



**MINUTES OF THE SPECIAL JOINT MEETING  
ZONING BOARD OF APPEALS AND PLAN COMMISSION**

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

**JUNE 18, 2015**

A special joint meeting of the Zoning Board of Appeals and Plan Commission was held in the Council Chambers of Village Hall on June 18, 2015 at 7:37 p.m.

**ROLL CALL**

Present were the following:

Zoning Board Chairman:	Sam Cardella
Zoning Board Members:	Ed Barta Pat Conway Tom Hanna
Absent Zoning Board Member(s):	David Samuelson
Plan Commissioners:	Jeff Ficaro Bob McClellan Tom Mahoney Maureen McLeod Bill Reidy Rita Walker, Chairman
Absent Plan Commissioner(s):	Mark Moylan Art Pierce
Village Officials and Staff:	Tom Melody, Village Attorney Jacob Vandenberg, Trustee Ronald Bruning, Zoning Administrator Amy Connolly, Planning Director Paula Wallrich, Deputy Planning Director Stephanie Kisler, Planner Debra Kotas, Commission Secretary

**CALL TO ORDER**

The Special Joint Meeting of the Zoning Board of Appeals and Plan Commission was called to order at 7:38 p.m.

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

**FROM: VILLAGE OF TINLEY PARK ZONING BOARD OF APPEALS AND PLAN COMMISSION**

**SUBJECT: MINUTES OF THE JUNE 18, 2015 SPECIAL JOINT MEETING**

**ITEM #1: PRESENTATION ON ROLES, PROCEDURES, PRINCIPLES, AND RELATED ISSUES TO ZONING BOARD OF APPEALS AND PLAN COMMISSION**

Consider receiving a refresher course from the Village Attorney on roles, procedures, principles and issues related to the Zoning Board of Appeals and Plan Commission. (No action will be taken as a result of this agenda item.)

## **ROLL CALL**

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TOM MELODY, Village Attorney, was in attendance to provide training and answer questions regarding the roles, procedures, principles, and related issues of the Village's Zoning Board of Appeals and Plan Commission. He provided a manual to all Zoning Board and Plan Commission Members which included information regarding the following:

1. Zoning Law: Basic principles, common issues, and types of zoning relief;
2. Rules, Procedures, Responsibilities, Findings, and Motions;
3. Summary of Open Meetings Act; and,
4. Conflicts of Interest.

MR. MELODY began his presentation by explaining that zoning authority for variations and special uses derives from the Illinois Municipal Code and individual Village ordinances. He defined the term of “special use” as something that generally fits but must be more controlled and the term “variation” as an exception to the requirement the Village has already put in place for a particular piece of property. He further explained that a variation is an exception to legislative determinations already made by the Village Board, therefore, should be granted rarely and granted based on Findings of Fact as a real, tangible hardship or unique situation, and not self-created. He stated making more money off the property with the variation is not grounds for granting a variation.

MR. MELODY explained a single variation request is presented to the ZBA for consideration, and a request for variance or multiple variances, in conjunction with a Planned Unit Development (PUD) or something else, is presented to the Plan Commission. A discussion took place regarding PUD’s.

MR. MELODY reviewed the standards for variations set forth in the Village’s Zoning Ordinance including:

- a. the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district which it is located;
- b. the plight of the owner is due to unique circumstances;
- c. the variation will not alter the essential character of the neighborhood;
- d. the Plan Commission or ZBA in making its determination whether there are practical difficulties or hardships must take into consideration the extent to which the following have been established by evidenced:
  - i. the particular physical surroundings, shape or topographical condition of the property result in a hardship;
  - ii. the condition upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
  - iii. the purpose is not based exclusively upon a desire to make more money out of the property;
  - iv. the alleged difficulty or hardship has not been created by the current or previous owner;
  - v. the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
  - vi. the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in streets, increase danger of fire, endanger public safety or substantially diminish or impair property values.

A lengthy discussion took place regarding the Findings of Fact. MR. MELODY explained that variances, denials of variances, special uses, and denials of special uses must be based on Findings of Fact that are made at the Public Hearings of the Zoning Board of Appeals and Plan Commission. He explained it is the Petitioner’s responsibility at these respective Public Hearings to provide evidence that each of the above-mentioned requirements have been satisfied.

COMMISSIONER MCCLELLAN inquired about expediting the process of adopting the Findings of Fact particularly when they are extremely lengthy and take considerable time reading them aloud. MR. MELODY stated the Findings of Fact that were written down and submitted can be adopted via a motion as long as Plan Commissioners and or Zoning Board of Appeals members have agreed that they have been read and reviewed. He explained that the respective Chairpersons can ask if the written factual statement is accurate. He added that changes to the Findings of Fact can also be made during the Hearing with the motion to follow.

MR. MELODY proceeded to explain the difference between a Map Amendment and a Text Amendment. He reviewed Prohibited Uses and Special Uses in various zoning districts

MR. MELODY reviewed the Rules and Procedures to ensure an orderly and sensible public hearing that respects the rights of the petitioner and to ensure his/her cause is heard by a fair, neutral decision maker and that the recommendation is based on a factual basis and then forwarded to the Village Board for their approval.. He reviewed the order of presentation for a public hearing:

1. Individual sworn in including petitioner, objectors, or interested parties
2. Confirmation of notice being published
3. Petitioner presentation
4. Objector/Interested Persons presentation
5. Petitioner Rebuttal
6. Staff presentation
7. Final questions by Public Body

MR. MELODY stressed the importance of cross-examination to ensure everyone must have opportunity to speak. A discussion took place regarding placing time limits for individuals to speak. MR. MELODY recommended not having a time limit as long as it is germane to the conversation.

COMMISSIONER MCCLELLAN inquired if a Public Hearing can be continued in order for further evidence to be obtained. MR. MELODY stated any Member or Commissioner can make a motion to continue the Hearing at a future date prior to a vote being taken.

To ensure a fair hearing, MR. MELODY stated the Petitioner should go first in the public hearing process. PAULA WALLRICH, Deputy Planning Director, questioned if it were possible to have the Staff present their report first for sake of efficiency and to help frame the issue. MR. MELODY believes the detriment to having the Staff report presented first can potentially be a charge that the Staff report unfairly prejudiced the deciding body. He stressed the importance of Staff sharing the Staff report with the Petitioner prior to the Public Hearing.

MR. MELODY reviewed the Responsibilities of a Plan Commissioner or ZBA Member including meeting attendance, knowledge of the zoning ordinance, and meeting preparation. He stressed the importance of a site visit to the subject property.

MR. MELODY briefly summarized The Open Meetings Act as it applies to the Plan Commission and ZBA.

Lastly, MR. MELODY discussed potential Conflicts of Interest. He stated a Commissioner or Member abstaining from a vote does not affect quorum.

## **ADJOURNMENT**

The Special Joint Meeting of the Zoning Board of Appeals and Plan Commission was adjourned at 9:08 p.m.