARD


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

OF APPEALS

RE: 436 SOUTH PRINDLE AVENUE - ZBA #21-022

REPORT OF PROCEEDINGS had before the Village of  
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights  
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,  
Arlington Heights, Illinois on the 12th day of July, 2021 at the hour of  
7:11 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairperson  
TOM DRAKE  
JOSEPH GEISEL  
BENJAMIN JAFFE  
JEFFREY LANAGHAN

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, moving along, next petition is Reference No. ZBA #21-022, 436 South Prindle Avenue.

MR. MACH: Chairman, the Petitioner is proposing to add an addition to the rear of the existing home which would result in a side yard setback of six feet where 6.6 feet is required. In addition, the total proposed impervious surface coverage is 4,517 square feet where the maximum coverage allowed is 3,979 square feet.

Therefore, they're requesting a 538 square-foot variation from Chapter 28, Section 5.1-3.4b to allow 4,517 square feet of impervious surface coverage where 3,979 square feet is allowed. They are also requesting a 0.6-foot variation from Chapter 28, Section 5.1-3.2b and 6.6-5.1 to allow an addition that is encroaching into the required side yard setback and an additional 1.3 feet for the eave. Thank you.

CHAIRPERSON SIAVELIS: Thank you, Derek.

All right, who is speaking on behalf of this petition tonight?

MR. FLUBACKER: I am.

CHAIRPERSON SIAVELIS: Hello, Bob.

MR. FLUBACKER: Hi, it's nice to see the rest of your bodies tonight.

CHAIRPERSON SIAVELIS: Yes. Just go ahead, identify yourself for the record and we'll get you sworn in.

MR. FLUBACKER: Bob Flubacker with Robert Flubacker Architects on behalf of the Schmidts. Mike Schmidt, one of the owners, is here tonight as well.

CHAIRPERSON SIAVELIS: Okay, right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Great, please proceed.

MR. FLUBACKER: So, this project is an existing one-story house with a detached two-car garage in the backyard. In the current situation, they exceed the impervious surface by about 300 square feet I believe. 4,210 versus 3,979, so maybe 230 square feet over. What we're proposing is an addition to the back of the house which obviously increases the impervious surface, and we are removing some of the existing impervious surface to try and minimize how much we have at the end of the day. The added impervious surface is about half of the size of the addition we're adding.

I'm going to jump to the hardship in this particular circumstance. In my mind, it's the code more than, it's the particular circumstances of this project. We are proposing a 1,700 square-foot ranch house. It's half of the FAR allowed at the property, so the density of what we're proposing is small. It has a two-car garage in the backyard which is 530 square feet, so that's less than the maximum square-foot allowed for a detached garage. Then a driveway accesses that, it's a one-car driveway going past the house and then it obviously widens to two-car to get into the two-car garage.

The fact that, you know, a 1,700 square-foot house with a two-car detached garage and a driveway would exceed the impervious surface by 500 square feet to me seems that there is a little disconnect there with the code, that there isn't some adjustment or allocation when there's a detached garage in the backyard. So, that's kind of my statement on the particular hardship of the project.

We are also designing the house to match the existing overhangs which are large overhangs. So, that's the purpose of the encroachment on the side yard setback, so that our eaves match the overhangs of the existing house. The actual project

itself does not need a variation for the setback, it's just the eave.

The description I gave you regarding the hardship is also the unique circumstance, the existing house and its garage.

There are 15 items in the zoning ordinance describing the intent and purpose of the Zoning Code. I could go through each one of those and describe how we're in harmony with that, but I think a statement that we're not changing or altering the character of the house, the neighborhood, that we're doing a small addition to an existing small house, I think we are clearly within the intent of the zoning ordinance as far as maintaining the public health, safety, welfare, et cetera.

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

CHAIRPERSON SIAVELIS: Sure, Bob.

Derek, could you get the site plan up? Yes, enlarge that.

Bob, if you can take a look?

MR. FLUBACKER: Sure.

CHAIRPERSON SIAVELIS: Okay, so just kind of step us through what we're seeing here on the site plan, because I noticed that the petition had talked about some impervious, and you may have said this as well, some impervious surfaces will be removed and replaced and reconfigured, right? So, just step us through that in a high level sense given what we see here on the site plan.

MR. FLUBACKER: So, let's talk about all the different components that are on the site.

CHAIRPERSON SIAVELIS: Sure.

MR. FLUBACKER: So, obviously, the white box kind of in the middle of the property is the existing house. The cross hatched area behind it is the addition. Above that, kind of different hatching, is the proposed patio with pavers. Above that is the new driveway. To the left of that is the existing garage.

Below that, below the existing garage is the area of pavement that's being removed. So, that little dotted U, it also extends in front of the rear setback also and kind of ties into the driveway. That's the area that we're removing.

CHAIRPERSON SIAVELIS: Right, and when you were saying top and bottom and below and above, you're in reference to the screen that we're seeing here, right? Those directions?

MR. FLUBACKER: Yes, right.

CHAIRPERSON SIAVELIS: Okay, just to be clear on the record.

MR. FLUBACKER: Yes, sorry.

CHAIRPERSON SIAVELIS: No worries. Okay. All right, so I have a couple of other follow-up questions. How many folks live in the, how many people live in the house?

MR. FLUBACKER: Four?

MR. SCHMIDT: Five.

CHAIRPERSON SIAVELIS: Five?

MR. FLUBACKER: Like I said, five.

CHAIRPERSON SIAVELIS: Okay, and how long have the owners lived in the house?

MR. FLUBACKER: Eight years.

CHAIRPERSON SIAVELIS: Okay, and I noticed there were two e-mails sent to the Village and included in the petition materials that are in support of the variances sought?

MR. FLUBACKER: Yes, and it's the neighbor on each side.

CHAIRPERSON SIAVELIS: The adjacent neighbors?

MR. FLUBACKER: Yes.

CHAIRPERSON SIAVELIS: Okay, good to know.

COMMISSIONER JAFFE: When you say adjacent, north and south of the subject property?

MR. FLUBACKER: Yes. Yes.

CHAIRPERSON SIAVELIS: Derek, had there been any other communications received?

MR. MACH: No, none were received.

CHAIRPERSON SIAVELIS: So, Bob, one of the other things that kind of caught my eye while I was looking through the papers, in the petition papers is the comment from the Engineering Department that, and I'm not sure if you're aware of this comment?

MR. FLUBACKER: Right.

CHAIRPERSON SIAVELIS: Okay, so let me read it in the record and get your response to it, okay?

MR. FLUBACKER: Sure.

CHAIRPERSON SIAVELIS: The Engineering Division is not in favor of the proposed variance for impervious surface coverage. If the variance for impervious surface coverage is granted, it is recommended that the Petitioner be required to use permeable pavers that allows for detention for a portion of the driveway/patio to offset the increase in impervious surface.

So, given what you said about what we see on the site plan, you know, what's your response to the Engineering Department's comments?

MR. FLUBACKER: I think the intent of that patio area that's between the house and the driveway is to have that as sand-based paver. I'll have to do a little research on exactly what Engineering has asked for with permeable pavers. I don't believe it's the paver that grass grows through. I think it's more a paver that has a more substantial gravel base underneath it so that that gravel could absorb and hold water for a period of time and let it percolate into the soil, but it's our intent to do a paver on that area between the driveway and the house.

CHAIRPERSON SIAVELIS: Not concrete?

MR. FLUBACKER: Right.

CHAIRPERSON SIAVELIS: Okay, any other comments or questions from the Board here?

COMMISSIONER DRAKE: Have there been any issues with water on that property?

MR. FLUBACKER: No, they replaced the driveway not too long ago and the extension of the driveway that will go back to the garage, so from the line of the back of the house forward, that driveway got replaced, and it has a curb on the north side of that driveway. We will extend that curb back to the garage to make sure that the water

that is running on the driveway will be directed out to the street.

CHAIRPERSON SIAVELIS: So, you're saying, Bob, there's a curb running along the driveway from front to back on that north side and it will be --

MR. FLUBACKER: No, just from the sidewalk to the back of the existing house.

CHAIRPERSON SIAVELIS: Okay.

COMMISSIONER GEISEL: Bob, just for clarity, the size of the existing home is how big?

MR. FLUBACKER: 1,944 square feet. 1,200 square feet.

COMMISSIONER GEISEL: 1,200 square feet. So, you see a need for five people, to do a project, and I think sometimes doing a ranch you get penalized for whatever reason, it's sort of to your point, Bob, as opposed to going up.

MR. FLUBACKER: Yes. When I looked at it, I was actually stunned at the amount of impervious because I didn't really see anything we were doing on this that was out of the norm. We're not, we were doing a driveway and building a two-car garage, a little patio area and a small addition, and we're still way under, we're below 50 percent on the FAR.

COMMISSIONER GEISEL: On the FAR, yes, which is good to point that out because, to your point, there's nothing crazy in terms of what's being constructed, but there is some sort of miscue relative to the impervious calculations. Thank you.

CHAIRPERSON SIAVELIS: Okay, any comments from the audience on this petition?

(No response.)

CHAIRPERSON SIAVELIS: All right, hearing none, let's go to the deliberation phase. I can start.

I think this is quite reasonable. I don't think it's aggressive in any way, shape or form. You know, the patio area there is totally understandable, given that you have five people there in this family, you have a detached garage back there. It makes a lot of sense to me and we definitely appreciate the Petitioner's willingness to work with the Engineering Department on the comment and note that was included in the materials regarding impervious surface coverage.

I also do echo the same sentiment and thoughts regarding kind of the defect or flaw on the way the rule, this part of the rule in the code is applied or pertains to ranches like this. It's an odd situation and, you know, that's what this Board is here to rectify and to hear. So, I am in support of it, I should say in support of both petitions, right, because we haven't had a lot of discussion on the second variance sought, again, which is six-tenth of a foot to allow for an addition that's encroaching in the required side yard setback and an additional 1.3 feet for the eave. So, just to clarify, that is shown on the site plan on the south side and it's like double cross hatching there along the addition that's shown in single line cross hatching.

MR. FLUBACKER: Would I be able to add one quick comment?

CHAIRPERSON SIAVELIS: Does it directly pertain to what we were just saying right now?

MR. FLUBACKER: Yes.

CHAIRPERSON SIAVELIS: Okay, very brief.

MR. FLUBACKER: There's a rake projection on the gable end of the house on the south side that actually currently projects more than what we are proposing for the eave.

CHAIRPERSON SIAVELIS: That's existing you're saying?

MR. FLUBACKER: Yes. Yes, if you look at the rear elevation, you can see the roofline of the existing house compared to the addition.

CHAIRPERSON SIAVELIS: And you're going to be inside of that, Bob?

MR. FLUBACKER: Yes.

CHAIRPERSON SIAVELIS: Okay, good to know. Okay, that further supports my viewpoint on the reasonableness and acceptability of the second variance sought.

So, with that, I'll open it now or I'll invite other comments from Board members if any.

COMMISSIONER DRAKE: I would agree with all of that, and I'm in favor of the petition. I think from a design standpoint, they've done about as much as they could do to accommodate the Petitioner with more living space and the impervious issues and everything else that goes along with it. So, I would support this.

CHAIRPERSON SIAVELIS: Thank you very much, Tom.

Anyone else?

COMMISSIONER LANAGHAN: I agree. I think in general, it's well done. I think we do need to probably put something in there to make sure that the pavers are in fact pervious, and I'm not sure exactly how we'll go about that, but that, you know, that is a concern. Not just, you know, all the neighbors out here I think have similar concerns with water issues. So, I think, but I don't know, that a paver would be pervious, but I don't know, you know, if that's Engineering's intent or not.

CHAIRPERSON SIAVELIS: Okay, so Jeff, would you --

COMMISSIONER LANAGHAN: Is there something we can do on that, Derek? Or is that --

CHAIRPERSON SIAVELIS: We can condition, right, we can condition the variance basically to say comply with, substantially comply with the comments from the Engineering Department, right?

COMMISSIONER LANAGHAN: Yes.

CHAIRPERSON SIAVELIS: Because there is some ambiguity in the comment from the Engineering Department, so I don't necessarily feel comfortable by saying you must do exactly this.

COMMISSIONER LANAGHAN: I get it, yes.

CHAIRPERSON SIAVELIS: Right, and Mr. Flubacker is quite experienced, right? He understands what --

COMMISSIONER LANAGHAN: No, I think his explanation of the gravel base makes a ton of sense for the intent of it. I just would like to get some verification that, you know, Engineering is on board with that.

COMMISSIONER GEISEL: I also thought that that was considered to be pervious, and then there's further clarity that there is a curb on the north side of the driveway for water containment --

COMMISSIONER LANAGHAN: To keep the water contained.

COMMISSIONER GEISEL: Which is also very helpful.

CHAIRPERSON SIAVELIS: And the addition of further curbing, right?

COMMISSIONER GEISEL: Yes. Continuation here, yes.

CHAIRPERSON SIAVELIS: Yes, not just the existing but the addition of further curbing.

COMMISSIONER GEISEL: Yes.

CHAIRPERSON SIAVELIS: Right, which isn't denoted or considered here.

COMMISSIONER LANAGHAN: Or required, right.

CHAIRPERSON SIAVELIS: Or required. So, I look at that as a sign of good faith as well from the Petitioner.

COMMISSIONER LANAGHAN: I absolutely agree, yes.

CHAIRPERSON SIAVELIS: Okay, so anybody else?

Ben, do you have anything to say?

COMMISSIONER JAFFE: No, I'm in support of all the comments that were just made.

CHAIRPERSON SIAVELIS: Okay, are you, just so we have this straight for housekeeping purposes, right, are you gentlemen in favor of a petition, or excuse me, a motion where we condition the first variance with substantial compliance with the Engineering Department's comments? Is that --

COMMISSIONER LANAGHAN: That works for me, yes.

