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ZONING BOARD

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

OF APPEALS

RE: 907 EAST HACKBERRY DRIVE - ZBA #24-043

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

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

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CHAIRPERSON SIAVELIS: So, welcome, everyone. I'm calling to order tonight's meeting of the Zoning Board of Appeals for the Village of Arlington Heights. Tonight is December 9th, 2024.

Derek, roll call please.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Here.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Here.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Here.

MR. MACH: Mr. O'Connor.

COMMISSIONER O'CONNOR: Here.

MR. MACH: Mr. Selbka.

(No response.)

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Here.

CHAIRPERSON SIAVELIS: All right, thank you very much. Pledge of Allegiance is next. The flag is right there. Please stand.

(Pledge of Allegiance recited.)

CHAIRPERSON SIAVELIS: All right, moving on, Board members, have you had an opportunity, or I trust you've had an opportunity to review the draft meeting minutes from the November meeting. Assuming such, do we have any revisions, adders, comments on those draft meeting minutes?

COMMISSIONER LANAGHAN: Not having been there, I'll abstain on this one.

COMMISSIONER DRAKE: I'll abstain, too.

COMMISSIONER O'CONNOR: I have to abstain, too, I wasn't there.

CHAIRPERSON SIAVELIS: Okay, who does that leave?

COMMISSIONER JAFFE: Me and Frank.

CHAIRPERSON SIAVELIS: And me.

COMMISSIONER JAFFE: And you.

CHAIRPERSON SIAVELIS: Right, okay. In view of that, do we have a motion to amend the draft minutes as provided to us previously?

COMMISSIONER JAFFE: Motion to amend?

CHAIRPERSON SIAVELIS: I'm sorry, motion to approve. I apologize, motion to approve.

COMMISSIONER JAFFE: I move to approve the minutes as presented.

COMMISSIONER PORTERA: Second.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

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CHAIRPERSON SIAVELIS: Hearing none, motion carries.

Okay, next up, folks, we're going to talk about some hearing procedures. There are a fair number of rules and procedures for tonight's meeting, many of which you saw in your paperwork that was submitted. There are two petitions tonight, so two petitioners.

So, if less than six members are present, a petitioner has an option to continue a meeting because it takes four affirmative votes to approve a variance regardless of the number of Board members in attendance. If a petition is denied, a petitioner cannot reapply for an entire year, so there is a preclusive effect. So, do the math, there are six of us here, you need to go four and two to get a petition granted. Again, that is the petitioner's option to continue. Actually, the language is if less than six, so we have six, so that option is basically moot.

Okay, with that said, there are four elements necessary to establish in order for this Board to be able to grant a variation. Again, these elements were in the materials that you folks submitted as a petitioner.

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

A variation shall be permitted only if the evidence, in the judgment of this Board of Appeals, sustains each and every one of the four conditions I just read off. Keep in mind, it is your responsibility as a petitioner, not ours as a Board, to provide evidence relating to each of the four elements and satisfying them. We have denied petitions in the past when those four elements have not been satisfied. So, it is your responsibility, not ours to do so.

So, another procedural aspect here, I will open the agenda item and provide some very brief introductory remarks. At that point, Staff will provide a presentation which is essentially a brief overview of the project and variance request; that is done by Derek. Then the applicant, you the petitioner, presents its case in favor of zoning relief by way of documents or testimony, and you'll be sworn in under oath at that point in time.

Members of the public may speak on the application.

Derek, to confirm, we have no formal registrant, correct?

MR. MACH: That is correct.

CHAIRPERSON SIAVELIS: Okay, so any person who is not formally registered may speak at this hearing but your comments are limited to three minutes. The Chair, myself, in my discretion can adjust that maximum time to provide a resident with comments or allow them to provide additional comments provided that the maximum time is applied to all speakers equally.

So, with that in mind, and by the way, there is an applicant closing. The applicant may make a closing statement and may present additional follow-up testimony or evidence at his or her discretion, and upon which the applicant closes the

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case for potential Board deliberation upon a motion.

All right, so with that in mind, let's proceed to the first item of new business, ZBA Petition #24-040, 1237 North Dunton Avenue.

Come on up, sir.

MR. WHITWORTH: I was expecting my developer to be here, but it looks like it's just me tonight.

