

**City of Prospect Heights  
Plan/Zoning Board of Appeals  
May 24, 2018**

**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: Chairman Dash, Commissioners Kempa, DeGraf, Tammen, Mellen & Saewert

Absent: Commissioner Patel

Present at the meeting: Assistant Director of Building & Development Darrell Taylor and Recording Secretary: Jennifer Myzia

**III. APPROVAL OF April 25, 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 Mellen

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

NAYS:

ABSENT: Commissioner Patel

ABSTAIN: Commissioner Saewert

Motion carried.

**IV. OLD BUSINESS - None**

**V. NEW BUSINESS**

**1. PZBA – Public Hearing: Case No. ZBA 18-05V**

Applicant: Lawrence & Carol Matchen

Address: 1208 N. Stratford Rd., Arlington Heights, IL 60004

Description of Request:

- A. Applicant is seeking a Variation to allow the construction of an 850 square foot detached garage in the rear yard in excess of the 720 square foot detached garage allowed by the zoning code.

Chairman Dash requests a motion to open public hearing 18-05V at 7:02 pm by

Motion by Commissioner Tammen

Second by Commissioner Mellen

**VOICE VOTE:**

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

NAYS:

Chairman Dash swears the public in for testimony.

Lawrence Matchen, 1208 N Stratford Rd. Prospect Heights, IL states it has always been a dream to have a bigger garage where he could work on cars. Mr. Matchen states he has raised three children, two of which graduated college and a third who is in a group home. He has a basement with a block foundation with leakage and to fix the foundation would be very expensive as with a block foundation he would have to dig all the way to the base of the foundation to fix. He would like to be able to get all three vehicles they own in the garage.

Commissioner Kempa asks how big the garage will be X by Y.

Mr. Matchen replies it will be approximately 33 feet wide by not sure how deep it is.

Chairman Dash states according the plan in the packet it is 34x25.

Chairman Dash asks if it is Mr. Matchen's intention to tear down the old garage.

Mr. Matchen replies yes. It is his understanding with the regulations it needs to be moved back plus it would not work the way it is now with the deck.

Assistant Director Taylor states it needs to be five feet from the property line and no closer than the code allows from the home.

Commissioner Saewert states she fails to see how this is a hardship since a three car garage is allowed and 720 square feet would allow a three car garage. In her opinion the water issue is a separate issue which should be addressed as it will maintain the integrity of the home and to store goods in the garage to not address repairing the foundation doesn't make for a hardship.

Mr. Matchen replies part of it is the water. The house is old and a smaller as it was built in the forties and if someone were to buy the home he believes they would tear down and rebuild.

Commissioner Saewert states that this is an accessory structure and it has a footprint almost as large as the house.

Mr. Matchen states he does not understand what is meant by the size of the house.

Commissioner Saewert clarifies that the plan of the garage is 850 square feet and the house is approximately 20x43 so the footprint is almost the same.

Mr. Matchen clarifies that they used to have a one car attached garage that was turned into a family room.

Commissioner Saewert states she believes the code is set at 720 square feet for a detached garage because that is a substantially sizable building for an accessory structure.

Mr. Matchen states if you have ever worked on cars with the storing of the tools, workbench and welding equipment that space can fill up fairly quickly.

Chairman Dash states that as part of the application Dan Peterson the Director of Building and Development provides a zoning review that states a few standards had not been met and although you supplied a hardship letter it would be up to the commissioners to determine if it is really a hardship to want to work on cars or need more storage per se to exceed the proposed footage allowed by our ordinance and if an exception is made for you because you like cars or need extra storage then that same rule needs to be applied to everyone. Another item on the zoning review is depriving rights enjoyed by other property owners and according to the code you are proposing to remove 446 square feet and with the maximum allowable 720 square feet this would give you an additional 274 square feet of space without a variation. The additional 274 square feet should be sufficient but Mr. Matchen is stating it is not.

Mr. Matchen replies that with moving the stuff out of the basement and placing it in the garage would relieve worry. He states he does understand the comments about fixing the foundation and digging around the entire property would be substantial.

