MINUTES OF THE ZONING BOARD OF APPEALS

VILLAGE OF TINLEY PARK,
COOK AND WILL COUNTIES, ILLINOIS

HELD MAY 23, 2013 at 7:30PM

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on May 23, 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 Jerry Radecky
Absent Zoning Board Members:	None
Zoning Board Secretary:	Reem Hamden
Village Staff:	Ron Bruning, Zoning Administrator Amy Connolly, Planning Director 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 April 11, 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 April 11, 2013 as presented.

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

NAY: None

ABSENT: None

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 MAY 23, 2013 MEETING**

ITEM #1: **CASE #Z-05-13 PUBLIC HEARING: DANIEL STARK – 6851 WEST JOHNS CIRCLE VARIATION FOR A REAR YARD SETBACK ENCROACHMENT FOR A THREE-SEASON ROOM**

GUEST: **DANIEL STARK – 6851 WEST JOHNS CIRCLE**

A Public Hearing was held on May 23, 2013 at 7:33 p.m. by the Zoning Board of Appeals to consider adopting findings of fact as submitted and recommending the following variation to the Village Board: A ten-foot (10') variation from Section II (Schedule of District Requirements) to allow for an encroachment into a required rear yard for a three-season room addition to a single family attached residential structure that would result in a twenty-foot (20') rear yard setback where thirty feet (30') is required.

Chairman Cardella administered the Oath to the Petitioners Daniel and Geri Stark and confirmed with Amy Connolly 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 Jerry Radecky
Absent Zoning Board Members:	None
Zoning Board Secretary:	Reem Hamden
Village Staff:	Ron Bruning, Zoning Administrator Amy Connolly, Planning Director Gregory Hannon, Village Trustee

DISCUSSION:

Petitioners Daniel and Geri Stark (6851 West Johns Circle) addressed the Zoning Board of Appeals at the request of Chairman Sam Cardella.

STARK, D.: The problem is that when our patio was built, it was put within the 25-foot (25') setback. We need a variance to put up a three-season screen room on our patio.

CARDELLA: So you are going to build a three-seasons room?

STARK, D.: Yes, sir.

HANNA: The easement which is being requested, will it interfere with Public Works?

CONNOLLY: The utility and drainage easement is almost ten feet from where they want to put this. They are clear of any utility and drainage.

HANNA: That would be my concern, so long as it doesn't interfere.

BARTA: I have no questions.

CONWAY: I was at the site on Monday evening and discussed this with the Petitioner. They answered all my questions.

KRAUSE: So long as Engineering and Public works is okay, I have no questions.

RADECKY: What's directly behind your property?

STARK, D.: It's the old State Farm Claims Collision Center. Currently, it's a beauty shop and further over is a child care center.

RADECKY: I have nothing further.

SAMUELSON: The way the particular lot is, it's a duplex unit. Is it a deck or a patio?

STARK, D.: It's a cement patio.

SAMUELSON: The way it's currently configured on the lot, which was previously approved, was with a patio where the footprint of this proposed three-season room would go. It's not in an easement as previously discussed. It was the only diagonal duplex on that lot, the others fit in a regular, rectangular shape. It doesn't affect any of the neighbors because your rear yard is surrounded by commercial lots. The subdivision across Centennial Circle, which is the Dunraven Phase I, has at least four three-seasons rooms that are similar to what you plan on doing. The layout on Dunraven to your west has a few three-season rooms. You are not planning on having it enclosed with heating?

STARK, D.: It will be a three-season room.

SAMUELSON: The zoning in the existing lot configuration blends itself to what everyone else is doing in the area. If you take the midpoint of the lot on the configuration, the very northeast corner of that property hangs over the 25-foot (25') setback. As you go down southwest from the lot, the townhouse unit is much further back than the 30 feet (30'). The average will make it blend. Did the homeowner's association show their acceptance of this?

STARK, D.: Yes, sir. A resolution was passed in June, 2010 to allow such structures.

