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## VILLAGE OF HOFFMAN ESTATES PLANNING AND ZONING COMMISSION STAFF REPORT

**PROJECT NUMBER:** PLN23-0026  
**PROJECT NAME:** Residential Deck Replacement  
**ADDRESS/LOCATION:** 1680 JEFFERSON RD  
**REQUEST:** Variation for Deck Setback  
**OWNER/APPLICANT:** Daniel Cieslinski  
**PROPERTY SIZE:** 0.23 Acres  
**ZONING / LAND USE:** R-3 One-Family Residential  
**ADJACENT PROPERTIES:** NORTH: R-3 One-Family Residential  
SOUTH: R-3 One-Family Residential  
EAST: R-3 One-Family Residential  
WEST: R-3 One-Family Residential  
**PZC MEETING DATE:** 6/21/2023  
**PUBLIC HEARING:** YES  
**STAFF ASSIGNED:** Kevin Anderson, Associate Planner

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### REQUESTED MOTIONS

Request for a Variation for a deck setback for the property located at 1680 Jefferson Road.

### APPLICABLE CODE SECTION

Section 9-3-6-E-1 of the Zoning Code: Decks a minimum of five feet above grade, as measured at the primary structure, shall be subject to the setback requirements of the principal structure.

### BACKGROUND

The subject property is currently improved with one single-family residence with a related deck located in the interior side yard. The existing deck does not meet the setback requirements for this zoning district. The Petitioner, owner of the property, is seeking to reconstruct the deck in approximately the same location with the same non-conforming setback as existing. The proposal requires a Variation.

### STAFF ANALYSIS

- The subject property is zoned R-3 One-Family Residential. The R-3 zoning district requires a minimum interior side yard setback of ten (10) feet for the principal structure.

- In all residential zoning districts, the Zoning Code requires decks which are greater than 5' above grade to meet the side yard setback requirements of the principal building.
- This deck, as measured at the primary structure, exceeds five feet above grade. It is therefore subject to the setback requirements of the principal building and should maintain a 10-foot side yard setback.
- It is not clear when the deck was built. It was constructed without a permit and within 6' of the side lot line (5.9'). The deck is now in disrepair and the homeowner is seeking to replace it in approximately the same location and with the same setback. The access stairs would be relocated to the rear of the residence.
- It is noted that there are several similar elevated decks in side yards within this neighborhood. In 2020, a similar request for a setback reduction for a deck in a side yard was approved for the property at 740 Hillcrest Blvd.
- The Petitioner has submitted Letters of Awareness from the three neighbors directly affected by this proposal.

### **STANDARDS FOR A VARIATION**

Section 9-1-15 of the Zoning Code – Standards for a Variation - states that the Planning and Zoning Commission shall not recommend the adoption of a proposed variation unless it finds that the variation meets the Standards for Variations as set forth in the Zoning Code. The Planning and Zoning Commission shall not recommend the variation of the regulations of the Code unless it shall first make a finding based upon the evidence presented to it in each specific case that:

- a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;
- b. The plight of the owner is due to unique circumstances;
- c. The variation, if granted, will not alter the essential character of the locality.

For the purpose of implementing the above rules, the Planning and Zoning Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence;

- a. The particular physical surroundings, shape of topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification;
- c. The purpose of the variation is not based exclusively upon a desire to increase the value of the property;
- d. The alleged difficulty or hardship has not been based exclusively upon a desire to increase the value of property;
- e. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- f. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fires, or endanger the public safety, or substantially diminish or impair property values in the neighborhood.

**RECOMMENDED CONDITIONS**

If the Planning and Zoning Commission recommends approval of the request, staff recommends the following conditions be included:

1. The construction shall substantially conform to the approved plans attached as part of this application except as such plans may be changed to comply with Village Codes and Ordinances.
2. A building permit is required and must be obtained within 12 months of the date of approval.

Attachments: Petitioner's Application and Submittal  
Location Map

# 1680 Jefferson Road

PIN: 07-09-211-017-0000



## Legend

 Subject Property

 Parcels



Planning and Transportation Division  
Department of Development Services

June 2023



## VILLAGE OF HOFFMAN ESTATES PLANNING AND ZONING GENERAL APPLICATION

**PROJECT NAME:** 1680 Jefferson Dr. - deck replacement  
**ADDRESS:** 1680 Jefferson Dr.  
**PROPERTY INDEX NO.:** 07-09-211-017  
**PROPERTY ACRES:** 0.25      **ZONING:** R-3 Residential  
**PROJECT DESCRIPTION:** Remove and replace existing deck

