



**AGENDA FOR REGULAR MEETING
VILLAGE OF TINLEY PARK
ZONING BOARD OF APPEALS
May 26, 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 – March 24, 2016 Regular Meeting

Public Hearing #1:

INTERNATIONAL KIA – 8301 159TH STREET – VARIATION FROM THE ALLOWABLE NUMBER OF SIGNS AND TOTAL ALLOWABLE SIGN AREA – WALL SIGNAGE

Consider recommending that the Village Board grant two (2) Variations to the Petitioner, Erin Livingston of All-Right Sign, Inc. on behalf of Pattison Sign Group and International Kia, that would allow for additional wall signage, including:

1. A Variation from Section IX.D.1.c. of the Zoning Ordinance to allow a total of three (3) wall signs where one (1) sign shall be allowed for each principal building.
2. A fifty-four (54) square foot Variation from Section IX.D.3.b. of the Zoning Ordinance where one hundred (100) square feet is the total sign area allowed for the Subject Property.

These Variations would allow the Petitioner to construct a total of three (3) wall signs on the building, comprising a total of one hundred seventeen (117) square feet of sign face area (in addition to an existing thirty-seven (37) square foot freestanding sign), at 8301 159th Street in the B-5 (Automotive Service) Zoning District and within the Gray Properties 159th Street Commercial Subdivision.

Close Public Hearing #1

Public Hearing #2:

FAMILY HYUNDAI – 8101 159TH STREET – VARIATION FROM THE ALLOWABLE NUMBER OF SIGNS, TOTAL ALLOWABLE SIGN AREA, AND MAXIMUM ALLOWABLE HEIGHT FOR A FREESTANDING SIGN – WALL AND FREESTANDING SIGNAGE

Consider recommending that the Village Board grant three (3) Variations to the Petitioner, Bret Skirvin of Site Enhancement Services on behalf of Watson Family Hyundai, that would allow for additional wall and freestanding signage, including:

1. A Variation from Section IX.D.1.c. of the Zoning Ordinance to allow a total of five (5) signs where one (1) sign shall be allowed for each principal building; and

2. A four hundred thirty-three (433) square foot Variation from Section IX.D.3.b. of the Zoning Ordinance where one hundred seventeen (117) square feet is the total sign area allowed for the Subject Property; and
3. An eight foot (8') Variation from Section IX.D.4.a.(2) of the Zoning Ordinance where the maximum height for a freestanding sign is ten feet (10').

These Variations would allow the Petitioner to construct a total of four (4) wall signs on the building comprising three hundred ninety-four (394) square feet and one (1) freestanding sign comprising one hundred fifty-six (156) square feet for a total of five hundred fifty (550) square feet of signage, and allow for an existing eighteen foot (18') tall to be refaced to match current brand standards at 8101 159th Street in the B-5 (Automotive Service) Zoning District.

Close Public Hearing #2

Public Hearing #3:

BROWN – 17600 70th AVENUE – VARIATION FROM THE REQUIRED FRONT YARD SETBACK – FENCE

Consider recommending that the Village Board grant a Variation to the Petitioners, Laurence and Helen Brown, that would allow for a fence replacement, including:

1. A sixteen foot, six inch (16'6") Variation from Section V.B. Schedule II (Schedule of District Requirements) for a fence where the front yard setback requirement is twenty-five feet (25').

This Variation would allow the Petitioners to construct a six foot (6') tall wood fence at a eight foot, six inch (8'6") setback on the north (176th Street) side of this corner lot at 17600 70th Avenue in the R-4 (Single-Family Residential) Zoning District and within Barrett Brother's Subdivision.

Close Public Hearing #3

Good of the Order

Receive Comments From the Public

Adjournment



MINUTES OF THE ZONING BOARD OF APPEALS

VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS

MARCH 24, 2016

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on March 24, 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: Paul Lechner
Bob Paszczyk
Steve Sepessy

Absent Zoning Board Members: David Samuelson

Village Officials and Staff: Paula Wallrich, Deputy 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 January 28, 2016 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 MARCH 24, 2016 MEETING

**RE: PUBLIC HEARING #1
ANTHONY & 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 (2) Variations 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 side property line on the north side of the property located at 16412 Ironwood Drive in the R-3 Single-Family Residential Zoning District and within the Tanbark subdivision.

Present were the following:

Zoning Board Chairman:	Chris Verstrate
Zoning Board Members:	Paul Lechner Bob Paszczyk Steve Sepessy
Absent Zoning Board Members:	David Samuelson
Village Officials and Staff:	Paula Wallrich, Deputy Planning Director Stephanie Kisler, Planner Tom Melody, Village Attorney Debra Kotas, Commission Secretary
Guest(s):	Anthony Danca

A motion was made by BOARD MEMBER SEPESSY, seconded by BOARD MEMBER PASZCZYK 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 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 Variation request and it will be their obligation to provide a burden of proof with facts and evidence to support the Findings that this Board requires before a Variation can be granted. He explained then 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.

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.

ANTHONY DANCA, 16412 Ironwood Drive, explained he and his family is seeking a Variation in order to extend their garage to store an antique vehicle as well as provide additional storage space for bicycles, sporting goods, tools and home maintenance equipment. He stated there is an existing shed in the yard that has become inadequate for the amount of storage needed. He stated the garage would also allow for the storage of his antique vehicle which would then allow his other vehicles to be parked inside where they can be safeguarded and not an eyesore to neighbors. He further explained inside the home directly behind the garage is a 5' x 11' laundry room that contains their furnace, hot water heater, utility sink, washer and dryer that does not allow sufficient space. He expressed safety concerns regarding having a substantial amount of laundry near the furnace or hot water heater potentially being a fire hazard. While moving the furnace and hot water heater to another area of the home would be a possibility, he explained this would result in a major expense and invasive without yielding additional space. He reported the size of the planned garage is the absolute minimum size to allow for a vehicle and a much needed laundry room and would also add curb appeal to the home.

MR. DANCA proceeded to quote verbatim from the previously submitted Findings of Fact. He explained they are having difficulty conforming to existing zoning regulations. He reported conversations with his architect stating this is the best and least intrusive option. After meeting with the Village's Building and Planning Departments, he reviewed and addressed in detail other options including:

1. Building a detached garage in the rear of the property that would require removal of a mature tree and existing swimming pool and addition of a concrete drive;
2. Extend the existing garage 7' whereby no Variation would be required;
3. Laundry room addition to the rear of the home that would also require removal of the tree and pool and increased costs due to demolition of a concrete slab underneath the existing family room;
4. Decrease the size of the Variation that would not allow for opening or closing of a garage door; and
5. Sell home and move that will not be considered.

MR. DANCA stated current zoning regulations and restrictions negatively affect his property value compared to neighboring properties because of the current setback requirements. He explained they are unable to update their home compared to similar area homes in their area having three-car garages, resulting in the home being less attractive to buyers should they wish to sell. He elaborated that the hardship was created based on the property being located in R-3 Single-Family Residential Zoning District.

MR. DANCA explained the Variation request is unique since his Forrester-style home was built with no room on either side of the garage, having only eight inches (8") on each side for storage. He provided data of other Forrester style homes in the area having more space built into the sides of the garage.

MR. DANCA admitted given current real estate conditions, the addition is not a wise investment, however, the Variation is not an attempt at financial gain but to provide additional useable space within the home. He described how the Variation will not have a negative impact or be detrimental to the neighborhood or surrounding properties by allowing for a cleaner driveway due to reduced vehicles on the street, nor will it alter the essential character of the neighborhood since the exterior materials for the addition will match the existing home.

Again, quoting the Findings of Fact that was submitted, MR. DANCA described how the Variation will not:

1. Impair an adequate supply of light and air to adjacent properties;
2. Substantially increase congestion of the public street;
3. Increase the danger of fire;
4. Impair natural drainage or create drainage problems;
5. Endanger public safety; or,
6. Substantially diminish or impair property values within the neighborhood.

MR. DANCA reported researching property setback Variations granted by the Zoning Board of Appeals including: Taher (05/28/2015); Schapen (05/22/2014); Moscato (10/24/2013); O'Leary (09/12/2013); and Williams (03/14/2013). He referenced a previous meeting of the ZBA where previous Zoning Board Member Pat Conway commented regarding a Variation that allowed for construction of a sunroom stating, "a precedence has been established for these types of Variations".

In conclusion, MR. DANCA noted a sunroom is more recreational than functional and the proposed addition is a permanent structure to allow for additional useable space. He requested the Board take this into account when making their decision and be confident that they have performed due diligence and have the neighborhood and community interest in mind with the proposed project based upon established hardship, discussions with Staff, being cognizant of the appearance of the neighborhood and neighborhood support indicated by a petition in support of the project signed by surrounding neighbors.

BOARD MEMBER PASZCZYK inquired as to the age of the home and how long the Petitioner has resided in the home. MR. DANCA stated the home was built in 1986 and they have lived there approximately 5 years. MEMBER PASZCZYK noted that the Petitioner's immediate neighbor has no issue with the proposed addition. He also inquired if there were any electrical, water or public utility easements. STEPHANIE KISLER, Planner, confirmed that there are public utility and drainage easements.

BOARD MEMBER SEPESSY reported visiting the property during recent rains. He expressed concerns with drainage noting a large puddle in front of the home within 4' of the street. He inquired if there was any provision for increased water including drainage tiles. MR. DANCA reported no provisions have been made; however, the current concrete footprint is approximately the size of the addition. He added there are three (3) existing drain spouts that will bring water to corner where driveway meets sidewalk.

There being no further questions from Board Members and with no other interested parties present, MS. KISLER presented the Staff report. She reported the Petitioners are requesting a three foot (3') side yard setback Variation where the setback requirement is eight foot (8'); and a one foot, eight inch (1'8") Variation of allowable encroachment of eaves where three feet (3') is maximum to construct a one-story addition to the existing home at a five foot (5') setback from the north property line with proposed eaves/gutters consistent with the style and architecture of the property that would overhang into the utility easement area. She noted the Petitioners had sought the same Variation in July 2015 that was unanimously denied by the Zoning Board of Appeals; the Petitioners chose to not appeal the decision to the Village Board. She explained the dimensions and physical plan of the proposed addition are the same as was previously proposed; however, the Petitioner has expanded upon their Findings of Fact in the hopes of receiving support for the Variation requests.

MS. KISLER showed photographs of the subject property located near 84th Avenue and 167th Street in the Tanbark subdivision. She reviewed a diagram of the property prepared by Staff showing the home, existing shed, above-ground pool, deck, property lines and the proposed addition. She reported the existing shed appeared to be encroaching the easement however, it received a permit in 1998. She was unsure as to what the final inspection processes were at that time to inspect the final location of the shed. She compared setback requirements for the R-3 Zoning District, where this property is located, with other residential zoning districts.

MS. KISLER reported Staff reviewed the property to determine if other alternatives are possible for creating an additional garage space and addition for a laundry room. Using the aforementioned diagram, she explained an attached garage of equal size could be built at the rear of the home near the patio but would require relocation of the above-ground pool. She also explained a detached garage could be located at the rear of the property, also requiring relocation of the pool and the shed. She explained the Petitioner's need for a laundry room could be addressed with a room addition to the rear of the home or on the north side of the home and remain in conformance with side yard setback requirements and not require a Variation.

MS. KISLER stressed the importance of this being a permanent structure that will not be able to be altered in the future and granting the Variations would establish a precedent for this neighborhood and other properties in similar zoning districts.

Using photographs of the home with a conceptual layout of the proposed addition, MS. KISLER showed the proposed addition would be twenty feet (20') from the adjacent home to the north, or sixteen feet, eight inches (16'8") from eave to eave. Currently without the addition, she reported the distance is thirty feet (30') from structure to structure and twenty-six feet, eight inches (26'8") from eave to eave. She reported Staff studied the approximate distances of seventeen (17) homes along Ironwood Drive and found them to have an average distance of twenty-eight feet (28') between structures. She added 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 (3'). When measuring from eave to eave, homes in the R-3 Zoning District could be a minimum distance of ten feet (10') apart.

MS. KISLER noted there is a five foot (5') wide Public Utility and Drainage Easement that runs the length of the north property line between where the addition is proposed to be located and the property to the north. With only having five feet (5') to work with and the eaves overhanging the easement, she expressed Staff's concerns regarding adequate access to the easement, including accommodating potential equipment needed for maintenance of the utilities, particularly if the home to the north decides to construct a similar addition based on a precedent being set with this Variation. She explained if the neighboring property to the north requested a similar Variation in the future, the building separation would be reduced to ten feet (10') or just six feet, eight inches (6'8") from eave to eave.

MS. KISLER noted a unique hardship must be established in granting a Variation and Board Members must determine if the Petitioner has a unique hardship that applies only to their property. In considering the granting of a Variation, she explained the Zoning Board of Appeals must evaluate the evidence provided by the Petitioners and provide evidence supporting positive findings for each of the required standards for Variations.

In conclusion, MS. KISLER reviewed comments from the following departments including:

Public Works/Engineering:

1. The drawing indicates that construction will be occurring outside of the existing five foot (5') public utility and drainage easement, therefore, the Petitioner must verify in writing that there will be no encroachment of any underground structures into the public utility and drainage easement;

2. Due to the encroachment of eaves, an encroachment letter must be provided if the Village needs to utilize the public utility and drainage easement where the narrowness will affect the equipment that can be used and any damage caused to the property that encroaches on the public utility and drainage easement will not be the responsibility of the Village.
3. With the addition, the impervious area of the lot available for drainage is greatly reduced that could result in overly saturated ground/yard flooding since 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 neighboring properties.

Fire Department:

1. Fire Prevention will require that the current construction of the existing building be continued with the addition and include a fire rated wall separating the garage from the laundry room and remainder of the home.

BOARD MEMBER PASZCZYK expressed concerns that this will be a permanent structure and there are issues to consider including flooding issues. He added there are alternatives available.

BOARD MEMBER SEPESSY commented that while there are other alternatives available, the Petitioner's request is the "lesser of all evils" and will potentially upgrade the property. He stated if heavy equipment is necessary to enter the property, there is sufficient room on the south end of the property. He does not see this as a large problem. He added it meets aesthetic and Fire Department guidelines. He does not foresee drainage being an issue.

There being no further questions or comments, a motion was made by BOARD MEMBER LECHNER, seconded by BOARD MEMBER PASZCZYK to close the Public Hearing at 8:14 p.m. for deliberation.

A MOTION WAS MADE BY BOARD MEMBER SEPESSY to recommend the Village Board grant the Petitioner 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; and
3. There is recourse or guarantee that drainage problems will be addressed strenuously.

The Motion was seconded by BOARD MEMBER PASZCZYK.

