

**City of Prospect Heights  
Plan/Zoning Board of Appeals  
April 25, 2019**

**I. MEETING COMMENCEMENT:**

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

**II. ROLL CALL:**

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

Absent:

Quorum is present.

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

**III. APPROVAL OF January 24, 2019 MINUTES**

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

**ROLL CALL VOTE:**

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

NAYS:

ABSENT:

ABSTAIN:

Motion carried.

**IV. OLD BUSINESS**

**NONE**

**V. NEW BUSINESS**

**1. PZBA – Zoning Public Hearing: Case No. ZBA 19-05 V**

Applicants: Kurt Schaerli and Alexis Iatrapoulos

Address: 1008 Sherwood Dr., Prospect Heights, IL 60070

Description of Request:

- A. Applicants are seeking variations to Section 5-3-4 H1f(2) of the City of Prospect Heights Zoning Code to allow the reduction of the required corner yard setback from 30' to 5' and the reduction of the required reverse corner side yard setback from 30' to 5' for a distance of 50' and the reduction of the 80% open requirement for a fence in a reverse corner yard for the construction of a 6' wood and vinyl fence.

Chairman Dash requests a motion to open the public hearing 19-05V at 7:08pm

Motion by Commissioner Mellen

Second by Commissioner DeGraf

**VOICE VOTE:**

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

NAYS:

ABSENT:  
ABSTAIN:

Chairman Dash swears in those to testify or speak regarding this hearing.

Director Peterson comments that the applicants are seeking a reverse corner side yard variation and an encroachment variation into the side yard. The property at Sherwood and Stonegate is triangular in shape and is essentially two front yards. The variation is being requested for the fence. Currently there is a swimming pool and fence which encroaches part of the way into that setback. The applicant would like to match that corner post of the existing fence and run a parallel setback five feet from the property line on the side to the rear property line. Director Peterson states exhibit five from the packet the reverse corner setback is diagramed, yellow indicates the fence, green indicates where the code allows the fence to be and the black is third setback of fifty feet that relief is being requested. The yellow highlight is the variation that is being sought. The measurement from the house to the west at the corner of the garage to the property line is approximately sixty one feet and from the edge of the driveway along the property line to the adjoining property line is ninety one feet. Additionally exhibit eight is a list of neighbors who have signed a no objection letter in regard to the variance request.

Chairman Dash invites Mr. Schaerli and Ms. Iatrapoulos to speak and add any thoughts they have to Director Peterson's description of their variation request. Chairman Dash states the packet provided is very clear and self-explanatory. Upon Mr. Schaerli and Ms. Iatrapoulos acknowledging agreement to Director Peterson's statement and description Chairman Dash asks if there is anyone from the public that wishes to speak regarding this case.

Chairman Dash asks the Commissioners for any questions, concerns and or comments.

Commissioner Saewert asks Director Peterson if he could help clarify two items, the first if there is also a pool fencing requirement that needs to be satisfied or is the fence that is being proposed sufficient for safety around a pool. Secondly if the fence were to be eighty percent open would a variation still have been required.

Director Peterson states that in regard to the first question there is an existing fence that does provide a safety barrier. The new fence which Director Peterson confirms with the applicant would extend from the edge of the corner of the house and back to the existing fence and will be built to safety standards. In answer to the second question, the reverse corner, the southwest corner would still require the variation because of the location but not due to the fence style. In this case because of the request for the side yard variation it required the variation for the eighty percent.

Commissioner Saewert stated that is the other part of the clarification, the fence will be connected to the south side of the pool.

Director Peterson states correct.

Director Peterson asks Mr. Schaerli to speak.

Mr. Kurt Schaerli of 1008 Sherwood Dr. Mr. Schaerli states there is already a fence around the pool and this will be one continuous fence.

Chairman Dash asks if there are any other comments or questions from the commissioners.

Chairman Dash requests a motion to close public hearing 19-05 V at 7:14 pm  
Motion by Commissioner Tammen  
Second by Commissioner Kempa

VOICE VOTE:

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

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash requests a motion to receive into the public record the staff review of the zoning compliance for the application 19-05 V with the zoning standards as presented by staff this evening and to make these standards an official part of the application.

Motion by Commissioner DeGraf

Second by Commissioner Saewert

VOICE VOTE:

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

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash requests a motion to receive into the public record as Exhibit 8B, the additional letters of support provided by the applicant this evening.

Motion by Commissioner Mellen

Second by Commissioner DeGraf

VOICE VOTE:

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

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash requests a motion to recommend that City Council approves the description of the request that the applicants are seeking variations to Section 5-3-4 H1f(2) of the City of Prospect Heights Zoning Code to allow the reduction of the required corner yard setback from 30' to 5' and the reduction of the required reverse corner side yard setback from 30' to 5' for a distance of 50' and the reduction of the 80% open requirement for a fence in a reverse corner yard for the construction of a 6' wood and vinyl fence.

