



## ZONING BOARD OF APPEALS – ZONING VARIATION APPLICATION

Prior to submitting this formal application, contact the Development & Planning Services Department of Northbrook to schedule an optional preliminary application submittal meeting with the Zoning Administrator at least one week prior to the submittal deadline to ensure all materials are included in the submittal, and to address any necessary revisions prior to formal filing. This meeting can be beneficial in saving time and ensuring an initial submittal is filed in its entirety.

The initial submittal **MUST** contain:

**1 electronic version (PDF) of ALL application materials (refer to application section regarding instructions for naming files).**

- Letter of Hardship** inclusive of details pertaining to the requested variation, characteristics of the property that prevents compliance with the Zoning Code requirements and a Statement of Justification addressing all the standards (noted later in this application) for seeking a variation.
- Plat of Survey** (if older than one year include attached affidavit)
- Site Plan and Building Plans** (when applicable) drawn to scale inclusive of all structures and hard surfaces on the property with clearly labeled dimensions for all setbacks from lot lines prepared by a licensed professional.
- Zoning Worksheet** (when applicable)
- Tree Survey** (hand drawing of tree locations on plat of survey can occasionally be accepted)
- Other Exhibits** as may be necessary (photos, letters of support from neighbors, etc.)

### Applicant Information

Legal Name Devin Stites and  
Bachel Arai

Company [REDACTED]

Address [REDACTED]

City, State, Zip Northbrook, IL 60062

Phone No. [REDACTED]

Email [REDACTED]

### Primary Contact Person

Name Devin Stites

Company [REDACTED]

Address [REDACTED]

City, State, Zip Northbrook, IL 60062

Phone No. [REDACTED]

Email [REDACTED]

### Property Information (if more than one parcel is involved in the request please include the information for all parcels)

Site Location/Address: 3970 Sunset Lane, Northbrook

Property Index Numbers: 04-06-401-002-0000

Size of Property: 38,750

(square feet/acres)

Size of Building Space, if applicable: 7,607

(square feet)

Current Zoning: R-2

Current Use of the Property: Empty lot

Is any portion of the property within the 100-year floodplain?<sup>1</sup> Yes:        No: ✓

Requested Variation: Please see attachments

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**Consultants (as applicable)**

**Architect/Consultant**

Name Pawel S. Gibas  
Company Studio G. Architects UK  
Address REDACTED  
City, State, REDACTED  
Phone No. REDACTED  
Email REDACTED

**Other (Attorney/Engineer/etc.)**

Name Mark Balow  
Company Bond Consulting  
Address REDACTED  
City, State, REDACTED  
Phone No. REDACTED  
Email REDACTED

**Statement of Justification**

Every application filed pursuant to Section 2-114 of Article 2 of the Zoning Code shall provide a statement of how the variation sought would satisfy the standards set forth in Subsection 2-114.D of the Zoning Code. The Zoning Board of Appeals will use these standards in making a determination whether or not the proposed variation is appropriate. Please provide a written response for each item below to submit with the formal application; if necessary include an additional document for longer responses.

a. The existing uses and zoning of nearby properties: Please see attachments for all answers

b. The extent to which a particular zoning regulation diminishes property values: REDACTED

c. The extent to which the diminution of the plaintiff's property values promotes the health, safety, morals, or general welfare of the public: REDACTED

d. The balance between the gain to the public versus the hardship to the individual property owner: REDACTED

e. The property's suitability for the zoned purpose: REDACTED

f. The amount of time the subject property has been vacant as zoned in the context of land development in the vicinity: REDACTED

g. The community's need for the proposed use: REDACTED

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**Plat of Survey & Parcel Legal Description(s)**

Attach the most recent plat of survey of the Subject Property, certified by a registered land surveyor, showing existing lot lines and dimensions, lot area, all easements, all public and private rights-of-way, and all streets across and adjacent to the subject property.

**Surrounding Property Owners Addresses**

Please attach the names and mailing addresses of all property owners of record (not tenants) within 250 feet of the property, excluding public rights-of-way, based on current County tax records. Contact Northbrook Zoning Administrator with questions about this process.