### REQUESTS BEING MADE (check all that apply):

Application Type	Subtype	Addendum
<input type="checkbox"/> ANX - Annexation	N/A	N/A
<input type="checkbox"/> MSP - Master Sign Plan	<input type="checkbox"/> New <input type="checkbox"/> Amendment	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> PLAT - Subdivision	<input type="checkbox"/> Non-Residential Preliminary <input type="checkbox"/> Non-Residential Final <input type="checkbox"/> Non-Residential Preliminary/Final	<input type="checkbox"/> Residential Preliminary <input type="checkbox"/> Residential Final <input type="checkbox"/> Residential Preliminary/Final N/A
<input type="checkbox"/> PLAT - Other	Type _____	N/A
<input type="checkbox"/> RPD Amendment	N/A	N/A
<input type="checkbox"/> REZ - Rezoning	From _____ to _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> SPR - Site Plan Review	<input type="checkbox"/> Preliminary Concept <input type="checkbox"/> Preliminary	<input type="checkbox"/> Final <input type="checkbox"/> Preliminary/Final <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> SPA - Site Plan Amendment	<input type="checkbox"/> Staff Review <input type="checkbox"/> Administrative Review	<input type="checkbox"/> Minor Amendment <input type="checkbox"/> Major Amendment <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> SU - Special Use	<input type="checkbox"/> Listed Use (please list) _____	<input type="checkbox"/> Use Not Cited (please list) _____ <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> TA - Text Amendment	<input type="checkbox"/> Subdivision Code <input type="checkbox"/> Zoning Code	<input type="checkbox"/> Other (please list) _____ N/A
<input checked="" type="checkbox"/> VAR - Variation	<input type="checkbox"/> Non-Residential <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Sign	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I. Owner of Record

Daniel Cieslinski

Name		Company	
1680 Jefferson Dr		Hoffman Estates	
Street Address		City	
IL	60169	847-558-9481	dancieslinski@novafp.com
State	Zip Code	Telephone Number	Email

II. Applicant (if not the owner)

owner

Name		Firm/Company	
Daniel Cieslinski		Hoffman Estates	
Street Address		City	
IL.	60169	8475589481	dancieslinski@novafp.com
State	Zip Code	Telephone Number	Email

Applicant's relationship to property: owner

III. Authorized Agent on Behalf of the Owner or Applicant

Name		Firm/Company	
Street Address		City	
State	Zip Code	Telephone Number	Email

IV. Owner Consent for Authorized Representative

It is required that the **property owner or designated representative** be at all requests before the Planning and Zoning Commission (PZC). During the course of the meeting, questions may arise regarding the overall site, site improvements, special conditions to be included in a PZC recommendation, etc. The representative present must have knowledge of the property and have the authority to make commitments to comply with any and all conditions included in the PZC recommendations. Failure to have the owner or designated representative present at the meeting can lead to substantial delays in the hearing process. **If the owner cannot be present at the meeting, the following statement must be signed by the owner:**

I understand the requirement for the owner or an authorized representative to be present at the meeting with full authority to commit to requests, conditions and make decisions on behalf of the owner. I hereby authorize the following person(s)/firm(s) to act on my behalf and advise that he/she has full authority to act as my/our representative.

Daniel Cieslinski

Name/Firm	Name/Firm
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Name/Firm	Name/Firm
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dbaf1fa80 0b11-4ebc-a1ac-530657e12be9

Daniel Cieslinski

Owner Signature

Print Name

#### IV. Acknowledgement(s)

- Owner, applicant and authorized representatives may include other team members (consultants, brokers, tenants, etc.) that may be called upon to present at public meetings before the Planning and Zoning Commission and Village Board.
- Applicant acknowledges, understands and agrees that under Illinois law, the Village President (Mayor), Village Trustees, Village Manager, Corporation Counsel and/or any employee or agent of the Village or any Planning and Zoning Commission member or Chair, does not have the authority to bind or obligate the Village in any way and therefore cannot bind or obligate the Village. Further, Applicant acknowledges, understands and agrees that only formal action (including, but not limited to, motions, resolutions and ordinances) by the Board of Trustees, properly voting in an open meeting, can obligate the Village or confer any rights or entitlement on the applicant, legal, equitable or otherwise.
- Planning and Zoning Commission members and Village Staff often conduct inspections of subject site(s) as part of the pre-hearing review of requests. These individuals will be carrying official Village identification cards that can be shown upon request.

The Owner and Applicant, by signing this Application, certify to the correctness of the application and all submittals.

