

**APPROVED**

ZONING BOARD

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

OF APPEALS

RE: 919 SOUTH VAIL AVENUE - ZBA #25-012

REPORT OF PROCEEDINGS had before the Village of  
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights  
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,  
Arlington Heights, Illinois on the 14th day of July, 2025 at the hour of  
7:00 p.m.

MEMBERS PRESENT:

BENJAMIN JAFFE, Chairperson  
TOM DRAKE  
PETER SIAVELIS  
MICHAEL O'CONNOR  
FRANK PORTERA  
JOSEPH SELBKA

ALSO PRESENT:

DEREK MACH, Development Planner  
DARKO BOJIN, Assistant Planner  
DAN OSOBA, Planner

## APPROVED

CHAIRPERSON JAFFE: All right, we're going to call this month's Zoning Board of Appeal's meeting to order.

Let's start with roll call, please.

MR. OSOBA: Mr. Portera.

COMMISSIONER PORTERA: Here.

MR. OSOBA: Mr. Selbka.

COMMISSIONER SELBKA: Here.

MR. OSOBA: Mr. O'Connor.

COMMISSIONER O'CONNOR: Here.

MR. OSOBA: Mr. Lanaghan.

(No response.)

MR. OSOBA: Mr. Siavelis.

COMMISSIONER SIAVELIS: Yes, here.

MR. OSOBA: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. OSOBA: Chairman Jaffe.

CHAIRPERSON JAFFE: Yes.

Okay, now we'll proceed to the Pledge of Allegiance. If you'd all stand and face the flag in the corner of the room?

(Pledge of Allegiance recited.)

CHAIRPERSON JAFFE: Okay, next, we need to approve the minutes of the June 9th meeting.

Has everyone had an opportunity to review those minutes? And if so, are they complete and accurate, or are any changes needed?

COMMISSIONER SIAVELIS: I was, I'm going to abstain because I was not here at last month's meeting. So, this is an abstention.

CHAIRPERSON JAFFE: Okay.

All right, is there a motion?

COMMISSIONER SELBKA: Motion to approve.

CHAIRPERSON JAFFE: Seconded?

COMMISSIONER DRAKE: Second.

CHAIRPERSON JAFFE: All in favor?

(Chorus of ayes.)

CHAIRPERSON JAFFE: All opposed?

(No response.)

CHAIRPERSON JAFFE: Okay, hearing procedures. So, for the audience, we're going to just quickly go over the order of operations and how these meetings are run.

First, from a quorum, if less than six members are present, petitioners have the option to continue the meeting as it takes four affirmative votes to approve a variance regardless of the number of Board members in attendance. If denied, a petitioner cannot reapply for a whole year. So, tonight, we have six Board members with us, so you'll need to go four of six to secure approval for your variance.

The hardship, so the document you completed that was submitted in

your packet we've all had a chance to review, but we expect you to explain the four elements necessary for this Board to establish in order to be able to grant a variation.

Those four elements are:

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

A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the four conditions enumerated. So, again, we look to you, the petitioner, to explain all four of those. When you come to the stand, explain your reasoning, your logic, your justification, and we'll have some questions for you.

Sequence of events. I will open each agenda item and if there's any introductory remarks. We will swear in the petitioner. We'll need your name, address, and affirm that you'll be telling the truth. Staff presentation will give a brief overview of the project and the variance request. You, the applicant, will then present your case in favor of zoning relief by way of documents or testimony. As I said, the applicant's hand and any witnesses testifying must be sworn under oath, and must state and spell their respective names for the record.

Public comment. Members of the public may speak on the application. Speakers must be sworn under oath, and state and spell their name clearly.

There are no formal objectors, correct?

MR. OSOBA: There are none.

CHAIRPERSON JAFFE: Do I have to read those sections or just go to the public comment?

MR. OSOBA: You don't have to.

CHAIRPERSON JAFFE: Okay, so since there are no formal objectors this evening, regarding public comment, any person who is not formally registered as an objector may speak at the hearing but must limit their comments to three minutes. The Chair may, in his or her discretion, alter the maximum time provided to public commenters provided the maximum time is applied to all speakers.

Public comment is specific to the individual variances. You'll see there is an agenda item for public comment at the end if you want to ask about the Bears, taxes or anything else, but if you come to the stand, please limit your comments just to the variances being requested.

The applicant will then make a closing statement and present any follow-up testimony or evidence. The applicant will rest their case. The Board will then make a motion to deliberate and close public testimony. We will deliberate and vote on the matter.

All ZBA final decisions must be in writing. If the agenda packet does not include a final draft order that is acceptable to the ZBA, the substantive motion should be to direct Staff to prepare an appropriate final order for approval at a subsequent meeting.

With that, we can move to new business, which is our first petition,

Petition A, 919 South Vail Avenue, ZBA #25-012.

Dan, do you want to start with the Staff presentation, or will Derek?

MR. MACH: The Petitioner is proposing to construct an addition to the existing single-story home. The Petitioner did receive approval for a similar project on October 16, 2023 with variations from the Zoning Board. However, that approval did expire. The Petitioner is returning this evening with a slightly modified footprint and the elimination of two of the four variances that were approved back in 2023.

This evening, they're proposing an expansion to the garage in order to create a two-car front load garage. The expansion for the garage is encroaching into the required side yard setback along the north property line. In addition, the two air conditioning units are encroaching into the required side yard setback along the south property line.

