



**AGENDA FOR REGULAR MEETING
VILLAGE OF TINLEY PARK
ZONING BOARD OF APPEALS
March 24, 2016 – 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 – January 28, 2016 Regular Meeting

Public Hearing #1:

ANTHONY AND JILL DANCA – 16412 IRONWOOD DRIVE – VARIATIONS FROM THE REQUIRED SIDE YARD SETBACK AND FROM THE ALLOWABLE EAVE/GUTTER ENCROACHMENT – ADDITION

Consider recommending that the Village Board grant two variations to the Petitioners that would allow for the construction of a proposed addition, including:

1. A three foot (3') side yard setback Variation from Section V. Schedule II (Schedule of District Requirements) where the side yard setback requirement is eight feet (8'); and
2. A one foot, eight inch (1'8") Variation from the allowable eave/gutter encroachment in Section III.H. (Permitted Encroachments in Required Yards) where three feet (3') is the maximum encroachment permitted for eaves/gutters into the required side yard setback.

These Variations would allow the Petitioners to construct the proposed one-story addition to the existing home at a five foot (5') setback from the north side property line and would allow the proposed eaves/gutters to be three feet, four inches (3'4") from the north side property line on the north side of the property at 16412 Ironwood Drive in the R-3 Single-Family Residential Zoning District and within the Tanbark subdivision.

Close Public Hearing #1

Public Hearing #2:

MICHAEL LAWTON – 17710 65TH COURT – VARIATION FROM THE REQUIRED SETBACK FOR AN ACCESSORY STRUCTURE – ABOVE-GROUND POOL

Consider recommending that the Village Board grant a one foot, seven inch (1'7") Variation from Section III.I.1.f. (Accessory Structures and Uses) where no part of an accessory structure shall be located closer than five feet (5') to the rear lot line or to those portions of the side lot lines abutting such required rear yard.

This Variation would allow the Petitioner to replace an above-ground pool with a new above-ground pool at the same location (a setback of three feet, five inches (3'5")) at

17710 65th Court in the R-4 (Single-Family Residential) Zoning District and within Whitney and Bishop's Subdivision.

Close Public Hearing #2

Good of the Order

Adjournment

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

JANUARY 28, 2016

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on January 28, 2016 at 7:30 p.m.

ROLL CALL

Present and responding to roll call were the following:

Zoning Board Chairman: Chris Verstrate

Zoning Board Members: Ed Barta
Paul Lechner
Bob Paszczyk
David Samuelson
Steve Sepessy

Absent Zoning Board Members: Sam Cardella

Village Officials and Staff: Amy Connolly, Planning Director
Stephanie Kisler, Planner
Tom Melody, Village Attorney
Debra Kotas, Commission Secretary

CALL TO ORDER

ZONING BOARD CHAIRMAN VERSTRATE called the meeting to order at 7:31 p.m. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Minutes of the December 10, 2015 meeting of the Zoning Board of Appeals were presented for approval. A motion was made by ZONING BOARD MEMBER LECHNER seconded by ZONING BOARD MEMBER PASZCZYK 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 JANUARY 28, 2016 MEETING

**RE: PUBLIC HEARING #1
INTERNATIONAL KIA – 8301 159TH STREET – VARIATION FROM THE
MAXIMUM ALLOWABLE SIGN HEIGHT FOR A FREESTANDING SIGN**

Consider recommending that the Village Board grant a four foot, one and one-fourth inch (4' 1 ¼") variation from Section IX.D.4.a.(2) where the maximum allowable sign height for is ten feet (10'). This would allow the Petitioners, Brittany Bowen and Tabitha Bowen of All-Right Sign, Inc. on behalf of Pattison Sign Group and International Kia, to construct a freestanding sign with a maximum height of fourteen feet, one and one-fourth inches (14' 1 ¼") at the north (159th Street) side of the property at 8301 159th Street in the B-5 (Automotive Service) Zoning District and within the Gray Properties 159th Street Commercial Subdivision.

Present were the following:

Zoning Board Chairman: Chris Verstrate

Zoning Board Members: Ed Barta
Paul Lechner
Bob Paszczyk
David Samuelson
Steve Sepessy

Absent Zoning Board Members: Sam Cardella

Village Officials and Staff: Amy Connolly, Planning Director
Stephanie Kisler, Planner
Tom Melody, Village Attorney
Debra Kotas, Commission Secretary

Guest(s): Tabitha Bowen
Erin Livingston

A motion was made by BOARD MEMBER SEPESSY, seconded by BOARD MEMBER LECHNER to open the Public Hearing at 7:32 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN VERSTRATE declared the Motion approved. 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.

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. He 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.

TABITHA BOWEN and ERIN LIVINGSTON of All-Right Sign Inc. retained by Pattison Group, presented a request for a variation in order to construct a freestanding sign for International Kia located at 8301 159th Street, site of the previous Mini Cooper of Tinley Park. MS. BOWEN showed a photograph of the existing monument sign that is fifteen feet (15') high which has a temporary banner until the new corporate logo is approved. She reported the proposed sign is slightly less at a proposed height of 14' 1/4" which is 4' 1/4" over the maximum allowable sign height of 10'. She noted the proposed sign is an improvement from what currently exists and is visually pleasing.

While preparing their Findings of Fact, MS. BOWEN reported there would be a hardship with having a 10' sign since it would not attract the public to their location/entrance. She reported the sign heights of surrounding dealerships are between 15-18' and reducing the sign to only 10' would decrease the visibility of the dealership. She added the proposed sign would fit aesthetically within the auto service zoning on that road. She stated there should be no public safety concerns since the sign will be properly engineered and installed by licensed and bonded contractors and the sign itself will not contain any moving or color displays. She explained due to the property setback and placement of the sign, there are no driveway line-of-sight concerns. It is their opinion that there will be no negative impact to the community or neighboring properties since Kia is a well-known retailer that would attract more shoppers to the area and the upgraded sign will add value to the property.

BOARD MEMBER BARTA stated he believes consumers are mostly happy with an automobile's performance, good customer service, and that they are receiving a good monetary value for a car and are not concerned with the height of a particular dealership's sign. He believes a 10' sign would be sufficient.

MS. LIVINGSTON concurred that good service is important but expressed concerns that a smaller sign may not get the dealership noticed. She reiterated the intent of the taller sign is to remain competitive with the surrounding dealerships on that street, many of whom have signs taller than 10'.

BOARD MEMBER SEPESY inquired if the current banner sign is lighted and if the proposed sign would also be lit. MS. BOWEN AND MS. LIVINGSTON reported the current temporary banner is not lit; however, the proposed sign would provide adequate lighting at night.

CHAIRMAN VERSTRATE inquired about the width of the proposed sign. MS. LIVINGSTON reported the current sign is four feet (4') wide and the proposed sign is eight feet (8') in width, which is within what is allowed in the Village's Zoning Ordinance.

BOARD MEMBER PASZCZYK requested confirmation that the sign would have constant backlighting with no flashing. He inquired regarding the Petitioner's stated need for corporate branding. MS. BOWEN explained how a reduction in the height of the sign to 10' would result in a smaller Kia logo on the sign. In order to keep with their corporate marketing strategy, she elaborated that a larger logo was needed for that lot size.

BOARD MEMBER SAMUELSON inquired if any of the auto dealerships in the surrounding area had a sign height of 10' or less. STEPHANIE KISLER, Planner, reported the majority of auto dealerships located in Tinley Park have sign heights of 10' or greater. She clarified that research into signs that conformed to the code was not completed as part of this variance review but can be included in future reviews. She reported that the Orland Park sign regulations allow car dealerships signs up to 18' tall.

BOARD MEMBER SAMUELSON requested clarification regarding the proposed text amendments to the sign regulations. MS. KISLER reported the maximum sign height will remain at 10' according to the proposed text amendments to the sign regulations.

BOARD MEMBER SAMUELSON further commented he believes there is no negative impact on neighboring properties or any public safety issues. He stated the conditions upon which the request is based are generally applicable to other properties in the area with a consistency in signage adding there is a built-in hardship on 159th Street. He added the proposed sign is actually smaller in height than the existing sign.

BOARD MEMBER LECHNER stated he reviewed all the material and has no questions.

There being no further questions from Board Members, objectors or other interested parties, MS. KISLER presented the Staff report regarding the Petitioner's request for a 4', 1-1/4" variation where the maximum allowable sign height is 10' to construct a freestanding sign with a maximum height of 14', 1-1/4". She showed a rendering of the proposed sign noting its taller top with the Kia logo and wider silver base. She explained the sign's location is not on the property line and is set back farther than most signs, thus resulting in no safety concerns regarding visibility. Using photographs of both the existing sign and proposed sign, she noted the proposed sign will be lower than the existing 15' previous Mini Cooper sign that was granted a variance for height in 2014. She reported that façade improvements for the building are planned that will match the branding of the proposed sign.

MS. KISLER provided a summary of the proposed text amendments to the sign regulations that will be presented to the Village Board within the next month. She offered a comparison of how the proposed sign would be regulated with the proposed changes to the sign regulations. She stated the proposed regulations would allow for up to sixty square feet (60 sf) of signage allowed, with this proposed sign at less than forty square feet (40 sf), thus being well within the proposed sign regulation standards. She reported the proposed sign regulation regarding sign height will remain at 10'; however, Staff is aware this may need to be addressed in the future due to the auto dealerships located across the street in Orland Park being permitted 18' in height. She reviewed the Landscape Plan for the base of the sign that shows about one hundred seventy-five square feet (175 sf) of landscaping around the base of the sign where only seventy-five square feet (75 sf) is required per the proposed text amendment to the sign regulations.

MS. KISLER reported the Village Board has approved several variations to the maximum allowable sign height to car dealerships along 159th Street including:

1. Audi – 15' tall sign in 2014;
2. Mini of Tinley Park – 15' tall sign in 2014;
3. Bettenhausen Dodge/Ram/Chrysler – 14' tall sign in 2014; and,
4. Apple Chevrolet – 18' tall sign in 2012.

MS. KISLER reported that Staff has examined the Findings of Fact and recognizes that while it may be possible to lower the sign height to meet code, other variances have been granted that have set a precedent and a hardship may exist in order to remain competitive with the Orland Park dealerships on the north side of 159th Street.

MS. KISLER concluded stating that the other departments including Public Works, Engineering, Building, Fire and Police conducted a review and offered no comments on the variance request.

BOARD MEMBER PASZCZYK requested confirmation that the existing sign would be removed and the new sign erected in its place.

BOARD MEMBER SAMUELSON requested confirmation that there would be no signage below the Kia logo that may include advertisements, specials, etc.

There being no further questions or comments from the Petitioner or Zoning Board members, a motion was made by BOARD MEMBER LECHNER to recommend the Village Board grant the Petitioner a four foot, one

and one-fourth inch (4' 1¼") variation from Section IX.D.4.a.(2) where the maximum allowable sign height for is ten feet (10'). This variation would allow the Petitioners, Brittany Bowen and Tabitha Bowen of All-Right Sign, Inc. on behalf of Pattison Sign Group and International Kia, to construct a freestanding sign with a maximum height of fourteen feet, one and one-fourth inches (14' 1 ¼") at the north (159th Street) side of the property at 8301 159th Street in the B-5 (Automotive Service) Zoning District and within the Gray Properties 159th Street Commercial Subdivision.

CHAIRMAN VERSTRATE added that based on the Findings of Fact, reducing the height of the sign would present a hardship considering the reduced visibility compared to the surrounding car dealership signs.

The Motion was seconded by BOARD MEMBER SEPESSY.

AYE: Zoning Board Members Paul Lechner, Bob Paszczyk, David Samuelson, Steve Sepessy, and Chairman Chris Verstrate

NAY: Zoning Board Member Ed Barta

ABSENT: Zoning Board Member Cardella

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 LECHNER to close the Public Hearing at 8:02 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS 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 JANUARY 28, 2016 MEETING

**RE: PUBLIC HEARING #2
RUBAN – 18251 64TH COURT – VARIATION FROM THE REQUIRED FRONT YARD
SETBACK – FENCE**

Consider recommending that the Village Board grant a twenty-five foot (25') variation from Section V. B. Schedule II (Schedule of District Requirements) where the front yard setback requirement is twenty-five feet (25'). The variation would allow the Petitioners, Jason and Monica Ruban, to construct a five foot (5') tall PVC fence at a zero foot (0') setback on the south (183rd Street) side of this corner lot at 18251 64th Court in the R-4 (Single-Family Residential) Zoning District and within Pasquinelli's Willowlane Subdivision.

Present were the following:

Zoning Board Chairman: Chris Verstrate

Zoning Board Members: Ed Barta
Paul Lechner
Bob Paszczyk
David Samuelson
Steve Sepessy

Absent Zoning Board Members: Sam Cardella

Village Officials and Staff: Amy Connolly, Planning Director
Stephanie Kisler, Planner
Tom Melody, Village Attorney
Debra Kotas, Commission Secretary

Guest(s): Jason Ruban, Petitioner

A motion was made by BOARD MEMBER LECHNER, seconded by BOARD MEMBER PASZCZYK to open the Public Hearing at 8:04 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN VERSTRATE declared the Motion approved. 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.

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.

JASON RUBAN, 18251 64th Court, presented his request for a variation in order to replace an existing 6' tall wood fence that was destroyed by wind from a storm the previous fall. He reported purchasing his home 8 years ago; however, the fence is approximately 15 years old. He stated his home is located on a very busy street, particularly when there is a concert at the nearby Amphitheater. He added that his property is in a very windy area and he is constantly repairing the existing fence due to wind damage. He reported the proposed 5' PVC

fence will contain slats to avoid any wind damage. He estimated the cost of the fence at \$12,000 and will be in line with the neighbor's fence across the street.

BOARD MEMBER BARTA requested clarification that the Petitioner was requesting to replace the entire fence at a 0' setback or just a section of the fence. STEPHANIE KISLER, Planner, stated the Petitioner is seeking to replace the entire existing fence at a 0' setback, for which the previous owner did not obtain a variance but did receive a permit. She clarified he would be able to replace up to 8' sections with only a permit.

BOARD MEMBER SEPESSY stated he is familiar with the area and is aware of the condition of the existing fence.

CHAIRMAN VERSTRATE clarified that the Petitioner would not need to seek this variation if the previous owner had obtained a variance when the fence was initially constructed since the variance would run with the land. MR. RUBAN stated he was not aware when he purchased his home that the fence was in violation of Village Code; however, the fence was shown on the Plat of Survey. TOM MELODY, Village Attorney, explained a typical clause in a standard residential real estate contract is that the seller certifies that everything is compliance with applicable codes and ordinances.

BOARD MEMBER PASZCZYK noted the property to the west also has a fence to the property line as does other nearby properties.

BOARD MEMBER SAMUELSON disagreed with the portion of the Staff Report that indicates that the front yard setback requirement may not have been enforced for non-addressed front yards at that time the existing fence was issued in 2000. He believes that setback requirement dates back to 1978. MS. KISLER explained the existing fence had been permitted – but with no record of a variance and possibly at the time of permit approval, the permit reviewer was not aware it was a corner lot. She explained Staff was only trying to infer why the original fence would have been approved for a permit without a variance.

BOARD MEMBER SAMUELSON discussed the option of the proposed fence placement where the southeast corner has been cut at a diagonal to allow for better line-of-sight by way of a clear vision triangle around the sidewalk at the corner of the fence. He does not believe there would be a tremendous impact on neighboring properties.

BOARD MEMBER LECHNER requested the Petitioner explain the hardship if the fence were to be placed at a 25' setback. MR. RUBAN explained that would make 40% of the yard unusable. He stated he would also have to relocate the existing swing set used by his children.

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 a 25' variation from the front yard setback to allow construction of a 5' tall open-style PVC fence along the 183rd Street side of the property, located roughly near the intersection of Ridgeland Avenue and 183rd Street. She explained the home is setback 25' feet on the south side, with about 17' between the existing pathway and property line, and about 30' between the property line and the pavement of 183rd Street.

MS. KISLER showed an aerial photograph of the property noting its busy intersection. Using photographs, she showed this is a heavily traversed sidewalk and not having being able to repair/replace the damaged fence at that location could potentially be an invasion of privacy and perhaps safety concerns. She showed a photograph of the damaged fence stating it is clearly in need of replacement.

