

**City of Prospect Heights
Special Meeting of Plan/Zoning Board of Appeals
April 1, 2021**

I. MEETING COMMENCEMENT:

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:03 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, Tammen, Mellen,
Absent: Commissioner Patel and Saewert
Quorum is present.

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

Commissioner DeGraf nominates Commissioner Mellen to act as Chairman Pro-Tem. Second by Commissioner Tammen approved by Commissioners Kempa, DeGraf, Tammen and Mellen.

III. APPROVAL OF January 28, 2021 MINUTES

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

ROLL CALL VOTE:

AYES: Commissioners Kempa, DeGraf & Chairman Pro Tem Mellen

NAYS:

ABSENT: Commissioners Patel and Saewert

ABSTAIN: Commissioner Tammen

Motion carried 3:0:1

IV. OLD BUSINESS: NONE

V. NEW BUSINESS

1. PZBA – Zoning Public Hearing: Case No. ZBA 21-02V

Applicants: Matthew Winterhalter

Address: 305 Lancaster Ave., Prospect Heights, IL 60070

Description of Request:

- A. Variation to Section 5-2-3: Definitions: Lot Line Front, on a corner lot, the lot line having the shortest length abutting a street line shall be the front line. Request to allow the longer Lancaster Ave. frontage (153.00 ft.) rather than Willow Road (131.80 ft.) to be designated the front lot line.

- B. Variation to Section 5-6-1 E.5: Rear Yard: If, variance 1 is granted, allow a reduction in the rear yard from required 50.00 ft. to 30.00 ft. to allow construction of decks and patios.

Director Peterson describes the application in a practical matter and the house orientation.

Chairman Pro Tem Mellen requests a motion to open the public meeting for 21-02V at 7:08 pm

Motion by Commissioner Tammen

Second by Commissioner Kempa

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, and Chairman Pro-Tem Mellen

NAYS:

ABSENT: Commissioners Patel and Saewert

ABSTAIN:

Chairman Pro Tem Mellen swears in the applicant.

Applicant Matthew Winterhalter – 305 Lancaster Ave. Prospect Heights describes the reasons for the project presented and the hardship of the case.

Chairman Pro Tem Mellen swears in Adam Lavey – 3 Cedar Ct., Ivan Dunes, Indiana

Mr. Adam Lavey – Architect for the applicant describes the properties of the plat of survey for 305 Lancaster and the context of the house within the neighborhood. Mr. Lavey describes the logic behind the design for the addition.

Chairman Pro Tem Mellen asks for any public testimony.

Chairman Pro Tem Mellen opens the floor to the Commissioners for questions and comments.

Commissioner Kempa asks Director Peterson if by granting the first variance will the existing structure become non-conforming in any way.

Director Peterson responds, yes. The east yard which is the proposed new rear yard. A rear yard is required a 50-foot rear yard by code, however as part of the request including the non-conforming rear yard, that variance request is leaving 30-feet of green space versus 17-feet of green space between building and the lot line.

Commissioner DeGraf asks Director Peterson if the builder would have originally build the structure to the 40-foot setback on the north elevation is it true the hardship is due to the applicants having no control on how the original house was built on the lot.

Director Peterson confirms this is true. Director Peterson states the house was built in a very restrictive manner and sites examples.

Mr. Lavey adds with the garage being placed on the south side when built, it would not allow for a three car garage being added with this orientation without a variation.

Chairman Pro-Tem Mellen asked if the subdivision was created before or after Prospect Heights was incorporated as a City.

Director Peterson states the subdivision was recorded in 1979 and the City was incorporated in 1976.

Commissioner DeGraf states 201 Lancaster on the opposite side of the subdivision has almost the exact same situation.

Director Peterson states the difference between the lots is the garage and driveway for 201 Lancaster is orientated on the side of the lot that would allow for a three car garage or addition to be added.

Chairman Pro Tem Mellen requests any further questions or comments from the commissioners and or the public.

Chairman Pro Tem Mellen requests a motion to close the public meeting for 21-02V at 7:28 pm

Motion by Commissioner Tammen

Second by Commissioner DeGraf

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen and Chairman Pro Tem Mellen

NAYS:

ABSENT: Commissioners Patel & Saewert

ABSTAIN:

Director Peterson advises the board of two new exhibits, 10 & 11, both are written notices from neighbors approving of the project.

Chairman Pro Tem Mellen requests a motion to receive into the public record the staff review of the zoning compliance for the application 21-02V 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 Tammen

VOICE VOTE:

AYES: Commissioners DeGraf, Tammen, Kempa and Chairman Pro Tem Mellen

NAYS:

ABSENT: Commissioners Patel & Saewert

ABSTAIN:

Chairman Pro Tem Mellen requests a motion to receive into the public record the additional exhibits of Exhibit 10, an email from the neighbor at 303 Lancaster in support of the project. Exhibit 11, a letter received from the neighbor at 2660 E Yarmouth Ct. Arlington Heights, IL, in support of the project for the application 21-02V 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 DeGraf

Second by Commissioner Kempa

VOICE VOTE:

AYES: Commissioners Tammen, Kempa, DeGraf and Chairman Pro Tem Mellen

NAYS:

ABSENT: Commissioners Patel & Saewert

ABSTAIN:

Chairman Pro Tem Mellen requests a motion to recommend that City Council approve the application 21-02V for a variation to Section 5-2-3: Definitions: Lot Line Front, on a corner lot, the lot line having the shortest length abutting a street line shall be the front line. Request to allow the longer Lancaster Ave. frontage (153.00 ft.) rather than Willow Road (131.80 ft.) to be designated the front lot line.

Motion by Commissioner DeGraf
Second by Commissioner Kempa

ROLL CALL:

AYES: Commissioners Tammen, Kempa, DeGraf and chairman Pro Tem Mellen

NAYS:

ABSENT: Commissioner Patel & Saewert

ABSTAIN:

Chairman Pro Tem Mellen requests a motion to recommend that City Council approve the application 21-02V for a variation to Section 5-6-1 E.5: Rear Yard: If, variance 1 is granted, allow a reduction in the rear yard from required 50.00 ft. to 30.00 ft. to allow construction of decks and patios.

Motion by Commissioner Kempa
Second by Commissioner DeGraf

ROLL CALL:

AYES: Commissioners Kempa, DeGraf, Tammen and Chairman Pro Tem Mellen

NAYS:

ABSENT: Commissioner Patel & Saewert

ABSTAIN:

This case will appear before City Council on April 12, 2012.

2. Review of the 2021 City of Prospect Heights Zoning Map

VI. Public Comment

VII. Previous Application Updates

- A. 25 – 35 Piper Lane: Connor Commercial
- B. 1001 Oak Ave: Lexington Homes
- C. 1250 S. River Rd. Player's Pub/PointsBet Sportsbook

VIII. Communications

- A. Cook County Statement of Economic Interest Due May 1, 2021

IX. Adjournment 7:47 pm

Motion to Adjourn: Commissioner DeGraf
Second: Commissioner Kempa

ROLL CALL:

AYES: Commissioners Kempa, DeGraf, Tammen and Chairman Pro Tem Mellen

NAYS:

ABSENT: Commissioners Patel & Saewert

ABSTAIN: