

APPROVED

ZONING BOARD

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

OF APPEALS

RE: 1223 EAST MAYFAIR ROAD - ZBA #25-009

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 12th day of May, 2025 at the hour of
7:00 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Acting Chairman
TOM DRAKE
JEFFREY LANAGHAN
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner
DANIEL OSOBA, Planner I
DARKO BOJIN, Assistant Planner

APPROVED

ACTING CHAIRPERSON SIAVELIS: Welcome, everyone. Tonight is May 12th, 2025. Welcome to the Zoning Board of Appeals meeting. I'll call the meeting to order at this point. Let's do roll call.

MR. OSOBA: Mr. Siavelis.

ACTING CHAIRPERSON SIAVELIS: Yes.

MR. OSOBA: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. OSOBA: Chairman Jaffe.

(No response.)

MR. OSOBA: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Here.

MR. OSOBA: Mr. O'Connor.

(No response.)

MR. OSOBA: Mr. Selbka.

(No response.)

MR. OSOBA: Mr. Portera.

COMMISSIONER PORTERA: Yes.

ACTING CHAIRPERSON SIAVELIS: All right, thank you.

Pledge of Allegiance is next with the flag there.

(Pledge of Allegiance recited.)

ACTING CHAIRPERSON SIAVELIS: Okay, next item of business is approval of the minutes from the April meeting. Has everybody, Board members, have you had a chance to review the draft minutes? Assuming so, are there any corrections, revisions, adders, anything of that nature?

(No response.)

ACTING CHAIRPERSON SIAVELIS: Do we have a motion to approve the minutes in the format circulated to us?

COMMISSIONER DRAKE: Motion to approve as submitted.

COMMISSIONER LANAGHAN: Second.

ACTING CHAIRPERSON SIAVELIS: Thank you very much. Before I ask for a voice vote, right, I'll abstain because I was not here at the April meeting.

So, all in favor?

(Chorus of ayes.)

ACTING CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

ACTING CHAIRPERSON SIAVELIS: Hearing none, motion granted.

Okay, all right, folks, we're going to do some hearing procedures right now. We have five petitions tonight, five. So, we need to be judicious with our time, make sure we hit the necessary showings, address the necessary showings. I'll talk about that in a little bit greater detail in a minute, but these procedures are very similar to what you've seen in the papers that have been submitted if not exactly the same.

First off, on the issue of quorum and voting, if less than six members are present, a petitioner has the option to continue the meeting to June or later, all right. It takes four affirmative votes to approve a variance regardless of the number of Board

members in attendance. So, do the math, right, there's four of us. You've got to go 4 and 0 on each variance sought, okay. If the petition or variance is denied, the petitioner cannot reapply for a whole year, so there is a preclusive effect, okay, so keep that in mind.

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

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

These are the same elements that are in the papers that a petitioner submitted so they should come as no surprise. Also keep in mind that a variation is permitted only if the evidence, in the judgment of this Board of Appeals, sustains each of the four elements that I just read to you. Also keep in mind that it is your responsibility as a petitioner to touch on each of the four elements and establish them. It is not our responsibility as a Board to pull out testimony sufficient or pertaining to a particular element. We have in the past denied variations and denied petitions when a petitioner is unable to establish an element, and I anticipate us being, you know, doing that again going forward, okay? So, again, it is your responsibility as the petitioner, not ours.

Okay, additional agenda items and procedures. I open the agenda item and provide some introductory remarks. Basically, I reference the petition number and identify the address. From there, the Staff provides an overview of the project and the variance requested. Then, the petitioner or whoever is going to speak in regards to that petition approaches the podium and provides testimony in regards to that petition and with particularity on the four elements, okay?

The applicant or petitioner presents its case, or excuse me, its case in favor of zoning relief by way of documents or testimony, including the materials that you already submitted to the Village, and any supplemental materials. But keep in mind, if you present us with supplemental materials like pictures, they come into the record, okay, so you lose possession of them.

The applicant and any witness' testimony must be sworn under oath and must state and spell your name for the record. The court reporter is taking accurate transcription or transcription of your testimony, so it's imperative that you speak clearly and concisely and that we don't talk over each other and interrupt each other. That makes the reporter's job much more difficult if that happens, and we may have to back up and repeat some testimony, okay?

Okay, public comment. There is no --

MR. MACH: No, there's no formal objectors at this meeting.

ACTING CHAIRPERSON SIAVELIS: Awesome, great. All right, thank you very much. All right, so we can begin.

Old Business, all right. First item up is a petition that has carried over or held over from the April meeting and was formally Petition A, or actually it may not be Petition A. I'll call it by its ZBA number, ZBA #24-045, 2417 East Gresham Court.

MR. MACH: Thank you, Chairman.

All right, in the March 10th Board meeting, the Petitioner requested that the Zoning Board continue the hearing until May 12th, 2025. The Petitioner explained that they'd like to modify the location of the proposed gazebo. Previously, the gazebo was proposed in the front yard; however, the Petitioner has shifted the gazebo further south and is now proposing the gazebo in the side yard.

Per Chapter 28, gazebos must be located in the rear yard. Therefore, the Petitioner is requesting a variation from Chapter 28, Section 6.5-2 to allow a gazebo in the side yard where gazebos are only permitted in the rear yard.

Thank you, Chairman.

ACTING CHAIRPERSON SIAVELIS: Great.

All right, who's speaking on behalf of this petition?

MR. MEINHARDT: Our builder was who is not here yet, I'm terribly sorry.

ACTING CHAIRPERSON SIAVELIS: Do you wish to be pushed to the back of the call? The end of the call?

MR. MEINHARDT: Yes, that would be great. Thank you very much; I appreciate it.

ACTING CHAIRPERSON SIAVELIS: You got it. He hasn't opened any testimony, we haven't begun, so we don't need another motion to continue or delay? Right, okay, that was quick. One down, four to go. No, I'm just teasing you.

Next item, it's the first item of New Business, it's ZBA Petition #25-009, 1223 East Mayfair. Staff presentation to start.

MR. OSOBA: Thank you, Chair.

The subject property is zoned R-3 One Family Dwelling District. The house at 1223 East Mayfair Avenue consists of two platted parcels and, currently, the parcels function as one zoning lot. Therefore, the front yard of the property is on the frontage along Carlyle Place.

The Petitioner is proposing a new fence on the east, south, and west sides of the property. The proposed fence is within the front and exterior side yards and is a four-foot high aluminum fence where the maximum height is three feet. The fence is also encroaching into a visibility triangle adjacent to the intersection of the driveway and the property line in the front yard.

Therefore, the Petitioner is requesting the following variations:

- A one-foot variation from Chapter 28, Section 6.13-3.a to allow a four-foot tall fence within the front yard where the maximum height is three feet;
- A one-foot variation from Chapter 28, Section 6.13-3.b.2 to allow a four-foot tall fence within the corner side and rear yard within five feet of the property line where the maximum height is three feet, and to waive the requirement for landscaping, a minimum of three-foot high and spaced a maximum of 48 inches on center, to be provided on the street side of the fence; and
- A variation from Chapter 28, Section 6.13-3.b.3 to allow a fence greater than 36 inches in height to be constructed within 9.4 feet of the intersection of the driveway and the South Carlyle Place right-of-way where 12 feet is required.

It should be noted that the Engineering Department provided an updated comment response letter today that can be included in the record, I have copies upon request, with no objection to the visibility variation as requested.

ACTING CHAIRPERSON SIAVELIS: Has the Petitioner seen that response?

MR. OSOBA: Yes, correct.

ACTING CHAIRPERSON SIAVELIS: The Petitioner has seen that response?

MR. OSOBA: Correct.

ACTING CHAIRPERSON SIAVELIS: Okay, do you know what prompted that, you know, issuance today? Like what transpired in light of this happening today?

MR. OSOBA: The Engineering Department took another look at the petition and realized that there was no sidewalk that's going to impact the visibility triangle, that's the imperative of the visibility triangle at this location, and the fence is going to be set back from the actual curb.

ACTING CHAIRPERSON SIAVELIS: Okay, so does that effectively eliminate one of the variations sought?

MR. OSOBA: A variation is still required, but the Engineering Department does not have any objection to it.

ACTING CHAIRPERSON SIAVELIS: Okay, I got you.

All right, come on up. You're the first contestant.

MS. ROBERTS: Well, I hope the price is right.

ACTING CHAIRPERSON SIAVELIS: Have you signed in?

MS. ROBERTS: I did not.

ACTING CHAIRPERSON SIAVELIS: Okay, please do sign in. Okay, can you identify, are you done signing in?

MS. ROBERTS: Yes, I am.

ACTING CHAIRPERSON SIAVELIS: All right, can you identify yourself on the record, please?

MS. ROBERTS: Yes. Sherrey Roberts, S-h-e-r-r-e-y, Roberts, R-o-b-e-r-t-s.

ACTING CHAIRPERSON SIAVELIS: Okay, Sherrey, please raise your right hand and repeat after me, I'll swear you in.

(Witness sworn.)

ACTING CHAIRPERSON SIAVELIS: Okay, great. You have the floor.

MS. ROBERTS: Okay, so I want to make sure I hit on your four points. So, what we're doing is we're actually just making sure that we have a fence because we have two large dogs, so we just want to make sure we can keep them safe. One thing that's nice is we are doing a six-foot wooden fence between all of the property lines, but we did not want to ruin any of the aesthetics, because if you've ever been in Stonegate, it's on this beautiful corner lot and you can really see all the way through. So, we didn't want that view to be imposed or, you know, compromised for anybody, so we are literally just doing a beautiful, decorative metal fence so that people can still see throughout the property, because we have people walking over there all the time and we want to make sure that was there.

So, it will be very aesthetic as far as with the neighborhood. Obviously, it's a 1929 Tudor, so it's going to be beautiful and decorative. Even the wood part, we're going to have like little nice decorative things on them. We're going to make sure it's beautiful. Again, we're just going to make sure that the dogs will be safe. We

want to make sure that we're doing the minimum possible, and we were being so conscious about making sure that it be aesthetic so the neighborhood would not be compromised.

As a matter of fact, my next-door neighbor, where her property line is, we're starting metal right there, like we're not even going to go wood to the front. We're going to make sure that from the second her property is there, that she can see through it as well with the metal.

So, it should be a beautiful addition to the neighborhood.

ACTING CHAIRPERSON SIAVELIS: Okay, so how many people live in this home presently?

MS. ROBERTS: There will be three of us.

ACTING CHAIRPERSON SIAVELIS: Three of us, and two dogs?

MS. ROBERTS: Yes. Two big dogs.

ACTING CHAIRPERSON SIAVELIS: Two big dogs, okay, and that's the need? The dogs, the larger dogs?

MS. ROBERTS: Yes, right. Eventually, we think that, if we ever want to put a pool in or something, so we were going to make sure it was there, period. So, we do know, we just think it's probably a good thing to have it, but right now, yes, it's definitely for the dogs.

ACTING CHAIRPERSON SIAVELIS: Okay, how long have you folks lived in this home?

MS. ROBERTS: We actually have owned it since December but we moved from right down the street. So, we are selling our current home, so we are kind of in both homes right now.

ACTING CHAIRPERSON SIAVELIS: Okay, Derek, wasn't this home or this property not the subject of a petition a couple of years ago?

MS. ROBERTS: Yes.

MR. MACH: That's correct, yes.

MS. ROBERTS: Mike McGraw used to own the property.

ACTING CHAIRPERSON SIAVELIS: I'm sorry?

MS. ROBERTS: Mike McGraw used to own the property. He no longer does. Now, so that was part of like, when they were saying it was a front yard, it's actually a side yard. We've got a beautiful picture to show it's definitely a side yard. So, luckily, because at one point he wanted to sell that as a separate lot, and luckily we bought the whole thing together, because it should be together.

ACTING CHAIRPERSON SIAVELIS: Okay, understood, yes. I remember that situation.

MS. ROBERTS: Correct.

ACTING CHAIRPERSON SIAVELIS: We can refer to it in that manner. I do want to commend you on your submissions. You took a lot of really good pictures to help explain like the uniqueness of your lot and your property.

MS. ROBERTS: Yes, it is a very funky lot.

ACTING CHAIRPERSON SIAVELIS: Yes.

MS. ROBERTS: And I have more pictures and videos if you guys would care to see them.

ACTING CHAIRPERSON SIAVELIS: I don't need to see them. I don't know

if any other Board members need to see them? No, that's okay at this juncture. Let me ask you, have you talked to your neighbors?

MS. ROBERTS: Absolutely. I had to send out 81 letters. Actually, I had four neighbors reach out to me saying that they would be here to support me. So, we've just, luckily, I think everyone knows that we're going to go above and beyond, like we're spending three times as much for the metal fence. But we would never put a wooden fence there because I think that, for one, looks isolationistic, but two, it's just a beautiful, I mean, it's I think the most beautiful lot in Stonegate. So, we want to make sure we share that with everybody.

ACTING CHAIRPERSON SIAVELIS: Okay, did you get any opposition from any of the neighbors?

MS. ROBERTS: Not one.

ACTING CHAIRPERSON SIAVELIS: Okay, good to hear.

Derek, was there anything submitted? I apologize, now I'm having download problems on top of my computer problems on power. So, I'm looking over at Jeff's to double check his download, his screen.

There were no other comments, were there, submitted on this?

MR. OSOBA: No.

ACTING CHAIRPERSON SIAVELIS: Okay, you can take a seat. We're going to go to Board deliberations --

MS. ROBERTS: Sure.

ACTING CHAIRPERSON SIAVELIS: -- and if we have any questions, we will come back to you, okay?

MS. ROBERTS: Absolutely, thank you. Could I make one more comment?

ACTING CHAIRPERSON SIAVELIS: You may.

MS. ROBERTS: Dan and Nanci have been so exceptionally amazing that I really want to commend them, because I think sometimes people can get, you know, a hard rep about, you know, all this stuff, and I'm just, they were so incredibly professional and wonderful, and I'm very proud of the work that they did with me. So, I'm very happy to be in the Village. Thank you.

COMMISSIONER LANAGHAN: While we got you up there, I'm going back and reading some of the comments.

MS. ROBERTS: Okay.

COMMISSIONER LANAGHAN: I'm assuming you saw the Life Safety comment about the fence not being installed within the utility easement?

MS. ROBERTS: Oh, yes.

COMMISSIONER LANAGHAN: I'm assuming that's okay?

MS. ROBERTS: Yes, we actually had JULIE come out and meet with our contractor as well. So, they definitely know exactly where they can and cannot --

COMMISSIONER LANAGHAN: Identify some of that.