AYE: Zoning Board Members Steve Sepessy

NAY: Zoning Board Member Paul Lechner, Bob Paszczyk and Chairman Chris Verstrate

ABSENT: Zoning Board Member David Samuelson

THE MOTION FAILED by voice vote. ZONING BOARD OF APPEALS CHAIRMAN VERSTRATE declared the Motion denied.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK ZONING BOARD OF APPEALS

SUBJECT: MINUTES OF THE MARCH 24, 2016 MEETING

**RE: 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.

The 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.

Present were the following:

Zoning Board Chairman:	Chris Verstrate
Zoning Board Members:	Paul Lechner Bob Paszczyk Steve Sepessy
Absent Zoning Board Members:	David Samuelson
Village Officials and Staff:	Paula Wallrich, Deputy Planning Director Stephanie Kisler, Planner Tom Melody, Village Attorney Debra Kotas, Commission Secretary
Guest(s):	Michael Lawton, Petitioner

A motion was made by BOARD MEMBER PASZCZYK, seconded by BOARD MEMBER SEPESSY to open the Public Hearing at 8:16 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.

MICHAEL LAWTON, 17710 65th Court, stated he has been a resident of Tinley Park since 1971 and has resided in his current home since 1981 where he has made many upgrades to the home totaling approximately

\$200,000. He reported this is the second of two (2) hardships he has faced as a homeowner since the fence and pool structure were existing when he purchased the home in 1981 and was previously approved and permitted by the Village in 1978. He stated he is only seeking to replace the pool structure.

In 1999, MR. LAWTON stated he constructed an elaborate deck that encompassed the circumference of the pool, paver walkway, bench seating and landscaping. Due to a damaged pool liner, he reported purchasing a new pool at the end of the summer, 2015. He stated he discovered he had a problem with compliance when he presented to the Building Department for a permit for installation being told the existing pool is actually three feet, five inches (3'5") from the north property line where the required setback is five feet (5'). In order to be in compliance, the cost would be \$6,000 for deck renovation, excavation and grading.

With Hirsch Park immediately to the north of his home, MR. LAWTON does not believe there will be any further development whereby a similar Variation would be requested to encroach on the area where the pool is located. He noted the Park is forty-two inches (42") lower than finished grade of his property; therefore, there are no drainage issues. He also reported installing a French drain around his property. He sees no fire hazards or affect on air, light quality or property value. He offered to comply with Public Works/Engineering request to acknowledge in writing the impervious nature of the landscaping.

In conclusion, MR. LAWTON thanked Staff for their efforts in preparing the Variation request and also thanked the Board for consideration of this matter.

BOARD MEMBER PASZCZYK inquired if the pool will continue to be enclosed. MR. LAWTON reported the property is surrounded by a 6' privacy fence with 2 locking gates. MEMBER PASZCZYK acknowledged there was no Building Department review due to a recent change in Staff.

There being no further questions from Zoning Board Members and with no audience members present, STEPHANIE KISLER, Planner, presented the Staff Report. She reviewed the Petitioner's request for a one foot, seven inch (1'7") Variation request for an accessory structure to be three feet, five inches (3'5") from the north side property line. She acknowledged the Petitioner wishes to replace an above-ground pool of the same size in the exact same location.

MS. KISLER showed photographs of the existing custom built deck and area where the pool was previously located. She noted the extensive improvements to the property including patio and sunroom. She reported the Plat of Survey shows no easements existing along the north property line where the pool is located. Staff has reviewed the building permit from 1978 for the original pool and fence. She noted the original Plat accompanying that application refers to an eighteen foot (18') wide above-ground pool that appears to have been changed on the application to twenty-four feet (24') wide.

MS. KISLER stressed the nature of this Variation request is different from the previous since an above-ground pool is an accessory structure and more temporary in nature. Staff acknowledges the request is to replace a pool at the same location, therefore, no new impact will be realized by any adjacent property. She noted there is no neighbor directly bordering this Variation request only the open space of Hirsch Park. As with all Variations, she stated 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 that has been designed for the existing and now proposed size and curvature of the pool, replacement of a paver sidewalk, relocation of a constructed bench and landscaping. In considering the granting of a Variation, she explained the Zoning Board of Appeals must evaluate the evidence provided by the Petitioners and provide evidence supporting positive findings for each of the required standards for Variations.

In conclusion, MS. KISLER reviewed Staff comments including Public Works/Engineering who had drainage concerns commenting there is a significant amount of landscape, hardscape, and accessory structures within the fenced area and the solid wood fence with no gaps was built flush with grade that could block natural drainage patterns. However, following a site visit, engineering staff noted this lot is adjacent to open space and the construction does not appear to have negatively impacted drainage to other lots at this time. The impervious area of the lot available for drainage is greatly reduced, therefore, could result in overly saturated ground/yard flooding since there is less surface area to absorb into the ground. Staff referred to the Petitioner's French drain system and extensive engineering on the property and noted that Public Works/Engineering acknowledged the work performed by the property owner, however, is still requesting a waiver from the owner prior to issuing a permit. She noted Fire and Police Departments had no comment and the Building Department did not review the Variation request due to the Building Commissioner retiring prior to submittal of the application.

CHAIRMAN VERSTRATE stated the Petitioner is placing the pool in the same location where it had been for 30+ years and such a small Variation at one foot, seven inches (1'7") supports the Findings of Fact and greatly mitigates any issues. He stated he had no issues with complying to any of the engineers comments or request to sign a waiver.

BOARD MEMBER SEPESSY noted there is adequate drainage with the adjacent park.

With no further deliberation, a motion was made by BOARD MEMBER PASZCZYK, seconded by BOARD MEMBER LECHNER to close the Public Hearing at 8:42 p.m.

There being no further questions or comments, a motion was made by BOARD MEMBER PASZCZYK grant a 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:

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.

The Motion was seconded by BOARD MEMBER SEPESSY.

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

NAY: None

ABSENT: Zoning Board Member David Samuelson

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

ADJOURNMENT

A motion was made by BOARD MEMBER SEPESSY, seconded by BOARD MEMBER LECHNER to close the regular meeting of the Zoning Board of Appeals of March 24, 2016 at 8:45 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN VERSTRATE declared the Motion approved.

DRAFT



ZONING BOARD OF APPEALS STAFF REPORT

May 26, 2016

INTERNATIONAL KIA (8301 159th Street)

Variations from the Sign Regulations Related to Wall Signage

Petitioner

Erin Livingston of All-Right Sign, Inc. on behalf of Pattison Sign Group and International Kia

Property Address

8301 159th Street

PIN

27-23-202-010-0000

Parcel Size

3.01 acres ±
(131,440 square feet)

Zoning

B-5 (Automotive Service)

Subdivision

Gray Properties 159th Street Commercial Subdivision

Publication

Daily Southtown
(May 8, 2016)

Requested Action

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

Project Planner

Stephanie Kisler
Planner I



Current View of International Kia

SUMMARY OF VARIATION REQUESTS

The Petitioner, Erin Livingston of All-Right Sign, Inc. on behalf of Pattison Sign Group and International Kia, is requesting the following Variations:

1. A Variation from Section IX.D.1.c. of the Zoning Ordinance to allow a total of three (3) wall signs where one (1) sign shall be allowed for each principal building.
2. A fifty-four (54) square foot Variation from Section IX.D.3.b. of the Zoning Ordinance where one hundred (100) square feet is the total sign area allowed for the Subject Property.

These Variations would allow the Petitioner to construct a total of three (3) wall signs on the building, comprising a total of one hundred seventeen (117) square feet of sign face area (in addition to an existing thirty-seven (37) square foot freestanding sign) at 8301 159th Street in the B-5 (Automotive Service) Zoning District and within the Gray Properties 159th Street Commercial Subdivision.

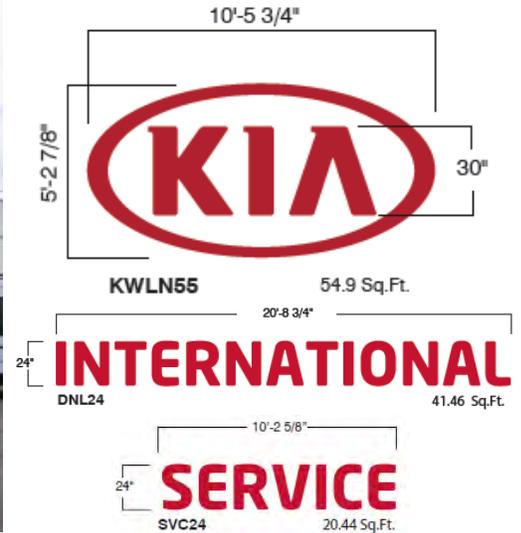
VILLAGE STAFF COMMENTS

Staff has reviewed the petition for Variations from the maximum number of wall signs and maximum allowable sign face area for the new International Kia car dealership located at 8301 159th Street. As part of transitioning the former Mini of Tinley Park into International Kia, the dealership is completing a façade improvement and is rebranding the site with Kia brand signage. The dealership has applied for a permit to begin work on the façade and has received a sign permit for the Kia logo sign. The requested Variations relate to the signs reading “International” and “Service”.

Proposed Façade Improvement/Rebranding



Proposed Wall Signage



Variation #1: Number of Signs

The Zoning Ordinance’s Sign Regulations (Section IX.D.1.c.) currently allow one sign for interior lots and two signs for corner lots. The Zoning Ordinance does not take into account instances where a logo sign may be separated from other aspects of the signage, such as proposed with the Kia logo sign, which is placed at a distance from the “International” sign (“International” is the name of the dealership). If the logo and the dealer name were placed directly adjacent to each other, then they could be considered as a single sign. In this instance, the logo and dealer name are placed too far apart to be considered as one sign. Additionally, the Zoning Ordinance does not specifically address wayfinding-type signs such as the proposed “Service” sign. This sign is important because it directs the customer to the vehicle service area of the building. The business has two main functions: vehicle sales and vehicle service. Thus, the Petitioner has proposed a total of three (3) unique wall signs, when only one (1) sign is allowed in order to help distinguish the brand’s sales and service areas of the business.

Staff investigated the existing signage at the seven (7) other car dealerships in Tinley Park on 159th Street (listed at right) and found that the Petitioner’s request is consistent with other dealership wall signage. Typically, the car dealerships tend to have a minimum of three (3) wall signs: a logo, a dealer name, and a service center sign.

Tinley Park Car Dealerships Along 159 th Street	
1.	Audi Orland Park
2.	Jaguar/Land Rover/Range Rover/Subaru/Volvo Orland Park
3.	Family Hyundai
4.	International Kia
5.	Bettenhausen Chrysler/Jeep/Dodge/Ram
6.	Rizza Cadillac/Buick/GMC
7.	Orland Toyota/Scion
8.	Apple Chevrolet

The Tinley Park car dealerships not only compete with each other, but also have competition with other car dealerships across 159th Street in Orland Park. During a visual inventory of the car dealerships on the north side of 159th Street in Orland Park, Staff noted that it was also typical for these dealerships to have at least three (3) wall signage noting their logo, dealer name, and service center identification. Staff researched Orland Park’s sign regulations for car dealerships and found that extra secondary wall signage is permitted depending on the size of the building.

In order for the car dealerships in Tinley Park to remain competitive, several car dealerships have requested Variations to allow for more competitive visibility along 159th Street. The Tinley Park Zoning Ordinance currently does not have distinct regulations for auto-related uses. Staff anticipates the need to address this issue in a future Text Amendment.

Variation #2: Allowable Sign Area

The Petitioner is also requesting a Variation from the allowable area for a wall sign. Per the Village Zoning Ordinance (Section IX.D.3.b.) one (1) square foot per frontage foot of tenant frontage facing the main public street is allowed for buildings up to one hundred feet (100’) long. The Kia building frontage along 159th Street is one hundred feet (100’) long, therefore one hundred (100) square feet of signage is permitted. The Petitioner is requesting a Variation of fifty-four (54) square feet for the total sign area (for all three signs) of one hundred seventeen (117) square feet (in addition to an existing thirty-seven (37) square foot freestanding sign) .

Proposed Signage	Sign Face Area (sq.ft.)
<p>10'-5 3/4"</p> <p>5'-2 7/8"</p> <p>30"</p> <p>KIA</p> <p>KWLN55 54.9 Sq.Ft.</p>	54.9
<p>20'-8 3/4"</p> <p>24"</p> <p>INTERNATIONAL</p> <p>DNL24 41.46 Sq.Ft.</p>	41.46
<p>10'-2 5/8"</p> <p>24"</p> <p>SERVICE</p> <p>SVC24 20.44 Sq.Ft.</p>	20.44
TOTAL	116.8

The Sign Regulations provide some guidance as to total allowable square footage for a building in the B-5 Zoning District. For buildings in excess of 100 lineal feet of building frontage, a maximum of one hundred twenty (120) square feet is allowed; therefore the proposed total square footage for Kia (117 sq.ft.) is less than the established maximum. An informal inventory of car dealership wall signage along 159th Street indicates that the proposed area of signage is consistent with signage of other car dealerships in the area.

DRAFT FINDINGS OF FACT AS PREPARED BY STAFF

Per Section X.G.4. of the Zoning Ordinance, the Zoning Board of Appeals shall not recommend a Variation of the regulations of the Zoning Ordinance unless it shall have made Findings of Fact, based upon the evidence presented for each of the Standards for Variations listed below. Staff has prepared draft responses for the Findings of Fact (listed in bullet points) based on the information supplied by the Petitioner and the information researched by Staff as of May 20, 2016. The Zoning Board of Appeals may accept, delete, or amend the following findings based on information provided during the Public Hearing and enter them as part of the record.

- 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.**
 - The property would be at a competitive disadvantage with other car dealerships in the 159th Street corridor if the Petitioner were permitted to have only one (1) wall sign. All other car dealerships in this area have multiple wall signs.
 - As stated by the Petitioner, the dealership would be out of compliance with corporate standards if the Petitioner was not allowed to have multiple wall signs.

- 2. The plight of the owner is due to unique circumstances.**
 - The request is unique to car dealerships but not to this property owner alone. Other car dealers in the immediate vicinity have multiple wall signs.

- 3. The Variation, if granted, will not alter the essential character of the locality.**
 - The character of the locality will not be altered because other automotive businesses in the area have multiple wall signs.

- 4. Additionally, 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.

APPROPRIATE MOTION

If the Zoning Board of Appeals wishes to make a motion, the following motion is written in the affirmative for the Board's consideration:

"...make a motion to consider recommending that the Village Board grant the Petitioners a Variation from Section IX.D.1.c. of the Zoning Ordinance to allow a total of three (3) wall signs where one (1) sign shall be allowed for each principal building and a fifty-four (54) square foot Variation from Section IX.D.3.b. of the Zoning Ordinance where one hundred (100) square feet is the total sign area allowed for the Subject Property. These Variations would allow the Petitioner to construct a total of three (3) wall signs on the building, comprising a total of one hundred seventeen (117) square feet of sign face area (in addition to an existing thirty-seven (37) square foot freestanding sign), at 8301 159th Street in the B-5 (Automotive Service) Zoning District and within the Gray Properties 159th Street Commercial Subdivision."