CHAIRPERSON SIAVELIS: Okay, so before we start and get you sworn in, are you asking us or would you be interested in asking us to move you to the second slot, so --

MR. WHITWORTH: If possible. I'll give Kevin a call to see where he's at.

CHAIRPERSON SIAVELIS: Okay, take a seat.

MR. WHITWORTH: Yes.

CHAIRPERSON SIAVELIS: Okay, and I do notice there's additional other folks here so I assume they're in petition 1, or petition 2.

Okay, so let's shift to ZBA Petition #24-043, 907 East Hackberry Drive.

Okay, have you signed in?

MR. KARKOWSKI: No.

CHAIRPERSON SIAVELIS: Please do so.

MR. KARKOWSKI: Here?

CHAIRPERSON SIAVELIS: Pardon me?

MR. KARKOWSKI: Here?

CHAIRPERSON SIAVELIS: Yes. Is there two forms up there or just one?

MR. KARKOWSKI: Just one.

CHAIRPERSON SIAVELIS: Yes. Let me just, at this point in time, we're going to give Derek the opportunity to do an overview, then I'll swear you in and you'll identify yourself for the record, okay?

MR. KARKOWSKI: Thank you.

CHAIRPERSON SIAVELIS: All right, Derek, hit it.

MR. MACH: Thank you.

The Petitioner is proposing a 120 square-foot shed that is approximately 13 feet tall located north of the residence within the side yard where sheds are only permitted in the rear yard. In addition, the Petitioner expanded the driveway which exceeds the allowable width.

Therefore, the Petitioner is requesting 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. In addition, they're requesting a 5.8-foot variation from Chapter 28, Section 10.2-11.1(b) to allow a driveway that is 27.8 feet wide where the maximum width allowed is 22 feet.

Thank you, Chairman.

CHAIRPERSON SIAVELIS: Thanks, Derek.

Okay, can you identify yourself on the record?

MR. KARKOWSKI: George Karkowski.

CHAIRPERSON SIAVELIS: George, right hand, please.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, please proceed.

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MR. KARKOWSKI: Sorry, it's my first time doing this. So, I just address each one of the four items?

CHAIRPERSON SIAVELIS: Yes.

MR. KARKOWSKI: Okay, so the first one, you were saying that it will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby properties. Basically, I'm just looking to put a shed in my yard for my daughter and a second one on the way. We have just an absurd amount of stuff. I don't know if any of you have kids, it's exploding out of our garage and in our house. I just want a place to be able to put it.

Obviously, I would love to put it in my backyard, but as you can see by the shape of our lot, I have tons of space in the front yard, the side yards even, but our backyard, even without the patio and gazebo, there's not enough room to put a shed there. The only two feasible spots to put a shed are either on the left, looking at it, the left side or the right side, we're proposing on the left, or right side earlier, there I believe is the best spot to put it because it's (a) behind our fence, (b) there's a large tree directly in front of it there. That spot, it's about 50, I think it's got to be 50 or 52 feet away from the sidewalk.

In our neighborhood, our lot is the only lot that is shaped like that. On the exact opposite side of our neighborhood, there's another curve, another house that has a curve like that, but the lot is different. It's a similar shape, the front of their house, the very front of their house and including the garage is about 25 feet away from the sidewalk. So, even if they were to put a shed in their rear yard, it would be closer than ours is putting it in our side yard.

So, putting it there doesn't really affect anything in my opinion and my neighbors that I've spoken with. It's hidden by a tree, it's not very, it won't be very visual. Then I also did suggest that if the Board would like me to, to plant arborvitaes in front of it which would grow and cover it and make a screening.

The second one, the plight of the owner is due to unique circumstances. Again, the unique circumstance is the shape of our lot. I do not have room to put it in the rear yard right now. The only spot as I said is on the left. I don't want to say that six more times and bug you guys with that.

It's in harmony with the spirit and intent of the zoning with the Chapter. We believe it is, you know, we want to keep the neighborhood a nice and vital place. It's not going to stick out like a sore thumb. It's still, you know, even the other lots that are more rectangular in shape, if they were to put it in their rear yard where they could put it per the zoning code, it would still be about 50 feet away. So, we are, putting it here is almost identical with a home that wouldn't need a variance putting it in their rear yard.

This is what we need as a minimum. You know, if I can't put a shed there, I can't put it anywhere else. So, that's basically it. If it was on the other side, I might put a potential swing set for my daughter and a second one on the way. That is the biggest spot we have where she can run loose back and forth and make all sorts of play.

