AGENDA FOR REGULAR MEETING
VILLAGE OF TINLEY PARK
ZONING BOARD OF APPEALS
November 12, 2015 – 7:30 P.M.
Council Chambers
Village Hall – 16250 S. Oak Park Avenue

Meeting Called to Order

Pledge of Allegiance

Roll Call Taken

Approval of Minutes – August 27, 2015 Regular Meeting

<u>Public Hearing #1</u>: **GARY & CHRISTINE DEGNEGAARD – 6321 177TH STREET VARIATION FROM THE REQUIRED FRONT YARD SETBACK – FENCE**

Consider recommending that the Village Board grant an eighteen foot, ten inch (18'10") front yard setback variation from Section V. Schedule II (Schedule of District Requirements) where the front yard setback requirement is thirty feet (30').

This variation would allow the Petitioners to construct a five foot (5') tall wood fence to align with the existing home at an eleven foot, two inch (11'2") front yard setback at 6321 177th Street in the R-2 (Single-Family Residential) Zoning District and within the Elmore's Ridgeland Avenue Estates subdivision.

Close Public Hearing #1

Good of the Order

<u>Adjournment</u>

ORDER OF PUBLIC HEARING

A. Opening of Public Hearing

B. Swearing in Petitioner, Objectors, and Interested Persons

C. Confirmation of notices being published and mailed in accordance with State law and Village Code/Zoning Ordinance requirements

D. Petitioner Presentation

   i. Cross Examination

   ii. Questions by Public Body

E. Objectors Presentation(s)

   i. Cross Examination

   ii. Questions by Public Body

F. Interested Persons Presentation(s)

   i. Cross Examination

   ii. Questions by Public Body

   iii. Rebuttal

G. Petitioner Rebuttal (if any)

H. Village Staff Presentation

   i. Cross Examination

   ii. Questions by Public Body

   iii. Rebuttal

I. Final questions by Public Body

J. Closing remarks by Petitioner, Objectors, Interested Persons, and Village Staff

K. Close or continuation of Public Hearing

PUBLIC HEARING REMINDERS

- All public hearings of a Public Body are meetings as defined by the Illinois Open Meetings Act (5 ILCS 120/1 et seq.).
- Prior to the commencement of the public hearing, the Chair will determine whether there are any Objectors or other Interested Persons and if an attorney represents any Objector, group of Objectors or Interested Persons.
- All individuals desiring to participate in the public hearing process shall sign in/register with Village staff prior to the public hearing.
- All individuals desiring to participate in the public hearing process must participate in a swearing of an oath.
- The Chair may impose reasonable limitations on evidence or testimony presented by persons and parties, such as barring repetitious, irrelevant or immaterial testimony.
- The Chair may take such actions as are required to maintain an orderly and civil hearing.

MINUTES OF THE ZONING BOARD OF APPEALS

VILLAGE OF TINLEY PARK,
COOK AND WILL COUNTIES, ILLINOIS

AUGUST 27, 2015

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on August 27, 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 Amy Connolly, Planning Director Stephanie Kisler, Planner Tom Melody, Village Attorney 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 July 23, 2015 meeting of the Zoning Board of Appeals were presented for approval. A motion was made by ZONING BOARD MEMBER BARTA seconded by ZONING BOARD MEMBER SAMUELSON to approve the Minutes as presented.

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

DRAFT

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

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

SUBJECT: **MINUTES OF THE AUGUST 27, 2015 MEETING**

PUBLIC HEARING: **WATSON FAMILY HYUNDAI, INC. – 8101 159TH STREET – VARIATIONS FROM SECTION IX (SIGN REGULATIONS) FOR MAXIMUM FREESTANDING SIGN HEIGHT, MAXIMUM SIGN FACE AREA, AND MAXIMUM SIZE OF AN ELECTRONIC MESSAGE CENTER – FREESTANDING SIGN**

Consider recommending that the Village Board grant three (3) variations to the Petitioner. Two (2) variations would allow for the continuation of the existing legal nonconforming freestanding sign and one (1) variation would allow the installation of an electronic message center on the sign. The requested variations include:

1. An eight foot (8') variation from Section IX.D.4.a.(2) where the maximum height for a freestanding sign is ten feet (10') to allow an eighteen foot (18') tall freestanding sign;

2. A twenty-four (24) square foot variation from Section IX.D.3.b. where the maximum sign face area is one hundred twenty (120) square feet to allow a sign one hundred forty-four (144) square feet in area; and

3. A 3.9% variation from Section IX.D.9.c. where the maximum size of an electronic message center is permitted to be 20% of the total sign area to allow an electronic message center that is 23.9% of the total sign area.

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 Amy Connolly, Planning Director Tom Melody, Village Attorney Stephanie Kisler, Planner Debra Kotas, Commission Secretary
Guest(s):	David Sosin, Petitioner's Attorney Randy Bennett, Landmark Sign

A motion was made by BOARD MEMBER SAMUELSON, seconded by BOARD MEMBER HANNA TO open the Public Hearing at 7:31 p.m. ZONING BOARD CHAIRMAN CARDELLA requested the Petitioner(s) and anyone present who wished to give testimony, comment, engage in cross-examination or ask questions during the Hearing stand and be sworn in.

DRAFT

TOM MELODY, Village Attorney, reviewed the Public Hearing procedure. He explained the Petitioner(s) or their representatives 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 variation 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 variation can be granted. MR. MELODY stated a revised Findings of Fact was submitted by the Petitioner prior to this Public Hearing.

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

DAVID SOSIN, Attorney representing the Petitioner, presented a request for three (3) separate variations for a freestanding sign for Family Hyundai located at 8101 159th Street. He reviewed the history of the dealership relative to the sign ordinance stating the existing sign is legal nonconforming in status. He explained the current sign was built when the Hyundai dealership was located at the site of the current Bettenhausen dealership (SE corner of 159th Street and 84th Avenue). He reported when the new Hyundai property was purchased and plans submitted to the Village, the sign was moved and placed as part of the site plan. He stated his client is seeking the variations to update the existing sign to a digital format in order to remain competitive with the surrounding dealerships in the area.

MR. SOSIN explained the first two requests are for an 8' height variation and 24 square foot sign face variation with the third variation being requested to replace the "Family" portion of the sign with a digital panel. He showed a photograph of the proposed sign explaining the sign panels are made in one foot (1') sections and in order to utilize the most of the space on the existing sign and for the proportions of the sign to remain the same, a 3.9% variation to the maximum size of an electronic message center is necessary.

In conclusion, MR. SOSIN stated he believes the requests are reasonable based on the Findings of Fact, information presented and request of the dealership to operate their business in an efficient, satisfactory manner.

BOARD MEMBER BARTA recalled the Petitioner requesting a sign variation in the past. MR. MELODY indicated the Petitioner has not previously appeared before the Zoning Board of Appeals for a sign variation. He explained the existing sign met ordinance requirements at the time it was initially installed prior to the dealership moving to its current location.

BOARD MEMBER HANNA asked for further clarification regarding the calculations for the message board. MR. SOSIN explained the 3.9% calculation is based on the existing sign area of 144 square feet, not 120 square feet which is the maximum sign face area currently permitted by code.

BOARD MEMBER SAMUELSON requested confirmation that the sign will maintain at its current height and size. He suggested modifying the sign and electronic message board to meet current zoning ordinance requirements. MR. SOSIN explained they are seeking the variations so aesthetically there are no large spaces on either side of the panel and to have a sign that is in proportion to code and fit with current technology. He further explained the proposed electronic message sign board is expensive due to its high quality and much clearer digital readout.

BOARD MEMBER SAMUELSON inquired if the Petitioner was aware that conditions of approval will include landscape at the bottom of the sign per the Village's landscape ordinance and removal of all temporary signage. MR. SOSIN reported his client has been advised of this by Staff.

