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FINAL APPROVED MEETING MINUTES

PLANNING AND ZONING BOARD

MONDAY, FEBRUARY 6, 2023

7:00 PM

NILES VILLAGE HALL

Members Present: Chairman Thomas Kanelos

Susan DeBartolo

Ted Karabatsos

Janet Lee

Terrence McConville

Robert Schulter, Secretary

Staff Present:

Charles Ostman, Community Development Director

Richard Wlodarski, Community Development

Assistant Director

Nathan Bruemmer, Planner I

Danielle Grcic, Village Attorney

I. CALL TO ORDER

The Niles Planning and Zoning Board was called to order at 7:02 P.M.

II. PLEDGE OF ALLEGIANCE

All rose for the Pledge of Allegiance.

III. ROLL CALL

PRESENT: 5 Chairman Thomas Kanelos, Commissioners
Susan DeBartolo, Robert Schulter, Terrence McConville,
Janet Lee

ABSENT: 2 Commissioners Ted Karabatsos, Morgan Dubiel.

Also, present was Assistant Director of Community Development Richard Wlodarski, Planner I Nathan Bruemmer and Village Attorney Danielle Grcic.

IV. APPROVAL OF MINUTES

Chairman Kanelos asked if there were any additions, clarifications, or corrections to the minutes of January 9, 2023. There were none.

Commissioner DeBartolo moved to **approve** the minutes of January 9, 2023.

Seconded by Commissioner McConville. On roll call the vote was:

AYES: 5 DeBartolo, Schullter, McConville, Lee, Kanelos

NAYS: 0

ABSENT: 2 Karabatsos, Dubiel

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

V. PUBLIC COMMENT

The public can ask questions or comment after the Board has heard the petitioners' testimony following each case. However, if the public has any general comments or questions, they can speak before we start to hear tonight's cases.

VI. OLD BUSINESS

VII. NEW BUSINESS

1. 23-ZP-03, 8027 N Oriole Ave

A request for approval a Variation from Village of Niles Zoning Ordinance Appendix B Section 10.3(C)(4)(a) to allow for the construction of a driveway that does not terminate in a functional garage at 8027 N Oriole Ave, Niles, IL 60714.

See the complete case minutes attached to this document (Attachment #3).

VIII. DISCUSSIONS

IX. ADJOURNMENT

Chairman Kanelos entertained a motion to adjourn.

Commissioner DeBartolo moved to adjourn.

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

AYES: 6 DeBartolo, Schulter, McConville, Lee,
Karabatsos, Kanelos

NAYS: 0

There being six (6) affirmative votes the motion carried.

The meeting adjourned at 7:22 PM

Minutes Prepared by: Kathleen Janessa, Recording Secretary

New Business, Item #1

23-ZP-03, 8027 N Oriole Ave

A request for approval of Variation from Village of Niles Zoning Ordinance Appendix B Section 10.3(C)(4)(a) to allow for the construction of a driveway that does not terminate in a functional garage at 8027 N Oriole Ave, Niles, IL 60714.

COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

1. Persons appearing for the applicant

Christopher Laguna, petitioner and owner of the property at 8027 N Oriole Ave, Niles, IL 60714, came forward and was sworn in.

Colleen Doherty, attorney for the petitioner, 6767 N Milwaukee Ave, Suite 202, Niles, IL 60714, stood with the petitioner but did not need to be sworn in.

COMMISSIONER TED KARABATSOS ARRIVED AT 7:10 p.m.

