



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

Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
June 9, 2014
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Fravell/Bellock Petition
909 W. Campbell St.
ZBA#14-006 - (Permitted Obstructions)

IV. REPORTS

V. OLD BUSINESS

VI. NEW BUSINESS

- A. Williams Residence
917 E. Olive St.
ZBA#14-007
- B. Peterson Residence
115 S. Mitchell Ave.
ZBA#14-008
- C. Konrad Residence
830 S. Walnut Ave.
ZBA#14-009
- D. Semerau Residence
2100 E. Lilac Terrace
ZBA#14-010
- E. Hernandez Residence
2635 N. Raleigh St.
ZBA#14-011

VII. OTHER BUSINESS

VIII. ADJOURNMENT

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



Item: Fravell/Bellock Petition - 909 W. Campbell St. - ZBA#14-006

Department: Planning & Community Development

Approval of Minutes and Findings from the April 21, 2014 hearing.

ATTACHMENTS:

Description	Type
ZBA Minutes - 4/21/14	Minutes
ZBA Findings - 4/21/14	Minutes

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ZONING BOARD

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

OF APPEALS

RE: FRAVELL/BELLOCK PETITION; ZBA #14-006

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the
Arlington Heights Village Hall, 33 South Arlington Heights
Road, 1st Floor Beuchner Room, Arlington Heights, Illinois on
the 12th day of May, 2014, at the hour of 7:03 o'clock p.m.

MEMBERS PRESENT:

TONY PETRILLO, Chair
JOSEPH SELBKA
JOSEPH GEISEL
CARL ANFENSON
BARBARA LIVERMORE
DAVID DIVITO

ALSO PRESENT:

DEREK MACH, Landscape Planner

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CHAIRMAN PETRILLO: Okay. Welcome, everyone. This is the May 12th, 2014 meeting of the Zoning Board of Appeals. We'll conduct some, we have an agenda this evening and we'll conduct Old Business first, and then move forward into New Business. First is, do we need to call a roll call?

MR. MACH: Yes. Chairman Anfenson.

MR. ANFENSON: Here.

MR. MACH: Chairman Petrillo.

CHAIRMAN PETRILLO: Here.

MR. MACH: Mrs. Livermore.

MRS. LIVERMORE: I'm here.

MR. MACH: Mr. Siavelis.

(No response.)

MR. MACH: Mr. Geisel.

MR. GEISEL: Here.

MR. MACH: Mr. Divito.

MR. DIVITO: Here.

MR. MACH: Mr. Selbka.

MR. SELBKA: Here.

CHAIRMAN PETRILLO: Okay. Next order of business is the pledge of allegiance.

(Pledge of allegiance.)

CHAIRMAN PETRILLO: The next order of business is the approval of minutes and findings from the April 21st, 2014 hearing. The Bank Residence, 1215 East Campbell Street. Has everybody had an opportunity to read and review the minutes of the last meeting? Any changes or clarifications? As that's read, is there a motion to approve?

MR. ANFENSON: So moved.

CHAIRMAN PETRILLO: We have a --

MR. SELBKA: Second.

CHAIRMAN PETRILLO: All in favor?

(Chorus of ayes.)

CHAIRMAN PETRILLO: All those opposed?

(No response.)

CHAIRMAN PETRILLO: Motion passes. The next order of business is New Business. On this evening's agenda, we have one petition at 909 West Campbell Street regarding minimum lot size and minimum width. Is there a Petitioner present? If you would step forward, sign in and then we'll swear you in. So, if each of the individuals that will be addressing the Board this evening, if you would sign in?

Gentlemen, if you would, one at a time, state your

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name and your affiliation and your address.

MR. GOODMAN: Sure. My name is Steven Goodman. I'm a member of the law firm of Meltzer, Purtill & Stelle, located at 1515 East Woodfield Road in Schaumburg, and representing the Petitioner this evening.

MR. VAN DYKE: My name is Tony Van Dyke and we are the Petitioner for the owner.

CHAIRMAN PETRILLO: And gentlemen, if you would, raise your right hand, I'll swear you in.

(Witnesses sworn.)

CHAIRMAN PETRILLO: If you would, as you work through your presentation, we have three criteria that we have to consider when approving your petition, and I'll read them verbatim:

1. That the property in question cannot yield a reasonable return on your investment if permitted to be used only under the condition allowed by the regulations in that zone.
2. The plight of the owner is due to unique circumstances that can't be overcome within the code.
3. The variation if granted will not alter the essential character of the locality.

And so, if you would address those three items, we'll hear your presentation. We will then open it up to members in the audience that would like to be heard in addressing the petition, and then we'll open it up to the Board for vote.

MR. GOODMAN: Great, thank you. I think my voice will project, but if anyone cannot hear me, let me know and I'll try to use the microphone as best as I can.

Again, my name is Steve Goodman, I represent the Petitioner. The Petitioner is the contract purchaser of eight single-family lots located at the southwest corner of Campbell and Casper in the Village of Arlington Heights. I'm going to ask Tony to show the Board just so everyone can see the specific location.

Here is Campbell to the north, Casper to the east, and we're talking about just the specific eight lots. That's the subject of tonight's petition.

AUDIENCE MEMBER: Could you use the microphone?

MR. ANFENSON: I don't think the mic, the microphone is for recording.

MR. GOODMAN: Oh, I see, I'm sorry.

MR. ANFENSON: And we'll try and be as quiet as we can so you can hear.

MR. GOODMAN: Okay.

CHAIRMAN PETRILLO: And just, since there was this little bit of a break, I did want to notify the Petitioner that

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this is a seven-member Board, there are six members present this evening. And for your petition to pass, you have to have four affirmative votes. I'm assuming you want to proceed.

MR. GOODMAN: Yes, we will proceed.

CHAIRMAN PETRILLO: Okay. I wanted to --

MR. GOODMAN: Again, the subject property consists of eight lots located in the R-2 District. It's important to note, however, that the lots were subdivided in 1924, so we're talking 90 years ago. As subdivided, the lots ranged from over 7,900 square feet to over 9,700 square feet. And the lot width ranged from 60 feet to 66 feet. So, we are below, these eight lots are below the minimum lot area of 10,000 square feet and below the minimum lot width of 75 feet. So, we are seeking a variance to address those specific issues under Chapter 28 of your zoning code.

In support of the request, I point out that the property is surrounded by the R-2 District. We have an exhibit here. So, the subject property is outlined here in blue up at the top of the map. So, the subject property is surrounded by the R-2 District, and the lots highlighted in red, there are over 50 of them that do not meet the minimum lot width requirements in the R-2 District. So, in other words, the subject eight lots are compatible with other lots in the immediate vicinity. And further, the homes that my client intends to build on these eight lots will fit the character of the neighborhood, as my client's proposed product will comply with all setback requirements under the R-2 zoning regulations.

We believe that each of the three required criteria are met for granting the requested variances. First, there is an economic hardship. These eight lots as they exist today are not buildable under the R-2 regulations. Secondly, this is a unique circumstance. My client is not here this evening proposing a plat of subdivision to create eight lots that do not comply with the R-2 regulations. These lots have existed for 90 years and we must take these lots effectively as we find them. We simply cannot comply with the R-2 standards as they currently exist.

Lastly, if the requested variances are granted, it will not alter the essential character of the locality. Again, there are over 50 lots in the immediate vicinity in the R-2 District that do not meet the minimum lot width requirements. And the subject eight lots are comparable in size and width, and in fact might even be identical to the lot width and lot area of the lots immediately north of the subject property on the north side

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of Campbell Street. The homes to be built on these eight lots will be approximately 2,800 to 3,200 square feet, which is also in character with the surrounding neighborhood.

Lastly, I'd like to point out that under Section 28.2 of your Zoning Ordinance, that section specifies the intent and purpose of the ordinance. And some of these purposes and intents are the protection of the character and stability of residential areas, and to prohibit buildings incompatible with the character of development within a zoning district. We believe our client's proposed use is consistent with the land as originally platted and in no way violates the character of the immediate neighborhood.

At this point, happy to open up to questions. Mr. Van Dyke and myself will do our best to answer any questions you may have as well as those from the audience.

CHAIRMAN PETRILLO: Can you clarify for me what is your hardship?

MR. GOODMAN: The hardship is that these are eight platted lots that by definition are not capable of meeting the R-2 standards for lot area and lot width. These lots were platted, again back in 1924, and were platted in the R-2 District, yet were platted in a way that does not comply.

CHAIRMAN PETRILLO: Was your client aware of these non-complying lots when they purchased the property?

MR. GOODMAN: Well, first of all, we do not own the property, we're contract purchaser. At the time the property went under contract, it was not aware that variances would be necessary. At the time the property was put under contract, we believed that these lots were conforming lots. We had no reason to suspect otherwise. It wasn't until after the fact when I believe Mr. Van Dyke met with Village Staff that he learned that variations were necessary.

CHAIRMAN PETRILLO: This property is not closed on?

MR. GOODMAN: This property is not closed on.

CHAIRMAN PETRILLO: Who provided the demolition on the property?

MR. GOODMAN: The property owner.

CHAIRMAN PETRILLO: The property owner. At the property owner's own expense?

MR. GOODMAN: Yes.

CHAIRMAN PETRILLO: And what is the contract price of the property?

MR. GOODMAN: I don't know off the top of my head. I'd have to find that.

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CHAIRMAN PETRILLO: And what is the total purchase of the property, is it just these eight lots? Or is it the property --

MR. GOODMAN: Just these eight lots.

CHAIRMAN PETRILLO: So, how is this subdivided? Because to my understanding, that the owner of the property has a much larger land, ownership over a much larger piece of land.

AUDIENCE MEMBER: I can address that, sir. I'm the owner of the property.

CHAIRMAN PETRILLO: No. Okay.

MR. GOODMAN: I'm not aware of what the owner's other land holdings might be in the area. At the time my client went under contract for this property, my understanding is the only property that the owner owned were these specific eight lots. My client has no contract interest at all in the other property in the area.

CHAIRMAN PETRILLO: Are you aware, is that other property going to be up for sale or is up for sale?

MR. GOODMAN: I don't know.

CHAIRMAN PETRILLO: So, you have no idea of the total investment that your client is going to make into this property?

MR. GOODMAN: The property --

CHAIRMAN PETRILLO: Let's say just the land acquisition portion.

MR. GOODMAN: I do not recall. The property went under contract a few months ago. I do not recall what the contract purchase price is.

CHAIRMAN PETRILLO: Your client is going to make an investment in these eight lots if this petition is approved.

MR. GOODMAN: Correct.

CHAIRMAN PETRILLO: What is his investment or what is the cost per square foot to build these 2,800 to 3,200 square-foot homes?

MR. GOODMAN: Is that something you want to reply to?

MR. VAN DYKE: The cost per square foot?

CHAIRMAN PETRILLO: Yes.

MR. VAN DYKE: Depends on what we're going to put in. We haven't developed the plans yet.

CHAIRMAN PETRILLO: Well, is it \$100, is it \$50, is it \$300?

MR. VAN DYKE: No, no --

CHAIRMAN PETRILLO: There's a general rule of thumb that most people can use.

MR. VAN DYKE: It's \$100-\$200 usually.

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MR. GOODMAN: I don't want to speculate in terms of your question. And again, unfortunately I do not recall the specific contract price of the eight lots. But if you're, I think what you're getting at is whether these lots were valued at eight lots, then the answer is yes. The contract was premised on the purchase of eight buildable single-family lots.

MR. ANFENSON: Is there any contingencies in the contract?

MR. GOODMAN: General due diligence.

MR. ANFENSON: This being one of them?

MR. GOODMAN: Yes.

CHAIRMAN PETRILLO: So, approximately, at \$120 a square foot, a 2,800 square foot home is approximately \$336,000. When you have the investment which we don't know or we can't put our finger on the land, what do you estimate for the sale price -- folks, if we could, keep any dialogue limited at this point in time to the podium? What is the projected, you had to do some pro forma on this.

MR. GOODMAN: Sure, sure.

CHAIRMAN PETRILLO: And know what you're going to get out of your investment. What would be the sale price of property and home?

MR. GOODMAN: The sales price is projected to be north of \$650,000 per home.

CHAIRMAN PETRILLO: Any of the members have any questions for this petition?

MR. SELBKA: I have one question. For the two southwest lots, how would those, if we were to grant this variance, how would those two lots have access to the street, or any street?

MR. GOODMAN: There is an existing right of way, undeveloped right of way immediately to the west. It's the extension of the Kennicott Road right of way. And the plan would be to construct that half right of way down to the southwest terminus of Lot 245 so that these two lots would in fact have access off of Kennicott and out up onto Campbell Street.

MR. ANFENSON: So, the hardship again is economic hardship?

MR. GOODMAN: It's economic. The lots were valued as eight buildable lots.

MR. ANFENSON: But if they were valued as ten, or if they were valued as six, I mean it's a bit of negotiated price, right? I mean it could be, they don't have to pay that price if -

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MR. GOODMAN: Well, you know, if we have to get to that point, obviously we will. But the contract we have with the owner is for eight single-family lots.

MR. ANFENSON: So, a self-imposed hardship at the price they want to pay for --

MR. GOODMAN: Well, I don't know if I agree that it's a self-imposed hardship because, again, we did not create the lots here. We didn't subdivide them. This is the way they are.

CHAIRMAN PETRILLO: But there is a process for you to do that, and I just wanted to caution you as we proceed this evening, if this variance is denied, it stands on this property for a year, correct?

MR. MACH: Correct.

CHAIRMAN PETRILLO: But there is another, there is a process that you can seek or go through in order to make these buildable lots, but going before the Design and Planning Commission, seeking the re-platting, and then Village Board approval, and leaves you wide open. But you understand if this fails this evening, it stays with any subsequent purchaser and/or landowner, correct?

MR. MACH: For Zoning Board of Appeals.

CHAIRMAN PETRILLO: For the Zoning Board of Appeals. So, no one else would be able to come before us, you would not be able to come before us for a year.

MR. GOODMAN: Understood.

CHAIRMAN PETRILLO: Okay. Any other questions from members of the Board?

MR. GOODMAN: Thank you.

CHAIRMAN PETRILLO: Thank you, gentlemen. Now, we will open up the floor to members of the audience that would like to speak and address this petition. Can I just see by a show of hands how many individuals wish to address this this evening? Seven? Okay. Eight? If we get above ten, we'll take the time limit off since there's less than ten.

If you would, sir, you want to step forward?

MR. GREAZEL: Yes, I just would like to --

CHAIRMAN PETRILLO: No, you just, if you would step forward to the podium?

MR. GREAZEL: And I just want to make sure with the crowd, I'd like to say my piece and then potentially take my kids out so they don't start screaming. Do I need to sign in?

CHAIRMAN PETRILLO: Yes, if you would sign in and then state your name and address and then I'll swear you in.

MR. GREAZEL: Sure. My name is Nicholas Greazel, I

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live at 818 West Campbell Street here in Arlington Heights.

CHAIRMAN PETRILLO: I'll swear you in.

(Witness sworn.)

MR. GREAZEL: So, I live kiddy corner to this property.

This property, I don't know when it went up for sale. I did not see any For Sale signs. I know that when it first went up five years ago, you saw the For Sale signs. But I don't know when it went up to auction. I heard that it sold for \$600,000 originally to the purchaser. I didn't see that but my former neighbor had told me that he had seen it in the paper. So, that was the original purchase price.

Looking at the size of this, I'm very disappointed that the potential purchaser doesn't know the negotiated price. I don't know how they can go through and say that there is an economic hardship on this yet without any money other than the fact that they've wasted lawyer fees on this. If they came to us today and asked for seven plots and they went through that process, I couldn't see how to say no to that because they'd be very close on virtually everything.

But right now, as they, when they went through and purchased it, they didn't know what the zoning rules were, they should have and shame on their investigative group for not knowing that because it's pretty clear that I, as a non-legal person, was able to find this out by calling a few people in the city and asking this, without filing a Freedom of Information Act. And it would be very simple to go through and look at this, divide it into seven. There is approximately 69,000 square feet, they'd be 1,000 feet short. But they're not asking for a variance for that, they're asking for a variance where everything is really thin. And they're showing plats of land there where most of those houses are 11,000 square feet to 12,000 square feet, all significantly smaller in land mass.

I have no objection to new houses being put there.