Therefore, they're requesting:

- A four-foot variation from Chapter 28, Section 5.1-3.3b to allow an addition with a side yard setback of three feet instead of the required seven feet, and an additional one foot for the eave; as well as
- A variance from Chapter 28, Section 6.6-5 to allow two air conditioning units in the required side yard setback along the south property line.

Thank you.

CHAIRPERSON JAFFE: Thank you.

Hi.

MR. FLUBACKER: How are you doing tonight?

CHAIRPERSON JAFFE: Good. Can you state your name?

MR. FLUBACKER: Bob Flubacker with Robert Flubacker Architects.

CHAIRPERSON JAFFE: And address?

MR. FLUBACKER: 1895 Rohlwing Road, Rolling Meadows, Illinois.

(Witness sworn.)

CHAIRPERSON JAFFE: And then will you also be speaking?

MS. FEATHERSTONE: Sure. Sherry Featherstone, 919 South Vail, Arlington Heights.

(Witness sworn.)

CHAIRPERSON JAFFE: Okay.

MR. FLUBACKER: So, as Derek mentioned, we had applied for a zoning variation or a set of zoning variations back in December of '23. Due to pricing issues and just delays in being able to get the project to a scope that worked, time has elapsed on that zoning variation which, by the way, since I'm first up and I'm going to leave, I'd like to put in the public comments that these variations should be good for two years, not one.

COMMISSIONER SIAVELIS: Bob, what's the basis for that? What do you want to see it doubled for?

MR. FLUBACKER: The time that it takes from getting the application approved, getting the construction documents put together, going through the bid process, getting the permit, it's not uncommon that that takes longer than a year, but just, you know --

COMMISSIONER SIAVELIS: No, that's fair enough. That's why I wanted it in the record, so the basis for the request.

MR. FLUBACKER: Sure.

COMMISSIONER SIAVELIS: And just one other thing, how many variances

have you sought and received from the Village over the years would you say approximately? And that colors your experience and impacts your view of what you just asked about.

MR. FLUBACKER: I'd say somewhere between 30 and 40 probably.

So, the additional project that got approved a year and a half ago had four variations. Two of them had to do with the size of the project, with lot coverage and FAR. Those have been eliminated because we have downsized the project. The two variations remain; one is for rebuilding the garage basically to the same north wall as the existing garage, just reconfiguring slightly.

Then, the second one is for air conditioning units being on the side of the project rather than in the rear because we still plan on doing that other addition as a later phase and would like the variation for the air conditioners at this time. One thing we can do to kind of accommodate the neighbors in the meantime is we can put the connections on that south wall but actually move the equipment around to the back wall until that addition does happen.

COMMISSIONER SIAVELIS: So, elaborate a little bit further on the last point you made.

MR. FLUBACKER: So, the air conditioning units as proposed are on the southeast corner of the existing home.

COMMISSIONER SIAVELIS: Right.

MR. FLUBACKER: The addition that was planned went parallel to that wall into the backyard, that's why we needed the air conditioning unit at that location. What I'm suggesting is we can put the electrical and refrigerant piping connection on that south wall. The connections to the units are flexible so we can put the equipment around the corner in the back of the home today, and then when the addition happens, just pick up and move the equipment to the south side of the existing house when that addition happens.

CHAIRPERSON JAFFE: So, the second unit is needed because the addition won't be hooked up to the primary residence's main --

MR. FLUBACKER: We'll have both units immediately. The addition would not add another air conditioning unit. So, the future addition wouldn't, this addition proposed would add another air conditioning unit to have two total.

CHAIRPERSON JAFFE: One existing right now?

MR. FLUBACKER: Right.

CHAIRPERSON JAFFE: And then another one.

MR. FLUBACKER: Yes.

COMMISSIONER SIAVELIS: Okay, so Bob, on the drawings that were submitted to us, right, we're showing on the screen?

MR. FLUBACKER: Yes.

COMMISSIONER SIAVELIS: It's slightly different than what you talked about just now. What is shown on the screen is post second addition, right?

MR. FLUBACKER: Right.

COMMISSIONER SIAVELIS: The future addition you're contemplating.

MR. FLUBACKER: Right, right.

COMMISSIONER SIAVELIS: So, the paperwork you've submitted doesn't reflect what you've talked about as a --

MR. FLUBACKER: I'm just offering that --

COMMISSIONER SIAVELIS: -- compromise? Okay.

MR. FLUBACKER: I'm just offering that as something we can do in the meantime. I'd like the paperwork to stay the way it's presented and have the variation for the AC units immediately.

COMMISSIONER SIAVELIS: Okay, so that's where I was going to go next.

MR. FLUBACKER: Yes.

COMMISSIONER SIAVELIS: What are you particularly asking us about or for from a variation standpoint?

MR. FLUBACKER: What's in the paperwork.

COMMISSIONER SIAVELIS: Okay, got you.

MR. FLUBACKER: Yes.

COMMISSIONER SIAVELIS: Okay, and then just do me a favor, tell me what is the distance from the southern edge of those two units to the southern property line?

MR. FLUBACKER: Well, the setback line, which you can see is just above the two AC units, is seven feet.

COMMISSIONER SIAVELIS: Okay.

