

JAMES CALLERO, CHAIRMAN
GEORGE ALPOGIANIS
JEFFREY CARDELLA
MICHAEL LOOBY
JOSEPH LO VERDE
ANGELO TROIANI
ALAN WEEL

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

Present were Chairman Callero along with Commissioners Looby, Troiani, Cardella, LoVerde and Weel.

Commissioner Alpogianis was absent

Joseph Annunzio, Village Attorney, was present.

Commissioner Weel moved to approve the minutes of September 11, 2006, as presented.

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

AYES: 5 Looby, Troiani, Weel, Cardella, LoVerde
NAYS: 0
ABSENT: 1 Alpogianis

There being five 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:

06-ZP-23 – James Walsh, 4120 N. Osceola Ave., Norridge, IL 60706, Requesting approval of Plat of Re-subdivision James Walsh’s Re-subdivision of 8536 Greenwood Ave.

06-ZP-24 – Thomas C. Collins, 7005 W Jarvis, Niles, IL 60714, requesting a variation of a covered front porch to encroach into 48% of the required 25’ front yard down to 13’ at 7005 Jarvis.

06-ZP-25 – Stanislaw Swider, 6967 W Keeney, Niles, IL 60714, requesting a variation of a Railing/Deck serving the 2nd floor at 6967 Keeney.

Chairman Callero called for the first matter on the agenda.

06-ZP-23 – James Walsh, 4120 N. Osceola Ave., Norridge, IL 60706, Requesting approval of Plat of Re-subdivision James Walsh’s Re-subdivision of 8536 Greenwood Ave. Legal description and persons notified in case file.

Chuck Ostman stepped forward. I would like to give a brief summary of this petition. The petitioner is looking for a plat of re-subdivision. This is a parcel that currently contains a single family dwelling. At this time because it is not a lot of record we asked the petitioner to prepare a plat of sub-division or re-subdivision for this property. At the same time we reviewed this to see if we needed any dedications or easements in regards to this parcel. This has been reviewed by the Engineering and the Community Development Departments and both departments recommend this petition.

Chairman Callero asked Mr. Walsh, the petitioner, to step forward.

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

Mr. Walsh stated I do.

Mr. Walsh stated I would like you to consider this case and I hope my application is successful.

Chairman Callero asked if there were any questions or comments from the Commissioners.

Commissioner Weel asked is it your intent to re-subdivide because you are going to remove the existing structure and re-develop this site having two single family homes on this parcel? Ultimately is that what you are planning to do, or are you just re-subdividing?

Mr. Walsh stated my intention is build one single family home on this piece of property.

Commissioner Weel asked Mr. Ostman does this require any certain retention, I don’t see anything on the surveys. Is there a requirement for retention?

Chuck Ostman stated yes there is, however when the plans come into the Department of Community Development for review for a single family home it is reviewed by Engineering. This parcel under new construction will then contain their own water. If this was a full sub-division where it encompassed several lots and several homes the Engineering Department would then request a Site plan showing retention on all those properties.

Chairman Callero asked if there were any questions or comments from the Commissioners. There were no additional comments.

Chairman Callero also asked if there were any questions from the audience. Let the record reflect that there is no objector present. Testimony is closed on this case.

Commissioner Troiani moved that 06-ZP-23 – James Walsh, 4120 N. Osceola Ave., Norridge, IL 60706, Requesting approval of Plat of Re-subdivision James Walsh’s Re-subdivision of 8536 Greenwood Ave. be **approved**.

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

AYES: 5 Looby, Troiani, Weel, Cardella, LoVerde
NAYS: 0
ABSENT: 1 Alpogianis

There being five affirmative votes the motion carried.

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 this will be heard by the Board of Trustees, leave your name and address with our Secretary and she will notify you.

Chairman Callero called for the second matter on the agenda.

06-ZP-24 – Thomas C. Collins, 7005 W Jarvis, Niles, IL 60714, requesting a variation of a covered front porch to encroach into 48% of the required 25' front yard down to 13' at 7005 Jarvis. Legal description and persons notified in case file.

Stan Bakulinski, 1739 Junior Terrace, Des Plaines, IL 60016, contractor, stepped forward.

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

Mr. Bakulinski stated yes I do.

Chairman Callero stated please give us your testimony.

Mr. Bakulinski asked did you receive pictures of the proposed and existing porch?

Chairman Callero stated we did receive them.

