

**VILLAGE OF OAK LAWN**  
**ZONING & PLANNING COMMISSION**  
Village Hall Auditorium  
Wednesday, January 18, 2023  
Meeting Minutes #2023-1

**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 (7:37 p.m.)      Rich Piazza  
Dan Greene

**C. Staff:** Kevin Casey, Village Attorney  
Don McKenna, Building Official  
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 #2022-10 dated December 19, 2022 was made by Commissioner Adamscheck and seconded by Commissioner Lundy.*

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

Motion passes: 5-0-1.

*The Oath was administered by Commissioner Moriarty.*

**IV. PUBLIC HEARING:**

*The Public Hearing opened at 7:33 p.m.*

**A.) Pet. #2023-1 – Request for a Special Use Permit for a retail establishment in ‘O’ Zoned district at 9652 South Pulaski Road, Sanju Matthew, Petitioner**

***Mr. Sanju Matthew, 33 Thornwood Avenue, Glenview, Illinois***

The petitioner explained that he intends to take over the retail space and provide similar retail sales. He explained that the previous owner has been terminally ill and that the store had to close. The petitioner mentioned that he owns the Mobil gas station at 103rd and Pulaski and that many of his customers encouraged him to reopen the store. He reiterated that he will provide a similar business model, but that the property is zoned "O" and a zoning variance is required. According to the petitioner, he will sell similar items such as liquor and tobacco.

Commissioner Greene voiced his support for the business.

Commissioner Piazza restated the petitioner's intentions to open the business encouraged by area residents and also mentioned a potential liquor license. The petitioner responded yes, that his gas station customers convinced him to explore the idea. Commissioner Bennett asked the petitioner if the previous owner held a liquor license. The petitioner responded yes.

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Commissioner Moriarty asked the petitioner if he has any plans to remodel the store. The petitioner responded that he will only be making cosmetic changes such as painting and changing out the coolers. He mentioned that he will also be installing a bulletproof window. He explained that his gas station has been robbed three times since it opened in 2019 and he wants to ensure the safety of his employees.

Commissioner Moriarty asked the petitioner whether the landlord intends to make improvements to the property. The petitioner responded that he is hopeful and added that he did request that the landlord add more lighting on the property. Commissioner Moriarty asked about installing cameras on the property. The petitioner responded that he will install cameras inside the store but that it is the landlord's responsibility to install cameras in the parking lot.

Commissioner Piazza asked the petitioner if he will add lights if the landlord does not. The petitioner stated that he will wait three months to see what happens. Commissioner Lundy asked Village Counsel whether the petitioner will need to reapply for a liquor license. The Village Attorney responded yes. The petitioner mentioned that he has already filed his liquor application and will appear before the Liquor Commission on January 24th.

Commissioner Duhig asked the petitioner about the percentage breakdown of liquor and retail sales. The petitioner responded that he is not sure. He said that he will have to observe how it works out at that location. He mentioned that he sells a variety of goods at his gas station which is convenient for local residents who must walk and do not have access to large grocery stores.

***The Public Hearing closed at 7:41 p.m.***

*A motion was made by Commissioner Bennett to approve Pet. #2023-1 – Request for a Special Use Permit for a retail establishment in ‘O’ Zoned district at 9652 South Pulaski Road, Sanju Matthew, Petitioner. The motion was seconded by Commissioner Piazza.*

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

Motion to approve passes: 7-0.

**V. NEW BUSINESS:**

**A.) Pet. #2022-2 – Request for variation of building material in a C-1 zoned district at 9500 South 50<sup>th</sup> Court, Amin Panjwani, Petitioner**

***Mr. Sadiq Poonawala, 8051 S. Harlem Avenue, Burbank, Illinois***

The petitioner stated that the building is currently under construction. He explained that a permit was issued in November and then they promptly started construction. The petitioner said during plan review there were multiple rounds of comments none of which included concerns about their brick veneer construction. He stated that the plan was approved but then he was informed mid-construction that he needed to file for a variance. The petitioner stated that the framing is 90% complete but that construction has been temporarily suspended. The petitioner expressed concern that if he was to demolish the building or do the work in phases, the cost would be approximately

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\$187,000. He went on to say that this would also cause a delay in opening, with a potential loss of \$700,000 in sales.

