

VILLAGE OF NORRIDGE

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Zoning Board of Appeals

Zoning Board of Appeals Meeting Minutes Village of Norridge

PRESIDENT

Daniel Tannhauser

CHAIRPERSON

Janice J. Magnuson

SECRETARY

Allan J. Budnik

MEMBERS

Richard Thompson

Christopher O'Leary

Christian Giacalone

Michael Straughn

Frank DiPiero

The Zoning Board of Appeals of the Village of Norridge, Cook County, Illinois
Convened on the 7th day of February 2022, 7:00 P.M. at its regular meeting place,
4000 N. Olcott Avenue, Norridge, IL 60706

All present wore masks and maintained social distancing. The meeting was called to
order by Chairperson Magnuson and upon roll call the following named members
answered present:

Roll Call: Present in person: Janice Magnuson, Chairperson
Allan Budnik, Secretary
Christopher O'Leary, Member
Christian Giacalone, Member
Michael Straughn, Member
Frank DiPiero, Member

Absent: Richard Thompson, Member

Also attending: Brian Gaseor, Village Engineer
Joan Cherry, Board Attorney
Diane Sofiak, Court Reporter
Dominic Falagario, Village Employee

Approval of Minutes - MOTION

To approve the Board Minutes with a date of December 6, 2021 was made by Mr.
Giacalone, seconded by Mr. O'Leary. A voice vote was taken:

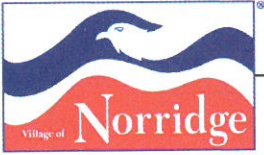
Yes – Magnuson, O'Leary, Giacalone, Straughn, DiPiero
No – None
Abstain – Budnik

MOTION CARRIED

Update on Future Cases

Mr. Gaseor stated there will be no cases for March or April meetings. There were a few
inquiries so there might be a case in May. He also gave an update on several business
construction sites in the Village.





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Hearing

Chairperson Magnuson reminded everyone present of the rules of conduct, read the rules of the hearing and swore in all present. She also announced the presence of the Court Reporter Diane Sofiak who will document the words of the hearings.

Case #655 – 8500 W. Lawrence Avenue

Board Attorney Cherry read a statement that will attached at the end of these minutes labeled **Attachment “A”**.

The Board stated that they have nothing to do with “gaming”.

The petitioner was asked if they understood this statement.

The project architect Gregory Ziomek deferred the question to the property owner Justin Kannaley stated he did understand after asking how Impact Fuel was approved for it.

Attorney Cherry explained it.

Secretary Budnik read the petitioners letter (less any references about a liquor license and gaming).

Gregory Ziomek – project architect from 2810 RFD Long Grove – presented the case for the petitioner. He stated the existing building will be demolished and replaced with a 2816 square foot store while the tanks, canopy and dispenser will remain. The sign will be refaced and the canopy and dispensers will be cleaned up. There will be no change to vehicular traffic. We are asking for two variations: Rear setback from ten feet to one foot and the required set back from residential from thirty feet to one foot. A constraint is the higher parking count required.

Justin Kannaley (Owner-manager) stated it will be a new building of 2816 square feet, all masonry as the existing building has been an eyesore with residents asking him to fix it up. We will get more customers with a cleaner, nicer store. Property tax is not making it profitable as it exists. We are asking for a favorable recommendation.

Questions from the Board

Q: What is the current building size?

A: 1600 square feet

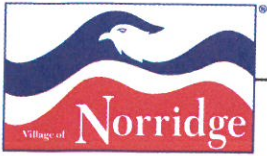
Q: How far off the alley is the building to the West?

A: They are about five feet to the alley, we are asking for one foot.

Q: What will the garbage situation be?

A: the dumpster will be by the alley in an enclosure (Photo shown)

Q: How far is your building from the building to the west?



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A: Old building 25 feet, new building will be 1 foot.

There was a short discussion about the proximity of the new building and if there was a fire risk. Mr. Gaseor stated that code allowed it and the new architect acknowledged the new structure would be have fire sprinklers.

Q: Where are the downspouts going?

A: The civil engineer will address that but there will be no splashing of the downspouts on other properties.

Q: What will the fence at the rear of the property be?

A: Six foot privacy fence.

Q: What will is it made of?