SAMUELSON: That's all I have sir.

CARDELLA: Does Staff want to speak on any of this?

CONNOLLY: I'd like to give a small report. Village Engineering and Public Works would recommend adding some conditions to this variation for your consideration. First, we'd like to ask that

any excavated materials be hauled off site. Second, there will be no change to the existing grading. Third, the final elevation of the structure and grading around the structure must provide positive drainage away from the foundation, and not negatively impact the surrounding residents. We note that the Petitioner is not asking to encroach into any public easements. There is no line of site issues. We did attach a letter in your packet from the homeowner's association indicating they have approved the addition of three-season sunrooms in the subdivision via a resolution that was passed in 2010. We do have in the back of the staff report an appropriate motion should this you wish to grant this variation.

CARDELLA: Does anyone else care to speak on this matter? If not, I'd like to entertain a motion to also include the suggested conditions.

MOTION WAS MADE BY BOARD MEMBER SAMUELSON: Consider adopting findings of fact as submitted and recommending to the Village Board to grant a ten-foot (10') variation from Section II (Schedule of District Requirements) to allow for an encroachment into a required rear yard for a three-season room addition to a single family attached residential structure that would result in a twenty-foot (20') rear yard setback where thirty feet (30') is required. The following conditions are required:

1. Any excavated materials be hauled off-site;
2. There will be no change to existing grading; and
3. The final elevation of the structure and grading around the structure must provide positive drainage away from the foundation and not negatively impact the surrounding residents.

The motion was seconded by BOARD MEMBER RADECKY.

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

NAY: None

ABSENT: None

THE MOTION WAS APPROVED UNAMINOUSLY 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 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.

DRAFT

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 MAY 23, 2013 MEETING**

ITEM #2: **CASE #Z-06-13 – PUBLIC HEARING: JACK AND NICOLE MALOZZI – 6343 ARCADIA DRIVE – VARIATION FOR A FRONT YARD ENCROACHMENT ON A CORNER LOT FOR A FENCE**

GUEST: **None**

A Public Hearing was held on May 23, 2013 at 7:56 p.m. by the Zoning Board of Appeals to consider adopting findings of fact as submitted and recommending the following variation to the Village Board: a twelve-foot (12') variation from Section III.H.1 (Permitted Encroachments in Required Yards) to allow for an encroachment into a required front yard setback for a six-foot (6') fence on a corner lot that would result in a thirteen-foot (13') front yard setback where twenty-five feet (25') is required.

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 Jerry Radecky
Absent Zoning Board Members:	None
Zoning Board Secretary:	Reem Hamden
Village Staff:	Ron Bruning, Zoning Administrator Amy Connolly, Planning Director Gregory Hannon, Village Trustee

DISCUSSION:

CARDELLA: A motion is needed to table item #2 indefinitely as the Petitioners are not present.

Motion made by BOARD MEMBER BARTA to table #2 indefinitely.

Motion was SECONDED by BOARD MEMBER SAMUELSON.

THE MOTION WAS APPROVED UNANIMOUSLY by roll call; CHAIRMAN WALKER declared the Motion approved.

CARDELLA: A motion is needed to close the Public Hearing at 7:56 p.m.

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

Motion SECONDED by BOARD MEMBER RADECKY.

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

DRAFT

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 MAY 23, 2013 MEETING**

ITEM #2: **CASE # Z-07-013 PUBLIC HEARING: ANTHONY CZERWEIC – 6561 PARKSIDE DRIVE – VARIATION FOR A SIDE YARD SETBACK ENCROACHMENT FOR AN ACCESSORY STRUCTURE**

GUEST: **ANTHONY AND JOAN CZERWIEC – 6561 PARKSIDE DRIVE**

A public hearing was held on May 23, 2013 at 7:41 p.m. by the Zoning Board of Appeals to consider adopting findings of fact as submitted and recommending the following variation to the Village Board: A one-foot (1') variation from Section III.I (Accessory Structures and Uses) to allow for an encroachment into a required side yard setback and a public utility easement for a new detached accessory structure on a new foundation that would result in a four-foot (4') side yard setback where five feet (5') is required.

