



Agenda
Village of Arlington Heights
Zoning Board of Appeals
Buechner Room, 1st Floor
Arlington Heights Village Hall, 33 S. Arlington Heights Rd.
February 15, 2022
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. 531 S Burton Pl - 1/10/22
- B. 421 W Hawthorne St - 1/10/22
- C. 9 E Hawthorne St - 1/10/22

IV. REPORTS

V. OLD BUSINESS

VI. NEW BUSINESS

- A. 814 N Patton Ave - ZBA#21-047
- B. 32 S Mitchell Ave - ZBA#21-048
- C. 1318 N Chicago Ave - ZBA#22-001

VII. OTHER BUSINESS

VIII. ADJOURNMENT

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



Zoning Board of Appeals 2/15/2022

Item: 531 S Burton Pl - 1/10/22

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
531 S Burton Pl - 1/10/22 Findings	Minutes
531 S Burton Pl - 1/10/22 Minutes	Minutes

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS January 10, 2022

PETITIONER: Winterkorn Residence
ADDRESS OF PROPERTY 531 S. Burton Place
VARIATION: 6.5-2

A variation to allow a detached garage in the side yard where detached garages are only permitted in the rear yard.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are proposing to demolish the existing garage and build a larger new garage in the same general location. The petitioner testified that the new garage is larger in size which will allow for additional storage. The petitioner explained that constructing the garage in the rear yard would increase the amount of impervious surface coverage since the driveway would need to be extended. The petitioner also explained that a large tree would need to be removed if the garage was located in the rear yard.

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

Thereafter, a motion was made by Mr. Drake and seconded by Mr. Lanaghan. Thereafter, the Board voted 6-0 to approve the variance request.

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

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

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

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

ZONING BOARD

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

OF APPEALS

RE: 531 SOUTH BURTON PLACE - ZBA #21-040

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 10th day of January, 2022 at the hour of
7:00 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, let's call this meeting to order. Welcome! I'll shift over here so you can see somebody instead of the podium. We'll get started now.

This is the Zoning Board of Appeals meeting on January 10th, 2022. First meeting of the year. So, we're going to start now and we're kind of in this different configuration, maybe a little bit of a sequencing in.

Derek, are you going to bring the folks in or signal them when it's time for them to come in on the next petitions?

MR. MACH: I will.

CHAIRPERSON SIAVELIS: Okay, sounds good. Let's do roll call.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Here.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Here.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Here.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Here.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Here.

CHAIRPERSON SIAVELIS: Okay, approval of the minutes is the next item. Has everybody had a chance, all Board members had a chance to review the minutes that were circulated to us?

(Chorus of yeses.)

CHAIRPERSON SIAVELIS: Okay, are there any edits, revisions, additions to the draft minutes that have been provided to us?

(Chorus of noes.)

CHAIRPERSON SIAVELIS: Okay, hearing none, do we have a motion to approve the minutes?

COMMISSIONER DRAKE: So moved.

COMMISSIONER JAFFE: Seconded.

CHAIRPERSON SIAVELIS: Voice vote, right, Derek?

MR. MACH: Yes.

CHAIRPERSON SIAVELIS: Okay, all in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, minutes as presented and provided to us are approved. There is no old business I believe, so let's, also we need to do Pledge of Allegiance, I'm sorry. I skipped over the Pledge of Allegiance.

(Pledge of Allegiance recited.)

CHAIRPERSON SIAVELIS: Okay, let's move to some hearing procedures. I'll read these off, you're probably familiar with these, you've seen them before.

First, if less than six members are present, you have an option as a

petitioner to continue the meeting. It takes four affirmative votes to approve a variance regardless of the number of Board members in attendance. Tonight, there are six of us, right, so you need four of the six to vote affirmatively to grant your variance.

If your variance and your petition are denied, a petitioner cannot reapply for an entire year.

We will have a Staff presentation at the outset of each petition to provide an overview and some guide points for the matters to be heard.

There are four elements necessary to establish in order for the Board to be able to grant a variance. These four elements are the responsibility of the petitioner. They are not the responsibility of any of the Board members to pull out of or tease out of the petitioner or his or her representative.

The four elements are as follows:

1. That the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property;
2. That the plight of the owner is due to unique circumstances which may include the length of time the subject property has been vacant as zoned;
3. That the proposed variation is in harmony with the spirit and intent of Chapter 28 of the Village's Code; and
4. That the variance requested is the minimum variance necessary to allow reasonable use of the property.

A variation shall be permitted only if the evidence in the judgment of the Board of Appeals sustains each of the four conditions enumerated and presented by the petitioner.

Okay, that said, with the housekeeping matters addressed, let's now move on to the first item of new business. It's ZBA Petition No. 21-040, 531 South Burton Place. Please approach. We'll swear you in, then we'll let Derek provide the Staff overview, and then we'll hand the floor back to you, okay?

Okay, so have you signed in?

MR. PURDOM: I have, yes.

CHAIRPERSON SIAVELIS: Okay, and what's your name?

MR. PURDOM: Kevin Purdom.

CHAIRPERSON SIAVELIS: Kevin, okay. All right, Kevin, please raise your right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, Derek, go ahead.

MR. MACH: Thank you, Chairman.

The Petitioner is proposing to remove the existing detached garage and install the new detached garage in the side yard where detached garages are only allowed in the rear yard. The proposed garage is approximately 400 square feet, and the lot is approximately 12,000 square feet.

The Petitioner is proposing a variation from Chapter 28, Section 6.5-2 to allow a detached garage in the side yard where detached garages are only permitted in the rear yard. Thank you.

CHAIRPERSON SIAVELIS: Thank you very much, Derek.

All right, Kevin, you have the floor.

MR. PURDOM: Okay, I want to thank you for your time. Like Derek said,

we are looking to demolish the existing garage and build a new garage in the exact same location from the southeast corner. So, the owner just wants to have more space for storage. He is a fan of boating and he has some canoes that don't fit in this existing garage and it's a little rundown. So, he wants to build exactly what he has exactly a few feet in each direction bigger.

The top right corner which is the southeast corner is where the existing garage exists now as you can see on that. It's also rotated. So, we're proposing to build in that same location, and instead of the rear yard which would include adding more driveway a long way around to the backyard, there is also a significantly large and old tree directly behind the garage which we have snapped photos in as well and we would like to preserve that tree. That is essentially the unique circumstance. We don't want to take down that tree and we don't have to go all the way to behind the house and create more driveway.

The existing garage works perfectly as it is and we just want to build it a little bit bigger. We're going from 18 feet to 18-foot-10 to the side setback which is still within the parameters. So, it meets the essential character. It's going to look exactly the same as the existing garage, just slightly bigger.

The plight of the owner is that very large tree and the extra space that you would need to get to the rear yard instead of the side yard.

Then it is in harmony with the spirit and intent of the chapter because it meets all the zoning requirements except being in that setback, and it already is there. If you see it from the street, you can barely even see it right now, but if we build it exactly there a few feet wider, it's not going to make any difference. That is all I have to say.

CHAIRPERSON SIAVELIS: Okay, Kevin, I had a couple of questions. So, the new garage is going to be, did I see this right, 397 square feet? Right? Yes, new garage is 397 square feet?

MR. PURDOM: 397.

CHAIRPERSON SIAVELIS: Okay, so do you know what the approximate square footage of the existing garage is? So, you said because this is going to make it larger, how much larger? Give us an estimate.

MR. PURDOM: The existing, it was around 275 square feet.

CHAIRPERSON SIAVELIS: When you say was, is it already torn down?

MR. PURDOM: No, it is not.

CHAIRPERSON SIAVELIS: Okay, so it is.

MR. PURDOM: It is 275 square feet.

CHAIRPERSON SIAVELIS: Okay, so you're going to put approximately 122 feet more in square footage?

MR. PURDOM: Correct.

CHAIRPERSON SIAVELIS: Okay, and your client needs this, the Petitioner needs this for canoes and other --

MR. PURDOM: Yes, boating storage, and he can't even put his car in there because the garage door is so out of whack. So, he wants a big enough garage to put his car in and the boating equipment in.

CHAIRPERSON SIAVELIS: Okay, when you say out of whack, what do you mean by out of whack?

MR. PURDOM: Just the existing garage door is slightly askew.

CHAIRPERSON SIAVELIS: Okay, I didn't, I must not have noticed that from the street, but it's only a one-car garage, right?

MR. PURDOM: That is correct.

CHAIRPERSON SIAVELIS: Yes, and this new garage that's contemplated, it will still, it's essentially be --

MR. PURDOM: It's still a one-car garage; it just has more room for storage on the side.

CHAIRPERSON SIAVELIS: Oversized one-car garage essentially?

MR. PURDOM: Correct.

CHAIRPERSON SIAVELIS: Okay, was there any feedback from the neighbors?

MR. PURDOM: The neighbors were concerned. They just want to know how close the new corner of that lot is into their property line, which I said was it was 18-foot before and we're going down to 18-foot-10 which is still within our setback line.

CHAIRPERSON SIAVELIS: Still within the setback line, okay.

MR. PURDOM: Yes.

CHAIRPERSON SIAVELIS: Right, and that, was that the north property line? It's at a significant or steep angle, right?

MR. PURDOM: Correct, yes.

CHAIRPERSON SIAVELIS: So, it's a non-conventional lot.

MR. PURDOM: It's a very odd-shaped lot.

CHAIRPERSON SIAVELIS: Yes, okay. How many folks live in the house?

MR. PURDOM: There's three, Ed and two daughters.

CHAIRPERSON SIAVELIS: Okay. All right, I don't have any other questions.

Do other Board members?

(No response.)

CHAIRPERSON SIAVELIS: Okay, Derek, what are you doing for -- so, Kevin, do you have any other final, any other comments?

MR. PURDOM: I do not.

CHAIRPERSON SIAVELIS: Derek, what are we doing for, you know, the public? That phase of each petition. Are we, is somebody running out there? Is Joe running out there to say is there --

MR. MACH: I can double check. I did announce if anyone has interest in this petition to come on in, but let me just double check.

CHAIRPERSON SIAVELIS: Okay, make quick work on that then.

(Slight pause which Mr. Mach double checks with the public.)

CHAIRPERSON SIAVELIS: None? Okay, that makes it easy. So, we don't need you to respond to non-questions, so we can proceed. Unless there's anything else you have to say, we're going to proceed to deliberation.

MR. PURDOM: I do not.

CHAIRPERSON SIAVELIS: Okay, all right, thank you. We'll proceed to deliberation then.

All right, I think this is a reasonable request, you know, this is a strange shaped lot. He's asking for basically an oversized one-car garage which is not, in my eyes it seems quite reasonable. He's still going to be almost nine feet off the line,

right? So, and the way this lot is shaped, from the street, you're not even really going to see it because it's so far tucked back and it's got such odd angles there. So, I see this as a, you know, reasonable ask and a relatively insignificant variance being sought. So, I don't know what anybody else thinks.

COMMISSIONER LANAGHAN: I'll jump in. I tend to agree with you. I mean, I dislike having to take down trees if I can help it. There's no reason for us to pave more if we can help it. Both of those things would be required for them to put it back where it would otherwise belong. It's a couple of feet in either direction and, as you already pointed out, it still has a significant side yard setback. So, I feel this is a good compromise.

CHAIRPERSON SIAVELIS: Okay, thank you.

Anybody else?

COMMISSIONER DRAKE: There's no neighbor opposition, there's no Staff opposition. So, I would agree, Peter, it's a reasonable request.

CHAIRPERSON SIAVELIS: Okay, do we have a motion?

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

CHAIRPERSON SIAVELIS: Second?

COMMISSIONER LANAGHAN: Second.

CHAIRPERSON SIAVELIS: Okay, there you go, thank you.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

All right, thank you. Variance granted. Have a good evening.

MR. PURDOM: Thank you for your time.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:13 p.m.)



Zoning Board of Appeals 2/15/2022

Item: 421 W Hawthorne St - 1/10/22

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
421 W Hawthorne St - 1/10/22 Findings	Minutes
421 W Hawthorne St - 1/10/22 Minutes	Minutes

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS January 10, 2022

PETITIONER: Bilfaqi Residence
ADDRESS OF PROPERTY: 421 W. Hawthorne St.
VARIATION: 6.13-3c (Location of Fences)

A variation to allow a 6' tall, solid fence along the exterior side yard (Walnut Ave) to be setback 0.1' from the property line where a setback of 5.0' is required, and to waive the requirement to provide landscaping on the street side of the fence.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are requesting a variance for a six foot solid fence along Walnut Avenue. The petitioner testified that there is significant traffic from the adjacent school. The petitioner explained that the yard is small in size and setting the fence back five feet would reduce the size of usable yard. The petitioner commented that there are other similar fences in the neighborhood. A neighbor spoke in support of the variance request.

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

Thereafter, a motion was made by Mr. Selbka and seconded by Mr. Jaffe. Thereafter, the Board voted 6-0 to approve the variance request.

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

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

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

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

ZONING BOARD

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

OF APPEALS

RE: 421 WEST HAWTHORNE STREET - ZBA #21-045

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 10th day of January, 2022 at the hour of
7:13 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, so next item up for business is ZBA Petition No. 21-045, 421 West Hawthorne Street.

MR. BILFAQI: Yes.

CHAIRPERSON SIAVELIS: Okay, did you hear the recitation of the four elements that the Petitioner needs to make in order to sustain a variance and obtain approval of the variance?

MR. BILFAQI: What do you mean? Take that as a no.

CHAIRPERSON SIAVELIS: Okay, so I'm going to interpret that as a no. So, there are four elements that a petitioner must sustain and establish in order for us to vote and grant a variance, okay. These four elements were in your paperwork that you filled out, so it should come as no surprise.

MS. SHAH: Yes, I think we did. I did all the paperwork and he just signed.

MR. BILFAQI: Yes.

MS. SHAH: So, I believe we did all the work, yes.

CHAIRPERSON SIAVELIS: Okay, to close the loop and just to make sure, I'm going to read these into the record, you know, just to establish it for clarity.

MS. SHAH: Yes.

MR. BILFAQI: Yes.

CHAIRPERSON SIAVELIS: Number one, that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.

MR. BILFAQI: Yes.

CHAIRPERSON SIAVELIS: Number two, that the plight of the owner is due to unique circumstances which may include the length of time the subject property has been vacant as zoned. Number three, that the proposed variation is in harmony with the spirit and intent of this chapter, and number four, that the variance requested is the minimum variance necessary to allow reasonable use of the property.

These are your, it is your responsibility to establish each of these four elements. It's not the responsibility of the Board or any of these members to pull them out of you or tease them out of you, okay?

MR. BILFAQI: Yes.

CHAIRPERSON SIAVELIS: So, with that in mind, we're going to give the Staff overview, then we'll bring you folks up, swear you in, and we'll commence substantive discussions.

MR. BILFAQI: Sure.

CHAIRPERSON SIAVELIS: Derek?

MR. MACH: Thank you, Chairman. The Petitioner is proposing to install a six-foot tall, solid fence along the exterior side yard which is on Walnut Avenue; however, fences in the exterior side yard that are taller than three feet must be set back five feet and landscaping must be provided along the street side of the fence.

Therefore, they're requesting a variation from Chapter 28, Section 6.13-3c to allow a six-foot tall, solid fence along the exterior side yard to be set back 0.1 foot from the property line where a setback of five feet is required, and to waive the requirement to provide landscaping on the street side of the fence. Thank you, Chairman.

CHAIRPERSON SIAVELIS: All right, thank you, Derek. Okay, folks, some

housekeeping on you, sorry. Have you signed in?

MR. BILFAQI: Here? No.

CHAIRPERSON SIAVELIS: Yes, please do so.

MR. BILFAQI: Okay.

CHAIRPERSON SIAVELIS: And, ma'am, if you're going to speak in regards to the petition tonight, you need to sign in as well.

MS. SHAH: Oh, sure.

CHAIRPERSON SIAVELIS: Okay, ma'am, what's your first name?

MS. SHAH: Siddhi, it's S-i-d-d-h-i.

CHAIRPERSON SIAVELIS: Okay, sir, your first name?

MR. BILFAQI: Habib, H-a-b-i-b.

CHAIRPERSON SIAVELIS: Okay, we'll swear each of you in independently, and then we'll proceed, okay? So, we'll start with ma'am first, Siddhi. Please raise your right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, Habib.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, go ahead.

MR. BILFAQI: We're here to request for a variance for a presently existing fence around the Walnut side. The rest of the site is approved for six-foot fencing. It's just about 28 feet I calculated, or 25 feet or so. It's 18 feet on the Walnut side and five feet in if you think about the garage.

I'm not looking to change the location of the current fence. I'm going to put it in exactly where it goes right now. We're looking to put in a vinyl privacy fence. We have a small yard, and across from our house, across the street, a lot of cars park there with Christian Liberty pickup during the day and night and stuff. We're just looking for some privacy here in the summer months, and that's why we're putting it in there.

We're not changing any aesthetics to the greenscape that's there. It's going to stay there. I've seen a similar fence on Campbell and Reuter. There is a house that has a similar fence on exactly the same lot line that I'm looking to put it into. So, it's almost a, if not five-foot setback, it is on the lot line at the front just like how my fence is right now. There's about a foot of green grass on the sidewalk side, so I'm planning on keeping it exactly that.

That's what I'm looking to do, just getting a little bit of privacy. The rest of it is going to be six-foot on the inside. My next-door neighbor just had their fence replaced with six-foot fencing, and we're just looking to follow the same situation. Our fences were installed at the same time in the past I guess, before we even bought it, so our fence is an old one. Before we put in the petition, we realized that, you know, we have to ask for a variance on this.

As you can see her lawn, our backyard is tiny, very tiny.

MS. SHAH: Yes, the dogs will lose all their space if we give up five feet.

MR. BILFAQI: Yes.

MS. SHAH: If we have that setback.

MR. BILFAQI: That's all we want, what we're looking for. So, about 20 by 28 feet with the variance there.

COMMISSIONER GEISEL: Very good. Have you had an opportunity to

talk to your neighbors about your proposal tonight?

MR. BILFAQI: Yes, I have. Yes.

COMMISSIONER GEISEL: And what was their feedback?

MR. BILFAQI: The neighbor on this side.

MS. SHAH: Behind us.

MR. BILFAQI: Behind us. So, the neighbor to the right of us which is on Hawthorne, that's the Waites, Erin and Milton Waites.

CHAIRPERSON SIAVELIS: So, that's east of you?

MS. SHAH: Yes.

MR. BILFAQI: They put in a six-foot fence already.

MS. SHAH: Six feet.

COMMISSIONER GEISEL: Okay.

MR. BILFAQI: And the one behind us is Thomas Kim.

MS. SHAH: 414 Mueller.

MR. BILFAQI: It is Thomas Kim at 414. They don't have a fence. Him and I talked because he received the letter as well. He was fine with it as well.

MS. SHAH: Yes, all neighbors are fine with it. There doesn't seem to be any issues with our variation request.

COMMISSIONER GEISEL: Well, I understand at some level your need. It seems like Christian Liberty Academy has expanded their facility.

MR. BILFAQI: And they're very good neighbors.

COMMISSIONER GEISEL: Yes, but they use their facility quite a bit, so I can kind of understand with just the volume and the number of days, the events.

MS. SHAH: It's the traffic, and even though a lot of people are great and not coming into our driveway to back out, but you can see my Ring camera doorbell, ding-ding-ding. It's all sorts of hours. So, it's even at 10:30 at night some days on the weekend. Regardless, it's just that the fence, it definitely needs to be a little higher just to not have those, people that are just sitting around waiting have a view into the summer months in the backyard.

