

APPEALS & REVIEW BOARD

Oak Lawn Municipal Center – Village Hall Auditorium
9446 Raymond Avenue Oak Lawn IL 60453

Tuesday, May 24, 2022 at 7:00 p.m.

Regular Meeting Minutes #2022-2

- I. ROLL CALL:** Meeting called to order at 7:00 p.m.
- A.) Chairman: Jay Lurquin
- B.) Members: Joe Cwiklinski Chuck Miller
Matt Dillon Pat Pulver (*ABS*)
Kai Grant Bill Vail (*ABS*)
Jay Lurquin
- C.) Staff: Donald E. McKenna, Building & Zoning Administrator
Deanne Adasiak, Recording Secretary

II. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairman Lurquin.

III. APPROVAL OF PRIOR MEETING MINUTES:

A.) Regular Meeting #2022-01 – January 25, 2022:

A motion was made by Commissioner Miller to approve the Meeting Minutes #2022-1 – January 25, 2022. The motion was seconded by Commissioner Grant.

Roll call: Miller, yes; Lurquin, yes; Grant, yes; Dillon, yes; Cwiklinski, abstain.

Motion to approve carries: 4-0-1.

The Oath was administered by Chairman Lurquin.

IV. NEW BUSINESS

A.) Pet. #A-2022-1B-Request for Two (2) Driveways @ 9542 Nashville Avenue, Keena Thompson, Petitioner

Ms. Keena Thompson, 9542 Nashville, Oak Lawn, Illinois.

Commissioner Lurquin explained to the petitioner that while our Ordinance may have allowed two driveways many years ago, second driveways are prohibited since the Code was amended. He stated that prior to the amendment, residences with second driveways were grandfathered in, but that whenever ownership on properties changes, the updated code requirement takes effect.

The petitioner stated that she purchased the property in 2019 and remodeled the interior, and she now wants to make improvements to the exterior which includes repairing the driveway, which has holes

and cracks. She explained that this "second" driveway is where her family's cars are parked, and reiterated that she only wants to make repairs to the driveway.

Commissioner Lurquin referenced the 96th Street driveway. The petitioner explained that the garage is accessed via that smaller driveway on 96th Street. Commissioner Grant asked the petitioner whether she had considered making the second driveway as part of the yard. The second driveway, according to the petitioner, is located outside of the fence. She said she tried to seal coat the driveway but it did not work. Commissioner Grant asked if the petitioner planned to repave with concrete. The petitioner replied that it would be repaved with asphalt.

The petitioner explained that when she purchased the property, she expected to repair the driveway, but she started with the interior and she is now working on the exterior. Commissioner Lurquin asked the petitioner about the benefit of the second driveway. The petitioner responded that repairing the driveway will increase the value of the property.

Commissioner Grant asked the petitioner if she would consider converting the second driveway into a patio. Commissioner Lurquin pointed out that the second driveway has an apron. He asked staff if the apron was removed if it no longer served as a driveway. Mr. McKenna said yes.

Commissioner Miller commented that there are a handful of properties with two driveways prior to the amended Ordinance. He asked whether adherence to the Code is necessary. Mr. McKenna said that the Code only allows for one driveway.

Commissioner Grant asked about the petitioner's hardship. The petitioner stated that her driveway is damaged. Commissioner Lurquin asked whether cars are always parked on the second driveway. The petitioner responded yes. Mr. McKenna asked the petitioner whether there would be any issues with parking on the street. The petitioner mentioned that a car was recently broken into on her block. She said that the criminals look to steal catalytic converters.

Commissioner Dillon asked whether the second driveway ever led to a garage. According to Mr. McKenna, it appears like it did at some point. If the second driveway is not allowed, the remaining cars will have to be parked on the street, according to Commissioner Grant. The petitioner listed all of the vehicles parked on the second driveway. Commissioner Cwiklinski asked whether any of the cars ever crossed onto the sidewalk. Absolutely not, replied the petitioner. Mr. McKenna pointed out that it does not appear that any cars could be parked on the other driveway on 96th Street. Commissioner Lurquin agreed and said that other driveway is really just the apron.

A motion was made by Commissioner Grant to approve Pet. #A- 2022-1B-Request for Two (2) Driveways @ 9542 Nashville Avenue, Keena Thompson, Petitioner; The motion was seconded by Commissioner Dillon.

Roll call: Cwiklinski, yes; Dillon, yes; Grant, yes; Lurquin, yes; Miller, yes.

Motion to approve passes: 5-0.

B.) Pet. #A-2022-2 – Request for 10’ North Side Yard and a 1.3’ South Side Yard Variation @ 10200 Kolin Avenue, Philip Basic, Petitioner

Mr. Philip Basic, 8 Cedar Court, Lemont, Illinois.