MS. ROBERTS: Yes, absolutely.

COMMISSIONER LANAGHAN: Okay, thank you for that.

MS. ROBERTS: Certainly.

ACTING CHAIRPERSON SIAVELIS: Okay, so deliberations. I can start on this. This seems pretty straightforward. It is a funky lot, you know, a non-conventional, not a rectilinear lot. I understand exactly the comments --

MR. OSOBA: Excuse me, Chair?

ACTING CHAIRPERSON SIAVELIS: Yes?

MR. OSOBA: I think we need to open it up for public comment before deliberations.

ACTING CHAIRPERSON SIAVELIS: Oh, that's true, I'm sorry.

Is there any public comment, anybody in the audience who wishes to speak in regards to the petition that's before us right now?

(No response.)

ACTING CHAIRPERSON SIAVELIS: Okay, hearing none, now we'll shift back to Board deliberations.

So, I just reiterate, I appreciate the fact that the fence that they selected and the careful steps that they're trying to take here to innovate this fence, because it is a tricky lot to deal with. They have neighbor support, no neighbor opposition.

COMMISSIONER LANAGHAN: And Engineering basically, you know, agreed that they had taken extraordinary steps with the visual impact.

ACTING CHAIRPERSON SIAVELIS: Right, and removed one of the hurdles that was present before.

COMMISSIONER LANAGHAN: Right.

ACTING CHAIRPERSON SIAVELIS: All right, any other comments from Board members?

COMMISSIONER PORTERA: No.

ACTING CHAIRPERSON SIAVELIS: Tom, you're good?

COMMISSIONER DRAKE: No, I'm good.

ACTING CHAIRPERSON SIAVELIS: Okay, so in certain situations, petitioners will come back up to address any comments, right, like a rebuttal.

MS. ROBERTS: Would you like me to?

ACTING CHAIRPERSON SIAVELIS: You don't have to. There was nothing problematic that was said, but you're certainly entitled to it. It's your call.

MS. ROBERTS: No, I trust you, gentlemen. I think we're on the same page. Thank you.

ACTING CHAIRPERSON SIAVELIS: All right, sounds good, thank you.

Do we have a motion?

COMMISSIONER DRAKE: Motion to approve this petition as presented.

ACTING CHAIRPERSON SIAVELIS: Do we have a second?

COMMISSIONER LANAGHAN: Second.

COMMISSIONER PORTERA: Second.

ACTING CHAIRPERSON SIAVELIS: All right, vote.

MR. OSOBA: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. OSOBA: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. OSOBA: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. OSOBA: Acting Chairman Siavelis.

ACTING CHAIRPERSON SIAVELIS: Yes.

Congratulations.

MS. ROBERTS: Woo-hoo, thanks.

ACTING CHAIRPERSON SIAVELIS: Petition is granted.

(Whereupon, the public hearing on the above-mentioned
petition was adjourned at 7:15 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 2417 EAST GRESHAN COURT - ZBA #24-045

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,
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7:15 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Acting Chairman
TOM DRAKE
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ALSO PRESENT:

DEREK MACH, Development Planner
DANIEL OSOBA, Planner I
DARKO BOJIN, Assistant Planner

ACTING CHAIRPERSON SIAVELIS: All right, is that, I can go off order now. This is Old Business Petition A, right. So, this is, the gentleman you were waiting has arrived?

MR. MEINHARDT: Yes. Yes, thank you.

ACTING CHAIRPERSON SIAVELIS: Okay, all right.

COMMISSIONER DRAKE: You're free to leave, too.

ACTING CHAIRPERSON SIAVELIS: Yes, yes. You're right.

MS. ROBERTS: Thank you. Thank you, gentlemen.

ACTING CHAIRPERSON SIAVELIS: Right, and I'll just make that, I'll make that comment on the record so everybody understands. You do not have to stay. You will not hurt our feelings if you leave after the petition that you care about is called. Hopefully, you have other things to do and can get to them. You don't have to wait for us.

Okay, with that being said, I will call back ZBA #24-045, 2417 East Greshan. Do we need to, I don't think we need to have Staff overview again, right? We can cut right to it.

So, come on up, whoever is going to speak in regards to 2417 East Greshan Court. I remember you sir, we swore you in last time, but --

MR. GODWIN: Yes.

ACTING CHAIRPERSON SIAVELIS: -- let's still go through the procedures because it's been a little bit.

MR. GODWIN: Sure, okay.

ACTING CHAIRPERSON SIAVELIS: Let us know when you're signed in.

MR. GODWIN: Okay, I'm signed in.

ACTING CHAIRPERSON SIAVELIS: Okay, sir, identify yourself on the record, please.

MR. GODWIN: Chris Godwin, Midtown Home Improvements.

ACTING CHAIRPERSON SIAVELIS: Okay, Chris, right hand, please. Raise your right hand.

(Witness sworn.)

ACTING CHAIRPERSON SIAVELIS: Okay, please proceed.

MR. GODWIN: All right, so we were talking about doing a gazebo enclosure in the backyard at 2417 Greshan Court, comparable to some other projects that we had found in the area. It's very respectful and consistent with the architecture of the area. We're doing a, you know, a quality job. It's all been stamped by a structural engineer, architects, all of that, with the, you know, best connection points. So, we've spared no quality here in terms of like the windows, the roofing that we'll be using, it's all consistent with the neighborhood. Then, you know, we're doing a, you know, footing base, stand-up post base, you know, everything passes for shear.

We did, in light of our last meeting, moved the structure behind the side wall of the home. It was kind of out more to the right there and it kind of lined up with the deck in the corner of the house to reduce visibility and to put it in, if this was a traditional lot, what would be the backyard, right, behind what we consider, you know, the back of the house.

ACTING CHAIRPERSON SIAVELIS: Okay, Tom?

COMMISSIONER DRAKE: I have two questions.

MR. GODWIN: Yes, sir.

COMMISSIONER DRAKE: Have you talked to the neighbors again with the change from the last meeting?

MR. GODWIN: Yes, and we sent out the necessary written notification that you guys asked us to do. We got no response.

COMMISSIONER DRAKE: No feedback, no response?

MR. GODWIN: Right.

COMMISSIONER DRAKE: Okay, there were a couple of comments that were made by our Staff here. One was the Planning Department about the color combinations, mentioning the house and the neighborhood.

Are you aware of that?

MR. GODWIN: No.

COMMISSIONER DRAKE: Okay, well, that were comments that they made. Then Engineering, likewise, made a comment about the grading and how the drop-off from the deck, there's a drop-off from the deck to the pond. You could handle that grading I'm sure when you go through the permit process, but --

MR. GODWIN: Okay.

COMMISSIONER DRAKE: -- be aware of those comments.

MR. GODWIN: Okay.

ACTING CHAIRPERSON SIAVELIS: Both instances, right, Tom? Both instances you're saying?

COMMISSIONER DRAKE: Yes.

MR. GODWIN: And what was the comment about the color match to the home?

COMMISSIONER DRAKE: I'm just going to read it directly: The colors of the gazebo should be selected to complement the existing house and surrounding neighborhood. Pretty straightforward.

MR. GODWIN: Okay, I think we can accommodate that pretty realistically.

COMMISSIONER DRAKE: I don't have any further questions. I think they accomplished what we asked them to take a look at.

ACTING CHAIRPERSON SIAVELIS: Do you have anything further to add?

MR. GODWIN: No, just if you guys did want them, I had found some other, you know, structures in the area that were virtually identical, right there in the adjacent subdivision. I don't know if that's something that you guys need to consider or not.

ACTING CHAIRPERSON SIAVELIS: Let's hold that and see if we have any public commentary that's in opposition, and to the extent necessary, then you can rebut with those --

MR. GODWIN: Okay.

ACTING CHAIRPERSON SIAVELIS: -- if necessary.

COMMISSIONER LANAGHAN: I have one quick question for you. Just looking at the aerial, there are some, it looked like fairly mature trees in approximately the area that the gazebo is going. Are you keeping those or are those coming down? How are you addressing the existing trees?

MR. GODWIN: I would ask Bill what he's wanting to do there.

MR. MEINHARDT: I need to sign in if I'm responding.

ACTING CHAIRPERSON SIAVELIS: We remember you from last time. Identify yourself first.

MR. MEINHARDT: William Meinhardt.

ACTING CHAIRPERSON SIAVELIS: Okay, right hand.

(Witness sworn.)

ACTING CHAIRPERSON SIAVELIS: Okay, go ahead.

MR. MEINHARDT: Our plan is to keep the tree. I mean, trees are wonderful.

COMMISSIONER LANAGHAN: Yes, and I think they're very nice and mature. For sure, I was hopeful --

MR. MEINHARDT: It's really just the one tree that's off to the right of the, well, the picture went away. There's one tree. We took down one tree that was right next to the home because that's where the gazebo was going to be. Then there was one tree off closer to the sidewalk and we were going to leave that tree.

COMMISSIONER LANAGHAN: Got you, okay. Thank you.

MR. MEINHARDT: You're welcome.

ACTING CHAIRPERSON SIAVELIS: And your house, just so the record is clear on the visual that we're seeing, your house is there, the one designated by that blue circle area right at the mouth of the cul-de-sac in the east side?

MR. MEINHARDT: Yes, yes. What we think of as the front of our home is to the left of the picture because that's the cul-de-sac that we're on. Then, one big street comes through the entire subdivision and that's Russetwood, and then the pond is of course off to the right. We specifically moved the gazebo idea very close and right to the back of our home instead of it being out where, you know, first we are hearing it was what was being called the front yard, we certainly think of it as the side yard, that's why we put it right behind the home.

ACTING CHAIRPERSON SIAVELIS: And you will now have a view of the pond; is that correct?

MR. MEINHARDT: Oh, we still have a view of the pond, I'm sorry.

ACTING CHAIRPERSON SIAVELIS: With the new gazebo?

MR. MEINHARDT: Oh, it's a little bit closer to the pond, yes. It's even closer because we moved it to the south.

ACTING CHAIRPERSON SIAVELIS: Okay, yes, I understand your point, okay.

MR. MEINHARDT: Right. It's essentially right between the deck and the back of the house now, so they're sort of a three-sided thing, from the back of the house to the gazebo south to the deck. Okay, and that's a good picture of it right there. So, before it was farther to the north and that's why I think, you know, people were saying it was in the front yard, so that's why we tucked it so it's completely behind the home there.

ACTING CHAIRPERSON SIAVELIS: Okay, great. Thank you very much. I should say anything else?

MR. MEINHARDT: No, no, thank you very much.

ACTING CHAIRPERSON SIAVELIS: Okay, any comments from the public here in regards to, attendees, in regards to this petition and this petition only?

(No response.)

ACTING CHAIRPERSON SIAVELIS: Okay, hearing none, we can go to deliberations.

COMMISSIONER DRAKE: I'm in favor of this petition. I think they have

done a good job of relocating the gazebo. There is no real Staff pushback on it. I think it will accommodate your neighbors nicely and give you the kind of project you want, you've still got a view of that pond, and we didn't hear any objections from any of your neighbors. So, it seems like it fits nicely on your lot.

ACTING CHAIRPERSON SIAVELIS: Any other comments, Board members?

(No response.)

ACTING CHAIRPERSON SIAVELIS: Okay, you would have an opportunity of course to, well, rebut, but that was in the context of the public. At this point, there's really nothing to rebut. So, is there a motion in regards to this petition?

COMMISSIONER DRAKE: I move that we approve this petition as presented.

ACTING CHAIRPERSON SIAVELIS: Do we have a 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 Siavelis.

ACTING CHAIRPERSON SIAVELIS: Yes.

Congratulations, granted.

MR. MEINHARDT: Thank you.

MR. GODWIN: Thank you.

ACTING CHAIRPERSON SIAVELIS: Sure.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:26 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 1146 NORTH MITCHELL AVENUE - ZBA #25-011

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 12th day of May, 2025 at the hour of
7:26 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Acting Chairman
TOM DRAKE
JEFFREY LANAGHAN
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner
DANIEL OSOBA, Planner I
DARKO BOJIN, Assistant Planner

ACTING CHAIRPERSON SIAVELIS: Okay, the next item of business is, we're shifting back to the New Business, it's ZBA Petition #25-011, 1146 North Mitchell Avenue.

Staff?

MR. OSOBA: The subject site is zoned R-3 One Family Dwelling District, and the Petitioner is proposing a one-story building addition in the rear of the property to expand the kitchen and add a family room. The 446 square-foot addition encroaches into the required exterior side yard setback to match the existing exterior side wall of the home.

Therefore, the Petitioner is requesting the following variations:

- A 10.8-foot variation from Chapter 28, Section 5.1-3.3.c to allow an addition with an exterior side yard setback of 3.5 feet instead of the required 14.3 feet, and an additional 1.7 feet for the eave; and
- A 2.4-foot variation from Chapter 28, Section 6.6-5.1 to allow a window well to be set back 0.6 foot from the exterior side yard where 3.0 feet is required.

Thank you.

ACTING CHAIRPERSON SIAVELIS: Great, thank you very much.

Okay, who is speaking in regards to this petition? All right, Kevin, come on up.

MR. PURDOM: I'm Kevin Purdom with JRC Design Build.

ACTING CHAIRPERSON SIAVELIS: Did you sign in, Kevin?

MR. PURDOM: Yes, I did.

ACTING CHAIRPERSON SIAVELIS: All right, you came prepared. All right, right hand.

(Witness sworn.)

ACTING CHAIRPERSON SIAVELIS: All right, please proceed.

MR. PURDOM: So, I'm here representing John Binotti and his wife. They are doing a kitchen and family room off the back of their house. We wanted to keep in line with the existing edge of the house. If you could go to the site plan?

So, it's a unique condition where the existing house is already into the side yard setback, but we are still 26 feet from the street. So, in order to build anything in line with the existing building, we would have to get a variance of what we're requesting.

It's the minimum requested because we're not going anything further past the existing. We're just trying to keep in line because we're expanding the kitchen and we want that wall to line up so that you're not jutting in from the existing portion to the new version. If we push that, if we were to conform with the setback, the kitchen portion would just be cut up into two areas.

It's unique because it's a non-conforming condition. We're just trying to match that line. All other zoning and code requirements are met. There is no sidewalk along that side street, so it doesn't actually encroach into the side yard as much when you're out on the property. I actually think it will look better in line versus if we tried to push it back.

Then, it's in harmony with the spirit and intent of this chapter for the zoning because all the other aspects are met and we're just trying to match an existing condition.

