MINUTES OF THE ZONING BOARD OF APPEALS

VILLAGE OF TINLEY PARK,
COOK AND WILL COUNTIES, ILLINOIS

MAY 28, 2015

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on May 28, 2015 at 7:30 p.m.

ROLL CALL

Present and responding to roll call were the following:

Zoning Board Chairman:	Sam Cardella
Zoning Board Members:	Pat Conway Tom Hanna David Samuelson
Absent Zoning Board Member(s):	Ed Barta
Village Officials and Staff:	Ronald Bruning, Zoning Administrator Paula Wallrich, Deputy Planning Director Stephanie Kisler, Planner Debra Kotas, Commission Secretary Jacob Vandenberg, Trustee

CALL TO ORDER

Zoning Board Chairman Cardella called the meeting to order at 7:30 p.m. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Minutes of the April 9, 2015 meeting of the Zoning Board of Appeals were presented for approval. A motion was made by ZONING BOARD MEMBER CONWAY 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.

POINT OF ORDER

CHAIRMAN CARDELLA introduced Jacob Vandenberg, new Village Trustee and liaison to the Zoning Board of Appeals.

TO: **VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**

FROM: **VILLAGE OF TINLEY PARK ZONING BOARD OF APPEALS**

SUBJECT: **MINUTES OF THE MAY 28, 2015 MEETING**

PUBLIC HEARING #1: AMAL (AMY) TAHER – 18300 GREENLEAF COURT – VARIATION TO THE REQUIRED REAR YARD SETBACK – THREE-SEASON ROOM

Consider recommending that the Village Board grant a seventeen foot (17') variation from the rear yard setback requirement of thirty-five feet (35') to allow for a three-season room to be constructed at the rear of the home located at 18300 Greenleaf Court in the R-2 Single-Family Residential District within the Tinley Pointe subdivision.

Note the home was built five feet (5') into the required rear yard setback and the current request accounts for these five feet (5'), which results in the proposed three-season room extending twelve feet (12') north from the existing residential structure leaving eighteen feet (18') between the proposed three-season room and the property line.

Present were the following:

Zoning Board Chairman:	Sam Cardella
Zoning Board Members:	Pat Conway Tom Hanna David Samuelson
Absent Zoning Board Member(s):	Ed Barta
Village Officials and Staff:	Ronald Bruning, Zoning Administrator Paula Wallrich, Deputy Planning Director Stephanie Kisler, Planner Debra Kotas, Commission Secretary Jacob Vandenberg, Trustee
Guest(s):	Amal (Amy) Taher

ZONING BOARD CHAIRMAN CARDELLA opened the Public Hearing at 7:32 p.m. and requested the Petitioner(s) and anyone else present who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

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

MS. KISLER presented the Staff report regarding the Petitioner's request for a 17' variation from the rear yard setback of 35' to construct a three-season room at the rear of the property with an 18' setback on north side of the property.

MS. KISLER stated the Petitioner has previously appeared before the Zoning Board of Appeals last year and in 2012 for similar variance requests since the home was built five feet (5') into the setback, therefore, the three-season room would only encroach 12' additional feet off the current structure, not actually 17'.

MS. KISLER showed an aerial photograph of the subject property, generally located at 183rd Street and 92nd Avenue, and the surrounding area. She proceeded to show various views of the property noting it is located on a cul-de-sac and is an irregular pie-shaped lot. She stated the property is enclosed by a fence at the property line that will be approximately 18' from the proposed three-season room. She reviewed other photographs of the home that includes an existing patio off the rear of the home, a "bump-out" feature located off the kitchen and a pool.

MS. KISLER showed a rendering of the proposed three-season room comprised of mostly glass stating the roof material will match the existing home. She noted the structure will enclose the "bump-out" feature of the house that projects out 2-3'.

MS. KISLER reviewed the previous variance requests from the Petitioner:

In 2012, the Petitioner requested a 13' variation from the required 35'minimum rear yard setback to allow for a 22' rear yard setback to accommodate the construction of a 248 sq. foot addition to the existing residence. This variation request included 5' where the home was already built into the required setback and 8' for an addition to the home. She reported this variance was approved by the Zoning Board of Appeals and the Village Board. This project entailed a full remodel and extension of the rear of the home.

Because that addition was not feasible for reasons including architecture, engineering, and construction, in 2014, the Petitioner requested a 19' variation from the required 35' minimum rear yard setback to allow for a 16' rear yard setback to accommodate the construction of a 222 sq. foot addition to the existing residence. This variation request included 5' where the home was already built into the required setback and 14' for an addition to the home. The nature of this addition was to build on a separate room to the rear of the home since the full remodel and addition that was previously planned did not come to fruition. She reported this variance was denied by the Zoning Board of Appeals.