A: Wood

Q: What are the hours of operation?

A: Current 6a-10p. New will be 5a-11p with hopes of the liquor license would be 24 hours.

The Board stated that this venue does not address that.

Q: If you knock the building down, does the new building have enough parking?

Mr. Gaseor stated that the structure as a mini-mart and gas station required nine parking spots which is what is depicted on the drawings.

Secretary Budnik read a letter submitted by board member Richard Thompson due to his inability to be present at the meeting. This letter is attached at the end of these minutes and is labeled **Attachment "B"**

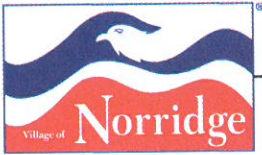
Visitor Comments:

The three visitors spoke multiple times at different stages of the hearing but their comments will be grouped all at once under each of their names.

Anthony Avanco – 4810 Clifton – stated he lives right next door for 52 years. He stated that five cars have been hit in the last two years right out of the gas station. He stated that Clifton is the new Cumberland. The gas station is never kept up, garbage cans are open and there were 20 pigeons in the roof. The building is only about 25 feet not the 30 feet they say it is. Cabs come out at 2am to the vacuum and bang the ash trays to clean them out. Garbage is picked up at 5:30am and to be open 24 hours a day is not a good idea. He stated that there are rats everywhere.

He stated that the Air conditioning motors are going to make more noise as they are moving towards the homes. There is flooding in the alley to three feet as I have a sublevel garage. He also asked: what is the zoning distance for this business? which was answered as thirty feet, but they are asking for one foot.

Carmichael Navarro – 4816 Clifton – stated he has lived there 32 years and his mother was hit by a car at the dangerous intersection. Liquor and gaming would make it worse. We don't need more trouble. The neighbor Joyce was also hit by a car there. Lawrence Avenue eastbound has become a speedway.



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I also witnessed a crime out of the property and have had many cars hit on the property. I would like to have a more family oriented business there. The gas station has never been properly maintained. They have no cameras on this site. Walgreens is a magnet for homeless people. I would like to close traffic to the residential street or traffic diverters on the street. What security would be on the property?

Justin Kannaley stated that there are cameras inside and out and the new building would have it as well.

Mr. Straughn stated the current structure is a gas station and the proposal is to upgrade it and questioned if it would add additional traffic.

Edward Aghajan – 4815 Clifton – Stated he had to call police multiple times for incidents there and there is garbage all over the place. Has heard cars hit from others coming out of the gas station. If you put no turning signs on the driveway nobody follows them anyways.

The residents were thanked for their input and comments.

Justin Kannaley stated that they just took over the business about two years ago and hoped to rebuild.

Chairperson Magnuson stated that there are restrictions by what the Village can address as far as traffic control on Lawrence.

She stated that conditions can be added to our recommendations such as: garbage pick-up, composite fencing, hours of operation, etc.

She asked the petitioner if they would like to take a few weeks to revisit so of the issues with the project and come back next month with solutions.

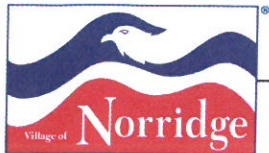
Gregory Ziomek stated he would like to remind the Board that we are not here for a liquor license and that if we do have suggestions such as lighting, garbage and fencing that we would like them as we want happy neighbors.

Board Discussion

Mr. Straughn thanked Mr. Ziomek for reminding the Board of our job. He stated that the project would provide a new building on the property.

Attorney Cherry stated that conditions on the recommendations should be clearly documented in the minutes.

Mr. Giacalone stated that it does look like the project is to make money from the property.



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Mr. O'Leary stated that buildings shouldn't be built eleven inches from the neighboring building.

Chairperson Magnuson asked what conditions we would add.

The following is a general list of the conditions if we recommend and were discussed in depth but will be detailed in the recommendation if a motion is made to do so:

- Masonry or composite fencing at the rear.
- Garbage pick-up from the business side
- Hours of operation
- Parapet wall or sound deadening for roof-top or other motored units
- Closing the northern driveway opening on Clifton.

Mr. Gaseor stated that he is not sure what the Metropolitan Water Reclamation District is going to impose for water retention on the property but closing the northern driveway and moving the garbage forward might help with that or allow them to move the structure farther away from the neighboring building.