COMMISSIONER JAFFE: Yes.

CHAIRPERSON SIAVELIS: Okay, do we have a motion?

COMMISSIONER JAFFE: I would motion to approve both variances with the condition that the first variance be as consistent as possible with leveraging previous building materials. Is that --

CHAIRPERSON SIAVELIS: Well, it's your motion.

COMMISSIONER JAFFE: That's my motion.

COMMISSIONER LANAGHAN: No, I think it makes, you know, I understood what you were saying.

COMMISSIONER JAFFE: Thank you.

COMMISSIONER LANAGHAN: So, I'll second it.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

MR. FLUBACKER: Thank you very much.

CHAIRPERSON SIAVELIS: Congratulations.

MR. FLUBACKER: Thank you.

CHAIRPERSON SIAVELIS: You guys don't have to stay, right? You're not

going to hurt our feelings that you're walking out. It's fine.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:27 p.m.)

# ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

## FINDINGS July 12, 2021

PETITIONER: Kelly-Schmidt Residence

ADDRESS OF PROPERTY: 436 S. Prindle Ave.

VARIATION: 5.1-3.4b, 5.1-3.2b, 6.6-5.1 (Maximum Impervious Surface Coverage, Table of Permitted Obstructions)

A 538 sf variation to allow 4,517 sf of impervious surface coverage where 3,979 sf is allowed; a 0.6' variation to allow an addition that is encroaching into the required side yard setback and an additional 1.3' for the eave.

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The petitioner explained that they are proposing an addition to the existing home. The petitioner further explained that the impervious surface coverage currently exceeds the allowable and that some of the impervious surface is being removed to help offset the proposed increase. The petitioner testified that the home is a ranch style house and that the two garage is detached. The petitioner explained that the ranch home and detached garage are contributing to the unique situation which is creating the need for the variance. The petitioner testified that the home has large eaves which are being matched for the addition; therefore, a side yard setback variance is also being requested.

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

Thereafter, a motion was made by Mr. Jaffe and seconded by Mr. Lanaghan with a condition that the homeowner provide pervious pavers for the additional impervious surface coverage. 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 with a condition that they provide pervious pavers for the additional impervious surface coverage.

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

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

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



**Zoning Board of Appeals  
8/9/2021**

**Item:** 1818 S. Ridge Dr. - 7/12/21

**Department:** Planning & Community Development

**ATTACHMENTS:**

| <b>Description</b>                  | <b>Type</b> |
|-------------------------------------|-------------|
| 1818 S. Ridge Dr. - 7/12/21 Minutes | Minutes     |
| 1818 S Ridge Dr - 7/12/21 Findings  | Minutes     |

ZONING BOARD


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

OF APPEALS

RE: 1818 SOUTH RIDGE DRIVE - ZBA #21-023

REPORT OF PROCEEDINGS had before the Village of  
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights  
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,  
Arlington Heights, Illinois on the 12th day of July, 2021 at the hour of  
7:27 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairperson  
TOM DRAKE  
JOSEPH GEISEL  
BENJAMIN JAFFE  
JEFFREY LANAGHAN

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, next item is ZBA Petition No. 21-023. It's 1818 South Ridge.

Derek?

MR. MACH: Chairman and Zoning Board, the Petitioner is proposing to add a greenhouse to the rear of the existing home; however, it would result in a rear yard setback of 20 feet where 30 feet is required.

Therefore, they're requesting a 10-foot variation from Chapter 28, Section 5.1-3.2d to allow a greenhouse with a rear yard setback of 20 feet where 30 feet is required. Thank you.

CHAIRPERSON SIAVELIS: Great, thank you very much.

Sir, please identify yourself.

DR. KANE: Dr. John F. Kane, owner of the home.

CHAIRPERSON SIAVELIS: Okay, Mr. Kane, please raise your right hand so we can swear you in.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, please proceed.

DR. KANE: May I hand out some pictures of the greenhouse?

CHAIRPERSON SIAVELIS: You may, with the understanding that once they're handed to us, they stay with us and they go in files.

DR. KANE: Absolutely. These are only examples of what a lean-to greenhouse would be. So, a lot of people, they need to see a picture to formulate it in their mind.

CHAIRPERSON SIAVELIS: Sure.

COMMISSIONER JAFFE: Doctor, are these the same that are included in the packet?

DR. KANE: No, actually I just got these. I'm trying to find a finished greenhouse so that when you see it, it's not all construction around it. This was the best I could do.

So, I've had greenhouses before when I lived in Park Ridge. Other than Park Ridge, I've put up a sizeable greenhouse about the same size as this off the back of my home there. So, I moved to Arlington Heights around 20 years ago.

CHAIRPERSON SIAVELIS: Let me interrupt you real quick. These are the pictures, copies of the same picture?

DR. KANE: Yes.

CHAIRPERSON SIAVELIS: Okay, got you.

DR. KANE: I moved to Arlington Heights. My practice is on Rand Road. I'm a surgeon and I have a surgical center there. So, I've wanted and wanted to have a greenhouse for many years. Finally, I have come up to doing this. I feel a little bit, tonight I feel a little bit unprepared. My contractor I'm working with is out of town and I wasn't aware of the fact that I could have my neighbors write a note and submit it.

I probably should have done it because I have talked to all my neighbors. Not everybody within 350 feet, that was because I have two streets, two faces

to the building, to the house. But they have just been very helpful and I was preparing this myself because I felt that I wanted to be part of it. Sometimes when you have an attorney, they don't have the sense of the desire, so I thought I would come and do this proceeding myself.

The greenhouse, I'm hoping to put it on an existing concrete patio that's in the back of the house. This will add a beauty to the back of the house. Right now I have a lawn and I have a flat patio. I love horticulture, I love working with plants, and it's a little frustrating during the winter. Hopefully this would help keep the plants warm over the winter with the sun coming into the greenhouse.

But that's another example. This is a freestanding greenhouse with a trench foundation, 48 inches I believe deep into the ground. It's going to have, I had ordered an engineering survey on it so that it can be proven to hold up against 115 mile an hour winds. It can hold up to snow. The top glass is tempered with this curved glass to give it a nicer look. So, it would be similar to that. The side glasses are a very strong glass and it's open and --

CHAIRPERSON SIAVELIS: No skylights?

DR. KANE: No, those are open and closed --

CHAIRPERSON SIAVELIS: Panels?

DR. KANE: For when it gets hot. You've got to let the air out.

CHAIRPERSON SIAVELIS: Yes.

DR. KANE: Okay, so this would encroach on the 30 feet to the neighbor. I talked to the neighbor in detail. I get mostly 'I don't care' out of this, most of the neighbors do not care about it. They wouldn't care if I did it or not. So, when I talked to Engineering with, I worked, the contractor's name is Don Carroll, and they wanted to have a trench foundation which we can cut through the current concrete foundation, just make a trench around where this would attach to.

So, it doesn't need the house for support in anyway. It will have several pillars. I've got two drawings, and I think Engineering has these. They're not the best copy, it came out relatively dark, but I have these and I think you have these and Engineering.

CHAIRPERSON SIAVELIS: Can you look at the screen, sir?

DR. KANE: Oh, yes, there, that's this. Well, these drawings, yes, there it is, there it is. So, there really wouldn't be any removal of grass or any of the other property. It just comes up to the edge and not as far as the current concrete patio.

I'm trying to do this to add beauty to the back of the yard. I think this would be a really nice addition to the home.

COMMISSIONER JAFFE: So, Dr. Kane, just a couple of questions, and I think you actually addressed them in your testimony, but just to confirm. One, how long have you been in the residence?

DR. KANE: 20 years.

COMMISSIONER JAFFE: And second, you have at least shared these plans with your neighbors?

DR. KANE: Yes. Well, we sent out letters like we were asked to do. We sent out like 60 letters I think. I put signs up. So, of course that alarmed a lot of the neighbors. They thought I was really foreclosing on my house, one actually asked if I was

divorcing my wife who I love, okay, I would not divorce her. I was actually asked that walking by.

So, anyhow, I explained it that, no, we're putting, and it says that on the sign, that we're putting an addition, a greenhouse to grow plants, and no one really cared, but I wasn't aware that we could get testimonies. I would have gotten testimonies from my neighbors. I get along with my neighbors, at least every one of them that I can see. That is we're a little secluded, believe it or not, being the corner, but to my east, my northeast side of the property, there's a lot of trees and you don't see any of the neighbors. The person that's directly behind, Kevin and his wife, couldn't care less. In fact, they're looking forward to let the kids come over right now and check out all the plants that I have from all over the place. So, they enjoy it.

I hope answered your question.

COMMISSIONER JAFFE: No, you did. Those are my two questions. Other than that, I think it's a pretty straightforward request. I think it's a cool idea and I'll turn it over to my fellow Board members if they have any questions for you.

CHAIRPERSON SIAVELIS: Yes, so Mr. Kane, I'll tell you that if your neighbors were opposed, there's plenty of opportunity for them to, one, either be here today, or send e-mails and then make it in the record. So, you know, while we do commend you for thinking about getting written testimonies ahead of time, it's not fatal to your position if you didn't have it.

DR. KANE: Okay, thank you.

CHAIRPERSON SIAVELIS: Okay, so we fairly evaluate and hear your position and we're evaluating it on the merits, okay.

So, if there's no other questions from the Board?

COMMISSIONER DRAKE: I have just one.

CHAIRPERSON SIAVELIS: Oh, go ahead, Tom. I apologize.

COMMISSIONER DRAKE: I just have one comment. I live six doors down from you, we've never met, so hello, new neighbor.

DR. KANE: Six doors.

COMMISSIONER DRAKE: I think, I'm in favor from the standpoint of being on the Board, and I think just being a neighbor, I think it's a nice enhancement.

DR. KANE: On Ridge?

COMMISSIONER DRAKE: I'm right on the corner of Victoria and Fernandez.

DR. KANE: Oh, nice to meet you.

COMMISSIONER DRAKE: Yes.

DR. KANE: You know, I'm a surgeon so I'm not at home all the time. My wife is very quiet. The doorbell rings, no one answers it. We used to have a land line phone, no one answers it. So, we don't mix a lot, but you must know Barbara that walks -

COMMISSIONER DRAKE: Yes, I do.

DR. KANE: Right.

COMMISSIONER DRAKE: And I knew the person that was in your house before. But I think it's a nice addition to what you're doing. I look forward to what goes on if it passes.

DR. KANE: Thank you.

CHAIRPERSON SIAVELIS: Okay, so at this point, let's see if there's any comments from the audience.

MR. MACH: Yes, I do have one e-mail.

CHAIRPERSON SIAVELIS: Derek, okay.

MR. MACH: I'll just read it into the record. It's from Robert and Maria

Lewis:

We're not able to attend the public hearing, so instead we are ready to express our objection to this industrial use of the backyard that will exceed Village Code norms and suburban conventions. Water drainage is already a major concern given the soil. Also, preserving the neighborhood's prized open greenspace helps us all benefit from the sunshine and fresh air. We ask that the Board deny this variance from our Village Code. Thank you.

DR. KANE: May I comment on that?

CHAIRPERSON SIAVELIS: You certainly may. Do you want to see a copy of it?

DR. KANE: No, it's bad enough hearing it.

CHAIRPERSON SIAVELIS: I mean, you can look at the copy that's in --

DR. KANE: No, I don't need to see the copy, but I know the property that they own is quite considerably far away. Can you point it out on the, is there a way you can point it out? Because I looked it up today.

MR. MACH: No.

DR. KANE: It's at least 2.5 to three blocks away.

MR. MACH: I'm not supposed to share the --

DR. KANE: Oh, I beg your pardon. I looked it up because I heard about this. He's at least three streets away. It's like, because I had to go to 350 feet away, I'm not really sure what brought his attention to it other than our signs. He didn't get one of the letters.

But I'm not removing any dirt. I'm not removing any, we don't get any flooding around my house at all. I'm not going to be using this --

COMMISSIONER GEISEL: You're constructing this on an existing patio. You're not adding to the impervious calculations based upon what you're constructing. So, a comment such as this, I don't think you have to spend a great deal of time defending or even commenting on it. I think we understand when we get comments like this.

COMMISSIONER JAFFE: I would also add that this letter states open greenspace. This is the Petitioner's private property. This is not a park.

DR. KANE: May I add it's not industrial.

CHAIRPERSON SIAVELIS: No.

DR. KANE: I'm not going to be selling plants out of here. I'm just --

COMMISSIONER JAFFE: No, we get it. No need to --

CHAIRPERSON SIAVELIS: Understood. Again, just so the record is clear, when you look at the image on the screen, you talked to your adjoining neighbors, right?

DR. KANE: Absolutely.

CHAIRPERSON SIAVELIS: You have three neighbors you are adjoining

to, correct? You have three adjoining neighbors?

DR. KANE: Yes. Yes.

CHAIRPERSON SIAVELIS: And did any of them express any opposition to you for this?

DR. KANE: No, sir.

CHAIRPERSON SIAVELIS: Okay, thank you.

COMMISSIONER DRAKE: Nor did the Engineering Department make any comments about water or anything else.

CHAIRPERSON SIAVELIS: Good point, Tom. Very good point. Okay, with that said, let's move to the deliberation phase.

COMMISSIONER JAFFE: I think, you know, hearing from everybody on the Board, this is a very straightforward request. It is not a significant ask. The property owner has been in the residence for two decades. He has consent with most of his neighbors albeit with the exception that we heard today.

CHAIRPERSON SIAVELIS: One outlier.

COMMISSIONER JAFFE: But all that being said, I would support the request.

CHAIRPERSON SIAVELIS: Okay, do we have a motion?

COMMISSIONER JAFFE: I would motion to approve this variance as presented.

COMMISSIONER GEISEL: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations.

