

**APPROVED**  
**MINUTES OF THE MEETING OF THE PLAN COMMISSION**  
**AND ZONING BOARD OF APPEALS**  
**VILLAGE OF NILES**  
**COOK COUNTY, ILLINOIS**  
**May 4, 2009**

The Niles Plan Commission and Zoning Board of Appeals was called to order at 7:31 P.M.

Chairman Alan Weel asked everyone to stand for the Pledge of Allegiance.

Chairman Weel asked Commissioner Troiani to take the roll.

Present along with Chairman Weel and Village Attorney Joseph Annunzio were Commissioners Karen Dimond, Thomas Surace, Angelo Troiani, George Alpogianis and Thomas Kanelos.

Also present was Charles Ostman, Director of Community Development and Richard Wlodarski, Assistant Director of Community Development.

Chairman Weel then asked are there any changes, additions, deletions or corrections for the March 2, 2009 meeting minutes. [There were none.] If not, I'll entertain a motion to approve.

Commissioner Alpogianis moved to approve the Minutes of March 2, 2009 as presented.

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

AYES:       5       Dimond, Surace, Troiani, Alpogianis, Kanelos  
NAYS:       0

There being five (5) affirmative votes the motion carried.

**Old Business**

**09-ZP-03   Ms. Lorri Newson, Executive Director**  
**175 W. Jackson Blvd., Ste #350**  
**Chicago, Illinois 60604**

**Requesting to amend the Special Use to increase parking from 46 to 70 spaces at 9201 N. Maryland St., Niles, IL 60714.**

**New Business**

**09-ZP-07   Mr. Victor A. Martinez**

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**8115 N. Greenwood Ave., Niles, Illinois 60714**

**Requesting a side yard variation to Niles Zoning Ordinance Section VII (C) (9) (a) to reduce the required 10' side yard to 5' to construct an addition with a drive thru carport.**

Chairman Weel stated we will start with the old business.

**09-ZP-03 - Ms. Lorri Newson, Executive Director, 175 W. Jackson Blvd., Ste #350, Chicago, Illinois 60604. Requesting to amend the Special Use to increase parking from 46 to 70 spaces at 9201 N. Maryland St., Niles, IL 60714.**

Charles Ostman, Director of Community Development, stated the application for zoning petition 09-ZP-03 has been **withdrawn**. The property owner will be working with their engineering department to remedy the storm water that is an issue on that property before they reapply for parking expansion.

Chairman Weel stated so the entire petition is being **withdrawn**. If it ever gets resurrected it will have to come in front of this Board.

Mr. Ostman stated they will be required to refile and it will appear in front of this Board again.

Chairman Weel stated we will also have to keep in mind the last time the petition was presented, we had a number of neighbors present that wanted to be informed if the item ever came back on the agenda. We want to make sure if it does get re-filed, we also give that consideration back to the neighbors.

Mr. Ostman stated absolutely we will retain that list.

Chairman Weel stated that is the end of old business. We will now move on to new business.

**09-ZP-07 - Mr. Victor A. Martinez, 8115 N. Greenwood Ave., Niles, Illinois 60714. Requesting a side yard variation to Niles Zoning Ordinance Section VII (C) (9) (a) to reduce the required 10' side yard to 5' to construct an addition with a drive thru carport.**

Richard Wlodarski stated I do not see the petitioner in the audience. I talked to him today about 3:00; he knew about the meeting but I have

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not heard anything since. Mr. Ostman is going out to the vestibule to check.

Mr. Ostman returned to the room and stated it appears the petitioner is not here tonight. Rich Wlodarski did communicate with him this afternoon about the hearing tonight but he is not present.

Chairman Weel stated given that it is 7:35 and the conversation was made this afternoon, I think what we will have to do, since the petitioner is not present, is we can't act on the request this evening. We can table it for further discussion and move it to our normally scheduled meeting for June. In the meantime let's get a hold of the petitioner and make sure he understands that he needs to be here on the evening of June 1<sup>st</sup>.

Commissioner Dimond moved to **table** 09-ZP-07.

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

AYES:           5       Dimond, Surace, Troiani, Alpigianis, Kanelos  
NAYS:           0

There being five (5) affirmative votes the motion carried.

Chairman Weel stated I understand there are a couple of people in the audience for this particular case. We can allow you some time to indicate what your concerns are, if you have any. We'd like to listen to your testimony if there is anything we can carry forward with us to our June meeting.

Mary duPont, 8103 N. Greenwood, Niles, Illinois stepped forward.

