

**City of Prospect Heights
Plan/Zoning Board of Appeals
July 28, 2022**

I. MEETING COMMENCEMENT:

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:00 pm by Chairman Kempa, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois.

II. ROLL CALL:

Present: Chairman Kempa, Commissioners DeGraf, Patel, Saewert and Simmons

Absent: Commissioner Tammen & Rygiel absent by prior notice

Quorum is present.

Present at the meeting: Director of Building & Development Daniel A. Peterson and
Recording Secretary: Jenn Myzia

III. APPROVAL OF April 28, 2022 MINUTES

Motion made by Commissioner DeGraf, seconded by Commissioner Saewert to approve the meeting minutes as is.

ROLL CALL VOTE:

AYES: Commissioners DeGraf, Patel, Saewert, Simmons and Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Motion carried 5:0

IV. OLD BUSINESS: NONE

V. NEW BUSINESS

1. PZBA – Zoning Public Hearing: Case 22-14 V 41 S. Wildwood Dr. – Public Hearing

Applicant: Jan & Monika Warzecha

Address: 41 S. Wildwood Dr., Prospect Heights, IL 60070

Description of Request:

- A. Variation to encroach 10' into the required side yard for garage addition onto a principal structure.

Chairman Kempa requests a motion to open the public meeting for 22-14 V at 7:02 pm

Motion by Commissioner Saewert

Second by Commissioner DeGraf

VOICE VOTE:

AYES: Commissioners Saewert, DeGraf, Patel, Simmons and Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen and Rygiel

ABSTAIN:

Approved 5:0

Director Peterson describes the case being presented.

Chairman Kempa swears in all wishing to testify to this case.

The applicant Jan Warzecha 41 S Wildwood Dr. Prospect Height provides a description of his request.

Tom Weidman 39 S Wildwood Dr., Prospect Heights. Mr. Weidman comes in support of Mr. Warzecha. Mr. Weidman informs that two prior variations have been approved at his property and at 21 S Wildwood Dr.

Director Peterson reads a letter from Timothy Jones, the resident of 43 S. Wildwood Dr. Mr. Jones is in favor of the variance with specified conditions detailed in the letter. This letter will be known as Exhibit 11.

The commissioners ask questions to the applicant.

Chairman Kempa requests a motion to close the public meeting for 22-14 V at 7:12 pm

Motion by Commissioner Saewert

Second by Commissioner Patel

VOICE VOTE:

AYES: Commissioners DeGraf, Saewert, Simmons, Patel and Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Approved 5:0

Public Hearing is closed.

Chairman Kempa requests a motion to receive into the public record the exhibit which will be known as Exhibit 11 presented this evening.

Motion by Commissioner DeGraf

Second by Commissioner Simmons

ROLL CALL:

AYES: Commissioners Patel, Saewert, DeGraf, Simmons & Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Approved 5:0

Chairman Kempa requests a motion to recommend that City Council approve case 22-14 V a variation to encroach 10' into the required side yard for a garage addition onto a principal structure with the following conditions:

- No windows or doors on the west elevation of the garage to protect the bedrooms of the neighbors at 43 S. Wildwood from light infiltration.
- No exterior lighting on the west elevation.
- The remaining 5' remains a maintained no parking area, unobstructed, unpaved with proper drainage.
- The exterior of the addition is brick to match the existing structure.

Motion by Commissioner Saewert
Second by Commissioner Patel

ROLL CALL:

AYES: Commissioners Simmons, Patel, DeGraf, Saewert & Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Approved 5:0

This case will appear before City Council on August 22, 2022

**2. PZBA – Zoning Public Hearing: Case No. ZBA 22-16 V 113 Garden Lane. –
Public Hearing.**

Applicant: Robert & Ewelina Losiewicz

Address: 113 Garden Lane, Prospect Heights, IL 60070

Description of Request:

- A. Variation to allow a reduction on the front, side and rear yard setback from 5' to 0' for a driveway extension.

Chairman Kempa requests a motion to open the public hearing for 22-16 V at 7:17 pm

Motion by Commissioner Patel

Second by Commissioner Saewert

VOICE VOTE:

AYES: Commissioners DeGraf, Simmons, Saewert, Patel and Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Approved 5:0

Chairman Kempa swears in all wishing to testify to this case.

Director Peterson describes the case to be presented.

Robert Losiewicz, 113 Garden Lane Prospect Heights presents his case.

The commissioners question Mr. Losiewicz.

Dale Fochs, 2 Garden Ct., Prospect Heights, supports the request for variance.

Chairman Kempa swears in the next witness.

