



Agenda
Village of Arlington Heights
Zoning Board of Appeals
Buechner Room, 1st Floor
Arlington Heights Village Hall, 33 S. Arlington Heights Rd.
February 13, 2023
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. 2071 N Ridge Ave - 1/9/23
- B. 1245 N Illinois Ave - 1/9/23
- C. 129 S Vail Ave - 1/9/23
- D. 623 N Beverly Ln - 1/9/23

IV. REPORTS

V. OLD BUSINESS

- A. 623 N Beverly Ln - ZBA#23-004

VI. NEW BUSINESS

- A. 436 S Prindle Ave - ZBA#23-005
- B. 1525 S Belmont Ave - ZBA#23-006

VII. OTHER BUSINESS

- A. Public Comment

VIII. ADJOURNMENT

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact Erin Mercado, at 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005, emercado@vah.com or (847)368-5793.



Zoning Board of Appeals 2/13/2023

Item: 2071 N Ridge Ave - 1/9/23

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
2071 N Ridge Ave - 1/9/23 - Findings	Minutes
2071 N Ridge Ave - 1/9/23 Minutes	Minutes

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS January 9, 2023

PETITIONER: Zirngibl Residence
ADDRESS OF PROPERTY 2071 N. Ridge Ave.
VARIATION: 5.1-2.5 (Maximum Impervious Surface Coverage)

A 319 square foot variation to allow 5,757 square feet of impervious surface coverage where 5,438 square feet is allowed.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner testified that they are in the process of constructing a new home and as part of the project they are proposing an in-ground pool with a surrounding patio. The petitioner explained that the homeowner has worked in construction his whole life and that the pool will help the homeowner rehabilitate an injury rather than traveling elsewhere for therapy. The petitioner testified that the variance is necessary and that it is the minimum needed for swimming laps. The petitioner explained that the surrounding pool deck was kept to a minimum. Neighbors spoke in opposition to the variance request due to flooding and drainage concerns.

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

Thereafter, a motion was made by Mr. Jaffe and seconded by Mr. Portera. Thereafter, the Board voted 7-0 to approve the variance request with a condition that the driveway and pool deck be constructed with permeable pavers.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 7-0 to grant the variance with a condition that the driveway and pool deck be constructed with permeable pavers.

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 APPEALSOF APPEALS

RE: 2071 NORTH RIDGE AVENUE - ZBA #23-001

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 9th day of January, 2023 at the hour of
7:07 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Next item of business, ZBA Petition No. 23-001, 2071 North Ridge Avenue.

Derek, you want to give your overview first and then we'll call them up?

MR. MACH: Sure, thank you.

The Petitioner is proposing to build a new single-story house with an attached two-car garage on an existing vacant lot. The property has a total land area of 10,875 square feet, and the proposed residence will have approximately 2,878 square feet. Due to the proposed swimming pool and pool deck, the total impervious surface coverage exceeds the maximum allowed.

Therefore, they're requesting a 319 square-foot variance from Chapter 28, Section 5.1-2.5 to allow 5,757 square feet of impervious surface coverage where 5,438 square feet is allowed. The Petitioner is proposing permeable pavers for the pool deck area. However, it should be noted that permeable pavers do count towards impervious surface coverage since they do have a capacity as far as how much water they can hold. In addition, the impervious surface ratio keeps the amount of green space and hardscape in balance at 50 percent. Thank you.

CHAIRPERSON SIAVELIS: Great.

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

MS. TAYLOR: I am.

CHAIRPERSON SIAVELIS: Come on up. Have you signed in by the way?

MS. TAYLOR: Yes, I have. Yes.

CHAIRPERSON SIAVELIS: Okay, raise your right hand, we're going to swear you in.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, please identify yourself, full name, for the record.

MS. TAYLOR: Sure. Hi, I'm Bobbi Taylor; I work for Warren Johnson Architects who is the architect for this home.

CHAIRPERSON SIAVELIS: Okay, please proceed.

MS. TAYLOR: Great. The homeowners here would like to build a spring home and a pool, in-ground pool with a surrounding patio for this to be their forever home. Due to the site, it's a little bit lower than the site to the south, it's naturally draining from the south to the north because of the stormwater detention pond that was there and no longer needed. So, we have a natural depression there that we had to overcome in height, and because it is their forever home, they didn't want too many steps which everybody can understand. We didn't want to raise it up too high because if we did, it would be up to six steps which was a little too much.

So, we've depressed it a little bit, the top of foundation, and with that we had to have a retaining wall along the south edge and also towards the east as well. As you can see, it wraps around the corner. It is highest in the corner, the southeast corner there, but it does taper gradually down all the way to, almost to the front there. But it's very minimal at the front, it does go up to about 4.5 feet at the highest point there.

So, with that, you won't see that. That's the thing everybody was concerned about. Oh, we're going to see this retaining wall. You really won't because the top edge of the retaining wall is set lower than the grades on the south parking lot. So,

basically, you just see the cap at the top of the property and then you would see the six-foot fence for the privacy as well as the security of the pool. So, you don't see the retaining wall except for how it tapers towards the front. With that, that can be disguised, being that it's like 1.5-foot tall, it can be disguised with bushes and landscaping.

But anyway, to elaborate further, the pavers that we're talking about are pervious pavers, and we're about a little over 300 square feet in our allowed surface coverage. So, with the pervious pavers, we're thinking that we're almost at a negative because it's all pervious and it's kind of a good balance as Derek had said.

Let's see what else. We don't think that the drainage will be an issue at all. The way it drains right now, it will still flow to the south, I'm sorry, to the north, excuse me. We have an excellent civil engineer who has designed an underground perimeter drain tile to drain from the east to the west to the street. So, that will fit in as it does currently.

Any other items? Unique circumstances. This homeowner, Mr. Zirngibl, has worked in construction his whole life. He had a bad accident, and because of the accident, this pool will help him rehabilitate rather than traveling elsewhere for therapy. That really is the reason why we're doing this. The pool itself is critical really to the family.

Let's see. The minimal variance necessary, we really tried to make the pool the size that is needed for doing laps. The surrounding patio is not that large. So, really, we really didn't exceed I think what would be needed.

Really, I think it fits in harmony with the surrounding area, the home materialized and then look-wise. Height-wise it's great. I think it will be a good fit.

I think I covered it all. I hope so.

CHAIRPERSON SIAVELIS: So, the papers make mention of a sauna as well. So, tell us where that's at.

MS. TAYLOR: Oh, that's that round piece at the top. That's also for the heat therapy for our homeowner.

CHAIRPERSON SIAVELIS: Is that a sauna or a whirlpool like a hot tub?

MR. ZIRNGIBL: It's a hot tub.

MS. TAYLOR: Hot tub.

CHAIRPERSON SIAVELIS: Okay, so let's just clarify something. If you're going to speak, are you the homeowner?

MR. ZIRNGIBL: Yes.

CHAIRPERSON SIAVELIS: Okay, so if you're going to communicate, you need to be on the record and we need to swear you in, too, okay? Which is fine, it's not a problem.

MR. ZIRNGIBL: Well, if you have questions for me also. I'll sign in right now.

CHAIRPERSON SIAVELIS: It probably is a good idea, so go ahead, sign in and let us know when you're done.

MR. ZIRNGIBL: Okay.

CHAIRPERSON SIAVELIS: Can you identify yourself for the record?

MR. ZIRNGIBL: Richard Zirngibl.

CHAIRPERSON SIAVELIS: Okay, Richard, right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, so you were saying that that is not really

a sauna, that's a hot tub in that circular --

MR. ZIRNGIBL: Yes, it's a hot tub.

CHAIRPERSON SIAVELIS: Okay. All right, that's what I thought, but in the papers it said sauna. That's why I was asking for a clarification in case --

MR. ZIRNGIBL: No, I can't afford one. Well, you have a Chernobyl, we haven't gotten that far yet, but what you have, a Chernobyl pool, we're going to have a hot tub and a cold tub or whatever. It's basically that.

CHAIRPERSON SIAVELIS: Okay, were there any other points, Bobbi, that you wanted to make in regards to your --

MS. TAYLOR: I think I touched on the four items, so we're good.

COMMISSIONER JAFFE: So, I just have a few questions specific to the minimum variance. Derek, can we go to page number 15 that's part of the packet please? Where it itemizes the impervious area as far as what they've put before Design.

COMMISSIONER LANAGHAN: It's actually the site plan. It's the site plan, Derek, that has the pool in it. Yes, yes.

COMMISSIONER JAFFE: Thanks, Jeff.

COMMISSIONER LANAGHAN: Yes, that one right there. There you go.

COMMISSIONER JAFFE: Okay, so this petition also went before the Design Commission in September, correct?

MS. TAYLOR: I'm sorry?

COMMISSIONER JAFFE: This petition was also presented before the Design Commission in September?

MS. TAYLOR: Yes, and was approved.

COMMISSIONER JAFFE: So, vacant lot, new design, new construction. Visibility to what is all compliant with Village Code?

MS. TAYLOR: Yes.

COMMISSIONER JAFFE: Can you help me understand, Derek, can you scroll to the left so we can see how it's all broken down? So, when I think about minimum use, I see all the impervious areas denoted here. Can you help me understand why, again a new construction, vacant lot, yet you're still asking for something that's over what the Village Code allows?

MS. TAYLOR: But the house itself being a ranch home, I think that typically a ranch home has more square footage on the ground level than it does a typical two-story. We're fighting that battle by itself. So, the ranch takes up the bulk of the usable lot space by itself, and the pool, it really is, we consider it not too large because we needed something long enough to have a lap type situation. The surrounding patio is just a few feet outside the perimeter. So, that's where it comes from, but it's the house that actually takes up the largest footprint.

CHAIRPERSON SIAVELIS: It's a 75-foot wide lot, correct?

MS. TAYLOR: Correct.

COMMISSIONER JAFFE: And for the patio, as it states on this plan, you plan to use pervious pavers?

MS. TAYLOR: Yes.

COMMISSIONER JAFFE: Have there been communications with the neighbors and what's come out of those communications?

MS. TAYLOR: I know it was brought up at the Appearance Review that

people were concerned about, that the one person was concerned, one homeowner across the way, about the retaining wall and how that would look, and also about how drainage would be affected.

I'd like to just go a little bit further on that. Drainage will naturally still flow the way it does now. We're not stopping it in any way; in fact, we're just collecting it and carrying it up to the front. So, that is not an issue from our point.

The appearance of the retaining wall will have, like I said, the south property is going to be there. The top of the cap of the wall, the retaining wall, will be just a little bit under that, so you don't even see it from the south. Where it comes up to the front of the house, it's very low in height, so that can be disguised by landscaping.

COMMISSIONER JAFFE: Will it be?

MS. TAYLOR: Yes.

MR. ZIRNGIBL: I don't know, can I just say something?

COMMISSIONER JAFFE: Yes.

MR. ZIRNGIBL: I don't know if you guys are too familiar with this area. I lived on the other side of these woods at the end of this block. This used to be the Village retention pond. Through the woods, half a block over, they built a huge, like if you go a little farther to the north, keep going to the north on that, but --

CHAIRPERSON SIAVELIS: You'll run out of space there.

MR. ZIRNGIBL: -- at the end of that block, it dead ends, and then there's like a little set of woods because they're the double long lots of houses, and on the other side of that is a huge retention pond that's probably six of those lots to go the whole block. So, that's where they built the new retention pond.

We bought these lots from the Village, you know, with their assurances --

CHAIRPERSON SIAVELIS: The developer did, right? Is that what you're saying?

MR. ZIRNGIBL: No, I bought it. I bought them from the Village when they put in the new retention pond so we can build these two houses so I could leave my two-story on the other side and come down here to a ranch. My daughter is going to live in the one next door.

COMMISSIONER JAFFE: When did you buy these lots?

MR. ZIRNGIBL: When did we buy them? Three, four, three years ago. '18 or '19. Might have been '18 or '19. What other questions did the Board have?

CHAIRPERSON SIAVELIS: So, I just want to clarify a couple of things real quick, sir. Come back up. Richard, right?

MR. ZIRNGIBL: Yes, sir.

CHAIRPERSON SIAVELIS: Okay, so you are the gentleman who suffered that construction accident?

MR. ZIRNGIBL: Yes.

CHAIRPERSON SIAVELIS: Okay, so in the past, we've had, you know, petitioners with medical issues and that kind of weighs into their petitions, right, for various reasons, for therapy or for limitations, right, and that factors in, right. That's the unique circumstance, right, that's what we consider. So, the papers that were put in here, there's one page where it talks about that you fell 30 feet and you landed on an angle iron. Did you, is that accurate? Did you compile this paperwork?

MR. ZIRNGIBL: Yes. I'm an ironworker.

CHAIRPERSON SIAVELIS: Okay, so you compiled and wrote this page where it talked about your injury and --

MR. ZIRNGIBL: Well, I dictated it to my wife.

CHAIRPERSON SIAVELIS: Okay, all right.

MR. ZIRNGIBL: So, my wrist is shattered. That's why you only see me right here, I can't really bend over.

CHAIRPERSON SIAVELIS: Yes, I saw that, I noticed that. So, this pool and the hot tub, is it essential to your therapy, like your ongoing therapy plans?

MR. ZIRNGIBL: I'll be using it all the time, yes.

CHAIRPERSON SIAVELIS: In January-February as well?

MR. ZIRNGIBL: You never know. Better than going to the ocean and polar plunge it.

CHAIRPERSON SIAVELIS: Be a short session probably then if you do that, but okay. All right, I didn't have any other questions. Other Board members, do you have questions on this?

COMMISSIONER JAFFE: So, now is the point in the process where we're going to allow members of the audience to speak. The Petitioner will have the opportunity to respond to any comments made by the audience members. We ask that you keep your points, keep your comments on point and to the petition at hand.

CHAIRPERSON SIAVELIS: Concise is the operative word. So, is there anybody from the audience who wants to speak in regards to this petition? All right, sir, you raised your hand first. Come on right up.

MR. CHERNEY: Hi, I'm Bill Cherney. I live at 2070 Walnut which this --

COMMISSIONER JAFFE: One second, sir.

CHAIRPERSON SIAVELIS: So, we don't have to swear you in but, Derek, he has to sign in, correct?

MR. MACH: Correct.

MR. CHERNEY: I have signed in.

CHAIRPERSON SIAVELIS: Okay, awesome, you're ahead of the game.

MR. CHERNEY: Yes. So, anyway, I live at 2070 Walnut which is just east of this property. This is basically my backyard there, the back of the my backyard that they're building this house. I've lived there for 32 years, when that was a detention basin before the built the new one.

The neighborhood is pitched, so all the stormwater runs back to the, I guess it would be the corner of the property between 2061, 2060 and 2070 and that detention pond. So, we get a stream of water coming, when we get heavy rain, we have a stream of water that's coming back through the backyards and into that corner.

CHAIRPERSON SIAVELIS: Okay, so the Petitioner's southeast corner, is that what you're saying?

MR. CHERNEY: Yes, I guess that would be the southeast corner.

CHAIRPERSON SIAVELIS: Okay, because north is up here.

MR. CHERNEY: Right. Okay, yes, southeast corner. It runs into there, goes down into the detention pond. Back in the 90's before they built that, that detention pond gets filled with water and even overflow Ridge Avenue when we'd get a heavy rain. The Public Works did some work and built that new pond. Now, the water still continues to

run into the pond but it looks like it goes out a culvert that goes onto Ridge Street about in the middle of the 2070 property there, and I imagine it goes into the storm sewers and goes to the new retention pond. No pulled plans for that.

But my concern is with all of the water running to that corner, where is it going to go? Is it going to go into our yards? Especially since they said they're going to build a wall 4.5 feet high at that corner, what is going to happen with the water? Again, also, paving over most of their property, a good chunk of it, more than the city said they should, you know, where is that water going to go?

CHAIRPERSON SIAVELIS: Okay, so I don't have the answers to your questions in that regard. Derek, I don't know if the Village has considered that issue, if that was part of the review process?

MR. MACH: I mean, Engineering commented on it. You know, whether or not the variation is supported, at time of permit they will have to satisfy the Department of Engineering's requirements for drainage and the permit requirements.

COMMISSIONER JAFFE: So, is your concern with the variance or is your concern with the construction of the house?

MR. CHERNEY: Well, both. I mean, I am concerned with where the water is going when they construct the house and pave over the backyard. So, I guess the variance is paving over more of the backyard. I'm even a little concerned with if they stayed below the limit that they could go.

CHAIRPERSON SIAVELIS: Yes. So, the Engineering Department, the paper in the file says the Engineering Division, excuse me, is not in favor of the proposed variance for impervious surface coverage. If the variance for impervious surface coverage is granted, it is recommended that the Petitioner be required to use permeable pavers that allow for detention, there's a typo here, it should say of a portion of the patio to offset the increase in impervious surface. Okay, so the Engineering Department basically took a position only as to the variance sought, not the construction in general, right, and we are here only to address the variance.

MR. CHERNEY: Okay.

CHAIRPERSON SIAVELIS: Okay, so you have to cabin your comments and your position to the issues that's in front of this Board which is the variance itself.

MR. CHERNEY: Okay, I will, I guess, and as the variance goes, it is, is there enough permeable surface in the backyard to allow all the stormwater to soak in I guess for whatever it does?

COMMISSIONER JAFFE: We appreciate your comments. I just want to make sure they're directed at the right issue. Jeff, did you have something?

COMMISSIONER LANAGHAN: Having been a developer for many years, I can explain a little bit of this process, not that it's the purview of the Board tonight. But the Engineering Department, and by law, the design would require that the drainage continue on as it currently goes, right. So, they can't block that. They have to detain whatever spills beyond the site, and they have to let through whatever releases on site, right.

So, right now there's an inlet on the other side of the street that you said the water drains across and goes out, correct?

MR. CHERNEY: Right, at the bottom of the detention pond.

COMMISSIONER LANAGHAN: It looks, on this one it looks to be approximately in the middle of the lot.

MR. CHERNEY: Approximately, though basically where that car is parked.

COMMISSIONER LANAGHAN: I'm just looking at one of the items that is presented here and the inlet shown, you know, the curb and gutter there.

MR. CHERNEY: And that drops at the bottom of the thing. So, it's down about eight feet below the street level.

COMMISSIONER LANAGHAN: And what I'm trying to tell you is Engineering is going to look at this to make sure that they're not creating a problem that doesn't exist, right. That's their job, is to make sure that the drainage continues on through.

MR. CHERNEY: Okay.

COMMISSIONER LANAGHAN: Right, so that's part of the job that they do and that's part of the law of Illinois that it has to do that.

MR. CHERNEY: Okay, and is there any way of talking to the Engineering Department about that?

COMMISSIONER LANAGHAN: You'd have to talk to Staff.

MR. MACH: Certainly, yes.

MR. CHERNEY: Okay, I mean, that's all. I don't want any of us having, you know, water in our basement and that kind of thing after they build the property.

COMMISSIONER LANAGHAN: Sure.

MR. CHERNEY: Whether it be the new houses or the existing houses. It's a nice house you're building.

MR. ZIRNGIBL: Thank you.

