

APPROVED

ZONING BOARD

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

OF APPEALS

RE: 202 SOUTH HIGHLAND AVENUE - ZBA #24-021

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, 2nd Floor, Commissions Room,
Arlington Heights, Illinois on the 12th day of August, 2024 at the hour of
7:00 p.m.

MEMBERS PRESENT:

JOSEPH SELBKA, Acting Chairperson
TOM DRAKE
JEFFREY LANAGHAN
FRANK PORTERA
MICHAEL O'CONNOR

ALSO PRESENT:

DEREK MACH, Development Planner

APPROVED

ACTING CHAIRPERSON SELBKA: Shall we do a call to order?

MR. MACH: Yes.

Mr. Siavelis.

(No response.)

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. MACH: Mr. Jaffe.

(No response.)

MR. MACH: Mr. Lanaghan.

(No response.)

MR. MACH: Mr. O'Connor.

COMMISSIONER O'CONNOR: Here.

MR. MACH: Mr. Selbka.

ACTING CHAIRPERSON SELBKA: Here.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Here.

ACTING CHAIRPERSON SELBKA: Okay, let's go with the Pledge of Allegiance.

(Pledge of Allegiance recited.)

ACTING CHAIRPERSON SELBKA: Okay, now we have an approval of minutes.

Derek, I was not at the meeting last month. So, can I vote, I cannot vote to approve the minutes, correct?

MR. MACH: You can, but --

ACTING CHAIRPERSON SELBKA: I can, okay --

MR. MACH: Yes.

ACTING CHAIRPERSON SELBKA: -- because we need four votes to approve the minutes, correct?

MR. MACH: We do, correct, yes.

ACTING CHAIRPERSON SELBKA: All right, have you all had an opportunity to review the minutes?

(Chorus of yeses.)

ACTING CHAIRPERSON SELBKA: Can I get a motion to approve?

COMMISSIONER DRAKE: So moved.

ACTING CHAIRPERSON SELBKA: Second?

COMMISSIONER PORTERA: Second.

ACTING CHAIRPERSON SELBKA: Okay, all in favor?

(Chorus of ayes.)

ACTING CHAIRPERSON SELBKA: Hearing none opposed, the minutes for last month are approved.

Okay, Derek, it says we have reports and old business. I don't think we have any reports or old business, do we?

MR. MACH: We do not this evening.

ACTING CHAIRPERSON SELBKA: Okay, great. So, those two sections

are done. All right, let's go on to new business.

To discuss the hearing procedures for a moment, there are seven members of this panel, you need four votes to obtain a variance. Three members are absent today, so you have to get unanimous approval from everyone who's here to get an approval of your variance request. You have the right to have the matter continued if you want to try in front of the entire Zoning Board of Appeals. Otherwise, please remember you have to get unanimity from the four members who are here today.

Is there anyone who is objecting to any variance request today?

(No response.)

ACTING CHAIRPERSON SELBKA: All right, and anybody who is not a party who is, or a petitioner who is going to appear and testify?

(No response.)

ACTING CHAIRPERSON SELBKA: Okay, we don't have to worry about whether you want to object or just speak from your party then.

To obtain a variance, you have to prove four elements:

1. That the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of the nearby property;
2. That the plight of the owner is due to unique circumstances which may include 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 this chapter; and
4. That the variation requested is the minimum variation necessary to allow reasonable use of the property.

You have the obligation to prove all four elements to us, either through testimony or documentation or both.

All right, with that, let's go to the first proposed variance, 202 South Highland Avenue, ZBA #24-021.

Mr. Flubacker?

MR. FLUBACKER: Yes.

ACTING CHAIRPERSON SELBKA: Derek, would you please read the introductory remarks?

MR. MACH: And for the record --

ACTING CHAIRPERSON SELBKA: Yes, for the record.

MR. MACH: -- Mr. Lanaghan is present.

ACTING CHAIRPERSON SELBKA: Yes.

COMMISSIONER LANAGHAN: I'll just make a way.

MR. MACH: Thank you, Chairman.

The Petitioner is proposing to demolish the existing two-car detached garage and construct a new three-car detached garage. The proposed garage is located three feet from the rear property line where five feet is required.

Therefore, they're requesting a two-foot variation from Chapter 28, Section 6.5-2 for a new detached garage with a rear yard setback of three feet instead of the minimum required five feet. Thank you.

ACTING CHAIRPERSON SELBKA: Okay, Mr. Flubacker, would you please raise your right hand?

(Witness sworn.)

