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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: 900 SOUTH EVERGREEN AVENUE - ZBA #24-025

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 9th day of September, 2024 at the hour of
7:00 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

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CHAIRPERSON SIAVELIS: All right, we're going to get this meeting started. Welcome, everyone. This is the call to order for the Zoning Board of Appeals.

Are we good?

COMMISSIONER JAFFE: Good.

COMMISSIONER O'CONNOR: Yes.

CHAIRPERSON SIAVELIS: Our September 9th meeting, 2024. Welcome, everyone.

First item of business to attend to is our roll call.

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: Thank you, Derek.

Pledge of Allegiance, folks. The flag is behind you.

(Pledge of Allegiance recited.)

CHAIRPERSON SIAVELIS: Thank you very much.

Okay, next item of business, approval of the meeting minutes in draft form from the August meeting. I wasn't here so I'm going to abstain from any comments on that, but are there any proposed revisions or corrections to the draft minutes?

(No response.)

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

COMMISSIONER DRAKE: So moved.

COMMISSIONER LANAGHAN: Second.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any abstaining and no?

COMMISSIONER JAFFE: I abstain.

CHAIRPERSON SIAVELIS: I'm abstaining as well. Let me sort that out.

Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, any abstaining?

COMMISSIONER JAFFE: Yes.

CHAIRPERSON SIAVELIS: And yes as well.

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COMMISSIONER LANAGHAN: We missed you.

CHAIRPERSON SIAVELIS: Careful what you wish for.

All right, folks, let's go over some hearing procedures, okay? Some of you are not new faces, some are experienced hands, but nonetheless, we still have to go over the hearing procedures.

So, first off, if there are less than six members present, petitioners have the option to continue the meeting. It takes four affirmative votes to approve a variance regardless of the number of Board members in attendance. All right, so we have six. So, do the math, you need to go four and two, okay.

If you are denied, a petitioner cannot reapply for an entire year, so there is a preclusive effect, okay. So, weigh your options carefully in that regard.

There are four elements necessary to establish in order for the Board to be able to grant a variance. These are the same elements that were in the paperwork that you reviewed and submitted to the Village and to Derek and his team there. The elements 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 this chapter, which is 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.

In sum, a variation is permitted only if the evidence, in the judgment of this Board of Appeals, sustains each of the four elements that I just read to you and that you've seen previously. Now, keep in mind as well that establishing these elements and providing evidence in support of these elements is your responsibility. It's not our responsibility to pull that out of you. We have in the past denied variances when the petitioner cannot establish the elements, okay? So, it is your burden to show these elements, not ours.

Okay, so more protocol and procedures. I open the agenda item and provide some introductory remarks, very, very brief introductory remarks. Then the Staff, which is essentially Derek, provides an overview of the project and variances requested. Then the applicant, or whoever is speaking on behalf of the applicant, presents its case in favor of zoning relief by way of documents or testimony. The applicant and any witnesses testifying must be sworn in under oath and must state and spell their respective names for the record.

Okay, Derek, do we have any formal opposers?

MR. MACH: We do not.

CHAIRPERSON SIAVELIS: Awesome, thank you.

We can now move then to new business, ZBA Petition #24-025, 900 South Evergreen Avenue.

Come on up, you're the next contestant. All right, have you signed in?

MR. POLOZ: Yes, I have.

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CHAIRPERSON SIAVELIS: Okay, raise your right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: All right, identify yourself as well on the record.

MR. POLOZ: I'm Daniel Poloz. I'm co-founder of Poloz & Makris Architects and Deep Scan Studio. Do you need me to spell my name?

CHAIRPERSON SIAVELIS: You've signed in so the reporter will catch it off the sign-in sheet.

MR. POLOZ: Got it.

CHAIRPERSON SIAVELIS: Okay, go ahead. Actually, you know what, it's Derek's turn.

MR. MACH: Thank you.

CHAIRPERSON SIAVELIS: My fault.

MR. MACH: The Petitioner is proposing a complete renovation and full second floor addition to an existing single-story home. The existing house and new second floor addition are encroaching one foot into the required 30-foot rear yard setback.

Therefore, they're requesting a one-foot variation from Chapter 28, Section 5.1-3.3 to allow a second story addition with a rear yard setback of 29 feet instead of the required 30 feet and an additional two feet for the eave. Thank you.

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

Dan, you may proceed.

MR. POLOZ: Thank you. So, we have a current one-story house. We are adding a second story to it. It is, you know, we're essentially just adding a second story right over the existing house.

