

JAMES CALLERO, CHAIRMAN
GEORGE ALPOGIANIS
MICHAEL LOOBY
ANGELO TROIANI
ALAN WEEL
THOMAS KANELOS
KAREN DIMOND

The Niles Plan Commission and Zoning Board of Appeals was called to order at 7:30 P.M.

Present along with Chairman Callero were Commissioners Dimond, Kanelos, Weel, Looby and Alpogianis.

Commissioner Troiani was absent. Joseph Annunzio, Village Attorney, was also absent.

Chairman Callero stated in the absence of Commissioner Troiani, Secretary, Commissioner Looby will act as Secretary Pro Tem for this meeting.

Commissioner Dimond moved to approve the minutes of August 6, 2007, as presented.

Seconded by Commissioner Weel, on roll call the vote was:

YES: 4 Dimond, Kanelos, Weel, Looby
NAYS: 0
ABSENT: 1 Troiani

Commissioner Alpogianis abstained.

There being four affirmative votes the motion carried.

Chairman Callero announced that it has been the practice of the Board that any members desiring to review the upcoming matters on the agenda would meet with Mr. Charles Ostman, Director of Community Development, and Mrs. Kimberly Frederick, Secretary, on the day of the hearing at 1:30 P.M. The purpose of this meeting is to review the sites and the surrounding environment to ascertain conditions which may require special consideration at the subject hearing. Anyone who wishes to accompany the members is invited to meet at the Administration Building, 1000 Civic Center Drive, Niles, Illinois, prior to 1:30 P.M. They will be given the agenda and the locations of the sites to be visited. This public announcement is made to conform with the Open Meetings Act of the State of Illinois and is deemed to be a public notice.

To be heard this evening:

07-ZP-18 – Chicagoland Builders, Inc., Mr. Michael Rossier, 1021 N. Knight Ave., Park Ridge, IL 60068. Requesting a variation to Section VII (C)(10) to reduce the rear yard set back from the required 40' to 17' to construct a first and second floor addition at 6843 N. Lexington Ln.

07-ZP-19 – Loukas Spiridakos, 7850 N. Nora Ave., Niles, IL 60714. Requesting a variation to Section IV (H)(2) to reduce the side yard set back from the required 3’ to 1’ and Section IV (H)(4) to exceed the maximum square footage from 700 sq. ft. to 880 sq. ft. to construct a garage at 7850 N. Nora Ave.

07-ZP-20 – Frank Policht, 8303 N. Western Ave., Niles, IL 60714. Appealing the interpretation of the zoning code for accessory structures for the installation of a solid masonry fence and fireplace along the perimeter of the property located at 8303 N. Western Ave.

Chairman Callero called for the first matter on the agenda.

07-ZP-18 – Chicagoland Builders, Inc., Mr. Michael Rossier, 1021 N. Knight Ave., Park Ridge, IL 60068. Requesting a variation to Section VII (C)(10) to reduce the rear yard set back from the required 40’ to 17’ to construct a first and second floor addition at 6843 N. Lexington Ln.

Mr. Michael Rossier of Chicagoland Builders, Inc. stepped forward.

Chairman Callero stated please raise your right hand. Do you solemnly swear to tell the whole truth and nothing but the truth?

He stated I do.

Mr. Rossier stated he is looking to do an addition to the rear of the home of Mr. Kontoyannis at 6843 N. Lexington Ln. He is going for surgery soon and lives in a split-level residence. He is looking to get a bedroom on the back of the home on the same level. In the area he lives the lots are a little small in depth. He only has 105 feet as far as depth goes.

He wants to invade the rear yard set back there. He doesn't have a basement. He really doesn't have a lot of room. (Mr. Rossier is pointing to the drawing on the overhead screen.) As you can see on the backside, it pretty much is what it is there. On the top is where the furnace and hot water tank will be. He just wants to do an addition.

Chairman Callero asked if there was anything else in his presentation.

Mr. Rossier stated Mr. Kontoyannis (owner of the home) would like to speak.

Mr. Kontoyannis stepped forward.

