

**City of Prospect Heights
Plan/Zoning Board of Appeals
January 26, 2023**

I. MEETING COMMENCEMENT:

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:02 pm by Chairman Kempa, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois.

II. ROLL CALL:

Present: Chairman Kempa, Commissioners Patel, DeGraf, Saewert and Simmons

Absent: Commissioner Tammen & Rygiel absent by prior notice

Quorum is present.

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

III. APPROVAL OF August 25, 2022 MINUTES

Motion made by Commissioner Saewert, seconded by Commissioner DeGraf to approve the meeting minutes as is.

ROLL CALL VOTE:

AYES: Commissioners Patel, DeGraf, Saewert, Simmons and Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Motion carried 5:0

IV. OLD BUSINESS: NONE

V. NEW BUSINESS

1. PZBA – Zoning : Case 23-01 TA – Public Hearing

Applicant: City of Prospect Heights – Director Peterson

Address: 8 N. Elmhurst Rd., Prospect Heights, IL 60070

Description of Request:

- A. Public hearing to consider a text amendment to Title 5 Chapter 6 Section 1 of the Zoning Code to add Short-Term Rentals as a permitted use.

Chairman Kempa requests a motion to open the public meeting for 23-01 TA at 7:04 pm

Motion by Commissioner DeGraf

Second by Commissioner Simmons

VOICE VOTE:

AYES: Commissioners Patel, Saewert, DeGraf, Simmons and Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen and Rygiel

ABSTAIN:

Approved 5:0

Director Peterson presents the case on behalf of the City of Prospect Heights. He describes the text amendment for the governing of short term rentals such as AirBNB and VRBO and the requirements that will be presented to City Council for approval.

Chairman Kempa swears in Nicholas Colombe owner of 408 Owen Ct Prospect Heights, IL

Mr. Colombe describes his decision to be a short term rental landlord and the process there is with using a short term property rental management company.

Chairman Kempa swears in members of the public who wish to speak for this case.

Mr. Paul Gebert 1105 Drake Ave., Prospect Heights, IL.

Mr. Gebert expresses his concerns towards a short term rental program but also expresses his pleasure that the City is taking a proactive approach toward short term rentals and putting in place rules and restrictions to protect the neighbors and neighborhoods.

Discussion in regard to the processes and discoveries about the short term rental management continue.

The PZBA Board asks questions of the applicant and discussions continue including Mr. Colombe.

Chairman Kempa requests a motion to close the public meeting for 23-01 TA at 8:04 pm

Motion by Commissioner Patel

Second by Commissioner Saewert

VOICE VOTE:

AYES: Commissioners Patel, DeGraf, Saewert, Simmons and Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Approved 5:0

Public Hearing is closed.

Chairman Kempa asks the commissioners for discussion and deliberation.

Chairman Kempa requests a motion to receive into the public record the exhibits presented for the application 23-01 TA

Motion by Commissioner Patel

Second by Commissioner DeGraf

VOICE VOTE:

AYES: Commissioners Simmons, Saewert, DeGraf, Patel & Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen and Rygiel

ABSTAIN:

Approved 5:0:2:0

Chairman Kempa requests a motion to recommend that City Council approve the application 23-01 TA for consideration of a text amendment to Title 5 Chapter 6 Section 1 of the Zoning Code to add Short-Term Rentals as a permitted use of the City of Prospect Heights Zoning Code.

Motion by Commissioner Simmons

Second by Commissioner Saewert

ROLL CALL:

AYES: Commissioners DeGraf, Patel, Saewert, Simmons & Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen and Rygiel

ABSTAIN:

Approved 5:0:2:0

This case will appear before City Council on February 13, 2023

2. PZBA – Zoning : Case 23-02 V

Applicant: Randall & Janet Klug

Address: 226 Fairway Drive, Prospect Heights

Description of Request:

- A. Consideration of a variations to Title 5 Chapter 3 Section s4 H1f(2) of the Zoning Code to allow a fence in a reverse corner yard and to allow a change of material to a metal fence.

Chairman Kempa requests a motion to open the public meeting for 23-02 V at 8:07 pm

Motion by Commissioner DeGraf

Second by Commissioner Simmons

VOICE VOTE:

AYES: Commissioners Patel, Saewert, DeGraf, Simmons and Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen and Rygiel

ABSTAIN:

Approved 5:0

Chairman Kempa swears in the applicant and all members of the public that wish to testify in regard to this case.

Director Peterson summarizes the case to be presented.

Mr. Randall Klug 226 Fairway Dr. Prospect Heights, IL 60070 presents his case.

The Commissions ask questions and discuss the case presented.

Ms. Charlotte Wresinski 224 Fairway Ct. Prospect Heights, IL 60070 supports the variation.

Chairman Kempa asks for any other public testimony.

Chairman Kempa requests a motion to close the public meeting for 23-02 V at 8:19 pm

Motion by Commissioner DeGraf

Second by Commissioner Simmons

VOICE VOTE:

AYES: Commissioners Patel, Saewert, Simmons, DeGraf and Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Approved 5:0

Public Hearing is closed.

