



MICHAEL D. FIRSEL
MICHAEL E. ROSS
CHRISTINE S. BOLGER
KAREN JERWOOD
STEPHEN E. ROSS

2801 LAKESIDE DRIVE, SUITE 207
BANNOCKBURN, IL 60015

O 847-582-9900
F 847-582-9933

www.firsellross.com

June 20, 2019

Mr. Terrence Ennes and Members of
the Plan Commission of the
Village of Arlington Heights
33 S. Arlington Heights Rd.
Arlington Heights, IL 60005-1403

**Re: Sigwalt 16 / Taylor Morrison of Illinois, LLC – Proposed Rowhome
Development in Downtown Arlington Heights**

ADDITIONAL VARIATION CRITERIA

Chairman Ennes and Commission Members,

This letter is written as an addition and supplement to our original Variation Criteria Justification letter of April 12, 2019. Village Staff has determined that additional variations for this project are required.

I. Variation to Chapter 28, Section 10.2-13, Maximum Number of Spaces, to allow a 40' accessory parking spaces where code limits the maximum number of accessory parking spaces to 36.

- 1. The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.*

Of the 40 parking spaces provided, 32 of them will be in garages and 8 will be surface parking for guests. The number of parking spaces for this project is compatible for existing uses and zoning of nearby property

- 2. 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.*

Mr. Terrence Ennes and Members of
the Plan Commission of the
Village of Arlington Heights
June 20, 2019
Page 2

The property has been vacant for a long time. To develop the property in the most beneficial fashion, consistent with its location on the edge of downtown. Due to the price point of the proposed rowhomes, owners will demand and expect at least 2 parking spaces each plus an area for guest parking

- 3. The proposed variation is in harmony with the spirit and intent of this Chapter.*

It is the intention of the Village Zoning Code “[t]o protect the character and stability of the residential, business and manufacturing areas within the Village and to promote the orderly and beneficial development of such areas.” This project promotes the orderly and beneficial development consistent with the unique nature of this and the neighboring properties.

- 4. The variance requested is the minimum variance necessary to allow reasonable use of the property.*

In order to accommodate the possibility of up to 8 guests at any one time, and to avoid the use of the adjoining Village garage and other surface parking spaces, the 8 additional parking spaces is the minimum needed.

J. Variation to Chapter 28, Section 10.2-8, Minimum Horizontal Width for Driving Aisle of 24 feet, to allow a minimum driving aisle width of 21’.

- 1. The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.*

The reduction of the drive aisle width reduction from 24’ to 21’ will have no bearing whatsoever on the essential character of the locality, and it will be compatible with existing uses and zoning of nearby property

- 2. 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.*

Due to the public utilities located north of the drive aisle which is also very close to the Vail Street Garage, there is no opportunity to widen the driving aisle to the north. To widen the driving aisle to the south would require the removal of a significant amount of the landscaped area adjoining lot 16 and well as minimize the fully landscaped entry feature to the project.

Mr. Terrence Ennes and Members of
the Plan Commission of the
Village of Arlington Heights
June 20, 2019
Page 3

3. *The proposed variation is in harmony with the spirit and intent of this Chapter.*

It is the intention of the Village Zoning Code “[t]o protect the character and stability of the residential, business and manufacturing areas within the Village and to promote the orderly and beneficial development of such areas.” This variation will have no impact on the harmony, spirit and intent of this Chapter.

4. *The variance requested is the minimum variance necessary to allow reasonable use of the property.*

The requested variation is the minimum necessary to maintain the residential nature and requires landscaping for the project.

The variances referenced below are necessary due to each dwelling unit being on a separate legally subdivided lot. In each of the three buildings there will be party walls separating the units, and due to site constraints, Village Code required rear, front, and side yards are not possible. Unfortunately, Village Code does not include separate zoning provisions for multi-family adjoining parcels when each unit is to be owned as a separate unit in fee simple. The collective justification for the above variances is provided after the list of requested variances.