...With the following conditions:

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

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

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: All Right Sign

Mailing Address: 3628 Union Ave.

City: Steger State: IL Zip: 60475

Day Phone: [REDACTED] Evening Phone: Same

Cell Phone: N/A Fax Number: [REDACTED]

Email Address: [REDACTED]

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).
Agent on behalf of the owner and Pattison Sign Group

PROPERTY INFORMATION

Street Address: 8301 W. 159th St.

Owners: RGM Properties LLC

Francis International Kia

SPECIFIC TYPE OF VARIANCE REQUESTED (See Examples Below):

A variance from the current regulations in Section IX of the Zoning Ordinance. We are requesting two more wall signs.

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.”

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?

Reducing the amount of sign-age would decrease the visibility of the dealership. The surrounding dealerships have multiple wall signs creating a hardship for Kia International to advertise affectively.

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

International Kia is currently facing a hardship due to the existing dealerships within the area having multiple wall signs. International Kia is requesting two additional wall signs in order to stay competitive with its neighbors and be compliant with its corporate standards.

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

Kia Motors changed their corporate branding and is requiring all dealers to update their existing sign-age with the re-brand sign-age.

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.

The variance requested is unique as the suggested changes are in violation of the current ordinance slightly. The request is only coming forward so International Kia may stay compliant with corporate branding.

- 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.

Kia will lose their corporate branding if they do not update their sign-age. The intent proposing additional wall signs is to remain competitive with the surrounding dealerships.

- 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).

The proposed additional sign-age will not obstruct any viewing for for vehicular traffic.

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

Given the character of the neighborhood when considering the proposed sign-age , one can see that the recommenced changes are in line with the existing of other businesses in the area.

FINDINGS OF FACT (Continued)

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

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

The sign-age will be mounted to the wall of the building and will not impair an adequate supply of light or air to adjacent properties.

2. Substantially increase the congestion of the public streets.

The sign-age will be mounted to the wall of the building and will cause and congestion of the public streets.

3. Increase the danger of fire.

All electrical companies are UL listed and will be installed in accordance to the NECA standards and village codes.

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

The sign-age will be mounted to the wall of the building and will not cause or create drainage problems on adjacent property.

5. Endanger the public safety.

The proposed changes will not endanger the public's safety as the sign will be installed by a licensed and bonded sign company with 25 years of experience. The sign will also be inspected by the village for approval.

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

The proposed sign-age is in line with the current signage along 159th st. Updating the sign will continue to raise the standards for future signs. This will help keep the property values up rather than impairing them.



LETTER OF AUTHORIZATION

Note: All items in bold to be filled in.

R6M PROPERTIES LLC

Property Owner / Agent Address

Company Name:

Mailing Address:
8031 W. 159th ST
TINLEY PARK IL 60477

Contact: VICKI RENIER

Tel: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Site Address Information

Company Name:

Mailing Address:

Contact:

Tel:

Fax:

Email:

I, **(PLEASE PRINT NAME) Francis Maww** owner/agent of
8301 W 159th st
 (Location Site) **Tinley Park IL 60477**

property, give **PATTISON SIGN GROUP Inc** authorization to install signage at the above mentioned property

This letter shall also serve to authorize **PATTISON SIGN GROUP Inc** to act as our agent when applying for the necessary municipal approvals and permits.

Date: **8/15/15**
 Owner/Agent: **Francis Maww**

Legal description of property: _____



International Kia

8301 W. 159th Street

Tinley Park, IL 60477

Re: Letter of Authorization to Obtain Sign Permits and Install Signs

Please accept this letter as authorization from Pattison Sign Group for All-Right Sign at 3628 Union Ave. Steger, IL 60475 to obtain any necessary permits as well as install new signage at International Kia at 8301 W. Tinley Park, IL 60477.

Jennifer Hebar
Owner Signature

12-14-15
Date

Jennifer Hebar
Printed Name

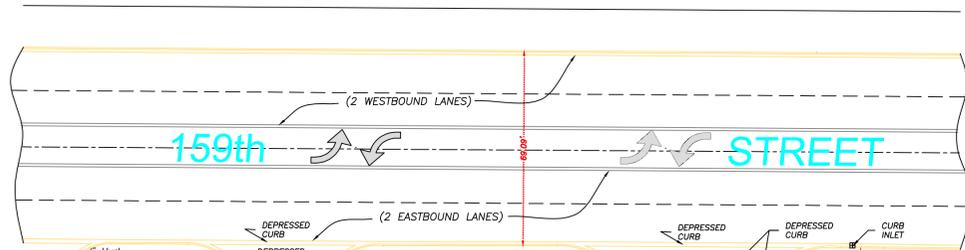
ALTA/ACSM LAND TITLE SURVEY

LOT 3 AND THE EAST 30 FEET OF LOT 2 IN GRAY PROPERTIES 159TH STREET COMMERCIAL SUBDIVISION OF THE NORTH 650.00 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS (EXCEPT THAT PART THEREOF DEEDED TO THE COMMONWEALTH EDISON COMPANY AND EXCEPT THAT PART THEREOF PREVIOUSLY DEDICATED FOR HIGHWAY PURPOSES), ACCORDING TO THE PLAT THEREOF RECORDED JULY 31, 1987 AS DOCUMENT 87421369, IN COOK COUNTY, ILLINOIS.

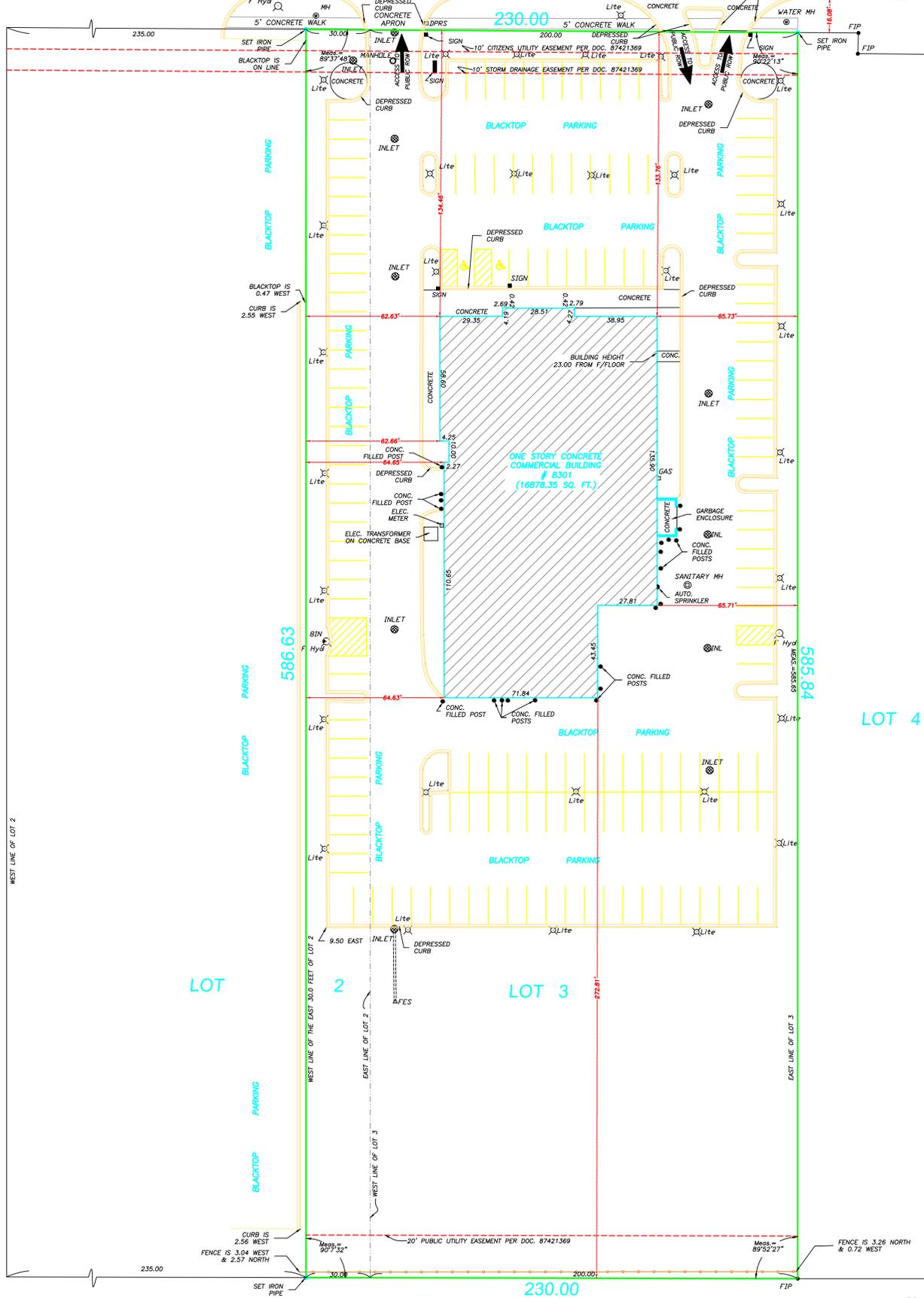
P.I.N.: 27-23-202-003
27-23-202-008



Vicinity Map
n.t.s.



ASSUMED NORTH



CERTIFIED TO:
GARTNER HOLDINGS, INC.
MB FINANCIAL BANK, N.A.
CHICAGO TITLE INSURANCE COMPANY

ALTA/ACSM CERTIFICATION:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM IN 1990, INCLUDES ITEMS 1, 2, 3, 4, 7A, 7(b), 8, 9, 10, 11(b), 13 AND 15 OF TABLE A THEREOF, AND PURSUANT TO THE ACCURACY STANDARDS (AS ADOPTED BY ALTA AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION) OF AN "URBAN SURVEY".

DATE: _____

SIGNED: _____
ILLINOIS LAND SURVEYOR No. 1863



Miscellaneous Notes

Property Area= 134898.79 Sq. Ft. or 3.0948 Acres.
Building Area= 16878.35 Sq. Ft.
Building Height= 23.0 Feet (From Finish Floor)

Regular Parking Spaces = 155
Handicapped Parking Spaces = 2
Total Parking Spaces = 157

FLOOD NOTE:
By graphic plotting only, this property is in Zone "X" of the Flood Insurance Rate Map, Community Panel No. _____ which bears an effective date of _____ and is not in a Special Flood Hazard Area.



Scale 1" = 30'

LEGEND

⊙	= CATCH BASIN/INLET	CONC.	= CONCRETE
⊕	= FIRE HYDRANT	FR	= FOUND IRON ROD
⊖	= GAS VALVE	FIP	= FOUND IRON PIPE
⊗	= LIGHT	INV.	= INVERT
⊘	= LIGHT	(M)	= MEASURED
⊙	= FLARED END SECTION	M.E.S.	= MITERED END SECTION
⊙	= SANITARY MANHOLE	M.H.	= MANHOLE
⊙	= STORM MANHOLE	PVC	= POLYVINYL CHLORIDE PIPE
⊙	= deciduous tree	(P)	= DESCRIBED BY PLAT
⊙	= coniferous tree	P.B.	= PLAT BOOK
⊙	= electric transformer	RCP	= REINFORCED CONCRETE PIPE
⊙	= telephone vault	R/W	= RIGHT OF WAY
⊙	= utility pole	T.O.B.	= TOP OF BANK
⊙	= water box (8" box)	T.O.S.	= TOP OF SLOPE
⊙	= water vault	U.G.	= UNDERGROUND
⊙	= CURB INLET	EL	= ELEVATION
		EDP	= EDGE OF PAVEMENT
		FW	= WATER VALVE
		FHA	= FIRE HYDRANT ASSEMBLY

