



AGENDA
ZONING BOARD OF APPEALS
Buechner Room, 1st Floor
Arlington Heights Village Hall, 33 S. Arlington Heights Rd.
Arlington Heights IL 60005
November 18, 2024
7:00 PM

- I. CALL TO ORDER
- II. ROLL CALL OF MEMBERS
- III. APPROVAL OF MINUTES
 - A. 936 N. Chestnut Ave - 10/15/24
 - B. 606 W. Braeside Dr. - 10/15/24
 - C. 326 E. Magnolia St. - 10/15/24
 - D. 2000 N. Chestnut Ave. - 10/15/24
 - E. 1308 N. Arlington Heights Rd. - 10/15/24
- IV. OLD BUSINESS
- V. NEW BUSINESS
 - A. 223 S. Dunton Ave. - ZBA#24-034
 - B. 32 N. Belmont Ave. - ZBA#24-036
 - C. 2421 E. Walden Ln. - ZBA#24-038
 - D. 850 S. Vail Ave. - ZBA#24-039
- VI. OTHER BUSINESS
- VII. PUBLIC COMMENT

Anyone wishing to speak on a subject not on the Agenda may speak at this time. Please limit your comments to three minutes.

VIII. ADJOURNMENT

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact Erin Mercado,

at 33 S. Arlington Heights Road, Arlington Heights, IL 60005, emercado@vah.com or 847/368-5793.

VILLAGE OF ARLINGTON HEIGHTS, ILLINOIS
ZONING BOARD OF APPEALS
PUBLIC HEARING
OCTOBER 15, 2024
FINDINGS OF FACT, DECISION AND ORDER

Agenda Item: 936 N. Chestnut Ave. Residence

Applicant: Kevin Erdmann – Erdmann Construction

Zoning Relief Requested:

- A 2.0-foot variation from Chapter 28, Section 6.6-5.1 (Table of Permitted Obstructions) and Section 5.1-3.3b to allow a deck and pergola with a side yard setback of 3.0 feet instead of the required 5.0 feet.

Date of Publication: 9/28/24

Manner of Publication: Daily Herald

Zoning Board of Appeals (“ZBA”) Members Present:

Siavelis, Drake, Lanaghan, O’Connor, Portera, Selbka

Having heard and considered the testimony and evidence at the public hearing of October 15, 2024, the ZBA makes the following findings of fact:

The petitioner is proposing to construct a new deck and pergola. The subject property is zoned R-3, One-Family Dwelling District and the property has a total land area of 6,250 square feet. The proposed deck and pergola encroach two feet into the required side yard setback.

For Variation Requests:

(Pursuant to Chapter 6, Article II, Section 6-202(e)(2)(c), in consideration of the standards of practical difficulties or particular hardship, the ZBA shall require evidence of the below.)

The ZBA finds that evidence of the following was presented at the public hearing (check all that apply with an “X”):

 X The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property; and

 X The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned; and

- X The proposed variation is in harmony with the spirit and intent of this Chapter; and
- X The variance requested is the minimum variance necessary to allow reasonable use of the property.

Does the ZBA Find in Favor of the Applicant for Relief Requested?

Relief Granted (if any):

- A 2.0-foot variation from Chapter 28, Section 6.6-5.1 (Table of Permitted Obstructions) and Section 5.1-3.3b to allow a deck and pergola with a side yard setback of 3.0 feet instead of the required 5.0 feet.

Reason for Determination:

The Zoning Board commented that there is an existing non-conforming deck that homeowner is proposing to rebuild. The neighbor spoke in support of the variance.

Based on the information contained in the application and the testimony and evidence presented at the public hearing, the ZBA voted on the approval of these findings of fact, decision and order and the requested application resulting in the following vote:

 6 ayes 0 nays 1 absent 0 abstain

Date: October 15, 2024

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

Pursuant to Chapter 6, Article II, Section 6-202(e)(3), in exercising the enumerated powers of the Zoning Board of Appeals, the ZBA may reverse, affirm, or modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the Administrative Officer from whom the appeal is taken.

ZONING BOARD

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

OF APPEALS

RE: 936 NORTH CHESTNUT AVENUE - ZBA #24-028

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 15th day of October, 2024 at the hour of
7:00 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairman
TOM DRAKE
JEFFREY LANAGHAN
JOSEPH SELBKA
MICHAEL O'CONNOR
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN SIAVELIS: All right, ladies and gentlemen, we're going to call this meeting to order. Welcome. Tonight is October 15th. This is the Zoning Board of Appeals, Village of Arlington Heights, welcome to tonight's meeting.

We have five separate petitions on the docket for tonight. So, I'm going to ask that whoever is speaking, speak concisely, clearly. Obviously, you need to hit all the points and try to avoid extraneous messaging and discussions because it's going to be, it could be a long night for us here. So, we want to be as concise and succinct as we possibly can.

With that in mind, Derek, roll call.

MR. MACH: Chairman Siavelis.

CHAIRMAN SIAVELIS: Here.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. MACH: Mr. Jaffe.

(No response.)

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Here.

MR. MACH: Mr. O'Connor.

COMMISSIONER O'CONNOR: Here.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Here.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Here.

CHAIRMAN SIAVELIS: All right, awesome. Next item of business is the approval of minutes

Has everybody in the Board had a chance to review the draft minutes? Assuming so, do we have any revisions, edits or corrections thereto?

(No response.)

CHAIRMAN SIAVELIS: Hearing none, do we have a motion to approve the minutes in the form we had provided to us?

COMMISSIONER O'CONNOR: Motion to approve.

COMMISSIONER LANAGHAN: Second.

CHAIRMAN SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRMAN SIAVELIS: Any opposed?

(No response.)

CHAIRMAN SIAVELIS: Hearing none, motion carries. There is no old business.

COMMISSIONER LANAGHAN: Do the Pledge of Allegiance first?

CHAIRMAN SIAVELIS: Yes, we should. We should do the Pledge of Allegiance even though it's not on the agenda for some reason today. We have the flag right here.

(Pledge of Allegiance recited.)

CHAIRMAN SIAVELIS: Thank you, Mr. Lanaghan, for that catch. Greatly appreciated.

Okay, let's go over some hearing procedures and rules of the road

essentially for today's meeting. These rules and procedures are designed to ensure that discussions in tonight's meeting proceed smoothly.

First of all, as to quorum, if there are less than six members present, a petitioner has the option to continue the meeting because it takes four affirmative votes to approve a variation regardless of the number of Board members in attendance. So, obviously tonight we have six members, okay. That condition doesn't apply, but in the last meeting they had four members.

If you are denied a variance, a petitioner cannot reapply for an entire year, so there is a preclusive effect. So, be aware of that.

There are four hardships or elements that a petitioner must establish for the Board to be able to grant a variance. They are:

1. That the proposed use will not alter the essential character of the locality and will be compatible with the existing uses and zoning of nearby property;
2. That the plight of the owner is due to unique circumstances which may include the length of time the subject property has been vacant as zoned;
3. That the proposed variation is in harmony with the spirit and intent of Chapter 28 of the Village's Code; and
4. That the 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 conditions or elements that I just read. Those four elements are in the paperwork that you folks received and that you submitted to the Village prior to tonight.

I want to make certain and make clear that it is the petitioner's responsibility, or whoever is speaking on behalf of that petition and the variations sought, to touch on and establish each of those four elements. It is not, I repeat, NOT the responsibility of the Board to pull testimony out to substantiate and support those elements. We have denied variances and petitions in the past when the petitioner does not establish the four elements or cannot or will not do so. Okay, so keep that in mind.

As to agenda items, I open the agenda item and provide some introductory remarks. Staff presentation, that's Derek, he provides a brief overview of the project and variance. Then the applicant makes a presentation, presenting its case in favor of the zoning relief sought by way of documents or testimony. You must be sworn in, and any witnesses must be sworn in, and you must state and spell your respective names on the record.

No public comments tonight? We have no --

MR. MACH: No formal objectors.

CHAIRMAN SIAVELIS: No formal objectors, okay, awesome.

Okay, with all of that in mind, let's start with the first item of business. It is ZBA Petition No. 24-028, 936 North Chestnut Avenue. You can stand up and then Derek will do his introductory remarks, or his overview, excuse me.

MR. MACH: Thank you, Chairman.

The Petitioner is proposing to construct a new deck and pergola. The proposed deck and pergola encroach two feet into the required side yard setback.

Therefore, they're requesting a two-foot variation from Chapter 28, Section 6.6-5.1 and Section 5.1-3.3b to allow a deck and pergola with a side yard setback

of three feet instead of the required five feet.

Thank you, Chairman.

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

Right hand, please. Are you fully signed in? I didn't mean to cut you off.

MR. FILIPEK: Yes, I did.

CHAIRMAN SIAVELIS: Okay, just identify yourself for the record as well.

MR. FILIPEK: My name is Doug Filipek, last name is spelled F-i-l-i-p-e-k.

CHAIRMAN SIAVELIS: Great, thanks, Doug. Keep your right hand up.

(Witness sworn.)

CHAIRMAN SIAVELIS: Okay, please proceed.

MR. FILIPEK: So, I am the homeowner and Applicant of 936 North Chestnut Avenue. We've coordinated with Erdmann Exterior Designs to effectively rebuild an existing exterior rear patio. The footprint of the exterior rear patio currently is offset three feet from the lot line on our north end of our property. We're simply looking to rebuild effectively the same wooden deck and modernize that with modern materials.

So, we're looking for a two-foot variance from that required five-foot offset in order to rebuild and modernize what's an already existing structure. It should be noted that this existing deck is currently in line with the actual physical house structure on that north end. In order to, anything not within the confines of an approved variance would require drastic alteration to the exterior of that deck, to include a rear pylon that holds up an exterior awning to be rebuilt as well as, you know, drastically undercutting the aesthetic value of this project which fits into the current aesthetic harmony of the neighborhood.

We've complied with all requirements of notifying all residents. In fact, I do have one neighbor who has the second best sight line to this present in support here. I don't believe he wishes to object at this time, but he can correct me if I'm wrong. However, the feedback from the neighborhood has been overwhelmingly positive. Exclusively positive, I should correct myself.

CHAIRMAN SIAVELIS: Okay, thanks, Doug.

Frank?

COMMISSIONER PORTERA: Yes. Okay, you stated for the record that this is an existing non-conforming use; is that right?

MR. FILIPEK: Correct.

COMMISSIONER PORTERA: Okay, and the neighbors have all been in favor, nobody opposed?

MR. FILIPEK: Yes, and I should note that the neighbors on the north would be in the position to be most impacted. They are fully in support of this. For reasons outside their control, they can't be here tonight.

COMMISSIONER PORTERA: Okay, that's all the questions I have.

CHAIRMAN SIAVELIS: How many folks live in the house?

MR. FILIPEK: There's four of us.

CHAIRMAN SIAVELIS: Four of you, okay.

COMMISSIONER LANAGHAN: And approximately how long have you lived there?

MR. FILIPEK: Five years.

COMMISSIONER LANAGHAN: Any idea how long the deck has been

there?

MR. FILIPEK: At least 30 --

COMMISSIONER LANAGHAN: Prior to you owning the house, okay, got it.

MR. FILIPEK: Yes. It's in drastic need of modernization.

COMMISSIONER LANAGHAN: Got you.

CHAIRMAN SIAVELIS: Okay, any other questions for the Petitioner?

(No response.)

CHAIRMAN SIAVELIS: Okay, you can take a seat.

We'll go to Board deliberations. Well, actually I want to see if there's anybody making any public comments on this, right?

Is there anybody in the audience who wishes to speak in regards to this petition?

MR. LANDEWEER: I just am in favor of it.

CHAIRMAN SIAVELIS: Come on up then. Yes, identify yourself for the record now.

MR. LANDEWEER: Dave Landeweer, 932 North Chestnut.

CHAIRMAN SIAVELIS: Will he have to sign in, Derek?

MR. MACH: He doesn't need to.

CHAIRMAN SIAVELIS: He doesn't have to because he's not a petitioner, okay.

MR. LANDEWEER: I'm very much in favor of it. That's it.

CHAIRMAN SIAVELIS: Okay, thank you very much. Appreciate it.

Okay, we can close for Board deliberation.

Frank, do you want to start?

COMMISSIONER PORTERA: Yes. We have an existing non-conforming use. The Petitioner has made a good case that it is an older deck that needs to be rebuilt, and nothing but neighborhood approval. We even have the most affected neighbor here today speaking in favor of the petition.

So, I think this is a pretty reasonable ask, and I would be in favor of the petition as presented.

CHAIRMAN SIAVELIS: Great, thanks, Frank.

Anybody else have comments?

(No response.)

CHAIRMAN SIAVELIS: All right, do we have a motion?

COMMISSIONER PORTERA: I move to approve this variance as presented.

COMMISSIONER LANAGHAN: Second.

CHAIRMAN SIAVELIS: Derek?

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: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRMAN SIAVELIS: Yes.

Congratulations, variance granted.

MR. FILIPEK: Thank you all for your time.

CHAIRMAN SIAVELIS: No worries.

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

VILLAGE OF ARLINGTON HEIGHTS, ILLINOIS
ZONING BOARD OF APPEALS
PUBLIC HEARING
OCTOBER 15, 2024
FINDINGS OF FACT, DECISION AND ORDER

Agenda Item: 606 W. Braeside Dr. Residence

Applicant: Shawn Collins

Zoning Relief Requested:

- A variation from Chapter 28, Section 6.5-2 to allow a shed (accessory structure) in the side yard where sheds are only permitted in the rear yard.

Date of Publication: 9/28/24

Manner of Publication: Daily Herald

Zoning Board of Appeals ("ZBA") Members Present:

Siavelis, Drake, Lanaghan, O'Connor, Portera, Selbka

Having heard and considered the testimony and evidence at the public hearing of October 15, 2024, the ZBA makes the following findings of fact:

The petitioner has partially constructed a shed in the side yard where sheds are only permitted in the rear yard. The shed is 8 feet by 12 feet for a total of 96 square feet.

For Variation Requests:

(Pursuant to Chapter 6, Article II, Section 6-202(e)(2)(c), in consideration of the standards of practical difficulties or particular hardship, the ZBA shall require evidence of the below.)

The ZBA finds that evidence of the following was presented at the public hearing (check all that apply with an "X"):

X The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property; and

X The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned; and

- X The proposed variation is in harmony with the spirit and intent of this Chapter; and
- X The variance requested is the minimum variance necessary to allow reasonable use of the property.

Does the ZBA Find in Favor of the Applicant for Relief Requested?

Relief Granted (if any):

- A variation from Chapter 28, Section 6.5-2 to allow a shed (accessory structure) in the side yard where sheds are only permitted in the rear yard.

Reason for Determination:

The Zoning Board commented that there was previously a shed in the same general location. The Zoning Board commented that the lot is a corner lot and the shed is in the rear of the home; however, per the zoning it is defined as the side yard.

Based on the information contained in the application and the testimony and evidence presented at the public hearing, the ZBA voted on the approval of these findings of fact, decision and order and the requested application resulting in the following vote:

 6 ayes 0 nays 1 absent 0 abstain

Date: October 15, 2024

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

Pursuant to Chapter 6, Article II, Section 6-202(e)(3), in exercising the enumerated powers of the Zoning Board of Appeals, the ZBA may reverse, affirm, or modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the Administrative Officer from whom the appeal is taken.

ZONING BOARD

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

OF APPEALS

RE: 606 WEST BRAESIDE DRIVE - ZBA #24-029

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 15th day of October, 2024 at the hour of
7:10 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairman
TOM DRAKE
JEFFREY LANAGHAN
JOSEPH SELBKA
MICHAEL O'CONNOR
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN SIAVELIS: Next item of business is ZBA #24-029, 606 West Braeside.

Derek, can you, while this gentleman is signing in, can you give the overview, please?

MR. MACH: Yes, thank you.

The Petitioner has partially constructed a shed in the side yard where sheds are only permitted in the rear yard. The shed is eight feet by 12 feet for a total of 96 square feet, and the Petitioner is requesting the following variation:

- A variation from Chapter 28, Section 6.5-2 to allow a shed in the side yard where sheds are only permitted in the rear yard.

Thank you.

CHAIRMAN SIAVELIS: All right, thank you very much, Derek.

Okay, are you done signing in?

MR. COLLINS: Yes, sir.

CHAIRMAN SIAVELIS: Okay, can you identify yourself for the record?

MR. COLLINS: My name is Shawn Collins. I am the owner of 606 West Braeside Drive.

CHAIRMAN SIAVELIS: Awesome. Right hand?

MR. COLLINS: Yes, sir.

(Witness sworn.)

CHAIRMAN SIAVELIS: Okay, please proceed.

MR. COLLINS: Okay, I moved in to the house four years ago. A shed was existing there. One look at the shed, it's a vinyl shed, seven by seven-foot. It did not have a foundation. You can see in the, well, you can't see, but in the middle picture there, the shed has been existing and it's covered by the landscaping.

To me it's the backyard of the house. I understand that it's a side yard. The shed has been existing. I have another letter in addition to the one that's part of the packet from the homeowners to the west of my house who stated the shed has been there since they've lived there, since 1994.

I started to take the old shed down because it was older and it was uneven and I realized it didn't have a base. I was going to put a proper base in not realizing that I needed a permit. As I took it apart and looked at the condition of it, it was bad and so I bought a different one that is one foot wider from the street and then five foot longer. I started to put it up and then I realized that I needed a permit.

I applied for the permit. The permit said that I cannot do it because it is considered a side front yard of the house. When you look at the property, in the northwest corner there at the top left of the picture, that area I guess would be the back-ish of the house. That entire area gets wet, flooding a little bit, it's an ongoing problem within the entire neighborhood, in our immediate houses so I can't put it there because I don't want stuff to get wet.

To me, when you look at my house, it faces to the south there. I don't reasonably see it belonging next to 610 or in that area because to me that would be the front of the house. So, I kept it where it was because it's always been there. Hold on for one moment.

It's the same height and it's covered by landscaping and it matches the sheds and everything else in the neighborhood. In my neighborhood, there's at least

approximately 40 houses with the same condition, with the side and the front yard, and so I obviously want to work within the spirit of the zoning which is why I'm here. And I have that other letter if you'd like to see it.

CHAIRMAN SIAVELIS: Are you talking about the letter from John Haussner?

MR. COLLINS: No, sir, from the Nowaks which is sort of, John and Carolyn are the house that it immediately affects to the north of the property, right there at the top of my house, the Ridge address. Then the Nowaks are the ones immediately to the left of my house, and they're the ones who say they support it as well. Neither of them could be here. Then Kathy and Franz state that the shed has been there since they've lived there, a shed has been there since they've lived there.

CHAIRMAN SIAVELIS: Okay, so this letter, and you hadn't provided this before this?

MR. COLLINS: No, sir. I got it, unfortunately --

CHAIRMAN SIAVELIS: Okay, so when you hand it over to us and we open this to look at, it becomes part of the record, right?

MR. COLLINS: Yes, sir.

CHAIRMAN SIAVELIS: And you won't get it back.

MR. COLLINS: Yes, sir.

CHAIRMAN SIAVELIS: Okay, so then this letter is from your neighbor just to the west of you in 610?

MR. COLLINS: Yes, sir.

CHAIRMAN SIAVELIS: And that's not the neighbor who signed the October 1 letter?

MR. COLLINS: Correct.

CHAIRMAN SIAVELIS: Okay, Jeff?

COMMISSIONER LANAGHAN: So, you said you've lived there about four years?

MR. COLLINS: Yes, sir.

COMMISSIONER LANAGHAN: Got it. How many people in the house?

MR. COLLINS: Two, myself and my daughter.

COMMISSIONER LANAGHAN: Got it. I don't really have a whole lot of questions here. Being a fellow owner with a corner side yard type of lot, I understand the feeling of your rear yard should be in a different spot. And if there's been a shed there as your neighbors attest since, well, they've been there since 1994, they can't remember the time so it's been there for quite sometime, to me it's pretty straightforward. I don't have any other questions.

CHAIRMAN SIAVELIS: Okay, let's see if there's any public commentary. Anybody in the audience who wish to speak in behalf of this petition and this petition only, or in regards to?

(No response.)

CHAIRMAN SIAVELIS: Hearing none, I don't have any other questions for you.

Does anybody else, other Board members?

(No response.)

CHAIRMAN SIAVELIS: You can take a seat. We'll go to deliberations.

MR. COLLINS: Thank you, sir.

COMMISSIONER LANAGHAN: Yes, so as I was saying, I think he made a pretty good case. I mean, there's been a shed there, it's basically an existing non-conforming use. We get cases in here all the time with this kind of front yard-side setbacks that are a little bit goofy. I think his request is reasonable, so I would support it.

CHAIRMAN SIAVELIS: Great, thank you. Just so the record is clear, just to make sure we've done this --

COMMISSIONER LANAGHAN: We should read that in?

CHAIRMAN SIAVELIS: Well, it would be admitted and then attached to the minutes, right, as an exhibit to the minutes. Yes, so it would be in the record, but there's two letters in support, one that was in the packet materials provided to us. That one is dated October 1st, 2024, signed by John Haussner and Carolyn Bloom.

Then the Petitioner handed forth a letter from Franz and Kathleen Nowak from 610 West Braeside dated October 3rd. This letter was not presented to Derek, or provided to Derek beforehand, so we're just getting it first-hand here now. The letter is in support of the variance being sought.

In the pertinent part, the letter reads: Shawn Collins recently decided to update the shed with a nicer and newer model. He's a caring neighbor and part of our community that strives to make it look and feel nicer, both aesthetically and personally. We hope that you'll allow their great shed to replace the old one that was there.

So, we construe as support in favor of the petition.

COMMISSIONER LANAGHAN: Absolutely.

CHAIRMAN SIAVELIS: Okay, so with that said, do we have a motion?

COMMISSIONER LANAGHAN: I move to approve as submitted.

CHAIRMAN SIAVELIS: Is there a second?

COMMISSIONER DRAKE: Second.

CHAIRMAN SIAVELIS: Derek?

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: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRMAN SIAVELIS: Yes.

Congratulations, petition granted.

Okay, next item of business, ZBA Petition No. 24 -- by the way, you don't have to stay if you don't want to. You're not going to hurt our feelings.

MR. COLLINS: Thank you. Thank you very much.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:19 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 326 EAST MAGNOLIA STREET - ZBA #24-030

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 15th day of October, 2024 at the hour of
8:04 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairman
TOM DRAKE
JEFFREY LANAGHAN
JOSEPH SELBKA
MICHAEL O'CONNOR
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN SIAVELIS: Okay, we have another petition. Okay, next item of business, ZBA Petition No. 24-032, 1308 North Arlington Heights Road.

Sir, sign in completely, and we're going to Staff presentation. Identify yourself on the record while you're there, sir.

MR. CHAUDHRY: Yes. Okay, I'm the owner of 1308 North Arlington Heights Road in Arlington Heights.

CHAIRMAN SIAVELIS: What is your name, sir?

MR. CHAUDHRY: Naseer Chaudhry, last name C-h-a-u-d-h-r-y.

CHAIRMAN SIAVELIS: First name is spelled?

MR. CHAUDHRY: N-a-s-e-e-r.

CHAIRMAN SIAVELIS: All right, Staff overview.

MR. MACH: Thank you, Chairman.

The Petitioner is proposing to increase the width of the driveway which exceeds what is allowed per code. They're proposing to widen the main portion of the driveway to 27 feet where the maximum allowed is 22 feet. In addition, there is a parking turnaround area near the home that is 44 feet in width.

Therefore, they're requesting a 22-foot variation from Chapter 28, Section 10.2-11.1 to allow a driveway that's 44 feet wide where the maximum width allowed is 22 feet.

Thank you.

CHAIRMAN SIAVELIS: Okay, Naseer.

MR. CHAUDHRY: So, if you see my entrance in the start, like the 15, 14, 16, I want to make 22. City has no objection about that. The only thing they're concerned about, I have a reverse area, over there is already more than 22. That reverse area is very close to the house.

COMMISSIONER LANAGHAN: So, the width of your driveway you're proposing is going to be 22 feet?

MR. CHAUDHRY: Yes, the city allows --

COMMISSIONER LANAGHAN: And you have a turnaround area.

MR. CHAUDHRY: Yes, right, right.

COMMISSIONER LANAGHAN: And Derek, for my edification and clarification, 44 is the width of the turnaround in the back?

MR. CHAUDHRY: Yes, this is --

MR. MACH: Correct.

CHAIRMAN SIAVELIS: Hold on, hold on, hold on. Don't --

MR. MACH: It's measured parallel to the street, therefore, the turnaround is measured --

COMMISSIONER LANAGHAN: So, that whole turnaround is considered --

MR. MACH: Yes.

COMMISSIONER LANAGHAN: Got it, okay.

CHAIRMAN SIAVELIS: It dominates the measurement, right.

COMMISSIONER LANAGHAN: It absolutely does. The rest of it would be fine if it were not for that turnaround area.

Okay, and Derek, you had said he was going to 27 feet, but I think Naseer just said it's 22?

MR. CHAUDHRY: I think 22 they allow. I think that's more, it's 22, right?

MR. MACH: No, your plan shows 27 feet for this main portion of the driveway.

CHAIRMAN SIAVELIS: Which portion again, Derek? I'm on the diagram.

MR. MACH: This main portion here.

COMMISSIONER LANAGHAN: Because the sketch I'm looking at is showing up 18 and a 4 being added.

MR. CHAUDHRY: So, this is what I believe is 22.

CHAIRMAN SIAVELIS: Yes, but, okay, keep on scrolling down.

COMMISSIONER LANAGHAN: That one there. That one would indicate more of a 22, 18 and 4, and then 17 --

MR. CHAUDHRY: It's 14 and 5, 19.

COMMISSIONER LANAGHAN: I'm not sure what the 14 is doing there.

MR. MACH: The top shows 26.

CHAIRMAN SIAVELIS: Yes. Math skills are important.

MR. MACH: Yes, I guess near the street it's 22. It does appear to expand some but if you have the turnaround area as well, the variance is necessary as proposed.

