

APPROVED

ZONING BOARD

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

OF APPEALS

RE: 223 SOUTH DUNTON AVENUE - ZBA #24-034

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 18th day of November, 2024 at the hour of
7:00 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairperson
JOSEPH SELBKA
BENJAMIN JAFFE
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

APPROVED

CHAIRPERSON SIAVELIS: All right, we're going to call tonight's meeting to order. Everybody, welcome. Tonight is Monday, November 18th, 2024. This is the Village of Arlington Heights Zoning Board of Appeals meeting. Welcome.

The first item of business, roll call.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Here.

MR. MACH: Mr. Drake.

(No response.)

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Here.

MR. MACH: Mr. Lanaghan.

(No response.)

MR. MACH: Mr. O'Connor.

(No response.)

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Here.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Here.

CHAIRPERSON SIAVELIS: All right, next item of business, Pledge of Allegiance. The flag is right there.

(Pledge of Allegiance recited.)

CHAIRPERSON SIAVELIS: Okay, the next item of business, approval of the minutes from the October meeting.

Has everybody had the chance to review those minutes, draft minutes? Assuming such, do we have any edits, revisions, corrections to those minutes?

(No response.)

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

COMMISSIONER SELBKA: Motion to approve.

CHAIRPERSON SIAVELIS: Do we have a second?

COMMISSIONER PORTERA: Second.

CHAIRPERSON SIAVELIS: All right.

All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, the motion carries.

The next item of business is the hearing procedures. This is always the fun part of the meeting, folks; we tell you about all the rules and protocol for this meeting, a fair amount of which you probably saw in the papers that you submitted to the Village in connection with the petition that you filed. Of course, that assumes that you actually read all of those papers and retained it all and remember it when, you know, since you've submitted it, but nonetheless, I must go over those procedures and rules.

So, first off, if less than six members are present, which is the

situation tonight, a petitioner has the option to continue to a subsequent meeting. It takes four affirmative votes to approve a variance regardless of the number of Board members in attendance. So, do the math. You've got to go four and zero tonight with regard to each variance sought. If you're denied, there is a preclusive effect in that a petitioner cannot reapply for that same variance for an entire year, okay. So, choose wisely, okay.

There are four elements necessary to establish in order for the Board to be able to grant a variation, and they are as follows:

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

A variation shall be permitted only if the evidence in the sole judgment of the Board of Appeals sustains each of the four elements that I just read to you. And let me just make something clear, it's really important that a petitioner, when you're up at the podium and speaking as to the merits of your petition, address each and every one of these four elements, those four elements. It is not the Board's responsibility to pull out testimony from you on those four elements. It is your duty and burden as the petitioner to provide testimony on each and every one of those four elements. In the past, we have denied variances when those elements have not been established because those are required by code.

Okay, with that in mind, let's continue on with some of the other procedures. I open the agenda item and provide some very high-level introductory remarks. At that point in time, Derek provides a Staff presentation, which is essentially a brief overview of the project and variance requested. After Derek concludes, the applicant or petitioner makes a presentation, and basically you touch on each of the four elements like we talked about and present your case in favor of zoning relief by way of document and/or testimony, okay?

We have to swear you in under oath and you must state and spell your names for the record. You also have to speak clearly because that gentleman right there is the reporter, so he takes down and transcribes everything that's said. So, it's imperative that, one, we don't talk over each and interrupt each other, and two, that you speak clearly and concisely such that the record is clear.

Okay, no public commentaries, right, Derek?

MR. MACH: No formal objectors.

CHAIRPERSON SIAVELIS: Excellent.

So, we will move to new business, ZBA Petition #24-034, 223 South Dunton Avenue.

Derek?

MR. MACH: Thank you.

The Petitioner is proposing a new shed and walkway. 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, they're requesting a 221 square-foot variation from Chapter 28, Section 5.1-6.5 to allow 3,700 square feet of impervious surface coverage where 3,479 square feet is allowed. Thank you.

CHAIRPERSON SIAVELIS: Great. Thanks, Derek.

Okay, who here is speaking on behalf? Come on up, sir. You're the first contestant here. Have you signed in?

MR. WACHHOLDER: No.

CHAIRPERSON SIAVELIS: No, okay, please do so.

MR. WACHHOLDER: All right, I'm official.

CHAIRPERSON SIAVELIS: Okay, identify yourself for the record.

MR. WACHHOLDER: Eric Wachholder of 223 South Dunton.

CHAIRPERSON SIAVELIS: Okay, right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, go ahead.

MR. WACHHOLDER: Good evening, Board members, neighbors. My name is Eric Wachholder of 223 South Dunton Avenue. I am here with my wife Mara. We have been residents of Arlington Heights for 11 years. We've happily resided downtown since we bought our first home and enjoy many parts of this community. Our eye doctor and dentist are all within walking distance.

We enjoy many of the downtown restaurants, specially love the atmosphere here that the Arlington Al Fresco has created. Our daughter was just born not that long ago, two years ago, a few minutes from our home at Northwest Community Hospital. We enjoy many of the family aspects of living in the neighborhood. We spend our weekends walking and biking to many of the parks. We love the Farmer's Market in the summer, followed by a stop to the library to cool off and grab some books.

In the summer of 2020, we were extremely fortunate to find a house on the market just blocks from downtown. Brand new construction, a great place to start a family; however, the downsides of a home in this area are that it's a small lot with a pretty small backyard and was built with a detached garage to better fit in with the style of other homes on the block because a developer built the home, we had no choice in how the space was used. Although he used his best judgment about how to use the space available to him, it did create some hardships for us as the ones using the home.

We take great pride in maintaining our home and being good neighbors. What we are asking the Board to consider today is to allow us to build a shed on our property. We are careful to ensure it matches the home style and colors and does not create issues for our neighbors, some of whom are here in support today. We are simply looking for a place where we can store our snow blower, a place to put our gardening equipment, and eventually store a big girl bike for our daughter. We both commute to work, so we have two cars taking up space in the garage, plus a stroller, and a collection of many things with wheels for our daughter.

According to the zoning rules, a lot of our size may only cover 50 percent of the lot area with impervious surface, and if approved, our new shed would put us at about 53 percent. Some lots slightly smaller than ours are allowed to have 55 percent impervious coverage, so 53 percent is not an unreasonable ratio. The relevant regulation here is Chapter 28, Section 5.1-6.5, *Maximum Impervious Surface Coverage*.

The Board of Appeals requires us to provide evidence that, one, the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property. We confirm that the shed is intended to match our home, will be used for personal storage, and will not in any way alter the usage or zoning of the property.

Two, the plight of the owner is due to a unique --

CHAIRPERSON SIAVELIS: Let me interrupt for a second. You don't need to restate the elements.

