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ZONING BOARD

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

OF APPEALS

RE: 1935 NORTH MAPLE LANE - ZBA #25-037

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 10th day of November, 2025 at the hour of
7:00 p.m.

MEMBERS PRESENT:

BENJAMIN JAFFE, Chairperson
TOM DRAKE
JEFFREY LANAGHAN
PETER SIAVELIS
FRANK PORTERA

ALSO PRESENT:

DANIEL OSOBA, Planner I
DARKO BOJIN, Assistant Planner

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CHAIRPERSON JAFFE: All right, it's 7:00 o'clock, so we are going to call this month's Zoning Board of Appeals meeting to order.

Roll call?

MR. OSOBA: Mr. Selbka.

(No response.)

MR. OSOBA: Mr. Portera.

COMMISSIONER PORTERA: Here.

MR. OSOBA: Mr. O'Connor.

(No response.)

MR. OSOBA: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Here.

MR. OSOBA: Mr. Drake.

COMMISSIONER DRAKE: Here.

MR. OSOBA: Mr. Siavelis.

COMMISSIONER SIAVELIS: Here.

MR. OSOBA: Chair Jaffe.

CHAIRPERSON JAFFE: Here.

Next, we'll do the Pledge of Allegiance.

If everybody who can stand rise and face the back corner of the room?

(Pledge of Allegiance recited.)

CHAIRPERSON JAFFE: Okay, next, we will approve the minutes from the October meeting.

Have all the Board members had an opportunity to review the minutes?

(Chorus of yeses.)

CHAIRPERSON JAFFE: Is there a motion to approve?

COMMISSIONER SIAVELIS: Yes, I'll move to approve.

COMMISSIONER LANAGHAN: Second.

CHAIRPERSON JAFFE: All in favor?

(Chorus of ayes.)

CHAIRPERSON JAFFE: All opposed?

(No response.)

CHAIRPERSON JAFFE: Okay, next, for the audience, we're going to cover the hearing procedures. So, please give me a minute; I'll walk you through everything here.

So, first, quorum. If less than six members are present, the option to the petitioner is to continue the meeting. It takes four affirmative votes to approve a variance regardless of the number of Board members in attendance. If denied, a petitioner cannot reapply for a whole year. So, as you can see tonight, we have five. So, if you'd like to request a continuance, you have that option.

Next, the variation hardship. So, each of you completed some paperwork as part of submitting this request for a variance. We've had an opportunity to review those but it's up to you to explain the four elements necessary to establish order for

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the Board 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 the existing uses and zoning of nearby property;
2. That the plight of the owner is due to unique circumstances which may include the length of time the subject property has been vacant as zoned;
3. That the proposed variation is in harmony with the spirit and intent of this Chapter; and
4. That the variation requested is the minimum variation necessary to allow reasonable use of the property.

A variation shall be permitted only if the evidence in the judgment of the Board of Appeals sustains each of the four conditions enumerated.

So, I'll just, you know, reinforce these points. You're effectively asking for an exception, so we need you to help us understand why you're seeking that exception. The best way to do that is to be very direct and detailed in making sure you've covered all four of those elements.

As far as the order of operations, the Chairperson will open each agenda item and provide introductory remarks. The Staff will then provide a presentation which is a brief overview of the project and the variance request. The applicant will then have the opportunity to present its case in favor of zoning relief by way of documents or testimony. The applicants 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.

Do we have any formal objectors this evening?

MR. OSOBA: We do not.

CHAIRPERSON JAFFE: Okay, so as far as public comment goes, any person who has 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 that the maximum time is applied to all speakers.

I'll also point out, this public comment is for the variance and petition at hand. There is a section on the meeting agenda for public comment at the end, so if you want to talk about the Village or anything else that's on your mind, you may do so at that time. But if we call you up here to comment from a public perspective on a variance, I'm asking that you have your comments specific to that variance.

Finally, the applicant will make a closing statement and may present any follow-up testimony or evidence. The applicant will then rest their case, at which point the Board will deliberate. We will make a motion to close public testimony; we will deliberate and voice vote on the matter.

All ZBA final decisions must be in writing. We will then have opportunity for public comment. At that point, we will adjourn.

So, all that being said, there are no agenda items for old business, so we shall proceed direct to new business with Item A, 1935 North Maple Lane, ZBA Case #25-037.

MR. PURDOM: Hello.

CHAIRPERSON JAFFE: Good evening.

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

CHAIRPERSON JAFFE: And your address?

MR. PURDOM: My address is 1275 East Davis Street.

(Witness sworn.)

MR. BOJIN: The property is zoned R-2 Residential Single-Family District and has a total land area of approximately 11,591 square feet. The Petitioner is proposing to construct a garage addition to the house with a proposed setback of 2.12 feet from the side lot line where 5.38 feet is required, and 20.97 feet set back from the rear lot line where 30 feet is required.

Therefore, the Petitioner is requesting the following variations:

- A 3.26-foot variation from Chapter 28, Section 5.1-2.3(b) to allow an addition that is set back 2.12 feet from the side lot line where 5.38 feet is required; and
- A 9.03-foot variation from Chapter 28, Section 5.1-2.3(d) to allow an addition that is set back 20.97 feet from the rear lot line where 30 feet is required.

Thank you.

MR. PURDOM: All right, so my clients, they moved to Arlington Heights in 2018. They have a growing family' it's two adults and two kids. They did an addition in 2021 where they added another bedroom. Now, they want to add a further kitchen and more space in the garage for storage, for their cars.

They have a large SUV, a large pickup truck. Right now, they're a one-car garage; they can't even get one of their cars in. So, we're trying to extend to get a two-car garage with a tandem in the back so that we can have storage, we can park both their cars safely in the garage.

As you can see in the back, it's a weird lot line. So, if it was a straight lot line in the back, we would be fine on the rear setback. But because it's clipped, we're on that cul-de-sac and we lose that rear, that's why we're asking for it in the back.

On the side yard, we're aligning with the existing driveway. They want to get an 18-foot garage door so they can get both the pickup truck and the SUV both parked in there. They have an existing stoop which kind of pushes it off the front of the house, and without reworking that whole area, that's why we're going into the side yard setback. But even with that 18-foot door, it's right on the edge, it's the absolute minimum that we can request.

We did do some designs preliminarily of not doing the rear setback, but that really cut up how much storage they have with the cars that they're going to have in their garage.

We do have support letters that we submitted to the Board from everyone in the cul-de-sac and the two neighbors in the rear yard. So, everyone that's directly affected has knowledge of this and has agreed that it's a good idea, especially the neighbor who is directly to the left who would be most affected by the side yard encroachment.

Everything else will meet code. There was that one comment about fire protection. We will fire protect anything that is required for the garage. I believe that is all I have.

COMMISSIONER LANAGHAN: Okay, thanks, Kevin. Let me ask you a few questions.

MR. PURDOM: Sure.

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COMMISSIONER LANAGHAN: How big is this garage going to be at this point in time? Do you have some dimensions for me?

