



Agenda
Village of Arlington Heights
Zoning Board of Appeals
Buechner Room, 1st Floor
Arlington Heights Village Hall, 33 S. Arlington Heights Rd.
January 10, 2022
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. 511 W Wing St - 12/13/21
- B. 1015 S Highland Ave - 12/13/21
- C. 319 N Wilshire Ln - 12/13/21
- D. 2315 N Arlington Heights Rd - 12/13/21
- E. 933 S Arlington Heights Rd - 12/13/21

IV. REPORTS

V. OLD BUSINESS

VI. NEW BUSINESS

- A. 531 S Burton Pl - ZBA#21-040
- B. 421 W Hawthorne St - ZBA#21-045
- C. 9 E Hawthorne St - ZBA#21-046

VII. OTHER BUSINESS

VIII. ADJOURNMENT

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



**Zoning Board of Appeals
1/10/2022**

Item: 511 W Wing St - 12/13/21

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
511 W Wing St - 12/13/21 Minutes	Minutes
511 W Wing St - 12/13/21 Findings	Minutes

ZONING BOARD

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

OF APPEALS

RE: 511 WEST WING STREET - ZBA #21-043

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 13th day of December, 2021 at the hour of
7:00 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, everyone, welcome tonight. We're going to call to order tonight's meeting. This is the Village of Arlington Heights Zoning Board of Appeals meeting. It is Monday, December 13th, 2021.

Let's do roll, Derek.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Here.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Here.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Here.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Here.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Here.

CHAIRPERSON SIAVELIS: Great. Next item is the Pledge of Allegiance.

The flag is here.

(Pledge of Allegiance recited.)

CHAIRPERSON SIAVELIS: Great. Okay, next item is the approval of the minutes from last month's meeting. Hopefully, everybody has had a chance to review the meeting minutes.

Are there any proposed edits, changes, corrections?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, do we have a motion to approve the prior meeting's minutes?

COMMISSIONER DRAKE: So moved.

COMMISSIONER LANAGHAN: Second.

CHAIRPERSON SIAVELIS: Derek, voice vote or roll?

MR. MACH: Just voice.

CHAIRPERSON SIAVELIS: Okay, all in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Okay, hearing none, we'll move on.

Okay, folks, let's just go through some hearing procedures for tonight's meeting. We have five petitions tonight, okay, so it's important we follow the procedures and move expeditiously through these petitions.

With that in mind, there are some ground rules that I want to go through. First off, if less than six members are present, a petitioner has the option to continue the meeting, essentially continue to the next month or thereafter their petition. Keep in mind that it takes four affirmative votes to approve a variance regardless of the number of Board members in attendance. So, obviously we have six tonight; you need four of the six to vote yes to get your variance granted. If you are denied, a petitioner cannot reapply for an entire year.

Next item to note, we will have a Staff presentation which consists of a project overview and discussion of the variance before the petitioner addresses the Board and makes his or her case. There are four elements necessary to establish order for the Board to be able to grant a variance. These are the petitioner's responsibility, each and every one of these four elements. It is not the responsibility of the Board or its members to pull these elements out of the petitioner or tease them out of you. It is your responsibility as petitioner to establish each of these four elements.

These four elements were provided in the papers and the paperwork that you've already seen as petitioners, so they should not be unfamiliar to you. They are as follows:

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

A variance shall be permitted only if the evidence, in the judgment of this Board of Appeals, sustains each of the four conditions enumerated.

COMMISSIONER JAFFE: Mr. Chairman, I'd like to motion that we review the current agenda and re-arrange the schedule of the Village petitions.

CHAIRPERSON SIAVELIS: In what proposed order please?

COMMISSIONER JAFFE: I would propose that we start with C, D, E and then back to the top of A and B.

CHAIRPERSON SIAVELIS: Noted.

Is there a second?

COMMISSIONER DRAKE: Second.

CHAIRPERSON SIAVELIS: Derek, roll or voice?

MR. MACH: Voice.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Nay? No opposition.

Okay, so we're going to start with Petition C, that's 511 West Wing Street, ZBA #21-043.

Bob, have you signed in?

MR. FLUBACKER: Yes.

CHAIRPERSON SIAVELIS: Okay, so here's how we do things, folks, right. The petitioner will come to the podium and make sure you're signed in, okay. We're going to let Derek present the Staff presentation, the Village's presentation and overview, then we'll swear the petitioner in, anybody who's going to speak, and then we go from there. Okay? So, Derek.

MR. MACH: Thank you, Chairman.

The Petitioner did receive approval for the proposed project on September 9th, 2019 from the ZBA. However, after one year, unless a building permit for the alternation is obtained within that year or the alteration is started and proceeds to completion in accordance with the terms of the permit, the Zoning Board approval does expire after that one-year period.

The Petitioner is returning to the Zoning Board and they're proposing that the enclosed front porch that's encroaching into the required front yard setback and the Petitioner is proposing to further expand the porch across the front and side yard. Additionally, as a result of the proposed modifications, the project exceeded building lot coverage as well as impervious surface coverage. Since the last approval in 2019, the Petitioner has reduced the request for building lot coverage by 127 square feet and the impervious surface coverage by 79 square feet.

The Petitioner is requesting a 7.5-foot variance from Chapter 28, Section 5.1-3.3 to allow an addition with a front yard setback of 14.7 feet from the north property line instead of the minimum 22.2 feet and an additional one foot for the eave. In addition, they're requesting a 204 square-foot variation from Chapter 28, Section 5.1-3.5a to allow building lot coverage of 3,253 square feet where 3,049 square feet is the maximum allowed by code. In addition, they're also requesting a 513 square-foot variation from Chapter 28, Section 5.1-3.5b to allow impervious surface coverage of 4,869 square feet where a maximum coverage of 4,356 is allowed.

Thank you, Chairman.

CHAIRPERSON SIAVELIS: Great. Thanks, Derek.

Bob, let's swear you in. Right hand?

(Witness sworn.)

CHAIRPERSON SIAVELIS: Great, you've got the floor.

MR. FLUBACKER: For those of you that were here two years ago, I gave a rather contentious presentation on this particular project expressing my unhappiness that unenclosed elevated porches are included in lot coverage which is the largest of the requests that we're asking. I also made an argument about impervious surface because underneath the deck is still going to be gravel.

That said, we received our variations two years ago. The project has been altered slightly, and some of the project has been reduced in size. Today, the project has the same front setback because the front porch has not changed on the project. The impervious surface and lot coverage has minimally reduced because of some minor modifications on the design.

I still feel that it meets all the same criteria, the four criteria that were presented and approved last time. To save you all a lot of speech, I'll just open it up to any questions you may have.

COMMISSIONER GEISEL: Bob, what was the reason for the delay?

MR. FLUBACKER: We got approved in September of '19. It went to working drawings, bid the project out. The price was a lot. At the time, it was February-March of 2020, and we all know what happened after that. So, between that, the price of the project at that time and the pandemic, that was the delay that created it.

COMMISSIONER GEISEL: That certainly makes sense. I do recall this one and I think your argument at the time, to be honest, basically made sense in my mind

given the fact that it's difficult to call that impervious when it's going to be covered.

MR. FLUBACKER: Right, and the requirements for the project have really not changed. My client has an elderly parent and potentially a disabled relative that may live in the project. So, the need for that outdoor space directly off the main level is still an important criteria for the project.

COMMISSIONER GEISEL: I did re-read the minutes and the testimony that was given at that time. Are you aware of any neighbors who have had any concerns regarding the project?

MR. FLUBACKER: I am not.

MR. LAMKINS: We live two doors down; we have no concerns.

MR. FLUBACKER: Yes, I'm not aware of any negative opinions that have been voiced.

CHAIRPERSON SIAVELIS: So, just to let the folks know, audience know who are not petitioners, there is a segment of each presentation, of each petition where I'll call on the audience if they want to come up and say something concise at the podium. That opportunity is afforded to you. We are not there just yet, okay. So, just keep your powder dry for right now.

Okay, I'm sorry, I should have made mention of it.

COMMISSIONER GEISEL: I should have clarified that as well. So, I don't have any further questions. If anybody else?

CHAIRPERSON SIAVELIS: I just have one. Bob, did you notice that Engineering basically said that, recommended that the Petitioner be required to use permeable pavers for a portion of the driveway to offset the increase in impervious surface? Did you catch that in the papers?

MR. FLUBACKER: Yes, yes.

CHAIRPERSON SIAVELIS: Is that feasible for you guys?

MR. FLUBACKER: The existing driveway is there currently. So, that would be an imposition on the owner to have to take the driveway out and redo it.

CHAIRPERSON SIAVELIS: Because there's no additional driveway space coming in?

MR. FLUBACKER: Right. We're not adding any driveway.

COMMISSIONER GEISEL: That's a question I asked last time. I went back to my notes and found my question, but I did ask it.

CHAIRPERSON SIAVELIS: Yes. Good, at least you're consistent.

MR. FLUBACKER: It's also, I'm sorry to interrupt, it's also a shared driveway with the house to the west. So, it's not just doing work on their property, it's affecting both of those driveways.

CHAIRPERSON SIAVELIS: Right.

COMMISSIONER LANAGHAN: Am I correct in remembering that the existing house has a 14.7-foot setback in the front yard as well as you're kind of matching up the existing one?

MR. FLUBACKER: Yes. The front porch is lining with the --

COMMISSIONER LANAGHAN: So, you have a non-conforming use now that you're kind of doing the best you can to kind of bring that character together.

MR. FLUBACKER: Exactly, and in fact part of the existing is being opened

up to open porch, and then the rest of the extension is more open porch.

COMMISSIONER LANAGHAN: Thank you.

COMMISSIONER DRAKE: Bob, I'll ask the same question I did last time, and that is, is there any water issues at all in that driveway area or anywhere around that yard?

MR. FLUBACKER: No, no. It doesn't pond. It's kind of miraculous, it's one of the older areas in town that doesn't have a lot of water problems.

CHAIRPERSON SIAVELIS: Okay, Bob, anything further from you on the four elements?

MR. FLUBACKER: No.

CHAIRPERSON SIAVELIS: Okay, so now we have reached the point in time where we can get comments from the audience. If you are going to say something, just the protocol here is you approach the podium, we identify you, then you speak. You can't shout comments from the cheap seats, all right? You've got to be up at the podium, okay?

MR. MEERSMAN: Hello. My name is Donald Meersman. I own the building at 420 on Wing. Please grant the variance. It's a good idea. I've discussed it with my neighbors, and I've discussed it with the other neighbors, and everybody feels it's a good idea. It would benefit the neighborhood. Thank you.

CHAIRPERSON SIAVELIS: Okay, thank you, Mr. Meersman.

Come on up, sir.

MR. LAMKINS: Eric Lamkins, 501 West Wing, two doors east of their house. Likewise, we think it's a great improvement to the house and shouldn't affect anything as far as impervious or any of that kind of stuff. That's not going to be an issue and it hasn't been before, so we're totally behind it.

CHAIRPERSON SIAVELIS: Got you, thank you.

MR. LAMKINS: Thank you.

CHAIRPERSON SIAVELIS: Any response from the Petitioners?
Bob?

MR. FLUBACKER: No. I'm in favor of their positive comments.

COMMISSIONER GEISEL: So noted.

CHAIRPERSON SIAVELIS: Right. Duly noted, Bob, thank you.

All right, so let's move to the deliberation phase.

Joe, do you want to lead?

COMMISSIONER GEISEL: I do specifically recall this petition, and I recall Bob's comments at the time because the impervious issue, existing concrete, there really wasn't a change whereby new materials could be introduced to impact the existing impervious issue. I personally was in general agreement that the porches with open coverings and, you know, not being solid concrete below would not have the same impact from an impervious calculation and actual impact to the project. So, I was in favor of the project previously and I still am.

CHAIRPERSON SIAVELIS: Thank you.

Any other deliberations or comments from the members?

COMMISSIONER LANAGHAN: Yes, I'll start right there. I'm generally not in favor of granting 33 percent variances that we're looking at here, but considering that

it's already an existing non-conforming setup and that they are, you know, actually doing a nice job with the architecture, I kind of agree with everybody up here that the open porches, you know, to me shouldn't be added.

CHAIRPERSON SIAVELIS: Not an issue.

Okay, do we have a motion?

COMMISSIONER JAFFE: I motion to approve the three variances as presented.

CHAIRPERSON SIAVELIS: Second?

COMMISSIONER SELBKA: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, your variances are granted. You do not need to stick around.

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

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS December 13, 2021

PETITIONER: Holland/D'Agosta Residence

ADDRESS OF PROPERTY: 511 W. Wing St.

VARIATION: 5.1-3.3 (Required Minimum Yards), 5.1-3.5a (Maximum Building Lot Coverage),
5.1-3.5b (Maximum Impervious Surface Coverage)

A 7.5-foot variance to allow an addition with a front yard setback of 14.7-feet from the north property line instead of the minimum 22.2-feet and an additional 1.0-feet for the eave; A 204 square-foot variance to allow building lot coverage of 3,253 square-feet where 3,049 is the maximum allowed by code; A 513 square-foot variance to allow impervious surface coverage of 4,869 square-feet where a maximum coverage of 4,346 is allowed by code.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner testified that on September 19, 2019 the Zoning Board approved the variances for the project. The petitioner explained that the variations are no longer valid since it has been more than one year and the project never commenced. The petitioner explained that the pandemic and project costs contributed to the delay in the project. The petitioner testified that the project has been altered slightly, and some of the project has been reduced in size. The petitioner explained that they are seeking a variance for the front yard setback, building lot coverage and impervious surface coverage.

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

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

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

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

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

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



**Zoning Board of Appeals
1/10/2022**

Item: 1015 S Highland Ave - 12/13/21

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
1015 S Highland Ave - 12/13/21 Minutes	Minutes
1015 S Highland Ave - 12/13/21 Findings	Minutes

ZONING BOARD

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

OF APPEALS

RE: 1015 SOUTH HIGHLAND AVENUE - ZBA #21-042

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 13th day of December, 2021 at the hour of
7:13 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, next up is Petition D as in delta, ZBA Petition No. 21-042, 1015 South Highland Avenue.

Is there anybody?

MR. COCHRAN: Hello, Jim Cochran, JRC Design Build.

CHAIRPERSON SIAVELIS: Okay, hold on one second, Jim. We'll let Derek give the overview, then we'll come back to you, okay?

MR. MACH: Thank you, Chairman.

The Petitioner built a new detached garage in the rear of the home and they added a new driveway to access the garage. In June 14, 2021, the Zoning Board did grant a variation for the driveway width. The garage has been constructed; however, the height of the garage exceeds what is allowed by Code.

Therefore, they're requesting a 0.6-foot variation from Chapter 28, Section 6.5-6 to allow a detached garage with a peak height of 15.6 feet above grade where a maximum peak height of 15 feet is allowed.

Thank you.

CHAIRPERSON SIAVELIS: Thank you, appreciate it.

Okay, Mr. Cochran, raise your right hand and let's swear you in, okay?

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, hit it.

MR. COCHRAN: So, it was a detached garage. We built it with a 10-foot garage door by 20-foot wide for unique use for the property. To be honest with you, it's five inches higher than it should be because my carpenter is, the new carpenter that I've got working for me, he's a good carpenter but he's newer with the rules, and he built it five inches above or 15 feet above the foundation wall and not at grade where it should be. That's pretty much as simple as that.

CHAIRPERSON SIAVELIS: So, human error?

MR. COCHRAN: I would say yes.

CHAIRPERSON SIAVELIS: Okay, Joe, I think you have this one?

COMMISSIONER SELBKA: Yes. The only question I had about this was, two questions and you answered it, why are you coming to us after the construction is done as opposed to before the garage was built. You answered that. The only other question I had is, is any homeowner around there having a view obstructed by this half-foot?

MR. COCHRAN: I don't know. The homeowners are here. I believe there's something next door that's higher.

CHAIRPERSON SIAVELIS: Yes, if you want to say something, you'd have to come to the podium real quick and swear you in since you are the Petitioner. Again, no comments from out there. Yes, go ahead, and it's going to be directly responsive to the Board member's question so, I think, so do us a favor, you want to identify yourself for the record, sign in, and then I'll swear you in.

MS. CARLSON-NOFSINGER: I've signed in. My name is Carol Carlson Nofsinger.

CHAIRPERSON SIAVELIS: Okay, Carol, raise your right hand please.

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(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, proceed.

MS. CARLSON-NOFSINGER: Okay, so in answer directly to your question, although I have other comments to make when you allow the audience to come forward, my husband and I have talked to every neighbor that's immediately surrounding our property. The neighbors directly to the west of us, Karen and Steve, really love the way the garage looks and are very complimentary about the garage. The neighbor directly to the north of us, we have very tall bushes that go between our properties, and so she said she hasn't, she's an elderly lady, she doesn't go out very much, and she said she hasn't even seen the garage because the bushes are actually taller than our garages.

The people that are directly to the east of us, the husband Eric came over to see the garage because he said he liked the garage and he talked to my husband about it. He had no objections about the garage. The neighbors directly to the south of us also have no objections. They thought it looked great with the way that we put the siding on and everything.

COMMISSIONER SELBKA: So, there's no obstruction to any of the neighbors by this?

MS. CARLSON-NOFSINGER: No.

COMMISSIONER SELBKA: Those are the only questions I had for you.

CHAIRPERSON SIAVELIS: Okay, no other questions, gentlemen?

COMMISSIONER JAFFE: No.

CHAIRPERSON SIAVELIS: Okay, any comments now from the audience?

MS. CARLSON-NOFSINGER: So, I would like to make some comments just generally about the four items.

CHAIRPERSON SIAVELIS: I think Mr. Cochran already largely addressed those for you.

MS. CARLSON-NOFSINGER: Okay, I just wanted to add just a couple of things.

CHAIRPERSON SIAVELIS: Okay, if you want, but please be concise. Recognize that we have three other petitions behind you.

MS. CARLSON-NOFSINGER: I'll be very brief.

CHAIRPERSON SIAVELIS: Okay.

MS. CARLSON-NOFSINGER: Okay, so I just wanted to let you know that the neighbor's garage, in terms of meeting the essential character of the locality, the neighbor's garage immediately to the east of us is actually taller than the new structure, and the garage is not taller than our home. So, it really doesn't look out of place, it looks, you know, in place with the community. Also, I think you may remember that when we came to you for the variance for the driveway, we explained that the reason was because my husband has a truck that doesn't fit into the garage, and that seemed like a very compelling reason to you to grant the variance for the driveway, that we needed to get to the garage.

Also, the last thing was that the Village has graciously allowed the work to continue despite the disapproval of the height of the structure. So, the remaining work was approved for the insulation, the drywall, the siding and the brickwork. To change that now would create a large financial and timeline strain. So, we appreciate that

the Village worked with us to continue to finish this project before the winter.

CHAIRPERSON SIAVELIS: Okay, thank you, appreciate that.

Anything else, Mr. Cochran or are you done?

MR. COCHRAN: That's it.

CHAIRPERSON SIAVELIS: All right, let's move now to the deliberation phase. Were there no other, nobody else raised their hand when I asked if there was any comments from the Board members, right? Or excuse me, from the public, excuse me, any comments from the public?

(No response.)

CHAIRPERSON SIAVELIS: Okay, hearing none and seeing none, we'll now move to the next phase, deliberation of the Board.

COMMISSIONER SELBKA: This is really a minimal request, and I think the hardship is quite severe here given that it came out of human error. The only reason I would have been against this is if they had deliberately ignored the Zoning Code and went forward with this without applying for a variation, but the fact that it was a mistake leads me to believe that this request should be granted.

CHAIRPERSON SIAVELIS: Yes, concur.

Any other comments from Board members?

COMMISSIONER JAFFE: No.

CHAIRPERSON SIAVELIS: Do we have a motion?

COMMISSIONER SELBKA: Motion to approve.

COMMISSIONER JAFFE: Seconded.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, your variance is granted. You do not have to stay if you do not want.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:20 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS December 13, 2021

PETITIONER: Carlson-Nofsinger Residence

ADDRESS OF PROPERTY: 1015 S. Highland Ave.

VARIATION: 6.5-6 (Height of Accessory Structures in Required Rear Yards)

A 0.6-foot variation to allow a detached garage with a peak height of 15.6-feet above grade where a maximum peak height of 15.0-feet is allowed.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner testified that a new detached garage was built in the rear of the home. The petitioner explained that the garage has been constructed; however, the height of the garage exceeds what is allowed per Code. The petitioner testified that the contractor made an error and constructed the garage 0.6 feet higher than what is allowed per code.

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

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

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

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

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

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



Zoning Board of Appeals 1/10/2022

Item: 319 N Wilshire Ln - 12/13/21

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
319 N Wilshire Ln - 12/13/21 Minutes	Minutes
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ZONING BOARD

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

RE: 319 NORTH WILSHIRE LANE - ZBA #21-044

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 13th day of December, 2021 at the hour of
7:20 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

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CHAIRPERSON SIAVELIS: Okay, next item, 319 North Wilshire Lane, ZBA Reference No. 21-044.

Is there somebody, you're going to do this one, too, Mr. Cochran?

MR. COCHRAN: Yes.

CHAIRPERSON SIAVELIS: Okay, yes. So, just hang out up there and then we'll --

MR. COCHRAN: Sure.

CHAIRPERSON SIAVELIS: Okay, yes, we'll give Derek his overview and then pass the baton to you. I shouldn't have to swear you back in.

Okay, Derek, please.

MR. MACH: Thank you.

The Petitioner is proposing a second-story addition to the existing two-story residence. Along the north property line, the proposed addition encroaches 0.6 feet into the required side yard setback.

Therefore, they're requesting a 0.6-foot variation from Chapter 28, Section 5.1-3.3b to allow an addition with a side yard setback of six feet instead of the required 6.6 feet, and an additional one foot for the eave.

Thank you.

CHAIRPERSON SIAVELIS: Got you.

Okay, Mr. Cochran.

MR. COCHRAN: So, Kevin our architect, who drew this was supposed to be here, but he wasn't able to make it tonight. So, I'm not as familiar with the project; however, we're talking inches here I believe.

CHAIRPERSON SIAVELIS: Yes.

MR. MACH: Yes.

MR. COCHRAN: Six inches which is conforming to the existing home, and then we would have to build, we'd have to offset the second floor from the first floor and for the roofline along the edge to line it up correctly, to line it up to shed the water. That's why we're asking for the variance so that we can build the wall flush.

CHAIRPERSON SIAVELIS: Tom, you have this? Okay, do you know whether -- actually Tom, go ahead.

COMMISSIONER DRAKE: Yes, I have a couple of questions for you. First of all, the neighbors, any comments? Are the neighbors aware of the project?

MR. COCHRAN: Well, obviously, with the sign and stuff, and they have talked to the neighbors. The Eagans have talked to the neighbors and nobody has had any issues with it non-conforming to the Code.

COMMISSIONER DRAKE: Okay, and then the second question, I've been by the house a couple of times. It looks like construction has already started. There's a fence up and I saw a workman there both days.

MR. COCHRAN: We were doing foundation work and first floor work, yes.

COMMISSIONER DRAKE: Okay, so what you're doing right now is not in relation to what we need to vote on?

MR. COCHRAN: No.

COMMISSIONER DRAKE: Okay, that's all I have.

CHAIRPERSON SIAVELIS: Okay, any comments or questions from the audience?

(No response.)

CHAIRPERSON SIAVELIS: Okay, hearing none, Mr. Cochran, you can sit down, we'll deliberate.

COMMISSIONER DRAKE: My feeling is this is pretty straight-forward. There's no objections from any of the three Staff departments. Unless there's someone else from the audience that has a comment, no neighbor, you know, disapproval or disagreement. It is an existing non-conforming property to begin with. So, I would support the petition. We're only talking about six inches, so I think it's straight-forward.

CHAIRPERSON SIAVELIS: Right. I concur.

Any other comments from Board members?

(No response.)

CHAIRPERSON SIAVELIS: None.

Do we have a motion?

COMMISSIONER DRAKE: I would move approval of this petition.

COMMISSIONER LANAGHAN: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Okay, congratulations. That petition is granted as well.

MR. COCHRAN: Thank you, guys. Have a good night.

CHAIRPERSON SIAVELIS: Sure.

COMMISSIONER DRAKE: Good luck.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:26 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS December 13, 2021

PETITIONER: Eagan Residence
ADDRESS OF PROPERTY: 319 N. Wilshire Ln.
VARIATION: 5.1-3.3 & 5.1-3.3b (Required Minimum Yards)

A 0.6-foot variation to allow an addition with a side yard setback of 6.0-feet instead of the required 6.6-feet and an additional 1.0-foot for the eave.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner explained that they are proposing a second story addition to the existing two-story residence. The petitioner testified that the existing structure encroaches into the required side yard setback along the north property line and that the proposed addition will encroach 0.6 feet into the required side yard setback. The petitioner testified that construction has commenced on the code compliant portion of the project.

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

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

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

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

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

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



**Zoning Board of Appeals
1/10/2022**

Item: 2315 N Arlington Heights Rd - 12/13/21

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
2315 N Arlington Heights Rd - 12/13/21 Minutes	Minutes

ZONING BOARD

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

OF APPEALS

RE: 2315 NORTH ARLINGTON HEIGHTS ROAD - ZBA #21-039

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 13th day of December, 2021 at the hour of
7:28 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, moving on up to Petition A, 2315 North Arlington Heights Road, ZBA Reference No. 21-039.

Okay, have you guys signed in?

MRS. JOHN: Yes.

CHAIRPERSON SIAVELIS: Okay, we're going to let Derek provide the overview, then you'll identify yourself, I'll swear you in, and we go.

MR. MACH: Thank you.

The Petitioner is proposing a five-foot tall open fence in the front yard along Arlington Heights Road; however, fences in front yards are only permitted to be a maximum of three feet tall. If the Zoning Board supports the variance request, it is recommended that the fence be located outside the 12-foot vision triangle where the driveway meets the sidewalk.

The Petitioner is requesting a two-foot variation from Chapter 28, Section 6.13-3 to allow a five-foot tall fence in the front yard where code allows a three-foot tall fence, and regarding the visibility, the vision triangle variance from Chapter 28, Section 6.13-3b to allow a five-foot high fence within 12 feet of the driveway where the maximum height permitted is three feet.

CHAIRPERSON SIAVELIS: Anything else, Derek?

MR. MACH: That's it, thank you.

CHAIRPERSON SIAVELIS: Okay, thank you.

Okay, why don't you each identify yourself and then I'll swear you in?

MRS. JOHN: Shirley John.

CHAIRPERSON SIAVELIS: I'm sorry? You have to speak clearly, okay? So, just we understand things, folks, the reporter here is trying to take down an accurate recording and make an accurate transcript. So, it's on you to speak clearly and concisely so he gets everything accurately, okay?

MRS. JOHN: My name is Shirley John.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, thank you.

MR. MCNALLY: I'm Walter McNally.

CHAIRPERSON SIAVELIS: Speak louder please.

MR. MCNALLY: Walter McNally.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, proceed.

MR. MCNALLY: They have an autistic kid; that's why they're looking for the five-foot fence in the front yard.

CHAIRPERSON SIAVELIS: Okay, I mean, remember what I said. There are four elements that need to be established by the Petitioner in order to grant the variance. You need to establish those now. Now is the time, right? So, a one-sentence explanation that the owners have an autistic child, is that all you have to say on the matter?

MR. MCNALLY: That's why they are trying to get the extra two feet on the fence so she doesn't climb out on to Arlington Heights Road.

MRS. JOHN: So, she doesn't climb into the middle of the road.

CHAIRPERSON SIAVELIS: Okay, Ben, you got this one?

COMMISSIONER JAFFE: Okay, so Mr. Chairman tried to get additional detail about the four requirements. So far, I'm just hearing that based on your child, you're asking for a fence that would be higher?

MRS. JOHN: Yes, so she won't climb up.

COMMISSIONER JAFFE: Okay, so I guess my first question would be if code is three feet, you're asking for five, why five?

MRS. JOHN: Right.

COMMISSIONER JAFFE: Why can't it be four?

MRS. JOHN: Because she'll climb, and that way if it's a little bit higher she will know.

COMMISSIONER JAFFE: And you need that fence to encompass the entire front yard?

MRS. JOHN: Is that what it is? Yes.

MR. MCNALLY: Yes.

COMMISSIONER JAFFE: And without this fence, what would happen? I guess, I mean, this is a new house, this is new construction.

MRS. JOHN: It is, yes.

COMMISSIONER JAFFE: Is your current residence completely fenced? I'm trying to understand the need on having this fence at this height which does not conform to Village zoning regulations.

MR. MCNALLY: Well, her current house that she lives in has a fence, yes.

COMMISSIONER JAFFE: The whole way around?

MR. MCNALLY: Yes.

COMMISSIONER JAFFE: Okay, have you spoken to any of your neighbors about this request?

MRS. JOHN: They have agreed on it, right?

MR. MCNALLY: Yes.

MRS. JOHN: They have no problems with it, not that I know of.

COMMISSIONER JAFFE: Did you talk to them, or did --

MRS. JOHN: My husband did it.

COMMISSIONER JAFFE: Okay, but he's not here?

MRS. JOHN: He's not here right now.

MR. MCNALLY: He's out of town. He had a --

MRS. JOHN: Yes, for a --

COMMISSIONER JAFFE: Okay, so I'm sure you've had an opportunity to read the Staff report. Did you see the comment about making sure that within 12 feet of the driveway, that there are concerns with the height for visibility? Are you aware of that?

MRS. JOHN: No, I'm not sure.

COMMISSIONER JAFFE: You're not aware of that?

MRS. JOHN: No.

COMMISSIONER JAFFE: Okay, Derek, could we go to the, was it Building or Engineering that had the comments about the --

MR. MACH: I think Engineering commented as well.

CHAIRPERSON SIAVELIS: When did you start construction on this

house?

MR. MCNALLY: About two years ago.

MRS. JOHN: About two years ago, two-and-a-half years ago.

CHAIRPERSON SIAVELIS: When did you buy the house? Buy the property, excuse me, when did you buy the property?

MRS. JOHN: About three years ago.

CHAIRPERSON SIAVELIS: And you knocked the house down that was on it?

MR. MCNALLY: No, it was a vacant lot.

MRS. JOHN: There was no house there.

CHAIRPERSON SIAVELIS: It was a vacant lot, okay.

COMMISSIONER JAFFE: So, if I can call your attention to the screen, from the Engineering Department, in addition to their concerns about the proposed height, five feet versus three, what I was trying to get at a few moments ago was, if you read the next words, the location must comply with the 12-foot vision triangle from the right-of-way line. In addition, a standard vehicle is 15-16 feet long, and the space from the roadway to the gate would not provide a proper queuing area for a vehicle to wait while the gate opens. This would leave a vehicle partially on Arlington Heights Road and has the potential to cause accidents.

So, up to this point, you were not aware of that request from the Engineering Department? I'm sorry, I couldn't hear you.

MR. MCNALLY: I didn't know.

COMMISSIONER JAFFE: You're not aware of it, okay.

MR. MCNALLY: No.

CHAIRPERSON SIAVELIS: So, what is your --

MR. MCNALLY: I'm just helping them out.

CHAIRPERSON SIAVELIS: Okay, so what is your relationship to this woman? Because oftentimes we have a petitioner who will either be assisted by an architect or a general contractor, so I'm trying to understand that, because you're answering as if you are a co-petitioner.

MR. MCNALLY: Well, I'm helping them out to finish out the house.

MRS. JOHN: He's helping us in finishing the house, look it over, like the people that does construction, electrical, plumbing, drywalling, whatever.

CHAIRPERSON SIAVELIS: So, this is your business? This is your --

MR. MCNALLY: Well, I'm in the construction business, so I'm just helping them out to get this house finished.

CHAIRPERSON SIAVELIS: But you're not the general contractor on the house?

MR. MCNALLY: No.

CHAIRPERSON SIAVELIS: Do you work for the general contractor?

MR. MCNALLY: No.

CHAIRPERSON SIAVELIS: Do you have any sort of arrangement or association with the general contractor?

MR. MCNALLY: No, no.

CHAIRPERSON SIAVELIS: Have you been retained by the Petitioner?

MR. MCNALLY: Her husband is the general contractor himself.

CHAIRPERSON SIAVELIS: Have you, okay, so you've been retained by her husband, the general contractor, to help on the project?

MR. MCNALLY: Yes.

COMMISSIONER GEISEL: Peter, if I could? The only thing that's noted in the plans was that clearly someone was aware of this because the last exhibit, if you could go to it, Derek?

MR. MACH: This was just Staff demonstrating, showing how --

COMMISSIONER GEISEL: Okay, that's where I was getting to because as you go a little bit farther down, I'm sorry, could you, because it's labeled Plan, that addresses sight line and queuing concerns. So, those were the Engineering issues and hopefully they've been addressed here in this drawing, but --

CHAIRPERSON SIAVELIS: Right. The drawing that appears on the screen, was that submitted by Petitioner, or is that --

MR. MACH: That's Staff just showing, and also it should be noted that the sight plan is not the approved site plan, and the second curb cut to the north is not approved. So, it would just be the entrance on the southern half of the property currently in order to enter the property. If the Zoning were supportive of the variance request, the fence would have to be located, it would have to taper the corners away from the public sidewalk in order to allow for visibility. In addition, this would allow for queuing and address Engineering's comments.

CHAIRPERSON SIAVELIS: Wait --

COMMISSIONER JAFFE: So, yes, go ahead.

CHAIRPERSON SIAVELIS: I think we're going to go to the same spot.

COMMISSIONER JAFFE: I was going to ask the Petitioner, but go ahead.

CHAIRPERSON SIAVELIS: Yes. Are you saying that the document or the drawing that's showing on the screen right now is not accurate with what's on the job site?

MR. MACH: No, the approved plan does not include a circular drive.

CHAIRPERSON SIAVELIS: What kind of driveway is on at the job site?

MR. MCNALLY: It's not a circular drive; it's just a regular coming around the house.

CHAIRPERSON SIAVELIS: So, you folks submitted paperwork to the Village asking us to review this paperwork, spend our valuable time trying to understand what is entailed with this petition and this request, and this is not even accurate?

MR. MCNALLY: They didn't approve that circular drive.

