

**City of Prospect Heights  
Plan/Zoning Board of Appeals  
July 22, 2025**

**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, Rygiel, Simmons and Mishevski

Absent:

Quorum is present.

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

Pledge of Allegiance

**III. APPROVAL OF June 25, 2025 MINUTES**

Motion made by Commissioner DeGraff seconded by Commissioner Saewert to approve the meeting minutes with corrections.

**ROLL CALL VOTE:**

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

NAYS:

ABSENT:

ABSTAIN:

Motion carried 7:0

**IV. Old Business:**

**1. PZBA Case #25-06 V – Public Hearing**

Applicant: Mitchell P. Ejnik, Owner

Address: 407 Dorset St., Prospect Heights, IL 60070

**Description of Request:** Consideration of a variation to Section 5-3-9 A to reduce the setback for a detached garage from 120' from the front property line to 49.93' for the construction of a detached garage in the City's R-1 Single Family Residential District.

Chairman Kempa requests a motion to re-open the public meeting for 25-06 V at 7:03 pm

Motion by Commissioner Saewert

Second by Commissioner DeGraf

**VOICE VOTE:**

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

NAYS:  
ABSENT:  
ABSTAIN:  
Approved: 7:0

Mr. Ejnik states his understanding of the continuance was to look for options to attach the structure to the main residence.

Director Peterson confirms the purpose of the continuation was to look for options to attach the garage to the main structure to alleviate the need for the variation request. He states after a thorough review of the zoning code and the building code as they apply to the structure.

- Option one is to connect to the house by a form of garden wall/elevated knee wall to create a court. Under the definitions of the zoning code, that structure does not meet the requirements of a primary structure. Therefore, option one of a garden court wall would not satisfy the requirement.
- Option two is to construct a roof system spanning from the house to the proposed garage with utilization of the foundation of the house and the foundation of the wall to carry the roof. After a review of the zoning code, the roof segment would cover an area that has no functionality as part of the primary structure, it is ancillary to the primary use of the house. Neither option would be considered a primary use or approved.
- Next, if the proposed garage was allowed to be considered part of the primary structure, the primary structure would increase and be larger than the required lot coverage of the code which would cause another request for variation. Substituting one variation for another is not allowed as the initial request must be addressed as applied for.
- In review of the building code section R303.2 of the residential code, you can draw natural light and ventilation from an adjoining room however there are requirements for the primary structure. There has to be the required amount of square footage directly communicated between the two rooms and this would require significant construction to the house and then still will not lend itself to being a primary part of the house. This will not alleviate there being an open area between the proposed garage and the primary house structure.

Commissioner Saewert asked Director Peterson to address the concern that this case could set a precedent.

Director Peterson stated after confirming with City Attorney Hess a variation granted for another hardship in another situation cannot be used on a new application. Each case must be evaluated on the conditions presented for that case and that case alone, one variation case approval does not set a precedent for any future variation request.

Mr. Ejnik states to his understanding he has satisfied nine out of ten requirements for variation approval. The one requirement that may not be satisfied is how the garage may affect the character of the neighborhood. Mr. Ejnik created an end product photo of how the property should look post construction if approved. The exhibit shows the proposed garage to match the house. This shall be entered into evidence as exhibit 12.

Chairman Kempa asks for a description of the hardship for this case.

Mr. Ejnik states the hardship is the 120 ft setback requirement would place this garage in the middle of his current house or in the backyard. He states when there is heavy rain, his backyard pools with water. He does not want to place the garage in the backyard to not allow the rainwater to soak into the existing ground and to also cause water displacement towards his neighbors in the back and to the west. In addition, to place a garage in the back of the house would require a driveway on the side of the house for access which is another place that would cause water displacement issues to the neighboring properties.

Director Peterson states the area between Schoenbeck Rd, Dale and Rand Rd is a high priority storm water management area. It has been documented in the Christopher Burke Engineering Study which is the basis for the Prospect Heights Master Plan for storm water management work is the next highest priority as the City finished up the Arlington Countryside East project. The City has engaged Gewalt Hamilton to do preliminary work required to obtain grants that would help assist as the City does not have the funds to do this project at this time. Based on the area being a known storm water hardship placing the garage in the backyard would divert the overland water to the neighbors thus causing a negative impact to the neighbors which is why he believes this standard has been met.

Mr. Ejnik states it is his understanding that the area he is requesting to build the garage is within all the setbacks.

Chairman Kempa asks Director Peterson to clarify that it is not against the code to place the garage in the back but that he, Director Peterson would not recommend it.

Director Peterson states it would have to be designed so that it would not create a negative impact. Additionally, it would have to be designed to reduce or eliminate the potential for deterioration from excess contact with water. Director Peterson explains in reviewing the plat of survey the area in which the proposed garage would be placed has been designed as a dedicated swale between two properties to take the water from the midpoint of the yard to the back and in the front drain toward the front drainage ditch. Any driveway, access and or impairment could potentially impact the storm flow.

Director Peterson states this is a half-acre lot but an additional hardship is the depth of the lot is only 187.5 ft. and width is 115 ft. and therefore does not have the benefit of a standard yard. The house was also built toward the back of the buildable area creating a larger front yard. The attached garage is set back 49.93 ft. and the standard zoning lot the front set back is 40 ft.; therefore, this structure is set further back accentuating the limited area in the rear yard which impacts the storm water flow. The only request of this variation is to reduce the setback of an accessory structure from 120 ft. to 50 ft. to be in line with the existing attached garage line which is still within the buildable area of the lot.