Motion by Commissioner Saewert

Second by Commissioner Mellen

ROLL CALL:

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

NAYS:

ABSENT:

ABSTAIN:

This case shall go before City Council on Monday May 13, 2019 at 6:30pm

## **2. PZBA – Zoning Public Hearing: Case No. ZBA 19-06 SU/V**

Applicant: Crown Castle, represented by Tom Lang, Insite Inc

Address: 10 E. Camp McDonald Rd., Prospect Heights, IL 60070

Description of Request:

- A. Applicant is seeking a special use and variations to Section 5-3-15 G of the City of Prospect Heights Zoning Code to allow the removal and reconstruction a commercial communications tower in the R-1 Residential Zoning District.

Chairman Dash requests a motion to open the public hearing 19-06 SU/V at 7:18pm

Motion by Commissioner Kempa

Second by Commissioner Tammen

VOICE VOTE:

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

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash swears in those to testify or speak regarding this hearing.

Director Peterson states this is an application requesting special use for a telecommunications tower and a height variation and a variation being within five hundred feet of a residential zoned district. Director Peterson states for historical purposes the existing tower received similar zoning approvals in 1998 and this is a tower that has been in existence. The significance of this request is it will be a complete tear down and rebuild therefore it has to reaffirm Special Use permits and there is a height increase and a variation is being sought to raise the antenna tower taller than it is now and to reaffirm the five hundred foot location within a residential zoned district. For the record the Fire District property at 10 E. Camp McDonald Road is zoned R1 and is a permitted use in the R1, the Fire House Government Uses. He states in the packet there is a plan presented by Crown Castle that shows up to four carriers on the tower however by the Ordinance there is a limit of three and that has not been sought as a variation request. Please note this will be a Special Use for up to three carriers and not four as shown on the plans.

Chairman Dash asks if that can be added.

Director Peterson states if the applicant requests it but at this point in time it would constitute a secondary hearing as it was not part of the original request.

Tom Lang of Insite Inc representing Crown Castle – seeking the board's recommendation for a Special Use and Variation and any other approvals that may be necessary. Mr. Lang states the purpose of the application is the remove of the existing concealed tower and the construction of standard monopole for the use of Verizon Wireless and Sprint. Mr. Land states Sprint is in the concealed tower and Verizon Wireless would be a new carrier added to the pole. Mr. Lang states first Crown Castle is seeking to remove the concealed tower and replace it with a standard monopole with two carriers contemplated, Verizon Wireless and Sprint. The concealed pole is currently one hundred and two feet tall with a ten foot antenna on the top which are the Fire District antennas. The proposed standard monopole is to have Sprint at eighty three feet with Verizon Wireless at ninety three feet. The ground compound space would also expand for an additional of about sixteen by thirty feet. The purpose of that is for the additional of Verizon Wireless equipment to go in that space. The existing fence that currently encloses the compound would be expanded to go all the way around the new compound but would match the existing fence on the site. Mr. Lang continues to explain how a wireless network functions. Mr. Lang now advises the reason this location has been chose is to close gaps in the network for Verizon Wireless and the preference is to choose a location where a tower already exists that can accommodate the network. In this situation the location is available however the structure in its current condition is incapable of structural handling the antenna load. The structure will change as the antennas will be mounted on the outside of the house and not housed within as in the current condition. Mr. Lang discusses the submitted plans and the ability of the pole to house potential carriers below and that the intention. The goal is to minimize impact to the infrastructure at the location.

Director Peterson states the intent of the code is to limit the proliferation of monopoles throughout the town. He further states that if a third carrier would like to be added a new Special Use case would need to be heard as the Special Use case is very specific in what is allowed.

Mr. Lang reiterates the points he believes are positive to the acceptance of the new pole and this Special Use. He states the Fire District has supplied a letter of support as the Fire District uses Verizon Wireless for their dispatch systems and communications.

Chairman Dash addresses the Commissioners.

Chairman Dash and the Commissioners ask technical questions to Mr. Lang.

Commissioner Saewert asks if the Fire Department is considered a carrier.

Director Peterson responds the City's definition of a carrier does not include the public service entity because they are not selling services but responding to public emergency needs.

Commissioner Saewert asks the reason the Fire Department is receiving revenue for the tower.

Chairman Dash and Mr. Land explain that it is a land lease and who ever owns the land the tower is on receives compensation.

Director Peterson reviews the Small Cell Act passed by the State of Illinois Act in 2018.