MR. PURDOM: Yes. I believe the depth is 44 feet and the width is, with an 18-foot door and I think it's three feet to the inside, it's about 25 feet wide, or sorry, 22 feet wide interior dimension.

COMMISSIONER LANAGHAN: Okay, and explain to me again why you need 44 feet? That's considerably larger than even --

MR. PURDOM: So, they have the two, yes, they have the two large cars, and then for storage in the back. They're also adding a patio and they're going to have a third garage --

COMMISSIONER LANAGHAN: The patio doesn't encroach into the rear yard.

MR. PURDOM: No, it doesn't.

COMMISSIONER LANAGHAN: That I'm not so worried about.

MR. PURDOM: No, so, but if you look, the patio then has that tandem portion, and there's another garage door that opens up. So, they're going to have the storage space from the patio and that's why they're going further back to align with that new patio.

COMMISSIONER LANAGHAN: So, the storage for the patio, what's, explain to me that. I didn't even realize that was an issue.

So, how does this patio combine with this?

MR. PURDOM: So, it's just, we're just aligning with the new patio that's being proposed. They're going to use that back portion for storage for, I believe they have a golf cart.

COMMISSIONER LANAGHAN: Yes, I'm struggling to understand why --

MR. PURDOM: Sure.

COMMISSIONER LANAGHAN: Why you need an extra 20-foot inside the garage when you have two vehicles. So, that's my problem with this. Had you not pushed it back so far, you maybe wouldn't need the rear yard. The side yard I can kind of get maybe, but anyway, go ahead and answer the first question if you would.

MR. PURDOM: Yes. So, it's mainly just the amount of storage that they have with the growing family, two large cars, they wanted to get as much as they can. I think the homeowner is here, too, and he can speak to that if you'd like to ask him why, he can tell you.

COMMISSIONER LANAGHAN: No, you know, it's up to him if he wants to speak or not but, you know, I'm just trying to understand why the variance is required for the rear yard. You made a comment if it was a straight line, it wouldn't be an issue. It probably depends on where that straight line starts.

MR. PURDOM: Yes.

COMMISSIONER LANAGHAN: You know, obviously, at the south end, or the west side, it would still be a variance that would be required.

MR. PURDOM: Yes.

COMMISSIONER LANAGHAN: To the north it would not. It's a big lot. I like it, I'm not sure that I have any issues. I'm just trying to understand why the variance is needed.

MR. PURDOM: Yes. They're just trying to get as much storage as possible.

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COMMISSIONER SIAVELIS: Interior storage, right?

MR. PURDOM: Interior storage in the garage, yes.

COMMISSIONER SIAVELIS: There's no shed in this yard already?

MR. PURDOM: Correct.

COMMISSIONER SIAVELIS: Yes, so to put your lawn equipment and your patio equipment, or --

MR. PURDOM: Yes.

COMMISSIONER SIAVELIS: -- patio furniture and all that stuff.

MR. PURDOM: Yes.

COMMISSIONER SIAVELIS: Bikes, for the kids.

COMMISSIONER LANAGHAN: No, I can, yes, yes.

COMMISSIONER SIAVELIS: You need a lot; you accumulate a lot of stuff.

COMMISSIONER LANAGHAN: I get it.

COMMISSIONER SIAVELIS: And you talked to that neighbor due west?

MR. PURDOM: Yes.

COMMISSIONER SIAVELIS: Did that neighbor weigh in?

MR. PURDOM: Yes, they've signed a letter.

COMMISSIONER LANAGHAN: I was going to say the ones that I have are only the two that aren't even on the street from what I can tell.

COMMISSIONER SIAVELIS: Yes, I just --

COMMISSIONER LANAGHAN: I'm a little confused by that when you said you had notes from everybody. We were only handed two in the package that are --

MR. PURDOM: Yes, I had sent the addresses --

COMMISSIONER LANAGHAN: -- from a different street, I think.

MR. PURDOM: They should have been in the packet.

COMMISSIONER DRAKE: I only have two in this packet.

COMMISSIONER LANAGHAN: We have two from Juanita Lane or something.

MR. PURDOM: Yes, and then I also have 1926, 1927, 1940, 1941 and 1950 Maple which is everyone in that cul-de-sac.

COMMISSIONER LANAGHAN: Perfect, okay.

COMMISSIONER SIAVELIS: So, those neighbors are --

COMMISSIONER LANAGHAN: The neighbors are all aware.

MR. PURDOM: Yes, yes.

COMMISSIONER LANAGHAN: Even the ones that are adjacent to are aware of it.

MR. PURDOM: Yes, they all know and they all approve. They've signed and they said it's a good idea. They have no objections.

COMMISSIONER LANAGHAN: Yes, we don't have that in the packet actually.

MR. PURDOM: Okay.

COMMISSIONER LANAGHAN: I do get it; the neighbors are all on board.

MR. PURDOM: Yes.

COMMISSIONER SIAVELIS: Especially that one on the west.

MR. PURDOM: Yes.

COMMISSIONER LANAGHAN: Yes.

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COMMISSIONER SIAVELIS: The neighbor on the west in this cul-de-sac or what have you.

MR. PURDOM: Yes, they are.

COMMISSIONER SIAVELIS: And this is an irregular shaped lot.

COMMISSIONER LANAGHAN: No, I do get that.

COMMISSIONER SIAVELIS: I don't think you could call this pie-shaped, I guess you could to some extent but it's a funky lot line.

COMMISSIONER LANAGHAN: It is a funky lot, no doubt.

I have no further questions.

CHAIRPERSON JAFFE: Anybody else have anything?

(No response.)

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

MR. PURDOM: Thanks.

CHAIRPERSON JAFFE: Is there anybody in the public who would like to comment on this?

(No response.)

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

Do you want to start, Jeff?

COMMISSIONER LANAGHAN: Yes, I mean, like I said, I'm a little concerned by the size of the garage addition. I do think it's warranted at the end of the day, and the fact that they have talked to everybody and everybody has shown support I think is certainly a merit towards their side. So, I really don't have an issue with this after kind of hearing that.

CHAIRPERSON JAFFE: Any other comments?

COMMISSIONER SIAVELIS: I'm in agreement.

CHAIRPERSON JAFFE: Is there a motion?

COMMISSIONER LANAGHAN: I move to approve as submitted.

COMMISSIONER SIAVELIS: I'll second.

MR. BOJIN: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. BOJIN: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. BOJIN: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. BOJIN: Mr. Siavelis.

COMMISSIONER SIAVELIS: Yes.

MR. BOJIN: Chair Jaffe.

CHAIRPERSON JAFFE: Yes.

Thank you; your variances have been approved.

MR. PURDOM: Thank you.

CHAIRPERSON JAFFE: Have a good night.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:14 p.m.)

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ZONING BOARD

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

OF APPEALS

RE: 905 NORTH MITCHELL AVENUE - ZBA #25-038

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

MEMBERS PRESENT:

BENJAMIN JAFFE, Chairperson
TOM DRAKE
JEFFREY LANAGHAN
PETER SIAVELIS
FRANK PORTERA

ALSO PRESENT:

DANIEL OSOBA, Planner I
DARKO BOJIN, Assistant Planner

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CHAIRPERSON JAFFE: All right, moving on to Item B, 905 North Mitchell Avenue, ZBA Case #25-038.