MS. KISLER showed the southeast corner of the property where the fence can possibly angled with a corner cut for better visibility. She provided a panoramic photograph showing the nearby properties with fences that line up with sidewalk.

MS. KISLER noted if the Petitioners were to remove the existing fence and only construct a fence that meets the current code, their fenced portion of the yard would be reduced by 2,650 square feet or 44% of the current backyard area.

MS. KISLER reported that at the beginning of the process the Petitioner was informed of all options, including:

1. Construct a permitted fence at a 25' setback;
2. Obtain an administrative variance for 10'; or,
3. Seek the full 25' variation.

MS. KILSER reported a comparison was done with the Petitioner's yard and other yards in the subdivision which is composed of six (6) lots noting the Petitioner has the largest lot in the subdivision and adjacent to a main street. She also reviewed fence data for nearby properties along 183rd Street showing that some of those properties had obtained permits and variations for fences.

MS. KISLER emphasized that while Staff understands that the Petitioners purchased the home with the existing fence and yard area, obtaining a 10' administrative variance would maintain an acceptable amount of yard area and encompass the existing walkway but not the play equipment, which can be moved, or landscaping. Staff also recommends the option of the proposed fence placement where the southeast corner has been cut at a diagonal for better line-of-sight for the public sidewalks that intersect near the southeast corner of the property.

MS. KISLER concluded stating that the other departments including Public Works, Engineering, Building, Fire and Police conducted a review and offered no comments.

CHAIRMAN VERSTRATE inquired if the current fence on the other side of the property meets code requirements. MS. KISLER reported there are no requirements for fence setbacks for the side or rear yards, therefore the fencing can be at a 0' setback for side and rear yards.

CHAIRMAN VERSTRATE proceeded with the consideration of Findings of Fact and additional options recommended by Staff.

BOARD MEMBER SEPESSY concurs with the Petitioner believing the home and fence he purchased was in compliance. He cited he would be in favor of the diagonal cut at the southeast corner. He noted the Petitioner pays taxes on the large property and he should be able to enjoy property.

BOARD MEMBER BARTA inquired if the Petitioner would be amenable to changing his request to a 10' administrative variance that would continue to ensure privacy and still allow use of a substantial amount of the backyard. He expressed concerns regarding setting a precedent. MR. RUBAN stated that he would not consider this option since it would affect the utility of the large lot that he purchased. He added that he believes a precedent was set when the original fence was put it.

CHAIRMAN VERSTRATE stated he fully supports replacing the existing fence due to its current condition.

There being no further questions or comments, a motion was made by BOARD MEMBER LECHNER to recommend the Village Board grant the Petitioner a twenty-five foot (25') variation from Section V.B. Schedule II (Schedule of District Requirements) where the front yard setback requirement is twenty-five feet (25'). The variation would allow the Petitioners, Jason and Monica Ruban, to construct a five foot (5') tall PVC fence at a zero foot (0') setback on the south (183rd Street) side of this corner lot at 18251 64th Court in the R-4 (Single-

Family Residential) Zoning District and within Pasquinelli's Willowlane Subdivision, with the condition of a diagonal cut at the southeast corner of the property, based on the Findings of Fact that there is adequate space between the fence and 183rd Street, the practical hardship of having to replace the fence, and being unable to place the fence where it currently exists without a variation.

The Motion was seconded by BOARD MEMBER SEPESSY.

AYE: Zoning Board Members Ed Barta, Paul Lechner, Bob Paszczyk, David Samuelson, Steve Sepessy, and Chairman Chris Verstrate

NAY: None

ABSENT: Zoning Board Member Sam Cardella

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 BARTA to close the Public Hearing at 8:35 p.m.

GOOD OF THE ORDER

Due to health concerns, ZONING BOARD MEMBER BARTA announced this would be his last meeting as a member of the Zoning Board of Appeals. He expressed his appreciation working with the Zoning Board and Staff. He reported being a resident of Tinley Park for 54 years and a Zoning Board Member for 35+ years. CHAIRMAN VERSTRATE thanked MEMBER BARTA for his decades of service adding he will be greatly missed.

ADJOURNMENT

A motion was made by BOARD MEMBER SEPESSY, seconded by BOARD MEMBER BARTA to close the regular meeting of the Zoning Board of Appeals of January 28, 2016 at 8:37 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN VERSTRATE declared the Motion approved.



ZONING BOARD OF APPEALS STAFF REPORT

March 24, 2016

DANCA (16412 Ironwood Drive)

Variation from the Required Side Yard Setback and Allowable Eave/Gutter Encroachment

Petitioners

Anthony and Jill Danca

Property Address

16412 Ironwood Drive

PIN

27-23-404-029-0000

Parcel Size

0.2 acres ±
(9,000 square feet)

Zoning

R-3 (Single-Family Residential)

Subdivision

Tanbark

Publication

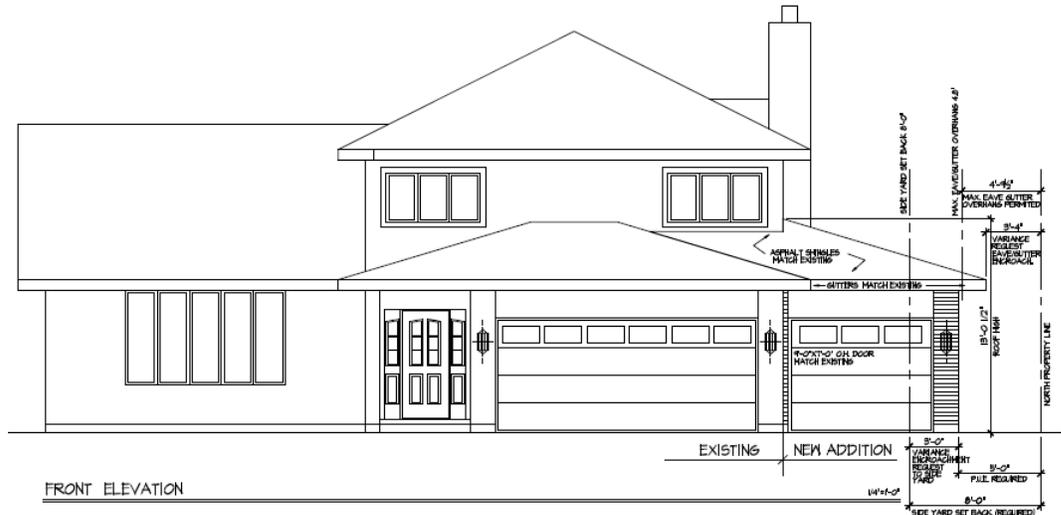
Daily Southtown
(March 6, 2016)

Requested Action

Consider making a motion to recommend the requested Variation to the Village Board

Project Planner

Stephanie Kisler
Planner I



SUMMARY OF VARIATION REQUEST

The Petitioners, Anthony and Jill Danca, are requesting Variations to construct an addition onto the north side of their home that would include a third garage space and a laundry room. The addition would match the existing structure in materials, colors, and architecture. The requested Variations include:

1. A three foot (3') side yard setback Variation from Section V. Schedule II (Schedule of District Requirements) where the side yard setback requirement is eight feet (8'); and
2. A one foot, eight inch (1'8") Variation from the allowable eave/gutter encroachment in Section III.H. (Permitted Encroachments in Required Yards) where three feet (3') is the maximum encroachment permitted for eaves/gutters into the required side yard setback.

These Variations would allow the Petitioners to construct the proposed one-story addition to the existing home at a five foot (5') setback from the north side property line and would allow the proposed eaves/gutters to be three feet, four inches (3'4") from the north side property line on the north side of the property at 16412 Ironwood Drive in the R-3 Single-Family Residential Zoning District and within the Tanbark subdivision.

The Petitioners' application stated that the new addition is necessary to house an antique vehicle in the third garage space, as well as have additional storage space and to add a new laundry room.

VILLAGE STAFF COMMENTS

Planning Department

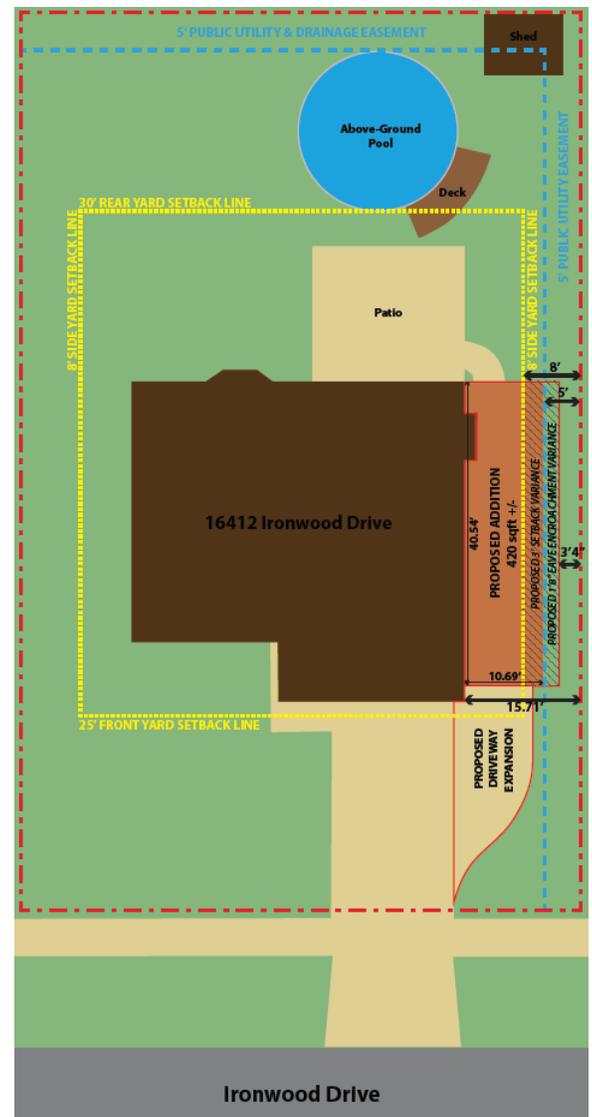
The Planning Department has reviewed the petition for Variations from the required side yard setback and the allowable encroachment of eaves/gutters to accommodate a proposed addition to the north side of the existing single-family home. The Planning Department notes that the Petitioners previously requested the same Variations in July 2015, which was denied unanimously by the Zoning Board of Appeals and was not appealed to the Village Board. The current application reflects the same physical plans; the Petitioners have expanded upon their original Findings of Fact in the hopes of receiving support for their Variation request.

The property currently has a single-family home with an attached two-car garage. The rear yard is not fenced and has a patio, a deck, an above-ground pool (which appears to be slightly in the Public Utility and Drainage Easement), and a shed (which is located incorrectly within the Public Utility and Drainage Easement. Sheds are not permitted within easements; the original permit from 1998 depicted the location as being set back five feet (5') from the property lines and therefore just outside of the easement).

The Planning Department notes that the Petitioners' request for Variations to accommodate the construction of an addition to the north side of the existing structure will leave five feet (5') between the new addition and the north property line (the Zoning Ordinance requires eight feet (8')) and three feet, four inches (3'4") between the eaves/gutters of the new addition and the north property line (the Zoning Ordinance requires five feet (5')). The proposed side yard setback represents a 38% increase beyond code requirements; the eave encroachment represents a 55% increase over the allowable encroachment.

Staff has reviewed the property to determine if other alternatives are possible for creating an additional garage space and addition for a laundry room. An attached garage of equal size could be built at the rear of the home near the patio and would possibly require the relocation of the above-ground pool. A detached garage could be located at the rear of the property requiring the relocation of a shed and above-ground pool. The Petitioners have stated the proposed location is more convenient and economical. The Petitioners' need for a laundry room could also be addressed with a room addition to the rear of the home, or on the north side of the home in conformance to side yard setback requirements where it would not require a Variation.

It is important to note that an addition is a permanent structure. If the requested Variations are granted and the proposed addition is constructed, the structure will not be able to be altered in the future. This is different than a Variation for a fence, above-ground pool, or sign for example because these are more temporary in nature.





Panoramic View of the Rear Yard (looking north)

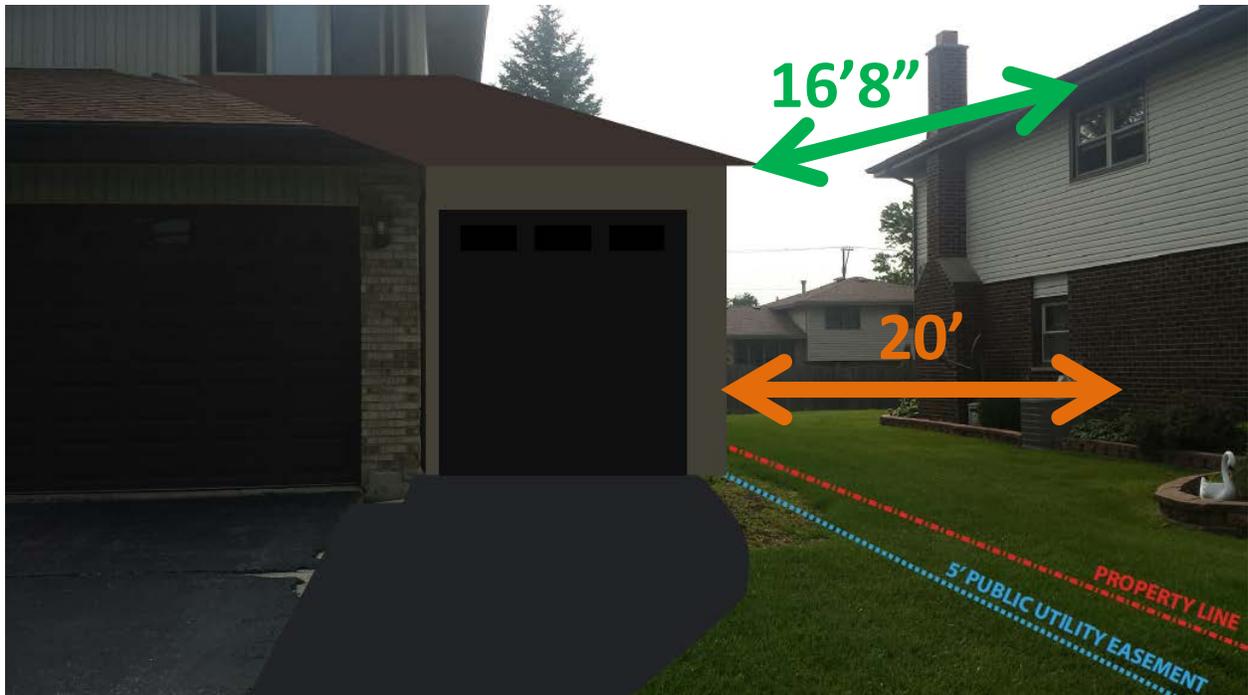
Staff notes that the current distance between the Petitioners' home and the adjacent home to the north (16406 Ironwood Drive) is approximately thirty feet (30') from structure to structure or about twenty-six feet, eight inches (26'8") from eave to eave. If the Variations are granted and the addition is constructed as proposed, the distance from structure to structure from the Petitioners' home to the adjacent home to the north would be approximately twenty feet (20') or about sixteen feet, eight inches (16'8") from eave to eave.



Photo Showing Distance Between the Petitioners' Home (left) and the Property Adjacent to the North (right)



Photo Showing the Current North Side of the Petitioners' Home (looking east toward Ironwood Drive)



Staff's Rendering Showing a Conceptual Layout of the Proposed Addition

In addition, Staff must consider the building separation for the subject property as well as the typical building separation within the neighborhood, which creates a 'rhythm' to the street face. Staff studied the approximate distances of the homes along Ironwood Drive (17 homes) and found an average distance of twenty-eight (28') feet between structure to structure. The range for the approximate distances was twenty feet to thirty-eight feet (20'-38'). Note that these are approximations using our GIS software and we cannot get completely accurate numbers without having each property's Plat of Survey to review.