CHAIRPERSON SIAVELIS: I understand that, but this is the paperwork that's submitted to us, right? I mean, this is what we're evaluating and going off on, and if this isn't accurate, how do you expect us to fully vet your petition?

MR. MACH: Chairman, this is the Petitioner's proposal for the five-foot with the site plan. Again, that's not --

CHAIRPERSON SIAVELIS: That's not accurate?

MR. MACH: Correct.

MRS. JOHN: No, that's not accurate because we deleted --

COMMISSIONER JAFFE: So, let me lay it out. If we vote to deny this request, you cannot re-submit for a year.

MRS. JOHN: Huh?

COMMISSIONER JAFFE: You cannot re-submit for one year, but it's very difficult for us to consider the request as presented when the information here is partially inaccurate, partially incomplete, and candidly the testimony that I've heard so far is not very convincing and compelling. So, I'm struggling on what to do and what to ask the fellow Board members here because right now I don't have confidence in granting a request that is missing information that is deemed both accurate and complete.

COMMISSIONER SELBKA: I'd also point out that half the petition is blank.

MRS. JOHN: If my husband was here, he would explain a lot better. I don't know that much.

CHAIRPERSON SIAVELIS: Okay, understood.

Joe, why don't you finish your thought there in that regard? Because, and then I'm going to pick up off of Ben's comment.

COMMISSIONER SELBKA: So, on top of not being able to explain this very well and having inaccuracies in your site plan, the petition that your husband signed is half blank. The petition would have the four elements, we'd at least have some factual basis for each of the four elements if your husband had actually filled it out properly so that we could evaluate the matter. But right now, there are several parts of this petition where I can't even make a decision as of yet.

You as the Petitioner have the burden of proof here. So, that's another problem that I've got with this.

COMMISSIONER DRAKE: I don't want to pile on, but I want to add that my recollection was we were supposed to hear this petition at the last meeting and no one was here.

MRS. JOHN: Yes, it was -- I'm sorry.

COMMISSIONER DRAKE: Let me finish my thought please.

MRS. JOHN: I'm sorry.

COMMISSIONER DRAKE: Because we look at this in totality, you know, the comments that have been made already, and not showing up last time, I'm struggling with it as well. So, I'd like that on the record.

CHAIRPERSON SIAVELIS: Yes, and just so we're clear, what Mr. Selbka was referring to is being displayed on the screen right here. It is the document that is entitled Petition up in the header, and the bottom half of the document is blank. So, you're in a predicament here, okay? You haven't completed the paperwork properly. The paperwork that you submitted is inaccurate. You're not providing, like Ben said, you're not providing helpful or fulsome testimony. It's not our responsibility to pull this testimony out of you.

Right now, your petition and your variance will not be granted, okay. So, you have basically a choice to make. You can either ask us to proceed and roll the dice and recognizing what Ben explained to you in saying that if you don't get your variance you have to wait a full year before you re-petition.

MR. MCNALLY: Can we re-apply again? Can we not proceed?

CHAIRPERSON SIAVELIS: Okay, so listen carefully now. Are you asking

us to move to delay?

MR. MCNALLY: Yes.

CHAIRPERSON SIAVELIS: And basically pull back from this hearing and reschedule at a future time?

MR. MCNALLY: Roger.

CHAIRPERSON SIAVELIS: When your husband can be here to answer these questions, and make sure you submit the papers fully and completely, is that what you're asking us to consider?

MRS. JOHN: Yes.

MR. MCNALLY: Yes. Sorry, I had no idea that --

MRS. JOHN: We didn't even know.

CHAIRPERSON SIAVELIS: Okay, so I think what we would need here is a motion for a continuance.

COMMISSIONER JAFFE: Or option three, they can build a three-foot high fence and we don't have to talk to them about it again.

CHAIRPERSON SIAVELIS: Well, I have a funny feeling we're going to have comments from the audience and other neighbors in regards to a three-foot fence and the other issues unless it's fully complied.

COMMISSIONER GEISEL: Yes. The site plan doesn't conform anyhow.

CHAIRPERSON SIAVELIS: Right, and that's one of the big sticking points here. We can't re-engineer and re-draft this petition when it's woefully deficient on its face. We can't do that.

COMMISSIONER SELBKA: We cannot, yes.

CHAIRPERSON SIAVELIS: So, you are looking at either a no and a denial, or a motion for a continuance from us and moving into the next year, into 2022 when your husband is available to be here and stand up here and not leave you kind of holding the bag.

MRS. JOHN: Right, right. I agree with you. I agree with you here.

COMMISSIONER JAFFE: We can move for a continuance. Do we have to specify a date?

CHAIRPERSON SIAVELIS: No, that's a scheduling issue with the Village, right? With Derek?

MR. MACH: If the Zoning Board wants to specify a date, the Petitioner will not have to re-send or re-do the mail. We would ask that they update the sign.

CHAIRPERSON SIAVELIS: Okay, so my view is I don't want to specify a date because I want an accurate and complete set of papers filed with the Village so we can fully assess this.

COMMISSIONER JAFFE: Right, that's where I was going.

CHAIRPERSON SIAVELIS: Right.

COMMISSIONER JAFFE: I don't have confidence they'll be ready in January.

CHAIRPERSON SIAVELIS: I concur, and I don't want to do this on the fly willy-nilly like we were lined up for today, folks. So, that's not going to happen.

COMMISSIONER GEISEL: Right, I'd rather see it when the correct material has been presented to Staff and reviewed.

COMMISSIONER DRAKE: The Village Staff is very good with working with Petitioners. You should rely on people like Derek to answer questions and help guide you through the process. So, there is a resource as a taxpayer, that's your right.

MRS. JOHN: We had no idea.

COMMISSIONER DRAKE: If you come back, you know, the next time better prepared, you'll be in better shape.

MRS. JOHN: Yes, thank you.

CHAIRPERSON SIAVELIS: Okay, so to clarify, let's wrap this up and clarify. Are you asking that we continue this petition, not vote on it in today's meeting for a time in the future?

MRS. JOHN: Right.

MR. MCNALLY: Yes.

CHAIRPERSON SIAVELIS: Okay, duly noted.

Ben, do we have a motion on that?

COMMISSIONER JAFFE: So, I'm motioning to continue this petition at a later date; that's all I'm saying?

CHAIRPERSON SIAVELIS: Yes, without a date specific.

COMMISSIONER JAFFE: Okay, I would motion that this Board continue this variance at a date to be determined.

COMMISSIONER SELBKA: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Okay, you know what your marching orders are, right?

MR. MCNALLY: Thank you very much. Yes, sorry about that.

MRS. JOHN: Sorry.

COMMISSIONER DRAKE: Good luck.

MRS. JOHN: Thanks.

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



Zoning Board of Appeals 1/10/2022

Item: 933 S Arlington Heights Rd - 12/13/21

Department: Planning & Community Development

ATTACHMENTS:

Description	Type
933 S Arlington Heights Rd - 12/13/21 Minutes	Minutes
933 S Arlington Heights Rd - 12/13/21 Findings	Minutes

ZONING BOARD

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

OF APPEALS

RE: 933 SOUTH ARLINGTON HEIGHTS ROAD - ZBA #21-041

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 13th day of December, 2021 at the hour of
7:42 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, next item of business, 933 South Arlington Heights Road, ZBA Reference No. 21-041.

Okay, Derek, go ahead please.

MR. MACH: Thank you.

The Petitioner is proposing to install a six-foot tall solid fence in the front yard and along the exterior side yard. Per Code, the smaller of the two dimensions adjacent to the street shall be considered the front yard, and for the subject property, the frontage along Central Road is defined as the front and the frontage of Arlington Heights Road is defined as the exterior side yard.

Staff has concerns with the proposed fence and the impact it will create at this corner. Therefore, it's recommended that the Petitioner comply with code. If the Zoning Board supports the request, it is recommended that dense landscaping be required on the street side of the fence in order to soften the appearance. In addition, the location must comply with the 12-foot vision triangle at the corner of Central and Arlington Heights Road as well as adjacent to the driveway.

The Petitioner is requesting a three-foot variation from Chapter 28, Section 6.13-3 and Chapter 28, Section 6.13-3a to allow a six-foot tall solid fence in the front yard where code allows a three-foot tall fence of open design.

Thank you.

CHAIRPERSON SIAVELIS: Great. Thank you very much, Derek.

Okay, gentlemen, identify -- you're signed in, correct?

MR. HENNINGER: Yes.

CHAIRPERSON SIAVELIS: Okay, identify yourselves and we'll swear you in individually.

MR. HENNINGER: Scott Henninger, Petitioner.

CHAIRPERSON SIAVELIS: Okay, Scott, raise your right hand please.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, next?

MR. HAJIZADEH: Frank Hajizadeh.

CHAIRPERSON SIAVELIS: Okay, Frank, right hand, thank you.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, go ahead.

MR. HENNINGER: All right, so we are proposing, he is proposing that he is able to build a taller fence than code allows because of the traffic that is, you know, that travels along Arlington Heights Road and Central Road including emergency vehicles to and from the hospital that's just right around the corner from there. There's six lanes of traffic on either road including a couple of turn lanes right there. When he purchased the property, he didn't think it would affect the, you know, livability of the house and the quiet enjoyment of a residential property.

So, and kind of touching on the main points here, the essential character of the locality, there is shrubbery along both sides, and this would be a fence that is behind them and would not stick out much above where the shrubs already are. Let's see, and it would be a natural wood fence so it would kind of blend in with whatever is already there.

The unique circumstance is being that both of these roads are so

heavily trafficked, and at this very corner, his house is the only house. The other corners are commercial/industrial type properties.

Being that from the sidewalk or the road grade it slopes down into his yard is why we would need a little bit taller of a fence to provide that noise barrier and, you know, allow peaceful enjoyment of the property.

CHAIRPERSON SIAVELIS: Okay, so a couple of questions right off the bat. When did you purchase this property?

MR. HENNINGER: Was that January?

MR. HAJIZADEH: No, it was October.

MR. HENNINGER: October, so about a year ago, a little over.

CHAIRPERSON SIAVELIS: October of '20? 2020?

MR. HENNINGER: Yes.

CHAIRPERSON SIAVELIS: Okay, how many folks live in the house?

MR. HAJIZADEH: Four.

CHAIRPERSON SIAVELIS: Four. It looks like those bushes essentially, right, that aren't necessarily, they actually are shown in these pictures right here, those are put up recently, or installed relatively recently, right?

MR. HENNINGER: Yes, over the summer.

CHAIRPERSON SIAVELIS: Over the summer.

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: Can you scroll in on those, Derek, real quick?

MR. HENNINGER: Arborvitae, yes.

CHAIRPERSON SIAVELIS: Yes, that's what I was going to ask you. So, I notice there's a lot of them and they're awfully narrow, right? You can buy arborvitae in a number of different sizes and configurations. How tall are these forecast to grow?

MR. HAJIZADEH: Seven, and then they're going up to 15.

CHAIRPERSON SIAVELIS: Say that last part again?

MR. HAJIZADEH: They are seven feet right now, seven feet tall, and then they are going out to 15 feet tall in two, three years from now. So, that means if I'm going to make that fence right now, the fence is not visible to the public.

CHAIRPERSON SIAVELIS: No, the fence will be visible to the public through the arborvitae, right?

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: Because they're, yes, because they are not adjacent to each other and do not permit you to see between them, right?

MR. HAJIZADEH: Yes, they're young. They are not 10 feet right now.

MR. HENNINGER: Yes, at this age, yes.

CHAIRPERSON SIAVELIS: Right, so there's space between them to allow them to grow essentially.

MR. HAJIZADEH: Yes, then they stick to together and then, so it's completely blocked.

CHAIRPERSON SIAVELIS: Okay, are you aware of the comments from the Engineering Department on this petition? Scott, please tell me you've read those.

MR. HENNINGER: Yes. The 12-foot setback from the corner, I know that specifically, and then in reference to the impact to what it will create at this corner, is that

referring to the 12-foot sight line setback? I'm not sure what exactly that part was.

CHAIRPERSON SIAVELIS: Okay, so I think we can take this in parts, and Derek, feel free to correct me if I stray here, if I'm incorrect.

MR. MACH: Sure.

CHAIRPERSON SIAVELIS: So, beginning at the "however" word, take a look at the screen.

MR. HENNINGER: Yes.

CHAIRPERSON SIAVELIS: Okay, however, the location must comply with the 12-foot vision triangle at the corner of Central Road and Arlington Heights Road, and this must be shown on the plan at the time of permitting, okay.

MR. HENNINGER: Yes.

CHAIRPERSON SIAVELIS: So, that's point one essentially from Engineering Department. So, you'll agree to comply with that?

MR. HENNINGER: Yes. Yes, the second set of, I guess, Derek, do you have this one with the pink ones that I just submitted?

CHAIRPERSON SIAVELIS: We'll go that in a second.

Derek, stay back up there.

MR. HENNINGER: Okay, no, sir, sorry.

CHAIRPERSON SIAVELIS: And then the second point there under that "however" is, in addition, the gate/fence should be set back at least 25 feet from the street to provide a space for a car to pull in and not sit on Arlington Heights Road, right?

MR. HENNINGER: Yes.

CHAIRPERSON SIAVELIS: 25 feet, see that?

MR. HENNINGER: What's the, where is the, how far back is the gate right now?

MR. HAJIZADEH: It's more than 25.

CHAIRPERSON SIAVELIS: What was your question to the Petitioner, to the owner?

MR. HENNINGER: How far the pillars are at this point.

CHAIRPERSON SIAVELIS: The pillars for?

MR. HENNINGER: We're part of, on the plat of survey it shows that there's a gate there, so those pillars that are already existing.

CHAIRPERSON SIAVELIS: So, you're going to reuse those, re-purpose those?

MR. HENNINGER: Well, we'll leave them there if that works, and you said that's more than 25 feet, correct?

MR. HAJIZADEH: Yes.

MR. HENNINGER: Okay, I haven't personally measured those.

MR. HAJIZADEH: It's more than 25 feet already off the street, the south one.

CHAIRPERSON SIAVELIS: More than 25 feet?

MR. HAJIZADEH: It is, yes.

CHAIRPERSON SIAVELIS: So, I guess where we're going with this, and then, Derek, you can flip to that annotated site plan, or survey, sorry. So, where I'm going with this is, look, Engineering Department has two conditions, right? It's paramount that

you agree to those two conditions at least in my mind, okay? So, do you agree to each of the two conditions that the Engineering Department raised?

MR. HENNINGER: Yes.

MR. HAJIZADEH: Yes.

MR. HENNINGER: The 12-foot triangle there.

MR. HAJIZADEH: Yes.

MR. HENNINGER: And the 25-foot.

CHAIRPERSON SIAVELIS: Okay, Derek, because I know I've moved between the two, was there anything else in Engineering here that you think I may have missed?

MR. MACH: No, those are their two points referring to this area that the fence comply with, to be set back in order to provide for vision, and then they're also asking that the fence be set back to allow for stacking of the vehicle.

CHAIRPERSON SIAVELIS: By the gate.

MR. MACH: Yes.

CHAIRPERSON SIAVELIS: And the gate, right now the gate is not shown on the survey though, right, the annotated survey, right?

MR. HENNINGER: There's a dashed line like right in the middle of the driveway.

CHAIRPERSON SIAVELIS: Okay, and that's the existing gate or that's where you're proposing the gate?

MR. HENNINGER: Yes, that's the existing one.

CHAIRPERSON SIAVELIS: Okay, so you're either going to reuse that or replace it in the same spot?

MR. HAJIZADEH: So, we're going to just use the same thing.

CHAIRPERSON SIAVELIS: Okay. Okay, so are you also aware then that there's other comments from the Village, from the Design Planner, right? Did you see these?

MR. HENNINGER: No.

CHAIRPERSON SIAVELIS: Okay, well, take a look at what that says right there and then let me know when you're ready to discuss that.

(Slight pause.)

MR. HENNINGER: Okay.

CHAIRPERSON SIAVELIS: Okay, so let's deal with the second point first, okay? So, he's also recommended that continuous landscaping be provided along the street side of the fence to soften the appearance, okay.

MR. HENNINGER: Yes, the existing --

CHAIRPERSON SIAVELIS: The existing arborvitae seem to address that point, right?

MR. HENNINGER: Yes.

CHAIRPERSON SIAVELIS: Is there any part of your property line on the west side or the south side that doesn't have the arborvitae?

MR. HENNINGER: Yes, the south side along Central Road is kind of a scattering of bushes.

CHAIRPERSON SIAVELIS: Right, a mish-mash, basically, right?

MR. HENNINGER: Yes, those.

CHAIRPERSON SIAVELIS: Okay, what's your plan there?

MR. HAJIZADEH: So, we're going to keep the bushes, those are nice bushes. It's growing up by the summer, so of course this looks like that right now.

CHAIRPERSON SIAVELIS: I don't live that far away from you and I'm not so sure I agree with that characterization as nice bushes, not on their best day. Maybe their best day 10 years ago, but not at this point in time. So, the Design Planner is basically telling you that you need to put the same level of bushes essentially on the south side of your property line as on your west side, right, to obstruct the view of the fence.

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: Okay, are you agreeable to that?

MR. HAJIZADEH: Of course.

CHAIRPERSON SIAVELIS: Okay, so you're going to rip out that mangy set of bushes in there right now and upgrade them?

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: All the way across the southern property?

MR. HAJIZADEH: All the way across, yes.

MR. MACH: Chairman, the 25 feet, the thought behind that, my understanding from the Design Planner, is that the fence would be more in line with the homes to the east.

CHAIRPERSON SIAVELIS: Right, I was going there. I was going to go second point first, then that's first point, because I think that's a little trickier of a point raised by Mr. Hautzinger. So, do you want to see that point again or do you know what that point is?

MR. HENNINGER: I'm not sure why it's such a far setback, but we will --

CHAIRPERSON SIAVELIS: Okay.

MR. MACH: And that's if the Zoning Board is supportive of the variance.

CHAIRPERSON SIAVELIS: Right. So, basically, Mr. Hautzinger says that fence line on the south side of the property needs to be 45 feet because that's the front yard from, approximately 45 feet set back from Central Road to align with the setback of the adjacent home's front yard that faces Central. So, the house next to it which is --

MR. HENNINGER: Oh, to align with that house in the front, the very front of that house?

CHAIRPERSON SIAVELIS: Yes.

MR. HENNINGER: Okay, does that one have a fence in the front?

CHAIRPERSON SIAVELIS: That's at 320, that address is 320.

MR. HAJIZADEH: Yes, they have the fence up to the property line, so it's a four-foot chain fence.

MR. HENNINGER: Oh, right along the property line.

MR. HAJIZADEH: Yes.

MR. HENNINGER: Is there one in the front along Central Road?

MR. HAJIZADEH: Yes, there is.

CHAIRPERSON SIAVELIS: Okay, so do you gentlemen understand what Mr. Hautzinger is recommending, right? That southern fence line not be five feet from

Central Road as you've drawn it.

MR. HENNINGER: Right.

CHAIRPERSON SIAVELIS: He's suggested that it be approximately 45 feet to align with the setback of the adjacent home at 320.

MR. HENNINGER: Okay, but Frank, does 320 have a fence that's along the sidewalk?

MR. HAJIZADEH: No, they don't.

MR. HENNINGER: They don't, okay.

CHAIRPERSON SIAVELIS: Yes.

MR. HENNINGER: Got you.

CHAIRPERSON SIAVELIS: Okay, so there are four conditions essentially that either Engineering Department or Design is raising. Frankly, all four of them are reasonable. This is a very unique piece of property right here and, in my eyes, and I'm just one vote, right, in my eyes if you want my support, you have to abide by these four criteria or these four requirements and four recommendations because you are contemplating putting up an extremely large fence. I haven't even gotten to the height yet because I have comments on the height. I'm talking about your overall fence line, right, and the visual impression and the look that it's going to give off on that corner, okay?

MR. HENNINGER: Sure.

CHAIRPERSON SIAVELIS: Now, the other thing that I was going to say is, and I just want to clarify one thing, that neighbor to your east at 320, how high is his fence? Four feet, right?

MR. HAJIZADEH: Four feet chain, yes.

CHAIRPERSON SIAVELIS: Yes, four feet chainlink.

MR. HAJIZADEH: Yes, chainlink.

CHAIRPERSON SIAVELIS: Right, okay. By chance, is the person who lives or the folks who live in 320, are they out there in the audience? Because I know we have --

MR. MAXWELL: Let me speak to that. I'm the neighbor at 422, it's a little bit farther down. The property at 320 is a rental and the condition between the two pieces of property are pretty said.

CHAIRPERSON SIAVELIS: You know what, sir, here's what I'm going to do. I'm going to ask you to table your comments for a second because the public is going to get a chance to say something. I appreciate your quick answer, but I'm going to cut you off there, right, because we're not at your phase just yet, okay?

Okay, four-foot chainlink fence according to the Petitioner on the neighbor directly adjacent. So, I will tell you that a solid six-foot fence is an imposing fence in my view, okay. It almost gives off the impression like it's a compound look, right, like you have a compound. Now, that is not the look on Arlington Heights Road as you're going north from Central, as you're going south from Central, as you're going east on Central, east of Arlington Heights Road. That is not the look.

So, when we talk in here about these elements here, okay, about unique circumstances and the essential character of the locality, I think you're straying from the essential character of the locality. I'm troubled by a fence that's six feet high, especially at that prominent of a location. When I say prominent of a location, I'm talking

about on the west side of the property and the south side of the property. Because you're on this large corner, right, it's not like saying you're having a small bit of side yard that's on Central, or a small bit of side yard that's on Lake or Euclid, right, or that's on Palatine Road, because we have allowed those certain situations in the past, but that is when the other neighbors have that same fence line or very, very similar fence line and we're basically matching up.

Here, you're asking for something that the adjacent neighbors do not have, and I would be very interested to hear what the neighbors have to say on that because I think it is an extremely large fence that your request has asked for height-wise, in addition to fence length and run, okay. But I'll let you say, you can respond to that and let the other Board members ask you guys any other questions, and then we'll go to the public.

MR. HENNINGER: A couple of pieces on the aesthetics and the appearance of it. Just with, you know, wiping out the little bushes on the south side along Central Road and replacing those with the nice, clean arborvitaes, being that arborvitaes at this very young age, they're about seven feet high and they're all going to fill out and grow a little bit taller, that would make the fence essentially disappear to the public eye. It's also a natural wood look, so anything that's currently visible is going to appear as just the wood look to it.

It's not designed to create a compound. It's for the quiet, peaceful enjoyment of a residential property that's on a corner of all commercial and essentially six lanes on both sides of the property.

Then in regards to that 45-foot setback, that would be carving out a very large section of his property that would deem it basically useless because he's looking for peace and quiet in his yard. The height of the fence is basically to ensure the deflection, that the sound goes up and over the house more so.

CHAIRPERSON SIAVELIS: Okay, understood. So, this is the point in the discussion when you say, okay, you don't like 45 feet, you think that's too big of a setback. You should propose something to us for us to consider.

MR. HENNINGER: I mean, we're going with that 12-foot that we're already doing here.

MR. HAJIZADEH: Yes. That would, if it's possible, 12 feet.

MR. HENNINGER: It would coincide with the 12-foot off of the corner and then 12-foot setback along the rest of the way.

CHAIRPERSON SIAVELIS: Okay, so we're not voting at this stage.

MR. HENNINGER: Right.

CHAIRPERSON SIAVELIS: Okay, we understand your counter proposal. So, let's open it up to other Board members for their questions.

COMMISSIONER DRAKE: I have two questions. Did you look at any other ways to reduce sound like changing windows out? There's a variety of ways you can reduce sound, at least on the inside of the house. That's the first question.

The second question, does it need to be six feet high to give you noise relief? Could it be four feet high or five feet high? I mean, you know, at some point, and I agree with what Peter said, a six-foot fence is very imposing and creates that compound look. What are the other kind of things you might have looked at?

MR. HAJIZADEH: I mean, during one year, first of all, my family couldn't move in this house, I just want to let you guys know, because here is my lot, here is my yard, so for like the first week that we moved in the house, we were suffering about over 100 db by the diesel trucks. It's just shivering and shaking the whole house in the middle of the night. So, after talking to multiple companies and then doing self researches, we came up with the only solution, that we can reduce at least 20 to 25 db/decibels of that noise from the street, and the rest of them could be reduced about 20 or 25 from changing the windows to the high performance noise reduction expensive windows.

So, I'm not going to spend that much money for the windows right now, but I'd rather to just stop noise and privacy to just having like a solid wooden fence by six feet for now.

CHAIRPERSON SIAVELIS: I'm sorry, Tom, did you have something?

COMMISSIONER DRAKE: Well, the second question relates to speaking with neighbors and anyone, you know, who might be concerned about, have you gotten feedback? Have you spoken directly, door knocked, that kind of thing, to the people around you?

MR. HENNINGER: I did receive one phone call off of the mailer that went out. It was one of the neighbors who basically just said do I have to pay for anything? I said no. He said all right, it's none of my business, you go all do what you want to do.

COMMISSIONER DRAKE: Okay, thank you.

MR. HENNINGER: Oh, and then touching on the height question that you asked me for, this property actually dips down a way like below the road grade. So, that's why the height of the fence is, you know, requested to be that. So, it's like essentially a five-foot fence but six-foot to get to that five-foot above the road grade.

COMMISSIONER DRAKE: Okay.

CHAIRPERSON SIAVELIS: So, is it your testimony then like if you're standing on the curb on Central Road, the overall height of the fence that you would perceive is five feet?

MR. HENNINGER: I don't have the exact measurements, but essentially. If you're on the sidewalk there, you can see it kind of dipping down towards the house, and then it levels off.

CHAIRPERSON SIAVELIS: Where does it level off at? Can you, Derek, can you put that view up?

MR. MACH: The pictures?

CHAIRPERSON SIAVELIS: Yes, yes.

MR. HENNINGER: At the driveway, it's pretty level, is that right? At the driveway?

MR. HAJIZADEH: No. So, the only level area that we have is in the corner of the Central Road and Arlington Heights Road at some point. So, we're talking about maybe 20 or 15 feet. The rest of them, we're talking about kind of like three feet lower than the street levels.

CHAIRPERSON SIAVELIS: Three feet?

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: 36 inches?

MR. HAJIZADEH: Yes.

MR. HENNINGER: Yes, just to the right --

MR. HAJIZADEH: That's why we just get hit with the street noise because the property is lower than the street road.

COMMISSIONER JAFFE: So, then on the south side of the property line on Central, one of the other conditions we spoke about, about replacing what I believe I heard was like the rangy bushes --

CHAIRPERSON SIAVELIS: Mangy with an m.

COMMISSIONER JAFFE: Mangy, whatever you would put here from a height perspective, will you add though, that replacement would be at least six feet tall?

MR. HAJIZADEH: Yes. We're going to continue that same pattern all the way to the end of the property.

COMMISSIONER JAFFE: Because you said on this side, just right here, on Central you're saying this is more flat, this is not as different.

MR. HAJIZADEH: This is more flat, yes.

COMMISSIONER JAFFE: Okay, okay.

CHAIRPERSON SIAVELIS: Okay, the picture we see up on the screen right now, this is current conditions, right, on Central?

MR. HAJIZADEH: This is the current condition right now.

CHAIRPERSON SIAVELIS: Okay, so the arborvitae that you planted are only essentially along the west side of the property on Arlington Heights Road?

MR. HAJIZADEH: Yes, and covered the corner as well, too.

CHAIRPERSON SIAVELIS: Yes, they come around the corner, or come to the corner a bit.

MR. HAJIZADEH: Yes, exactly. We just stopped at that point because we didn't know what to do with this fence, okay. So, we just stopped it until we find the solution to see how we're going to do that for the rest of them.

CHAIRPERSON SIAVELIS: Okay, so you bought this house in October of '20, and you testified and you explained that the noise is really loud, right, at night, this, that and the other? Did you inspect this house before you bought it? I mean, did you walk around it? I'm surprised at your surprise, basically, in hearing about all this noise. Like if you visited this property before you even put an offer and you closed on this house, wouldn't it have like dawned on you like, my God, there's a lot of roadway out here and a lot of cars are here and the hospital is down the street, you know? It's not like the road was just built and expanded this summer, right?

So, I'm curious to understand your process, like you're a new resident, right? You've been here 14-15 months essentially, and you're complaining about the noise and taking steps. You're asking us a significant variance to address a problem that should have been readily apparent. So, I'm curious to understand, did you not recognize it back before you bought this house?

MR. HAJIZADEH: Absolutely not. Let me explain to you why. The only time that we have spent in the pandemic here, it was maybe one hour, one for visiting and then just put the offer. Then the second time, it was for the inspection. The inspector has never come to the people and saying how loud is the noise there, they're just focusing on finding the stuff and problem inside the house.

I was thinking if I can just plant a lot of trees and everything, that

might give me the privacy that I was looking for, because I wasn't there for a long time to realize that. I wasn't sleeping in the house to find out about what's going on over there, no.

CHAIRPERSON SIAVELIS: Okay, so you did visit the property before you purchased it, right?

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: Okay, but only for like an hour or so?

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: Okay, you moved here from where?

MR. HAJIZADEH: I moved from Prospect Heights.

CHAIRPERSON SIAVELIS: Okay, you moved from Prospect Heights. Were you a long-time resident of Prospect Heights?

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: So, you're familiar with this area?

MR. HAJIZADEH: This corner, not really, over there.

CHAIRPERSON SIAVELIS: Are you familiar with the central part of Arlington Heights?

MR. HAJIZADEH: I am. I just pass by there many times, yes.

CHAIRPERSON SIAVELIS: Okay, you pass by it many times, okay.

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: You are one of the guys driving on the road in the traffic that you are citing against.

MR. HAJIZADEH: I know the traffic, but I was sitting in my, when I was driving in my car I didn't know how bad it would be the car noises to the house.

CHAIRPERSON SIAVELIS: Fair enough, fair enough. What I'm trying to get at here and trying to understand is, okay, you've driven on these roads, you lived in the area for a while, right? You've visited the property beforehand and it didn't really dawn on you until you bought the house and tried to live in it for a little bit that, my, there's a problem here.

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: Okay, that's what I was trying to get at here.

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: And understand the series of events that brings you here, okay, because like I said, what you're asking for is significant.

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: Okay, so are there any other questions from Board members?

(No response.)

CHAIRPERSON SIAVELIS: Let's now move to the public commentary stage.

Okay, so you folks can grab a seat. You'll have an opportunity to come up and respond to any public comments.

MR. HAJIZADEH: Thank you.

MR. HENNINGER: Thank you.

CHAIRPERSON SIAVELIS: Okay, there's a fair number of people in here.

Don't all run up here at once, but yes, raise your hand and you can, go ahead, come on up.

MS. PLACEK-ZIMMERMAN: My name is Ellyn Placek-Zimmerman. Appreciate your comments.

CHAIRPERSON SIAVELIS: Derek, public members, do we need to swear her in or are we good?

MR. MACH: Not necessary.

CHAIRPERSON SIAVELIS: Okay, go ahead.

MS. PLACEK-ZIMMERMAN: I appreciate your comments. Insofar as being aware, I had hoped that these Petitioners would have been aware of the noise issue. I also tuned in when you initially talked about ground rules, the four things. Compatibility, I don't see a six-foot solid wood fence as being compatible with this area, with the neighborhood.

Our Village Trustees often talk about gateway sections of the Village. I see this corner as a gateway to the subdivision in which I live. Having lived in the subdivision for over 40 years, I certainly understand how the noise level has increased. We've watched growing expansions for all four corners at Arlington Heights Road and Central.

Our house is about one block in off of each of these roads and it gets noisier there than it used to. If this is granted and I come before you and say I want to build a six-foot fence, I'm not so sure this is really compatible in our neighborhood as well as all of Arlington Heights. I can envision going all up and down Arlington Heights Road and Central initially, you being bombarded with more and more variances for more six-foot fences, and we're going to see a hodge-podge of six-foot fences going up and down each of those streets, and potentially at Scarsdale Estates area.

COMMISSIONER JAFFE: So, just to interrupt, just so you know, our policy is every variance is treated individually. So, you just made a comment about six-foot fences up and down Arlington Heights Road. Our sitting here, there is no precedent on any future variation. I just want to make sure you're clear enough in understanding that. How we vote today has no impact on any other variance that's going to come into this room ever.

MS. PLACEK-ZIMMERMAN: Appreciate that. They're petitioning because of noise. I can petition because of noise as well and the record is being established.

CHAIRPERSON SIAVELIS: Recognize this though. Like Ben was saying, each petition is evaluated on its own merits, right? So, we look at a number of things. It should be readily apparent to you that we don't shirk our investigation here.

MS. PLACEK-ZIMMERMAN: Right, appreciate it.

CHAIRPERSON SIAVELIS: We're fully considering a number of factors. So, fear not.

MS. PLACEK-ZIMMERMAN: Appreciate that.

CHAIRPERSON SIAVELIS: If we grant this one, it's not an avalanche of fences on Arlington Heights Road and Central.

MS. PLACEK-ZIMMERMAN: I still will talk about the compatibility issue.

CHAIRPERSON SIAVELIS: Yes, on that part --

MS. PLACEK-ZIMMERMAN: I still have concerns about that, and I

appreciated your comment about it's going to be or feel like or look like a compound. I've observed this past summer, trailers being parked in the grass, a boat or a yacht parked on the property for weeks. That mangy side that you talked about or bushes on Central, that even hit our social media, our neighborhood links, with the more than three-foot-high weeds that were growing, and additionally, behind the garage, you know, a collection of lawn tractors and plant containers. So, I'm concerned about that aspect as well insofar as this being all enclosed, a compound-like look.

But I'm going to go back to that compatibility aspect that you mentioned. Just that this is a gateway to my subdivision and I really don't want to see the fence, nor do I want my guests to see that. I would also suggest that instead of using the money for the fence, that perhaps more arborvitae or other plant material be installed to buffer the noise. Thank you.

CHAIRPERSON SIAVELIS: Thank you.

Anybody else? Come on up.

MS. PTASZEK: My name is Jackie Ptaszek and I live at 918 South Arlington Heights Road for 45 plus years. We raised our family there and we were well aware of the noise when we moved in. I find it hard to believe that they didn't.

