

**City of Prospect Heights
Plan/Zoning Board of Appeals
April 25, 2018**

I. MEETING COMMENCEMENT:

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:01 pm by Chairman Dash, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois.

II. ROLL CALL:

Present: Chairman Dash, Commissioners Kempa, DeGraf, Tammen, Patel & Mellen

Absent:

Present at the meeting: Director of Building & Development Daniel Peterson and Code enforcement Officer Michael Porzycki. Recording Secretary: Jennifer Myzia

III. APPROVAL OF March 22, 2018 MINUTES

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

ROLL CALL VOTE:

Motion by Commissioner Tammen

Seconded by Commissioner DeGraf

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen & Chairman Dash

NAYS:

ABSENT:

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.

Chairman Dash requested a motion to re-open the public hearing PZBA Case 17-13TA at 7:06pm.

Motion by Commissioner Kempa

Seconded by Commissioner Tammen

Voice Vote

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen & Chairman Dash

NAYS:

ABSENT:
ABSTAIN:
Motion carried.

Chairman Dash swears all in to testify.

Director Peterson describes the draft recommendations of the additional parking section 5-8-2 of the City of Prospect Heights Zoning Code.

Chairman Dash asks if any commissioners have questions for Director Peterson.

Chairman Dash opens up the hearing for public comment.

Frank Gabl, 400 N. Etowah Prospect Heights, IL 60070 – is contesting the ban of box trucks. Mr. Gabl will refer to box trucks as custom work vans. Mr. Gabl describes a custom work van in great detail. Mr. Gabl provided information that the typical custom work van is smaller than the largest standard van one can purchase and still be in compliance allowed by the proposed text amendment. Mr. Gabl states he feels banning of custom work vans which meet the same guidelines as an ordinary van is not only unworkable and unfair but blatantly unlawful.

Glenn Hanson, 407 W. Willow Prospect Heights, IL 60070 - Mr. Hanson has concerns regarding the square footage of signage. His concern is repainting his van and re-lettering it which would completely change the face of his business. Mr. Hanson states he could move the van to the side of the house which would be eight feet closer to his neighbor however he has a about a 10 inch swale that drains his and his neighbor's yard.

Chairman Dash interrupts to ask Code Enforcement Officer Michael Porzycki if he is familiar with this van and situation.

Code Enforcement Officer Porzycki states he is familiar and the van as it is will not meet the proposed changes to the code.

Commissioner Tammen asks Mr. Hanson how much signage is on the truck currently.

Mr. Hanson states if the lettering is squished together it could probably fit within the new requirements however that would change the face of what his business has been for many years.

Mr. Gabl interrupts to submit photos for evidence which he forgot to submit while giving his testimony.

Mr. David Johnson, 608 Grego Ct., Prospect Heights IL 60070 – Mr. Johnson states he does not have any trucks and questions why this was even brought about. Mr. Johnson questions what will happen to the person who works emergency situation and brings his truck home on occasion after a 16 hour shift. Mr. Johnson pleads to leave the working guy alone who has a hard enough time making the ends meet.

Director Peterson shares that the subject has been raised because there are individuals who have not only brought their own work vehicle home but have brought their companies, where their employees show up with multiple commercial vehicles and trailers in their individual residential lot instead of using a commercial or industrial spot for their business. Director Peterson explains the initial intention was never to attack the

individual with single work vehicle but to restrict the individuals who have been bringing multiple work vehicles into the residentially zoned district.

Chairman Dash addresses Code Enforcement Officer Porzycki and questions the process taken when there is a compliance issue.

Code Enforcement Officer Porzycki addresses the situation Mr. Johnson illustrated with the single work vehicle in the event of an emergency. Officer Porzycki explains the process is an initial violation notice followed by a second violation notice giving the offender a chance to make contact and work with the City on how the issue can be brought into code prior to any ticket being issued.

Chairman Dash questions if the City has ever made exceptions with prior notice using the example of RVs or trailers/boats for vacation purposes.