Owner's Signature: *Daniel Cieslinski*

Owner's Name (Please Print): Daniel Cieslinski

Applicant's Signature: \_\_\_\_\_  
(If other than Owner)

Applicant's Name (Please Print): \_\_\_\_\_

Date: \_\_\_\_\_

#### IV. Application and Document Submittals

All required application materials should be submitted to the Planning & Transportation Division in electronic format via email to [planning@hoffmanestates.org](mailto:planning@hoffmanestates.org). Staff will notify the applicant if full size plan submittals are also required for a particular project review. Submittal requirements can be found in Subdivision Code, Section 10-6 of the Village's Municipal Code.

All applications fees must be paid before the Planning and Zoning Commission can hear any case.

Please contact the Planning & Transportation Division with any questions:

Email: [planning@hoffmanestates.org](mailto:planning@hoffmanestates.org)  
Address: 1900 Hassell Road  
Hoffman Estates, IL 60169  
Phone: (847) 781-2660





## STANDARDS OF VARIATION

Zoning Code Section 9-1-15-C-2 of the Municipal Code requires that the Planning and Zoning Commission shall, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence presented. All standards must be answered in full. A separate piece of paper may be used if more room is required.

1. The particular physical surroundings and shape of topographical conditions of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out. Please provide an explanation.

The new deck will be at the same elevation as the original deck, we are matching the floor level of the kitchen. If we will need to access the deck with a wheel chair in the future, our concerns will this be a trip hazard due to the added step. Sandy's parents are in their 80's and we are in our 60's.

2. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification. Please provide an explanation.

We are replacing the existing deck due to the age. Keeping close to the same footprint, reworking the stairs for safety.

3. The purpose of the Variation is not based exclusively upon a desire to increase the value of the property. Please provide an explanation.

We are matching the kitchen floor and door access for easy wheel chair access in the future.

4. The alleged difficulty or hardship has not been based exclusively upon a desire to increase the value of the property. Please provide an explanation.

We are matching the kitchen floor and door access for easy wheel chair access in the future. Steps will hamper this.

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. Please provide an explanation.

This will not affect any other properties near us.

6. The proposed variation will not impair an adequate supply of light and air to adjacent properties, or substantially increase the congestion in the public streets, or increase the danger of fires, or endanger the public safety, or substantially diminish or impair property values in the neighborhood. Please provide an explanation.

This will not effect access to the back yard thru the existing gate. Nor affect the flow of any water run off for the yards.