The Zoning Ordinance allows a minimum side yard setback of eight feet (8'), so sixteen feet (16') is the minimum distance allowed between structures. Eaves/gutters are permitted to encroach into the setback a maximum of four feet (4') into the required front and rear yards and not projecting more than forty percent (40%) of the required side yard, but in no case exceeding three feet (3'). When measuring from eave to eave, homes in the R-3 Zoning District could be a minimum distance of ten feet (10') apart.

There is a five-foot (5') wide Public Utility and Drainage Easement that runs the length of the north property line. In considering a Variation of the side yard setback, Staff must consider the building separation necessary to allow for adequate access to the easement, including accommodating potential equipment needed for maintenance of the utilities (backhoes, small tractors).

It is important for the Zoning Board of Appeals to understand the implications of establishing a precedent when approving a Variation. As part of the zoning analysis, Staff considered the potential for the adjacent property to the north requesting a similar Variation. If the neighboring property to the north requested a similar Variation, the building separation would be reduced to ten feet (10') (or six feet, eight inches (6'8") including the eave). While it is unlikely that the neighboring property to the north would wish to have the same type of addition, a unique hardship must be established in granting a Variation. The Zoning Board of Appeals must determine if the Petitioners have a unique hardship.

In considering the granting of a Variation, the Zoning Board of Appeals must evaluate the evidence provided by the Petitioners and provide evidence supporting positive findings for each of the following required standards for Variations:

1. 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 in which it is located;
2. The plight of the owner is due to unique circumstances;
3. The Variation, if granted, will not alter the essential character of the locality; and
4. For the purpose of implementing the above rule, the Zoning Board of Appeals shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
 - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - b. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification;
 - c. The purpose of the variation is not based exclusively upon a desire to make more money out of the property;

- d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
- e. 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
- f. The proposed variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Public Works Department/Engineering

The Public Works Department and Engineering have reviewed the Variation request and offer the following comments:

1. The elevation drawing indicates that construction will all be occurring outside of the existing five foot public utility and drainage easement.
 - a. Please verify in writing that there will be NO encroachment of any underground structures (foundation, footings, underdrains, etc.) into the public utility and drainage easement.
 - b. For the above ground encroachment of the eaves, if granted the variance, an encroachment letter must be provided. If the Village needs to utilize the public utility and drainage easement for any reason, the narrowness will affect the equipment that can be used. Any damage caused to the property that encroaches on the public utility and drainage easement during this process will not be the responsibility of the Village.
2. With the addition, the impervious area of the lot available for drainage is greatly reduced. This could result in overly saturated ground/yard flooding on this lot as stormwater has less surface area to absorb into the ground. The landowner should acknowledge this prior to issuing a permit with the understanding that the Petitioner cannot negatively impact the water flow to the neighboring properties.

Building Department

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

Fire Department

The Fire Department has reviewed the Variation request and offers the following comment:

1. Fire Prevention will require that the current construction of the existing building be continued with the addition. This will include the fire rated wall that separates the garage from the laundry room and the rest of the house.

Police Department

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

QUESTIONS TO ASK THE PETITIONERS/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 construction of the proposed addition 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 Petitioners Variations that would allow for the construction of a proposed addition on the north side of the existing residential structure, including:

1. A three foot (3’) side yard setback Variation from Section V. Schedule II (Schedule of District Requirements) where the side yard setback requirement is eight feet (8’); and
2. A one foot, eight inch (1’8”) Variation from the allowable eave/gutter encroachment in Section III.H. (Permitted Encroachments in Required Yards) where three feet (3’) is the maximum encroachment permitted for eaves/gutters into the required side yard setback.

...With the following conditions:

1. That the materials match the existing residential structure.
2. That fire-rated wall regulations from the Fire Department are met.
3. *[any other conditions that the Zoning Board of Appeals would like to recommend.]*

These Variations would allow the Petitioners to construct the proposed one-story addition to the existing home at a five foot (5’) setback from the north side property line and would allow the proposed eaves/gutters to be three feet, four inches (3’4”) from the north side property line on the north side of the property at 16412 Ironwood Drive in the R-3 Single-Family Residential Zoning District and within the Tanbark subdivision.

...Based on the evidence provided at this hearing and 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.]*

5' PUBLIC UTILITY & DRAINAGE EASEMENT

Shed

Above-Ground Pool

Deck

30' REAR YARD SETBACK LINE

8' SIDE YARD SETBACK LINE

5' PUBLIC UTILITY EASEMENT

Patio

16412 Ironwood Drive

8'

5'

40.54'

PROPOSED ADDITION
420 sqft +/-

10.69'

15.71'

25' FRONT YARD SETBACK LINE

3'4"

PROPOSED 3' SETBACK VARIANCE
PROPOSED 1'8" EAVE ENCROACHMENT VARIANCE

PROPOSED DRIVEWAY EXPANSION

Ironwood Drive

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

Anthony & Jill Danca
16412 Ironwood Drive
Tinley Park, IL 60477

Phone- (708) 620-8265

E-mail- anthony.danca@gmail.com jill.danca@gmail.com

PROPERTY INFORMATION

16412 Ironwood Drive
Tinley Park, IL 60477

Owners

Anthony C. Danca & Jill A. Danca

SPECIFIC TYPE OF VARIANCE REQUESTED

- 1) A three foot (3') side yard setback variation from Section V. Schedule II (Schedule of District Requirements) where the side yard setback requirement is eight feet (8'); and
- 2) A one foot, eight inch (1'8") variation from the allowable eave/ gutter encroachment in Section III.H. (Permitted Encroachments in Required Yards) where three feet (3') is the maximum encroachment permitted for eaves/ gutters into the required side yard setback.

REASON THAT THE VARIANCE IS NEEDED

We would like to extend our garage to store an antique vehicle as well as provide storage for bicycles, sporting goods, tools, and home maintenance equipment. Additionally, this garage would allow for vehicles to be parked inside where they will not be an eyesore to neighbors and can be safeguarded.

The current laundry room dimensions are 5' x 11' which contains the furnace, hot water heater, utility sink, washer, and dryer. Due to the congestion in this confined space, there is barely enough room to open and close the dryer door and makes it difficult to complete laundry for a family of five.

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 this property. (Please note that a mere inconvenience is insufficient for 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?**

The current zoning would only allow 7' (seven feet) of additional build out which is too narrow to accommodate a 1 car garage build out. We have had conversations with both the architect who prepared the plans for this and this is the best and least intrusive option for what we are looking to accomplish. We also met with Building Department Planner Stephanie Kisler and Building Commissioner Don McNeely on January 14, 2016 to discuss resubmitting this variance and brainstorm any potential alternatives to our request as well as modification of the dimensions of our request. Below are some of the options as discussed:

Option 1: Build a Detached Garage

In order to build a detached garage on our property, we would need to remove a large mature pine tree on the north edge of our property, which we would prefer not to do. Also, the garage would need to be positioned on the north edge of the property behind the home where there is currently a 21' round swimming pool, which we would also like to retain. Assuming we did remove the pine tree and the pool, there would be a need for a concrete drive along the entire north side of our property in addition to the large concrete pad for the garage that may result in drainage issues. Finally, the building of a detached garage in our subdivision would look out of place. Currently there are no houses with detached garages in the area and the erection of such a structure would significantly reduce the visibility we currently have between houses/ neighbors. Per our conversation with neighbors, they are not in favor of a detached garage and feel that it would be an eyesore.

Option 2: Extend existing garage wall out 7' (seven feet) whereby no variance request is needed

The main issues with this option is that there is a structural steel I-beam that runs parallel to the overhead garage door approximately halfway into the garage that supports the second floor. If we were to extend the garage 7' (seven feet), this beam would either need to be replaced with a longer one or a second steel beam would need to be installed perpendicular to this one to support the north end of our house. The second beam is not an option because it would result in extremely low clearance that would not truly open the garage up. The beam replacement with a longer one is extremely expensive creating a financial hardship and presents the risk of shifting within the upper structure (bedrooms) that could result in cracks in the drywall/ door not opening and closing properly. Further, there would be a need to cut the foundation on the current north wall to pour an even concrete floor. Even if we were to complete all of this work, this does not solve the need for car storage nor does it allow for a wide enough area behind for a laundry room.

Option 3: Laundry room addition on the back of the house

This option would also require the removal of the pool and possibly the pine tree, which we would like to retain. Between the current laundry room and the back of the house is our family room, which has a concrete slab underneath it. In order to bring a sewer out to this area, we would need to tear up our existing family room and demo concrete, which would be at considerable cost. The resulting laundry room would not satisfy our need for the 1 car garage and would be completely out of place with the floor plan of our home.

Option 4: Decrease the size of the variance requested

Per the review of our addition plans by Building Commissioner Don McNeely, there is no opportunity to reduce the width of the addition and have any hopes of opening or closing a car door within it. Building Commissioner Don McNeely agreed that we are asking for the absolute minimum needed and did not believe there was any reduction that could be made on the structure. We also discussed the eave/ gutter variance and Mr. McNeely advised that shortening the overhang will result in a visibly different look that will not match the existing home.

Option 5: Sell our home and move

Although it may be easier to pick up and move, this is not an option we are willing to consider due to us not wanting to leave the current neighborhood/ our neighbors. As previously mentioned, we have 3 children who have all made friends in this area and who enjoy the school they attend. In addition, there would be financial hardship if we were to move given current market conditions and the

probable loss we would incur on the sale of our home. Other things to consider are realtor fees/ commissions and closing costs. It seems foolish to have to uproot them from an area and move down the road over a 3' (3 feet) variance which all of our neighbors are in support of.

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

Based upon the current setback requirements for our property, we are unable to update our home to be similar to existing homes in the area resulting in our house being less attractive to buyers yielding a lower home value should we decide to sell. What we are requesting would bring our house current to most of the newly constructed houses in Tinley Park. For example, the Amberly Estates subdivision was built in 2014-2015. All but one of the homes in this subdivision have 3 car garages. Below is a list of homes in both our subdivision as well as surrounding that have three car garages:

Tanbark:

8330 Woodland Dr (4 car garage)
8249 Woodland Dr
16415 S. 84th Ave

Eagle Ridge Estates:

8312 W. 162nd Pl
16143 Eagle Ridge

Tinley Downs:

16543 Hillcrest Dr

Waterford:

16748 Richards Dr

Farmview Estates:

16704 Farmview Ct
16710 Farmview Ct
16722 Farmview Ct
16711 Farmview Ct
16705 Farmview Ct
16708 Old Barn Ct
16720 Old Barn Ct
16721 Old Barn Ct
16709 Old Barn Ct
16703 Old Barn Ct
16701 Richards Dr
16725 Richards Dr

Amberly Estates:

8341 Amberly Ct
8335 Amberly Ct
8329 Amberly Ct
8323 Amberly Ct
8317 Amberly Ct
8316 Amberly Ct
8322 Amberly Ct
8328 Amberly Ct
8334 Amberly Ct

As can be seen above, a three car garage in our area would not be out of place due to the number of homes that already exist.

C. Describe how the above hardship was created.

Current zoning for our property (R-3 Single Family Residential Zoning District) does not allow for expansion of useful space on the side of our home. Ample room exists on the each side of the house, however, when our home was built, it was centered on the property restricting the potential for future expansion. Unfortunately, there is no simple solution to this problem due to impossibility of sliding our home to the south a few feet and re-centering our house on the property with the proposed addition. If our home were located in a different zoning area, our required side yard setback would be less and this would not be an issue.

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

Our style of home (Forester) was built with only 8" of space on either side of the overhead garage door providing no room for any side storage. Some Foresters and all other models of homes built in our neighborhood have larger spaces on either side of the garage to allow for storage.

We have spoken with neighbors and have looked at pictures online of houses like ours for sale in our neighborhood and we have only found one other home with a combined laundry and furnace room built like ours. Although moving the furnace and hot water heater to another part of the home could be done, it would be extremely expensive and evasive without yielding any additional space.

The Tanbark subdivision is the only subdivision in the area with the Forester model being built with no room on either side of the garage. This same model of home is present in surrounding subdivisions to the North, South, and East of our home- all of which have wider garages with side storage. There are some Forester models in our subdivision that were built with more room on each side of the garage. Our house is one of 24 built like this in a subdivision of 133 homes (18%). Of those 24 homes, we have only found one that has the laundry room and furnace positioned in the house as ours is. Given the unique design of our house (with only one other like ours in the subdivision), no precedent will be set.

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.

There will be no financial gain obtained from building this addition. The purpose of building this addition is to provide useable space within our home to

accommodate every day activities as well as to provide additional storage. Given real estate conditions, the addition is not a smart investment, however, we are not building this in an attempt to profit. Our family is deeply rooted in Tinley Park and we have no intentions of leaving either this area or this home in the foreseeable future.

F. Describe how granting this Variance would not be detrimental to the public welfare or injurious to other properties or improvements in the neighborhood in which the property is located.

The variance will not have a negative impact on public welfare or surrounding properties. In contrast, it will have a positive effect as it will allow for a cleaner driveway with reduced potential for vehicles being parked on the street. Upon our previous variance request, the Tinley Park Police Department did not have any concerns pertaining to safety or public welfare.

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

The addition will blend with existing homes in the neighborhood as the exterior masonry, roof, eaves, and gutters will all match existing making the old and new portions of the home indiscernible. As outlined in Section B, there are currently numerous homes in the area that have 3 or more garages. Our proposed addition plans are reflective of our concern to blend both to our current home and our neighborhood. As described in Section A Option 1, without the need for a variance, we could build a detached garage behind our house that would not fit the aesthetics of the neighborhood. What we are proposing is the best option for the least intrusive build to accommodate our needs while maintaining curb and neighborhood appeal.

H. Describe how the requested Variance will not:

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

Approximately 20 feet will remain between our home and our neighbor's home with the addition in place. The addition height will be single story and our home is a two story home. Given this, no reduction in sunlight will be experienced as the addition will be lower than the existing structure.

2. Substantially increase congestion of the public streets.

As previously stated, the addition has the potential to reduce congestion on our street. As our children become old enough to drive, there will be room both in the garage and on the driveway to accommodate their vehicles (should they have a car) and the need to leave vehicles on the street during the day should be reduced or eliminated. This would hold true for any time we may have guests at our home.

3. Increase the danger of fire.

The addition has the potential to reduce the danger of fire. Due to the confined spaces in the laundry room, there is the possibility of laundry being too close to the furnace and hot water heater (despite our best efforts to keep them away). Also, airborne lint within the same room creates a fire risk. The addition would create separation between the furnace/ hot water heater and the washer/ dryer.

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

The natural drainage will be maintained. Gutter downspouts currently direct water to the front and rear of the property with no drainage issues. Minimal impervious area will be added between the houses as there is currently a side patio that accounts for approximately 75% of the area of the footprint of the proposed addition. Given there are no current drainage issues, downspouts would be directed to the front and rear of the property respectively to maintain current draining.

5. Endanger the public safety.

As is stated in question 2 above, the addition has the potential to reduce congestion on our street and driveway which will result in better visibility for pedestrians and vehicles driving down our street.

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

The addition will cost considerably more to build than the value it will add to the property, however, it will add some value to our home. This, in turn, will indirectly add value to the neighborhood. As mentioned previously, the addition will add curb appeal which we hope will add to the beautification of the neighborhood and Tinley Park as a whole.

