

# APPROVED

ZONING BOARD

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

OF APPEALS

RE: 1114 NORTH RACE AVENUE - ZBA #24-009 (Continued from 4/8/24)

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 May, 2024 at the hour of  
7:00 p.m.

### MEMBERS PRESENT:

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

### ALSO PRESENT:

DEREK MACH, Development Planner

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CHAIRPERSON SIAVELIS: All right, I'll call the meeting to order.  
Welcome, everyone.

Tonight is Monday, May 13th, 2024. This is the monthly meeting for the Zoning Board, actually the May meeting for the Zoning Board of Appeals for the Village of Arlington Heights.

Let's do a roll call.

Derek?

MR. MACH: Mr. Siavelis.

CHAIRPERSON SIAVELIS: Here.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Here.

MR. MACH: Mr. Lanaghan.

MR. LANAGHAN: Here.

MR. MACH: Mr. O'Connor.

(No response.)

MR. MACH: Mr. Selbka.

MR. SELBKA: Here.

MR. MACH: Mr. Portera.

MR. PORTERA: Here.

CHAIRPERSON SIAVELIS: Okay, thank you very much, Derek.

There it is, Pledge of Allegiance to the Flag.

(Pledge of Allegiance recited.)

CHAIRPERSON SIAVELIS: All right, next item of business is the approval of minutes from the April meeting. There were six petitions heard, six matters heard that night, and of course one of them is continued over to tonight's meeting.

But have the folks who were in attendance at that meeting, have they had an opportunity to review the draft meeting minutes, and are there any revisions, edits or adders to those minutes?

(No response.)

CHAIRPERSON SIAVELIS: Now, hearing none --

MR. LANAGHAN: I move to accept the meeting minutes as presented.

CHAIRPERSON SIAVELIS: Thank you very much.

Do we have a second to that?

MR. SELBKA: Second.

CHAIRPERSON SIAVELIS: Okay, all those in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, motion carries.

Let's do, I apologize, I had this picture on my phone -- so we'll do a little bit of hearing procedures. You folks might have heard this, you may recall from last month's meeting, but that doesn't mean you don't have to do it.

So, there's a quorum provision or a quorum term, if less than six members are present, you have an option to continue the meeting. It takes four affirmative

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votes to approve a variance regardless of the number of Board members in attendance. If you are denied, a petitioner cannot reapply or reappear for an entire year, so there is a preclusive effect, but we don't have that situation here because we have six, okay, so that's going to take it off the table.

Procedurally as well, the variation hardships and the elements, these are the same four elements that you folks probably saw on the paperwork and you heard at the outset of last month's meeting. But nonetheless, they are as follows, and these are the elements, by the way, that are necessary to establish in order for the Board to be able to grant a variation or grant a petition:

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 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 of the four elements or conditions that I just read to you. Keep in mind, it is your burden to establish each of these four elements, it is not ours. We are not responsible for pulling that testimony out of you. That's your burden to bear and sustain.

Next up procedurally, I introduce, as the Chairman, I introduce the agenda item and provide any introductory remarks as necessary. Then Staff provides a presentation, Derek, it's essentially a brief overview of the project and variance requested. Then it's the applicant's turn to present its case in favor of the zoning relief by way of document and testimony. Of course, applicants and any witnesses testifying must be sworn in under oath and must state and spell their respective names for the public record.

I know you were under oath in the last meeting. We're going to re-swear you in just so the oath is clean and clear, okay, going forward.

Of course, there is a public comment section of each proceeding and for each variation sought. Members of the public may speak on the application. Speakers must be sworn in under oath and state and spell their name clearly. If we get to that spot, we'll go further into the procedure that are a part of this.

At this point in time, we only have an old business matter, a carryover, that is ZBA Petition No. 24-009. Again, it was continued from the April 8th meeting. It is 1114 North Race Avenue.

Derek, Staff overview, please.

MR. MACH: Thank you.

