

**City of Prospect Heights  
Plan/Zoning Board of Appeals  
July 23, 2020**

**I. MEETING COMMENCEMENT:**

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:04 pm by Director Peterson, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois. Meeting held on Zoom Call

**II. ROLL CALL:**

Present: Commissioners Kempa, DeGraf, Patel, Mellen & Saewert

Absent: Jon Tammen & Chairman Dash

Quorum is present.

Commissioner DeGraf requests a motion to nominate a Commissioner Mellen to be Chairman Pro-tem in the absence of Chairman Dash.

Second by Commissioner Kempa

Voice Vote: All in favor

Commissioner Mellen will act as Chairman Pro-tem for the July 23, 2020 PZBA meeting.

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

**III. APPROVAL OF June 25, 2020 MINUTES**

Motion made by Commissioner Kempa, seconded by Commissioner DeGraf to approve the meeting minutes with corrections as noted.

**ROLL CALL VOTE:**

AYES: Commissioners Kempa, DeGraf, Patel, Saewert & Chairman Pro-tem Mellen

NAYS:

ABSENT: Commissioner Tammen & Chairman Dash

ABSTAIN:

Motion carried.

**IV. NEW BUSINESS**

**1. PZBA – Zoning Public Hearing: Case No. ZBA 20-11 V**

Applicant: Lukasz Borkowski,

Address: 905 Edward Rd., Prospect Heights, IL 60070

Description of Request:

Applicant is seeking the following variations:

- 1) To allow a 37' foot recreational vehicle in excess of the 32' maximum allowed for parking and storage of a recreational vehicle per Section 5-8-4 B3; and

- 2) To reduce the required side yard setback from 5' to 1.5' for the construction of a driveway to access the rear yard as required by Section 5-8-2; E2A.

Chairman Mellen requests a motion to open the public hearing for 20-11 V at 7:11 pm

Motion by Commissioner Saewert

Second by Commissioner DeGraf

VOICE VOTE:

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

NAYS:

ABSENT:

ABSTAIN: Commissioner Tammen & Chairman Dash

Director Peterson presents the application.

Chairman Pro-tem Mellen swears in the applicant Lukasz Borkowski.

Mr. Borkowski and his wife Ursula present their case.

Chairman Pro-tem Mellen swears in Rick Stephanie of 910 Edward Rd.

Mr. Stephanie testifies in support of Mr. Borkowski.

Chairman Pro-tem Mellen swears in Jill Stephanie of 910 Edward Rd.

Mrs. Stephanie testifies in support of Mr. Borkowski.

Chairman Pro-tem Mellen opens discussion to the commissioners.

Commissioner Patel asks the applicant is the purpose of the variance request is so he does not have to incur the expense of moving the mechanicals to the other side of the house.

Commissioner Patel refers to the list of signatures from the neighbors and asks what the opinion of the neighbor at 907 Edward Rd. is.

Mr. Borkowski states his neighbor is agreeable with the camper being five feet off the property line due to the understanding of the expense to reposition the mechanicals of the house.

Commissioner Saewert states there are certain standards that the board must comply with to approve a variance and one condition is, "Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district." And states she doesn't see the land, building or structure as being a special condition. She states the hardship seems to be created by the purchase of an R.V. that is larger than what is accepted. Commissioner Saewert states the hardship hasn't been created by the circumstance but it is a self-imposed hardship created by the applicant. Another condition is, "The proposed variation will not alter the essential character of the locality." Commissioner Saewert believes the 32" maximum allowance was put into the code is because anything larger can substantially impact the neighbors' visibility. She understands Mr. Borkowski will put up screening however a fence and shrubbery won't conceal the R.V. and therefore by the standards this situation does not merit a variation approval.

Chairman Pro-tem Mellen requests any additional comments from the commissioners.