CHAIRPERSON SIAVELIS: And the current fence is three feet?

MR. BILFAQI: Four.

CHAIRPERSON SIAVELIS: Four.

MR. BILFAQI: Yes.

MS. SHAH: So, if we go down to three feet, it will be going down from what we currently have.

MR. BILFAQI: Yes, and keep in mind that our backyard is pitched low towards the --

MS. SHAH: Yes, it's a little tilted.

MR. BILFAQI: So, I would essentially, you know, even though I put a six-foot fence at the top of my yard, it would look like four feet at the six-foot level. So, I do have more arborvitaes which help me get a little privacy, but I'm just hoping to put in, extend the fence a little.

MS. SHAH: Just a have a similar look all around, too.

MR. BILFAQI: Yes.

COMMISSIONER GEISEL: I'm not sure if, does anybody else have any questions for the Petitioner?

COMMISSIONER LANAGHAN: Yes, I have one. Have you considered, I mean, looking around at some of the neighbors, it seems like landscaping is more of a method of screening as opposed to fencing. Did you consider using more landscaping to create the privacy as opposed to a fence?

MR. BILFAQI: I have. We thought about putting in more arborvitaes, but that would still leave us open to, if we remove the fence with just the arborvitaes, we're worried that the dogs that go in front, they are going to pee and poop and go there, and essentially we --

MS. SHAH: We do have that nuisance a little bit because we do have some of the exposed, like we don't have a fence all around Walnut, so we do have a little bit and we're always collecting stuff.

MR. BILFAQI: Yes.

MS. SHAH: It's a very busy street, Walnut, for dogs and for Christian Liberty traffic. So, we wouldn't want to leave our backyard open to everything. On top of that, the wind and the little bit of garbage that it always brings in, we're always collecting that from the unfenced area towards the front. We wouldn't want to do that again, everything coming in and our backyard open to it all.

MR. BILFAQI: Now, our neighbor at 414 is present here. So, they've been in support of our fence.

CHAIRPERSON SIAVELIS: So, I'm sorry, is the neighbor at 414, do they have a fence?

MR. BILFAQI: Over there? They've never had a fence since I've been living there.

CHAIRPERSON SIAVELIS: Okay, and the 417 neighbor?

MR. BILFAQI: The 417 neighbor just finished replacing their existing fence which was the same model as ours with a six-foot fence all the way around.

CHAIRPERSON SIAVELIS: But they don't have six feet up on the property line facing Hawthorne though, correct?

MR. BILFAQI: Correct. They have no Hawthorne facing, and their fence ends right there where the cursor is as it has in the past when they replaced their existing fence with a six-foot fence for privacy.

COMMISSIONER GEISEL: So, effectively, you are really constructing what would be the south elevation as well as of your property line because what would be the east elevation, they just newly reconstructed, is that --

MR. BILFAQI: We're going to reconstruct around there and all the way up to our front door. So, we're going to be covering up the neighbor's fence. It's got a lot of fibers and we have kids, so we're afraid that, they didn't finish it.

MS. SHAH: It's an unfinished fence with a lot of stuff hanging --

MR. BILFAQI: Unfinished fence, so if we touch it or my dogs touch it or something, the fibers are going to cause issues. So, we're just covering it up really. I looked at the cost between covering it or not covering it, for us it just meant aesthetically to have it fully done so it looks --

COMMISSIONER GEISEL: Okay, I just want to make sure I understood it, thank you.

MR. BILFAQI: Yes.

MS. SHAH: Yes, and we're putting a fence where there is a fence right

now. We are not putting a fence where there isn't a fence. So, the only variation we're looking for is where you see our old van parked, there is the fence. That small fence that covers our backyard, so that fence, instead of it being three feet, because the option of pushing it back five feet is not viable for us.

CHAIRPERSON SIAVELIS: Wait, did you say three feet? Is it three feet high or four feet high?

MR. BILFAQI: Actually it's four feet.

MS. SHAH: Right now it's four feet high, but the code, if we follow the code to replace it, we are only allowed three feet high.

CHAIRPERSON SIAVELIS: Right.

MS. SHAH: And that would not give us the privacy that we need.

CHAIRPERSON SIAVELIS: Right, so, and I understand it, I just am a little bit hesitant about a six-foot fence, full privacy, on --

COMMISSIONER LANAGHAN: Six-foot solid fence.

CHAIRPERSON SIAVELIS: Yes, exactly, full privacy fence, solid, on Walnut.

COMMISSIONER LANAGHAN: Yes, right.

CHAIRPERSON SIAVELIS: Right, that to me is a bit daunting.

COMMISSIONER LANAGHAN: And there's nothing like that up and down the street.

CHAIRPERSON SIAVELIS: I know there isn't anything like that up and down the street. I drove by not that long ago, so I do remember that.

I don't have an issue personally with your request to be at the current property line, right, and not the five feet off because I think that you've made a compelling argument in that regard, but I don't think you've made a compelling argument in regard of six feet for that part of the fence line versus say five feet. I mean, every foot does matter, and believe it or not this Board does look at that issue, right. So, that's something that I personally need to think about a little bit more as we're talking with you and potentially if we hear any neighbor feedback, but I don't know if anybody else on --

COMMISSIONER LANAGHAN: No, I have a similar concern with it being a solid fence right on, you know, right on the property line. Again, there is nothing like that up and down the street. There's a lot of landscaping which is why I asked the question earlier, you know, could you, and this is just a question, you know, would you consider possibly board-on-board or something that's a little more open so that it's not so, and the fence you have is very attractive but it's very daunting when you have it right at the street, right at the sidewalk. You know, it's very imposing, especially at a six-foot height.

MR. BILFAQI: I see where you're going with that. I just feel it would look better than putting in a chainlink fence which most of my neighbors on Walnut have. If you go down a block north, they have a five-foot chainlink fence or something similar of that nature.

CHAIRPERSON SIAVELIS: He's not contemplating a chainlink fence, he asked a specific question.

COMMISSIONER LANAGHAN: I'm not. Yes, I was asking about a board-on-board. I mean, the fence that you have is quite attractive, and it's not, you know, as you've already pointed out, it's a nonconforming fence as it is. You know, have you thought about doing something that's a little more open and not, you know, maybe not as

tall? I know you're trying to get the privacy, I'm sympathetic to that.

MS. SHAH: I think we'll be open to five feet, that's way better than three feet because three feet really --

COMMISSIONER LANAGHAN: Yes, three-foot, you're going down from what you have already.

MS. SHAH: You really can't have privacy. So, I'm open to five feet, if six feet you think is too big. Well, the picture that we've attached is really not the exact fence we're getting. We also have, I don't know what you call the thing up on the top, but it's designed --

MR. BILFAQI: Well, the lattices.

MS. SHAH: The lattices, so there is a lattice on the top. So, it's not all six feet of this, the one foot is going to be the lattice.

MR. BILFAQI: It's exactly what we --

MS. SHAH: Oh, we got the lattice out.

MR. BILFAQI: Now, you were saying maybe doing it semi-private, that's what you were saying, right?

COMMISSIONER LANAGHAN: Well, I mean, yes, something that's not so as imposing, you know. One of the reasons why the code has it five-foot back, so that as you're walking down the sidewalk, you don't have this wall basically next to you that, you know, makes it not comfortable to be on the sidewalk.

MR. BILFAQI: No, I get you, I get you.

CHAIRPERSON SIAVELIS: So, we need clarification now because you've kind of talked in circles there for a minute. So, is the image that we're seeing on the screen and --

MR. BILFAQI: Yes.

CHAIRPERSON SIAVELIS: Hold on, wait for the question, okay? That we're seeing on the screen and that was included in the papers, this style, the solid panel style, is that what you're contemplating putting up?

MR. BILFAQI: This is what we had ordered before we looked at the variance needed. So, the rest, pretty much that's what we ordered.

CHAIRPERSON SIAVELIS: And you ordered or specified six-foot overall height?

MR. BILFAQI: Yes, and we ordered it back in October, and we ordered six-foot in height. Now, can that be customized somewhat? We were looking at the lattice like my wife was saying. We chose not to go with the lattice top because we were looking for more privacy, and that's why we chose the six-foot fence. I mean, hey, the next-door neighbor got it at six-foot, we can also get it at six-foot as well. That's what we were thinking when we placed the order before looking at the permit situation.

Then we looked at the permit situation and we realized, hey, it's only going to be three feet on the Walnut side with a five-foot setback. So, that's where the variance came and that's where we are.

CHAIRPERSON SIAVELIS: Okay, so Jeff, are you more in favor and more supportive of a five-foot solid panel on the Walnut run?

COMMISSIONER LANAGHAN: I'd be more so as opposed to the six. I'm not exactly sure, and Derek, a question, just a clarification for my own knowledge here, the Walnut side, if they were five-foot back, it could be a six-foot tall fence, is that correct?

MR. MACH: Correct, with landscaping on the street side.

COMMISSIONER LANAGHAN: And kind of looking at the way your driveway is, you have kind of a notch it looks like on your survey anyway, which is probably around that five-foot. You've got a 55-foot backyard. I understand that you don't want to give that up, I recognize that. To me, you know, I'd almost say put it back to five-foot and leave them at six and you have your privacy. You can soften it up a little bit on the front side and, you know, it would probably line up with your driveway is how I'm interpreting this right now.

CHAIRPERSON SIAVELIS: So, do you understand the alternative that Jeff is proposing?

MR. BILFAQI: Yes, I do, and it goes back to the fact that I actually do have arborvitaes and bushes in there that I just don't want to get ruined if I open those up, and they will get ruined with the dogs going into that part with --

COMMISSIONER LANAGHAN: So, to keep walking up and down Walnut you're afraid will --

MR. BILFAQI: They're already doing it.

MS. SHAH: They already do, and we've spent \$20,000 putting up all the landscaping this past year and I don't want to give that up.

COMMISSIONER LANAGHAN: No, no, no.

MR. BILFAQI: Over the past few years, that's, you know, I love my bushes, I really do.

MS. SHAH: And they are hard to keep up.

MR. BILFAQI: So, Thomas will attest to them, they were growing and I kind of keep at them three seasons out of the year. I take care of my arborvitaes and my bushes. So, that's --

COMMISSIONER LANAGHAN: No, okay, I appreciate that.

MR. BILFAQI: That's my baby over there.

CHAIRPERSON SIAVELIS: So, going back to the question, if you're not going to move the fence in off the sidewalk, right, given the Petitioner's significant expenditure of landscaping, are you supportive of a five-foot panel or do you want to see something else?

COMMISSIONER LANAGHAN: Another alternative?

CHAIRPERSON SIAVELIS: And maybe that's a question for the Board as well.

COMMISSIONER LANAGHAN: Yes.

COMMISSIONER JAFFE: So, I live two blocks to the east, one block to the north, and I can attest that Walnut has gotten much busier in the 10 years that I've lived there between running, driving, even noise from Christian Liberty Academy. So, I do not have concerns with what the Petitioner is requesting.

COMMISSIONER SELBKA: I agree. I don't have concerns either. I know that area very well. I drive by there when Christian Liberty is in session, it is extremely busy, and there's a lot of foot traffic and road traffic in Walnut. So, I think the six-foot solid fence is reasonable, and there is a hardship there.

CHAIRPERSON SIAVELIS: At the --

COMMISSIONER LANAGHAN: At the property line.

CHAIRPERSON SIAVELIS: -- property line, just to close it off?

COMMISSIONER SELBKA: Yes, even at the property line it's not an issue.

COMMISSIONER GEISEL: I was also supportive of it from the standpoint that the elevations, they are entitled to do it per existing code, so it's really just obviously Walnut that that becomes an issue. I lived a block away for 23 years and walked my dog past that house hundreds of times. So, I understand their issue probably, you know, a little greater, and felt that in light of what they're requesting and existing conditions, I would support it. Although I share, you know, your concerns, you're right. It does present a wall, but it's fairly limited in distance.

CHAIRPERSON SIAVELIS: What's that length?

MR. BILFAQI: 18 feet.

CHAIRPERSON SIAVELIS: How much?

MR. BILFAQI: About 18 feet on Walnut.

CHAIRPERSON SIAVELIS: It's only 18 feet, Derek?

MR. BILFAQI: Is it 18 or, 18 going to 19 I think it is. In total, like 28 feet between the five-foot setback and the front wall, that's all it was, it wasn't that much.

CHAIRPERSON SIAVELIS: Hold on, let's let Derek --

MR. MACH: I don't have the exact dimension. It does appear to be approximately three sections of fence, so depending on the panel size, it's likely between 18 and 24 feet.

CHAIRPERSON SIAVELIS: Okay, Tom?

COMMISSIONER DRAKE: I kind of agree with what the other four Commissioners said, so I'm in support of the petition. At this point, I'd like to hear what the neighbors have to say because I think if anybody is affected by what gets done, it is the people that live right in that area.

CHAIRPERSON SIAVELIS: Okay, that sounds good. Do you have any other points to raise right now? Because we need to move to the public phase of the process.

MR. BILFAQI: No.

CHAIRPERSON SIAVELIS: Okay, so at this point in time, we'll open it up for comments from the audience, particularly neighbors who will be affected by this, the variance sought. Okay, so you need to come up.

I don't need to swear you in, but you could sign in if you want, have at it, and then go ahead and identify yourself and begin.

MR. KIM: Yes, my name is Thomas Kim. I live at 414 West Mueller. I don't know if we're able to pull up that parcel map again, but it's the house immediately to the south. So, I'm also along Walnut.

I fully appreciate the code as it is, it makes complete sense that you would try to be protecting a wall alongside a residential road. Where I think this is a little more of a unique situation is the point that's come up a little bit. I think there is a unique hardship here where residential is abutting non-residential.

Walnut is actually on a section, it's a wider road by seven feet than Euclid, because Euclid has no shoulder. The cars that are coming there come at pretty quick speeds. CLA has chosen to make its main entrance along Walnut, so there's a big sign there now. What that means is for cars that are coming from Euclid, they come through Walnut and they make a U-turn right in front of our homes, and then they line up in front of CLA along Walnut.

So, there is this unique dynamic where you have a high-traffic on the road and there is the question of, well, didn't we know that's what we were moving into? We knew there was a school there. We didn't really realize how much traffic it was going to pick up, especially post COVID. So, it's been extremely busy with the lack of privacy that we thought we would have. So, that's one of the unique hardships I think. It's just that the amount of traffic, the speed, all the U-turns that are coming there, and those U-turns are happening right at that property line between the Bilfaqis' home and ours.

The other unique thing, I understand that with the code you want to protect the overall look of the residential area and what's happening up and down. So, on the west side of Walnut with this being CLA, so the east side is all residential, and that west side, you're looking at a 20-foot high wall with a chainlink fence along their property line for the whole run of that track. So, it doesn't seem all that incongruent to have a fence that might be a little out of the ordinary for a typical residential, but I think we're abutting non-residential, I think there's a hardship that makes that kind of a unique case.

Obviously, as a neighbor, I'm in full support of what they're asking for.

CHAIRPERSON SIAVELIS: Okay.

MR. KIM: One comment about the dogs; that actually is an issue. Frequently, I have to pick up dog droppings around our arbors that go along Walnut, too. There's just a lot of dogs that are being walked there and, you know, something, having a fence like that would protect also from that.

CHAIRPERSON SIAVELIS: Okay, thank you very much. Okay, this next phase is essentially --

COMMISSIONER LANAGHAN: Any others?

CHAIRPERSON SIAVELIS: Yes, well, actually you're right. Thanks, Jeff, appreciate it.

Any other members of the public to comment on this particular petition?

(No response.)

CHAIRPERSON SIAVELIS: Okay, so the next phase is response by the Petitioners to the comments from the public. You can choose not to make any comments if you want because the comments from the public were so favorable, and then we move to deliberations. It's your call.

MR. BILFAQI: No comments.

CHAIRPERSON SIAVELIS: Okay, deliberations then. Jeff, I don't know if you wanted to start off with this in view of Mr. Lee's comments? Kim's, thank you.

COMMISSIONER LANAGHAN: Absolutely. You know, I think you made some wonderful points as to some things that I wasn't aware of. I don't have, looking at Google Earth, you're right, there's a fence right on the sidewalk across the street, albeit an open fence which is again part of my concern. I am very empathetic to the need and desire to have privacy in your own backyard. It's, to me, kind of a basic right of a homeowner, so I understand that.

I am concerned about putting something up there, but again, your neighbor has pointed very succinctly to some of the issues that you guys are up against. You do have a fence across the way that's there. I'm not a huge fan of it, but I think in this case I think there are some unique hardships. I think I could back this, and it

sounded like everybody else was already on board.

CHAIRPERSON SIAVELIS: Yes, I mean, I think you and I had the concern about the height.

COMMISSIONER LANAGHAN: Yes.

CHAIRPERSON SIAVELIS: I don't like it, to be honest with you. I don't like the six-foot fence there right on Walnut. I think it is daunting. I think it is imposing, but there are compelling reasons why it does make sense. Your neighbor made some good points there. You're lucky also, at least in my eyes, that your neighbor isn't opposed to it because in situations like this, if we have neighbor opposition, direct neighbor, adjoining neighbor opposition, the petitioner has a hard time and needs to compromise, right? But your neighbor not only supported it, he actually provided additional arguments for it.

So, you know, reluctantly, I could get behind and support a six-foot fence there on Walnut. I'd much prefer a five-foot, but it is only maybe 20 feet of run on Walnut and it's not the largest or the longest run we've dealt with in the recent past.

COMMISSIONER LANAGHAN: Yes, I could talk myself into it, basically. I'm not necessarily loving it, but I could talk myself into it.

CHAIRPERSON SIAVELIS: Yes, and again, because you have no neighbor opposition, you have neighbor support, that helps you at least in my eyes. It goes a long way.

So, other comments, Board members?

COMMISSIONER GEISEL: Same thing. I mean. it wasn't so much as being in favor of it as I understood the need and then being able to maintain similar materials with the areas that were already approved per code, so for continuity standpoint.

CHAIRPERSON SIAVELIS: Okay, any other comments, Tom? Or do we have a motion?

COMMISSIONER SELBKA: Motion to approve.

COMMISSIONER JAFFE: Seconded.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations! Your petition is granted, you have your variance. You don't need to stay around for the next one, you're free to leave if you want.

MR. BILFAQI: Sure. Sorry, one question. So, since it's approved, do we just need to apply for the permit and it would let the variance I'm guessing?

MR. MACH: That's correct. If you have any questions, please call me or send me an e-mail.

MR. BILFAQI: Okay.

MR. MACH: Yes, you can proceed with the permit.

MR. BILFAQI: All right, thank you.

MS. SHAH: Thank you so much.

MR. BILFAQI: We appreciate it, thank you.

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



Zoning Board of Appeals 2/15/2022

Item: 9 E Hawthorne St - 1/10/22

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
9 E Hawthorne St - 1/10/22 Findings	Minutes
9 E Hawthorne St - 1/10/22 Minutes	Minutes

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS January 10, 2022

PETITIONER: Carter Residence
ADDRESS OF PROPERTY 9 E. Hawthorne St.
VARIATION: 5.1-3.5b (Maximum Impervious Surface Coverage)

A 514 square foot variation to allow 5,716 square feet of impervious surface coverage where 5,202 square feet is allowed.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner testified that the property is narrow and long which contributes to the amount of impervious surface coverage due to the length of the driveway. The petitioner explained that in order to install an average sized pool, approximately 500 square feet is necessary. The petitioner also testified that approximately four years ago, drainage improvements were implemented at the subject property and the neighboring property, which included the installation of a six inch drain pipe.