Commissioner DeGraf states that back in the early 90's there were two garages built, one on Ridge and one on Parkway that were two-stories with an additional room upstairs for a hobby and the neighbors all got together and stated an ordinance had to be created and at that time is when the 720 square feet was set. Commissioner DeGraf personally came in in 1992 and wanted a large garage in his backyard and applied for a garage that was 900 square feet and went through the variation process and was denied. A good friend of his bought in the fall of last year whom also works on cars and has a lift in the garage. He wanted a bigger garage and Commissioner DeGraf warned that it may not go through the board of appeals and that he would personally have to recuse himself because he would be building the garage. Commissioner DeGraf stated that he feels to grant Mr. Matchen a larger garage would be wrong and that he hasn't met the hardship.

Chairman Dash requests a motion to close the public hearing on case ZBA 18-05V

Motion by Commissioner Kempa  
Seconded by Commissioner DeGraf  
Voice Vote

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

NAYS:

ABSENT: Commissioner Patel

ABSTAIN:

Motion carried.

Public hearing closed for 18-05V at 7:15 pm

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 Kempa

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner Patel

ABSTAIN:

Chairman Dash calls for motion to vote on the application before us which is for construction of an 850 square foot detached garage in the rear yard in excess of the 720 square foot detached garage allowed by the zoning code.

Motion by Commissioner DeGraf  
Seconded by Commissioner Mellen

Roll Call Vote

AYES:

NAYS: Commissioners Kempa, DeGraf, Tammen, Mellen, Saewert and Chairman Dash

ABSENT: Commissioner Patel

ABSTAIN:

This case shall go before City Council on Monday June 11, 2018

**2. PZBA – Public Hearing: case No. ZBA 18-07V**

Applicant: Rand Olive Condo Association

Address: 1845 E. Rand Rd., Arlington Heights, IL 60004

Description of Request:

- A. Applicant is seeking consideration of variations to the City of Prospect Heights Zoning Code, in order to construct a replacement free standing ground sign 160 sq. ft. in excess of 100 sq.ft and 20 ft. high in excess of 15 ft. high as allowed in the existing location per Section 5-9-3 B2 (d) of the City of Prospect Heights Zoning Code on the property commonly known as 1845 E. Rand Road, Arlington Heights, Illinois, in the City's B-2A General Commercial District.

Chairman Dash requests a motion to open public hearing 18-07V at 7:19 pm by

Motion by Commissioner Tammen

Second by Commissioner Saewert

VOICE VOTE:

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

NAYS:

Chairman Dash swears the public in for testimony.

Assistant Director Taylor comments that he did verify the existing sign is in a low area and is 2.5 feet below grade. The variation is asking for 20 feet but due to the grade the actual variation request would be 2.5 feet.

Commissioner Saewert asks Assistant Director Taylor how he measures grade.

Assistant Director Taylor replies the grade is the grade surrounding the structure or building. There is no distance mentioned in the definition. In this example the grade of the parking lot and ground in one area is pretty level so a line sight was placed there with a grade pole and the actual sign sits 2.5 feet lower than the parking lot. When establishing height, it is only 15 feet above where you can see from grade level.

Chairman Dash turns the floor to the applicant for their presentation.

Matt Holmes Attorney for Rand Olive Condominium Association with the firm of Storino Ramello and Durkin, 9501 W. Devon Ave., Suite 800, Rosemont, IL with Mr. Holmes is one of the members of the Association and a unit owner at 1845 E Rand, Wendy Morgan, who is also the City Clerk for the City of Prospect Heights and Ken Kelly from Sign Palace to answer any questions regarding the proposed sign structure. This presentation is for a request for two variations from the same sign ordinance, 5-9-3B2(d) to allow for a free standing sign up to 20 feet and 160 square feet of signage. Mr. Holmes states he would like to address the standards of the request of variances and called Wendy Morgan and walk her through so she can submit evidence.

Wendy Morgan 400 Prospect Dr, Prospect Heights, IL and a unit owner at 1845 E. Rand Rd. with an Arlington Heights mailing address but within the City limits of Prospect Heights.

Mr. Holmes confirms that Ms. Morgan is a member of the Rand Olive Condominium Association and is authorized to testify on behalf of the Rand Olive Condominium Association.

Mr. Holmes states the first standard that will be addressed is special conditions and circumstances which are peculiar to the land and building involved. Mr. Holmes states it is his understanding there are ten commercial residents in the building.

Ms. Morgan confirms that number.

Mr. Holmes states that restricting the sign to 100 square feet between ten professional commercial residents on a pro-rata basis which is part of the by-laws of the Association would result in some unit owners having really small signage.