The homeowner has talked to seven of the surrounding, actually he

got signatures of seven of the surrounding properties, all in favor, all in support of the property. No opposition. The adjacent --

ACTING CHAIRPERSON SIAVELIS: No opposition in writing or no opposition whatsoever?

MR. PURDOM: We haven't heard any opposition in writing or in verbal.

ACTING CHAIRPERSON SIAVELIS: Okay, is that --

MR. PURDOM: Not that I've heard.

ACTING CHAIRPERSON SIAVELIS: Okay, have you provided a copy of those signatures?

MR. PURDOM: Yes, or no, I just got it today from the owner. I can put it in the record.

The homeowner has been there for six years and there's two people living in the house, and that is my presentation.

ACTING CHAIRPERSON SIAVELIS: Okay, Frank?

COMMISSIONER PORTERA: All right, you pretty much answered all the questions I had. Have you taken a look at the comments from our Village Staff?

MR. PURDOM: Yes.

COMMISSIONER PORTERA: The Planning and Community Development has a requirement for continuous landscaping along the new addition.

MR. PURDOM: Yes.

COMMISSIONER PORTERA: And then Building and Life Safety, the exterior wall is required to have a one-hour fire-resistance rating.

MR. PURDOM: Yes, we will address that in the permit process.

COMMISSIONER PORTERA: All in the permit process.

MR. PURDOM: Yes.

COMMISSIONER PORTERA: Okay, I have no further questions.

ACTING CHAIRPERSON SIAVELIS: All right, understood.

I don't have any other questions.

Tom, Jeff?

COMMISSIONER DRAKE: I don't.

COMMISSIONER LANAGHAN: No, I mean, nothing further. I have kind of a general comment. The last one, this one, we're seeing this kind of corner side yards, or these, I kind of call it, you know, end caps of blocks that are all having this kind of problems because of the setbacks that are coming in from both sides. I don't know if there's a way to ever address that, Staff, but that seems to be what we're seeing a lot here.

ACTING CHAIRPERSON SIAVELIS: Which is something we account for.

COMMISSIONER LANAGHAN: No, absolutely.

ACTING CHAIRPERSON SIAVELIS: It's part of our analysis.

COMMISSIONER LANAGHAN: Absolutely.

ACTING CHAIRPERSON SIAVELIS: Right, okay. Take a seat, Kevin.

All right, anybody in the audience wishing to speak on behalf of this petition and this petition only?

(No response.)

ACTING CHAIRPERSON SIAVELIS: Okay, sorry, I've been ignoring you folks over there, over the podium. You're good? Okay, great.

All right, deliberations, any further deliberations?

COMMISSIONER PORTERA: I can do it. I'll just say that this is an existing non-conforming use, that they're being thoughtful about extending that line and not doing too much. It's nice that we don't have any neighbor opposition. So, I'm in favor of these variances.

ACTING CHAIRPERSON SIAVELIS: Great, thank you.

Any other comments?

COMMISSIONER DRAKE: No, just good job in the presentation.

COMMISSIONER LANAGHAN: Yes, agreed.

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

COMMISSIONER PORTERA: I move to approve both of these variances as presented.

ACTING CHAIRPERSON SIAVELIS: Thanks, Frank.

Do we have a second?

COMMISSIONER DRAKE: Second.

ACTING CHAIRPERSON SIAVELIS: Thank you, Tom.

MR. OSOBA: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. OSOBA: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. OSOBA: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. OSOBA: Acting Chairman Siavelis.

ACTING CHAIRPERSON SIAVELIS: Yes.

Congratulations, petition granted.

MR. PURDOM: Thank you.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:32 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 418 NORTH BEVERLY LANE - ZBA #25-013

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 12th day of May, 2025 at the hour of
7:32 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Acting Chairman
TOM DRAKE
JEFFREY LANAGHAN
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner
DANIEL OSOBA, Planner I
DARKO BOJIN, Assistant Planner

ACTING CHAIRPERSON SIAVELIS: All right, moving right along, next item up is ZBA Petition #25-013, 418 North Beverly.

MR. BOJIN: Thank you.

The subject property is zoned R-3 Residential Single-Family District. The Petitioner is proposing to construct a 450 square-foot addition to the west face of the building, which will encroach into the required rear yard setback. The proposed addition is set back 26.2 feet where 30 feet is required.

Therefore, the Petitioner is requesting the following variation:

- A 3.8-foot variation from Chapter 28, Section 5.1-3.3b to allow an addition with a rear yard setback of 26.2 feet instead of the required 30 feet, and an additional two feet for the eave.

Thank you.

ACTING CHAIRPERSON SIAVELIS: Great, thank you very much.

Who's speaking in regards to this petition?

MR. SMITH: I am.

ACTING CHAIRPERSON SIAVELIS: Come on up.

MR. SMITH: I still need to sign in.

ACTING CHAIRPERSON SIAVELIS: Oh, you need to sign in?

MR. SMITH: Yes.

ACTING CHAIRPERSON SIAVELIS: Go ahead.

MR. SMITH: One second. All right.

ACTING CHAIRPERSON SIAVELIS: Okay, identify yourself, please, on the record.

MR. SMITH: I'm Jereme Smith; I'm the architect.

ACTING CHAIRPERSON SIAVELIS: Okay, thanks, Jereme. Right hand.

(Witness sworn.)

ACTING CHAIRPERSON SIAVELIS: Okay, please proceed.

MR. SMITH: Thank you for the information there. I've just got a few notes so I'd be clear but also quick.

I'm representing the homeowners, Andrij and Christine Pundy, and as well as myself showing support for the hardship and the conditions with the lot and the addition for the potential variance. They are an older retired couple, and they do have some mobility issues. That's at the heart of the issue where we're doing this master suite addition. Long story short, they need some extra room now but also for potentially in the future if they need a walker or wheelchair, turning radiuses, et cetera.

Again, with the mobility, they need to move the first-floor laundry up as opposed to in the basement, as well as storage on the first-floor and not in the basement so they can mitigate stairs. This is also why we ruled out doing a second-floor addition. They really need the ranch.

We thought the site blended itself nicely with its unique pie-shape that widens as it goes back, you know, where we have this room to the west, but also maintaining their nice views and yard. They do need some extra storage for guest rooms for the kids, grandkids. In our humble opinion, we think the design does fit well with the lot, the neighborhood, the subdivision vernacular.

It's very private, virtually unseen from the front street on Beverly. It's of course a rear addition and we've set it back, really nestled behind the L shape of the

current home.

Just a few extra points here. There are some trees and bushes for some privacy. We've had no objections, written or verbal, from any of the neighbors.

Just a final note, they've been there since 1979. They love the neighborhood as you've probably heard many times, with some of my past experiences, but yes, they wanted to stay and, you know, they love where they're at. So, this is kind of their forever home, and I think that's about it.

ACTING CHAIRPERSON SIAVELIS: Okay, I had just one or two quick questions. Okay, so can you go back to the, there, actually go right there. Sorry, I was scanning through my, scrolling through my screen.

Can you just explain whether you gave some thought to positioning the addition, instead of the west side of the L, to the east side of the L? So, basically, switch it around. Okay, so it wouldn't encroach in the rear setback?

COMMISSIONER LANAGHAN: Or even the north side.

ACTING CHAIRPERSON SIAVELIS: Or even the north side. If you did, what were the considerations for why you chose what we see here on the screen?

MR. SMITH: Yes, that's a great question. The owners know, we did quite a few iterations where we tried to fit the puzzle in like that.

ACTING CHAIRPERSON SIAVELIS: Bit of a Tetris type of set of pieces here, right.

MR. SMITH: Right. There are some options that those were some of our first thoughts. But they've got beautiful picture windows, so the light, vent, views, their grandchildren playing in that courtyard and yard were very important to them, and privacy, to maintain that central, almost like courtyard. So, that got ruled out quickly.

COMMISSIONER LANAGHAN: Okay, so I understand why you didn't go to the east. What prevented you from potentially going to the north?

MR. SMITH: Well, similarly, there's a bedroom and office on the north side.

COMMISSIONER LANAGHAN: So, you'd have to go through a bedroom or whatever to get to the new space?

MR. SMITH: Right. It would have created a non-efficient corridor, and again the views from that office and bedroom.

COMMISSIONER LANAGHAN: Yes, that helps, thank you.

ACTING CHAIRPERSON SIAVELIS: Yes, and I'll say this, the aerial, that's what I was quickly looking at, the aerial photos show the true scale of the existing structure, right. When you look at this drawing that we see here on the screen, that courtyard, that gap is considerably larger here than it appears in reality in the picture. So, I can see now why the Petitioner was shaking his head and why you couldn't move and use that courtyard. It's just not feasible for the desired functionality you're getting; is that correct?

MR. SMITH: Correct.

ACTING CHAIRPERSON SIAVELIS: Yes, the desired functionality you're seeking, correct?

MR. SMITH: Yes, a 100 percent.

COMMISSIONER DRAKE: Was that a cost issue as well?

MR. SMITH: It would have cost more, yes, to box all that in and take up all that paving and, you know, again with all the windows and we would have to try to add

skylights. It would have definitely been more.

COMMISSIONER DRAKE: Sure, okay.

MR. SMITH: At least 25 percent more.

ACTING CHAIRPERSON SIAVELIS: Okay, any other questions, Board members?

Jeff?

COMMISSIONER LANAGHAN: No, he's answered my question there. It helps. Thank you for kind of explaining the interior layout a little better.

ACTING CHAIRPERSON SIAVELIS: And I actually have one. Any feedback from the neighbors including anything negative?

MR. SMITH: No, we got no objections, written or verbal. We sent out all the required mailers.

ACTING CHAIRPERSON SIAVELIS: Okay, you did say that earlier; I apologize.

MR. SMITH: Yes, no problem.

ACTING CHAIRPERSON SIAVELIS: Okay, I don't have anything else to ask or to seek information on. So, you can take a seat and we'll see if there's anybody in the audience who wishes to speak in regards to this petition and this petition only.

MS. PUNDY: I would just comment on my house.

ACTING CHAIRPERSON SIAVELIS: Wait, wait, we can't.

MS. PUNDY: Oh, you don't want it from us?

ACTING CHAIRPERSON SIAVELIS: Well, I will say this to you. Your architect has done a really good job. Okay, if there is something salient that you want to add that you don't think he covered, you're certainly entitled to do that. But at this juncture, he's covered every one of our questions and he's done a good job.

MS. PUNDY: Okay.

ACTING CHAIRPERSON SIAVELIS: Okay? All right, so with that in mind, is there any other members of the audience who are not the Petitioners who wish to speak in regards to this petition?

(No response.)

ACTING CHAIRPERSON SIAVELIS: Okay, hearing none, deliberations on this. I can start since I asked the most questions.

I think, at first glance, I didn't really get the fundamentals of why this variance is being sought, but the architect has done a really good job explaining why it's necessary and the functionality of it, and then why the courtyard doesn't make sense. So, I appreciate that and I think that the four elements have been established; thus, I'm in support of granting the petition.

Any other comments?

(No response.)

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

COMMISSIONER LANAGHAN: Move to approve the variance as presented.

ACTING CHAIRPERSON SIAVELIS: Second?

COMMISSIONER DRAKE: Second.

ACTING CHAIRPERSON SIAVELIS: All right, thank you, Tom.
Vote.

MR. BOJIN: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. BOJIN: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. BOJIN: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. BOJIN: Acting Chairman Siavelis.

ACTING CHAIRPERSON SIAVELIS: Yes.

Congratulations, petition granted.

MR. SMITH: Thank you, gentlemen.

ACTING CHAIRPERSON SIAVELIS: Certainly.

(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: 108 SOUTH HIGHLAND AVENUE - ZBA #25-014

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 12th day of May, 2025 at the hour of
7:41 p.m.

MEMBERS PRESENT:

PETER SIAVELIS, Acting Chairman
TOM DRAKE
JEFFREY LANAGHAN
FRANK PORTERA

ALSO PRESENT:

DEREK MACH, Development Planner
DANIEL OSOBA, Planner I
DARKO BOJIN, Assistant Planner

ACTING CHAIRPERSON SIAVELIS: All right, last but certainly not least is ZBA Petition #25-014, 108 South Highland.

Staff overview.

MR. OSOBA: The property is zoned R-4 Two-Family Dwelling District. The Petitioner is proposing a new home on an existing vacant lot that is substandard in lot size and lot width. Additionally, the Petitioner is proposing impervious surface coverage that exceeds the maximum of 50 percent of the total lot area.

Therefore, the Petitioner is requesting the following variations:

- A 1,772.1 square-foot variation from Chapter 28, Section 5.1-4.1.a to allow a lot size of 6,977.9 square feet within the R-4 Two-Family Dwelling District where 8,750 square feet is required;
- A 20-foot variation from Chapter 28, Section 5.1-4.2.a to allow a lot width of 50 feet where 70 feet is required; and
- A 863.8 square-foot variation from Chapter 28, Section 5.1-4.5.b.2 to allow a 4,352.8 square feet of impervious surface coverage where 3,489 square feet is allowed.

Thank you.

ACTING CHAIRPERSON SIAVELIS: Great, thank you very much.

All right, who is speaking on behalf of this petition? All right, come on up, sign in, and then let us know when that's completed.

MS. ZARI: All right. All right, ready.

ACTING CHAIRPERSON SIAVELIS: Okay, can you identify yourself on the record, please?

MS. ZARI: Sure, my name is Gina Zari.

ACTING CHAIRPERSON SIAVELIS: Okay, Gina, right hand, please.

(Witness sworn.)

ACTING CHAIRPERSON SIAVELIS: All right, you have the floor.

MS. ZARI: Okay, great. Thank you all. As I said, my name is Gina. I'm representing the potential new owners of the vacant lot at 108 South Highland. I say potential new owners because their contingency period of the sale has been extended through tonight's meeting because we really hope to garner feedback from you all on whether or not the Village is going to deem this lot buildable.

The proposal is to put a single-family residence on this lot and it is, as you can see from the site plan, 50 feet wide. We can't change that inherited dimension but we do know that there was once a residential structure on the lot, so we're really just hoping to restore the urban character of the existing block.

So, I want to touch on the four points. I do not believe that the proposal will alter the character of the neighborhood. Right now, the neighbor, the lot is immediately adjacent to two residential houses that are both two stories and they have garages at the back of the lot. Then, across the street on the other side of Highland, it's primarily two-story single-family structures which have detached garages accessed via paved drives on the side of the lot. So, I really don't think the proposal is all that different from the context. I think that it is in keeping with the neighborhood.