I am also concerned, as Ellyn has said, about the compatibility of that area. That is a gateway. That's the first thing you see after you see all of the commercial property. A big concern of mine is we watched those arborvitae, I live right across the road two houses, three houses let's say north.

CHAIRPERSON SIAVELIS: North.

MS. PTASZEK: North, exactly. Even though the folks have replaced them, I'm concerned that if you grant them that fence and those bushes start to die, hey, who's going to be after them to have those bushes replaced so that it does look nice aesthetically? You know, they could just let it all go, am I right?

CHAIRPERSON SIAVELIS: In theory, you are right. But then the flipside of that is logic seems to indicate that if the Petitioner spent that money to plant those arborvitae along that significant run on Arlington Heights Road, it's not in his or her best interest to allow a couple of them to die out and have the Charlie Brown effect, right? Where you have some dead, some living, some dead, like pockmarked like that.

MS. PTASZEK: They wouldn't see that though, would they now?

CHAIRPERSON SIAVELIS: Well, they're going to have to come in and out of their own driveway, so they'll see it there. I mean, you know, that's the sort of thing that we can't, we can't mandate that, like, okay, you must keep it at this level and this height and maintain it at this, I'm sorry, this condition. We can't mandate that, but you do recognize, Jackie is your first name?

MS. PTASZEK: Yes.

CHAIRPERSON SIAVELIS: Okay, you do recognize, right, that they could put a three-foot fence up there, right?

MS. PTASZEK: Yes.

CHAIRPERSON SIAVELIS: If they so wanted and not come in front of this Board, and they'd be fully within their rights under the Zoning Code, the zoning ordinances in the Village Code, right?

MS. PTASZEK: Okay, well, a three-foot fence looks entirely different than a

six-foot fence does.

CHAIRPERSON SIAVELIS: I don't disagree with you, but I just wanted to make sure you understand the point that they are entitled, under the code, and as long as they comply with some of the other conditions we talked about, right, the vision triangle and the gate, to put a three-foot fence there, okay?

MS. PTASZEK: Okay.

CHAIRPERSON SIAVELIS: All right, so please proceed and try to be concise because we are at, you know, 20 after.

MS. PTASZEK: Okay. All right, I just can't see it, and also as Ellyn had said, what's to stop even me from coming and, how would that look if you, I know you're going to do each case differently, each request is different, but some more could be granted if you grant this to them, and how would that look, okay?

CHAIRPERSON SIAVELIS: Understood.

MS. PTASZEK: All right, thank you.

COMMISSIONER GEISEL: For clarification if I could?

CHAIRPERSON SIAVELIS: Sure.

COMMISSIONER GEISEL: About what you said. The substantial section on Arlington Heights Road is noted as fully compliant at six feet because --

CHAIRPERSON SIAVELIS: Because that's the side yard.

COMMISSIONER GEISEL: Correct. So, you know, for purposes of considering what we're doing here and what's being asked, so I wanted clarification on that aspect of that, because that's considered side yard?

MR. MACH: That's correct. Current code, the narrowest of the two dimensions with a frontage, which in this case is Central Road, that's what defines the front yard. The Petitioner could put per code a six-foot tall fence between these two yellow lines as long as it's set back a minimum of five feet with street side landscaping. If the Petitioner wanted to put the fence up to the property line, then it would have to be the three feet, but that is correct.

COMMISSIONER GEISEL: As shown.

MR. MACH: Yes, this portion.

COMMISSIONER GEISEL: I just wanted that understood (a) for the Board and just to make sure we know what we're looking at, and (b) for the others who are looking at this from the audience.

MR. MACH: So, the portion in question is the little area, the area that's dashed in blue, would need the variance as proposed by the Petitioner.

COMMISSIONER DRAKE: So, Derek, does that mean they could put six feet along Central and three feet along Arlington Heights Road to get a three-foot and six-foot?

CHAIRPERSON SIAVELIS: Vice versa.

COMMISSIONER LANAGHAN: Yes, the reverse, six on Arlington Heights Road, three on Central.

CHAIRPERSON SIAVELIS: Only in the yellow area, right, the area denoted by the yellow brackets or in yellow text, right?

MR. MACH: Yes.

CHAIRPERSON SIAVELIS: So, this is what's kind of funky about this,

right? So, if you go south of the lower bracket, right, to be code compliant along Arlington Heights Road, you have to drop from six feet to three feet?

MR. MACH: Three feet open.

COMMISSIONER LANAGHAN: Only open that side.

MR. MACH: Like a picket fence.

COMMISSIONER SELBKA: Why is that, Derek? Why is the area south of the bracket have to be three feet as opposed to six?

COMMISSIONER LANAGHAN: That's technically the front yard.

MR. MACH: Because that's how the Zoning Code defines front yards. I understand that the front of the house is facing Arlington Heights Road and the front door is on Arlington Heights Road, but that's not the Zoning Code.

COMMISSIONER SELBKA: Okay.

MR. MACH: I'm not sure of the history behind that definition.

COMMISSIONER SELBKA: All right. Okay, thank you.

MR. FREIHAGE: Can I ask one more clarification there? I think you said something I think is pertinent. In the front yard there, you just made a statement that in the front yard it should not be a solid fence, is that true?

CHAIRPERSON SIAVELIS: Derek, do you want to clarify that? Like board-on-board?

MR. MACH: Sure.

In the front yard, code allows a three-foot tall fence that has to be open in style. For example, the picket style fence or decorative metal or a chainlink would meet that definition, but no taller than three feet is permitted.

COMMISSIONER SELBKA: Unless a variance is permitted.

MR. MACH: Unless a variance is permitted.

CHAIRPERSON SIAVELIS: We're going to give you a chance to speak, sir, after this gentleman.

So, Derek, then with all, that complicates things a little bit, right? That's a good catch by Joe. With that in mind, on the north side, the lavender line up on the north side, right, on the north property line, yes, going east, yes, east and west there, what are the stipulations there?

MR. MACH: Six feet is permitted along the north property line, and then six feet is permitted up to this --

COMMISSIONER LANAGHAN: It would be technically your rear yard at that point in time.

MR. MACH: Right, that's correct. But again, it would have to be set back five feet, it could not go beyond the southern portion of the house unless a variance is granted. So, the area, just to clarify the discussion, is this area within this blue dash line.

CHAIRPERSON SIAVELIS: But the Engineering Department provided comments regarding the gate, right, and obviously the vision corner, right?

MR. MACH: Which he would have to comply with.

CHAIRPERSON SIAVELIS: Yes, no matter what.

MR. MACH: Yes.

CHAIRPERSON SIAVELIS: Then Mr. Hautzinger and Design made the additional comments about the front yard setback.

MR. MACH: Right, noting that if the Zoning Board is going to consider the variance, that it be recommended that it be set back so that it doesn't go farther south from the home to the east which is approximately 45 feet.

CHAIRPERSON SIAVELIS: Right, and Mr. Hautzinger did not make a comment about fence height though.

MR. MACH: He did not.

COMMISSIONER JAFFE: But based on our previous discussion, the Petitioner and property owner agree to be willing to, or we discussed having that be a 12-foot setback to align with this triangle.

COMMISSIONER GEISEL: That was offered.

CHAIRPERSON SIAVELIS: He did make mention of that, Ben. I thought we'd get comments from the public, right, then we'd bring the Petitioner and his representative back up and we'd vet those comments and figure out where we stood from there.

Sir, identify yourself.

MR. MAXWELL: My name is Dennis Maxwell. I live at 422 East Central Road, on Central Road with all the noise and the same, similar stuff. I've probably got 50 years experience in telecommunications and electronics and noise. I've actually taken db readings in my front yard, and I can tell you if you get your engineer out and checked, the noise you'll hear behind the fence and what you hear on an open space within 25 feet of the yard, there will be very little difference.

This is a red herring. This fence will not stop noise. The arborvitaes will not stop noise either. He's got them ranged incorrectly if he wanted to stop noise. They should be staggered like that.

So, I don't know where he's getting his advice but it's bad. The best advice he had was putting the windows in. Basically, he's got a lot that's made to be 'look at me' and he's trying to build a cave. He's in the wrong spot. That's all.

CHAIRPERSON SIAVELIS: So, wait, wait, stop, don't go any further. Let me ask you a couple of quick follow-ups. You're at 422, you said, Central?

MR. MAXWELL: Yes.

CHAIRPERSON SIAVELIS: Okay, do you have a fence in your front yard?

MR. MAXWELL: No, I don't, I have bushes. They're about four-foot tall, three-foot.

CHAIRPERSON SIAVELIS: You have bushes, no fence?

MR. MAXWELL: Right, because pulling in and out of the driveway you can't see.

CHAIRPERSON SIAVELIS: Oh, you would have difficulty ingress and egress if you had a fence.

MR. MAXWELL: Yes, so you have to keep the bushes low.

CHAIRPERSON SIAVELIS: Okay, what about --

MR. MAXWELL: He's got a little bit of a different problem because there's a dip there.

CHAIRPERSON SIAVELIS: So, in regards to his testimony, do you believe it accurate when he's talking about the dip or depression in his property?

MR. MAXWELL: Well, Central and Arlington Heights Road is a high point.

It's made that way, so it drains water. It's a main intersection with lights and whatever, so it is higher. It's about a three-foot drop.

CHAIRPERSON SIAVELIS: From where to where? Three-foot drop from where to where?

MR. MAXWELL: From the corner, where are we, here down to here it's three or four feet deep, and it's even deeper at this corner because that's where they raised the corner of Central Road. The noise from both directions is going to fall down in that hole. It's just the property. In order -- go ahead.

CHAIRPERSON SIAVELIS: No, no, finish your thought.

MR. MAXWELL: In order to fix this thing, he's got a 50-year-old house that is built on a, that has totally transformed the neighborhood. When I moved into my house, it was a two-lane road. It was a whole different thing. That house is outdated for the property it's on. He's trying to make something fit that doesn't fit any longer. It's like taking your Model T and going on the expressway.

CHAIRPERSON SIAVELIS: Okay, so the house next to you, 426, to your --

MR. MAXWELL: 422.

CHAIRPERSON SIAVELIS: No, to your east.

MR. MAXWELL: Yes?

CHAIRPERSON SIAVELIS: 426.

MR. MAXWELL: Yes.

CHAIRPERSON SIAVELIS: To your east, right?

MR. MAXWELL: Right.

CHAIRPERSON SIAVELIS: Does it have a fence in the front yard?

MR. MAXWELL: No. Nobody has a fence. That was proposed once. I went through this before.

CHAIRPERSON SIAVELIS: And the house to your left, or to your west, 332?

MR. MAXWELL: To the west, okay, 332, no fence.

CHAIRPERSON SIAVELIS: Okay, and the large house one over from there at 326?

MR. MAXWELL: No, they have a berm.

CHAIRPERSON SIAVELIS: A berm, okay.

MR. MAXWELL: He put in a berm now.

CHAIRPERSON SIAVELIS: And then he planted on top of the berm and near the berm?

MR. MAXWELL: It's a new house and I'm going to say yes, and he used evergreens which was the right thing to do.

CHAIRPERSON SIAVELIS: Okay, and then, because evergreens do a more effective job of abating noise?

MR. MAXWELL: Of breaking up noise, not absorbing, but breaking up. The best the arborvitaes can do is break up the noise.

CHAIRPERSON SIAVELIS: What's your work-related background, sir? In a nutshell?

MR. MAXWELL: Well, electronics and telecommunications noise.

CHAIRPERSON SIAVELIS: Filtering, that sort of technology? Wireless?

MR. MAXWELL: Filtering, yes, all kinds of filters, yes, and I'm not talking about electronic, also audio.

CHAIRPERSON SIAVELIS: What about 320 a couple down from you? That house I think was, somebody said it was the renter's house?

MR. MAXWELL: Yes, it's a rental house and that was, actually the person who owned the property that he brought it from and the next house 320 was kind of a thing that, that house was in very poor condition and the one on the corner, the lady became old and couldn't maintain it or didn't. It was all overgrown and whatever. If he cleans that up, it will even be noisier.

CHAIRPERSON SIAVELIS: Okay, so my question is, is there a fence in the front yard there on Central?

MR. MAXWELL: No.

COMMISSIONER LANAGHAN: I don't even think when you get down to Burton, I mean, there's a lot of trees, but I don't think there's a fence.

CHAIRPERSON SIAVELIS: I wanted the testimony in. Okay, do you have any further points? You're done?

MR. MAXWELL: Well, that hill is a very interesting problem, but it's just an incorrect house for the location now. It's outdated.

CHAIRPERSON SIAVELIS: I get that and hindsight is also 20/20, right? So, we're trying to figure out a potential solution here that is reasonable and workable for as many parties as possible if we can get there.

MR. MAXWELL: I can't stop it and I know what I'm doing.

CHAIRPERSON SIAVELIS: But you don't also have 60 feet of yard between, 60 feet or more.

MR. MAXWELL: He's better off than I am.

CHAIRPERSON SIAVELIS: Right, because he's got more yard.

MR. MAXWELL: It's distance; it's just plain and simple distance. Like Ellyn says, it's in her backyard, too, or her front yard, too. It's a function of distance, dissipates whatever, what is it, the square of the distance, that's how it dissipates. It's science. Unless you do something, a fence that was made out of some kind of foam or something, you know what I mean?

CHAIRPERSON SIAVELIS: Something absorbent, yes. Okay, all right, well, we appreciate your comments.

MR. MAXWELL: Thank you.

CHAIRPERSON SIAVELIS: Anybody else?

MRS. MAXWELL: Hi, my name is Shirley Maxwell and I live at 422 East Central. Unfortunately for the gentleman that bought that house, he's at the corner and the hospital is down the road. When they took away part of our yard to widen Central, we knew that it was going to get worse because of the ambulances. But they kind of have worked it out for the rest of us that they don't put those sirens on until they get closer to the corner which is where he's at. That is a big intersection, and then they've had accidents there, and those sirens, that's where they get the loudest or that's where they turn them on, and it's never going to change because that's a straight way to the hospital.

CHAIRPERSON SIAVELIS: Right, so you're saying a little bit, they don't turn the sirens on, ambulances and things of that nature don't turn the sirens on until --

MRS. MAXWELL: Almost until they get to the corner.

CHAIRPERSON SIAVELIS: West of you? West of you?

MRS. MAXWELL: Yes, and I hear them. I hear them like they were right in my driveway. But that's just the nature of it, you live on Central, the hospital is on Central. Otherwise, as far as that 45-foot setback on Central, I would not like to see that changed. Three houses, the Mayor's house on Burton and Central, the house to the east of me, the house to the west of me, all tried to get variances, and the community, we didn't want it changed. We didn't give it for those three. I can't see changing it for anyone else.

CHAIRPERSON SIAVELIS: Okay, let me ask you a question because I was, when you say the Mayor, you're referring to Arlene Mulder's house, right?

MRS. MAXWELL: Yes, her house. Before it was built, they came before this Village group and they wanted to get a variance for the, they wanted to come three feet out closer to Central or something for whatever reason.

CHAIRPERSON SIAVELIS: So, that was the developer and builder of that house, right?

MRS. MAXWELL: Yes, Peter Gunn.

CHAIRPERSON SIAVELIS: That was before the Mulders bought that house.

MRS. MAXWELL: Yes.

CHAIRPERSON SIAVELIS: Okay, so on that south side of their property, do they not have a considerable amount of bushes, trees?

MRS. MAXWELL: They have shrubs. They put a berm in and a lot of shrubs. A lot of shrubs.

MR. MAXWELL: They're over six feet tall.

MRS. MAXWELL: They're well over six feet tall, but there are no fences. We don't have fences.

COMMISSIONER JAFFE: What were they, how tall were they when they were planted, do you know?

MRS. MAXWELL: They were small bushes. They were like you get from the nursery.

COMMISSIONER JAFFE: Thank you.

MRS. MAXWELL: But there were many. I mean, they're just --

COMMISSIONER JAFFE: But they were small when they were planted?

MRS. MAXWELL: Yes.

COMMISSIONER JAFFE: Now they're six feet tall.

MRS. MAXWELL: Over, some of them are over. There are a lot of trees, they put a lot of evergreens in.

COMMISSIONER DRAKE: I'd like to reiterate the comment that I made earlier. What happened at other houses and other situations and other people that came before this is really irrelevant to this.

MRS. MAXWELL: True.

COMMISSIONER DRAKE: I appreciate the comments.

MRS. MAXWELL: Yes.

COMMISSIONER DRAKE: Agree with you on the noise, I don't live far from there but, you know, what happened before, it's irrelevant.

MRS. MAXWELL: I know, I understand that.

CHAIRPERSON SIAVELIS: Yes, but I'll temper that by saying that it also relates to, I'm not going to say what procedurally happened in front of this Board or what was motioned up or argued before, but I think what you're trying to say is, I don't want to put words in your mouth, correct me if I'm wrong, but that first element about the essential character of the locality, right, that is the point you're talking to. Nobody on Central has fences in front --

MRS. MAXWELL: Nobody all the way down to Arthur.

CHAIRPERSON SIAVELIS: Right.

MRS. MAXWELL: No one has a fence, unless it's on the side of their house. It will be on Central if their house faces one of the side streets, but you could count on one hand I think how many there are all the way from --

CHAIRPERSON SIAVELIS: As you're going east on Central towards Arthur.

MRS. MAXWELL: Yes, between Arlington Heights Road and Arthur, there just are none. In our community in the back, we don't have fences in the yards.

CHAIRPERSON SIAVELIS: Shirley, what's your address again?

MRS. MAXWELL: 422 Central.

CHAIRPERSON SIAVELIS: Okay, any questions further for Shirley?

(No response.)

MRS. MAXWELL: Thank you.

CHAIRPERSON SIAVELIS: Thank you.

MR. FREIHAGE: I'll keep it very brief. Jeff Freihage is my name. The reason I asked for the clarification on what the front yard is and what the code is for the front yard, it sounds like the front yard code says you can have an open three-foot fence, is that correct?

MR. MACH: That's correct.

MR. FREIHAGE: So, it's important to my neighbor's point that she made about the three-foot fence, it does become a maintenance issue. If you cannot see the debris on the outside, the weeds on the outside, even if your best intention is to keep that clean, you likely will not keep that clean. You will not keep that maintained.

My neighbors have expressed concern; I live in that neighborhood, about it being a gateway to our neighborhood. We'd like to make it continue to look nice and it's been very difficult to police the weed control, the debris control in that area. That's all I have.

CHAIRPERSON SIAVELIS: If you don't mind me asking, and this is not information you must disclose but where do you live? How close?

MR. FREIHAGE: Oh, no, so I live in the neighborhood. I live on Belmont, 737, so I live more towards the Rockwell than the Orchard side. It's the driving by and the value of my home that can be predicated by what happens here. If property values drop, my property value drops. That's where my interest lays. My interest also lays in making sure the community maintains beauty and maintains maintenance.

I have a neighbor myself whose backyard per code has a fence that's a six-foot solid fence off of my fence by about 18 inches, and I'm going to tell you it drives me absolutely crazy that those weeds are growing in there. By the time August

comes, they're about two feet high. Either I have to go out there with my herniated disc and pull them or I have to call the Village. I end up pulling them myself to keep peace and I'd have to make the phone call, but it does become unsightly and these things become uncontrolled fast.

CHAIRPERSON SIAVELIS: Okay. All right, we appreciate that.

If you have a follow-up comment, you can come up, but please be brief.

MS. PTASZEK: Sure. Just a quick comment about the ambulances. At night, they do not turn on their sirens, it's only lights unless there's some, I would say that starts about midnight through, all during the night and early morning. It's only lights, not sirens.

CHAIRPERSON SIAVELIS: Okay, Jackie, right?

MS. PTASZEK: Yes.

CHAIRPERSON SIAVELIS: Do me a favor if you don't mind, what's your address again?

MS. PTASZEK: 918 South Arlington Heights Road, and there are no fences up and down Arlington Heights Road in the front.

CHAIRPERSON SIAVELIS: Thank you.

Okay, are there any further comments from the public?

(No response.)

CHAIRPERSON SIAVELIS: Okay, hearing none, let's have the Petitioners come back up. So, where we stand, okay, you get a response to the comments from the public.

We can ask you further questions, then we move to the deliberation phase. okay?

MR. HENNINGER: Yes.

CHAIRPERSON SIAVELIS: All right, so with that in mind, now is your time to respond to the comments from the public.

MR. HENNINGER: I appreciate the comments from the public, and there are some very good points in here. Ms. Zimmerman expressed that this is a gateway into the Scarsdale neighborhood, even towards Downtown Arlington Heights up in this direction. She also mentioned that even social media within the neighborhood pointed out that the current existing bushes, the mangy bushes along Central Road are weeds, three-foot tall weeds. They made social media in a very negative way. So, the proposal here would be to improve that whole, you know, that whole side of the road, planting nice, clean, green arborvitaes backed by a natural wood-looking fence. So, it would totally clean up the gateway of the neighborhood as compared to what's existing there currently.

The other point that Ms. Maxwell pointed out was that at the intersection is where the ambulances turn on their sirens to let all of that traffic know that they are coming through. So, up and down Central Road, from what I gather, they leave their sirens off as necessary, and then as they approach the intersection, Frank's house right there, they click on their sirens to let everybody know that they're coming through such a busy intersection. So, it's at that point at his house is when the sirens pop on and really hit them.

Mr. Maxwell did confirm that there is, you know, about a three-foot

dip coming off of the sidewalk coming down into the yard, which brings the window and house level more at road level versus kind of sitting up just a little bit as most houses are.

CHAIRPERSON SIAVELIS: Let me interrupt you there for a quick second.

MR. HENNINGER: Yes.

CHAIRPERSON SIAVELIS: Does that dip, and Frank, I'd like you to explain this to me a little better.

MR. HAJIZADEH: Sure.

CHAIRPERSON SIAVELIS: Where does that dip start when we're looking at this?

MR. HAJIZADEH: The dip is starting from the corner of Arlington Heights, and then just a slope, and then just going forward all the way to the north side.

CHAIRPERSON SIAVELIS: Doesn't the dip alleviate itself as it gets closer to your house?

MR. HAJIZADEH: Okay, this section is almost level, and this is sloping all the way to this side. Okay, then so it's getting more and more, so probably we have two feet in this area. Here it's three feet, and then right in the corner over there in the north side of the lot, so they have 3.5, almost four feet.

MR. HENNINGER: It goes from the sidewalk down towards the house essentially. The house is built on a slab, so essentially, like he said, that's where the runoff from the intersection goes, and the house is on a slab so there's no basement that would take on all that extra water.

Then to assist with that yellow section up there, I believe the intention, because the six-foot solid fence would be allowed in that area, I believe he would probably build that six-foot solid fence to at least alleviate noise from that section. Then if this is allowed, then we would have a partially fenced yard with either no fence or a partial fence with a three-foot fence, and then we'd be immediately creating two different types of fences.

CHAIRPERSON SIAVELIS: Wait, wait. You're speaking about scenarios that are, you moved through those two scenarios pretty quickly.

MR. HENNINGER: Oh, sorry.

CHAIRPERSON SIAVELIS: So, back up, re-state those scenarios so we'd understand that because this is an important point here.

MR. HENNINGER: So, because the zoning allows for the six-foot solid fence in that yellow section marked off there, I believe he would want to build that to at least reduce noise from that portion of, you know, the traffic.

CHAIRPERSON SIAVELIS: So, with that in mind, he'd bring that six-foot run from the northwest corner of the property line, as we see it up on the screen, down south past the driveway, the gate, into that almost basically the midpoint of that western property line where the end of the yellow bracket is, right? Is that what you're saying?

MR. HENNINGER: Yes.

CHAIRPERSON SIAVELIS: That's what you're saying, Scott, and then?

MR. HENNINGER: I believe, would you do that to reduce the noise at least from the Arlington Heights Road side?

MR. HAJIZADEH: Actually yes. A couple of things that I want to mention

about it.

CHAIRPERSON SIAVELIS: Wait, wait, wait, you'll get that chance, but then what are you going to do? So, in that scenario, where are you going next?

MR. HENNINGER: I guess it depends on what's approved or disapproved from here. He would either leave it -- okay.

CHAIRPERSON SIAVELIS: Okay, go ahead, Frank.

MR. HAJIZADEH: Okay, to just finalize this situation right now. The reason that I'm here with my family, because we are suffering about the street noise. I understand the ambulance trucks and everything, yes. I can't stop that noise with that fence, but I can stop partial of that noise that's coming to my house and at least I can sleep over there. Sleeping is not only for nighttime, people can sleep in the daytime, too. People can stay in their house during the day, too.

CHAIRPERSON SIAVELIS: Do you work at night, Frank?

MR. HAJIZADEH: I'm sorry?

CHAIRPERSON SIAVELIS: Do you work at night where you're sleeping during the day as necessitated?

MR. HAJIZADEH: I'm working 24 hours because I have business international and I have business in here.

CHAIRPERSON SIAVELIS: Okay, go ahead.

MR. HAJIZADEH: This fence, it's definitely and clearly stopping the noise. If you guys just Google it and then just go over every information, then you can find that this solid wood fence can reduce the noise. It's helping my family to make that house a livable condition and not suffering.

I understand some people here, they're talking about their house, but their house is between two houses. This particular unique piece of lot, it's different than the other houses. At least they can just hear like 50 percent less than the noise that I can hear in my house.

Of course, the beauty of the neighborhood is important for them, but they're really more than welcome to just come to my house and then stay over one night, then if they can live there, then they can just say no it, that's it.

CHAIRPERSON SIAVELIS: Well, Frank, that's an interesting invitation; I don't really think that's quite compelling for the purposes of tonight's discussion. Maybe your neighbors will want to have a sleep over at a different time, but I'm not so sure that's persuasive to us right now, but I get where you're coming with this.

With that in mind, you must understand you've come to this situation, right? You brought yourselves to this situation by buying this property.

MR. HAJIZADEH: Sure.

CHAIRPERSON SIAVELIS: It wasn't foisted upon you by the Village redesigning the streets and increasing the traffic there, all right. So, consider that, and that tempers how we're trying to look at this situation, at least in my eyes.

I do have a question for you. If you were, now looking at the screen, if you were to stop somewhere, the front yard fence, right, along the Central side of things, if you were to bring that in 12 feet, okay, like Scott had mentioned earlier maybe 40 minutes ago, okay, Derek, that's still, if he brings it in 12 feet off of Central, does that still need to be an open fence or can it be a solid fence that he's considering? Solid style

fence?

MR. MACH: It would have to, I mean, in order to meet code, even if you offset it 12 feet, it would be three feet. Anything in the blue area per code is three feet.

CHAIRPERSON SIAVELIS: I understand that at a height standpoint. What I'm talking about is fence style, right, can it be solid or does it need to be open like board-on-board style?

MR. MACH: It would need to be open style.

CHAIRPERSON SIAVELIS: Okay, so that would be another aspect of the variance.

MR. MACH: Right.

MR. HAJIZADEH: But does open style help things to reduce the noise?
No.

CHAIRPERSON SIAVELIS: Right. I assume that you'd want us to consider as part of that variance, even if you set it back 12 feet which is your proposal, but I'm not saying that I'm necessarily agreeing with that, in my view, that you'd want us to consider, okay, that part of that variance is to go to the solid style.

MR. HAJIZADEH: Because that's the only way that it can stop the noise, yes.

CHAIRPERSON SIAVELIS: The other attribute here is the planting of more substantial bushes and shrubs. I asked that particular question to, I believe it was Shirley, about the former Mayor's house, right, on Central, right, it's basically Burton and Central, the northwest corner, where they planted a ton of vegetation, bushes and trees. I believe there's a berm there as well.

COMMISSIONER LANAGHAN: A combination.

CHAIRPERSON SIAVELIS: Combination, right, and it looks really, really good, one. Two, Frank, given your concerns, and I'm not saying that you haven't justified it or we don't believe you, because any of us who drive by that area understands there's a lot of traffic there, there's a lot of emergency traffic. Sitting here, I would think to myself, wow, I've got a huge front yard, right, along Central. If I would saturate that area with something similar to what I see down the street on Central, right, I would have a berm there and I'd have evergreens and things of that nature, and I'd offset them to try and attenuate as much sound as possible, because I think you're blessed with all that space there.

MR. HAJIZADEH: That would be one of them, one of them. So, combination of whatever you're talking about with the fence, that's going to be giving a good result to be comfortable in this house. Actually, I want to do both, and just think about it, so do you see any leaves in the bushes right now in the winter? How can it reduce that?

CHAIRPERSON SIAVELIS: Are you talking about along your mangy bush line on Central?

MR. HAJIZADEH: Yes, and even if I'm going to put something better, which I'm planning to do, okay, so in the wintertime you don't see them; it's open right now.

CHAIRPERSON SIAVELIS: And that's on you, right? That's on you, right?

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: This is your second winter there, right? You

bought the house in October of '20.

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: Right, so this is your second, you've had plenty of time to address the bush line on Central, okay, but I understand what you're saying there. So, are you willing to, if we work with you on the property, the fence line which is in the front yard facing Central, okay, if we work with you on that, are you willing to stipulate that the variance will also include both bushes and shrubs and trees in front of the fence as well as behind the fence, so interior to the fence?

MR. HAJIZADEH: I can; I'm so open for whatever you're telling me to do about it. Even this side of the fence or inside of the fence, with a planting of any kind of green, yes.

COMMISSIONER JAFFE: Why do you want them on both sides of the fence again?

CHAIRPERSON SIAVELIS: Well, here's what I'm struggling with here.

MR. HAJIZADEH: If that makes the problem solved, yes, but the fence is just stopping the noise in a different way.

CHAIRPERSON SIAVELIS: Ben raised a good point actually. Interior to the fence, the bushes and the shrubs and all that may not be that big of a deal, but what I'm contemplating in my head is emulating a bit of what we see at the corner of Central and Burton, right, in the northwest corner that we're talking about where if we offset your fence from Central Road and we give you a variance there, in my eyes it's not going to be 12 feet, it's going to be set in farther than 12 feet because I would like to see you plant evergreens between the fence and Central, right? To break up that look so it's year round, so the leaves don't fall off, and you don't have the mangy bushes along.

MR. HAJIZADEH: It's already there.

CHAIRPERSON SIAVELIS: The mangy bushes?

MR. HAJIZADEH: No, in the corner, if you're talking about the corner, let me explain, I'm sorry, I'm walking here.

CHAIRPERSON SIAVELIS: No, you can't.

MR. HAJIZADEH: So, the evergreen is up to here right now. These are on the other side. The reason that I stopped it at this point is because the fence company that is working with them, they said don't continue that because we don't know how far we're going to go back. That's why it stopped there.

My plan is to continue the same pattern and uniform, beautiful and nice all the way to here which I have spent about \$24,000 until now to plant those trees over there.

CHAIRPERSON SIAVELIS: Okay, so are you saying that you've spent \$24,000 to plant the existing arborvitae?

MR. HAJIZADEH: Yes, and that's for, we have like 24 or 27 of them spread out, and then I replaced, probably my neighbors know about it, so I replaced all of them two times to keep them in good shape because of how it looked.

COMMISSIONER LANAGHAN: So, let me ask you a question, Frank. It just kind of popped in my head as Peter was talking. I've done a fair amount of developments around residential, and berms and landscaping work very well for sound attenuation. I'm kind of trying to combine the two things that you just mentioned here

which gave me the idea.

Would it make sense, and I'd have to work out the math as to where or how far back to set it, but create a berm of say three-foot or so on height, put your three-foot fence on top of it? We would only have to be talking about a three-foot solid fence, it would only be the solid versus open, it would be set back decently. It would give you the six-foot height. You'd have room to landscape in front to hopefully screen it so that it's not an eyesore for the neighborhood. We really wouldn't have to, you know, to answer with a whole bunch of variances at that point in time. We'd only have the, you know, the --

CHAIRPERSON SIAVELIS: Solid.

COMMISSIONER LANAGHAN: -- solid versus the open, and you know, the six-foot on the side is already per code so you can kind of step your berm down an appropriate place and kind of just work the two. It kind of gives you your six-foot height, gives you your sound attenuation, gives the variation. Again, berms and landscaping do a pretty good job of breaking that stuff up, and we would only have one variance to deal with here.

CHAIRPERSON SIAVELIS: How far would you suggest that that berm start?

COMMISSIONER LANAGHAN: Well, a three-foot high --

CHAIRPERSON SIAVELIS: Start from Central.

COMMISSIONER LANAGHAN: Three-foot high at a three-to-one slope which is kind of normal would be nine feet. You'd need a little bit more and then, you know, so you'd have to be back at least 12 or so, 15 feet probably to get up and then back down a little bit with your berm. I'd say maybe like a 15-foot setback would probably work pretty easily.

CHAIRPERSON SIAVELIS: Off Central?

COMMISSIONER LANAGHAN: Off of Central, correct. Again, that kind of allows you to landscape like you're looking to do. It sets it back far enough so it shouldn't be, you know, it won't be on anybody's issue. It won't be in the Engineering Department's problems, you know, I think something like that might work.

CHAIRPERSON SIAVELIS: Would you bring that berm basically --

COMMISSIONER LANAGHAN: I would kind of wrap it around. You know, again, if he's trying to block the noise as best you can, you want to take it up Arlington Heights to some point and then transition it into your six-foot if in fact you still want to keep the six-foot. I don't know exactly where your trees are, so maybe that needs to get worked out, but I've got to tell you, it's going to be a lot cheaper for you also as opposed to putting a six-foot high one when a three-foot high one will work with just a little bit of dirt work.

Derek, it will probably cause Engineering to have a little bit of issue because they're going to have to figure out the grading to make sure it doesn't cause any other issues but I think it could be a decent compromise for everybody.

MR. HENNINGER: Yes, I was going to, I have two questions off of that. Cost, you said it would be --

COMMISSIONER LANAGHAN: I would think it would be cheaper. I mean, you're only putting a three-foot high fence in instead of six. He still already offered to --

MR. HAJIZADEH: I don't care about the cost. My concern is just the noise, that's all.

CHAIRPERSON SIAVELIS: So, the berm is going to be more effective in noise attenuation, noise abatement than the fence.

COMMISSIONER LANAGHAN: I think so, and then, you know, you're going to get the same six-foot high over all. You're going to berm it up and then put your three-foot high fence on top of it.

