

**City of Prospect Heights
Plan/Zoning Board of Appeals
February 22, 2018**

I. MEETING COMMENCEMENT:

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

II. ROLL CALL:

Present: Commissioners Tammen, Kempa, DeGraf, Patel and Mellen
Absent: Chairman Dash by prior notice

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

Motion requested to elect Commissioner Tammen Chairman Pro-tem for the meeting
Motion by Commissioner DeGraf
Second by Commissioner Kempa

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Patel, Mellen, Tammen

III. APPROVAL OF January 25, 2018 MINUTES

Motion made by Commissioner Kempa, seconded by Commissioner DeGraf, to approve the meeting minutes.

ROLL CALL VOTE:

AYES: Commissioners Kempa, DeGraf, Patel, Mellen and Chairman Pro-tem
Tammen

NAYS:

ABSENT: Chairman Dash

ABSTAIN:

Motion carried.

IV. OLD BUSINESS

1. PZBA – Zoning Public Hearing: Case No. ZBA 17-13TA

Applicant: City of Prospect Heights,
Address: 8 N. Elmhurst Road, Prospect Heights, IL 60070

Description of Request:

- A. Applicant is seeking a Text Amendment in regard to various changes and additions related to commercial Vehicle parking in the R1 Residential District.

Director Peterson explained at the last meeting the City asked for a continuation so that a committee of volunteers could be formed and discuss the proposed changes of the truck ordinance. Director Peterson reported that nine members of the community signed up and met on Tuesday February 20th with Commissioner Patel and Chairman Dash. No formal recommendations resulted but the committee agreed to meet on Tuesday March 6th, 2018 at 7:00pm to continue discussions and make a recommendation for the

March 22nd, 2018 PZBA meeting. Director Peterson requested an additional continuance so the committee could continue discussion and make a recommendation to the PZBA.

Commissioner Mellen asked for clarification regarding the red line on the City's web-site if it is the proposed language presented at the January 25th meeting or does it reflect any of the committees' discussions.

Director Peterson stated it is the original red line proposal that came with the original application. There have been no changes made.

Commissioner Mellen asked Director Peterson to inform on how the public would be informed of any recommendations that come out of the discussions from the committee.

Director Peterson stated according to legal counsel the language that comes out will be posted publically on the web-site, written copies will be available at City Hall prior to the meeting and we will have copies here on the 22nd for review and consideration. Director Peterson invited the public to leave their name, address and e-mail information so the public could be responded to.

Commissioner Patel stated to the angered public this text amendment is not an overnight decision.

Director Peterson reviewed the timeline of events beginning with the original public notice for the text amendment to enlighten on the processes that have transpired as of date.

Commissioner Mellen asked Director Peterson if the discussions in the committee meeting held on February 20th reflected the discussions and comments made by the public at the January 25th PZBA meeting.

Director Peterson confirmed the comments were received and are being considered at the committee meetings.

Commissioner Mellen confirmed that the statements and comments of the public have been heard and are being taken into consideration and that this is a process that needs to be completed.

Director Peterson confirmed that is a correct assessment.

David Dziagwa of 206 Thierry stated he is confused. Mr. Dziagwa stated according to his memory the room on January 25th voted for nothing to change but now it sounds as if there will be change but at this time those changes have not been determined.

Chairman Tammen stated that is correct. This is an old ordinance that needs to be updated.

Commissioner DeGraf clarified that the PZBA did not bring this up. It was City Council requested Staff to bring the TA (text amendment) forward.

Mr. Dziagwa asked who from City Council requested this.

Random Member of the public stated 3rd Ward Alderman Scott Williamson.

Commissioner DeGraf continued, he stated City Council asked Staff to do their homework. Commissioner DeGraf stated staff realized not enough of the public knew what was happening which is why the meeting took place in January and a committee was developed. Commissioner DeGraf stated if this text amendment was voted on during either PZBA meeting and the text amendment was voted down, City Council could still overturn the decision and pass the text amendment. Commissioner DeGraf stated that the effort to lessen the text amendment and make it work for all is the intention. He explained there probably will still be a truck ordinance but hopefully not as harshly written as originally. Commissioner DeGraf requested that the public let the process happen and explained that the PZBA Board is only a recommending body that City Council has the authority to pass or deny.