# PLAT OF SURVEY

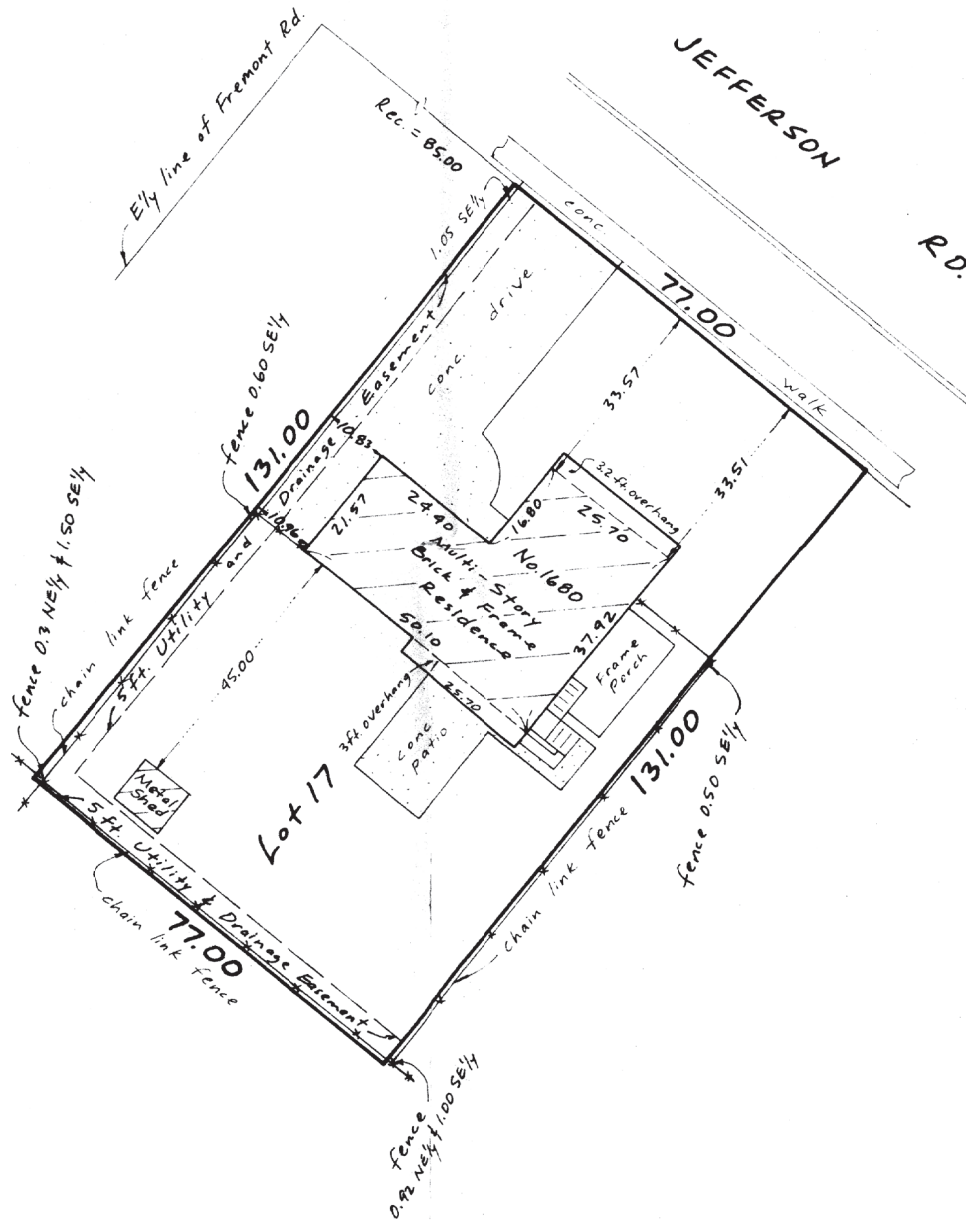
-BY-

(708)  
Phone: 253-6566

## JAMES M. ELLMAN

OF

LOT 17 IN BLOCK 151 IN THE HIGHLANDS AT HOFFMAN ESTATES XIII, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF FRACTIONAL SECTION 4, TOGETHER WITH PART OF THE N.E. 1/4 OF SECTION 9, AND PART OF THE N.W. 1/4 OF SECTION 10, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN SCHAUMBURG TOWNSHIP, COOK COUNTY, ILLINOIS.



Ordered by KEVIN W WRIGHT

Order No 950613

Base Scale 1 inch = 20 feet

Date JUNE 12, 1995

STATE OF ILLINOIS } ss  
COUNTY OF COOK }

I, JAMES M. ELLMAN, do hereby certify that the above described property has been surveyed under my supervision and that the plat hereon drawn is a correct representation of said survey.