Officer Porzycki answers yes. With prior notice an exception can be made for a one or two day span for loading and unloading of such vehicle. Officer Porzycki further explains the goal is to get a situation into code compliance not to write a ticket.

Mr. Jozef Pozniak, 198 N Elmhurst Rd., Prospect Heights, IL 60070 – questions why this issue is not being brought to a vote.

Chairman Dash explains that due to the response received at the initial meeting, the City asked for a continuance to further analyze the proposal. A committee was formed of various City of Prospect Heights residents and admittedly much to Chairman Dash's surprise that the committee members were very much in favor of the changes and their feedback helped to craft this and as business owners it was their opinion that they should have some place to run the business and store the trucks.

Mr. Pozniak questions why the decision hasn't been given to the residents of Prospect Heights to make.

Chairman Dash states that is exactly what had been done with the creation of the committee which was comprised of residents and business owners from Prospect Heights.

Commissioner Patel asks Mr. Pozniak which part of the proposed text amendment affects him and he does not like.

Chairman Dash explains when given specific feedback and direction of a part that is not agreeable the board can choose to agree, disagree, approve, not approve or approve with conditions.

Mr. Pozniak's main concern is the allowable size of signage.

Mr. Kevin Fang, 210 E Marion Prospect Heights, IL 60070 - Mr. Fang states he has sent a letter to Director Peterson with regards to the box trucks. Mr. Fang owns a box truck and has gone to the steps necessary to comply with the code that currently exists. He feels there is something more that can be done to conceal the cube van rather than just a ban because the proposed changes would affect Mr. Fang negatively.

Mr. Gabl returns and questions a vehicle that needs to be screened in the open in the side or rear yard but what about the front driveway. Mr. Gabl questions screening is not needed for a property across the street but it is needed for an adjacent property and in his case there is no one adjacent.

Officer Porzycki clarifies what screening is and the closest adjacent property.

Commissioner Mellen states he questions what the definition of adjacent is. Is it properties on either side or is it the closest to the driveway.

Director Peterson states in the current enforcement of the ordinance it is the property closest to the driveway.

Commissioner DeGraf asks questions regarding a box truck he used to drive versus the typical box truck of today and due to the accessibility of the cargo area from the cabin it is essentially a van.

Director Peterson confirms the observation of Commissioner DeGraf regarding a box truck as a van.

Mr. Jeff Zack, 35 S. Wildwood, Prospect Heights, IL 60070 is questioning if we already have ordinances on the books regarding this issue, people running businesses out of trucks. Mr. Zack questions why we are going after the trucks and not the bigger businesses.

Director Peterson states one of the issues is the current ordinances the only restriction is the "D" Plate truck and not the "B" Plate trucks with and without signage which are not regulated. There are individuals in town not working as an independent contractor but creating businesses. There is no restriction with the home occupation license. The intention is not to tell individuals what business they can or cannot be in. An issue is a business being run out of a residential district with multiple work vehicles stored and/or receiving deliveries in the residential district and not in a commercial district. The intention is to preserve the "R" District. Signage is controlled and regulated in all the Business Zones. An example for a home occupation is only allowed 4 square feet of signage is allowed in the yard. Signage is not going to be prohibited but controlled. The objective is to find balance through better definitions.

Officer Porzycki states there is a home occupation code but the actual parking of vehicles is not covered in the current code. Roughly 90 per cent of the new ordinance is covered in an ordinance written in 1977. There were restrictions on "D" Plate trucks. "F" Plate trucks were not allowed. These restrictions already existed however the enforceable definitions were not clear. The ordinance did exist. It is being cleaned up and things are being added to agree with the change in times.

Commissioner Patel asks Mr. Zack what he does not like about the proposed changes.

Mr. Zack states he feels it is an infringement on people who are working for themselves.

Commissioner Patel states that when specific items that are not liked are brought forward they can be addressed as in a "D" Plate vehicle for personal use. That multiple "B" Plate vans are allowed but only one with a ladder rack in example.

Director Peterson states that the proposed changes are written to agree with the times. In example the Ford Econoline no longer exists. The size of these new vans is considerably increased. Vehicles are designated with the wrong license plate for weight classification.