MR. CHERNEY: It looks pretty.

MR. ZIRNGIBL: Can I clarify something, too?

CHAIRPERSON SIAVELIS: You know what, we're going to give you a chance after all the comments from any audience members are provided. At one fell swoop you can get to comment.

Okay, any other comments?

Okay, sir, you in the back. Come on up.

MR. FRIGHETTO: I'm already signed in.

CHAIRPERSON SIAVELIS: Okay, can you identify yourself?

MR. FRIGHETTO: My name is Mark Frighetto. I am the homeowner at 2071 North Ridge, immediately across the street. We're the first house that was built in this area.

COMMISSIONER JAFFE: You said 2071? That's the --

MR. FRIGHETTO: I'm sorry, 2072.

COMMISSIONER JAFFE: All right, got you.

MR. FRIGHETTO: We were the first new construction at the end of this block. We had extended the roadway, put in a bunch of improvements and storm sewers and whatnot on the west side of Ridge as a part of that development. That was about 12 years ago.

CHAIRPERSON SIAVELIS: So, that, can I interrupt? I'm going to interrupt you for a second. On the screen there, Derek placed a cursor up there, up in the upper left corner. That is your home, correct?

MR. FRIGHETTO: Right.

CHAIRPERSON SIAVELIS: Okay, please proceed.

MR. FRIGHETTO: Right. So, immediately just to the --

CHAIRPERSON SIAVELIS: Northwest.

MR. FRIGHETTO: A little bit to the north and immediately across the street. You know, obviously, we've already talked that these two lots are formerly, now dysfunctionalized, detention. But as my neighbors have said, the natural flow of stormwater, rainwater still flows from south to north and it still goes down the -- into the old detention area and then congregates in that southeast corner that we talked about.

I understand that, you know, a fairly large square footage ranch is going to take up a good portion and pave over a good portion of a, specifically a 75-foot lot by whatever it is, 132-140, whatever it is. So, you know, that creates, and then compound that with, you know, a fairly large sized swimming pool with a deck around it, you know, with all consideration to the therapeutic needs, it just looks like the size of the pool and the spa, you know, could be minimalized a bit to get it within the 50 percent or less ratio as required by code and, you know, would help a little bit.

Regarding the permeable paver issue, I'm not an expert on how long it takes to absorb through permeable pavers versus topsoil and natural grass, but I've got to believe permeable pavers is not as good as if it were just green space.

So, you know, I think that our position is that, you know, you should live within the guidelines of the code and that's at 50 percent. Either, you know, it makes more sense to downsize the size of the pool rather than to adjust the house plan/floor plan and take any square footage out of the house. We all, the whole neighborhood shares some concerns about water, and I think Bobbi Taylor addressed that. There's going to be some drains and it's going to bring it out of the backyard and front yard and bring it out to Ridge Avenue which, you know, I led the group, the, you know, joint venture that put all those storm sewers in and it's been working very well. So, you know, I think, you know, we don't know for sure, we haven't had that seven, eight-inch rain that we had in 2018 or whenever that was. When we were building up in 2011, I think we had a seven-inch rain the end of July, if anybody remembers that one. That was huge. Our foundation was in, you know, they had to pump out our foundation, we were just building then. We haven't had one of those.

The concern is we're taking two, you know, 150 square feet of frontage and taking away absorption and green space putting in two homes and we don't know what it's going to do to the storm sewer system. I think to accommodate an overage on the, you know, the impervious and on the, you know, lot coverage requirements would be ill advised.

CHAIRPERSON SIAVELIS: All right, thank you very much. Appreciate it.

Any other comments? Come on up, sir, in the back.

MR. RICHARDS: I have not signed in. Do I sign in here?

CHAIRPERSON SIAVELIS: Yes.

MR. RICHARDS: Okay, so my name is Todd Richards and I am at 2104 North Walnut. It's the house in the top right there with a swimming pool. So, I do have a swimming pool.

A swimming pool in Arlington Heights is usable potentially in May, depending on the year, through potentially October at some point unless they're doing something unique and different or covering it or whatever outside those timeframes. I'm not aware of anyone in Arlington Heights who has an outdoor pool and is using it at those

times with freezing pipes and whatnot.

My concern is the same as everyone else. I've lived in this, I've been a resident of Arlington Heights for 35 years. I have lived in this property for 18 years. It was the great flood of 2011 as I call it where there was probably a six-block area around here that had flooding because the storm sewers could not handle the amount of water that was coming through.

I have talked to Engineering. They had done a study a couple of years later to make sure there wasn't a blockage in the sewer because they redid the storm sewers to go to, it's on Ladd, the Ladd retention pond as opposed to water going here. They wanted to make sure there was no blockage. I understand there is no blockage in the storm sewers, but what I've been told is the storm sewers are designed for the once-every-hundred-year flood or whatever it is. If you build it for more than that, you're going to have to have a lot bigger pipe and a lot more cost to that, and it just couldn't handle the volume of water that came down in 2011.

Well, we all know that we're getting heavier rains, and as the people at the Village told me, what's happening now is we're getting more rain coming down faster than we used to, and that the storm sewers really weren't built for the kinds of rains that we have today but that is the standard and that's what they're built to. So, my concern, like I think most everyone else as I've heard is really the water. That flood cost me \$50,000 in 2011. I don't want to have to deal with water that's not moving properly as a result of it.

So, in an area that has experienced some terrible flooding, even after the Village has done its remediation in putting in the Ladd retention pond, I think we should just be very careful that we're not creating additional problems here. One where the zoning rules are written for a reason, there should be a good reason to give an exemption to that, especially where there are problems with water movement that is occurring.

Building a retention wall is going to block the flow of water. By the way, all these lots and the other side of Walnut and beyond Ridge were all graded and sloped because the house at, is it 2085, two houses north of the property in question?

CHAIRPERSON SIAVELIS: In your direct backyard?

MR. RICHARDS: In my direct backyard, that was also the detention pond that the Village gave back to the developer. Someone built a house in it. They had flooding immediately the first week after they came into their home because of the rains and the way the water is coming and going down into their window wells. This area is just known to have, you know, when there's vast rains, there are problems. We heard, you know, another homeowner when building his house, this guy, a week after he built his house, has had problems. The area has problems, the storm sewers only hold so much. So, my concern is why would we allow someone to build over 50 percent?

CHAIRPERSON SIAVELIS: So, I'm sorry, finish your thought because I want to ask you a couple of questions.

MR. RICHARDS: Yes, and the other thing is what's going to happen is, okay, if it's approved, it goes to Engineering. Engineering is going to say that you have to build, you know, whatever, sewers and pits and whatever, and move the water to the front and dump it out at the front of the property, but that's going in the storm sewer. That's not getting absorbed by the green area. So, it's going to overtax the storm sewers even more if you're taking all that water in the back of the property and moving it and putting it out

onto the front and to go into the storm sewers. Okay.

CHAIRPERSON SIAVELIS: Okay, so let's talk about your timing a little bit here. When did you build that house and move in?

MR. RICHARDS: I bought it in 2004. The house was built in 1992.

CHAIRPERSON SIAVELIS: So, you --

MR. RICHARDS: I'm the second owner.

CHAIRPERSON SIAVELIS: Okay, so you were there before the remediation occurred, is that correct?

MR. RICHARDS: I was there right after the remediation occurred. I was not there before the remediation.

CHAIRPERSON SIAVELIS: Okay, and now you spoke about the flooding and the problems of your neighbor directly behind you at 2085 North Ridge.

MR. RICHARDS: Correct.

CHAIRPERSON SIAVELIS: Okay, did you personally see that yourself?

MR. RICHARDS: Yes. Yes.

CHAIRPERSON SIAVELIS: Okay, so you personally observed that.

MR. RICHARDS: I personally observed it. He came over wanting to know if it had to do with me draining my pool because the pool gets high and so water has got to be drained out of it. So, he had me then come over and look at what happened to his house. This was in the first month that he owned the house, and the swale that they had put in the back wasn't deep enough or big enough to move the water, a French drain or whatever, to avoid going around the house.

But what's happening is my house at 2014, when I stand on my patio, I'm probably almost at ceiling height of the first floor of his house behind me. There is, the properties really are graded such that I was moving all the water to these detention areas. There's quite a big slope.

You know, I'm not worried the water is going to back up onto my property because it would have to rise, you know, probably five feet or something like that, but all of our land that we all built on is all graded. The water is all moving that way.

CHAIRPERSON SIAVELIS: And you were in your property for that 2011 flood?

MR. RICHARDS: Unfortunately, I was in my property for 2011. That was a \$50,000 damage.

CHAIRPERSON SIAVELIS: Any other questions for this gentleman?

COMMISSIONER JAFFE: No.

CHAIRPERSON SIAVELIS: Thank you very much.

MR. RICHARDS: Thank you.

CHAIRPERSON SIAVELIS: All right, any further comments from audience members that is not essentially duplicative of what we've heard. If you have, come on up, sir, if you have something to say. But please, hold on, please remember to keep your comments concise, and if you could touch on any points that maybe haven't been raised. But if you want to talk about where you live in regards to that and your personal experiences, that's fine.

MR. JORDA: Okay.

CHAIRPERSON SIAVELIS: Okay, so please sign in.

MR. JORDA: I have already.

CHAIRPERSON SIAVELIS: Okay, can you identify yourself?

MR. JORDA: I am Joe Jorda, I am at 2061 North Ridge. I am directly south.

CHAIRPERSON SIAVELIS: Yes, okay.

MR. JORDA: I've lived there for over 27 years now, so I've seen the flooding. I've seen both those retention ponds, the 2085 retention pond and the ones at 2071 and 2081 overflowing. I've been there before all the remediation was done. I've also, after 2011, had the Village Engineering come out because I had serious problems with water flowing through my backyard and knocking out mulch and dirt and everything and it would all flow into that retention pond. I do have a letter here from the Engineering Department as to how the water is supposed to be flowing.

So, my major concern is even if you put a retention wall up with drains in there, if you get one of those record floods, or I mean, sorry, record rains, I will flood because the water is, the way everything is designed, my house is the last house and the water is supposed to drain out from there. From my backyard, it drains out into that retention area.

CHAIRPERSON SIAVELIS: From the south to the north.

MR. JORDA: Yes. I mean, I've got black and white right here from the Village Engineering Department.

CHAIRPERSON SIAVELIS: If you give that to us, if you show that to us and bring that up and we take that, then it's in the record here and you're going to lose possession of that.

MR. JORDA: Can I make a copy of it?

MR. MACH: Yes, I mean, after the meeting.

MR. JORDA: I mean, it just reiterates what's --

CHAIRPERSON SIAVELIS: Or you can read it into the record.

MR. JORDA: Okay.

CHAIRPERSON SIAVELIS: The date.

MR. JORDA: This was done on 5/7/2018. Now, that was a couple of weeks after one of our not-so-big rains. That was maybe four or five inches, but I had just paid over \$1,000 to put mulch and everything in the yard and it was all knocked out due to the water that was flowing through. So, the Village came out.

I'll read this verbatim: During the site inspection on 5/7/2018, no standing water or soggy conditions were observed. 2061 North Ridge Avenue is located next to a large retention basin. The rear property line is part of a swale that carries the neighborhood storm runoff to the retention basin. The system is working as intended and the Village does not consider this as an issue.

COMMISSIONER JAFFE: I believe you said earlier if you get a record rainfall, you said you will flood?

MR. JORDA: I did.

CHAIRPERSON SIAVELIS: Is that 2011 you're saying?

MR. JORDA: Yes.

COMMISSIONER JAFFE: Will you flood if a house is built there or will you flood if the house that's built does not meet code?

MR. JORDA: If the house, if it rains and the water is prevented from going into that retention pond or if it backs up in my yard, I will flood, yes. It's hard to describe the way that the, to the east of me, everything runs downhill towards me. So, what the

gentleman who owned the house before which was the Village of Engineering Pezzel, he had a swale put in and the Village considered that, the situation solved because the water would flow into that retention pond, and now you're --

CHAIRPERSON SIAVELIS: Who owned your house before you, is that what you're saying?

MR. JORDA: Pardon me?

CHAIRPERSON SIAVELIS: Who owned, you said the gentleman who owned your house before you?

MR. JORDA: He was an engineer of the Village of Arlington Heights.

CHAIRPERSON SIAVELIS: Who owned your house?

MR. JORDA: Yes.

CHAIRPERSON SIAVELIS: Okay, got it.

MR. JORDA: And he was one of the first builders on that block.

CHAIRPERSON SIAVELIS: And just so the record is clear, do you oppose the variance?

MR. JORDA: I oppose the variance, yes.

CHAIRPERSON SIAVELIS: Okay.

MR. JORDA: And I'm not, because the house is beautiful, I don't have any issues with the house. I'm trying to save them a headache, too, not only for me, but if I'm higher than them, if I flood, what's going to happen to them?

CHAIRPERSON SIAVELIS: Understood, thank you.

COMMISSIONER JAFFE: Thank you for your time.

MR. JORDA: Sure.

CHAIRPERSON SIAVELIS: Any other comments from the audience?

(No response.)

CHAIRPERSON SIAVELIS: Okay, hearing none, Petitioners get a chance to come up and rebut.

MR. ZIRNGIBL: I'll take it.

MS. TAYLOR: Okay.

MR. ZIRNGIBL: I just want to let you know I've been in Arlington 30-31 years, been on the other side for 25 years. The great flood they're talking about in 2011, I remember that specifically because I was at a BG-Mount Prospect game to go to state. That whole area was inundated with the rain, it rained the whole game. It took me 20 minutes to get home from BG to my house.

What I noticed was, I'm at the end of the block so I'm higher, everybody else coming down were the sewers already going into the culvert behind me before the big culvert was built or the retention pond if you want to call it. I went down there to help my neighbors in the middle of the block because all the leaves, it was fall, were clogging all the drainage. So, once we got the leaves out, the water gushed out to the street because it was flowing up onto their property and into their basements.

So, the guy with the basketball court there and the guy behind east of him, I know both of those fellows. They say the water comes from their house to the culvert like this guy just described and it goes all the way. To me, I'm thinking the Village probably planned it now that these two lots have not been in use since the other culvert was built.

CHAIRPERSON SIAVELIS: And when was that again?

MR. ZIRNGIBL: It's got to be, what, 2016? Because they built the house on the other retention. Because where my house is on the other side, my house, and then over here was the old retention pond. So, they build the house there when they built the new one, so I'm thinking it's 2016-2017.

MR. RICHARDS: It was built before 2004 before I moved into my house.

MR. ZIRNGIBL: Not your house, I'm talking on the other side of the woods.

MR. RICHARDS: On Ladd, you're talking about the --

MR. ZIRNGIBL: Yes.

MR. RICHARDS: That was built, that was in there.

MR. ZIRNGIBL: Because the brand new house and the old retention pond wasn't built in 2004, I'll tell you that right now.

MR. RICHARDS: Well, they can check that.

MR. ZIRNGIBL: They can check it because I know I'm right. I forgot where I was going. Then we were talking all this water is running into here and it goes to the front to the southeast corner, there's a drain pipe, well, the Village guy I talked to when I was out there, that's already blocked off because they don't want that water coming down from the south going into the retention pond. It goes all the way to the other culvert.

The retaining walls that they're talking about, too, I don't know if, that has nothing to do with the variance. But I'm four to five feet, six feet lower than them all the way around there, so I'm trying to just keep their property to lay it up, that's what we're doing, correct?

MS. TAYLOR: Can I add just one thing to demonstrate?

MR. ZIRNGIBL: Yes.

MS. TAYLOR: I just want to clarify that the retaining walls will not impede anything. It will be set lower than the grades that are to the south of them and to the east of them. The water will still run as it does naturally. There will be no impediment. There will be no change to the water drainage as it is now. It will stay the same. It's draining to the same area, going the same route, and the pervious --

CHAIRPERSON SIAVELIS: So, are you saying, that's a little bit counterintuitive there. That retaining wall, let's talk about the one in the south, that one first. So, you're saying that's, what, flush with the ground or below the ground?

MS. TAYLOR: It's just right under the top of the grade that's the highest, that's the top of the cap of the retaining wall. So, it allows water to freely flow over the retaining wall and into their property. There is no barrier.

CHAIRPERSON SIAVELIS: Would that --

MR. ZIRNGIBL: See, that picture doesn't do it justice.

CHAIRPERSON SIAVELIS: Hold on, hold on, hold on, let me ask a follow-up. So, the function of that retaining wall on the south is to do what then?

MS. TAYLOR: There is a good enough difference in height that we need to keep the grade up or barrier the grade, but it doesn't stop the water. The water still free flows over the top of the retaining wall and into their property.

COMMISSIONER JAFFE: So, then why would you need the retaining wall at all?

MS. TAYLOR: Because we have like a 4.5-foot difference there in the corner.

MR. ZIRNGIBL: The property behind us is 4.5 feet higher. The property on

the side of us is probably 4.5-five feet higher. Everything around us in the back and at the side, because this was a retention pond, they didn't fill it back in. Once we build the house, I've got to fill it back in.

CHAIRPERSON SIAVELIS: So, that same analysis applies then for the retaining wall in the east? The east retaining wall?

MS. TAYLOR: Exactly, right. Yes, there is no impediment.

CHAIRPERSON SIAVELIS: And there's going to be a metal guard, is the plan -- stay up here, Bobbi.

MS. TAYLOR: Sure. Where there is a height difference of 2.5 feet for code requirements, they would have a metal guard railing for safety, for fall hazard. But where it's just less than that, well, either way, we're having it fenced all the way around where you won't see the metal guard rail. You would just see the six-foot fence as normal from their top of the grade. Right now, that is there now, six-foot up. You will not see the retaining wall from the outside of the property except for when you go west towards the front of the house.

CHAIRPERSON SIAVELIS: So, and the others, I'm sorry, I don't want you guys feel like Ben and I are monopolizing the discussion. All the Board members, feel free to jump in. Go ahead.

COMMISSIONER SELBKA: What does the retaining wall have to do with the variance and whether we're seeing it? It seems to me the issue is one of impervious surface.

COMMISSIONER JAFFE: I asked the question because if you look at the impervious area, 156 square feet is tied to the retaining wall. So, I think that maybe you and I are on the same thing, if it wasn't needed, that might chip away at the size of the ask.

COMMISSIONER SELBKA: Okay.

CHAIRPERSON SIAVELIS: Yes, and Joe, one of the things that I was concerned about, the gentleman who's the Petitioner's neighbor to the direct south made some comments about the retaining wall, and I wanted to better understand those comments with regard to like the relative height of it. Would it create like, you know, a Berlin Wall effect there, right?

COMMISSIONER SELBKA: Sure.

CHAIRPERSON SIAVELIS: And keep him having the water all way over there.

MS. TAYLOR: No.

CHAIRPERSON SIAVELIS: That's what I was really curious about there, and is this water going to be able to flow through that way.

MS. TAYLOR: Absolutely, yes.

CHAIRPERSON SIAVELIS: Right. So, Joe, I don't know if you had a follow-up?

COMMISSIONER SELBKA: No, that's all I had.

