MINUTES OF THE ZONING BOARD OF APPEALS

VILLAGE OF TINLEY PARK,
COOK AND WILL COUNTIES, ILLINOIS

HELD SEPTEMBER 12, 2013

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on September 12, 2013 at 7:30 p.m.

ROLL CALL

Present and responding to roll call were the following:

Commission Chair:	Sam Cardella
Commission Members:	Michael Krause Dave Samuelson Tom Hanna Ed Barta
Absent Commission Members:	Patrick Conway Jerry Radecky
Commission Secretary:	Reem Hamden
Village Staff:	Amy Connolly, Planning Director Ronald Bruning, Zoning Administrator

CALL TO ORDER

Chairman Cardella called to the meeting to order at 7:31 p.m.

APPROVAL OF MINUTES

Minutes of the August 8, 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 August 8, 2013 as presented.

AYE: Commissioners Michael Krause, Dave Samuelson, Tom Hanna, Ed Barta, and Chairman Sam Cardella

NAY: None

ABSENT: Patrick Conway and Jerry Radecky

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 SEPTEMBER 12, 2013 MEETING**

ITEM #1: **PUBLIC HEARING: RAY AND THERESA O'LEARY – 6844 JOHN'S CIRCLE – REAR YARD ENCROACHMENT VARIATION**

GUESTS: **RAY & THERESA O'LEARY, 6844 JOHN'S CIRCLE, TINLEY PARK, ILLINOIS**

A Public Hearing was held on September 12, 2013 by the Zoning Board of Appeals to consider recommending that the Village Board grant the following variation from Section V, Schedule II (Lot, Yard, and Bulk Regulations) to allow a thirteen- (13) foot encroachment into the minimum rear yard setback requirement to allow a seventeen- (17) foot setback where thirty (30) feet is required for construction of a three-season room in the R6 PD medium Density Residential Planned Development District.

Chairman Cardella administered the Oath to the Petitioners and confirmed with Amy Connolly that the Public Notice had been sent to the surrounding neighbors, published, and verified.

Present and responding to roll call were the following:

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

DISCUSSION:

CARDELLA: Would the Petitioner please stand and identify yourself for the record?

O'LEARY, R.: Ray O'Leary of 6844 John's Circle, Tinley Park, Illinois.

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

O'LEARY, R.: We would like to build a sunroom where the existing patio is. Where the house was built, it was not given a thirty- (30) foot setback such that the thirty- (30) foot setback runs through the house. We were hoping we would get a variance to allow us to build a sunroom where the patio is.

CARDELLA: Commissioner Samuelson?

SAMUELSON: Mr. Chairman, I was out on the site and since this will be a three-season room, it won't be heated?

O'LEARY, R.: No, it won't be heated and it is a three-season room.

SAMUELSON: I did see other three-season rooms throughout the neighborhood as well as in Phase I which is on the other side. I know of at least five. I do believe that the PUD acts as an in place hardship because of the way the subdivision was actually planned. The lots themselves are mostly rectangular, and there isn't much room to have a true backyard. Most of the buildings themselves were over the thirty- (30) foot setback line. This appears to be just a replacement for the open air deck on the property?

O'LEARY, R.: Correct.

SAMUELSON: I don't think that's out of character for the neighborhood along with the small lot configuration. The aerial that was provided, as well as the property to the north, is a heavy commercial density and the property to the east is commercially zoned. I believe it's an office use. I don't imagine that this three-season room is going to affect any of the other existing townhomes to the south or the west. That's really the backyard that faces the commercial and office use.

KRAUSE: Dave covered any questions I had.

HANNA: I'd have to agree with Dave. The house is already in a setback. I don't see any problems with anything.

BARTA: This room is going to replace the patio section, and is it going to be the same size as your patio?

O'LEARY, R.: Correct.

BARTA: It's going to be roofed?

O'LEARY, R.: Correct.

BARTA: No other questions.

CARDELLA: Does Staff have anything they'd like to add on this?