DR. KANE: Thank you very much, gentlemen. I was a little bit nervous. I've stood in front of groups of people for years, but this was, I don't know, this was very --

COMMISSIONER JAFFE: It's the microphones.

CHAIRPERSON SIAVELIS: I don't know, he's probably presented before in front of his colleagues with microphones.

DR. KANE: Right. I've presented in front of my colleagues, but this is so way out of my scope with all the mechanical things around.

CHAIRPERSON SIAVELIS: No worries.

DR. KANE: Thanks so much, Derek, for all the help.

COMMISSIONER JAFFE: Congratulations.

DR. KANE: Thank you, gentlemen.

COMMISSIONER DRAKE: I'll be down to see your flowers.

DR. KANE: Sure, at any time.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:42 p.m.)

DRAFT

# ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS  
July 12, 2021

PETITIONER: Kane Residence  
ADDRESS OF PROPERTY: 1818 S. Ridge Dr.  
VARIATION: 5.1-3.2b (Required Minimum Yards)

A 10.0' variation to allow a greenhouse with a rear yard setback of 20.0' where 30.0' is required.

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The petitioner explained that they are proposing a green house that is encroaching into the required rear yard setback. The petitioner testified that the greenhouse will be located in place of on an existing patio; therefore, there will be no increase to the overall impervious surface coverage. The petitioner explained that the greenhouse is a glass structure.

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

Thereafter, a motion was made by Mr. Jaffe and seconded by Mr. Geisel. 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.

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



**Zoning Board of Appeals  
8/9/2021**

**Item:** 307 S. Dwyer Ave. - 7/12/21

**Department:** Planning & Community Development

**ATTACHMENTS:**

| <b>Description</b>                  | <b>Type</b> |
|-------------------------------------|-------------|
| 307 S. Dwyer Ave. - 7/12/21 Minutes | Minutes     |

ZONING BOARD


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

OF APPEALS

RE: 307 SOUTH DWYER AVENUE - ZBA #21-024

REPORT OF PROCEEDINGS had before the Village of  
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights  
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,  
Arlington Heights, Illinois on the 12th day of July, 2021 at the hour of  
7:42 p.m.

MEMBERS PRESENT:

PETER SIABELIS, Chairperson  
TOM DRAKE  
JOSEPH GEISEL  
BENJAMIN JAFFE  
JEFFREY LANAGHAN

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, let's move on. Next and final petition for tonight is Reference No. 21-024, 307 South Dwyer Avenue.

Derek?

MR. MACH: Chairman and Zoning Board, the Petitioner is proposing to remove the existing car port and construct a two-car attached garage along with a sunroom. The proposed addition requires a zoning variation to allow a side yard setback of three feet where 6.6 feet is required.

Therefore, they're requesting a 3.6-foot variation from Chapter 28, Section 5.1-3.2b and Section 6.6-5.1 to allow an addition for an attached garage and sunroom with a side yard setback of three feet instead of the required 6.6 feet and an additional one foot for the eave. Thank you.

CHAIRPERSON SIAVELIS: Great, thank you very much.

Who is speaking on behalf of this petition?

MR. KULJANIN: Hello, good afternoon.

CHAIRPERSON SIAVELIS: Hello. Please identify yourself.

MR. KULJANIN: My name is Slavisa Kuljanin. I'm the owner.

CHAIRPERSON SIAVELIS: Okay, so hold on one second.

MR. KULJANIN: Yes.

CHAIRPERSON SIAVELIS: Have you signed in?

MR. KULJANIN: Yes, I have.

CHAIRPERSON SIAVELIS: Okay, and one more time so we make sure we have your name properly.

MR. KULJANIN: Sure. It's Slavisa. Slavisa Kuljanin. It's a Serbian name.

CHAIRPERSON SIAVELIS: Okay, we're just trying to get your name reasonably close. So, apologies in advance if we make a mistake.

MR. KULJANIN: No problem, I understand.

CHAIRPERSON SIAVELIS: So, before you start, let me swear you in, okay. Please raise your right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Great, please proceed.

MR. KULJANIN: First of all, I'm not like a builder and designer or architect, so excuse me for a little bit. I'm just going to try to explain what we're doing here. We're proposing, as you've heard, just a two-car garage and a sunroom, an extension of the two-car garage.

We think the proposed use will not change the character of this property and will be compatible with nearby properties. I can add to this also, on our street, there's at least seven or eight houses like this type of style design, and two of them did already this type of design, exactly what I did or very similar. One thing that I can say, I wanted -- mentioned here are the address of the houses and I do have a picture if you guys are interested.

Another thing that I would like to add is people asked me, okay, how about why don't you build a detached garage, you know, and go and protect the space, whatever you call it. My problem, the way I see it because we have a car port, I would have to build a concrete driveway all the way to the garage in the back in the southeast corner and it would have to branch to a two-car garage. That would substantially increase

the impervious surface I mean of my property. Also, basically at this point down here on your right corner, it's the southeast corner of the property, if I build the garage there, there's a low spot there. Any time it rains hard, there's a foot of water at least, you know, when it's really raining hard. That would be a problem for that garage, if I put a garage there.

So, another thing is I think this variation is in harmony with the spirit and the intent of this chapter. In order to put a two-car garage, like two cars next to each other, the minimum garage space as you know is probably about 20 feet, you know, width of the garage. 16 feet is the standard width of the garage door, and that's about the minimum space I can do for the two-car garage.

Another thing is that sunroom in the back side of the garage, currently we have two, like I have two kids and wife so there's four of us. The house is only 1,030 square feet. We really need a garage. There's no place to store bicycles or anything, like any tools that I have or anything. The problem especially that we have is the dining area. We don't have, we can barely put like four chairs and table in the dining area. Any time we have a guest or my brother visiting or anyone, just two extra people, I cannot fit anyone in the dining room. So, that's the intent of that sunroom is also when I have a guest, to go there to have, you know, to have room to dine. That's basically my intent.

That's about it. Any questions?

COMMISSIONER JAFFE: Did we skip the Staff report?

CHAIRPERSON SIAVELIS: We did skip the Staff report?

MR. MACH: No, I had it.

CHAIRPERSON SIAVELIS: No, he did it.

COMMISSIONER JAFFE: Yes, he did.

CHAIRPERSON SIAVELIS: Okay, this next phase is when we ask you questions, okay?

So, Tom, I think you have lead here.

COMMISSIONER DRAKE: Yes, thank you. Hello, I have just a couple of questions for you. You've probably heard some of these already. Have you talked to the neighbors? If you have, what kind of feedback have you gotten?

MR. KULJANIN: I have. The neighbor that would be mostly impacted, it's Ms. Dolores, she's the next-door neighbor to the house, 311 South Dwyer Avenue. Prior to, you know, submitting drawings and everything, I talked to her. She expressed concern about a possible fire, like a fire transfer. So, I explained that we don't know yet how far we're going to go because I was still in the phase of finishing the design, you know. That was it.

Everybody else, the neighbors behind, next door, nobody had any concerns and they're all, they said no problems. That's about it.

COMMISSIONER DRAKE: Okay, did you see the Building and Life Safety Department had three comments related to fire resistance ratings, the type of material, and openings on the design and the structure? Did you see those comments? Did you understand those?

MR. KULJANIN: I have not. I have not seen those comments.

CHAIRPERSON SIAVELIS: You're working with a professional architect,

are you not?

MR. KULJANIN: Yes.

CHAIRPERSON SIAVELIS: Who prepared all these plans for you?

MR. KULJANIN: Yes, he prepared the drawings, yes.

COMMISSIONER DRAKE: There were also two comments from Engineering about drainage which, as I understood them, didn't require any action. Did you see those comments as well?

MR. KULJANIN: No, I have not seen it.

COMMISSIONER DRAKE: How many people are living there? You said two and two?

MR. KULJANIN: Yes, four.

COMMISSIONER DRAKE: Four all together. How long have you been in the house?

MR. KULJANIN: Seven years.

COMMISSIONER DRAKE: Seven years, okay. Those are the only questions I have right now.

COMMISSIONER JAFFE: I just have one question. Derek, can you go to page 13?

MR. MACH: Which one?

COMMISSIONER JAFFE: The proposed elevation.

COMMISSIONER LANAGHAN: The existing neighbor streetscape.

COMMISSIONER JAFFE: So, in the proposed, the difference between 307 and 311 on that document reads six feet, but I thought in the Staff report, this variance is being requested because it would reduce it to three feet. Am I misinterpreting the property line?

MR. KULJANIN: I think the dimension is from Dolores' wall to our wall, but the property line is, it would be about 3.5 feet.

CHAIRPERSON SIAVELIS: Okay, so with that in mind, doing that math, that house at 311 South Dwyer is essentially three feet nine inches from the property line then?

MR. KULJANIN: If we finished it, yes.

CHAIRPERSON SIAVELIS: Yes, right. If your variance is granted and your house is built like this, right, your -- sorry, Derek, yes, it's okay. Under those assumptions, right, the distance between the two houses would be six feet nine inches, correct?

MR. KULJANIN: Yes.

CHAIRPERSON SIAVELIS: The distance from your house to the property line would be three feet, and the distance from the property line to your neighbor's house at 311 South Dwyer is three feet nine inches?

MR. KULJANIN: Yes.

CHAIRPERSON SIAVELIS: Okay, just to clarify that and make sure we're solid there.

MR. KULJANIN: There's a fence, a wooden fence between us exactly on the property line.

CHAIRPERSON SIAVELIS: Okay, all right.

MR. KULJANIN: Which was built at least prior to you.

CHAIRPERSON SIAVELIS: Okay, so Mr. Slavisa, make sure you address us.

MR. KULJANIN: Sure, sure.

CHAIRPERSON SIAVELIS: She's going to have an opportunity to talk, and then after she has an opportunity to talk, you can respond then.

MR. KULJANIN: Sorry, this is my first time, I'm just --

CHAIRPERSON SIAVELIS: I understand. Understood. So, just focus your attention here if you can.

All right, any other questions from Board members?

COMMISSIONER DRAKE: Yes, I just have one more. You had mentioned in your petition that there was some pooling of water in your yard. Does that affect any of your neighbors?

MR. KULJANIN: No, I'm not aware, but it's kind of near the corner, the corner that affects the neighbor across me, Mr. Mike and the other Mike. So, two of us and there's Dolores. So, it's just the corner, that southeast corner that's kind of a low spot.

CHAIRPERSON SIAVELIS: Okay, take a look at the screen and tell us.

MR. KULJANIN: Can I point to it?

CHAIRPERSON SIAVELIS: You may, and then explain where you're pointing to.

MR. KULJANIN: So, this is our house, okay. This is the car port that was built. Then, so if I put a detached garage here in this corner, it's flooded, this corner here there's flooding a lot of times. Not this year, this year has been pretty dry, but previous years, always there's like, if it rained hard, a foot of water.

COMMISSIONER DRAKE: A foot?

MR. KULJANIN: Yes.

CHAIRPERSON SIAVELIS: Is that water, was that water staying in your yard or is that --

MR. KULJANIN: It just stays for a couple of days and it drains eventually. There's a, I believe they did a trench years ago, that's what I heard from my neighbor Mike, but it's really not draining all the way to the street. They had a bigger problem in the past, and that's why they did that trench back in the days, the trench all the way here to over here to supposed to be here. But it's not draining as it should be, that's what I think.

COMMISSIONER DRAKE: Okay, thank you.

CHAIRPERSON SIAVELIS: Any further questions before we go to the next phase, Board members? Jeff?

COMMISSIONER LANAGHAN: No, I'm good. Thanks.

CHAIRPERSON SIAVELIS: Okay.

All right, comments from the audience? Come on up.

Okay, so a couple of things, just hold on a second, I can tell you're anxious, okay. Have you signed in?

MS. BROKOPP: Yes.

CHAIRPERSON SIAVELIS: Okay, so what is your name?

MS. BROKOPP: Dolores Brokopp, B-r-o-k-o-p-p.

CHAIRPERSON SIAVELIS: All right, let's swear you in now. Can you raise

your right hand please?

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay. All right, go ahead.

MS. BROKOPP: Okay, my name is Dolores Brokopp. I live at 311 South Dwyer and I oppose the variance. The garage will be on the north side of my house which is not a driveway or a garage, but my living area is on that side of the house. The proposed garage will affect the light and air movement on the north side. We're talking north side, so it's going to stop a lot of light from coming into my house. Then I have the three-foot left between their property line and my fence, and that will be their access to the backyard.

I bought my house from the original owner and she left the blueprints for the house, 9/20/57. The houses all, they made ranches and splits, they were all made with car ports. As the people, when they moved in and they could afford it, they enclosed the car port and made the garages. So, they're all different kinds of garages but they started out as the one car port.

All the ranches on the lot have one-car garages. The split levels have one-car attached garage. The house at 227 is a split with a two-car detached garage. Across the street, there are four splits in a row. 320 has a one-car attached. 316 across the street from me has a two-car detached. The house across from them, 310, has a one-car attached. Then 306 has a two-car detached.

Then I went around Patton because Patton, our yards are back-to-back. On the corner is 312, that sits on a corner, that's split, two-car detached. Next to that is the ranch, one-car attached. Next is 306 which has one-car attached garage, that's Mike. Then the house next to them has a one-car attached garage.

So, in keeping with the design of how the house was designed, the original design was for a one-car garage. I think a two-car garage should be detached in the back of the lot and the variance denied.

CHAIRPERSON SIAVELIS: Okay, very comprehensive set of comments. Thank you very much.

Do we have any questions of Dolores?

COMMISSIONER JAFFE: I guess I have a question. You mentioned a two-car detached as opposed to the proposed two-car attached, what would your feelings be about a one-car attached?

MS. BROKOPP: Oh, that's fine. That's the way the house was designed.

