

VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION
Village Hall Auditorium
Monday, November 15, 2021
Meeting Minutes #2021-14

I. ROLL CALL: Meeting called to order at 7:30 p.m.

- A. Chairman: Vernon Zumhagen
- B. Members: Dave Bennett Rich Piazza
Tom Duhig Vernon Zumhagen
Bill Lundy
Mike Moriarty (*ABS*)
- C. Staff: Kevin McGuinness, Village Planner
Kevin Casey, Village Attorney
Deanne Adasiak, Recording Secretary

II. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairman Zumhagen.

III. APPROVAL OF PRIOR MEETING MINUTES:

A motion to approve the Regular Meeting Minutes #2021-13 dated November 1, 2021 was made by Commissioner Duhig and seconded by Commissioner Piazza.

Roll call: Zumhagen, abstain; Piazza, yes; Lundy, yes; Duhig, yes; Bennett, yes.

Motion to approve passes: 4-0-1.

The Oath was administered by Chairman Zumhagen.

IV. MISCELLANEOUS PETITION:

A.) Pet. #2021-28 - Request for an Impervious Surface Variation at 9213 S. Sproat Ave., David DeLorenzo, Petitioner

Mr. David DeLorenzo, 9213 S. Sproat Avenue, Oak Lawn, Illinois 60453

The petitioner explained that he wants to construct a new garage but that the improvement would push him over the impervious surface requirement by 5%, so he is here to request a variance.

Commissioner Bennett questioned the petitioner about why he could not keep the garage at the 50" impervious surface requirement. He asked the petitioner if there was anything he could do to meet the requirement. According to the petitioner, the property already exceeds the impervious requirement by 2%. The petitioner mentioned that instead of having concrete around the garage, that he can add pavers or stone. He also mentioned gutters and/or rain barrels. The petitioner explained that when he drew up the plans, he was unaware that he had already exceeded the impervious surface requirement.

Commissioner Bennett asked the petitioner why he cannot make the necessary improvements to meet code. The petitioner responded that unless he busts up his driveway, he is unsure where he could make the change. The petitioner said he has a patio and that there is only a single car

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driveway on the side of his house. Commissioner Bennett asked whether or not the sidewalk from the fence to the garage and down to the alley is paved. The petitioner responded that this is not the case at the moment. He stated that he wanted to pave that area, but he realized that doing so would push the impervious surface even further over. Commissioner Bennett asked about entrance to the garage from the alley. The petitioner said there is no entrance off the alley and mentioned a gate at the far end of the walkway.

Commissioner Bennett commented that the rendering shows concrete between the garage and the alleyway and wondered if removing it would help. Yes, the petitioner replied, and he stated that he would be more than willing to do so. The petitioner reiterated that when he drew up the plans, he had no idea he was exceeding the impervious surface requirement. Commissioner Bennett asked about the sidewalk around the rest of the property. The petitioner replied that there is only a sidewalk at the north of the property.

Commissioner Duhig asked how long the petitioner has lived at the subject property. The petitioner replied 23 years. Commissioner Duhig asked whether the petitioner had experienced flooding or if any of his neighbors have flooding issues. No, said the petitioner. Commissioner Duhig stated that the petitioner is currently 2 percent over the requirement, and that the garage construction will add 3 percent, for a total of 5 percent over the impervious surface requirement. Commissioner Duhig stated that gutters and rain barrels would be extremely beneficial. He also suggested removing the concrete and replacing it with permeable pavers. The petitioner stated that he is willing to consider those options.

Commissioner Lundy stated that the most of his questions have been answered. He inquired once more with the petitioner about any flooding issues. The petitioner responded that he is not aware of any flooding issues in his neighbors' yards. The petitioner mentioned that his alley was recently redone and that there are sewers in the alley, which will help.

Commissioner Piazza stated for the record that 260 square feet of permeable pavement can be added to bring the petitioner to the Code requirement. He asked the petitioner what he thought about it; the petitioner asked Commissioner Piazza if he meant permeable pavers around the garage. Commissioner Piazza responded that as long as it is 260 square feet, it could also be the apron around the garage. The petitioner responded by saying he agrees.

Commissioner Zumhagen commented that the concrete in the alley is not part of the petitioner's land. Commissioner Zumhagen said if the Commissioner's want to make 260 square feet of permeable pavement a binding number it would have to be put as a condition of the motion. Commissioner Zumhagen stated that 260 square feet of permeable pavers would not only mitigate the 3% increase, but would also return the existing 2% overage to the 50% surface requirement.

