

**VILLAGE OF OAK LAWN**  
**ZONING & PLANNING COMMISSION**  
Village Hall Auditorium  
Wednesday, February 6, 2023  
Meeting Minutes #2023-2

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

**A. Chairman:** Mike Moriarty

**B. Members:** Steve Adamscheck      Bill Lundy  
Dave Bennett                      Mike Moriarty  
Tom Duhig                              Rich Piazza  
Dan Greene (*ABS*)

**C. Staff:** Kevin Casey, Village Attorney  
Don McKenna, Building Official  
Eric Mallo, Property Maintenance Division  
Deanne Adasiak, Recording Secretary

**II. PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Commissioner Moriarty.

**III. APPROVAL OF PRIOR MEETING MINUTES:**

*A motion to approve the Regular Meeting Minutes #2023-1 dated January 18, 2023 was made by Commissioner Adamscheck and seconded by Commissioner Bennett.*

Roll call: Piazza, yes; Moriarty, yes; Lundy, yes; Duhig, yes; Bennett, yes; Adamscheck, yes.

Motion passes: 6-0.

*The Oath was administered by Commissioner Moriarty.*

**IV. NEW BUSINESS:**

**A.) Pet. #2023-3 – 2 Lot Subdivision @ 10630 Keeler Avenue, Adrian and Katherine Hudson, Petitioner**

*Mr. John Farrell, Attorney, 10636 S. Keeler, Oak Lawn, Illinois*

*Mr. Tim O’Keefe, 10614 S. Keeler, Oak Lawn, Illinois*

*Mr. Adrian Hudson, 106544 S. Keeler, Oak Lawn, Illinois*

Mr. O’Keefe explained that they intend to divide the property into two lots. Mr. Farrell said that the property is a 100' lot that will be divided into two (2) 50' lots. Commissioner Moriarty asked about the timeframe. Mr. O’Keefe replied that they hope to sign a contract soon. Mr. Farrell added that there are potential buyers but no contracts have been signed.

Commissioner Piazza asked whether the property was purchased with the intention of constructing two homes. Yes, said the petitioner. Commissioner Piazza asked the date the property was purchased. Mr. Farrell responded that the property was purchased in November/December of last year. Mr. Piazza mentioned that he met with the petitioner and that they had a brief discussion about tree stump removal and other minor concerns that the petitioners agreed to address. Commissioner Lundy stated that he supports the subdivision as long as all Village Ordinances are followed including the 50% masonry requirement.

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*A motion was made by Commissioner Piazza to approve Pet. #2023-3 – 2 Lot Subdivision @ 10630 Keeler Avenue, Adrian and Katherine Hudson, Petitioner. The motion was seconded by Commissioner Bennett.*

Roll call: Adamscheck, yes; Bennett, yes; Duhig, yes; Lundy, yes; Moriarty, yes; Piazza, yes.

Motion to approve passes: 6-0.

**B.) Pet. #2023-4 – Request for a sign variation in a R-3 zoned district @ 9301-9333 South Harlem Avenue, Bilal Baya, Petitioner**

*Mr. Bilal Baya, 10320 S. Harlem, Palos Hills, Illinois*

*Mr. Samie Ata, 9301 S. Harlem, Oak Lawn, Illinois*

Mr. Baya, the petitioner, indicated that he purchased the property about a month ago and that he wants to add a sign to the buildings with Property Management contact information. He explained that since the building's ownership changed no one knows who to contact for building management.

Commissioner Duhig asked for a copy of the sign rendering and also asked what side of the building the sign will be placed. Mr. Ata explained that the proposed rendering was included in the petition paperwork and that it is a 3x5 sign that will be placed in the front of the building on the west side facing Harlem.

Commissioner Lundy noted that the petition paperwork shows three signs and asked whether the building will have three of the same signs. Mr. Ata clarified that there will be one sign on each of the three buildings on the property. Commissioner Lundy stated that he was unfamiliar with the apartment buildings and asked as to the number of tenants in each building. The petitioner responded that each building has two floors with 14 units on each floor. He said each building has 28 tenants. Commissioner Lundy asked whether the units were one or two bedrooms and expressed concern about the lack of parking. The petitioner responded that the property has 84 available parking spaces and is a mix of one and two bedroom units. He went on to say that there are two parking lots. Commissioner Lundy expressed disappointment that that information was not included in the paperwork. He asked whether all three signs would be identical. The petitioner replied yes.