I did enjoy having a big, huge park-like area kiddy corner to my house. Again, no problems, the houses that they build are probably going to be nice houses, \$650,000 houses would probably be nice for my home value although my house is much smaller than what theirs are. And my house would not fit with the R-2 requirements, my house is only about 75 wide and I am on a corner, and my house is under 10,000 square feet. But my house was built in the 1950's, and the zoning rules here were set up I believe in 2003 if that's what the information that was given to me is correct. And even though it was rezoned in 1920, we have since changed them, and I'm hoping for a good reason. If they're not

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for a good reason, then I don't know why we have them.

So, I'm very disappointed in the lack of preparation that I saw on this without being able to go, you know, they've got a nice billboard there, but without coming through and being able to demonstrate economic hardship at this point and with the easy option of saying one less lot, I think it's a fairly easy choice to go through and say no to this one. That would be my vote if I had one. Unfortunately, I don't. I do know I see a lot of my neighbors here that if they, you know, wish to go through and say, I know I've talked to a lot of people that have said that that seems like a pretty lot, not lot of houses could fit on there especially with how narrow they are.

So, I would ask that you would say no to this. I don't see an economic hardship in this. And I see a very viable workaround to put seven, take this and make it seven lots instead of eight. Thank you.

CHAIRMAN PETRILLO: Thank you. Any questions from the Board?

MR. DIVITO: Did the Petitioner come and ask you any questions?

MR. GREAZEL: They gave us a certified mail saying that this was going to happen. But no, no questions were asked of me. And anybody that knows me knows that I'm free to give my own two cents.

CHAIRMAN PETRILLO: Thank you. There was another audience member that wish to speak to this. Sir, in the blue jacket, if you would like to step forward? If you would again, any other witness or any other individuals that wish to speak, if you would just follow this gentleman up? And as he is providing his testimony, if you would sign in, and then we'll work down in chronological order.

MR. ROLAND: This one here, right?

CHAIRMAN PETRILLO: Yes. So, if any other, anyone else wishes to speak, would you please step up after this gentleman, immediately as soon as he's done signing, go ahead and sign in and then we'll have you read your name and then the next name below and we'll call that individual after.

MR. ROLAND: My name is Fred Roland, I live at 226 South Kennicott.

CHAIRMAN PETRILLO: Can I swear you in?
(Witness sworn.)

MR. ROLAND: My name is Fred Roland, I live at 226 South Kennicott which is about a block south of the subject property. I think when this property went up originally, I think

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it was up for sale originally for about \$6,000,000 and then who knows what the whole property sold for. But there was concern about the issue of extension of Kennicott; if this property would be developed as a total piece, you know, would that lead to more traffic and all that? And this parcel seems to be not doing that.

However, any decision you make on this parcel would have to affect what somebody might request for the parcel to the south. I think it could set precedent.

So, if you give allowable smaller lots on that, is that going to affect the property to the south? And can you really approve what's going to happen to this property without knowing what you're going to do to the parcel to the south? What's the compatibility of, you know, these two large parcels, which is a significant site. And I think the city itself has a significant interest in making sure whatever is done with that parcel is done to the benefit of the whole city. Because we're not talking about a couple of lots here, we're talking about, I think originally they talked about 20 lots that potentially could have been approved for.

So, I think those are key issues. That's why a PUD type thing might have been a much more appropriate consideration of the whole parcel.

CHAIRMAN PETRILLO: And just so you know, that whatever is decided here tonight, we are only to weigh this petition and these individual lots. If it would come before us in the future, our governances do not allow us to, those considerations that are decided here to have a bearing on any future considerations. But point well taken.

MR. ROLAND: I would think that legally there might be something.

CHAIRMAN PETRILLO: Does any member of the Board have any questions? Sir? Does any member of the Board have a question for this witness? There was a gentleman in the blue and white striped shirt, if you would state your name and address before I swear you in?

MR. HRASTINSKI: Hi, my name is Matt Hrastinski. I live at 15 South Patton Avenue.

(Witness sworn.)

MR. HRASTINSKI: My concern falls a little bit outside the scope of this, but I was just wanting to make sure that they have adequate drainage. I live to the west side of the property and just to the west of the two properties that would be west of Kennicott. And on bad rainstorms like today, there's a lot of water. I have a picture of standing water on the southwest lot

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which would be west of Kennicott with just stagnant water. I believe it was three days after the rains.

CHAIRMAN PETRILLO: Well, we can't, I don't know that we can enter an electronic picture into evidence, not having a copy or --

MR. MACH: You probably should --

MR. HRASTINSKI: I could e-mail it to you.

MR. MACH: Sure.

MR. HRASTINSKI: But if you'd like to see it --

CHAIRMAN PETRILLO: Is that satisfactory for the record?

MR. MACH: Yes.

CHAIRMAN PETRILLO: Okay.

MR. HRASTINSKI: I'll show you the picture and then I'll get it e-mailed. But that's along Sigwalt just east of, I believe it's 101 Sigwalt.

So, I just want to make sure that there is adequate drainage. Because I remember biking around with my wife that summer and there were several houses in the area that had flooded.

CHAIRMAN PETRILLO: Thank you. And just to address your concerns, if this is approved or any building on these lots would have to go through a permit process and Engineering would address those issues. I know a number of times in petitions they have addressed those with us and they have commented in our Board packets as well.

MR. HRASTINSKI: Okay.

CHAIRMAN PETRILLO: Thank you.

MR. HRASTINSKI: Thanks.

MR. SWIDERSKI: I already signed in over here. My name is Steve Swiderski, 28 South Salem.

(Witness sworn.)

MR. SWIDERSKI: I've been a resident at my address at 28 South Salem for over 20 years. And we've looked at that property, we always knew that one day it was going to be developed. And so, what's being proposed here today is really a little bit of a surprise to me, that the Petitioner has no concept of what he paid for the property, that he's positioning this as a hardship. So, that sounds like somebody is very ill prepared. And giving somebody some sort of a variance without being prepared for what's going to be happening down the road may make for lots of other surprises.

So, you know, I grew up in the city. I moved away from the city because we moved away from the city lots. And for 20

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years I've been paying a premium within the Village here in the form of taxes to remain, you know, in an environment that's supported by minimum size ordinances. So, I definitely oppose any kind of variance to what we have set up as minimum sizes. I like the environment that we have and I don't see any reason why we should make concessions because somebody says they can't make money. Especially when they don't even know what they paid for the property.

CHAIRMAN PETRILLO: Thank you. Are there any questions from any member of the Board for this gentleman? Is there anyone else in the audience that would like to address the Board? Please step forward. Ma'am, since you're first to the podium, you could go ahead, if you would sign? But ma'am, if you would sign in right behind her?

MS. SHEEHY: I already signed in.

MS. JORDAN: I'm already signed in.

CHAIRMAN PETRILLO: Okay. Could you state your name for the record and your address?

MS. JORDAN: Emily Jordan. And I own with my husband 1319 West Sigwalt. It's a little bit farther.

(Witness sworn.)

MS. JORDAN: Okay. First of all, I want to tell you that I am opposed to the variance. And also, I want to stress the point to the business people who bought the property, that it was kind of shortsighted not to know what they were getting into, you know. So, if they were unprepared when they purchased the property, I'm pretty sure they are unprepared for the development of the property.

They were talking about the street, I think it would be Kennicott, to go from Campbell to wherever the property ends. Now, who is going to pay for that? I suppose it would be a public street, but do the developers pay for it or do the taxpayers pay for that?

MR. MACH: The developer would be required to.

MS. JORDAN: For real?

MR. MACH: Yes.

MS. JORDAN: Or would that be a hardship and then they will wiggle out of it? I mean I just -- all right. And the other thing that concerns me even the most is the potentiality for flooding. Because the more you build, you decrease the size of the area that will absorb rain or snow, so then that increases the flooding problems. And I have seen the neighbors, fortunately I have never been flooded because I live in the highest point, but around the neighborhood, every time that there is a bad rain, all

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the carpet, the furniture, everything is out there. And that's painful even for me just to watch that.

So, we need to, I am sure they could build the six houses that should be built in there, and that would be fine because, I mean somebody has to, the land is there, right? But stick within the city's requirements.

CHAIRMAN PETRILLO: Thank you. Before you leave the podium, is there any questions from members of the Board for this witness? Thank you.

MS. SHEEHY: My name is Elizabeth Sheehy. I live at 21 South Kaspar Avenue.

(Witness sworn.)

MS. SHEEHY: I did enclose a lengthy letter in the packet, and I appreciate everybody at the city who has given me information and helped out. And so, I just really want to reiterate and go over what you said with the three requirements for this variance. And one was a reasonable return, and it seems based on the conversations that have gone on with the testimony, that that's not determinable information this evening because they didn't come with that level of information. And so, I think you can make a clear decision on that basis.

The second one was that there were unique circumstances, and the only unique circumstances I heard was that it was zoned differently than they expected. And I think many other people have made the comment that that was something that they could certainly identify in advance, and most prudent business people would.

The third point is important to me. I live directly across the street. This is our particular side of the block by the Craig-built ranches from the 1950's, so we do have the 10,000 square-foot and the 75-foot frontage. And of course, this has been a beautiful property to look at over the years and we've resided there 34 years. And we have lovely trees that are Village-owned I believe that lined this side of the property, so I'm quite concerned that were you to make variances, that we could have issues with those trees, and I hope that if perchance you do make that type of decision, that you will reserve the right to protect those trees.

But I wonder again about the issue of the essential character. I mean I feel as though much of the attractiveness of Arlington Heights, and I've lived in this community for over 50 years, is that we do care about the appearances of our homes and our lots and friendly neighborhoods.

And we have a lot of spacious feel even though these lots are not

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dramatically large, and certainly our homes are not dramatically large. I do, if I understand correctly from the aerial photo I received, they are basically going to squeeze eight homes on their block where we have six in our block, similar size blocks. And to me, that is taking away from the essential character of the neighborhood, and these are the neighborhoods that are at least to the east and the south. I realize there are some homes that might be of smaller size, but that does not predominate in the feel of our neighborhoods.

So, I would ask that you weigh these three items and realize that there is a very large group of us that are very concerned about our neighborhood and have lived there a long time.

And I would also point out that it has made a big difference in the resale value and the attractiveness of these homes. The homes in our immediate area, when they have come up for sale, have sold rapidly. So, those would be my main points.

But I had one further thing, which is just to show you that we are concerned about drainage. That was one of my issues in my letter. And this is the flood plain, and we are across the street, and almost our entire block is part of the flood plain. And this property is, so we are basically, so this would be to the north. So, this would be, this is Campbell Street and we are essentially here. So, a little bit of the flood plain moves to this particular property but it is also a large flood plain area behind this property just to the west of it.

So, we are quite concerned about drainage. That particular land, that property is at a high point. When the house flooded this winter dreadfully, water actually crossed from where the old home was which is the middle of the property, all the way east and started to pool in our street which is how the city identified it. So, there is definitely a drainage situation that we would be concerned about. So, I appreciate your time. Thank you.

CHAIRMAN PETRILLO: Thank you. Are there any questions from any members of the Board for this witness? Thank you. Is there anyone else in the audience? Is anyone, are you signed in already?

MS. MCCARTHY: I am.

CHAIRMAN PETRILLO: All right. Sir, have you signed in already?

MR. THOMPSON: Not yet.

CHAIRMAN PETRILLO: Okay. If you would, while she's providing her testimony, sign in?

MR. THOMPSON: Okay.

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CHAIRMAN PETRILLO: Ma'am, if you would step forward to the podium? If you would state your name and address?

MS. McCARTHY: Monica Arina McCarthy, 107 South Kennicott.

CHAIRMAN PETRILLO: Now, sir, since you're here, would you state your name and address for the record and I'll swear you both in at the same time?

MR. THOMPSON: Okay. Charles Thompson, 27 South Patton.

(Witnesses sworn.)

MS. McCARTHY: So hard not to pretend you're talking into the microphone. I thank you for allowing us to air our thoughts here. I have very quickly, I know this isn't in your purview but big picture. I'm an engineer by background, and in terms of sound engineering, to not look at this whole parcel, an engineer at one time, it's hard to imagine that it's going to be done properly without taking it into account at some level. Also, same thing with aesthetics, to develop that one portion without taking into consideration the entire piece is difficult to imagine. And then specifically to what?

You all talk about the lot sizes, and the R-2 lots that are designated on there are old lots, too. I believe that the George and Sand Ridge, and those are much smaller homes than we're talking about, and they were platted a long time ago and I think that that predates things that have come more recently. So, I think that's something to consider. Also, aesthetically, the size of the house on the lot matters and I think we're talking about smaller lots, bigger homes. Aesthetically, that's not very pleasing in terms of altering the character.

And finally, engineering background like I said, I went ahead and went through and did all of the lot square footage that border on this property because four blocks away doesn't really matter, what matters is what's right there for the character of the community. And the average lot size is 11,729 square feet, and they're looking for 8,510 average square feet, which is 28 percent less, which is significant. So, I would ask that you consider that.

Also, I'd love to see new homes there. The property is degrading as we probably are sitting here, as it's raining it's heavily degrading. So, I want to see something happen there. I just do not know this is the right thing. Thank you.

CHAIRMAN PETRILLO: Thank you. Are there any questions for this witness from any member of the Board? Thank you. Sir?

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MR. THOMPSON: Besides the plumbing --

CHAIRMAN PETRILLO: If you would, just we've heard a couple with flooding a few times. Any other member of the audience that wishes to step forward, if you could limit your comments to anything that hasn't been raised this evening? We've heard the other witnesses very loud and clear.

MR. THOMPSON: My concern is Kaspar jogs over here, and they're showing this as just a thin sidewalk where Kennicott is. Is that going to be a full street?

CHAIRMAN PETRILLO: I can't answer that question because we don't have that information.

MR. THOMPSON: Well, if it becomes a full street, you don't have enough room here to put houses behind my property. They would have to be even smaller lots than what they're proposing for this. So, then what happens?

CHAIRMAN PETRILLO: There are a lot of unknowns with this site. Can't answer that question.

MR. THOMPSON: All right. Well, that's --

CHAIRMAN PETRILLO: You're posing a question and I don't even know if any member of the Board can answer that as well.

MR. THOMPSON: Because if you put Kennicott all the way, it's real small, that leaves this with nothing. That's my concern.

CHAIRMAN PETRILLO: Thank you, sir. Does any member of the Board have a question for this witness? Okay. Is there anyone else in the audience? Sir? Are you, have you signed in?

FFF: I'm not, I'm signing in right now.

CHAIRMAN PETRILLO: Sir, if you would state your name and address?

FFF: Mike Fravell, 626 West Sigwalt.

CHAIRMAN PETRILLO: Right hand please.

FFF: Sorry, military guy.

(Witness sworn.)

FFF: I think just in general terms, there has been a lot of mystery surrounding this property, 909 West Campbell, initially owned by the Henry family dating back to probably 1931 as I could determine from the history. The property, and I think I'll answer a lot of the questions that were posed in what I'm going to talk about, the property is divided into, the entire property that belonged to Henry family is divided into 18 lots. On the west side, there are two sizable lots that are half acres that go north and south. The question that was posed earlier about where the Kennicott right of way which is still owned by the

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Village technically even though it was deeded to the Henry family at one point by quick claim deed, that right of way goes to the west side of the eight lots that are being referred to in this petition. So, the right of way goes through here on the other side of the blue marker, and there's these two other half acre lots that are, so that doesn't adjust the size of the existing lots if the Kennicott right of way went in there. It would go into space that's technically still owned by the Village.

The property as it stands now, the eight lots that I was able to purchase are mine. The other lots, the remaining ten belong to Robert Henry, and Robert Henry, who no longer lives in Arlington Heights, has stopped maintaining the lots, stopped paying taxes on the lots, and you've seen that happen over time. Initially, the property was up for sale, someone mentioned for \$6,000,000, and it was up for sale for \$4,000,000 as a whole. The eight lots including the house by Lorraine Henry were mortgaged at some point, you know, back in 2006 or 2007. And after her death, the family did not continue to pay the mortgage that she had for \$928,000.