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

Thereafter, a motion was made by Mr. Selbka and seconded by Mr. Lanaghan. Thereafter, the Board voted 6-0 to approve the variance request with a condition that the homeowner provide stormwater detention following the Village's requirements for the impervious area over the allowable coverage.

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

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

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

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

ZONING BOARD

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

OF APPEALS

RE: 9 EAST HAWTHORNE STREET - ZBA #21-046

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 10th day of January, 2022 at the hour of
7:42 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, next petition is ZBA Reference No. 21-046, 9 East Hawthorne Street. Must be you folks, right, process of elimination. Before I swear you in, I'm going to give the Staff, Derek is going to give the Staff presentation, Staff overview, and then we'll swear you in, you guys, and you folks could get started, okay?

MS. BONK: Okay.

MR. MACH: Thank you, Chairman. The Petitioner is seeking a variation for increasing the impervious surface coverage for a new pool and pool deck located in the rear yard. Pursuant to Chapter 28, Section 5.1-3.5b, the Petitioner is allowed 5, 202 square feet for impervious surface coverage and 5,716 is proposed. If the Zoning Board is supportive of the variance, the Engineering Department is recommending that the homeowner mitigate the 514 square-foot overage.

The Petitioner is requesting a 514 square-foot variation from Chapter 28, Section 5.1-3.5b to allow 5,716 square feet of impervious surface coverage where 5,202 square feet is allowed. Thank you.

CHAIRPERSON SIAVELIS: Thanks, Derek.

Okay, folks, I had noticed you signed in. Okay, we'll start with you first, ma'am, let's get you sworn in. Can you identify yourself, too?

MS. BONK: Sarah Bonk.

CHAIRPERSON SIAVELIS: Sarah, okay. Can you raise your right hand please?

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, sir?

MR. CARTER: Yes. Al.

CHAIRPERSON SIAVELIS: All right, Al, right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, you have the floor.

MR. CARTER: Sure. Thank you, Mr. Chair.

We are here to ask for or request for a variance to place an in-ground pool in our backyard. Currently, the way that our house is built, our property is long and not wide. With that being said, we have a very long driveway. In doing research and talking with the pool builder, to put a normal sized pool, I think it was 31 by 18, or 31 by 15 but including the support around or two feet around, it would require an additional 514 square feet.

Before we came to the variance, we looked at potential other options. One of the other options that we looked at was potentially breaking up our driveway and putting in grass in the middle or something else, or extending the pad along the west side of the house to extend it. The challenge is our driveway is very narrow and the house next to us has a fence that goes about halfway in. So, we really couldn't take out a couple of inches away down the driveway, and it's probably, I don't know, 50 feet or so, but we thought just based on talking with the company and with the engineer that we would seek a variance to see if there is an opportunity there.

We also spoke with Mike, the Village engineer, as far as if we were to receive a variance, some of the requirements that he said we could. We moved into

this house four years ago. There was a huge drainage issue because the house to the west and the house to the east, their yards kind of come in. So, we worked with the Livkas to see, at 626 North Arlington Heights Road, because they put in a pretty sophisticated pond system in their backyard, so we worked with them to add storm sewage drainage, and I have the documentation for it. It's basically a six-inch pipe that connects, that runs all the way around in his yard and his property, and then we had a 12-inch square drainage added to ours to drain our water. Ever since then, we haven't had an issue with that, but in talking with Mike, he said there may be a request for an additional drainage which we said we'd work with the Village in whatever means necessary to comply with the request as necessary.

CHAIRPERSON SIAVELIS: Okay, Ben, do you have this one?

COMMISSIONER JAFFE: I do. So, I've got several questions. I think one of them was going to be this map and ask Derek to show it or maybe the Petitioner knows. This lot immediately to the south of this property, is that your lot or is that a vacant lot?

MR. CARTER: That's our lot.

COMMISSIONER JAFFE: That's yours.

MR. CARTER: So, that originally was owned by 626, the Livkas. The previous owner of this house bought that lot when they originally moved in. So, that is part of our property. We have two parcels, but that's the second --

CHAIRPERSON SIAVELIS: So, you have two pins.

MR. CARTER: Yes, sir.

COMMISSIONER JAFFE: And the total measurement of both pins, of 9 East Hawthorne and then that to the south, Derek, that's the 10,200 number?

MR. MACH: Correct.

COMMISSIONER JAFFE: Okay. All right, my second question, in the Staff analysis report, it's asking for a 514 square-foot variance, but in the building report it's 473. So, I'm just trying to make sense, what's the right number?

MR. MACH: The correct number is the number in the variation which I just read off, the 514.

COMMISSIONER JAFFE: 514?

MR. MACH: Correct.

MR. CARTER: The 473 came from Greengard Engineers who did the survey, and I'm not for sure where there were discrepancies.

COMMISSIONER JAFFE: Okay, you mentioned a few moments ago you've been in the house for four years.

MR. CARTER: Yes, sir.

COMMISSIONER JAFFE: So, did you move into this house or did you build this house?

MR. CARTER: So, the builder, we basically, my wife is from Arlington Heights, so when we moved out of the city to look for a home for six months when we were pregnant with our second kid, so I went to the builder and said, which was DR Horton, and said where are some properties that you're building, that we can buy them because we don't want to do any big work in. This is one of their buildings, so we basically bought the home after they finished building it, but we designed the home, but we didn't go through like a construction loan. We just went through a mortgage, so once

it was finished, if we would have canceled it and sold it to another, so we bought it from them.

COMMISSIONER JAFFE: So, did the builder or did you design the long driveway, the garage, and the patio?

MS. BONK: The builder.

MR. CARTER: The builder.

COMMISSIONER JAFFE: Builder.

MR. CARTER: Yes.

COMMISSIONER JAFFE: All right, and then my last question is going to be, and it looks like you've already gotten some correspondence about discussing things with your neighbors?

MR. CARTER: Yes. So, I've discussed it with 511, 101, 626, and then also our neighbor across the street at 6. We all have kids that are around the same age except for 6. The row of homes 3 through 101, yes, 3 through 101, we all have kids within the same age of four to 12-13.

The only concern, just to be completely transparent, 11 asked about the drainage and said will there be a drainage issue and what has the builder said about the drainage, which I told him what Mike had referenced, that we have to potentially put in another drain or something of the sort, and then we have to add fencing, because right now we don't have fencing in our backyard. We just have our neighbor's fencing on the east and west side. There's no fencing on the south side, but we have to have fencing, and he was like sounds good to me.

COMMISSIONER JAFFE: Yes, that was actually going to be a follow-up question because you mentioned a couple of times in the paperwork that there are a lot of kids and a lot of neighbors, indeed a lot of usage, how are you going to secure that area, and it sounds like there will be a fence.

MR. CARTER: Yes, so there will be fencing that was required with the building requirements and code.

CHAIRPERSON SIAVELIS: So, Al, you made reference to like a pond and all that, that's in the backyard, and that very elaborate drainage system. That's what we're seeing here up on the screen, right?

MR. CARTER: Yes, sir. This is 626 right here, so their pond comes in a few, right basically where that arrow is. If you go about three inches up, right there, can you see like the whole dark gray spot? That's where the drainage is that Mr. Livka installed with his --

CHAIRPERSON SIAVELIS: Ponds?

MR. CARTER: With his engineer. So, we just said whatever it takes to fix it, I'll pay for it.

CHAIRPERSON SIAVELIS: So, he's got a pond back there? Is there like koi back there or something?

MR. CARTER: Yes. There's, it's about six feet deep right here in the center. There's a bunch of koi that --

CHAIRPERSON SIAVELIS: Six feet deep pond?

MR. CARTER: His kids, there's like a couple of rocks like to the corner that you can see his kids like jumping into the pool. It goes all the way, basically, it's a really cool thing, right, I don't know if you can see it, but it's, I mean, I guess it's something they

call like "pondemonium." He had about, was it about 180 people or something like that? There were buses that came in to watch them build it because they were teaching people how to build it.

COMMISSIONER JAFFE: Wow, interesting.

CHAIRPERSON SIAVELIS: Ben, you have the floor back.

COMMISSIONER JAFFE: No, I can turn it over to you.

CHAIRPERSON SIAVELIS: No, no, no, it's fine. I know you like ponds instead of pools. A pond will be good for you, Ben. I'm sorry, Ben, if you had any --

COMMISSIONER JAFFE: No, no, no. I had written some of this stuff down, I've looked through my questions, so any other Board members, go for it.

COMMISSIONER GEISEL: Just for clarity, you're suggesting, so that dark circle just behind your garage is basically an inlet so water can travel from and into the pond area?

MR. CARTER: Correct.

COMMISSIONER GEISEL: So, you've addressed the drainage concern.

MR. CARTER: Correct. We haven't had any drainage issues. We had one issue and that was, I think it was a year-and-a-half, two years ago, it was about, it was raining for like 24 hours straight almost. But it, you know, it was probably there for a couple of hours and then it was drained. Usually what happened was if we get a hard rain that's a couple of hours, we'll have standing water for me.

COMMISSIONER GEISEL: Well, the other irony is you're building a pool which contains water as opposed to shedding it.

COMMISSIONER SELBKA: Did you have a chance to read the Engineering comment?

MR. CARTER: Yes, I did.

COMMISSIONER SELBKA: So, you're willing to put in the stormwater detention catch --

MR. CARTER: Or something, I told him, I just said we would, I talked to him and I asked him specifically like what's the details. I said we'll work with him for whatever we need to do, because I told him, because what isn't listed when I guess, there is this storm drainage that was being put when we moved in --

COMMISSIONER SELBKA: Right.

MR. CARTER: -- I said we'd do whatever we needed to, whether it was to add a longer pipe to drain out or whether it was to put in a completely different basin or whatever the case may be, that we'd work with him. I know my neighbor works with him a lot, but we'd work with him in any capacity.

COMMISSIONER SELBKA: Because I thought I heard, and maybe I misheard it, you're planning to add a pipe into the existing pond as opposed to doing your own catch basin?

MR. CARTER: No, we will pay for this because I think that would be the cheapest. Otherwise, I guess what was told to us, I have a friend who's in the sewer business, what was told to us because our line on the neighbor side on 11 is so close, to not to destroy any of their property; if we had to, the other option he said if we could, and I've already explained to him the whole, what we already have, is to put drainage, or to put a pipe in our driveway that goes all the way out, but he said, you know, we'd bring in a specialist. He was going to offer, just me talking to him in concept of it, to bring a

specialist to look at it and to make what will be the best recommendation.

COMMISSIONER SELBKA: Right. I mean, the only issue I've got is that every solution you're suggesting is moving the water, whereas the Engineering Department is have a basin on your property so as not to make the water somebody else's pond.

MR. CARTER: Right.

COMMISSIONER SELBKA: And that is something I think I would want as a condition here.

CHAIRPERSON SIAVELIS: Meaning complying with the Engineering Department's commentary and request?

COMMISSIONER SELBKA: Yes.

CHAIRPERSON SIAVELIS: Yes.

COMMISSIONER SELBKA: Yes, I think that's the only thing that would be my only issue with this.

CHAIRPERSON SIAVELIS: Are you -- I'm sorry, Joe, go ahead.

COMMISSIONER GEISEL: In addition to the actual pool, are there any other surface areas that you're constructing as part of the project?

MR. CARTER: No, we actually, there's a little bit of patio, but it's actually not on this picture, he's probably pulling the picture.

CHAIRPERSON SIAVELIS: It's in the Google Earth picture.

MR. CARTER: Okay, yes. So, there's a little bit of like a stone patio and the original design of the floor, there was about maybe a foot into that patio that would be taken out to put the perimeter around the pool, but outside that, no, there wouldn't be anything additional that we'd be adding.

COMMISSIONER GEISEL: Okay.

MR. CARTER: If anything, you know, I mean, there's an arborvitae that's out there, but that would be it. I have more trees outside the fence.

COMMISSIONER GEISEL: No, I was just trying to see if some additional areas could be swapped out to pervious rather than impervious, but if all you're constructing is the pool itself --

MR. CARTER: Correct.

COMMISSIONER GEISEL: -- you don't have that option; you've answered my question. So, thank you.

MR. CARTER: Correct.

CHAIRPERSON SIAVELIS: So, if we take up your variance to vote on it, there may be a precondition attached that you comply with the Engineering Department's request. Are you copasetic with that?

MR. CARTER: Yes, yes.

CHAIRPERSON SIAVELIS: Okay, second question I have for you. How wide is your lot? If you would, Derek? That's a busy drawing right there. Is that where you -- there it was, there it was, Derek, go back up.

MR. CARTER: Right there.

CHAIRPERSON SIAVELIS: Oh, no, it's --

COMMISSIONER LANAGHAN: 51 feet, almost 52 feet.

CHAIRPERSON SIAVELIS: Yes, okay. Yes, it's relatively narrow. In the event your variance isn't granted, what are your, you know, what are your options? What

are you thinking?

MS. BONK: It would be too small.

MR. CARTER: Yes, we'd have to talk to the pool company. Yes, we originally looked at with them the current parameters, it's basically like a 13 by 13 pool which is kind of like a jacuzzi.

CHAIRPERSON SIAVELIS: Plunge pool?

MR. CARTER: Yes.

CHAIRPERSON SIAVELIS: It's a plunge pool.

MR. CARTER: So, we'd more than likely probably not build a pool.

COMMISSIONER LANAGHAN: Just for my clarification because there's a couple of different sets of numbers in here, you're looking for a variance of 514 feet?

MR. CARTER: Correct.

COMMISSIONER LANAGHAN: Not the 473?

MR. CARTER: Correct, correct. I would take the Village's number over our engineer's numbers.

COMMISSIONER LANAGHAN: There's a couple of different sets. I'm just trying to make sure I understand which one we're talking about here.

MR. CARTER: And I'll be honest, we looked at, there's a little piece that you can see right here at the corner, there's kind of like a little piece of concrete that comes out. It's probably like about 70-80 square feet. The challenge is we have a pretty big car garage. If we took that out, there would really be no way to get that third car, I mean, this is not now, but in the future when our kids are old enough to drive, there would be no way you can take the car out.

COMMISSIONER LANAGHAN: You're not going to let them drive. Come on.

MR. CARTER: No one is driving a fourth car anyway.

CHAIRPERSON SIAVELIS: That's actually one of the other questions we typically ask. How many folks live in this house?

MR. CARTER: It's four.

MS. BONK: Four.

MR. CARTER: We have two boys.

CHAIRPERSON SIAVELIS: Two kids, okay. I think we're probably at the phase where we go to the, see if there's, you know, anybody in the audience, anybody from the public who wants to comment. I'm seeing --

COMMISSIONER JAFFE: Anybody else out there, Derek?

CHAIRPERSON SIAVELIS: Yes, was there anybody there, Derek? Okay, Joe, can you just take a quick look out there? Let Derek stay over here, okay, so we can just expedite this.

COMMISSIONER SELBKA: Yes.

(Slight pause.)

COMMISSIONER SELBKA: Nobody.

CHAIRPERSON SIAVELIS: Okay, so you don't really need to respond to non-comments from the audience, right, and your neighbors. So, our next phase is deliberation by the Board members. Is there anything else that you want to say or put in the record before we deliberate?

MR. CARTER: No, just thank you for your time tonight.

CHAIRPERSON SIAVELIS: Okay, thank you. Appreciate it.

MR. CARTER: Do you need us to leave?

CHAIRPERSON SIAVELIS: No, no, you could just chill.

COMMISSIONER JAFFE: Because you can hear the whole thing here.

CHAIRPERSON SIAVELIS: There is a chance that we may ask a follow-up question.

MR. CARTER: Sure.

CHAIRPERSON SIAVELIS: Based upon our deliberations. It doesn't happen often, but sometimes it happens.

MR. CARTER: Okay.

CHAIRPERSON SIAVELIS: So, Ben, do you want to lead deliberations?

COMMISSIONER JAFFE: Sure. Look, I had a lot of concerns to the point where I brought a piece of paper to kind of write down all my questions, but all my questions have been answered and I'm satisfied with the responses. The one thing I was going to point out is what Mr. Selbka pointed out, that I do think if granted, there should be a condition that the Petitioner work closely with the Engineering Department to satisfy some of the points that they had raised, but short of that, I'd be supportive of the project.

CHAIRPERSON SIAVELIS: Okay, and I just want to make sure we note for the record, we have received two written correspondences that were provided to us, both dated January 5th. The first one correspondence was from Mario and Christina Perez, just paraphrasing, they are 100 percent supportive of Petitioner's idea to place a pool on their property. That's correspondence one.

Then correspondence two, again dated January 5th, from Michael and Ellen Para, and by the way the first folks who wrote in reside at 5 East Hawthorne Street. The next letter is written by Michael and Ellen Para who reside at 6 East Hawthorne Street. To paraphrase, they are 100 percent supportive of their idea to place a pool on their property. So, we have neighbor support as well, written neighbor support, testimony support.

Okay, so any other deliberations or comments from Board members?

COMMISSIONER SELBKA: I'm supportive of it as well. I ask the condition to add the recommended Engineering stormwater detention basin is followed but I'm supportive of the variance.

CHAIRPERSON SIAVELIS: So, you'll attach that as a condition to the motion?

COMMISSIONER SELBKA: Yes. Yes, definitely.

CHAIRPERSON SIAVELIS: Okay, I concur with that viewpoint.

COMMISSIONER LANAGHAN: I agree.

COMMISSIONER DRAKE: I'm in favor as well and would agree with all of that. I think when we asked you about options and you said no pool, that was a bit of an ah-ha to me. I was generally in favor coming in here based on everything, and so I'm on board.

CHAIRPERSON SIAVELIS: Yes, and so I am as well, as long as the Petitioner will agree to the condition we talked about with the Engineering Department. I think it also bears mentioning that this is an interesting like arrangement of lots, right? I mean, the two neighbors to the east have really large lots, right, and your pool, and you

have an interesting, very, very unique drainage situation with the big pond there, right? Your pool will be tucked in pretty far behind things and it's not going to be an eyesore. It's just a situation from a land arrangement that doesn't really give me concerns provided you --

COMMISSIONER LANAGHAN: Take care of the detention.

CHAIRPERSON SIAVELIS: Take care of the issues, the detention issues that the Engineering Department identified.

COMMISSIONER SELBKA: I think one of the other things that you look at is based upon that narrow width of lot, all of those homes are basically on 50's with garages in the rear. So, by virtue of a narrow lot having the home and having the driveway, there's probably an additional factor that goes into the amount of impervious just to get the driveways back there. If you put a two-car garage up front, it wouldn't look right. It would look terrible.

COMMISSIONER LANAGHAN: It wouldn't work with the neighborhood.

COMMISSIONER SELBKA: It wouldn't work with the neighborhood. So, they're in part left with this condition based upon trying to build, you know, they've got a home that meets the existing conditions of the neighborhood but then causes the FAR to go up.

CHAIRPERSON SIAVELIS: Right. I mean, frankly, when you look at the overhead view that we're looking at now, it's really favorable for you to have that south side lot, that second pin, right? Because otherwise, you're in a real pickle, right? You won't have a spot anywhere to put a pool like that in and you'd be --

COMMISSIONER LANAGHAN: And you'd be almost 100 percent impervious, right?

CHAIRPERSON SIAVELIS: Yes, right. Right, so it's a good thing you have that southern pin in that second lot there to give you some flexibility. So, you know, that said, do we have a motion? And let's make sure we state the motion clearly.