CHAIRPERSON SIAVELIS: Okay, so the other thing I was going to say is I must tell you as Petitioners, you are facing an uphill battle here. You have strong neighbor opposition, right, and that's a significant factor in our evaluation of petitions, right? I can't remember the last time we had this forceful and numerous of neighbor opposition, and it may be a result of the past history and elevation, all these issues here, but that's something you should be aware of, and at least that factors into my mind.

Now, what you're asking for, 316 feet, is not that significant in my eyes compared to other projects we've done in the Village, or other variances we've heard and granted or even modified, okay, on the move or on the fly, okay.

MS. TAYLOR: Right.

CHAIRPERSON SIAVELIS: Is there no way you can bring that number down?

MS. TAYLOR: We've tried.

CHAIRPERSON SIAVELIS: Such that the variance you're seeking is less than 316 feet? Because that is still a sizable amount. You're not at 80 or 90 feet, you know, under 100 feet of variance being sought. You're considerably above that.

MS. TAYLOR: Right. We wanted a pool long enough so that Mr. Zirngibl could do laps. That was an, you know, important thing. The three-foot perimeter of pervious pavers is really minimal in our eyes. I mean, it's just a band. The fact that we're using pervious pavers is really the key, too, because in our eyes pervious pavers means that we can allow the water to drain through, and we're well over 300 square feet in pervious pavers in total. So, the whole patio is pervious pavers. In my eyes, I almost think we're on a negative in that way because those pervious will allow the water to go through.

CHAIRPERSON SIAVELIS: Okay, so you understood the Village's position though in regards to pervious pavers, right? That there is a maximum volume of water that the pervious pavers can essentially accept at any point in time, and after that, they become impervious.

MS. TAYLOR: Correct, yes. But that's still, up there it says 711 square feet of patio which is all pervious, so we figure, you know, it doesn't in my eyes warrant being over 300 square feet when we have 700 square feet of patio.

CHAIRPERSON SIAVELIS: Yes, I understand your position, but the Village itself has taken a different position and that's impacting your calculations and the numbers.

MS. TAYLOR: I get it, yes.

COMMISSIONER DRAKE: The other thing that's impacting where we're at right now is what I see as a ton of neighbor opposition, we're certainly concerned. So, if the alternative is maybe getting a thumbs down from this Board or finding a way to reduce the size of that pool, you know, would you rather pick one or the other? And I don't know where this is going but I think it's going to go one way or the other.

MS. TAYLOR: I wanted to stress that the retaining wall is not going to be a barrier at all. Perhaps some of these people have thought it might be, or the way that we're grading it, it will drain naturally as it does now. There shouldn't or will be no impediments to how it drains. So, I would like to clarify that so everybody knows that.

COMMISSIONER LANAGHAN: No, I think that makes sense, and we do understand what you're saying there. The issue is that this was a detention pond that has been a sore subject for the neighbors for quite some time. So, I completely understand. I'm a swimmer myself, I completely understand the length. Is there anything you can do with the width?

MS. TAYLOR: I don't know.

COMMISSIONER LANAGHAN: I mean, you're looking at basically an eight or nine-foot difference to get below.

MS. TAYLOR: It's only 20-foot wide.

COMMISSIONER LANAGHAN: I understand.

MS. TAYLOR: Yes, it's not that large.

CHAIRPERSON SIAVELIS: So, we have a question for you in this regard in trying to make potential adjustments.

So, go ahead, Ben.

COMMISSIONER JAFFE: Looking at the menu here, any consideration to put pavers for the driveway?

CHAIRPERSON SIAVELIS: Because your driveway is 450 something.

COMMISSIONER JAFFE: 462.

CHAIRPERSON SIAVELIS: Okay, 462.

MR. ZIRNGIBL: I'll put pavers in the driveway.

MS. TAYLOR: Pervious pavers.

MRS. ZIRNGIBL: Absolutely.

MR. ZIRNGIBL: Yes.

CHAIRPERSON SIAVELIS: So, if that is a possibility, you need to verbally modify your proposal, your variation being sought, with that condition for us to properly consider it.

MS. TAYLOR: Right now?

CHAIRPERSON SIAVELIS: Yes.

MR. ZIRNGIBL: I'll do it.

MS. TAYLOR: The owner is --

COMMISSIONER SELBKA: Is that something -- sorry, one more. Is that something Engineering would allow? I mean, it seems like that's something that, if that's the type of surface that Engineering would allow as part a driveway --

CHAIRPERSON SIAVELIS: Are you questioning whether permeable pavers are not permitted as a driveway?

COMMISSIONER SELBKA: Or could that be permitted as a, wouldn't you have to go back to get a permit for the permeable pavers as opposed to an asphalt driveway?

COMMISSIONER LANAGHAN: It's a concrete driveway. I think you'd have to get a permit for it anyway, Joe. They use permeable pavers for, you know, fire truck access, you know. They don't get used often, but you know, you can use those as secondary access for fire trucks. I've seen it happen before.

Engineering would have to approve it. I'm not going to sit here and say Engineering is going to approve it, I don't know that.

COMMISSIONER JAFFE: My thought was that the 5757 number won't go down but another chunk of --

COMMISSIONER SELBKA: No, I understand. It's just if that was the case, well, it seems like that's something that Engineering or the Village would want to okay before that is even considered as a solution.

CHAIRPERSON SIAVELIS: Derek, you were going to say something?

MR. MACH: Just that permeable pavers are allowed as driveway material.

COMMISSIONER SELBKA: Okay.

CHAIRPERSON SIAVELIS: Yes, we've seen it in the past.

COMMISSIONER SELBKA: No, I have, I know.

CHAIRPERSON SIAVELIS: Maybe not this large of a driveway but they have been used in the past. Then your driveway does flare out it looks like near the

bottom, near the apron and all that. Can you speak to the necessity of that?

MS. TAYLOR: No, you know, I think that came from our civil engineer. I'd have to talk to him to see why that is. Yes, I really don't know.

CHAIRPERSON SIAVELIS: Is there a functional need for that driveway to flare out like that?

MR. ZIRNGIBL: No.

CHAIRPERSON SIAVELIS: Could you --

MR. ZIRNGIBL: It could be straight.

CHAIRPERSON SIAVELIS: Straighten it without the flare?

MS. TAYLOR: Sure, it's all good. Whatever you need.

COMMISSIONER LANAGHAN: It's going to flare off the lot, it's not part of the calculation.

CHAIRPERSON SIAVELIS: Say again?

COMMISSIONER LANAGHAN: It's not part of the calculation. It's actually outside the lot.

MS. TAYLOR: Oh, right.

CHAIRPERSON SIAVELIS: Or is it outside?

COMMISSIONER LANAGHAN: Yes, the lot line is right before it flares out. That maybe in engineering, I don't know if that is outside the lot line.

CHAIRPERSON SIAVELIS: Okay, so are there any other comments from the Board members in regard to the original petition or as it's been modified with regard to the permeable pavers replacing the asphalt in the driveway? Tom, anything?

COMMISSIONER DRAKE: No.

CHAIRPERSON SIAVELIS: Joe? Frank?

COMMISSIONER SELBKA: No.

COMMISSIONER PORTERA: No.

CHAIRPERSON SIAVELIS: Okay, so if you don't have any other questions, we shift to the deliberation phase. Then if there's support for, if there's a motion and then a second, then we vote on it.

Actually, I'll give you a chance to come up and say very, very brief comments since the Petitioner adjusted the petition on the move. But cabin your comments to the discussion as to the modification.

MR. JORDA: Yes. Todd Richards, 2104 North Walnut. The Petitioner had mentioned, I believe, a couple of times a six-foot fence on the property, and I think that's above what zoning allows. Is this zoning only approval or exception only for the variance in the size of permeable material?

COMMISSIONER JAFFE: We are only reviewing the petition for the impervious surface area coverage. If the Petitioner were to try to erect a fence that wasn't conforming to code, we would come back here and do this again.

MR. JORDA: Okay, thank you.

CHAIRPERSON SIAVELIS: Yes, and Derek, I think, were you going to say something, Derek, on that? That the fence issue is not up at present.

MR. MACH: Exactly.

COMMISSIONER LANAGHAN: So, to my own clarification, the six-foot fence that's proposed is per code and so we don't need a variance for it?

MR. MACH: I haven't seen any details, or --

COMMISSIONER LANAGHAN: To come up that's different than that?

MR. MACH: Yes, and we strictly are dealing with the impervious.

COMMISSIONER LANAGHAN: Okay, got it. Thank you.

CHAIRPERSON SIAVELIS: So, that issue is premature essentially.

Okay, Ben, do you want to commence discussion of this?

COMMISSIONER JAFFE: I very much appreciated hearing from the four neighbors who spoke to the history of the street and the issues that had presented themselves. I also want to acknowledge that the Petitioner is being flexible with what is a big ask. So, given those two circumstances, provided that the driveway be used or laid with permeable pavers, I would be leaning towards supporting the Petitioner.

CHAIRPERSON SIAVELIS: Does your support include straightening the end of the driveway such that it doesn't flare out?

COMMISSIONER JAFFE: If it doesn't count as part of the total, I'm not sure that would factor into my decision.

CHAIRPERSON SIAVELIS: Okay, well, I'm saying to adjust for the overall general concerns about water because Petitioner made a comment that he was willing to straighten the driveway out. That's what I'm just trying to get at.

COMMISSIONER JAFFE: Yes, I think that would be an additional benefit.

CHAIRPERSON SIAVELIS: Okay, further commentary?

COMMISSIONER SELBKA: I think the problem here is there's, to me, a lack of hardship. You're asking for an extension of impervious space for a swimming pool and a hot tub that can be used probably three months of the year in addition to having a ranch house. Since it hasn't been built yet, it seems like a problem. However, that being said, the fact that the driveway is going to be consisting of permeable pavers and the pool area, it probably has more drainable surface area than would otherwise be required under the code. Therefore, I think it's probably okay. But I still have real concerns about the fact that it doesn't seem like there's a hardship here.

CHAIRPERSON SIAVELIS: So, if there is a motion made consistent with Ben's comments, are you in support of that motion or you're not opposed to that?

COMMISSIONER SELBKA: I'm still thinking about it, but it's hard for me to believe that you need an outdoor pool and an outdoor hot tub for health purposes. You can join a club especially because an outdoor pool can only be used a couple of months a year. So, that seems like a major issue to me in the petition. I guess I'm sort of being convinced that there's some other hardship here, but it seems to me that this is a weak hardship case.

CHAIRPERSON SIAVELIS: Frank, your thoughts?

COMMISSIONER PORTERA: I appreciate the flexibility of the Petitioner and take into consideration the hardships that he suffered. It seems to me like he's in the worst spot here at the lowest point, so if anything were to happen, he might get hurt more than anyone else would and it seems like he's okay with this. But I do see him trying to work with us here and is accepting all of our proposals and compromises here to put permeable surfaces in the driveway. So, I would be in favor of the conditional, the revised petition.

CHAIRPERSON SIAVELIS: Thanks, Frank.

Joe?

COMMISSIONER GEISEL: Certainly, in terms of the calculation there's a

penalty because it's a ranch and just the volume that it utilizes on the site. When you go back to Engineering's comments, they specifically say they're not in favor which they would never ever want to say that they're in favor of it. But they do recommend that they be required to use permeable pavers, which is exactly what's incorporated into the plan and the further incorporation of the pavers into the driveway. You know, I think in terms of --

CHAIRPERSON SIAVELIS: And the straightening of the driveway.

COMMISSIONER GEISEL: Yes, you know, it would get to a place where the overall impact would actually, you know, still be reasonable under the circumstances given the request. Because I do struggle with the fact that, to everyone else's point, it's brand new and you're still going to come and ask this. That's a struggle, more so what we get asked for are conditions where there are no other alternatives. You have alternatives, to be honest. That's it.

COMMISSIONER DRAKE: I understand I think everything I've heard from the Board and appreciate that. I would I think go in the direction of how Ben described the situation. I want to add I don't think that it's up to me to figure out what somebody's therapeutic needs are or aren't, whether it's three months of a year or 12 months out of a year. The hardship thing is a little hard to understand, but if someone is using a pool for four or five months continuously and it's helping them, then I think they're avoiding a hardship.

CHAIRPERSON SIAVELIS: So, just to be clear, you would be in support of a motion as with the modified condition?

COMMISSIONER DRAKE: As been stated with the modifications on the driveway, yes.

CHAIRPERSON SIAVELIS: Okay, thank you.

Jeff, you're up.

COMMISSIONER LANAGHAN: Yes. No, I'm struggling a bit with it as are the other Board members in that, you know, you have a blank page here. You can kind of design however you want to design this thing. As I stated earlier, I am a swimmer, I do understand the value of getting out and swimming, and that is therapeutic and helps my shoulder and what have you. So, I do understand that portion of it.

Engineering recommended if we're going to approve to use permeable pavers. It's at 319 square feet, they've already got 710 and are offering up 462 more, plus straightening the driveway. I've been trying to come up with a quick calc as to what that might be, I'm making this up but it's probably going to take 17 feet by four feet or so, so another 50 feet maybe off the pavement. It's getting better.

I don't know, I kind of feel like I'm trying to come up with a reason to say yes as opposed to no. So, towards that end, I suppose I'd support it with those variances. I do think they're doing everything they can for it, and quite frankly they are the ones who are going to be most affected by it.

CHAIRPERSON SIAVELIS: Okay, so those are your thought there?

COMMISSIONER LANAGHAN: Yes, absolutely.

CHAIRPERSON SIAVELIS: Okay, so I'm in a similar position here. I really struggle because the neighborhood opposition is so significant, so numerous and so pointed and on point here. But there's a couple of factors as mentioned: the willingness of the Petitioner to adjust; the fact that the Petitioner is in the lowest spot so him and his wife

are going to be bringing it upon themselves so they're going to be dealing with it. But I also would stress the importance of being a good neighbor.

I understand the Petitioner and his wife when they were talking earlier were shaking their head when I said how long have you been Village residents, right, and how long have you lived in this area, right. You gave us a number that was multiple decades, right, so you understand the importance of being a good neighbor and not bringing problems into your neighborhood and causing problems for your neighbors. I think that's really important because you are asking for something pretty significant from us. I hope that you do recognize that.

I reluctantly will support the petition as modified with those two conditions, in significant part because of what the Engineering Division said to us in their paper about impervious surface coverage. If we're going to grant that variance, it needs to be permeable pavers. We've gone above and beyond that and you've reduced the square footage on your driveway. So, that in my eyes tips the needle in your favor, not by a significant amount, just the smallest amount. I'm only one vote. This isn't, you know, I'm not, it's not tyranny or a despot here. It's a vote, each of us has a vote.

MR. MACH: If I may just comment? Regarding the apron, it is outside the property. It is, you know, public right-of-way. They are going to need to satisfy Engineering requirements. The Zoning Board could leave it as a recommendation, but it couldn't be more than that.

CHAIRPERSON SIAVELIS: So, is that the entirety of the apron? Because there's a sliver of that apron that still is within the buildable area there on those lines.

MR. MACH: It looks like it's just this portion. You know, the Zoning Board can recommend that it be evaluated, but it's really going to be up to the Department of Engineering.

CHAIRPERSON SIAVELIS: Okay, so that part is beyond our purview, with a recommendation.

MR. MACH: Correct.

CHAIRPERSON SIAVELIS: All right, with that said, do we have a motion?

COMMISSIONER JAFFE: **So, I would motion to approve the petition with the modification that the 462 square feet of driveway be constructed with permeable pavers, and a recommendation that the driveway apron be straightened.**

CHAIRPERSON SIAVELIS: Do we have a second? Hold up, I'm sorry.

Go ahead, Derek.

MR. MACH: As well as the pool deck is permeable as shown on the plan.

COMMISSIONER LANAGHAN: I thought that those are in there.

CHAIRPERSON SIAVELIS: It says it on the plan.

MR. MACH: Yes, I just want to make sure that's --

COMMISSIONER LANAGHAN: Just to make sure that it's in there, yes.

CHAIRPERSON SIAVELIS: Does he need to remotion?

MR. MACH: No.

COMMISSIONER PORTERA: 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: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Okay, congratulations. Your variance as modified --

MRS. ZIRNGIBL: Thank you very much. We do appreciate your time, thank you.

CHAIRPERSON SIAVELIS: No worries.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:09 p.m.)



**Zoning Board of Appeals
2/13/2023**

Item: 1245 N Illinois Ave - 1/9/23

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
1245 N Illinois Ave - 1/9/23 Findings	Minutes
1245 N Illinois Ave - 1/9/23 Minutes	Minutes

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS January 9, 2023

PETITIONER: Griffin Residence
ADDRESS OF PROPERTY 1245 N. Illinois Ave.
VARIATION: 5.1-3.5 (Maximum Impervious Surface Coverage)

A 260 square foot variation to allow 4,649 square feet of impervious surface coverage (existing) where 4,389 square feet is allowed.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that their contractor installed a permitted spa, patio and walkway. The petitioner testified that they were not aware that the contractor agreed to remove part of the basketball area in order to obtain the permit for the spa and patio. The petitioner explained that removing a portion of the basketball area would keep the property in compliance with impervious surface coverage. The petitioner testified that they are currently in litigation with the contractor. The petitioner further testified that the spa was installed due to the need for rehabilitation.

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

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

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

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: 1245 NORTH ILLINOIS AVENUE - ZBA #23-002

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 9th day of January, 2023 at the hour of
8:09 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: All right, let's move on to the next item of business. Hopefully we can move a little quicker through that one as well. It is ZBA Petition No. 23-002, 1245 North Illinois.

MR. GRIFFIN: How's it going?

CHAIRPERSON SIAVELIS: Good. Have you signed in?

MR. GRIFFIN: Yes.

MRS. GRIFFIN: I have not.

CHAIRPERSON SIAVELIS: Okay, please do so.

MR. GRIFFIN: I've just signed in for you.

MRS. GRIFFIN: Oh, there it is.

CHAIRPERSON SIAVELIS: All right, please, are you both going to be speaking tonight potentially?

MR. GRIFFIN: Potentially.

CHAIRPERSON SIAVELIS: Okay, go ahead, can you identify yourself first for the record?

MRS. GRIFFIN: Sure. Michel Griffin.

MR. GRIFFIN: And I'm Patrick Griffin.

CHAIRPERSON SIAVELIS: Okay, right hands.

(Witnesses sworn.)

CHAIRPERSON SIAVELIS: Okay, please proceed.

MR. GRIFFIN: Okay, so I'm kind of new to this process so I'm just going to go through the four bullet points here a little bit, then I can tell the story. I hope that's all right with everyone.

MR. MACH: Chairman, real quick, can I just read the --

CHAIRPERSON SIAVELIS: Yes, that's right, I apologize. We have Staff overview. We were so long in that last one I lost the chain of the process. I apologize.

MR. GRIFFIN: I learned a lot though.

CHAIRPERSON SIAVELIS: Maybe you don't emulate all of that, but go ahead.

MR. MACH: The site is a single-family home. It's approximately 8,778 square feet, the lot. The Petitioner is allowed 4,389 square feet of impervious surface coverage and 4,649 is proposed with the existing hot tub.

