

APPROVED

ZONING BOARD

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

OF APPEALS

RE: 1015 EAST VIATOR COURT - ZBA #24-014

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 10th day of June, 2024 at the hour of
7:00 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairperson
TOM DRAKE
JEFFREY LANAGHAN
BENJAMIN JAFFE
MICHAEL O'CONNOR
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

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CHAIRPERSON SIAVELIS: All right, folks, we're going to call the meeting to order. Welcome, everyone, to tonight's meeting for the Zoning Board of Appeals on June 10th, 2024.

Roll call, please, Derek.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Here.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Here.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Here.

MR. MACH: Mr. O'Connor.

COMMISSIONER O'CONNOR: Here.

MR. MACH: Mr. Selbka.

(No response.)

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Here.

CHAIRPERSON SIAVELIS: Pledge of Allegiance, folks.

(Pledge of Allegiance recited.)

CHAIRPERSON SIAVELIS: All right, has everybody had a chance, all the Board members had a chance to review the prior meeting minutes?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Assuming, yes, do we have any corrections, revisions, edits, adders, anything of that nature?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, do we have a motion to approve the minutes as circulated?

COMMISSIONER DRAKE: So moved.

COMMISSIONER JAFFE: Seconded.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, motion carries.

Okay, folks, we're going to go through some hearing procedures. I know at least one of the petitioners has been before this Board recently; nonetheless, we still have to go through the procedures.

If there are less than six members present, the petitioners have an option to continue to a latter meeting. Recognize that it takes four affirmative votes to approve a variance regardless of the number of Board members in attendance, okay. So, there are six of us, you need to go four and two on each variance that's being voted, at least four and two. If denied, a petitioner cannot reapply for a whole year, so there is a one-year preclusive effect if you're denied on a particular variance.

There are four elements necessary that the petitioner must establish in order for the Board to be able to grant a variation. They are as follows:

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

A variation shall be permitted only if the evidence, in the judgment of this Board of Appeals, sustains each and every one of the four conditions enumerated. Let me clarify that it is, and restate that it is the petitioner's responsibility to provide testimony as to each of these elements. It is not, I repeat not, the Board's responsibility to pull that testimony out of the petitioner. We have denied variances in the past when those elements have not been established because that is the rules and the operating procedures. By the way, those elements are the same elements that you have seen in your packet materials that were provided by the Village and that you submitted to the Village in connection with the variations being sought here tonight.

Other protocol issues or procedural issues. The Chairperson opens an agenda item and provides some introductory remarks. Then there's a Staff presentation, okay, which is essentially a brief overview of the project and variance/variances requested. That Staff presentation comes from Derek. Then we shift to an applicant presentation. At that point in time, you the applicant present your case in favor of zoning relief by way of documents and/or testimony, and we're going to swear you in under oath, and you must state and spell your respective names on the record.

I think most of you already have signed in and done that bit of homework. Awesome, thank you very much in that regard.

So, members of the public may speak on the application. If there is a member of the public speaking in regards to an application or a variance sought, they must be sworn in under oath and state and spell their names correctly.

With all that, we can now move to the new business. First up is ZBA Petition No. 24-014, 1015 East Viator Court. Okay, come on up. You both don't have, I see you're carrying, you know, you both don't have to come up. If you want to, be my guest, but --

MRS. KRITIKOS: He likes standing with us.

CHAIRPERSON SIAVELIS: -- I don't want you to feel that you're obligated to.

MR. KRITIKOS: Especially put him right on the mic.

CHAIRPERSON SIAVELIS: Perhaps not. Have you both signed in?

MR. KRITIKOS: Yes.

MRS. KRITIKOS: Yes, we did.

CHAIRPERSON SIAVELIS: Okay, if you're both going to speak, then I have to swear you both in, okay? So, right hand.

(Witnesses sworn.)

CHAIRPERSON SIAVELIS: Okay, and Derek has an overview, by the way.

MR. MACH: Thank you, Chairman.

The Petitioner is proposing a new six-foot tall privacy fence along the north property line adjacent to the East Clarendon Street right-of-way. The proposed

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privacy fence is located along the perimeter of the lot; however, per code, fencing within the corner side yard of a corner lot that is taller than 36 inches is required to be at least five feet from the perimeter of the lot.

Therefore, they're requesting a variation from Chapter 28, Section 6.13-3(b)(2) and 6.13-3(c)(1) to allow a six-foot tall solid fence to be constructed along the property line, which is the East Clarendon Street property line, with no street side landscaping where a five-foot setback is required. Thank you.

CHAIRPERSON SIAVELIS: Great. Thanks, Derek.

Okay, now you have the floor.