Commissioner Piazza said he feels that there is a lot of contact information available online and that he is trying to figure out why the signs are needed. He expressed that most people do not drive around looking for apartment buildings but rather use the internet to contact the appropriate person. The petitioner explained that due to the change in ownership some people are having difficulty locating the current and correct management company. He pointed out that internet search engines frequently return the names of the former management companies. Mr. Ata also mentioned that while the management contact information is in the tenant leases, the tenants do not always have that information at their fingertips and have been in emergency situations where they are locked out and do not have the contact information to call them. He claims that this allows tenants to see the sign and contact them at any time. Commissioner Piazza asked the petitioner if he planned to place one sign on one side of each building. Yes, said the petitioner. Commissioner Bennett inquired about the sign's dimensions. Mr. McKenna responded that the signs are 3x5.

Commissioner Bennett asked the petitioner if he gives all of his tenants his contact information. Yes, said the petitioner. Commissioner Bennett commented that if this Board is approving making

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the sign bigger he asked how is a bigger sign better. Village Counsel explained to Commissioner Bennett that the request is not for a larger sign but rather to have signs in the R-3 Zoning. He explained that signs advertising leasing information are classified as real estate signs and that Village Code defines Real Estate signs as temporary signs. He said the petitioner is looking for a variance for three signs in an R-3 district. Commissioner Bennett asked the petitioner why he does not consider placing a sign in each building's entrance. The petitioner described a situation in which a tenant might get locked out without his key fob and have no way of getting inside to obtain that information. Commissioner Bennett expressed disappointment of the sign. He believes it could be a much nicer sign. The petitioner apologized for the rendering and said the paperwork rendering does not show the colors of the sign. He showed all the Commissioners the colored rendering.

Commissioner Moriarty asked the petitioner if he has placed signage at the front entryway and/or in the laundry room. The petitioner explained that when he first took over, notices of the change in management information were posted but that people were removing them. Commissioner Moriarty proposed adding a plaque sign at the building's main entrance. The petitioner reiterated the emergency situation of tenants locking themselves out at night and in some cases, not having the property management number saved. He said this is helpful for those tenants to have the phone number especially late at night. He said he feels this would prevent future problems. Commissioner Piazza asked the petitioner to clarify that it will only be one sign per building. The petitioner responded yes.

Commissioner Lundy ask the petitioner to clarify that the proposed signage will be on the building and not on the ground. The petitioner responded that is correct and said the signs will be professionally placed on the corner of each building. Commissioner Lundy said he is confused and asked if the signage is for the tenants or to advertise leasing. The petitioner responded that it really is for all purposes and that it is important to have the current and correct contact information. Commissioner Lundy pointed out that the petitioner mentions temporary signage three times in their paperwork. The petitioner responded that he did not specify temporary signage in his petition paperwork. Mr. McKenna informed Commissioner Lundy that he is reading the staff report which explains that *temporary* signs for leasing information (real estate signs) are permitted under Village Code but permanent real estate signs are not.

*A motion was made by Commissioner Moriarty to approve Pet. #2023-4 – Request for a sign variation in a R-3 zoned district @ 9301-9333 South Harlem Avenue, Bilal Baya, Petitioner with the stipulation that the signs must be posted on the buildings and that no stand-alone signs are permitted on the property. The motion was seconded by Commissioner Adamscheck.*

Roll call: Adamscheck, yes; Bennett, yes; Duhig, yes; Lundy, yes; Moriarty, yes; Piazza, yes.

Motion to approve passes: 6-0.

**V. PUBLIC HEARING:**

*The Public Hearing was opened at 7:53 p.m.*

**A.) Pet. #2023-5 – Request for special use permit for a permanent makeup business in a C-2 zoned district at 4821 West 103<sup>rd</sup> Street, Dominique Spillman, Petitioner**

***Ms. Dominique Spillman, 4821 West 103<sup>rd</sup> Street, Oak Lawn, Illinois***

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The petitioner explained that she previously operated a permanent makeup business at 4020 W. 111th Street, but has since relocated to 4821 W. 103rd Street. She indicated that she will include signage in her window for her business. Village Counsel explained that permanent makeup businesses are not a defined use in a C-2 zoned district and the petitioner is seeking a special use permit to operate her business.

