



CITY OF PARK RIDGE

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DEPARTMENT OF COMMUNITY
PRESERVATION AND DEVELOPMENT

COUNCIL ACTION REQUIRED

ZONING BOARD OF APPEALS

Thursday, April 7, 2011
City Hall, Mayor's Conference Room
505 Butler Place
Park Ridge, Illinois

MINUTES

Chairman Zimmerman called the meeting to order at 7:31 p.m.

A. Roll Call

Present

Gary Zimmerman, Chairman
Kevin Barnes
Alice Borzym-Kuczynski
Atul Karkhanis
Missy Langan
Linda Nagle
Salvatore Parenti

Staff

Tom Hoff
Sophie Tidd

City Council

Alderman Joseph Sweeney, Council Liaison

Others Present

Approximately 10 citizens

B. Approval of Minutes

Chairman Zimmerman introduced new Board members, Linda Nagle and Salvatore Parenti. They replaced Anita Bloom and John Sclafani, whose terms expired in December of 2010. Ms. Nagle, an attorney, is employed by a real estate and property management company. Mr. Parenti is a twenty year resident of Park Ridge. He recently entered the legal profession after a long career as a contractor.

It was moved by Missy Langan and seconded by Atul Karkhanis that the minutes of the February 24, 2011, Zoning Board of Appeals meeting be approved. Alice Borzym-Kuczynski stated that on page four, paragraph ten, in the first sentence, the word "about" should be included following the word "staff."

Vote on the motion was as follows:

AYES	4	Board members Karkhanis, Langan, Borzym-Kuczynski, Barnes
NAY	0	None
ABSTAIN	3	Nagle, Parenti, Zimmerman

OUR MISSION: THE CITY OF PARK RIDGE IS COMMITTED TO PROVIDING EXCELLENCE IN CITY SERVICES IN ORDER TO UPHOLD A HIGH QUALITY OF LIFE, SO OUR COMMUNITY REMAINS A WONDERFUL PLACE TO LIVE AND WORK.

NAY 0 None
ABSTAIN 0 None

The applicant stated that the proposed sign was 112 by 30 inches, with ten and seven inch letters. He was not sure what to present at the next meeting.

The Board members recommended he bring the dimensions of the sign, including thickness and provide a sample of the materials.

3. Zoning Case Number V-11-06: 108 North Grace (Major Variance)

Lucas Fuksa, applicant and owner, requests a variance to allow a pergola to be located less than 10 feet from the principal structure. Per Section 11.4.A.5, all detached accessory buildings or structures are to be located a minimum 10 feet from the principal building on the lot.

Chairman Zimmerman swore in all citizens interested in testifying about the case.

Mr. Fuksa stated that he lived in Park Ridge from his early childhood until his college years. He moved back in October of last year, with his new wife, who is a lifelong resident.

Mr. Fuksa stated that he and his wife were unaware that the pergola was constructed without a permit and did not meet the zoning requirements until the day of the closing. It was at this time that the seller told him that transfer stamps were not issued due to an outstanding fee for sidewalk repair. He returned to the city to pay the necessary fee and found out about the zoning violation with the pergola.

Mr. Fuksa stated that former alderman Jim Rademacher, is a neighbor. Mr. Rademacher gave Mr. Fuksa a book titled Citizens Guide to Zoning. Mr. Fuksa quoted the book, saying that a variance is the protection of a right, not the granting of a special privilege. Mr. Rademacher wrote a letter in support of the variance request, labeled Exhibit 13.

The applicant stated that the yard is esthetically pleasing with the pergola. He and his wife placed great value on it when purchasing the home. He claimed it an undue hardship that removing it would diminish the value of the property.

Mr. Fuksa stated that his situation was a unique circumstance because he was only made aware of the violation minutes after the closing.

Chairman Zimmerman asked Mr. Fuksa if the closing took place at a title company. He also asked at which point Mr. Fuksa noticed that the deed did not include a transfer stamp.

Alice Borzym-Kuczynski asked if it was a dry closing, with no deed, and no funds disbursed.

The applicant stated that he held back \$10,000.

Ms. Kuczynski asked if the pergola was constructed at the same time as the home.

Mr. Fuksa stated that the previous owner purchased the home from foreclosure. His contractor subsequently constructed the pergola.

Ms. Kuczynski asked Mr. Fuksa if in his option, \$10,000 was a sufficient amount to withhold.

