



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

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

**October 22, 2015**

A special joint meeting of the Zoning Board of Appeals and Plan Commission was held in the Council Chambers of Village Hall on October 22, 2015 at 7:30 p.m.

**ROLL CALL**

Present were the following:

Zoning Board Members:	Bob Paszczyk Chris Verstrate
Absent Zoning Board Member(s):	David Samuelson Ed Barta Sam Cardella Steve Sepessey Paul Lechner
Plan Commissioners:	Tom Mahoney Bill Reidy Tim Stanton Gina Miller
Absent Plan Commissioner(s):	Mark Moylan Art Pierce Rita Walker Jeff Ficaro Bob McClellan
Village Officials and Staff:	Tom Melody, Village Attorney Amy Connolly, Planning Director

**CALL TO ORDER**

The Special Joint Meeting of the Zoning Board of Appeals and Plan Commission was called to order at 7:30 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 OCTOBER 22, 2015 SPECIAL JOINT MEETING**

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

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

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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 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.

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.

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 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 9:00 p.m.