

ZONING BOARD OF APPEALS
MINUTES OF JUNE 13, 2012 – 7:00 P.M.

1. The regularly scheduled meeting of the Zoning Board of Appeals was called to order at 7:00 p.m.
2. A quorum was present. Marzena Szubart, Kathy Mennella, Aaron Jimenez, Gil Snyder, Bruce Boreson, Chairman Mark Cwik and Frank Grieashamer, Lisa Manzo (Secretary), Village Attorney Matt Welch, Patrick Ainsworth (Planner) and Carmen Cupello (Building Director/Interim Zoning Administrator). All members were present.
3. Member Grieashamer made a motion to accept the amended minutes of May 9, 2012. The motion was seconded by Member Mennella and approved to place them on file as presented.

Mr. Ainsworth requested permission to begin tonight's hearings with Old Business, then proceed on to ZBA 12-13 and ZBA 12-12.

4. Old Business: ZBA 12-11
Unlimited Plumbing - Tomasz Dubowski
10006 Pacific Avenue
12-21-310-049, 050-0000

Chairman Cwik stated that this hearing is continuance for a Conditional Use for a contractor yard and office in the CM Commercial Manufacturing District per Section 9-5D-3 of the Franklin Park Zoning Code.

Chairman Cwik called the petitioner up at this time. He asked if he can sign in and be sworn in. Mr. Tomasz Dubowski, petitioners, came forward. He signed in and was sworn in.

Member Grieashamer made a motion to enter in any and all the department reports, new memos and reports and answers to the standards into the record. Member Mennella seconded the motion. All in favor. The motion was carried.

Mr. Ainsworth visited the site in question and he reported that there was nothing out of the ordinary in regard to the building. He further stated that two (2) cars can fit inside the building.

ZONING BOARD OF APPEALS

MINUTES OF JUNE 13, 2012

Member Grieshamer questioned that there are two (2) P.I.N. numbers for the property. Mr. Welch explained that the conditional use is only designated for the area notated on the site plan, not the entire address. Mr. Welch further explained that this can be put as a condition.

The members called the property owner of the property forward. Chairman Cwik asked if he can sign in and be sworn in. Mr. Leo Cardelli, property owner, came forward. He signed in and was sworn in.

The members asked Mr. Cardelli to explain the layout of the building and let them know which units are occupied and which are vacant. Mr. Cardelli stated that 10006 Pacific would be Unlimited Plumbing (the petitioner before the members this evening), 10006 Pacific, Rear, which is rented out for storage; 10008 Pacific is rented out for storage, 10008 Pacific, Rear, is rented out for storage and the middle space, marked as Unit E (600 square feet) is vacant.

Member Grieshamer asked if the building is up to code in that it has the proper fire separation between units. Mr. Cardelli confirmed that the building has proper fire separation, and that it is adequate.

Mr. Cupello asked Mr. Cardelli if it would be possible for him to come and visit his building. Mr. Cardelli stated that would be possible. Mr. Cupello requested to set up a time and date to gain entry. Mr. Cardelli stated that he would call Mr. Cupello set up an appointment once he got access to all of his units.

Chairman Cwik opened this hearing to the public at this time. Since no members of the public came forward, Chairman closed this hearing to the public.

Board Discussion began at 7:17 p.m.

The members discussed placing conditions on this hearing and that it be specific that this use only encompasses the area designated on the site plan. The members discussed that if there is a dumpster, that it is placed inside. The members also discussed the potential detriment on having customers come to the site to sign contracts and conduct such business. The members felt that it wasn't a problem after all.

Board Discussion ended at 7:22 p.m.

ZONING BOARD OF APPEALS

MINUTES OF JUNE 13, 2012

Member Grieshamer made a motion to “approve ZBA 12-11 at 10006 Pacific Avenue, for a Conditional Use for a contractor yard and office in the CM Commercial Manufacturing District per Section 9-5D-3 of the Franklin Park Zoning Code with the following conditions: 1. That this conditional use be designated only for the area notated on the site plan for this particular business, 2. That all equipment be inside the building, 3. That there be no outside storage/material of any kind, 4. That the dumpster be placed inside the building.” Member Mennella seconded the motion. Roll Call Vote. Member Szubart-Yes; Member Mennella-Yes; Member Boreson-Yes; Chairman Cwik-Yes; Member Grieshamer-Yes; Member Snyder-Yes; Member Jimenez-Yes. Seven (7) Ayes, Zero (0) Nays, Zero (0) Absent, Zero (0) Abstain. The motion was carried.

Chairman Cwik reminded the applicant that this is a recommending body and all final decisions will be made by the Village Board of Trustees.

Chairman Cwik thanked everyone for attending this evening.

ZONING BOARD OF APPEALS

MINUTES OF JUNE 13, 2012

5. New Business: ZBA 12-13
Village of Franklin Park
9500 Belmont Avenue
12-22-313-031-0000

Chairman Cwik stated that this hearing is for a Text Amendment to Sections 9-5B-2, 9-1-3, 9-5C-2 and 9-6C of the Franklin Park Zoning Code.