I do believe also that the proposal respects the FAR requirements, the height and the setbacks. In developing the massing, trying to stay respectful to the more diminutive scale of the neighborhood and the fact that we're in the denser part of

town, the lots are smaller, so we sloped the roofs away from the streets so that it might appear a quainter sort of house.

As far as the unique circumstances, like I said, this small lot is currently vacant and we cannot change the fact the original house cannot be added to. What was once presumed to be an existing driveway is no longer there. So, we can't really add on to anything and we have inherited these unique conditions.

We did test in the early stages a bunch of different site arrangements, attached garages, detached garages, garage on the front of the street, and just with 50 feet, there is not a ton of room to accommodate a single-family home. If we put the two-car garage on the front of the street, it would really detract from the quality of the block. I think it would really hinder the urban character of the street, so that's why we chose to put it at the back of the lot for now.

Then, as far as the minimum variance requested, it's the minimum necessary to offer reasonable use of the property, reasonable use being the important part here. I think you could get this done if you had an attached garage, but like I said, it would really detract if it was on the front of the building. If it was on the back of the building, it would impact the FAR too much because the owners, or hopefully new owners, would like to age in place here. They really want to have a ground floor primary suite, so we are not able to accommodate that, plus the normal functions that would be found on a first-floor if we were to have an attached garage.

Then, I know probably the most contentious point of this is the paving. I do feel like, again, the detached, the choice to make the garage detached was a conscious one. I do think that just aesthetically, the look of permeable pavers will really add to the neighborhood as opposed to asphalt or concrete.

Then, I know that Engineering is against these permeable pavers and that the variance is for impervious coverage, but this really isn't impervious. Right now, the square footage increase that I've asked for is that's assuming that the whole driveway is paved with asphalt and it's inclusive of the steps of the patio, of all the roof square footage. But if Engineering was able to evaluate it for what it is which is pavers with open joints and gravel below, it's able to manage a 100 percent of the stormwater. Even if you don't count that area at a 100 percent, even if you just count it as 50 percent stormwater management, we're still under the allowable 50 percent coverage. If the lot was 70 feet and we put a home this size on it, we would be well under the 50 percent coverage.

So, I do hope that we'll have a good discussion tonight about the pros and cons of this proposal. Just personally, like the potential owners are my parents, surprise, and my dad grew up in Arlington Heights, and I spent time with my grandparents walking to town, going to the, you know, get ice cream and walk around. Just to think that we could have this full circle moment and have my parents move back here, grow old here, and have my daughter walk the same town that I did as a kid, would really be quite special for a family. So, I really hope that we can make this happen. Thank you all.

COMMISSIONER LANAGHAN: All right, let me jump in and ask a few questions. So, two people will be living here, assuming it gets built, correct?

MS. ZARI: Yes.

COMMISSIONER LANAGHAN: And they've been residents of Arlington Heights for approximately how long?

MS. ZARI: They live; my dad grew up here. He spent all his childhood here,

but right now they live in Elk Grove Village. So, they've been trying to, they've tried several times to move back to Arlington Heights and the sales had fallen through.

COMMISSIONER LANAGHAN: Got you, okay. You've seen the comments obviously, so Life Safety and Planning and Community Development seem to be in favor. As you've correctly identified, the impervious surface is the biggest question mark.

So, one of the questions that Engineering throws out there is, you know, is there a maintenance plan in place, or how do you maintain the permeability of those pavers?

MS. ZARI: Yes. I think they know that because they're used in a lot of municipal buildings in the city, like they are at the police station, the same, you know, company. So, I have a sample maintenance plan that I can provide via e-mail. I didn't bring it tonight; I just have the sample detail, but basically, you just have to make sure there is no debris in the open joints. It basically means you just have to sweep every so often, and then I think every couple of years you have to do something, like a power washing, but it's very low maintenance and they look quite beautiful.

COMMISSIONER LANAGHAN: Yes, and I've seen it before. I don't disagree; I think they look nice. So, some of the testimony you've provided kind of calls out that, and I don't know if this is true or not, I'll maybe look to Staff, when Engineering calculated this, do you guys know how Engineering calculated the impervious, out of curiosity?

MR. MACH: So, anything that's going to be manmade counts towards impervious surface.

COMMISSIONER LANAGHAN: Whether or not it's pervious?

MR. MACH: Correct, yes.

COMMISSIONER LANAGHAN: Okay, so the driveway which is the largest portion of impervious surface per the calculation, other than the house itself, is actually being counted as impervious.

MS. ZARI: It's being counted as asphalt, yes.

COMMISSIONER LANAGHAN: Got it, okay. Do you know off the top of your head, or have you done the, I assume you probably have done the calculations, how much is that area that is being presented there?

MS. ZARI: Yes. It's like 1,492. So, if you count that as 50 percent stormwater management, we would be at 3,408 square feet of coverage which is under the 50 percent, but I have in writing from Unilock that the product is supposed to manage a 100 percent of stormwater management, so we would actually be another 700 square feet below.

COMMISSIONER LANAGHAN: So, there is actually storage underneath the driveway?

MS. ZARI: You can. So, it's basically, you put a foot and a half of compressed gravel and that makes the water kind of dissipate and go back into the ground as if it was lawn.

COMMISSIONER LANAGHAN: Sure.

MS. ZARI: You can make it even better by doing like a perforated drain tile and diverting the water into like a rain garden with some natural plantings near the driveway, but I can't connect to the storm sewer because there isn't a public one, but --

COMMISSIONER LANAGHAN: Correct.

MS. ZARI: -- I totally appreciate this rule, I'm glad it's in the code because as an architect, I deal with stormwater all the time. The plan in this proposal is to responsibly manage stormwater. I just hope that the permeable pavers can be a way to do that.

COMMISSIONER LANAGHAN: Got you.

ACTING CHAIRPERSON SIAVELIS: You hope or you know?

MS. ZARI: I'm hoping we get the chance.

ACTING CHAIRPERSON SIAVELIS: So, you are an architect. Do you have your own firm? I noticed, I was looking at the drawings and I may have missed it actually.

MS. ZARI: I do not have my own firm. I work full time for a firm in Chicago and I am helping my parents out from the 8:00 to 10:00 p.m. hours.

ACTING CHAIRPERSON SIAVELIS: Okay, so this is like --

MS. ZARI: Yes.

ACTING CHAIRPERSON SIAVELIS: All right, okay. So, that's what I was curious about, is this like a side project for you since it's your parents?

MS. ZARI: Yes.

ACTING CHAIRPERSON SIAVELIS: Okay, and do you typically do, in your primary job, do you typically do residential properties? Are you doing commercial properties? Are you doing a mix?

MS. ZARI: A mix. I used to do institutional buildings, libraries, college campuses, that kind of thing. I recently switched to affordable housing in the City of Chicago, so I'm familiar with residential codes and all that.

ACTING CHAIRPERSON SIAVELIS: And when did you make that switch?

MS. ZARI: Two years ago.

ACTING CHAIRPERSON SIAVELIS: Two years ago, and in those two years that you started doing residential housing, have you had the opportunity to work on a project with substantially similar considerations or facts?

MS. ZARI: Honestly, yes. I just finished my own house in Chicago; we're on a 25-foot wide lot. We have an existing building, so very tight setbacks. Stormwater was a concern. We are doing permeable pavers and gravel on the sides of our house. We installed drain tiles just like we want to do now because our basement was taking on water.

So, I'm very for managing stormwater. I'm not trying to shove it off on to my neighbors' lawns. We want to manage it responsibly.

ACTING CHAIRPERSON SIAVELIS: And when was that project completed?

MS. ZARI: My house?

ACTING CHAIRPERSON SIAVELIS: Yes.

MS. ZARI: TBD, it's still --

ACTING CHAIRPERSON SIAVELIS: Okay, so you don't know how successful will that be.

MS. ZARI: Oh, the landscaping is not done yet, but the drain tiles on the sides and the gravel, those are installed and they're functioning.

ACTING CHAIRPERSON SIAVELIS: Okay, when were they installed and functional?

MS. ZARI: Last year.

ACTING CHAIRPERSON SIAVELIS: Okay, when last year?

MS. ZARI: I don't remember, I'm sorry.

ACTING CHAIRPERSON SIAVELIS: Do you have an approximate time or date? Like did you come through like the typical heavy rains that we get in the summer or the fall?

MS. ZARI: Oh, yes. Yes, yes, yes.

ACTING CHAIRPERSON SIAVELIS: Okay, that's where I'm going, right.

MS. ZARI: Yes.

ACTING CHAIRPERSON SIAVELIS: So, have you had a season or a year's worth of experience looking at this particular issue?

MS. ZARI: Yes, but this would be different because I brought the stormwater into the house, we manage it through an injector pit. That wouldn't be the problem here. We would keep it outside the building.

ACTING CHAIRPERSON SIAVELIS: Okay.

COMMISSIONER DRAKE: Are there any flooding issues at any of those adjacent properties to this lot?

MS. ZARI: No, not that we know of. My parents did reach out obviously via the letters, but then discussed with the neighbors across the street. The sellers obviously know about it, and then did touch base briefly with the other neighbors. We haven't heard any written or verbal opposition.

ACTING CHAIRPERSON SIAVELIS: And where are the sellers with respect to the subject property?

MS. ZARI: Right next door. They're 110 maybe.

ACTING CHAIRPERSON SIAVELIS: North or south?

MS. ZARI: South. They have the permeable paver existing driveway.

ACTING CHAIRPERSON SIAVELIS: That abuts the property line in question?

MS. ZARI: Correct.

ACTING CHAIRPERSON SIAVELIS: Okay, Jeff, any further questions?

COMMISSIONER LANAGHAN: No further questions from me at this point in time.

ACTING CHAIRPERSON SIAVELIS: And you, I just want to double check just a couple of things you said earlier in the presentation, Gina. You made mention of the fact that there is a contingency on the sale of this, the purchase of this house, or this property, excuse me?

MS. ZARI: Yes. Yes, because the seller, whoever they try to sell to is going to have to do the same. It's not buildable whatever way you slice it. Wherever we put the garage, wherever, however you want to pave your driveway, so someone is going to have to appeal to you again. So, we wanted to make sure we did our due diligence before we actually go through the sale to see if we can actually put a nice house on this lot, because right now it's just sitting empty.

ACTING CHAIRPERSON SIAVELIS: So, then there's no structure that could be built on this house, or this property, excuse me, that does not require the assistance of the Zoning Board or a variation?

MS. ZARI: That's right, because the lot is always going to be 50 feet wide.

COMMISSIONER LANAGHAN: It's going to be a substandard lot.

ACTING CHAIRPERSON SIAVELIS: Yes, right.

COMMISSIONER LANAGHAN: It's the pervious or impervious that's the issue.

ACTING CHAIRPERSON SIAVELIS: Right, that's what I wanted to hear.

MS. ZARI: Yes.

ACTING CHAIRPERSON SIAVELIS: I'm going to ask Staff for just confirmation of that point because I think that's a significant fact or factor in regards to this property. So, gentlemen, any one of you can answer that, do you agree with that representation by Petitioner's representative?

MR. MACH: Yes, the lot is substandard in width and area per the zoning code in the R-4 Zoning District.

ACTING CHAIRPERSON SIAVELIS: It's actually 49.96 feet wide, right? So, 4/100ths off.

MR. OSOBA: The minimum is 70 feet.

ACTING CHAIRPERSON SIAVELIS: Right, but we're talking about a 50-foot lot, so I was making the comment that it's just a tick or a hair under 50 feet.

MR. OSOBA: Correct.

ACTING CHAIRPERSON SIAVELIS: Okay.

COMMISSIONER LANAGHAN: A lot of people here.

ACTING CHAIRPERSON SIAVELIS: Yes, let's shift to them. All right, go ahead, Gina, take a seat if you don't mind.

MS. ZARI: Okay, thank you all.

ACTING CHAIRPERSON SIAVELIS: Let's let any members of the public who are here in attendance, if you want to speak in regards to this petition, now is your chance.

MR. OSOBA: Excuse me, Chair?

ACTING CHAIRPERSON SIAVELIS: Yes?

MR. OSOBA: Planning Staff received a letter from a member of the public that they'd like to be included in the record. They couldn't make the meeting tonight, so we received this e-mail on Friday after the packet was released. We can certainly go through public comment first, but if you'd like we can either read it into the record or I can pass it down to anyone who would like to read it.

ACTING CHAIRPERSON SIAVELIS: Wait, wait, and that person who sent you that e-mail is not here today?

MR. OSOBA: They could not make it tonight. They'd like it to be read into the record or included in the record.

ACTING CHAIRPERSON SIAVELIS: How lengthy is that e-mail? Okay, go ahead, read it in.

MR. OSOBA: Members of the Zoning Board of Appeals: I am unable to attend the meeting on March 12th as I will be traveling out of town. In light of that, I would appreciate that my following comments on the above-referenced petition be made available to each member of the Board and become part of the minutes/public record in the meeting.

First, as a general comment on the variance request, the unknowing approval of variance requests that do not meet the standards of practical difficulties or a

particular hardship only serve to diminish the intended purpose of the code/statute. One ends up with a mismatched set of rules and a community fabric that is completely misaligned with what is intended in the code.

Second, a comment on each variation request. It is 1,772.1 square-foot variation on minimum lot size, the lot size is 79 percent of the required square footage; a 28-foot variance on lot width, 50 feet where 70 feet is required, the lot is 71 percent of the required width; a 665.5 square-foot variation in the impervious surface coverage, the variance requested is 19 percent of the above-required area. All three requests could certainly be deemed as egregious. Furthermore, be reminded that a variation shall be permitted only if the evidence in the judgment of the Zoning Board of Appeals sustains each of the four conditions enumerated:

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 properties if the variations were granted;
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 variance request is the minimum variance necessary to allow reasonable use of the property.

I urge you to deny all three variance requests. Thank you for your consideration on this matter. Keith Allen.

ACTING CHAIRPERSON SIAVELIS: Great, thank you very much.

Derek, do you know how long the subject property has been vacant without a house or without a structure on it?

MR. MACH: I do not.

ACTING CHAIRPERSON SIAVELIS: You're going to get your chance to answer that question. Okay, the Village doesn't know at least informally at this point.

MR. MACH: I do not.

COMMISSIONER DRAKE: Mr. Chairman, I have a question. I may have missed it, the letter you just read, do we know where that objection is coming from? Where does that resident live in conjunction with this property? Maybe I missed it.

