



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

Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
February 13, 2017
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. 3265 N. Arlington Heights Rd. - 1/9/17
- B. 2004 N. Kennicott Dr. - 1/9/17

IV. REPORTS

V. OLD BUSINESS

- A. 3265 N. Arlington Heights Rd. - ZBA#16-058

VI. NEW BUSINESS

- A. 604 N. Wilshire Ln. - ZBA#17-001
- B. 910 N. Illinois Ave. - ZBA#17-002
- C. 416 S. Windsor Dr. - ZBA#17-003

VII. OTHER BUSINESS

VIII. ADJOURNMENT

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Item: 3265 N. Arlington Heights Rd. - 1/9/17

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
Minutes 1/9/17 - 3265 N. Arlington Heights Rd.	Minutes

ZONING BOARD

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

OF APPEALS

RE: 3265 NORTH ARLINGTON HEIGHTS ROAD - ZBA#16-058

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, 2017 at the hour of
7:00 p.m.

MEMBERS PRESENT:

TONY PETRILLO, Chairman
TOM DRAKE
TOM SCHWINGBECK
JOSEPH GEISEL
PETER SIAVELIS

ALSO PRESENT:

DEREK MACH, Village Planner

CHAIRMAN PETRILLO: We'll call the Zoning Board of Appeals January 9th, 2017 meeting to order. Derek, would you take the roll call please?

MR. MACH: Chairman Petrillo.

CHAIRMAN PETRILLO: Here.

MR. MACH: Mr. Divito.

(No response.)

MR. MACH: Mr. Drake.

MR. DRAKE: Here.

MR. MACH: Mr. Geisel.

MR. GEISEL: Here.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Here.

MR. MACH: Mr. Selbka.

(No response.)

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Here.

CHAIRMAN PETRILLO: The first order of business is the pledge of allegiance. Please rise for the pledge of allegiance.

(Pledge of allegiance.)

CHAIRMAN PETRILLO: The first order of business is the approval of minutes of the December 12th, 2016 meeting. Has everybody had an opportunity to read and review the minutes? Is there any changes or clarifications?

None being heard, is there a motion to approve?

MR. DRAKE: Move approval.

CHAIRMAN PETRILLO: We have motion.

MR. SIAVELIS: Second.

CHAIRMAN PETRILLO: And a second. All those in favor say aye.

(Chorus of ayes.)

CHAIRMAN PETRILLO: All those opposed?

(No response.)

CHAIRMAN PETRILLO: None being heard, the motion passes.

We have two petitions on the agenda this evening. The first petition at 3265 North Arlington Heights Road has requested a continuance. Honoring or approving a continuance would preclude the Petitioner from having to provide all the notices to all the affected residents or property owners in the area which they have done. The reason for the continuance is they made a request, a timely request to the Daily Herald to post the notice as required by our regulations. The Daily Herald did not do that to no fault of the owner, it didn't get in, and we are not able to hear their petition because the notice has not been provided.

We have two options. The Petitioner has requested that we address this issue January 30th or thereabout prior to the February 12th meeting. My opinion, it's a 12-day difference, it doesn't, you know, it won't be that impactful to the business not having access to those spots, although I suspect that they will have access to those spots if necessary anyway. But to officially approve that variance for the number of parking spots, I don't know that 12 days make that much difference, but up to you gentlemen. I'll make

myself available if the remainder of the Board feels the same way.

MR. DRAKE: Would we hear other business if we went January 30th? Would there be other business or just that petition?

MR. MACH: It would just be that petition.

MR. SIAVELIS: Is there any extenuating circumstances for them to request the 12 days earlier other than what you just elaborated, Chairman?

CHAIRMAN PETRILLO: Not that I'm aware of, other than there's a substantive business interruption basically I guess. Is that the substance of it?

MR. MACH: It's my understanding they are just anxious to open. It's a medical office type use.

MR. SIAVELIS: Are they not open at present, is that what you're saying?

MR. MACH: I think their lease is contingent on the parking variation.

MR. SIAVELIS: So, their occupancy is contingent upon that variation.

CHAIRMAN PETRILLO: So, their ability to conduct business from that area, they have an adjacent lease, or they have a lease on an adjacent storefront I believe, if I've read the packet correctly, that they utilize as well. This gives them a second which gives them the follow-up, in my understanding, the follow-up care to those individuals that visit the existing business. Is that correct, Derek?

MR. MACH: That's correct. Not in Arlington Heights but there is in another location.

CHAIRMAN PETRILLO: Oh, well, the way I read the packet, I read it as if it was existing, that most of the people would already be parked in those parking stalls prior to their arrival in this other storefront. I thought it was in the same mall.

MR. MACH: I believe, I would need to double check, but this would be a new location for them.

CHAIRMAN PETRILLO: Okay, that's good to know going forward because I had a misinterpretation in the report.

MR. SCHWINGBECK: So, the Daily Herald has to put something in the paper relevant to this?

MR. MACH: In the legal requirement, yes.

MR. SCHWINGBECK: We wouldn't be able to, at this meeting even with them not present, look at it, approve or disapprove with a contingency that it would have to wait until that article.

MR. MACH: Since notification wasn't fulfilled properly, it needs to be heard at a future meeting when notification is fulfilled.

MR. SCHWINGBECK: Okay, is the notification --

MR. SIAVELIS: We can't hear on a contingency basis I don't think.

MR. SCHWINGBECK: Yes, I didn't know if we could say, okay, we're going to approve this as long as --

MR. GEISEL: It doesn't meet the definition of legal notice.

MR. SCHWINGBECK: What?

MR. GEISEL: That won't meet the definition of legal notice if it wasn't published.

MR. DRAKE: Does legal notice have to be in the print edition? Could it be,

just for future reference, could it be in the online version of the paper and still qualify?

MR. MACH: It has to be in print as well.

MR. DRAKE: Both or in print only?

MR. MACH: I would need to verify but I believe both.

CHAIRMAN PETRILLO: Yes, to the best of my recollection and my experience, it has to be in print and some type of publication that's accessible to everyone.

MR. GEISEL: But no one reads that section.

MR. SIAVELIS: So, Chairman, my view on this is that if the January 30th hearing was so essential and so necessary, then Petitioner should have appeared today and justified that request in person and avoid the speculation that this Board is undergoing at this point in time. In light of the Petitioner's absence, I suggest we hold it over and continue it to the next normally scheduled hearing or meeting in February.

CHAIRMAN PETRILLO: Is that, will you put that in the form of a motion then?

MR. MACH: If the Zoning Board could please include the February 13th date as part of the motion for continuance.

MR. SIAVELIS: Right. So, let me just recap. So, those exact sentiments and views that I expressed, I would move on and addend that to include that the petition we're discussing, the parking space petition, be heard in the February 13th meeting which I understand is the normally scheduled meeting.

MR. MACH: Right.

CHAIRMAN PETRILLO: Is there a second to that motion?

MR. SCHWINGBECK: Second.

CHAIRMAN PETRILLO: Thank you. That was a good point, Peter. I didn't think of that, about the Petitioner coming in, yes, very much so. Derek, would you call the roll please?

MR. MACH: Mr. Drake.

MR. DRAKE: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Chairman Petrillo.

CHAIRMAN PETRILLO: Yes.

(Whereupon, the public hearing on the above-mentioned petition was continued at 7:08 p.m.)



Item: 2004 N. Kennicott Dr. - 1/9/17

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
Minutes 1/9/17 - 2004 N. Kennicott Dr.	Minutes
Findings 1/9/17 - 2004 N. Kennicott Dr.	Minutes

ZONING BOARD

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

OF APPEALS

RE: 2004 NORTH KENNICOTT DRIVE - ZBA#16-059

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, 2017 at the hour of
7:08 p.m.

MEMBERS PRESENT:

TONY PETRILLO, Chairman
TOM DRAKE
TOM SCHWINGBECK
JOSEPH GEISEL
PETER SIABELIS

ALSO PRESENT:

DEREK MACH, Village Planner

CHAIRMAN PETRILLO: This takes us to our next petition, 2004 North

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Kennicott. There are three variances requested for this petition, a height variance, semi-open fence variance, and a setback variance.

Sir, did you have an opportunity to sign in this evening?

MR. MENGISTU: Yes.

CHAIRMAN PETRILLO: This evening, we're going to ask you to address three issues related to your petition: that you as a property owner cannot earn a reasonable return on your investment if we apply the strict rule of the code; that the plight of your circumstances has some unique circumstances; and if we approve your variance, that it will not detract from the character of the neighborhood.

Would you step forward, sir, and I'll swear you in. Then we'll ask you to address those three areas, and if you have any questions we'll help you along.

MR. MENGISTU: Okay.

CHAIRMAN PETRILLO: Can you state your name and address for the record please?

MR. MENGISTU: My name is Melaku Mengistu, and the address is 2004 North Kennicott Drive, Arlington Heights 60004.

CHAIRMAN PETRILLO: Would you raise your right hand?

(Witness sworn.)

CHAIRMAN PETRILLO: Okay, thank you. All right, would you want to go ahead and explain to us the reasons for your request and the unique circumstances and kind of the plight that you find yourself in with your current circumstance on that property.

MR. MENGISTU: Okay. Thank you for this hearing. We moved in this neighborhood about this summer and we love the area. Our kids love it. So, we decided to get a fence because they usually wander off to the sidewalk and to the road. We have three corners and a road fronting the house. So, it was difficult to keep them in one place, you know, so they can play safe.

So, we decided to get a fence and we applied through the process and we were told, you know, that the Village code requires us to do it on the north side along the building line. But in our case, we couldn't do that one because there is a big tree right in the corner of our building. If we follow that, we'll hit that tree and we'll have to remove that tree and move in a very straight area. Also, there is a deck right along that tree, so it would be very difficult for us. So, we ask to move that fence around that tree area to bring it back to the building for the north side. I mean for the south side.

For the north side, most of our yard, most of the place where our kids play is that corner, it's the northwest corner of the yard because there is no deck, only grass area. If we put the fence halfway, we'll just eliminate that playing area. So, it will create for us no room actually, so we ask to put that along the sidewalk so we could have that area, to utilize that area so that our kids can play. We have a dog and he really likes to jump, so we'll have to put it at least five feet high so he cannot jump over the fence.

So, basically, we ask you for a wood fence. We're planning to do wood, board by board. So, the area, we'll make it nice. It doesn't diminish the characteristic of the area, it will enhance it in our opinion. If the Board approves it, I think it will be a great help for that property.

CHAIRMAN PETRILLO: So, the fact that actually the front yard is actually, by code, considered your side yard, it leaves you in a little bit of a predicament?

MR. MENGISTU: Yes, we found that out, because our front yard, north of this, the side is our front. Oh, okay, we didn't know that. So, how do we install this when that tree is in the way? So, we asked if we could just pass the tree and then bring it back up to the building if it's not too much, you know, trouble. Because right now, as it is right now it would be very difficult to build a fence on that corner because of the tree and the deck in the way.

CHAIRMAN PETRILLO: If I interpret the fence shown on the survey that was provided, you're going to leave an existing chainlink fence uninterrupted so there won't be a board-on-board fence up against that chainlink fence?

MR. MENGISTU: No.

CHAIRMAN PETRILLO: That will remain chainlink?

MR. MENGISTU: Yes, it's the neighbor's side. That's the only intersection we have with the neighbors. So, we're going to leave that one, basically we're just going to meet it with the board-on-board fence. We're going to leave that one alone for now.

CHAIRMAN PETRILLO: How high is the chainlink fence?

MR. MENGISTU: I believe it's four feet only, but you know what, I don't know.

CHAIRMAN PETRILLO: I'll leave other questions to members of the Board. I have some but go ahead. I'll pass it on to you.

MR. SIAVELIS: No, go ahead.

CHAIRMAN PETRILLO: No, go ahead.

MR. SIAVELIS: So, I just want to make sure I'm fully understanding the submission. The proposed fence is shown in the annotated version of the plat where it's handwritten five-foot tall, semi-solid wood fence, and you have those lined with the asterisks and it's kind of a small image there. Is that what you propose, what you contemplate?

MR. MENGISTU: Yes.

MR. SIAVELIS: Okay, and that fence, the chainlink fence that the Chairman was just talking about is on basically the west side?

MR. MENGISTU: The west side, yes. It exists already.

MR. SIAVELIS: That's probably, yes, much better, thank you, increased the zoom there, thanks. You think that's probably four feet high?

MR. MENGISTU: I believe so, yes.

MR. SIAVELIS: You're going to meet up with it with a five-foot board-on-board?

MR. MENGISTU: That's what I'm thinking. I haven't measured it but five feet, I believe the fence was about this high.

MR. SIAVELIS: Are you aware that the director of Engineering provided some comments on this? He basically said that 14.3 foot setback along the north side places the fence immediately adjacent to the sidewalk on the Kennicott Avenue cul de sac which would present difficulties in maintaining the public sidewalk. Then he continues to say that the Engineering Department is not in favor of the 14.3 foot setback along the north property line?

MR. MENGISTU: No, I'm not aware.

MR. SIAVELIS: So, that to me is a big sticking point. I see the basis for that,

or I understand the basis for that, okay, and I don't think we want to be having, granting variances where the fence is stuck right adjacent to or proximate to the sidewalk, especially when Engineering clearly flags that issue, okay?

So, you're asking for three variances. In my eyes, and this is, the third variance pertains directly to this point that Engineering flagged, you wouldn't get my support on the third variance because of what Engineering is saying here. So, if you want to contemplate moving off the sidewalk and moving back from the sidewalk --

MR. MENGISTU: We would not really want to stick it right on the sidewalk. From the drawing, I tried to show, I mean we could get in a little bit more, you know, to solve the problem with the Engineering, but it doesn't need to be halfway. If we go all the way, halfway is like we lost our, you know, usable yard in the back.

MR. SIAVELIS: Right, and you have a, at Kennicott you're going to follow a curve, right? You have a curvilinear path of the fence.

MR. MENGISTU: Yes.

MR. SIAVELIS: You're going to go to that one real deep point in the northwest corner.

MR. MENGISTU: Yes. Well, we plan not to go there because the neighbor's fence, we want to leave some access point for the neighbors. So, we don't want to go all the way to the corner, you know, just for landscaping a little bit room there.

MR. GEISEL: Could you show us up there where you might --

CHAIRMAN PETRILLO: You wouldn't have a pointer, do you? A laser pointer, do you?

MR. MACH: Fresh out of those.

CHAIRMAN PETRILLO: I don't think he's going to reach it. He could use the mouse.

MR. GEISEL: Well, just can you give us a rough idea of what you have? Because if you're not going to go and make that full corner, what do you have in mind?

MR. MENGISTU: Okay. So, should I use that --

MR. GEISEL: Sure.

CHAIRMAN PETRILLO: Or you could roll that down a little.

MR. MENGISTU: Okay, thank you. So, what we're thinking is just bring it around here, you know, to not to go against the Engineering Department. In this one, we don't have to go all the way here, we could bring it right here and then bring it right here.

MR. GEISEL: So, you'd cut it short a little bit?

MR. MENGISTU: Yes. So, it doesn't have to be all the way to that corner because that will leave access --

MR. SIAVELIS: So, who put this drawing together the way it is?

MR. MENGISTU: Me.

MR. SIAVELIS: You did?

MR. MENGISTU: Yes.

MR. SIAVELIS: So, then it's part of your submission. At that point in time, you were thinking that this would be the fence line as you contemplate it, right?

MR. MENGISTU: Yes, but really from the building point of view, to build it we don't plan to go all the way this sharp.

