



Agenda
Village of Arlington Heights
Zoning Board of Appeals
Buechner Room, 1st Floor
Arlington Heights Village Hall, 33 S. Arlington Heights Rd.
August 8, 2022
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. 515 S. Beverly Ln. - 7/11/22
- B. 825 W. University Dr. - 7/11/22

IV. REPORTS

V. OLD BUSINESS

- A. 825 W. University Dr. - ZBA#22-016 - continued from 7/11/22

VI. NEW BUSINESS

VII. OTHER BUSINESS

- A. 2023 Budget
- B. Public Comment

VIII. ADJOURNMENT

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact Rosangela Maldonado, at 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005, rmaldonado@vah.com or (847)368-5791.



Zoning Board of Appeals 8/8/2022

Item: 515 S. Beverly Ln. - 7/11/22

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
515 S. Beverly Ln. - 7/11/22 Findings	Minutes
515 S. Beverly Ln. - 7/11/22 Minutes	Minutes

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS July 11, 2022

PETITIONER: Smith Residence
ADDRESS OF PROPERTY 515 S. Beverly Ln.
VARIATION: 5.1-3.4 (Maximum Floor Area Ratio)

A 234 square-foot variation from Chapter 28, Section 5.1-3.4 (Maximum Floor Area Ratio) to allow an addition resulting in a floor area of 3,196 square feet where 2,962 square-feet is allowed.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are proposing an addition above the attached garage in order to add living space that can be used for an office. The petitioner testified that the proposed addition will not increase the footprint of the house. The petitioner explained that the project is in keeping with the character of the neighborhood. The petitioner commented that the neighbor to the south has a two-car driveway adjacent to the shared property line; therefore, the neighbor's garage is between the living space between the two homes.

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. Lanaghan and seconded by Mr. Selbka. Thereafter, the Board voted 6-0 to approve the variance request. Chair Siavelis recused.

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

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.

Ben Jaffe, Acting Chair
Zoning Board of Appeals
Village of Arlington Heights

ZONING BOARD

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

OF APPEALS

RE: 515 SOUTH BEVERLY LANE - ZBA #22-013

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 11th day of July, 2022 at the hour of
7:00 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairperson (Recused himself from ZBA #22-013 petition)
BENJAMIN JAFFE, Acting Chairperson
FRANK PORTERA
JOSEPH GEISEL
JEFFREY LANAGHAN
JOSEPH SELBKA
TOM DRAKE

ALSO PRESENT:

DEREK MACH, Development Planner
JAKE SCHMIDT, Development Planner

CHAIRPERSON SIAVELIS: Okay, we'll call the meeting to order. Good evening, everyone. This is the July 11th meeting of the Zoning Board of Appeals for the Village of Arlington Heights. I am Peter Siavelis, I am the Chairman of this Board and we're going to call this meeting to order.

Derek, can you please begin with the roll call?

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. Portera.

COMMISSIONER PORTERA: Here.

CHAIRPERSON SIAVELIS: All right, thanks, Derek

Okay, next item is the Pledge of Allegiance. The flag is right there, please stand.

(Pledge of Allegiance recited.)

CHAIRPERSON SIAVELIS: Board Member Selbka just arrived for the record. You guys got that? Hi, Joe. We just did the Pledge of Allegiance.

COMMISSIONER SELBKA: Yes.

CHAIRPERSON SIAVELIS: No substantive business yet.

Okay, let's talk about the minutes from the prior meeting, the June meeting. Has everybody had an opportunity to review the meeting minutes, the draft meeting minutes, review them and are there any edits to them?

(No response.)

CHAIRPERSON SIAVELIS: Hearing no edits to the draft minutes to the prior meeting, is there a motion to approve?

COMMISSIONER DRAKE: So moved.

COMMISSIONER LANAGHAN: Second.

CHAIRPERSON SIAVELIS: Derek, we do voice on this?

MR. MACH: Yes.

CHAIRPERSON SIAVELIS: Okay, great. Voice vote, all in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, moving on.

Okay, on to tonight's meeting. Folks, we have two petitions on the slate for tonight. There are some hearing procedures that we need to go through, make sure the petitioners are aware of them, understand them, and then obviously comply with them.

The first one is if there are less than six members present, the petitioner has an option to continue the meeting. Remember, it takes four affirmative votes to approve a variance regardless of the number of Board members in attendance. So, tonight, we have seven so that's not an issue tonight. So, you can't invoke that.

Moving on to the next item, there will be a Staff presentation which is essentially a project overview of the variances sought that is provided by Derek on behalf of the Village. So, there'll be a Staff presentation for each petition in the sequence that they're called, okay? It's self-explanatory, you'll see it as we proceed.

There are four elements necessary to establish in order for the Board to be able to vote on and grant a variance, and they are as follows:

1. 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;
2. That the plight of the owner is due to unique circumstances which may include the length of time the subject property has been vacant as zoned;
3. That the proposed variation is in harmony with the spirit and intent of Chapter 28 of the Village Code; and
4. That the variance requested is the minimum variance necessary to allow reasonable use of the property.

Please also keep in mind that a variance shall be permitted only if the evidence in the judgment of this Board of Appeals sustains each of the four conditions or these four elements. Also, keep in mind that it is your responsibility as petitioner to touch on and establish each of these four elements. It is not, I repeat, not our responsibility as members of this Board to pull it out of you, okay? These elements were included in the paperwork that was provided to you so you must touch on them and establish them. Of course, we can ask you questions, and we oftentimes will, but it is your responsibility to establish those four elements in order for us to fully consider and vote on your variance and your petition.

Okay, we are now going to move on to the substantive new business matters. There are two petitions, like I said. The first petition, a little bit of a wrinkle in the first petition. It's ZBA #22-013, 515 South Beverly Lane. I need to recuse myself from that petition, so I will be stepping out of the room. I'll hand the baton to Ben, he'll run that petition, and then I'll come back for the second petition.

So, let's proceed with that, and then, Ben, you can swear in the Petitioner, all right? I'll just hand you the guide sheet and I'll step out. So, that first petition, 515 South Beverly, you're on, and we're going to have a Staff presentation as well.

So, if you want to come to the podium?

MR. SMITH: Sure.

CHAIRPERSON SIAVELIS: I'll step out, and then Derek will obviously give the Staff overview.

ACTING CHAIRPERSON JAFFE: Could you state your name and address for the record please?

MR. SMITH: Stephen Smith, 515 South Beverly, Arlington Heights.
(Witness sworn.)

ACTING CHAIRPERSON JAFFE: Thank you.
Derek?

And you signed in before?

MR. SMITH: Yes.

MR. MACH: Thank you. Petitioner is proposing an addition above the existing attached garage. The property has a total land area of 6,582 square feet, and the proposed residence with the addition will be approximately 3,196 square feet.

Therefore, they're requesting a 234 square-foot variation from Chapter 28, Section 5.1-3.4 to allow an addition resulting in a floor area of 3,196 square feet where 2,962 square feet is allowed. Thank you, Mr. Chairman.

ACTING CHAIRPERSON JAFFE: Thank you.

MR. SMITH: Yes, thanks for your time tonight. May it please the Board, we've lived here in Arlington Heights for 15 years. We moved from the city when our older son who is now 16 was one, hoping for kind of a more peaceful existence. We have two boys, 16 and 13, and my wife Jennifer is here with me as well. We're both practicing attorneys and we are hoping to, and you know, we've always loved the city of Arlington Heights and the neighborhood and we're hoping to stay for a very long time.

We are hoping to do an addition over our garage to add some space to give us a working office in the house. Jennifer works for a law firm that does not have an office in the city of Chicago or even in the state of Illinois. So, she permanently works from home as part of her job. Also, as part of my job, I do work home frequently as well, and just the space the current house provides doesn't allow for us to do that very well.

The addition we're hoping to do is just above the garage. It doesn't increase the footprint of the house at all. It's I think very much in keeping of Arlington Heights and specifically our neighborhood which is the one right outside, the Scarsdale neighborhood. You know, the neighborhood has many custom homes that have had additions and changes over time. So, we definitely are in keeping within the character of the neighborhood.

Our lot is small, it's 50 by, I believe 130. We have the survey up there, but it's small. So, in order for us to have the space for an office, we needed to add a little more square footage than the FAR would allow for. You know, I think that what we've proposed is both, you know, will help us with the space that we need and also is in keeping with the character of the neighborhood and also on our block. Our house with the addition will be still smaller than the two houses, the one directly to the north of us and the one directly to the south. You see like the roof height is smaller than the house directly to the north even with the addition and it would still be much smaller than the house to the south.

The other item to keep in mind is that the construction will be close to the south border, and our neighbor to the south has a two-car driveway between our property and their garage. So, their living space doesn't even, probably the garage I'm guessing doesn't start for 20 or 30 feet, and then the living space is even farther away than that. So, there will be very minimal hardship on them.

I have spoken with both my two direct neighbors north and south, and then the three that directly face our house, and none of them had any problems with it. In fact, they all told me that they thought it was a great idea.

You know, the addition is the minimum necessary to make a working space for the office. You know, with the technology that we use with work, it's not just sitting at a desk, we have printers and other kinds of stuff. So, we do need some room.

I think that's all I had. I'd be happy to open it up if you have any questions.

ACTING CHAIRPERSON JAFFE: That was very comprehensive, and there was a couple of questions I was going to ask you. I think you included, and I'll just confirm, you've lived in this house for 15 years?

MR. SMITH: No, no. We've been in Arlington Heights in that neighborhood for 15. We moved I believe in '14, it could have been '13, but I think it was 2014 at this current house.

ACTING CHAIRPERSON JAFFE: To this house.

MR. SMITH: Yes, so we've been here at least eight years, maybe nine years.

ACTING CHAIRPERSON JAFFE: And you are a family of four?

MR. SMITH: Four.

ACTING CHAIRPERSON JAFFE: Any questions from the other Board members?

COMMISSIONER LANAGHAN: Now, in general, I mean, you're not expanding your footprint, you're not doing much with it. So, Derek, just for my edification, the previous space over the garage which it looked like there was some sort of attic space potentially up there, that's not considered finished and, therefore, doesn't count to the FAR? It's only when you raise the roof up to provide that --

MR. MACH: That is correct, increasing the mass of it all.

COMMISSIONER LANAGHAN: Okay, got you.

ACTING CHAIRPERSON JAFFE: All right, well, if there's no other questions, we'll see if there are any comments from the audience. If there are, you'll be able to respond to them.

MR. SMITH: Okay.

ACTING CHAIRPERSON JAFFE: If not, we'll close it down for Board discussion.

MR. SMITH: Okay, thank you.

ACTING CHAIRPERSON JAFFE: Thank you.

Are there any members of the audience who wish to speak on this petition?

(No response.)

ACTING CHAIRPERSON JAFFE: Okay, none being heard, we'll close it down for Board discussion.

Jeff, I think you summarized it well. It's pretty straight-forward.

COMMISSIONER LANAGHAN: Yes. No, to me it's very straight-forward. They're doing a nice job architecturally. I think it fits in with the neighborhood. They're not expanding the footprint whatsoever. They're just making some use of the space over the garage which when you have a need for an office, it makes complete sense to me. Very much in keeping with the neighborhood.

ACTING CHAIRPERSON JAFFE: Is there a motion on this petition?

COMMISSIONER LANAGHAN: I move to accept the proposed amendment as presented.

COMMISSIONER SELBKA: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Acting Chairman Jaffe.

ACTING CHAIRPERSON JAFFE: Yes.

Congratulations, your petition has been approved. You're free to stay, but you're also free to leave.

MR. SMITH: Thank you. Have a good night.



**Zoning Board of Appeals
8/8/2022**

Item: 825 W. University Dr. - 7/11/22

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
825 E. University Dr. - 7/11/22 Minutes	Minutes

ZONING BOARD

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

OF APPEALS

RE: 825-865 WEST UNIVERSITY DRIVE - ZBA #22-016

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 11th day of July, 2022 at the hour of
7:13 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

JAKE SCHMIDT, Development Planner

CHAIRPERSON SIAVELIS: Okay, next item of business, and this is the last item of new business, is ZBA Petition #22-016, 825 West University Drive. Derek?