BOARD MEMBER CONWAY thanked the Petitioner for an articulate, informative presentation and Staff for providing a thorough Staff Report. He reported visiting the property comparing the message boards of the Toyota dealership with the proposed Hyundai sign. Because the electronic portions are installed in 1'

increments, thus creating a larger filler panel on each side, he believes the message board would be out of proportion. He reviewed the Petitioner's response to the Finding of Fact describing how the hardship was created. He agreed that static signs are out of date and most businesses are converting to electronic message boards.

MR. SOSIN added that the message board will also contain community information in addition to advertisement for the business.

There being no further questions from Board Members, objectors or other interested parties, MS. KISLER presented the Staff report. She reviewed each of the three (3) variations requested. She explained the first two variation requests relate to the existing sign. She reported when the sign was allowed to move to the dealership's existing location, it was never granted a variation though it no longer conformed to current code requirements for sign face area and height. She explained the third variation relates to an electronic message center that is approximately 23.9% of the 144 square foot area of the existing sign, resulting in the Petitioner needing a 3.9% variation to the maximum size of an electronic message center of 20%.

MS. KISLER showed an aerial photograph of the subject property that is located between a storage facility and other auto dealerships. She showed a photograph of the existing sign noting there is no landscape at the base of the sign, currently required per code. She reported the Village's Landscape Architect is requiring nothing less than a 6'x10' landscaped area at the base to provide a proportionate amount of green space.

MS. KISLER displayed photographs showing the substantial amount of temporary signage on the site, noting a temporary sign permit has not been issued since 2013. She explained that if the Petitioner proceeds with an electronic message center, whether a variation is granted or not, no temporary signage will be allowed on the site per the requirements of the Zoning Ordinance.

MS. KISLER proceeded to show a photograph of the proposed sign noting its dimensions of approximately 18'x18' including the 10' base pole and proposed electronic message center, thus making the sign very visible. She showed the example of the electronic message center, including the filler panels on each side, noting it is possible to meet the code requirement of 20% by adding additional filler panel. She explained Staff is concerned regarding setting a precedent and does not believe sufficient evidence exists for a hardship to support the variation request. She reported Staff is recommending limiting the Petitioner to 20% of the existing square footage of the sign. She also mentioned that the only other car dealership in Tinley Park along 159th Street that utilizes an electronic message center is the Orland Toyota dealership and their electronic message center meets the 20% maximum area requirement.

MS. KISLER proceeded to review suggested conditions from the Planning Department:

1. The Landscape Plan on file be amended to include an area no smaller than 6' x'10' in size, with approval by the Village's Landscape Architect, to be installed at the base of the sign in accordance with the Zoning Ordinance;
2. All temporary signage be removed from the property once the electronic message center is installed and ensure they are properly permitted in the interim; and,
3. Per Zoning Ordinance, it is prohibited to have any temporary signage once the electronic message center is installed.

MS. KISLER reported Public Works, Engineering, Building Department, Police Department and Fire Department had no comments

MR. SOSIN commented on Staff concerns regarding setting a precedent by granting the variation requests. He stated there will be no precedent when the voting body uses common sense and works with each individual business when making a decision, explaining each situation will be unique.

There being no further questions or comments, each variation request was presented individually for vote.

A motion was made by BOARD MEMBER SAMMUELSON to recommend the Village Board grant the Petitioner a variation for a freestanding sign for the Family Hyundai property located at 8101 159th in the B-5 Automotive Service Zoning District for:

> An eight foot (8') variation from Section IX.D.4.a(2) where the maximum height for a freestanding sign is ten feet (10') to allow an eighteen foot (18') tall freestanding sign.

The Motion was seconded by BOARD MEMBER HANNA.

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

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

A motion was made by BOARD MEMBER SAMMUELSON to recommend the Village Board grant the Petitioner a variation for a freestanding sign for the Family Hyundai property located at 8101 159th in the B-5 Automotive Service Zoning District for:

> A twenty-four (24) square foot variation from Section IX.D.3.b where the maximum sign face area is one hundred twenty (120) square feet to allow a sign one hundred forty-four (144) square feet in area.

The Motion was seconded by BOARD MEMBER HANNA.

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

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

A motion was made by BOARD MEMBER SAMMUELSON to recommend the Village Board grant the Petitioner a variation for a freestanding sign for the Family Hyundai property located at 8101 159th in the B-5 Automotive Service Zoning District for:

> A 3.9% variation from Section IX.D.9c where the maximum size of an electronic message center is permitted to be 20% of the total sign area to allow an electronic message center that is 23.9% of the total sign area.

With the following conditions:

1. That the Landscape Plan on file be amended to include an area no smaller than 6'x10' in size, with landscaping approved by the Village's Landscape Architect, to be installed at the base of the sign in accordance with Section IX.D.5 of the Zoning Ordinance;
2. That all current temporary signage be removed from the property once the electronic message enter is installed; and,

3. That the property will not be permitted any temporary signage if an electronic message center is installed as per Section IX.D.9.f. of the Zoning Ordinance. This includes but is not limited to banners, flags, balloons and light pole signs.

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 HANNA.

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

THE MOTION WAS APPROVED 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 HANNA to close the Public Hearing and regular meeting of the Zoning Board of Appeals of August 27, 2015 at 8:21 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN CARDELLA declared the Motion approved.