MR. SIAVELIS: The trouble, the predicament you've put us in here is that,

you know, these are the papers you submitted to us. So, this is what we're evaluating off of. So, when you say that you're willing to compromise and come off that line that you've shown there in blue, one, we have to make sure the record is very clear if we're going to be, you know, voting on that variance. We have to also understand exactly what your compromise position is and, you know, we have to be specific. Because otherwise, there is ambiguity in the record and we can't have that.

So, I've got a quick question for Derek. What does the code require him to be from the sidewalk there? Do you know that, Derek?

MR. MACH: Yes. Code requires that the fence be set back half the distance from the home to the property line.

MR. GEISEL: Which means he's giving up a lot of yard. But is there like some sort of minimum distance from the concrete sidewalk, there's nothing prescribed?

MR. MACH: There is nothing. It's my understanding Engineering is just looking for some relief, whether it be a few feet.

MR. SIAVELIS: What is he on the south side? So, if Engineering didn't flag the south side fence line, do we know roughly what that distance is? Can we approximate that? It looks like it's maybe 15 feet.

CHAIRMAN PETRILLO: 15 to 20 I would estimate just by looking at those distances there.

MR. SIAVELIS: Yes. Okay, I buy that. Then what's that distance up there, it's 28?

MR. SCHWINGBECK: To the house?

MR. SIAVELIS: I'm on the north side.

CHAIRMAN PETRILLO: 28, just a little over 26.

MR. GEISEL: Without the drawing on there of the fence, that's 27, initial distance, and this is 28. So, half the distance is what he's asking for because of the requirements. So, he's got to split the 28 and go 14. He's got to give up a real estate.

MR. SIAVELIS: Yes. So, back of the envelope calculation, I want to give him like seven feet off the sidewalk, right, and that gives him 21 feet of side yard then.

CHAIRMAN PETRILLO: I could just, by my experience, looking around the neighborhood that's over there, there are fences that are right up against there. I ride my bike on the sidewalk and they're right up against there. But to the Engineering's point, I wish we had some type of guidance.

MR. SIAVELIS: Yes, we do now. Yes, here it is, Derek just showed it.

CHAIRMAN PETRILLO: Okay.

MR. SIAVELIS: So, it's Section 6.13-3, Location of Fences, Subsection 4, corner lots, like fourth sentence. In each instance where the building is closer than five feet to the perimeter lot, no fence shall extend beyond the line of the principal building of the lot. An open fence, not exceeding the height of 36 inches, shall be allowed anywhere within the rear yard and shall not continue with sharp points.

So, you interpret this as saying minimum off the sidewalk is five feet? The spirit of it?

MR. MACH: Right. I mean per code, it's supposed to be half the distance. However, no one supposed to be closer to five feet.

MR. GEISEL: All right, if he spotted it five feet off the sidewalk, that would

still give him 23 of usable. It's more than enough room for Engineering, for access for repairs, and it still gives him usable area for the backyard if that's --

CHAIRMAN PETRILLO: Can I see that, Derek, please?

MR. GEISEL: If that's a reasonable condition. Very close to what you were suggesting.

MR. SIAVELIS: That's fine. You understand what we're talking about?

MR. MENGISTU: Yes.

MR. SIAVELIS: Because we have this pretty strict comment here.

MR. MENGISTU: From Engineering?

MR. SIAVELIS: From Engineering, and we don't always see commentary like this. So, when we do see it, we have to give it weight.

MR. MENGISTU: Okay. Understood.

MR. SCHWINGBECK: Yes, because I think they're really concerned about that northeast corner where the fence is for a sight line around that corner between North Kennicott Drive and that north street.

MR. GEISEL: He doesn't make any mention, no offense, of sight lines.

MR. SCHWINGBECK: But doesn't he say here --

MR. GEISEL: He says access for repair of the sidewalk.

MR. SCHWINGBECK: The 14.3 setback along the north side places the fence immediately adjacent to the sidewalk which would present difficulties maintaining --

MR. GEISEL: Yes, that's all that he says.

MR. SCHWINGBECK: Okay, I thought I saw something about a sight line.

MR. SIAVELIS: So, how many kids do you have?

MR. MENGISTU: Three kids and one very little dog.

MR. SIAVELIS: What kind of dog do you have?

MR. MENGISTU: We adopted him, he's a terrier mix.

MR. SIAVELIS: So, he's a little dog?

MR. MENGISTU: Right now he's about this big.

MR. GEISEL: I think this is also unusual given his difficulty with having Kennicott on one side and Elizabeth on the other. Clearly, not a lot of backyard if we don't give him some reasonable relief.

MR. SIAVELIS: Right.

MR. GEISEL: If he held off five feet off of that sidewalk on the north, have access for Engineering, and still a reasonable amount of yard enclosed for his kids, if everybody else is in agreement with that.

MR. SIAVELIS: I'm good with five feet off the sidewalk.

MR. SCHWINGBECK: I would be fine with that.

MR. SIAVELIS: Let's just understand one thing, a point of clarification after I said I'm good. In light of Petitioner's comments where he said he's not going to have the north fence line follow a curvilinear path that corresponds to North Kennicott, he's going to straight that curve off and not get that really severe corner, right?

MR. MENGISTU: Yes.

MR. SIAVELIS: Because you're --

CHAIRMAN PETRILLO: Well, you're holding off five feet, so you're going to, you've eliminated that point of conflict that originally was supposed to --

MR. GEISEL: Well, if you follow the strict five feet, you could simply resurrect that exact same condition, just five feet farther south.

MR. SIAVELIS: That's true.

CHAIRMAN PETRILLO: He won't even have to do that if he backs it off five feet.

MR. GEISEL: Right.

MR. SIAVELIS: Yes, right. You may square it off with the --

CHAIRMAN PETRILLO: Yes.

MR. SIAVELIS: But, so you understand what we're saying?

MR. MENGISTU: Yes, I understand.

MR. SIAVELIS: Okay, and you're agreeable to that?

MR. MENGISTU: Yes, if you guys all agree with it. I don't want to create difficulties for the Engineering Department, if that's what they say.

CHAIRMAN PETRILLO: Does anyone else have any other questions?

MR. SIAVELIS: Have you had any discussions with your neighbors? It doesn't look like there's anyone else here to speak. But have you talked to the people around you?

MR. MENGISTU: Yes. Our neighbor, the guy right across, one house over, he was saying is there anything else I can do, he is working today but he was saying I can sign something, you know. But I said I wasn't asking about any signatures. I appreciated his help that he was ready to support.

CHAIRMAN PETRILLO: That's the neighbor at 2008?

MR. MENGISTU: Yes.

CHAIRMAN PETRILLO: Okay, and your neighbor at 2007? What is that street there?

MR. MENGISTU: Elizabeth.

CHAIRMAN PETRILLO: Elizabeth.

MR. MENGISTU: They were really telling us to put a fence because they were saying they had a neighbor before, they didn't put a fence in, they were putting the dog, you know, chained up outside and that dog was having a hard time and they didn't feel good about it, so they were saying. Yes, we're in the process of doing the fencing, I told them. She was in favor. They have a dog, too.

CHAIRMAN PETRILLO: Any other questions for the Petitioner? None being heard, we'll open it up to Board comments.

MR. SIAVELIS: So, let me ask you this. The landscaping that's there, it looks like there's a fair amount of landscaping. Are you keeping that? Do you contemplate keeping that landscaping?

MR. MENGISTU: Which one?

MR. SIAVELIS: Well, hold on a second. Let me get the pictures on.

CHAIRMAN PETRILLO: Those trees around the house?

MR. SIAVELIS: Yes.

CHAIRMAN PETRILLO: Yes, this allows him to enclose the trees within the fence line except I think the one in front.

MR. SIAVELIS: You know what, I misread, on the black and white in the print, here it's a little different. So, you have, there's no light hedges or anything or bushes

along the sidewalk line, right?

MR. MENGISTU: Which one? Which sidewalk?

MR. GEISEL: Along the north side?

MR. SIAVELIS: Any one.

MR. MENGISTU: No. No bushes. It's just plain.

MR. SIAVELIS: It's just grass, okay.

CHAIRMAN PETRILLO: Any other questions? Comments from any member of the Board?

MR. MACH: Just to clarify, the Petitioner would be required to put in landscaping on the north property line as well as a five-foot setback.

CHAIRMAN PETRILLO: Well, if there is a motion to that effect.

MR. SIAVELIS: What's the purpose of the landscaping?

MR. GEISEL: What's the purpose of the landscaping?

MR. MACH: Code requires landscaping along exterior side yards --

CHAIRMAN PETRILLO: At four feet, three feet high, four feet apart.

MR. MACH: Landscaping minimum of three-foot high and spaced 48 inches on the center. It must be provided along the street side of the fence. As part of the variance, it was noted that with the street side landscaping. However, since the fence is going to be shifted to the south five feet, I just want to clarify that landscaping will be required.

MR. SIAVELIS: So, it will go fence, landscaping, sidewalk?

MR. MACH: Correct.

CHAIRMAN PETRILLO: So, then Engineering probably doesn't have a five-foot access.

MR. SIAVELIS: Yes, right. That's --

MR. SCHWINGBECK: It's just shrubs anyway.

MR. SIAVELIS: Where are you reading that from?

CHAIRMAN PETRILLO: That's a little bit farther down in that paragraph. Landscaping has to be three feet high, four feet on center, correct, or something like that?

MR. MACH: Right.

MR. SIAVELIS: So, let's think about this now for a second, all right? So, again just so the record is clear, we're reading from that same section, 6.13-3, Location of Fences, paragraph four. If we're giving credibility in adjusting, in light of Engineering's comments, if there is landscaping, if we only have a five-foot fence, right, and we have the requirement for landscaping, ten years from now when that landscaping thickens up, are we causing Engineering heartache and problems, you know, having to potentially maintain a sidewalk that now has landscaping adjacent to it? Do we --

CHAIRMAN PETRILLO: Well, I think those are moveable or removable and replaceable.

MR. SIAVELIS: That's true.

CHAIRMAN PETRILLO: I believe it's to cover the, I'm not sure of the intent but it's to cover or add some beautification as opposed to a long --

MR. SIAVELIS: Straight run.

CHAIRMAN PETRILLO: Straight run of fence.

MR. SIAVELIS: Yes, okay. I see that point.

CHAIRMAN PETRILLO: Had you been aware of that requirement about the landscaping? Do you have any issues with any landscaping to that? It says three feet tall, but that could be a twig standing three feet that will eventually in 20 years bloom up to something, it could take more than 10, depending upon, there is no specification on what type of landscaping that has to be other than three feet high and four-foot on center.

MR. MACH: Correct.

MR. DRAKE: Does that all have to be confirmed in the permit, when he gets the permit for the fence, about the landscaping? Reference has to be made to that?

MR. MACH: It does, yes.

MR. SIAVELIS: So, Mr. Petitioner, do you understand what we're saying now?

MR. MENGISTU: Yes. Yes.

MR. SIAVELIS: So, we've just increased the cost of your project, or the code has increased the cost of your project because you have to now meet this other aspect that requires landscaping. So, maybe you're going to have a four-foot fence now?

CHAIRMAN PETRILLO: Well, it depends what type of landscaping he puts there. It's a three-foot high, it's nothing that, you know, it doesn't have to be arborvitaes which is a little bit more expensive than, you know, some other type of plant that might go there. He could shop that, I think, and be conservative on his approach if he so desires. Is that correct, Derek?

MR. MACH: Yes.

CHAIRMAN PETRILLO: The approximate distance of that, what's the side yard?

MR. SIAVELIS: In that one?

CHAIRMAN PETRILLO: The length of that fence.

MR. GEISEL: It's probably 75 feet give or take.

CHAIRMAN PETRILLO: So, divided by four, he's talking about 16?

MR. SIAVELIS: 18 arborvitaes.

CHAIRMAN PETRILLO: 18 plants, yes. Even that, just some type of plant three feet high, it doesn't have any other requirement other than the three feet high and being four foot on center. That's not going to affect the plan, it's just going to affect the planting.

MR. MENGISTU: We decided to get the wood fence because it would look beautiful in the neighborhood. You know, we're adding the arch. We already got the proposal from contractors. So, putting in plants to hide that beautiful wood, I don't know.

MR. SIAVELIS: It's a subjective issue.

MR. MENGISTU: Yes.

MR. SIAVELIS: But as far as you're concerned, you don't really have a choice because it's part of the code and it's part of the permit. So, you're going to have to comply with that.

MR. MENGISTU: Okay.

MR. GEISEL: We're not trying to impose that upon you. It's stated in the ordinance. So, if you want to move forward with the project, those are the rules.

MR. MENGISTU: Okay, yes, I got it. Yes.

CHAIRMAN PETRILLO: I think you can be very selective about the plant

that you choose as long as it meets the three-foot requirement and you're placing them four-foot on, you know, on center. It could be something that, you know, that's very modest and really maybe embellishes the fence a little bit. If you stain it brown or cedar or whatever, some green might look nice up against it.

MR. MENGISTU: Does it need to be three feet right away or it's something that grows to three feet?

MR. MACH: I believe it's three feet.

MR. MENGISTU: So, I have to buy three feet plant from the --

CHAIRMAN PETRILLO: Yes. So, you're about six inches above this table.

MR. MENGISTU: Okay.

CHAIRMAN PETRILLO: All right. Any other comments from any member of the Board?

MR. SIAVELIS: This could be a challenge to move on this one.

CHAIRMAN PETRILLO: None being heard, I think, well, I think it's simple. Rather than the 14, what was it, the 14-foot setback, 14 and whatever inches, it's going to come to a 9-foot, just take off five feet off that setback for the approval. The landscaping is required. The remediation that he explained earlier for access will be resolved by that five-foot, the last of the five-foot setback. The five-foot open fence is in my mind --

MR. MACH: Semi-open.

CHAIRMAN PETRILLO: Semi-open fence is prudent considering his situation with his kids and wanting to get some privacy. I mean he's open on all, virtually all sides of his property.

Yes, this is kind of a unique corner lot with both sides exposed.

MR. SIAVELIS: Mr. Chairman, that remediation you're talking about is the northwest corner, right?

CHAIRMAN PETRILLO: That you questioned the Petitioner on earlier, yes. Any other discussion by any member of the Board? None being heard, is there a motion?

MR. SIAVELIS: I'll move in support of that proposal.

CHAIRMAN PETRILLO: Okay, so would you want to clarify that just for the record, Peter? If I am correct, that he's asking for, let's see, the 14.2 foot setback will be reduced to 9.2 then, Derek?

MR. MACH: Yes.

MR. SIAVELIS: Correct. So, I'll step through that as a bullet point in the papers, all right?

The motion is three parts:

- 1. A two-foot high variance in height to allow a five-foot tall, semi-open fence in the front yard;**
- 2. Semi-open fence in the front yard as well; and**
- 3. 9.2 foot setback to allow for the fence along the north property line, and that would give the space we talked about or the clearance we talked about with regard to the sidewalk on the North Kennicott Drive side. In addition to carrying that linear run into the northwest corner of the fence line to avoid that severe corner we discussed and the Petitioner represented to us graphically on the screen.**

CHAIRMAN PETRILLO: A clarification on the request I hadn't brought up

earlier is the Petitioner also requested no street side landscaping. So, do we need to amend his, or have him restate the third variance denying, or approving a 9.2 foot setback but denying the request for no street side landscaping?

MR. MACH: Sure, or a condition requiring this per code.

MR. SIAVELIS: I'll restate it to make it clear on the record.

CHAIRMAN PETRILLO: Okay.

MR. SIAVELIS: **Third variance involves denial of the request for no street side landscaping and includes, not a 14.2 foot setback as requested, but a 9.2 foot setback to allow a five-foot fence along the north property line which corresponds to the North Kennicott Drive portion of the fence run, also reflecting the Petitioner's representation that he will carry that north run of the fence in a linear path to the northwest corner and avoid that severe corner in the northwest portion of his parcel.**

CHAIRMAN PETRILLO: Is there a second to that motion?