COMMISSIONER SELBKA: Okay, I would motion to approve the proposed variance on the condition that the Petitioner provide additional stormwater detention following Village requirements for the impervious area over the allowable coverage which the Engineering Department has stated calculates to 228 cubic feet of storage, and the proposed stormwater detention catch rate must be approved by the Engineering Department of the Village.

MR. CARTER: That's fine. That's fine.

CHAIRPERSON SIAVELIS: All right, so that's the motion. All right, is there a second?

COMMISSIONER JAFFE: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations! Your variance and petition is granted.

MR. CARTER: Thank you very much.

CHAIRPERSON SIAVELIS: Sure, no worries.

MR. CARTER: Thank you much.

COMMISSIONER JAFFE: Yes, I live two blocks away so if you have an open party, let me know. I'll bring a case of beer.

CHAIRPERSON SIAVELIS: The problem is --

MR. CARTER: Everyone keeps asking what's the deal with the pool, and I'm like, oh, yes, it's a process.

CHAIRPERSON SIAVELIS: Yes. The problem is Ben is probably going to scale the fence and try and jump in that pond next door, so you may have to warn that neighbor.

MR. CARTER: I'll let the other neighbors know.

MS. BONK: They keep that warm all year long though.

MR. CARTER: Thank you, Derek. Thank you all, have a good night.

CHAIRPERSON SIAVELIS: Thank you.

All right, so do we have a motion to adjourn?

COMMISSIONER GEISEL: So moved.

COMMISSIONER JAFFE: Second.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: All opposed?

(No response.)

CHAIRPERSON SIAVELIS: None. All right.

MR. MACH: I just wanted to, the next ZBA meeting is, the regularly scheduled would be February 14th.

COMMISSIONER JAFFE: That's Valentine's Day.

MR. MACH: The ZBA has been done it on that date in the past as well as other Commissions and the Village Board, but I don't, I just wanted to check if there's any concerns with quorum.

CHAIRMAN SIAVELIS: Okay, meeting adjourned. Have a good evening everyone.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:10 p.m.)



Zoning Board of Appeals 2/15/2022

Item: 814 N Patton Ave - ZBA#21-047

Department: Planning & Community Development

REQUEST

1. A 5.0 foot variation from Chapter 28, Section 5.1-3.3a (Required Minimum Yards – Front Yards) to allow a front porch with a front yard setback of 15.0 feet where 20.0 feet is required, and an additional 1.0 feet for the eave.
2. A 99 square-foot variation from Chapter 28, Section 5.1-3.5b (Maximum Impervious Surface Coverage) to allow the front yard impervious surface coverage of 641 square-feet where a maximum coverage of 542 square feet is allowed by code.

ATTACHMENTS:

Description

Supporting Documents

Type

Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: February 14, 2022
Date Prepared: February 9, 2022
Project Title: Derken Residence
Address: 814 N. Patton Ave.

Background Information

Petition Number: ZBA #21-047
Petitioner: John Derken
Address: 814 N. Patton Ave.
Arlington Heights IL 60004

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

Requested Action/Background Information

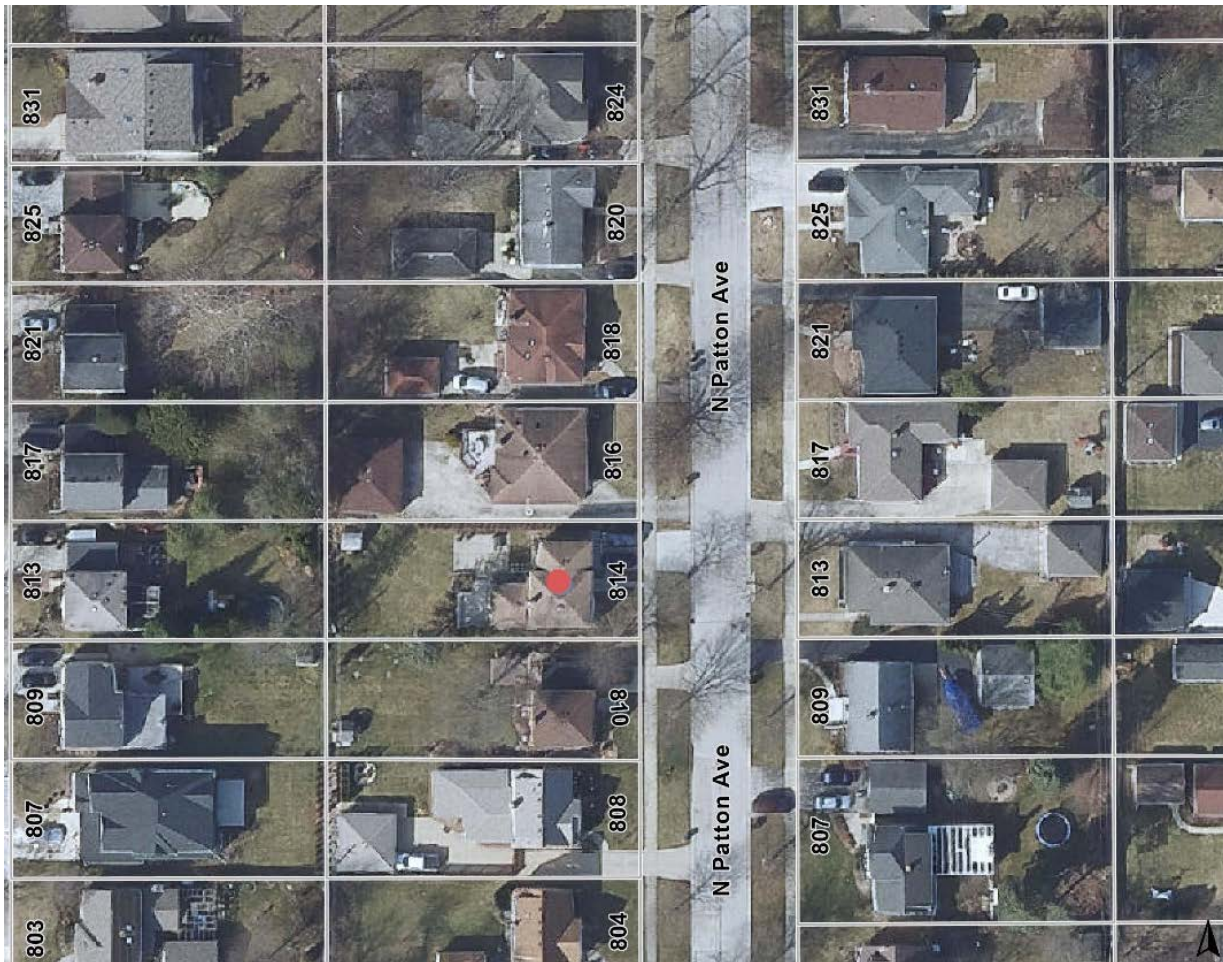
The subject property is zoned R-3, One-Family Dwelling District and the property has a total land area of 6,600 square feet. The petitioner is proposing to add a front porch addition to the existing home. The proposed front porch is 6.8 feet deep by 23.0 feet in width and the proposed front yard setback is 15 feet; however, per code, a front yard setback of 20.0 feet is required. Therefore, the petitioner requests the following variations:

- A 5.0 foot variation from Chapter 28, Section 5.1-3.3a (Required Minimum Yards – Front Yards) to allow a front porch with a front yard setback of 15.0 feet where 20.0 feet is required, and an additional 1.0 feet for the eave.
- A 99 square-foot variation from Chapter 28, Section 5.1-3.5b (Maximum Impervious Surface Coverage) to allow the front yard impervious surface coverage of 641 square-feet where a maximum coverage of 542 square feet is allowed by code.

Variation Review Standards

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

Map of General Vicinity



Items required to be Submitted 15 Days Prior to Public Hearing

Item	Provided	Dated	Remarks
1. Notification Affidavit	✓	1/27/22	
2. List of Property Owners Within 250 feet of Subject Property	✓	1/27/22	
3. Letter that was Mailed	✓	1/27/22	
4. Photographs of Sign on Property	✓	1/27/22	

Photographs of Existing Structure





Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Nusrat Jahan, Building & Life Safety Department

Project Name: Derken Residence

Project Address: 814 N. Patton Avenue

ZBA #: 21-047

Date: January 24, 2022

Derek:

I have reviewed the request for the following variance:

- A 5.0 foot variation from Chapter 28, Section 5.1-3.3a (Required Minimum Yards – Front Yards) to allow a front porch with a front yard setback of 15.0 feet where 20.0 feet is required, and an additional 1.0 feet for the eave.
- A 99 square-foot variation from Chapter 28, Section 5.1-3.5b (Maximum Impervious Surface Coverage) to allow the front yard impervious surface coverage of 641 square-feet where a maximum coverage of 542 square feet is allowed by code.

and have no comments or objections to the request.

ZBA# 21-047
814 N Patton Ave - ZBA
Rev. Eng: Mike Pagones, P.E., Village Engineer
cc: Briget Schwab, P.E.

Application Date: November 29, 2001
Received by Planning:
Transmitted to Engineering: January 20, 2022
Completed: February 3, 2022
ZBA Meeting Date: February 15, 2022

The proposed ZBA application indicates that the petitioner is seeking:

A 5.0 foot variation from Chapter 28, Section 5.1-3.3a (Required Minimum Yards – Front Yards) to allow a front porch with a front yard setback of 15.0 feet where 20.0 feet is required, and an additional 1.0 feet for the eave.

A 99 square-foot variation from Chapter 28, Section 5.1-3.5b (Maximum Impervious Surface Coverage) to allow the front yard impervious surface coverage of 641 square-feet where a maximum coverage of 542 square feet is allowed by code.

The Engineering Division has NO OBJECTION to the variance request for Required Minimum Yards – Front Yards.

The Engineering Division is NOT IN FAVOR to the variance request to allow 641 square feet of impervious surface coverage where 542 square feet is allowed.

If the variance for impervious surface coverage is granted, it is recommended that the petitioner be required to replace some of the existing concrete patio or concrete driveway area with permeable pavers to allow for storm water detention. The total storm water detention should follow Village requirements for the impervious area over the allowable coverage.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Derken Residence

Project Address: 814 N. Patton Avenue

ZBA #: 21-047

ZBA Hearing Date: February 15, 2022

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

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

From: Derek Mach, Landscape Planner

Transmitted On: January 20, 2022

- A 5.0 foot variation from Chapter 28, Section 5.1-3.3a (Required Minimum Yards – Front Yards) to allow a front porch with a front yard setback of 15.0 feet where 20.0 feet is required, and an additional 1.0 feet for the eave.
- A 99 square-foot variation from Chapter 28, Section 5.1-3.5b (Maximum Impervious Surface Coverage) to allow the front yard impervious surface coverage of 641 square-feet where a maximum coverage of 542 square feet is allowed by code.

Attached are the Petitioner's:

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

Comments: The proposed plans will be nice enhancements to the home.

Steve Hautzinger, Design Planner

Please review, comment, and return to me no later than February 4, 2022.

PETITION

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

PETITION

NOW COMES the Petitioner John Derken

being the owner of the property commonly known as: 814 N. Patton 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: Increase the length of the existing front porch.

I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the variation(s) were granted (please explain): The new porch will maintain the essential character of the house and will match the character of the neighborhood.

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain): I, the owner would like to increase the size of the front porch to increase the amount of outdoor living space.

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain): The proposed front porch is in harmony with the spirit and intent of this chapter.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): The requested variance will allow for our family to utilize additional outdoor living space, while retaining the characteristics of the house.

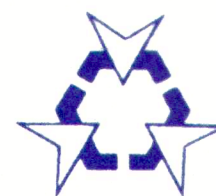
Signed: 
Petitioner

Date: 11-29-2021



PLAT OF SURVEY

of



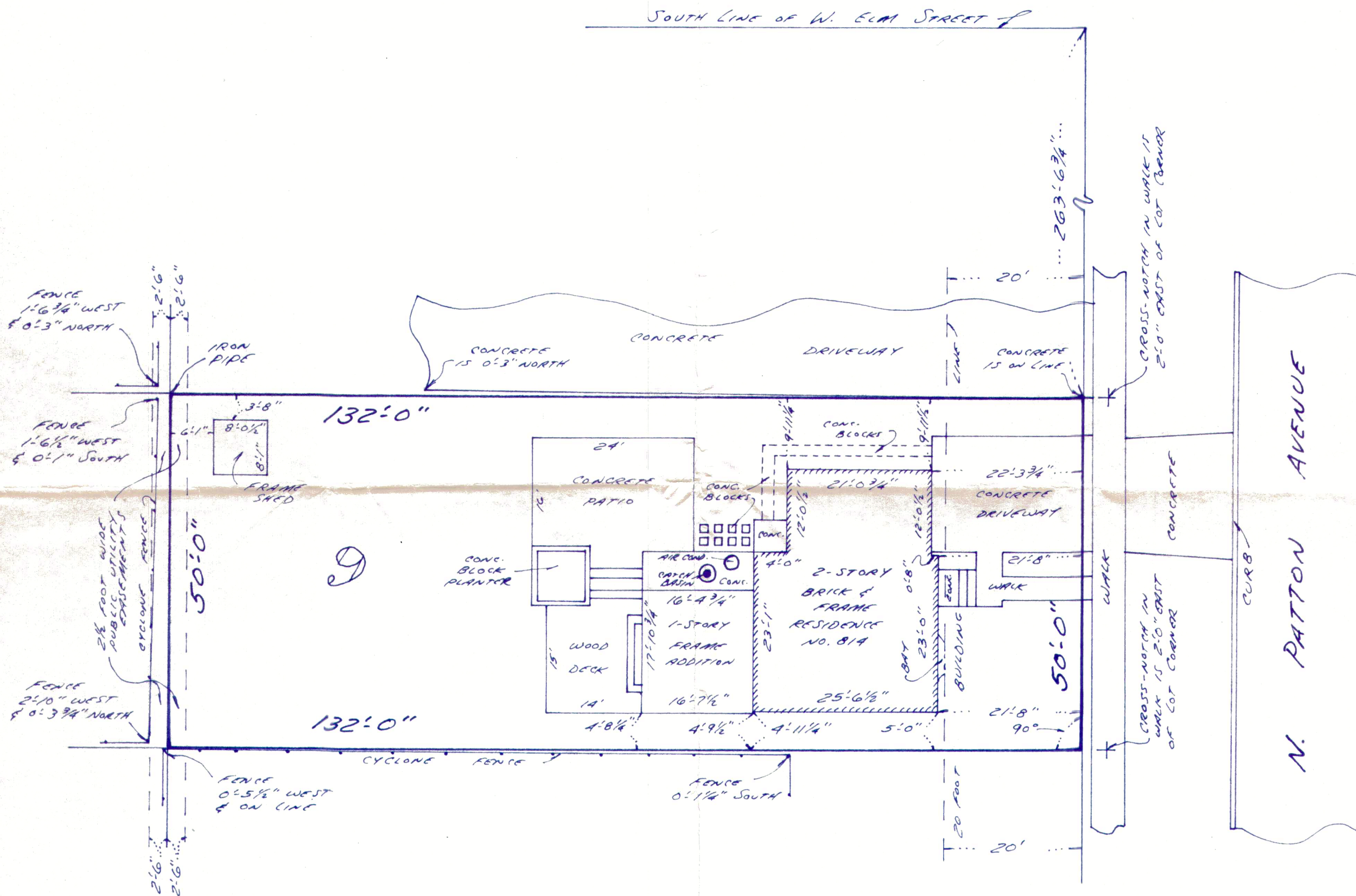
ANTON ADAMS
Illinois Professional Land Surveyor

SCALE: 1 inch = 15 FEET

301 N. Wille Street
Mt. Prospect, IL 60056

(847) 255-3512

Lot 9 in Block 10 in Arlington Park, a Subdivision of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ (except the North 25 feet thereof) of Section 30, Township 42 North, Range 11 East of the Third Principal Meridian, lying Northeasterly of the Northerly line of the Right of Way of the Chicago and Northwestern Railroad Company, in Cook County, Illinois.