The petitioner stated that he is representing the subject property's owner. He mentioned that he is a developer and that the homeowner has resided on the property for the past 65 years. He added that the petitioner wants to build a new one-story home with a three-car attached garage. The petitioner pointed out that the property owner wants to stay at the property. The petitioner showed renderings of the existing home and said that the homeowner wants the proposed home to have the same orientation as the existing home. The petitioner said that the side yard is seven-tenths of an inch or 9 inches over the lot line at 7.5' and the south side yard is 5'. The petitioner stated that the existing house encroaches on both side yards, and although the proposed property will encroach into the lot line, it will be less encroachment than the existing home measures. The petitioner reiterated that the homeowner wishes to keep the structure in the same orientation as the other houses in the neighborhood. He mentioned that the residence across the street from the subject property is just 6' off the sidewalk (5' side yard), and their garage is only 4' off the sidewalk. According to the petitioner, the homeowner is trying to comply to what exists in the neighborhood.

The petitioner stated that the homeowner will be making a significant investment in new construction. Commissioner Cwiklinski mentioned that he is a real estate broker and that he has several clients whose proposed homes would not comply and so they were unable to build what they had hoped to because of Village Code. Commissioner Cwiklinski asked the petitioner if the homeowner was aware of the lot line, variations, and so on before preparing architectural drawings. Yes, the petitioner replied, the homeowner was aware. The petitioner stated that it was well worth his time to sketch one of his models for this homeowner. The petitioner commented that the neighbors to the south are here and are supportive of the proposed home. The petitioner expressed that it will be a beautiful addition to the neighborhood. The petitioner said this will be an investment for the homeowner. He said the homeowner wants to stay so that is most important.

Commissioner Lurquin asked if the new house is 5' off the side yard lot line. The petitioner responded yes. Commissioner Grant said the proposed home is a smaller footprint than the existing home. The petitioner said he hoped that since the proposed home is a smaller footprint than the existing house, he had hoped that the consideration would be favorable.

Commissioner Miller asked for clarification as far as the encroachment. Mr. McKenna said the petitioner will comply with the front yard but the street side yard and other side yard will not comply. Mr. McKenna said the petitioner is correct in that the side yards are greater than where they are today but that they do not meet today's code requirement. Commissioner Cwiklinski asked is it because the house is not centered. Mr. McKenna responded no. He explained that this is a corner lot and typically you do not center a home on a corner lot.

Commissioner Dillon confirmed with the neighbors that live to the south of the subject property that they are supportive of the proposed residence.

A motion was made by Commissioner Cwiklinski to approve Pet. #A-2022-2 – Request for 10' North Side Yard and a 1.3' South Side Yard Variation @ 10200 Kolin Avenue, Philip Basic, Petitioner; The motion was seconded by Commissioner Dillon.

Roll call: Miller, yes; Lurquin, yes; Grant, yes; Dillon, yes; Cwiklinski, yes.

Motion to approve passes: 5-0.

V. OTHER BUSINESS BY:

A.) Chairman: *None.*

B.) Members: *None.*

C.) Staff:

Mr. McKenna mentioned to the Commissioners, in case they are not aware, that there does not have to be a motion. He explained that the petition would die for lack of a motion.

Commissioner Lurquin mentioned the petitioner was looking for 10' on one side and 1.3' on the other side. He asked staff with the petitioner moving the house over, where was the 1.3' coming from; Mr. McKenna explained the smaller side yard is supposed to be 10% of the width of the lot. Mr. McKenna mentioned the different areas of Oak Lawn and commented on the variety of lots in our Village that are different in sizes and shapes. He also talked about when homes were annexed into Oak Lawn how it dictated some of the Ordinances for the Village.

Commissioner Cwiklinski said as a real estate agent for 30 years he deals with a lot of new construction. He said he is always informed by Don what is and what is not allowed. He said a lot of times the contractor loses the battle. Mr. McKenna said the biggest difference is Commissioner Cwiklinski is working with contractors building houses for sale whereas this petitioner is working with a homeowner that wants to stay here. He said he understands that this is not a real hardship and that it is why this Commission has a tough job. Mr. McKenna said it is tough to say no to a homeowner. He said he knows we have to look at the hardship. Commissioner Miller said when thinking of the petition with the two driveways, the driveways are already there. He said he understands there is no hardship but he would rather see the improvements. He added that he would rather see the cars on the driveway than on the street. Commissioner Lurquin said the first petitioner was not asking for any other variation. Mr. McKenna said that other driveway was really small.

VI. ADJOURNMENT:

A motion to adjourn was made by Commissioner Lurquin and seconded by Commissioner Miller.

Voice Vote: All in favor, Aye.

The meeting adjourned at 7:39 p.m.