ACTING CHAIRPERSON SIAVELIS: Do you have multiple copies of that?

MR. OSOBA: I do, yes.

ACTING CHAIRPERSON SIAVELIS: Okay, go ahead, circulate it to us.

Okay, yes, we do. It's on the back page, Tom.

COMMISSIONER DRAKE: Okay.

MR. ROJEK: I believe he's on the northwest corner of Chestnut and Sigwalt.

ACTING CHAIRPERSON SIAVELIS: I'm sorry, let's get you signed in.

MR. ROJEK: Yes, I'm signed in.

ACTING CHAIRPERSON SIAVELIS: You are? Awesome. Okay, I don't have to swear him in. You can identify yourself for the record.

MR. ROJEK: Yes, Edward Rojek, R-o-j-e-k. I'm the homeowner of 104 South Highland.

ACTING CHAIRPERSON SIAVELIS: So, you are the property --

MR. ROJEK: North.

ACTING CHAIRPERSON SIAVELIS: Directly north.

MR. ROJEK: Yes.

ACTING CHAIRPERSON SIAVELIS: Adjacent to the north.

MR. ROJEK: Yes.

ACTING CHAIRPERSON SIAVELIS: Okay, go ahead, sir.

MR. ROJEK: The e-mail covered a number of things that I wanted to say, so I'll make it shorter. The 1,772 square feet that is between the current lot size and the 8,750 that's required is 20 percent less than what it should be. The 20-foot variation from the required 70-foot to only 50 feet would lead to less privacy and negatively affects our property value.

The lot is only 71 percent of the required width, which means the home will be at, if the requirement is 8,750 and your permitted building coverage is 35 percent, the home is going to be a little over 3,000 square feet, 3,062. So, you're going to squeeze a 3,000 square-foot home in a 7,000 square-foot piece of property. The height of the building would no longer have any southern exposure.

Then, addressing 5.1-4.5, the driveway, the patio, the roof will all prevent water from soaking into the ground, which would lead to increased runoff and potential flooding issues on the south side of my house. In the packet, we're told that the proposed Unilock permeable pavers, it drains a 100 percent of the water just like a bathtub, but with the little ground exposed that remains, it will drain a lot slower and it will be more like a powder room sink.

The proposed under-drain below the driveway may also add to that excess water flow. The Village engineers have pointed out that there is no storm sewer on the side of our street, nor any connection will be available to combine to this sewer be allowed. We don't have the packet but on the fourth page of the appeals packet, you'll see that after the teardown, the property was built up and it drains to our house already. So, we already have a small problem. I didn't catch it until years later, walking on the east side of the street with my dog and seeing the trees slope downward right into my yard.

ACTING CHAIRPERSON SIAVELIS: So, I'm going to interrupt you for a second. I just want to make sure the record is real clear on this one point. So, are you saying water drains south to north towards your property?

MR. ROJEK: Yes, it does. Nothing grows there now but moss.

ACTING CHAIRPERSON SIAVELIS: How long have you been in your property, sir?

MR. ROJEK: Oh, I'm sorry, I failed to mention that. We've been in Arlington since '83. We've been in that home since '88.

ACTING CHAIRPERSON SIAVELIS: '88, okay.

MR. ROJEK: Yes.

ACTING CHAIRPERSON SIAVELIS: In its current configuration since '88?

MR. ROJEK: Yes.

ACTING CHAIRPERSON SIAVELIS: And you're at 104?

MR. ROJEK: Correct. I could use new steps but, and finally, if you look on the overhead drawings, it shows that the air conditioners are going to be installed at our bedroom windows.

ACTING CHAIRPERSON SIAVELIS: How close is your property, the

southern edge of your house to the property line?

MR. ROJEK: We have got the five feet exposed. They have the shrubbery. So, their landscapers have access to our emptiness to trim the bushes, but I have no access to, say my roof with a ladder because of the tall bushes.

ACTING CHAIRPERSON SIAVELIS: So, you're not, are you saying you're not using a ladder to access the southern edge of your roof?

MR. ROJEK: Correct, yes.

ACTING CHAIRPERSON SIAVELIS: With the bushes there. It may not be the worst thing for you in your health and wellbeing, right?

MR. ROJEK: But I don't have access, and to painting, you know, stuff up there, the stucco.

ACTING CHAIRPERSON SIAVELIS: Are you saying you have to clean your gutters in the fall, is that where you're going with that?

MR. ROJEK: Yes. Yes, all that stuff.

COMMISSIONER DRAKE: Have you had conversations with the Petitioner about your concerns?

MR. ROJEK: We never see them. Oh, the Petitioner? No, I have not spoken with them. I didn't realize I could have gotten in contact with them.

COMMISSIONER DRAKE: Well, they attempted to reach out to you?

MR. ROJEK: Yes, I got the letter and, again, I must have missed them.

COMMISSIONER DRAKE: Beyond the letter, did anybody knock on your door?

MR. ROJEK: No, no one knocked on my door.

MS. CANNISTRA: Yes, but excuse me --

MR. CANNISTRA: We spoke to him.

MS. CANNISTRA: We spoke to him.

MR. CANNISTRA: We spoke to him in-person.

MR. ROJEK: Very briefly, and they got back in the car and left.

ACTING CHAIRPERSON SIAVELIS: All right, we're not going to have comments from the gallery like that. It totally muddies up the record, we can't have that. You will have your chance to come up and rebut, okay?

Let's just clarify this. That property, 108, is currently owned by the folks at 110, right?

MR. ROJEK: Yes.

ACTING CHAIRPERSON SIAVELIS: And you have no interest in, you're at 104 and you have no interest in the property at 108; is that correct?

MR. ROJEK: Correct. It wouldn't make sense. My back is to the building. That was an old frame home that they bought because they got rid of the ex-felons and the drug folks. So, they actually gave up their beach house to, rather than buying a beach house, they bought the property and tore down the home.

ACTING CHAIRPERSON SIAVELIS: Okay, so let me ask you, when was that house torn down approximately?

MR. ROJEK: I would say about 15 years ago.

ACTING CHAIRPERSON SIAVELIS: So, like 2010-ish?

MR. ROJEK: Yes. No, more than that. Probably 18-20 years.

ACTING CHAIRPERSON SIAVELIS: '05-ish.

MR. ROJEK: Yes.

ACTING CHAIRPERSON SIAVELIS: '07-ish.

MR. ROJEK: Yes.

ACTING CHAIRPERSON SIAVELIS: Okay, well, I have a feeling we're going to hear the exact date or something really close to the exact date very shortly.

COMMISSIONER LANAGHAN: I have one just clarifying question. You might have mentioned it earlier and I missed it. How big is your lot? What size is your lot currently?

MR. ROJEK: 50 by 125.

COMMISSIONER LANAGHAN: So, approximately the same size; is that correct? I'd do the math but I was just curious if you knew. So, 50 by 125 would be 6,250 feet; does that sound right?

ACTING CHAIRPERSON SIAVELIS: Square feet.

COMMISSIONER LANAGHAN: Square feet.

MR. ROJEK: Yes.

COMMISSIONER LANAGHAN: Okay, no, I'm just curious. Okay, thank you.

ACTING CHAIRPERSON SIAVELIS: Okay, anyone else in the audience wishes to be heard in regards to this petition and this petition only?

MR. CANNISTRA: I guess to respond to --

MS. ZARI: I can do it.

MR. CANNISTRA: Oh, you got it? Okay, she's got it.

MS. ZARI: Should I come up, or --

ACTING CHAIRPERSON SIAVELIS: Well, I would say this. If there's other people in the audience who wish to be heard, now is the time, okay, because we will shut that phase down, and then the Petitioner's representative, which would be Gina, and I apologize, Gina, your last name, I'll just say Gina will then have a chance to address these comments.

(No response.)

ACTING CHAIRPERSON SIAVELIS: Okay, so Gina? Approach.

MS. ZARI: So, I just want to clarify. They did try to reach out to everyone around them. They rang all the doorbells within the area. I know there was conversation that was had, and none of the grievances were aired at that time, so I think it would have been better to address them prior.

But as far as the points that were made, the lot is exactly the same size, if you look in the aerial, as every single house on this side of Highland and most of the houses on the west side. We're not asking for a size increase, an FAR increase, a height increase. We are trying to build a respectful, modest, single-family dwelling on this lot.

As I stated, we will be managing stormwater responsibly. We will correct grading. There should be no grading towards their neighbors. I didn't realize the air conditioners were a problem, so we can work with neighbors on that.

We are not trying to stir the pot. We are not trying to ask to put a tower here. We're trying to build a house similar to everyone else on this block.

This is one of the oldest parts of the Village. We are in the downtown. It makes sense that the lots are denser here. I think it would be kind of a sad

urban condition if this lot were to continue to sit vacant.

If someone else is able to come up with a design on this lot that you all would consider buildable, I would applaud that person, but I really have tried my best to make this proposal as amenable as possible. I have a passion for historic preservation, traditional or vernacular architecture. I would do my best if given the chance to make this a house that Arlington could be proud of. I know my parents, if they were able to live here, would be good neighbors and they would, as to the community, they spend their free time volunteering in an area, delivering food to the elderly, and they want to be part of this community.

ACTING CHAIRPERSON SIAVELIS: Well, I'd say that's certainly admirable, and I will commend you, Gina. You've done a really good job with your presentation and the cohesiveness of your presentation. You're in a tough spot though, I'm just going to tell you that, at least from my perspective, right?

You have Engineering Department who's a hard no, right. You saw the response from the Engineering Department.

MS. ZARI: I did, but I don't think they're evaluating the proposal fairly, truly.

ACTING CHAIRPERSON SIAVELIS: That's a fair point. That's a fair rebuttal point from you, but we still have to take note of what they said. Then, we have a directly adjacent neighbor, okay, who also is, based on his testimony, they're a hard no.

This Board, historically or, you know, in the recent past, we give a fair amount of weight to the other departments in the Village and what they provide on a petition, and what the neighbors, especially the adjacent neighbors, have to say and what their testimony is. So, kind of read the tealeaves here, okay, you're in a tough spot here.

MS. ZARI: I understand. I just, I don't know why you would expect to have a vacant lot next to you. You typically, in a suburb like this, would have a neighbor and would, there should have been a house there, you know. There was a house there in the past. So, I don't think we're trying to do anything other than restore the character of the traditional block.

ACTING CHAIRPERSON SIAVELIS: I hear you on that, but of course the code has changed, right? Right, so that's something we have to manage and deal with.

COMMISSIONER LANAGHAN: The fact that there's only four of us up here makes it tougher for you.

ACTING CHAIRPERSON SIAVELIS: Yes.

COMMISSIONER LANAGHAN: And the fact that you're up against a deadline on the other side makes it tougher as well.

ACTING CHAIRPERSON SIAVELIS: Right, you're right. There's a lot of factors here that make it tougher on you. Like Jeff was just saying, you're up against a contingency deadline, right? Correct?

MS. ZARI: That's correct.

ACTING CHAIRPERSON SIAVELIS: All right.

COMMISSIONER DRAKE: Is that contingency deadline negotiable?

MS. ZARI: No, the sale will fall through, and then, I mean, that's, the current owner, the same problem will happen again. Whoever is next will have to come to you all.

ACTING CHAIRPERSON SIAVELIS: Yes, I hear you on that, but I mean, that's one factor in this tricky puzzle, right? So, I'm going to do something a little bit unorthodox and ask the members in the audience, you two folks, right, are you the current

owners of the property that is the subject of the sale?

MS. ZARI: No, they're the potential owners.

MS. CANNISTRA: We're the buyers.

ACTING CHAIRPERSON SIAVELIS: Oh, you are the potential buyers, okay.

MS. ZARI: The seller's agent is here.

COMMISSIONER PORTERA: Is there any positive feedback at all from the surrounding neighbors?

MS. ZARI: I know obviously the seller is excited. The people across the street were --

MS. CANNISTRA: The people across the street were --

ACTING CHAIRPERSON SIAVELIS: Wait, wait, hold on. We can't have you on from the cheap seats --

MS. CANNISTRA: Sorry.

ACTING CHAIRPERSON SIAVELIS: -- and I apologize, because I invited it, but if you want to come up to the podium, you can speak, all right, because I think the situation warrants it.

You, ma'am, are the realtor?

AUDIENCE MEMBER: I'm their realtor. Sarah is the seller's realtor.

MS. ZARI: Should I stay here or leave? I don't --

ACTING CHAIRPERSON SIAVELIS: All right, we're going to give you a chance.

MS. CANNISTRA: Do I sign in?

ACTING CHAIRPERSON SIAVELIS: Yes, please. We're going to give you a chance, Gina, to rebut, and you, sir, since you had the opening opposition.

COMMISSIONER LANAGHAN: And if you would like to say something as well.

ACTING CHAIRPERSON SIAVELIS: Yes, right, I apologize. You, ma'am, as well.

MS. CANNISTRA: I just want to say we did try all of the, ringing on all the doors around.

ACTING CHAIRPERSON SIAVELIS: Let's --

MS. CANNISTRA: Debbie Cannistra.

ACTING CHAIRPERSON SIAVELIS: Okay, great. Thanks, Debbie.

MS. CANNISTRA: And I would be the purchaser if possible, and my husband Peter. We did try, in addition to sending out all the letters that we had to send out, we also rang the doorbells at everyone's doors. We could only reach a couple of people.

We did speak with this gentleman. He was leaving, he was going hunting the day we spoke with him. It was raining but we did talk with him. We did explain that we were trying to be the purchasers. We had a very nice conversation. He did not voice any issues at that time, but granted, we were in the rain, so, you know, giving all benefit to the situation, it was very casual. We had no other way to reach him, so we did just approach him that way.

We did speak with the people across the street, directly across the street from the property. They were very nice people. They were very, they said we have

no issue, we would not appeal, we won't show up at the meeting, we have no problem with building a home in the neighborhood.

So, those were the two people we were able to reach, but --

ACTING CHAIRPERSON SIAVELIS: Thank you.

MS. CANNISTRA: -- we did not get any letters back or have any calls to our home or anything.

ACTING CHAIRPERSON SIAVELIS: Okay, thank you very much.

MS. ANDERSON: Hi.

ACTING CHAIRPERSON SIAVELIS: Hello, can you identify yourself on the record?

MS. ANDERSON: I'm Sarah Anderson with @Properties. I am the seller's agent for 108 South Highland Avenue.

ACTING CHAIRPERSON SIAVELIS: Okay, all right.

MS. ANDERSON: I was not planning on speaking. I was just here to give feedback as to what happened at the meeting.