I also haven't addressed the driveway. You know, the driveway we have, it's me, my wife, my daughter and the second on the way, my parents live in our home so we have --

CHAIRPERSON SIAVELIS: You have six people in the house? Well, five right now plus one more on the way.

MR. KARKOWSKI: Yes. Yes, yes, so we have that.

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CHAIRPERSON SIAVELIS: How many cars?

MR. KARKOWSKI: Four cars.

CHAIRPERSON SIAVELIS: Four cars.

MR. KARKOWSKI: Four cars. Not always, but most of the time, and so putting it, (a) we want to have room to be able to get me and my wife in and out of car with a stroller, (b) we don't like parking on the sidewalk. I know you're not allowed to but we have 10 houses in our neighborhood, they all park on the sidewalk around the street. It's annoying when I have to take my daughter on a walk in a stroller. So, sure, I could park on a driveway but they're going to be hanging out, and I think everybody experiences how annoying that is. So, with this, it makes the neighborhood look better because there's no cars on the sidewalk, and the front of the our lot with how wide it is, it's barely noticeable. There's so much green space on either side where it is. It's not like the driveway is the only thing in the front.

CHAIRPERSON SIAVELIS: So, why didn't you pull a permit?

MR. KARKOWSKI: I didn't think I had to, honestly. Just as I was doing the driveway as a homeowner, I didn't think I had to.

CHAIRPERSON SIAVELIS: Are you in the trades or something?

MR. KARKOWSKI: No, no.

CHAIRPERSON SIAVELIS: You just decided to do that yourself?

MR. KARKOWSKI: Yes.

CHAIRPERSON SIAVELIS: Wow, I guess there's a first for everything.

COMMISSIONER LANAGHAN: I give you that.

CHAIRPERSON SIAVELIS: What are the materials of that?

MR. KARKOWSKI: Brick pavers.

CHAIRPERSON SIAVELIS: Brick pavers.

MR. KARKOWSKI: Yes, I did all brick pavers. I've had neighbors coming up and complimenting it when I put it in.

CHAIRPERSON SIAVELIS: Did you do the, you have a lot of brick pavers around the house.

MR. KARKOWSKI: I did it all.

CHAIRPERSON SIAVELIS: You did all that work?

MR. KARKOWSKI: Yes, I did it all. I like YouTube and I like buying tools. I bought a nice, professional compactor, I have a tile saw. I did it all. I mean, parts of it, you know, the first one that I did, it's holding well and it's all going on pretty well. I think I did it better than if I paid somebody quite frankly.

CHAIRPERSON SIAVELIS: I see side jobs in your future.

COMMISSIONER LANAGHAN: I was going to say there is that.

CHAIRPERSON SIAVELIS: Yes.

COMMISSIONER JAFFE: How long have you lived in Arlington Heights?

MR. KARKOWSKI: Well, I grew up here. I grew up, I lived by St. Viator. Then went to college, moved away, lived in Baltimore for a few years. I moved back, and my wife and I have been in this home since, 2016? 2016, yes. It will be nine years this December 15th.

COMMISSIONER JAFFE: And it didn't occur to you to contact the Village about doing that work to your driveway?

MR. KARKOWSKI: Honestly, no, I didn't think I needed to. I've seen people

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doing work, I haven't seen signs or inspectors or something. I didn't think I had to, honestly.

CHAIRPERSON SIAVELIS: So, did the Village come back around now to check all your handiwork, paving handiwork?

MR. KARKOWSKI: We're in the process right now. The driveway is part of that right now. Just the, there was a comment on the --

COMMISSIONER JAFFE: Impervious surface?

MR. KARKOWSKI: No, it's the Pdf they sent out. The, I'm blanking right now, it's their comment. Oh, report.

CHAIRPERSON SIAVELIS: Yes, Engineering has no issues, no objections.

COMMISSIONER LANAGHAN: Yes, I mean, the front yard is big enough, I'm sure. The impervious, it looks like it would be something of an issue.

MR. KARKOWSKI: I had to, I did get a new survey and it's calculated.

COMMISSIONER LANAGHAN: Go ahead.

MR. KARKOWSKI: I still can put about 800 square feet in.

