



**City of Blue Island  
Building & Zoning Department**

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**MINUTES**

**ZONING BOARD OF APPEALS**

**CITY COUNCIL EAST ANNEX BUILDING  
2434 VERMONT STREET  
BLUE ISLAND, IL 60406**

The Zoning Board of Appeals hearing was held remotely on Thursday, July 2, 2020 at 7:30 PM, as permitted by Executive Order 2020-07, which was signed by Illinois Governor J.B. Pritzker on Monday, March 16, 2020 in response to the COVID-19 pandemic.

People participated remotely, by downloading the *Zoom Cloud Meetings App*, or by calling (312) 626-6799, and inserting Zoning Board Meeting Webinar ID: 841 5337 3174. (Online: <https://zoom.us/j/84153373174>)

Zoning Board of Appeals Chairman Clifford Griffin called the meeting to order at 7:33 PM on Thursday, July 2, 2020.

**I. Roll Call**

Present

Clifford Griffin  
Jeffrey Atwell  
Joseph Martin  
Kimberly Byrne  
Michael Sinde

Staff

Howard M. Coppari, Community Development Manager  
Randy Heuser, City Clerk, (*Zoom App setup and recording*)

General Public

Scott M. Marsik, Land Use Attorney for Applicant  
Victor M. Lozano, Property Owner and Restaurant Applicant  
Teresa Lozano, Wife, and Danny Lozano, Son

Absent

Eric Frausto  
Joseph Martin  
Vonda Hardy

**II. Approval of Minutes**

The Zoning Board of Appeals (ZBA) reviewed the minutes from Thursday, June 4, 2020, and decided to have a vote on the minutes.

Board Member Jeffrey Atwell made the motion, which was seconded by Board Member Michael Sinde. The vote on the motion to approve the minutes from Thursday, June 4, 2020 occurred in the following manner:

AYES	<u>4</u>	Griffin, Atwell, Byrne, Sinde
NAYS	<u>0</u>	
ABSTAIN	<u>0</u>	
ABSENT	<u>3</u>	Frausto, Martin, Hardy

**III. Public Comment**

None

**IV. Old Business**

None

**V. New Business**

Parking Variance Application / Victor M. Lozano / 1964 Vermont Street / Commercial Highway (C-2) District

Scott M. Marsik, the land use attorney representing Victor M. Lozano's parking variance, spoke about the need to apply for a parking variance. He mentioned that the zoning ordinance requires one (1) parking space for every four (4) restaurant seats, and Mr. Lozano reduced the perspective indoor seating from one hundred (100) seats to seventy-two (72) seats to help reduce the need for a larger parking variance. Mr. Marsik explained that seventy-two (72) seats required eighteen (18) parking spaces, but the rear parking lot can only accommodate for ten (10) parking spaces or forty (40) seats; hence the reason, the applicant is applying for eight (8) parking spaces variance.

Then, Mr. Marsik discussed how Mr. Lozano and he looked for offsite parking spaces throughout the immediate neighborhood, but came up short. They contacted people from a former school, an existing church, and local businesses, but nothing was available to lease, even if, Mr. Lozano would provide for valet parking.

Mr. Marsik did say that one (1) out of the two (2) brothers that own *Danny's Market Place*, which is located at 1965 Vermont Street, across the street from the proposed *Puerto Marisco* restaurant, would be amendable to allowing Mr. Lozano to lease nightly parking spaces for valet service, but this brother would not commit to a written lease agreement. *[The attorney never mentioned the number of parking spaces that would be used across the street.]*

Mr. Marsik mentioned that Mr. Lozano would be amendable to providing valet parking to help remediate the parking variance. Mr. Lozano would provide for valet parking in his rear restaurant lot and elsewhere, which would include a two (2) block radius from the restaurant or on a private/public parking lot. *[Again, the attorney never listed any of the alternatives that Mr. Lozano patrons would be parked.]*

Mr. Marsik also acknowledged the previous restaurant business, which was located at 1964 Vermont Street, was not very nice to the immediate neighborhood. For example, the neighborhood complained about the excessive amounts of noise, security, trash, and parking that they had to endure, which was not very fair or neighborly. Mr. Marsik mentioned that Danny Lozano, the son of Victor Lozano, wants to establish a "net-positive" restaurant, and that Danny Lozano would be more cognoscent with neighborly concerns and complaints.

Danny Lozano explained that his father owns several businesses in Chicago, and his father wants him, Danny Lozano, to run the future Blue Island restaurant.

Mr. Lozano explained that his son would be a good fit to operate the Blue Island restaurant because Danny Lozano has between eight (8) to ten (10) years of personal restaurant business. Mr. Lozano believes his son would be a good fit for the restaurant, and he would address the concerns of the neighbors in a better manner.

