



Agenda
Village of Arlington Heights
Zoning Board of Appeals
Virtual Meeting

July 13, 2020
7:00 PM

I. CALL TO ORDER

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

To participate in the virtual meeting, please follow these instructions: <https://bit.ly/2VYzgUo>

Individuals who wish to comment or ask a question on an item on the Agenda may either participate virtually or send an email to the Village at dmach@vah.com. Please limit emails to 200 words or less. To be shared at the meeting, the email must be received by 3:00 pm on July 13, 2020.

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. 618 E. Lynden Ln. - 5/21/20
- B. 130 S. Mitchell Ave. - 5/21/20
- C. 610 N. Wilshire Ln. - 5/21/20
- D. 2 N. Ridge Ave. - 6/8/20
- E. 1200 E. Woodford Pl. - 6/8/20
- F. 1202 W. Marion Rd. - 6/8/20
- G. 1722 N. Dover Ln. - 6/8/20

IV. REPORTS

V. OLD BUSINESS

VI. NEW BUSINESS

- A. ZBA#20-014 - 1530 E. Northwest Hwy.

B. ZBA#20-015 - 648 N. Dunton Ave.

VII. OTHER BUSINESS

VIII. ADJOURNMENT

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



**Zoning Board of Appeals
7/13/2020**

Item: 618 E. Lynden Ln. - 5/21/20

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
618 E Lynden Ln - 5/21/20 Minutes	Minutes
618 E Lynden Ln - 5/21/20 Findings	Minutes

ZONING BOARD

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

OF APPEALS

RE: 618 EAST LYNDEN LANE - ZBA #20-008

REPORT OF PROCEEDINGS had before the Village of
 Arlington Heights Zoning Board of Appeals held via virtual Webinar, which permits
 the public to fully participate in the virtual hearing via the Webinar or their phones,
 pursuant to orders issued in response to the COVID-19 pandemic, on the 21st day
 of May, 2020 at the hour of 7:00 p.m.

MEMBERS PRESENT:

DAVID DIVITO, Chairman
 THOMAS DRAKE
 BENJAMIN JAFFE
 JEFF LANAGHAN

ALSO PRESENT:

DEREK MACH, Development Planner

ACTING CHAIRMAN DIVITO: Good evening, everyone. I would like to call to order the Arlington Heights Zoning Board of Appeals virtual meeting for May 21st, 2020. Let's see, do I need to actually read through that entire paragraph, Derek, for the call to order?

MR. MACH: If you could, please. It will explain the order, thank you.

ACTING CHAIRMAN DIVITO: Yes. So, pursuant to the orders issued in response to the COVID-19 pandemic, this hearing is closed to an in-person public attendance. The hearing is being held via virtual Webinar, which permits the public to fully participate in the virtual hearing via the Webinar or their phones.

To participate to the Webinar, a link with instructions are within the agenda. Individuals that wish to comment or ask questions on an item within the agenda may either participate via Webinar, their phone or, it's a little late for this one, but you can send an e-mail to the Village.

With that being said, I think, Derek, I think we're ready for a roll.

MR. MACH: Mr. Siavelis.

(No response.)

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. MACH: Mr. Geisel.

(No response.)

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Here.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Here.

MR. MACH: Mr. Selbka.

(No response.)

MR. MACH: Mr. Divito.

ACTING CHAIRMAN DIVITO: Here.

All right, so we are going to go past several of the standing items as there are no approvals. We didn't do the Pledge of Allegiance though; I didn't see that built in there.

MR. MACH: I am pulling out the American flag.

ACTING CHAIRMAN DIVITO: All right, so if you would please, stand and join us, which is always awkward when we have the video going.

(Pledge of Allegiance recited.)

ACTING CHAIRMAN DIVITO: Thank you all.

All right, as I mentioned before we actually kicked things off, this is a seven-person Board. There are four active members present this evening. In order for a motion to pass, we do need four affirmative votes. So, we will ask, when it is your time to review your petition, if you want to continue or if you want to delay for another day.

Let's see. No old business, so we can go straight to 618 East Lynden.

MR. MACH: Chairman, the Petitioner is proposing a partial second floor addition to the existing two-story residence. The subject site is zoned R-3, One-Family Dwelling.

Along the southeast property line, the proposed addition encroaches

1.1 feet into the required side yard setback. Therefore, the Petitioner is requesting the following variation: a 1.1-foot variation from Chapter 28, Section 5.1-3.2, to allow a second-story addition with a side yard setback of 3.8 feet instead of the required 5 feet, and an additional six inches for the eave.

Thank you, Chairman.

ACTING CHAIRMAN DIVITO: Thank you, Derek. I'm assuming that Petitioner is here?

MR. BARRENS: Yes.

ACTING CHAIRMAN DIVITO: All right, so there are, you have the floor, you can actually go through the petition. Please, Derek, we didn't actually go through the requirements of the petition. I'm looking to find that sheet -- hold on one second.

There we go. All right, so this applies for all three Petitioners this evening. There are four elements necessary to establish in order for the Board to be able to grant the variance. First, is that the proposed use will not alter the essential character of the locality and it will be compatible with the existing uses and zoning of nearby properties. Number two, 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. Number three, that the proposed variation is in harmony with the spirit and intent of this chapter. Finally, number four, that the variance requested is the minimum variance necessary to allow reasonable use of the property.

With all that said, we can begin.

MR. MACH: Chairman, if you could swear in the Petitioner?

ACTING CHAIRMAN DIVITO: Oh, I'm so out of practice in this case. All right, raise your right hand. As you're doing so, name and address for the record please.

MR. BARRENS: Yes. So, it shows Jackie Mortimer. My name is John Barrens though, I'm the architect. I drew the plans for the project and I live in Crystal Lake. I used to live in Arlington Heights, went to Arlington High School, Hometown, but yes, my name is John Barrens, I drew the plans.

ACTING CHAIRMAN DIVITO: Very good.

(Witness sworn.)

ACTING CHAIRMAN DIVITO: Thank you.

MR. BARRENS: Would you like me to explain the proposal?

MR. MACH: Please, and try and stick to those four elements that we just read through.

MR. BARRENS: Yes. Basically, we were asked to add some bedroom space for the growing family. It's a small home, as you may know, on an existing small lot. We looked at several options for adding another bedroom for the parents to accommodate their growing family. After discovering some initial problems with the foundation on the back of the home, the only place that we were able to consider an addition is on the front over the garage. The garage is 3.9 feet from the right property line, so we figured we'd go straight up with this addition and that would just increase or that would just continue the non-conformity on that encroachment.

So, I guess the hardship is basically a growing family in a small house, and the constraints of the existing condition of the structure led us to this point where it made sense structurally to add directly on top of the current garage without increasing the footprint. We designed the upper level to match the existing Dutch

Colonial style. We had some suggestions from, I believe it was Steve, on the front elevation and we accommodated those. So, we believe that it's in harmony with the neighborhood; it's not detracting. I believe a neighbor even may have provided their approval on the design as well.

That's about all I have.

ACTING CHAIRMAN DIVITO: How long have the owners actually lived in that residence?

MR. BARRENS: Honestly, I can't say. I don't know.

ACTING CHAIRMAN DIVITO: Would you say within a year or two or, you know, longer?

MR. BARRENS: Well, yes, I would say more than a year for sure. I know that we started working on this last year, last summer I believe it was. So, they may have realized there was a need then or ever before at that time.

ACTING CHAIRMAN DIVITO: Okay, and how many individuals reside there?

MR. BARRENS: I'm sorry, I don't know for sure. But at least two or three maybe kids. I don't know.

CHAIRMAN DIVITIO: Okay.

MR. BARRENS: A young family.

ACTING CHAIRMAN DIVITO: Any other questions from the Board?

COMMISSIONER JAFFE: I was just going to ask if there had been any discussions or feedback from neighbors, and Petitioner sounded like he heard maybe from one, but that was about it?

MR. BARRENS: That's all I know. Maybe Staff has other information on other neighbors.

COMMISSIONER JAFFE: All right, thank you.

ACTING CHAIRMAN DIVITO: Any other Board members have any questions or comments?

All right, we can, so John, thank you for the presentation. I will open it up for participants in the audience to speak. If you do wish to speak to any of these petitions this evening, we ask that you raise your hand in the Webinar panel. And that way, we can unmute you and give you access.

So, it looks like we may have one, Derek.

MR. GRIESEMER: Hi, this is the homeowner, Andy. So, we've been in this home for about five years.

ACTING CHAIRMAN DIVITO: Andy, can I swear you in, if I could?

MR. GRIESEMER: Oh, yes.

ACTING CHAIRMAN DIVITO: It's kind of weird since I can't see you, but we'll do this anyway. So, your name and address for the record please?

MR. GRIESEMER: Andrew and Becky Griesemer, she's right here, too. For what it's worth, she's raising her hand as well. The kids here, too, sorry.

ACTING CHAIRMAN DIVITO: Excellent, got the whole family.

MR. GRIESEMER: 618 East Lynden Lane.

ACTING CHAIRMAN DIVITO: All right, and if you could both respond at the same time, that would suffice.

(Witnesses sworn.)

ACTING CHAIRMAN DIVITO: Thank you. Go ahead.

MR. GRIESEMER: So, we've lived here for about five years. We lived in Arlington Heights. We moved from a rental property while we were trying to sell a condo in the city about eight years ago. So, we've been in Arlington Heights for about eight years or seven years, and then in this home for five years. We have two two-and-a-half-year-olds; they're identical twin boys.

We bought this house, originally planning on staying here for quite a while. Then we quickly realized that we ran out of space, as you can imagine with two twin toddlers. We have looked into putting in an addition about two-and-a-half years ago, and then we ran into some financial issues like two years ago so we had to put it on pause for a good year. But then the last year we've been, you know, moved ahead with the plans to see if we can get this built.

This is kind of looking like, once we get this up, kind of our forever home. We have plans of the boys attending Prospect High. So, that's pretty much all I had to say. I wanted to put that on the record though, two two-and-a-half-year-olds; we've been here for about five years.

ACTING CHAIRMAN DIVITO: Appreciate the clarity.

MR. GRIESEMER: Yes.

ACTING CHAIRMAN DIVITO: Any Board members have questions for the owners? I'm sorry?

MR. GRIESEMER: Sorry. We're also really good friends with all of our neighbors. Kristen lives right next door who is actually sharing that property line. She was actually one of the ones that talked us into doing just the bedroom. We're going to put a bonus room and a bunch of other stuff in, too, but she was actually one of the ones that was kind of talking us into this, too. So, thank you.

ACTING CHAIRMAN DIVITO: That's great to hear, thank you.

All right, let's go back. Is there anybody else in the attendee list that wishes to speak on this petition? Looks like none. No others need to be heard, so we can close it down to Board discussion.

Looks like this is a fairly straight-forward one. We're going over an existing non-conforming wall. Engineering has supported it as well. Any thoughts from other members?

COMMISSIONER JAFFE: Yes, I think it's a very reasonable request. I understand the Petitioner's hardship. No issues voiced by any neighbors. So, I would be voting in favor of and supportive.

COMMISSIONER LANAGHAN: Yes, I would agree with Commissioner Jaffe. I mean, very straight-forward. John, nice job kind of matching up the existing styles and what have you. So, it makes sense to me.

COMMISSIONER DRAKE: Yes.

ACTING CHAIRMAN DIVITO: Is there a motion?

COMMISSIONER JAFFE: Motion to approve.

COMMISSIONER LANAGHAN: Second.

ACTING CHAIRMAN DIVITO: All right. Derek, would you do the roll?

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Chairman Divito.

ACTING CHAIRMAN DIVITO: Yes. Congratulations, the motion has passed. You do not need to hang out for the rest of this Webinar unless you're so inclined.

MR. GRIESEMER: Thank you.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:17 p.m.)

DRAFT

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS
May 21, 2020

PETITIONER: Griesemer Residence
ADDRESS OF PROPERTY: 618 E. Lynden Ln.
VARIATION: 5.1-3.2 (Required Minimum Yards)

A 1.1' variation to allow a second-story addition with a side yard setback of 3.8' instead of the required 5.0' and an additional 0.5' for the eave.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner testified that they are proposing a second story addition to the existing non-conforming footprint. The petitioner explained that they did explore options for a code compliant addition in the rear of the home but encountered structural issues. The petitioner testified that the only place the addition could be placed is on the front above the attached garage. The petitioner explained that the addition was designed to match the existing Dutch Colonial style.

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

Thereafter, a motion was made by Mr. Jaffe and seconded by Mr. Lanaghan. Thereafter, the Board voted 4-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 4-0 to grant the variance as requested.

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

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

David Divito, Acting Chair
Zoning Board of Appeals
Village of Arlington Heights



**Zoning Board of Appeals
7/13/2020**

Item: 130 S. Mitchell Ave. - 5/21/20

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
130 S Mitchell Ave - 5/21/20 Minutes	Minutes
130 S Mitchell Ave - 5/21/20 Findings	Minutes

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

OF APPEALS

RE: 130 SOUTH MITCHELL AVENUE - ZBA #20-010

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals held via virtual Webinar, which permits
the public to fully participate in the virtual hearing via the Webinar or their phones,
pursuant to orders issued in response to the COVID-19 pandemic, on the 21st day
of May, 2020 at the hour of 7:17 p.m.

MEMBERS PRESENT:

DAVID DIVITO, Chairman
THOMAS DRAKE
BENJAMIN JAFFE
JEFF LANAGHAN

ALSO PRESENT:

DEREK MACH, Development Planner

ACTING CHAIRMAN DIVITO: All right, at this point, we can call for the next Petitioner at 130 South Mitchell. Who do we have presenting on this one today?

MR. MACH: Chairman, I apologize. There's, I'm having issues with the shared screen.

ACTING CHAIRMAN DIVITO: If need be, I can share out mine.

MR. MACH: Yes.

ACTING CHAIRMAN DIVITO: If you're good, I can take over on that one.

MR. MACH: Okay, you should have that ability now.

ACTING CHAIRMAN DIVITO: Can everyone see my screen?

(Chorus of yeses.)

ACTING CHAIRMAN DIVITO: Excellent. All right, so I believe, Mr. Marks, you are the one that placed that you are presenting today, correct?

MR. MARKS: Yes.

ACTING CHAIRMAN DIVITO: All right, so name and address for the record?

MR. MARKS: 130 South Mitchell, Adam Marks.

ACTING CHAIRMAN DIVITO: Excellent.

(Witness sworn.)

ACTING CHAIRMAN DIVITO: Thank you. So, do you need a refresher on the points that we need to kind of cover? I guess I need to offer the idea of continuing to next month.

MR. MARKS: I am good with presenting now and if you could list the four. Again, I believe I can cover most of them with the same argument, but if you could, that would be, I'd appreciate that.

ACTING CHAIRMAN DIVITO: One, that we're not altering the essential character of the locality; two, that the unique circumstances of the plight; three, that basically you are in harmony with the spirit of this chapter; and the last one is that it is the minimum requested variance to allow reasonable use of the property.

MR. MACH: Chairman, if I just may state just a brief overview, that the Petitioner is proposing a partial second floor addition to the existing two-story residence. The site is zoned R-3 One-Family Dwelling District. Along the south property line, they're proposing an addition that encroaches one foot into the required side yard setback. Therefore, they're requesting a one-foot variation from Chapter 28, Section 5.1-3.2, to allow a second -story addition with a side yard setback of four feet instead of the required five feet, and an additional one foot for the eave.

ACTING CHAIRMAN DIVITO: Thank you, Derek. All right, Mr. Marks, it is all yours.

MR. MARKS: Thank you. So, the addition, I don't know if there are drawings available, but the addition is over the top of a non-conforming structure. There was an addition done previously and I'm not sure when. We closed on this house in early March of this year, and it's a three-bedroom, one-bathroom house. We are, me and my wife, we have one daughter who's about to turn one, but we plan on growing our family in this house and we need more bathrooms obviously. So, we figured that the best spot for this is over the top of that existing structure which currently does not conform with the side yard requirements of the Chapter 28.

We are working with Keith and Kirsten, and the design of the house

will maintain, or the design of the addition, I'm sorry, will maintain the character of the existing remainder of the house. So, the plight I guess is that it is an existing non-conforming structure. If we did have to set the addition back to conform with Chapter 28, it would be very architecturally and structurally inefficient, which means it would be very costly to us and I'm not sure how we would be able to handle that.

Like I said, we're planning on making this our forever home and we want to make it as useful for us as possible. So, adding this extra bathroom and extra closet space will be very useful to us. I think that's the most of it.

ACTING CHAIRMAN DIVITO: Yes, I think you've covered most of the petition itself.

Any questions from the Board members?

COMMISSIONER JAFFE: Well, I know we have to, we received an e-mail earlier, and Derek, I think you were going to present it or read it out just as far as, you know, a comment that had been submitted by, I think it was the neighbor to the south?

MR. MACH: That is correct. I just want to read it for the record. This is from the neighbor to the south:

Good evening. Myself and my husband John are the owners in 134 South Mitchell Avenue. The property directly to the south of 130 South Mitchell Avenue. While we do not contest the variance request to allow a second-story addition, it appears that the current dwelling is already in violation of Chapter 28, Section 5.1-3.2, with the current side yard setback of four feet. We vehemently oppose any further encroachment into the side yard. Further, the property's ejector pump is positioned as such that all water is expelled directly into our property's side yard. We respectfully request that all plumbing, gutters, ejector pumps, et cetera, related to 130 South Mitchell property be directed to expel onto its own property. Following the heavy rains this week, we moved one of the hoses to direct into the front yard as our side yard was flooding.

