MINUTES OF THE ZONING BOARD OF APPEALS

VILLAGE OF TINLEY PARK,
COOK AND WILL COUNTIES, ILLINOIS

HELD JUNE 13, 2013

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on June 13, 2013.

ROLL CALL

Present and responding to roll call were the following:

Zoning Board Chair:	Sam Cardella
Zoning Board Members:	Patrick Conway Dave Samuelson Tom Hanna Michael Krause Jerry Radecky
Absent Zoning Board Members:	Ed Barta
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 May 23, 2013 Zoning Board of Appeals Meeting were presented for approval. A motion was made by BOARD MEMBER RADECKY, and seconded by BOARD MEMBER KRAUSE, to approve the minutes of May 23, 2013 as presented.

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

NAY: None

ABSENT: 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 13, 2013 MEETING**

ITEM #1: **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: **JACK MALOZZI – 6343 ARCADIA DRIVE**

A Public Hearing was held on June 13, 2013 at 7:34 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- (12) foot 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- (6) foot fence on a corner lot that would result in a thirteen- (13) foot front yard setback where twenty-five- (25) feet is required.

Chairman Cardella administered the Oath to the Petitioners Jack Malozzi 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 Michael Krause Jerry Radecky
Absent Zoning Board Members:	Ed Barta
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 remove #1 from May 23, 2013 table and proceed.

Motion made by BOARD MEMBER SAMUELSON to remove #1 from the table.

Motion was SECONDED by BOARD MEMBER HANNA.

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

CARDELLA: Staff, do you have anything to speak on this matter?

CONNOLLY: I'll give a quick summary of the project and then take comments from the Petitioner. This variation at 6343 Arcadia and is zoned as R4 Single Family Residential. They have a lot area of nine thousand nine hundred seventy-one- (9,971) square feet. They are proposing a twelve- (12) foot variation to the required twenty-five- (25) foot minimum front yard setback to allow a six- (6) foot fence on a corner lot to be constructed approximately thirteen (13) feet from the property line. One of the concerns we had when we were on the site was to make sure the Petitioner is asking for the most minimal variation possible. We noted that there is a tree that sits directly in line where the Petitioner would have their fence if they complied with the Ordinance. The on-site visit confirms that tree is healthy and is not an ash tree. As you know, we are removing ash trees throughout the Village.

The Petitioner is also proposing to enclose foundation landscaping and an older tree within this fence. This does not encroach on any public easements. There are no line of sight issues. The house is facing in a way in which the front yard corner lot fence will not create obstructions to the neighbor's front yard. Public Works had a request as to the fence should be installed in a way that doesn't impede drainage for the adjacent lots. The fence may require a gap along the bottom in order to facilitate drainage. It is important due to the extent of the encroachment, which exceeds our typical ten- (10) foot administrative variation, that Staff and the ZBA verify that the minimum encroachment is being requested to enclose the tree within the fenced area.

CARDELLA: Is the Petitioner here tonight? Would you please come forward and let the Commission know what your hardship is in the case?

MALOZZI: Like the lady stated, I'd like to put a fence up. I need to come off of my house and enclose this tree and my landscaping. That is basically it.

CARDELLA: Is there anything else you'd like to add to that?

MALOZZI: No, that's it.

RADECKY: I went by there to look at this. I understand the dilemma. Could they do ten (10) feet instead of twelve (12) feet?

CONNOLLY: No, that was one of the issues. The tree is wide enough to get around it. They would also have to put their fence into their own property outside of the setbacks in order to get the fence around the tree and landscaping.

RADECKY: I have no further questions.

CONWAY: I was on the property before our last meeting. I went to the property and am aware of the issues. Amy addressed out most of the issues for us, so my information is full and complete. I have no other questions.

HANNA: The Staff review covered everything. I do understand the position you are in with the tree. You need a certain amount to go around it. The questions were pretty much answered already.

SAMUELSON: I was on the site prior and paced it off. I didn't see a practical way that you can install a fence without having to remove the tree and landscaping in the area. Have you ever considered rearranging the fence to go around the tree or landscaping? Was that ever a consideration?

MALOZZI: No, I wanted it to look straight.

SAMUELSON: I don't see the fence negatively impacting the surrounding properties with a two- (2) foot distance. Speaking for myself, it seemed difficult to be able to tell the difference where there is ten (10) feet or twelve (12) feet. I don't think that the conditions which you are asking for are applicable to other people asking for a twelve- (12) foot variance based on multiple considerations. The area is stones. You are aware that Public Works may require a gap from the bottom of the fence for drainage?

