

APPEALS & REVIEW BOARD

Oak Lawn Municipal Center – Lower Level Rear Vestibule
9446 Raymond Avenue Oak Lawn IL 60453
Tuesday, September 1, 2020 at 7:00 p.m.
Regular Meeting Minutes #2020-03

I. ROLL CALL: Meeting called to order at 7:00 p.m.

A.) Members: Jim Baker, District 4 Jay Lurquin, District 6
 Joe Cwiklinski, At-Large Pat Pulver, District 1
 Matt Egan, District 2 Andy Skoundrianos, District 3
 Kai Grant, District 6

B.) Staff: Don McKenna, Building & Zoning Administrator
 Deanne Adasiak, Recording Secretary

II. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairman Lurquin.

III. APPROVAL OF MINUTES:

A.) Regular Meeting #2020-02 – July 7, 2020.

A motion was made by Member Baker to approve the Meeting Minutes of July 7, 2020 #2020-2 and was seconded by Member Cwiklinski.

Roll Call: Baker, yes; Cwiklinski, yes; Egan, abstain; Grant, yes; Lurquin, yes; Pulver, yes; Skoundrianos, yes.

Motion to approve carries: 6-0-1.

IV. OLD BUSINESS:

A.) Pet. #A-2020--2- Request for a 15” corner side yard variation at 9700 S. Menard Ave., Jeffrey Cameron, Petitioner

The petitioner was not present.

A motion was made by Member Cwiklinski to table Pet. #A-2020-2- Request for a 15” corner side yard variation at 9700 S. Menard Ave., Jeffrey Cameron, Petitioner. The motion was seconded by Member Skoundrianos.

Roll Call: Skoundrianos, yes; Pulver, yes; Lurquin, yes; Grant, yes; Egan, yes; Cwiklinski, yes; Baker, yes.

Motion to table passes: 7-0-0.

V. NEW BUSINESS:

The Oath was administered by Chairman Lurquin.

A.) Pet. #A-2020—4- Request for a 6.6' Side Yard Variation @ 8715 Mobile Ave., Pablo Galarza, Petitioner

Mr. Pablo Galarza, 8715 Mobile Avenue, Oak Lawn, Illinois.

The petitioner showed pictures of his existing patio. He explained that his covered patio has been on the property since 1968 but that the patio is not walled-in. The petitioner explained that he wants to completely enclose the patio with walls utilizing the existing roof. He expressed the need for privacy for his family.

Member Cwiklinski asked if the pad is already on the site. The petitioner responded yes and said there is an existing overhang. He said he would add two patio doors and that he will be able to use this space during the winter season.

Mr. McKenna mentioned that there was a variation granted in 1967 for the side yard for the covered patio but that it did not include the side walls.

A motion was made by Member Cwiklinski to approve Pet. #A-2020—4- Request for a 6.6' Side Yard Variation @ 8715 Mobile Ave., Pablo Galarza, Petitioner. The motion was seconded by Member Skoundrianos.

Roll Call: Baker, yes; Cwiklinski, yes; Egan, aye; Grant, yes; Lurquin, yes; Pulver, yes; Skoundrianos, yes.

Motion to approve carries: 7-0-0.

The Oath was administered by Chairman Lurquin.

B.) Pet. #A-2020-5 – Request for a 25' Corner Side Yard Variation @ 10659 S. Lavergne Ave., Joan McNamara, Petitioner

Ms. Joan McNamara, 10659 S. Lavergne Ave., Oak Lawn, IL.

The petitioner explained that the subject property is a new construction home and she would like to put a fence where the former fence was erected. She mentioned that there is a pool in the backyard. She mentioned that there are two trees in the rear yard that she would like to keep and that she also extended the sidewalk as the previous home did not have a sidewalk on the property. She said her request is for a six-foot vinyl fence along the southern property line within the corner side yard. She said the fence would meet the home near the southeast corner of the house.

Member Pulver asked the petitioner if she would be replacing the chain link as well as the “basket weaving” in front. The petitioner responded yes.

Member Baker pointed out the 4-bay garage on the 107th St. side and said his only concern is safety with the cars pulling in and out right next to the fence. The petitioner said she does have a circular driveway so the cars can pull out rather than back out.

Member Lurquin expressed that his only concern is the visibility coming in and out of the garage.

Member Egan asked the petitioner if the home is a single-family home. The petitioner replied yes.

Mr. McKenna said in prior circumstances the Village has required petitioners to create a 5' x 5' triangle so that the fence will not go all the way up to the sidewalk and driveway.

Member Baker said an additional safety option to consider is the height of the fence. Mr. McKenna said there have been prior occasions for driveways up along the fence. The petitioner mentioned that she has photos of other homes throughout the Village with fences right up to the sidewalk.

Member Lurquin mentioned to the petitioner the home on 103rd Street & 52nd Avenue that has a graduated fence. He suggested this option so that as the fence goes toward the street it will reduce in height. He reiterated that his only concern is safety.

Member Baker suggested angling the fence so it is not right up along the driveway.

The petitioner said he can definitely add the 5' x 5' triangle at the corner.