I just wanted to read that for the record. Also, it should be noted that Staff did share this with the Department of Engineering, and they're looking into the comments about the pump and the drainage.

ACTING CHAIRMAN DIVITO: And they originally reviewed it prior to that message with no objection, correct?

MR. MACH: Correct.

ACTING CHAIRMAN DIVITO: So, Mr. Marks, pertaining to the actual downspout issue and pumps and everything, is there an architectural plan? Have you worked with your architects to actually come up with a better way of diverting water?

MR. MARKS: I have not, actually, and I know where the pump is but I'm not quite sure. We are not currently living in the home. We are waiting for the remodel to be done, but that is definitely something that we can work with the architect to remedy.

ACTING CHAIRMAN DIVITO: Okay, and the construction you're doing is going straight up? You're not going any farther into the side yard?

MR. MARKS: Correct, it is inward. Actually, it will encroach less.

ACTING CHAIRMAN DIVITO: Okay.

COMMISSIONER JAFFE: The other comment or question I wanted to point out was if the Petitioner read the comments from Building, Life and Safety. I just want to make sure that there's that acknowledgment of the comments they issued regarding, I think it was the fire rating of the wall.

MR. MARKS: Yes, the south wall needs to have a one-hour fire rating, yes. Our architect was copied on that e-mail as well.

COMMISSIONER JAFFE: Okay, so both that, and the second issue was the soffit of the south wall in the second story addition shall have 5/8-inch exterior grade drywall installed under the weather protection material based on the distance to the lot line of less than five feet, is the architect also aware of that?

MR. MARKS: Yes. They were copied on the, I made sure that they were copied on that e-mail.

COMMISSIONER JAFFE: Okay.

MR. MARKS: And they were. Do I get a copy of that e-mail from the neighbor? I mean, it was, if I could get a copy of that, that would be appreciated, or is that not something I can --

ACTING CHAIRMAN DIVITO: Derek, how is that handled?

MR. MACH: Yes, it is part of the public record, yes.

MR. MARKS: Okay.

COMMISSIONER DRAKE: Mr. Marks, had you had any --

ACTING CHAIRMAN DIVITO: Go ahead, sorry.

COMMISSIONER DRAKE: Excuse me, David.

Mr. Marks, did you have any conversations with the neighbors about the project, and that neighbor specifically?

MR. MARKS: No. I have not been approached by anyone. I have not been called. My phone number is on the sign in the front of the yard. No one has approached me or called me or texted me.

ACTING CHAIRMAN DIVITO: I'm just looking at a Google map of the image of the front of the house, and I think I understand the neighbor's concern with one of the downspouts have a flexible hose coming off of it and it does point directly into their yard, or into the side yard I should say. So, I think the code is that it's supposed to be pointing at either direction on your property, so that might be an easy remediation for you.

MR. MARKS: Understood.

ACTING CHAIRMAN DIVITO: Any other questions from Board members?

MR. MACH: Chairman, there's a member of the audience that would like to speak.

ACTING CHAIRMAN DIVITO: Excellent. Are you able to --

MR. MACH: Yes.

ACTING CHAIRMAN DIVITO: Great.

MS. RAMION: Hi, can you hear me?

ACTING CHAIRMAN DIVITO: We can.

MS. RAMION: Hi, this is Jenny Ramion. I'm actually the neighbor at 134 South Mitchell directly to the south. You received my e-mail.

ACTING CHAIRMAN DIVITO: Excellent. Can I swear you in real quick, Jenny?

MS. RAMION: Yes, sure.

ACTING CHAIRMAN DIVITO: Excellent. So, you said your name. Just repeat your address please?

MS. RAMION: 134 South Mitchell Avenue.

(Witness sworn.)

ACTING CHAIRMAN DIVITO: Thank you. Go ahead.

MS. RAMION: Yes. So, I just wanted to echo what I said in my e-mail. It was unclear initially that whether or not the current dwelling would come even farther into our yard, so we just wanted to make sure that that was not the case, and I'm glad to hear that that is not. Then, also, just the concerns with the hoses and the downspouts. There is, that's kind of creepy that you can see that closely that flexible hose that goes into our yard, so yes, it looks like a black, flexible hose that's pretty short. So, we just repositioned it. There's also like right in front of it another downspout gutter that kind of was coming into our yard as well.

So, we haven't really had any issue. We've lived in our house for eight years, knew the neighbor pretty well who lived there previously, who lived there for a number of years, 30 years maybe. So, we never really had any issues with that. So, we're just, we look forward to new neighbors, so we just want to make sure that our privacy is maintained as much as possible because the buildings are already pretty close to each other.

ACTING CHAIRMAN DIVITO: Thank you for that.

MS. RAMION: That's it.

ACTING CHAIRMAN DIVITO: Perfect. All right, is there anyone else in the audience that wishes to speak?

(No response.)

ACTING CHAIRMAN DIVITO: None being heard, we can close it down for Board discussion. Anyone want to start this one off?

COMMISSIONER LANAGHAN: Yes, I'll start it off. I think in general I don't have an issue with the expansion or the building over the garage. I certainly understand the neighbor's issues with potential drainage problems, and it's something I hope the homeowner, you know, takes to heart that, you know, pushing your water next door doesn't necessarily solve any problems, and with just a little bit of thoughtfulness, you can alleviate everybody's issues there. But as far as the actual petition goes, I really have no issues with it. It's going straight up and not going out and encroaching any further.

COMMISSIONER DRAKE: I would agree with that, and all of the departments in the Village that need to look at this have green lighted it. It sounds like that issue with the neighbor will be resolved, so I'm in favor.

ACTING CHAIRMAN DIVITO: Yes, if you look at it, you know, it looks like that front landscaping is a clean palette. So, with a little bit of creative digging, you can probably get rid of those downspouts pretty easily and bring them into your property. So, I feel like good neighbors will prevail on this one and I think we'll be okay.

All right, so is there a motion?

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

ACTING CHAIRMAN DIVITO: Is there a second?

COMMISSIONER LANAGHAN: Second.

ACTING CHAIRMAN DIVITO: Thank you. Derek?

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Chairman Divito.

ACTING CHAIRMAN DIVITO: Yes. Congratulations, motion has passed. Same as the other petitioner, you do not need to hang out for the rest of this. Thank you for your participation tonight.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:31 p.m.)

DRAFT

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS
May 21, 2020

PETITIONER: Marks Residence
ADDRESS OF PROPERTY: 130 S. Mitchell Ave.
VARIATION: 5.1-3.2 (Required Minimum Yards)

A 1.0' variation to allow a second-story addition with a side yard setback of 4.0' instead of the required 5.0' and an additional 1.0 for the eave.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that the addition is over the top of a non-conforming structure. The petitioner testified that they recently purchased the three-bedroom, one-bathroom house. The petitioner explained that they would like to construct an addition above the existing non-conforming footprint. The petitioner testified that they are not expanding the footprint. The petitioner explained that the addition will maintain the character of the existing home.

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

Thereafter, a motion was made by Mr. Drake and seconded by Mr. Lanaghan. Thereafter, the Board voted 4-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 4-0 to grant the variance as requested.

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

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

David Divito, Acting Chair
Zoning Board of Appeals
Village of Arlington Heights



**Zoning Board of Appeals
7/13/2020**

Item: 610 N. Wilshire Ln. - 5/21/20

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
610 N Wilshire Ln - 5/21/20 Minutes	Minutes
610 N Wilshire Ln - 5/21/20 Findings	Minutes

ZONING BOARD

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

OF APPEALS

RE: 610 NORTH WILSHIRE LANE - ZBA #20-012

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals held via virtual Webinar, which permits
the public to fully participate in the virtual hearing via the Webinar or their phones,
pursuant to orders issued in response to the COVID-19 pandemic, on the 21st day
of May, 2020 at the hour of 7:31 p.m.

MEMBERS PRESENT:

DAVID DIVITO, Chairman
THOMAS DRAKE
BENJAMIN JAFFE
JEFF LANAGHAN

ALSO PRESENT:

DEREK MACH, Development Planner

ACTING CHAIRMAN DIVITO: All right, last item this evening is 610 North Wilshire.

MR. MACH: Chairman, the subject site is zoned R-3 One-Family Dwelling District. The Petitioner is proposing to expand an existing one-car attached garage and create a two-car attached garage. The proposed addition requires a zoning variation to allow a side yard setback of 5.2 feet where 7 feet is required. Therefore, they're requesting a 1.8-foot variation from Chapter 28, Section 5.1-3.2, to allow an addition to the existing garage with a side yard setback of 5.2 feet instead of the required 7 feet, and additional 2 feet for the eave.

ACTING CHAIRMAN DIVITO: Okay, and who do we have presenting this evening?

MS. JUNIUS: Hi, I'm Amanda Junius, and then this is my fiancé, R. John Slipke.

MR. SLIPKE: Hello.

ACTING CHAIRMAN DIVITO: Hi. So, can I get you both to raise your right hand? I'll swear you in both at the same time, so an affirmation from you both at the same time works.

(Witnesses sworn.)

ACTING CHAIRMAN DIVITO: Thank you. So, you can go ahead with the petition.

MS. JUNIUS: Okay, so we bought the house beginning of March. When we bought the house, we had already started kind of talking with an architect because we had plans, as you can see on some of the drawings, to put a front porch on as well. While we were talking to the architect, he recommended since we did have quite a bit of room in the side yard, that he believes that there would also be room for a little bit larger garage. So, we decided to give it a shot.

We've been talking with our neighbors and, you know, everyone has been very supportive of it. Everybody thinks it's a good idea; they love the idea. We actually had walked around to show the drawing, to tell people, just kind of making sure that everybody kind of knew what we were planning.

We both grew up around here. I went to Prospect High School, and he went to St. Viater. So, this is where, we plan to get married in October pending, you know, this Corona stuff gets a little better. So, we're hoping that goes over well, but this will be our, we're hoping this will be our forever home. So, we kind of want to make it look all nice and have I guess, I don't want to say we have hardships, but we do, we want to make it look nice and have room to store our stuff and make sure we're not leaving, you know, a bunch of cars or whatever items laying around. We just kind of want to make sure we keep it tidy.

MR. SLIPKE: Make it look pretty.

MS. JUNIUS: Make it look nice for the neighborhood, yes. We do believe that it does kind of go along with the current, how the current house looks as well as how the neighbors look as well. So, that's kind of what we're doing.

ACTING CHAIRMAN DIVITO: All right.

MS. JUNIUS: I hope I covered everything that you needed, I just want to make sure.

ACTING CHAIRMAN DIVITO: No, I think we hit all of the checkmarks for us. Any questions from Board members?

COMMISSIONER JAFFE: I guess there's just two things, two separate items that I see in the packet. One, from again Building, Life and Safety, similar to the last petition, and also one from Engineering. I just want to make sure that the Petitioners were aware of both. First, the Building, Life and Safety is again same thing, having 5/8-inch exterior grade drywall installed under the weather protection material for the garage. Then Engineering also called out the need to maintain a side yard swale post construction. I just want to make sure you were aware of both and the architect and builder have taken these into account.

MS. JUNIUS: Yes.

COMMISSIONER JAFFE: Yes to both?

MS. JUNIUS: Yes. They both have been addressed with our contractors.

COMMISSIONER JAFFE: Thank you.

COMMISSIONER LANAGHAN: And if I heard correctly, you said you'd talked to all the neighbors and none of them have any objections? Is that a correct statement?

MS. JUNIUS: Yes, we walked around when it was, on one of the nice days and just kind of showed the picture around and informed them what we were doing and introduced ourselves because we are new. So, introduced ourselves and just kind of walked around and talked to everybody. Nobody seemed to object and everyone seemed to be a fan of the idea.

ACTING CHAIRMAN DIVITO: Your direct neighbor who is going to be mostly impacted, have you had a chance specifically to speak with them?

MS. JUNIUS: I have, yes. I talked to her yesterday.

MR. SLIPKE: This morning.

MS. JUNIUS: She texted me this morning wishing us good luck,

so --

ACTING CHAIRMAN DIVITO: That's great, thank you. All right, if there's no other questions for the Petitioners, we can ask if anyone from the audience wishes to speak on this petition. Again, for any of the attendees, you do need to click the button that says raise your hand.

(No response.)

ACTING CHAIRMAN DIVITO: All right, looks like there is no request to speak from the audience, so we can close this down to Board discussion.

Anyone who would like to take a start with this one first?

COMMISSIONER JAFFE: I think it's a very reasonable request. I think the Petitioners, you know, made a compelling case. It's nicely designed. No neighbor feedback or concerns. So, again, provided that the architect is aware of the comments from Building, Life and Safety and Engineering, I would support approval.

ACTING CHAIRMAN DIVITO: I would tend to agree. A single car garage in this day and age where everyone is driving seems to be a little bit more difficult to accommodate, so that's your hardship right there, protecting your vehicle, could be applied.

COMMISSIONER LANAGHAN: Yes, I would agree completely, David. I

would, you know, have the Petitioner take note of the previous case and make sure you've kind of paid attention to the drainage on how it may impact your neighbors which is the swale comment from Engineering. If you do that and then, you know, the design of it looks very nice.

MS. JUNIUS: Thank you.

MR. SLIPKE: Thank you.

ACTING CHAIRMAN DIVITO: And you are going to have a great opportunity with, you know, the expansion project that you are going to have to dig some stuff up. So, it would be a great opportunity to do some good underground drainage.

MS. JUNIUS: It's already in the plans.

ACTING CHAIRMAN DIVITO: Perfect. So, with all that, is there a motion?

COMMISSIONER LANAGHAN: I'd move approval of the petition.

COMMISSIONER JAFFE: I second.

ACTING CHAIRMAN DIVITO: Perfect. Derek, the roll?

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Chairman Divito.

ACTING CHAIRMAN DIVITO: Yes. Petition is approved. Congratulations and good luck with everything in October.

MS. JUNIUS: Thank you.

MR. SLIPKE: Thank you so much, appreciate it.

ACTING CHAIRMAN DIVITO: All right. That is the last agenda item.

Derek, is there any last minute add-ons that we need to do?

MR. MACH: Staff has no additional items, thank you.

ACTING CHAIRMAN DIVITO: Perfect. So, let's see, is there a motion to adjourn?

COMMISSIONER DRAKE: Move to adjourn.

COMMISSIONER JAFFE: Seconded.

ACTING CHAIRMAN DIVITO: All in favor?

(Chorus of ayes.)

ACTING CHAIRMAN DIVITO: All opposed?

(No response.)

ACTING CHAIRMAN DIVITO: All right, the yeas have it. So, we are adjourned.

Thanks, everyone, for their participation in dealing with the Webinar tonight. Hopefully, in June we can pick this back up in-person.

Derek, what's the thought on that?

MR. MACH: The June 8th meeting is another virtual meeting.

ACTING CHAIRMAN DIVITO: Okay. All right, maybe one day over the summer.

(Whereupon, the public hearing on the above-mentioned

petition was adjourned at 7:40 p.m.)

DRAFT

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS
May 21, 2020

PETITIONER: Junius Residence
ADDRESS OF PROPERTY: 610 N. Wilshire Ln.
VARIATION: 5.1-3.2 (Required Minimum Yards)

A 1.8' variation to allow an addition to the existing garage with a side yard setback of 5.2' instead of the required 7.0' and an additional 2.0 for the eave.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are proposing to expand the existing one car attached garage and create a two car attached garage. The petitioner testified that in order to expand the garage a side yard variance is necessary. The petitioner explained that the garage will match the existing house.

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

Thereafter, a motion was made by Mr. Drake and seconded by Mr. Jaffe . Thereafter, the Board voted 4-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 4-0 to grant the variance as requested.

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

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

David Divito, Acting Chair
Zoning Board of Appeals
Village of Arlington Heights



**Zoning Board of Appeals
7/13/2020**

Item: 2 N. Ridge Ave. - 6/8/20

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
2 N Ridge Ave - 6/8/20 Minutes	Minutes
2 N Ridge Ave - 6/8/20 Findings	Minutes

ZONING BOARD

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

OF APPEALS

RE: 2 NORTH RIDGE AVENUE - ZBA #20-007

REPORT OF PROCEEDINGS had before the
Village of Arlington Heights Plan Commission Meeting taken via
virtual Webinar on the 8th day of June, 2020 at the hour of 7:08 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairman
DAVID DIVITO
THOMAS DRAKE
JOSEPH GEISEL
BENJAMIN JAFFE
JOSEPH SELBKA
JEFF LANAGHAN

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN SIAVELIS: Let's call the meeting to order since we're a little bit behind. We had some technical issues, but I think that they're all resolved at this point in time. I see that we have 17 participants, 18 participants now, so let's get cracking.

Welcome, everyone, to the June 8th, 2020, ZBA meeting. My name is Peter Siavelis; I'm the Chairman of the Zoning Board of Appeals. This is now our third meeting in virtual Zoom/Webex land, so I'd just like to ask the Petitioners to be patient with us if we have further technical glitches. We're working our way through them and trying to make the experience as flawless as possible, which is an ongoing endeavor.