CHAIRMAN SIAVELIS: What's this, existing non-conforming, right, because he's got some, it looks like, is the orange existing non-conforming?

MR. CHAUDHRY: It's just concrete over there.

CHAIRMAN SIAVELIS: Hold on, my friend.

MR. MACH: It is, yes, it is existing, a portion of it is existing non-conforming.

CHAIRMAN SIAVELIS: So, you got asphalt and concrete.

MR. CHAUDHRY: Yes. So, it's got concrete. We're not going to touch that.

CHAIRMAN SIAVELIS: What are you going to touch, just the asphalt?

MR. CHAUDHRY: Just the asphalt.

CHAIRMAN SIAVELIS: Okay, so now go back down to his graph paper drawing. There we go. So, you're proposing, and let's just get your color key right here now so we have an understanding. Orange denotes the existing asphalt, correct?

MR. CHAUDHRY: Yes. Yes.

CHAIRMAN SIAVELIS: Pink on the right there denotes what?

MR. CHAUDHRY: That's the extension.

CHAIRMAN SIAVELIS: That would be the expansion?

MR. CHAUDHRY: Yes.

CHAIRMAN SIAVELIS: And so, the orange plus pink, if you get your variance?

MR. CHAUDHRY: Right.

CHAIRMAN SIAVELIS: And that would be new asphalt or new concrete?

MR. CHAUDHRY: New asphalt, but we can have it concrete, too, it doesn't matter.

CHAIRMAN SIAVELIS: Yes, it doesn't matter I don't think for these purposes.

MR. CHAUDHRY: Yes. Yes.

CHAIRMAN SIAVELIS: Okay, I'm glad we cleared that up. All right, and why do you, you didn't explain to us why you need the --

MR. CHAUDHRY: Well, when --

CHAIRMAN SIAVELIS: Yes, hold on, let me finish my question because my

question will probably help you answer it. So, explain to us why you need an expansion in regards to this variance. What does it provide for you?

MR. CHAUDHRY: When we built this house in 2004, we didn't want to spend too much money so we stayed with the whatever, 14, 15, 16, the old one. Now, this area needs repair, you know. So, if I want to spend money, I want to have 22 entrance which the city allows. Then the reverse area, I want to keep it, you know. That's the main problem.

CHAIRMAN SIAVELIS: When folks pull out of your driveway, which street are they on?

MR. CHAUDHRY: We are on Arlington Heights Road, yes.

CHAIRMAN SIAVELIS: There you go.

MR. CHAUDHRY: Right.

CHAIRMAN SIAVELIS: That was where I was trying to get you at here, sir.

MR. CHAUDHRY: The main street.

CHAIRMAN SIAVELIS: Right.

COMMISSIONER LANAGHAN: Absolutely.

MR. CHAUDHRY: The reverse area is very important.

CHAIRMAN SIAVELIS: Right.

COMMISSIONER LANAGHAN: And how many drivers do you have at the house?

MR. CHAUDHRY: My daughter lives with me, so we have like four, and she has two daughters that are going to school.

CHAIRMAN SIAVELIS: How old are those daughters?

MR. CHAUDHRY: Oh, 15 and 14.

CHAIRMAN SIAVELIS: So, you're going to have additional drivers soon.

MR. CHAUDHRY: Yes, right.

COMMISSIONER DRAKE: The photo we have looks like there are six vehicles on the property. Would that be the normal number of cars/vehicles that would typically be on the property?

MR. CHAUDHRY: Five, six, yes.

CHAIRMAN SIAVELIS: Are you parking on the grass there? Two of them on the picture there?

MR. CHAUDHRY: Maybe there was a party or something, but otherwise we stay in that area. Concrete area has a lot of area, too, close to the house.

CHAIRMAN SIAVELIS: Okay, have you talked to your neighbors?

MR. CHAUDHRY: I talked to my north side neighbor and he said he has no objection, the one who is close, the north side one.

CHAIRMAN SIAVELIS: And what about your south side neighbor?

MR. CHAUDHRY: No, I was very busy. I've attempted to talk to him, but he had the sign, he didn't have any --

CHAIRMAN SIAVELIS: He didn't tell you he opposed or he didn't have any opposition?

MR. CHAUDHRY: No, no, right.

CHAIRMAN SIAVELIS: Derek, I didn't see anything in the file.

MR. MACH: No. We have not received any comments.

COMMISSIONER DRAKE: Have there been any accidents trying to pull out

of your driveway onto Arlington Heights Road?

MR. CHAUDHRY: No.

COMMISSIONER DRAKE: No.

CHAIRMAN SIAVELIS: It's four lanes there, right? Two on each direction?

MR. CHAUDHRY: Four lanes, yes.

CHAIRMAN SIAVELIS: All right, anything else?

MR. CHAUDHRY: No, that's all I think as I understand it.

CHAIRMAN SIAVELIS: Is there any comment from the Board for the
Petitioner?

(No response.)

CHAIRMAN SIAVELIS: Okay, take a seat, Naseer.

Nobody else is here, everybody else has left. All right, so there's no
public commentary and we can go into Board deliberations.

Derek, so Engineering has no objection here either, right? The 22-
foot?

MR. MACH: Correct.

CHAIRMAN SIAVELIS: Okay. All right, this seems pretty straightforward to
me. I mean, we've got no neighbor oppositions. Pulling onto Arlington Heights Road into
four lanes of traffic, two on each direction, it's a big parcel, big land, big lot, so it's not going
to look disproportionate or out of proportion. Frankly, I don't think a 22-foot wide driveway
is --

COMMISSIONER LANAGHAN: A 22 is allowed, it's really having the
turnaround is the only reason he's here.

CHAIRMAN SIAVELIS: Yes, right, and the turnaround is --

COMMISSIONER LANAGHAN: That's the only reason he's here for.

CHAIRMAN SIAVELIS: And the turnaround is so deep into his lot anyway.

COMMISSIONER LANAGHAN: Right, and to his point, I think, you know,
it's for safety. I can imagine trying to get people, you know, backing out on Arlington
Heights, so I would, you know --

CHAIRMAN SIAVELIS: Yes, he's going to have two younger drivers pretty
soon.

COMMISSIONER LANAGHAN: Yes, absolutely.

CHAIRMAN SIAVELIS: Within two years it sounds like with the
granddaughters certainly. So, I'm in support of this.

Does anybody else have any issues with it? If not, do we have a
motion?

COMMISSIONER SELBKA: Motion to approve.

COMMISSIONER LANAGHAN: Second.

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: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRMAN SIAVELIS: Yes.

Congratulations, your variance has been granted, petition is granted.

MR. CHAUDHRY: Thank you.

CHAIRMAN SIAVELIS: Okay, moving to the public comment phase of this meeting, our favorite phase or segment, anyone wishing to speak on a subject not on the agenda, you may speak at this time. Please limit your comments to three minutes.

(No response.)

CHAIRMAN SIAVELIS: So, hearing no such request from the public, we can move past that.

Do we have any motion to adjourn?

COMMISSIONER DRAKE: Motion to adjourn.

CHAIRMAN SIAVELIS: Do we have a second?

COMMISSIONER SELBKA: Second.

CHAIRMAN SIAVELIS: Voice vote, all in favor?

(Chorus of ayes.)

CHAIRMAN SIAVELIS: Any opposed?

(No response.)

CHAIRMAN SIAVELIS: Hearing none, the motion carries. We are adjourned.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:16 p.m.)

VILLAGE OF ARLINGTON HEIGHTS, ILLINOIS
ZONING BOARD OF APPEALS
PUBLIC HEARING
OCTOBER 15, 2024
FINDINGS OF FACT, DECISION AND ORDER

Agenda Item: 2000 N. Chestnut Ave. Residence

Applicant: Katrina Mulac

Zoning Relief Requested:

- A 13.1-foot variation from Chapter 28, Section 5.1-2.3c (Required Minimum Yards) to allow an addition with an exterior side yard setback of 26.9 feet instead of the required 40.0 feet and an additional 2.0 feet for the eave.

Date of Publication: 9/28/24

Manner of Publication: Daily Herald

Zoning Board of Appeals ("ZBA") Members Present:

Siavelis, Drake, Lanaghan, O'Connor, Portera, Selbka

Having heard and considered the testimony and evidence at the public hearing of October 15, 2024, the ZBA makes the following findings of fact:

The subject property is zoned R-2, One Family Dwelling District. The property is 48,511 square feet in size and contains a mid-century single-family home. As the property was developed prior to annexation into the Village (subject property was annexed in 1971), the existing lot line boundary includes a portion of land used as Chestnut Avenue on the east and an unimproved section of LaSalle Street on the north.

Pursuant to Chapter 28; on a corner lot, the smaller of the two dimensions adjacent to a street shall be considered the front yard. Therefore, the Chestnut Avenue frontage is defined as the front yard and LaSalle Street is the exterior side yard. Pursuant to Chapter 28, Section 5.1-2.3; exterior Side Yard: In all residential districts where lots comprising 40% or more of the frontage between two intersection streets are developed with buildings having a yard of more than 10 feet in depth adjacent to the street, the average of such yards shall establish the minimum exterior side yard for the entire frontage. A minimum exterior side yard of 10%, with a minimum of 10 feet, shall be required for all lots. In no case, shall an exterior side yard of more than 40 feet be required. Therefore, the required setback along LaSalle Street for the subject property is 40 feet.

The petitioner is proposing an addition to the existing home on the north side of the structure. The proposed addition is setback 26.9 feet from the north property line along LaSalle Street and the existing home is setback 45.9 feet. Per code, 40 feet is the maximum required setback along the exterior side yard (LaSalle Street). The existing LaSalle Street right of way is 40 feet in width. In a residential neighborhood, the typical right of way is 66 feet which includes the street and parkway. The Public Works & Engineering Department previously requested a 26 foot dedication in order to complete the 66 foot right of way. If the right of way is expanded in the future, the proposed addition would be less than one foot from the property line. This portion of LaSalle Street is an important east/west connection for the area. The resulting location of the home with the addition would severely limit the possibility of future right of

way dedication or public improvements and the granting of the variance would essentially prohibit future expansion of the right of way. The Public Works & Engineering Department and the Department of Planning & Community Development have concerns with the impact of the proposed addition to a possible future right of way expansion and are not in favor of the variance request.

For Variation Requests:

(Pursuant to Chapter 6, Article II, Section 6-202(e)(2)(c), in consideration of the standards of practical difficulties or particular hardship, the ZBA shall require evidence of the below.)

The ZBA finds that evidence of the following was presented at the public hearing (check all that apply with an "X"):

- X The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property; and
- X The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned; and
- X The proposed variation is in harmony with the spirit and intent of this Chapter; and
- X The variance requested is the minimum variance necessary to allow reasonable use of the property.

Does the ZBA Find in Favor of the Applicant for Relief Requested?

Relief Granted (if any):

- A 4.1-foot variation from Chapter 28, Section 5.1-2.3c (Required Minimum Yards) to allow an addition with an exterior side yard setback of 35.9 feet instead of the required 40.0 feet and an additional 2.0 feet for the eave.

Reason for Determination:

The Zoning Board was in support of a 4.1 foot variance to allow for the possibility of a future right of way expansion along Lasalle Street.

Based on the information contained in the application and the testimony and evidence presented at the public hearing, the ZBA voted on the approval of these findings of fact, decision and order and the requested application resulting in the following vote:

 6 ayes 0 nays 1 absent 0 abstain

Date: October 15, 2024

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

Pursuant to Chapter 6, Article II, Section 6-202(e)(3), in exercising the enumerated powers of the Zoning Board of Appeals, the ZBA may reverse, affirm, or modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the Administrative Officer from whom the appeal is taken.

ZONING BOARD

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

OF APPEALS

RE: 2000 NORTH CHESTNUT AVENUE - ZBA #24-031

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 15th day of October, 2024 at the hour of
 7:23 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairman
 TOM DRAKE
 JEFFREY LANAGHAN
 JOSEPH SELBKA
 MICHAEL O'CONNOR
 FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN SIAVELIS: Okay, that was a little bit of a curve ball in that last one, but it is what it is. All right, okay, next item of business is ZBA Petition No. 24-031, 2000 North Chestnut Avenue.

MR. GROSS: Do you want us to all stand up?

CHAIRMAN SIAVELIS: Whoever is going to speak should be at the podium.

MR. GROSS: Okay, she's the homeowner, so should she sign in?

CHAIRMAN SIAVELIS: Yes, whoever is going to speak should sign in.

MR. GROSS: Okay, I'll sign in.

CHAIRMAN SIAVELIS: And then be identified on the record and then we'll swear you in.

MR. GROSS: Okay.

CHAIRMAN SIAVELIS: And while that is going on, Derek, overview please.

MR. MACH: Thank you, Chairman.

The property is approximately 48,000 square feet in size and contains a single-family home. As the property was developed prior to annexation into the Village in 1971, the existing lot line boundary includes a portion of land used as Chestnut Avenue on the east and an unimproved section of LaSalle Street on the north.

The Petitioner is proposing an addition to the existing home on the north side of the structure. The proposed addition is set back 26.9 feet from the north property line along LaSalle Street, and the existing home is set back 45.9 feet. Per code, 40 feet is the maximum required setback along the exterior side yard which is LaSalle Street. The existing LaSalle Street right-of-way is 40 feet in width. In a residential neighborhood, the typical right-of-way is 66 feet which includes the street and parkway.

The Public Works and Engineering Department previously requested a 26-foot dedication in order to complete the 66-foot right-of-way. Therefore, if the right-of-way is expanded in the future, the proposed addition would be less than one foot from the property line. The resulting location of the home with the addition would severely limit the possibility of future right-of-way dedication or public improvements, and the granting of the variance would essentially prohibit future expansion of the right-of-way.

The Petitioner is requesting a 13.1-foot variation from Chapter 28, Section 5.1-2.3c to allow an addition with an exterior side yard setback of 26.9 feet instead of the required 40 feet, and an additional two feet for the eave.

Staff is recommending that the addition be set back to possibly allow for a future right-of-way.

Thank you, Chairman.

CHAIRMAN SIAVELIS: Okay, have you folks signed in?

MR. GROSS: I signed in because I'll be speaking as you requested; however, I think the homeowner should probably sign in.

MS. MULAC: Would you like me to sign in also?

CHAIRMAN SIAVELIS: You probably should if you're going to be, if you foresee yourself speaking.

MR. GROSS: Yes, I think she will be, yes.

CHAIRMAN SIAVELIS: All right, sir, identify yourself on the record.

MR. GROSS: Sure. I'm William Gross; I'm an attorney, also a friend of the

family. Then we also have the architect here, he might say a word or two.

MS. MULAC: I'm Katrina Mulac; I'm the homeowner. I just purchased the house in April.

MR. SAID: My name is Amrou Said; I'm the lead designer at Bau Design & Development.

CHAIRMAN SIAVELIS: Spell that, spell your name.

MR. SAID: A-m-r-o-u, last name is S-a-i-d.

CHAIRMAN SIAVELIS: Okay, let's swear all three of you in at the same time. I just think it would be easier. Right hand.

(Witnesses sworn.)

CHAIRMAN SIAVELIS: Okay.

MR. GROSS: Okay, yes. The home right now is in need of upgrade and modernization. It's kind of in the middle of the lot. What Katrina would like to do, the homeowner, is to put a third-car garage on the north side, that there would be like the purple side, I believe that's LaSalle Street. So, that would be in keeping with the character of the neighborhood. I think if you drive through the neighborhood, almost every house has a three-car garage.

She'd like to keep access, excuse me, from the front because the status of LaSalle Street is kind of unknown at this point. It's been over 50 years and nothing has really been done to it on this side of the property. So, it would be probably awkward and difficult to get access the way LaSalle Street is right now.

The problem we're having is because her house takes up the entire block, the way it's being interpreted is that because she's the only house, there's no comparable setbacks. Therefore, they're reverting to the default lane which is requiring a 40-foot setback where there is a minimum of 10-foot, but because we have no other homes on that stretch to compare or to use their setbacks, the default is the 40-foot setback.

So, basically because the Village may, maybe within the next 50 years, develop LaSalle Street, you're basically keeping Katrina from being able to expand, improve that whole stretch of LaSalle that there's weeds, trees, it's hideous. So, she'd like to clean it up, expand her garage, and she'd still be at, I believe it was 26, is that correct? 26 feet from --

MR. SAID: Approximately.

MR. GROSS: Yes, approximately 26 feet from the street which is much more than the standard setback of 10 feet which if you drive around the neighborhood, everybody is at 10 feet or 15, something like that. So, we're going to be at 26 at the existing street.

I read some of the objections. The objections are about a potential future development. I think you have to take the street into consideration. That street runs the length of Katrina's property, and then it services, how many homes, Katrina?

MS. MULAC: There's 14 on Walnut.

MR. GROSS: Yes, on Walnut, so it's never going to be a thoroughfare with 18-wheel trucks driving down it. It's actually sufficient to serve its purpose right now with a sidewalk on the other side.

So, our argument for the Board is why are you going to hold her from developing her property which she was very excited about buying? She's got two boys

and her that have cars. They need that third-car garage, and this is actually the most efficient way of getting around it without having to actually basically demolish the house or move the house which probably isn't a practical solution.

So, the notes that I read from the Village all address this future street. Granted, if she was putting in three townhomes here, yes, she would need to improve the street. I'm sure you guys would require it with your land use, and put in sidewalks and sewage and curbs and everything, but she's not changing the character of that street. All she's doing is moving it a little bit closer, and again if the Village came back and said, hey, we got the budget, we got the contract, we're ready to go, well, of course we wouldn't even be here because it's pointless at that point because we don't make the numbers, but here is something that could be happening never and you're going to hold her back.

This is kind of her dream house. The kids go to Notre Dame. They drive a lot. They go to work. They play hockey. They're great kids, and they want to be able to put their cars in a garage, and a two-car garage just isn't going to cut it for them.

CHAIRMAN SIAVELIS: How many kids live in this house?

MS. MULAC: Two will be living in it.

MR. GROSS: Right now it's vacant, sorry, I didn't mention that.

MS. MULAC: Yes.

MR. GROSS: Yes.

CHAIRMAN SIAVELIS: Yes, let's ask it that way. How many folks live in the house right now?

MS. MULAC: Zero.

CHAIRMAN SIAVELIS: How many when this renovation or addition is done, when the work is done, how many people will be living in the house?

MS. MULAC: Three.

CHAIRMAN SIAVELIS: And how many drivers amongst those three?

MS. MULAC: Three.

CHAIRMAN SIAVELIS: And they're at, the ages of the kids?

MS. MULAC: 17 and 18.

MR. GROSS: Yes, so if we go back to the purpose of the code, obviously you don't want to have, you know, homes abutting each other right on top of the street. Given the character of the neighborhood right now, the character of the street as it presently sits, adding a third garage is not going to substantially alter the character of the neighborhood or the neighbors. Matter of fact, it's going to improve it because if you look at the plan, she's got a beautiful design. The whole home is going to be redesigned, and this is the most efficient way, the way the architect explained it to me, of putting on a third-car garage short of some major, major changes to the plan.

So, that's why we're asking that the Board consider this variation. One, the home is going to be a major upgrade. The third-car garage is not going to inconvenience any of the present neighbors/neighborhood. It might be a problem years down the road if in fact the Village does do something with the street, but then there's room for compromise there, too, because do you need two sidewalks on a street that handles that little bit of traffic? You could maybe just do one on one side where it is already, the sidewalk. You know, there's room for compromise there.

We have, I know the Village is interested in a setback on the front of the property. That's something we can discuss. Maybe we can do a small one on the side

here.

CHAIRMAN SIAVELIS: When you refer to the property, are you referring to Chestnut?

MR. GROSS: Yes, exactly, thank you. Yes. So, she just recently purchased the property. She wants to improve it. She wants to get going. Obviously, funds are not unlimited, okay, so she's interested in doing this in the most efficient manner. Based on several proposals, designs, this is what we came up with as being, one, efficient, and two, in character and in keeping with the neighborhood.

Maybe the architect would like to add something? Are you, do you want to --

MR. SAID: I can add something if you want me to.

MR. GROSS: Okay, I'll step to the side.

MR. SAID: Hello, Amrou again. So, to go more into technicalities, so pretty much we're being limited by, the code states that if you're on a block where 40 percent has been developed, that you have to take the averages of the block. So, everybody kind of gets in the same place. We don't have houses way off, too close, too far. Then it stipulates if there's nothing to average against, then you go to the default of 15 percent, or 10 percent, which in our case, you know, 150 feet would be 15 feet.

But as the zoning said, they interpret the code saying that we pretty much take our own average. So, we kind of shoot ourselves in the foot where our exterior side setback is over the 45 --

MR. MACH: Approximately 45 feet.

MR. SAID: -- feet, that the limitation of the code says the maximum is 40. So, we have to go to that maximum.

MR. GROSS: Yes, the wording of the ordinance is that if there is a default, it's going to be 40 feet to cap, yes.

MR. SAID: But after that, it stipulates that if there is no average established, then you go to that 10 percent which is 15 feet. So, essentially, if this lot was empty, we would be able to build up to 15 feet, and we're building at 25. Now, the --

CHAIRMAN SIAVELIS: You're proposing to build at 25?

MR. SAID: Yes, 25, yes.

MR. GROSS: There would be a 26-foot setback if, with the street where it is right now.

MR. SAID: In terms of the overall design, we're trying to commit to the same existing driveway and add to the existing garage versus, and then she also has a south addition, as much as a second floor addition. So, we're already adding everywhere. We can't just add it somewhere in lieu of this difficulty.

Moreover, if they ever update the street, it hinders them buying a portion of her property which they never spoke about. I don't know, she can talk more about that, but they would have to purchase a certain amount of her property to annex that to widen the street.

MR. GROSS: But the city has other options, too, besides purchasing. They can do other things.

MR. SAID: Their plan is to wait for somebody to develop the lot and to maybe --

MR. GROSS: Yes.

MR. SAID: -- like three or four new houses that would face LaSalle. Their front setback, everything would be re-orientated where the front setback would be LaSalle, not Chestnut or Walnut, and then everything would be decided on then and they would have to meet those new standards.

COMMISSIONER SELBKA: Why do you think that is the plan?

MR. SAID: What do you mean?

COMMISSIONER SELBKA: You said their plan is that there would be four new houses.

MR. SAID: Well, they pretty much left it to that. So, they pretty much emphasized that while we have no plans --

MR. GROSS: I think I can answer that. The previous owner was a developer and he had worked with the Village. That was one of the stipulations, that in order to put his four units or whatever he was going to do, that Chestnut would have to be, I mean, sorry, LaSalle would have to be improved and everything. I believe that might have been one of the reasons he backed out and sold it. He just didn't see it as economically viable with that. Again, I'm speculating, but that seems to be pretty much --

CHAIRMAN SIAVELIS: Did you have direct conversations with that developer?

MR. GROSS: Through the realtor, so it's hearsay, yes.

CHAIRMAN SIAVELIS: Go ahead, Joe, because I have a follow-up question.

COMMISSIONER SELBKA: No, I was just wondering. Well, I think the issue is not really the setback per se, it's the fact that the Village definitely wants the option of a 66-foot right-of-way, and that's really the issue here.

Is there a way that this garage could be configured to allow the Village to maintain that, to keep that option of the 66-foot right-of-way?

MR. SAID: To fit my client's needs, no.

COMMISSIONER SELBKA: Okay.

MR. SAID: We're trying to --

CHAIRMAN SIAVELIS: What happens if you put the garage, so if you, and I'm going to build off your point because this is what I was kind of thinking about, this is a very large parcel.

MR. SAID: Yes.

CHAIRMAN SIAVELIS: A very large piece of land, right? When we see strong comments like this from other departments in the Village, that gives us great concern. We give that great weight is the better way to say that.

I'm looking at this saying, okay, is there a way to make both parties happy? To do that, I'm wondering could you put, make the garage, enlarge the garage out the backyard to the west such that you then basically did a two by two? Would that be something that's feasible? Is there not enough space to do that?

MR. SAID: Well, then the project has now fallen to a different purview. So, instead of using the existing driveway, we would have to do a driveway from LaSalle. We would have to get a civil engineer to redesign water and manage any drainage for all this newer development versus trying to keep with what's existing. So, right now the existing garage and its addition works perfectly with the existing driveway.

If you look at this portion that kind of sticks out, that used to be like a

little turnabout in the existing driveway, so like now it butts up exactly up to our proposal so she doesn't even have to extend the driveway to use the garage.

CHAIRMAN SIAVELIS: Okay, I understand that type of response, but --

MR. SAID: Yes, but --

CHAIRMAN SIAVELIS: -- that's not --

MR. SAID: -- the bigger question here is, for example --

CHAIRMAN SIAVELIS: -- an answer that aligns with my question.

MR. SAID: Okay, let me back up a little bit. For Chestnut, for example, there's already an established easement for them to annex that area, so if they ever wanted to redevelop Chestnut, they can do that because there is already an easement set. There is no easement set for LaSalle. They have no right to take that land from the owner.

MR. GROSS: They would have to file --

MR. SAID: They would have to, yes. Yes. So, that's where we stand, you know, in terms of --

MR. GROSS: Okay, can I kind of answer your question another way?

CHAIRMAN SIAVELIS: Before you do that, answer me this question. I don't see dimensions on that existing attached garage. Do you know what the dimensions are approximately on the existing attached garage?

MR. SAID: It's no more than --

MR. GROSS: There we go, yes.

MR. SAID: -- 28, out of that 28 feet, it's approximately 24 by 27.

CHAIRMAN SIAVELIS: So, that's a two-car garage.

MR. SAID: Yes. So, we're adding a front and we're adding a tandem third car.

MR. GROSS: If you look at, now we see numbers, there's --

CHAIRMAN SIAVELIS: Wait, wait, wait. A tandem third car?

MR. SAID: So, the garage is being added forward and to the side because you could essentially park, you know --

CHAIRMAN SIAVELIS: How many cars do you think, if the variation is granted, how many cars would be able to park in that resulting garage assuming a reasonably sized car, not necessarily all Suburbans.

MS. MULAC: Four?

MR. SAID: You could reasonably park probably four or five, but the objective wasn't to park that many cars. It's also that my client --

CHAIRMAN SIAVELIS: Storage space?