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Attach a copy of a title policy or deed showing current ownership of the property. If property is held in a trust, also include a certified copy of the trust agreement or a simple affidavit (under oath before a notary) as to who are the beneficiaries of the trust. *(Check which document(s) are attached):*

Deed  
 Title Policy or Title Commitment  
 Certified Copy of Trust Agreement OR a simple Affidavit Identifying Trust Beneficiaries

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**Site Ownership and Control**

List all legal and beneficial owners and their current mailing addresses:

Devin Stites

Northbrook

Rachel Arai

Northbrook

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**Filing Fees**

All applications require payment of a non-refundable fee, which can be paid in the Development & Planning Services office at the Village Hall or online following a formal application submittal with the Zoning Administrator. The fee payment must be complete to begin the review process.

**Non-Refundable Fee for a Residential Variation is \$350.00**

**Non-Refundable Fee for a Non-Residential Variation is \$600.00.**

**Escrow for a Non-Residential Variation is \$1,000.00.**

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**Northbrook Ethics Code (potential conflicts of interest)**

On a separate sheet of paper list the name, address, nature, and extent of any current or potential interest that any Village officer or employee may have in, or with respect to the owner, the applicant, or the property. **If none, check here:** \_\_\_\_\_

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**Repeat Application**

Has any other application for this property been submitted to the Village and denied within the last two years?

\_\_\_\_\_ yes  no (check one)

If yes, attach a statement of the grounds justifying reconsideration.

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**Applicant/Owner Acknowledgments**

By execution of this application in the space provided below, the Applicant and Owner(s) do hereby certify, acknowledge, agree and affirm to the Village of Northbrook that:

1. The Village and its representatives have the right, and are hereby granted permission and license, to enter upon the property, and into any structures located thereon, for purposes of conducting any inspections that may be necessary in connection with this application.
2. I (We) have carefully read this application, the Northbrook Zoning Code and Northbrook Subdivision & Development Code and fully understand the terms and provisions of each.
3. I (We) waive any rights to exemption from disclosure under the Illinois Freedom of Information Act of any and all documents and information submitted in connection with this application.
4. I (We), in accordance with the requirements of the Annual Fee Ordinance, the Northbrook Zoning Code and the Northbrook Subdivision & Development Code, agree to pay all applicable filing fees and be responsible for the payment of all reimbursable expenses associated with the processing of this application.

Applicants may attach additional materials or exhibits to this application if necessary or helpful in explaining the relief requested.

Signature of Applicant: Devin Stites / Rachel Arai Date 1/22/26

Print Name & Title: Devin Stites / Rachel Arai - Owners

Signature of Property Owner(s): Devin Stites / Rachel Arai Date 1/22/26

Print Name & Title: Devin Stites / Rachel Arai - Owners

**Instructions for Submitting Electronic Files**

When submitting a zoning or subdivision relief application with the Village you must submit **one electronic copy** of your application submittal. When submitting your electronic application materials, we ask that you follow the instructions below.

1. The electronic copy of your submittal should be submitted via email or on a USB flash drive (also known as a memory stick, a clip drive, thumb drive, etc.) submitted directly to staff as pdf attachments and NOT in a zip file or dropbox.
2. **Each electronic file must be submitted as a PDF file cannot be larger than 20 MB.**
3. The files should contain descriptive filenames; for example, landscape plans should be labeled "Landscape Plans – 1-21-16" rather than some internal file naming system such as "LAN 345662-Z". As included in the example of a filename, the filename should also contain the most recent revision date of the file "Landscape Plans – 1-21-16"
4. The files should be organized in a numeric order separate the number from the rest of the file name by a dash (-). For example:
  - 1–Application Form
  - 2–Plat of Survey
  - 3–Site Plan – 1-21-16
  - 4–Landscape Plan – 1-24-16

## Requested Variation

The hardship necessitating the requested variance is not self-created, but instead arises from the location and regulatory treatment of a municipal storm sewer pipe owned, installed, and controlled by the Village of Northbrook.