The Petitioner is proposing a complete renovation and addition to the existing single-story residence with no garage in order to create a new expanded single-story house with an attached two-car garage. At the April 8th hearing, there was discussion regarding the variance for the driveway width. Since the last meeting, the Petitioner reduced the width of the driveway in order to comply with code, thereby eliminating the variance.

The Petitioner is requesting:

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- A 3.3-foot variation from Chapter 28, Section 5.1-3.3b to allow an addition with a side yard setback along the south property line of 4.8 feet instead of the required 8.1 feet, and an additional one foot for the eave;
- A 2.6-foot variation from Chapter 28, Section 5.1-3.3b to allow an addition with a side yard setback along the north property line of 5.5 feet instead of the required 8.1 feet, and an additional one foot for the eave; and
- A 250 square-foot variation from Chapter 28, Section 5.1-3.5 to allow a building lot coverage of 3,415 square feet where 3,166 square feet is the maximum allowed per code.

Thank you, Chairman.

CHAIRPERSON SIAVELIS: Okay, so Derek, down from four variances sought in the prior meeting to three at present?

MR. MACH: Correct.

CHAIRPERSON SIAVELIS: All right, who's speaking on behalf of this petition?

MR. VALENZANO: Hi, everyone. My name is Francesco Valenzano; I'll be speaking on behalf of 1114 North Race. I've already signed in.

CHAIRPERSON SIAVELIS: Okay, you already did sign in?

MR. VALENZANO: Yes.

CHAIRPERSON SIAVELIS: Right hand please, raise it.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, please proceed.

MR. VALENZANO: All right, so thank you, gentlemen, again for making the time. We've got a little bit of a smaller crowd this time, so maybe it will be a little bit better.

In regards to the two variances for the size of the property, those are the existing walls on the property, but since we are hoping to have nine-foot ceilings throughout the home, which is pretty common in most newer builds nowadays, we're going to have to touch those walls. Since we're just shy over the property line, over the setback minimum, we figured it might be the most efficient thing to request the variance rather than knock down the walls and rebuild them, you know, the three or four feet in. So, that would apply for both the north and the south wall.

Then, in regards to the driveway, a lot of our neighbors' concerns were that the driveway was a little bit in excess. So, we heard their concerns. We brought it down to the 22 which still, you know, fits very nicely with the scale of the home and I think we should be able to make it work, no problem.

The other big concern brought up by, you know, neighbors was the potential harm that the additional floor coverage might cause by way of flooding, but we did want to, you know, underline that we are under the impervious square footage ratio, so we are okay on that aspect.

As well as the patio, it would still in essence be a patio even if it weren't covered, so in terms of flooding, you know, covering it or uncovering it wouldn't make too much of a difference since the concrete foundation is still there, it would still be an impervious surface. So, really we just want to be able to, one, make the best use of our backyard, as well as, you know, in the summer when we have some days like this where it's raining, just to still be able to sit outside and enjoy the days that aren't below zero. Then, in terms of roofing as well, it makes it a little bit easier on us because with the

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covered patio we're able to plan the roof just as a simple square rather than kind of going around with the nuances of those cutouts, and just to create essentially more of an open space, more of just to keep it simple in terms of building plans. You know, working more so with squares rather than kind of the custom pieces.

So, in terms of any additional things, and you know, with the covered patio, I know the home to the north of us also has a covered patio. They're becoming more and more common these days.

In terms of the size of the home, even though it may look a little bit bigger on the 2-D perspective, the square footage of it is pretty small. With respect to the other homes that are there, I know to the north of us, it's about 4,500 square feet, and to the south of us, they're just over 4,000 I believe. So, the reason why it looks bigger obviously is because it's longer. We don't have the second floor, so we're trying to make the best out of the single-story. Really, the main motivation for that is I was born and raised in Arlington Heights, so I want to stay here forever, and I don't want it to be a house where it's either me or my mom is saying in 20 years, okay, let's sell it so that we don't have stairs to go up the second floor. I think that we just want to keep it one-story, keep it all cohesive, and it's just something that we think works really well for our family.

