

APPROVED

ZONING BOARD

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

OF APPEALS

RE: 2302 NORTH ARLINGTON HEIGHTS ROAD - ZBA #24-048 and
1427 NORTH RIDGE AVENUE - ZBA #24-047

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 13th day of January, 2025 at the hour of
7:00 p.m.

MEMBERS PRESENT:

JOSEPH SELBKA, Acting Chairperson
FRANK PORTERA
JEFFREY LANAGHAN
THOMAS DRAKE

ALSO PRESENT:

DEREK MACH, Development Planner
HART PASSMAN, Village Attorney

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ACTING CHAIRPERSON SELBKA: It looks like it is 7:00 o'clock. This is the Board of Zoning Appeals. I will be chairing tonight; my name is Joseph Selbka. I think we start with the call to order and roll call.

MR. MACH: Mr. Siavelis.

(No response.)

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. MACH: Mr. Jaffe.

(No response.)

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Here.

MR. MACH: Mr. O'Connor.

(No response.)

MR. MACH: Mr. Selbka.

ACTING CHAIRPERSON SELBKA: Here.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Here.

ACTING CHAIRPERSON SELBKA: Okay, with that, we will go to the Pledge of Allegiance. If everybody would please rise?

(Pledge of Allegiance recited.)

ACTING CHAIRPERSON SELBKA: We also have the minutes to be approved from last month's meeting.

Does anybody have a motion to approve?

COMMISSIONER DRAKE: I move that we approve the minutes.

COMMISSIONER LANAGHAN: Second.

ACTING CHAIRPERSON SELBKA: All right, all in favor?

(Chorus of ayes.)

ACTING CHAIRPERSON SELBKA: All opposed?

(No response.)

ACTING CHAIRPERSON SELBKA: Hearing none opposed, the minutes are adopted.

Okay, let's talk about the hearing procedures. So, one of the things you should know is that there are seven members of this Board because we're volunteers, some of us occasionally do miss a meeting. Today, of the seven members, three have missed. You need to get a unanimous vote here, so you need to get four out of seven, and if three of us are not here, that means all four of us have to vote yes to your variance. If you don't want to move forward with your variance request until next month when more Board members will in all likelihood be here, we will allow that. So, if you want to move for a continuance now, any of the petitioners, please tell me.

(No response.)

ACTING CHAIRPERSON SELBKA: All right, hearing none, let's go on to what it will take to prove a variance. There are four elements necessary to establish in order for the Board to be able to grant a variation:

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

It's your job to give us the evidence that we need to make that determination. It is not our job to pull it out of you. We will do our best to help you out if we can, but keep in mind that that is the burden that is on you.

Moving forward, I'll open the agenda item, and then there will be a Staff presentation by Derek Mach who is the Village representative here. Then it is for you to present your petition. Thereafter, the public may speak, and if there is a formal objector, and in one of these cases there is a formal objector, if there's a formal objector, that person will be able to speak first and make himself or herself a party to these proceedings and present his or her case as to why the variation should not be granted as requested.

Any person who has not formally objected can speak, but they don't have party status and need to limit their comments to three minutes. Then you make a closing statement and any follow-up testimony. We then close the matter to Board deliberation, and the Board deliberates and votes on the variance.

Okay, does anybody have any questions about the procedure moving forward?

(No response.)

ACTING CHAIRPERSON SELBKA: Okay, if not, let's go forward with new business. Actually, I'd like to do a motion to do E. 2302 North Arlington Heights Road - ZBA #24-048 first.

Does anyone want to make that motion?

COMMISSIONER LANAGHAN: I move that we proceed with Item E, 2302 North Arlington Heights Road, ZBA #24-048 first tonight.

ACTING CHAIRPERSON SELBKA: Okay, and do I have a second?

COMMISSIONER DRAKE: Second.

ACTING CHAIRPERSON SELBKA: All in favor?

(Chorus of ayes.)

ACTING CHAIRPERSON SELBKA: All opposed?

(No response.)

MR. MACH: Chair, both 1427 North Ridge Avenue and 2302 North Arlington Heights Road are the same petitioner, if you wanted --

ACTING CHAIRPERSON SELBKA: Okay, let's do them both together then, D and E, we will do E and then D.

Would the Petitioner please step forward? Could I have your name, please?

MR. SCHWEDA: Yes, Scott Schweda, Utility Superintendent for the Village of Arlington Heights.

ACTING CHAIRPERSON SELBKA: Have you signed in?

MR. SCHWEDA: No, I have not. Which one?

ACTING CHAIRPERSON SELBKA: Derek, which one? Is there more than

one?

MR. MACH: Yes, the one on the right.

ACTING CHAIRPERSON SELBKA: The one on the right.

MR. SCHWEDA: Okay. All right, I am signed in now.

ACTING CHAIRPERSON SELBKA: Are you going to be testifying today?

MR. SCHWEDA: Yes.

ACTING CHAIRPERSON SELBKA: Is anyone else going to be testifying on behalf of the Public Works Department?

MR. SCHWEDA: No, just me.

ACTING CHAIRPERSON SELBKA: Please raise your hand.

(Witness sworn.)

ACTING CHAIRPERSON SELBKA: Okay, can you please present ZBA #24-048 which is Item E?

MR. SCHWEDA: The Village is asking for a variance on both locations. We're asking to install a six-foot ornamental fence around both structures which are both water infrastructure locations. Ridge is a water tower, and Arlington Heights Road is a water station. Per the USEPA regulations, Safe Water Drinking Act, we are required to install a barrier around all of our water infrastructure locations in the Village.

So, we're asking for a variance because the front of the property is being, we need a six-foot ornamental fence around these properties to have some kind of protective barrier there.

ACTING CHAIRPERSON SELBKA: Okay, moving forward to the supporting documents --

COMMISSIONER LANAGHAN: Just one question I had for that.

MR. SCHWEDA: Sure.

COMMISSIONER LANAGHAN: Two separate items, but exact same reason, so there is a law that we need to follow as the Village.

MR. SCHWEDA: Correct.

COMMISSIONER LANAGHAN: And you're looking to keep our drinking water safe basically.

MR. SCHWEDA: Correct, and what we decided to do was a three-rail ornamental fence rather than a chainlink or something that was, well, unsightly.

ACTING CHAIRPERSON SELBKA: Okay.

COMMISSIONER DRAKE: The Planning Department had a comment about landscaping and shrubbery around the fence.

MR. SCHWEDA: Yes.

COMMISSIONER DRAKE: Did you get to see that?

MR. SCHWEDA: I did.

COMMISSIONER DRAKE: Do you have any comment on that?

MR. SCHWEDA: No, no, we can accommodate that.

ACTING CHAIRPERSON SELBKA: Any further questions from the Board?

(No response.)

ACTING CHAIRPERSON SELBKA: All right, I don't have any questions. I'm going to ask the Objector to come forward.

MR. BLUMENFELD: Okay. Sorry, folks --

ACTING CHAIRPERSON SELBKA: Okay, can I have your name, please?

MR. BLUMENFELD: Yes, Dan Blumenfeld.

ACTING CHAIRPERSON SELBKA: Okay, Mr. Blumenfeld, would you please raise your right hand?

(Witness sworn.)

ACTING CHAIRPERSON SELBKA: Okay, do you have any other witnesses that you expect to bring tonight?

MR. BLUMENFELD: No. I mean, my neighbor is here. I think he may want to talk later but I'm not sure how he registered.

ACTING CHAIRPERSON SELBKA: Okay. All right, well, it is your objection, so please make it.

MR. BLUMENFELD: Okay, so it sounds like there's some new EPA law, right? So, when did the risk assessment take place that put us in this position to decide we need to put a fence, you know, it's going to look like a prison yard to put that fence up around there. Will this also, so let's start there, when did the risk assessment occur?

ACTING CHAIRPERSON SELBKA: I don't know, sir.

MR. BLUMENFELD: Okay, how do we get that information? I mean, I'm sure it didn't just happen in the last week. I mean, I did see an e-mail circulate around where one of the neighbors has written the Village and asked about that. So, I do know, that's why I'm asking to get that on the record here.

ACTING CHAIRPERSON SELBKA: Okay, well, you could issue a FOIA to the Village if you so desired.

MR. BLUMENFELD: Okay. All right, so the risk assessment that took place, my understanding was it happened somewhere in the neighborhood of 2018, okay. So, if that happened in 2018, then we have, whatever the process was to come up with this resolution that we need a fence, why have we waited roughly five years?

ACTING CHAIRPERSON SELBKA: Seven.

MR. BLUMENFELD: 2018, yes, whatever. You're right, it's taken a while, you're right. So, what's, you know, all of a sudden the urgency? Why have we waited?