Eventually, the property went into foreclosure, it went to auction in July 2013. I went to the auction, I purchased it for \$632,000. Following that purchase, there have been a lot of things done to maintain the property. I removed the tree for \$3,000 from the Sigwalt side of the property, which isn't mine but the tree was still hanging on into the sidewalk. And eventually, we came to the point where there were vagrants breaking into the house which had been the case during the period of time when the house was vacant and still owned by the Henry family but no one was doing anything about it. I think maybe the police were called several times.

I got to the point where it started to become a danger. There was an empty swimming pool in the house. I was concerned that someone might injure themselves, might die. I found where people had been living in the shed and the door was kicked in a few times. So, we got to the point after, basically the house was in extreme disrepair. The pipes over the hard freeze in the winter burst, about 500,000 gallons of water went into the house, along with the house next door which is still owned by Robert Henry, and it became unlivable so we had to demolish the structure, which is where we are now.

Going in, the lots, a lot of questions have come up about whether or not the lots, I mean I think they meet the neighborhood, we live in the neighborhood, I live two blocks away. And the lots fit in, if you look at the overall neighborhood,

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five or six blocks. From an aerial view, the lots on Ridge are small. And I own a property that's, I own two properties on Sigwalt, 626 and 614, and the lots adjacent to 614 are pretty much the same size or maybe even a little smaller than what's on Campbell.

That's the history. The Henry family still owns the rest of it. I can tell you tax buyers have purchased, all separate tax buyers by the way, have purchased the other lots. Eventually, this property, this will happen. This will go the way of development and someone will take ownership if I don't. And I am aggressively pursuing this with the Henry family but they're not, they a lot of times won't even answer the phone or return e-mails. And I don't know what's happened with the history of the family but they don't seem to have an interest in doing anything to maintain sale or otherwise do something to allow something to happen to the property other than what's just happening as a course through foreclosure process and tax liens and so on.

So, that's where we are. I'm happy to answer any questions about anything I didn't cover.

CHAIRMAN PETRILLO: First, let me thank you for your service to our country. Appreciate it, and a lot of admiration for people that give a lot of their lives to serving our country. So, thank you very much for that.

Contract price, we have a buyer, you don't have, give like a range.

FFF: So, to run down the prices, we do have a non-disclosure but I'll give you in general terms what the contract price of the house is. I paid \$632,000 or \$633,000 for it. I've probably invested in just general maintenance over time another \$50,000, plus about \$60,000 to tear the house down. It's a very complicated structure with a lot of concrete and a swimming pool and 6,000 square feet of building. And our discussion for the contract price has been in the range of 850 to 900.

CHAIRMAN PETRILLO: Thank you, sir. Are there any other questions from any other member of the Board for this witness? Thank you very much. Is there anyone remaining in the audience that wishes to address this petition? Please step forward, ma'am.

MRS. SCHMIDT: Sorry, I have a little trouble walking sometimes. My name is Mrs. Schmidt.

CHAIRMAN PETRILLO: Are you signed in, ma'am?

MRS. SCHMIDT: Yes. I live at 232 South Kennicott. My concern --

CHAIRMAN PETRILLO: Can I swear you in?

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(Witness sworn.)

CHAIRMAN PETRILLO: Thank you.

MRS. SCHMIDT: My concern is with establishing, I know you said this wouldn't be the case, but once the smaller houses would be built, that would be establishing a character of a neighborhood, and the rest of them might have to follow along with that. I know you've seen that so --

MRS. LIVERMORE: This Board does not set precedent in any way. What we do here is on an individual basis.

MRS. SCHMIDT: Well, my concern is with, if you have a smaller lot, according to the Zoning Commission I believe, a larger house taking up more square footage of property is allowed then. For instance, the homes that are over in the Scarsdale Estates I'm sure you're all familiar with, those were very, very large lots, and a smaller percentage of those lots have building structure, driveway, et cetera, on them. And I am very fearful of having much, much more land taken up with just building.

And I reiterate the thing, I'm afraid that there is no way to get around it, problems of flooding and drainage. And I would hate to see any variance given until somebody can assure us that we're not going to have any ramifications from covering more land and more land with structure.

I am also concerned with the deteriorated condition of the fence. I have called the Village many times. It's not exactly your area. I'm anxious to have something done with that property so that I don't have to see little kids tearing apart that darn fence and whacking each other, even teenage kids hitting each other with two by fours. What is this? This is not the ghetto.

So, whatever we can do to preserve the character of the neighborhood, not change the character of the neighborhood into lots that are more filled with structure, I would appreciate you looking at it. Thank you.

CHAIRMAN PETRILLO: Does any member of the Board have any questions for this witness?

MRS. SCHMIDT: I'm not exactly a witness. I'm more of a concerned citizen.

CHAIRMAN PETRILLO: Concerned citizen. Ma'am, I just want to address that my personal opinion is that there is going to be something built on these lots, whether they're 60 feet, 66 or meet the requirements. But there are protections under the Village code on building code requirements that address the amount of impervious surface, size of building and so forth set on these lots.

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So, again, we're not addressing that, any of those conditions this evening. The only petition that we're addressing are these lot sizes and approving or not approving them as buildable lots as they exist today.

Would you like to state your name and address please?

MR. KENNEY: Hi, John Kenney, I live at 11 North Kaspar, Arlington Heights.

CHAIRMAN PETRILLO: Can I swear you in, sir?
(Witness sworn.)

MR. KENNEY: Actually, I'm really excited to hear that there is something that will happen on that site. You know, really the whole idea of homes being built there sounds great to me. However, it seems not in keeping with the way that development is currently shown in the sense that you have smaller lots and then two giant lots to the side. And to the extent that, you know, if you look at the overall site, I just did it via Google Maps that it looks like you have there, if you were to project that out, you could have 18 lots on that site but more evenly spaced, you know, more in keeping with the way the community is.

The great thing about Arlington Heights, you are able to have a lot of people out and about, walking and milling about, which is great. You know, you get to meet your neighbors and, you know, I can't wait to meet the people who eventually do move into this area. But I'd like it to be more in the keeping of the neighborhood. I'd like for either the Board or the developers to go ahead and consider that.

CHAIRMAN PETRILLO: Any questions for this gentleman? Seeing that there are no additional individuals in the audience stepping forward, I'll close. Then I will close this part of the hearing to public comment and turn it back to the Petitioner to step forward and address any additional comments and/or any testimony that was provided by the witness.

MR. GOODMAN: Sure. Thank you. First, I'd like to thank the property owner. When I came here this evening, I was not anticipating your very first question about the price. My client at any one time has over 20 pieces of property under contract. And when I view economic hardship, I wasn't thinking specific dollar terms. So, I'm glad that the property owner could refresh that recollection.

But when I think of economic hardship, I think of how we entered into this contract. And my testimony here this evening is these lots were valued as eight single-family lots and

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the property owner can attest to that as well. You have eight subdivided lots, have eight separate individual tax ID numbers.

And in terms of the overall character of the neighborhood, there is no question in the minds of the Petitioner that the homes they plan to build on these lots will be completely compatible. If you look at the lots directly across the street on Campbell on the north side, these lots are compatible. The homes will be compatible. We don't believe there will be any distinguishing factors that anyone could look at these homes and say this doesn't fit. So, we believe that that's an important factor here.

In terms of the flooding, I know that's not your purview but I just want, just for the purposes of the audience, to make it clear that my client will work with Staff to meet all applicable storm water management ordinances that the city has, comply with all their codes. So, I don't believe that's an issue but that's, you know, that's to come down the road.

The comments tonight both from the Zoning Board and the audience, you know, provides my client with certain things to think about. And I guess what I'd like to request at this time is if we can continue the hearing to give my client an opportunity to think about some of the comments tonight, continue to work with Staff, and then come back.

CHAIRMAN PETRILLO: I don't know that we have that option but --

MRS. LIVERMORE: At this point --

CHAIRMAN PETRILLO: But I am not inclined to do that because we have provided you with an option to step away from this earlier this evening. And there are other processes that you could seek that I'm sure that this variance, whether it is approved or denied, will affect that process.

So, I'm going to pose the question to you, Derek, if this petition is denied this evening, does that stop any future or provide any implications for this Petitioner to seek relief in resizing these properties through the Planning and Design and then ultimately the Village Board?

MR. MACH: No, the Petitioner could pursue resubdividing the lots and then, through the Plan Commission process, and then ultimately pursue Village Board approval.

CHAIRMAN PETRILLO: So, I am inclined, if we, I would open it up, I don't know that we've had an instance where we have had a continuance, a request for a continuance and it has been granted. And I'm not aware of any of our guidelines or governances that allow us to provide for it.

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MR. MACH: It would be up to the Zoning Board.

CHAIRMAN PETRILLO: Well, that's my opinion. I don't, if any of the other Board members would like to weigh in on that, we could take a roll call on it as well to derive something definitive.

MRS. LIVERMORE: I don't think a continuance at this point is appropriate. We've gone through all this testimony and obviously we'll have to proceed.

MR. GEISEL: I don't think it's appropriate because then you come in with a plan that doesn't seem to float and you back out. You're either here or you're not.

CHAIRMAN PETRILLO: Is there any member of the Board that feels otherwise, that a continuance is appropriate at this juncture? I don't know that we need to have a roll call but I think the sentiments of the Board are clear on the continuance.

MR. GOODMAN: I understand.

CHAIRMAN PETRILLO: Are there any questions from member of the Board for this Petitioner? Okay, thank you, sir.

MR. GOODMAN: Thank you.

CHAIRMAN PETRILLO: I guess I'll start by providing my comments and then I'll open it up to my colleagues. First, there is a reason for the code. The Village has adopted certain standards in buildable lots. I also feel that there are other options before, that this Petitioner can seek relief in being able to eventually build on these lots.

And if we were to award a variance this evening, this would provide the Petitioner with a shortcut that I think would not be conducive to a more systemic vetting process. Whether it's six lots or eight lots, I've done some math and there is a reasonable return on the investments. There's too many unknowns at this point in time, and if we were to grant a variance this evening, we might find ourselves rehearing on individual lots for future owners of these individual lots for additional variances.

I feel for the landowner. He's made a very significant investment and continues to invest money for the upkeep of a very large and dilapidated property. But I guess when you get into real estate investment, that's the risk that you take. I also feel that if these lots are divided and do meet the lot requirements, that homes, larger scale homes can be built on larger lots and would command a higher price and still allow any potential petitioner or landowner or developer to still earn a reasonable return on their investment.

And lastly, I don't feel, in my opinion, that the

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Petitioner has met the criteria that's set forth in our guidelines for approving petitions. That said, I'll open it up to fellow Board members.

MR. ANFENSON: I think that was very well put, Tony. I have to agree with you. I think that Ms. Sheehy put it very eloquently and I have to agree with her sentiments that really the economic hardship is in my mind self imposed and there is no uniqueness to this situation. He's entered into a contract that is contingent upon this happening, so there is nothing unknown or unique.

CHAIRMAN PETRILLO: Would anyone else like to --

MRS. LIVERMORE: I am opposed to his petition on the grounds that it is too dense in that area, it's too many in that area. And I oppose it.

CHAIRMAN PETRILLO: Is there anyone else that would like to address this issue?

MR. GEISEL: I would agree, these were platted in the 20's and they were constructed in the 50's. There is an opportunity to still put at least six homes on this site. Even at \$900,000, that's 150 a lot at an average cost of, based on his numbers, of \$300,000 to construct, that's 450 in. He's selling them for 650. If you can't make money on a 40 percent type of margin, I don't know, that's not our obligation to provide. So, I don't think there is an economic hardship here that should be a driver.

CHAIRMAN PETRILLO: Anybody else?

MR. DIVITO: No.

CHAIRMAN PETRILLO: Is there a motion to be heard?

MRS. LIVERMORE: I move to deny.

MR. DIVITO: I'll second.

CHAIRMAN PETRILLO: We have a motion and a second on the floor. Derek, would you take the call, roll call please?

MR. MACH: Mrs. Livermore.

CHAIRMAN PETRILLO: Yes is to deny.

MRS. LIVERMORE: Yes.

MR. MACH: Mr. Anfenson.

MR. ANFENSON: Yes.

MR. MACH: Mr. Divito.

MR. DIVITO: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Chairman Petrillo.

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CHAIRMAN PETRILLO: Yes. The motion passes and the petition for the variances has been denied, all eight variances. With that, we go back to our agenda. Is there anything else on our agenda?

MR. ANFENSON: Thank you for stepping up and chairing for the next term, Tony. I appreciate that.

CHAIRMAN PETRILLO: Thank you. I owe you one. Derek, I misplaced my agenda here. I don't think there is anything else on the agenda. Do we need a motion to adjourn? Is there a motion to adjourn?

MR. ANFENSON: So moved.

CHAIRMAN PETRILLO: Second?

MR. SELBKA: Second.

CHAIRMAN PETRILLO: All those in favor say aye.

(Chorus of ayes.)

CHAIRMAN PETRILLO: All those opposed?

(No response.)

CHAIRMAN PETRILLO: Motion passes.

(Whereupon, the meeting was adjourned
at 8:04 p.m.)

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STATE OF ILLINOIS)
) SS.
COUNTY OF K A N E)

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

RONALD LeGRAND, JR.

SUBSCRIBED AND SWORN TO

BEFORE ME THIS _____ DAY OF _____

_____, A.D. 2014.

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ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS May 12, 2014

PETITIONER: Fravell / Bellock Petition
ADDRESS OF PROPERTY: 909 W. Campbell St.
VARIATION: 5.1-2.5 & 5.1-2.6 (Minimum Lot Size & Width)

Lot 245

- A variance from Chapter 28, section 5.1-2.5 (Minimum Lot Size) and section 5.1-2.6 to allow a 60-ft. wide, 7,929-sq. ft. lot to be buildable, where 75 feet wide, 10,000 sq. ft. is required by code.

Lot 246

- A variance from Chapter 28, section 5.1-2.5 (Minimum Lot Size) and section 5.1-2.6 to allow a 60-ft. wide, 7,929-sq. ft. lot to be buildable, where 75 feet wide, 10,000 sq. ft. is required by code.

Lot 247

- A variance from Chapter 28, section 5.1-2.5 (Minimum Lot Size) and section 5.1-2.6 to allow a 66-ft. wide, 9,134-sq. ft. lot to be buildable, where 90 feet wide, 10,000 sq. ft. is required by code.

Lot 248

- A variance from Chapter 28, section 5.1-2.5 (Minimum Lot Size) and section 5.1-2.6 to allow a 66-ft. wide, 9,343-sq. ft. lot to be buildable, where 75 feet wide, 10,000 sq. ft. is required by code.

Lot 293

- A variance from Chapter 28, section 5.1-2.5 (Minimum Lot Size) and section 5.1-2.6 to allow a 66-ft. wide, 9,541-sq. ft. lot to be buildable, where 75 feet wide, 10,000 sq. ft. is required by code.

Lot 294

- A variance from Chapter 28, section 5.1-2.5 (Minimum Lot Size) and section 5.1-2.6 (Minimum Lot Size) to allow a 66-ft. wide, 9,739-sq. ft. lot to be buildable, where 90 feet wide, 10,000 sq. ft. is required by code.

Lot 295

- A variance from Chapter 28, section 5.1-2.5 (Minimum Lot Size) and section 5.1-2.6 to allow a 60-ft. wide, 7,929-sq. ft. lot to be buildable, where 75 feet wide, 10,000 sq. ft. is required by code.

Lot 296

- A variance from Chapter 28, section 5.1-2.5 (Minimum Lot Size) and section 5.1-2.6 to allow a 60-ft. wide, 7,929-sq. ft. lot to be buildable, where 75 feet wide, 10,000 sq. ft. is required by code.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner testified that the proposal is before the Zoning Board of Appeals because of the substandard lot area and width. There are eight platted lots that are part of the Arlington Manor Subdivision, which was platted in 1924 and the lots lack adequate size and width to meet the lot size standards in the R-2 zoning district. The property is commonly known as 909 W. Campbell and the site is currently one zoning lot with eight platted parcels that do not currently meet the minimum R-2 standards. Pursuant to the R-2 district standards, the minimum interior lot size is 75 feet in width and 10,000 square feet in area, while the minimum corner lot size is 90 feet in width and 10,000 square feet in area. According to the recorded plat of subdivision, the lots are less than the minimum district standards and range from 60 to 66 feet in width and from 7,929 to 9,739 square feet in area. The petitioner testified that there are other lots within the R-2 zoning district that are undersized. The petitioner also testified that they were not aware that variances would be necessary for the width and size.

