

**City of Prospect Heights
Plan/Zoning Board of Appeals
October 26, 2023**

I. MEETING COMMENCEMENT:

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:02 pm by Chairman Kempa, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois.

II. ROLL CALL:

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

Absent: Commissioner DeGraf is 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 September 28, 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, Rygiel, Simmons, Mishevski and Chairman Kempa

NAYS:

ABSENT: Commissioner DeGraf

ABSTAIN:

Motion carried 6:0:1:0

IV. OLD BUSINESS:

V. NEW BUSINESS:

1. PZBA Case No. 23-14 V – Public Hearing

Applicant: Marc Stoia

Address: 408 Nawata Pl., Prospect Heights

Description : The petitioner will be seeking the following relief for this project:

1. Variation to Section 5-6-1 E3a to reduce the required 25' corner side yard to 22.2'; and
2. Variation to Section 5-3-4H1f(2) to allow the reduction of the reverse corner side yard from the location equal to the front setback line 35' to 7' of the adjacent property for a distance equal to 35' for a placement of a decorative metal fence.

Chairman Kempa requests a motion to open the public meeting for 23-14 V at 7:04 pm

Motion by Commissioner Simmons

Second by Commissioner Rygiel

VOICE VOTE:

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

NAYS:

ABSENT: Commissioners DeGraf

ABSTAIN:

Approved: 6:0:1:0

Director Peterson describes the case about to be presented.

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

Applicant, Silvia Stoia – 408 Nawata Prospect Heights, IL 60070 – presents the request.

The commissioners ask questions of the applicant.

Rachel Haas – 502 Nawata Pl., opposed. Integrity of the neighborhood and should have known the ordinance.

Donna Hixson – 500 Nawata Pl., opposed. Mrs. Hixson does not want any more fences in the neighborhood. In her opinion there are too many fences already.

John Hixson – 500 Nawata Pl., opposed. Mr. Hixson likes the openness of the neighborhood as it is currently.

The commissioners discuss the merits of the case.

Chairman Kempa asks Director Peterson to clarify the standards for the setback of 25'.

Chairman Kempa requests a motion to close the public hearing for 23-14 V at 7:33 pm

Motion by Commissioner Saewert

Second by Commissioner Simmons

ROLL CALL VOTE:

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

NAYS:

ABSENT: Commissioner DeGraf

ABSTAIN:

Approved 6:0:1:0

Chairman Kempa opens discussion for the commissioners.

Chairman Kempa requests a motion to receive into the public record the evidence & testimony presented for the application 23-14 V

Motion by Commissioner Simmons

Second by Commissioner Mishevski

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner DeGraf

ABSTAIN:

Approved 6:0:1:0

Chairman Kempa requests a motion to recommend that City Council approve case 23-14 V, a variation to Section 5-6-1 E3a to reduce the required 25' corner side yard to 22.2' with the condition that the fence must be decorative, constructed of metal with a maximum height of 5' and 80% open.

Motion by Commissioner Simmons
Second by Commissioner Patel

ROLL CALL:

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

NAYS:

ABSENT: Commissioner DeGraf

ABSTAIN:

Approved 6:0:1:0

Chairman Kempa requests a motion to recommend that City Council approve case 23-14 V, a variation to Section 5-3-4H1f(2) to allow the reduction of the reverse corner side yard from the location equal to the front setback line of 35' to 22.2' of the adjacent property for a distance equal to 35' for a placement of a maximum 5' height, decorative metal fence 80% open.

Motion by Commissioner Simmons
Second by Commissioner Mishevski

ROLL CALL:

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

NAYS:

ABSENT: Commissioner DeGraf

ABSTAIN:

Approved 6:0:1:0

This case will reappear before the zoning board on November 13, 2023 at 6:30 pm.

2. PZBA Case No. 23-16 SUB – Public Meeting / Plan Commission

Applicant: Jack & Elizabeth Van Orden

Address: 1418 E Olive, Arlington Heights, IL 60004

Description: The Van Ordens own the property at 1418 E. Olive Street which is part of Lot 15 in C.H. Taylor's Second Arlington Heights Acres subdivision According to Section 5-3-17 (E2) of the City of Prospect Heights Municipal Code, the owner is required to create a single lot of record for the property.

Director Peterson describes the requirement for the single lot of record.

Chairman Kempa requests a motion to receive into the public record the evidence presented for the application 23-16 SUB

Motion by Commissioner Saewert
Second by Commissioner Simmons

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner DeGraf

ABSTAIN:

Approved 6:0:1:0

Chairman Kempa requests a motion to recommend that City Council approve case 23-16 SUB, which is to create a single lot of record for the property at 1418 E. Olive Street which is part of Lot 15 in C.H. Taylor's Second Arlington Heights Acres subdivision.

Motion by Commissioner Simmons

Second by Commissioner Patel

ROLL CALL:

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

NAYS:

ABSENT: Commissioner DeGraf

ABSTAIN:

Approved 6:0:1:0

This case will reappear before the zoning board on November 13, 2023 at 6:30 pm.

3. Approve 2024 PZBA Regular Meeting Schedule

Chairman Kempa requests a motion to approve the 2024 ZBA meeting schedule Option 1 which moves the meeting day to the fourth Wednesday of the month with the exception of March to be the third Wednesday of the month to accommodate Spring Break.

Motion by Commissioner Patel

Second by Commissioner Saewert

ROLL CALL:

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

NAYS:

ABSENT: Commissioner DeGraf

ABSTAIN:

Approved 6:0:1:0

VI. Public Comment

VII. Communications

VIII. Adjournment 7:52 pm

Motion to Adjourn: Commissioner Simmons

Second: Commissioner Patel

ROLL CALL:

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

NAYS:

ABSENT: Commissioners DeGraf

ABSTAIN:

Approved 6:0:1:0