



## **MINUTES OF THE ZONING BOARD OF APPEALS**

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

**HELD JANUARY 24, 2013**

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of the Village Hall on January 24, 2013.

### **ROLL CALL**

Present and responding to roll call were the following:

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

### **CALL TO ORDER**

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

### **APPROVAL OF MINUTES**

Minutes of the December 27, 2012 Zoning Board of Appeals Meeting were presented for approval. A motion was made by BOARD MEMBER SAMUELSON and seconded by BOARD MEMBER RADECKY to approve the minutes of December 27, 2012 as presented.

**AYE:** Board Members Patrick Conway, Michael Krause, Dave Samuelson, Tom Hanna, Acting Chairman Ed Barta, and Jerry Radecky

**NAY:** None

**ABSENT:** Chairman Sam Cardella

**THE MOTION WAS APPROVED UNANIMOUSLY** by roll call; **ACTING CHAIRMAN BARTA** 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 JANUARY 24, 2013 MEETING**  
**ITEM #1: CASE #Z-01-13 PUBLIC HEARING: KATHRYN & TODD LENSE – 7831 DUNREE COURT – FRONT YARD SETBACK VARIATION**  
**GUEST: KATHRYN & TODD LENSE**

A Public Hearing was held on January 24, 2013 by the Zoning Board of Appeals to consider recommending that the Village Board grant the following variation: a thirteen- (13) foot variance from the Brookside Glen Planned Development, to allow for a seven- (7) foot setback where a twenty- (20) foot setback is required for a six-foot-high fence on the Mayfield Place (east) frontage of this corner lot at 7831 Dunree Court in the R-2 PD Single Family Residential Zoning District and within the Brookside Glen Planned Development.

Board Member Barta, acting Chairman, administered the Oath to the Petitioners Kathryn Lense and Todd Lense and confirmed with Mr. Panfil that the legal notice had been published and sent to the surrounding neighbors.

Present and responding to roll call were the following:

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

**DISCUSSION:**

Petitioner Kathryn Lense (7831 Dunree Court) addressed the Zoning Board of Appeals at the request of Acting Chairman Barta.

**LENSE, K.:** We moved into our house in October, actually August. We noticed the neighboring fences in the backyard. If we were to do a fence per the Ordinance, we would lose a part of our backyard. We would like to extend it out to match our neighbors.

**BARTA:** That's a thirteen-foot variance?

**LENSE, K.:** That is correct.

**PANFIL:** I'd like to clarify. The thirteen feet is the maximum the fence encroaches, and then it angles back to where it meets its neighbors at ten feet. Those neighbors to the south where it meets had a previous variance for ten feet. Because their lot is on an angle, the northern point of the fence is thirteen feet out, but it pulls back in to ten feet. We have to go by the biggest point of encroachment, so the variance is for thirteen feet.

**BRUNING:** When the houses were built, they were built at different angles. The house to the south which received the variance was built on a different angle. To hook them up together and make the fences meet is why the variance is needed. It would be silly to have one fence at one angle where the variance was permitted and not allow the other one to hook up to it and look strange.

**CONWAY:** I did have one but Kathryn answered it for me. She said she's going to line up her fence with her neighbors. That's for the record, and that is the only question I had.

**HANNA:** I don't see any problems as long as it lines up with the neighbor's fence.

**KRAUSE:** I don't have any questions.

**SAMUELSON:** I want to commend the Petitioner and Staff with the findings of fact. They were filled out very well and answered a lot of the questions I had. I was out at the site and had a question. What type of fence will you be installing?