Hi.

MR. MALLOY: Yes, hello. My name is Sean Malloy. I've been the property owner for over 10 years now.

CHAIRPERSON JAFFE: Let me just, yes, so why don't we start with your name and address?

MR. MALLOY: Sean Malloy, 905 North Mitchell Avenue.

(Witness sworn.)

CHAIRPERSON JAFFE: Thank you.

MR. OSOBA: The existing property is zoned R-3 Residential Single-Family District. The Petitioner is proposing a new detached garage located in the rear yard of the corner lot property. The proposed 594 square-foot detached garage is located one foot from the rear property line where detached garages are required to maintain a rear setback of five feet. The rear property line is adjacent to a 14-foot unimproved alley which is the Village of Arlington Heights' right-of-way.

Therefore, the Petitioner is requesting the following variation:

- A four-foot variance from Chapter 28, Section 6.5-2 to allow a detached garage to be constructed one foot from the rear property line where five feet is required.

CHAIRPERSON JAFFE: Go ahead.

MR. MALLOY: Yes. Name is Sean Malloy. Thank you for your time tonight. We were here two years ago to get a variance for our house that we remodeled. That is now finished and this is the last of what we're looking to do to our property as we invest in a new garage with the same materials of that house.

We're asking for a variance to the lot for this new garage. The Zoning Code requires a five-foot setback, we're asking for a one-foot setback. The existing garage is large and non-conforming to our property. It's actually built over our property line right now. Further, the driveway expands over our property line into the 14-foot unimproved alley.

In addition to this, the current spot of the current garage obstructs the utilization of our backyard, and which we have three young boys and which we would like to give them an opportunity to play back there. Our goal is to build a new garage that maintains the character of our residential property and conforms with the setbacks down Elm Street. The new garage will be 23 feet from the south corner property line as the ordinance would allow for a 12-foot setback. This is in consideration with other structures on Elm Street and a tree that is in the parkway. We are placed in a unique circumstance as there is a 14-foot unimproved alley along the back edge of our east property line.

We are looking to reduce the size of our garage by 33 square feet. We are looking to move it towards Elm Street to give ourselves a backyard. We're looking to remove the non-conforming structure and this has a beneficial impact. But a strict application of the zoning laws would create an unusual hardship as it wouldn't allow us to utilize the backyard properly. It does create a 15-foot entryway into the far left of the garage where if we get the variance; it allows for 21 feet right now.

The ordinance is intended to protect the character and stabilization of the neighborhood, conserve the taxability values throughout the Village. The project setbacks will accomplish that purpose and will replace the deteriorating and non-

conforming structure with a garage that maintains the architectural style of the home and it will keep the street scape of the property. The variation request for relief reflects the fact that the existing 14-foot unimproved alley will never be utilized for public vehicle purposes, and the purpose of the last setback will improve the existing conditions. With the variance, we will be able to effectively utilize that backyard, and the request is the minimum necessary to achieve that goal.

I think that's it.

CHAIRPERSON JAFFE: Thank you.

Tom, you have lead on that?

COMMISSIONER DRAKE: Yes, I have a few questions.

Did you talk to your neighbors directly?

MR. MALLOY: Yes.

COMMISSIONER DRAKE: And what kind of feedback did you have?

MR. MALLOY: Yes, they all support it. The property to the east, we've talked to them. They're rebuilding their house right now. They're on board with that, they offered to come when we asked them, we told them that wasn't necessary.

The property to the north supports it. They supported our house and they support the garage as well. They offered to come as well today, but we told them that probably wasn't needed.

COMMISSIONER DRAKE: Could you explain that about the tree in the parkway piece again? I mean, I read that and you mentioned it, but just a little more detail there?

MR. MALLOY: Yes. So, the tree is right here, I guess in the parkway.

COMMISSIONER SIAVELIS: It's up on the screen, too, as well.

MR. MALLOY: Oh, yes, the tree is right there; this tree right here. The recommended is 12 feet around to preserve it by the arborist, this allows for 21 feet right there. If we were to put it four feet over, that moves to 15 feet right there.

We have a 12-year-old child. He will be driving here soon, hopefully. He's got the smallest car, will have the smallest car hopefully, we'll see, and that's where that car would be parked. We'll want to utilize the other two spots for the other two cars.

COMMISSIONER DRAKE: Okay, how many drivers and how many cars there right now?

MR. MALLOY: We have two cars right now, but we have three young boys. So, we have five bikes, a lawn mower, and a bunch of other yard stuff that we plan to utilize for this side or portion. It's going to be a third stall. Also, I would like to point out that we are actually reducing the size of our garage by 33 square feet.

COMMISSIONER DRAKE: Okay, you said 10 years in the home?

MR. MALLOY: Yes, I think it's more than that; 12?

MRS. MALLOY: So, we moved in in, well, 2014.

MR. MALLOY: 2014.

COMMISSIONER DRAKE: That's all I have right now.

CHAIRPERSON JAFFE: Any other questions from the Board members?

(No response.)

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

Anybody present who wishes to comment on this petition?

(No response.)

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

Tom, did you want to start?

COMMISSIONER DRAKE: Sure. I think the Petitioner has made a good case, touching in all four criteria that we have. He's spoken with the neighbors. There doesn't seem to be any pushback or opposition, I think that's important. They right up said that this project will have less impervious space, surface space, which I think is a plus, and the current garage is non-conforming.

I completely understand when three young kids need more room for bikes and grills and anything that has to go on to the garage as well as room for your automobiles. So, I'm satisfied and I'm in favor of the petition.

COMMISSIONER SIAVELIS: Yes, and I think this is a tricky setup here, right? I mean, you have this tree. You have the unimproved 14-foot alley. You've got a non-conforming structure, garage structure there.

There's a lot of aspects of this petition that make it tough on the homeowner, and I think that they've come up with something that is reasonable, and with neighbor support, I think it's worth a yes vote by us.

CHAIRPERSON JAFFE: Is there a motion?

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

COMMISSIONER LANAGHAN: Second.

MR. OSOBA: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. OSOBA: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. OSOBA: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. OSOBA: Mr. Siavelis.

COMMISSIONER SIAVELIS: Yes.

MR. OSOBA: Chair Jaffe.

CHAIRPERSON JAFFE: Yes.

Congratulations.

MRS. MALLOY: Yay! Thank you.

CHAIRPERSON JAFFE: You're welcome.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:23 p.m.)

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ZONING BOARD

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

OF APPEALS

RE: 6 SOUTH WINDSOR DRIVE - ZBA #25-040

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 10th day of November, 2025 at the hour of
7:23 p.m.

MEMBERS PRESENT:

BENJAMIN JAFFE, Chairperson
TOM DRAKE
JEFFREY LANAGHAN
PETER SIAVELIS
FRANK PORTERA

ALSO PRESENT:

DANIEL OSOBA, Planner I
DARKO BOJIN, Assistant Planner

CHAIRPERSON JAFFE: Okay, moving on to Item C, 6 South Windsor Drive, ZBA Case #25-040.