MR. SAID: Yes, her kids want to work on cars. So, we don't want cars sitting on the driveway.

MS. MULAC: Like ATV.

MR. GROSS: ATVs.

MR. SAID: ATVs, other, you know.

MR. GROSS: Snowmobile maybe.

MR. SAID: Other toys or recreation vehicles can also be stored in there. We actually already revised the plan based off of some of the comments that zoning had. We had a little bump-out on the north side to kind of offset and give it some character, but we minimized that so we could reduce the variance as well.

MR. GROSS: Can we go back to when it showed the footage off of the street? It was 45, I think. Yes, there.

MS. MULAC: And also, some of the existing garage would be used for like a mud room to walk into and an entrance, because right now there's really no entrance, like no closet space. So, part of the existing garage will be --

MR. SAID: There's a floor plan if you want, if you could scroll down.

MS. MULAC: We have a lot of hockey gear.

MR. SAID: Keep going. Do you have the whole appearance package?

MR. MACH: We wouldn't want to include the floor plan.

MR. SAID: Oh, you wouldn't, okay.

MR. GROSS: To make my point, we've got 45 feet I believe for the existing garage if I saw that correctly. I don't have my glasses with me.

COMMISSIONER LANAGHAN: Yes, almost 46.

MR. GROSS: Okay, now let's assume we go with the argument that the city needs the right-of-way of 26, correct?

CHAIRMAN SIAVELIS: It's 66 feet total.

MR. GROSS: So, 40 and 26.

CHAIRMAN SIAVELIS: Right.

MR. GROSS: So, that leaves us with, what do we got then? 13 feet, okay, that we can work with. The problem is if we have to enforce that 40-foot from this new --

MR. SAID: New setback, it's going to go --

MR. GROSS: It then goes into the house literally.

MR. SAID: So, they didn't mention that.

MR. GROSS: Yes, we need some forgiveness. I mean, perhaps, and again in the spirit of compromise, since we're dealing with 13 feet I believe is it, yes, maybe a 10-foot addition to the garage, and then maybe he could bump it out a little bit in the back as you suggested. But just to deny her completely, I don't think it's justified because of the way, you know, this street might never get delivered in our lifetimes. I mean, I'm 60 and, you know, so it's been 50 years and nothing has been done.

CHAIRMAN SIAVELIS: How long has the LaSalle Street been configured like this, Derek? Do we know?

MR. MACH: At least since 1971 when it was annexed in the Village, but typically, a right-of-way is a part of a subdivision process, there was as they indicated previously a three-lot subdivision proposed in 2019. Then the property was placed on the market. I don't know the history or the reason why, but --

COMMISSIONER SELBKA: So, the right-of, if we don't grant this variance, you're saying that it goes into that, that this would also limit the construction of the house?

MR. GROSS: Well, right now it would be grandfathered obviously. But if the city does exercise its option and does the 26 feet in addition to the 40 that's there, you've lopped off 40 feet of this lot for the next owner which --

CHAIRMAN SIAVELIS: Where are you getting your math? Let me just stop you there.

MR. GROSS: Sure.

CHAIRMAN SIAVELIS: It's 26 and then the 40, where are you pulling those numbers?

MR. GROSS: Okay, the city is requiring 66 feet in order to have a right-of-

way with sidewalks and parkway.

CHAIRMAN SIAVELIS: Okay, and that 66 feet is essentially the width of LaSalle plus the sidewalk?

MR. GROSS: Another 26 feet. We need 26 more feet of the property.

MS. MULAC: Of my property, yes, 26.

CHAIRMAN SIAVELIS: So, 26 more feet of the property?

MR. GROSS: Right.

MS. MULAC: Correct.

MR. GROSS: So, then if you do that, and then you throw on top of it, the way the ordinance is worded and constructed --

MR. SAID: Then your 40-foot setback --

CHAIRMAN SIAVELIS: Hold on, let him finish. One at a time, please.

MR. SAID: Yes, sorry.

MR. GROSS: The additional 40 feet goes actually almost out of the house.

CHAIRMAN SIAVELIS: You mean into the house?

MR. SAID: Oh, yes.

MR. GROSS: Oh, well into it, yes.

COMMISSIONER LANAGHAN: At that point in time, I think your existing setback would set it for the block, so I don't think that would actually be the case.

MR. GROSS: Well, if you tear it down, it's going to be a problem.

COMMISSIONER LANAGHAN: If you tear it down, you'd have to set it up, yes, you're right.

CHAIRMAN SIAVELIS: Yes, but it's not like you're planning on tearing it down.

MR. GROSS: No, no, no, that's what we're trying to avoid.

CHAIRMAN SIAVELIS: Yes, don't introduce that variable.

MR. GROSS: No, no, no. No, no, so that's their problem is that the way the ordinance is worded, it creates this excessive barrier. What I'm suggesting maybe is an alternative that would be, maybe the city could still do it in the future, it gives it the option of doing it with this 26 feet, maybe let us, get us 10 feet or something like that from the proposed new lot line. You know, I'm just throwing out a possibility so she can still move forward with her project. She wants to get it going, you know, while the weather is still somewhat good and still leaving you, you know, having a viable option if the city ever decided, the Village ever decides to go down this route.

CHAIRMAN SIAVELIS: Okay, so let's step through that because that sounds like you're offering up a compromise.

MR. GROSS: Yes, but I'm listening, yes. I mean, obviously, you guys can ask questions.

COMMISSIONER SELBKA: I'm sorry, I just keep looking at this rear setback, you're saying it's going into the existing house. I think it goes into the existing garage.

MR. GROSS: Well, but you can't go from the current configuration of LaSalle Street if they take the 26 feet --

CHAIRMAN SIAVELIS: So, if they take 26 of the 40 --

MR. GROSS: Right, so you're in the shed basically, then you've got to go another 40 feet per the ordinance.

COMMISSIONER LANAGHAN: If you were to tear it down, but you've got a 150-foot lot, a little bit over that.

MR. SAID: I think he was correct, you would have to take that new average which now is, whatever that new average is, that would be it. So, essentially she would never be able to add.

COMMISSIONER SELBKA: Right, and I'm not worried so much about the setback, because the setback, you know, is not a big deal. But the problem is the right-of-way for the 66 feet from LaSalle, because highway engineers, they always want 66 feet of right-of-way whenever they are thinking about roadways because of turn radiuses, utility easement, you've got drainage easement, you've got sewer easement, all those things, the standard is 66 feet. So, I understand why they want the 66 feet. So, I'm not so much worried about the setback.

If it weren't impinging upon the possible right-of-way that the city or the Village might want at some point in time, if this were just a setback case and there wasn't that issue, then that would be different than what we're presented with here because it's a significant hardship for the Village to not have that possibility of the 66 feet right-of-way on LaSalle. That's why I'm sort of focusing on that.

MR. GROSS: Well, given that that variable is a given, then we have to work with what's left. According to that survey, it's, what, 45 feet, we have 19 feet left, is that right? I'm doing it in my head. So, 26 plus 19 is 45. Of that 19, if we leave a 10-foot setback which seems to be the norm in that area, then we could use the nine feet and redesign the garage addition, and maybe as you suggested go to the back a little bit or something if we have that nine feet. So, that would be our --

COMMISSIONER LANAGHAN: You're talking about the side yard setback being about 10 feet?

MR. GROSS: Yes. Yes.

CHAIRMAN SIAVELIS: I see the point that Mr. Selbka is making, but I also see the point that the homeowner is making, right, as well. This property has been configured and the streets have been configured for 50 years, right, and the Village hasn't made an improvement. It's highly speculative as to what may occur, right, so we have to kind of weigh these things. I appreciate the fact that it sounds like you're up here willing to compromise, right?

MR. GROSS: Yes, we want to get moving on this, yes.

CHAIRMAN SIAVELIS: Yes. Right, so I don't recall us ever being in a predicament like this where the Engineering Department and, we've received comments like this.

Derek, can you flip that up real quick?

MR. GROSS: Yes, I reviewed those. That's why I said do we need a compromise.

CHAIRMAN SIAVELIS: You went past it.

MR. GROSS: Right there.

CHAIRMAN SIAVELIS: Go down, there it is, the Engineering Department, yes. So, those are the comments at the bottom of the sheet, page 74 of the materials, tonight's materials. That's what's giving this the most concern, right.

MR. GROSS: Yes, I recognize that.

CHAIRMAN SIAVELIS: We don't see comments like that, you know, rarely

if at all, okay. So, but then of course we don't have the situation where the Village is trying to preserve a right into the foreseeable future and we're 50 years in with history. So, that's the factor that kind of weighs in your behalf, but if you're offering up a compromise, and maybe now, Derek, go back please to the prior drawing? There we go.

MR. GROSS: That's the proposal, yes.

CHAIRMAN SIAVELIS: Right. So, if you're talking about, all right, maybe nine --

MR. GROSS: I'm sorry, I don't see so well.

CHAIRMAN SIAVELIS: Yes, that's fine, you can go right up there. Derek, can you increase it one magnification up?

MR. GROSS: With this, we have how far of the setback? We're at 26.9 with this existing drawing, with the drawing that you have up now.

CHAIRMAN SIAVELIS: Yes.

MR. GROSS: Can we go back to the survey? Okay, so at 45, 26 for your easement leaves 19, 10-foot side yard gives us nine feet to work with. Would that work for you?

MR. SAID: Can you repeat that? I'm sorry.

MR. GROSS: Okay, we've got 45 feet, well, 46 practically, but they take 26, leaving about 19. If the Board approves a 10-foot setback from the line where the right-of-way would be, but --

CHAIRMAN SIAVELIS: That gives you essentially nine.

MR. GROSS: -- for aesthetic purposes, you're going to be 36 feet from the street, it's going to look great.

CHAIRMAN SIAVELIS: The existing street for the foreseeable future, right.

MR. GROSS: That's going to look that way for a long time --

MS. MULAC: Yes.

MR. GROSS: -- and it still gives us about nine feet to work with.

CHAIRMAN SIAVELIS: Nine or 10 feet depending, because the --

MR. GROSS: Yes, I'm just, for the sake of argument let's say nine, you know, if we could do a variance where we have to leave the 26 feet and then leave 10 feet for the side yard, then I think we can work around that. Maybe we'll go to the back a little bit like you were suggesting, because I don't think there's any issue of going that way. So, but again, it's up to the architect, if he can work with that. Is that something you can work with?

MR. SAID: So, 26 feet would be where the new property line would be, correct?

MR. GROSS: And then we're going to have a 10-foot setback, and then you have 36 feet basically from the street.

MR. SAID: Yes, 36 feet --

MR. GROSS: To work with, yes.

MR. SAID: -- instead of our original 45. Yes, I can work that.

MR. GROSS: That would give the Village what it desires.

CHAIRMAN SIAVELIS: Go ahead, Amrou.

MR. SAID: I was going to say that we could resize the front two-car and single-car to shift over to still get three cars within that.

CHAIRMAN SIAVELIS: Three-car width?

MS. MULAC: Would it be fine you think?

CHAIRMAN SIAVELIS: Three-car width?

MR. SAID: Yes.

CHAIRMAN SIAVELIS: Because that's, your depth, you can obviously deal with your depth issues so you can get the storage area in there --

MR. SAID: Yes.

COMMISSIONER LANAGHAN: -- and storage/workspace within.

CHAIRMAN SIAVELIS: Yes.

MR. SAID: Yes.

CHAIRMAN SIAVELIS: Then maybe that's the best solution here right now.

MR. GROSS: Yes.

CHAIRMAN SIAVELIS: Personally, the way I see this is, you're talking about nine feet, I know you're at an angle here and you lose, what is that, six inches, right?

MR. SAID: Difference, yes.

CHAIRMAN SIAVELIS: I'm sorry, four inches, you lose four inches there. I'm willing to give you 10 feet of extra space and then have a nine-foot setback because you're still going to have --

MR. GROSS: Yes. Thank you.

CHAIRMAN SIAVELIS: From there to the street, right?

MR. SAID: Yes.

MR. GROSS: Yes.

CHAIRMAN SIAVELIS: To give you an even, in my eyes, I'm giving you a round number, 10 feet of width.

MR. SAID: Yes.

MR. GROSS: Perfect.

CHAIRMAN SIAVELIS: Because then you're going to have a ton of space to --

MS. MULAC: That works.

MR. GROSS: Yes, that would work really well.

MS. MULAC: Yes.

CHAIRMAN SIAVELIS: And like Mr. Selbka was saying, the 66 feet is aspirational.

COMMISSIONER SELBKA: Yes.

MR. GROSS: Thank you. Thank you.

MR. SAID: Also, I have a question.

MR. GROSS: That's a good --

CHAIRMAN SIAVELIS: Go, Joe.

COMMISSIONER SELBKA: I think it probably would be okay as well because I know that the 66 feet, they need it for things like turning radiuses, but this is in the middle of the block.

CHAIRMAN SIAVELIS: Yes.

COMMISSIONER SELBKA: So, it's probably not, it would be much more problematic if it was on the edge of LaSalle Street. So, I think --

CHAIRMAN SIAVELIS: Zoom out, Derek, to just about verify.

COMMISSIONER LANAGHAN: It's the whole thing. Yes, I drove there several times today. So, and they've got it set up, in fact the road to the west will need to

be expanded at some point to make it up there also.

CHAIRMAN SIAVELIS: But how are they going to do that to the west? There's a house there.

COMMISSIONER LANAGHAN: No, no, I'm talking Walnut.

CHAIRMAN SIAVELIS: Oh, I see, okay.

COMMISSIONER LANAGHAN: Yes. So, I mean, the unfortunate, it's a huge lot, so I've never worked this hard to get a variance in on something this size.

MR. GROSS: For a few feet, yes.

COMMISSIONER LANAGHAN: Yes, or on something this size. I am sympathetic. The fact that you have three streets around you is --

MR. GROSS: Walnut was just re-paved and there was no effort made to expand it, fix it, anything.

MS. MULAC: Yes, to straighten it.

MR. GROSS: They just, where there was asphalt, they put asphalt, and that was it.

MS. MULAC: And there's like a hard stop.

MR. GROSS: Oh, yes. No, no, I understand that.

COMMISSIONER LANAGHAN: That's part of it.

MS. MULAC: Yes.

CHAIRMAN SIAVELIS: Okay, so, Amrou, I think you wanted to add something?

MR. SAID: I just wanted to say is there also a compromise for the Village to at least commit then? If we're willing to compromise on pulling back?

MR. GROSS: I think what we're going to do is make a motion to amend our petition to reflect what we discussed. Then if you just have your discussion and approve it, I think we're good to go.

CHAIRMAN SIAVELIS: So, with that in mind, we can't bind the Village into that --

MR. SAID: Yes, I get that.

CHAIRMAN SIAVELIS: Don't even --

COMMISSIONER LANAGHAN: It's way above our pay grade.

CHAIRMAN SIAVELIS: We're never going to do that. Okay, we're trying to get to a reasonable compromise here.

MR. SAID: Yes.

CHAIRMAN SIAVELIS: At least in our eyes, given that there's been 50 years in this configuration. We understand the needs and the funky layout here, right?

So, let's give Derek just a chance to comment. Is there anything problematic with the theoretical compromise that's being discussed before to put on the table by the Petitioner?

MR. MACH: No. You mean, process-wise?

CHAIRMAN SIAVELIS: Process-wise, yes, as to process, is there anything?

MR. MACH: I mean, if I understand correctly, the Petitioner is amenable and the Zoning Board is considering an exterior side yard encroachment for, if I understand correctly all the numbers, a five-foot variance?

MR. GROSS: It's 10 feet from the house.

MR. MACH: So, that would be five feet plus the 5.9?

MR. GROSS: That would be 10 feet from the existing structure.

MR. MACH: Okay, so it would be 4.1 feet plus the 5.9 which would be a 4.1-foot variance.

MR. GROSS: Oh, yes, because we do have the 5.9 there.

COMMISSIONER DRAKE: How does this all shake out? Does it shake out in the permit process and then Engineering gets re-involved? You used the word we can't bind the Village, so if we were to approve this, what then happens to these folks when they're ready to get going?

MR. MACH: They would complete their design review and then proceed to permit.

MR. GROSS: The Engineering should be fine because they have their right-of-way that they're requesting. I think they're going to be okay. Obviously if you drive by as you did, you can see that even with the de minimis side of 9.0 something that we've arranged, when you add in that 26 feet, it's 35 feet from the street. I don't, you know, they're not going to have any issues I don't think.

COMMISSIONER DRAKE: So, the math works.

MR. SAID: Their issue is they just didn't want to have the house pretty much on the property line.

MR. GROSS: Straight to this right-of-way, yes.

MR. SAID: Until they redevelop all this.

CHAIRMAN SIAVELIS: You can fit a three-car garage in this space?

MR. SAID: I'll make it work.

COMMISSIONER LANAGHAN: Okay, so what is our variance request at this point in time?

CHAIRMAN SIAVELIS: That's what we're going to get to now, all right?

MR. GROSS: Your patience is --

CHAIRMAN SIAVELIS: Before the Petitioner modifies the variance being sought, are there any other general questions from the Board?

(No response.)

CHAIRMAN SIAVELIS: All right, so now if you want to modify, do so.

MR. GROSS: Can we scroll back up to what we requested and then I'll see what I can do to modify it.

CHAIRMAN SIAVELIS: And go slowly to make sure --

MR. SAID: Yes.

MR. GROSS: Okay.

MS. MULAC: Can we negotiate landscaping assistance to take care of that side?

CHAIRMAN SIAVELIS: Don't push your luck.

MR. GROSS: How do we do this?

MR. MACH: So, per the discussion, if I understand correctly, it would be a 4.1-foot variance, since the house is 5.9 feet set back from the required 40-foot setback.

MR. GROSS: Oh, yes, you're correct, yes.

MR. MACH: And then the additional two feet for the eave.

MR. GROSS: Although I think the eave is gone, we've eliminated the eave.

MR. SAID: No, no, the eave, he's talking about the overhang.

MR. GROSS: Oh, sorry, got you, okay.

CHAIRMAN SIAVELIS: Just leave it there now.

MR. GROSS: Okay, so Petitioner is requesting a 4.1-foot variation to allow an exterior side setback of, we got to do the math there, but we are going to have the 40 feet though. Yes, we're going to have the 40 feet, I believe.

COMMISSIONER LANAGHAN: So, 36, 35.1, 35.9?

MR. MACH: It's 35.9, yes.

CHAIRMAN SIAVELIS: All right, we, okay, do you have the numbers? Why don't you write the numbers on so you can read it precisely into the record?

MR. GROSS: Okay, if I can, I would make a --

CHAIRMAN SIAVELIS: I strongly suggest that when you modify your variation sought, that you mimic the layout of the variation that you see on the screen.

MR. GROSS: Yes, that's exactly what he gave me. Okay, Petitioner is proposing the following modification to their request for variance. What we're requesting now is a 4.1-foot variation from Chapter 28, Section 5.2-2.3c, *Required Minimum Yards*, to allow an addition with an exterior side yard setback of 35.9 feet instead of the required 40 feet, and an additional two feet for the eave.

COMMISSIONER SELBKA: That was actually 5.1-2.3c, you said 5.2.

MR. GROSS: Oh, I'm sorry, correction, Section 5.1-2.3c.

CHAIRMAN SIAVELIS: Good catch.

MR. GROSS: Thank you.

CHAIRMAN SIAVELIS: Okay, at this point in time, I see two gentlemen in the audience.

AUDIENCE MEMBER: I was just here, I'm thinking about buying a property down here. I just want to see how this works.

CHAIRMAN SIAVELIS: Okay, do you have, before you depart, and I see there's another gentleman sitting back there as well, do you have any comments in regards to this particular petition and variance sought?

AUDIENCE MEMBER: I don't. I just want to see how this Board works.

CHAIRMAN SIAVELIS: Okay, you're good.

MR. CHAUDHRY: No, sir, I have my own variance.

CHAIRMAN SIAVELIS: Okay, all right.

AUDIENCE MEMBER: Good luck on you.

CHAIRMAN SIAVELIS: Sit down, Petitioners, and now we move to Board deliberation.

All right, Joe?

COMMISSIONER SELBKA: I think as modified, I would be in favor of this variance. I did want to protect the Village's right to eventually try and get that 66-foot right-of-way. I think we've done that, and I think it is minimal because of where the garage is situated, that it's not going to be a place where they're going to be expanding a turn radius or something. So, I am in favor of it as modified.

CHAIRMAN SIAVELIS: Thank you, Joe.

Anyone else?

COMMISSIONER LANAGHAN: No, we've got that, you know, again, I can't imagine, I can't believe we're working that hard for a site this big, but it makes sense for what we get and ended up.

CHAIRMAN SIAVELIS: Agree.

Do we have a motion?

COMMISSIONER SELBKA: Motion to approve.

CHAIRMAN SIAVELIS: And a second?

COMMISSIONER O'CONNOR: Second.

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: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRMAN SIAVELIS: Yes.

Congratulations, your variance as modified has been approved.

MR. GROSS: Thank you, gentlemen. You've been very patient.

MS. MULAC: Thank you so very much.

MR. GROSS: She's very excited.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:04 p.m.)

VILLAGE OF ARLINGTON HEIGHTS, ILLINOIS
ZONING BOARD OF APPEALS
PUBLIC HEARING
OCTOBER 15, 2024
FINDINGS OF FACT, DECISION AND ORDER

Agenda Item: 1308 N. Arlington Heights Rd. Residence

Applicant: Naseer Chaudry

Zoning Relief Requested:

- A 22-foot variation from Chapter 28, Section 10.2-11.1(b) to allow a driveway that is 44 feet wide where the maximum width allowed is 22 feet.

Date of Publication: 9/28/24

Manner of Publication: Daily Herald

Zoning Board of Appeals ("ZBA") Members Present:

Siavelis, Drake, Lanaghan, O'Connor, Portera, Selbka

Having heard and considered the testimony and evidence at the public hearing of October 15, 2024, the ZBA makes the following findings of fact:

The subject property is zoned R-3, One Family District. The petitioner is proposing to increase the width of the driveway which exceeds what is allowed per code.

For Variation Requests:

(Pursuant to Chapter 6, Article II, Section 6-202(e)(2)(c), in consideration of the standards of practical difficulties or particular hardship, the ZBA shall require evidence of the below.)

The ZBA finds that evidence of the following was presented at the public hearing (check all that apply with an "X"):

X The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property; and

X The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned; and

- X The proposed variation is in harmony with the spirit and intent of this Chapter; and
- X The variance requested is the minimum variance necessary to allow reasonable use of the property.

Does the ZBA Find in Favor of the Applicant for Relief Requested?

Relief Granted (if any):

- A 22-foot variation from Chapter 28, Section 10.2-11.1(b) to allow a driveway that is 44 feet wide where the maximum width allowed is 22 feet.

Reason for Determination:

The Zoning Board commented that the subject property is located on a four lane road.

Based on the information contained in the application and the testimony and evidence presented at the public hearing, the ZBA voted on the approval of these findings of fact, decision and order and the requested application resulting in the following vote:

 6 ayes 0 nays 1 absent 0 abstain

Date: October 15, 2024

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

Pursuant to Chapter 6, Article II, Section 6-202(e)(3), in exercising the enumerated powers of the Zoning Board of Appeals, the ZBA may reverse, affirm, or modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the Administrative Officer from whom the appeal is taken.

ZONING BOARD

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

OF APPEALS

RE: 1308 N. ARLINGTON HEIGHTS ROAD - ZBA #24-032

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 15th day of October, 2024 at the hour of
 8:04 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairman
 TOM DRAKE
 JEFFREY LANAGHAN
 JOSEPH SELBKA
 MICHAEL O'CONNOR
 FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRMAN SIAVELIS: Okay, we have another petition. Okay, next item of business, ZBA Petition No. 24-032, 1308 North Arlington Heights Road.

Sir, sign in completely, and we're going to Staff presentation. Identify yourself on the record while you're there, sir.

MR. CHAUDHRY: Yes. Okay, I'm the owner of 1308 North Arlington Heights Road in Arlington Heights.

CHAIRMAN SIAVELIS: What is your name, sir?

MR. CHAUDHRY: Naseer Chaudhry, last name C-h-a-u-d-h-r-y.

CHAIRMAN SIAVELIS: First name is spelled?

MR. CHAUDHRY: N-a-s-e-e-r.

CHAIRMAN SIAVELIS: All right, Staff overview.

MR. MACH: Thank you, Chairman.

The Petitioner is proposing to increase the width of the driveway which exceeds what is allowed per code. They're proposing to widen the main portion of the driveway to 27 feet where the maximum allowed is 22 feet. In addition, there is a parking turnaround area near the home that is 44 feet in width.

Therefore, they're requesting a 22-foot variation from Chapter 28, Section 10.2-11.1 to allow a driveway that's 44 feet wide where the maximum width allowed is 22 feet.

Thank you.

CHAIRMAN SIAVELIS: Okay, Naseer.

MR. CHAUDHRY: So, if you see my entrance in the start, like the 15, 14, 16, I want to make 22. City has no objection about that. The only thing they're concerned about, I have a reverse area, over there is already more than 22. That reverse area is very close to the house.

COMMISSIONER LANAGHAN: So, the width of your driveway you're proposing is going to be 22 feet?

MR. CHAUDHRY: Yes, the city allows --

COMMISSIONER LANAGHAN: And you have a turnaround area.

MR. CHAUDHRY: Yes, right, right.

COMMISSIONER LANAGHAN: And Derek, for my edification and clarification, 44 is the width of the turnaround in the back?

MR. CHAUDHRY: Yes, this is --

MR. MACH: Correct.

CHAIRMAN SIAVELIS: Hold on, hold on, hold on. Don't --

MR. MACH: It's measured parallel to the street, therefore, the turnaround is measured --

COMMISSIONER LANAGHAN: So, that whole turnaround is considered --

MR. MACH: Yes.

COMMISSIONER LANAGHAN: Got it, okay.

CHAIRMAN SIAVELIS: It dominates the measurement, right.