Also, it does still have the two-story-esque look of it, similar to other homes in the area. I think if you looked at it, you wouldn't know that it's a one-story and it's something we appreciate as well. We want to be different enough that it's our house but also keeping with the spirit of Arlington Heights and kind of what I've always grown up with.

So, I'm more than happy to answer any questions and address any concerns, but again, thank you all for your time.

CHAIRPERSON SIAVELIS: So, how old are you by the way?

MR. VALENZANO: I just turned 24 two weeks ago.

CHAIRPERSON SIAVELIS: Okay, so in 20 years if you're having issues with the stairs --

MR. VALENZANO: No, it's more so for our mom, she looks really young but, you know, it's --

CHAIRPERSON SIAVELIS: I get that. I'd be surprised if she's doing stairs in 20 years, but as an aside.

MR. VALENZANO: Yes.

CHAIRPERSON SIAVELIS: Jeff?

MR. LANAGHAN: Yes, I had a few questions here actually. So, first of all, thank you for hearing the concerns of the neighbors and reducing the driveway. That's appreciated.

So, if I heard correctly, are you actually taking down the north and south walls and then putting them back up?

MR. VALENZANO: No. So, it would be --

MR. LANAGHAN: You're not?

MR. VALENZANO: No, it would be for sister framing. So, for one, we would have to, and I know it's more of a technical, but I know we have to sister frame it in order to make sure the insulation is within code, because I think the wall is too thin right now, whatever is supporting it. As well as since we're changing essentially the whole roof --

MR. LANAGHAN: So, you're leaving the exterior of the wall basically.

MR. VALENZANO: Exactly, yes.

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MR. LANAGHAN: And putting it on the inside.

MR. VALENZANO: Exactly, yes, so that we continue insulation, the roofing can get the support that it needs because it's going to need much more weight than what it can support right now.

MR. LANAGHAN: Sure. So, those two walls are basically existing conditions that you just need to come in for a variance because they no longer meet the zoning of it.

MR. VALENZANO: Exactly, exactly.

MR. LANAGHAN: So, that was number one, again. Number two, you're showing a proposed paved patio in the back. Is that the covered patio that you're talking about?

MR. VALENZANO: That's the covered one, yes.

MR. LANAGHAN: Okay, so that, I was a little confused by where the covered patio was, if it was inside the space or outside. So, it's outside. Then I'm assuming part of that additional 250 feet might be the paved stoop in the rear as well?

MR. VALENZANO: Exactly, yes.

MR. LANAGHAN: Got it, okay. Those are my clarifications.

MR. VALENZANO: Thank you.

MR. JAFFE: So, I was not present in the last meeting but in reading the minutes, it sounded like there were some additional discussions you were going to have with your neighbors between the last meeting and this meeting?

MR. VALENZANO: Yes.

MR. JAFFE: Can you just maybe summarize what happened?

MR. VALENZANO: Yes, of course. So, two of our neighbors, the Johnstones and the Dortys, they were two of them that were present at the meeting as well as the Ries family. We were able to congregate after the meeting and kind of discuss. It seemed a majority of the concerns were about flooding which, I have to be honest, I'm in agreeance with. If there's a flooding issue for them, there's going to be a flooding issue for me. So, I want to do everything I can to make sure that I'm not creating a problem for them, nor for me. I also understand if they have concerns about their backyards and their homes, so I definitely resonated with them on that.

One of the other concerns was the driveway as well. Some people did think it was in excess, so I understand that. That was one of the fixes that, to be quite honest, if it makes people happy for us to reduce it, then it's fine. It's not something I'm really going to fight tooth and nail for.

The other concern wasn't necessarily related to the variances. It was more so related to just the home itself. There was a bit of apprehension because it's not a two-story home, and two-story homes are the majority of homes in Arlington Heights, but I think we did a really good job, of course I'm biased, but I think we did a good job at not making it stick out in terms of what's in the area. I mean, there are homes that look quite similar to this that are two-story homes. So, you know, upon having that conversation, it was more so a discussion of taste rather than what we can do with the home itself.

