

JAMES CALLERO, CHAIRMAN  
GEORGE ALPOGIANIS  
MICHAEL LOOBY  
ANGELO TROIANI  
ALAN WEEL

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

Present along with Chairman Callero were Commissioners Alpogianis, Looby and Troiani.

Commissioner Weel was absent.

Joseph Annunzio, Village Attorney, was also present.

Commissioner Alpogianis moved to approve the minutes of May 7, 2007, as presented.

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

AYES: 4 Alpogianis, Looby, Troiani, Callero  
NAYS: 0  
ABSENT: 1 Weel

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-12 – Jushbeen Shukla, 9757 Huber Oval, Niles, IL 60714.  
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 9757 Huber Oval.**

**07-ZP-13 – Erwin Rybczynski, 4200 N. Central Avenue, Chicago, IL 60634. Requesting a change in zoning from B-2 to B-1 Special Use to operate a dance studio at 7350-7352 N. Milwaukee Avenue.**

Chairman Callero called for the first matter on the agenda.

**07-ZP-12 – Jushbeen Shukla, 9757 Huber Oval, Niles, IL 60714.  
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 9757 Huber Oval.**

Ms. Jusbeen Shukla, 9757 Huber Oval, Niles, IL 60714 stepped forward.

Chairman Callero stated please raise your right hand. Do you solemnly swear the testimony you are about to give tonight is the whole truth and nothing but the truth?

She stated yes.

Ms. Shukla stated she has a single family residence currently with three bedrooms, two living rooms, a basement and a kitchen and a one car garage. She wants to rehab and extend it to become six bedrooms keeping the two living rooms, basement, kitchen and a one car garage and also wants to extend the driveway to accommodate the family moving in as they have two cars.

Chairman Callero asked if there was anything else in her presentation tonight.

Ms. Shukla stated she is requesting permission to do this as she is exceeding the set back limit.

Chairman Callero stated for the record there is a letter that was written to the Board opposing Item 07-ZP-12 by Gail & Marshall Bobroff, 9747 Huber Oval, Niles, IL 60714. Chairman Callero did not read the letter but stated Mr. & Mrs. Bobroff are vehemently opposed to what you are attempting to do. Commissioner Troiani entered the letter as Exhibit A.

Chairman Callero asked if there were any comments or questions from anyone in the audience. He also asked if there were any other questions or comments from the Board.

Commissioner Troiani asked Ms. Shukla if she realized this is a single family area.

Ms. Shukla stated yes she does.

Commissioner Troiani then stated just because people moving in all happen to have the same name, aunts and uncles and such, doesn't allow for a rooming house situation. The Village of Niles does not allow rooming houses and this would be a form of such. He stated this doesn't really fall into any category the Village has. Also the request is giving up all the backyard which the Board never allows.

Ms. Shukla stated she is aware of all that Commissioner Troiani said. She then asked for permission and stated the main reason they are doing this is to take care of some financial responsibilities. She does participate in the mortgage and will be moving out within the next year to year and a half. Her mother, who is working part-time, would not be able to financially support her portion of it. By having her aunt and uncle move in would be a stable financial support for her mother.

Commissioner Troiani stated you realize that you would be leaving behind a house with six bedrooms and four and one half baths.

Ms. Shukla stated this it is a lot cheaper to rehab and build than to buy an existing home of that size.

Commissioner Alpogianis asked to whom is the home titled.

Ms. Shukla stated herself, an aunt who already lives there, and an uncle who wants to move in. The uncle is already on the title as owning one third of the property.

Chairman Callero asked if there were any other questions or comments.

Ms. Shukla asked if there was any way she could find out what Mr. & Mrs. Bobroff were opposed to. The majority of the set back is in the backyard.