Mr. McGuinness explained that once the petitioner reaches 50%, there is no variation. Commissioner Zumhagen explained to the petitioner that the 260 square feet of permeable pavers negate the need for him to be present at all. Anything less than 260 feet, according to Commissioner Zumhagen, would necessitate the impervious surface variation.

A motion was made by Commissioner Zumhagen to approve Pet. #2021-28 – Request for an Impervious Surface Variation at 9213 S. Sproat Ave., David DeLorenzo, Petitioner. The motion was seconded by Commissioner Lundy.

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Roll call: Bennett, no; Duhig, yes; Lundy, yes; Piazza, no; Zumhagen, yes.

Motion to approve passes: 3-2.

V. PUBLIC HEARING:

The Public Hearing opened at 7:45 p.m.

A.) Pet. #2021-29 – Request for a Special Use Permit for a Two-Family Residence in a C-1 District at 9518 S. 53rd Ave., Durrell Sheppard, Petitioner

Mr. Durrell Sheppard, 9518 S. 53rd Ave., Oak Lawn, Illinois.

According to the petitioner, he and his wife purchased the property on September 30th. He stated that he intends to live in one unit and rent out the other. The petitioner stated that he went to the Building Department to obtain a permit to split the utilities because there was only one meter; he said that at the time, he was told that the property was zoned C-1 and not a multi-unit building. The petitioner stated that the building was appraised as a multi-unit on September 3rd, was listed on the MLS as a multi-unit, and his attorney and realtor also presented the property as a multi-unit. The petitioner stated he would like to be able to rent out the property as a multi-unit and use it as they intended.

Commissioner Piazza stated that a two-story building to the north is for sale. He stated that he did not have the opportunity to speak with anyone while at the property this evening. Commissioner Piazza asked the petitioner whether he had considered converting the basement into an apartment unit. No, said the petitioner.

Commissioner Lundy stated that while on the property, he noticed two mailboxes. He asked the petitioner whether anyone was currently residing on the property. Yes, said the petitioner. Commissioner Lundy asked if the other space currently has its own bathroom and separate living area. The petitioner responded yes. The petitioner stated that he viewed the property months ago and observed that someone was living in the first unit and another person was living in the second unit.

Commissioner Duhig referenced the rendering in the packet and asked about improvements to the property, specifically the large room as shown. Mr. McGuinness informed Commissioner Duhig that the property was renovated in 1956. Commissioner Zumhagen explained that the rendering was provided by staff and was not submitted by the petitioner.

Commissioner Duhig mentioned the stairwell in the back and asked whether there are two entrances in the front. Yes, said the petitioner. Commissioner Duhig pointed out that the rendering only shows one door. The petitioner explained that there is one door but that inside there is a door on the left and a door on the right for the second unit. He also mentioned a shared hallway.

Commissioner Zumhagen stated that he believes the subject property is consistent with the character and nature of the surrounding neighborhood. He thinks it's odd that the property is zoned C-1 because everything around it is zoned R-2 or R-3. Commissioner Zumhagen mentioned to the

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petitioner the petition previously heard for an impervious surface variation. He said he expects that the petitioner will consider improvements to the subject property. He said based on aerial photos, he does not believe there is much space and that this is something to keep in mind as the petitioner moves forward with future projects. The petitioner stated that he will focus on beautifying the space in the spring. He expressed that it could be improved. Commissioner Zumhagen expressed gratitude for the intention.

Ms. Angeline Powers, 5240 Yourell, Oak Lawn, Illinois.

Ms. Powers stated that she supports the subject petition. She did ask about the lot south of the subject property. Commissioner Zumhagen stated that he is unsure whether or not there is any information on that lot. According to Mr. McGuinness, there is nothing official on that property. Ms. Powers stated that she does not want to see a medical facility or a restaurant on that property because it is a residential area. She mentioned that there are two single-family homes and then several multi-unit buildings in the area. Ms. Powers mentioned that her condominium appears to be zoned C-1. According to Mr. McGuinness, the south property is currently zoned R-3 - Multi-family housing. He said the only discussion about that property was with a developer interested in building a new multi-family structure at that location. He said there are no plans for a commercial building. Ms. Powers asked if the area could ever possibly be rezoned. She said her side of Yourell is currently zoned C-1 and she is not sure why. Mr. McGuinness said there are no plans to rezone that area. He said based on the Comprehensive Plan that area should remain residential.