COMMISSIONER JAFFE: Okay, thank you.

CHAIRPERSON SIAVELIS: Okay, so to clarify, I just want to make sure I understand this because I'm understanding a couple of different things here. One-car attached you're okay with?

MS. BROKOPP: Right.

CHAIRPERSON SIAVELIS: Two-car detached in the backyard you're okay with.

MS. BROKOPP: Yes.

CHAIRPERSON SIAVELIS: Two-car attached?

MS. BROKOPP: No way. Too close. It stops the line on the north side and

--

CHAIRPERSON SIAVELIS: Okay, I got that. I got that part. I was paying attention, we're all paying attention. We're looking at our computers because, by the way, that's where our packets are and a lot more materials are at, right. So, we're listening to you and cross-referencing things, all right, so we're trying to follow along and understand exactly what your positions are, okay.

MS. BROKOPP: There's only one other house, and that's across Grove, 411. I looked at that ranch when I was looking for a house. But the reason, it was rented at the time, the real estate asked me if I would be interested, this was 211 after the 208, you know, meltdown, and they were renting houses then. But the reason why I didn't even want to look at it is because they have the two-car attached garage. I went by there the other day, a garbage can fits on the little space between that house and 411.

CHAIRPERSON SIAVELIS: Let me ask you a follow-up question then. How long have you lived in this house?

MS. BROKOPP: Eleven years.

CHAIRPERSON SIAVELIS: Okay, and what about an oversized one-car attached garage?

MS. BROKOPP: As long as it's with no variance, fine, because they have, you know, I don't know how much space now, but they were asking for a variance of, it's supposed to be 6.6, they're going more than half of the variance, they're going up to, you know, leaving three. That's on the ground, not counting the overhang or anything.

COMMISSIONER LANAGHAN: One clarification, how big is your garage? A single car?

MS. BROKOPP: One car.

COMMISSIONER LANAGHAN: Okay, just the photo looks large, yes.

MS. BROKOPP: Right.

CHAIRPERSON SIAVELIS: So, the width of the structure being sought is 20 feet wide, right? So, that would bring him three feet to the property line.

MS. BROKOPP: Right.

CHAIRPERSON SIAVELIS: Derek, the width of a one-car garage under current code is what?

MR. MACH: Two-car is 21 feet four inches interior. I'd have to verify the one-car but, you know, it's going to be approximately 11 feet.

CHAIRPERSON SIAVELIS: Okay, so 11 feet. I believe --

MS. BROKOPP: Right now, with mine, my daughter was going to maybe move in with me and I was thinking of a two-car garage. I only need two feet to make a two-car garage out of a one-car, but I wouldn't, you know, expand my garage. So, I planted a tree and I planted it to the left because I figured if I put up a two-car garage it's going to be in the back, you know. There's just no way around it.

CHAIRPERSON SIAVELIS: So, a one-car garage essentially would be nine feet less than what's being sought here which would essentially mean that that one-car garage would be 12 feet from the property line --

MS. BROKOPP: Right.

COMMISSIONER JAFFE: -- or an oversized one-car garage, like a 1.5-car garage gives the owner more space so they can open doors, store bicycles, and still protect --

MS. BROKOPP: I think mine is one-car because I have trouble getting --  
 COMMISSIONER LANAGHAN: Without asking for a variance they could go up to 17 feet.

CHAIRPERSON SIAVELIS: Pardon me?

COMMISSIONER LANAGHAN: They could go up to 17 feet approximately as long as they weren't asking for the variance, right.

MS. BROKOPP: Right.

CHAIRPERSON SIAVELIS: Right. So, what we're trying to do here is get an understanding from you of what you're willing to tolerate and not oppose. Now, we're going to go back to the Petitioner and explain to him the current status of things, right, and see what he's willing to do, right?

MS. BROKOPP: Right.

CHAIRPERSON SIAVELIS: So, any further questions from you?

MS. BROKOPP: No, that's all I can think of right now. Like I said, I walked around, and the two-car garages farther down, like 100 block, zero to 100, all the ranches have one-car garages. The two-car attached garages are two-story houses.

CHAIRPERSON SIAVELIS: Yes, understood. Okay, thank you for your time, appreciate it.

Let's bring the Petitioner back up. Slavisa?

Okay, so we'll give you an opportunity to comment on your neighbor's position, and then we'll have some probably follow-up points.

COMMISSIONER DRAKE: Could I ask one question before he starts?

CHAIRPERSON SIAVELIS: Certainly.

COMMISSIONER DRAKE: You said you have two children. Are any of them driving or will they be driving soon?

MR. KULJANIN: No, they're small. They're seven and five.

COMMISSIONER DRAKE: Okay, and how many cars do you have?

MR. KULJANIN: Two.

COMMISSIONER DRAKE: Okay, thanks.

CHAIRPERSON SIAVELIS: Okay, so --

COMMISSIONER GEISEL: And I've got a comment here before we, to the extent that if you build something today, you're likely going to add a two-car attached garage. The fact that they did a one-car on some models in 1950 something; I'm not sure to me holds a lot of sway. To the extent that you do a driveway with a two-car detached in the back, now you're tremendously adding to the impervious --

MR. KULJANIN: I would like to --

COMMISSIONER GEISEL: And I'm not done talking.

MR. KULJANIN: Sorry.

COMMISSIONER GEISEL: Moreover, she's got three feet to her property line.

CHAIRPERSON SIAVELIS: Understood.

COMMISSIONER GEISEL: But doesn't like the fact that he would be three-foot-nine on his side. So, I understand what you're saying, but I don't see how you can be okay, it's okay for you to have three feet, but not him to have three feet.

MS. BROKOPP: It's within code.

COMMISSIONER GEISEL: Well, that was the then existing code. So, those are just some of the comments in seeing some of what we've had here in terms of testimony.

CHAIRPERSON SIAVELIS: Right, that will be -- hold on one second; that will be, a lot of that will be addressed in the deliberation phase. Let's give the Petitioner a chance to respond, but Derek, go ahead.

MR. MACH: Just real quick, just to clarify, the Petitioner will be three feet from the side property line and the neighbor to the south is approximately three-nine.

CHAIRPERSON GEISEL: Three-nine.

COMMISSIONER DRAKE: One more question. You had two things you want to do with this petition. You want to add a sunroom and you want to do the garage. Is there a priority between one and the other? What's the most important and what's second most important?

MR. KULJANIN: They're both important to me. I explained because of car garage and storage, and also for the super tiny dining room. So, we really need both. It really makes sense doing it at the same time, right? So, why would you do them separate?

Another thing to Mr. Joseph, the house right across us, they built a two-car detached garage. From the Google view, you can really see how much concrete they have in their backyard. Their whole backyard, it's not whole, more than half of the backyard is covered by the concrete. So, here is the house right across to us, 313. Here is the two-car detached garage. See how much everything is impervious?

CHAIRPERSON SIAVELIS: Right, we understand that. That may be a position, that may be a solution for you, depending on what the Board decides tonight and what we determine tonight. So, and we're going to proceed to ask you a number of other questions, but I think at this point right now, you should address the comments from your neighbor if any that you want to address before we start asking you further questions.

MR. KULJANIN: If there's any concern about like fire, I can be proposing the siding, it's concrete based, it's not plastic.

CHAIRPERSON SIAVELIS: It's to match its ---

MR. KULJANIN: It's to match its base, yes, sir. Also, if there's a need for a special drywall material, we can --

CHAIRPERSON SIAVELIS: You're going to get to that spot with the Building Department and all that, so you and your architect will be addressing that.

MR. KULJANIN: Yes, sir.

CHAIRPERSON SIAVELIS: Is there any of the information that Dolores provided regarding the layout, the other houses in the neighborhood, in the adjoining neighborhood and on the street that was incorrect? Because she provided it very concisely and very compellingly. So, was there anything incorrect in what she said?

MR. KULJANIN: It's not, but the thing is most of the additions they did for one-car garage, it was done a long time ago. Back then, maybe the need for the one car was much less than nowadays, I would say that. For us, it makes much more sense to do a two-car garage than one.

CHAIRPERSON SIAVELIS: Okay, Derek, can you do me a favor and put the drawing up where you're showing proximity between the houses from the street?

There you go, just shrink or move it a little bit.

Okay. All right, Tom, I don't know if you had any further questions?

COMMISSIONER DRAKE: I don't, thank you.

CHAIRPERSON SIAVELIS: Or Joe, whether you do or not. But Jeff, I heard you say something near the end when we were tossing around some dimensions and concerning other dimensions and potential alternatives.

COMMISSIONER LANAGHAN: Yes, yes.

CHAIRPERSON SIAVELIS: Right. So, and I'm sensitive of the Petitioner's need for dining space, right, because there's a one-car garage, if you put a sunroom, like you were saying, I apologize, not dining room but sunroom, you want the utility of a sunroom, right. If you put that, if you had to scale that down to, say, 1.5 car width of sunroom, okay, would that be acceptable to you?

MR. KULJANIN: If I have to do it, yes, it would. I mean, you know, but our best option is like what we have now proposed.

CHAIRPERSON SIAVELIS: I understand that, I understand that. I'm trying to potentially get to a compromise here because you have a strong neighbor opposition, right. Jeff, what did you say when you were mulling it over?

COMMISSIONER LANAGHAN: Yes, so the dimension shown is a 20-foot-six addition. We're asking for a three-foot six-inch variance. So, if you eliminate that variance, you can have a 17-foot expansion which would be well more than a car-and-a-half.

CHAIRPERSON SIAVELIS: Right, which would be a good sized --

COMMISSIONER LANAGHAN: Correct.

CHAIRPERSON SIAVELIS: -- car-and-a-half to allow you to open your doors and put bikes, lawn mowers, the big garbage cans in there, and you get a 17-foot sunroom there. That would assuage your neighbor's concern about getting so tight on the property line.

MR. KULJANIN: Okay.

CHAIRPERSON SIAVELIS: All right.

COMMISSIONER LANAGHAN: Yes, at which point in time you wouldn't need a variance.

CHAIRPERSON SIAVELIS: Right. I ask for other comments from, other thoughts on that from the Board members because, frankly, we have given a lot of weight to neighbors, adjoining neighbors' comments that are going to be impacted on variances, you know, that doesn't always carry the day. We don't always deny petitions and variances based upon what neighbors had to say, but we definitely consider them.

COMMISSIONER JAFFE: That's why I asked at the beginning, I asked the neighbor about, you know, the two-car detached or the one or 1.5-car attached. Look, the Petitioner as property owner, he needs an enclosed garage. That's a hardship.

Now, the fact that the current dimensions of his home versus what he's asking for as compared to his neighbor's home, I took a ride by these houses today, it's tight. Dolores is correct, if it's approved as presented, there's going to be a narrow gangway to kind of go to the backyard. He's going to be running alongside the house. So, I understand that, but I also understand the property owner, you know, has a very reasonable request to have an enclosed garage living in Illinois.

So, that's why if we could figure out a deal, because I don't want to say no and have the guy go away for a year. I don't think that's right.

CHAIRPERSON SIAVELIS: Right, and that's what we're trying to do here. We're trying to weigh the pros and cons here, right. One of the things that is harmful to your position is that you talked about water in the backyard, okay, in that southeast corner. So, that's a concern that I have thinking about, okay, if we get tight on the property line, does that impact things? Okay, if you, you know, how does that play to the rest of your other neighbors?

It's interesting, when we look at the streetscape elevation, existing and proposed, there's a lot of off-centeredness, right. Things are not on center here. That's, you didn't build these houses, and neither did Ms. Dolores, right. It's just what we're trying to live with.

I am in support of a 1.5-car addition that gets you, that does not require you to get a side yard setback, okay. I am not, given the strong neighbor opposition, I am not in favor of the current petition, the current variance sought because, like Ben said, Mr. Jaffe said, a gangway, a narrow six-foot gangway, to me, is problematic and I wouldn't want that on my property and my situation. I've been a long-time resident here and that's how I look at things. Okay, so that's my sentiment.

Gentlemen, anybody else?

COMMISSIONER DRAKE: Just to clarify, then he would not need any kind of variance in that scenario, or he would still need a variance of some sort?

MR. MACH: He could come forward with a code compliant plan and he would not need a variance.

COMMISSIONER DRAKE: Okay.

COMMISSIONER LANAGHAN: So, what we'd basically be doing would be denying him the variance request tonight and asking him to come back with a code compliant plan?

CHAIRPERSON SIAVELIS: Okay, so this is procedurally where I have a question.

COMMISSIONER LANAGHAN: Yes.

CHAIRPERSON SIAVELIS: If there is no motion, or the motion is not seconded, does the year penalty attach? Because he doesn't have a no vote in that situation.

MR. MACH: The Petitioner can request to --

CHAIRPERSON SIAVELIS: Continuance?

COMMISSIONER LANAGHAN: Yes, to withdraw it or whatever.

MR. MACH: Yes.

CHAIRPERSON SIAVELIS: Withdraw or continuance, yes. Withdraw probably, right?

MR. MACH: Right. Correct.

CHAIRPERSON SIAVELIS: See, the way I've read things in the past is if we have a motion and it's seconded and properly voted and there's a no, then the one-year preclusion takes hold, right? But if we have a situation where there is no motion and there is no second --

COMMISSIONER LANAGHAN: The one-year preclusion would only be for

the variance.

CHAIRPERSON SIAVELIS: Yes.

COMMISSIONER LANAGHAN: If he comes back with a compliant plan --

CHAIRPERSON SIAVELIS: The same variance, yes.

COMMISSIONER LANAGHAN: Well, he wouldn't be asking for a variance, he'd be asking for a code compliant plan.

MR. MACH: Just to clarify though, he can just come to the Building Department and submit a code compliant plan. He does not need to come back before --

CHAIRPERSON SIAVELIS: That's true.

