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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: 1614 SOUTH FERNANDEZ AVENUE - ZBA #25-001

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 14th day of April, 2025 at the hour of
7:00 p.m.

MEMBERS PRESENT:

BENJAMIN JAFFE, Acting Chairperson
THOMAS DRAKE
JOSEPH SELBKA
FRANK PORTERO

ALSO PRESENT:

DEREK MACH, Planner
DAN OSOBA, Planner
DARKO BOJIN, Assistant Planner
HANNAH SAED, Village Attorney

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ACTING CHAIRPERSON JAFFE: Okay, good evening. We are calling this month's meeting of the Zoning Board of Appeals to order. Just first quickly, just to state this issue, we normally have a number of microphones; we don't have that tonight, we just have one. So, I'm going to ask for all of your cooperation. If you are not speaking at the podium, you can't speak because we're only going to have this one microphone. So, please, any conversations need to happen outside.

We'll start with the Pledge of Allegiance with the flag in the corner.

(Pledge of Allegiance recited.)

ACTING CHAIRPERSON JAFFE: Let's do a roll call, Derek.

MR. MACH: Mr. Siavelis.

(No response.)

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. MACH: Mr. Jaffe.

ACTING CHAIRPERSON JAFFE: Here.

MR. MACH: Mr. Lanaghan.

(No response.)

MR. MACH: Mr. O'Connor.

(No response.)

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Here.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Here.

ACTING CHAIRPERSON JAFFE: Okay, next item is the approval of minutes from our last meeting on March 10th.

Have all the members had an opportunity to review those minutes? Any errors, edits or omissions?

(No response.)

ACTING CHAIRPERSON JAFFE: Is there a motion to approve?

COMMISSIONER DRAKE: Motion to approve.

COMMISSIONER PORTERA: Second.

ACTING CHAIRPERSON JAFFE: All in favor?

(Chorus of ayes.)

ACTING CHAIRPERSON JAFFE: All opposed?

(No response.)

ACTING CHAIRPERSON JAFFE: Okay, I'm going to cover the procedures for tonight's hearing. So, again, we've already had our call to order, our roll call and our Pledge of Allegiance, as well as our approval of minutes. So, here are the procedures.

First, a quorum in voting: If less than six members are present, the petitioner has an option to continue the meeting. It takes four affirmative votes to approve a variance regardless of the number of Board members in attendance. If denied, a petitioner cannot reapply for a whole year. So, we have four people tonight, that means all your petitions need to go four for four. So, keep that in mind as you come to the podium as we review each of your respective petitions.

The variation hardship: So, explain the four elements necessary to

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establish in order for the Board to be able to grant a variation. Those of you who completed the packets know that you already filled these out, but for the sake of the hearing you need to cover all four, which are:

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 this chapter; 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 the Board of Appeals, sustains each of the four conditions enumerated.

Now, again, we have six petitions tonight, so this Board's expectation is, of each of the petitioners, that you cover all four of these. It's not our responsibility to extract the information out of you. So, again please keep that in mind as you come and prepare and present your petitions.

So, as far as sequence of events and order of operations, the Chairperson will open the agenda item and provide introductory remarks. We'll have a Staff presentation from Derek. The applicant will conduct their presentation and cover those four variation hardships that I just covered.

From a public comment perspective, members of the public may speak on the application. Speakers must be sworn under oath and state and spell their name clearly. Anyone who has formally registered in advance of the hearing as an objector should be permitted to speak first. Objectors must complete a form to be provided by the Department of Community Development and submitted to the Director of Community Development no later than 4:30 p.m., five days before the scheduled date of the hearing.

Derek, I believe we have two objectors this evening for one of the petitions?

MR. MACH: That is correct.

ACTING CHAIRPERSON JAFFE: Okay, a registered objector may cross examine the applicant or their witnesses. Registered objectors are also not restricted to the time limit for public comment. Any person who has not formally registered as an objector may speak at the hearing, but must limit their comment to three minutes. The Chair may, in his or her discretion, alter the maximum time provided to public commenters provided the maximum time is applied to all speakers.

The applicant will have an opportunity to make a closing statement and present any follow-up testimony or evidence. The applicant will then rest their case. The Board will then deliberate and it will make a motion to close the public testimony on voice vote. The Board will deliberate and vote on the matter. All ZBA final decisions will be in writing.

Derek or Village Attorney, anything that I missed?

MS. SAED: You covered all of it.

ACTING CHAIRPERSON JAFFE: All right, then let's start with new business. Agenda Item A, Zoning Board of Appeals Case 25-001, 1614 South Fernandez

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Avenue.

MR. MHO: Hi, my name is Mitch Mho from Neri Architects. I'm representing the Petitioner, Maricris Ang.

ACTING CHAIRPERSON JAFFE: And what's your address, Mitch?

MR. MHO: 6400 North Northwest Highway, Chicago, Illinois.

(Witness sworn.)

MR. MACH: Chairman?

ACTING CHAIRPERSON JAFFE: I'm sorry, Staff report.

MR. BOJIN: Sure. The Petitioner is proposing to construct a main entry porch on the east face of the building, which is approximately 31 feet wide and it's seven feet deep, which will encroach into a required front yard setback. The proposed porch is set back 25.3 feet where 26.9 feet is required.

Therefore, the Petitioner is requesting the following variation:

- A 1.7-foot variation from Chapter 28, Section 5.1-3.3a to allow an addition with a front yard setback of 25.3 feet instead of the required 26.9 feet, and an additional two feet for the eave.

Thank you.

ACTING CHAIRPERSON JAFFE: Board Member Drake?

COMMISSIONER DRAKE: Yes, I would like to make a statement. I live a few doors down from the Petitioner. I don't know the Petitioner. I don't see any reason to recuse myself from this hearing, so I plan to sit in.

ACTING CHAIRPERSON JAFFE: Okay.

MR. MHO: So, as the architect, the scope of work was to design first and second floor additions to the home, and with that are looking to modernize the elevations. As part of that effort to modernize the elevations and bring them up a little more to modern standards, we have, part of that includes changing out all the windows to something a little more modern, less grills. With that, we have also extended the porch to also help with that effort.

As part of the extension of the porch, we have included, we're replacing the existing columns that are there that are four-by-four posts, six-by-six maybe, and added some beefier, fewer columns to help really ground that porch. The porch as it stands, the existing porch is at the same depth. We're not extending the porch any far forward or further into the setback. We're just extending it to the side.

With that, you know, we don't believe the proposed variation would greatly change the character of the home. The porch exists as it is, it just doesn't go as far as all the way to the end of the home. The plight of the owner is unique in that the existing porch was already over the setback. Sorry.

We believe that the proposed variation stays in harmony with the intent of the chapter as it maintains the character of the home as well as the neighborhood. The proposed variation is the minimum variation necessary to maintain the aesthetics of the home while preserving the usability of the proposed porch which, as it stands, is at seven feet.

ACTING CHAIRPERSON JAFFE: Any member want to start with any questions?

(No response.)

ACTING CHAIRPERSON JAFFE: How long has the owner lived in this

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property?

MR. MHO: I believe for a year.

ACTING CHAIRPERSON JAFFE: Okay, and has the property owner discussed the plans with their neighbors?

MR. MHO: That I do not know.

ACTING CHAIRPERSON JAFFE: Is the property owner here?

MR. MHO: I don't believe so.

ACTING CHAIRPERSON JAFFE: Okay.

COMMISSIONER PORTERA: To your knowledge, is there any neighbor opposition?

MR. MHO: No.

COMMISSIONER PORTERA: And this is an existing non-conforming use you said?

MR. MHO: Correct, the porch is.