Chairman Pro-tem Mellen requests a motion to close the public meeting for 20-11 V at 7:26 pm

Motion by Commissioner Kempa

Second by Commissioner Patel

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner Tammen and Chairman Dash

ABSTAIN:

Chairman Pro-tem Mellen requests a motion to receive into the public record the staff review of the zoning compliance for the application 20-11 V with the zoning standards as presented by staff and to make these standards a part of the official record of this application.

Motion by Commissioner Kempa

Second by Commissioner Saewert

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner Tammen and Chairman Dash

ABSTAIN:

Chairman Pro-tem Mellen requests a motion to recommend to City Council the approval of the applicants request for the following variation request:

- 1) To allow a 37' foot recreational vehicle in excess of the 32' maximum allowed for parking and storage of a recreational vehicle per Section 5-8-4 B3.

Motion by Commissioner Saewert

Second by Commissioner DeGraf

VOICE VOTE:

AYES: Commissioners Kempa

NAYS: Commissioner Saewert, Patel, DeGraf and Chairman Pro-tem Mellen

ABSENT: Commissioner Tammen and Chairman Dash

ABSTAIN:

Motion fails 1:4

Chairman Pro-tem Mellen requests a motion to recommend to City Council the approval of the applicants request for the following variation request:

- 2) To reduce the required side yard setback from 5' to 1.5' for the construction of a driveway to access the rear yard as required by Section 5-8-2; E2A.

Motion by Commissioner Kempa

Second by Commissioner Saewert

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf

NAYS: Commissioner Saewert, Patel and Chairman Pro-tem Mellen

ABSENT: Commissioner Tammen and Chairman Dash

ABSTAIN:

Motion fails 2:3

This case will appear before City Council on August 10, 2020.

2. **PZBA – Zoning Public Hearing: Case No. ZBA 20-12, SU,**  
Applicant: Jay Brizzolara, Owner  
Address: 1421 N. Rand Rd., Arlington Heights, IL 60004

Description of Request:

Special Use Permit to operate a 2,730 ± sq. ft. sit down restaurant with outdoor dining, in the B-2A General Commercial District per 5-7-3 C of the City of Prospect Heights Zoning Code.

Chairman Pro-tem Mellen requests a motion to open a public hearing on ZBA Case #20-12 SU at 7:31 p.m. Commissioner DeGraf moved to open the public hearing. Second by Commissioner Saewert.

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner Tammen and Chairman Dash

ABSTAIN:

Director Peterson presents the application.

Chairman Pro-tem Mellen swears in the applicant Jay Brizzolara of 207 E Marion Prospect Heights owner of 1421 N Rand Rd.

Mr. Brizzolara presents his application for a full service restaurant with outdoor seating.

Chairman Pro-tem asks for public testimony and then opens the discussion to the commissioners.

Commissioner Kempa asks about the parking in regard to the outdoor seating.

Mr. Brizzolara replies the parking requirement is met with one additional space available.

Commissioner Saewert asks if there are plans to place a noise buffer from the traffic for the outdoor seating area.

Mr. Brizzolara replies the intention is to place a brick garden wall there and if needed potentially a glass buffer but he does not want to block the view.

Commissioner Saewert asks Director Peterson to clarify the video gaming license process.

Director Peterson responds that City of Prospect Heights responds that being a non-home rule community and cannot regulate or issue the gaming licenses. The City can only regulate the special use for the sit down restaurant which then drives the liquor license that the owner is establishing. Once the liquor license has been established, then an application can be submitted to the State for the gaming and as long as it is ancillary and supportive of the primary use it has been very favorable.

Commissioner DeGraf asks if the gaming is approved will there be partitions required to keep those under 21 years of age separated.

Mr. Brizzolara responds there are plans to have one full wall blocking off the entrance on one side and it has not been decided if the other entrance will have a full or half wall.

Chairman Pro-tem Mellen asks in regards to the parking stalls immediately adjacent to the stalls off Rand Rd and the entrance angle into those stalls. He suggests working with staff on the design of those stalls and potential of designating those as employee parking to have control over those entering and leaving those stalls.