2. Summary of Presentations

Attorney Colleen Doherty said she was here on behalf of the owner of the property at 8027 N Oriole, Niles IL. Mr. Laguna owns the 2-flat at that location. He lives in one unit and has a tenant in the 2nd unit. They are seeking a variance to construct a driveway from Oriole Avenue on to the subject property to create additional parking. This construction would deviate from Niles Ordinance Section 10.3(C)(4)(a) which states that all driveways must lead to a functional garage or a permanent carport. There currently is a garage on the property that has alley access but the intent of this driveway would not be to extend all the way from the street to the garage. The applicant's hardship is two-fold. Oriole Avenue is home to many multi-unit properties - both 2 and 3-flats - providing for an inordinate number of vehicles on the block. Oriole Avenue also abuts Milwaukee Avenue which is a busy business corridor. Many of the businesses on Milwaukee Avenue have limited parking so the applicant has found that many customers of those businesses park on Oriole Avenue in order to reach their Milwaukee Avenue destination.

The addition of this driveway will alleviate the parking both for the residents of the street as well as Milwaukee Avenue patrons. This is common with the character of the street. There are many driveways on other properties on this street so this driveway would not be out of place. At this time, we are happy to answer any questions the Board may have.

Commissioner Lee stated the petitioner lives in one unit at this address and rents out the other unit of the 2-flat. Who would be using this driveway?

Mr. Laguna said he would use it and his tenant could use it as well.

Commissioner Lee said she cannot tell how many cars would be able to park in this driveway.

Mr. Laguna said 3 cars - in a row, one behind the other, and so on. He can also make a gateway to the alley. They can get out if they want to.

Commissioner Lee said the driveway does not go all the way to the alley, correct?

Mr. Laguna said yes, but they can make it work. It should be no problem. Mostly it will be for him and the tenant. We can make an agreement to leave the keys or something. It is much easier to ask for the keys to move the car than park 2 blocks away. The other street [to the west of Oriole] has single family homes and most have driveways.

Commissioner Lee said this would not get you to the alley. It looks like there is parking by the garage. She just wants to understand this concept.

Ms. Doherty said it would be tandem parking i.e., one behind the other. The intent right now is to not have to park 2 blocks away. He would sooner figure it out with the tenant than park far away.

Chairman Kanelos asked who parks in the garage?

Mr. Laguna said he parks in the garage. It is a 2-car garage but he can fit only 1 car in there. It is very narrow. He would rather not.

Chairman Kanelos said other people in houses have to do that. They have to learn to live with it. Also, to the south of you is another building that has a driveway that leads to his garage. Then to the south of that is perpendicular parking on the street.

Mr. Laguna said they cannot park there. Only tenants of the stores and apartments above can park there.

Chairman Kanelos said there is no sign there.

Mr. Laguna said yes, there is a sign.

Commissioner Schulter said the sign says vehicles will be towed.

Chairman Kanelos is showing the area on the overhead. He is not talking about the designated perpendicular parking. He is speaking of the area from that point north to Mr. Laguna's home. He said he was there today and saw a ton of available parking and he went past tonight on his way to this meeting. He is trying to figure out where the need is. What times are the worst for parking there?

Mr. Laguna said from 7 p.m. until the morning.

Chairman Kanelos showed the area on the overhead screen. He asked Mr. Laguna to describe the parking along his side of the street.

Mr. Laguna said the homes on the west side of Oriole are three flats. They have even more cars.

Commissioner Lee said instead of making the driveway in the front of the building, is it possible to put the driveway where the garage is at the back half of the property? She is curious why the driveway would not go in the back instead of the front.

Mr. Laguna said it is possible but 98% of the people over there have driveways from the front. I am one of those 2% that do not have a driveway. It is not that easy from the back.

Commissioner Lee asked how many cars Mr. Laguna has. And what about the tenant?

Mr. Laguna answered he has 1 but soon he will have 2. The tenant has 1 but will have 2 as her daughter is now in driver's ed and will be getting her license.

Chairman Kanelos said it seems like quite a long driveway. You can fit approximately 4 to 5 vehicles there. And another one in the garage plus if any are on the street.

Mr. Laguna said that is true.

Chairman Kanelos asked if he is planning on leaving cars there. You can easily get 4 cars in there. He asked Staff if there are any thoughts on this. Was there calculation done on the impervious lot coverage?