MR. GEISEL: I'll second that.

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

MR. MACH: Mr. Drake.

MR. DRAKE: Yes.

MR. MACH: Mr. Geisel.

MR. GEISEL: Yes.

MR. MACH: Mr. Schwingbeck.

MR. SCHWINGBECK: Yes.

MR. MACH: Mr. Siavelis.

MR. SIAVELIS: Yes.

MR. MACH: Chairman Petrillo.

CHAIRMAN PETRILLO: Yes.

MR. MENGISTU: That's good.

CHAIRMAN PETRILLO: Okay, yes, good.

MR. MENGISTU: So, basically, instead of five feet in, now it's 9.2 feet?

CHAIRMAN PETRILLO: No, it's five feet in, or you were requesting a setback of 14.2, did we state that correctly?

MR. MACH: Yes. Yes, we did.

CHAIRMAN PETRILLO: So, you're five feet away from --

MR. MENGISTU: The sidewalk.

CHAIRMAN PETRILLO: The sidewalk.

MR. MENGISTU: Okay. Thank you very much.

CHAIRMAN PETRILLO: All right, and Derek can answer any question.

Any other comments by any member of the Board? Seeing that there is no old business, is there a motion to adjourn?

MR. SCHWINGBECK: Move to adjourn.

CHAIRMAN PETRILLO: Second?

MR. SIAVELIS: Second.

CHAIRMAN PETRILLO: All those in favor say aye.

(Chorus of ayes.)

CHAIRMAN PETRILLO: Any opposed say nay.

(No response.)

CHAIRMAN PETRILLO: None being heard, motion passes.

(Whereupon, the public hearing on the
above-mentioned petition was adjourned
at 7:40 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS January 9, 2017

PETITIONER: Melaku Mengistu
ADDRESS OF PROPERTY: 2004 N. Kennicott Dr.
VARIATION: 6.13-3, 6.13-3-b4

A 2' height variance to allow a 5' tall semi-open fence in the front yard, where 3' feet is the maximum height permitted; A variation to allow a semi-open fence in the front yard where only an open fence is permitted; and a 9.2' setback to allow a 5' tall semi-open fence in the rear yard along the north property line with landscaping along the exterior of the fence, where a 14.2' setback is required.

The petitioner explained that their property has three frontages and that they would like to fence the side and rear yard. The petitioner also explained that they would like to fence part of the front yard with a five foot high semi open fence. The petitioner testified that the exterior side yard functions as the front of the home. The petitioner also testified that they would like to utilize the north side of their property and enclose the area with a fence since they have children. The petitioner explained that code requires that the fence be setback half the distance between the property line and the house. The Zoning Board discussed the comment from the Department of Engineering which recommends that the fence be setback from the sidewalk. The Zoning Board agreed that the fence should be setback five feet from the sidewalk and that the fence taper in the northwest corner. The petitioner agreed to set the fence back and provide landscaping. In addition, the petitioner agreed to taper the fence in the northwest corner.

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. Siavelis and seconded by Mr. Geisel. Thereafter, the Board voted 5-0 to approve the variance request.

Now, therefore, after hearing all the evidence and after due deliberation, the Zoning Board of Appeals, voted 5-0 to grant the variance as requested.

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

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

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



Item: 3265 N. Arlington Heights Rd. - ZBA#16-058

Department: Planning & Community Development

REQUEST

A variation from Chapter 28, Section 11.4, Schedule of Parking Requirement, to allow a reduction to the minimum required parking from 152 to 145 parking spaces.

ATTACHMENTS:

Description	Type
3265 N. Arlington Heights Rd. - ZBA#16-058	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: February 13, 2017
Date Prepared: January 2, 2017
Project Title: 3265 N. Arlington Heights Rd.
Address: 3265 N. Arlington Heights Rd.

Background Information

Petition Number: ZBA #16-058
Petitioner: Michael Giorgetti
Address: 17427 Harlem Ave.
Tinley Park, IL 60477
Existing Zoning: M-1, Research, Development & Light Manufacturing District

Requested Action/Background Information

Chapter 28, Section 12.1-b4, allows the Zoning Board of Appeals to waive the parking requirements when the character or use of the building is such as to make unnecessary the full provision of parking facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as merely granting an advantage or convenience.

Parking Summary

Tenant	Address	Suite#	Use	Total Sq Ft	Parking req'd	Stalls Required
Sapia, LLC	3255 N. Arlington Heights Rd.	501	Professional Office	995	1/300 SF	3.317
Debbie Gross & Associates	3255 N. Arlington Heights Rd.	502	Professional Office	1,038	1/300 SF	3.460
Fischman & Associates, LTD	3255 N. Arlington Heights Rd.	503 & 504	Professional Office	1,710	1/300 SF	5.700
Stuart M. Kessler, P.C.	3255 N. Arlington Heights Rd.	505 & 506	Professional Office	2,593	1/300 SF	8.643
B. Newberg & N. Sweiban	3255 N. Arlington Heights Rd.	507	Professional Office	1,136	1/300 SF	3.787
VACANT	3255 N. Arlington Heights Rd.	508	Professional Office	1,260	1/300 SF	4.200
Accurate Arlington Service, Inc.	3255 N. Arlington Heights Rd.	509 & 510	Professional Office	1,768	1/300 SF	5.893
Geoses Corp.	3255 N. Arlington Heights Rd.	511	Professional Office	607	1/300 SF	2.023
Sacred Spaces, Inc.	3255 N. Arlington Heights Rd.	512	Professional Office	1070	1/300 SF	3.567
Homeopathy For You, LTD.	3255 N. Arlington Heights Rd.	502 A	Medical Office	305	1/200 SF	1.525
Brooktree Arlington, LLC	3265 N. Arlington Heights Rd.	309	Medical Office	7,436	1/200 SF	37.180
Soft Landings Recovery (Proposed)	3265 N. Arlington Heights Rd.	312, 301, 302, 310, 311	Medical Office	4,200	1/200 SF	21.000
North Shore Financial Services	3275 N. Arlington Heights Rd.	401	Professional Office	1,575	1/300 SF	5.250
E.D. Enterprises, Inc.	3275 N. Arlington Heights Rd.	402	Professional Office	721	1/300 SF	2.403
Live 4 Lali	3275 N. Arlington Heights Rd.	403 A	Professional Office	521	1/300 SF	1.737
Live4Lali, Inc.	3275 N. Arlington Heights Rd.	403 B	Professional Office	200	1/300 SF	0.667
Pediatric Healthcare Assoc.	3275 N. Arlington Heights Rd.	404	Medical Office	1,339	1/200 SF	6.695
Center for Emotional Wellness	3275 N. Arlington Heights Rd.	405	Professional Office	714	1/300 SF	2.380
Haresh Vaswani	3275 N. Arlington Heights Rd.	406	Professional Office	729	1/300 SF	2.430
Maria J. Fournier, D.D.S.	3275 N. Arlington Heights Rd.	407 - 408	Medical Office	2,658	1/200 SF	13.290
Pediatric Healthcare Assoc.	3275 N. Arlington Heights Rd.	409	Medical Office	682	1/200 SF	3.410
Pediatric Healthcare Assoc.	3275 N. Arlington Heights Rd.	410	Medical Office	1,690	1/200 SF	8.450
Martin G. Brand, LTD	3275 N. Arlington Heights Rd.	411	Professional Office	1,387	1/300 SF	4.623
		Total		36,334		151.63
TOTAL # OF PARKING SPACES PROVIDED ON COMMERCIAL LOT						145
SURPLUS / (DEFICIT)						7

The parking ratios set forth in Chapter 28, Section 11.4, the Zoning Ordinance requires one space for every 300 square feet for office type uses, and one space for every 200 square feet for medical office. The current site provides 145 parking spaces, with a parking requirement of 152 spaces. The petitioner surveyed the parking for a few days at various times. The maximum amount of parked cars at any one time occurred on Monday, November 28, 2016, with 60 cars parked on the property around 11:00 a.m. (leaving 85 vacant spaces).

Based on the square footage for the businesses and the type of business, the total number of parking stalls required for the site is 152 spaces. At this time, the site has a total of 145 parking spaces, thereby resulting in a deficit of 7 parking stalls. Therefore, the petitioner requests the following variance:

- **A variation from Chapter 28, Section 11.4, Schedule of Parking Requirement, to allow a reduction to the minimum required parking from 152 to 145 parking spaces.**

Variation Review Standards

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

Map of General Vicinity



Items Required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	12/16/16	
2. List of Property Owners Within 250 feet of Subject Property	✓	12/6/16	
3. Letter that was Mailed	✓	12/21/16	
4. Photographs of Sign on Property	✓	12/9/16	

Photographs of Existing Structure



ZBA# 16-058
3265 N Arlington Heights Rd - ZBA
Rev. Eng: Nanci Julius, P.E.
cc: James J. Massarelli, P.E. Director of Engineering

Submitted: December ²²~~18~~, 2016
Completed: December 22, 2016

The proposed ZBA application indicates that the petitioner is seeking:

A variation to allow a reduction to the minimum required parking from 152 to 145 parking spaces.

NOTE: The number of stalls in the parking complex is existing, and a study was conducted that revealed that only 70 of the 145 parking spaces were used during the highest traffic times for the complex.

The Engineering Department has NO OBJECTION to the proposed variation.

RECEIVED
DEC 22 2016
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



Village of Arlington Heights Building Services Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Deb Pierce, Plan Reviewer, Building Services Department

Project Name: 3265 N Arlington Heights Rd

Project Address: 3265 N Arlington Heights Rd

ZBA #: 16-058

Date: December 30, 2016

RECEIVED
JAN - 3 2017
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Derek:

I have reviewed the request for the variance to reduce the minimum required parking from 152 to 145 parking spaces, and have no objection to the variance.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: 3265 N. Arlington Heights Rd.

Project Address: 3265 N. Arlington Heights Rd.

ZBA #: 16-058

ZBA Hearing Date: January 9, 2017

To: Jim Massarelli, Director of Engineering
Charley Craig, Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: December 15, 2016

- A variation from Chapter 28, Section 11.4, Schedule of Parking Requirement, to allow a reduction to the minimum required parking from 152 to 145 parking spaces.

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 Thursday, December 29, 2016.

PETITION

PETITION

NOW COMES the Petitioner Michael Giorgetti agent for Soft Landing Interventions, LLC. agent for the owner of the property commonly known as: 3265 Arlington Heights Road and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 11.2 Chapter 28, of the Arlington Heights Municipal Code, in order to: decrease the needed amount of parking spaces presently required by the Village.

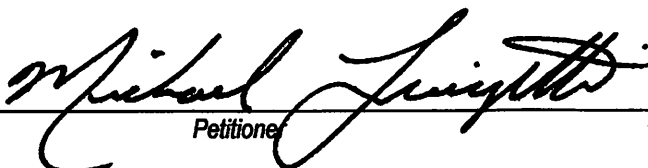
I hereby state that the following hardship would exist if the variation were not granted:

Soft Landing Interventions, LLC. would not be able to open this facility for business within the City limits of Arlington Heights as a medical facility bringing excellent service and compassionate care to people within Arlington Heights and surrounding areas.

I hereby state that the following unique circumstances exist: The amount of parking spaces truly needed by Soft Landing is well below the needed amount of spaces required by the Village by ordinance due to the fact that many of the Soft Landing patients will be in fact receiving concurrent services from Brooktree in a neighboring unit in this business complex, . . clients will therefore can walk one door to the west from Brooktree and gain service from our facility.

I hereby state that the variation, if granted, will not alter the essential character of the locality because: A parking study was conducted which revealed more than ample parking for our clients. Per the parking study only 70 of the 145 parking spaces were used during the highest traffic times which was verified by the study required from the Village of Arlington Heights and noted in the variance Application packet provided.

Signed: _____


Petitioner

Date: 12-6-2016

Soft Landing Recovery
1601 Bond Street, Suite 201
Naperville, IL 60563
Main #: 630-261-9220
Main Fax: 630-689-1786



December 20, 2016

Village of Arlington Heights
Zoning Board of Appeals

Anthony Petrillo, Chair
Thomas Drake
Tom Schwingbeck
Peter Siavelis

David Divito
Joseph Geisel
Joseph Selbka

Re: Letter in Support of Parking Variance Request

Dear Members of the Zoning Board of Appeals:

Soft Landing Recovery ("SLR") has requested a zoning variance related to the number of parking spots allotted to the proposed leased property (the "property"), the physical address and dimensions of which are set forth in detail in related submissions to this Board. What follows is a brief explanation of why SLR, and the surrounding tenants, can do perfectly well with fewer parking spaces.

SLR's hours of operation at the subject property will be Monday-Friday, from approximately 7 am to 6 pm; and Saturdays from 7 am to 11 am. The property will house a small clinic staffed by one receptionist, one nurse, one counselor, one program director and one physician, for a total of 5 fulltime employees. Patient traffic is estimated to be light and incremental; our patients do not arrive in masse. Rather, we schedule appointments so that patient flow is never interrupted and no one is waiting to be seen. At no time during the day will there be four or more patients scheduled for appointments at the same time, as this runs contrary to our entire business model of minimizing patient time in the clinic.

Soft Landing Recovery
1601 Bond Street, Suite 201
Naperville, IL 60563
Main #: 630-261-9220
Main Fax: 630-689-1786



Perhaps most significantly, the majority of our patients will require no parking spaces at all, as most will come from the property's immediate neighbor, Brooktree Health Services ("Brooktree"). In fact, we chose the subject property in part because of its proximity to Brooktree, which will allow patients receiving services at Brooktree to simply walk 10 feet to access treatment in our clinic. Clearly, this significantly limits the parking "footprint" of our proposed clinic.

Moreover, as the attached parking study makes clear, parking simply does not appear to be an issue in this office park. During our week-long parking study, the most highly-occupied or heavily-parked time was at 11 am on November 28, 2016, when we counted 60 parked vehicles and 85 open parking spaces. Therefore, at all times throughout our estimated hours of operation, there are over 85 vacant and available parking spaces. Given our five employees and limit of four patients served at any given time, our clinic capacity will at all times be under ten. Assuming all of those ten occupants drove and required parking, there would still be a sizeable parking surplus of 75, or more, spaces.

In sum, the subject property is located within an office park that at all times has an abundance, 85-plus, of available parking spots. Our clinic has a staff of five and we do not schedule more than four patients at the same time, limiting our parking "footprint" to under 10 vehicles. Finally, the bulk of our patients will not require any parking, as they will walk from Brooktree to us, a distance of some 15 feet.

As a result, we submit that our request for a variance does not adversely affect the property or other tenants and should, as a result, be granted.