Mr. Dziagwa confirmed the committee meeting will take place on March 6th and asked how he could be informed of the outcome and if he should continue to come to the PZBA meetings.

Director Peterson stated the e-news will be utilized and requested the contact information from the public. Director Peterson stated the public will have the opportunity to provide testimony again at the next meeting on March 22nd. Director Peterson stated there are things that need to be discussed such as language and clarification regarding screening and parking of snowplows all summer long on driveways. Director Peterson reiterated that everyone will have the opportunity to speak to the proposed changes that this hearing is being continued not ended.

Commissioner Mellen stated that he has been in Director Peterson's role many times presenting a case to a PZBA Board and that the board could vote if that is what the public wanted but reiterated that the PZBA is a recommending body only and that if this is presented to City Council As-Is, City Council could vote it in As-Is. He told the public if they don't want the language that is proposed at this time then they want to let the committee do their work.

Lukas Felinczak of 204 Tully Place, asked what the difference is if the PZBA votes no today or votes no in one month.

Commissioner Mellen stated the PZBA could vote no and the City Council could still vote yes.

Mr. Felinczak stated they could still do the same thing next time no matter when the vote takes place.

Commissioner Patel stated the committee is going to modify the ordinance in an effort to make the public happy and the City Council happy. Commissioner Patel stated the committee is looking for a medium to make the citizens happy. The modifications will be presented in two weeks and advised the public that the committee and PZBA Board are prolonging this to get it right.

Roy Ruschke of 21 S Wildwood, suggested that this be placed on the ballot for public vote.

Commissioner Patel asked Mr. Ruschke if there was any one part of this ordinance no matter how small that made sense to him.

Mr. Ruschke responded in regard to the trucks.

Commissioner Patel informed the persons in attendance that in regard to the trucks with the current ordinance the City cannot enforce and do their job. He stated that maybe only ten percent will get passed through but to allow the committee to work towards making those changes.

Mr. Ruschke commented that City Council and people in charge seem to be more concerned about beautification projects than the citizens.

Commissioner Mellen recommended voicing their concerns at the board meetings.

Commissioner Patel petitioned the audience to allow the committee and the PZBA board to revise the proposed text amendment and to continue to come and listen and participate until an agreement can be made.

Director Peterson stated the reason for the continuance request is because the comments heard have not been represented in the ordinance presented.

Mariusz Folta of 1225 N Stratford Rd, requested to be formally informed regarding the information. Secondly, he suggested that e-mails be written to the Aldermen.

Director Peterson reiterated it is very important for all to leave their contact information.

Chairman Tammen informed the public that action cannot be taken on any items without a public meeting and therefore the continuance couldn't happen without the meeting to approve the continuance. Chairman Tammen encouraged the public to attend the March 22nd meeting and to contact their Alderman.

Director Peterson requested if there are items in the document that are of specific concern and or have a suggestion regarding them to contact him.

Chairman Tammen requests a motion to continue public hearing 17-13TA @ 7:25 pm by
Motion by Commissioner DeGraf
Second by Commissioner Mellon

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Patel, Mellen and Chairman Tammen

NAYS:

17-13TA will be continued at the next meeting at 7:00 pm On Thursday March 22nd, 2018.

V. NEW BUSINESS

1. PZBA – Plan Commission Hearing: Case No. ZBA-18-01 RESUB

Applicant: Manish Patel,

Address: 207 South Parkway, Prospect Heights, IL 60070

Description of Request:

A. Re-subdivision/Preliminary and Final Plat

Director Peterson stated according to the ordinance any lot that was not a single lot of record after 1994 if it was demolished, rebuilt or substantial remodeling to the house had to come in for a single lot record. There are blocks in the City that are one lot with five individual lots that are just deed rights and not formal individual lots. Therefore, we need

a subdivision creating a legal lot of record for the property because it is a vacant property and there is an applicant proposing to build a house on it.