The Board asked the petitioners if the conditions were acceptable before moving forward.

Gregory Ziomek asked for clarification of removing the Northern Driveway.

The Board further inquired as to what time gas deliveries happened.

The petitioners stated once a week during the day or sometimes at 6am.

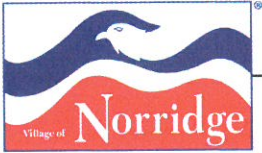
The Board asked how tall the current fence is. Answer is six feet.

Mr. Gaseor stated that the Board could recommend a higher fence.

Dates that the Village Board may take action on this would be February 23 or March 23, 2022.

Findings

- (a) Will not impair an adequate supply of light and air to the adjacent property.
- (b) Will not increase the hazard from fire and other dangers to said property.
- (c) Will not diminish the taxable value of land and buildings throughout the village.
- (d) Will not increase the congestion of the public streets.
- (e) Will not otherwise impair the public health, safety, comfort, morals and welfare of the inhabitants of said Village.



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- (f) The purpose of the variation is not based exclusively upon a desire to make more money out of the property.

There were no absolutes against the finding

Motion

Made by Mr. Straughn to recommend to the Village Board to APPROVE the variances for 8500 Lawrence to the rear setback from 10 feet to 1 foot and the variance of business setback from residential from 30 feet to 1 foot with the following conditions:

1. Hours of operation limited to 5am. To 11pm.
2. A composite or masonry fence from the rear of the structure to the end of the property 8 feet tall with a step down to 4 feet at the sidewalk for added line of sight.
3. Sound deadening for rooftop units and motors.
4. Removing the northern driveway on Clifton and adding greenspace or landscaping on their property without impacting their underground storage tanks.
5. Garbage pick-up from the owners/business side of the property.
6. Garbage pick-up and product deliveries including fuel only between the hours of 7am. – 8pm.
7. Property lighting shielded from the residential neighbors.
8. Adding a 4 foot wrought iron fence from the north-east corner rear of the property to the northern end of the southern driveway.

Before proceeding, Justin Kannaley was asked and agreed to the eight above conditions.

The motion was seconded by Mr. O'Leary. A roll call was taken.

Yes – Magnuson, Budnik, O'Leary, Giacalone, Straughn, DiPiero

No – None

Abstain – None

MOTION PASSED

Chairperson Magnuson thanked all for participating in the process.

Case Closed – The court reporter was released at this point.



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Discussion: CMAP Recommendations

The Board did not act on this item.

Public Comment – None

A short discussion took place on member availability for future meetings and what subject matter might be addressed.

MOTION - By Mr. Budnik, seconded by Mr. Straughn that the meeting be adjourned.

Yes – Magnuson, Budnik, O’Leary, Giacalone, Straughn, DiPiero

No – None

Abstain – None

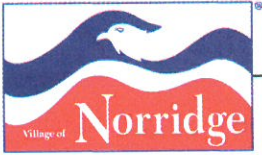
MOTION CARRIED

MEETING ENDED at 9:06 P.M. Next meeting scheduled for March 7, 2022, 7:00 P.M.

Respectfully submitted,

Allan Budnik
Secretary

Janice Magnuson
Chairperson



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Attachment "A"

STATEMENT OF THE VILLAGE ATTORNEY AT ZONING BOARD HEARING ON FEB. 7, 2022 FOR 8500 W. LAWRENCE AVENUE

In the future anyone who submits an application for zoning relief and includes video gaming as a reason why he/she needs the zoning relief will be required to resubmit the request for the variations (or any other zoning relief) without any of the references to video gaming. Video Gaming is not an issue that is within the jurisdiction of the zoning board of appeals.

1) None of the references in Petitioner's application, letter or plans to video gaming for 8500 W. Lawrence will be considered by the ZBA as part of the hearing and will be considered stricken from the application, his letter and the plans.

2) References to video gaming appear on:

- a) the Zoning Worksheet in Property Information in the Project Description line;
- b) On the letter dated December 6, 2021 from Proteykt Studio, LLC in

Paragraph 1 in line 5 down from the top where it says "and licensing for six gaming machines"; and

- c) Paragraph 4 of the letter dated December 6 from Proteykt Studio, LLC in the middle line of that paragraph where it says "gaming".