The petitioner stated that he is seeking a variance to allow frame/brick veneer construction in the building's exterior walls. He stated that he intends to replace the tenant side elevation (north) with stone. (The petitioner shared pictures of the proposed stone material). He expressed that the stone will enhance the appearance of the building. The petitioner reiterated that the north elevation (tenant side) will have stone all the way across and will replace any where there are niche panels.

The petitioner then explained that he began this process in 2017. He said there have been many, many different versions of the building. He noted that the proposed building was supposed to be a three-story structure, but it is now a single-story building. He expressed that he feels that what they have provided is something everyone will be happy with.

Commissioner Adamsheck mentioned a building that recently came before this Board and the builder wanted to use wood frame but the Board denied the request because the Fire Department does not like wood frame. Mr. McKenna pointed out that this is not entirely correct. He explained that the Building Code we use is an International Building Code which is used throughout the United States, Puerto Rico, and many other countries; he went on to say that it is used throughout the majority of the United States. Mr. McKenna stated that if you adhere to the Code under which the subject building was approved, the building is structurally sound and fire safe. Mr. McKenna stated that it can be built in a number of ways. He made clear that this Code is an amendment to the International Code and that it was added to the Code before he started working here, which is almost 40 years ago. He stated that in the past, when options were limited, masonry was used for its fire resistance. He explained that a building can be constructed in a variety of ways without masonry today and still be a structurally sound and fire-safe building. According to Mr. McKenna, the Fire Department is not necessarily concerned about the construction of the exterior walls as that falls outside of their purview. According to Mr. McKenna, our Plan Reviews have given this building the approval to be both fire and structurally sound. He explained that our Plan Reviewers now include some new staff members who were unaware of our Amendment. He stated that they had reviewed the plans in accordance with the International Code Council, ensuring that it was both structurally sound and fire-safe. He said it does not comply with our Code Amendment, which we keep in place not for fire safety reasons but rather to help keep out riffraff and construction that we might not want to see in Oak Lawn. The Village wants this business in town, according to Mr. McKenna, and he reminded the Commissioners that this Board has reviewed this building at least five times. Mr. McKenna continued by saying that both sides have demonstrated their good will to work together. He mentioned that the petitioners also vacated a street for the Village. He then reaffirmed that the structure of the building is sound and fireproof.

The petitioner commented that he purchased the land from the Village. He said they want this building to last for 100 years and they would not construct a structure that would start to fall apart in 20, 30, or 40 years.

Commissioner Adamsheck observed that per the petition paperwork one sheet refers to 2x6 framing and another sheet refers to 2x4 framing. He questioned which one was correct.

***Mr. Kal Mohammed, Architect, 5821 West 117<sup>th</sup> Place, Alsip, Illinois.***

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Mr. Mohammed responded that it is 2x6. He explained that the walls were prefabricated but that the building's structural integrity is uncompromised. He added that the structure is completely sprinkled. Commissioner Adamsheck asked Mr. Mohammed about the 2x4 reference. He said it is shown on a report. One of the Commissioners pointed out that Commissioner Adamsheck is referencing a staff report. Mr. McKenna explained that the 2x4 is only a comparison of wood and block.

Commissioner Bennett expressed that he is curious how this project got to this stage. He said the Architect typically includes a note on the print referencing building codes. Mr. Mohammed said this requirement is not in the Building Code, it is in the Zoning Code. Mr. Mohammed said the International Building Code fully permits wood construction. He added that there is not a requirement for masonry construction in the Building Code. Commissioner Bennett said the building and zoning codes would typically be included in the prints and he asked how come that was not done. In response, Mr. Mohammed said that they adhered to the building code. According to Commissioner Bennett, the petitioner disregarded the Zoning Code. Mr. Mohammed responded that they did not disregard the Zoning Code. He explained that Village staff indicated what type of variances that they needed; he went on to say that they were corresponding back and forth with the Village regarding the specific types of variances, such as those relating to landscaping, parking, height restrictions, etc.