We have a couple of housekeeping matters that we need to address here at the outset before we go through the actual presentations, so let's commence with those. The first thing I need to do is read a statement that complies with the forthcoming revision to the Open Meetings Act legislation, and it's as follows: In view of guidance from the Village, I find that the public health concerns related to the COVID-19 pandemic render in-person attendance at the regular meeting location unfeasible.

Moving on, after the Petitioners' presentation, as part of comments from the audience, public attendees will have the opportunity to speak. In the event that a member of the public would like to weigh in on a particular issue of presentation, please select the raise hand icon on your screen and wait for the Chairman, me, or Derek to call on you one-at-a-time, and we'll proceed in that manner.

To all participants, please mute your microphone when not speaking to avoid background noises, so we don't get feedback. And let's all try and do our best not to talk over each other because it makes it real difficult in this format. And, by the way, this proceeding is recorded and transcribed by a court reporter, so it's real important that we don't speak over each other, because it makes it very difficult for the reporter to do his job and get an accurate transcript.

So, during the meeting, if the Staff Liaison, Derek, loses connection, please remain in the meeting until he can rejoin us and resume the meeting. If a participant loses connection, you can rejoin by using the original meeting link. And, if you have the floor, so if it's your petition that's up for consideration and, obviously, you drop off, we'll wait for you to rejoin. And, hopefully, that can be done quickly.

All right, so that dispenses with the introductory remarks. Derek, can you proceed with the roll call?

MR. MACH: Chairman Siavelis?

CHAIRMAN 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?

COMMISSIONER SELBKA: Here.

MR. MACH: Mr. Divito?

COMMISSIONER DIVITO: Here.

CHAIRMAN SIAVELIS: Okay, great. All right, let's now proceed with the Pledge of Allegiance. I think, Derek, you're going to have to display the flag.

MR. MACH: Yes.

(Pledge of Allegiance recited.)

CHAIRMAN SIAVELIS: Okay, moving on, we had a meeting, a second meeting in the month of May, so we need to consider approval of the minutes from that meeting. I think it was May, Derek, do you recall the date on that meeting, May?

MR. MACH: Actually, Chairman, it would be the May 11th minutes and findings, yes.

CHAIRMAN SIAVELIS: So, has the Board had an opportunity to review the minutes and findings from the May 11th meeting, and if so, do we have a motion to approve those minutes?

COMMISSIONER DIVITO: I'll motion to approve.

COMMISSIONER JAFFE: Second.

CHAIRMAN SIAVELIS: Great. So, Derek, we can do this on a simultaneous aye/nay vote, correct?

MR. MACH: Yes.

CHAIRMAN SIAVELIS: Okay, great. All in favor of approving those minutes?

(Chorus of Ayes.)

CHAIRMAN SIAVELIS: Great, thank you. Moving along to, now the substantive issues on the hearing. And this is really directed to the Petitioners. Let's make sure the Petitioners have a full understanding. I know some of you have been before the Board previously, but others may not, and members of the public may not, so it's good to understand the ground rules.

So, if less than six members of the Board are present, the Petitioner has an option to continue the meeting to the next meeting to hear his or her petition. It takes four affirmative votes to approve a variance, regardless of number of Board members in attendance. And we have a quorum here; we have more than six members, so we're in good shape in that regard. But keep in mind, Petitioners, if a petition is denied, you must wait one year to re-apply, okay? So, that's the consequence of a denial, in that regard.

We're going to, there's a Staff presentation of a particular petition but, you know, Derek, I think it makes sense for me to read off the elements necessary that the Petitioner must show because it's in that context that the presentation by the Staff is generally made, okay?

MR. MACH: Yes.

CHAIRMAN SIAVELIS: Okay, so it's the Petitioner's responsibility,

not the Board's responsibility, but the Petitioner's responsibility to establish for the Board's consideration to grant a variance the following four things. That the proposed use will not alter the essential character of the locality, and will be compatible with existing uses and zoning of nearby properties. So that's one.

Two, 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.

Three, that the proposed variation is in harmony with the spirit and intent of the chapter.

And four, that the variance requested is the minimum variance necessary to allow reasonable use of the property.

A variance shall be committed only if the evidence, in the judgment of the Board of Appeals, sustains each of the four conditions enumerated. So, each of those four conditions need to be met and established by the Petitioner.

Okay, go ahead, Derek, now.

MR. MACH: Thank you, Chairman. The Petitioner is proposing to build a new single-story residence with an attached three-car garage on an existing vacant lot. The subject site is zoned R-3, one-family dwelling district, and the property has a total land area of 9,900 square feet, and the proposed residence will have approximately 2,465 square feet.

The existing vacant lot was created as part of a subdivision, a three-lot subdivision in 2003. Per the 2003 subdivision ordinance, the front elevations for all three new houses are required to face Ridge Avenue. And for this lot, the garage is required to be accessed from Campbell Street only.

This project requires a zoning variation to allow a rear yard setback of 19.3 feet, and 30 feet is the minimum required. The Petitioner is requesting the following variation, a 10.7 variation from Chapter 28, Section 5.1-3.2 to allow a new home with a rear yard setback of 19.3 feet, instead of the required 30 feet, and an additional two feet for the eave.

CHAIRMAN SIAVELIS: Great, and Derek, just for the sake of clarity here, the Petitioner's address, right, is 2 North, the subject property is 2 North Ridge Avenue?

MR. MACH: That is correct.

CHAIRMAN SIAVELIS: Yes, let's make sure we get that in the record.

MR. MACH: Sure.

CHAIRMAN SIAVELIS: The petition number is ZBA #20-007.

MR. MACH: Yes.

CHAIRMAN SIAVELIS: Okay, great. All right, so who is presenting and speaking on behalf of the Petitioner, because we have to swear you in, as well? I believe the Petitioner is identified here and shown on the screen.

MR. DAVIS: Can you hear me now?

MR. MACH: Yes.

MR. DAVIS: Okay, Kevin Davis with Fairfield Homes.

CHAIRMAN SIAVELIS: Great, Kevin, hold on. I can hear you, I just can't see you; I apologize. Hold on here.

Do you guys see Kevin, by the way?

MR. MACH: Yes.

COMMISSIONER LANAGHAN: No, I do not, but –

COMMISSIONER GEISEL : I think you need to scroll down, Peter.

COMMISSIONER JAFFE: I can see him.

CHAIRMAN SIAVELIS: Yes, he popped up.

All right, Kevin, I got you now, scrolling down.

Can you raise your right hand so we can swear you in? And, by the way, I didn't hear you put your address on the record. You did give your full name, but can you also give your address too?

MR. DAVIS: Fairfield Homes is 530 South Arthur Avenue, Arlington Heights, 60005.

MR. MACH: Great, thank you. And can you raise your right hand, again, and I'll swear you in. I apologize, up, down, up down, my fault.

(Witness sworn.)

CHAIRMAN SIAVELIS: Great, okay, please proceed.

MR. DAVIS: So, we bring a ranch home before you for a petition for variance. We feel that the FARs in Arlington Heights create a hardship on ranch homes. We handily beat the FARs. For instance, the building restriction is 4,482; we're at 2,465. The building lot coverage is 3,486; we're at 2,865. So, you get the idea that two-story homes just get to build really large homes, but range homes are penalized.

What we're asking for is 10 feet to build a 2,100 square foot ranch home with a three-car garage. We're asking for 10 feet in the rear yard. We feel that it does not impact. There are two front yards on this lot; it's a corner lot. We feel that it does not impact anybody but one neighbor to the rear, but it's still a 19.5 foot rear yard.

This lot was created by a re-subdivision about 15 years ago, and there are two gigantic 3,800 square feet, two-story homes next door as part of the re-subdivision. So, in keeping with the community, and in keeping with the character of the locality, we feel this ranch fits in better with the variance than one without the variance. That was it.

CHAIRMAN SIAVELIS: And I notice you made mention of the vacancy, you know, the property there being vacant, and that's tied to the second showing, the second element. What's the estimated duration that it's been vacant?

MR. DAVIS: Fifteen years from when I found the re-sub documents.

CHAIRMAN SIAVELIS: Okay.

MR. DAVIS: Probably more like 13 years after the re-sub and building was complete.

CHAIRMAN SIAVELIS: Okay, good to know. Thank you very much.

Any questions from the Board?

(Chorus of none.)

CHAIRMAN SIAVELIS: Mr. Davis, then, I have a quick question. Have you talked to the neighbors there in the area there? Because, obviously, all the other surrounding lots are developed there.

MR. DAVIS: I have talked to almost everybody. I am building the house on Campbell about seven houses down. And, unfortunately, the one person I wanted to talk to most, the house was vacant to the rear of me until very recently. The split level right to the rear where this variance would impact it. It's a brand new resident that just moved in.

CHAIRMAN SIAVELIS: Okay.

COMMISSIONER LANAGHAN: Peter, could I ask a quick question?

CHAIRMAN SIAVELIS: Sure.

COMMISSIONER LANAGHAN: So, I do have a concern with just the overall, you know, scale; the 30 percent variance, basically. And I see there's really only, it looks like one room on your survey. What is that there? You know, what is projecting into that rear yard?

MR. DAVIS: It's a, well, it's a sunroom, I guess you would call it. It's an open floor plan; it's hard to define each room, but --

COMMISSIONER LANAGHAN: No, I like the concept of the ranch. You know, I live on a corner side lot, so I do recognize the fact that, you know, the setbacks on both sides are kind of prohibitive. I am a little concerned with the overall percentage of the variance requested, but okay, thank you.

MR. DAVIS: Thank you.

CHAIRMAN SIAVELIS: So, Mr. Davis, that's a west-facing sunroom, is that, is that the way you configured it there?

MR. DAVIS: That's true, yes.

CHAIRMAN SIAVELIS: So, the homeowner will get the benefit of the sun and the sunset, right, west-facing, so they can enjoy the day, you know, all through the day?

MR. DAVIS: Yes.

CHAIRMAN SIAVELIS: All right, any other questions from the Board?

(No response.)

CHAIRMAN SIAVELIS: All right, if none from the Board, are there any comments from the audience? And if so, folks, please click on the raise your hand, or raise hand button if you would like to speak.

MR. MACH: There is one member in the audience that would like to speak, Mr. Tom Lipscomb.

MR. LIPSCOMB: Hi, thank you very much for allowing me to speak. I happen to be the resident that they didn't have an opportunity to talk to.

COMMISSIONER JAFFE: Mr. Chairman, do we have to swear the guest in?

CHAIRMAN SIAVELIS: Yes, exactly. Tom, let me interrupt you for a second, and just ask you to state your full name, your address for the record. Then I'll swear you in, and you then you can proceed, okay?

MR. LIPSCOMB: Fantastic. My name is Tom Lipscomb. My

address is 610 West Campbell, Arlington Heights, 60005.

CHAIRMAN SIAVELIS: Great, and I see we just have a photo of you, so I can't see if you're actually going to do it, but do me a favor, raise your right hand and let us swear you in.

(Witness sworn.)

CHAIRMAN SIAVELIS: Okay, please proceed.

MR. LIPSCOMB: So, just in case I didn't come across clearly, I'm the resident who actually lives behind the house. So, I'm the person, I think, you would consider impacts since the variance is in the direction of my back yard. And, actually, I just want to verify two things that I believe to be true, but want to verify those two. And then I just have one related question. But I, in general, don't have a huge problem with this.

So, my understanding is the existing drainage; there's a couple of drains on the, it would be the northwest corner of the lot, which for all the houses around the area, it's where our water drains to. My understanding is that will remain in the same location and won't be impacted, is that correct?

MR. DAVIS: That is correct. That was part of the re-subdivision where they fixed the drainage of all the surrounding lots.

MR. LIPSCOMB: Perfect, thank you, Kevin. And then, my other understanding that was from a privacy perspective. Along that lot line, there would be whatever trees planted to ensure some level of privacy. And I think that's a general requirement, but from my perspective because a sunroom is moving closer to our lot line, I want to verify that that's the case, as well.

MR. DAVIS: It is not a general requirement, but in this case of the re-subdivision, there is a recorded document on the lot that requires privacy trees to be planted, the species of which has not been determined. It's something I'll have to work with the Village to do.

MR. LIPSCOMB: Great, so that was my question. And let me state, I guess, a formal request of the Board. If you look at the existing houses along that specific line, there are a series of, and I don't know, they look like some sort of noble or blue spruce pines that the other neighbors have put in to assure privacy to the houses behind them. And my request would be, and I think it's just from a continuity perspective, that the city would favor that type of vegetation when they have this discussion. Was that clear at all?

MR. DAVIS: My suspicion is that they will want continuity, and it will be. I have to go through the design review process and this variance process first, but it will be part of engineering approval and building approval.

MR. LIPSCOMB: Fantastic, Kevin. I appreciate the feedback. Could you just let me aware, make me aware as you go through that process, what is being decided?

MR. DAVIS: Yeah, I'm going to drop by and give you my card.

MR. LIPSCOMB: Thanks.

MR. DAVIS: We can communicate, yeah.

MR. LIPSCOMB: Yeah, fantastic. Then with that said, I personally haven't got an issue as long as, as long as we can continue that line and it, I don't

want my basement flooded and with the sunroom being closer, it would be nice to have privacy in the backyard. Thank you very much for allowing me to speak. Does anyone have any questions?

MR. DAVIS: No.

MR. LIPSCOMB: Super. All right, thank you very much.

MR. DAVIS: Thank you.

MR. MACH: And, Chairman, I'd just like to add, as part of the permit process, staff will review the landscape plan and the trees that are proposed and, you know, take Mr. Lipscomb's comments into consideration.

MR. LIPSCOMB: Thank you very much.

CHAIRMAN SIAVELIS: Okay, any additional comments from the audience?

(No response.)

CHAIRMAN SIAVELIS: Derek, are you seeing anybody pop up?

MR. MACH: No.

CHAIRMAN SIAVELIS: Okay, with that in mind, I think we're at the point where we can close down discussions with the Petitioner for deliberation by the Board members. Anybody want to start off the bat?

COMMISSIONER GEISEL: I'd be happy to. It's Joe Geisel. I drive by this location routinely. It's, obviously, been vacant for many, many years. It's nice to see what looks to be a well-designed project coming forth. I tend to agree with the builder that, certainly, the homes to the north are quite large.

And to the extent that they're attempting to build a ranch, it's only approximately 2,000 square feet, which is not overly large, so being a corner lot, and with those issues, I think what's proposed is not problematic, particularly to the extent that the adjacent neighbor has now had a chance to weigh in. So, I would be in favor of the project.

CHAIRMAN SIAVELIS: Great. Anyone else on the Board?

COMMISSIONER SELBKA: I agree with Mr. Geisel's comments, and I would be in favor of this as well.

CHAIRMAN SIAVELIS: Okay, other members?

COMMISSIONER DIVITO: Same for me.

COMMISSIONER DRAKE: Same here, based on everything I've heard.

CHAIRMAN SIAVELIS: Do we have a motion to vote on the petition?

COMMISSIONER DRAKE: Approval of the petition.

COMMISSIONER SELBKA: Second.

CHAIRMAN SIAVELIS: All right, Derek, can you please call the vote?

MR. MACH: Mr. Drake?

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel?

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe?

COMMISSIONER JAFFE: Yes.
MR. MACH: Mr. Lanaghan?
COMMISSIONER LANAGHAN: Yes.
MR. MACH: Mr. Selbka?
COMMISSIONER SELBKA: Yes.
MR. MACH: Mr. Divito?
COMMISSIONER DIVITO: Yes.
MR. MACH: Chairman Siavelis?
CHAIRMAN SIAVELIS: Yes.

All right, congratulations, you have passed, your variance is passed and granted. Mr. Davis, you can stick around. You can leave the meeting, but we're going to move on to the next item of business.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:31 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS June 8, 2020

PETITIONER: Pigott Residence

ADDRESS OF PROPERTY: 2 N. Ridge Ave.

VARIATION: 5.1-3.2 (Required Minimum Yards)

A 10.7' variation to allow a new home with a rear yard setback of 19.3' instead of the required 30.0' and an additional 2.0' for the eave.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are proposing to build a new single-story residence with an attached three-car garage on an existing vacant lot. The petitioner explained that the subject site is zoned R-3, One Family Dwelling District and that the property has a total land area of 9,901 square feet. The petitioner testified that the proposed residence will have approximately 2,465 square feet. The petitioner testified that per the 2003 subdivision ordinance, the front elevations for all three new houses are required to face Ridge Avenue, and for this lot, the garage is required to be accessed from Campbell Street only.

The petitioner testified that the zoning code creates a hardship for ranch style homes. The petitioner testified that they are requesting a 10.7 foot rear yard encroachment variance in order to build a 2,400 square foot ranch home with a three-car garage. The petitioner explained that there are two front yards on the subject lot since it's a corner lot. The petitioner testified that there will be approximately 19.5 feet between the proposed home and the neighbor to the west.

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

Thereafter, a motion was made by Mr. Drake and seconded by Mr. Selbka. Thereafter, the Board voted 7-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 7-0 to grant the variance as requested.