MALOZZI: Yes, absolutely.

SAMUELSON: Will this be a privacy fence?

MALOZZI: Yes, I left the gate on that side, but it will be a privacy fence.

SAMUELSON: Being a corner lot, this really functions from the rear yard. The fence is being proposed to come off the rear yard and doesn't appear to be encroaching further then the back corner of your home.

MALOZZI: Correct.

KRAUSE: Commissioner Samuelson pretty much covered all my questions.

CARDELLA: Is there anyone else that cares to speak on this matter? If not, I'll 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 twelve- (12) foot 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- (6) foot fence on a corner lot that would result in a thirteen- (13) foot front yard setback where twenty-five- (25) feet is required subject to the Petitioner facilitating the needs of the building for the Public Works Department, as far as construction for drainage.

MALOZZI: How much of the fence needs to be raised? What's the allowance of the drainage?

CONNOLLY: We'll work it out with your building permit. We'll have Public Works review it one more time and verify what they would want. It probably wouldn't be more than six (6) inches or so. You really don't ever get a foot of water coming out of your backyard.

The motion was seconded by BOARD MEMBER RADECKY.

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

NAY: None

ABSENT: Ed Barta

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

A motion is needed to close Public Hearing #1 at 7:43 p.m.

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

Motion SECONDED by BOARD MEMBER HANNA.

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 JUNE 13, 2013 MEETING**

ITEM #2: **CASE #Z-08-13 PUBLIC HEARING: JORGE AND LORI TREJO – 16859 NEW ENGLAND AVENUE – VARIATION FOR A FRONT YARD ENCROACHMENT ON A CORNER LOT FOR A FENCE**

GUEST: **JORGE AND LORI TREJO – 16859 NEW ENGLAND AVENUE**

A Public Hearing was held on June 13, 2013 at 7:43 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 twenty-five- (25) foot 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- (6) foot fence on a corner lot that would result in a five- (5) foot front yard setback where thirty (30) feet is required.

Chairman Cardella administered the Oath to the Petitioners Jorge and Lori Trejo 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 Michael Krause Jerry Radecky
Absent Zoning Board Members:	Ed Barta
Zoning Board Secretary:	Reem Hamden
Village Staff:	Ron Bruning, Zoning Administrator Amy Connolly, Planning Director Gregory Hannon, Village Trustee

DISCUSSION:

CARDELLA: Would you please explain to the Commissioners why you are before us and what your hardship is?

TREJO, L.: We have a tree that is approximately eighteen (18) feet off the corner in the back that we would like to enclose in the fence. Our house already sits five (5) feet within the setback.

CARDELLA: Staff, do you have anything to say on this?

CONNOLLY: This particular variation is at 16859 New England Avenue. It is zoned R2, Single-Family Residential and in the Oak Park Avenue Estates Subdivision. The lot is nineteen thousand five hundred eight- (19,508) square feet. It is a double lot as far as the New England area houses go. They are proposing to erect a six- (6) foot fence, approximately five (5) feet north of the south property line. This would result in a twenty-five- (25) foot encroachment into the required setback with the fence being twenty (20) feet south of the house. The house does currently sit five (5) feet into the required front yard setback. On this diagram (indicating to an image), you can see how it works. More than likely, this house was built before the zoning change, or the house was re-zoned. It does sit five (5) feet into the required thirty- (30) foot setback line. When we are determining the distance of the variation required, we have to take that into account for the calculations.

The Petitioner is not requesting to encroach into any public easements. There is a line of landscape along the south property line. It wasn't clear to Staff if any landscape would be enclosed by this fence or the immediate side of the fence. The Petitioners currently have a pool and a pool deck petition which went before the Building Department which did not have any zoning concerns but might be applicable to the case. We have discussed the variation with Mr. and Mrs. Trejo. We have recommended a smaller variation to them in line with an administrative variation that could be quickly granted, or a smaller variation consistent to those granted to other properties in other parts of town. They have typically been twelve- (12) foot or fifteen- (15) foot variations. We note that the lot is a double lot and is wider than most of the surrounding properties on New England, which allows for a bigger backyard than most residential properties. The lot is conforming to the ordinances and doesn't have any straight angles.