K. Variation from Chapter 28, Section 5.1-7.6, Required Minimum Yards, to allow a front yard setback of 4.6 feet for lots 1 through 11 and 4.3 feet for lots 12 through 16 where code requires a 25-foot front yard setback for all lots.

L. Variation to Chapter 28, Section 5.1-7.6, Required Minimum Yards, to allow a side yard setback of 0 feet for interior walls on lots 1, 6, and 12 where code requires a 2.6 foot side yard setback, and 0 feet for interior walls on lots 2, 3, 4, 5, 8, 9, 10, 13, 14, and 15 where code requires a 2 foot side yard setback, and 0 feet for interior walls on lots 7, 11, and 16 where code requires a 2.1 foot side yard setback.

M. Variation to Chapter 28, Section 5.1-7.6, Required Minimum Yards, to allow a side yard setback of 0 feet for outer walls on lots 7, 11, and 15 where code requires a 2.1 foot side yard setback, and 4.3 feet for outer walls on lots 1 and 6 where code requires a 2.6 foot side yard setback, and 4.6 feet for outer walls on lot 12 where code requires a 2.6 foot side yard setback.

Mr. Terrence Ennes and Members of
the Plan Commission of the
Village of Arlington Heights
June 20, 2019
Page 4

- N. Variation from Chapter 28, Section 5.1-7.6, Required Minimum Yards, to allow a rear yard setback of 0 feet for lots 1 through 16 where code requires a 30-foot rear yard setback.**
- O. Variation to Chapter 28, Section 5.1-7.7, Maximum Building Lot Coverage, to allow approximately 291% building lot coverage for lots 2 and 15, approximately 290% building coverage for lots 3 and 8, approximately 287% building lot coverage for lot 16, approximately 284% building lot coverage for lots 7, 11, 13, and 14, and approximately 283% building lot coverage for lots 4, 5, 9, and 10 where code allows a maximum building lot coverage of 200% on all lots.**
- P. Variation to Chapter 28, Section 5.1-7.11, Maximum Floor Area Ratio, to allow approximately 73% F.A.R. on lot 1, approximately 74% F.A.R. on lot 12, approximately 75% F.A.R. on lot 6, approximately 84% F.A.R. on lots 4, 5, 9, 10, and 14, approximately 85% F.A.R. on lot 13, approximately 87% F.A.R. on lots 7 and 11, approximately 88% F.A.R. on lots 2, 3, 8, and 16, and approximately 89% F.A.R. on lot 15 where code allows a maximum F.A.R. of 55% on all lots.**

- 1. The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.*

The proposed use is completely in line with the Downtown Master Plan for attached dwelling units at this site. All surrounding uses and zoning of nearby are very compatible.

- 2. 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.*

The property has been vacant for a long time. The subject property is in the transitional portion of the Downtown Business District to residential uses south and west. Previous higher density projects were not welcomed by the neighbors and the owner was able to find a nationally renowned developer to develop 16 rowhomes.

- 3. The proposed variation is in harmony with the spirit and intent of this Chapter.*

It is the intention of the Village Zoning Code “[t]o protect the character and stability of the residential, business and manufacturing areas within the Village and to promote the orderly



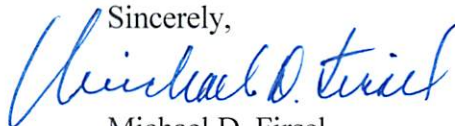
Mr. Terrence Ennes and Members of
the Plan Commission of the
Village of Arlington Heights
June 20, 2019
Page 5

and beneficial development of such areas.” This project promotes the orderly and beneficial development consistent with the unique nature of this and the neighboring properties.

4. *The variance requested is the minimum variance necessary to allow reasonable use of the property.*

In order to make the project financially feasible and viable, no less than 16 residential rowhome units will work. As a result the multi-family nature of the attached units and the location of the buildings on the small site is necessary.

Should you require and further information or clarification, please do not hesitate to contact the undersigned.

Sincerely,

Michael D. Firsell