



MINUTES OF THE ZONING BOARD OF APPEALS

VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS

DECEMBER 10, 2015

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on December 10, 2015 at 7:30 p.m.

ROLL CALL

Present and responding to roll call were the following:

Zoning Board Chairman:	Chris Verstrate
Zoning Board Members:	Bob Paszyk David Samuelson Steve Sepessy
Absent Zoning Board Members:	Ed Barta Sam Cardella
Village Officials and Staff:	Jacob Vandenberg, Trustee Ronald Bruning, Zoning Administrator Amy Connolly, Planning Director Stephanie Kisler, Planner Michael Marrs, Village Attorney Debra Kotas, Commission Secretary

CALL TO ORDER

ZONING BOARD CHAIRMAN VERSTRATE called the meeting to order at 7:30 p.m. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Minutes of the August 27, 2015 meeting of the Zoning Board of Appeals were presented for approval. A motion was made by ZONING BOARD MEMBER SAMUELSON seconded by ZONING BOARD MEMBER PASZCYK to approve the Minutes as presented.

THE MOTION WAS APPROVED UNANIMOUSLY by voice vote. ZONING BOARD CHAIRMAN VERSTRATE 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 DECEMBER 10, 2015 MEETING
PUBLIC HEARING: 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').

The 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.

Present were the following:

Zoning Board Chairman:	Chris Verstrate
Zoning Board Members:	Bob Paszyk David Samuelson Steve Sepessy
Absent Zoning Board Members:	Ed Barta Sam Cardella
Village Officials and Staff:	Jacob Vandenberg, Trustee Ronald Bruning, Zoning Administrator Amy Connolly, Planning Director Stephanie Kisler, Planner Michael Marrs, Village Attorney Debra Kotas, Commission Secretary
Guest(s):	Gary and Chris Degnegaard, Petitioners

A motion was made by BOARD MEMBER SEPESSEY, seconded by BOARD MEMBER PASZCZYK to open the Public Hearing at 7:31 p.m. Village Staff provided confirmation that appropriate notice regarding the Public Hearing was published in the local newspaper in accordance with State law and Village requirements along with notice being sent to surrounding residences.

ZONING BOARD CHAIRMAN VERSTRATE 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.

ZONING BOARD CHAIRMAN VERSTRATE reviewed the Public Hearing process. He explained the Petitioner(s) 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. He explained the Village Staff will present their report with any objectors or interested parties being allowed to question both the Petitioner and Village Staff. He stated the Zoning Board will then deliberate and vote on the petition.

GARY DEGNEGAARD, 6321 177th Street, began his presentation stating he purchased his home in 2007; however, the home was originally built in 1935. He stated he wishes to construct a new 5' wood fence that will replace the existing 4' chain link fence that was put up by the previous owner sometime in the 1980's, adding that a permit was never obtained by the previous owner for the existing fence.

MR. DEGNEGAARD reported his home is approximately eleven feet (11') back from the property line; however, current Ordinance requires the fence be thirty feet (30') from the property line, which is the reason for his variance request. He cited safety concerns since his children's bedroom windows would be exposed outside of the fence. He reported the existing fence is old and rusting and it is becoming a hazard. He added that he has a new dog and expressed concern about it escaping from the yard due to the deteriorating fence. He reported there are no line of site issues since the fence and gate will be set back on the driveway. He indicated that he had spoken with surrounding neighbors who are supportive of the fence. He concluded by stating he is simply asking to replace the fence at its same location.

BOARD MEMBER PASZCZYK questioned if the gate will be locked should emergency personnel ever need access. MR. DEGNEGAARD stated it will not.

BOARD MEMBER SEPESY inquired if there is any fencing around the pool. MR. DEGNEGAARD stated the pool itself did not have fencing attached; however, the entire yard is fenced.

BOARD MEMBER PASZCZYK inquired if the Petitioner has any future plans for developing the front of the home including a curved driveway. MR. DEGNEGAARD denied any future plans.

CHAIRMAN VERSTRATE inquired if the existing fence extends to the front of the house. Using photographs, MR. DEGNEGAARD noted the fence surrounds the entire property line along the south, east, and west sides but the existing fence is in-line with the house on the north side.

BOARD MEMBER SAMUELSON noted the Petitioner's primary reason for the variation request was safety; however, the fence placement either at the front or rear of the property will serve that purpose and also enclose the pool area. While he believes a new wood fence would be an improvement, he explained the Zoning Board cannot vote on aesthetics, but only consider its setback placement. He stated he is aware of the other fences in the area that were constructed without permits or variances; however, that is an enforcement issue.

BOARD MEMBER PASZCZYK requested clarification on the Ordinance's setback requirement of 30'. STEPHANIE KISLER, Planner, explained the 30' setback is the requirement for the R-2 Single-Family Zoning District. She reported R-1 Districts typically have larger lot sizes vs. R-4 Districts that have smaller lot sizes. She further elaborated on the front yard setback requirements for those areas that include a forty foot (40') setback requirement for R-1 Zoning District; thirty feet (30') for R-2; and, twenty-five feet (25') for R-3 and R-4 Zoning Districts. She stated that this results in larger lots being required to have larger setbacks.