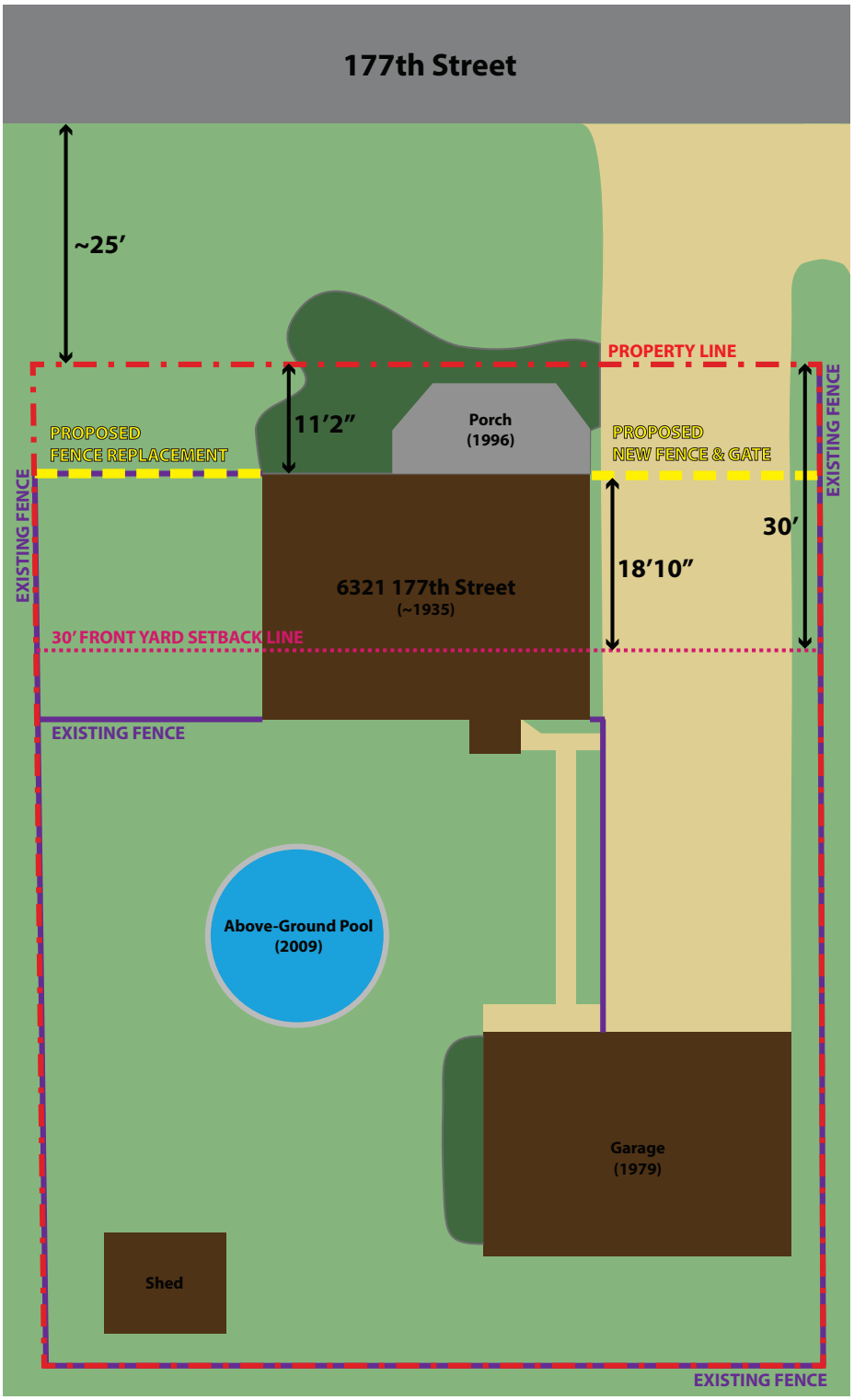
DRAFT

ZONING BOARD OF APPEALS

NOVEMBER 12, 2015

Staff Report: 6321 177th Street (DEGNEGAARD)

Front Yard Setback Variation Request for a Fence



Petitioners: Gary and Christine Degnegaard

Address: 6321 177th Street

Zoning: R-2

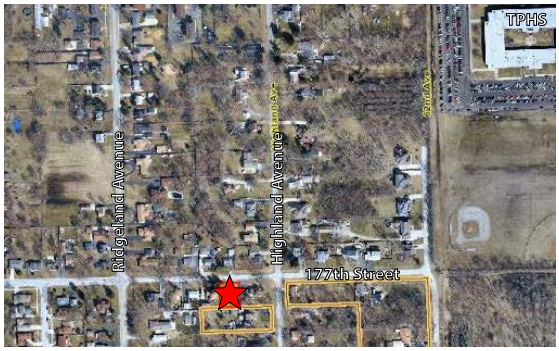
Subdivision: Elmore's Ridgeland Avenue Estates

Lot Area: 8,000 +/- square feet

Publication: Daily Southtown (October 25, 2015)

Variation Request: An eighteen foot, ten inch (18'10") front yard setback variation from Section V. Schedule II (Schedule of District Requirements) where the front yard setback requirement is thirty feet (30'). This variation would allow the Petitioners to construct a five foot (5') tall wood fence to align with the existing home at an eleven foot, two inch (11'2") front yard setback at 6321 177th Street in the R-2 (Single-Family Residential) Zoning District and within the Elmore's Ridgeland Avenue Estates subdivision.

AERIAL CONTEXT



STREET VIEW

Panoramic View

Front of Home

Front of Home

Rear of Home

Front of Home (Looking East)

Close Aerial

East Side of Home

West Side of Home / Existing Fence

Variation Request Summary

The Petitioners, Gary and Christine Degnegaard, are requesting a variation from the front yard setback requirement to install a five foot (5') tall wood fence. The Petitioners propose to have the fence installed at an eleven foot, two inch (11'2") setback along the front (north) property line, which will place the fence in alignment with the setback of the existing single-family home. The Petitioners cite safety concerns and aesthetics for the reason why they are requesting the variation.

Village Staff Comments

Planning Department Comments

The Planning Department notes that this area of the Village has an array of housing that varies in age (some built as early as the 1930s) and several homes in this area do not meet the current setback requirements. The Petitioners have provided Staff with photos of properties that appear to have fence encroachments in the front yard setback. Staff researched the addresses provided as well as some other properties in the surrounding area to find out which fences had been approved with variations. A table of these findings has been provided below. The row highlighted in yellow indicates the Petitioner's property.

FRONT YARD FENCE ENCROACHMENTS				
Address	Permit Records	Variation	Nonconformity Type	
			Illegal	Legal
17658 Highland Avenue	Nothing on file	No	x	
17704 Highland Avenue	Nothing on file	No	x	
16242 Olcott Avenue	1972: 48"	No; Building permit issued only		x
16333 Ozark Avenue	1983: 6'	Front Yard 5' (Administrative)		x
16205 Ozark Avenue	1976	No; Building permit issued only		x
17704 Ridgeland Avenue	Nothing on file	No	x	
18033 Ridgeland Avenue	Nothing on file	No	x	
16524 66th Avenue	1970: 4'; 1971: 4'; 1972: 5'	No; Building permit issued only		x
17701 67th Court	replaced 2004	No; Building permit issued only		x
17500 68th Court	Nothing on file	No	x	
16333 76th Avenue	Nothing on file	No	x	
16334 76th Avenue	1974	No; Building permit issued only		x
7801 161st Place	1987; replaced 2004	1987 (Administrative)		x
7631 165th Place	replaced 2006	No; Building permit issued only		x
7640 165th Place	1968: 5'	No; Building permit issued only		x
6830 176th Street	Nothing on file	No	x	
6320 177th Street	Nothing on file	No	x	
6321 177th Street	Nothing on file	No	x	
6328 177th Street	Nothing on file	No	x	
6437 177th Street	1993: 4'	23' Front Yard; 93-O-066 (Village Board)		x
6535 177th Street	1982: 6'; replaced 2005	1982 Variation (Building Committee)		x
6410 179th Street	1978; replaced 2007	23' Front Yard; 1978 (Administrative)		x
6450 179th Street	1994: 6'	17' Front Yard; 94-O-030 (Village Board)		x

In addition to noting the absence of a variation for the existing fence at the Petitioner's property, Staff also found no evidence of a Building Permit for any existing fencing at this property; however, Staff found permits for an above-ground pool (2009), a front deck (1996), and a garage (1979).

While Planning Staff has generally supported fence locations that align with the existing structure in past variation cases, Staff notes that the homes along 177th Street, specifically between Ridgeland Avenue and Highland Avenue, have varying front yard setbacks, which may cause an inconsistency in fence placement. It appears that the Petitioner's home is the shortest distance from the right-of-way, being only eleven feet, two inches (11'2") setback from the property line for a total distance from the pavement of the street of approximately thirty-six feet (36') according to Staff's calculations. Most of the homes on the south side of 177th Street in this block are set back a total of forty-two feet (42') - fifty-one feet (51').

If the Petitioner constructed their fence at the proposed location, the fence would be in front the homes to both the east and the west of them. Staff does not support situations where a fence intrudes into an adjacent neighbor's front yard area. While the Petitioner's home cannot easily be moved to meet current setback requirements, the fence placement can be adjusted to be in better harmony with the adjacent properties.

Planning Staff recommends that the Zoning Board of Appeals consider the neighboring properties when hearing this variation request. The Petitioners have not provided enough evidence as to why the fence cannot be constructed to meet the required thirty foot (30') front yard setback. While a wood fence would certainly be an improvement upon the existing chain-link fence, the proposed location of the fence may negatively impact the adjacent properties and alter the character of the neighborhood.

Based upon the information submitted to date by the Petitioners, it appears the Petitioners may have difficulty providing evidence supporting positive findings for the following required standards for variations:

1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the R-2 Zoning District;
2. That the requested variation will not alter the character of the neighborhood/subdivision; and
3. That a practical difficulty or particular hardship exists in meeting the current regulations in the R-2 Zoning District rather than a mere inconvenience.