**LENSE, K.:** It's a vinyl fence.

**SAMUELSON:** It's going to match your neighbors, right?

**LENSE, K.:** It's going to match the neighbors, correct.

**SAMUELSON:** We have a record to the neighbor to the south getting that variation?

**BRUNING:** Yes, we do. I believe it was eight years ago. I'm not sure of the exact time, but we do have it on file.

**SAMUELSON:** The house is angled. It's a linear property. The Zoning Ordinance does measure out from the midpoint for houses and fences are measured from the furthest point. I assume the fence does angle back three feet if thirteen feet is the maximum based on the fact that the lot curves. I do know in the past that the Board has been copacetic to fences lining up and other variations were added to make the line of sight a bit easier. It's nice to see the fences will match and the look of it. When you are driving on the street, you won't notice the extra three feet from the built-in ten-foot variance. I think it will have a pleasant line of sight. Do you need the fence for yard protection and children?

**LENSE, K.:** Yes, and it's a corner lot.

**SAMUELSON:** Thank you. That's all I have.

**RADECKY:** Is this fence going to tie up with the neighbor's fence?

**LENSE, K.:** It's going to have its own post, so it won't be connected but right next to it so it will look as if it is.

**RADECKY:** I'm asking because on the plan it shows a ten-foot easement and doesn't show the fence going all the way around. I wanted to make sure it's going to connect together.

**LENSE, K.:** They're not going to physically connect, but they will look like as if they are connected. They will have a half-inch space in between.

**RADECKY:** I have no other questions.

**BARTA:** The utilities are on the corner. Will that be okay with the Village when they install the fence?

**LENSE, K.:** Yes.

**BRUNING:** Yes.

**BARTA:** If there are no other questions, a motion would be in order.

**SAMUELSON:** I don't know if the neighbor had anything to say.

**BARTA:** I haven't sworn him in.

**SAMUELSON:** He came in late. I'm not sure if he's here for this item or something else. We should know for the record if he's here for this case or not.

**BARTA:** Mr. Panfil, is he involved in this case?

**PANFIL:** He is. He is trying to determine if he wants to make a statement or not.

**BARTA:** If he does, he will have to be sworn and signed in.

**PANFIL:** He does not want to make a statement.

**BARTA:** A motion would be in order.

**MOTION WAS MADE BY BOARD MEMBER SAMUELSON:** Consider recommending to the Village Board to grant: a thirteen- (13) foot variance to the required twenty- (20) foot front yard setback to allow a seven- (7) foot setback for a fence on the Mayfield Place (east frontage) at 7831 Dunree Court, Zoned R-2 PD, Single Family Residential Zoning District and within the Brookside Glen Planned Development.

The motion was seconded by BOARD MEMBER RADECKY.

**AYE:** Board Members Patrick Conway, Michael Krause, Dave Samuelson, Tom Hanna, Acting Chairman Ed Barta, and Jerry Radecky

**NAY:** None

**ABSENT:** Chairman Sam Cardella

**THE MOTION WAS APPROVED UNANIMOUSLY** by roll call; **ACTING CHAIRMAN BARTA** declared the motion approved.

**BARTA:** A motion is needed to close the Public Hearing at 7:42 p.m.

Motion to close Public Hearing was made by **BOARD MEMBER SAMUELSON**.

Motion **SECONDED** by **BOARD MEMBER KRAUSE**.

**THE MOTION WAS APPROVED UNANIMOUSLY** by roll call; **ACTING CHAIRMAN BARTA** declared the motion approved.

### **ADJOURNMENT**

There being no further business, **ACTING CHAIRMAN BARTA** requested a motion to adjourn. A motion was made by **BOARD MEMBER SAMUELSON** to adjourn the regular meeting of January 24, 2013 at 7:42 p.m.

The motion was seconded by **BOARD MEMBER KRAUSE**.

**AYE:** Board Members Patrick Conway, Michael Krause, Dave Samuelson, Tom Hanna, Acting Chairman Ed Barta, and Jerry Radecky

**NAY:** None

**ABSENT:** Chairman Sam Cardella

**THE MOTION WAS APPROVED UNANIMOUSLY** by voice call; **ACTING CHAIRMAN BARTA** declared the meeting **ADJOURNED**.