



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' 1¼" which is 4' 1¼" 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 SEPESSY 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 the that 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.