ACTING CHAIRPERSON SIAVELIS: Is that right? And I apologize.

MS. ANDERSON: That's okay.

ACTING CHAIRPERSON SIAVELIS: This is not the conventional approach, this is the unconventional situation I think we're in right here. So, how long have you been representing the sellers for this particular property?

MS. ANDERSON: I mean, it's been since February or March I want to say. I've known them for a year though. They tore that house down in 2009.

ACTING CHAIRPERSON SIAVELIS: There we go, that was where I wanted to go. Thank you.

MS. ANDERSON: They tore 110, their current house down in 2002 and built in 2003. Their house is, what, 60 percent according to Engineering. Theirs is 60 percent, so I'm not sure when this rule changed, somewhere between 2003 and now? But, yes, so I'm representing the sellers.

We had a few offers on this property and we went with them because their daughter was an architect and he did want to move to Arlington Heights. Just having that kind of emotional, you know, support and also having someone who knows how to do their job was very important to the sellers because there were investors that we got offers from that I did not feel confident knew what they were doing and didn't want the deal to fall through. We did have to push back this meeting until now because we were going to close earlier, we did have to push it back, the contingency date, because we wanted them to do their due diligence to make sure that they felt comfortable purchasing the lot and building what they wanted.

I understand the Engineering Department's, not issue, but worry I guess, and the surrounding neighbors, but I also know that Gina knows what she's doing and has been doing it. I believe they will do what's best not only for them but also for the Village, for the surrounding neighbors and for the community, because I believe they've been looking for at least two years to buy and build a house in the area. Again, we had a few offers on this part of land and that's why we went with them.

ACTING CHAIRPERSON SIAVELIS: Okay, thank you. That's very helpful. So, if the petition is denied; take us through that scenario.

MS. ANDERSON: If the petition is denied, my sellers are, we haven't really

spoken about it. He might take it off the market. I mean, before we even listed, I went to upstairs to talk to Steve Hautzinger, being like, okay, I know it's non-conforming, I know it is this, this and this. What do I need to do on my end to get it listed to make sure that anyone who buys it feels comfortable buying it, knowing that it is buildable? We did the soil testing to know that, okay, there is a variance that's going to, you know, have to happen.

124 South Vail right next door, 124 South Vail, an even smaller lot of land just built a single-family home with a detached garage, sold for \$1.495 million. I mean, it's a great, great opportunity to build a house and to have an over-million-dollar listing over there. So, I do work with another builder in the area, was talking to him about it today, and he's like, yes, that's a great location and, you know, he would have bought it but he was tied up with other projects.

ACTING CHAIRPERSON SIAVELIS: So, do the folks at 110, do they live there full time?

MS. ANDERSON: They do. They do, and they're finishing a house in Wisconsin right now, a lake house, but they do live there full time.

ACTING CHAIRPERSON SIAVELIS: Okay, any other comments from Board members?

MS. ANDERSON: Yes, we're not causing, I'm not causing trouble. Like I said, I was just here to like really --

ACTING CHAIRPERSON SIAVELIS: Yes, I understand that. I get that, nobody is accusing you of causing trouble. We totally, we understand that.

MS. ANDERSON: I'm representing clients here.

ACTING CHAIRPERSON SIAVELIS: Jeff, are you, do you have a follow-up question? I see your wheels are turning.

COMMISSIONER LANAGHAN: Well, I'm just trying to figure it out. I mean, I'm looking at this site that, you know, has very similar lots. In general, they're all roughly 7,000 square feet. There's a couple that meet the code at 8,750, but the ones that meet the code in this area are kind of few and far in-between.

MS. ANDERSON: And I did do a spreadsheet. I have them in my computer.

COMMISSIONER LANAGHAN: Not that we take that into consideration. It's all, you know --

MS. ANDERSON: Before listing, I did a spreadsheet and I looked at all those houses. Granted, a lot of them were built in 1925 or around that 100 years, right, but they are this similar size house on 7,000 square-foot lots. I was told, not by Steve, but someone else in the Village when I called, and they said that changed in about 1971-1972, and then obviously, they built theirs and it was approved in 2003. Then, somewhere in between now and then, it's changed again.

COMMISSIONER LANAGHAN: There's been a lot of rain between now and then which has caused a lot of changes to Engineering Department's take on that.

MS. ANDERSON: And, again, like I said, we believe that Gina knows what she's doing. She's helping her parents out. It's nice that everyone is connected in this and trying to make it work, and we're not trying to hurt any neighbors.

ACTING CHAIRPERSON SIAVELIS: Right, we get that. We get all that, but again, like I said, we have Engineering Department with strong opinions in the

negative, and we have a directly adjacent neighbor with similar negative opinions, which are two really large factors for a number of us on this Board.

Derek?

You can go ahead and take your seat unless there's anything else, Sarah, that you want to raise that you haven't yet?

MS. ANDERSON: No.

ACTING CHAIRPERSON SIAVELIS: Okay, Derek, is there anything that was just said you want to comment on or the Village wants to comment on regarding accuracy of that?

MR. MACH: I'll defer to Dan.

MR. OSOBA: To my knowledge, that was all accurate.

ACTING CHAIRPERSON SIAVELIS: Okay, good. Thanks, Dan.

Okay, where is Gina? There you are. All right, Gina, come back up.

COMMISSIONER LANAGHAN: Wait, wait. There's somebody else waiting.

ACTING CHAIRPERSON SIAVELIS: Oh, right, I'm sorry. I apologize, ma'am, I'm so sorry.

MRS. ROJEK: Good evening. I'm Gabriela Rojek, 104 South Highland. That's my husband.

ACTING CHAIRPERSON SIAVELIS: Okay, speak into the microphone so that we can catch you.

COMMISSIONER LANAGHAN: And sign up here.

ACTING CHAIRPERSON SIAVELIS: Right.

MRS. ROJEK: I'm Gabriela Rojek, 104 South Highland. My husband spoke earlier. I haven't had the pleasure to meet the Petitioners, and I just wanted to clarify one thing for my understanding.

We received the letter that you were supposed to give all the neighbors. Perhaps it was my misunderstanding that I didn't realize we were supposed to reply to them directly. I thought our opportunity would be here tonight. So, we waited, we looked up the code, and I tried to get clarification from the Village Staff and from the Public Works just to educate myself about what the variances were. I thought that this would be our opportunity, I really did not know that we had to reply to you directly first.

ACTING CHAIRPERSON SIAVELIS: Let me correct something, or just clarify something, not correct but clarify. This is a perfectly good opportunity for you to appear and state your views and opinions because you waited until now, that's not a problem, right, that's why we have the public comment segment in every petition.

MRS. ROJEK: Right. I just wanted, just to give my perspective on the comment that they tried to, you know, that we didn't comply with a response earlier.

ACTING CHAIRPERSON SIAVELIS: Yes, I don't think it was made with malice.

MS. CANNISTRA: I was just answering the question.

MRS. ROJEK: Sure, sure.

ACTING CHAIRPERSON SIAVELIS: Yes, that point wasn't made with any malice. I think it was just off the cuff. So, go ahead.

MRS. ROJEK: And just from my perspective, my concern is, I know this is a very desirable place. We've been here for a long time. We've seen the Village grow; we've seen all the development. As much as I would appreciate getting neighbors, I think

Brad and Lisa waited, you know, took the opportunity to make a great investment in buying that lot when they did and just holding on to it. Perhaps they had plans for it and it didn't work out, and this is an opportune time to be able to, you know, to sell with everything that's going on. So, the concern about how long the lot has been vacant, I think that was a very prudent choice on their part to hold on to this investment property until the time was right.

My concern is really losing, it's the height of the home, and I don't want to be dictating your choices of how you want to build your home, but we would be losing a lot of sunlight, the property right next. The previous old, old home that was there, had the driveway adjacent to our home, so there was a lot more space. Then, 110 had their driveway, so the house that was there had two driveways and it was a smaller home. So, if it was a smaller structure, I perhaps would not be standing up here giving my comments.

ACTING CHAIRPERSON SIAVELIS: Smaller structure meaning what, overall footprint or height?

MRS. ROJEK: Probably both. It was a two-story but it was an older two-story home, so I don't think it was as high as what is being proposed. So, because there was the two driveways on both sides of the house, the 110 driveway and then the 108 driveway was just left to us, there seemed to be a little bit more space between the homes. So, but thank you for listening.

COMMISSIONER LANAGHAN: Thank you.

ACTING CHAIRPERSON SIAVELIS: Thank you.

Okay, Gina, we'll give you a chance to briefly rebut and address their comments.

MS. ZARI: All right, could you flip to the elevations? I don't know if you have the plans or not, but I just want to address the concerns about the height and adjacency to the neighbors.

So, I tried to break down the mass of the building so it would respect the small scale of the existing conditions. You can see that like the primary mass of the building is actually quite small where it's two stories, and the pitch of the roof is centered in the mass so that from the street it appears shorter, much shorter than the next one. Then the full wing on the back is only one story, and the part that's on the, like right in the center, what would be like a covered porch, that's also one story with a roof that slopes away from the neighbors. So, everything that I did in the design of the building is to try to get as much sunlight to the neighbors.

So, if you go back to the site plan, I show the outline of the house. Their house extends, and the garage is the smaller square, the two-story residence is the thicker line. So, there is still plenty of daylight that would get to their building.

As far as I know, we're meeting, we're exceeding the setbacks that are required by code on that side of the lot. I think we're only required five feet and we are, I can't read my dimensions now, but eight, seven? So, with the tight constraints, with getting a narrow driveway, we're trying our best to be respectful neighbors. I guess I'll leave it at that.

ACTING CHAIRPERSON SIAVELIS: Okay, so I think you should take just a little bit more time to explain the setbacks and the various structures between the proposed design and the neighbors to the north there.

MS. ZARI: Okay, do you have like a pointer?

ACTING CHAIRPERSON SIAVELIS: We do have a pointer. We used to have a pointer.

What happened to our laser point, Derek?

MR. MACH: Well, he can use the mouse.

MS. ZARI: Okay.

ACTING CHAIRPERSON SIAVELIS: Okay, yes, start on the left. I'm asking you to do this exercise because, often, in contentious situations, contentious petitions, there is something lost in translation, right? The neighbors who are opposing don't understand the full scope of the project or the design being contemplated, like perhaps maybe they didn't see the drawings ahead of time. When they see actually what is going to be built or what is proposed to be built, their positions change and/or, and that's the part that I emphasize, and/or the petitioner adjusts his or her design in view of the commentary from the neighbors, or updated commentary from the neighbors as they're walking through the process.

MS. ZARI: Understood. So, the, sorry, I'm really short, but like the thick black line above the property line, which would be the neighbor's house, that L-shaped dash line, no, left, left -- can I just have the mouse? Would that be easier?

MR. OSOBA: Sure, it would be easier.

ACTING CHAIRPERSON SIAVELIS: Derek, for our unspent budgetary funds, I would request to have a laser pointer, because I thought we had one before.

MS. ZARI: Yes. Okay, so this is a one-story garage here. This mass here is the neighbor's house which is really a cute Craftsman sloped roof, and it has a dormer here, but if you look at -- so this is the primary mass of their house. The two-story portion of this house is only this portion. This is the only thing that's two stories that would be close to their house.

This is a one-story living room. This is a one-story garage. This is a covered porch where the low point of the slope is here and it slopes up, so it will be further out to allow more light.

I guess if you want to look at the site per the aerial photos, maybe that would be the clearest.

ACTING CHAIRPERSON SIAVELIS: Wait, wait, wait. Stay there for a second. I just want to make sure I'm clear and the record is abundantly clear. If you don't mind just dragging your mouse across the perimeter of where the two-story structure would be?

MS. ZARI: This is the two-story structure right here in this square, and there's a little groove here. So, if you go to elevations, I don't know how to do that because of the mouse. This is the part that would be closest to the neighbors, so their house extends up to like here. It's a pretty small mass to be honest, and like I said, that's that one-story living room.

This is what I'm talking about, so this is sort of the Craftsman sloped roof, this is that one dormer. So, it's really that one second-story window here. The rest is looped. So, if we can go to the aerial, you can see what I'm talking about.

Here is the, right here, here is the primary building, and then the rest is one story. I'm not sure what kind of house you can put here that wouldn't limit sunlight in some ways than we're seeing, but we're trying to work with all the factors. So, I did try to

minimize the mass as much as possible.

ACTING CHAIRPERSON SIAVELIS: Okay, thank you very much.

I don't know, for other Board members, Tom, do you have a question on there to follow-up?

Jeff?

COMMISSIONER LANAGHAN: No.

ACTING CHAIRPERSON SIAVELIS: Frank?

COMMISSIONER PORTERA: No.

ACTING CHAIRPERSON SIAVELIS: Okay.

MS. ZARI: Anything else?

ACTING CHAIRPERSON SIAVELIS: No, I'm going to ask you to take your seat for a second, and I'm going to ask the neighbors to the north at 104, in view of that explanation from Gina, which I thought was quite helpful, right? It explained the layout and the massing, does her explanation of the proposed design, does that alter your views or the extent of your opposition?

MR. ROJEK: It still does.

ACTING CHAIRPERSON SIAVELIS: Wait, my question was does it affect or does it change the extent of your opposition. You said yes, it still does. Are you saying --

MR. ROJEK: All right, I'm sorry.

ACTING CHAIRPERSON SIAVELIS: Yes, but you still maintain an objection, is that the headline of your answer?

MR. ROJEK: I'd like to explain where I stand with it. The property that she's proposing, if you look at the dormer here on the left, that's one bathroom, below it is a second bathroom, and then to the east is a bedroom.

ACTING CHAIRPERSON SIAVELIS: Street-side, forward to the street?

MR. ROJEK: Yes.

ACTING CHAIRPERSON SIAVELIS: Okay.

MR. ROJEK: So, those rooms would be in the dark, and then there is the bedroom. The other thing, too, first and foremost, is you'll be able to see into our bathrooms, and we're going to be able to see into whatever they've got because, again, where the red line is, where the grading in between that black line and the red line is going to be their home. So, that's going to be the 10 feet, so we'll be able to look into one another's, there will be far less privacy.

Then, it doesn't go down, it doesn't, their structure doesn't go into the first-floor until, you know, the very back end of the house and then the garage.

ACTING CHAIRPERSON SIAVELIS: I think it steps down actually earlier than that because there's a one-story living room in the back, right?

MR. ROJEK: Yes, but I mean, that's one room.

MRS. ROJEK: Three-quarters of our house is going to probably be affected.

