

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

I. MEETING COMMENCEMENT:

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:14 pm by Commissioner Tammen, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois.

II. ROLL CALL:

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

Quorum is present.

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

Scott DeGraf nominated Jon Tammen as Chair Pro-Tem in the absence of Chairman Dash
Motion by Commissioner DeGraf
Second by Commissioner Saewert

III. APPROVAL OF September 27, 2018 MINUTES

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

ROLL CALL VOTE:

AYES: Commissioners Kempa, DeGraf, Patel, Saewert & Chairman Pro Tem Tammen

NAYS:

ABSENT: Chairman Dash & Commissioner Mellen

ABSTAIN:

Motion carried.

IV. OLD BUSINESS

V. NEW BUSINESS

1. PZBA - Public Hearing: Case No. ZBA 18-14SU

Applicant: George Sellis

Address: 1 E. Camp McDonald Rd., Prospect Heights, IL 60070

Description of Request:

- A. Requesting a Special Use Permit for a 3,600 sq. ft. sit down restaurant in a B-1 Retail Business District per 5-7-2 C of the City of Prospect Heights Zoning Code.

Chairman Pro Tem Tammen introduces the exhibits into record.

Assistant Director Taylor introduces the case by stating that a Special Use Permit is required for a sit down restaurant in a B-1 Retail Business District. The applicant, George Sellis, is proposing a build out of an existing 3,600 square foot, vacant tenant space at 1 E. Camp McDonald Rd. The

parking classification per code is Class #16, and based upon the definition to determine off-street parking, the gross area applicable is 3,600 sq. ft. and would require thirty-six (36) parking spaces. The current parking lot is legal non-conforming and does not currently meet the required parking standards. A full building permit will be issued upon successful completion of the Special Use Permit process. The City Council will hear and consider an anticipated Beer/Wine License application. Any request for video gaming will be processed through the Illinois Gaming Board. Staff conclusion is that the project meets both the general requirements and standards for a Special Use Permit for a sit down restaurant. The applicant shall submit a complete kitchen equipment plan and floor plan to determine occupancy of the facility. The City Council will consider all applications for liquor licenses. The State of Illinois will determine if video gaming shall be permitted.

Chairman Pro Tem Tammen swears in the applicant.

George Peter Sellis 4007 Miller Dr Glenview, IL 60026. Mr. Sellis states he wants to open Sue's Café which will be a gourmet coffee, soup and pizza parlor. There will be all you can eat soups and pizza. During the day offerings will be gourmet coffee and Danish, muffins and breakfast foods. The intent is also to build a higher end conference room for companies looking to have off-site conferences with lunch. Due to the space being larger than originally wanted the idea is to build a kids party and game room.

Chairman Pro Tem Tammen asks if the commissioners have any questions for the applicant.

Commissioner Saewert questions the floor plan. She states she sees the game room and asks for clarification of where the corporate events will take place.

Mr. Sellis replies it would be split in half. In example the west side of the building would have a kids party room with a couple of Chuck-E-Cheese type games and the other side would be a corporate meeting room for adults and would put some video gaming on that side. The rooms would be separate on opposite sides of the restaurant with separate entrances. The entrance to the conference room would be on the east side of the restaurant and the entrance for the children would be on the west side.

Commissioner Patel asks if the game room and the conference room double as each other.

Mr. Sellis states they will be two separate rooms with two separate entrances.

Commissioner Patel states that is not indicated on the floor plan.

Mr. Sellis states the back area would be divided in half. In example the east side would be for the children with an entrance on the east side of the restaurant. The west side would be for the adults. They would not be able to go from the kid's room to the adult side without coming through the front and going all the way around.

Commissioner Pro Tem Tammen states one thing he forgot is a motion to open the public hearing at 7:21pm.

Motion by Commissioner Saewert

Second by Commissioner Patel

VOICE VOTE:

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

NAYS:

ABSENT: Chairman Dash & Commissioner Mellen

ABSTAIN:

Commissioner DeGraf asks if there are going to be two separate areas will there be two separate sets of washrooms.