Chairman Callero stated please raise your right hand. Do you solemnly swear to tell the whole truth and nothing but the truth?

He stated I do.

Mr. Kontoyannis stated he is sorry he is there. He did not think his presence was necessary. Unfortunately, it is. He stated: I have lived in this area for 30 years. I don't know how many of you are living in that specific section of Bunker Hill. I realize this is Niles but it is a special section of Niles. The streets are not actually streets. There are two streets. The only block is included in two streets, Concord and Lexington. This is not what we expect on a regular kind of remodeling on a regular street with blocks. I realize talking about the code; I don't know if there is a different code for that specific section. I thought there was a special code made for that area.

Chairman Callero stated there is.

Mr. Kontoyannis continued. He pointed to the overhead rendering and stated this is the left side of the house. The specific part is the improvement. It is 7 feet of the garage. By expanding this I do two things. I am getting extra space, which unfortunately I do not have. From outside it looks like a big house. But actually it is not a big house. On the first floor a living room and a kitchen together. On the left side where the garage is, above is the second floor with the three bedrooms. Down is a so-called family room, which actually is a storage room. I was trying to bring pictures but didn't complete it. There is not enough space. By doing so I am getting 7 feet and will improve my situation. In other words my wife would be able to wash. Right now she washes and behind her is the furnace. It is 6 rooms, the sink and the heating unit. By doing so I will get the sink on the improved area and we will have some space for storage. If you pass by right now I have a two car garage. Actually one car gets in. The left part is all kinds of stuff, which cannot accumulate some other place. Also, my living room is the same situation. But most important by doing so I will eliminate the problem of flooding. I will improve the drain problem. Two years ago I did ask only for the furnace. The Village asked me to get the survey for seven lots. Somehow I delayed that. In the meantime it created another problem. I am not a young guy – 79 right now. Very soon to be 80. My wife looks younger but she's not – she is 80. We do need actually to stay on the first floor. The other thing we could do is move. By moving is like going from county to another county so I'd like to stay in the same place I am.

I have tried two or three times and I don't know exactly what the big problem is. Personally looking back on the yard and the back area of the houses, I see only one part being covered.

Chairman Callero stated we have all that on the drawings.

Mr. Kontoyannis stated he would appreciate being approved.

Chairman Callero asked if there were any questions or comments from anyone in the audience. Any questions or comments from anyone on the Board?

At that point Mr. Louis Warchol stepped forward. He lives one house away from Mr. Kontoyannis.

Mr. Warchol stated you can see on the original survey this is a 40' backyard. I believe this is what the zoning rules and regulations call for. If you look he is adding a one story but according to the drawings it is up 32' so I would think it is more than one story. But he is eliminating 23' of ground space. 23' where there is no water to fall into. 23' where there is nothing. Every time it rains in Bunker Hill we have a flooding problem. Taking 24' off the back and 6' off the front and I just think it is not 22" or 23", it is 23'. It goes way beyond whatever was intended. Besides, as it stands right now there is very little sunlight, very little air, very little anything there and now you will eliminate more. If you notice he is taking 17' for that and putting another 6' for the air conditioning and there's a 5' easement. By approving this type of change, he is in effect cutting his backyard to 5'. I think it is way beyond any common sense. He has room in front if he wants to put an addition in front. I don't see any particular problem. Just like some of the other neighbors did. There is plenty of room in front. He could build a very nice house in front and still comply with the zoning ordinance. The only other thing that caught my attention is the actual drawing of what he plans to put in. According to the petition he is putting on a 20' x 20' bedroom, which seems extremely large. In addition he is putting up a 16' ceiling which is extremely unusual for a bedroom. The other thing is a bow window, which

again is extremely unusual for a bedroom. Mr. Kontoyannis has been a good neighbor. He is 79 years old. I notice he can use his family room down there for a bedroom. If he wants to put the addition in front and go along with the rest of the neighborhood its fine but to eliminate and change a 40' backyard to a 5' backyard is not what the zoning ordinance had in mind. The only other thing that comes to my mind, according to the architect, he said he had a 1,700 sq. ft. house; with this addition he is going to have 3,563 sq. ft. You're not talking about an addition; you're talking about a brand new house, a different house for someone who is 79 years old. I wonder who the next person will be who is interested in buying this property. I don't think 23' is what the founders of the Village of Niles had in mind when they set up the zoning laws.

