

VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION
Village Hall Auditorium
Monday, July 19, 2021
Meeting Minutes #2021-8

I. ROLL CALL: Meeting called to order at 7:31 p.m.

A. Chairman:	Vernon Zumhagen	
B. Members:	Dave Bennett (<i>ABS</i>)	Pina Paruta (<i>ABS</i>)
	Tom Duhig	Rich Piazza
	Bill Lundy	Vernon Zumhagen
	Mike Moriarty	
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 Commissioner Zumhagen.

III. APPROVAL OF PRIOR MEETING MINUTES:

A motion to approve the Regular Meeting Minutes #2021-7 dated June 21, 2021 was made by Commissioner Piazza and seconded by Commissioner Lundy.

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

Motion to approve passes: 4-0-1.

The Oath was administered by Commissioner Zumhagen.

IV. MISCELLANEOUS PETITION:

A.) Pet. #2021-18– Request for a Frame Garage Variation at 9716 Southwest Highway, Mary Ellen and Adrian Ciesla, Petitioner.

Mr. Adrian Ciesla, 9716 Southwest Highway, Oak Lawn, Illinois

The petitioner explained that he is requesting a variance to build a 22' x 22' frame garage at the back of his property. He explained that accessory buildings in a commercial district are subject to material restrictions, and he is requesting a variance in order to build a frame garage.

Mrs. Mary Ellen Ciesla, 9716 Southwest Highway, Oak lawn, Illinois

Mrs. Ciesla described the property and said it includes a mixed-use structure with commercial on the first floor and residential on the second. She stated that the apartment is empty and that she and her husband intend to live there. According to Mrs. Ciesla, the lot is set back 50-60' so that the garage is not visible from Southwest Highway. She mentioned other framed garages along Southwest Highway. Mr. Ciesla referenced 9742 Southwest Highway and 9748 Southwest Highway.

VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION
Village Hall Auditorium
Monday, July 19, 2021
Meeting Minutes #2021-8

Commissioner Lundy asked the petitioner the purpose of the garage and whether it is needed for personal use. The petitioner responded yes. Commissioner Lundy mentioned the properties at 9706 Southwest Highway and 9710 Southwest Highway. The petitioner replied that the building runs from Southwest Highway to the alley. Commissioner Lundy commented that typically there is a certain distance requirement between the properties. Mr. McGuinness responded the requirement is 10' and the proposed garage will be a distance of 11'. Commissioner Lundy mentioned to the petitioner that if they constructed a masonry garage they would not need the variance. He asked the petitioner if it was relative to cost. The petitioner responded both cost and time. The petitioner explained that a frame garage would be quicker to construct than a masonry garage. The petitioner said contractors are very backed up because of the pandemic.

Commissioner Piazza noted 9710 Southwest Highway and 9713 and 9717 Melvina have brick garages. Commissioner Piazza asked the petitioner the cost difference between a frame and brick garage. The petitioner responded that they do not know the cost to construct a brick garage.

Commissioner Piazza asked the number of customers that frequent their commercial tenant. The petitioner responded that it varies. Mrs. Ciesla added that since the internet, there has been less customer traffic. Mrs. Ciesla mentioned that she was told by someone at the Village that they should leave six (6) parking spaces for customers. She said they have ten (10) available parking spaces.

Commissioner Piazza asked about fencing. The petitioner explained that because of the location of their property there is cut through by the apartment tenants. Mrs. Ciesla said they would like to improve the appearance and add a fence on one side of the property and the fence will eliminate the walk through traffic.

Commissioner Moriarty asked if the garage door would face the alley. The petitioner responded yes. Commissioner Moriarty asked the petitioner if they have a rendering of the proposed garage. The petitioner showed Commissioner Moriarty the rendering. Commissioner Moriarty asked the petitioner if the contractor explained why a brick garage would take longer. The petitioner replied because of the pandemic.