Chairman Dash opens the floor to public testimony.

Scott & Amy Lehor, 9 E Clarendon - make a presentation in opposition to changing the tower.

Scott Manson, 11 E Clarendon – states his concern is in regard to safety and radio frequency radiation.

Gerald Simmons, 101 E Clarendon – states his issue is with Residential zoning versus Commercial zoning and the potential fall range of the tower.

Vicki Boven, 1 E Clarendon – states she agrees with Mr. Lehor.

Tim Jones Prospect Heights Fire Department Deputy Chief – Mr. Jones states three things would affect the Fire District. 1, financial 2, better service inside the building which is a steel building block and with the MDC (Mobil Data within the vehicles) can be low and calls tend to drop 3, wanting to be good neighbors.

Chairman Dash asks if there have been any issues with residents calling 911.

Chief Deputy Jones states inside the bunker the cell phones don't work but with servicing the residents there are no known issues. He continues to give technical information regarding the Fire District communication system.

Director Peterson states for the record any pending the recommendation made this evening, it will not affect the current tower. The current tower has been approved, is legal and is conforming to the ordinances.

Commissioner Kempa asks Director Peterson how many cell phone towers are non-conforming.

Director Peterson states to his knowledge the only towers that may be not conforming would be the towers near Williams Way which were conforming when built but when Williams Way was annexed in. He states most of the towers are within five hundred feet of a residential district and were previously approved and conforming to the approval.

Mr. Lang returns to the podium to answer commissioner questions.

Chairman Dash briefly reviews the case points and her struggles of why this case and hardship should be approved.

Commissioner DeGraf comments.

Commissioner Patel comments.

Commissioner Saewert comments.

Chairman Dash asks Mr. Lang if he would like to have the case tabled to be able to come back with additional information or options.

Mr. Lang asks the Board if there are any specific items they are looking for that he could provide.

The Board comments in regards to their concerns.

Chairman Dash requests a motion to continue public hearing 19-06 SU at 8:54 pm  
Motion by Commissioner DeGraf

Second by Commissioner Saewert

VOICE VOTE:

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

NAYS:

ABSENT:

ABSTAIN:

This case will return before the Planning and Zoning Board of Appeals on Monday May 23, 2019 at 7:00pm

**3. PZBA – Zoning Public Hearing: Case No. ZBA 19-07 V**

Applicant: David A. Gutzmer

Address: 104 Alton Rd., Prospect Heights, IL 60070

Description of Request:

- A. Applicant is seeking a variation to encroach into a required side yard setback from 15' to 8' 4" to construct a garage addition to the primary structure per Section 5-6-1 E2 of the City of Prospect Heights Zoning Code on the property commonly known as 104 Alton Rd., Prospect Heights, Illinois, in the City's R-1 Single Family Residential District.

Chairman Dash requests a motion to open the public hearing 19-07 V at 8:57 pm

Motion by Commissioner Mellen

Second by Commissioner DeGraf

VOICE VOTE:

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

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash swears in those to testify regarding this hearing.

Director Peterson states this is a variation to reduce the required fifteen foot setback by six feet eight inches for the purpose of adding a single bay to the existing garage, expanding from a single car garage to a two car garage.

Mr. David Gutzmer of 104 Alton Prospect Heights, IL. Mr. Gutzmer states he has recently purchased his third home in Prospect Heights and both of his previous residences had two car garages allowing him to park his commercial vehicle inside the garage. In the process of downsizing he has lost that additional garage space and would like to extend the garage into the side yard six foot eight inches which would have less of an impact on soil and water drainage around the house than adding an additional garage into the back with a driveway for access.

Chairman Dash invites the public to speak.

Chairman dash asks the Commissioners if they have any questions, comments or concerns.

Commissioner Saewert asks Mr. Gutzmer to clarify the water issue in his yard that he referenced.

Mr. Gutzmer states there are water issues on his street because of where they are located. He states at the end of the street is the driving range from River Trails. He states that in a discussion with Director Peterson he learned that all the drainage water from his street is supposed to go towards Camp McDonald Road which is virtually impossible since Camp McDonald Road is going uphill in that direction. Therefore, in the addition of two hundred and twenty five square feet of concrete or less

place for the water to go doing this structure versus applying to build a garage in the backyard with a longer driveway for access.

Director Peterson states for the record the property is not in a designated flood zone but there is water retention.

Mr. Gutzmer adds there is a lot of water on the street but they are located in close proximity to the creek.

Commissioner DeGraf states his observation that the property to the south of Mr. Gutzmer has a garage in the back that appears to be on the zero lot line and asks Director Peterson if that resident had come in for approval from the Zoning Board or if Director Peterson knew how that came into being.