Commissioner Piazza commented that the petitioner's unit sits between a tax service business on one side and a dentist office on the other. He asked the petitioner about customer traffic as he wondered about the parking situation with only 12 parking spaces in the back and 3 on the street. The petitioner responded that she runs an appointment-only business. She explained that she and her salon tenant will not always be on site at the same time and that they only require a total of four parking spaces. Commissioner Piazza asked the petitioner about the hours and days of operation. The petitioner replied that she will be open from 10:00 a.m. to 5:00 p.m. Tuesday through Saturday.

Commissioner Lundy asked the Village Attorney as to why this request was brought before the Zoning & Planning Board. Village Counsel restated that permanent makeup is not a defined use in the Village Code and therefore falls under the special use provision.

*The Public Hearing closed at 7:57 p.m.*

*A motion was made by Commissioner Piazza to approve Pet. #2023-5 – Request for special use permit for a permanent makeup business in a C-2 zoned district at 4821 West 103<sup>rd</sup> Street, Dominique Spillman, Petitioner. The motion was seconded by Commissioner Duhig.*

Roll call: Piazza, yes; Moriarty, yes; Lundy, yes; Duhig, yes; Bennett, yes; Adamscheck, yes.

Motion to approve passes: 6-0.

*The Public Hearing was opened at 7:59 p.m.*

**B.) Pet. #2023-6 – Request for special use permit for a second dwelling unit in a R-1 zoned district @ 4901 Oak Center Drive, Nanci Volz, Petitioner**

***Ms. Nanci Volz, 14908 S. Preserve Drive, Lockport, Illinois***

***Ms. Linda Volz, 16545 W. Apache Drive, Lockport, Illinois***

***Ms. June Curtis, 4901 Oak Center Drive, Oak Lawn, Illinois***

The petitioner explained that she is requesting a special use permit for a second dwelling unit for their property zoned single-family residential. She stated that this is her mother's home which she has owned for the past 50 years. She indicated that it is a single-family home with a related living studio apartment behind the house. She said this unit has its own kitchen and bathroom and has always been there. Commissioner Moriarty asked the petitioner whether the property was currently rented. Yes, said the petitioner.

Commissioner Duhig asked how long the petitioner has been renting the residence. Ms. Linda Volz replied that it is related living set up and is comparable to an in-law apartment. The petitioner said her Mom purchased the home in 1974 as it was then and is now. She explained that when her parents bought the house her uncle lived in the related living unit for over 20 years until he died. She went on to say that family and friends lived there but that they did not receive rental income.

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The petitioner stated that after her father died, they decided to rent to tenants in order to generate some rental income.

Ms. Curtis commented that she is trying to be as self-sufficient as possible and that the rental income helps with her finances. She expressed that everything has been going well and that there have been no complaints, that no one is upset about anything and that everything is fine, so she does not understand why there is an issue. The petitioner stated that they were unaware of any problem with having the rental dwelling.

Commissioner Duhig inquired as to what brought this to the Board's attention. The petitioner responded that the tenant received a call from the Village regarding a rodent problem as rats were underneath the house. She then said the tenant called the Village and the Village staff member who spoke with the tenant learned that the property was rented. According to the petitioner, the tenant was told that she could not live at the property because it was a violation of Village Code and then her Mom received the notice. The petitioner said she is confused because it is a dwelling unit with its own kitchen and bathroom and she reiterated that they had no idea this was not an option for the last 50 years. Ms. Curtis added that she called an exterminator and that the rodent problem has been resolved.

The issue, according to Commissioner Moriarty, is that the house is a residential house in residential zoning and cannot have two dwellings. The petitioner mentioned that all utilities are connected to a single meter. Commissioner Moriarty went on to say that allowing two dwellings in a single-family zoned district would set a precedent and would potentially lead to another person wanting one and so on. He stated that people purchase homes in a single-family residential area for what they are properly zoned for; the petitioner responded that there are similar homes with similar related living. The petitioner mentioned the property as being zoned legal nonconforming and grandfathered in as is; Commissioner Moriarty asked if permits were pulled for the second dwelling. He also asked the petitioner what specifically was grandfathered in because there is no record. The petitioner responded that she agrees and said when it comes to mortgage financing and appraisals, they must zone it. Commissioner Moriarty said yes that is correct and this is zoned a single-family residence. The petitioner replied that she understands the zoning but said there is also legal and legal nonconforming zoning. The petitioner stated that she has no idea what happened 50 years ago or how it was built and that they have been unable to find anything. She said she is unsure whether permits were obtained when the unit was constructed. The petitioner stated that she has an appraisal from a previous mortgage refinancing in 2004 that states legal nonconforming use. Village Counsel responded saying that is merely language used by the mortgage company that prepared the financing document.