Mr. Jonson asks if the party that has all the trucks parking at their property, if the trucks are parked there overnight or are they meeting at the residence and leaving at night.

Officer Porzycki states that both situations exist.

Mr. Hansen returns to ask about the screening of his specific vehicle due to signage.

Officer Porzycki states that the vehicle would need to be screened. A commercial vehicle in the driveway needs to be screened.

Mr. Gabl returns to state that many of the size and weight vans that are acceptable by the ordinance are not available anymore.

Chairman Dash revisits the topics brought up for review.

- Box Truck or Custom Work Vehicle
- Discuss the quantity of signage

Mr. Lucas Felinczak, 204 Tully Pl., Prospect Heights, IL 60070 – questions if he can place white magnets over his van to make the signage not visible in Prospect heights because he would like it visible when he is out working in different municipalities during the day,

Chairman Dash replies white magnets covering signage are absolutely allowed.

Chairman Dash confirms no other members of the public wish to speak.

Chairman Dash requests a motion to close the public hearing ZBA #17-13TA @ 8:12pm

Motion by Commissioner Mellen

Seconded by Commissioner DeGraf

Voice Vote

AYES: Commissioners Kempa, DeGraf, Tammen, Patel, Mellen & Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Motion carried.

Chairman Dash requests discussion from the commissioners in regards to the comments made during the public hearing.

Commissioner Patel states in regard to the box truck it should be considered as long as the dimensions and weight classifications are in line with the proposed restrictions.

Officer Porzycki states the height requirement is 110 inches or less and 12,000 pounds.

Director Peterson states under 5-2-3 definitions commercial vehicle number four. Box Trucks / Custom Work Vans are prohibited if they are outside the height and weight class as defined by the code.

Director Peterson asks Mr. Fang if he knows how tall his box truck is. After some talk it is mentioned that Mr. Fang's truck is not out in the open but in the rear yard.

Officer Porzycki points out Box Trucks are also mentioned under section 5-8-2 A 1e. Any modifications need to be changed here as well.

Director Peterson states this will be changed from Box Trucks / Custom Work Vans and that they will be allowed as long as they meet the size and weight parameters. Another edit will be A1E for the parking restrictions.

Commissioner Kempa asks if it can be considered that the size for the signage be consolidated from the three to one. In example instead of having three small signs, one large sign could be allowed if the total gross area remains the same.

Commissioner Patel states that signage in a commercial district is limited. The asks what stops a person from putting signage on his truck, parking it in front and leaving it there, to be a business there and that is really what we are trying to stop. If someone is allowed to use their vehicle as signage, what stops it from being on the house? What's the difference from putting a sign on your house or garage versus having the signage displayed on the truck in the front of the house? There needs to be a limit on signage as this is a residential neighborhood not a place to shop for services.

Commissioner Mellen asks Commissioner Patel how the signage allowance came to be during the committee meetings.

Commissioner Patel states that he doesn't recollect and exact reasoning however if you took for example a real state sign in the front of a house, this size proposed mirrors that of a real estate for sale sign.

Director Peterson states the discussion was if someone was allowed to hang a shingle sign on their house what would the allowable size be permitted for advertising a home occupation. The discussion progressed to the area on three sides of a vehicle would be allowed to be roughly the same as if it was a sign advertising a home occupation. The committee members came to eighteen square feet..

Chairman Dash states the two foot by three foot would also align if you were to put the signage on the door of the truck so both doors could be lettered and also something on the back.

Commissioner Mellen states he feels there does need to be a restriction on signage but suggests it may make more sense to have a maximum allowed square foot sign area so that in example someone has lettering going across the back six inch letters by five feet in length they would right now with the proposal be out of code.

Chairman Dash asks if the 2 foot by 3 foot should be scratched and replaced with up to six square foot of signage on three sides of a vehicle.

Director Peterson asks Mr. Hansen in his estimation if twenty four square feet total signage is more in line of where his truck is at.

Mr. Hansen replies he does not know what the square footage of signage on his truck is just that he can't change it without changing the face of his business.

