

**City of Prospect Heights
Plan/Zoning Board of Appeals
March 20, 2024**

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 Mishevski, Simmons, DeGraf, Patel and Rygiel

Absent: Commissioner Saewert 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 February 28, 2024 MINUTES

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

ROLL CALL VOTE:

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

NAYS:

ABSENT: Commissioner Saewert

ABSTAIN:

Motion carried 6:0

VIII. Communications

A. Contractor Fraud announcement by Director Peterson.

IV. OLD 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 opens the continuation to the public meeting for 24-01 PC at 7:16 pm

Director Peterson thanks the public for participating on January 24, 2024. He gives a history of the Ordinances in regard to chickens and the housing of fowl. Director Peterson explains enforcing the current ordinances in regard to animal noise is difficult as the Police or City must witness the offense to be able to issue a violation. Director Peterson explains his research which is presented.

Randall Brace – 300 Linden Rd North, asks what problem is trying to be resolved.

Director Peterson continues describing the research he has done and states he believes there is a way to solve the problem. He reviews some of the comments that have been received including but not limited to

- the possibility of registering chickens with the City
- the possibility of a one-time registration
- registration should not be punitive but for inspection and zoning compliance
- number of birds per lot size, no limitations, set number or graduated scale
- allowances for meat production chickens
- will this include ducks, geese and turkeys
- will roosters be allowed
- will grandfathering be allowed if needed
- the potential use of a crow collar for roosters

Director Peterson states the largest issue is the quality of life for the residents who choose not to own chickens.

At this time, Director Peterson is proposing that properties that have chickens should register with the City. He states registration should take place annually for the purpose of confirming zoning and compliance. The City would like to see the registration with the Illinois Department of Agriculture. Director Peterson states any new chicken owner will comply with the ordinances and codes from the start and in checking with the City's Attorney, any previous owner that did not obtain a permit for a chicken coop/accessory structure is not considered legal non-conforming but are considered non-conforming as the ordinance is already in place for chicken coops and will need to come into compliance.

Director Peterson states he is looking for direction from the Planning and Zoning Board for direction on how to proceed with the Draft Ordinance concerning the ownership of chickens and other fowl.

Chairman Kempa invites the public to comment.

1. Michael Kromanik – 5 Alton Rd. – asks what problem, nuisance or issue do chickens present that is not covered in the existing codes at this time.
2. Randall Brace – 300 Linden Rd N – suggests a graduated remedy scale for noise ordinance in regard to roosters.
3. Becky Fuscone – 213 S Maple – pro rooster, agrees with graduated remedy scale.
4. Lynn Schumacher – 19 S Wildwood – against roosters.
5. Christine Shiel – 103 N Schoenbeck – suggests grandfathering in the coops already in existence and suggests flexibility for those who haven't has any complaints against them. Pro rooster.
6. Nicole Moylan – 108 W Kenilworth – pro rooster. Pro graduated remedy scale suggestion.
7. Linda Kleinschmidt – 410 W Clarendon – against roosters.
8. Joel Steffens – 301 E Clarendon – enforce the codes/ordinances on the books currently.
9. Agnes Wojnarski – 9 E Marion – pro graduated remedy schedule.
10. Randall Brace – 300 Linden Rd N –
11. Jim Kleinschmidt – 410 W Clarendon St - not opposed to chickens, pro licensing of chickens, pro regulation, pro limiting the number of flock, against roosters.

12. Genevieve Charet – 5 Alton Rd – suggests a rooster to hen ratio, bachelor flock, cautions against a prohibitive number of chickens, suggests a poultry advisory board, the possibility of using a sleep box for roosters.

Director Peterson comments on the potential of a sliding scale for the number of chickens per property depending on lot size however, how does that scale get codified versus a set number and standard for structure. He states the number could also be dependent on how much lot coverage space is available for the building of a chicken coop.

Commissioner Simmons asks if consideration for a registration which could be beneficial in eliminating issues.

13. Jim Kleinschmidt – 410 W Clarendon St – is pro grandfathering current flocks that may be larger than the number determined however, once the excess number of chickens dissipates, the flock becomes conforming to the new standard.
14. Becky Fuscone – 213 S Maple – questions what can be done to assist the residents being disrupted by current flock situations.
15. Christine Shiel – 103 N Schoenbeck – suggests beginning with flock registration and coop location and see if that solves issues before setting more restrictive standards.

Director Peterson explains zoning and lot coverage and each lot dependent on size per quarter acre is allocated a specific ratio of accessory structure. He continues to explain if that ratio has already been utilized with accessory structures that property cannot have a larger number of birds in the flock due to requirements for coop space per bird. Director Peterson explains the struggle is listening to what the flock keepers want and what the ordinance allows per lot coverage and other issues and finding the balance for the benefit of the whole.

16. Grace Martinez – 1213 Highland Dr – asks for clarification on the number of birds per square foot due to accessory structure usage.
17. Tiffany Hinton - 1011 W Wildwood – questions if patios and poured concrete are considered lot coverage.
18. Randall Brace – 300 Linden Rd South – discusses seasonal meat birds
19. Grace Martinez – 1213 Highland Dr – asks if the seasonal meat bird could fall under the young animal portion of the ordinance.

Director Peterson suggests the next step would be for the Zoning and Planning Board to give direction to begin a draft ordinance to be reviewed by the public at a later date. He states if there are issues a 911 call is required for the situation to be documented but advises to state it a non-life threatening situation.

Commissioner Mishevski asks if a complainant calls 911 to make a documented case and the noise is heard on the recording, can that be the validated witnessed act.

Director Peterson responds that it cannot be the validated witnessed act. The call is a call for service.

20. Becky Fuscone – 213 S Maple –states gratitude toward the City for wanting to work with the residence.

21. Lynn Schumacher – 19 S Wildwood – expresses gratitude for the City and the encouragement to verbalize her perspective of the situation.

Chairman Kempa requests staff to draft an ordinance within 60 days for case 24-01 PC at 10:01 pm

Motion by Commissioner DeGraf

Second by Commissioner Patel

ROLL CALL VOTE:

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

NAYS:

ABSENT: Commissioner Saewert

ABSTAIN:

Approved 6:0:1:0

V. NEW BUSINESS:

Chairman Kempa requests a vote at 10:04 pm to move the April Planning/Zoning Board of Appeals meeting from Wednesday April 24, 2024 to Thursday April 25, 2024 at 7:00 pm.

Motion by Commissioner DeGraf

Second by Commissioner Simmons

ROLL CALL VOTE:

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

NAYS:

ABSNT: Commissioner Saewert

ABSTAIN:

Approved: 6:0:1:0

VI. Public Comment

VII. Updates

1. 24-02 V received unanimous vote from City Council for approval.
2. Deputy Clerk announcement
3. Cook County Economic Interest for Board Members deadline is May 1, 2024
4. There will be a meeting on April 25, 2024 at 7:00 pm

IX. Adjournment 10:13 pm

Motion to Adjourn: Commissioner Patel

Second: Commissioner DeGraf

ROLL CALL:

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

NAYS:

ABSENT: Commissioner Saewert

ABSTAIN:

Approved 6:0:1:0