ACTING CHAIRPERSON SELBKA: Okay, is anyone else going to testify today?

MR. FLUBACKER: I have the homeowners here, only I think if they have questions to answer.

ACTING CHAIRPERSON SELBKA: Okay. All right, please present the petition.

MR. FLUBACKER: Okay, we are in the process of remodeling this existing house at 202 South Highland. As part of the review of the facility, we looked at the garage and it is a dilapidated mess, probably ready to fall down in the next snowstorm.

So, our request is to reconstruct a new garage basically in the same place as the current one is today and widening it in the direction towards the house in order to create a three-car garage. We are, if you look at the plat of survey, the surveyor did not do us a favor by locating the garage to the lot line. He went through a series of numbers from the front lot line to the back corner of the garage, but currently, that separation, if you do the math, the separation between the back corner of the garage and the west lot line is 1.88 feet. So, it's currently two feet away from the side lot line.

ACTING CHAIRPERSON SELBKA: Mr. Flubacker, one moment, please.

MR. FLUBACKER: Sure.

ACTING CHAIRPERSON SELBKA: Is there an issue?

COMMISSIONER DRAKE: We didn't think that he was signed in, but he is.

ACTING CHAIRPERSON SELBKA: Oh, I'm sorry. Sorry, go ahead.

MR. FLUBACKER: It is, and now I'm forgetting what the number is from the south lot line, but it's about seven or eight feet.

ACTING CHAIRPERSON SELBKA: 2.5 feet?

MR. FLUBACKER: Well, it's two feet from the west lot line. It's about seven or eight feet from the south lot line.

ACTING CHAIRPERSON SELBKA: Okay.

MR. FLUBACKER: So, we're pushing the garage back to the five-foot setback from the, sorry, we're keeping, we're actually pushing it forward from that setback and pushing the west side to where it meets a three-foot setback from the lot line. Then the front of the garage is basically where the driveway ends today, but it's enough room to park a car from the sidewalk to the front of the garage without obstructing the sidewalk.

We're replacing the garage with similar architecture to what the current garage has which is sympathetic to the design of the house, and obviously, you know, making it meet current code. I'm aware of the comments that have come from the Staff. The Building Department has their classic comments about the fire rating which also happens to be addressed in our drawings. So, we're obviously in agreement with that.

ACTING CHAIRPERSON SELBKA: And my understanding is that the current garage is nonconforming as well?

MR. FLUBACKER: Yes. Yes, in many aspects.

ACTING CHAIRPERSON SELBKA: Have you, non-conforming to the zoning, right?

MR. FLUBACKER: Right, right.

ACTING CHAIRPERSON SELBKA: Have you spoken or have your clients spoken to the neighbors about this?

MR. FLUBACKER: They have spoken to the neighbor directly to the west

and the neighbor directly to the south, and neither neighbor had any objections.

ACTING CHAIRPERSON SELBKA: Okay, those are the only questions I have. I guess I'll open it up for questions from the rest of the Board.

COMMISSIONER DRAKE: How many cars? How many drivers in the family?

MR. FLUBACKER: There are two cars currently, plus stuff. There is a teenage son who'll probably be a driver pretty soon.

COMMISSIONER DRAKE: Okay, thank you.

ACTING CHAIRPERSON SELBKA: All right, with that, I will close down questions.

Do we have any comments from the public? If anyone wants to make any objection or anything in support of this petition, please say so now.

(No response.)

ACTING CHAIRPERSON SELBKA: Hearing none, I'll close it down for Board discussion.

From my perspective, there is a, it's already a non-conforming use. There would have to be a variance just to replace this garage. Looks like it's pretty much in accordance with the original footprint of the original garage; therefore, I'm fine with granting this variance.

COMMISSIONER LANAGHAN: I agree, no issues.

ACTING CHAIRPERSON SELBKA: Okay. All right, motion to approve?

COMMISSIONER LANAGHAN: I move to approve the variance as presented.

ACTING CHAIRPERSON SELBKA: Okay, second?

COMMISSIONER PORTERA: Second.

ACTING CHAIRPERSON SELBKA: All right.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. O'Connor.

COMMISSIONER O'CONNOR: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Acting Chair Selbka.

ACTING CHAIRPERSON SELBKA: Yes.

Thank you, Mr. Flubacker.

MR. FLUBACKER: Thank you very much. Appreciate it. Take care, everyone.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:10 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 810 NORTH KENNICOTT AVENUE - ZBA #24-022

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 2nd Floor, Commissions Room,
Arlington Heights, Illinois on the 12th day of August, 2024 at the hour of
7:10 p.m.