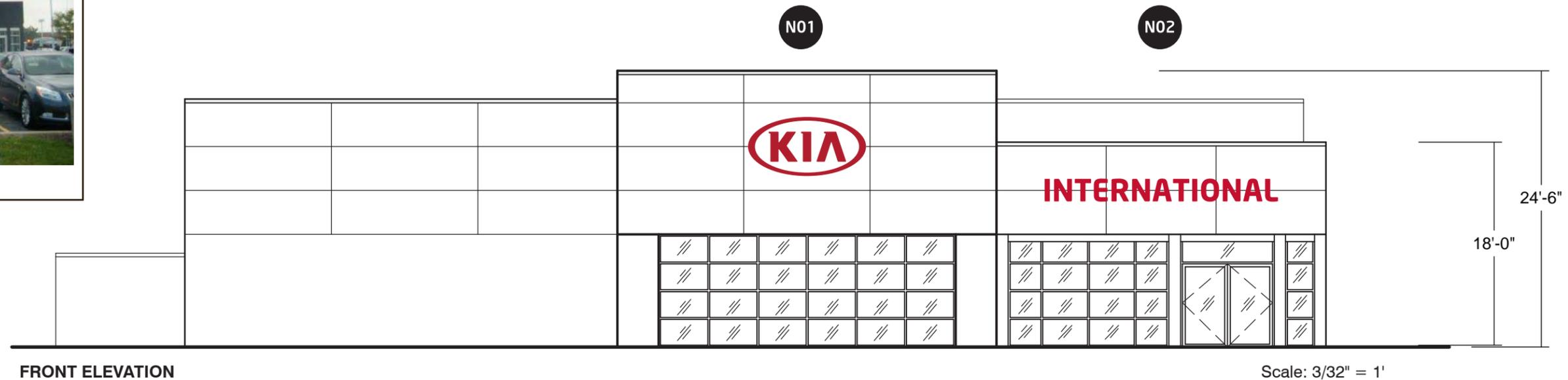
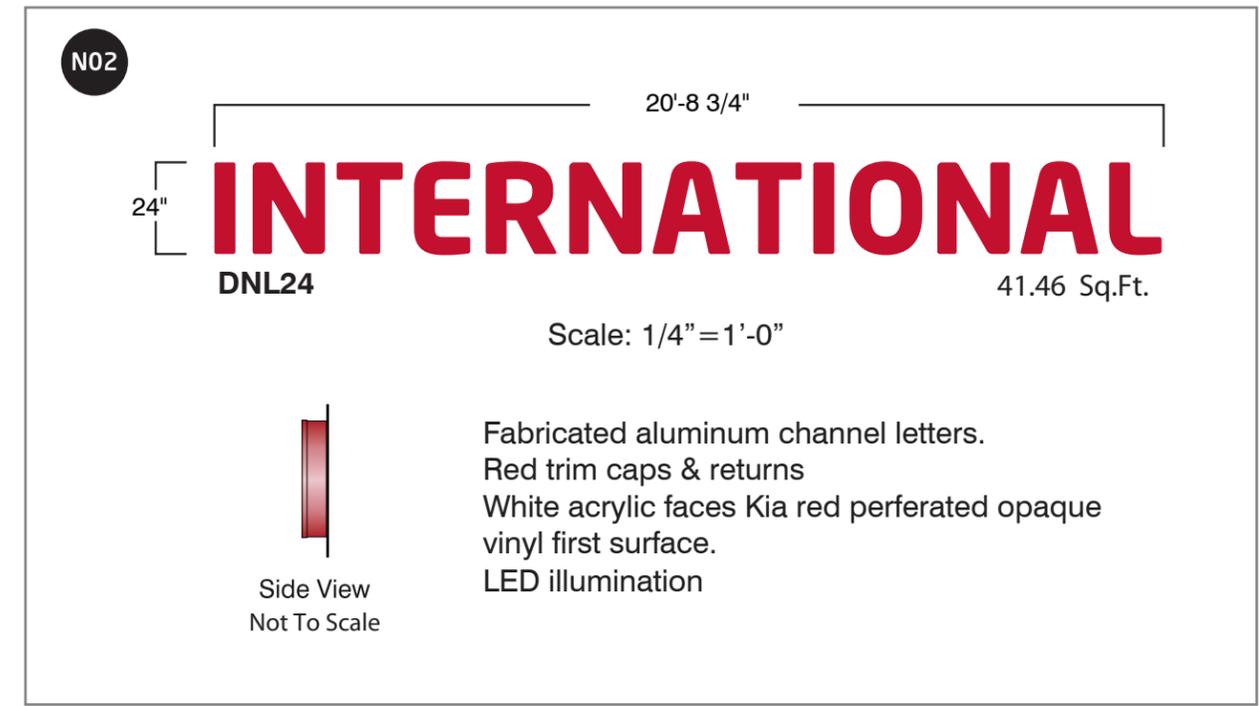
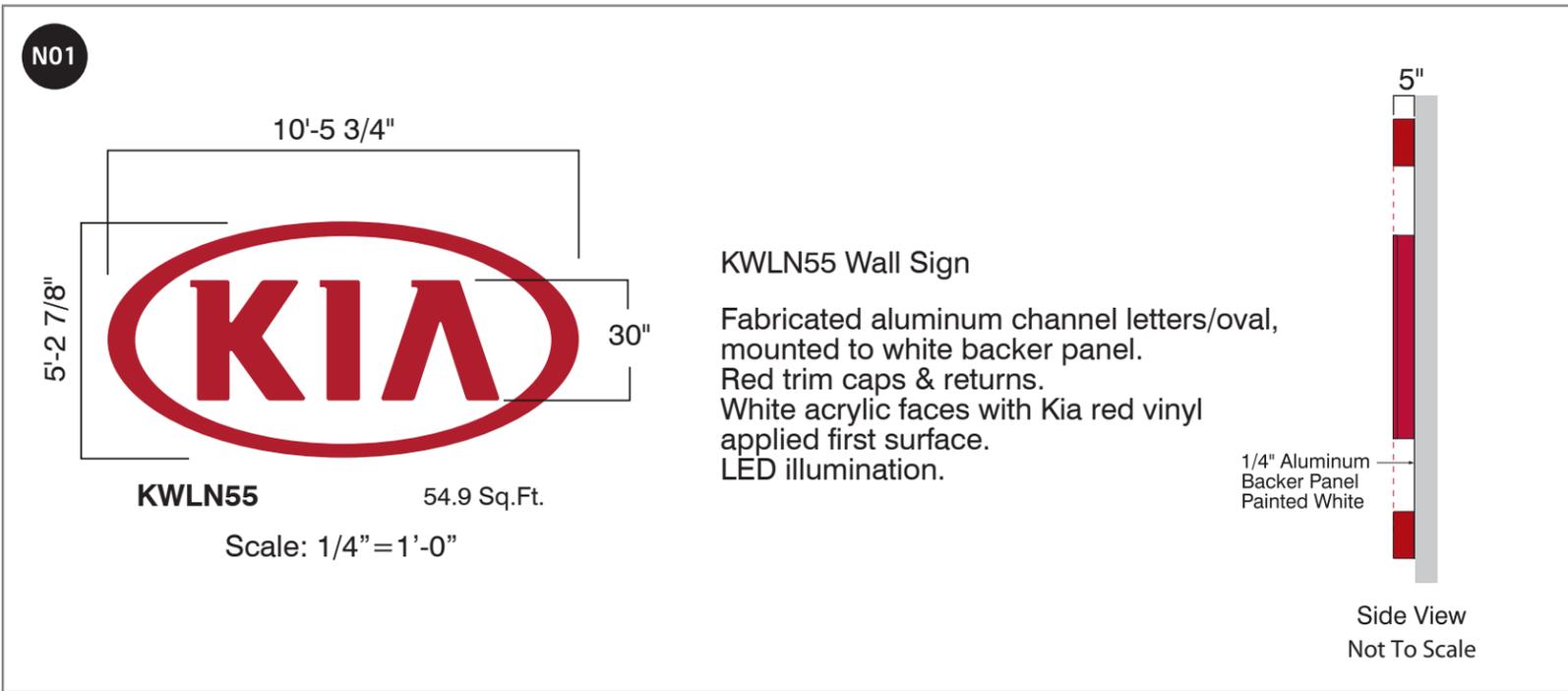
SHEET NO. 1 OF 1	ALTA/ACSM LAND TITLE SURVEY	THIS SURVEY PREPARED FOR: CLINGEN, CALLOW	PREPARED BY: LAMBERT AND ASSOCIATES 320 SOUTH REBER STREET WHEATON, ILLINOIS 60187 PHONE (630) 653-6331 FAX (630) 653-6396	DWN	RBZ				
				PC	RBZ				
				CK'D.	NVL				
				DATE:	12-01-04				
				ORDER:	04 K 161				
				FILE No.	04 1616	REVISION	NO.	DATE	BY



KIA Dealer Identity Program



IL073 – International Kia



Customer Approval: _____

Date: _____

NOTE: DIMENSIONS ARE APPROXIMATE PENDING FINAL ENGINEERING

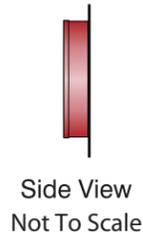
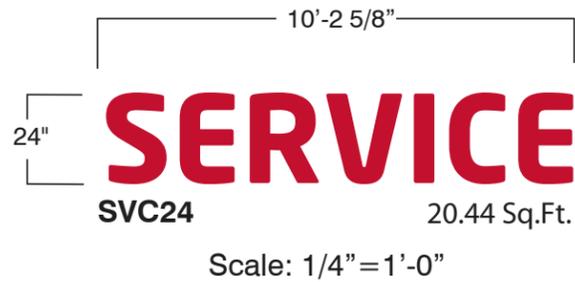
This sign intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign.

Pattison Sign Group illuminated signs contain Fluorescent, Neon and/or HID Lamps. These lamps contain Mercury (Hg). Dispose of these lamps according to Local, Provincial, State, or Federal Laws.

IT IS AGREED THAT THE CLIENT IS ENTIRELY RESPONSIBLE TO INSTALL THE CONCRETE BASE AS PER PATTISON SIGN INC. TECHNICAL DRAWINGS OR THE EQUIVALENT. WHERE AN EXISTING BASE IS USED, THE CLIENT AGREES TO CHECK THAT THE CONCRETE BASE CAN SUPPORT THE SIGN AS SUPPLIED BY PATTISON SIGN INC. PATTISON SIGN GROUP INC. WILL NOT ACCEPT ANY LIABILITY.

CLIENT:	IL073 - International Kia		
LOCATION:	8301 W 159th Street, Tinley Park, IL 60477		
DESIGNER:	H. Wallace	DATE:	12-10-15
REVISED BY:		REV:	
PAGE:	2/4	SCALE:	AS NOTED

N03

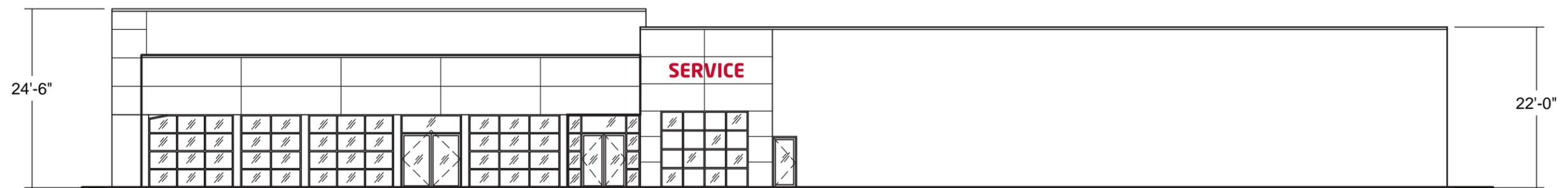


Fabricated aluminum channel letters.
Red trim caps & returns
White acrylic faces Kia red perforated opaque vinyl first surface.
LED illumination



SERVICE AREA - Existing

N03



RIGHT ELEVATION

Scale: 1/16" = 1'



410 N. CEDAR BLUFF RD. • SUITE 101 • KNOXVILLE, TN 37923
• Tel (865) 693-1105 • Fax (888) 694-1106 • Toll Free (866) 218-1976

Customer Approval:

Date: _____

NOTE: DIMENSIONS ARE APPROXIMATE PENDING FINAL ENGINEERING



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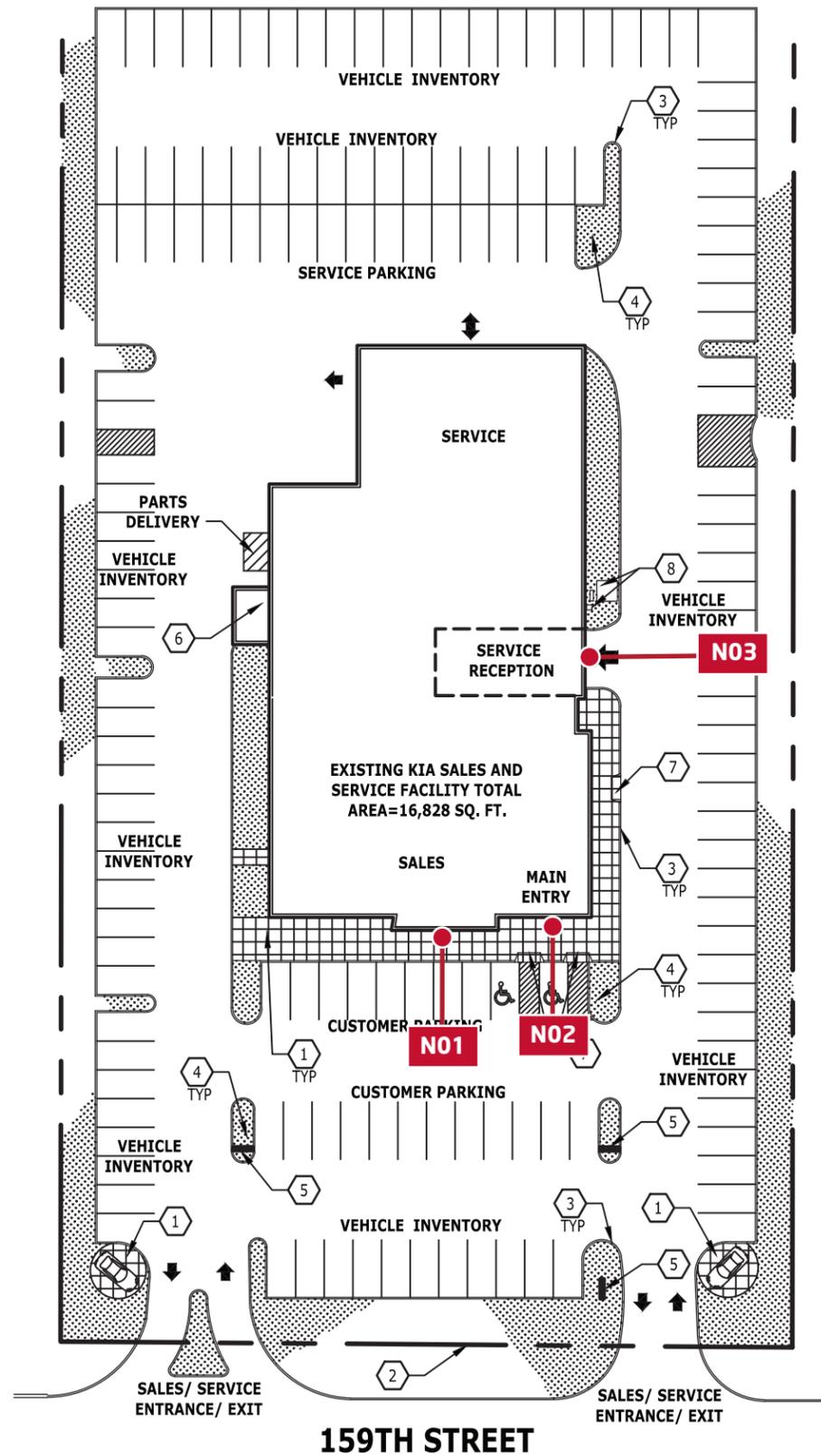
Pattison Sign Group illuminated signs contain Fluorescent, Neon and/or HID Lamps. These lamps contain Mercury (Hg). Dispose of these lamps according to Local, Provincial, State, or Federal Laws.

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© PATTISON SIGN GROUP INC. ALL RIGHTS RESERVED, NO PART OF THIS DRAWING MAY BE REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION FROM PATTISON SIGN GROUP INC.

www.pattisonsign.com

CLIENT:	IL073 - International Kia		
LOCATION:	8301 W 159th Street, Tinley Park, IL 60477		
DESIGNER:	H. Wallace	DATE:	12-10-15
REVISED BY:		REV:	
PAGE:	3/4	SCALE:	AS NOTED



- N01** KWLN55 Wall Sign
- N02** DNL24 Dealer Name Letters
- N03** SVC24 Service Letterset



Customer Approval: _____
Date: _____

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DESIGNER:	H. Wallace	DATE:	12-10-15
REVISED BY:		REV:	
PAGE:	4/4	SCALE:	AS NOTED

Daily Southtown

8301 159th Street

5/08/2016

Certificate of Publication

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

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

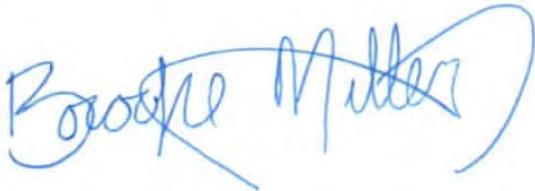
The first publication of the notice was made in the newspaper, dated and published on **5/08/2016** and the last publication was **5/08/2016**

The notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1.