COMMISSIONER LANAGHAN: Yes, I mean, you've got such a big front yard and you do have an odd-shaped lot.

MR. KARKOWSKI: Yes.

COMMISSIONER LANAGHAN: I completely understand that, and you say, I'm not seeing it show up on Google Earth or whatever, you have a fence over to the left side?

MR. KARKOWSKI: The whole, yes, there's a fence. I think there's a picture here.

CHAIRPERSON SIAVELIS: There is, in the front, that's where you see --

COMMISSIONER LANAGHAN: That one, yes, and how tall is that approximately?

MR. KARKOWSKI: About six-foot.

COMMISSIONER LANAGHAN: Okay.

MR. KARKOWSKI: And then I think one of the other ones show whole perimeter where it is.

COMMISSIONER LANAGHAN: Okay.

CHAIRPERSON SIAVELIS: Did you permit the fence?

MR. KARKOWSKI: Yes. Yes.

CHAIRPERSON SIAVELIS: All right.

MR. KARKOWSKI: And what started the whole thing is I went to pull a permit for the shed so, and then again, they let me know that I have to do the retroactive process for this.

CHAIRPERSON SIAVELIS: And you talked to your neighbors?

MR. KARKOWSKI: Yes. I have one of them here just to provide comments. I have some letters of support from neighbors.

CHAIRPERSON SIAVELIS: Did you give those to Derek?

MR. KARKOWSKI: Yes. Now?

CHAIRPERSON SIAVELIS: Hold up, let me just do this a little more systematically.

COMMISSIONER LANAGHAN: They're in the packet already.

CHAIRPERSON SIAVELIS: Yes.

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MR. KARKOWSKI: Others, one, I have additional.

CHAIRPERSON SIAVELIS: Yes. Yes, there's one.

MR. KARKOWSKI: Yes, I have, I just, I didn't go to all of them, I just went to some across the street. I got some additional which I've provided, an extra here still.

COMMISSIONER LANAGHAN: We've got three of them in your packet actually.

MR. KARKOWSKI: I do?

COMMISSIONER LANAGHAN: Yes.

MR. KARKOWSKI: No, I believe you're looking at the first.

COMMISSIONER LANAGHAN: Oh, you're right, I'm sorry.

CHAIRPERSON SIAVELIS: Yes, he's just got one.

COMMISSIONER LANAGHAN: I got to make sure I'm looking at the right ones.

CHAIRPERSON SIAVELIS: Again, let's just dot our i's and cross our t's. So, the one that's in the file in front of us that we have electronically is from Lynda Berg.

MR. KARKOWSKI: Yes, and she's also here to speak.

CHAIRPERSON SIAVELIS: Okay, we don't need her assuming she can stand by her letter in support and not bother to come up if she doesn't want to, but okay, do you have additional letters of support beyond the one from Ms. Berg?

MR. KARKOWSKI: Yes.

CHAIRPERSON SIAVELIS: Okay, Derek, did you receive those prior to today?

MR. MACH: The Petitioner brought them to my attention this morning that he was going to share them this evening, but --

CHAIRPERSON SIAVELIS: Okay, okay, and --

MR. MACH: -- I don't have them yet.

CHAIRPERSON SIAVELIS: -- those are all, your representation is those letters are all in favor?

MR. KARKOWSKI: Yes.

CHAIRPERSON SIAVELIS: Nobody in opposition?

MR. KARKOWSKI: Absolutely, and then I had other neighbors after I sent the letters out, most of them stated they got my letter, they have no issue with it and it doesn't bother them.

CHAIRPERSON SIAVELIS: Okay.

COMMISSIONER DRAKE: Are those neighbors that are immediate to where your house is?

MR. KARKOWSKI: Yes, directly, I mean, the ones that I talked to the most obviously are the left, right, in front of me, so, everybody, you know, when I'm out in my driveway, I see people in front of their house and they actually have seen it. They got the letter and it doesn't bother them. They're not going to do anything. That's why, you know --

COMMISSIONER DRAKE: Okay.

CHAIRPERSON SIAVELIS: Any other questions, Board members?

(No response.)

CHAIRPERSON SIAVELIS: Okay, George, take a seat. We'll see if there's any public comment from anybody. It doesn't appear as such.

MS. BERG: Just me, I'm the neighbor right next door.