MEMBERS PRESENT:

JOSEPH SELBKA, Acting Chairperson
TOM DRAKE
JEFFREY LANAGHAN
FRANK PORTERA
MICHAEL O'CONNOR

ALSO PRESENT:

DEREK MACH, Development Planner

ACTING CHAIRPERSON SELBKA: Okay, so calling the next petition, that is 810 North Kennicott Avenue, ZBA #24-022.

State your name, please.

MS. PATRICK: Josie Patrick.

ACTING CHAIRPERSON SELBKA: Okay, would you please raise your right hand?

(Witness sworn.)

ACTING CHAIRPERSON SELBKA: Is there anyone else that you're going to have testify today?

MS. PATRICK: No, no one else.

ACTING CHAIRPERSON SELBKA: All right, please present your petition.

MS. PATRICK: Good evening, and thanks for your time. I would like to --

ACTING CHAIRPERSON SELBKA: Oh, excuse me. I am sorry.

Derek, would you please give your description of the petition? Again, thank you, I apologize.

MR. MACH: Thank you, Chairman.

The Petitioner is proposing to increase the width of the driveway near the detached garage in the rear yard. The proposed expansion results in a driveway with a width of 25 feet where a maximum width of 22 feet is permitted.

Therefore, they're requesting a three-foot variation from Chapter 28, Section 10.2-11.1(b) to allow a driveway that is 25 feet wide where the maximum width allowed is 22 feet. Thank you.

ACTING CHAIRPERSON SELBKA: Now you may begin. Thank you.

MS. PATRICK: Thank you. So, like he said, we are currently in the process of replacing our single-car garage with a two-car garage that's placed farther back in our yard to help with cars being able to enter and exit from the house. We have two single-lane driveways right next to each other between our house and our neighboring house. So, it is constricted by our house and then their fence. So, we are building a new garage to allow us to keep cars parked in the driveway or the garage instead of having to move around each other.

The garage will be 22 feet wide with a three-foot sidewalk along, between the garage and the fence line. We would like the driveway to go all the way up to meet both the garage and the sidewalk so that we have an easier time trying to make our way back towards the garage.

I've spoken with all my neighbors on either side of my property and then behind my property, and they are all happy and excited for us to do this work.

So, I think my, hopefully my petition kind of speaks for itself as to why we're doing this. We have a, you know, a family now and it's a lot of moving cars around each other and trying to get by each other and neighbor's cars. So, we're hoping that this will kind of ease the tight squeeze that it currently is.

ACTING CHAIRPERSON SELBKA: And will this new driveway be in accordance with the character of the neighborhood?

MS. PATRICK: I believe so. Much of it will not be visible because it's set so far back, and it's not 25 feet the entire length of the driveway. It's only 25 feet, or it only exceeds 22 feet for about seven feet because there is just kind of a tapered section that

would be left unpaved if, for example, we were to have to construct it to 22 feet. So, I don't think it would be visible and we're within our coverage limits for the lot.

ACTING CHAIRPERSON SELBKA: Okay, does anybody else have questions?

COMMISSIONER LANAGHAN: Just curious. How is this benefiting the overall? I mean, I see how it lays out now and I see that they're, you know, you're trying to tie in to, I guess to the sidewalk behind there. Does that sidewalk go anywhere behind the proposed garage?

MS. PATRICK: No, it's just because, well, we do have the door, the service door for the garage is on the front portion coming out to that side, and then the sidewalk just runs on in the back for, you know, garbage cans, like storage, just so we don't have to keep a mulched area over there. But really what is difficult about the driveway now is that you have to make a turn kind of through, there's a sunroom, our house has a sunroom, and then their fence starts, and so you have to make kind of a turn in order to get back towards the garage. So, that turn can sometimes be a little tedious and, between our fence and our sunroom for just making your way.

COMMISSIONER LANAGHAN: No, I get that. I guess I'm just curious about the extra three-foot over to the edge of the sidewalk as opposed to the edge of the garage. The edge of the garage makes perfect sense to me. I don't know that I'm opposed to allowing it, I'm just not sure I understand why you need it.

MS. PATRICK: Just for, you know, being able to potentially keep a car there so you can move another car out, you know, just maneuvering the two cars in and out of the garage without having to back one out onto a street. I think that's what we kind of constantly find ourselves doing is moving one car out to the street to allow the other car to pass by.

COMMISSIONER LANAGHAN: Got you, okay.

MS. PATRICK: And we live on Kennicott which is a busy through-street, so we don't really like to put our cars on that street for any length of time.