ACTING CHAIRPERSON SIAVELIS: Go back, yes, go back to that other one, okay?

So, your first name is Edward, is it not?

MR. ROJEK: Yes.

ACTING CHAIRPERSON SIAVELIS: Okay, Edward, so where, if you're looking at the north elevation drawings, so that's the drawing on the bottom, where do you

think your house would, the main portion of your house would end, okay?

MR. ROJEK: Right there.

ACTING CHAIRPERSON SIAVELIS: Okay, so splitting the second window or bisecting the living room with the second living room window; is that right, approximately?

MR. ROJEK: About there, yes.

ACTING CHAIRPERSON SIAVELIS: Okay, so the tricky thing here, the problem is that you're five feet from the property line. There is basically no house that can be built on this vacant lot that doesn't require assistance from the Zoning Board or variance from the Zoning Board, at least one, here in this instance three. This is a tough situation all around, right. There is no clear-cut winner, and this is unlike the four other petitions you saw today in front of us, right?

MR. ROJEK: As my wife said, we would love to have neighbors.

ACTING CHAIRPERSON SIAVELIS: Yes, but I think that that's not really a viable task, unfortunately, given the state of affairs, the value of real estate in our community now, and especially in that location. Anybody who's going to buy that property is going to have to put up a house on there that is going to be rather substantial, right, and likely cause issues for you' otherwise, they're going to get no nominal return on that house in the future should they choose to sell it.

So, this is a real predicament, a real tight position to be in here. I mean, short of you buying that lot, right, and doing what you want on it, whether it's building, expanding your house, or doing nothing and basically putting a large, having a large side lot, I think we'd be back here each time.

MR. ROJEK: The other neighbors weren't allowed to put anything out there. They weren't allowed to put a garage --

ACTING CHAIRPERSON SIAVELIS: Wait, wait, the existing seller?

MR. ROJEK: Yes.

MRS. ROJEK: Yes. They wanted to put a pool, many, many years ago, they wanted to put a pool in that lot and the Village said no.

MR. ROJEK: And then they wanted to put a garage, they wanted to move the garage around. No, you can't, you couldn't do anything. Then the first bidder on the house, or on that property, the Village said no because it's a single property, you can't sell off the piece of property.

ACTING CHAIRPERSON SIAVELIS: You can't parse it?

MR. ROJEK: Yes, and that was the original --

MR. OSOBA: Chair, it's because they were two separate lots by themselves and there wouldn't be a principal use out in that lot. It would just be a pool by itself and you'd have to have, that would just be an accessory use to nothing. You'd need a principal use.

COMMISSIONER LANAGHAN: So, you had to put the two lots together to create a single lot before you could do that.

MR. OSOBA: Correct.

ACTING CHAIRPERSON SIAVELIS: And the owners of 104 at that point in time didn't want to do that, is that --

MRS. ROJEK: They just want to make money.

COMMISSIONER DRAKE: On a scale of one to 10, how strong is your

opposition, 10 being absolutely against it, the ask?

ACTING CHAIRPERSON SIAVELIS: Yes, now that you've seen the size and design and the way that, you heard Gina's explanation, where are you at on that? That's a great question, Tom.

MR. ROJEK: How big is the actual house itself?

MS. ZARI: It's like 3,000 square feet, and I will say that the prior bedroom was just a one-story of course and there's no walls, so you would be getting light to that part of your lot.

MR. ROJEK: So, my math was right.

ACTING CHAIRPERSON SIAVELIS: Pretty close, yes, right. Can you answer Mr. Drake's question then?

MR. ROJEK: Six-seven.

COMMISSIONER DRAKE: Okay, thank you. That helps me.

MR. ROJEK: Anything else?

ACTING CHAIRPERSON SIAVELIS: No, not from you. Thank you, sir.

Okay, Gina, come back up here. I'm going to ask you two quick questions. Now, I apologize for putting you through this, but we haven't had a petition like this in years.

MS. ZARI: This is my first petition, so I think they're all like this.

ACTING CHAIRPERSON SIAVELIS: No, no, they're more like the first four you heard tonight. Very straightforward, very succinct, very easy. This is not easy.

COMMISSIONER DRAKE: It's a teaching moment, so I'd say it's --

ACTING CHAIRPERSON SIAVELIS: Yes.

MS. ZARI: Yes, for sure.

ACTING CHAIRPERSON SIAVELIS: And you are facing a conundrum because you have to go 4 and 0 or you have to ask for a continuance.

MS. ZARI: Yes, where are the owners?

ACTING CHAIRPERSON SIAVELIS: This is a voluntary position, too, so --

MS. ZARI: I know.

ACTING CHAIRPERSON SIAVELIS: It does that to you. So, how wed are you to this design such that would you consider scaling it down a bit to take seeking a continuance, getting time to potentially reduce the size, work with the neighbors at 104, add in his wife Gabriela, right, okay, and considering it that way and going back to the sellers? Because, frankly, the sellers are in as big a predicament as you are, right, and I highly doubt, if this deal falls through for you, I highly doubt that the next buyer is going to put forth an architect who does as good a job as you do and as you've done tonight, okay?

MS. ZARI: Thanks, that's very nice.

ACTING CHAIRPERSON SIAVELIS: I will tell you that with pretty good certainty. So, that's where I stand on this, and I'm not sure, Tom and Jeff and Frank, where you're at on this.

COMMISSIONER DRAKE: Well, a continuance, it would be contingent on you getting the seller to be able to give you more time. I thought I heard that can't be done, or maybe it can?

MS. ZARI: I mean, I don't, the attorney review period is certainly over. I don't know if, we were hoping to come out of this meeting with an understanding of whether or not this lot is buildable in Arlington Heights' point of view, but --

ACTING CHAIRPERSON SIAVELIS: Well --

COMMISSIONER DRAKE: -- if you don't get all four votes, it's definitely a no.

MS. ZARI: I know.

ACTING CHAIRPERSON SIAVELIS: And this current design is --

COMMISSIONER LANAGHAN: And then you can't come back for a year.

ACTING CHAIRPERSON SIAVELIS: And you can't, exactly, that's what I was talking about in the beginning.

MS. ZARI: I know.

ACTING CHAIRPERSON SIAVELIS: The preclusive effect of a year, right, with this design.

Derek, you guys are chomping at the bit over there.

MR. OSOBA: Yes, the Zoning Board and the Village have seen lots that go through for a buildable area and lot size where they get the variation or apply for the variation and have been granted the variation for the lot size and the buildable lot area, and then come back in with either a code-compliant house or further variations in addition to what they've already received. That's a potential option I suppose, because we have three variation requests currently, and for the buildable lot size and the lot width are the ones that would allow the lot for a home to be built that is code-compliant.

MR. MACH: So, in the past, the Zoning Board has evaluated requests for substandard lots without a plan for a home. So, they could come forward and request that this be a buildable lot, and then come forward with a code-compliant home at a later date which could be a two-story home and five feet from the property line. I just want to bring that to the attention of the Zoning Board. There are two issues here, whether or not it's a buildable lot, and then whether or not the Zoning Board supports the impervious surface coverage variance.

ACTING CHAIRPERSON SIAVELIS: Which is tied to the current design presented in the papers.

MR. MCDONNELL: Correct. Yes.

MS. ZARI: That's true. I mean, if I wanted to be by the books and not have to ask you about the impervious coverage, I could redesign this home to be five feet from the neighbors, two feet the entire north-side, and that would be code-compliant, but we are trying to go above and beyond with the setbacks, with the massing. The decision to do the detached garage --

COMMISSIONER LANAGHAN: And a garage that would face the street so that the, yes.

MS. ZARI: Yes, you just basically see a front door and two driveways. I mean, I think from, if this is a discussion about zoning and urban conditions, I think you could do a lot worse if a builder or an investor were to take over this lot. A lot worse by the Village and a lot worse by the individual neighbors.

COMMISSIONER DRAKE: The flipside of this is you could stand pat and play poker, you may get all four votes. I don't think anybody knows right now what's going to happen.

ACTING CHAIRPERSON SIAVELIS: Yes, yes.

COMMISSIONER LANAGHAN: Right.

COMMISSIONER DRAKE: I mean, I think she just needs to understand

that.

ACTING CHAIRPERSON SIAVELIS: Yes, that's a fair point, but the point that Gina just made is also a fair point, but I want to give Derek and the Village, you know, the team over there, now you have a team, it used to just be you, Derek, you were a one-man band for years but now we have, you know, backup singers with you now. So, where do you, I mean, put a little bit more on that point, put a finer tip on that point basically. Could one of these variations that is being sought be removed from the discussion right now such that the buildable lot variations proceed to a vote? Is that feasible, and is that where you were going?

MR. MACH: I'm just saying that the Zoning, well, first, the Zoning Board could vote on each variance separately, whether or not it's a buildable lot and then whether or not the square feet request for impervious surface coverage, I just wanted to point out there's kind of two issues going on. The Zoning Board has evaluated requests for lots that are substandard, whether or not they're buildable in the past.

COMMISSIONER LANAGHAN: A side question just popped into my head. How wide is your driveway at this point in time? You're 11.5 feet to the property line. I don't know how far off the property line you are.

MS. ZARI: 10 feet. 10 feet, I think.

COMMISSIONER LANAGHAN: Is there any way, and this is just a question, you could shrink that a little bit to maybe pull the house a tad bit away?

MS. ZARI: Yes.

COMMISSIONER LANAGHAN: I don't know that that helps or doesn't.

MS. ZARI: I mean, I might hit the corner.

COMMISSIONER LANAGHAN: But, you know, again, the neighbors again -

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MS. ZARI: We can't get under the threshold for the impervious coverage.

COMMISSIONER LANAGHAN: I understand, I understand.

MS. ZARI: We can't, but yes, I can trim that down. Yes.

COMMISSIONER LANAGHAN: It would reduce the amount of impervious; it would give potentially a tad bit more room on the north side to the neighbors.

MS. ZARI: Sure, we can look at that. Also, like the use of impervious is very harsh because it is a product that will be managed.

COMMISSIONER LANAGHAN: It is pervious by design.

MS. ZARI: Yes.

ACTING CHAIRPERSON SIAVELIS: Right, pervious by design, and frankly, this Board has considered that issue independently and separately in its own purview numerous times over these years now, right?

COMMISSIONER LANAGHAN: Several times here, yes, for sure.

COMMISSIONER DRAKE: Right.

ACTING CHAIRPERSON SIAVELIS: We have taken that issue up ourselves, and frankly, this is the first time that I can recollect that we've seen an official paper or a submission from the supplier/manufacturer of that permeable paver, in this instance Unilock.

MS. ZARI: It's from me.

ACTING CHAIRPERSON SIAVELIS: I know that, that's my point.

MS. ZARI: Oh, okay.

ACTING CHAIRPERSON SIAVELIS: That this is the first time we've seen that sort of detail on the permeable paver and the notes in there and the explanations, okay, which is good.

MS. ZARI: Oh, got you.

ACTING CHAIRPERSON SIAVELIS: It's nice to see that instead of just hearing testimony about it. Here, this is the document from the manufacturer from 10 years ago. It's from March of 2015, so I was curious to see how long this has been in effect, and I went and looked earlier today, and this still holds.

All right, so Jeff, where were you going with your prior point?

COMMISSIONER LANAGHAN: I was just trying to; it would address a couple of things in my mind that I'm struggling with. One, the neighbor to the north losing some of the light which I completely understand. Anything that gets built there, you'd probably lose some light. To Gina's point, you know, somebody else comes in and if they get approval, if, you know, they'd be five-foot away, not 6.5 feet away.

But even having said that, you know, if we can move it another foot, make it 7.5 feet, a little more breathing room, it's not perfect, a little more breathing room, and it also reduces the amount of impervious surface, or pervious surface, depending on how we want to identify it, but it was just scrambling through, trying to come up with a compromise here.

MS. ZARI: Yes. I think that's a good one.

ACTING CHAIRPERSON SIAVELIS: So, is that something you're willing to do?

MS. ZARI: Yes, I was just trying to get my, you know, we need it to be so wide, but yes, I think we could cut out a little space from the driveway, yes.

COMMISSIONER LANAGHAN: Most parking lots are nine-foot, so that's why I was thinking nine-foot should probably be in there okay.

MS. ZARI: Yes.

ACTING CHAIRPERSON SIAVELIS: Parking spots are nine feet, right, yes.

COMMISSIONER LANAGHAN: Right, correct.

COMMISSIONER DRAKE: How many cars will be needed in the home? How many drivers, how many cars?

MS. ZARI: At least two, if not three.

COMMISSIONER DRAKE: Three?

MS. ZARI: They wouldn't be absolutely housing that many, but yes, there could be a fuller --

ACTING CHAIRPERSON SIAVELIS: But then that driveway is long enough to accommodate a considerable number of cars like at Thanksgiving and Easter or a holiday, whatever it is.

MS. ZARI: Yes.

MRS. ROJEK: Excuse me?

ACTING CHAIRPERSON SIAVELIS: So, do you, is that a condition for your support if the submitted plan is modified to shrink it, essentially to shrink the driveway a foot such that the entire house shifts a foot south?

COMMISSIONER LANAGHAN: Let me --

MRS. ROJEK: I'm sorry, I don't know the procedure. I just thought of something.

MS. ZARI: You need to come up, I'm sorry. Then, we're going to wrap up public comment.

COMMISSIONER LANAGHAN: Yes, we've got to finish this.

MRS. ROJEK: Just a quick question. I know that we're talking about rain and water and absorption. What would be my recourse as an owner if these pavers don't do what is hoped that they would do and it creates, you know, a situation with water and runoff and whatnot? What is my recourse and what happens to me as a homeowner being affected by that? I know that it's, you know, just like they're hoping it will work, what's my recourse if it doesn't? So, that's another concern that just came to my mind.

ACTING CHAIRPERSON SIAVELIS: That is a very good question. I don't have a direct answer to that. Derek, I don't know, but does the Village -- okay, Gina, come back up in a second. Does the Village field complaints like that? I mean, where does that stand short of a homeowner taking legal action against another homeowner?

MR. MACH: I can't advise on that.

ACTING CHAIRPERSON SIAVELIS: Yes, I wasn't sure if in your experience in the Village you've dealt with that issue.

MR. MACH: No, I have not. I mean, the Petitioner, if the Zoning Board is supportive of variances, the Petitioner would have to satisfy all building permit requirements which could --

ACTING CHAIRPERSON SIAVELIS: And the comments from the Engineering Department, right, and obviously forthcoming permits, right?

