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FINAL APPROVED MEETING MINUTES

PLANNING AND ZONING BOARD

MONDAY, APRIL 3, 2023

7:00 PM

NILES VILLAGE HALL

Members Present: Chairman Thomas Kanelos
Susan DeBartolo
Morgan Dubiel , Vice Chairman
Ted Karabatsos
Janet Lee
Terrence McConville
Robert Schulter , Secretary

Staff Present: Charles Ostman , Community Development Director
Nathan Bruemmer, Planner I
Danielle Grcic, Village Attorney

I. CALL TO ORDER

The Niles Planning and Zoning Board was called to order at 7:01 P.M.

II. PLEDGE OF ALLEGIANCE/ROLL CALL

All rose for the Pledge of Allegiance.

PRESENT: 7 Chairman Thomas Kanelos, Commissioners
Ted Karabatsos, Susan DeBartolo, Robert Schulter,
Terrence McConville, Janet Lee, Morgan Dubiel

Also, present was Director of Community Development Charles Ostman, Planner I Nathan Bruemmer and Village Attorney Danielle Grcic.

III. APPROVAL OF MINUTES

Chairman Kanelos asked if there were any additions, clarifications, or corrections to the minutes of March 6, 2023. There were none.

Commissioner DeBartolo moved to **approve** the minutes of March 6, 2023.

Seconded by Commissioner Dubiel, on roll call the vote was:

AYES: 6 DeBartolo, Schuller, McConville,
Karabatsos, Dubiel, Kanelos

NAYS: 0

ABSTAIN: 1 Lee

There being six (6) affirmative votes the motion carried.

IV. PUBLIC COMMENT

The public can ask questions or comment after the Board has heard the petitioners' testimony following each case. However, if the public has any general comments or questions, they can speak before we start to hear tonight's cases.

V. OLD BUSINESS**VI. NEW BUSINESS****1. 23-ZP--08 , 8525 Greenwood**

See the complete case minutes attached to this document (Attachment #1).

2. 23-ZP-09, Niles 2040 Comprehensive Plan

This item will not be heard tonight. It will be on the agenda at the next meeting, May 1, 2023.

VII. DISCUSSIONS**VIII. ADJOURNMENT**

Chairman Kanelos entertained a motion to adjourn.

Commissioner DeBartolo moved to adjourn.

Seconded by Commissioner McConville, on roll call the vote was:

AYES: 7 DeBartolo, Schuller, McConville, Lee,
Karabatsos, Dubiel, Kanelos

NAYS: 0

There being seven (7) affirmative votes the motion carried.

The meeting adjourned at 7:36 PM

Minutes Prepared by: Kathleen Janessa, Recording Secretary

New Business, Item #1

23-ZP-08, 8525 Greenwood

A request for approval of a Variation from Village of Nilis Zoning Ordinance Appendix B Section 4.3(A) to allow for the construction of a driveway with a front yard impervious surface coverage of 65%, where a maximum of 50% is permitted at 8525 N Greenwood Ave, Nilis, IL 60714

COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

1. Persons appearing for the applicant

Sharif Nasr, owner, and his father Mohammed Nasr, 8525 Greenwood Ave, Nilis, IL 60714 came to the podium and were sworn in.

2. Summary of Presentations

Sharif Nasr said he just completed a concrete driveway but because of the code and rules, the driveway is not as safe and functional as it was before. The only way to exit the driveway now is to reverse onto Greenwood Ave which is a busy street, as you know. The petition is that you allow us to put pervious pavers adjacent to where the concrete is on the driveway to allow us to fit 2 cars on the width of the driveway so one can get past the other if they wanted to pull out onto Greenwood going forward. They purchased the house 3 years ago. It was in disrepair. They gut rehabbed it from the outside to the inside, including the exterior. The last thing now is the driveway. They pulled permits for everything. He said when they purchased the house the front of it was 80% asphalt. [Pictures are being shown on the overhead projector.] Now that is not according to code. He has a large family living there and they have 7 cars in the household. When they have company, there are even more cars. One of the reasons they moved out of their prior townhouse was because they did not have a lot of street parking and the driveway was narrow and could not accommodate all their cars. One of the reasons they purchased this house is because there was so much more room to park their cars in the front of the house. When purchased, this house had greater than 50% solid, non-porous surface. You can see by the photo the front is in total disrepair. You can see the easement in the front where the tall trees are which would obstruct any view coming in or out of the driveway. So, we replaced some of it with a new concrete driveway. They overhauled the entire house. As you can see the last project is the driveway. Our job from 2020 was pulling permits and improving the house. [The previously overgrown front yard] was even obstructing the view of our neighbor to the north. When he was exiting his driveway all these bushes/trees were obstructing his view. Their solution was to create a concrete driveway with another egress on the other side so that way they can properly