COMMISSIONER LANAGHAN: I know, I understand. Okay, thank you.

ACTING CHAIRPERSON SELBKA: Any other questions?

(No response.)

ACTING CHAIRPERSON SELBKA: None being heard, I will shut down Board questions and ask for comments from the public.

Any comments from the public?

(No response.)

ACTING CHAIRPERSON SELBKA: None being heard, I will shut that down for Board discussion.

This seems like a fairly innocuous request to me. I don't think that, I do think that Kennicott is a busy street. It's a really minimal variance request and I think there is a hardship there. It won't affect the character of the locality. There's no objections. I am in favor of the variance.

COMMISSIONER O'CONNOR: And from the sidewalk, you can't see, you know, even back towards the house, so I'm in favor of it as well.

ACTING CHAIRPERSON SELBKA: Any other comments?

(No response.)

ACTING CHAIRPERSON SELBKA: Okay, Board discussion is closed.

Can I have a motion?
COMMISSIONER O'CONNOR: Motion to approve as stated in the
application.

ACTING CHAIRPERSON SELBKA: Second?

COMMISSIONER DRAKE: Second.

ACTING CHAIRPERSON SELBKA: Okay, Derek, roll call?

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. O'Connor.

COMMISSIONER O'CONNOR: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Acting Chair Selbka.

ACTING CHAIRPERSON SELBKA: Yes.

Thank you, congratulations.

MS. PATRICK: Thank you.

(Whereupon, the public hearing on the above-mentioned
petition was adjourned at 7:17 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 824 NORTH RIDGE AVENUE - ZBA #24-024

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, 2nd Floor, Commissions Room,
Arlington Heights, Illinois on the 12th day of August, 2024 at the hour of
7:17 p.m.

MEMBERS PRESENT:

JOSEPH SELBKA, Acting Chairperson
TOM DRAKE
JEFFREY LANAGHAN
FRANK PORTERA
MICHAEL O'CONNOR

ALSO PRESENT:

DEREK MACH, Development Planner

ACTING CHAIRPERSON SELBKA: All right, and our final petition of today is 824 North Ridge Avenue, ZBA #24-024.

MR. KARLE: Good evening.

ACTING CHAIRPERSON SELBKA: Hi. Can you raise your right hand?
(Witness sworn.)

ACTING CHAIRPERSON SELBKA: Okay, it doesn't look like anybody else is going to testify on your behalf.

MR. KARLE: No, no.

ACTING CHAIRPERSON SELBKA: All right, Derek, could you please tell us about the petition?

MR. MACH: The Petitioner is proposing a one-story addition in the rear of the home. The residence with the proposed addition will be 3,064 square feet, which exceeds the allowable floor area ratio.

Therefore, they're requesting an 89 square-foot variance from Chapter 28, Section 5.1-3.4 to allow a floor area ratio of 3,064 square feet instead of the maximum allowed of 2,975 square feet. Thank you.

ACTING CHAIRPERSON SELBKA: And you're Mr. Karle?

MR. KARLE: Yes.

ACTING CHAIRPERSON SELBKA: Okay, please present your petition.

MR. KARLE: So, basically, we are trying to build a four-season sunroom on the back of our house to provide a little more activity space on the ground floor of the house and provide more, you know, fresh air area that we can use year-round, free from, you know, bugs and other things for our kids. It's basically replacing I think a little over half of our existing deck, kind of extends a couple of feet beyond where the deck is at this point from the back of the house.

Let's see. We've informed neighbors of it, they have no objections to it. The only question we had heard was is it going to be heated or not, you know, just curious things, which is the plan, like I said, four-season value, yes, and fresh air.

ACTING CHAIRPERSON SELBKA: Okay, and can you talk a little bit about why you need a variance? What the hardship is?

MR. KARLE: Well, to get it to the size that we are looking for which is basically like a normal sized room, you know, so it's not like an under, I guess that's the size that we come to when it comes to kind of creating an actual usable room on the back of the house, accounting for, you know, the walls and things, so as not to lose deck space while gaining the enclosed area.

ACTING CHAIRPERSON SELBKA: Does anyone have questions? Jeff?

COMMISSIONER LANAGHAN: I think I drew this one. I mean, your petition is a little confusing to me in that you keep speaking towards using the backyard while you're building on to the house and taking away from the backyard. So, I'm a little confused as to how the petition, you know, how the variance request plays into the backyard use.

