



MINUTES OF THE ZONING BOARD OF APPEALS

**VILLAGE OF TINLEY PARK,
COOK AND WILL COUNTIES, ILLINOIS**

HELD DECEMBER 27, 2012

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of the Village Hall on December 27, 2012.

ROLL CALL

Present and responding to roll call were the following:

Zoning Board Chair:	Sam Cardella
Zoning Board Members:	Patrick Conway Michael Krause Dave Samuelson Tom Hanna Ed Barta
Absent Zoning Board Members:	Jerry Radecky
Zoning Board Secretary:	Reem Hamden
Village Staff:	Ron Bruning, Zoning Administrator Matthew Panfil, AICP, Village Planner Gregory Hannon, Village Trustee

CALL TO ORDER

Chairman Cardella called to the meeting to order at 7:32 p.m.

APPROVAL OF MINUTES

Minutes of the October 25, 2012 Zoning Board of Appeals Meeting were presented for approval. A motion was made by BOARD MEMBER SAMUELSON and seconded by BOARD MEMBER KRAUSE, to approve the minutes of October 25, 2012 as presented.

AYE: Board Members Patrick Conway, Michael Krause, Dave Samuelson, Tom Hanna, Ed Barta, and Chairman Sam Cardella

NAY: None

ABSENT: Board Member Jerry Radecky

THE MOTION WAS APPROVED UNANIMOUSLY 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 DECEMBER 27, 2012 MEETING
ITEM #1: CASE #Z-05-12 PUBLIC HEARING: FATHI & HAYFA ODEH – 19332 SHABBONA DRIVE – FRONT YARD SETBACK VARIATION

A Public Hearing was held on December 27, 2012 by the Zoning Board of Appeals to consider recommending that the Village Board grant the following variation: A 20-foot variance from Section III, Schedule 2 of the Tinley Park Zoning Ordinance, to allow for a ten- (10) foot setback where a thirty- (30) foot setback is required for a 6-foot-high fence on the Blackhawk Drive (north) frontage of this corner lot at 19332 Shabbona Drive in the R-2, Single Family Residential Zoning District and within the Tinley Trails Subdivision.

Chairman Cardella administered the Oath to the Petitioner Hayfa Odeh and confirmed with Mr. Panfil that the Public Notice had been sent to the surrounding neighbors.

Present and responding to roll call were the following:

Zoning Board Chair:	Sam Cardella
Zoning Board Members:	Patrick Conway Michael Krause Dave Samuelson Tom Hanna Ed Barta
Absent Zoning Board Members:	Jerry Radecky
Zoning Board Secretary:	Reem Hamden
Village Staff:	Ron Bruning, Zoning Administrator Matthew Panfil, AICP, Village Planner Gregory Hannon, Village Trustee

DISCUSSION:

Petitioner Hayfa Odeh (19332 Shabbona Drive) addressed the Zoning Board of Appeals at the request of Chairman Cardella.

ODEH: We have all the encroachments on the south side of our property. All the gas, electric, water, and sewer runs on the south side of our property, so there is nothing we can do there. We can't put a play set or a swimming pool or anything in our backyard. We can't even plant a tree because of all the utilities. We'd like to take a little bit of space on the north side of our property in order to do something for our children and keep them safe.

CARDELLA: You mentioned something about water?

ODEH: Yes, we have a sewer and the water lines run through the south side of our property. That is the side that is not on the corner.

CARDELLA: Commissioner Conway?

CONWAY: I was out on the property on Saturday, and I'd like to know if Staff can provide an answer to this question. I did note that on 194th and Kickapoo, this Commission granted a variance a few years ago. I don't remember the name of the party, but it was a few years ago and there was a variance granted.

PANFIL: Are you talking about just south of 194th?

CONWAY: Yes, I am.

PANFIL: That was 2009.

CONWAY: I noted that one. I was wondering if there have been any others granted since?

PANFIL: Within this specific subdivision? This is Tinley Trails, not Brookside Glen. That property you are referring to was the only one within the subdivision since 2009.

CONWAY: That was the question I had. I did remember that one from 2009 that our Staff had refreshed my memory on. While I was going through the neighborhood, I remembered that Hearing. I didn't remember if it was specifically 2009 or not. I don't remember anything else we have done in Tinley Trails with regard to this type of Petition.

BARTA: If there were never any other Petitions, and they are going to put up a fence, wouldn't that set up a precedent for the rest of the houses along that line?

PANFIL: There has been the one previous request. What you are looking at, it's along the edges. That's basically the entire subdivision.

ODEH: We are the only corner house. There are two corner houses that have this issue and the other one was granted, correct Matt?

PANFIL: If you are looking at this (indicating to an image), this house here was granted one.

ODEH: All the other houses are already fenced except Alex next door. We are the only corner house left.

PANFIL: They still could, if they want to. There are eight corner lots in the subdivision. We received a request for one in 2009, and this is the second request in this subdivision.

HANNA: I have no questions.

CARDELLA: Commissioner Krause?

KRAUSE: I was at the property too. There are no other fences. The other houses, those are their front yards?

ODEH: Yes.

KRAUSE: The one on the corner, 19325 Kickapoo, they put their fence in line with the house which was the normal way to do it.

ODEH: We are putting it in line with the house.