CONNOLLY: No, you have already covered the facts. They are asking for a seventeen- (17) foot setback. The property line for this condo is seventeen (17) feet from the PUD property line. They are asking to encroach thirteen (13) feet, which is where their existing patio goes to. They would be enclosing this area. We verified through the drawings that the dimensions match up. It will be exactly the same size as this patio and will not encroach further than their property line. The Dunraven Villas Townhome Association has passed a resolution to allow three-season rooms on patios and decks within their development as long as they don't extend past the property line. We don't see any issues with that as well.

BARTA: Did that association get a variance to put patios there?

CONNOLLY: I read the PUD. It doesn't specifically call out patio areas in the PUD and most PUDs aren't specific enough to list of how patios/three-season rooms will be handled. It's also not called out as a variation in the PUD. When you do a PUD, the focus is usually on how the lots are laid out and where the houses are. It's assumed you are going to break the traditional ordinances, which is why you request a PUD-approved design that doesn't meet the code. We do have the option of amending the PUD to allow patios to meet certain conditions or you can give a variation for the individual units. That might be something we can think about doing at some point in time, but the Board prefers to see them on a case-by-case basis and grant variations for each one.

BARTA: I understand that it's good for a patio, but this is going to be an enclosed room with a roof. They still agree with it?

CONNOLLY: Yes, they do. We've given a prior variation just a few months ago to another property owner in the same subdivision. The homeowner's association has asked us to approve them as long as they meet certain conditions and the aesthetics are fine. As long as we are doing a thorough review and taking them through the Zoning Board of Appeals and the Village Board, there doesn't seem to be any issues with these. If they were going to encroach past their property line, we would probably have a higher hurdle for approving these. Since they are remaining on their own property lines, these are probably ones we can approve in this fashion.

BARTA: Thank you.

BRUNING: I'd like to add on to what Mrs. Connolly discussed. When I chaired the Plan Commission, I can remember when they brought this project. It was brought up during that time if there was ever going to be considerations for petitions like this. During that time, my opinion, which I expressed at that time and that the Village Board agreed with, they would take those on an individual basis and they had no problems or feel it was necessary to put it in at that time. That's what happened on this. The Board felt at that time if and when these came up, they would treat them on a one-by-one basis, and the developer had no problems with it. I'd like to add on to what the Petitioner stated in his difficulty or hardship or how it was created. That's a good answer which stated inconsistencies by the builder in the placement of homes in relation to the setback in this area. That says it all. It goes back in the years when they developed this PUD.

BARTA: I understand patios because there have been patios that went beyond the line. This was an enclosed structure with a roof and thought it would be a problem.

BRUNING: I think if we went back, and I'm not sure if it's worth the effort, this time these were built this is the second or third area back there that had a sunroom put into it and there were no problems at the time. It's not a big deal.

BARTA: Thank you.

CARDELLA: Is there anyone else that would care to speak on this matter? If not, I'll entertain a motion.

MOTION WAS MADE BY BOARD MEMBER SAMUELSON to consider recommending that the Village Board grant the Petitioner a variation from Section V, Schedule II (Lot, Yard, and Bulk Regulations) to allow a thirteen- (13) foot encroachment into the minimum rear yard setback requirement to allow a seventeen- (17) foot setback where thirty (30) feet is required to complete a sunroom enclosure to the existing patio.

The motion was seconded by BOARD MEMBER BARTA.

AYE: Commissioners Michael Krause, Dave Samuelson, Tom Hanna, and Ed Barta, and Chairman Sam Cardella

NAY: None

ABSENT: Patrick Conway and Jerry Radecky

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

A motion is needed to close the Public Hearing at 7:43 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 September 12, 2013 at 7:45 p.m.

The motion was seconded by BOARD MEMBER KRAUSE.

AYE: Commissioners Michael Krause, Dave Samuelson, Tom Hanna, Ed Barta, and Chairman Sam Cardella

NAY: None

ABSENT: Patrick Conway and Jerry Radecky

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