MR. KARLE: I guess I didn't realize how the four-season sunroom, like we were thinking of it as basically an enclosed deck that's also heated. Then, you know, that's kind of I guess how it came out when we're speaking to --

COMMISSIONER LANAGHAN: As opposed to the backyard area or part of the backyard area?

MR. KARLE: Yes. It's like basically a four-season extension of the outdoors because it's windowed all around.

COMMISSIONER LANAGHAN: Right.

MR. KARLE: We can take a lot of fresh air, but also be able to use it year-round with the kids in there, especially the young kids, without having to, so they can just have fresh air.

COMMISSIONER LANAGHAN: Tell me about your family for a second. Just why do you need this extra space?

MR. KARLE: We've got a six-year-old and, well, we've got a teenager, too, but she's not, you know, she doesn't really matter in this equation, but we've got the six-year-old, a one-and-a-half-year-old, and another one on the way. So, we're going to, we'll have a lot of little kids running around and it's kind of in the more central part of the house around the kitchen area and so where we can keep an eye on the kids, too. So, there is that aspect. They're going to be able to get some fresh air, but we're still working on things indoors or what have you. So, we're not like out, you know, in the yard, but we're still getting the indoor/outdoor kind of space versus just being stuck, you know, in the house as we were. That's kind of the idea.

COMMISSIONER LANAGHAN: That's about all I have. I mean, it doesn't seem like it's an unusual sized room or anything.

ACTING CHAIRPERSON SELBKA: Anybody have any other questions?

(No response.)

ACTING CHAIRPERSON SELBKA: All right, I will close it down for public, well, there's no public to comment basically. All right, I'll close it down for Board deliberation.

This seems like a reasonable request. They do want to, I understand that they want to have at least some of their deck available for use during winter, given how long winter is here and how unpleasant late fall and early spring can be. So, I'd be in favor of this.

COMMISSIONER LANAGHAN: Yes, I'd agree. I would say, and I'm sorry to cut you off like that.

COMMISSIONER DRAKE: No, go ahead.

COMMISSIONER LANAGHAN: I would agree. I mean, like I said, I was a little confused by the presentation and the write-up but, you know, having a bunch of young kids and what have you, I certainly understand the desire to be able to be inside/outside at the same time. So, it does seem reasonable to me.

COMMISSIONER DRAKE: I would agree with all that. I was just going to add there is no Staff objection that I saw in our Board packet, and there is no neighbor objection. It would seem to me in the back of the house, it would be minimally obtrusive to anybody unless they're behind you, and nobody is here to say that. So, I'm in favor of it.

ACTING CHAIRPERSON SELBKA: Anybody else?

(No response.)

ACTING CHAIRPERSON SELBKA: All right, Board deliberations are closed.

Can I have a motion?

COMMISSIONER DRAKE: I would move that we approve this petition as presented.

ACTING CHAIRPERSON SELBKA: Second?
COMMISSIONER LANAGHAN: I'll second that.
MR. MACH: Mr. Drake.
COMMISSIONER DRAKE: Yes.
MR. MACH: Mr. Lanaghan.
COMMISSIONER LANAGHAN: Yes.
MR. MACH: Mr. O'Connor.
COMMISSIONER O'CONNOR: Yes.
MR. MACH: Mr. Portera.
COMMISSIONER PORTERA: Yes.
MR. MACH: Acting Chair Selbka.
ACTING CHAIRPERSON SELBKA: Yes.

All right, congratulations. You have a nice evening, Mr. Karle.

MR. KARLE: Thank you.

ACTING CHAIRPERSON SELBKA: All right, any other business, Derek?

MR. MACH: No other business this evening.

ACTING CHAIRPERSON SELBKA: Okay, there is no one here from the public.

Does anybody from the Board want to make a public comment?
(No response.)

ACTING CHAIRPERSON SELBKA: Derek, do you get to make one?
Really, do you have any comments?

MR. MACH: I do not.

ACTING CHAIRPERSON SELBKA: Okay, so I mean, really you can. Okay, with that, I need a motion to adjourn.

COMMISSIONER O'CONNOR: So moved.

ACTING CHAIRPERSON SELBKA: Second?

COMMISSIONER PORTERA: Second.

ACTING CHAIRPERSON SELBKA: All in favor?

(Chorus of ayes.)

ACTING CHAIRPERSON SELBKA: Hearing none opposed, the meeting is adjourned.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:24 p.m.)

APPROVED

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STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

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

RON LeGRAND, SR.

SUBSCRIBED AND SWORN TO
BEFORE ME THIS _____ DAY OF
_____, A.D. 2024.

NOTARY PUBLIC