## Minutes for the Zoning Board of Appeals Hearing (Continue)

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Mr. Lozano admitted that he was really upset to find out that the previous restaurant business owner, *Mariscos La Sirena*, was keeping his personal army-related vehicles parked in the rear parking lot, which forced the restaurant patrons to simply park on neighboring streets; this angered many household residents, business owners, and the two (2) aldermen for that ward.

Hence the reason, a parking variance is needed for *Puerto Marisco* because of the negative aspects created by *Mariscos La Sirena*. Mr. Lozano admitted that he should have done a better job on that matter, but he confessed that he never received any of those complaints. In other words, the neighborhood complaints were passed to the former restaurant business owner and not to the property owner, which would be Mr. Lozano.

Mr. Lozano further commented that he has lost money on the restaurant being closed because he needed a parking variance, and he expects the busier nights to be on Friday and Saturday for his valet service to be fully used.

Danny Lozano mentioned that he would be more involved with the neighbors, and their particular concerns on noise, security, trash, and parking. As a perspective restaurant manager, Danny Lozano would be very open to the public, and he wants to create a place where everyone is welcomed.

Chairman Clifford Griffin asked questions about the valet service that Mr. Lozano will incorporate for his business.

Mr. Marsik said that Mr. Lozano will use valet service for his new restaurant. However, the owners of *Danny's Market Place* will not sign a lease.

Board Member Michael Sinde asked about the new restaurant's current restrictions, peak demand, and busier days.

Danny Lozano answered that parking will be provided by valet service, and that Bobby, the second property owner for *Danny's Market Place*, will need to sign the lease agreement. However, this second property owner is only in Illinois every three (3) months to actually sign a lease agreement between *Danny's Market Place* and *Puerto Marisco*.

Board Member Kimberly Byrne mentioned that Blue Island is a very nice community, and she said the city understands the challenges involved with parking. But how would Mr. Lozano control the challenges discussed earlier in this hearing. The challenges would be related to noise, employee parking, number of employees, entertainment, and expected customers.

Danny Lozano said that he would employ two (2) armed security guards. A security guard would be housed inside of the restaurant, while the other security guard would be stationed outside of the restaurant. The two (2) security guards would deal with inside and outside loitering. Danny Lozano mentioned between two (2) to three (3) waiters would be assigned for the restaurant, but this would be hard to calculate until they know how many indoor seats they are permitted to have because of the parking variance. He also explained that his father purchased an empty lot with his business partner, which can be used for parking for the restaurant employees.

Board Member Byrne asked when would the restaurant be opened, and what would they expect once they are opened.

Danny Lozano mentioned he expects the restaurant to be opened in the near future. He said that they are currently working on the internal demolition of the previous restaurant, while they apply for a parking variance.

## Minutes for the Zoning Board of Appeals Hearing (Continue)

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Board Member Sinda asked about the armed security guards.

Danny Lozano answered that he expects the two (2) security guards to be armed. He explained this is pretty typical for businesses in Chicago.

Howard M. Coppari, the Community Development Manager, commented on the notion that the proposed restaurant employees being parked on a separate lot would not be allowed. Mr. Coppari referred to the property, which is located 2140 Vermont, to be used for employee parking. He explained this cannot be done; first, the lot is located between two (2) residential lots, and second, this type of a commercial lot, which is to be used for commercial parking, is located too far away to allow for a variance for offsite parking.

Furthermore, Mr. Coppari mentioned that he and the former Building Official, Brian Pohlis, met with Mr. Lozano and his business associate when *Mariscos La Sirena* first closed last summer (2019), and he explained that commercial parking for valet service and employee parking cannot be done on grassy lot without first paving it and creating a commercial parking lot, which would include asphalt pavement, drainage, landscaping, lighting, and fencing. Also, this vacant lot, which is sandwiched between residential homes does not meet the distance requirement for offsite parking for a business, which cannot accommodate for its lack of parking spaces.

Victor M. Lozano interjected, and he said that he was trying his very best in finding parking for his employees.

Board Member Byrne asked about the possibility in using the front area of the restaurant for parking. She asked if this patio area can be used for parking.

Danny Lozano explained this patio area would contain no outdoor seating, and he said this area would be used more for aesthetics. He intends to build a wooden bridge with sand underneath it, play splashing waves-related music, and build a large octopus where patrons can take photos with this octopus. Basically, Danny Lozano wants to create a memorable experience at his restaurant.

Board Member Byrne asked more substantive questions about the valet parking that will be implemented for *Puerto Marisco* such as the company name, is it a registered Blue Island contractor, and what type of valet insurance will the company carry.

Danny Lozano explained that he will employ the company named VSA to help with his valet parking. Mr. Lozano said that he is good friends with the son who works at VSA. It would be a good synergy between two friends.

Board Member Byrne questioned, if *Danny's Market Place* is to be used as a likely parking supplement, will the valet company carry liability insurance against a vehicle being broken into, stolen, or damaged while parked at the offsite parking lot.