ACTING CHAIRPERSON SELBKA: I don't know, sir. We're a board.

MR. BLUMENFELD: Yes.

ACTING CHAIRPERSON SELBKA: We're an adjudicatory board. We are only, we are not Village employees. We just to take the evidence that comes to us and we make a determination as to whether a variance is proper.

MR. BLUMENFELD: Okay, so what are we protecting the water tower from? Can anyone tell me that?

ACTING CHAIRPERSON SELBKA: I don't believe that's the reason for the variation. The reason for the variation is the law requires it.

MR. BLUMENFELD: But it's still all part of it, right? It's the reason to need the fence, right? That's what I would like to know. So, what are we protecting it from? Are we, you know, if we're putting up a fence like this, are we worried a truck is going to drive down the street and run into the water tower? Are we trying to get kids to not play on the stairs, I mean, on the wall you've already put in with the driveway that wasn't part of the original plan when the water tower was painted that nobody asked permission for, right?

So, I'm trying to understand why. I think that's the first part of the objection is the why. So, you're telling me nobody here can answer those questions?

ACTING CHAIRPERSON SELBKA: Well, I don't know if they can or they

can't.

MR. BLUMENFELD: Okay, so who's recording the questions so we can get them answered?

ACTING CHAIRPERSON SELBKA: Your questions are being recorded.

MR. BLUMENFELD: Good.

ACTING CHAIRPERSON SELBKA: But as the Objector, it's your job to bring that information to us in opposition.

MR. BLUMENFELD: Okay, so --

ACTING CHAIRPERSON SELBKA: So, they have a case that they have to make.

MR. BLUMENFELD: Sure, okay.

ACTING CHAIRPERSON SELBKA: With the four elements. Then if you have an objection --

MR. BLUMENFELD: Can you repeat the four elements, please?

ACTING CHAIRPERSON SELBKA: Sure.

MR. BLUMENFELD: So I could write those down?

ACTING CHAIRPERSON SELBKA: The four elements are:

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

Those are the four elements.

MR. BLUMENFELD: Okay, so I wouldn't have to prove any of these, right?

ACTING CHAIRPERSON SELBKA: No.

MR. BLUMENFELD: It's up to them to prove it, right?

ACTING CHAIRPERSON SELBKA: You do not. They have an obligation to present evidence to prove what's called a prima facie case, or enough evidence to prove each element.

MR. BLUMENFELD: Okay, so I haven't heard any of this evidence yet. So, how do we get that evidence?

ACTING CHAIRPERSON SELBKA: Mr. Schweda?

MR. SCHWEDA: Yes, sir.

ACTING CHAIRPERSON SELBKA: Yes, he just, he made his presentation.

MR. BLUMENFELD: That was it?

ACTING CHAIRPERSON SELBKA: That was it.

MR. BLUMENFELD: Okay, so I can ask you questions?

ACTING CHAIRPERSON SELBKA: Yes, you are entitled to ask your questions.

MR. BLUMENFELD: Okay, so --

MR. SCHWEDA: So, here, correct?

ACTING CHAIRPERSON SELBKA: Pardon?

MR. SCHWEDA: Are we doing that now here?

MR. BLUMENFELD: Yes, it says right here in the letter, I have the right to cross examine.

ACTING CHAIRPERSON SELBKA: Sir, I'm the Chair, you're not.

MR. BLUMENFELD: Okay.

ACTING CHAIRPERSON SELBKA: Okay, yes, we can do that. Do you have any other presentation other than cross examination that you want to do?

MR. BLUMENFELD: Well, yes, for sure. There are questions, I'm sure, if we end up that we need something there for whatever reason, I'm sure there are other options versus a black wrought iron fence as described in there which does not match anything in the neighborhood, okay?

ACTING CHAIRPERSON SELBKA: Okay.

MR. BLUMENFELD: For one, it definitely does not. I think it would, for the people who live next to it, right, we already live by the water tower which we accept, okay, but right now the whole area is a green open space, okay, and the fence itself is not going to add any, you know, aesthetic, you know, beauty to the area, okay. So, that would be the objection piece of it.

ACTING CHAIRPERSON SELBKA: Okay.

MR. BLUMENFELD: The questions, if I, you know, can I do that as well?

ACTING CHAIRPERSON SELBKA: Sure.

Do you have anything further, any other arguments you'd like to make before we go to the question?

MR. BLUMENFELD: I think part of it is the questions with whatever replies I would receive, right? So, if this is a security thing, the argument I would have is, you know, there are no, you know, threats to that water tower. Additionally, I know when that water tower was painted, it was drained and remained empty for three, four months while they painted it, right? So, if there were somebody who did, if there were a threat or something happened to it, right, even without the fence, we know the water pressure in Arlington Heights isn't going to drop if that tower has to be repaired, okay. So, if the need for the fence is to protect it, I don't see that.

ACTING CHAIRPERSON SELBKA: Okay. All right, right now I'm going to set up questions.

Mr. Schweda, would you step up, please?

MR. SCHWEDA: Sure.

ACTING CHAIRPERSON SELBKA: Okay, Mr. Blumenfeld, please ask whatever questions you would like to ask of Mr. Schweda.

MR. BLUMENFELD: Okay, so I'm going back to the first question I had.

MR. SCHWEDA: Yes.

MR. BLUMENFELD: The risk assessment that took place, right, 2018?

MR. SCHWEDA: Correct.

MR. BLUMENFELD: What was the process and who completed the risk assessment to get us to the point where we need, we believe we need a six-foot black fence put around the water tower?

MR. SCHWEDA: Part of the assessment was started in 2018, an outside consultant did that for us and it took over about five years. I came on board here in 2021, and part of that assessment is to look at your barriers to have protection, some kind of barrier around a water infrastructure. So, a barrier would be a fence, and to have some

kind of fence to deter somebody from walking up to it, be able to go have access to it. It just, it's to have a barrier there to protect from any person to come into the area, whether it be someone to do harm or somebody to do anything, you know, mischievous.

MR. BLUMENFELD: So, how many years has that water tower been there?

MR. SCHWEDA: Well, it's not the same as it is now, sir. That's a requirement from USEPA, so I can't argue that.

MR. BLUMENFELD: Okay, so what type of protection, or what are we trying to protect it from? You're saying someone walking up and sitting down and playing in the grass? Because I also see the fence goes around the, I believe there's a park bench there that people sit in, that concrete cutout.

MR. SCHWEDA: The concrete cutout is a valve system for the tower, that needs to be protected also, sir, from people having access to it.

MR. BLUMENFELD: Okay. All right, so we're talking, the concern is not vehicles, you're worried about people walking up to it and you think a fence is going to stop people?

MR. SCHWEDA: Anything. It deters people from doing anything. I mean, you can have an opinion on it and that's fine, but USEPA has a different opinion on that, sir.

MR. BLUMENFELD: So, all right, there are no other decorative measures we can put out there? So, you're not worried about a vehicle which the fence isn't going to stop if a vehicle wanted to crash through the fence and run to the tower --

MR. SCHWEDA: Ideally, we wanted a chainlink fence with barbed wire on it. We thought that would not look good in the neighborhood, so we went with --

MR. BLUMENFELD: That would look bad, too.

MR. SCHWEDA: -- an ornamental fence that looked decorative like somebody would put in their yard.

MR. BLUMENFELD: And the fence goes around the driveway that you've --

MR. SCHWEDA: Correct.

MR. BLUMENFELD: -- put in without asking anybody for a variance?

MR. SCHWEDA: I have no privilege to that information.

MR. BLUMENFELD: Yes, okay. So, we're worried about people walking around the water tower which people have been doing for years. What other, there's got to be other thoughts that came into place versus a six-foot wrought iron fence. I mean, wouldn't a smaller fence or a smaller decorative fence that matches other fences in the neighborhood do the same thing?

MR. SCHWEDA: What other fence would you --

MR. BLUMENFELD: Well, I have a dogwood which is one, I know the neighbor next to it has a chainlink which I agree it may not look great going around it, but there are other, it doesn't have to be a six-foot fence. I think it could be a, if the idea is to keep people out, the Village has people put up three-foot fences all over the place, right? The idea of a three-foot fence is to say don't come in.

Additionally, if you're going to do that, couldn't the fence be moved even closer to the tower? People walk their dogs all around the side there, right? Kids ride their bikes. You've got the --

ACTING CHAIRPERSON SELBKA: Mr. Blumenfeld?

MR. BLUMENFELD: Yes?

ACTING CHAIRPERSON SELBKA: Try and structure it as questions.

MR. BLUMENFELD: Okay, got you.