Mr. Bakulinski stated the existing porch currently comes out 4 ½ feet from the existing front of the house consisting of the old stoop and stairs. Mr. Collins is asking to come out an additional foot and one-half. One the second page of our presentation the Collins have listed approximately 6 or 7 other homes that currently surpass that amount towards the curb.

Commissioner LoVerde asked are those on existing homes?

Mr. Bakulinski stated yes. Mr. & Mrs. Collins have recorded six different homes. They have listed the addresses on a sheet included with the pictures. These homes have porches and/or stoops that come beyond where the Collins are asking for a variation to build. Their existing porch is already encroaching into the setback. He is asking for an additional foot and a half.

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

Mr. Bakulinski stated the porch currently existing now is becoming dangerous. It does have to be removed. If you look on the close up picture of the existing condition it has a crack running down it and it is becoming what

the Collins consider to be unsafe. They would like to make it look much nicer. This will also give them the opportunity to have a roof over an area which his wife could sit on the front porch and relax. After measuring it out they did not think 4 ½ feet would give them enough room to put seating arrangements in the front of the house. He was thinking 6 feet total which, when you subtract the railing, would give them about 5 ½ feet which would be better. This would be enough room so they could sit out there and enjoy their later days of life on the front porch. They also wanted to bring to everyone's attention that there are other homes that exceed the requirements.

Chairman Callero stated we know all about the other homes.

Commissioner LoVerde stated there was a recommendation to approve if you would reduce to 14' rather than 13'. If this is a 6 ft porch you are staying at the 13', correct? What is the staff's recommendation?

Rich Wlodarski stated 13' would make it 6 foot and 14' would make it 5 foot.

Commissioner Troiani stated your recommendation would be 14'.

Rich Wlodarski stated correct.

Commissioner Looby stated I am just wondering what the rationality is behind the foot difference.

Rich Wlodarski stated normally on a 25 foot lot we have the authority to approve up to 20% which works out to 5'. We have never had the authority to go beyond that 5 foot. This proposal is even closer than the 25 feet. Five (5) feet is usually standard as to what we would approve.

Commissioner LoVerde stated the petition reads the 48% variance is within the 13'. Is there any anticipation in the future for public sidewalks?

Chuck Ostman answered I don't know.

Commissioner LoVerde stated I am just curious because I noticed there is a public walk, and then several lots without sidewalks, and then the sidewalks pick up again and so on.

Chuck Ostman stated what is interesting in some areas on the west side of town, in the older section, they don't have sidewalks. The Engineering Department made a new home being built in that area put a new sidewalk in. The residents did not want this sidewalk in. They wanted the location left as it was.

Commissioner LoVerde stated without sidewalks you would not have to shovel.

Chairman Callero asked does the petitioner have a problem with the required 25 feet down to 14 feet?

Mr. Bakulinski stated the petitioner's daughter was present that evening and called her to the podium.

Kelly Collins, 7005 Jarvis, Niles, IL 60714, daughter of the petitioner stepped forward.

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

Ms. Collins stated I do.

Chairman Callero stated please give us your testimony.

Ms. Collins stated I really don't have anything else to add. This is my parents request. I cannot speak for them and say if they would be happy with the 5 foot instead of a 6 foot porch. Whatever the board decides is all we could do.

Commissioner LoVerde stated at your 6 foot request did you do a furniture layout that would work on the proposed porch?

Ms. Collins stated yes.

Commissioner Weel stated I think this request as submitted merits some consideration due to the nonconformity on this block. I think if there was a future request for a sidewalk to be added there still would be room especially in front of this structure to warrant that addition. I believe this is something we should consider. I don't think a foot makes a difference for this specific request. I would approve this request as is.

Commissioner Troiani stated you understand that you cannot close this porch in.

Ms. Collins stated right, it will not be closed in.

Commissioner Looby stated in the future if this house was torn down and rebuilt, would this variation also hold for any new structures built?

Chuck Ostman stated variations run with the land, so yes.

Commissioner Looby stated then this would enable them to build to that variation that we are considering tonight.

Chuck Ostman stated right.

Mr. Bakulinski stated even if they don't keep the existing structure of the old house and there is a tear down of the entire house they can use the variation on that property? Usually they would have to comply with the new zoning code. In other words if a new house is being built they would have to abide by the 25 foot setback.

Chuck Ostman stated as a Department that is what we would encourage the property owner to follow, but any variation to the setbacks to the principle building runs with the land. Perhaps the Village Attorney could advise otherwise.