Good evening.

MR. FLUBACKER: Hi. Bob Flubacker of Robert Flubacker Architects.

CHAIRPERSON JAFFE: And your address?

MR. FLUBACKER: 1895 Rohlwing Road in Rolling Meadows.

(Witness sworn.)

MR. BOJIN: The property is zoned R-3 Residential Single-Family District. As part of a larger renovation project, the Petitioner is proposing to construct an addition, or a porch, in the front yard. The proposed addition will be set back 25 feet from the front lot line where by code 26.75 feet is required.

Therefore, the Petitioner is requesting the following variation:

- A 1.75-foot variation from Chapter 28, Section 5.1-3.3(a) to allow an addition set back 25 feet from the front lot line where 26.75 feet is required, and an additional 1.67 feet for the eave.

Thank you.

CHAIRPERSON JAFFE: Thank you.

MR. FLUBACKER: First off, I'd like to make sure that I belong here.

COMMISSIONER SIAVELIS: In general or just at this meeting I'd say?

MR. FLUBACKER: Well, obviously, I belong here, I'm the next three cases.

But this particular case, what prompted this zoning hearing was a letter that came out of Steve Hautzinger of Design Commission that specifically said there is just one issue to address. In this case, the subject property was platted after 1959, so the 25-foot building line shown on the plat of survey does not govern as the required front yard. Then I --

COMMISSIONER SIAVELIS: What does then?

MR. FLUBACKER: So, his interpretation is that if it's platted after 1959 and more than 40 percent of the houses have been developed on the block, the average of the houses --

COMMISSIONER SIAVELIS: Controls it.

MR. FLUBACKER: Controls it rather than the platted building line which is a whole another discussion I'd want to have.

But I pulled up the Zoning Ordinance online, and the specific section that we're asking for a variation from which is 5.1-3.3, it says front yard 25 feet except for a building line that has been established on a recorded plat of subdivision prior to 1959. So, my first question is clarity on that. Is it prior to '59 or after '59?

CHAIRPERSON JAFFE: So, I mean, is this really a question for the Zoning Board of Appeals Commissioners? Is it something that should have been, again, I understand where you're going, but at the same time it's like I'm questioning why you're asking the question to begin with, if that makes sense.

COMMISSIONER SIAVELIS: Well, it's a question to ask, but maybe not to us.

CHAIRPERSON JAFFE: Yes, not to us.

COMMISSIONER SIAVELIS: It should go to the Village probably.

MR. FLUBACKER: I understand.

CHAIRPERSON JAFFE: So, do you guys have a thought on that?

MR. BOJIN: It is before, prior to December 21st, 1959.

CHAIRPERSON JAFFE: But was that communicated to --

MR. FLUBACKER: No, the opposite was communicated to me.

COMMISSIONER SIAVELIS: Okay, read the statute in its entirety, the relevant section into the record just so we're clear on this.

MR. BOJIN: Absolutely. This is Section 5.1-3.3(a) for front yards in the R-3 District for the required minimum yards. The required minimum shall be 25 feet except where a building line has been established on a recorded plat of subdivision prior to December 21st, 1959. Such building line shall determine the front yard requirements of this Chapter and shall be observed.

MR. FLUBACKER: So, I did question it at the time that, you know, we got the letter from Design Commission, and was told no, I have to come for a zoning variation. And that's fine, I'm here, we've submitted for it, I'll finish the presentation, but I would like some clarity because we deal with this on almost every house.

COMMISSIONER SIAVELIS: What did Hautzinger say to you again? What did Hautzinger's message say?

MR. FLUBACKER: Here's his letter, and obviously, I'm jumping to the section. It says there is just one issue to address. In this case, the subject property was platted after 1959, so the 25-foot building line shown on the plat of survey does not govern as a required front setback.

COMMISSIONER SIAVELIS: Which seems to comport with the section we just read right now.

MR. BOJIN: That's right.

CHAIRPERSON JAFFE: So, as Chair, I'm going to direct the Petitioner to walk through the four requirements, and then let's figure out do they meet or not, because I don't understand how we are in a position to reconcile or adjudicate what is an interpretation issue between the Petitioner and the respective Village departments.

MR. FLUBACKER: Well, if not you guys to reconcile that, who?

CHAIRPERSON JAFFE: Well, I guess, but you're already here. So, it's like

--

MR. FLUBACKER: Yes.

CHAIRPERSON JAFFE: -- you've gone through the effort of putting together the petition. We've read your case. You've filled out the four requirements. So, I guess we want to hear those because those are the grounds and criteria in which we would approve it or not. If we got to a point where there is controversy, then I think this becomes valid, but I might be in the minority, but I also want to be respectful and useful of everybody's time.

MR. FLUBACKER: No, I understand, I understand.

CHAIRPERSON JAFFE: You know what I mean?

COMMISSIONER SIAVELIS: The other option is, Bob, is you withdraw this and come back to the Village and say, look, the code is pretty clear on this, I don't need to be here, and use Steve Hautzinger's e-mail as well.

MR. FLUBACKER: Well, we're under construction now, so what I'd like to do is get the Board's approval, whether it's needed or not.

COMMISSIONER SIAVELIS: Right, because you're only asking for a 1.75-foot variance, right?

MR. FLUBACKER: Right, right.

COMMISSIONER SIAVELIS: You might as well roll with it, Bob, right now.

MR. FLUBACKER: I keep knocking things off here. The other point I'd like to make is at some point when these subdivisions were platted, the Village Board went through and approved the plat of subdivision with the building line, and as far as I would understand at that point, they said okay, 25-foot is where these houses can be built to. The established setback clause to me is contrary to that mindset when it was originally platted, because why would another house built on another piece of property on my street govern how much land use I have? When it was platted, it was assumed the houses could build to 25 feet. If somebody arbitrarily sets their house back 10 feet or 15 feet or there are houses that are back 100 feet out of some lots, why should that affect my owner's use of their land?

COMMISSIONER SIAVELIS: I understand your point; I think you've made that point. I think you made that point in the distant past, right?

MR. FLUBACKER: Because I'm here on this constantly --

COMMISSIONER SIAVELIS: Yes.

MR. FLUBACKER: -- because it's silly.

COMMISSIONER SIAVELIS: And that's, correct me if I'm wrong, I mean, we're obviously not the board that enacts that legislation or that regulation, right?

MR. FLUBACKER: Right.

COMMISSIONER SIAVELIS: But you can come and seek a variance on that front yard setback from this Board and make a compelling argument in that regard.

MR. FLUBACKER: Right, and this, of all the cases that I've come before with variations to establish front setbacks, this is kind of the silliest one. We're allowed a five-foot by 10-foot portico to go in front of the setback line. I'm asking for two columns and a roof that goes over those columns to encroach to this building setback line. So, that's the one-foot-nine inches that's on here.

So, it's not going to change the neighborhood character. It's obviously due to unique circumstances because the established setback is based on where these houses just happened to be built rather than some function that my client was involved with.