MR. KRITIKOS: Oh, sure. Well, the fence that we are, the main purpose of the fence is, well, (a) we have five children and (b) we have two sons, obviously this one being the youngest here. His older brother is three. Right now, there is no security basically on that side of the property whatsoever. So, for safety for our children and for, you know, the fact that we are on that corner lot and everything by a relatively busy street, which is Dryden, and everything, it just provides added security for us.

Our neighbors directly to the west of us have already been granted a variance at some point in time. I do remember them having the signs up front. The fencing that would be allowed there potentially along the property line up and adjacent to the sidewalk would be in line with what they currently have. If it's set five feet back, as a matter of fact, it would be off completely. Yes, I don't know if you can tell very well from that.

So, there would be, there's a series of bushes that are there that would obviously be, they would be taken out and everything to accommodate the fence and everything. But the fence that would be put in, you know, if granted the variance, then everything would be in line with our neighbor's directly to the west. So, if you can see the fence that's there to the right, there is a fence, so this photo must have been, I don't know, maybe, yes, it's not nearly as recent, but there's a fence now that goes from about the easement there. Yes, like now where the cursor is, directly all the way down the side of the house that's directly to the west of us.

MRS. KRITIKOS: Yes, and I took a look at some of the zoning regulations related to what, when we first got our application rejected, we put in for a six-foot fence, then we came to realize that typically our corner lots, if you're at the property line, they look for a three-foot fence. I think the rationale for that zoning regulation is that they want to make sure it's safe for cross traffic. But where we would position it would be where the house meets that porch to that porch, so it would be well set back before that intersection. It wouldn't cause any obstruction of views.

MR. KRITIKOS: And it would not be, where the fence would run perpendicular, or basically directly at Clarendon Avenue there, if you can see where the red brick meets the --

MRS. KRITIKOS: The back porch there.

MR. KRITIKOS: Yes, exactly right there, it would run directly across there. So, it would be very much removed probably about 12 to 14 feet away from our driveway even.

CHAIRPERSON SIAVELIS: So, that's the north-south run of the fence?

MR. KRITIKOS: That would be correct. Yes, that would be correct.

COMMISSIONER JAFFE: Is that chainlink fence that runs along the

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western edge of your property going to remain?

MR. KRITIKOS: Yes. That will stay there.

COMMISSIONER JAFFE: But that's not six feet tall?

MR. KRITIKOS: That's not six feet tall, but there's a ton of bushes. There's always evergreens there that are probably 15, yes, 15 to 18 feet tall that run through that.

MRS. KRITIKOS: Most people don't even notice we have that fence because it's inside of this --

COMMISSIONER JAFFE: I did, I drove by two days ago.

CHAIRPERSON SIAVELIS: Is there another fence, too, by the way on the west side?

MR. KRITIKOS: Yes.

MRS. KRITIKOS: Yes, because there is the easement between there.

MR. KRITIKOS: Yes.

MRS. KRITIKOS: We don't have the easement. Our neighbors behind us have the easement.

COMMISSIONER JAFFE: So, the fence along Clarendon will be in line with your neighbor's fence?

MRS. KRITIKOS: Correct.

MR. KRITIKOS: Yes.

COMMISSIONER JAFFE: It would be six feet, but the chainlink fence along the western edge of your property will remain, and that's three feet? Four feet?

MR. KRITIKOS: Yes, as is.

MRS. KRITIKOS: I think it's a four-footer.

MR. KRITIKOS: Yes.

COMMISSIONER JAFFE: Okay.

MR. KRITIKOS: And there are a lot of, there are bushes that bend around the corner there. Everything essentially is blocked with that exit, if you can call it that, and --

COMMISSIONER JAFFE: All right.

COMMISSIONER LANAGHAN: -- the neighbor's fence is six-foot as well; is that correct?

MRS. KRITIKOS: Yes, they have a six-footer.

MR. KRITIKOS: Yes.

MRS. KRITIKOS: Just past the easement, there's like a three-foot gap between our properties for the easement, and there's this just --

MR. KRITIKOS: Yes. So, there's an odd gap between actually just so the record is clear.

MRS. KRITIKOS: But that's there regardless.

MR. KRITIKOS: That's on theirs, their side of the fence.

COMMISSIONER O'CONNOR: So, you have a gap between the sidewalk and the fence, about 18 inches it seems like. Is that what yours is going to be as well? You said it's going to link up with that?

MRS. KRITIKOS: Yes.

MR. KRITIKOS: Yes.

MRS. KRITIKOS: That's what we would tell our contractors is to put it in line with the neighbor's.

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MR. KRITIKOS: Yes.

COMMISSIONER O'CONNOR: Yes. So, it just would blend right in with that.

MR. KRITIKOS: Yes, theirs is, there is enough of a gap there where they do have some plants like actually in place and everything.