COMMISSIONER LANAGHAN: Correct, yes.

COMMISSIONER JAFFE: But what if he's off one inch? Does that mean he's got to wait a whole another year?

MR. MACH: The code reads that if it's a, if the plan is modified, he can return within a year. If it's a different plan, then it should be significantly different but, you know --

COMMISSIONER JAFFE: Understood. I guess, I think I'm getting the pulse of the Board, and that is the plan as presented, there's concerns in his current proposal; however, I'm also sensing that we want to make sure the Petitioner gets an enclosed garage and we do not want this Petitioner to have to wait one year to proceed with the plan. So, I just want to make sure --

CHAIRPERSON SIAVELIS: We're just pushing for conforming.

COMMISSIONER JAFFE: Right, but I just want to make sure if he comes back with a conforming plan, it's not off by one inch and then he's got to go through a variance process just because it's the same property and that means the clock starts again. I don't know, that's why I'm asking.

COMMISSIONER DRAKE: But he wouldn't come before us for a conforming plan. He would just simply go to the Village Permit Department. There's no variance required.

COMMISSIONER JAFFE: He just needs to make sure his architect is to the letter.

COMMISSIONER GEISEL: And to the extent any minor modification is required and the plan is different, Derek has indicated that he could come back with another request as long as there's modifications.

CHAIRPERSON SIAVELIS: Frankly, perhaps the Petitioner should strongly consider withdrawing at this phase and not getting to a motion stage so jeopardy doesn't attach essentially to the one year preclusion.

COMMISSIONER LANAGHAN: I think that would make sense.

MR. KULJANIN: That's okay, I agree with that. That's fine, no problem. We already talked about a plan B basically if it doesn't get approved. So, it would go all the way up, the way I understand it, correct me if I'm wrong, so we can go all the way to 6.6 feet basically or whatever and just, I'll maybe extend my sunroom a little bit more to the back and would propose it to the Building Department.

CHAIRPERSON SIAVELIS: You're only going to lose essentially three feet of width in the back.

MR. KULJANIN: But in this case, now I have to park the cars like this way.

It's a little bit more inconvenient, you see what I'm saying? I'm going like that instead of parallel, but that's fine. I don't want to upset Ms. Dolores. Still it's not like blocking the sun over there still.

MS. BROKOPP: That really bothers me.

CHAIRPERSON SIAVELIS: But it will be, you know what, quite frankly, it will be lessened and you're code compliant then. So, Ms. Dolores, life is full of compromises, we all have to make them.

MR. MACH: Then the eave can encroach 15 to 16 inches within that 6.6 feet.

MR. KULJANIN: Okay, yes.

COMMISSIONER DRAKE: Does he need to make a statement formally withdrawing the petition just for the record?

MR. MACH: Yes.

COMMISSIONER DRAKE: You know, it sounds like, if you could please clarify with the Zoning Board that you are withdrawing it here and going forward with a code compliant plan?

MR. KULJANIN: Yes, I'm withdrawing my petition for a variance.

CHAIRPERSON SIAVELIS: So, the current petition that's in front of us right now, #21-024, you are hereby withdrawing?

MR. KULJANIN: Yes.

CHAIRPERSON SIAVELIS: Okay, noted.

MR. KULJANIN: Okay.

All right, gentlemen, if that's it? Any questions? Thank you.

CHAIRPERSON SIAVELIS: Thank you.

COMMISSIONER DRAKE: Good luck, thank you.

CHAIRPERSON SIAVELIS: Okay, that was an interesting turn there. Okay, thank you very much, everyone.

Do we have a motion to adjourn? Is there any other old business issues, Derek, that you needed to raise at all?

MR. MACH: There's no other items.

CHAIRPERSON SIAVELIS: Okay, great.

Do we have a motion to adjourn?

COMMISSIONER DRAKE: So moved.

MS. BROKOPP: Did you want to know about that water --

CHAIRPERSON SIAVELIS: No, ma'am, we are done now. That ship has sailed, thank you.

COMMISSIONER JAFFE: I second the motion to adjourn.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Thank you. We are now off the record.

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



**Zoning Board of Appeals  
8/9/2021**

**Item:** 218 W. Palatine Rd. - ZBA#21-026

**Department:** Planning & Community Development

**REQUEST**

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

**ATTACHMENTS:**

**Description**

Supporting Documents

**Type**

Exhibits

## ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

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### Staff Analysis

Prepared By: Derek Mach, Planner  
Hearing Date: August 9, 2021  
Date Prepared: August 4, 2021  
Project Title: Szopinski Residence  
Address: 218 W. Palatine Rd.

### Background Information

Petition Number: ZBA #21-026  
Petitioner: Samantha Szopinski  
Address: 218 W. Palatine Rd.  
Arlington Heights IL 60004

Existing Zoning: R-2 – Residential Single-Family District

### Requested Action/Background Information

The petitioner is proposing to install a six foot tall solid fence in the front yard where code limits the height of fences to an open three feet high fence. If the Zoning Board is supportive of the variance request, the location must comply with the twelve-foot vision triangle at the corner of the corner of Chestnut Avenue and Palatine Road. In addition, it is recommended that the existing landscaping on the street side of the fence be maintained. The petitioner is requesting the following variation:

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

### Variation Review Standards

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

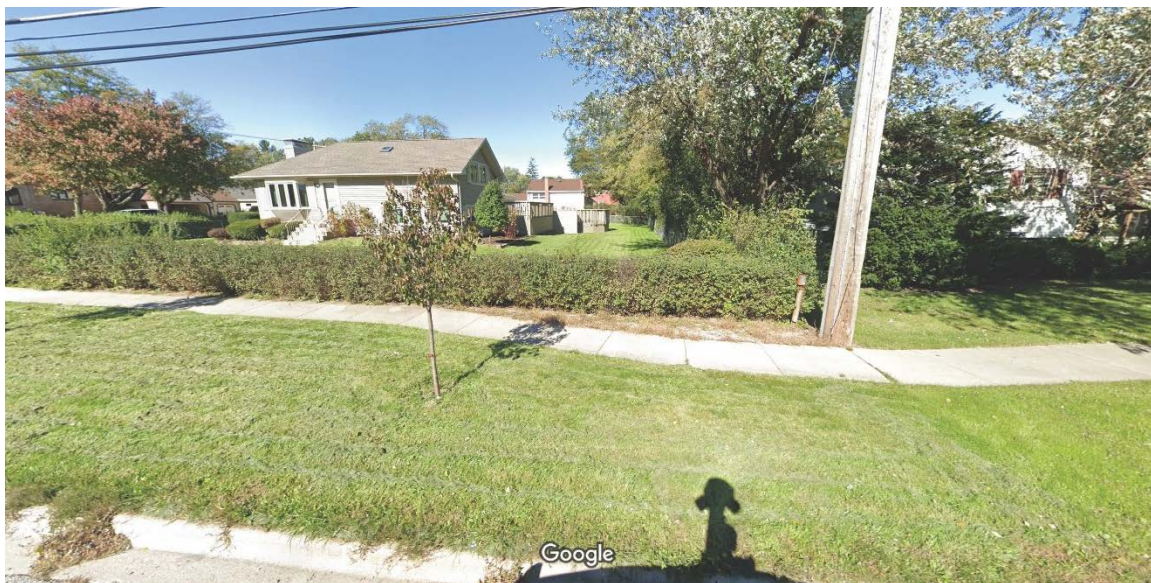
Map of General Vicinity



Items required to be Submitted 15 Days Prior to Public Hearing

| <u>Item</u>                                                    | <u>Provided</u> | <u>Dated</u> | <u>Remarks</u> |
|----------------------------------------------------------------|-----------------|--------------|----------------|
| 1. Notification Affidavit                                      | ✓               | 7/22/21      |                |
| 2. List of Property Owners Within 250 feet of Subject Property | ✓               | 7/22/21      |                |
| 3. Letter that was Mailed                                      | ✓               | 7/22/21      |                |
| 4. Photographs of Sign on Property                             | ✓               | 7/22/21      |                |

Photographs of Existing Structure





# **Village of Arlington Heights Building & Life Safety Department**

## **Interoffice Memorandum**

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

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

**Project Name:** Szopinski Residence

**Project Address:** 218 W Palatine Rd

**ZBA #:** 21-026

**Date:** July 27, 2021

Derek:

I have reviewed the request for the following variance:

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

and have no objection to the request.

ZBA# 21-026  
218 W Palatine Rd - ZBA  
Rev. Eng: Briget Schwab, P.E.  
cc: Mike Pagones, P.E. Village Engineer

Application Date: July 8 2021  
Received by Planning:  
Transmitted to Engineering: July 21, 2021  
Completed: July 22, 2021  
ZBA Meeting Date: August 9, 2021

The proposed ZBA application indicates that the petitioner is seeking:

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

**The Engineering Division has NO OBJECTION to the variance request for Location of Fences and Location of Fences- Front Yard variance request. However, the location must comply with the twelve-foot vision triangle at the corner of the corner of Chestnut Ave and Palatine Rd and this must be shown on plan at time of permitting.**

**PROJECT REVIEW TRANSMITTAL**  
*for*  
***Zoning Board of Appeals Review***

Project Name: Szopinski Residence

Project Address: 218 W. Palatine Road

ZBA #: 21-026

ZBA Hearing Date: August 9<sup>th</sup>, 2021

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

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: July 21, 2021

- A 5 foot variation from Chapter 28, Section 6.13-3c (Location of Fences-Exterior Side Yards) to allow a 6-foot tall, solid fence in the exterior side yard to be 0 feet from the property line where a setback of 5 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.
- A 3 foot variation from Chapter 28, Section 6.13-3 (Location of Fences) and Chapter 28, Section 6.13-3a (Location of Fences – Front Yard) to allow a 6 foot tall solid fence in the front yard, where code allows a 3 foot tall fence of open design.

Attached are the Petitioner's:

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

Comments: A 6 foot solid fence along the front property line raises design concerns that should be

evaluated by the Zoning Board of Appeals. If a fence in the front yard is approved, then it is

recommended that the existing landscaping on the street side of the fence be maintained.

- Steve Hautzinger, Design Planner

## PETITION

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

### PETITION

NOW COMES the Petitioner Samantha Szopinski

being the owner of the property commonly known as: 218 W Palatine Rd Arlington Hts, IL 60004

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

Chapter 28, of the Arlington Heights Municipal Code, in order to: replace an existing

chainlink fence in the front of my house with a 6ft vinyl

I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the variation(s) were granted (please explain): There is a solid vinyl fence across Palatine Rd from my home. It will look just like our neighbors.

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain): We live on the frontage which has lots of foot and vehicle traffic. This request is for more privacy for our kids.

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain): The proposed fence will not block the view of our home. It will just block lower bedroom windows where our daughter sleeps.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): I am just asking to replace an existing fence with one more private. We have two young daughters, one's bedroom faces Palatine Rd and this will help protect her.

Signed

Samantha Szopinski  
Petitioner

Date

7/8/21

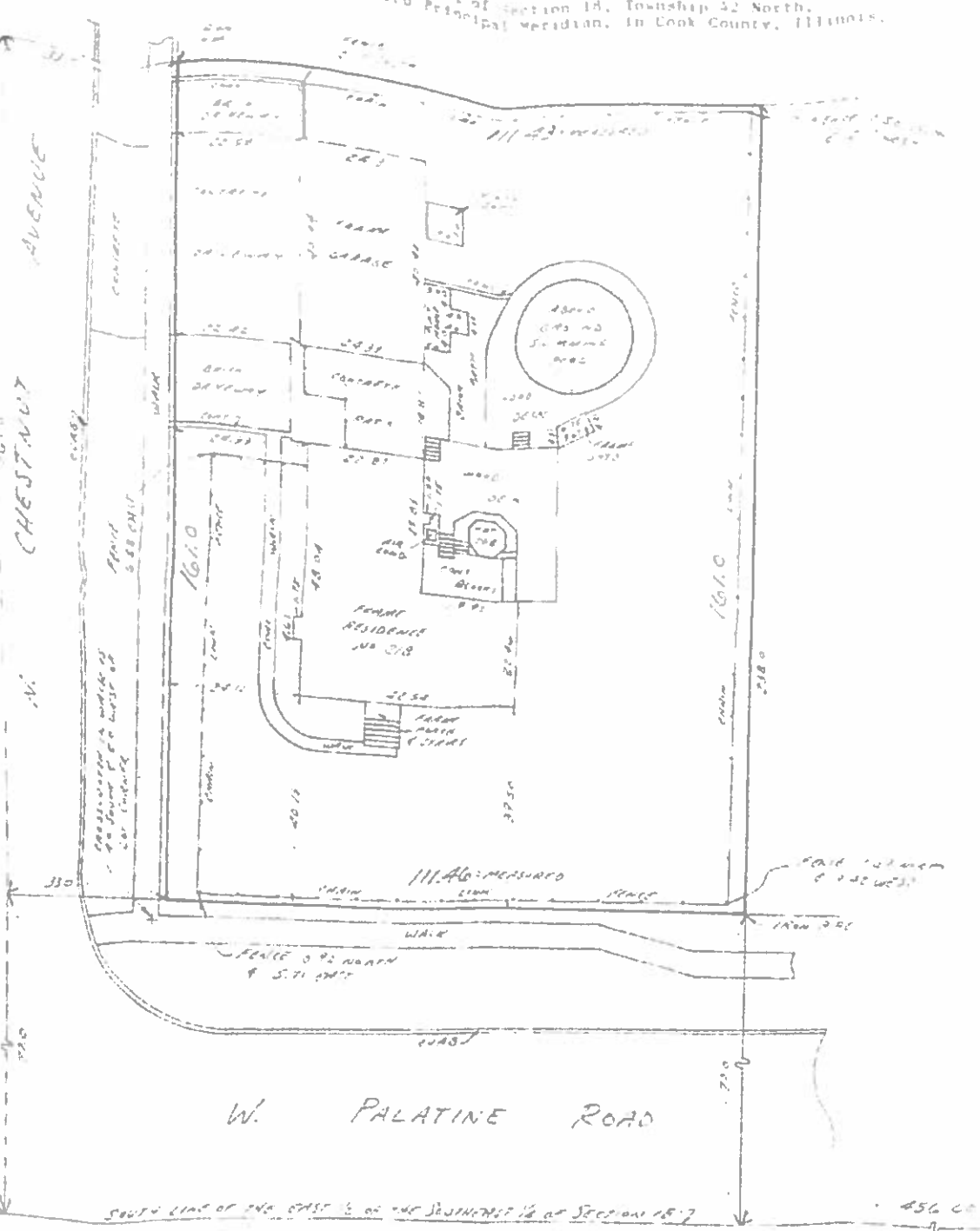


# PLAT OF SURVEY



ANTON ADAMS  
Professional Land Surveyor  
No. 35-2810  
Illinois

The South 218 feet (except the South 77 feet and except the East 450.00 feet and except the West 114 feet thereof) of that part of the East 1/2 of the Southeast 1/4 of Section 18, Township 32 North, Range 11, East of the Third Principal meridian, in Cook County, Illinois.