Mr. Ejnik states the front garage lines would mirror each other and utilize the existing driveway.

Commissioner Saewert asks Mr. Ejnik to explain the property rendering he submitted as exhibit 12.

Chairman Kempa asks for any other questions to the applicant.

Chairman Kempa asks for any other public comments towards this case.

Chairman Kempa requests a motion to close the public meeting for 25-06 V at 7:24 pm

Motion by Commissioner Saewert  
Second by Commissioner Patel

VOICE VOTE:

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

NAYS:

ABSENT:

ABSTAIN:

Approved: 7:0

The commissioners discuss the case.

Chairman Kempa requests a motion to accept into public record the evidence, exhibit 12 & 13 and testimony presented this evening for case 25-06 V.

Motion by Commissioner DeGraff

Second by Commissioner Simmons

ROLL CALL:

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

NAYS:

ABSENT:

ABSTAIN:

Approved 7:0

Chairman Kempa requests a motion to recommend that City Council approve case 25-06 V for the consideration of a variation to Section 5-3-9 A to reduce the setback for a detached garage from 120' from the front property line to 49.93' for the construction of a detached garage in the City's R-1 Single Family Residential District with the condition that the applicant match the existing home exterior as depicted in exhibit 12.

Motion by Commissioner DeGraf

Second by Commissioner Saewert

ROLL CALL:

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

NAYS: Commissioners Patel & Simmons

ABSENT:

ABSTAIN:

Approved 5:2

This case will be presented to City Council on August 25, 2025

**V. New Business:**

**1. PZBA Case #25-08 V – Public Hearing**

Applicant: Kyle and Alina Burson, Owner

Address: 13 South Parkway, Prospect Heights, IL 60070

**Description of Request:** Consideration of a variation to Section 5-3-94 G: Lot Coverage to allow construction on a 400 sq. ft. accessory structure (pergola) larger than 200 sq. ft. allowed.

Chairman Kempa requests a motion to open the public meeting for 25-06 V at 7:31 pm  
Motion by Commissioner Simmons  
Second by Commissioner Mishevski

VOICE VOTE:

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

NAYS:

ABSENT:

ABSTAIN:

Approved: 7:0

Chairman Kempa swears in the applicants Kyle and Alina Burrson.

Mrs. Burson describes the variation request of a pergola and states they are willing to forgo a 3 car garage in order to have a pergola.

Mr. Burson submits the returned green cards from the certified mailing.

Chairman Kempa states he did not know a pergola was not an allowed accessory structure.

Director Peterson states this is one of the items that is part of the current updating and modernization of the zoning code.

Director Peterson reviews the literal reading of the ordinance pertaining to this case and a garage is allowed but a pergola is prohibited. The current accessory structure allowances which include a detached garage up to 720 sq. ft, and a garden shed up to 200 sq. ft., and one additional ancillary shed up to 80 sq. ft.

Commissioner Saewert asks for a correction of address on Exhibit 6.

Chairman Kempa asks the applicants if they are willing to have the condition upon approval that the 400 sq. ft. pergola replaces the 720 sq. ft. detached garage accessory structure.

Chairman Kempa asks if there are any more questions.

Chairman Kempa requests a motion to close the public hearing for 25-08 V at 7:42 pm  
Motion by Commissioner Patel  
Second by Commissioner DeGraf

ROLL CALL VOTE:

AYES: Commissioner Simmons, Mishevski, Rygiel, Saewert, DeGraf, Patel and Chairman Kempa.

NAYS:

ABSENT:

ABSTAIN:

Approved 7:0

The commissioners discuss the case presented.

Chairman Kempa requests a motion to accept into the public record the evidence presented this evening for case 25-08 V.  
Motion by Commissioner Patel

Second by Commissioner DeGraf

ROLL CALL:

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

NAYS:

ABSENT:

ABSTAIN:

Approved 7:0

Chairman Kempa requests a motion to recommend that City Council approve case 25-08 V for the consideration of a variation to Section 5-3-94 G: Lot Coverage to allow construction on a 400 sq. ft. accessory structure (pergola) larger than 200 sq. ft. allowed with the condition that the property will not be allowed a detached garage of 720 sq. ft.

Motion by Commissioner Simmons

Second by Commissioner Patel

ROLL CALL:

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

NAYS:

ABSENT:

ABSTAIN:

Approved 7:0

This case will be presented to City Council on August 25, 2025

**VI. Public Comment – Non-Agenda Items**

**VII. Previous Application Updates**

1. 10 E Camp McDonald – cell tower

**VIII. Communications** – there will be an August ZBA meeting

2. 109 South Parkway
3. 200 Pine
4. 1025 N Rand Rd.
5. 211 S Elmhurst
6. 3.5 acre Camo McDonald land

**IX. Adjournment**

Chairman Kempa requests a motion to adjourn at 7:59 pm

Motion by Commissioner DeGraf

Second by Commissioner Saewert

VOICE VOTE:

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

NAYS:

ABSENT:

ABSTAIN:

Approved: 7:0