Ms. Susan Finn, 5318 West 96th Street, Oak Lawn, Illinois.

Ms. Finn stated that she supports the petition. She mentioned that the subject building has always been a two-flat. She indicated that she has lived in her house for 46 years. Ms. Finn reiterated that she supports the petition and thinks it's wonderful that the petitioner intends to beautify the building.

The Public Hearing closed at 7:53 p.m.

A motion was made by Commissioner Piazza to approve Pet. #2021-29 – Request for a Special Use Permit for a Two-Family Residence in a C-1 District at 9518 S. 53rd Ave., Durrell Sheppard, Petitioner. The motion was seconded by Commissioner Bennett.

Roll call: Zumhagen, yes; Piazza, yes; Lundy, yes; Duhig, yes; Bennett, yes.

Motion to approve passes: 5-0.

The Public Hearing opened at 7:55 p.m.

B.) Pet. #2021-30 – Request for a Special Use Permit for a Wellness Spa in an O District at 5669 West 95th Street, Sandra Olmedo, Petitioner

Mrs., Sandra Olmedo, 9200 S. Central, Oak Lawn, Illinois

The petitioner stated that the subject property is currently zoned O (Office), and she would like to change the zoning to commercial in order to open a Wellness Spa. She stated that she believes the

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location is ideal for a Wellness Spa. The petitioner explained that her business will be a spa by appointment and expressed that it is a salon much different than a hair salon.

Commissioner Bennett asked the petitioner how many employees would be employed at the spa. The petitioner responded that she will initially have 1-2 employees but hopes that the business will grow to accommodate at least 3 employees. Commissioner Zumhagen asked the petitioner whether she was referring to herself as part of a group of 1-2 employees. No, said the petitioner. She stated that her plan is to only work the front desk and manage the business. She said she will initially have 1-2 estheticians. Commissioner Bennett asked how many days a week the business would be open, as well as the hours of operation. The petitioner responded that she is considering working 5 days a week from 10:00 a.m. to 6:00 p.m. She predicts that Saturday will be a shorter day.

Commissioner Duhig asked the petitioner what is a Wellness Spa. The petitioner explained that a Wellness Spa focuses on relaxing the customer. She said as an example she will offer facials that will focus on relaxation techniques rather than a facial targeting an issue such as skin conditions. She said it is not a traditional type of salon. Commissioner Duhig asked the petitioner if she plans to offer massages. The petitioner replied no. She explained that a facial might include cleanser and exfoliation.

Commissioner Duhig noted that the property has 17 parking spaces. He asked the petitioner how many customers she is expecting. The petitioner reiterated that her business will be by appointment only, with no more than 1 – 2 clients at a time.

Commissioner Duhig asked about the presence of separate cubicles in the space. The petitioner responded that there will be a waiting area as well as three service rooms. She stated that there are already sinks on the property, making it ideal for her business.

Commissioner Lundy asked the petitioner if she was taking over the middle section of the building and how much square footage she had. Yes, said the petitioner. She stated that her business space is approximately 860 square feet in size.

Commissioner Lundy asked about parking and whether or not there were any issues. He also asked about signage. The petitioner stated that she is unsure of the number of parking spaces available, but she has no concerns. She stated that she intends to add signage.

Commissioner Piazza asked what brought the petitioner to Oak Lawn. The petitioner explained that her family relocated to Oak Lawn in early October. She expressed her love for the area and said she began looking at properties and when she saw the subject location she felt it was "like home." Commissioner Piazza asked if this was the petitioner's first business. Yes, said the petitioner.

Commissioner Piazza stated that he counted 16 parking spaces, 1 handicapped space, and street parking. The petitioner agreed. The petitioner stated once more that she does not anticipate any parking issues. Commissioner Piazza asked the petitioner whether she had spoken with the other tenants. The petitioner responded that she had, and that she believes the other tenants are fine with her business, and that she is relieved no one is present to object.

Commissioner Zumhagen asked about the petitioner's previous experience in her industry. The petitioner replied yes, that she has previous experience. Commissioner Zumhagen asked the

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petitioner to describe any additional services that will be provided. The petitioner said she will provide Brazilian wax, body wax, and Yoni steaming. She explained that Yoni steaming is a service they provide to women following a pregnancy or a miscarriage. She explained that the service is not widely known. She also stated that she will include Reiki healing, a service which relaxes and recharges energy.