CHAIRPERSON SIAVELIS: But you're going to have, the base is going to be three feet of earth, right?

COMMISSIONER LANAGHAN: Right.

CHAIRPERSON SIAVELIS: Your six overall feet, you've got three feet of earth.

MR. HENNINGER: Yes, three and three.

CHAIRPERSON SIAVELIS: Right.

COMMISSIONER SELBKA: The only issue is that if it changes the flow of water.

COMMISSIONER LANAGHAN: You'd have to engineer it, your civil engineers or whatever would have to make sure that that doesn't, isn't going to be an issue.

COMMISSIONER SELBKA: If it changes the flow of water across the lot in some way, it won't work. Engineering won't approve it and it's against the state drainage guidance. So, that's a possibility but I don't think we could grant anything like that today because before you move earth around, you're going to have to get --

COMMISSIONER LANAGHAN: Get engineering for that.

COMMISSIONER SELBKA: Yes.

CHAIRPERSON SIAVELIS: So, you guys should, at this point right now, you should take stock of where we're at here, all right. We are trying to be creative and work with you while also being mindful of the significant pushback from your neighbors and the significant concerns that the Board has, right? To set the neighbors' concerns aside, we still have a lot of significant concerns, right, and when we put them together, you're in a tough spot, okay?

Remember, if you lose, if you ask us essentially to motion this up and go to a vote and you lose, you have to wait a year. That's not what, I believe based on your testimony, you want, right? You don't want to have to wait a year for some other, to wait a year to come back in front of us for another variance, right? That seems untenable given your testimony, right.

So, if we went with this berm option that Jeff was suggesting, all right, and you carried it across from east to west, all right, across your front yard here, you would then have to essentially bring it in to the west side of your property line along Arlington Heights Road, somewhere pretty close to it or gradually bring it in to your six-foot fence line, right?

Is that something that you're even willing to consider, Frank?

MR. HAJIZADEH: I don't know. I don't know how it would be effective to stopping the noise. Even if I want to put the six-foot fence over there so people can see only three-foot of that, half of them because the rest of them is down, if I want to put three

feet, it's level with the street. We can send someone over there to take a look at the property, what I'm talking about right now.

COMMISSIONER LANAGHAN: What's the fence material made out of again? I know it looks like wood, but is it actually made out of wood or is it something else?

MR. HAJIZADEH: It's a kind of, like the contractor told me red something, I don't remember right now. This is one of the best that reduces that noise.

CHAIRPERSON SIAVELIS: So, it's an engineered material?

MR. HAJIZADEH: It is. It's a good material, yes.

CHAIRPERSON SIAVELIS: Derek, when the Village was assessing the papers or the file with this petition, did the Village assess the dip in the property and these issues in the front yard?

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: No, no, no. The question is to Derek.

MR. HAJIZADEH: Oh, I'm sorry.

MR. MACH: Yes, I mean, per code, the fence is measured at grade.

CHAIRPERSON SIAVELIS: At grade.

MR. MACH: So, the variance is for, you know, a six-foot fence --

COMMISSIONER JAFFE: We've had a lot of consideration and I think the property owner and the Petitioner has shown good faith in meeting a lot of the questions and suggestions that we've presented them. Second, when I look at this intersection, this is the only residential property at this four-way stop. So, the testimony that came from the neighbors, while valid, they do not reside on this four-way intersection. The other three points on that intersection are all commercial. Third, I heard about gateway. This Petitioner bought the property. If that property remained vacant and abandoned, what would the aesthetics be to that of the local community as traffic makes its way in and out of the Village?

So, I guess I'm probably a little bit more receptive about what Petitioner has not only asked for but what he's prepared to do. So, he does not get everything he's asked for, but so the neighbors are also aware that there is some type of compromise and brokerage trying to be established here after over an hour of testimony.

COMMISSIONER SELBKA: Right. Have we gone into deliberations yet?

COMMISSIONER JAFFE: I don't know; I was just sharing my observations.

CHAIRPERSON SIAVELIS: No, because I feel like some of our comments are still being directed to Petitioners and designed to get feedback from Petitioners.

COMMISSIONER SELBKA: Okay.

CHAIRPERSON SIAVELIS: So, we have not formally transitioned into deliberations. Do you want to start?

COMMISSIONER SELBKA: I've got some comments, but not questions necessarily to the Petitioner.

COMMISSIONER DRAKE: Do you feel at this point you would want to talk to landscaping people and fence people about all this stuff that's swirling around before making some sort of decision? I know I would. I would not want to be on the spot and on the fly, and if you want to do that it's your choice, but there's a lot of things that are going around here that are, some are what you came in for and then taken in another direction.

MR. HAJIZADEH: We did already. Multiple times.

COMMISSIONER DRAKE: Could you repeat that? I didn't catch it.

MR. HAJIZADEH: We did get multiple times opinion to the different people, and I did a lot of researches online. We just came up with the solid fence to solve that issue.

MR. HENNINGER: A couple of my quick thoughts and concerns are if we did approach the berm aspect, what's going to be the timeframe for getting various engineering opinions and potentially more time in front of them to see what's exactly going on with the drainage right around the property. Just based on how it's set up and the house was built, I feel like that intersection, the purpose of that dip is to take on excess water kind of like its own retention area that's part of his property. So, we did visit that. It might extend the timeframe of getting the project underway.

Then as far as aesthetics are concerned with having, you know, potentially a three-foot berm and then a three-foot fence with the arborvitae, be it the three-foot fence up on top of a berm or a six-foot fence, you're only going to see the very top a little bit for the next year or two until they fill out, grow up.

CHAIRPERSON SIAVELIS: You're also assuming that you're not going to have any failures of those arborvitae. I mean, you get the burnout issue during the snow and the salt.

MR. HENNINGER: Yes, they're going to get replaced though real quick.

CHAIRPERSON SIAVELIS: Yes, but still you're going to replace it. You could be in that predicament a number of times over the next 10 years, right, depending on what a snowfall looks like, you know, how severe our winters are.

So, we're at like five minutes after 9:00 already, right? We spent a lot of time on this. So, Ben had a viewpoint here. Joe, I haven't heard from you. I think if you have something to say or maybe a counter proposal or something?

COMMISSIONER GEISEL: I'm just trying to take it in, because Design suggested 45 feet, you know, which is a lot of the yard.

CHAIRPERSON SIAVELIS: The front yard.

COMMISSIONER GEISEL: The front yard, and that's off that sidewalk, is that correct, Derek?

MR. MACH: That is. To get a sense of where that would lie --

COMMISSIONER GEISEL: That's where I'm going. Do we have any idea -

-

MR. MACH: This dimension is actually a little over 42 feet.

COMMISSIONER GEISEL: I was looking at the side of the house; it's 40 right there.

MR. MACH: Yes.

COMMISSIONER GEISEL: So, I'm guessing that it's going to go somewhere right where it says roadway taking.

MR. MACH: Yes.

COMMISSIONER GEISEL: They're getting road taken if it was there. So, maybe it's not 45 but maybe it's at least, well, one of your 25 off of the --

CHAIRPERSON SIAVELIS: Wait, can I ask you a question? A follow-up point of clarification.

Derek, please put up the overhead picture, satellite shot. Blow it up, yes.

Okay, so Joe, your point, and Design/Steve Hautzinger said 45 feet to align with the front of 320, right, the adjacent house.

COMMISSIONER GEISEL: Right. Correct.

CHAIRPERSON SIAVELIS: So, Frank and Scott, if we're to assume, and based on what Derek just showed us of something generally to scale at 42 feet, right, if you come in 45 feet from the curb, you'll essentially, north of the curb, right, on Central, you'll still have a ton of yard from 45 feet into your house. That will leave you with a significant amount of room if you want to plant additional bushes, shrubs, and things of that nature, okay? Do you see that?

COMMISSIONER GEISEL: Yes. Partly where I'm also going is, you know, those shrubs are in that condition in part because they're right up on the sidewalk, right on the roadway and they're getting beat up with salt. If you put that landscape improvement in that condition but you put it back a little bit farther, it will have a much greater chance of surviving and doing what we want it to do without dying.

CHAIRPERSON SIAVELIS: Okay, agreed and understood. Do you support the, are you in favor of the 45 feet from Central, or where do you stand on the distance?

COMMISSIONER GEISEL: I'm open to the distance, but primarily I think the concept is correct.

CHAIRPERSON SIAVELIS: I'm open for discussion on the distance and you're okay with six feet solid at 45-ish?

COMMISSIONER GEISEL: Given the fact that the Petitioner is allowed to construct the six feet on Arlington Heights Road without the need for a permit, I think if --

CHAIRPERSON SIAVELIS: A variance.

COMMISSIONER GEISEL: Or without a variance, excuse me, you create a condition that looks awkward and it doesn't look right if we require something else.

COMMISSIONER SELBKA: To follow-up on Joe Geisel's point, I think a problem we have here is that the front yard, as defined by the code, is not the actual front yard of this property. The actual front yard of this property, he's allowed to put up the six-foot fence which is what the code was designed to prevent. It was designed to prevent a six-foot solid fence in front of your front yard, but the way the code defines the front yard, that makes no sense here. So, I think we have to take that into account when we're thinking about things like the character of the neighborhood and whether we're affecting the aesthetics of this property because of the fact that this is a very outlot, and the way the Village Code interacts with this lot, what it was designed to do is not what is inhibiting this person.

So, I think that that's kind of the issue here is that he could put up a six-foot fence in front of his actual front yard, and the question is the aesthetic on his side yard. So, I would say to have six-foot on what his actual side yard is with an appropriate setback is a way to go here because of the way this lot is shaped.

CHAIRPERSON SIAVELIS: Six-foot solid?

COMMISSIONER SELBKA: Six-foot solid, yes, with an appropriate setback.

CHAIRPERSON SIAVELIS: Is 45 appropriate in your --

COMMISSIONER SELBKA: I would say 20.

CHAIRPERSON SIAVELIS: 20?

COMMISSIONER SELBKA: I would say 20 to 25, somewhere in that range. 45 is a lot, especially given the fact that his lot has a lot of waterlogged areas.

CHAIRPERSON SIAVELIS: Will you condition that, say we go with 25 off Central, nice, easy number to work off of, will you condition that and require the planting of a significant amount of bushes and shrubs and trees in front?

COMMISSIONER SELBKA: Yes, I would.

CHAIRPERSON SIAVELIS: So, between the fence and Central?

COMMISSIONER SELBKA: Well, yes, both the code front and the other front, although he has the arborvitae there.

COMMISSIONER JAFFE: I would also be aligned with Mr. Selbka's recommendation on a six-foot closed with the appropriate setback which I would be more in favor of closer to 25 than 45.

CHAIRPERSON SIAVELIS: Mr. Geisel?

COMMISSIONER GEISEL: I can live with that.

CHAIRPERSON SIAVELIS: Okay, let me ask a follow-up question.

Jeff, where are you at on that?

COMMISSIONER LANAGHAN: I'm noodling. I mean, I'm not thrilled with the, but you know, like Joe said and correctly, I mean, I'm not thrilled with the six-foot in the front of the house and I'm not thrilled with the solid fence even with this part of Arlington Heights in general. I understand that code allows it already which creates some kind of just overall issues for me also to get a, you know, if you're going to put six-foot up, you kind to need tie it all together somehow, someway, which tends to say you've got to keep six-foot somewhere and, you know.

I was trying to come up with a solution on that. I do understand the issues with the engineering. I could probably live with the 25-foot setback and get it back there far enough that you can get some nice landscaping between here and Central.

CHAIRPERSON SIAVELIS: Okay, so that's 25 feet potential setback on Central. What is the viewpoint on the setback off Arlington Heights Road? Is that everybody's same thought process or are you at a greater distance, a lesser distance?

COMMISSIONER SELBKA: Does he need a variance as to the setback on Arlington Heights?

COMMISSIONER LANAGHAN: It doesn't to this point, but --

COMMISSIONER SELBKA: Oh, yes.

CHAIRPERSON SIAVELIS: He does in the southern --

COMMISSIONER LANAGHAN: Because you've got to be at least 12-foot.

CHAIRPERSON SIAVELIS: Put that other view up please.

COMMISSIONER SELBKA: I would say on Arlington Heights Road, the six-foot fence should line up all the way along the property whatever it may be.

COMMISSIONER LANAGHAN: Well, you've got your 12-foot setback at the corner though.

COMMISSIONER SELBKA: Right, exactly. You're right.

COMMISSIONER LANAGHAN: So, I mean, you're going to have a couple

of different --

COMMISSIONER GEISEL: Or you could do something, for example, to mirror the sight line setback, the angle that's been created so that it's not just a hard corner.

COMMISSIONER SELBKA: Yes, that's true.

COMMISSIONER JAFFE: But also it's 12-foot minimum. So, if it was 25 feet all the way around, then there'd be no harm in that.

CHAIRPERSON SIAVELIS: Right.

COMMISSIONER GEISEL: But create that angle there as opposed to a 90-degree corner. Don't bring it back 25 feet from the road, and then do a 90-degree corner into the Arlington Heights Road section. Put the angle on that to soften that.

COMMISSIONER LANAGHAN: Put that nearer that corner, yes, I think I understand.

COMMISSIONER GEISEL: Yes, pull that in, pull that whole thing in.

COMMISSIONER LANAGHAN: Back to 25 and then I can probably live with the five, the little bit that extends it to the front yard.

COMMISSIONER GEISEL: Because then you've still got the visibility. Keeping in mind, we heard all this testimony, all those ambulances going through, I do not want to create a condition that results in another accident with ambulances out there.

COMMISSIONER LANAGHAN: Right.

COMMISSIONER SELBKA: Yes, that's true, too. So, vision is important.

COMMISSIONER GEISEL: Yes, it is. It really is.

CHAIRPERSON SIAVELIS: So, you'd keep that under, the plan that's contemplated or, it's not even a plan.

COMMISSIONER GEISEL: Suggestion.

CHAIRPERSON SIAVELIS: Suggestion or situation is you keep that, the fence line would be 25 feet from the Central curb, the curb at Central, and then you keep that beveled corner, and then this would all be six-foot panel and you'd bring it to the fence line along Arlington Heights Road, right?

COMMISSIONER GEISEL: Where it's code compliant.

CHAIRPERSON SIAVELIS: Where it's code compliant, but at what distance from Arlington Heights Road?

COMMISSIONER GEISEL: That has to be, Derek, I think you said five feet off?

MR. MACH: Correct.

COMMISSIONER GEISEL: Which is what's shown on view.

CHAIRPERSON SIAVELIS: But let me ask something. On the two-thirds, the upper two-thirds segment that's denoted by the yellow bracket, that's code compliant. On the one-third bracket below that, or the one-third segment below that bracket, it's got to be height compliant and setback compliant, Derek?

MR. MACH: Height compliant and open style.

CHAIRPERSON SIAVELIS: Yes, and open. What's the distance it needs to be from Arlington Heights to the curb?

MR. MACH: It could be, if it's a three-foot open fence, it could be up to the property line.

CHAIRPERSON SIAVELIS: And if it's not? It's whatever we designate it as?

MR. MACH: It just not would be permitted.

CHAIRPERSON SIAVELIS: He needs a variance for that section.

MR. MACH: Correct.

COMMISSIONER GEISEL: So, I believe what's shown or suggested right now is five feet, and he's got the majority of that planting as existing along Arlington Heights Road. Some would have to be revised.

CHAIRPERSON SIAVELIS: Okay, so let's pause here for a second. Do you understand what we're saying so far?

MR. HENNINGER: Yes.

MR. HAJIZADEH: Yes.

MR. HENNINGER: And just to kind of point out, the property line along Arlington Heights Road is already a distance back from the sidewalk.

CHAIRPERSON SIAVELIS: That's where I was going to go next because the way it's drawn there, what is that distance from either the sidewalk or the curb? Either distance.

MR. HAJIZADEH: This is sidewalk.

CHAIRPERSON SIAVELIS: Right.

MR. HAJIZADEH: This is my property line. So, it's already 10 feet area off the sidewalk, so if I want to set it back, I have to start setback from this lot and then go back. For example, if I want to just put 10 feet setback from front property line, that's going to be 20 feet already off the sidewalk.

CHAIRPERSON SIAVELIS: You're not that far from it right now, what you show right here.

MR. HAJIZADEH: But that's going to be angled, yes. So, the property line is this one, look at this. It's continued all the way to there, so we have 10 feet.

MR. HENNINGER: This one is the property line right here.

CHAIRPERSON SIAVELIS: Yes.

MR. HENNINGER: The pink line is the line from the, that's the proposed five-foot setback here. Then here is the sidewalk property line.

Derek, do you mind scrolling up just a tiny bit? There is a --

CHAIRPERSON SIAVELIS: Scale?

MR. HENNINGER: Yes, a scale right there where you can kind of gauge. So, right here like from here, the side lot, to the actual property line, it is 15-18 feet, something like that.

MR. HAJIZADEH: No, it's 25 sometimes I think --

MR. HENNINGER: Well, right, but on the sidewalk to the property line here is like 15 to 18 feet already. Then the pillars are set back another 20, so that's like 40 feet to the --

CHAIRPERSON SIAVELIS: What's it down further then? Because at the --

MR. HENNINGER: Well, the property line does start towards the sidewalk, but it's still set back from the sidewalk.

CHAIRPERSON SIAVELIS: Yes, but, so my point, too, is down there in the southwest corner of the property line, there's like a pinch point down there.

MR. HENNINGER: Right.

CHAIRPERSON SIAVELIS: Okay, it definitely is where people are walking, riding their bikes or running on that, it's a definite pinch point. I tell you as sure as day, that's an issue there.

MR. HENNINGER: Yes, but if you did the 25 feet, that would roughly be in line to here roughly, this set of letters, that would go there. Then you're proposing to let another angle/bevel right there?

COMMISSIONER GEISEL: Yes.

MR. HAJIZADEH: What about if I'm going to put the bushes over there. That's what we block the view.

CHAIRPERSON SIAVELIS: No, the bushes are going to be between the sidewalk and the fence, right?

MR. HAJIZADEH: Okay.

CHAIRPERSON SIAVELIS: Because you already have a lot of them anyway.

MR. HAJIZADEH: Yes, in that corner I do.

MR. MACH: It should be noted that the bushes must comply with the vision triangle as well, the three-foot.

CHAIRPERSON SIAVELIS: Right. So, if the vision triangle is put in place for the fence, the bushes need to be moved essentially.

COMMISSIONER GEISEL: Part of them.

CHAIRPERSON SIAVELIS: Part of the bushes.

COMMISSIONER GEISEL: And that's what I was suggesting. Some are existing I think from what I can tell, and they would need to be relocated.

MR. HENNINGER: Sure. Okay, so there would have to be at least the 12-foot triangle and then the fence is wherever.

COMMISSIONER DRAKE: Derek, I have a kind of administrative question. The Petitioner came in with this variance request to Staff. The three different departments responded with their, you know, their feedback on that. We're sitting here kind of trying to find a way to get this pulled off and kind of re-jigging and reinventing this.

Would it likely change the kind of view that those three departments would have by us redesigning this collectively if it pans out?

MR. MACH: We'd ask that the Zoning Board, wherever they fall or come to, if they're going to support any variance, that it be conditioned to meet Engineering's requirements.

COMMISSIONER DRAKE: So, the triangle piece, that has to hold up, those pieces have to hold up regardless?

MR. MACH: Right, at time of permit, yes.

COMMISSIONER DRAKE: Okay, yes.

CHAIRPERSON SIAVELIS: Yes, I agree with that. I must tell you though, I am still troubled by, first, I appreciate the Petitioner's willingness to work with us in trying to find a compromise on the fence line on Central. It's duly noted and I appreciate that. That said, I am troubled by the extent of the fence line on Arlington Heights Road, and I understand that it's code compliant in the northern segment, the upper two-thirds of the fence line as shown on the survey, the annotated survey we're looking at right now. I'm

troubled by the remaining part, the southern part of it, the one-third that would connect up, right? I just have trouble with a six-foot high fence, even if it's set back five plus feet from the property line which may be 10 to 15 feet from the sidewalk and partially obscured by arborvitae at this point in time.

It just doesn't feel right to me on what else we have in Arlington Heights Road, even in the adjoining couple of houses or the adjacent couple of houses. But I don't know what is the solution here given that he has a code compliant segment there that is two-thirds of that length, that run on the west side.

COMMISSIONER GEISEL: So, for example, to the extent that you're considering six feet to be a big ask on Central, what if, just as a talking point, what if the entirety was five feet? Would that --

CHAIRPERSON SIAVELIS: With still the significant setback of Central?

COMMISSIONER GEISEL: Yes.

CHAIRPERSON SIAVELIS: That potentially would be better for me in my eyes. I don't know if the Petitioner is willing to --

COMMISSIONER GEISEL: I don't either, but just as a, given what you stated --

CHAIRPERSON SIAVELIS: It would be more appealing to me, because I think there is a stronger likelihood that the arborvitae would provide more continuous, more substantial coverage of a five-foot fence over time, so over the next five to 10 years, than a six-foot fence, right? That's my viewpoint, right? I am trying to, I'm erring on the side of caution in that regard, but we have to understand if the Petitioner is willing to do that at five-foot.

COMMISSIONER GEISEL: Understood, and he may not like that, but just -

-

COMMISSIONER DRAKE: Why don't we ask him?

CHAIRPERSON SIAVELIS: Sure. Why not?

COMMISSIONER GEISEL: What do you think, gentlemen?

MR. HAJIZADEH: I mean, what I think is like, to me it doesn't make any difference. I have a reason for that. So, when the property level is like three feet lower than the street level, okay, what makes the difference, like one foot up and down?

CHAIRPERSON SIAVELIS: Well, because, Frank, as you're coming down, traveling north on Arlington Heights Road, that gradient, that difference essentially evaporates, right? It goes away as you're going north on Arlington Heights Road. So, that's one of the things that I'm contemplating. You're going to have a six-foot fence here for a substantial run there, and visually it's just tough to process when there's nothing there, right, and there's been nothing there. No fence line, no nothing.

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: For years, for decades for some of us.

MR. HAJIZADEH: If that's the only solution, it's too late right now. So, I would be agreeable with it, one foot, it doesn't make any difference for me, but if that really works with you guys, let's wrap it up then and so get it done. Let's go to the vote.

CHAIRPERSON SIAVELIS: And it would still be a solid.

MR. HAJIZADEH: Yes.

CHAIRPERSON SIAVELIS: Yes.

MR. HAJIZADEH: Solid is very important for me because that's the only way that it can stop noise.

CHAIRPERSON SIAVELIS: Now you're breaking things now.

MR. HAJIZADEH: No, I didn't mean to.

CHAIRPERSON SIAVELIS: I know, I know. I'm just teasing, it's late.

MR. HAJIZADEH: Yes.

COMMISSIONER GEISEL: Does that help address your --

CHAIRPERSON SIAVELIS: Yes, it does. Less --

MR. HAJIZADEH: It's only on Arlington Heights side, right? Not the Central?

CHAIRPERSON SIAVELIS: You'd want to have it staggered?

MR. HAJIZADEH: Yes. So, Central is six feet, and then so after you pass that curve, so we're going to reduce it to five feet going all the way to that corner. So, that's what --

COMMISSIONER GEISEL: That's not what I was suggesting, to be honest. I thought that the Commissioner's concern was the six-foot height along Central.

CHAIRPERSON SIAVELIS: I'm more concerned about the six-foot height on Arlington Heights Road. The reason I'm less concerned about six feet on Central is because the Petitioner has already shown a willingness to go 25 feet from the curb which I think is less of a substantial difference. Over the years, if you live there, you can populate that area with a ton of evergreens to hide the fence line and to help yourself on noise abatement, on what's considered the front yard, okay?

MR. HAJIZADEH: Okay.

CHAIRPERSON SIAVELIS: I think you'll have that opportunity and you'll do it as trial and error. You'll plant a couple one spring, you'll see how it works.

MR. HAJIZADEH: Deal.

CHAIRPERSON SIAVELIS: Okay, that's on the front yard.

So, Mr. Geisel, my concern is, you know, and I think that is a lesser concern at six feet on the front than it is on the side on Arlington Heights Road. That's why I wanted five feet there in my mind.

But the question is, would Frank take five all the way around or you want to go five on Arlington Heights Road and then step up when we come around the --

COMMISSIONER GEISEL: I was just suggesting five along the entirety just for the sake of continuity, because I misunderstood your concern.

COMMISSIONER LANAGHAN: You know, I think it should be a similar size all the way around, quite frankly, for continuity. If you're going to do it and you're going to be looking at a step thing, unless there's a reason for that step, just to kind of do it to be doing it doesn't make any sense to me.

MR. HENNINGER: My concern is with the dip that's coming off of the sidewalk, how far down that, like three feet in some areas, then you know, to set it back, sure, it probably comes up a little bit. Is there, could we set it so that from the sidewalk it's a certain height like four feet up from the sidewalk level?

CHAIRPERSON SIAVELIS: So, you're trying to, not accommodate, you're trying to account for the grade variation from the sidewalk.

MR. HENNINGER: Yes.

CHAIRPERSON SIAVELIS: Relative to the sidewalk.

COMMISSIONER GEISEL: So, you could leave it at six along Arlington Heights Road if it's coming down.

CHAIRPERSON SIAVELIS: The problem that I have with that is, and I've been by this corner a thousand plus times like that one woman who sent in the e-mail, and I've run by here, I've walked by there, I've ridden my bike by there, I can't remember exactly where the depression starts, ends, and its severity. We don't have it here. If we had that here, I'd feel more comfortable saying, okay? You're right, it's three feet for the majority of this run, so effectively it's only three or four feet with respect to the sidewalk so it's not a big deal, but we don't have that information here.

MR. HAJIZADEH: Not even the picture?

CHAIRPERSON SIAVELIS: No, because you can't scale that; that's the problem.

MR. HENNINGER: Yes, we would need specific. Yes, we would need a topographical map.

CHAIRPERSON SIAVELIS: Would you say right now as we sit here in this room six feet, that's a substantial fence, and again there is no fence line there right now, so we have no frame of reference. That's the thing that's giving me the most heartache or heartburn.

MR. HENNINGER: If we stick with the six-foot fence, 25 setback, beveled corner, and then if the concern along Arlington Heights Road, if we pushed that back to that 12-foot that's used for the sight lines, if we move that back from the five to 12, would that be helpful in your eyes?

CHAIRPERSON SIAVELIS: On Arlington Heights Road, it would be six feet, but 12 feet from the property line?

MR. HENNINGER: Yes.

CHAIRPERSON SIAVELIS: Solid panel?

MR. HENNINGER: Yes.

MR. HAJIZADEH: We're going to go back more.

MR. HENNINGER: So, I would kind of put it in line with the pillars by the driveway.

CHAIRPERSON SIAVELIS: So, closer to the pillars.

MR. HAJIZADEH: Yes.

MR. HENNINGER: Frame of reference, yes, slide it back a little farther.

CHAIRPERSON SIAVELIS: I think that is a significant compromise on your part.

MR. HENNINGER: You'd be okay with that.

CHAIRPERSON SIAVELIS: Yes.

AUDIENCE PARTICIPANT: So, what was just proposed just to make sure I'm clear? Instead of the six-foot all the way around, 12-foot setback --

CHAIRPERSON SIAVELIS: The public portion of this segment or this discussion is actually closed, but Derek has a point, and depending on where we're at, I may make a special adjustment for you or consideration for you.

Derek?

MR. MACH: I was just going to say, so, but it's kind of changed. So, the

ZBA is at a five-foot around the exterior side in the front with a 25-foot setback along Central and a five-foot setback along Arlington Heights Road. The fence must taper at the corner of Arlington Heights Road and Central in order to comply with Engineering and meet their requirements. That's the summary?

CHAIRPERSON SIAVELIS: The summary is incorrect.

MR. MACH: Okay, the summary is incorrect.

CHAIRPERSON SIAVELIS: So, the summary is on Central in the front yard, 25 feet back at six feet solid. Then your bevel edge that we talked about in the corner, the beveled corner, 12 feet from the property line along Arlington Heights Road, okay, at six-foot high solid.

MR. MACH: So, 12-foot setback along Arlington, 25-foot along Central, six-foot tall fence, beveled at the corner and must comply with all Engineering requirements at time of permit.

CHAIRPERSON SIAVELIS: Okay, we're going to give this gentleman an opportunity to make one concise remark. Please re-identify yourself for the reporter.

MR. FREIHAGE: Yes, Jeff Freihage here.

COMMISSIONER JAFFE: Come to the microphone please.

MR. FREIHAGE: Yes, I'm sorry.

COMMISSIONER JAFFE: Thank you.

MR. FREIHAGE: The only thing I want to add is that I'm not sure, two things, I'm not sure that the four points that you said had to be proven have been proven. Then the second point is that you may be about to grant a variance with absolutely, that's going to upset a lot of neighbors without any actual data. I'm a physician, everything I do is based on scientific data and some validation. There is no validation that this fence, and there's actually contrary information from one of my neighbors that this is not going to solve the problem.

So, I'd be very disappointed if a variance was granted without actually having some data from somebody stating that this is going to help solve the problem.

CHAIRPERSON SIAVELIS: Okay, fair enough.

All right, we'll let you have one comment, but be quick.

MR. MAXWELL: Okay, real quick. If he puts this fence in here, and if you think of sound as water, when you put that big fence there, if that fence blocked the sound, you're going to flood 322.

CHAIRPERSON SIAVELIS: Okay, thank you.

All right, I just want to close it down for, well, let's close it down for deliberations and let the Petitioner, as Derek read the amendment to the variance, are you in agreement with that?

MR. HAJIZADEH: Yes, I agree.

CHAIRPERSON SIAVELIS: Okay, gentlemen, before we go into deliberation, do we have any further questions for the Petitioner?

Joe?

COMMISSIONER SELBKA: No.

COMMISSIONER JAFFE: No.

CHAIRPERSON SIAVELIS: Jeff?

COMMISSIONER LANAGHAN: No.

CHAIRPERSON SIAVELIS: Okay, we'll shift to deliberations now. We've spent a significant amount of time on this. I can start.

I'm torn here. I do appreciate the fact that the Petitioner is significantly compromised here. He's compromised in a situation where he's brought himself to these problems, right, by purchasing this property. That said, I wouldn't want to see the property, you know, sit vacant if he left and fall into disrepair. It would be a huge eyesore.

Weigh that versus the comments from the neighbors which I think are legitimate, you know, I'm very curious to hear the other comments from the Board members here, on the compromise proposal that we've kind of developed here.

Gentlemen?

COMMISSIONER LANAGHAN: I'll start. You know, the biggest issue or the biggest problem I have to a degree is the way the code is written currently that allows for the six-foot fence along Arlington Heights Road. So, the fact that that's kind of already more or less a given, and the fact that Petitioner has actually been willing to adjust it and set it farther off of Arlington Heights Road to, you know, recognize the fact that it is kind of a unique situation, well, from the fence being near the property itself, I think, you know, it says a lot to where I'm willing to go here.

I recognize the sound being an issue, and I recognize the fact that, you know, I've gone by this site hundreds of thousands, well, thousands of times is probably wrong, but a lot, and to basically, you know, I wouldn't want to see a fence up tight, I think the 25-foot setback with substantial plantings.

I did hear the neighbors as far as if it's water, it's going to push it a different direction. I did hear that, you know, you don't have any facts. I don't know that those are exactly correct. You know, I've been doing this a long time and landscaping does do a substantial job at blocking and mitigating and breaking up sound. Being able to push it back will certainly block it from the house, and the landscaping in front will hopefully block it and break it up so that it doesn't just land in somebody else's lot.

But, you know, I think what we have in front of us is imperfect, but I think it's a reasonable compromise.

CHAIRPERSON SIAVELIS: So, Jeff, with that in mind, does that mean you would support the modified version with the 12-foot vision triangle, the gate fence issue, both of which have been identified by the Engineering Department, and then this continuous and significant landscaping between the fence in the respective streets?

COMMISSIONER LANAGHAN: Yes, the 25, the 12 off of Arlington Heights, the angle, the vision, yes.

MR. MACH: Just to clarify, that's 12 feet from the property line and 25 feet from the property line.

COMMISSIONER LANAGHAN: That is correct.

CHAIRPERSON SIAVELIS: 12 feet from the Arlington Heights side property line, 25 feet from the Central property line.

COMMISSIONER LANAGHAN: Correct.

CHAIRPERSON SIAVELIS: With significant landscaping in between.

COMMISSIONER LANAGHAN: Correct.

MR. MACH: Just a quick comment regarding the code, the comments regarding the exterior side yard. I mean, typically, people, I can't recall a situation where somebody has run a fence across the front of the house where their front door faces the exterior side yard, in this case frontage, right? Typically, people bring it to the corner or start out here. What we do in these situations where the front door is at the front yard where per the zoning definition is front of the house. So, I just wanted to comment that it's a unique situation.

COMMISSIONER SELBKA: Yes, I agree it's a unique situation by the way the front yard is defined by code in this case. We have to look at the variance that is being requested. They have an absolute right to the six-foot fence on the north part of the property. What is being asked, therefore, is relatively smaller that they're asking to extend it, and they have agreed to several setbacks.

I'd also point out that in the packet provided by the Petitioner, the fence that they are putting up is soundproof. It's made of a sound-blocking material, so there is evidence in the record of this fence being effective, contrary to some of the points made by some of the members of the audience. Therefore, I'd be in favor of this variance as it is currently set up, as it was currently configured given the unique nature of this property and the hardship that the Petitioner has shown.

CHAIRPERSON SIAVELIS: When you say the variance, in the compromise form that we worked --

COMMISSIONER SELBKA: Yes, the variance in the compromise.

CHAIRPERSON SIAVELIS: Thank you.

Tom?

COMMISSIONER DRAKE: I'm also supportive of the way that the revised petition has been, I guess massaged or rewritten. A couple of points. You know, whether or not we like the code, we have to respect it and work within it. I understand where people are coming from and their comments. I think the Petitioner has really been respectful of how the neighbors are responding and trying to find a way to work this out and compromise and be flexible. So, I think that's important.

I also think, and I'm always respectful of what neighbors say when they come in. I've lived in my house almost 40 years at the south end of Arlington Heights. We're always discovering something about a house or neighborhood after all those years, it's a bit of a surprise. I can understand how you wouldn't have really maybe understood the noise issue until you actually started living there and heard it night after night after night.