But the biggest concerns were flooding of course, and then the driveway which, understandably, the driveway came down, and for flooding, we're underneath the ratio as well for impervious surfaces.

MR. JAFFE: Okay, thank you.

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MR. VALENZANO: Thank you.

CHAIRPERSON SIAVELIS: Any other questions?

Tom, do you have any questions? Tom, do you have?

COMMISSIONER DRAKE: No.

CHAIRPERSON SIAVELIS: Okay, I think you answered all of my questions when I read the minutes. I'm like two of the other Board members, I wasn't here last meeting. I think you hit everything that I wanted to know in reading the prior minutes and in response to these questions. So, I don't have anything.

At this point in time, you can take a seat.

MR. VALENZANO: Thank you.

CHAIRPERSON SIAVELIS: And we'll see if there's any commentary from the public either in support or opposition to this, these three variances sought.

(No response.)

CHAIRPERSON SIAVELIS: Okay, hearing none, we can move to Board deliberation, that phase.

Jeff, do you want to start?

MR. LANAGHAN: Yes, I'm good, I can start, absolutely. So, I mean, the fact that this is kind of a pie-shaped lot in my mind, and the existing house is already there with the setback issues, those two to me kind of go away.

So, really the only one that I have a question with to even talk about would be the paved patio, the covered paved patio I suppose is how we should phrase that, and I don't disagree with him, I think. You know, their overall coverage is fine. People do like, myself included, like a covered patio, so I understand why that would be desirable and something they'd look for.

The fact that they're a ranch, I don't necessarily want them to be penalized for having a ranch as opposed to a two-story which would allow that extra square footage.

CHAIRPERSON SIAVELIS: I agree.

MR. LANAGHAN: So, I'm in favor of this one.

CHAIRPERSON SIAVELIS: Yes, we're not here to mandate the addition of a second story.

MR. LANAGHAN: Exactly.

CHAIRPERSON SIAVELIS: That cost would be a burden, so yes, I agree with that, and I think you hit the nail on the head a couple of times there. I think it's also worth mentioning that the side yard set-offs, the addition doesn't intrude on that.

MR. LANAGHAN: Correct. They took care to make sure the addition stayed within code.

CHAIRPERSON SIAVELIS: And it is a reverse pie.

MR. LANAGHAN: Yes, so it's even weirder, yes.

CHAIRPERSON SIAVELIS: It's a reverse pie; it would be easier to do if it was narrower at the front of the lot.

MR. LANAGHAN: Yes.

CHAIRPERSON SIAVELIS: It's vice versa, right, it's broader at the front of the lot and narrower at the back. So, I assume that you're in support of it?

MR. LANAGHAN: I am a 100 percent in support, yes, sir.

CHAIRPERSON SIAVELIS: Okay, any other comments either in support for or

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opposition?

(No response.)

CHAIRPERSON SIAVELIS: Do we have a motion to approve all three variances sought?

MR. LANAGHAN: Yes, I'll check that. I move to approve the variances as presented.

MR. SELBKA: Second.

CHAIRPERSON SIAVELIS: Derek, roll.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Jaffe.

MR. JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

MR. LANAGHAN: Yes.

MR. MACH: Mr. Portera.

MR. PORTERA: Yes.

MR. MACH: Mr. Selbka.

MR. SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, all three variances granted.

MR. VALENZANO: Thank you very much.

MR. LANAGHAN: Good luck with the project.

MR. VALENZANO: Thank you.

CHAIRPERSON SIAVELIS: Okay, we move on to the public comment phase.

Anybody back there, lurking back there that we don't see for public commentary?

(No response.)

CHAIRPERSON SIAVELIS: Apparently not.

Do we have a motion to close? Actually, we haven't -- I'm sorry, do we have a motion to adjourn?

MR. LANAGHAN: So moved.

MR. JAFFE: Seconded.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, we are adjourned.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:28 p.m.)

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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