MR. FLUBACKER: So, assuming they're two to two-and-a-half-feet wide, you know, puts it to four-and-a-half feet roughly.

COMMISSIONER SIAVELIS: Okay, how many folks live in this home?

MS. FEATHERSTONE: Me.

COMMISSIONER SIAVELIS: Just you live in this house?

MS. FEATHERSTONE: Yes.

COMMISSIONER SIAVELIS: Okay. All right, how long have you lived in the neighborhood or in Arlington Heights?

MS. FEATHERSTONE: Oh, my, 1990-ish --

COMMISSIONER SIAVELIS: Okay, 35 years and counting.

MS. FEATHERSTONE: -- somewhere in there, yes.

COMMISSIONER SIAVELIS: Okay, and have you talked to your neighbors?

MS. FEATHERSTONE: They're all fine with it.

COMMISSIONER SIAVELIS: Okay, nobody voiced any opposition to you?

MS. FEATHERSTONE: No.

MR. FLUBACKER: And then specific to the neighbor to the south.

COMMISSIONER SIAVELIS: That's where I'm going with this.

MS. FEATHERSTONE: Yes, the neighbor to the south was fine.

COMMISSIONER SIAVELIS: The adjoining neighbor to the south would be impacted theoretically by those two units.

MS. FEATHERSTONE: And they're fine. Where they sit, they sit on, I think on their side of the house it's a chimney. It's where those units would be aligned to at their house, so there is no visual.

COMMISSIONER SIAVELIS: No visual impact?

MS. FEATHERSTONE: No.

COMMISSIONER SIAVELIS: Okay, I don't have anything else.

CHAIRPERSON JAFFE: Anybody else?

(No response.)

CHAIRPERSON JAFFE: All right, you can take a seat and we'll see if there's any public comment.

MS. FEATHERSTONE: Thank you.

CHAIRPERSON JAFFE: Is there anybody present who wishes to comment on this petition?

(No response.)

CHAIRPERSON JAFFE: Okay, we'll close it down for Board deliberation.

COMMISSIONER SIAVELIS: Sure, I'll start. I think this is a reasonable request. I understand why Bob offered up the compromise that he did, but I don't think it's necessary. Frankly, I think four-and-a-half to five feet from the property line is sufficient here. I do like the fact that the owner clarified what structure it is basically opposed or corresponds on the neighbor's side being a chimney there, and we have no neighborhood opposition.

So, I'm in support of the petition and the variances sought as drafted and presented in the papers, not necessarily the compromise offered that Bob made. Although I do appreciate that, I don't think we need to get to that.

CHAIRPERSON JAFFE: Any other comments, thoughts?

(No response.)

CHAIRPERSON JAFFE: Is there a motion?

COMMISSIONER SIAVELIS: I'll move as stated.

COMMISSIONER PORTERA: Second.

MR. MACH: Mr. Siavelis.

COMMISSIONER SIAVELIS: Yes.

MR. MACH: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. MACH: Mr. O'Connor.

COMMISSIONER O'CONNOR: Yes.

MR. MACH: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. MACH: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. MACH: Chairman Jaffe.

CHAIRPERSON JAFFE: Yes.

Your variances have been approved. Thank you.

MS. FEATHERSTONE: Thank you.

MR. FLUBACKER: Thank you very much.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:13 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 819 NORTH HIGHLAND AVENUE - ZBA #25-018

REPORT OF PROCEEDINGS had before the Village of  
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights  
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,  
Arlington Heights, Illinois on the 14th day of July, 2025 at the hour of  
7:13 p.m.

MEMBERS PRESENT:

BENJAMIN JAFFE, Chairperson  
TOM DRAKE  
PETER SIAVELIS  
MICHAEL O'CONNOR  
FRANK PORTERA  
JOSEPH SELBKA

ALSO PRESENT:

DEREK MACH, Development Planner  
DARKO BOJIN, Assistant Planner  
DAN OSOBA, Planner

CHAIRPERSON JAFFE: Okay, next up, Agenda Item B, 819 North Highland Avenue, ZBA #25-018.

How are you?

MR. COCHRAN: Hi, guys. Jim Cochran, JRC Design Build.

CHAIRPERSON JAFFE: Address?

MR. COCHRAN: 1275 East Davis, Arlington Heights, Illinois.

MS. LALL: Regina Lall, 819 North Highland Avenue. I'm the owner.

(Witnesses sworn.)

CHAIRPERSON JAFFE: Okay, Staff report?

MR. OSOBA: The property is zoned R-3 Residential Single-Family Zone District. The Petitioner is proposing to construct a new 247 square-foot addition and interior remodel to connect the existing home to the detached garage that's existing on the north of the property. The existing garage is connected to the home with a covered breezeway and is located 4.72 feet from the north property line. Attaching the detached garage to the home would require compliance with the side yard setbacks of the R-3 District which would equal 10 percent of the lot width, or 7.5 feet on this lot.

Therefore, the Petitioner is requesting the following variation:

- A 2.78-foot variation from Chapter 28, Section 5.1-3.3b to allow a side setback of 4.72 feet from the newly attached garage where 7.5 feet is required.

MR. COCHRAN: That is correct. Yes, so that's an existing attached garage with the roof line. Basically, what we're doing is filling it in between so that she can have her modern kitchen attached to the garage. We originally proposed to her to put the addition on the back of the home, but then there was no way to get from the garage to the house without going outside. Again, there is also a basement stairway in the back of the house that we would have had to have gotten riden of that they want to keep. That was one of the reasons we ask for the variance.

