

**ZONING BOARD OF APPEALS**  
**MINUTES OF JULY 6, 2016 – 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. Chairman Mark Cwik, Gil Snyder, Frank Grieshamer, Kathy Mennella, George Snarski, Dafne Henriquez (Secretary), Village Attorney Matt Welch, John Schneider (Director of Community Development and Zoning) and Zoe Heidorn (Village Planner). Absent: Bruce Boreson.
3. Member Grieshamer made a motion to accept the minutes of June 1, 2016 with a correction on page 3, noting that “Five (7) Ayes” should be corrected as “Five (5) Ayes.” The motion was seconded by Member Mennella and approved to place them on file as corrected.
4. New Business: ZBA 16-12  
Nunzio Fricano, John Fricano  
10362-64 Front Street

Chairman Cwik stated that this hearing is for a Map Amendment to the zoning district boundary lines of the Village of Franklin Park Zoning Map to zone and include within the boundary lines of the C-M Commercial Manufacturing district the property commonly known as 10362-64 Front Street.

Member Grieshamer made a motion to enter in any and all department reports, memos, new and revised reports 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. Mr. Nunzio Fricano and Mr. John Fricano, petitioners, came forward. Chairman Cwik asked them to sign in and be sworn in. They signed in and were sworn in.

Mr. John Fricano stated that his father, Nunzio Fricano, purchased the subject property approximately 7 years ago under the assumption that it was uniformly zoned in the C-M Commercial Manufacturing district. He stated that they were recently informed by the Village that the property is split-zoned and straddles both the R-2 Single Family Residence district to the north and the C-M Commercial Manufacturing district to the south. In order to bring the property under uniform zoning classification, they are requesting a Map Amendment to zone all of the property at 10362-64 into the C-M Commercial Manufacturing district. This will

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allow them to make future improvements to the area currently zoned R-2 and comply with all Village zoning regulations.

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 7:03 PM.

The members discussed this petition and found the request for a Map Amendment to be suitable with the surrounding land uses. The members had no further questions.

Ms. Zoe Heidorn stated that the property to the east and west is zoned C-M Commercial Manufacturing and the property to the south is railway. The property to the north is zoned R-2 Single Family Residence but the property in question has historically been used as a commercial parking area to serve the business located at the subject property.

Board Discussion ended at 7:05 PM.

Member Grieshamer made a motion to recommend approval of ZBA 16-12 for a Map Amendment to the zoning district boundary lines of the Village of Franklin Park Zoning Map to zone and include within the boundary lines of the C-M Commercial Manufacturing district the property commonly known as 10362-64 Front Street.

Member Mennella seconded the motion. Roll Call Vote. Member Mennella-Yes; Member Snarski-Yes; Member Snyder-Yes; Member Grieshamer-Yes; Member Boreson-Absent; Chairman Cwik-Yes. Five (5) Ayes, Zero (0) Nays, One (1) Absent, Zero (0) Abstain. The motion was carried.

5. New Business: ZBA 16-14  
Thomas Neely, Mega Driving Inc.  
9151 Fullerton Avenue

Chairman Cwik stated that this hearing is for a Conditional Use for “Truck/large equipment repair facility” in the I-2 General Industrial district per 9-6B-3 of the Franklin Park Zoning Code for the property commonly known as 9151 Fullerton Avenue.

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Member Grieshamer made a motion to enter in any and all department reports, memos, new and revised reports 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. Mr. Thomas Neely, petitioner, came forward. Chairman Cwik asked him to sign in and be sworn in. He signed in and was sworn in.

Mr. Neely stated that he intends to operate a truck repair facility in the subject property located at 9151 Fullerton Avenue. He stated that would like to expand his business, Mega Driving, Inc. to include offices, warehousing and distribution operations and a small truck repair facility at the site. The repair facility will serve trucks that use his current facility at 25<sup>th</sup> Avenue and Fullerton in Franklin Park and not be open to the general public.

Chairman Cwik asked if the facility was going to be used to house multiple businesses.

Mr. Neely clarified that all employees and operations on the premises would be associated with his business.

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 7:09 PM.

Member Snyder asked if the location of the proposed installation of drive-in doors would be located as to face the adjacent residence district.

Mr. Neely stated that the overhead doors would be located on the side of the building.

Ms. Heidorn clarified that according to the site plan supplied by the petitioner as part of the Conditional Use Application, only 1 drive-in door was planned to be installed on the east side of the principal structure, directly facing property zoned in the I-2 General Industrial district to the east.

Mr. Welch advised that a condition be placed on the Conditional Use Ordinance to require that future improvements on the property be in accordance with the site plan placed on file as part of the Conditional Use Application.

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The members had no further questions.

Board Discussion ended at 7:12 PM.