Respectfully submitted,

Paul Getzendanner, JD, LCSW, CADC

Regional Executive Director

Soft Landing Recovery

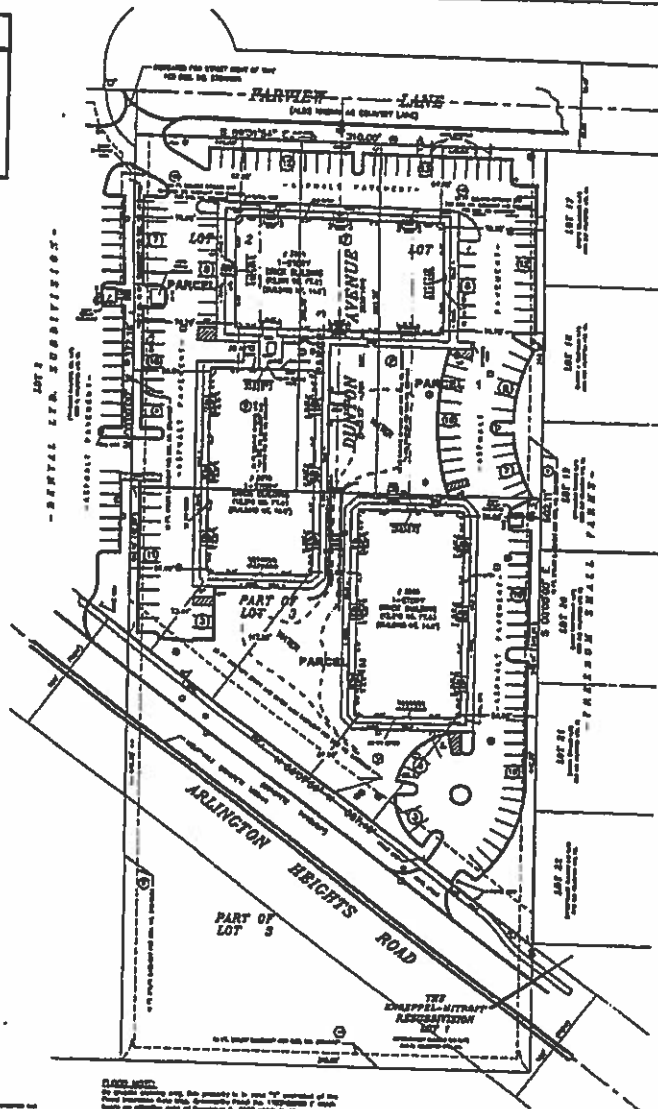
1601 Bond Street

Naperville, IL 60563

773-519-0319

pgetzendanner@softlandingrecovery.com

cc: Mike Giorgetti

[illegible][illegible][illegible]

PARCEL 1

Lots 1 and 2 in 7th series Late Suburban, being a Subdivision of part of the Northwest Quarter of the Northwest Quarter and part of the North Half of the Southwest Quarter of the Northwest Quarter of Section 2, Township 43 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois.

PAPER 2:

This part of Lot 3 is Province Lands Subdivision, being a Sub-division of part of the Northwest Quarter of the Northwest Quarter of the North East of the Southwest Quarter of the Northwest Quarter of Section 6, Township 42 North, Range 11 East of the Fourth Principal Meridian, in Cass County, North, being hereby of the same extent from a point in the West line of said Lot 3, and from thence S 11.60 East 100 South of the Northwest corner of said Lot 3, to a point in the East line of said Lot 3, and said part of said Lot 3 of the Northwest corner of said Lot 3.

PART 3

Violated During Avenue created by Ordinance 2225134 dated October 1, 1979 and recorded November 26, 1979 and described as follows: Beginning at the Northwest corner of the aforesaid Lot 1; thence West along an extension line of aforesaid Lot 1 for 60.00 feet more or less, to a point which is the Northwest corner of the aforesaid Lot 2; thence South along the East line of the aforesaid Lot 2 for 200.00 feet more or less, to a point which is the Southwest corner of the aforesaid Lot 2; thence East along the North line of the aforesaid Lot 2 for 60.00 feet more or less, to a point which is the Southwest corner of the aforesaid Lot 1; thence North along the West line of the aforesaid Lot 1 for 200.00 feet more or less to the Point of Beginning, all in said County, Oregon.

PROPERTY CONTACT:
131,041 22, 21, (1,487) 423, 400, 10 11, 20



NOTES CORRESPONDING TO CHAPTER 4. A

THE BUREAU DOES NOT CONSTITUTE A TITLE SEARCH OF THE SUBMITTER. ALL INFORMATION REGARDING EVIDENCE, CAPACITIES, RIGHTS, CONTRACTS, BENEFITS, RESTRICTIONS, ALLOWANCES AND/OR OTHER DOCUMENTS THAT MAY EFFECT TITLE TO THE PROPERTY BEING OFFERED WOULD BE APPLIED FROM THE APPROPRIATE TITLE INSURANCE COMPANY. CONVEYANCE TITLE, INDEMNITY FILE NO. 102708, WITH AN EFFECTIVE DATE OF MAY 23, 1987, AS PROVIDED TO THE SUBMITTER BY THE CLINE, TITLE COMPANY AND/OR OTHER REPRESENTATIVE.

- (S) Building under construction as shown on the plot of Fathma Suburban residential project per Dec. No. 706/1987, Map 12(1) is situated in village area and building collapse issue regarding per Dec. 6001/1987 are pending and shown on the map of Fathma Suburban residential project.
- (S) Cemetery for public utility and drainage as shown on the Fathma Suburban residential project registered per Dec. No. 323/1987 are pending and shown on survey to the extent possible
- (S) Cemetery for sanitary sewage and water mains as mentioned in Local Agreement in the Village of Aftabpur Muzaffar registered per Dec. No. 333/1987 is plotted and shown on survey to the extent possible and provision,
- (S) Farms, houses and compounds of the Directorate regarding handling a portion of the village boundaries incorporated per Dec. No. 236/1982 is plotted and shown on survey to the extent possible and provision,

1. Information on this form are required in final and general parts of the report. Separate are completed and sent to include agency and company information.
2. Information on survey listed on First Amendment Title Insurance Corporation's website for this insurance file. 10/16/14 and on common date of May 23, 2017.
3. Current Address 2266, 2761 & 2776 St. Armands Heights, St. Armands Heights, FL 33004
4. P.O. Box 95-05-105-627.
5. Bishop R.L.L. (Planned Unit Development).
6. No encumbrance was at the request of others.
7. There was no disclosure of any other existing, pending, or intended encumbrance or pending actions or claims against the property.
8. Information there was no disclosure of any other existing, pending, or intended encumbrance or pending actions or claims against the property.
9. There is no appropriate disclosure of any other existing, pending, or intended encumbrance or pending actions or claims against the property.
10. Pending Cases: 142 Bepko Pending Suits
147 Bepko Pending Suits
147 Bepko Pending Suits

STATE OF ALABAMA
COUNTY OF BELL

THE
FIRST AMERICAN TIRE MARKING COMPANY

[illegible]

Date July 12 1964
JOSEPH A. BONEST & ASSOCIATES (184-881172)

~~SECRET~~

Joseph A. Schudt & Associates

18300 E. MARION AVENUE FRANKFORT, IL 60431
PHONE: 708-720-1000 FAX: 708-720-1001

JAY Joseph A. Schudt & Associates
16300 N. HAWLEY AVE. FRANKFORT, IL 60143
PHONE: 708-770-1000 FAX: 708-770-1000
e-mail: cschudt@jaygroup.com <http://www.jaygroup.com>
CIVIL ENGINEERING LAND SURVEYING ENVIRONMENTAL LAND PLANNING GPS SERVICE

01-11-87
Sheet 1 of 1
0706-014

Prospective Tenant: SOFT LANDING RECOVERY
 Signature Square North
 Suite 301
 3265 N Arlington Heights Rd, Arlington Heights, IL

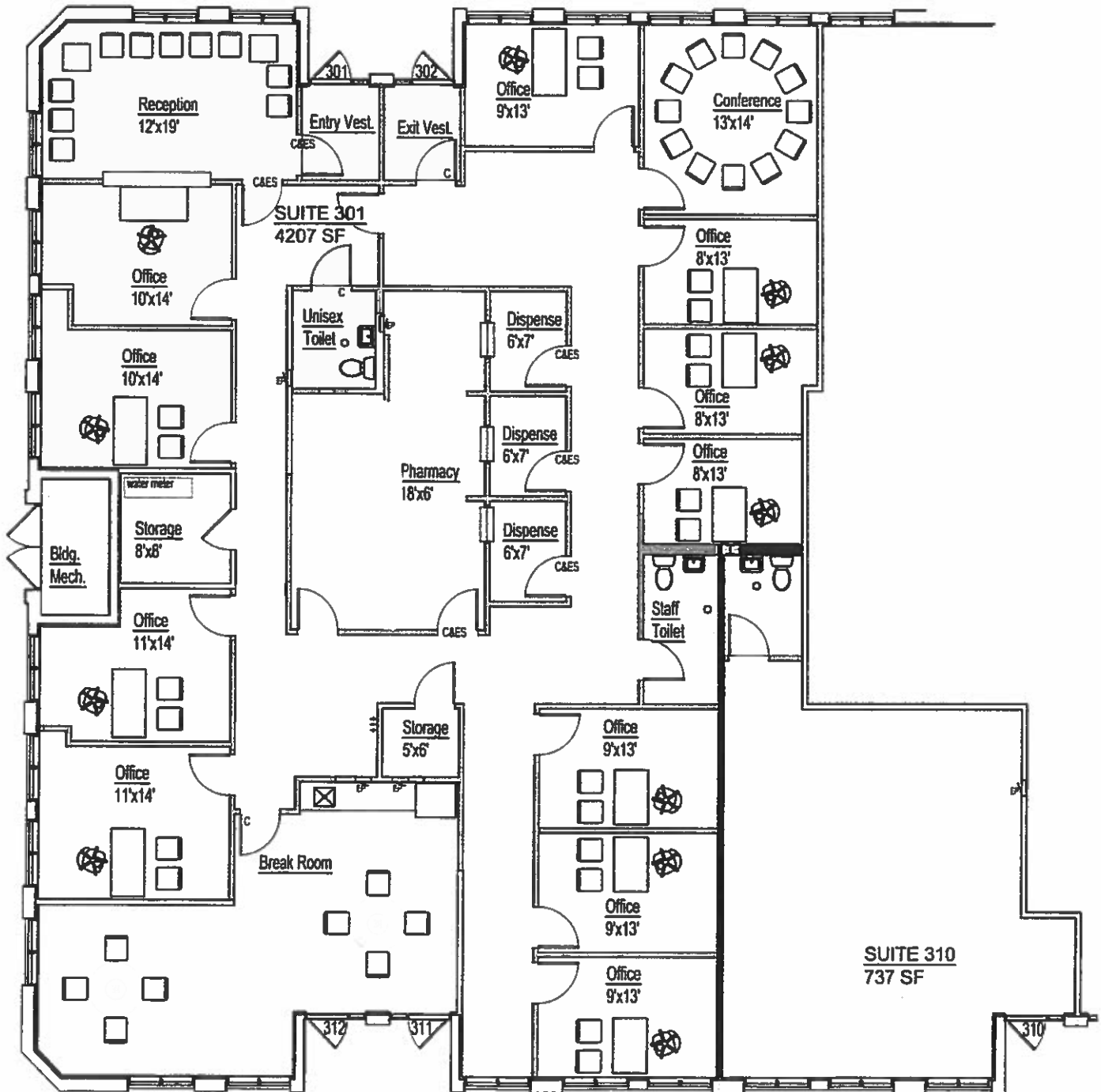
N

0 5' 10' 15' 25'

1st Draft 9-19-2016

Scale: $\frac{3}{32}"=1'-0"$

NOTE: Room sizes noted are rounded to nearest whole number.



Design/Build
 62 Surrey Lane East
 Barrington Hills, IL 60010
 847.858.6083 phone
 Steve.Construction@gmail.com

Chicagoland Commercial Real Estate
 Randy Olczyk, Broker
 T.847-438-4300

Soft Landing Recovery Parking Study 3265 Algonquin Road

Parking Results

Date	Time	Vehicles Parked	Empty spots
Monday 11/28/2016	8:00 AM	20	125
Monday 11/28/2016	8:30 AM	30	115
Monday 11/28/2016	9:00 AM	35	110
Monday 11/28/2016	9:30 AM	44	101
Monday 11/28/2016	10:00 AM	45	100
Monday 11/28/2016	10:30 AM	56	89
Monday 11/28/2016	11:00 AM	60	85
Monday 11/28/2016	11:30 AM	51	94
Monday 11/28/2016	12:00 PM	49	96
Monday 11/28/2016	12:30 PM	50	95
Monday 11/28/2016	1:00 PM	48	97
Monday 11/28/2016	1:30 PM	48	97
Monday 11/28/2016	2:00 PM	46	99
Monday 11/28/2016	2:30 PM	55	90
Monday 11/28/2016	3:00 PM	56	89
Monday 11/28/2016	3:30 PM	59	86
Monday 11/28/2016	4:00 PM	51	94
Monday 11/28/2016	4:30 PM	41	104
Monday 11/28/2016	5:00 PM	39	106

Date	Time	Vehicles Parked	Empty spots
WEDNESDAY 11/30/2016	8:00 AM	22	123
WEDNESDAY 11/30/2016	8:30 AM	27	118
WEDNESDAY 11/30/2016	9:00 AM	35	110
WEDNESDAY 11/30/2016	9:30 AM	47	98
WEDNESDAY 11/30/2016	10:00 AM	48	97
WEDNESDAY 11/30/2016	10:30 AM	48	97
WEDNESDAY 11/30/2016	11:00 AM	55	90
WEDNESDAY 11/30/2016	11:30 AM	56	89
WEDNESDAY 11/30/2016	12:00 PM	48	97
WEDNESDAY 11/30/2016	12:30 PM	46	99
WEDNESDAY 11/30/2016	1:00 PM	52	93
WEDNESDAY 11/30/2016	1:30 PM	48	97
WEDNESDAY 11/30/2016	2:00 PM	49	96
WEDNESDAY 11/30/2016	2:30 PM	50	95
WEDNESDAY 11/30/2016	3:00 PM	52	93
WEDNESDAY 11/30/2016	3:30 PM	46	99
WEDNESDAY 11/30/2016	4:00 PM	44	101
WEDNESDAY 11/30/2016	4:30 PM	44	101
WEDNESDAY 11/30/2016	5:00 PM	39	106
SATURDAY 12/03/2016	8:00 AM	5	140
SATURDAY 12/03/2016	8:30 AM	9	136
SATURDAY 12/03/2016	9:00 AM	11	134
SATURDAY			

Date	Time	Vehicles Parked	Empty spots
SATURDAY 12/03/2016	10:00 AM	15	130
SATURDAY 12/03/2016	10:30 AM	19	126
SATURDAY 12/03/2016	11:00 AM	25	120
SATURDAY 12/03/2016	11:30 AM	22	123
SATURDAY 12/03/2016	12:00 PM	26	119
SATURDAY 12/03/2016	12:30 PM	23	122
SATURDAY 12/03/2016	1:00 PM	22	123
SATURDAY 12/03/2016	1:30 PM	24	121
SATURDAY 12/03/2016	2:00 PM	19	126



Item: 604 N. Wilshire Ln. - ZBA#17-001

Department: Planning & Community Development

REQUEST

1. A 9.6 foot setback variance from Chapter 28, Section 6.13-3c1 (Exterior Side Yards) to allow a 6 foot tall solid fence in the exterior side yard that is 3 feet from the south property line where a 12.6 foot setback is required.
2. A 1 foot variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the perimeter of the rear yard.

ATTACHMENTS:

Description	Type
604 N. Wilshire Ln. - ZBA#17-001	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: February 13, 2017
Date Prepared: February 6, 2017
Project Title: Sowa Residence
Address: 604 N. Wilshire Ln.

Background Information

Petition Number: ZBA #17-001
Petitioner: Urszula Sowa
Address: 604 N. Wilshire Ln.
Arlington Heights IL 60004
Existing Zoning: R-3, One-Family Dwelling District

Requested Action/Background Information

The petitioner proposes to construct a 6' high solid fence along the perimeter of the rear yard. The petitioner is proposing to set the fence back 3 feet from the south property line along Euclid Avenue. Therefore, petitioner requests the following variations:

- A 9.6 foot setback variance from Chapter 28, Section 6.13-3c1 (Exterior Side Yards) to allow a 6 foot tall solid fence in the exterior side yard that is 3 feet from the south property line where a 12.6 foot setback is required.
- A 1 foot variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the perimeter of the rear yard.