CORNER NUMBER 48759  
FIELD BOOK 42-11-112 PAGE 37  
ORD. (L.H.) Ryan B. Werner, LLC

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



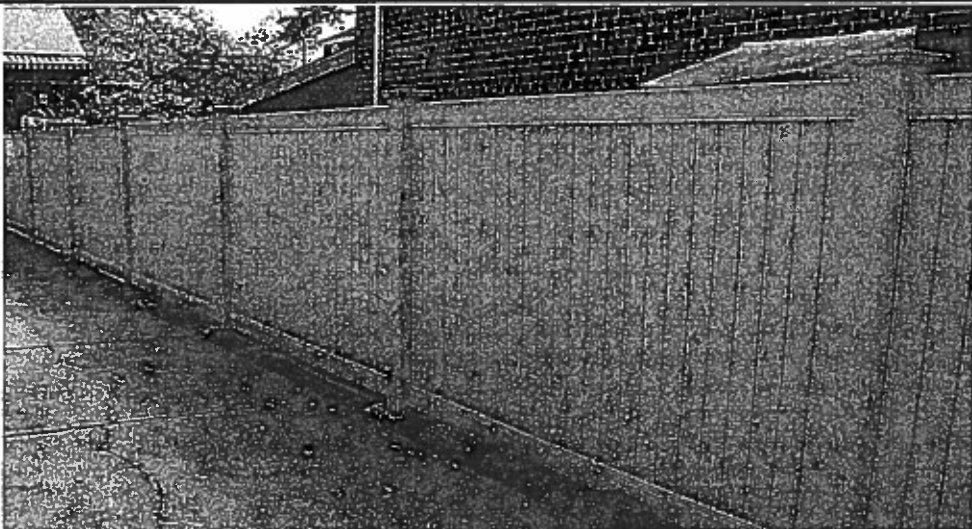
STATE OF ILLINOIS  
COUNTY OF COOK

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

ANTON ADAMS, ILLINOIS March 23 AD 2017

*Anton Adams*  
Anton Adams, Professional Land Surveyor  
License 35-2810 Expires 11/18



|                                                                                                                                                                                                                                |                     |                                                                                   |          |                                                                                                                                                                                                                                                                              |      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| <b>DES PLAINES, FENCE COMPANY. INC.</b>                                                                                                                                                                                        |                     |                                                                                   |          | <b>FENCING ESTIMATE &amp; PROPOSAL</b>                                                                                                                                                                                                                                       |      |
| 387 DOVER LN                                                                                                                                                                                                                   |                     |  |          | Page 1                                                                                                                                                                                                                                                                       |      |
| DES PLAINES, IL.                                                                                                                                                                                                               |                     |                                                                                   |          | Job#                                                                                                                                                                                                                                                                         |      |
| 847-912-7225                                                                                                                                                                                                                   |                     |                                                                                   |          | Date: 01/00/00                                                                                                                                                                                                                                                               |      |
|                                                                                                                                                                                                                                |                     |                                                                                   |          | Complete Price                                                                                                                                                                                                                                                               |      |
|                                                                                                                                                                                                                                |                     |                                                                                   |          | Down Payment                                                                                                                                                                                                                                                                 |      |
|                                                                                                                                                                                                                                |                     |                                                                                   |          | Balance:                                                                                                                                                                                                                                                                     |      |
| Name: 0                                                                                                                                                                                                                        |                     | Home Phone: 0                                                                     |          |                                                                                                                                                                                                                                                                              |      |
| Address: 2198 Palatine Rd.                                                                                                                                                                                                     |                     | Office Phone:                                                                     |          |                                                                                                                                                                                                                                                                              |      |
| City, Zip: Arlington Heights, IL                                                                                                                                                                                               |                     | Office Fax:                                                                       |          |                                                                                                                                                                                                                                                                              |      |
| Cross Streets:                                                                                                                                                                                                                 |                     | E-mail/Cell:                                                                      |          |                                                                                                                                                                                                                                                                              |      |
| Site Address: SAME                                                                                                                                                                                                             |                     | E-mail/Cell:                                                                      |          |                                                                                                                                                                                                                                                                              |      |
|                                                                                                                                                                                                                                |                     |                                                                                   |          | <b>DESCRIPTION</b>                                                                                                                                                                                                                                                           |      |
| <b>FENCE</b>                                                                                                                                                                                                                   |                     | <b>WALK GATES</b>                                                                 |          | <b>DRIVE GATE</b>                                                                                                                                                                                                                                                            |      |
| FOOTAGE:                                                                                                                                                                                                                       | 197                 | QUANTITY:                                                                         | 1        | WIDTH:                                                                                                                                                                                                                                                                       |      |
| STYLE:                                                                                                                                                                                                                         | Solid Vinyl PLY GEM | WIDTH:                                                                            | 3.5      | HEIGHT:                                                                                                                                                                                                                                                                      |      |
| HEIGHT:                                                                                                                                                                                                                        | 6'                  | HEIGHT:                                                                           | 6'       | STYLE:                                                                                                                                                                                                                                                                       |      |
| Color                                                                                                                                                                                                                          | Almond              | STYLE:                                                                            | solid    | SCALLOP:                                                                                                                                                                                                                                                                     |      |
| PANELS:                                                                                                                                                                                                                        | 6'Hx8'W.            | HINGES:                                                                           | T-Hinges | LATCH:                                                                                                                                                                                                                                                                       |      |
| POSTS:                                                                                                                                                                                                                         | 5"x5"x9'            | POSTS-hinge:                                                                      | T-Latch  | NONE:                                                                                                                                                                                                                                                                        |      |
|                                                                                                                                              |                     |                                                                                   |          | <u><b>6' HT BUFFTECH ALMOND PVC</b></u><br>Install 197' feet of 6' high, Solid Almond PVC Fence. 6' wide from post center to post center, galvanized steel channel in bottom rail on 6' wide. Posts are 5"x5"x9', rails 1-3/4"x5-1/2", pickets size 7/8"x6", panels 6'Hx8'W. |      |
|                                                                                                                                                                                                                                |                     |                                                                                   |          | <u><b>WALK GATES</b></u><br>Included in the footage there is one gate, 6'Hx3.0'W walk gates. Vinyl lock latches black and Adj hing w/hrdwr.                                                                                                                                  |      |
|                                                                                                                                                                                                                                |                     |                                                                                   |          |                                                                                                                                                                                                                                                                              |      |
|                                                                                                                                                                                                                                |                     |                                                                                   |          |                                                                                                                                                                                                                                                                              |      |
|                                                                                                                                                                                                                                |                     |                                                                                   |          |                                                                                                                                                                                                                                                                              |      |
|                                                                                                                                                                                                                                |                     |                                                                                   |          | <b>SALES TAX</b>                                                                                                                                                                                                                                                             |      |
|                                                                                                                                                                                                                                |                     |                                                                                   |          | Price includes sales tax.                                                                                                                                                                                                                                                    |      |
|                                                                                                                                                                                                                                |                     |                                                                                   |          |                                                                                                                                                                                                                                                                              |      |
|                                                                                                                                                                                                                                |                     |                                                                                   |          | <b>PAYMENT</b>                                                                                                                                                                                                                                                               |      |
|                                                                                                                                                                                                                                |                     |                                                                                   |          | Cash / check                                                                                                                                                                                                                                                                 |      |
|                                                                                                                                                                                                                                |                     |                                                                                   |          |                                                                                                                                                                                                                                                                              |      |
| Footage = aprox. total footage+gates. All posts have 3 foot concrete footing set. Minor bush/tree trimming is \$20/hour/man. Please have plat of survey for our installation manager. Removal of post hole dirt is \$7 / hole. |                     |                                                                                   |          | <u>Note: Homeowner is responsible for fence permit.</u>                                                                                                                                                                                                                      |      |
| Complete price reflects all sales tax.                                                                                                                                                                                         |                     | Thank you for considering DES PLAINES FENCE CO.                                   |          |                                                                                                                                                                                                                                                                              |      |
| Haul Dirt                                                                                                                                                                                                                      | none                | Take Down                                                                         | Yes      | Footing Pulls                                                                                                                                                                                                                                                                | no   |
| Concrete Breaks                                                                                                                                                                                                                | none                | Haul Away                                                                         | Yes      | Follow Grade                                                                                                                                                                                                                                                                 | no   |
| Asphalt Breaks                                                                                                                                                                                                                 | none                | Gate In                                                                           | diagram  | Rails In/Out                                                                                                                                                                                                                                                                 | yes  |
| Core Drills                                                                                                                                                                                                                    | none                | Gate Out                                                                          | diagram  | Fence Scallop/Arch                                                                                                                                                                                                                                                           | none |
| <b>CONCRETE FOOTINGS</b>                                                                                                                                                                                                       |                     |                                                                                   |          |                                                                                                                                                                                                                                                                              |      |
| All posts are set in 8"x 36" concrete footings.                                                                                                                                                                                |                     |                                                                                   |          |                                                                                                                                                                                                                                                                              |      |
| (X) _____                                                                                                                                                                                                                      |                     |                                                                                   |          | _____                                                                                                                                                                                                                                                                        |      |
| Buyers signature/date and agreement to obtain permit                                                                                                                                                                           |                     |                                                                                   |          | Company's approval                                                                                                                                                                                                                                                           |      |

387 DOVER LN

DES PLAINES, IL.



Name:

0

Address:

2198 Palatine Rd.

City, Zip:

Arlington Heights, IL

Date:

1/0/1900

Thank you for considering DES PLAINES FENCE CO.

The company is obligated by what is written in this contract. No other contracts, verbal agreements, or specifications are valid unless stated above. Customer hereby assumes FULL RESPONSIBILITY FOR THE LOCATION OF THE LINE UPON WHICH SAID FENCE MATERIALS ARE TO BE INSTALLED.

DES PLAINES FENCE CO. is not responsible for sprinkler systems, private gas or private electric lines.

Customer assumes responsibility for dirt removal. Pay \$7 per hole to contractor for removal.

DES PLAINES FENCE.. is not responsible for any landscape damage (including flowers or shrubs) that may occur while installing fence.

In the event this proposal is not approved by DES PLAINES FENCE CO. engineering or credit department, any payment made shall be refunded to the customer and this proposal shall become null and void.

Proposals are valid for 60 days.

The price quoted is for normal installation. If any additional items, such as, concrete breaks, asphalt breaks, or if rough fill is discovered, additional charges will be added to the contract price unless otherwise noted. The seller shall not be liable for delays caused by strikes, weather conditions, delay in obtaining goods or other causes beyond its control.

The customer agrees that the fence is to follow the natural contours of the ground unless otherwise specified.

I, the undersigned hereby agree that in the event of default in the payment of any amount due and if this account is placed in the hands of an agency or attorney for collection or legal action to pay an additional charge equal to the cost of collections including agency and attorney fees and court costs incurred and permitted by laws governing these transactions. All matters of dispute shall be resolved in the Circuit Court of Cook County, Illinois, First District. You have a legal right under federal law to cancel this transaction, if you desire to do so, without any penalty or obligation, within three business days from the above date or any later date on which all material disclosures required under The Truth In Lending Act have been given to you. If you so cancel, the transaction, any lien, mortgage or other security interest on your home arising from this transaction is automatically void.

#### Agreement And Acceptance To Pay

DES PLAINES FENCE Co. agrees to furnish material for and install a Family fence as described above and the buyer authorizes work to commence and agrees to pay the price described above. FINAL PAYMENT IS DUE UPON COMPLETION OF THE JOB. If you cancel the transaction, any lien, mortgage or other security interest on you home arising from this transaction is automatically void.

Terms: This is a cash transaction, due in full upon completion and, in all events becomes past due and delinquent upon expiration of due date. A penalty of 1.5% per mo. for unanticipated late payment will be charged effective upon completion. Purchaser(s) agree to pay reasonable attorney's fee, and other costs of collections, if incurred in the collection of this debt.

**DES PLAINES FENCE CO. guarantees its workmanship for life, materials 2 years and gates 60 days.**

You are authorized to do the work as specified. Payment will be made as outlined above.