CHAIRPERSON JAFFE: Tom?

COMMISSIONER DRAKE: Hello, I have a few questions. You've heard some of these already. How long in the home?

MS. LALL: 10 years.

COMMISSIONER DRAKE: 10 years, all right. How many folks live in the house?

MS. LALL: Six.

COMMISSIONER DRAKE: Six. How many drivers do you have?

MS. LALL: Two right now.

COMMISSIONER DRAKE: Okay, what about the neighbors? Did you physically talk to the neighbors?

MS. LALL: Yes, they're all happy about it.

COMMISSIONER DRAKE: No feedback? No negativity?

MS. LALL: Only positivity.

COMMISSIONER DRAKE: Everybody's on board?

MS. LALL: Yes.

COMMISSIONER DRAKE: All right, that's it.

CHAIRPERSON JAFFE: Any other questions from the Board?

(No response.)

CHAIRPERSON JAFFE: Okay, you may have a seat.

MS. LALL: Thanks.

MR. COCHRAN: Thank you.

CHAIRPERSON JAFFE: You're welcome.

Is there anybody present who wishes to comment on this petition?

(No response.)

CHAIRPERSON JAFFE: Okay, none being heard, we'll close it down.  
Tom?

COMMISSIONER DRAKE: Yes, I think this is pretty straight-forward. It's an existing non-conforming. None of the three Staff Departments had any opposition. No neighbor opposition that we heard. I think it's a good use of the space, it will give them more living space. It's a nice design and I think they satisfied all four points of the criteria we're looking for. So, I'm in favor of approval.

COMMISSIONER SIAVELIS: Yes, I agree with you, Tom. Frankly, what are you supposed to do with the gap or the breezeway between there? I mean, it's a logical spot for, you know, expansion, utilization of space, especially in the context of having six folks living in this house. So, I mean, this is entirely reasonable, and there's a number of houses -- oops, sorry, apologies, houses in the Village that have that sort of configuration with the garage and like a breezeway between there, and of those, a number of them have had this type of addition or adder to it. So, I think this is entirely reasonable.

CHAIRPERSON JAFFE: I just think it's an increase also in safety and security, having to walk in and out of, you know, one garage and the house and back and forth. I'm in support.

Is there a motion?

COMMISSIONER DRAKE: Move to approve as presented.

COMMISSIONER PORTERA: Second.

MR. OSOBA: Commissioner Selbka.

COMMISSIONER SELBKA: Yes.

MR. OSOBA: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. OSOBA: Mr. O'Connor.

COMMISSIONER O'CONNOR: Yes.

MR. OSOBA: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. OSOBA: Mr. Siavelis.

COMMISSIONER SIAVELIS: Yes.

MR. OSOBA: Chair Jaffe.

CHAIRPERSON JAFFE: Yes.

Congratulations.

MR. COCHRAN: Thank you, gentlemen.

MS. LALL: Thank you.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:17 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 1319 NORTH SALEM BOULEVARD - ZBA #25-020

REPORT OF PROCEEDINGS had before the Village of  
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights  
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,  
Arlington Heights, Illinois on the 14th day of July, 2025 at the hour of  
7:17 p.m.

MEMBERS PRESENT:

BENJAMIN JAFFE, Chairperson  
TOM DRAKE  
PETER SIAVELIS  
MICHAEL O'CONNOR  
FRANK PORTERA  
JOSEPH SELBKA

ALSO PRESENT:

DEREK MACH, Development Planner  
DARKO BOJIN, Assistant Planner  
DAN OSOBA, Planner

CHAIRPERSON JAFFE: Okay, Agenda Item C, 1319 North Salem Boulevard, ZBA #25-020.

Good evening.

MR. MILEWSKI: Hi.

CHAIRPERSON JAFFE: What's your name?

MR. MILEWSKI: I'm Tom Milewski, owner of 1319 North Salem Boulevard.

CHAIRPERSON JAFFE: Okay.

MRS. MILEWSKI: I'm Michelle Milewski, same address, owner.

(Witnesses sworn.)

CHAIRPERSON JAFFE: Staff report?

MR. BOJIN: The property is zoned R-3 Residential Single-Family. The Petitioner is proposing to construct a front yard porch that is 36 feet and one-half inch wide, and 6.5 feet deep. The addition would have a front yard setback of 34.26 feet where 39.23 feet is required.

Therefore, the Petitioner is requesting the following variation:

- A 4.97-foot variation from Chapter 28, Section 5.1-1.3a to allow an addition with a front yard setback of 34.26 feet instead of the required 39.23 feet, and an additional one foot for the eave.

Thank you.

MR. MILEWSKI: So, again, thank you today. So, basically, we're asking to build a front porch of the house. We have an existing portico where we'd just like to extend on both sides of a new roof, or I guess it would be a new ceiling for that portico. So, it really isn't a, you know, it's really an extension of an existing structure of the element of the house. So, I would also like to include that four houses down has the exact same architectural style as well as the same design front porch, so it fits with the neighborhood property and aesthetics.

Generally speaking, we have four kids. We'd like to, they play basketball, we'd like to be sitting outside on our porch.