Commissioner Moriarty stated that the petitioner is requesting that the property be rezoned as a rental income dwelling. The petitioner indicated that she spoke with Drew in the Building Department and was told that she needed a Special Use permit not a rezoning, to allow the dwelling use. Village Counsel stated that we would not want to change the zoning because it would be spot zoning.

Commissioner Bennett asked the petitioners whether or not everything on the property was up to code. The petitioner replied yes and said as far as they know.

Mr. Mallo stated that he is aware that the rental unit is in the garage. No, said the petitioner. She said that it is close to the garage. Mr. Mallo explained that a rental property can be zoned R-1 but this property differs in that it has two (2) dwelling units in an R-1 zoned property. Mr. Mallo went on to say that the property could only have one family living there as a single family rental unit.

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The petitioner asked whether it would be an issue if the dwelling was attached to the house. It would still be an issue, according to Village Counsel. Village Counsel explained to the petitioner that she is not requesting to change the property to a multi-family dwelling, but rather a special use to convert a single family residence into a multi family residence. He expressed that the reality is that previously with family members living there it was simply a single family household with related family members. He said the issue arises when that familial relationship is broken. The petitioner stated that they currently have a tenant, so their options are limited. Mr. Mallo pointed out that the property has never been registered as a rental. The petitioner responded that they were unaware of the process. Mr. Mallo commented that the Village was unaware that the property was being rented. The petitioner replied that her mother has owned the property for 50 years and her family has lived in the other unit until about 10-15 years ago.

Commissioner Moriarty explained to the petitioner that it is difficult to make a decision on a property that they do not know whether or not it is up to code. The petitioner asked if the Board could grant approval with a condition. Commissioner Moriarty said knowing if the property is code compliant would be beneficial. The petitioner said that they were unaware that they were required to provide such information. She went on to say that she expected that to happen after approval. The petitioner requested that the Board hold a vote with a contingency attached.

The petitioner asked if she could return with documentation showing that the property is up to code. Commissioner Moriarty said that there would be a separate hearing where the petitioner could show proof that the property is up to code, after which the petition would be vetted and the Board would make a decision. Commissioner Moriarty went on to say that he is unsure of the Board's decision but at least there would be documentation showing that the property is up to code.

Commissioner Bennett asked Counsel what the petitioner needs to move forward. Village Counsel responded that the petitioner requires a special use permit to continue renting out that portion of the property. Mr. McKenna added that both the Zoning & Planning Board and the Board of Trustees would have to vote in favor of it and then the property needs to be registered.

*The Oath was administered by Commissioner Moriarty.*

***Mr. Ray Labonte, 4909 Oak Center Drive, Oak Lawn, Illinois***

Mr. Labonte stated that this is a rare house with two dwellings and wondered what would happen if the current owners sold the property. Village Counsel responded that the special use permit, would remain with the property. Mr. Labonte asked if it would always be a rental property. Commissioner Moriarty explained that the house will always have a special use permit for the second dwelling. Mr. Labonte asked whether a special use permit was required for related living. Village Counsel replied only for the rental dwelling.

Commissioner Bennett inquired about other Oak Lawn properties. Village Counsel responded that other properties have been brought before this Board. Mr. McKenna stated that other two-flat single-family homes are permitted to remain in their current condition if they were built before the Code was adopted in 1964 or if they were annexed into Oak Lawn. He indicated that there is an entire chapter in Village code that could be used to eliminate non-conforming properties if they did not comply, such as if they were vacant for more than 90 days. Commissioner Bennett asked whether this property was built before the Ordinance. According to Mr. McKenna, the petitioner

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did not purchase the property prior to the Ordinance. He went on to say that when it was built, it was a single-family home, and the petitioner purchased it in 1974. The petitioner stated that they purchased the property in its present condition. Commissioner Bennett asked about the addition of the second dwelling. The petitioner said she is unsure of when the dwelling was added. Mr. McKenna stated that no information on a permit pulled for that dwelling is available. The petitioner said according to her last appraisal, the house was built in 1951. Mr. McKenna responded that it was built as a single-family residence. Mr. McKenna said he is unsure when it became a two-family residence.