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: 
Anthony C. Danca

Date: 2/12/16

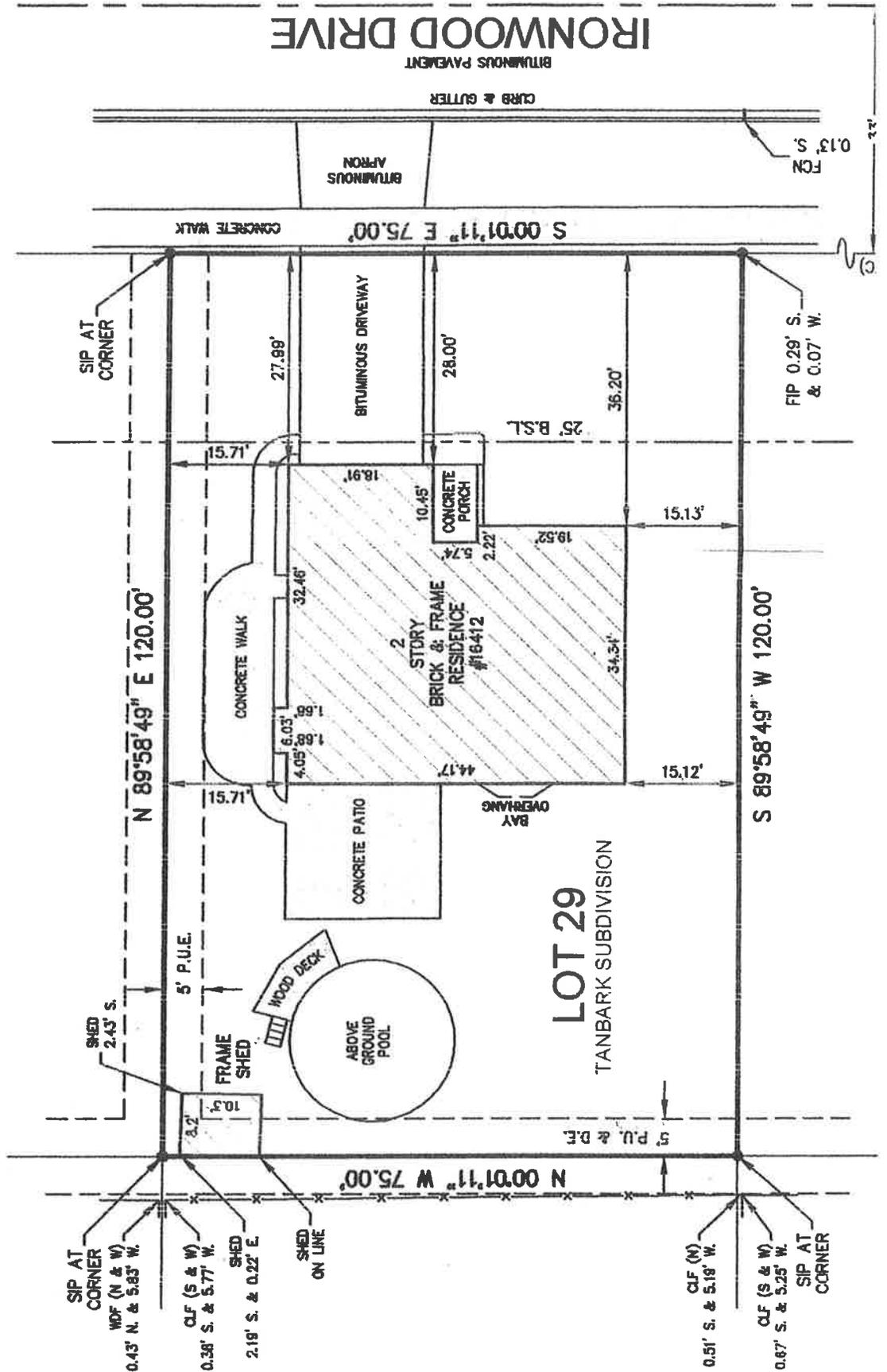
Signature: 
Jill A. Danca

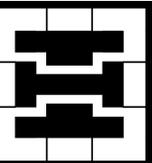
Date: 2/12/16

PLAT OF SURVEY

LEGAL DESCRIPTION

LOT 29 IN TANBARK SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.





HOENDERSVOOGT
and assoc. architects

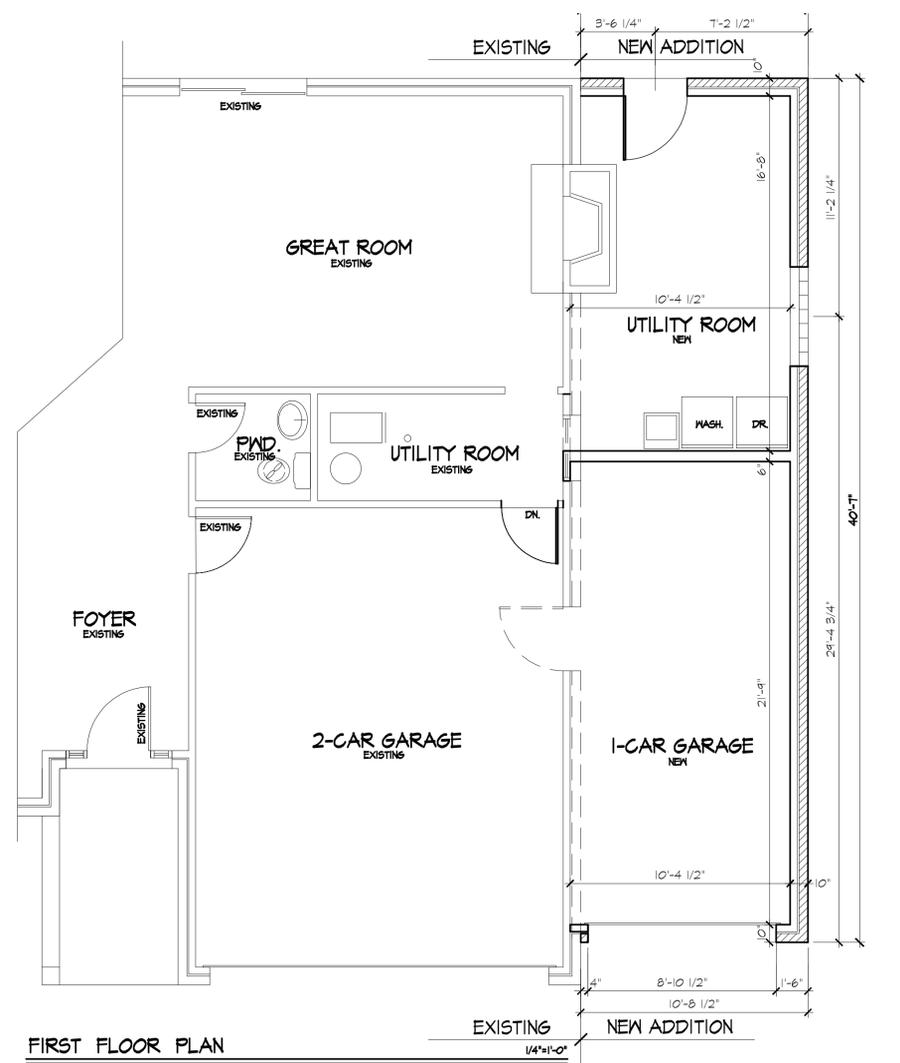
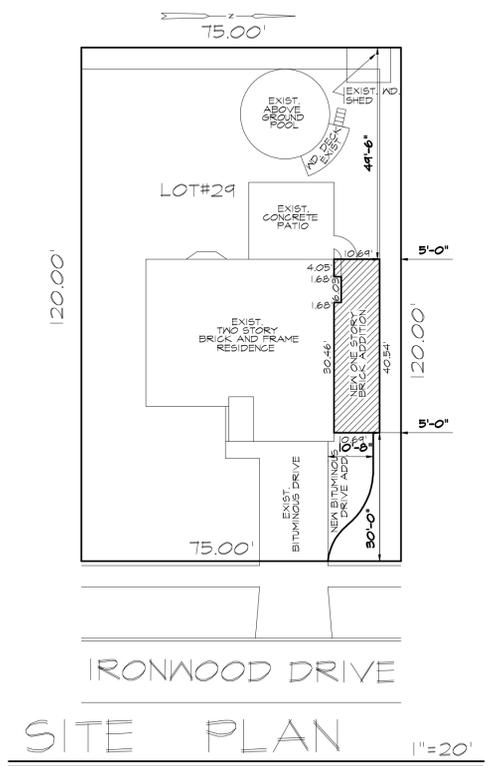
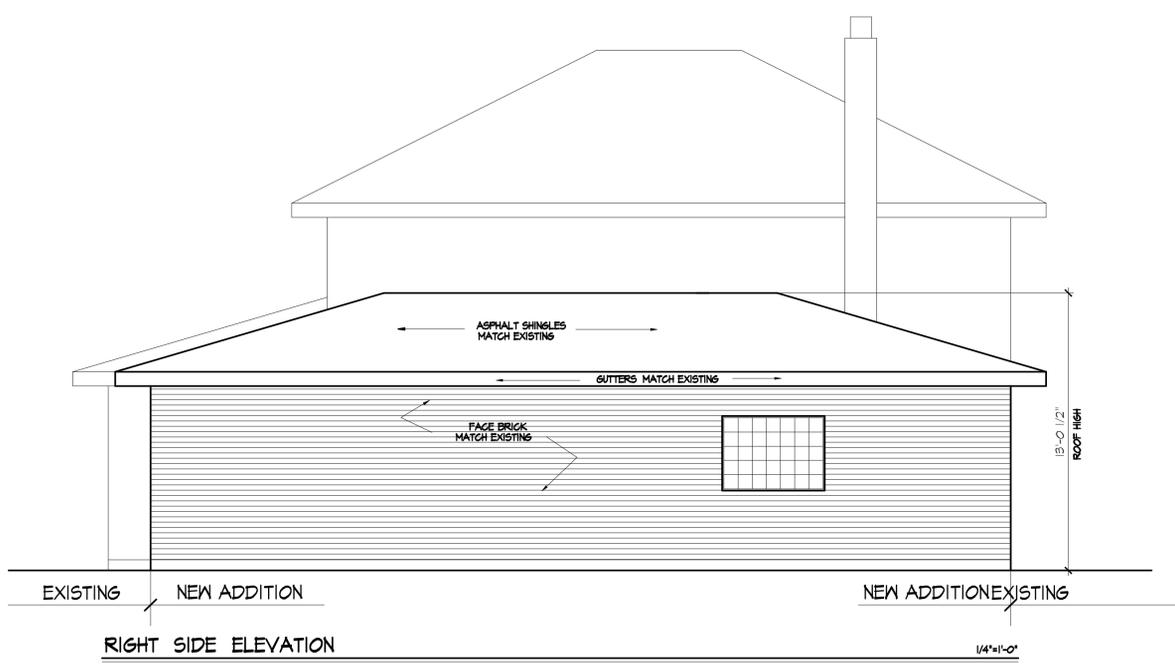
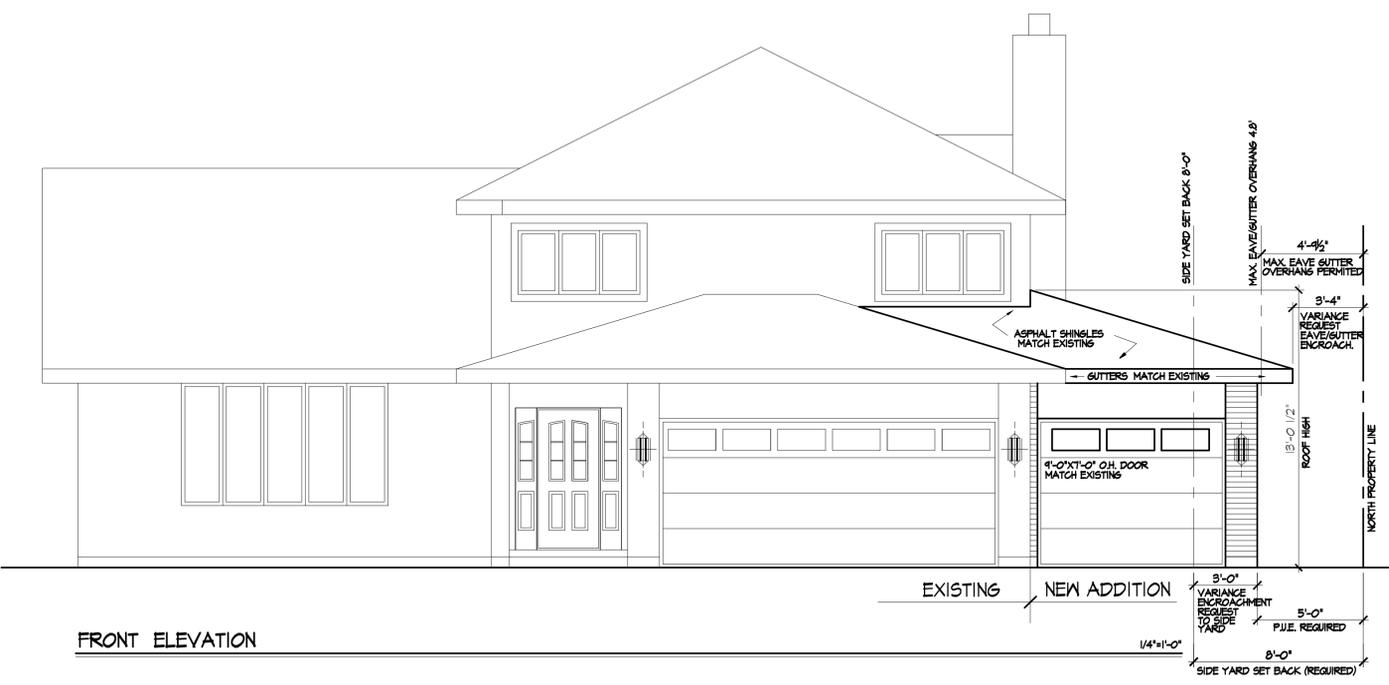
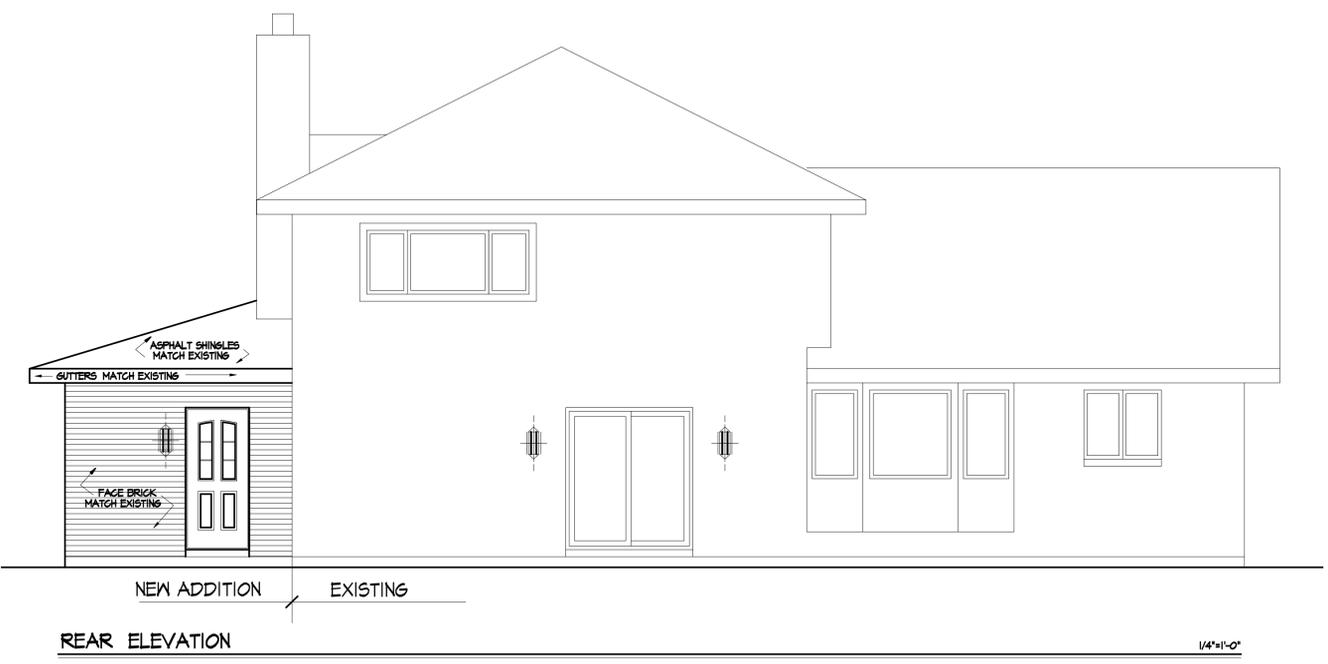
Joy J. Hoendersvoogt
100 Tower Drive Suite 220
Burr Ridge IL 60527
Telephone 630-567-7444
Fax 630-555-2181

NEW BRICK GARAGE AND UTILITY ROOM ADDITION
16412 IRONWOOD DRIVE, TINLEY PARK IL. 60477 TEL. 630 803 9032

Date: 6-12-2015
REV. 6-12-2015
REV. 6-22-2015

Plan no. :

A-1



We, the undersigned owners of property in the Tanbark subdivision are in support of the variation request at 16412 Ironwood Drive that would allow for the construction of a proposed addition, including:

- 1) A three foot (3') side yard setback variation from Section V. Schedule II (Schedule of District Requirements) where the side yard setback requirement is eight feet (8'); and
- 2) A one foot, eight inch (1'8") variation from the allowable eave/ gutter encroachment in Section III.H. (Permitted Encroachments in Required Yards) where three feet (3') is the maximum encroachment permitted for eaves/ gutters into the required side yard setback.