ACTING CHAIRPERSON SELBKA: You made the arguments.

MR. BLUMENFELD: Okay, so three-foot fence, why not, would say don't come in. You could put signs on it that say do not come in.

MR. SCHWEDA: But I could step over a three-foot fence, correct?

MR. BLUMENFELD: Yes. You could step over a six-foot fence, too. Most people would have, I'd have no trouble jumping over a six-foot fence. I could push myself up and go right over. So, the difference between a three-foot fence and a six-foot fence is you're still going into something that you don't want people to go into, okay, right?

There is another thing in here. Well, additionally, I think the fence could be moved closer to the water tower if that's actually what we're trying to do.

MR. SCHWEDA: It could, but for maintenance reasons, when you saw them paint that tower, they need space to get in and around that tower to do that. So, there will be maintenance on that tower in the future.

MR. BLUMENFELD: In 20 years roughly, because they repaint the tower once every 25 years or something. At that point, you'd probably be replacing the fence anyways because they're rusted out.

ACTING CHAIRPERSON SELBKA: Mr. Blumenfeld, again, questions.

MR. BLUMENFELD: Yes, questions, sure. Okay, so you're saying you can't move it closer because of that. Shorter is a possibility. It could be wood; it could be something more attractive as they suggested. Even if you moved it in a little bit, you could put some type of shrubbery around it which would make it a little more appealing.

MR. SCHWEDA: We agree with that.

MR. BLUMENFELD: Okay, you agree with it with the six-foot fence, I'm still at the three-foot fence, right. Then there was talk of cameras, like security monitoring?

MR. SCHWEDA: There's talks of that.

MR. BLUMENFELD: Okay, so there's talks of it. How do we, if it happens, where are the cameras looking? Are they --

MR. SCHWEDA: At the tower.

ACTING CHAIRPERSON SELBKA: Mr. Blumenfeld?

MR. BLUMENFELD: Yes?

MR. SCHWEDA: Yes, this isn't part of --

ACTING CHAIRPERSON SELBKA: That's really not part of the variance. So, the only thing the Village is, the Public Works is coming to us for right now is a fence.

MR. BLUMENFELD: Okay.

ACTING CHAIRPERSON SELBKA: So, if cameras, if they require a variance for cameras down the road, they'll come back here.

MR. BLUMENFELD: Okay, it was in something else that was sent around, all right. So, a shorter fence and something not wrought iron I think is, as you're not worried about people driving through it apparently.

ACTING CHAIRPERSON SELBKA: Again, Mr. Blumenfeld, questions please.

MR. BLUMENFELD: So, what's the odds of having a lower fence?

MR. SCHWEDA: I don't think that's secure.

MR. BLUMENFELD: You what?

MR. SCHWEDA: That's not secure.

MR. BLUMENFELD: It's no more or less secure than what you're proposing.

ACTING CHAIRPERSON SELBKA: Mr. Blumenfeld, that wasn't a question.

MR. THOMAS: Can I ask a question?

ACTING CHAIRPERSON SELBKA: Well, not right now, sir.

MR. BLUMENFELD: Okay, so I just want to make sure I'm clear that you're only concern is people walking around the water tower and to do harm to the tower. That is the --

MR. SCHWEDA: Harm to the tower, harm for the water, harm to the people in the Village of Arlington Heights, all of that.

MR. BLUMENFELD: Okay, I would, I'm requesting, I don't know how this works, but people asking for six-foot fence variances get turned down a lot in the Village and I don't see this as a reason to have one.

ACTING CHAIRPERSON SELBKA: Mr. Blumenfeld --

MR. BLUMENFELD: I know, it's not a question. I know, I heard you. Okay, all right, thanks.

ACTING CHAIRPERSON SELBKA: All right.

MR. MACH: Chairman, we do have an e-mail that also I was going to share with the Zoning Board, from Mr. Justin Thomas. If anyone would like to come forward and read the e-mail, I do have a copy.

ACTING CHAIRPERSON SELBKA: All right, and you want, this is to be part of the record, Derek?

MR. MACH: It's for the Zoning Board, and I have a copy if anyone in the public would like to read it.

MR. THOMAS: And that has --

ACTING CHAIRPERSON SELBKA: Are you Justin Thomas?

MR. THOMAS: I am, sir.

ACTING CHAIRPERSON SELBKA: Okay, do you want to come up, sir?

MR. THOMAS: Sure, yes, thank you.

ACTING CHAIRPERSON SELBKA: All right, well, wait one moment. Mr. Blumenfeld, is there anything else you would like to present in your objection?

MR. BLUMENFELD: No, not at the moment.

ACTING CHAIRPERSON SELBKA: Okay. All right, the Objector rests. At this point in time, we will now ask for comments from the public of non-objectors, and I believe one person, Mr. Thomas, wants to come up.

Mr. Thomas, would you please come up?

MR. THOMAS: Thanks. I mean, my --

ACTING CHAIRPERSON SELBKA: Hang on. Did you sign in?

MR. THOMAS: I did, on the left one. Is that the right one there?

ACTING CHAIRPERSON SELBKA: Yes, I think it is.

MR. THOMAS: Okay.

ACTING CHAIRPERSON SELBKA: All right, would you please raise your right hand?

(Witness sworn.)

ACTING CHAIRPERSON SELBKA: Okay, go ahead, Mr. Thomas.

MR. THOMAS: Thank you. The e-mail that I wrote, I think I raised similar

objections to my neighbor, asking about what was the, about the risk assessment that went behind the decision to build the fence, but now I was actually hoping, I mean, so I'll say what's on the e-mail basically.

We use this space, the green space, my children play in it, a lot of neighborhood kids play in it, people walk their dogs, like the neighbors. So, I wanted to try to, to the extent that I can't understand why the city feels like they need to take that space away from us.

I also wanted to ask about the procedural part of this. You know, I learned about this from the notice of public hearing. Apparently, it's something that's seven years in the works. So, you know, if there's another way that I could have learned about this, I'd like to know what I'm supposed to be checking because I do also, you know, live right next door to it. Also, I'd point out that the notice that they sent around has a wrong e-mail address to send, you know, there's this deadline, if you want to be an objector, you have to e-mail this e-mail address. Derek was very accommodating though to get my e-mail in, and that's a bit of a concern.

So, I guess my question would be about, you know, how was I supposed to have found out and where, you know, this is the first time I'm seeing this picture here and anything that was in that presentation. All I had was this one line that was in the notice of public hearing and that there's a fence and, you know, how tall it is and that it's for security purposes. I'd like to know where, you know, where can I get this kind of information, could I have gotten it a few years ago so that I could have been maybe a little bit better prepared for this meeting and, you know. Anything the city can do to have better information in their public hearing notices would be good.

ACTING CHAIRPERSON SELBKA: So, let's start first off. You said that there is a wrong e-mail in the public hearing notice?

MR. THOMAS: Yes, planning@vah.com bounces; it doesn't exist apparently.

MR. BLUMENFELD: That's correct, it does.

ACTING CHAIRPERSON SELBKA: Sorry?

MR. BLUMENFELD: Yes, sir, it does.

ACTING CHAIRPERSON SELBKA: It does bounce?

MR. BLUMENFELD: Yes, it does bounce.

MR. THOMAS: Yes.

ACTING CHAIRPERSON SELBKA: Okay, and so do you want to be an objector or do you want to just make a comment?

MR. THOMAS: I think for today like a comment, especially because I'm not, you know, prepared.

ACTING CHAIRPERSON SELBKA: Okay.

MR. THOMAS: Yes, so for that issue, that's fine.

ACTING CHAIRPERSON SELBKA: Okay. All right, now as to this information, that is available on the Village's website under Meeting Minutes. So, everything we get is available for the public to see on the Village's website in the Government section in Board Meeting Minutes. That would be about, they usually are up about a week or so beforehand to review it. So, when we're reviewing it, then the public gets a chance to review it, too. That's how I get it from the website.

MR. THOMAS: Okay.

ACTING CHAIRPERSON SELBKA: As for how to find out about what's going on at Public Works, that's kind of beyond our purview. So, we're just here to determine whether a variance is proper or not. But my guess is if you talk to the Village, I'm sure Derek could tell you like who at Public Works you could speak to, or their public relations people or something like that. You would be able to find out about it through them. We're merely limited to whether the variance is proper under the Zoning Code or not.

So, does that answer your questions?

MR. THOMAS: It does, thanks. So, I can ask another one?

ACTING CHAIRPERSON SELBKA: Sure.

MR. THOMAS: I was hoping, any input that you provide on what, so you're responding to a law from Illinois EPA. What does the law actually require? Does it require a six-foot fence, you know? Then, you know, what's the time, like it has to be done now?