COMMISSIONER PORTERA: You're just moving it out more towards the north side of the house?

MR. MHO: Exactly. The porch already exists in that current location. We're just extending it.

COMMISSIONER PORTERA: Okay.

ACTING CHAIRPERSON JAFFE: Tom, Joe, anything?

(No response.)

ACTING CHAIRPERSON JAFFE: Okay. All right, we're going to see if there's any public comment. If there is, then you can come and respond to that; otherwise, you --

MR. MHO: Sure.

ACTING CHAIRPERSON JAFFE: -- can have a seat. Thank you.

Is there anybody in the audience who wishes to make public comment on this petition?

(No response.)

ACTING CHAIRPERSON JAFFE: Okay, hearing none, we'll close it down for Board deliberation.

I think this is a pretty straight-forward and reasonable request given the fact that you've pointed out, Frank, about this is a pre-existing non-conforming condition. We don't believe there is any neighbor opposition or concern. So, I wouldn't have any concerns moving forward with this.

COMMISSIONER SELBKA: I agree.

COMMISSIONER DRAKE: Agreed.

ACTING CHAIRPERSON JAFFE: Is there a motion?

COMMISSIONER SELBKA: Motion to approve.

COMMISSIONER DRAKE: Second.

MR. BOJIN: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. BOJIN: Mr. Jaffe.

ACTING CHAIRPERSON JAFFE: Yes.

MR. OSOBA: Mr. Portera.

COMMISSIONER PORTERA: Yes.

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MR. BOJIN: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

ACTING CHAIRPERSON JAFFE: Okay, congratulations. Your petition has been granted. You're welcome to stay, but you're free to leave.

MR. MHO: Thank you.

ACTING CHAIRPERSON JAFFE: You're welcome.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:10 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: 1 SOUTH MITCHELL AVENUE - ZBA #25-002

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 14th day of April, 2025 at the hour of
7:10 p.m.

MEMBERS PRESENT:

BENJAMIN JAFFE, Acting Chairperson
THOMAS DRAKE
JOSEPH SELBKA
FRANK PORTERO

ALSO PRESENT:

DEREK MACH, Development Planner
DAN OSOBA, Planner
DARKO BOJIN, Planner
HANNAH SAED, Village Attorney

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ACTING CHAIRPERSON JAFFE: Okay, moving on to Agenda Item B, Zoning Board of Appeals Case 25-002, 1 South Mitchell Avenue.

MS. WALDEN: Good evening.

ACTING CHAIRPERSON JAFFE: Good evening.

MS. WALDEN: We're here representing the homeowner, Geoffrey Ocampo. We're Extreme Remodeling.

ACTING CHAIRPERSON JAFFE: And what's your name?

MS. WALDEN: My name is Cindy Walden.

ACTING CHAIRPERSON JAFFE: And your address?

MS. WALDEN: I am at 650 Dickie Avenue in Elgin, Illinois.

MR. NEGRON: Raul Negron, 659 Franklin Boulevard, Elgin, Illinois.

(Witnesses sworn.)

ACTING CHAIRPERSON JAFFE: Okay, Staff report.

MR. MACH: Thank you, Chairman.

The Petitioner is proposing an addition to the existing two-story home. The proposed addition is encroaching into the required front yard and exterior side yard setback.

Therefore, they're requesting a 3.4-foot variation from Chapter 28, Section 5.1-3.3a to allow an addition with a front yard setback of 32.8 feet instead of the required 36.2 feet and an additional one foot for the eave, as well as a 2.6-foot variation from Chapter 28, Section 5.1-3.3c to allow an addition with an exterior side yard setback of 12.4 feet instead of the required 15 feet, and an additional one foot for the eave.

Thank you.

MS. WALDEN: Okay, this property is not overly unique. Every city has one and it's a corner lot. Corner lots of course do have a little bit more of a setback kind of item. So, what we're looking at is minimizing this.

When we first submitted the plans, we were going to have it expand also to the east side out towards the street. We have since cut that back so it does stay parallel, so that way the expansion is minimized and only going mostly to the north. The half foot to the west side also helps to allow for the bathroom and the staircase inside the building.

The house can, in order to expand the house and have more livable space, the homeowners have been there approximately five-and-a-half years already, they're hoping to have a child here soon and needed a little bit more space, so that way they could have of course another bedroom. The first-floor kitchen is located over towards the south end of the house. So, the expansion, if they were to do that, it would be an entire cut and it really wouldn't give them additional floor area for their living space nor for the bedroom to be able to go up. Also, because of where the footprint is of the house and the garage, you would also eliminate what little bit of patio area they do have. With the minimum setback so close, the 14 feet, 14.5 on the west side, it does make limitations as to how you can add on to an older home that's been in the districts.

They do want to keep some of the green space of course because they want to have some outside living. They kept the design going with the same pattern, matching with the siding. The windows will be there. They've added the, yes, shutters, so that way everything goes in correlation, the double pane windows, it all matches along.

As I said, they eliminated the variance request to the east.

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They have shared the details with their neighbors. To the best of our knowledge, they have had no interaction that has been anything negative at all.

They are not actually altering the use. This is still going to remain a single-family home. That's the original use and that's the intended use.

The spirit of the neighborhood, we also did a Google street map because of, knowing that it was going into the setback, there's color copy as well, it's easier to see with the color copy, but the house itself that's in question is the circled one. This is like drawing a straight line across. You'll see that there are already two houses that exceed past where we're even asking to put the three feet, 4.5 inches into the north elevation.

ACTING CHAIRPERSON JAFFE: Excuse me, do we have to enter that? Do you have a copy of that?

MS. WALDEN: Yes.

ACTING CHAIRPERSON JAFFE: You make one to Derek and then he can keep that as part of the packet, and then if you have another one, you can just circulate it with us and we'll give it back to you.

MS. WALDEN: Yes.

MR. NEGRON: I will.

ACTING CHAIRPERSON JAFFE: Thank you.

MS. WALDEN: This is just a black and white copy, that way you can see currently this is where the house is at, and then it's going to go cast the line approximately two feet.

ACTING CHAIRPERSON JAFFE: Thank you.

MS. WALDEN: Yes. I apologize for not having that in the original packet. I didn't know that we needed to provide that at that time.

In regards to the spirit of the neighborhood, it's going to stay in same correlation, still staying with single families. The property is, you saw that there was only like three houses on each side, that's because after you continue to go to the west, after three houses it becomes commercial. So, there's no, that's not the same type of setbacks.

We believe it keeps with the spirit. It's unique because of its corner lot, and it is the least amount of variance with the maximum amount of ability for the family.

ACTING CHAIRPERSON JAFFE: Questions from the Board?

COMMISSIONER DRAKE: Yes, I have a question. Did you have a chance to look at the comments from the different Staff Departments of the Village?

MS. WALDEN: I must have --

MR. NEGRON: In regards to the Building or something else?

COMMISSIONER DRAKE: Well, the Building and Life Safety Department had a comment about the drawings that you submitted related to fire resistance. Did you see that comment or those comments?

MR. NEGRON: I apologize for this one. This permit process was put in front of the zoning for some reason. We missed the zoning part. So, the Building Department approved everything already, and then when we went to go pick up the permit, we found out we were missing zoning. So, it was kind of done backwards. We're supposed to do the zoning first and then go apply for the building permit, but the building permit has been applied for and approved and you guys should have a record of that.

COMMISSIONER DRAKE: Derek, is that drawing issue that they

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referenced, is that something that could be corrected or taken care of as they go through the final permit process?

MR. MACH: Yes. The Petitioner would be required to satisfy all Building Code requirements in order to obtain their permit.