Mr. Sellis replies there are washrooms currently that are handicap accessible.

Commissioner DeGraf states that is understood but asks are the children going to be mixed with the adults.

Mr. Sellis responds yes that the adults would have to come out and go around to the children's area. There would not be access from both sides and this would help to avoid children going into the adult game area or conference room.

Commissioner DeGraf states he would like to see that on the floor plan as it is not shown right now.

Mr. Sellis responds that he can make a new floor plan more specific. The original plan was to have a cash and carry business but in lieu of the parcel being so large and there is no way to divide it, with 2000 sq. ft. more than needed the idea of making a game room and conference room came to be. Mr. Sellis stated he will get more specific on the back area uses and accesses.

Chairman Pro Tem Tammen asks if the question is public access to the washrooms.

Commissioner DeGraf clarifies that the statement being made is the area is being divided into a kid area and an adult area yet the floor plan does not illustrate that as submitted. Commissioner DeGraf states his concern is how can the ZBA Board approve or disapprove something that is not clear what is being proposed.

Mr. Sellis states this is an understandable request because the rooms were added after the request was submitted because there is so much extra space and there is an issue in regard to parking but with the parties being geared more towards the weekend. Mr. Sellis states Commissioner DeGraf is correct and this can be easily make another plan for the next meeting if continued that would easily identify entrances to the washrooms and the rooms and the proper seating in each room.

Chairman Pro Tem Tammen asks if there are any other comments or questions.

Commissioner Saewert states she has a question regarding parking and circulation. She states this is at times a congested area and that Deli 4 You has quite a few customers at certain peak times and asks if they have expressed any concerns or have spoken to Mr. Sellis regarding his hours of operation versus their peak times.

Mr. Sellis replies that Deli 4 You has not spoken directly to himself but he has spoken with the landlord and the first four parking spots are going to be designated just for the business itself because the business is based on cash and carry so the patrons can grab a coffee to go or a pizza to go and even though it is all you can eat inside which will probably be geared more towards the weekends. A conversation has not taken place with Deli 4 You. Deli 4 You has been approached and has been informed of what is being proposed with Mr. Paul the landlord however they have not reached out in any way.

Commissioner Saewert questions Mr. Sellis that he intends to get a video gaming license through the state.

Mr. Sellis responds yes, he does.

Commissioner Saewert points out that video gaming does not promote a cash and carry business but encourages patrons to go and stay for periods of time.

Mr. Sellis responds that he hopes people come and stay inside the restaurant which is why they have the conference room that will fit 12-15 people. Mr. Sellis further states in regard to parking and Deli 4 You his observation is that the parking is congested from 3:30-4:00 in the afternoon, Wednesday thru Saturday and seems to open up between 7:00-7:30pm. Mr. Sellis states that Deli 4 You is a very popular deli and therefore the busy time can fluctuate. The same with our business, the business is being geared toward lunch and not toward the later part of the afternoon.

Commissioner Saewert states she understands there was a prior use and it was an existing non-conforming for the parking but the use that is being proposed now is for almost double the required spaces from when it was a furniture store. Commissioner Saewert continues to state she believes the use is great and a sit-down restaurant would be perfect for that area but would not want it to be successful at the expense of the existing tenants losing the parking that they would need. Commissioner Saewert asks Assistant Director Taylor if there are any other parking or circulation plans for future development.

Assistant Director Taylor states he is not aware of any and states any business to go in at that location would be approved non-conforming because when the structure was built it was approved non-conforming and will continue as such.

Chairman Pro Tem Tammen states the structure was built under county codes before the City was incorporated.

Assistant Director Taylor states they added the public parking lot which helped and should help Deli 4 You if the spaces closest to the Deli are used.

Commissioner Patel states he does not recall the lot ever being full. He further states there are 76 spots and 76 spots are not needed for Deli 4 You.

Assistant Director Taylor states most patrons are parking in the middle and they could park closer.