Commissioner DeGraf asks if there are any plans to use outdoor heaters for the patio area considering the situation of the pandemic that is currently happening.

Mr. Brizzolara responds there is a plan being created to utilize the patio for as much of the year as possible but nothing has been finalized.

Commissioner Saewert asks Director Peterson to correct exhibit six and the staff report that indicates there will be a drive-thru and that is not part of the presented plan.

Director Peterson states it is for a sit down restaurant in the B2A Commercial District.

Chairman Pro-tem Mellen requests a motion to close the public meeting for 20-12 SU at 7:43 pm

Motion by Commissioner Saewert

Second by Commissioner DeGraf

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner Tammen and Chairman Dash

ABSTAIN:

Chairman Pro-tem Mellen requests a motion to receive into the public record the staff review of the zoning compliance for the application 20-12 SU with the zoning standards as presented by staff with the modifications in regard to eliminating comments pertaining to a drive-thru and to make these standards a part of the official record of this application.

Motion by Commissioner DeGraf

Second by Commissioner Kempa

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner Tammen and Chairman Dash

ABSTAIN:

Chairman Pro-tem Mellen requests a motion to recommend to City Council the approval of the applicants request for the following Special Use Permit to operate a 2,730 ± sq. ft. sit down restaurant with outdoor dining, in the B-2A General Commercial District per 5-7-3 C of the City of Prospect Heights Zoning Code.

Motion by Commissioner Kempa

Second by Commissioner Saewert

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner Tammen and Chairman Dash  
ABSTAIN:

Motion approved 5:0

This case will appear before City Council on August 10, 2020.

**V. OLD BUSINESS**

**1. PZBA – Zoning Public Hearing: Case No. ZBA 20-02 SU –  
Recommitted by Council**

Applicant: Crown Castle, represented by Ray Shinkle, Insite Inc  
Address: 10 E. Camp McDonald Rd., Prospect Heights, IL 60070

Description of Request:

Consideration of a Special Use and Variations, Section 5-3-15G to allow the construction of a wireless communication facility; and Section 5-6-1 B seeking a height variation of 5' from 110' to 115' high communications tower on the property commonly known as 10 E. Camp McDonald, Prospect Heights, Illinois, in the City's R-1 Single Family Residential District.

Director Peterson explains the case being remanded back to the Plan/Zoning Board of Appeals and the current status of the case, the height variation has been removed the only item presented is the special use.

Chairman Mellen requests a motion to re-open the public hearing for 20-02 SU at 7:50 pm  
Motion by Commissioner Saewert  
Second by Commissioner DeGraf

VOICE VOTE:

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

NAYS:

ABSENT:

ABSTAIN: Commissioner Tammen & Chairman Dash

Chairman Pro-tem Mellen swears in Karl Camillucci of Taft Law representing Crown Castle.

Mr. Camillucci explains the history of the special use which has been previously granted to the updates and changes now being requested. Mr. Camillucci continues to present the case with updates for Crown Castle. There are two pole options being presented. A mono-pole and a mono-pine. Mr. Camillucci speaks about the health concern issues presented at the prior meeting, reviews the special use standards and addresses the concern of property values.

Chairman Pro-tem Mellen opens the floor to members of the public who wish to testify.

Chairman Pro-tem Mellen swears in Mr. Scott Lehor of 9 E Clarendon.

Mr. Lehor presents a power point presentation.

Chairman Pro-tem Mellen swears in Mr. Jerry Simmons of 101 E Clarendon.

Mr. Simmons testifies in opposition. Mr. Simmons asks Director Peterson if this case will set a precedent for other cell tower applications to be submitted in any R1 district.

Director Peterson replies that each case is heard on its own merits and the per the City Code applicants are allowed to submit an application.

Chairman Pro-tem Mellen swears in Ms. Melanie Zagorski of 3 Marberry Dr.

Ms. Zagorski testifies in opposition.

Mr. Camilucci responds to resident testimony.

Chairman Pro-tem Mellen opens discussion to the commissioners.

