



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

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

**AUGUST 28, 2014**

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on August 28, 2014 at 7:30p.m.

#### **ROLL CALL**

Present and responding to roll call were the following:

Zoning Board Chairman:	Sam Cardella
Zoning Board Members:	Ed Barta Tom Hanna David Samuelson
Absent Zoning Board Members:	Pat Conway Michael Krause Jerry Radecky
Village Staff:	Amy Connolly, Planning Director Stephanie Kisler, Planner I Debra Kotas, Commission Secretary

#### **CALL TO ORDER**

Zoning Board Chairman Cardella called to the meeting to order at 7:33 p.m. The Pledge of Allegiance was recited.

#### **APPROVAL OF MINUTES**

Minutes of the August 14, 2014 Zoning Board of Appeals Meeting were presented for approval. A motion was made by ZONING BOARD MEMBER BARTA seconded by ZONING BOARD MEMBER HANNA to approve the Minutes as presented.

THE MOTION WAS APPROVED UNANIMOUSLY by voice vote. ZONING BOARD CHAIRMAN CARDELLA declared the motion approved.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**  
**FROM: VILLAGE OF TINLEY PARK ZONING BOARD OF APPEALS**  
**SUBJECT: MINUTES OF THE AUGUST 14, 2014 MEETING**

**PUBLIC**

**HEARING #1: GALLAGHER – 17065 FORESTVIEW DRIVE – VARIATION TO THE MAXIMUM ALLOWABLE HEIGHT FOR AN ACCESSORY STRUCTURE**

Consider recommending that the Village Board grant a one foot, six inch (1'6") variation from Section III.I.2.c. (Accessory Structures and Uses) to allow for a nineteen feet, six inch (19'6") tall detached garage where the maximum allowable residential accessory structure height is eighteen feet (18'). The detached garage is proposed for the property at 17065 Forestview Drive in the R-4 Single-Family Residential Zoning District and within the Parkside Subdivision.

Present were the following:

Zoning Board Chairman:	Sam Cardella
Zoning Board Members:	Ed Barta Tom Hanna David Samuelson
Absent Zoning Board Members:	Pat Conway Michael Krause Jerry Radecky
Village Staff:	Amy Connolly, Planning Director Stephanie Kisler, Planner I Debra Kotas, Commission Secretary
Guest(s):	William and Janet Gallagher, Petitioners

ZONING BOARD CHAIRMAN CARDELLA opened the Public Hearing and requested that anyone present who wished to give testimony, comment, engage in cross-examination or ask questions during this Hearing stand and be sworn in.

STEPHANIE KISLER, Village Planner, provided confirmation that appropriate notice regarding the public hearing was published in accordance with State law and Village requirements.

MS. KISLER presented the Staff Report. She stated the Petitioner is requesting a 1'6" variation to the garage height requirement in order to have a 19'6" garage where the maximum allowable height is 18' at their property located at 17065 Forestview Drive. She reviewed photographs of the property showing the existing detached garage, originally constructed in 1990, which is nonconforming since it is located eight feet (8') from the residence where Building Code requires a detached structure to be ten feet (10'). She stated the current garage is approximately 14'-15' feet in height. She also noted the porch/patio deck that surrounds the residence also connects to the garage.

MS. KISLER reported that the Public Works Department and Engineering Department had no comments regarding this variation; however, she did relay the following comments/concerns expressed by other Village Departments:

**BUILDING DEPARTMENT:**

1. Is the cupola part of the height variance?  
MS. KISLER stated the cupola is not part of the height variance request since it is considered an architectural feature according to Section III.C.1. of the Zoning Ordinance;
2. The second floor storage is not to be used as a living space and must be strictly for storage;
3. Any portion of the interior wall or ceilings that is less than ten feet (10') from the house would be required to be protected with a drywall material; and
4. Stamped architectural plans will be required.

FIRE DEPARTMENT considers the structure to be two stories, therefore the total square footage exceeds the maximum allowed for a storage building and may require fire sprinklers unless the area is considered an attic, not for human occupation, then sprinklers would not be required but if the area is considered a second floor, sprinklers would be required.

MS. KISLER stated that the Fire Department, in conjunction with the Building Commissioner, will determine if the second floor is an attic or storage area and what the sprinkler requirement will be.

PLANNING DEPARTMENT noted the variation request is based on a need to add more storage space with taller ceilings and to accommodate an ADA accessible height garage door. She noted that if the Zoning Board of Appeals find a hardship that the following conditions are recommended from the Planning Department:

1. That no business of any kind may be operated out of the garage by the Petitioner or anyone else;
2. That no living quarters, either temporary or permanent, are allowed in the garage at any time;
3. That no commercial type of auto or truck or other vehicle repair or maintenance may occur in the garage;
4. That any materials stored in the garage will be stored according to all applicable safety regulations, including without limitation all Fire Code safety regulations;
5. That no water or sewer connections may be installed in or to the garage,
6. That the garage meet all Building Codes and Fire Codes;
7. That the cupola be recommended with a height limitation suggested by the Zoning Board of Appeals.