MR. MACH: Jake will be the one.

CHAIRPERSON SIAVELIS: Okay, Jake. Go ahead, Jake, give us the Staff overview first.

MR. SCHMIDT: So, per Chapter 28, Section 6.15-2.1 this requires that in Manufacturing Districts where a rear or side lot line coincides with a side or rear lot line in a residential district, that service areas be screened with a solid six-foot tall screen, that being either a fence or a dense row of shrubbery. Currently, the shrubbery along the south property line has been declining in health and needs to be replaced. Commercial Design Guidelines of the Village state that trash areas need to be also screened from public view, and there are several large trash receptacles in the rear service area.

The Petitioner has recently installed an 8.5-foot tall fence in the southeast corner of the property in order to screen two large trash receptacles installed. They're seeking to continue this fence along the entire south property line in order to screen the service area and the trash receptacles.

Therefore, they are seeking a 2.5-foot variation from Chapter 28, Section 6.13-3b to allow an 8.5-foot tall fence where a six-foot tall fence is permitted. Additionally, because they installed the trash receptacles in the southeast corner of the property, they ended up removing six parking spaces. This has reduced available parking at the site below the previously granted variation in 2021 which was for 118 spaces where 130 were required. The Petitioner has provided a parking study as part of this petition which demonstrated that on-site parking lot utilization did not exceed 68 out of the 112 parking spaces on the site which is just over 60 percent capacity.

Therefore, they are requesting an 18-space variation from Chapter 28, Section 10.4, *Schedule of Parking Requirements*, to allow the provision of 112 parking spaces where 130 are required by code.

CHAIRPERSON SIAVELIS: Great, thank you very much. Sorry, I just lost the feed.

Okay, who's speaking tonight? Come on up, sir.

MR. DITOMMASO: I didn't know I was speaking, but --

CHAIRPERSON SIAVELIS: Let's do this on the --

MR. DITOMMASO: I didn't know I was speaking. I thought it was going to be just, I'm here just to honor them, you know.

CHAIRPERSON SIAVELIS: All right, let's do this. What's your name? State your name for the record.

MR. DITOMMASO: My name is Paul DiTommaso, I work for the company, in the building.

CHAIRPERSON SIAVELIS: Okay, let's get you sworn in. Have you signed in?

MR. DITOMMASO: No, I did not.

CHAIRPERSON SIAVELIS: Okay, go ahead and do that.

MR. DITOMMASO: Okay.

(Witness signed in.)

MR. DITOMMASO: Okay.

CHAIRPERSON SIAVELIS: Okay, Paul, raise your right hand so I can swear you in please.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay. All right, you can proceed.

MR. DITOMMASO: We want to build an eight-foot fence, an 8.5-foot fence along the back of the building because of the residential area, to hide, you know, any of the traffic in the back. Then on parking, we only use, like he said, about 60 percent of the, you know, parking. I was told there was 112 spaces, that's what I was told, which we'd need 130, because of the garbage cans, you know, the dumpsters.

CHAIRPERSON SIAVELIS: All right. Okay, so let's back up. I want to ask you a couple of quick questions.

MR. DITOMMASO: Okay.

CHAIRPERSON SIAVELIS: Given what you said when you first walked up to the podium right before we swore you in, okay, so what is your relationship to this property and the condo association? What is your --

MR. DITOMMASO: I work for GS Floor Designs.

CHAIRPERSON SIAVELIS: Okay, what is GS Floor Designs?

MR. DITOMMASO: That's inside the building, it's a flooring company. I mean, I guess Tom is on the paperwork.

MR. SCHMIDT: So, to help explain, it's a condo association property.

MR. DITOMMASO: Right.

MR. SCHMIDT: We've been working with Robert who's the owner of GS Floor Designs.

MR. DITOMMASO: Robert, right.

MR. SCHMIDT: And Tom Waitzman who's the owner of, there's an auto service.

MR. DITOMMASO: Robert couldn't make it tonight and he asked me to step in.

MR. SCHMIDT: Yes.

MR. DITOMMASO: He just thought it was straightforward and just to make sure I'm here and stuff.

MR. SCHMIDT: Got you. Yes, I was notified of that. There's a bit more to this process than just showing up.

MR. DITOMMASO: Okay.

MR. SCHMIDT: You know, the Chairman would like you to speak to the four criteria of the following variations.

MR. DITOMMASO: Understood.

MR. SCHMIDT: So, I think you'll be able to do that since you're familiar with the property. I appreciate you're --

CHAIRPERSON SIAVELIS: Okay, so Jake, let me make sure I understand this. There are other businesses within this building as well, right?

MR. DITOMMASO: Yes.

CHAIRPERSON SIAVELIS: Hold on. How many businesses roughly are in this building, do you know, Jake?

MR. SCHMIDT: I think three at this point.

CHAIRPERSON SIAVELIS: Okay, three total. Okay, and you work for one of those three?

MR. DITOMMASO: Yes.

CHAIRPERSON SIAVELIS: Okay, and the petition is being brought solely by the firm GS Floor Designs that Mr. DiTommaso here works for?

MR. SCHMIDT: Tom Waitzman who is the head of the condo board was the Petitioner, but I've also been working with Robert Belovicz who owns GS Floor Designs. Robert was the prior condo board president.

CHAIRPERSON SIAVELIS: Okay.

MR. SCHMIDT: So, they've both been involved as it's --

CHAIRPERSON SIAVELIS: And Ron Waitzman is the Condo Board President currently?

MR. SCHMIDT: Tom, yes.

CHAIRPERSON SIAVELIS: Tom Waitzman.

MR. SCHMIDT: Yes.

CHAIRPERSON SIAVELIS: All right, I just, I'm asking these questions because I think it's a little bit odd to have, this petition is being brought by the condo association. Let me back up, are you an officer of the condo association?

MR. DITOMMASO: No.

CHAIRPERSON SIAVELIS: Do you have any ownership at the condominium that's covered by the association?

MR. DITOMMASO: No. I was just asked to come here tonight.

CHAIRPERSON SIAVELIS: Because you work for GS Floor Designs?

MR. DITOMMASO: Yes.

CHAIRPERSON SIAVELIS: Do you have an ownership interest in GS Floor Designs?

MR. DITOMMASO: No.

CHAIRPERSON SIAVELIS: Okay.

MR. DITOMMASO: Robert couldn't make it, that's why he asked me to come.

CHAIRPERSON SIAVELIS: Understood, yes. So, you were kind of stepping into the breach.

MR. DITOMMASO: Yes.

CHAIRPERSON SIAVELIS: Okay, so why don't you speak to the four elements, right? You were talking a bit as to the fence, the 8.5-foot fence. So, finish out on the 8.5-foot fence and then we could just go to the parking lot.

MR. DITOMMASO: Well, like he said, the shrubberies and the trees and stuff in the back are not doing real well, and we'd like to put an eight-foot fence along the whole back to hide the residential area, you know, more to protect them from the traffic that's in the back of the building.

CHAIRPERSON SIAVELIS: Had you received complaints in the past from the residents there?

MR. DITOMMASO: They all think it's a great idea for us to do that and that's why we're doing that. There were probably some complaints, yes.

CHAIRPERSON SIAVELIS: Okay, as you stand here right now, are you

aware of any complaints that were raised regarding the height of the fence?

MR. DITOMMASO: Oh, the height of the fence? I'm not, no, they all approved that.

CHAIRPERSON SIAVELIS: Okay, let me --

MR. DITOMMASO: That's what Robert was saying to me. I understand.

CHAIRPERSON SIAVELIS: Okay, let's back up. Let me ask you the question again.

MR. DITOMMASO: Yes.

CHAIRPERSON SIAVELIS: Are you aware of any concerns from the residents who live adjacent to the property about seeing the large garbage receptacles?

MR. DITOMMASO: I don't think they see it. I think there's a fence there already by the garbage. We just want to continue it all the way across.

CHAIRPERSON SIAVELIS: West?

MR. DITOMMASO: Yes. Yes.

CHAIRPERSON SIAVELIS: Because now there's a height differential between the two fences?

MR. DITOMMASO: There's not two fences. There's one fence behind the garbage dumpsters which is in that corner, and then from that point on there's just like brush shrubberies, you know, like trees and stuff, and that's not doing real well so we wanted to put a fence all the way across.

COMMISSIONER JAFFE: The fence along the eastern edge, that is already 8.5 feet?

MR. DITOMMASO: It mimics the fence along those cars on the side there.

COMMISSIONER JAFFE: East side?

MR. DITOMMASO: Yes, that's an eight-foot fence.

COMMISSIONER JAFFE: Eight or 8.5?

MR. DITOMMASO: I believe 8.5 because that's what it says in there. I never, I didn't measure it. I thought it was eight feet, but they're saying 8.5.

COMMISSIONER JAFFE: So, then you want to have that same height of the one that's on the eastern border to go all the way --

MR. DITOMMASO: All the way across, yes.

COMMISSIONER JAFFE: To that southern border.

MR. DITOMMASO: Yes, for the residential area.

CHAIRPERSON SIAVELIS: And do what, what are you going to do with the existing shrubs and bushes that you --

MR. DITOMMASO: I believe that they want to take those out.

CHAIRPERSON SIAVELIS: So, there'll be a large fence line basically all across the southern edge of the property?

MR. DITOMMASO: Yes. Yes. Take out what we need to put the fence in. I'm not sure we're taking them all out because it's quite deep. From the property line to like the curb line where you park the cars, there's probably 10 feet deep.

CHAIRPERSON SIAVELIS: Of bushes you're saying?

MR. DITOMMASO: Yes.

CHAIRPERSON SIAVELIS: When you say it, you're referring to the existing bushes and shrubs?

MR. DITOMMASO: The bushes, yes, probably eight to 10 feet.

CHAIRPERSON SIAVELIS: Okay, and what type, actually let's also -- I'm sorry, Joe.

COMMISSIONER SELBKA: Yes.

CHAIRPERSON SIAVELIS: Let me ask one quick one. What type of fence are we talking about? What style of fence?

MR. DITOMMASO: Cedar, a cedar. It's fully closed but it overlaps each other, you know, like one side.

CHAIRPERSON SIAVELIS: The board-on-board style?

MR. DITOMMASO: Board-on-board, I'm sorry. Board-on-board.

CHAIRPERSON SIAVELIS: Okay, because it looks like, in the pictures that were provided to us, can you go to the pictures, Jake? Those pictures? Okay, stop right there. Do you recognize those pictures?

MR. DITOMMASO: Yes, yes.

CHAIRPERSON SIAVELIS: What do those pictures show?

MR. DITOMMASO: Board-on-board.

CHAIRPERSON SIAVELIS: Okay, but that's a little different, right? I thought you just testified or told us that board-on-board is a board on one side and a board on the other side.

MR. DITOMMASO: Well, I meant those are, it's a board like this and then a board on top of it, on the one side.

COMMISSIONER JAFFE: So, and Joe, I know you had a question, too, but I actually drove all through your property this evening.

MR. DITOMMASO: Okay, yes.

COMMISSIONER JAFFE: That fence on the left, the one that runs on the eastern side, that's a different style fence than the one behind it.

MR. DITOMMASO: Yes, yes.

COMMISSIONER JAFFE: So, what type of fence is going to go along this side?

MR. DITOMMASO: That same fence in the back.

COMMISSIONER JAFFE: The newer style?

MR. DITOMMASO: Yes.

COMMISSIONER JAFFE: But it's going to be the same height as the one on the eastern side?

MR. DITOMMASO: It's going to be the same height as that and the eastern side, yes.

CHAIRPERSON SIAVELIS: So, that fence that we see up there right now, the yellowish fence, the one that looks newer, right?

MR. DITOMMASO: Yes.

CHAIRPERSON SIAVELIS: Is that 8.5 feet?

MR. DITOMMASO: I believe it was eight feet, but it's written down as 8.5 feet.