Where we live, we got used to the airplane noise of all the, you know, airplanes coming into O'Hare on Sunday nights. We're kind of oblivious to it, but the first year we were there, we thought why did we move here? So, I'm respectful of where you're coming from on that, and I think we should support this.

CHAIRPERSON SIAVELIS: As modified?

COMMISSIONER DRAKE: As modified.

CHAIRPERSON SIAVELIS: Mr. Geisel?

COMMISSIONER GEISEL: Agree.

CHAIRPERSON SIAVELIS: Mr. Jaffe?

COMMISSIONER JAFFE: Agree.

CHAIRPERSON SIAVELIS: Okay, do we have a motion?

COMMISSIONER LANAGHAN: Motion to approve.

CHAIRPERSON SIAVELIS: Let's, I think we have to state the motion for the record so it's nice and clear here given where we're at. Let's ask Derek to read the revised, agreed-upon terms, and then if there's a motion, so go from there.

Derek?

MR. MACH: The Zoning Board discussed that there would be a 12-foot setback along Arlington Heights Road, the entire length from the property line, and a 25-foot setback along Central Road from the property line, the entire length east to west. The fence would be beveled and tapered at the corner of Arlington Heights Road and Central, and at time of permit they have to comply with all Engineering requirements regarding vision as well as landscaping. In addition, there would be landscaping along the street side of the fence along the entire frontage.

CHAIRPERSON SIAVELIS: Fence type?

MR. MACH: Six-foot solid fence with dense landscaping.

CHAIRPERSON SIAVELIS: Do we have a motion?

COMMISSIONER SELBKA: Motion to approve the variance as set forth by Derek.

COMMISSIONER LANAGHAN: I'll second it.

MR. MACH: That was Mr. Lanaghan who seconded?

COMMISSIONER LANAGHAN: Yes, sir.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Geisel.

COMMISSIONER GEISEL: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

MR. HAJIZADEH: Thank you very much. Thank you, everybody.

CHAIRPERSON SIAVELIS: Hold on. Make sure you recognize what transpired here, right? We worked really hard in view of the comments from the neighbors, and you guys worked hard, too. So, I want to, you know, thank you for that, and I want to thank the neighbors for their comments.

I want to tell the Petitioner, make sure you abide by the terms of the variance, right. What I'm really get at there is the dense landscaping. If the landscaping fails over time, replace it. Be a good neighbor, right? You're new to the neighborhood, you're new to the area. It's important, right? You can tell these things matter to us, right? I'm not trying to lecture you, I'm just giving you my thoughts on how to go forward here, okay?

MR. HAJIZADEH: My promise to you; my promise to my neighbors.

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CHAIRPERSON SIAVELIS: Okay, good, thank you.

MR. HENNINGER: Thank you, everyone.

CHAIRPERSON SIAVELIS: All right, I don't believe there's any other business. Do I have a motion to adjourn?

Ben?

COMMISSIONER JAFFE: Motion to adjourn.

COMMISSIONER SELBKA: Second.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: All right, any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, we're done.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 9:42 p.m.)

ZONING BOARD OF APPEALS VILLAGE OF ARLINGTON HEIGHTS

FINDINGS December 13, 2021

PETITIONER: Hajizadeh Residence

ADDRESS OF PROPERTY: 933 S. Arlington Heights Rd.

VARIATION: 6.13-3 (Location of Fences) & 6.13-3a (Location of Fences-Front Yard)

A 3-foot variation to allow a 6-foot tall solid fence in the front yard (Central Road), where code allows a 3-foot tall fence of open design.

The petitioner testified as to hardship, uniqueness of circumstances, and the character of the locality. The petitioner testified that they are proposing a six foot tall fence along both Central Road and Arlington Heights Road in order to help mitigate the traffic noise. The petitioner further testified that the subject property is lower than the top of curb along Arlington Heights Road. There was discussion regarding the condition of the landscaping along Central Road. The Zoning Board expressed concern with the petitioner's variation request and there was discussion regarding the setback of the proposed fence. Several neighbors spoke in opposition to the fence request.

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

Thereafter, a motion with conditions was made by Mr. Selbka and seconded by Mr. Lanaghan. Thereafter, the Board voted 6-0 to approve the variance request with the following conditions:

1. The six foot high fence must be setback 12 feet from the property line along Arlington Heights Road.
2. The six foot high fence must be setback 25 feet from the property line along Central Road.
3. The property owner must provide dense landscaping along the street side of the fence.
4. At time of permit, the applicant must address Staffs comments regarding sightlines.

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

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

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

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



**Zoning Board of Appeals
1/10/2022**

Item: 531 S Burton Pl - ZBA#21-040

Department: Planning & Community Development

REQUEST

A variation from Chapter 28, Section 6.5-2 to allow a detached garage in the side yard where detached garages are only permitted in the rear yard.

ATTACHMENTS:

Description

Supporting Documents

Type

Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: January 10, 2022
Date Prepared: January 4, 2022
Project Title: Winterkorn Residence
Address: 531 S. Burton Pl.

Background Information

Petition Number: ZBA #21-040
Petitioner: Kevin Purdom – JRC Design Build
Address: 1275 E. Davis St.
Arlington Heights IL 60005

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

Requested Action/Background Information

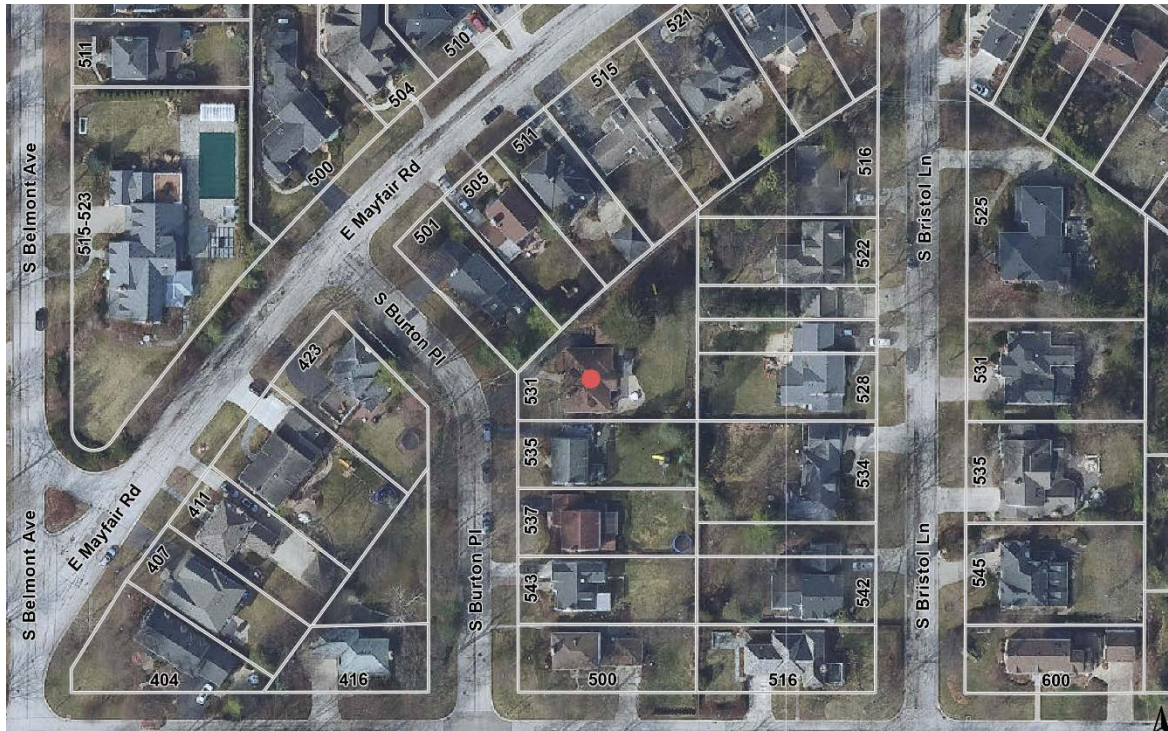
The property is zoned R-3, One Family Dwelling District. The petitioner proposes to construct a detached garage in the side yard where detached garages are only permitted in the rear yard. The proposed garage is 411 square feet and the lot is approximately 12,061 square feet. The petitioner requests the following variation:

- **A variation from Chapter 28, Section 6.5-2 to allow a detached garage in the side yard where detached garages are only permitted in the rear yard.**

Variation Review Standards

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

Map of General Vicinity



Items required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	12/15/21	
2. List of Property Owners Within 250 feet of Subject Property	✓	12/15/21	
3. Letter that was Mailed	✓	12/15/21	
4. Photographs of Sign on Property	✓	12/15/21	

Photographs of Existing Structure





Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Nusrat Jahan, Building & Life Safety Department

Project Name: Winterkorn Residence

Project Address: 531 S. Burton Place

ZBA #: 21-040

Date: January 10, 2022

Derek:

I have reviewed the request for the following variance:

- A variation from Chapter 28, Section 6.5-2 to allow a detached garage in the side yard where detached garages are only permitted in the rear yard.

and have no comments or objections to the request.

ZBA# 21-040
531 S Burton Pl - ZBA
Rev. Eng: Mike Pagones, P.E., Village Engineer
cc: Briget Schwab, P.E.

Application Date: October 21, 2021
Received by Planning:
Transmitted to Engineering: December 20, 2021
Completed: December 21, 2021
ZBA Meeting Date: January 10, 2022

The proposed ZBA application indicates that the petitioner is seeking:

A variation from Chapter 28, Section 6.5-2 to allow a detached garage in the side yard where detached garages are only permitted in the rear yard.

The Engineering Division has NO OBJECTION to the variance request to allow a detached garage in the side yard where detached garages are only permitted in the rear yard.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Winterkorn Residence

Project Address: 531 S. Burton Place

ZBA #: 21-040

ZBA Hearing Date: January 10, 2022

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

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

From: Derek Mach, Landscape Planner

Transmitted On: December 20, 2021

- **A variation from Chapter 28, Section 6.5-2 to allow a detached garage in the side yard where detached garages are only permitted in the rear yard.**

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 January 3, 2022.

PETITION

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

PETITION

NOW COMES the Petitioner Kevin Purdom - JRC Design Build

being the owner of the property commonly known as: 531 S Burton Pl

and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 6.6-5.1

Chapter 28, of the Arlington Heights Municipal Code, in order to: Build a detached garage in the side setback instead of the rear setback

I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the variation(s) were granted (please explain): The essential character is not altered as there is an existing garage in same location but since we are increasing the size, the garage can no longer be in front of the rear yard line of the building.

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain): The unique circumstances that this project faces is the existence of a very large tree that sits just behind the existing garage location and if the zoning regulations were to be met, the tree would need to be removed to place the garage in the rear yard.

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain): All other zoning requirements are met and the overall design works cohesively with the existing house.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): This is the minimum required variance as the homeowner likes the location of the existing garage but does not have enough room in current garage to house his car and storage of bikes/boats. Rebuilding the same size garage would not meet the goal of the entire project.

Signed:  Date: 10/21/2021
Petitioner

PROJECT DATA

PROJECT LOCATION:	531 S BURTON PL
ZONING DISTRICT:	R-3
LOT AREA:	12,283 SF
PIN:	03-32-136-010-0000
MAX LOT COVERAGE:(35%)	4299 SF
PROPOSED LOT COVERAGE:	1701 SF
MAX FAR: 3938 + [(12183-8750) X 0.4]	5351 SF
PROPOSED FAR:	2193 SF
MAX IMPERVIOUS COVERAGE (50%)	6141 SF
PROPOSED IMPERVIOUS COVERAGE:	2902 SF
MAX GARAGE HEIGHT:	15'-0"
PROPOSED BUILDING HEIGHT:	14'-5 1/2"
LOCATION AREAS:	
EX. GARAGE	224 SF

ENERGY CODE COMPLIANCE NOTES

PRESCRIPTIVE MEANS

CLIMATE ZONE : 5
MAX. GLAZING U-FACTOR: 0.30
ACTUAL U-FACTOR: 0.30
MIN. SKYLIGHT U-FACTOR: 0.55
ACTUAL SKYLIGHT U-FACTOR: 0.55
SHGC : N R
MIN. CEILING R-VALUE: 49
ACTUAL CEILING R-VALUE: 49 (BLOWN)
MIN. FRAME WALL R-VALUE: 20 OR 13+5
ACTUAL WALL R-VALUE: 15 + 5 (BATT & RIGID)
MIN. FLOOR R-VALUE: 30
ACTUAL FLOOR R-VALUE: N/A
MIN. BASEMENT R-VALUE: 15/19
ACTUAL BASEMENT R-VALUE: 21
GC TO PROVIDE PERMANENT CERTIFICATE TO BE POSTED ADJACENT TO ELECTRICAL PANEL INDICATING INSULATION AND ENERGY VALUES FOR BUILDING INSULATION, FENESTRATION AND DUCT SYSTEMS. SPRAY FOAM BOX SILLS AND SILL PLATES, AND ADD R-15 HIGH DENSITY FRICTION FIT BATT INSULATION.
2.
ALL PENETRATIONS THROUGH THERMAL ENVELOPE SHALL BE ADEQUATELY SEALED BY CAULK, GASKET, WEATHERSTRIPPING OR OTHER BARRIER MEANS PER 2018 IECC REQUIREMENTS.
ALL WINDOWS AND EXTERIOR DOOR JAMBS ARE TO BE SEALED WITH LOW-EXPANSION FOAM.
ALL BOTTOM PLATES ON EXTERIOR WALLS SHALL BE GLUED TO SUB-FLOOR.
3.
ALL FIREPLACES SHALL HAVE GASKETED DOORS & OUTSIDE COMBUSTION AIR.
4.
ALL RECESSED LIGHTING IN THERMAL ENVELOPE SHALL BE SEALED TO PREVENT AIR LEAKAGE. ALL RECESSED DOWNLIGHTING TO BE IC-RATED.
5.
PROVIDE PROGRAMMABLE THERMOSTATS FOR EACH ZONE WITH SETBACK AND MANUAL OVERRIDE.
6.
ALL DUCTWORK SHALL BE ADEQUATELY SEALED. ALL SUPPLY DUCTWORK IN UNCONDITIONED ATTIC TO HAVE R-8 INSULATION. ALL OTHER DUCTWORK TO HAVE R-6 INSULATION. HVAC CONTRACTOR SHALL PROVIDE EITHER POST-CONSTRUCTION OR ROUGH-IN TEST OF TOTAL AIR LEAKAGE FOR DUCT SYSTEMS.
7.
ALL MECHANICAL SYSTEM PIPING CAPABLE OF CARRYING FLUIDS ABOVE 105 DEG F OR BELOW 55 DEG F SHALL BE INSULATED TO A MINIMUM OF R-3. ALL HOT WATER LINES TO HAVE R-3 PIPE INSULATION & MANUAL SWITCH FOR RECIRC. PUMP.
8.
ALL ACCESS HATCHES/DOORS TO UNCONDITIONED SPACE SHALL BE INSULATED & WEATHERSTRIPPED.
9.
AT LEAST 90% OF ALL LIGHTING TO HAVE HIGH-EFFICACY BULBS.
10.
FURNACE: +90% AFUE
WATER HEATER: +95% AFUE
A/C: 13+ SEER
SHGC: 0.27 OR BTR
11.
WINDOWS, SKYLIGHTS AND SLIDING GLASS DOORS SHALL HAVE AN AIR INFILTRATION RATE NO MORE THAN 0.3 CFM PER SF, AND SWINGING DOORS NO MORE THAN 0.5 CFM PER SF.

APPLICABLE CODES

ALL WORK PERFORMED AND MATERIALS USED SHALL COMPLY WITH THE FOLLOWING:

BUILDING CODE	2018 INTERNATIONAL RESIDENTIAL CODE WITH AMENDMENTS
MECHANICAL CODE	INTERNATIONAL MECHANICAL CODE, 2018
ELECTRICAL CODE	2017 NATIONAL ELECTRICAL CODE WITH AMENDMENTS
PLUMBING CODE	2014 ILLINOIS PLUMBING CODE WITH AMENDMENTS
ENERGY CODE	2018 ILLINOIS ENERGY CONSERVATION CODE WITH STATE AMENDMENTS

ALL APPLICABLE LOCAL AND STATE CODES, ORDINANCES, AND REGULATIONS.

MANUFACTURERS' SPECIFICATIONS AND TRADE ASSOCIATIONS RECOMMENDATIONS.

ACCEPTED ENGINEERING AND CONSTRUCTION PRACTICES.

DESIGN CRITERIA

FLOOR	
VEH. GARAGES	50# LL - 10# DL
WALL	
	60# PLF OR ACTUAL LOAD
	20 PSF WIND 0'-20' HEIGHT
CEILING	
UNHAB W/O STOR	10# LL - 10# DL
UNHAB LIM STOR	20# LL - 10# DL
HAB W/ FIX STAIR	30# LL - 10# DL
WIND SPEED	
NOMINAL	115 MPH 3 SECOND GUST & 89
ROOF	
	30# LL (SNOW) - 10# DL (ALL SLOPES)
FROST DEPTH	42" (3'-6")

STRUCTURAL FRAMING LUMBER
BASE VALUE (USE NO MULTIPLIERS AGAINST BASE VALUE)
GRADE #2 SPECIES SPF DOMESTIC OR CANADIAN BASE Fb 875

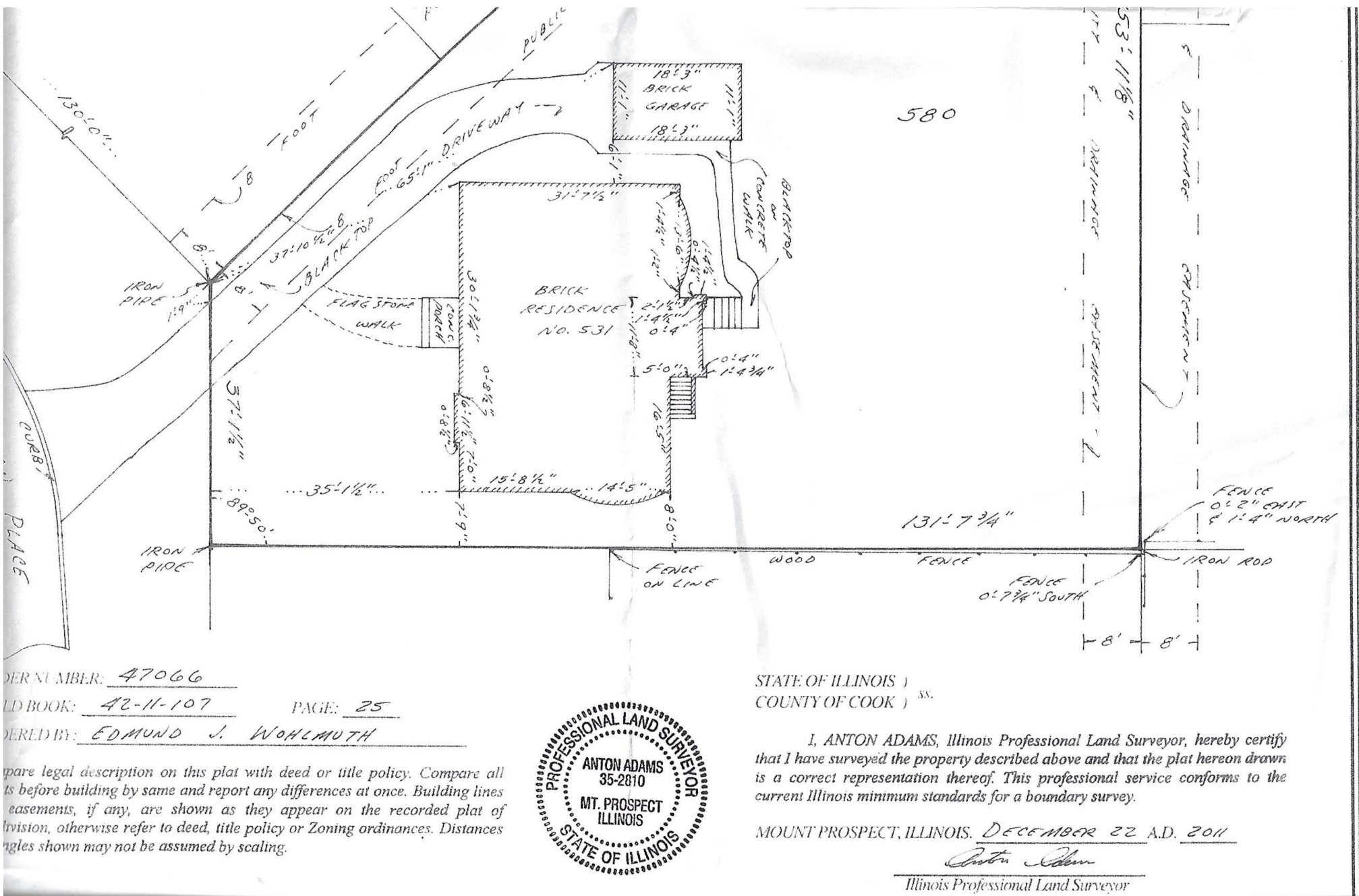
SPECIFY MANUFACTURER AND NAME OF SPECIFIC BEAM PRODUCT WITH THE CURRENT SIZE, Fb, AND E VALUES PER MANUFACTURER

MANUFACTURER - TRUS-JOIST
PRODUCT - LVL HEADERS & BEAMS MICRO-LAM

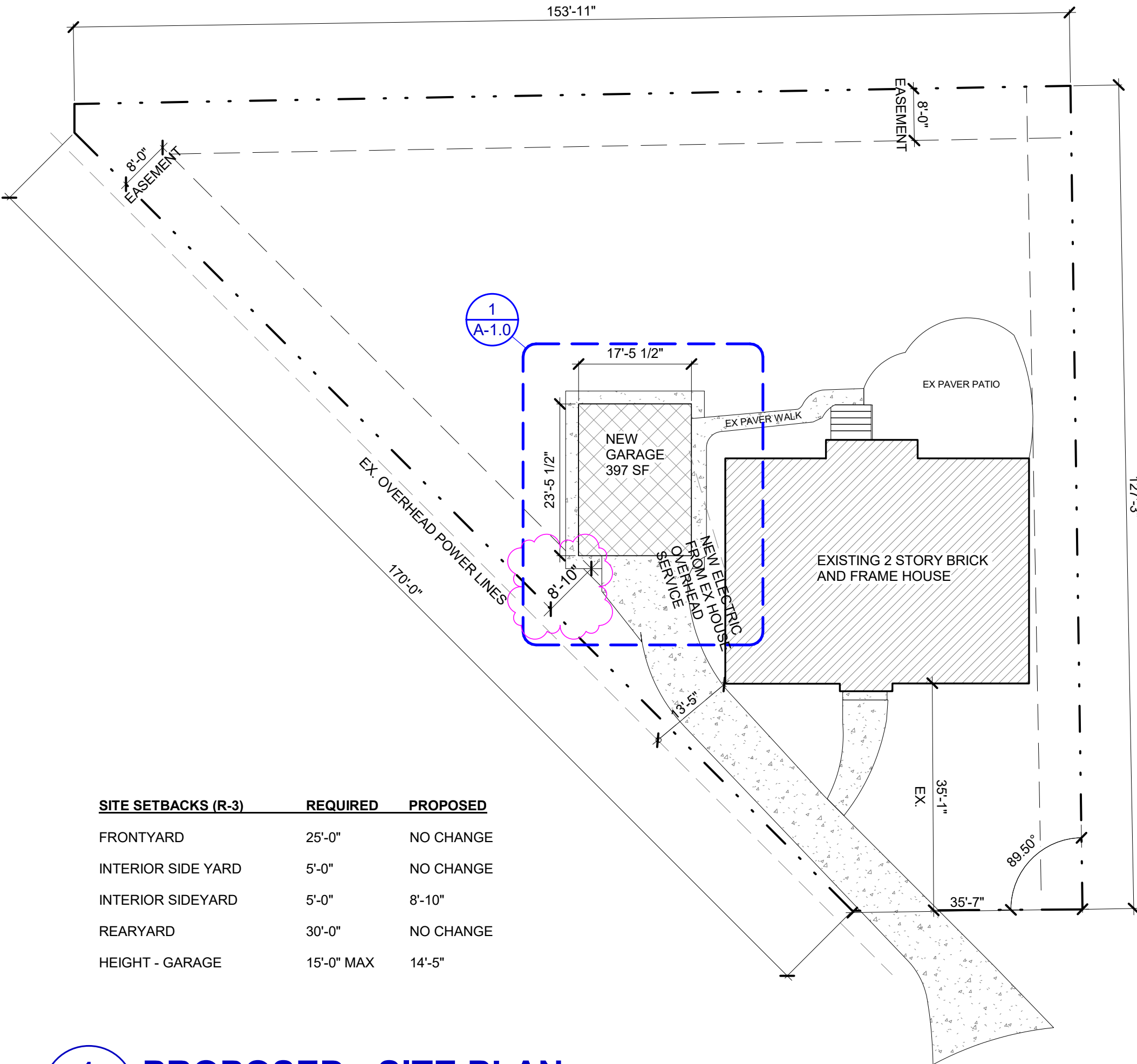
SITE PLAN NOTES

- INFORMATION ON THIS DRAWING IS ACCUMULATED FROM EXISTING DOCUMENTATION AND MUST BE CONFIRMED BY THE CONTRACTOR AND COORDINATED WITH THE ARCHITECT PRIOR TO CONSTRUCTION.
- VERIFY LOCATIONS OF ALL UTILITIES AND OTHER BUILDING SERVICES PRIOR TO EXCAVATION.
- PROVIDE REQUIRED WORK TO ACCOMMODATE EXISTING UTILITIES OR OTHER BUILDING SERVICES.
- PROTECT EXISTING LANDSCAPING DURING CONSTRUCTION, TO GREATEST EXTENT POSSIBLE.
- PROVIDE TEMPORARY CONSTRUCTION/SECURITY FENCING AROUND ALL OPEN EXCAVATIONS; HEIGHT AS REQ'D BY LOCAL CODES.
- VERIFY LOCATIONS OF ALL MATERIAL STOCKPILES AND DUMPSTERS WITH OWNER.
- CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS PRIOR TO COMMENCING WITH THE WORK. ANY DISCREPANCIES IN FIELD CONDITIONS ARE TO BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING.
- PLEASE NOTIFY THE ARCHITECT IMMEDIATELY IF THERE ARE ANY DISCREPANCIES IN THE CONSTRUCTION DOCUMENTS.
- STATE LAW: BEFORE DIGGING, CALL JULIE (811 OR 1-800-892-0123) FOR LOCATION OF PUBLIC AND PRIVATE UTILITIES AT WORK SITE. 48 HOUR NOTICE IS REQUIRED.
- THE HOUSE SHALL PASS A BLOWER DOOR TEST AND A COPY OF THE RESULTS SHALL BE PROVIDED TO THE BUILDING DEPARTMENT PRIOR TO SCHEDULING THE FINAL INSPECTIONS.
- CONSTRUCTION DEBRIS AND REFUSE CONTAINMENT SHALL BE REQUIRED FOR ALL JOB SITES. CONTAINMENT SHALL OCCUR ON THE PROPERTY THAT IS THE SUBJECT OF THE PERMIT & SHALL BE WITHIN A DUMPSTER, STRUCTURE, OR CONTAINER THAT CAN BE COVERED TO PREVENT WINDBLOWN DEBRIS. ALL SUCH DUMPSTERS, STRUCTURES, OR CONTAINERS SHALL BE COVERED AT ALL TIMES WHEN NO WORK IS BEING PERFORMED ON THE PROPERTY THAT IS THE SUBJECT OF THE PERMIT.
- ALL DISTURBED PARKWAY/LAWN AREAS WILL BE RESTORED WITH NEW SOD ON 6" OF TOPSOIL. ALL SOD SHALL BE WATERED AS REQ'D TO SUSTAIN GROWTH.
- ALL PARKWAY TREES SHALL HAVE A SNOW FENCE THAT EXTENDS TO THE FRIP LINE. NO TRAFFIC SHALL GO OVER THE ROOT SYSTEM. SURFACE DRAINAGE TO BE DIVERTED FROM STRUCTURE SO AS NOT TO CREATE A HAZARD ON THIS OR ADJACENT PROPERTY. GRADE FROM FOUNDATION TO DROP A MINIMUM OF 6" IN 10'-0". PROVIDE SWALES OR DRAINS TO ENSURE DRAINAGE FROM STRUCTURE AND ADJACENT PROPERTY.
- TOILET FACILITIES SHALL BE PROVIDED AT ALL JOB SITES PER ILLINOIS PLUMBING CODE. THIS WILL BE A CONDITION OF THE PERMIT.
- PROVIDE AND MAINTAIN A 5'-0" HIGH FENCE ALONG THE FULL LENGTH OF INTERIOR SIDE YARDS UNTIL EXTERIOR CONSTRUCTION IS COMPLETE.
- PROVIDE AND MAINTAIN A 5'-0" HIGH CONSTRUCTION FENCE DURING NON-WORKING HOURS THAT WILL ENCLOSE ALL OPEN EXCAVATIONS UNTIL FOUNDATION IS BACK-FILLED & FIRST FLOOR DECK IS COMPLETED.
- ERECT PROTECTIVE SNOWFENCE PRIOR TO ANY CONSTRUCTION ACTIVITY. DO NOT STORE ANY EQUIPMENT OR MATERIALS WITHIN THE PROTECTION AREA. REMOCE THE PROTECTIVE SNOW FENCE ONLY AFTER CONSTRUCTION IS COMPLETE.
- ALL TREES ARE TO BE PROTECTED DURING CONSTRUCTION WITH FENCING FOR EVERY 1" OF TREE DIAMETER. MAINTAIN 1'-0" DISTANCE AWAY FOR FENCING.