A motion was made by Member Baker to approve Pet. #A-2020-5 – Request for a 25' Corner Side Yard Variation @ 10659 S. Lavergne Ave., Joan McNamara, Petitioner with the stipulation that the petitioner angle the fence at the corner to create a line of sight. The motion was seconded by Member Pulver.

Roll Call: Skoundrianos, yes; Pulver, yes; Lurquin, yes; Grant, yes; Egan, aye; Cwiklinski, yes; Baker, yes.

Motion passes: 7-0-0.

The Oath was administered by Chairman Lurquin.

C.) Pet. #A-2020-6 – Request for a 25' Front Yard Variation @ 9954 S. Merrimac Ave., Zachary Hines, Petitioner

Mr. Zachary Hines, 9954 S. Merrimac Avenue, Oak Lawn, IL.

The petitioner explained that he would like to construct a fence along his front property line. He said the fence would be built along the north, east, and south property lines. The petitioner explained that he does not have a backyard. He said the backyard is an alley and the side yard is very small.

Member Pulver expressed concerned for line of sight. He said he recognizes that there are stop signs on Merrimac in that area but it is a blind corner especially with a 6' fence. The petitioner pointed out that there are several trees along that corner. Member Pulver responded that if you are sitting on 100th St. a driver can see between the trees if a car is approaching but would not be able to see if there is a fence. The petitioner said if he cut the trees down and adds the fence, there will be better visibility.

The petitioner said he is willing to add a 45 degree angle at the corner.

Member Baker asked the petitioner what the length is from the end of the house on 100th Street to the end of the property line. The petitioner replied that it is approximately 124'. Mr. McKenna said that he estimates it to be about 57'. Member Baker expressed that the petitioner is asking for a massive enclosure that is actually bigger than some people's property. The petitioner pointed out that he has pictures of 4 of his neighbor's properties that were granted variations to have their fences to their corners.

Member Pulver commented that the petitioner is willing to put a 45 degree angled fence section at the corner. The petitioner said he is willing to do that and he feels it will increase the visibility at the corner.

Member Lurquin asked the petitioner if his front yard is on the Merrimac side of the street. The petitioner responded yes. Member Baker said typically the narrow side of a property is always the front no matter which way the house is set. Member Baker expressed that he feels it is strange to have every square foot of the property fenced in with no front yard.

Member Egan suggested that the petitioner have a fence that is not just a solid wall; he suggested adding spacing to the fence so it is not fortress-like. The petitioner said they are open to do a chain link fence if that is an option. The petitioner said they would like to use the space as a back yard. Member Egan said if the construction style changes and if the corner of the fence has a 45 degree angle, he would support the petition. Member Baker reiterated his concern for the massive area that will be fenced in and pointed out that almost every house in Oak Lawn has a front yard to some extent.

Member Egan asked the petitioner if he would consider setting back the fence say approximately 10' - 12' and perhaps add a gate. The petitioner asked Member Egan to clarify that the setback would be 12' from the sidewalk. Member Egan responded yes. The petitioner said his preference is 10' back. Member Pulver suggested that the petitioner consider a 4' fence rather than a 6' fence. Member Egan said it seems that the petitioner is willing to modify the proposed fence with the options suggested by the Board.

Mr. McKenna reminded the Board that once the variation is granted the variation goes with the life of the property.

Member Baker expressed that a setback between 12-15% is still a great extension for what is allowed. Member Lurquin said it would then change the variance request from a 25' variance to an approximately 13' variance. Member Skoundrianos asked if that would include a 4' fence. Member Baker said he is fine with a 6' fence. Member Lurquin added as long as it is not going all the way to the corner, the proposed height would be fine. Mr. McKenna said if the petitioner pushes the fence back 12' then it becomes a 13' front yard variation.

A motion was made by Member Egan to approve Pet. #A-2020-6 – Request for a 25' Front Yard Variation @ 9954 S. Merrimac Ave., Zachary Hines, Petitioner with the following stipulation that the request is amended to a 13' Front Yard Variation and for the petitioner to work with staff during the permit process. The motion was seconded by Member Pulver.

Roll Call: Skoundrianos, yes; Pulver, yes; Lurquin, yes; Grant, yes; Egan, aye; Cwiklinski, yes; Baker, yes.

Motion passes: 7-0-0.

The Oath was administered by Chairman Lurquin.

D.) Pet. #A-2020-7 – Request for a Billboard Sign Variation and a 36.21% Animated Sign Variation @ 9502 West Shore Drive, BRT Outdoor Signs, Petitioner

Mr. Rod Hursch, BRT Outdoor, LLC P. O. Box 5097, Naperville, IL.

Mr. Bill Przybylski, BRT Outdoor, LLC, P.O. Box 5097, Naperville, IL.

The petitioner explained that the proposed sign is similar to the billboard sign at 103rd & Cicero Avenue. He explained that the proposed billboard sign is a community digital monument sign designed to promote local businesses, city events, Chamber events, etc. The petitioner added that they will landscape and brick the proposed sign. The petitioner confirmed the location of the sign with the Board.

Member Lurquin asked if the proposed sign will impact any of the businesses in the area. The petitioner replied no. He said the visibility triangle is clear. Member Cwiklinski asked if the 103rd & Cicero Sign required a variation. The petitioner responded yes.