John Soto, 36 N Wildwood Dr., Prospect Heights.

Chairman Kempa requests any further questions or comments from the commissioners and or public.

Chairman Kempa requests a motion to close the public hearing for 22-16 V SU V at 7:31 pm

Motion by Commissioner Saewert

Second by Commissioner DeGraf

VOICE VOTE:

AYES: Commissioners Patel, Simmons, Saewert, DeGraf and Chairman Kempa
NAYS:
ABSENT: Commissioner Tammen & Rygiel
ABSTAIN:
Approved 5:0

Public Hearing is closed.

Chairman Kempa asks for discussion from the commissioners.

Chairman Kempa requests a motion to receive into the public record the staff review of the zoning compliance for the application 22-16 V with the zoning standards as presented by staff and to make these standards a part of the official record of this application.

Motion by Commissioner DeGraf
Second by Commissioner Saewert

VOICE VOTE:

AYES: Commissioners Simmons, Saewert, DeGraf, Patel & Chairman Kempa
NAYS:
ABSENT: Commissioner Tammen & Rygiel
ABSTAIN:
Approved 5:0

Chairman Kempa requests a motion to recommend that City Council approve the application 22-16 V for a variation to allow a reduction on the front, side and rear yard setback from 5' to 0' for a driveway extension.

Motion by Commissioner Patel
Second by Commissioner Saewert

ROLL CALL:

AYES:
NAYS: Commissioners Saewert, Patel, DeGraf, Simmons & Chairman Kempa
ABSENT: Commissioner Tammen & Rygiel
ABSTAIN:
Approved 0:5

This case will appear before City Council on August 22, 2022

3. PZBA – Zoning Public Hearing: Case No. ZBA 22-15 V 111 Garden Lane. – Public Hearing.

Applicant: Darius Supinski & Agata Szczukowska
Address: 111 Garden Lane, Prospect Heights, IL 60070

Description of Request:

- A. Variation to encroach from 5' to 0' Side Yard Setback for a driveway encroachment.

Chairman Kempa requests a motion to open the public hearing for 22-15 V at 7:47 pm

Motion by Commissioner DeGraf
Second by Commissioner Saewert

VOICE VOTE:

AYES: Commissioners Saewert, Patel, DeGraf, Simmons and Chairman Kempa
NAYS:
ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:
Approved 5:0

Director Peterson describes the case to be presented.

Chairman Kempa swears in all wishing to testify to this case.

Agata Szczykowska, 111 Garden Lane, Prospect Heights presents the case.

Discussion in regard to maintaining the non-conforming condition and status of legal non-conforming issues takes place.

The Zoning Board discusses continuing the case for legal opinion on interpretation of the zoning code.

Chairman Kempa requests a motion to continue the public hearing for 22-15 V at 7:56 pm

Motion by Commissioner Saewert

Second by Commissioner Patel

VOICE VOTE:

AYES: Commissioners Simmons, DeGraf, Saewert, Patel and Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Approved 5:0

Public Hearing will be continued on August 25, 2022.

4. PZBA – Zoning Public Hearing: Case No. ZBA 22-18 SU 17 S. Wolf Rd. – Public Hearing.

Applicant: Elidia Mejia

Address: 2075 Birch St., Des Plaines, IL 60018

Description of Request:

A. Special Use to operate a sit down restaurant in the B-1 Retail District.

Chairman Kempa requests a motion to open the public hearing for 22-18 SU at 7:58 pm

Motion by Commissioner Saewert

Second by Commissioner Patel

VOICE VOTE:

AYES: Commissioners DeGraf, Patel, Simmons, Saewert and Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Approved 5:0

Chairman Kempa swears in all wishing to testify to this case.

Director Peterson describes the case to be presented.

Nelson Sosa, 2646 W. Gregory 2W, Chicago, IL 60625 – translator, realtor, advisor and accountant for the applicant.

Elidia Mejia, 2075 Birch St., Des Plaines, IL 60018 applicant. Presents her case with Mr. Sosa translating.

Gabriel Lopez, 2075 Birch St., Des Plaines, IL 60018 husband to the applicant assists Ms. Mejia in presenting the case.

The commissioners ask questions to the applicant.

Chairman Kempa asks if anyone from the public wishes to speak.

Chairman Kempa requests a motion to close the public hearing for 22-18 SU at 8:05 pm

Motion by Commissioner DeGraf

Second by Commissioner Patel

VOICE VOTE:

AYES: Commissioners Patel, Saewert, Simmons, DeGraf Kempa and Chairman Kempa

NAYS:

ABSENT: Commissioners Tammen & Rygiel

ABSTAIN:

Approved 5:0

Public Hearing is closed.