Public Works/Engineering Comments
The Public Works Department and Engineering have reviewed the variation request and have no comments since it does not appear that any public infrastructure will be impacted and existing draining patterns will not be disturbed.

Building Department Comments
The Building Department has reviewed the variation request and offers no comments.

Police Department Comments
The Police Department has reviewed the variation request and offers no comments.

Fire Department Comments
The Fire Department has reviewed the variation request and offers no comments.

Questions To Ask The Petitioner/Standards for Granting a Variation

1. What is the hardship or practical difficulty in conforming to the existing Zoning Ordinance? Is it a hardship or a mere inconvenience? If there is a hardship, is it due to the owner or is it a unique circumstance?

2. What will be the impact on neighboring properties? Will it alter the character of the neighborhood?

3. Can the property yield a reasonable return if the variation is not granted?

4. Will the installation of a fence impair an adequate supply of light or air to adjacent properties? Will it increase the danger of fire, impair drainage, or endanger public safety?

5. Would the conditions upon which the request is based be generally applicable to other properties in the subdivision or the Village, with similar zoning?

6. Is the purpose of the request based exclusively upon a desire to make money out of the property?

7. Would granting the request be detrimental to the public welfare or injurious to other property or improvements nearby?

Appropriate Motion

If the Zoning Board of Appeals wishes to make a motion, the following motion is in positive form:

"...make a motion to consider recommending that the Village Board grant the Petitioner an eighteen foot, ten inch (18'10") front yard setback variation from Section V. Schedule II (Schedule of District Requirements) where the front yard setback requirement is thirty feet (30'). This variation would allow the Petitioners to construct a five foot (5') tall wood fence to align with the existing home at an eleven foot, two inch (11'2") front yard setback at 6321 177th Street in the R-2 (Single-Family Residential) Zoning District and within the Elmore's Ridgeland Avenue Estates subdivision."

...With the following conditions:

1. *[any conditions that the Zoning Board of Appeals would like to recommend.]*

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

1. 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.

2. *[any other facts or unique circumstances that the Zoning Board of Appeals would like to mention.]*

RECEIVED
SEP 17 2015

1526004-1 0057 09/17/2015 001 14
Zoning Variance Fees GARY DEGNEGAARD
$150.00

(V-6859)

VILLAGE OF TINLEY PARK
APPLICATION FOR ZONING ORDINANCE VARIANCE

The undersigned hereby Petitions the Village of Tinley Park Zoning Board of Appeals and/or Plan Commission to consider a Variation from the terms of the Zoning Ordinance as follows:

PETITIONER INFORMATION

Name: Gary Degnegaard

Mailing Address: 6321 177th St

City: Tinley Park State: IL Zip: 60477

Day Phone: 708-633-4555 Evening Phone: same

Cell Phone: 708-259-0944 Fax Number:

Email Address: chrisd@interdompartners.com

Nature of Petitioner's Interest in the property and/or relationship to the owner:
(Applications received on behalf of the owner of record must be accompanies by a signed letter of authorization).

PROPERTY INFORMATION

Street Address: 6321 177th St

Owners: Gary & Christine Degnegaard

SPECIFIC TYPE OF VARIANCE REQUESTED (See Examples Below):

Please see attached.

An eighteen foot, ten inch (18'10") variation to the front yard setback requirement of thirty feet (30') to allow for a five foot (5') tall wood fence to be installed to align with the existing home at an eleven foot, two inch (11'2"') front yard setback.

Examples of Specific Type of Variance Requested:
This refers to the exact number of feet, the exact dimensions of a structure, exact height/type of fence. For example:

> "A 15 foot Variance to the Front Yard Setback on the East side of the property to allow for a 6-foot tall cedar fence on this corner lot."
>
> "A 180 square foot variance to the 720 square foot maximum allowable size of an accessory structure to allow for a 30 foot or 900 square foot garage on this residential property."
>
> "A 10 foot variance to the 10 foot maximum allowable height for a sign to allow for a 20 foot high monument sign on this commercial property.

REASON THAT THE VARIANCE IS NEEDED: (See Examples below)

See attached.

Examples of Reasons that the Variance is needed:

"We would like to extend our fence 15 feet toward the street from the front corner of the house so that we can enclose a pool, swing set, shed, landscaping, trees, side entrance, etc., and provide a safe area for our children to play"

"We would like to build an oversized garage on our property so that we may store our antique vehicle, snow mobiles, riding lawn mower, etc., inside, as well as our two other cars, which are currently parked in the driveway"

The Petitioner certifies that all of the above statements and other information submitted as part of this Application and Findings of Fact are true and correct to the best of his or her knowledge:

Signature: Gary Degnegaard Date: 9-16-15

Printed Name: GARY DEGNEGAARD

OFFICE USE ONLY:

Current Zoning on Property R-2 Present Use Single-Family Residential

Notes

Home was built at an 11'2" front yard setback from the property line along 177th Street where 30' is required per current Zoning Ordinance standards. Petitioner wants the fence to align with the existing single-family home. A portion of chain-link fencing already exists west of the structure where a new wood fence is proposed. The Petitioner also wants to use a wood gate for their driveway.

FINDINGS OF FACT

ADDITIONAL INFORMATION TO BE PRESENTED TO SUPPORT A VARIATION REQUEST FROM THE TERMS OF THE VILLAGE OF TINLEY PARK ZONING ORDINANCE

Section X.G.1 of the Village of Tinley Park Zoning Ordinance requires that the Zoning Board of Appeals determine compliance with the following standards and criteria. In order for a variance to be approved, the Petitioner must respond to all the following questions with facts and information to support the requested Variation:

A. Describe the difficulty that you have in conforming with the **current** regulations and restrictions relating to your property, and describe how this hardship is not caused by any persons presently having an interest in the property. (Please note that a mere inconvenience is insufficient to grant a Variation). For example, does the shape or size of the lot, slope, or the neighboring surroundings cause a severe problem in completing the project in conformance with the applicable Ordinance requirement?

See attached.

B. Describe any difficulties or hardships that **current** zoning regulations and restrictions would have in decreasing your property value compared to neighboring properties.

See attached.

C. Describe how the above difficulty or hardship was created.

See attached.

FINDINGS OF FACT (CONTINUED)

D. Describe the reasons this Variance request is unique to this property only and is not applicable, in general, to other properties within the same Zoning District.

See attached.

E. Explain how this Variance **would not** be regarded as an attempt at financial gain, but only because of personal necessity. For example, the intent of the Variance is to accommodate related living for an elderly relative as opposed to adding an additional income source.

See attached.

F. Describe how granting this Variance request will not be detrimental to the public welfare or injurious to other properties or improvements in the neighborhood in which the property is located: (Example: fencing will not obstruct view of automobile traffic).

See attached.

G. Explain how granting this Variance will not alter the essential charter of the neighborhood or locality:

See attached.

FINDINGS OF FACT (Continued)

H. Describe how the requested Variance **will not:**

1. Impair an adequate supply of light and air to adjacent properties.

   See attached.

2. Substantially increase the congestion of the public streets.

   See attached.

3. Increase the danger of fire.

   See attached.

4. Impair natural drainage or create drainage problems on adjacent property.

   See attached.

5. Endanger the public safety.

   See attached.

6. Substantially diminish or impair property values within the neighborhood.

   See attached.

Gary & Christine Degnegaard
6321 177th St
Tinley Park, Il 60477

Specific Type of Variance requested: Fence

Requesting a 5ft high 23 ft wide wooden fence aligning with both sides of the front of the house.

