

**City of Prospect Heights
Plan/Zoning Board of Appeals
July 27, 2023**

I. MEETING COMMENCEMENT:

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:01 pm by Chairman Kempa, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois.

II. ROLL CALL:

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

Absent: Commissioner DeGraf is absent by prior notice and Commissioner Rygiel is absent
Quorum is present.

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

III. APPROVAL OF June 22, 2023 MINUTES

Motion made by Commissioner Saewert, seconded by Commissioner Simmons to approve the meeting minutes as corrected.

ROLL CALL VOTE:

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

NAYS:

ABSENT: Commissioner DeGraf and Rygiel

ABSTAIN:

Motion carried 5:0:2:0

IV. OLD BUSINESS:

1. PZBA Case No. 23-06 V – Public Hearing

Applicant: Joy Quisano

Address: 414 Kerry Ct. Prospect Heights, IL 60070

Description of Request:

Public hearing seeking a variation to Section 5-3-4 G of the City of Prospect Heights Zoning Code to allow a playhouse in the front yard. The existing rear yard is a detention basin for the subdivision and Hintz Rd.

Chairman Kempa requests a motion to re-open the public meeting for 23-06 V at 7:03 pm

Motion by Commissioner Simmons

Second by Commissioner Saewert

VOICE VOTE:

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

NAYS:

ABSENT: Commissioners DeGraf and Rygiel

ABSTAIN:

Approved: 5:0:2:0

Director Peterson states the applicant has withdrawn the case as the daughter has purchased a property and will take the playhouse to the new property therefore the playhouse will be removed on or before September 30, 2023. In the event the playhouse is not removed by the specified date the City will issue the appropriate citations.

Chairman Kempa requests a motion to close the public hearing for 23-06 V at 7:04 pm

Motion by Commissioner Saewert

Second by Commissioner Simmons

ROLL CALL VOTE:

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

NAYS:

ABSENT: Commissioner DeGraf and Rygiel

ABSTAIN:

Approved 5:0:2:0

V. NEW BUSINESS

1. PZBA Case No. 23-10 V – Public Hearing

Applicant: Phillip Kochanski

Address: 910 Sherwood, Prospect Heights, IL 60070

Description of Request:

Public hearing seeking a variation to Section 5-6-1 E5 of the City of Prospect Heights Zoning Code to allow the reduction of the required rear yard setback from 50' to 16.25' for the construction of an addition to his single-family home.

Chairman Kempa requests a motion to open the public meeting for 23-10 V at 7:05 pm

Motion by Commissioner Simmons

Second by Commissioner Mishevski

VOICE VOTE:

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

NAYS:

ABSENT: Commissioners DeGraf and Rygiel

ABSTAIN:

Approved: 5:0:2:0

Director Peterson gives a brief description of the variation request.

Chairman Kempa swears in the applicant.

The applicant, Phillip Kochanski of 910 Sherwood Dr., Prospect Heights, IL 60070 presents his request.

Chairman Kempa asks Director Peterson to elaborate on the rear and side yard setbacks.

Director Peterson explains the definition of the front, back and side yard setbacks according to the current City of Prospect Heights Zoning Code.

Chairman Kempa swears in members of the public who wish to testify.

Sean Clisham of 20 Glenbrook Dr. Prospect Heights, IL 60070 appears in support of the applicant.

Director Peterson confirms with the applicant that the architect designing the addition is the same architect who designed the house during the original construction.

Chairman Kempa and the commissioners ask questions to the applicant including but not limited to the consideration of off-site storage and a detached garage. The commissioners express their concerns with the presented hardship and current design. The commissioners express a concern that if approved the variation stays with the land and not with the current owner. Therefore if there aren't any hard conditions added to this specific request future owners may not use the variance in the way it is initially intended with this request.

Director Peterson states each case is unique due to the neighborhood, the property and the specific request. Ultimately, whether this proposed addition is used as a garage, used for storage or creates living space is somewhat irrelevant, it is the structure in the rear setback that is relevant. The hardship states there is no usable space in the basement because it is a crawl space and an unusable crawl space. There is a low-pitched roof system with no attic space. Therefore, the applicant is trying to maximize the use of the yard.

Chairman Kempa requests a motion to continue the public hearing for 23-10 V at 8:02 pm

Motion by Commissioner Saewert

Second by Commissioner Simmons

ROLL CALL VOTE:

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

NAYS:

ABSENT: Commissioner DeGraf and Rygiel

ABSTAIN:

Approved 5:0:2:0

This case will reappear before the zoning board on August 24, 2023 at 7:00 pm.

2. PZBA Case No. 23-11 V – Public Hearing

Applicant: John Lenz

Address: 307 Viola Lane, Prospect Heights, IL 60070

Description of Request:

Public Hearing seeking a variation to Section 5-6-1 E2 of the City of Prospect Heights Zoning Code to allow the reduction of the required side yard setbacks from 15' to 13'42' on the West and from 15' to 9'10" on the East for the construction of additions to their legal non-conforming structure.

Chairman Kempa requests a motion to open the public meeting for 23-11 V at 8:03 pm

Motion by Commissioner Simmons

Second by Commissioner Patel

VOICE VOTE:

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

NAYS:

ABSENT: Commissioners DeGraf and Rygiel

ABSTAIN:
Approved: 5:0:2:0

Chairman Kempa swears in the applicant.

The applicant, John Lenz of 307 Viola Lane, presents his request.

Director Peterson gives a brief description of the variation request from a staff and zoning perspective.