Mrs. duPont stated I live next door to this house you are talking about at 8115. I want to know where the 10' between the houses are if they are going to take 5' from the driveway he wants. I want to know where the 5' will be.

Chairman Weel stated the petitioner's request is to add a carport extension to the existing structure and the end of that will be 5' from the end of your property line. The carport will not be enclosed. Obviously it will be an open carport to allow for him to drive thru to the garage in the rear. The addition will be over the top of the carport and we are taking

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into consideration the uninhabitable space below the carport as part of the FAR. It does meet the ordinance. The variations also allow us up to 50% into a side yard so again the variation is allowed to be determined at this level. It is something that is done quite frequently in the Village with carports being added on to side structures.

Commissioner Troiani stated in fact it is going to look much better than it does right now with the big asphalt driveway there.

Chairman Weel stated what are your concerns.

James duPont, Mary's son, spoke. In the letter the Village sent to my mother it's requesting to reduce the required 10' side yard to 5'. She's confused what the 10' to 5' is. Maybe you could explain that using the picture. That might help. [Drawings displayed on overhead projector.]

Mr. Ostman stated let me explain what the ordinance says. Whenever a house has a detached garage, to get back to the detached garage the Village requires 10' of yard space on the side [of the house]. In this case here, since they still have a detached garage but they want to extend the second floor over and allow a drive thru underneath there like a carport, but they're still going to have to require a variation to reduce it down to 5'. They still have a detached garage; they're still required to have 10'.

But in this situation they are driving under the second floor to get back to it.

Commissioner Troiani stated the secret is they are going to build on top over to 5' of your lot line – on top only.

Mrs. duPont stated so they are going over our lot line.

Chairman Weel stated let's make sure if we are going to make a comment to the petitioner or the audience, let's make sure we get permission from the Chairman please so everyone is not speaking at one time.

Commissioner Troiani stated in order to get this built so they can still get the car in the back – what they have there now is 15' from the house to the end of your lot line, okay? So they are still going to maintain 5' of that and have 10' for the drive thru. In order for us to get it worked out mathematically, we have to say that we're going build over 10' for the

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house over the breezeway or the driveway. It's still going to remain within 5' on the lot line.

Mrs. duPont stated is that going to be the driveway.

Commissioner Troiani stated no, no – the 5' will not be the driveway. The driveway will remain where it's at. But there won't be two cars parked there anymore. There will only be one through the breezeway.

Mrs. duPont stated then when they go back to the garage will they come in through our yard and back.

Commissioner Troiani stated no, they are not going to touch your property whatsoever. Can you show the side view?

Mr. Wlodarski reset the overhead for Mrs. duPont to see.

Chairman Weel stated think of it as a canopy over the driveway. They are just going to go through the driveway.

Mr. duPont stated she [his mother] just doesn't understand all this and is a little confused by the letter thinking some of her property is going to be taken.

Chairman Weel stated not at all.

Mr. duPont stated I would like to make a request that the driveway be pitched toward Greenwood Ave. at the rate of 1" for every 10' and every downspout and gutter opening on this house be pitched toward Greenwood Ave.

Commissioner Troiani stated I think the Engineering Dept. will call for it that way.

Commissioner Alpigianis stated just so you know, sir, the Engineering Dept. has asked for a site plan for that and I'm sure they will be able to make sure that it happens correctly. They've always minded all the concerns of the citizens.

Mr. duPont stated one more thing. In one of the other drawings,

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currently today their driveway comes right up to the edge of the lot line. In the future they are going to add in a grass area.

Commissioner Troiani stated all that asphalt has to be cut out.

Mr. duPont stated am I reading that right that there's going to be a grass area in the future.

Mr. Wlodarski stated he is calling for it to be grass right now as I talked to you last week or the week before. That can be a condition so it isn't all pavement, so it could be landscaping they could attach to it.

Mr. duPont stated could there be a pitch in that grass area so it is not pitched toward my mom's house.

Mr. Wlodarski stated the Engineering Dept. will always make sure each owner is responsible for their own water. Whether they can pitch it all the way to Greenwood, they'll have to look at that when they get the engineering drawings but they'll definitely protect your mom's property from any water spilling over.

Mr. duPont stated thank you.

Mr. Ostman stated Chairman Weel I was just notified by a friend of the applicant that he will appear within the next five to ten minutes, just for your information.

Chairman Weel stated why don't we recess for five minutes until the petitioner gets here. There's not a lot on the agenda this evening. I think we can wait five minutes until he gets here. We will adjourn for five minutes or until the petitioner gets here and at that time we will bring the Planning Commission and Board of Appeals back into order.