MR. MACH: Correct.

COMMISSIONER LANAGHAN: And the grading plans and everything else. The only other question that we haven't asked you yet, Gina, that the Engineering Department kind of addressed more on the pervious/impervious surface is the bluestone. Would there be any flexibility in switching that to a pervious paver?

MS. ZARI: Yes.

COMMISSIONER LANAGHAN: Which was kind of their other, if you approve it, please make these pervious as well.

MS. ZARI: Yes. I think that's logical.

ACTING CHAIRPERSON SIAVELIS: Okay, so we're modifying here on the fly a little bit, right? So, bluestone is out, correct?

MS. ZARI: If that gets us where we need to be.

ACTING CHAIRPERSON SIAVELIS: Let me say this a little bit. Not bluestone is out, bluestone would be switched as per the request of the Engineering Department.

MS. ZARI: Sure.

MR. ROJEK: Can I ask a question?

MRS. ROJEK: Just clarify where the bluestone?

MR. ROJEK: Where the bluestone will be, yes.

MS. ZARI: The patio. Yes, the open one.

MR. ROJEK: And then what would it be?

MS. ZARI: Same as the driveway, or gravel.

ACTING CHAIRPERSON SIAVELIS: Same as the driveway.

MR. ROJEK: Can I ask a question?

ACTING CHAIRPERSON SIAVELIS: Yes.

MR. ROJEK: What's the width over there?

MS. ZARI: It's just --

MR. ROJEK: 70 feet or something?

MS. ZARI: Yes, it's like 80 square feet.

MR. ROJEK: Is that not going to affect the calculation in terms of less than 50 percent?

MS. ZARI: It's still --

MR. ROJEK: Because I want pavers in the patio.

MS. ZARI: It's still closer to the 50 percent threshold.

ACTING CHAIRPERSON SIAVELIS: Yes, it gets you closer. It's like every little bit helps.

MS. ZARI: I think it would appease the Engineering Department.

ACTING CHAIRPERSON SIAVELIS: Right. That, so again, like I said earlier, we give a lot of deference to the Engineering Department, the professionals in the Engineering Department. When you're close, and you are beyond close, you look up close in the dictionary and this is close, right? So, we're trying to work with you, because oftentimes, something like this doesn't get passed, right, or there's concessions made on both sides, let's just say that.

MR. ROJEK: Thank you.

ACTING CHAIRPERSON SIAVELIS: Okay, and Gina, you were talking about the patio area on the left side of the screen as is currently on the west patio, right, because the other one is covered?

MS. ZARI: That's right. The other two are covered so they already count. Changing them would have no bearing on the calculation.

COMMISSIONER LANAGHAN: Right.

ACTING CHAIRPERSON SIAVELIS: Thank you for confirming that, that's right.

Derek, you agree with that? Right, that since they're covered, they don't impact the calculation? You guys would agree with that?

MR. OSOBA: Yes.

ACTING CHAIRPERSON SIAVELIS: Derek and the team.

Okay, Jeff, Tom, Frank, anything else? You're awfully quiet, Frank, I just wonder.

COMMISSIONER PORTERA: Spinning my wheels thinking.

ACTING CHAIRPERSON SIAVELIS: Okay, Tom?

COMMISSIONER DRAKE: No, nothing.

ACTING CHAIRPERSON SIAVELIS: Okay, you can take a seat, Gina. Thank you.

All right, so we're at Board deliberations now. Given everything we've heard, Jeff, we'll let you start it off and give you the great honor.

COMMISSIONER LANAGHAN: Okay, I appreciate it. I guess let me, before we go into deliberation, Gina, we'll give you one last chance. Do you want it continued or do you want to go ahead and plow through this thing?

MS. ZARI: I mean, we really need an answer before the contingency, so yes.

COMMISSIONER LANAGHAN: I understand.

ACTING CHAIRPERSON SIAVELIS: Do you need an answer to the entirety of the three questions or the two questions as Derek kind of framed them, whether it's a buildable lot versus whether it's buildable with this design, right? Because that's the second prong where there's the biggest hang-up.

MS. ZARI: I don't know how to answer that without feedback from the seller and purchaser.

ACTING CHAIRPERSON SIAVELIS: Well, I get that, but we are under our own time constraints, too, seeing as it's approaching 9:00 o'clock tonight. So, it's a calculated risk.

So, Gina, to answer Jeff's question then, you want us to consider the variances as presented in the papers plus what was discussed, meaning reducing it by one foot or bringing the entire house one foot south, and then the change to the west patio? Is that what you're --

MS. ZARI: Yes.

ACTING CHAIRPERSON SIAVELIS: Okay, because we have to be clear what the motion could be covering, what the scope of the motion is before we even get to a vote, okay?

MS. ZARI: Okay.

COMMISSIONER LANAGHAN: So, let me walk through the different variances in my own mind here and where I stand on them. So, the first one, and great points raised, I mean, this is a fairly sizeable variance request on both the lot size, the lot width, and then the surface area, fairly significant.

The first two being the lot size and the width, I would be on board with accepting in that I look at the neighborhood, I've looked at various lots around there, even the neighbor to the north has basically said they're on a 50-foot lot. So, you know, I think this is very much in keeping with where this was developed back in the time. The zoning has changed, the lot requirements have changed, but these are remnants of that previous time. So, I do think that it would behoove the Village to be able to have a lot here, and I'd be in favor of supporting those first two.

The variance for the impervious surface is one that, again, has changed over the years due to the rainfall and what we're experiencing. So, that's very much a concern. You know, the fact that we have an impervious driveway, they're willing to change the bluestone paver to the west, which is not under cover, to another pervious surface and even shift the building away to reduce the impervious more and, therefore, give the neighbors a little bit more breathing room, I think shows a willingness to be a good neighbor and a good advocate I guess is the right word to say it. This is certainly a way more sensitive design than I would expect to see on most proposals, and towards that end, you know, with the modifications I have identified, I think I'd be willing to support this.

ACTING CHAIRPERSON SIAVELIS: Okay, thank you, Jeff. Very well said, very well stated.

Tom?

COMMISSIONER DRAKE: I would agree all of that. Just a couple of other comments. I mean, I'm a little disappointed that the gun is to everybody's head with timing, the 12th and tomorrow would be the 13th, but it is what it is. Everybody has kind of worked through that.

That neighborhood, those homes are over a 100 years old. We can't

expect a home that's going up today, tomorrow or next week to be like the homes that are there now. As I look at that aerial view, those lots are very, very similar looking up and down the street.

ACTING CHAIRPERSON SIAVELIS: Yes, and let's not forget, and it wasn't an equivalent radius, in Scarsdale, Stonegate, there are 50-foot lots throughout, right? So, I think that's something we also need to, you know, keep in mind as we make this discussion or evaluate this situation, 50 versus 70, right? So, that's not a deviation, a significant deviation or a significant issue, at least in my eyes as to the lot designation.

So, go ahead, Tom, I apologize for interrupting you.

COMMISSIONER DRAKE: That's okay. You know, we had two objections which we had to listen to in the report. The one objection that came by e-mail, the resident was actually, in my calculation, not close to this petitioned property that we're looking at. So, I didn't take a lot of weight in that other than in support and at least be open-minded. I think Edward's comment, I did put you on the spot a little bit with the numerical, you know, give us a number kind of thing. I thought you'd say 10, when you said six to seven, it seemed that maybe you could live with this property being developed if there were some other modifications, and I think that's happening here.

So, I hope it turns out to be a win-win. I'm in favor of it based on what Jeff was saying.

ACTING CHAIRPERSON SIAVELIS: As summarized by Jeff?

COMMISSIONER DRAKE: As summarized by Jeff.

ACTING CHAIRPERSON SIAVELIS: Frank?

COMMISSIONER PORTERA: I would agree with both Commissioners, and I will also add that it's pretty impractical to think that nothing could be built here. The opposition said that they wanted neighbors here. I think that these neighbors really care and want to be back in the Village, and they've put together a really good design. You know, the door is open now for you guys to work together and kind of, you know, be good neighbors. So, the conversations we've had, I appreciate them, their willingness to work with us and bring the measurements down to something we're more comfortable with and the willingness to give I think bodes well.

ACTING CHAIRPERSON SIAVELIS: So, are you in support?

COMMISSIONER PORTERA: I'm in support.

ACTING CHAIRPERSON SIAVELIS: Okay, so I'll be quick because we are after 9:00 o'clock here.

I think this is an extremely difficult situation for all parties. The neighbors directly to the north, the buyers, and frankly the nature, the contractual nature with this contingency period, it was unfortunate and in certain regards foolish, but I understand, we are where we are, right, and hindsight is always 20-20.

I look at this in two different ways, right, but at the end of the day, the potential buyers, the Petitioner's willingness to compromise in the points that we talked about, and the very nuanced, it's beyond careful, this nuanced design that Gina put together and how she's addressing these points tips the scale in Petitioner's favor ever so slightly in my mind. I do think also, frankly as a long-time resident here, 25 years coming up on for me, I think that to see a lot in this location be undeveloped for this long is a rarity. A potential different buyer, we could find ourselves in a situation like this, if this deal falls through and these variances fall through, that would present a more horrific picture for

Edward and Gabriela from a design standpoint, and I don't think that's that far off of a reality given where the market is here in Arlington Heights at this juncture, and especially this location, this neighborhood.

So, I would be in support as modified, not as originally presented.

MR. MACH: Chair, just to clarify. You said that's, for the footprint, one foot south for the two-story portion?

MS. ZARI: The whole thing.

ACTING CHAIRPERSON SIAVELIS: The whole thing.

MR. MACH: The whole thing, okay. That's what I wanted to clarify. Then, the patio, open-air patio area in the north, that would become pervious pavers?

COMMISSIONER LANAGHAN: Correct.

MR. MACH: Thank you.

MRS. ROJEK: Can I just say one thing?

ACTING CHAIRPERSON SIAVELIS: No, we're done. We're done with public commentary.

MRS. ROJEK: Okay.

COMMISSIONER LANAGHAN: So, are we ready for a motion?

ACTING CHAIRPERSON SIAVELIS: Yes, do we have a motion? We need that.

COMMISSIONER LANAGHAN: So, I move to approve the variances to allow the variance in the minimum lot size and the variance in the minimum lot width as proposed, and then to approve the plan with the modification that the driveway be reduced by one foot and the house be slid to the south one foot, and along with the open-air patio receiving pervious pavers.

I think that covers everything, correct?

ACTING CHAIRPERSON SIAVELIS: I think so.

COMMISSIONER DRAKE: Second.

ACTING CHAIRPERSON SIAVELIS: Thank you, there's a second?

COMMISSIONER DRAKE: Second.

ACTING CHAIRPERSON SIAVELIS: Right. Did you get the motion as tailored?

MR. OSOBA: I did, yes.

ACTING CHAIRPERSON SIAVELIS: Perfect. There is our second.

MR. OSOBA: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. OSOBA: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. OSOBA: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. OSOBA: Acting Chair Siavelis.

ACTING CHAIRPERSON SIAVELIS: Yes.

Okay, congratulations. I want to thank everybody for their time and their patience. This was a marathon session, probably our longest in the last four or five years.

COMMISSIONER LANAGHAN: Thank you for coming in and sharing your thoughts. That was really important for us to here, and that was the right time. So, thank

you for that.

ACTING CHAIRPERSON SIAVELIS: Not yet, hold on, let's do our thing here. Public comments. So, we are done with the petitions. There is a very brief, and I emphasize the word brief, public comments section of the meeting for items and issues not listed on the agenda, so for items not on a petition, or on the agenda.

MR. MCDONNELL: Oh, this is not for the house, sorry. I thought you were already done with that.

COMMISSIONER LANAGHAN: It's done.

ACTING CHAIRPERSON SIAVELIS: We are done.

MR. MCDONNELL: Oh, yes. I mean, I'll be really quick.

ACTING CHAIRPERSON SIAVELIS: Okay.

MR. MCDONNELL: All right, now I didn't sign it, but I can.

ACTING CHAIRPERSON SIAVELIS: Sign in quickly.

MR. MCDONNELL: All right, I'm Matthew McDonnell, resident of Arlington Heights for the last 12 years. I have four children that go to the local school districts. I'm also part of the Foundation for 214.

I'm here to recommend for a stop sign on Kensington and Windsor. Recently, on Tuesday the April 1st, there was a major car accident that hit directly where the students stand. The safety guard actually had to jump out of the way. This has been an issue in the past, 20 plus years ago, I was not here, but a student was severely injured and, in some form, handicapped for the rest of his life, as well as we've tried seven years ago to put up road barriers in the center of road, which our neighbor did. They were driven over and destroyed multiple times and then finally removed. So, it's always been a consistent issue going from Stonegate area to Windsor School.

I have been in contact with the superintendent who also said that he was talking with Public Works, with Daniel Hoscilo. I also talked with our PTA president, my wife was a part of PTA for a long time, and Vicky Holmeck is also working on it. I've heard that it is a state road and not a Village road, so I don't know if there's issues there. But I am willing to get a much larger position from many of the local residents on either side of the road as well as anything else that needs to be done. So, I just wanted to --

ACTING CHAIRPERSON SIAVELIS: Okay, thank you very much. That's largely and entirely outside the purview of this Board.

MR. MCDONNELL: Oh, I was told to come to this meeting specifically by someone on the PTA, so maybe that's different.

ACTING CHAIRPERSON SIAVELIS: Yes.

MR. MCDONNELL: I just didn't know.

MR. OSOBA: There was a Committee of the Whole Meeting tonight that went through --

MR. MCDONNELL: Okay, upstairs? Oh, I went to the wrong room.

COMMISSIONER LANAGHAN: It may still be on.

MR. MCDONNELL: So, where is that? Because they said --

COMMISSIONER LANAGHAN: It's upstairs. Boardroom on the third floor, right?

MR. MCDONNELL: All right, thank you. You guys should have stopped me right away.

ACTING CHAIRPERSON SIAVELIS: That's why we were getting you to

sign up.

Okay, do we have a motion to adjourn?

COMMISSIONER DRAKE: Motion to adjourn.

ACTING CHAIRPERSON SIAVELIS: All in favor?

(Chorus of ayes.)

ACTING CHAIRPERSON SIAVELIS: Any opposed?

(No response.)

ACTING CHAIRPERSON SIAVELIS: Hearing none, we are adjourned. Off the record. Thank you, everyone. Have a good night, drive safely.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 9:10 p.m.)

APPROVED

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STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

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

RON LeGRAND, SR.

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

NOTARY PUBLIC