We note that the house is set five (5) feet into the required front yard setback. We do believe that there is an established building line of twenty-five (25) feet in this area. The lot is located to the west of the parking that is used by a law office and a dental office. We are very sympathetic to their request to have a fence along the east property line; however, we do not see a hardship or practical difficulty compared to any surrounding properties that would that support a variation extending into the front yard setback beyond the traditional ten- (10) foot administrative variation. We would also suggest that an excellent case could be made to grant the Petitioner a fifteen- (15) foot variation which would be ten (10) feet from the house because the established building line in the neighborhood is twenty-five (25) feet. There are a lot of different options to consider when granting this. Public Works mentions that they didn't find any drainage impeded and the area is very flat. They wanted to point out that the area outside of fence would need to be maintained and mowed by the property owner. Police, Building, and Fire Department have no concerns.

CARDELLA: What type of fence are you thinking of putting up?

TREJO, L.: A vinyl privacy fence.

CONWAY: I was out on the property the other day. My observations are pretty much similar to what Staff has mentioned. You have a very large lot. Your lot is two-hundred- (200) feet deep and one-hundred- (100) feet wide. It's a double lot as indicated by Staff. I don't have any other questions other than to ask you if you had considered what Staff has recommended for a smaller variance? Let's say a five- (5) foot variance on top of the ten- (10) foot administrative variance which would still give you a very large backyard.

TREJO, L.: There is a tree that we were hoping to enclose on the inside of the fence. It's aside from the natural tree line that we already have.

CONNOLLY: Do you know where that is, because I don't see that on the aerial view?

TREJO, L.: There's one smaller tree that's not in line with the natural tree that's approximately eighteen (18) feet away from the house.

CONNOLLY: In what area of the lot?

TREJO, L.: It would be on the south corner to the west.

TREJO, J.: The house is connected with a parking lot in the back so I'd like to go as far as I can to block the parking lot.

KRAUSE: As far as the parking lot in the back, there are so many trees back there. You have a big lot. I listened to Commissioner Conway and it would be better if you went with the Staff recommendation of fifteen (15) feet. You have a huge lot; it's a big yard. I am not seeing the hardship. Did you consider their consideration of fifteen (15) feet?

TREJO, L.: The fifteen (15) feet is actually only ten (10) feet off of the house and there is a flower bed that was there when we bought the house. Even with the flower bed, it cuts into our backyard. It's not what we bought the house for. We bought the house because we had a huge backyard. We wanted room for our kids to play. I have a disabled brother that lives with us so he would have room. That's the reason we bought the house so to cut it like that does cut into our backyard.

KRAUSE: You understand our job is to find a hardship, a circumstance to make it different to allow this. I have no further questions.

HANNA: It's difficult to get the concept. You have a small tree there?

TREJO, L.: It's smaller than the natural tree line trees.

HANNA: How far from the house would it be?

TREJO, L.: The tree we measured is eighteen (18) feet from the house.

HANNA: It's difficult for the concept with the size of the yard to find a hardship there. The standard rule without a hardship is ten (10) feet without a real severe hardship. It's difficult to see it because it is a double lot. Pat answered most of the questions I had. This tree came and popped up and can't see where it's at on the photos or how large or far it would be.

KRAUSE: To me, everything looked in line. As far as the lot behind, it looked like a jungle. You can't even see the buildings behind you.

TREJO, J.: In the wintertime, you can see through that.

TREJO, L.: We do have constantly people walking through our backyard.

TREJO, J.: Yes, because it is a corner lot. Some people walk dogs on my yard and leave the poop in there, and we have to clean it. We have kids.

HANNA: If the tree is eighteen (18) feet, why would you want the tree in the yard if it's ten (10) feet away from the house? You would have plenty of room around the tree. The tree doesn't pose as an obstacle is what I am saying. It does not come to play as an obstacle.

SAMUELSON: I was on the site as well. I don't want to belabor my other Zoning Board members' concerns. It is a double lot, and it's a nice piece of property. We can all understand that you buy a big lot to use a big lot to the extent that you can. That being said, it is a double lot. Even at a fifteen- (15) foot or ten- (10) foot variance, it reduces a substantial amount of property that you would be able to use. I don't see any other fences in that neighborhood that came out any distance close to this. I drove around a couple of blocks. Regardless of where the fence is placed, it will still serve its purpose of protecting your children, keeping other people out, and enclosing your pool. Whether its ten (10) feet, fifteen (15) feet, or twenty-five (25) feet, it still wouldn't serve the purpose of keeping unwanted people out and making sure that you are protecting your family. Another item that was brought up is precedent setting. If this happens, everyone in your neighborhood is going to want to do the same thing. We have to look at each case as an individual basis. You do have commercial properties to the east. Your fence going out twenty-five (25) feet, fifteen (15) feet, or ten (10) feet as it extends to the east; will still block that commercial property access point to your property regardless of how far south that fence would have been.