Chairman Callero stated he would read the whole letter:

“Thank you for speaking with me this morning relative to the legal notice received regarding the property at 9757 Huber Oval. They are requesting permission to add a first and second floor addition to an already four bedroom home. We vehemently oppose this proposal as there is already more than one family living in this house with approximately four to five automobiles, sometimes doubled in parking in front of their home, and most of the time at least one or two vehicles parked in front of my home. These are supposed to be single family dwellings. I have noticed on numerous occasions moving trucks coming and going, moving people in and out. They have been cited already for cutting out part of their front lawn to park cars and also had to be told to throw their garbage out. Unfortunately we will be out of town when this hearing takes place and therefore unable to voice our opinion. I have spoken to a few of my neighbors and they are also against this addition. As you already mentioned, they only have a single car garage and driveway. This is a small oval and if they build this addition who knows where they will park and how many people will be moving in. Thank you again for your time in this matter and hopefully it will not come to fruition. Sincerely, Gail and Marshall Bobroff, 9747 Huber Oval.” Exhibit A.

Ms. Shukla thanked Chairman Callero for reading the letter. She would like the Board to take into consideration the parking issue referred to in the letter. That is one of the reasons they are expanding the driveway as to accommodate the excess cars now parked on the street.

Commissioner Looby asked how long have they owned this home.

Ms. Shukla stated over ten years.

Commissioner Looby then asked if there had been three people on the mortgage listed for ten years.

Ms. Shukla stated yes.

Commissioner Looby asked if the uncle listed on the mortgage was paying the mortgage.

Ms. Shukla stated yes but they were relocated to Texas and then moved back and are occupying an apartment so there has been a period of about two and one half to three years that he has not been paying the mortgage. But now that they want to move in, they will be paying again.

Commissioner Looby stated she mentioned there are other houses that would accommodate the size of the family.

Ms. Shukla stated they were too expensive.

Commissioner Looby stated it sounds like when the house was purchased ten years ago there was intent to add on. Why are you waiting until now?

Ms. Shukla stated it did not occur to them at that point because their daughter was younger so they had partitioned off a room but now she's a teenager and needs her own bedroom.

Commissioner Looby stated many families who expand find larger houses.

Ms. Shukla stated in order to accommodate their financial reach they would have to move far away and they do not want to leave Niles. Any type of house that size in the area is well over one half million dollars. They cannot afford that. She is in real estate and knows what the properties run.

Charles Ostman, Director of Community Development, referred Chairman Callero to an item in the Board's packet. The petitioner would not be able to widen the driveway. The current Village ordinance does not allow for widening of a driveway into the required front yard unless it leads to a parking structure, that being a garage.

Chairman Callero asked if there were any other questions or comments.

Commissioner Looby feels it is overuse of the property. He feels that more than fifty percent is too much and the number of people for that neighborhood and the size and intent is too much use of that property.

Ms. Shukla asked what would be the suggested use by the Board. Maybe they could find alternatives to this and revise it somehow. Is there an alternative if they modified the six bedroom request?

Commissioner Looby stated he could not make a statement at this time. He doesn't have anything in mind. He thinks the existing house is appropriate for the size lot it sits on.

Ms. Shukla stated a house right behind her is putting up a similar addition. She is not sure if it falls into this zoning.

Commissioner Looby stated since he has not seen that particular property he cannot speak to that.

Ms. Shukla stated she knows it is not relevant but would like the Board to consider that since it is a neighbor.

Mr. Ostman stated that the neighbor behind her is in the Village of Glenview.

Chairman Callero asked if there were any other questions or comments.

There were none. The testimony was closed.

Commissioner Troiani moved that 07-ZP-12 – Jushbeen Shukla, 9757 Huber Oval, Niles, IL 60714, 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 9757 Huber Oval be **denied**.

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

AYES: 4 Callero, Looby, Alpoianis, Troiani,

NAYS: 0  
ABSENT: 1 Weel

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 of this hearing by the Board of Trustees leave your name and address with our secretary and she will notify you.

Chairman Callero called for the next matter on the agenda.

**07-ZP-13 – Erwin Rybczynski, 4200 N. Central Avenue, Chicago, IL 60634. Requesting a change in zoning from B-2 to B-1 Special Use to operate a dance studio at 7350-7352 N. Milwaukee Avenue.**

Matt Andelman with Mega Properties, the landlord for Mid America Plaza, and Architect Mark Salamon stepped forward along Ivana and Erwin Rybczynski.

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

They stated yes.