Member Mennella made a motion to recommend approval of ZBA 16-14 for a Conditional Use for “Truck/large equipment repair facility” in the I-2 General Industrial district per 9-6B-3 of the Franklin Park Zoning Code for the property commonly known as 9151 Fullerton Avenue with the following conditions: 1. That all truck and employee parking shall be located on-site and on paved surfacing; 2. That no outdoor storage of materials, truck parts or trucks in disrepair shall take place on the site; 3. That truck movement related to the truck repair facility is limited to hours of operation, from 8:00 AM to 10:00 PM; 4. That all future improvements comply with the site plan placed on file as part of the Conditional Use Application; and 5. That the proposed use complies with all Village regulations at all times.

Member Snarski seconded the motion. Roll Call Vote. Member Mennella-Yes; Member Snarski-Yes; Member Snyder-Yes; Member Grieashamer-Abstain; Member Boreson-Absent; Chairman Cwik-Yes. Four (4) Ayes, Zero (0) Nays, One (1) Absent, One (1) Abstain. The motion was carried.

6. New Business: ZBA 16-15  
Society of American Bosnians and Herzegovinians  
9920 Grand Avenue

Chairman Cwik stated that this hearing is for a Conditional Use for “Religious institutions as follows: Churches, chapels, temples, synagogues, mosques and other places of worship” in the C-3 General Commercial district per 9-5C-3 of the Franklin Park Zoning Code for the property commonly known as 9920 Grand Avenue.

Member Grieashamer made a motion to enter in any and all department reports,

memos, new and revised reports 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. Mr. Edin Cubic (Society of American Bosnians and Herzegovinians), Ms. Paula Sulejman (Society of American Bosnians and Herzegovinians) and Dr. Susan Flanagan (Resurrection Lutheran

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Church) came forward. They signed in and were sworn in.

Mr. Cubic stated that the Society of American Bosnians and Herzegovinians intends to purchase the property at 9920 Grand Avenue for use as a religious institution.

Ms. Paula Sulejman, Board Member and Program Director for the Society, provided a thorough overview of the religious institution's proposed use of the subject property. She stated that the Society is registered as a not-for-profit corporation and a federal tax-exempt religious and charitable organization under Section 501(c)3 of the Internal Revenue Code. She continued that the Society generally serves the Bosnian community, a south Slavic ethnic group located in central and southern Europe. She provided a brief overview of the Bosniak's history in the United States, which dates back to the 19<sup>th</sup> century. The largest influx of Bosnians to the United States was during and after the Bosnian War in the 1990s.

Ms. Sulejman noted that many of the Society's members are residents of Franklin Park and asked those present to stand. The congregation has an estimated 160 members but the Society expects a maximum of 80 to attend the regular Friday prayer service held at noon. The congregation includes university professors, physicians and nurses, engineers, small business owners, mechanics, carpenters, moms, dads, grandmothers, and grandfathers. Almost all members are American citizens.

Ms. Sulejman stated that the Society plans to offer a weekly congregational prayer in the current sanctuary on Fridays at noon. The prayer includes a sermon and lasts approximately 30 to 60 minutes. The maximum expected attendance is 80 people. Because the service is during the work week, the majority of members who work will attend services elsewhere. The Society also plans to offer a Saturday school for children of congregation members. The maximum number of children expected to attend is 80.

Ms. Sulejman described the Society's plans to continue charitable activities currently organized by the Resurrection Lutheran Church, including the Clothing Closet, the food pantry and holding weekly Alcoholics Anonymous meetings. She explained that the Society conducts regular monthly meetings with the Presbyterian Church of Northbrook to promote constructive and positive interaction between people of different religious traditions at both the individual and institutional levels. Both congregations participate in joint charitable activities, including assistance at the soup kitchens, homeless shelters, and food and clothing drives.

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Dr. Susan Flanagan, Council President of Resurrection Lutheran Church, the property seller, stated that the church is in absolute support of the Society's request for a Conditional Use permit. Ms. Flanagan has lived in the area her entire life and has chosen to stay due to the rich cultural diversity. She stated that the congregation is extremely pleased that the building will still be used as a place of worship and as a place for spiritual activities. The congregation members are also pleased that the Society will continue to operate the charitable activities started by Resurrection Lutheran Church. She asked the Zoning Board of Appeals to make a favorable recommendation for the Society's request for a Conditional Use permit.

Member Grieshamer asked about the lease in place on the single family home located on the property and whether it is due to terminate at the end of the calendar year.

Dr. Flanagan clarified that the lease is a month-to-month lease.

Chairman Cwik opened this hearing to the public at this time.

Thomas Brown, resident of 2902 Hawthorne Street in Franklin Park, came forward. He signed in and was sworn in.

