MINUTES OF THE ZONING BOARD OF APPEALS

VILLAGE OF TINLEY PARK
COOK AND WILL COUNTIES, ILLINOIS

HELD JUNE 14, 2012 7:30 P.M.

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of the Village Hall on June 14, 2012.

ROLL CALL

Present and responding to roll call were the following:

Zoning Board Chair:	Sam Cardella
Zoning Board Members:	Patrick Conway Tom Hanna Michael Krause Jerry Radecky Dave Samuelson
Absent Zoning Board Members:	Ed Barta
Zoning Board Secretary:	Reem Hamden
Village Staff:	Matt Panfil, AICP – Village Planner I

CALL TO ORDER

Chairman Cardella called to the meeting to order at 7:31 P.M.

APPROVAL OF MINUTES

Minutes of the December 8, 2011 Zoning Board of Appeals Meeting were presented for approval. A motion was made by BOARD MEMBER SAMUELSON and seconded by BOARD MEMBER HANNA, to approve the minutes of December 8, 2011 as presented.

AYE: Board Members Patrick Conway, Tom Hanna, Michael Krause, Jerry Radecky, Dave Samuelson

NAY: None

ABSENT: Board Member Ed Barta

THE MOTION WAS APPROVED UNAMINOUSLY by roll call; CHAIRMAN CARDELLA declared the motion approved.

TO: **THE VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**

FROM: **THE VILLAGE OF TINLEY PARK ZONING BOARD OF APPEALS**

SUBJECT: **THE MINUTES OF THE JUNE 14, 2012 MEETING**

ITEM #1: **CASE #Z-01-12 PUBLIC HEARING: KEVIN THOMPSON AND DAWN KORNITA – 16754 SOUTH NEW ENGLAND AVENUE – FRONT YARD SETBACK AND MINIMUM USABLE FLOOR AREA PER DWELLING VARIATION**

GUESTS: **PETITIONERS, KEVIN THOMPSON AND DAWN KORNITA – 16754 NEW ENGLAND AVENUE, TINLEY PARK, ILLINOIS 60477**

A Public Hearing was held on June 14, 2012 by the Zoning Board of Appeals to consider recommending that the Village Board grant the following variations: (1) a 7.6'-front yard setback variation from the required 30-foot rear yard setback (Section V, Part B, Schedule II of the Tinley Park Zoning Ordinance) to allow a 22.4'-front yard setback; and (2) a 338-square foot variation from the Section V. Part C, Number 2 of the of the Tinley Park Zoning Ordinance to allow for the construction of a new 2,462-square foot single family residence where 2,800 square feet is required at 16754 New England Avenue in the R-2, Single Family Residence Zoning District and within the Oak Park Avenue Estates Subdivision.

Chairman Cardella administered the Oath to the Petitioners Kevin Thompson and Dawn Kornita and confirmed with Mr. Panfil that the Public Notice had been sent to the surrounding neighbors.

ROLL CALL

Present and responding to roll call were the following:

Zoning Board Chair:	Sam Cardella
Zoning Board Members:	Patrick Conway Tom Hanna Michael Krause Jerry Radecky Dave Samuelson
Absent Zoning Board Members:	Ed Barta
Zoning Board Secretary:	Reem Hamden
Village Staff:	Matt Panfil, AICP – Village Planner I

DISCUSSION:

PANFIL: Before the Petitioners make their presentation, I would like to provide a summary as to how the current proposed project now comes before you for consideration. The Petitioners first approached the Village approximately three to four years ago for information to determine the feasibility of the project. There have been many different iterations of the project and the Petitioners have been patient and cooperative. The Petitioners are requesting three variances.

However, you will only be asked to vote on two variances this evening. The other variance, a two-foot side yard setback variance to allow for an eight-foot side yard setback where ten feet is required by Code, can be granted administratively by the Village's Zoning Administrator because it does not exceed 20% of the required setback. The other variances are a request for a 2,462-square foot singly-family home where 2,800 square feet is required and also a 7.6'-front yard setback variance along the corner of the property parallel to the unimproved 168th Street right-of-way.

CARDELLA: Would the Petitioner please step up and explain your hardship?

THOMPSON: Our lot is 81-feet wide, but the Code now suggests that the lot should be at least 115 feet wide. This drastically reduces the land available to use for our house. We are trying to build a house that is comparable to what we have now, and based on numerous plans, we came up with a building plan for the new house that required it to be so many feet wide. If we went by the Code and had a 30-foot and 10-foot setbacks, we would only have room for a 40-foot wide house. We are also proposing a garage with side entrance, so we need room for the drive-way to be consistent with what we have now.

CARDELLA: There will be a side-accessed garage?

THOMPSON: Yes.

CARDELLA: You will be demolishing the existing house and rebuilding?

THOMPSON: Yes.

CARDELLA: If your requests are granted, when do you plan on doing this?

