

Village of Justice

Zoning & Planning Commission

Minutes of Monthly Meeting

April 24th, 2007

CALL TO ORDER:

Meeting was called to order at 7:00 P.M. by Chairman John Bruce.

ROLL CALL:

Roll call was taken. Present at the meeting were Henry Oszakiewski, Ed Figura, Jeffrey Allen, George Heslop, Jack Kennedy and Chairman John Bruce. Also present at the meeting was Attorney Paula Wallin and Secretary Julie Field. Excused from the meeting was Jim Brock.

READING & APPROVAL OF MINUTES FROM PREVIOUS MEETING:

Mr. Bruce asked everyone to review the minutes from the March 27th, 2007 meeting and note any corrections.

Mr. Bruce noted that the "absent" noted on page one under the Roll Call section should be changed to "excused".

Attorney Wallin noted a typo on page two in the first paragraph under the Discussion section. The word "my" should be changed to "by".

Mr. Bruce indicated that the name and address on page #3 under the Voices from the Floor section should be Gregory Klein of 6656 West Schreiber Avenue, Chicago, IL.

Mr. Oszakiewski pointed out that we should indicate, on page two, that the Building Department "has" a copy of the BOCA code, in lieu of "should have".

Mr. Shilka interjected that we should also use the appropriate name for the BOCA code as it is now called the ICC Codes.

Mr. Bruce entertains a **MOTION** to approve the Meeting Minutes as amended from the March 27th, 2007 meeting.

MOTION:

Mr. Kennedy **SO MOVES**

SECOND: Mr. Allen

VOTE: All Ayes

REPORTS

Mr. Bruce indicated that there was nothing new to discuss regarding Case Law, Procedures for Non-Conforming Use or the Conceptual Comprehensive Plan.

PETITION # 2006-06 Sebastian Jachymiak/Technicraft

Mr. Bruce indicated that Petition #2006-06 is directly related to Petition #2007-03 and entertains a **MOTION** to table the discussion of Petition #2006-06 until Petition #2007-03 is reviewed.

MOTION:

Mr. Kennedy **SO MOVES**

SECOND: Mr. Oszakiewski

VOTE: All Ayes

PETITION #2007-01 – Robert Wida – 7740 Banks

Attorney Wallin read the public notice as published on April 7th, 2007 in the Daily Southtown.

Mr. Bruce indicated that Mr. Wida was not present to answer any questions regarding the petition and entertains a **MOTION** to table Petition #2007-01 until the next meeting.

MOTION:

Mr. Figura **SO MOVES**

SECOND: Mr. Kennedy

VOTE: All Ayes

PETITION #2007-02 – Nancy Johnson – 8950 W. 84th Place

Attorney Wallin read the public notice as published on April 7th, 2007 in the Daily Southtown.

Attorney Wallin swore in the Petitioner Nancy Johnson and her son Jeffrey Scot Johnson.

Mr. Bruce asked the Petitioner to explain the purpose of the petition.

Ms. Johnson indicated that she would like to sub-divide one lot into two and construct two single-family homes, one on each lot.

Mr. Bruce asked the Petitioner if the correct lot size was 154.58 by 132 deep.

Ms. Johnson affirmed this.

Mr. Bruce asked the Petitioner if the homes would still have an 84th Street address.

Ms. Johnson indicated that they would.

Mr. Oszakiewski asked if the Petitioner had determined if there were any drainage problems with the property.

Mr. Johnson indicated that there were not any drainage problems to their knowledge.

Mr. Shilka indicated that Concord Homes has installed a drainage system close to this property.

Ms. Johnson told the Zoning Board that the home that currently sits on this property would be torn down but that the Fire Department would first use it for a "smoke test".

Mr. Bruce questioned as to whether or not the house and garage would remain during construction.

Ms. Johnson said that it was their intention to leave these two structures up during part of the construction.

Mr. Bruce raised the issue that a bond may be necessary as a result of leaving the structures standing.

Mr. Shilka indicated that they did not need to be bonded, as the home and garage would be vacant during construction.

Mr. Oszakiewski wanted to verify that the lot was currently zoned R1 and that it would remain zoned as a R1.

Mr. Bruce confirmed this.

VOICES FROM THE FLOOR (OPENED AT 7:26 P.M.)

No neighboring resident was present at the meeting to question or challenge this petition.

VOICED FROM THE FLOOR (CLOSED AT 7:26PM)

Mr. Bruce entertains a **MOTION** to approve Petition #2007-02.

MOTION:

Mr. Figura **SO MOVES**

SECOND: Mr. Allen

VOTE: All Ayes

AMEND MOTION

Mr. Bruce indicated that he would like to amend his **MOTION** to approve Petition #2007-02 to include that issues with curbs, gutters and sidewalks and ADA would be determined by the Village Engineers' recommendations.