Member Egan asked if the purpose of the sign is to advertise for Lang Ice House. The petitioner responded that it is a promotional sign for *all* businesses. He mentioned the current advertising on 103rd & Cicero Avenue includes Maids of Oak Lawn, Beggars Pizza of Oak Lawn, Oak Lawn Park District, I.R.S. Towing, etc. Member Egan asked the petitioner if he is selling rotation on the sign. The petitioner responded yes. Member Baker asked the time limit for each business. The petitioner responded that each ad is 10 seconds long and there are eight (8) total ads on the sign. He said it is an 80 second loop. He said the contract is every 4 weeks. The petitioner said one of the issues he is having at 103rd & Cicero Avenue is that the advertising limit sells out.

Member Cwiklinski asked the petitioner if the Architectural Review & Preservation Commission had any concerns. The petitioner responded that they only had concerns with the size of the base. He said that although the base of the sign could be bigger they reduced the base to make it proportionate to the sign.

Member Egan asked if the sign is one-sided. The petitioner responded that the proposed sign is one-sided. Member Egan asked if the sign will run 24/7. The petitioner responded yes. He said the photo cells do dim during the evening. He added that they are very cognisant of the dimmers and making sure the sign is not facing residential properties.

A motion was made by Member Skoundrianos to approve Pet. #A-2020-7 – Request for a Billboard Sign Variation and a 36.21% Animated Sign Variation @ 9502 West Shore Drive, BRT Outdoor Signs, Petitioner; the motion was seconded by Member Grant.

Roll Call: Baker, yes; Cwiklinski, yes; Egan, aye; Grant, yes; Lurquin, yes; Pulver, yes; Skoundrianos, yes.

Motion to approve carries: 7-0-0.

The Oath was administered by Chairman Lurquin.

E.) Pet. #A-2020-8 – Request for a 25” Front Yard Variation @ 9369 S. Ridgeland Ave., Akrama Cook, Petitioner

Mr. Akrama Cook, 9369 S. Ridgeland Avenue, Oak Lawn, IL.

The petitioner explained his request to construct a fence along their front property line. The petitioner said he has grandchildren and that he is concerned for their safety when playing in the front yard. The petitioner mentioned that there is a lot of garbage in the area and that he has to clean the garbage daily. The petitioner added that he would erect a nice white vinyl fence.

Member Lurquin asked if the front of the house faces Ridgeland Avenue. Member Baker responded no. Member Baker clarified and said the front of the house faces 94th Street and the side of the house faces Ridgeland Avenue.

Member Egan asked the petitioner if he would pull back the fence *off* of Ridgeland Avenue so that the fence is not completely up to the sidewalk. Member Egan explained that the concern is that Ridgeland is a busy street.

The petitioner mentioned the nursing home across the street and reiterated the concern of

garbage/debris around his home. The petitioner also expressed the concern of safety for their grandchildren playing in front of the house and commented that their backyard is very small.

Member Egan asked if the petitioner is seeking a 37' variance. Mr. McKenna responded that the variance is 25'. Member Baker said the Code would allow the fence to go to 16'.

Member Baker expressed that he understands the concern of debris in the area. Member Baker mentioned the cars going down Ridgeland Ave. at 30-40 mph. He also mentioned the cars going in and out of the nursing home that are not familiar with the area. He explained to the petitioner the line of sight issues with the proposed fence going all the way to Ridgeland Avenue that causes additional safety concerns for everyone. Member Egan explained that going directly up to the street can create potential safety hazards.

Member Baker said he feels there should be some setback off the sidewalk for the proposed fence. Member Cwiklinski asked the petitioner if he would be agreeable for some setback for the fence.

Member Lurquin asked the petitioner what type of material he was planning to use for the proposed fence. The petitioner replied vinyl. Member Baker reiterated that there should be some setback. Member Grant asked the petitioner if he would consider moving the fence 10' off the sidewalk. The petitioner responded no. The petitioner mentioned his cousin whom lives a block away at a corner property that has a fence going to the corner.

Member Baker said a fence 10' off the sidewalk would be a 15' variance rather than the proposed 25' variance. The petitioner responded no. The Board explained to the petitioner that they want to work with him and provide options. They explained that the vote will be based on the 25' Front Yard Variation request.

A motion was made by Member Pulver to approve Pet. #A-2020-8 – Request for a 25" Front Yard Variation @ 9369 S. Ridgeland Ave., Akrama Cook, Petitioner. The motion was seconded by Member Lurquin.

Roll call: Baker, no; Cwiklinski, yes; Egan, no; Grant, no; Lurquin, yes; Pulver, yes; Skoundrianos, no.

Motion fails: 3-4-0.

Mr. McKenna explained the appeal process to the petitioner.

F.) **OTHER BUSINESS BY:**

A.) Chairman: None

B.) Members: None

C.) Staff: None

G.) **ADJOURNMENT:**

A motion to adjourn was made by Member Baker and seconded by Member Pulver.

Voice Vote: All in favor, Aye.

The meeting adjourned at 8:05 p.m.