THOMPSON: As soon as it approved by the Village.

CONWAY: My compliments as to how well your findings of fact have been written. I personally believe they coincide with the facts. This is an older area and probably none of the surrounding homes are over 2,800 square feet and have built in an odd fashion through the years. I have no other issues.

HANNA: I have no problem.

KRAUSE: I believe this will improve the area. What is the square footage of the current house?

THOMPSON: About 1,200-1,300.

KRAUSE: You will be removing the existing garage?

THOMPSON: It's staying for storage of maintenance equipment. We also maintain the unimproved right-of-way at 168th Street.

SAMUELSON: One of the topics for contemplation is how the completion of 168th Street would affect the request. The odds of this occurring are very slim and even if it were to be completed, there wouldn't be an effect on this request.

PANFIL: The effect would be minimal.

SAMUELSON: The five-foot utility easement was recorded, or is this a new easement?

PANFIL: This will be a new easement, and is reflected in the newest revisions.

SAMUELSON: I take it based on your answers, you own this property?

THOMPSON: We have the money to buy the property, but it's a matter of getting approval before continuing.

SAMUELSON: You're going to keep the detached garage, but I didn't notice if the shed is there.

THOMPSON: There is and it will remain.

SAMUELSON: There won't be a traffic conflict created with the new garage and existing garage?

THOMPSON: No, it will be the same as it is now.

SAMUELSON: I don't feel the lot acts as a true corner lot. You did not create the hardship yourself. I commend your findings of fact; they made this easy to follow. We can take into account your house will still be larger than most and hopefully will stir neighbors to do the same. If you were to not have the front yard setback variance, it would essentially force you to create a row house, a narrow house that can't be used equitably. The hardship is to build in buildable envelope, it would be less useable.

RADECKY: On the north side, you were saying that you are giving an eight-foot setback between the wall and property line.

PANFIL: Correct.

RADECKY: The drawing shows six feet.

PANFIL: There were revisions made after that drawing was made.

RADECKY: So those arrows are incorrect? This plan is incorrect?

PANFIL: In an effort to make the drawing more legible, I erased the original six-foot marks and replaced them with eight-foot marks, but I forgot to erase one of the original six-foot marks on the drawing; it should read eight feet.

RADECKY: I assume the five-foot easement is within the eight feet?

PANFIL: Yes.

RADECKY: Is your main driveway off New England Avenue?

THOMPSON: Yes.

RADECKY: It will curve into the garage?

THOMPSON: Yes

PANFIL: If in the future 168th Street is completed, the Petitioner will have to option to reconfigure their access. Public Works prefers the Petitioner does not build a driveway on the 168th Street right-of-way.

RADECKY: What if it doesn't go through; do they have the opportunity to get additional property?

PANFIL: No.

SAMUELSON: You'd have to vacate the property to the owners; each owner would have to get 33 feet and have to maintain it.

PANFIL: In the long term, we would like 168th Street to connect from Harlem Avenue to Oak Park Avenue.

RADECKY: Can we make sure the drawing is corrected to say eight feet? It is confusing.

PANFIL: The building permits will read eight feet.

RADECKY: I have no further questions.

CARDELLA: Is there anyone else who wants to speak?

MOTION WAS MADE BY BOARD MEMBER SAMUELSON: Consider recommending to the Village Board to grant: (1) A 7.6-foot variance to the required 30-foot front yard setback to allow a 22.4-foot setback on the south side of the property (Section V, Part B, Schedule II); and (2) a 338-square foot variance to the required 2,800-square foot minimum home size requirement to allow for a 2,462-square foot home (Section V.C.2); with the condition that a five- (5) foot utility easement along the north side of the property line be recorded prior to the issuance of any building permit at 16754 South New England Avenue, Zoned R-2, Single Family Residential and within the Oak Park Estates Subdivision.

The motion was seconded by BOARD MEMBER RADECKY.

AYE: Board Members Patrick Conway, Tom Hanna, Michael Krause, Jerry Radecky, Dave Samuelson, Chairman Sam Cardella

NAY: None

ABSENT: Board Member Ed Barta

THE MOTION WAS APPROVED UNAMINOUSLY by roll call; CHAIRMAN CARDELLA declared the motion approved.

ADJOURNMENT

There being no further business, BOARD MEMBER HANNA requested a motion to adjourn. The motion was seconded by BOARD MEMBER KRAUSE to adjourn the regular meeting of June 14, 2012 at 7:45 PM.

AYE: Board Members Patrick Conway, Tom Hanna, Michael Krause, Jerry Radecky, Dave Samuelson, Chairman Sam Cardella

NAY: None

ABSENT: Board Member Ed Barta

THE MOTION WAS APPROVED UNAMINOUSLY by voice call. CHAIRMAN CARDELLA declared the meeting ADJOURNED.