NEW GARAGE
WINTERKORN RESIDENCE



EXISTING PLAT OF SURVEY
NTS



SITE SETBACKS (R-3)	REQUIRED	PROPOSED
FRONTYARD	25'-0"	NO CHANGE
INTERIOR SIDE YARD	5'-0"	NO CHANGE
INTERIOR SIDEYARD	5'-0"	8'-10"
REARYARD	30'-0"	NO CHANGE
HEIGHT - GARAGE	15'-0" MAX	14'-5"

1
A-0.0
PROPOSED - SITE PLAN
1/16" = 1'-0"



1275 E. DAVIS, ARLINGTON HEIGHTS, IL 60005
PHONE: (847)255-2322
EMAIL: JIMJRC@GMAIL.COM
C 2020 COPYRIGHT. ALL RIGHTS RESERVED

GARAGE DEMO
WINTERKORN RESIDENCE
531 BURTON
ARLINGTON HEIGHTS, IL

DATE

01/04/2022

ISSUE DATE

01/04/2022 2 - ZBA
09/22/2021 1 - PERMIT

SHEET INDEX - ARCHITECTURAL

A-0.0	COVER SHEET	01/04/2022
A-1.0	PLANS	09/22/2021
A-2.0	ELEVATIONS	09/22/2021
D1.0	DEMO PLAN	01/04/2022

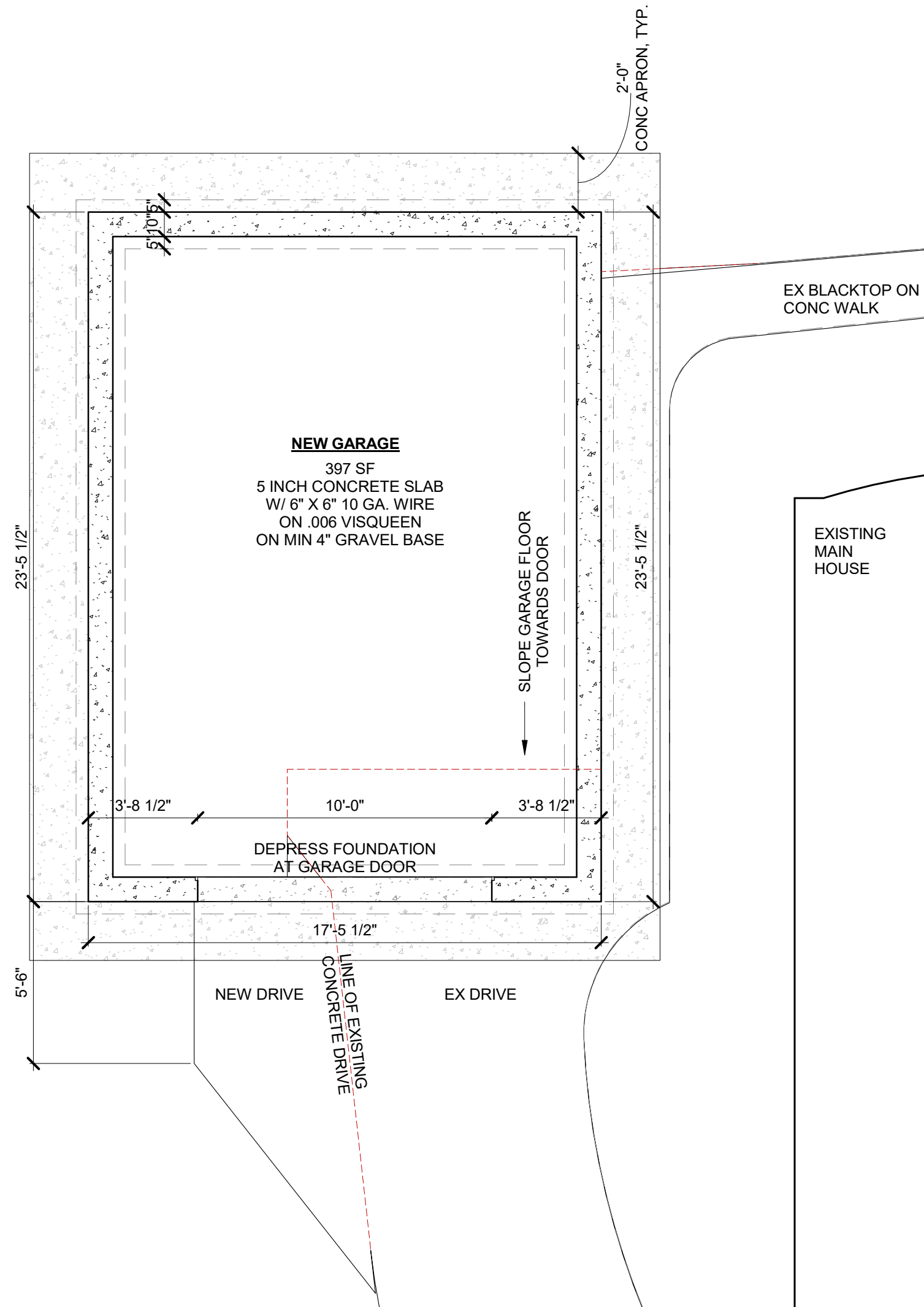
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SHEET TITLE
COVER SHEET

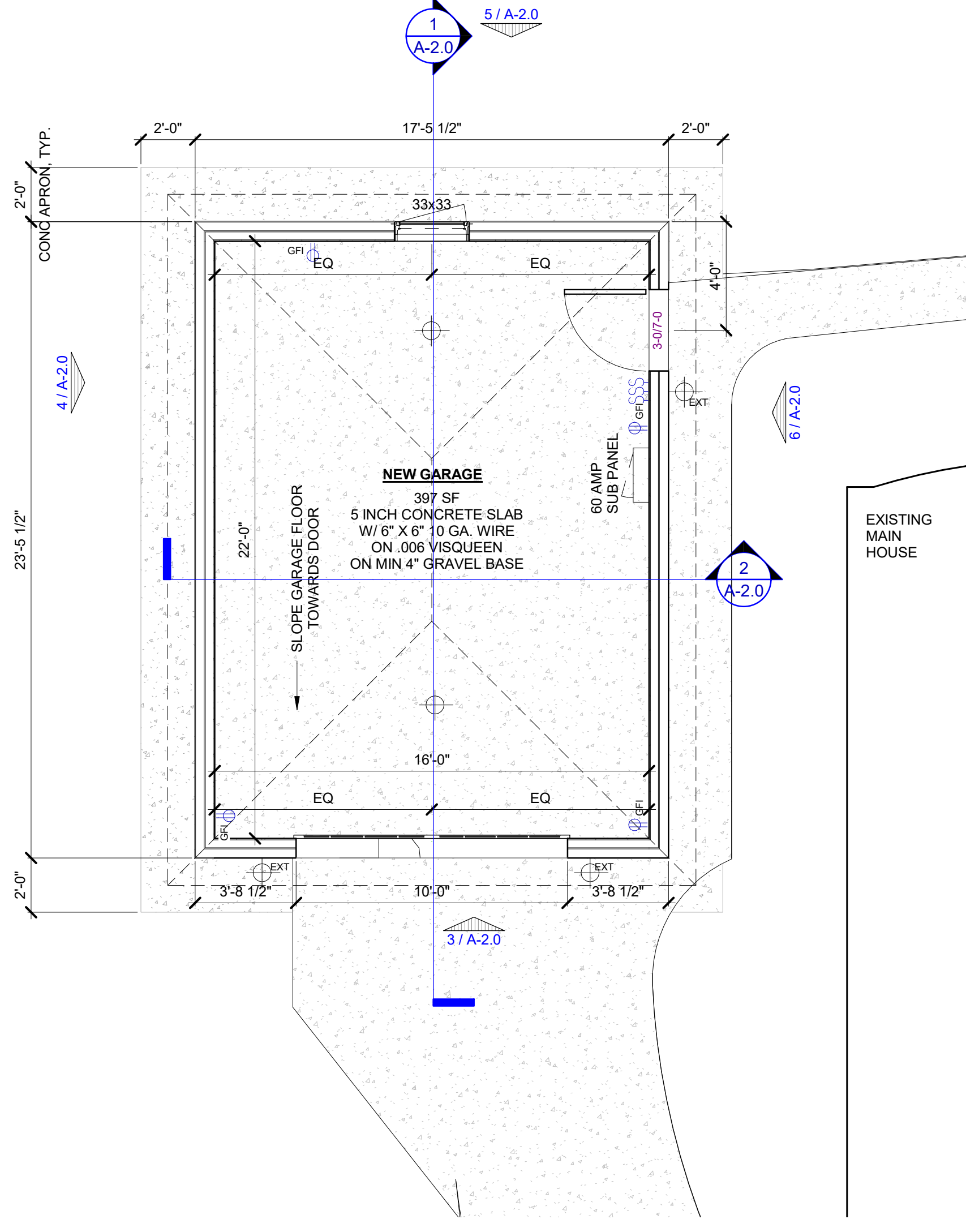
SHEET NUMBER

A-0.0

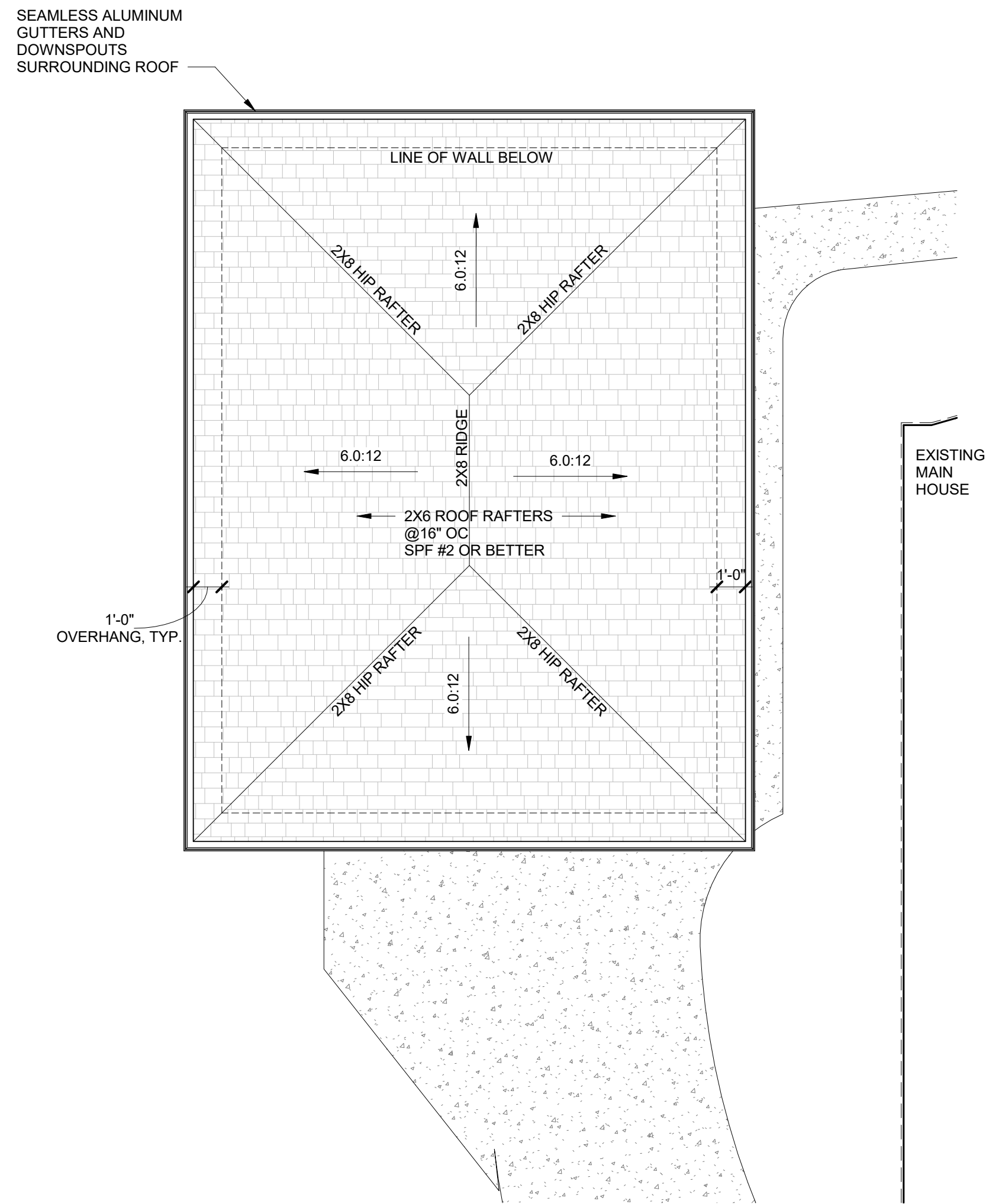
1 FOUNDATION PLAN
A-1.0 1/4" = 1'-0"



2 GARAGE PLAN
A-1.0 1/4" = 1'-0"



3 ROOF PLAN
A-1.0 1/4" = 1'-0"



ELECTRICAL LAYOUT LEGEND

	GARBAGE DISPOSAL		SWITCHED OUTLET		110V SMOKE DETECTOR INTERCONNECTED W/ BATTERY BACKUP
	GFCI PROTECTED OUTLET		JUNCTION BOX		110 V COMBO C.O. DETECTOR INTERCONNECTED W/ BATTERY BACK-UP
WP	WATERPROOF		SINGLE SWITCH (D = DIMMER, T = TIMER)	H	HOOD
WL	WET LOCATION -WATERPROOF GFCI W/ "WHILE IN USE" COVER		3 WAY SWITCH , AT STAIRS	MW	MICROWAVE
D	DIMMER		RECESSED LIGHT FIXTURE (IC RATED)		UNDER-CABINET LIGHT
PC	PULL CHAIN		PENDANT LIGHT		WALL MOUNTED FIXTURE
JS	JAMB SWITCH		CABINET PUCK LIGHT		DISCONNECT
DW	DISHWASHER		SURFACE MOUNTED LIGHT		
REF	REFRIGERATOR		CEILING MOUNTED LIGHT FIXTURE (EXTERIOR GRADE)		
	DUPLEX RECEPTABLE - 220V		CEILING FIXTURE W/ FAN APPROVED JUNCTION BOX		
	DUPLEX POWER OUTLET		DOOR BELL		

NUMBERS INDICATE HEIGHT ABOVE FINISHED FLOOR

WALL LEGEND - FIRST + SECOND FLOORS

LOCATION	U.L. NO.	FIRE RATING	CONSTRUCTION	DESCRIPTION
EXTERIOR (1)	---	---		2 X 4 WD STUDS @ 16" OC W/ 5/8" DRYWALL TYPE "X" (INT) 1/2" OSB (EXT) [R-21] CAVITY INSULATION, 4" BRICK VENEER 2" AIR SPACE
ROOF LINE ABOVE	---	---		---
WALL LINE BELOW	---	---		---

GARAGE DEMO WINTERKORN RESIDENCE 531 BURTON ARLINGTON HEIGHTS, IL

DATE

09/22/2021

ISSUE DATE

09/22/2021

1 - PERMIT

SHEET INDEX - ARCHITECTURAL

A-0.0	COVER SHEET	01/04/2022
A-1.0	PLANS	09/22/2021
A-2.0	ELEVATIONS	09/22/2021
D1.0	DEMO PLAN	01/04/2022

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SHEET TITLE PLANS

SHEET NUMBER

A-1.0

GARAGE DEMO
WINTERKORN RESIDENCE
531 BURTON
ARLINGTON HEIGHTS, IL

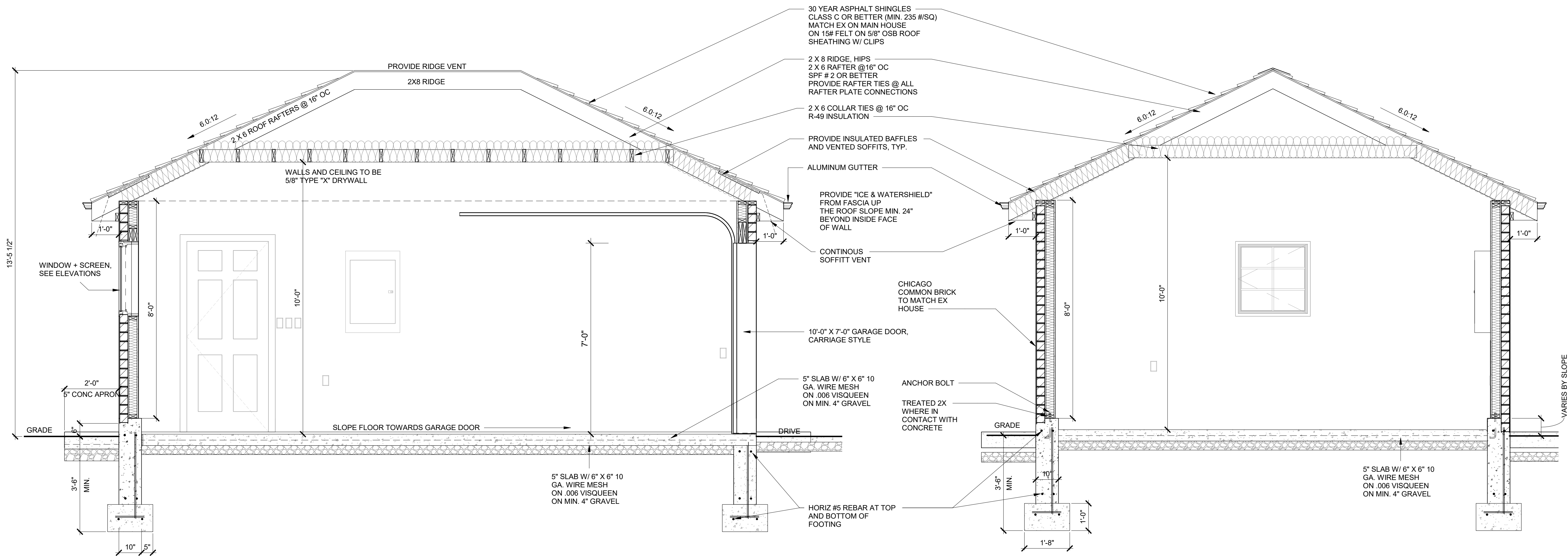
DATE

09/22/2021

ISSUE DATE

09/22/2021

1 - PERMIT

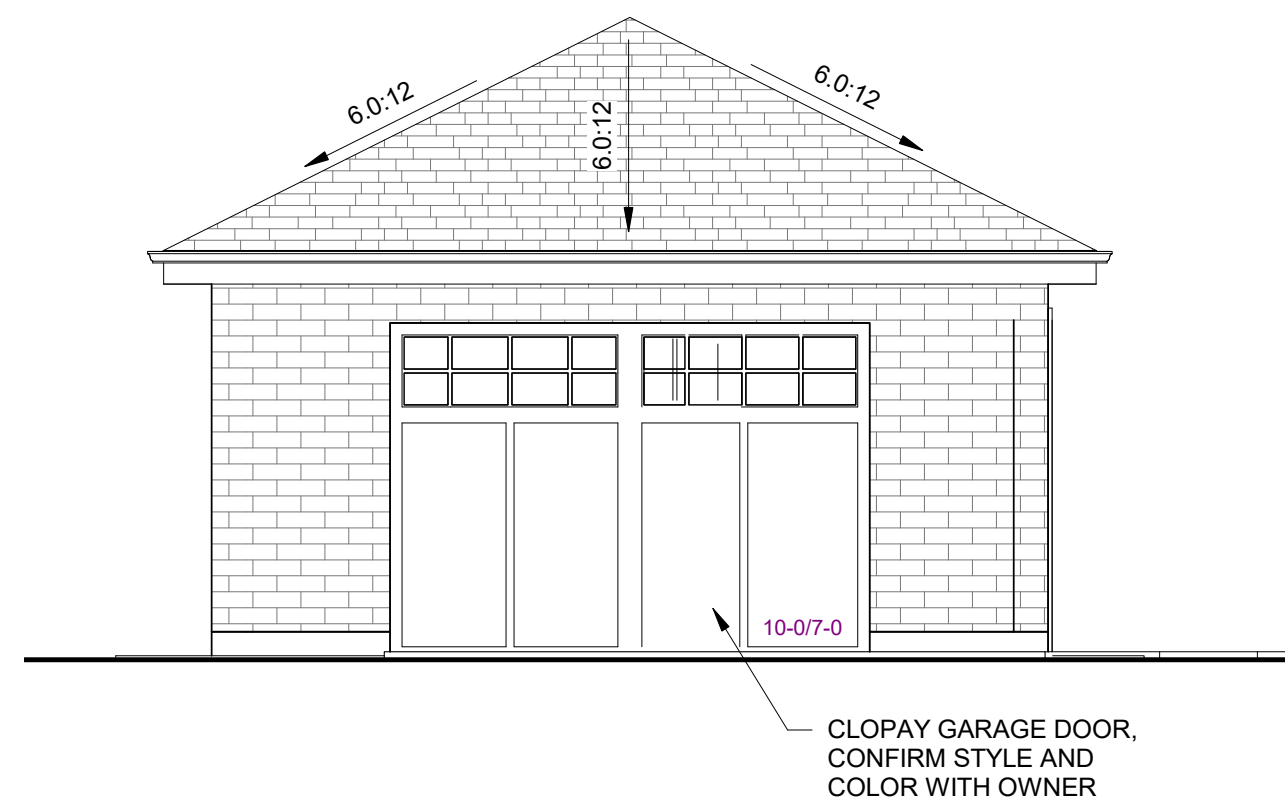


1 NORTH - SOUTH SECTION

A-2.0 1/2" = 1'-0"

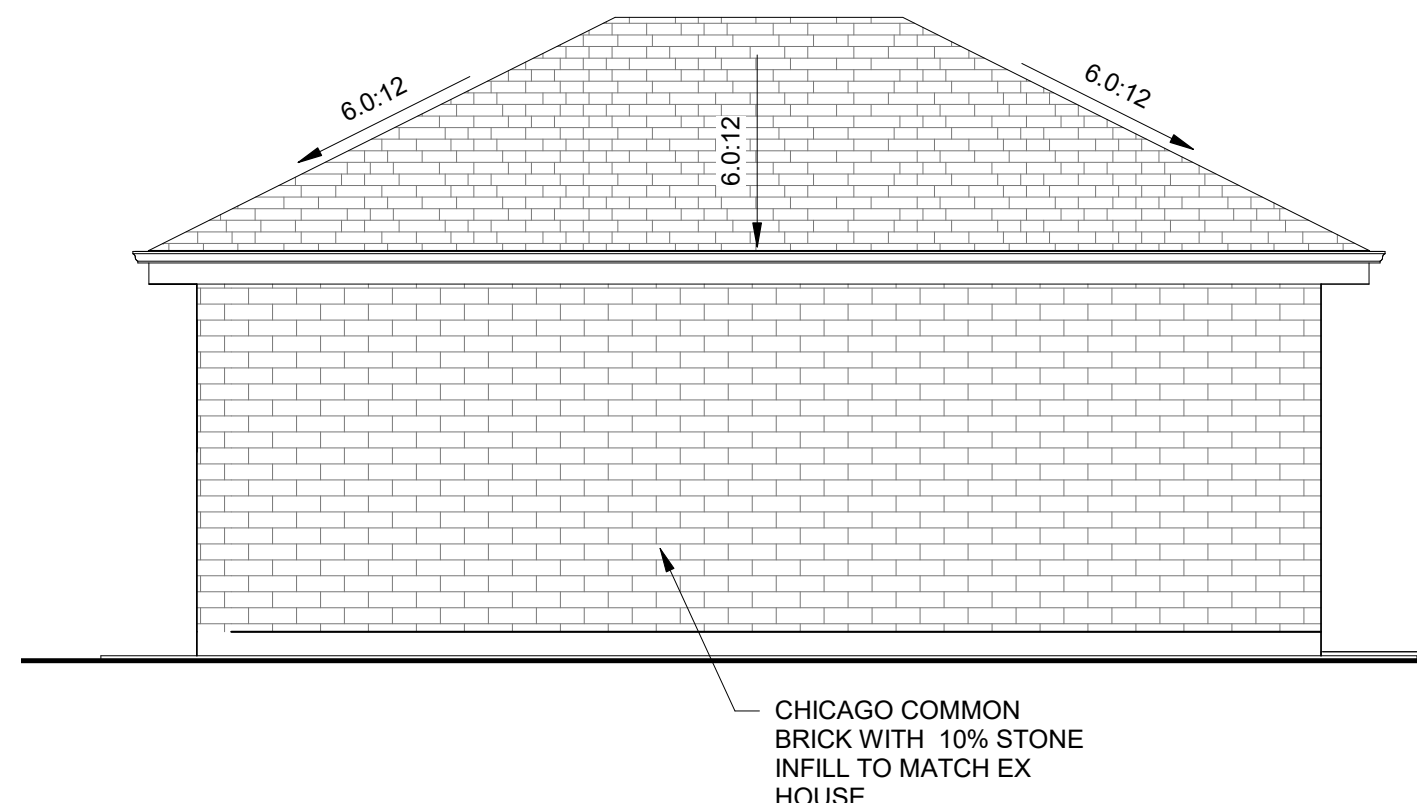
2 EAST - WEST SECTION

A-2.0 1/2" = 1'-0"



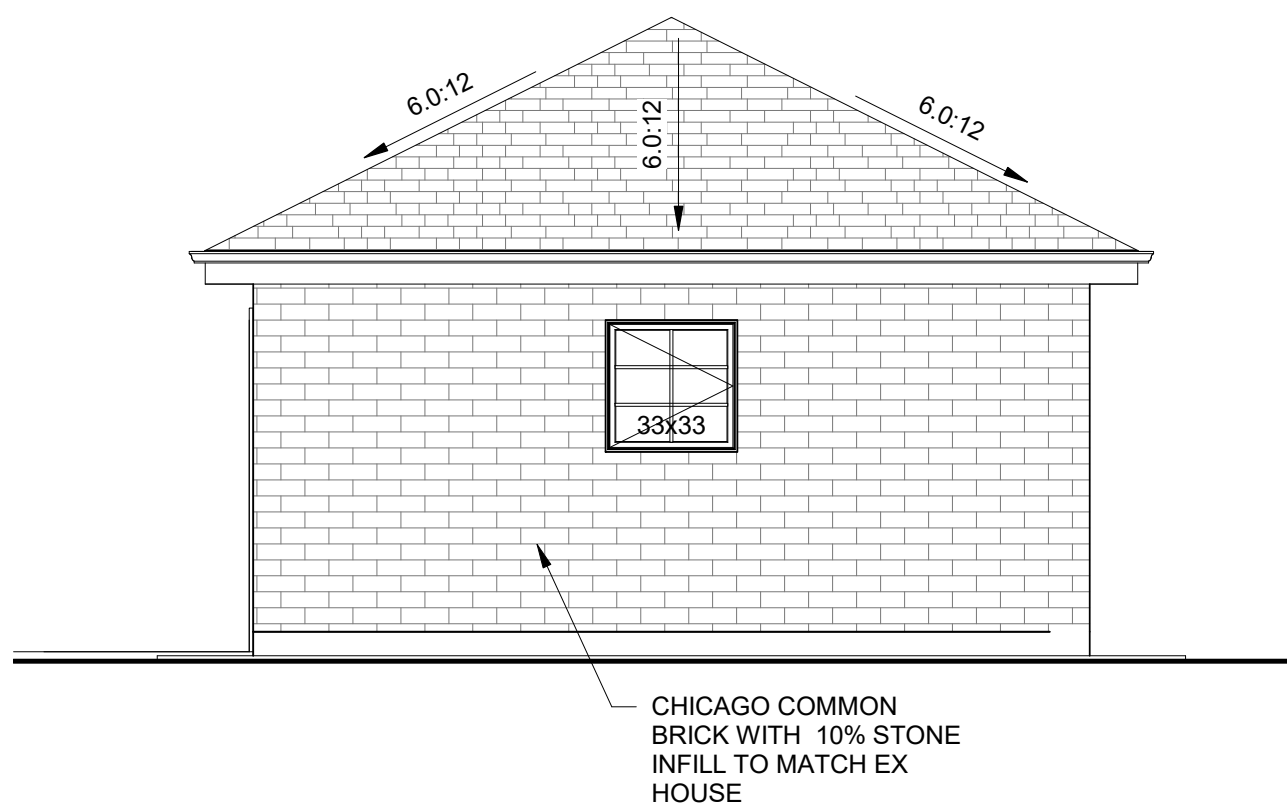
3 WEST ELEVATION

A-2.0 1/4" = 1'-0"



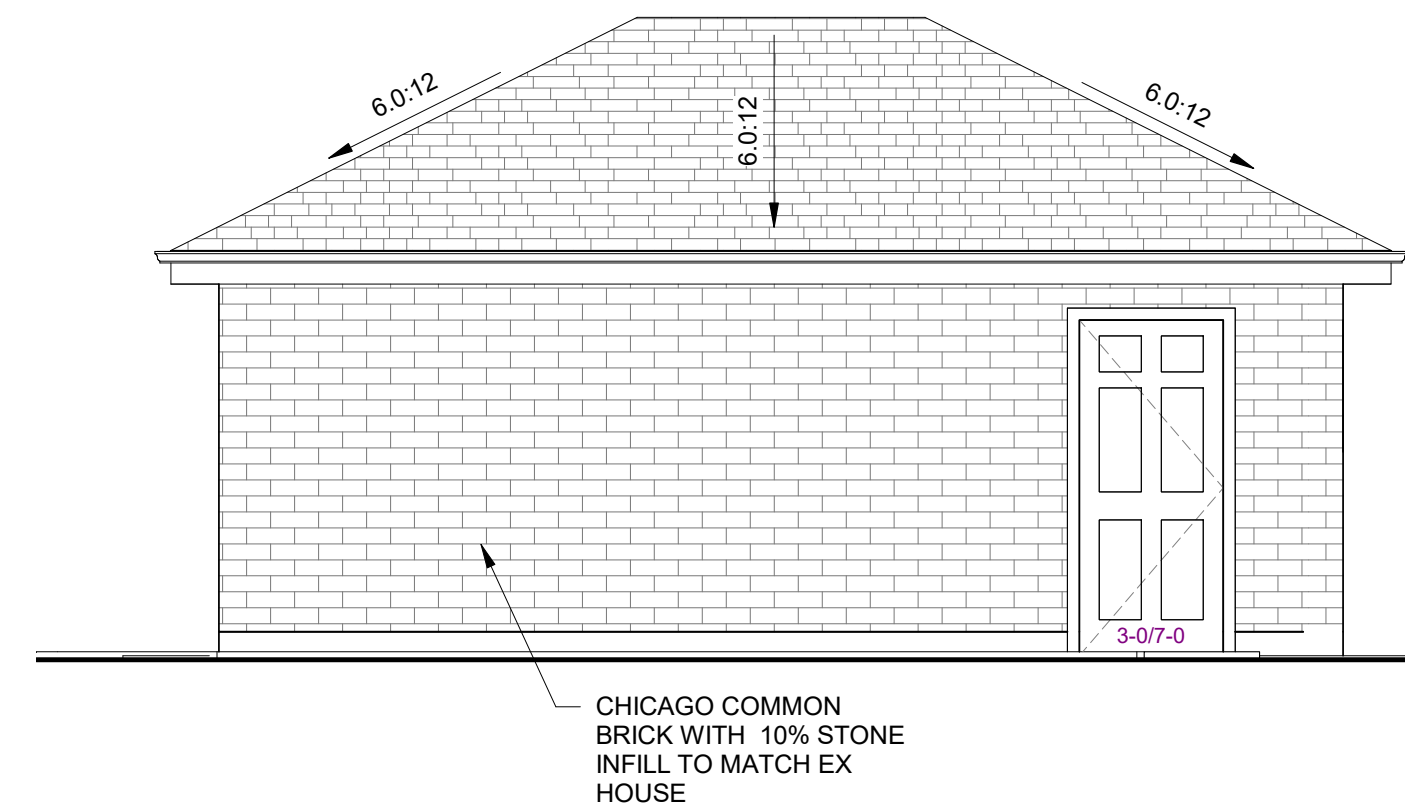
4 NORTH ELEVATION

A-2.0 1/4" = 1'-0"



5 EAST ELEVATION

A-2.0 1/4" = 1'-0"



6 SOUTH ELEVATION

A-2.0 1/4" = 1'-0"

ELEVATION MATERIALS

LOCATION	HATCH PATTERN	DESCRIPTION	MANUF.
SIDING (1)		CHICAGO COMMON BRICK TO MATCH EX HOUSE	
ROOFING		ARCHITECTURAL GRAY SHINGLES	
GUTTERS, DOWNSPOUTS		ALUMINUM [BROWN TO MATCH EXISTING]	
WINDOWS		VINYL [BROWN IN COLOR TO MATCH EXISTING]	
DOORS		[BROWN TO MATCH HOUSE]	

ELEVATION MATERIALS

LOCATION	HATCH PATTERN	DESCRIPTION	MANUF.
TRIM AND FASCIA		WOOD [BROWN IN COLOR TO MATCH EXISTING SW 6076 TURKISH COFFEE]	
SOFFIT AND FASCIA		ALUMINUM - VENTED [BROWN IN COLOR TO MATCH TRIM]	

ELEVATION NOTES:

- WINDOW SIZES: ROUGH OPENING TO BE VERIFIED IN FIELD W/ CHOSEN WINDOW MANUF. & CONTRACTOR PRIOR TO CONSTRUCTION
- GLASS SIZES TO BE FOLLOWED AS CLOSE AS POSSIBLE PER DIFFERENT MANUF.
- BEDROOM WINDOWS TO HAVE EGRESS HARDWARE & FOLLOW EGRESS REQUIREMENTS AS LABELED ON ELEVATIONS.
- WINDOWS IN WHICH THE BOTTOM EDGE OF THE WINDOW IS LESS THAN 18" ABOVE THE TOP OF THE FLOOR ARE REQUIRED TO BE TEMPERED.
- FIELD VERIFY EMERGENCY ESCAPE & RESCUE OPENINGS IN SLEEPING ROOMS
- EGRESS WINDOW REQUIREMENTS: PROVIDE A NET CLEAR OPENING OF 5.7 SF OR GREATER, ACHIEVED BY SIMPLY OPENING THE WINDOW PROVIDE A NET CLEAR OPENING OF 5.0 SF OR GREATER FOR GRADE LEVEL WINDOWS. A MINIMUM CLEAR WIDTH OF 20" A MINIMUM CLEAR HEIGHT OF 24" A SILL HEIGHT OF LESS THAN 44" AFF ALL NEW WINDOWS TO HAVE A MAX. U-FACTOR OF 0.3

SHEET INDEX - ARCHITECTURAL

A-0.0	COVER SHEET	01/04/2022
A-1.0	PLANS	09/22/2021
A-2.0	ELEVATIONS	09/22/2021
D1.0	DEMO PLAN	01/04/2022

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SHEET TITLE
ELEVATIONS

SHEET NUMBER

A-2.0

PROJECT DATA

PROJECT LOCATION:	531 S BURTON PL
ZONING DISTRICT:	R-3
LOT AREA:	12,283 SF
PIN:	03-32-136-010-0000
MAX LOT COVERAGE:(35%)	4299 SF
PROPOSED LOT COVERAGE:	1701 SF
MAX FAR: 3938 + [(12183-8750) X 0.4]	5351 SF
PROPOSED FAR:	2193 SF
MAX IMPERVIOUS COVERAGE (50%)	6141 SF
PROPOSED IMPERVIOUS COVERAGE:	2902 SF
MAX GARAGE HEIGHT:	15'-0"
PROPOSED BUILDING HEIGHT:	14'-5 1/2"
LOCATION AREAS:	
EX. GARAGE	224 SF

APPLICABLE CODES

ALL WORK PERFORMED AND MATERIALS USED SHALL COMPLY WITH THE FOLLOWING:

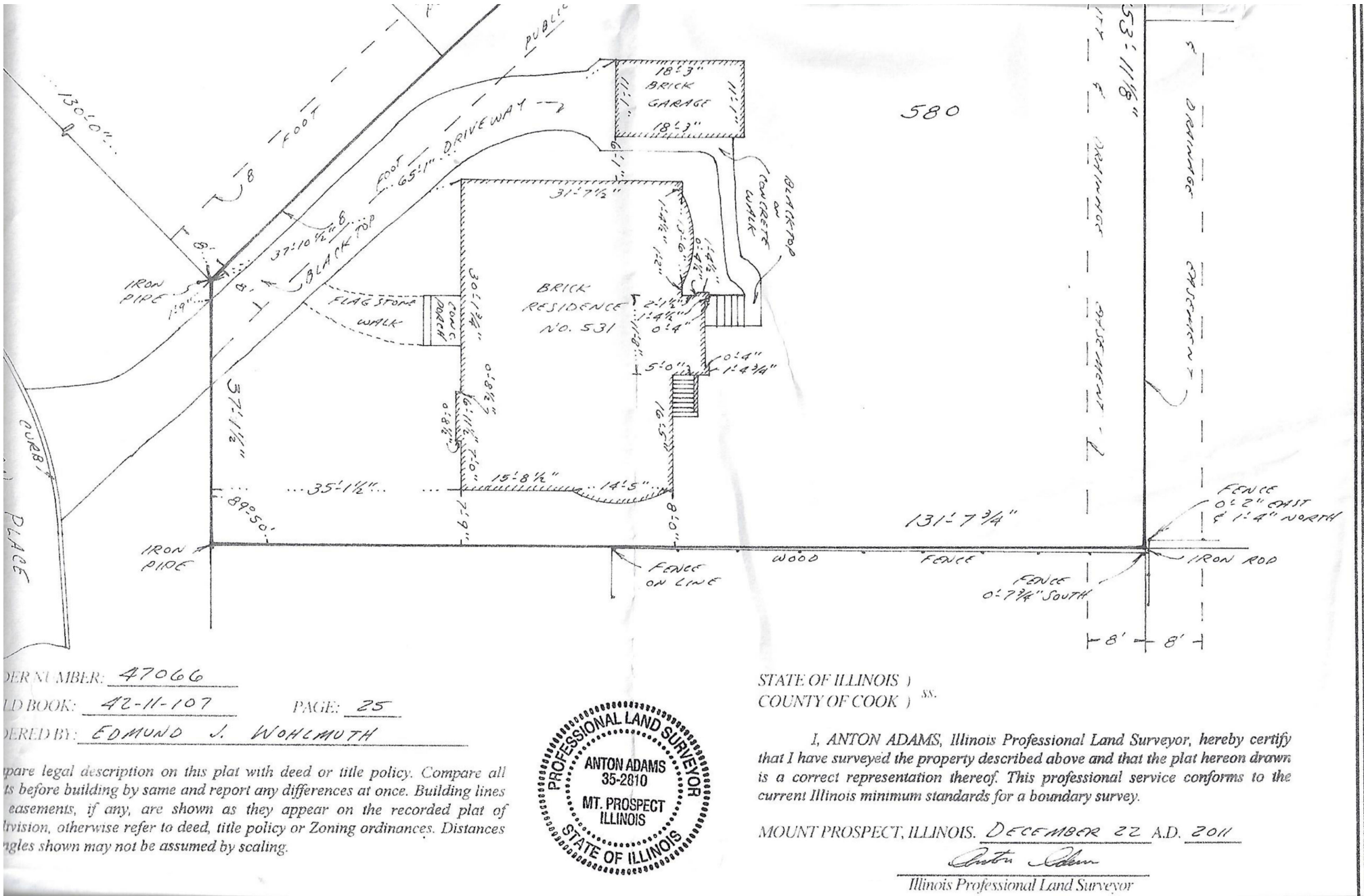
- BUILDING CODE**
- 2018 INTERNATIONAL RESIDENTIAL CODE WITH AMENDMENTS
- MECHANICAL CODE**
- INTERNATIONAL MECHANICAL CODE, 2018
- ELECTRICAL CODE**
- 2017 NATIONAL ELECTRICAL CODE WITH AMENDMENTS
- PLUMBING CODE**
- 2014 ILLINOIS PLUMBING CODE WITH AMENDMENTS
- ENERGY CODE**
- 2018 ILLINOIS ENERGY CONSERVATION CODE WITH STATE AMENDMENTS

ALL APPLICABLE LOCAL AND STATE CODES, ORDINANCES, AND REGULATIONS.