CHAIRPERSON JAFFE: Joe?

COMMISSIONER SELBKA: Have you spoken to your neighbors about this?

MR. MILEWSKI: Yes, all approved.

COMMISSIONER SELBKA: And you have four kids. How long have you lived in the house?

MR. MILEWSKI: Nine years.

COMMISSIONER SELBKA: Those are the only questions I have.

CHAIRPERSON JAFFE: Any questions from the Board?

(No response.)

CHAIRPERSON JAFFE: Okay, you may have a seat.

MR. MILEWSKI: Thank you.

CHAIRPERSON JAFFE: Is there anybody present who wishes to speak on this petition?

(No response.)

CHAIRPERSON JAFFE: Okay, close it down for deliberation.

Joe?

COMMISSIONER SELBKA: I'm in favor of the variance. I think it's a reasonable request. It's a nice design. I don't see any reason to say no.

CHAIRPERSON JAFFE: Any other thoughts, comments?

(No response.)

CHAIRPERSON JAFFE: I would agree, this is pretty reasonable and straightforward. So, no concerns.

Is there a motion?

COMMISSIONER SELBKA: Motion to approve.

COMMISSIONER PORTERA: Second.

MR. BOJIN: Mr. Siavelis.

COMMISSIONER SIAVELIS: Yes.

MR. BOJIN: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. BOJIN: Mr. O'Connor.

COMMISSIONER O'CONNOR: Yes.

MR. BOJIN: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. BOJIN: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. BOJIN: Chair Jaffe.

CHAIRPERSON JAFFE: Yes.

Congratulations.

MR. MILEWSKI: Thank you.

MRS. MILEWSKI: Thank you.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:20 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 106 SOUTH WINDSOR DRIVE - ZBA #25-021

REPORT OF PROCEEDINGS had before the Village of  
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights  
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,  
Arlington Heights, Illinois on the 14th day of July, 2025 at the hour of  
7:20 p.m.

MEMBERS PRESENT:

BENJAMIN JAFFE, Chairperson  
TOM DRAKE  
PETER SIAVELIS  
MICHAEL O'CONNOR  
FRANK PORTERA  
JOSEPH SELBKA

ALSO PRESENT:

DEREK MACH, Development Planner  
DARKO BOJIN, Assistant Planner  
DAN OSOBA, Planner

CHAIRPERSON JAFFE: Okay, Agenda Item D, 106 South Windsor Drive, ZBA #25-021.

Hi.

MR. FREUDENBERGER: Hi.

CHAIRPERSON JAFFE: Would you state your name?

MR. FREUDENBERGER: Scott Freudenberger, 106 South Windsor.

MRS. FREUDENBERGER: Deborah Freudenberger with the same address.

(Witnesses sworn.)

MR. OSOBA: The property is zoned R-3 Residential Single-Family District. The Petitioner has constructed a 160 square-foot shed in the rear of the property located 1.29 feet from the north side property line. A building permit was obtained for the construction of the shed; however, it was constructed at a distance of 1.29 feet from the property line instead of the required three feet as shown on the approved permit. The shed is compliant with height, size, and rear setback requirements, but is encroaching within the three-foot side yard setback required for accessory structures.

Therefore, the Petitioner is requesting the following variation:

- A 1.71-foot variation from Chapter 28, Section 6.5-2 to allow a shed to be located 1.29 feet from the side property line where three feet is required.

MR. FREUDENBERGER: Thank you. So, yes, we wanted to build this shed. We have a 1,500 square-foot home. There's four of us, my wife and two kids. We have very limited storage in the home, no basement. So, we built the shed, or we were replacing the existing shed, there was already a shed there in the exact same location. Our landscaper contractor came in and, as Dan said, you know, got the, you know, approval but, much to our now realization, he had, you know, put it 1.29 instead of the three. It was in the exact same location, so we didn't realize that there was any issue until the final inspection.

But we've lived here for 19 years. The existing shed was, we've never had an issue with any of the neighbors. No issue related to compatibility, you know. It meets the height and size requirements today. No issue with the utility easement on the back end.

We did talk to our neighbor who is on the north end there. We got a letter, which I can share with you guys, of support, that they were totally good and said they thought it looked great, much better than the existing one.

CHAIRPERSON JAFFE: Can you just give one copy?

MR. OSOBA: I have it.

CHAIRPERSON JAFFE: Oh, you already have it?

MR. OSOBA: Yes.

CHAIRPERSON JAFFE: Okay, yes, you can just pass it on.

COMMISSIONER SIAVELIS: Once you give it to us, we can't return it.

MR. FREUDENBERGER: Oh, yes.

CHAIRPERSON JAFFE: Is it okay?

MR. FREUDENBERGER: Yes. There should be one for each of you guys. So, I have an extra one.

So, the neighbor supported the variance. You know, any of the work we've done in 19 years, we've always pulled a permit until this circumstance was one that we thought we had followed the permit process. So, you know, the shed is built. The

issue of moving that, Tuff Shed who is the manufacturer said if the shed is moved, it would void the warranty on it. It would potentially cause issues with the shed and the, what do you call it, the building structure, it would jeopardize the integrity of the building structure.

So, the shed has been completed. Actually, the electrical is already done and the city has already reviewed the electrical and approved it. So, we're here obviously requesting a variance approval.