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CHAIRPERSON SIAVELIS: Okay, hold on. We can't have comments from the seats, and that's what I was kind of getting at. You can come to the podium if you want, or you can just rest on your letter that you submitted.

MS. BERG: I'll come to the podium.

CHAIRPERSON SIAVELIS: Okay.

MS. BERG: Yes, no, because I want, sure, I'd be happy to.

CHAIRPERSON SIAVELIS: Sure.

MS. BERG: I'll be quick, less than three minutes, but --

CHAIRPERSON SIAVELIS: Okay.

MS. BERG: -- I happen to live right next door, okay.

CHAIRPERSON SIAVELIS: Okay, just identify yourself on the record.

MS. BERG: Lynda Berg.

CHAIRPERSON SIAVELIS: Okay, go ahead.

MS. BERG: I live right next door and the driveway is lovely and doesn't, I mean, we have huge wide lots in the front. The backyard, he is a 100 percent correct that it's wasted space over there on the side and doesn't obstruct anything, and they're great neighbors which I find the most important thing. I've lived in my house for 32 years.

CHAIRPERSON SIAVELIS: All right, excellent.

COMMISSIONER LANAGHAN: Are you on the side that would have the shed or are you on the opposite side?

MS. BERG: I'm on the driveway side.

COMMISSIONER LANAGHAN: Got you. Okay, thank you.

MS. BERG: Okay?

CHAIRPERSON SIAVELIS: Awesome, thank you very much.

MS. BERG: You're very welcome.

CHAIRPERSON SIAVELIS: Okay, Petitioner has the opportunity to come up and rebut or address those comments.

MR. KARKOWSKI: I don't think I should.

CHAIRPERSON SIAVELIS: No, exactly, there you go.

All right, so before we move to deliberations, we need a motion.

COMMISSIONER PORTERA: I'd like to move to close public testimony.

CHAIRPERSON SIAVELIS: And proceed to deliberations?

COMMISSIONER PORTERA: And proceed to deliberations.

COMMISSIONER LANAGHAN: Second.

CHAIRPERSON SIAVELIS: It's a voice vote. All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, that motion carries.

So, Frank, why don't you start us off on deliberations then?

COMMISSIONER PORTERA: Sure.

We have a Petitioner here that has made a reasonable case with neighbor support, a growing family that's lived in the Village for a long time. It sounds like he knows what he did wrong in regards to the driveway in not pulling a permit and was sure to pull a permit for the fence and the shed. So, I'm willing to retroactively grant that variance as well as the shed variance.

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CHAIRPERSON SIAVELIS: Any further comments on this petition?

COMMISSIONER LANAGHAN: No, I mean, for me, there's basically two points that make this something I can support. One, the shed, actually probably three. The lot is very odd shaped, so I completely understand why there are issues here. The shed being behind the fence in a pretty good spot I think makes a ton of sense and I think that was well done. While I'm not a fan of retroactively giving permits for work that hasn't been done, or approvals, I do understand that you do have neighbors here who are in support. So, I can get behind this as well.

CHAIRPERSON SIAVELIS: Do we have a motion?

COMMISSIONER DRAKE: So moved.

COMMISSIONER LANAGHAN: I'll second it.

CHAIRPERSON SIAVELIS: Derek?

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. O'Connor.

COMMISSIONER O'CONNOR: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, both variances are granted.

MR. KARKOWSKI: Thank you.

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

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ZONING BOARD

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

OF APPEALS

RE: 1237 NORTH DUNTON AVENUE - ZBA #24-040

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 9th day of December, 2024 at the hour of
7:19 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

DEREK MACH, Development Planner

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CHAIRPERSON SIAVELIS: Next item of business, all right, ZBA Petition #24-040, 1237 North Dunton Avenue.

You folks do not have to stay, by the way.

COMMISSIONER LANAGHAN: You're welcome to, but you don't have to.

CHAIRPERSON SIAVELIS: Derek?

MR. MACH: Thank you, Chairman.

Petitioner is proposing to expand the existing detached garage. The proposed addition requires a zoning variation to allow a portion of the garage in the exterior side yard. Pursuant to Chapter 28, Section 6.5-2, a detached garage shall only be located in the rear yard.

Therefore, they're requesting a variation from Chapter 28, Section 6.5-2 to allow an addition to the detached garage that is partially in the exterior side yard where detached garages are only permitted in the rear yard. In addition, they're requesting a variation from Chapter 28, Section 6.5-3 for an accessory structure located beyond the building line for the main building and within the front yard if extended along Olive Street of the adjacent property to the east or to the rear.

