

**ZONING BOARD OF APPEALS**  
**MINUTES OF FEBRUARY 8, 2012 – 7:00 P.M.**

1. The regularly scheduled meeting of the Zoning Board of Appeals was called to order at 7:00 p.m.
2. A quorum was present. Marzena Szubart, Kathy Mennella, Aaron Jimenez, Gil Snyder, Bruce Boreson and Frank Grieshamer, Lisa Manzo (Secretary), Village Attorney Kevin Sterk, Jeff Eder (Dir. Of Community Development) and Patrick Ainsworth (Planner). Absent: Chairman Mark Cwik.

Due to the absence of Chairman Mark Cwik, Frank Grieshamer became Acting Chairman for the evening.

3. Member Mennella made a motion to accept the minutes of January 11, 2012. The motion was seconded by Member Boreson and approved to place them on file as presented.
4. New Business: ZBA 12-02  
D & D Stone, Inc – Dajan Jovancevic  
10125 Pacific Avenue  
12-21-311-049-0000

Acting Chair Grieshamer stated that this hearing is for a Conditional Use for a contractor yard and office for a granite and marble fabricator in the CM, Commercial Manufacturing District per Section 9-5D-3 of the Franklin Park Zoning Code.

Acting Chair Grieshamer called the petitioner up at this time. He asked if he can sign in and be sworn in. Mr. Dajan “Dan” Jovancevic, petitioner, came forward. He signed in and was sworn in.

Member Mennella made a motion to enter in all the department reports, packets and answers to the standards into the record. Member Snyder seconded the motion. All in favor. The motion was carried.

Acting Chair Grieshamer asked how many employees there will be; the hours of operation and how many years he has been in this business. Mr. Jovancevic responded that there will be three (3) employees, the hours will run from 8:00 a.m. to 5:00 p.m. and will be from Monday through Friday. He further responded that he has been in this business for six (6) years.

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Acting Chair Grieshamer asked if he is leasing the property. Mr. Jovancevic stated that he is purchasing the property. Acting Chair further asked if there will be a showroom at the site. Mr. Jovancevic stated that there will not be a showroom.

Acting Chair Grieshamer continued to ask if all work will take place inside the building and where will any “scraps” be stored. Mr. Jovancevic stated that all work will take place inside the building as well as any scraps, until it is disposed of. He continued that all storage will be inside as well. Mr. Jovancevic stated that there will be one (1) vehicle on the premises.

Member Boreson asked about exterior lighting. Mr. Jovancevic stated that there is exterior lighting; however, it is not functioning. He continued that there are other violations that need to be remedied as well.

Acting Chair Grieshamer asked if it would be a problem if the petitioner would make the rear fence private. Mr. Jovancevic stated that he doesn't have a problem with that.

Acting Chair Grieshamer informed the petitioner that the parking spaces located in front of the building is Village property.

Acting Chair Grieshamer asked if there are going to be any changes to the building. Mr. Jovancevic stated that there will be no major changes to the exterior of the building; however, he will have two (2) dust collectors inside the building and will make the proper modifications to the interior.

Member Snyder asked if the building is sprinkled. Mr. Jovancevic stated that he wasn't sure.

Acting Chairman Grieshamer opened this hearing to the public at this time. Since no members of the public came forward, Acting Chair closed this hearing to the public.

Board Discussion began at 7:12 p.m.

The members discussed various issues and mentioned that the rear fence should have proper screening.

The members also discussed storage issues, employee parking and the fact that there would not be a showroom on the premises.

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Board Discussion ended at 7:14 p.m.

Acting Chairman Grieshamer re-called the petitioner forward and asked where the dumpster will be stored at this location. Mr. Jovancevic stated that it will be stored inside the building.

Member Boreson made a motion to “approve ZBA 12-02 for the property located at 10125 Pacific Avenue, for a Conditional Use for a contractor yard and office for a granite and marble fabricator in the CM, Commercial Manufacturing District per Section 9-5D-3 of the Franklin Park Zoning Code with the following conditions: storage inside for all debris, parking for employees shall be on the property and there will be no showroom.” Member Mennella seconded the motion. Roll Call Vote. Member Szubart-Yes; Member Mennella-Yes; Member Boreson-Yes; Member Grieshamer-Yes; Member Snyder-Yes; Member Jimenez-Yes. Six (6) Ayes, Zero (0) Nays, One (1) Absent, Zero (0) Abstain. The motion was carried.

Acting Chairman Grieshamer reminded the applicant that this is a recommending body and all final decisions will be made by the Village Board of Trustees.

Acting Chairman Grieshamer thanked everyone for attending this evening.