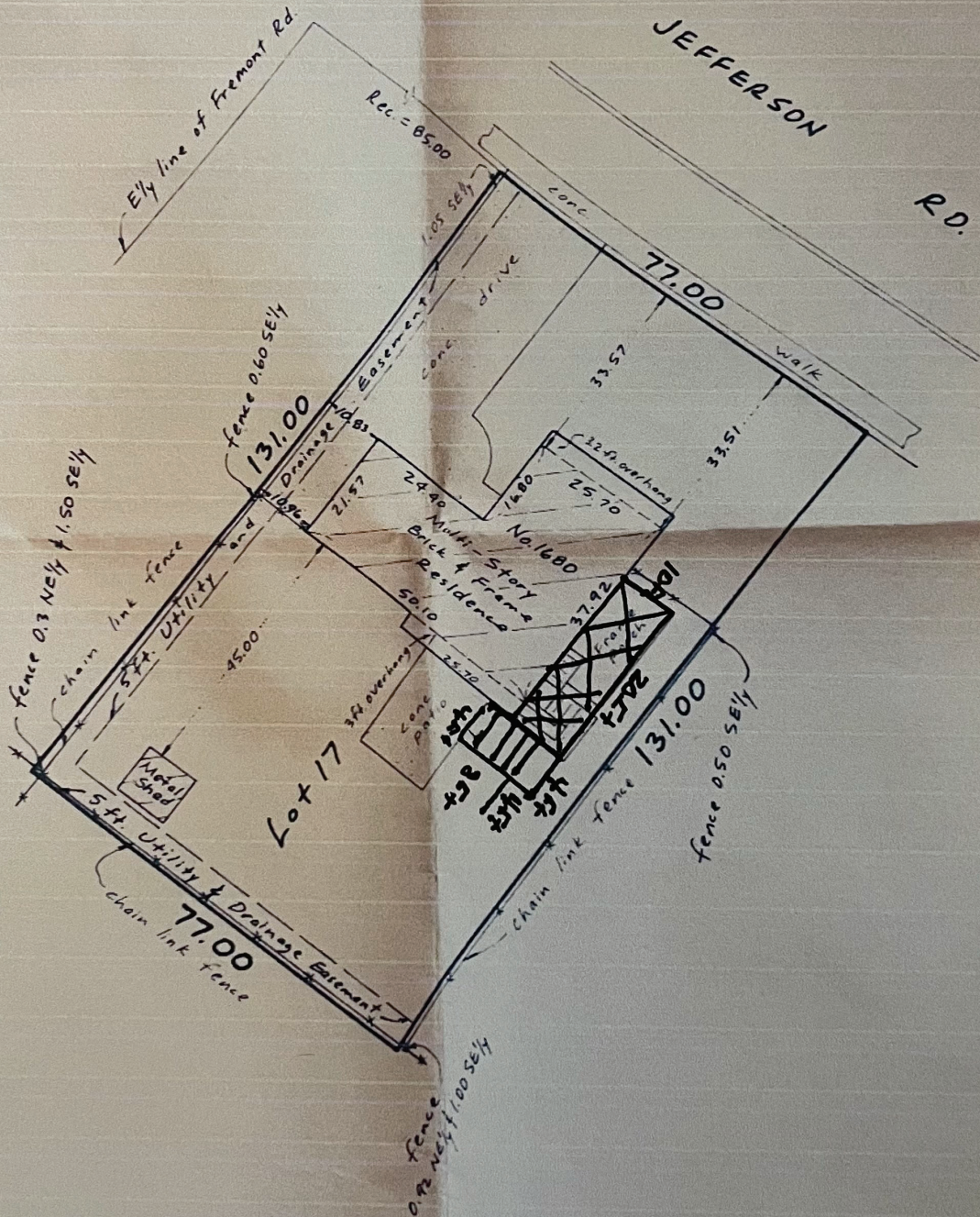
COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE. FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR ABSTRACT, DEED, CONTRACT AND ZONING ORDINANCE.

by James M. Ellman  
ILLINOIS REGISTERED LAND SURVEYOR NO. 35-2168

# JAMES M. ELLMAN

OF

LOT 17 IN BLOCK 151 IN THE HIGHLANDS AT HOFFMAN ESTATES XIII, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF FRACTIONAL SECTION 4, TOGETHER WITH PART OF THE N.E. 1/4 OF SECTION 9, AND PART OF THE N.W. 1/4 OF SECTION 10, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN SCHAUMBURG TOWNSHIP, COOK COUNTY, ILLINOIS.



Ordered by KEVIN W. WRIGHT

Order No 950613

Base Scale 1 inch = 20 feet

Date JUNE 12, 1995

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE, FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN REFER TO YOUR ABSTRACT, DEED, CONTRACT AND ZONING ORDINANCE.

STATE OF ILLINOIS }  
COUNTY OF COOK }

I, JAMES M. ELLMAN, do hereby certify that the above has been surveyed under my supervision and that the correct representation of said survey.