Reason that variance is needed:

We came to the village to request a permit and was told that our house does not meet the zoning ordinance. The updated ordinance states 30 ft from setback. Our house was built in 1935 and we purchased in Sept. 2007. The house came with a fence already. Was told that which of the previous owner, I do not know which, put up the fence without a permit is why we are not grandfathered in and is requesting the variance. The setback for house is 11ft. We would like to replace existing rusty old chain link fence with a wooden 5ft privacy fence. This fence would align on both sides of the front of the house. This would provide privacy, security, safety, and enclose our above ground pool for my children and others. We have been considering getting a pet and would provide safety and enclose as well. We can not bring the fence back 30ft as it will give access to my children bedrooms and that is a safety concern. Our windows are extremely low. This would also improve the appearance of the house. There will be no line of sight issues. There is plenty of driveway left for viewing of cars or pedestrians coming either way of the street when backing in and out of the driveway.

Findings of Fact:

A. House was built in 1935 with a 11ft setback. We purchased house in September 2007 and does not meet current zoning ordinance setback of 30ft.

B. We bought the house in September 2007 and was built in 1935. We can not set back 30ft as it would allow access to my children bedrooms. We would still be in comparable to the neighboring properties and would not look out of character.

C. House was built in 1935 and we purchased in September 2007 and current zoning ordinance requires a 30ft setback. House is built in an old subdivision with no sidewalks and currently has a 11ft setback. (We can not move our house). The fence will not look out of character. This would be an improvement & provide safety, security, and privacy for my family.

D. The lots were built differently in 1935 than they are in the present. We have a 11ft setback verses the present zoning ordinance code for 30ft. (Can not move the house)

E. The variance is needed to provide privacy, security, safety, and improve the property curb appeal. Verses the old rusty chain link fence already existing.

F. We are just looking to enclose our yard for privacy, safety, and security. The wooden 5ft fence will have no safety issues like a chain link fence. This wooden fence will not cause any problems for viewing in and out of my driveway when backing out.

G. Other houses in my area have similar conditions. This will not be out of character. Just needing for security, privacy, and improvement.

H.

1. This wooden fence would only provide security and privacy. The supply of light would only effect my backyard.

2. This fence will not cause any congestion of the public street. This is private property.

3. The fence will be built in code. No danger to fire.

4. The wooden fence will be built in code. Water will flow under fence no problem. We will install in compliance on what the village engineers requires.

5. Wooden fence will meet codes. Align of sight will have no problems, This a private property. The wooden fence will not cause any problem for viewing of cars or pedestrians driving in and out of driveway. There is plenty of sight after the fence on the driveway.

6. The fence will create privacy and security for my family and curb appeal to my property. The fence will also be similar to my neighbors. Fence will be done in code and not out of character.

OFFICE
12159 MEADOWLAND DR.
HOMER GLEN,
ILLINOIS 60491

Surveyor's Plat

R. W. SODERQUIST & ASSOCIATES
PROFESSIONAL LAND SURVEYORS

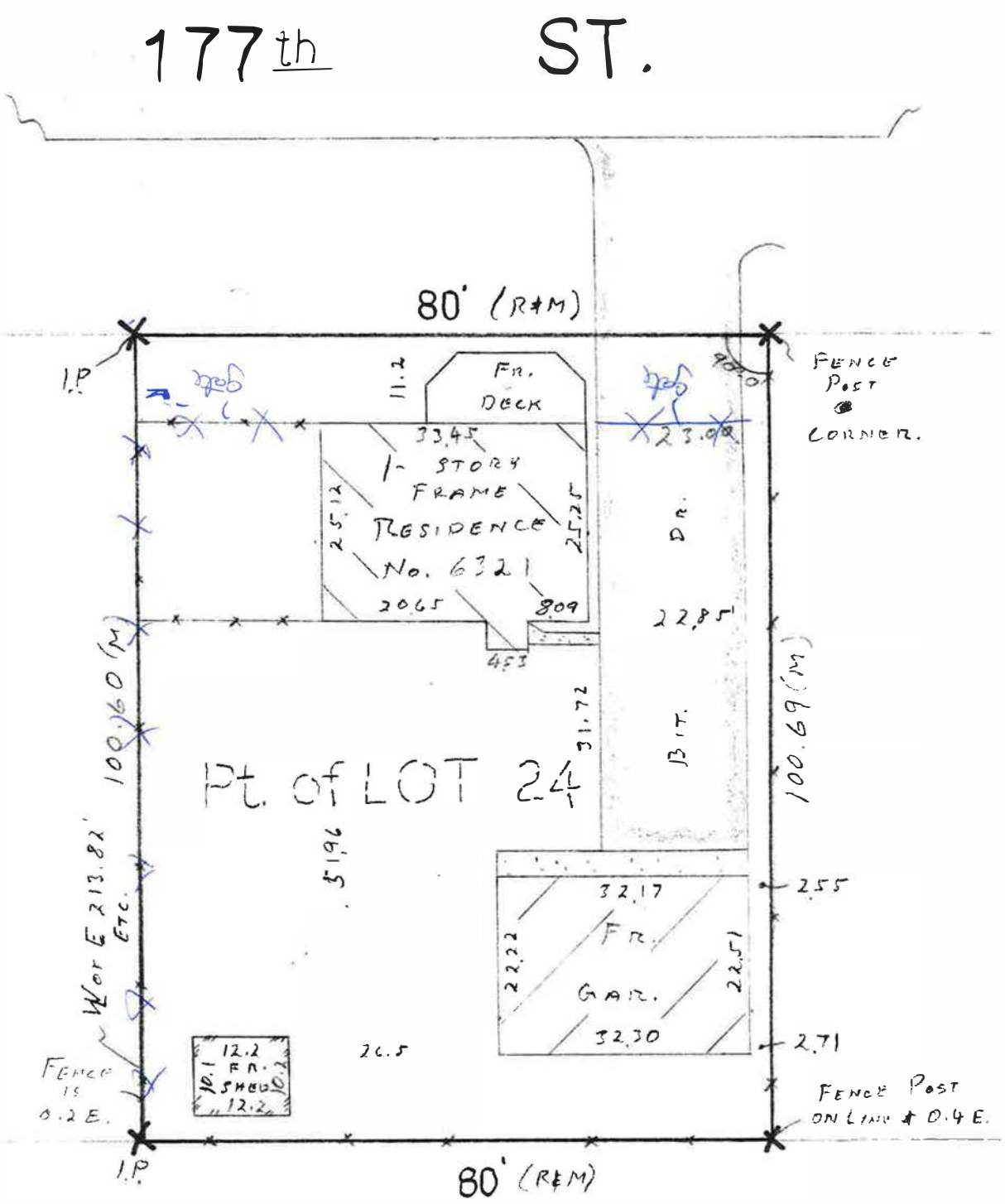
PHONE
(708) 301-0650

Subdivisions, Town Sites Laid Out, Railroad Lines Located, Drainage and Irrigation Work. Lot Surveys

Quantities and Excavations Estimated Test Borings Reports Made on Settlement of Buildings

Scale 1" — 20

THE WEST 80 FEET OF THE EAST 213.82 FEET OF LOT 24 IN BLOCK 4 IN ELMORE'S RIDGELAND AVENUE ESTATES, BEING A SUBDIVISION OF THE WEST HALF OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, NORTH OF THE INDIAN BOUNDARY LINE, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



Order No. S 907-003

Book 1030 Page 20

Ordered by KREDENS

This Plat Not Valid Without Impressed Seal.