The Zoning Board of Appeals felt that the Petitioner has not met the hardship criteria that are set forth in the guidelines for approving petitions and that there was not an economic hardship. In addition, the Zoning Board of Appeals felt that the proposal was too dense for the area within the R-2 Zoning District.

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

Thereafter, a motion to deny was made by Ms. Livermore and seconded by Mr. Divito. Thereafter, the Board voted 6-0 to deny the variance request.

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

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

Tony Petrillo, Chairman
Zoning Board of Appeals
Village of Arlington Heights



Item: ZBA#14-007 - Williams Residence - 917 E. Olive St.

Department: Planning & Community Development

REQUEST:

1. A 2.2' variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a second story addition with a side yard setback of 2.8' from the east property line instead of the minimum 5' and an additional 1' for the eave.
2. A 1.3' variance from Chapter 28, Section 6.6-5 (Permitted Obstructions) for the chimney extension with a setback of 2' from the east property line instead of the minimum required 3.3'.

ATTACHMENTS:

Description

Staff Report

Petition & Supporting Documents

Department Comments

Type

[Report](#)

[Exhibits](#)

[Correspondence](#)

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner II
Hearing Date: June 9, 2014
Date Prepared: June 4, 2014
Project Title: Williams Petition
Address: 917 E. Olive St.

Background Information

Petition Number: ZBA #14-007
Petitioner: Robert Gebelhoff
Address: 3105 Wishing Well Ln.
Island Lake, IL 60042
Existing Zoning: R-3, Residential Single-Family

Requested Action/Background Information

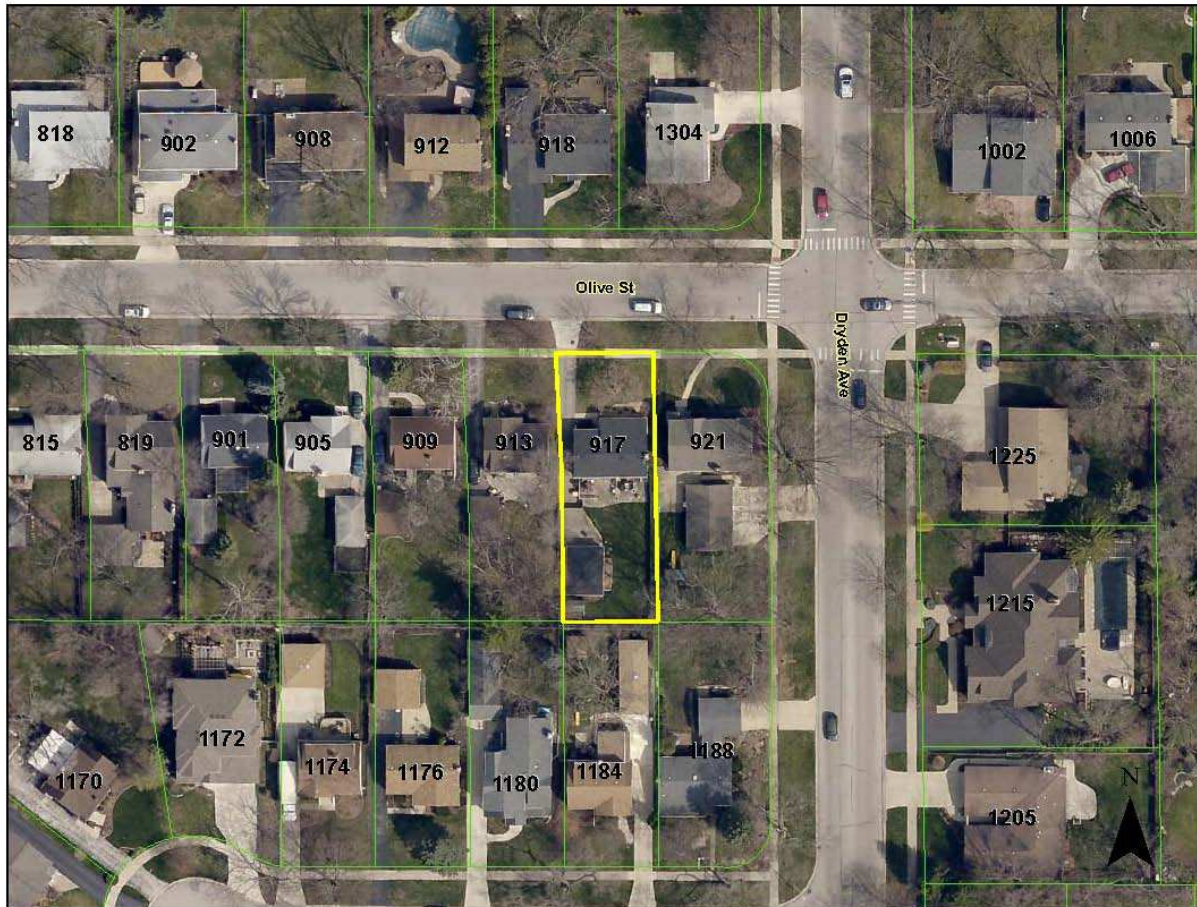
The petitioner is proposing to construct a second story addition which encroaches into the required side yard setback; therefore, the petitioner requests the following variations:

- A 2.2 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a second story addition with a side yard setback of 2.8 feet from the east property line instead of the minimum 5.0 feet and an additional 1.0 feet for the eave.
- A 1.3 foot variance from Chapter 28, Section 6.6-5 (Permitted Obstructions) for the chimney extension with a setback of 2.0 feet from the east property line instead of the minimum required 3.3 feet.

Variation Review Standards

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

Map of General Vicinity



Items Required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	5/22/14	
2. List of Property Owners Within 250 feet of Subject Property	✓	5/22/14	
3. Letter that was Mailed	✓	5/22/14	
4. Photographs of Sign on Property	✓	5/22/14	

Photograph of Existing Structure



PETITION

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

PETITION

NOW COMES the Petitioner PHILIP & MEGAN WILLIAMS
being the owner of the property commonly known as: 917 OLIVE STREET

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: GRANT A
REQUEST TO ALLOW A 2ND STORY ADDITION TO ENCRoACH OVER
THE SIDE SETBACK ON THE EAST SIDE OF THE EXISTING PROPERTY.

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

THE 2ND STORY ADDITION WOULD NOT BE ALLOWED TO BE BUILT TO
ALIGN THE EXISTING EAST WALL WITH THE PROPOSED NEW WALL ABOVE.

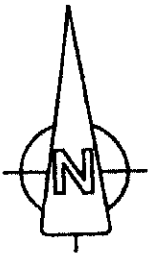
I hereby state that the following unique circumstances exist: THE EXISTING HOUSE WAS
BUILT IN 1953 WITH THE EAST WALL LOCATED 2.79' FROM THE EAST
PROPERTY LINE AND LATER THE VILLAGE IMPOSED A 5'-0" SIDE SETBACK.

I hereby state that the variation, if granted, will not alter the essential character of the locality because: A 2ND
STORY ADDITION TO THE HOME WILL IMPROVE
THE CHARACTER AND PROPERTY VALUES OF THE NEIGHBORHOOD &
WILL FIT IN ON THE STREET SINCE THE HOUSE IMMEDIATELY TO THE
LEFT (EAST) IS A 2-STORY HOUSE ALONG WITH THE 3 HOUSES ACROSS THE
STREET ARE ALSO 2-STORY HOUSES.

Signed:

Robert Libbey (OWNER AGENT)
Petitioner

Date: 4-28-14



Plat of Survey

Central Survey Company, Inc., 6415 N. Caldwell Ave., Chicago, Illinois 60646-2713
Phone (773) 631-5285 www.Centralsurvey.com Fax (773) 775-2071

Legal Description

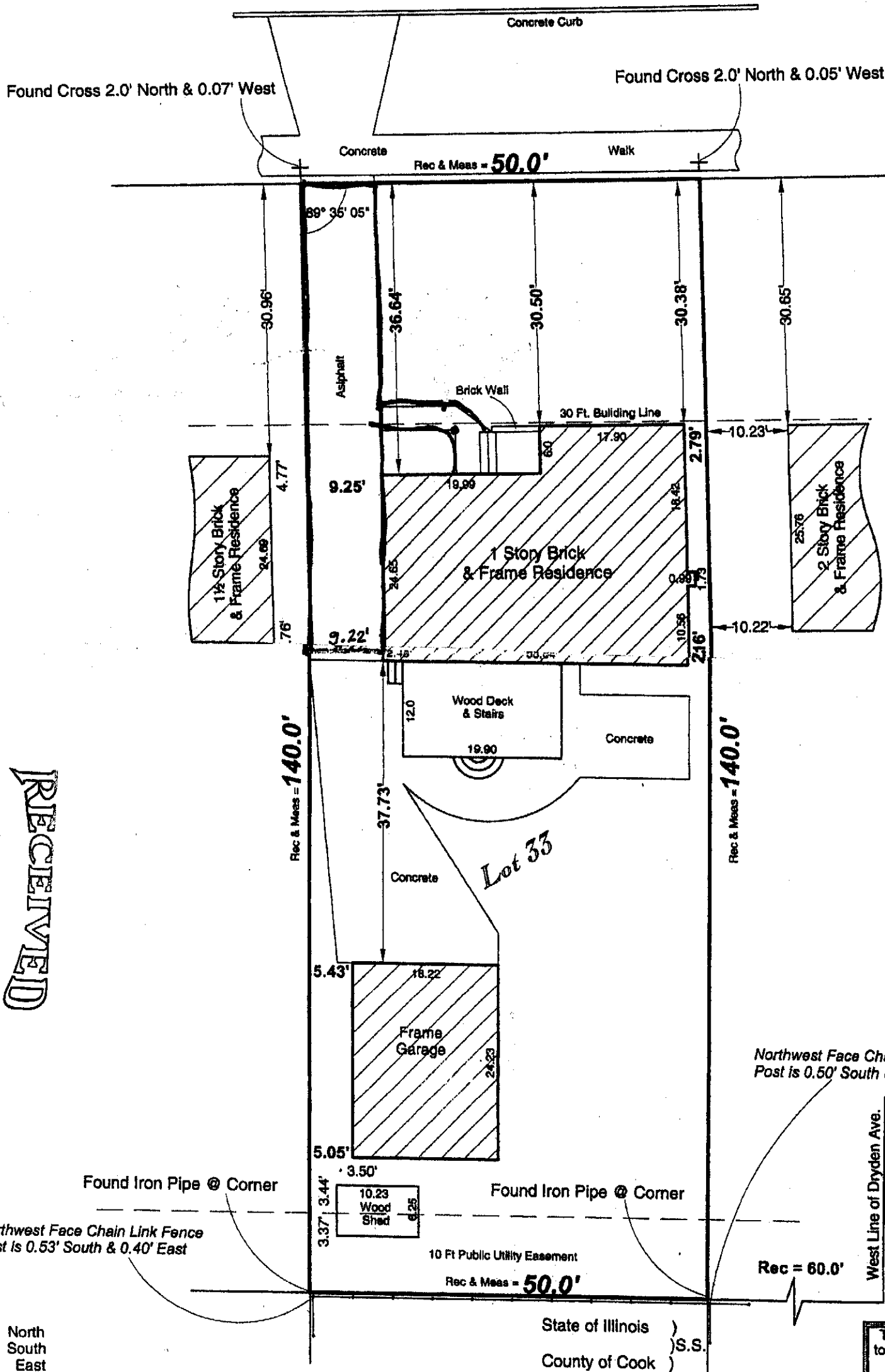
Lot 33 in Block 2 in Arlington Greens, being a Subdivision of the Southwest ¼ of the Southeast ¼ of Section 20, Township 42 North, Range 11, plat thereof registered in the office of the Registrar of Titles of Cook County, Illinois as document no. 1408517
Commonly Known as: 917 E. Olive St., Arlington Heights, Illinois
Area of Land Described: 6,999 Sq. Ft.

917 E. Olive St.
Arlington Hts.

BULLT 1953

P.L.N. # 03204120330000

E. Olive St.



Northwest Face Chain Link Fence
Post is 0.50' South & 0.30' East

Northwest Face Chain Link Fence
Post is 0.53' South & 0.40' East

Found Iron Pipe @ Corner

Found Iron Pipe @ Corner

10 Ft Public Utility Easement

Rec & Meas = 50.0'

Rec = 60.0'

West Line of Dryden Ave.



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

Legend

N. = North
S. = South
E. = East
W. = West
(TYP) = Typical
Rec = Record
Meas = Measure
St. = Street
Ave. = Avenue

Scale: 1 Inch equals 15 Feet.

Ordered By: Farwell, Farwell & Assoc.

Order Number: 917D

Assume no dimension from scaling upon this plat. Compare all points before building and report any difference at once. For building consult with your abstract, deed, contract and local ordinances.

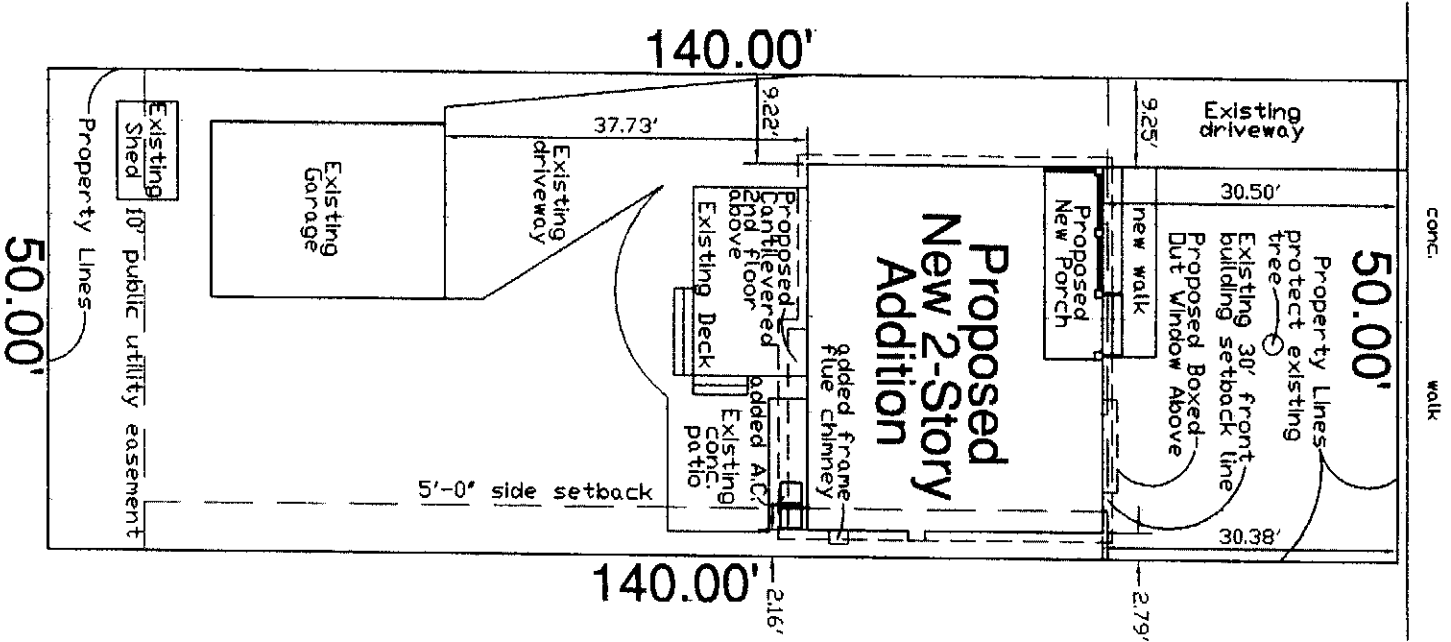
State of Illinois)
County of Cook) S.S.

I, Robert G. Baruch, an Illinois Professional Land Surveyor, do hereby certify that I made an on the ground survey per record description of the land shown hereon on June 7, 2008 and that the map or plat hereon drawn is a correct representation of said survey. When bearings are shown the bearing base assumed. Dimensions are shown in feet and hundredths correct at a temperature of 68° F.