When we were doing our zoning, we realized that we have, this is a corner lot, it's got a pretty unique condition. So, theoretically, you know, the south end here is used more of a backyard than kind of the west side of the lot. But there is a 12-inch encroachment of the garage into the rear yard which is the west side there. So, our intent is simply to add a second story directly over the existing house.

You know, we looked at other options for, you know, perhaps maybe, you know, taking the, you know, the second story and kind of recessing it by a foot. But we saw that that might be a little bit more, you know, wouldn't be in harmony with sort of the context and would have kind of an awkwardness to it, if you see that the first floor is already kind of encroaching and the second floor would be kind of pushed in, you know. So, we went into, you know, obviously this variance process. So, for us really, just to kind of make it work both aesthetically as well as just structurally because we'd also have to, you know, if we could kind of structurally, you know, have that recessed, it would just be a little bit of a burden on our client to just come up with a, you know, to actually pay for the additional structure to support that extra second story there.

So, you know, at this time, we're just asking for a simple 12-inch variance. The variance is in line with the character of the locality. We're not asking for any kind of, you know, change in the zoning in any way. You know, the property owners, there's a kind of existing condition that, you know, nobody really knew about as a corner lot, so you know, it has this little unique condition there. To allow for the second story to kind of proceed directly vertically above the first story would be both contextually

appropriate, structurally, you know, practical, and will just look proper and in harmony with the neighborhood. In reality, it's kind of the absolute minimum that we essentially would need to make the second story happen for our client and for this project.

Also, we did have Design Commission approval on this as well, so we kind of went through that process. They have no issue, short of, of course, the variance. So, if there's any questions, we're happy to answer those.

CHAIRPERSON SIAVELIS: I have a couple of questions. Who lives in this house?

MR. POLOZ: That would be the Patels. That's Jigar Patel.

CHAIRPERSON SIAVELIS: How many folks? How many people?

MR. POLOZ: Four total. Yes, two kids, two adults.

CHAIRPERSON SIAVELIS: Okay, do you know if the homeowner or you received any feedback from neighbors in regards to the variance being sought?

MR. POLOZ: None. In terms of, if you're talking about phone calls or any kind of e-mails?

CHAIRPERSON SIAVELIS: Yes, e-mails, anything. Any sort of feedback.

MR. POLOZ: Nothing.

CHAIRPERSON SIAVELIS: What about in-person feedback?

MR. POLOZ: None.

CHAIRPERSON SIAVELIS: None, okay. Your client is basically ready to jump in here. Come on up. Come up, you can't speak from the cheap seats. You've got to sign in.

MR. PATEL: Hi, how are you doing?

CHAIRPERSON SIAVELIS: Okay.

MR. PATEL: Do I have to sign in or something?

CHAIRPERSON SIAVELIS: Yes, go ahead, sign in and we'll swear you in, and then you can answer these questions directly.

MR. PATEL: Sure.

CHAIRPERSON SIAVELIS: Right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, can you identify yourself on the record?

MR. PATEL: Yes, Jigar Patel.

CHAIRPERSON SIAVELIS: Okay, Jigar, can you answer that question or do you want me to repeat it?

MR. PATEL: No, I can answer it. So, we have spoken to all of our neighbors. Our neighbors actually across the street, Bud and Laurel are here. They're okay with the variance.

We spoke to our neighbors to the side where the variance is being asked for, the Lanweirs. We actually bought the home from them, they actually built this home and then their home that they're living in currently. They also don't have any issues with the variance. We didn't get anything in writing but we told them that, you know, we're doing this process and that, you know, this is happening.

We also spoke to the neighbors at 908, Nadine and Frank, and they're okay with the variance as well. Then some passersby around the neighborhood are all saying that, you know, they're happy for us and that it sounds like a good project.

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CHAIRPERSON SIAVELIS: Any negative feedback from neighbors?

MR. PATEL: Nobody had anything negative to say. Once again, we're a family of four like Dan said. Our youngest is six and our oldest is 10, they're growing up, they're getting bigger. We need a little bit more space so we want to build up.

CHAIRPERSON SIAVELIS: And the current house has how many bedrooms?

MR. PATEL: It has three bedrooms on the main floor, but yes, we're removing two of the three bedrooms, keeping a guest bedroom down there and then the three bedrooms upstairs.

CHAIRPERSON SIAVELIS: I don't have any other questions.

COMMISSIONER LANAGHAN: No, just to verify, so it's an existing non-conforming use that you're just going straight up, you know, for you to even set it back on the second floor, you'd have to more or less tear a foot off of the existing house to meet code?

MR. POLOZ: Correct.

