

ZONING BOARD OF APPEALS
MINUTES OF MAY 7, 2014 – 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. Gil Snyder, Bruce Boreson, Chairman Mark Cwik, Frank Grieashamer, Lisa Manzo (Secretary), Village Attorney Matt Welch, Eric Richard (Assistant Planner) and John Schneider (Director of Community Development). Absent: Kathy Mennella.

New Member Rafael Nunez arrived at 7:16 p.m.

3. Member Grieashamer made a motion to accept the minutes of April 2, 2014. The motion was seconded by Member Snyder and approved to place them on file as presented.
4. New Business: ZBA 14-07
Everardo Ruelas – Burrito Amigo
9505 Grand Avenue
12-27-300-019-0000

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

Member Grieashamer made a motion to enter in any and all department reports, memos, new and revised reports and testimony into the record. Member Snyder 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. Everardo Ruelas, petitioner, came forward. He signed in and was sworn in.

Mr. Ruelas gave the members a brief presentation stating that he has an existing restaurant at 9503 Grand. He has been in operation for six (6) years and the business is doing well. He is planning to expand into the vacant space next door at 9505 Grand Avenue.

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Member Grieshamer asked what the hours of operation will be. Mr. Ruelas stated that the business is open Monday through Thursday from 9:00 a.m. to 10:00 p.m. and on Friday and Saturday from 9:00 a.m. to 11:00 p.m.

Member Grieshamer asked if it would be possible for the petitioner to erect a sign in the window stating that more parking is available at the rear of the property. The petitioner stated that he does not have a problem with doing that.

Chairman Cwik opened this hearing to the public at this time. No one from the public came forward, Chairman Cwik closed public session.

Board Discussion began at 7:05 p.m.

There was minimum discussion regarding this hearing. The members discussed parking and having the petitioner placing a sign in the window for extra parking in the rear.

Board Discussion ended at 7:07 p.m.

Member Grieshamer made a motion to “approve ZBA 14-07 for 9505 Grand Avenue, for a Conditional Use for a Restaurant per 9-5B-3 of the Franklin Park Zoning Code with the following conditions: 1. That the owner display signage indicating that additional parking for the existing businesses is available in the rear of the property; 2. That this proposed use complies with all applicable regulations at all times.” Member Snyder seconded the motion. Roll Call Vote. Member Boreson-Yes; Member Snyder-Yes; Chairman Cwik-Yes; Member Grieshamer-Yes. Four (4) Ayes, Zero (0) Nays, Two (2) 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. Old Business: ZBA 14-06 – 10170 Franklin

Chairman Cwik called up the petitioners at this time. He requested that they sign in and be sworn in for the record. Mr. Kenneth Kwiat, petitioner and Mr. James Pauletto, Attorney, came forward, signed in and were sworn in.

Mr. Welch, Village Zoning Attorney stated that he has had communication with Mr. Thomas Paoli's (building owner) attorney in regard to this hearing and stated that the building owner would not be in attendance this evening. There was a typed, signed letter by Mr. Paoli in regard to some of the outstanding issues with the property and ensured the Village that all items would be remedied in a timely manner. Mr. Welch also stated that the trucks that were being parked in the rear of the property by Z-Bros company were in the process of being removed.

Mr. Kwiat stated to the members at this time that the cement blocks have been cleared away and the area filled with gravel has been leveled. He continued to state that all overnight parking will be inside the building and that there will be minimal work outside including light maintenance and changing blades of his trucks.

Mr. Kwiat stated that his employees only come to the property between 6:55 a.m. and 7:20 a.m. He continued that he has approximately seven (7) employees. Mr. Kwiat proceeded to indicate that depending on the season; workers are at the site during various times throughout the day and night.

The members called up Carmen Cupello, Building Director at this time. Mr. Cupello signed in and was sworn in. He gave a synopsis of the building in question and stated that if trucks were to park on the property, the lot would need to be paved by November of 2014 per regulations. He described some of the complaints that were filed by the neighboring property owners and explained what could have been the cause of them. Mr. Cupello continued to explain to the members the rules and regulations of the state plumbing code in relation to having bathroom facilities at the property for Mr. Kwiat's business. The members thanked him for his input at this time.

Chairman Cwik opened this hearing to the public at this time. Chairman Cwik stated that since no public came forward, he closed public session.

Board Discussion began at 7:33 p.m.

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Mr. Cwik reiterated the request to the applicant that the property owner be present at the ZBA hearing to provide testimony on the on-site parking for the existing tenants and building code concerns that were raised at the initial hearing. Mr. Cwik indicated that staff and the ZBA members had requested the applicant to have either the property owner or an appropriate representative who could speak on behalf of him be present for the applicants hearing.

The members proceeded to discuss the insufficiency of interior parking in the applicant's unit and the over-utilization of the rear area for parking purposes, concern was also raised with future outdoor storage or servicing of company vehicles outside the building. The members also expressed concern with ingress and egress from the site, given the unique layout of the building units.

Board Discussion ended at 7:35 p.m.

Member Grieshamer made a motion to “approve ZBA 14-06 for 10170 Franklin Avenue, for a Conditional Use to permit a Contractor and Construction Yard and Offices per 9-5D-3 of the Franklin Park Zoning Code with the following conditions: 1. That all employee parking associated with this business remain on the property at all times; 2. That no refuse is stored outside at any time; 3. That the applicant and property owner conform to all other applicable regulations as found in the Franklin Park Zoning Code.” Member Snyder seconded the motion. Roll Call Vote. Member Boreson-No; Chairman Cwik-No; Member Grieshamer-No; Member Snyder-No. Four (4) Nays, Zero (0) Ayes, One (1) Absent, One (1) Abstain. The motion was denied.

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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6. Old Business: ZBA 13-21

Text Amendment to various sections of the Franklin Park Zoning Code regarding land use regulations for Medical Marijuana uses following new Illinois State Statute (Discussion, no action shall be taken)

Member Grieshamer made a motion to continue this hearing to the next ZBA hearing of Wednesday, June 4, 2014 at 7:00 p.m. in the Community Room of the New Police Station. Member Snyder seconded the motion. All in favor. Roll Call Vote. Member Boreson-Yes; Chairman Cwik-Yes; Member Snyder-Yes; Member Grieshamer-Yes. Four (4) Ayes, Zero (0) Nays, One (1) Absent, One (1) Abstain. The motion was carried.

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 Snyder. All in favor. Motion carried.

The meeting adjourned at 7:40 p.m.

Respectfully Submitted,

Lisa M. Manzo
Secretary