Therefore, they're requesting a 260 square-foot variation from Chapter 28, Section 5.1-3.5 to allow 4,649 square feet of impervious surface coverage where 4,389 square feet is allowed. Thank you.

CHAIRPERSON SIAVELIS: Great. Thanks, Derek.

Go ahead.

MR. GRIFFIN: Okay, so ultimately, as we look at the character of the locality and being compatible with existing uses and zoning of the property, our home to my knowledge, again not very experienced in this, it remains a single-family home. It will match the aesthetic of the neighborhood. This potential spa and patio walkway that we put in, it's in our backyard and there's a fence and then trees that we put around to kind of cover it.

Let's see. The unique circumstances involved here, and I have some notes because it's kind of have been a much longer process than obviously we would have liked. But the beginning of last year, my wife and I made a decision to look at

installing a hot tub and a patio walkway in our backyard. Really the thought behind it candidly was my wife has had three different knee surgeries. I wasn't walking at the time last January, I tore my ACL, messed up my knee pretty bad, so it was kind of like, you know, the light at the end of the tunnel a little bit.

So, I contacted a company, AM Woodland, which, you know, someone from my childhood that did this kind of work and we thought, hey, we'd love to put this in our backyard that we have, come out, draw the plans. We had a bunch of video calls with him which, you know, included are we going to be filing for permits, how does this process worked, we're not very experienced, you know, how much does this cost, what are the designs like, you know, going through the whole process. So, they agreed with everything, going to complete a project in our backyard, and we started work.

So, I think we started in about January with them. The work started somewhere in the beginning of June that I remember, and at which point, honestly it was problem after problem with this company. But it first started with creating an elevated platform to our hot tub. We immediately kind of snuffed that out, called them, they tore it down, they started again. Then it was we had a stop work order, it was taped to our window. What's this? Not quite sure. We called and found out a little information. We reached out to the contractor on it.

Then from June to September, it was kind of a back and forth with this contractor of when will it be approved, you know, oh, we're working on it. I think they were, I'm guessing, in contact with your office numerous times. Then we had our daughter's first birthday coming up in September. We got approval on the permit, they completed the project and we had a party in our backyard. It was a great time.

Unfortunately, later on, we didn't pass inspection. I think the initial inspection, there was two different points, one which was easily corrected. Then my wife got kind of the full scope of what happened when, I believe it was someone with the inspector in our backyard?

MRS. GRIFFIN: I think it was Engineering I believe who does the impervious coverage.

MR. GRIFFIN: Yes. We were going through the contractor, and then at which point like, you can talk to that.

MRS. GRIFFIN: He showed up for, the inspector showed up for final inspection. I happened to be home so I went out to meet him, and he asked by the basketball court was still existing. So, there's this sport court, the larger I think is the sport court, below that is our patio, and then the red area is the hot tub. I was obviously very confused why he was asking why our sport court was still existing.

We came to find out from talking to the inspector that in order to obtain the permits, the contractor had submitted to the Village a plan that showed the sport court removed in order to be under the impervious coverage surface allotment, which I believe we were at like 51 percent and I believe it was supposed to be 50 percent. We obviously didn't know that that's how the permits were obtained until that final inspection came. Obviously, at that point, there was the tub, it was already installed, hooked up, set up and going.

So, we're currently in litigation with the company now for multiple reasons aside from, you know, this situation. Now we're left with a hot tub that's working great but, you know, here we are.

MR. GRIFFIN: Yes, that's kind of speaking to the hardship, a lot of it is financial.

MRS. GRIFFIN: Yes.

MR. GRIFFIN: We spent about two-thirds of the entire project to get it in, the hot tub as well as potentially how do we fix this and get it through. We have hired a lawyer, the advice obviously don't pay them and go to the variance. We've kind of done some digging since on how do we solve this and get through it. So, yes, that's what brings us here tonight.

MRS. GRIFFIN: Without having to rip up half of the lawn and possibly without having to rip out what was existing, what was put in. We installed this patch and we installed a bunch of privacy trees as well along our fence line right below where the hot tub is. So, there was just a lot of actual work done, too. Yes, the trees, right by the --

CHAIRPERSON SIAVELIS: So, just a rough estimate, an estimate a cost to remove the sport court, did you even get an estimate for that?

MR. GRIFFIN: Yes, it was kind of depending on what we do here, right? But I don't know --

MRS. GRIFFIN: Yes, I had two companies come up. One told me they thought it would be cheaper to rip out the hot tub but never got an official cost on it, but he said it's probably upwards of like \$15,000-\$20,000.

CHAIRPERSON SIAVELIS: To take the sport court out?

MRS. GRIFFIN: Yes.

CHAIRPERSON SIAVELIS: How many people live in the house?

MR. GRIFFIN: Us and our three children.

CHAIRPERSON SIAVELIS: And their ages?

MR. GRIFFIN: One, five and seven. She had a break of a few years.

CHAIRPERSON SIAVELIS: So, that sport court is going to be very valuable soon.

MRS. GRIFFIN: And that's the, well, it's actually very valuable now, the kids play on it in the summer. We've bought pools for them. It's a huge part of what we do with their parties. It's always on that sport court. It's also very private on that side. The neighbor above that is, that lot is empty actually. So, it's a great use of space, and that was put in obviously before we moved in.

So, it's a huge part of our yard, I mean, we don't have a lot of yard space, and so that sport court is primarily where we go with the kids to play.

CHAIRPERSON SIAVELIS: And how long have you lived in this house?

MR. GRIFFIN: We've lived in this house for 3.5 years, since July of 2019. We've been in Arlington Heights about seven years between apartments and homes. We moved out to the West Coast for a few years for work and then came back to Arlington Heights after.

CHAIRPERSON SIAVELIS: Have you had any thought you need a backyard?

MR. GRIFFIN: No.

COMMISSIONER DRAKE: A few questions. After that last session we just had, have you talked to the neighbors about this situation?

MR. GRIFFIN: We've -- no, go ahead. You've definitely done that.

MRS. GRIFFIN: I've talked to a few of the neighbors. A couple of them

don't see why it would be an issue. A lot of them have other, I mean, there's a pool across the street, there's patios across the street. I know the other neighbor has an in-ground pool, they just built an addition above us.

So, as far as I understand, I know one of our neighbors is here, but otherwise I think I don't see --

CHAIRPERSON SIAVELIS: So, did you hear any direct opposition? Let's just cut to the chase.

MRS. GRIFFIN: No, I never.

COMMISSIONER DRAKE: Okay, that's really the question. Also, did you see the comments from the Engineering Department?

MRS. GRIFFIN: Which one specifically?

MR. GRIFFIN: I haven't. I'm not sure.

COMMISSIONER DRAKE: Yes, I'm going to read them to check on this.

MR. GRIFFIN: Sorry.

COMMISSIONER DRAKE: Yes, it has to do with, if the Board approves this, the Engineering Department would like to have that portion of the detention area in permeable pavers. Are you willing to do that?

MRS. GRIFFIN: Absolutely. To that point, so again a lot of this was lost because the contractor was doing a lot of this work on our behalf, and I was told by the contractor that they submitted proposals to the Village to do, is it impermeable pavers?

CHAIRPERSON SIAVELIS: Impervious?

MRS. GRIFFIN: Impervious pavers, yes, underneath, and that was denied.

COMMISSIONER JAFFE: Permeable.

CHAIRPERSON SIAVELIS: Oh, permeable, I'm sorry. Flipped it around on you, sorry. I got turned myself.

MRS. GRIFFIN: Sorry, but I was told that that was denied by Engineering, that they had suggested doing that underneath the hot tub I believe or around it, and that was not accepted.

COMMISSIONER JAFFE: The contractor told you that?

MRS. GRIFFIN: Right, but again how --

MR. GRIFFIN: It's hard to tell what's --

MRS. GRIFFIN: Now I'm not even sure if that's --

COMMISSIONER JAFFE: Right, but based on what you've previously said, I'm just trying to figure out who delivered that message.

MRS. GRIFFIN: The contractor.

COMMISSIONER JAFFE: Yes, the contractor.

MR. GRIFFIN: Yes.

COMMISSIONER LANAGHAN: Which I mean it still would require a variance, so he probably told you that so --

MRS. GRIFFIN: Maybe.

COMMISSIONER LANAGHAN: Yes, so the work that you had done, is that only the work in the red that's shown on your one plat of survey?

MRS. GRIFFIN: Yes.

COMMISSIONER LANAGHAN: So, it's your 131-foot of hot tub?

MRS. GRIFFIN: Yes. Yes, the red part.

MR. GRIFFIN: The side kind of --

COMMISSIONER LANAGHAN: And we have a 260-foot problem, so they were over 130-foot over to start with. There was an existing nonconforming use here to start with. That's where I was going with that.

MR. GRIFFIN: Yes, that's right.

MRS. GRIFFIN: Yes, and then we did find out after digging into this whole thing that I believe the sport court was not permitted originally by the previous owners.

MR. GRIFFIN: Yes, yes.

MRS. GRIFFIN: And that wasn't on the calculations. I don't know if that wasn't on the contractor's calculations potentially, like I'm not sure where it got lost, but I ended up finding that out, too, that that --

MR. GRIFFIN: Somewhere along the way that didn't get covered either.

MRS. GRIFFIN: Yes.

COMMISSIONER DRAKE: So, in order to resolve this, if the Board were to approve it with that stipulation from Engineering, are you looking for another contractor or supplier? Have you found somebody or are you still --

MR. GRIFFIN: Yes, we would have to finalize that. Yes, absolutely.

CHAIRPERSON SIAVELIS: And that stipulation, Tom, just to clarify it for the record is?

COMMISSIONER DRAKE: Yes, I'm going to read it. If the variance for impervious surface coverage is granted, it is recommended that the Petitioner be required to use permeable pavers that allows for detention for a portion of the patio to offset the increase in impervious surface.

MRS. GRIFFIN: And that helps with like flooding and things, correct?

COMMISSIONER DRAKE: Yes.

MRS. GRIFFIN: If there's no flooding issue though, is that necessary? I'm generally asking because I don't know.

COMMISSIONER DRAKE: I don't think it's an issue of whether or not there's flooding. I think that's what they would like to see and what they've recommended if we wanted to approve the variance with that stipulation.

MRS. GRIFFIN: Okay.

COMMISSIONER DRAKE: You know, we generally are pretty conscious of what they're advising.

MRS. GRIFFIN: Sure.

MR. GRIFFIN: I'm being a hundred percent candid with you, absolutely I don't know what that cost or what the commitment is there, but if it's, you know, reasonable, of course absolutely.

COMMISSIONER DRAKE: Probably less than ripping up the sport court.

MRS. GRIFFIN: Yes.

MR. GRIFFIN: Well, yes, of course, that makes sense. Yes.

COMMISSIONER LANAGHAN: Again, it would be 130 feet more than what they've put in, right. So, they were already 130-foot over probably due to the sport court of the previous owner.

MR. GRIFFIN: I just don't want to commit to something I don't know yet.

COMMISSIONER DRAKE: Yes, I just didn't know if you'd seen that comment from Engineering.

CHAIRPERSON SIAVELIS: That sport court is going to prove very valuable

as your kids get older, so we'll look for a solution that retains that.

MR. GRIFFIN: Yes.

CHAIRPERSON SIAVELIS: All right, anything else before we move to the audience participation phase?

Joe?

COMMISSIONER GEISEL: I understand the comments from Engineering, but if this is all constructed and in place as opposed to prior to construction, then I'm struggling here where permeable pavers would be used to assist in remedying this matter.

CHAIRPERSON SIAVELIS: Well, go ahead, Jeffrey, you were going to say something like as far as --

COMMISSIONER LANAGHAN: I'm kind of, I mean, but they're already over the, I'm kind of with you, I'm not sure how to, how do you pick 260 square feet out of this and say, okay, this 260 is the permeable even though it might have existed before, 130 existed before as it is. Could you do something around the hot tub? Yes, it doesn't really still get us to where we could make a solution.

CHAIRPERSON SIAVELIS: We could split the baby, right? We could basically say that, to your point, to both your point, that 130 around the hot tub, switch that to permeable pavers, right, since that is, you can see it in the photograph that's provided and go that route.

COMMISSIONER GEISEL: That I can at least understand, but I was struggling to get to --

CHAIRPERSON SIAVELIS: Where you're going to find 260.

COMMISSIONER LANAGHAN: Where are you getting the 260? Where is the other 130 coming from?

COMMISSIONER GEISEL: Yes. What's the action plan here?

CHAIRPERSON SIAVELIS: Find another 130 feet.

COMMISSIONER LANAGHAN: To give them a reasonable idea as to how to proceed with this.

COMMISSIONER GEISEL: Correct.

COMMISSIONER DRAKE: Well, if there's no drainage issues in their yard, unless we hear something from neighbors exposing problems, then you could argue we can just go ahead and approve their request and ignore, I'm not saying we should, but we could ignore what Engineering is suggesting.

COMMISSIONER JAFFE: And that was my understanding given that the Petitioner already stated that the hardship would be anywhere between \$15,000 and \$20,000 to under what had been done. So, I'm kind of --

CHAIRPERSON SIAVELIS: Wasn't that dollar number in the context of pulling out the hot tub?

COMMISSIONER JAFFE: That's what I was, that's where my head was going.

MRS. GRIFFIN: The hot tub, that would be an additional loss of \$20,000. The hot tub cost \$20,000.

CHAIRPERSON SIAVELIS: How were you coming up with the estimate of \$15K to \$20K?

MR. ZIRNGIBL: That was the sport court.

COMMISSIONER LANAGHAN: That was the sport court.

CHAIRPERSON SIAVELIS: That was just the sport court?

MRS. GRIFFIN: Yes, yes, that's the sport court I'm saying here.

COMMISSIONER LANAGHAN: Different side.

MRS. GRIFFIN: We're talking about different stuff.

COMMISSIONER LANAGHAN: We should estimate --

CHAIRPERSON SIAVELIS: Yes, exactly before we go down the road because we'll have a chance for rebuttal. Okay, take a seat. Let's ask and see if there's any neighbors here who'll want to speak on this petition.

Come on up, sir.

MR. SULLIVAN: Hi there.

CHAIRPERSON SIAVELIS: Please identify yourself for the record.

MR. SULLIVAN: Michael Sullivan. Michael C. Sullivan at 1239 North Illinois. If you can go up to the map, you'll see that we have the lot directly to the south. Give me a moment to get this pen functional. Scratch that, and if it's accepted, I hope.

CHAIRPERSON SIAVELIS: Yes. Still not working?

MR. SULLIVAN: There's a back up.

CHAIRPERSON SIAVELIS: All right, boy scout. All right.

MR. SULLIVAN: My points will be in the form of three questions, concerns. First, I want to say that we're at a down slope, 1239 is a down slope of 1245. There's an elevation change between the two houses of at least two feet, perhaps three if you look at foundations. It's significant.

CHAIRPERSON SIAVELIS: Wait, Derek, stay back on that. Can you just clarify and confirm that where Derek has the pointer --

MR. SULLIVAN: That's my house, yes.

CHAIRPERSON SIAVELIS: Yes, okay, got you. Thank you. So, due south.

MR. SULLIVAN: And our foundation wall, the top of it is about two or three feet lower than at 1245. There was always a significant slope. It used to be a single-family ranch home there, that was torn down to build this larger house.

I've been in the house for 30 plus years. It has a crawl space, it's a ranch over a crawl. We have always had water issues because the general high point would be the northeast corner of 1252 on Yale, and there's water basically, if it weren't for houses, it would go from the northeast to southwest. There is a storm drain between me and the neighbor at 1233, and that's the low point in the street. So, basically four yards go across, enter my yard and go to the storm drain. Most of that water goes on the north side between me and 1245.

There is to some extent a swale there, because my foundation is so low compared to the sidewalk, the swale is very, very modest. The Engineering people used the term sheet flow, and that's what occurs. Once the ground is saturated and it keeps on raining, it's sheet flow from the fence line between 1245 and 1239 west up to the street.

On history, like I said, we had flooding before that house was built, and we have flooding in the crawl space after that. However, when we, I should say our flooding was two or three feet of water in our crawl space. We put an addition on in the year 2000 and we made a point of putting perimeter drain tile around and a sump pump in. That helped considerably, but the flow is still very large.

CHAIRPERSON SIAVELIS: Have you had flooding since then, that addition was put in with the drain tile?

MR. SULLIVAN: We have not had water in the crawl space since then.

CHAIRPERSON SIAVELIS: When was that approximately?

MR. SULLIVAN: 2000.

CHAIRPERSON SIAVELIS: So, 23 years, 22 years.

MR. SULLIVAN: Yes, and that was built, we did ours before the 1245 was built. The pump ran seriously but it did keep up, it's a large pump.

The large house was put in and it did change the flow of water. There's more of it. But oddly, there's less of it in our sump pump because their basement is six feet lower than my crawl space. So, thank you for all that. We still run during heavy rain, but they have taken the brunt of it, so I want to acknowledge that.

So, I see the recommendation for the permeable pavers. I know that people at Morton Arboretum are very proud of their driveway with expansive permeable pavers. I don't know what they look like, what they cost or anything. But my observation here is it's a nice idea, but you know, you take down a couple of inches, you're into clay good enough to fire up into a little flowerpot. I mean, it doesn't soak up water. Once you get the sod saturated, it doesn't soak up the water. So, I'd say permeable pavers, they're nice, but after a heavy rain they'll be saturated and you'll have the same amount.

I also wanted to acknowledge that the expansion of their hot tub is only 130 feet compared to the 4,000 that's covered on their lot which is a big increase from the original house at 2,000. I don't think 130 feet is going to make much difference to what happens in our yard. It already happens and it has happened and it will happen, so I'm not going to object on that account.

My main concern, oh, one other thought is that because of the water issued from the sump pumps, the previous neighbors, two previous, the original neighbors worked with the Village to put in a four-inch private storm sewer down to the front of 1233.

So, there's a four-inch line that my sump pump empties into and the 1245's sump empties into. My question is would it be worthwhile extending that four-inch line to a small drain more towards the east part of the property line? I don't know if that's viable or if that will help or make any difference. It's a question.

My main concern here is --

CHAIRPERSON SIAVELIS: We can't answer that question by the way, I have to point that out.

MR. SULLIVAN: Okay, so it's a question for somebody, but my main concern is what happens when I go to sell my house, what do I disclose to the new buyer about this water situation? So, I was just wondering how these decisions here affect future homeowners, that's all.

COMMISSIONER SELBKA: I think you have to talk to your realtor if you choose to do that, or to your real estate attorney --

MR. SULLIVAN: Okay.

CHAIRPERSON SIAVELIS: -- because there are certain disclosure requirements that are well beyond the scope of this Board.

MR. SULLIVAN: Okay, but a variance decision is a public record, correct? So, that is available, so I would be obligated to say that our neighbors had a variance that affects the water flow on our property.

COMMISSIONER JAFFE: Sorry, we don't have the purview to give advice on what you should or shouldn't share. But you're correct, all of these agendas and minutes are available on the Village website.