According to Village Counsel, it is not a two-flat or what we occasionally see when someone adds a stairwell and then we see what they are doing in terms of adding a multi-family dwelling. He remarked that those petitions have previously been heard by this board. He stated that in this case, there is no information as to when this second structure next to the garage was built or when it was equipped with a toilet and other utilities. Mr. McKenna pointed out as an example that if it was a non-conforming status when the uncle moved in and it was not leased out, they would lose the non-conforming two flat statuses.

Commissioner Adamsheck commented on the condition of the fence and bushes. He said the bushes are 9' tall and he feel it poses a sight restriction. Commissioner Moriarty pointed out that there was a variance granted for a fence with a stipulation that the bushes must be maintained at a height of 42" or less.

Mr. Labonte said he believes the bushes at that corner pose a safety hazard. He said that the bushes are almost up to the street. He mentioned that there is no sidewalk and that it is extremely difficult to see around it.

Commissioner Bennett asked what happens if a relative move in the second dwelling. Mr. McKenna responded that if a relative move into the dwelling they must remove the cooking facilities because they are only allowed one cooking facility by Village Code. The petitioner requested clarification from Mr. McKenna and asked about the bathroom. Mr. McKenna stated that the bathroom is acceptable but in order to qualify as a single family dwelling there can only be one family and one cooking facility; two kitchens are not permitted. He went on to say that because a kitchen requires a stove, the stove must be removed, but they can keep the refrigerator, counters, and water, among other things.

Ms. Curtis asked what is the point of the special use. Mr. McKenna explained that the special use allows for two unrelated families and two cooking facilities. The petitioner said if the special use is approved then they do not have to remove the gas stove. That is correct, Mr. McKenna responded. The petitioner asked again if the Board could vote with the condition of inspection and compliance. Commissioner Moriarty said that a motion on their decision will be made.

Commissioner Lundy told the petitioners that he believes they are in a terrible situation, but as Commissioner Moriarty previously stated, it sets a precedent. He explained that if this is allowed, it can potentially have a domino effect with more requests of the same with the argument that it was allowed for one residence.

The petitioner stated that the worst-case scenario is that her tenant moves out, leaving them with a vacant property, which she believes is worse.

*Ms. Kristin McGrane, 4908 Oak Center Drive, Oak Lawn, Illinois*

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Ms. McGrane asked the Board what they are approving or not approving. Commissioner Moriarty explained that they are going to close the Public Hearing and see what the Board decides.

*The Public Hearing closed at 8:22 p.m.*

*A motion to deny Pet. #2023-6 – Request for special use permit for a second dwelling unit in a R-1 zoned district @ 4901 Oak Center Drive, Nanci Volz, Petitioner was made by Commissioner Moriarty. The motion was seconded by Commissioner Lundy.*

Roll call: Adamscheck, yes; Bennett, yes; Duhig, yes; Lundy, yes; Moriarty, yes; Piazza, yes.

Motion to deny passes: 6-0.

Commissioner Moriarty informed the petitioner of their right to appeal and that they must submit a letter to the Village Clerk within 30 days. Village Counsel also informed the petitioner that even though the petition was denied, the petitioner could still return to the Zoning Board. The petitioner responded that they only needed to show proof that the property is code-compliant. Village Counsel responded that it will not mean the petition will be granted but it will be vetted with the additional information.

**VI. OTHER BUSINESS:**

A.) Chairman: *None.*

B.) Members:

Commissioner Lundy brought up the 9301 Harlem petition and asked if there had been any complaints. He described it as a hodge podge of properties and stated that he does not believe he has ever seen the property before. Mr. McKenna told Commissioner Lundy that the property has been there as long as he has lived in Oak Lawn. Deanne mentioned that the apartment has recently been renovated. Mr. McKenna added that it has been renovated several times. Commissioner Lundy expressed surprise that he was not aware of it. Deanne stated that the property is somewhat tucked away.

C.) Staff: *None.*

**VII. ADJOURNMENT:**

*A motion to adjourn was made by Commissioner Adamscheck and second by Commissioner Bennett.*

Voice vote: All in favor, aye.

Motion to adjourn passes.

The meeting adjourned at 8:30 p.m.