Mr. Coppari interjected, and he said that most of these matters would be covered by the applicant when they submit for a valet parking application to the city. Mr. Coppari mentioned this usually happens during the business application process before a certificate of occupancy is approved by the Building Department. *[Staff sensed that this application process should be done before a parking variance is approved.]*

## Minutes for the Zoning Board of Appeals Hearing (Continue)

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Again, Mr. Coppari surmised that the applicant is contemplating in providing valet parking within a two-block radius from *Puerto Marisco*, *Danny's Market Place*, and the perspective *Fulton Street Parking Lot*.

Board Member Byrne asked for a concept plan that shows where the valet parking will occur offsite. Ms. Byrne also wants to see a signed lease from *Danny's Market Place* for the valet parking as well.

Attorney Scott M. Marsik acknowledged that the parking plan is in the final stages, and the parking plan is still being worked out. He pleads with the Zoning Board of Appeals to be more reasonable with this parking request.

Board Member Sinde asked if an agreement has been signed with anyone in providing for offsite parking. *[The consensus was indicative that nothing has been done yet. No one answered his question.]*

Victor M. Lozano answered that he never had a parking problem before *Mariscos La Sirena* ruined everything. He admitted that the last two (2) years where everything exploded into a negative manner, but he is willing to buy a lot or try to work out a deal with anyone to resolve the parking dilemma.

Board Member Sinde explained that the former *Sanders School* will not allow for parking because the school district will use this property for their administrative office. So, this property is no longer valid for any parking compromise.

Mr. Coppari also interjected on this school property conversation, and he explained that Board Member Sinde was correct and the school property is being remodeled internally and externally. Mr. Coppari referenced that the *Sanders School* property will have fencing surrounding the entire site. This will allow for nobody to park there.

Board Member Byrne said that the Zoning Board of Appeals should probably table this parking variance for another hearing night.

Chairman Clifford Griffin concurred with this notion, and said, *"this is not our business to create their parking plan."*

Mr. Marsik responded back to Board Member Byrne's question if the employees are considered in the parking ratio, and he said "yes." The parking ratio takes both customers and employees into account. Mr. Coppari also reiterated the same notion.

Mr. Coppari brought up another element that was not discussed in the hearing, and this dealt with paid property taxes. Mr. Coppari brought up the notion that the 2018 and 2019 taxes were not paid.

Board Member Sinde then asked Mr. Lozano if the property taxes have been paid.

Victor M. Lozano said that the taxes were paid, and if they were not fully paid, then he would pay them immediately.

Board Member Byrne said that she was not ready to vote on granting a parking variance.

Chairman Griffin concurred with Ms. Byrne's voting stance in tabling the zoning decision to another night until more information is provided to the Zoning Board of Appeals.

**Minutes for the Zoning Board of Appeals Hearing (Continue)**

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Chairman Griffin expressed two (2) items that need to be completed before the Zoning Board of Appeals can continue to hear the parking variance. The two (2) items included:

- 1) All of the property taxes are paid for years 2018 and 2019; and that the water bill is also up to date on payments for the owner’s property.
- 2) The applicant will present a valet parking plan, a semi-completed application, which demonstrates on how, when, and where the vehicles will be driven and parked offsite.

Mr. Coppari also suggested that Victor M. Lozano and Scott M. Marsik should create a parking plan with three (3) options to demonstrate how the valet parking will actually work. The three (3) options include:

**Option 1:** Valet and stacked parking in the rear parking lot.

**Option 2:** Valet parking in *Danny’s Market Place*.

**Option 3:** Valet parking at the *Fulton Street Parking Lot*, which is located near the *Cal-Sag Canal*.

Mr. Coppari mentioned on the *Zoom Cloud Meetings App* that the continuation of the parking variance application will be continued on Thursday, August 6, 2020 at 7:00 PM. Mr. Coppari mentioned this twice to the viewing public.

Board Member Jeffrey Atwell made the motion, which was seconded by Board Member Michael Sinde. The vote to continue to hear the parking variance application to Thursday, August 6, 2020 at 7:00 PM occurred in the following manner:

AYES	<u>4</u>	Griffin, Atwell, Byrne, Sinde
NAYS	<u>0</u>	
ABSTAIN	<u>0</u>	
ABSENT	<u>3</u>	Frausto, Martin, Hardy

**VI. Commissioners Comments**

None

**VII. Adjournment**

Board Member Jeffrey Atwell made the motion, which was seconded by Board Member Michael Sinde. The vote on the motion to adjourn for the evening occurred in the following manner:

AYES	<u>4</u>	Griffin, Atwell, Byrne, Sinde
NAYS	<u>0</u>	
ABSTAIN	<u>0</u>	
ABSENT	<u>3</u>	Frausto, Martin, Hardy

The Zoning Board of Appeals adjourned the meeting at **8:54 PM**. These minutes are not a verbatim record of the meeting, but a summary of the proceeding.

Minutes for the Zoning Board of Appeals Hearing (Continue)

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08-06-20

Date



Clifford Griffin, Zoning Board of Appeals Chair