Chairman Kempa asks the commissioners for questions and or deliberation.

Chairman Kempa requests a motion to receive into the public record the exhibits and staff review of the zoning compliance for the application 23-02 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 Patel

Second by Commissioner Saewert

VOICE VOTE:

AYES: Commissioners Simmons, Saewert, DeGraf, Patel & Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Approved 5:0:2:0

Chairman Kempa requests a motion to recommend that City Council approve the application 23-02 V for consideration of variations to Title 5 Chapter 3 Section s4 H1f(2) of the Zoning Code to allow a fence in a reverse corner yard and to allow a change of material to a metal fence.to the City of Prospect Heights Zoning Code.

Motion by Commissioner DeGraf

Second by Commissioner Simmons

ROLL CALL:

AYES: Commissioners Saewert, Simmons, Patel, DeGraf and Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Approved 5:0:2:0

This case will appear before City Council on February 13, 2023

3. PZBA – Zoning : Case 23-03 V

Applicant: Raymond & Maria Stadalsky

Address: 406 W. Willow Rd., Prospect Heights

Description of Request:

- B. Consideration of a variations to Title 5 Chapter 6 Section 1 E2 of the Zoning Code to all a reduction in the required side yard setback from 15' to 12.35' to construct an addition to the rear of the primary residence.

Chairman Kempa requests a motion to open the public meeting for 23-03 V at 8:23 pm

Motion by Commissioner Saewert

Second by Commissioner Simmons

VOICE VOTE:

AYES: Commissioners Patel, Saewert, DeGraf, Simmons and Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen and Rygiel

ABSTAIN:
Approved 5:0

Chairman Kempa swears in the applicant and all members of the public that wish to testify in regard to this case.

Director Peterson summarizes the case to be presented.

Mr. Raymond Stadalsky 406 W Willow Rd. Prospect Heights, IL 60070

Director Peterson explains the house was built prior to the incorporation of Prospect Heights as a City and therefore when built under county codes was compliant but is now a legal non-conforming structure.

The commissioners ask questions to the applicant.

Chairman Kempa asks for comments or testimony from the public.

Chairman Kempa requests a motion to close the public meeting for 23-03 V at 8:27 pm

Motion by Commissioner Saewert

Second by Commissioner DeGraf

VOICE VOTE:

AYES: Commissioners Patel, DeGraf, Saewert, Simmons and Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Approved 5:0

Public Hearing is closed.

Chairman Kempa asks the commissioners for questions and or deliberation.

Chairman Kempa requests a motion to receive into the public record the staff review of the zoning compliance for the application 23-03 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 Patel

Second by Commissioner Saewert

VOICE VOTE:

AYES: Commissioners Saewert, Patel, DeGraf, Simmons & Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Approved 5:0:2:0

Chairman Kempa requests a motion to recommend that City Council approve the application 23-03 V for consideration of variations to Title 5 Chapter 6 Section 1 E2 of the Zoning Code to all a reduction in the required side yard setback from 15' to 12.35' to construct an addition to the rear of the primary residence

Motion by Commissioner Simmons

Second by Commissioner DeGraf

ROLL CALL:

AYES: Commissioners DeGraf, Saewert, Simmons, Patel & Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Approved 5:0:2:0

This case will appear before City Council on February 13, 2023

4. Adoption of the 2023 PZBA Calendar

Motion by Commissioner DeGraf

Second by Commissioner Patel

VOICE VOTE:

AYES: Commissioners Simmons, Patel, DeGraf, Saewert and Chairman Kempa

NAYS:

ABSENT: Commissioner Tammen & Rygiel

ABSTAIN:

Approved 5:0

VI. Public Comment

VII. Previous Application Updates

- A. ZBA 22-07 SU-V Wing Stop / Jet's Pizza 1312 N Rand Rd. is moving forward.
- B. ZBA 22-03 SU – Bar Salotto 1241 N. Rand Rd. is moving forward.
- C. ZBA 22-18 SU – Lily's Tamales 17 S. Wolf Rd has past final inspections and is getting ready for final occupancies
- D. ZBA 22-17 SU – Evropa Grill 5 S. Wolf Rd. is open.
- E. Update on parking lot and roofing at Ascot Plaza.
- F. ZBA 22-06 SU V – 6 N Elmhurst Pizza Pavia – close to final inspections
- G. ZBA 20-02 SU – 10 E Camp McDonald, cell phone tower on hold – pending issues with original design.
- H. ZBA 20-08 MAP, TA, PUD, SU Lexington Homes 1001 Lexington is still in negotiation with the owner.

VIII. Communications

- A. There will not be a ZBA meeting in February 2023
- B. There will be a ZBA meeting in March 2023

IX. Adjournment 9:01 pm

Motion to Adjourn: Commissioner DeGraf

Second: Commissioner Simmons

ROLL CALL:

AYES: Commissioners Patel, Saewert, DeGraf, Simmons and Chairman Kempa

NAYS:

ABSENT: Commissioners Tammen & Rygiel

ABSTAIN:

Approved 5:0:0:0