

VILLAGE OF NILES

1000 Civic Center Drive
Niles, IL 60714
www.vniles.com



Final Approved Minutes

Monday, April 2, 2018

7:00 PM

Village Hall

Planning and Zoning Board

Chairman

Thomas Kanelos

Members

Susan DeBartolo

Morgan Dubiel

Ted Karabatsos

Barbara Nakanishi

Thomas Parala

Robert Schulter

Angelo Troiani, Emeritus

Staff Liaison Bruce Sylvester

CALL TO ORDER/ROLL CALL

The Niles Planning and Zoning Board was called to order at 7:02 P.M. All rose for the Pledge of Allegiance.

PRESENT: 6 Chairman Thomas Kanelos, Commissioners Susan DeBartolo, Robert Schulter, Barbara Nakanishi, Thomas Parala, Morgan Dubiel

Also present was Director of Community Development Charles Ostman, Senior Planner Bruce Sylvester and Attorney Larry Berg [substituting for Village Attorney Danielle Grcic.] Commissioner Ted Karabatsos and Commissioner Emeritus Angelo Troiani were absent.

APPROVAL OF MINUTES

Chairman Kanelos asked if there were any additions, clarifications or corrections to the minutes of February 5, 2018. There were no additions, clarifications or corrections to the February minutes.

Commissioner Nakanishi moved to **approve** the minutes of February 5, 2018.

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

AYES: 6 Nakanishi, Parala, Dubiel, DeBartolo, Schulter, Kanelos

NAYS: 0

ABSENT: 1 Karabatsos

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

Chairman Kanelos announced he has received a letter of resignation from Ginger Troiani who has served this Board with distinction and good humor and a lot of historic knowledge since 1979. We wish Ginger and his family well. He has some health issues and he will be sorely missed. Chairman Kanelos will respond to the letter of resignation after he speaks with Mayor. Przybylo.

NEW BUSINESS

Chairman Kanelos called for the first item on tonight’s agenda.

18-ZP-4 Requesting a variation from Niles Zoning Ordinance Section 4.3(A) to allow an addition onto a home that will not meet rear-yard set-back requirements at 6909 Dobson Street.

Bruce Sylvester, Senior Planner, presented this item. This lot [as shown on the overhead] is very shallow, front to back. This is one house west of the corner house at Dobson and Nordica. It has a very small rear yard currently. The existing house does not meet the rear-yard set-back requirement; therefore the

existing house is non-conforming. The homeowner is requesting a variation to put a small addition onto the home that would encroach further into the rear yard. Now shown on the overhead is the proposed site plan. The proposed addition would wrap around the west side of the house to the back. The west side would meet set-back requirements but it wraps into the rear which already encroaches into the small yard. The applicant's explanation for the requirements needed to obtain the variation is included in tonight's packet. All the required notifications have been made.

Chairman Kanelos asked if this proposed addition still meets the impervious lot coverage requirements.

Mr. Sylvester said yes it does.

Chairman Kanelos asked if there were other questions from the Commissioners.

Commissioner Nakanishi asked if anyone behind this property has any objections.

Mr. Sylvester said he didn't receive any objections from behind the house. He did receive one phone call [voice message] from the neighbor next door. He returned the call early this morning and left a voice message that he would be in all day but he did not receive a return phone call today. That neighbor did not say he had concerns; just that he had questions.

Commissioner DeBartolo said she looked at the property today and said behind the property is a barn and a trailer. There are no windows in this barn so no one can see behind the proposed addition area.

Chairman Kanelos said the reality is that all the neighbors were informed. If there were concerns, they would have come to tonight's meeting or put their concerns in writing.

Commissioner Dubiel asked if there was a wood privacy fence along the side as well as along the back (pointing to the area on the overhead).

Chairman Kanelos said they can ask the petitioner that question.

Christian Lubinski stepped forward and was sworn in. He is representing the homeowner of this address. He is also representing the architect who was unable to attend tonight's meeting because he was called out of the country to a funeral. There is a 6 ft. wooden fence behind the property. It belongs to the homeowner [farm] behind the property in question.

Cheryl Moore, 6909 Dobson, Niles came forward as well and was sworn in. She is the homeowner. The fence along the side is metal with lattice; a metal privacy fence.

Mr. Lubinski said the homes in the immediate area have more set-back than this home. Other homes in the area have less set-backs on the sides than the home in question. Some even have a roof overhang which means they have even less set-back than this proposed addition.