COMMISSIONER PORTERA: The shed that was originally there, was that there before you moved there?

MR. FREUDENBERGER: Yes.

COMMISSIONER PORTERA: Okay, and you just, they unfortunately put it on the exact same spot as the old shed was?

MR. FREUDENBERGER: Yes, that's right.

COMMISSIONER PORTERA: Okay, I think they've answered all my questions that I had. So, I really don't have any other questions for you guys.

CHAIRPERSON JAFFE: More of a question to Staff. So, the sequence of events in the permit process, would there be an on-site inspection before the final shed is completed? Like should the Village have caught this before they went to the final inspection and saw that it was in the exact same place that it was before and where it shouldn't have been?

MR. OSOBA: It's my understanding that the Building Department does one inspection for sheds. I don't believe that they have pre or initial inspections. It's certainly something we can look into, but from my understanding, they only do the one final inspection based on the permit.

CHAIRPERSON JAFFE: What kind of base is there?

MR. FREUDENBERGER: It's a cement, I believe.

CHAIRPERSON JAFFE: Okay.

COMMISSIONER SIAVELIS: It's cement, it's not on gravel or anything?

MR. FREUDENBERGER: No, cement.

COMMISSIONER SIAVELIS: Was that the pre-existing slab that was from the prior shed?

MR. FREUDENBERGER: Yes. Yes.

CHAIRPERSON JAFFE: Any other questions?

(No response.)

CHAIRPERSON JAFFE: You may have a seat.

MR. FREUDENBERGER: Okay, thank you.

CHAIRPERSON JAFFE: Anybody present who wishes to discuss this?

(No response.)

CHAIRPERSON JAFFE: Okay. All right, so we'll close it down.

Do you want to take this up, Frank?

COMMISSIONER PORTERA: Yes. I think this is a reasonable request. It's unfortunate how this played out. The homeowners did the right thing by pulling the permit. I will take their word that they, you know, pulled the permit properly and I'm sure it's in the record, but it's kind of a human error here.

It seems that it's going to do more harm than good forcing the homeowners to move this, voiding the warranty and kind of neutralizing, you know, the structure of the shed and the concrete slab and all that. We have a neighbor letter here that is in favor and no neighbors here to object or a formally dispute the petition, so I'm in

favor.

COMMISSIONER SIAVELIS: Yes, I agree with you, Frank, on those points. Then just for one item of clarification, that neighbor who submitted the letter of support, Christine Ray, she's just not a neighbor, she's the direct neighbor or the adjacent neighbor. So, if there is an issue, if she flagged an issue or voiced opposition, I think this would look a little differently, but --

COMMISSIONER PORTERA: Yes.

COMMISSIONER SIAVELIS: -- since they have written support from your adjacent neighbor, I think that's important. Frankly, the other point about that, that slab being the original slab and they just tore down the old shed and put the new shed on top, I can see how that error happens. It's not necessarily excusable but it's explainable. So, I'm in support for those reasons.

CHAIRPERSON JAFFE: Is there a motion?

COMMISSIONER PORTERA: I move to approve the variance as presented.

COMMISSIONER SIAVELIS: I'll second.

MR. OSOBA: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. OSOBA: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. OSOBA: Mr. O'Connor.

COMMISSIONER O'CONNOR: Yes.

MR. OSOBA: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. OSOBA: Mr. Siavelis.

COMMISSIONER SIAVELIS: Yes.

MR. OSOBA: Chair Jaffe.

CHAIRPERSON JAFFE: Yes0

Congratulations.

MRS. FREUDENBERGER: Thank you.

MR. FREUDENBERGER: Thank you.

CHAIRPERSON JAFFE: You're welcome.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:27 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 513 NORTH DOUGLAS AVENUE - ZBA #25-022

REPORT OF PROCEEDINGS had before the Village of  
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights  
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,  
Arlington Heights, Illinois on the 14th day of July, 2025 at the hour of  
7:27 p.m.

MEMBERS PRESENT:

BENJAMIN JAFFE, Chairperson  
TOM DRAKE  
PETER SIAVELIS  
MICHAEL O'CONNOR  
FRANK PORTERA  
JOSEPH SELBKA

ALSO PRESENT:

DEREK MACH, Development Planner  
DARKO BOJIN, Assistant Planner  
DAN OSOBA, Planner

CHAIRPERSON JAFFE: All right, next on the agenda, Item E, 513 North Douglas Avenue, ZBA #25-022.

MR. GINNODO: I've got to sign in first.

CHAIRPERSON JAFFE: No worries.

COMMISSIONER SIAVELIS: First time here in front of this Board?

MR. GINNODO: I'm late, sorry.

CHAIRPERSON JAFFE: Well, while Keith is doing that, why don't we just do the Staff report?

MR. OSOBA: Sure.

CHAIRPERSON JAFFE: Thank you.

MR. OSOBA: The property is zoned R-3 Residential Single-Family District. The Petitioner is proposing to construct a covered front porch within the front yard of the property. The front porch is proposed to match the existing 4.63-foot north side setback which is an existing non-conforming condition. The minimum side setback for this property is 5.6 feet. Additionally, the front porch encroaches eight feet into the required front yard setback of 30 feet. These proposed improvements to the front yard exceed the maximum impervious surface coverage for the front yard specifically by 87.09 square feet.