ORDER NUMBER: 46160

FIELD BOOK: 42-11-64 PAGE: 39

ORDERED BY: DAVID D. GARR

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

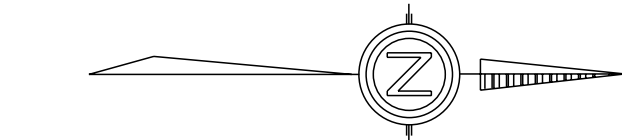
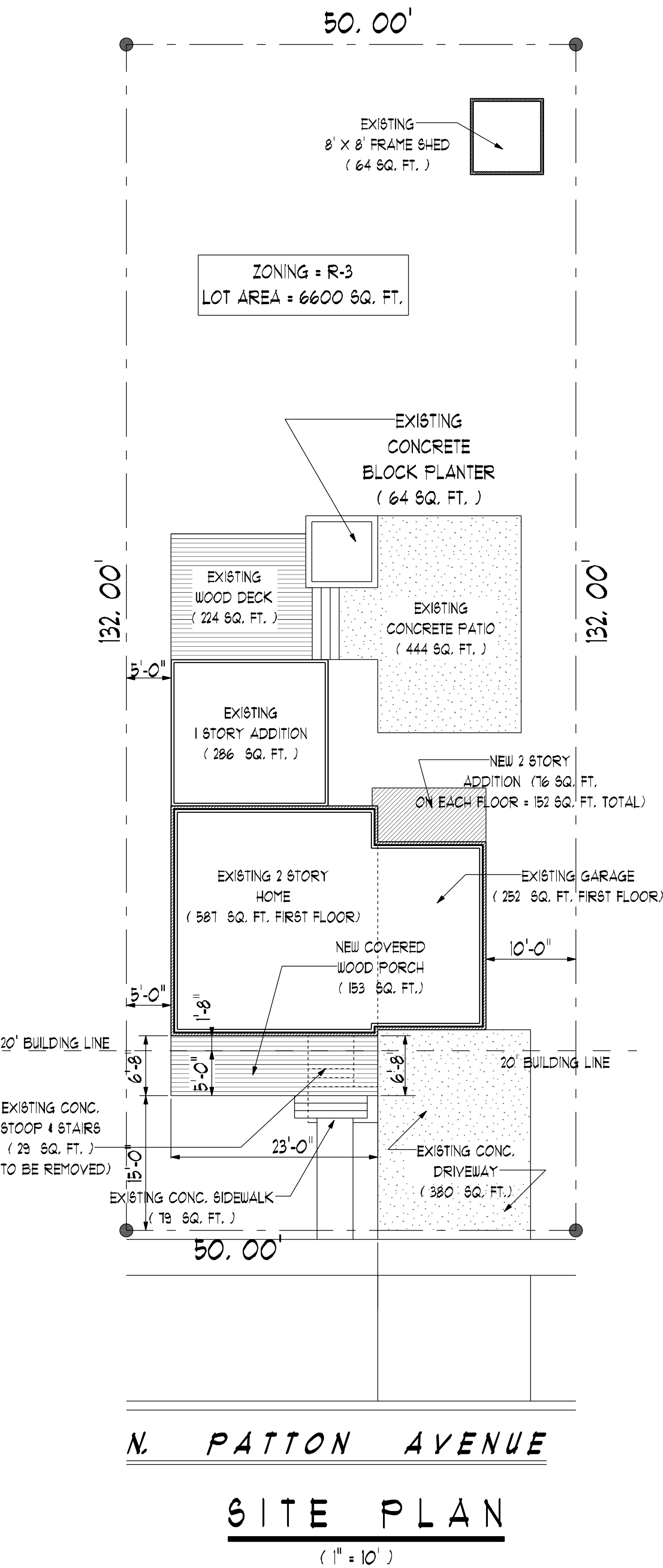
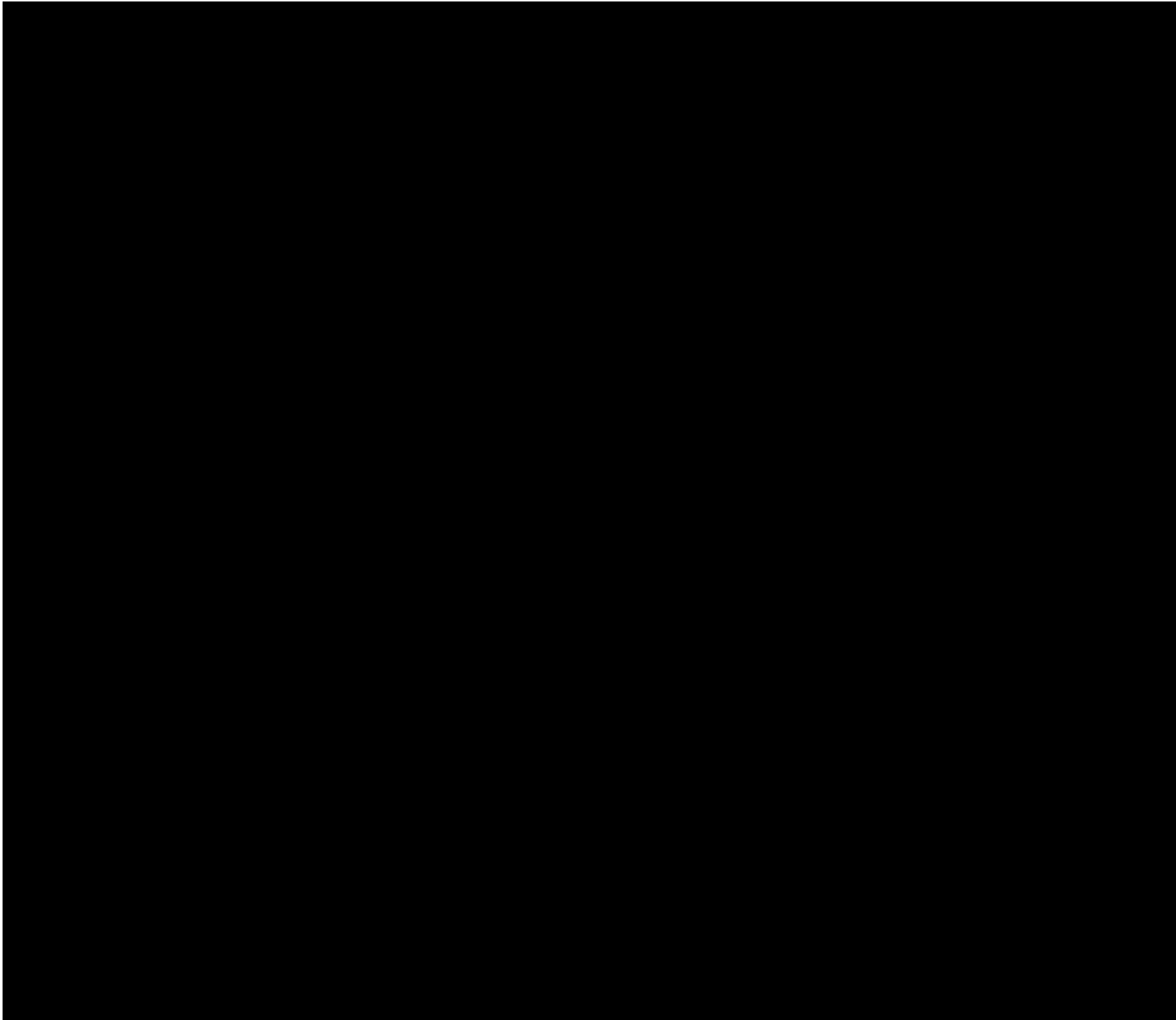


STATE OF ILLINOIS)
COUNTY OF COOK) ss.

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

MOUNT PROSPECT, ILLINOIS, JULY 18 A.D. 2008

Anton Adams
Illinois Professional Land Surveyor
License #35-2810 expires 11/08



MIN. UNIFORMALLY DISTRIBUTED LIVE LOADS	
ATTIC W/ LIMITED STORAGE	20 PSF
ATTIC WITHOUT STORAGE	10 PSF
DECKS	40 PSF
EXTERIOR BALCONIES	60 PSF
FIRE ESCAPES	40 PSF
GUARD RAILS & HAND RAILS	200 PSF
GUARD RAILS INFILL COMPONENTS	50 PSF
PASSENGER VEHICLE GARAGES	50 PSF
ROOM - OTHER THAN SLEEPING RMs	40 PSF
SLEEPING ROOMS	40 PSF
STAIRS	40 PSF

PREScriptive SPECIFICATIONS AND REQUIREMENTS BY COMPONENT PER 2018 INTERNATIONAL ENERGY CONSERVATION CODE FOR ADDITION TO HOME ONLY.									
CLIMATE	FENESTRATION U-FACTOR	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC VALUE	CEILING R VALUE	WOOD FRAME WALL R VALUE	MASS WALL R VALUE	FLOOR R VALUE	BASEMENT WALL R VALUE	SLAB R-VALUE & DEPTH
5	0.30	0.35	NOT REQUIRED	49	20 CAVITY OR 15 CAVITY AND 5 CONTINUOUS	13 / IT	30	15 CONTINUOUS OR 19 CAVITY	10 2 FT. DEEP MIN.

PRELIMINARY ONLY
NOT FOR CONSTRUCTION

I CERTIFY THAT THESE PLANS WERE DESIGNED AND PRODUCED UNDER MY DIRECT SUPERVISION AND, TO THE BEST OF MY KNOWLEDGE CONFORM TO ALL GOVERNING STATE BUILDING CODES AND ALL GOVERNING BUILDING CODES AND ORDINANCES OF THE VILLAGE OF ARLINGTON HEIGHTS, ILLINOIS.

Joseph N. Muran October 22, 2021
JOSEPH N. MURAN DATE
STATE OF ILLINOIS REGISTERED ARCHITECT # 001-01134
EXPIRATION DATE: 11-30-2022

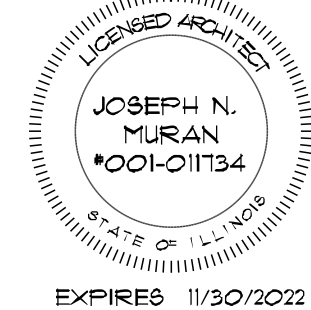
STATE OF ILLINOIS
PROFESSIONAL DESIGN FIRM
ARCHITECT - CORPORATION
#184,005605

GENERAL NOTES FOR PROJECT:

- SCOPE OF WORK:
THE SCOPE OF THIS PROJECT IS LIMITED TO THE EXTENT OF THE BUILDINGS/ PATIO ENVELOPE EXCEPT IT INCLUDES BEARING MATERIALS FOR FOUNDATIONS AND CONCRETE SLABS ON GRADE EXTERIOR BUILDING MOUNTED, LIGHTING MECHANICAL AND ELECTRICAL EQUIPMENT, INCLUDING BEARING PAD. SOME WRITTEN SPECIFICATIONS PROVIDED BY BUILDER/CONTRACTOR MAY TAKE PRECEDENCE.
- RELATED WORK NOT INCLUDED:
WORK NOT INCLUDED IN THESE DOCUMENTS SHALL CONSIST OF ALL WORK OUTSIDE OF THE BUILDING ENVELOPE UNLESS SPECIFICALLY NOTED OTHERWISE. THESE DOCUMENTS ASSUME THE DESIGN OF THE FOLLOWING IS PROVIDED BY OTHERS OR IS DETERMINED BY LOCAL GOVERNMENT ENGINEERING STANDARDS:
WATER AND SEWER SYSTEM FOR ENTIRE STRUCTURE/S.
GAS SERVICE FOR THE ENTIRE STRUCTURE/S.
ELECTRICAL SERVICE FOR THE ENTIRE STRUCTURE/S.
TELEPHONE SERVICE FOR THE ENTIRE STRUCTURE/S.
SITE CLEARING AND GRADING.
SITE DRAINAGE FROM EDGE OF BUILDING/PATIO ENVELOPE AND BEYOND.
LANDSCAPING AND FENCING.
SIDEWALKS AND DRIVEWAYS INCLUDING PROPER BEARING MATERIALS.
- BIDDER'S RESPONSIBILITY:
BIDDER SHALL FURNISH ALL MATERIALS, LABOR, EQUIPMENT AND TOOLS NECESSARY TO PROVIDE A COMPLETE INSTALLATION FOR THE SCOPE OF WORK COVERED IN THEIR BID AND SHALL INCLUDE BECOMING FAMILIAR WITH THE CONDITIONS AT THE JOB AND BY SUBMITTING A BID ACKNOWLEDGES THAT ALL SUCH CONDITIONS HAVE BEEN TAKEN INTO ACCOUNT IN THEIR BID OR LIST SPECIFIC EXCEPTIONS THERE TO. SOME SPECIFICATIONS PROVIDED BY BUILDER/CONTRACTOR MAY BE REQUIRED.
- OWNERSHIP OF DOCUMENTS:
THE ARCHITECT IS THE AUTHOR OF THESE DOCUMENTS AND RETAINS ALL COMMON LAW, STATUTORY, AND OTHER RESERVED RIGHTS INCLUDING THE COPYRIGHT. THE DOCUMENTS ARE FOR USE SOLELY ON THIS PROJECT. USE FOR ANY OTHER PROJECT SHALL BE ONLY BY SPECIFIC WRITTEN CONSENT OF THE ARCHITECT AND ONLY AS ISSUED FOR A SPECIFIC LOCATION TO BE IDENTIFIED ON EACH OF THE REUSE DOCUMENTS.
- ARCHITECT'S DISCLAIMER:
THE ARCHITECT WILL NOT HAVE CONTROL OVER OR CHARGE OF AND WILL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES, OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. THE ARCHITECT WILL NOT BE RESPONSIBLE FOR THE BUILDER/CONTRACTOR'S FAILURE TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
THE ARCHITECT WILL NOT HAVE CONTROL OVER OR CHARGE OF AND WILL NOT BE RESPONSIBLE FOR ACTS OR OMISSIONS OF THE CONTRACTOR, SUBCONTRACTORS, OR THEIR AGENTS OR EMPLOYEES, OR OF ANY OTHER PERSONS PERFORMING PORTIONS OF THE WORK.
- APPLICABLE CONSTRUCTION CODES:
ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE CODES, ORDINANCES, AND LAWS OF LOCAL, STATE, NATIONAL AND OTHER AUTHORITIES HAVING JURISDICTION OVER THE PROJECT. NO CONTRACTOR SHALL PERFORM WORK WHICH HE KNOWS TO BE IN CONFLICT WITH THIS REQUIREMENT. NOTICE OF CONFLICT AND DO NOT PROCEED UNTIL WRITTEN CLARIFICATION IS ISSUED OR BE RESPONSIBLE FOR COST OF CORRECTIVE MEASURES.
- CONFLICTS BETWEEN DOCUMENTS:
DISCREPANCIES OF A DIMENSIONAL NATURE SHALL BE REPORTED TO THE ARCHITECT PRIOR TO COMMENCEMENT OF THE AFFECTED WORK. PROCEED ONLY WHEN WRITTEN/GRAPHIC CLARIFICATION HAS BEEN ISSUED. FAILURE TO REPORT OR TO WAIT CLARIFICATION SHALL BE CAUSE FOR BUILDER/CONTRACTOR OR SUB-CONTRACTOR TO ASSUME RESPONSIBILITY FOR COST OF CORRECTION.
- WORKMANSHIP STANDARDS:
ALL WORK SHALL BE DONE IN A MANNER THAT IS CONSIDERED TO BE GOOD PRACTICE IN ACCORDANCE WITH THE REGIONAL STANDARDS FOR THE SPECIFIC TRADE INVOLVED, BY STANDARDS ESTABLISHED BY INDUSTRY TRADE ORGANIZATIONS AND BE FREE FROM DEFECTS NOT INHERENT IN THE QUALITY OF WORK AS SPECIFIED. THESE PLANS DO NOT INDICATE ALL OF THE WORK REQUIRED FOR FULL COMPLETION OF THIS PROJECT, THEREFORE IT IS THE IMPLIED UNDERSTANDING BY ALL CONTRACTORS THAT THEY ARE TO FURNISH AND INSTALL ALL THE NECESSARY ITEMS FOR THE PROPER COMPLETION OF THE WORK.
- MATERIAL STANDARDS:
MATERIALS SHALL BE NEW UNLESS SPECIFIED HEREINAFTER TO BE OTHERWISE OF THE BEST QUALITY CONSISTENT WITH THE SPECIFICATION AND FREE FROM DEFECTS NOT INHERENT IN THAT QUALITY SPECIFIED.
- LOCATION OF HVAC, PLUMBING, AND ELECTRICAL WORK:
LOCATIONS OF MENTIONED MECHANICALS SHALL BE COORDINATED THROUGH THE CONTRACTOR BY THE TRADES INVOLVED AND APPROVED BY THE CONTRACTOR BEFORE WORK BEGINS. EACH TRADE IS RESPONSIBLE FOR ON-SITE VERIFICATION OF ACTUAL DIMENSIONS AND CLEARANCES. DO NOT SCALE LAYOUT, LENGTHS OR LOCATIONS FROM THE DRAWING.
- INCLUDED AS PART OF THESE DRAWINGS IS THE "GENERAL CONDITIONS FOR CONSTRUCTION - A11A" DOCUMENT & 201 ARTICLES #1 THRU #14 INCLUSIVE.
- CONTRACTOR SHALL REMAIN RESPONSIBLE FOR COMPLIANCE WITH THE PROVISIONS OF THE "OCCUPATIONAL SAFETY AND HEALTH ACT" THE LATEST EDITION.
- THE CONTRACTOR SHALL, DURING THE COURSE OF CONSTRUCTION, MAINTAIN THE STRUCTURAL INTEGRITY OF ALL BUILDING COMPONENTS INCLUDING, BUT NOT LIMITED TO: FLOORS, ROOFS, WALLS, FOUNDATION WALLS AND FOOTINGS, AND JUNCTIONS AND HEADERS.
- THE CONTRACTOR SHALL BE SOLELY IN CHARGE OF, AND RESPONSIBLE FOR, THE CONTROL OF THE WORK INCLUDING ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES AND PROCEDURES USED IN PERFORMING THE WORK DESCRIBED ON THESE PLANS. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE TO INITIATE, MAINTAIN, AND SUPERVISE ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THIS WORK. THE CONTRACTOR ALSO AGREES THAT THE ARCHITECT SHALL HAVE NO RESPONSIBILITY FOR, OR AUTHORITY TO CONTROL THE ACTIVITIES DESCRIBED IN THIS PARAGRAPH.

THE VILLAGE OF ARLINGTON HEIGHTS, IL
HAS ADOPTED THE FOLLOWING CODES
(WITH ALL AMENDMENTS) AND ALL CONTRACTORS
WHO WORK ON THIS PROJECT WILL COMPLY WITH ALL.

VILLAGE OF ARLINGTON HEIGHTS MUNICIPAL CODE
INTERNATIONAL RESIDENTIAL CODES / 2018
NATIONAL ELECTRIC CODE / 2017
INTERNATIONAL MECHANICAL CODE / 2018
INTERNATIONAL SWIMMING POOL AND SPA CODE / 2018
INTERNATIONAL PROPERTY MAINTENANCE CODE / 2018
ILLINOIS STATE PLUMBING CODE (CURRENT)
ILLINOIS ENERGY CONSERVATION CODE

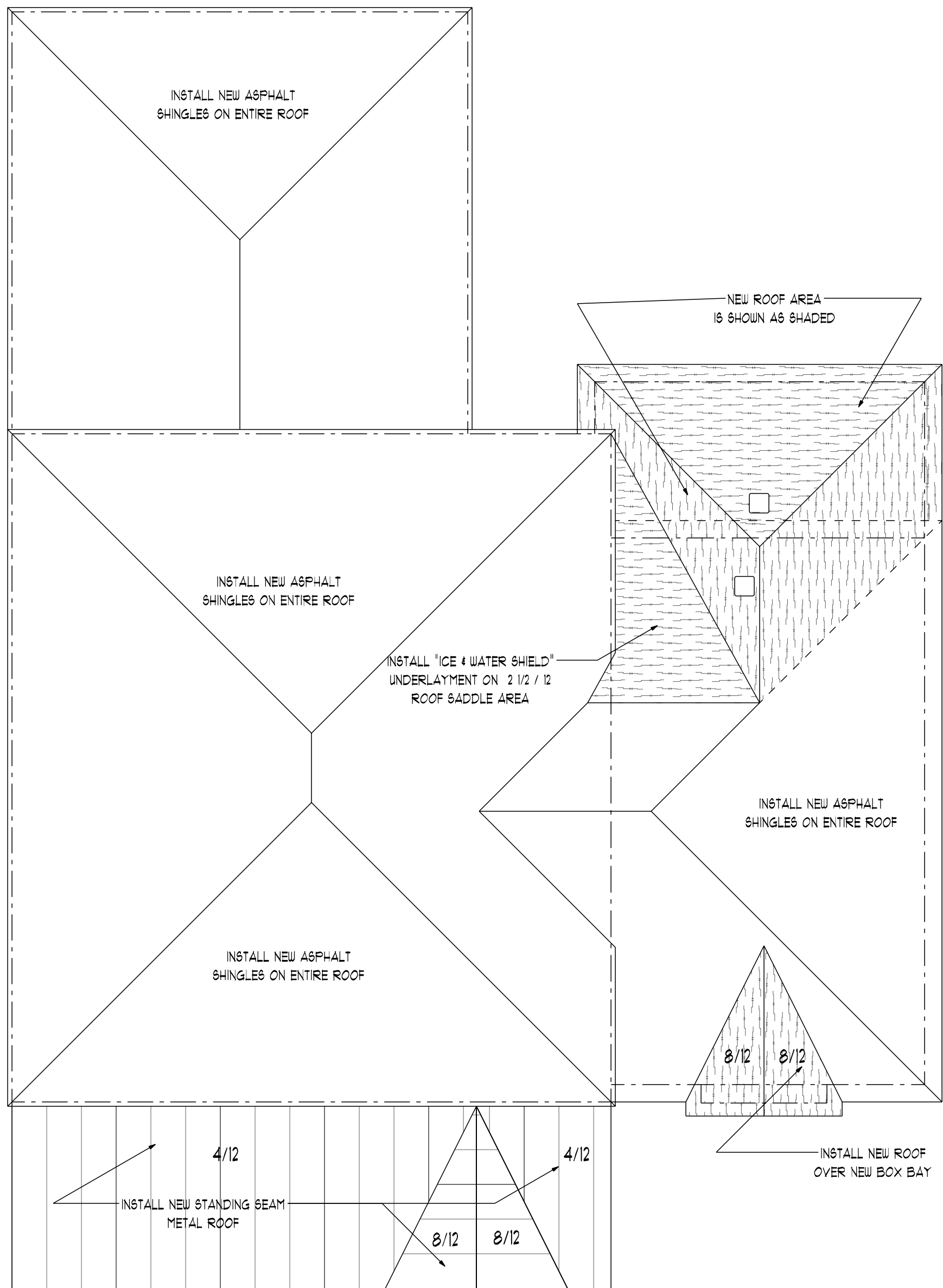


MURAN
ARCHITECTS
INC.
21720 W. LONG GROVE ROAD, SUITE C-184, DEER PARK, IL 60010
muran-architects@gmail.com
847-955-9090

ADDITION & REMODELING FOR:
JOHN AND AMY DERKEN
814 N. PATTON AVENUE
ARLINGTON HEIGHTS, IL

DATE :
PRELIMINARY PLAN 10-01-2021
DRAWN BY :
J N MURAN
REVISIONS :
PRELIMINARY PLAN 10-22-2021

SHEET
1A1



NEW ROOF PLAN

(1/4" = 1'-0")



NEW FIRST FLOOR PLAN

(1/4" = 1'-0")

I CERTIFY THAT THESE PLANS WERE DESIGNED AND PRODUCED UNDER MY DIRECT SUPERVISION AND, TO THE BEST OF MY

AND ALL GOVERNING BUILDING CODES AND ORDINANCES OF THE VILLAGE OF ARLINGTON HEIGHTS, ILLINOIS.