These variations would allow the construction of the proposed one-story addition to the existing home at a five foot (5') setback from the north side property line and would allow the proposed eaves/ gutters to be three feet, four inches (3'4") from the north property line on the north side of the property.

| Property Owner Signature | Printed Name | Address |
|--------------------------|-----------------|-----------------------------------|
| <i>Karen Cercedo</i> | KAREN CERCEO | 16418 IRONWOOD TINLEY PK |
| <i>Gayle McBraid</i> | Gayle McBraid | 16435 84th Avenue Tinley Park. |
| <i>MARILYN LYONS</i> | MARILYN LYONS | 16425 S. 84th AVE |
| <i>Robert Lyons</i> | ROBERT LYONS | 16425 S. 84th AVE |
| <i>Tom Schult</i> | Kurt Schultz | 16400 Ironwood Dr |
| <i>Miguel Abvirre</i> | Miguel Abvirre | 16424 Ironwood Dr. |
| <i>Ashley Somer</i> | Ashley Somer | 16430 Ironwood Dr. |
| <i>Cynthia Johnson</i> | CYNTHIA JOHNSON | 16445 84th Ave |
| <i>Lisa Kopas</i> | Lisa Kopas | 16405 Ironwood |
| <i>Maged A. Abdulla</i> | MAGED ABDULLA | 16406 IRONWOOD |
| <i>Donna Kiel</i> | Donna Kiel | 16358 Ironwood |

Brian Dominic BRIAN DOMINIC 16415 IRONWOOD



ZONING BOARD OF APPEALS STAFF REPORT

March 24, 2016

LAWTON (17710 65th Court)

Variation from the Required Setback for an Accessory Structure

Petitioner

Michael Lawton

Property Address

17710 65th Court

PIN

28-31-212-055-0000,
28-31-212-058-0000

Parcel Size

0.17 acres ±
(7,711 square feet)

Zoning

R-4 (Single-Family
Residential)

Subdivision

Whitney and Bishop's
Subdivision

Publication

Daily Southtown
(March 6, 2016)

Requested Action

Consider making a motion
to recommend the
requested Variation to the
Village Board

Project Planner

Stephanie Kisler
Planner I



SUMMARY OF VARIATION REQUEST

The Petitioner, Michael Lawton, is requesting a Variation to replace a previously permitted twenty-four foot (24') round above-ground pool (original permit from 1978) in the rear yard. The original pool, installed by the previous owner, was located three feet, five inches (3'5") from the north side property line which is closer than the current setback requirement of five feet (5') for accessory structures. The Petitioner purchased the home in 1981 and received a permit in 1999 for the construction of an outdoor deck area around the existing pool location (the 1999 deck permit has been included in the meeting packet) The deck was custom designed to meet the curvature and location of the existing pool. The furthest northern point of the pool is three feet, five inches (3'5") from the north property line. Approximately 2.8% of the pool encroaches into the required setback. The Petitioner has requested the following Variation:

1. A one foot, seven inch (1'7") Variation from Section III.I.1.f. (Accessory Structures and Uses) where no part of an accessory structure shall be located closer than five feet (5') to the rear lot line or to those portions of the side lot lines abutting such required rear yard.

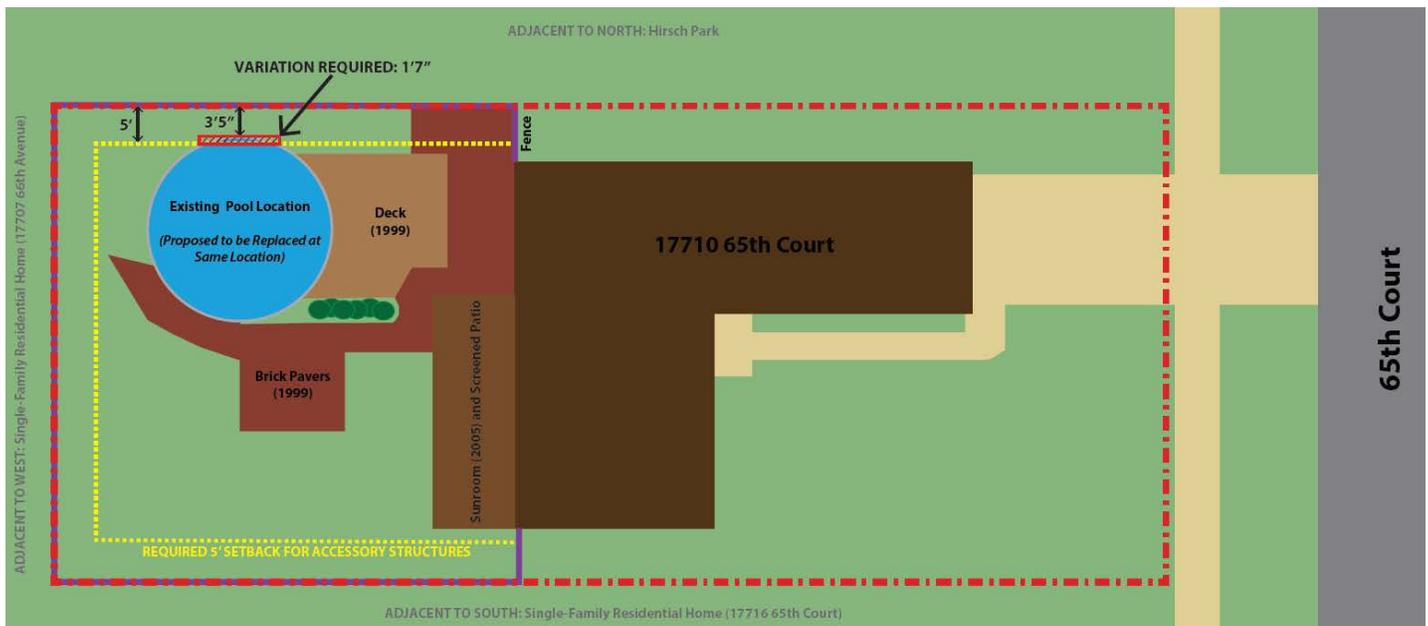
This Variation would allow the Petitioner to replace an above-ground pool with a new above-ground pool at the same location (a setback of three feet, five inches (3'5") from the north property line), which would conform to the custom design of the surrounding deck and landscape improvements at 17710 65th Court in the R-4 (Single-Family Residential) Zoning District and within Whitney and Bishop's Subdivision.

The Petitioner's application stated that relocating the pool to meet the required five-foot (5') setback would constitute a hardship due to the various improvements made to the rear yard respective of the location of the original pool including the custom built deck, paver walkway, bench seating and landscaping.

VILLAGE STAFF COMMENTS

Planning Department

The Planning Department has reviewed the petition for a Variation from the required setback for an accessory structure. Staff notes that the Petitioner's rear yard currently includes a patio, wood deck, landscaping, and sunroom. The above-ground pool was recently removed and the Petitioner is requesting the Variation in order to be able to replace the above-ground pool at the same location as the previous pool. The Plat of Survey shows no indication of an easement existing along the north property line where the Petitioner proposes to install the new above-ground pool.



Staff reviewed the 1978 building permit for the original above-ground pool, which approved the installation of a twenty-four foot (24') round pool and a four-foot (4') tall chain-link fence. The approved location of the pool may have been complicated by the fact that the Plat of Survey which accompanied the application originally indicated an eighteen-foot (18') round above-ground pool that was revised to a twenty-four foot (24') round pool, yet the approved location on the plat was not changed. Irrespective of these changes, the original pool was properly permitted; there are no records of subsequent inspections for the pool or deck that acknowledge the pool's encroachment in the side yard. A copy of the 1978 pool permit has been included in the Zoning Board of Appeals meeting packet.

The Petitioner has removed the original pool in anticipation of installing the new pool. The Petitioner has laid out wood planks on the existing deck to show an approximate location of where the alterations to the deck would have to occur in order to accommodate a new pool that would meet the required five-foot (5') setback (see photo on next page). The Petitioner also researched the changes that would need to be made in the rear yard to accommodate moving the future above-ground pool to comply with the required five-foot (5') setback. The Petitioner identified a scope of work and received a quote from a local business who estimated that the cost of the work to relocate the pool would exceed \$5,000. This information has also been included in the Zoning Board of Appeals meeting packet.

It is important to note that an above-ground pool is considered an accessory structure and is more temporary in nature than a more permanent project, such as a building addition.



Photo Showing Approximate Wood Deck Changes Necessary to Move Pool Into Compliance



Photo of Existing Deck in Relation to the North Property Line (looking east)



Photo of Proposed Pool Setback in Relation to Property Line

It is important for the Zoning Board of Appeals to understand the implications of establishing a precedent when approving a Variation. The request is to replace a pool in the same location; therefore no new impact will be realized by adjacent properties. Staff also considered the potential for the adjacent property to the north to request a similar Variation and possibly creating minimal separation between pool structures.

The property to the north is owned by the Tinley Park Park District and has been improved as permanent open space (Selby H. Hirsch Park) therefore there is minimal opportunity for a similar Variation request that would result in pool structures located too close to each other, or for a negative impact on adjacent property. According to the Tinley Park Park District website, Hirsch Park was acquired in 1976, which is the same year that the Petitioner's home was granted a Certificate of Occupancy according to the Building Department's records. It is unlikely that the park will redevelop into a residential property that would request a similar Variation.

See the photos on the next page for a visual of the Petitioner's property in relation to the park property to the north.



Photo Showing the North Side of the Property and Southeast Portion of Hirsch Park (looking southwest from 65th Court)



Photo Showing the Open Space at the East Side of Hirsch Park (looking north from the Petitioner's Deck)

As with all Variations, a unique hardship must be established in granting a Variation. The facts of the case include the Petitioner's request to replace a pool in the same location as a legally permitted pool, encroachment of a side yard that is adjacent to permanent open space, no impact on a utility or drainage easement and that compliance with setback requirements would require reconstruction of a custom built deck, replacement of a paver sidewalk, relocation of a constructed bench and landscaping.

In considering the granting of a Variation, the Zoning Board of Appeals must evaluate the evidence provided by the Petitioners and provide evidence supporting positive findings for each of the following required standards for Variations:

1. 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 in which it is located;
2. The plight of the owner is due to unique circumstances;
3. The Variation, if granted, will not alter the essential character of the locality; and
4. For the purpose of implementing the above rule, the Zoning Board of Appeals shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
 - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
 - c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
 - d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
 - e. 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
 - f. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Public Works Department/Engineering

The Public Works Department and Engineering have reviewed the Variation request and offer the following comments:

1. The existing backyard has a significant amount of landscape, hardscape, and accessory structures within the fenced area. In addition, the solid wood fence (no gaps) was built flush with grade and there appears to be wood timbers placed along the bottom of the fence (again no gaps from the bottom of the fence to the surface elevation). This construction could block natural drainage patterns and cause drainage issues for this lot and the adjacent lots. After a site visit, it appears that because this lot is adjacent to open space, the construction does not appear to have negatively impacted drainage to other lots at this time. However, with the pool as well as all of the other improvements to the lot, the impervious area of the lot available for drainage is greatly reduced. This could result in overly saturated ground/yard flooding on this lot as stormwater has less surface area to absorb into the ground. The landowner should acknowledge this in writing prior to issuing a permit.

Building Department

The Building Department has not reviewed the Variation request due the Building Commissioner retiring prior to the submittal of the application.

Fire Department

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

Police Department

The Police 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 proposed above-ground pool 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 a one foot, seven inch (1’7”) Variation from Section III.I.1.f. (Accessory Structures and Uses) where no part of an accessory structure shall be located closer than five feet (5’) to the rear lot line or to those portions of the side lot lines abutting such required rear yard.

...With the following conditions:

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

This Variation would allow the Petitioner to replace an above-ground pool with a new above-ground pool at the same location (a setback of three feet, five inches (3’5”) from the north property line) at 17710 65th Court in the R-4 (Single-Family Residential) Zoning District and within Whitney and Bishop’s Subdivision.

...This recommendation is based on the evidence provided at this hearing and 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.]*

ADJACENT TO NORTH: Hirsch Park

VARIATION REQUIRED: 1'7"

5'

3'5"

Existing Pool Location
(Proposed to be Replaced at Same Location)

Deck
(1999)

Brick Pavers
(1999)

Sunroom (2005) and Screened Patio

17710 65th Court

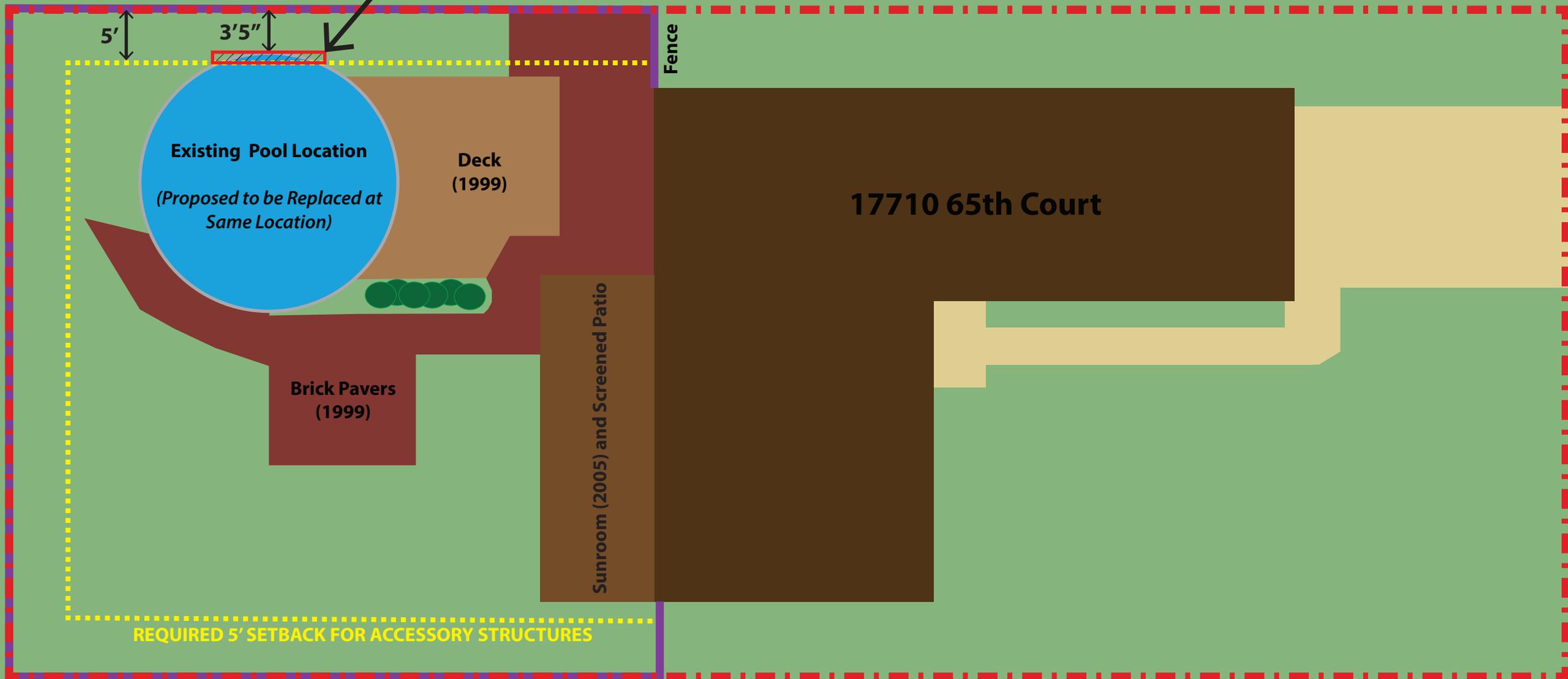
Fence

REQUIRED 5' SETBACK FOR ACCESSORY STRUCTURES

ADJACENT TO SOUTH: Single-Family Residential Home (17716 65th Court)

ADJACENT TO WEST: Single-Family Residential Home (17707 66th Avenue)

65th Court



VILLAGE of TINLEY PARK ILLINOIS

APPLICATION FOR BUILDING PERMIT

IS HEREBY MADE FOR A PERMIT (CHECK ONE)
 ERECT ALTER REPAIR DEMOLISH
 (TYPE OR PRINT CLEARLY, FILL ALL SPACES; WRITE O.N.A. WHERE ITEM "DOES NOT APPLY")
 DATE OF APPLICATION 6/8/78

ADDRESS OF STRUCTURE
17710 - 65th Court
17710 S. 65TH CT.
 TAX VOLUME NO. 34 TAX ITEM NO. REAL ESTATE TAX NO. 28-31-212-055 LOT NO. 0000 BLOCK NO.

