MINUTES OF THE ZONING BOARD OF APPEALS

VILLAGE OF TINLEY PARK,
COOK AND WILL COUNTIES, ILLINOIS

JUNE 25, 2015

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on June 25, 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:	Ed Barta Pat Conway Tom Hanna David Samuelson
Village Officials and Staff:	Ronald Bruning, Zoning Administrator Stephanie Kisler, Planner Tom Melody, Village Attorney Jacob Vandenberg, Trustee Debra Kotas, Commission Secretary

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 May 28, 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.

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

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

SUBJECT: **MINUTES OF THE JUNE 25, 2015 MEETING**

PUBLIC HEARING #1: THOMAS & ELIZABETH NOWAK – 19637 RIDGEMONT DRIVE – VARIATION FROM THE REQUIRED FRONT YARD SETBACK – FENCE

Consider recommending that the Village Board grant a twelve foot (12') variation from the front yard setback requirement of twenty feet (20') (outlined by the PUD) to allow for a four foot (4') tall picket fence to be installed at an eight foot (8') setback on the south (Brookfield Circle) side of this corner lot at 19637 Ridgemont Drive in the R-2 PD (Brookside Glen Planned Unit Development) Zoning District and within the Brookside Glen subdivision. Note that the PUD allows a twenty-five foot (25') front yard setback requirement for the west side of the property and a twenty-foot (20') front yard setback requirement for the south side of the property.

Present were the following:

Zoning Board Chairman:	Sam Cardella
Zoning Board Members:	Ed Barta Pat Conway Tom Hanna David Samuelson
Village Officials and Staff:	Ronald Bruning, Zoning Administrator Stephanie Kisler, Planner Tom Melody, Village Attorney Jacob Vandenberg, Trustee Debra Kotas, Commission Secretary
Guest(s):	Thomas & Elizabeth Nowak, Petitioners

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.

TOM MELODY, Village Attorney, reviewed the Public Hearing procedure. He explained the Petitioner will be allowed to present evidence in support of the variation request. He stated they have already provided the written Findings of Fact to support the variance request and it will be their obligation to provide a burden of proof with facts and evidence to support the Findings that this Board requires before a variance can be granted.

TOM NOWAK, 19637 Ridgemont Drive, presented his request for a 12' variation from the required 20' setback to install a 4' scalloped picket fence. He explained his hardship is that he has a corner lot and lacks the sufficient space that would allow the 20' setback with obstacles including a large plant bed surrounded by retaining blocks, a large bush and the sidewalk.

ELIZABETH NOWAK, 19637 Ridgemont Drive, added that she wishes to have a fence to provide privacy and security since their home is close to the sidewalk. She explained they currently have bushes surrounding the yard, however, those bushes are now dying. She explained if the fence were placed at the exact setback line, it would not enclose the large concrete plant/flower bed but run right through it.

WILLIAM MAYLONE, 19646 Brookfield Circle, stated he was the NOWAKS' neighbor to the east and would be the most impacted by changes to the property. He reported no objections to the fence and believes it would not be a detriment to the neighborhood or property values.

MR. MELODY requested the Petitioner review the written Findings of Fact previously submitted in support of their variation request:

> MR. ME.LODY asked the Petitioner to describe the reasons why the variance request is unique to their property. MR. NOWAK explained there is less side lot area compared to other since corner lots;
>
> MR. MELODY asked the Petitioner to explain how this variance would not be regarded as an attempt for financial gain. MRS. NOWAK stated the variance is not an attempt at financial gain but to provide extra security and keep people out of the yard;
>
> MR. MELODY asked the Petitioner how granting the variance will not be detrimental to the public welfare or injurious to other properties or improvements in the neighborhood. MRS. NOWAK explained the fence is located on private property;
>
> MR. MELODY asked the Petitioner to explain how granting the variance will not alter the essential character of the neighborhood. She stated the fence is a 4' tall picket fence that will not alter character of the neighborhood and will actually be more charming in appearance.

With the remainder of the Findings of Fact being self-explanatory, MR. MELODY inquired if Board members agreed to having read and reviewed the remainder of the Findings of Fact as submitted by the Petitioner.

BOARD MEMBER CONWAY noted the Brookside Glen PUD has a 20' setback on non-addressed property side of the home thus already having a 5' built-in setback. He stated larger variances have typically not been granted for the Brookside Glen subdivision, therefore, he suggested the Petitioner amend their request from a 12' variance to something smaller that will still enclose the yard to provide enough space for privacy and security.

MR. and MRS. NOWAK stressed the importance of enclosing the large planter/flower bed within the fenced in area.

Following discussion with Staff where it was determined that a 6' variance would enclose the existing planter bed, the Petitioners decided to amend their request from a 12' variance to a 6' variance from the front yard setback requirement of 20'.