MS. KISLER presented a letter from the contractor regarding the size of the three-season room, stating the dimensions are appropriate and the location is optimum for both convenience and aesthetics.

AMAL (AMY) TAHER, 18300 Greenleaf Court, stated she wishes to construct this three-season room in order to have more usable living space and also for safety reasons since she will be able to view her pool. She added that this was the most feasible location for the three-season room since it is a convenient access point off the kitchen in the rear of the home.

BOARD MEMBER CONWAY requested clarification that the proposed three-season room was actually replacing the existing patio.

BOARD MEMBER HANNA stated a three-season room is more practical vs. the previously approved full addition is variation granted in 2012.

BOARD MEMBER SAMUELSON thanked the Petitioner for providing the letter from the contractor for clarification. He reported visiting the property and agrees with the location and size of the three-season room vs. an actual addition to the home.

CHAIRMAN CARDELLA inquired if the three-season room would be heated. MS. TAHER stated no heating is being installed.

There being no further questions or comments, a motion was made by BOARD MEMBER SAMUELSON to recommend the Village Board grant the Petitioner a seventeen foot (17') variation from the rear yard setback requirement of thirty-five feet (35') to allow for a three-season room to be constructed at the rear of the home located at 18300 Greenleaf Court in the R-2 Single-Family Residential District. The variation accounts for the home being built five feet (5') into the required rear yard setback and the proposed three-season room extending twelve feet (12') north from the existing residential structure leaving eighteen feet (18') between the proposed three-season room and the north property line.

The Motion was seconded by BOARD MEMBER HANNA.

AYE: Zoning Board Members Pat Conway, Tom Hanna, David Samuelson, and Chairman Sam Cardella

NAY: None

ABSENT: Zoning Board Member Ed Barta

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

A motion was made by BOARD MEMBER SAMUELSON, seconded by BOARD MEMBER HANNA to close the Public Hearing at 7:49 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS 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 MAY 28, 2015 MEETING**

PUBLIC HEARING #2: AMY SEIDEL – 9229 ETHYL LANE – VARIATION TO THE REQUIRED SIDE YARD SETBACK – ADDITION (ATTACHING HOME TO DETACHED GARAGE)

Consider recommending that the Village Board grant a four foot, six inch (4'6") variation from the side yard setback requirement of ten feet (10') to allow for a two-story house addition to be constructed and connect to an existing detached garage at 9229 Ethyl Lane in the R-2 Single-Family Zoning District and within the Tinley Gardens subdivision.

A variation is requested because a house with an attached garage must maintain a 10' side yard setback. The Petitioner's existing detached garage is five foot, six inches (5'6") from the west side property line.

Present were the following:

Zoning Board Chairman:	Sam Cardella
Zoning Board Members:	Pat Conway Tom Hanna David Samuelson
Absent Zoning Board Member(s):	Ed Barta
Village Officials and Staff:	Ronald Bruning, Zoning Administrator Paula Wallrich, Deputy Planning Director Stephanie Kisler, Planner Debra Kotas, Commission Secretary Jacob Vandenberg, Trustee
Guest(s):	Amy Seidel

ZONING BOARD CHAIRMAN CARDELLA opened the Public Hearing at 7:50 p.m. and requested the Petitioner(s) and anyone else present who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

STEPHANIE KISLER, Village Planner, provided confirmation that appropriate notice regarding the public hearing was published in the local newspaper in accordance with State law and Village requirements and also to neighboring properties within 250' of the proposed project.

AMY SEIDEL, 9229 Ethyl Lane, presented a variance request in order to construct an addition to the back of her home in order to accommodate additional living space for her mother to reside at the home. The proposed addition will include a larger dining room space to share, small living space, and a bedroom. The addition will not be a separate dwelling unit.

MS. KISLER presented the Staff report regarding a 4'6' variation from the side yard setback of 10' to allow for a two-story addition to the back of the existing home that will be connected to the existing detached garage.

MS. KISLER showed an aerial photograph of the existing home and surrounding area. She showed various photographs of the home and property noting the above-ground pool with deck, shed, and detached garage. She proceeded to show a graphic drawing of the proposed addition that will be built off of the existing residential structure, connecting with the detached garage. She explained that a detached garage (an accessory structure) is only required to have a 5' side yard setback; however, since the addition would connect to the garage and therefore create a home with an attached garage and make this a primary structure, the side yard setback requirement changes to 10', therefore necessitating the variance since the existing detached garage is 5'6" from the side yard setback line.