RADECKY: I agree. I don't want to belabor it anymore. We all seem to agree that this is a very large lot. With the house coming out five (5) feet beyond the building line, getting another ten (10) feet is adequate enough. I cannot see where the tree would get involved. They are saying the tree is eighteen (18) feet from the house and fence line would impair the tree. I do have a question. You show the fence going along 169th Street; is your intention at a later date to put a fence on the back of the property to enclose it?

TREJO, J.: We do want to put it in the back of the property and on both sides.

RADECKY: By doing that, you'd keep people from getting through to your yard. I agree with the rest of the Commissioners. I'd suggest that you would consider the lesser variation. I have no further questions.

CARDELLA: Before I take vote, would you consider lessening your variation?

TREJO, J.: Maybe to fifteen (15) feet, so it would be twenty (20) feet.

RADECKY: No, your house is five (5) feet over the building line now. So you'd get five (5) feet for the house combined with another ten (10) feet, which gives you fifteen (15) feet.

CONNOLLY: He said ten (10) feet from the house for a fifteen (15) foot variation, is that correct?

TREJO, J.: Correct.

CONNOLLY: That's his counter proposal.

CARDELLA: Would you consider it?

TREJO, J.: Fifteen (15) feet from the house?

RADECKY: That's giving him a twenty- (20) foot variation.

CONNOLLY: It's ten (10) feet from the house; a fifteen- (15) foot variation. Ten (10) feet from the house and fifteen (15) feet from the property line.

CARDELLA: So it would be to consider a fifteen- (15) foot variation. Would you consider that?

TREJO, L.: I think it's going to cut into our backyard.

CARDELLA: I could take a vote on the twenty- (20) foot variance if you'd like. It's up to you if no one else has anything to say regarding this.

CONWAY: I didn't mean to interrupt you Mr. Chairman. Mr. and Mrs. Trejo, I respectfully ask you if you would allow me to submit a motion for a fifteen- (15) foot variance. It would be ten (10) feet off the house which is fifteen (15) feet into the setback. If you allow me to submit that motion, I'll submit that motion for a vote.

TREJO, J.: If that's all we can get, that's fine.

CARDELLA: You are fine with that motion?

TREJO, J.: Yes.

MOTION WAS MADE BY BOARD MEMBER CONWAY: Consider adopting findings of fact as submitted and recommending to the Village Board to grant a fifteen- (15) foot variation from Section III.H.1 (Permitted Encroachments in Required Yards) for the property at 16859 New England Avenue to allow for an encroachment into a required front yard setback for a six- (6) foot fence on a corner lot that would result in a fifteen- (15) foot front yard setback where a thirty- (30) foot setback is required.

The motion was seconded by BOARD MEMBER HANNA.

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

NAY: None

ABSENT: Ed Barta

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

A motion is needed to close Public Hearing #2 at 8:00 p.m.

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

Motion SECONDED by BOARD MEMBER 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 MAY 23, 2013 MEETING**

ITEM #3: **CASE # Z-09-013 – CHRIS WEIMER – 17529 SOUTH 66TH AVENUE VARIATION FOR A FRONT YARD ENCROACHMENT FOR AN ADDITION TO AN EXISTING HOME**

GUEST: **CHRIS WEIMER -– 17529 SOUTH 66TH AVENUE**

A meeting was held on June 13, 2013 at 8:00 p.m. by the Zoning Board of Appeals to consider adopting findings of fact as submitted and grant the following variation: A five-foot (5') variation from Section IV, Schedule II (Schedule of District Requirements) to allow for a new home addition to be placed five (5) feet into the required thirty- (30) foot front yard requirement that would result in a twenty-five- (25) foot front yard setback consistent with the existing single family home.

Present and responding to roll call were the following:

Zoning Board Chair:	Chairman Sam Cardella
Zoning Board Members:	Patrick Conway Dave Samuelson Tom Hanna Michael Krause Jerry Radecky
Absent Zoning Board Members:	Ed Barta
Zoning Board Secretary:	Reem Hamden
Village Staff:	Ron Bruning, Zoning Administrator Amy Connolly, Planning Director Gregory Hannon, Village Trustee

DISCUSSION:

CARDELLA: Public Hearing #3, Staff do you have anything to say on this?