MR. WACHHOLDER: Okay.

CHAIRPERSON SIAVELIS: You can just cut right to the heart of it. You're totally fine doing that.

MR. WACHHOLDER: Sure, okay.

So, two, our home was purchased from a developer who used his best judgment in how the homeowner would use the best -- I'm sorry, excuse me, our home was purchased from a developer who used his best judgment in how a homeowner would use the space.

We are also on a historical block where the home had to be built in a farmhouse style with a detached garage to match other buildings on the street. The detached garage meant a long driveway which takes up a substantial portion of our allowed impervious surface coverage. The Planning Board would likely not have permitted an attached garage and, therefore, a shorter driveway.

Finally, it has come to our attention that many years ago, the previous owner sold 25 feet of our land from what was once our lot, meaning many of the neighbors in our area with attached garages have more square feet to accommodate a long driveway.

We confirm that we are not altering our property in any way inconsistent with the principles of the Zoning Board. We are doing our absolute best to build a useful structure while maintaining the integrity of the neighborhood.

We have had several discussions with multiple individuals at the Village about our options. The first suggestion was removing existing coverage. As we showed them, short of tearing out our driveway or a portion of our garage or home, there is little to no existing coverage to remove. One suggestion was to remove a strip of concrete down the middle of our driveway, but this would disrupt the aesthetics of our home when compared to other homes in the neighborhood, and create a hardship in terms of navigating a narrow path with a vehicle, maintaining the newly created strip, and the potential cost in damage it could do to our driveway.

We have asked the folks at the permitting department about mitigating actions such as planting trees for the loss of green space, or even, as later suggested by the Engineering board, using permeable pavers in places to help with any perceived issues of drainage. However, we were told the problem was not about green space, it was not about drainage, it was about the aesthetics and the rule itself, and there's not much else we can do. Again, we would only exceed the allowable coverage by three percent. Regarding the Engineering committee's recommendation about drainage, we want to clarify that our yard has a sewer drain to assist with drainage, drain tiles present along the side of our house to aid with drainage, and we will include a French drain along with the shed to assist with the same.

I want to reiterate why we are here. We love our home and our neighborhood. We want to build some storage where we can maintain our tools and outdoor gear so we can continue to enjoy our neighborhood and continue to be good neighbors by maintaining our property. Thank you for your time and consideration.

CHAIRPERSON SIAVELIS: Thank you.

COMMISSIONER SELBKA: I've got a few questions for you. First off, did you talk to your neighbors about this?

MR. WACHHOLDER: We did.

COMMISSIONER SELBKA: And were there any objections?

MR. WACHHOLDER: There were not.

COMMISSIONER SELBKA: Did you notice that the Engineering Department, in our packet, that the Engineering Department is not in favor of this variance? Did you know that?

MR. WACHHOLDER: We did, and we only found that out on the comment that was supplied before this meeting.

COMMISSIONER SELBKA: Okay, they suggested the permeable pavers on some aspect of your property. What I did want to talk about was there's the shed that you're putting in, plus a pathway, plus the additional sidewalk, correct?

MR. WACHHOLDER: A pathway and a small apron in front of the shed, correct.

COMMISSIONER SELBKA: Okay, and that looks about 88 feet, is that about right?

MR. WACHHOLDER: It's about --

COMMISSIONER SELBKA: Let me check, I've got it here. It's 60 for the pathway, three times 20, and then --

MR. WACHHOLDER: 60 square feet? That sounds about right.

COMMISSIONER SELBKA: Yes, 60 square feet, and then it looks like 48, so it's 108 feet for the apron and the path. Would you have an objection on using permeable pavers in that apron and pathway?

MR. WACHHOLDER: I brought it up, and that's kind of like I mentioned, so we were told that that was not the issue. You know, I have a contract kind of waiting with a concrete contractor local to Arlington Heights. So, you know, I was feeling bad as he's losing out on a potential business but, you know, it was an option that I was considering in the beginning, it just wasn't brought up.

COMMISSIONER SELBKA: Right, right.

MR. WACHHOLDER: At the time.

COMMISSIONER SELBKA: They brought it up now to us.

MR. WACHHOLDER: Yes.

COMMISSIONER SELBKA: That wouldn't count the full 221. I noticed that the shed was, I believe, nine by 12, and then the concrete slab was eight by 16, which would give you some concrete around the shed. I'm wondering if that could be permeable pavers as well. I'm wondering if the entire 221 could be completed as permeable pavers while allowing for a foundation for the shed.

MR. WACHHOLDER: And this is a question from me. Now, my understanding is the shed itself with the roof, would that help with drainage being impermeable because of the way that it's dug?

COMMISSIONER SELBKA: Yes, that's the big issue. The big concern with the impervious surfaces is that there has to be enough drainage for the neighborhood so that the runoff from a given lot is tolerable for the neighbors and for the sewer system. So, that's why there has to be, there's a limit on the impervious surface, which is why I'm sort of asking, because the permeable pavers, typically there's crevices in them and then some of the water will be then absorbed into the ground beneath the permeable pavers. That's why I'm wondering, is there a way that you can do this surface so that the 221, and this would be against Village Code. You would need a variance for this, but this is something that I think we'd be willing to consider if you could do the entire 221 feet that you're asking for, the extra, in permeable pavers or not. Is that feasible, I guess is the issue.

CHAIRPERSON SIAVELIS: Where are you getting the math from that? That's kind of what I'm struggling with, because if he does the sidewalk from the garage all the way forward, so that's three times 20, right, 60?

COMMISSIONER SELBKA: 60.

CHAIRPERSON SIAVELIS: Right, five times eight is 40.

COMMISSIONER SELBKA: Oh, I thought that was a four, that's why.

CHAIRPERSON SIAVELIS: That's 40, right? That's 100 feet, okay.

COMMISSIONER SELBKA: Right.

CHAIRPERSON SIAVELIS: And even if you did have the overhang on the slab versus the shed, right, that delta, that difference is 20 feet, right? So, that's 120 feet, right, because 16 times eight is 128, nine times 12 is 108, that delta is 20. So, if you go 60 plus 40 plus 20, right, that's 120 feet. You're within striking range of the 221.

COMMISSIONER SELBKA: Right, right.

CHAIRPERSON SIAVELIS: And then the one thing that I'm curious about, because you said this, Eric, right?

MR. WACHHOLDER: Yes, Eric.

CHAIRPERSON SIAVELIS: Eric, you said this in your opening points, you said have a sewer, a drainage sewer in the backyard. Is that the blue dot catch basin?

MR. WACHHOLDER: Yes.

CHAIRPERSON SIAVELIS: Okay.