go in and out of the driveway. First, they had to pull a permit from Cook County because Greenwood is under their jurisdiction. They were successful in obtaining the permit and were able to cut the curb for the egress. Next step, they came to the Village of Niles and submitted the plans, which were approved. The one caveat was they had to reconfigure the driveway so there was 50% concrete and 50% porous surface. That was completed and when done we realized it was less safe and less functional than before. Prior to that, we made a lane that was approximately 14' wide which does not fit 2 cars. For example, his car is 8" wide with the mirrors. It is impossible to fit a second car next to it so in order to get in and out, you must reverse onto Greenwood, which is a busy street. That is why they want to extend the width of this concrete with pavers. His parents are older and it is a challenge to back out onto Greenwood. It is even hard for him sometimes. On the overhead is a picture of what it looks like now.

Commissioner Schulter asked what he actually cut when he had to get permission from the county.

Mr. Nasr showed pictures behind the bushes is the entrance/exit. The plan was to create another exit so if you have someone coming, they can come all the way around to exit. We had to ask permission from Cook County for that extra cut.

Commissioner Schulter said now you have a circular driveway and you are still having problems getting in and out of it, correct?

Mr. Nasr said yes.

Commissioner Schulter asked what is behind the house/existing garage.

Mohammed Nasr said it is a patio.

Commissioner Schulter asked why they did not consider opening the back of the garage so you could put the cars in the back as well.

Sharif Nasr said there is no room. He owns the property but that is grass, landscaping and patio behind the garage.

Commissioner Schulter said most homeowners do not have 7 vehicles at one residence.

Mr. Nasr said that is the reason they asked for a permit for this area. When they first saw the house, they really liked the big parking area.

Commissioner Schulter said he understood. But you have 7 vehicles parking there and you are having trouble backing out. And you created a circular driveway to help move the vehicles out.

Mr. Nasr said the functionality was particular to being concrete.

Commissioner Schuler said when you proposed this to the Village to put in the circular driveway, did you tell them you had 7 vehicles?

Mr. Nasr said he does not think it was mentioned. On the overhead he showed the flow of traffic on Greenwood plus a perpendicular street ending at the foot of their property. There was a lot of discussion about this.

Commissioner Schuler asked if he planted those trees in the front.

Mr. Nasr said yes.

Commissioner Schuler said he will have more problems as they grow. That type of evergreen tends to get quite large.

Mr. Nasr said the pavers they want to use have grooves on each side and they will be sitting on gravel. They are porous to a certain extent and allow for the slow release of water into the ground. They will not use any cement or anything that is not porous. [More pictures on the overhead so the Commissioners can see what it will look like.] He went on about the safety of backing out. He already purchased the pavers for \$3,000. He also contracted a masonry company and paid 50% of that fee.

Chairman Kanelos said the purchase of the pavers and the contract for installation are not considered by us.

Mr. Nasr showed pictures of the pavers. He gave an example of an elderly person from the nursing home down the street who collapsed in the driveway. That person could have been hit by someone backing out of the driveway. He recapped his presentation.

Chairman Kanelos asked Staff if they saw the pavers and are they pervious.

Nathan Bruemmer, Planner I, answered the Village does not really have standards for pavers. They are grooved to have space in between the pavers and that is what you are looking for. As there are no standards for permeable pavers, staff calculated the new pavers as impervious.

Chairman Kanelos said when the calculation of the coverage in the front yard was done, [he assumes the Engineering Department did that] Staff did not make any allowance for the fact that some water will go through....

Mr. Bruemmer said per code it is Engineering's discretion and it turns out they really do not have standards for what is considered a permeable paver, so we had to calculate it as impervious.

Chairman Kanelos' question becomes the impervious is somewhere between 50% & 65%. It may not be 65%. That is probably why in the paper work there is no major objection to this. He then requested the view of all the different cross-hatchings. There was discussion about distances around this circular drive, the width of cars, the ability to have room to drive around a parked car.

Commissioner Dubiel said he looked up the difference between permeable, impervious and porous. They are distinctly different. Currently the Village has no standard for judging between the kinds. Is that correct?

Mr. Bruemmer said the Village does not have a standard for what makes a pervious paver.

Commissioner Dubiel said previously this property had 80% asphalt as described by the applicant. Did Staff concur with that approximation?