MR. SCHWEDA: It was supposed to be done already.

MR. THOMAS: Is the Village at risk of getting fined or something by the state?

MR. SCHWEDA: No.

ACTING CHAIRPERSON SELBKA: Mr. Thomas, if you don't object, you technically can't ask questions but, you know, these are questions I will certainly ask of Mr. Schweda.

MR. THOMAS: Okay. All right, thanks very much, appreciate it.

ACTING CHAIRPERSON SELBKA: Okay, does anyone else want to speak on this matter?

(No response.)

ACTING CHAIRPERSON SELBKA: Mr. Schweda, do you have anything you'd like to come up and rebut anything you've heard?

MR. SCHWEDA: No.

ACTING CHAIRPERSON SELBKA: Okay, I've got some Board, I'll open the matter to Board questions for Mr. Schweda.

Mr. Schweda, would you mind answering Mr. Thomas' questions about the need per the EPA regulation, what that requires, if it requires a six-foot fence?

MR. SCHWEDA: It just requires a protective barrier around the area to protect anything from, deter anybody from going in there, whether it be to do any kind of wrongful harm to the water system at all.

ACTING CHAIRPERSON SELBKA: And the Public Works Department decided that the protective barrier that would comply with the regulation is the six-foot wrought iron fence?

MR. SCHWEDA: Yes.

ACTING CHAIRPERSON SELBKA: And the Department of Public Works is going to plant shrubbery around that, correct?

MR. SCHWEDA: Yes. Yes.

ACTING CHAIRPERSON SELBKA: Okay, does anyone on the Board have any other further questions for Mr. Schweda?

COMMISSIONER DRAKE: Is there a deadline or what is the timetable for having those fences up?

MR. SCHWEDA: The deadline has passed. So, the money is budgeted for

this year to see if we were able to do that.

COMMISSIONER DRAKE: So, is the Village in violation of the Federal law?

MR. SCHWEDA: We are not in violation.

COMMISSIONER DRAKE: But we've passed the deadline, so does that mean anything?

MR. SCHWEDA: We're revising our plan now. Every five years, we have to revise the plan. We're revising the plan now and we need to answer the questions that were looked at in the assessment in 2018.

COMMISSIONER DRAKE: Is the plan to do all the water towers in the Village?

MR. SCHWEDA: We have four sets. Our one side at Public Works is already fenced in. Correct, two sites this year, two sites next year.

COMMISSIONER LANAGHAN: I have a couple of quick questions for you.

MR. SCHWEDA: Sure.

COMMISSIONER LANAGHAN: So, the fence that you chose being the open wrought iron was, did you look at other types of fences? I know you said chainlink. Did you look at a board-on-board or wood or something that might be more --

MR. SCHWEDA: No, we actually thought the wrought iron would be more --

COMMISSIONER LANAGHAN: Normally, I would agree, but --

MR. SCHWEDA: Yes.

COMMISSIONER LANAGHAN: -- you heard some of the comments that was --

MR. SCHWEDA: We did the Fire Station 3 which is down south by our water tower down here. It's the same fence which we put around that. That seemed to go over well. It's not in a neighborhood so I get that, but that seemed to be, to me, again a nicer fence. A wood fence is hard to maintain, it can rot. You know, this is an aluminum fence that we can easily move or take out when we've got to do maintenance there, even though we're leaving space for that so we don't have to do that. Honestly, I thought that was the most decorative thing that you could put up.

COMMISSIONER LANAGHAN: Sure, and then --

MR. SCHWEDA: It's not a cheap fence to put up.

COMMISSIONER LANAGHAN: -- on the Thomas lot, if I'm looking at this correctly, you're looking to fence about half of the lot that --

MR. SCHWEDA: Yes, there's still a lot of vacant open space there which I'd assume that's where the kids are playing and doing that. They're not right up against the tower there, and that's just open space that the Village, you know, that whole lot is the water tower's lot there, up to that house there to the south. So, we're not planning on taking it into that space.

COMMISSIONER LANAGHAN: Got you, and then just to make sure I've got this covered, the Arlington Heights Road side, I'm not sure exactly how much of that is, looks like you're leaving some open space there as well outside of that?

MR. SCHWEDA: Yes. There's just one home behind that. We've already got shrubbery around there so they won't even see the fence. That will be on the inside of that shrubbery there.

COMMISSIONER LANAGHAN: Okay, thank you.

MR. SCHWEDA: Sure.

ACTING CHAIRPERSON SELBKA: Does anyone from the Board have any further questions?

(No response.)

ACTING CHAIRPERSON SELBKA: Okay, I'm going to close the matter down for Board deliberation.

MR. SCHWEDA: Okay, thank you.

ACTING CHAIRPERSON SELBKA: Okay, what does the Board think?

COMMISSIONER DRAKE: I always appreciate when residents come in and are concerned about something in the neighborhood and try to be constructive and trying to find out more about it, I think that's important. I think we want to be in compliance with the federal law. I think the idea to put shrubs around the fence and the type of fence you want to put in is probably the best solution, so I'm in favor of it.

Just related or unrelated, we've had the Village in here in the past along with I think the EPA to talk about fencing around power areas, ComEd power areas for security reasons and for protection of the public. So, to me this is somewhat similar, same reason, compliance with federal mandates. So, I'm in favor of this.

COMMISSIONER LANAGHAN: Yes, I would tend to agree. I would say, you know, seven years ago when the ordinance was originally passed, I don't know that I'd have the same feeling, but we've certainly seen a lot of things happen in the world that give me a little more pause to want to protect our infrastructure. The fact that you're not enclosing the entire site, you are leaving green space at both sides, I think is important.

I tend to agree, I certainly heard the fact that wrought iron is maybe not your preferred choice, aluminum wrought or aluminum whatever you want to call it. Typically, it's a little more open, it looks less like a fence even though it acts as a barrier. So, I personally think that's probably a good fence to go with.

ACTING CHAIRPERSON SELBKA: Frank?

COMMISSIONER PORTERA: Yes, I agree, any kind of safety measures to protect the water supply and the well being of the residents I think is a thing to get behind and agree with. The fence, it's just kind of a personal opinion, because I think it seems like the Village thought long and hard about the structure and what to choose. So, people can have different opinions on the style of the fence, but I think the safety measures outweigh everything.

ACTING CHAIRPERSON SELBKA: Yes, and I don't think this is really a matter of choice for the Village, the Department of Public Works. When the federal government says the Village has to do something, it has to do something. The only question is how.

I listened to the Objector and the comments from the audience carefully. One of the things I noted was right around there, there is a chainlink fence. In this site, it probably fits in better than a chainlink fence, so I think the wrought iron, especially with the landscaping that's going to be put in. Since most of the open space is not going to be fenced in, I think that the harm is relatively minor to the public at large in that area, and therefore, I am going to vote in favor of this variance as well.

With that, could I have a motion?

COMMISSIONER LANAGHAN: Do we need two motions, one for each?

ACTING CHAIRPERSON SELBKA: Well, I think we're doing E now, and we'll do D in a little bit.

COMMISSIONER LANAGHAN: Is that how that's --

ACTING CHAIRPERSON SELBKA: I think, yes.

COMMISSIONER LANAGHAN: Because I was talking about D most of the time.

ACTING CHAIRPERSON SELBKA: No, we were talking about E.

COMMISSIONER LANAGHAN: Thomas is D actually.

ACTING CHAIRPERSON SELBKA: Oh, it's Thomas?

COMMISSIONER LANAGHAN: Arlington Heights is E.

ACTING CHAIRPERSON SELBKA: Arlington Heights is the one we're talking about.

MR. BLUMENFELD: I was talking about the one at Thomas.

ACTING CHAIRPERSON SELBKA: You're the one on Thomas?

MR. BLUMENFELD: Yes, but the other one is not a residential spot. This one is.

ACTING CHAIRPERSON SELBKA: So, you have no objection to Arlington Heights?

MR. BLUMENFELD: I could care less about that one. It's not, I don't live next to it, right.

ACTING CHAIRPERSON SELBKA: All right, I wanted to hear E first, so I apologize. We had done a motion here for E first.

COMMISSIONER LANAGHAN: We did.

ACTING CHAIRPERSON SELBKA: So, we have not done a motion to hear D, but since we've heard all the evidence on D, I think maybe if we could get a motion to hear D and E together and vote on them both, that might be the way to --

COMMISSIONER LANAGHAN: Modify to both motions.

ACTING CHAIRPERSON SELBKA: -- fix up my screw-up, yes.