Chairman Callero asked if there were any other questions or comments from anyone in the audience. Let the record show there was one dissenter present. Any questions or comments from anyone on the Board?

Mr. Warchol stated there were two other people in the audience that were probably going to speak but they weren't there right now. He didn't know where they were.

Chairman Callero stated what do you want me to tell you. They left. I don't know what happened to them either. You got here just in time.

Chairman Callero asked if there were any other questions or comments from anybody on the Board.

Commissioner Weel directed a question to Mr. Charles Ostman, Director of Community Development. Are there other houses within the Bunker Hill subdivision with 17' setbacks consistent to what the petitioner is asking for?

Mr. Ostman stated there are other properties within Bunker Hill Estates with a 17' setback and even smaller.

Commissioner Dimond wanted to confirm with Mr. Ostman there is a setback of 17' in the rear yard, not 5'.

Mr. Ostman stated that the rear yard would be reduced to 17'.

Chairman Callero asked if there were any other questions or comments from anybody on the Board. There were none.

Chairman Callero entertained a motion.

Commissioner Alpogianis moved that 07-ZP-18 – Chicagoland Builders, Inc., Mr. Michael Rossier, 1021 N. Knight Ave., Park Ridge, IL 60068 requesting a variation to Section VII (C)(10) to reduce the rear yard set back from the required 40' to 17' to construct a first and second floor addition at 6843 N. Lexington Ln. be **approved**.

Seconded by Commissioner Weel, on roll call the vote was:

AYES:	5	Dimond, Kanelos, Weel, Looby, Alpogianis
NAYS:	0	
ABSENT:	1	Troiani

Chairman Callero stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate our decision and it will be necessary for the petitioner to contact Mr. Charles Ostman, Director of

Community Development, and ask to be placed on the Board of Trustees agenda and you will be notified of the date. Anyone in the audience who would like to be informed as to the date of this hearing by the Board of Trustees, leave your name and address with our secretary and she will notify you.

07-ZP-19 – Loukas Spiridakos, 7850 N. Nora Ave., Niles, IL 60714. Requesting a variation to Section IV (H)(2) to reduce the side yard set back from the required 3' to 1' and Section IV (H)(4) to exceed the maximum square footage from 700 sq. ft. to 880 sq. ft. to construct a garage at 7850 N. Nora Ave.

Mr. Loukas Spiridakos stepped forward.

Chairman Callero stated please raise your right hand. Do you solemnly swear to tell the whole truth and nothing but the truth?

He stated I do.

Mr. Spiridakos stated the packet the Board received is pretty much adequate. However, he brought some pictures that Mr. Ostman put on the overhead projector. Basically when he bought the house 2 years ago there was some type of carport. But when he redid the roof the carport was rotted out so it was torn down. He is also a contractor. What he would like to do, since the street is narrow, make a wider brick driveway all the way down and make the garage in back. The reason he wants to go 1' off the side is because of the tight turn where the garage is going to start – you have 12' off the house so he wants to bring it a little closer to the side rather than bringing it out more. That way his wife won't hit the wall when she pulls the car in. He also has a construction truck that is now parked in the driveway. He wants to be able to park it in the garage. That's the main reason for doing this – so the truck doesn't have to stay in front of the house. It wouldn't be in front of the house where everyone passing buy would see it. He could bring it into the garage.

Chairman Callero asked if there were any questions or comments from anyone in the audience. Any questions or comments from anyone on the Board?

Commissioner Dimond directed her question to Mr. Ostman. She is looking at an aerial view of the neighborhood and she see's a lot of garages but they all appear to be set back quite a bit from the side yard. Are the other garages in the neighborhood set at least 3' from the side yard?

Mr. Ostman stated generally they are. He doesn't know for a fact if they all are set 3' from the side lot line but he would think so, yes.

Mr. Spiridakos stated he would stick to the rear 5' requirement as well.