Mr. Bruemmer said they have not calculated that but it seems about right.

Commissioner Dubiel said then this would be an improvement to this property's permeability of water, correct? The total property both front and back is 22.7% even with this addition, correct?

Mr. Bruemmer said with the pavers it would be 25.6%. The net property is still 75% meeting the code. It is well under the Village requirements.

Commissioner Dubiel said this pervious front lawn coverage is reason the law was passed in the Comprehensive Plan. It is intended to limit circular driveways. Police, Fire and Community Development have no concerns with this petition. As he reads Engineering comments, he sees nothing about flooding or street floods. Is that the case?

Mr. Bruemmer said that was the comment.

Commissioner Dubiel said legal notification was given. Did any neighbors contact Staff saying this is disturbing or anything like that? There is a sign in front of the property.

Chairman Kanelos said he saw the sign too.

Mr. Bruemmer said they have not been contacted by any neighbors.

Commissioner Karabatsos said regarding circular drives, we passed something that you can do 2 entry ways, correct?

Charles Ostman, Director of Community Development, said if the lot is 65' wide, there can be a circular drive.

Commissioner Karabatsos said the reason Mr. Nasr had to go to Cook County is because of the curb cut, right?

Mr. Ostman answered yes.

Mr. Bruemmer said whoever has jurisdiction over the right of way would have to allow the curb cut.

Commissioner Karabatsos asked if the petitioner was not on Greenwood, would the Village allow the circular drive?

Mr. Bruemmer said he would think so. He explained the calculations because it is a prescriptive easement and was not subdivided properly so it technically goes into the center of Greenwood. They used the property line on the block for not properly subdivided lots. [This was all being discussed while looking at the overhead information]

Chairman Kanelos said yes, because he is 65' wide. He is just over 65'. It is just the coverage that is an issue. He also wanted another look at the property on the overhead and explained what the petitioner was requesting. It looks nice.

Commissioner Karabatsos mentioned he also has 8 cars and if you want to back out, he understands why the petitioner has this roundabout in the center.

Commissioner Dubiel wants to know what kind of person has that many cars?

Chairman Kanelos asked if there were any questions for the petitioner or Staff. There were none.

COMMENTS AND ARGUMENTS FROM INTERESTED PARTIES

There were no comments from the public.

MOTION

Chairman Kanelos entertained a motion.

Commissioner Dubiel moved to **approve** 23-ZP-08, a request for approval of a Variation from Village of Niles Zoning Ordinance Appendix B Section 4.3(A) to allow for the construction of a driveway with a front yard impervious surface coverage of 65%, where a maximum of 50% is permitted at 8525 N Greenwood Ave, Niles, IL 60714

Seconded by Commissioner Karabatsos.

VIEWS EXPRESSED BY MEMBERS OF THE PLANNING AND ZONING BOARD

Commissioner Dubiel said they have heard this is for improvement and for safety. He has seen the building and it is very attractive compared to what it used to be. They heard testimony from the Village indicating their numbers may be high in this particular case. We have testimony from the petitioner that these pavers are pervious. The Village does not have standards to measure that yet but he is willing to take the petitioner's word at face value. There are no issues from Police, Fire and Community Development. The Engineering issues are simply talking about layout; nothing to do with flooding or water management.

Commissioner Schulter said there were no neighbors complaining.

Chairman Kanelos asked Staff again to explain the impervious area from which line to which line. [This is being shown on the overhead.] He also brought up additional area.

Mr. Bruemmer said the impervious area is different because this is a very unique lot.

Chairman Kanelos said he believes the safety issues are real. Even if they did not have 7 cars there would be times when people are visiting, they still create safety issues. Given the fact they meet the requirement for 65' wide, which we allow. Given on this particular lot there is an abundance of pervious availability in the back yard, far more than the average lot in the Village of Niles has. He does not think it will create any kind of a water issue. It is a safety issue and he also thinks it is a good idea.

Commissioner McConville thinks it is important to note the petitioner has complied with the request for permits for all the work done onto the house and the driveway, up until this particular problem was noted. He also got a permit from Cook County for the curb cuts. The petitioner seems to have been diligent in complying with existing law.

DECISION

On roll call the vote was:

AYES: 7 Dubiel, Karabatsos, DeBartolo, Schulter,
McConville, Lee, Kanelos

NAYS: 0

There being seven (7) affirmative votes the motion carried.

We are the final deciding Board so the petitioner does not have to go through anything else other than getting the permit. Thank you for the improvement to the property and we wish you luck for you and your family.