MR. SULLIVAN: Okay, well, that's my concern is what it does to the future. Right now, I don't have an objection. It's just what does a future buyer look at this decision.

CHAIRPERSON SIAVELIS: Good question, but I think that's irrelevant to this. So, you have no objection at present on the variance.

MR. SULLIVAN: Correct, because it's such a miniscule change to the grand scheme of things.

CHAIRPERSON SIAVELIS: Got you.

MR. SULLIVAN: So, that's where I stand on it.

COMMISSIONER DRAKE: Before you sit down, since they've put the hot tub in, have you had any kind of problems with additional water above and beyond what you normally would have?

MR. SULLIVAN: Not with water, no. Too small to measure. I did not build a weir to go measure it.

COMMISSIONER DRAKE: Okay, thanks.

CHAIRPERSON SIAVELIS: All right, thank you very much, sir, appreciate it.

MR. SULLIVAN: All right.

CHAIRPERSON SIAVELIS: Any other comments?

(No response.)

CHAIRPERSON SIAVELIS: All right, hearing none, the Petitioners, you have an opportunity to respond or just rest on your initial comments.

MRS. GRIFFIN: We're good.

CHAIRPERSON SIAVELIS: Okay, close for deliberation now, or open for deliberation amongst the Board members.
Tom?

COMMISSIONER DRAKE: I understand the hardship that the Petitioner has presented, and sorry to hear you had all the problems with a contractor. I think the request is reasonable. I would support this on the basis that you go along with what Engineering has recommended, that you use permeable pavers that allows for detention on that additional portion. If I were to make a motion, I would state it that way.

CHAIRPERSON SIAVELIS: Tom, can you clarify real quick? Permeable pavers as to the entirety of the 260 feet sought, or the 130 recently added?

COMMISSIONER DRAKE: The 130, the detention portion to offset the increase.

CHAIRPERSON SIAVELIS: Okay, so do you have any further comments?

COMMISSIONER DRAKE: No.

CHAIRPERSON SIAVELIS: Go ahead.

MR. GRIFFIN: I think I just had a question about specifying what that means in getting it done, that's all. You know, so, is there, I don't know what we get after this meeting, but I just want to understand exactly what that means and we can bring that to the contractor and get it completed. I guess that's all.

COMMISSIONER DRAKE: Can you explain the process, Derek?

MR. MACH: I mean, so the condition is 130 square feet of permeable

pavers if I understand correctly.

COMMISSIONER SELBKA: I mean, I'm kind of confused. Tom, maybe like if you could just answer the question? Does this mean that they're going to have to rip up their area around the hot tub and replace it with permeable pavers? Because my understanding is the area around the hot tub is currently impervious surface and Engineering wants them to tear it up and put in permeable pavers, right? Or am I mistaken about that?

CHAIRPERSON SIAVELIS: I don't think Engineering is that specific.

COMMISSIONER SELBKA: No, I don't think it is but I'm wondering what the condition on the variance would require. I mean, what I'm thinking is the variance, if we grant it with that condition, basically we're saying you go in, you rip out that section of the hot tub that's impervious, that has impervious surface or the section around it rather, and put in permeable pavers. Is that correct? Because the hot tub is built up, but –

MRS. GRIFFIN: Yes.

COMMISSIONER SELBKA: -- with impervious surface around it. I mean, it seems like the whole purpose of the variance is to avoid tearing up construction that's already there. So, I guess I'd be reluctant to impose that condition based on the fact that, you know, these people are largely blameless. The contractor made or acted in a deceptive way, at least that's all the evidence we've got, and it seems like we're just sort of cutting the hardship in half. We don't even know how much it would cost but we're basically saying go rip up your hot tub and put in one with permeable pavers. I don't know, I'd be reluctant to require that condition.

COMMISSIONER JAFFE: I would agree with Joe Selbka, and that's why I asked the question earlier. We get guidance from Engineering. We don't necessarily have to adhere to it. We can take it into account as we formulate our decision.

CHAIRPERSON SIAVELIS: And we evaluate the testimony that comes in from the Petitioner.

COMMISSIONER JAFFE: Correct. So, based on the hardship that the Petitioner has articulated, I'm okay approving the variance as presented.

CHAIRPERSON SIAVELIS: Without replacement of impervious pavers by pervious pavers?

COMMISSIONER JAFFE: Correct.

COMMISSIONER SELBKA: Correct.

COMMISSIONER PORTERA: The hot tub construction is complete, right?

MRS. GRIFFIN: Absolutely.

COMMISSIONER PORTERA: There is no more work you guys have to do?

MRS. GRIFFIN: It's done, yes.

COMMISSIONER PORTERA: Not to put myself in the mind of the Engineering Department, but they could possibly agree to saying that this sport court could be ripped up and then put in with permeable pavers. Do you think that's what they're getting at?

COMMISSIONER GEISEL: I don't think so. I think what they're advocating is the removal and replacement, is the patio itself of pavers?

MR. GRIFFIN: Yes, it's a normal patio.

MRS. GRIFFIN: Yes, it matches the --

COMMISSIONER GEISEL: So, I think, not that I'm sure, but I think what

they're advocating is the removal and replacement of the existing patio with permeable paver rather than the current pavers.

COMMISSIONER LANAGHAN: Right.

CHAIRPERSON SIAVELIS: And again, like Ben said, it's discretionary, right? The Engineering Department's comments are discretionary, right, for us to evaluate.

COMMISSIONER GEISEL: Correct.

CHAIRPERSON SIAVELIS: So, Mr. Drake made a motion --

COMMISSIONER DRAKE: I did not yet make a motion.

CHAIRPERSON SIAVELIS: Oh, I'm sorry, I apologize. If you were to make a motion, I apologize. So, that's the other views supporting a variance without taking into account what the Engineering Department said or what we're interpreting it to say.

COMMISSIONER SELBKA: In light of the unique circumstances and hardship that is in the petition.

CHAIRPERSON SIAVELIS: And the testimony we heard today.

COMMISSIONER SELBKA: Right.

COMMISSIONER DRAKE: I think given the cryptic wording by the Engineering people, I'm going to kind of retreat and agree with what I'm hearing from everybody else on the Board. I will support the variance as stated or as submitted. I see the hardship and I think it's reasonable.

CHAIRPERSON SIAVELIS: Okay, do we have a motion?

COMMISSIONER DRAKE: I would move approval of the petition.

COMMISSIONER LANAGHAN: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, your variance as filed has been granted.

MRS. GRIFFIN: Thank you.

MR. GRIFFIN: Thank you, appreciate it.

COMMISSIONER GEISEL: And largely based upon your neighbor's testimony where no further ill will has turned up although flooding has occurred as well.

COMMISSIONER LANAGHAN: Keep your sump running.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:38 p.m.)



**Zoning Board of Appeals
2/13/2023**

Item: 129 S Vail Ave - 1/9/23

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
129 S Vail Ave - 1/9/23 Findings	Minutes
129 S Vail Ave - 1/9/23 Minutes	Minutes

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS January 9, 2023

PETITIONER: Ericksen Residence
ADDRESS OF PROPERTY 129 S. Vail Ave.
VARIATION: 5.1-4.1, 5.1-4.2 (Minimum Lot Size & Width)

A variation to allow a lot with an area of 6,600 square feet to be buildable where 8,750 square feet is required; A variation to allow a lot with a width of 50 feet to be buildable where 70 feet is required.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that the site is currently vacant and they are proposing to build a new two-story single family residence with a detached two-car garage. The subject site is zoned R-4, Two Family Dwelling District. The property has a total land area of 6,600 square feet and the proposed residence will have approximately 2,800 square feet. The petitioner explained that the project requires approval by the Zoning Board of Appeals for a variation in lot width and size due to the existing 50' wide lot with 6,600 square feet not meeting the minimum required 70 foot width and 8,750 square feet. A neighbor spoke in support of the project.

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 7-0 to approve the variance request.

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

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: 129 SOUTH VAIL AVENUE - ZBA #23-003

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 9th day of January, 2023 at the hour of
8:38 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, let's move on to the next item. We're an hour and 40 minutes in, folks. Next petition is ZBA #23-003, 129 South Vail Avenue.

MR. BUDZIK: I'll let Derek do his thing.

CHAIRPERSON SIAVELIS: Yes, go ahead, Derek. You're on.

MR. MACH: Thank you.

The site is currently vacant. The Petitioner is proposing to build a new two-story single-family home with a detached two-car garage. The subject site is zoned R-4, Two-Family Dwelling District. The property has a total land area of 6,600 square feet, and the proposed residence will have approximately 2,800 square feet. The project does require approval by the Zoning Board of Appeals for a variation in lot width and size due to the existing 50-foot wide lot with 6,600 square feet not meeting the minimum required 70-foot width and 8,750 square feet. The project design does comply with all other zoning requirements.

The Petitioner is requesting the following variations:

1. A variation from Chapter 28, Section 5.1-4.1 to allow a lot with an area of 6,600 square feet to be buildable where 8,750 square feet is required.
2. In addition, they're requesting a variation from Chapter 28, Section 5.1-4.2 to allow a lot with a width of 50 feet to be buildable where 70 feet is required.

Thank you.

CHAIRPERSON SIAVELIS: Great, thank you.

So, you've signed in, sir?

MR. BUDZIK: Yes.

CHAIRPERSON SIAVELIS: Okay, can you identify yourself for the record and then I'll swear you in?

MR. BUDZIK: Thom Budzik, Thomas Architects, 2800 South River Road, Des Plaines, Illinois.

CHAIRPERSON SIAVELIS: All right, Thom, right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: All right, please proceed.

MR. BUDZIK: Okay, just briefly here on background, we were contacted by the owner of the property to build a new single-family home on this property. They actually have also built a home at 129 South Highland which is just on the next street over. We went through basically the same process, I think it was about two years ago or so.

In this circumstance, the owner is actually building a home on this property for his daughter. They're both here present today. Really the unique circumstance here is simply that it's an existing lot that is substandard in lot area and lot width. This is a very common size lot in the neighborhood. You could see the lot directly to the north and two directly to the south are the same size; 129 South Highland was exactly the same size as well.

The neighborhood is consistent with these smaller substandard lots, and the home that we're proposing is otherwise going to comply with all other zoning requirements.

CHAIRPERSON SIAVELIS: Okay, have you received any neighbor feedback?

MR. BUDZIK: We have not.

CHAIRPERSON SIAVELIS: You have not, okay. This is a new home,

right? This is not an existing one that we see on these other issues that you've heard tonight.

All right, this is pretty straight-forward to me. I don't really have other questions. So, no neighbor feedback. No commentary either for or against it from other neighbors. You said the owners are in the neighborhood basically.

MR. BUDZIK: Yes.

CHAIRPERSON SIAVELIS: How long have they been in the area and in the neighborhood?

MR. ERICKSEN: I'm the owner. I've signed in, Mark Ericksen. I've lived in Arlington Heights --

CHAIRPERSON SIAVELIS: Mark, let me swear you in real quick.

MR. ERICKSEN: Sure.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Please proceed.

MR. ERICKSEN: I've been a homeowner in Arlington Heights for 39 years. I was on the Board of Local Improvements for 20 years. This will be the fourth house that I've built: the one for myself at 133 Highland; I built one for my son at 609 East Davis; built the one next to me at 129 South Highland; and then this one is 129 South Vail for my daughter and my son-in-law you see behind me.

There was a house on here before. I think it was torn down about seven or eight years ago. The gentleman called up Thom and liked the style of the house and the houses I've built and asked us if we'd buy the lot. So, I purchased the lot for him and now we're going into build a house on it.

CHAIRPERSON SIAVELIS: Okay, good. Thank you for that background and the history.

MR. ERICKSEN: Yes, and both sides of the street, I'd say 70 to 80 percent of the lots are 50-foot lots. This is an archaic zoning requirement of a 70-foot width lot. I mean, the houses on Highland and Vail would all have to be torn down if, you know, they stated we had to comply with the 70-foot.

CHAIRPERSON SIAVELIS: Understood, thank you. All right, I don't have any other questions for the Petitioner.

COMMISSIONER LANAGHAN: I have one quick one. You stated that there was no feedback from the neighbors. Did you reach out to the neighbors or is it just nobody has approached you based on the sign that's up?

MR. BUDZIK: Nobody has approached us.

COMMISSIONER LANAGHAN: Got it.

MR. ERICKSEN: Plus all of the letters that were sent out.

COMMISSIONER LANAGHAN: No, I understand. I just wanted to clarify that for my own knowledge. Appreciate it.

CHAIRPERSON SIAVELIS: And to Jeff's point, did we receive any formal commentary from neighbors like via an e-mail submission?

MR. MACH: No, we have not.

COMMISSIONER LANAGHAN: No, I get it. You've got to send it out to everybody around.

MR. ERICKSEN: My phone number is on the sign.

COMMISSIONER LANAGHAN: Yes, got it.

CHAIRPERSON SIAVELIS: Okay, any comments from the neighbors?
Come on up. You've signed in?

MR. MEERSMAN: Yes, I did.

CHAIRPERSON SIAVELIS: Okay, great.

MR. MEERSMAN: My name is Donald Meersman. I live at 202 South on Highland Avenue in Arlington Heights. I've lived in Arlington Heights for 42 years. Please approve Mr. Ericksen's request. I watched the other two buildings go up, and in my opinion they'll be first class buildings which will benefit the neighborhood. Please approve his request.

CHAIRPERSON SIAVELIS: All right. Thank you, Mr. Meersman, we appreciate your sitting through this and your testimony. Okay, no other comments from folks in the audience? We can move now to deliberation of the Board members.

So, I think this is reasonable. I think the Petitioner touched on all the points. There is a number of 50-foot lots adjacent/adjoining in the nearby, you know, a stone's distance. It's reasonable. Engineering supports it. I believe they're not in this situation, no objections from the Engineering Department or Engineering Division. So, I'm in favor of it and I think it is reasonable.

COMMISSIONER GEISEL: It's a pre-existing non-conforming condition with no other asks.

COMMISSIONER LANAGHAN: There was a house on it, I just checked. In 2014, it was taken down. So, yes.

CHAIRPERSON SIAVELIS: So, that's consistent with the Petitioner's testimony.

COMMISSIONER LANAGHAN: Absolutely. Absolutely, yes, I completely agree with you.

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

COMMISSIONER SELBKA: Motion --

COMMISSIONER LANAGHAN: I move -- yes, go ahead.

COMMISSIONER SELBKA: Motion to approve.

COMMISSIONER LANAGHAN: You got it, Joe. 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: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, variance is granted.

MR. BUDZIK: Thanks.

CHAIRPERSON SIAVELIS: All right, do we have a -- oh, that's right. Derek, it's not in our itinerary, public comment or no?

MR. MACH: It would usually still be allotted time.

CHAIRPERSON SIAVELIS: Okay, I see you've come up. You have, so you're going to make a public comment?

Okay, you have three minutes on the record to make a comment. Clock starts now.

MS. CAYER: All right, Melissa Cayer speaking. I was looking, reading along on the website for the Zoning Board of Appeals. It says the intention, purpose, members, variations, and then there are bullet points that are what you are supposed to consider. There are only three bullet points listed and you mentioned four. So, the website needs to be updated to reflect your four bullet points.

MR. MACH: Thank you for bringing that to my attention. I'll follow-up on that.

COMMISSIONER LANAGHAN: Absolutely.

MS. CAYER: All right.

MR. MACH: Thank you.

CHAIRPERSON SIAVELIS: Thank you.

All right, no further public comments? Mr. Meersman, you're departing, okay. All right, do we have a motion to adjourn?

COMMISSIONER LANAGHAN: So moved.

COMMISSIONER JAFFE: Seconded.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, we are adjourned.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:47 p.m.)



**Zoning Board of Appeals
2/13/2023**

Item: 623 N Beverly Ln - 1/9/23

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
623 N Beverly Ln - 1/9/23 Minutes	Minutes

ZONING BOARD

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

OF APPEALS

RE: 623 NORTH BEVERLY LANE - ZBA #23-004

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 9th day of January, 2023 at the hour of
7:00 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, welcome, everyone. We're going to call the meeting to order. This is the January 9th meeting of the Zoning Board of Appeals for the Village of Arlington Heights. Welcome to tonight's meeting.

Derek, roll call please.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Here.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Here.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Here.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Here.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Here.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Here.

CHAIRPERSON SIAVELIS: Okay, great.

Pledge of Allegiance is next. The flag is up in the corner.

(Pledge of Allegiance recited.)

CHAIRPERSON SIAVELIS: Okay, next item of business, approval of draft minutes from, there was no December meeting though.

MR. MACH: No.

CHAIRPERSON SIAVELIS: Yes.

MR. MACH: November.

CHAIRPERSON SIAVELIS: So, November meeting, that's right. Has everybody had a chance to look at the draft minutes? Any edits or revisions or supplementations to those minutes?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, do we have a motion to approve?

COMMISSIONER DRAKE: So moved.

COMMISSIONER LANAGHAN: Second.

CHAIRPERSON SIAVELIS: Voice vote?

MR. MACH: All in favor.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, the minutes are approved.

Okay, let's go into the hearing procedures. So, folks, for your benefit, there are some ground rules for this hearing and the matters that are discussed during tonight's meeting. It's important that we adhere to the rules and the procedures such that we conduct ourselves in a, you know, time-efficient manner and also to make sure that the reporter can get everything down because what is discussed here is transcribed for the

record.

Okay, so first off, if there's less than six members present, which there are not, a petitioner has an option to continue the meeting, and it will take four affirmative votes to approve a variance as well regardless of the number of Board members in attendance. Four is the magic number for the petitioner. If denied, a petitioner cannot reapply for that same variance for an entire year, so there is a one-year preclusionary period.

We have a Staff presentation provided by Derek tonight for each and every petition and the variances therein. So, Derek will provide a project overview of the variance and some basic comments on it.

Petitioners, keep in mind that there are four elements necessary to establish in order for the Board to grant a variance. I'm going to read those four but I want to stress the importance that these elements are for the petitioner to establish. They are not for the Board to pull out of the petitioner and coax out of the petitioner. It is the petitioner's responsibility to establish each and every one of these elements and make sure there is testimony provided on each of the four. These are the same four elements that are in your paperwork that you provided to the Village so they should come as no surprise to you.

Those 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;
4. That the variance requested is the minimum variance necessary to allow reasonable use of the property.

With that in mind, keep in mind as well that a variance and approval of a petition is permitted only if the evidence, in the judgment of this Board of Appeals, sustains each of the four conditions or elements that I just read.

Okay, so with that in mind, let's move to the first item of business. It's ZBA Petition No. 23-004, 623 North Beverly Lane.

MR. MACH: Chairman and Zoning Board, the Petitioner has requested a continuance. They did notify for this project; however, they're trying to resolve some of the variance requests. They are requesting a continuance to the February 13th, 2023 Zoning Board meeting if the Zoning Board would consider a motion that the Petitioner will be heard next month.

CHAIRPERSON SIAVELIS: So, Derek, I think those are reasonable bases to request a one-month continuance. I don't have an issue with that. I don't know if any other Board members any issues with it. If not, is there a motion?

COMMISSIONER LANAGHAN: I motion, yes.