Therefore, the Petitioner is requesting the following variations:

- An eight-foot variation from Chapter 28, Section 5.1-3.3(a) to permit a front porch to be located 22 feet from the front property line where a front yard setback of 30 feet is required;
- A 0.97-foot variation from Chapter 28, Section 5.1-3.3(b) to permit a front porch to be located 4.63 feet from the side or north property line where a side yard setback of 5.6 feet is required; and
- An 87.09 square-foot variation from Chapter 28, Section 5.1-3.5(b)(2) to permit a front yard impervious surface coverage of 927.15 square feet where 840.06 square feet is required.

CHAIRPERSON JAFFE: Could you state your name and address for the record?

MR. GINNODO: Keith Ginnodo, Kingsley-Ginnodo Architects, 314 North Pine, Arlington Heights.

(Witness sworn.)

MR. GINNODO: The owner is not here; she's on vacation with her two children. The whole impetus of the front porch project is a dream that has been in the family for a while. She just wants to sit on the swing in the front porch with her kids and hang out in the front yard. That's basically what the project is all about, and the beautification of other aspects of the front of the house.

So, the front porch does project in front of the house by eight feet, three feet more than, you know, the normal five by 10 that's permitted. It also extends to the north edge of the building to align with the face of the house. It's not uncommon in the neighborhood to have a front porch that's usable besides just the stoop over the front door. I discussed the purpose of the porch, so that she and her two children can swing on the porch and play on the porch and all that kind of stuff.

The property has no public sidewalk that runs along the front of it, so the lawn looks really long and lovely actually, but the thing is they feel a little bit pushed back on the site. To the north of them, their front porch will align with the garage of the

adjacent property, and to the south of them, there is a big hedge that runs between the two properties. So, they feel like they're kind of set back and they want to be part of the neighborhood and build community. So, that's the source of that.

The 88 square feet of impervious surface coverage in the front yard will be approximately 190 square feet over the whole property. So, they'll still have almost 200 square feet of impervious if you include the entire property in that calculation, realizing that the front yard does have its restriction. Without that sidewalk which would be about 280 square feet, there's kind of a grass offset there and I don't think there's ever going to be a sidewalk that gets built there because it doesn't continue further south.

The reason that square footage is what it is, the two young daughters will soon be driving. I mean, right now they're 11 and nine, but she's planning on living in the house for as long as she needs to until the kids matriculate college probably. So, they have widened the driveway for the one-car garage so they can get two cars to navigate side by side. That's really the largest part of it.

So, I think in the end what they're asking for is beneficial. It's in keeping with the neighborhood, and it kind of, hopefully it fosters community as well.

COMMISSIONER O'CONNOR: Okay, is the size of the porch, is this the absolute minimum size you can go? I know not the absolute minimum, but you know what I'm actually trying to get --

MR. GINNODO: Not the absolute, yes. So, when you get a three-person, when you get three seats on a swing, it gets to be about six feet wide, and then you've got to be able to swing in it. It's between the column and the wall. We don't want a knuckle scrape and any of that kind of stuff.

COMMISSIONER O'CONNOR: Sure.

MR. GINNODO: So, it's a reasonable minimum to accomplish that.

COMMISSIONER O'CONNOR: Okay, and I saw the letters of support. So, the person directly to the north was one of those supporters?

MR. GINNODO: Yes, and directly to the south, and directly across the street.

COMMISSIONER O'CONNOR: Yes, when you go through that neighborhood, there are quite a few porches.

MR. GINNODO: Yes.

COMMISSIONER O'CONNOR: Some even kind of closed off --

MR. GINNODO: Yes, some of the older ones especially, yes.

COMMISSIONER O'CONNOR: Yes.

MR. GINNODO: Yes.

COMMISSIONER O'CONNOR: Okay, and you mentioned something about expanding the driveway in the future? Is that --

MR. GINNODO: No, not in the future. There will be future drivers.

COMMISSIONER O'CONNOR: Yes.

MR. GINNODO: Right now, it's a one-car garage. They can kind of stick their car in front of it. We've tried to kind of keep the position of the garage as you can see on part of the driveway. It's just a matter of like making it work instead of being, again two cars scraping against each other.

COMMISSIONER O'CONNOR: Yes, okay. No, I just want to make sure since the impervious surface is already an issue in the front.

MR. GINNODO: Yes, exactly.

COMMISSIONER O'CONNOR: I got you, okay.

MR. GINNODO: Yes.

COMMISSIONER O'CONNOR: Okay, yes, I think you answered most of my questions.

Any other questions?

(No response.)

CHAIRPERSON JAFFE: All right, thank you. You can have a seat.

I'll ask, I think I know what the answer is, is there anybody present to comment on this petition?

(No response.)

CHAIRPERSON JAFFE: All right, Mike, let's close it down.

COMMISSIONER O'CONNOR: Yes. I think I got most of the questions answered that I was looking to get answered here. I think, you know, there was concern about the impervious surface. There is no sidewalk in this area. The whole lot is in conformance. Again, there is a front yard rule, but also when you do drive by and you go down the block, it is set back pretty far. So, I think it fit in pretty well in the neighborhood which I was a little concerned with just reading it, but I have no concerns. I'm in support of it.

CHAIRPERSON JAFFE: Agreed.

Is there a motion?

COMMISSIONER O'CONNOR: Motion to approve as written.