COMMISSIONER DRAKE: All right, so it's not a red flag.

MR. MACH: No.

COMMISSIONER DRAKE: Okay, thank you.

MR. NEGRON: Whatever is needed we can address that. I just want to let you know that was the process and we apologize for that. When we submitted, the system allowed us to go through without the zoning, so now we've got to fix the zoning.

COMMISSIONER DRAKE: Okay.

ACTING CHAIRPERSON JAFFE: You said the owners have been there for five-and-a-half years and are about to have a child. Is it just the two of them in the house right now?

MR. NEGRON: Yes.

MS. WALDEN: Yes.

ACTING CHAIRPERSON JAFFE: All right.

MS. WALDEN: So, unless they have triplets, they won't need more than one bedroom.

ACTING CHAIRPERSON JAFFE: Frank or Joe?

COMMISSIONER PORTERA: No, I have no other questions.

ACTING CHAIRPERSON JAFFE: Okay, thank you very much.

You may have a seat.

MS. WALDEN: Thank you.

MR. NEGRON: Thank you.

ACTING CHAIRPERSON JAFFE: Is there anybody in the audience who wishes to make public comment on this petition?

(No response.)

ACTING CHAIRPERSON JAFFE: Great, hearing none, Tom, do you want to start, because I think you had good questions.

COMMISSIONER DRAKE: Sure. Sure, I think they met all of our requirements. There really is no Staff disagreement. They've all essentially signed off. It's a reasonable request in my opinion. I think it's a nice project for the family and I'm in favor of it.

COMMISSIONER SELBKA: I agree.

COMMISSIONER PORTERA: Agreed. They are cognizant of the variances and tried to work with the east line, so this is a reasonable ask.

ACTING CHAIRPERSON JAFFE: Is there a motion?

COMMISSIONER SELBKA: Motion to approve.

COMMISSIONER DRAKE: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

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MR. MACH: Acting Chair Jaffe.

ACTING CHAIRPERSON JAFFE: Yes. All right, congratulations.

MR. NEGRON: Thank you very much.

MS. WALDEN: Thank you.

ACTING CHAIRPERSON JAFFE: Have a good evening.

(Whereupon, the public hearing on the above-mentioned
petition was adjourned at 7:18 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: 1103 NORTH DRURY LANE - ZBA #25-005

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 14th day of April, 2025 at the hour of
7:18 p.m.

MEMBERS PRESENT:

BENJAMIN JAFFE, Acting Chairperson
THOMAS DRAKE
JOSEPH SELBKA
FRANK PORTERO

ALSO PRESENT:

DEREK MACH, Development Planner
DAN OSOBA, Planner
DARKO BOJIN, Assistant Planner
HANNAH SAED, Village Attorney

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ACTING CHAIRPERSON JAFFE: Our next agenda item is letter C Charlie, Zoning Board of Appeals Case 25-005, 1103 North Drury Lane.

MR. MACH: I'm just checking the hallway.

MR. ANSTADT: Should I start or wait for Derek to come back?

ACTING CHAIRPERSON JAFFE: We need you sworn in, so if you could state your name and address first?

MR. ANSTADT: John Anstadt with John Anstadt Architecture & Design. Address is 403 North Oak, Mount Prospect, Illinois.

(Witness sworn.)

ACTING CHAIRPERSON JAFFE: Okay. We got him to sign in, if you want to do the Staff report?

MR. MACH: Thank you.

The Petitioner is proposing a covered patio that exceeds the allowable 300 square feet. In the spring/summer of 2024, the Petitioner installed two code-compliant accessory structures above the patio --

ACTING CHAIRPERSON JAFFE: Derek, I think that's the following agenda.

MR. ANSTADT: That's the wrong one.

MR. MACH: My apologies.

ACTING CHAIRPERSON JAFFE: I told you to be prepared.

MR. ANSTADT: I am not prepared for that, clearly.

MR. MACH: I just went and announced in the hallway. I announced the wrong petition, sorry, the wrong agenda item. Is anyone here for the -- my apologies.

Thank you, Dan.

MR. OSOBA: Yes. The Petitioner is proposing an interior renovation and addition to make it a three-bedroom, two-and-a-half bath residence with a three-car attached garage. The building addition encroaches into the required front and exterior side yard. The setback requirements for those required yards are established by the average setback of the existing home and the other homes that are on that same frontage.

Therefore, the Petitioner is requesting the following variations: a 3.8-foot variation to Chapter 28, Section 5.1-3.3.a to allow an addition with a front yard setback of 26.4 feet instead of the required 30.2 feet and an additional one foot for the eave, and an 8.3-foot variation from Chapter 28, Section 5.1-3.3.c to allow an addition with an exterior side yard setback of 22.7 feet instead of the required 31.0 feet and an additional one foot for the eave.

MR. ANSTADT: Thank you. Good evening. Just a little bit of history behind the project, we are right next to Prospect Heights. Due to that, we were unsure initially what all the setbacks were going to be for the project. I had the homeowners who are here tonight reach out to the town and to get those setbacks.

We were presented those setbacks. I've done a ton of work in town so I was questioning them and I did reach out to the town to say are you sure about this? This doesn't take in the average which is typical for the case. We were assured that the setbacks were correct, then we moved forward with the design of the house.

The house, the desire for the house of my clients is to be first floor living. We are only three bedrooms, we're not overly huge. We designed it to fit well within the initial setbacks that were presented to us. On Drury, we were in fact 12.5 feet behind the setback, and on Oakton, we were about a foot-and-a-half.

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Fast forward, we finished the project. We're all done. We submitted our drawings to the Design Committee. Steve Hautzinger tells us that both our setbacks are off and we're over on both sides. So, there was some back and forth there. Steve has confirmed that the setbacks that he has told us are the correct ones and not the initial ones, and that is why we are here today. We are here looking for relief based on what we initially designed to fit within the zoning, and we're over on both sides.

So, for that, I'll take any questions.

ACTING CHAIRPERSON JAFFE: Anybody want to start? How long have the property owners lived in that residence?

MS. BERTOLINI: One year.

MR. ANSTADT: One year.

ACTING CHAIRPERSON JAFFE: If you're going to, I'm afraid you'll need to come up and sign in. Sorry.

MR. ANSTADT: Sorry, I did not know it.

ACTING CHAIRPERSON JAFFE: What's your name?

MS. BERTOLINI: Fran Bertolini.

ACTING CHAIRPERSON JAFFE: What's your address?

MS. BERTOLINI: 1103 North Drury.

(Witness sworn.)

ACTING CHAIRPERSON JAFFE: How long have you owned the property?

MS. BERTOLINI: We've owned the property for one year. We've been residents of Arlington Heights since 1990.

ACTING CHAIRPERSON JAFFE: Okay, you said when you initially submitted the plans that you drafted to the Design, was it Design you said?

MR. ANSTADT: The Design Commission.

ACTING CHAIRPERSON JAFFE: The Design Commission?

MR. ANSTADT: Yes.

ACTING CHAIRPERSON JAFFE: And they said that your initial plans were accurate/inaccurate? Can you walk us through that? That's Steven Hautzinger?

MR. ANSTADT: Yes. We went through, initially, Design Commission came later. So, we went initially to the town because we were unsure of the setbacks due to Prospect Heights being next to us. We confirmed all those.

ACTING CHAIRPERSON JAFFE: And when you said town, you went to Arlington Heights? You didn't go to Prospect Heights.

MS. BERTOLINI: Yes.

MR. ANSTADT: Exactly. I specifically told the clients we have to get this in writing because it's an unusual circumstance. The only way I'm going to start designing this is if I know where our setbacks are. That was confirmed by Daniel Osoba in an e-mail. I then questioned them because there was no average on that, it was specific numbers. I questioned that, and then we got another response back that basically said no, this is correct, there is no average, you can go with those.