Variation Review Standards

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

Map of General Vicinity



Items Required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	1/25/17	
2. List of Property Owners Within 250 feet of Subject Property	✓	1/25/17	
3. Letter that was Mailed	✓	1/25/17	
4. Photographs of Sign on Property	✓	1/25/17	

Photographs of Existing Structure



ZBA# 17-001

604 N Wilshire Ln- ZBA

Rev. Eng: Nanci Julius, P.E.

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

Submitted: January 19, 2017

Completed: January 19, 2017

The proposed ZBA application indicates that the petitioner is seeking:

A 9.6 ft setback variance to allow a 6 ft tall solid fence in the exterior side yard that is 3 ft from the south propertyline where a 12.6 ft setback is required; and a 1 ft variance to allow an increase to the maximum fence height from 5 ft to 6 ft, for a fence located along the perimeter of the rear yard.

The Engineering Department has NO OBJECTION to the proposed setback variance, and NO COMMENT on the height variance.

RECEIVED
JAN 24 2017
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Sowa Residence

Project Address: 604 N. Wilshire Ln.

ZBA #: 17-001

ZBA Hearing Date: February 13, 2017

To: Jim Massarelli, Director of Engineering
Charley Craig, Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: January 19, 2017

- A 9.6 foot setback variance from Chapter 28, Section 6.13-3c1 (Exterior Side Yards) to allow a 6 foot tall solid fence in the exterior side yard that is 3 feet from the south property line where a 12.6 foot setback is required.
- A 1 foot variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the perimeter of the rear yard.

Attached are the Petitioner's:

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

Comments: NO COMMENTS C.T.C.

Please review, comment, and return to me no later than Friday, January 27, 2017.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Sowa Residence

Project Address: 604 N. Wilshire Ln.

ZBA #: 17-001

ZBA Hearing Date: February 13, 2017

To: Jim Massarelli, Director of Engineering
Charley Craig, Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: January 19, 2017

- A 9.6 foot setback variance from Chapter 28, Section 6.13-3c1 (Exterior Side Yards) to allow a 6 foot tall solid fence in the exterior side yard that is 3 feet from the south property line where a 12.6 foot setback is required.
- A 1 foot variance from Chapter 28, Section 6.13-3b (Location of Fences) to allow an increase to the maximum fence height from 5-feet to 6-feet, for a fence located along the perimeter of the rear yard.

Attached are the Petitioner's:

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

Comments: _____

No comments. - STEVE HAUZINGER, DESIGN PLANNER

Please review, comment, and return to me no later than Friday, January 27, 2017.

Urszula Sowa
604 N. Wilshire Lane
Arlington Heights, IL 60004

PETITION

NOW COMES the Petitioner URSZULA SOWA
being the owner of the property commonly known as 604 N. WILSHIRE LANE, ARLINGTON HEIGHTS, IL

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:

- Construct a solid fence with a height of 6 feet along the perimeter of the backyard as indicated in the proposal
- The proposed distance between the fence and the sidewalk is 3 feet

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

- At least twenty percent of the available backyard would be excluded from the interior of a solid fence if installed 12 feet away from the sidewalk
- Evergreens and gardens elements planted on the south side of the property would need to be removed if the fence were constructed to the current regulations
- Lack of uniformity in terms of height and style of the fence would diminish the appearance and lead to increased material and labor costs
- Headlight and noise pollution from passing automobiles is a constant disturbance, which a tall solid fence would reduce.
- Littering has been an ongoing problem for those living along Euclid Avenue and is an undue burden on the property owner to keep the backyard free of trash
- Pedestrians allow dogs to urinate and defecate in the backyard, thereby, damaging grass and foliage in the garden
- Traffic next to the backyard, presents a safety concern for grandchildren and pets that play there

I hereby state that the following unique circumstances exist:

- The property lies along side of Euclid Ave, a major arterial road, having significant amounts of traffic, both vehicular and pedestrian
- Since this property is on a corner lot and the fence is only covering the rear, there's minimal impact on neighboring properties
- Sacrificing a significant useful portion of the backyard to accommodate a privacy fence is unjust, considering the very high property taxes demanded by the Village of Arlington Heights.

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

- Local properties adjacent to Euclid Avenue have solid fences closer to the sidewalk than what is requested in this petition, which have heights exceeding 6 feet
- A property directly on the other side of Euclid Avenue has a fence that sits right next to the sidewalk that is greater than 36" in height

Signed:

Monte Low
Petitioner

Date:

1/12/2017

PROPOSED PLAT OF SURVEY



RECEIVED

JAN 11 2017

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



NOTE: Refer to title policy for building and eas
Dimensions are shown in feet and dec
The legal description shall

of Illinois
y of Cook
I R Crouse do hereby certify that I have surveyed
ove described property and the plat hereon drawn
direct representation of said survey

Dean R. Crouse

PROPOSED STYLE OF FENCE

















Item: 910 N. Illinois Ave. - ZBA#17-002

Department: Planning & Community Development

REQUEST

1. A 2.3 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a second story addition with a side yard setback of 2.7 feet from the north property line instead of the minimum 5.0 feet and an additional 1.0 feet for the eave.

ATTACHMENTS:

Description	Type
910 N. Illinois Ave. - ZBA#17-002	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: February 13, 2017
Date Prepared: February 6, 2017
Project Title: Johnson Residence
Address: 910 N. Illinois Ave.

Background Information

Petition Number: ZBA #17-002
Petitioner: Chad & Melissa Johnson
Address: 910 N. Illinois Ave.
Arlington Heights IL 60004
Existing Zoning: R-3, One-Family Dwelling District

Requested Action/Background Information

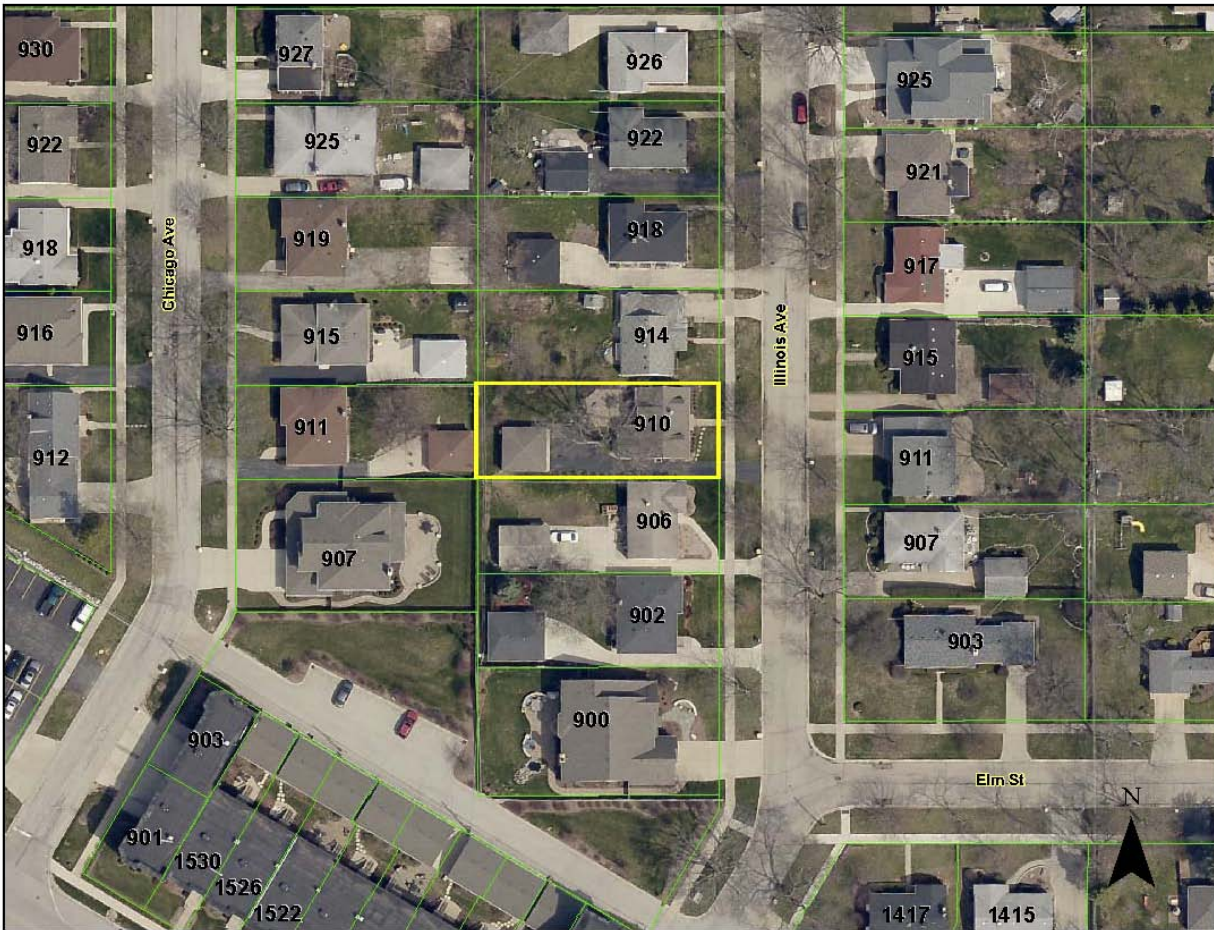
The petitioner is proposing to construct a second story addition to the existing two story home. The subject site is zoned R-3, One Family Dwelling District. The property has a total land area of 6,395 square feet and a lot width of 50 feet. The proposed residence will have approximately 2,100 square feet. The proposed addition is encroaching into the required side yard setback. Therefore the petitioner requests the following variation:

- A 2.3 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a second story addition with a side yard setback of 2.7 feet from the north property line instead of the minimum 5.0 feet and an additional 1.0 feet for the eave.

Variation Review Standards

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

Map of General Vicinity



Items Required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	1/27/17	
2. List of Property Owners Within 250 feet of Subject Property	✓	1/27/17	
3. Letter that was Mailed	✓	1/27/17	
4. Photographs of Sign on Property	✓	1/27/17	

Photographs of Existing Structure



ZBA# 17-002

910 N Illinois - ZBA

Rev. Eng: Nanci Julius, P.E.

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

Submitted: January 19, 2017

Completed: January 19, 2017

The proposed ZBA application indicates that the petitioner is seeking:

A 2.3 ft variance to allow a second story addition with a side yard setback of 2.7 ft from the north property line instead of the minimum 5 ft and an additional 1 ft for the eave; and a 3.5 ft variance to allow an addition with a front yard setback of 20.2 from the east property line instead of the minimum 23.7 ft and an additional 1 ft for the eave.

NOTE: The existing setbacks are nonconforming, and the proposed second story addition will not increase the nonconformity.

The Engineering Department has NO OBJECTION to the proposed variances.

RECEIVED
JAN 24 2017
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Johnson Residence

Project Address: 910 N. Illinois Avenue

ZBA #: 17-002

ZBA Hearing Date: February 13, 2017

To: Jim Massarelli, Director of Engineering
Charley Craig, Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: January 19, 2017

- A 2.3 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a second-story addition with a side yard setback of 2.7 feet from the north property line instead of the minimum 5.0 feet and an additional 1.0 feet for the eave.
- A 3.5 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow an addition with a front yard setback of 20.2 feet from the east property line instead of the minimum 23.7 feet and an additional 1.0 feet for the eave.

Attached are the Petitioner's:

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

Comments: ALL PARTS OF THE BUILDING WITHIN 5' OF NORTH
PROPERTY LINE MUST COMPLY W/ 2009 I.R.C. SECTION
R302 - FIRE RESISTANT CONSTRUCTION INCLUDING WINDOWS.

Please review, comment, and return to me no later than Friday, January 27, 2017.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Johnson Residence

Project Address: 910 N. Illinois Avenue

ZBA #: 17-002

ZBA Hearing Date: February 13, 2017

To: Jim Massarelli, Director of Engineering
Charley Craig, Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: January 19, 2017

- A 2.3 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow a second-story addition with a side yard setback of 2.7 feet from the north property line instead of the minimum 5.0 feet and an additional 1.0 feet for the eave.
- A 3.5 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow an addition with a front yard setback of 20.2 feet from the east property line instead of the minimum 23.7 feet and an additional 1.0 feet for the eave.

Attached are the Petitioner's:

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

Comments: THE PROPOSED ADDITION IS NICELY DESIGNED, AND IS

FAVORABLE FOR AN ADMINISTRATIVE DESIGN APPROVAL, PENDING

Please review, comment, and return to me no later than Friday, January 27, 2017.

THE OUTCOME OF THE ZBA REVIEW.

-STEVE HAUTZINGER, DESIGN PLANNER

PETITION

NOW COMES the Petitioners Chad & Melissa Johnson, being the owners of the property commonly known as: 910 N. Illinois, and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from CHAPTER 28, Section 5.1-3.6 _____ of the Arlington Heights Municipal Code, In order to: ALLOW A REDUCTION TO THE MINIMUM SIDE (North) SETBACK FROM 5' TO 2.74', and A REDUCTION TO THE AVERAGE FRONT FROM 23.7' TO 20.21'.

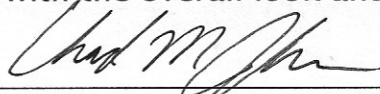
I hereby state that the following hardship would exist if the variation were not granted: Limits expansion of the second floor of home as it currently sits beyond the North and East setbacks.

I hereby state that the following unique circumstances exist:

- 1) The existing home currently sits at 2.74' off of the North property line in which the proposed addition does not exceed.
- 2) The existing home currently sits at 20.21' off the East (Front) property line in which the proposed addition does not exceed.
- 3) Shifting the second floor to meet the average front or side setback would cause inadequate floor space to the new bedrooms and perhaps cause one to be eliminated.

I hereby state that the variation, if granted, will not alter the essential character of the locality because: it will enhance the facade of the existing home, and blend in with the overall look and character of the home.