SUBDIVISION
Whitney/Bishops: 31-36-13
 Frontage Lot Area Bldg. Area Parking Area
 Distance From Lot Lines N S E W
 BED ROOMS BATHS EXT. WALL CONST.

ARCHITECTURAL AND SPECIAL PROVISIONS
 4' CHAIN LINK FENCE
 24' X 4' DEEP ROUND POOL

OWNER WHEN COMPLETED JAMES J. HEILMANN 17710 S. 65TH CT. 429-4169
 ARCHITECT PHONE PLAN NO.

| GENERAL CONTRACTOR | ADDRESS | PHONE | LICENSE |
|-----------------------|---------|-------|---------|
| | | | |
| EXCAVATOR | ADDRESS | PHONE | LICENSE |
| CONCRETE CONTRACTOR | ADDRESS | PHONE | LICENSE |
| CARPENTRY | ADDRESS | PHONE | LICENSE |
| MASONRY | ADDRESS | PHONE | LICENSE |
| LATHING OR BRICK WALL | ADDRESS | PHONE | LICENSE |
| PLASTERER | ADDRESS | PHONE | LICENSE |
| ROOFING CONTRACTOR | ADDRESS | PHONE | LICENSE |

| TYPE OF HEAT | FUEL | MAKE OF UNIT | SIZE OF UNIT | TOTAL BLDG. HEAT LOSS |
|--------------|------|--------------|--------------|-----------------------|
| | | | | |

CONDITIONS: PLANS, SPECIFICATIONS AND SURVEY ARE ATTACHED HERETO AS A PART OF THIS APPLICATION. THE APPLICANT HEREBY CERTIFIES TO THE CORRECTNESS OF THE ABOVE INFORMATION AND AGREES THAT NO OCCUPANCY WILL BE PERMITTED WITHOUT FIRST SECURING FINAL INSPECTION AND OCCUPANCY PERMIT. APPLICANT FURTHER AGREES TO ADHERE TO THE PROVISIONS OF THIS APPLICATION AND THE BUILDING AND ZONING ORDINANCES OF THE VILLAGE OF TINLEY PARK, ILLINOIS.

INCLUDE TWO PLOT PLANS AND TWO BLUE PRINTS
 SIGNATURE: James J. Heilmann
 VILLAGE COPY

DO NOT WRITE WITHIN BLACK LINE

No. 2665

ISSUED 6/14/78

APPROVED 6-12-78

DATE

DENIED

APPROVED BY [Signature]
 BUILDING OFFICIAL

TRUSTEE [Signature]
 ZONING ADMINISTRATOR

ZONING

FIRE DISTRICT

ESTIMATED COST (EXCLUSIVE OF LAND) \$ 9,300.00 / 850.00

BUILDING PERMIT FEE 5.00

BUILDING PLAN CHECK FEE

BUILDING INSPECTION FEE 10.00

ELECTRIAL PERMIT FEE 2.00

ELECTRICAL PLAN CHECK FEE

ELECTRICAL INSPECTION FEE 5.00

PLUMBING INSPECTION FEE

WATER TAP FEE

SEWER TAP FEE

WATER-MEYER Zoning 2.00

CONSTRUCTION WATER

CERTIFICATE OF OCCUPANCY

TOTAL FEES 24.00

MOORE RECEIPT NO. 2489

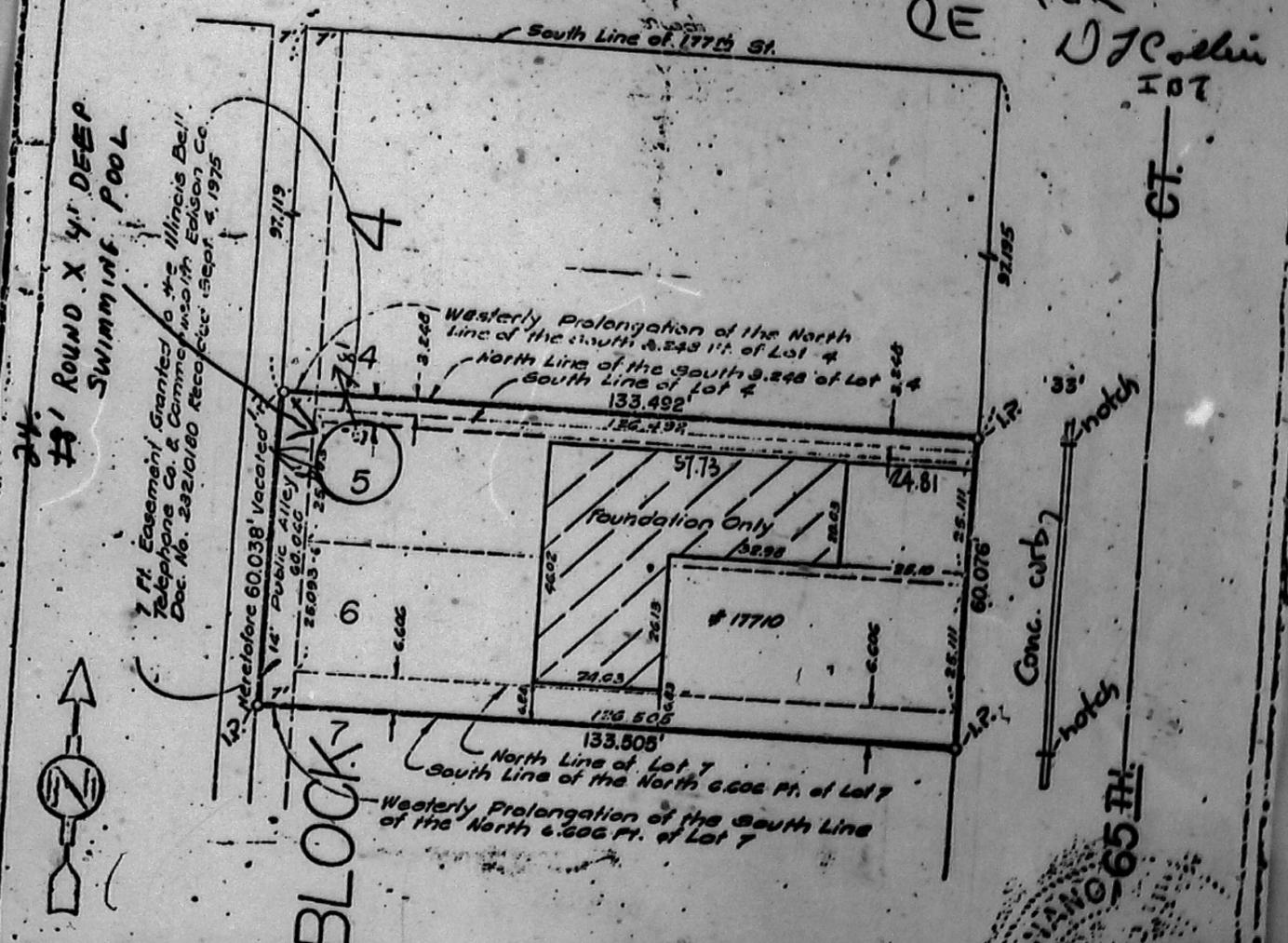
H. W. ROBINSON & ASSOCIATES
 Registered Illinois
 Land Surveyors and
 Professional Engineers

PLAT OF SURVEY

357 E. 170th STREET
 SOUTH HOLLAND, ILLINOIS
 Phone ED. 1-6700

The South 3.248 feet of Lot 4; all of Lots 5 and 6; and the North 6.606 feet of Lot 7, all in Block 4 in Whitney & Bishop's Addition to Tinley Park, plat of the Southeast 1/4 of the Northeast 1/4 of Section 31, Township 36 North, Range 13 East of the Third Principal Meridian, Town of Bremen, Cook County, State of Illinois, recorded December 26, 1890 as Document 1393683;

ALSO:
 That part of the East 1/2 of the heretofore vacated 14-foot wide North and South public alley as heretofore dedicated in Block 4 in the aforesaid subdivision, lying South of the Westerly prolongation of the North line of the South 3.248 feet of said Lot 4 and lying North of the Westerly prolongation of the South line of the North 6.606 feet of said Lot 7;
 ALL IN COOK COUNTY, ILLINOIS.



For: Town & Country Builders
 Scale: 1"=30'
 Order No. 75-5-43
 Resurveyed to locate buildings.
 Date November 18, 1975
 Ordered by Town & Country Builders
75-11-13
 Contractor or Builder should verify and compare all points before beginning any construction and at once report any discrepancies to the Surveyor.

State of Illinois
 County of Cook

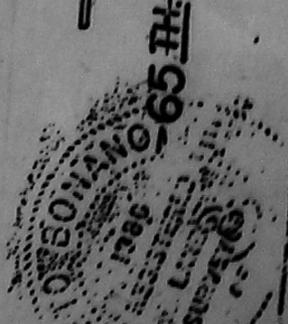
1. Cleto Bonanotte
 do hereby certify that I have surveyed the property described in the caption to the herein drawn plat and that the foregoing plat is a true and correct representation of the same. All dimensions are in feet and decimal parts thereof and are corrected to a temperature of 68 degrees Fahrenheit.

Date June 10, 1975

Continued 11/1980

17710-65 CT

located able per
 QE
 JJC
 IOT
 CT



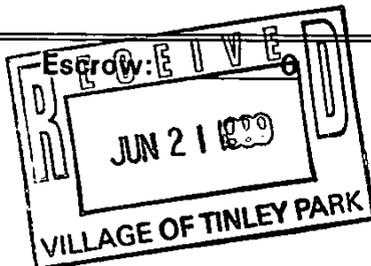
VILLAGE OF TINLEY PARK ILLINOIS: Fees

PERMIT NUMBER: 23958
Date of Application: 06/14/99
Applicant's Name: MICHAEL LAWTON
Address of Project: 17710 65TH CT SOUTH
Project Description: DECK

| | | |
|---------------------|--------------|------------|
| Building Inspection | <u>10.00</u> | <u>///</u> |
| Building Permit | <u>15.00</u> | <u>///</u> |
| Building Plan Check | <u>5.00</u> | <u>///</u> |
| Zoning | <u>5.00</u> | <u>///</u> |

Permits: 35.00

06/16/99 15:44:45



Total Due: 35.00

Date Paid: 6/21/99

Received by: SB

5464

VILLAGE OF TINLEY PARK ILLINOIS
Construction Permit

06/16/99 15:44:32

| | | | |
|------------------------------|---------------------|-----------------------|--------|
| Date of Application: | 06/14/99 | PERMIT NUMBER: | 23958 |
| Address of Structure: | 17710 65TH CT SOUTH | Hist Dist? | N |
| Project Description: | DECK | Township: | Bremen |
| Real Estate Tax No.: | 28-31-212-055 | Zoning: | R-4 |
| Subdivision: | | Lot #: | 5 |

TYPE OF PROJECT: 13'6" x 24' 2" Deck
Owner: MICHAEL LAWTON
17710 S. 65th Ct.
Tinley Park IL 60477
708/532-0103

| | | | |
|------------------------|---|------------------------|------|
| Date to Clerk: | 06/16/99 | Date Issued: | |
| Estimated Cost: | 8200.00 | Building Size: | 38 |
| | | Bedrooms: | 0 |
| Type of Permit: | BLDG | Monthly Report: | DECK |
| | | Type of Constr: | SDPF |
| Contractor: | Decks Unlimited 510 Doxbury Ln New Lenox IL 60451- Phone: 815/723-8049 | | |

Architect:

Conditions: Plans, specifications and survey are attached hereto as a part of this application. The applicant hereby certifies to the correctness of the above information and agrees that no occupancy will be permitted without first securing final inspection and occupancy permit. Applicant further agrees to adhere to the provisions of this application and the building and zoning ordinances of the Village of Tinley Park, Illinois.

Public Works Information

| | | | |
|--------------------|----|------|--------------|
| Water Tap | \$ | 0.00 | Size: |
| Water Meter | \$ | 0.00 | Size: |

Plumbing Contractor

Lic#

Sewer Contractor

Lic#

Comments:

VILLAGE OF TINLEY PARK ILLINOIS: Contractors

PERMIT NUMBER: 23958

Date of Application: 06/14/99

Address of Project: 17710 65TH CT SOUTH

Project Description: DECK

Architect

General

Excavator

Concrete

Decks Unlimited
Carpentry

510 Doxbury Ln
New Lenox

815/723-8049

8344

Masonry

Lathing/Drywall

Paving

Roofing

HVAC

Electrical

Plumbing

Sewer

Other:

VILLAGE OF TINLEY PARK ILLINOIS

DATE 6/14/99

APPLICATION FOR BUILDING PERMIT

PERMIT# 123958

TYPE OF PERMIT (check one): Building Electrical Plumbing Sign

Address of Structure 17710 S. 65TH COURT Township BREMEN

Real Estate Tax # (PIN #) 28 31 212 055 000 034 Lot # 5
28 31 212 058 000 034

Subdivision HIGHLANDS Zoning Type R-4

Estimated Cost \$8,200 Building Size 13'6" x 24'2" # of Bedrooms _____

(New construction only)