MR. SCHMIDT: 8.5 feet is what they have requested. Just to clarify an earlier statement, there really isn't eight to 10 feet of property behind the line, it's probably closer to three to five. It doesn't run that far back. I'm sure there are some residential properties, too, behind it, but I believe the property line runs fairly close to that parking lot line.

CHAIRPERSON SIAVELIS: Is that property line south of the fence line that we see here?

MR. SCHMIDT: Correct.

CHAIRPERSON SIAVELIS: By how much, Jake, approximately?

MR. SCHMIDT: Roughly three to five.

CHAIRPERSON SIAVELIS: Three to five feet. So, essentially then the fence line that we see in these photographs, from this photograph right here, these two photographs, is north of the property line.

MR. SCHMIDT: On the property line.

COMMISSIONER LANAGHAN: Probably five feet, right.

COMMISSIONER DRAKE: How long is this fence again that we're looking at right now with the arrow on it?

MR. SCHMIDT: 8.5 feet.

COMMISSIONER DRAKE: That's 8.5 feet, okay. Thank you.

CHAIRPERSON SIAVELIS: Joe?

COMMISSIONER SELBKA: Okay, your petition says that the neighbors already have an eight-foot fence? No? Okay.

MR. DITOMMASO: No. No, some of them have probably a four-foot, some of them have a cyclone like steel, and some have probably a four or five-foot that are all falling apart.

COMMISSIONER LANAGHAN: So, the fence to the left of the garbage disposal area --

MR. DITOMMASO: Right, that's a different fence, yes.

COMMISSIONER LANAGHAN: -- is that your fence or is that the neighbor's fence?

MR. DITOMMASO: No, that's a neighbor's fence.

CHAIRPERSON SIAVELIS: Is that the fence on the east side?

MR. DITOMMASO: Yes.

COMMISSIONER LANAGHAN: Yes, they have the east side. So, Jake, for my clarification, the fence between like businesses can be eight-foot or 8.5 feet, or did they get a variance for that older fence?

MR. SCHMIDT: No, it's an older fence. I'm not really sure what the history is behind that one. It could have been grandfathered.

COMMISSIONER LANAGHAN: Got it, but the code only allows a six-foot even for that?

MR. SCHMIDT: Even for that, correct.

CHAIRPERSON SIAVELIS: So, how did we get this fence that we see here on the right? Okay, I see, never mind, I'll retract that. I understand, okay.

MR. DITOMMASO: And that fence right there --

CHAIRPERSON SIAVELIS: Which color? Because you can't really point at the screen because we have a reporter here.

MR. DITOMMASO: The newer-looking fence. The newer-looking fence behind the dumpster, that's probably about three-foot off that curb line, and they want to drop that back another three feet. That's why I'm thinking it's about six to eight feet but that, you know, they wanted to drop, the way the drawing is here --

MR. SCHMIDT: Yes, looking at the property, it seemed like the fence was

probably closer to a foot to foot-and-a-half on the curb line. So, I mean, what they've drawn on the plan is still quite beyond the property line, but just to --

MR. DITOMMASO: Yes, yes. I understand.

MR. SCHMIDT: Just so the reporter doesn't think its, you know, maybe far back from the parking lot. It's going to be pretty close to that parking lot line.

MR. DITOMMASO: Right, okay, okay. That's interesting to know.

CHAIRPERSON SIAVELIS: Okay.

COMMISSIONER LANAGHAN: So, was that newer fence installed with a permit?

MR. DITOMMASO: I'm not sure if that fence was, I don't know that answer.

MR. SCHMIDT: It was not installed with a permit.

COMMISSIONER LANAGHAN: Got it.

CHAIRPERSON SIAVELIS: Wait, wait, wait, wait, wait.

COMMISSIONER LANAGHAN: The new fence.

CHAIRPERSON SIAVELIS: That newer fence that we see in yellow there was not installed with a permit?

COMMISSIONER LANAGHAN: Correct.

MR. SCHMIDT: Correct. This came to our attention due to a code enforcement complaint. The health of the shrubbery was declining and a neighbor brought it up saying, you know, they're supposed to screen it. Then we went out to inspect the site, we found a concrete pad installed without a permit and the taller fence installed without a permit.

CHAIRPERSON SIAVELIS: Were you involved in any of those activities, Mr. DiTommaso?

MR. DITOMMASO: No. No, I was not.

CHAIRPERSON SIAVELIS: Who was to the best of your knowledge?

MR. DITOMMASO: I believe Robert Belovicz.

CHAIRPERSON SIAVELIS: Robert and --

MR. DITOMMASO: And Tom.

CHAIRPERSON SIAVELIS: And Tom.

COMMISSIONER JAFFE: And just to clarify, when the dumpster was put in, there were additional parking spaces removed that were not part of the number of parking spaces that were granted in the previous variation?

MR. SCHMIDT: Correct.

CHAIRPERSON SIAVELIS: In 2021.

MR. SCHMIDT: Correct.

CHAIRPERSON SIAVELIS: Who was involved in the 2021 variance? Was it the same folks that we identify on the top of the papers and that you identified as well, Jake?

MR. SCHMIDT: It was Tom Waitzman of DPS Automotive. That variation was granted by the Plan Commission when he came in for a land use variation.

CHAIRPERSON SIAVELIS: By the Plan Commission?

MR. SCHMIDT: Correct.

CHAIRPERSON SIAVELIS: So, he was aware of the process in 2021 when that variance was granted in the process from the Plan Commission, but he somehow in some way forgot it when it came to this new fence and the installation of these large

garbage receptacles, or the pad and the fence?

MR. SCHMIDT: The pad and the dumpsters are for GS Floor Designs. It's used for their spillage. I believe Robert was involved in the installation of this fence, not Tom. It's a condo association, so there's multiple owners.

COMMISSIONER JAFFE: Mr. Chair, I don't want to be out of order, but I have a thought.

CHAIRPERSON SIAVELIS: Please proceed.

COMMISSIONER JAFFE: I mean, given there are at least two peculiarities with this petition as far as the physical layout of the installation of a fence that doesn't appear to have been properly permitted and a reduction of parking spaces, and the gentleman who is speaking on behalf may or may not be the person who has responsibility of this property, I'm not sure if it makes sense to continue.

CHAIRPERSON SIAVELIS: So, that's a fair point and that was one of my thoughts early on in this when I realized you essentially, like you testified, you talked about you kind of stepped into the breach, right?

MR. DITOMMASO: Exactly.

CHAIRPERSON SIAVELIS: Were you involved in the preparation of any of the papers that were submitted to the Village?

MR. DITOMMASO: No. No.

CHAIRPERSON SIAVELIS: Did you review any of these papers before?

MR. DITOMMASO: I did with Robert just briefly.

CHAIRPERSON SIAVELIS: When was that?

MR. DITOMMASO: It was today, like at 11:30 today.

CHAIRPERSON SIAVELIS: No time before today?

MR. DITOMMASO: No. No, he gave me all this and he talked to me about it. I understand what he wants to do himself when he talked to me, and he just thought it was going to be, you know, just to be here and make sure everything goes well.

COMMISSIONER SELBKA: Jake, would this variance that we're considering that's been requested address this unpermitted fence at all in any way? It would?

MR. SCHMIDT: Yes, the variation is so that they can continue the fence at this height, continue it down, and then the parking variations to allow the dumpsters to remain in place.

COMMISSIONER SELBKA: Right, but what about the fence that exists at this time? Are they asking for a variation regarding the existing fence and the continuation?

MR. SCHMIDT: Yes, it would allow for the existing fence to remain in place and allow them to extend this fence line farther down to address the screening requirements.

COMMISSIONER SELBKA: With that information in mind, I think I'd kind of like to hear from the condo board president as to why this fence was installed without a variation.

CHAIRPERSON SIAVELIS: Right, to explain why we're here in this situation given that he was, or the association was in front of another Village Board in 2021. It's not like it just, you know, slipped your mind.

COMMISSIONER SELBKA: If somebody is going to ask for forgiveness as

opposed to permission, they should be here to ask forgiveness if they have to do it.

CHAIRPERSON SIAVELIS: And to understand the thought process of what transpired to get us to this point and what I anticipate would likely be opposition from the neighbors because we have folks sitting here in the audience. Are these folks in the audience, are they --

MR. DITOMMASO: I'm not sure.

CHAIRPERSON SIAVELIS: Do they work for the same company that you work for, GS Floor Designs?

MR. DITOMMASO: The folks that live behind?

CHAIRPERSON SIAVELIS: These three folks right here.

MR. DITOMMASO: No. No. No, they don't work with us.

CHAIRPERSON SIAVELIS: Do they work in the building?

MR. DITOMMASO: No.

CHAIRPERSON SIAVELIS: Do you recognize them at all?

MR. DITOMMASO: No.

CHAIRPERSON SIAVELIS: So, can we revisit the standards or the practice by which, if the Petitioner asked us to, we can essentially withdraw the petition for this month and carry it into the next month such that the gentleman responsible for signing this petition, Mr. Tom Waitzman, is present or others who were involved in the actual preparation of the petition and the events and the things that transpired that we see here in the papers?

MR. MACH: Is your question can the Zoning Board continue this to a future date?

CHAIRPERSON SIAVELIS: Yes, specifically, do we have to have the Petitioner ask us to consider that and then we would move, or can we do that on our own doing?

MR. MACH: The Zoning Board could elect to continue it if additional information is being requested.

CHAIRPERSON SIAVELIS: Can we elect to do that after we hear from the audience?

MR. MACH: Yes.

CHAIRPERSON SIAVELIS: Okay, what if anything else do you have to say in regards to the fence?

MR. DITOMMASO: I'm fine with not saying anything.

CHAIRPERSON SIAVELIS: Nothing further on the fence?

MR. DITOMMASO: Yes.

CHAIRPERSON SIAVELIS: Okay, tell us, touch if you can, revisit or circle back on the parking lot, keeping in mind, right, that 130 spaces are required by code. You had 112 that were provided to you through a variance --

COMMISSIONER LANAGHAN: 118.

CHAIRPERSON SIAVELIS: I'm sorry?

COMMISSIONER LANAGHAN: 118 was their variance instead of 112.

MR. DITOMMASO: 118. Somebody wrote down 112 on this, that's why.

COMMISSIONER JAFFE: Because of the dumpsters.

COMMISSIONER GEISEL: The dumpsters has taken out the other six.

CHAIRPERSON SIAVELIS: Yes.

COMMISSIONER GEISEL: Further reduction of six from 118 to 112.

CHAIRPERSON SIAVELIS: Yes, yes, I apologize.

MR. DITOMMASO: Yes.

CHAIRPERSON SIAVELIS: Okay, and that variation, that parking variation was in 2021.

MR. DITOMMASO: The study was done in March '22. He did a study of the most cars that were there was 64 cars.

CHAIRPERSON SIAVELIS: Who's he?

MR. DITOMMASO: Rob Belovicz.

CHAIRPERSON SIAVELIS: So, that's the 2022 parking study you're talking about?

MR. DITOMMASO: Yes.

CHAIRPERSON SIAVELIS: Okay, and you said there are, what, three businesses in this?

MR. DITOMMASO: There's actually four.

CHAIRPERSON SIAVELIS: Four?

MR. DITOMMASO: Yes.

CHAIRPERSON SIAVELIS: And all four are operable? They're all open for business currently?

MR. DITOMMASO: Yes. Yes.

CHAIRPERSON SIAVELIS: Are there any businesses in this facility that are not operating? In other words, is there a space for additional businesses to join?

MR. DITOMMASO: No.

CHAIRPERSON SIAVELIS: Full capacity?

MR. DITOMMASO: Yes. Yes, there's four different businesses.

COMMISSIONER JAFFE: Jake, do the parking spots to the south of the structure, do those count to the total number of spots on the property?

MR. SCHMIDT: Yes, any on-site parking spaces count.

COMMISSIONER JAFFE: So, when I drove through it today, that auto company, they're servicing cars. So, do you know if these vehicle counts include basically business, right? Like I don't know what exactly this auto company does.