We then designed the house and spent quite a number of time designing it out. We then presented drawings to the Design Commission for our application. That's when Steve came back and said your setbacks that you've submitted to us are incorrect. So, that was the first time we were even aware that we were off, after the house was designed and laid out to the next step.

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MS. BERTOLINI: So many months of design, dollar amounts, time were spent to carefully make this home the way that we felt will fit into the neighborhood. I still feel that it will enhance the neighborhood. We are not doing anything wild or crazy.

It's a one-story home. On the Oakton side, we I believe are only out a few feet. On the Drury side, we are out a little bit only because we thought that was our side yard and that's what we were told.

The neighbors to the north of us are all Prospect Heights. We have spoken to all of them. They like what we're doing. They do not want, you know, they're happy about the home that's there now. It's going to be enhanced and make their property values go up, as well as Arlington Heights across the street from us and to the east of us. I feel that we're right within what they have, we're not doing anything, you know, it's a smaller home.

We're not, you know, we just want one-story living. We had a larger home in South Arlington Heights for, like I said, 30 years and enjoyed living there. Kids have grown out. Now, we have our children here, our grandchildren are here and live on the site. So, this is what we're petitioning.

ACTING CHAIRPERSON JAFFE: You operated in good faith, you submitted plans which you thought were accurate, and now you've learned that the plans that you've designed do not meet code.

MS. BERTOLINI: They're not.

MR. ANSTADT: Correct.

COMMISSIONER DRAKE: Are you done with the Design Commission in terms of approvals, so now it's a matter of having your variance heard?

MR. ANSTADT: We have a verbal from Steve saying he will administratively approve it if we get passed tonight.

COMMISSIONER DRAKE: But do you have to go back to the Commission itself or you can deal with the Staff from this point forward?

MR. ANSTADT: No, we're done.

ACTING CHAIRPERSON JAFFE: Joe or Frank?

COMMISSIONER PORTERA: Any neighbor opposition at all? We'll have a portion for you. Thank you, sir.

MS. BERTOLINI: Nobody has approached.

COMMISSIONER PORTERA: Sure.

MS. BERTOLINI: The signs have been up for the two weeks that we were asked to put them up for. I believe letters were also sent out. I don't know how accurate that is because when I looked at the list, there are people on there that, you know, that no longer live there or are deceased or what have you. So, nobody has come to us. We have seen neighbors looking, pointing, taking, you know, whatever, but nobody has actually asked us what we plan on doing.

Our family is all around us. We just want to stay in Arlington Heights and do what they're doing.

COMMISSIONER PORTERA: Okay, thank you.

ACTING CHAIRPERSON JAFFE: Anything else?

(No response.)

ACTING CHAIRPERSON JAFFE: All right, it sounds like there is public comment. So, why don't you have a seat? We'll let those individuals speak, and then

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you'll have an opportunity then to respond to any of those comments.

We heard a noise. Did that mean that somebody wants to speak?

Yes?

Derek, we don't have to get their address, right? Just their name?

MR. MACH: Correct.

MR. HUDSON: Just the name? Ron Hudson, 1710 East Oakton. We're the closest neighbor, and we became aware of the project when the sign went up. We've had no communications from them adjacently, none of any sort.

It seems to me that they're changing the character of the house. So, they will have two front yards if you will. It's going to be an L-shaped structure. I have a side yard of 10-foot separation. I'm not getting a 10-foot separation on their side from our side yard because they're treating it as a backyard. If you look at the way that the house is intended to be, I need more space for my own adjacent property.

ACTING CHAIRPERSON JAFFE: So, you are in opposition of this Board granting the variance?

MR. HUDSON: Yes. That's the first I've seen their plans. I can see my house or I can see my property line. Do we know exactly how far away from that property line any portion of the house would be?

MR. OSOBA: 11 feet 4.75 inches.

MR. HUDSON: Is there doors there or anything like that?

MR. OSOBA: Not to my recollection. That's the side of the garage.

MR. HUDSON: I'll also point out to them; that's a low spot on their property. I don't know what they're going to do about raising it, what they can do about raising the height of the ground and things like that, but someone needs to consider where the water is going to go.

ACTING CHAIRPERSON JAFFE: Okay, thank you.

MR. HUDSON: Sure.

ACTING CHAIRPERSON JAFFE: Did you want to respond to the comment?

MR. ANSTADT: Yes. I believe we were talking about the side yard that is to the east, 11-foot-4. So, we're within the setback on that side.

ACTING CHAIRPERSON JAFFE: You're asking for variances on the south and west side of the house; is that correct?

MR. ANSTADT: Correct.

ACTING CHAIRPERSON JAFFE: Thank you.

COMMISSIONER DRAKE: Do you have any idea why there was no dialogue with the neighbor right next door?

MR. ANSTADT: I do not.

COMMISSIONER DRAKE: How about the actual resident/homeowner, any comment on that?

MS. BERTOLINI: Sure. We really, the way the houses are situated, we do not even correspond with them. Our drive is to Drury which is to the west currently, so we're very seldom even in the side where the people on Oakton live. We have, like I said, only been there a year. We've met all the neighbors down Drury; we have not met the neighbors down Oakton. We just really don't, we don't go that way.

I mean, that's just, we are, you know, we're older. We still, you know,

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we work full time. I don't know what the neighbors, you know, what their schedules are with that, but we come and go and just never had the opportunity, or nobody has ever reached out to us as well.

ACTING CHAIRPERSON JAFFE: Did you send a letter out?

MS. BERTOLINI: We did send the letter.

ACTING CHAIRPERSON JAFFE: And, sir, did you not receive that letter?

MR. HUDSON: I've gotten a letter, but there was nothing that had --

ACTING CHAIRPERSON JAFFE: When you say nothing, I'm sorry, can you come back up?

MR. HUDSON: Sure. I did get a one-page letter that simply said there was a public hearing because of some variances to zoning that was being requested. There was nothing there to what was being proposed.

ACTING CHAIRPERSON JAFFE: Is there a certain radius or circumference that letters are supposed to go out?

MR. MACH: Within 250 feet excluding right-of-way.

MR. HUDSON: No, I'm 250 feet.

ACTING CHAIRPERSON JAFFE: Okay, the contents of that notice is just a letter notifying them of the hearing and not the packet itself, correct?

MR. MACH: That's correct, but it does direct you to the website.

MS. BERTOLINI: The packet is on the website.

MR. ANSTADT: Correct, yes.

ACTING CHAIRPERSON JAFFE: Okay. All right, thank you again.

I saw somebody else raise their hand. Would you like to come up?

MS. PETERNEL: Hi, Ingrid Peternel. I did pull up the packet from the website. I looked at it this afternoon.

I think my objection just revolves around the variance. I think today when I heard people talk about the variances and the ones that were looked at were a much shorter, if I can use that word, feet, and I think this one becomes a little bit excessive. I feel like it's driven by, from my perception, of a lifestyle need more than a functional need for the home.

ACTING CHAIRPERSON JAFFE: Okay, thank you.

MS. PETERNEL: Thank you.

ACTING CHAIRPERSON JAFFE: Would you like to respond to that?

MS. BERTOLINI: I would, I would. The people who are here and who are objecting to what we are doing, their homes are larger than the home that we are actually trying to renovate and add on to. It's a one-story home. Yes, we do want a three-car garage which is not considered part of your living space. I believe they probably have three or four bedrooms that are on their upper level. We are asking for three bedrooms.