In witness, Daily Southtown has signed this certificate by its registered agent.

Daily Southtown

By:



Registered Agent

Legal Text

LEGAL NOTICE NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Village of Tinley Park, Cook and Will Counties, Illinois, will conduct a Public Hearing beginning at the hour of 7:30 p.m. on Thursday, May 26, 2016 at the Village Hall in the Council Chambers, 16250 South Oak Park Avenue, Tinley Park, Illinois. The purpose of the Public Hearing is to consider whether to recommend to the Village Board to grant the Petitioner, Erin Livingston of All-Right Sign, Inc. on behalf of Pattison Sign Group and International Kia, the following Variations concerning signage on an existing building located at 8301 159th Street, Tinley Park, Illinois: 1. A Variation from Section IX.D.1.c. of the Zoning Ordinance to allow a total of three (3) wall signs where one (1) sign shall be allowed for each principal building. 2. A fifty-four (54) square foot Variation from Section IX.D.3.b. of the Zoning Ordinance where one hundred (100) square feet is the total sign area allowed for the Subject Property. These Variations would allow the Petitioner to construct a total of three (3) wall signs on the building, comprising a total of one hundred seventeen (117) square feet of sign face area (in addition to an existing thirty-seven (37) square foot freestanding sign) at 8301 159th Street in the B-5 (Automotive Service)

Zoning District and within the Gray Properties 159th Street Commercial Subdivision. LEGAL DESCRIPTION: LOT 3 AND THE EAST 30 FEET OF LOT 2 IN GRAY PROPERTIES 159TH STREET COMMERCIAL SUBDIVISION OF THE NORTH 650.00 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS (EXCEPT THAT PART THEREOF DEEDED TO THE COMMONWEALTH EDISON COMPANY AND EXCEPT THAT PART THEREOF PREVIOUSLY DEDICATED FOR HIGHWAY PURPOSES), ACCORDING TO THE PLAT THEREOF RECORDED JULY 31, 1987 AS DOCUMENT 87421369, IN COOK COUNTY, ILLINOIS. PARCEL IDENTIFICATION NUMBER: 27-23-202-010-0000 COMMONLY KNOWN AS: 8301 159th Street, Tinley Park, Illinois PETITIONER: Erin Livingston of All-Right Sign, Inc. on behalf of Pattison Sign Group and International Kia The proposed Variations may be added to, revised, or eliminated as a result of the Public Hearing. All persons interested may appear at the Public Hearing and will be given an opportunity to be heard relative to the proposed Variations. The Zoning Board of Appeals reserves the right to continue said meeting from time to time as may be required by the Illinois Open Meetings Act. BY ORDER OF THE TINLEY PARK ZONING BOARD OF APPEALS, COOK AND WILL COUNTIES, ILLINOIS. CHRIS VERSTRATE, CHAIRMAN, ZONING BOARD OF APPEALS.



ZONING BOARD OF APPEALS STAFF REPORT

May 26, 2016

FAMILY HYUNDAI (8101 159th Street)

Variations from the Sign Regulations Related to Wall and Freestanding Signage

Petitioner

Bret Skirvin of Site Enhancement Services on behalf of Watson Family Hyundai

Property Address

8101 159th Street

PIN

27-23-201-017-0000

Parcel Size

4.24 acres ±
(185,057 square feet)

Zoning

B-5 (Automotive Service)

Publication

Daily Southtown
(May 8, 2016)

Requested Action

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

Project Planner

Stephanie Kisler
Planner I



Family Hyundai (Fall 2015)

SUMMARY OF VARIATION REQUESTS

The Petitioner, Bret Skirvin of Site Enhancement Services on behalf of Watson Family Hyundai, is requesting the following Variations:

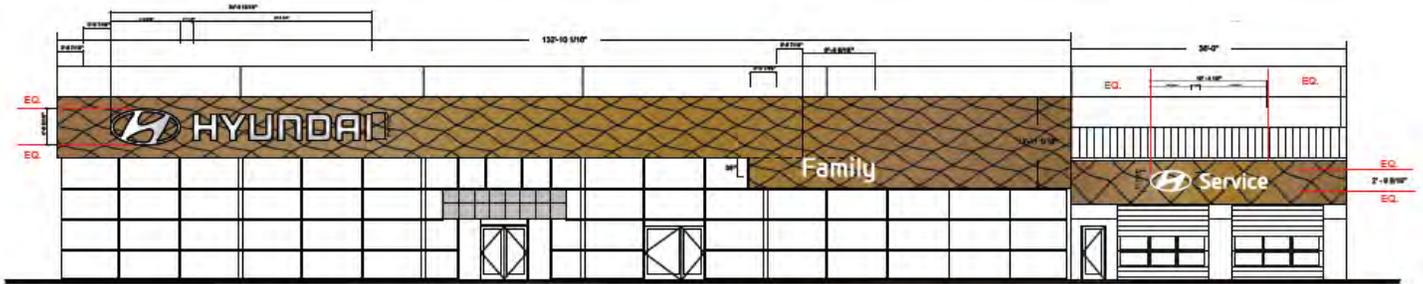
1. A Variation from Section IX.D.1.c. of the Zoning Ordinance to allow a total of five (5) signs where one (1) sign shall be allowed for each principal building; and
2. A four hundred thirty-three (433) square foot Variation from Section IX.D.3.b. of the Zoning Ordinance where one hundred seventeen (117) square feet is the total sign area allowed for the Subject Property; and
3. An eight foot (8') Variation from Section IX.D.4.a.(2) of the Zoning Ordinance where the maximum height for a freestanding sign is ten feet (10').

These Variations would allow the Petitioner to construct a total of four (4) wall signs on the building comprising three hundred ninety-four (394) square feet and one (1) freestanding sign comprising one hundred fifty-six (156) square feet for a total of five hundred fifty (550) square feet of signage, and allow for an existing eighteen foot (18') tall sign to be refaced to match current brand standards at 8101 159th Street in the B-5 (Automotive Service) Zoning District.

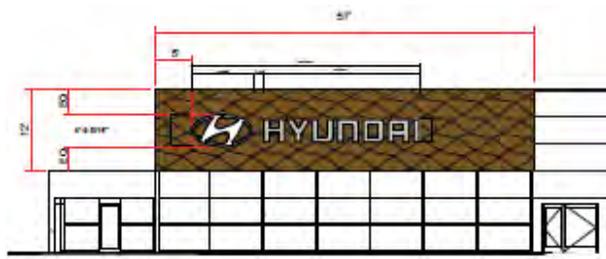
VILLAGE STAFF COMMENTS

Staff has reviewed the petition for Variations from the maximum number of wall signs, maximum allowable sign face area, and the maximum height for a freestanding sign for the Family Hyundai car dealership located at 8101 159th Street. As part of a corporate rebranding, the dealership is completing a façade improvement and is rebranding the site with current Hyundai brand standards. The dealership has received a permit to begin work on the façade. The façade improvement does not require modifications to the footprint of the existing building and therefore does not require Site Plan Approval from the Village’s Plan Commission. The requested Variations relate to the signs reading “Hyundai”, “Family and “Service”.

Proposed Façade Improvement/Rebranding



North Elevation



West Elevation

Previous Façade (Prior to Beginning Façade Improvement) & Existing Freestanding Sign



North Elevation

West/North Elevation



Proposed Wall Signage	Sign Face Area (sq.ft.)
	163.95
	163.95
	23.45
	43.0
TOTAL	394.35

Proposed Freestanding Signage	Sign Face Area (sq.ft.)
	155.55
TOTAL	155.55

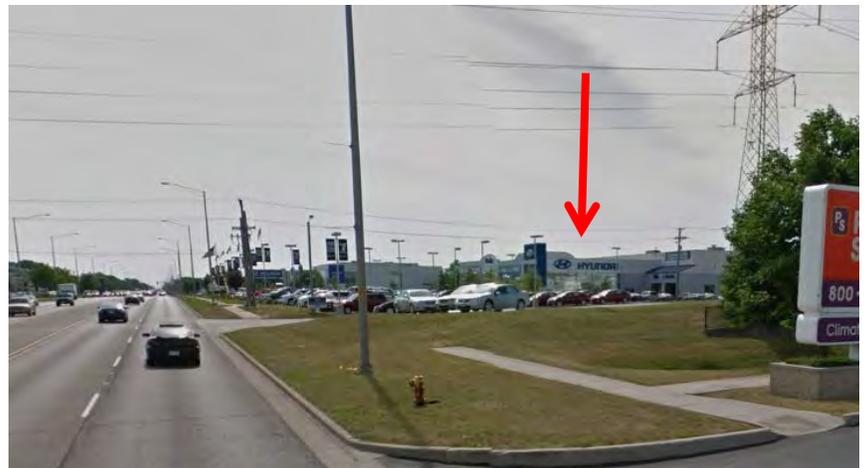
Variation #1: Number of Signs

The Zoning Ordinance’s Sign Regulations (Section IX.D.1.c.) currently allow one sign for interior lots and two signs for corner lots. The Petitioner is requesting a total of five (5) signs – four (4) wall signs and one (1) ground sign. Of the five (5) signs, one (1) sign can be considered a wayfinding sign (“Service”). The Zoning Ordinance does not specifically address wayfinding-type signs; however, it is important because it directs the customer to the vehicle service area of the building. The business has two main functions: vehicle sales and vehicle service. Thus, the Petitioner has proposed utilizing additional signage in order to help distinguish the brand’s sales and service areas of the business. The Petitioner is requesting retention of the same number of permanent signs that the building had before beginning the façade improvement (see photos at the bottom of page 2).

Staff investigated the existing signage at the seven (7) other car dealerships in Tinley Park on 159th Street (listed at right) and found that while the Petitioner’s request is consistent with its previous signage, it may not be consistent with other dealership wall sign area in the vicinity. Quantity-wise, other nearby car dealerships tend to have a minimum of three (3) wall signs: a logo, a dealer name, and a service center sign.

Tinley Park Car Dealerships Along 159th Street	
1.	Audi Orland Park
2.	Jaguar/Land Rover/Range Rover/Subaru/Volvo Orland Park
3.	Family Hyundai
4.	International Kia
5.	Bettenhausen Chrysler/Jeep/Dodge/Ram
6.	Rizza Cadillac/Buick/GMC
7.	Orland Toyota/Scion
8.	Apple Chevrolet

The fourth wall sign is proposed on the west façade and is a duplicate of the logo plus “Hyundai” sign proposed for the north façade of the building.



The Applicant has stated the request for retaining the fourth sign is due to the visibility of the west façade from eastbound traffic on 159th Street. This exposure is unique since the adjacent property to the west is the ComEd easement where Hyundai currently leases space for their inventory. The Petitioner has not erected signage on the ComEd easement and would like to continue to have a wall sign on this façade to assist in identifying the Hyundai sales office with the cars parked on the easement as well as maximize exposure for eastbound traffic on 159th Street.



The Tinley Park car dealerships not only compete with each other, but also have competition with other car dealerships across 159th Street in Orland Park. During a visual inventory of the car dealerships on the north side of 159th Street in Orland Park, Staff noted that it was also typical for these dealerships to have at least three (3) wall signage noting their logo, dealer name, and service center identification. Staff researched Orland Park's sign regulations for car dealerships and found that extra secondary wall signage is permitted depending on the size of the building.

In order for the car dealerships in Tinley Park to remain competitive, several car dealerships have requested Variations to allow for more competitive visibility along 159th Street. The Tinley Park Zoning Ordinance currently does not have distinct regulations for auto-related uses. Staff is currently working on a draft Text Amendment for signage for automobile dealerships.

Variation #2: Allowable Sign Area

The Petitioner is also requesting a Variation from the allowable area for the proposed wall signs and the freestanding sign. Per the Village Zoning Ordinance (Section IX.D.3.b.), one (1) square foot per frontage foot of tenant frontage facing the main public street is allowed for buildings up to one hundred feet (100') long and one-quarter (1/4) square foot of signage per every foot of building frontage in excess of one hundred feet (100').

The total building frontage measurement is one hundred sixty-eight (168) feet, which would allow a total of one hundred seventeen (117) square feet of signage ($100 * 1 = 100$; $68 * .25 = 17$; $100 + 17 = 117$).

The Petitioner is requesting a Variation of four hundred thirty-three (433) square feet to allow a total of five hundred fifty (550) square feet of sign area ($394.35 + 155.55 = 549.9$; $550 - 117 = 433$).

The Sign Regulations provide some guidance as to total allowable sign square footage for a building in the B-5 Zoning District. For buildings in excess of 100 lineal feet of building frontage, a maximum of one hundred twenty (120) square feet is allowed; therefore, the proposed total square footage for Family Hyundai (550 sq.ft.) is 430 square feet greater than the established maximum permitted in the Zoning Ordinance. Staff does not have access to measurements for sign area for other dealerships along 159th Street (in Tinley Park or Orland Park) to provide a thorough comparison; however, the proposed signage for Hyundai is attractive and in proportion to the scale of the building's façade.

Variation #3: Allowable Height for a Freestanding Sign

The Petitioner is also requesting a Variation for the existing freestanding sign's height (18'), which is legal nonconforming to the current regulations in height and sign area. The sign appears to have been used at a previous dealership location and was brought to the site in its current state when the Family Hyundai dealership was opened in 2007. The sign was mentioned in an inducement agreement in 2005 and 2008 and also was noted on their plans as "existing pylon signage, relocated per agreement with the Village of Tinley Park." While the Village allowed the sign, it was never formally granted Variations for the aspects that did not conform to the sign regulations.



Existing Freestanding Sign

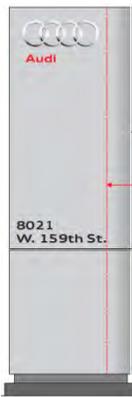


Proposed Rebranding on Freestanding Sign

A freestanding sign height of eighteen feet (18') is consistent with other freestanding signs in the area and is typical for both Tinley Park and Orland Park car dealerships along 159th Street. The Village recently granted Variations for sign height to several car dealerships, including the five (5) shown below.



International Kia
(14' 1.25" tall, 2016)



Audi of Orland Park
(15' tall, 2014)



Mini of Tinley Park
(15' tall, 2014)



Bettenhausen
(14' tall, 2014)



Apple Chevrolet
(18' tall, 2012)

One reason that the Village has granted Variations for sign height to car dealerships is that the Village of Orland Park allows their car dealerships along 159th Street to have freestanding signs that are a maximum of eighteen feet (18') tall (see *Village of Orland Park Land Development Code, Article 6, Part 3, Section 6-307.P1.b.3.*). In order for the car dealerships in Tinley Park to remain competitive, several car dealerships have requested Variations to allow for more equivalent visibility along a roadway with a high traffic count.

