

**City of Prospect Heights
Plan/Zoning Board of Appeals
January 24, 2024**

I. MEETING COMMENCEMENT:

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:03 pm by Chairman Kempa, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois.

II. ROLL CALL:

Present: Chairman Kempa, Commissioners Mishevski, DeGraf, Saewert, Simmons
and Commissioner Patel with a 2 8:20 pm arrival

Absent: Commissioner 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 December 13, 2023 MINUTES

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

ROLL CALL VOTE:

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

NAYS:

ABSENT: Commissioner Rygiel & Commissioner Patel absent at the time of minutes' approval

ABSTAIN:

Motion carried 4:0

IV. OLD BUSINESS: NONE

V. NEW BUSINESS

1. PZBA – Zoning : Case 24-01 PC – Public Meeting

Applicant: City of Prospect Heights – Director Peterson

Address: 8 N. Elmhurst Rd., Prospect Heights, IL 60070

Description of Request:

- A. Staff report and public comment regarding keeping of chickens in the R-1 Single Family District.

Chairman Kempa requests a motion to open the public meeting for 24-01 PC at 7:04 pm

Motion by Commissioner Simmons

Second by Commissioner Mishevski

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner Rygiel and Patel

ABSTAIN:

Approved 4:0

Chairman Kempa gave a brief description for the purpose of the public meeting for 24-01 PC.

Director Peterson presents the history of the ordinance and the current conditions. Director Peterson reviews the Ordinance Sections that apply to keeping chickens. He explains the chickens and roosters are under the supervision of the Police Department in the Animal Control section of the Code. The chicken coops and housing structures are supervised by the Building Department under the Accessory Structure part of the code. A few of the issues that have been brought to the attention of the City Staff are vermin, noise issues, flock size, smell and enforcement of current codes.

Chairman Kempa opens the meeting to public comment.

The following are the members of the community who spoke. A few members spoke more than once. A few members returned to the podium to answer questions asked by the Zoning Board .

1. Genevieve Charet – 5 Alton Rd. – chicken owner, pro chicken against ban on rooster or capping number of chickens allowed per home.
2. Michael Kromanik – 5 Alton Rd. – chicken owner, pro chicken also states his belief is this is an enforcement issue not an ordinance issue.
3. Nicole Moylan – 108 W Kenilworth – chicken owner, pro chicken, mentions the use of chicken fecal matter as nontoxic fertilizer as well as having control over quality of some of the food for the family.
4. Becky Fuscone – 213 S Maple – chicken owner, pro chicken against restrictive rules
5. Christine Shiel – 103 N Schoenbeck – chicken owner, pro chicken against excessive regulation. Mentions the potential use of a rooster collar.
6. Gary Griesch – 401 Etowah – not a chicken owner pro chicken
7. Cindy Fine – 605 N Elmhurst – chicken owner, pro chicken
8. Randall Brace – 300 Linden Rd N – chicken owner, pro chicken against restrictive regulations, pro enforcement of current codes
9. Tiffany Hinton - 1011 W Wildwood – chicken owner, pro chicken
10. John Bruner – 605 N Elmhurst – chicken owner, pro chicken
11. Maja Wojdalski – 104 W Marion – resources and time of staff to regulate
12. Jaime Weikle – 12 Robert – non chicken owner, pro chicken
13. Grace Martinez – 1213 Highland – chicken owner, pro chicken, benefits of owning chickens, created petition on change.org, pro current code enforcement opposed to additional codes.

Director Peterson poses a question to the public on how the City is to enforce issues in regard to complaints on coops and chickens if there is no registration or regulation when the complaints are submitted.

Mrs. Martinez responds that the coop she has is a mobile structure that is periodically moved to different locations.

Director Peterson states this information can be helpful in regard to a coop being a permitted or non-permitted structure and an aspect in the challenge of code enforcement.