Signed: _____



Date: _____

11 Jan 2017

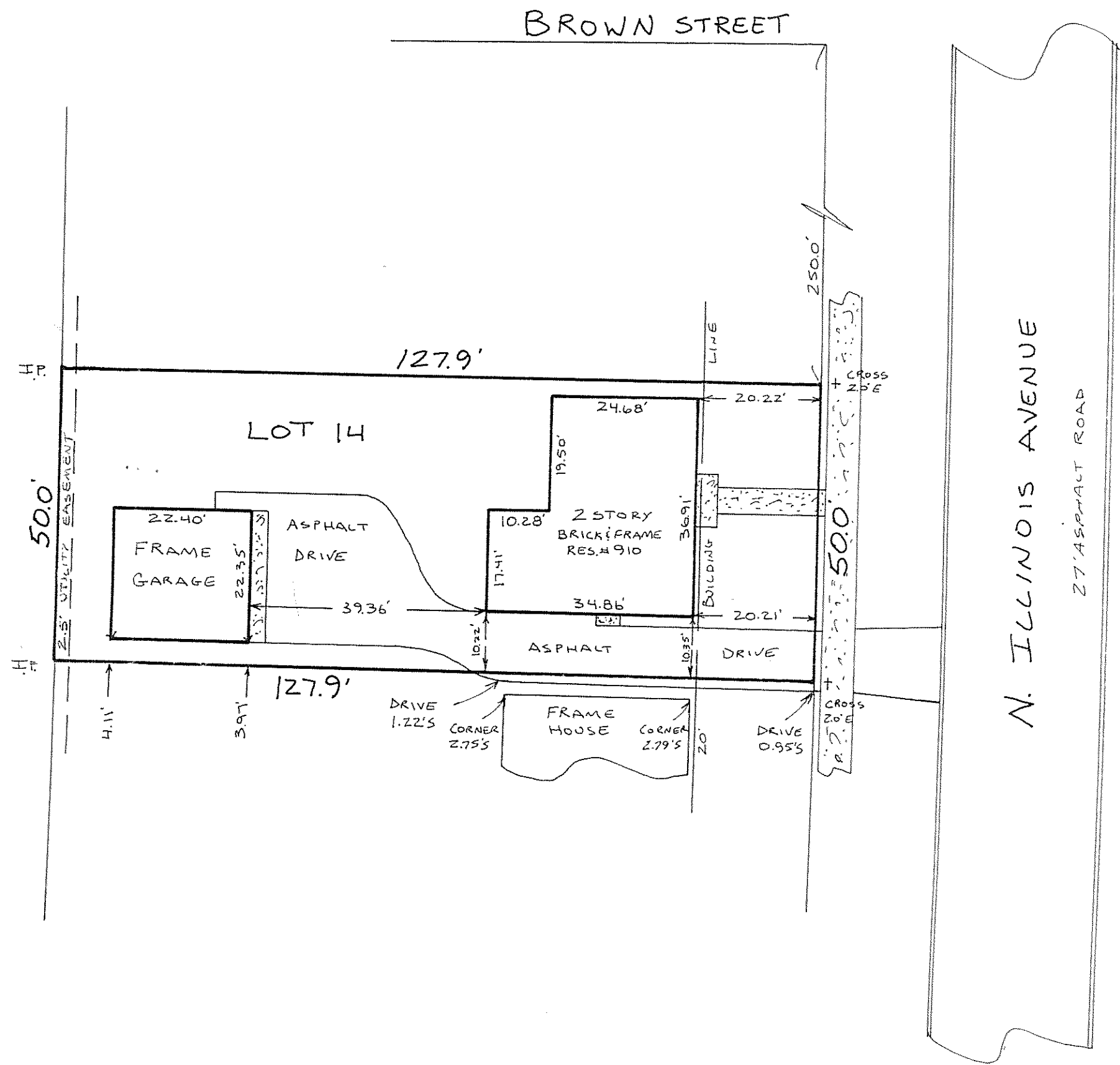
CHAD AND MELISSA JOHNSON

PLAT OF SURVEY

LOT 14 IN BLOCK 15 IN ARLINGTON PARK, A SUBDIVISION OF THE NORTH HALF OF THE NORTHWEST QUARTER (EXCEPT THE NORTH 25 FEET THEREOF) OF SECTION 30, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHEASTERLY OF THE NORTHERLY LINE OF RIGHT OF WAY OF CHICAGO AND NORTHWESTERN RAILWAY COMPANY, IN COOK COUNTY, ILLINOIS.



Scale: 1" = 20'

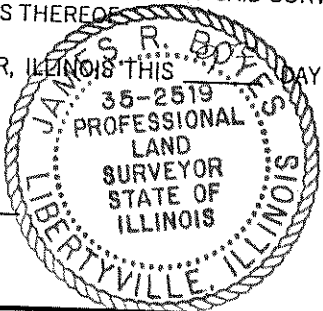


STATE OF ILLINOIS }
COUNTY OF MCHENRY }

THIS IS TO CERTIFY THAT I, JAMES R. BOYES, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2519, HAVE SURVEYED THE PROPERTY DESCRIBED IN THE ABOVE CAPTION AND LOCATED THE IMPROVEMENTS THEREON, AS SHOWN BY THE ANNEXED PLAT WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.

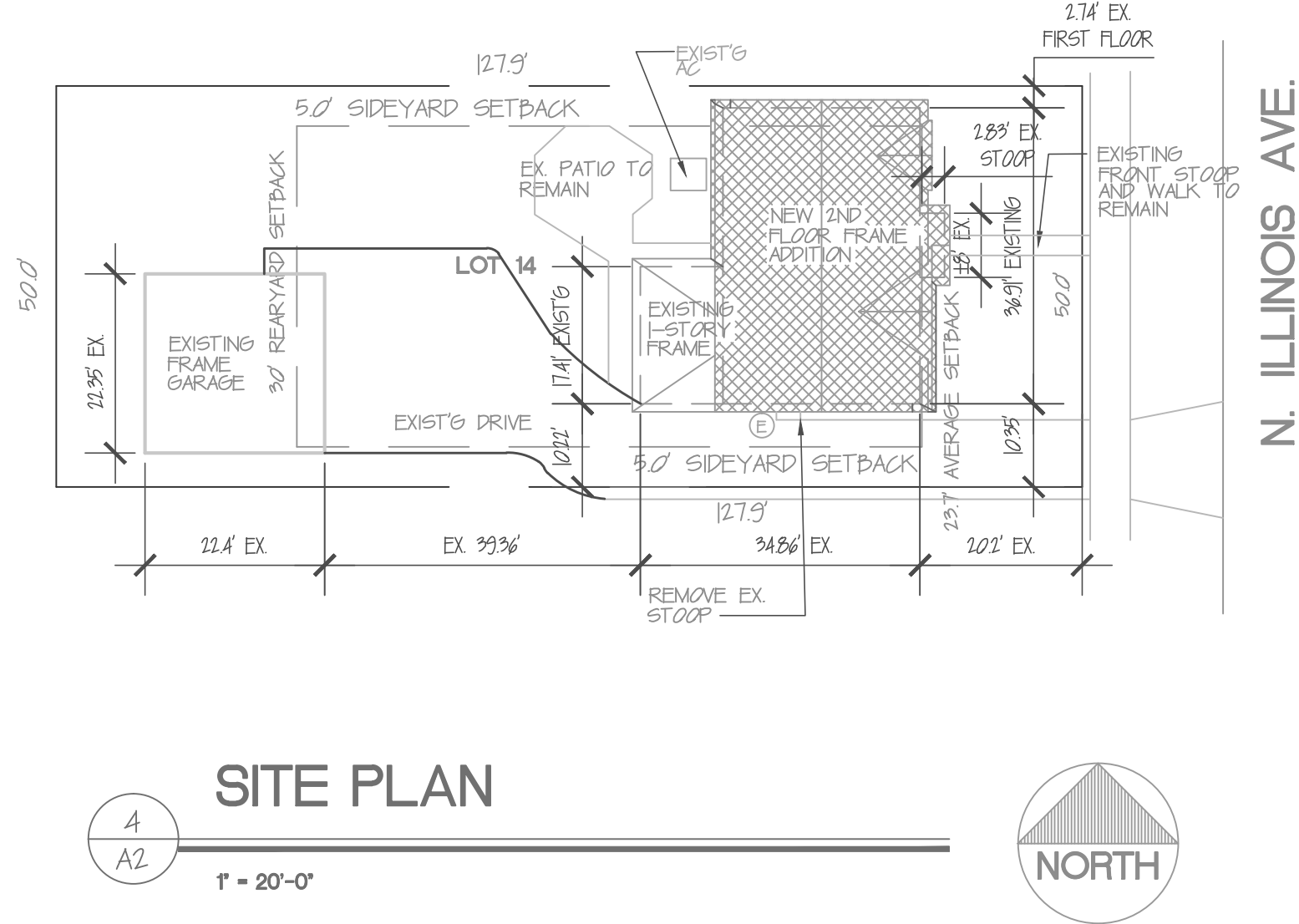
GIVEN UNDER MY HAND AND SEAL AT LAKEMOOR, ILLINOIS THIS SEPTEMBER DAY OF 2003.

REGISTERED LAND SURVEYOR NUMBER 2519

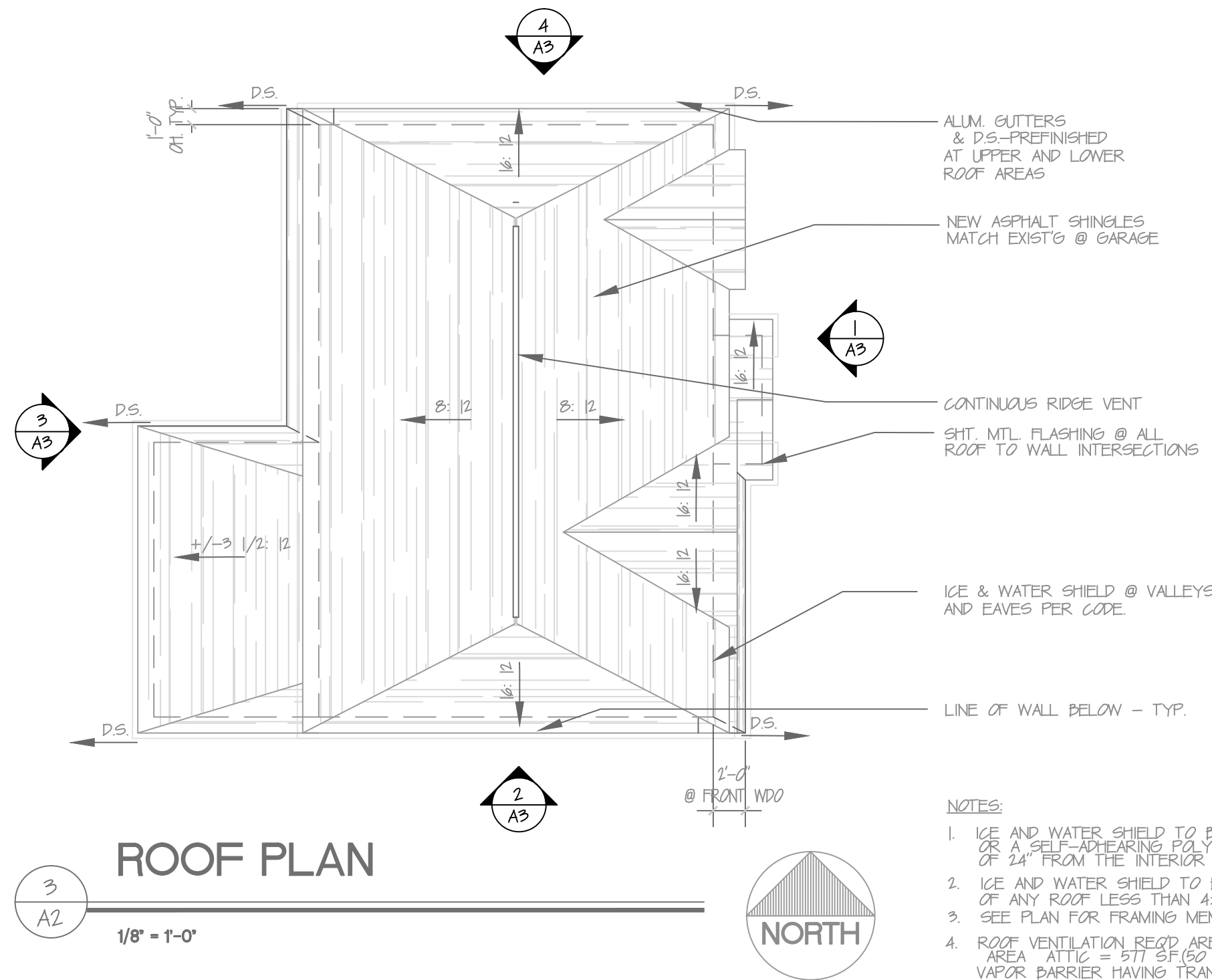


LOCATION: 910 N. ILLINOIS AVENUE
ARLINGTON HEIGHTS, IL 60004
CLIENT: STEVE ENGLISH (BENCRISCUTTO)
ORDER#: 03-00537

PROPERTY LINES, INC.
1601 ANTHONY LANE
LAKEMOOR, IL 60051-3702
815-578-9646 FAX:815-578-9647



SITE PLAN
1" = 20'-0"
NORTH



ROOF PLAN
1/8" = 1'-0"
NORTH

- NOTES:
1. ICE AND WATER SHIELD TO BE 2 LAYERS OF UNDERLAYMENT OR A SELF-HEALING POLYMER SHEET SHALL EXTEND A MIN. OF 24" FROM THE INTERIOR SIDE OF WALL.
 2. ICE AND WATER SHIELD TO BE ON ENTIRE ROOF OF ANY ROOF LESS THAN 4:12 PITCH.
 3. SEE PLAN FOR FRAMING MEMBERS.
 4. ROOF VENTILATION REQ'D AREA MEET 1/150 OR 1/200 AREA. ATTIC = 517 SF (60 SQIN BOX VENTS REQ'D IF VAPOR BARRIER HAVING TRANSMISSION RATE NOT EXCEEDING 1 PERM IS INSTALLED ON WARM SIDE OF CEILING. CEILING(VIET) OTHERWISE 1/150 REQUIRED AREA.
 5. SHINGLES TO HAVE CLASS 'C' OR BETTER RATING PER REQ'D. AS AMENDED.

STATUS		
NO.	ISSUED FOR:	
1	DES. COMM	2/19/17
2	ZPA	2/19/17
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
DRAWN BY:		
CLW		
DATE:		
1/13/2017		

JRC DESIGN BUILD, INC.
CW DESIGN GROUP, ARCHITECT
1275 E. DAVIS - ARLINGTON HEIGHTS, IL 60005
ph. (847)255-2322 e-mail: jimjrcdb@gmail.com

FLOOR PLAN
ROOF PLAN, SITE PLAN
ADDITION/REMODELING FOR:
CHAD & MELISSA JOHNSON
910 N. ILLINOIS
ARLINGTON HEIGHTS, IL

JOB NUMBER
17001.00

SHEET NO.

A2

OF SHEETS



4
A3
1/4" = 1'-0"

NORTH ELEVATION



3
A3
1/4" = 1'-0"

WEST ELEVATION



2
A3
1/4" = 1'-0"

SOUTH ELEVATION



1
A3
1/4" = 1'-0"

EAST ELEVATION

STATUS		
NO.	ISSUED FOR:	
1	DES. COMM.	01/13/17
2	ZBA	01/13/17
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
DRAWN BY:		
CLW		
DATE:		
01/13/2017		

JRC DESIGN BUILD, INC.
CW DESIGN GROUP, ARCHITECT
1275 E. DAVIS, ARLINGTON HEIGHTS, IL 60005
ph. (847)255-2322 e-mail: jimjrcdb@gmail.com

EXTERIOR ELEVATIONS
ADDITION/REMODELING FOR:
CHAD & MELISSA JOHNSON
910 N. ILLINOIS
ARLINGTON HEIGHTS, IL

JOB NUMBER
1700100

SHEET NO.

A3

OF SHEETS



CW Design Group, Inc.
ARCHITECTURAL DESIGN/BUILD FIRM
922 Monroe Ave. Wauconda, IL 60084
ph. (847)489-1703 e-mail: cwisdesign@gmail.com

 **EXISTING CONTEXT ELEVATION**
1/8" = 1'-0"
SINGLE FAMILY HOME ADDITION/REMODELING:
CHAD AND MELISSA JOHNSON
910 N. ILLINOIS
ARLINGTON HEIGHTS, IL 60004
17001.00 1/13/2017





900



902



906



910 N. Illinois Ave



914



918



922

N. ILLINOIS AVENUE



915



911



907



Item: 416 S. Windsor Dr. - ZBA#17-003

Department: Planning & Community Development

REQUEST

1. A 3.6 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow an addition with a side yard setback of 3.5 feet from the north property line instead of the minimum 7.1 feet and an additional 1.0 feet for the eave.
2. A 4.0 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow an addition with a front yard setback of 21.0 feet from the east property line instead of the minimum 25.0 feet and an additional 1.0 feet for the eave.

ATTACHMENTS:

Description	Type
416 S. Windsor Dr. - ZBA#17-003	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: February 13, 2017
Date Prepared: February 6, 2017
Project Title: Mattes Residence
Address: 416 S. Windsor Dr.