Ms. Morgan confirms and states that it would be non-visible from Rand Rd., Olive or anywhere in the right of way.

Mr. Holmes asks Ms. Morgan if the literal interpretation of the sign ordinance deprive the applicant of rights commonly enjoyed by other properties in the same district.

Ms. Morgan replies no.

Mr. Holmes states that at the intersection of Rand and Olive there are three different locations in Prospect Heights that have signs, there is the subject property which has a relatively small sign. To the Northwest of the subject property across Olive Street in which the top business is named Kidz Bedz which is located in the same district. Across the street is Prospect Crossing which has a sign that delineates individual businesses much the same way that is being proposed and is twice as large as the sign being proposed and that is in addition to the Tony's sign which is across the street which is in the B4 P.U.D. district.

Mr. Holmes continues with zoning standard number three in which the alleged hardship has not been caused by any person have a current or prior interest on the premises.

Ms. Morgan replies that is correct.

Mr. Holmes states there recently have been several changes in ownership in the units in the building at 1845 E. Rand Rd. Previously the minimal signage depicted the needs and desires of the owners of the property that they are all entitled to advertise on the sign. However when a sign is split between ten owners considering Village Bank and The Law Firm of Wendy Morgan own sizable pieces of the building and to have all

owners receive their proportional share of the signage leaves some owners with small signage. The proposed sign even has some owners with signage less than seven inches high which is difficult to see from the road with the fifteen foot required setback.

Chairman Dash confirms the existing sign is actually 14 feet wide by 4 feet tall. Chairman Dash continues to state that under the current code up to 100 square feet of signage is allowed and that the propose sign is 160 square feet and that the ten tenants listed don't have a proportional amount of signage for their business and asks why with 160 square feet of signage with ten tenants why some are only receiving seven inch font. Chairman Dash asks what would a sign of 100 square feet look like versus the 160 square feet.

Mr. Holmes states the current application is a direct result of a lawsuit which was identified on the front sheet of the cover letter. There was litigation between the property owners within the Association which resulted in a settlement agreement to be enforced against the Association requiring it to provide these percentages of space on a sign to the unit owners of the property. The settlement resulted in an order in which we are attempting to comply with by making the smallest sign possible to comply with the order.

Ms. Morgan states the bank has a certain percentage that they are allocated which does not conform with their percentage share of their space and that is part of the court order they had a larger share before which made it impossible for the other owners to be on the sign at all. Therefore by court order this is the smallest space that we could fit all the unit owners and get the bank the court ordered percentage that they are allowed.

Commissioner Saewert asks if this includes the wall sign that the bank has identifying their business.

Ms. Morgan states the wall sign has nothing to do with the proposed sign. The controversy is due to how the original by-laws were written.

Chairman Dash asks that as the applicant were to stick to 100 square feet allowed by the ordinance and create the sign inserts based on the percentages as approved by the court order that some of these seven, eight, nine inch

Mr. Holmes stated they would be even smaller and impossible to read.

Mr. Ken Kelly, Sign Palace Inc 68 N. Lively Blvd., Elk Grove Village, IL 60007 states with a 100 square foot sign with the general width of 10 feet it would be a 10 foot tall sign. The bank is allowed 25 per cent of the sign and would get the first 2 and a half feet of the sign leaving 7 and a half feet of sin area for the remaining nine tenants. That broken down would be less than six inches per tenant.

Mr. Holmes states it is his belief that the proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood. Mr. Holmes states that the proposed sign is similar to those and roughly half the size of those in immediately adjacent to the north and across Rand Rd.

Commissioner Mellen asks what the size of the Kidz Bedz sign is.

Chairman Dash states that the photographs brought by the applicant will be admitted into evidence.

Commissioner Saewert states she asked Director Peterson if there was ever a sign variance for the Kidz Bedz sign and that Director Peterson stated he could not find a

record for a variation request and that it may have come in as a non-conforming use when the property was annexed.

Ms. Morgan states she moved into the building in 1995 and the sign was not there and recalls in 2000 the sign was not there and does not believe the sign is more than ten years old.

Mr. Holmes states the proposed variation will not impair an adequate supply of light and air to adjacent properties nor will it create any congestion in the public streets, increase the danger of fire, or endanger public safety. The proposed sign is set so far back from the intersection on either side of the street that it will cause no problems with fire or traffic. The proposed variation will not change the essential character of the locality as discussed before it is very similar to the existing business uses in the district. It is in harmony with the spirit and intent of this title although an increase in height and square feet in the allowable standards it does conform to the norm of the signage along Rand Rd. The proposed sign is similar but smaller than the other signs discussed. The granting of the variation requested will not confer other owners in the same district.