COMMISSIONER SELBKA: Second.

MR. MACH: Just to clarify, so the motion is for?

COMMISSIONER LANAGHAN: To continue for one month, yes.

MR. MACH: Thank you.

CHAIRPERSON SIAVELIS: And Derek, one thing real quick, do they have

latitude to move, to seek an additional continuance until March if these issues are not resolved ahead of time?

MR. MACH: They do, if the Zoning Board would consider anticipating their appearance next month.

CHAIRPERSON SIAVELIS: Sure.

COMMISSIONER DRAKE: Derek, how many petitions will we have next month?

MR. MACH: I believe we'll have three.

COMMISSIONER DRAKE: Including the continuance?

MR. MACH: Yes.

COMMISSIONER DRAKE: Okay, thanks.

CHAIRPERSON SIAVELIS: Okay, so we have a motion and a second.
Yes, I'm waiting for Derek to put his glasses on.

MR. MACH: Yes, thank you.

Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Okay, continuance granted.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:07 p.m.)



Zoning Board of Appeals 2/13/2023

Item: 623 N Beverly Ln - ZBA#23-004

Department: Planning & Community Development

The petitioner has previously submitted a request that the Zoning Board of Appeals continue the public hearing for 623 N. Beverly Lane. It is recommended that the hearing be continued from February 13, 2023 to the regularly scheduled ZBA meeting date on March 13, 2023.

ATTACHMENTS:

Description

Type

No Attachments Available



Zoning Board of Appeals 2/13/2023

Item: 436 S Prindle Ave - ZBA#23-005

Department: Planning & Community Development

REQUEST

A 231 square foot variation from Chapter 28, Section 5.1-3.5b (Maximum Impervious Surface Coverage) to allow 4,210 square feet of impervious surface coverage where 3,979 square feet is allowed.

ATTACHMENTS:

Description	Type
Supporting Documents	Exhibits
ZBA Minutes 7-12-21	Minutes

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: February 13, 2023
Date Prepared: February 7, 2023
Project Title: Kelly-Schmidt Residence
Address: 436 S. Prindle Ave.

Background Information

Petition Number: ZBA #23-005
Petitioner: Robert Flubacker Architects
Address: 1835 Rohlwing Rd, Suite B
Rolling Meadows, IL 60008

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 single-family home is approximately 1,773 square feet. The property has a total land area of 7,958 square-feet and a lot width of 66 feet. On July 12, 2021 the petitioner received a 538 square foot variation to allow 4,517 square feet of impervious surface coverage with a condition that the overage above the allowable 3,979 square feet consist of permeable pavers. The petitioner has reduced the overall impervious surface coverage and is seeking relief from the condition that requires the overage be constructed of permeable pavers.

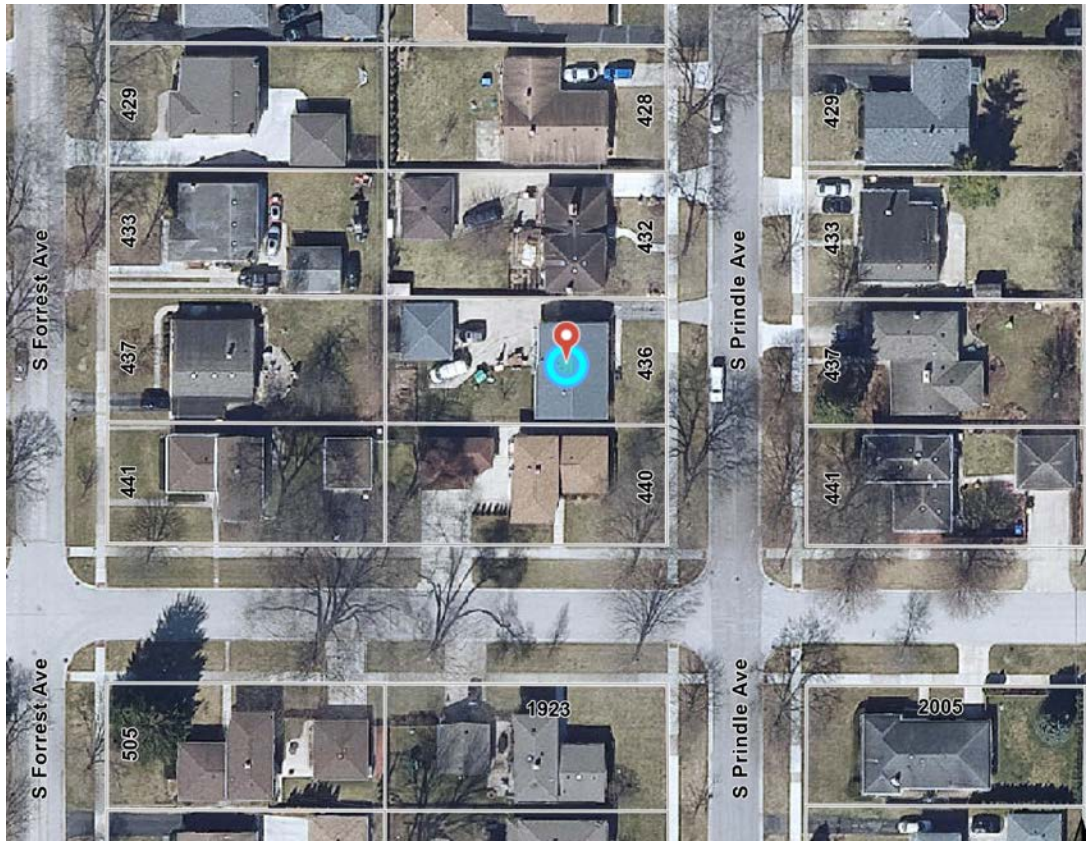
As part of the petitioner's plans on exhibit 'D', an area has been identified for a future pervious paver patio. It should be noted that the petitioner would need to return to the Zoning Board at a future date for a variance to allow an increase to the impervious surface coverage in order to allow the patio. Pervious pavers have a limit on their capacity for water storage; therefore, are included as part of the overall impervious surface calculation. The petitioner requests the following variation:

- **A 231 square foot variation from Chapter 28, Section 5.1-3.5b (Maximum Impervious Surface Coverage) to allow 4,210 square feet of impervious surface coverage where 3,979 square feet is allowed.**

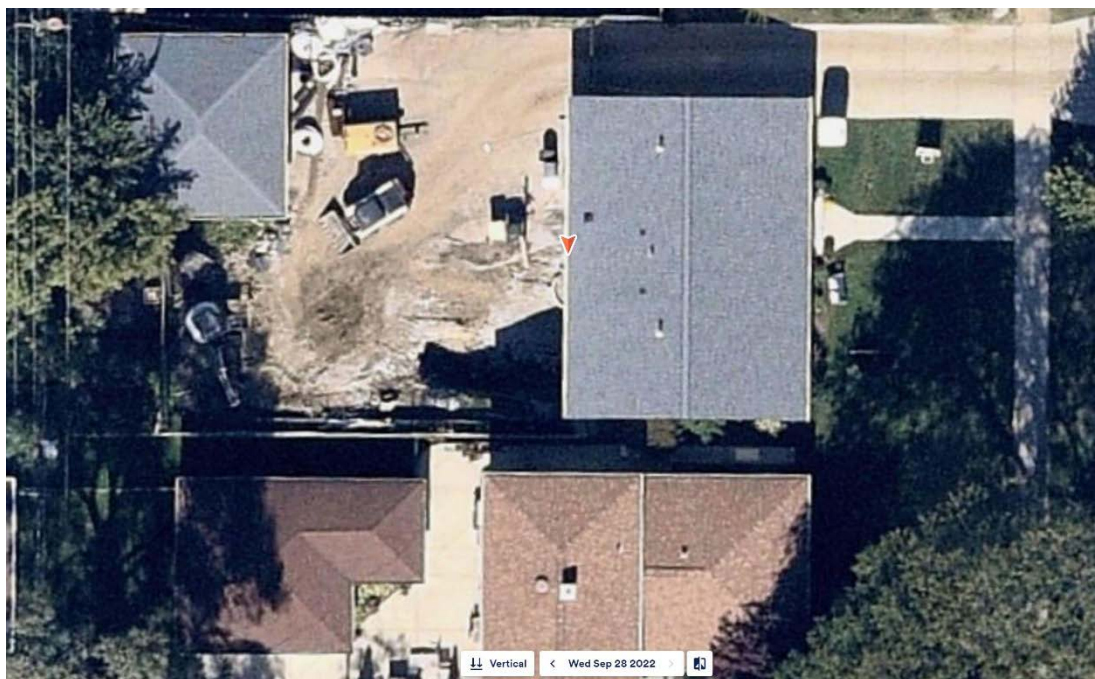
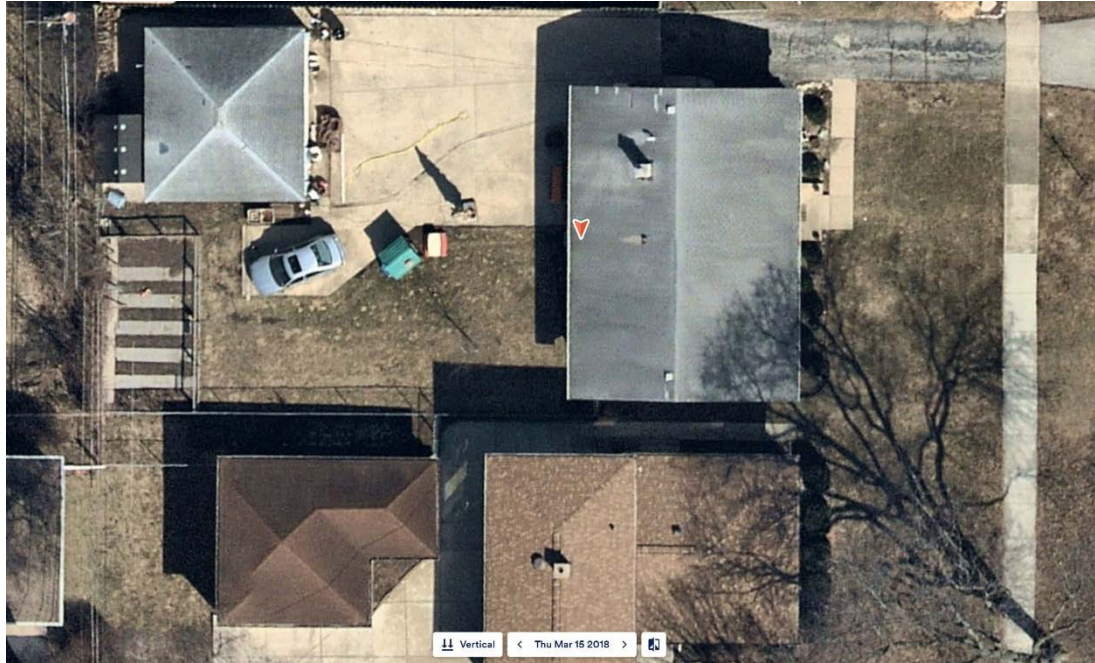
Variation Review Standards

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



Petition – ZBA#23-005
PIN: 03-33-113-019



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	✓	1/23/23	
2. List of Property Owners Within 250 feet of Subject Property	✓	1/23/23	
3. Letter that was Mailed	✓	1/23/23	
4. Photographs of Sign on Property	✓	1/23/23	

Photographs of Existing Structure



PETITION

NOW COMES the Petitioner, **Robert Flubacker**, being the petitioner of the property commonly known as: **436 Prindle Ave.**, and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a variation from **Section 5.1-3.5.b.2. Maximum Impervious Surface Coverage**, Chapter 28, of the Arlington Heights Municipal Code, in order to:

Reconfigure a concrete driveway to an existing 2-car detached garage, exceeding the total allowed impervious surface coverage by 231 sq.ft. (total proposed impervious coverage 4,210 sq.ft.), which matches the impervious surface coverage that existed prior to construction.

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 were not granted:

Since the proposed impervious areas matches the previous impervious areas there is no significant change and therefore will not alter the essential character of the locality.

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:

1. Due to confusion from the recent Zoning Board of Appeals hearing on 7/12/21 and subsequent conflicting interpretations by the Staff compared to the Owner and Architect, the circumstances are truly unique. Part of the confusion is a letter from the Engineering Department regarding the increase in impervious area. Since we are matching existing impervious area this letter does not apply.
2. The existing house design is one level with a detached garage in the rear of the lot. Both of these characteristics create a large footprint, which drives the large impervious area.

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

Since the proposal would have no impact on impervious surface this section is mute.

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

The design proposal minimizes the impervious surface coverage by eliminating non-essential square footage of existing paved areas and new paved areas will be in 'pervious' pavers.

Signed: _____

Petitioner

Date: _____

12/28/22



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: Erin Kelly Schmidt Residence

Project Address: 436 S Prindle Avenue

ZBA #: 23-005

Date: January 26, 2023

Derek:

I have reviewed the request for the following variance:

- **A 231 square foot variation from Chapter 28, Section 5.1-3.5b (Maximum Impervious Surface Coverage) to allow 4,210 square feet of impervious surface coverage where 3,979 square feet is allowed.**

and do not have any objection to the request.

ZBA# 23-005
436 Prindle Avenue- ZBA (original ZBA 21-022)
Rev. Eng: Briget Schwab, P.E.
cc: Mike Pagones, P.E. Village Engineer

Application Date: May 28, 2021
Received by Planning:
Transmitted to Engineering: June 23, 2021
Completed: July 6, 2021
ZBA Meeting Date: July 12, 2021

The proposed ZBA application indicates that the petitioner is seeking:

A 231 square foot variation from Chapter 28, Section 5.1-3.4b (Maximum Impervious Surface Coverage) to allow 4,210 square feet of impervious surface coverage where 3,979 square feet is allowed.

The Engineering Division is NOT IN FAVOR of the proposed variance for impervious surface coverage. If the variance for impervious surface coverage is granted, it is recommended that the petitioner be required to use permeable pavers that allows for detention for a portion of the driveway/patio to offset any overage in impervious surface.

NOTE: The petitioner claims there was confusion on the interpretation of the Engineering comments provided in 2021 (ZBA# 21-022). However, the Engineering Division has been consistently NOT IN FAVOR of any impermeable surface over the allowed amount, regardless of existing conditions. In addition, during the permit process the plans were rejected twice by Engineering because the design did not comply with the ZBA ruling of providing permeable pavers over the allowed amount. Mr. Flubacker finally submitted a plan that did provide permeable pavers for the excess area which was approved by Engineering.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Erin Kelly Schmidt Residence

Project Address: 436 S Prindle Avenue

ZBA #: 23-005

ZBA Hearing Date: February 13, 2023

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

C: Steve Hautzinger, Design Planner

From: Derek Mach, Landscape Planner

Transmitted On: January 24, 2023

- A 231 square foot variation from Chapter 28, Section 5.1-3.4b (Maximum Impervious Surface Coverage) to allow 4,210 square feet of impervious surface coverage where 3,979 square feet is allowed.

Attached are the Petitioner's:

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

Comments: _____

No Comments.

- Steve Hautzinger, Design Planner

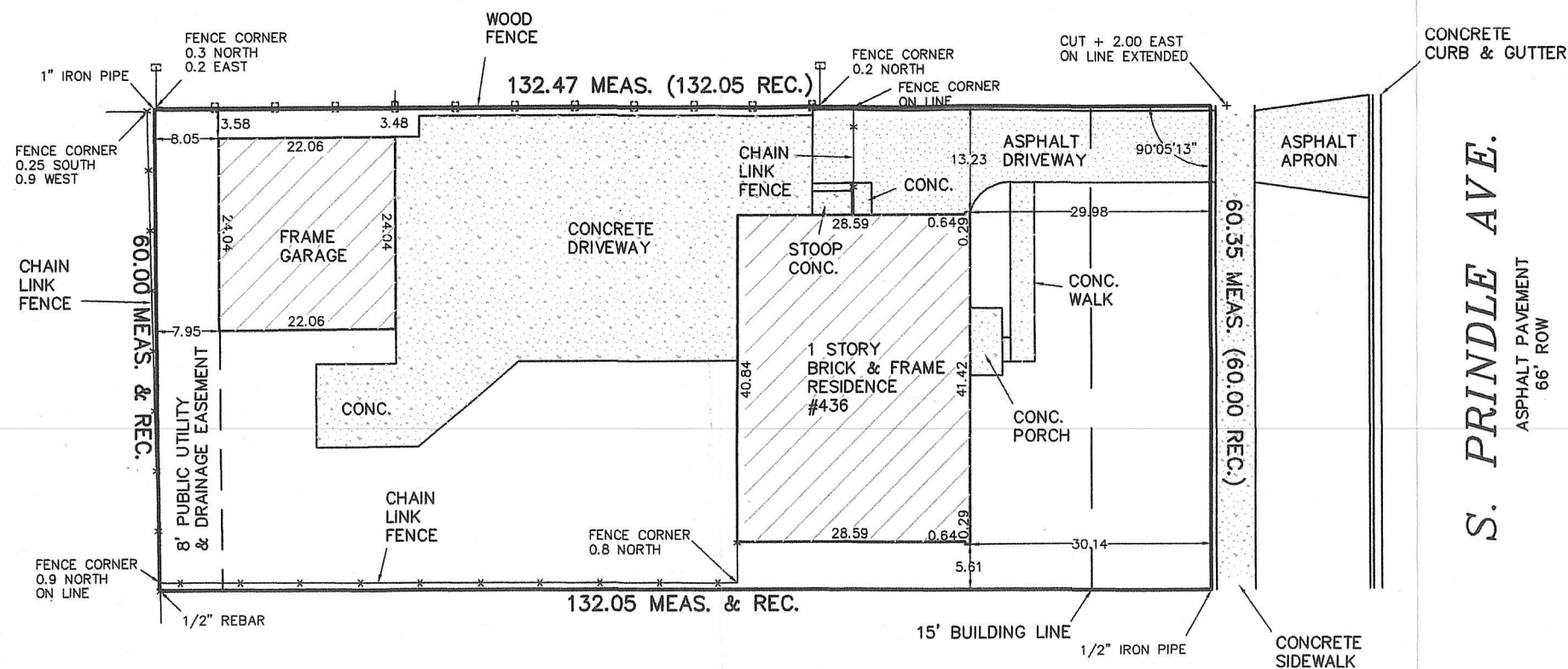
Please review, comment, and return to me no later than February 3, 2023.

T.K.D. Land Surveyors, Inc.

P.O. BOX 1463, Arlington Heights, IL 60006
Phone: (847) 702-1845 Fax: (847) 429-1608
tkdlandsurveyors@att.net

PLAT OF SURVEY

LOT 162 IN H. ROY BERRY COMPANY ARLINGTON ACRES, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF NORTHWEST HIGHWAY, IN COOK COUNTY, ILLINOIS.



MEASURED LOT AREA = 7,958 SQ. FT.

- * All dimensions shown are given in feet & decimal parts thereof
- * No angles or distances are to be assumed by scaling
- * Legal description, building lines and easements are taken from recorded subdivision plat and/or other available documentation. Refer to title policy, deed or local jurisdiction for building setbacks and easements not shown hereon and report any discrepancies.