Mr. Brown stated that the residential area surrounding Resurrection Lutheran Church had a problem at one time with members of the congregation parking on the street. The neighborhood's residents successfully petitioned to make the area a no-parking zone. However, the designation has since been removed. Mr. Brown requested that the Society and Village work to avoid a similar parking problem in the future.

Mr. Brown also asked for clarification of the Society's religion. He stated that it

would be upsetting to hear a daily call to prayer in the neighborhood. He also asked for a website for the Society so that he and others could learn more about the group online.

Mr. Welch stated that the religion of the Society is not relevant to the zoning hearing. However, the concerns regarding parking and external amplification are relevant to the case because they may have an impact on surrounding properties.

Mr. Cubic, a representative of the Society, stated that there will be no external amplification of a call to prayer.

Mr. Brown asked what the Society's hours of operation will be.

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Mr. Cubic stated that the religious institution will generally operate between the hours of 9:00 AM and 5:00 PM.

Mr. Brown had no further questions for the petitioner.

Chairman Cwik stated that he received a letter regarding the hearing by certified mail from Max and Eileen Rogers, residents of 2840 Elder Lane. They were notified of the public hearing by certified mail but unable to attend the meeting. The letter stated that the proposed religious institution will cause further devaluation of their home. Mr. and Ms. Rogers want to place on the public record that they are strongly against the change in use of the property without more facts.

Chairman Cwik closed the public session.

Board discussion began at 7:32 PM.

Member Grieshamer stated that the petitioner meets all of the zoning requirements, including the requirement for off-street parking. He asked for clarification on the single family home on the property currently leased to a family as a legal non-conforming use under Village Code.

Mr. Welch stated that the Zoning Code currently limits a zoning lot to one principal use, to which all other uses on the lot must be ancillary. With the proposed change in use, the legal non-conforming status ends and the property must be brought into compliance with all Village regulations. He stated that staff recommends requiring the

petitioner to either (1) subdivide and re-zone the single family home to create a new zoning lot or (2) terminate the lease and use the single family home for a use accessory to the religious institution.

The members discussed the terms of the lease agreement in place and the potential for future parking issues to arise.

Mr. John Schneider stated that the petitioner plans to hold large events at rental facilities outside the property.

Ms. Heidorn verified that the petitioner is in compliance with the Village's requirement for off-street parking. With an estimated maximum occupant load of 80, the maximum

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number of parking spaces required for the proposed use is 33. With 40 off-street parking spaces on the site, the petitioner exceeds the minimum requirement by 7 spaces. Ms. Heidorn stated that the members could recommend that a condition be added to limit the facility's maximum occupant load.

The members and staff discussed the maximum occupant load for the facility.

Mr. Cubic noted that the services are held in Bosnian and that only a select group of people speak Bosnian in the area.

Mr. Welch stated that the Village needs to plan for parking needs. He proposed that a condition that limits the facility's occupant load to 80 individuals be recommended to the Board of Trustees. Should the Society seek to increase the maximum occupant load in the future, it would need to submit a revised application for Conditional Use with the Village.

The members discussed the timeframe by which the petitioner should be required to bring the non-conforming single family home on the property into compliance with Village Code. The members agreed that the end of the calendar year was a reasonable deadline.

Board discussion ended at 7:38 PM.

1. Member Grieshamer made a motion to recommend approval of ZBA 16-15 for a Conditional Use for “Religious institutions as follows: Churches, chapels, temples, synagogues, mosques and other places of worship” in the C-3 General Commercial district per 9-5C-3 of the Franklin Park Zoning Code for the property commonly known as 9920 Grand Avenue with the following conditions: 1. That on or before December 31, 2016, the Applicant either: a. File a petition for subdivision to exclude the single family residence located on the Property from the applicable zoning lot and file a petition for a map amendment to include the resulting single family residence zoning lot in the R-2 Single Family Residence District; or b. Place on file with the Village a letter signed by the Applicant certifying the lease for the single family residence located on the Property has been terminated and that the aforesaid single family residence is compliant with the definition of “accessory building” under the Franklin Park Zoning Ordinance; 2. That, in order to allow the Village to adequately plan for parking and traffic needs of the surrounding area, the occupancy of the structures located on the Property shall not exceed eighty (80) people in the aggregate

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during operations of the Conditional Use; and 3. That the Conditional Use at the Property complies with all other codes and ordinances of the Village of Franklin Park.

Member Mennella seconded the motion. Roll Call Vote. Member Mennella-Yes; Member Snarski-Yes; Member Snyder-Yes; Member Grieshamer-Yes; Member Boreson-Absent; Chairman Cwik-Yes. Five (5) Ayes, Zero (0) Nays, One (1) Absent, Zero (0) Abstain. The motion was carried.

7. Public Comment: None.

8. Staff Updates: None.

9. 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 7:42 p.m.

Respectfully Submitted,

Zoe Heidorn  
Village Planner