Mr. Kanelos asked the purpose for such a deep garage.

Mr. Spiridakos was planning to do a three car garage the wide way. But by doing that the apron in front of the garage would kill the whole yard. If he brings it out more his yard will be pretty much gone. This way he can park his truck on one side and one car in front of the other one on the other side.

Commissioner Looby asked how many vehicles he was trying to fit in.

Mr. Spiridakos stated three - two cars and a truck.

Commissioner Looby asked if he was running a business out of the house.

Mr. Spiridakos stated no but being in construction his truck is full of equipment and he doesn't want to leave it in the same bad neighborhood where the rest of his equipment is. He wants to keep it in the garage and keep his cars in the garage too. By building a conventional three car garage it would kill the whole yard. He doesn't want to do that with the kids playing on a cement backyard. This way it could be the truck on one side and two cars on the other. In front of the truck he could put the lawnmower, snowblower, etc.

Chairman Callero asked how many square feet is the house.

Mr. Spiridakos stated he wasn't sure – maybe 1,300 or 1,400 sq. ft.

Chairman Callero then stated you're about to build a garage equal to sixty percent of your house.

Commissioner Looby asked what type of truck is this.

Mr. Spiridakos stated a Ford E450. It's a van about 20' long.

Chairman Callero asked if there were any other questions or comments. There were none. He then entertained a motion.

Commissioner Weel moved that 07-ZP-19 – Loukas Spiridakos, 7850 N. Nora Ave., Niles, IL 60714 requesting a variation to Section IV (H)(2) to reduce the side yard set back from the required 3' to 1' and Section IV (H)(4) to exceed the maximum square footage from 700 sq. ft. to 880 sq. ft. to construct a garage at 7850 N. Nora Ave. be **denied**.

Seconded by Commissioner Kanelos, on roll call the vote was:

AYES:	5	Dimond, Kanelos, Weel, Looby, Alpogianis
NAYS:	0	
ABSENT:	1	Troiani

Chairman Callero stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate our decision and it will be necessary for the petitioner to contact Mr. Charles Ostman, Director of Community Development, and ask to be placed on the Board of Trustees agenda and you will be notified of the date. Anyone in the audience who would like to be informed as to the date of this hearing by the Board of Trustees, leave your name and address with our secretary and she will notify you.

07-ZP-20 – Frank Policht, 8303 N. Western Ave., Niles, IL 60714.
Appealing the interpretation of the zoning code for accessory structures for the installation of a solid masonry fence and fireplace along the perimeter of the property located at 8303 N. Western Ave.

Mr. Frank Policht stepped forward.

Chairman Callero stated please raise your right hand. Do you solemnly swear to tell the whole truth and nothing but the truth?

He stated I do.

Mr. Policht verified that the Board had the documentation and plat of survey they needed.

Chairman Callero stated they had everything.

Mr. Policht stated he currently has an existing brick fence on the backside (northside) of the property that is deteriorating. The foundation and the bricks are cracked as a result of poor design due to ice and water lifting up the bricks. The idea came to him after seeing a masonry fence a block from his home. It would be on the northeast corner of his property and he wants to extend the patio as well.

Chairman Callero asked if he had gone to Code Enforcement and talked to them.

Mr. Policht stated he spoke with Dennis O'Donovan. He had given him a fence application and a building permit. He said to fill them out and he should be fine and good to go. He filled it out and then got it back with a letter saying he was denied. He was surprised. Then he filed a letter of appeal. Mr. Richard Wlodarski, Assistant Director of Community Development, came to the property and also spoke to Mr. Policht over the phone. That appeal was also denied so he is here tonight for some clarification. It his understanding it is a fence, not a secondary structure. He doesn't understand the premise of a secondary structure. It is not an addition to the house or a roof extension – it's just a 4' high fence.

Chairman Callero stated the biggest reason is the interpretation of our code. The codes are written and sometimes there is a gray area.

Commissioner Weel stated the interpretation is the foundation. Running a full foundation contiguous makes it a structure and not a fence. Fences have single posts that are dug into the ground. They may be secured by concrete but it is not a full foundation. The foundation makes this a structure, an accessory. It does not make it a fence. That is where the interpretation of the zoning ordinance and the code is coming into play. It's on the foundation.