COMMISSIONER LANAGHAN: It absolutely does. The rest of it would be fine if it were not for that turnaround area.

Okay, and Derek, you had said he was going to 27 feet, but I think Naseer just said it's 22?

MR. CHAUDHRY: I think 22 they allow. I think that's more, it's 22, right?

MR. MACH: No, your plan shows 27 feet for this main portion of the driveway.

CHAIRMAN SIAVELIS: Which portion again, Derek? I'm on the diagram.

MR. MACH: This main portion here.

COMMISSIONER LANAGHAN: Because the sketch I'm looking at is showing up 18 and a 4 being added.

MR. CHAUDHRY: So, this is what I believe is 22.

CHAIRMAN SIAVELIS: Yes, but, okay, keep on scrolling down.

COMMISSIONER LANAGHAN: That one there. That one would indicate more of a 22, 18 and 4, and then 17 --

MR. CHAUDHRY: It's 14 and 5, 19.

COMMISSIONER LANAGHAN: I'm not sure what the 14 is doing there.

MR. MACH: The top shows 26.

CHAIRMAN SIAVELIS: Yes. Math skills are important.

MR. MACH: Yes, I guess near the street it's 22. It does appear to expand some but if you have the turnaround area as well, the variance is necessary as proposed.

CHAIRMAN SIAVELIS: What's this, existing non-conforming, right, because he's got some, it looks like, is the orange existing non-conforming?

MR. CHAUDHRY: It's just concrete over there.

CHAIRMAN SIAVELIS: Hold on, my friend.

MR. MACH: It is, yes, it is existing, a portion of it is existing non-conforming.

CHAIRMAN SIAVELIS: So, you got asphalt and concrete.

MR. CHAUDHRY: Yes. So, it's got concrete. We're not going to touch that.

CHAIRMAN SIAVELIS: What are you going to touch, just the asphalt?

MR. CHAUDHRY: Just the asphalt.

CHAIRMAN SIAVELIS: Okay, so now go back down to his graph paper drawing. There we go. So, you're proposing, and let's just get your color key right here now so we have an understanding. Orange denotes the existing asphalt, correct?

MR. CHAUDHRY: Yes. Yes.

CHAIRMAN SIAVELIS: Pink on the right there denotes what?

MR. CHAUDHRY: That's the extension.

CHAIRMAN SIAVELIS: That would be the expansion?

MR. CHAUDHRY: Yes.

CHAIRMAN SIAVELIS: And so, the orange plus pink, if you get your variance?

MR. CHAUDHRY: Right.

CHAIRMAN SIAVELIS: And that would be new asphalt or new concrete?

MR. CHAUDHRY: New asphalt, but we can have it concrete, too, it doesn't matter.

CHAIRMAN SIAVELIS: Yes, it doesn't matter I don't think for these purposes.

MR. CHAUDHRY: Yes. Yes.

CHAIRMAN SIAVELIS: Okay, I'm glad we cleared that up. All right, and why do you, you didn't explain to us why you need the --

MR. CHAUDHRY: Well, when --

CHAIRMAN SIAVELIS: Yes, hold on, let me finish my question because my

question will probably help you answer it. So, explain to us why you need an expansion in regards to this variance. What does it provide for you?

MR. CHAUDHRY: When we built this house in 2004, we didn't want to spend too much money so we stayed with the whatever, 14, 15, 16, the old one. Now, this area needs repair, you know. So, if I want to spend money, I want to have 22 entrance which the city allows. Then the reverse area, I want to keep it, you know. That's the main problem.

CHAIRMAN SIAVELIS: When folks pull out of your driveway, which street are they on?

MR. CHAUDHRY: We are on Arlington Heights Road, yes.

CHAIRMAN SIAVELIS: There you go.

MR. CHAUDHRY: Right.

CHAIRMAN SIAVELIS: That was where I was trying to get you at here, sir.

MR. CHAUDHRY: The main street.

CHAIRMAN SIAVELIS: Right.

COMMISSIONER LANAGHAN: Absolutely.

MR. CHAUDHRY: The reverse area is very important.

CHAIRMAN SIAVELIS: Right.

COMMISSIONER LANAGHAN: And how many drivers do you have at the house?

MR. CHAUDHRY: My daughter lives with me, so we have like four, and she has two daughters that are going to school.

CHAIRMAN SIAVELIS: How old are those daughters?

MR. CHAUDHRY: Oh, 15 and 14.

CHAIRMAN SIAVELIS: So, you're going to have additional drivers soon.

MR. CHAUDHRY: Yes, right.

COMMISSIONER DRAKE: The photo we have looks like there are six vehicles on the property. Would that be the normal number of cars/vehicles that would typically be on the property?

MR. CHAUDHRY: Five, six, yes.

CHAIRMAN SIAVELIS: Are you parking on the grass there? Two of them on the picture there?

MR. CHAUDHRY: Maybe there was a party or something, but otherwise we stay in that area. Concrete area has a lot of area, too, close to the house.

CHAIRMAN SIAVELIS: Okay, have you talked to your neighbors?

MR. CHAUDHRY: I talked to my north side neighbor and he said he has no objection, the one who is close, the north side one.

CHAIRMAN SIAVELIS: And what about your south side neighbor?

MR. CHAUDHRY: No, I was very busy. I've attempted to talk to him, but he had the sign, he didn't have any --

CHAIRMAN SIAVELIS: He didn't tell you he opposed or he didn't have any opposition?

MR. CHAUDHRY: No, no, right.

CHAIRMAN SIAVELIS: Derek, I didn't see anything in the file.

MR. MACH: No. We have not received any comments.

COMMISSIONER DRAKE: Have there been any accidents trying to pull out

of your driveway onto Arlington Heights Road?

MR. CHAUDHRY: No.

COMMISSIONER DRAKE: No.

CHAIRMAN SIAVELIS: It's four lanes there, right? Two on each direction?

MR. CHAUDHRY: Four lanes, yes.

CHAIRMAN SIAVELIS: All right, anything else?

MR. CHAUDHRY: No, that's all I think as I understand it.

CHAIRMAN SIAVELIS: Is there any comment from the Board for the
Petitioner?

(No response.)

CHAIRMAN SIAVELIS: Okay, take a seat, Naseer.

Nobody else is here, everybody else has left. All right, so there's no
public commentary and we can go into Board deliberations.

Derek, so Engineering has no objection here either, right? The 22-
foot?

MR. MACH: Correct.

CHAIRMAN SIAVELIS: Okay. All right, this seems pretty straightforward to
me. I mean, we've got no neighbor oppositions. Pulling onto Arlington Heights Road into
four lanes of traffic, two on each direction, it's a big parcel, big land, big lot, so it's not going
to look disproportionate or out of proportion. Frankly, I don't think a 22-foot wide driveway
is --

COMMISSIONER LANAGHAN: A 22 is allowed, it's really having the
turnaround is the only reason he's here.

CHAIRMAN SIAVELIS: Yes, right, and the turnaround is --

COMMISSIONER LANAGHAN: That's the only reason he's here for.

CHAIRMAN SIAVELIS: And the turnaround is so deep into his lot anyway.

COMMISSIONER LANAGHAN: Right, and to his point, I think, you know,
it's for safety. I can imagine trying to get people, you know, backing out on Arlington
Heights, so I would, you know --

CHAIRMAN SIAVELIS: Yes, he's going to have two younger drivers pretty
soon.

COMMISSIONER LANAGHAN: Yes, absolutely.

CHAIRMAN SIAVELIS: Within two years it sounds like with the
granddaughters certainly. So, I'm in support of this.

Does anybody else have any issues with it? If not, do we have a
motion?

COMMISSIONER SELBKA: Motion to approve.

COMMISSIONER LANAGHAN: Second.

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: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRMAN SIAVELIS: Yes.

Congratulations, your variance has been granted, petition is granted.

MR. CHAUDHRY: Thank you.

CHAIRMAN SIAVELIS: Okay, moving to the public comment phase of this meeting, our favorite phase or segment, anyone wishing to speak on a subject not on the agenda, you may speak at this time. Please limit your comments to three minutes.

(No response.)

CHAIRMAN SIAVELIS: So, hearing no such request from the public, we can move past that.

Do we have any motion to adjourn?

COMMISSIONER DRAKE: Motion to adjourn.

CHAIRMAN SIAVELIS: Do we have a second?

COMMISSIONER SELBKA: Second.

CHAIRMAN SIAVELIS: Voice vote, all in favor?

(Chorus of ayes.)

CHAIRMAN SIAVELIS: Any opposed?

(No response.)

CHAIRMAN SIAVELIS: Hearing none, the motion carries. We are adjourned.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:16 p.m.)



VILLAGE OF
ARLINGTON HEIGHTS
INC. 1887

Zoning Board of Appeals
11/18/2024

Item: 223 S. Dunton Ave. - ZBA#24-034

Department: Planning & Community Development

Item Description:

REQUEST

A 221 square foot variation from Chapter 28, Section 5.1-6.5 (Maximum Impervious Surface Coverage) to allow 3,700 square feet of impervious surface coverage where 3,479 square feet is allowed.

ATTACHMENTS:

1. ZBA packet 11-18-24

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: November 18, 2024
Date Prepared: November 13, 2024
Project Title: Wachholder Residence
Address: 223 S. Dunton Ave.

Background Information

Petition Number: ZBA #24-034
Petitioner: Eric & Mara Wachholder
Address: 223 S. Dunton Ave.
Arlington Heights IL 60005

Existing Zoning: R-6 – Residential Single-Family District

Requested Action/Background Information

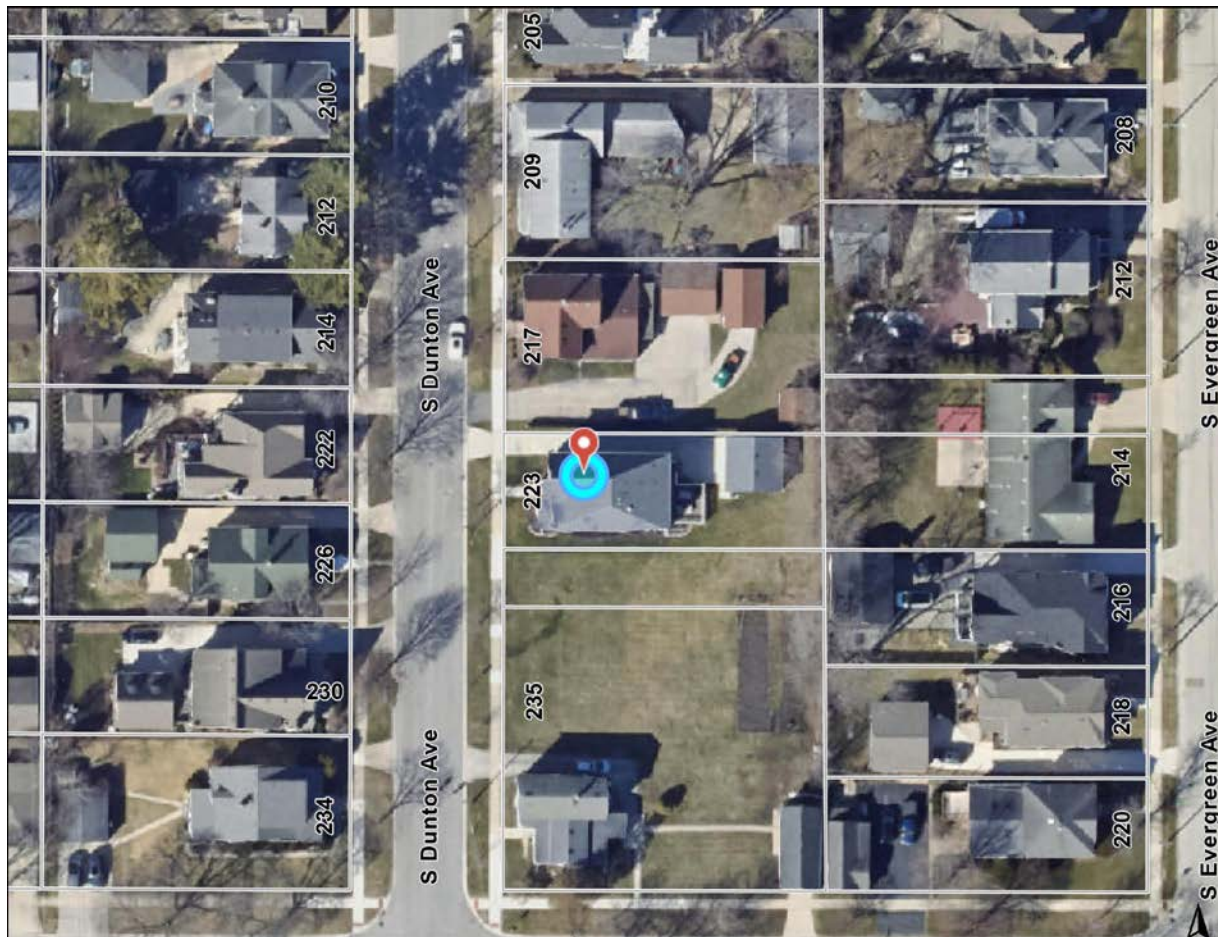
The subject site is zoned R-6, One Family Dwelling District and the petitioner is proposing a new shed and walkway. The property has a total land area of 6,957 square feet and the residence has approximately 3,126 square feet. The existing impervious surface coverage complies with code; however, with the addition of the new shed and walkway, the property will have 3,700 square feet of impervious surface coverage which exceeds the maximum allowed. Therefore, the petitioner is requesting the following variation:

- A 221 square foot variation from Chapter 28, Section 5.1-6.5 (Maximum Impervious Surface Coverage) to allow 3,700 square feet of impervious surface coverage where 3,479 square feet is allowed.

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property; and (2) the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned; and (3) the proposed variation is in harmony with the spirit and intent of this Chapter; and (4) the variance requested is the minimum variance necessary to allow reasonable use of the property. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the four conditions enumerated.

Map of General Vicinity



Items required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	10/28/24	
2. List of Property Owners Within 250 feet of Subject Property	✓	10/28/24	
3. Letter that was Mailed	✓	10/28/24	
4. Photographs of Sign on Property	✓	10/28/24	

Photographs of Existing Structure



Village of Arlington Heights



To: Erik & Mara Wachholder, Petitioner
From: Derek Mach, Zoning Board Liaison
Department: Department of Planning and Community Development
File Number: ZBA 24-034
Project: 223 S. Dunton Ave.
Date: November 13, 2024

ZONING COMMENTS:

The zoning comments below for your use and consideration. If you have any questions, please contact dmach@vah.com:

Planning and Community Development

No Comments

Building and Life Safety

BLS has no objection to this ZBA application.

Engineering

The Engineering Division is NOT IN FAVOR of the proposed for 221 square foot variation from Chapter 28, Section 5.1-6.5 (Maximum Impervious Surface Coverage) to allow 3,700 square feet of impervious surface coverage where 3,479 square feet is allowed. If the variance for impervious surface coverage is granted, it is recommended that the petitioner be required to replace other paved areas with permeable pavers that allows for detention to offset the increase in impervious surface.

PETITION

The following petition form shall be used when submitting a petition for a variation from Chapter 28 of the Arlington Heights Municipal Code. This must be submitted with a fully executed application to the Zoning Board of Appeals. Please refer to Section 12 of Chapter 28 of the Arlington Heights Municipal Code for information regarding the criteria by which the Zoning Board of Appeals will evaluate variation requests. (Attached to this application packet.)

PETITION

NOW COMES the Petitioner Erik and Mara Wachholder

being the owner of the property commonly known as: 223 S. Dunton Ave.

and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 5.1-6.5 (2.)

Chapter 28, of the Arlington Heights Municipal Code, in order to: _____

Build a shed and install a pathway and apron for the shed.

I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the variation(s) were granted (please explain):

The proposed construction would be consistent with the design and aesthetics of our home and unobtrusive. The construction would also be consistent with the application of the code for our neighbors, who have storage sheds & similar constraints due to the requirement to have a detached garage. It would be clear to any third party that the shed's only use is for personal storage.

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain):

The lot at 223 S. Dunton is smaller than most in Arlington Heights, exacerbated by the fact that the previous owner sold a portion of the lot. The size of the lot barely exceeds the threshold, determining whether 50% or 55% of the land can be covered. In fact, we would be well within the bounds if the limit was 55%. Because of the age of the home previously established on the lot, the Board would only approve a home design with a detached garage, which required a long driveway that took up much of the 50% allotment. The developer made an earnest attempt at deciding best use of the property, but could not anticipate the need for ancillary storage like a permanent dweller would.

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain): _____

The addition of the shed would not materially exceed the allowed percentage (<55%).
The appearance would be consistent with the current look of the property and the look of the neighboring homes.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): _____

Yes. The only alternative the zoning permit board presented was removing existing impervious coverings. However, the existing impervious coverage was already in place and necessary for a functional residence. The best location to meet all the previous requirements is behind the garage. The apron and pathway allow safe and functional access to the shed, especially in winter when clearing snow cover is necessary.

Signed: Erik Wachholder

Date: 9/17/2024

Petitioner

Revised 5/1/24

Owners of 223 S. Dunton are requested to increase the impervious coverage allotment from 50% to approximately 53%. Additional impervious coverage would be used to construct a shed and pathway/apron for the shed. The shed would be used for necessary personal storage. Project specifications are attached in supplemental attachments.

REFERENCE BENCH MARK:

VILLAGE OF ARLINGTON HEIGHTS
BENCHMARK NO. 57, A 3" BRASS DISK IN
CONCRETE 35'± NORTH OF THE CENTERLINE
OF SOUTH STREET AND 23'± WEST OF THE
CENTERLINE OF HIGHLAND AVENUE AT THE
NORTHWEST CORNER OF INTERSECTION.

EL. = 684.82 (NAVD 1988)

SITE BENCHMARK

CROSS IN CONCRETE WALK LOCATED
APPROXIMATELY 41.2' SOUTHERLY OF THE
SOUTHWEST PROPERTY CORNER OF
SUBJECT SITE.

EL. = 687.21 (NAVD 1988)

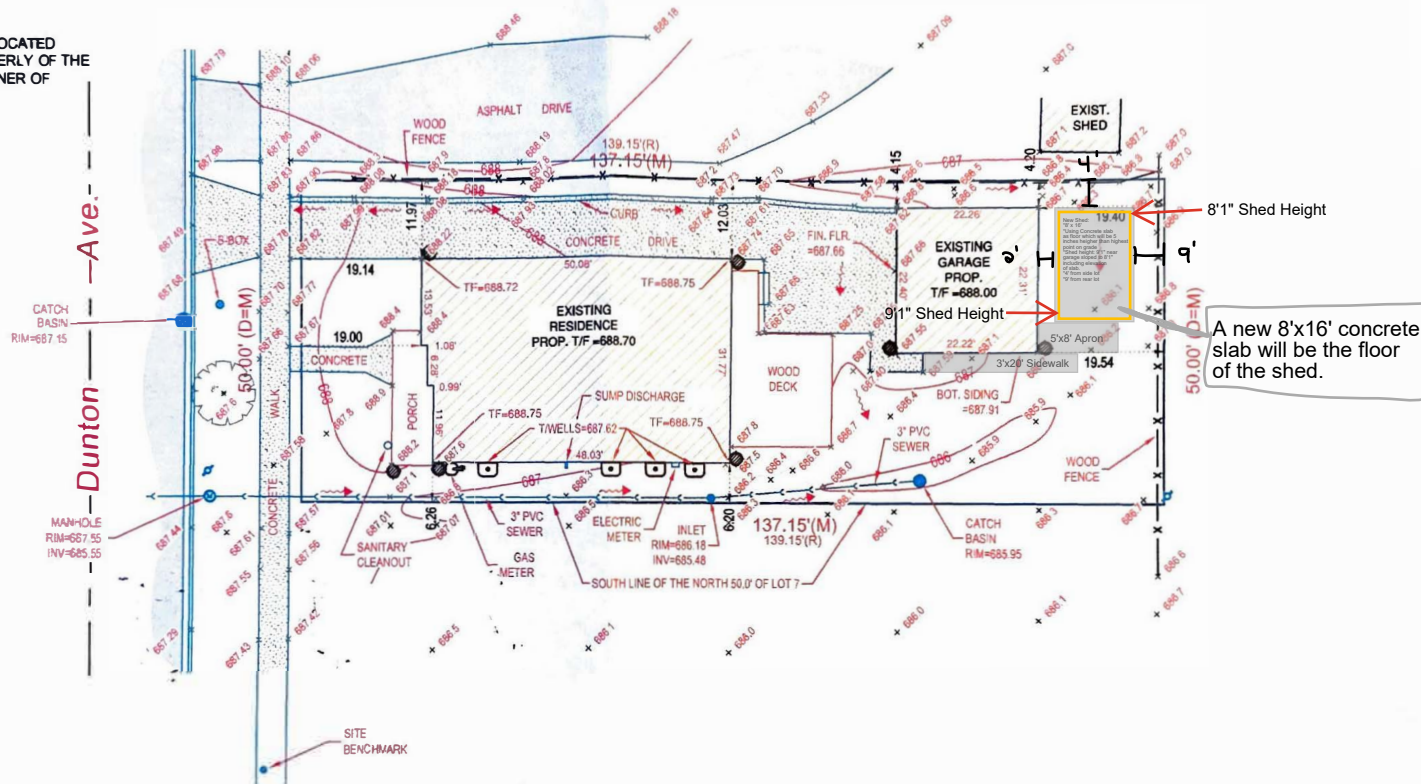
As-Built Grading Survey

PROPERTY DESCRIPTION:

THE NORTH 50 FEET OF LOT 7 IN FLENTIE'S SUBDIVISION OF THE SOUTH 530 FEET
OF THE WEST 5.20 CHAINS OF THE WEST 1/2 OF THE NORTH 30 ACRES OF THE
WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 42 NORTH, RANGE
11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 03-32-102-014-0000

SCALE: 1" = 20'



CERTIFICATION

STATE OF ILLINOIS
COUNTY OF KANE

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A
CORRECT REPRESENTATION OF A SURVEY PERFORMED AT
AND UNDER MY DIRECTION. ALL DIMENSIONS SHOWN ARE IN
FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL THIS 28TH DAY OF MAY,
A.D. 2020.

K. Blando

KRZYSZTOF BLANDO
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3705
LICENSE EXPIRES 11/30/2020



LICENSE EXPIRES 11-30-2020

LEGEND:

- PROPERTY LINE
- CONTOUR LINE
- AS-BUILT LOT GRADE
- DRAINAGE DIRECTION
- CONCRETE SURFACE
- BRICK SURFACE
- ASPHALT SURFACE
- DOWNSPOUT DISCHARGE

ABBREVIATIONS:

- B.S.L. = BUILDING SETBACK LINE
- A = ARC LENGTH
- R = RADIUS
- R.O.W. = RIGHT OF WAY
- CH = CHORD LENGTH
- (R) = RECORD VALUE
- (M) = MEASURED VALUE
- (C) = CALCULATED VALUE
- (D) = DEED VALUE
- P.U.E. = PUBLIC UTILITY EASEMENT
- P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT

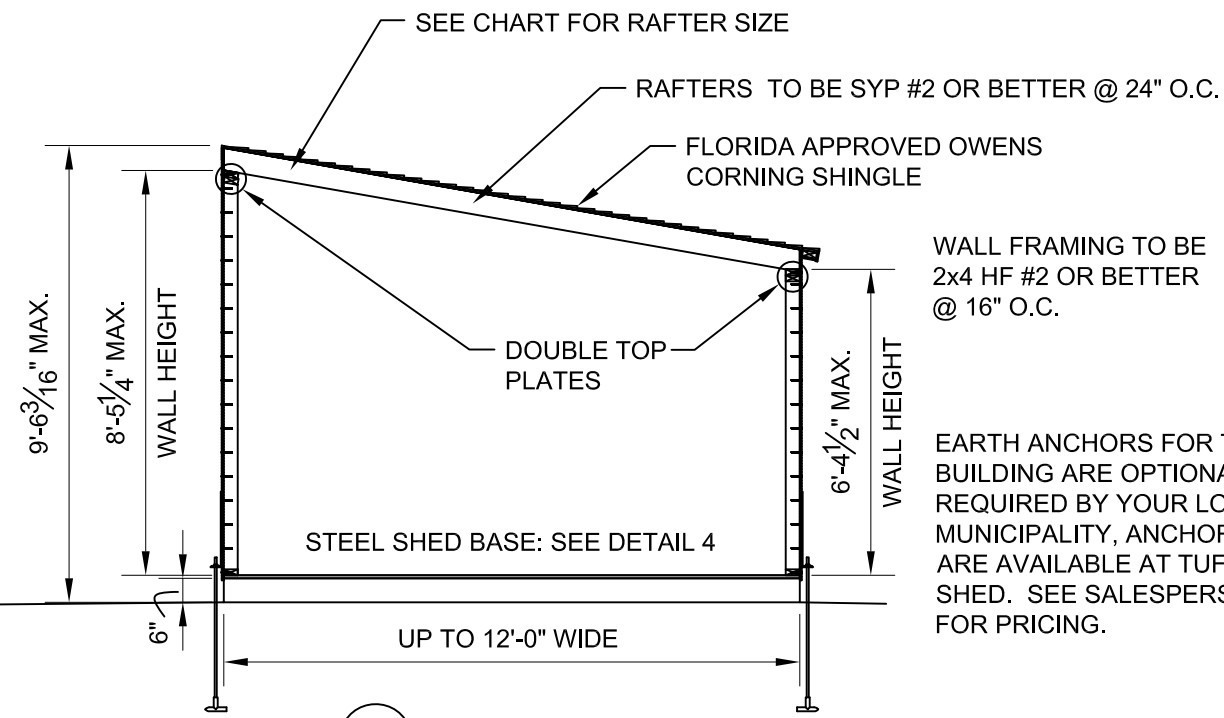


BOOK: ERP
DRAWN: KB
CHECKED: KB
FIELD DATE: 10-25-2018
PROJECT NO.
2018 / 169

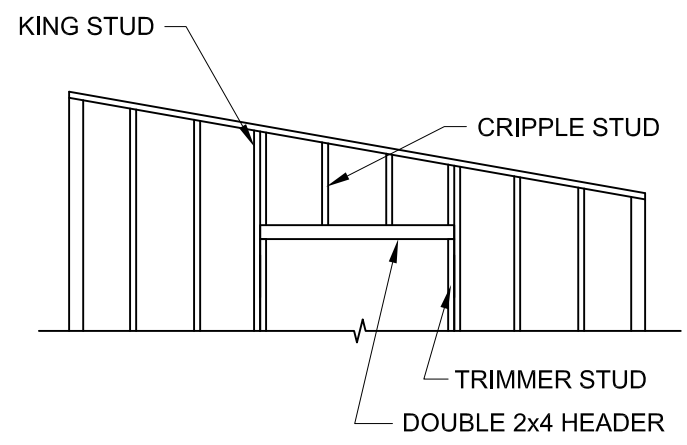
ACORN CONSULTING, LTD.
1340 GIESE ROAD
BATAVIA, ILLINOIS 60510
TEL: (630) 391-1215
kblando@comcast.net