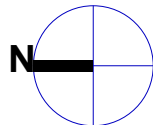
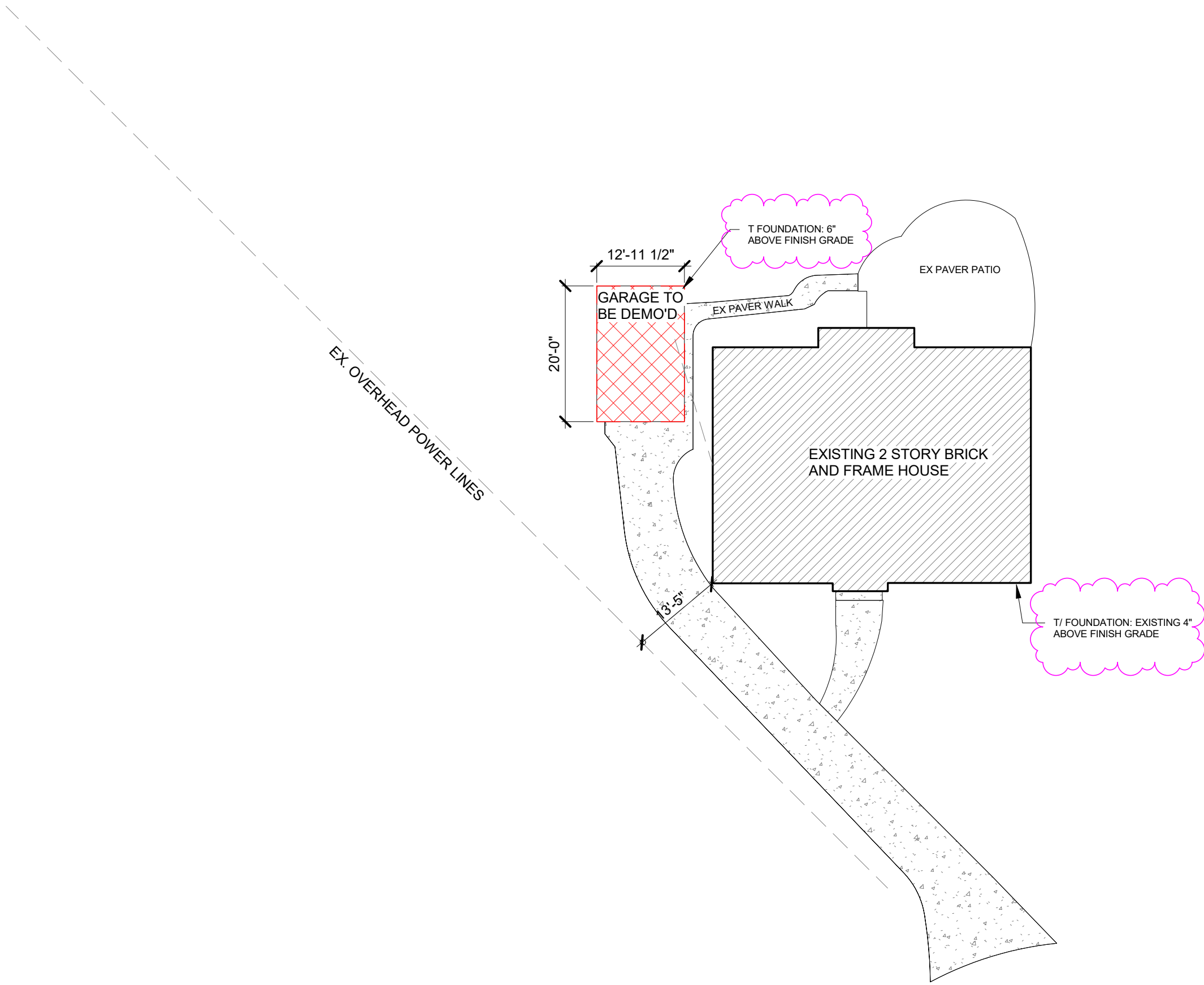
MANUFACTURERS' SPECIFICATIONS AND TRADE ASSOCIATIONS RECOMMENDATIONS.

ACCEPTED ENGINEERING AND CONSTRUCTION PRACTICES.

GARAGE DEMO
WINTERKORN RESIDENCE



EXISTING PLAT OF SURVEY
NTS



1275 E. DAVIS, ARLINGTON HEIGHTS, IL 60005
PHONE: (847)255-2322
EMAIL: JIMJRC@GMAIL.COM
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GARAGE DEMO
WINTERKORN RESIDENCE
531 BURTON
ARLINGTON HEIGHTS, IL

DATE

01/04/2022

ISSUE DATE

01/04/2022 2 - ZBA
09/22/2021 1 - PERMIT

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SHEET TITLE
DEMO PLAN

SHEET NUMBER

D1.0



Zoning Board of Appeals 1/10/2022

Item: 421 W Hawthorne St - ZBA#21-045

Department: Planning & Community Development

REQUEST

A variation from Chapter 28, Section 6.13-3c (Location of Fences-Exterior Side Yards) to allow a 6-foot tall, solid fence along the exterior side yard (Walnut Avenue) to be setback 0.1 feet from the property line where a setback of 5.0 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.

ATTACHMENTS:

Description	Type
Supporting Documents	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: January 10, 2022
Date Prepared: January 5, 2022
Project Title: Bilfaqi Residence
Address: 421 W. Hawthorne St.

Background Information

Petition Number: ZBA #21-045
Petitioner: Habib Bilfaqi
Address: 421 W. Hawthorne St.
Arlington Heights IL 60004

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

Requested Action/Background Information

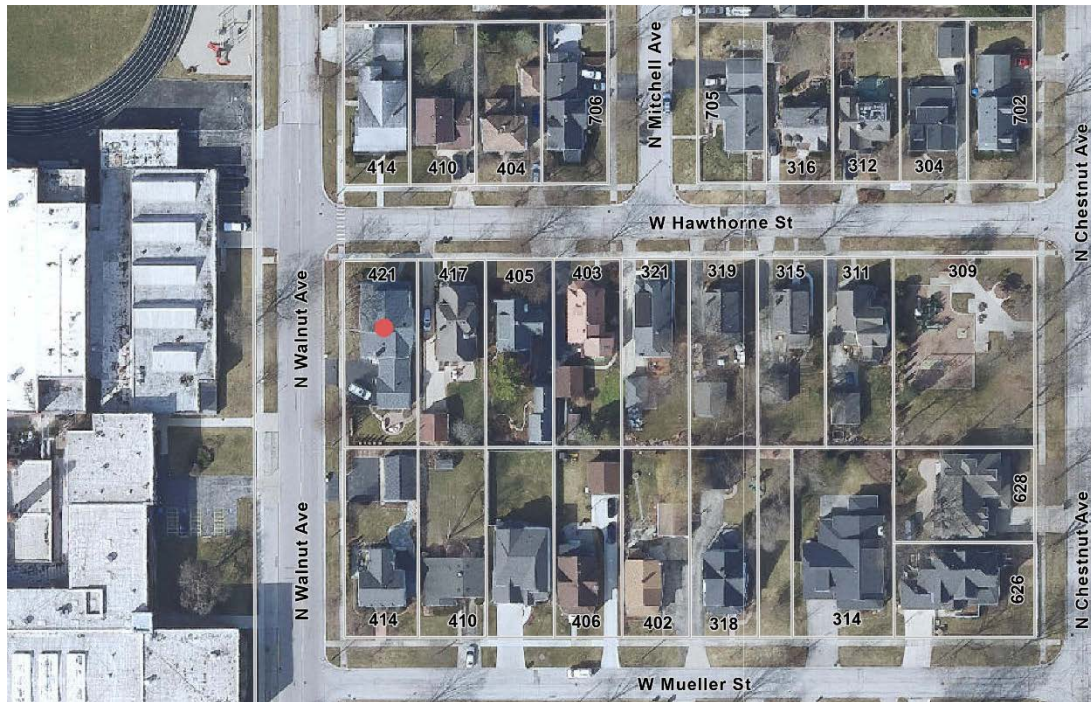
The subject property has frontage along W. Hawthorne Street and N. Walnut Avenue. The petitioner is proposing to install a six-foot tall, solid fence along the exterior side yard (Walnut Avenue). However, fences in the exterior side yard that are taller than three feet must be setback five feet and landscaping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

- A variation from Chapter 28, Section 6.13-3c (Location of Fences-Exterior Side Yards) to allow a 6-foot tall, solid fence along the exterior side yard (Walnut Avenue) to be setback 0.1 feet from the property line where a setback of 5.0 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.

Variation Review Standards

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

Map of General Vicinity



Items required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	12/15/21	
2. List of Property Owners Within 250 feet of Subject Property	✓	12/15/21	
3. Letter that was Mailed	✓	12/15/21	
4. Photographs of Sign on Property	✓	12/15/21	

Photographs of Existing Structure





Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Nusrat Jahan, Building & Life Safety Department

Project Name: Bilfaqi Residence

Project Address: 421 W. Hawthorne Street

ZBA #: 21-045

Date: January 10, 2022

Derek:

I have reviewed the request for the following variance:

- A variation from Chapter 28, Section 6.13-3c (Location of Fences-Exterior Side Yards) to allow a 6-foot tall, solid fence along the exterior side yard (Walnut Avenue) to be setback 0.1 feet from the property line where a setback of 5.0 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.

and have no comments or objections to the request.

ZBA# 21-045
421 W Hawthorne St - ZBA
Rev. Eng: Mike Pagones, P.E., Village Engineer
cc: Briget Schwab, P.E.

Application Date: November 10, 2021
Received by Planning:
Transmitted to Engineering: December 20, 2021
Completed: December 21, 2021
ZBA Meeting Date: January 10, 2022

The proposed ZBA application indicates that the petitioner is seeking:

A variation from Chapter 28, Section 6.13-3c (Location of Fences- Exterior Side Yards) to allow a 6-foot tall, solid fence along the exterior side yard (Walnut Avenue) to be setback 0.1 feet from the property line where a setback of 5.0 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.

The Engineering Division has NO OBJECTION to the variance request to allow a 6-foot tall, solid fence along the exterior side yard (Walnut Avenue) to be setback 0.1 feet from the property line where a setback of 5.0 feet is required, and to waive the requirement to provide landscaping on the street side of the fence

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Bilfaqi Residence

Project Address: 421 W. Hawthorne Street

ZBA #: 21-045

ZBA Hearing Date: January 10, 2022

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

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

From: Derek Mach, Landscape Planner

Transmitted On: December 20, 2021

- A variation from Chapter 28, Section 6.13-3c (Location of Fences-Exterior Side Yards) to allow a 6-foot tall, solid fence along the exterior side yard (Walnut Avenue) to be setback 0.1 feet from the property line where a setback of 5.0 feet is required, and to waive the requirement to provide landscaping on the street side of the fence.

Attached are the Petitioner's:

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

Comments: _____ No Comments.

Steve Hautzinger, Design Planner

Please review, comment, and return to me no later than January 3, 2022.

PETITION

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

PETITION

NOW COMES the Petitioner Habib Bilfaghi

being the owner of the property commonly known as: 421 W Hawthorne St

and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 6.13

Chapter 28, of the Arlington Heights Municipal Code, in order to: Increase fence height from 3ft to 6ft privacy fence on the property line.

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

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain): Heavy traffic from school activity; lack of privacy in backyard; size of the yard (grass space) will be cut in half if we move the fence back from property line.

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

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): to achieve some privacy in the backyard from heavy traffic on Walnut Street and ~~and~~ school pickup & drop off all hrs of the day including weekends from Christian Liberty Academy.

Signed: Habib Bilfaghi
Petitioner

Date: 11/12/2021

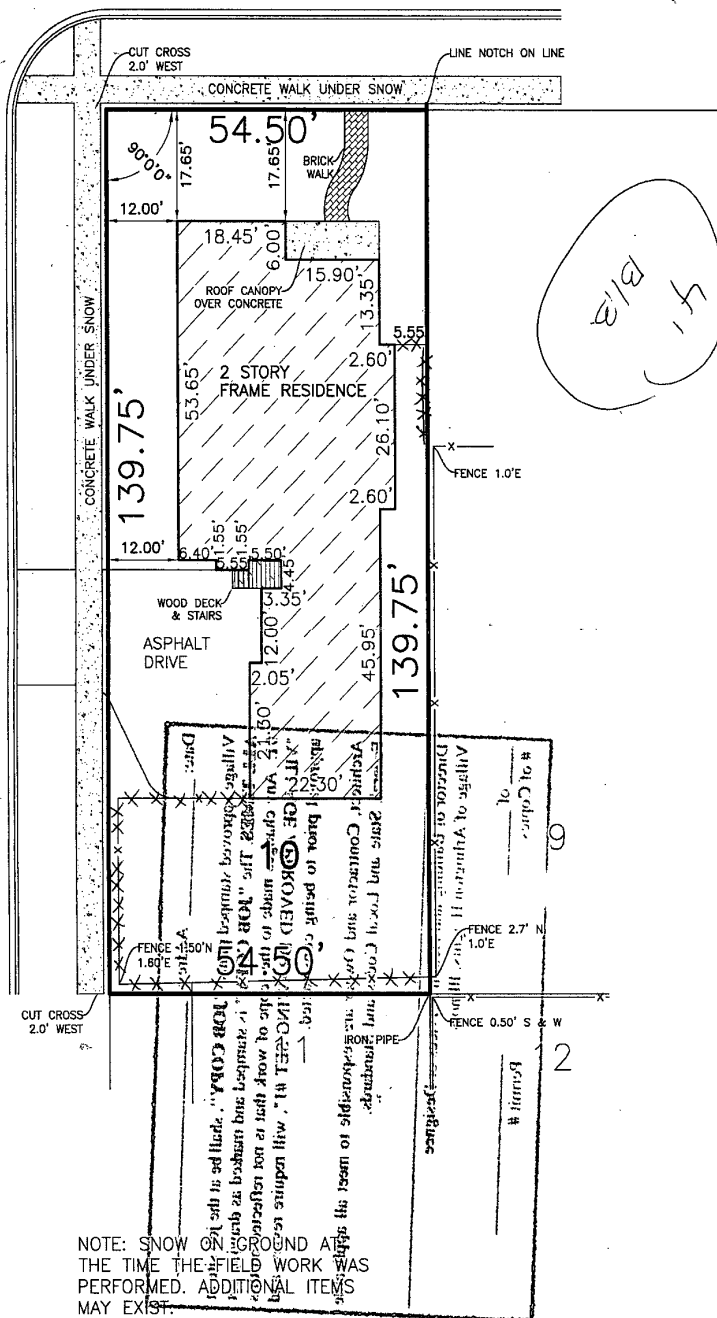
TOM W. ATKINS PLAT OF SURVEY

LOT 10 IN BLOCK 8 IN E.P. MUELLERS ALTENHEIM SUBDIVISION IN ARLINGTON HEIGHTS, BEING A SUBDIVISION OF THE EAST 28 ACRES OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

HAWTHORNE STREET



WALNUT AVENUE



ALL DISTANCES IN FEET AND DECIMAL

SCALE: one inch = 30 feet

FILE NO. TA1942

ORDERED BY: GARY NEWLAND

ADDRESS: 421 WEST HAWTHORNE ST.
ARLINGTON HEIGHTS, ILLINOIS

NOTE: ONLY THOSE BUILDING LINE RESTRICTIONS OR EASEMENTS SHOWN ON A RECORDED SUBDIVISION PLAT ARE SHOWN HEREON.

COMPARE YOUR DESCRIPTION AND SITE MARKINGS WITH THIS PLAT AND AT ONCE REPORT ANY DISCREPANCIES WHICH YOU MAY FIND.



STATE OF ILLINOIS
COUNTY OF MCHENRY } SS

I, TOMMY W. ATKINS, ILLINOIS PROFESSIONAL LAND SURVEYOR, IN THE STATE OF ILLINOIS, DO HEREBY STATE THAT I HAVE PREPARED THE PLAT OF SURVEY DEPICTED HEREON. THIS PLAT REPRESENTS THE CONDITIONS FOUND AT THE TIME OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE APPLICABLE TO BOUNDARY SURVEYS.

CERTIFIED AT MCHENRY, ILLINOIS THIS 18th DAY OF JANUARY, 2010

Tommy W. Atkins
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3266
MY LICENSE EXPIRES NOVEMBER 30, 2010

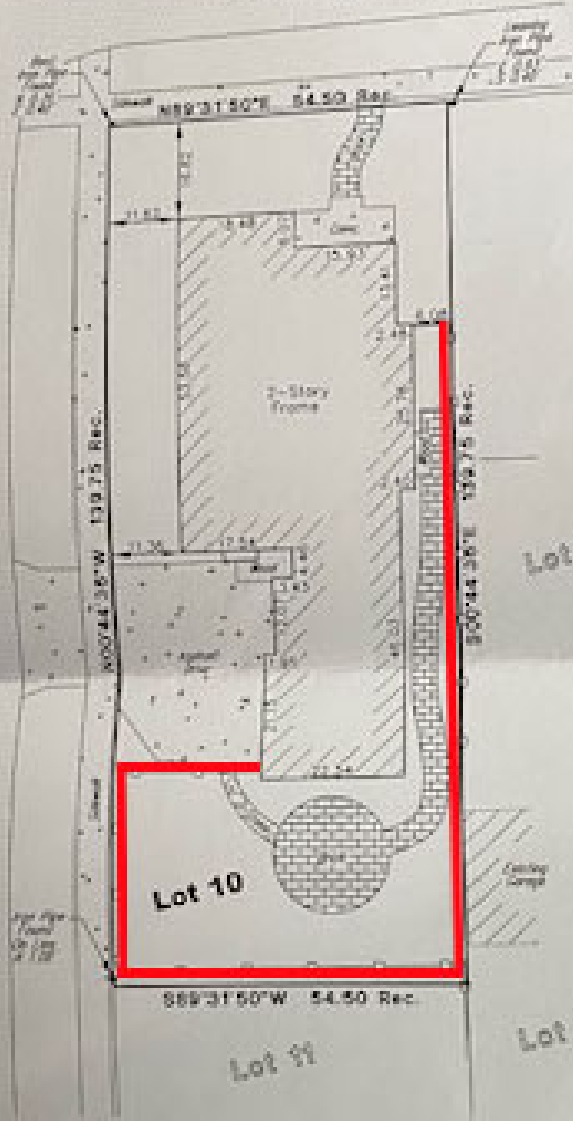
PLAT OF SURVEY



LOT 10 IN BLOCK 3 IN E.P. MAELLERS ALTHEIM SUBDIVISION IN ARLINGTON HEIGHTS, BURNS A SUBDIVISION OF THE EAST 28 ACRES OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 42 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

Hawthorne Street
30' Right of Way

Walnut Avenue
30' Right of Way



PROPOSED 6' HIGH SOLID FENCE

- Legend**
- Center of Iron Pipe
 - Foundation Foot
 - Paved Drive
- General Notes**
1. This Plat Complies with the Act.
 2. Prepared by: Angeles & Smith, P.C., for and under instruction.
 3. Site Address: 421 W. Hawthorne Street, Arlington Heights, IL 60004
 4. File No.: 15-00-02800
 5. The boundaries shown herein are provided from the current file and the use of the recorded subdivision plat, no search of the records for encumbrances or easements was made by any of the parties.
 6. Current deed descriptions and plat conditions with the title given on this plat and record any discrepancies to the surveyor at risk.
 7. This Plat shall not be shown under the contract.
 8. All existing encumbrances and easements to be shown, unless otherwise noted on the subdivision.

Date of Record: 08/11/16
County of Cook

We, Land Surveying Services, Inc., do hereby state that we have surveyed the above described property and that this is the Plat that represents the conditions found on the ground.

Gloria Jean Koter, Registered Professional Land Surveyor, No. 035-003323, State of Illinois, License Expires 11-01-18

[Signature]

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



File Number: **LS160792**
Drawing Title: **PLAT OF SURVEY**
Drawing Number: **SURVEY**

Land Surveying Services, Inc.
1714 N. Cedar Street, Arlington Heights, IL 60004
Tel: (847) 980-1700 Fax: (847) 980-1701
Professional Design Firm License No. 004-00411

Field Work Completed: 09-09-16
Scale: 1" = 20' Date: 09-13-16
Site Address:
**421 W. Hawthorne Street
Arlington Heights, Illinois**

Drawn By: KD	Checked By:		
Drawing Revisions			
Revisions	Date	Drawn	Check





**Zoning Board of Appeals
1/10/2022**

Item: 9 E Hawthorne St - ZBA#21-046

Department: Planning & Community Development

REQUEST

A 514 square foot variation from Chapter 28, Section 5.1-3.5b (Maximum Impervious Surface Coverage) to allow 5,716 square feet of impervious surface coverage where 5,202 square feet is allowed.

ATTACHMENTS:

Description	Type
Supporting Documents	Exhibits

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: January 10, 2022
Date Prepared: January 5, 2022
Project Title: Carter Residence
Address: 9 E. Hawthorne St.

Background Information

Petition Number: ZBA #21-046
Petitioner: Al & Sarah Carter
Address: 9 E. Hawthorne St.
Arlington Heights IL 60004

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

Requested Action/Background Information

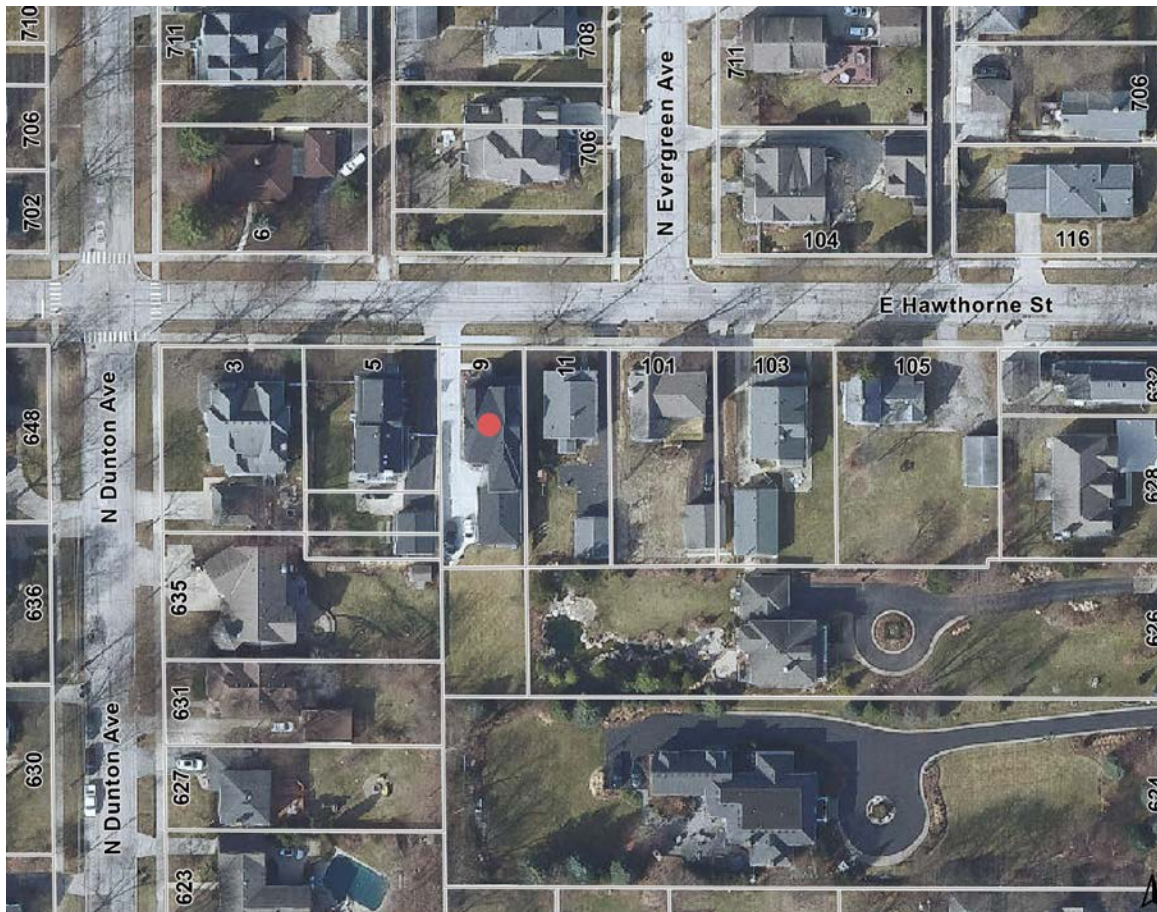
The subject site is zoned R-3, One Family Dwelling District. The property has a total land area of 10,410 square feet. The site includes a residence with a side load attached garage. The petitioner is seeking a variation for increasing the impervious surface coverage for a new pool and pool deck located in the rear yard. Pursuant to Chapter 28, Section 5.1-3.5b, the petitioner is allowed 5,202 square feet for impervious surface coverage and 5,716 is proposed. Therefore, the petitioner requests the following variation:

- **A 514 square foot variation from Chapter 28, Section 5.1-3.5b (Maximum Impervious Surface Coverage) to allow 5,716 square feet of impervious surface coverage where 5,202 square feet is allowed.**

Variation Review Standards

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

Map of General Vicinity



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	✓	12/22/21	
2. List of Property Owners Within 250 feet of Subject Property	✓	12/22/21	
3. Letter that was Mailed	✓	12/22/21	
4. Photographs of Sign on Property	✓	12/22/21	

Photographs of Existing Structure





Village of Arlington Heights Building & Life Safety Department

Interoffice Memorandum

To: Derek Mach, Zoning Board of Appeals Liaison

From: Nusrat Jahan, Building & Life Safety Department

Project Name: Carter Residence

Project Address: 9 E. Hawthorne Street

ZBA #: 21-046

Date: January 10, 2022

Derek:

I have reviewed the request for the following variance:

- A 473 square foot variation from Chapter 28, Section 5.1-3.5b (Maximum Impervious Surface Coverage) to allow 5,675 square feet of impervious surface coverage where 5,202 square feet is allowed.

and have no comments or objections to the request.

ZBA# 21-046
9 E Hawthorne St - ZBA
Rev. Eng: Mike Pagones, P.E., Village Engineer
cc: Briget Schwab, P.E.

Application Date: July 21, 2021
Received by Planning:
Transmitted to Engineering: December 20, 2021
Completed: December 21, 2021
ZBA Meeting Date: January 10, 2022

The proposed ZBA application indicates that the petitioner is seeking:

A 473 square foot variation from Chapter 28, Section 5.1-3.5b (Maximum Impervious Surface Coverage) to allow 5,675 square feet of impervious surface coverage where 5,202 square feet is allowed.

The Engineering Division is NOT IN FAVOR to the variance request to allow 5,675 square feet of impervious surface coverage where 5,202 square feet is allowed.

This location drains to the east toward a known drainage problem area. The plan shows a proposed impervious area of 5,716 sf for an overage of 514 sf. The petitioner states the number won't be over 400 sf. The numbers should be consistent in order to make a proper determination.

If the variance for impervious surface coverage is granted, it is recommended that the petitioner be required to provide stormwater detention following Village requirements for the impervious area over the allowable coverage. At 514 sf, this calculates to 228 cubic feet of storage.

PROJECT REVIEW TRANSMITTAL
for
Zoning Board of Appeals Review

Project Name: Carter Residence

Project Address: 9 E. Hawthorne Street

ZBA #: 21-046

ZBA Hearing Date: January 10, 2022

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

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

From: Derek Mach, Landscape Planner

Transmitted On: December 20, 2021

- A 473 square foot variation from Chapter 28, Section 5.1-3.5b (Maximum Impervious Surface Coverage) to allow 5,675 square feet of impervious surface coverage where 5,202 square feet is allowed.

Attached are the Petitioner's:

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

Comments: _____ No Comments.

_____ Steve Hautzinger, Design Planner

Please review, comment, and return to me no later than January 3, 2022.

PETITION

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

PETITION

NOW COMES the Petitioner Al and Sarah Carter

being the owner of the property commonly known as: 9 E Hawthorne Street, Arlington Heights, IL 60004

and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 5.1-0.4 (b-2)

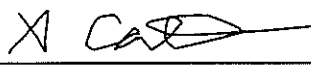
Chapter 28, of the Arlington Heights Municipal Code, in order to: install an inground pool in the backyard for utilization by our family, friends and neighbors.

I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the variation(s) were granted (please explain): If approved, the pool and surrounding landscape beautification will match the efforts currently in place and will include a natural feel similar to the utilization of land by all of our surrounding neighbors.

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain): the unfortunate situation is that in order to build our house and increase the beautification of the neighborhood, we had to install a very long and narrow driveway. This driveway required a large square footage of impervious land. We have sought all options to reduce the impervious land of the driveway to allow for more pervious land; however, the winter snow and plowing of the driveway during the winter to allow our cars out of our home would be impossible and dangerous.

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain): The proposed variation would be in harmony with this Chapter and its intent. We have sought to remove any excess impervious land and replace it with pervious land; however, in order to do so would require very difficult measures to address the Midwest winters and snow collection on our driveway.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): The variance we are requested is the maximum amount of square feet needed to install pool. We would look to tear up about 80 square feet of driveway but have concerns about utilization of the third bay and particularly backing out into the grass, if required. We are willing and open to other suggestions to allow for variance approval as deemed necessary.

Signed: 
Petitioner

Date: 7/21/2021

January 1, 2022

Village of Arlington Heights
Zoning Board of Appeals
33 S. Arlington Heights Road
Arlington Heights, IL 60005

Re: Variance Request for 9 E Hawthorne St, Arlington Heights, IL 60004

To Whom It May Concern:

First, thank you for the opportunity to request this variance. Regarding our request for a variance from Chapter 28, Section 5.1-3.5b, we have spoken with the Arlington Heights Engineering Division regarding our variance and the previous drainage concerns at this property. If this variance is approved, we will work with Mike Pagones and whomever else the Village Engineering Division or Zoning Board of Appeals recommends to comply with the conditions of the variance. Again, we thank you any consideration given to our request.

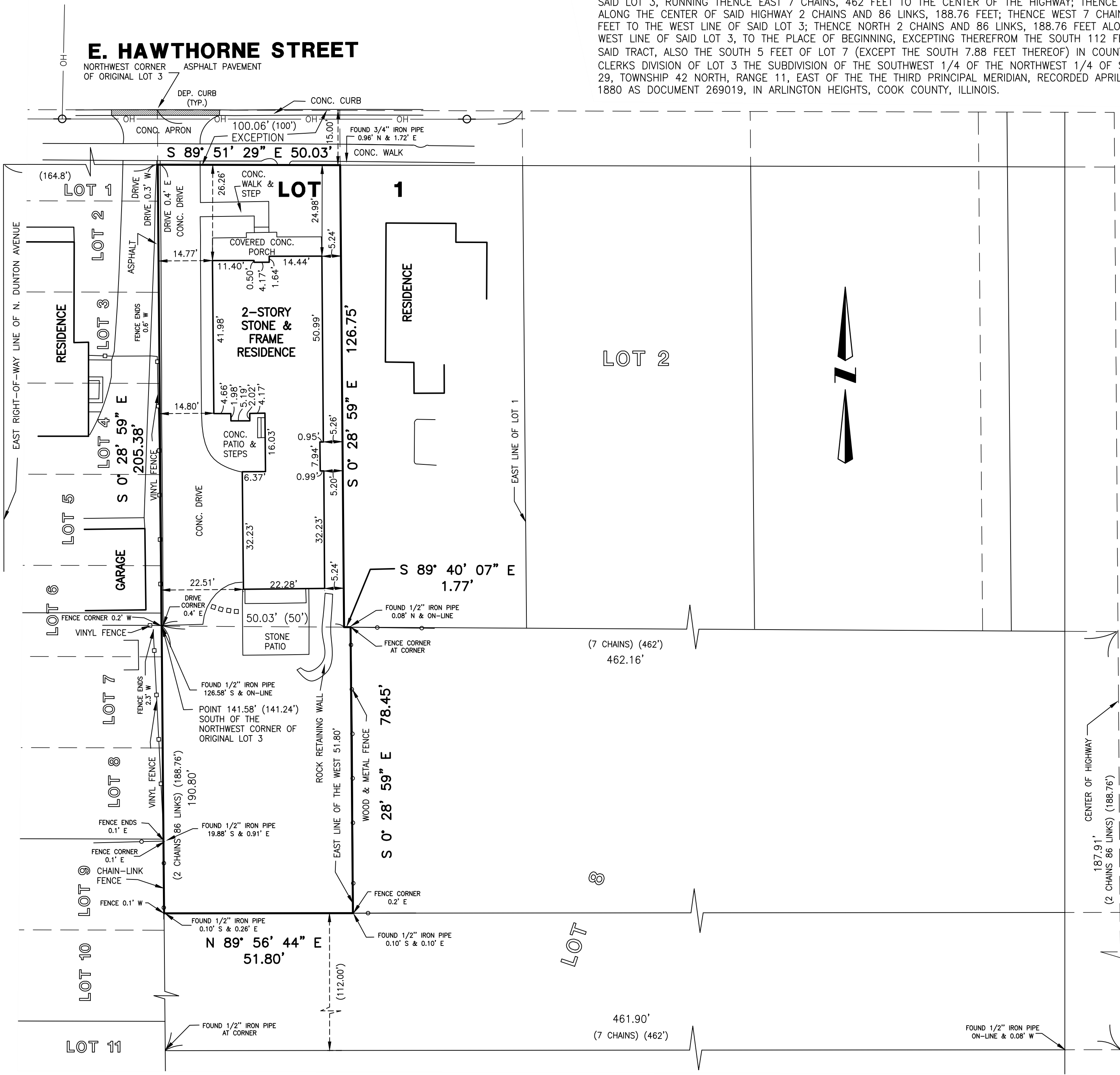
Sincerely,

Handwritten signatures of Al Carter and Sarah Bonk. The signature on the left is 'Al' and the signature on the right is 'Sarah'.