It is important to note that the Sign Regulations within the Zoning Ordinance require “extensive landscaping around the base of the sign so as to screen the base of the sign from view from the adjoining street and adjoining properties” per Section IX.D.5. As it exists today, the base of the sign does not have any landscaping. When Staff discussed this concern with Graham Watson of Family Hyundai, he indicated that it would be unlikely for them to be able to construct a landscape island around the existing sign because it may interfere with the drainage of the parking lot and the structural integrity of the sign. Staff noted that the intent of the regulation could be met by adding planters around the base of the sign. Staff recommends adding this as a condition of the Variation for the freestanding sign.



DRAFT FINDINGS OF FACT AS PREPARED BY STAFF

Per Section X.G.4. of the Zoning Ordinance, the Zoning Board of Appeals shall not recommend a Variation of the regulations of the Zoning Ordinance unless it shall have made Findings of Fact, based upon the evidence presented for each of the Standards for Variations listed below. Staff has prepared draft responses for the Findings of Fact (listed in bullet points) based on the information supplied by the Petitioner and the information researched by Staff as of May 20, 2016. The Zoning Board of Appeals may accept, delete, or amend the following findings based on information provided during the Public Hearing and enter them as part of the record.

- 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.**
 - The property would be at a competitive disadvantage with other car dealerships in the 159th Street corridor if the Petitioner were permitted to have only one (1) wall sign. All other car dealerships in this area have multiple wall signs.
 - As stated by the Petitioner, the dealership would be out of compliance with corporate standards if the Petitioner was not allowed to have multiple wall signs.
 - The Petitioner has an existing eighteen foot (18') tall freestanding sign and is proposing to rebrand the existing sign. The existing sign is not out of character with other car dealerships signs along 159th Street.

- 2. The plight of the owner is due to unique circumstances.**
 - The request is unique to car dealerships;. other car dealers in the immediate vicinity have multiple wall signs and freestanding signs that exceed ten feet (10') in height.

- 3. The Variation, if granted, will not alter the essential character of the locality.**
 - The character of the locality will not be altered because other automotive businesses in the area have multiple wall signs and freestanding signs that exceed ten feet (10') in height.

- 4. Additionally, 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.

APPROPRIATE MOTION

If the Zoning Board of Appeals wishes to make a motion, the following motion is written in the affirmative for the Board's consideration:

"...make a motion to consider recommending that the Village Board grant the Petitioner, Bret Skirvin of Site Enhancement Services on behalf of Watson Family Hyundai, the following Variations:

1. A Variation from Section IX.D.1.c. of the Zoning Ordinance to allow a total of five (5) signs where one (1) sign shall be allowed for each principal building; and
2. A four hundred thirty-three (433) square foot Variation from Section IX.D.3.b. of the Zoning Ordinance where one hundred seventeen (117) square feet is the total sign area allowed for the Subject Property; and
3. An eight foot (8') Variation from Section IX.D.4.a.(2) of the Zoning Ordinance where the maximum height for a freestanding sign is ten feet (10').

These Variations would allow the Petitioner to construct a total of four (4) wall signs on the building comprising three hundred ninety-four (394) square feet and one (1) freestanding sign comprising one hundred fifty-six (156) square feet for a total of five hundred fifty (550) square feet of signage, and allow for an existing eighteen foot (18') tall to be refaced to match current brand standards at 8101 159th Street in the B-5 (Automotive Service) Zoning District."

...With the following conditions:

1. That planters be provided at the base of the freestanding sign in order to meet the intent of the Zoning Ordinance where "extensive landscaping around the base of the sign so as to screen the base of the sign from view from the adjoining street and adjoining properties" is required.
2. *[any other conditions that the Zoning Board of Appeals would like to recommend.]*

...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.]*

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: Bret Skirvin

Mailing Address: 6001 Nimtz Parkway

City: South Bend State: IN Zip: 46628

Day Phone: [REDACTED] Evening Phone: [REDACTED]

Cell Phone: [REDACTED] Fax Number: [REDACTED]

Email Address: [REDACTED]

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).
Authorized Agent

PROPERTY INFORMATION

Street Address: 8101 W 159th Street Tinley Park, IL 60477

Owners: Family Hyundai

SPECIFIC TYPE OF VARIANCE REQUESTED (See Examples Below):

See findings of fact attachment.

Examples of Specific Type of Variance Requested:

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

“A 15 foot Variance to the Front Yard Setback on the East side of the property to allow for a 6-foot tall cedar fence on this corner lot.”

“A 180 square foot variance to the 720 square foot maximum allowable size of an accessory structure to allow for a 30 foot or 900 square foot garage on this residential property.”

“A 10 foot variance to the 10 foot maximum allowable height for a sign to allow for a 20 foot high monument sign on this commercial property.”

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

See findings of fact attachment.

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: _____ Date: 4-12-2016

Printed Name: Bret Skirvin

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?

See findings of fact attachment.

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

See findings of fact attachment.

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

See findings of fact attachment.

FINDINGS OF FACT (CONTINUED)

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

See findings of fact attachment.

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

See findings of fact attachment.

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

See findings of fact attachment.

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

See findings of fact attachment.

FINDINGS OF FACT (Continued)

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

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

See findings of fact attachment.

2. Substantially increase the congestion of the public streets.

See findings of fact attachment.

3. Increase the danger of fire.

See findings of fact attachment.

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

See findings of fact attachment.

5. Endanger the public safety.

See findings of fact attachment.

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

See findings of fact attachment.



12 April 2016
Findings of Fact

Family Hyundai
8101 West 159th Street
Tinley Park, IL

Reason for Request

Pursuant to Section D (1)(c) of the Sign Regulations *One primary sign...shall be allowed for each principle building* Hyundai is proposing a total of 4 Wall Signs which is 3 signs in excess of the code allowed 4. Due to the size of this business and the multiple entry points, it is necessary to promote the business brand over each elevation with a customer entrance as well as represent the service center which is unique to Car Dealership businesses.

Pursuant to Section D (3)(b) of the Sign Regulations *Area of signs for building frontage over 100 feet not to exceed 1/4 Square Foot per frontage foot in excess of 100 feet of frontage but in no event more than 120 SF of facing* Hyundai is proposing a total of 394.35 Wall Sign SF which is 277.15 over the code allowed 117.2 SF.

Pursuant to Section D (4)(a)(2) of the Sign Regulations *No sign within a business or industrial area shall be erected at a height which causes the top of the sign to exceed ten (10) feet* Hyundai is proposing a total sign height of 18 feet which is 8 feet over the code allowed 10 feet.

Pursuant to Section D (3)(b) of the Sign Regulations *Area of signs for building frontage over 100 feet not to exceed 1/4 Square Foot per frontage foot in excess of 100 feet of frontage but in no event more than 120 SF of facing* Hyundai is proposing a 155.6 SF of Freestanding sign which is 38.4 SF over the code allowed 117.2 SF.

These are the findings of fact that must be proved to support the variance requested:

- A.) Describe the difficulty that you have in conforming with the *current* regulations and restrictions relation 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?**

The current regulations generalize commercial properties as a whole and do not account for unique businesses, like Car Dealerships. Car Dealerships occupy larger lots than most Standard

Commercial properties and they also require more signage to properly identify the business due to Car Brand Logo, Dealership Name and a sign identifying the service center (if applicable). The large lot and large setback from the public right of way require larger signage to be more visible in advance for passing customers. The Hyundai freestanding sign is utilized to identify the lot in which their dealership is located. This sign needs to be easily visible to passing traffic as this particular location is surrounded by other Car Dealerships, with similar sized signage. By allowing Hyundai to utilize and update their existing sign, we are ensuring that passing traffic will be able to identify this dealership more easily and without confusion.

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

This site is surrounded by other car dealerships that have very similar signage to what Hyundai has requested, both in terms of number of signs and square footage. Hyundai is requesting to update their existing signage with Hyundai's current design scheme. If held to code compliant, Hyundai would have significantly less signage than their surrounding competitors, and significantly less signage than what is currently on site. This would put them at a competitive disadvantage and more than likely decrease the viability of the business.

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

It is common practice for Car Dealerships to locate nearby other Car Dealership, this creates an "Auto Mall" along a highly trafficked corridor. The sign regulations are generalized across all B zoning districts, which does not allow for the unique business model that the Car Dealership must maintain.

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.

This business is an automotive retailer that has sign needs that a standard commercial property will not have. The sign ordinance is designed to generalize all non-residential zones into one sign category. A typical commercial business will only require modest signage that can identify the business over one main entrance, our business model has multiple entrances available for public use and offers services other than car sales. This business model requires multiple identifiers for both the brand being serviced and sold as well as the business owner authorized to represent this brand.

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.

Allowing for proper signage on-site would provide a public service by allowing safe wayfinding for the customers needing to locate the ingress/egress points. The proposed freestanding sign serves as advanced notice for traffic, to help customers safely navigate the lanes as they travel through the "auto mall" corridor. There is a necessity to identify the service center since it operates as a separate entity which can be utilized by all drivers and not just those who purchase vehicles at this dealership. The additional amount and square footage of wall signage requested is meant to be viewed while on premise, thus our request is not seeking gratuitous

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advertising for the business.

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).

The variance request for additional signs and square footage will not cause an obstruction or hazard to the driver. The wall signs are meant to be viewed on-site. All signs will meet sight triangle requirements and comply with Village setbacks. The dealership is already surrounded by other dealerships which have already implemented similar signage, and have proven to not cause harm or detriment to the public. This particular dealership has already established their presence in the community with the existing signage which we are requesting to be updated to modern design for the brand.

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

If this variance is granted it would keep the character of the neighborhood intact. The dealership is part of an "auto mall" neighborhood which includes several other dealerships, so the variance is very consistent with neighboring tenants.

H.) Describe how the requested Variance will not:

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

Variance for the freestanding sign height will meet all vision triangle and setback requirements. The shadows will neither reach the adjacent right of way nor cast onto neighboring properties.

2. Substantially increase the congestion of the public streets.

The new wall signs are intended to be viewed from on-site and will not cause a hazard to passing cars. The freestanding sign will help ease traffic congestion since it will be adequately visible and provide advanced notification for motorists traveling the "auto mall" corridor.

3. Increase the danger of fire.

The proposed signage will not in any way increase the danger of fire. All electrical codes will be met.

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

The wall signs will have no effect on the drainage. The proposed freestanding sign will not create any drainage problems, nor will it impair the natural drainage on adjacent property.

5. Endanger the public safety.

The signs would meet all building code and would be safely constructed and install. Provides

—

guidance for customers and helps diminish traffic hazards.

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

If this variance is approved it will help maintain the Iyundai's property value, where as if it were ~~denied~~ it would ~~decrease~~ its value. The requested ~~signage~~ will not have any effect on the neighboring properties.



March 22, 2016

Family Hyundai, Inc.
8101 W. 159th Street
Tinley Park, IL 60477

To Whom It May Concern:

This letter authorizes Remsing Construction Co. to represent Family Hyundai, Inc. for the purpose of acting as the applicant for the zoning ordinance variance.

Sincerely,

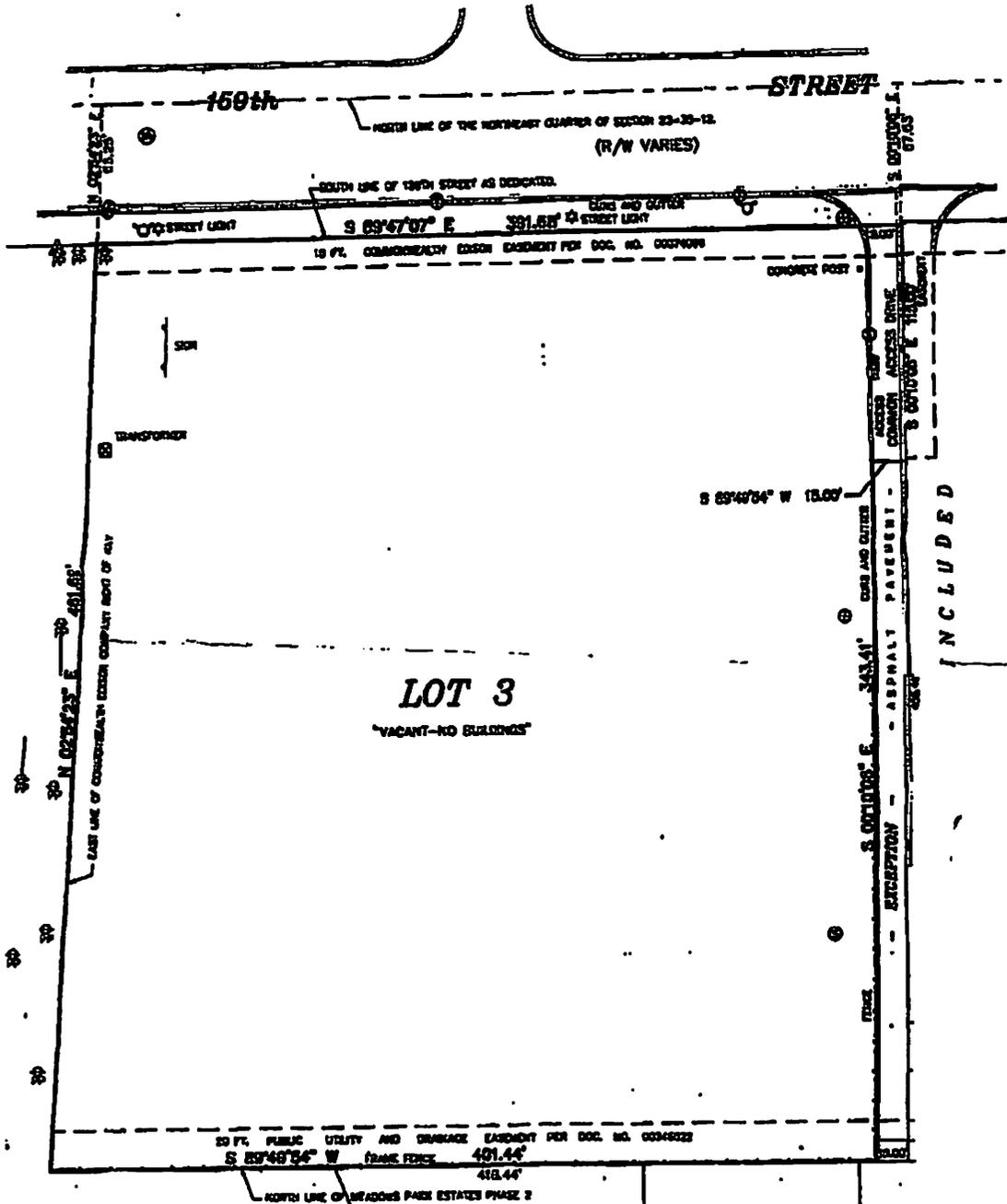
A handwritten signature in blue ink, appearing to read "R. D. Watson", written over a horizontal line.