MRS. KRITIKOS: I think they've got like a footer or 18 inches like you said.

MR. KRITIKOS: Yes.

CHAIRPERSON SIAVELIS: Because the paperwork shows that you wanted it on the property line, right? So, how? Like if we go into the survey, because the survey --

MRS. KRITIKOS: We didn't want the five-foot setback, that's where we were.

CHAIRPERSON SIAVELIS: So, Mike, your question was how far off the sidewalk, is that what you had?

COMMISSIONER O'CONNOR: Yes. I went over there, too, and I saw that the neighbor's fence is I think roughly 18 inches.

MR. KRITIKOS: Yes, yes.

COMMISSIONER O'CONNOR: Off of the sidewalk. So, I just, when you said it's going to link up with that --

MR. KRITIKOS: Yes.

COMMISSIONER O'CONNOR: I assumed that it's going to be one straight line.

MR. KRITIKOS: Yes.

COMMISSIONER O'CONNOR: Except for that little gap between the chainlink fence and their six-foot, but it would be in that line.

MR. KRITIKOS: Right, right. Yes.

MRS. KRITIKOS: Yes, it would be perfectly line if that was like a condition of approval because that's what we intended anyway.

MR. KRITIKOS: Yes.

COMMISSIONER O'CONNOR: I think matching the neighbor's line, fence line.

MR. KRITIKOS: Yes, absolutely.

CHAIRPERSON SIAVELIS: Derek, what say you on that issue? Because the paperwork looks a little different than that.

MR. MACH: Yes, the variance is written to the property line.

CHAIRPERSON SIAVELIS: Okay, so that's how the papers were submitted, the variance, how the application was entered and submitted?

MR. MACH: Correct, yes, based on the plan.

CHAIRPERSON SIAVELIS: Okay, you understand what we're talking about?

MR. KRITIKOS: Yes.

CHAIRPERSON SIAVELIS: You're essentially saying at the podium here, you're amending the variance sought. Okay, you're essentially amending it such that you're in line with your neighbor on the west, their fence line, so it's like an 18-inch reduction on what you're seeking?

MR. KRITIKOS: Which would be fine, yes, absolutely. Sure.

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COMMISSIONER O'CONNOR: I just went to half of my shoes, so it's about 18 inches, but I thought that, I know there was one comment that it didn't, you know, it wouldn't look good up against the property line. If it is in line with the neighbor's I thought it looked just fine.

CHAIRPERSON SIAVELIS: What height is that neighbor's fence?

COMMISSIONER O'CONNOR: Six feet.

CHAIRPERSON SIAVELIS: It is a solid?

COMMISSIONER O'CONNOR: It's a solid I believe.

MRS. KRITIKOS: It's wood.

MR. KRITIKOS: It's wood, yes.

CHAIRPERSON SIAVELIS: Is it, well, there's a number of different wood types, right. You can do board-on-board, you can do all sorts of different things with wood fences. Is it like confluent, like it's solid?

MRS. KRITIKOS: No, it's solid.

MR. KRITIKOS: Yes, theirs is solid. Yes.

COMMISSIONER O'CONNOR: Yes, they're butted right up next to each other, not scalloped or anything, so yes.

COMMISSIONER DRAKE: You're at an intersection. What about the neighbors that are across the street on Clarendon that would be looking at that out the window? Any feedback from there? Any feedback from any of the neighbors?

MR. KRITIKOS: No. I mean, aside from, I mean, we have friends that are in the blue house, the Berglunds and everything, I mean, their daughters play with our daughters and everything.

COMMISSIONER DRAKE: Have you spoken to the neighbors about the property?

MR. KRITIKOS: I mean, they don't, I don't think they have enough feeling one way or another.

MRS. KRITIKOS: Yes, we've talked about it in passing. They just, you know, they're just curious how it's going but no one has expressed any concerns to us.

MR. KRITIKOS: Yes.

COMMISSIONER DRAKE: Also, we have three departments to give us comments. Engineering and Building both had no objection. The Planning Department had a comment about they didn't understand that there was a hardship here. Could you talk a little bit more about the hardship?

MRS. KRITIKOS: So, I think what was concerning to me was that the three-foot fence that we could potentially put farther up to the property line wouldn't be safe for our children because they will climb over that in a heartbeat. Then, you know, we don't have that large of a backyard. So, then to, you know, take a five-foot setback seemed like we would be giving up a significant portion of our backyard that we had, you know, planned for our uses.

CHAIRPERSON SIAVELIS: Do you have a concrete patio there like what's showing in the survey?

MRS. KRITIKOS: Yes, it's a concrete patio.

MR. KRITIKOS: Yes, it's covered.

MRS. KRITIKOS: It's covered with screens.