MS. KISLER confirmed that the addition will not be an accessory dwelling unit and have no separate entrance, but only add living space within the home for a relative. She added the Petitioner is requesting this variation because they do not wish to move the existing deck and pool; however, Staff feels other configurations can be considered to accommodate the need for extra space and therefore does not necessarily require a variance.

MS. KISLER proceeded to review Staff comments including the following:

The Building Department wanted to ensure that stamped plans and preliminary plat of survey would be required for Building Permit submittal, if the variation is approved; they also commented on the amount of impervious surface increasing by more than 25% with the proposed addition, which can lead to drainage and water issues, particularly in this case where the grade is to the rear of the yard; and, when a substantial improvement >50% of the market value of the home is made, certain utility increases are required including water and sanitary. MS. KISLER stated that she has spoken with the Petitioner regarding these issues.

Public Works and Engineering Departments commented that no construction is being proposed inside any existing public utility or drainage easement and drainage for this property is towards the rear yard with the final elevation of the structure and grading providing positive drainage away from the foundation, therefore, do not anticipate any impacts on drainage for surrounding properties due to the addition. They did comment, however, with the addition and existing pool and deck, the impervious area of the lot available for drainage is greatly reduced which can result in overly saturated ground.

Police Department had no comments.

Fire Department stated that smoke detectors are required on each floor and in each sleeping room and if smoke detectors are more than 10 years old, they need to be replaced.

BOARD MEMBER CONWAY lauded the Petitioner for considering providing accommodations for her mother since the passing of her father. He inquired if other building plans were considered. MS. SEIDEL stated they considered bringing the addition away from the garage but there was insufficient space, therefore, they decided to attach it to the existing garage.

BOARD MEMBER HANNA inquired about the possible utility increases referred to by the Building Department including water and sewer that may be necessary. MS. SEIDEL reported that they have previously been updated.

BOARD MEMBER SAMUELSON concurred with BOARD MEMBER CONWAY regarding other building plans. He suggested possibly moving the pool and a portion of the deck and placing the addition to the east side of the property where a variance would not be necessary. MS. SEIDEL stated it was an older pool and cannot be moved and she is not willing to lose her pool because her children enjoy use of the pool.

DAVE EMMART, 8004 W. 171st Street, commented regarding placing the addition in the area of the pool and deck. He stated a major component of the addition was to have a new dining room since the kitchen is located on that side of the home and the current dining area is very small. He added the proposed addition includes a new dining room and living space above for the Petitioner's mother.

MS. KISLER reported an email was received by the Planning Department from a nearby resident expressing concerns regarding the proposed addition; however, they are not present at the Public Hearing this evening.

RON BRUNING, Zoning Administrator, suggested withdrawing the current variation request and considering having the addition on the east side of the home near the area of the pool and deck, as suggested by BOARD MEMBER SAMUELSON, therefore, no variance would be required.

PAULA WALLRICH, Deputy Planning Director, discussed the necessity for setbacks between the primary structure and the detached garage due to the fire loads in the garage. She reported in other communities, consideration was given when setbacks were not able to be maintained by increasing the fire rating for the garage through such things as providing additional dry wall or other fire retardant materials to the inside of the garage. She deferred to the Fire Department in this regard.

MS. SEIDEL elected to proceed with the current variation request.

A motion was made by BOARD MEMBER SAMUELSON to recommend the Village Board grant the Petitioner a four foot, six inch (4'6") variation from the side yard setback requirement of ten feet (10') to allow for a two-story addition to be constructed at the rear of the existing residential structure on the property at 9229 Ethyl Lane in the R-2 Single-Family Zoning District and within the Tinley Gardens subdivision with the following conditions:

1. That the proposed addition cannot create an accessory dwelling unit or a two-family dwelling unit. We would not expect that there would not be separate entrances to the addition and the addition must not be independent of the existing single-family home (must have separate living or cooking facilities).

The Motion was seconded by BOARD MEMBER HANNA.

AYE: Zoning Board Members Pat Conway, Tom Hanna

NAY: Zoning Board Member David Samuelson and Chairman Sam Cardella

ABSENT: Zoning Board Member Ed Barta

THE MOTION FAILED by voice vote.

CHAIRMAN CARDELLA reminded the Petitioner that despite failure of approval by the ZONING BOARD OF APPEALS, they are a recommending body and the Petitioner may still present their request to the Village Board.

A motion was made by BOARD MEMBER SAMUELSON, seconded by BOARD MEMBER HANNA to close the Public Hearing and regular meeting of the Zoning Board of Appeals of May 28, 2015 at 8:20 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN CARDELLA declared the Motion approved.