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

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

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



**Zoning Board of Appeals
7/13/2020**

Item: 1200 E. Woodford Pl. - 6/8/20

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
1200 E Woodford Pl - 6/8/20 Minutes	Minutes
1200 E Woodford Pl - 6/8/20 Findings	Minutes

ZONING BOARD

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

OF APPEALS

RE: 1200 EAST WOODFORD PLACE - ZBA #20-009

REPORT OF PROCEEDINGS had before the
Village of Arlington Heights Plan Commission Meeting taken via
virtual Webinar on the 8th day of June, 2020 at the hour of 7:31 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairman
DAVID DIVITO
THOMAS DRAKE
JOSEPH GEISEL
BENJAMIN JAFFE
JOSEPH SELBKA
JEFF LANAGHAN

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN SIAVELIS: The next item of business, and that is 1200 East Woodford Place, reference number is ZBA #20-009.

So, Derek, do you want to proceed with the presentation?

MR. MACH: Sure, thank you, Chairman.

The Petitioners propose to construct a two-story addition to the existing home. The property is zoned R-3, one-family dwelling district. The property has a total land area of 6,557 square feet, and the residence with the addition will have approximately 2,269 square feet. The proposed addition is located in the southeast corner of the structure and is encroaching into the required exterior side yard setback along Derbyshire Lane. The Petitioner is requesting the following variations: a 6.5 foot variation from Chapter 11, Section 5.1-3.2, to allow an addition with an exterior side yard setback of 3.5 feet --

(Phone interruption.)

CHAIRMAN SIAVELIS: Excuse me, can whoever's speaking on the phone --

MR. MACH: There we go.

CHAIRMAN SIAVELIS: All right, go ahead, Derek.

MR. MACH: The Petitioner is requesting a 6.5 foot variation from Chapter 28, Section 5.1-3.2, to allow an addition with an exterior side yard setback of 3.5 feet, instead of the required 10 feet.

CHAIRMAN SIAVELIS: Okay, and Derek, I think you need to update.

MR. MACH: I do.

CHAIRMAN SIAVELIS: All right, Derek, are you done with the Staff presentation?

MR. MACH: Yes, thank you, Chairman.

CHAIRMAN SIAVELIS: Great. Whoever's presenting in regard to this petition, can you please identify yourself? Hello?

MR. PURDOM: Hello.

CHAIRMAN SIAVELIS: Do we have anybody for the second petition at 1200 East Woodford Place?

MR. PURDOM: I am. Can you hear me?

COMMISSIONER JAFFE: He's in the attendee bucket. He's got his hand raised.

CHAIRMAN SIAVELIS: Okay, can you identify yourself, please?

MR. PURDOM: I'm Kevin Purdom with JRC Design Build. Address 1275 East Davis, Arlington Heights.

CHAIRMAN SIAVELIS: Okay. Can other folks see Kevin? I'm not seeing him, but --

COMMISSIONER JAFFE: We don't have video, but we have audio.

CHAIRMAN SIAVELIS: Yes.

MR. PURDOM: There we go. Can you see?

COMMISSIONER JAFFE: Yes.

MR. PURDOM: All right, so we are proposing a two-story --

CHAIRMAN SIAVELIS: Kevin, let me hold you up, and let me swear

you in.

MR. PURDOM: Yes, sure.

CHAIRMAN SIAVELIS: So, raise your right, please.

(Witness sworn.)

CHAIRMAN SIAVELIS: Great. Okay, please proceed.

MR. PURDOM: We are proposing a two-story addition that will be a master bedroom and family room off the back of the existing house. We'll be demolishing a small sunroom, and the setback on that side is currently 10 foot. The existing house is set at 3.5 feet. So, our proposal, we'd like to align with the existing house, and we are asking for a 7.5, or 6.5 foot variance in order to meet this. And we feel that by lining up the building with the existing and the proposed demolition will keep it more cohesive, rather than setting it back an extra 7 foot.

CHAIRMAN SIAVELIS: Okay.

COMMISSIONER JAFFE: How long have the owners lived at the residence?

MR. PURDOM: Five years.

COMMISSIONER JAFFE: And how many people live in the residence?

MR. PURDOM: Two and two children, two adults and two children.

COMMISSIONER JAFFE: Thank you.

CHAIRMAN SIAVELIS: And, Kevin, did they talk to their neighbors?

MR. PURDOM: Yes, they did, and from what I've heard, they're in favor. We also sent out the letter to everyone within 250 feet.

CHAIRMAN SIAVELIS: Are you aware of any opposition, Kevin, from the neighbors?

MR. PURDOM: I have not heard any from the neighbors or from the homeowners.

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

COMMISSIONER DRAKE: The section of the petition about unique circumstances; was there something that was missing in terms of a response on that line?

MR. PURDOM: I'm sorry, can you repeat the question?

COMMISSIONER DRAKE: Yes, the section of the petition where it talks about unique circumstances, and it says please explain, there was nothing after that please explain on the petition. Is there a reason why that's vacant, or empty?

MR. PURDOM: No, it should have been filled out, if it's not. I believe in that case we were talking about the 3.5 foot being from the property line, but the actual distance away from the street is more than 3.5. So, you have about 15 feet before the actual street with no sidewalk. So, that creates, if we go to the plat, it should be on there.

So, it's a corner lot, and where that fence is is the, or just inside the property line. So, there's actually more space between the house and Derbyshire than the setback allows. So, we believe that adding the addition where

the existing building is, and to match with the existing building are the same will not impede on the side yard at all.

CHAIRMAN SIAVELIS: Tom, does that address your question?

COMMISSIONER DRAKE: Yes, I think it does, thank you.

CHAIRMAN SIAVELIS: Okay, any other questions from the Board?

(No response.)

CHAIRMAN SIAVELIS: Hearing none, are there any questions from the audience? Again, if folks out there in the audience want to partake in discussions please click on the raise hand button so Derek can identify you and you can say your peace.

Derek, do you have anybody?

MR. MACH: There are none.

CHAIRMAN SIAVELIS: All right, if the Petitioner doesn't have anything further to add, I think at this point we can close down discussions for deliberation by the Board.

MR. PURDOM: I do not.

CHAIRMAN SIAVELIS: Okay, Tom, do you want to, sorry to put you on the spot, Tom, but do you want to --

COMMISSIONER DRAKE: No, no, that's fine. I'm in favor of the petition based on what I've heard. I just didn't understand why that section was left blank, but I think the explanation was fine. It's, you know, currently encroaching as it is, and I think the design is fine; it's a nice project. So, I would be in favor of it. It's a corner lot.

CHAIRMAN SIAVELIS: Right. Anybody else, any other Board members?

COMMISSIONER DIVITO: No, just the corner lot with that extra parkway to buffer any impact from this variance, so I think this is a good request.

CHAIRMAN SIAVELIS: Anyone else?

COMMISSIONER LANAGHAN: Yes, I'm going to jump in and say I agree with the previous two Commissioners. I, typically, would not be in favor of reducing a side yard to 3.5 feet when 10 is required, but considering the parkway and the fact that it's already a non-conforming setup there, I think it will be more cohesive to carry that on.

CHAIRMAN SIAVELIS: Agreed. All right, do we have a motion?

COMMISSIONER LANAGHAN: I move we accept the petition as submitted.

COMMISSIONER DRAKE: Second.

CHAIRMAN SIAVELIS: All right, Derek, can you call the vote, please?

MR. MACH: Mr. Drake?

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel?

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe?

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan?

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka?

COMMISSIONER SELBKA: Yes.

MR. MACH: Mr. Divito?

COMMISSIONER DIVITO: Yes.

MR. MACH: Chairman Siavelis?

CHAIRMAN SIAVELIS: Yes.

Congratulations, your variance is granted. And, again, you can stay on, or you can exit.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:41 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS June 8, 2020

PETITIONER: Gockenbach Residence

ADDRESS OF PROPERTY: 1200 E. Woodford Pl.

VARIATION: 5.1-3.2 (Required Minimum Yards)

A 6.5' variation to allow an addition with an exterior side yard setback of 3.5' instead of the required 10.0'

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are proposing a two-story addition in order to create a master bedroom and family room off the back of the existing house. The petitioner explained that they will be demolishing the existing sunroom in the rear of the home. The petitioner testified that they would like to align the addition with the existing house. The petitioner testified that aligning the addition will create a more cohesive appearance, rather than setting the addition back seven feet.

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. Drake. Thereafter, the Board voted 7-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 7-0 to grant the variance as requested.

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

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

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



**Zoning Board of Appeals
7/13/2020**

Item: 1202 W. Marion Rd. - 6/8/20

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
1202 W Marion Rd - 6/8/20 Minutes	Minutes
1202 W Marion Rd - 6/8/20 Findings	Minutes

ZONING BOARD

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

OF APPEALS

RE: 1202 WEST MARION ROAD - ZBA #20-011

REPORT OF PROCEEDINGS had before the
Village of Arlington Heights Plan Commission Meeting taken via
virtual Webinar on the 8th day of June, 2020 at the hour of 7:41 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairman
DAVID DIVITO
THOMAS DRAKE
JOSEPH GEISEL
BENJAMIN JAFFE
JOSEPH SELBKA
JEFF LANAGHAN

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN SIAVELIS: We'll move on to our third item of new business. It is 1202 West Marion Road, ZBA reference number is ZBA #20-011. So, Derek, do you want to proceed with the presentation, please?

MR. MACH: Thank you. The subject property is zoned R-1, one-family dwelling district, and the property has a total land area of 26,465 square feet, and the proposed residence with the addition will have approximately 3,380 square feet. The Petitioner is proposing a one-story code compliant addition to the home. As part of the project, the Petitioner is also proposing to expand the existing two-car attached garage and create a three-car attached garage. The proposed garage addition requires a zoning variation to allow a side yard setback of 8.6 feet where 12 feet is the minimum required.

In addition, the Petitioner is proposing an open porch that has a front yard setback of 32 feet where 38.4 feet is required. The Petitioner is also requesting a variance for a driveway that is 35 feet where 32 feet is the maximum width for a three-car garage.

The Petitioner is requesting the following variations: a 6.4 foot variation from Chapter 28, Section 5.1-1.2, to allow an addition with a front yard setback of 32 feet instead of the required 38 feet, and an additional 2.1 feet for the eave. And a 3.4 foot variation from Chapter 28, Section 5.1-1.2, to allow an addition with a side yard setback at 8.6 feet instead of the required 12 feet and an additional 2.1 feet for the eave. A 3 foot variance from Chapter 28, Section 10.2-11.1(c) to allow a driveway that is 35 feet in width where code allows a maximum width of 32 feet for a three-car garage.

Thank you, Chairman.

CHAIRMAN SIAVELIS: Sure, thank you, Derek. So, all told, Derek, how many variances are being sought?

MR. MACH: There's three variances.

CHAIRMAN SIAVELIS: Okay, that's what I thought, I just want to make sure we have that in mind.

Okay, who is going to be speaking on behalf of this petition?

MR. GINNODO: Keith Ginnodo from Kingsley & Ginnodo Architects.

CHAIRMAN SIAVELIS: Okay, Keith, do us a favor, I know you've done this a lot, but nonetheless, can you just provide your address before I swear you in?

MR. GINNODO: Sorry about that. 33 North Hickory, Arlington Heights.

CHAIRMAN SIAVELIS: Great. Can you raise your right hand, please?

(Witness sworn.)

CHAIRMAN SIAVELIS: All right, great, please proceed.

MR. GINNODO: All right, yeah, that was quite an exhaustive list of

numbers and such. It's really pretty simple. We're trying to add a one-car garage and it goes over the edge of the line by a couple of feet. And we want to enhance the front use and appearance of the house, so we're adding an open front porch. It is an unusually shaped lot on a curving section of the road. In fact, it was kind of hard to come up with a building setback but, obviously, we're significantly or notably over it on the front, and just a touch on the west.

The clients have been in the house for a couple of years and moved back to the area. You know, Keith Santeler lived here as a youth, and his parents still live in the area, and wants to come back and raise his family in the same kind of environment he grew up in. And this house is pretty suited for his home but, you know, his family's grown a bit, and they need to make these additions in order to make it livable for them.

They have talked a bunch to their neighbors. In fact, I just got a text from Keith that the neighbor immediately to the west has gotten back in touch with them, and has no issues with the little projection that happens over the line there. And then they spoke with eight to 10 other neighbors that are in the immediate environment, and nobody had anything negative, and most of them were supportive.

All right, you know, I mentioned the site, it's kind of a unique and oddly shaped thing and, unfortunately, the house is positioned in a way that it's difficult to add on either side and not, you know, go over the line. Unfortunately, the garage that's already there is fairly close, so that kind of put us in that situation.

What we're trying to do is, basically just, you know, extend the life of the home, improve it, get another 40 years before anybody needs to ask any changes on it. And, you know, basically, keep it as a good neighbor in the community. And the amount of space that we're requesting in these three variances is, basically, just what's needed to make it functional and useable and worth the while to do. So, thank you for the opportunity to speak.

CHAIRMAN SIAVELIS: Sure, any other, Keith, any other comments from neighbors, or feedback from neighbors, positive or negative?

MR. GINNODO: Yeah, so what I've been told by the owners is that the neighbor to the west, again, is in support, has no issues with it. And then the eight or 10 that they spoke with immediately around their properties either had no negative comments or were supportive.

CHAIRMAN SIAVELIS: Okay, and quick follow-up; on the garage, the variance relating to the garage, from the annotated site plan that we see on our screen, it's basically, a small triangle of garage, of proposed garage structure that would necessitate the variance, necessitate that variance, is that correct?

MR. GINNODO: That's correct, yeah.

CHAIRMAN SIAVELIS: Okay, and it's essentially, 13 square feet of non-compliance, right?

MR. GINNODO: Yeah, and just so you know where the architecture's coming from, the existing front of the house is, that's what we're aligning with. You'll see it more clearly on the elevations, and also lining up with

the back of the house. And that's just the right size for what we need to accomplish there, but it also makes the façade and the building seem regular instead of like all jumbly.

CHAIRMAN SIAVELIS: Okay. Any other questions from the Board?

COMMISSIONER JAFFE: No, very comprehensive summary. No questions.

CHAIRMAN SIAVELIS: Anyone else?

COMMISSIONER LANAGHAN: I have one quick one. I think this is probably more for Derek, actually. The one site plan, Derek, is called out as a 20-foot building setback. The existing site plan, it says a 20-foot building line, whereas the site plan for the addition is calling out a 38.4; is that due to the average of the houses in the neighborhood, as opposed to what code would typically require there? Or is that 20 maybe just mislabeled?

MR. GINNODO: I'm pretty sure that the 20-foot building line comes from the plat of survey.

COMMISSIONER LANAGHAN: Correct.

MR. GINNODO: Yeah, so, and I don't think the house is within the age range that would, you know, give it the grandfather clause. So, we took the average of the properties and came up, you know, pretty much right where the house currently is. But, I mean, that's a great point to put that, you know, it's behind the original platted boundary.

COMMISSIONER LANAGHAN: Right. That's kind of where I was going, Keith. Thanks.

MR. GINNODO: Thank you.

CHAIRMAN SIAVELIS: And, Keith, you made mention, and we can totally see it on the screen, this is a highly irregularly shaped lot. I mean, you could say it's a pie-shape, but maybe that doesn't do it justice, so --

MR. GINNODO: Yeah, that's correct. It's also well under all the FAR. The building lot coverage and impervious surface coverage.

CHAIRMAN SIAVELIS: Right, this is a polygonal-shaped lot, so it's unique in that regard as well, correct?

MR. GINNODO: That's right.

CHAIRMAN SIAVELIS: Any other comments, questions from the Board?

(No response.)

CHAIRMAN SIAVELIS: Okay, at this point, are there any comments from the audience?

Derek, let us know either way, please.

MR. MACH: There are no comments.

CHAIRMAN SIAVELIS: All right, let's move on and close, move towards deliberation amongst the Board members. Anybody?

COMMISSIONER JAFFE: I think it's a reasonable request. I think the other members of the Board have acknowledged that it's a uniquely shaped lot. So, given what the physical location looks like, and what the builder and the owner want to do, again, I think it's a reasonable request, and I would support all three

variances.

CHAIRMAN SIAVELIS: I, as well. Thanks, Benny. I note that this is an extremely large lot, and the only variance, the only structure there that is crossing over, or somewhat close to a neighbor, is a small amount of crossover, and it's still 8.6 feet away from the property line. So, it's not like it's tucked in really tight there. So, I also support all three variances for reasons discussed.

COMMISSIONER DIVITO: We've also seen a lot of huge porches come across our desk before, and the request that they're making for that front porch seems extremely reasonable and really changes up the look of the house.

CHAIRMAN SIAVELIS: Okay, do we have a motion?

COMMISSIONER JAFFE: Motion to approve all three variances as presented.

COMMISSIONER GEISEL: Second.

CHAIRMAN SIAVELIS: Okay, Derek, can we call the vote here?

MR. MACH: Mr. Drake?

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel?

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe?

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan?

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka?

COMMISSIONER SELBKA: Yes.

MR. MACH: Mr. Divito?

COMMISSIONER DIVITO: Yes.

MR. MACH: Chairman Siavelis?

CHAIRMAN SIAVELIS: Yes.

All right, congratulations, Keith, all three variances are granted. And I believe we're ready to move on to the last petition of the evening.

MR. GINNODO: Thank you very much.

CHAIRMAN SIAVELIS: All right, take care.

MR. GINNODO: Thank you.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:53 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS June 8, 2020

PETITIONER: Santeler Residence

ADDRESS OF PROPERTY: 1202 W. Marion Rd.

VARIATION: 5.1-1.2, 10.2-11.1c
(Required Minimum Yards, Parking In Yards-Max Driveway Width)

A 6.4' variation to allow an addition with a front yard setback of 32.0' instead of the required 38.3' and an additional 2.1' for the eave; A 3.4' variation to allow an addition with a side yard setback of 8.6' instead of the required 12.0' and an additional 2.1' for the eave; A 3.0' variation to allow a driveway that is 35.0' in width where code allows a maximum width of 32.0' for a three-car garage.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner testified that they propose to expand the existing attached garage in order to create an additional bay. The petitioner explained that they would like to also enhance the front appearance of the house by adding an open front porch. The petitioner testified that the lot is irregular shaped on a curvilinear section of the road and that the house is positioned in a way that it is difficult to add on either side and not encroach into the required setbacks.

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

Thereafter, a motion was made by Mr. Jaffe and seconded by Mr. Selbka. Thereafter, the Board voted 7-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 7-0 to grant the variance as requested.

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

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

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



**Zoning Board of Appeals
7/13/2020**

Item: 1722 N. Dover Ln. - 6/8/20

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
1722 N Dover Ln - 6/8/20 Minutes	Minutes
1722 N Dover Ln - 6/8/20 Findings	Minutes

ZONING BOARD

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

OF APPEALS

RE: 1722 NORTH DOVER LANE - ZBA #20-013

REPORT OF PROCEEDINGS had before the
Village of Arlington Heights Plan Commission Meeting taken via
virtual Webinar on the 8th day of June, 2020 at the hour of 7:53 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairman
DAVID DIVITO
THOMAS DRAKE
JOSEPH GEISEL
BENJAMIN JAFFE
JOSEPH SELBKA
JEFF LANAGHAN

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN SIAVELIS: Okay, up next is 1722 North Dover Lane, the reference number is ZBA #20-013.

And, Derek, can you give the Staff presentation here?

MR. MACH: Sure, thank you, Chairman. The subject site is zoned R-3, and the property has a land area of 9,235 square feet. The Petitioner is proposing a one-story, 182 square foot sunroom in the rear of the home. The existing home exceeds allowable floor-to-area ratio in the proposed sunroom, with the addition of the proposed sunroom. So, therefore, they're requesting a 541 square foot variation from Chapter 28, Section 5.1-3.3(a), to allow a home with a floor-area ratio of 4,673 square feet where 4,132 square feet is the maximum allowed.

CHAIRMAN SIAVELIS: Thank you, Derek.

Who's speaking on behalf of this Petitioner? Do we have anyone?

MR. MACH: We do have --

MR. CUEVAS-TRISAN: Hello, can you hear me?

CHAIRMAN SIAVELIS: We can hear you.

MR. CUEVAS-TRISAN: Okay, great. I was speaking to mute. This is the Petitioner, Angel Manuel Cuevas-Trisan.

CHAIRMAN SIAVELIS: Okay.

MR. CUEVAS-TRISAN: I'm the homeowner. I also have Adam Kingon, as well.

CHAIRMAN SIAVELIS: Okay, I wasn't sure, sir, if there was going to be a second person presenting as well, with you. To keep things organized, let's swear you both in, okay?

MR. CUEVAS-TRISAN: Okay.

CHAIRMAN SIAVELIS: Sequentially, and then we can proceed from there, okay?

MR. CUEVAS-TRISAN: Okay.

CHAIRMAN SIAVELIS: So, again, just for the record, identify your full name and your address, and then I'll swear you in, and then we'll proceed with the next person.

MR. CUEVAS-TRISAN: Sure. Thank you very much. My name is Angel Manuel Cuevas-Trisan. I am the homeowner of 1722 North Dover Lane in Arlington Heights, Illinois, area code 60004.

CHAIRMAN SIAVELIS: Great. So, we can't see you. We just see your icon, your picture of you.

MR. CUEVAS-TRISAN: It's not giving me -- where do I get the option to --

CHAIRMAN SIAVELIS: Lower left, start video.

MR. CUEVAS-TRISAN: Yes, I am just seeing -- hello, can you see me now? Oh, start video, I got it. Excellent, thank you.

CHAIRMAN SIAVELIS: Let me scroll back up where I think you probably are.

MR. CUEVAS-TRISAN: Can you see me?

CHAIRMAN SIAVELIS: Got you.

MR. CUEVAS-TRISAN: Perfect.

CHAIRMAN SIAVELIS: All right, can you raise your right hand, please?

(Witness sworn.)

CHAIRMAN SIAVELIS: Okay, and the second gentleman who I believe you briefly identified who may be participating with you?

MR. KINGON: Yes, this is Adam Kingon; I'm with Envy Home Services. We are at 575 South Arthur Avenue here in Arlington Heights.

CHAIRMAN SIAVELIS: Okay, and if you can display your video?

MR. KINGON: Sorry about that, one second. It's in the bottom left?

CHAIRMAN SIAVELIS: Yes, correct.

MR. MACH: Chairman, if I may, we did receive two letters pertaining to this petition, or one letter and one e-mail that I would like to read for the record when you'd like me to do so.

CHAIRMAN SIAVELIS: Got you. I recall that, Derek. So, let's get Adam's video started and get him sworn in, and we can proceed with the Staff presentation and then let's put those letters into the record, okay?

MR. MACH: Okay.

CHAIRMAN SIAVELIS: All right.

MR. MACH: So, I'll go ahead.

CHAIRMAN SIAVELIS: I'm sorry, I was waiting for Adam. Did he start his video here?

MR. KINGON: Yes.

CHAIRMAN SIAVELIS: Great. Okay, Adam, raise your right hand. Let me swear you in real quick, and then we'll proceed that way.

(Witness sworn.)

CHAIRMAN SIAVELIS: Okay, go ahead Derek.

MR. MACH: The first letter received on June 3rd states that as attorney for Arlington on the Pond's Condominium Association, I am directed by the Board on behalf of the Association to object to the petition for variance, and request the Board deny the variance. The Petitioners are seeking a variance to increase the floor area of their residence by 541 square feet, which exceeds the maximum floor area ratio allowed by the current Arlington Heights Municipal Code.

The Petitioners and the Association share a fence boundary line. Recently, the Petitioners installed an above-ground drainage pipe which is diverting the flow of surface water from their property onto Association property. This can only mean that the Petitioners are experiencing surface water issues on their property. The Association has requested the drainage pipe be removed and redirected away from Association property.

If the variance is granted, and the footprint of the residence is increased, that decreases the open soil area and decreases the area for the natural absorption of water, resulting in more surface water and potential intrusion onto Association property. For that reason, the Association's Board is objecting to

approval of the variance request.

And then, in addition, we did receive an e-mail from a neighbor that they stated the request for a variance should be denied because, according to the county, it is already 4,300 square feet due to previous additions. Also, there is a water problem there. Currently, they are using two large drain tubes that they use to dump water from, I believe their sump pump and downspouts onto our property. I took pictures of them, and they will often place them by the house. If they are having water drainage problems now, it will only get worse if they're allowed to build the allotted coverage on the lot.

CHAIRMAN SIAVELIS: All right, thank you very much, Derek.

Were there any other communications from the public beyond those two?

MR. MACH: Those are the only two that Staff received.

CHAIRMAN SIAVELIS: Okay, great.

All right, Angel or Adam, you know have the floor.

MR. CUEVAS-TRISAN: Sure. I'm happy to get started and, Adam, feel free to chime in. So, this is a project for a sunroom and it is something that, you know, as a family, something we wanted for a long time. In regards to the, to the issues addressed in the letter in opposition, I do want to acknowledge that I had a previously undiagnosed issue that was an actual blockage that we were able to address.

It was an issue that was temporary in nature, and we discovered that the piece of PVC that attaches and that goes into the downspout had become loose and actually fallen inside the spout and; therefore, it was causing blockage. So, the measure that I took, I fully acknowledge it and, you know, I appreciate the concerns of the back neighbors in Arlington Ponds, but it was just an obstruction, not a permanent issue. So, we have since addressed that. We removed the, the, those flexible tubes and, you know, we'll make sure that doesn't happen again.

The project, in our view, and I'll let Adam chime in, would not affect the drainage because we're actually going to add a green space around the L-shape of the sunroom. We'll add at least a foot-and-a-half or so of grass. And, in fact, we're not adding, you know, that concrete area because the area in which it's going to be built is on the opposite side of the drainage area. And number two, that area already has a slab of concrete that will be updated. So, we're actually adding grass, rather than taking space out.

MR. KINGON: Yeah, and if I may just sort of chime in on the backside of that; what's back there right now is just a concrete slab as you can now see on the plat of survey. That concrete slab is existingly 13 x 16. We're only going to be going out 14 feet with the sunroom. So, that additional couple of feet on the front end will actually turn into grass. So, really, from the, from the e-mail that you had received from the condominium, we're actually adding drainage.

I would totally understand if it was just grass right now and we were putting this structure back there. But, again, it's just a slab of concrete that we are making smaller and putting a sunroom. And as you also see from the plat,

it's pretty much tucked in that back corner of their house.

CHAIRMAN SIAVELIS: Yes, so Adam, let me ask you a quick follow-up question here. So, are you adding that foot-and-a-half of grass on the west side of the, of the existing, well, the concrete patio that will be reduced? So, where you have it dimensioned at, I can't read your handwriting too well, but on the west side by the yellow highlight there?

MR. KINGON: Yes, correct.

CHAIRMAN SIAVELIS: Okay, and then what about on the south side of the concrete patio by that yellow highlight? What's going to transpire there?

MR. KINGON: There, it's going to stay concrete because there will actually be a door on the sunroom that will lead to the outside, outside area.

CHAIRMAN SIAVELIS: Okay, and myself, like maybe some of the other Board members, on this drainage issue that was flagged by the Condominium Association in Mr. Yankey's June 3rd letter, and the other correspondence from one of your neighbors, when did you install that, what you contend to be temporary drainage pipe? When was that installed by you?

MR. CUEVAS-TRISAN: Yeah, I put it a couple of times, and it was in the, I don't recall the exact date, but it was, may have been 10 days or so ago we had that major rain event. I don't recall the exact date, but it was, it was during that very recent event. It was, it was a lot of rain that came over the course of maybe 28 hours or so.

CHAIRMAN SIAVELIS: And how long was it out there for?

MR. CUEVAS-TRISAN: I had it for about two-and-a-half days because I couldn't figure out what the problem was.

CHAIRMAN SIAVELIS: Okay, and when was the problem properly diagnosed and rectified?

MR. CUEVAS-TRISAN: I, I was actually, it was, I kept, I have a, I don't know the name of that particular piece, sorry my lack of the right language, but I bought one of those pieces of metal that are like, they look like a snake that you can bring in. I noticed that there was a blockage of some kind and, ultimately, was able to pull it out. I think it was actually a piece of, like a three-inch of PVC that was in the shape of an elbow. And I was able to pull it out, and we haven't had problems since.

CHAIRMAN SIAVELIS: And that's what led you to remove then, that drainage?

MR. CUEVAS-TRISAN: Yes.

CHAIRMAN SIAVELIS: The drainage pipe there?

MR. CUEVAS-TRISAN: Yes.

CHAIRMAN SIAVELIS: Okay, you didn't, you haven't re-deployed it?

MR. CUEVAS-TRISAN: No. No, what do you mean re-deployed it?

CHAIRMAN SIAVELIS: You have not, you have not put that drainage pipe back in as you sit here today, right?

MR. CUEVAS-TRISAN: No, no, no. No.

CHAIRMAN SIAVELIS: Okay, and --

MR. CUEVAS-TRISAN: And, by the way, I, I mean, I wish I had heard, you know, directly from the neighbors. That pipe doesn't go into any particular property when, you know, close to the edge of my own property. And I don't have immediate, neighbors immediately behind; I have the green space and then the pond. The neighbors are to the sides and around the pond. So, I, I was not aware of any objections to that, and I sincerely apologize for that. Had I known that that was an issue, I would have not even put it in the first place. But I did it as a temporary measure and, you know, address it now I'm aware; it shouldn't be an issue going forward.

CHAIRMAN SIAVELIS: Have you experienced any, Angel, have you experienced any drainage issues since you made the diagnosis of, you know, the piece of the elbow being, you know, lodged in there since you removed it?

MR. CUEVAS-TRISAN: No.

CHAIRMAN SIAVELIS: Any other comments from neighbors or feedback from neighbors regarding your petition, beyond the two that Derek read into the record?

MR. CUEVAS-TRISAN: No, none have been brought to my attention. I haven't received any calls, and I don't know if Adam, you haven't received any calls, have you?

MR. KINGON: No, we have not.

COMMISSIONER SELBKA: I have a quick question for Derek.

Derek, does the existing concrete patio, is that included in the FAR for the house, or should it be included in the FAR for the house?

MR. MACH: The concrete patio is not included as part of the floor area ratio. It is included in the overall impervious surface coverage calculation.

COMMISSIONER SELBKA: And is --

MR. MACH: Per code, they're allowed 4,618 square feet. They're proposing 3,788 square feet, so they are below the allowable impervious surface coverage.

COMMISSIONER SELBKA: Okay.

CHAIRMAN SIAVELIS: Derek, they're under it? They're under the impervious limit with the concrete patio, and then will be, as well, with the proposed addition?

MR. MACH: Correct.

COMMISSIONER DRAKE: Derek, did the Engineering Department have any comment after this letter came from the attorney for the Condominium Association?

MR. MACH: I did speak with Engineering, and they are going to do a service request and look into the, the comment from the neighbor. Per code, the pipe should not extend more than 10 feet beyond the house; any discharge from a sump pump or gutters.

COMMISSIONER DRAKE: Okay, thank you.

MR. MACH: Sure.

CHAIRMAN SIAVELIS: Any other questions from the Board?

COMMISSIONER GEISEL: I just want to confirm that we got an

existing non-conforming, so that if not the entirety of the 500-some odd square feet noted here, a portion of it is existing non-conforming, is that correct?

MR. MACH: That is correct. The existing house is, it's 359 square feet above the allowable floor area ratio. And then with the addition of the sunroom, it comes out to 541 square feet above what's allowed for floor area ratio.

COMMISSIONER GEISEL: Okay, thank you.

CHAIRMAN SIAVELIS: Anyone else?

COMMISSIONER LANAGHAN: Can someone tell me exactly where the drainage issue is? Is it on this southwest side, or is it somewhere else that, you know, is not necessarily anywhere near where this proposed addition is?

MR. CUEVAS-TRISAN: Yeah, it's in the opposite side. I, I think this one is, honestly, I don't know if it's southwest or south-what, but it is in the opposite side of the proposed sunroom.

COMMISSIONER LANAGHAN: Okay, thank you.

COMMISSIONER GEISEL: Jeff, if you look at the aerial --

COMMISSIONER LANAGHAN: Yes.

COMMISSIONER GEISEL: -- I think it might give you a better feel for where the home is positioned and where the adjacent project is located that had the concern or complaint.

COMMISSIONER LANAGHAN: Yes, I wasn't sure which side of the lake that it was actually coming from. So, I wasn't sure which direction the water was maybe flowing to.

COMMISSIONER GEISEL: If I'm, if I'm correct in the interpretation, it was being discharged along the rear fence line that abuts the pond, which does not abut any immediate resident, but it was part of the common area property in it's entirety.

COMMISSIONER LANAGHAN: All right, thank you.

CHAIRMAN SIAVELIS: Any follow-up questions, Jeff, on this project?

COMMISSIONER LANAGHAN: No, I'm good at this point.

CHAIRMAN SIAVELIS: Okay, any other comments or questions for the Petitioner from the Board?

(No response.)

CHAIRMAN SIAVELIS: All right, at this juncture, let's open it up to the audience for comments from them, from anyone who would like to speak. Again, folks, please use the raise your hand, click on the raise your hand button and Derek will acknowledge you and we'll proceed in that manner.

And, Derek, let us know if anybody pops in.

MR. MACH: No one is raising their hand, Chairman.

CHAIRMAN SIAVELIS: Okay, in view of that, let's move on then, to the next phase which is deliberation and consideration by the Board members.

Anybody want to start with this?

COMMISSIONER GEISEL: I'm happy to again, if that's not a problem. I certainly had some concerns, particularly given the complaints that

were registered; however, given the Petitioner's explanation of what transpired with respect to the rain and drainage issue, and his assurance that it's been removed, along with the fact that they're actually building on existing concrete pad, and they would be reducing the impervious area; I would actually be in favor of this project, where I wasn't initially.

COMMISSIONER JAFFE: I think that was well summarized, and I would agree.

CHAIRMAN SIAVELIS: Yes, I agree, Joe, that was well summarized. And probably heading into this session tonight many of us had trepidations about this, but the Petitioner did a solid job of explaining the situation, and that it was temporary, and that there's going to be a reduction in concrete there. And there's that commitment to put grass in, as well. So, I think that is very beneficial to the Petitioner's case.