PREPARED FOR: Miyako Investments, LLC
P. O. Box 391, Mount Prospect, IL 60056
PROPERTY ADDRESS: 223 S. Dunton Ave.
Arlington Heights, Illinois 60005

PLT SHED UP TO 12' WIDE x UP TO 24' LONG
PREMIER SERIES

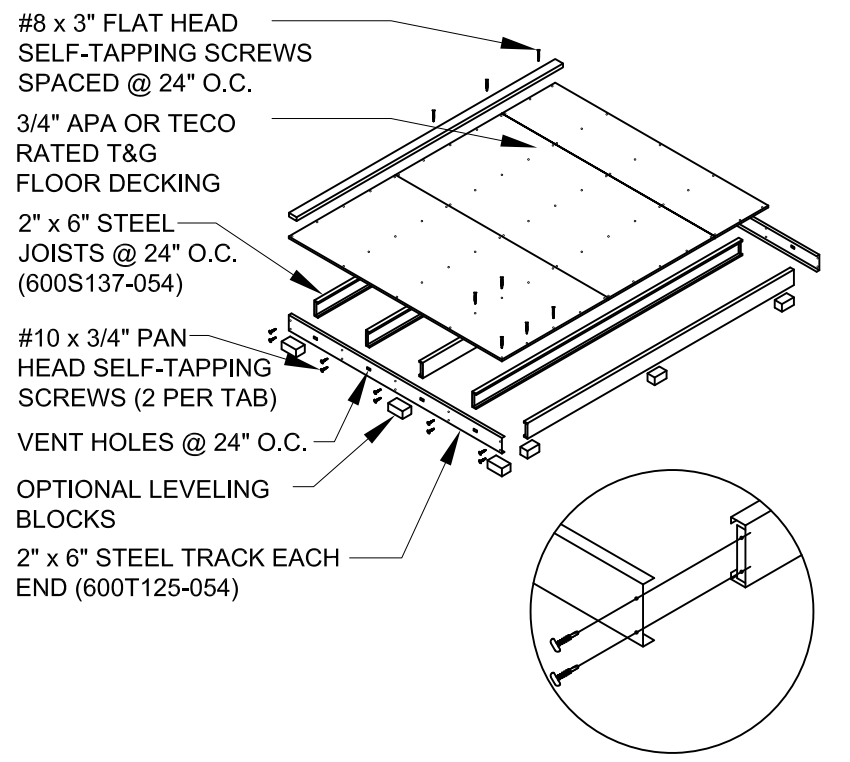


1 BUILDING SECTION
SCALE: N.T.S.

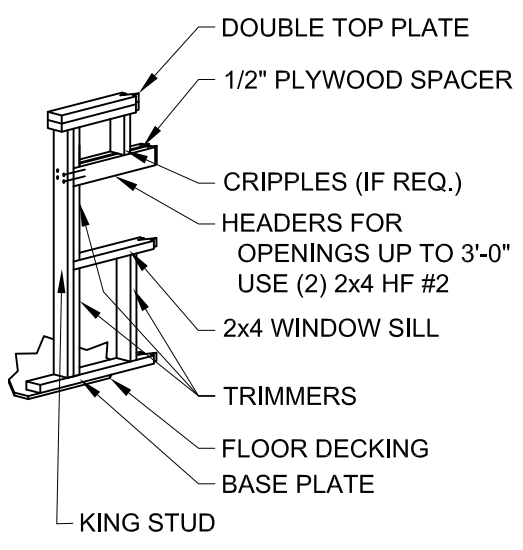


FOR OPENINGS UP TO 8'-0" WIDE

3 HEADER DETAIL FOR NON-LOAD BEARING WALLS
SCALE: N.T.S.

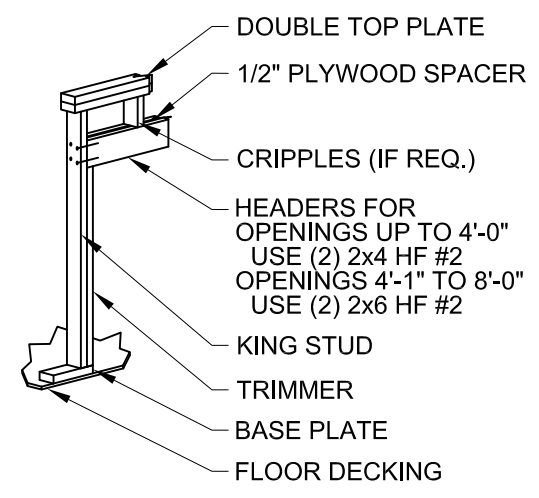


- STEEL SHED FOUNDATION:
2" x 6"-16 GAUGE STEEL TRACKS G140 ZINC COATED
2" x 6"-16 GAUGE STEEL JOISTS G140 ZINC COATED @ 24" O.C. (SUPPLIER: ALLIED STUDCO (JOIST: 600S137-054 / TRACK: 600T125-054) ICC ER-4943P.
- 3/4" APA OR TECO RATED TONGUE AND GROOVE FLOOR DECKING. 24" MAX PANEL SPAN. STAGGER PANEL LAYOUT.
- FASTEN FLOOR DECKING TO JOIST & TRACKS USING #8 x 1-5/8" MINIMUM LONG SELF-DRILLING SCREWS @ 12" O.C. NO BLOCKING REQUIRED. ALL EDGES SHALL LIE ON FLOOR JOISTS. STAGGER PANEL LAYOUT PER APA CONDITION 1.
- FASTEN SOLE PLATE THROUGH FLOOR DECKING INTO JOISTS OR TRACKS WITH #8 x 3" GALVANIZED SELF-DRILLING SCREWS @ 24" O.C.
- ALLOWABLE FLOOR LIVE LOAD: 75 PSF FOR STEEL JOISTS CONTINUOUSLY SUPPORTED. 50 PSF FOR JOISTS ON BLOCKS AS SHOWN.
- USE OPTIONAL CONCRETE BLOCKS AS REQUIRED TO LEVEL BUILDING:
SUGGESTED SIZES: 2" x 8" x 16", 4" x 8" x 16", OR 8" x 8" x 16".
BLOCKS UNDER JOISTS SPACED @ 8'-0" O.C. MAXIMUM.
BLOCKS UNDER TRACK SPACED @ 4'-0" O.C. MAXIMUM.



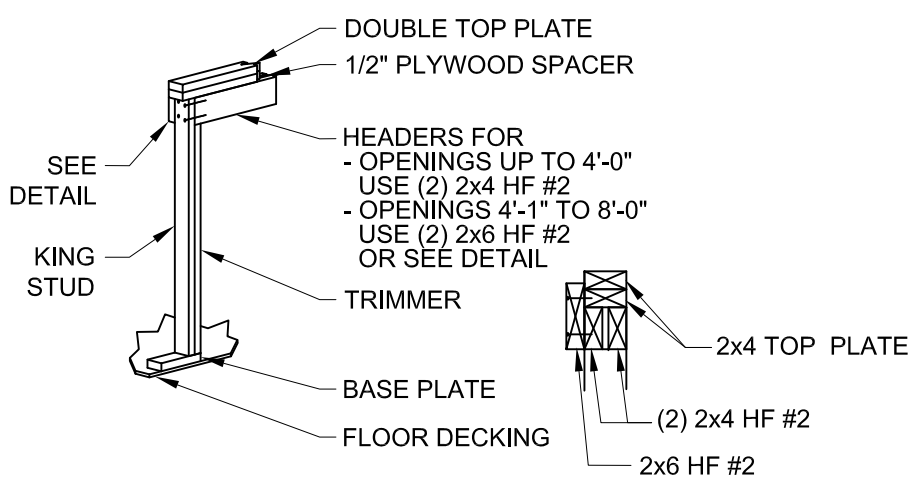
FOR WINDOW OPENINGS UP TO 3'-0" ON PREMIER SERIES SIDE WALLS

2A WINDOW HEADER DETAIL FOR LOAD BEARING WALLS
SCALE: N.T.S.



FOR OPENINGS UP TO 8'-0" ON PREMIER SERIES SIDE WALLS

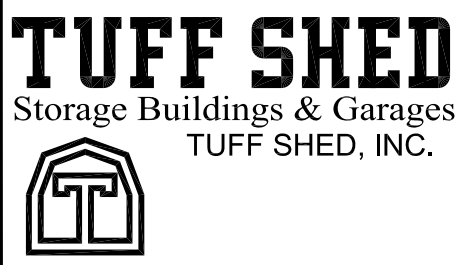
2B DOOR HEADER DETAIL FOR LOAD BEARING WALLS (TALL SIDE WALL)
SCALE: N.T.S.



FOR OPENINGS UP TO 8'-0" ON PREMIER SERIES SIDE WALLS

2C DOOR HEADER DETAIL FOR LOAD BEARING WALLS (SHORT SIDE WALL)
SCALE: N.T.S.

4 SHED BASE DETAIL
SCALE: N.T.S.



Order #.

Customer:

Site Address:

Building Size: WIDTH - LENGTH - HEIGHT - SQ. FT. AREA

P.O. #

Drawn By: SJ

Date: 2/28/19

Checked By:

Date:

Scale: N.T.S.

THESE DRAWINGS AND THE DESIGN ARE THE PROPERTY OF TUFF SHED, INC. THESE DRAWINGS ARE FOR A BUILDING TO BE SUPPLIED AND BUILT BY TUFF SHED. ANY OTHER USE IS FORBIDDEN BY TUFF SHED INC & THE ENGINEER OF RECORD.

DRAWINGS BY:
TUFF SHED, INC.

IN HOUSE DRAFTING DEPARTMENT
1777 S. HARRISON STREET
DENVER, COLORADO 80210
(303) 753-TUFF

TUFF SHED INC. ASSUMES ALL RESPONSIBILITY FOR THE CONTENT OF THESE DRAWINGS AND THE CONSTRUCTION OF THE BUILDINGS SHOWN HEREIN.

TITLE

BUILDING SECTIONS

SHED BASE DETAILS

HEADER FRAMING DETAILS

NOTES - 2018 IBC & IRC - 115C

DRAWING NO.
PLT-01

REV. LEVEL 01

SHEET 1

PAGE 1 OF 2

PLT SHED UP TO 12' X 24'

PREMIER SERIES

NOTES:

1. BUILDING CODE: 2018 IBC AND 2018 IRC
2. DESIGN LOADING:
WIND SPEED & EXPOSURE: 115C
ROOF LIVE LOAD: 30 PSF NO REDUCTION
ROOF DEAD LOAD: 10 PSF
3. FOR SHEDS WHICH OTHERWISE MEET THE PRESCRIPTIVE REQUIREMENTS OF THE 2018 IBC AND 2018 IRC
ALL SHEDS CONSTRUCTED ACCORDING TO STANDARD CONVENTIONAL CONSTRUCTION METHODS.

NAILING:

ROOF:
ATTACH 7/16" SILVERCREST OSB SHEATHING TO TRUSSES WITH:
8d NAILS @ 6" O.C. AT EDGES
8d NAILS @ 12" O.C. IN FIELD

WALLS:
ATTACH 3/8" SMARTSIDE WITH FOIL BACKING TO WALL FRAMING WITH:
8d NAILS @ 6" O.C. AT EDGES.
8d NAILS @ 12" O.C. IN FIELD

HEADER:
ATTACH HEADER TO STUD WITH:
4-8d TOENAIL OR 4-16d END NAIL DOUBLED HEADER-16d @ 16" STAGGERED FACE NAIL

TUFF SHED

Storage Buildings & Garages

TUFF SHED, INC.

Order #.

Customer:

Site Address:

Building Size:WIDTH - LENGTH - HEIGHT - SQ. FT. AREA

P.O. #

Drawn By: SJ

Date: 2/28/19

Checked By:

Date:

Scale: N.T.S.

THESE DRAWINGS AND THE DESIGN ARE THE PROPERTY OF TUFF SHED, INC. THESE DRAWINGS ARE FOR A BUILDING TO BE SUPPLIED AND BUILT BY TUFF SHED. ANY OTHER USE IS FORBIDDEN BY TUFF SHED INC & THE ENGINEER OF RECORD.

DRAWINGS BY:
TUFF SHED, INC.

IN HOUSE DRAFTING DEPARTMENT
1777 S. HARRISON STREET
DENVER, COLORADO 80210
(303) 753-TUFF

TUFF SHED INC. ASSUMES ALL RESPONSIBILITY FOR THE CONTENT OF THESE DRAWINGS AND THE CONSTRUCTION OF THE BUILDINGS SHOWN HEREIN.

TITLE

BUILDING NOTES

NOTES - 2018 IBC & IRC - 115C

DRAWING NO.
PLT-01

REV. LEVEL 01

SHEET 2

PAGE 2 OF 2









VILLAGE OF
ARLINGTON HEIGHTS
INC. 1887

Zoning Board of Appeals
11/18/2024

Item: 32 N. Belmont Ave. - ZBA#24-036

Department: Planning & Community Development

Item Description:

REQUEST

1. A variation from Chapter 28, Section 5.1-4.1 (Minimum Lot Size), to allow a lot with an area of 8,712 square feet to be buildable where 8,750 square feet is required.
2. A variation from Chapter 28, Section 5.1-4.2 (Minimum Lot Width) to allow a lot with a width of 66 feet to be buildable where 70 feet is required.

ATTACHMENTS:

1. ZBA packet 11-18-24

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: November 18, 2024
Date Prepared: November 13, 2024
Project Title: Griffin Residence
Address: 32 N. Belmont Ave.

Background Information

Petition Number: ZBA #24-036
Petitioner: John Anstadt / JMB Architects
Address: 180 W. Park, Suite 10
Elmhurst, IL 60126

Existing Zoning: R-4 – Residential Single-Family District

Requested Action/Background Information

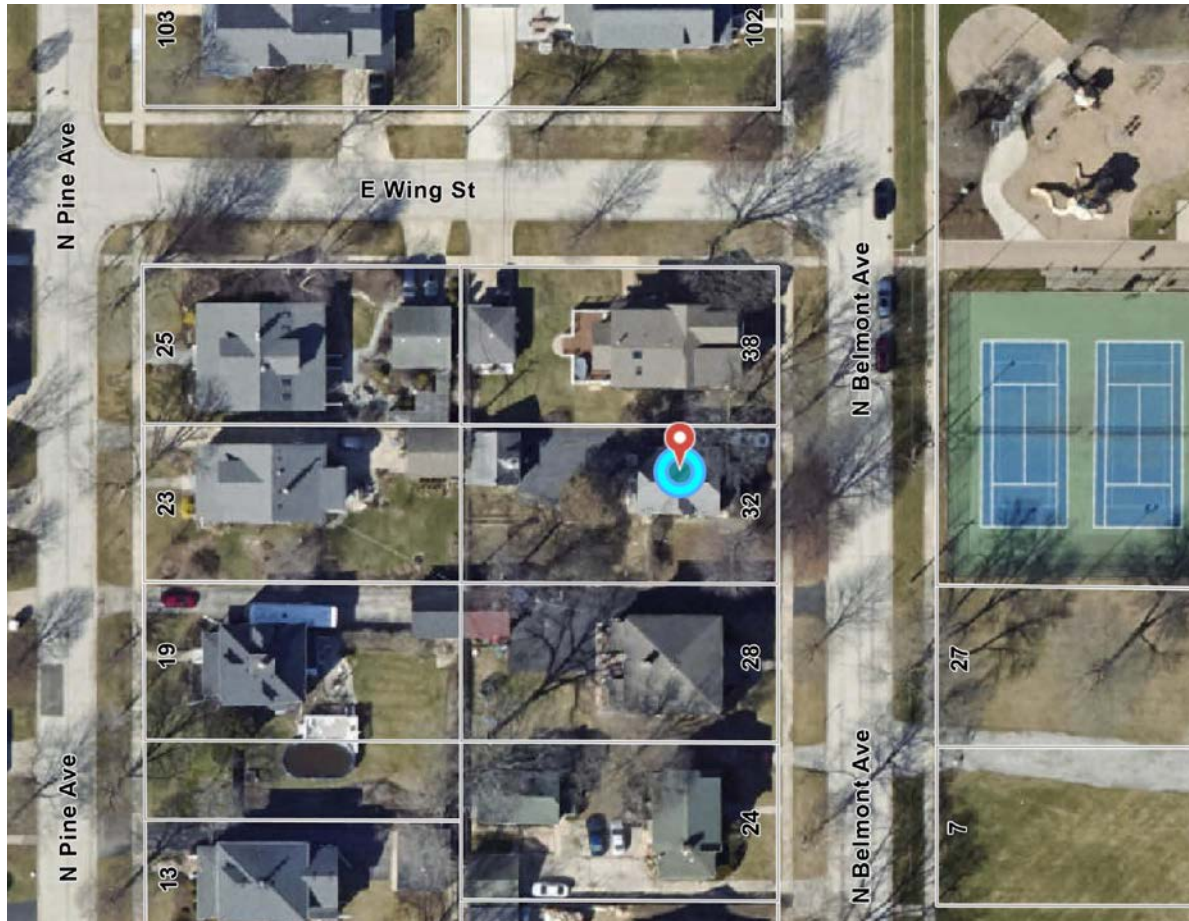
The petitioner is proposing to demolish an existing two-story residence and detached garage to allow construction of a new two-story residence with an attached two-car garage. The subject site is zoned R-4, Two Family Dwelling District. The property has a total land area of 8,712 square feet and the proposed residence will have approximately 3,892 square feet. The proposed house complies with all single-family zoning requirements. However, in the R-4 Zoning District the minimum required Lot Size is 8,750 sf and the minimum required Lot Width is 70 feet. The subject property is 8,712 sf and 66 feet wide, which does not meet the minimum requirements for a building permit to be issued. Therefore, the petitioner is requesting the following variations:

- A variation from Chapter 28, Section 5.1-4.1 (Minimum Lot Size), to allow a lot with an area of 8,712 square feet to be buildable where 8,750 square feet is required.
- A variation from Chapter 28, Section 5.1-4.2 (Minimum Lot Width) to allow a lot with a width of 66 feet to be buildable where 70 feet is required.

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property; and (2) the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned; and (3) the proposed variation is in harmony with the spirit and intent of this Chapter; and (4) the variance requested is the minimum variance necessary to allow reasonable use of the property. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the four conditions enumerated.

Map of General Vicinity



Items required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	10/28/24	
2. List of Property Owners Within 250 feet of Subject Property	✓	10/28/24	
3. Letter that was Mailed	✓	10/28/24	
4. Photographs of Sign on Property	✓	10/28/24	

Photographs of Existing Structure



Village of Arlington Heights



To: Tom Delaney, Petitioner
From: Derek Mach, Zoning Board Liaison
Department: Department of Planning and Community Development
File Number: ZBA 24-036
Project: 32 N Belmont Ave
Date: November 13, 2024

ZONING COMMENTS:

The zoning comments below for your use and consideration. If you have any questions, please contact dmach@vah.com:

Planning and Community Development

The proposed new house received Design Commission approval on Sep 10, 2024.

Building and Life Safety

BLS has no objection to this ZBA application.

Engineering

Engineering has NO OBJECTION to a variation from Chapter 28, Section 5.1-4.1 (Minimum Lot Size), to allow a lot with an area of 8,712 square feet to be buildable where 8,750 square feet is required. • A variation from Chapter 28, Section 5.1-4.2 (Minimum Lot Width) to allow a lot with a width of 66 feet to be buildable where 70 feet is required.

PETITION

The following petition form shall be used when submitting a petition for a variation from Chapter 28 of the Arlington Heights Municipal Code. This must be submitted with a fully executed application to the Zoning Board of Appeals. Please refer to Section 12 of Chapter 28 if the Arlington Heights Municipal Code for information regarding the criteria by which the Zoning Board of Appeals will evaluate variation requests. (Attached to this application packet.)

PETITION

NOW COMES the Petitioner Tom Delaney
being the owner of the property commonly know as: 32 N. Belmont Avenue
and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a
Variation from Section 5.1-4.1a & 5.1-4.2a
Chapter 28, of the Arlington Heights Municipal Code, in order to: for and undersized lot with
that is less then the minimum required size and minimum required width. Lot size is 8,712 sq. ft. where
8,750 sq. ft. min. is required. Lot width is 66' wide where 70' min. is required.

I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the variation(s) were granted (please explain): The change will not alter the character of the locality.
All zoning parameters will be adhered to at the existing size and width of the lot. For example, the F.A.R. will be calculated at the 8,712 sq. ft. lot size.

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain): The plight is due to a lot that is undersized for the zoning district is it located in.

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain): _____
The proposed variation respects the intent of the zoning chapter by ensuring that the design adheres to the overall goals of the zoning regulations, even though the lot is undersized in both size and width.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): _____
I hereby state that the requested variance is the minimum needed to adhere to the zoning parameters.

Signed: John Anstadt Digitally signed by John Anstadt
DN: C=US,
E=John.A@JMBArchitect.com,
O="JMB Architects, Ltd.", CN=John
Anstadt
Date: 2024.09.16 11:07:09-05'00' Date: _____
Petitioner

Project Description:

The current lot measures 8,712 square feet, which is below the required minimum of 8,759 square feet, and has a width of 66 feet, falling short of the 70-foot minimum. We propose to demolish the existing dilapidated home and replace it with a new traditional-style house featuring a full front porch and an attached garage. The design has already received approval from the Design Committee.

This new home will comply with all zoning regulations, although these standards are adjusted due to the lot's substandard size and dimensions. For instance, the setbacks have been calculated based on these reduced measurements. All area calculations, including Floor Area Ratio (F.A.R.), lot coverage, and impervious surfaces, are also aligned with these adjusted standards.

We are seeking a variance to allow this undersized lot to be deemed buildable while maintaining its existing parameters.

APPROVED

MINUTES OF THE VILLAGE OF ARLINGTON HEIGHTS DESIGN COMMISSION

ARLINGTON HEIGHTS MUNICIPAL BUILDING
33 S. ARLINGTON HEIGHTS RD.
SEPTEMBER 10, 2024

Chair Kubow called the meeting to order at 6:30 p.m.

Members Present: Jonathan Kubow, Chair
John Fitzgerald
Kirsten Kingsley
Ted Eckhardt

Members Absent: Scott Seyer

Also Present: John Anstadt, JMB Architects for 32 N. Belmont Ave.
Tom Delaney, Burke Construction for 32 N. Belmont Ave.
Steve Zaleski, Compass Real Estate for 32 N. Belmont Ave.
John Haran, EJ Builders for 1627 N. Evergreen Ave.
Steve Gawlik, S.G. Architects for 1627 N. Evergreen Ave.
Steve Hautzinger, Planning Staff

REVIEW OF MEETING MINUTES FOR AUGUST 13, 2024

A MOTION WAS MADE BY COMMISSIONER FITZGERALD, SECONDED BY COMMISSIONER ECKHARDT, TO APPROVE THE MEETING MINUTES OF AUGUST 13, 2024. ALL WERE IN FAVOR. MOTION CARRIED.

ITEM 1. SINGLE-FAMILY TEARDOWN REVIEW**DC# 24-049(H) – 32 N. Belmont Ave.**

John Anstadt, representing *JMB Architects*, **Tom Delaney**, representing *Burke Construction*, and **Steven Zaleski**, representing *Compass Real Estate*, were present on behalf of the project.

Mr. Hautzinger summarized Staff comments. The petitioner is proposing to demolish an existing two-story residence and detached garage to allow construction of a new two-story residence with an attached two-car garage. The proposed house complies with all single-family zoning requirements; however, in the R-4 Zoning District the minimum required Lot Size is 8,750 sf and the minimum required Lot Width is 70 feet. The subject property is 8,712 sf and 66 feet wide, which does not meet the minimum requirements for a building permit to be issued. Therefore, a zoning variation is required from the Zoning Board of Appeals to allow the proposed redevelopment of this property.

The subject property is located in the Rec Park neighborhood. The existing home (proposed to be demolished) was included in a Community Preservation Report which was prepared by the School of the Art Institute of Chicago in 2004. The report was prepared in an effort to raise community awareness and promote the preservation of the historic character of certain neighborhoods in Arlington Heights, such as the subject “Rec Park” neighborhood. Homes in the report are rated in order of importance as “Exceptional”, “Notable”, or “Contributing”. The subject house is rated as “Contributing”.

Per the municipal code Chapter 28 (Zoning Regulations), Section 13.7.c, prior to issuance of a Certificate of Approval for demolition and new construction, the Design Commission will need to evaluate if the existing home has “significant architectural, historical, aesthetic, or cultural value”.

Based on Google Street View images from 2012, the existing house appeared to be in good, well-maintained condition. The 2012 images also highlight the home’s historic charm and character as it contributed to the character of the neighborhood. However, based on the inspection report provided by the petitioner, the current condition of the home appears to have been neglected allowing roof damage and water infiltration to damage the home inside and out, requiring extensive repairs.

In general, Staff encourages renovation/addition of contributing historic homes, in lieu of teardown, but the Design Commission will need to evaluate the current condition of this property and feasibility for renovation.