by James M. Ellman  
ILLINOIS REGISTERED LAND

DDT-12-KT  
Simpson Strong Tie

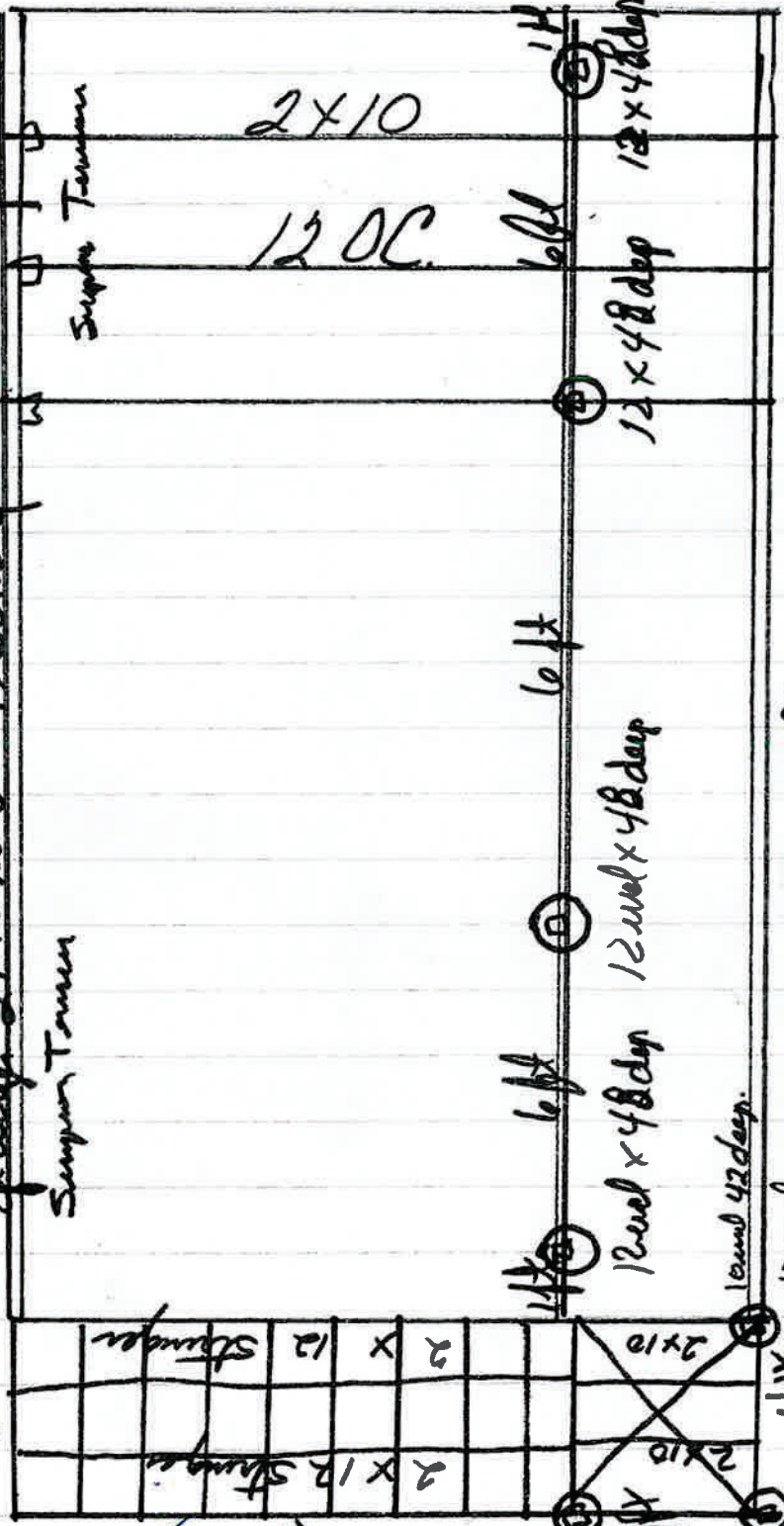
Home

DDT-12-KT  
Simpson Strong Tie

Cement pad

12

2x10 with flashing  
Simpson Tension



4 FT  
4 FT

2 x 12 stringer  
2 x 12 stringer

12x48 deep  
12x48 deep

12x48 deep  
12x48 deep

12x48 deep  
12x48 deep

10x12 post  
10x12 post  
4x4 post

20ft

10x12 post  
4x4 post  
10x12 post  
4x4 post

2x10  
12 OC

Simpson Tension

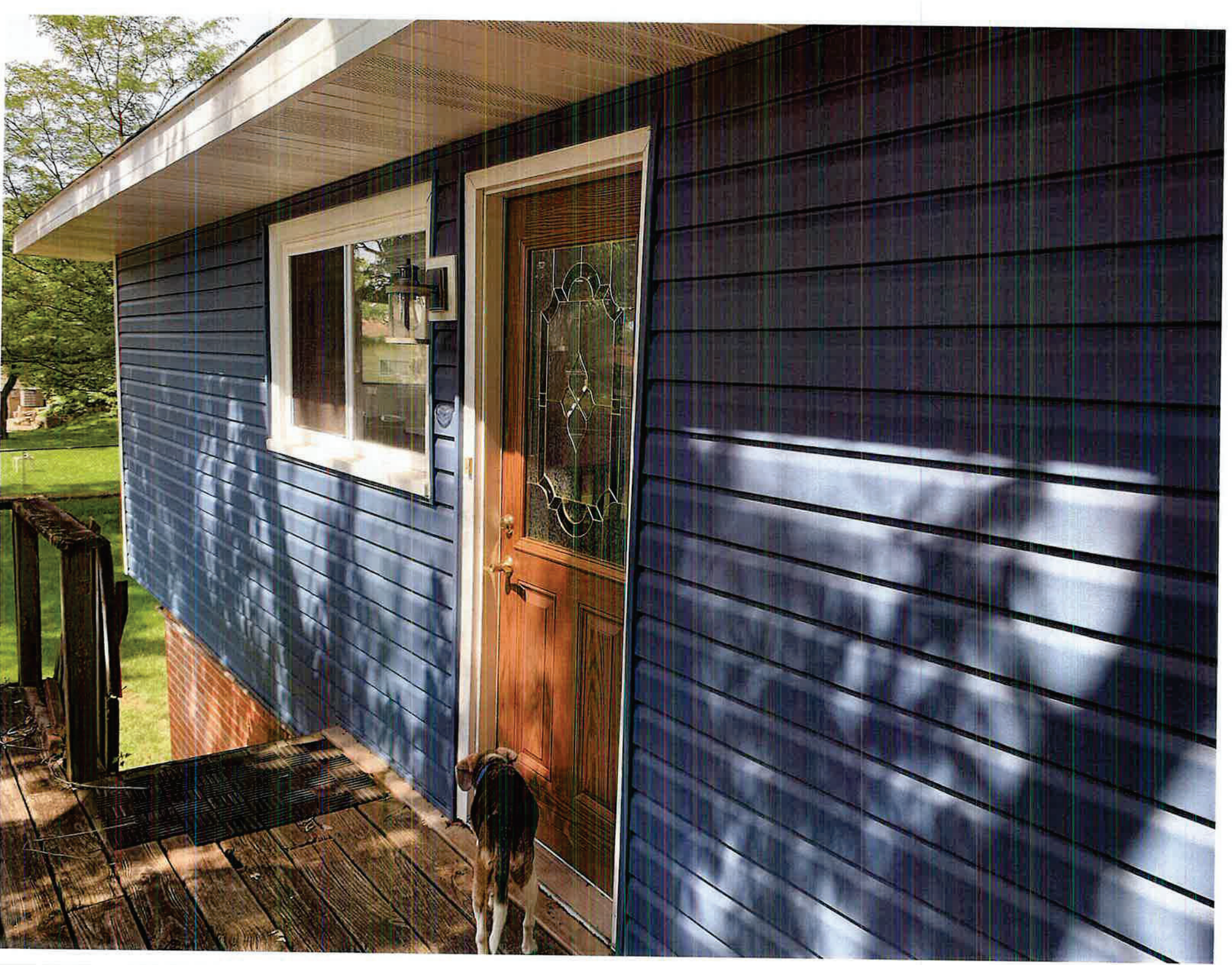
Simpson Tension

4ft



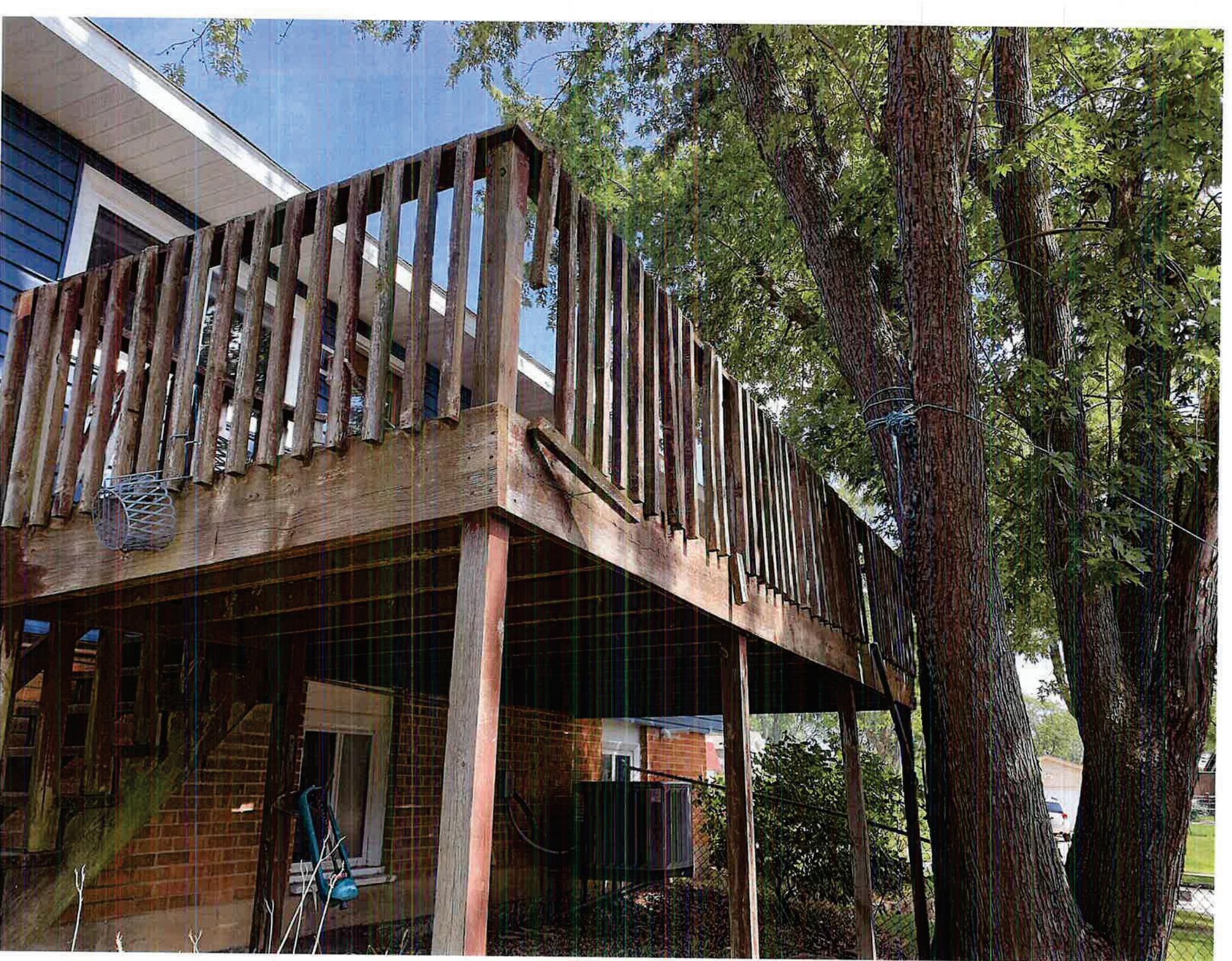












# STATEMENT OF AWARENESS

TO: THE VILLAGE OF HOFFMAN ESTATES  
PLANNING AND ZONING COMMISSION

DATE: 6-5-23

**THIS IS TO CERTIFY THAT THE UNDERSIGNED, BEING A PROPERTY OWNER DIRECTLY AFFECTED, IS AWARE OF THE INTENTIONS OF:**

Daniel Cieslinski

Petitioner Name

1680 Jefferson Rd

Petitioner Address

**TO INSTALL/ERECT/CONSTRUCT A:**

New deck to replace the old deck.

**ON PROPERTY LOCATED AT:**

1680 Jefferson Rd

Address

**HOFFMAN ESTATES, ILLINOIS, AS SO STATED IN THIS PETITION FOR A ZONING VARIATION.**

  
\_\_\_\_\_  
Signature of Property Owner Directly Affected