Background Information

Petition Number: ZBA #17-003
Petitioner: Erin Mattes
Address: 416 S. Windsor Dr.
Arlington Heights IL 60004
Existing Zoning: R-3, One-Family Dwelling District

Requested Action/Background Information

The subject site is zoned R-3, One Family Dwelling District. The property has a total land area of 8,758 square feet and the residence, with the proposed addition, will have approximately 2,977 square feet. The proposed addition encroaches into the required side yard setback and the required front yard setback. As part of the addition, the petitioner is proposing to expand the existing one car attached garage and create a two car attached garage. The proposed interior width of the garage is 22.5 feet and per the building code, the required minimum garage interior width is 21 feet. Although reducing the garage width would not eliminate the variation it would increase the side yard setback from 3.5 feet to 5 feet. The petitioner is also proposing a new front porch that is encroaching into the required front yard setback. Therefore, the petitioner requests the following variations:

- A 3.6 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow an addition with a side yard setback of 3.5 feet from the north property line instead of the minimum 7.1 feet and an additional 1.0 feet for the eave.
- A 4.0 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow an addition with a front yard setback of 21.0 feet from the east property line instead of the minimum 25.0 feet and an additional 1.0 feet for the eave.

Variation Review Standards

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

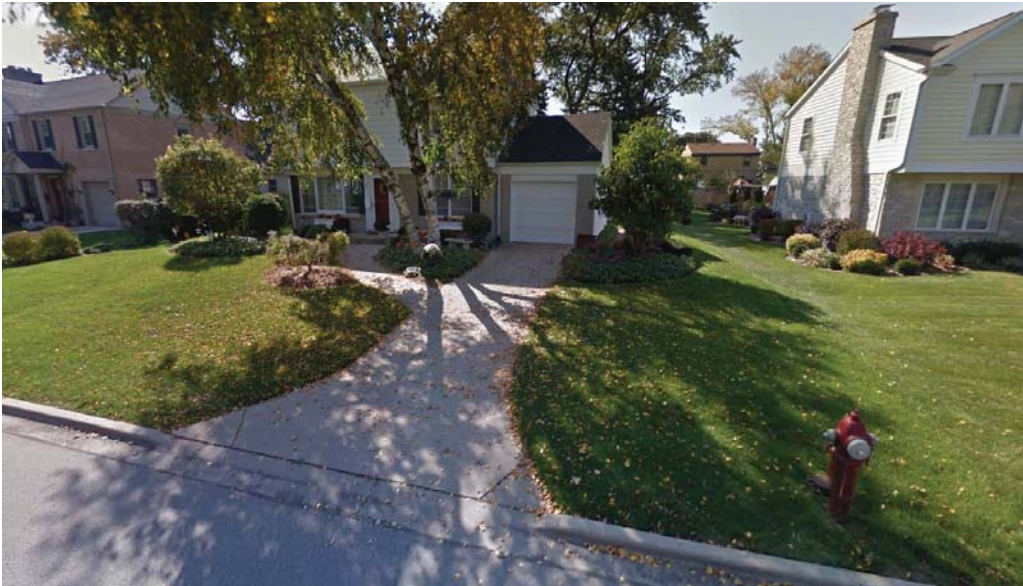
Map of General Vicinity



Items Required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	1/27/17	
2. List of Property Owners Within 250 feet of Subject Property	✓	1/27/17	
3. Letter that was Mailed	✓	1/27/17	
4. Photographs of Sign on Property	✓	1/27/17	

Photographs of Existing Structure



ZBA# 17-003

416 S Windsor Dr - ZBA

Rev. Eng: Nanci Julius, P.E.

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

Submitted: January 19, 2017

Completed: January 23, 2017

REVISED: February 1, 2017

JJW

The proposed ZBA application indicates that the petitioner is seeking:

A 3.6 ft variance to allow an addition with a side yard setback of 3.5 ft from the north property line instead of the minimum 7.1 ft and an additional 1 ft for the eave; and a 4 ft variance to allow an addition with a front yard setback of 21 ft from the east property line instead of the minimum 25 ft and an additional 1 ft for the eave.

Per Jim Massarelli, the Engineering Department IS NOT IN FAVOR of the proposed side yard setback of 3.5 ft (5 ft minimum); and has NO OBJECTION to the front yard setback variance.

RECEIVED

FEB 02 2017

**PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT**

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Mattes Residence

Project Address: 416 S. Windsor Drive

ZBA #: 17-003

ZBA Hearing Date: February 13, 2017

To: Jim Massarelli, Director of Engineering
Charley Craig, Building Services

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

From: Derek Mach, Zoning Board of Appeals Liaison

Transmitted On: January 19, 2017

- A 3.6 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow an addition with a side yard setback of 3.5 feet from the north property line instead of the minimum 7.1 feet and an additional 1.0 feet for the eave.
- A 4.0 foot variance from Chapter 28, Section 5.1-3.6 (Required Minimum Yards) & Section 5.4 (Table of Required Minimum Yards) to allow an addition with a front yard setback of 21.0 feet from the east property line instead of the minimum 25.0 feet and an additional 1.0 feet for the eave.

The proposed garage and second floor addition have a nice appearance on the front of the home. However, the full front porch is slightly out of character with the colonial style house, where a smaller covered entry portico may be more appropriate. The large family room gable on the rear elevation is out of context with the colonial style home. A Design Commission application is required to be submitted for the project.

Steve Hautzinger, Design Planner

Please review, comment, and return to me no later than Friday, January 27, 2017.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Mattes Residence

Project Address: 416 S. Windsor Drive

ZBA #: 17-003

ZBA Hearing Date: February 13, 2017

To: Jim Massarelli, Director of Engineering
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Attached are the Petitioner's:

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

Comments: THE NORTH WALL + ALL PARTS OF THE BUILDING
WITHIN 5' OF THE PROPERTY LINE MUST COMPLY W/ F.R.C.
SECTION R302. THE GARAGE DEPTH OF 18'3" IS LESS THAN
MINIMUM ALLOWED 21'4" C.T.C.

Please review, comment, and return to me no later than Friday, January 27, 2017.

PETITION

Now comes the Petitioners, David and Erin Mattes, being the owners of the property commonly known as 416 S. Windsor Drive, Arlington Heights, IL 60004 and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 5.1-3.6, Chapter 28, of the Arlington Heights Municipal Code, in order to construct an addition to the existing house for a 2 car garage and extend the current concrete porch to the entire length of the house.

We hereby state that the following hardship would exist if the variation were not granted: We would be forced to keep at least one vehicle in the driveway at all times and still have an inadequate garage. After a considerable investment, the front facade would not be aesthetically comparable to our new neighbors.

We hereby state that the following unique circumstances exist: The pie shaped lot has caused us to create the request for a 3.5' side yard setback and the original homes' front yard setback is the reason to request a variance for a front porch.

We hereby state that the variation, if granted, will not alter the essential character of the locality because there are many newly remodeled homes with 2 car garages and full second floor additions over the garage and a few beautiful porches.

Signed: Erin Mattes David Matt Date: 1/13/17
Petitioner

RECEIVED
JAN 13 2017
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

LEGEND
A = ASSUMED
C = CALCULATED
CH = CHORD
CL = CENTERLINE
D = DEED
E = EAST
F.I.P. = FOUND IRON PIPE
F.I.R. = FOUND IRON ROD
FT. = FEET/FOOT
L = ARC LENGTH
M = MEASURED
N = NORTH
NE = NORTHEAST
NW = NORTHWEST
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R = RECORD
RAD = RADIUS
R.O.W. = RIGHT OF WAY
S = SOUTH
S.I.P. = SET IRON PIPE
S.I.R. = SET IRON ROD
SE = SOUTHEAST
SW = SOUTHWEST
W = WEST

X X = CHAIN LINK FENCE
O O = WOOD FENCE
□ □ = METAL FENCE
△ △ = VINYL FENCE
--- = EASEMENT LINE
--- = SETBACK LINE
--- = INTERIOR LOT LINE

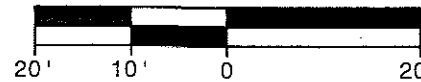
PLAT OF SURVEY

OF

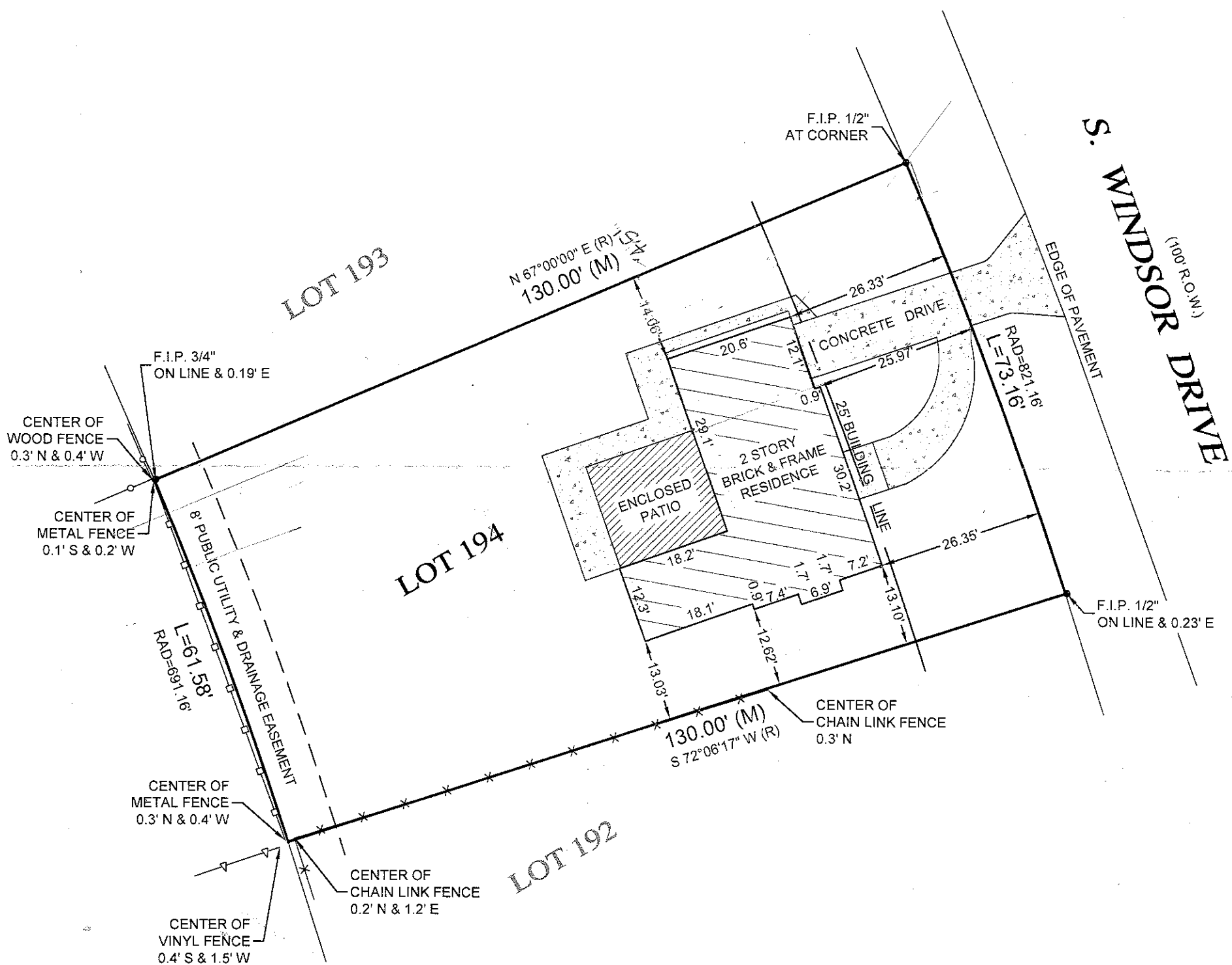
LOT 194 IN STONEGATE, BEING A RESUBDIVISION OF H. ROY BERRY COMPANY'S EAST MORELAND, BEING A SUBDIVISION OF THAT PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 33 AND THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 32, LYING NORTHEASTERLY OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY, ALL IN TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

AREA OF SURVEY:

"CONTAINING 8758 SQ. FT. OR 0.20 ACRES MORE OR LESS"



BASIS OF BEARING:
NORTHWEST LINE OF LOT 194 AS FOUND
MONUMENTED AND OCCUPIED PER RECORD
SUBDIVISION.
N 67°00'00" E (R)

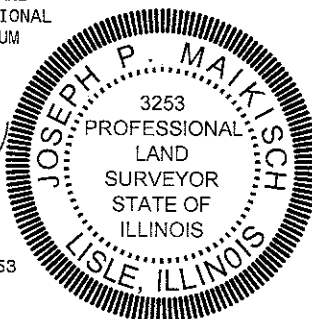


Morris Engineering, Inc.
515 Warrenville Road, Lisle, IL 60532
Phone: (630) 271-0770
FAX: (630) 271-0774
WEBSITE: WWW.ECIVIL.COM

STATE OF ILLINOIS }SS
COUNTY OF DUPAGE

I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY, AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED, THIS 15TH DAY OF AUGUST, A.D. 2016, AT Lisle, ILLINOIS



ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3253
LICENSE EXPIRATION DATE NOVEMBER 30, 2016
ILLINOIS BUSINESS REGISTRATION NO. 184-004245

NOTE:

1. ALL TIES SHOWN ON THIS SURVEY ARE MEASURED TO THE BUILDING'S SIDING (BRICK, FRAME, STUCCO, METAL, ETC.) AND NOT TO THE FOUNDATION, UNLESS NOTED OTHERWISE.
2. ROOF LINES AND OVERHANGS ARE TYPICALLY NOT SHOWN HEREON.
3. COMPARE ALL DISTANCES AND POINTS IN FIELD AND REPORT ANY DISCREPANCIES TO SURVEYOR AT ONCE.
4. NO DIMENSIONS SHALL BE ASSUMED BY SCALING.