Commissioner Patel states he feels eighteen square feet is a good number because the residential area is not where you should be advertising your business. Commissioner Patel states magnets can fix the problem. Place them on the vehicle to cover signage while at home and take them off to advertise your business while driving around during the day.

Chairman Dash states that if the proposed signage restriction is approved then Mr. Hansen as well as others could cover the signage that is in excess of the allowable with

magnets and the truck design would not have to be changed at all. Chairman Dash asks the commissioners if they have any other suggestions, to leave the proposed eighteen square feet as is or increase.

Director Peterson states his suggestion is to have it at twenty-four square feet.

Commissioner Patel asks if that would be eight feet per side or twenty-four feet total.

Chairman Dash states so we will propose twenty-four square feet but eight feet for each side of the vehicle.

Commissioner Kempa questions if the x y variable is removed being one foot by eight feet, eight feet is a long sign.

Commissioner Patel asks Officer Porzycki how enforcing this will be.

Officer Porzycki states the two feet by three for or two foot by four foot can be taken out and just left as total square footage.

Chairman Dash confirms with the commissioners to strike the actual size limits but keep eight square foot of sign area per side up to three sides of a vehicle with a total signage area not to exceed twenty –four square feet.

Officer Porzycki states he can deal with those requirements on a case by case basis.

Chairman Dash states that after the definition of the box truck and the quantity of signage which were specific comments to the amendment as proposed have been addressed as well as clarifying that the intention is to protect the residential neighborhood but not punish the working person.

Commissioner Kempa addresses the public and states that this is a revision to the current code and one of the main reasons for making this provision is for the enforcement of the code with clear guidelines to reduce the amount of frustration not only with the residents but with the officers as well.

Director Peterson restates the clarifications the definitions and modifications presented during the public hearing and commission discussion. Director Peterson reiterates there will be a one year a moratorium for all residents to become compliant regarding the signage requirement.

Chairman Dash requests a motion to receive into public record the staff review of compliance of this application with the zoning standards presented by staff this evening and to make these standards an official part of the application

Motion by Commissioner DeGraf

Seconded by Commissioner Tammen

Voice Vote

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

NAYS:

ABSENT:

ABSTAIN:

Motion carried.

Chairman Dash requests a motion to receive into public record the following documents:

- Letter dated April 19, 2018 from Mr. Kevin Fang of 210 E. Marion
- Letter dated February 27th 2018 from Ms. Rosemarie Prior of 1015 E. Wildwood Dr.
- Letter dated February 24, 2018 from Mr. Glenn Hansen of 407 W. Willow Rd.
- Photos presented at meeting by Mr. Frank Gabl
- E-mail received from Mr. Frank Gabl

Motion by Commissioner Tammen

Seconded by Commissioner Mellen

Voice Vote

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

NAYS:

ABSENT:

ABSTAIN:

Motion carried.

Director Peterson states for consideration approval of amendments to the City of Prospect Heights Zoning Code Section 5-2-3: Definitions as presented and as amended for the box truck and recommending approval of recommendations for Section 5-8-2 as presented with the change to section A1e related to box trucks will be allowed to be parked or stored in the open on R1 Residential District as long as they meet the requirements for height, weight and signage. Also for 5-8-2 A 3 commercial signage shall be limited to a size not to exceed eight square feet per side on up to three sides of the vehicle with a total signage area not to exceed a total of twenty-four square feet.

Chairman Dash requests a motion to recommend the proposed changes by Director Peterson

Motion by Commissioner DeGraf

Seconded by Commissioner Mellen

Roll Call Vote

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

NAYS:

ABSENT:

ABSTAIN:

Motion carried.

Director Peterson states this will be sent to legal and presented at the May 28th City Council meeting for first reading and consideration.

V. NEW BUSINESS

1. PZBA – Public Hearing: Case No. ZBA 18-06 V

Applicant: Jerry Muszynski

Address: 211 S. Gail, Prospect Heights, IL 60070

Description of Request:

- A. Applicant is seeking a Variation to allow the construction of an addition to a primary structure (attached garage) to encroach into a required side yard due to hardship caused by existing lot conditions.