Every home on this block is a historic home with a raised front porch and a detached garage. Some of the houses have recently been renovated and expanded. One teardown/new house on this street at 102 N. Belmont was approved by the Design Commission in 2019. In that case, the new house was designed with exemplary character to mimic the original house and fit seamlessly with the surrounding context including features such as a raised first floor, full front porch, one-and-a-half story massing, authentic materials and details, and a detached garage.

In regards to the proposed new house, one of the purposes of the Village of Arlington Heights’ Single-Family Design Guidelines is to evaluate how the proposed home fits with the character of the existing neighborhood. In this case, the proposed new house with prominent front load attached garage and only one step up to the front porch does not fit with the existing context.

Staff recommends that, if the Design Commission does not object to demolition, the proposed new house in this location should be redesigned to better fit with the character of the neighborhood with a more authentic traditional style including a raised front porch and a detached, or recessed attached, garage.

Examples of other similar projects in Arlington Heights are included in the Design Commission packet for reference and include the following:

- 638 S. Highland is a wonderful example of an extensive renovation and expansion of a historic home that was in very poor condition.
- 312 N. Douglas is a house in Rec Park that was renovated and expanded including a recessed attached garage.
- 109 S. Dunton is another example of a teardown/new house designed with authentic style to mimic the original historic house.
- 129 S. Highland is an example of a teardown/new house designed with a raised first floor and detached garage.
- 208 N. Haddow is a teardown/new house in Rec Park that was recently approved by the Design Commission with a raised front porch and a recessed attached garage.

In conclusion, **Mr. Hautzinger** said that if the Design Commission does not object to the demolition of the existing home, Staff recommends the Design Commission require revisions and re-review the proposed design, with consideration of the comments and suggestions provided by Staff.

Mr. Anstadt said they presented Staff with a previous elevation that is different than what is being reviewed tonight; it had more modern elements which in their opinion, have now been toned down, going in a more traditional direction. He said the garage was previously all stone, which was removed, with siding added instead, along with some roof details to bring down some of the massing. He introduced Tom Delaney with Burke Construction, who responded to Staff comments.

Mr. Delaney said he is the owner of 32 N. Belmont and is proposing the construction of the new home. He grew up in Rec Park and now lives in Scarsdale, and he is very familiar with the neighborhood and has a lot of history, memories, and respect for Rec Park. When he first looked at 32 N. Belmont, he considered renovating the existing home; however, unfortunately, the inspection report shows that the home cannot be renovated. He then looked at constructing a new home and felt the design being presented tonight is a nice home that fits in with the neighborhood. It addresses the current prerequisites of the market for young families such as an attached garage for convenience and safety, and a front porch that overlooks the park and fits with the neighborhood. He recognizes that the originally proposed stone detail was a bit much and he looked at reducing it, and he considered the comments from Staff about pushing the garage back and readjusting the floor plan, which they tried their best with and ultimately decided to go with the design presented tonight. **Mr. Delaney** concluded that he wants to be a good neighbor and build homes that fit the neighborhood and that attract good families, so his goal is to work with everyone here to obtain approval as quick as possible and move forward.

Chair Kubow asked if there was any public comment on the project and there was response from those in the audience.

PUBLIC COMMENT

Joe Perry, 38 N. Belmont. He lives on the right side of the existing home and has seen the dilapidation of the property. He referenced the comments made about Rec Park, and said

there are a few newer homes in the neighborhood that are similar, and he is happy to see the new home being proposed that will be a great addition to the neighborhood because the existing home is beyond repair. He felt the design is a great start and had no issue with it whatsoever.

Walter Redmon, 23 N. Pine Avenue, which is directly behind the subject property. He is here tonight to hear about what is being proposed, and said it is true that the existing home needs some work. He is looking forward to the property being upgraded and he is fine with the design being presented. He did have some concern about the fence between his property and the new home.

Tony Callero, 501 N. Arlington Heights Road. He lives off Fremont in the Rec Park neighborhood and felt the new home will be a great improvement to the neighborhood for everyone. With everything that is going to be happening in Rec Park, he felt a new home at this location would be a great representation of Arlington Heights.

Susan Skrudland, 735 N. Vail Avenue. She is not familiar with the condition of the existing home, she has been past it and certainly understands that it is in bad shape and that it may warrant a teardown and new build. She appreciates the report put together by Staff and agrees with their comments about the design being proposed, and she also appreciates the rigor that was done in finding examples of renovated homes that are very contextual to the neighbor, as well as new homes, because it shows that a new home can be very contextual and fit with the character of the neighborhood. She felt the new home is not in character with the Rec Park neighborhood directly around it; it is a nice home but it does not fit as well as a different style of new home in that neighborhood.

Joe Reynolds, 416 N. Pine Avenue. He walks through this area all the time and having lived here since 2015 he has seen some progressions of homes that have been rebuilt, and while there are many that do conform to the context, there are many that do not, and he felt that did not take away from the overall rebuild of this area, which brings a lot of young families to the neighborhood. With the busy park across the street, he felt the proposed attached garage was a good idea for the safety of a young family. Overall, he felt it was a great proposal and he looks forward to having it in the neighborhood. He referenced a home around the corner that has some of the same high arches and a similar layout, which he felt was very comparable to the design being proposed for this new home.

Kurt Skrudland, 735 N. Vail Avenue. He is an Architect and designs single-family homes. He has seen the proposed design dozens of times around the neighborhood, or very similar character wise, and you can tell when it was built. He felt the arch design over the entrance looked odd. He said that the large peak over the garage is the strongest element which catches your eye, and he wondered if it could be a different color to down play it. The rest of the home is very complicated with all the roof structures that will funnel water to the entrance between the garage, which will be a maintenance issue. This is a complicated build as proposed which could be simplified to make more of a statement aside from the garage by simplifying the roof shapes.

There was no further public comment.

The commissioners summarized their comments. **Commissioner Fitzgerald** said it is a nicely designed home, but he is worried about it in this location. He had concerns about the arch over the front door, which is similar to a home located just north of Euclid that has an arch that he felt is a little forced; this element should be looked at. He was okay that the new home is not built higher like the rest of the homes on the block, but felt the garage could be pushed back, which is something this commission frequently asks for. **Commissioner**

Fitzgerald said that no material samples were provided tonight and he is unsure about the brown metal with the grey roof being proposed. He also had concerns about the noise and visibility of the three a/c compressors located in the backyard, and he suggested building a wall off to the side of the porch to screen them.

Commissioner Eckhardt liked the complicated aspect of the front elevation with the twin gables and the third large gable; it is big and it is tall, and he could support a larger window above the garage. He agreed with Commissioner Fitzgerald's concerns about the colors being proposed; the Musket Brown metal and the Oyster Gray roof shingles. **Mr. Delaney** presented a sample of the roof shingle material, but said he was unable to obtain a sample of the metal, which is a dark brown, almost a bronze tone. **Commissioner Eckhardt** said the rear elevation is the least remarkable, but it is the rear of the home and he is okay with that. The side elevations have sufficient detail, the windows are located where they need to be, and the tall space is broken up with a belly band at the top of the pediment. The scale of the new home is comparable to others on the block, and adding the garage onto the home allows for a larger backyard which he felt was important because of all the activity that will occur at the park across the street from this home. Therefore, he supports the front load garage, and pointed out that the front of the porch is in line with the garage. **Commissioner Eckhardt** was okay to approve the design as currently proposed.

Commissioner Kingsley thanked those in attendance from the public and for expressing their thoughts about the new home, which helps the commissioners. She also pointed out that three public comment emails were also received and added to the meeting packet prior to tonight's meeting. She knew the existing home was in poor shape prior to it being up for sale, and after seeing the photos from the inspection report, it is apparent that the existing home is probably not savable. Someone could probably go in and do the work to save the home, but it would take quite a bit after seeing the interior pictures provided. That being said, knowing this home was 'Contributing' in the Community Preservation Report from the School of the Art Institute of Chicago, she felt that whatever goes back here has to be contributing as well, and while she felt the proposed new home is nice, it did not fit the context of Rec Park. She understands that the owner designed the new home for the current market; however, the homeowners around this home have been there for a long time and this neighborhood does have a character that is different than a lot of other neighborhoods. The one-step-up porch across the entire front elevation is a really nice idea, but having it raised up as suggested by Staff would make it more like the neighborhood. **Commissioner Kingsley** said that although there are some 2-car attached garages in this neighborhood, there are very few, especially on an interior lot and not a corner lot. A corner lot is not a front load garage, so the white home around the corner, and the new home on Belmont are not a front load garage. The gable end above the garage is the largest element on the home and is the main thing you see. She felt the triple gable on the front elevation is not quite in keeping with Rec Park, where the homes are more farmhouse stly. She suggested a doing design more similar to 102 N. Belmont, just north of Miner, that was also a teardown/new construction, but it looks like a farm house. As required by the Design Guidelines, she felt the design of the proposed new home needs to be more contextual. Although an attached garage might be a current need of homebuyers, she felt that a detached garage also appeals to buyers and it also allows more light into a home. She said that a handful of the residents who spoke tonight have detached garages, and there are pros and cons to attached vs detached. She felt a detached garage at this location is better and she recommended the home be re-designed. She had no issue with the materials or colors, but agreed with Staff's comments about the proposed design.

Chair Kubow said he did not often disagree with Staff's comments, but this time he does. He always looks at context for homes in historic neighborhoods, and in this neighborhood, besides a few bungalows and that the majority of homes have detached garages, there is not

a lot of consistency. He referenced a white and black farmhouse that the commission approved a few years ago in the area, and felt that this new home is much more attractive, has warmer color and a softer look; it is a beautiful home. He agreed with the suggestion to push back the garage, but also felt the garage is really well designed, it is a strong look and he did not mind it being pushed up. He was in support of the design as proposed.

Commissioner Fitzgerald wanted to see the garage pushed back, he felt it was a fair compromise that it be pushed back a bit, like the commission almost always insists. **Commissioner Kingsley** agreed and still felt the home needed to go back for a re-design. She said there are some two car front loaded garages in Rec Park, and all but one is pushed back. In terms of context, she said the aerial presented by Staff shows that every single home between Wing, Belmont, and Pine, has a detached garage, and farther north, the only two homes that have attached garages, are the two homes reference tonight that were built in the last few years. Someone from the audience stated that further up into the neighborhood, there are plenty of homes along the way with a lot of variability, and there has been a lot of changeover since he has moved in that he felt does not detract from the neighborhood. **Commissioner Kingsley** understood the comments and said that her concern is the rhythm of the front elevation and having it look welcoming, versus the garage being the first thing you see. She preferred to see the garage detached, but if not, she would like to see it be pushed back and the porch be the first thing that you see.

Mr. Delaney replied to the comments about pushing the garage back or detached, which they looked at but decided that is not what they want to deliver here; however, they did consider the prominence of the home on the block. The average setback is about 18', and the new home is being pushed back to almost 24', so it is already coming off the street much further than the other homes, and although the garage is in line with the porch, it is set back on the lot already. **Commissioner Kingsley** appreciated that being done, but still felt that the garage is the first thing seen; the front door cannot be seen until you are south of the garage.

Mr. Anstadt referred to the 3D rendering and elevation and said they are aware that the garage is the most front element; however, some of the elements put on the garage were to address that. Because the garage is in front of the porch, they have the ability to add the gable which adds a lot to the character of the garage, and the two roofs were added on that element as well to make it feel cozier and less like a big blank wall. Pushing the garage back behind the house, the gable element will be lost.

Commissioner Fitzgerald said he was suggesting pushing the garage back a couple of feet, and asked if that was doable with the design being presented. **Mr. Anstadt** said not with the gable that is there. The commissioners asked if the porch can be brought forward a little bit, and **Mr. Anstadt** said the porch is approximately 5-feet deep and could be brought forward, however, he is concerned about what happens at the detail where the shed roof is now part of that area. He liked that the gable is seen proud, but if that is a resolution, he is willing to work with everything to make it happen.

Chair Kubow said that three positive votes are needed tonight for an approval of the project, and without going back and making some adjustments to the design, he was unsure if that will happen. **Commissioner Eckhardt** said that everything is working together with the way the elevation is currently designed with the shed roof over the garage door; however, if the porch comes forward, it will create a weird detail, and if it is pushed back, it all comes apart and the front porch roof just does not connect. He was unsure if there was a way to separate the top of the pediment and push the garage back a bit. He felt there might not be enough positive votes tonight for approval of the current design, unless some changes were made. **Commissioner Eckhardt** reiterated that he likes the design of the home the way it is, and

acknowledged that the neighboring homes are older and all built with detached garages, not many new homes are built with detached garages.

Commissioner Fitzgerald heard everything being said by the petitioner in response to pushing back the garage and asked if changing the window above the garage into something that looks more like part of the home and not just an attic space is an option. **Commissioner Eckhardt** felt that would help. **Mr. Anstadt** replied that bumping it out with brackets to support it would be acceptable, and **Mr. Delaney** agreed. **Commissioner Fitzgerald** was open to this idea, for Staff to review and approve. **Commissioner Kingsley** said that a bump-out may be too much, and it might be better to just have a window sized for a human, versus a bump-out with more brackets; leave it open for the petitioner to make the decision on this solution. **Mr. Hautzinger** clarified and confirmed that the goal is to make the gable look more like a bedroom and not an attic space, and the petitioner can study the best solution for that, to be approved by Staff.

A MOTION WAS MADE BY COMMISSIONER ECKHARDT, SECONDED BY COMMISSIONER FITZGERALD, TO APPROVE THE ARCHITECTURAL DESIGN FOR THE PROPOSED NEW (TEARDOWN) SINGLE-FAMILY HOME TO BE AT 32 N. BELMONT AVENUE. THIS RECOMMENDATION IS SUBJECT TO COMPLIANCE WITH THE ARCHITECTURAL PLANS RECEIVED 8/7/24, MATERIAL LIST AND SAMPLE BOARD RECEIVED 7/2/24, DESIGN COMMISSION RECOMMENDATIONS, COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE CODES, REGULATION AND POLICIES, THE ISSUANCE OF ALL REQUIRED PERMITS, AND THE FOLLOWING:

- 1. THAT THE PETITIONER PROVIDE FOR A DECORATIVE FENCE OR OTHER APPROPRIATE SCREENING FOR THE MECHANICAL UNITS LOCATED IN THE SIDE YARD, FOR STAFF REVIEW AND APPROVAL.**
- 2. A REQUIREMENT THAT THE PETITIONER SUBMIT A REVISED DESIGN SKETCH SHOWING A DIFFERENT WINDOW CONFIGURATION OVER THE GARAGE DOOR THAT WILL GIVE A STRONG RESEMBLANCE TO THE ADJACENT TWIN GABLE ENDS, AND GIVE THE DEFINITE APPEARANCE OF A LIVABLE SPACE ABOVE THE GARAGE, FOR STAFF REVIEW AND APPROVAL.**
- 3. A REQUIREMENT THAT THE PETITIONER SUBMIT THE EXACT COLOR SAMPLES FOR FINAL REVIEW AND APPROVAL BY STAFF, ON THE QUESTION OF THE COMPATIBILITY OF THE BROWN METAL COLOR WITH THE GRAY ROOF SHINGLES.**
- 4. A REQUIREMENT THAT THE PETITIONER SUBMIT A DESIGN STUDY TO LOOK AT THE EYEBROW ENTRANCE, AND CONSIDER SOMETHING MORE OF A GABLE OR SOMETHING MORE MAJESTIC AND PRONOUNCED, FOR STAFF REVIEW AND APPROVAL.**
- 5. THIS REVIEW DEALS WITH ARCHITECTURAL DESIGN ONLY AND SHOULD NOT BE CONSTRUED TO BE AN APPROVAL OF, OR TO HAVE ANY OTHER IMPACT ON, NOR REPRESENT ANY TACIT APPROVAL OR SUPPORT FOR THE PROPOSED LAND USE OR ANY OTHER ZONING AND/OR LAND USE ISSUES OR DECISIONS THAT STEM FROM ZONING, BUILDING, SIGNAGE OR ANY OTHER REVIEWS. IN ADDITION TO THE NORMAL TECHNICAL REVIEW, PERMIT DRAWINGS WILL BE REVIEWED FOR CONSISTENCY WITH THE DESIGN COMMISSION AND ANY OTHER COMMISSION OR BOARD APPROVAL CONDITIONS. IT IS THE PETITIONER'S RESPONSIBILITY TO INCORPORATE ALL REQUIREMENTS LISTED ON THE CERTIFICATE OF APPROPRIATENESS INTO THE PERMIT DRAWINGS, AND TO ENSURE THAT BUILDING PERMIT PLANS AND SIGN PERMIT PLANS COMPLY WITH ALL ZONING CODE, BUILDING CODE AND SIGN CODE REQUIREMENTS.**

**ECKHARDT, AYE; FITZGERALD, AYE; KUBOW, AYE; KINGSLEY, NAY.
MOTION CARRIED.**



Scale: 1" = 20'

Legend

- Monument to be Set
- Found Iron Pipe
- X Found Cross
- Utility Pole

Surveyor Notes:

- Field Work Completed on 3-5-2024
- Prepared for Angelina & Herrick, P.C., for real estate transaction.
- Site Address: 32 N. Belmont Ave., Arlington Heights, IL 60004-6174
- Pin No.: 03-29-345-010
- The easements shown hereon are provided from the current title and the use of the recorded subdivision plat.
- This plat was prepared with the aid of the current title commitment issued by Chicago Title Insurance Company No. 24GND569021RM, dated January 22, 2024.
- Compare deed description and site conditions with the data given on this plat and report any discrepancies to the surveyor at once.
- Auto Cad Files will not be released under this contract.
- The utilities as shown on this drawing were developed from visible observations only.
- All building dimensions and ties are to the current siding material and not to the foundation.
- All boundary corners found at time of field work.
- Bearings are assumed.

State of Illinois) SS)
County of Lake)

We, Land Surveying Services, Inc. do hereby state that we have surveyed the above described property and that this is the Plat that represents the conditions found at the time of said survey.

Given under my hand and seal this 5th day of March, A.D. 2024 in Lake Zurich, Illinois.

Gloria Jean Koter, an agent for Land Surveying Services, Inc.

Illinois Professional Land Surveyor Number 0323
License Expiration Date 11-30-24

This professional service conforms to the current Illinois minimum standards for a plat survey.



PLAT OF SURVEY

THE SOUTH HALF OF LOTS 2 AND 3 IN BLOCK 5 IN GEORGE W. DUNTON'S ADDITION TO ARLINGTON HEIGHTS NO. 2, A PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



Land Surveying Services, Inc.
1182 Heather Drive
Lake Zurich, Illinois 60047
Ph: (847) 847-1079 Fax: (847) 847-1279
Professional Design Firm License No. 184-003632

Job Number
LS240123

Sheet Name
PLAT OF SURVEY

Sheet Number
SURVEY

Field Work Completed: 3-5-2024
Scale: 1" = 20'
Date: 3-5-2024

Site Address:
32 N. Belmont Avenue
Arlington Heights, Illinois

Drafted By : BTK	Field Work : KJ
Drawing Revisions	REVISION
REVISION	Date

NEW RESIDENCE for:
Burke Construction
32 N. BELMONT AVENUE
ARLINGTON HEIGHTS, IL 60004

DATE: 3/5/2024
DRAWN BY: JA
CHECKED BY: JMB
PERMIT:
REVISION:
REVISION:
PROJECT NO.:
SEAL DATE:

EXPIRES DATE: 11/30/2024

COPYRIGHT, 2024 BY
JMB ARCHITECTS LTD.

B

SHEET:

John Michael Belcher A.L.A. N.C.A.R.B.
180 W. Park Suite #10
Elmhurst, Illinois 60126
JMB ARCHITECTS, LTD.
E-Mail: jmbarch@JMBArchitect.com Phone: 630.279.8228 Web: JMBArchitect.com

© 2024 Copyright JMB Architects, Ltd. All rights reserved.
These drawings, specifications, floorplans, and elevations (collectively, Architectural Plans) are the confidential and proprietary property of JMB Architects, Ltd. and are not to be reproduced, copied, or otherwise used in the project that is the subject of these Architectural Plans or reproduced by any means without the prior written permission of JMB. You may not prepare or use these drawings, specifications, floorplans, and elevations for any other project or site or at a later date. Your use of these drawings, specifications, floorplans, and elevations for any other project or site or at a later date is prohibited. JMB Architects, Ltd. shall not be liable for any damages and enforcement costs of JMB.



BURKE
CONSTRUCTION

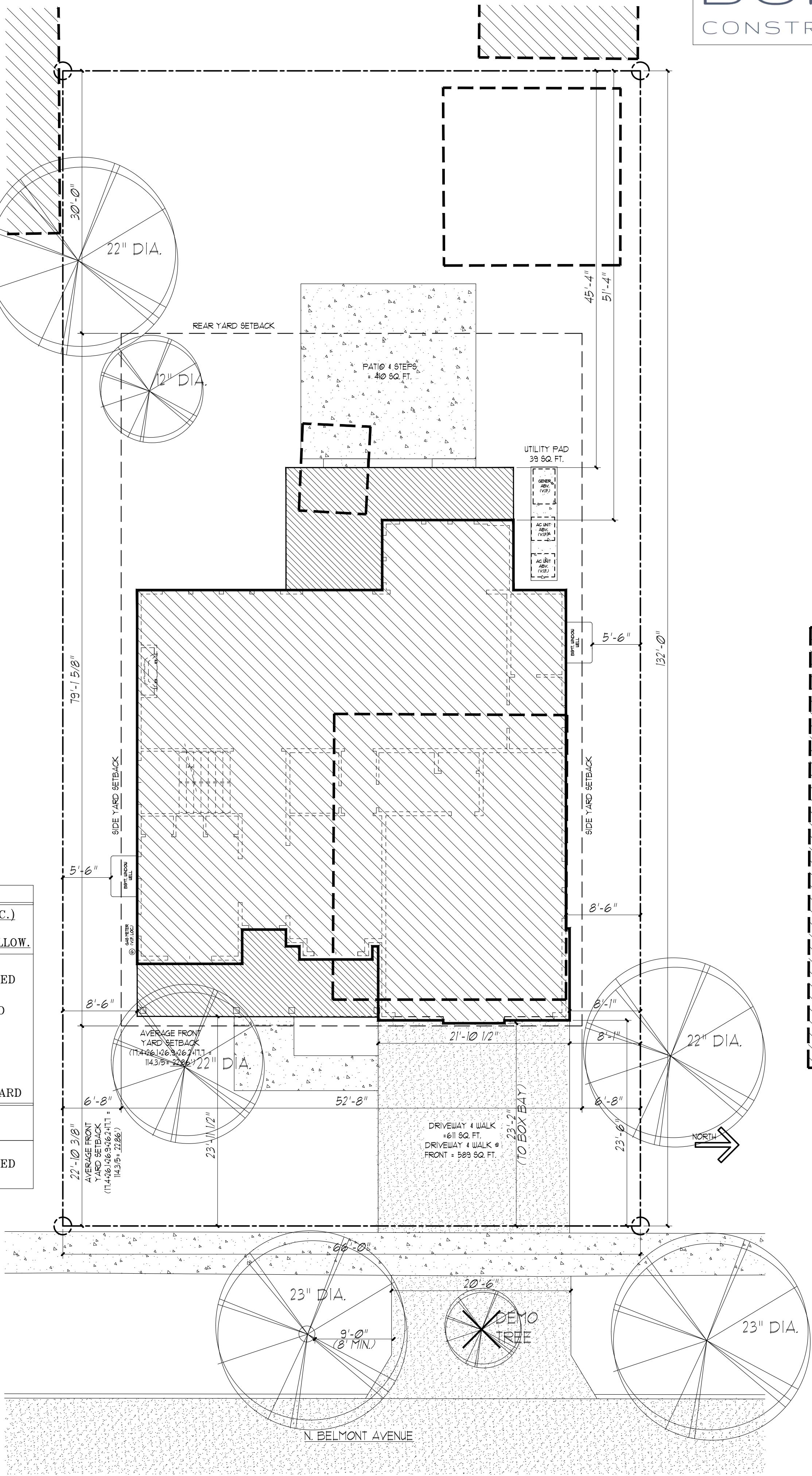
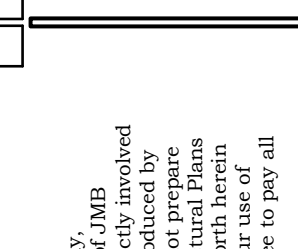
John Michael Belcher A.L.A. N.C.A.R.B.
180 W. Park Suite #10
Elmhurst, Illinois 60126
JMB ARCHITECTS, LTD.
E-Mail: jmbarch@JMBArchitect.com Phone: 630.279.8228 Web: JMBArchitect.com

NEW RESIDENCE for:
Burke Construction
32 N. BELMONT AVENUE
ARLINGTON HEIGHTS, IL 60004

DATE: 8/20/2024
DRAWN BY: JA
CHECKED BY: JMB
PERMIT:
REVISION:
REVISION:
PROJECT NO.:
SEAL DATE:
EXPIRES DATE: 11/30/2024

COPYRIGHT, 2024 BY
JMB ARCHITECTS LTD.
C3
SHEET:

© 2024 Copyright JMB Architects, Ltd. All rights reserved.
These drawings, specifications, floorplans, and elevations (collectively, Architectural Plans) are the confidential and proprietary property of JMB Architects, Ltd. and are not to be reproduced, stored in a retrieval system, or used in any project that is the subject of these Architectural Plans or reproduced by any means without the prior written permission of JMB. You may not prepare, modify, or use these drawings, specifications, floorplans, and elevations for any other project, in whole or in part, without the prior written permission of JMB. Your use of these drawings, specifications, floorplans, and elevations is limited to the project for which they were prepared for use on the specific site and at the issue date set forth herein. JMB Architects, Ltd. shall not be liable for any damages, including but not limited to, direct, indirect, or consequential damages, arising out of the use of these drawings and specifications for any project other than the project for which they were prepared.