Chairman Cardella administered the Oath to the Petitioners Anthony and Joanne Czerwiec and confirmed with Amy Connolly 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 Jerry Radecky
Absent Zoning Board Members:	None
Zoning Board Secretary:	Reem Hamden
Village Staff:	Ron Bruning, Zoning Administrator Amy Connolly, Planning Director Gregory Hannon, Village Trustee

DISCUSSION:

Petitioners Anthony and Joanne Czerwiec (6561 Parkside Drive) addressed the Zoning Board of Appeals at the request of Chairman Sam Cardella.

CZERWIEC, J.: We are looking to do a complete rebuild of our existing garage. It's in the older part of Tinley, in the Parkside Subdivision. We are looking to keep the foundation in the current location which would be a one-foot variation to a four-foot easement. We'd like to keep the current location instead of moving it over one foot since it already offsets the back of the house by 6.5 feet. Moving it an additional one foot is making it even more difficult for that angle parking.

CARDELLA: The current structure is coming down?

CZERWIEC, J.: The whole structure, yes.

CARDELLA: The concrete slab is also being replaced?

CZERWIEC, J.: Yes, there will be a bigger foundation. The back right now is a wood structure, it's not concrete. It will be a completely new slab.

RADECKY: You will be putting in new footing and new floor?

CZERWIEC, J.: Yes.

RADECKY: You can't comply with the side yard setback?

CZERWIEC, J.: The angle parking becomes a bigger issue. The 6.5-foot turn in the back is already difficult, so adding another foot to that makes it worse. In the diagram, it also shows a playground we had installed six years ago that has drainage underneath it. The back wall is 28 to 30 inches high; it's completely filled with gravel and rock. If the garage moves over in order to leave a big enough pathway to get the lawnmower and such, we'd have to take that part down and move the wall over with the gravel and rocks. That's another issue.

RADECKY: Have you consulted with your neighbor about this?

CZERWIEC, J.: About the new garage?

RADECKY: No, about the variance.

CZERWIEC, J.: No.

CARDELLA: The notices were sent out to the surrounding neighbors.

CZERWIEC, J.: They knew about it.

RADECKY: Were there any objections to it?

CZERWIEC, J.: No.

CONWAY: I was at the site Monday evening and noted that the address, 6554 Parkside has a garage that is further in the setback then these folks. It's a newer looking garage. I don't know if we approved a variance for this property or not. It looks closer to the property line then these folks. In their findings of fact, they included gutters on the garage and downspouts. That would allay any concerns for drainage issues. Does Staff know about the property 6554 Parkside?

CONNOLLY: Not off hand, no.

CONWAY: The garage is a newer looking garage. It's within the setback. You can tell without measuring it, it's about three feet. I'm making those general observations and have no further questions or comments.

CZERWIEC, J.: There was a house on Riverside in 2010 that got a variance. They did a rebuild and stayed in the same location.

CONWAY: I do know that on Parkside we did grant a good number of variances. Each situation is different. I do take note of what you said, it's true. I have nothing else.

BARTA: All my questions have been answered.

HANNA: I have no questions.

KRAUSE: Due to not knowing if we have previously approved something, I know Public Works and Planning have issues with it.

CONNOLLY: Public Works notes that because the Petitioner is building a new garage and a new foundation, they should be required to comply with the five foot (5') setback standard, which may or may not be the same case on Riverside or Parkside, as mentioned by Mr. Conway. Public Works recommends that the variation not be allowed. They point out that Parkside has drainage issues and a lot of the lots do not drain properly. The subdivision was built before storm sewers were installed and many of these lots drain into the side yard. We also know in the future, in a course of 20-30 years, the Village may be required to install storm sewers in some of the side yards for the properties on Parkside. That's why the five-foot utility easement exists there and Public Works wishes to maintain these easements, uninterrupted.