COMMISSIONER LANAGHAN: So, I move to modify the previous motion to include Item D, ZBA Case #24-047 at 1427 North Ridge Avenue so we can put the two of those together.

ACTING CHAIRPERSON SELBKA: All right, can I have a second?

COMMISSIONER DRAKE: Second.

ACTING CHAIRPERSON SELBKA: All in favor?

(Chorus of ayes.)

ACTING CHAIRPERSON SELBKA: All right, since we've taken care of that, let's vote on D first. Can I get a motion to approve the variance on D?

COMMISSIONER LANAGHAN: I'll move to approve the variance at D which is 1427 North Ridge Avenue, ZBA #24-047 as presented.

ACTING CHAIRPERSON SELBKA: Second?

COMMISSIONER DRAKE: Second.

ACTING CHAIRPERSON SELBKA: Roll call, please.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Acting Chair Selbka.

ACTING CHAIRPERSON SELBKA: Yes.

Okay, D is taken care of. E, I assume, Mr. Schweda, everything in the testimony is the same?

MR. SCHWEDA: Correct.

ACTING CHAIRPERSON SELBKA: Does anybody want to make any comment on E?

(No response.)

ACTING CHAIRPERSON SELBKA: Okay, none being heard, I'll close it down for the Board deliberation.

Does anybody have anything that they did not say before as to E?

(No response.)

ACTING CHAIRPERSON SELBKA: Okay, hearing none, I'll close down Board deliberation. Can I get a motion to approve the variance on Petition E?

AUDIENCE MEMBER: Pardon me.

ACTING CHAIRPERSON SELBKA: Yes?

AUDIENCE MEMBER: Sorry. I live on 1423 North Ridge Avenue. It's just taking a minute to kind of like analyze what's going on here. But I live right next to the water tower and I'm just trying to get my thoughts around this because I also haven't had the time to really take a look into this, what the fence perimeter looks like, et cetera, and obviously by the fact that the e-mails bounced back. That's just screwy, in my opinion.

But I just want to know like besides the risk assessment that obviously I'm not tracking, from what I'm gathering, there's not a lot of information done on the regulation for a barrier type, like what constitutes a proper barrier in this case, like why a six-foot fence is needed, because that's just, at least I think, I didn't want to state it here, it looks just like a prison cell almost, in my opinion. I haven't gotten any information regarding like, I mean, if something looks like that in our neighborhood, it doesn't fit the spirit of the area, it's going to, like in my opinion, probably reduce, like not even like just property values in general, but just the aesthetics of the area entirely.

So, was there anything done, that is the question, anything done to assess whether it affects the spirit of the area and the value of the surrounding homes?

ACTING CHAIRPERSON SELBKA: So, the problem is that that was all discussed about 10 minutes ago, and everything is pretty much closed down as to that Thomas site. There is a public comment section after this, at the end of the meeting when all the other petitions are done, and if you want, you can make your comments then, or maybe Mr. Schweda can talk to you and answer these questions. Then if Mr. Schweda doesn't answer your questions completely, you can make a public comment then. How about that?

AUDIENCE MEMBER: Okay.

ACTING CHAIRPERSON SELBKA: All right, E, have we, all right, no Board deliberation. Have we voted on it yet?

MR. MACH: No.

ACTING CHAIRPERSON SELBKA: No, okay.

All right, do I have a motion to approve Petition E?

COMMISSIONER DRAKE: Move to approve Petition E. Do you want the file number?

MR. MACH: Please, yes.

COMMISSIONER DRAKE: ZBA #24-047.

ACTING CHAIRPERSON SELBKA: Do I have a second?

COMMISSIONER LANAGHAN: Second.

ACTING CHAIRPERSON SELBKA: Okay, Derek?

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Acting Chair Selbka.

ACTING CHAIRPERSON SELBKA: Yes.

Okay. All right, with that, let's go back to the other Zoning Board petitions. No one has to stay here if your only purpose for being here is the water tower issue, so those are all done. So, you're free to remain here and watch us work, but there is no need for you to do so if you don't want to.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:41 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 1639 NORTH YALE COURT - ZBA #24-033

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 13th day of January, 2025 at the hour of
7:41 p.m.

MEMBERS PRESENT:

JOSEPH SELBKA, Acting Chairperson
FRANK PORTERA
JEFFREY LANAGHAN
THOMAS DRAKE

ALSO PRESENT:

DEREK MACH, Development Planner
HART PASSMAN, Village Attorney

ACTING CHAIRPERSON SELBKA: Okay, let's go to Item A, which is 1639 North Yale Court, ZBA #24-033.

Derek, would you please tell us about this petition?

MR. MACH: Sure. Thank you, Chairman. The Petitioner is proposing to add a front porch addition to the existing home. The proposed front porch is 6.3 feet deep by 51 feet in width, and the proposed front yard setback is 26.6 feet; however, per code, a front yard setback of 36.8 feet is required.

Therefore, the Petitioner is requesting a 10.2-foot variation from Chapter 28, Section 5.1-0.3a to allow a front porch with a front yard setback of 26.6 feet instead of the required 36.8 feet, and an additional one foot for the eave. Thank you.

ACTING CHAIRPERSON SELBKA: Okay, could I have your name, sir.

MR. CHAUDHRY: Naseer Chaudhry.

ACTING CHAIRPERSON SELBKA: Okay, are you the only person who is going to be testifying?

MR. CHAUDHRY: Yes.

ACTING CHAIRPERSON SELBKA: Okay, would you raise your right hand?
(Witness sworn.)

ACTING CHAIRPERSON SELBKA: Okay, great. Can you present your petition, please?

MR. CHAUDHRY: Okay, in front of my home on the south side, I want to extend the whole --

MR. WANDS: Can I? I'm the architect.

ACTING CHAIRPERSON SELBKA: You're the architect?

MR. WANDS: So, I agreed to help him out.

ACTING CHAIRPERSON SELBKA: Would you like to testify, too?

MR. WANDS: Yes.

ACTING CHAIRPERSON SELBKA: All right, did you sign in?

MR. WANDS: Yes, I did.

ACTING CHAIRPERSON SELBKA: Okay, would you raise your right hand?
(Witness sworn.)

ACTING CHAIRPERSON SELBKA: All right, and could I have your name please?

MR. WANDS: My name is Gary Wands.

ACTING CHAIRPERSON SELBKA: All right, could you work with the Petitioner?

MR. WANDS: Yes. So, right now it's a single-family home, two stories, and we're proposing to move the front yard setback 10.2 feet so we'll clear the front covered porch. Right now, there is an existing covered porch, a gable roof, that's about 15 feet wide. The homeowner suggested to extend the covered porch to 52 feet.

ACTING CHAIRPERSON SELBKA: Okay, and what is the hardship that would be the basis for the variance?

MR. WANDS: Well, I mean, besides the setback line, that we can't encroach past the setback line due to the enlarged covered porch, three out of the five homes on this cul de sac is new construction, tear-downs. You know, the owner simply just wants to improve the curb appeal and, you know, modify and remodel the front facade to blend in more, you know, with the cul de sac of those five homes.

ACTING CHAIRPERSON SELBKA: And did you draft the petition?

MR. WANDS: I did the drawings, yes, and the front elevations.

ACTING CHAIRPERSON SELBKA: So, the variance petition, it also noted there that this was a non-conforming lot; is that correct?

MR. WANDS: It is, yes.

ACTING CHAIRPERSON SELBKA: Okay, all right.

COMMISSIONER LANAGHAN: Can I ask a quick question? I'm a little confused, on the survey it shows a building setback line of 30-45 feet which the house seems to meet the outside of that. Then the new one, by the calculation, shows it at 36 feet which pulls the house into this setback, so obviously non-conforming, right?

MR. WANDS: Yes, right.

COMMISSIONER LANAGHAN: So, the house, as is, is non-conforming. The entryway and covered front porch, you're not changing it, am I understanding that correctly?

MR. WANDS: No, we are not changing it.

COMMISSIONER LANAGHAN: The gable and everything stays the same, so again, an existing non-conforming condition. You're putting a porch on the side to improve the aesthetics of the house and give yourselves some place to sit outside and watch the neighbors go by?

MR. CHAUDHRY: Mostly it's for decoration time. If you see the new houses, I want to have a little nice front. Also, for your information, I have three letters from two neighbors on the south side, two neighbors, and one on the southwest and northwest. Three neighbors, I have a letter signed, I think I have them in here. So, that is 1627, 1623, on one side, on the other side, 1645.

MR. MACH: And those are in the packet.

COMMISSIONER LANAGHAN: Yes, I see that. Thank you, Derek.