Member: Illinois Professional Land Surveyors Association

RONALD W. SODERQUIST 035-002722 PROFESSIONAL LAND SURVEYOR ILLINOIS

State of Illinois}
County of Will}
I, Ronald W. Soderquist, an Illinois Professional Land Surveyor, hereby state that a boundary survey has been performed on the property described hereon and that this plat represents the facts found at that time and conforms to statutory minimum standards

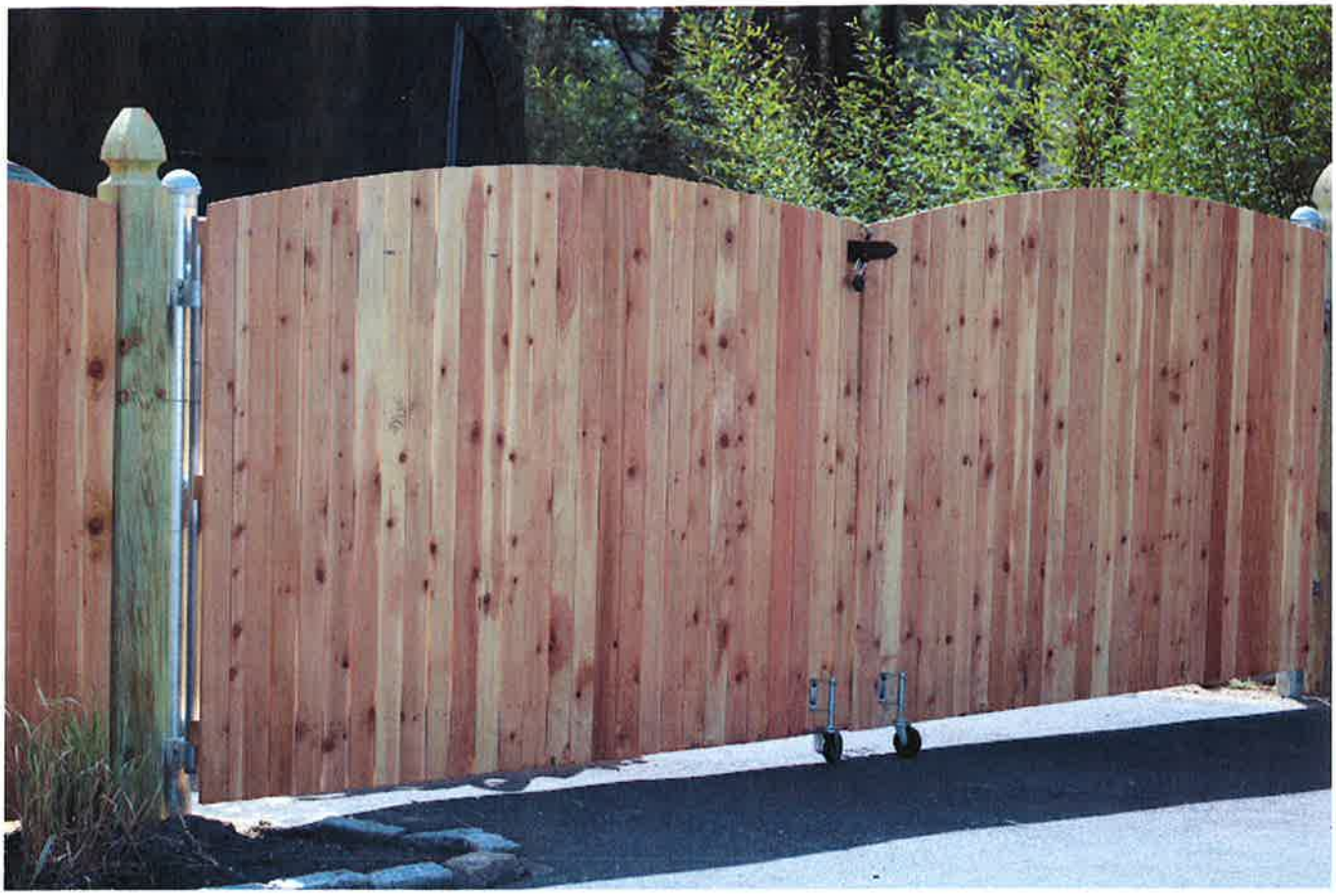
Date Sept 11 2007

Ronald W. Soderquist
I.P.L.S. No. 2722

Contractors or builders should be notified to carefully test and compare the points, measurements, etc., as noted in this Plat with the stakes, points, etc., given on the property before building by the same, and at once report any seeming or apparent inconsistencies between the same to the Surveyor so that misunderstandings, displacement of points, etc., may be corrected before damage is done.

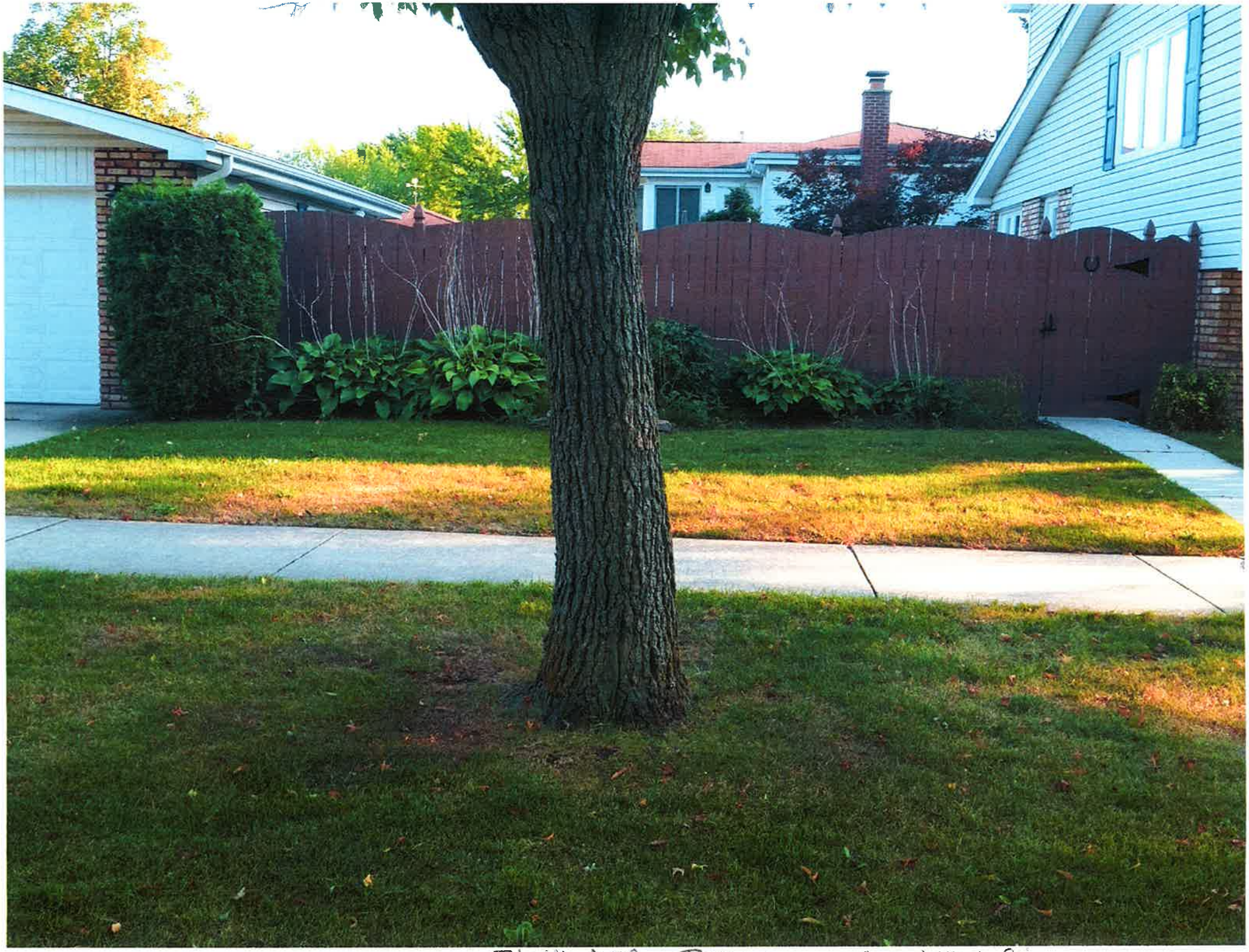
A plat of survey made before the construction of a building cannot be taken as a guarantee that the structure will be built in strict accordance therewith. In important cases a RE-SURVEY should be made after the foundations are started, and a plat then given as to the actual location and elevation of the building or sidewalk.

