



## MINUTES OF THE ZONING BOARD OF APPEALS

VILLAGE OF TINLEY PARK,  
COOK AND WILL COUNTIES, ILLINOIS

HELD APRIL 11, 2013

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on April 11, 2013.

### ROLL CALL

Present and responding to roll call were the following:

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

### CALL TO ORDER

Chairman Cardella called to the meeting to order at 7:30 p.m.

### APPROVAL OF MINUTES

Minutes of the March 14, 2013 Zoning Board of Appeals Meeting were presented for approval. A motion was made by BOARD MEMBER BARTA, and seconded by BOARD MEMBER HANNA, to approve the minutes of March 14, 2013 as presented.

AYE: Board Members Patrick Conway, Dave Samuelson, Tom Hanna, Ed Barta, Michael Krause, 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 APRIL 11, 2013 MEETING**

**ITEM #1: CASE #Z-04-13 PUBLIC HEARING: DONNA FRANCOUR – 16118 SOUTH 76<sup>TH</sup> AVENUE – VARIATION FOR THE ENCROACHMENT OF A PATIO INTO A REQUIRED FRONT YARD SETBACK**

**GUEST: DONNA FRANCOUR – 16118 SOUTH 76<sup>TH</sup> AVENUE**

A Public hearing was held on April 14, 2013 by the Zoning Board of Appeals to consider recommending that the Village Board grant the following variation: an encroachment variation from Section III.H.1 (Permitted Encroachments in Required Yards) to allow for a 12-foot patio encroachment where patios are prohibited within the 25-foot required front yard setback at 16118 South 76<sup>th</sup> Avenue, Zoned R-4 Single Family Residential and within the Brementowne Estates Subdivision.

Chairman Cardella administered the Oath to the Petitioner Donna Francour 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:	Chairman Sam Cardella
Zoning Board Members:	Patrick Conway Dave Samuelson Tom Hanna Ed Barta Michael Krause
Absent Zoning Board Members:	Jerry Radecky
Zoning Board Secretary:	Reem Hamden
Village Staff:	Ron Bruning, Zoning Administrator Matt Panfil, AICP, Village Planner

**DISCUSSION:**

Petitioner Donna Francour (16118 South 76<sup>th</sup> Avenue) addressed the Zoning Board of Appeals at the request of Chairman Sam Cardella.

**FRANCOUR:** We had a 20 x 30-foot pool which was in our yard for 29 years. It was rusted, so we took it out. We would like to put in a paver patio in its place. Our fence is supposed to be in line with the house; its 25 feet past that, so we needed a variance.

**SAMUELSON:** Can you describe the brick paver materials?

**FRANCOUR:** It's going to be brick pavers with individual bricks on top of limestone.

**SAMUELSON:** You are aware that you want to place it in a drainage easement, correct?

**FRANCOUR:** There is a five-foot encroachment easement.

**SAMUELSON:** Staff has made you aware that there will be a drainage waiver you need to complete if a recommendation is made tonight.

**FRANCOUR:** Yes, they did.

**SAMUELSON:** I was in the neighborhood and saw a lot of your neighbors have pools. There are a lot of yard setback encroachments for pavers and fences. As I understand, the pool received a permit in 1984. The fence was built then. I don't see this as being a detriment or imposition on any of the neighbors. It's something you want to do and make your yard look better. The way the house is placed where you'd like to place the pavers, it's not going to cause a traffic infringement. I don't have any other comments.

**KRAUSE:** They have covered everything. I know Public Works had a problem because of the easement. When I went there to look, I couldn't see where the sewer was, because I was looking through the fence.

**FRANCOUR:** The sewer is in the grassy part of the far back corner.

**KRAUSE:** I don't see any problems.

**PANFIL:** We spoke to Public Works and all the initial comments were made. There is a 20-foot utility easement. They are looking to encroach about five feet into that. Public Works is comfortable with that since they will only need ten feet for a project this summer. They don't anticipate any issues. As Commissioner Samuelson mentioned, they would like a waiver for any future projects to make sure there won't be any issues. They feel comfortable that what they are proposing now won't be affected by this year's project.

**KRAUSE:** I like the fact you are using paver bricks. If one shifts you can replace it easily. It's not something completely permanent.

**CARDELLA:** If this variance is granted, they would have to sign a waiver.

**PANFIL:** We require that. It's standard, and we require it of other people who would like to put in sheds.

**CARDELLA:** So this would be part of the motion?

**PANFIL:** Yes, we'd have to have it in there.

**HANNA:** We pretty much covered it all. The only concern I had was the paver brick and concrete but that doesn't seem like it's going to be a problem.

**BARTA:** You started to say something about a fence. What did you mean about the fence?

**FRANCOUR:** We have a six-foot fence that surrounds it. People can't see us from the street. It's an existing fence. The reason was our fence should be in line with our building, that's the zoning

part. Even where the pool was, the setback line went right through our pool, but they approved the pool and fence. We're putting it in the same spot the pool was.

**BARTA:** I noticed that you only have ten feet from the sidewalk.

**FRANCOUR:** From where the fence starts?

**BARTA:** Yes.

**FRANCOUR:** Yes.

**BARTA:** I don't have any more questions.

**CONWAY:** Good evening folks. I was on your property the other day. I noted in your findings of fact that the fence and pool was grandfathered in many years ago. The paver brick is not going to be visible to the public. The other Commissioners have addressed the issues that Public Works had, and you seem like you are okay to sign the waiver. There's no issue there. You do have a number of dogs in your yard, and I was unaware of that when I went in your backyard. Your son let me in the yard and put the dogs in, but dogs leave things and I found a bunch of it.

**FRANCOUR:** It's not that bad.

**CONWAY:** I could see what you want to do there and it would improve what you have there now. It's going to be a big improvement.

**SAMUELSON:** In case there has to be land improvements, the land pavers have to be switched in the easement. You wouldn't be any different from anyone else, of course. Just wanted to make sure you are aware of that.

**FRANCOUR:** Yes.

**CARDELLA:** Would anyone else care to speak on this matter? If not, a motion would be in order.

**MOTION WAS MADE BY BOARD MEMBER SAMUELSON:** Consider adopting the findings of fact as submitted and recommend to the Village Board to grant an encroachment variation from Section III.H.1 – Permitted Encroachments in Required Yards to allow for a 12-foot patio encroachment where patios are prohibited within the 25-foot required front yard setback and Petitioner sign a utility easement waiver prior to obtaining a building permit for the property located at 16118 South 76<sup>th</sup> Avenue, Tinley Park, Illinois 60477.

The motion was seconded by BOARD MEMBER HANNA.

**AYE:** Board Members Patrick Conway, Dave Samuelson, Tom Hanna, Ed Barta, Michael Krause 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.

A motion is needed to close the Public Hearing at 7:46 p.m.

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

Motion SECONDED by BOARD MEMBER KRAUSE.

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 BARTA to adjourn the regular meeting of April 11, 2013 at 7:46 p.m.

The motion was seconded by BOARD MEMBER KRAUSE.

AYE: Board Members Patrick Conway, Dave Samuelson, Tom Hanna, Ed Barta, Michael Krause, 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.