So, I don't know about the lifestyle type thing that was just, the comment that was just given, but if you looked at our plan, I certainly don't feel like it's anything that is a massive structure that is going to bring down these people's property values. If anything, it's going to raise them.

So, I just feel very strongly about that last comment about the lifestyle. I just don't feel like that's an important thing that should be said right now. We did everything we were told to do and we've spent a lot of time, we've spent a lot of money with architects. We just want to stay in Arlington Heights, so you know, so there's nothing

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else to say.

ACTING CHAIRPERSON JAFFE: Thank you.

Any other public comment?

(No response.)

ACTING CHAIRPERSON JAFFE: Okay, that's it. We're going to close it down for Board deliberation.

COMMISSIONER SELBKA: Well, I think the issue is that the hardship here is different than the dimensions of the lot or the dimensions of the home that they designed. It is a fact that the architect moved forward and in good faith that they were operating within the appropriate setback lines and the house was designed in accordance with the code, and it turned out that that was not the case.

In light of that, I think the hardship here which is, maybe some garbled information or inappropriate or mistakes by the Village creates the hardship. In light of that, I think that the variance is appropriate; therefore, I'm going to be in favor.

COMMISSIONER PORTERA: Yes, it was the intent of the architect to meet code and not come before this Board at all. So, they had intent in that due diligence there. It seems reasonable to me.

COMMISSIONER DRAKE: I would agree with those comments as well. I am disappointed though that the Petitioner couldn't walk 12 to 15 feet to talk to the neighbor. Maybe it just didn't occur to you, but the reasons that you didn't knock on that door I think could have alleviated this. Hopefully, if we approve this, you'll have a good relationship with those neighbors, but I'm in favor of the petition.

ACTING CHAIRPERSON JAFFE: I would agree with everything I just heard. I mean, I'll probably use the word, and it might be controversial, but clumsiness from the beginning, from the drafting of the plans, the approval, to the communication on this. That said, I don't think it's enough to warrant that we would decline this petition. So, I would also support them as presented.

Is there a motion?

COMMISSIONER SELBKA: Motion to approve.

COMMISSIONER DRAKE: Second.

MR. OSOBA: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. OSOBA: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. OSOBA: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. OSOBA: Acting Chairperson Jaffe.

ACTING CHAIRPERSON JAFFE: Yes.

Your variances have been approved.

MS. BERTOLINI: Thank you.

MR. ANSTADT: Thank you so much.

ACTING CHAIRPERSON JAFFE: Have a good night.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:38 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: 130 SOUTH KENNICOTT AVENUE - ZBA #25-006

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 14th day of April, 2025 at the hour of
7:38 p.m.

MEMBERS PRESENT:

BENJAMIN JAFFE, Acting Chairperson
THOMAS DRAKE
JOSEPH SELBKA
FRANK PORTERO

ALSO PRESENT:

DEREK MACH, Development Planner
DAN OSOBA, Planner
DARKO BOJIN, Assistant Planner
HANNAH SAED, Village Attorney

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ACTING CHAIRPERSON JAFFE: Okay, our next agenda item is letter D like delta, Zoning Board of Appeals Case 25-006, address 130 South Kennicott Avenue. Do we want to see if there's anybody out in the hallway?

MR. MACH: I already verified it.

ACTING CHAIRPERSON JAFFE: All right, whomever is going to be speak -
- one second.

All right, could you both state your names and addresses for the record?

MR. HIMELMAN: Harold Himelman, 130 South Kennicott. I am the homeowner along with my wife who is behind me, Margherita Albarello. She's also signed in.

MS. ALBARELLO: Good evening.

ACTING CHAIRPERSON JAFFE: Are you, do you plan to speak?

MS. ALBARELLO: I may or may not, but I'll be sworn in.

ACTING CHAIRPERSON JAFFE: Yes, so we can swear you in.

MS. ALBARELLO: Thank you.

MR. RUIZ: Tuno Ruiz, I'm the contractor with Verdi Designs.

ACTING CHAIRPERSON JAFFE: And what's your address?

MR. RUIZ: 130 South Kennicott.

(Witnesses sworn.)

MR. MACH: Thank you.

The Petitioner is proposing a covered patio that exceeds the allowable 300 square feet. In the spring/summer of 2024, the Petitioner installed two code-compliant accessory structures above the patio per an approved building permit. The two structures have a solid roof and each are 290 square feet. The Petitioner is proposing to connect the two structures with a pergola which creates an 854 square-foot structure.

Therefore, they're requesting a 554 square-foot variance from Chapter 28, Section 6.5-7 to allow an accessory structure with a size of 854 square feet instead of the maximum of 300 square feet.

Thank you.

MR. RUIZ: I guess we'll start with part one I suppose, the essential character. All that we're just, you know, we're just asking for a slighter larger structure. I think what we're trying to do is, basically it's just, all we're doing is connecting the two structures. It's just an open pergola. It's just cedar basically to connect both structures, and also for us to be able to pass electric to get lighting on the other side. So, essentially, it's just a bridge, you know, from both structures. So, it's not going to ruin any of the, let's see here. I'm not able to speak so I might be a little bit nervous.

ACTING CHAIRPERSON JAFFE: What are your two structures?

MR. RUIZ: So, essentially, what I designed was two covered structures, and then in the middle there was a, I think we've got some pictures here we could show.

MR. HIMELMAN: We have pictures, Derek, and I numbered them as exhibits. I would like to enter them into evidence for your consideration. I did not specifically indicate what each picture was showing, only the direction of where a person would be looking at at each photo. They are pictures of the backyard where the structure is located. So, let me hand that to you to start.

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ACTING CHAIRPERSON JAFFE: And then a copy has got to go in to the record; is that correct?

MR. MACH: Yes.

ACTING CHAIRPERSON JAFFE: Okay, as long as you have copies that you can submit, then you'll get those back.

MR. HIMELMAN: I don't have copies, but it can be kept by him. I'll make more copies for myself at another time.

ACTING CHAIRPERSON JAFFE: Okay.

MR. HIMELMAN: So, who gets this?

ACTING CHAIRPERSON JAFFE: Derek.

MR. HIMELMAN: Derek.

MR. RUIZ: Yes. So, if you see the design -- go ahead.

ACTING CHAIRPERSON JAFFE: All right, so yes, getting back to the question, there are three structures. Can you describe them?

MR. RUIZ: Yes. So, if you see the design there, the whole structure is, there's two covered structures on the north and south end of the property, and then the middle structure is just an open structure, basically what we call as a pergola. All that is just cedar joists that just go across for the north and south structures. That's all what we're really seeking is just that portion of the structure because we need that in order for us to pass electric to the other side so we can finish the canned lighting that's on feeders that go underneath that structure.

ACTING CHAIRPERSON JAFFE: Were these two structures installed at the same time?

MR. RUIZ: That's correct, yes.

MR. HIMELMAN: The two structures have been there since sometime last fall.

MR. RUIZ: Yes, yes.

MR. HIMELMAN: So, from the patio, as you can see, the structures stand on top of stone like in the backyard behind our backdoor, and what we're looking to do is the area between the two structures. So, the variance we are seeking does not extend beyond our property lines. It's on our property already. It's essentially, as much as anything, an aesthetic request where it will sort of tie in both structures, the one on the south end and the one on the north end, to make it a more seamless, attractive patio.

MR. RUIZ: Yes, it's not going to be any taller. It's going to be basically the same height, so it's not going to change the height of that. Basically, if you look at it, all you're looking at is basically just a front cedar board between both of them with the slats in between that are, you know, 12 inches apart from each other.