Mr. Andelman stated Mid America Plaza is a retail strip center located at 7350 N. Milwaukee Avenue. There is approximately 5,000 square feet that is vacant right now and Mr. & Mrs. Rybczynski are looking to open a dance studio. They currently have a studio in Portage Park and have been there for ten years. They are known in the Polish community and are well respected and excellent dance instructors. They have a drawing of the floor plan that is included in the Board's package. They put a larger drawing of the space on the screen for all to see.

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

Commissioner Troiani asked if they were going to have classes, sell lessons, tie people up for six months or a year with lessons?

Mrs. Rybczynski stated they would have group lessons and private lessons. The business usually runs late afternoon and evening hours. The times are usually from 4:00 p.m. until 10 or 11:00 p.m.

Commissioner Troiani asked if someone signs up and then due to injury or such, is there a way to get out of the contract?

Mrs. Rybczynski stated they do not have contracts with people. Clients pay as they come.

Commissioner Alpigianis is concerned about certain tenants should they occupy the same center. Will there be any soundproofing so the music is contained?

Mrs. Rybczynski stated they would be soundproofing the walls. However the music won't be that loud because they still have to talk to their clients while they teach.

Commissioner Looby asked what kind of classes will be held.

Mrs. Rybczynski stated it would be a ballroom studio. They would teach Latin American dances, standard dances, salsa, swing.

Commissioner Looby asked if there would be any competitions there.

Mrs. Rybczynski stated there would be parties there but competitions are organized at hotels. Parties are held every so often for people to show off what they have learned – more like a showcase than an actual party.

Commissioner Looby asked what size classes would there be.

Mrs. Rybczynski stated they have both private and groups. Groups vary from ten to twenty people. Most of those people are couples who come together. Private lessons are one to two people at a time.

Commissioner Looby asked what is the overall space.

Mr. Andleman stated 5,200 square feet.

Commissioner Looby asked Mr. Ostman if the Village has parking requirements for this type of business. Is there a square foot ratio? There are probably about 27 spaces.

Commissioner Alpigianis asked since they start at 4:00 p.m. and go until approximately 10:00 p.m. would they not be needing parking during the day.

Mrs. Rybczynski stated she and her husband practice during the day so there would only be one or two cars. Also between 4:00 and 8:00 p.m. they have private lessons. Group lessons start about 8:00 or 8:30 p.m.

Commissioner Alpigianis brought this up because there is a dance studio in the same shopping center as his business. He noticed there is very little business during the daytime hours. Usually between 7:00 and 8:00 p.m. is when the traffic increases.

Mr. Ostman stated the required amount of parking spaces for this building is 64 spaces. The amount provided is 40 spaces. This is a legal non-conforming. They work with the landlord when they don't meet the parking requirements but find specific uses where it won't create any parking issues. As he mentioned, a closet store just moved in there and maybe they would have one customer at a time, very low usage but retail. Mostly they do fabrication in the back room. The dance studio would utilize the evening hours of the parking. As other retail spaces are filled, the Village would work with the landlord finding appropriate uses of parking making sure there is not an issue.

Commissioner Looby recommended parking be at the back of the building because the front is not very safe. Could something be done with the back entrance door that would make it look better and more inviting for people to use?

Mr. Andleman stated absolutely.

Chairman Callero asked if there were any comments or questions from anyone on the Board. He also asked if there were any other questions or comments from anyone in the audience.

Commissioner Alpogianis moved that 07-ZP-13 – Erwin Rybczynski, 4200 N. Central Avenue, Chicago, IL 60634, requesting a change in zoning from B-2 to B-1 Special Use to operate a dance studio at 7350-7352 N. Milwaukee Avenue be **approved**.

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

AYES: 4 Alpogianis, Looby, Troiani, Callero  
NAYS: 0  
ABSENT: 1 Weel

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 of this hearing by the Board of Trustees leave your name and address with our secretary and she will notify you.

Commissioner Alpogianis moved to adjourn the meeting.

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

AYES: 4 Alpogianis, Looby, Troiani, Callero  
NAYS: 0  
ABSENT: 1 Weel

There being four affirmative votes the motion carried.

The meeting adjourned at 7:59 p.m.

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James Callero, Chairman

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Angelo Troiani, Secretary