Commissioner Zumhagen asked the petitioner how often their parking spaces are maxed out. The petitioner explained that Monday, Thursday, and Friday are the busier days. She mentioned that they get overflow from the mortgage company. Commissioner Zumhagen asked if it gets to a point where there is no available parking. The petitioner responded yes.

Commissioner Zumhagen explained to the petitioner some of the reasons that the Village Ordinance stipulates the masonry requirement. He mentioned that there is a known quantity of risk for fire for structural loads and also uniformity with the surrounding area. Commissioner Zumhagen expressed that he does not feel that a variance to save on time is the best idea. He suggested that the petitioner pour the slab before the winter season in order to allow for parking and then construct a brick garage in the spring/summer of next year. Commissioner Zumhagen asked for clarification on the rendering as far as the location of the garage and whether the rendering is to scale. The petitioner replied that the rendering is not to scale.

VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION
Village Hall Auditorium
Monday, July 19, 2021
Meeting Minutes #2021-8

A motion was made by Commissioner Duhig to approve Pet. #2021-18 – Request for a Frame Garage Variation at 9716 Southwest Highway, Mary Ellen and Adrian Ciesla, Petitioner.

Motion fails for lack of a second motion.

A motion to deny Pet. #2021-18 Request for a Frame Garage Variation at 9716 Southwest Highway, Mary Ellen and Adrian Ciesla, Petitioner was made by Commissioner Moriarty and seconded by Commissioner Lundy.

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

Motion to deny passes: 4-1.

V. SUBDIVISION:

A.) Sub. #2021-2-Request for a 2-Lot Resubdivision with Equal Side Yard Setback and Side Yard Setback Variations at 6632 & 6644 W. 91st Pl., SRZ Development Group LLC and Frederick Mendoza, Petitioner

The petitioner was not present.

A motion to table Sub. #2021-2-Request for a 2-Lot Resubdivision with Equal Side Yard Setback and Side Yard Setback Variations at 6632 & 6644 W. 91st Pl., SRZ Development Group LLC and Frederick Mendoza, Petitioner. The motion was seconded by Commissioner Piazza.

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

Motion to table passes: 5-0.

VI. ALLEY VACATION:

A.) Sub. #2021-17-Request for an Alley Vacation at 9514 W. Shore Dr., Helen Librizzi, Petitioner

Mr. Ben Basile, 9514 West Shore Drive, Oak Lawn, Illinois.

The petitioner explained his request to have the alley at the back of his property vacated. According to the petitioner, the Village does not have the funds to resurface the alley. The petitioner expressed concern about the alley's deterioration. He stated that due to the state of the alley, he was unable to snow plow behind his property. The petitioner stated that the second issue is drainage. According to the petitioner, the alley does not drain into the sewer. The petitioner stated that if the petition is approved, he has permission from the neighbor to the left of his property to build a 6-foot fence along the property line to deter vehicle theft in the area. He said that vehicles in the alley had been broken into several times. The petitioner claimed that theft cost him \$40,000 in equipment.

Commissioner Moriarty inquired about the petitioner's plans for the property. The petitioner stated that he will improve both the garage and the alley. The petitioner asserts that every single home on Lawton, in addition to trees, encroaches into the alley; he claims that there is now a dead end at the alley and no access. Commissioner Moriarty stated if the vacation is approved a fence and lack of

VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION
Village Hall Auditorium
Monday, July 19, 2021
Meeting Minutes #2021-8

access to the alley will be permanent. According to the petitioner, there is nothing out there and every homeowner has taken their piece of the pie.

Commissioner Piazza inquired about the 6' privacy fence of the neighbor to the left of the subject property. The petitioner responded that it will be made of wood.