COMMISSIONER JAFFE: There's a picture of it I think in here.

MR. WACHHOLDER: Yes, I took a photo of it. It's an actual sewer, and then the drain tile runs along the side and connects to that same, that right there.

CHAIRPERSON SIAVELIS: Yes, yes, yes. Sometimes I struggle with your math.

COMMISSIONER SELBKA: Yes, I know.

CHAIRPERSON SIAVELIS: I couldn't get to it. Okay, yes.

MR. WACHHOLDER: And then that drain that you see in that photo, that's where we're going to put in a French drain, or at least that was the plan to help with the drainage into the, you know, that catch basin.

CHAIRPERSON SIAVELIS: And you only have a 50-foot wide lot, right?

MR. WACHHOLDER: Correct.

CHAIRPERSON SIAVELIS: All right, and have you had flooding in the backyard there?

MR. WACHHOLDER: Never.

CHAIRPERSON SIAVELIS: When did you guys move in there?

MR. WACHHOLDER: 2020?

MRS. WACHHOLDER: It was the weekend of 4th of July, 2020.

MR. WACHHOLDER: 2020.

CHAIRPERSON SIAVELIS: Okay, so you've had a couple of the --

MR. WACHHOLDER: Big storms, yes.

CHAIRPERSON SIAVELIS: The big storms, the monsoon rains that we got in the last, there have been two of them in the last three or four years.

MR. WACHHOLDER: Yes, sir.

CHAIRPERSON SIAVELIS: Okay, do you have any flooding in your backyard with that drain?

MR. WACHHOLDER: No. It's never backed up, ever. I've never even seen more than just the amount of water that would actually get through to the drain.

CHAIRPERSON SIAVELIS: Okay, so oftentimes when we have department feedback, like the Engineering Department, right, we're really respectful of that feedback, right. But that doesn't mean we go with it the entire time. Sometimes we'll ask the petitioner if they're willing to amend their variance consistent with the comments provided by the Village department, okay. So, what Mr. Selbka was basically asking you is --

COMMISSIONER SELBKA: Is there any way to get 221 in the form of permeable pavers?

MR. WACHHOLDER: I would imagine that's --

CHAIRPERSON SIAVELIS: Or relatively close to 221.

MR. WACHHOLDER: I would imagine the sidewalk and apron would be no problem at all.

COMMISSIONER SELBKA: Right, so that's all I'm --

MR. WACHHOLDER: The only thing I'm not a 100 percent sure of is the actual base of the shed. Yes.

CHAIRPERSON SIAVELIS: So, with what I was contemplating there, okay, if you don't have your foundation exceed the perimeter of your shed and if it matches up, right, and then you take your sidewalk plus your apron, right, that will reduce your impermeable coverage by --

COMMISSIONER SELBKA: 100 feet.

CHAIRPERSON SIAVELIS: -- 120 square feet, okay, because he's going to reduce the overage on the foundation. Okay, that's 120, right? So, then he's effectively asking for 101.

COMMISSIONER SELBKA: Right.

CHAIRPERSON SIAVELIS: All right, and that way, you don't have to tear off concrete, right, which is expensive and messy.

COMMISSIONER SELBKA: Although it hasn't been laid yet, that foundation hasn't been laid yet.

CHAIRPERSON SIAVELIS: No, what I'm talking about is for him to get closer to your goal of 221 --

COMMISSIONER SELBKA: Right.

CHAIRPERSON SIAVELIS: -- he's got to tear up concrete probably on the elbow by the garage.

MR. WACHHOLDER: The elbow would be the only spot, correct.

CHAIRPERSON SIAVELIS: Yes, because you're not going to cut up a

swath from where you're driving.

MR. WACHHOLDER: No, that's --

CHAIRPERSON SIAVELIS: That's illogical.

MR. WACHHOLDER: Yes.

CHAIRPERSON SIAVELIS: Okay, so that's basically where we're at, right.

In view of his representation that he's had no flooding, he's got neighbor support and no neighbor pushback. Okay, so I kind of look at that as a reasonable compromise.

Ben?

COMMISSIONER JAFFE: Yes, couldn't have said it better.

CHAIRPERSON SIAVELIS: Okay. All right, so do you understand what we're contemplating?

MR. WACHHOLDER: Yes. Yes.

CHAIRPERSON SIAVELIS: Okay, I think, Frank, do you have any comments?

COMMISSIONER PORTERA: No.

CHAIRPERSON SIAVELIS: Okay, I think where we have to, I think that we have to ask if there's any public comment before deliberations. We can call him back up if there's any like potential amendment, to see if you agree with it.

MR. WACHHOLDER: Okay.

CHAIRPERSON SIAVELIS: So, sit in the front row for a sec.

Is there any public commentary in regards to this petition and the variances sought here, none other, just here?

(No response.)

CHAIRPERSON SIAVELIS: Okay, hearing none, we can go to deliberations and then call the Petitioner back.

COMMISSIONER SELBKA: So, I think as long as the sidewalk and apron which gives us 100 feet of permeable pavers, I'm okay with that, but I'd also accept that the sidewalk elbow be turned into permeable pavers, but I think honestly if we get 100 feet of permeable pavers, I'm good with that. That would give them 121 over.

CHAIRPERSON SIAVELIS: They would be 121 over.

COMMISSIONER SELBKA: Right. They'd be 221 over technically, but 100 would be in permeable pavers.

CHAIRPERSON SIAVELIS: Yes, so de facto. So, what is your position on the larger foundation of the shed, the perimeter of the shed? Is it 108? No, it's 128 versus, right, 16 by eight, actually the perimeter is less than that, right, that's the square footage.

COMMISSIONER SELBKA: Right.

CHAIRPERSON SIAVELIS: The square footage of the foundation for the shed is 128, 16 by eight, and the shed is nine by 12, so that's 108.

COMMISSIONER SELBKA: Right.

CHAIRPERSON SIAVELIS: Are you copacetic with the foundation for the shed being 16 by eight or do you want that tailored down to nine by 12?

COMMISSIONER SELBKA: I think we could probably go eight by 16; that's fine.

CHAIRPERSON SIAVELIS: Okay, and your compromise is not dependent upon that elbow, Derek, it's kind of hard to see the numbers on the elbow on the corner.

MR. MACH: You mean this area?

CHAIRPERSON SIAVELIS: That elbow on the corner of the shed, no, towards the front of the garage. Sorry, towards the front of the garage.

MR. MACH: This here?

CHAIRPERSON SIAVELIS: Yes, that elbow. What's the --

MR. MACH: I don't know the dimensions, but it's three feet per this section, and I would just be estimating the --

CHAIRPERSON SIAVELIS: Okay, I wonder if that will add a complication here, right, as far as removing or changing that elbow area at the front of the garage to permeable. So, we'll call the Petitioner back up, we can present the compromise, see if he's on board and then let him comment on that elbow area there at the front of the garage, okay?