WILLIAM GALLAGHER, 17065 Forestview Drive, explained his hardship necessitating the variation request stating he has a deteriorating physical condition that requires him to wear leg braces and will require him to operate a handicap vehicle in the near future. He reported the height of a full-size van is 84-88" with an additional 10-12" extended top to accommodate his height, therefore, an 8' garage door would be necessary.

In order to move and function safely within the garage structure, MR. GALLAGHER stated he is seeking to build a staircase in the garage since he will be unable to safely access pull down steps or a ladder due to physical mobility issues.

MR. GALLAGHER further reported the inside of his residence has been remodeled to be ADA accessible including 36" wide doorways to enable wheelchair access.

MR. GALLAGHER requested clarification since the Fire Department is possibly requiring a sprinkler system; however, the Planning Department conditions include no water or sewer connections.

MS. KISLER responded stating the Fire Code supersedes the plumbing stipulation if the Fire Department and Building Commissioner require fire sprinklers.

BOARD MEMBER SAMUELSON inquired if the Petitioner's vehicle would be able to operate safely with a standard-sized garage door. He also inquired about the height of the planned cupola. He commended the Petitioners for providing the names and signatures of neighboring residents who have no objection to the variance request.

MR. GALLAGHER stated the cupola was originally designed to be 2-3', however, this was an added architectural enhancement and could be amended or omitted from the final plans. He again explained the height of a full size van with the extended top would place the top of the vehicle at 8'.

BOARD MEMBER BARTA expressed concerns about setting a precedent in granting the variance request, stating garages are currently being constructed much too large. He also expressed concern regarding the porch/deck being attached to the garage inquiring if there is typically spacing required between the structures.

JANET GALLAGHER, 17065 Forestview Drive, reiterated her husband's health issues. She stated the original architectural plans included a 7' garage door thus allowing the structure to conform to the 18' maximum allowable height. However, those plans were drawn prior to her husband's injuries and surgeries.

MRS. GALLAGHER stated that other garages in her neighborhood have recently been built over the maximum allowable height. She subsequently provided photographs and the respective addresses of these properties.

BOARD MEMBER HANNA requested clarification on the stated dimensions presented on the Petitioner's architectural plans since they did not reflect the true measurements at this time. He questioned the purpose of the windows being installed in the garage.

MRS. GALLAGHER commented that the original plans were drawn 5-6 years ago and that her and her husband did not want invest further funds for updated plans if the variance request was not granted.

MR. GALLAGHER stated the windows will provide light without having to install electricity and were also being installed for aesthetic purposes. He added the pitch of the garage will match the pitch of the residence in order to make it appear uniform and attractive in appearance.

There being no further questions or concerns, BOARD MEMBER SAMUELSON made a Motion to recommend that the Village Board grant the Petitioner a one foot, six inch (1'6") variation from Section III.I.2.c. (Accessory Structures and Uses) to allow for a nineteen feet, six inch (19'6") tall detached garage where the maximum allowable residential accessory structure height is eighteen feet (18'). The detached garage is proposed for the property at 17065 Forestview Drive in the R-4 Single-Family Residential Zoning District and within the Parkside Subdivision. The variation is recommended with the following conditions:

1. That no business of any kind may be operated out of the garage by the Petitioner or anyone else (i.e. no money may be charged for any work performed in the garage;
2. That no living quarters, either temporary or permanent, are allowed in the garage at any time;
3. That no commercial type of auto or truck or other vehicle repair or maintenance may occur in the garage;
4. That any materials stored in the garage will be stored according to all applicable safety regulations, including without limitation all Fire Code safety regulations;
5. That no water or sewer connections may be installed in or to the garage, if it does not require a wet pipe sprinkler system;
6. That the garage meet all Building Codes and Fire Codes;
7. That the cupola be a maximum of four feet (4') in height.

The Motion was seconded by BOARD MEMBER BARTA.

AYE: Zoning Board Member David Samuelson and Chairman Sam Cardella  
NAY: Zoning Board Members Ed Barta and Tom Hanna  
ABSENT: Zoning Board Members Pat Conway, Michael Krause and Jerry Radecky

THE MOTION WAS DENIED by voice vote. ZONING BOARD OF APPEALS CHAIRMAN CARDELLA declared the Motion denied.

CHAIRMAN CARDELLA reminded the Petitioners they can elect to present their request before the Village Board.

A motion was made by BOARD MEMBER BARTA, seconded by BOARD MEMBER SAMUELSON to close the Public Hearing. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN CARDELLA declared the Motion approved.

#### **ADJOURNMENT**

There being no further business, a motion was made by BOARD MEMBER BARTA, seconded by BOARD MEMBER SAMUELSON to close the regular meeting of the Zoning Board of Appeals of August 28, 2014 at 8:16 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN CARDELLA declared the Motion approved.