MR. DITOMMASO: I believe they do because the study was the cameras around the building. He was watching through the cameras and then counting them, you know, throughout the different dates. One, two, three, four, five, six different --

COMMISSIONER JAFFE: So, these counts could include vehicles that aren't representative of in and out customers or employees? They could include counts of cars that are being serviced or maintained, or --

MR. DITOMMASO: Service, employees, whatever, everyone, yes.

MR. SCHMIDT: To elaborate on that automotive use, they do after-market installations for dealerships. So, typically, the vehicles aren't there longer than the afternoon or the day as long as it takes to do things like apply under coating, bed liner, trim attachments, things like that.

MR. DITOMMASO: Right.

COMMISSIONER JAFFE: So, you're saying they're generally not there overnight?

MR. SCHMIDT: Right, they generally don't store vehicles on site. It's only --

MR. DITOMMASO: If anything is overnight, they put them inside, too.

MR. SCHMIDT: Okay.

MR. DITOMMASO: Yes, they put them inside.

CHAIRPERSON SIAVELIS: So, they have storage facilities for vehicles?

MR. DITOMMASO: Yes.

CHAIRPERSON SIAVELIS: Inside.

MR. DITOMMASO: Yes, they put it all inside, yes.

CHAIRPERSON SIAVELIS: And this parking study, were you involved in the production and generation of this parking study?

MR. DITOMMASO: No.

CHAIRPERSON SIAVELIS: Do you know anything else about the parking study beyond what you read and saw today during your review of the papers?

MR. DITOMMASO: I do not.

CHAIRPERSON SIAVELIS: Do you know why the parking study was only commissioned and focused on one week in March?

MR. DITOMMASO: I'm not sure.

COMMISSIONER JAFFE: There's two.

CHAIRPERSON SIAVELIS: Actually, you're right, it's was Monday, Wednesday, Friday.

MR. DITOMMASO: It was Monday, Wednesday and Friday.

CHAIRPERSON SIAVELIS: And then the following week, Tuesday, Thursday, Friday.

MR. DITOMMASO: Tuesday, Thursday, right.

CHAIRPERSON SIAVELIS: Two weeks in March.

MR. DITOMMASO: Yes.

CHAIRPERSON SIAVELIS: Is March a busy time in your experience?

MR. DITOMMASO: I believe it doesn't get any busier or slower. It's just --

CHAIRPERSON SIAVELIS: Consistent?

MR. DITOMMASO: Yes, it's consistent.

CHAIRPERSON SIAVELIS: How long have you worked for GS Floor Designs?

MR. DITOMMASO: 22 years.

CHAIRPERSON SIAVELIS: How many?

MR. DITOMMASO: 22 years.

CHAIRPERSON SIAVELIS: What's your title? What do you do?

MR. DITOMMASO: I am the, I go out and I service all problem jobs and stuff, and I overlook all of our installers.

CHAIRPERSON SIAVELIS: Okay, so tell us --

MR. DITOMMASO: I'm the foreman of the company, for the flooring company.

CHAIRPERSON SIAVELIS: Okay, so, and your flooring company provides, what, flooring installation to residential, commercial, retail, that sort of thing?

MR. DITOMMASO: Residential and a little bit of commercial, yes. Yes.

CHAIRPERSON SIAVELIS: Hold on, you're going to get your chance. You can't speak from the seats like that. You've got to wait until we call you up and then you can speak.

MR. DITOMMASO: I'm out on the road 24/7 basically.

CHAIRPERSON SIAVELIS: Do you have a work truck?

MR. DITOMMASO: It's a vehicle.

CHAIRPERSON SIAVELIS: A work vehicle?

MR. DITOMMASO: Yes, yes.

CHAIRPERSON SIAVELIS: Do you know whether, and these two blue garbage receptacles that you see here in these pictures, these are solely used by GS Floor Designs?

MR. DITOMMASO: Yes.

CHAIRPERSON SIAVELIS: Did the condominium association give GS Floor Designs permission to install those?

MR. DITOMMASO: I'm not sure. I'm not sure, that's something with Robert Belovicz and Tom.

CHAIRPERSON SIAVELIS: Are these the only, is this the only garbage receptacle within the property?

MR. DITOMMASO: No. No, there's a compacter, too.

CHAIRPERSON SIAVELIS: But it's not pictured here? Not in those pictures?

MR. DITOMMASO: Yes, it's right where the arrow, right there.

CHAIRPERSON SIAVELIS: And that's used by your company?

MR. DITOMMASO: Yes.

CHAIRPERSON SIAVELIS: You have multiple --

MR. DITOMMASO: Yes. That's Tom's dumpster or whatever, and that's it, I think.

CHAIRPERSON SIAVELIS: Okay, I don't have any other questions. Let's see if any other Board members have questions.

Tom, do you have questions?

COMMISSIONER DRAKE: No.

CHAIRPERSON SIAVELIS: Frank, you guys good? Okay, let's move to the next phase, comments from the audience.

Okay, so you can take a seat, Mr. DiTommaso.

MR. DITOMMASO: Okay.

CHAIRPERSON SIAVELIS: Come on up, sir. Okay, have you signed in?

MR. MALIK: I signed already, yes.

CHAIRPERSON SIAVELIS: You signed already before?

MR. MALIK: Yes, I signed that paper.

CHAIRPERSON SIAVELIS: We don't have to swear him in, right? Can you identify yourself?

MR. MALIK: Yes. My name is Albert Malik, 902 West Tanglewood Drive.

CHAIRPERSON SIAVELIS: Again?

MR. MALIK: 902 West Tanglewood, T-a-n-g-l-e-w --

CHAIRPERSON SIAVELIS: Okay, if we go to the overhead view?

MR. MALIK: I'm talking about the fence and not about parking.

CHAIRPERSON SIAVELIS: Okay, right.

MR. MALIK: Okay, Mr. Chairman, let me tell you, my house is behind their business, okay?

CHAIRPERSON SIAVELIS: Can we see your house on this picture?

MR. MALIK: I don't see it here.

MS. DENMAN: Second from the left.

CHAIRPERSON SIAVELIS: Is that your house that Jake is showing with the arrow right there? I know it's --

MR. MALIK: The second one. Yes, yes, that's my house, right.

CHAIRPERSON SIAVELIS: Okay, please proceed.

MR. MALIK: Okay, the gentleman, I think his name is Paul you mentioned, he didn't say in detail what he's going to do. He said board over board, I get that, okay. But what's the detail, we want detail, what kind of wood he can use, what kind of stuff he can use. Details, Mr. Chairman, not only can he use fence. Fence according to snow, to weather, maybe it will be a -- you know what I mean? So, we need details to say that kind of stuff, that, that kind of wood, that kind of stuff. He can say that's, you know, not only he can use fence, any fence he can use, that's not the right way.

CHAIRPERSON SIAVELIS: The papers that they submitted, did they provide more details as to the fence construction material such that we can potentially show it up them to address Albert's concerns or comments?

MR. SCHMIDT: My understanding is that the intention is to have it be identical to the fence that's already up, the same wood panels, the same style, the same design. It would just be continued, that fence that you saw on the earlier picture of the new fence, continue that along the property line.

CHAIRPERSON SIAVELIS: Jake, why don't you flash that picture up there?

Albert, did you understand what Jake said?

MR. MALIK: No, I didn't hear him.

MR. SCHMIDT: The new fence would match this fence that you see up on the screen.

MR. MALIK: But match what?

MR. SCHMIDT: It would look identical to the fence that's on the screen.

MR. MALIK: Identical. Mr. Chairman, identical is not enough, identical. But I want the material, what's the material? When you say identical, identical like what?

CHAIRPERSON SIAVELIS: Well, I mean, I believe Mr. DiTommaso testified that it's a wood fence, right? He testified that the height was either eight or 8.5 feet, right, and that's on the papers that were submitted.

MR. MALIK: 8.5 feet, yes.

CHAIRPERSON SIAVELIS: Right, and you can see the layout here of the planks, the stringers and the main posts, okay. Does that not look like a wood cedar fence to you?

MR. MALIK: No, it looks like wood, but they got too many different woods, Mr. Chairman, you have to know that.

CHAIRPERSON SIAVELIS: Right, I mean, it looks like it's not stained, it's not painted.

MR. MALIK: I know it looks like wood, yes, that's true.

CHAIRPERSON SIAVELIS: I mean, I'm struggling a little bit about how many more details do you want? I mean, this is a pretty good picture of the fence that is in there right now, the existing fence, and we have testimony that the additional fence that will run along the south property line is going to match that, okay. It's going to be the

same, okay.

Does that not satisfy your concerns as to the type of the fence and the height of the fence?

MR. MALIK: Okay, if you are satisfied, Mr. Chairman, I'm satisfied. No problem.

CHAIRPERSON SIAVELIS: Okay, let's cut to the chase though here and let me ask you a question. With that information in mind, do you oppose or support the fence variance?

MR. MALIK: Let me, before I answer the question, I've got a question.

CHAIRPERSON SIAVELIS: You're going to answer the question with a question, okay, go ahead.

MR. MALIK: Because Mr. Robert, the owner, he came and asked me, he said to me listen, I want to take your old fence, okay, and put a new fence, okay. But if he's going to take the old fence, he's going to pay for that, I don't have to pay for nothing, right, Mr. Chairman?

CHAIRPERSON SIAVELIS: Are you asking me that question or are you telling me that was part of your discussion?

MR. MALIK: Well, Paul is here but Robert is not here because Robert he came and asked me. That's what I want to know because not later than, he said to me you have to sign a paper, what do you mean I have to sign a paper.

CHAIRPERSON SIAVELIS: What paper did he present to you that he wanted you to sign?

MR. MALIK: He said paper to take your old fence, he want to put new fence, I have to sign for that. What form do I have to sign for that?

CHAIRPERSON SIAVELIS: Jake, was there any such paper provided with the Petitioner's submission?

MR. SCHMIDT: No, there was not. Sure, I mean, you wouldn't be required to sign anything, if there is a fence out there, I didn't see one --

MR. MALIK: Paul was with him.

CHAIRPERSON SIAVELIS: Focus on what Jake is saying.

MR. MALIK: Okay.

MR. SCHMIDT: If there is a fence out there, I haven't seen it on Robert's property, the condo property. So, likely that's your fence. You would not be required to remove it. If Robert wants to remove it, there's no reason why you would have to pay for it. It's up to you whether or not you would allow him to get a permit to remove your fence, but if it's yours, you do not have to remove it, you do not have to pay for it, you can leave it there if you'd like to.

MR. MALIK: Okay, if I want to remove it?

MR. SCHMIDT: Okay, if you want it removed and Robert agrees to pay for it, you can give him permission to enter into a contract with a contractor to have the fence removed and a permit done. He can pay for that, but he's not required to. If it's a fence on your property, he's not required to remove it and neither are you. So, I think you'd have to --

MR. MALIK: Okay, Mr. Chairman, how are you going to put that, if he's taking my old stuff, how are they going to put a new one? I want to ask this question.

CHAIRPERSON SIAVELIS: Hold up one second, let's back and pause for a

second. Tell us about your existing fence. How tall is that fence?

MR. MALIK: I think it's six feet, five feet something.

CHAIRPERSON SIAVELIS: Is your existing fence, is that on your property line?

MR. MALIK: Yes, it's on my property line, right.

CHAIRPERSON SIAVELIS: It's on your north property line?

MR. MALIK: I don't know if it's north but it's behind, you know, behind the backyard, yes.

CHAIRPERSON SIAVELIS: Okay, will there be a gap between his existing fence, Robert's existing fence and the proposed fence to be erected by the Petitioner?

MR. SCHMIDT: There shouldn't be unless when the fence was installed on this property it was accidentally installed on Robert's, but on the plat of survey it doesn't look like there's any fence currently there, and at the site it doesn't look like there's any fencing on the owner's property.

CHAIRPERSON SIAVELIS: Is there a fence shown on the overhead?