The applicant stated that no, at this point, it was not. At the time, he had gotten back from his honeymoon two days prior to the closing and had no place to live.

Ms. Kuczynski confirmed that only the pergola, not the patio was in violation of the Zoning Ordinance.

Mr. Karkhanis asked if the pergola was constructed after the house.

Sophie Tidd stated that the previous owner purchased the house from foreclosure with a temporary certificate of occupancy. He did not obtain a certificate of occupancy prior to selling the home. During her review of documents submitted for the sale of the property, it was discovered that he constructed the pergola without a permit. Mr. Fuksa purchased the home with without a full certificate of occupancy. Ms. Tidd did not issue the transfer stamp due to the zoning violation that was discovered during the transfer stamp review process.

Judy Barclay, 524 Courtland, asked how the city transferred the property without a certificate of occupancy and with a zoning violation.

Tom Hoff confirmed that a transfer stamp was finally issued upon Mr. Fuksa submitting a letter of intent to either take down the pergola or apply for a variance.

No other residents addressed the Board regarding the case.

The Board closed the public hearing.

Ms. Kuczynski stated that she has been a real estate attorney for 30 years, and has had to delay closings. She stated that the applicant had an opportunity to go beyond what he did.

Kevin Barnes stated that the pergola was built without a permit, and asked if the city has any recourse.

Tom Hoff stated that the city can levy fines, but that does not solve the problem. The city obtains letters of intent and tries to work with people.

Mr. Barnes stated that the applicant took a risk at closing.

Mr. Karkhanis agreed with Mr. Barnes. If the previous owner came in to request a variance, what would the ZBA do? The Board does not differentiate between the applicant and the previous owner.

Missy Langan stated that the Board members were all in agreement. The violation was discovered. Would the Board have granted the variance prior to construction?

Ms. Kuczynski read Section 4.4.E.2.b of the Zoning Ordinance: "The alleged difficulty or hardship has not been created by any person presently having a proprietary interest in the property in question nor by any person in privity with the person having a proprietary interest." She stated that Mr. Fuksa had privity in this and was connected in the matter due to the fact that he was aware of the violation and took responsibility with the letter of intent.

On a motion by Atul Karkhanis and seconded by Missy Langan, the Board

AGREED to recommend City Council approval of a variance to allow a detached pergola to be located four feet from the principal building, instead of 10 feet required by Section 11.4.A.5, at 108 North Grace Avenue, Case Number V-11-06.

Vote on the motion was as follows:

AYES	3	Board members Nagle, Parenti, Barnes
NAY	4	Langan, Borzym-Kuczynski, Karkhanis, Zimmerman
ABSENT	0	None

The variance was denied.

4. Zoning Case Number V-11-07: 10 North Summit (Major Variance)

Mark Collins, Sign-A-Rama and Brad Dennison, applicants, request two variances, one to allow a wall sign that does not face a public street and a second to allow the wall sign to be located above the second floor windowsill, both requests in conflict with Section 14.6.F.1 of the Zoning Ordinance.

Chairman Zimmerman swore in all citizens interested in testifying about the case.

Mr. Collins stated that he is applying for a variance on the north elevation of the Summit of Uptown building facing Trader Joes. The subject property is zoned B-1. He submitted a color photograph of the subject property, labeled Exhibit 14. He stated that there is very little signage coming from the northwest. Many people miss it. Trader Joe's is zoned B-4. The B-4 Zoning District allows signs in the lot facing street elevation. The side of the building faces Trader Joe's.

Mr. Collins stated that the Summit's target market consists of Trader Joe's shoppers and people driving down the street.

Mr. Dennison, submitted Exhibit 15, stating that the non-illuminate sign would be constructed of aluminum and stud mounted on the building.

Ms. Nagle asked Mr. Dennison about the ownership of the building.

Mr. Dennison stated that the property is owned by Audrey Yohanna, his grandmother, and Mark Dennison, his father, and is held in a land trust.

Ms. Nagle stated that she is a neighbor and is aware of a sign within the doorway as well as proposed signs on Meacham and Touhy Avenues.

Mr. Dennison stated that the Summit encompasses a large piece of land.

No other residents addressed the Board regarding the case.

The Board closed the public hearing.

Alice Borzym-Kuczynski stated that the Summit has a specialty market. Touhy Avenue and the corresponding cross streets can be daunting and the proposed sign would be helpful for the elderly coming to the facility. She was in support of the variance request.

Salvatore Parenti asked if there was any additional lighting proposed for the sign.