Village Attorney, Joe Annunzio stated I would have to look into that Chuck; I cannot answer that right now. It would seem to me that if you built a whole new structure, you level the property and start over from scratch, then they would have to appear before the board and request another variance on that lot. I am not ready to make that my 100% decision. Do you want to extend this petition another month to give me time to look into this?

The board did not.

Chairman Callero stated any other questions or comments from any other commissioners. There were none.

Chairman Callero stated any questions from anybody in the audience.

Michael Sanks, 7011 Jarvis, Niles, IL 60714, neighbor stepped forward.

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

Mr. Sanks stated I do.

Chairman Callero stated please give us your testimony.

Mr. Sanks stated when we were building our house we wanted to have a porch like that and we were denied. We had to move back as long as it was going to be a covered porch. That is my only problem.

Commissioner Troiani asked how long ago was that.

Mr. Sanks stated nine years ago. I lost 4' from the house because I wanted a porch with a roof on it. On the agenda it states 48% from the front yard, that porch would be 12' if it is measured from the house, correct? My house is 23 feet, 7 inches from the house to the sidewalk. If they measure their house it would probably be the same. If they were granted 48% that would be a 12' porch.

Mr. Bakulinski stated no. The new porch would still be 25 feet away from the curb.

Mr. Sanks stated we have a sidewalk and my house is 23 feet 7 inches to the sidewalk. We were required to have our house built directly in line with them and the other neighbors. We set our porch back and it's 4' wide. How far is their porch going to stick out from the rest of the houses? There are other porches on the other side of the street, however it is shorter. If it's 5' wide it really won't bother me.

Chairman Callero asked Mr. Sanks, are you objecting?

Mr. Sanks stated yes I am. They would not let us do this; I don't know how you could approve this one now.

Mr. Bakulinski stated the other thing the Collins are trying to achieve is to make their property more appealing. I believe this will only add to the look of the house. I also believe that everyone that surrounds this house will get the same happiness out of seeing a nice new porch rather than that piece of concrete. Mr. Sanks did you build your house new?

Mr. Sanks stated yes and they made me move my porch back.

Mr. Bakulinski stated that is exactly what we were just talking about. If the house were ever knocked down you would not be able to build beyond the current setbacks. I can say according to the projects that I have already built we must follow the current guidelines that are set.

Chairman Callero stated common sense tells me that is correct, our attorney is not sure, therefore I am not sure.

Mr. Bakulinski stated the key here is the five other homes on the block, on the same side of the street, that go beyond where Mr. Collins would like his porch to go at this time, a foot and a half more.

Chairman Callero asked if there were any other questions from anybody in the audience.

Linda Sanks, 7011 Jarvis, Niles, IL 60714, neighbor, stepped forward.

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

Mrs. Sanks stated I do.

Chairman Callero stated please give us your testimony.

Mrs. Sanks stated if they are saying it's only a foot and a half farther than where there porch is now, why is the agenda stating its 13'. When we built, our neighbors had a sidewalk and we didn't. At that time I was told to be 25' back from the sidewalk. I was also told that would put us behind everyone else's house. The Village stated you must stay in line with everyone else's house. It measures out at 23' - 7". I am looking at a piece of paper stating they want a 13' front porch on the front of the house. My house is basically in line with their's. I took some pictures of exactly where that 13' would end and its half way thru the yard. I don't understand where the 5' is coming from. They are saying they are only going out an additional foot. That would make it 5' out, not 13'.

Commissioner LoVerde stated this is not a 13' extension. The current porch is 4 1/2 feet, and they want to go to 6 feet. That's one and a half foot farther that it is now. On the plat of survey on the north end of the property it goes to 20.05, the 19 feet is at the outside. If you want to be realistic this is still within the 14' at some point on this property. The petitioner has filed with this board for a 48% variance. Is that 48% figure correct?

Rich Wlodarski stated it is, however it could be misleading. The normal setback is 25'. This is unique because all the houses on that block are set farther forward than normal. Because the homes are all forward we took the average of everything which happens to be around 19 or 20'.

Commissioner LoVerde stated the homes on this side of the street are basically in line right now. There's not one of them that's at the 25 foot setback.

Rich Wlodarski stated that is correct.

Commissioner LoVerde stated being in line we are still talking about one and a half foot of protrusion on this particular home if we approved it from where it is now.

Chairman Callero stated that is correct.

Commissioner LoVerde stated when we start throwing numbers around we get a little confused.

Chairman Callero stated we are talking about one and a half foot. That is what they are asking for.