CHAIRPERSON SIAVELIS: So, is that five, if you had to implement that

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five-foot setback, would that setback interfere with that covered patio area?

MRS. KRITIKOS: No, I don't think so.

MR. KRITIKOS: No, I mean, it would be like, it would be narrow, but it wouldn't be like anything --

MRS. KRITIKOS: It wouldn't compromise it. We would just be losing square footage of the yard.

MR. KRITIKOS: Yes.

COMMISSIONER O'CONNOR: And it seemed, you know, as I was walking by, you could see there's a lot of stuff in the backyard, like for five kids, you know. So, it looked pretty busy back there.

MRS. KRITIKOS: We were having some --

COMMISSIONER O'CONNOR: I know.

CHAIRPERSON SIAVELIS: Frank, anything else?

COMMISSIONER PORTERA: No, I'm good.

CHAIRPERSON SIAVELIS: Okay, at this point in time, we go to see if there's any comments from the public. If not, then we go into deliberations, okay?

MRS. KRITIKOS: Okay.

CHAIRPERSON SIAVELIS: So, you guys, you folks can take a seat.

MRS. KRITIKOS: Thank you.

CHAIRPERSON SIAVELIS: Any comments from the public in regards to this petition and this petition only?

(No response.)

CHAIRPERSON SIAVELIS: Okay, hearing none, we'll go into deliberations.

Mike, do you want to lead us off?

COMMISSIONER O'CONNOR: Yes. You know, like I said, I went by the property a couple of times and it looked like a six-foot fence would be in line with the neighbor's fence. The fact that they're going to push it back that foot-and-a-half or so to line up with that fence, I thought it would fit in nicely with the rest. It's 12 to 14 feet away from the driveway. That was one of my concerns, that they wouldn't be able to see people walking by, but it seems fine as long as it's at 12 to 14 feet. You know, five kids, small kids, I could see the safety concern from them as well. So, I'm supportive of this.

CHAIRPERSON SIAVELIS: Any other comments?

(No response.)

CHAIRPERSON SIAVELIS: Yes, I agree, Mike, with your points. Then as to the recommendation that one of the commissions made in the paperwork, setting it back five feet off the property line, I think that does create a hardship because it eradicates a significant portion of their backyard, the utility of their backyard. Then it creates an aesthetic issue because that's going to be in five feet, and then the neighbor to the west would be three-and-a-half feet out from there, assuming our measurements of 18 inches are about right.

COMMISSIONER O'CONNOR: Yes.

CHAIRPERSON SIAVELIS: So, you'd have this strange-looking notch back there that aesthetically, I don't think would be very appealing, especially to your neighbor across the street on Clarendon or your neighbors across the street from there. So, for the reasons Mike said and the reasons I just mentioned, I think that the elements have been established so I'm in support of this variance.

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COMMISSIONER LANAGHAN: No, I agree. I mean, my only question is how do we define, do we just say line it up with the neighbors? Do we say about three-and-a-half foot, approximate three-and-a-half foot?

CHAIRPERSON SIAVELIS: Well, whoever is going to motion it is going to motion it consistent with how the Petitioner agreed to amend it, meaning it's in line, whoever motions it, motions it with the condition that the fence would be in line with the neighbor's existing fence to the west and not further north or further south.

COMMISSIONER O'CONNOR: Yes.

CHAIRPERSON SIAVELIS: So, is there such a motion?

COMMISSIONER O'CONNOR: Yes, I will motion to approve on the condition that the fence lines up with the neighbor to the west, their six-foot fence to the west, not any further north or south of that.

COMMISSIONER JAFFE: Seconded.

CHAIRPERSON SIAVELIS: Derek?

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: 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: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, variance granted.

MRS. KRITIKOS: Thank you.

CHAIRPERSON SIAVELIS: You are free to leave.

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

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ZONING BOARD

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

OF APPEALS

RE: 911 NORTH CHESTNUT AVENUE - ZBA #24-016

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 10th day of June, 2024 at the hour of
7:20 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairperson
TOM DRAKE
JEFFREY LANAGHAN
BENJAMIN JAFFE
MICHAEL O'CONNOR
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

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CHAIRPERSON SIAVELIS: Okay, we're going to switch the order up, Bob, because the next one is fast and easy, too. Yours is a little more tricky.

MR. FLUBACKER: Okay.

CHAIRPERSON SIAVELIS: Next item of business is ZBA Petition #24-016, 911 North Chestnut.

Derek, do your thing, then we'll bring him up to the podium.

MR. MACH: The Petitioner is proposing to demolish an existing single-story residence with a one-car attached garage in order to build a new single-story residence with an attached two-car garage. The proposed house requires a zoning variation for a front yard setback encroachment.