Robert D. Watson, Sole member
159th Street Property, LLC

... LAND TITLE SURVEY ...

LOT 3 (EXCEPT THE EAST 15.00 FEET OF THE SOUTH 343.41 FEET THEREOF) IN LAUREL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PROPERTY CONTAINS: 121,768 sq. ft. (4.25 Acres), more or less.



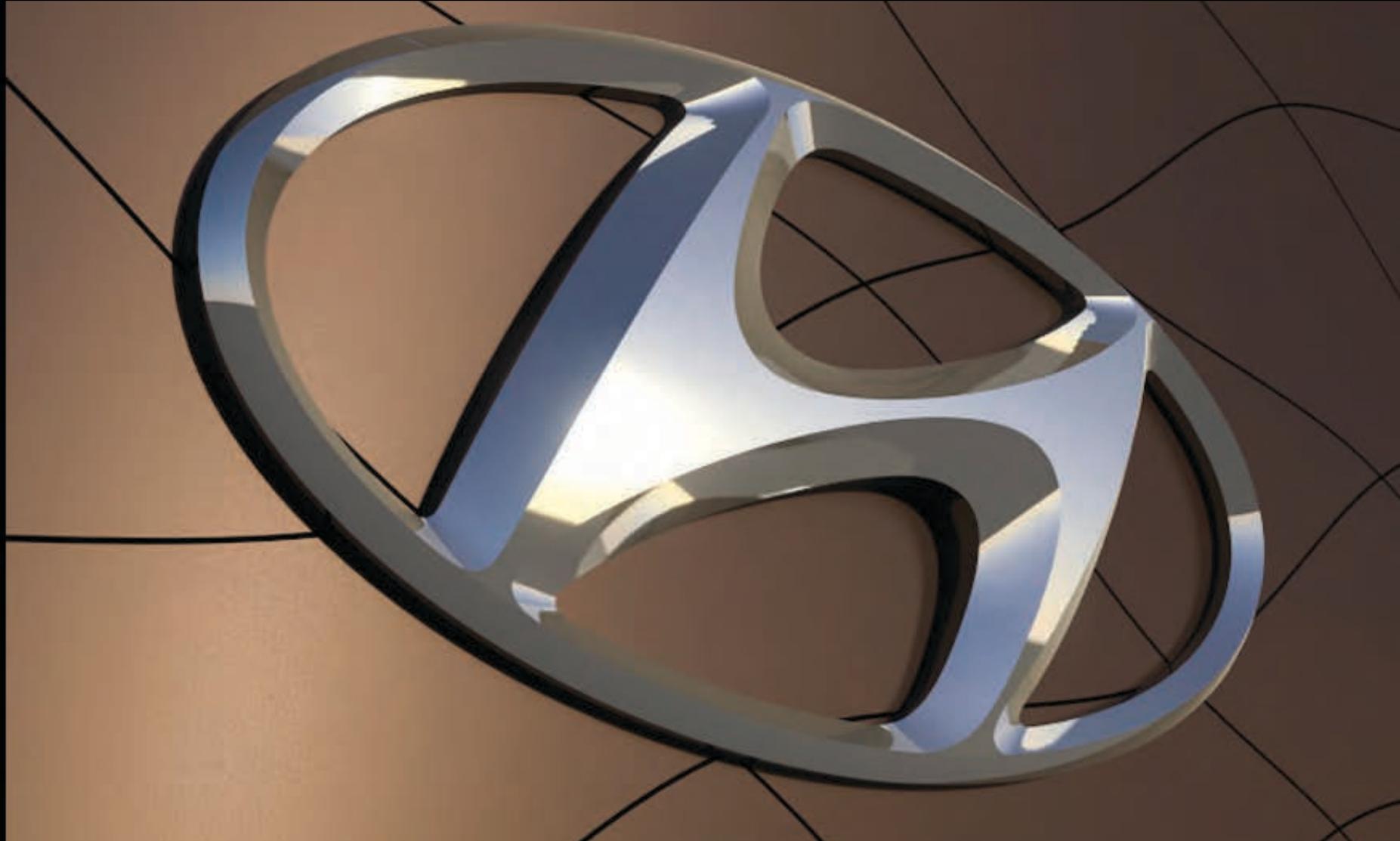
LOT 3
"VACANT-NO BUILDINGS"

I N C L U D E D

only, this property is in Zone "X" of the Flood Controlability Panel No. 1703100702 F which bears date November 6, 2000 which is in an area outside 100-year floodplain. (No shading).
we performed to determine this zone and as may be needed to verify this determination or from the Federal Emergency Management Agency.

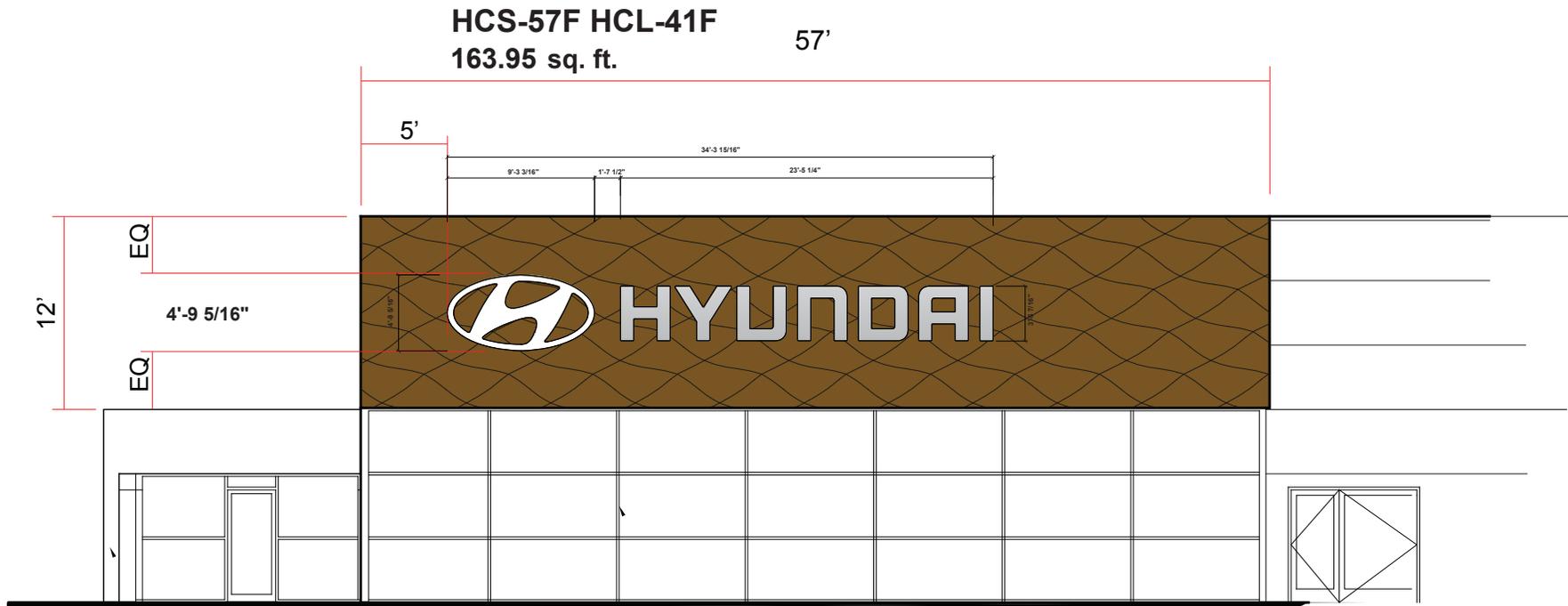
Survey

IL063 Family Hyundai



Art represents an approximation of sign and aluminum composite material (ACM) panel appearance.
 Dealer to provide 120 volt, 20 amp dedicated circuit to each sign.
 Dealer to provide behind-the-wall access for installation and structural support for signs.
 Please refer to AGI's Architectural Imaging's ACM proposal for details on that separate scope of work.
 See Terms and Conditions document for all signage requirements.
 Dealer to supply Terms and Conditions to GC, architect, and other construction team members.

Signs may require a variance.
 Dealer to paint blue metal panel above service entrance.



Right Elevation

8101 W 159th Street, Tinley Park, IL.



Location: IL063 Family Hyundai

AGI Rep: J.B.

Drawn by: MAH

Survey ID: N/A

Project Title: Hyundai GDSI

Site ID: N/A

Scale: 3/32"=1'

Date: 4/12/16

Date Revised:

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Ground sign to be installed on new foundation.
 Exact location of sign to be determined. Final location of sign subject to municipality approval.
 Copy on and placement of any directional signs to be verified by dealer.
 Dealer responsible for checking that site map matches final building configuration.



8101 W 159th Street, Tinley Park, IL.



Location: IL063 Family Hyundai

AGI Rep: J.B.

Drawn by: MAH

Survey ID: N/A

Project Title: Hyundai GDSI

Site ID: N/A

Scale: NTS

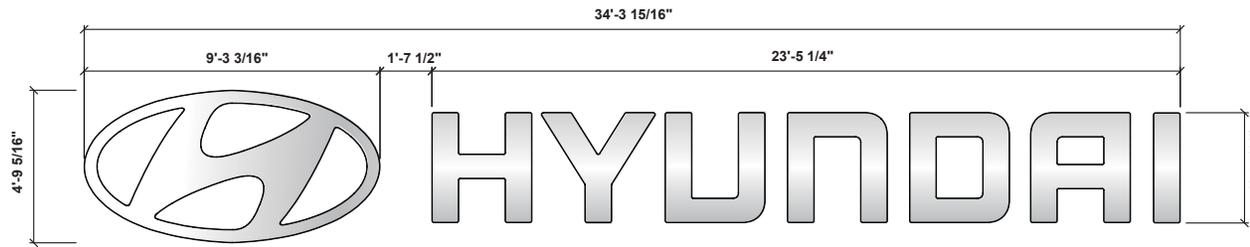
Date: 4/12/16

Date Revised:

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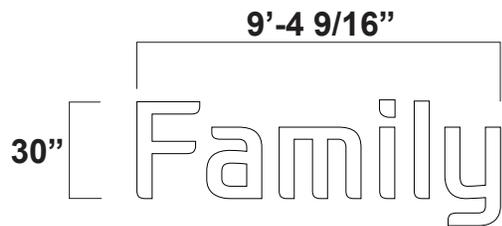
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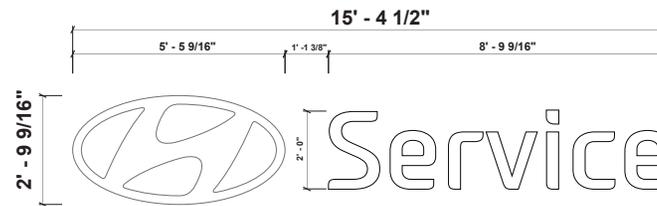


HCS-57F HCL-41F

163.95 sq. ft.



DNW-30F
23.45 SF.



SW-24F

8101 W 159th Street, Tinley Park, IL.

Location: IL063 Family Hyundai

AGI Rep: J.B.

Drawn by: MAH

Survey ID: N/A

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Site ID: N/A

Scale: NTS

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Pylon Sign = 155.6 SF
 Existing cabinets combined - 8'-4"H x 18'-8" W
 Custom Re-Face
 Existing plex faces replaced with bronze ACM
 Hyundai Logo Letterset
 HCS-22-F
 HCL-16-F

8101 W 159th Street, Tinley Park, IL.



Location: IL063 Family Hyundai

AGI Rep: J.B.

Drawn by: MAH

Survey ID: N/A

Project Title: Hyundai GDSI

Site ID: N/A

Scale: NTS

Date: 4/12/16

Date Revised:

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View Looking East
 Approximate distance is 300 FT



8101 W 159th Street, Tinley Park, IL.



Location: IL063 Family Hyundai

AGI Rep: J.B.

Drawn by: MAH

Survey ID: N/A

Project Title: Hyundai GDSI

Site ID: N/A

Scale: NTS

Date: 4/12/16

Date Revised:

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View Looking West

Approximate distance is 500 FT



8101 W 159th Street, Tinley Park, IL.

Location: IL063 Family Hyundai

AGI Rep: J.B.

Drawn by: MAH

Survey ID: N/A

Project Title: Hyundai GDSI

Site ID: N/A

Scale: NTS

Date: 4/12/16

Date Revised:

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Removals by Others



8101 W 159th Street, Tinley Park, IL.



Location: IL063 Family Hyundai		AGI Rep: J.B.	Drawn by: MAH
Survey ID: N/A	Project Title: Hyundai GDSI		<p>This document is the sole property of Architectural Graphics, Inc. and all design, manufacturing, reproduction, use and sale rights regarding the same are expressly forbidden. It is submitted under a confidential relationship, for a special purpose, and the recipient, by accepting this document assumes custody and agrees that this document will not be copied or reproduced in whole or in part, nor its contents revealed in any manner or to any person except for the purpose for which it was tendered, nor any special features peculiar to this design be incorporated in other projects.</p>
Site ID: N/A	Scale: NTS		
Date: 4/12/16	Date Revised:		



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 PHONE: (757) 427-1900 - Fax (757) 430-1297
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Daily Southtown

8101 159th Street

5/08/2016

Certificate of Publication

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

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

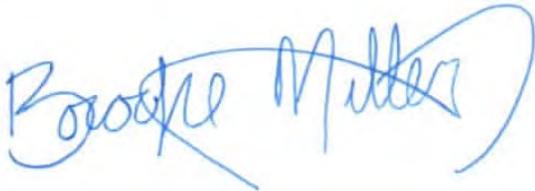
The first publication of the notice was made in the newspaper, dated and published on **5/08/2016** and the last publication was **5/08/2016**

The notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1.

In witness, Daily Southtown has signed this certificate by its registered agent.