Chairman Callero also asked if there were any other questions from the audience. There were none.

Commissioner Weel moved that 06-ZP-24 – Thomas C. Collins, 7005 W Jarvis, Niles, IL 60714, Requesting a variation of a covered front porch to encroach into 48% of the required 25' front yard down to 13' at 7005 Jarvis be **approved**.

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

AYES:	4	Looby, Weel, Cardella, LoVerde
NAYS:	1	Troiani
ABSENT:	1	Alpogianis

There being four affirmative votes the motion carried.

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 this will be heard by the Board of Trustees, leave your name and address with our Secretary and she will notify you.

Chairman Callero called for the third matter on the agenda.

06-ZP-25 – Stanislaw Swider, 6967 W Keeney, Niles, IL 60714, Requesting a variation of a Railing/Deck serving the 2nd floor at 6967 Keeney. Legal description and persons notified in case file.

James Metropulos, 1901 Palmgrin Dr., Glenview, Illinois 60025, Architect, stepped forward.

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

Mr. Metropulos stated yes.

Chairman Callero stated please give us your testimony.

Mr. Metropulos stated we have a current permit to construct an addition to an existing house which currently has a porch. Our permit was to construct a shelter over the front door. Instead of having a porch with a gable roof over it we decided to go with a flat roof creating a balcony. The balcony also has a French door giving you access to the balcony. The balcony is visual only. It has nothing to do functionally. The owner may put a plant or flowers up there but it will not be a functional porch or deck. It is for aesthetic reasons that we created this change. Based on the zoning requirements I believe this is something that required a variance.

Chairman Callero asked if there were any questions or comments from the Commissioners.

Commissioner LoVerde stated I thought I read there were children living in this home. How old are the children?

Mr. Metropulos stated they do have children and they are approximately 10 years old. There is going to be a wrought iron railing around this and will meet all the requirements. It will not be open.

Commissioner LoVerde referred to the picture and stated that is the wrought iron railing that will be installed, correct?

Mr. Metropulos stated yes.

Commissioner LoVerde stated I have no problems other than I want the minutes to reflect the railings are to meet the requirements regarding spacing and the required minimum and maximum amounts of that spacing.

Mr. Metropulos stated we will comply with all the code requirements. We do have a balcony also in the rear of the house. This balcony is more functional. This balcony also complies with all of the code requirements.

Commissioner LoVerde stated you have submitted very good pictures. That balcony was drawn in perfectly.

Chairman Callero asked if there were any questions or comments from the Commissioners. There were none.

Chairman Callero also asked if there were any questions from the audience. There were no objectors present.

Commissioner LoVerde moved that 06-ZP-25 – Stanislaw Swider, 6967 W Keeney, Niles, IL 60714, Requesting a variation of a Railing/Deck serving the 2nd floor at 6967 Keeney be **approved**.

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

AYES:	5	Looby, Troiani, Weel, Cardella, LoVerde
NAYS:	0	
ABSENT:	1	Alpogianis

There being five affirmative votes the motion carried.

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 this will be heard by the Board of Trustees, leave your name and address with our Secretary and she will notify you.

Commissioner LoVerde stated before we close this meeting I would just like to ask Mr. Ostman and Mr. Wlodarski if they could do the community a favor. I have been getting several letters and several calls regarding 7421 Waukegan Rd, the overhaul company. The Park District somehow got tied into some type of ownership there. We do not have any ownership, nor any vested interest; however we keep getting these letters. The issue of the letters is there are some 55 gallon black drums/barrels, and a fiber glass tub that contains some type of liquid. The people that are sending the Park District these unsigned letters have some concerns. Regardless if we have ownership or not I need someone to look into this. We don't know if the drums out there are toxic or not.

Chuck Ostman stated absolutely, we will look into it.

Joe Annunzio stated Chuck I need to warn you that if this is environmental and the Village goes out there and looks at these drums they can be viewed that the Village is an operator of that site.

Commissioner LoVerde stated let me rephrase my request. If you look at this location and see drums out there can you call the proper authority and have them look into this so kids don't go in there.

Rich Wlodarski stated absolutely.

Commissioner LoVerde moved to adjourn the meeting, seconded by

Commissioner Weel, on roll call the vote was:

AYES:	5	Looby, Troiani, Weel, Cardella, LoVerde
NAYS:	0	
ABSENT:	1	Alpogianis

There being five affirmative votes the motion carried.

The meeting adjourned at 8:03 P.M.

James Callero, Chairman

Angelo Troiani, Secretary