- d) on sheet A-2 the area on the plans depicted as "gaming area"

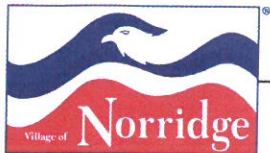
AND all of these references to gaming shall be marked as stricken and the minutes of this hearing shall reflect that these references are stricken.

3) Neither the references to gaming in the zoning worksheet, the December 6, 2021 letter, or the area depicted on the plans as a gaming area for the new facility to house video gaming constitute an application for video gaming.

4) If the variances sought by the Petitioner are recommended in any form by the ZBA or later approved by the Village board, the portion of his plans depicting a video gaming area are **not approved** plans for video gaming and do not constitute an application of approval of video gaming.

5) That the zoning board has no authority to consider, approve or reject applications for video gaming or to base their decisions on video gaming requests and this is not the proper forum in which to raise the issue of video gaming or apply for video gaming.

6) The Village Board has enacted a moratorium on video gaming that is currently in effect and no new applications for video gaming have been accepted for over a year while the Village Board continues to study the issue of video gaming, how to limit it in the Village and to prepare ordinances that will enact such restrictions.



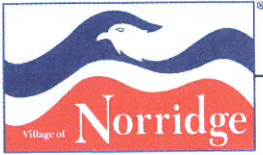
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7) The public, by way of a referendum last year told the Village Board that they wanted to further limit video gaming in the Village.

8) The Village Board has the authority to limit and restrict video gaming licenses. Once the moratorium is expires the public can expect that the Village Board will continue to limit the number of video gaming licenses. I am not certain at this point exactly how the Board wants to do that, but I can tell you that it is certain that there will not be an unrestrained number of video gaming establishments permitted in the Village going forward.

PETITIONER / OWNER SAID ON THE RECORD AT THE HEARING THAT HE UNDERSTOOD THAT THE REFERENCES TO VIDEO GAMING IN THE PLANS AND APPLICATION WILL BE STRICKEN AND NOT CONSIDERED BY THE ZONING BOARD, AND IF THE VARIATIONS ARE RECOMMENDED THAT THE VILLAGE BOARD WOULD NOT CONSIDER VIDEO GAMING IN DETERMINING WHETHER IT WOULD GRANT THE VARIATIONS SOUGHT BY PETITIONER.



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Attachment "B"

Jan. 20, 2022

Zoning Board of Appeals

RE: Zoning Case # 655

8500 W. Lawrence

I will not be attending the meeting in person. I will attend by zoom if possible. Please have this read into the record for this case.

The following are my comments regarding this case.

1. The rear setback is similar to what was approved for the Impact Fuel and the Dunkin Donuts on Cumberland. I believe a solid Composite fencing was made contingent on receiving the variance. The solid fencing that we had them install at Impact Fuel stepped down to 4' for the last two panels which allows for a better site line for vehicles exiting alley. (See attached picture). The same should apply for this location.

2. Garbage pickup. On the recent cases that we ruled on we approved access from the property as to not affect the flow of the residential alley and buffering the distance from the trucks to neighboring residences. Businesses typically have early morning pickups.

3. Parking requirements are not enough. In the event that gaming machines are approved you could need additional parking.

2 employees

6 people utilizing gaming machines

6 people required for square footage utilizing convenience store

1 Handicapped spot

15 Total spots needed

Attached is a picture of the gas station at Cumberland and Foster @ 7:30 in the morning the six required parking spots are always full at this location they only had one employee on duty at this time.

4. The 11.5" on the west side of the building should never be allowed. Proper maintenance cannot be performed on either building. We approved 4.34' on the GW development on Harlem. 11.5" is not enough room for a person to even clean up debris (leaves, paper, etc.) Possible fire issue. If we cannot build a fence on a fence, then we should not be able to build a building on a building. Building the building 11.5" away would not allow access to the exhaust vent (see attached picture) or tuck point either building in the future. Shifting the building east and changing to a single wider drive opening will allow for additional parking. Garbage pickup from property side and area where snow can be piled without impacting neighboring areas.

Respectfully,

Richard Thompson – Zoning Board Member