The commissioners discuss the paving issues at the shopping center which contains the location of 17 S. Wolf Rd.

Chairman Kempa requests a motion to receive into the public record the staff review of the zoning compliance for the application 22-18 SU with the zoning standards as presented by staff and to make these standards a part of the official record of this application.

Motion by Commissioner Simmons

Second by Commissioner DeGraf

VOICE VOTE:

AYES: Commissioners Simmons, Saewert, Patel, DeGraf & Chairman Kempa

NAYS:

ABSENT: Commissioners Tammen & Rygiel

ABSTAIN:

Approved 5:0

Chairman Kempa requests a motion to recommend that City Council approve the Special Use application to operate a sit down restaurant in the B-1 Retail District with the condition the property owners agree to and comply with the maintenance plan schedule including but not limited to parking lot improvements and repairs.

Motion by Commissioner Saewert

Second by Commissioner Simmons

ROLL CALL:

AYES: Commissioners DeGraf, Simmons, Saewert, Patel & Chairman Kempa

NAYS:

ABSENT: Commissioners Tammen & Rygiel

ABSTAIN:

Approved 5:0

This case will appear before City Council on August 22, 2022

5. PZBA – Zoning Public Hearing: Case No. ZBA 22-17 SU 5 S. Wolf Rd. – Public Hearing.

Applicant: Stanko Kumanovic

Address: 16 E. Old Willow Rd., Apt 401S, Prospect Heights, IL 60070

Description of Request:

A. Special Use approval to operate a sit down restaurant in the B-1 Retail District.

Chairman Kempa requests a motion to open the public hearing for 22-17 SU at 8:11 pm

Motion by Commissioner Saewert

Second by Commissioner Simmons

VOICE VOTE:

AYES: Commissioners DeGraf, Saewert, Simmons, Patel and Chairman Kempa

NAYS:

ABSENT: Commissioners Tammen & Rygiel

ABSTAIN:

Approved 5:0

Chairman Kempa swears in all wishing to testify to this case.

Director Peterson describes the case to be presented.

Stanko Kumanovic, 16 E. Old Willow Rd. 401S, Prospect Heights, IL

Branca Loncar, 9827 N. Lauren Lane, Niles, IL 60714 – translate and assist Mr. Kumanovic.

Ms. Loncar presents the case for Mr. Kumanovic.

The commissioners ask questions of the applicant. The commissioners discuss different aspects of the case.

Chairman Kempa requests a motion to close the public hearing for 22-18 SU at 8:25 pm

Motion by Commissioner DeGraf

Second by Commissioner Simmons

VOICE VOTE:

AYES: Commissioners Patel, Saewert, Simmons, DeGraf and Chairman Kempa

NAYS:

ABSENT: Commissioners Tammen & Rygiel

ABSTAIN:

Approved 5:0

Public Hearing is closed.

Chairman Kempa requests a motion to receive into the public record new Exhibit 10 presented by the applicant and the staff review of the zoning compliance for the application 22-17 SU with the zoning standards as presented by staff and to make these standards a part of the official record of this application.

Motion by Commissioner Saewert

Second by Commissioner Simmons

ROLL CALL VOTE:

AYES: Commissioners DeGraf, Simmons, Patel, Saewert & Chairman Kempa

NAYS:

ABSENT: Commissioners Tammen & Rygiel

ABSTAIN:

Approved 5:0

Chairman Kempa requests a motion to recommend that City Council approve the application 22-17 SU for consideration of a Special Use to operate a sit down restaurant in the B-1 Retail District with the condition of safety improvements being taken care of including but not limited to the soffit and parking lot repairs.

Motion by Commissioner Patel

Second by Commissioner Saewert

ROLL CALL:

AYES: Commissioners Simmons, DeGraf, Saewert, Patel & Chairman Kempa

NAYS:

ABSENT: Commissioners Tammen & Rygiel

ABSTAIN:

Approved 5:0

This case will appear before City Council on August 22, 2022

VI. Public Comment

VII. Previous Application Updates

VIII. Communications

A. There will be a ZBA meeting on August 25, 2022

IX. Adjournment 8:41 pm

Motion to Adjourn: Chairman Kempa

Second: Commissioner Patel

ROLL CALL:

AYES: Commissioners Saewert, Patel, DeGraf, Simmons and Chairman Kempa

NAYS:

ABSENT: Commissioners Tammen & Rygiel

ABSTAIN:

Approved 5:0