Commissioner Kempa asks if the number of parking spaces is based solely on square footage or if it is based on occupancy.

Assistant Director Taylor states it is based on square footage.

Chairman Pro Tem Tammen asks if there are any other questions. With no further questions Chairman Pro Tem Tammen states it appears the commissioners would like to request a revised floor plan and asks Mr. Sellis if he would like a continuance.

Mr. Sellis states he would like to request a continuance.

Chairman Pro Tem Tammen requests a motion to continue the public hearing 18-14SU at 7:27pm

Motion by Commissioner DeGraf

Second by Commissioner Kempa

VOICE VOTE:

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

NAYS:

ABSENT: Chairman Dash & Commissioner Mellen

ABSTAIN:

This case shall continue at ZBA meeting Thursday November 15th at 7:00pm.

2. PZBA - Public Hearing: Case No. ZBA 18-15V

Applicant: Tomasz Wadowski

Address: 505 W Willow Rd., Prospect Heights, IL 60070

Description of Request:

- A. Requesting a variance to the City of Prospect Heights Zoning Code Title 5-6-1 F1 Height of a Single Family Residence to allow the construction of a new single family residence 38' 3" in height which is 8' 3" higher than the allowed 30' allowed by the zoning code.

Chairman Pro Tem Tammen introduces the exhibits into record.

The recording secretary clarifies with the applicant the submission of proof of mailing.

Assistant Director Taylor introduces the case by stating that Tomasz Wadowski, owner, has applied for a variation to Section 5-6-1 F1 Height to allow a maximum height of 38' 3" in excess of the allowable height of 30'. The applicant is proposing a new single family home on the vacant 50,254 sq. ft. lot. The owner will removed the existing gravel driveway and install the new driveway to meet the required minimum 5' setback as required by the City Zoning code.

Chairman Pro tem Tammen requests a motion to open public hearing 18-15V at 7:32 pm

Motion by Commissioner Saewert

Second by Commissioner DeGraf

VOICE VOTE:

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

NAYS:

ABSENT: Chairman Dash & Commissioner Mellen

ABSTAIN:

Chairman Pro Tem Tammen swears in the applicant.

Tomasz Wadowski, 504 Waikiki Dr. Des Plaines, IL 60016 states he would like to build a house on the lot located at 505 Willow Rd.

Jakub Zatwarnicki, design architect for Mr. Wadowski, states he has been hired by the Wadowski family to design a 3 bedroom plus master bedroom house for the family with one child but planning to have more in the future and with the purchase of a large lot would like to have a large house. Taking into consideration the size of the lot, the setbacks and the request for all bedrooms to be on the second level of the house generated the height of the building to be at minimum 26' and including aesthetic preferences which results in the roof height above the code allowance. He states they have learned the height in Prospect Heights is 34' which is the reason for the variance request.

Assistant Director Taylor states the code is not 34' but 30' which is a percentage of the mean height which means on this particular project 34' would be allowed and only a four foot variance from what the code allows.

Mr. Zatwarnicki states they have produced a three dimensional design with the house super imposed on the lot. He states for aesthetics they would like to keep the height as designed because to lower the height by four feet would dramatically change the pitch and alter the design of the house.

Chairman Pro Tem Tammen asks if there is anyone from the public that would like to comment on this application.

Chairman Pro Tem Tammen swears in the public.

James Workman, 306 Dale Ave., Prospect Heights, IL 60070 comments it would be nice if the elevations, the house, the heights of the house, the height of the roof etc. was on display to be seen as the hearing is taking place. He states he previously came into City Hall to view the public packet and originally thought the limit was 30' and this was going to 38' so that eight feet more but learning that in this case is a four foot variance request however this is a really big house on a really big lot but does it fit into the neighborhood and to have this high roof but to limit it to the rules and statutes would makes sense to him. There is a set of rules and standards and if you are to build a house in Prospect Heights you should construct it within the limits allowed. The reason for the rules is to keep a throttle on size and other matters.

Chairman Pro tem Tammen asks if there is anyone else from the public that would like to speak. When no one steps forward he turns discussions to the commissioners.