Joseph N. Muran October 22, 2021

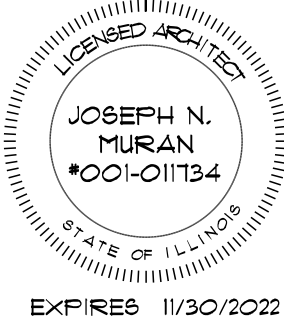
JOSEPH N. MURAN DATE

STATE OF ILLINOIS REGISTERED ARCHITECT # 001-011734
EXPIRATION DATE: 11-30-2022

STATE OF ILLINOIS
PROFESSIONAL DESIGN FIRM
ARCHITECT - CORPORATION
#184,005605

THE VILLAGE OF ARLINGTON HEIGHTS, IL
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VILLAGE OF ARLINGTON HEIGHTS MUNICIPAL CODE
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NFPA NATIONAL ELECTRIC CODE / 2011
INTERNATIONAL MECHANICAL CODE / 2018
INTERNATIONAL SWIMMING POOL AND SPA CODE / 2018
INTERNATIONAL PROPERTY MAINTENANCE CODE / 2018
ILLINOIS STATE PLUMBING CODE (CURRENT)
ILLINOIS ENERGY CONSERVATION CODE



THE ARCHITECT HAS NOT IN ANY WAY BEEN HIRED IN A SUPERVISORY CAPACITY FOR THE CONSTRUCTION OF THIS PROJECT. THEREFORE, THE USE OF THESE DRAWINGS BY THE OWNER OR ANY CONTRACTOR, SUB-CONTRACTOR, BUILDER, TRADESMAN OR WORKMAN SHALL CONSTITUTE A 'HOLD HARMLESS AGREEMENT' BETWEEN THE DRAWING USER AND THE ARCHITECT. THE USER SHALL IN FACT AGREE TO HOLD THE ARCHITECT HARMLESS FOR ANY RESPONSIBILITY IN REGARDS TO THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES AND FOR ANY SAFETY PRECAUTIONS OR PROGRAMS IN CONNECTION WITH THE WORK. FURTHER, THE ARCHITECT SHALL BE HELD HARMLESS AGAINST ANY LIABILITY OF ANY KIND WHATSOEVER, OR FOR ANY RESPONSIBILITY IN REGARD TO ANY COSTS OR PROBLEMS ARISING FROM THE NEGLIGENCE OF THE CONTRACTOR, SUB-CONTRACTOR, BUILDER, TRADESMAN OR WORKMAN. THE USE OF THESE DRAWINGS ALSO IMPLIES THAT THE ARCHITECT SHALL ASSUME NO RESPONSIBILITY FOR THE PLAN USERS FAILURE TO CARRY OUT THE WORK IN ACCORDANCE WITH THE DRAWINGS OR CONTRACT DOCUMENTS.

ADDITION & REMODELING FOR:

JOHN AND AMY DERKEN
814 N. PATTON AVENUE
ARLINGTON HEIGHTS, IL

DATE :
PRELIMINARY PLAN
10-01-2021

DRAWN BY :
J N MURAN

REVISIONS :
PRELIMINARY PLAN
10-23-2021

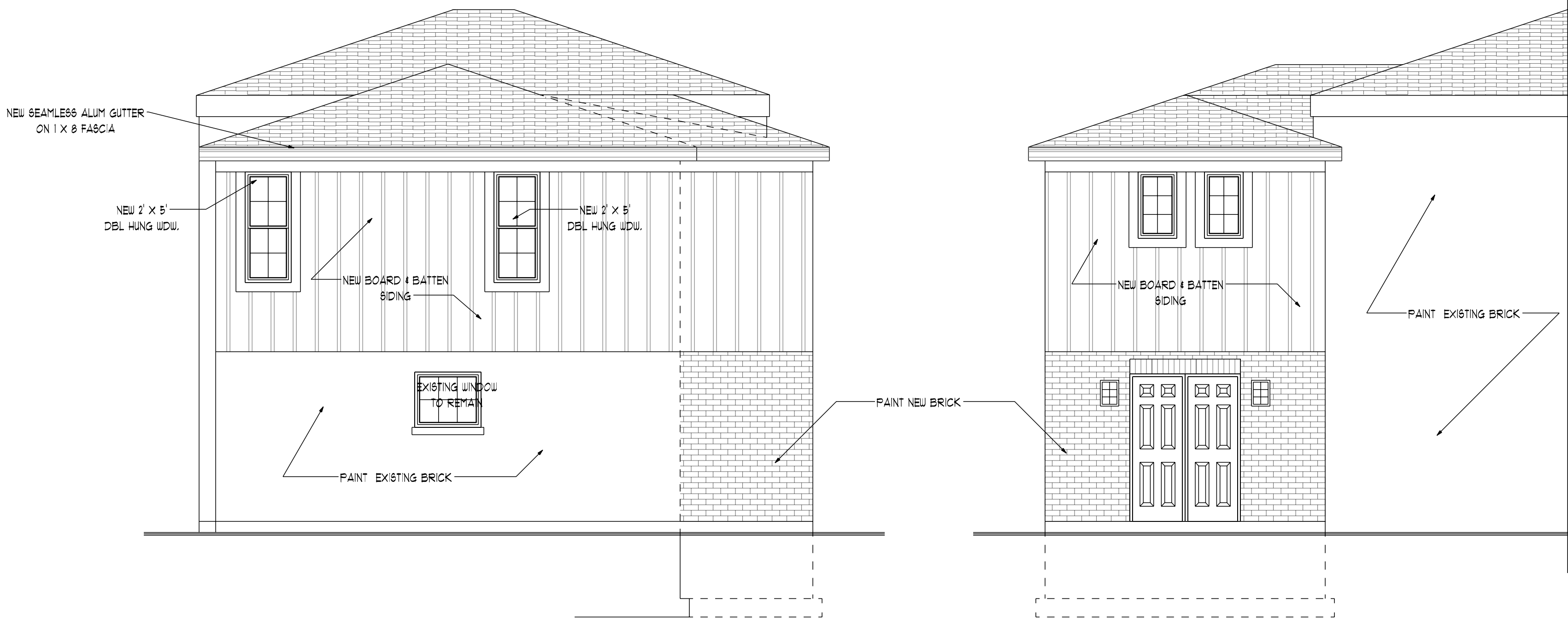
SHEET

A2

MURAN
ARCHITECTS
INC.

21720 W. LONG GROVE ROAD, SUITE C-184, DEER PARK, IL 60010
www.muran-architects.com
847-955-9090

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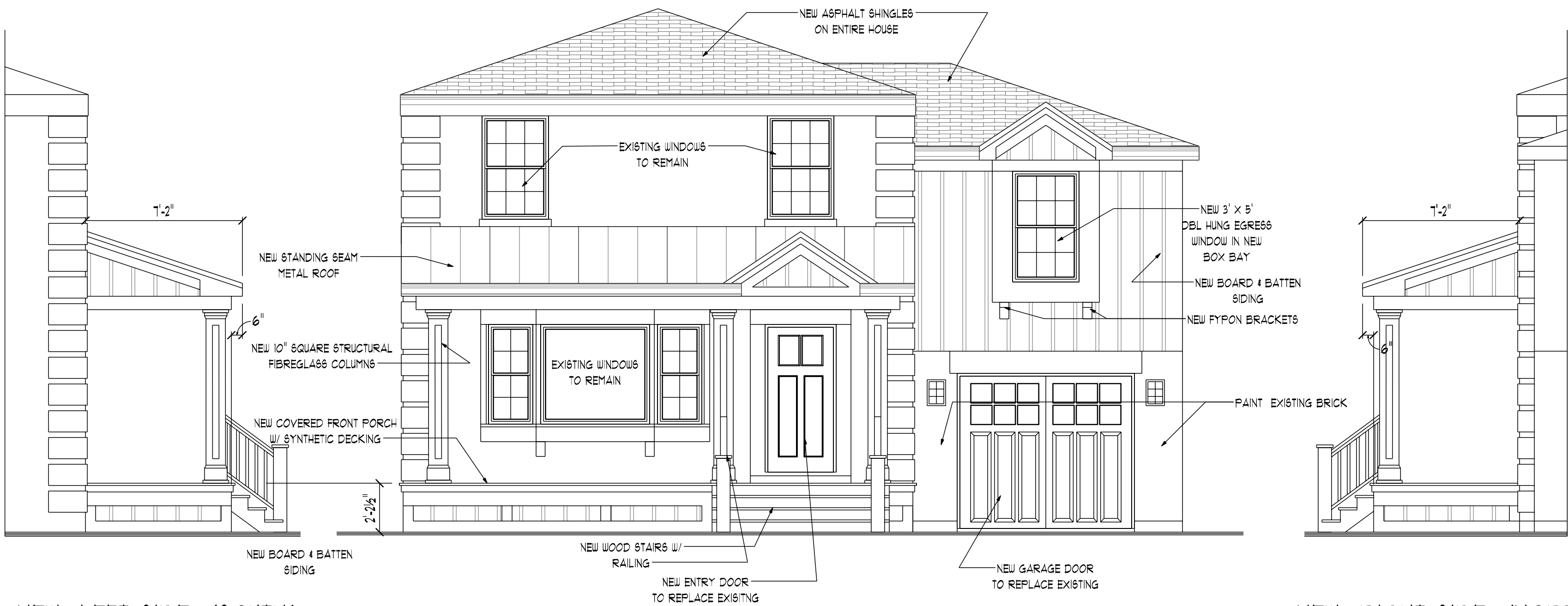


NEW RIGHT SIDE (NORTH) ELEVATION

(1/4" = 1'-0")

NEW PARTIAL BACK (WEST) ELEVATION

(1/4" = 1'-0")



**NEW LEFT SIDE (SOUTH)
PORCH ELEVATION**

(1/4" = 1'-0")

NEW FRONT (EAST) ELEVATION

(1/4" = 1'-0")

**NEW RIGHT SIDE (NORTH)
PORCH ELEVATION**

(1/4" = 1'-0")



EXISTING FRONT (EAST) ELEVATION

(1/4" = 1'-0")

I CERTIFY THAT THESE PLANS WERE DESIGNED AND PRODUCED UNDER MY DIRECT SUPERVISION AND, TO THE BEST OF MY KNOWLEDGE, THEY COMPLY WITH ALL CITY, STATE AND FEDERAL REQUIREMENTS, AND ALL CONTRACTORS WHO WORK ON THIS PROJECT WILL COMPLY WITH ALL.

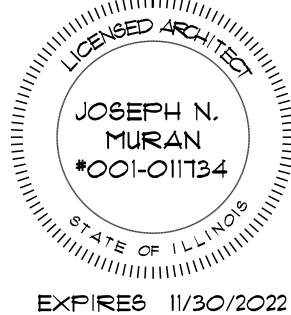
Joseph N. Muran October 22, 2021
JOSEPH N. MURAN DATE

STATE OF ILLINOIS REGISTERED ARCHITECT # 001-011734
EXPIRATION DATE: 11-30-2022

STATE OF ILLINOIS
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INTERNATIONAL PROPERTY MAINTENANCE CODE / 2018
ILLINOIS STATE PLUMBING CODE (CURRENT)
ILLINOIS ENERGY CONSERVATION CODE



PRELIMINARY ONLY
NOT FOR CONSTRUCTION

ADDITION & REMODELING FOR:

JOHN AND AMY DERKEN
814 N. PATTON AVENUE
ARLINGTON HEIGHTS, IL

DATE :
PRELIMINARY PLAN
10-01-2021

DRAWN BY :
J N MURAN

REVISIONS :
PRELIMINARY PLAN
10-25-2021

SHEET

A3



**Zoning Board of Appeals
2/15/2022**

Item: 32 S Mitchell Ave - ZBA#21-048

Department: Planning & Community Development

REQUEST

A 160 square foot variance from Chapter 28, Section 6.5-7 (Maximum Size of Accessory Structures) to allow a detached garage with a size of 880 square feet where 720 square feet is the maximum allowed.

ATTACHMENTS:

Description	Type
Supporting Documents	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: February 14, 2022
Date Prepared: February 9, 2022
Project Title: Klancnik Residence
Address: 32 S. Mitchell Ave.

Background Information

Petition Number: ZBA #21-048
Petitioner: Christopher Klancnik
Address: 32 S. Mitchell Ave.
Arlington Heights IL 60005

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

Requested Action/Background Information

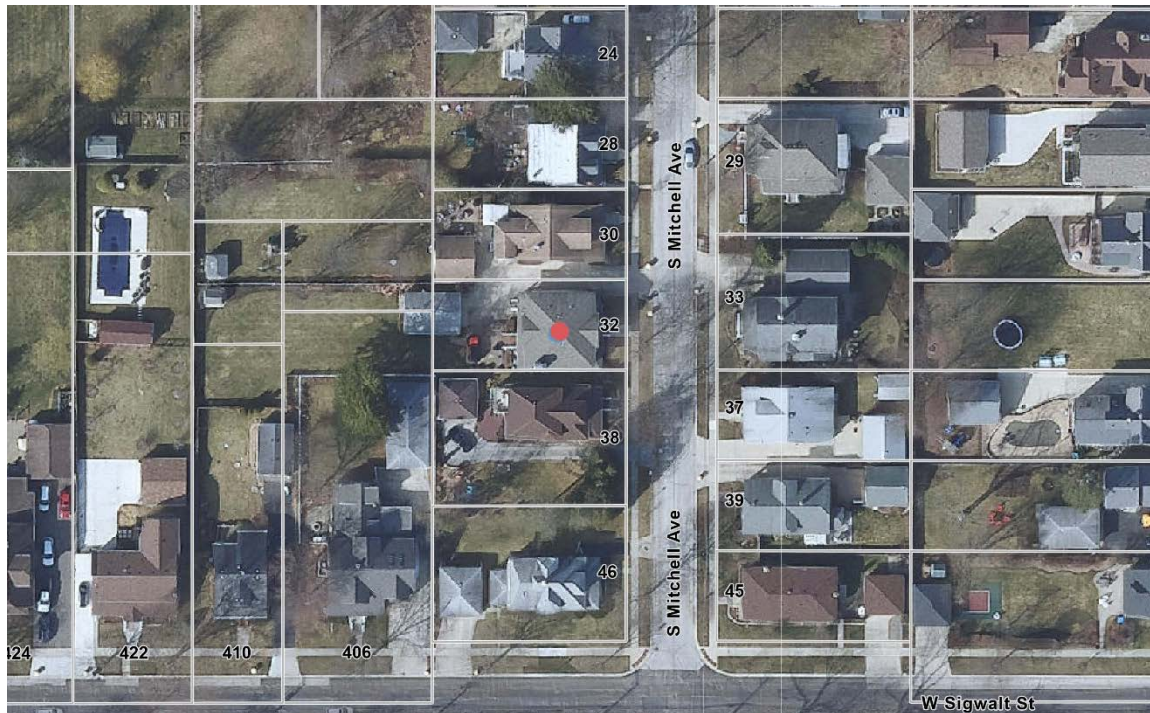
The subject site is zoned R-3, One Family Dwelling District and the property has a total land area of 12,850 square feet. The petitioner is proposing to expand the existing detached garage. The proposed expansion will exceed the allowable square footage for a detached garage. Therefore, the petitioner requests the following variation:

- A 160 square foot variance from Chapter 28, Section 6.5-7 (Maximum Size of Accessory Structures) to allow a detached garage with a size of 880 square feet where 720 square feet is the maximum 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 proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property; and (2) the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned; and (3) the proposed variation is in harmony with the spirit and intent of this Chapter; and (4) the variance requested is the minimum variance necessary to allow reasonable use of the property. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the four conditions enumerated.

Map of General Vicinity



Items required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	1/28/22	
2. List of Property Owners Within 250 feet of Subject Property	✓	1/28/22	
3. Letter that was Mailed	✓	1/28/22	
4. Photographs of Sign on Property	✓	1/28/22	

Photographs of Existing Structure





Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Nusrat Jahan, Building & Life Safety Department

Project Name: Klancnik Residence

Project Address: 32 S. Mitchell Avenue

ZBA #: 21 - 048

Date: January 24, 2022

Derek:

I have reviewed the request for the following variance:

- A 160 square foot variance from Chapter 28, Section 6.5-7 (Maximum Size of Accessory Structures) to allow a detached garage with a size of 880 square feet where 720 square feet is the maximum allowed.

and have the following comments:

1. The distance of the garage addition from the north property line is not shown the drawings. Any walls located within 5 feet from the north lot line shall have a minimum of 1-hour fire-resistance rated construction with exposure from both the inside and outside of the wall.
2. The soffit of the garage located less than 5 feet from the side lot line shall have a minimum of 1-hour fire-resistance rated construction on the underside based on the distance to the lot line of between 2 feet to 5 feet.
3. The soffit or any projection are required to have minimum 2 feet from the property line.
4. The windows on the north wall of the garage located less than 3 feet from the side lot line are not permitted based on the distance to the lot line of less than 3 feet.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Klancnik Residence

Project Address: 32 S. Mitchell Avenue

ZBA #: 21-048

ZBA Hearing Date: February 15, 2022

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

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

From: Derek Mach, Landscape Planner

Transmitted On: January 20, 2022

- A 160 square foot variance from Chapter 28, Section 6.5-7 (Maximum Size of Accessory Structures) to allow a detached garage with a size of 880 square feet where 720 square feet is the maximum allowed.

Attached are the Petitioner's:

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

Comments: No Comments.

Steve Hautzinger, Design Planner

Please review, comment, and return to me no later than February 4, 2022.

ZBA# 21-048
32 S Mitchell Ave - ZBA
Rev. Eng: Mike Pagones, P.E., Village Engineer
cc: Briget Schwab, P.E.

Application Date: December 16, 2021
Received by Planning:
Transmitted to Engineering: January 20, 2022
Completed: February 3, 2022
ZBA Meeting Date: February 15, 2022

The proposed ZBA application indicates that the petitioner is seeking:

A 160 square foot variance from Chapter 28, Section 6.5-7 (Maximum Size of Accessory Structures) to allow a detached garage with a size of 880 square feet where 720 square feet is the maximum allowed.

The Engineering Division has NO COMMENT on the proposed variance request for maximum size of an accessory 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 Christopher Klancnik

being the owner of the property commonly known as: 32 S. Mitchel Ave., Arlington Hts.

and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 6-6.5-7

Chapter 28, of the Arlington Heights Municipal Code, in order to: construct an addition to an existing garage/accessory structure so that the total square feet of such structure after addition will be 880 sq. ft.