Dated this 7th day of June 2008

Robert G. Baruch
Robert G. Baruch P.L.S. #2366
Professional Design Firm Land Surveying Corporation
(expires November 30, 2008)
(License Number 184-004113)

OLIVE STREET



Plot Plan

Scale: 1" = 20'-0"

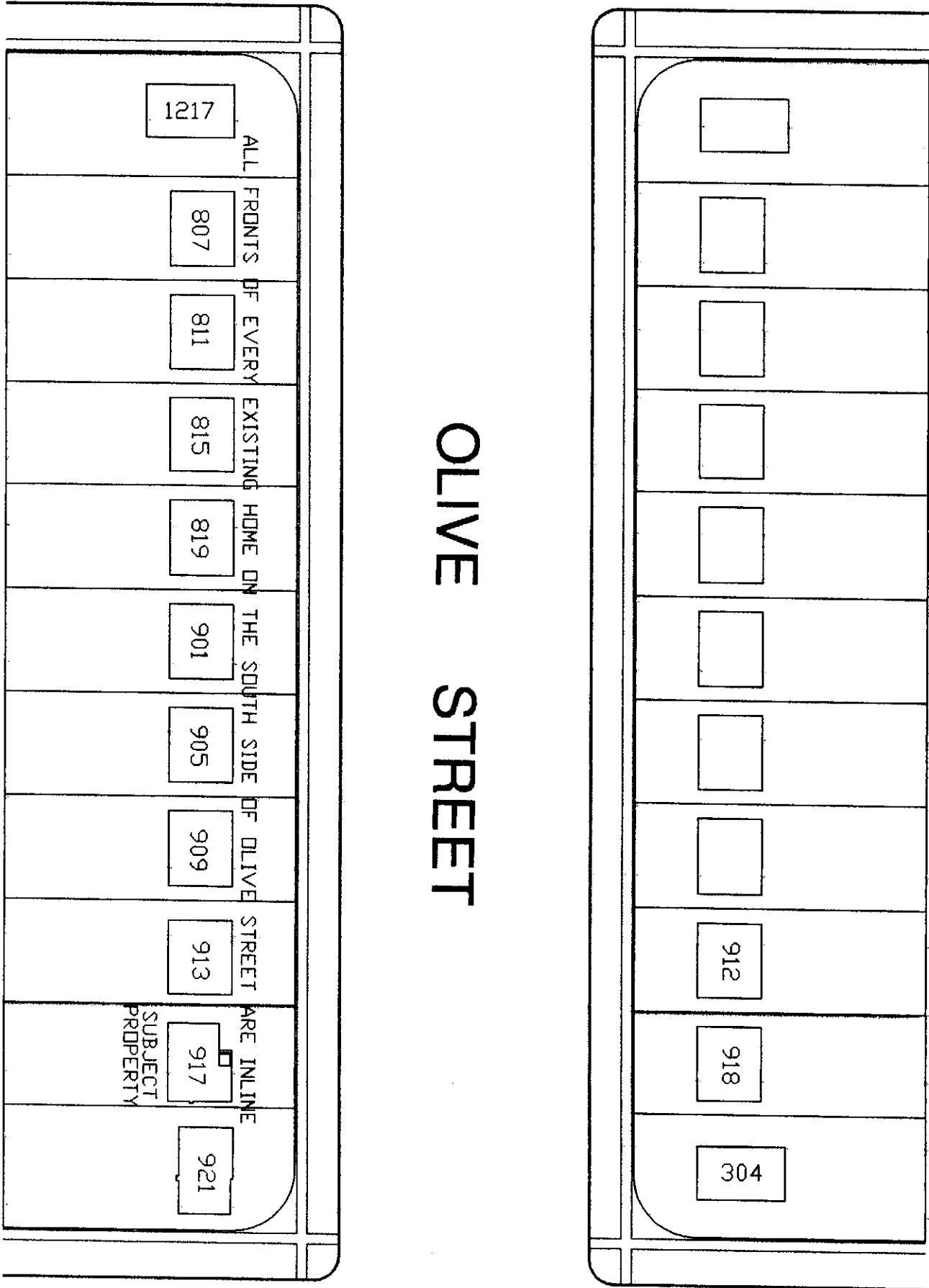
917 OLIVE STREET
ARLINGTON HTS., ILLINOIS

--- roof & second floor overhangs
--- setbacks & public utility easement

HICKORY AVENUE

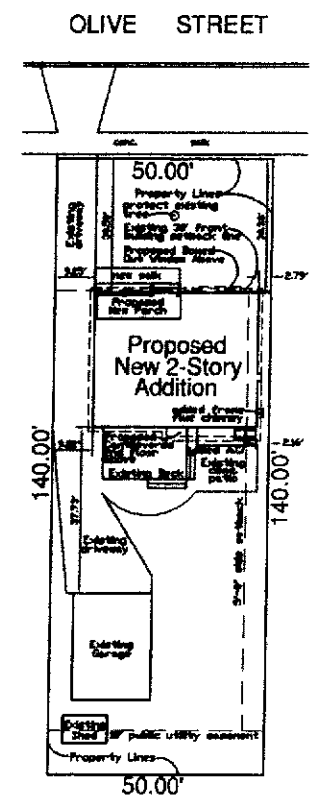
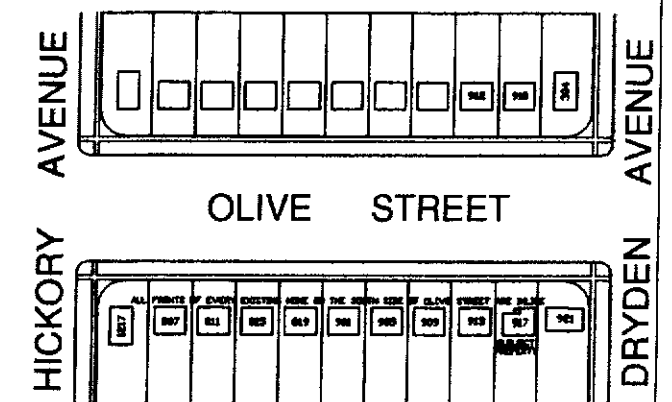
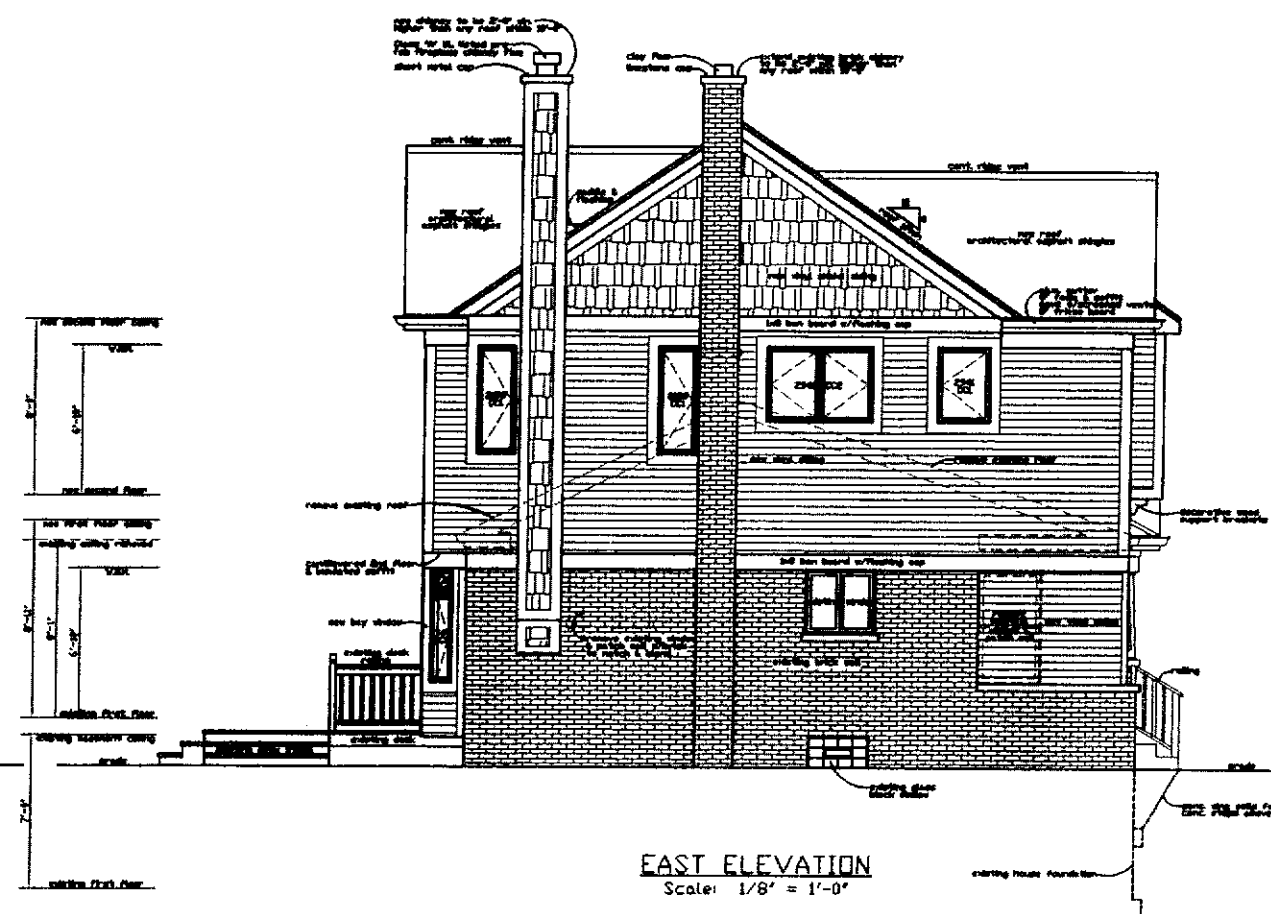
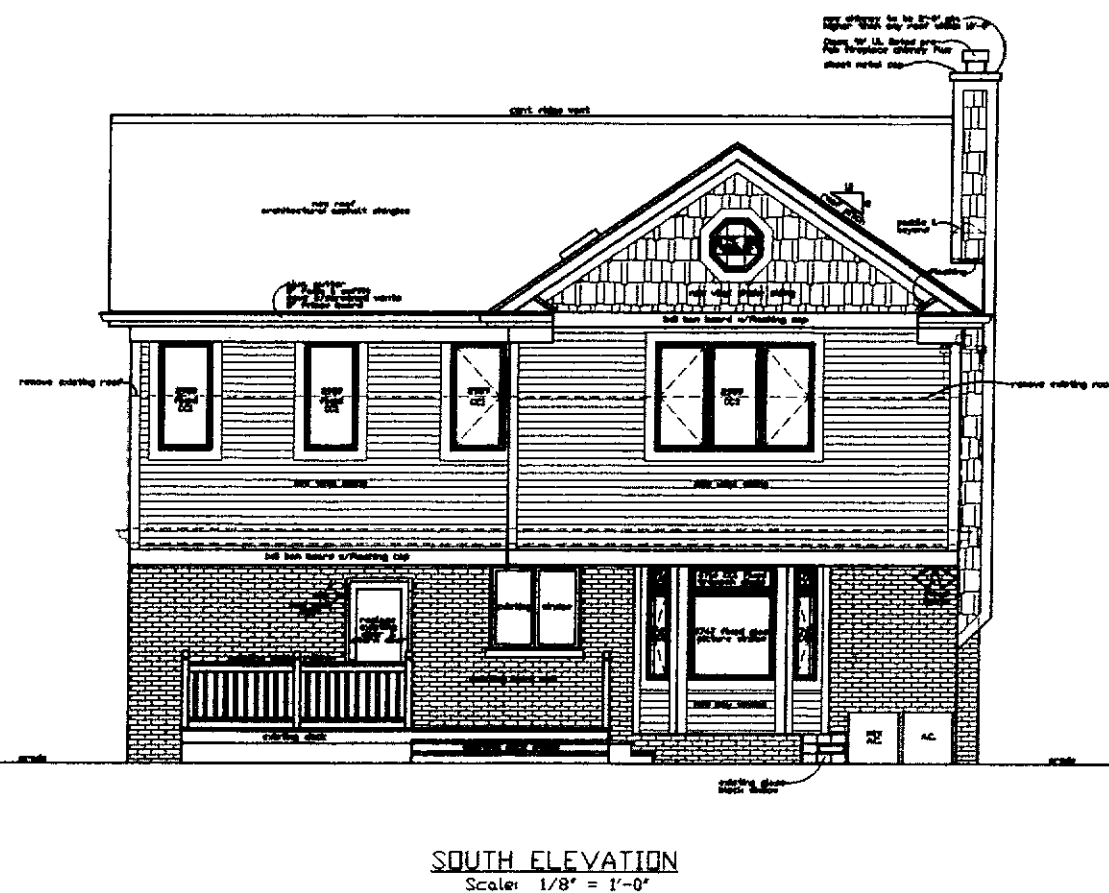
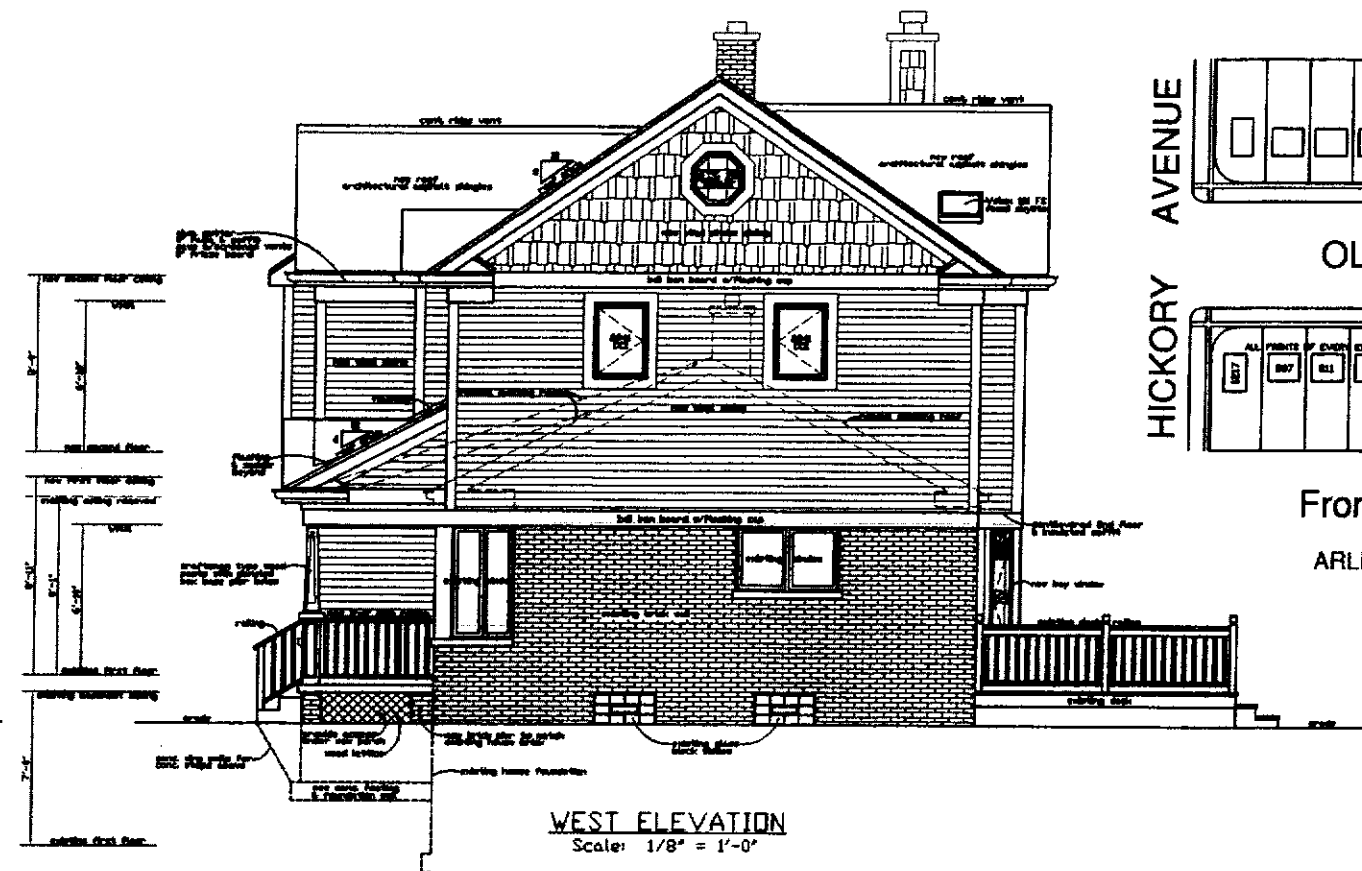
OLIVE STREET

DRYDEN AVENUE



Front Yard Average = 30 FT.

