

Village of Justice

Zoning & Planning Commission

Minutes of Monthly Meeting

May 22nd, 2007

CALL TO ORDER:

Meeting was called to order at 7:05 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, Jim Brock and Chairman John Bruce. Also present at the meeting was Attorney Paula Wallin and Secretary Julie Field. Excused from the meeting was Jack Kennedy.

READING & APPROVAL OF MINUTES FROM PREVIOUS MEETING:

Mr. Bruce asked everyone to review the minutes from the April 24th, 2007 meeting and note any corrections.

Mr. Bruce tabled the minutes until after the review of the F&R for Petition #2007-02.

REVIEW OF F&R for

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

Mr. Bruce asked if page number 2, item #7 of the F&R needed to be modified to indicate both sides of corner lot.

Attorney Wallin said that this was not necessary because the Village Engineer had the final say.

Attorney Wallin asked how Nancy Johnson and Jeffrey Johnson were related to the trust.

Mr. Bruce indicated that he was under the assumption that the property is pending sale.

Attorney Wallin pointed out that the seller was not the petitioner and that the F&R needed to be updated to reflect such.

Mr. Heslop asked if the house was still standing.

Mr. Bruce indicated that it was and will remain erect for the duration of the construction.

Mr. Bruce entertains a **MOTION** to accept the F&R as amended for Petition #2007-02.

MOTION:

Mr. Oszakiewski **SO MOVES**

SECOND: Mr. Figura

VOTE: All Ayes

READING & APPROVAL OF MINUTES FROM PREVIOUS MEETING:

Attorney Wallin had several changes that needed to be made to the Minutes from April 24, 2007. They are as follows:

1. Page # 5 – Edit line 2 by deleting “them under the current usage” and replace with “it would keep them under the Zoning Code of B1.”
2. Page # 5 – Delete “and create a new ordinance” on line 10.
3. Page # 5 – Add “if the Board opted to act” at the end of line 11.
4. Page # 6 – Delete “we had” on line 1 and insert “the Board chose”
5. Page # 6 – Typo on line 6. Replace “in” with “on”.
6. Page # 6 – Delete “in order” from line 11 and insert “before the Village”.
7. Page # 6 – Typo on line 11. Replace “hear” with “hears”.
8. Page # 6 – Delete “, we would need to qualify this ordinance” and replace it with “it chose to review the 2003 Ordinance on this issue”.
9. Page # 6 – Typo on line 16. Replace “.” with “?”.
10. Page # 8 – Add “however this is a public hearing not a Zoning Petition hearing” at the end of line 18.

Mr. Oszakiewski noted a typo on page # 5, line 26. It should read “businesses”, not “business”.

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

PETITION # 2006-06 Sebastian Jachymiak/Technicraft

Mr. Bruce indicated that the Petitioner has asked for a continuance until the next Zoning Board Meeting therefore entertaining a **MOTION** to table the discussion of Petition #2006-06 until the next meeting.

MOTION:

Mr. Brock **SO MOVES**

SECOND: Mr. Figura

VOTE: All Ayes

PETITION #2007-01 – Robert Wida – 7740 Banks

Attorney Wallin indicated that the Petition had been previously sworn in and the April 24th, 2007 meeting.

Mr. Bruce asked the Petitioner if he had brought all of the necessary documentation with him.

Mr. Wida indicated that he did.

Attorney Wallin asked Mr. Wida if he had a list of the property owners/residence that was used for the public notice.

Mr. Wida indicated that he did but that he did not have it with him.

Attorney Wallin pointed out that the mailings and attachments provided by Mr. Wida would be added to the Petition as Exhibit "B".

Mr. Bruce asked Mr. Wida to explain the purpose of his petition.

Mr. Wida explained that he wanted to subdivide 1 lot into 2 and put up two (2) new single family homes.

Mr. Bruce added that he didn't believe that footage would be an issue.

Mr. Bruce went on to ask if there were any drainage issues with the property.

Attorney Wallin swore in Phil DePaola.

Mr. DePaola said that the height of the foundation could create drainage problems for the residences directly behind the property but that the Petitioner had agreed to pay for the materials so that the Public Works department could perform the work necessary to correct the problem. He went on to ask why the Public Works department was performing such work.

Trustee Kranig told Mr. DePaola that this would be discussed and handled by the Village Board.

Attorney Wallin asked if there were any variances being requested with this Petition.

Mr. Bruce confirmed that a variance was needed for the frontage of each lot.

Mr. Bruce also pointed out that the improvements being made by the Petition to the drainage would offer improvement to the adjacent property owners.

Mr. Oszakiewski asked if the property was currently zoned R-2.

Mr. Bruce indicated that is currently an R-2 but if the Petition was approved, it would be down-zoned to R-1.