Commissioner Piazza asked staff if the alley vacation is between 95th Street and 96th Street. Mr. McGuinness asked Commissioner Piazza if his question is whether the request is for the entire alley to be vacated. Commissioner Piazza responded yes. Mr. McGuinness explained that it is not a full alley vacation, only a 50' in length by 16' in width portion of the alley is being requested to be vacated. Commissioner Piazza asked if it would be up to the residents on the block to make the determination. Mr. McGuinness said in this case the requirement of the notice by certified mail is for the residents abutting the alley. Mr. McGuinness said the way the Ordinance is written is part thereof or the entire alley. The petitioner said his neighbor, Mr. Ryan, has been in Oak Lawn since 1960. He said Mr. Ryan shared that the alley used to go through to 95th Street and was used to refuse trucks. He said when the Village approved construction of the building, Village personnel told the residents on Lawton that the alley way was being abandoned and allowed the residents to extend their fences. The petitioner said Mr. Ryan vacated a portion of his alley at the rear of his property. Village Counsel questioned that; Mr. McGuinness commented that in reviewing the Sidwell map, which is also used by Cook County, the only portion of that alley that is vacated is an area of the ingress and egress off of 95th Street.

Commissioner Piazza mentioned the residence south of the petitioner's property and asked what happens to her access. The petitioner said the access would remain and expressed that that access is not used. He expressed that there is no need for access. The petitioner said part of her fence is zip tied. Commissioner Piazza asked if that resident uses that access at all. The petitioner responded absolutely not.

Commissioner Lundy said he feels vacated alleys should have at least 50% of neighbors' support. Commissioner Lundy expressed that it is almost as if the petitioner is taking advantage of the alley in its current state; he mentioned the truck, jet ski, car, and storage facility at the back. Commissioner Lundy said he does not understand why the petitioner wants to vacate the alley. The petitioner said for the exact reasons that he mentioned; to fix the drainage issues and to be able to use his snow blower at the back. The petitioner said the Village has repeatedly told him that they do not have the funds to maintain the alley. Commissioner Lundy asked Village Counsel and staff if they know if there have been requests to maintain the alley. Village Counsel responded that he does not know if there have been requests; Mr. McGuinness said for this specific alley he does not know of any requests. Commissioner Lundy asked about the signage that is in the alley and whether the petitioner put the signage up or if it was put up by the Village. The petitioner responded that he placed the signage. Commissioner Lundy asked if legally a resident could put up signage on public property. Village Counsel responded no.

Commissioner Zumhagen expressed that there is no possible way the alley is used as an alley anymore. He said he believes Mr. Ryan's comments in that at some point something was said to the resident as the resident's fences go across the alley line. Commissioner Zumhagen asked staff if the Commission votes yes, if only half of the alley will be vacated. Mr. McGuinness responded that it would be the entire alley but it is up to the Board's discretion. He said typically it is 50/50

VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION
Village Hall Auditorium
Monday, July 19, 2021
Meeting Minutes #2021-8

east and west or 50/50 north and south. He said in this case, it would be 100% of the alley going to 9514 West Shore Drive.

The petitioner said he has had extensive conversations with John, his neighbor behind him, and he wanted nothing to do with the vacation. The petitioner said John appreciates that he is trying to clean up the alley. Commissioner Zumhagen asked if this was approved how would the sale price be determined. Village Counsel responded there would be an independent appraisal. Commissioner Zumhagen asked if that is done after the vacation. Village Counsel said it is a condition of approval that the petitioner pay the fair market value as determined by the independent appraisal.