Unless Frank or Ben have any other comments.

COMMISSIONER JAFFE: I don't think we need to go as far as the elbow, it's just the walk and the --

COMMISSIONER SELBKA: Yes, I think the walkway and the apron is --

COMMISSIONER JAFFE: Yes. It's the gesture that we're trying to --

COMMISSIONER SELBKA: Get closer.

COMMISSIONER JAFFE: Yes, that's, I'm good with it. I don't need to go to the elbow.

CHAIRPERSON SIAVELIS: And you're good with the foundation of the shed being 16 by eight or eight by 16, Ben?

COMMISSIONER JAFFE: Yes.

CHAIRPERSON SIAVELIS: Okay, Frank?

COMMISSIONER PORTERA: Yes, I don't think we need to touch the, rip up any concrete that's existing.

CHAIRPERSON SIAVELIS: Okay, Eric, do you understand the modification that's contemplated by the Board here?

MR. WACHHOLDER: Yes.

CHAIRPERSON SIAVELIS: And are you good with it?

MR. WACHHOLDER: Yes.

CHAIRPERSON SIAVELIS: You're agreeable to it?

MR. WACHHOLDER: Yes.

CHAIRPERSON SIAVELIS: All right.

Okay, then, Derek, we don't have to allot for public commentary, right? I mean, do we need to ask for public commentary on the modification?

MR. MACH: No.

CHAIRPERSON SIAVELIS: Because there's nobody --

MR. MACH: But to clarify for the record, the Zoning Board is discussing 100 square feet of pervious surface coverage, but --

CHAIRPERSON SIAVELIS: Yes.

MR. MACH: -- the pavers, the walkway would basically be pervious pavers.

COMMISSIONER SELBKA: The walkway and apron, yes. So, the three by 20 sidewalk and the five by eight apron.

MR. MACH: For 100 square feet.

CHAIRPERSON SIAVELIS: Yes, permeable pavers, right, which then, assuming we're maintaining the eight by 16 foundation, the de facto variance is 121 feet of

concrete coverage, okay? Understood?

MR. WACHHOLDER: Understood.

COMMISSIONER SELBKA: But we would need to say that the variance is 121 feet of concrete covering it and 100 feet of permeable pavers.

CHAIRPERSON SIAVELIS: That's why you're going to motion it up.

COMMISSIONER SELBKA: All right.

I motion to approve the variance as modified to allow for 121 additional square feet of concrete coverage and 100 square feet of permeable paver coverage, specifically the five by eight apron and the three by 20 sidewalk must be permeable pavers. Motion made.

CHAIRPERSON SIAVELIS: Do we have a second?

COMMISSIONER JAFFE: Second.

CHAIRPERSON SIAVELIS: Derek, Ben seconded.

MR. MACH: Thank you.

Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations.

MR. WACHHOLDER: Thank you.

CHAIRPERSON SIAVELIS: Petition as modified has been granted.
(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:25 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 32 NORTH BELMONT AVENUE - ZBA #24-036

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 18th day of November, 2024 at the hour of
7:25 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairperson
JOSEPH SELBKA
BENJAMIN JAFFE
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, next item of business is ZBA Petition #24-036, 32 North Belmont Avenue.

Derek?

MR. MACH: Thank you.

The Petitioner is proposing to demolish the existing two-story residence and detached garage to allow new construction for a two-story home. 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 square feet and the minimum lot width is 70 feet.

Therefore, they're requesting a variation from Chapter 28, Section 5.1-4.1 to allow a lot with an area of 8,712 square feet to be buildable where 8,750 square feet is required. In addition, they're requesting a variation from Chapter 28, Section 5.1-4.2 to allow a lot with a width of 66 feet to be buildable where 70 feet is required. Thank you.

CHAIRPERSON SIAVELIS: Awesome. Thanks, Derek.

Okay, have you signed in? Please do.

MR. DELANEY: I just did, yes.

CHAIRPERSON SIAVELIS: Okay, awesome. Can you identify yourself?

MR. DELANEY: My name is Tom Delaney. I'm the owner of 32 North Belmont, seeking a variation to deem the lot buildable for new construction.

CHAIRPERSON SIAVELIS: Hold on, let me swear you in.

MR. DELANEY: Okay, sorry.

CHAIRPERSON SIAVELIS: Right hand is up.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, please proceed.

MR. DELANEY: The home was not well maintained and vacant for a long time, beyond the point of repair. So, the need for the variance is to construct a new home on a lot that's not technically buildable according to the zoning. So, we are trying to build a house that conforms with the neighborhood that's in line with the character of the other homes. It is due to the fact that the current house cannot be renovated and has to be demolished and we have to build anew.

The proposed home is in line with the intent of Chapter 28 and it is the minimum variance that we are requesting in order to deem the lot buildable so we can proceed with construction.

COMMISSIONER JAFFE: So, I saw in the meeting notes this already went before the Design Commission?

MR. DELANEY: Correct.

COMMISSIONER JAFFE: Was there any pushback or a concern raised by that Board?

MR. DELANEY: There were a few concerns that we came to an agreement on, which was the attached garage is relatively new for the neighborhood because most of them are detached, but we got that approved. Then it was to put a screen fence up around the mechanicals.

COMMISSIONER JAFFE: When did you take possession of the property?

MR. DELANEY: This was in March of this year.

COMMISSIONER JAFFE: How many people are going to live in this home?

MR. DELANEY: We're hoping that's going to be a young family that's growing. So, I bought it to renovate it. It can't be renovated so I'm going to build and sell it.

COMMISSIONER JAFFE: Okay, and have you discussed your plans with any of the neighbors?

MR. DELANEY: Yes.

COMMISSIONER JAFFE: What were their comments?

MR. DELANEY: They were welcoming. The existing home has basically been an eyesore for the neighborhood.

COMMISSIONER JAFFE: Any other questions from the Board?

(No response.)

COMMISSIONER JAFFE: All right, I'm good.

CHAIRPERSON SIAVELIS: How old is that house now that currently stands?

MR. DELANEY: I believe it was built in the 50's.

COMMISSIONER SELBKA: Could be the 20's actually.

CHAIRPERSON SIAVELIS: Do you have any questions, Joe?

COMMISSIONER SELBKA: No.

CHAIRPERSON SIAVELIS: This is pretty straight-forward. You can take a seat and we'll see if there's any comments from the folks that are in attendance here. On this particular petition, if anybody wishes to speak on the two variances sought, now would be the time.

