

APPEALS & REVIEW BOARD

Oak Lawn Municipal Center – Lower-Level Conference Room
9446 Raymond Avenue Oak Lawn IL 60453
Tuesday, September 26, 2023, at 7:00 p.m.
Meeting Minutes #2023-5

I. ROLL CALL:

- A.) Chairman: Pat Pulver
- B.) Commissioners: Matt Dillon (*ABS*) Dave McCarthy
Bill Fitzgerald Pat Pulver
Kai Grant Mike Vopinek (*ABS*)
Greg Lis (*ABS*)
- C.) Staff: Drew Guardi, Engineering Technician
Deanne Adasiak, Recording Secretary

II. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Commissioner Pulver.

III. APPROVAL OF PRIOR MEETING MINUTES:

A motion was made by Commissioner Grant to approve the Meeting Minutes #2023-4 – July 25, 2023. The motion was seconded by Commissioner McCarthy.

Roll call: Pulver, yes; McCarthy, yes; Grant, yes Fitzgerald, yes.

Motion to approve passes: 4-0.

The Oath was administered by Chairman Pulver.

IV. NEW BUSINESS

A.) **PET. #A-2023-8– REQUEST FOR SIDE YARD VARIATION TO ALLOW FOR A DECK IN AN R-1 ZONED DISTRICT @ 9837 BRANDT AVE., LOWELL PATTERSON, PETITIONER**

Mr. Lowell Patterson, 9837 Brandt Avenue, Oak Lawn, Illinois 60453

The petitioner explained that he has been a resident of the subject property for 21 years. He explained that the previous owner constructed the deck, and it is now in such disrepair that he would like to replace it with a new one of the same size. He explained that the deck currently extends from the house to the property line, about 6' past the house's edge. He additionally said that he will only replace what is already there and will not add any new boards to the deck.

The petitioner pointed out that the deck is currently lower than the door stoop, so he will raise the height to even things out and provide better access. The petitioner indicated that he has a 6' cedar fence and that no one can see into the rear of his property. He said he would prefer to keep the same size deck and mentioned that if he must make modifications, he will also have to change the existing gate. Commissioner Grant asked the petitioner if the deck would still be usable if he lost 6' of it. Yes, said the petitioner, and then reiterated that he would have to modify the gate.

A motion was made by Commissioner Fitzgerald to approve Pet. #A-2023-8 – Request for a Side Yard Variation to Allow for a Deck in an R-1 Zoned District at 9837 Brandt Avenue, Lowell Patterson, Petitioner. The motion was seconded by Commissioner McCarthy.

Roll call: Fitzgerald, yes; Grant, yes; McCarthy, yes; Pulver, yes.

Motion passes: 4-0.

B.) PET. #A-2023-9 – REQUEST FOR A 1400+ SQ. FT. IMPERVIOUS LOT COVERAGE VARIATION IN A R-1 ZONED DISTRICT @ 4632 W. 105TH PLACE, INGRID IZURIETA, PETITIONER

Mrs. Ingrid Izurieta, 4632 West 105th Place, Oak Lawn, Illinois 60453

Mr. Giovanni Izurieta, 4632 West 105th Place, Oak Lawn, Illinois 60453

The petitioner stated that the concrete work on the property was done already but she had failed to obtain a permit. She went on to say that grass turf has been added to part of the yard. According to Mr. Izurieta, the turf covers half of the yard and has replaced grass and dirt. He stated that it is an impervious foundation and that he also added drains to the yard. Mr. Izurieta explained that they added concrete because they were previously unable to use the yard. He said that even with the most recent rain events, they have not experienced flooding.

Mrs. Izurieta mentioned that they used to have seepage in their basement, but since adding the concrete, the water has been pushed away and they no longer have any problems. Commissioner Pulver requested clarification from the petitioners that the concrete is already on the property. Yes, the petitioner replied, and they reiterated that they had failed to obtain permits for the work. Mr. Izurieta mentioned that they have a deck that opens right outside their house.