BOARD MEMBER BARTA agreed that a 6' variance would allow for the planter to be enclosed within the fence.

BOARD MEMBER HANNA concurred that the fence placed with the 6' variance would not only allow for clearance of the planter bed but also provide the security and privacy they are requesting.

BOARD MEMBER SAMUELSON thanked the Petitioners for working with Staff and the ZBA in amending their request. He noted the Police Department offered no comments regarding line-of-sight or public safety.

MS. KISLER presented the Staff report. She showed an aerial photograph of the subject property and the surrounding area. She also showed various photographs of the home and property noting the existing deteriorating bushes currently surrounding the yard and the planter bed in question.

MS. KISLER confirmed that variances are rarely granted in the Brookside Glen subdivision due to the allowance of a smaller front yard setback within the PUD. In researching surrounding fences, she reported that the corner lots within the neighborhood consistently kept their fences aligned with the required setback of 20'. She explained the planter in question is not a permanent structure and is able to be moved or a fence can be installed inside the yard around the planter and the fence installed at the required setback can provide the privacy and security requested.

MS. KISLER reported that it is the opinion of Staff that the Petitioner has not provided evidence to support the following standards of variations:

1. That the requested variation may be due to a mere inconvenience rather than a hardship;
2. That the requested variation may not be unique to this property;
3. That the requested variation may alter the character of the neighborhood; and,
4. That the requested variation is not necessary in order for the property to yield a reasonable return.

MS. KISLER reviewed other Department comments including Public Works/Engineering who have no issues as long as a line-of-sight issue is not created with the southeast corner of the fence but will refer to the Traffic Safety Officer. She noted that Planning Department has verified there are no line-of-sight issues.

There being no further questions or comments, a motion was made by BOARD MEMBER CONWAY to recommend the Village Board grant the Petitioner a six foot (6') variation from the front yard setback requirement of twenty feet (20') (outlined by the PUD) to allow for a four foot (4') tall picket fence to be installed at an fourteen foot (14') setback on the south (Brookfield Circle) side of this corner lot at 19637 Ridgemont Drive in the R-2 PD (Brookside Glen Planned Unit Development) Zoning District and within the Brookside Glen subdivision with the following conditions:

> The fence shall be constructed such that drainage to the catch basin is not blocked. Depending on the type of fence, this may require a significant gap between the bottom fence rail and finished grade.

Based on the evidence provided at this hearing and also the following:

> That the Petitioners have provided evidence establishing that they have met the standards for variations contained in Section X.G.4. of the Zoning Ordinance.

The Motion was seconded by BOARD MEMBER BARTA.

Before voting, MR. MELODY reminded Board members they must determine if the Petitioner has satisfied the Findings of Fact. He noted the Staff Report indicates evidence is lacking, particularly of a hardship and if the existence of planter/flower bed that the Petitioner installed is a sufficient hardship sufficient to grant the variance request.

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

THE MOTION FAILED by voice vote.

A motion was made by BOARD MEMBER BARTA, seconded by BOARD MEMBER SAMUELSON to close the Public Hearing at 8:10 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 JUNE 25, 2015 MEETING**

PUBLIC HEARING #2: ARCHIBALD & DENESE ALBERT – 16912 WILLOW LANE DRIVE – VARIATION FROM THE REQUIRED FRONT YARD SETBACK – ADDITION

Consider recommending that the Village Board grant a four foot (4') front yard setback variation from Section V. Schedule II (Schedule of District Requirements) where the front yard setback requirement is twenty-five feet (25'). This variation would allow the Petitioner to construct an addition to the front of the existing home at a twenty-one foot (21') setback on the east (Willow Lane Drive) side of the property at 16912 Willow Lane 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 Pat Conway Tom Hanna David Samuelson
Village Officials and Staff:	Ronald Bruning, Zoning Administrator Stephanie Kisler, Planner Tom Melody, Village Attorney Jacob Vandenberg, Trustee Debra Kotas, Commission Secretary

ZONING BOARD CHAIRMAN CARDELLA opened the Public Hearing at 8:14 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, reported the Applicant(s) are revising their plans and subsequently withdrew their petition prior to this evening's Public Hearing.

A motion was made by BOARD MEMBER BARTA, seconded by BOARD MEMBER HANNA to close the Public Hearing at 8:14 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 JUNE 25, 2015 MEETING**

PUBLIC HEARING #3: MARTHA SCHILKE – 6401 180TH STREET – VARIATION FROM THE REQUIRED FRONT YARD SETBACK – FENCE

Consider recommending that the Village Board grant a twenty-five foot (25') front yard setback variation from Section V. Schedule II (Schedule of District Requirements) where the front yard setback requirement is twenty-five feet (25'). This variation would allow the Petitioner to construct a five foot tall (5') aluminum fence at a zero foot (0') setback on the east (Ridgeland Avenue) side of this corner lot at 6401 180th Street in the R-4 Single-Family Residential Zoning District and within the Kenden Estates subdivision.