MR. HOLFELD: So --

CHAIRPERSON SIAVELIS: Whoa, you've got to come up.

MR. HOLFELD: All right.

CHAIRPERSON SIAVELIS: No comments from the cheap seats, you've got to do the whole thing. Actually, he just has to sign in, right? I don't have to swear him in though because he's not the Petitioner, okay.

So, can you identify yourself, please?

MR. HOLFELD: Tyler Holfeld.

CHAIRPERSON SIAVELIS: Tyler, okay, great. Go ahead, Tyler.

MR. HOLFELD: I live right next to the property around the south side. I'm just, I want to understand the, the reason for this meeting is I think he wants to build closer to the lot line, correct?

COMMISSIONER JAFFE: The reason for this variance is the owner is trying to construct a home on an existing lot which doesn't conform to --

MR. HOLFELD: Right, so he wants to build closer to the lot lines just because the lot that he bought is smaller than the house that he wants to build?

CHAIRPERSON SIAVELIS: So, that's not exactly correct, right?

So, Derek, if you go to the first page of the materials? You'll see the first two bullet points there.

MR. HOLFELD: Yes.

CHAIRPERSON SIAVELIS: Okay, and if necessary, we can go look at the survey versus the proposal.

MR. HOLFELD: Okay.

CHAIRPERSON SIAVELIS: Okay, because I think that will help you to kind

of help us get to the whole point of your questions.

COMMISSIONER JAFFE: Code -- I'm sorry, I thought you were finished.

CHAIRPERSON SIAVELIS: Go ahead. No, no, I did.

COMMISSIONER JAFFE: Code actually would want him to build a larger property.

MR. HOLFELD: Okay.

COMMISSIONER JAFFE: So, because of the design which he has proposed and was given approval from Design Commission, the owner is trying to get the house built that is not large enough based on the size of the lot.

MR. HOLFELD: Oh, okay.

COMMISSIONER JAFFE: So, for his first variance, 8,750 square feet is required, he's proposing 8,712. So, he's actually 38 square feet less or below what code dictates.

MR. HOLFELD: Understood.

COMMISSIONER JAFFE: Same thing on the second variance. Code requires that it be 70 feet wide. He's proposing to build a property that's only 66 feet, he's actually four feet smaller or lower than what code would give him.

MR. HOLFELD: Okay. All right, that answers my question. Thank you.

I wanted to also ask about like trees and foliage on the property. I wanted to --

CHAIRPERSON SIAVELIS: So, let me just stop you right there.

MR. HOLFELD: Yes?

CHAIRPERSON SIAVELIS: That issue is not in front of us.

MR. HOLFELD: Okay.

CHAIRPERSON SIAVELIS: Okay, so like we are, I don't want to say constrained, but directed in a certain way, and foliage and trees and that stuff is not subject to or implicated by this petition.

MR. HOLFELD: Okay.

CHAIRPERSON SIAVELIS: So, we cannot stray beyond that.

MR. HOLFELD: Got it.

CHAIRPERSON SIAVELIS: Okay, so --

MR. HOLFELD: Has that already been done and said with?

CHAIRPERSON SIAVELIS: Derek?

MR. MACH: For a single-family, there's no requirement regarding tree preservation; however, it's strongly encouraged but, you know, I'm not aware of the Petitioner proposing any trees. You know, I know the --

MR. HOLFELD: Do you plan on cutting down that tree in the front?

MR. DELANEY: In front?

MR. HOLFELD: Yes, the maple.

MR. DELANEY: No.

MR. HOLFELD: No, okay. So, everything is all right.

CHAIRPERSON SIAVELIS: Okay, anything else?

MR. HOLFELD: No, that will be all.

CHAIRPERSON SIAVELIS: All right, thank you.

MR. HOLFELD: Thank you.

CHAIRPERSON SIAVELIS: Any other comments from attendees?

(No response.)

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

COMMISSIONER JAFFE: Does he wish to respond to anything?

CHAIRPERSON SIAVELIS: I guess he could. Is there anything in the points that the gentleman before has made from the audience or he was standing on where you're at?

MR. DELANEY: Only if you feel it's going to sway a decision --

COMMISSIONER SELBKA: I didn't see anything there.

CHAIRPERSON SIAVELIS: Okay, so that is a really good way of answering that question, but we cannot provide you guidance in that regard. This is your petition.

MR. DELANEY: I'm settled then.

CHAIRPERSON SIAVELIS: Okay.

All right, Ben?

COMMISSIONER JAFFE: Given the circumstances, I think it's a reasonable ask. The gap with code based on what he's proposing in my opinion is very narrow. He's taken the proper steps to go to Design Commission, he's spoken with the neighbors, so I have no concerns.

CHAIRPERSON SIAVELIS: Great, anybody else? Joe?

COMMISSIONER SELBKA: I'm in favor of it.

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

COMMISSIONER JAFFE: **I would motion to approve both variances as presented.**

COMMISSIONER PORTERA: Second.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, both variances granted.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:34 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 2421 EAST WALDEN LANE - ZBA #24-038

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 18th day of November, 2024 at the hour of
7:34 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairperson
JOSEPH SELBKA
BENJAMIN JAFFE
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Okay, next item of business is ZBA Petition -- and by the way, folks, you don't have to stay. You're not going to hurt our feelings if you roll out to leave. Not one bit.

All right, anyway, ZBA Petition #24-038, 2421 East Walden Lane.

Derek, you're up.

MR. MACH: Thank you.

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 feet is required. Per Chapter 28, 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.

Therefore, the Petitioner is requesting a two-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. In addition, they're requesting a 16.3-foot variation from Chapter 28, Section 5.1-3.3(d) to allow a garage addition with a rear yard setback of 13.7 feet instead of the required 30 feet, and an additional two feet for the eave. Thank you.

CHAIRPERSON SIAVELIS: Thanks, Derek.

Okay, who here is speaking on behalf? Have you signed in, sir?

MR. BUDZIK: Yes.

CHAIRPERSON SIAVELIS: Okay, identify yourself for the record.

MR. BUDZIK: My name is Thomas Budzik; I'm the architect on the project.

CHAIRPERSON SIAVELIS: Right hand, Tom.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, please proceed.

MR. BUDZIK: Okay, good evening. Basically, we're here to request a variance for reduction of a rear yard setback and the driveway width.

Regarding the driveway width, this is a function of adding a garage, a third car garage stall to the home. Given that we have an existing driveway and a two-car wide driveway right now, the third stall basically predicates that it's got to be 34 feet or we wouldn't be able to fit a third car garage stall and have it comply with that. That's the minimum necessary that we need to allow for that portion of the variance.