We respectfully request approval of a variance to permit the proposed new single-family residence on the vacant lot located at 3970 Sunset Lane to be shifted 5.8 feet to the east, resulting in a limited encroachment into the eastern side yard setback. This relief is necessary to address a previously undisclosed storm sewer installation that, while not altering the lot's dimensional standards under the zoning code, imposes substantial and extraordinary construction requirements in order to utilize the full by-right buildable width of the lot as intended by the Zoning Code, thereby creating a practical and economic hardship.

At the time we purchased the property, we were not informed, nor was there any disclosure, that the Village had installed a storm sewer pipe on the lot or that its presence would require substantial additional space or protective measures in order to utilize the full side yard width otherwise permitted by the zoning code. The plot of survey provided at closing did not depict the storm sewer pipe, nor did it identify any conditions or constraints that would necessitate extraordinary construction measures to build within the by-right setbacks. The storm sewer installation occurred in or around 2015, several years prior to our purchase in 2024, and given the passage of time, we reasonably expected that its existence, location, and practical development implications would be accurately reflected on the survey or otherwise disclosed.

Based on the information available at the time of purchase, we retained licensed design professionals and, in good faith, designed a single-family home that fully complied with all known zoning requirements, including the standard ten-foot side yard setbacks measured from the property lines. The home was designed to fit between the recorded easements as shown on the survey and in reasonable reliance on customary zoning interpretations and the materials provided at closing.

It was only after submission of our building permit application that we learned that, in this case, the presence of the Village-owned storm sewer pipe requires additional separation from the pipe in order to protect the infrastructure during construction, as determined by Public Works. While this requirement does not alter the dimensional standards of the Zoning Code, it necessitates a greater distance between the proposed structure and the storm sewer than would otherwise be required when measuring the ten-foot side yard setback from the property line. As applied to the subject property, this requirement would place the proposed structure approximately 4.2 feet from the storm sewer, resulting in a 5.8-foot encroachment into the eastern side yard setback. Accordingly, zoning relief is required to reasonably accommodate the Public Works protection requirement while maintaining compliance with the spirit and intent of the Zoning Code.

Further review of Village records relating to the storm sewer installation, obtained through a Freedom of Information Act request, indicates that the pipe was intentionally placed approximately six feet from the west property line in order to avoid disturbing an existing chain-link fence. The easement documentation expressly states that the "proposed 36-inch storm sewer

will be located six feet from the west property line of the subject property within the easement premises in order to avoid disturbing the existing chain link fence.” The documentation does not reference any required setback measured from the storm sewer itself, nor does it identify any requirement for future structures to maintain a specific separation from the pipe or to implement protective construction measures beyond compliance with standard zoning setbacks measured from the property line. Although the easement documents were executed in or around 2015, they were not reflected on the plot of survey provided at closing and were not otherwise disclosed to the current owners at the time of purchase.

This record confirms that the storm sewer’s placement resulted from a discretionary design decision made by the Village at the time of installation, specifically, to avoid disturbance of a fence, rather than from an unavoidable physical constraint of the property. The resulting condition is unique to this parcel and entirely outside the control of the current owners. Based on the information available at the time of purchase, the owners reasonably relied on the survey, recorded easements, and zoning code standards in designing a code-compliant single-family residence. Had the existence, location, and practical development implications of the storm sewer been disclosed, the home would have been designed differently from the outset.

The requested variance represents the minimum zoning relief necessary to allow development consistent with the by-right dimensional allowances of the Zoning Code, as reasonably expected based on the materials provided at closing, while accommodating Public Works’ infrastructure protection requirements. Absent such relief, the presence of the storm sewer effectively imposes substantial additional costs and constraints that do not apply to similarly zoned properties. Granting the variance will not alter the essential character of the neighborhood, impair adjacent properties, or be detrimental to the public welfare, and will allow the property to be developed in a manner consistent with the intent of the Zoning Code.