Consult Deed for the building line restrictions. No dimensions should be assumed by scale measurements upon this Plat.



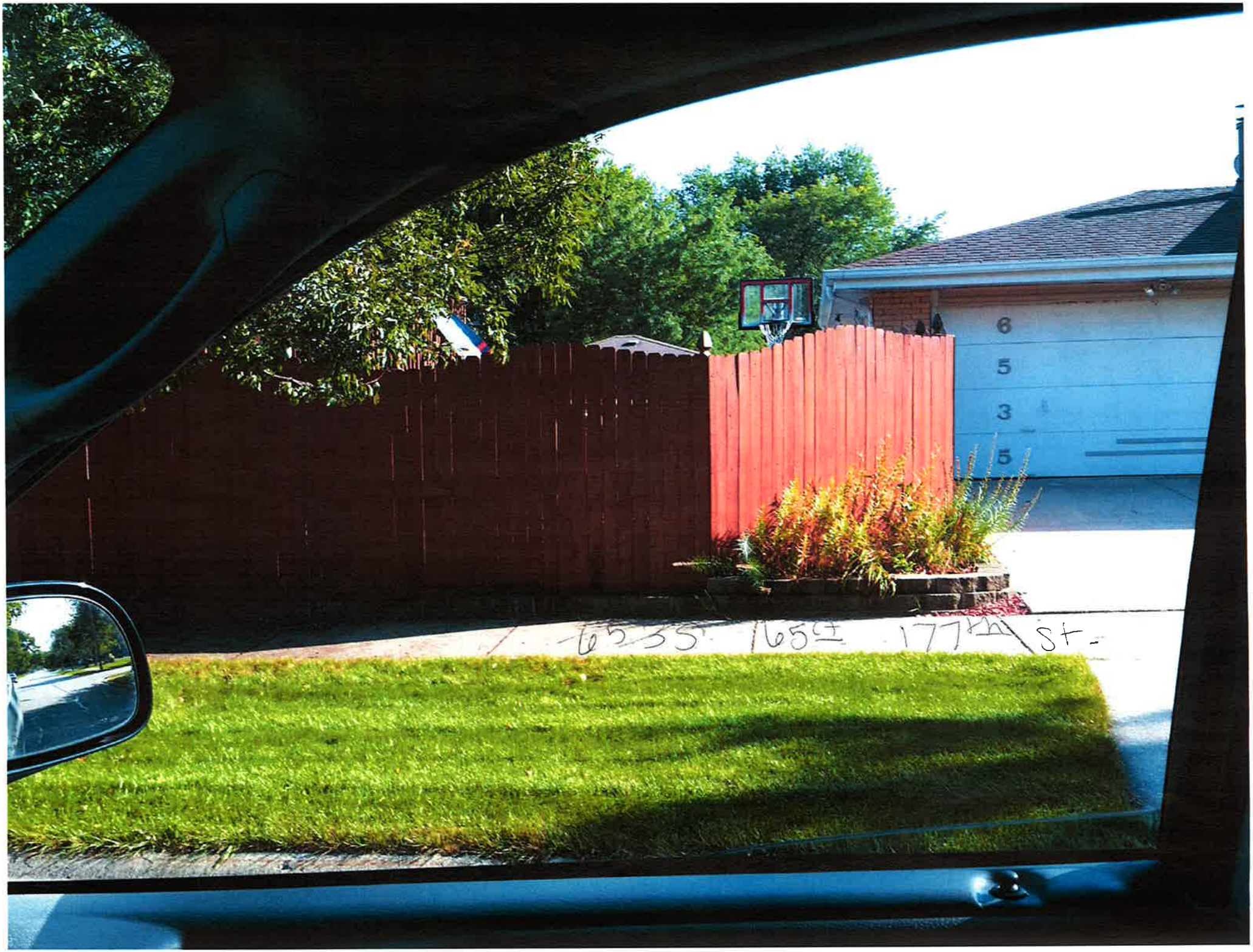
Gate we want to put up.

Degnigaard house.
6321 177th St.



710 VA Ave. - Between 159 & Norfolk St

167 4th Ct & 17th ST


6
5
3
5
65 35 165± 177th St.