Project BUILD 380 SQUARE FOOT DECK

| |
|------------|
| FEE# _____ |
| _____ |
| _____ |

MICHAEL & MARY BETH LAWTON 17710 S 65TH COURT 708 532-0103
 OWNER WHEN COMPLETED PRESENT ADDRESS PHONE #

ARCHITECT ADDRESS PHONE # PLAN #

GENERAL CONTRACTOR ADDRESS PHONE # LICENSE #

EXCAVATOR ADDRESS PHONE # LICENSE #

DECKS UNLIMITED 815-723-8049
 CARPENTRY ADDRESS PHONE # LICENSE #

CONCRETE CONTRACTOR ADDRESS PHONE # LICENSE #

LATHING OR DRYWALL ADDRESS PHONE # LICENSE #

PAVING CONTRACTOR ADDRESS PHONE # LICENSE #

ROOFING CONTRACTOR ADDRESS PHONE # LICENSE #

HVAC CONTRACTOR ADDRESS PHONE # LICENSE #

MASONRY CONTRACTOR ADDRESS PHONE # LICENSE #

ELECTRICAL CONTRACTOR ADDRESS PHONE # LICENSE #

PLUMBING CONTRACTOR ADDRESS PHONE # LICENSE #

SEWER CONTRACTOR ADDRESS PHONE # LICENSE #

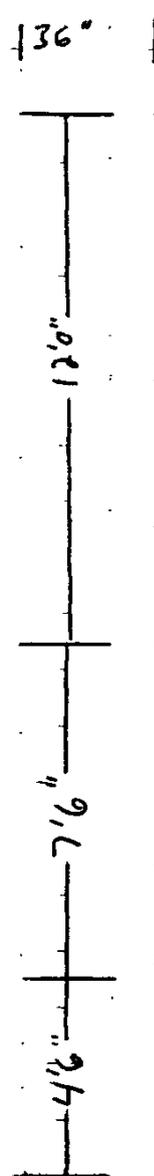
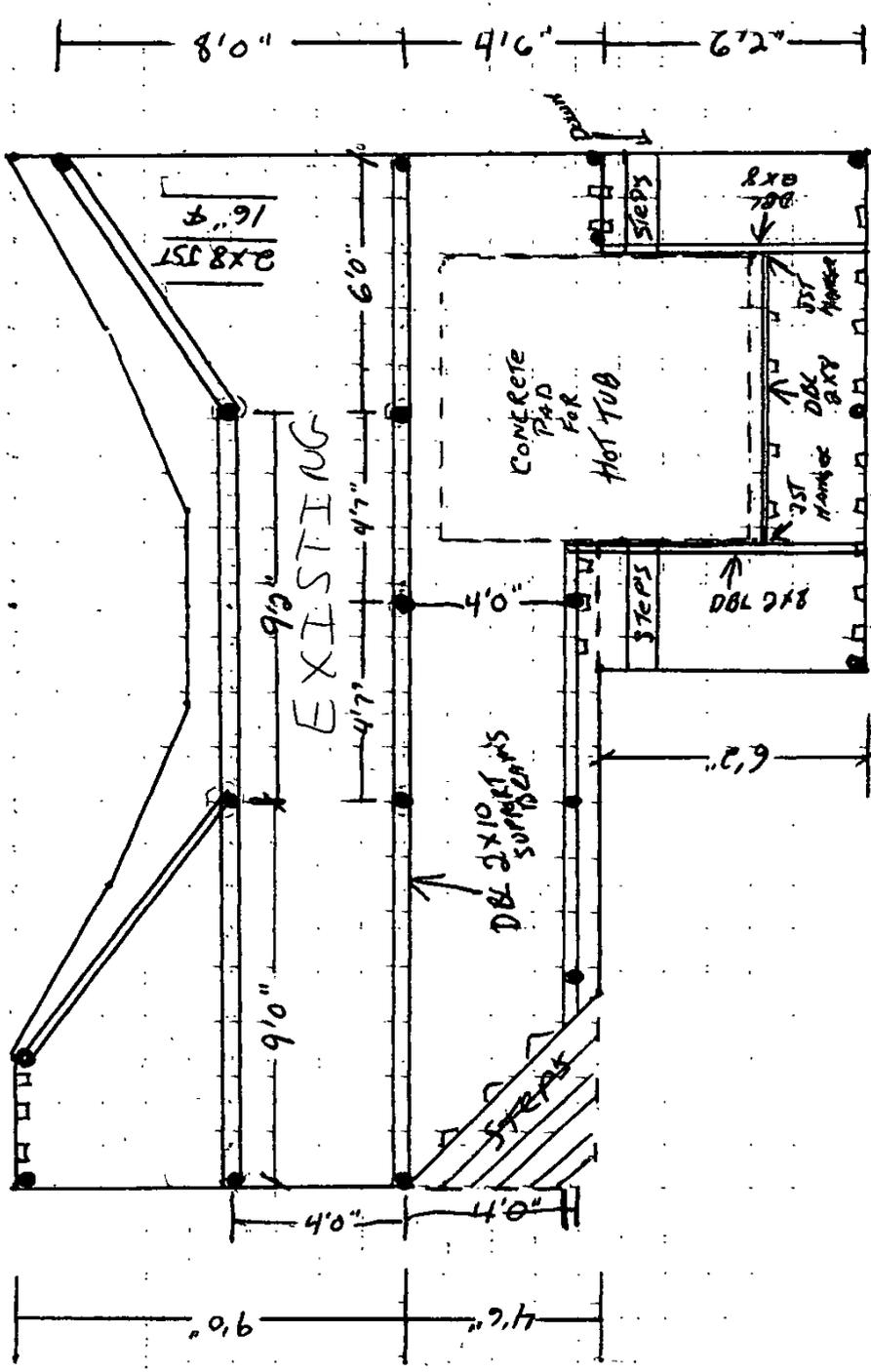
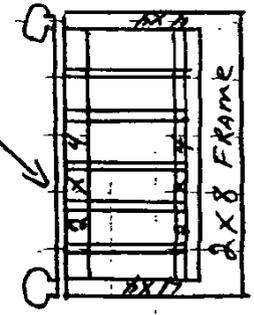
COMMENTS: _____

[Signature] [Signature] Michael D. Lawton
 ZONING ADMINISTRATOR BUILDING COMMISSIONER APPLICANT SIGNATURE
 ELECTRICAL INSPECTOR PLUMBING INSPECTOR PLANNING DEPARTMENT

MIKE LAWTON

NOTES:

- 1- ● = 10" x 42" CONCRETE FB
- 2- ▭ = 4x4 PST 2x10 DBL 5/4x6 TOPRA
- 3- Acc JOIST 2x16" #
- 4- BMS ASSEMBLY WITH 7x7 # CHARGE BOX
- 5- 17 = 2x8 JOIST HANGERS
- 6- RAILRAIL TO BE 36" FRD DECKING TO WITH PICKET NOT MORE TH 4" BETWEEN



CERTIFICATE of SURVEY



17718 SOUTH OAK PARK AVENUE
TINLEY PARK, ILLINOIS 60477

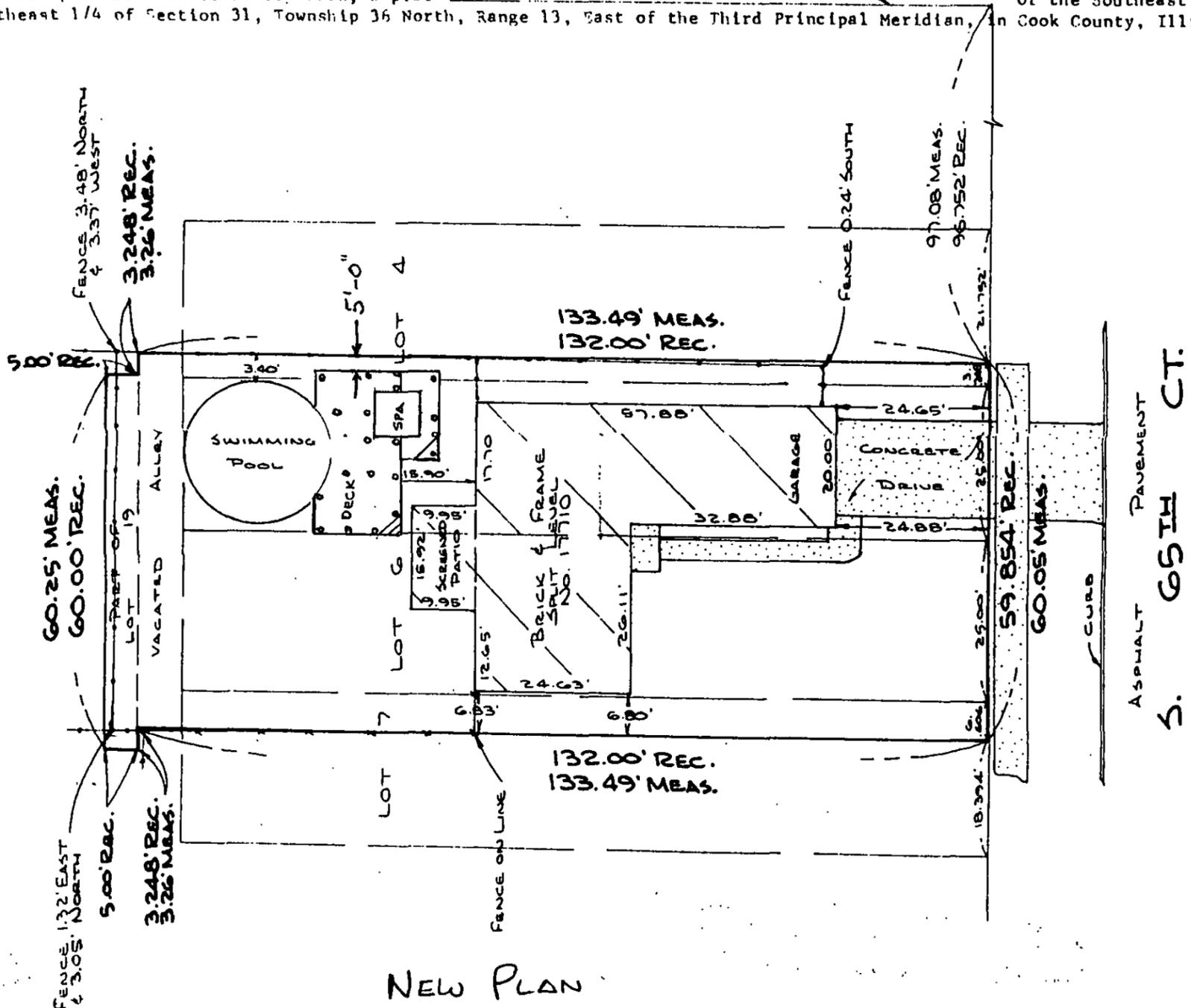
by
MARSURCO, INC.
LAND SURVEYORS

PHONES: 429-3177
429-3178

REGISTERED ILLINOIS LAND SURVEYORS

of

The South 3.248 feet of Lot 4, all of Lots 5 and 6, and the North 6.606 feet of Lot 7, all in Block 4 in Whitney and Bishop's Addition to Tinley Park, plat of the Southeast 1/4 of the Northeast 1/4 of Section 31, Township 36 North, Range 13, East of the Third Principal Meridian, Town of Bremen, Cook County, Illinois, State of Illinois, recorded December 26, 1890 as Doc. 1393683, in Cook County, Illinois. Also, that part of the East 1/2 of the heretofore vacated 14 foot wide North and South Public Alley as heretofore dedicated in Block 4 in the aforesaid Subdivision lying South of the Westerly prolongation of North Line of the South 3.248 feet of said Lot 4 and lying North of the Westerly prolongation of the South Line of the North 6.606 feet of said Lot 7, in Cook County, Illinois. Also, the East 5 feet of Lot 19 in Malecky's Subdivision, being a re-division of Lots 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42 in Block 4, and the West 1/2 of the vacated alley lying East of and adjoining Lots 24 through 42, both inclusive in Block 4, and the North 1/2 of the 178th Street, lying South of and adjoining Lot 24 in Block 4 and the North 1/2 of vacated 178th Street, lying South of and adjoining the West 1/2 of the vacated alley lying East of and adjoining Lot 24 aforesaid, and the South 1/2 of the vacated 178th Street, lying West of the Southerly extension of the East Line of the West 1/2 of Block 4 and Lots 26 through 50 in Block 5, and that part of the vacated alley lying West of the West Line of the East 133.50 feet of Block 5, all in Whitney and Bishop's Addition to Tinley Park, a plat SOUTH LINE OF W. 177TH ST. of the Southeast 1/4 of Northeast 1/4 of Section 31, Township 36 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.



NEW PLAN

State of Illinois }
County of Cook } ss:

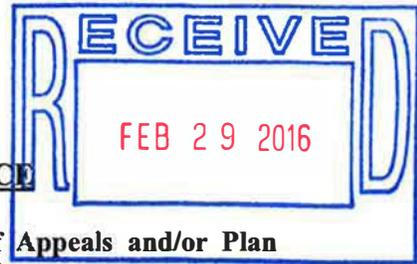
We, MARSURCO, INC. LAND SURVEYORS, do hereby certify that we have surveyed for the above described tract of land and that this plat is a correct representation of said survey.

Given under my hand and seal this 26th day of October, A.D., 1992.

Survey No. 92-8035
Ordered by: Mike Lawton
Scale: 1"=20'

Compare all dimensions before building and report any discrepancies at once. Refer to Deed or Title Policy for building lines and easements.

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: MICHAEL D. LAWTON

Mailing Address: 17710 65TH COURT

City: TINLEY PARK State: IL Zip: 60477

Day Phone: (708) 532-4956 Evening Phone: (708) 532-4956

Cell Phone: (708) 890-126 Fax Number: (708) 532-4956

Email Address: PAPASARK @ YAHOO.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 accompanied by a signed letter of authorization).

PROPERTY INFORMATION

Street Address: 17710 65TH COURT

Owners: MICHAEL D. LAWTON

SPECIFIC TYPE OF VARIANCE REQUESTED (See Examples Below):

A 1.6 FOOT VARIANCE TO THE MINIMUM REQUIRED 5.0 FOOT DISTANCE BETWEEN FENCE AND SWIMMING POOL. SPECIFICALLY REQUESTING TO MAINTAIN CURRENT 3.4 FOOT SPACING THAT EXISTS WITH CURRENT SWIMMING POOL INSTALLATION.

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)

SUBJECT SWIMMING POOL WAS INCLUDED IN PROPERTY PURCHASE OF MAY 1981, LOCATED IN PLACE AS EXISTS TODAY. PROPERTY ENHANCEMENTS IN SUBSEQUENT YEARS NOW PRESENTS A CONDITION WHERE RELOCATING NEW INSTALLATION TO BE IN COMPLIANCE WITH VILLAGE CODES WILL BE VERY EXPENSIVE. PLEASE SEE MORE COMPLETE DETAILS IN ATTACHED DOCUMENT.

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: Michael D. Lawton Date: 2/26/14

Printed Name: MICHAEL D. LAWTON

OFFICE USE ONLY:

Current Zoning on Property _____ Present Use _____

Notes

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?

INSTALLING NEW REPLACEMENT SWIMMING POOL TO COMPLY WITH VILLAGE CODES REQUIRES MAJOR DECK SUPPORT COLUMN CHANGES ALONG WITH SAME OF DECKING, PERMANENT BENCH SEATING WITH TABLES, LANDSCAPING AND PAVING BRICK SURROUNDING WALKWAYS, SUBJECT PROPERTY ENHANCEMENT MADE UNDER VILLAGE BUILDING PERMITS CITED ON ATTACHED PLATITUDE OF SURVEY. NEITHER DURING APPLICATION PROCEDURE, CONSTRUCTION AND FINAL INSPECTION, WERE NON COMPLIANCE ISSUES DISCUSSED. NON COMPLIANCE CREATED BY PREVIOUS OWNER.

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

CURRENT ZONING REGULATIONS AND RESTRICTIONS WILL NOT HAVE ANY IMPACT ON PROPERTY VALUE AS IT RELATES TO NEIGHBORING PROPERTIES IN THIS PARTICULAR CASE

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

THIS DIFFICULTY CAME ABOUT AS A RESULT OF PURCHASING THE PROPERTY WITH SUBJECT NON COMPLIANCE EXISTING, AND CONTINUING TO MAKE ENHANCEMENTS AND MAINTAIN PROPERTY OVER YEARS SINCE UNAWARE OF A NON-COMPLIANCE ISSUE UNTIL CONDITIONS WARRANTED SECURING BUILDING PERMIT TO REPLACE SWIMMING POOL.

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.

CANNOT SAY WITH ABSOLUTE CERTAINTY, BUT MOST PROPERTIES IN THIS ZONING DISTRICT ARE POST 1975, AND MOST LIKELY WOULD HAVE POOLS PROFESSIONALLY INSTALLED, REQUIRING PERMITS THAT WOULD PROACTIVELY PRECLUDE SUCH CONDITION AS EXISTS HERE, WHEN THIS HOME WAS PURCHASED, THERE WERE ONLY EIGHT HOUSES ON WEST SIDE OF 65TH COURT; AREA TO WEST WAS VACANT WOODED LOTS, AS WAS THE LENGTH FROM 177TH ST TO 179TH ST.

- 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.

THIS IS STRICTLY BECAUSE OF PERSONAL NECESSITY AND THIS VARIANCE HAS NO IMPACT ON FINANCIAL GAIN OTHER THAN AVOIDING EXPENSE TO MODIFY SURROUNDING POOL AREA TO ACCOMMODATE RELOCATION.

- 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).

GRANTING THIS VARIANCE WILL NOT BE DETRIMENTAL TO PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTIES OR IMPROVEMENTS IN THE NEIGHBORHOOD AS IT WILL MAINTAIN APPEARANCE AS EXISTS TODAY.