NEW RESIDENCE for:
Burke Construction
32 N. BELMONT AVENUE
ARLINGTON HEIGHTS, IL 60004

DATE: 8/10/2014

DRAWN BY: JA

CHECKED BY: JMB

PERMIT:

REVISION: 9/2/2014

REVISION:

PROJECT NO.:

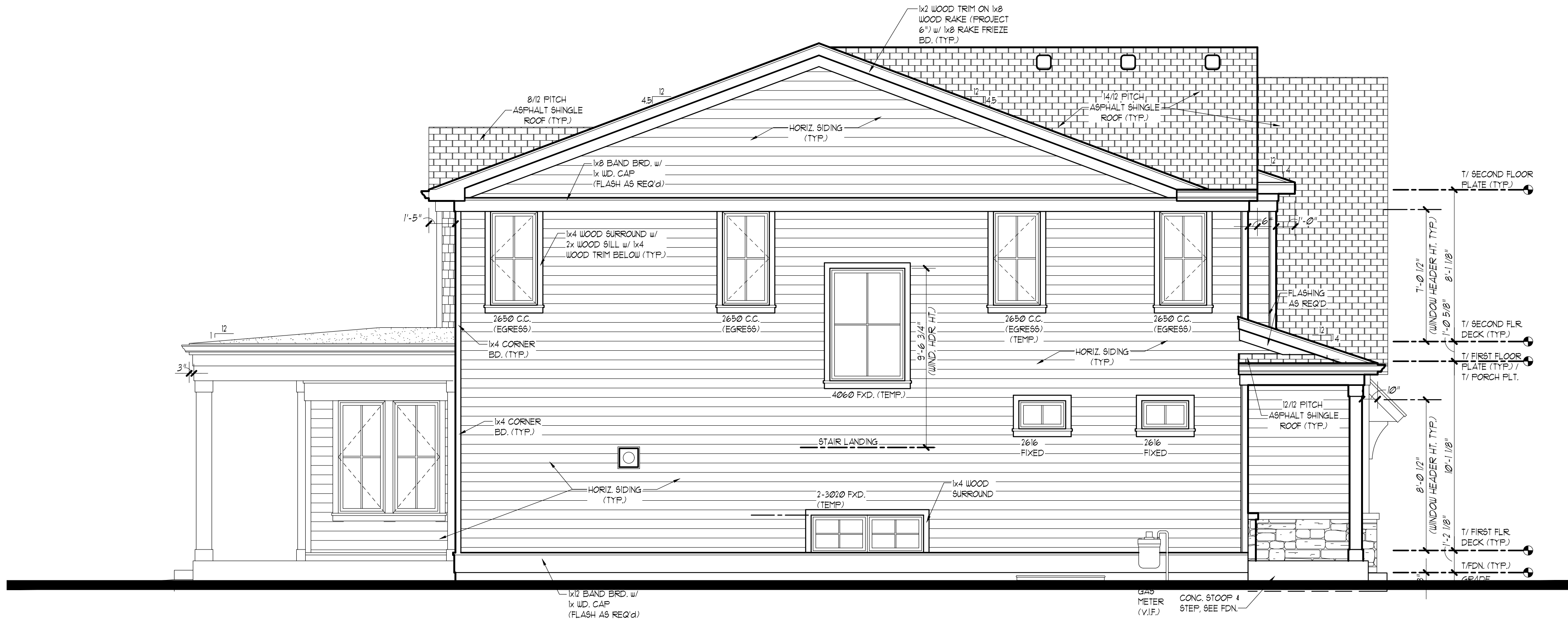
SEAL DATE:

EXPIRES DATE: 11/30/2014

COPYRIGHT, 2024 BY
JMB ARCHITECTS LTD

A

SHEET:



LEFT SIDE ELEVATION
SCALE: 1/4"=1'-0"
JMB ARCHITECTS LTD.



FRONT ELEVATION
SCALE: 1/4"=1'-0"
JMB ARCHITECTS LTD.

© 2024 Copyright JMB Architects, Ltd. All rights reserved.

These drawings, specifications, floorplans, and elevations (collectively, "Architectural Plans") are the confidential and proprietary property of JMB Architects, Ltd. ("JMB"). No part of these drawings, specifications, floorplans, and elevations may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of JMB. You may not prepare any copies of these drawings, specifications, floorplans, and elevations for use on a different site or at a later date. Your use of these drawings, specifications, floorplans, and elevations is limited to the specific site and at the issue date set forth herein. JMB Architects, Ltd. shall not be responsible for any damages and enforcement costs of JMB.

John Michael Belcher A.L.A. N.C.A.R.B.
180 W. Park Suite #10
Elmhurst, Illinois 60126

JMB
ARCHITECTS, LTD.
E-Mail: jmbarch@jmbarchitect.com Phone: 630.279.8228 Web: JMBArchitect.com

NEW RESIDENCE for:
Burke Construction
32 N. BELMONT AVENUE
ARLINGTON HEIGHTS, IL 60004

DATE: 8/20/2024

DRAWN BY: JA

CHECKED BY: JMB

PERMIT:

REVISION: 9/2/2024

REVISION:

PROJECT NO.:

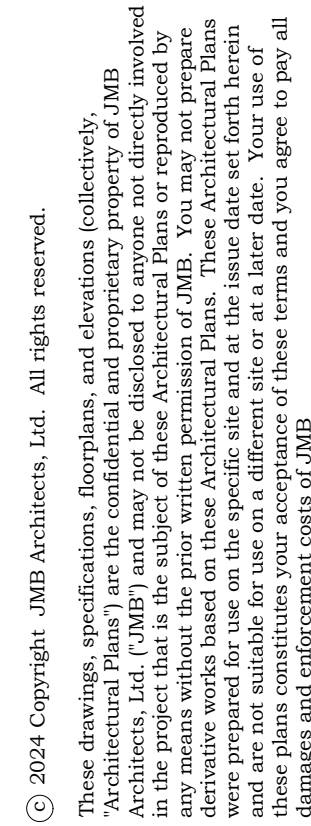
SEAL DATE:

EXPIRES DATE: 11/30/2024

COPYRIGHT, 2024 BY
JMB ARCHITECTS LTD.

C1

SHEET:



JMB
ARCHITECTS, LTD.
 John Michael Belcher A.L.A. N.C.A.R.B.
 180 W. Park Suite #10
 Elmhurst, Illinois 60126
 E-Mail: imbarch@JMBArchitect.com Phone: 630.279.8228 Web: JMBArchitect.com

NEW RESIDENCE for:
Burke Construction
32 N. BELMONT AVENUE
ARLINGTON HEIGHTS, IL 60004

DATE:	8/20/2024
DRAWN BY:	JA
CHECKED BY:	MB
PERMIT:	
REVISION:	9/12/2024
REVISION:	
PROJECT NO.:	
SEAL DATE:	
EXPIRES DATE:	11/30/2024

COPYRIGHT, 2024 BY
JMB ARCHITECTS LTD

C2

SHEET:



VILLAGE OF
ARLINGTON HEIGHTS
INC. 1887

**Zoning Board of Appeals
11/18/2024**

Item: 2421 E. Walden Ln. - ZBA#24-038

Department: Planning & Community Development

Item Description:

REQUEST

1. A 2-foot variation from Chapter 28, Section 10.2-11.1(c) to allow a driveway that is 34 feet wide, where the maximum width allowed is 32 feet for a three-car garage.
2. A 16.3-foot variation from Chapter 28, Section 5.1-3.3(d) (Required Minimum Yards) to allow a garage addition with a rear yard setback of 13.7 feet instead of the required 30.0 feet and an additional 2.0 feet for the eve.

ATTACHMENTS:

1. ZBA packet 11-18-24

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: November 18, 2024
Date Prepared: November 13, 2024
Project Title: Sanchez Residence
Address: 2421 E. Walden Ln.

Background Information

Petition Number: ZBA #24-038
Petitioner: Crystal Campos-Juarez / Thomas Architects
Address: 2800 S. River Rd, Suite 305
Des Plaines, IL 60018

Existing Zoning: R-3 – Residential Single-Family District

Requested Action/Background Information

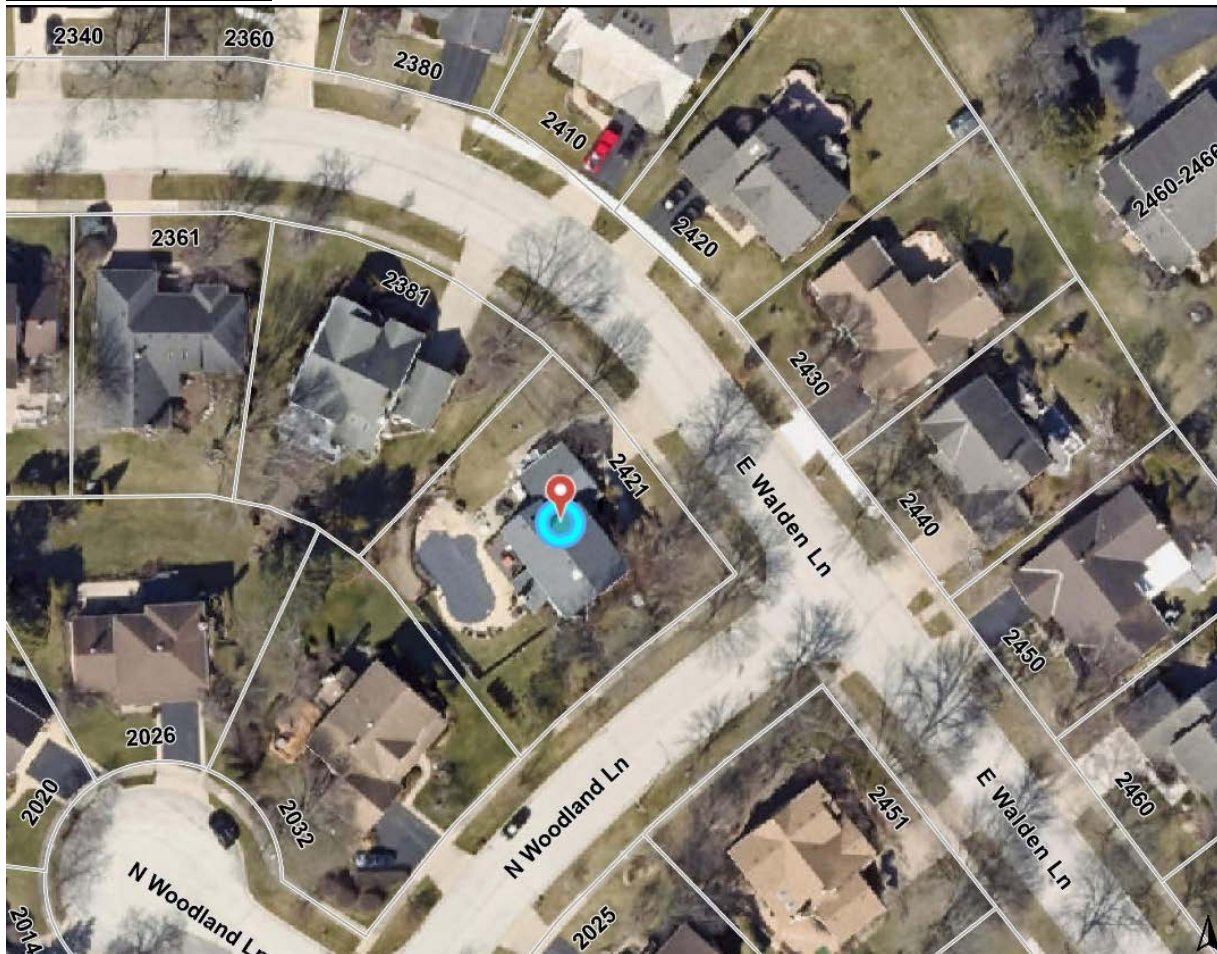
The subject site is zoned R-3, One Family Dwelling District. The property has a total land area of 13,807 square feet. The petitioner is proposing to expand the existing attached garage in order to create a three-car garage. The proposed addition requires a zoning variation to allow a rear yard setback of 16.3 feet, where 30.0 feet is required. Pursuant to Chapter 28, Section 28-3, the front yard on a corner lot is the smaller of the two dimensions adjacent to a street; therefore, the frontage along Woodland Lane is defined as the front yard. In addition, the petitioner is proposing a driveway that is 34 feet in width where the maximum allowed for a three-car garage is 32 feet. The petitioner is requesting the following variations:

- A 2-foot variation from Chapter 28, Section 10.2-11.1(c) to allow a driveway that is 34 feet wide where the maximum width allowed is 32 feet for a three-car garage.
- A 16.3-foot variation from Chapter 28, Section 5.1-3.3(d) (Required Minimum Yards) to allow a garage addition with a rear yard setback of 13.7 feet instead of the required 30.0 feet and an additional 2.0 feet for the eve.

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property; and (2) the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned; and (3) the proposed variation is in harmony with the spirit and intent of this Chapter; and (4) the variance requested is the minimum variance necessary to allow reasonable use of the property. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the four conditions enumerated.

Map of General Vicinity



Items required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	11/1/24	
2. List of Property Owners Within 250 feet of Subject Property	✓	11/1/24	
3. Letter that was Mailed	✓	11/1/24	
4. Photographs of Sign on Property	✓	11/1/24	

Photographs of Existing Structure



Village of Arlington Heights



To: Budzik Thomas / Thomas Architects, Petitioner
From: Derek Mach, Zoning Board Liaison
Department: Department of Planning and Community Development
File Number: ZBA 24-038
Project: 2421 E. Walden Ln.
Date: November 13, 2024

ZONING COMMENTS:

The zoning comments below for your use and consideration. If you have any questions, please contact dmach@vah.com:

Planning and Community Development

The proposed garage addition is nicely designed to match the architectural style of the existing house. A Design Commission application is required to be submitted for review. The design is favorable for an administrative (Staff) design approval, pending the outcome of the ZBA review.

Building and Life Safety

BLS has no objection to this ZBA application.

Engineering

Engineering has NO OBJECTION to a 2-foot variation from Chapter 28, Section 10.2-11.1(c) to allow a driveway that is 34 feet wide where the maximum width allowed is 32 feet for a three car garage. Engineering recommends also widening the apron to match the width of the private side at the sidewalk to prevent wheel ruts in along the driveway apron. • Engineering has NO OBJECTION to a 16.3-foot variation from Chapter 28, Section 5.1-3.3(d) (Required Minimum Yards) to allow a garage addition with a rear yard setback of 13.7 feet instead of the required 30.0 feet and an additional 2.0 feet for the eve.

PETITION

The following petition form shall be used when submitting a petition for a variation from Chapter 28 of the Arlington Heights Municipal Code. This must be submitted with a fully executed application to the Zoning Board of Appeals. Please refer to Section 12 of Chapter 28 of the Arlington Heights Municipal Code for information regarding the criteria by which the Zoning Board of Appeals will evaluate variation requests. (Attached to this application packet.)

PETITION

NOW COMES the Petitioner Braulio Sanchez

being the owner of the property commonly known as: 2421 E Walden Ln

and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 28-3

Chapter 28, of the Arlington Heights Municipal Code, in order to: We respectfully request the redesignation of the property frontage from N Woodland to E Walden. This change will allow the NE side yard to be classified as an interior side yard, thereby facilitating the addition of a third garage space and an outdoor covered patio on the NW side of the property.

I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the

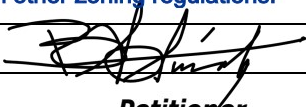
variation(s) were granted (please explain): The purpose of this variance is to request approval for the addition of a third-car garage, as well as an adjoining outdoor covered area to complement and serve the existing inground pool. Both the intended use and the character of the proposed additions align with the typical uses and architectural character found within the neighborhood. The proposed design maintains consistency with the overall aesthetic and functional standards of the community, ensuring it will not disrupt the harmony of the surrounding properties.

I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please

explain): Although the existing home faces East Walden Lane, the zoning definitions consider the edge of the property along Woodland Lane as the front. This designation has led to an issue where rear yard requirements are being applied to what is effectively the side of the home, resulting in the need for larger setbacks. The purpose of this request is to revise the zoning definition, reclassifying the current "rear yard" as a "side yard" to better reflect the actual conditions and layout of the property.

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain): The issue arises from the fact that the property line along East Walden Lane is about 6 feet longer than the line along Woodland Lane, a difference that is only noticeable on the plat of survey and not perceptible to the naked eye. Once our request is approved, and the actual side yard is properly reclassified, the building will fully comply with all bulk and yard requirements of the zoning code.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): The proposed design reflects a modestly sized third-car garage and the minimal size of a covered outdoor area. The layout does not max out any bulk or yard requirements and represents the only feasible solution to achieve the desired spaces while maintaining compliance with other zoning regulations.

Signed: 

Petitioner

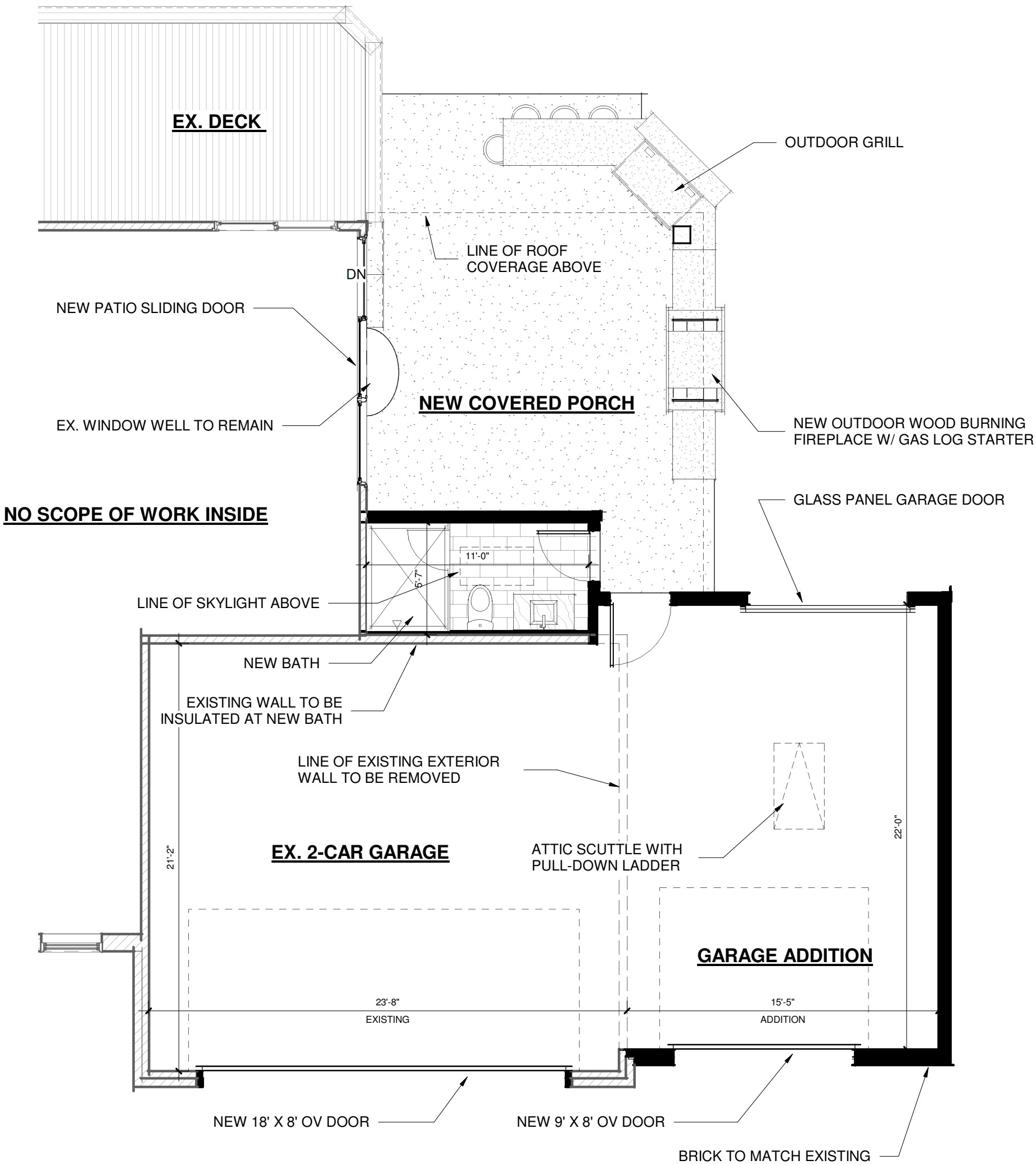
Date: 9/18/2024

Project Description

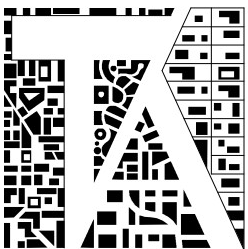
Property: 2421 E Walden Ln

The purpose of this project is to create a side addition to an existing single-family home to accommodate a 3rd car garage stall and provide a covered outdoor area to complement the in-ground pool.

This requires redesignation of the property frontage from N Woodland to E Walden, therefore allowing the NE side yard to be classified as an interior side yard, facilitating the addition on the NW side of the property.



1 1st FLOOR
3/16" = 1'-0"



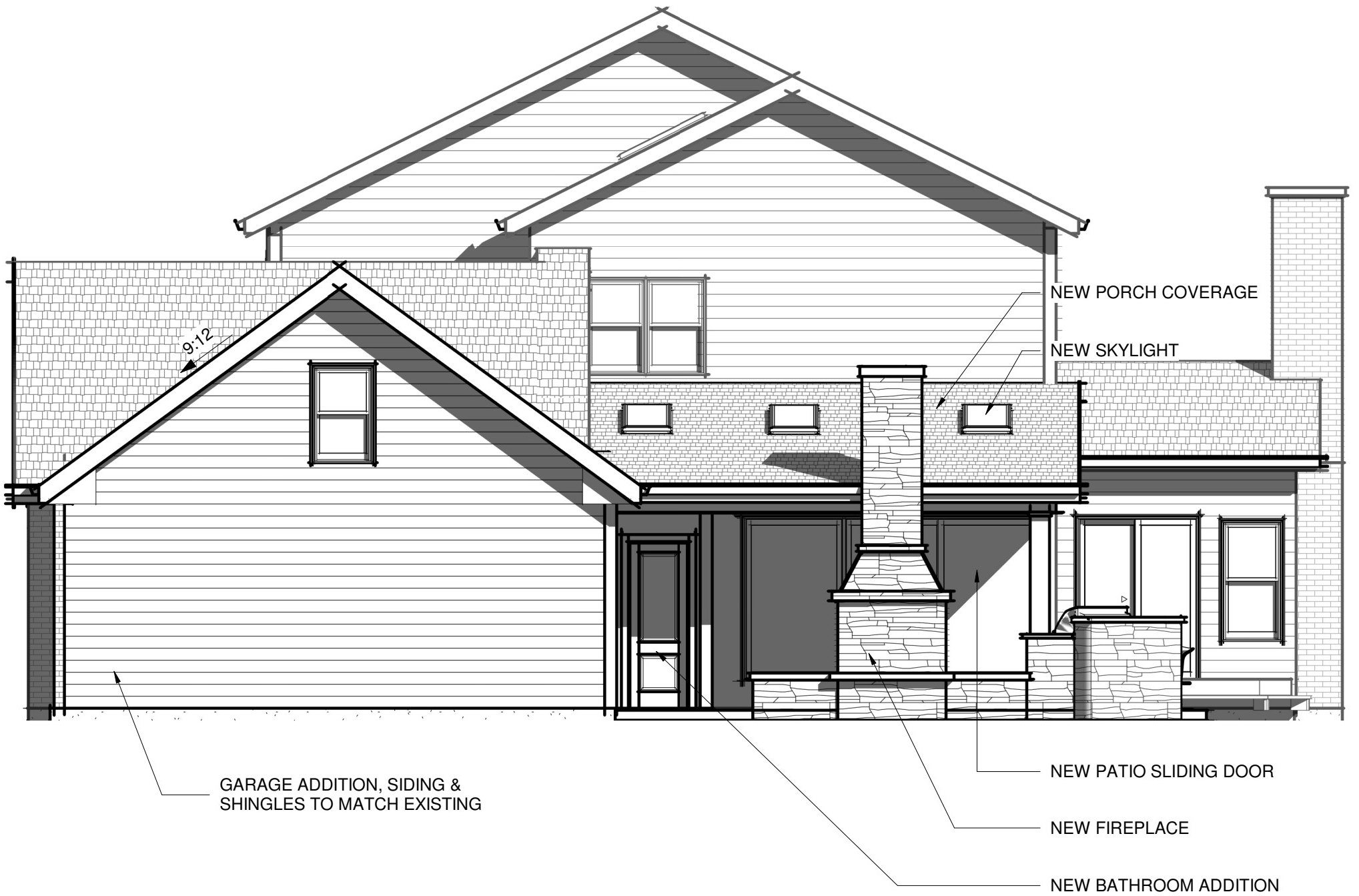
THOMAS
ARCHITECTS
2800 S RIVER RD, #105
DES PLAINES, IL 60018
O: 847.235.6815
THOMAS @ THOMASARCH.COM