Mr. Figura indicated that he would like to amend his "SO MOVES" MOTION to reflect Mr. Bruce's amendment

Mr. Allen also indicated that he would like to amend his "SECOND" MOTION to reflect Mr. Figura's amendment.

VOTE: All Ayes

PETITION #2007-03 Village of Justice – Grandfathering Businesses

Attorney Wallin read the public notice as published on April 7th, 2007 in the Daily Southtown.

Mr. Bruce explained that the purpose of this petition was to recommend whether or not to grandfather in District Auto and Technicraft to B1 zoning. He went on to indicate that the current ordinance was only good for 10 years.

Mr. Oszakiewski asked if there were 6 remaining years left from the original ordinance.

Mr. Bruce answered yes.

Mr. Bruce said that this was becoming an issue now because Technicraft is looking to expand.

Mr. Shilka confirmed this by indicating that Technicraft was looking to tear down the pet store and single family home located next door to them and put on a 2-story addition.

Mr. Figura asked Mr. Bruce if we would be grandfathering both business in.

Mr. Bruce indicated that if one business was grandfathered in, that all would be grandfathered – the Village cannot single out one business.

Attorney Wallin indicated that by grandfathering these business in, it would keep the business under the Zoning Code of B1.

Mr. Figura argued that we should not discourage business in the Village and that if we do not grandfather these businesses within the next 6 years that we would lose them.

Mr. Bruce wanted to know what would happen to the original ordinance if we decided to grandfather these businesses.

Attorney Wallin indicated that the Board would have to act on the Zoning Board's recommendation. The 2003 ordinance would have to be voided in the newly created ordinance if the Board opted to act.

Mr. Allen asked if Junkyards were allowed to operate in the Village.

Mr. Bruce indicated that there was a dilemma at this point; Technicraft does not fall under the category of "Junkyard" but District Auto does.

Mr. Figura questioned as to whether or not we could regulate the number of cars District Auto has on their property.

Mr. Bruce indicated that we could not.

Mr. Bruce asked Mr. Shilka if there would be any issues with adding a mandate to how and where cars are stored.

Mr. Shilka indicated that this was possible and that certain items such as proper drainage could be addressed.

Mr. Bruce asked if we could mandate catch basins for these properties.

Mr. Shilka specified that we could not because it would be up to the owner's land engineers.

Mr. Oszakiewski pointed out that it might be a good idea to have the owners of these two businesses present to answer questions.

Mr. Bruce indicated that both parties knew that this item was to be discussed tonight and that neither one showed up to the meeting.

Mr. Kennedy wanted to know why we were choosing this particular time to revisit this item.

Attorney Wallin said that the Village Board chose to revisit this item because Technicraft was requesting to be rezoned to I1.

Mr. Shilka inquired as to whether or not Technicraft could request to be annexed into Bridgeview.

Attorney Wallin confirmed that this was a possibility.

Mr. Shilka went on to point out that the Village could not afford to lose Technicraft.

Mr. Bruce argued that there were some ethical decisions that needed to be made; one being the safety to surrounding property owners.

Mr. Heslop stated that he felt this was being rushed into and that more time was necessary.

Mr. Bruce emphasized that before the Village hears Technicraft's Petition, it chose to review the 2003 ordinance on this issue.

Attorney Wallin stated that for the record, the hearing of Technicraft's petition has been postponed at the Petitioner's request.

Mr. Oszakiewski wanted to know that if and when the business is sold, can the new owners continue to operate the current business?

Mr. Bruce indicated that they could under B1 code.

Mr. Oszakiewski asked whether or not it would always remain as the same business.

Mr. Bruce indicated that it was not necessarily the case. They could operate any B1 business.

Mr. Oszakiewski asked what would happen if the Village agreed to rezone all of the property to B1 as long as the qualifications were met but the owner did not comply.

Mr. Bruce indicated that the business license would not be renewed and they would not be allowed to continue to conduct business in the Village.

Mr. Figura pointed out that Technicraft is currently "updating" but wanted to know if District Auto had the ability to expand.

Mr. Shilka indicated that it was indeed possible for District Auto to expand.

Mr. Kennedy wanted to know if District Auto had ever been in violation and cited for anything.

Mr. Shilka indicated that District Auto was cited at least once a year for some kind of violation.

Mr. Kennedy asked what gave the Village the right to go before these business owners and ultimately give them an ultimatum.

Mr. Shilka indicated that this is not what was happening. We would just be providing them with the option to grandfathered in or allow them to stay with the current ordinance.

Mr. Bruce wanted ideas for the rules that needed to be stipulated for the new ordinance.

Mr. Shilka indicated that we should require an 8' privacy fence and a hard surface for parking lot with appropriate drainage.

Mr. Oszakiewski asked if we should require that the Village see the EPA stamp prior to approval.