The existing house on the subject property is located all the way at the back of the site. The required front setback is based on the average setback of all existing homes on the block, including the subject property, which is creating an unusual setback requirement.

Therefore, the Petitioner is requesting a 9.1-foot variation from Chapter 28, Section 5.1-3.3(a) to allow a new home with a front yard setback of 25 feet instead of the required 34.1 feet, and an additional one foot for the eave.

Thank you, Chairman.

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

Come on up. Kevin, you've signed in, right?

MR. PURDOM: Yes, I have.

CHAIRPERSON SIAVELIS: All right, right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: All right, please proceed.

MR. PURDOM: So, my name is Kevin Purdom. I'm with JRC Design Build. We're looking to tear down the existing house which has been boarded up and vacant for years. It's the only house on the whole lot that is set back. The rear of the house is almost at the rear setback like lot line. So, it's actually 97.5 feet set back from the front, where everywhere it is between 20 and 30 feet, because of that average, it changed our average setback for the front to be 34.

We're proposing 25 which is in line with the house to the north and to the south. It's a staggered front, so the other front of our house aligns with the other house to the south. But if we take out that existing 97.5 feet, then we are within that front setback. So, it's a really unique circumstance.

We've been getting calls from the Village about tearing it down. We've been working with the clients since November. We finally got the design review approved, and now we're just looking to get this so that we can apply for permit.

All other zoning and code-related issues are up to the requirements. This is the only thing that we're asking for, and I believe it will make the whole street line look much better without that one house that just sits way back and looks like it should be demolished anyway.

CHAIRPERSON SIAVELIS: How old is that house?

MR. PURDOM: I'm not sure, but I think that had the existing --

COMMISSIONER LANAGHAN: Very old.

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MR. PURDOM: Yes, it's very old. It's been boarded up for years. We had a squatter there this past winter. Again, we're just trying to get through all the approvals so that we can tear it down and build anew with our new client. Yes, you can see it's way back there and it's in very bad shape. If there's any questions, I'm free to answer them.

COMMISSIONER LANAGHAN: So, I have one quick one to Derek. So, Derek, when you're taking the average, you include the house that you're going to tear down? Is that how?

MR. MACH: It does, per code, it does include the subject property.

COMMISSIONER LANAGHAN: Okay, interesting.

CHAIRPERSON SIAVELIS: That skews it then.

COMMISSIONER LANAGHAN: It absolutely does, one way or the other. It's interesting. So, your client, they're going to live here?

MR. PURDOM: Yes, so it's a couple. Just two people will be living in it. We're building a ranch with a two-car attached garage.

COMMISSIONER LANAGHAN: I see, okay. It's pretty cut and dry to me. I think it makes a lot of sense. The fact that you have to include the one that you're tearing down to the setback seems a little awkward, but yes, I have no other questions.

CHAIRPERSON SIAVELIS: Any neighbor feedback?

MR. PURDOM: At the design review, everyone was in support of getting that thing torn down, and they like that it's bringing it up so that they're all in line. All positive feedback.

CHAIRPERSON SIAVELIS: Any comments from the general public?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, we'll move to deliberations.

Jeff?

COMMISSIONER LANAGHAN: Yes. No, it makes a ton of sense. The fact that that odd setback of the existing house is included is certainly the hardship there. It sounds like it's going to clean up the street and actually be an improvement to the Village. So, I would definitely support this.

COMMISSIONER JAFFE: I live two blocks to the south and it's like a fairytale, like a bad fairytale, because the house is so far back and it's in such decline. So, thank you for purchasing it and making that investment. I would also support the variance as presented.

COMMISSIONER LANAGHAN: So, you agree --

COMMISSIONER JAFFE: Correct.

COMMISSIONER LANAGHAN: -- if you are.

COMMISSIONER JAFFE: It works both ways.

CHAIRPERSON SIAVELIS: I note that there's positive feedback from the Planning and Community Development, Building and Life Safety, whatever that is, and the Engineering Department. So, those are all positives and that favored the Petitioner.

COMMISSIONER LANAGHAN: Correct.

CHAIRPERSON SIAVELIS: So, with all that said, do we have a motion?

COMMISSIONER LANAGHAN: I move to approve this petition as presented.

COMMISSIONER PORTERA: I second it.

MR. MACH: Mr. Drake.

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COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, variance granted.

MR. PURDOM: Thank you.

COMMISSIONER LANAGHAN: Good luck.

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

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

OF APPEALS

RE: 302 SOUTH PATTON AVENUE - ZBA #24-015

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,
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FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

APPROVED

CHAIRPERSON SIAVELIS: Okay, last but not least, ZBA #24-015, 302 South Patton. Derek?

MR. MACH: Thank you, Chairman.