CONNOLLY: This one does not require a Public Hearing. The Zoning Ordinance does allow certain small variations into certain setbacks to be granted by the ZBA without Village Board approval and without a Public Hearing, or Public notice. Before you tonight is a front yard setback into the front yard setback from five (5) feet for an addition to a house that would match the existing house. The attorney and Staff have agreed this does not require a public hearing nor does it require Village Board approval.

CARDELLA: I have a question. If they don't need a public hearing, why are we here for this case?

CONNOLLY: You do have to hear it and grant the variation. That is your power. It is not an administrative power that Ron can grant. It is only a ZBA power. You have to still do the findings of fact and still ask questions. You are the body that grants this variation.

CARDELLA: Thank you. Would the Petitioner please step up and identify yourself.

WEIMER: Chris Weimer. I own the property at 17529 South 66th Avenue.

CARDELLA: Now tell the Commission what your hardship is.

WEIMER: I am building an addition to our house. My house was built a long time ago. It was built five feet (5') past the property line. It's supposed to be a thirty- (30) foot setback. It's built at twenty-five (25) feet.

CARDELLA: The addition will be aligned with the front going south?

WEIMER: Yes. We want to keep that even. That avoids us from changing anything in our kitchen which we've already done inside the house. It will just look nicer to face the front rather than setback the rest of the house.

BRUNING: I just wanted to make a quick comment on this one. In talking with the Petitioner and taking a look at it, it's important that this lines up directly with the back because of the electrical and things they have in the back. That would cause more hardship if they had to move it rather than leave it in the back. That's important to know because of all the electrical things they would have to move. That would be creating a bigger hardship by not allowing this.

CARDELLA: Thank you.

RADECKY: I don't see any objections to this. The most logical way would be to line up the addition with the existing house. This house was built prior to a lot of zoning ordinances that we established after that. It's no fault of theirs. My recommendation would be that, I'd go with the addition.

CONWAY: I was over at the property over the weekend. I looked very carefully at the findings of fact and looked at the building plan. It was excellent. I have no issues with your request.

HANNA: I agree with what's been said so far. It's logical and falls in line with the rest of the building.

KRAUSE: I was there today. I feel like a stalker sometimes (audience laughs). I'm looking at every angle. It is an awesome lot. I understand what you are doing. It's going to be great. I have no problems with it.

SAMUELSON: I was on the site, but not wearing my stalker hat (audience laughs). I will give the Petitioner kudos. The design looks very nice. One of the things we look at is possible ways to rearrange homes or fences. I can't see it being feasible to rearrange this addition in any other configuration with the Petitioner. I see it having no impact on the surrounding properties. I see what you are trying to do is instead of looking at the option to move; you are improving your existing property in an older part of town to make things easier for you and to add on more living space without having to completely tear off the roof and rebuild the house, which wouldn't work architecturally. The addition will match the existing residence as closely as possible?

WEIMER: The neighbors?

SAMUELSON: No, your house.

WEIMER: Yes, it will be a little bit lower because it is lower.

CARDELLA: Does anyone else care to speak on this matter?

CONNOLLY: I just want to make it clear that this still has to go through the Building Department review and review from Engineering. We've been in conversations about all the requirements that may be required per the subdivision code. You are improving your house beyond a certain amount; you sometimes are required to bring up your water and sanitary service. When dealing with some storm water issues, we require full architectural plans and both Public Works and Engineering did reiterate that. They were working on scheduling a meeting with Mr. Weimer and the Building Commissioner and the Engineer to discuss these outstanding issues so when he's ready to get the building permit, he's ready to go. I wanted to reiterate that the Petitioner is aware of the utilities issues which may be pretty expensive and meeting with the Commissioner and comply with those standards in order to get this particular variation.

CARDELLA: Thank you. At this time, I'll entertain a motion.

MOTION WAS MADE BY BOARD MEMBER SAMUELSON: Consider adopting findings of fact as submitted and grant the following variation: A five- (5) foot variation from Section IV, Schedule II (Schedule of District Requirements) to allow for a new home addition to be placed five (5) feet into the required thirty- (30) foot front yard requirement that would result in a twenty-five- (25) foot front yard setback consistent with the existing single family home.

The motion was seconded by BOARD MEMBER KRAUSE.

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

NAY: None

ABSENT: Ed Barta

THE MOTION WAS APPROVED UNAMINOUSLY 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 June 13, 2013 at 8:41 p.m.

The motion was seconded by BOARD MEMBER HANNA

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

NAY: None

ABSENT: Ed Barta

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