Chairmen Kempa asks if there is anyone from the public that wishes to testify. Director Peterson reads into evidence an email from Greg and Eileen Stocco of 303 Viola Lane in opposition of the variation request. Director Peterson states this letter will become 23-11V Exhibit 8 once approved into evidence by the commissioners.

Chairman Kempa asks for any other comments or questions.

Chairman Kempa requests a motion to close the public hearing for 23-11 V at 8:07 pm

Motion by Commissioner Saewert

Second by Commissioner Patel

ROLL CALL VOTE:

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

NAYS:

ABSENT: Commissioner DeGraf and Rygiel

ABSTAIN:

Approved 5:0:2:0

The commissioners discuss the merits of the case presented.

Chairman Kempa requests a motion to receive into the public record the evidence & exhibits presented for the application 23-11 V

Motion by Commissioner Saewert

Second by Commissioner Patel

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner DeGraf and Rygiel

ABSTAIN:

Approved 5:0:2:0

Chairman Kempa requests a motion to recommend that City Council approve case 23-11 V, a variation to Section 5-6-1 E2 of the City of Prospect Heights Zoning Code to allow the reduction of the required side yard setbacks from 15' to 13'42" on the West and from 15' to 9'10" on the East for the construction of additions to their legal non-conforming structure.

Motion by Commissioner Simmons

Second by Commissioner Patel

ROLL CALL:

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

NAYS:

ABSENT: Commissioner DeGraf and Rygiel

ABSTAIN:

Approved 5:0:2:0

This case will appear before City Council on Monday August 28 at 6:30pm. A request for waiver of first reading can be submitted due to the unanimous vote.

3. PZBA Case No. 23-12 V – Public Hearing

Applicant: Nick Radakovic

Address: 203 Elm St., Prospect Heights, IL

Description of Request:

Public hearing seeking a variation to Section 5-6-1 E2 of the City of Prospect Heights Zoning Code to allow the reduction of the required setback from 15' to 9.4' for the construction of an addition to their single-family home a legal non-conforming structure.

Chairman Kempa requests a motion to open the public meeting for 23-12 V at 8:10 pm

Motion by Commissioner Saewert

Second by Commissioner Simmons

VOICE VOTE:

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

NAYS:

ABSENT: Commissioners DeGraf and Rygiel

ABSTAIN:

Approved: 5:0:2:0

Chairman Kempa swears in the representative for the applicant, Sebastian Koprowski.

Mr. Koprowski presents the case for the applicant.

Director Peterson gives a brief description of the variation request from a staff perspective.

The commissioners ask questions of the applicant.

Chairman Kempa swears in all members of the public who wish to testify in regard to case 23-12V.

Cynthia Lubecke of 205 Elm St. has concerns about the driveway on the north side of the house that is directly underneath the window of her property. Ms. Lubecke requests the current security light, which shines directly into her windows be redirected post construction. She also brings up privacy concerns in the event the row of yew trees is removed and would like to request either the current landscape privacy fencing be maintained or replaced with something the same height at a minimum.

Chairman Kempa requests a motion to close the public hearing for 23-12 V at 8:24 pm

Motion by Commissioner Saewert

Second by Commissioner Simmons

ROLL CALL VOTE:

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

NAYS:

ABSENT: Commissioner DeGraf and Rygiel

ABSTAIN:
Approved 5:0:2:0

Chairman Kempa states conditions of this case are to bring the driveway back into compliance and the reduction of the light glare as to point down and or away from the neighboring property.

Chairman Kempa requests a motion to receive into the public record the evidence and exhibits presented for the application 23-12 V

Motion by Commissioner Simmons

Second by Commissioner Patel

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner DeGraf and Rygiel

ABSTAIN:

Approved 5:0:2:0

Chairman Kempa requests a motion to recommend that City Council approve the variation of case 23-12V to Section 5-6-1 E2 of the City of Prospect Heights Zoning Code to allow the reduction of the required setback from 15' to 9.4' for the construction of an addition to their single-family home a legal non-conforming structure with the following conditions:

#1 – reduction of light glare on the north side of the building.

#2 – the driveway be brought back into code compliance with a setback of 5' away from the property line.

Motion by Commissioner Saewert

Second by Commissioner Patel

ROLL CALL:

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

NAYS:

ABSENT: Commissioner DeGraf and Rygiel

ABSTAIN:

Approved 5:0:2:0

This case will appear before City Council on Monday August 28 at 6:30pm. A request for waiver of first reading can be submitted due to the unanimous vote.

VI. Public Comment

VII. Previous Application Updates

- A. ZBA 22-03 SU – Bar Salotto 1241 N. Rand Rd. is moving forward opening soon.
- B. ZBA 20-02 SU – 10 E. Camp McDonald, Crown Castle cell tower
- C. ZBA 23-07 V – 1307 Williams Way
- D. Fire update at 1301-1311 N Elmhurst
- E. Update on Zoning Code update

VIII. Communications

- A. Contractor fraud on driveways is at a high level with a company cloning a legitimate contractor out of the St. Charles area by the name of ProVantage
- B. There will be a ZBA meeting on August 24, 2023
- C. Variation recordings are being taken care of.

IX. Adjournment 8:37 pm

Motion to Adjourn: Commissioner Patel

Second: Commissioner Saewert

ROLL CALL:

AYES: Commissioners Saewert, Simmons, DeGraf and Chairman Kempa

NAYS:

ABSENT: Commissioners DeGraf and Rygiel

ABSTAIN:

Approved 5:0:2:0