Scale: 1"=20'
Job # 13-208
Address: 436 S. Prindle Ave.
Arlington Heights, IL 60004
P.I.N. 03-33-113-019
Ordered by: Kristen Williams



STATE OF ILLINOIS } ss.
COUNTY OF COOK }

I, Thomas R. Knauber, an Illinois Professional Land Surveyor do hereby certify that I have surveyed the above described property, and that the above plat is a correct representation of said survey.

Lic. Exp. 11-30-14

Thomas R. Knauber Illinois P.L.S. #035-003405

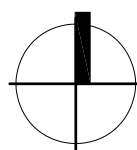
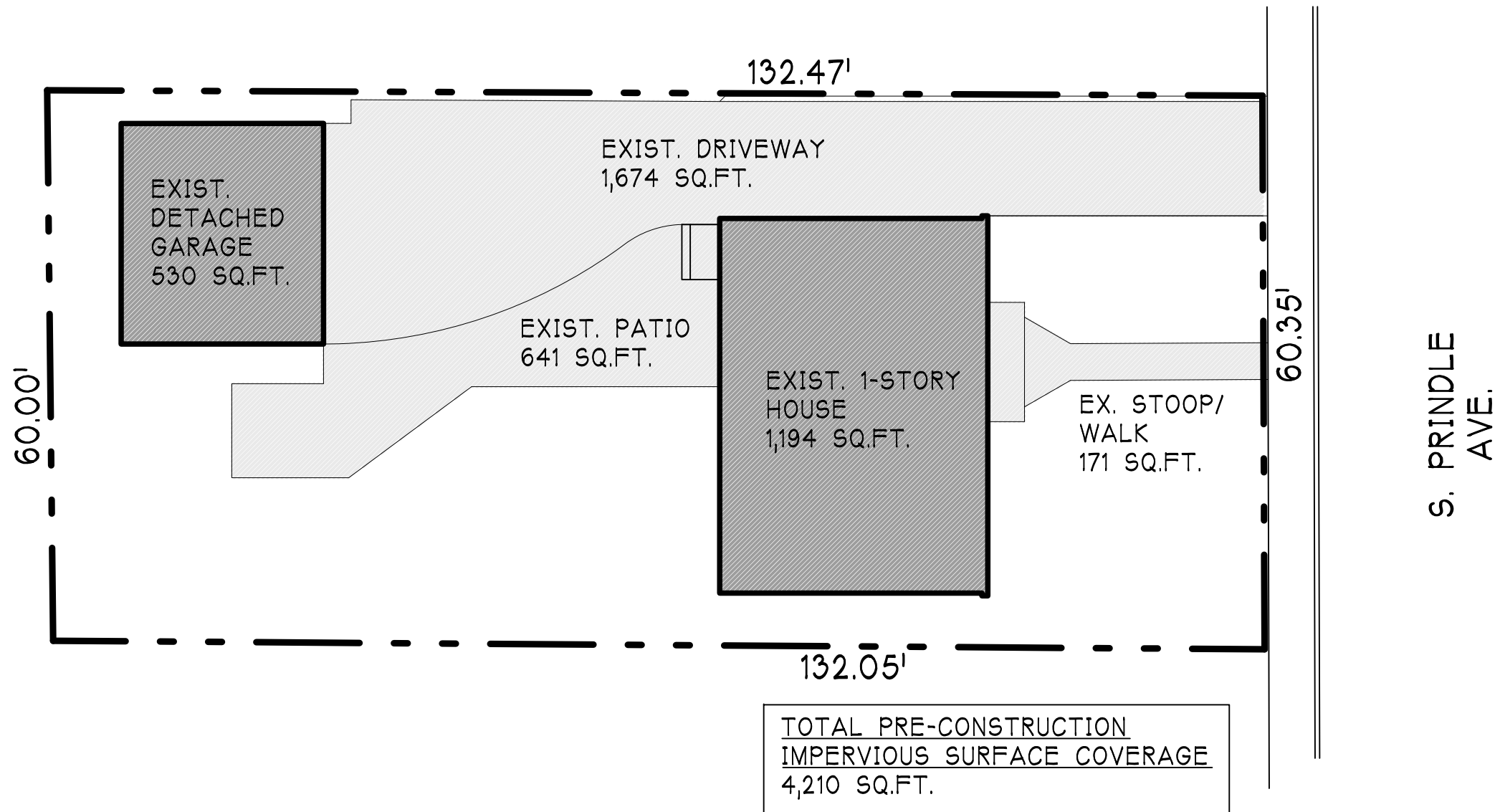
Dated: July 10, 2013

Field work completed: July 10, 2013

Professional Design Firm Lic. No. 184.005204

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

THIS SURVEY IS VALID ONLY WITH EMBOSSED SEAL



NORTH

EXHIBIT A:

ORIGINAL SITE PLAN (PRE-CONSTRUCTION)

SCALE: 1" = 15'-0"

SCHMIDT RESIDENCE

436 S. PRINDLE AVE.

ARLINGTON HEIGHTS, ILLINOIS

ROBERT FLUBACKER ARCHITECTS, LTD.

DECEMBER 5, 2022

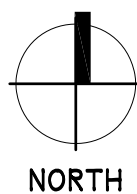
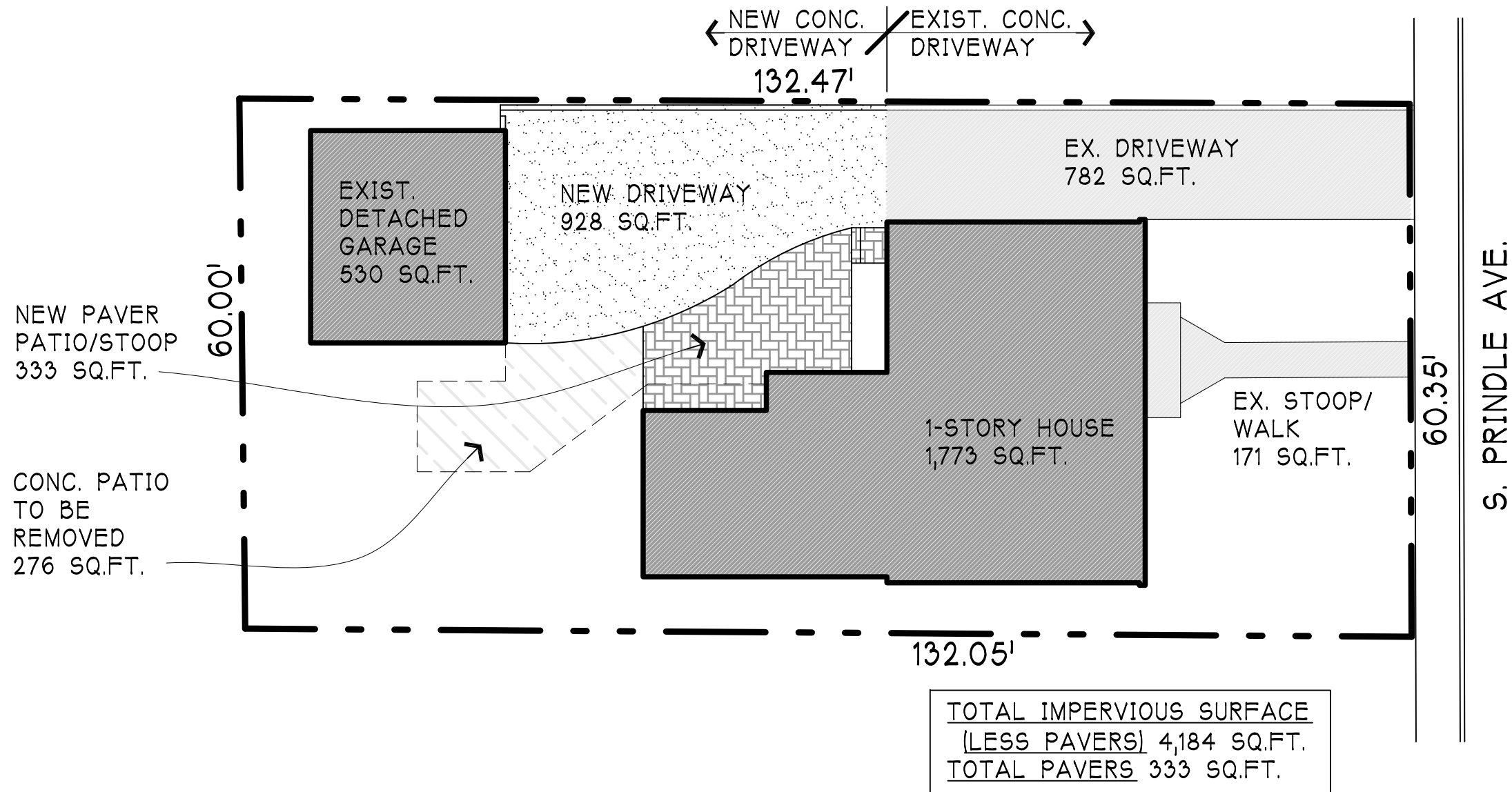


EXHIBIT B:
SITE PLAN USED FOR
VARIANCE APPROVED ON 7/12/21
SCALE: 1" = 15'-0"

SCHMIDT RESIDENCE

436 S. PRINDLE AVE.
ARLINGTON HEIGHTS, ILLINOIS
ROBERT FLUBACKER ARCHITECTS, LTD.
DECEMBER 5, 2022

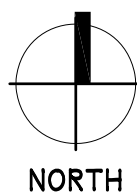
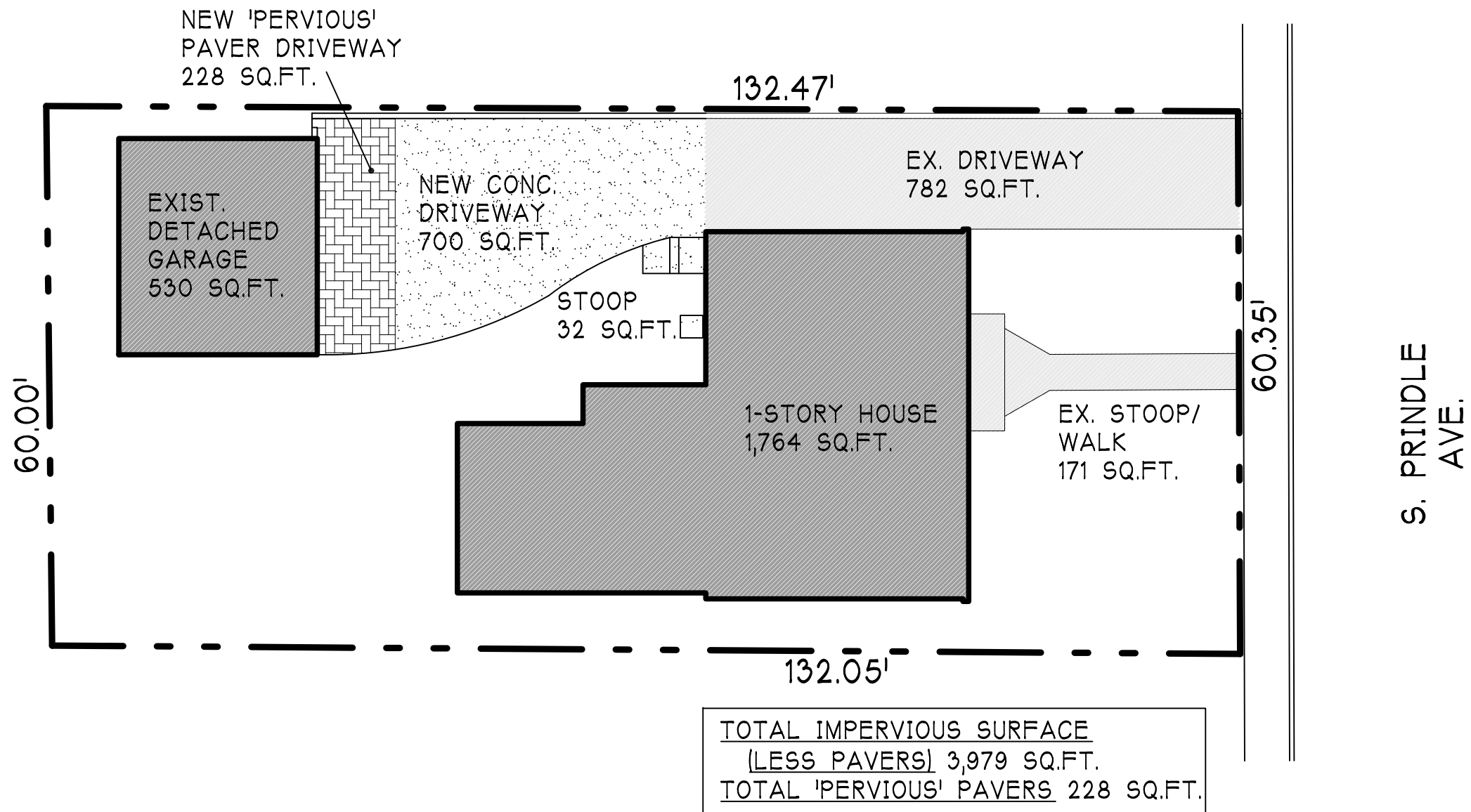


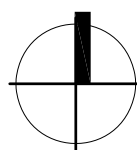
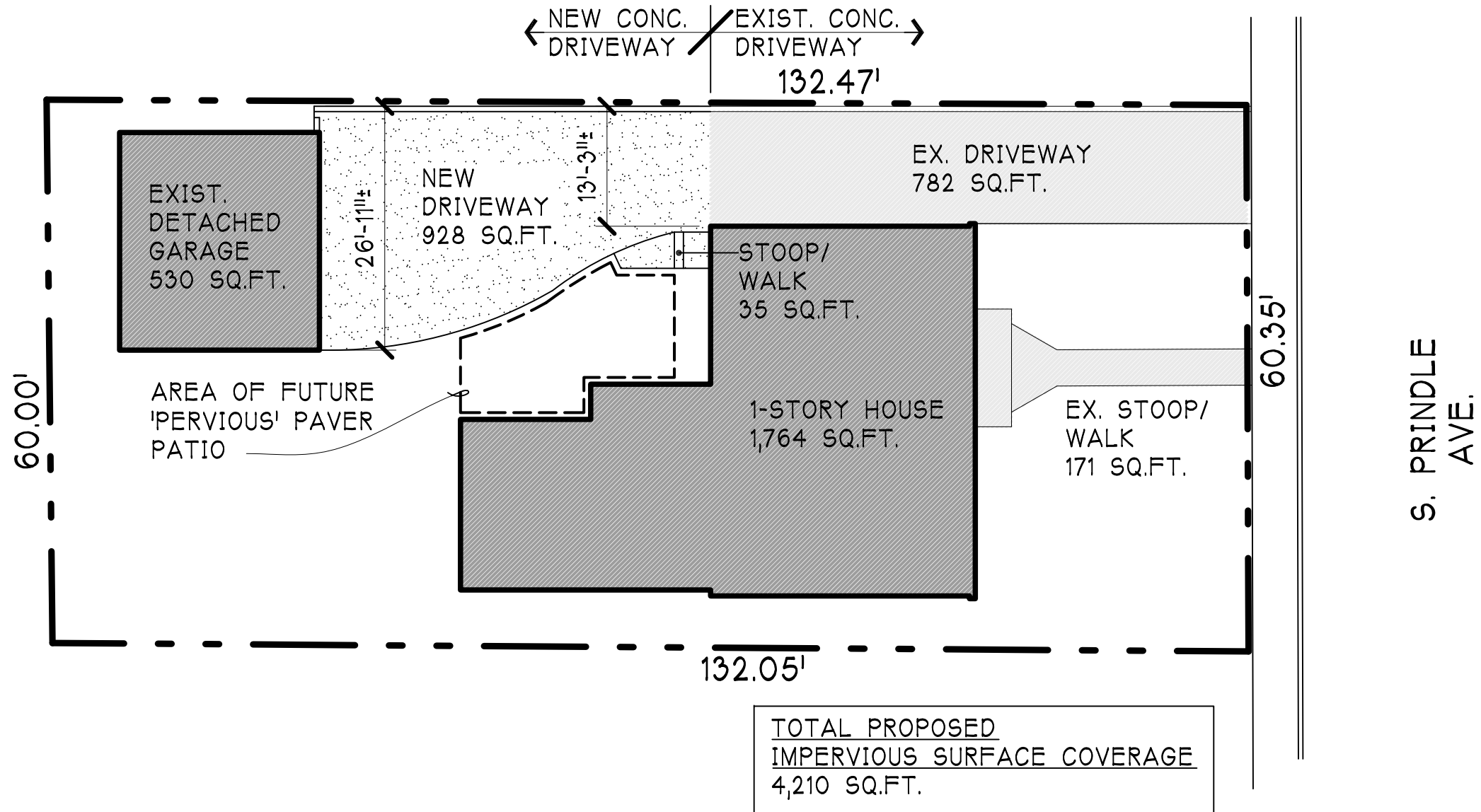
EXHIBIT C:

PERMIT APPROVED SITE PLAN

SCALE: 1" = 15'-0"

SCHMIDT RESIDENCE

436 S. PRINDLE AVE.
 ARLINGTON HEIGHTS, ILLINOIS
 ROBERT FLUBACKER ARCHITECTS, LTD.
 DECEMBER 5, 2022



NORTH

EXHIBIT D:
PROPOSED SITE PLAN

SCALE: 1" = 15'-0"

SCHMIDT RESIDENCE

436 S. PRINDLE AVE.
ARLINGTON HEIGHTS, ILLINOIS
ROBERT FLUBACKER ARCHITECTS, LTD.
DECEMBER 5, 2022

ZONING BOARD

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

OF APPEALS

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

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

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

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

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

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

CHAIRPERSON SIAVELIS: Thank you, Derek.

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

MR. FLUBACKER: I am.

CHAIRPERSON SIAVELIS: Hello, Bob.

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

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

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

CHAIRPERSON SIAVELIS: Okay, right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Great, please proceed.

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

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

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

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

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

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

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

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

CHAIRPERSON SIAVELIS: Sure, Bob.

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

Bob, if you can take a look?

MR. FLUBACKER: Sure.

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

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

CHAIRPERSON SIAVELIS: Sure.

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

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

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

MR. FLUBACKER: Yes, right.

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

MR. FLUBACKER: Yes, sorry.

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

MR. FLUBACKER: Four?

MR. SCHMIDT: Five.

CHAIRPERSON SIAVELIS: Five?

MR. FLUBACKER: Like I said, five.

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

MR. FLUBACKER: Eight years.

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

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

CHAIRPERSON SIAVELIS: The adjacent neighbors?

MR. FLUBACKER: Yes.

CHAIRPERSON SIAVELIS: Okay, good to know.

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

MR. FLUBACKER: Yes. Yes.

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

MR. MACH: No, none were received.

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

MR. FLUBACKER: Right.

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

MR. FLUBACKER: Sure.

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

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

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

CHAIRPERSON SIAVELIS: Not concrete?