Manish Patel of 207 South Parkway stated he currently has one big lot which was subdivided into five lots.

Chairman Tammen asked if each lot has separate PINS,

Director Peterson clarified that each lot has a PIN however it is a common lot with deed rights therefore if something happens everyone's approval on one lot versus the person having control over their individual lot.

Chairman Tammen confirmed this is just an administrative task for this board and asked if there was any discussion from the commissioners.

Commission Mellon asked for clarification that a block was done as a lot and the property was originally conveyed meats and bounds.

Director Peterson confirmed this is correct.

Chairman Tammen asked for a motion to approve the lot consolidation.

Motion by Commissioner DeGraf
Seconded by Commissioner Patel
Roll Call Vote

AYES: Commissioners Kempa, DeGraf, Patel, Mellen and Chairman Tammen

NAYS:

ABSENT:

ABSTAIN:

Motion carried.

Director Peterson stated this case will be heard at the City Council meeting the second Monday of March which is March 12, 2018.

2. PZBA – Zoning Public Hearing: Case No. ZBA-18-02V

Applicant: Urszula Lipiarz,

Address: 7 E Leon Lane, Prospect Heights, IL 60070

Description of Request:

- A. Applicant has applied for a variance to the City of Prospect Heights Zoning Code Title 5-3-4 G- Lot Coverage for consideration of a variation to allow a reduction in the required front yard from 40' to 36' to construct a front porch addition onto the primary residence required by Section 5-6-1 E1 of the City of Prospect Heights Zoning Code on the property commonly known as 7 E. Leon Lane, Prospect Heights, Illinois, in the City's R-1 Single Family Residential District.

Chairman Tammen asked the applicant to come forward and state name and address for the record. Chairman Tammen swore in Urszula and Dariusz Lipiarz

Mr. Lipiarz explained to the board that he would like to put an addition on the house with a new front entry and a front porch and they are about three feet from the setback and that they would like to use the existing foundation.

Director Peterson stated the City did receive two phone calls in regard to the public hearing notice and when the extent of the variation was explained the individuals stated

they were fine with the variation request. Director Peterson then stated if anyone in the audience would like to speak regarding this case they were welcome to do so.

Commissioner Patel asked if the porch is going to be single story and the house behind it two story.

The petitioner confirmed yes.

Director Peterson stated the petitioners purchased the home last November and it has been vacant.

Commissioner DeGraf stated they have an irregular lot with a radius in the front yard due to the way the street winds and as the house was built originally on an angle and with this variation there won't be a big difference. This will be an improvement on the front of the house to make the neighborhood look very nice.

Alan Kossof of 11 E Leon – Chairman Tammen swore in Mr. Kossof. Mr. Kossof stated that neither himself or the other neighbor had an issue with the variance but asked if the house was going to be knocked down or would it be the same house with just an addition on it.

Mr. Lipiarz stated that two walls will be knocked down and two walls will remain. The front will stay and the north side will stay with a new façade.

Mr. Kossof asked if the foundation footprint would remain the same.

Mr. Tim Clarke of 9 E Leon Lane has been sworn in by Chairman Tammen.

The Lipiarz's explained the project to the neighbors and showed a drawing of the changes to be made.

All neighbors are pleased with the changes.

Commissioner Mellen questioned the site plan doesn't accurately represent the south setback location of the back corner. Commissioner Mellen advised to be careful and not build into the setback on the south corner to double check the setbacks before building.

Chairman Tammen requested a motion to approve case ZBA 18-02V

Motion by Commissioner DeGraf
Seconded by Commissioner Kempa
Roll Call Vote

AYES: Commissioners Kempa, DeGraf, Patel, Mellen, and Chairman Tammen

NAYS:

ABSENT:

ABSTAIN:

Motion carried.

Director Peterson stated this case will be heard at the City Council meeting the second Monday of March, March 12, 2018.

VI. Communications

Director Peterson stated there is a new case for March for a sit down restaurant. Director stated there will also be a meeting in April.

VII. Adjournment: At 7:41 p.m.

Motion to Adjourn: Commissioner Mellen

Second: Commissioner DeGraf

Voice Vote: Unanimous