

ZONING BOARD OF APPEALS
MINUTES OF FEBRUARY 13, 2013 – 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, Gil Snyder, Bruce Boreson, Chairman Mark Cwik and Frank Grieshamer, Lisa Manzo (Secretary), Village Attorney Matt Byrne, John Schneider (Director of Community Development) and Patrick Ainsworth (Planner). Absent: Aaron Jimenez.
3. Member Grieshamer made a motion to accept the minutes of January 9, 2013. The motion was seconded by Member Mennella and approved to place them on file as presented.
4. New Business: ZBA 13-01
Village of Franklin Park
9500 W Belmont Avenue
12-22-313-031-0000

Chairman Cwik stated that this hearing is for a Text Amendment to Section 9-4-8 of the Franklin Park Zoning Code.

Member Grieshamer made a motion to enter in any and all department reports, memos, reports, answers to the standards and any new reports, information and testimony into the record. Member Mennella seconded the motion. All in favor. The motion was carried.

Chairman Cwik called the petitioner up at this time. He asked if he can sign in and be sworn in. Mr. Patrick Ainsworth, Planner for the Village of Franklin Park, came forward. He signed in and was sworn in.

Mr. Ainsworth gave a brief presentation on this section of the zoning code and stated that this particular section of the code relating to home occupations will remain the same in every facet. The only section that will be “clarified” will be Section E, Prohibited Uses as follows: “The operation of an industrial use typically only permitted in an I-1 or I-2 Industrial District or C-M Commercial Manufacturing District or any type of automobile or motor vehicle repair service, operation or business as a home occupation is prohibited.” There will be no changes to this Section, only a clarification.

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Member Boreson asked what the steps are when an individual applies for a home business. Mr. Ainsworth replied that the individual applies for a home business with an application submitted to the Building Department. The application lists what job descriptions are permitted and not permitted on the form itself. It is routed to Zoning for review and upon approval, routed back to Building for processing and ultimately to the Administration Office for business license distribution.

Chairman Cwik opened this hearing to the public at this time. Chairman Cwik stated that anyone from the public wishing to speak, to please come forward, sign in and be sworn in before giving any testimony.

Public session was open at 7:12 p.m.

Mr. Joe Badalamenti of Belmont Auto, 9464 Belmont, came forward. Mr. Badalamenti signed in and was sworn in. He was questioning multiple auto repair businesses in the Village that are located in residential areas. He inquired how the Village will enforce this and how the Village conducts an investigation once it is brought to their attention. He continued that these residential businesses advertise their services on Craig's List. He is upset that his business which is located in a legal commercial district is suffering due to these residential businesses.

Public session closed at this time and Board Discussion began at 7:18.m.

The members discussed this clarification to the zoning code and stated that it is self explanatory and that no other information is changing within this particular code.

Board Discussion ended at 7:19 p.m.

Member Grieshamer made a motion to "approve ZBA 13-01 for a Text Amendment to Section 9-4-8 of the Franklin Park Zoning Code, that there will be no changes to this text, just clarification." Member Mennella seconded the motion. Roll Call Vote. Member Szubart-Yes; Member Mennella-Yes; Member Boreson-Yes; Chairman Cwik-Yes; Member Grieshamer-Yes; Member Snyder-Yes. Six (6) Ayes, Zero (0) Nays, One (1) Absent, Zero (0) Abstain. The motion was carried.

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

Chairman Cwik thanked everyone for attending this evening.

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5. New Business: ZBA 13-02
Antonio Ramirez & Roxana Ventura
La Mexicana Produce
3019 Rose Street
12-27-106-015, 016, 017, 018, 019-0000

Chairman Cwik stated that this hearing is for a Conditional Use for the operation of a restaurant per Section 9-5B-3 of the Franklin Park Zoning Code.

Member Grieshamer made a motion to enter in any and all department reports, memos, reports, answers to the standards and any new reports, information and testimony into the record. Member Mennella seconded the motion. All in favor. The motion was carried.

Chairman Cwik called the petitioners up at this time. He asked if they can sign in and be sworn in. Mr. Joseph Garcia, Attorney for the petitioner, and Mr. Francisco Paladines, Architect, came forward. They signed in and were sworn in.

Mr. Garcia answered the standards for conditional use at this time. He gave some background of the business applying for the conditional use. He stated that they intend to open up a grocery store and deli as well.

Mr. Garcia stated that the petitioners will have a three (3) year lease with another five (5) year option. He stated that there should be seating inside the restaurant for 45, and they will have six (6) employees.

Member Grieshamer asked if he thinks there will be appropriate parking for the establishment. Mr. Garcia stated that they will need all the parking spots in the lot for this business. He continued that they should also have two (2) handicapped parking spaces.

Chairman Cwik asked if there is any parking spaces being leased out or used by another party at this time. Mr. Garcia didn't seem to think so, but wasn't sure. Mr. Garcia stated there were over 40 parking spots, but later retracted that after seeing the site plan with the existing 29 spaces.

Chairman Cwik asked if the landlord/building owner was present at this time to clarify the parking questions. Mr. Garcia stated that he was intending to come, however, a medical situation arose, and he would not be present this evening.

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Chairman Cwik opened this hearing to the public at this time. Chairman Cwik stated that anyone from the public wishing to speak, to please come forward, sign in and be sworn in before giving any testimony.

Public session was open at 7:47 p.m.

Ms. Alice Byrne of 3022 Pearl, came forward. Ms. Byrne signed in and was sworn in. Ms. Byrne lives behind the restaurant and discussed how the property is vacant and has been so. She is concerned that there are transients and there is not much police presence.

Ms. Dora Garcia, (gave no address) lives off of Pearl Street, is concerned about her neighborhood. Chairman Cwik asked if she has any input regarding this case at hand. She did not. She had concerns about her neighborhood, so Chairman Cwik referred to a Village Board meeting to express these concerns.

Public session closed at this time and Board Discussion began at 7:53.m.

The members discussed this case and were very concerned that the property owner was not present to answer and clarify any questions that the members had. They had questions regarding parking, lighting and a rear privacy fence to be erected.

They felt a continuance is necessary to get concrete answers and move forward with this prospective business.

Board Discussion ended at 7:54 p.m.

Member Grieshamer made a motion to “continue ZBA case 13-02 to the next regularly scheduled meeting of Wednesday, March 13, 2013 at 7:00 p.m. in the northwest conference room of Village Hall, 9500 West Belmont Ave. They require the landlord/building owner to be present to discuss parking concerns, lighting and the privacy fence.” Member Mennella seconded the motion. Roll Call Vote. Member Szubart-Yes; Member Mennella-Yes; Member Boreson-Yes; Chairman Cwik-Yes; Member Grieshamer-Yes; Member Snyder-Yes. Six (6) Ayes, Zero (0) Nays, One (1) Absent, Zero (0) Abstain. The motion was carried.

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

Chairman Cwik thanked everyone for attending this evening.

6. Old Business: None.

7. Public Comment: None.

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

The meeting adjourned at 7:56 p.m.

Respectfully Submitted,

Lisa M. Manzo
Secretary