I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the variation(s) were granted (please explain): the additional square footage simply adds additional space to an existing garage on the backside of such structure and does not alter its appearance from the front or, for the most part, from the back or side.

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain): The petitioner has owned and lived in the house since 2008 and has put an addition on the house.

Because of the width of the lot and location of the house the driveway is only one car width requiring moving several cars. The neighbors driveway immediately adjoins it further limiting car movement.

There are several small children in the neighborhood and constant backing up cars presents a danger. There are several occupants with cars and to avoid street parking and moving cars in and out, petitioner wants to expand the garage to accommodate more cars

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain): The request simply expands an existing detached garage which will look the same as the existing garage structure only longer in length.
The back yard is more than adequate in size to accommodate the addition without using too much area or altering the look and harmony of the neighborhood.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): The request allows garage parking for 2 more cars in the back of the house in a detached garage.

Given the limitations due to driveway location, lot width and house location this is minimum variance necessary to accommodate resident parking.

Signed: 

Petitioner

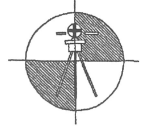
Date: 12/16/21

800 E. NORTHWEST HIGHWAY
SUITE 121
PALATINE, IL 60074
PHONE (847) 253-6566

PLAT OF SURVEY

-BY-

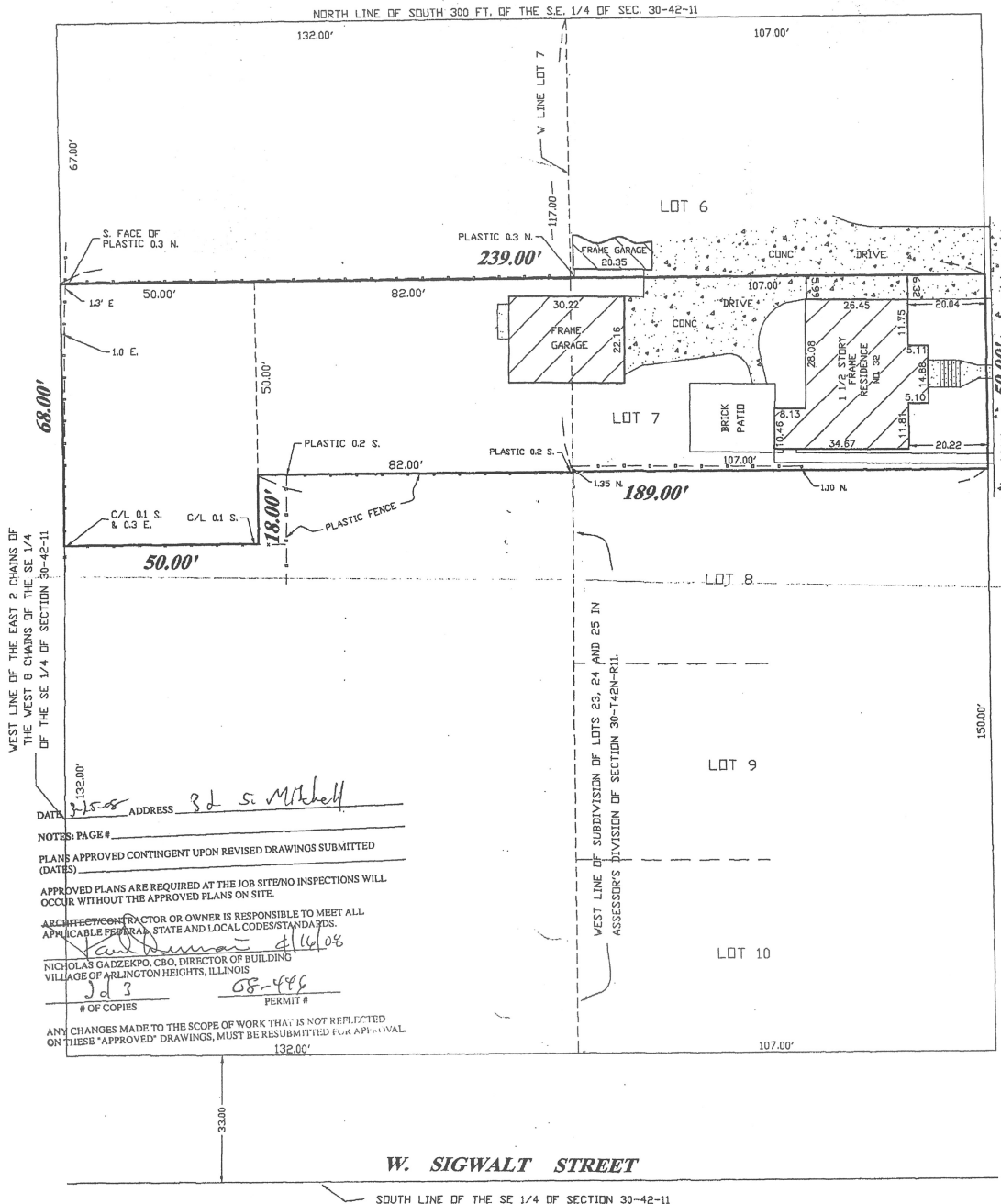
JAMES M. ELLMAN LTD.



LOT 7 IN BLOCK 2 IN THE SUBDIVISION OF LOTS 23, 24 AND 25 IN ASSESSOR'S DIVISION OF SECTION 30, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN.

ALSO, THE SOUTH 50 FEET OF THE NORTH 117 FEET (EXCEPT THE WEST 50 FEET THEREOF) OF THE SOUTH 300 FEET OF THE EAST 2 CHAINS OF THE WEST 8 CHAINS OF THE WEST 10 ACRES OF THE SOUTH 1/2 OF THE S.E. 1/4 OF SECTION 30, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING FOR SAID TRACT THAT PART THEREOF WHICH MAY FALL WITHIN THE SUBDIVISION OF LOTS 23, 24 AND 25, IN ASSESSOR'S SUBDIVISION OF SECTION 30, TOWNSHIP 42 NORTH, RANGE 11, AFORESAID AS PER PLAT RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS, DECEMBER 18, 1911, AS DOCUMENT NUMBER 4885168.

ALSO, THE SOUTH 68 FEET OF THE NORTH 135 FEET OF THE WEST 50 FEET OF THE SOUTH 300 FEET OF THE EAST 2 CHAINS OF THE WEST 8 CHAINS OF THE WEST 10 ACRES OF THE SOUTH 1/2 OF THE S.E. 1/4 OF SECTION 30, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING FROM SAID TRACT THAT PART THEREOF WHICH MAY FALL WITHIN THE SUBDIVISION OF LOTS 23, 24 AND 25, IN ASSESSOR'S SUBDIVISION OF SECTION 30, TOWNSHIP 42 NORTH, RANGE 11, AFORESAID AS PER PLAT RECORDED IN RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS, DECEMBER 18, 1911, AS DOCUMENT NUMBER 4885168.



DATE: 10/25/07 ADDRESS: 32 S. Mitchell
NOTES: PAGE #
PLANS APPROVED CONTINGENT UPON REVISED DRAWINGS SUBMITTED (DATES)
APPROVED PLANS ARE REQUIRED AT THE JOB SITE NO INSPECTIONS WILL OCCUR WITHOUT THE APPROVED PLANS ON SITE.
ARCHITECT/CONTRACTOR OR OWNER IS RESPONSIBLE TO MEET ALL APPLICABLE FEDERAL, STATE AND LOCAL CODES/STANDARDS.
NICHOLAS GADZEKPO, CBO, DIRECTOR OF BUILDING VILLAGE OF ARLINGTON HEIGHTS, ILLINOIS
3 OF COPIES PERMIT # 08-446
ANY CHANGES MADE TO THE SCOPE OF WORK THAT IS NOT REFLECTED ON THESE "APPROVED" DRAWINGS, MUST BE RESUBMITTED FOR APPROVAL

W. SIGWALT STREET

SOUTH LINE OF THE SE 1/4 OF SECTION 30-42-11

Ordered by: CHRIS KLANCIK
Order No: 071040
Base Scale: 1 inch = 20 feet
Date: OCTOBER 25, 2007
Address: 32 S. MITCHELL AVE.
ARLINGTON HEIGHTS, IL

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE. FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR ABSTRACT, DEED, CONTRACT AND ZONING ORDINANCE.

— — — — — METAL FENCE
— — — — — WIRE FENCE
— — — — — WOOD FENCE
— — — — — CHAIN LINK FENCE
— — — — — CONCRETE

NOT VALID UNLESS EMBOSSED

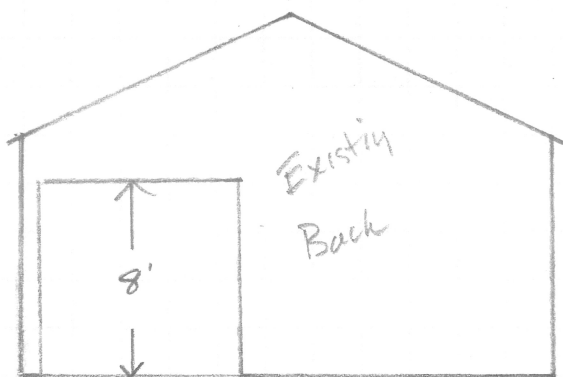
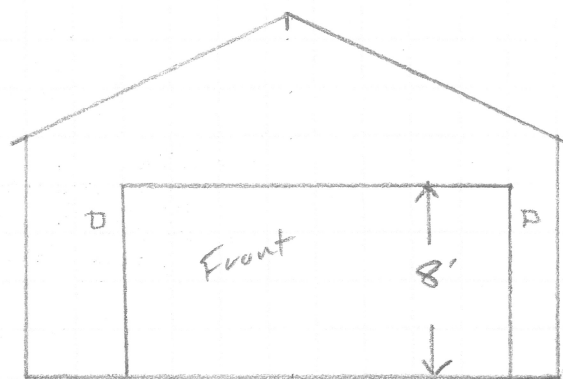
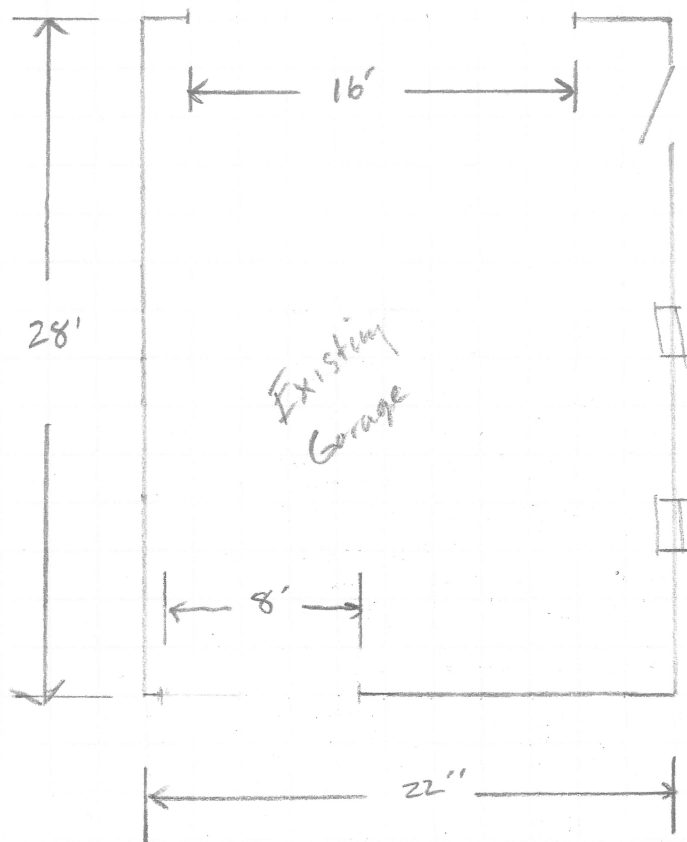
STATE OF ILLINOIS
COUNTY OF COOK) SS

I, JAMES M. ELLMAN LTD. DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED UNDER MY SUPERVISION AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

BY: James M. Ellman
ILLINOIS PROFESSIONAL LAND SURVEYOR
LICENSE NO. 184-002744
(35-002158)
EXPIRES 4/30/2009

XACT

Wire EDM Corporation



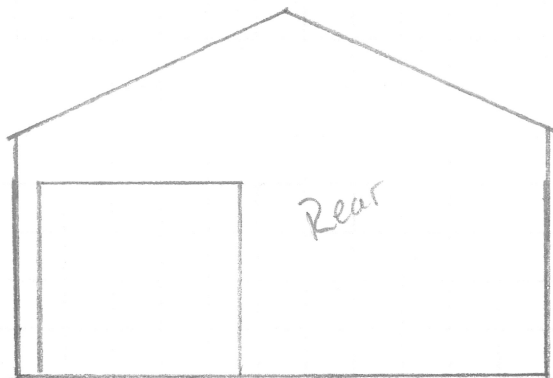
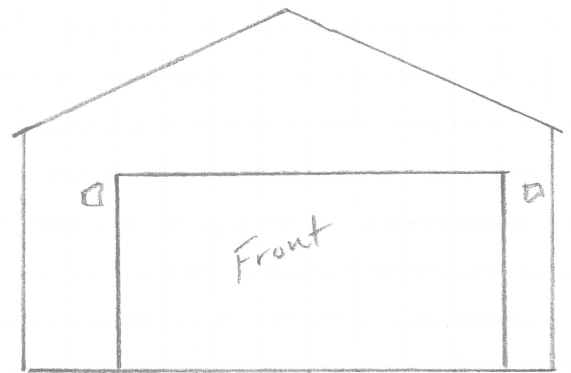
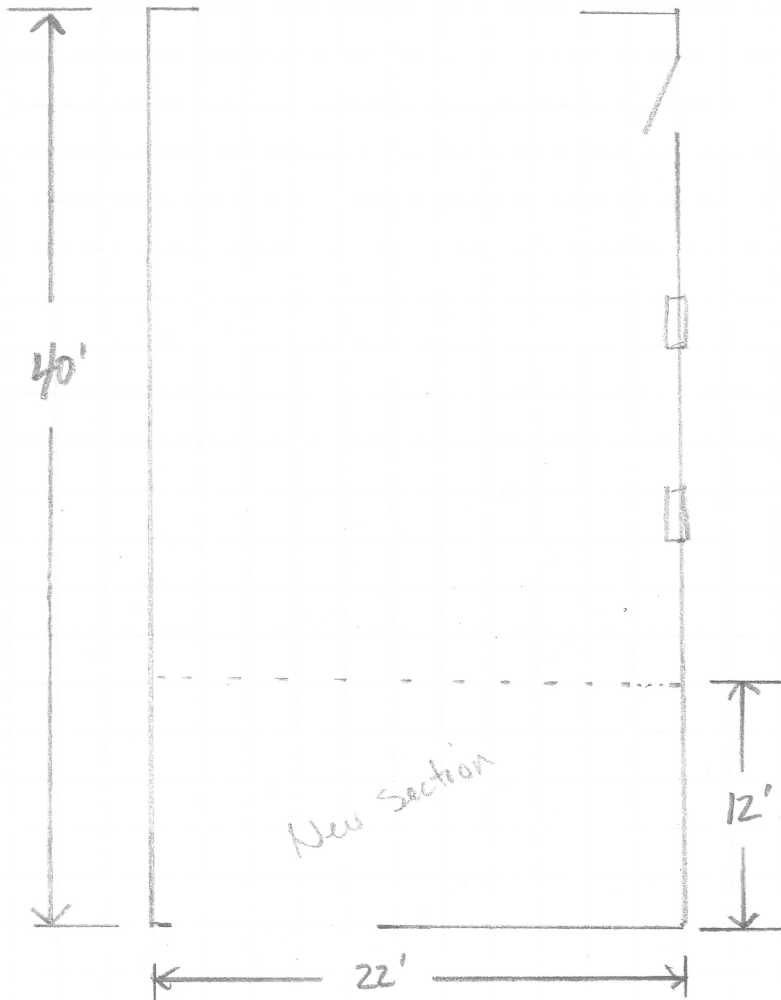
N8 W22399 Johnson Dr.
Waukesha, WI 53186
(262) 549-9005
Fax (262) 549-9115

web site - www.xactedm.com

720 Industrial Dr., Unit 126
Cary, IL 60013
(847) 516-0903
Fax (847) 516-1287

XACT

Wire EDM Corporation



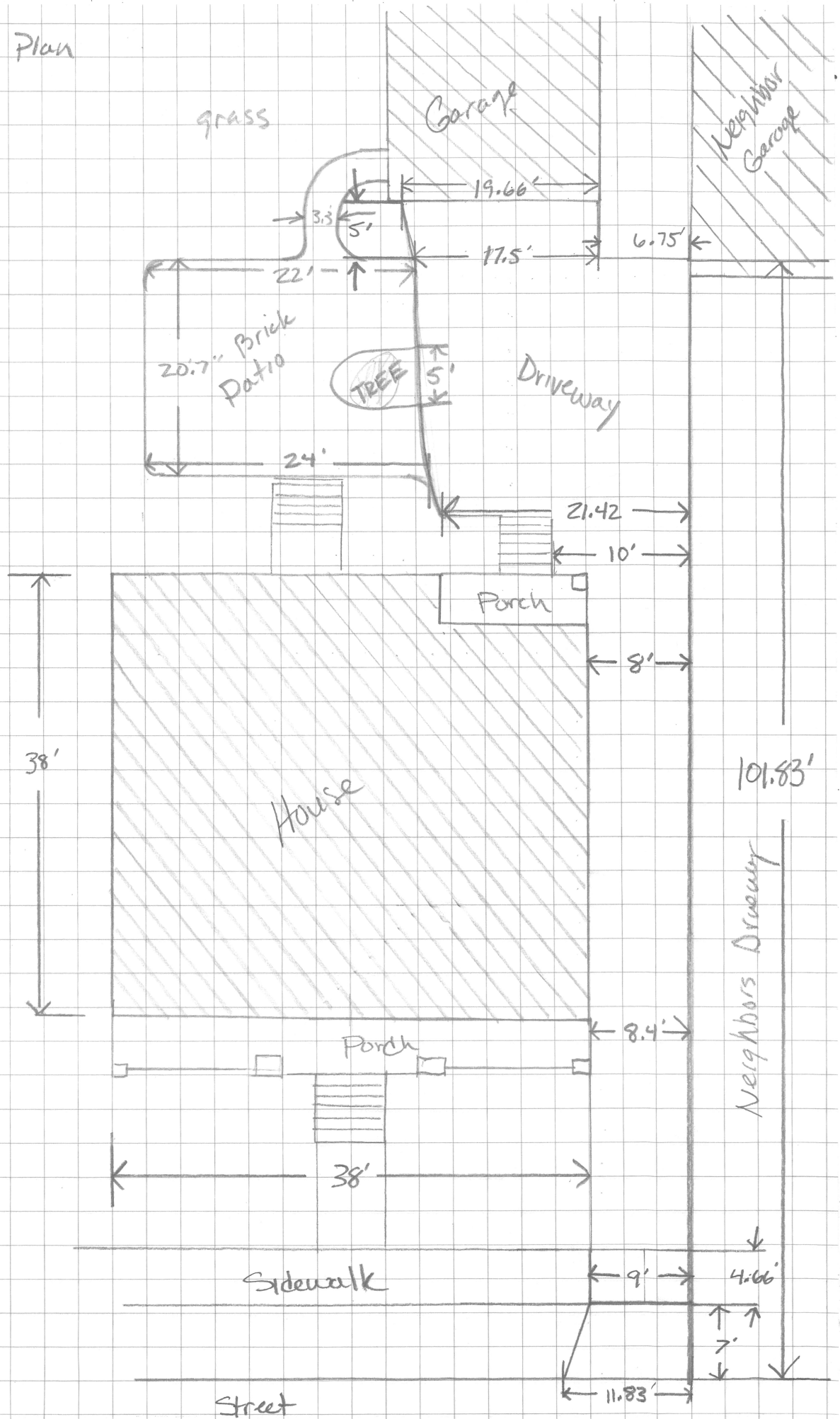
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PEOPLE & TECHNOLOGY PROVIDING PRECISION WIRE EDM MACHINING

Driveway Plan















9/2/2021

Sarah Baird

30 S. Mitchell Ave

Arlington Heights, IL, 60005

To whom it may concern:

We understand that Chris and Leslie Klancnik, living at 32 S. Mitchell Ave, are interested in adding square footage onto their garage. We share a driveway with the Klancniks and see this as a great solution to provide more space for the cars that often are parked. We are in full support of this addition.

