

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**September 28, 2015**

The regular meeting of the Zoning Board of Appeals was called to order by Chairman William Cotey at 7:00 p.m. at the Village Hall.

Members present: Chairman William Cotey, Amy Flores, Matthew Krummick, Mark Moore, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: None.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner, and Fred Chung, Senior Project Engineer.

**OLD BUSINESS:**

**ZBA 15-23    Leroy Redman, Applicant**  
**107 W. Church Street and 355 N. Milwaukee Avenue**

**Request is for a variation from Zoning Code Section 5-2.4 regarding Use Limitations that are applied in the C-1, Downtown Core Commercial District in order to allow more than 25% of the gross floor first floor of a building with street frontage on Milwaukee Avenue within the C-1, Downtown Core Commercial District to be occupied by uses which are denoted by an asterisk in Section 5-2.2 or Section 5-2.3 of the Zoning Code.**

Mr. David Smith, Senior Planner, stated that the petitioner was before the Zoning Board of Appeals at their August 24, 2015 meeting requesting approval of a variation from Zoning Code Section 5-2.4 regarding Use Limitations that are applied in the C-1, Downtown Core Commercial District in order to allow more than 25% of the gross floor first floor of a building with street frontage on Milwaukee Avenue within the C-1, Downtown Core Commercial District to be occupied by uses which are denoted by an asterisk in Section 5-2.2 or Section 5-2.3 of the Zoning Code for property at 107 W. Church Street and 355 N. Milwaukee Avenue.

Mr. Smith stated that during the course of the August 24, 2015 Zoning Board of Appeals public hearing, the petitioner gave testimony, the Zoning Board of Appeals deliberated, and at the end of the hearing, the Zoning Board of Appeals recommended that the petitioner provide a cost estimate for the work required in order to physically separate 355 N. Milwaukee Avenue and 107 W. Church Street into two separate buildings as they once were. Mr. Smith stated that the petitioner requested a continuance to the September 28, 2015 Zoning Board of Appeals meeting in order to acquire a cost estimate. He stated that the petitioner has consulted with an architect who has done the cost estimate and that Staff has provided this as an addendum to the applicant's petition for Zoning Board of Appeals review and recommendation.

Mr. Mehran Farahmandpour, architect representing the petitioner, stated that he has assessed the buildings to determine if they can be separated. He stated that he examined as to how the

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Building Code defines a building. He stated that the Building Code states that each building has regulations that look at separate party walls, separate toilets, entrances, and fire separation.

Mr. Farahmandpour stated that regarding the cost estimate, each building should have a firewall. He stated there are old windows that were filled before and that the old fill would need to be removed from the windows and refilled to meet current code. He stated that there is an interior stair well that would need to be changed. He stated that the existing HVAC system would need to be relocated. He stated that the common short corridor that serves three tenant spaces would need to be removed and separated and then after that the 107 W. Church Street space would then need to be rehabbed with new toilets. He stated that new water and gas lines would need to be brought in and the new electric service would need to be installed. He stated that a new second exit would be required for the 107 W. Church Street space. He stated that in total all of the work would be estimated to cost approximately \$123,000.

Mr. Farahmandpour stated it gains nothing in terms of how both addresses function. He stated that the original buildings were built separately.

Mr. Marc Redman, representing the petitioner, stated that they have lowered the rent from \$5000 to \$4000. He stated that they were originally built as two separate buildings.

Board Member Schultz stated that he does not dispute the cost estimate provided by the petitioner's architect. He stated that although it looks like a thorough evaluation, there are a number of solutions. He stated that he supports Staff's recommendation to deny the variation request.

Board Member Semmelman stated that when the buildings were combined it was a self-created situation.

Mr. Leroy Redman, petitioner, stated that the two buildings were combined when Prudential took occupancy.

Mr. M. Redman stated that Prudential rehabbed the two buildings into one building prior to the current code requirement for the office use restriction.

Board Member Moore stated that he supports Staff's recommendation.

Board Member Oakley asked how long 107 W. Church Street has been vacant. Mr. L. Redman stated that they have gotten approximately four (4) calls per month, mostly from restaurants. He stated that the prospective restaurants change their minds after they find out what the expense would be to build out the space for a restaurant use and then they go away.

Mr. M. Redman stated that it is cost prohibitive for a restaurant use to go into 107 W. Church Street.

Chairman Cotey requested clarification from Staff what the options are for the Zoning Board of Appeals. Mr. Spoden stated that the Zoning Board of Appeals can recommend approval, or

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denial, or continue the matter to next month or they can recommend approval with conditions. He stated that if the petitioner is turned down by the Village Board, they would have to wait a minimum of one year. He stated that if the petitioner were to withdraw, then they can come back sooner with a new application for the same variation request.

Chairman Cotey asked the petitioner if they would like for the Zoning Board of Appeals to take action tonight. Mr. M. Redman stated that he would like for the Zoning Board of Appeals to give their recommendation to the Village Board tonight.

*In the matter of ZBA 15-23, Board Member Oakley moved, seconded by Board Member Semmelman, to recommend the Village Board of Trustees approve a variation from Zoning Code Section 5-2.4 regarding Use Limitations that are applied in the C-1, Downtown Core Commercial District in order to allow more than 25% of the gross floor first floor of a building with street frontage on Milwaukee Avenue within the C-1, Downtown Core Commercial District to be occupied by uses which are denoted by an asterisk in Section 5-2.2 or Section 5-2.3 of the Zoning Code, in accordance with the plans submitted.*

Ayes: None

Nays: Cotey, Moore, Flores, Krummick, Oakley, Schultz, Semmelman

Absent: None

*Motion failed 0 - 7.*

**NEW BUSINESS:** None.

**COMMUNICATIONS AND DISCUSSION:** None.

Board Member Semmelman moved, seconded by Board Member Schultz, to adjourn the Zoning Board of Appeals meeting.

Motion carried 7 - 0.

Meeting adjourned at 7:25 p.m.