COMMISSIONER LANAGHAN: So, yes, I have no issues with that.

COMMISSIONER JAFFE: Derek, can you just go to the plat of survey, please?

I don't know if it's relevant, but it looks like the cross streets both say Evergreen. I think the one to the north should say Orchard, and then Evergreen running north-south, Orchard running east-west. I don't know if that's relevant to putting things on the record, but it doesn't look accurate to me unless I'm misreading it.

MR. MACH: It's a mistake.

CHAIRPERSON SIAVELIS: Good catch, yes. Somebody is paying attention and doing his homework.

COMMISSIONER JAFFE: The only guy who doesn't have his computer in front of him, too, no less.

COMMISSIONER LANAGHAN: It's not the survey --

COMMISSIONER JAFFE: What is that diagram called?

COMMISSIONER LANAGHAN: Is that the plat of survey, or is it called something else?

MR. PATEL: That's the plat of survey. We had done one when we purchased the home and it was just --

CHAIRPERSON SIAVELIS: Perhaps you should get a refund then.

MR. PATEL: Yes.

CHAIRPERSON SIAVELIS: All right, any other questions, Board members?
(No response.)

CHAIRPERSON SIAVELIS: All right, we'll go to deliberation phase right now. So, you folks can take a seat.

MR. POLOZ: Thank you.

CHAIRPERSON SIAVELIS: Okay, I can start on this. This is a very straight-forward. Existing non-conforming structure, just got testimony that directly confirms that, and it's consistent with the papers we've seen. No neighbor in opposition. Seems like a legitimate need. This is very straight-forward in my eyes.

COMMISSIONER LANAGHAN: Completely agree.

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COMMISSIONER O'CONNOR: Yes, agree.

CHAIRPERSON SIAVELIS: Okay, do we have --

MR. MACH: I don't know if there's anyone in the audience.

CHAIRPERSON SIAVELIS: Oh, yes, if there's anybody in the audience who wants to make or present a comment on this or add anything else in addition to the record?

(No response.)

CHAIRPERSON SIAVELIS: Okay, hearing none, do we have a motion to approve?

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

COMMISSIONER JAFFE: Second.

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.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:14 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: 737 SOUTH VAIL AVENUE - ZBA #24-026

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 9th day of September, 2024 at the hour of
7:14 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: All right, the next item up for business is ZBA Petition #24-026, 737 South Vail Avenue.

But before we start, Derek?

MR. MACH: Thank you, Chairman.

The Petitioner is proposing to construct a second story addition to the existing single-story home. The roofline expansion along the north and south property line is encroaching into the required side yard setback.

Therefore, they're requesting a 0.2-foot variation from Chapter 28, Section 5.1-3.3 to allow an addition with a side yard setback of 6.3 feet instead of the required 6.5 feet and an additional one foot for the eave; as well as a 3.4-foot variation from Chapter 28, Section 5.1-3.3 to allow an addition with a side yard setback of 3.1 feet instead of the required 6.5 feet and an additional one foot for the eave. Thank you.

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

Okay, Keith, you're up.

MR. GINNODO: Want me to swear in?

CHAIRPERSON SIAVELIS: That's true, that would be a good idea. You're here so frequently that I thought maybe we'd just have a continuous swearing in.

MR. GINNODO: To carry on, yes, just keep going.

CHAIRPERSON SIAVELIS: Yes, constantly tell the truth when you walk in the building, Keith. Do raise your right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Great, now you may proceed.

MR. GINNODO: All right, thank you very much. Our clients here, Will and Lauren, they have two young children. They've been in the house for 10 years. Similar story that you heard in the last one, growing family, needing a little bit more space.

The project is designed where the main bulk of the addition is on the second floor, held well in from the areas that we're discussing today, the variance. So, the bulk of the building is not anywhere close to impinging on the neighbors.

The unique circumstance is this one also has two non-conforming conditions, one on the north and one on the south side. South is on the right elevation here. You can see that that last window bay is basically non-conforming existing. The existing house has a hip roof, and just for aesthetic purposes, we're squaring it off with a gable to kind of tie the whole design together.

So, the house is in good keeping with the character of the neighborhood, and so the essential character has been maintained.

There's nothing about this that is unusual with respect to what would normally happen under the zoning constraints. It's simply the non-conformance and the design that we've created are carrying on a non-conformance, and we're hoping to get some relief with that.

As far as the minimum variation in the design, on the north end, I think we're asking for a sliver. I know that you can just barely see the thickened line on the edge there. On the south side, it's a little bit more substantial.