Mr. Policht stated from what he was told he would be able to install 18" x 18" brick posts and then have aluminum or wrought iron fencing. That would still require foundation. How would that be allowed and running a contiguous foundation not be allowed? There would still be 18" x 18" chunks of concrete in the ground. What difference would it make if he connects it with a 10" lane of concrete?

Commissioner Weel then asked Mr. Ostman and Mr. Wlodarski to give an interpretation of the difference. The masonry fence request is going to be one foundation with the posts.

Mr. Ostman stated it has been the policy of this Department to come to a compromise. A full foundation as Mr. Policht is proposing, in their interpretation of the code, has always been a structure. If you look at the definition, it really does tie into that. They have done a compromise over the years, maybe two or three times, where they would allow a masonry column erected, short of a full foundation. That would be permitted, almost no different that putting a post in and pouring concrete all around it. If you go by the actual language, yes the masonry post is still a structure. But they have compromised over the years and that's been the policy of this department.

Mr. Policht stated another need for doing a fence like this is the aesthetic value it adds to the home. It would then flow with the home, which is a

California ranch. If he puts in a wrought iron fence it would look like an eyesore in the neighborhood. If that is the last resort, then that's what he'd have to do. He's going to be having a child in March and wanted to make sure they are fenced in so there is a place to play. There is not a lot of space in the backyard and hence the need for fencing it in. There are several other properties in Niles he has seen with masonry fences constructed whether it be a single wall, two walls, even three walls that connect to a home. He is not sure if they are secondary structures that had permits that specify secondary structure or if they were just fence permits.

Commissioner Kanelos stated without knowing where those locations are we can't answer that question.

Mr. Policht stated he has the information right here.

Chairman Callero stated it really doesn't make any difference. Those could have been long before the code was changed.

Mr. Policht stated his home was one of the first in the Callero & Catino subdivision of the Ransom area. Then every home after that was built at a lower level. He does know that his was one of the first. Subsequent homes built in that area now also have masonry fences. He doesn't know if the code was in place at the time or after the fact.

Mr. Ostman stated that in the last seven years they have not issued one permit for a fence of this type with a full foundation and masonry structure. Are there fences out there of this type before he came and enforced the zoning codes? Yes, there are. Those fences now are non-conforming fences and if they were to be damaged in any way they could not be replaced.

Mr. Policht then asked if he were to get a building permit to build a secondary structure, would it then be allowed.

Mr. Ostman stated no. What you're proposing is an accessory structure. You have to meet all the setback requirements just as you would a garage or a shed.

Commissioner Weel stated there is an interpretation here and obviously the recommendation of our Code Enforcement people is to view this as an accessory structure and there are options for compromise here and we may need to look at compromising.

Mr. Policht stated he has nothing further.

Chairman Callero entertained a motion to either agree with our department and its interpretation or to override the interpretation.

Commissioner Weel 07-ZP-20 – Frank Policht, 8303 N. Western Ave., Niles, IL 60714 appealing the interpretation of the zoning code for accessory structures for the installation of a solid masonry fence and fireplace along the perimeter of the property located at 8303 N. Western Ave. be **denied** and the interpretation based upon the recommendation of the zoning code enforcement.

Seconded by Commissioner Kanelos, on roll call the vote was:

AYES:	5	Dimond, Kanelos, Weel, Looby, Alpogianis
NAYS:	0	
ABSENT:	1	Troiani

Chairman Callero stated there is nothing further on the agenda and entertained a motion to adjourn.

Commissioner Alpogianis moved to adjourn the meeting.

Commissioner Dimond seconded the motion to adjourn. On roll call the vote was:

AYES:	5	Dimond, Kanelos, Weel, Looby, Alpogianis
NAYS:	0	
ABSENT:	1	Troiani

There being five affirmative votes the motion carried.

The meeting adjourned at 8:07 p.m.

James Callero, Chairman

Michael Looby, Secretary
Pro Tem