On January 8th, the Petitioner received approval for an addition that is encroaching into the required side yard setback and the front yard setback. The Petitioner has revised the plans and is returning to the Zoning Board. The Petitioner is proposing to construct a one-story addition to the existing single-story home. The proposed addition includes an expansion to the attached garage which is encroaching 3.6 feet into the required side yard setback, and a front porch that is encroaching into the required front yard setback. The Petitioner is also requesting a variance for building lot coverage.

Therefore, they're requesting:

- A 3.6-foot variation from Chapter 28, Section 5.1-3.3(b) to allow an addition with a side yard setback of three feet instead of the required 6.6 feet, and an additional 1.3 feet for the eave;
- A 5.5-foot variation from Chapter 28, Section 5.1-3.3(a) to allow a front porch with a front yard setback of 19.5 feet instead of the required 25 feet, and an additional two feet for the eave; and
- A 466 square-foot variation from Chapter 28, Section 5.1-3.5 to allow building lot coverage of 3,008 square feet where 3,474 is the maximum allowed by code.

Just, if I could just correct that, those numbers are in reverse when we read it. They're requesting a 466 square-foot variation from Chapter 28, Section 5.1-3.5 to allow building lot coverage of 3,474 square feet instead of the 3,008 square feet. Thank you.

CHAIRPERSON SIAVELIS: All right, thanks for that correction, Derek; otherwise, they wouldn't need that variance.

MR. MACH: Yes.

CHAIRPERSON SIAVELIS: All right, Bob.

MR. FLUBACKER: Hi.

CHAIRPERSON SIAVELIS: Oh, I do have to swear you folks in. Has everybody signed in?

MR. JENSEN: Yes.

MRS. JENSEN: Yes.

(Witnesses sworn.)

CHAIRPERSON SIAVELIS: All right.

MR. FLUBACKER: Hello again. So, we were here originally with an addition, it was a second floor addition, first floor expansion. Ended up I think a 3,600 square-foot house in total. We had two zoning variations that we requested at that time. One was a side yard setback for an attached garage, and then the second was a front setback variation for an attached porch in the front.

Today, we are here with those same two variations. In fact, the front porch one, we're asking for six more inches of overhang encroachment. So, we were at 18 inches of eave the first time, we're asking for 24 this time. Then we've added another variation which is for the lot coverage.

We hit the pandemic shock of pricing which has been astronomical,

and as a result, we've redesigned that project to a smaller house with the expansion of the ranch rather than second floor. The FAR is actually reduced by 1,200 square feet but, and you've heard me cry about this before, because it's a ranch we exceed lot coverage even though we're substantially below the FAR allowed on the lot, which to me is unfair that ranches get penalized as far as FAR because of the lot coverage.

The design obviously fits in the neighborhood because it's the existing front more or less with the added porch. The uniqueness of the circumstances is the discussion we went through about the old codes and the pre-1960 allowing of an attached garage to within three-foot of the lot line. That's the unique aspect of the garage variation. The front porch is just all these houses are right up on the setback line, so there really isn't any place for a front porch. Then the lot coverage, I've told you what the unique aspect of that is.

The harmony, that it's in harmony with the Zoning Ordinance is pretty obvious. It's meant to be a single-family construction here. This house will not be the largest in the neighborhood.

With that, I'll answer whatever questions you may have.

CHAIRPERSON SIAVELIS: So, maybe we take this in order, or the way it's listed on the paperwork.

MR. FLUBACKER: Sure.

CHAIRPERSON SIAVELIS: Even though that doesn't necessarily match up with the order of presentation. I don't think that's problematic.

MR. FLUBACKER: Doesn't matter.

CHAIRPERSON SIAVELIS: Yes. So, you, the side yard setbacks, you need that three feet instead of the required 6.6 feet to get to what, two-car garage?

MR. FLUBACKER: Yes, to do an attached two-car garage. It's below the minimum standard in Arlington Heights for a two-car garage. But we'll just call it a real wide one-car.

CHAIRPERSON SIAVELIS: Okay, yes. I noticed that, I thought maybe I was reading the drawing wrong, but okay. So, it's just a little bit tight.

MR. FLUBACKER: Yes. It's actually wider than my two-car garage, but the Village standard is 21. I believe this ends up about 20 inside.

CHAIRPERSON SIAVELIS: Okay, so then without that side yard setback, you're precluded from having anything close to a two-car garage?

MR. FLUBACKER: Two-car garage, correct.

CHAIRPERSON SIAVELIS: You just have a very large one-car garage then.

MR. FLUBACKER: Yes. By the way, the amount of encroachment in this submittal is less than the amount of encroachment in the previous submittal. We used to have a storage room in the back of the garage. It continued the side yard setback farther back. The amount that we're, the linear distance of that encroachment is shorter.