The idea is to get a three-dimensionality to the front of the house. So, there is a curved, arched ceiling that goes over the front porch and I want that arched ceiling set back a little bit from the eave to cover the stoop that's there. That's the design reason why the request is being made.

We modified the drawings so we didn't need a variation to get our permit. Now, I'm here to ask for a variation so we can go back to the original design of the project.

CHAIRPERSON JAFFE: How long has the owner been in the residence?

MR. FLUBACKER: He actually grew up in the house.

MR. LAATSCH: It was my parents' house.

CHAIRPERSON JAFFE: Sorry, sir, we'd need you to come up. So, I get a sense of how long you've been in the house.

Any comments from the neighbors?

MR. FLUBACKER: No.

CHAIRPERSON JAFFE: Okay, no opposition, Bob?

MR. FLUBACKER: No.

CHAIRPERSON JAFFE: Any questions from the Board?

(No response.)

CHAIRPERSON JAFFE: Any questions from the audience?

(No response.)

CHAIRPERSON JAFFE: I'll start.

Based on the way Bob laid out the four criteria; I don't have a concern about moving this forward.

COMMISSIONER SIAVELIS: And I agree with you 100 percent.

CHAIRPERSON JAFFE: Is there a motion?

COMMISSIONER SIAVELIS: I'll move.

COMMISSIONER DRAKE: Second.

MR. BOJIN: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. BOJIN: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. BOJIN: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. BOJIN: Mr. Siavelis.

COMMISSIONER SIAVELIS: Yes.

MR. BOJIN: Chair Jaffe.

CHAIRPERSON JAFFE: Yes.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:34 p.m.)

ZONING BOARD

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

OF APPEALS

RE: 234 SOUTH DUNTON AVENUE - ZBA #25-041

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 10th day of November, 2025 at the hour of
7:34 p.m.

MEMBERS PRESENT:

BENJAMIN JAFFE, Chairperson
TOM DRAKE
JEFFREY LANAGHAN
PETER SIAVELIS
FRANK PORTERA

ALSO PRESENT:

DANIEL OSOBA, Planner I
DARKO BOJIN, Assistant Planner

CHAIRPERSON JAFFE: Okay, moving on to Item D, 234 South Dunton Avenue, ZBA Case #25-041.

I'll remind you that you're still under oath.

MR. BOJIN: The property is zoned R-6 Residential Multi-Family District. The Petitioner is proposing to replace a detached garage. The proposed new garage is 19 feet eight inches in height and 1,000 square feet in area, which exceeds the maximum allowed height and size for detached structures, or detached garages rather. The garage itself is 720 square feet in area which is the maximum permitted by code, but there's also a portion that's a deep covered porch attached to it which is 280 square feet in area. They are considered to be one structure according to code with a total area of 1,000 square feet.

Therefore, the Petitioner is requesting the following variations:

- A 4.67-foot variation from Chapter 28, Section 6.5-6 to allow an accessory structure 19 feet eight inches in height where accessory structures may not exceed 15 feet in height; and
- A 280 square-foot variation from Chapter 28, Section 6.5-7(a) to allow a detached garage 1,000 square feet in area where detached garages may not exceed 720 square feet in area.

Thank you.

MR. FLUBACKER: My client has actually been cited by the Village for the garage which is in disrepair. I got called and asked to design a replacement garage which is what's in front of you tonight. One of the requests as part of the garage was that commercial construction vehicles can pull into the garage. That is why we have an eight-foot garage door which is kind of the norm now on most projects. We need a foot above that for the mechanism for the garage door to work, then we have a floor and some attic storage space above that. But what's really driving the height of it is that we're matching the roof pitch of the existing house.

The photograph you have on your packet is of the front of the house, not the side. But the roof pitch that we have matches the gable pitch on side of the house that you see from the south.

The porch we have attached to the garage. If that porch was a foot away from the garage, we would not need a variation from it. If it was attached to the house, we would not need a variation for it, but because it's attached to the garage, it counts as square footage towards the garage structure and I would make a case that that does not do any more harm than if it's either separated or attached to the house. It is an open air, unenclosed porch.

COMMISSIONER SIAVELIS: You've got a dormer up there, too, Bob?

MR. FLUBACKER: Yes, to get some height over the stair that goes up primarily.

CHAIRPERSON JAFFE: You've got this one, Frank?

COMMISSIONER PORTERA: Yes.

The existing garage, is it the same footprint the new garage is going to be?

MR. FLUBACKER: No, the new garage is larger. If you look at the site plan and zoom in on the footprint, dotted in is the footprint of the existing garage.

APPROVED

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COMMISSIONER PORTERA: Okay.

MR. FLUBACKER: So, it is wider towards the house and deeper away from the street.

COMMISSIONER PORTERA: Okay, and how many residents are in the house?

MR. FLUBACKER: Four.

COMMISSIONER PORTERA: Four, and you said the commercial trucks, that commercial construction trucks need to get in the garage?

MR. FLUBACKER: Yes.

COMMISSIONER PORTERA: Any other vehicles going in there?

MR. FLUBACKER: Family vehicle, yes.

COMMISSIONER PORTERA: Family vehicles, okay. How long has the family lived there?

MR. FLUBACKER: 27 years.

COMMISSIONER PORTERA: And the neighbor directly next to the house, I think that's west, any comment from the neighbor?

MR. FLUBACKER: None that I'm aware of. Yes, no.

COMMISSIONER PORTERA: Any other neighbors, any opposition there?

MR. FLUBACKER: No.

COMMISSIONER PORTERA: No.

COMMISSIONER SIAVELIS: So, what's going upstairs? Like a man cave or something?

MR. FLUBACKER: No, storage.

COMMISSIONER SIAVELIS: Oh, all of it's storage?

MR. FLUBACKER: Construction equipment.

COMMISSIONER SIAVELIS: Tools, that sort of thing.

MR. FLUBACKER: Supplies, you know. Contractors have all the leftovers from projects.

COMMISSIONER LANAGHAN: So, I've got to ask a question. If the porch could have gone on the main structure without the variance, why are we putting it here?

MR. FLUBACKER: Two reasons primarily. Number one, so it's not beaten by the west sun. It gets more south and east exposure. It's going to be simpler to build as part of the structure of the garage than to do a separate construction against the house, and there's really not a nice spot to put it against the house.

COMMISSIONER SIAVELIS: That's notched there, right?

MR. FLUBACKER: Yes.

COMMISSIONER LANAGHAN: No, I do get that. It's kind of, you know, I'm looking at my house and I'm like, okay, I'd rather walk out of the house as opposed to walking across the yard to get on the porch, but that's just me maybe, I don't know.

CHAIRPERSON JAFFE: Any other questions?

(No response.)

CHAIRPERSON JAFFE: Okay, you may have a seat.

Anybody in the audience wishes to comment on this?

(No response.)

CHAIRPERSON JAFFE: Hearing none, we'll close it down for deliberation. Frank?