ADDRESS COMMONLY KNOWN AS 416 S. WINDSOR DRIVE
ARLINGTON HEIGHTS, ILLINOIS

CLIENT DROST KIVLAHAN MCMAHON & O'CONNOR LLC

FIELDWORK DATE (CREW) 08-12-16 (DS/BV)

DRAWN BY: R.S. REVISED: JOB NO. 16-07-0312

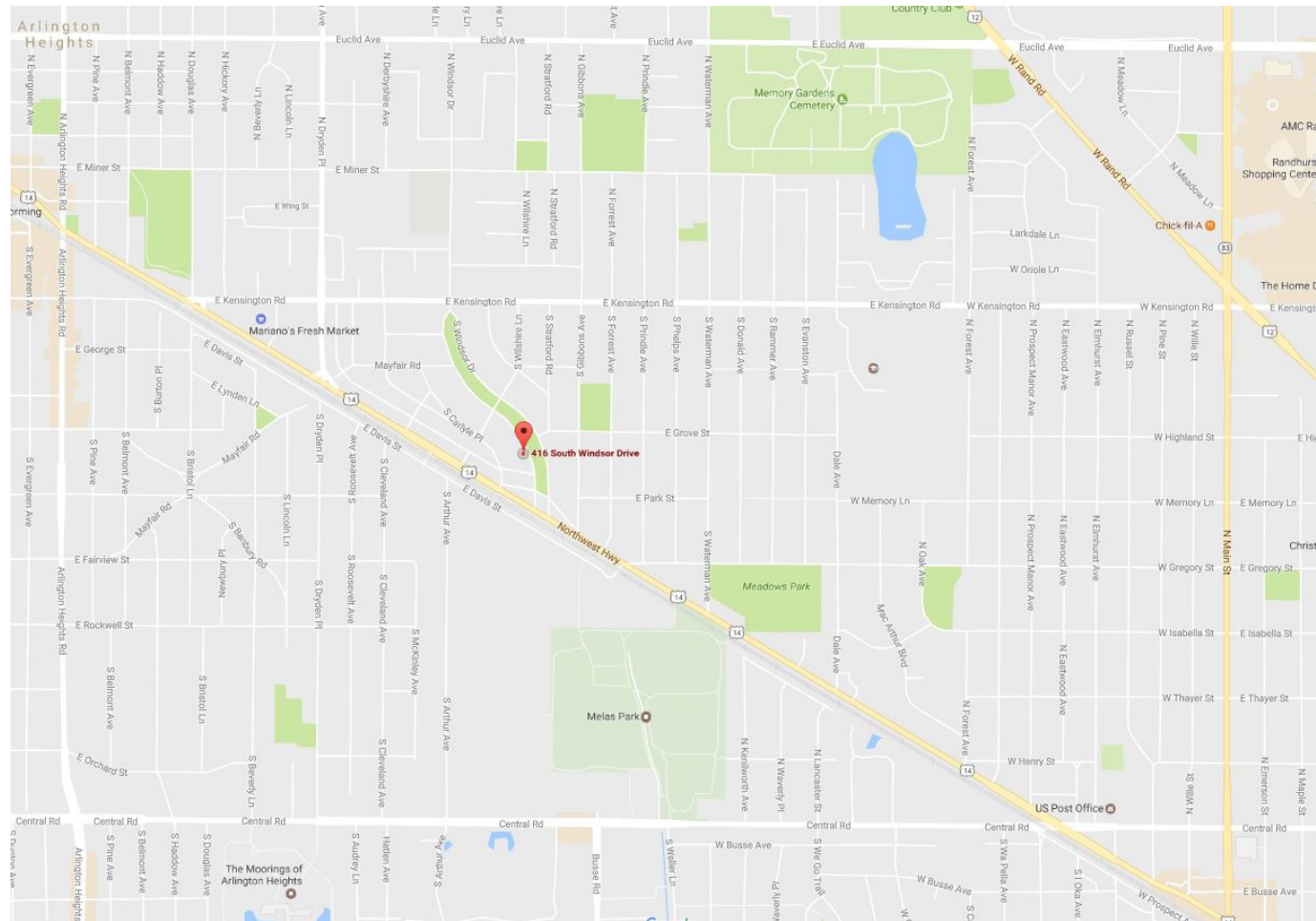
PROPOSED TWO STORY ADDITION FOR:

MR. & MRS. MATTES



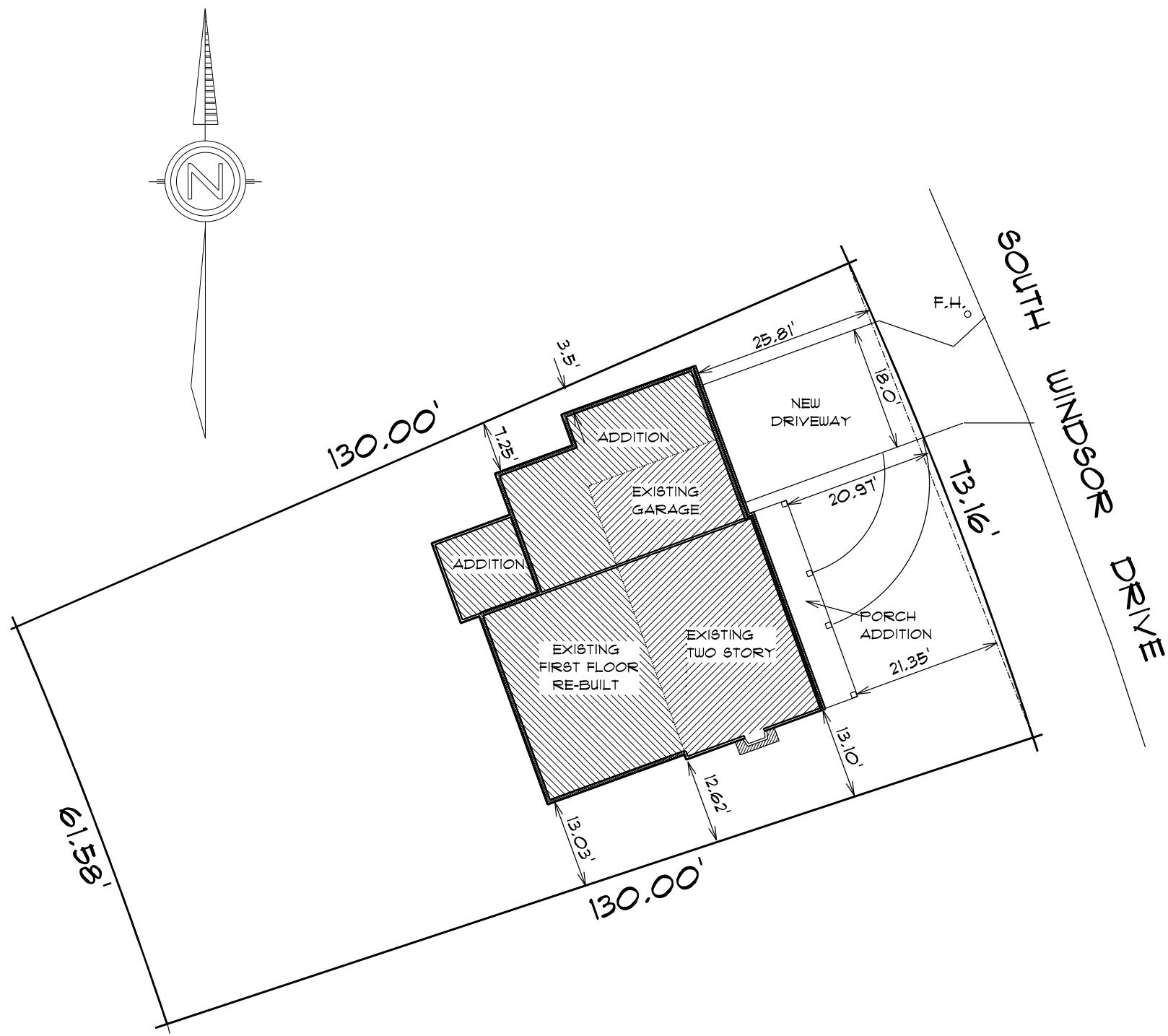
AERIAL IMAGE

NO SCALE



LOCATION MAP

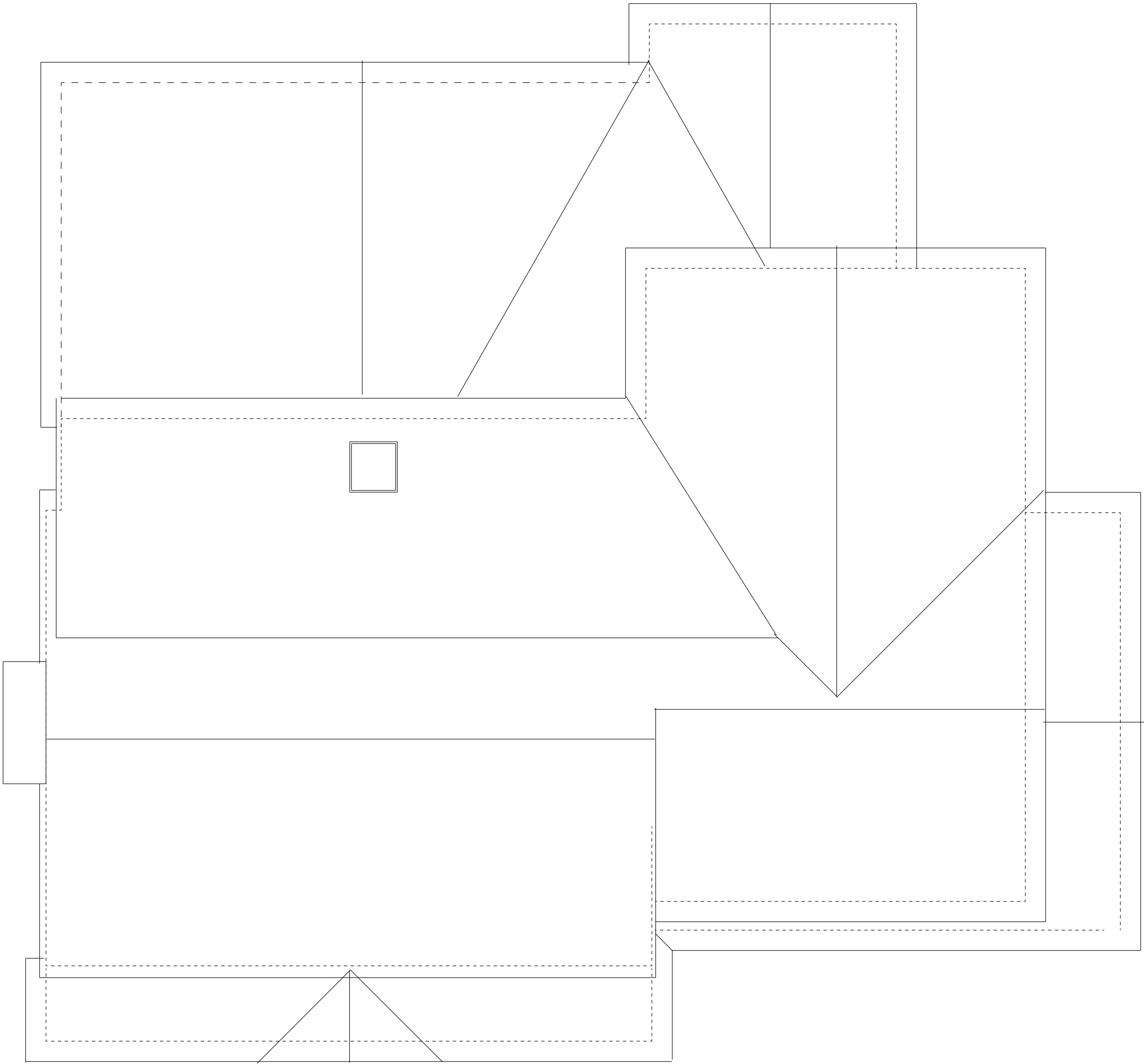
NO SCALE



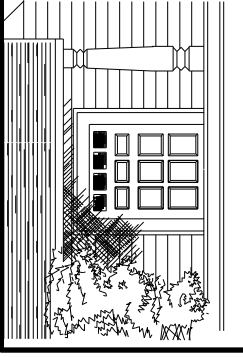
SITE PLAN

SCALE 1" = 20' - 0"

SHEET INDEX	
SHEET NUMBER	SHEET DESCRIPTION
C8	SITE PLAN / INDEX / LOCATION MAP
A1	EXISTING FLOOR PLANS
A2	BUILDING FLOOR PLANS
A3	ROOF PLAN
A4	BUILDING ELEVATIONS



ROOR PLAN SCALE 1/4" = 1' - 0"



PRAIRIE TECH, LTD
ARCHITECTS • DEVELOPERS • BUILDERS
415 SOUTH MIDDLETON AVENUE
PALATINE, ILLINOIS 60067
(847) 202-9223

PROPOSED ADDITION FOR:
MR. & MRS. MATTES
416 S. WINDSOR DRIVE ARLINGTON HEIGHTS ILLINOIS 60005

DATE
JAN 9, 2017

REVISION

JOB #

SHEET #

A3



LEFT ELEVATION SCALE 1/4" = 1'-0"



FRONT ELEVATION SCALE 1/4" = 1'-0"



RIGHT ELEVATION SCALE 1/4" = 1'-0"



REAR ELEVATION SCALE 1/4" = 1'-0"



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PROPOSED ADDITION FOR:
MR. & MRS. MATTES
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DATE
JAN 9, 2017

REVISION

JOB #

SHEET #

A4

BRAIMAN & ASSOCIATES

JEFFREY S. BRAIMAN
Attorney at Law

February 3, 2017

Mr. Anthony Petrillo, Chairman
Village of Arlington Heights
Zoning Board of Appeals
33 S. Arlington Heights Road
Arlington Heights, Illinois 60005

4256 N. ARLINGTON HEIGHTS ROAD
SUITE 202
ARLINGTON HEIGHTS, ILLINOIS 60004
TELEPHONE: (847) 577-8870
FAX: (847) 577-8935
Jbraiman@braimanlaw.com

VIA EMAIL TO: DMACH@VAH.COM

Re: Petition for Zoning Variation - 416 S. Windsor Dr., Arlington Hts., IL 60005

Dear Chairman Petrillo;

Please be advised that the undersigned has been retained by Mr. and Mrs. Brian Farrar relative to the Petition for a Zoning Variation filed by David and Erin Mattes and scheduled to be heard by the Arlington Village of Heights Zoning Board of Appeals on February 13, 2017. My clients are the owners of record for the property immediately north of and adjacent to the subject property with a common address of [REDACTED] [REDACTED]. This correspondence is being sent to advise of my clients objection to the proposed and requested variations.

It is our understanding that the Petition seeks two separate variations to the Village's Zoning Ordinances, Chapter 28, Section 5.1-3.6 and Section 534 regarding both side yard and front yard setbacks. My clients object to both.

The first requested variation is for the reduction of the side yard setback from the required 7.1 feet to a 3.5 foot setback, or a variation of 3.6 feet from the requirements contained in the Village's Zoning Ordinance. Similarly, the Petitioner seeks a 4.0 variance to allow a front yard setback of 21 feet as opposed to the requirement of a 25.0 foot setback. The objectors believe that the requests are not warranted and do not meet the standards for variations to the Zoning Ordinance.

Under the Village's Zoning Ordinance, variations to the standards set forth therein can only be allowed if the Petitioner can demonstrate and the Zoning Board of Appeals finds that the:

...variation of the strict application of the terms of the Zoning Ordinance as in harmony with its general purposes and intent, but only when the Board is satisfied that a granting of such variation **will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship** or difficulty...and at the same time the surrounding property will be properly protected. Section 6-202 (e) (c) Emphasis added.

The Ordinance further provides that the Board shall require evidence from the applicant that:

- 1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and,
- 2) The plight of the owner is due to unique circumstances; and,

Mr. Anthony Petrillo, Chairman
Village of Arlington Heights
Zoning Board of Appeals
February 3, 2017
Page 2

- 3) The variation, if granted, will not alter the essential character of the locality.
Section 6-202 (e) (c)

It is the position of Mr. and Mrs. Farrar that the application for the variations do not meet the required standards and demand the applicant provide strict proof of said standards. It is apparent that the applicants are seeking, in part to expand their current garage from a one car garage to a two car garage. They recently purchased said residence in August 2016, obviously with the knowledge that the property had a one car garage and knew or should have known that an expansion of the garage would not be allowable under the current zoning ordinance. Numerous homes throughout the Village either have no attached garage or are limited to a one car garage. The applicant has failed to demonstrate that a "demonstrable and unusual hardship" exists and the expansion of the garage clearly is a matter of convenience. Further, one is hard pressed to believe that the plight of the owner/applicant is due to unique circumstances. They purchased the property knowing of its present configuration and condition and any hardship or unique circumstance is of their own choosing or creation.

Lastly, the topography of the subject property and the Farrar's property creates an additional concern and justification for denying the variations. Currently, the Mattes' property sits 1 -2 feet above the Farrar's property. During certain weather events water is forced and flows onto my clients' property from the Mattes' property and floods my client's side yard. A reduction of the side yard setback and the addition of more impervious area will only cause more runoff onto the Farrar's property and exacerbate the current condition.

For the reasons stated above, on behalf of Brian and Sandra Farrar, I respectfully request that the request for variations to the Village of Arlington Heights Zoning Ordinance requested by David and Erin Mattes be denied.

Respectfully submitted,

JEFFREY S.BRAIMAN
BRAIMAN & ASSOCIATES