Chairman Pro Tem Tammen requests a motion to close the public hearing 18-15V at 7:39pm
Motion by Commissioner DeGraf

Second by Commissioner Kempa

VOICE VOTE:

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

NAYS:

ABSENT: Chairman Dash & Commissioner Mellen

ABSTAIN:

Commissioner Patel states he likes the general design of the house but asks what the main reason is to get to 38' and if there is a reason the design cannot stay at 34'.

Mr. Zatwarnicki states the problem is the side set backs of the lot and they were trying on the right side to keep the existing driveway which is on the west side of the property, the design of the house had to be narrowed and made deeper and this configuration pushed the slope up.

Commissioner Patel states that he feels with his experience as a builder and in design that the slope can be kept and still maintains the 34' allowance per the code and he does not understand why the ridge of the roof needs to go to 38' high.

Commissioner DeGraf states he is also a builder and has completed several properties in Prospect Heights one being a property that far exceeded this in height and he flattened the roof out and proceeds to state as commissioners they need to look for a hardship and he is not seeing a hardship in this case. He further states they can only vote on things that would be a hardship and they cannot change the ordinance and therefore feels he cannot vote in favor of this because of the ordinance that states this house must stay within 34' high.

Commissioner Patel states he himself has a large house within Prospect Heights and was able to stay under 35' and looking at the elevations because he has not been able to see the architectural plans he feels they can still maintain the slope and stay under 34'. The house does not need to pitch as high as it is. He further states this house is not meeting any of the roof lines to make this work. If there were roof lines from other parts of the house that were meeting making the 38' necessary that might be a potential hardship but all the other roof lines are below 34' and this particular one is going to 38' and therefore Commissioner Patel is not seeing a hardship in this case either.

Mr. Zatwarnicki states they learned of the 34' heights allowance as of the day before the case hearing. They originally thought the limit was 30' and 30' would not work in this case because the roof would have to be completely flat.

Commissioner Patel agrees that 30' would be an issue. He continues to state if the applicant can stay under 34' and in his experience this can be done and wouldn't change the roof slopes and wouldn't be a noticeable difference to what is being planned now, it would conform and therefore no variance would be needed.

Commissioner DeGraf asks Assistant Director Taylor to describe in layman's terms the fascia to the ridge.

Assistant Director Taylor states if you take the mean average from the fascia to the ridge and after calculations were completed the height of 34' was determined. He states that every house is going to be different and in this case it brings the ridge down and makes it a longer ridge but it is still a good pitched roof and that is with it being a 34' height and not 38' and technically only asking for a four foot variance. Assistant Director Taylor states he drew it out and it didn't change the appearance of the house that much. It does change the appearance on the side elevation a little more but the front doesn't change a lot.

Commissioner Patel agrees as he holds up a revised drawing.

Mr. Zatwarnicki states since they learned about the 34' height allowance the day prior they will work on the design and refine it.

Commissioner Patel states he believes that the applicant now understands an eight foot variance isn't needed that it would only be four feet and with a minor design change a variance is not even needed.

Commissioner Saewert states the board is trying to comply with the direction received from the community in terms of the comprehensive plan where people are trying to keep the characteristics of the existing neighborhoods and that this will be larger than some of the homes in the area. For the board to consider the variance a hardship is needed and having a large lot isn't a hardship and would be considered an amenity by most people.

Mr. Zatwarnicki clarifies that when the design is revised within the 34' allowable and approved by the owner it can be submitted for plan review and approval without a variance approval.

Assistant Director Taylor confirms.

Commissioner Saewert asks if the board will be voting on the height variance or if the applicant would like to withdraw the application entirely.

Mr. Wadowski withdraws his application

VI. Communications -

Recording Secretary Myzia states the next meeting will be the third Thursday of the month, November 15th as the fourth Thursday Thanksgiving is observed. There will be a meeting in November with two new cases being presented and details to follow.

VII. Adjournment: At 7:48 p.m.

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