Thank you.

CHAIRPERSON SIAVELIS: Great, thanks, Derek. I think the Petitioner on the prior matter is going to hand you, Derek, those additional letters of support.

MR. MACH: Thank you.

CHAIRPERSON SIAVELIS: Okay, sir, what is your name?

MR. WHITWORTH: Joel Whitworth.

CHAIRPERSON SIAVELIS: You've signed in?

MR. WHITWORTH: Yes, I have.

CHAIRPERSON SIAVELIS: Okay, Joel, right hand, please.

(Witness sworn.)

CHAIRPERSON SIAVELIS: Okay, please proceed.

MR. WHITWORTH: All right, so this is our property, 1237 North Dunton. We're in a corner lot here at Olive. As you can tell, this house was originally done in 1949. There was a gut rehab I believe in 2018. We have been in the Village I believe three-and-a-half years, so September of 2021.

As you can tell, we have an extremely large driveway. We have three kids. The current garage door, currently, it's a small-width door, it's about 14 feet wide, wide wing walls. We're actually asking to pull that garage up towards the side door by approximately 10 feet, as illustrated in the documentation, which will give us more room in the garage for cars, two cars, bikes, and the having that comes with our kids.

The ability to move it into the back of the yard basically takes it away from our backyard space which we would like to be used for mostly neighborhood parties, birthday parties for the kids. Also, we're trying to make the best use of the lot size we have according to the setback that we have.

The garage will stay detached. We'll be pulling it forward or we're asking to pull it forward roughly 10 feet which will now allow us to make the door a bit

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wider and give us additional storage space in the back as well.

COMMISSIONER LANAGHAN: So, is your garage in the rear yard currently?

MR. WHITWORTH: Yes. Currently, as you can tell from the image, the garage is currently in line with the back of the rear wall of the house.

COMMISSIONER LANAGHAN: So, technically, that would make it the rear yard, correct, Derek?

MR. MACH: That's correct, yes.

COMMISSIONER LANAGHAN: Okay.

COMMISSIONER JAFFE: So, there are two variances requested, correct? You were just kind of speaking, was it just to the first one?

Derek, weren't there two?

MR. MACH: There is another one. Per the zoning code, if we're going to extend this line, a portion of that garage could be towards Olive Street and not the front of --

MR. WHITWORTH: Right. Well, it looks like it's, probably what you're saying is it's in variation today, is that what --

MR. MACH: There is a small portion that is in front of Olive.

MR. WHITWORTH: Yes. We're not making it any wider to encroach upon Olive. We're just adding 10 feet. It looks like there's an original variance already there. It's maybe one or two feet from the neighbor's house.

CHAIRPERSON SIAVELIS: Are you saying it's an existing non-conforming in that regard?

MR. WHITWORTH: Yes.

COMMISSIONER JAFFE: So, the only work you're doing is you are extending toward Dunton?

MR. WHITWORTH: Correct.

COMMISSIONER JAFFE: All right, we saw some letters in the packet. It looked like it was the same letter but just distributed with four different people?

MR. WHITWORTH: Yes, I've talked to all my neighbors about that. Correct.

COMMISSIONER JAFFE: Okay, so there's four examples of support.

MR. WHITWORTH: Correct.

COMMISSIONER JAFFE: Were there any communications or discussions you had where people expressed concern?

MR. WHITWORTH: No.

COMMISSIONER JAFFE: Okay.

CHAIRPERSON SIAVELIS: How many folks live in this house?

MR. WHITWORTH: There's five of us. My wife and three kids.

CHAIRPERSON SIAVELIS: And then once your, assuming your variances are granted, how many cars will that garage accommodate?

MR. WHITWORTH: Two.

CHAIRPERSON SIAVELIS: It's just going to be deeper?

MR. WHITWORTH: It will be deeper.

CHAIRPERSON SIAVELIS: So, more stuff to put in?

MR. WHITWORTH: Yes, bikes and deep freezers.

CHAIRPERSON SIAVELIS: How old are your kids?

MR. WHITWORTH: My oldest is seven, my middle is six, my youngest is three. So, we're at second grade, Kindergarten at Olive, and my little guy is going to go to preschool. And the house is still, when it was original, the house was built in the 40's, so it looks, has that old character of that area of Dunton. It's not a tear-down house that has been redone on that block or whatnot.