Chairman Dash requests a motion to open public hearing 18-06V at 8:39 pm by

Motion by Commissioner DeGraf

Second by Commissioner Tammen

VOICE VOTE:

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

NAYS:

Chairman Dash swears the public in for testimony.

Director Peterson explained that a detached garage was permitted to be built because the original determination was it was a buildable side yard. Once the structure was built the determination was that it was a front yard and the detached garage is not allowed. The City notified the owner. The owner has exercised his right to seek a variation and is proposing to incorporate the existing detached garage into his primary structure as a full addition to the house and requires the five foot side yard variation. Hardships on the property are that the lot is only eighty-seven feet wide in the rear instead of the one hundred lineal feet of width. When asked to move it into the back, his well is in the middle of the side yard and would also need a variation to construct a driveway to the rear yard. Therefore the applicant is seeking relief for the five feet six inches into the required fifteen foot side yard setback.

On display are enlarged site plans and renderings of how the finished product will appear.

Mr. Jerry Muszynski 211 S. Gail Ct., Prospect Heights, IL 60070 – states he would like to add a garage as he has received more than one fine regarding his trailer and also owns a van which is part of the previous case presented this evening and would like to build a garage to remain in compliance with these items. He is requesting the variation because the backyard is not as wide as other properties and the well is in the way. He plans to place five foot evergreens around the structure for screening and after about four years of growth should completely hide the structure.

Chairman Dash asks in the event the City would have identified the issue before permitting the detached garage in the front yard would Mr. Muszynski have built on to the existing garage.

Mr. Muszynski answers yes that he would like to connect the garage as part of the house. However, it is hard to determine I have already put in large amounts of money into this project and am looking for the best solution because a two car garage may not fit there.

Chairman Dash for clarification purposes asks if the variation request is not recommended by the Planning and Zoning Board and the City Council upholds the recommendation, what would you do to bring the project into compliance?

Mr. Muszynski states he will try to cut the garage down the five feet somehow and stay within the allowed setback.

Chairman Dash reiterates to confirm that Mr. Muszynski plans to connect the structure to the home and cut off five feet from the side of the garage.

Mr. Muszynski confirms he plans to connect the garage to the existing house even in the event he has to cut off the five feet.

Chairman Dash invites members of the public to come and testify.

Arlene Kieffer, 211 Waterman Ave, Prospect Heights, IL 60070 – states the neighbor at 301 Gail Ct has a problem with flooding in the early spring and it affects her yard too to the point that her grandchildren go floating on rafts in the yard. Mrs. Kieffer asks if the building is going to affect her. Her concern is the water and that her sump pumps run constantly during the rainy season.

Director Peterson clarifies where Mrs. Kieffer's house is in relation to the subject property. Director Peterson states the City Engineer has visited the site and has inspected the man-hole cover and the existing drain and the amount of roof line and has determined that won't add any more water. The City Engineer also made the opinion that the existing storm drain when it was put in was put in flat and does not drain the water effectively. Therefore as it was not on the list for City drainage improvements due to the number of complaints it is now being added to the list of drainage improvement but in his opinion the work at 211 S Gail will not worsen the existing drainage issue.

Chairman Dash states that because of the site evaluation, a storm sewer issue has been identified and will be addressed moving forward.

Director Peterson states that because of the City Engineer's opinion this drainage issue will be moved to the top of the priority list.

Chairman Dash asks Mrs. Kieffer if she has any other concerns such as the structure or the landscaping.

Mrs. Kieffer confirms the only concern she has is the flooding issue.