Chairman Dash confirms the reason the variation is being requested is to provide adequate signage to the tenants.

Mr. Holmes confirms and corrects that these are not tenants but unit owners.

Chairman Dash asks if the variation request is also a result of the law-suit.

Mr. Holmes states the reason the association is undertaking this action on behalf of the unit owners is because of being directed pursuant of the settlement agreement between the unit owners. The unit owners could theoretically come in and ask one by one for a variation but this was the agreement made to settle the law-suit and that we were directed to bring this variation to get adequate signage for all unit owners in 1845 E. Rand Rd.

Chairman Dash requests the thoughts and comments of the commissioners.

Commissioner DeGraf stated he was with Old Town Sanitary district when they had their condo unit over there and for the fifteen years he was there any time someone needed to come to the office they could never find it. There was no signage. For a building that size, if I were a unit owner I would expect my shingle to be hanging out front. Commissioner DeGraf does feel there is a hardship because the court is ordering you to comply.

Commissioner Saewert asked if there is any reason the signage is located where it is and if it could be moved so it can be closer to the street and more visible.

Mr. Holmes said theoretically it could but on Rand Rd. at that point there is a detention area and then an increase in sign would be needed to get it to the height it is at now and it may decrease visibility for those driving on Rand Rd especially for the two intersection located directly north and south.

Chairman Dash stated and Mr. Holmes confirmed they are utilizing the existing foundation which already has power.

Ms. Morgan stated they are keeping it there for cost efficiency as it would cost substantially more to move the sign closer to the street.

Mr. Kelly stated if the sign was moved closer to Rand Rd. it would get extremely close to the power lines much like the Kidz Bedz sign.

Chairman Dash requests a motion to close the public hearing on case ZBA 18-07V

Motion by Commissioner Tammen  
Seconded by Commissioner Kempa  
Voice Vote

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

NAYS:

ABSENT: Commissioner Patel

ABSTAIN:

Motion carried.

Public hearing closed for 18-07V at 7:42 pm

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 Saewert

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner Patel

ABSTAIN:

Chairman Dash requests a motion to receive into public record evidence the photographs provided by the applicant of existing signs located in proximity to the applicant.

Motion by Commissioner Tammen  
Second by Commission Kempa

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner Patel

ABSTAIN:

Chairman Dash requests comments of the commissioners.

Commissioner Saewert states she feels it is difficult to compare this situation to Prospect Crossings because it is a P.U.D. shopping center in comparison to the applicants building which is a professional building not unlike the one just south which is a medical building. Commissioner Saewert points out that Prospect Heights, Arlington Heights and Mount Prospect all mesh together at that point and Prospect Heights is more lenient in their sign code than Arlington Heights and Mount Prospect. The 100 square feet is more than what's allowed if you were located a little south or north. She feels it's unfortunate that the association has guidelines telling you what to do for the signage and does not feel they are complying what the City Code is saying. There is no reason why ten tenants could not fit on to a 100 square foot sign, but showing percentages is not addressed in our code. Prospect Heights does not restrict what is on the sign just the

size and location of the sign. Commissioner Saewert feels the 100 square feet is sufficient.

Chairman Dash calls for a motion for a variation to construct a replacement free standing ground sign 160 sq. ft. in excess of 100 sq.ft and 20 ft. high in excess of 15 ft. high as allowed in the existing location per Section 5-9-3 B2 (d) of the City of Prospect Heights Zoning Code on the property commonly known as 1845 E. Rand Road, Arlington Heights, Illinois, in the City's B-2A General Commercial District.

Motion by Commissioner Kempa  
Seconded by Commissioner Mellen

Chairman Dash calls for a roll call vote for ZBA Case 18-07V  
AYES: Commissioners Kempa, DeGraf, Tammen, Mellen and Chairman Dash  
NAYS: Commissioner Saewert  
ABSENT: Commissioner Patel  
ABSTAIN:

This case shall go before City Council on Monday June 11, 2018

**VI. Communications - None**

Chairman Dash requests a motion to adjourn.

**VII. Adjournment: At 7:47 p.m.**

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