Chairman Cwik called the petitioner up at this time. He asked if he can sign in and be sworn in. Mr. Patrick Ainsworth, petitioner on behalf of the Village of Franklin Park, came forward. He signed in and was sworn in.

Member Grieshamer made a motion to enter in all the department reports, packets and answers to the standards into the record. Member Snyder seconded the motion. All in favor. The motion was carried.

Mr. Ainsworth gave a very detailed presentation to the members at this time. He discussed the studies that he provided within the members packets and discussed the restructuring of the zoning code. He further explained the intent of this hearing was to minimize the negative and secondary effects that certain uses have that contribute to potential crime; especially near residential areas.

Member Boreson commended Mr. Ainsworth on the packets that the members received. He stated that it was very complete and extremely organized, well thought out and detailed.

Mr. Ainsworth continued to discuss that this hearing is to discuss the definitions of such financial institutions; chartered vs. unchartered. Mr. Ainsworth stated that uncharted institutions are such, i.e. cash for gold, pay day loans, title loans, pawn shops, etc. Financial institutions that are chartered are banks.

Mr. Ainsworth went over the packets regarding this case and alerted the members to page nine (9), entitled; Definitions. He discussed the studies and differing definitions of various financial institutions.

Mr. Ainsworth discussed the matter of having check cashing facilities as an accessory use within the primary use, for example, as there are several in grocery stores.

ZONING BOARD OF APPEALS

MINUTES OF JUNE 13, 2012

There was discussion with the members as having chartered financial institutions located in a certain district as well as unchartered financial institutions.

Mr. Ainsworth stated that staff is trying to take a pro-active approach to these uses.

Public session began at 7:49 p.m.

Chairman Cwik stated that anyone wishing to come forward, to please sign in and be sworn in before speaking.

Mr. Aqel Harb came forward at this time. Mr. Harb signed in and was sworn in. Mr. Harb inquired why he cannot open a Cash for Gold business within the Village. Mr. Ainsworth explained that if he turned in an application, it would be on hold due to this case going before the Zoning Board. Mr. Welch commented that there is a moratorium on all cases if there is a pending zoning case.

Mr. John Antonopolus came forward at this time. Mr. Antonopolus signed in and was sworn in. Mr. Antonopolus expressed his concern and asked what the time frame was that the moratorium started because he feels he has been told “no” to this business several times in the past. Mr. Welch reiterated the moratorium process when there is a zoning hearing pending. Mr. Antonopolus stated that he would call staff in the morning to get exact dates.

Mr. Scott Shannon came forward at this time. Mr. Shannon signed in and was sworn in. Mr. Shannon stated that he is in favor of this hearing and that unchartered institutions shall be moved to another district within the Village. Mr. Shannon continued that other people in the Village expressed the same opinion as he.

Public session ended and Board Discussion began at 8:02 p.m.

The members discussed this hearing and determined that it should be tabled, as it is extensive and it will give the members time to peruse all the definitions and meet back and gather opinions of all members to streamline the documentation.

Board Discussion ended at 8:03 p.m.

ZONING BOARD OF APPEALS

MINUTES OF JUNE 13, 2012

Member Grieshamer made a motion to continue hearing ZBA 12-13 to the next regularly scheduled meeting of the Zoning Board of Appeal on Wednesday, July 11, 2012 at 7:00 p.m. in the northwest conference room on the first floor. Member Mennella seconded the motion. Roll Call Vote. Member Szubart-Yes; Member Mennella-Yes; Member Boreson-Yes; Chairman Cwik-Yes; Member Grieshamer-Yes; Member Snyder-Yes; Member Jimenez-Yes. Seven (7) Ayes, Zero (0) Nays, Zero (0) Absent, Zero (0) Abstain. The motion was carried.

Member Grieshamer made a motion to take a five-minute recess at this time. Member Mennella seconded the motion. All in favor. The motion was carried.

Recess began at 8:04 p.m.

ZONING BOARD OF APPEALS

MINUTES OF JUNE 13, 2012

The Zoning Board of Appeals reconvened at 8:07 p.m. A roll call was taken and all members were present except Marzena Szubart.

6. New Business: ZBA 12-12
Marzena Szubart
9736 Lonnquist
12-21-430-030-0000

Chairman Cwik stated that this hearing is for a Variance to reduce front yard required setback from 25 feet to 13 feet in the R-2, Single Family District, per Section 9-4-B-5A of the Franklin Park Zoning Code.

Chairman Cwik called the petitioner up at this time. He asked if she can sign in and be sworn in. Ms. Marzena Szubart, petitioner and homeowner, came forward. She signed in and was sworn in.

Member Grieashamer made a motion to enter in any and all the department reports, site plan and answers to the standards into the record. Member Mennella seconded the motion. All in favor. The motion was carried.

Ms. Szubart gave her presentation and described her property to the members. She stated that her property is an odd pie shaped lot. She discussed the past history of the property in that she once had a covered car port and it was demolished due to age. She would like to have a garage to store her belongings and her car. She stated that it is a unique condition for her.

Public session began at 8:10 p.m.

Chairman Cwik stated that anyone wishing to come forward, to please sign in and be sworn in before speaking.