COMMISSIONER GEISEL: That, along with the fact that the confirmation that it's not the entirety of the 543 square feet that they're seeking; that it's 350 over his existing. So, we've got, what, 180 or so of actual new constructed area, which is fairly small. It's tucked in a nice corner, et cetera.

CHAIRMAN SIAVELIS: Great. Another good point, Joe.

Any other comments from the Board members?

COMMISSIONER DRAKE: I think it would have been helpful had the attorney for the Condominium Association or someone from that group, you know, listen to this conversation. Maybe they'd feel a little bit differently after having the Petitioner explain what the plans were in discussion. So, I'm with everybody else on this in that the letter that was submitted doesn't mean a lot right now to me.

MR. MACH: Chairman, we do have one member from the audience that would like to speak.

CHAIRMAN SIAVELIS: All right, so we're kind of past that juncture but, for the sake of completeness, Derek, in my discretion, I think I'll let that person from the audience speak although, like I said, we've moved past that. And I do want to thank Mr. Drake for his comments, too, because I think his comments are valuable, as well.

So, with that in mind, Derek, go ahead, let's let the audience member speak. Be concise, please, and we'll proceed from there.

MS. MILLER: Yes, hello, my name is Barbara Miller. Can you hear me?

CHAIRMAN SIAVELIS: We can definitely hear you, Barbara.

MS. MILLER: Okay.

CHAIRMAN SIAVELIS: Let's just scroll through the listing here and see if we can see you, as well. Did you click, by the way, on start video?

Does anybody else see Barbara, by the way?

COMMISSIONER JAFFE: She's in the panelist list now. She moved from attendee to panelist.

MS. MILLER: Okay, but I still don't know how to -- here we go. There we go. Sorry about that.

CHAIRMAN SIAVELIS: Wait for you to populate --

MS. MILLER: Okay. I can see myself, so --

CHAIRMAN SIAVELIS: Okay, so Barbara, do us a favor, identify where you live, and then we'll swear you in.

MS. MILLER: Yes, yes. My name is Barbara Miller, and I reside at 818 North Normandy Court, Arlington Heights, 60004, and I'm a Board member of the Arlington on the Pond's North Condo Association.

CHAIRMAN SIAVELIS: Okay, let me swear in you, Barbara, before you proceed any further. Raise your right hand, please.

(Witness sworn.)

CHAIRMAN SIAVELIS: Okay, great, please proceed.

MS. MILLER: And thank you for indulging me. The only reason why I raised my hand late was the comment that you wish that the attorney would have been present. I was under the impression that the letter probably spoke for itself, and that's why I hesitated to be redundant, but I would just like to point out a few things that that letter did not point out.

Actually, in August of 2018, and we have photos that we could submit, this homeowner did the exact same thing that they did recently, and extended their entire hose onto the Condominium Association property in order to divert their, their drainage problems. So, that was actually two years ago.

And then most recently, along with putting the long hose onto our property, they actually put small stones on their property and about six feet on to our property which homeowners, our homeowners had to remove these stones so that our lawn could be mowed. I believe they were trying to divert water onto our property.

So, there's been several instances where this has happened. I don't know, because I'm not an engineer, if the building of the sunroom has anything to do with the drainage problem, or if they're just two coincidentally certain circumstances that are going on with this particular homeowner. And that's why we wanted to object to this; because of the activities that are taking place recently. It just led us to believe that there may be further problems down the road. And that's really about all I wanted to add.

CHAIRMAN SIAVELIS: Okay, thank you.

MS. MILLER: Thank you.

CHAIRMAN SIAVELIS: I'm going to let the Petitioner respond to that, to Ms. Miller's point, and then the Board will proceed from there, okay?

MR. CUEVAS-TRISAN: Yeah, so thank you very much, Barbara. Pleased to meet you. I did add gravel along the entirety. It's ornamental gravel throughout the entire edge of the, of the property line, including inside the property line. It goes around my, my, the edge of the fence, which marks the end of the property. And I did add to the, to the part that opens into the pond. I added gravel there, as well, but I was completely unaware that that would have, you know, caused a problem. I honestly wish I had heard about this, and I would have been more than happy to, to remove it, but I understand it. I, I, and I realize --

MS. MILLER: The problem is, sir, that you went, you trespassed on

the condominium property to put stones on our property. Number one, that seems a little bit presumptuous that you could do that. Would you do that to a next door neighbor; just go and put six feet of rock onto their property? I don't think so. So, we were just surprised that you did that, and we only could assume that the reason being is you wanted water to somehow drain onto our property.

CHAIRMAN SIAVELIS: Okay, well --

MS. MILLER: I'm at a loss as to why else someone would dump stones on somebody else's grass.

CHAIRMAN SIAVELIS: Okay, so Barbara, at this point in time let, let Angel respond in kind, without interrupting him and jumping his answer, okay?

MS. MILLER: Certainly.

CHAIRMAN SIAVELIS: We granted you a concession by allowing you to speak after the window of time had closed on you. So, we're going to proceed in an orderly manner and bring this to conclusion.

So, Angel, please proceed.

MR. CUEVAS-TRISAN: Right. No, again, I appreciate your concerns, Mrs. Miller. Sorry, I called you Barbara. I didn't --

MS. MILLER: No problem.

MR. CUEVAS-TRISAN: -- you didn't authorize me to do that. And again, the intent was ornamental. It doesn't, the, the pipe itself that I had put, the flexible pipe was, was not in the direction. That one goes straight from the property into the property line. And I did put two pipes instead of one, which exceeded the 10 feet that's allowable. I wasn't aware of the, of the, of that requirement of 10 feet. But it was, I was, you know, addressing what I thought was a momentary crisis, and that, until I finally diagnosed the, the blockage that I, that I had. So, that's, that's the, that's the reason.

CHAIRMAN SIAVELIS: All right, and did you have these drainage problems and these, you know, back in 2018 and 2019?

MR. CUEVAS-TRISAN: I had a prior situation but, again, the, the piece that had fallen in there evidently had been there for some time. It's just that I think it was because of the volume of rain that it had manifested itself on, on those occasions. But I don't, I don't expect that to be the case anymore since we removed that piece that was lodged in there.

CHAIRMAN SIAVELIS: Okay.

MR. CUEVAS-TRISAN: I think when there's normal rain, it, the water flows normally, but I think when we've had events of the magnitude that we had a couple of weeks ago, it happened. So, I, I put those pipes in order to let the water get out of the immediate area that keeps circulating to the sump pump.

CHAIRMAN SIAVELIS: Understood.

Okay, any further comments or deliberation from the Board members in view of the comments from Ms. Miller and the response by the Petitioner?

COMMISSIONER SELBKA: I think for the narrow purpose of this zoning variance, what the homeowner is suggesting to do will actually help the drainage problem by reducing the impermeable surface. As for the other issues,

the pipe and the trespass, those seem like disputes that should be brought up with complaints to the appropriate Village authorities if and when they ever come up and are a problem.

But I, I don't think that this variance will exacerbate the problems with the condominium, nor do I think we're empowered or we should be deciding these boundary disputes. So, I think I will still vote in favor of the variance.

CHAIRMAN SIAVELIS: Well said. Anyone else?

COMMISSIONER GEISEL: I made the initial comments. I would like to follow-up. I appreciate the comments from Mrs. Miller, and I do believe that they are appropriate. Maybe not, would have been easier to have heard them in the appropriate order, if you will. It doesn't change the facts, as Joe just stated, relative to the overall project. And if there is, obviously, a drainage issue, it should be dealt with in the appropriate manner, and running discharge to a neighbor's property is not appropriate.

MR. CUEVAS-TRISAN: If I may, you know, I'd like to address that.

CHAIRMAN SIAVELIS: Actually, Angel, at this point in time we're closed just for Board deliberation at this point.

MR. CUEVAS-TRISAN: Okay.

CHAIRMAN SIAVELIS: If we have a specific question to raise with you, we'll advise, but that portion of the interaction is done.

MR. CUEVAS-TRISAN: Thank you.

CHAIRMAN SIAVELIS: Okay, Dave, I think, Joe, are you, are you finished?

COMMISSIONER GEISEL: Yes, thank you.

CHAIRMAN SIAVELIS: Okay, Dave?

COMMISSIONER DIVITO: So, I was just going to reiterate the idea that where the construction's being done, the fact that it's being, you know, it's concrete today. It's being reduced, the layout of it, and it's actually adding green space is one thing. And I think that's, I think I'm good with that. The idea that we're going to have inspectors going and visiting that property is going to help out as well. With an engineer visit, we can check out any other things, so I can still get behind this petition the way it is today.

CHAIRMAN SIAVELIS: Okay.

COMMISSIONER LANAGHAN: Yes, I've got to agree with David and the other Commissioners here, you know, the fact that it's already a non-conforming use is a little troubling. But it is non-conforming already, and this is actually probably going to assist in the issue as opposed to further exacerbating it by, you know, creating some additional green space. So, with that in mind, and I like David's point about having some inspectors out there as well. I do think this is something I can support.

CHAIRMAN SIAVELIS: All right, do we have a motion?

COMMISSIONER SELBKA: Motion to approve.

COMMISSIONER GEISEL: Second.

CHAIRMAN SIAVELIS: All right, Derek, can you do a roll call here?

MR. MACH: Mr. Drake?
COMMISSIONER DRAKE: Yes.
MR. MACH: Mr. Geisel?
COMMISSIONER GEISEL: Yes.
MR. MACH: Mr. Jaffe?
COMMISSIONER JAFFE: Yes.
MR. MACH: Mr. Lanaghan?
COMMISSIONER LANAGHAN: Yes.
MR. MACH: Mr. Selbka?
COMMISSIONER SELBKA: Yes.
MR. MACH: Mr. Divito?
COMMISSIONER DIVITO: Yes.
MR. MACH: Chairman Siavelis?
CHAIRMAN SIAVELIS: Yes.

All right, congratulations, your variance has been granted. And that concludes the business items for this meeting. I don't have any notes here showing that there's any other business, so if no other member has business to raise, we can proceed with adjournment.

COMMISSIONER DIVITO: I motion to adjourn.

COMMISSIONER SELBKA: Second.

CHAIRMAN SIAVELIS: Derek, we can do this verbally, right?

MR. MACH: Yes.

CHAIRMAN SIAVELIS: All in favor of adjournment?

(Chorus of ayes.)

CHAIRMAN SIAVELIS: All right, thank you everyone. Have a good rest of the week, and stay healthy and safe.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:28 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS June 8, 2020

PETITIONER: Cuevas Residence

ADDRESS OF PROPERTY: 1722 N. Dover Ln.

VARIATION: 5.1-3.3a (Maximum Floor Area Ratio)

A 541 square foot variation to allow a home with a floor area of 4,673 square feet, where 4,132 square feet is the maximum allowed.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that the subject site is zoned R-3 and that the property has a total land area of 9,235 square feet. The petitioner testified that they are proposing a one-story 182 square foot sunroom addition in the rear of the home. The petitioner explained that the existing home exceeds the allowable floor area ratio and with the proposed sunroom, a variance is necessary. A neighbor provided a letter and spoke in opposition of the project due to drainage and water concerns. The petitioner testified that the drainage issue has been resolved. The petitioner also testified that the proposed sunroom will go in place of the existing patio. The petitioner explained that the sunroom is smaller than the patio and that additional green space will be provided.

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 Selbka and seconded by Mr. Jaffe. Thereafter, the Board voted 7-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 7-0 to grant the variance as requested.

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

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

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



**Zoning Board of Appeals
7/13/2020**

Item: ZBA#20-014 - 1530 E. Northwest Hwy.

Department: Planning & Community Development

REQUEST

A 29.5-foot variation from Chapter 28, Section 5.1-6.3 (Required Minimum Yards – Rear Yards) to allow a pergola with a rear yard setback of 0.5 feet where 30 feet is required.

ATTACHMENTS:

Description

Supporting Documents

Type

Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: June 8, 2020
Date Prepared: June 3, 2020
Project Title: 1530 E. Northwest Highway
Address: 1530 E. Northwest Highway

Background Information

Petition Number: ZBA #20-014
Petitioner: Arlene Merkel
Address: 1530 E. Northwest Highway, #1A
Arlington Heights IL 60004

Existing Zoning: R-6 Multi-Family Residential District

Requested Action/Background Information

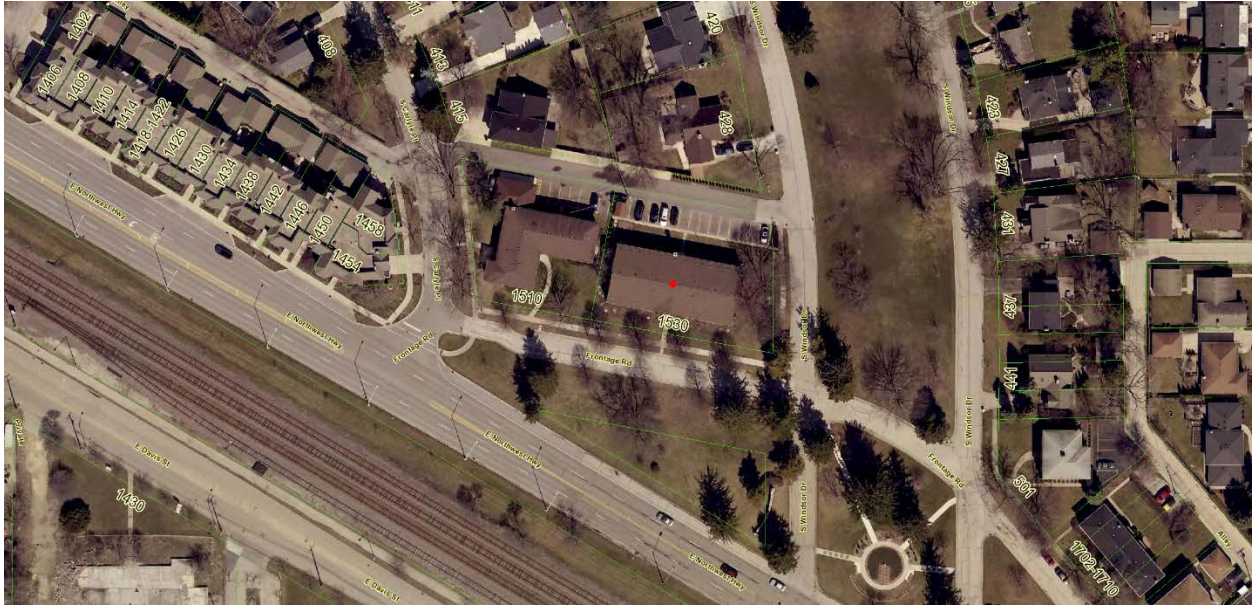
The subject property is zoned R-6, Multi Family Residential District. The proposed pergola is attached to the structure and the pergola is setback 0.5 feet from the rear property line where 30 feet is required. Therefore, the petitioner requests the following variation:

- A 29.5-foot variation from Chapter 28, Section 5.1-6.3 (Required Minimum Yards – Rear Yards) to allow a pergola with a rear yard setback of 0.5 feet where 30 feet is required.

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the 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.

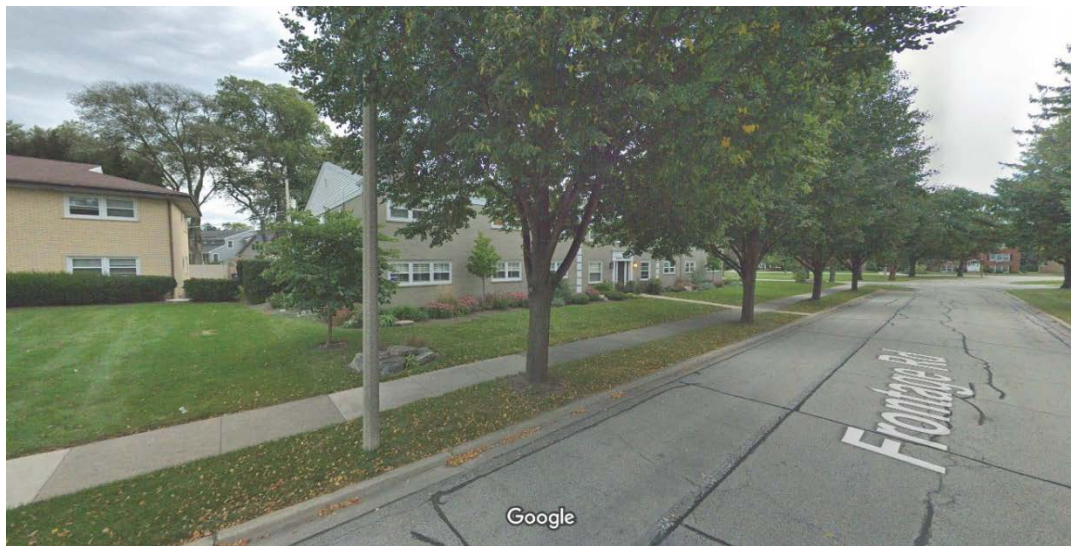
Map of General Vicinity



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	✓	6/17/20	
2. List of Property Owners Within 250 feet of Subject Property	✓	6/17/20	
3. Letter that was Mailed	✓	6/17/20	
4. Photographs of Sign on Property	✓	6/17/20	

Photographs of Existing Structure





Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Deb Pierce, Building & Life Safety Department

Project Name: Stonegate Condominiums

Project Address: 1530 E Northwest Hwy

ZBA #: 20-014

Date: June 18, 2020

Derek:

I have reviewed the request for a 29.5 foot variance to allow a pergola with a rear yard setback of 0.5 feet where 30 feet is required, and have no objection to the variance.