Mr. Oszakiewski asked if this needed to be noted in the Public Notice, as it was not currently indicated.

Attorney Wallin said that it had to be noted as Statute requires such.

VOICES FROM THE FLOOR (Opened at 7:43 P.M.)

Ms. Laverne Haff and Loraine Neumann of 7741 Banks expressed their concern about the type of homes that will be built on these properties. They wanted to make sure that they would “blend in” with the current aesthetics of the community.

Mr. Bruce told Ms. Haff and Ms. Neumann that the Petitioner was building single family homes and that there was no need to be alarmed.

VOICES FROM THE FLOOR (Closed at 7:51 P.M.)

Attorney Wallin asked Mr. Bruce how he wanted to show the variations.

Mr. Bruce asked Mr. Wida if he was willing to amend his Petition to show the rezoning of the property from R-2 to R-1.

Mr. Wida said yes.

Mr. Heslop asked if a 65’ frontage was required for such a lot.

Mr. Bruce indicated that this was true but because of the circumstances and the improvement to drainage, it would be to the Village’s benefit to allow the variance.

Mr. Bruce went on to indicate that the lot depth and square footage was sufficient, the Petitioner had amended his petition to show the rezoning of the property and that the current structures would be demolished.

Mr. Oszakiewski added that the other variance would be for the ADA, curbs, gutters and sidewalks.

Mr. Bruce noted this and indicated that they are standard.

Mr. Bruce entertains a **MOTION** to subdivide the property commonly known as 7740 Banks into 2 lots, rezone both lots from R-2 to R-1, include a variance of 1.75" to the frontage for each lot with standard ADA, curbs, gutters and sidewalks for each lot along with the Village Engineer's recommendations.

MOTION:

Mr. Oszakiewski **SO MOVES**

SECOND: Mr. Figura

VOTE: All Ayes

PETITION #2007-03 Village of Justice – Grandfathering Businesses

Representing the Village Board was Trustee Kranig. He noted that there was a Committee meeting scheduled for May 23rd, 2007 in which the Board would discuss having both Technicraft and District Auto "clean-up" their act and keeping the B1 Zoning Code.

Attorney Wallin pointed out that there needed to be some recommendation from the Zoning Board regarding Petition #2007-03 and that some items should be discussed tonight so that a recommendation could be given to the Village Board.

Mr. Figura reminded everyone that items for this Petition were discussed in previous meetings and that we should give our recommendation to keep these properties & business zoned B-1.

Attorney Wallin indicated that the Zoning Board needed to outline specific zoning issues to be submitted with the recommendation.

Mr. Bruce outlined the items that had been discussed at the previous meeting. They are:

1. All existing property used by the businesses must be rezoned to B-1.
2. External storage must be on hard, non-permeable surfaces.
3. Ingress/regress must conform to Village Code.
4. Parkway may not be used as parking.
5. Rear of property must be appropriately fenced (NO RAZORWIRE).
6. Proper drainage is required for the property.

Attorney Wallin reiterated these items for recommendation to the Village Board.

Mr. Bruce asked how long these businesses would have to conform to the new ordinance.

Attorney Wallin said that they would have to immediately conform.

Mr. Oszakiewski asked if any portion of the property used for the business would be rezoned B-1.

Mr. Figura interjected that each address the business has should be required to obtain a business license.

Mr. Bruce asked Attorney Wallin were the Village code stands on this issue.

Attorney Wallin indicated that Village Code states that if one business has multiple properties they are only required to have 1 license.

Mr. Bruce went on to add that we did not we wanted to allow these business to expand in regards to property size.

Attorney Wallin added another item to the recommendation stating that no new property could be obtained and that all new Auto Body businesses would need to be located in I-1 property.

Attorney Wallin once again outlined the recommendations that would be given to the Village Board:

1. All existing property used by the businesses must be rezoned to B1.
2. External storage must be hard, non-permeable surfaces.
3. Ingress/regress must conform to Village code.
4. Parkway cannot be used as parking.
5. Rear of property must be appropriately fenced.
6. Proper drainage is required for the property.
7. No new property could be obtained.
8. All new Auto Body business would need to be located in an I-1 District.
9. Enforcement of all current codes and ordinances would apply.

Mr. Bruce entertains a **MOTION** to approve the recommendations as stated by Attorney Wallin.

MOTION:

Mr. Figura **SO MOVES**

SECOND: Mr. Allen

VOTE: All Ayes

The next meeting is scheduled for June 26th, 2007 at 7:00 P.M.

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

MOTION:

Mr. Brock **SO MOVES**

SECOND: Mr. Heslop

VOTE: All Ayes

Meeting adjourned at 9:00 P.M.

Respectfully Submitted

Julie Field, Secretary

John W. Bruce

John W. Bruce, Chairman