For the other variance with regards to the reduction in the rear yard setback, the unique characteristics here are that this is a slightly oddly shaped lot on a corner lot. It's almost equal dimensions on both sides, and in fact, if you look at the interior lot dimensions, the smaller interior lot dimension is the one that's parallel to Walden Lane.

So, if not but for a couple of feet, we could have said that Walden Lane was actually the front yard in this case, and if Walden Lane was considered to be the front yard, then we would be complying with all of the requirements. We would be compliant with what would be the interior side yard setback, the existing home would already be compliant with the rear yard setback. So, that's the unique characteristic here is just --

CHAIRPERSON SIAVELIS: Let me interrupt you for one second. Ingress and egress from the driveway is onto Walden Lane, is it not?

MR. BUDZIK: Correct, as well as the front door. So, yes.

So, with regards to the harmony of the property, definitely the home

fronts Walden Lane. The homes opposite also front Walden Lane. It's consistent with the neighborhood. The addition itself is the minimum necessary for that third car garage stall. There are some accessory elements behind the garage stall as well that are really meant to help enhance the use of the pool that's in the backyard. So, there's a bathroom back there and some other elements that will allow them to sort of enhance their enjoyment of the pool and the property.

With that, I'm happy to answer any questions.

COMMISSIONER PORTERA: How many residents in the house? Five people, and how many drivers? Sir, do you want to come up and sign in just real quick?

MR. SANCHEZ: Yes, sure.

COMMISSIONER PORTERA: Thank you. You're the homeowner, sir?

MR. SANCHEZ: Yes, I am. Do I need to sign in?

CHAIRPERSON SIAVELIS: Please.

MR. SANCHEZ: Yes, all right.

CHAIRPERSON SIAVELIS: Derek, as the homeowner, do we swear him in now because he's subject to the petition and he's a Petitioner, right, technically?

MR. MACH: Yes.

CHAIRPERSON SIAVELIS: I'll swear him in. Why not? It can't hurt.

Identify yourself for the record.

MR. SANCHEZ: Braulio Sanchez, the owner of 2421 East Walden Lane.

CHAIRPERSON SIAVELIS: Right hand.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, please proceed.

COMMISSIONER PORTERA: All right, you let me know there's five residents in the home?

MR. SANCHEZ: Well, six.

COMMISSIONER PORTERA: Six?

MR. SANCHEZ: Four kids, husband and wife.

COMMISSIONER PORTERA: Got it, and how many drivers there now?

MR. SANCHEZ: Four.

COMMISSIONER PORTERA: Okay, and no one can park in the garage or the driveway really?

MR. SANCHEZ: It's musical chairs of moving cars in and out.

COMMISSIONER PORTERA: Yes, okay.

MR. SANCHEZ: Yes.

COMMISSIONER PORTERA: And the neighbor right next to you, 2381, have you spoken to them at all?

MR. SANCHEZ: Yes.

COMMISSIONER PORTERA: And the feedback there?

MR. SANCHEZ: Okay with it, yes.

COMMISSIONER PORTERA: No complaints?

MR. SANCHEZ: No complaints, no.

COMMISSIONER PORTERA: Okay.

CHAIRPERSON SIAVELIS: You invite them over to the pool often, don't you?

COMMISSIONER PORTERA: Yes, right.

MR. SANCHEZ: They don't have grandkids and we have little kids also, so they're pretty friendly with us.

COMMISSIONER PORTERA: Okay, I don't have any more questions to ask.

CHAIRPERSON SIAVELIS: No feedback at all from any adjoining neighbors, Derek, either pro or con?

MR. MACH: Received a telephone inquiry. Did not indicate pro or con.

CHAIRPERSON SIAVELIS: Do we know whether it's from 2381?

MR. MACH: I do not.

CHAIRPERSON SIAVELIS: And I know that the aerial view of that house, that driveway and garage is pretty far from the property line as well, the other property line.

So, okay, take a seat, gentlemen.

Well, actually, Frank, do you have any other questions? I'm sorry.

COMMISSIONER PORTERA: No, I'm okay.

MR. BUDZIK: Thank you.

MR. SANCHEZ: Thank you, sir.

CHAIRPERSON SIAVELIS: All right, anybody from the audience? Come on up, sir.

MR. O'MALLEY: Do you need me to sign in?

CHAIRPERSON SIAVELIS: Yes.

MR. O'MALLEY: Hi, my name is Michael O'Malley; I live three houses down from them.

CHAIRPERSON SIAVELIS: Can you tell us your address since you've --

MR. O'MALLEY: 2321 East Walden Lane. So, I don't know how you guys figured out this is a Woodland Lane address. He has a Walden Lane address, right?

MR. SANCHEZ: Yes, Walden.

MR. O'MALLEY: And when you guys, I've been there since --

CHAIRPERSON SIAVELIS: Who is you guys?

MR. O'MALLEY: The Village of Arlington Heights, not you in particular, but the Village of Arlington Heights, when they did this, planned urban development, because I've been there all 38 years that it was built, okay? We have the shortest driveways you've ever seen. So, and this addition to the garage, it's still going to be off the lot line without a problem, without a variance, correct? So, this --

CHAIRPERSON SIAVELIS: Which lot line?

MR. O'MALLEY: This here.

CHAIRPERSON SIAVELIS: The Walden lot line or the common line with his neighbor?

MR. O'MALLEY: This lot line. There is no variance, if this house was on Walden Lane, there would be no variance needed for that, correct?

CHAIRPERSON SIAVELIS: Correct.

MR. O'MALLEY: Then as a neighbor, I have no issues. The people across the street, the Heinemans, they have no issues.

CHAIRPERSON SIAVELIS: Okay, you can't be speaking for other people like that.

MR. O'MALLEY: Okay.

CHAIRPERSON SIAVELIS: So, it's your perspective and your view, that's fine.

MR. O'MALLEY: Right.

CHAIRPERSON SIAVELIS: And that's why I asked the particular question about the adjoining neighbor, whether they were pro or con, right?

MR. O'MALLEY: Yes. Right.

CHAIRPERSON SIAVELIS: Because I understand exactly what you're saying about like, one, the configuration of the street, and the address is funky.

MR. O'MALLEY: Right, it's really funky.

CHAIRPERSON SIAVELIS: Right, that's what Derek was indicating in his opening remarks about, and the Petitioner's architect Tom was commenting on about, you know, where the front door is at --

MR. O'MALLEY: Yes, the front door is on Walden.

CHAIRPERSON SIAVELIS: What's the configuration, so, and that's why I asked the specific question about the adjoining neighbor.

MR. O'MALLEY: Right, and they've been great neighbors since they've been there. They've never had any --

CHAIRPERSON SIAVELIS: Okay, so you're in support?

MR. O'MALLEY: Pardon? I am in support, yes, a 100 percent.