Mr. McKenna pointed out that there are eleven different building codes to be reviewed in addition to our Village code which is approximately 6 inches thick when you refer to paper. He said it is not difficult to miss one line or one paragraph in a code book. Mr. Mohammed pointed out that it is not mentioned at all in the Building Code and is only mentioned once in the Zoning Code. Commissioner Bennett stated that on the print you have to conform with the most recent zoning and building codes. Mr. Mohammed said that is correct. He said as far as the Zoning Code, their variance requests were applied for since the very beginning. He indicated that the Village of Oak Lawn provided all the variances for which they needed. He restated that in order to make this project a reality, they applied for all the variances that were required. He emphasized how much back and forth there had been with the Village. Commissioner Bennett said he is only trying to determine how this situation came to be. He said Don McKenna stated that it was missed and now the roof is already on the building. He shared that there was a similar petition before this board for the same variance, a friend of his, but it was denied. He questioned how this project made it to this stage.

***Mr. Jason Berg, Construction Manager, Inspire Brands, Inc., 110 Tower Lane, Elk Grove Village, IL.***

Mr. Berg indicated that he works for Dunkin' Donuts Corporate and expressed that they have a stake in this project. He explained that when the franchisee signs the agreement he must sign an option to assume. He stated that if the franchisee leaves the site, they have the right of first refusal to take ownership. He made clear that they review all of the drawings and provide the architect with a complete prototypical set of drawings; he further stated that they want their buildings to last forever because they want Sadiq and his group to make as much money as possible for as long as possible.

Mr. Berg mentioned that he personally works for seven different national brands, with Dunkin Donuts being by far the "biggest stickler" when reviewing drawings. He believes they would never

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have discovered this. He commented that Corporate reviewed the plans and ensured that what was being built was a structurally sound structure that would last for many years. According to Mr. Berg, this is clearly an error that was overlooked by a few different people. Mr. Berg went on to say that this is not a "end-around" or "let's see what we can get by with" situation. He indicated that he has been with the company for 5 years and has known the Panjwani family for that entire time and that there is nothing here other than an honest mistake. He said he hopes that they can open this store as soon as possible.

Commissioner Bennett stated that he is in the business and understands the petitioner's situation. He reiterated that all he wants to know is what happened. Commissioner Bennett asked Mr. McKenna about the construction of the Dunkin Donuts at 106th and Cicero, whether it was block and brick or framing. Mr. McKenna responded that he does not know off the top of his head but that he thinks it is most likely dryvit on the outside and block underneath. The petitioner commented and said that location is stucco. He said it is a much older building, possibly 30-40 years old, but that he handled the remodel and that when he went through permitting for the remodel, he adhered to all Village standards. He went on to say the same for his store on 89th and Cicero. He said when he worked on the project at 89th and Cicero, it was an empty building that was converted into a Dunkin' Donuts. He expressed that they had never encountered an issue like this before and that this was an honest mistake. He said they are trying to find the best way forward that is financially feasible for them.

Commissioner Lundy commented on the store at 89th and Cicero and said that it is relatively new. The petitioner explained that that store was an existing shell that had been gutted from the inside and converted into a Dunkin' Donuts. Commissioner Lundy asked whether he used a wood frame on that store. The petitioner stated that he does not believe it was a wood frame but he is not certain. He said he would have to go back and review the drawings as he has completed a couple of projects since then. Commissioner Lundy asked the petitioner as a franchisee he is certain the petitioner has visited many municipalities and asked if he has ever encountered this situation before. Commissioner Lundy said he feels that the direction they are going is because it is cheaper material. He asked the petitioner if that is the case. The petitioner responded that they follow Village Codes and that if wood framing is permitted, they prefer it for cost and because it "lasts". He mentioned that his franchisee has been in business for over 30 years and that he has never had to demo a building. He mentioned that every ten years there are extensive remodels.