MS. ALBARELLO: I'd like to add something. So, I think you can see from the photos, you can see the slats. As Mr. Ruiz said, those slats run horizontal with the ground. They do not extend above the top, above the ceiling of the pergola. They don't extend beyond the front footprint of the pergola. They are there for aesthetic reasons, but they are also there for functional reasons.

When we first submitted the plans to the Village, it included those slats. The design was approved. The slats are there for aesthetic reasons, but they are functional. What's the functionality? The functionality is the electric that is at the pergola on the southern end, the electric will be run along some of those slats and it will be hidden

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by the slats. It then will feed electricity to the side of the pergola that is already there which is on the north side of the property.

COMMISSIONER SELBKA: Is there some kind of a cost associated with, so I'm going to sort of reveal my cards here a little bit. Your petition, in order to grant a variance, we need unique circumstances or some kind of hardship. In your petition, you put not applicable.

MR. HIMELMAN: And I can explain. That was difficult to answer.

COMMISSIONER SELBKA: If that's the case, the problem I've got here is --

MR. HIMELMAN: Is if we don't need four --

COMMISSIONER SELBKA: Right, you know, it's not a three out of four, you have to have four out of four. So, there's got to be some kind of hardship, and it sounds like because of construction, there's an electrical issue that would add to safety or something here. But I've got to tell you that sitting here right now with the papers that are in front of me, as much as I'm sympathetic, I need some evidence of something of a hardship.

ACTING CHAIRPERSON JAFFE: I think we all do because you just beat me to the question.

COMMISSIONER SELBKA: Okay, but -- sorry.

ACTING CHAIRPERSON JAFFE: Yes, no, go ahead.

MR. HIMELMAN: I just want to emphasize that the Village approved the plans, the drawing that you see there was approved by the Village. The Village then took a second look based on complaints made by one neighbor to the south of us who is present here today, and then the Village looked at it again and said, well, this may affect the square footage that we're discussing here, the amount of the square footage that's allowable by code and the amount of the square footage that, you know, we want which is a little bit of an extension, that extension being those slats that we're talking about.

So, the hardship was just not being able to finish what we started. Maybe the answer should have been at least expressed a little more to give you some basis besides the N/A.

COMMISSIONER SELBKA: Right. I'm wondering if it would be better to file an amended petition that actually sort of sets out something like, you know, for safety reasons as to the electrical service or something, because right now, I mean, sitting here right now, I can't in good conscience in what the code says give you a variance because there's absolutely no reason to put the, no hardship at all.

MR. HIMELMAN: But you understand what I'm saying about the difficulty answering it because of the specifics --

COMMISSIONER SELBKA: Yes, I get that that's --

MR. HIMELMAN: -- because of the zoning and it's confusing.

COMMISSIONER SELBKA: Right, right. The forms are hard to fill out, but I think what you need to do is like sort of, if you want to come to us with a hardship, you need to write it down and put it in a petition. Because right now, I just don't have enough here where I could in good conscience vote for this.

MR. HIMELMAN: So, a verbal explanation needs to be supplemented by something in writing, you're saying, in order for --

ACTING CHAIRPERSON JAFFE: I think what Commissioner Selbka is saying is you could make a stronger case.

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COMMISSIONER SELBKA: Yes. I mean, you need to basically come forward with some kind of functional reason why we should grant this.

MR. HIMELMAN: Yes, it's odd because it says this may include the length of time the subject property has been vacant. It doesn't apply to this.

COMMISSIONER SELBKA: Yes, that really, that doesn't apply to this but, you know, I --

MR. HIMELMAN: Right.

COMMISSIONER SELBKA: -- think maybe you should come file an amended petition, ask for a continuance because we can't, if we rule on this right now, and I'm going to tell you you're going to lose today.

MR. HIMELMAN: I've seen some of your cards, so that's fine, okay.

COMMISSIONER SELBKA: Yes, you know, maybe talk to an attorney, a real estate attorney who knows how to fill these out, and present us with an amended petition down the road because I can't grant this petition right now.

MR. HIMELMAN: And the continuance would be for what date, for the next month?

COMMISSIONER SELBKA: It would be, I mean, probably whatever you want, a month, two months.

ACTING CHAIRPERSON JAFFE: What does the calendar look like, Derek, next month or the month after?

MR. MACH: Next month, there are six petitions for May 12th; therefore, if there was a continuance, it would have to be the June hearing.

COMMISSIONER SELBKA: Okay, so it would be for two months.

MR. RUIZ: Well, my only thoughts were, you know, we got the approval. Also, I mean, we did everything you guys requested us to do. I did a bunch of design work, sent it back and forth, and we got approved.

COMMISSIONER SELBKA: Okay, well, none of that is in writing, and none of that was put into the petition. So, I think you need to do an amended petition as to what you have, what the hardship is for and all your hardships, and then we'll have a hearing in a couple of months.

ACTING CHAIRPERSON JAFFE: Reminder, you'll have to go four for four tonight because this is our quorum. So, if you have one person that goes against the petition, you can't come back for a year. So, if you think about a continuance, it's not a half bad plan B.

MR. HIMELMAN: Okay, I appreciate your comments, and it looks like that's the direction we'll go. I just, one thing that you said though, Mr. Selbka, none of it is in writing you said in terms of the approval by the Village?

COMMISSIONER SELBKA: No, no, your petition has to be in writing, so you have to lay it out, all these things that you did in writing in your petition.

ACTING CHAIRPERSON JAFFE: Which is what I covered at the outset of the meeting.

COMMISSIONER SELBKA: So, okay, here, you filed the petition that you signed.

MR. HIMELMAN: Yes, I did. Yes.

COMMISSIONER SELBKA: Right, and you put N/A there. That's not, you need to put something in writing there.

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MR. RUIZ: So, the verbal we're doing now doesn't count, that's what you're telling us?

COMMISSIONER SELBKA: I mean, it will count, but it has to be in writing first.

MR. HIMELMAN: Just for the record, okay.

COMMISSIONER SELBKA: Okay?

MR. HIMELMAN: All right, so in order to get that June date, then we just put it on the record right now, or --

ACTING CHAIRPERSON JAFFE: Well, I don't think we can guarantee that. That's subject to scheduling availability. You'd have to work through with Derek on it.

COMMISSIONER SELBKA: Well, I think we'd do a motion to continue.

ACTING CHAIRPERSON JAFFE: But do we certify a date or is it just a motion to continue?

MR. MACH: If the Zoning Board continued it to a date specific, June 9th which would be the June hearing, then the Petitioner would not need to re-notify. If they leave it open, the Petitioner will be required to re-notify.

COMMISSIONER SELBKA: Okay, why don't we set it to a date certain and give leave to file an amended petition, and then that would be, could that be added to the record?

Is that permissible, Derek?

Actually, I should ask Village Counsel since you're here, you're the expert. Is that permissible?

MS. SAED: To add to the record a date after --

COMMISSIONER SELBKA: Certain, and to allow for an amended petition, do they have to re-notify if it's an amended petition to be in accordance with the ordinance?

MS. SAED: I would recommend what Derek suggested, to come up with a date certain at this meeting so it's on the record if they don't want to have to re-notify neighbors.

COMMISSIONER SELBKA: Okay.

All right, I make a motion to continue to June 9th and allow for the filing of an amended petition which conforms with the requirements of the variance sections of the Zoning Ordinance.

MR. HIMELMAN: Is there anything else in writing that we will need?

ACTING CHAIRPERSON JAFFE: From a sequence of events, can he comment, if he just made a motion?

MR. HIMELMAN: Oh, sorry.

COMMISSIONER SELBKA: I'd talk to Derek about it.

MR. HIMELMAN: Okay, all right.