MR. SCHMIDT: There's a fence there but it doesn't, when I was out there, it didn't look to be on the owner's property, it looked to be on the gentleman here, his property.

COMMISSIONER JAFFE: Not on the Petitioner's?

MR. SCHMIDT: Not on the, it didn't look like it was on the condo's property, it looked like it was on the resident's property.

COMMISSIONER GEISEL: Which is what he suggested, that it's his fence. This matter has absolutely nothing to do with your fence.

COMMISSIONER JAFFE: Yes.

COMMISSIONER GEISEL: It's solely to do with the height of the additional 2.5 feet above the required maximum height of six feet. They would like to put up an 8.5-foot high fence. Are you for that or are you against that?

MR. MALIK: Sir, I agree with you, but if --

COMMISSIONER GEISEL: No, no, no. No, no. Are you in agreement with the construction of an 8.5-foot high fence?

MR. MALIK: Because, let me tell you something, because something could be, the new one, because there's an old one there, they can't. I don't know what --

COMMISSIONER JAFFE: They can actually. They can run a fence along their property line and it will go right up against your fence. There will be two fences. So, the question is do you support that fence being 8.5 feet high?

MR. MALIK: Yes.

COMMISSIONER JAFFE: You support an 8.5 feet high fence that will be right behind your fence?

MR. MALIK: Okay, yes.

COMMISSIONER JAFFE: Okay.

COMMISSIONER GEISEL: And then whatever arrangements that you need to undertake with the condo association relative to your fence, that's up to you. That's really not our --

CHAIRPERSON SIAVELIS: Right. That's not within our purview. That's not for discussion tonight by this Board and consideration by this Board as to your existing fence, okay?

MR. MALIK: Okay.

CHAIRPERSON SIAVELIS: What other comments if any do you have?
And if you have none, that's fine. You can sit down and the other folks can stand up if they want to.

MR. MALIK: No, I got no other comments.

CHAIRPERSON SIAVELIS: Do you have any comments on the parking lot issue?

MR. MALIK: No. Parking lot, no.

CHAIRPERSON SIAVELIS: Okay, thank you very much. Appreciate it.

MR. MALIK: Thank you, sir.

CHAIRPERSON SIAVELIS: Ladies? Okay, have you signed in?

MS. DENMAN: I have not.

CHAIRPERSON SIAVELIS: Okay, please do so. We do not have to swear you in, but if you don't mind identifying yourself that'd be great.

(Witness signed in.)

CHAIRPERSON SIAVELIS: Okay, can you identify yourself please?

MS. DENMAN: Oh, sure. Cindy Denman, and I live at 814 Tanglewood.
So, I'm the third house from the corner.

COMMISSIONER JAFFE: Which corner?

MS. DENMAN: Kennicott and Tanglewood or Kennicott and --

COMMISSIONER LANAGHAN: So, you live next to Albert?

MS. DENMAN: I live next door to Albert, yes.

COMMISSIONER LANAGHAN: Perfect, that's all.

MS. DENMAN: Yes.

COMMISSIONER LANAGHAN: Good.

MS. DENMAN: So, I think just for your information, I think his fence, that was installed by a previous owner. I don't think it had a permit and they just --

COMMISSIONER JAFFE: When you say his fence, who are you referring to?

MS. DENMAN: To Albert's fence.

CHAIRPERSON SIAVELIS: Do you have a fence on your property?

MS. DENMAN: I do not, but I just wanted to stand up and say I would clearly be in favor of the request for the taller fence because we've lived in the house a long time, many, many years.

CHAIRPERSON SIAVELIS: How many?

MS. DENMAN: Since 1980, and so there were two rows of shrubbery. One is my hedge and the other one was belonging to the business. Over time, theirs is pretty much gone. So, it's fine with me in the summer because my hedge blocks out most things, it's very, very tall, but in the winter when the greenery is gone, I can see everything.

So, at the very corner of the building on the west corner, they always have a big battery truck parked back there. So, it's quite tall and very, very visible. So, I would be thrilled for a tall fence.

CHAIRPERSON SIAVELIS: So, you're in support of the 8.5-foot fence?

MS. DENMAN: Yes.

CHAIRPERSON SIAVELIS: Okay, very good.

Any questions, Board members?

COMMISSIONER LANAGHAN: Do you have any issues with the amount of cars that are using the lots? Any problems with the number of parking stalls that appear --

MS. DENMAN: I have no problem with them. I have a huge problem with the business on Kennicott, millions of cars it seems, but none with these guys.

COMMISSIONER DRAKE: Did the owner of the condo board, did they come to talk to you personally about this project?

MS. DENMAN: Yes.

COMMISSIONER DRAKE: They did, okay.

MS. DENMAN: Yes.

CHAIRPERSON SIAVELIS: Okay, thank you very much. Next?

MS. DAULTON: I didn't sign in either.

CHAIRPERSON SIAVELIS: Yes, please do so.

(Witness signed in.)

MS. DAULTON: I'm Claudia Daulton and I live in the fourth house from the corner. Yes, and we have a chainlink fence all the way around our yard. The bushes behind our house, we've been there almost 40 years, and they have deteriorated. When we moved in, they were beautiful. But over the years, they have just come to the point that we requested Robert to take a tree out because it was going to fall on our fences. It was rotted through and when they took it down it was like, whoa, they were very surprised to see how rotted it was.

But we have seen a lot of businesses go in and out of that building over the years. I mean, in almost 40 years you see a lot of, starting with Moto Graphics which was there when we moved in. The parking varies by the business. The car business, yes, they're gone at the end of the day normally, but they will use almost all the way down to where those receptacles are.

I don't see where taking away more spots would be good when they just had a variance to add spots a couple of years ago. We do have a problem on Kennicott there from the Matrix place where their parking, you can't see to get out of our street to turn, you know. It's not the business behind us that's doing that, it's the one across the street.

COMMISSIONER JAFFE: Which street?

MS. DAULTON: Kennicott.

COMMISSIONER JAFFE: So, the business to, you're saying the business on the west side of Kennicott?

MS. DAULTON: Yes.

COMMISSIONER JAFFE: Is exacerbating the parking problem?

MS. DAULTON: Yes.

COMMISSIONER JAFFE: But the Petitioner, what he is asking for --

MS. DAULTON: Is what's within his lot, but if they change personnel within the lot, in other words the businesses change, which happens all the time, then you could also have a lot more parking, have a lot more people coming in to work.

COMMISSIONER JAFFE: So, it sounds like you have some concerns about the reduction in parking spots. What about the fence height?

MS. DAULTON: My concern about the fence is there is so much garbage plant-wise between our fence and the actual lot line that even if they remove that, how are they going to keep it down with an 8.5-foot fence?

CHAIRPERSON SIAVELIS: Keep what down?

MS. DAULTON: The plants, because right now it's all, you know what buckthorn is?

CHAIRPERSON SIAVELIS: Yes.

MS. DAULTON: Okay, there's buckthorn in there, there's everything, and it comes right into our yard. We're forever clipping along the fence trying to keep it off.

CHAIRPERSON SIAVELIS: Your fence? Along your chainlink fence?

MS. DAULTON: Yes. Yes. I'm not thrilled about 8.5 feet, but if that's what it takes, that's what it takes.

COMMISSIONER JAFFE: I don't want to dismiss your comment about the other business west of Kennicott but we just, we don't have --

MS. DAULTON: It's not part of this, right.

COMMISSIONER JAFFE: Yes, I mean, that's not --

MS. DAULTON: But my point is if they would get a different business in this particular thing and they have more employees, you are going to have more cars parking and you're going to have a problem if you reduce the amount of parking spots.

COMMISSIONER JAFFE: I see the logic. Unfortunately, we can't base the decision on something that may or may not happen in the future, right? These businesses might stay here for another four years, and to your point the whole building could turn over in the next four years. I mean, we can't anticipate it.

MS. DAULTON: Right, and they have. They have been turning over quite regularly.

CHAIRPERSON SIAVELIS: And frankly, the parking lot study that was provided and submitted to the Village here does not show a high utilization of the spots.

MS. DAULTON: That is a low day back then.

COMMISSIONER GEISEL: So, you're speaking to the parking immediately adjacent to the fence?

MS. DAULTON: Right.

COMMISSIONER GEISEL: Whereas the parking study was done on the overall site.

CHAIRPERSON SIAVELIS: Right, across the totality.

MS. DAULTON: Right, yes.

CHAIRPERSON SIAVELIS: Right. So, that's a little bit of the trick here, right? Because you can't see through buildings, hard to know what side of the property, the subject property --

MS. DAULTON: Usually though most of them are filled on the other side. When I've driven past there, they've been filled depending on the hour of the day.

COMMISSIONER JAFFE: I defer to the public because she's lived there for 40 years. When I drove around the entire perimeter about 5:00 o'clock today, there were more cars on the south side than there were on the north side.

CHAIRPERSON SIAVELIS: At 5:00 o'clock? Yes.

MS. DAULTON: Well, the businesses close at 5:00.

COMMISSIONER LANAGHAN: Do you recognize a certain time of year when businesses are more busy than others or, you know, is now a good time to be driving or is March when the study was done?

MS. DAULTON: I would say there's probably more in the summer,

especially with the auto place because more people are buying cars in the spring and summer.

CHAIRPERSON SIAVELIS: We heard other testimony tonight that many of those vehicles that are addressed, or --

MS. DAULTON: They're usually gone at the evening.

CHAIRPERSON SIAVELIS: Yes. Are they in fact, is that your observation?

MS. DAULTON: Most of them. There were some there that were overnight last night.

CHAIRPERSON SIAVELIS: Do they overnight outside?

MS. DAULTON: Yes, there was at least one right behind our house last night.

CHAIRPERSON SIAVELIS: Okay, and do they also have indoor storage as well?

MS. DAULTON: I have no idea. I have never been there. They do have a truck though that parks on the side. It used to park behind our houses, and when we complained about them idling behind our houses and we were getting the fumes, they moved it to the side which is out of the way and we don't see it.

CHAIRPERSON SIAVELIS: Can you see those large trash receptacles at all or does the fence block them?

MS. DAULTON: We can see the one that's in the middle there. That one there, and we can see the one behind the, that one there behind the auto place. The one we cannot see are the ones at the end because we're two houses back.

CHAIRPERSON SIAVELIS: The angle is too severe?

MS. DAULTON: There's trees in the way. There's buildings and trees, I mean, you can't see.

CHAIRPERSON SIAVELIS: And that 8.5-foot fence that was put out there as well?

MS. DAULTON: I can't see the fence.

CHAIRPERSON SIAVELIS: Oh, you can't, okay.

MS. DAULTON: No, my neighbor next to me has a wooden fence. So, his wooden fence blocks a lot of what's back there.

COMMISSIONER DRAKE: So, to summarize, it sounds like you're not in favor of the parking variance and you're not in favor of the fence either?

MS. DAULTON: The fence is fine as long as they take care of the garbage plants in between our chainlink and that, so we don't have to, you know, stare at this mess that's growing up haphazardly in between.

CHAIRPERSON SIAVELIS: Is your existing fence, your chainlink fence, is it on your property line?

MS. DAULTON: Yes.

CHAIRPERSON SIAVELIS: How large, like depth-wise, would that gap be between your chainlink fence and say the wood fence as well?

MS. DAULTON: Depending on, if they put it like this far off of the thing, it would be about four to five feet. I'm not sure, our fence actually might be slightly inside the property line because I know that my next-door neighbor to the east, his is about 10 inches farther back than ours.

COMMISSIONER DRAKE: Did they come and speak with you when they

put that fence up that we're now finding out should not have been put up?

MS. DAULTON: No.

CHAIRPERSON SIAVELIS: How often do they maintain the bushes and the vegetation that you kind of described as junk? And for the question, during the course of your years living on your property?

MS. DAULTON: Only last year when I complained, and it was Robert that took the time to do something about it.

CHAIRPERSON SIAVELIS: Was he generally responsive in view of your complaint?

MS. DAULTON: Yes.

CHAIRPERSON SIAVELIS: Was he professional or personable to deal with?

MS. DAULTON: Yes.