Mr. Alex Drozd, 280 W Fremont, Elmhurst, IL 60126 – is the trustee of the Trust that owns 301 N. Gail Ct. Mr. Drozd has been attempting to sell 301 N. Gail Ct. since the passing of his father in September 2017. Mr. Drozd states that since the construction of the garage structure has begun it has been a huge deterrent for buyers. Mr. Drozd states he looked into zoning codes and contacted Director Peterson and at that time work on the structure ceased. Mr. Drozd states the value of his house has declined since the structure began and they have been unable to get an offer for anything over \$450,000.00. Mr. Drozd agrees with the idea of arborvitae however the structure will stand above the height of the five foot arborvitae and stand out and is requesting a minimum of eight foot arborvitae be planted. Mr. Drozd is requesting that any arborvitae be planted before the construction process continues or at least be guaranteed that arborvitae be part of the request.

Chairman Dash asks for the opinion of Mr. Drozd if the applicant continues with the landscaping if he, Mr. Drozd is amicable with the encroachment. Chairman Dash states the board needs Mr. Drozd's comments to be able to proceed with an opinion.

Mr. Drozd states he doesn't like it. He does not think it looks good. He feels it wrecks the sightlines of the property and the street.

Commissioner Patel asks, more directly if the garage stays and gets attached to the house if the garage stays attached to the house, does the five feet that encroaches toward your house bother you?

Mr. Drozd states it absolutely bothers him and makes a difference to him, but also states if you cut the back off the garage it wouldn't be deep enough to put a car into it.

Commissioner Patel addresses how the five foot encroachment would affect Mr. Drozd and in discussion the five feet would not make a difference in the sightline mentioned previously.

Mr. Drozd states his concern if the variance is not granted how much longer this situation will drag on in regards to how long it would take for Mr. Muszynski to take what is there down and reconstruct.

Chairman Dash questions Mr. Drozd if he leans towards approval of the variance to avoid further delays in the sale of the property he is trustee for.

Mr. Drozd states that yes, he leans to approve the variance as it is the lessor of two evils. Mr. Drozd reiterates that his request is as soon as possible eight foot arborvitaes are planted and the screening process begins.

Commissioner DeGraf asks Director Peterson for clarification that since the garage will be attached to the house, in theory Mr. Muszynski can build up to thirty feet in height.

Director Peterson states in that area of the yard, attached to the house the maximum height allowed is two stories or thirty feet.

Commissioner DeGraf confirms with Director Peterson that landscaping is not part of the City code requirement.

Director Peterson states typically no, however because of the request for variation landscaping can be a condition of approval that the landscaping as proposed shall be installed and maintained.

Mr. Muszynski states there is approximately a cost difference of four times between six foot and eight foot arborvitaes. He is willing to plant five or six foot arborvitaes but not eight due to the cost difference. He also states the original design for the garage was eighteen feet five inches and it was cut down to fifteen feet because of the code.

Director Peterson confirms the question was for requirement of screening and that the landscaping can become part of the variation and if approved part of the ordinance and therefore enforceable.

Chairman Dash asks Mr. Drozd that according to Director Peterson's zoning review, Mr. Muszynski has other outdoor storage along the north property line and a shed in back and as part of what Director Peterson is recommending is that as a board it can be made a condition that the applicant have no other storage on his property other than the garage that is being built.

Mr. Drozd states he is not offended by the shed but in his opinion it is unsightly.

Director Peterson stated that the applicant did agree to bring those items into the garage as he will have a place to store them once it is built.

Commissioner DeGraf asks for clarification that if the garage was built in the rear yard it could be within five feet of the side setback.

Director Peterson confirms that is correct as a detached garage.

Chairman Dash stated that if Mr. Muszynski wished to rebuild in rear yard a variance would be necessary as there is not enough room.

James Allenfort, 209 S. Gail Ct., Prospect Heights, IL 60070- states he is the neighbor directly to the south. He has no animosity towards his neighbor but he does not like this plan. However due to the original mistake of the plan being permitted a lot of people are victim. (Mr. Allenfort brings the drawn plans closer for viewing by all.) Mr. Allenfort is pointing out where his house is in relation to his property and where the driveways are located. Mr. Allenfort's wife is upset about the tree that has been removed. Mr. Allenfort states the plan reminds him of the motel on Rand Rd. Mr. Allenfort states he has flooding issues as well and this is a concern to him.