SOUTH SIDE OF OLIVE STREET
ARLINGTON HTS., ILLINOIS
SUBJECT PROPERTY IS 917 OLIVE



ZBA# 14-007

917 E Olive - ZBA

Rev. Eng: Nanci Julius, P.E.

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

Submitted: May 14, 2014

Completed – May 15, 2014

JJM 5/15/14

The proposed ZBA application indicates that the petitioner is seeking:

A 2.2 ft variance to allow a second story addition with a side yard setback of 2.8 ft, and a 1.3 ft variance for a chimney extension with a setback of 2 ft instead of the minimum required 3.3 ft.

The setbacks for the existing home are nonconforming, and the proposed addition will not increase the setback.

The Engineering Department has no objection to the requested variance.

RECEIVED

MAY 19 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

PROJECT REVIEW TRANSMITTAL

For Zoning Board of Appeals Review

Project Name: Williams Residence

Project Address: 917 E. Olive St.

ZBA #: 14-007

ZBA Hearing Date: June 9, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, Director of Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: May 14, 2014

- A 2.2 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a second story addition with a side yard setback of 2.8 feet from the east property line instead of the minimum 5.0 feet and an additional 1.0 feet for the eave.
- A 1.3 foot variance from Chapter 28, Section 6.6-5 (Permitted Obstructions) for the chimney extension with a setback of 2.0 feet from the east property line instead of the minimum required 3.3 feet.

Attached are the Petitioner's:

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

Comments: THE PROPOSED ADDITION ~~HAS~~ WILL RECEIVE
AN ADMINISTRATIVE DESIGN COMMISSION APPROVAL.
-S. HAUZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Friday, May 23, 2014.

PROJECT REVIEW TRANSMITTAL

Zoning Board of Appeals Review

Project Name: Williams Residence

Project Address: 917 E. Olive St.

ZBA #: 14-007

ZBA Hearing Date: June 9, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, Director of Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: May 14, 2014

- A 2.2 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a second story addition with a side yard setback of 2.8 feet from the east property line instead of the minimum 5.0 feet and an additional 1.0 feet for the eave.
- A 1.3 foot variance from Chapter 28, Section 6.6-5 (Permitted Obstructions) for the chimney extension with a setback of 2.0 feet from the east property line instead of the minimum required 3.3 feet.

Attached are the Petitioner's:

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

RECEIVED

MAY 15 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Comments: NO COMMENTS ON VARIATION. NOTE THAT APPROVAL
DOES NOT MEAN SUBMITTED PLANS ARE APPROVED. SEE I.R.C. 2009
SECTION 302 FOR SET BACK / FIRE RESISTANT CONSTRUCTION

Please review, comment, and return to me no later than Friday, May 23, 2014.
REQUIREMENTS.

CHARLEY CRAIG
PLAN REVIEWER



Item: ZBA#14-008 - Peterson Residence - 115 S. Mitchell Ave.

Department: Planning & Community Development

REQUEST:

A 5.2' variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a 30.5' wide covered front porch with a front yard setback of 17.2' from the west property line instead of the minimum 22.4' and an additional 1' for the eave.

ATTACHMENTS:

Description

Staff Report

Petition & Supporting Documents

Department Comments

Type

[Report](#)

[Exhibits](#)

[Correspondence](#)

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner II
Hearing Date: June 9, 2014
Date Prepared: June 4, 2014
Project Title: Peterson Petition
Address: 115 S. Mitchell Ave.

Background Information

Petition Number: ZBA #14-008
Petitioner: Danielle Peterson
Address: 115 S. Mitchell Ave.
Arlington Heights, IL 60005
Existing Zoning: R-3, Residential Single-Family

Requested Action/Background Information

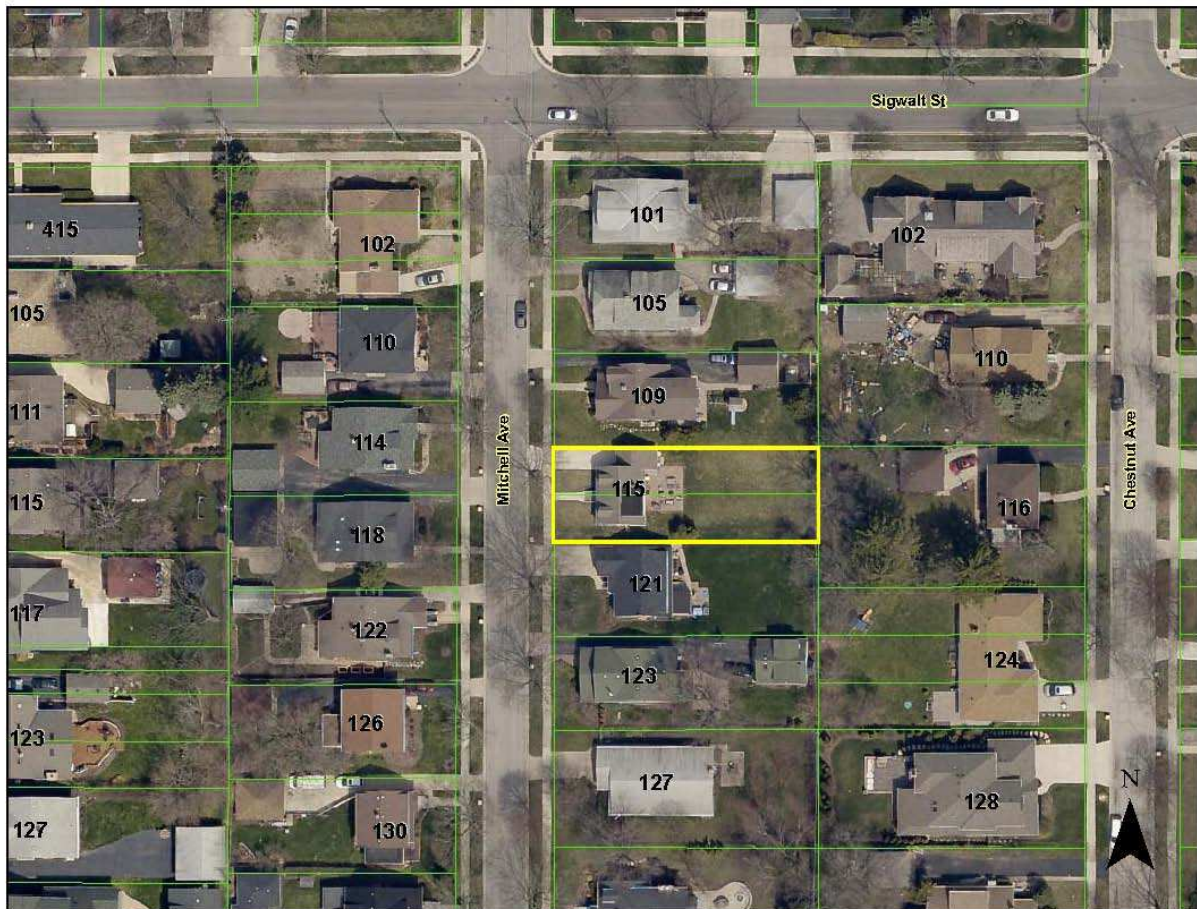
The petitioner is proposing a front porch that is setback 17.2 feet where the required front yard setback is 22.4 feet. The proposed porch is 8'-0" wide and spans across the front elevation. Therefore, the petitioner requests the following variation:

- **A 5.2 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a 30.5 foot wide covered front porch with a front yard setback of 17.2 feet from the west property line instead of the minimum 22.4 feet and an additional 1 foot for the eave.**

Variation Review Standards

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

Map of General Vicinity



Items Required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	5/22/14	
2. List of Property Owners Within 250 feet of Subject Property	✓	5/22/14	
3. Letter that was Mailed	✓	5/22/14	
4. Photographs of Sign on Property	✓	5/22/14	

Photograph of Existing Structure



PETITION

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

PETITION

NOW COMES the Petitioner Danielle Peterson

being the owner of the property commonly known as: 115 S. Mitchell Ave

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: construct
a front porch to improve home and
community value.

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

not being able to create and utilize the front
of my home and property.

I hereby state that the following unique circumstances exist: There is sufficient space

and opportunity to increase the value of my property
by executing these plans.

I hereby state that the variation, if granted, will not alter the essential character of the locality because: the

only alteration would be a beneficial
improvement to my home and the Village of
Arlington Heights.

Signed:

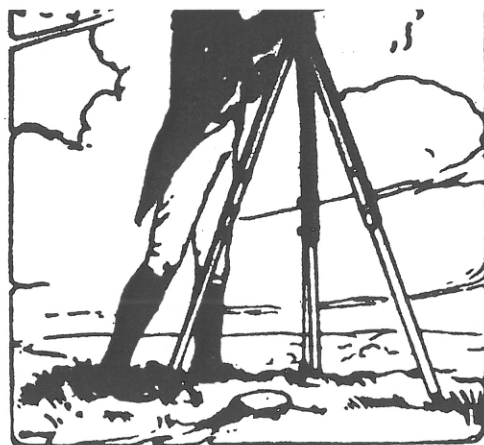
Danielle Peterson
Petitioner

Date:

4/30/14

RECEIVED

MAY - 6 2014



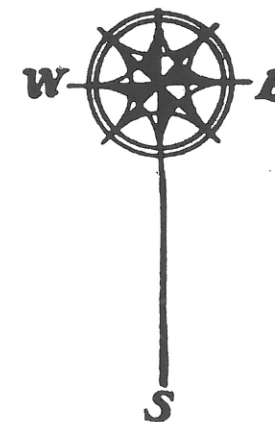
Land Surveyors

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

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

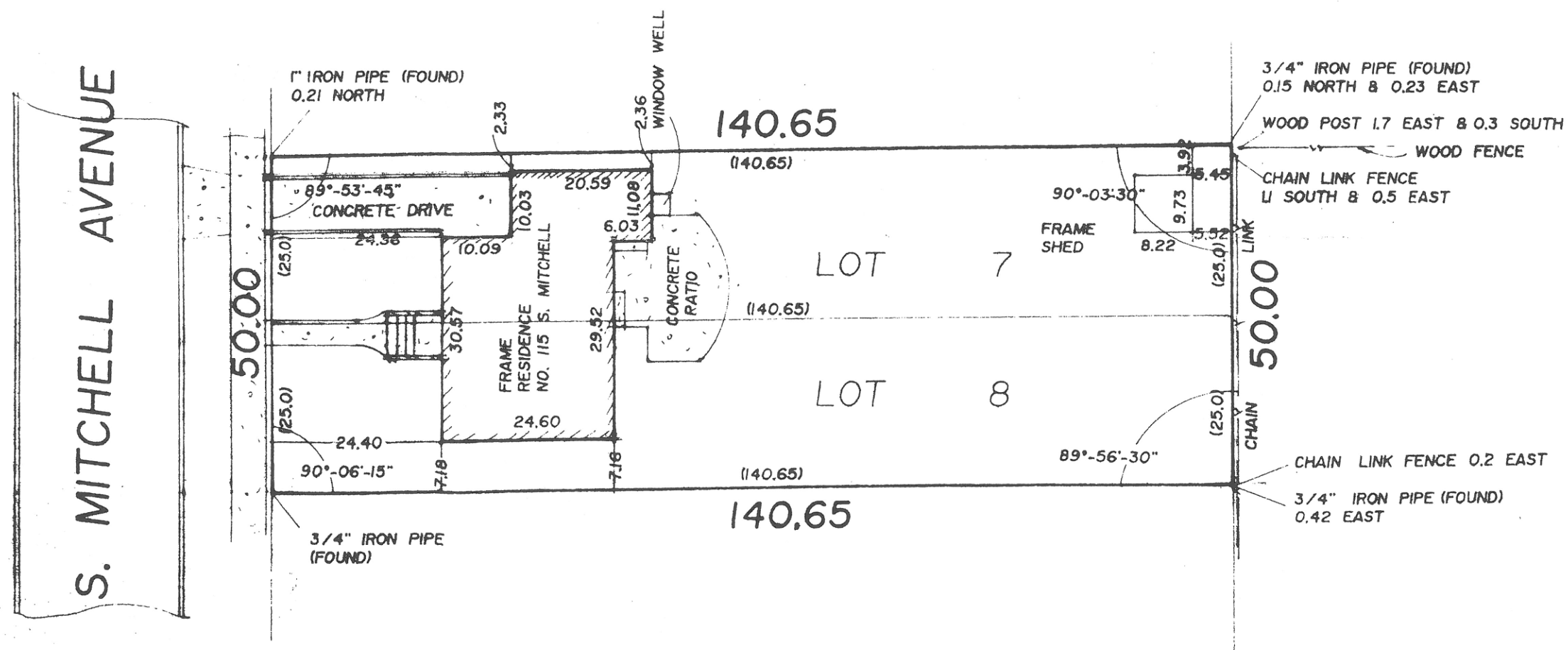
Phone: (847) 358-5960

PLAT OF SURVEY OF



LOTS 7 AND 8 IN BLOCK 2 IN WESTVIEW ADDITION TO ARLINGTON HEIGHTS, A SUBDIVISION OF THE EAST 305.9 FEET OF THE NORTH 405 FEET OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

AREA = 7,031 +/- SQ. FEET



ZBA# 14-008

115 S Mitchell - ZBA

Rev. Eng: Nanci Julius, P.E.

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

Submitted: May 14, 2014

Completed – May 15, 2014

The proposed ZBA application indicates that the petitioner is seeking:

A 5.2 ft variance to allow a 30.5 ft wide covered front porch with a front yard setback of 17.2 ft from the west property line instead of the minimum 22.4 ft and an additional 1 ft for the eave.

The Engineering Department has no objection to the requested variance.

PROJECT REVIEW TRANSMITTAL

Zoning Board of Appeals Review

Project Name: Peterson Residence

Project Address: 115 S. Mitchell Ave.

ZBA #: 14-008

ZBA Hearing Date: June 9, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, Director of Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: May 14, 2014

- A 5.2 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a 30.5 foot wide covered front porch with a front yard setback of 17.2 feet from the west property line instead of the minimum 22.4 feet and an additional 1 foot for the eave.

Attached are the Petitioner's:

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

Comments: NO OBJECTION TO ADDING FRONT PORCH,
BUT A DESIGN COMMISSION APPLICATION IS REQUIRED.
- S. HAUTZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Friday, May 23, 2014.

PROJECT REVIEW TRANSMITTAL

Zoning Board of Appeals Review

Project Name: Peterson Residence

Project Address: 115 S. Mitchell Ave.

ZBA #: 14-008

ZBA Hearing Date: June 9, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, Director of Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: May 14, 2014

- A 5.2 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a 30.5 foot wide covered front porch with a front yard setback of 17.2 feet from the west property line instead of the minimum 22.4 feet and an additional 1 foot for the eave.

RECEIVED

Attached are the Petitioner's:

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

MAY 15 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Comments: NO COMMENT ON VARIANCE. APPROVAL OF VARIANCE

DOES NOT CONSTITUTE APPROVAL OF PLANS.

CHARLEY CRAIG - PLAN REVIEWER

Please review, comment, and return to me no later than Friday, May 23, 2014.



Item: ZBA#14-009 - Konrad Residence - 830 S. Walnut Ave.

Department: Planning & Community Development

REQUEST:

1. A 11.2' setback variance from Chapter 28, Section 6.13-3c1 (Exterior Side Yards) to allow a 5' tall semi-open fence in the exterior side yard that is along the south property line with no street side landscaping where a 11.2' setback is required.
2. A 2' height variance from Chapter 28, Section 6.13-3 (Exterior Side Yards) to allow a 5' tall semi-open fence in the exterior side yard along the perimeter of the lot where a 3' high open fence is allowed.

ATTACHMENTS:

Description

Staff Report

Petition & Supporting Documents

Department Comments

Type

[Report](#)

[Exhibits](#)

[Correspondence](#)

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: June 9, 2014
Date Prepared: June 4, 2014
Project Title: Konrad Petition
Address: 830 S. Walnut Ave.