14. Randal Brace asks about reporting with the Department of Agriculture and USDA. Director Peterson responds. Commissioner Saewert asks a question to Mr. Brace in regard to registering chickens.
15. Christine Shiel – 103 N Schoenbeck - questions the need for a local registry since the State already has a registry. Chairman Kempa asks Ms. Shiel how she would handle and how she would like the City to handle a neighbor who constructed a make-shift coop which has been neglected. Ms. Shiel responds.
16. Megan Polus – 600 N Elmhurst – chicken owner, pro chicken
17. Gina Salefski – 15 Robert – chicken owner, pro chicken
18. Sarah Meyer – 504 Grego – chicken owner, pro chicken, does not want number limit on chickens. Mrs. Meyer expressed the need to follow rules as a citizen.
19. Genevieve Charet – 5 Alton Rd. – addresses legality of selling eggs
20. Michael Kromanik – 5 Alton Rd. – beekeeping registration
21. Becky Fuscone – 213 S Maple – against rooster banning. Definition of pet.
22. Christine Shiel – 103 N Schoenbeck – Director Peterson asks about the rooster collar
23. Tiffany Hinton - 1011 W Wildwood – Rooster noise
24. Bella Salefski – 15 Robert – chicken owner, pro chicken
25. Adam Torres – 23 Stonegate – chicken owner, pro chicken, pro rooster
26. Arrik Fuscone – 213 S Maple – chicken owner, pro chicken and rooster
27. Tim Moylan – 108 W Kenilworth – chicken owner, pro chicken
28. Tim Salefski – 15 Robert – chicken owner, pro chicken
29. Revecca Torres – 1200 Sherwood – chicken owner, pro chicken, pro rooster
30. Brett King – 8 W Camp McDonald – non-chicken owner, pro chicken
31. Greg Wojdalski – 104 W Marion – non-chicken owner, pro chicken

Director Peterson asks the public if they are aware of approximately how many homes within Prospect Heights are chicken owners.

The estimated numbers of chicken owning homes is 50-75±. This is an estimated guess.

32. Christine Shiel – 103 N Schoenbeck – requested hiring professional help is additional regulation does become the outcome.
33. Randall Brace – 300 Linden Rd N – speaks to the confusion of the permitted accessory structure codes and potential of impact on currently constructed coops.
34. Grace Martinez – 1213 Highland – raised concerns about restriction on the number of chickens and those already having flocks that could outnumber that potential restriction. Commissioner Saewert asks Mrs. Martinez questions in regard to the animal control ordinance and animals at large. Mrs. Martinez speaks to the emotion of owning chickens.

Commissioner Saewert comments about danger of referring to chickens as pets versus livestock and asks Director Peterson if there is a part of the code that would restrict having a large number of pets.

Director Peterson responds in regard to the animal control ordinance and a brief description of the regulation difference between pets and livestock. No more than 4 pets are allowed.

35. Randall Brace – 300 Linden Rd N – speaks to the containment of chickens with a fence.

Chairman Kempa thanks the public for sharing their knowledge and opinions.

Director Peterson briefly describes the next steps and advises that this topic will return to the planning and zoning board prior to presentation to the City Council.

Commissioner Patel asks the public how to handle chickens during colder weather. Mr. Randall Brace and Ms. Christine Shiel answer.

36. Tiffany Hinton - 1011 W Wildwood – discusses the different breeds of chickens and their weather tolerance and options for chicken owners.

Commissioner Patel asks the public that owns chickens how many chickens they currently have. The public responds with a variety of numbers some which at times have exceeded 70 birds on a property.

Chairman Kempa requests a motion to close the public meeting for 24-01 PC at 9:17 pm

Motion by Commissioner Saewert

Second by Commissioner DeGraf

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner Rygiel

ABSTAIN:

Approved 6:0

Chairman Kempa asks the commissioners to discuss the case presented.

Commissioner Saewert suggests the first course of action is to revisit the current codes and ordinances and to clarify if the following items including but not limited to the number of chickens, the noise, the coops and location of and construction of and chickens running at large are addresses. Commissioner Saewert questions if new rules are needed or the possibility of an informational guideline is sufficient.

Discussions continue including but not limited to the noise ordinance and the enforcement of the already existing ordinance. The creation of an educational handout. The creation of a resident committee. The building and permitting of coops and pens. The potential of zoning approval instead of a permit application with approval. The use of chickens as a business for selling eggs as per the Illinois Cottage Food Law or an approved business by the City of Prospect Heights Ordinance. The potential of including chicken registration on the annual vehicle sticker and pet license renewal. The square footage need per bird. The difference of coop and run.

Chairman Kempa suggests the City Staff research the issue further, look at existing ordinances, weigh them again at the most common complaints, examples of management from other municipalities, the possibility of a group of residents to provide guidance and a recommendation for moving forward to the next step.

Chairman Kempa requests a motion to request City Staff to further research the topic for 24-01 PC per the discussion at this meeting.

Motion by Commissioner DeGraf

Second by Commissioner Saewert

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner Rygiel

ABSTAIN:

Approved 6:0

VI. Public Comment

VII. Previous Application Updates

A. ZBA 23-17 SU, 1313 N Rand Rd. Peri Peri restaurant

VIII. Communications

A. There will be a ZBA meeting in February 2024

IX. Adjournment 10:24 pm

Motion to Adjourn: Commissioner Patel

Second: Commissioner DeGraf

ROLL CALL:

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

NAYS:

ABSENT: Commissioners Rygiel

ABSTAIN:

Approved 6:0:1:0