CHAIRPERSON SIAVELIS: Okay, any other questions or comments from the Board?

COMMISSIONER LANAGHAN: Just one question. Just out of curiosity, I mean, does it, wouldn't it make more sense to go backwards and then not needed these variances?

MR. WHITWORTH: The backwards goes, if we were to go 10 feet to the back of our garage, it basically takes most of the backyard we already have today. It's a fenced-in backyard, we'd prefer to have our kids playing back there versus the busier section of Olive and Dunton that it's unfortunately becoming.

COMMISSIONER LANAGHAN: So, you did look at that.

MR. WHITWORTH: We did, correct.

COMMISSIONER LANAGHAN: And you came up with the reasons why that wouldn't work as well.

MR. WHITWORTH: And it would also keep a little bit of distance away from the neighbor's house as well so we're not encroaching on, you know, their back of the house as well.

CHAIRPERSON SIAVELIS: Okay, any further questions or comments from Board members?

(No response.)

CHAIRPERSON SIAVELIS: Okay, hearing none, we'll see if there's any members of the public who wants to speak in regard to this petition.

(No response.)

CHAIRPERSON SIAVELIS: Okay, nothing for you then to rebut, Joel.

So, do we have a motion to close public testimony and proceed to deliberation?

COMMISSIONER PORTERA: Motion.

COMMISSIONER LANAGHAN: Second.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

CHAIRPERSON SIAVELIS: Hearing none, we now deliberate.

Ben, please take, I noticed you're ready to commence deliberations, Ben.

COMMISSIONER JAFFE: Yes, I mean, I guess I was seeking clarification or better understanding on the second variance. Derek had pointed that out. All the criteria that the Petitioner outlined for his request to expand the size of the garage but do so closer to Dunton and not go back into what is considered his rear yard is in my opinion perfectly reasonable. Given that he solicited feedback from some of his neighbors and got

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four thumbs up, you know, only reinforces that there's no concerns about how that would look or affect others in the locality. So, I would be comfortable approving both variances as presented.

CHAIRPERSON SIAVELIS: All right, good.

Any other comments?

COMMISSIONER DRAKE: I agree with all that. I would just add there was no opposition from any of the three departments that make comments for us.

CHAIRPERSON SIAVELIS: Yes, that would be in the petitions, yes. Okay, very good.

Do we have a motion?

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

COMMISSIONER O'CONNOR: I'll second.

CHAIRPERSON SIAVELIS: Derek?

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Jaffe.

COMMISSIONER JAFFE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. O'Connor.

COMMISSIONER O'CONNOR: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Chairman Siavelis.

CHAIRPERSON SIAVELIS: Yes.

Congratulations, both variances granted.

MR. WHITWORTH: Thank you.

CHAIRPERSON SIAVELIS: Now we move to our favorite time of this evening, the public comment section or portion of the meeting.

Do we have any comments from the public on any topic, although including those not listed in this agenda but please note that your comments will be limited in time as well.

AUDIENCE MEMBER: I came here because I got a message that there will be a --

COMMISSIONER JAFFE: You've got to come up to the podium.

AUDIENCE MEMBER: -- memorandum of understanding. I got a message that it will be presented today?

COMMISSIONER JAFFE: Oh, you're in the wrong room.

MR. MACH: The, for which meeting?

CHAIRPERSON SIAVELIS: If you're talking about the Bears and the stadium, you're in the wrong room. So, you need to be in the boardroom which is upstairs.

MR. MACH: Third floor.

CHAIRPERSON SIAVELIS: Third floor.

AUDIENCE MEMBER: I would hope then that maybe I will catch it.

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CHAIRPERSON SIAVELIS: Yes.
COMMISSIONER LANAGHAN: You might catch it at the right time,
hopefully.

CHAIRPERSON SIAVELIS: All right, so hearing no other public
commentary, do we have a motion to adjourn?

COMMISSIONER DRAKE: I move that we adjourn.

COMMISSIONER LANAGHAN: Second.

CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

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

(Whereupon, the public hearing on the above-mentioned
petition was adjourned at 7:30 p.m.)

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STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

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

RON LeGRAND, SR.

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

NOTARY PUBLIC