ACTING CHAIRPERSON JAFFE: So, do you need to repeat the motion then?

COMMISSIONER SELBKA: I don't think so.

ACTING CHAIRPERSON JAFFE: Okay, is there a second?

COMMISSIONER DRAKE: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

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MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Acting Chair Jaffe.

ACTING CHAIRPERSON JAFFE: Yes. Okay, so --

MS. ALBARELLO: May I ask a clarifying question?

ACTING CHAIRPERSON JAFFE: Yes.

MS. ALBARELLO: Will that be at 7:00 o'clock as well?

ACTING CHAIRPERSON JAFFE: Yes.

MS. ALBARELLO: Thank you.

ACTING CHAIRPERSON JAFFE: 7:00 o'clock, Monday, June 9th.

COMMISSIONER SELBKA: And I'd work with Derek or your own attorney on the amended petition.

MS. ALBARELLO: Thank you.

MR. HIMELMAN: Thank you, gentlemen.

MS. ALBARELLO: Thank you.

ACTING CHAIRPERSON JAFFE: You're welcome.

(Whereupon, the public hearing on the above-mentioned petition was continued to June 9th, 2025.)

APPROVED

ZONING BOARD

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

OF APPEALS

RE: 443 SOUTH LINCOLN LANE - ZBA #25-007

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 14th day of April, 2025 at the hour of
7:53 p.m.

MEMBERS PRESENT:

BENJAMIN JAFFE, Acting Chairperson
THOMAS DRAKE
JOSEPH SELBKA
FRANK PORTERO

ALSO PRESENT:

DEREK MACH, Development Planner
DAN OSOBA, Planner
DARKO BOJIN, Assistant Planner
HANNAH SAED, Village Attorney

APPROVED

ACTING CHAIRPERSON JAFFE: Next item, Agenda Item E, ZBA Case 25-007, address 443 South Lincoln Lane.

MR. GRADY: Good evening, gentlemen. My name is Patrick Grady. My wife allows me to live there. As you notice, the house as you notice, it's in her name. She is here tonight, but is suffering from a pinched nerve and standing is really difficult. This is Tom Kivland, our Architect.

ACTING CHAIRPERSON JAFFE: So, Patrick, can you state your name and address for the record?

MR. GRADY: Sure. I'm Patrick Grady, 443 South Lincoln Lane, Arlington Heights, Illinois.

ACTING CHAIRPERSON JAFFE: And you, sir?

MR. KIVLAND: Tom Kivland, 341 West Glade Road, Palatine, Illinois.

(Witnesses sworn.)

ACTING CHAIRPERSON JAFFE: We're going to give a minute to let people -- folks, could you come in as quickly and quietly as possible? We're in session.

They're sworn in, Derek, so whomever has the Staff report can proceed.

MR. MACH: Thank you.

The Petitioner is proposing an addition in the rear of the home. The existing impervious surface coverage complies with the code; however, with the proposed addition, the property will have 3,643 square feet of impervious surface coverage which exceeds the maximum allowed. In addition, the Petitioner is requesting a variance for floor area ratio.

Therefore, they're requesting a 23 square-foot variation from Chapter 28, Section 5.1-3.5b to allow 3,643 square feet of impervious surface coverage where 3,620 square feet is allowed. In addition, they're requesting a 25 square-foot variance from Section 5.1-3.4 to allow a floor area ratio of 2,987 square feet instead of the maximum allowed 2,962 square feet.

Thank you.

MR. GRADY: Essentially, we're asking for additional space to enable us to get into the kitchen, the tools and so forth. Right now, we have cabinets, open door cabinets, and my wife and I are finding it's very difficult getting low enough to get stuff out of there, you know, cooking utensils and so forth. We also have all our pots hanging up. We both have shoulder problems. We would like to build in new cabinets, the pull drawer types so we can look down in there, but the current space for the kitchen is insufficient to give us at least an equal amount of cabinet storage space, so we need to enlarge the kitchen by the 25 square feet or so.

Essentially, we're trying, we're squaring off the southeast corner of our house. I think you scrolled up, you scrolled too far, yes, I think you passed it.

MR. KIVLAND: Right there. So, the above is the existing site plan. The below with the hatched area is what we're looking to add. It's roughly a four-foot by six-foot-four-ish area to just simply square off that corner of the house.

ACTING CHAIRPERSON JAFFE: The addition is only four by six?

MR. KIVLAND: Yes.

MR. GRADY: That's correct.

ACTING CHAIRPERSON JAFFE: And how much are they requesting?

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Like 23 feet?

MR. GRADY: 25.

MR. KIVLAND: I was going to say another way to state what Derek said instead of numbers is the floor area ratio allowable is 45 percent, we're asking for 45.3 percent. As far as the impervious surface goes, allowable is 55 percent, we're asking for 55.4 percent.

ACTING CHAIRPERSON JAFFE: So, the current footprint of the house is basically at the limit?

MR. KIVLAND: It's just below. Just a fraction below.

ACTING CHAIRPERSON JAFFE: Okay.

MR. GRADY: Anyway, our concern is drawers. I suspect I'm going to need a walker or some device at some point in my life because my knees got replacements, all my other joints are gone. So, we widened the area around the island a little bit to give me a little bit more room.

We are not going to change the character of the house. We're simply squaring off the back corner. It will be, we'll use identical finishes to the house. The roofline that is currently there we just extend to cover the addition.

We've discussed this with the neighbor to the south which is the one who will see it, and the neighbor on the other side and one of our neighbors across the street. No one is complaining. One neighbor even said, hey, I wonder if I can do that to mine. So, there seems to be no objection.

Frankly, I think this is the smallest area that we can increase to get what we get done. We do get enough drawer space to enable us to keep our kitchen stuff down where we can look down at it and reach down at it instead of my poor wife getting on her knees on the floor to get a wok out of the back of the one cupboard we have to fight with now. I think that's what we need.

ACTING CHAIRPERSON JAFFE: How long have you lived in this house?

MR. GRADY: According to my wife, 43 years. When we built the kitchen, we were young, flexible and spry, with no thought to the future.

ACTING CHAIRPERSON JAFFE: Any questions from you guys?

COMMISSIONER DRAKE: No.

ACTING CHAIRPERSON JAFFE: Now, I don't have any questions, so if you both want to have a seat, we'll see if there's any public comment. If there is, you'll have an opportunity to respond to it.

MR. GRADY: Thank you.

ACTING CHAIRPERSON JAFFE: You're welcome.

Is there anybody in the audience who wishes to comment on this petition?

(No response.)

ACTING CHAIRPERSON JAFFE: Okay, none being heard, we'll close it down for Board deliberation.

I think as far as the minimum amount of space, you know, being requested, I think that was strongly fulfilled, time in the residence. I don't see a lot of controversy with this one.

COMMISSIONER SELBKA: I think the hardship is pretty clear, too, given the health reasons that were given by the Petitioner; therefore, I'm in favor of this.

APPROVED

COMMISSIONER DRAKE: Agreed.

ACTING CHAIRPERSON JAFFE: Is there a motion?

COMMISSIONER SELBKA: Motion to approve.

COMMISSIONER PORTERA: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Acting Chair Jaffe.

ACTING CHAIRPERSON JAFFE: Yes.

Congratulations, your variances have been approved.

MR. GRADY: Thank you very much.

(Whereupon, the public hearing on the above-mentioned
petition was adjourned at 8:00 p.m.)

APPROVED

ZONING BOARD

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

OF APPEALS

RE: 448 SOUTH VAIL AVENUE - ZBA #25-008

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 14th day of April, 2025 at the hour of
8:00 p.m.