Mr. Muszynski states that he added the dormer for appearance and would like to put two or three trees in the front and then the evergreens to cover most of the appearance from Gail Ct will be covered.

Chairman Dash asks about screening between the two house and if in his opinion a row of arborvitaes would help?

Mr. Allenfort states there isn't much room to place them unless part of the driveway is removed..

Mr. Muszynski states there really isn't room but if it is necessary he is willing.

Chairman Dash asks if the existing driveway can be modified since a new portion of driveway will be added and still allow the applicant to access the existing two car garage or possibly add some plantings.

Discussion regarding removing part of the driveway between Mr. Muszynski and Mr. Allenfort takes place.

Mr. Muszynski states he would not be opposed to adding evergreens near the driveways.

Mr. Mariusz Karlinski listing broker for 301 N Gail Ct. for four months claims the garage at 211 N Gail Ct caused 301 N Gail Ct to lose an estimated \$100,000 minimum in value. Mr. Karlinski states the garage destroyed the house in appearance and aesthicity. People will not offer on 301 N Gail because the garage destroyed the view. Mr. Karlinski had the house on the market previous year and had it under contract within two weeks at \$510,000.00 however Mr. Drozd's father was getting old and decided to stay and not sell. When the house was placed back on the market this fall an offer was immediately received at \$480,000.00 before the garage construction began.

Ms. Judith McCurdy, 303 Gail Ct., Prospect Heights, IL 60070 – a thirty five year resident states it was always beautiful and it was like a park and now everyone looks at it and states that nobody likes the look of it. Ms. McCurdy states it looks terrible and that there is a plastic shed that is not properly secured. She states this looks like a hotel. She states this negatively affects everyone's property values and asks who is going to pay for the loss. Ms. McCurdy also brings up the topic of the flooding issues.

Director Peterson states that Mr. Musyznski owns from the west side of the cul-de-sac over and there is buildable area forty feet from where the existing house is out to that point therefore an addition could go in there at any time.

Director Peterson states that due to the error in permit issuance a stop work order was issued and that is why everything is standing as-is until this legal process of a variance request has been completed.

Ms. McCurdy states there are huge drainage issues. The water comes from south and goes north on Gail Ct and pools in front of her house.

Director Peterson states that because of this the City Engineer has made a site visit and the garage will not affect the drainage issue as it currently is and drainage issue on Gail Ct has now been moved to the forefront for the drainage work.

Ms. McCurdy asks what will happen with the diminishing of land at 211 S Gail that would absorb water, where will the water be going.

Director Peterson reiterates that the opinion of the City Engineer is that the garage will not affect the flooding, the drainage issue must be addressed first and what is being proposed with the garage will not significantly affect the drainage issue as it stands. There is more to the drainage issue than the garage that is being proposed. Director Peterson states he was not involved with the study regarding the drainage issues but because of this application the City Engineer has viewed the site and determined there is an issue and has placed it in the forefront.

Mr. Muszynski states that even if he does not receive the approval for the five feet he will just cut the five feet off the plan and leave it as is. Mr. Muszynski states to cover or hide it he plans to plant arborvitae. Mr. Muszynski agrees that the structure does not look good right now because it is not finished. Mr. Muszynski has stated he will finish this as quickly as possible once there is resolution.

Commissioner Patel confirms with Mr. Muszynski that brick is being placed on the back of the garage.

Mr. Muszynski states yes the finish will be brick.

Director Peterson states because there is already a permit issued Mr. Muszynski can proceed immediately if City Council approves the variance request and this will be presented to City Council Monday May 14.

Ms. McCurdy asks when would it be possible to plant the trees.

Mr. Muszynski states he has to finish the foundation before any trees are planted. If nothing else changes, the trees can be planted before he does any other finishing work.

Commissioner Patel states that with the variance Mr. Muszynski would be required to put up the trees as it will be a condition of the variance. If the variance is not approved Mr. Muszynski does not have to plant arborvitae.

Chairman Dash requests a motion to close the public hearing on case ZBA 18-06V

Motion by Commissioner Tammen

Seconded by Commissioner Kempa

Voice Vote

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

NAYS:

ABSENT:

ABSTAIN:

Motion carried.