Present were the following:

Zoning Board Chairman:	Sam Cardella
Zoning Board Members:	Ed Barta Pat Conway Tom Hanna David Samuelson
Village Officials and Staff:	Ronald Bruning, Zoning Administrator Stephanie Kisler, Planner Tom Melody, Village Attorney Jacob Vandenberg, Trustee Debra Kotas, Commission Secretary
Guest(s):	Martha Schilke, Petitioner

ZONING BOARD CHAIRMAN CARDELLA opened the Public Hearing at 8:14 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.

TOM MELODY, Village Attorney, again reviewed the Public Hearing procedure. He explained the Petitioner will be allowed to present evidence in support of the variation request and will be required to review the written Findings of Fact previously submitted, including the hardship, and how the Findings of Fact have been satisfied.

MARTHA SCHILKE, 6401 180th Street, presented a variance request to replace her existing deteriorating chain link fence with a slightly higher, 5' tall wrought iron fence exactly like her neighbor to the south. She explained she has small grandchildren and dogs and cited safety concerns with coyotes coming to her property.

CHAIRMAN CARDELLA inquired if Board members reviewed the Findings of Fact as submitted by the Petitioner and if their was any further questions for the Petitioner.

BOARD MEMBER BARTA questioned the exact height of the fence being proposed.

MS. KISLER reported she researched the permit obtained for the neighboring fence and found it was for a 4' fence.

RON BRUNING, Zoning Administrator, requested the fence match exactly with the neighboring fence to provide a more aesthetic appearance.

MS. KISLER suggested amending the language in the motion as "at a height to align with the neighbors' fence" with the exact height being verified at the time the Petitioner obtains the permit.

There being no further questions, Board members agreed to accept and agree to the written Findings of Fact, as submitted by the Petitioner.

MS. KISLER presented the Staff report regarding the Petitioner's request for a 25' variance to the required 25' front yard setback on the Ridgeland Avenue side of her property. She showed an aerial photograph of the existing home and surrounding area. She also showed various photographs of the home, noting the existing deteriorating fence. She explained a hardship exists since her home doesn't meet the new setback standard of 25' but was built at an eighteen foot, six inch (18'6") setback. She reported Ridgeland Avenue is approximately thirty-five feet (35') from the location of the fence so there are no line-of-sight issues.

MS. KISLER provided an analysis of nearby corner lots outlining the fencing history and details for similar lots including the variance recently granted to her neighbor to the south whose fence she wishes to match. She showed the fence will be an open style fence that will match the neighboring fence in height and style and will provide a more aesthetic appearance, thus having the potential to increase its property value.

MS. KISLER reported that it is Staff's opinion that the Petitioner has provided evidence to support the following standards of variations:

1. That the requested variation may be due to a hardship since the lot is nonconforming to current standards for dimensions and setbacks;
2. That the requested variation may not be solely unique to this property but the same situation would be shared only by similar nonconforming corner lots along Ridgeland Avenue;
3. That the requested variation may not alter the character of the neighborhood since many fences exist adjacent to the sidewalk along Ridgeland Avenue, and;
4. That the requested variation is necessary in order for the property to yield a reasonable return since installing a fence further west than the east side of the home would not be ideal in functionality or aesthetics.

There being no further questions or comments, a motion was made by BOARD MEMBER SAMUELSON to recommend the Village Board grant the Petitioner a twenty-five foot (25') front yard setback variation from Section V. Schedule II (Schedule of District Requirements) where the front yard setback requirement is twenty-five feet (25'). This variation would allow the Petitioner to construct a fence to match the neighbor's fence, verified by Staff, open style aluminum fence at a zero foot (0') setback on the east (Ridgeland Avenue) side of this corner lot at 6401 180th Street in the R-4 Single-Family Residential Zoning District and within the Kenden Estates subdivision with the following conditions:

1. The fence shall be constructed such that drainage to the catch basin is not blocked. Depending on the type of fence, this may require a significant gap between the bottom fence rail and finished grade.

Based on the evidence provided at this hearing and also the following:

That the Petitioners have provided evidence establishing that hey have met the standards for variations contained in Section X.G.4. of the Zoning Ordinance.

The Motion was seconded by BOARD MEMBER BARTA.

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

NAY: None

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 BARTA, seconded by BOARD MEMBER SAMUELSON to close the Public Hearing and regular meeting of the Zoning Board of Appeals of June 25, 2015 at 8:36 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN CARDELLA declared the Motion approved.