CHAIRPERSON SIAVELIS: All right, thank you very much. You can add to that or you can rest.

MR. BUDZIK: We're good.

CHAIRPERSON SIAVELIS: Deliberations.

COMMISSIONER PORTERA: I think it's a reasonable ask. We have a great petition from the architect and the homeowner here, we have neighbor support, no neighbor opposition that we know of. We have a big family here trying to stay in the area and add on to their home. So, I'm in favor of these two petitions as presented.

CHAIRPERSON SIAVELIS: Joe? Ben?

COMMISSIONER SELBKA: I agree.

MR. BUDZIK: Yes.

CHAIRPERSON SIAVELIS: Okay, do we have a motion?

COMMISSIONER PORTERA: **I move to approve the two variances as presented.**

COMMISSIONER SELBKA: Second.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, both variances granted.

MR. BUDZIK: Thank you.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:45 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 850 SOUTH VAIL AVENUE - ZBA #24-039

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 18th day of November, 2024 at the hour of
7:45 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Chairperson
JOSEPH SELBKA
BENJAMIN JAFFE
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner

CHAIRPERSON SIAVELIS: Next item of business, ZBA #24-039, 850 South Vail Avenue.

Derek, take it away.

MR. MACH: Thank you.

The Petitioner is proposing a new six-foot tall privacy fence along the south property line which is adjacent to the Orchard Street right-of-way. The proposed privacy fence is located along the perimeter of the lot; however, per code, fencing within the corner side yard of a corner lot that is taller than three feet is required to be at least five feet from the perimeter of the lot.

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

CHAIRPERSON SIAVELIS: Awesome.

Hold on a second, I apologize. You're signed in?

MR. SCALLON: Yes, sir.

CHAIRPERSON SIAVELIS: Please identify yourself on the record, full name.

MR. SCALLON: Yes. My name is John Scallon; I'm the owner of 850 South Vail.

CHAIRPERSON SIAVELIS: Right hand, John.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, please proceed.

MR. SCALLON: Yes. So, regarding essential character, so we've seen quite a lot of other properties with above three feet near the property line around the neighborhood. We've provided a handful of the examples in our e-mail, so we feel like it's not too unusual through some, you know, people are doing it.

Regarding the uniqueness is we have, so if you move five feet in, we have this beautiful, big maple, it's a mature maple. It's very, very tall, and we want to preserve it. So, if we go any further in, then that's more like eight feet and runs up against our deck, and then we lose quite a lot of our yard as well. So, we want to use the yard and we don't want that awkwardness with the deck. So, we'd like it on the property line, on the other side of that tree. So, that's the unique aspect is the tree.

In harmony, so that's one where, I'll bring up the tree again, just to have, you know, a beautiful tree. Again, there's lots of, there's other homes with similar heights along the property line.

Then the minimum variance is we don't want to go in any more because of the root line. So, you can see the tree right there. So, essentially, right where you see the ring of the tree, it's just --

CHAIRPERSON SIAVELIS: Yes, the mulch ring?

MR. SCALLON: Yes. So, like where we're requesting is right on the, really the edge of that root line, and so we don't want to go any more closer to that to preserve the tree. That's really all I got. Is there any questions?

CHAIRPERSON SIAVELIS: Derek, can you show sort where the annotations are? Yes, I thought maybe there was something wrong with my image, with the download of it, but we have the same image issue. So, the garage is back there on

the left corner, right?

MR. SCALLON: Correct.

CHAIRPERSON SIAVELIS: It looks almost folded like you scanned it or it was scanned and it was folded and kind of funky.

MR. SCALLON: It does look that way.

CHAIRPERSON SIAVELIS: Folded and then scanned and then the resolution is a little bit funky.

MR. SCALLON: Yes, but you're correct, that is the garage right there.

CHAIRPERSON SIAVELIS: And you're contemplating a six-foot fence right there, not a five-foot? So, why do you, Orchard is not that heavily traveled of a street right there, so I'm pretty familiar with that part of the Village, the overall area. Tell me why, thanks, Derek, appreciate it, why do you need six feet there instead of a five-foot?

MR. SCALLON: Yes. So, two reasons, the biggest one being privacy. You know, being along Orchard, we don't have that much privacy in the corner there, and having the six feet would really be nice. You know, we want to spend a lot of time in the backyard and kind of have our own little nook. So, that was originally why we were hesitant about getting a corner lot, but we were like, you know, having a six-foot fence would really provide the privacy that we really like.

Then second is we do have a dog that, you know, is pretty active, and that six-foot is a guarantee that, you know, she's not going to be jumping over.

CHAIRPERSON SIAVELIS: What kind of pooch do you have?

MR. SCALLON: What is she?

MS. ROCHE: She's an Australian cattle dog mix, probably border collie as well, so she's a jumper.

MR. SCALLON: She's very agile. Just one-year-old.

CHAIRPERSON SIAVELIS: Okay, so, and you want to be along the property line. In view of the picture that Derek has right up there on the screen, where is the property line with respect to the driveway and the garage?

MR. SCALLON: The garage? I think three or four feet.

MS. ROCHE: Can I point to it?

CHAIRPERSON SIAVELIS: You may.

MS. ROCHE: It follows the edge of the mulch, the mulch right, straight across. So, it's --

CHAIRPERSON SIAVELIS: And I apologize, because that was hard to pick up on that annotated --

MR. SCALLON: Image?

CHAIRPERSON SIAVELIS: Image, yes, of the survey.

MR. SCALLON: Sorry about that.

CHAIRPERSON SIAVELIS: Yes, it's really hard to pick up right there.

COMMISSIONER JAFFE: If granted, you would make sure you would maintain along the street side of the fence?

MR. SCALLON: Absolutely, yes.

CHAIRPERSON SIAVELIS: So, Derek, whose annotation in the plan view? Did you provide that plan view? Whose comments are they, right there?

MR. MACH: The Petitioner's.

CHAIRPERSON SIAVELIS: Those are you guys, okay. Have you spoken

with your neighbors in regards to the variance?

MR. SCALLON: We have. It's a fun fact that the neighbors directly to the left are Molly, my fiancée, she also owns the home, it's her parents'.

CHAIRPERSON SIAVELIS: Due west you're saying? To the left meaning due west?

MR. SCALLON: Yes, due west, correct.

CHAIRPERSON SIAVELIS: Okay.

MR. SCALLON: Yes, so that's her parents' and they're on board with it. Then we, yes, we actually spoke to all the neighbors around and they're all good with it.

CHAIRPERSON SIAVELIS: No negative feedback, no concerns?

MR. SCALLON: Correct, yes, yes. Now, we haven't spoken to the people across the street, but all the ones that like --

MS. ROCHE: Yes, we have.