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Our clients have communicated with their neighbors and have submitted a document that basically says, hey, we support this. Derek has it in his file. The ones, the neighbors that are most immediately affected, the ones to the north and the south, have signed on to this support, including the one to the south which is the most affected.

I'm happy to take any questions.

CHAIRPERSON SIAVELIS: So, was there any, can you tell me if you have any opposition? So, in view of the fact that you have signature from four people purporting to support the variances sought, was there any opposition that you're aware of?

MR. GINNODO: I believe there has not been any, no negative comments.

COMMISSIONER JAFFE: Just a point of detail on the letter, thank you sincerely, the neighbors of 37 South Vail Avenue. Should that read 737 South Vail Avenue?

MR. GINNODO: That should, yes, typographic. You're on it today.

COMMISSIONER JAFFE: I am. Again, no computer.

CHAIRPERSON SIAVELIS: But you were looking at a hard copy paper, so you kind of bridged the gap there.

MR. GINNODO: It's 737 South Vail.

COMMISSIONER JAFFE: Noted.

CHAIRPERSON SIAVELIS: Duly noted.

So, Derek, let me, or Derek -- Keith, let me ask the question. In view of the correction that my esteemed colleague has identified, are there any opposers to the variances sought for 737 South Vail?

MR. GINNODO: None.

CHAIRPERSON SIAVELIS: Same answer.

MR. GINNODO: Correct, yes.

CHAIRPERSON SIAVELIS: Very good.

Anything further, Ben?

COMMISSIONER JAFFE: Not at this time.

CHAIRPERSON SIAVELIS: No further corrections?

COMMISSIONER JAFFE: None that I can see at the moment.

CHAIRPERSON SIAVELIS: Keep hunting for them, Ben.

COMMISSIONER JAFFE: Duly noted.

COMMISSIONER LANAGHAN: Are you aware of the Building & Life Safety comments that came through?

MR. GINNODO: Yes, yes.

COMMISSIONER LANAGHAN: As far as setbacks and openings and what have you?

MR. GINNODO: Yes, I am. So, everything is manageable from just a fire resistance construction. So, nothing out of the ordinary.

COMMISSIONER LANAGHAN: So, the windows currently planned are not an issue as far as --

MR. GINNODO: That's correct. The windows that exist presently, they're not asking for anything in addition.

COMMISSIONER LANAGHAN: Oh, true. Again it's a non-conforming

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existing use. Got it.

MR. GINNODO: And if they are, then I'm going to have to go down there and plead, but I think they mean the addition.

COMMISSIONER LANAGHAN: Got you.

CHAIRPERSON SIAVELIS: You'd probably want to bring Ben with you for that.

Any other questions, Board members?

(No response.)

CHAIRPERSON SIAVELIS: Any comments from the public at all on the additional points raised?

(No response.)

CHAIRPERSON SIAVELIS: Okay, and I've noticed that we need to, amongst the revised protocol, that we need to have a voice vote to close, testimony or is that just public testimony, Derek? It's one of those points that's tough --

MR. MACH: Public testimony.

CHAIRPERSON SIAVELIS: Yes, okay.

You can take a seat, Keith. While we deliberate, if we have any other further questions, we'll call you back.

Jeff, do you want to start with this?

COMMISSIONER LANAGHAN: Yes, I'll basically say it's pretty similar to the last one. You have an existing non-conforming use. The addition has nothing to do with the setbacks that we're here for. It's well-designed and it seems to be in keeping with the neighborhood. I have no problems with it.

CHAIRPERSON SIAVELIS: Anybody else?

(No response.)

CHAIRPERSON SIAVELIS: Any oppositions to it?

(No response.)

CHAIRPERSON SIAVELIS: Do we have a vote, or a motion, excuse me?

COMMISSIONER LANAGHAN: I move to approve as presented.

COMMISSIONER O'CONNOR: Second.

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, variances granted.

MR. GINNODO: Thank you.

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CHAIRPERSON SIAVELIS: Okay, now we'll move to our favorite segment on this meeting, public comment. Anyone wishing to speak on a subject not on the agenda may speak at this time, but of course, you're instructed or requested to limit your comments to three minutes.

(No response.)

CHAIRPERSON SIAVELIS: Seeing or hearing none, we'll move past that phase.

Do we have a motion to adjourn?

COMMISSIONER LANAGHAN: So moved.

COMMISSIONER DRAKE: Second.

CHAIRPERSON SIAVELIS: Thank you very much, Tom.

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 7:21 p.m.)

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STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

I, RON LeGRAND, JR., 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, JR.

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

NOTARY PUBLIC