Nathan Bruemmer, Planner I, answered they are all good.

Mr. Laguna said right now he has a tenant who will have 2 cars. But he may have a future tenant with 3 cars. Tenants usually stay 1 or 2 years then move.

Chairman Kanelos asked how many bedrooms are in the unit.

Mr. Laguna answered 2 bedrooms.

Chairman Kanelos said you can understand that we would hate to see a bunch of cars parked out there. Cars that may not be operational. You cannot leave them on the street if they do not run. But you can leave it in the driveway. It is a bit of a concern. If a resident came with a single-family residence and wanted to put in a

driveway that did not terminate into a garage, typically it would not be allowed. You have a little bit of a different circumstance because you have an apartment building. That is why there is consideration.

Commissioner Lee asked if he can park outside the garage. She cannot tell on the image. Is that an available spot?

Commissioner Schulter said no, it is not big enough. It would stick out into the alley.

Commissioner Lee feels it would be less of an eyesore if the driveway was behind the building.

Chairman Kanelos asked what are the rules regarding non-functional vehicles?

Richard Wlodarski, Assistant Director of Community Development, answered. Cars on the street must have a license plate and be operable. Boats and campers can be on the driveway as long as they are behind the front of the building line.

Mr. Laguna said across from him is a fire hydrant and that takes up 2 parking spaces. The new alley the Village put in is very nice but that takes up about 3 parking spaces. Dunkin Donuts has an entrance both ways - from Milwaukee Ave and from Oriole Ave. It is a very wide entrance so we lost about 4 parking spaces there. The business that was there before had a much smaller entrance.

Commissioner Karabatsos asked if 8037 was a 2-flat also.

Chairman Kanelos said all 3 of the buildings on that side are multi-family. The west side is all multi-family too.

Commissioner Lee said she is stuck on the question as to why the driveway would be in the front of the building and not in the back. Is there a preference from the Village to have this driveway back towards the garage or is it a non-issue?

Mr. Wlodarski said the Village does not have a preference. Petitioners submit for what they are asking for. One could make an argument that he could do it off the alley. But this is what he submitted. You could make an argument that he could go off the alley as opposed to the front from the street.

COMMENTS AND ARGUMENTS FROM INTERESTED PARTIES

There were no comments from the public.

MOTION

Chairman Kanelos entertained a motion.

Commissioner DeBartolo moved to **approve** item 23-ZP-03, a request for approval of Variation from Village of Niles Zoning Ordinance Appendix B Section 10.3(C)(4)(a) to allow for the construction of a driveway that does not terminate in a functional garage at 8027 N Oriole Ave, Niles, IL 60714.

Seconded by Commissioner Schuller.

VIEWS EXPRESSED BY MEMBERS OF THE PLANNING AND ZONING BOARD

Commissioner Schuller said he is kind of between a rock and a hard place. He needs the parking and has a multi-unit building. There are other buildings around there that have driveways going into the garages. There is nothing he can do because his garage does not meet up with the driveway in order to do it.

Commissioner DeBartolo agreed.

Commissioner McConville said there is no question this is an area of dense parking and population. It seems there would be a need for some relief in this particular instance.

Commissioner Lee agreed but would still like to see it at the back of the building.

Commissioner Karabatsos asked Staff if the driveway continued and turned into the garage, would Mr. Laguna be here?

Mr. Bruemmer said it needs to terminate into the garage. It cannot just stop at the garage.

Commissioner Karabatsos said he could put in a 6 ft. door.

Chairman Kanelos asked how would he make that turn? It would be expensive. He personally is not convinced the need is there for such a long driveway.

DECISION

On roll call the vote was:

AYES:	5	DeBartolo, Schuller, McConville, Lee, Karabatsos
NAYS:	1	Kanelos
ABSENT:	1	Dubiel

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

Chairman Kanelos said the petition has been approved. This Board is the final say so Mr. Laguna can start working with the Village on plans. Good luck with your endeavor.