Ms. Susan Talbot, 3435 Lonnquist, came forward at this time. Ms. Talbot signed in and was sworn in. Ms. Talbot was not in favor of the petitioner's request. She continued that she feels that having the garage there is a safety issue for children as cars wouldn't be able to see around the bend as they drive. She continued that there was a car port there for years and why she could erect another car port.

ZONING BOARD OF APPEALS

MINUTES OF JUNE 13, 2012

Ms. Vickie Reiersen, 3416 Ruby, came forward at this time. Ms. Reiersen signed in and was sworn in. Ms. Reiersen agreed with Ms. Talbot. She stated that a shed or a carport would be a more suitable structure to erect. She continued that a garage is not in keeping with the neighborhood. She also stated that the street has poor drainage and building a garage wouldn't help matters.

Public session ended at 8:16 p.m.

The members re-called the petitioner back up to the podium. Member Grieshamer asked when the carport was demolished and what kind of material was underneath it. Ms. Szubart stated that the carport was taken down in 2006. She further stated that she was unsure what the pad was made of, she assumed it was gravel.

The members discussed this case and saw that the potential garage only extends out two (2) feet from the house.

Board Discussion began at 8:20 p.m.

The members discussed this case at length, they looked at the site plan and at the aerial photos and was unsure how the sight from traffic would be obscured from the garage. They continued that the curb on Lonquist is a rolling curb, not a full curb. Mr. Cupello inquired if shaving the end portion of the potential garage to meet in the middle with the traffic issues would work out for both petitioner and neighbors.

Board Discussion ended at 8:26 p.m.

The members re-called the petitioner once more and asked if the carport had walls attached to it. Ms. Szubart stated that the carport had one side wall and one door. She stated for the record that she does not want to shave a portion off, she doesn't want to make it smaller. She continued that she doesn't understand why she just can't have a garage. She needs a garage to store her belongings and car.

Public session began at 8:32 p.m.

Ms. Talbott came forward again and stated that another carport can be rebuilt so that the aesthetic view would not be harmed.

Public session ended and Board Discussion began at 8:36 p.m.

ZONING BOARD OF APPEALS

MINUTES OF JUNE 13, 2012

The members viewed the photos again and Mr. Ainsworth stated that when he drove passed the property, there is a big tree in the front. The members continued to discuss this hearing at length.

Board Discussion ended at 8:39 p.m.

The members re-called the petitioner up to the podium. Member Grieashamer asked if there is a tree in front of the house. Ms. Szubart stated in fact there is a tree. Ms. Szubart stated that she just wants a garage.

Public portion began at 8:40 p.m.

Ms. Vickie Reiersen came forward again and Mr. Cupello showed Ms. Reiersen the site plan and the aerial photo. Ms. Reiersen stated on record that she was sadly mistaken and misread the legal notice. She assumed that the garage would be protruding passed the house more than it stated on all the paperwork. She stated that this changes her opinion on this case entirely.

Ms. Susan Talbott came forward again and stated that this news changes her opinion on the whole case as well. She said that they both are in favor of the garage after viewing the site plan again.

Public session ended and Board Discussion began at 8:44 p.m.

The members briefly discussed this hearing.

Board Discussion ended at 8:45 p.m.

Member Grieashamer made a motion "to approve hearing ZBA 12-13 for a Variance to reduce front yard required setback from 25 feet to 13 feet in the R-2, Single Family District, per Section 9-4-B-5A of the Franklin Park Zoning Code, and all set forth in the site plan." Member Mennella seconded the motion. Roll Call Vote. Member Szubart-Absent; Member Mennella-Yes; Member Boreson-Yes; Chairman Cwik-Yes; Member Grieashamer-Yes; Member Snyder-Yes; Member Jimenez-Yes. Six (6) Ayes, Zero (0) Nay, One (1) Absent, Zero (0) Abstain. The motion was carried.

ZONING BOARD OF APPEALS

MINUTES OF JUNE 13, 2012

Chairman Cwik reminded the applicant that this is a recommending body and all final decisions will be made by the Village Board of Trustees.

Chairman Cwik thanked everyone for attending this evening.

Chairman Cwik opened this hearing to the public at this time. Since no members of the public came forward, Chairman closed this hearing to the public.

7. Old Business: None.

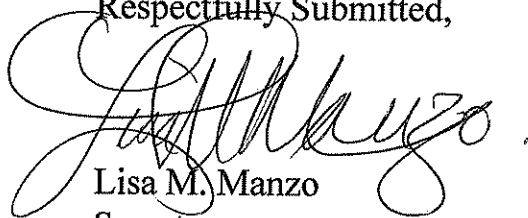
Chairman Cwik reminded the members to please remember to take the Special Open Meetings Act on-line web training course.

Mr. Ainsworth briefed the members on some of the upcoming hearings that they will be facing.

8. A motion was made by Member Grieshamer to adjourn the meeting of the Zoning Board of Appeals. It was seconded by Member Mennella. All in favor. Motion carried.

The meeting adjourned at 8:50 p.m.

Respectfully Submitted,



Lisa M. Manzo
Secretary