CHAIRPERSON SIAVELIS: Right, yes. You could have cut a notch back there.

MR. FLUBACKER: Right, right.

CHAIRPERSON SIAVELIS: On the north side, right.

MR. FLUBACKER: Yes.

CHAIRPERSON SIAVELIS: Yes, you didn't carry that?

MR. FLUBACKER: Originally, that like toned area on the top of the drawing

--

CHAIRPERSON SIAVELIS: Yes, the dark tone.

MR. FLUBACKER: They are farther to the back, yes.

CHAIRPERSON SIAVELIS: But you dialed it back at this point.

MR. FLUBACKER: Right, right.

CHAIRPERSON SIAVELIS: Is that a cost issue basically? Things are getting costly?

MRS. JENSEN: Everything is now, right?

MR. FLUBACKER: What she said, yes.

CHAIRPERSON SIAVELIS: Did you get that? Let's get that on the mic. We didn't get that.

MRS. JENSEN: We had to tighten up. We basically removed the storage that we had built into the garage because we're trying to maximize our square footage with the rest of the house.

MR. FLUBACKER: There is a secondary reason, too. The existing wall of the house is only a few feet back from that new encroachment. Really not room for a storage room to go there, and we didn't want to destroy part of the existing house to create that storage room in the garage.

CHAIRPERSON SIAVELIS: Okay, that makes sense. All right, so I was, I don't have any other questions.

I don't know if you guys have any other questions on the side yard setback?

COMMISSIONER LANAGHAN: Sure. It's not a great ask.

CHAIRPERSON SIAVELIS: Yes. So, then on the front porch, you guys were originally approved for 18?

MR. FLUBACKER: The porch is actually a 5.5-foot, and then our eaves go beyond that. Originally, we asked for 18 inches, this asks for 24. The reason for the 24 is there's an offset between the two porch roofs to kind of accentuate the gable that's over the front door.

CHAIRPERSON SIAVELIS: Okay.

MR. FLUBACKER: Can you pull up the front elevation? You can see that, that section above the front door projects out a little bit farther than --

CHAIRPERSON SIAVELIS: It gives it a little bit of depth.

MR. FLUBACKER: To give it a little punch, yes.

COMMISSIONER LANAGHAN: So, the porch itself is the same dimension?

MR. FLUBACKER: The porch is actually a little bit narrower.

COMMISSIONER LANAGHAN: And it's just the overhang to get the architectural feature?

MR. FLUBACKER: Right, and just in that stretch that is at the front door there.

COMMISSIONER LANAGHAN: Okay.

CHAIRPERSON SIAVELIS: Yes, that makes sense to me.

I don't know, any other questions, guys, on the porch features?

(No response.)

CHAIRPERSON SIAVELIS: Then, Bob, talk a little bit more about the

maximum building lot coverage which includes the correction that Derek noted up in front basically of 466.

MR. FLUBACKER: Yes. So, if you look at the FAR in the neighborhood, there's a weird math you have to do for it, but generally it's about 0.45. The lot coverage ratio is 0.3. So, that's a two-thirds reduction, or a one-third reduction, two-thirds of the FAR if you build a ranch, which I think is an unfair reduction in allowable size for going for a single-story house. I can tell you that the vast majority of what we're working on now have first floor master bedrooms, so we run into lot coverage a lot.

CHAIRPERSON SIAVELIS: Yes, and this is a 66-foot wide lot, too, right?

MR. FLUBACKER: Yes.

CHAIRPERSON SIAVELIS: It's not a 50-footer.

MR. FLUBACKER: Right, right.

CHAIRPERSON SIAVELIS: And on the south side, your setback, I actually should have mentioned this before, on the south side, your setback is 7.2, seven feet two inches, right, which exceeds the required 6.6. So, it's not like you're shoehorning in, you're respectful on the south side.

MR. FLUBACKER: Right, and at the last meeting, we also discussed that if you take the three-foot setback we have of our garage and then the distance from the lot line to the adjoining house, that's actually bigger than if you had two six-and-a-half-foot setbacks combined. It's bigger than 13 feet between the proposed garage and the adjacent house.

CHAIRPERSON SIAVELIS: And that's because that neighbor's house just to the north of you --

MR. FLUBACKER: Is set back farther than the minimum setback, yes.

CHAIRPERSON SIAVELIS: Yes, right.

MR. FLUBACKER: And that neighbor obviously had objections at the last meeting, and one of the primary objections he had was the second floor window was kind of facing his house which those are gone.

CHAIRPERSON SIAVELIS: Yes, that objection is obviously --

COMMISSIONER JAFFE: So, that was going to be one of my questions. Given all of the feedback at the last meeting, have you discussed the revised plans with them?