APPROVED

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COMMISSIONER PORTERA: Yes, I think that Petitioner has made a reasonable case here, especially after being cited by the Village and just wanting to, you know, make the garage and the street nicer with this new addition. I understand the need to park their commercial construction vehicles in there. It's the family's livelihood there, the homeowner's livelihood. I think it's a reasonable ask and the height variation is just to match the existing home, you know, we haven't seen any comment from the Building Department there in that regard. So, I think this is a reasonable ask on both variances.

COMMISSIONER SIAVELIS: Agreed.

MR. FLUBACKER: Could I add, there's one thing I forgot to say.

CHAIRPERSON JAFFE: I don't think you need to because there was no public comment, so I think we're about to vote.

MR. FLUBACKER: Okay.

CHAIRPERSON JAFFE: So, is there a motion?

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

COMMISSIONER SIAVELIS: I'll second it.

MR. BOJIN: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. BOJIN: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. BOJIN: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. BOJIN: Mr. Siavelis.

COMMISSIONER SIAVELIS: Yes.

MR. BOJIN: Chair Jaffe.

CHAIRPERSON JAFFE: Yes.

MR. FLUBACKER: Thank you.

CHAIRPERSON JAFFE: You're welcome.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:37 p.m.)

APPROVED

ZONING BOARD

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

OF APPEALS

RE: 831 SOUTH DRYDEN PLACE - ZBA #25-042

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Zoning Board of Appeals taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 1st Floor, Buechner Room,
Arlington Heights, Illinois on the 10th day of November, 2025 at the hour of
7:37 p.m.

MEMBERS PRESENT:

BENJAMIN JAFFE, Chairperson
TOM DRAKE
JEFFREY LANAGHAN
PETER SIAVELIS
FRANK PORTERA

ALSO PRESENT:

DANIEL OSOBA, Planner I
DARKO BOJIN, Assistant Planner

CHAIRPERSON JAFFE: Looks like we've got your third, Item E, 831 South

Dryden Place, ZBA Case #25-042.

I remind the Petitioner that you're still under oath, and we'll hear the Staff report.

MR. OSOBA: The property is zoned R-3 Residential Single-Family District. The Petitioner is proposing a one-story room addition, a second-floor addition, and an attached garage addition on the subject property. The one-story room addition and the second-floor addition are predominantly at the rear of the building, and the garage addition is on the south side elevation. The garage addition on the south side of the property encroaches 2.78 feet into the required 5.78-foot side yard setback.

With the square footage increase, the floor area ratio, or FAR, is increased to 4,444 square feet where 3,435 square feet is allowed. Approximately, 1,177 square feet of the partially underground basement level is counted towards this FAR calculation as more than half of the basement height is above the established curb level. Lastly, the overall building lot coverage is increasing as a result of the ground level building additions to 2,735 square feet where 2,672 square feet of building lot coverage is allowed.

Therefore, the Petitioner is requesting the following variations:

- A 2.78-foot variation from Section 5.1-3.3(b) to construct an attached garage addition with a setback of three feet where 5.78 feet is required and 16 inches for the eave;
- A 1,009 square-foot variation from Section 5.1-3.4 to allow a floor area ratio of 4,444 square feet or 0.58 where a floor area ratio of 3,425 square feet or 0.45 is the maximum; and
- A 63 square-foot variation from Section 5.1-3.5(a) to allow a building lot coverage of 2,735 square feet where 2,672 square feet is the maximum.

MR. FLUBACKER: This one is a little more complicated.

COMMISSIONER SIAVELIS: Yes.

MR. FLUBACKER: So, we were here more than a year ago asking for a side yard variation and an FAR variation on a smaller project. The garage projection into the south side yard is the same as what we asked for at that zoning meeting and was granted.

COMMISSIONER SIAVELIS: So, that 2.78-foot variation was granted during the prior meeting?

MR. FLUBACKER: Yes, yes. Same length.

COMMISSIONER LANAGHAN: But that was over a year ago so it's, well, I -

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MR. FLUBACKER: Yes.

COMMISSIONER SIAVELIS: Right.

COMMISSIONER LANAGHAN: -- just want to make sure I follow your timing.

MR. FLUBACKER: What happened in the transpiring months was my client rethought the expenditure on the house and what the return on the value was and said we really would like to get a second floor on the, arguably it's a third floor, but it's a second floor kids' bedrooms, keeping the master on the main level, and expanding other living spaces on the main level, expanding the kitchen, dining room to more of today's standards. The quirk in this project is the basement.

If you look, can you scroll to the plan right above it? Yes, there. So,

that shows the basement and the areas, the various areas of the basement. The area to the far right with the double cross hatching was part of an addition we did many years ago, and that basement floor is a foot lower than the rest of the basement. So, that area of the basement does not count towards the FAR.

There's also another small section that we show there on the lower right-hand of the major box.

COMMISSIONER SIAVELIS: And that's labeled New Lower Basement?

MR. FLUBACKER: That's new basement that we would also have the floor a foot lower so it doesn't get counted towards FAR.

COMMISSIONER SIAVELIS: Wait, that one is existing as well?

MR. FLUBACKER: That's proposed.

COMMISSIONER SIAVELIS: Okay.

MR. FLUBACKER: The rest of the area that's the single line cross hatch is existing basement and always has been existing basement that if the floor was, I think it's like eight inches lower, it would not be counted towards FAR. So, one of the things I wanted to show and what is included in this handout that I gave you today is the minimal impact that our second-floor addition has on the massing of the current house.

COMMISSIONER SIAVELIS: When was this house originally built? I mean, this, the basement structure I think, when was this first, the house was built on that foundation of the first floor --

MR. FLUBACKER: When was the addition?

MRS. VICTOR: The addition I think was like 20 years ago. The original house was like --

MR. FLUBACKER: In the single digit, 2000's. Their original house was like '68-'70, somewhere in that time. Then we did an addition in the early 2000's.

COMMISSIONER SIAVELIS: You did that addition in the 2000's?

MR. FLUBACKER: Yes.

COMMISSIONER SIAVELIS: And that includes that basement that's labeled existing in the lower basement in the upper right corner, correct?

MR. FLUBACKER: Yes, yes.

COMMISSIONER SIAVELIS: Okay.

MR. FLUBACKER: That was a master suite that we added to the back of the house.

COMMISSIONER SIAVELIS: And you wisely lowered that foundation before, at least --

MR. FLUBACKER: Right.

COMMISSIONER SIAVELIS: -- it didn't count towards FAR?

MR. FLUBACKER: It didn't count towards FAR.

COMMISSIONER SIAVELIS: Good move.

MR. FLUBACKER: So, if I could, I'd like to go through these three-dimensional models. The first page is from the left front corner of the lot, and the difference in these two views you can see is primarily the gable that we're adding on the left side. It's set back a little bit so that the height and mass of that is broken up by the roof line. The second sheet is from the opposite corner of the lot, the front right corner, and that shows probably the most significant bulk adding, but it's really that dormer roof that is being added there.

The third sheet is from the, I guess it would be the southeast corner of the lot. We're actually reducing some of the massing of the structure with some change in roof lines and use of the Dutch gable rather than a full gable. Then the last sheet is from the north --

COMMISSIONER SIAVELIS: But you pushed out the garage in there, too, right? And these last two sheets, Bob, the garage, the size of the garage is growing pretty substantially to the south, right?