Commissioner Zumhagen asked the petitioner if he could accomplish most of what he wants to accomplish without owning the alley. The petitioner said he would need approval to add a fence and to asphalt the alley. Mr. McGuinness responded that as far as the fences that are down the alley, the Village would not approve those fences that go over the property line. Commissioner Zumhagen asked how did those residents put their fences up. Mr. McGuinness responded that residents do it on their own all the time. He said when a resident pulls a fence permit, an inspection is not required. Mr. McGuinness said as part of the permit process, the property and boundary lines are highlighted for erecting a fence. Commissioner Zumhagen stated that nothing has been done about it since it occurred. Mr. McGuinness stated that it is a matter of enforcement. Mr. McGuinness stated that it is not only this alley, but also other unimproved alleys where people add sheds, fences, patios, and so on. Village Counsel stated that they do so at their own risk. Mr. McGuinness stated that if a utility needs to pass through this alley, they have the right to tear down the fences and not replace them. Mr. McGuinness stated that the Village would not approve a fence permit for the alley; he stated that the asphalt is the responsibility of the Public Works Department. Commissioner Lundy inquired as to when and how frequently the petitioner has contacted the Village regarding the alley's upkeep. The petitioner responded by saying he contacted the Village Public Works Department several times. According to him, the Public Works Department has only patched sections of the alley, and the patching will only last until the first snowfall. The petitioner addressed the drainage issue, stating that water accumulates in areas along the alley. Commissioner Lundy asked the petitioner if he could do a better job of drainage than the Village of Oak Lawn. The petitioner stated that it is not a matter of taking better care of it, but of managing the alley's maintenance.

Commissioner Moriarty commented that the vacation of the alley seems so permanent.

Commissioner Zumhagen mentioned that a resident on the block was unable to attend the meeting but responded to the petition with a letter. The first three paragraphs of the letter were read aloud by Commissioner Zumhagen (see Attachment A).

The petitioner stated that in the six years he has lived there, he estimates that the Mayer residence have used the alley four (4) times. Commissioner Zumhagen stated that if the Mayer Family wanted to build a garage, they would need to seek variances and submit the necessary paperwork to the Village.

Mr. Wesley Roak, 9512 West Shore Drive, Oak Lawn, Illinois

VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION
Village Hall Auditorium
Monday, July 19, 2021
Meeting Minutes #2021-8

Mr. Roak stated that he lives to the north of the subject property. He stated that he does not support the alley's closure. Mr. Roak stated that it is a service alley and that he has personally observed utility trucks pulling into the alley to access a pole between his home and 9510 West Shore Drive. He also stated that there are poles further down. Mr. Roak stated that he has lived in his home for 40 years; he stated that at least two times lines have fallen and they have lost power. He stated that ComEd was unable to get down the alley due to the vehicles blocking it. He claims that there are up to 6-7 vehicles in the alley at any given time. According to Mr. Roak, the petitioner placed "No Trespassing" and "Private Property" signs at the end of the alley. He also stated that the petitioner added a saw horse across the alley, after which vehicles reverse and people walk up the alley, and he informed those people that it is a public alley and they can drive down it; Mr. Roak said he has spoken with the Mayer family. He stated that the Mayer family is completely opposed to the vacation. He claims that the petitioner already has made an impact on the back of the Mayer property. Mr. Roak commented on the number of vehicles and also mentioned the police visiting the petitioner's property. He said he feels the petitioner is attempting to take advantage of the situation. He added that he feels that there is also a safety factor.

The petitioner stated that he would not block the alley as the other ten neighbors have; instead, he would allow access for the Mayer family and the utility companies. According to the petitioner, the police ticketed his car for being parked in an alleyway. He stated that his car was parked in his driveway next to his garage, and that the ticket has already been thrown out. The petitioner stated that he has been robbed several times. He stated that he is attempting to spend extra money to deter theft. He added that he has spent \$3,000 on a train horn for his van.

Mr. Roak said it is not only vehicles but also trailers that the petitioner parks in the alley at all times.

Commissioner Lundy asked the petitioner why he does not park his work van in his garage. The petitioner responded that his van is too tall. Commissioner Lundy asked the petitioner how many vehicles he owns. The petitioner responded that he has eight (8) vehicles.

A motion was made by Commissioner Moriarty to deny Pet. #2021-17 – Request for an Alley Vacation at 9514 W. Shore Drive, Dr. Helen Librizzi, Petitioner. The motion was seconded by Commissioner Lundy.

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

Motion to deny passes: 4-1.