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### 5. New Business: ZBA 12-01

Anthem Excavation & Demolition, Inc.  
Dan and Elizabeth Bos  
10211 Franklin Avenue  
12-21-317-006, 007-0000

Acting Chairman Grieshamer stated that this hearing is for a Conditional Use in the CM Commercial Manufacturing District for a contractor and construction yard and office per Section 9-5D-3 of the Franklin Park Zoning Code.

Acting Chair Grieshamer called the petitioner(s) up at this time. He asked if they can sign in and be sworn in. Mr. Dan Bos and Mrs. Elizabeth Bos, owners of the company and petitioners, came forward. They signed in and were sworn in.

Member Mennella made a motion to enter in all the department reports, packets and answers to the standards into the record. Member Snyder seconded the motion. All in favor. The motion was carried.

Acting Chairman Grieshamer asked if the petitioners are planning to purchase the property. Mr. Bos stated that he is intending to purchase the property.

Acting Chair asked what exactly the type of structure on the property is at this time. Mr. Bos stated that it is a car port or lean to. He continued that he runs an excavation and demolition company.

Acting Chair Grieshamer seemed concerned as how an office can be run out of a space of this nature, considering that there is no building on the property. Mr. Eder stated that under the code, the proper designate for his hearing is “contractor yard and office”, and since there is no technical “office”, it should be treated as a contractor’s yard. Mr. Eder also stated that “portable toilets” are not allowed under the code as a permanent structure.

Mr. Bos stated that he wants the property to use as storage for his equipment and vehicles. He continued that there are no utilities on the property currently; there is no electric, water or sewer. Mr. Bos stated that he would entertain an office on site; however, there are no plans or blue prints at this time. He continued that he did plan on having a “port o potty” on the site for his guys (employees) to use.

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Mr. Bos stated that he is also planning to install an above ground fuel tank that will house 300 gallons for fuel.

Acting Chairman Grieshamer asked if the property is paved. Mr. Bos stated that most of the property is unpaved.

Acting Chair asked what the petitioner's intentions are for the property. Mr. Bos stated that he would like to dump excess materials in the yard, especially in cases of an emergency.

Acting Chair asked what the hours of operation will be. Mr. Bos stated "normal business hours", Monday through Friday from approximately 7:00 a.m. to 4:00 p.m. He continued that there may be a time where there is an emergency, where he will dump late at night, and that only happens one (1) to two (2) times a year.

Acting Chair asked if he will be storing any materials on site. Mr. Bos stated that he may store gravel on site for jobs.

Member Boreson asked what kinds of machinery he intends to use. Mr. Bos explained the types of equipment and machinery he uses. Member Boreson asked what would be the use for the fuel tank on site. Mr. Bos stated, it would be to fuel up the service trucks.

Acting Chair asked what types of demolition is conducted by this business. Mr. Bos stated that they demo small buildings. He continued that everything gets recycled and the materials are sorted on the job site and then sent out to the appropriate places. Materials are not brought back to the Franklin Park job site to be sorted.

Member Boreson asked about his employees on the Franklin Park site; what would they be doing on the site. Mr. Bos stated that employees will be doing light preventative maintenance on the company vehicles (changing tires, oil changes, etc). Member Boreson asked how many employees he would have doing this. Mr. Bos stated four (4). Acting Chair asked what their roles are. Mr. Bos stated that one will be on site, one will go to a job site; everyone has a different role.

The members discussed that the entire lot would have to be paved if trucks and driving on the pavement around the lot and materials are being dumped on site. Mr. Eder stated that it is according to code that it be paved.

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The members discussed the location of the fuel tank and what the requirements are for having it put there on site. Mr. Eder stated that the petitioners would have to meet all local and state requirements for this.

Acting Chairman Grieshamer opened this hearing to the public at this time. Since no members of the public came forward, Acting Chair closed this hearing to the public.

Board Discussion began at 7:33 p.m.

Member Boreson questioned that there are no plumbing facilities on site. Acting Chair Grieshamer is concerned if the petitioner will be dumping materials late in the evening through no fault of his own, it just may be that there is an emergency.

The members discussed at length the fence to the rear of the property that should be solid in nature; they discussed the eight (8) foot blocks potentially being erected behind the fence; they discussed that any lighting erected can't go beyond the property line; they talked about the fuel tank; and that the properties ground be a hard surface to accommodate the vehicles and dumping.

The members discussed the type of hearing this evening for this petitioner, "contractor yard and office". Mr. Eder explained this definition to the members and what it entails.

The members had more questions for the petitioner at this time, so they ended Board Discussion to go back into public session.