MRS. JENSEN: Yes.

COMMISSIONER JAFFE: And what was his response?

MR. JENSEN: Thank you.

MRS. JENSEN: Thank you.

CHAIRPERSON SIAVELIS: Right, and he's not here.

MR. JENSEN: Right, yes. So, we spoke and basically told, like I had ankle surgery three weeks after that meeting which is also one of the other reasons for the ranch. So, my next one would be a fusion, so fewer stairs would be beneficial, but his whole concern was, you guys remember some of the words he used, too tall, and remember the Chicago fire. His whole thing was whether it was combustible, and so we eliminated that conversation and let him know we're going to a ranch. He said you guys can build as far back as you want, so we're not going all the way back but enough to make the house feel like a home.

CHAIRPERSON SIAVELIS: And that neighbor isn't here.

MR. JENSEN: He's not.

CHAIRPERSON SIAVELIS: And he clearly knows to use a phone call to voice his opinion if he wishes.

MR. JENSEN: Right.

MRS. JENSEN: Yes.

CHAIRPERSON SIAVELIS: Any other input from neighbors? Any other comments, feedback, things like that?

MR. JENSEN: Nothing new. People just excited to see it happen.

MRS. JENSEN: They're all very supportive.

CHAIRPERSON SIAVELIS: Any other questions, Board members?

(No response.)

CHAIRPERSON SIAVELIS: Seeing nobody out there with public comments, any public comments I should say?

(No response.)

CHAIRPERSON SIAVELIS: Okay, hearing none, go ahead and grab a seat and we'll move to deliberations.

So, I can open up and start, but anybody else feel free to jump in.

I think these three variances sought are quite reasonable. I understand what's precipitated their involvement here, and they have dialed back the extent of construction that was originally flagged or objected to by certain neighbors. Those neighbors aren't here. So, I think that we can get behind these three variances sought.

If I remember correctly, the feedback from the various commissions, there was only that issue on Building and Life Safety on fire resistance ratings which I assume you have --

MR. JENSEN: Yes, that's not a problem.

COMMISSIONER LANAGHAN: Yes, I mean, also, yes, the fact that Engineering didn't have any issues with the 466-foot lot coverage is actually a positive. They normally are not very pleased when someone asks for more coverage than is allowed.

CHAIRPERSON SIAVELIS: They only actually did say one thing that I just caught here, I saw and promptly forgot somehow. Engineering recommends, and this is their words verbatim, Engineering recommends that if the variance is approved, that the north sidewalk should not be allowed in the future. So, essentially, remove all that north sidewalk.

MR. JENSEN: To the backyard, is that what they're talking about?

CHAIRPERSON SIAVELIS: Yes, that must be because there is no other north sidewalk, right? That's going anyway.

MR. JENSEN: Right, yes. We would not put a sidewalk all the way to the lot line from the garage.

COMMISSIONER LANAGHAN: Yes, you're basically covering that up with the new garage anyway.

MR. JENSEN: Right, yes.

COMMISSIONER LANAGHAN: So, you're not going to have that.

MR. JENSEN: That's what they're --

MR. FLUBACKER: I think what they're looking for is green space to drain on

the property to the front.

COMMISSIONER LANAGHAN: Yes, and they do make a note about needing a grading plan or whatever, so of course.

CHAIRPERSON SIAVELIS: I believe that you covered there, or picked up there, right?

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

COMMISSIONER DRAKE: My only other comment, I always like when Bob comes in well-prepared, so my compliments. I appreciate it.

CHAIRPERSON SIAVELIS: Okay, do we have a motion?

COMMISSIONER PORTERA: Motion to approve as presented.

COMMISSIONER LANAGHAN: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: 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: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, all three variances granted.

MR. JENSEN: Thank you.

CHAIRPERSON SIAVELIS: All right.

COMMISSIONER LANAGHAN: Good luck with that ankle.

CHAIRPERSON SIAVELIS: Oh, wait, wait. Gentlemen, we're not, you guys are done --

MR. FLUBACKER: Don't worry about us.

MR. JENSEN: Thank you all.

MRS. JENSEN: Thank you.

MR. FLUBACKER: Good night.

CHAIRPERSON SIAVELIS: Sure.

Oh, the widely popular, sometimes underutilized public comments portion of this meeting for items not listed on the agenda, is there anyone here for that?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, we'll move past that.

Do we have a motion to adjourn?

COMMISSIONER DRAKE: I move that we adjourn.

COMMISSIONER LANAGHAN: Second.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, we are adjourned.
(Whereupon, the public hearing on the above-mentioned
petition was adjourned at 7:40 p.m.)

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.

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BEFORE ME THIS _____ DAY OF
_____, A.D. 2024.

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