(X)

Buyers signature/date

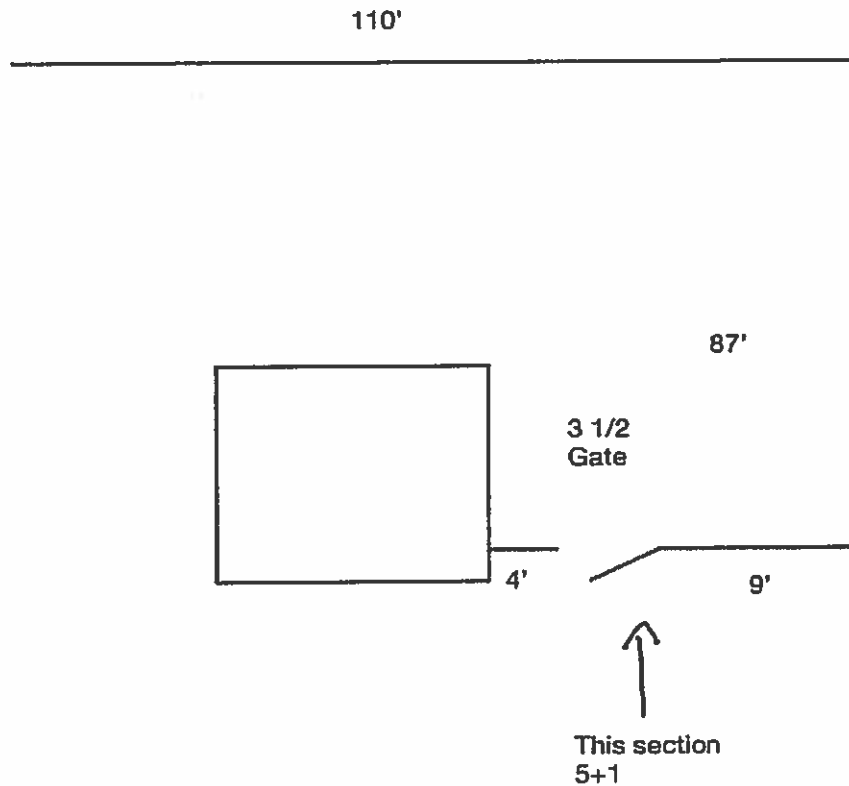
Company's approval

# DES PLAINES FENCE CO.

not to scale

## FENCING DIAGRAM

PLEASE REVIEW YOUR DIAGRAM AND PROPOSAL



BUYER SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

Thanks for considering Des Plaines Fence Company



## **Zoning Board of Appeals 8/9/2021**

**Item:** 4029 N. Mitchell Ave. - ZBA#21-028

**Department:** Planning & Community Development

### **REQUEST**

A 3 foot variation from Chapter 28, Section 10.2-11.1b (Parking in Yards – Driveway Width) to allow a driveway with a maximum width of 25 feet where a maximum width of 22 feet is permitted.

### **ATTACHMENTS:**

| <b>Description</b>   | <b>Type</b> |
|----------------------|-------------|
| Supporting Documents | Exhibits    |

## ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

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### Staff Analysis

Prepared By: Derek Mach, Planner  
Hearing Date: August 9, 2021  
Date Prepared: August 4, 2021  
Project Title: Swanson Residence  
Address: 4029 N. Mitchell Dr.

### Background Information

Petition Number: ZBA #21-028  
Petitioner: Randall & Denise Swanson  
Address: 4029 N. Mitchell Dr.  
Arlington Heights IL 60004

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

### Requested Action/Background Information

The subject property is zoned R-3, One-Family Dwelling District. The petitioner is proposing to add 3.0 feet of pavement to the side of their existing driveway. However, this results in a driveway that is 25.0 feet in width, where 22.0 feet is the maximum width permitted by code. Therefore, the petitioner requests the following variation:

- A 3 foot variation from Chapter 28, Section 10.2-11.1b (Parking in Yards – Driveway Width) to allow a driveway with a maximum width of 25 feet where a maximum width of 22 feet is permitted.

### Variation Review Standards

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

Map of General Vicinity



Items required to be Submitted 15 Days Prior to Public Hearing

| <u>Item</u>                                                    | <u>Provided</u> | <u>Dated</u> | <u>Remarks</u> |
|----------------------------------------------------------------|-----------------|--------------|----------------|
| 1. Notification Affidavit                                      | ✓               | 7/23/21      |                |
| 2. List of Property Owners Within 250 feet of Subject Property | ✓               | 7/23/21      |                |
| 3. Letter that was Mailed                                      | ✓               | 7/23/21      |                |
| 4. Photographs of Sign on Property                             | ✓               | 7/23/21      |                |

Photographs of Existing Structure





# **Village of Arlington Heights Building & Life Safety Department**

## **Interoffice Memorandum**

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

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

**Project Name:** Swanson Residence

**Project Address:** 4029 E Mitchell Dr

**ZBA #:** 21-028

**Date:** July 27, 2021

Derek:

I have reviewed the request for the following variance:

- A 3 foot variation from Chapter 28, Section 10.2-11.1b (Parking in Yards – Driveway Width) to allow a driveway with a maximum width of 25 feet where a maximum width of 22 feet is permitted.

and have no objection to the request.

ZBA# 21-028  
4029 E. Mitchell Dr - ZBA  
Rev. Eng: Briget Schwab, P.E.  
cc: Mike Pagones, P.E. Village Engineer

Application Date: 7-17-2021  
Received by Planning:  
Transmitted to Engineering: July 21, 2021  
Completed: July 22, 2021  
ZBA Meeting Date: August 9, 2021

The proposed ZBA application indicates that the petitioner is seeking:

A 3-foot variation from Chapter 28, Section 10.2-11.1b (Parking in Yards – Driveway Width) to allow a driveway with a maximum width of 25 feet where a maximum width of 22 feet is permitted.

**The Engineering Division has NO OBJECTION to the variance request for Parking in Yards – Driveway Width.**

**PROJECT REVIEW TRANSMITTAL**  
*for*  
**Zoning Board of Appeals Review**

Project Name: Swanson Residence

Project Address: 4029 E. Mitchell

Drive ZBA #: 21-028

ZBA Hearing Date: August 9<sup>th</sup>, 2021

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

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: July 21, 2021

- A 3 foot variation from Chapter 28, Section 10.2-11.1b (Parking in Yards – Driveway Width) to allow a driveway with a maximum width of 25 feet where a maximum width of 22 feet is permitted.

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 July 30, 2021.

## PETITION

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

### PETITION

NOW COMES the Petitioner Randall and Denise Swanson

being the owner of the property commonly known as: 4029 N. Mitchell Drive

and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 10.2-11.1b

Chapter 28, of the Arlington Heights Municipal Code, in order to: \_\_\_\_\_

Expand driveway to 25 feet wide in front of the garage to accommodate parking one additional car without blocking the garage door.

*I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the variation(s) were granted (please explain):* \_\_\_\_\_

The expanded driveway would retain substantial green space buffer to neighboring lot.

Such an expansion is common in the subdivision including three houses on the same block.

*I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain):* \_\_\_\_\_  
The property is a 6 bedroom house with 5 drivers and 4 cars. During the summer, one garage stall is occupied by bicycles and yard equipment. A car needs to be parked on the apron at night to avoid blocking the sidewalk. Parking on the apron blocks access to all cars on the driveway and in the garage and is an eye sore.

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

The proposed variation keeps a reasonable number of parking spots per bedroom in the house and maintains substantial green space buffer to the neighboring lot.

*I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain):* \_\_\_\_\_  
By expanding the driveway to accommodate one additional car, the apron does not need to be utilized for parking.

Signed: \_\_\_\_\_

  
Petitioner

Date: 07-17-2021



# MURRY AND MOODY, LTD.

Land Surveyors

Illinois Professional Land Surveying Firm Corporation License No. 184-002845

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

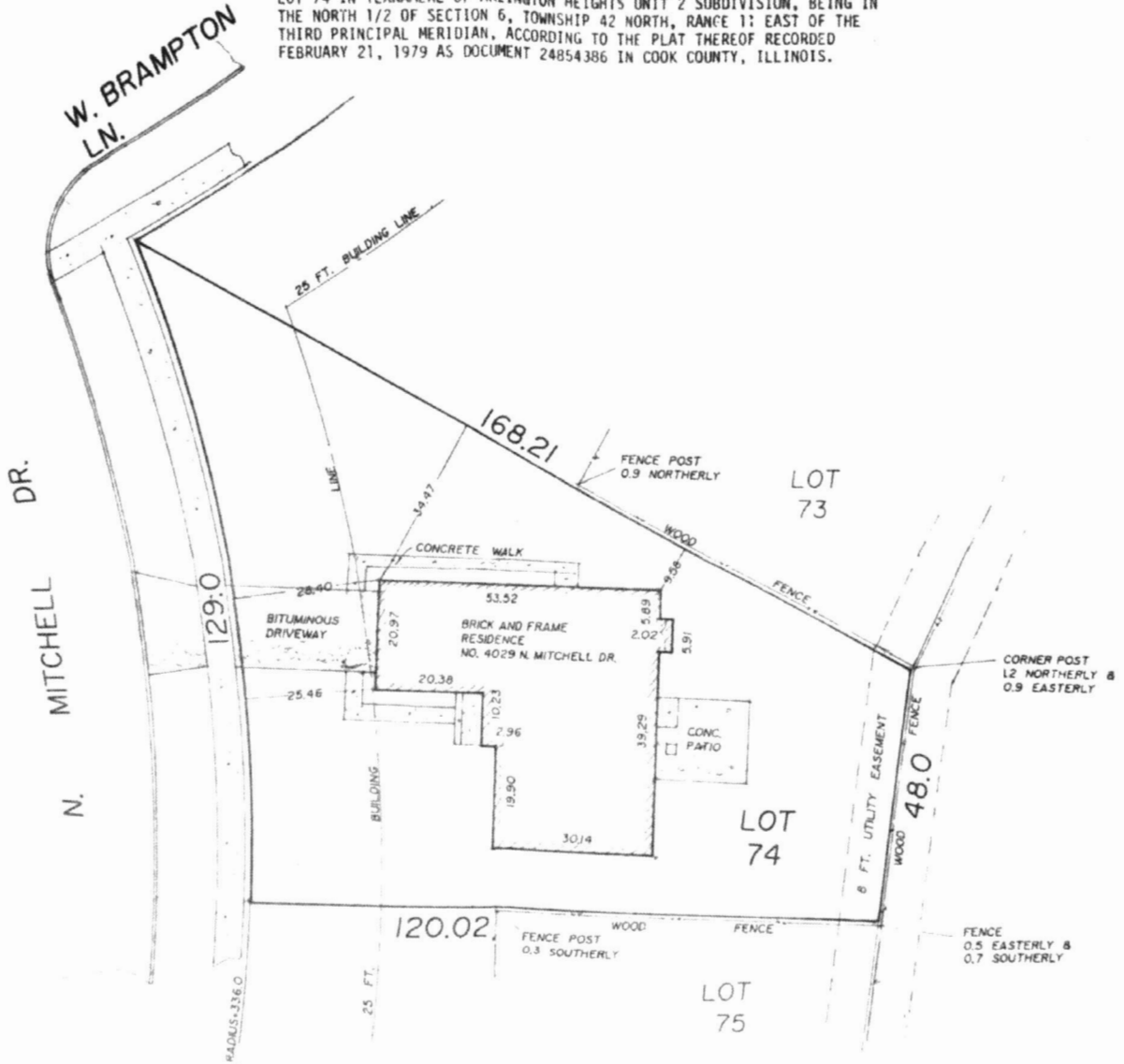
Phone: (847) 358.5960



## PLAT OF SURVEY

OF

LOT 74 IN TERRAMERE OF ARLINGTON HEIGHTS UNIT 2 SUBDIVISION, BEING IN THE NORTH 1/2 OF SECTION 6, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 21, 1979 AS DOCUMENT 24854386 IN COOK COUNTY, ILLINOIS.



### 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 }  
COUNTY OF COOK }

I, James C. Colburn, 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.

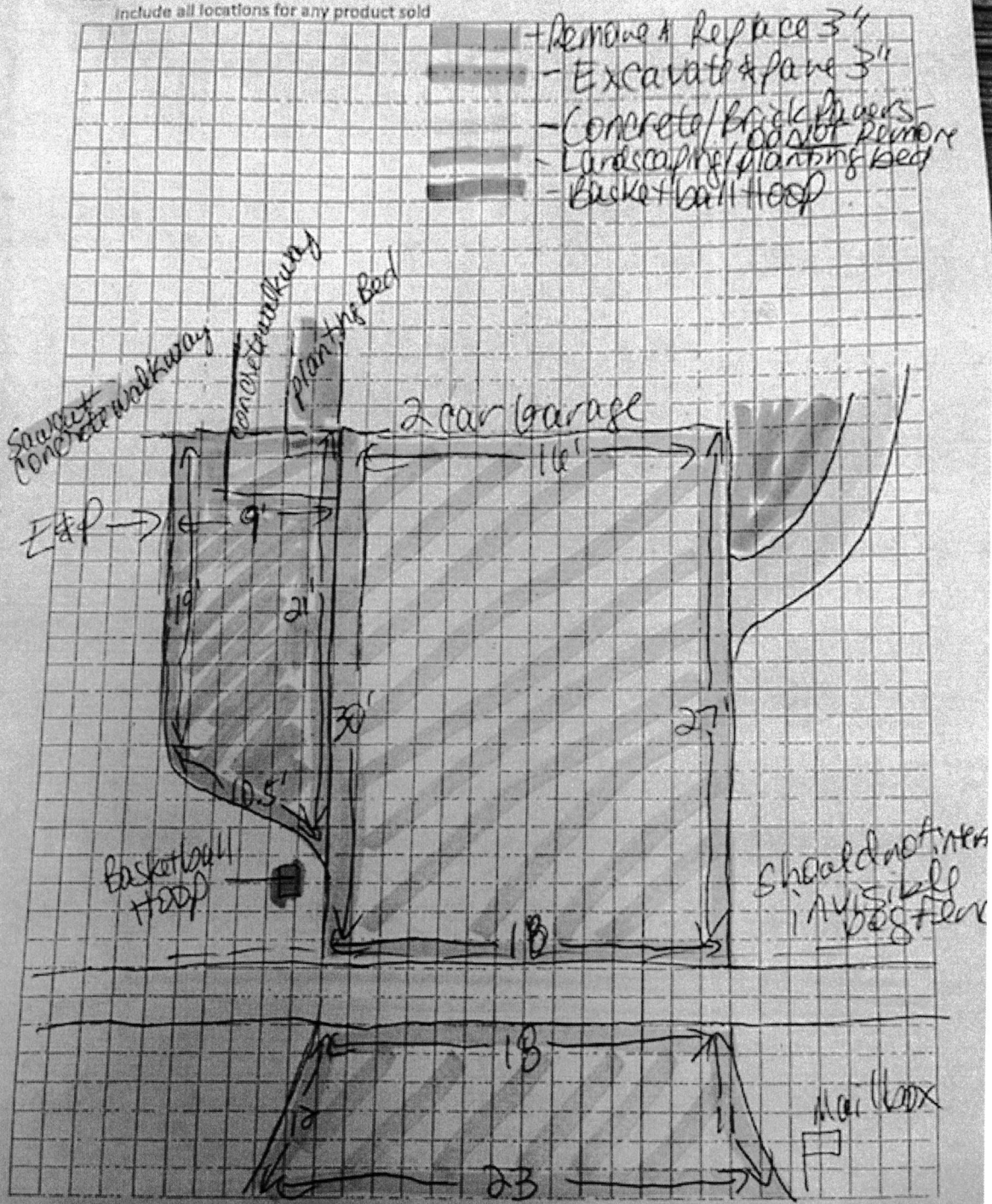
Palatine, Illinois, FEBRUARY 10, 2004

James C. Colburn, II  
Illinois Professional Land Surveyor No. 35 003270  
License Renewal Date: November 30, 2004