There being no further questions from Board Members, objectors or other interested parties, MS. KISLER presented the Staff report. She reviewed the Petitioner's request for an 18' 10" front yard setback variation where the requirement is 30' in order to place a fence at an 11' 2" setback, which would allow the fence to be aligned with the existing home. She confirmed the home was built in 1935, likely prior to the 30' setback requirement.

She explained that the fence would be approximately 36' from the street; however, it is measured from the property line not the street.

MS. KISLER showed an aerial photograph of the subject property noting its location on 177th Street between Ridgeland and Highland Avenues in a more rural area of the Village with varied home and lot sizes. She proceeded to review street-level photographs showing various views of the home and existing fence. She confirmed that a permit or variation was not obtained for the existing fence. She reported the Petitioner wishes to replace the existing chain link fence with a wood fence to address privacy and safety concerns. She added the proposed fence would align with the home and have a gate across the driveway that would be linked to the neighbor's fence. She reported there is no record for a permit being obtained for the neighbor's fence.

MS. KISLER reviewed nearby homes and their respective distances to the street and setbacks noting most of the homes meet the setback requirement. She indicated the proposed fence would be in front of the homes to both the east and west. She stated Staff typically supports aligning a fence with the home, however, since the Petitioners' home is the closest home to the street on this block, it would be setting a precedent for other homes to receive a similar variance to having their fence that far forward. She further elaborated the intent of the Ordinance is not to have front yard fences. She commented that while the proposed wood fence would be an improvement over the existing chain link fence, it may not be appropriate to place the fence at this location due to its impact to the neighbors. She added that the Petitioner cited safety concerns with the children's bedroom windows being on the side of the home and wishing to keep the windows within the area of the fence. Staff does not believe the location of the bedroom windows should be considered a safety factor since homes can have bedroom windows in the front part of the home and that would not necessarily be a reason to allow a fence in the front yard.

MS. KISLER reported the Petitioner provided Staff with photographs of nearby properties that appear to have fence encroachments in the front yard setback. She reported that Staff researched the addresses provided, as well as some other properties in the surrounding area, noting that the vast majority did not have a variation or permit on file with the Village.

BOARD MEMBER SEPESSY noted there are no curbed streets inquiring if there would be any impact if a sidewalk were to be installed. MS. KISLER reported there are no plans for sidewalks in that area, although if a sidewalk was added in the future that the sidewalk would be in the public right-of-way and it would not impact the Petitioner's current property lines or setback requirements.

BOARD MEMBER SAMUELSON requested confirmation that the Police Department had no comments or concerns. MS. KISLER confirmed the Police Department reviewed the variation request and had no comments regarding line-of-sight or public safety issues since there are no sidewalks and the property is not a corner lot. She added the Petitioner adequately addressed any impact on the neighbors' line-of-sight by providing photos and explaining the current visibility with the driveways.

ZONING BOARD CHAIRMAN VERSTRATE requested a motion to close the Public Hearing for deliberation. A motion was made by BOARD MEMBER SEPESSY, seconded by BOARD MEMBER PASZCZYK to close the Public Hearing for deliberation.

BOARD MEMBER PASZCZYK reported driving by the property and believes the new wood fence would be aesthetically more pleasing but also provides the added security stated by the Petitioner. He concurred that there are no sidewalks for possible line-of-sight issues and would not hinder any public movement or interfere with traffic.

Noting that the Petitioner's subdivision is not a "cookie cutter" subdivision with varied sized homes and lots, concerns regarding low bedroom windows, and concerns for his pet, BOARD MEMBER SEPESSY believes the Petitioner proved his case. He noted the Fire Department also did not have any comments or concerns.

ZONING BOARD CHAIRMAN VERSTRATE stated he sympathizes with having a fence in front of the front yard setback line and sees that other fences in the area are not in compliance; however, it would set a precedent for the current case whether there is particular hardship or practical difficulty.

There being no further questions or comments, a motion was made by BOARD MEMBER SAMUELSON to recommend 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 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 Tinley Park Zoning Ordinance.

The Motion was seconded by BOARD MEMBER SEPESSY.

AYE: Zoning Board Members Bob Paszczyk, David Samuelson, and Steve Sepessy

NAY: Zoning Board Chairman Chris Verstrate

ABSENT: Zoning Board Members Ed Barta, Sam Cardella, and Paul Lechner

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

A motion was made by BOARD MEMBER SEPESSY, seconded by BOARD MEMBER PASZCZYK to close the Public Hearing at 8:06 p.m.

GOOD OF THE ORDER

TRUSTEE JACOB VANDENBERG welcomed new Zoning Board Members and congratulated them on their appointment.

ADJOURNMENT

A motion was made by BOARD MEMBER SAMUELSON, seconded by BOARD MEMBER PASZCZYK to close the regular meeting of the Zoning Board of Appeals of December 10, 2015 at 8:11 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN VERSTRATE declared the Motion approved.