**RECESS**

Chairman Weel stated it is now 7:51 p.m. and the petitioner has arrived. Let's go back to new business.

**09-ZP-07 - Mr. Victor A. Martinez, 8115 N. Greenwood Ave., Niles, Illinois 60714. Requesting a side yard variation to Niles Zoning**

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**Ordinance Section VII (C) (9) (a) to reduce the required 10' side yard to 5' to construct an addition with a drive thru carport.**

Victor A. Martinez, 8115 N. Greenwood Ave., Niles, IL 60714 stepped forward.

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

Mr. Martinez stated yes. The way my house is built, a foot crooked, you can't tell it from the dimensions. From the front of the house it is going over a foot so that's pretty much why I'm asking for the foot variance.

Chairman Weel stated what are you planning to do with the structure.

Mr. Martinez stated it was my mother's house. She passed away so I'm re-doing it. In order to do the top bedrooms like I want to do, I would have to have that drive thru port. I was going to do the garage next to it but they said no, absolutely not.

Chairman Weel stated anything else to add to your testimony.

Mr. Martinez stated I've been a Niles resident, I've been a member of Our Lady of Ransom, Maine South. I love the community. I've been here almost all my life. I'd really appreciate to get the house done the way I would like to. I have my father with me with a bedroom upstairs. My nephews – a bedroom for them. Then I would have my master bedroom.

Chairman Weel stated any comments from any of the Commissioners.

Commissioner Troiani stated you understand we are going to ask you to have all ground repaired to drain toward Greenwood. The 5' of asphalt remaining toward your lot line, that has to be cut out and taken away. It's going to be greenery like your plan shows. I want you to make note of that because the Engineering Dept. is going to check it out. And also do you understand we are asking for you to consider the carport to be part of the FAR of your house.

Mr. Martinez stated yes to all aforementioned items.

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Chairman Weel stated we've already taken that into consideration. We have calculated the uninhabitable space below the carport is part of FAR and it's within the ordinance.

Commissioner Troiani stated you will not be able to close that in.

Mr. Martinez stated okay and thank you.

Commissioner Dimond stated I have a question in the drawings about the south elevation. It shows three arches. Are those open arches?

Mr. Martinez stated yes. They won't be enclosed. It's just to make it look a little prettier from the side.

Commissioner Kanelos stated if this variance is granted, do you feel it will alter the essential feeling of the location.

Mr. Martinez stated it already is. It's my mother's house. She passed away about three years ago. I had planned on doing this anyway. It would make me feel real good.

Commissioner Kanelos stated what I mean is do you feel that it is going to alter the general locality.

Mr. Martinez stated most definitely. Looking across the street from my windows, you see all the houses in Park Ridge. They are all beautiful. I think it is now time for our block to start that same thing.

Commissioner Alpigianis stated so you believe it is going to be consistent with the neighborhood, correct.

Mr. Martinez stated most definitely. Niles is a beautiful area.

Chairman Weel stated any other questions or comments from the Commissioners. [There were none.] Any comments from anyone in the audience. Mr. Martinez, we did have your neighbor voice her concerns before you got here this evening. Her concerns were what Commissioner Troiani had indicated with the way the water is going to drain from site, the elevation, the pitch, stuff like that. An engineering site plan obviously will be required should the variation be approved this evening.

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Then that would be approved by the Engineering Dept. and the Village.

Mr. Martinez stated yes.

Chairman Weel stated any other questions or comments from anyone in the audience. Let the record show there are none. That will close the testimony on this case. I will entertain a motion at this time.

Commissioner Alpogianis moved 09-ZP-07 - Mr. Victor A. Martinez, 8115 N. Greenwood Ave., Niles, Illinois 60714. Requesting a side yard variation to Niles Zoning Ordinance Section VII (C) (9) (a) to reduce the required 10' side yard to 5' to construct an addition with a drive thru carport be **approved**.

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

AYES:        5        Dimond, Surace, Troiani, Alpogianis, Kanelos  
NAYS:        0

There being five (5) affirmative votes the motion carried.

Chairman Weel stated are there any other questions from any of the Commissioners or anyone in the audience. [There were none.] At this time I will entertain a motion to adjourn.

Commissioner Dimond moved to adjourn the meeting.

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

AYES:        5        Dimond, Surace, Troiani, Alpogianis, Kanelos  
NAYS:        0

Their being five (5) affirmative votes the motion carried.

The meeting adjourned at 7:59 p.m.

Kathleen Janessa, Recording Secretary