MR. FLUBACKER: But it's all under the first-floor roof.

COMMISSIONER SIAVELIS: Yes, but in the first, agreed, in the first-floor roof though, the mass of the first-floor roof on Sheet 3 proposed looks a lot, it's considerably larger than existing, right? Because --

MR. FLUBACKER: Well, the roof above that that has the windows in it.

COMMISSIONER SIAVELIS: Yes?

MR. FLUBACKER: It's slightly larger, not substantially, it's slightly larger.

COMMISSIONER SIAVELIS: That roof is?

MR. FLUBACKER: Yes.

COMMISSIONER SIAVELIS: And what about, and you're adding a roof below that window?

MR. FLUBACKER: Yes. So, the shed roof that you see below that window is the added garage that's beyond the setback.

COMMISSIONER SIAVELIS: What did you call that roof?

MR. FLUBACKER: Shed roof.

COMMISSIONER SIAVELIS: Oh, okay.

MR. FLUBACKER: So, that wall that has the windows in it is no closer to the neighbor than the current wall is.

COMMISSIONER SIAVELIS: Okay, understood. Go on.

MR. FLUBACKER: Then the last sheet is from the northeast corner of the lot, and again there is no change to this other than that gable that's added up to the front, near the front of the house.

So, again, given the four criteria on the project, obviously the character is not going to change because it's all in harmony with the original addition that we did. I hopefully am showing you that the massing of the house is not significantly changing. It's not growing, you know, exponentially and becoming a much larger house.

It's a little bit due to unique circumstances because my client bought the house from the people that we worked with originally to do the addition. So, they inherited the issues that are currently in the house.

COMMISSIONER SIAVELIS: Including the addition put on the early --

MR. FLUBACKER: Yes. Yes. I believe we meet the intent of the Zoning Ordinance and we tried as hard as we could to make the three-dimensional aspect of the project as minimal as we could to keep it in harmony with the original massing of the house and kind of disguise the square footage that we're adding to the house.

COMMISSIONER SIAVELIS: So, how many folks live in this house, Bob?

MR. FLUBACKER: Four.

COMMISSIONER SIAVELIS: And does that include any children?

MR. FLUBACKER: Yes.

COMMISSIONER SIAVELIS: How old, do you know, approximately?

MR. VICTOR: They're 11, 11-year-old twins.

COMMISSIONER SIAVELIS: Okay, so you'll have drivers soon. You need the two-car garage because --

MR. FLUBACKER: Proportional to the value this house will have when it's finished, we'd need to have at least a two-car garage. A tandem garage is less than desirable but given the circumstance on the property, that's all we really can do.

COMMISSIONER SIAVELIS: Okay, and then they face Dryden, the street, right?

MR. FLUBACKER: Yes. Across the street is the open field.

COMMISSIONER SIAVELIS: And what is just north of that open field, right? Dryden Elementary is right there, right?

MR. FLUBACKER: Yes, right.

COMMISSIONER SIAVELIS: And it's a parking lot with the school's, at least twice a day, right?

MR. FLUBACKER: Yes, I don't know if they're directly opposite the parking lot but they're pretty close.

COMMISSIONER SIAVELIS: Yes, but I'm saying that street, there's a lot of traffic on that street. So, like if I was living on that street, I'd want to have a two-car garage so I can get my cars off the driveway and as I have my kids, have teenagers, right, I'd want more storage for them because that is a tricky spot to drive and navigate right there. The school is there, enrollment is high there, or higher, right, and then you have the church right there.

MR. FLUBACKER: And the goal is that the driveway gets wide enough that two cars can park on the driveway side by side at the same time.

COMMISSIONER SIAVELIS: You beat me to that question, yes.

MR. FLUBACKER: Yes.

COMMISSIONER SIAVELIS: Right, so there is a definite need and then the financial return. Tell us about the neighbor due south. Have they seen the plans and have they voiced any opposition whatsoever?

MR. FLUBACKER: No. They have seen the plans and, no, they have none.

COMMISSIONER SIAVELIS: What's the existing, do you know what the existing distance is between the current structure and the neighbor to the south?

MR. FLUBACKER: Yes. I wish I'd brought it now. It was part of the discussion we had a year ago that the reduced setback of this house plus the setback from the lot line to the house to the south exceeds what two minimum setbacks would be.

CHAIRPERSON JAFFE: Peter asked about the neighbor directly to the south. Any other neighbor discussions or feedback?

MR. FLUBACKER: No. No.

COMMISSIONER SIAVELIS: Dan, were you looking at those numbers?

MR. OSOBA: I was trying to find those numbers; we don't have them in the

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COMMISSIONER SIAVELIS: I loosely remember this petition.

MR. FLUBACKER: Yes, they're set back more than the normal side yard setback.

COMMISSIONER SIAVELIS: And the thing is in Scarsdale, and this part is

Scarsdale, right, there's a lot of houses that are up tight close to the property line, encroaching on the side yard setback.

MR. FLUBACKER: That's kind of all over town, you know.

COMMISSIONER SIAVELIS: Yes, and it's especially in there, too. So, that's why I was asking these questions. I mean, you're asking for a pretty significant encroachment on the side yard setback, but you have good reasons why, and it's not like you're going to be a one-off, you know, so --

MR. FLUBACKER: Right.

COMMISSIONER SIAVELIS: -- that's what I was curious about. If you had neighbor opposition, like direct neighbor opposition, that would be a different story, but --

MR. FLUBACKER: Oh, I understand.

COMMISSIONER SIAVELIS: -- that doesn't mean, it's not insurmountable, but the other points you're making here are very logical. I don't really have any other questions.

Jeff, do you have something?

COMMISSIONER LANAGHAN: I didn't think so, no. I was kind of asking because we would want to cover --

COMMISSIONER SIAVELIS: Tom, do you have anything?

COMMISSIONER DRAKE: No.

COMMISSIONER SIAVELIS: Ben? Frank?

COMMISSIONER PORTERA: I'm good.

CHAIRPERSON JAFFE: And you need that elevated deck back there, Bob, because of your entry and exit point, your ingress and egress up there?

MR. FLUBACKER: That floor is elevated, so they can go out and have a grill, stuff like that. We wanted that to be higher. There is a patio at grade behind that.

COMMISSIONER LANAGHAN: That does count as part of the floor area?

MR. FLUBACKER: The deck?

COMMISSIONER LANAGHAN: Yes.

MR. FLUBACKER: No, it does not.

COMMISSIONER LANAGHAN: I didn't think so.

MR. FLUBACKER: If you look, there is the elevated deck that has the stairs that go up to it. Then down to the right of that is another patio area that has a fire pit.

COMMISSIONER SIAVELIS: Okay. Yes, your materials did a good job, Bob, I must say that.

COMMISSIONER LANAGHAN: Yes.

COMMISSIONER SIAVELIS: Without these materials, we'd be struggling to understand everything.

COMMISSIONER LANAGHAN: Even with them it's kind of a struggle.

MR. FLUBACKER: There's a lot, I'll admit there's a lot.