MR. CHAUDHRY: So, they have no objection. I talked to them before. Also, we want to, I should mention when we enter in the house, our driveway is like 16-17, but when you go towards, because the garage is on the other side, our driveway is almost 45 feet, so we want to redo the driveway, too, the same. No change.

COMMISSIONER LANAGHAN: I'm assuming there's no variance needed for that.

MR. MACH: No.

COMMISSIONER LANAGHAN: So, we won't deal with that one here. They deal with that at the Building Department at an appropriate time.

ACTING CHAIRPERSON SELBKA: Does anybody else from the Board have any questions right now for the Petitioner?

COMMISSIONER DRAKE: How long have you been in the home?

MR. CHAUDHRY: '90, 9-0.

COMMISSIONER DRAKE: Okay, thank you.

ACTING CHAIRPERSON SELBKA: Anything else?

(No response.)

ACTING CHAIRPERSON SELBKA: You can have a seat for the moment.

Does anybody want to comment on this petition?

(No response.)

ACTING CHAIRPERSON SELBKA: Okay, hearing none, I'll close this

matter for Board deliberation.

What do you all think?

COMMISSIONER DRAKE: I think they met all the requirements. It's an existing non-conforming property right now. A long-time homeowner wants to improve his home, especially in a neighborhood that has a lot of knock downs and a lot of new homes. I'm in favor.

ACTING CHAIRPERSON SELBKA: Okay, Jeff?

COMMISSIONER LANAGHAN: Yes, I'd agree. It's an existing non-conforming. It's not -- house back.

ACTING CHAIRPERSON SELBKA: Right.

Frank?

COMMISSIONER PORTERA: Agree, it's a reasonable ask.

ACTING CHAIRPERSON SELBKA: All right, and I agree as well. So, at this point, I am going to close Board deliberation.

Can I get a motion to approve?

COMMISSIONER DRAKE: I move that we approve this petition, ZBA #24-033.

ACTING CHAIRPERSON SELBKA: Second?

COMMISSIONER LANAGHAN: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Acting Chair Selbka.

ACTING CHAIRPERSON SELBKA: Yes.

Okay, your variance is granted. You don't have to stay here. If you'd like to watch us do the rest of these, you can, but you don't have to.

MR. CHAUDHRY: Thank you.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:48 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 1021 NORTH STRATFORD ROAD - ZBA #24-042

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 13th day of January, 2025 at the hour of
7:48 p.m.

MEMBERS PRESENT:

JOSEPH SELBKA, Acting Chairperson
FRANK PORTERA
JEFFREY LANAGHAN
THOMAS DRAKE

ALSO PRESENT:

DEREK MACH, Development Planner
HART PASSMAN, Village Attorney

ACTING CHAIRPERSON SELBKA: Okay, moving on to the next petition which is 1021 North Stratford Road, ZBA #24-042.

Derek, would you please give a Staff overview?

MR. MACH: Thank you. The Petitioner is proposing to demolish the existing single-story residence and detached garage to build a new two-story residence and a new detached garage. As part of the project, the Petitioner is requesting:

- A five-foot variation from Chapter 28, Section 5.1-3.3a to allow a front porch with a front yard setback of 20 feet instead of the required 25 feet, and an additional 0.5 foot for the eave;
- A 0.3-foot variation from Chapter 28, Section 5.1-3.3a to allow a second story addition with a front yard setback of 24.7 instead of the required 25 feet, and an additional 0.5 foot for the eave;
- A 1.3-foot variation from Chapter 28, Section 5.1-3.3 to allow an addition with a side yard setback of 5.9 feet instead of the required 7.2 feet, and an additional 0.5 foot for the eave; as well as
- A variance from Chapter 28, Section 6.6-5 to allow the two air-conditioning compressor units in the required side yard setback along the south property line; and
- A 0.6-foot variance from Chapter 28, Section 6.6-5 to allow a window well encroaching into the side yard with a setback of 2.4 feet from the south property line instead of the minimum required three feet.

Thank you.

ACTING CHAIRPERSON SELBKA: Okay, could I have your name, sir?

MR. CIUREJ: Michael Ciurej.

MRS. CIUREJ: And Barbara Ciurej.

ACTING CHAIRPERSON SELBKA: Okay, could you both raise your right hand?

(Witnesses sworn.)

ACTING CHAIRPERSON SELBKA: Okay, please state your presentation.

MR. CIUREJ: So, my name is Michael Ciurej. I'm a senior project designer at OKW Architects, and this is our personal house.

So, we purchased the house about a year and a half ago with the intention to kind of expand it, remodel it, make it kind of more modern looking. So, while I was doing the current design, we realized that the existing house sits slightly too close to the street and slightly too close to the neighbor.

We obviously want to keep as much of the existing house as possible. So, that includes the foundations, the first-floor framing, and any kind of like wall framing that are not being modified, and add a second-floor addition and expand the house to the back. We'll also tear down the existing garage, and the new garage is going to get pushed back, but it's not going to encroach on any of the existing setbacks.

So, the two variances we are asking for are due to the existing conditions of the foundations being I believe like two inches too close to the street and a little over a foot too close to one of the neighbors. The additional variance we're requesting is to add a front entry porch which I believe allowed is five feet deep by 10 feet wide. Because of the design of the house, we are asking for a 16-foot-wide porch just to make it a little bit bigger to fit, for a proportionally better fit with the rest of the house.

Another variance is for the AC condensers to be located in the side yard. There's an existing wood fence over there that's going to screen the AC condenser so they're not going to be visible, and they're going to be friendly units so they're not going to be loud. We discussed it with our neighbor, he didn't have any objections. He has his condensers on the side there as well, so we wanted to kind of, we're probably going to add some landscaping on there as well as just to screen them even more.

Then the last variance was for a window well. That variance actually is more like a quarter of an inch because I guess what we have from our house to the property line is six feet, and I believe three feet minimum must be maintained between the window well and the property line. We only want to put in like a three-foot window well. There's not going to be a bedroom in that location, so we don't need an egress. So, we were just thinking of putting up a 36-inch deep window well, but if the quarter-inch encroachment is a problem, then we can go down to 30 inches, too, so that is not an issue.

Yes, so the main driver for all the variances is for keeping the existing foundations and the location of the existing house where it is and just extending it to the back.

ACTING CHAIRPERSON SELBKA: Okay. All right, did you have a chance to review the Engineering comments on the egress, the window well egress?

MR. CIUREJ: Yes. So, we can, it doesn't have to be an egress window. It could be just a normal 30 or 36-inch window well, just to provide some natural light. As I said, there's not going to be a bedroom there, it doesn't have to be an egress one.

ACTING CHAIRPERSON SELBKA: Okay, and you said one of your neighbors said this was, they like the design and they --

MR. CIUREJ: Yes, so we did get the approval from the Design Commission already and the variance, in discussing the AC condensers since the condensers are going to be sitting at the neighbor's side, we had talked to him and he said he didn't have any objection to it.

ACTING CHAIRPERSON SELBKA: Okay, how about the other neighbors in the area? Did any of them mention any objections to you?

MR. CIUREJ: We spoke to the neighbors directly next to our house. We didn't talk to everyone on the block but we did send the letters to everyone. No one contacted me saying anything. We've mentioned it to a couple of neighbors once we started the process that we're going to be adding a second-floor addition to the house, and no one seemed to have any objections to it since there's already several houses that had the same thing done on our block.

ACTING CHAIRPERSON SELBKA: Does anybody else have any questions?

COMMISSIONER LANAGHAN: Just one. At one point in the submittal, it says you're going to demolish the house, and then it sounds more like you're trying to remodel the existing house. Is that --

MR. CIUREJ: Well, most of the roof is going to be demolished, the rear wall is going to get demolished and like --

COMMISSIONER LANAGHAN: Sure, correct. But you're trying to use as much of the existing house?

MR. CIUREJ: Yes. The foundations are going to stay exactly where they

are. The first floor, the joists and the rest of the beam, the columns there, that's all going to stay. Then once we like remove the brick veneer that's there, we're going to see what the state of the framing is. If it's all rotted, then obviously we're going to replace it, but if there's a chance to keep some of it, then we'll want to keep it.

The garage is going to be completely new because we just want a little bit more room between the house and the garage. So, if we extend the house to the back, the existing location of the garage would only be like a couple of feet. So, that's why we're just going to build a new garage, but it's going to be within the required setbacks.

COMMISSIONER LANAGHAN: Got you, and again, working with the existing house, that's a large portion of some of your variances here?

MR. CIUREJ: Correct.

COMMISSIONER LANAGHAN: Those are existing uses that --

MR. CIUREJ: All the subject variances are because of the existing conditions.