MEMBERS PRESENT:

BENJAMIN JAFFE, Acting Chairperson
THOMAS DRAKE
JOSEPH SELBKA
FRANK PORTERO

ALSO PRESENT:

DEREK MACH, Development Planner
DAN OSOBA, Planner
DARKO BOJIN, Assistant Planner
HANNAH SAED, Village Attorney

APPROVED

ACTING CHAIRPERSON JAFFE: Okay, our next agenda item, letter F, like foxtrot, ZBA Case 25-008, address 448 South Vail Avenue. Hi.

MS. GUERRERA: Good evening.

MR. DRAPER: Good evening.

ACTING CHAIRPERSON JAFFE: If you'd both state your name and address?

MR. DRAPER: Robert Draper, 448 South Vail.

MS. GUERRERA: Coryn Guerrero, 448 South Vail.

ACTING CHAIRPERSON JAFFE: If you'd both raise your hands?

(Witnesses sworn.)

ACTING CHAIRPERSON JAFFE: Thank you.

MR. MACH: The Petitioner is proposing to construct a new deck and pergola. The Petitioner is also constructing a second-floor code-compliant addition as part of the project. The proposed deck and pergola are encroaching into the required exterior side yard setback.

Therefore, they're requesting a 12-foot variation from Chapter 28, Section 6.6-5.1 and Section 5.1-3.3c to allow a deck and pergola with an exterior side yard setback of 5.4 feet instead of the required 17.4 feet.

Thank you.

MS. GUERRERA: Yes, we are hoping to extend the home out for additional living space. It is a smaller home on the lot. We love the home, we don't want to tear it down, but it needs a little extra functionality in order to enjoy our yard space. Most of the space is at the south side of the home, and the only egress that we have is a really small staircase out the north side of the home to get all the way around to the back.

We'd like to have the porch or deck at the level of the home so that we can use it to enjoy it and bring food out and not have to walk downstairs in order to do that.

ACTING CHAIRPERSON JAFFE: How long have you lived in the property?

MR. DRAPER: 2016.

MS. GUERRERA: He bought it in 2016. I moved in about two-and-a-half years ago. We're newly married, and so I'm moving into his space which we find --

MR. DRAPER: Our space.

MS. GUERRERA: Now, it's our space, and just looking for a little extra space to have. The other hardship part of it is that the rear of the home is bedrooms, and so in order to have egress off of the main living area where our kitchen and dining room and living room is, you know, this is how we would get to the backyard even.

MR. DRAPER: It was great as a single person, but the flow is terrible. So, this is something that definitely opens it up for us to enjoy together and give us, we've got a nice contingent of friends, family and neighbors that are on board. Just, you know, as far as, it definitely makes it a much more functional footprint without having to tear it down.

We get comments daily with people walking by the neighborhood or walking through the neighborhood about keep the houses. So, we want to add to that aesthetic. That south side on Vail is definitely, the curb appeal is a little bland, so this, with the architecture rendering, do we have the actual --

ACTING CHAIRPERSON JAFFE: While Derek is pulling that up, you said you have a lot of people; I see a lot of smiles and glee.

APPROVED

MS. GUERRERA: Yes.

ACTING CHAIRPERSON JAFFE: Have there been any --

MS. GUERRERA: These are our neighbors to the north.

MR. DRAPER: Direct neighbors.

MS. GUERRERA: Direct neighbors.

ACTING CHAIRPERSON JAFFE: Have there been any --

MS. GUERRERA: Neighbors a couple of blocks -- pardon?

ACTING CHAIRPERSON JAFFE: Sorry. Have there been any neighbors who have raised any objections or concerns?

MS. GUERRERA: No.

MR. DRAPER: And, actually, we had an e-mail from another neighbor right across, like directly across on Park.

ACTING CHAIRPERSON JAFFE: You just have the one copy?

MR. DRAPER: Yes, sorry.

ACTING CHAIRPERSON JAFFE: Can we read it and then give it to you?

MR. DRAPER: Do you guys want it first?

ACTING CHAIRPERSON JAFFE: We'll read it first, I'll give it to Derek.

MR. DRAPER: Yes, so that's --

ACTING CHAIRPERSON JAFFE: Do you want to read it aloud or how do you want to do this?

MR. MACH: I can read it first.

MS. GUERRERA: This is the neighbor that would be looking directly at --

MR. DRAPER: Right, so this is the neighbor directly to the south of us across on the other side of Park.

MS. GUERRERA: Yes.

MR. MACH: To the Village of Arlington Heights: My husband Paul and I live at 502 South Vail Avenue, the corner house across the street from 448 South Vail, also a corner house. Both are visible on Vail Avenue and Park Street. We can't make it to the public hearing concerning the proposed work to be done at 448 South Vail. However, we've seen pictures of the proposed construction and want you to know that we are excited about what the owners have in mind. We are completely supportive of the endeavor as mentioned which we believe would be a plus to the neighborhood. Thank you for the opportunity in supporting such good neighbors. Mary Gruner.

MS. GUERRERA: Yes, they're elderly, and the husband is the only one that drives and he just broke his ankle so they couldn't be here.

MR. DRAPER: That's it. I don't know if we can demo it, but we did a 3D rendering with the help of our architect to show we're trying to really make sure that it ties in with the aesthetic of the house, the style, the Tudor style.

MS. GUERRERA: We wanted to keep the arches to mimic the front door arch and, yes, keep that aesthetic. I think it will make it look even nicer than it is now.

ACTING CHAIRPERSON JAFFE: Any questions? Frank?

COMMISSIONER PORTERA: No, I'm good.

ACTING CHAIRPERSON JAFFE: All right, you can both have a seat.

MR. DRAPER: Thank you.

MS. GUERRERA: Thank you.

MR. DRAPER: Do we need to sign this?

APPROVED

ACTING CHAIRPERSON JAFFE: Yes, if you didn't already sign in, you need to sign in. Is there anybody in the audience who wishes to comment on this petition?

MR. DRAPER: Good or bad.

ACTING CHAIRPERSON JAFFE: All right, now I think we'll just close it down for deliberation. I think this one is pretty straight-forward. No controversy. Good justification. I don't have any concerns.

COMMISSIONER SELBKA: Neither do I.

COMMISSIONER PORTERA: Agreed.

ACTING CHAIRPERSON JAFFE: Is there a motion?

COMMISSIONER SELBKA: Motion to approve.

COMMISSIONER PORTERA: Second.

COMMISSIONER DRAKE: Second.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Acting Chair Jaffe.

ACTING CHAIRPERSON JAFFE: Yes.

Your variance has been approved.

MR. DRAPER: Thank you all.

MS. GUERRERA: Thank you so much.

ACTING CHAIRPERSON JAFFE: Okay, Derek, is there any other business?

MR. MACH: There's none. No.

ACTING CHAIRPERSON JAFFE: Is there anybody present who just wants to make any general public comments?

(No response.)

ACTING CHAIRPERSON JAFFE: Okay, is there a motion to adjourn?

COMMISSIONER SELBKA: Motion to adjourn.

COMMISSIONER DRAKE: Second.

ACTING CHAIRPERSON JAFFE: All in favor?

(Chorus of ayes.)

ACTING CHAIRPERSON JAFFE: We're adjourned.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 8:07 p.m.)

APPROVED

APPROVED

STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

I, RON LeGRAND, SR. D/B/A
LeGRAND REPORTING & VIDEO SERVICES,
deposes and states that we are a professional direct
record/transcribing company working in the State of Illinois;
that I caused to be transcribed the foregoing statements
from digital audio to transcript format to the best of our
trained ability and to the best that it was recorded.

RON LeGRAND, SR., Owner

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

NOTARY PUBLIC