Our standard practice has been if you have a garage and not rebuilding the foundation entirely and building on the existing slab, we would typically approve the variation. Moving a slab and requiring movement out of that easement is typically very difficult if you're not taking out the foundation.. When you are taking out the existing foundation, that gives you the opportunity to be free of the public utility easement. We did have the Building Department Commissioner and Inspector go out to the property to look at it. They testify that there would be no difficultly in entering or exiting the garage if it moves over by one foot. The Planning Department concurs that our practice has been that an existing foundation may be built upon if it's in the easement, but a new foundation requires they comply with the Ordinance.

SAMUELSON: Like Mr. Conway and the other Commissioners noticed, the subdivision is pockmarked with these garages. They look to be setback lines for a side yard structure. Some appear to be newer. I apologize that I didn't write down the addresses. The garage height is 18 feet, is that a problem?

CONNOLLY: That's the maximum height allowed.

SAMUELSON: The one foot would make it difficult for you to access the garage with vehicles?

CZERWIEC, J.: The parking space on that side of the garage is 7.5-feet behind the house. I understand some people might not find that as a difficult angle; I do.

SAMUELSON: It is vinyl siding to match the home. I can't comment to what the Village may or may not do in 20 to 30 years.

CONNOLLY: It's a consideration and the findings of fact that you should make part of the record.

RADECKY: You wouldn't be putting drainage structures on every yard.

CONNOLLY: No, we don't have a final plan for the implementation, yet, but it's in the works.

RADECKY: At this point, since there's no plan, we have to think about this and not inconvenience the Petitioner. We've granted variances before that in that subdivision.

HANNA: How much difference would the one-foot (1') make in accessing? Would one foot be that much of problem?

CONNOLLY: That's not a judgment call I feel comfortable making. I will tell you that Public Works did come down very strongly against the granting of the variation because the new foundation is going there. If this was a situation where the existing foundation was being used, they would have probably said let's not inconvenience the Petitioner. With a brand new foundation being dug out and rebuilt, they felt strongly they asked that the public utility easements maintain their situation.

HANNA: Thank you.

SAMUELSON: Are you expanding the footprints of the garage?

CZERWIEC, J.: It will become longer, not wider.

CONNOLLY: In that sense, approving this variation would also expand the level of non-conformity of the encroachment into the side yard setback and further encroach into the public utility easement.

SAMUELSON: You are also adding gutters and downspouts?

CZERWIEC, J.: Yes, we are adding gutters and downspouts which are not there today.

CARDELLA: Anyone else care to speak on this matter? I'd like to tell you that whichever way this Commission votes today, you still have the right to go before the Village Board.

CZERWIEC, J.: Thank you.

CARDELLA: I'll entertain a motion.

BRUNING: What's the condition of the current slab?

CZERWIEC, J.: It's very broken and sunken. It's now lower than our driveway. It has to be built back up since we take water in. The driveway has puddles. With the slab being lower it's taking in water under the garage door so we are pushing water out.

BRUNING: That was my question. Thank you.

CARDELLA: I will entertain a motion.

MOTION WAS MADE BY BOARD MEMBER SAMUELSON: Consider adopting findings of fact as submitted and recommending to the Village Board to grant a one-foot (1') variation from Section III.i (Accessory Structures and Uses) to allow for an encroachment into a required side yard setback and a public utility easement for new detached accessory structure on a new foundation that would result in a four-foot (4') side yard setback where five feet (5') is required.

The motion was seconded by BOARD MEMBER RADECKY.

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

NAY: None

ABSENT: None

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

A motion is needed to close the Public Hearing at 7:56 p.m.

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

Motion SECONDED by BOARD MEMBER RADECKY.

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 May 23, 2013 at 7:59 p.m.

The motion was seconded by BOARD MEMBER KRAUSE.

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

NAY: None

ABSENT: None

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

DRAFT