KRAUSE: The house sets back. It's not in line with the house. Yours is going to stick out towards the sidewalk. This corner, they put their fence back more towards the house (indicating to an image). It's just that it sticks out, and it would be seen by the other people in their front yard. It looks like the lines are more towards the west. To me, the ideal spot is the south side of the house for the pool except for the utility lines. It only looks like it's at the corner of the property, not the whole length of it.

ODEH: We've had JULIE out, and they run right through the center. Nicor Gas and Com Ed run right through the center. There is also a sewer in the back corner of the south side of our lot. There's an actual sewer.

KRAUSE: Wouldn't it be better to have the pool in the back?

ODEH: We have a patio. There are three exits in the back. We have the patio door, garage door, and laundry room door. In order to do that, they have to step out and it would be right there. We wouldn't have two feet.

PANFIL: This is not a request for a pool, it's just the fence. We let them know that in the future, a pool is not acceptable.

ODEH: Yes, he made that very clear. We're going to do something above ground and put up a play set for them.

KRAUSE: I have no further questions.

CARDELLA: Commissioner Samuelson?

SAMUELSON: Where did you want to put the pool?

ODEH: We have the intention of doing an inground pool. It would be a substantial improvement in property value for us, and it's nice for the kids. We were intending on doing it on the north side of the house. He had the plat of survey drawn with the pool on it.

SAMUELSON: It's more out of curiosity where you would fit the pool.

ODEH: If that's not possible, we can put a swing set there.

PANFIL: The confusion is the original request they made which showed the pool. We let them know it wouldn't be possible.

SAMUELSON: I didn't see an easement on the transmission log. Do we know how big that easement is in the backyard?

PANFIL: I believe its 7.5 feet.

SAMUELSON: I saw the sewer in the back, too.

PANFIL: On the plat, its 7.5 feet along the south and that would be the west side.

SAMUELSON: That would shrink the amount of what you can do with the yard. Do you intend building an open fence or a closed fence?

ODEH: It's going to be a closed fence. It's not going to be a wrought iron fence, it's going to be panel fencing.

SAMUELSON: The only property I can see being immediately affected by this is the property to the west with the turnaround drive. It does appear to be out of the 25-foot line of sight.

PANFIL: It's going ten feet back. We do allow the turnaround drives as long as the curb cut on either side is no longer than 30 feet.

SAMUELSON: It's already built, so it's not a big deal.

BRUNING: There is no line of sight issue there.

SAMUELSON: This is Tinley Trails. It's tangential to Brookside Glen but never carried the PUD that Brookside Glen did.

PANFIL: In cases like this, Brookside Glen allows for one of front yards on a corner lot to be 20 feet, while the other is 30 feet. This requires both to be 30 feet. This is different than Brookside Glen, as Tinley Trails requires them to be 30 feet, and Brookside Glen allows you to have a 30 feet and 20 feet.

SAMUELSON: If this was Brookside Glen, you can have one 30 feet and one 20 feet? So, this would be a 10-foot variance if it was Brookside Glen?

PANFIL: Correct. But it's not Brookside Glen.

CARDELLA: Ma'am, you had something to say. Please give us your name and address for the record.

ZELUTA: Angela Zeluta, 7243 West 194th Street. Of the 31 homes that are in the Tinley Trails Subdivision, there are seven homes that presently have a pool in their yard. Some are inground pools and some are above ground pools. The one house that you did give the variance to was on the corner of 194th Street. It is a wrought iron fence. It does not have any homes that face it. My objection to this one, with a closed fence or any other fence, it will only be ten feet from the sidewalk. It blocks all the other house fronts that face Blackhawk Drive. I think it decreases property values, and it doesn't look aesthetically pleasing to the eye.

CARDELLA: Thank you very much. I appreciate it. Ma'am, I wanted to tell you whatever the Board decides, you still have the right to go before the Village Board. Anyone else has anything else to add before we vote? If not, a motion would be in order.

MOTION WAS MADE BY BOARD MEMBER SAMUELSON: Consider recommending to the Village Board to grant a twenty- (20) foot variance to the required thirty- (30) foot front yard setback to allow a ten- (10) foot setback for a fence on the Blackhawk Drive (north frontage) at 19332 Shabbona Drive, Zoned R-2, Single Family Residential and within the Tinley Trails Subdivision.

The motion was seconded by BOARD MEMBER BARTA.

AYE: None

NAY: Board Members Patrick Conway, Michael Krause, Dave Samuelson, Tom Hanna, Ed Barta, and Chairman Sam Cardella

ABSENT: Board Member Jerry Radecky

THE MOTION WAS DECLINED UNANIMOUSLY by roll call; CHAIRMAN CARDELLA declared the motion declined.

CARDELLA: A motion is needed to close the Public Hearing at 7:48 p.m.

Motion to close Public Hearing was made by BOARD MEMBER BARTA.

Motion SECONDED by BOARD MEMBER HANNA.

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

ADJOURNMENT

There being no further business, CHAIRMAN CARDELLA requested a motion to adjourn. A motion was made by BOARD MEMBER SAMUELSON to adjourn the regular meeting of December 27, 2012 at 7:48 p.m.

The motion was seconded by BOARD MEMBER KRAUSE.

AYE: Board Members Patrick Conway, Michael Krause, Dave Samuelson, Tom Hanna, Ed Barta, and Chairman Sam Cardella

NAY: None

ABSENT: Board Member Jerry Radecky

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