COMMISSIONER DRAKE: Second.

MR. OSOBA: Mr. Selbka.

COMMISSIONER SELBKA: Yes.

MR. OSOBA: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. OSOBA: Mr. O'Connor.

COMMISSIONER O'CONNOR: Yes.

MR. OSOBA: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. OSOBA: Mr. Siavelis.

COMMISSIONER SIAVELIS: Yes.

MR. OSOBA: Chair Jaffe.

CHAIRPERSON JAFFE: Yes.

Congratulations.

MR. GINNODO: Thank you very much.

CHAIRPERSON JAFFE: Do we have other business?

COMMISSIONER SIAVELIS: Actually, I think there is. Just one quick. Bob Flubacker's comment was actually well taken I think and well based. What's the --

MR. MACH: It is on the list, a short list of code amendments, yes, that I think Staff is going to propose. We seen that variance approximately once a year it seems.

COMMISSIONER SIAVELIS: You've seen which variance? You see that issue we're talking about?

MR. MACH: Yes, where projects return because the existing variance has

then expired.

COMMISSIONER SIAVELIS: Right, and you can't, the Village can't renew those variances like, you know, automatically, correct? That has to come back in front of the Board?

MR. MACH: Correct, and it currently states one year. The proposal is two years.

COMMISSIONER SIAVELIS: Right, the code says one year.

MR. MACH: Correct.

COMMISSIONER SIAVELIS: Yes.

MR. MACH: Yes, no, it is on our list.

CHAIRPERSON JAFFE: But is there any correlation between the period in which a permit is valid and the period in which a petitioner could re-petition? So, if one moves from one year to two years, does that mean that a petitioner being denied, does that change that calculation or is that still one year?

COMMISSIONER SIAVELIS: No, I would say that's a different calculation because it's a different result, right? One comes off a denial, the other one comes off a grant or approval, right? Is that, under Bob's -- so does that make sense, Mr. Chairman?

CHAIRPERSON JAFFE: Yes, sorry.

COMMISSIONER SIAVELIS: Okay, so the --

CHAIRPERSON JAFFE: I'm not used to hearing that term, sorry if I was delayed in responding.

COMMISSIONER SIAVELIS: You're thrown by Mr. Chairman, right?

So, Bob's, the way I interpret Bob's proposal, Derek, is two years from the date of either approval by this Board or the grant of the permit, right? Because those are two different dates, right? The grant of the permit is something, well, I guess you send out, the Village sends out after a vote like this, so Bob Flubacker's client received approval of the variance, I assume that the Village sends out some sort of formal communication to them that says, you know, congratulations, your petition has been granted, the following variances are okay, right? Does the two-year clock start running from that date or today's date?

MR. MACH: Today's date, the date of the hearing.

COMMISSIONER SIAVELIS: Okay, so even still, I mean, how, typically, how fast does the Village send out the confirmatory letter?

MR. MACH: We send the findings and the approved minutes after the next hearing date; however, the Petitioner can go apply for the permit tomorrow. You know, sometimes they're in for permitting it already, we wouldn't sign off on zoning if a variance was necessary, but yes, he can proceed to permit.

COMMISSIONER SIAVELIS: Okay, so there is a situation in the current framework where there's 11 months, right, where essentially, you've received the correspondence and the clock has been ticking on you for one month already, so you have 11 months to get your act together. You have to break ground then, is that what it is, or what's --

MR. MACH: Once the permit is issued.

COMMISSIONER SIAVELIS: Okay.

MR. MACH: There are situations where someone is in for permit and Staff will approve the permit tomorrow if the variance was granted.

COMMISSIONER SELBKA: But there's other situations where we have a lot of comments associated with the permit, and that's where the delays are --

COMMISSIONER SIAVELIS: And that's probably, Joe, Bob's commentary.

COMMISSIONER SELBKA: Right.

COMMISSIONER SIAVELIS: Maybe on projects where financing isn't secure or there is some concern, or if it's a larger residential project or dealing with --

COMMISSIONER DRAKE: When are those code changes likely to be looked at and potentially approved? Is there a timetable on that?

MR. OSOBA: I think we're aiming for the end of the year, but that's very tentative at this point. There's a lot of kind of discussion and we want to make sure there's no unintended consequences. A lot of the discussion tonight is useful, but I think we're wanting to make sure that we're not making changes to code and then having to remake changes to the code. So, we want to get it right the first time, but I think the tentative timeline is the end of the year.

COMMISSIONER O'CONNOR: Have you looked at what other Villages do?

MR. OSOBA: Yes.

COMMISSIONER O'CONNOR: Have you seen a year or two years?

MR. OSOBA: It varies mostly, yes.

CHAIRPERSON JAFFE: All right, any other business? Is there anybody present who wishes to make public comment?

(No response.)

CHAIRPERSON JAFFE: Is there a motion for adjournment?

COMMISSIONER SELBKA: Motion to adjourn.

COMMISSIONER O'CONNOR: I second that.

CHAIRPERSON JAFFE: All in favor?

(Chorus of ayes.)

CHAIRPERSON JAFFE: All opposed?

(No response.)

CHAIRPERSON JAFFE: We're adjourned.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:40 p.m.)

STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF KANE         )

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

\_\_\_\_\_  
RON LeGRAND, SR.

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

\_\_\_\_\_  
NOTARY PUBLIC