CHAIRPERSON SIAVELIS: Anything else?

MS. DAULTON: No.

CHAIRPERSON SIAVELIS: Thank you very much.

Okay, Mr. DiTommaso, you have an opportunity to address and respond to the comments you've heard from the audience and our comments as a Board, that's if you want to. If not, we go to the deliberation phase by the Board.

MR. DITOMMASO: No comments. I don't want to make no comments.

CHAIRPERSON SIAVELIS: So, do you still want to, it's easier for the reporter because there's a microphone there.

MR. DITOMMASO: Yes. Okay.

CHAIRPERSON SIAVELIS: I will ask you now, in view of the comments you've heard from the audience and our comments you heard from the Board, do you still want to proceed with both of these petitions for these variances?

MR. DITOMMASO: I would like to proceed to see if we could get it done, you know, yes.

CHAIRPERSON SIAVELIS: Okay, there is a chance, depending upon where our deliberations take us, that we may move one or both or zero, neither of the petitions to next month such that either Robert or Tom or both could be here in attendance to explain better.

MR. DITOMMASO: Right. Right, I understand.

CHAIRPERSON SIAVELIS: And not leave you up here to do it, okay?

MR. DITOMMASO: Right. Yes.

CHAIRPERSON SIAVELIS: All right, so moving to deliberation phase, go ahead, Joe.

COMMISSIONER SELBKA: Well, I think I'd be okay with moving on the fence today because the neighbors have all basically been in favor of the fence. It seems like it's a relatively small ask and it seems like it would be better for the neighbors to have that fence there, but because there's been some objections with the parking lot, I think we should continue the parking lot issue.

CHAIRPERSON SIAVELIS: I see your point, and let me ask you a follow-up. Would you be interested in conditioning the first variance, i.e., the fence variance, with the clean-up, cleaning up of the random stray vegetation that has grown within the boundary, the southern boundary of the Petitioner's property?

COMMISSIONER SELBKA: Sure, sure, although that is always a matter for code enforcement, I mean, if somebody makes a complaint, but certainly we could make it a condition of giving, of granting the variance to clean up the volume of shrubbery.

MR. DITOMMASO: I believe Robert did say that he's going to clean that up.

COMMISSIONER SELBKA: Okay.

CHAIRPERSON SIAVELIS: Actually, at this phase you may not sit down. I apologize, go ahead and take your seat please.

MR. DITOMMASO: Okay.

COMMISSIONER SELBKA: Of all the shrubbery and scrub.

CHAIRPERSON SIAVELIS: Right, because we've heard testimony from four people now that there's a lot of random vegetation that has grown and shrubbery that has grown over the years, so it seems like a wise move to condition it, right? That way, you know, it's another checks and balance for the process here.

COMMISSIONER SELBKA: Yes.

CHAIRPERSON SIAVELIS: Other Board members, what are your thoughts on our two takes and our two positions here?

COMMISSIONER GEISEL: I think the existing obligation, to Joe's point, is already there to maintain that buffer area, and so as to whether or not we condition or not is irrelevant to me because it's already an existing obligation and I don't really think it has much to do with this per se. Relative to the parking, having been in commercial real estate for 30 years and management of buildings similar to this, I understand the need to have a concrete pad under the dumpsters because this is where the garbage trucks absolutely destroy asphalt pavement. So, you need to have the concrete to be able to support these types of trash receptacles.

CHAIRPERSON SIAVELIS: Especially when they're loaded, right.

COMMISSIONER GEISEL: So, to the last resident who spoke, by the same token, at some point their business, the existing business that uses the flooring could depart and you would no longer have a need to have receptacles of that size and you could easily convert that back to parking because it's now concrete rather than asphalt. You're not taking away the actual surface area, you're taking away or modifying the use of it. Given the demonstrated demand of a maximum of 60 percent on the overall size or use at the site, I think the request of six isn't a huge request.

CHAIRPERSON SIAVELIS: So, you would --

COMMISSIONER GEISEL: I would be in favor of both. I completely disagree with the manner in which this was presented to us though, and nothing to his presence.

CHAIRPERSON SIAVELIS: I think we all understand that Mr. DiTommaso was kind of put in a bad position.

COMMISSIONER GEISEL: Oh, absolutely, absolutely. We actually commend him.

COMMISSIONER LANAGHAN: He did not have an obligation to be here.

CHAIRPERSON SIAVELIS: Absolutely, right, and especially since they understand the process given their 2021 experience. There's no excuse for that unless, outside of family emergency, right? Then you can ask for a continuance as well to the next month, okay? But you did a yeoman's job all things considered.

Other comments from Board members as to whether we proceed on

the fence petition, vote on that now, and the parking lot petition or do we table that for next month and we continue for next month? I'm interested to hear.

COMMISSIONER JAFFE: I would agree with Mr. Geisel's summary. It was disappointing the way that the property owner treated this situation, but given the evidence that we have reviewed and discussed, I would be supportive of moving forward with both petitions tonight.

CHAIRPERSON SIAVELIS: And granting both petitions tonight?

COMMISSIONER JAFFE: Yes.

CHAIRPERSON SIAVELIS: All right, Frank, what are your thoughts?

COMMISSIONER PORTERA: I think that there's a lot going on here and I would like to hear from the Petitioner himself.

CHAIRPERSON SIAVELIS: On both petitions?

COMMISSIONER PORTERA: On both petitions. I think that already moving from 130 to 118 to 112 parking spaces is kind of a big ask. We need some color to why this is happening and just more effort on the Petitioner's part. I understand the parking study, but I would like some more color to that, too, and how he did it. Mr. DiTommaso did a great job but, you know, he wasn't involved in doing the survey.

CHAIRPERSON SIAVELIS: Right, we don't know who conducted this parking survey. We don't know what their qualifications were. So, I echo those points.

COMMISSIONER LANAGHAN: I would tend to agree with Frank. I mean, if I'm going to bring them back for one, I'm going to bring them back for both to understand what went down. I completely understand Joe's point about the concrete and being able to convert that back to parking, true statement. I would like to understand, you know, why he has these oversized receptacles in the first place that was never permitted or approved. Maybe they're needed, I don't know, but I would certainly like to understand why they're there.

So, I would be more of a table it and bring them back.

CHAIRPERSON SIAVELIS: Table both?

COMMISSIONER LANAGHAN: Yes, I would bring, if I'm going to table one I'm going to table both.

CHAIRPERSON SIAVELIS: Okay, so we have a lot of variability right now.

COMMISSIONER LANAGHAN: Yes.

CHAIRPERSON SIAVELIS: Except for Tom.

COMMISSIONER DRAKE: I agree completely that if we're going to have them come back in for one let's do both. Quite honestly, I'd like to just hear the whole story from the beginning again and not get bits and pieces. We got a lot of bits and pieces tonight, but I'd like to hear it one time from the people who are responsible for the building.

I think those are the people who are accountable, and I don't think another month makes a big difference. It really doesn't, maybe it does to the neighbors, maybe it does to the Petitioner, it doesn't to me.

CHAIRPERSON SIAVELIS: But status quo essentially, carrying them over another month is status quo I mean.

COMMISSIONER DRAKE: Right. You know, they'd be here in four weeks.

COMMISSIONER LANAGHAN: I do appreciate the neighbors coming out and giving us your thoughts.

CHAIRPERSON SIAVELIS: Yes, your comments will, if we carry over both

petitions or one petition, your comments will be in the record going forward in the minutes, okay, so those will be reviewed and those apply going forward, okay. They're not like use it or lose it, they're not gone.

COMMISSIONER LANAGHAN: It's another way of saying you don't have to come back if you don't have to. Happy to have you though, we'd love to see you here.

CHAIRPERSON SIAVELIS: Yes, to clarify, you don't have to come back, but if you want to come back, you're certainly able to come back since you're directly impacted there.

COMMISSIONER DRAKE: And I'm very glad the neighbors came here tonight because it's given us I think insight and information to work here we wouldn't have had otherwise. We don't always have people who come in and speak, so I think it's added a lot to the discussion.

COMMISSIONER LANAGHAN: Yes, absolutely.

COMMISSIONER JAFFE: On the record, I'll just say, I mean, I would be disappointed that we invested so much time in this Board and with the public, I think we spent about 55 minutes on this petition only to bring it back again in a subsequent month. I think we could have been more smart with the way we managed the time in this petition.

CHAIRPERSON SIAVELIS: Hindsight is 20-20.

COMMISSIONER JAFFE: Well, we did talk about it before we got all the way into it. So, again, that's on the record. I brought up the point should we continue, as a Board we chose to continue, and now it sounds like we're going to continue again when we could have avoided the last, you know, 55 minutes.

COMMISSIONER DRAKE: The easy way to resolve it is to vote, you know, I mean, we because we have a variety of opinions here and everybody's opinion is important. I agree with Ben, we talked about it for a long time so let's take a vote if we're at that point and I'm all right with that.

CHAIRPERSON SIAVELIS: Yes, I mean, we can call for a motion. Is there a motion?

COMMISSIONER DRAKE: I would move that we continue this discussion to next month's meeting. I ask the Petitioner to come in and address it.

CHAIRPERSON SIAVELIS: On both variances?

COMMISSIONER DRAKE: On both variances.

MR. SCHMIDT: If I could interrupt? August 8th currently has no petitions, so if we continue specific to that date, then the Petitioner wouldn't have to renotify. Then let's lock it in for that date so they don't have renotification to --

CHAIRPERSON SIAVELIS: Okay, duly noted. So, does Tom need to restate to specify that date?

MR. SCHMIDT: You wouldn't have to renotice, no, but he would have to specifically say continue to the August 8th, 2022 meeting.

COMMISSIONER DRAKE: Mr. Drake, would you like to --

COMMISSIONER DRAKE: To continue to August 8th?

MR. SCHMIDT: August 8th.

CHAIRPERSON SIAVELIS: Mr. Drake, would you like to restate your motion?

COMMISSIONER DRAKE: **I would move that this petition be moved to the August 8th Zoning Board of Appeals meeting and that we discuss both of these**

requests that were in the petition tonight at that time with the people who are responsible for managing and own the property in question.

CHAIRPERSON SIAVELIS: Before I call for a vote on that motion, actually it has to be seconded.

COMMISSIONER LANAGHAN: Let me second that first.

CHAIRPERSON SIAVELIS: Okay, thank you. Before I call for a vote on that motion, if we vote no on that, other motions can still be brought, for example, to grant both variances, to grant the petitions entirely, or to split the baby, grant one of the variances and deny the other variance, correct?

MR. SCHMIDT: Correct.

CHAIRPERSON SIAVELIS: We have a second. Call for a vote.

MR. SCHMIDT: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. SCHMIDT: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. SCHMIDT: Mr. Jaffe.

COMMISSIONER JAFFE: No.

MR. SCHMIDT: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. SCHMIDT: Mr. Selbka.

COMMISSIONER SELBKA: No.

MR. SCHMIDT: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. SCHMIDT: Chairman Siavelis.

CHAIRPERSON SIAVELIS: No.

MR. SCHMIDT: Motion carries.

CHAIRPERSON SIAVELIS: That's four-three.

MR. SCHMIDT: Four-three.

CHAIRPERSON SIAVELIS: Okay, so as a result of that, we will see you back on, actually the petition for these two variances carries over to August 8th.

MR. SCHMIDT: Correct.

CHAIRPERSON SIAVELIS: So, before I ask if there's a motion to adjourn, Mr. DiTommaso, I would strongly encourage the other two gentlemen, Mr. Waitzman and Mr. Robert --

MR. DITOMMASO: Belovicz.

CHAIRPERSON SIAVELIS: Yes, Belovicz, to be in attendance at that meeting, okay, and to work with Jake and Derek to address any questions or issues that could somehow, some way that would preclude them from attending. Their attendance is essential.

MR. DITOMMASO: Okay.

CHAIRPERSON SIAVELIS: Okay, with that in mind, do we have a motion to adjourn? Oh, actually, that's right, other business, public comment. So, if anybody from the public wants to raise any comment in any regard, even though we've had the three members of the public speak already, now is your time.