Public hearing closed for 18-06V at 9:33 pm

Chairman Dash requests the thoughts and comments of the commissioners.

Commissioner Patel states that Mr. Muszynski could build this addition just maybe not going as far west. In Commissioner Patel's opinion he is being a good neighbor. He is going through all the proper channels and is trying to do what will make his neighbors happy without costing himself a fortune. Mr. Muszynski is doing the best he can given the situation. Once the project is completed it will look much different. Ty-Vek is an eyesore however once the finished siding is up and the brick it will look much better. Commissioner Patel suggest maybe adding an additional dormer so it doesn't look so "garagey", maybe one or two small dormers or a large one in the middle.

Chairman Dash explains Commissioner Patel is suggesting adding an architectural addition to enhance the design.

It is asked if there is a limit to the number of garage stalls one can have.

Commissioner Tammen responds no, as long as they are all in one attached building.

Commissioner Mellen speaks to Mr. Muszynski and states that he feels his neighbors are all being very understanding as this situation is difficult for all involved. Commissioner Mellen points out that in the event the variance isn't granted the expense of removing the five feet from the side of the garage would by far exceed the cost of an alternative means of blocking the view and therefore would recommend considering the cost of the taller arborvitaes and asks Mr. Muszynski if he would consider that.

Director Peterson asks for clarification on the location of the taller arborvitaes. Would it be the area just behind the garages or all of them?

Commissioner Mellen states he doesn't live there so he thinks the length of the addition would be sufficient for screening and a reasonable request.

Mr. Muszynski states he thinks only along the back of the garage would not look so good because it would break the line of the arborvitaes. Mr. Muszynski feels the line should be continued the entire way.

Chairman Dash states it sounds like a six foot minimum would be the compromising height and six foot arborvitaes would be planted the entire length for screenage.

Commissioner Patel asks Mr. Muszynski if he is okay with a six foot arborvitaes.

Mr. Muszynski states yes.

Chairman Dash states she originally intended to recuse herself from her board duties for this case however even if she voiced her displeasure it was still going to be built so therefore she chose not to and the applicant has the right to build within the allowable footprint without a variance and if his intensions are true that he would continue and just cut off the five feet of the structure can't be enforced and is legal in accordance with the current municipal codes. Although she is very displeased that the City and applicant has placed everyone in this position which generated the drawings that are shown, the applicant has the right to build within the current City code.

Chairman Dash proceeds with the conditions for approval

- No additional accessory structures that are not on the current plat can be built and the plastic shed that is a non-permitted structure must be removed.
- The proposed evergreen fence in lieu of the five foot height must be a minimum of six feet with a revised site-plan indicating the new tree size and the proper spacing of arborvitaes to be planted to create an opaque screen in accordance to the height of the trees.
- Potential architectural concessions.

Chairman Dash requests a recommendation a motion approving a maximum feet foot six inches side yard variation with the conditions as stated.

Motion by Commissioner Tammen

Second by Commission De Graf

ROLL CALL VOTE:

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

NAYS:

ABSTAIN: Chairman Dash

Chairman Dash requests a motion to receive into the public record the staff review of the compliance of this application with the zoning standard as presented by staff this evening and to make these standards part of the official record for the application.

Motion by Commissioner DeGraf

Second by Commission Tammen

VOICE VOTE:

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

NAYS:

ABSTAIN:

Director Peterson states this will be sent to legal and presented at the May 14th City Council meeting for first reading and consideration. All neighbors have the right to come and speak to the issue however no new testimony will be allowed.

VI. Communications

Director Peterson states all should have received notice from the Cook County Clerks Office regarding economic and ethics disclosure and if not resolved by May 1 all board members will receive a bill.

There will be a PZBA meeting on Thursday May 24th.

Chairman Dash requests a motion to adjourn.

VII. Adjournment: At 9:50 p.m.

Motion to Adjourn: Commissioner DeGraf

Second: Commissioner Mellen

Voice Vote: Unanimous