Al Carter and Sarah Bonk

PLAT OF SURVEY

THE WEST 1/2 OF LOT 1 (EXCEPT THE NORTH 15 FEET THEREOF TAKEN FOR STREET) IN COUNTY CLERK'S DIVISION OF LOT 3 IN SUBDIVISION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. ALSO: THE WEST 51.80 FEET OF THAT PART OF ORIGINAL LOT 3 IN THE SUBDIVISION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN RECORDED MARCH 14, 1868 IN BOOK 166 OF MAPS, PAGE 62 ASA DOCUMENT 162099, DESCRIBED AS FOLLOWS; COMMENCING 2 CHAINS AND 14 LINKS, 141.24 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 3, RUNNING THENCE EAST 7 CHAINS, 462 FEET TO THE CENTER OF THE HIGHWAY; THENCE SOUTH ALONG THE CENTER OF SAID HIGHWAY 2 CHAINS AND 86 LINKS, 188.76 FEET; THENCE WEST 7 CHAINS, 462 FEET TO THE WEST LINE OF SAID LOT 3; THENCE NORTH 2 CHAINS AND 86 LINKS, 188.76 FEET ALONG THE WEST LINE OF SAID LOT 3, TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THE SOUTH 112 FEET OF SAID TRACT, ALSO THE SOUTH 5 FEET OF LOT 7 (EXCEPT THE SOUTH 7.88 FEET THEREOF) IN COUNTY CLERKS DIVISION OF LOT 3 THE SUBDIVISION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THE THIRD PRINCIPAL MERIDIAN, RECORDED APRIL 5, 1880 AS DOCUMENT 269019, IN ARLINGTON HEIGHTS, COOK COUNTY, ILLINOIS.



AREA

10,410 Sq. Ft. OR 0.24 ACRES (MORE OR LESS)

STATE OF ILLINOIS }
COUNTY OF LAKE } SS

WE, GREENGARD INC., DO HEREBY STATE THAT WE HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 5th DAY OF MAY, A.D., 2021.

GREENGARD, INC.
111 BARCLAY BOULEVARD, SUITE 310
LINCOLNSHIRE, ILLINOIS 60069

JOSEPH R. SADOSKI
ILLINOIS
PROFESSIONAL LAND SURVEYOR NO. 3316
MY RENEWABLE LICENSE EXPIRES 11/30/22.



GENERAL NOTES:

- DISTANCES ARE MARKED IN FEET AND DECIMAL PLACES THEREOF.
- NO DIMENSION SHALL BE ASSUMED BY SCALE MEASUREMENT HEREON.
- ONLY THOSE BUILDING LINE SETBACKS AND EASEMENTS WHICH ARE SHOWN ON THE RECORDED PLAT OF SUBDIVISION ARE SHOWN HEREON. THERE MAY BE ADDITIONAL TERMS, POWERS, PROVISIONS AND LIMITATIONS CONTAINED IN AN ABSTRACT DEED, LOCAL ORDINANCES, DEEDS, TRUSTS, COVENANTS OR OTHER INSTRUMENTS OF RECORD.
- COMPARE DEED DESCRIPTION AND SITE CONDITIONS WITH THE DATA GIVEN ON THIS PLAT AND IMMEDIATELY REPORT ANY DISCREPANCIES TO THE SURVEYOR.

SURVEYORS NOTES:

- THIS SURVEY IS SUBJECT TO MATTERS OF TITLE WHICH MAY BE REVEALED BY A CURRENT TITLE REPORT.
- NO OTHER IMPROVEMENTS ARE SHOWN AT THIS TIME.
- BUILDING TIES SHOWN HEREON ARE MEASURED TO THE OUTSIDE FACE OF FINISHED CONCRETE FOUNDATION.
- () DENOTES RECORD DIMENSION.
- BEARINGS HEREON SHOWN ARE ON AN ASSUMED BASIS.
- ORIGINAL CLIENT- DR HORTON
- ORIGINAL FIELD WORK COMPLETED- 05-20-16

DESIGNED BY:	DATE:	BY:
AN	06-01-16	JS
CHECKED BY:	DATE:	BY:
JRS	06-03-16	JS



GREENGARD, INC.
Engineers • Surveyors • Planners
111 Barclay Blvd., Suite 310, Lincolnshire, Illinois 60069-3615
PHONE: 847-634-3883 E-MAIL: 231@GREENGARDINC.COM
FAX: 847-634-0687 ILL. REGISTRATION NO. 184-000995

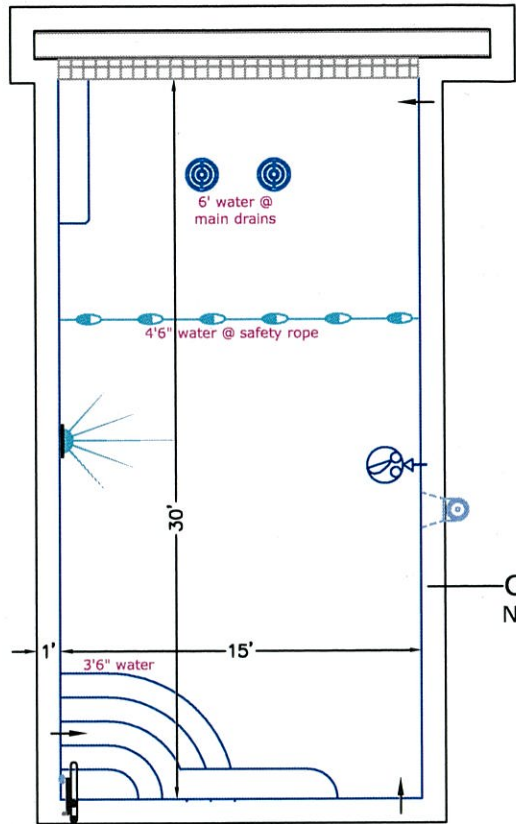
SCALE:	1"=20'
DRAWING No.	62119
SHEET	1 OF 1

9 E. HAWTHORNE STREET – ARLINGTON HEIGHTS., ILLINOIS
PLAT OF SURVEY

SCALE: 1/8" = 1'

SUBMIT DRAWINGS 11-10-2021
CARTER-BONK RESIDENCE
OUTDOOR, INGROUND POOL & COPING PLAN

PAGE 1 OF 4



CONCRETE COPING BY BARRINGTON POOLS
NOTE: APPROXIMATELY 1/4" PITCH PER FOOT AWAY FROM POOL

GENERAL NOTE: ALL WORK SHALL COMPLY
WITH LOCAL ORDINANCES & CODES

POOL SPECIFICATIONS

APPROX. AREA: 15' X 30' SHAPE: RECTANGLE
EST. VOLUME: 15,187 GALLONS +/- APPROX. TURNOVER RATE: 3.6 HOURS
PIPING MATERIAL: SCH. 40 P.V.C., N.S.F. APPROVED, 330 P.S.I. WORKING PRESSURE
2-MAIN DRAINS: 8" W/ GRATE HYDROSTATIC RELIEF VALVE
1-SKIMMER: AUTO-IN THE WALL W/ STRAINER BASKET
HEATER: JANDY-GAS
FILTER: MODUFILTER-POLYMERIC-CARTRIDGE FLOW
90 G.P.M. 340 S.F. W/ MANUAL RELIEF VALVE
CHLORINATOR: SANI-KING - WITH CIRCULATION PUMP
POLARIS LINE ONLY
3-INLETS: 1 1/2" WITH DIRECTIONAL INSERTS
2-UNDERWATER WHITE LED LIGHT: 500 WATT/110 VOLT,
LIGHT SHELL COPPER W/ GROUND FAULT DETECTION SYSTEM
PUMP: ONE HORSEPOWER SELF-PRIMING HEAVY DUTY WITH
HAIR & LINT STRAINER
TEST KIT: TAYLOR #H.S. K-2005
CLEANING EQUIPMENT: 1-NYLON BRUSH, 1-8 1/16 POLE, 1-VACUUM HEAD,
1-LEAF SKIMMER, 1-FLEX HOSE
5 ENTRY STEPS W/STAINLESS STEEL HANDRAIL & LOVESEAT
SWIM-IN
SAFETY EQUIPMENT: 1-4 FLOAT, 3/8" LIFELINE SEPARATING DEEP/SHALLOW END
NATURE II
FILLSPOUT
AQUALINK CONTROLLING SYSTEM
AUTOCOVER W/MATCHING LID

ELECTRICAL NOTES

1. NO CONDUCTIONS OVERHEAD WITHIN 10' OF POOL
2. GROUNDING AND ALL ELECTRICAL WORK SHALL COMPLY WITH NATIONAL CODES
3. INSTALL GROUND FAULT INTERRUPTERS ON ELECTRICAL CIRCUITS

BUYERS NOTES

1. TO DETERMINE APPROXIMATE ELEVATION OF POOL AT LAYOUT MEETING.
2. WET DOWN CONCRETE SHELL AT LEAST TWICE DAILY
3. DO NOT TURN ON POOL LIGHT WHEN POOL IS EMPTY
4. POOL AREA TO BE FENCED, PER COUNTY OR CITY ORDINANCE

ADDITIONAL NOTES:

- * All pump motors shall have minimum #12 AWG wiring and be hardwired no chords
- * The filter pump will be 1 hp. The pump & GFCI will be hard wired.
- * There will be a minimum #12 AWG equipment grounding conductor installed in the raceway. The wire will be green in color.
- * A separate breaker panel will be provided for the pool equipment.

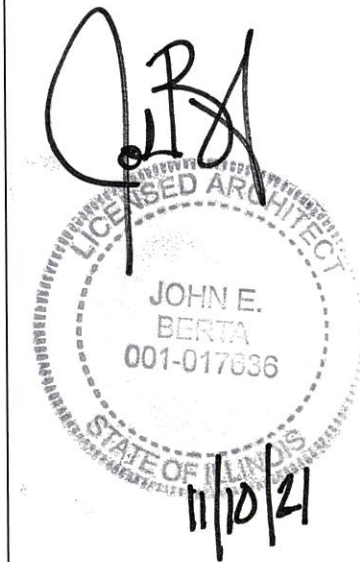
LEGEND

POOL
SYMBOLS

- = MAIN DRAIN (MDX)
- = SKIMMER
- = FILLSPOUT
- = UNDER WATER LIGHT
- = POOL INLET
- = POLARIS LINE ONLY
- = STAINLESS STEEL HANDRAIL
- = SAFETY ROPE WITH RECESSED ANCHORS



JOB#21-050
NAME: AL CARTER & SARAH BONK
ADDRESS: 9 E. HAWTHORNE ST.
CITY: ARLINGTON HTS. ZIP: 60004
CELL #: 228-424-4227 Mr.
SALESPERSON: KYLE RITCHIEY
DRAWN BY: MLG DATE: 11-5-2021
DRAWN BY: DATE:
DRAWN BY: DATE:
DRAWN BY: DATE:



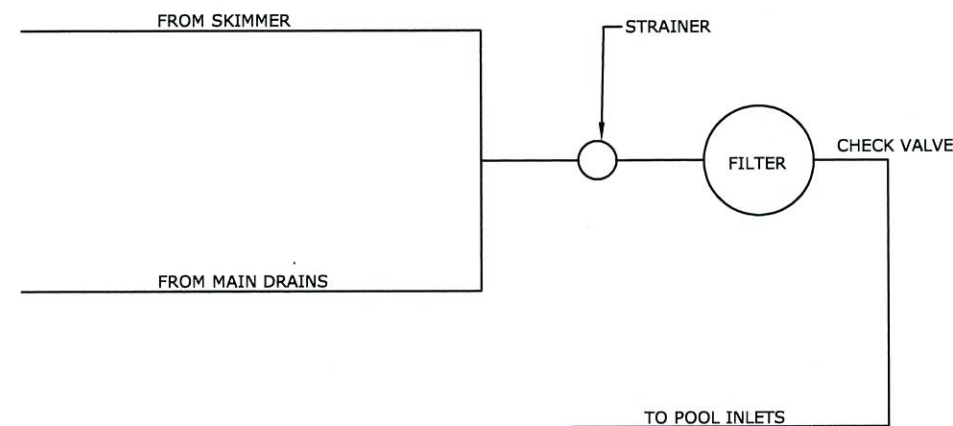
SUBMIT DRAWINGS 11-10-2021
CARTER-BONK RESIDENCE
OUTDOOR, INGROUND POOL & COPING PLAN

PAGE 2 OF 4

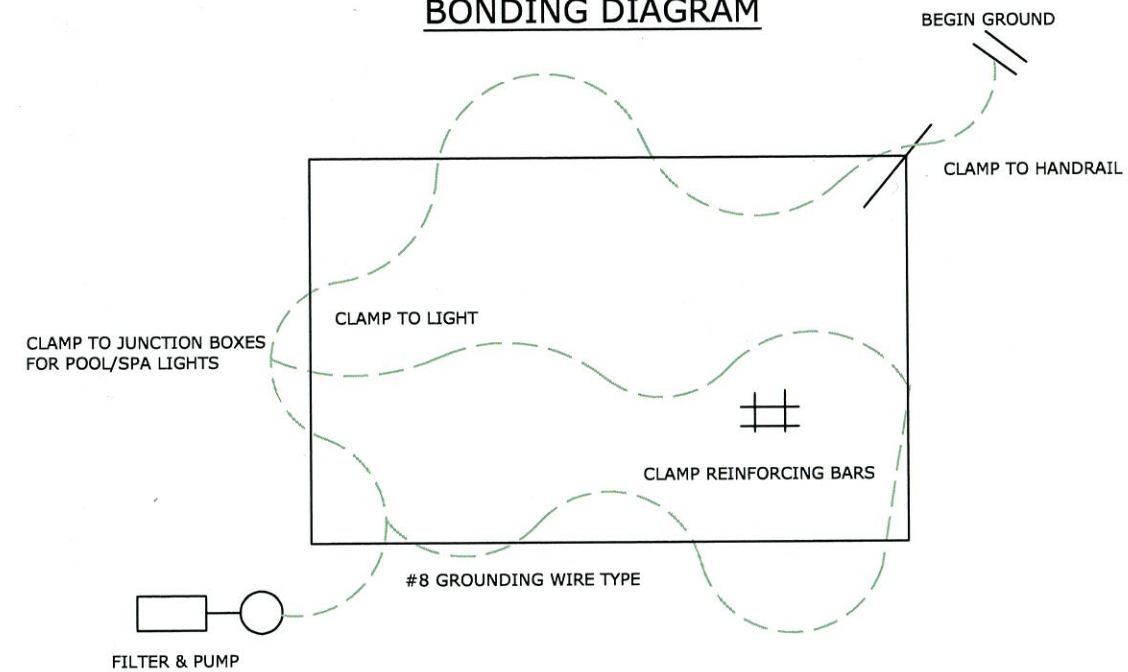


JOB#21-050
NAME: AL CARTER & SARAH BONK
ADDRESS: 9 E. HAWTHORNE ST.
CITY: ARLINGTON HTS. ZIP: 60004
CELL #: 228-424-4227 Mr.
SALESPERSON: KYLE RITCHEY
DRAWN BY: MLG DATE: 11-5-2021
DRAWN BY: DATE:
DRAWN BY: DATE:
DRAWN BY: DATE:

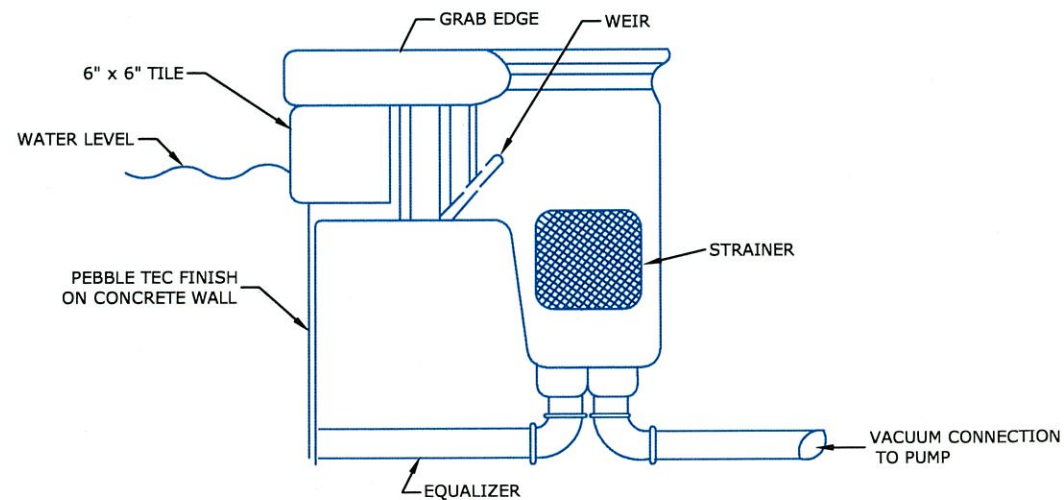
PLUMBING SCHEMATIC



BONDING DIAGRAM



SKIMMER DETAIL



BONDING NOTES

- 1) ELECTRICAL GROUNDING SHALL COMPLY TO ALL LOCAL AND NATIONAL ELECTRICAL CODES.
- 2) ALL GROUNDING WIRE SHALL BE #8 CONTINUOUS COPPER GROUNDING CABLE.
- 3) ALL GROUND CLAMPS TO BE INSTALLED EVERY 10' ALONG GROUND WIRE.
- 4) ALL ELECTRICAL FIXTURES SHALL BE UL LISTED.

ADDITIONAL NOTES:

- * THE BONDING GRID SHALL INCLUDE THE 3' PERIMETER WALKWAY/PATIO.
- * THE BONDING CONDUCTOR SHALL BE SOLID COPPER (NOT STRANDED).
- * THE BONDING CONDUCTOR CONNECTION SHALL BE DONE WITH A CLAMP OF STAINLESS STEEL, BRASS, OR COPPER, AND LISTED FOR CONCRETE ENCASEMENT. (NO ZINC PARTS)

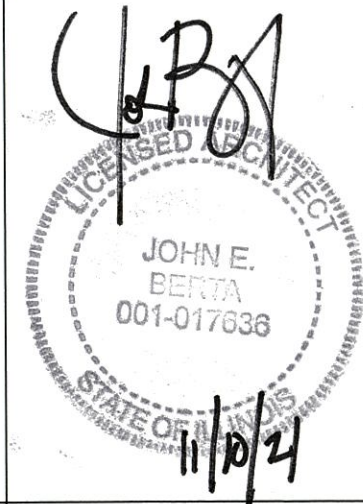
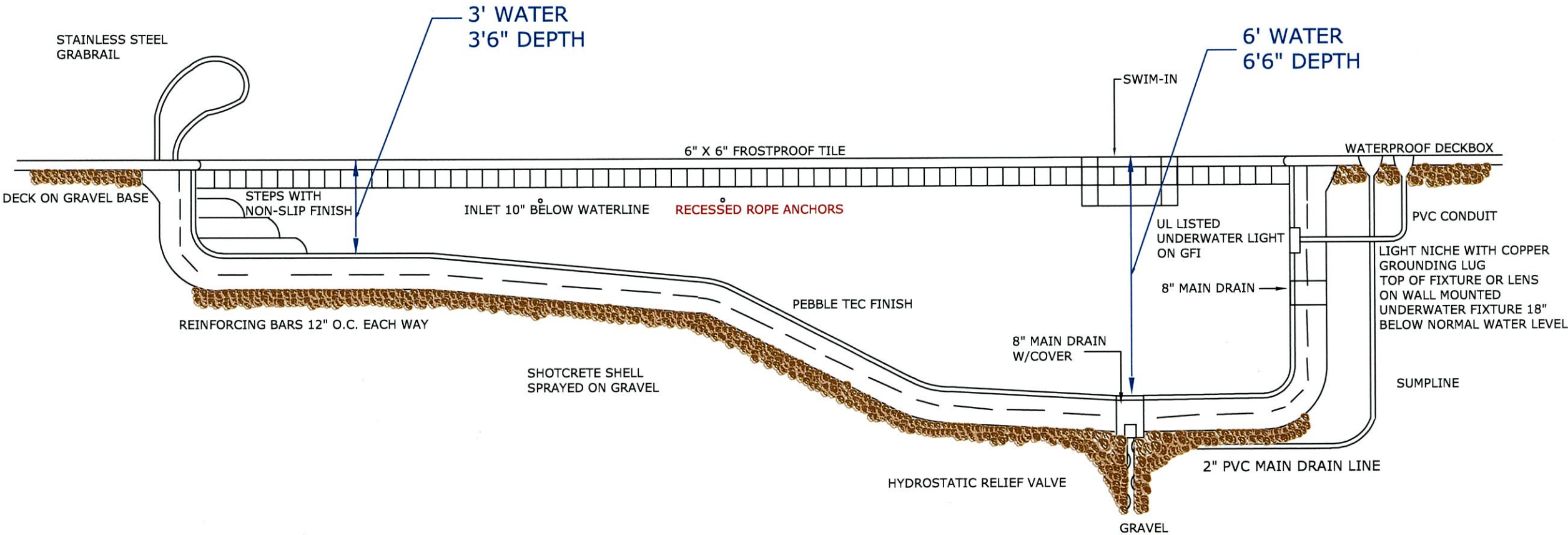




JOB#21-050	
NAME: AL CARTER & SARAH BONK	
ADDRESS: 9 E. HAWTHORNE ST.	
CITY: ARLINGTON HTS. ZIP: 60004	
CELL #: 228-424-4227 Mr.	
SALESPERSON: KYLE RITCHEY	
DRAWN BY: MLG	DATE: 11-5-2021
DRAWN BY:	DATE:
DRAWN BY:	DATE:
DRAWN BY:	DATE:

TYPICAL POOL SECTION

THIS DRAWING IS NOT TO SCALE



SUBMIT DRAWING 11-10-2021

CARTER-BONK RESIDENCE

9 E. HAWTHORNE ST. ARLINGTON HEIGHTS IL 60004

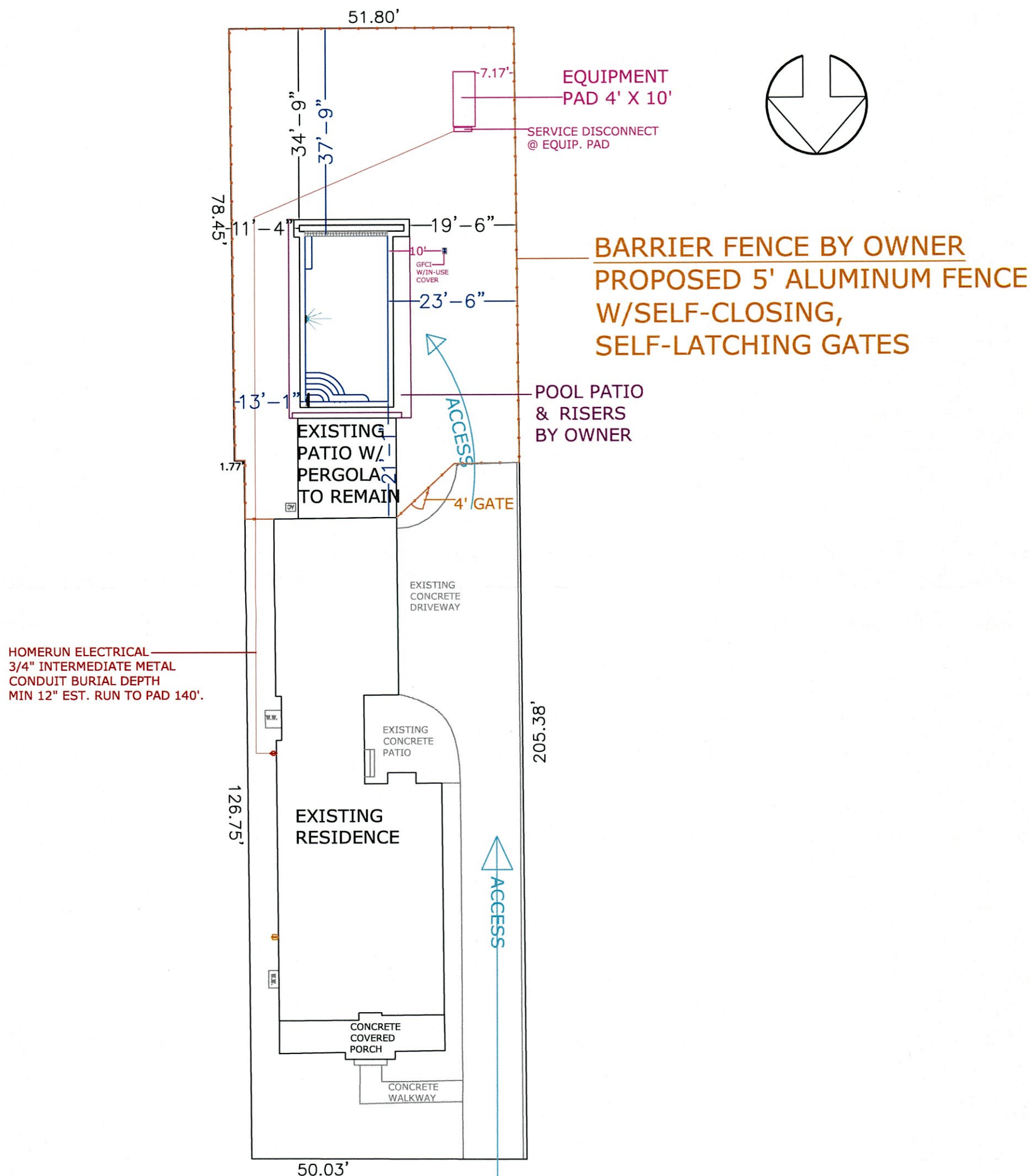
OUTDOOR, INGROUND POOL & COPING

SUBMITTED BY: BARRINGTON POOLS, INC. 847-381-1245

JOB: 21-050 DATE: 11-5-2021 DRAWINGS BY: MLG

SCALE: 1" = 20'

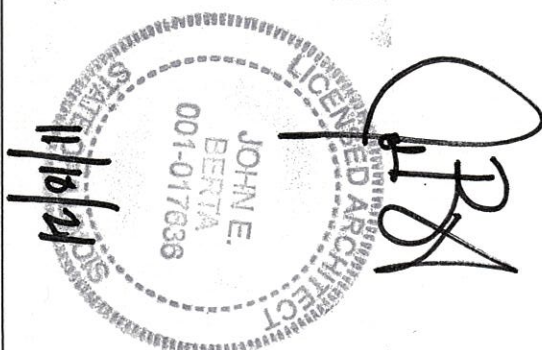
NOTE: BARRINGTON POOLS PROVIDES THE COVER BOX DRAIN TO THE OUTSIDE OF THE POOL DECK, THE OWNER IS RESPONSIBLE TO RUN IT AWAY FROM THE POOL DECK.



HOMERUN ELECTRICAL _____
3/4" INTERMEDIATE METAL
CONDUIT BURIAL DEPTH
MIN 12" EST. RUN TO PAD 140'.

 = ELECTRIC METER

 = GAS METER

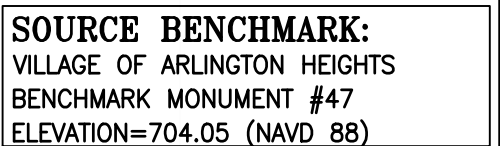


ALL MEASUREMENTS ARE APPROXIMATE

THE WEST 1/2 OF LOT 1 (EXCEPT THE NORTH 15 FEET THEREOF TAKEN FOR STREET) IN COUNTY CLERK'S DIVISION OF LOT 3 IN SUBDIVISION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS ALSO THE WEST 51.80 FEET OF THAT PART OF ORIGINAL LOT 3 IN SUBDIVISION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN RECORDED MARCH 14, 1888 IN BOOK 166 OF MAPS, PAGE 62 ASA DOCUMENT 162099, DESCRIBED AS FOLLOWS: COMMENCING 2 CHAINS AND 14 LINKS, 141.24 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 3, RUN THENCE S 88° 18' E 46.7 FEET TO THE CENTER OF THE HIGHWAY; THENCE S 88° 18' E 178.0 FEET TO THE CENTER OF SAID HIGHWAY; THENCE S 88° 18' E 86.7 FEET TO THE CENTER OF THE WEST LINE OF SAID LOT 3; THENCE S 88° 18' E 86.7 FEET TO THE CENTER OF THE WEST LINE OF SAID LOT 3, TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THE SOUTH 112 FEET OF SAID TRACT, ALSO THE SOUTH 5 FEET OF LOT 7 (EXCEPT THE SOUTH 7.88 FEET THEREOF) IN COUNTY CLERK'S DIVISION OF LOT 3 IN SUBDIVISION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED APRIL 5, 1880 AS DOCUMENT 269019, IN ARLINGTON HEIGHTS, COOK COUNTY, ILLINOIS.



JOB BENCHMARK:
MUELLER BOLT ON HYDRANT
LOCATED 114' EAST OF EAST PL
ELEVATION=706.93

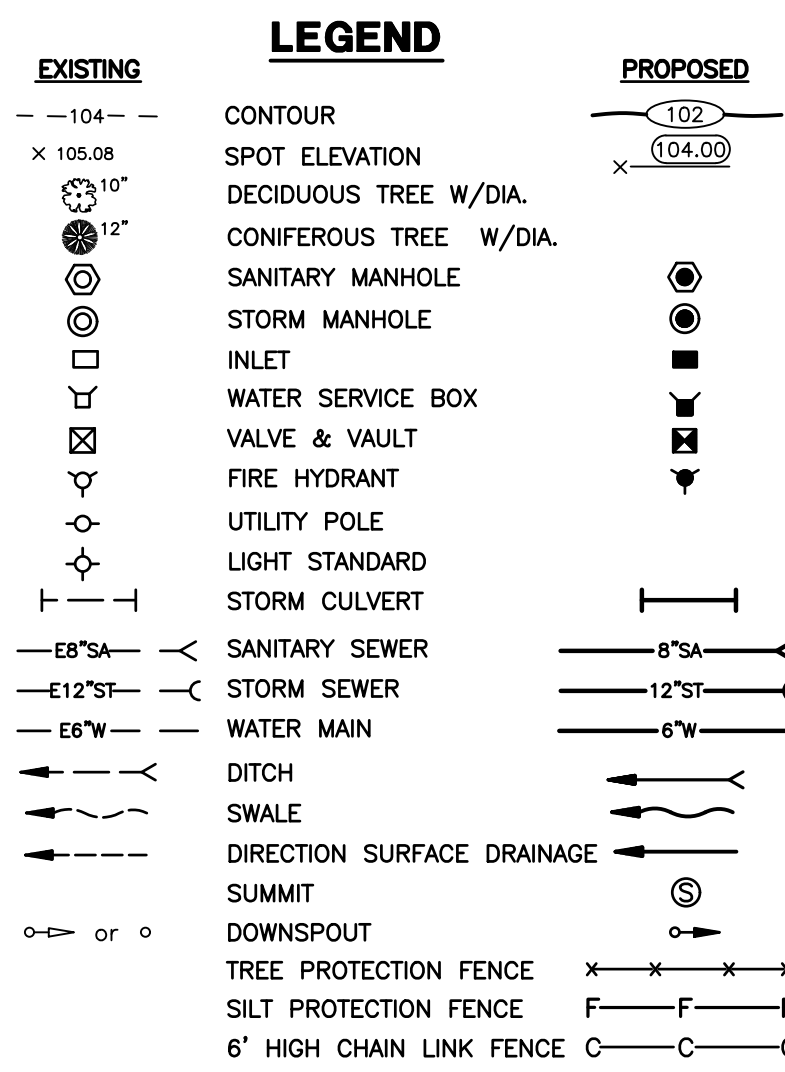


--- 104 ---	CONTOUR
× 105.08	SPOT ELEVATION
10°	DECIDUOUS TREE W/DIA.
12°	CONIFEROUS TREE W/DIA.
	SANITARY MANHOLE
	STORM MANHOLE
	CATCH BASIN
	INLET
	WATER SERVICE BOX
	VALVE & VAULT
	FIRE HYDRANT
	UTILITY POLE
	LIGHT STANDARD
	STORM CULVERT
--- E8"SA ---	SANITARY SEWER
--- E12"ST ---	STORM SEWER
--- E6"W ---	WATER MAIN
	DITCH
	SWALE
	DIRECTION SURFACE DRAIN
	FENCE

			DESIGNED BY:	DATE:
			MRT	08-30-21
			CHECKED BY:	DATE:
			DRF	08-30-21
DRAWN BY:	DATE:	REVISIONS	APPROVED BY:	DATE:
			DRF	08-30-21

SCALE:	1"=10'
DRAWING No.	62119
SHEET	1 OF 2

EXISTING TOPOGRAPHY



9 E. HAWTHORNE STREET – ARLINGTON HEIGHTS, IL.
GRADING PLAN