ZBA# 20-014
1530 E Northwest Highway- ZBA
Rev. Eng: Briget Schwab, P.E.
cc: Mike Pagones, P.E. Village Engineer

Application Date: April 28, 2020
Received by Planning:
Transmitted to Engineering: June 18, 2020
Received by Briget: June 22, 2020
Completed: June 26, 2020

The proposed ZBA application indicates that the petitioner is seeking:

A 29.5 foot variation from Chapter 28, Section 5.1-6.3 (Required Minimum Yards – Rear Yards) to allow a pergola with a rear yard setback of 0.5 feet where 30 feet is required.

The Engineering Division has NO COMMENT on the proposed variance for required minimum yard. The new pergola will not change the existing impermeable footprint. The proposed pergola is being installed on existing columns over an existing brick paver patio.

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PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Stonegate Condominiums

Project Address: 1530 E. Northwest Highway

ZBA #: 20-014

ZBA Hearing Date: July 13, 2020

To: Mike Pagones, Village Engineer
Steven Touloumis, Director of Building and Life Safety

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: June 18, 2020

- A 29.5 foot variation from Chapter 28, Section 5.1-6.3 (Required Minimum Yards – Rear Yards) to allow a pergola with a rear yard setback of 0.5 feet where 30 feet is required.

Attached are the Petitioner's:

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

Comments: _____

The proposed pergola is nicely designed to complement the existing patio and fence.

- Steve Hautzinger, Design Planner

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

PETITION

Now comes the Petitioner, **Arlene Merkel, President**, being an owner of the property known as Stonegate Condominiums, appeal to the Zoning Board of Appeals of the Village of Arlington Heights for a variation from Section **5.1-6,3a** Chapter 28 of the Arlington Heights Municipal Code, in order to add a 14' pergola attached to the building over a portion of the new patio.

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

The pergola style will compliment the existing fence and will be the same color as the fence and the front door. We have had many many neighbors stop by and compliment the fence. The pergola will be a beautiful addition to that.

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.

We believe in beautifying neighborhoods for the value and enjoyment of all. Adding this pergola will enhance our property and maximize the small area that is considered our backyard with no negative impact to the apartment building next door. We are on a Frontage Road with a large park in front, so there is no impact on any other homes/properties.

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

The pergola will not be seen from the rear of our building. What we consider our actual "backyard", is our parking lot. The pergola will help the property look less like an apartment building.

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

When we installed the fence and patio, we removed the bushes that were 56 years old and completely overgrown. The idea was to maximize use of that property that was muddy and overgrown. We now have a patio/grill area that looks great. Adding the pergola will further enhance the enjoyment of the space that was once useless. A year ago, the owner of the apartment building next door removed a large tree that supplied shade to the patio area.

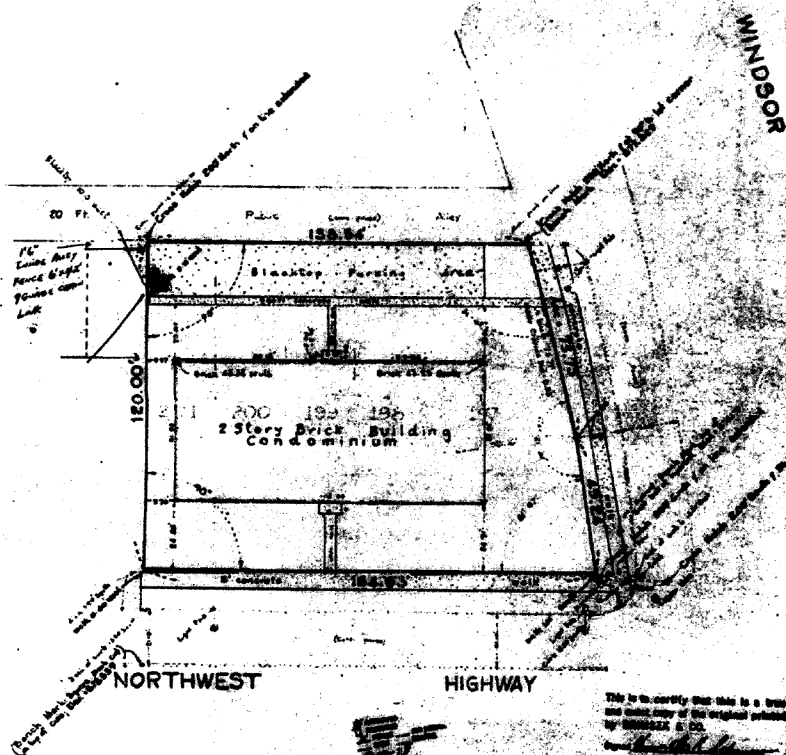
NATIONAL SURVEY SERVICE, INC.

Plat of Survey

SHEET 1 OF 3
 PROJECT NO. 1000
 DATE 10/1/54
 DRAWN BY J. L. BROWN
 CHECKED BY J. L. BROWN
 APPROVED BY J. L. BROWN
 TITLE: Plat of Survey for 200 and 201 in Stonegate, being a Subdivision of a 1/2 Acre Parcel and Company's East 1/2 Section 33 and part of the East 1/2 of the Northwest 1/4 of Section 33, Township 22 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

Lots 197, 198, 199, 200 and 201 in Stonegate, being a Subdivision of a 1/2 Acre Parcel and Company's East 1/2 Section 33 and part of the East 1/2 of the Northwest 1/4 of Section 33, Township 22 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

Known as Northwest Highway Arlington Heights, Illinois
 Survey for Prairie State Construction Co.



This is to certify that this is a true and correct copy of the original plat filed by J. L. BROWN & CO.
 J. L. BROWN & CO.
 J. L. BROWN

STATE OF ILLINOIS

County of Cook

Be before me, the undersigned, the duly qualified and authorized officers of the State of Illinois, who have examined the foregoing plat and have found that the same is a true and correct copy of the original plat filed by J. L. BROWN & CO.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the State of Illinois, this 10th day of April, 1954.

J. L. BROWN & CO.
 J. L. BROWN
 J. L. BROWN

IMPORTANT

THE UNDERSIGNED, OFFICER OF RECORDS OF PUBLIC RECORDS, HEREBY CERTIFIES THAT THE PLAT ABOVE RECORDED IN THIS OFFICE, BEING A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT FILED BY J. L. BROWN & CO. AND THAT THE PLAT ABOVE RECORDED IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT FILED BY J. L. BROWN & CO. AND THAT THE PLAT ABOVE RECORDED IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT FILED BY J. L. BROWN & CO.

NATIONAL SURVEY SERVICE, INC.

Plat of Survey

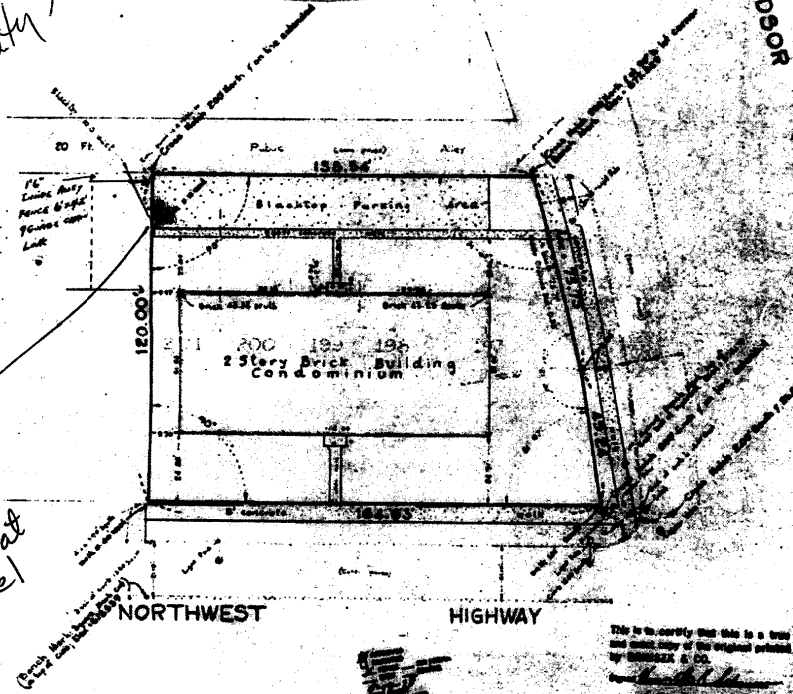
Lots 197, 198, 199, 200 and 201 in Stonegate, being a Subdivision of a Ray Berry and Company's East Subdivision, being a Subdivision of the part of the West 1/4 of the Northwest 1/4 of Section 33 and the part of the East 1/4 of the Northwest 1/4 of Section 33, lying in Township 25 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois.

Known as Northwest Highway Arlington Heights, Illinois.
Survey for Prairie State Construction Co.

257-4466 Head
251-6100 Basement
Ray K. Lewis AGA
5700 East Cedarwood Road
1594 E. Northwest Hwy.
Arlington Heights, Illinois 60015

Shed will be located 15' from side property line

Shed 10' x 7.5' 565 cubic ft. of storage height = 13' at highest level

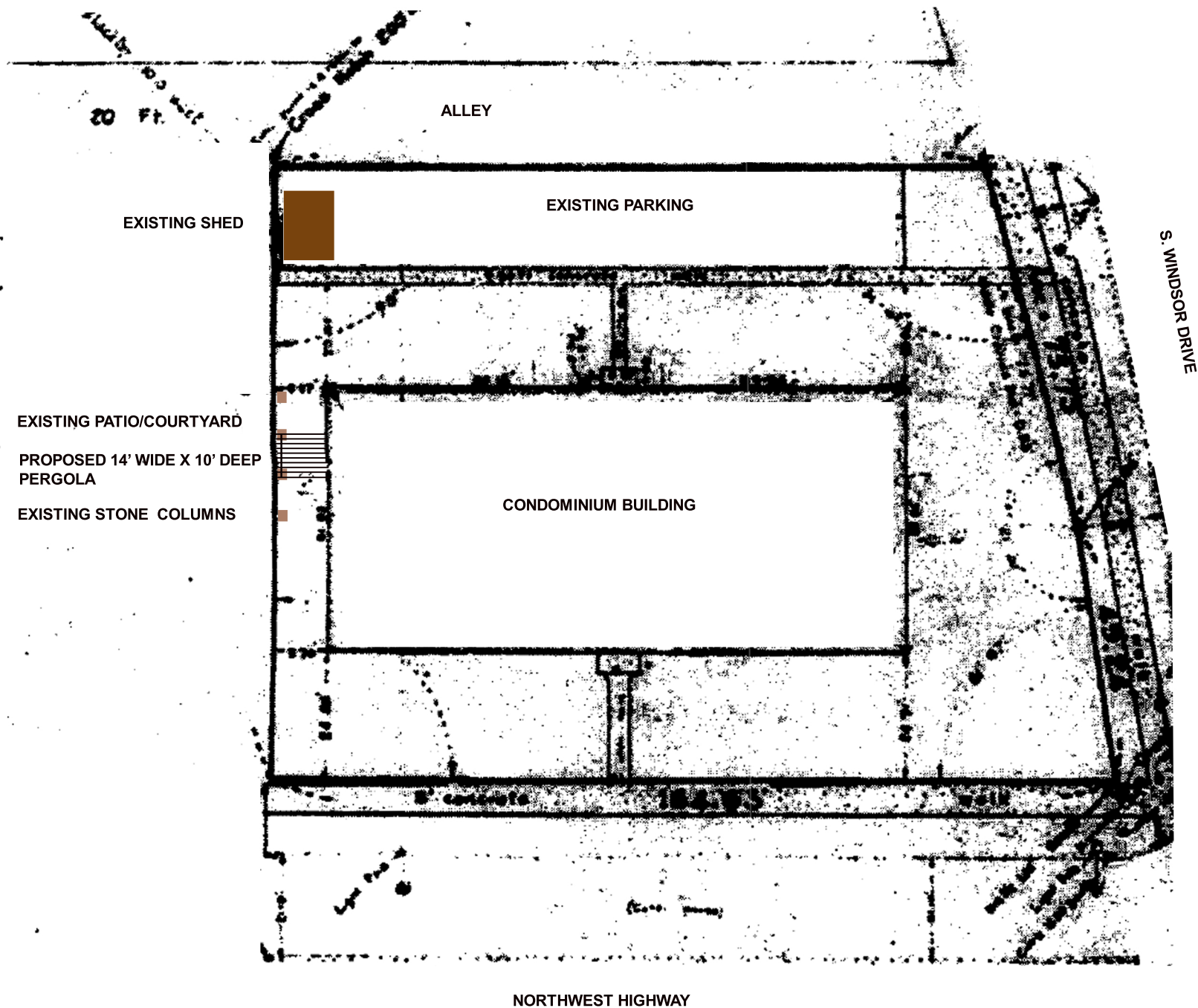


IMPORTANT
This plat is subject to the provisions of the Illinois Surveying Act, Chapter 120, Illinois Compiled Statutes (605 ILCS 120). The surveyor warrants that the survey was made in accordance with the provisions of the Act and that the plat is a true and correct copy of the original plat as recorded in the public records.

STATE OF ILLINOIS
County of Cook
I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original plat as recorded in the public records, and that the same is a true and correct copy of the original plat as recorded in the public records, and that the same is a true and correct copy of the original plat as recorded in the public records.