OBJECTS IN MIRROR ARE CLOSER
THAN THEY APPEAR

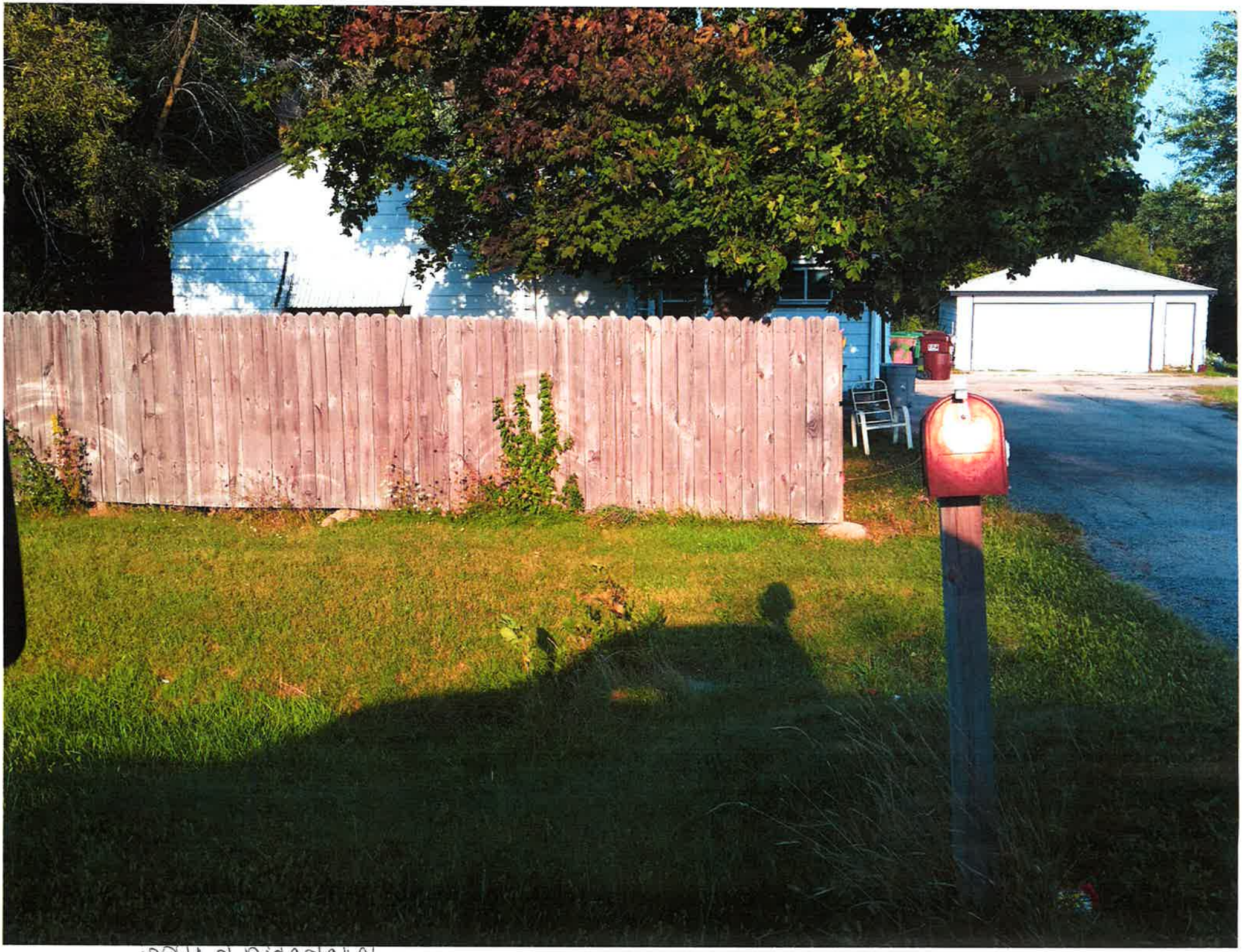
4717 Hill
4320

VIGNETTE

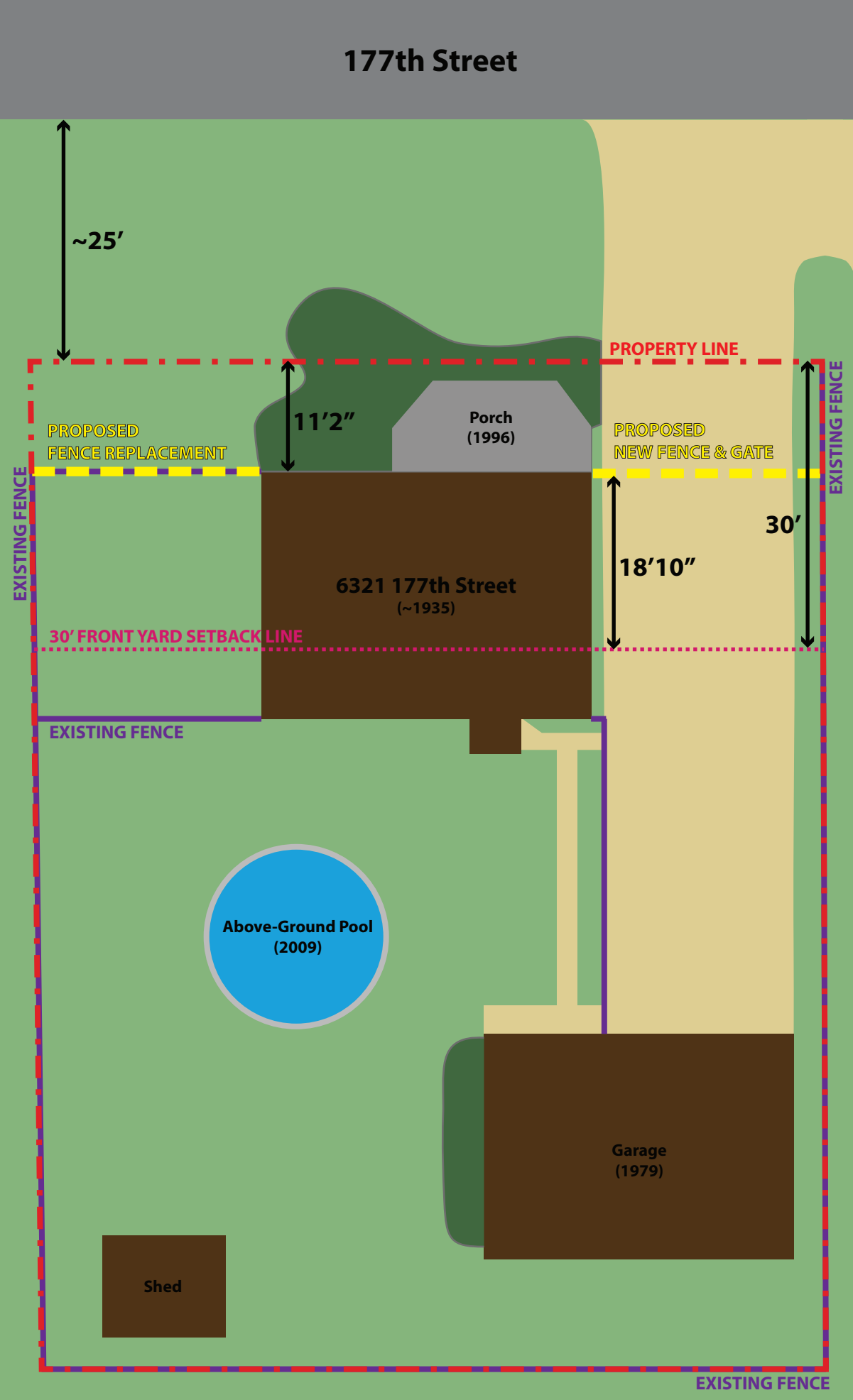
PAGE 4

7 6th Ave. Parking lot 167 1/5/2015

1 PAR ESTATE
ONE WAY



1804 N Ridgeland


177th Street
~25'
PROPERTY LINE
11'2"
Porch
(1996)
PROPOSED
FENCE REPLACEMENT
PROPOSED
NEW FENCE & GATE
EXISTING FENCE
EXISTING FENCE
30'
18'10"
6321 177th Street
(~1935)
30' FRONT YARD SETBACK LINE
EXISTING FENCE
Above-Ground Pool
(2009)
Garage
(1979)
Shed
EXISTING FENCE

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Zoning Board of Appeals of the Village of Tinley Park, Cook and Will Counties, Illinois, will conduct a Public Hearing beginning at the hour of **7:30 p.m. on Thursday, November 12, 2015** at the Village Hall in the Council Chambers, 16250 South Oak Park Avenue, Tinley Park, Illinois, to consider recommending that the Village Board grant an eighteen foot, ten inch (18'10") variation to the front yard setback requirement of thirty feet (30') to allow for a five foot (5') tall wood fence to be installed to align with the existing home at an eleven foot, two inch (11'2") front yard setback at 6321 177th Street in the R-2 (Single-Family Residential) Zoning District and within the Elmore's Ridgeland Avenue Estates subdivision.

LEGAL DESCRIPTION: THE WEST 80 FEET OF THE EAST 213.82 FEET OF LOT 24 IN BLOCK 4 IN ELMORE'S RIDGELAND AVENUE ESTATES, BEING A SUBDIVISION OF THE WEST HALF OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, NORTH OF THE INDIAN BOUNDARY LINE, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL IDENTIFICATION NUMBER: 28-32-103-030-0000

COMMONLY KNOWN AS: 6321 177th Street, Tinley Park, Illinois

PETITIONERS: Gary and Christine Degnegaard

The proposed variation may be added to, revised, or eliminated as a result of the Public Hearing. All persons interested may appear at the Public Hearing and will be given an opportunity to be heard relative to the proposed variation. The Zoning Board of Appeals reserves the right to continue said meeting from time to time as may be required by the Illinois Open Meetings Act.

BY ORDER OF THE TINLEY PARK ZONING BOARD OF APPEALS, COOK AND WILL COUNTIES, ILLINOIS.

CHRIS VERSTRATE, CHAIRMAN, ZONING BOARD OF APPEALS.

Daily Southtown

6321 177th Street, Tinley Park
10/25/2015

Certificate of Publication

The **Daily Southtown** is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the city of **Tinley Park**, county of **Cook County**, State of Illinois, is of general circulation throughout that county and surrounding areas, and is a newspaper as defined by 715 ILCS 5/5.

This notice, a copy of which is attached, was published **One** times in **Daily Southtown**, namely one time per week for One successive weeks.

The first publication of the notice was made in the newspaper, dated and published on **10/25/2015** and the last publication was **10/25/2015**

The notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1.
In witness, Daily Southtown has signed this certificate by its registered agent.

Daily Southtown
By:

Registered Agent

Legal Text

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