MR. SCALLON: Have we? Okay, yes, and everyone is supportive.

CHAIRPERSON SIAVELIS: Okay, and when I asked the question about alignment of the fence, you pointed to the mulch ring basically.

MR. SCALLON: Yes.

CHAIRPERSON SIAVELIS: It looked like, in some of the pictures, you have another tree. You have two trees on Orchard, but --

MR. SCALLON: Correct.

CHAIRPERSON SIAVELIS: -- in one of these other pictures, that tree looks like it's toast, it's gone, right?

MR. SCALLON: So --

CHAIRPERSON SIAVELIS: Right there, right where Derek is indicating.

MS. ROCHE: That's, can I --

MR. SCALLON: Yes.

CHAIRPERSON SIAVELIS: Yes. You know what, we're going to have to, since you're a Petitioner, you would need to sign in and we'll swear you in just for the record.

MS. ROCHE: Okay, I'm Molly Roche, owner of 850 South Vail.

CHAIRPERSON SIAVELIS: Did you get that? Say it one more time?

MS. ROCHE: Molly Roche.

CHAIRPERSON SIAVELIS: Okay, awesome, thank you.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, go ahead.

MS. ROCHE: Okay, so I believe, I don't know if there was an existing Village tree where that, right there, I'm not sure if there was a tree there.

CHAIRPERSON SIAVELIS: We'll call that the mulch pile closest to the driveway.

MS. ROCHE: Okay, that was not there when we moved in, I don't believe.

MR. SCALLON: It's grass now.

MS. ROCHE: Yes, that's all turf. There are two Village trees, yes, right there, and then further east in the, if you want to call it, it is the right-of-way, yes, there you go. It's a Linden and a Pear tree.

MR. SCALLON: Doesn't have --

MS. ROCHE: No.

CHAIRPERSON SIAVELIS: Okay, so that tree on the left in the background closest to Orchard is still present, right?

MS. ROCHE: Yes.

CHAIRPERSON SIAVELIS: Okay, so when we go to this other view that Derek has right below it, that tree is still present?

MS. ROCHE: Yes.

CHAIRPERSON SIAVELIS: Right where Derek is pointing.

MS. ROCHE: Yes.

CHAIRPERSON SIAVELIS: And that mulch pile is now grass?

MS. ROCHE: Yes, that's, yes.

CHAIRPERSON SIAVELIS: Okay.

MS. ROCHE: Correct. Yes, and the fence would come off of the southwest corner of the house, jog off the house on the east side of our walkway, and then we would have a gate across the walkway, and then it would travel west all the way to our driveway, and there would be another gate entrance to our yard.

CHAIRPERSON SIAVELIS: Did you guys, okay, so, and that's consistent with what's shown on the annotated survey, right?

MS. ROCHE: Yes.

CHAIRPERSON SIAVELIS: Did you think about just taking from the southwest corner of the house to the southeast corner of the lot such that you weren't this close to the curb, the street?

MS. ROCHE: So, on the north side of the tree?

CHAIRPERSON SIAVELIS: Yes, you can call it the north side of the tree. Basically, if you go to your survey, so do you see how you have, it almost looks like kind of a football almost, right?

MS. ROCHE: Yes.

CHAIRPERSON SIAVELIS: And I don't know, the Bears yesterday, you have 10.14 on the west and you can look for like the vertical or north-south.

MS. ROCHE: Right, yes.

CHAIRPERSON SIAVELIS: And then you go horizontal or east to west.

MS. ROCHE: Yes, yes. The reason for that is to retain the existing tree. If we were to go on the north side of the tree, we'd be a foot off of our deck and it'd just be really awkward. Yes.

CHAIRPERSON SIAVELIS: Okay, so that's the point I'm going to get to real quick. So, if you took the proposed fence on the southwest corner and extended it to the southeast corner of the garage on a straight line as best as you could, would that be viable given your existing trees?

MS. ROCHE: No.

CHAIRPERSON SIAVELIS: Because?

MS. ROCHE: It would go essentially right through the middle of the trunk of the tree and, yes, and moving it north to not impact the tree would be essentially a foot off the deck. So, we're already placing the fence right here, it's already uncomfortable for me.

MR. SCALLON: For the tree.

MS. ROCHE: For the tree, because it's within the critical root zone, but it's the best location that we can figure out.

CHAIRPERSON SIAVELIS: At this point?

MS. ROCHE: Yes, at this point, yes. Putting the fence on our property line.

CHAIRPERSON SIAVELIS: Okay, that makes sense to us. Thank you very much for elaborating on that. I don't have anything else.

Frank, Ben or Joe?

COMMISSIONER SELBKA: No.

CHAIRPERSON SIAVELIS: Sir, do you want to make a comment or raise a comment in regards to this particular petition?

AUDIENCE MEMBER: No.

CHAIRPERSON SIAVELIS: All right, folks, you may sit down. I'll open it now for deliberations, Board deliberations.

Maybe I was slow on the uptake, I didn't realize what the tree situation was and the lot, and that's why I wanted to ask those questions. I understand now why they're taking the fence south to go west to come back north to get to the garage, right, and that makes sense to me. I wouldn't want to see them, you can't a bisect a tree, that doesn't work, or kind of jog around and that's unsightly. So, I think they have established the elements. They have no neighbor opposition and --

COMMISSIONER JAFFE: That's why we're here, right? I mean, we have these, you know, curious situations, corner lot, trees, dogs, I mean, that's how we work through some of these requests which I think this one is very fair under the circumstances. So, I would support it.

COMMISSIONER SELBKA: I agree.

CHAIRPERSON SIAVELIS: Okay, do we have -- Frank, you're good?

COMMISSIONER PORTERA: Agreed, yes.

CHAIRPERSON SIAVELIS: Okay, do we have a motion?

COMMISSIONER JAFFE: **A motion to approve the variance as presented.**

COMMISSIONER SELBKA: Second.

CHAIRPERSON SIAVELIS: Derek?

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, variance granted.

Okay, now for the public comment phase, one of our favorite phases of this meeting. Is there anyone wishing to speak on a subject not on the agenda? You may speak at this time, and your comments are limited to three minutes and three minutes only, so use them wisely.

(No response.)

CHAIRPERSON SIAVELIS: Okay, hearing none, we will now move to adjournment, if we have a motion to adjourn?

COMMISSIONER PORTERA: Motion.

COMMISSIONER SELBKA: Second.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, motion granted. We are
adjourned.

(Whereupon, the public hearing on the above-
mentioned petition was adjourned at 7:57 p.m.)

STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

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

RON LeGRAND, SR.

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

NOTARY PUBLIC