1670 Jefferson rd.  
\_\_\_\_\_  
Address of Property Owner Directly Affected

This form is to be completed by the property owner directly affected by the petitioner before the Planning and Zoning Commission and submitted with the Residential Variation Application.

The "property owner affected by the petition" may appear and testify for or against the petition. The date and time of the hearing will be mailed to said property owner.

Should assistance be required in determining property owners affected or in obtaining signatures, contact the Planning Division, 847/781-2660.

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TO: THE VILLAGE OF HOFFMAN ESTATES  
PLANNING AND ZONING COMMISSION

DATE: 6-5-23

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Daniel Cieslinski

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Petitioner Name

1680 Jefferson Rd

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Petitioner Address

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**ON PROPERTY LOCATED AT:**

1680 Jefferson Rd

\_\_\_\_\_  
Address

**HOFFMAN ESTATES, ILLINOIS, AS SO STATED IN THIS PETITION FOR A ZONING VARIATION.**



\_\_\_\_\_  
Signature of Property Owner Directly Affected

1710 ISA Rd.

\_\_\_\_\_  
Address of Property Owner Directly Affected

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Daniel Cieslinski

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Petitioner Name

1680 Jefferson Rd

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Petitioner Address

**TO INSTALL/ERECT/CONSTRUCT A:**

New deck to replace the old deck.

**ON PROPERTY LOCATED AT:**

1680 Jefferson Rd

\_\_\_\_\_  
Address

**HOFFMAN ESTATES, ILLINOIS, AS SO STATED IN THIS PETITION FOR A ZONING VARIATION.**

  
\_\_\_\_\_  
Signature of Property Owner Directly Affected

1675 Highland Blvd, Hoffman Ests,  
\_\_\_\_\_  
Address of Property Owner Directly Affected

This form is to be completed by the property owner directly affected by the petitioner before the Planning and Zoning Commission and submitted with the Residential Variation Application.

The "property owner affected by the petition" may appear and testify for or against the petition. The date and time of the hearing will be mailed to said property owner.

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