(No response.)

CHAIRPERSON SIAVELIS: Hearing none --

MR. MALIK: Mr. Chairman, excuse me, I want a copy of the minutes please.

MR. MACH: The minutes will be available.

CHAIRPERSON SIAVELIS: Yes, through the --

MR. MACH: Village website.

CHAIRPERSON SIAVELIS: Through the Village website, yes. Okay, no other public comments being requested, right?

(No response.)

CHAIRPERSON SIAVELIS: Thank you.

Do we have a motion to adjourn?

COMMISSIONER SELBKA: Motion to adjourn.

COMMISSIONER JAFFE: Second.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: All right, we are adjourned.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:14 p.m.)

STATE OF ILLINOIS)
) SS.
 COUNTY OF KANE)

I, RONALD LeGRAND, JR., depose and say
 that I am a digital court reporter doing business in the State of
 Illinois; that I reported verbatim the foregoing proceedings and
 that the foregoing is a true and correct transcript to the best of
 my knowledge and ability.

 RONALD LeGRAND, JR.

SUBSCRIBED AND SWORN TO
 BEFORE ME THIS _____ DAY OF
 _____, A.D. 2022.

 NOTARY PUBLIC



Zoning Board of Appeals 8/8/2022

Item: 825 W. University Dr. - ZBA#22-016 - continued from 7/11/22

Department: Planning & Community Development

REQUEST

1. A 2.5-foot variation from Chapter 28, Section 6.13-3b (Location of Fences – Side and Rear Yards) to allow an 8.5-foot-tall fence along the rear property line where a 6-foot-tall fence is permitted.
2. An 18-space variation from Chapter 28, Section 10.4 (Schedule of Parking Requirements) to allow provision of 112 parking spaces where 130 spaces are required by code.

ATTACHMENTS:

Description

Supporting Documents

Type

Exhibits

MEMORANDUM

TO: Zoning Board of Appeals

FROM: Jake Schmidt, Assistant Planner

DATE: August 3, 2022

RE: ZBA Petition 22-016 – 825 W University Drive

Chairman Siavelis and Members of the Zoning Board of Appeals,

On July 11th, the petition for 825 W University Drive was heard. In lieu of in-person attendance, the petitioner elected to delegate an employee of a business located within the subject property as a representative. The Zoning Board of Appeals believed the petitioner should be present, and moved to continue this petition to the August 8th meeting.

There are no changes to the proposal as discussed at the July 11th meeting.

CC: Derek Mach – ZBA Liaison
Bill Enright, Assistant Director of Planning & Community Development

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Jake Schmidt, Planner
Hearing Date: July 11, 2022
Date Prepared: July 1, 2022
Project Title: University Commons Condo Association
Address: 825, 835, 845, 855, 865 W. University Dr.

Background Information

Petition Number: ZBA #22-016
Petitioner: Tom Waitzman
Address: 855 W. University Dr.
Arlington Heights IL 60004

Existing Zoning: M-1 – Research, Development & Light Manufacturing District

Requested Action/Background Information

Chapter 28, Section 6.15-2.1 requires that in Manufacturing Districts where a rear lot line or side line coincides with a side or rear lot line of property in adjacent residential districts, screening along such lot line must be provided. The shrubbery along the south service area of the property has been declining in health, necessitating replacement to meet code. Additionally, the Commercial Design Guidelines of the Village state that trash and service areas be concealed from public view. The petitioner has recently installed an 8.5-foot-tall fence at the southeast corner of his property to screen large trash receptacles. The petitioner is seeking to continue this 8.5-foot-tall fence along the rear of the property in order to screen the entirety of the service area, which contains multiple dumpsters, in order to effectively screen the property from the adjoining residences. However, code only permits a maximum fence height of 6 feet tall from grade. Therefore, the petitioner requests the following variation:

- A 2.5-foot variation from Chapter 28, Section 6.13-3b (Location of Fences – Side and Rear Yards) to allow an 8.5-foot-tall fence along the rear property line where a 6-foot-tall fence is permitted.

Additionally, the petitioner has installed a concrete pad at the southeast corner of the property in order to support large trash receptacles. However, in doing so the petitioner removed 6 parking spaces. This has reduced available site parking below the previously granted parking variation in 2021, which was for 118 spaces where 130 were required. The petitioner has provided a parking study, which demonstrates that on-site parking lot utilization did not exceed 68 out of 112 parking spaces, 60.1% of capacity. Therefore, the petitioner requests the following variation:

- An 18-space variation from Chapter 28, Section 10.4 (Schedule of Parking Requirements) to allow provision of 112 parking spaces where 130 spaces are required by code.

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	✓	6/24/22	
2. List of Property Owners Within 250 feet of Subject Property	✓	6/24/22	
3. Letter that was Mailed	✓	6/24/22	
4. Photographs of Sign on Property	✓	6/24/22	

Photographs of Existing Structure





Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Nusrat Jahan, Building & Life Safety Department

Project Name: University Commons Condominium Association

Project Address: 825 W University Drive

ZBA #: 22- 016

Date: July 11, 2022

Derek:

I have reviewed the request for the following variance:

- **A 2.5-foot variation from Chapter 28, Section 6.13-3b (Location of Fences – Side and Rear Yards) to allow an 8.5-foot tall fence along the rear property line where a 6-foot tall fence is permitted.**
- **An 18-space variation from Chapter 28, Section 10.4 (Schedule of Parking Requirements) to allow provision of 112 parking spaces where 130 spaces are required by code.**

and have the following comment:

1. No comments on fence height relief request.
2. The number accessible parking spaces, location and design for 112 off street parking spaces shall comply with 2018 Illinois Accessibility Code.

ZBA# 22-016
825-905 W University Drive - ZBA
Rev. Eng: Briget Schwab, P.E.
cc: Mike Pagones, P.E. Village Engineer

Application Date: April 1, 2022
Received by Planning:
Transmitted to Engineering: June 23, 2022
Completed: June 29, 2022

The proposed ZBA application indicates that the petitioner is seeking:

- A 2.5-foot variation from Chapter 28, Section 6.13-3b (Location of Fences – Side and Rear Yards) to allow an 8.5-foot tall fence along the rear property line where a 6-foot tall fence is permitted.
- An 18-space variation from Chapter 28, Section 10.4 (Schedule of Parking Requirements) to allow provision of 112 parking spaces where 130 spaces are required by code.

The Engineering Division has NO OBJECTION on the proposed variance for Location of Fences – Side and Year Yards to allow an 8.5-foot-tall fence.

The Engineering Division has NO OBJECTION on the proposed variation for required parking spaces.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: University Commons Condominium Association

Project Address: 825 W University Drive

ZBA #: 22-016

ZBA Hearing Date: July 11, 2022

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

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

From: Derek Mach, Landscape Planner

Transmitted On: June 23, 2022

- A 2.5-foot variation from Chapter 28, Section 6.13-3b (Location of Fences – Side and Rear Yards) to allow an 8.5-foot tall fence along the rear property line where a 6-foot tall fence is permitted.
- An 18-space variation from Chapter 28, Section 10.4 (Schedule of Parking Requirements) to allow provision of 112 parking spaces where 130 spaces are required by code.

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 1, 2022.

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 Tom Waitzman (President)

being the owner of the property commonly known as: University Commons Condominium Association

and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 6.13-3b & 10.4

Chapter 28, of the Arlington Heights Municipal Code, in order to: 6-13-3b erect a fence that is 8'6" high

10.4 Reduce the number of parking spaces from 130 to 112

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): 6-13-3b this fence height will match the fence of our neighbor on the east side that we will be connected to & 10.4 This will

just decrease the number of parking spots

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): 6.13-3b This will help screen vehicles, the building & dumpsters

10.4 This is the current number of spaces we have

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain): _____
This will add additional screening

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): This will help screen vehicles, the building & dumpsters

Signed: _____
Petitioner

Date: _____

Petition Details

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):

6-13-3b Current neighbors have already installed a fence at the proposed height, we are requesting to have our fence match the neighbor fence to look more uniform. This height of fence will also provide better screening and sound warrior for resentilan neighbors.

10.4 You will see in the included parking study that we have more than enough parking spots to service this building, reducing the amount of parking spots will not have any impact on this building.

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:

6-13-3b This varinec will allow us to better screen vehicles, dumpsters and noise from our residential neighbors

10.4 We do not have the ability to add any more parking spaces to this building, we have conducted a parking study to ensure that we will have adequate parking for all tennant and we do.

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

The proposed variances will help to protect our residential neighbors from noise, vehicles and garbage dumpsters.

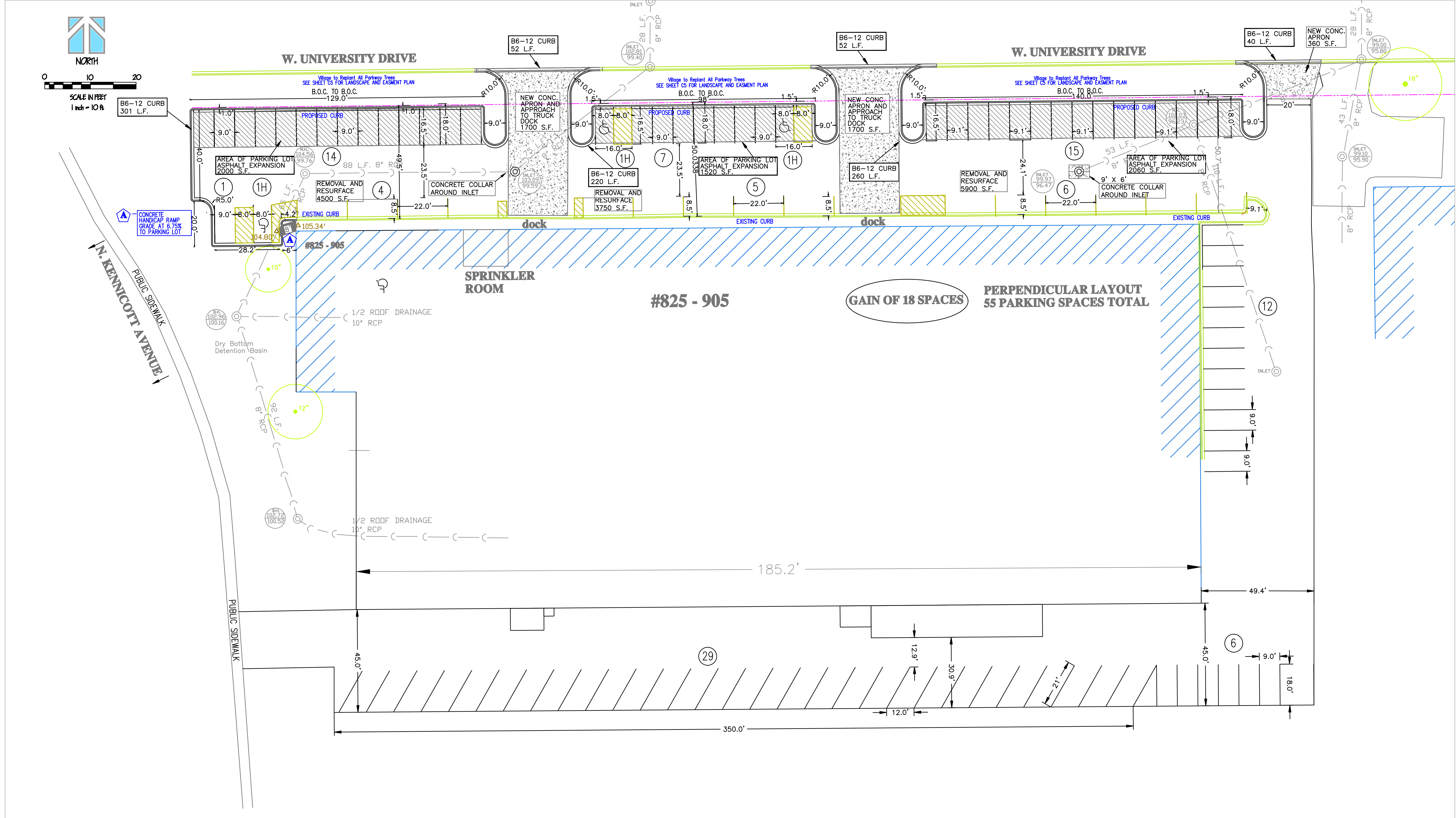
I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property:

We do not have the ability to create more parking spaces or relocate the dumpsters, for these reasons this varinec would be required for us to conduct business.