Mr. Guardi informed the Board that the petitioners obtained a canopy permit in 2015. He explained that the canopy installation resulted in a 50% impervious lot. He reported that in subsequent years, the petitioners worked without obtaining permits. He mentioned that they installed a concrete patio in their yard in 2017, and that the Village was notified this past July of additional concrete work done on the property without a permit. Mr. Guardi expressed concern about the excessive lot coverage above the 50% threshold. He pointed out that the excessive lot coverage causes water to run to neighboring properties or into our storm sewers, resulting in street flooding.

Commissioner Grant asked staff what percentage of the lot is covered including the recent concrete work. The petitioner commented that the initial concrete work measures 8' x 16', the other area measures 6' x 15', and he has sixteen (16) 2' x 4' steppingstones. The petitioner said that the concrete was added so that they could walk in the yard without stepping in water. Mrs. Izurieta mentioned that she used to keep bags of sand in her basement to keep water from seeping in. She mentioned that during the last rainstorm, people were riding in a canoe down the street.

Commissioner Pulver stated that adding more concrete does not prevent flooding. Commissioner Grant added that the water is now spreading to other areas. Mr. Izurieta mentioned that they discovered a sewer back up and added cement to push the water away from the house. He claimed he was only pushing the water away but not onto their neighbor's property. He went on to say that his deck is elevated above the ground and that underneath the deck is gravel. Mr. Guardi asked the petitioner whether there is a roof above the deck. The petitioner responded that only a portion of the deck is covered by a roof. He stated that the deck measures 32' x 40' and the roof measures 12' x 18'.

Mr. Guardi explained the Village of Oak Lawn's perspective. He said our Ordinance stipulates that all impervious surfaces, including concrete flatwork, must not exceed fifty percent (50%) of the total lot area. He mentioned that the petitioner stated that their street is flooded. He pointed out that having

impervious lot coverage of more than 50% contributes to flooding on the block. He went on to say that water is being diverted to neighboring properties rather than soaking into the ground. Mr. Guardi commented that the petitioner is contributing to the flooding issues by adding more concrete.

Mrs. Izurieta claimed that none of her neighbors experienced flooding during the recent heavy rain event.

Commissioner McCarthy asked whether the water drains into the alley. Mr. Guardi responded that no alley is there. According to the petitioner, there is a sewer behind their yard. He went on to say that they shared the letter with four of their neighbors and that all their neighbors support their petition. Mr. Guardi pointed out that the sewer mentioned by the petitioner is not shown on the Village map and asked the petitioner to point out exactly where the sewer is located.

Commissioner McCarthy commented that our storm sewers often fill up during heavy rain events. Commissioner Grant added that this occurs throughout Oak Lawn. Commissioner Grant asked the petitioner why they did not apply for a permit. Mr. Izurieta replied that it was his mistake. He stated that his neighbor had done work on his property without obtaining a permit, so he decided not to obtain one.

Mr. Guardi reminded the Board that when the permit was pulled in 2015, Village staff performed lot coverage survey, and the petitioner was aware that he was at 50% lot coverage. He is unsure why the permit was not pulled, but this is the second time concrete work has been done on the property without a permit.

A motion was made by Commissioner McCarthy to table Pet. #A-2023-9 – Request for a 1400+ Sq. ft. impervious lot coverage variation in an R-1 Zoned District at 4632 West 105th Place, Ingrid Izurieta, petitioner. The motion to table was seconded by Commissioner Grant.

Roll call: Fitzgerald, yes; Grant, yes; McCarthy, yes; Pulver, yes.

Motion to table passes: 4-0.

V. OTHER BUSINESS BY:

A.) Chairman: *None.*

B.) Commissioners: *None.*

C.) Staff: *None.*

VI. ADJOURNMENT:

A motion to adjourn was made by Commissioner McCarthy and seconded by Commissioner Fitzgerald.

Voice Vote: All in favor, Aye.

The meeting adjourned at 7:29 p.m.