MR. FLUBACKER: Right.

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

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

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

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

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

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

CHAIRPERSON SIAVELIS: Okay.

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

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

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

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

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

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

(No response.)

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

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

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

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

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

MR. FLUBACKER: Yes.

CHAIRPERSON SIAVELIS: Okay, very brief.

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

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

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

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

MR. FLUBACKER: Yes.

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

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

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

CHAIRPERSON SIAVELIS: Thank you very much, Tom.

Anyone else?

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

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

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

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

COMMISSIONER LANAGHAN: Yes.

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

COMMISSIONER LANAGHAN: I get it, yes.

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

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

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

COMMISSIONER LANAGHAN: To keep the water contained.

COMMISSIONER GEISEL: Which is also very helpful.

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

COMMISSIONER GEISEL: Yes. Continuation here, yes.

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

COMMISSIONER GEISEL: Yes.

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

COMMISSIONER LANAGHAN: Or required, right.

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

COMMISSIONER LANAGHAN: I absolutely agree, yes.

CHAIRPERSON SIAVELIS: Okay, so anybody else?

Ben, do you have anything to say?

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

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

COMMISSIONER LANAGHAN: That works for me, yes.

COMMISSIONER JAFFE: Yes.

CHAIRPERSON SIAVELIS: Okay, do we have a motion?

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

CHAIRPERSON SIAVELIS: Well, it's your motion.

COMMISSIONER JAFFE: That's my motion.

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

COMMISSIONER JAFFE: Thank you.

COMMISSIONER LANAGHAN: So, I'll second it.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

MR. FLUBACKER: Thank you very much.

CHAIRPERSON SIAVELIS: Congratulations.

MR. FLUBACKER: Thank you.

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

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

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



Zoning Board of Appeals 2/13/2023

Item: 1525 S Belmont Ave - ZBA#23-006

Department: Planning & Community Development

REQUEST

A variation from Chapter 28, Section 6.13-3c (Location of Fences-Exterior Side Yards) to allow a 4-foot tall, fence along the exterior side yard (Parkview Court) to be setback 0 feet from the property line where a setback of 5 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.

ATTACHMENTS:

Description	Type
Supporting Documents	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: February 13, 2023
Date Prepared: February 7, 2023
Project Title: Myers Residence
Address: 1525 S Belmont Avenue

Background Information

Petition Number: ZBA #23-006
Petitioner: Brandon Myers
Address: 1525 S. Belmont Avenue
Arlington Heights IL 60005

Existing Zoning: R-1 – Residential Single-Family District

Requested Action/Background Information

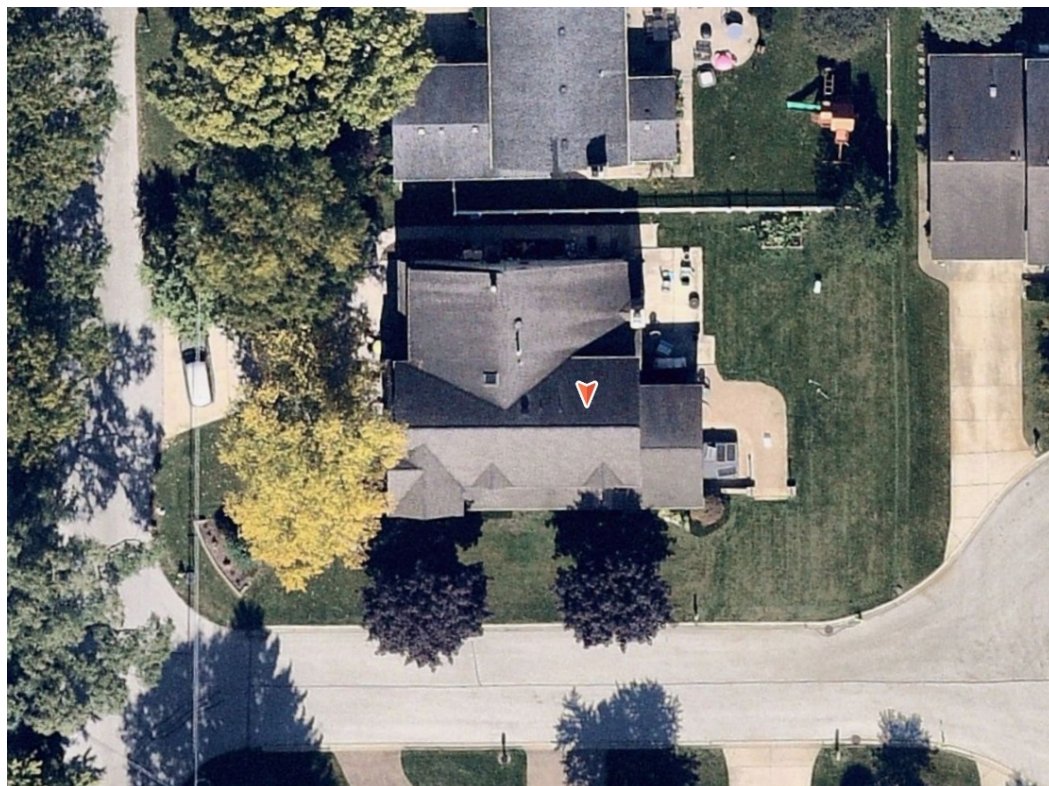
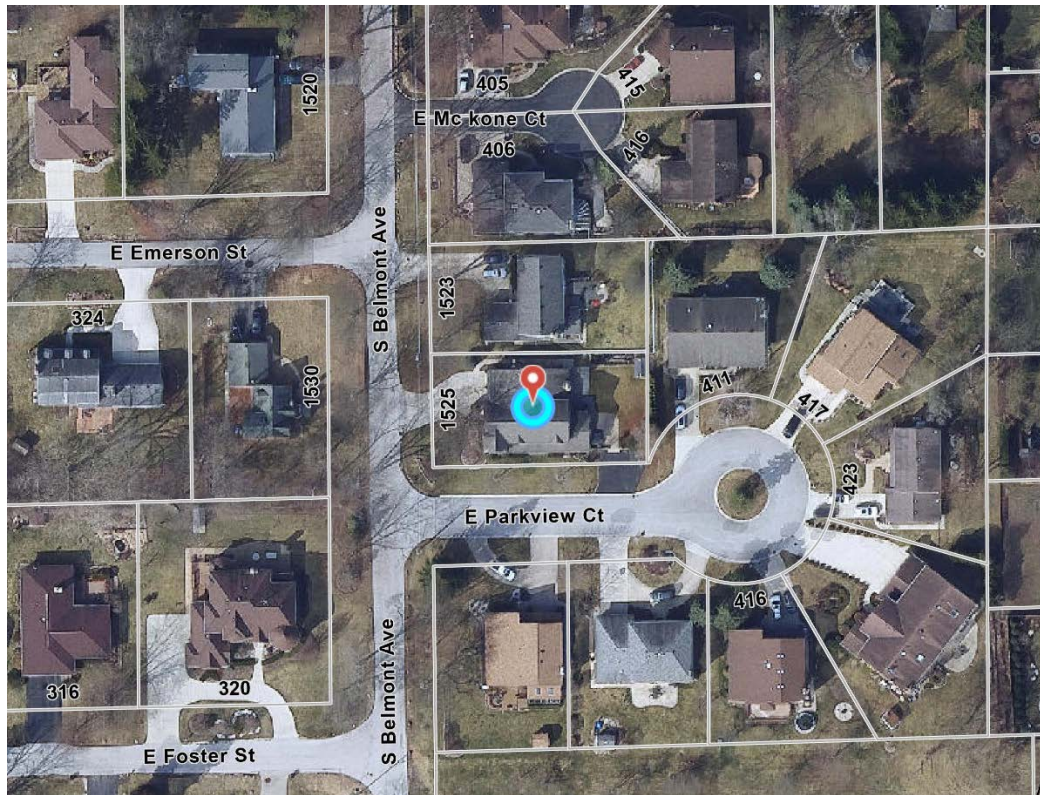
The subject property is located at the corner of Belmont Avenue and Parkview Court. The petitioner has installed a four foot tall fence within the parkway along Parkview Court which will be relocated to the private side of the property line along the exterior side yard. Fences in the exterior side yard 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 4-foot tall, fence along the exterior side yard (Parkview Court) to be setback 0 feet from the property line where a setback of 5 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.**

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	✓	1/27/23	
2. List of Property Owners Within 250 feet of Subject Property	✓	1/27/23	
3. Letter that was Mailed	✓	1/27/23	
4. Photographs of Sign on Property	✓	1/27/23	

Photographs of Existing Structure





PETITION

NOW COMES the Petitioner Brandon & Kaiti Myers being the owner of the property commonly know as 1525 S Belmont Ave Arlington Heights, IL and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 6.13-3, Chapter 28, of the Arlington Heights Municipal Code, in order to:

Keep a 4ft fence instead of a 3ft fence on our southern 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

The fence will be on our property line and will not alter any other nearby property.

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned

We have hardscape (stone stairs, pavers patio, retaining wall, and hot tub area) that begins around 5 ft within the plot line and therefore the fence's location needs to be directly on our plot line in order to be a safe distance from our hardscape. If the fence were placed 5 ft within our plotline it would again be hazardous to our children (or anyone) as there would not be enough space between the hardscape and fence.

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

There are fences of varying heights in the neighborhood along the exterior side yard.

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

This variance is due to our 4ft fence already being installed by a contractor who did not make clear to us the procedure of permits and Village requirements. We do not want to change our fence to a 3 ft fence because we do not believe it is safe enough for our children who could easily scale a 3 ft fence and also to keep unwanted big dogs off our property. We installed the fence for the safety of our children and we do not believe 3 ft fence is safe enough due to our daughter being bit by a dog when she was 2 with facial reconstructive surgery afterwards.

Electronic Signature: Kaiti Myers 2/10/23



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: Myers Residence

Project Address: 1525 S Belmont Avenue

ZBA #: 23-006

Date: January 26, 2023

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 4-foot tall, fence along the exterior side yard (Parkview Court) to be setback 0 feet from the property line where a setback of 5 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.**

and do not have any objection to the request.

ZBA# 23-006
1525 S Belmont - ZBA
Rev. Eng: Mike Pagones, P.E., Village Engineer
cc: Briget Schwab, P.E.

Application Date: January 9, 2023
Received by Planning:
Transmitted to Engineering: January 24, 2023
Completed: February 3, 2023
ZBA Meeting Date: February 13, 2023

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 4-foot tall, fence along the exterior side yard (Parkview Court) to be setback 0 feet from the property line where a setback of 5 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.

The Engineering Department has NO OBJECTION to the variance request for Location of Fences – Exterior Side Yards.

NOTE: The fence does not impact the intersection vision triangle.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Myers Residence

Project Address: 1525 S Belmont Avenue

ZBA #: 23-006

ZBA Hearing Date: February 13, 2023

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

C: Steve Hautzinger, Design Planner

From: Derek Mach, Landscape Planner

Transmitted On: January 24, 2023

- A variation from Chapter 28, Section 6.13-3c (Location of Fences-Exterior Side Yards) to allow a 4-foot tall, fence along the exterior side yard (Parkview Court) to be setback 0 feet from the property line where a setback of 5 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.

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 3, 2023.

SOMEN LAW FIRM, LLC

TIMOTHY J. SOMEN
Attorney at Law

1620 West Colonial Parkway
Inverness, Illinois 60067
www.somenlawfirm.com

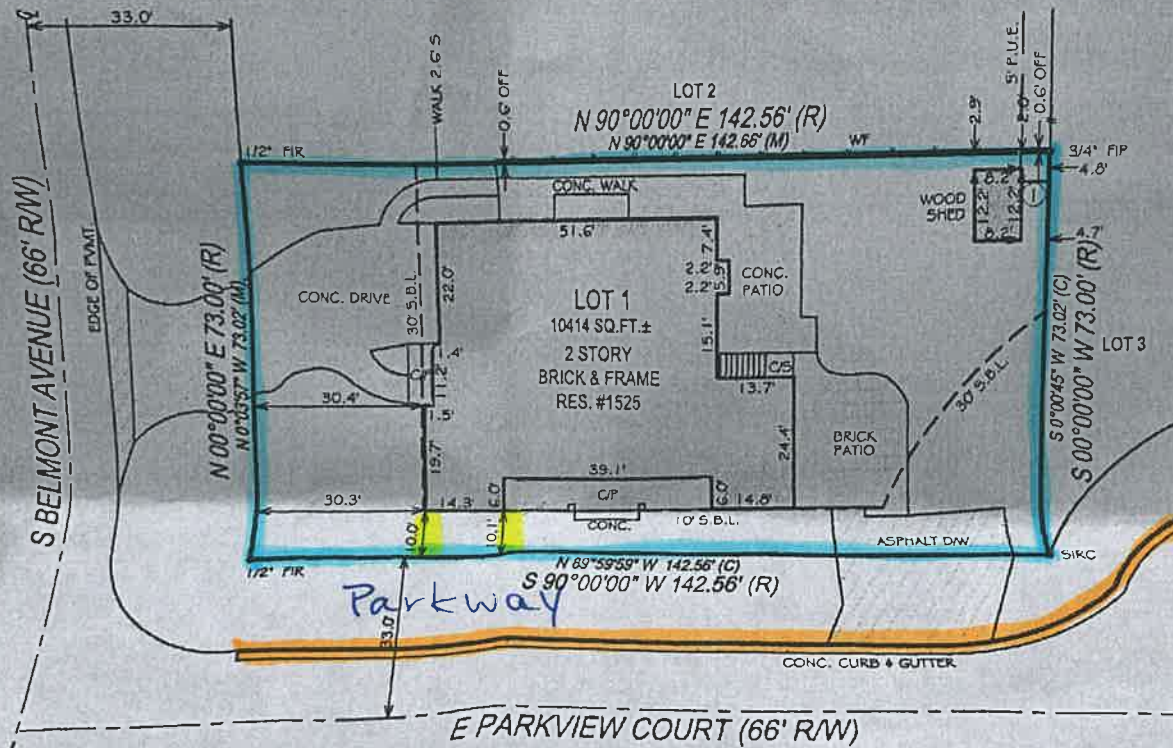
T: (847) 393-4999
F: (847) 393-4998
tim@somenlawfirm.com



PROPERTY ADDRESS: 1525 S BELMONT AVENUE, ARLINGTON HEIGHTS, ILLINOIS 60005

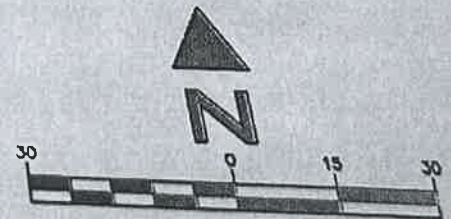
SURVEY NUMBER: IL2103.6763

IL2103.6763
BOUNDARY SURVEY
COOK COUNTY



POINTS OF INTEREST:

1. SHED OVER 5' PUBLIC UTILITY EASEMENT



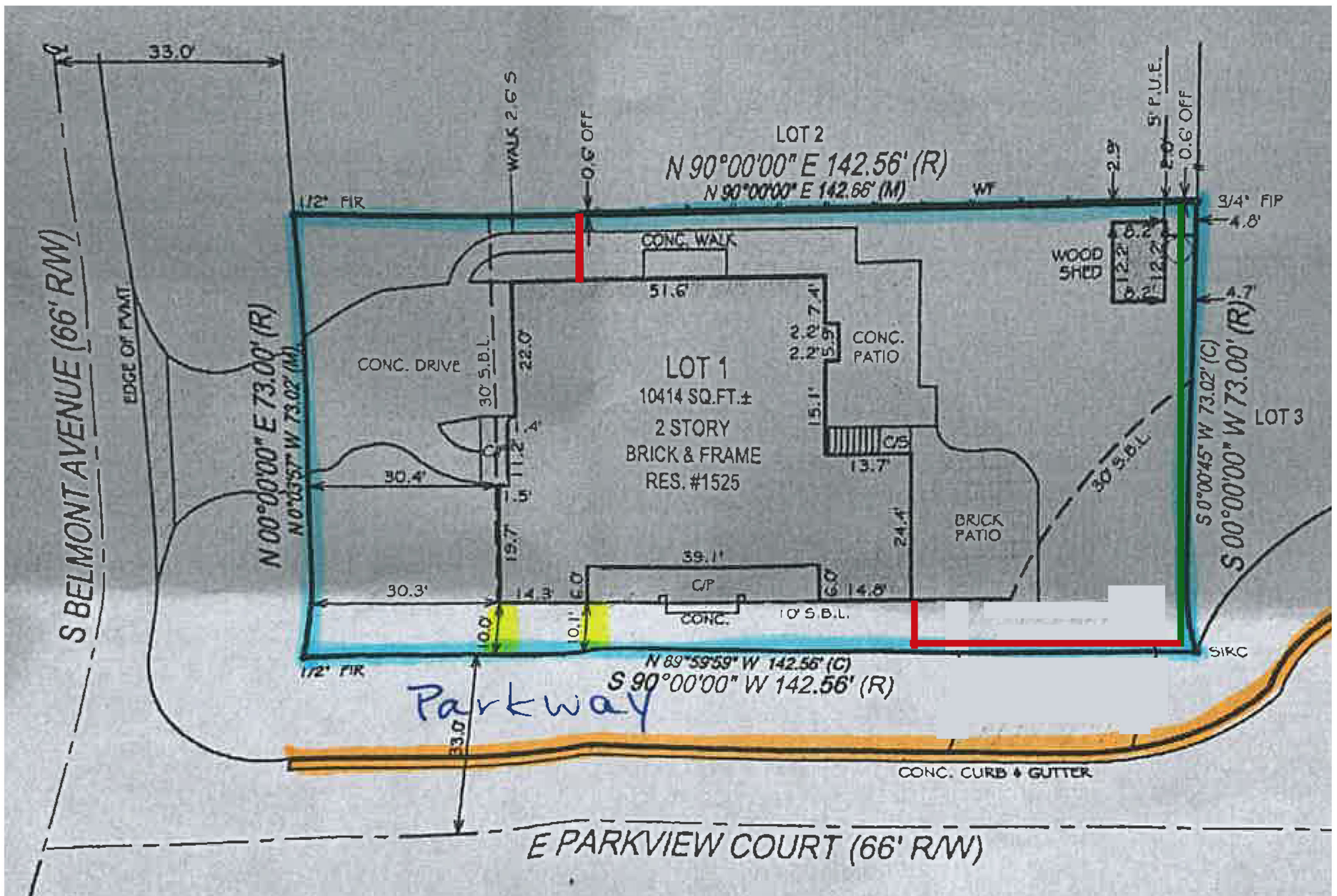
STATE OF ILLINOIS }
COUNTY OF LASALLE } 55

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO
THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY
SURVEY GIVEN UNDER MY HAND AND SEAL THIS DATE HEREON.



POINTS OF INTEREST:
NONE VISIBLE

EXACTA



FENCE PLAN - 1525 S BELMONT AVENUE

- 6 FOOT HIGH SOLID FENCE
- 4 FOOT HIGH PICKET FENCE