Commissioner Zumhagen asked the petitioner whether any of the services she provides necessitates State or County licensing. The petitioner responded that Estheticians do need to be licensed by the state. Commissioner Zumhagen asked the petitioner whether she will ensure that she and her employees have the necessary certification. Yes, said the petitioner.

The Public Hearing closed at 8:07 p.m.

A motion was made by Commissioner Bennett to approve Pet. #2021-30 – Request for a Special Use Permit for a Wellness Spa in an O District at 5669 W. 95th Street, Sandra Olmedo, Petitioner. The motion was seconded by Commissioner Duhig.

Roll call: Bennett, yes; Duhig, yes; Lundy, yes; Piazza, yes; Zumhagen, yes.

Motion to approve passes: 5-0.

VI. OTHER BUSINESS:

A.) Chairman: *None.*

B.) Members – Commissioner Bennett mentioned that he contacted Trustee Desmond about Cicero Avenue and the 95th Street corridor. He explained that he suggested that someone from the Village meet with the car dealerships to discuss curb appeal. Commissioner Bennett expressed that he is aware that the majority of our car dealerships have locations in other towns. He mentioned that he has been working in the western suburbs and believes that the landscaping and curb appeal at the other dealerships outside of Oak Lawn are far superior to what is in Oak Lawn.

Commissioner Bennett expressed that he believes the area should be beautified. Commissioner Bennett commented that car sales in Oak Lawn are significant, and he finds it absurd that dealerships promote their business with balloons and gorillas. He commented that he has never bought a car because of a gorilla. According to Commissioner Bennett, Trustee Desmond did send this information to the Village Manager.

Commissioner Bennett stated that it is not only the car dealerships but also the gas stations in the Village that are problematic. He commented on the previously heard Spitzer's petition and said during the landscaping discussion, they suggested boxwoods rather than trees. He expressed that we do not want boxwoods, but when he mentioned trees, the petitioner's attorney objected. Commissioner Duhig pointed out that trees may be limited as a landscape option due to obstruction/sight restriction.

Commissioner Bennett said he is certain that a Village staff member who is familiar and knowledgeable in landscaping should also attend this suggested meeting. Commissioner Bennett also suggested that the Village contact the Chamber of Commerce, which would then contact the businesses to discuss beautification and sprucing up their property with flowers and landscaping.

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Commissioner Bennett also mentioned that we have recently seen a surge in impervious surface petitions. He stated that he spoke with Don McKenna in the Building Department and that Mr. McKenna is not pleased that this Commission is approving so many of these petitions. Commissioner Bennett stated that Mr. McKenna is concerned that the number of properties that are granted the variation, it is important to note that the water is going to someone else. Commissioner Bennett stated that for smaller variances, such as 5%, we should ask residents to consider adding permeable pavers.

Commissioner Zumhagen expressed that when a resident applies for a permit, they should be aware of the permeable paver options. Mr. McGuinness reminded the Commissioners that they are only seeing one of ten petitions concerning impervious surface. He stated that residents either make changes or do not move forward. Commissioner Zumhagen asked Kevin to estimate how many residents choose permeable pavers. Mr. McGuinness replied that he is unsure, but he estimates 20-25 percent. Permeable pavers, he pointed out, are significantly more expensive. Commissioner Zumhagen also stated that downspouts are required by Village Code, so he is unsure why we bring that up.

Commissioner Duhig asked staff when the Impervious Surface Ordinance was amended. Mr. McGuinness replied 2011. Commissioner Duhig stated that we must consider residents who have lived in the Village for more than 40 years and want to make improvements. Commissioner Zumhagen asked Commissioner Duhig whether those residents should be entitled because they have lived in the area for 40 years. Commissioner Duhig said yes. Commissioner Lundy replied that each petition must be reviewed on a case-by-case basis.

Commissioner Lundy mentioned the requirement of a Sewer Inspection for home sales. Village Counsel explained that effective April, 2021, the Village of Oak Lawn requires a point-of-sale sewer inspection prior to transfer of property. The Village is inspecting private sewer systems to confirm compliance with Village Code 9-4D-11, which requires no discharge of infiltration and inflow into the sewer system. This inspection program is being implemented to reduce the risk of sewer backups into basements. Village Counsel reiterated that the inspection must be done prior to the transfer of property.

C.) Staff: *None*.

VII. ADJOURNMENT:

A motion to adjourn was made by Commissioner Bennett and seconded by Commissioner Duhig.

Voice vote: All in favor, aye.

Motion carries.

The meeting adjourned at 8:34 p.m.