The Public Hearing was opened at 8:38 p.m.

VII. PUBLIC HEARING:

A.) Pet. #2021-19 – Request for a Special Use Permit for a Bar and Restaurant in an O Zoning District at 9600 S. Pulaski Rd., Geneva Griffith, Petitioner

Ms. Katrina Robinson, 13039 Seeley Avenue, Blue Island, Illinois

VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION
Village Hall Auditorium
Monday, July 19, 2021
Meeting Minutes #2021-8

The petitioner explained the request for a Special Use permit to open a bar and restaurant. According to the petitioner, the property is next to a hair salon. She stated that the property is already set up for a restaurant and that she is unsure why it is zoned "O" for office space, but she is here to seek commercial zoning.

Commissioner Duhig referenced question 4 on the petition paperwork. He stated that the petitioner indicates that an age restriction of 35 years or older will be imposed. The petitioner stated that they will be serving alcohol and are considering a 35-year-old age requirement. Commissioner Duhig said based on the rendering it shows interior seating and he asked if there will be outdoor seating. The petitioner responded none at this time. Commissioner Duhig commented on the layout of the interior of the restaurant.

Commissioner Lundy asked the petitioner if they are seeking video gaming. The petitioner responded no.

Commissioner Piazza asked if the restaurant will start with a piano bar. The petitioner responded yes. She said she does have a copy of menu and said it will be a standard grill menu. Commissioner Piazza asked the petitioner if she has owned any other restaurants or bars. The petitioner responded no. She expressed that this is the first bar/restaurant and they are excited to open.

Commissioner Moriarty asked the hours of operation. The petitioner replied that they will be open 7 days a week. She said they will open at 11:00 a.m. to 10:00 p.m. Monday through Thursday; 11:00 a.m. – 1:00 a.m. on Friday and Saturday; and 11:00 a.m. – 8:00 p.m. on Sunday.

Ms. Evelyn Chong, 9601 S. Komensky, Oak Lawn, Illinois.

Ms. Chong commented on the recent development in the area. She stated that a lot is going on, which is causing more noise. She expressed concern about the opening of a bar in the development. She stated that she believes it is a recipe for disaster. Ms. Chong expressed that she already has concerns about the problems at Longhorn Steak House. Ms. Chong said she asked the Property Management company to consider raising the wall as it is only 5 ½ feet. Ms. Chong said she is President of her Condominium Association. She said she all the windows face the development and reiterated that there is a lot going on. Ms. Chong commented on Black Oak Restaurant. She said Black Oak has calmed down a lot from when it first opened.

The Public Hearing closed at 8:48 p.m.

A motion to approve Pet. #2021-19 – Request a Special Use Permit for a Bar and Restaurant in an O Zoning District at 9600 S. Pulaski Rd., Geneva Griffith, Petitioner was made by Commissioner Duhig. The motion was seconded by Commissioner Piazza.

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

Motion to approve passes: 5-0.

The Public Hearing opened at 8:50 p.m.

VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION
Village Hall Auditorium
Monday, July 19, 2021
Meeting Minutes #2021-8

B.) Pet. #2021-20 – Request for a Special Use Permit for a Tattoo Studio at 9722 S. Cicero Ave., Miguel Soria, Petitioner.

Mr. Miguel Soria, 9722 South Cicero Avenue, Oak Lawn, Illinois.

The petitioner said he is requesting a variance for a Special Use Permit for a tattoo studio. He stated that he intends to operate solely by appointment. He stated that this is how he has always worked. The petitioner stated that he does not intend to change the structure of the property but will make cosmetic changes such as paint, new trim, and so on.

Commissioner Moriarty asked about the front elevation and signage. Village Counsel reminded Commissioner Moriarty that the elevations and signage are reviewed by the Architectural Design and Review Preservation Commission. Village Counsel explained to the petitioner to go through the permit process before he makes changes structurally or with signage.