Chairman Kanelos said this request is due to a hardship requiring more accessibility.

Commissioner Schuller pointed to the site plan on the overhead. Part of the request is for an expanded driveway. What is going to stop people from driving into the addition since it's not a garage?

Mr. Lubinski said it is a garage. Now it is a 1-1/2 car garage and the garage will be expanded to 2-1/2 cars.

Chairman Kanelos asked if there were other questions. There were none. He entertained a motion.

Commissioner DeBartolo moved to **approve** item 18-ZP-4 requesting a 24 ft. 3 in. variation from Section 4.3(A) for relief of rear-yard set-back requirements to allow an addition onto a home at 6909 Dobson Street. This includes written responses from the homeowner explaining why she needs this variation. Commissioner DeBartolo stated it meets all the requirements.

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

AYES: 6 DeBartolo, Schuller, Nakanishi, Parala,
Dubiel, Kanelos

NAYS: 0

ABSENT: 1 Karabatsos

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

Chairman Kanelos called for the second item on tonight's agenda.

18-ZP-5 Requesting a variation from Niles Zoning Ordinance Section 10.3(C)(4)(b) to allow a driveway that is more than 20 feet wide at 8353 North Newland Avenue.

Mr. Sylvester presented this case as well. This request is to allow a driveway wider than the ordinance allows. The ordinance says the driveway cannot be wider than 20 ft. at the front property line. It can widen from there as the driveway goes toward the house but it needs to taper down to no more than 20 ft. at the front property line. The petitioner is here. He recently put an addition on the house. The Board may recall him as he was here for a variation for that addition. He poured a driveway in compliance with the Village's rules. However, he has a situation where he has a small triangular piece [shown on the overhead and in the packets] that is now dirt. It could be landscaped but in the winter the

Village plows pile a lot of dirt there. People also try to turn around in his driveway because it is at the dead end of Newland. He is requesting to pave it which would then make his driveway wider than 20 ft. All the required notifications were provided - legal notice in the newspaper; mail notices and a sign on the property itself.

Commissioner Schulter asked if Mr. Sylvester said paved or concrete.

Mr. Sylvester answered the petitioner wants to use cement to pave it.

There were no more questions.

Chairman Kanelos called the petitioner to the front.

Vijay Patel, 8353 N. Newland Ave., Niles, came forward and was sworn in. Mainly he is here because there is no cul-de-sac. People come to the end of the street and use his driveway to turn around; even the garbage and UPS trucks.

Chairman Kanelos asked why this couldn't have been an administrative decision. Why did Mr. Patel have to come before the Board?

Charles Ostman, Director of Community Development, stated looking back now, it could have been.

Mr. Sylvester added things the zoning code allows the director of the department to decide is pretty small. It is mostly set-backs. This is not included in the zoning code.

Commissioner DeBartolo asked the petitioner if there was a reason he did not pour concrete in that area when he put in the new driveway. Chairman Kanelos said it isn't allowed. That's why he is back tonight for the variance.

Commissioner Schulter asked if this driveway was asphalt before it was concrete.

Mr. Ostman said yes but then the code changed. Staff didn't want to make this gentleman come again to the Zoning Board for this variance but he had to.

Chairman Kanelos said the facts come out. There are other people who want a wider driveway and are told no. That's why it is important for the petitioner to come up and answer certain questions. This petitioner is stating he has a hardship. Any other questions? There were none. He entertained a motion.

Commissioner Nakanishi moved to **approve** 18-ZP-5 requesting a variation

from Section 10.3(C)(4)(b) for relief from maximum driveway width to allow a driveway that is more than 20 feet wide at the front property line at 8353 North Newland Avenue. It meets the requirements for variations and findings of fact.

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

AYES: 6 Nakanishi, Parala, Dubiel, DeBartolo,
Schulter, Kanelos

NAYS: 0

ABSENT: 1 Karabatsos

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

DISCUSSIONS

There were none.

ADJOURNMENT

Chairman Kanelos made a motion to adjourn.

Commissioner Parala moved to adjourn.

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

AYES: 6 Parala, Dubiel, DeBartolo, Schulter,
Nakanishi, Kanelos

NAYS: 0

ABSENT: 1 Karabatsos

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

The meeting adjourned at 7:22 P.M.

Kathleen Janessa, Recording Secretary