Commissioner Patel expresses concerns in regard to the width of the pole and asks what the width will be with the arrays.

Mr. Camilucci explains the antenna arrays are designed by the carriers and therefore until the final design is make the dimension cannot be stated.

Chairman Pro-tem Mellen swears in Travis Shenk of Crown Castle.

Travis Shenk represents Crown Castle 2000 Corporate Dr. Cannonsburg, PA. testifies in regard to the size of the arrays presented in the diagram of a 12 foot x12 foot x12 foot isosceles triangle is worst case scenario.

Discussions continue between the commissioners and the applicant in regard to the width dimensions.

Commissioner Saewert begins discussion in regard to the city's comprehensive plan.

Commissioner Kempa asks if all antenna options in regard to the fire station have been explored.

Director Peterson comments that the fire district had a tower over 100 feet for their communications prior to the communications tower being approved.

Mr. Camilucci explains the need for the height of the communication tower.

Discussions regarding the tower height continue.

Chairman Pro-tem Mellen requests a motion to close the public meeting for 20-02 SU at 9:33 pm

Motion by Commissioner Saewert

Second by Commissioner Kempa

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner Tammen and Chairman Dash

ABSTAIN:

Chairman Pro-tem Mellen requests an option vote for mono-pine or mono-pole.

VOICE VOTE:

Mono-Pine 2:3: Commissioner Kempa and Commissioner Patel

Mono-Pole 3:2: Commissioner DeGraf, Commissioner Saewert and Chairman Pro-tem Mellen

Commissioner Pro-tem opens discussion to the commissioners for deliberation.

The commissioners deliberate and each commissioner voices their point of view.

Director Peterson lists the new exhibits to be entered into the record.

Chairman Pro-tem Mellen requests a motion to enter the new exhibits listed by Director Peterson into the record for 20-02 SU at 9:46 pm

Motion by Commissioner Kempa

Second by Commissioner DeGraf

VOICE VOTE:

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

NAYS:

ABSENT: Commissioner Tammen and Chairman Dash

ABSTAIN:

Chairman Pro-tem Mellen requests a motion to recommend to City Council the approval of case 20-02 the applicants request for a Special Use, Section 5-3-15G to allow the construction of a 110' high communications tower with the mono-pole design and with the condition that including the design of the arrays must remain within the footprint of the leased property on the property commonly known as 10 E. Camp McDonald, Prospect Heights, Illinois, in the City's R-1 Single Family Residential District.

Motion by Commissioner Saewert

Second by Commissioner Kempa

VOICE VOTE:

AYES: Commissioners DeGraf and Chairman Pro-tem Mellen

NAYS: Commissioner Kempa, Commissioner Patel & Commissioner Saewert

ABSENT: Commissioner Tammen and Chairman Dash

ABSTAIN:

Motion fails 2:3

Chairman Pro-tem Mellen requests a motion to recommend to City Council the approval of case 20-02 the applicants request for a Special Use, Section 5-3-15G to allow the construction of a 110' high communications tower with the mono-pine design and with the condition that including the design of the arrays must remain within the footprint of the leased property on the property commonly known as 10 E. Camp McDonald, Prospect Heights, Illinois, in the City's R-1 Single Family Residential District.

Motion by Commissioner Patel

Second by Commissioner DeGraf

VOICE VOTE:

AYES: Chairman Pro-tem Mellen

NAYS: Commissioner Saewert, Commissioner DeGraf, Commissioner Patel & Commissioner Kempa

ABSENT: Commissioner Tammen and Chairman Dash

ABSTAIN:



Motion fails 1:4

This case will appear before City Council on August 10, 2020.

**VI. Previous Application Updates** - no updates at this time.

**VII. Communications**

1. PZBA Case #20-08 continued until Thursday July 30, 2020 @ 7:00 p.m. – Zoom format.
2. Regular ZBA meeting on August 27, 2020.

**VII. Adjournment:** 9:55 pm

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