FLOOR PLAN

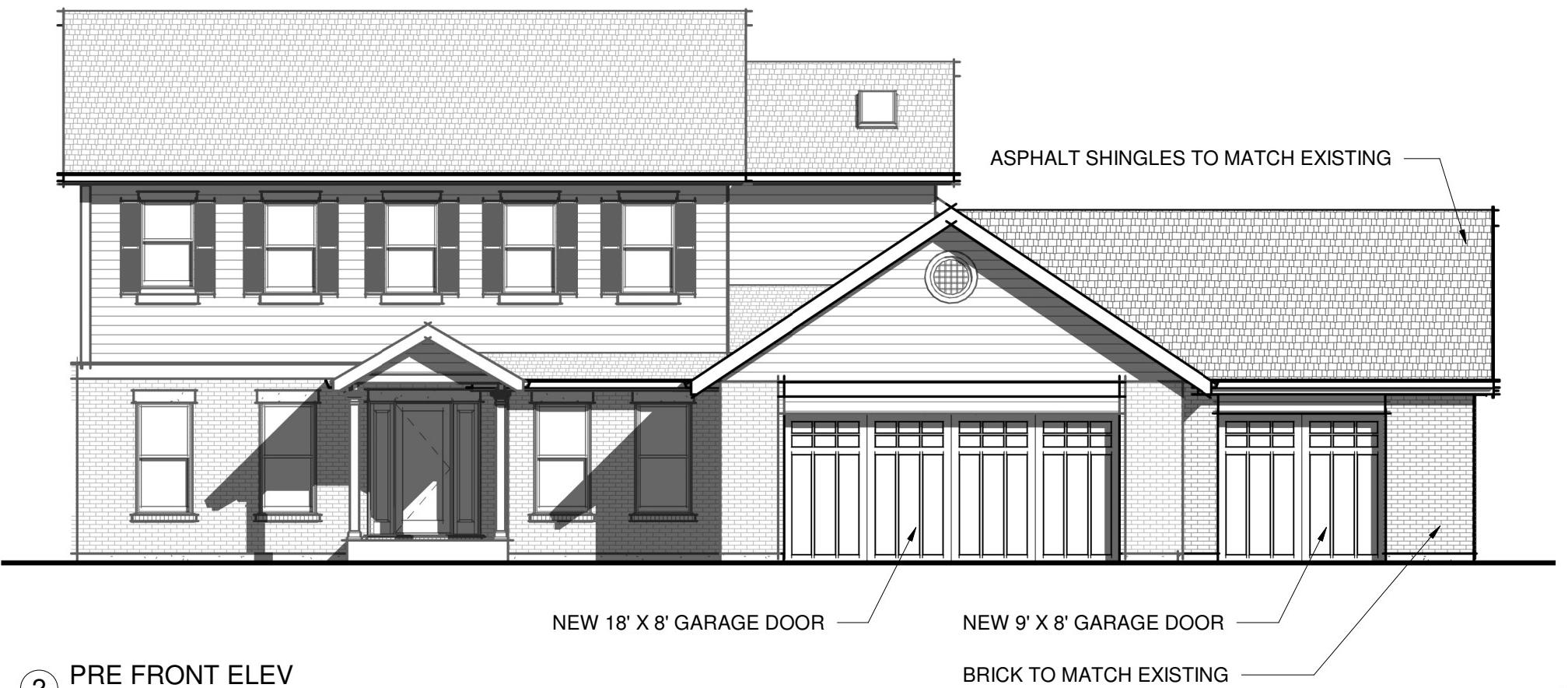
2421 WALDEN LN,
ARLINGTON HEIGHTS

24-079
RESIDENTIAL ADDITION

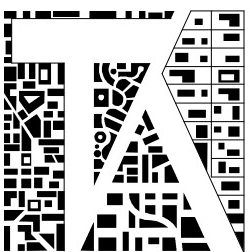
D1.2
09/25/2024 D-1.2



① (SIDE)- RIGHT ELEV
3/16" = 1'-0"



② PRE FRONT ELEV
1/8" = 1'-0"



**THOMAS
ARCHITECTS**
2800 S RIVER RD, #105
DES PLAINES, IL 60018
O: 847.235.6815
THOMAS @ THOMASARCH.COM

FRONT & SIDE ELEVATION

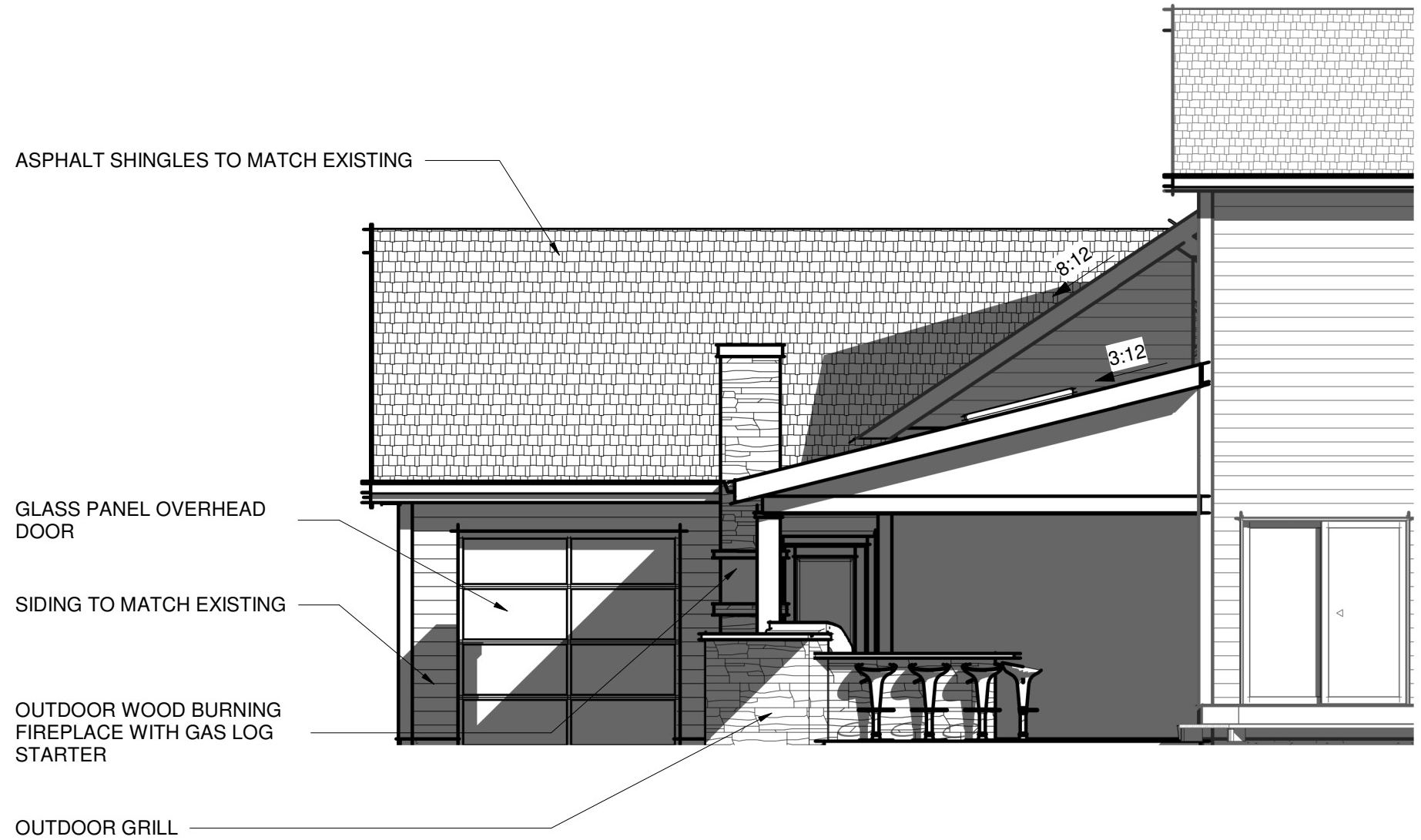
2421 WALDEN LN,
ARLINGTON HEIGHTS

24-079
RESIDENTIAL ADDITION

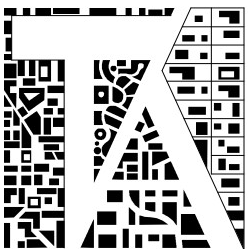
D1.2
09/25/2024 D-1.4
Page 91 of 100



1 REAR ELEV
1/8" = 1'-0"



2 REAR ELEV- LARGE
3/16" = 1'-0"



THOMAS
ARCHITECTS
2800 S RIVER RD, #105
DES PLAINES, IL 60018
O: 847.235.6815
THOMAS @ THOMASARCH.COM

REAR ELEVATION

2421 WALDEN LN,
ARLINGTON HEIGHTS

24-079
RESIDENTIAL ADDITION

D1.2
09/25/2024 D-1.3
Page 92 of 100



VILLAGE OF
ARLINGTON HEIGHTS
INC. 1887

Zoning Board of Appeals
11/18/2024

Item: 850 S. Vail Ave. - ZBA#24-039

Department: Planning & Community Development

Item Description:

REQUEST

1. A variation from Chapter 28, Section 6.13-3(b)(2) & 6.13-3(c)(1) (Location of Fences, Corner Lot & Exterior Side Yards), to allow a 6-foot solid fence to be constructed along the property line (Orchard Street) with no streetside landscaping where a 5-foot setback is required.

ATTACHMENTS:

1. ZBA packet 11-18-24

ARLINGTON HEIGHTS ZONING BOARD OF APPEALS

Staff Analysis

Prepared By: Derek Mach, Planner
Hearing Date: November 18, 2024
Date Prepared: November 13, 2024
Project Title: Roche Residence
Address: 850 S. Vail Ave.

Background Information

Petition Number: ZBA #24-039
Petitioner: Molly Roche
Address: 850 S. Vail Ave.
Arlington Heights IL 60005

Existing Zoning: R-3 – Residential Single-Family District

Requested Action/Background Information

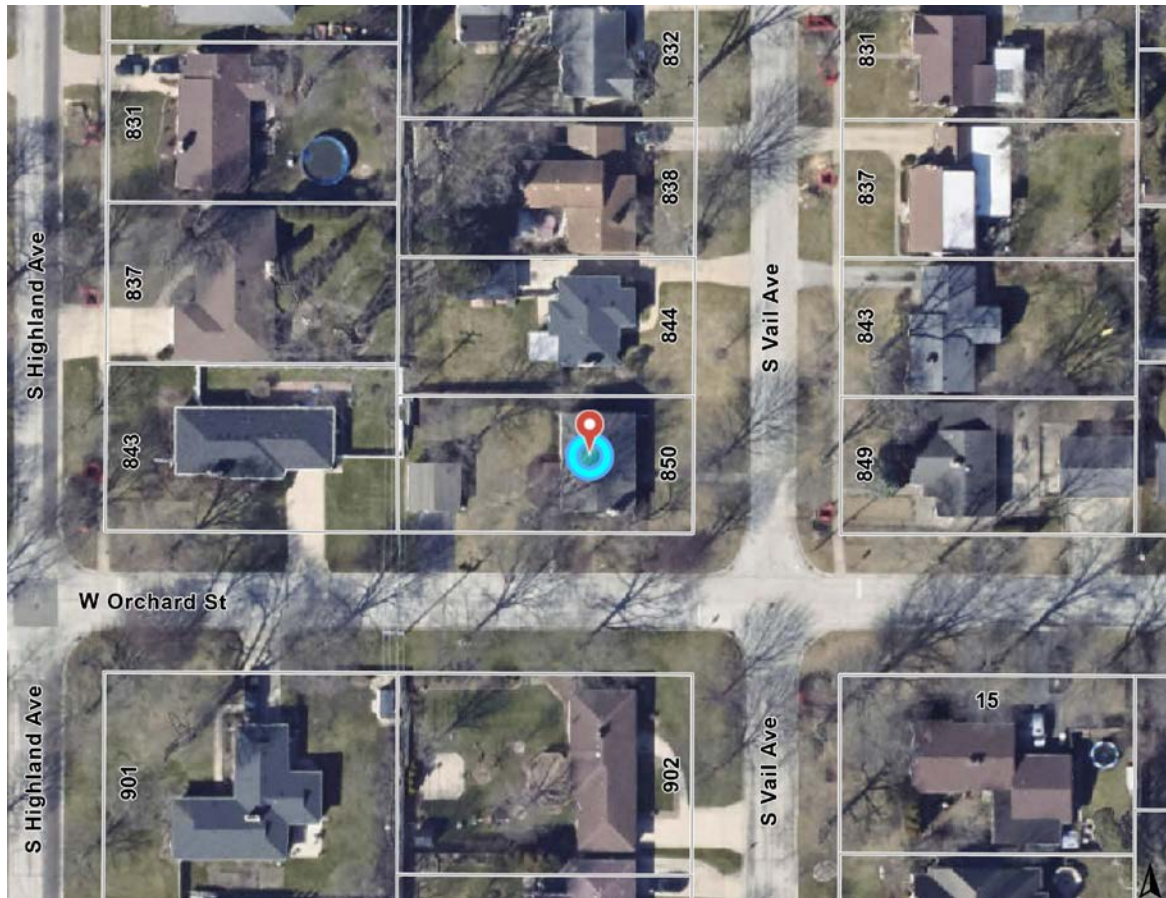
The subject property is zoned R-3, One Family Dwelling District and the property has a total land area of 8,148 square-feet. The petitioner is proposing a new 6-foot-tall privacy fence along the south property line, which is adjacent to the W. Orchard Street right-of-way. The proposed privacy fence is located along the perimeter of the lot (property line); 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 5-feet from the perimeter of the lot. Therefore, the petitioner requests the following variation:

- A variation from Chapter 28, Section 6.13-3(b)(2) & 6.13-3(c)(1) (Location of Fences, Corner Lot & Exterior Side Yards), to allow a 6-foot solid fence to be constructed along the property line (Orchard Street) with no streetside landscaping where a 5-foot setback is required.

Variation Review Standards

In its consideration of the standards of practical difficulties or particular hardships, the Zoning Board of Appeals shall require evidence that (1) the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property; and (2) the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned; and (3) the proposed variation is in harmony with the spirit and intent of this Chapter; and (4) the variance requested is the minimum variance necessary to allow reasonable use of the property. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the four conditions enumerated.

Map of General Vicinity



Items required to be Submitted 15 Days Prior to Public Hearing

<u>Item</u>	<u>Provided</u>	<u>Dated</u>	<u>Remarks</u>
1. Notification Affidavit	✓	11/1/24	
2. List of Property Owners Within 250 feet of Subject Property	✓	11/1/24	
3. Letter that was Mailed	✓	11/1/24	
4. Photographs of Sign on Property	✓	11/1/24	

Photographs of Existing Structure



Village of Arlington Heights



To: Molly Roche, Petitioner
From: Derek Mach, Zoning Board Liaison
Department: Department of Planning and Community Development
File Number: ZBA 24-039
Project: 850 S. Vail Ave.
Date: November 13, 2024

ZONING COMMENTS:

The zoning comments below for your use and consideration. If you have any questions, please contact dmach@vah.com:

Planning and Community Development

No comments

Building and Life Safety

BLS has no objection to this ZBA application.

Engineering

Engineering has NO OBJECTION to variation from Chapter 28, Section 6.13-3(b)(2) & 6.13-3(c)(1) (Location of Fences, Corner Lot & Exterior Side Yards), to allow a 6 foot solid fence to be constructed along the property line (Orchard Street) with no streetside landscaping where a 5-foot setback is required. Note: There is no sidewalk along Orchard Ave and the fence is placed well out of the vision triangle of the intersection.

PETITION

The following petition form shall be used when submitting a petition for a variation from Chapter 28 of the Arlington Heights Municipal Code. This must be submitted with a fully executed application to the Zoning Board of Appeals. Please refer to Section 12 of Chapter 28 of the Arlington Heights Municipal Code for information regarding the criteria by which the Zoning Board of Appeals will evaluate variation requests. (Attached to this application packet.)

PETITION

NOW COMES the Petitioner John Scallon and Molly Roche

being the owner of the property commonly known as: 850 S Vail Ave

and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section 6.13-3(b)(2) & 6.13-3(c)(1)

Chapter 28, of the Arlington Heights Municipal Code, in order to: allow a fence to be constructed along the property line (W. Orchard Street) with no streetside landscaping where a 5-foot setback is required.

I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the variation(s) were granted (please explain): Many of our neighbors who have corner lots have fences greater than 3-ft tall, along the edge or near the sidewalk. Our proposed fence fits in with the character of the neighborhood as it is very similar to what other residents have installed.

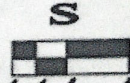
I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain): We cannot move the fence line in 5-ft from the property line because that would require removing a healthy, mature tree. We hope to install a 5-ft tall privacy fence along our property line, to keep our active dog inside our yard.

I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain): This variance preserves a healthy mature tree, it allows our dog to use the yard, and looks virtually identical to fences around the neighborhood.

I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain): The edge of our property line is well within the critical root zone of the tree. Any closer to the tree would impact critical roots, future trunk growth, and overall health. Placing the fence here is a much better result than remove the tree entirely.

Signed:   Date: 09/27/2024
Petitioner

North



1 IN. = 16 FT.
VERIFY SCALE
AGAINST THIS
GRAPHIC

BASIS OF BEARINGS IS ASSUMED

PLAT OF SURVEY

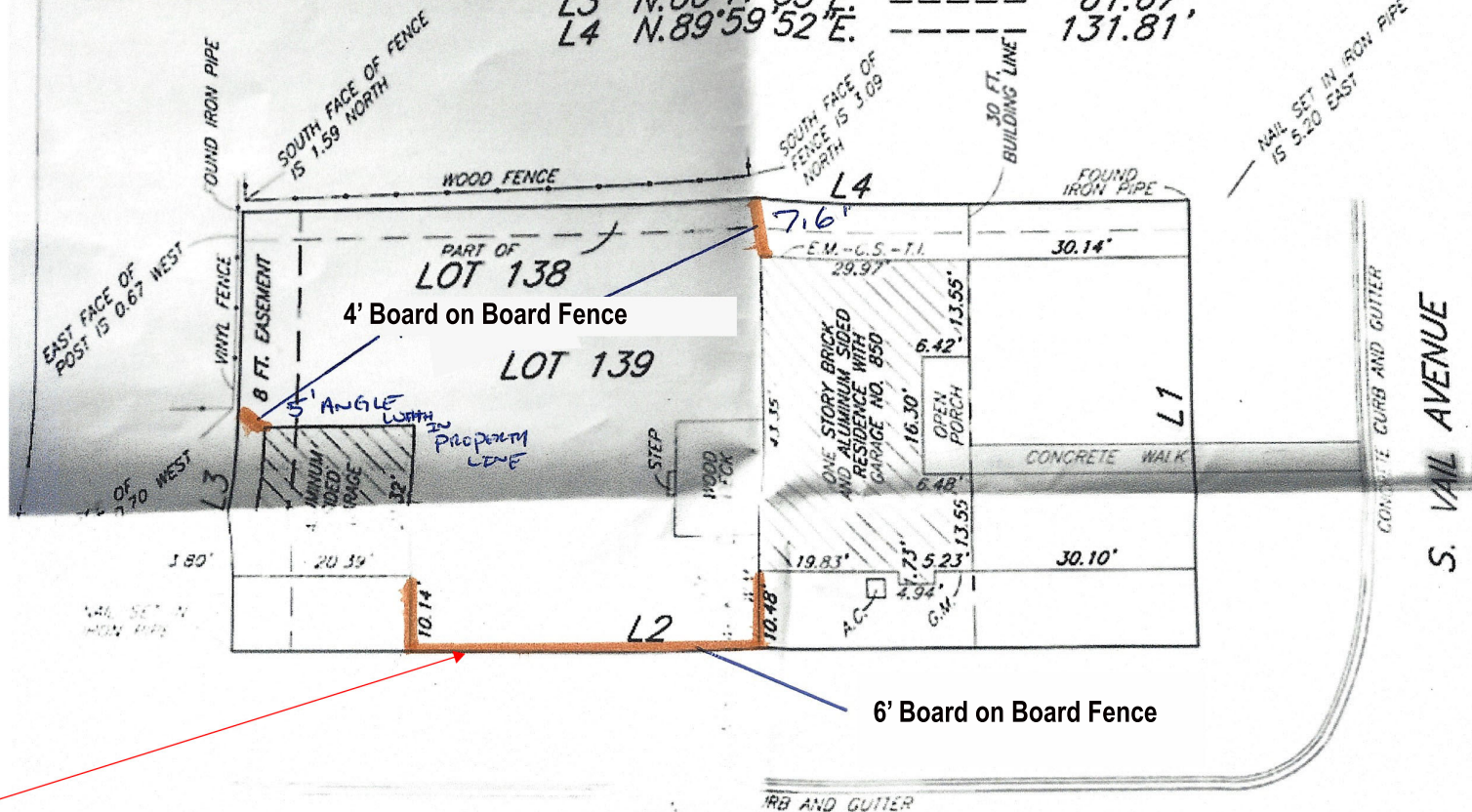
by
Michael J. Emmert Surveys, Inc.
of
850 S. VAIL AVENUE

Property located at:
Legally described as:

LOT 138 (EXCEPT THE NORTH 46 FEET THEREOF) AND LOT 139 IN H. ROY BERRY COMPANY'S LAUDMONT TERRACE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 31 AND PART OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LINE TABLE

Line	Bearing	Distance	Measure
L1	S.00°00'17"W.	61.67'	61.67'
L2	N.89°59'43"W.	132.12'	132.12'
L3	N.00°17'35"E.	-----	61.67'
L4	N.89°59'52"E.	-----	131.81'



This fencing must be set back a minimum of 5' from the property line and landscaping a minimum of 3' tall and 4' on center is required on the street side of the fence. This is a requirement due to this being a corner lot.

A.C. - AIR CONDITIONER
W.M. - WATER METER
G.M. - GAS METER
T.I. - TELEPHONE INTERFACE
C.S. - CABLE SERVICE
E.M. - ELECTRIC METER

ORCHARD STREET



PROPOSAL & CONTRACT

Residential • Commercial • Industrial
Free Estimates • Fully Insured

303 Linden Drive • Round Lake, IL 60073

Wood
Chain Link
All Types of Fencing

4386

Customer Name JOHN SCALLON

E-Mail: _____

Address 850 S VAIL AVE
ARL HTS, IL 60005

Home Phone _____ Cell Phone _____

J.U.L.I.E. (811) # _____

Date 9/4/24

NO. OF FEET <u>68' 8 1/2'</u>	HEIGHT <u>5' 4"</u>	LINE POST <u>4x4</u>
END POST <u>4x4</u>	GATE POST <u>4x4</u>	TOP RAIL _____
GATES <u>2</u>	DIRT HAUL AWAY ☐	OLD FENCE HAUL AWAY ☐
FENCE STYLE <u>RED CEDAR</u>		

HOMEOWNERS ASSOCIATION APPROVAL:

☒ N/A ☐ CUSTOMER TO OBTAIN

PERMIT:

☐ CUSTOMER TO OBTAIN
☒ WE OBTAIN, CUSTOMER TO PAY

CREDIT CARD INFORMATION: A 3% convenience fee will be applied for purchases made with a credit card.

CARD # _____

EXP. DATE: _____

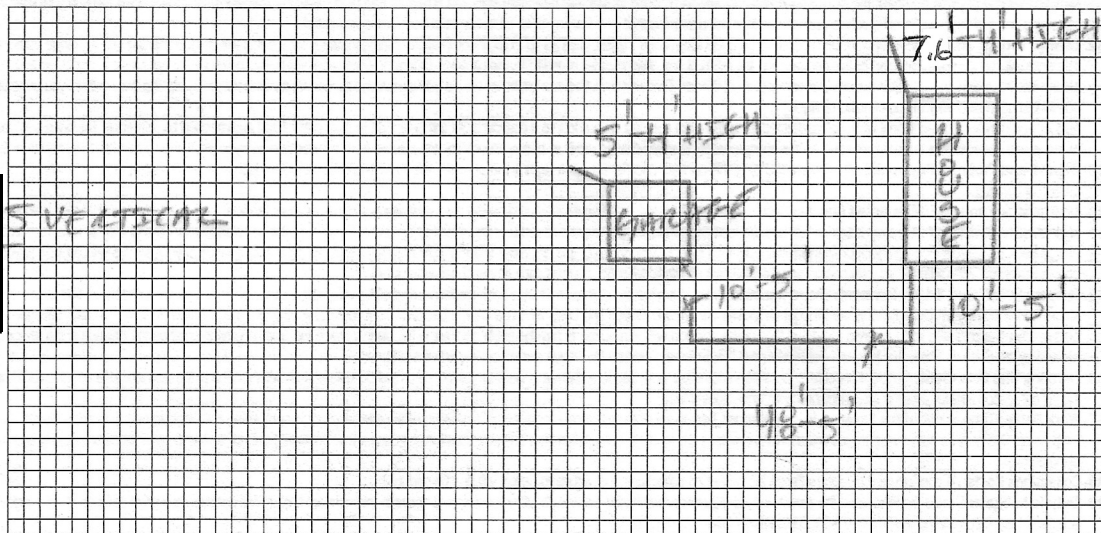
SECURITY CODE: _____

BILLING ZIP CODE: _____

POST SET 36" IN CONCRETE
2- 2x4x8 HORIZONTAL RAILS

OPTION #1 BOARD ON BOARD w/ TOP 5/8x6x5 VERTICALS

* ARCHED SOLID
GATE



All of the above work to be completed in a substantial and workmanlike manner for the sum of _____

A deposit required of _____ down upon signing contract and \$ _____ the remaining balance upon completion of installation. JOHN'S FENCE GUARANTEES ALL MATERIALS TO BE OF THE HIGHEST QUALITY BY LEADING MANUFACTURERS AND ALL WORKMANSHIP TO BE OF THE HIGHEST STANDARDS BY THOROUGHLY SKILLED MECHANICS FOR 2 YEARS(S).

Contractor is responsible for calling J.U.L.I.E. within 48 hours before installation to mark all underground utilities. An alteration or deviation for the above specifications involving extra cost of materials or labor will only be executed upon written order for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing. ALL MATERIALS REMAIN PROPERTY OF CONTRACTOR, WHO RETAINS THE RIGHT TO REMOVE ALL MATERIALS UNLESS PAID FOR IN FULL. ALL FENCES INSTALLED WITHIN 6" OF PROPERTY LINES-FENCES SET TO PROPERTY STAKES-NOT RESPONSIBLE FOR PROPERTY LINES. A charge of 25% of cash contract price will be made in case of cancellation of this by property owner or agent, of which he or she agrees to pay upon demand after refusing to allow the work to proceed as within agreed terms. John's Fence is not responsible for discoloration of wood from lack of weatherproofing by property owner or agent. This proposal is void if not accepted within 15 days.

ACCEPTANCE OF PROPOSAL

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal for which I agree to pay the amount mentioned in said proposal and in accordance with the terms thereof. I agree to pay all costs of collection including attorney fees and interest for sums which may become due under this contract.

Signature: [Signature] FOR JOHN S.

Respectfully submitted by: _____

Date: 9/4/24

WHITE - OFFICE COPY

YELLOW - CUSTOMERS COPY

PINK - OFFICE COPY