Commissioner Piazza asked the petitioner if this is his first business. The petitioner responded yes. Commissioner Piazza asked the number of employees. The petitioner responded just himself. Commissioner Piazza expressed that he liked that the business operates by appointment only.

Commissioner Lundy repeated that the petitioner will have to appear before a different Committee for sign review.

Commissioner Duhig stated that the notices do not appear to be causing any worry because no one is present for the petition. Mr. McGuinness mentioned that he had received a call from a business owner who expressed concerns about parking. Mr. McGuinness stated that he does not feel there will be any parking issues.

Commissioner Zumhagen addressed the issue of signage as well as appointment hours. The petitioner stated that he will typically be open from 10:00 a.m. to 10:00 p.m.

The Public Hearing closed at 8:58 p.m.

A motion was made by Commissioner Duhig to approve Pet. #2021-20-Request for a Special Use Permit for a Tattoo studio at 9722 S. Cicero Ave., Miguel Soria, Petitioner. The motion was seconded by Commissioner Moriarty.

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

Motion to deny passes: 4-1.

VIII. OTHER BUSINESS:

A.) Chairman:

Commissioner Zumhagen asked about the petition for the alley vacation. He stated that he noticed the packet paperwork lacked the typical questions found on zoning applications, such as hardships, the impact of neighborhood characteristics, and so on. Village Counsel said with an alley vacation

VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION
Village Hall Auditorium
Monday, July 19, 2021
Meeting Minutes #2021-8

you are not changing the characteristic of a zoning issue or variance; it is satisfying the elements of getting rid of public property when petitioning a government to give up its own land.

Commissioner Lundy mentioned the signage and cameras that the petitioner for the alley vacation has on the property. Mr. McGuinness responded that the Village is aware of the situation and that it is being addressed, but he does not know the status of those issues. He stated that he will follow up.

B.) Members: *None*.

C.) Staff: *None*.

IX. ADJOURNMENT:

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

Voice vote: All in favor, aye.

Motion carries.

The meeting adjourned 9:04 p.m.

VILLAGE OF OAK LAWN
ZONING & PLANNING COMMISSION
Village Hall Auditorium
Monday, July 19, 2021
Meeting Minutes #2021-8

ATTACHMENT A

Dear Kevin,

We hope this letter finds you well. We are unable to attend this meeting in person, but we appreciate if you would read this letter to the Zoning and Planning Committee and enter it into the public record.

My family has enjoyed residing at 9516 West Shore Drive since 1973. We value our neighbors and work to maintain good relations with all of them. We never interfere in a neighbor's plans up to the point where their plans deleteriously affect our family.

Our neighbors at 9514 West Shore Drive is seeking to vacate/purchase the easement behind their home. Our adjacent property has a backyard gate that leads to the easement in question that has been used by my family to walk to church, school and local businesses for decades. More importantly, my family has plans to develop our property by building a garage in the future. Our access would be taken away by a decision to approve the sale of this property.

Our specific concerns:

- to preserve our egress/ingress and our traditional use of our property. If the property is vacated, we would be trespassing on our neighbor's property if we choose to walk out our back gate;
- to be able to develop our property in the future by building a garage;
- to maintain clear access for utility vehicles to be able to service the power lines located in the corner of our property next to the gate;
- to maintain the easement clear as a fire lane in case of emergency;
- to maintain our viewshed free of eyesores like trailers and work vehicles;
- to maintain our property value by preserving our ingress/egress to the easement.

In short, we strongly oppose vacating this easement in whole or part by allowing it to be privately owned. We request that the *status quo* be maintained.

We sincerely thank you and the Zoning and Planning Commission for taking our concerns into consideration when making your decision.

Thank you very much for all you do on behalf of our home, the Village of Oak Lawn.

Respectfully,

A handwritten signature in blue ink that reads "The Mayer's". The signature is stylized with a large, flowing "M" and a trailing flourish.

The Mayer's