Board Discussion ended at 7:51 p.m.

Acting Chairman Grieshamer re-called the petitioners up at this time. Acting Chair asked Mr. Bos about the utility pole in the center of the property. Mr. Bos stated that there is a pole that is not connected to anything; his intentions are to move the pole to the side of the property and erect lighting on it to shine onto his property.

Acting Chairman asked approximately how much of the rear area of the lot is paved. Mr. Bos stated that the area under the car port is paved and a portion of concrete located in lot six (6) is paved, the rest of the lot is gravel. Mr. Bos was considering paving half of the lot to protect the material; he feels his equipment would "tear up" the pavement if it was paved.

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Mr. Bos stated for the record that he doesn't want to dump in the middle of the night; that is not his intention. He continued that there are times where there may be an emergency situation.

Board Discussion began at 7:59 p.m.

The members discussed the time limit for the storage of materials on the lot to ensure that the loads are property dumped in a timely manner.

The members discussed placing conditions on this conditional use in regard to the gravel lot being paved with a hard surface, that all company vehicles and employees park on site, that any debris on the property be stored no longer than five (5) days, that there be an eight (8) foot solid/screened fence with an eight (8) foot barrier; any exterior lighting that is installed must follow Village Code, that there be no portable toilet facilities on site, that all debris be stored on a hard surface and the lot needs to be paved for this use.

The members discussed the issue of how preventative maintenance can be performed on vehicles with no plumbing, no triple basin, and no building. Attorney Sterk stated that according to the code, servicing on vehicles must be done in an enclosed building.

Mr. Eder stated that a portable toilet can not be used in replace of permanent plumbing facilities. Portable toilets are used for construction sites.

Board Discussion ended at 8:12 p.m.

Member Boreson made a motion to "approve ZBA 12-01 for the property located at 10211 Franklin Avenue, for a Conditional Use in the CM Commercial Manufacturing District for a contractor and construction yard and office per Section 9-5D-3 of the Franklin Park Zoning Code with the following conditions: that all equipment and company vehicles be parked on a paved surface on site, must comply with the Franklin Park Fire Department regarding the storage and operation of the exterior fuel storage tank, all maintenance will be according to the code of the Village of Franklin Park, all storage debris in an emergency basis will be allowed for only five (5) days, there will be an eight (8) foot solid fence along with an eight (8) foot barrier, no portable toilets, the lot is required to be paved for this use." Member Mennella seconded the motion. Roll Call Vote. Member Szubart-Yes; Member Mennella-Yes; Member Boreson-Yes; Member Grieshamer-Yes; Member Snyder-Yes; Member Jimenez-Yes. Six (6) Ayes, Zero (0) Nays, One (1) Absent, Zero (0) Abstain. The motion was carried.

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Acting Chairman Grieshamer reminded the applicant that this is a recommending body and all final decisions will be made by the Village Board of Trustees.

Acting Chairman Grieshamer thanked everyone for attending this evening.

Mr. Bos came forward after the hearing ended asking about information regarding a fresh water system that he would like to install on the property. Mr. Eder referred Mr. Bos to speak with Carmen Cupello, the Building Director to see what the Building and Plumbing Codes would be for this type of use.

### 6. Old Business: ZBA 11-06

Mr. Ainsworth came forward and gave a hand out to each member regarding Automobile Uses in the various commercial and industrial districts. He explained how some uses of this nature are permitted and some are conditional. He is asking for the members' input on how they would like to see it addressed in the zoning code when changes and revisions are made.

Member Snyder made a motion to move ZBA Case 11-06 to the next regularly scheduled ZBA meeting on Wednesday, March 14, 2012 at 7:00 p.m. in the first floor northwest conference room at 9500 W. Belmont Avenue, Franklin Park. Member Mennella seconded the motion. All in favor. Motion was carried.

### 7. Old Business: None

Mr. Eder gave the Zoning Members a brief update on some issues that the Plan Commission is working on at this time regarding parking and different parking sign regulations. Mr. Eder continued that he is also looking at the subject of parkway parking on Franklin Avenue. He asked for a couple of months to put something together to present.

The members also discussed other various zoning issues going on in Franklin Park and other surrounding Villages and how some of issues can impact Franklin Park.

Mr. Ainsworth discussed that the Plan Commission will be discussing all areas of the Village, street by street, going over the parking regulations.

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The members also discussed the zoning code and how the parking and sign portions will be separate chapters.

8. A motion was made by Member Mennella to adjourn the meeting of the Zoning Board of Appeals. It was seconded by Member Snyder. All in favor. Motion carried.

The meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Lisa M. Manzo  
Secretary