APR 19 2013
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT



1530 W. NORTHWEST HIGHWAY - PERGOLA PLAN

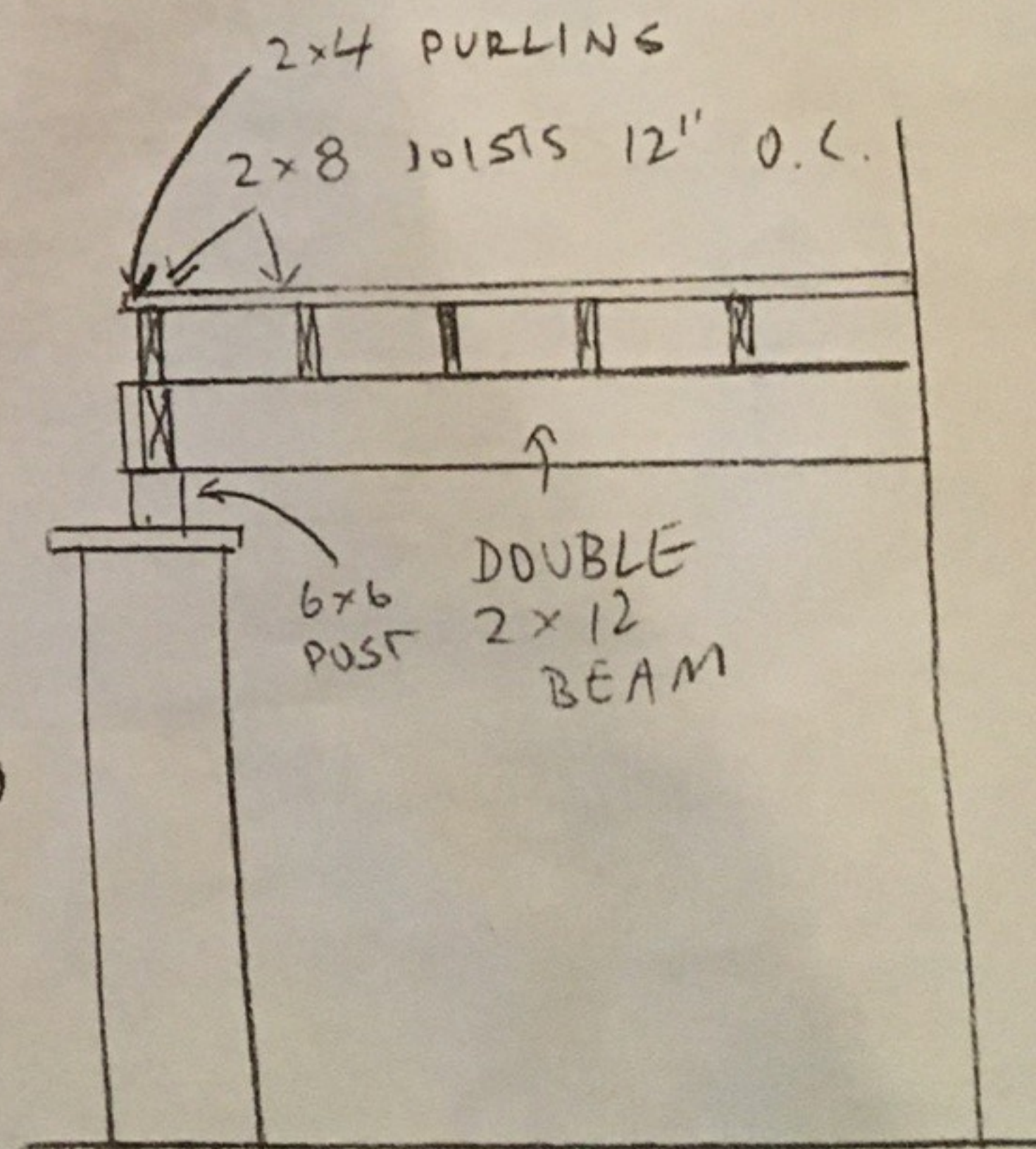
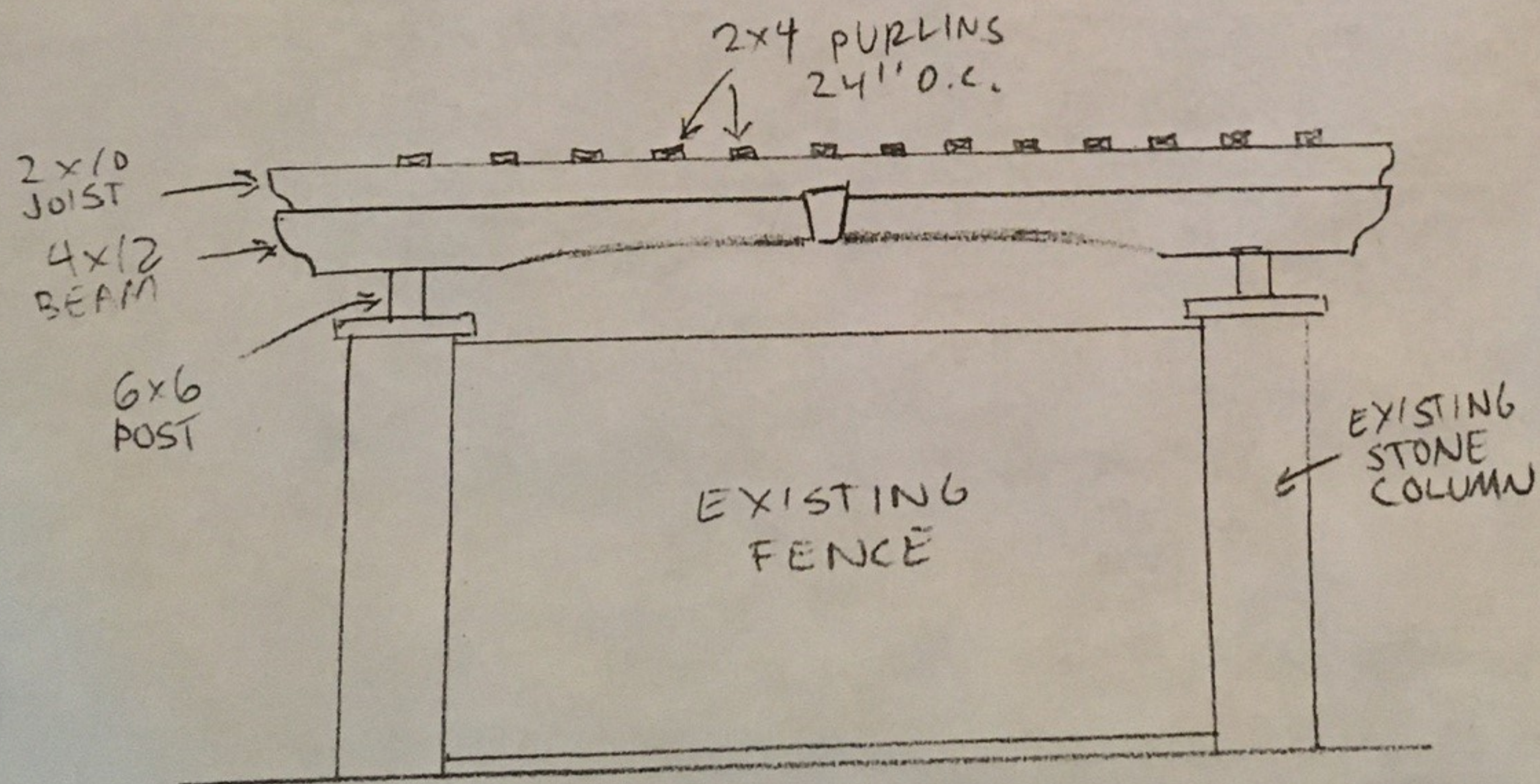
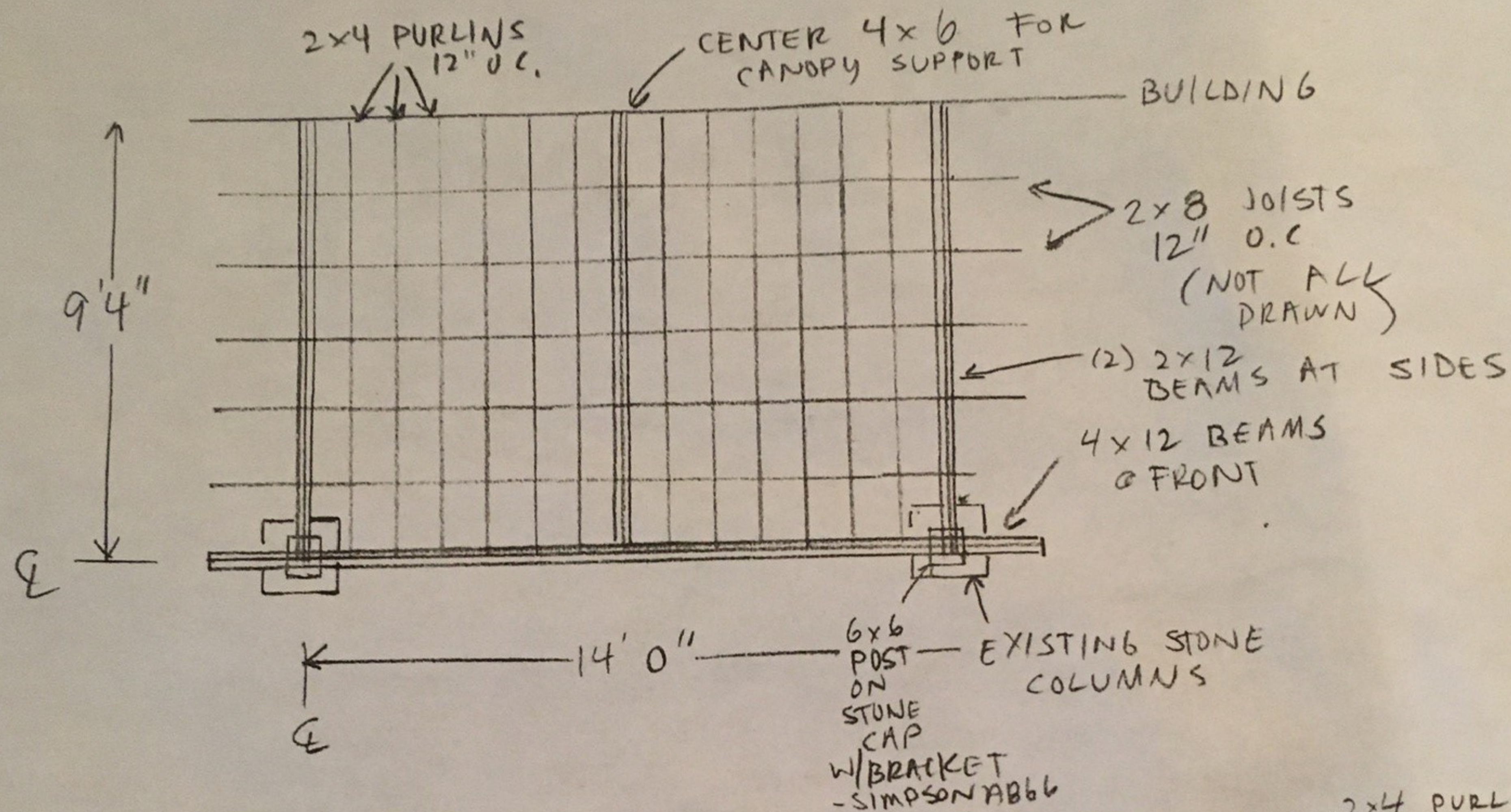


pergola

facing
south



facing
north





**Zoning Board of Appeals
7/13/2020**

Item: ZBA#20-015 - 648 N. Dunton Ave.

Department: Planning & Community Development

REQUEST

A variation from Chapter 28, Section 6.13-3c (Location of Fences – Front Yards) to allow a 5-foot tall fence located along the north property line in the rear yard with no street side landscaping where code allows a maximum 3-foot tall fence.

ATTACHMENTS:

Description

Supporting Documents

Type

Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: July 13, 2020
Date Prepared: July 7, 2020
Project Title: Lyon Residence
Address: 648 N. Dunton Ave.

Background Information

Petition Number: ZBA #20-015
Petitioner: Lora Lyon
Address: 648 N. Dunton Ave.
Arlington Heights IL 60004

Existing Zoning: R-3 Single-Family Residential District

Requested Action/Background Information

The subject property is zoned R-3, Single Family Dwelling District. The petitioner is proposing to install a 5-foot tall open decorative metal fence along the exterior side yard (north property line). The proposed fence is located along the property line where a setback of 5 feet is required for a fence taller than three feet. Therefore, the petitioner requests the following variation:

- A variation from Chapter 28, Section 6.13-3c (Location of Fences – Front Yards) to allow a 5-foot tall fence located along the north property line in the rear yard with no street side landscaping where code allows a maximum 3-foot tall fence.

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	✓	6/24/20	
2. List of Property Owners Within 250 feet of Subject Property	✓	6/24/20	
3. Letter that was Mailed	✓	6/24/20	
4. Photographs of Sign on Property	✓	6/26/20	

Photographs of Existing Structure





Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Deb Pierce, Building & Life Safety Department

Project Name: Lyon Residence

Project Address: 648 N Dunton Ave

ZBA #: 20-015

Date: June 18, 2020

Derek:

I have reviewed the request for a variance to allow a 6-foot tall fence located along the north property line in the rear yard with no street side landscaping where code allows a maximum 3-foot tall fence, and have no objection to the variance.

ZBA# 20-015
648 N Dunton- ZBA
Rev. Eng: Briget Schwab, P.E.
cc: Mike Pagones, P.E. Village Engineer

Application Date: June 3, 2020
Received by Planning: June 4, 2020
Transmitted to Engineering: June 18, 2020
Received by Briget: June 22, 2020
Completed: June 26, 2020

The proposed ZBA application indicates that the petitioner is seeking:

A variation from Chapter 28, Section 6.13-3c (Location of Fences – Front Yards) to allow a 5-foot tall fence located along the north property line in the rear yard with no street side landscaping where code allows a maximum 3-foot tall fence.

The Engineering Division has NO COMMENT on the proposed variance for location of fences.

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PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Lyon Residence

Project Address: 648 N. Dunton Avenue

ZBA #: 20-015

ZBA Hearing Date: July 13, 2020

To: Mike Pagones, Village Engineer
Steven Touloumis, Director of Building and Life Safety

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: June 18, 2020

- A variation from Chapter 28, Section 6.13-3c (Location of Fences – Front Yards) to allow a 5-foot tall fence located along the north property line in the rear yard with no street side landscaping where code allows a maximum 3-foot tall fence.

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, 2020.

PETITION

PETITION

NOW COMES the Petitioner LORA E. LYON AS TRUSTEE FOR THE LORA E. LYON TRUST
being the owner of the property commonly know as: 648 NORTH DUNTON AVENUE

and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 12

Chapter 28, of the Arlington Heights Municipal Code, in order to: ERECT A 5 FOOT FENCE 4 INCHES
FROM THE PROPERTY LINE ALONG THE HAWTHORNE FRONTAGE

I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with
existing uses and zoning of nearby property if the variation(s) were granted (please explain): THE STYLE OF THE
FENCE WILL BE IN KEEPING WITH THE CHARACTER OF THE NEIGHBORHOOD

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the
subject property has been vacant as zoned (please explain): WE HAVE RECENTLY WITNESSED NEIGHBORS
PETS GOING TO THE BATHROOM IN OUR YARD. WE HAVE ALSO WITNESSED A
COYOTE TRAVELING THROUGH OUR YARD. WE ARE CONCERNED FOR THE SAFETY
AND WELL BEING OF OUR PETS, CHILDREN, AND GRANDCHILDREN

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain): THE
OWNER NEEDS TO ERECT A FENCE TO KEEP THE OWNERS PETS INSIDE THE PROPERTY,
AND OTHER PEOPLE'S PETS OUTSIDE THE PROPERTY. WE HAVE WITNESSED A
COYOTE IN OUR YARD 5 TIMES IN THE LAST 60 DAYS.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property
(please explain): TO ERECT THE FENCE ON THE REQUIRED, 5 FOOT SETBACK, WOULD
REQUIRE THE OWNER TO REMOVE / RELOCATE EXISTING LANDSCAPING AT
A SUBSTANTIAL FINANCIAL HARSHIP TO THE OWNER

Signed: _____

Lora E. Lyon, OEE
Petitioner

Date: 6-3-20

RECEIVED

JUN - 4 2020
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

William K Registered Land Surveyor #1734

W. HAWTHORNE ST.

собрать

SCALE: 1" = 15 FT. BOOK / Z PAGE 22

FOR Don Lyon

FOR _____ /
SCALE: 1" = 15' BOOK 12 PAGE 22

abstract or zoning board.

1784

WE SURVEY FEBRUARY 23RD 2005

Don Lyon

SIEVERTSEN SURVEY SERVICE

Edward J. Fierstein

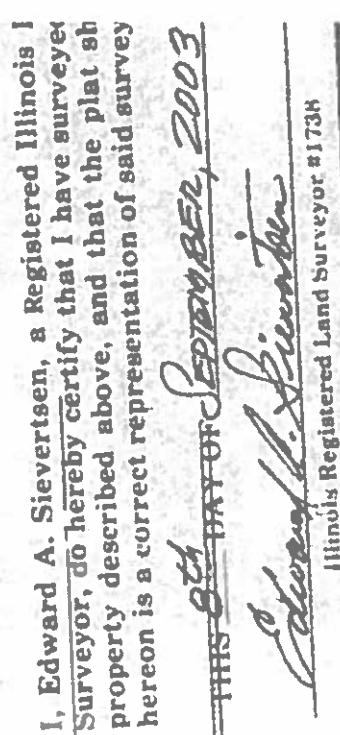
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

JUN - 4 2020

RECEIVED

cutb

H. 1.76-1/3 CHAINS (EXCEPT THAT PART TAKEN FOR HAWTHORNE STREET, AND EXCEPT THE WEST THEREOF) OF LOT 5 IN THE SUBDIVISION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF 29, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK ILLINOIS.



W. HAWTHORNE ST.

Don Lyon

FOR VEN 2904 15 FT BOOK 12 PAGE 22

SCALE: 1" = 15 FT. BOOK / 2 PAGE 22

Compare description in this plat with your deed, abstract or certificate of title; also compare all points before starting any excavating or building. If requested show any discrepancy be found, report same to our office at once. Building lines shown only where they are so recorded in the maps, otherwise refer to your deed.

Witness my hand and seal of said office this 1st day of May 1921.

WTE SURVEY FEBRUARY 23RD, 2005
DON LYON
 STEVARTSEN SURVEY SERVICE
 Edward J. Stevartsen

RECEIVED
JUN - 4 2020
COMMUNITY
DEPARTMENT

"EXHIBIT 1" - COYOTE IN THE SUBJECT PROPERTY BACKYARD. APRIL 2020



"EXHIBIT 2" - SUBJECT PROPERTY/HAWTHORNE LOT LINE



"EXHIBIT 3" - SUBJECT PROPERTY/INTERIOR LANDSCAPE



"EXHIBIT 4" - PROPOSED FENCING





Fri 6/26/2020 12:20 PM

Catherine Madison Meyer

Opposing Variance at 648 N Dunton Ave

To Mach, Derek

 You replied to this message on 6/26/2020 12:24 PM.

[NOTICE: This message originated outside of Village of Arlington Heights email system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello,

I am writing to oppose the variance requested by Lora Lyon at 648 Dunton Ave for a 5ft fence with no street side landscaping where code allows a maximum 3ft fence. Hawthorne is a very quiet street, and it should not have a tall fence right up against the sidewalk. It would make the quiet neighborhood sidewalk feel boxed in. Furthermore, it would not blend well with the other homes on Hawthorne Street which face Hawthorne and are set back. Allowing this variance would open the door for many other similar positioned homes to request a similar variance, and this would change the feel of our neighborhood - making it feel boxed-in and walled off. There is already a variance that allows for taller fencing if you are on a very busy street, but since Hawthorne is so quiet it should not be permitted in this case. A 3ft fence is all that should be allowed here, as the code already outlines.

Thank you,

Catherine Meyer

Property Owner at



Fri 6/26/2020 12:39 PM

Jonathan Meyer · [REDACTED]

Opposing Variance at 648 N Dunton Ave

To Mach, Derek

 You replied to this message on 6/26/2020 12:43 PM.

[**NOTICE:** This message originated outside of Village of Arlington Heights email system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi, writing in opposition to the variance request. I agree with the principles of the existing code. Let's follow it.

Thanks,
Jonathan

[REDACTED] owner and neighbor