Commissioner Lundy said he agrees with Commissioner Bennett's comments and said it is mind-boggling to him that it's gotten this far. He said he believes it is a cost factor and that he is not claiming that anything was done but that he feels this is based on cost. Mr. Berg stated that it is a cost issue now, but it was not then. Commissioner Lundy asked how many franchises are made with steel. Mr. Berg responded that he works for various franchisees in ten states and almost none of the buildings are steel. Commissioner Lundy asked whether this was because of the Codes of the various municipalities. Mr. Berg replied no and said it is because it is not called out. He said there is an option. Mr. Berg went on to say that the majority of the buildings are single or two-tenant buildings and that larger commercial buildings may have different requirements.

Mr. Mohammed stated that the variance is not from steel to wood but rather from brick and block. Commissioner Moriarty clarified Commissioner Lundy's question saying that he meant how many franchisees' buildings are made entirely of masonry. According to Mr. Berg, the majority of the stores are wood frame rather than masonry. He went on to say that municipalities are generally concerned with the look of the building so they request brick, stone, EIFS, etc., but that they do not

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care how we get there only what they want it to look like. Mr. Mohammed explained that in this situation they used the brick veneer. Commissioner Moriarty said he is sure on the finishing schedule it was specific to the materials to be used, it was not concealed. Mr. Mohammed replied that is correct. He said brick veneer was stated on all the plans including when this went before the Architectural Review Commission. He indicated that the brick veneer was listed from when it was a 3-story building to when it came down to a one-story building.

Commissioner Piazza expressed that across the board there was a disconnect. He said this Board is only trying to understand. The petitioner replied that he does not feel it was a disconnect as there were multiple meetings and discussions. He said that multiple people missed this. He expressed that he has been very open with the Village.

Mr. McKenna mentioned his office is referring to this situation as the perfect storm. He said the architect, he, and the Plan Review all missed it. He stated that there are several people who are supposed to be looking for this. Mr. McKenna said this has been a six-year-long project. He went on to say that a number of staff members had several meetings about this. Mr. McKenna mentioned that he found an email he sent in 2016 to Jack Gallagher about the masonry but he does not know if Jack passed it on.

Commissioner Piazza expressed his understanding. He stated that this is an excellent location for a Dunkin Donuts. Mr. McKenna reminded the Board that the point of this Code is to keep out shoddy construction. He expressed that this building is not shoddy construction. He restated that it is a fire-safe, structurally sound, and visually appealing structure that he believes meets the Village's intent.

Commissioner Moriarty reminded the Board that the material type was noted on the plans. He pointed out that Mr. McKenna explained that it was an oversight that led to our current situation. Commissioner Lundy said that he wants this building to be located here but this sets a precedent. He referred to Commissioner Bennett's remarks about the Salon Suites building which was denied.

Mr. McKenna was asked by Commissioner Lundy how much of a commercial building has to be masonry. According to Mr. McKenna, it is 50% for residential and 100% for commercial. Commissioner Lundy asked what the masonry percentage is for this structure. Mr. McKenna replied that they are using a wood frame with a brick veneer face. He explained that our code prohibits the use of wood or metal framing in exterior walls. It should be brick and block or split face. He stated that they are using brick veneer, panels, and now stone.

Commissioner Lundy asked Mr. McKenna if this building has 0% masonry. Mr. McKenna replied, "No," and explained that the drawing shows brick veneer. Commissioner Lundy asked whether brick veneer was considered masonry. Mr. McKenna responded that it depends; he stated that it does not meet the letter of the law per the Code but that the average person would not know the difference from the outside. Mr. McKenna stated that you are looking at metal panels with the majority of the building being brick and stone. Commissioner Lundy said that this can be discussed later but that he believes our Code should be changed. He said it is supposed to be 100% masonry and that brick veneer is a vague definition.