Background Information

Petition Number: ZBA #14-009
Petitioner: Suzanne Konrad
Address: 830 S. Walnut Ave.
Arlington Heights, IL 60005
Existing Zoning: R-3, Residential Single-Family

Requested Action/Background Information

The petitioner proposes to construct a 5' high semi-open wood fence along the exterior side yard where a 11.2 foot setback is required. The petitioner is allowed a 3 foot high open fence. Therefore, the petitioner requests the following variations:

- **A 11.2 foot setback variance from Chapter 28, Section 6.13-3c1 (Exterior Side Yards) to allow a 5 foot tall semi open fence in the exterior side yard that is along the south property line with no street side landscaping where a 11.2 foot setback is required.**
- **A 2 foot height variance from Chapter 28, Section 6.13-3 (Exterior Side Yards) to allow a 5 foot tall semi-open fence in the exterior side yard along the perimeter of the lot where a 3 foot high open fence is allowed.**

Variation Review Standards

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

Map of General Vicinity



Items Required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	5/22/14	
2. List of Property Owners Within 250 feet of Subject Property	✓	5/22/14	
3. Letter that was Mailed	✓	5/22/14	
4. Photographs of Sign on Property	✓	5/22/14	

Photograph of Existing Structure



PETITION

RECEIVED

MAY - 8 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

NOW COMES the Petitioner Suzanne E. Konrad

being the owner of the property commonly know as: 830 S. Walnut Ave., Arlington Heights, IL 60005

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

X Chapter 28, of the Arlington Heights Municipal Code, in order to: construct a new 5-foot fence where our existing 6-foot shadowbox fence is currently located and to add additional fencing around our backyard along the property line.

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

Because the current landscaping in our backyard is designed around the existing fence, which is located near the edge of our property line, we would need to incur significant landscaping costs to offset the planned 5-foot fence by the 11'2" required by the current Code. For example, as shown in Exhibit A, the bed along the Kirchoff Road fence line covers virtually the entire length of our backyard and has portions that are elevated with respect to the grass in the backyard. Therefore, in order to bring the fence in 11'2", we would need to remove the bed and re-level our lawn, then build new beds and landscaping once the new fence is completed.

A 3-foot open fence would not be a feasible option for our family because we have two small children (aged 8.5 months) and an active dog, and we live next to a busy road. We need a closed fence that is higher than 3' in order to ensure that our children and our dog would not be able to easily climb or jump the fence.

I hereby state that the following unique circumstances exist:

When we purchased our house in 2007, there was already a 6-foot shadowbox fence in place along the Kirchoff Road property line as well as significant landscaping designed around the location of the 6-foot fence.

I hereby state that the variation, if granted, will not alter the essential character of the locality because:

If we are not granted a variance, due to the afore-mentioned hardships, we plan to build a 5-foot shadowbox fence off of the existing 6-foot fence. We believe our proposed plan would benefit all parties involved, because we

would be replacing the existing 6-foot fence with a newer, shorter fence that matches the height of the rest of the fence.

Signed: Suzanne E. Howard
Petitioner

Date: 5/8/14

Exhibit A



PLAT OF SURVEY

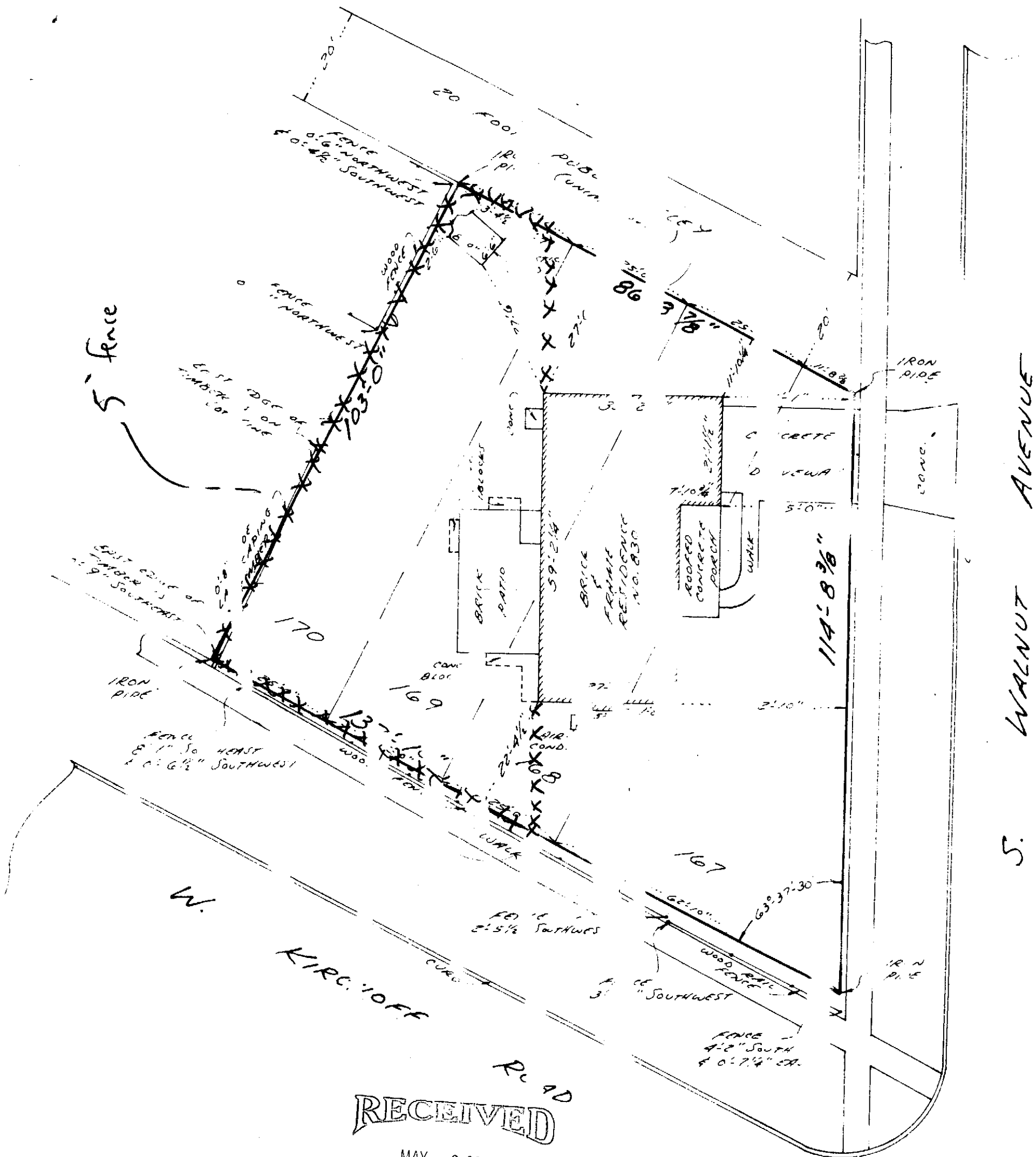
of

Lots 167, 168, 169 and 170 in part of the Southeast 1/4 of Section 31, Township 2 North, Range 11 East of the Third Principal Meridian, Illinois.

new, being a Subdivision of Section 31, Township 2 North, Range 11 East, in Cook County, Illinois.

301 N. Wille Street
Mt. Prospect, IL 60059

SCALE: 1 inch = 20 FEET



RECEIVED

MAY - 8 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

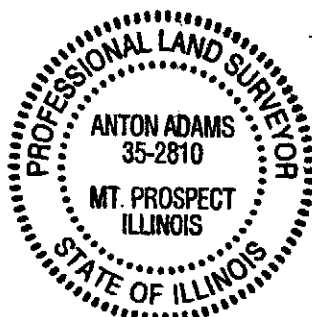
TR NUMBER: 45935

BOOK: 42-11-103

PAGE: 55

DRAWN BY: MICHELE L. OHLSON

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



STATE OF ILLINOIS)
COUNTY OF COOK) ss.

I, ANTON ADAMS, Illinois Professional Land S
that I have surveyed the property described above and tha
is a correct representation thereof. This professional s
current Illinois minimum standards for a boundary survey

MOUNT PROSPECT, ILLINOIS. OCTOBER 10

Anton Adams

ZBA# 14-009
830 S Walnut - ZBA
Rev. Eng: Nanci Julius, P.E.
cc: James J. Massarelli, P.E. Director of Engineering

Submitted: May 14, 2014
Completed – May 15, 2014

The proposed ZBA application indicates that the petitioner is seeking:

A 2 ft height variance to allow a 5 ft tall semi-open fence in the exterior side yard along the perimeter of the lot where a 3 ft open fence is allowed.

The placement of the new fence is in the rear yard, and the existing line of site at the corner of Walnut and Kirchoff would not be altered.

The Engineering Department has no objection to the requested variance.

PROJECT REVIEW TRANSMITTAL

Zoning Board of Appeals Review

Project Name: Konrad Residence

Project Address: 830 S. Walnut Ave.

ZBA #: 14-009

ZBA Hearing Date: June 9, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, Director of Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: May 14, 2014

- A 2 foot height variance from Chapter 28, Section 6.13-3 to allow a 5 foot tall semi-open fence in the exterior side yard along the perimeter of the lot where a 3 feet open fence is allowed.

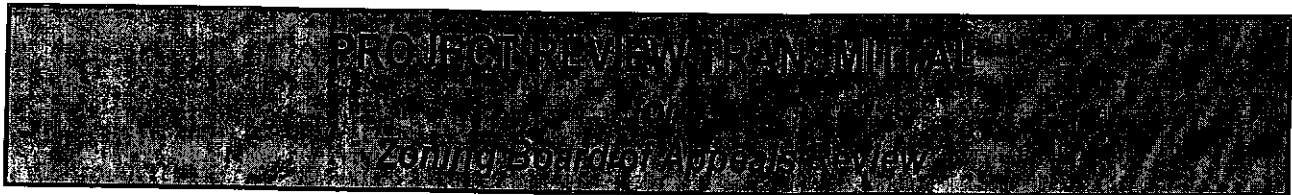
Attached are the Petitioner's:

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

Comments: NO COMMENTS.

- S. HAUTZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Friday, May 23, 2014.



Project Name: Konrad Residence

Project Address: 830 S. Walnut Ave.

ZBA #: 14-009

ZBA Hearing Date: June 9, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, Director of Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: May 14, 2014

- A 2 foot height variance from Chapter 28, Section 6.13-3 to allow a 5 foot tall semi-open fence in the exterior side yard along the perimeter of the lot where a 3 feet open fence is allowed.

Attached are the Petitioner's:

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

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PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Comments: NO COMMENT.

CHARLEY CRAIG - PLAN REVIEWER

Please review, comment, and return to me no later than Friday, May 23, 2014.



Item: ZBA#14-010 - Semerau Residence - 2100 E. Lilac Terrace

Department: Planning & Community Development

REQUEST:

A 2.0' variance from Chapter 28, Section 11.2-11.1e, to allow a driveway with a side yard setback of 1.0' from the east property line instead of the minimum 3.0'.

ATTACHMENTS:

Description

Staff Report

Petition & Supporting Documents

Department Comments

Type

[Report](#)

[Exhibits](#)

[Correspondence](#)

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner II
Hearing Date: June 9, 2014
Date Prepared: June 4, 2014
Project Title: Semerau Petition
Address: 2100 E. Lilac Terrace

Background Information

Petition Number: ZBA #14-010
Petitioner: Steven T. Semerau
Address: 2100 E. Lilac Terrace
Arlington Heights, IL 60004
Existing Zoning: R-2, Residential Single-Family

Requested Action/Background Information

The petitioner proposes a driveway that is setback one foot from the east property line. Pursuant to Chapter 28, Section 11.2-11.1e, the driveway must be setback a minimum of 3 feet from the side property line for lots that are 70 feet or greater in width. Therefore, the petitioner requests the following variation:

- **A 2.0 foot variance from Chapter 28, Section 11.2-11.1e to allow a driveway with a side yard setback of 1.0 feet from the east property line instead of the minimum 3.0 feet.**

Variation Review Standards

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

Map of General Vicinity



Items Required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	5/23/14	
2. List of Property Owners Within 250 feet of Subject Property	✓	5/23/14	
3. Letter that was Mailed	✓	5/23/14	
4. Photographs of Sign on Property	✓	5/23/14	

Photograph of Existing Structure



PETITION

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

PETITION

NOW COMES the Petitioner STEVEN T. SEMERAU

being the owner of the property commonly known as: 2106 E. LILAC TERRACE

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

11.2-11.1 E, Chapter 28, of the Arlington Heights Municipal Code, in order to: BUILD A

DRIVEWAY 1.96' x APPROXIMATELY 70.0' INTO THE SIDE YARD
SETBACK

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

IT WOULD RESTRICT ANY ACCESS TO THE REAR YARD OF THE HOME
MAKING IT IMPOSSIBLE TO CONSTRUCT A DETACHED GARAGE WHICH IS ALLOWED.

I hereby state that the following unique circumstances exist: THE EXISTING HOME WAS
BUILT PRIOR TO THE CURRENT CODE REQUIREMENTS AND WOULD REQUIRE ALTERING
OR DEMOLISHING SIGNIFICANT PORTIONS OF THE HOME TO CREATE A GARAGE
LARGER THAN THE CURRENT ONE CAR GARAGE.

I hereby state that the variation, if granted, will not alter the essential character of the locality because: THERE
ARE MULTIPLE HOMES IN THE NEIGHBORHOOD THAT HAVE DRIVEWAYS
ALONG THE SIDE OF THE HOME AND GARAGES IN THE REAR YARD.

Signed: ST. Semrau

Petitioner

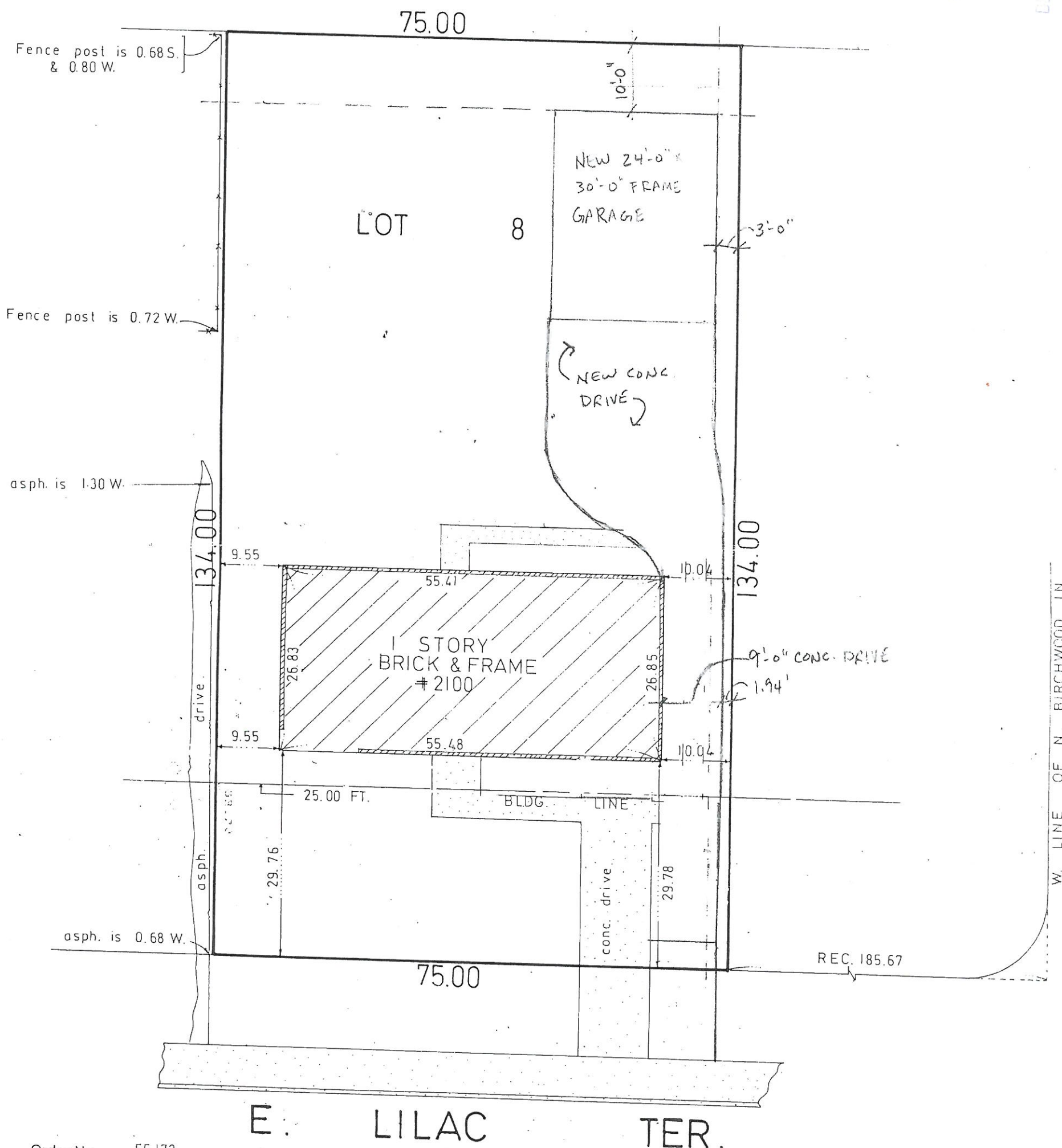
Date: 5/14/14

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MAY 14 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