Please feel free to contact us with any questions.

Sarah and Dan Baird

[REDACTED]

[REDACTED]



Zoning Board of Appeals 2/15/2022

Item: 1318 N Chicago Ave - ZBA#22-001

Department: Planning & Community Development

REQUEST

A variation from Chapter 28, Section 6.13-3c (Location of Fences-Exterior Side Yards) to allow a 5-foot tall, fence along the exterior side yard (Chicago Avenue) to be setback 1-foot from the property line where a setback of 5 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.

ATTACHMENTS:

Description	Type
Supporting Documents	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: February 15, 2022
Date Prepared: February 8, 2022
Project Title: Crossin Residence
Address: 1318 N. Chicago Avenue

Background Information

Petition Number: ZBA #22-001
Petitioner: Michael Crossin
Address: 1318 N. Chicago Avenue
Arlington Heights IL 60004

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

Requested Action/Background Information

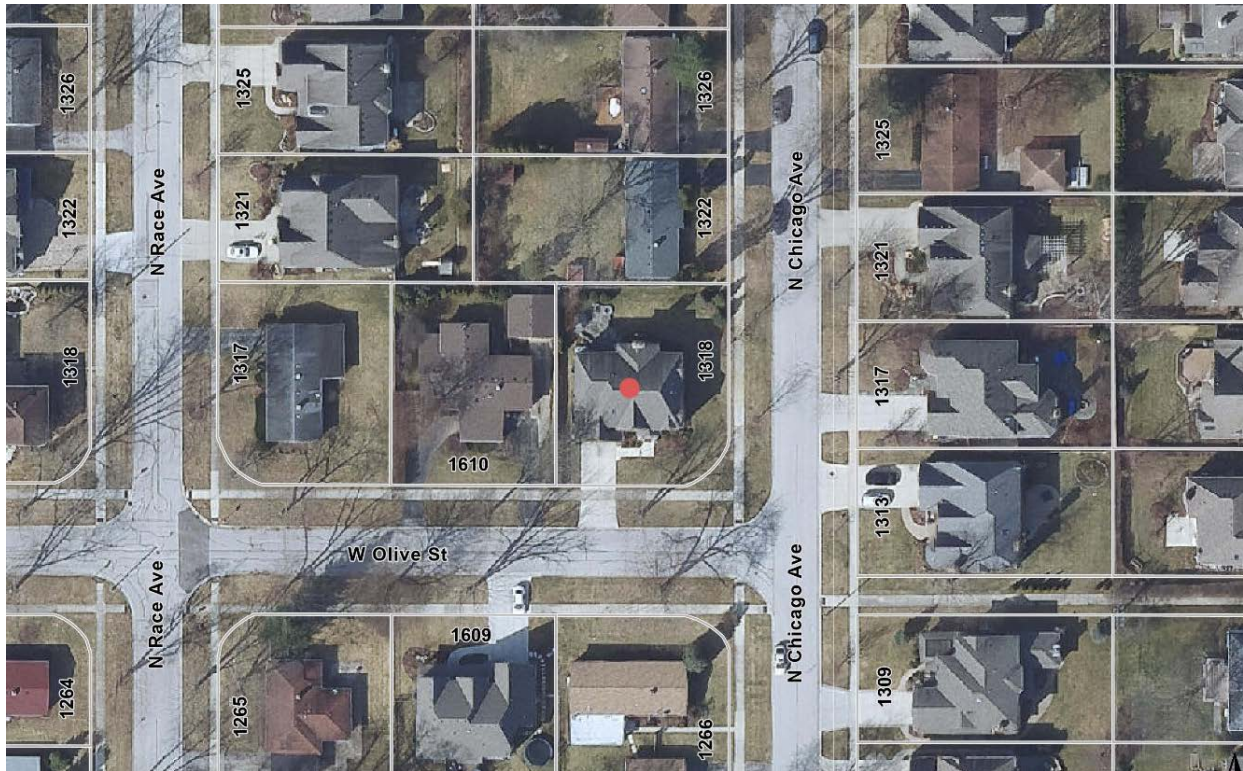
The subject property has frontage along W. Olive Street and N. Chicago Avenue. The petitioner is proposing to install a five-foot tall, fence along the exterior side yard (Chicago Avenue). However, fences in the exterior side yard that are taller than three feet must be setback five feet and landscaping must be provided along the street side of the fence. Therefore, the petitioner requests the following variation:

- A variation from Chapter 28, Section 6.13-3c (Location of Fences-Exterior Side Yards) to allow a 5-foot tall, fence along the exterior side yard (Chicago Avenue) to be setback 1-foot from the property line where a setback of 5 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.

Variation Review Standards

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

Map of General Vicinity



Items required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	1/28/22	
2. List of Property Owners Within 250 feet of Subject Property	✓	1/28/22	
3. Letter that was Mailed	✓	1/28/22	
4. Photographs of Sign on Property	✓	1/28/22	

Photographs of Existing Structure





Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Nusrat Jahan, Building & Life Safety Department

Project Name: Crossin Residence

Project Address: 1318 N Chicago Avenue

ZBA #: 22-001

Date: January 24, 2022

Derek:

I have reviewed the request for the following variance:

- A variation from Chapter 28, Section 6.13-3c (Location of Fences-Exterior Side Yards) to allow a 5-foot tall, fence along the exterior side yard (Chicago Avenue) to be setback 1 foot from the property line where a setback of 5 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.

and have no comments or objections to the request.

ZBA# 22-001
1318 N Chicago Ave - ZBA
Rev. Eng: Mike Pagones, P.E., Village Engineer
cc: Briget Schwab, P.E.

Application Date: January 1, 2022
Received by Planning:
Transmitted to Engineering: January 20, 2022
Completed: February 3, 2022
ZBA Meeting Date: February 15, 2022

The proposed ZBA application indicates that the petitioner is seeking:

A variation from Chapter 28, Section 6.13-3c (Location of Fences- Exterior Side Yards) to allow a 5-foot tall, fence along the exterior side yard (Chicago Avenue) to be setback 1 foot from the property line where a setback of 5 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.

The Engineering Division is has NO OBJECTION to the variance request for the location of fences. The 5-foot fence is shown well out of the vision triangle of the Olive St and Chicago Avenue intersection.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Crossin Residence

Project Address: 1318 N. Chicago

Avenue ZBA #: **22-001**

ZBA Hearing Date: February 15, 2022

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

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

From: Derek Mach, Landscape Planner

Transmitted On: January 20, 2022

- A variation from Chapter 28, Section 6.13-3c (Location of Fences-Exterior Side Yards) to allow a 5-foot tall, fence along the exterior side yard (Chicago Avenue) to be setback 1 foot from the property line where a setback of 5 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.

Attached are the Petitioner's:

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

Comments: No Comments.

Steve Hautzinger, Design Planner

Please review, comment, and return to me no later than February 4, 2022.

PETITION

The following petition form shall be used when submitting a petition for a variation from Chapter 28 of the Arlington Heights Municipal Code. This must be submitted with a fully executed application to the Zoning Board of Appeals. Please refer to Section 12 of Chapter 28 if 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 Michael Crossin

being the owner of the property commonly known as: 1318 N. Chicago Ave, A.H. IL 60004

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

Chapter 28, of the Arlington Heights Municipal Code, in order to: Secure approval for a 5' decorative fence 1' from property line.

I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the variation(s) were granted (please explain): Based on current landscape design with mature trees the fence would be optimal closer to property line.

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain): The current landscape is mature and has been there for 10+ years. We would like to keep it contained within the backyard.

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain): We feel the 5' fence will increase curb appeal while offering safe area for our dog & children.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): The 5' decorative fence will look great while encompassing the mature landscape. The 5' height being necessary for our dog to prevent jumping over it.

Signed:

Michael Crossin

Petitioner

Date:

1/10/22

MARCHESE SURVEYING, INC.

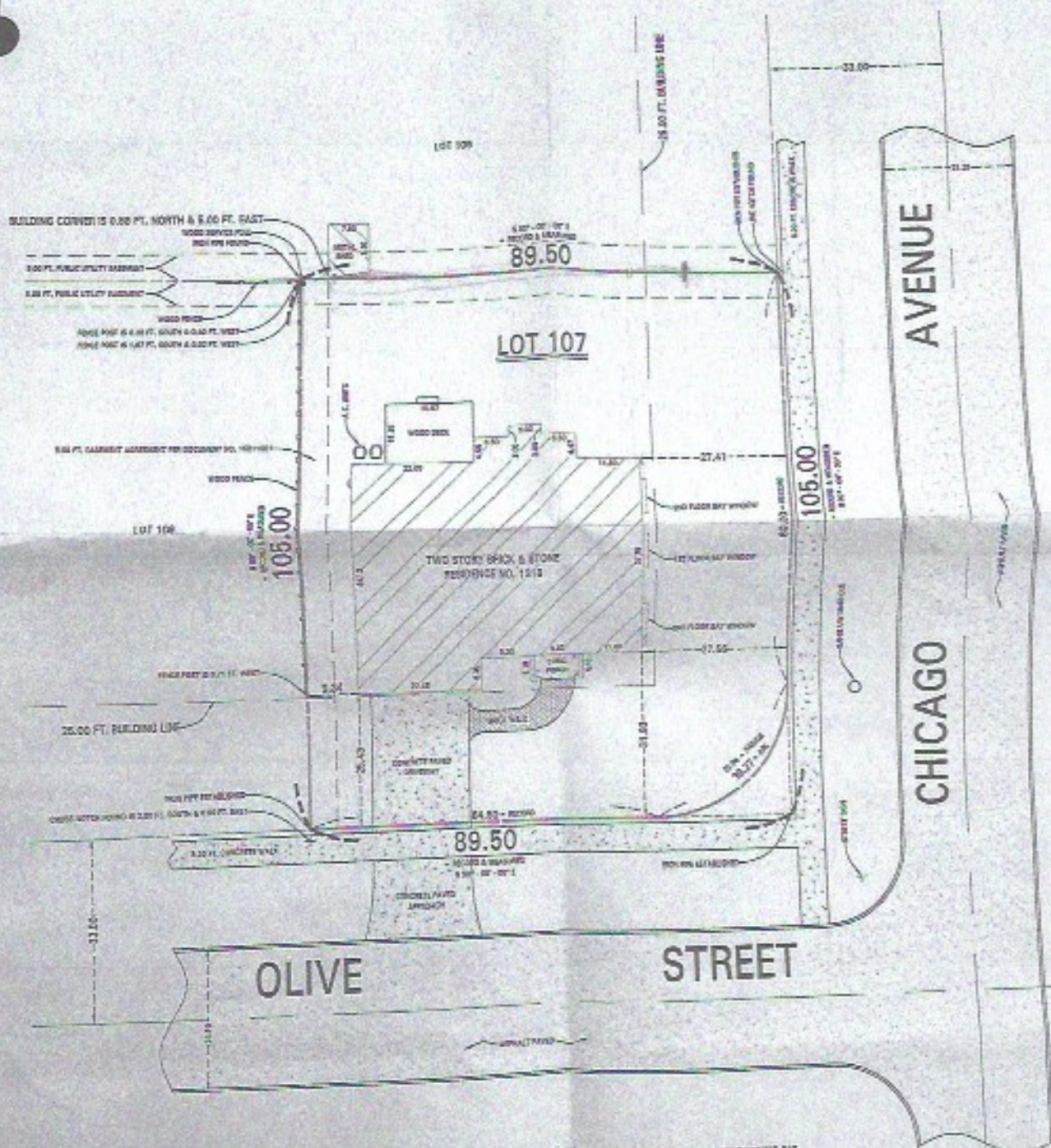
RESIDENTIAL - COMMERCIAL SURVEYS

PROPERTY DESCRIPTION

LOT 107 IN RAYMOND L. LITIGER'S SUBDIVISION OF THE WEST 78 ACRES OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE SOUTH 25.00 FEET THEREOF, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 18, 1993 AS DOCUMENT NUMBER 15747813, AND RE-RECORDED JANUARY 6, 1994 AS DOCUMENT NUMBER 15825649, IN COOK COUNTY, ILLINOIS.

ALSO KNOWN AS: 1318 NORTH CHICAGO AVENUE IN ARLINGTON HEIGHTS, ILLINOIS.

NORTH



A PRELIMINARY TITLE POLICY REPORT WAS NOT FURNISHED TO MARCHESE SURVEYING INC. FOR OUR USE IN PREPARING THIS SURVEY. THEREFORE THERE MAY BE ADDITIONAL EASEMENTS AND OR SERVITUDES AFFECTING THIS PROPERTY WHICH ARE NOT SHOWN ON THIS PLAT OF SURVEY.

SCALE: ONE INCH = FIFTEEN FEET

ORDER NO: 11-19820

ORDERED BY: PICKER & LAKE ATTORNEYS AT LAW

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO YOUR CONTRACT, DEED, TITLE INSURANCE POLICY AND ZONING ORDINANCE.

ANY REPRODUCTION OF THIS PLAT IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT FROM MARCHESE SURVEYING, INC.



STATE OF ILLINOIS

COUNTY OF DUPAGE

I, MARCO J. MARCHESE, HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED AT BARTLETT, APRIL 12, 2011

MARCHESE SURVEYING, INC.

RESIDENTIAL - COMMERCIAL SURVEYS

X = EXISTING PINE TREE

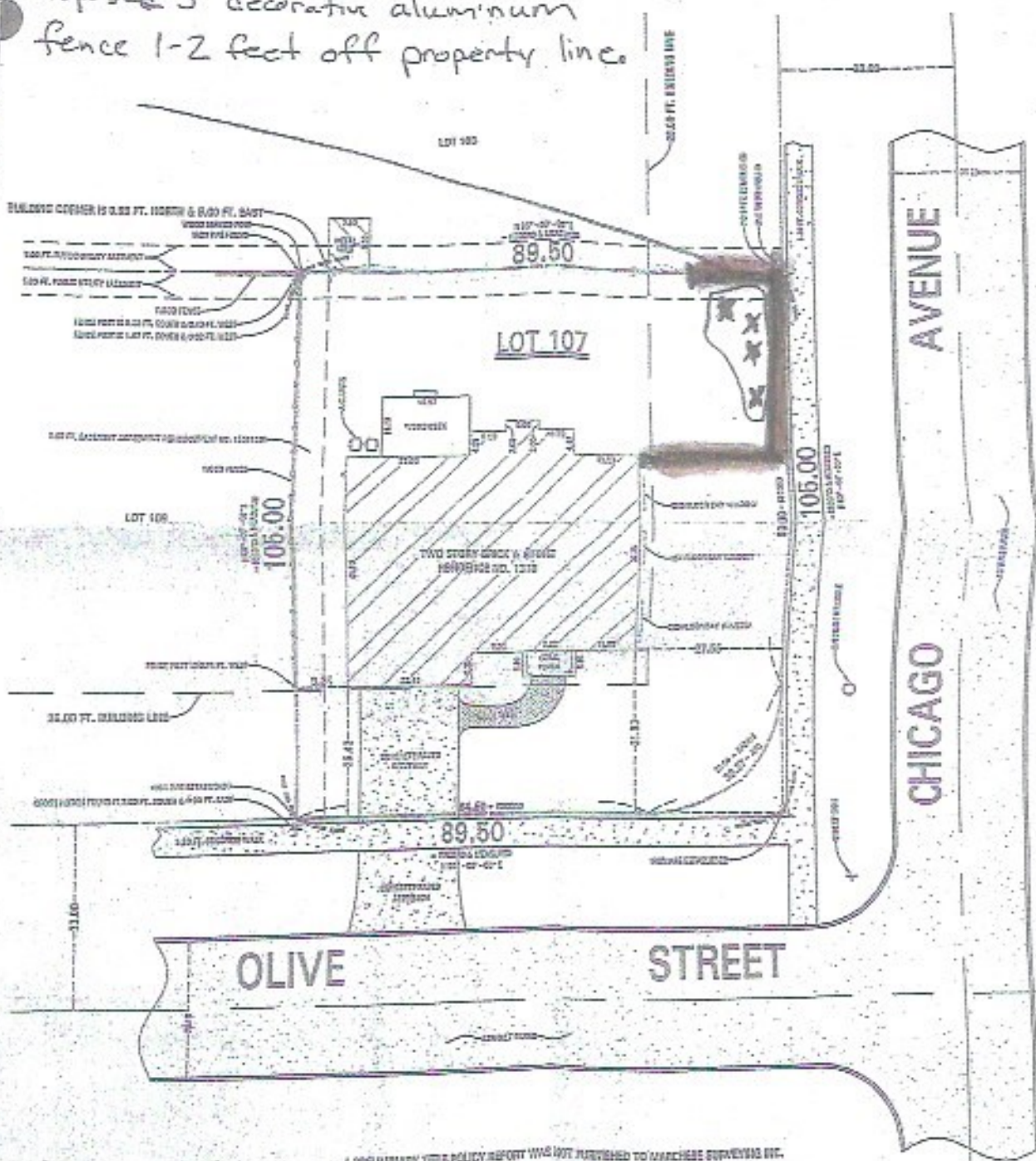
PROPERTY DESCRIPTION

LOT 107 IN RAYMOND L. LUTHER'S SUBDIVISION, OF THE WEST 78 ACRES OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE SOUTH 25.00 FEET THEREOF), ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 15, 1988 AS DOCUMENT NUMBER 15747815, AND AS RECORDED JANUARY 2, 1994 AS DOCUMENT NUMBER 1585948; IN COOK COUNTY, ILLINOIS.

ALSO KNOWN AS: 1318 NORTH CHICAGO AVENUE IN ARLINGTON HEIGHTS, ILLINOIS.

Proposed 5" decorative aluminum fence 1-2 feet off property line.

NORTH



A PRELIMINARY THIS POLICY REPORT WAS NOT FURNISHED TO MARCHESE SURVEYING INC. FOR OUR USE IN PREPARING THIS SURVEY. THEREFORE THERE MAY BE ADDITIONAL ENCUMBRANCES AND OR SURVEYING'S EFFECTS THIS PROPERTY WHICH ARE NOT SHOWN ON THIS PLAT OF SURVEY.



SCALE: ONE INCH = FIFTY FEET

ORDER NO: 15-18300

DRAWN BY: FREDERICK & LANE ATTORNEYS AT LAW

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE FOR BUILDING LINE AND OTHER DISTURBANCES NOT KNOWN BEFORE TO YOUR CONTRACTOR. THIS SURVEYING POLICY AND ZONING ORDINANCE.

ANY REPRODUCTION OF THIS PLAT IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT FROM MARCHESE SURVEYING, INC.

RECEIVED







EFS-10



EFF-25 w/Optional Welded No Brace Gate