Director Peterson states he believes in 2016 the applicant of 106 Alton Road did appear before the Zoning Board and received a zero lot line because the owner of 104 Alton at that time appeared and agreed to the zero lot line with the condition the driveway had to have a curved lip and it had to be pitched back toward 106 Alton so that all the water would remain on the 106 property versus going towards 104. This was approved unanimously by both the Planning and Zoning Board of Appeals and City Council.

Chairman dash asks if Mr. Gutzmer ever has standing water in the back yard.

Mr. Gutzmer answers that he does not except in one portion of the ditch. He further states that it is wet in the back but it hasn't been standing water however he has lived there since September 2018 and he has not experienced a rainy season at this time.

Commissioner Saewert asks Director Peterson if the zero lot line that has been referenced was only for the driveway and was not for the detached garage the was built.

Director Peterson states that is correct.

Mr. Gutzmer adds that the garage at 106 is not fifteen feet from the lot line.

The Board advises Mr. Gutzmer that a detached accessory structure needs only be five feet from the lot line.

Mr. Gutzmer states he wants to build an addition to the already existing attached garage.

Commissioner Patel asks Mr. Gutzmer if having water in the back yard is a concern.

Chairman Dash clarifies that if Mr. Gutzmer were to build an additional free standing structure in the back creating more impervious area.

Mr. Gutzmer agrees that yes, this would be a concern. His states his intent is to remain aesthetically pleasing to the neighborhood as well as safety concerns by having his vehicle parked inside rather than being outside and accessible and in consideration to the neighbors view of a garage rather than a work vehicle.

Commissioner Saewert asks if there will be enough side yard for any utility or emergency vehicle that may need to access the back yard.

Mr. Gutzmer states there will be about twenty eight feet of accessibility with the garage being built.

Chairman Dash requests a motion to close public hearing 19-07 V at 9:08 pm

Motion by Commissioner Tammen

Second by Commissioner DeGraf

VOICE VOTE:

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

NAYS:

ABSENT:  
ABSTAIN:

Chairman dash asks for any discussion amongst the Commissioners.

Commissioner Saewert states she would like the hardship clarified due to the rule of an attached structure needing a fifteen foot setback versus having a free standing garage in the back and the only way she feels she could approve is that if the hardship is in fact due to the potential water issues that could arise from a detached structure being built in the back.

The Board agrees that the water issue is the hardship being presented.

Chairman Dash states that she is confident the Engineering Department would evaluate a proposed grading plan but in her opinion that adding more impervious area could cause more drainage issues especially being near the golf course.

Director Peterson adds that if Mr. Gutzmer decided to add a detached accessory structure he would need to appear before the board seeking a side yard variation for the driveway placement and states that in his opinion this option is the lesser of the potential variations that could be requested.

Commissioner Mellen asks Director Peterson if he has discussed the grading plan with the applicant.

Director Peterson states no due to there being no changes to the driveway, foundation or existing floor heights there should be no changes to the grading at least at this point in time.

Chairman Dash requests a motion to receive into the public record the staff review of the zoning compliance for the application 19-07 V

Motion by Commissioner De Graf

Second by Commissioner Kempa

VOICE VOTE:

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

NAYS:

ABSENT:

ABSTAIN:

Chairman Dash requests a motion to recommend that City Council approves a variation to encroach into a required side yard setback from 15' to 8' 4" to construct a garage addition to the primary structure per Section 5-6-1 E2 of the City of Prospect Heights Zoning Code on the property commonly known as 104 Alton Rd., Prospect Heights, Illinois, in the City's R-1 Single Family Residential District.

Motion by Commissioner Mellen

Second by Commissioner DeGraf

ROLL CALL:

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

NAYS:

ABSENT:

ABSTAIN:

This case shall go before City Council on Monday May 13, 2019 at 6:30pm

## **VI. Previous Application Updates**

Director Peterson gave updates on the previously heard ZBA cases.

A. PZBA 19-01 TA/SU

B. PZBA 19-02 SU

Way To Go Limousine  
Stery Trucking

C. PZBA 19-03 TA/SU/SUB/APPR & 19-04PC/AR  
D. PZBA 19-16SU

Conor Commercial  
Everclean Car Wash

**VII. Communications**

- Construction has begun on the River Trails buildings that have sustained fire damage.
- Cook County Economic Disclosure Statement – PZBA members will be receiving their notice by email sometime in February. Must be completed prior to May 1, 2019.

**VII. Adjournment: At 9:18 p.m.**

Motion to Adjourn: Commissioner Tammen  
Second: Commissioner DeGraf  
Voice Vote: Unanimous