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

NOT CLEARLY UNDERSTANDING WHAT THE CHARACTER OF THE NEIGHBORHOOD OR LOCALITY IS, GRANTING THIS VARIANCE WILL SIMPLY CONTINUE TO PERPETUATE APPEARANCES AS EXIST TODAY.

FINDINGS OF FACT (Continued)

- H. Describe how the requested Variance will not:
1. Impair an adequate supply of light and air to adjacent properties.
SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTIES
WILL CONTINUE UNABATED AS CONDITIONS EXIST TODAY
AS VARIANCE DOES NOT IN ANY MANNER RELATE
TO THIS ISSUE.
 2. Substantially increase the congestion of the public streets.
VARIANCE INVOLVES AREA OUT OF TRAFFIC STREET
ACTIVITY IN THAT AREA IS FULLY ENCLOSED BY
PRIVACY FENCE THAT PRECLUDES VISIBILITY FROM
STREET.
 3. Increase the danger of fire.
VARIANCE DOES NOT INCREASE NOR DECREASE FIRE
HAZARD AS VARIANCE DOES NOT RELATE TO THIS
ISSUE.
 4. Impair natural drainage or create drainage problems on adjacent property.
NATURAL DRAINAGE AS EXISTS TODAY WILL
BE MAINTAINED AS IS.
 5. Endanger the public safety.
VARIANCE HAS NO BEARING ON PUBLIC SAFETY.
AREA IS SECURED WITH FULL PRIVACY FENCE WITH
LOCKING GATES.
 6. Substantially diminish or impair property values within the neighborhood.
GRANTING OR DENYING VARIANCE DOES NOT HAVE
ANY IMPACT ON PROPERTY VALUES WITHIN THE
NEIGHBORHOOD.

CERTIFICATE of SURVEY



17718 SOUTH OAK PARK AVENUE
TINLEY PARK, ILLINOIS 60477

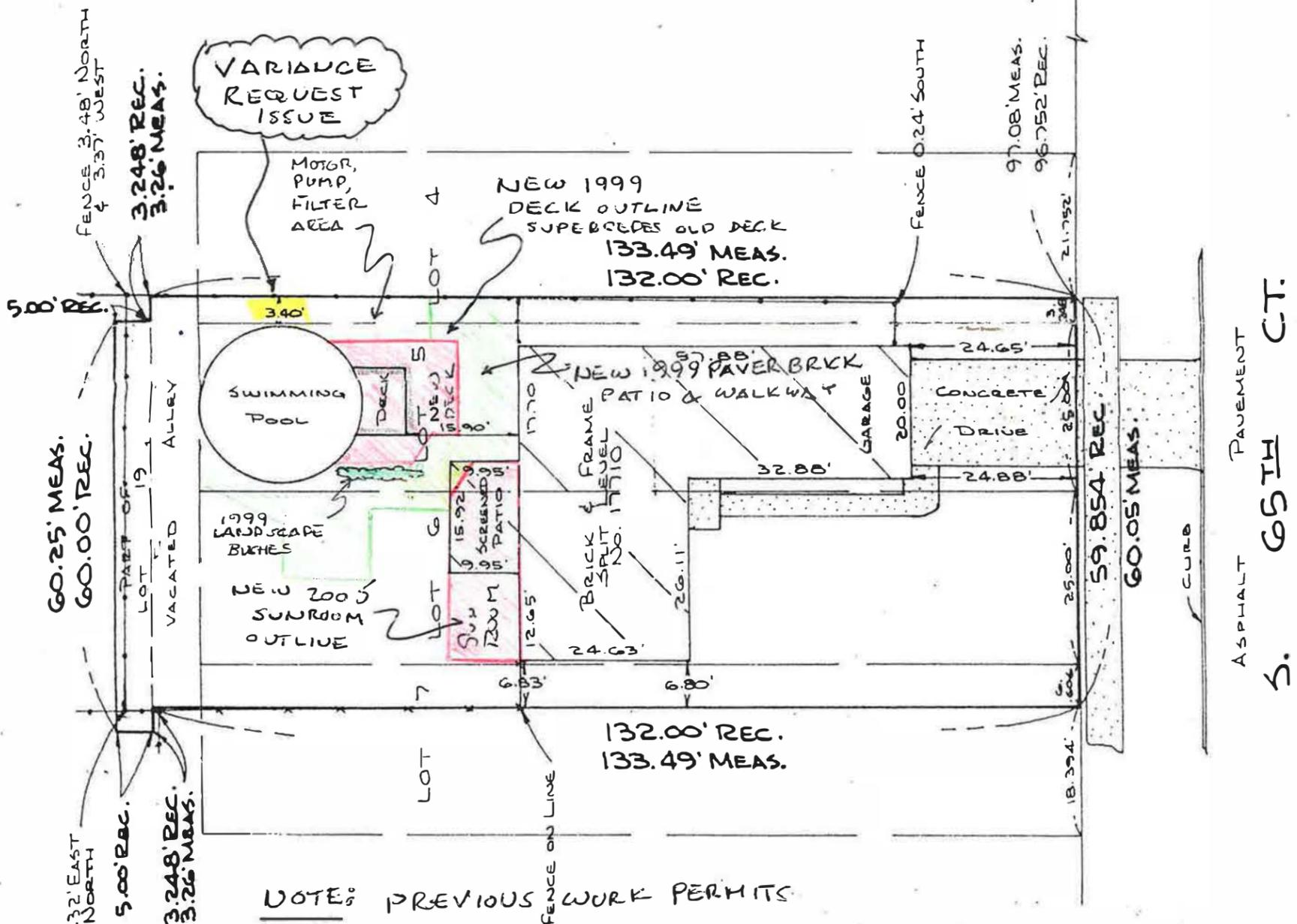
by
MARSURCO, INC.
LAND SURVEYORS

PHONES: 429-3177
429-3178

REGISTERED ILLINOIS LAND SURVEYORS

OF

The South 3.248 feet of Lot 4, all of Lots 5 and 6, and the North 6.606 feet of Lot 7, all in Block 4 in Whitney and Bishop's Addition to Tinley Park, plat of the Southeast 1/4 of the Northeast 1/4 of Section 31, Township 36 North, Range 13, East of the Third Principal Meridian, Town of Bremen, Cook County, Illinois, State of Illinois, recorded December 26, 1890 as Document 193683, in Cook County, Illinois. Also, that part of the East 1/2 of the heretofore vacated 14 foot wide North and South Public Alley as heretofore dedicated in Block 4 in the aforesaid Subdivision lying South of the Westerly prolongation of the North Line of the South 3.248 feet of said Lot 4 and lying North of the Westerly prolongation of the South Line of the North 6.606 feet of said Lot 7, in Cook County, Illinois. Also, the East 5 feet of Lot 19 in Malecky's Subdivision, being a resubdivision of Lots 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42 in Block 4, and the West 1/2 of the vacated alley lying East of and adjoining Lots 24 through 42, both inclusive in Block 4, and the North 1/2 of the vacated 18th. Street, lying South of and adjoining Lot 24 in Block 4 and the North 1/2 of vacated 178th. Street, lying South of and adjoining the West 1/2 of the vacated alley lying East of and adjoining Lot 24 aforesaid, and the South 1/2 of the vacated 18th. Street, lying West of the Southerly extension of the East Line of the West 1/2 of Block 4 and Lots 26 through 50 inclusive in Block 5, and that part of the vacated alley lying West of the West Line of the East 133.50 feet of Block 5, all in Whitney and Bishop's Addition to Tinley Park, a plat SOUTH LINE OF W. 177TH ST. of the Southeast 1/4 of the Northeast 1/4 of Section 31, Township 36 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.



NOTE: PREVIOUS WORK PERMITS

- 2005 SUNROOM PERMIT 48964
- 1999 SPA PROJECT PERMIT 23412
- DECK PROJECT PERMIT 23958

State of Illinois }
County of Cook } ss:

We, MARSURCO, INC. LAND SURVEYORS, do hereby certify that we have surveyed for the above described tract of land and that this plat is a correct representation of said survey.

Given under my hand and seal this 26th day of October, A.D., 1992.

92-8035
by: Mike Lawton
11-20'

Compare all dimensions before building and report any discrepancies at once. Refer to Deed or Title Policy for building lines and easements.

Additional information:

Residence property was purchased in May 1981 with existing pool in current location. Pool was not presented as non-conforming to village code by any party involved in closing and securing title insurance. Since that time, pool liners have been replaced and repairs made to steel wall; the latest being in 1999 when village permit was approved to install new wrap around (partial), multi-level deck with granite top permanent tables, bench custom cushion seating and recessed hot tub. Scope of work included new 200 amp service panel and new electrical line to pool and hot tub. Landscaping upgrade by Green Garden professionals provided landscaping and a surrounding paver brick patio and walkway. Subject work was completed. Inspected and approved. During inspection, again, no identification of problem with pool location. Believed to be in line with village requirements.

During last swim season a few weakened wall areas were discovered and concern rose over potential wall failure and subsequent flooding to surrounding areas. Plans were undertaken to replace pool and a new pool was purchased not expecting any permit issues as replacement was to be in kind. Noncompliance was discovered during permit application process.

A review of the scope of work to relocate new pool installation to meet codes, revealed excavation work to clear southern grade area with associated revisions to, and in places elimination of paver brick walkway, extensive structural deck support modifications, changes in decking, revisions to a table and associated bench (requiring new cushions).

No doubt that the work can be done, but with large expense, time and disruption to normal spring and summer activities. The final product would lose some of the aesthetic beauty of the current deck/pool/hot tub appearance as the loss of symmetry in layout would make the final product have a forced fit appearance that is not gratifying as homeowners.

March 10, 2016

Michael D. Lawton
17710 65th Court
Tinley Park, Illinois 60477

Village of Tinley Park
16250 S Oak Park Ave
Tinley Park, Illinois 60477

Attention: Stephanie Kisler
Planner

Re: Variance Request

Dear Stephanie,

Attached, please find estimate for work necessary to perform deck revisions to accommodate the 17710 65TH Court residence swimming pool relocation approximately 19 inches to the south of current location.

The overall expense is reported to be \$5,000 including items identified on subject scope of work. There will be an additional \$1000 expense for additional excavation and backfill for new pool installation.

Please include this material in the Zoning Board variance request for subject project.

Thank you for your consideration in this matter.

Best Regards,

A handwritten signature in black ink that reads "Michael D. Lawton". The signature is written in a cursive style with a large, stylized "L" and "t".

Michael D. Lawton

17710 65th Court Swimming Pool Relocation Deck and Landscaping Scope of Work

General:

Provide all necessary labor and material to revise current deck and landscaping installations to accommodate new swimming pool location 1.6 feet east/west centerline shift to south.

Scope of work to include, but not limited to, the following:

Detail:

Deck

- North:
 1. Remove two tables and integral bench seat. Owner to remove and upon completion replace granite table tops.
 2. Remove (plus or minus, as necessary) 19 deck boards from northwestern corner.
 3. Make necessary decking joist modifications to support new longer deck boards
 4. Install new west side exposure lower wall on north side of deck
 5. Install new longer deck boards consistent with existing design.
 6. Install two new tables with integral bench seat, retaining existing granite table tops dimensions, identical with current design and construction

- **South: (Note: Critical Path)**
 1. Remove triangular portion of table on northern exposure. (Owner to remove and upon completion replace granite table top.
 2. Cut deck boarding and supporting joist beams, as necessary to make room for new pool installation
 3. Note any support column issues unforeseen at this time. Understood to be extra work order, with extra pricing as necessary.
 4. Cut back western exposure lower deck wall approximately 18 inches to make room for new pool installation
 5. Close off open end of deck table consistent with existing design (owner to have granite top revised to fit new table.

Landscaping (Note critical path) (Owner to coordinate JULIE marking).

- Revise existing south western walkway in kind, in new location 16 inches southwest
- Remove approximately 1 cubic yard earth from southern swimming pool ring area.
- Dispose of excavation materials.

Southern deck and paver brick landscaping (removal portion) revisions are to be done prior to swimming pool installation and northern deck work and paver brick landscaping (installation portion) following swimming pool installation.

Swimming pool installation approximate mid-April installation (weather permitting).



Innovative Decks

6926 W. 183rd Street
Tinley Park, IL
60477

Office- 708-614-7333
Fax- 708-614-7337

Proposal

March 4, 2016

Mike Lawton
17710 65th court
Tinley Park, IL 60477
708-890-7210

We hereby propose to furnish the materials and perform the labor necessary for the completion of a deck repair/renovation

Scope of work deck and landscape work

1. 100
2. 304
3. 500
4. 150
5. 1520
6. 100
7. 400 new

South (note: critical path)

1. 100
2. 300
3. New piers & support 250 each
4. 100 we will cut granite if necessary @ 50 per/cut

Landscaping (Note critical path)

12x3=36 sq/ft @19= 684

All materials is to be as specified, and the work is to be performed in accordance with the drawings and specifications submitted for the above work and completed in a substantial workmanlike manner for the sum of _____ dollars with payments as follows; 1/3 down payment _____ upon acceptance of proposal 1/3 upon commencement of job _____ and the balance of 1/3 _____ due upon completion of project.

If the Property Owner fails to make any required payment for a period of more that 15 days after it is due, The Company may upon two days written notice to The Property Owner terminate this contract and recover from The Property Owner, payment for work performed and materials provided, including reasonable profit and damages applicable to the work. Past due balances are subject to a service fee of two percent per month (Twenty four percent APR). ***It is agreed that the following payment will be made by The Property Owner.***

If the structure is not up to codes, there will be an added cost for structure.

The Company will carry out the work with professional and reasonable skill, care and diligence pursuant to all applicable standards and industry practice and in compliance to all relevant building regulations and statutory requirements. The company will not be responsible for conditions, or circumstances, that may not be immediately visible or damage, concrete breaks, asphalt damage, or landscaping damage.

The Property Owner must pay such sums of money that becomes due to The Company for performed work. The Property Owner will be responsible to cooperate in good faith with the Company and must not interfere with progress of work. It is understood that communication and cooperation are necessary for completion of work. In addition the following specific obligations must be completed by The Property Owner.

Property Owner has full financial and security responsibility for all materials delivered to work site. Includes but is not limited to deliveries by The Company, supply companies, or delivery services. This includes but is not limited to, theft, vandalism, and acts of god.

Property Owner must clearly mark all sprinkler heads or related hardware, and gas lines.

Property Owner is responsible to pay for all required permit and \the Company will apply for the permits. All costs associated with obtaining necessary permits is the sole responsibility of Property Owner. These costs are separate and not included in contract price.

Any variation including, but not limited to, modifications, omissions or additions that are made to this agreement must be agreed to in writing by both parties detailing the price and specifications of such variations. The parties must make a good faith attempt to agree on all necessary particulars. Such agreements are to be evidenced in writing, signed by the parties and added to this contract. Failure to reach agreement will be deemed a dispute to be resolved as agreed in Paragraph Titled Dispute Resolution.

The parties agree this Contract may be amended, however any amendment, or Rider to this Contract must be in writing and signed by both parties.

Customer acknowledges that any installation dates contained in this contract are estimates ONLY and that Innovative Decks failure to meet such estimated installation dates is not a valid basis for cancellation of this Contract or for deductions of any kind from the agreed contract price, further Innovative Decks shall not be responsible for any actual or consequential damages resulting from its failure to meet any estimated

installations dates. Jobs may be delayed due to weather conditions, which Innovative Decks has no control over.

Agreement and Acceptance to Pay

Innovative Decks agrees to furnish material for and install Innovative Decks as described above and the Customer authorizes work to commence and agrees to pay the price described above as specified at the time of installation. All materials used in the construction of the Innovative Decks and Gazebos are guaranteed for (3) years against defects in workmanship, except for paint or stain furnishes, mechanical gate closer and locking mechanisms, for which there are no guarantees promised or offered. Customer failure to pay in accordance with the terms and conditions set forth herein shall nullify any and all warranties and guarantees, either explicit or implied, which otherwise would have been in place.

Date: _____

3/7/14

Per: _____



ACCEPTANCE OF PROPOSAL

The above prices, specifications, and conditions are satisfactory and are hereby accepted. Authorization is given and payment as specified above.

Date: _____

Customer signature: _____