Mr. Shilka noted that the Owner's land engineer would deal with the drainage issues on each individual property and that the Village would receive letters from the EPA and MWRD.

Mr. Oszakiewski added that the issue of ingress/regress should be addressed.

Mr. Shilka said that this issue would be taken care of by the new sidewalk project being headed by the State.

Mr. Oszakiewski asked if either of these businesses owed "back" money to the Village.

Mr. Shilka indicated that he did not know.

Mr. Oszakiewski went on to say that there should be stipulation in the new ordinance indicating that all financing be up to date with the Village prior to grandfathering.

Attorney Wallin indicated that this issue was covered under business license renewals.

Mr. Shilka proposed that the Village require these businesses to consolidate all of their property to B1.

Attorney Wallin stated that she did not believe that the Village could legally require the consolidation of these properties.

Mr. Kennedy expressed that he felt like this was an injustice to District Auto as they were not looking to expand as Technicraft was.

Attorney Wallin indicated that this was not the case. Both businesses currently have residential property that would need to be rezoned to B1

Mr. Kennedy inquired as to whether or not this issue was being addressed solely for the benefit of Technicraft and their desire to expand.

Mr. Bruce indicated that this was true.

Mr. Shilka agreed.

Mr. Oszakiewski pointed out that there were 6 years left on the current ordinance. He asked who was putting this Petition before the Zoning Board.

Mr. Bruce indicated that the Village Board submitted this Petition to the Zoning Board.

Mr. Oszakiewski expressed his desire to wait for the new Board to take office before this issue was discussed any further so that their opinions could be taken into account.

Attorney Wallin said that only the Petitioner could request an extension on a Petition and that the Zoning Board did not have the legal right to postpone any Petition., however this is a public hearing not a Zoning Petition hearing.

Mr. Oszakiewski asked if it was acceptable to bring a Petition before the Board without the Petitioner being present.

Attorney Walling indicated that the Board has made recommendations in the past without the Petitioner's presence.

Mr. Allen stated that the Board should be allowed to have more time to deliberate and think about what items the ordinance should include.

Mr. Kennedy added that someone from the Village Board should be present.

Mr. Heslop concurred with Mr. Kennedy that someone from the Village Board should be present because no one was available to answer questions regarding the petition.

Attorney Wallin noted that due to the failure of the Petitioner to appear that there may be insufficient information available for the Zoning Board to make any recommendations.

Mr. Bruce entertains a MOTION to not make any recommendations on the Petition due to lack of information and non-availability of the Petitioner to answer questions.

MOTION:

Mr. Heslop SO MOVES

SECOND: Mr. Kennedy

VOTE: Mr. Bruce – NO. Mr. Oszakiewski, Mr. Figura, Mr. Allen, Mr. Heslop and Mr. Kennedy – YES.

PETITION #2007-01 – Robert Wida – 7740 Banks

The Petitioner was now present for Petition #2007-01.

Mr. Bruce entertains a MOTION to rescind the previous motion made earlier in the evening to postpone the hearing of the Petition until the May 22nd meeting.

MOTION:

Mr. Figura SO MOVES

SECOND: Mr. Kennedy

VOTE: All Ayes

Attorney Wallin swore in the Petitioner, Robert Wida.

Mr. Bruce indicated that the Public Notice was read aloud earlier in the evening.

Mr. Bruce asked Mr. Wida if he had posted the necessary public notices and/or sent letters to the surrounding residence informing them of the situation.

Mr. Wida indicated that he had not.

Mr. Bruce told Mr. Wida that he must inform the surrounding neighbors within 250' of the property and bring in the certified mail receipts as proof that these property owners were informed.

Attorney Walling indicated that due to the fact that the petitioner was requesting variances, the proceedings could not move forward due to the fact that the required public notices were not posted/sent.

Mr. Bruce asked Mr. Wida if he would like a continuance so that he could have more time to post and send out the required notices.

Mr. Wida indicated that he would like a continuance.

Mr. Bruce entertains a MOTION to table Petition #2007-01 until the next meeting at the request of the Petitioner.

MOTION:

Mr. Figura SO MOVES

SECOND: Mr. Oszakiewski

VOTE: All Ayes

VOICES FROM THE FLOOR (OPENED AT 8:58 P.M.)

No voices from the floor.

VOICES FROM THE FLOOR (CLOSED AT 8:58 P.M.)

The next meeting is scheduled for May 22nd, 2007 at 7:00 P.M.

Mr. Bruce entertains a **MOTION** to adjourn the meeting.

MOTION:

Mr. Kennedy **SO MOVES**

SECOND: Mr. Allen

VOTE: All Ayes

Meeting adjourned at 9:00 P.M.

Respectfully Submitted

Julie Field, Secretary

John W. Bruce

John W. Bruce, Chairman