PARKING LOT EXPANSION

825-905 W. University Drive, Arlington Heights, IL

EXISTING GEOMETRIC SITE PLAN



SHEET:
C3

1. JUNE 15, 2018
2. AUGUST 15, 2018
3. MAY 11, 2018
4. MAY 11, 2018
5. MAY 11, 2018
6. MAY 11, 2018
7. MAY 11, 2018
8. MAY 11, 2018
9. MAY 11, 2018
10. MAY 11, 2018

1. JUNE 15, 2018
2. AUGUST 15, 2018
3. MAY 11, 2018
4. MAY 11, 2018
5. MAY 11, 2018
6. MAY 11, 2018
7. MAY 11, 2018
8. MAY 11, 2018
9. MAY 11, 2018
10. MAY 11, 2018

G.S. Flooring / Okoh Electric Co
825-905 W. University Drive
Arlington Heights, IL

DEMOLITION AND
GEOMETRIC SITE PLAN

Civil Engineer
Dan Grecco, P.E.
1042 Maple Ave, Suite 130
Lisle, IL 60532
630-745-0524
dgrecco@alm.com

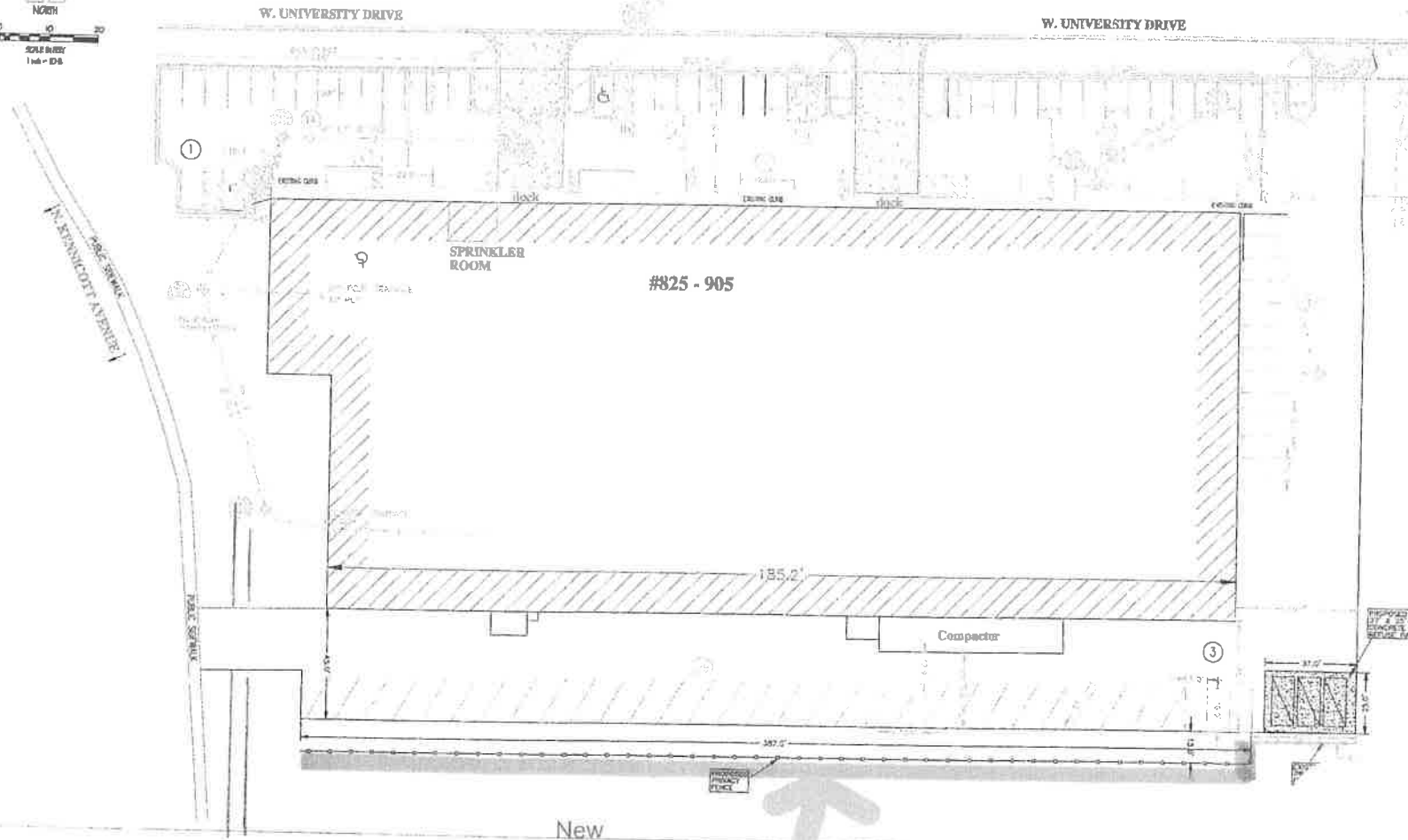
GENERAL CONTRACTOR
John V. Pancorvo, J & J Paving
12 W College Dr
Arlington Heights, IL 60004
847-363-0956
jjpave1992@gmail.com

SCALE
AS SHOWN

SHEET
C3

Date
MAY 10, 2018

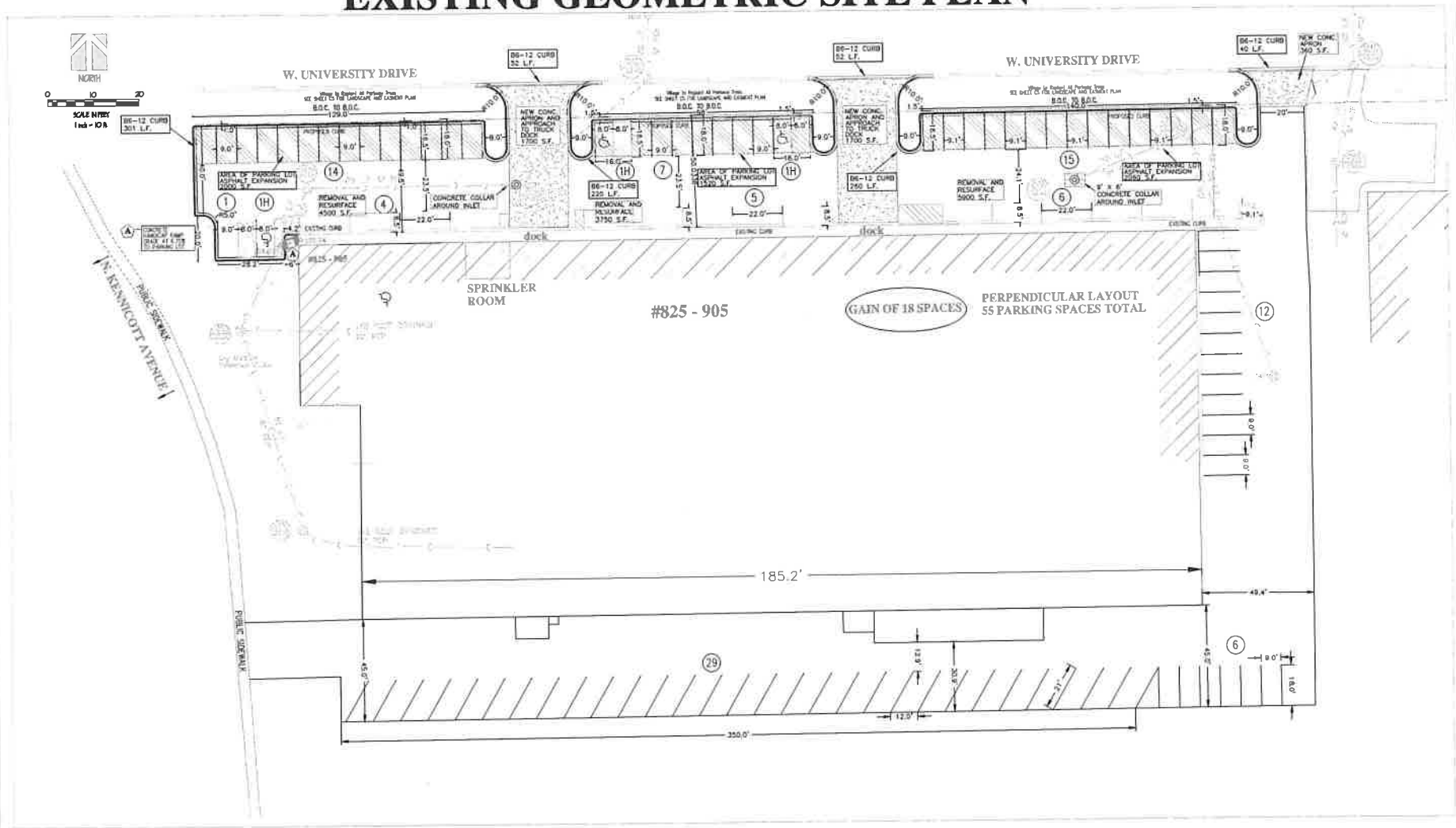
PARKING LOT EXPANSION 825-905 W. University Drive, Arlington Heights, IL PROPOSED GEOMETRIC SITE PLAN



New 8 foot fence in purple

Existing 8 foot fence

PROPOSED GEOMETRIC SITE PLAN DATE: 10/15/2014 DRAWN BY: J. J. Rong CHECKED BY: L. B. Rong PROJECT: 825-905 W. University Drive, Arlington Heights, IL SCALE: 1" = 40' (PLAN) 1" = 8' (SECTION)	CLIENT: C3 PROJECT: C3
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[illegible]

University Commons Condominium Association Parking Lot Survey

	Mon, Mar 14, 22	Wed, Mar 16, 22	Fri, Mar 18, 22	Tue, Mar 22, 22	Thu, Mar 24, 22	Fri, Mar 25, 22
7:00 AM	23	31	39	24	33	37
8:00 AM	39	38	52	40	41	52
9:00 AM	52	44	56	47	49	55
10:00 AM	48	46	58	49	53	49
11:00 AM	47	44	57	51	59	51
12:00 PM	51	50	64	54	57	49
1:00 PM	53	65	62	52	55	51
2:00 PM	53	62	57	53	58	53
3:00 PM	54	50	49	56	55	53
4:00 PM	52	52	37	49	38	51
5:00 PM	44	39	68	38	40	42



**Zoning Board of Appeals
8/8/2022**

Item: Budget 2023

Department: Planning & Community Development

ATTACHMENTS:

Description

Budget 2023

Type

Exhibits

MEMORANDUM

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

From: Derek Mach, Staff Liaison

Date: August 3, 2022

Re: Budget 2023

The purpose of this memo is to share a draft of the budget for the Zoning Board of Appeals for the 2023 budget year. The budget topic has been placed on the August 8 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 dmach@vah.com or (847) 368-5232.

At: *Draft of Budget*

VILLAGE OF ARLINGTON HEIGHTS
BOARDS & COMMISSIONS 2023 BUDGET REQUESTS

Name of Board or Commission: ZONING BOARD OF APPEALS

Chair: PETER SIAVELIS

	2020 Actual	2021 Actual	2022 Adopted Budget	2022 Estimated Actual	2023 Proposed Budget	Accounts
CONTRACTUAL SERVICES:						
Photocopying	-	-	-			101-1003-502.22-15
COMMODITIES:						
Office Supplies	-	-	100	-	100	101-1003-502.30-05
TOTAL EXPENDITURES	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 100</u>	<u>\$ 100</u>	<u>\$ 100</u>	