COMMISSIONER LANAGHAN: No, it's a nice looking house. I mean, you really did a nice job in the massing.

COMMISSIONER SIAVELIS: Yes.

CHAIRPERSON JAFFE: All right, do you want to --

COMMISSIONER SIAVELIS: Sure.

CHAIRPERSON JAFFE: Yes, you can have a seat. We'll see if anybody wants to make a comment.

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

(No response.)

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

COMMISSIONER SIAVELIS: Yes, Bob did a really good job presenting us with these materials and working his way through it. At first when I saw this, I was skeptical when reviewing the materials ahead of this meeting. But it's logical, it fits together, and as I said before, no neighborhood opposition, or neighbor opposition, excuse me, and the encroachment of 2.78-foot variation on the side is not uncommon in Scarsdale. So, I think it makes sense, it fits, and I'm in support of it.

COMMISSIONER LANAGHAN: Yes, to me, I would say the Engineering not having a problem with it was kind of a big one as well. That's normally where we get the concerns over pervious and impervious surfaces. Happy to see that's not a concern here, so I'm with you.

CHAIRPERSON JAFFE: Okay, is there a motion?

COMMISSIONER SIAVELIS: I'll move in support.

COMMISSIONER DRAKE: Second.

COMMISSIONER LANAGHAN: I'll second, yes.

MR. OSOBA: Mr. Portera.

COMMISSIONER PORTERA: Yes.

MR. OSOBA: Mr. Lanaghan.

COMMISSIONER LANAGHAN: Yes.

MR. OSOBA: Mr. Drake.

COMMISSIONER DRAKE: Yes.

MR. OSOBA: Mr. Siavelis.

COMMISSIONER SIAVELIS: Yes.

MR. OSOBA: Chair Jaffe.

CHAIRPERSON JAFFE: Yes.

Congratulations, three for three.

MR. FLUBACKER: So, just where are we --

CHAIRPERSON JAFFE: So, I've just got to make sure if there's other business, and then I'll open it up to public comment.

Do we have other business?

MR. OSOBA: We do not.

CHAIRPERSON JAFFE: All right.

COMMISSIONER SIAVELIS: Or wait until we're off the record.

CHAIRPERSON JAFFE: Yes, do you want to go on the record or off the record?

GENERAL PUBLIC COMMENT

MR. FLUBACKER: It doesn't matter. I'm just going to ask where do I bring those comments about the zoning issues.

CHAIRPERSON JAFFE: Well, it's my purview, I'm open to the other opinions, I mean, I would think that if you're not getting that type of clarity or there's some type of conflicting direction, I would expect that the Village departments communicate and

give you that direction before you go through the time and effort of building a case which you did. I didn't see a lot of controversy with it, but I also was trying to be sensitive to where our jurisdiction begins and ends on giving you and others like yourself guidance on how that interpretation should be decided between various Village departments. That was why I was trying to, candidly, to kind of cut it off --

MR. FLUBACKER: Yes.

CHAIRPERSON JAFFE: -- because I didn't want us to start to overstep our bounds, but I mean, I'm open to get what the other Board members think.

MR. FLUBACKER: And I certainly don't want to be contentious at all either.

CHAIRPERSON JAFFE: No, I know, I didn't get that at all. I was trying to make a decision on how far do we go with this before we find ourselves in waters that, again from my purview, I'm not sure we should be swimming, but I'm open to the opinions or views of the other Board members.

COMMISSIONER LANAGHAN: Well, to me it's more of a legal interpretation than a Zoning Board interpretation. So, yes, I mean, I would be looking to --

MR. FLUBACKER: I'm glad we have an architect as a mayor now.

COMMISSIONER LANAGHAN: That will make it clearer, right?

MR. FLUBACKER: Yes.

CHAIRPERSON JAFFE: Did you have other thoughts?

COMMISSIONER SIAVELIS: I've got a lot of other thoughts. On this particular issue?

CHAIRPERSON JAFFE: No, on Bob's question.

COMMISSIONER SIAVELIS: I don't know. I think he's got to work with Dan on this. Quite honestly, if Derek was still here, we'd hot potato this over to Derek. Right, so Dan, here you go. You're going to have to work with Bob, you know, offline, not here and now and kind of resolve that.

COMMISSIONER LANAGHAN: And/or with the Plan Commission. It sounds like the Plan Commission kind of sends you that one path that may or may not have been --

MR. FLUBACKER: Or is it the Ordinance Review Committee? Is that the group that actually writes the Zoning Ordinances?

MR. OSOBA: No. So, I would work with Staff. Actually, the Ordinance Review does review changes to the ordinance, to the Zoning Code after Staff brings it to the Ordinance Review Committee to make a recommendation to the Plan Commission and then make a recommendation to the Village Board which would ultimately be the decider, but --

MR. FLUBACKER: Okay.

MR. OSOBA: -- Staff is essentially the initiator, so if it is a question for interpretation, especially if it's early on in the ZBA process, work with us first and we'll try to work on that issue before we get too far along in any of these applications, whether it's ZBA, Design Commission or whatever else.

MR. FLUBACKER: Okay, I may e-mail you.

COMMISSIONER DRAKE: Dan, when they go through those reviews, are they looking for other potential conflicts in the way the language is written? This can't be the only example of something that maybe isn't quite jiving with what it should be. Because I think this came up once before if I recall, maybe it was the same issue, I don't

remember, I think we've heard this before.

MR. FLUBACKER: Yes, and now I'm getting opinionated on this, but I have a problem with the whole established setback rule on property that has a platted building line. Because to me, that's the Village saying this is a line that we're in agreement you can build to. I don't know why that should vary from subdivision to subdivision, block to block within the same subdivision. It just, and we've dealt with some really extreme circumstances.

There was a house up on Chestnut that was set back 100 feet from the road and it just wildly skewed the average of the block. You know, every time you go for a case in front of the Zoning Board, they understood and it was a relatively easy case to get a variation for. But it just seems, you know, like the one tonight, it's a foot-and-a-half, it seems silly to me that those cases even come to you and consume your time for that.

COMMISSIONER SIAVELIS: The threshold has usually been one foot or less. 12 inches basically is where Derek would cut it off over like the last 15 years.

MR. FLUBACKER: In the subdivisions that don't have a building line, that I get. Now, how that area developed, you want the continuity, you want things to fit, but where there is a platted building line, that's where I get confused. So, right, thank you very much.

CHAIRPERSON JAFFE: Bob, thank you.

COMMISSIONER SIAVELIS: Yes, thank you.

MR. FLUBACKER: Yes.

CHAIRPERSON JAFFE: Any other comments from the public?

(No response.)

CHAIRPERSON JAFFE: Is there a motion to adjourn?

COMMISSIONER LANAGHAN: So moved.

CHAIRPERSON JAFFE: Is there a second?

COMMISSIONER DRAKE: Second.

CHAIRPERSON JAFFE: All in favor?

(Chorus of ayes.)

CHAIRPERSON JAFFE: All opposed?

(No response.)

CHAIRPERSON JAFFE: Okay. We're off the record.

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

APPROVED

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