PHONE: 773/282-5900
FAX: 773/282-9424



REG. ILL. Land Surveyor

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT
ONCE REPORT ANY DIFFERENCE.
REFER TO ABSTRACT OR DEED FOR BUILDING RESTRICTIONS
COMPARE THE DESCRIPTION IN THIS PLAT WITH
YOUR DEED, ABSTRACT OR CERTIFICATE OF TITLE

ZBA# 14-010
2100 E Lilac Terrace- ZBA
Rev. Eng: Nanci Julius, P.E.
cc: James J. Massarelli, P.E. Director of Engineering

Submitted: May 16, 2014
Completed – May 19, 2014

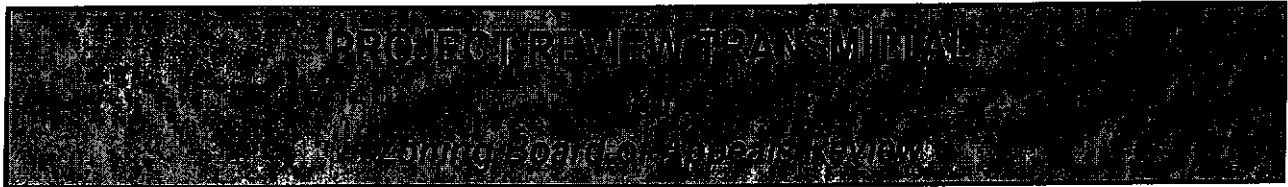


The proposed ZBA application indicates that the petitioner is seeking:

A 2 ft variance to allow a driveway with a side yard setback of 1 ft from the east property line instead of the minimum 3 ft.

The petition wishes to construct a detached garage in the rear yard. To access the garage, the driveway must be constructed along the east side of the home, which is 10 ft off the property line.

The Engineering Department has no objection to the requested variance, however; it should be noted that the adjacent home to the east has a garage on the lower level of the home, which is lower than the street and will be significantly lower than the proposed driveway. With the reduced side yard setback, provisions will have to be made with the site plan and design of the driveway to insure that the adjacent property is not affected with runoff.



Project Name: Semerau Residence

Project Address: 2100 E. Lilac Terrace

ZBA #: 14-010

ZBA Hearing Date: June 9, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, Director of Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: May 14, 2014

- A 2.0 foot variance from Chapter 28, Section 11.2-11.1e to allow a driveway with a side yard setback of 1.0 feet from the east property line instead of the minimum 3.0 feet.

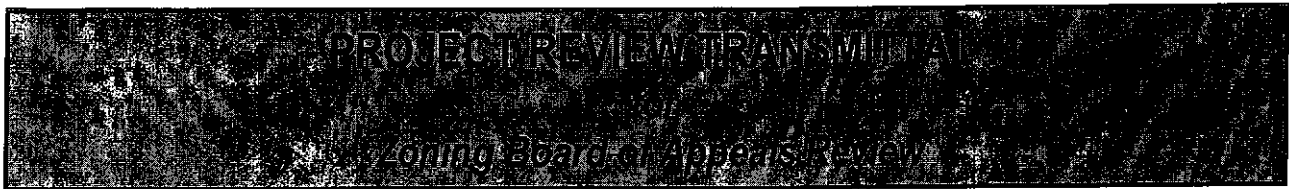
Attached are the Petitioner's:

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

Comments: NO COMMENTS.

- S. HAUTZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Friday, May 23, 2014.



Project Name: Semerau Residence

Project Address: 2100 E. Lilac Terrace

ZBA #: 14-010

ZBA Hearing Date: June 9, 2014

To: Jim Massarelli, Director of Engineering
~~James McCalister, Director of Building Services~~

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: May 14, 2014

- A 2.0 foot variance from Chapter 28, Section 11.2-11.1e to allow a driveway with a side yard setback of 1.0 feet from the east property line instead of the minimum 3.0 feet.

Attached are the Petitioner's:

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

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DEVELOPMENT DEPARTMENT

Comments: NO COMMENTS AT THIS TIME.

CHARLEY CRAIG
PLAN REVIEWER

Please review, comment, and return to me no later than Friday, May 23, 2014.



Item: ZBA#14-011 - Hernandez Residence - 2635 N. Raleigh St.

Department: Planning & Community Development

REQUEST:

1. An 11.4' setback variance from Chapter 28, Section 6.13-3c1 (Exterior Side Yards) to allow a 6' tall fence in the exterior side yard that is 1' from the west property line with no street side landscaping, where a 12.4' setback is required.
2. A 3' height variance from Chapter 28, Section 6.13-3 (Exterior Side Yards) to allow a 6' tall semi-open fence in the exterior side yard that is 1' from the west property line where a 3' high open fence is allowed.
3. A 1' variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5' to 6' for a fence located along the rear (north) and side (east) property line.

ATTACHMENTS:

Description

Staff Report

Petition & Supporting Documents

Department Comments

Type

[Report](#)

[Exhibits](#)

[Correspondence](#)

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: June 9, 2014
Date Prepared: June 4, 2014
Project Title: Hernandez Petition
Address: 2635 N. Raleigh Street

Background Information

Petition Number: ZBA #14-011
Petitioner: Pedro Hernandez
Address: 2635 N. Raleigh Street
Arlington Heights, IL 60004
Existing Zoning: R-3, Residential Single-Family

Requested Action/Background Information

The petitioner proposes to construct a 6' high semi-open wood fence along the exterior side yard, the rear property line and the interior side property line. Along the exterior side yard, the fence would be setback one foot from the property line where a 12.4 foot setback is required. The petitioner is allowed a 6 foot high fence along the exterior side yard since the fence is parallel to a secondary arterial; however, the fence must be setback half the distance between the property line and the house. Therefore, the petitioner requests the following variations:

- **A 11.4 foot setback variance from Chapter 28, Section 6.13-3c1 (Exterior Side Yards) to allow a 6 foot tall fence in the exterior side yard that is 1 foot from the west property line with no street side landscaping where a 12.4 foot setback is required.**
- **A 3 foot height variance from Chapter 28, Section 6.13-3 (Exterior Side Yards) to allow a 6 foot tall semi-open fence in the exterior side yard that is 1 foot from the west property line where a 3 foot high open fence is allowed.**
- **A 1 foot height variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the rear (north) and side (east) property line.**

Variation Review Standards

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

Map of General Vicinity



Items Required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	5/27/14	
2. List of Property Owners Within 250 feet of Subject Property	✓	5/27/14	
3. Letter that was Mailed	✓	5/27/14	
4. Photographs of Sign on Property	✓	5/27/14	

Photograph of Existing Structure



PETITION

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

PETITION

NOW COMES the Petitioner PEDRO HERNANDEZ

being the owner of the property commonly known as: 2635 N RALEIGH ST ARLINGTON HTS

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

6-13-3, Chapter 28, of the Arlington Heights Municipal Code, in order to: REPLACE
FENCE AROUND PROPERTY

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

WILL ENHANCE THE PROPERTY VALUE, AND WILL
MAKE THE NEIGHBORHOOD LOOK BETTER

I hereby state that the following unique circumstances exist:

UNIQUE THIS PROPERTY IS LOCATED ALONG
ROUTE 53 HIGHWAY

I hereby state that the variation, if granted, will not alter the essential character of the locality because:

WILL MAKE THE HOUSE LOOK EQUAL TO
THE REST ALONG WILKE RD AND WILL NOT OBSTRUCT
VISIBILITY NOR PEDESTRIAN TO WALK ALONG THE SIDEWALK

Signed: _____

Petitioner

Date: 05/16/2014

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MAY 16 2014

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



MURRY AND MOODY, LTD.

Land Surveyors

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

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

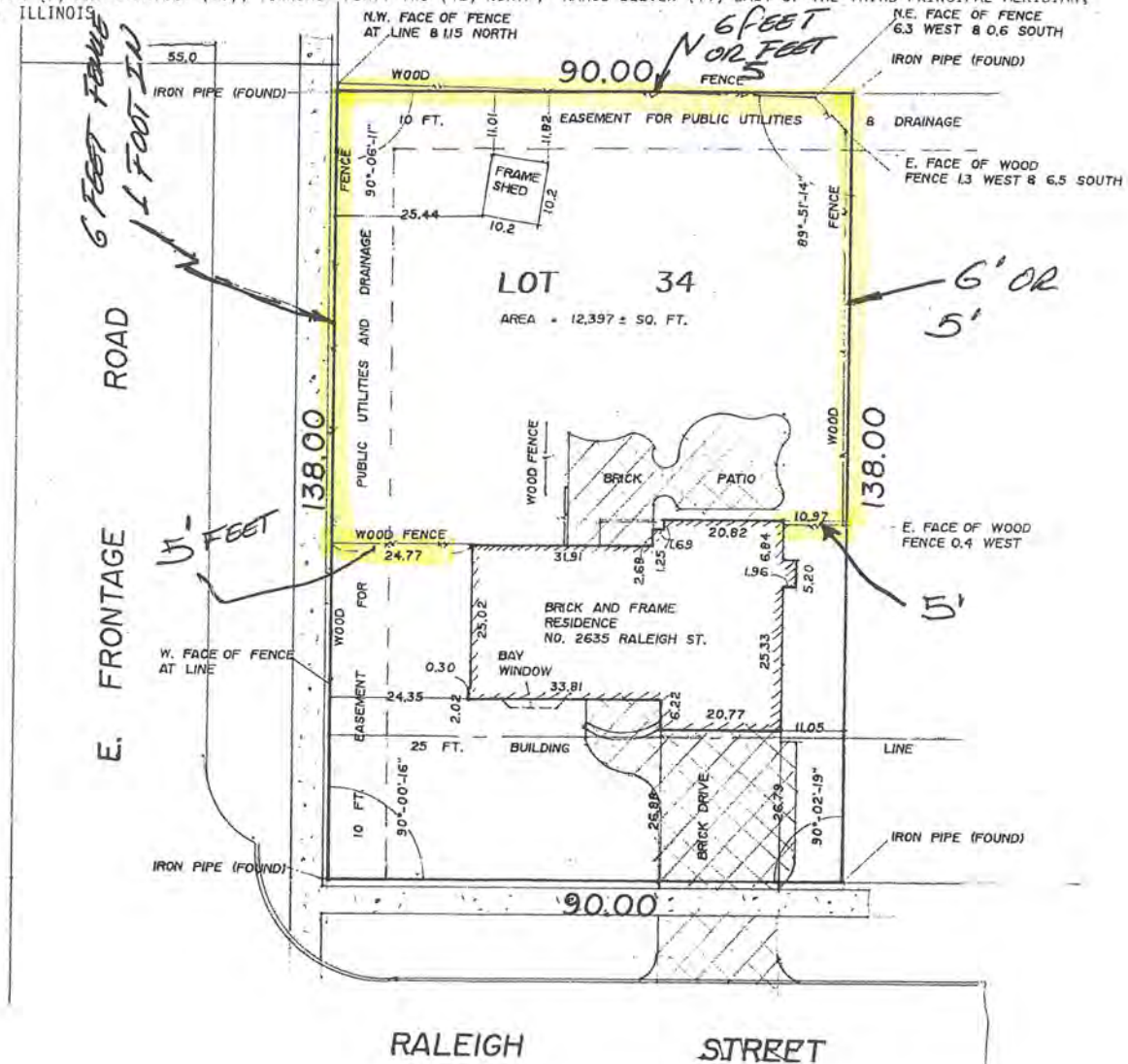
Phone: (847) 358-5960



PLAT OF SURVEY

OF

LOT THIRTY FOUR (34) IN DERKLEY RIDGE SUBDIVISION OF PART OF LOT EIGHT (8) IN GEORGE KIRCHOFF ESTATE SUBDIVISION OF PARTS OF SECTIONS TWELVE (12) AND THIRTEEN (13), TOWNSHIP FORTY TWO (42) NORTH, RANGE TEN (10) EAST OF THE THIRD PRINCIPAL MERIDIAN, AND SECTIONS SEVEN (7) AND EIGHTEEN (18), TOWNSHIP FORTY TWO (42) NORTH, RANGE ELEVEN (11) EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS



LEGEND AND NOTES

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

50.25 / N 90° 00' 00" E indicates measure dimension / bearing.

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

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

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

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

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

STATE OF ILLINOIS }
COUNTY OF COOK } S.S.

Barbara C. Murry

I, Barbara C. Murry, an Illinois Professional Land Surveyor, do hereby certify that I have surveyed the above described property, and that the above plat is a correct representation of said survey and that this professional service conforms to the current Illinois minimum standards for a boundary survey.

Date of completion of field work: MAY 12, 2008

Palatine, Illinois MAY 16, 2008

Illinois Professional Land Surveyor

Barbara C. Murry 03-003529

License Renewal date: November 30, 2008



This tree inside my property it's exactly 12-13 feet from the edge.



Pictures to show my yard and the possible changes we will need to make to put the fence according to the codes.



Current fence:





Some neighborhood houses on Wilke Rd:

2634 N Raleigh St



1714 W Waverly Ct:



1714 W Shirra Ct:



ZBA# 14-011
2635 N Raleigh St- ZBA
Rev. Eng: Nanci Julius, P.E.
cc: James J. Massarelli, P.E. Director of Engineering

Submitted: May 21, 2014
Completed – May 27, 2014

JJM

The proposed ZBA application indicates that the petitioner is seeking:

A 11.4 ft setback variance to allow a 6 ft tall fence in the exterior side yard that is 1 ft from the west property line with no street side landscaping where a 12.4 ft setback is required; and a 1 ft variance to allow an increase to the maximum fence height from 5 ft to 6 ft, for a fence located along the rear (north) and side (east) property line.

The hardship was not stated in the application. From the pictures and "Google Street View", it appears that the petitioners are proposing to remove and replace the fence in it's existing location. This address is a corner lot, and the west property line is adjacent to the frontage road and Route 53.

The Engineering Department has no objection to the requested setback variance, and "no comment" on the height variance.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Hernandez Residence

Project Address: 2635 N. Raleigh St.

ZBA #: 14-011

ZBA Hearing Date: June 9, 2014

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PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

To: Jim Massarelli, Director of Engineering
James McCalister, Director of Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: May 14, 2014

- An 11.4 foot setback variance from Chapter 28, Section 6.13-3c1 (Exterior Side Yards) to allow a 6 foot tall fence in the exterior side yard that is 1 foot from the west property line with no street side landscaping where a 12.4 foot setback is required.
- A 1 foot variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the rear (north) and side (east) property line.

Attached are the Petitioner's:

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

Comments: NO COMMENTS AT THIS TIME,

CHARLEY CRAIG
PLAN REVIEWER

Please review, comment, and return to me no later than Friday, May 30, 2014.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Hernandez Residence

Project Address: 2635 N. Raleigh St.

ZBA #: 14-011

ZBA Hearing Date: June 9, 2014

To: Jim Massarelli, Director of Engineering
James McCalister, Director of Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: May 14, 2014

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- A 1 foot variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the rear (north) and side (east) property line.

Attached are the Petitioner's:

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

Comments: NO COMMENTS.

S. HAUTZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Friday, May 30, 2014.