COMMISSIONER LANAGHAN: Because of where that was at and how they came together, okay.

ACTING CHAIRPERSON SELBKA: Any other questions?

(No response.)

ACTING CHAIRPERSON SELBKA: Okay, you can sit down for a moment.

Are there any comments from anyone in the audience as to this variance?

MR. CORONA: I didn't sign in. Should I sign in?

ACTING CHAIRPERSON SELBKA: Yes, if you want to speak to it, you've got to sign in.

MR. CORONA: The right or left?

ACTING CHAIRPERSON SELBKA: Right.

MR. CORONA: Right, okay. So, my name is Juan Corona, and that's my wife, Danielle Corona. Oh, sorry, yes, I missed the stuff, sorry. All right.

ACTING CHAIRPERSON SELBKA: Can you raise your right hand?

(Witness sworn.)

ACTING CHAIRPERSON SELBKA: Okay, and are you speaking?

MR. CORONA: Danielle, are you speaking? No, okay.

ACTING CHAIRPERSON SELBKA: Then you don't have to be sworn in, that's fine.

Mr. Corona, go ahead.

MR. CORONA: So, my comments is only I just wanted to bring something. I think the whole idea is great. I'm really not objecting to anything. I only had a question for drainage, specifically in the garage area, because there's usually a lot of water that kind of flows through there and a lot of sitting water. So, if I understand this correctly, the garage is going to be bigger?

MR. CIUREJ: It's going to move back a little bit.

MR. CORONA: It's going to move back a little bit. So, I was just, I guess I just wanted to make a comment and maybe just to have a consideration for that if that's going to impact. I don't know if it is but I just wanted to bring that up. I think that's why we're, you know, we're here because we just don't want to see that get backed up and get worse because it's pretty, it gets pretty bad back there.

ACTING CHAIRPERSON SELBKA: Right. So, usually when we're looking at a drainage issue, we're looking at permeable surface --

MR. CORONA: Right.

ACTING CHAIRPERSON SELBKA: -- and they're not requesting a permeable surface change, so they're within the code as to that.

MR. CORONA: Okay.

ACTING CHAIRPERSON SELBKA: So, I don't think there's anything that we would see that would affect drainage here but, you know, certainly --

MR. CORONA: All right.

ACTING CHAIRPERSON SELBKA: -- you could speak to them. I doubt they want water collecting there.

MR. CORONA: No, no, no. Yes, yes. No, yes, so I just wanted to bring that up because, you know, we have been in the area a little bit longer.

ACTING CHAIRPERSON SELBKA: Right.

MR. CORONA: And, you know, we travel a lot and we were just like we haven't had a chance to talk to them. I was like, all right, well, let's go and at least bring it up.

ACTING CHAIRPERSON SELBKA: Yes.

MR. CORONA: So, no, but I think the house is great. So, that's the only thing I wanted to comment on.

ACTING CHAIRPERSON SELBKA: Okay, thank you.

Does anybody else have any other comments?

(No response.)

ACTING CHAIRPERSON SELBKA: Okay, with that, do you want to say anything to that or respond? Okay, all right, I'm going to close the matter down for Board deliberation. What does everybody think?

COMMISSIONER LANAGHAN: You know, one of the things that I was looking at is, you know, is this an existing condition, and it is. They're trying to reuse that house; I applaud them for doing that. It's a, remodel is probably not exactly correct, but it looks like a wonderful project. I want to make sure that you did say, and I know you went through Plan Commission already and I think you've probably adjusted a couple of the elements that they talked about putting brick on but, you know, the --

MR. CIUREJ: Correct, and we don't mind changing it.

COMMISSIONER LANAGHAN: -- the stuff that's here is pretty minor and it's all, in my opinion anyway, based upon the fact that there's an existing non-conforming structure they're trying to utilize. So, I'd be in favor of this one.

ACTING CHAIRPERSON SELBKA: Tom?

COMMISSIONER DRAKE: I totally agree with all of that, but I have a question with the comments that Engineering had about the window well and then the discussion from the Petitioner. Is that variance request not going to take effect or are they modifying it? I just want to be clear in my mind, the last one about the variance for allowing the window well encroaching in the side yard.

ACTING CHAIRPERSON SELBKA: Let me check. I think the window well already encroaches, correct?

MR. CIUREJ: I believe the existing window wells are probably like two, 2.5 feet deep so they're right on the line. So, we would just be replacing them in line. I think

the graphic in the drawings might have been shown larger than we intend to put them in. There is a little bit of graphic in the permit drawings anyway, but we don't necessarily need that variance. The window wells are not going to be getting closer than three feet to the property line.

ACTING CHAIRPERSON SELBKA: Okay.

COMMISSIONER LANAGHAN: So, we can approve the variances except for that particular one?

ACTING CHAIRPERSON SELBKA: Yes. So, you're withdrawing the final one?

MR. CIUREJ: Yes.

ACTING CHAIRPERSON SELBKA: Okay.

COMMISSIONER DRAKE: Thank you.

ACTING CHAIRPERSON SELBKA: All right, Frank?

COMMISSIONER PORTERA: Yes, I agree. The Petitioner is amenable to our Village's requests and I think that it is a reasonable ask from this Petitioner to renovate the home and spruce it up and make it look nicer for the neighborhood, so I'm agreeable.

ACTING CHAIRPERSON SELBKA: All right, so can I get a motion? I agree with my colleagues' comments. Can I get a motion to approve the four variances requested in the petition? The fifth one we don't have to do anything because that's been withdrawn.

COMMISSIONER DRAKE: I move that we approve ZBA #24-042, the first four variances as stated, excluding the fifth variance on the window well.

ACTING CHAIRPERSON SELBKA: Okay, can I get a second?

COMMISSIONER LANAGHAN: I'll second that.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Acting Chair Selbka.

ACTING CHAIRPERSON SELBKA: Yes.

Okay, you've got your variance. Congratulations, you don't have to stay here if you don't want to.

MR. CIUREJ: Thank you.

MRS. CIUREJ: Thank you.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:01 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 205 EAST EUCLID AVENUE - ZBA #24-046

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 13th day of January, 2025 at the hour of
8:01 p.m.

MEMBERS PRESENT:

JOSEPH SELBKA, Acting Chairperson
FRANK PORTERA
JEFFREY LANAGHAN
THOMAS DRAKE

ALSO PRESENT:

DEREK MACH, Development Planner
HART PASSMAN, Village Attorney

ACTING CHAIRPERSON SELBKA: Okay, and for the end of the evening, 205 East Euclid Avenue.

MR. VAN LIEW: Good evening.

ACTING CHAIRPERSON SELBKA: Just so you know, this is not anything where I feel I have to recuse myself, but I did get one of your notifications because I live in the block.

MR. VAN LIEW: Oh, did you?

MS. GUST: Oh, good.

MR. VAN LIEW: So, you're very familiar.

ACTING CHAIRPERSON SELBKA: I'm not going to be objecting, but just, you know, I did want to disclose that.

MR. VAN LIEW: Appreciate the transparency.

ACTING CHAIRPERSON SELBKA: Okay, could I have your name please?

MR. VAN LIEW: My name is Collins Van Liew.

MS. GUST: I'm Kirstie Gust.

ACTING CHAIRPERSON SELBKA: Okay, are you both going to be testifying?

MR. VAN LIEW: Yes, we are.

MS. GUST: Yes.

ACTING CHAIRPERSON SELBKA: Can you both raise your right hands?
(Witnesses sworn.)

ACTING CHAIRPERSON SELBKA: Okay, Derek?

MR. MACH: Thank you. The existing home is set back near the property line, and the Petitioner is proposing an addition in front of the home. A portion of the proposed addition is encroaching into the 30-foot required rear yard setback.

Therefore, the Petitioner is requesting a 7.5-foot variation from Chapter 28, Section 5.1-3.3 to allow an addition with a rear yard setback of 22.5 feet instead of the required 30 feet.

ACTING CHAIRPERSON SELBKA: Okay, go ahead.

MR. VAN LIEW: So, after moving from the city in 2020, we bought our home in the middle of the pandemic because we wanted to find a safer place to raise our kids, Selah and Jedidiah. While we were in the process of, excuse me, because of the way the home was designed, we knew that we could build both physical and financial security with them with the improvement potential that the property had. While in the process of buying the house, we fell in love with its quirky history. It actually started as a carriage house for actual horses and was originally built likely to support the Arlington Race Track which was being constructed at the same time.

We love being able to show our guests the places that horses used to stick their heads out of the back windows. We also really loved being able to climb through the attic and find all the letters and keepsakes and World War II helmets from the people that lived there before. The internal history of the building really matters despite the frankly horrendous exterior.

