

**City of Prospect Heights
Plan/Zoning Board of Appeals
February 27, 2014**

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:00 pm by Chairman Weidman, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois.

ROLL CALL:

Present: Commissioners Tammen, Dash, Wyatt, Frank-Watson and Chairman Weidman
Absent: Commissioner Jones, Roscoe (By Prior Notice)

Present at the meeting: Director of Building & Zoning Steve Skiber, Assistant Director of Building & Zoning Steve Cutaia and Administrative Assistant Julie Malik-Mordian.

APPROVAL OF January 23, 2014 MINUTES

Motion made by Commissioner Tammen, seconded by Commissioner Dash, to approve the meeting minutes from January 23, 2014 as presented. The motion was approved by a roll call vote.

ROLL CALL VOTE:

AYES: Commissioners Dash, Tammen, Wyatt and Chairman Weidman
NAYS: None
ABSENT: Commissioner Jones, Roscoe
ABSTAIN: Commissioner Frank-Watson
Motion carried.

Case No. 14-03V

Applicant: Elvis Dardon
Address: 101 W. Hintz Rd
Reason: Construction of a front porch 5'x 17' 10.01 into 40' setback construction of 6ft high wood fence encroaching 10.04' into 40ft front yd setback, and into the 35' front corner setback and 17'6" into the 25ft side yard setback.

Chairman Weidman entered the following exhibits into the record:

ZBA Exhibit 1: Application
ZBA Exhibit 2: Assignment to the Agenda
ZBA Exhibit 3: Hardship Letter
ZBA Exhibit 4: Public Hearing Notice
ZBA Exhibit 5: List of Property Owners
ZBA Exhibit 6: Proof of Ownership
ZBA Exhibit 7: Plot of Survey
ZBA Exhibit 8: Plan Set

Mr. Cutaia said similar to recent variance request, staff looked at this as a hardship because they have an existing non-conforming structure on a corner lot. As you can see on the exhibit the plat of survey, the existing structure is encroaching 10 feet into the front, 40ft front yard setback and the applicant is proposing do a 5' x 17' front porch entirely in the front setback.

Furthermore, they have an existing fence in the corner side yard setback which is an existing non-conforming. They are basically looking to extend the front fence to the front

plane of the house. This interferes with the three of zoning codes involving front yard setback, corner setback and side setback. Mr. Chairman Weidman asks to address the zoning codes. Mr. Cutaia says the zoning code exists in other Municipalities. The front yard is the smaller of the two facing the street when it comes to a corner lot. We will consider the 104ft front yard area on Sherwood as the front yard, while the Hintz Rd. is a side yard.

Mr. Jay Kurt Irwin presented the green cards from the notices to Chairman Weidman.

Mr. Chairman Weidman swore in Mr. Irwin who lives at 1218 N. Campbell, Chicago, Illinois 60622.

Mr. Irwin explained there are four requests which are the fence on Hintz Rd., return of the fence back to the building on Sherwood, building the front porch which was on the side of the house to make it look like the front of the house. The fence that extends across the property then angles back in the house, we want to construct the fence along Hintz Rd. on the northeast corner. We would be building a high quality fence metal post painted black with wood stained and landscaping surrounding the edges of the fence.

Commissioner Frank-Watson asks what you're proposing is that the new fence will extend near the side yard along the house to the garage. So then there is only access through the garage? Mr. Irwin says there will be a gate on the northeast corner at the house with a new driveway and have a new detached garage. South of the property has the existing gates. Mr. Chairman Weidman says so what your creating is almost a side entrance and since the address is on the eastside of the house which is 110 Hintz Rd., this could be a door for emergencies.

Mr. Irwin states that yes it could be for public safety. Mr. Chairman Weidman says one of the main concerns is on the corner lot all of the time when we look at variances is a line of site is that going to be compromised. I drove my car near the area and it looks like the variance sign is placed on the corner where the fence is going to be put. Mr. Irwin said it's a six foot high fence and there are some changes. Mr. Chairman Weidman said he likes the design of the porch.

Mr. Skiber states in regards to the fence and the line of site issue which is a valid consideration and staff has reviewed it. You can certainly; your motion can include language that would be subject to staff review of the constructed fence. That it in fact is not a line of site issue and if it is we would have the right to enforce of remedy in interest of public safety. So you can certainly defer to the staff on it, we feel that it meets the code if a stop sign gets moved or any reason if it does become a public safety issue we would have at least an interest to remedy it.

Motion made by Commissioner Tammen, seconded by Commissioner Dash, to approve case ZBA-14-03V as presented with staff review of the fence line of site upon construction. The motion was approved by a roll call vote.

COMMUNICATIONS

None

OLD BUSINESS

Status of the Comprehensive Plan, there is a Public Meeting on March 20th at the Gory Morava Center 110 W. Camp McDonald Rd from 6pm-8pm.

NEW BUSINESS

None

ADJOURNMENT

The February 27, 2014 Plan/Zoning Board of Appeals meeting was adjourned by unanimous voice vote, at 7:20pm with a motion made by Commissioner Tammen, seconded by Commissioner Dash.

Respectfully Submitted,

Julie Malik-Mordian, Recording Secretary