Mr. McKenna responded that the code does not require it to be masonry. He explains that the code disallows the use of frame construction in masonry walls. Commissioner Moriarty reminded Commissioner Lundy that we want this language in the Code so that we can have some say over what is built in our community. Commissioner Lundy stated that 100% appears to be a large

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number. Mr. McKenna responded once more that the Code does not require 100% masonry. Commissioner Lundy asked Mr. McKenna to define the code. Mr. McKenna responded that the Code requires exterior walls in Zoning Districts other than R-1 and R-2 to be constructed of materials other than metal, wood, and so on, with no frame construction. He explained that this variance is about frame construction. Commissioner Lundy asked if there is a percentage listed as there is for residential construction. Mr. McKenna responded that the Code does not specify a percentage for commercial buildings unlike residential houses which have a 50% masonry requirement.

***A motion was made by Commissioner Piazza to approve Pet. #2022-2 – Request for variation of building material in a C-1 zoned district at 9500 South 50<sup>th</sup> Court, Amin Panjwani, Petitioner. The motion was seconded by Commissioner Bennett.***

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

Motion to approve passes: 7-0.

**VI. OTHER BUSINESS:**

A.) Chairman: *None.*

B.) Members:

Commissioner Lundy said this is the third meeting on the masonry topic. He stated that this is somewhat ambiguous to him. He said he feels that you get franchises that come in and we approve their petitions but a small independent person is denied. Mr. McKenna responded that this all occurred during the phase when the Plan Review hired a new person and Kevin McGuinness left. Commissioner Lundy said he understands but he recalls Commissioner Bennett's friend who was denied and believes that that could have been a great business. Mr. McKenna responded that while the petition was denied here, the Board of Trustees approved it.

Commissioner Lundy went on to say that the Dunkin Donuts petition was initially denied by this Board but later approved by the Board of Trustees. Commissioner Moriarty said the parking variation was denied by this board. Mr. McKenna said this project has been before this Board five different times and the scope of the plan has changed all those times. Mr. McKenna said as he looks back, this Board denied the 3-story building but the one-story building was approved by this Board.

Commissioner Lundy said that he is more of a numbers guy and that if the Code specified a percentage it would make more sense. Mr. McKenna remarked that as he previously stated this Code dates back more than 40 years. He said it does not specify a percentage. He asked how we would calculate a percentage? He asked what if someone wanted brick and block rather than brick veneer. He said today a lot of construction is brick veneer but that things change. He asked would we consider the stone to be masonry or not? Would we count the permitted metal panels? Mr. McKenna said he never really liked the way the Code was written. He said when he sat down recently to redo it, as he was asked to look at the Code to see what might need to be changed, he discovered that there is not much he would change. He explained that he will keep the basic portion and add a couple of things. He stated that he is not going to include a percentage because that is not

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what we're looking for and it is too difficult to calculate. He said he will make a list of what we do *not* want in our community. Mr. McKenna reminded the Board that a builder can construct a structure that appears to be 100% masonry from the outside but is actually frame construction. He said again that things change. He went on to point out what the petitioner's architect mentioned, that the energy efficiency code requires some framing on the inside for insulation. Commissioner Lundy said he gets it and appreciates the information but he believes these franchisees have 40-50 Dunkin stores throughout Chicago. Commissioner Lundy stated that they knew they were saving money. He said he does not like to see someone taking advantage of Oak Lawn. Commissioner Moriarty said the petitioners did include the dollar amount that they were saving. Commissioner Lundy said he knows these people and that they know what they are doing. Commissioner Moriarty said he feels that they are not attempting to hide anything. Commissioner Moriarty reiterated that they listed financial hardship and that it would be different if they listed something else.

C.) *None.*

**VII. ADJOURNMENT:**

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

Voice vote: All in favor, aye.

Motion to adjourn passes.

The meeting adjourned at 8:15 p.m.