ORDER No. \_\_\_\_\_ SURVEY MADE FOR \_\_\_\_\_

SCALE \_\_\_\_\_

Please draw project. Include all dimensions, apron needs to be separate  
include all locations for any product sold





# MURRY AND MOODY, LTD. Land Surveyors

Illinois Professional Land Surveying Firm Corporation License No. 184-002043

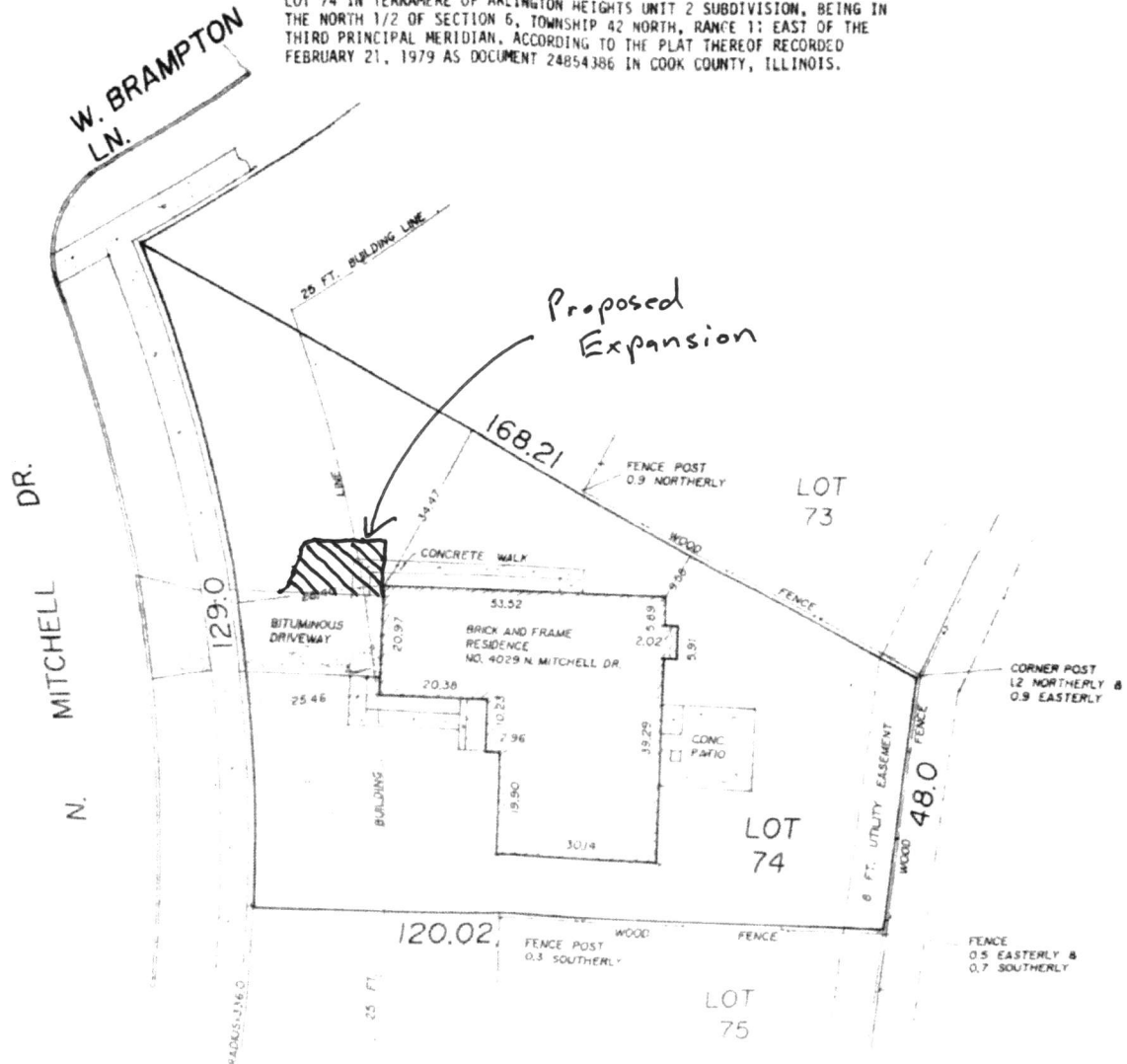
933 S. Plum Grove Road Suite 101 Palatine, Illinois 60067

Phone: (847) 358-5960



## PLAT OF SURVEY OF

LOT 74 IN TERRAMERE OF ARLINGTON HEIGHTS UNIT 2 SUBDIVISION, BEING IN THE NORTH 1/2 OF SECTION 6, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 21, 1979 AS DOCUMENT 24854386 IN COOK COUNTY, ILLINOIS.



### LEGEND AND NOTES

Dimensions shown thus: 50.25 are feet and decimal parts thereof. All point data shown thus: 90.00 000 indicates degrees, minutes and seconds.

50.25 N 90.00 000 E indicates magnetic dimension bearing  
60.25 S 15.00 000 E indicates recent dimension bearing  
60.25 000 15.00 000 E indicates true and dimension bearing

Bearings shown between 0 and 90 are assumed to be true unless shown otherwise.

Compare spot points before using same and reporting differences immediately.

Check legal description with deed in title jurisdiction to verify description immediately. Boundary lines and monuments shown on the record subdivision plat are indicated.

STATE OF ILLINOIS  
COUNTY OF COOK

I, James C. Aultman, Illinois Professional Land Surveyor, do hereby certify that I have surveyed the above described property and that the above plat is a correct report of the same and is true.

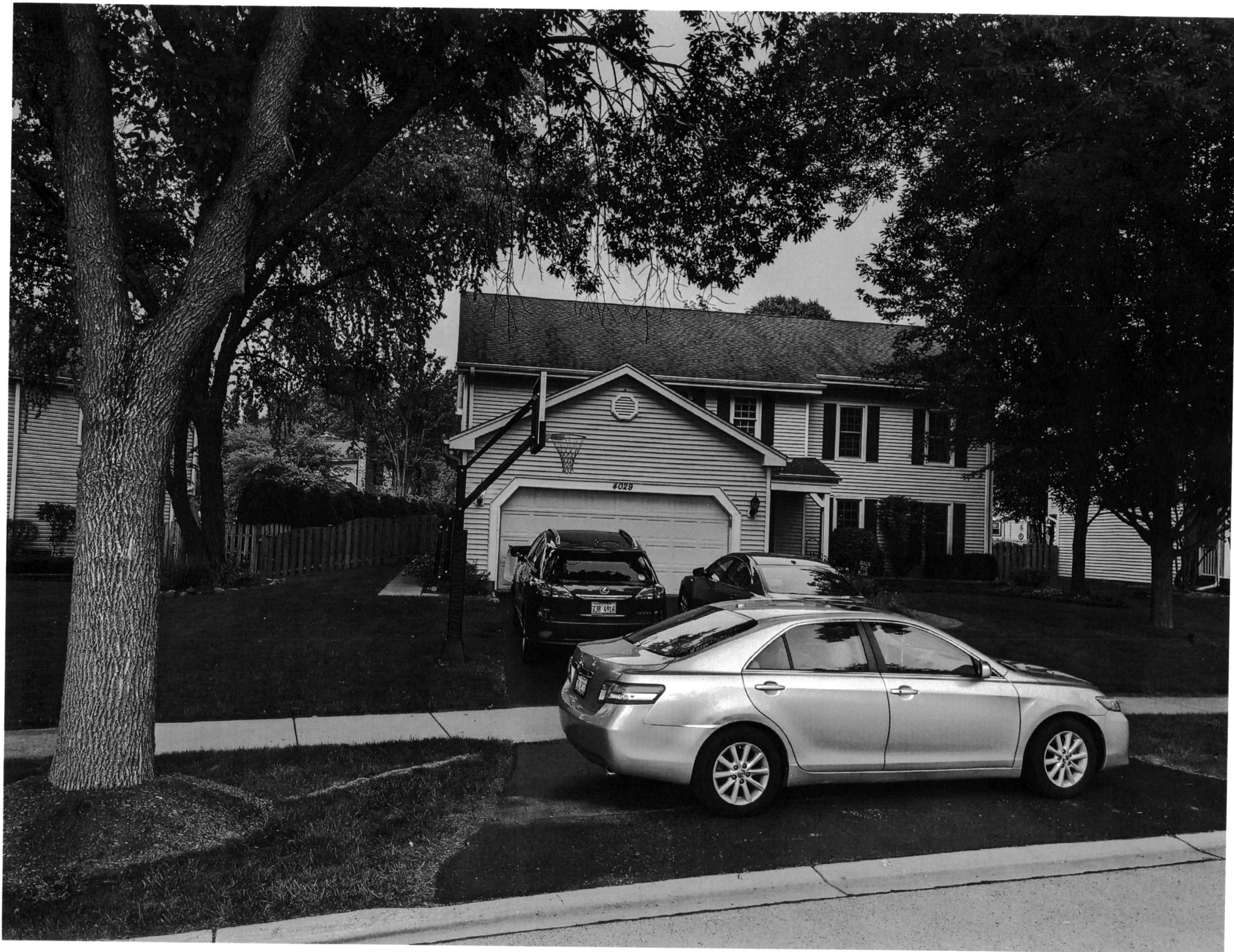
Signature of Surveyor: [Signature]

James C. Aultman  
Illinois Professional Land Surveyor No. 15-003270  
License Renewal Date: November 30, 1994

ORDER No.

SURVEY MADE FOR

SCALE





**Zoning Board of Appeals  
8/9/2021**

**Item:** Budget 2022

**Department:** Planning & Community Development

**ATTACHMENTS:**

**Description**

Budget 2022

**Type**

Exhibits

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## MEMORANDUM

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

From: Derek Mach, Staff Liaison

Date: August 4, 2021

Re: Budget; 2022

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The purpose of this memo is to share a draft of the budget for the Zoning Board of Appeals for the 2022 budget year. The budget topic has been placed on the August 9 agenda and the Zoning Board of Appeals will need to make a recommendation to submit a budget request for Village Board consideration. The draft of the budget is comparable to previous years.

Please feel free to contact me with any questions at (847) 368-5232.

At: *Draft of Budget*

# VILLAGE OF ARLINGTON HEIGHTS

## BOARDS & COMMISSIONS 2022 BUDGET REQUESTS

Name of Board or Commission: ZONING BOARD OF APPEALS

Chair: PETER SIAVELIS

|                                      | 2019<br>Actual  | 2020<br>Actual | 2021<br>Adopted<br>Budget | 2021<br>Estimated<br>Actual | 2022<br>Proposed<br>Budget | Accounts           |
|--------------------------------------|-----------------|----------------|---------------------------|-----------------------------|----------------------------|--------------------|
| <b>COMPENSATION:</b>                 |                 |                |                           |                             |                            |                    |
| Boards & Commissions                 | \$ 890          | \$ -           | \$ -                      | \$ -                        | \$ -                       | 101-1003-502.10-03 |
| 1 Chair x 15 mtg @ \$20 per mtg      |                 |                |                           |                             |                            |                    |
| 6 Members x 15 mtg @ \$15/pp per mtg |                 |                |                           |                             |                            |                    |
| Social Security                      | 54              | -              | -                         | -                           | -                          | 101-1003-502.19-11 |
| Medicare                             | 13              | -              | -                         | -                           | -                          | 101-1003-502.19-12 |
| <b>CONTRACTUAL SERVICES:</b>         |                 |                |                           |                             |                            |                    |
| Photocopying                         | -               | -              | 200                       | -                           | -                          | 101-1003-502.22-15 |
| <b>COMMODITIES:</b>                  |                 |                |                           |                             |                            |                    |
| Office Supplies                      | 45              | -              | 100                       | 100                         | 100                        | 101-1003-502.30-05 |
| <b>TOTAL EXPENDITURES</b>            | <b>\$ 1,002</b> | <b>\$ -</b>    | <b>\$ 300</b>             | <b>\$ 100</b>               | <b>\$ 100</b>              |                    |