MS. GUST: When we're asked where we live, we jokingly say, you know that really beautiful green house with the copper gutters on the corner of Arlington Heights and Euclid, that's not us. We're the really ugly house to the side of it with a really big front yard. To not be the ugly house anymore but to avoid the variance process, we would have

to tear down this home and rebuild in the middle of our yard. Even if you ignore the historical impact that this would have for us, this isn't a good solution financially or environmentally as we would just be replacing the same square footage in a different space. It would also impact our neighbors' ability to have sunlight in their own homes.

In spite of all of that, as the reality, we really don't want to lose the thread of history that we are fortunate enough to build upon. This addition helps us maintain that history and build upon it by overcoming some of the modern-day limitations of a house built for horses in 1925.

MR. VAN LIEW: Currently, the house has three bedrooms. The master bedroom actually sits between the stairs and the rest of the usable space in the upstairs blocking off the bedrooms and our office. Additionally, each of the kids, they are asking for their own bedrooms now, but we need to maintain an extra guest room in case my parents, after a late-stage Alzheimer's diagnosis, are needing to move in. We often also house out-of-town guests, and that ranges from family to representatives of charitable organizations, and we'd love to have two bedrooms in the case that we've got a full house at some point.

Within this lifestyle and the one that we want to continue to build for our kids and the community, we also would like more space to be able to host things like parties and small events. We want to invite the kids' classes over for birthday parties and things like that. We want to be able to do things like intimate fundraising events for the charitable organizations that we support so that they don't have to go out and rent additional space. Currently, our living room really only supports eight adults comfortable.

MS. GUST: Our current home was built before the setback laws were in place and sits entirely within the rear setback. This addition will also partially sit within that setback, but as you can see on the pictures, the current home has three garages around it and there would be no negative impact to our neighbors' properties for this addition to be built within the setback our current home already sits fully within.

We need a variance approval so that we don't have to be the ugly house anymore but we can still maintain the history of the home and build a long-term modern lifestyle for our family.

ACTING CHAIRPERSON SELBKA: Does anybody have any questions?
(No response.)

ACTING CHAIRPERSON SELBKA: Okay, if you could sit down for a moment, please?

MS. GUST: Yes, you got it.

ACTING CHAIRPERSON SELBKA: Does anybody from the audience want to make any comments about this? Yes?

MR. NIENHUESER: I have not signed in.

ACTING CHAIRPERSON SELBKA: Okay.

MR. NIENHUESER: Left or right? Oh, not, it's opposition. So, I will do that now, but I will state my name as David Nienhueser, and I live down the street on Euclid.

ACTING CHAIRPERSON SELBKA: Okay, and would you raise your right hand?

(Witness sworn.)

MR. NIENHUESER: So, for the Board and Chair, thanks for having us. As a former registered architect, excuse me, and current facility planner, I do this on a daily

basis. I am familiar with the property and the owners, and I have seen the existing space. I've seen the plans for what's coming or what's being proposed.

I do believe it will increase the curb appeal for the street. I believe it will raise the value of their property. I believe it will raise the value of the properties around it and all throughout Euclid.

So, I am just here to support their request.

ACTING CHAIRPERSON SELBKA: Okay, thank you.

Anyone else? Can I have your name, please?

MR. FOLEY: I'm Matthew Foley.

ACTING CHAIRPERSON SELBKA: Okay, would you raise your right hand, please?

(Witness sworn.)

MR. FOLEY: In brief, I just want to say I support anything that means not tearing down an existing property, especially one that has extra character. I want to make sure that we maintain that, but I do think it's reasonable to want to expand and increase curb appeal. That's kind of all I had to say.

ACTING CHAIRPERSON SELBKA: Okay, thank you. Does anyone else want to say anything?

MS. SADRAKULA: Hi, my name is Joanne Sadrakula. We are one of the garages there. We have lived in our house for --

ACTING CHAIRPERSON SELBKA: One moment, ma'am.

MS. SADRAKULA: Okay, you've got to swear me in.

(Witness sworn.)

MS. SADRAKULA: As I said, we've lived there for 46 years, and their house is cement block because it was a carriage house and we each have very little difference in our lot line, about a foot or maybe two feet of a division. The only thing that their house will do is improve the neighborhood. It's always, we've always been very close to the previous owner and we got along fine, and we get along fine with them. I just would really like recommend that you approve their variances so that they could have the house that they want.

ACTING CHAIRPERSON SELBKA: Anybody else? Come on up, sir.

MR. LEEWIS: I have to go to the next page.

ACTING CHAIRPERSON SELBKA: Okay, could I have your name?

MR. LEEWIS: Owen Leewis.

(Witness sworn.)

MR. LEEWIS: I really can't say much more than what has already been said. I've been in the location, appreciating the history, so maintaining that history that has been built and keeping it within such an amazing community. Nothing but great things would happen with the addition to this. The family would definitely need the space and it will do nothing, but improve the community. So, I really can't say much more.

ACTING CHAIRPERSON SELBKA: Okay, and where do you live, sir?

MR. LEEWIS: I live in Arlington Heights over on -- sorry.

ACTING CHAIRPERSON SELBKA: That's okay.

MR. LEEWIS: Westgate, over by Westgate.

ACTING CHAIRPERSON SELBKA: Okay. All right, thank you.

MR. LEEWIS: Thank you.

ACTING CHAIRPERSON SELBKA: Anybody else want to speak?

MR. SADRAKULA: I didn't put my address for mine.

ACTING CHAIRPERSON SELBKA: Yes, you've got to put your address.

MS. SADRAKULA: 507 North Arlington Heights Road.

ACTING CHAIRPERSON SELBKA: Okay, I don't think there's anything you need to respond to what was said since everything was positive. So, I'm going to close this matter down for Board deliberation. What does everybody think?

COMMISSIONER DRAKE: I think they've met all the requirements. There are no objections from the Staff, great neighbor support. I really like the fact that you detailed what it would cost to tear the property down versus doing the renovation, even the amount of waste that would have to be hauled was unfavorable.

ACTING CHAIRPERSON SELBKA: Jeff?

COMMISSIONER LANAGHAN: Yes, and I'd say I love the fact you brought the neighbors out. I always love to hear from the people who are most affected and appreciate everybody coming tonight. This might be a first, I don't know that we have ever granted a rear yard variance to add to the front of a house but, you know, what you're proposing here looks great and I certainly appreciate the history as well.

ACTING CHAIRPERSON SELBKA: Frank?

COMMISSIONER PORTERA: Yes, overwhelming support as we've seen, great petition. Thank you for the hard work and detail that you've put in, all the decisions seem to be very carefully crafted and thought about. So, thank you for that, and I'm in favor of this petition.

ACTING CHAIRPERSON SELBKA: Yes, I am in favor as well. I live like half a block away and this is a house that really, as much as it has character, I really appreciate that you're going to be renovating it. Although I am jealous of your vegetable garden because it's the only one I --

MS. GUST: Any time you want to come over, we open it up to friends and family and neighbors, because there's more than enough.

ACTING CHAIRPERSON SELBKA: Okay. All right, with that, I'm going to close down Board deliberation.

Can I get a motion to approve?

COMMISSIONER LANAGHAN: I move to approve, let me make sure I get the right one, the variances for 205 East Euclid Avenue, ZBA #24-046 as presented.

ACTING CHAIRPERSON SELBKA: Okay, second?

COMMISSIONER DRAKE: Second.

ACTING CHAIRPERSON SELBKA: All right, Derek?

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Acting Chair Selbka.

ACTING CHAIRPERSON SELBKA: Yes.

Congratulations, your variance is granted. Thank you.

With that, we're through all of the petitions. I guess there's a public

comment on anything anybody wants to say to us, knowing that there is probably very little we can do about anything you have to say, but we do have that.

MS. GUST: Thank you. That's what my public comment is. Thank you for your voluntary service.

ACTING CHAIRPERSON SELBKA: Okay, anybody else?

(No response.)

ACTING CHAIRPERSON SELBKA: All right, with that, I guess we have motion to adjourn?

COMMISSIONER DRAKE: Move to adjourn.

COMMISSIONER LANAGHAN: Second.

ACTING CHAIRPERSON SELBKA: Okay, all in favor?

(Chorus of ayes.)

ACTING CHAIRPERSON SELBKA: All opposed?

(No response.)

ACTING CHAIRPERSON SELBKA: Hearing none, we're done.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:15 p.m.)

APPROVED

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STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

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

RONALD LeGRAND, JR.

SUBSCRIBED AND SWORN TO
BEFORE ME THIS _____ DAY OF
_____, A.D. 2025.

NOTARY PUBLIC