Daily Southtown

By:



Registered Agent

Legal Text

LEGAL NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Village of Tinley Park, Cook and Will Counties, Illinois, will conduct a Public Hearing beginning at the hour of 7:30 p.m. on Thursday, May 26, 2016 at the Village Hall in the Council Chambers, 16250 South Oak Park Avenue, Tinley Park, Illinois. The purpose of the Public Hearing is to consider whether to recommend to the Village Board to grant the Petitioner, Bret Skirvin of Site Enhancement Services on behalf of Watson Family Hyundai, the following Variations concerning signage on an existing building located at 8101 159th Street, Tinley Park, Illinois: 1. A Variation from Section IX.D.1.c. of the Zoning Ordinance to allow a total of five (5) signs where one (1) sign shall be allowed for each principal building; and 2. A four hundred thirty-three (433) square foot Variation from Section IX.D.3.b. of the Zoning Ordinance where one hundred seventeen (117) square feet is the total sign area allowed for the Subject Property; and 3. An eight foot (8') Variation from Section IX.D.4.a.(2) of the Zoning Ordinance where the maximum height for a freestanding sign is ten feet (10'). These Variations would allow the Petitioner to construct a total of four (4) wall signs on the building comprising three hundred ninety four (394)

square feet and one (1) freestanding sign comprising one hundred fifty-six (156) square feet for a total of five hundred and fifty (550) square feet of signage, and allow for an existing eighteen foot (18') tall to be refaced to match current brand standards at 8101 159th Street in the B-5 (Automotive Service) Zoning District. LEGAL DESCRIPTION: LOT 3 (EXCEPT THE EAST 15.00 FEET OF THE SOUTH 343.41 FEET THEREOF) IN LAUREL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. PARCEL IDENTIFICATION NUMBER: 27-23-201-017-0000 COMMONLY KNOWN AS: 8101 159th Street, Tinley Park, Illinois PETITIONER: Bret Skirvin of Site Enhancement Services on behalf of Watson Family Hyundai The proposed Variations may be added to, revised, or eliminated as a result of the Public Hearing. All persons interested may appear at the Public Hearing and will be given an opportunity to be heard relative to the proposed Variations. The Zoning Board of Appeals reserves the right to continue said meeting from time to time as may be required by the Illinois Open Meetings Act. BY ORDER OF THE TINLEY PARK ZONING BOARD OF APPEALS, COOK AND WILL COUNTIES, ILLINOIS. CHRIS VERSTRATE, CHAIRMAN, ZONING BOARD OF APPEALS.



ZONING BOARD OF APPEALS STAFF REPORT

May 26, 2016

BROWN (17600 70th Avenue)

Variation from the Required Front Yard Setback for a Fence

Petitioners

Laurence and Helen Brown

Property Address

17600 70th Avenue

PIN

28-31-107-001-0000

Parcel Size

0.18 acres ±
(8,248 square feet)

Zoning

R-4 (Single-Family Residential)

Subdivision

Barrett Brother's

Publication

Daily Southtown
(May 8, 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 REQUESTS

The Petitioners, Laurence and Helen Brown, request a sixteen foot, six inch (16'6") Variation from Section V.B. Schedule II (Schedule of District Requirements) for a fence where the front yard setback requirement is twenty-five feet (25').

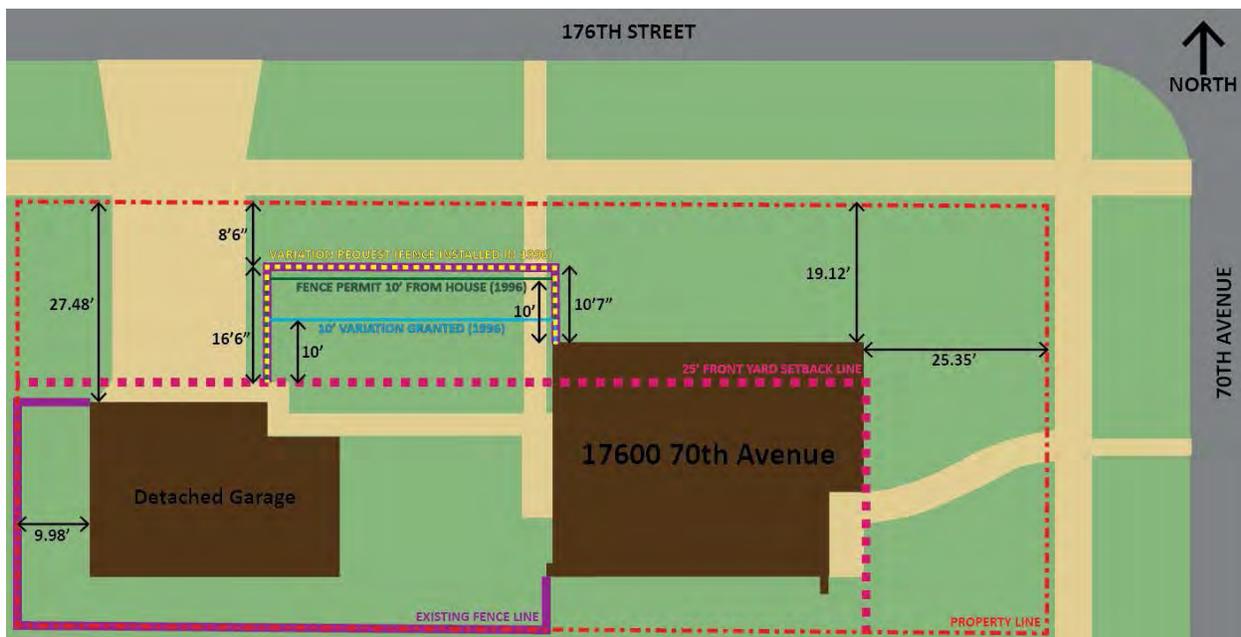
This Variation would allow the Petitioners to replace an existing six foot (6') tall wood fence at a eight foot, six inch (8'6") setback on the north (176th Street) side of this corner lot at 17600 70th Avenue in the R-4 (Single-Family Residential) Zoning District and within Barrett Brother's Subdivision.

VILLAGE STAFF COMMENTS

Staff has reviewed the petition for a Variation from the required front yard setback for replacement of an existing fence at 17600 70th Avenue. There was a Variation granted to a previous homeowner for a fence, which was granted by the Zoning Board of Appeals and did not require Village Board approval because of the size of the encroachment into the setback (please see the attached minutes from the Zoning Board of Appeals meeting on June 13, 1996).

The previous Variation was worded as "...a ten foot (10') Variance to encroach upon the required twenty-five foot (25') front yard setback in the R-4 Zoning District to allow for a six foot (6') fence..."; however, the minutes reflect that the ten feet (10') was discussed as being measured from the corner of the house rather than from the required setback. Since the home was built at approximately a nineteen foot (19') setback on the north side rather than a twenty-five foot (25') setback, the home is considered legal nonconforming to the current regulations. Thus, a ten foot (10') Variation to the required front yard setback should have extended the fence approximately four feet (4') north of the northwest corner of the house rather than how it was installed, which was ten feet, seven inches (10'7") from the northwest corner of the house. The fence permit from 1996 reflects approval of a fence permit to install the fence ten feet (10') north from the northwest corner of the home—which is in error with how the administrative Variation should be applied. In addition, the current property owner measured the fence that was installed in 1996 as ten feet, seven inches (10'7") north of the corner of the home, so it was actually installed seven inches (7") beyond what was permitted in the 1996 fence permit.

In order to replace the fence in the same location, the Petitioners have requested a sixteen foot, six inch (16'6") Variation so that the fence will have an eight foot, six inch (8'6") setback from their north property line. The Petitioners are not asking to move the fence any further north than the fence already exists.



The Petitioner is requesting that Variation to replace the fence at the same location rather than move it south to the allowable location for an administrative Variation is due to existing landscaping adjacent to the fence. (see below) The Petitioner has stated that the current fence is deteriorating and that they would like to beautify their property by replacing the fence with a new six foot (6') tall wood fence.



Staff routed the Variation request to Engineering, Public Works, Fire, and Police Departments for staff review. Reviewing departments indicated that they had no issues with the proposed fence replacement.

DRAFT FINDINGS OF FACT AS PREPARED BY STAFF

Per Section X.G.4. of the Zoning Ordinance, the Zoning Board of Appeals shall not recommend a Variation of the regulations of the Zoning Ordinance unless it shall have made Findings of Fact, based upon the evidence presented for each of the Standards for Variations listed below. Staff has prepared draft responses for the Findings of Fact (listed in bullet points) based on the information supplied by the Petitioner and the information researched by Staff as of May 20, 2016. The Zoning Board of Appeals may accept, delete, or amend the following findings based on information provided during the Public Hearing and enter them as part of the record.

- 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.**
 - To meet district regulations the fence would need to be relocated six feet south from the corner of the house because the house was built at a nineteen foot (19') setback on the north side of the property rather than the required 25' setback, which would impact existing landscaping.
- 2. The plight of the owner is due to unique circumstances.**
 - The request is unique in the home is nonconfirming with respect to the required front yard setback (19' existing vs. 25' required) and is nonconfirming with respect to required lot width (58.5' existing vs 75' required). Additionally, there is already a fence existing in the proposed location.
- 3. The Variation, if granted, will not alter the essential character of the locality.**
 - The character of the locality will not be altered because the proposed fence would replace an existing fence at the same location which was erected in 1996. In fact, since the existing fence is in deteriorating condition, the proposed fence would be an aesthetic improvement to the locality.
- 4. Additionally, 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.

APPROPRIATE MOTION

If the Zoning Board of Appeals wishes to make a motion, the following motion is written in the affirmative for the Board's consideration:

"...make a motion to consider recommending that the Village Board grant the Petitioners, Laurence and Helen Brown, a sixteen foot, six inch (16'6") Variation from Section V.B. Schedule II (Schedule of District Requirements) for a fence where the front yard setback requirement is twenty-five feet (25'). This Variation would allow the Petitioners to replace an existing six foot (6') tall wood fence at a eight foot, six inch (8'6") setback on the north (176th Street) side of this corner lot at 17600 70th Avenue in the R-4 (Single-Family Residential) Zoning District and within Barrett Brother's Subdivision."

...With the following conditions:

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

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

176TH STREET



70TH AVENUE

17600 70th Avenue

Detached Garage

27.48'

16'6"

8'6"

VARIATION REQUEST (FENCE INSTALLED IN 1996)

FENCE PERMIT 10' FROM HOUSE (1996)

10' VARIATION GRANTED (1996)

10'

10'7"

19.12'

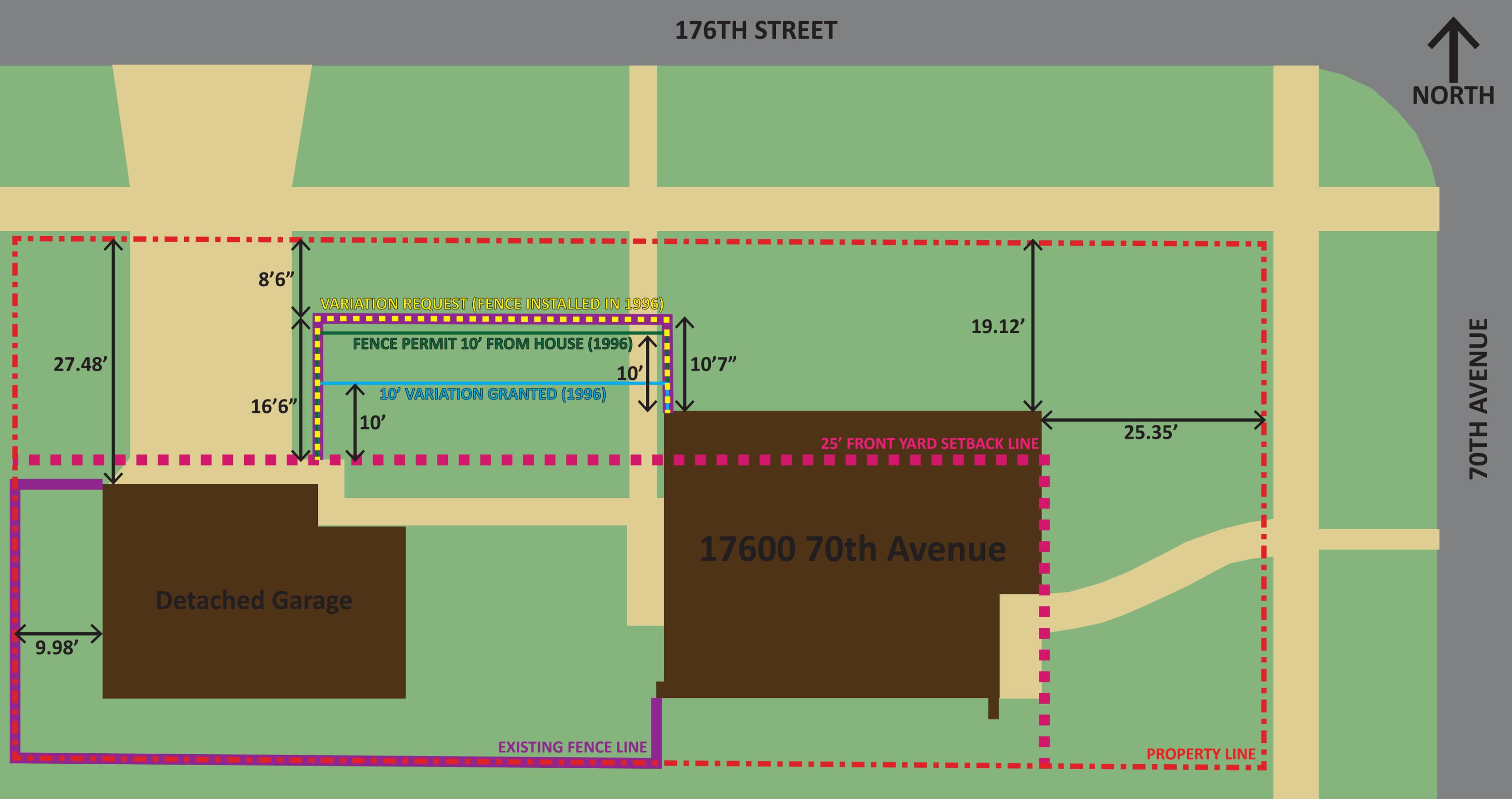
25.35'

25' FRONT YARD SETBACK LINE

9.98'

EXISTING FENCE LINE

PROPERTY LINE



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: Laurence Brown and Helen Brown

Mailing Address: 17600 70th Ave

City: Tinley Park State: IL Zip: 60477

Day Phone: [REDACTED] Evening Phone: [REDACTED]

Cell Phone: [REDACTED] Fax Number:

Email Address [REDACTED]

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).
homeowners

PROPERTY INFORMATION

Street Address: 17600 70th Ave, Tinley Park, IL 60477

Owners: Laurence Brown and Helen Brown

SPECIFIC TYPE OF VARIANCE REQUESTED (See Examples Below):

A 16.5 foot variance from the required 25 foot setback to allow for replacement of the current fence.

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)

We would like to replace the existing fence which is deteriorating. Due to the current landscaping adjacent to the fence on the interior (back yard), it would be costly and difficult to remove. It would be also be difficult to repair for curb appeal if the fence were not replaced as is.

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: Helen I Brown / Laurence Brown Date: 4/10/2016

Printed Name: Helen Brown / Laurence Brown

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?

In 1996, the prior owner filed for a variance which was incorrectly interpreted when the fence was installed. There appears to have been a misinterpretation with the village. Due to deterioration, we want to replace the fence in its same current location. To move the fence based on the current regulations would add substantial work and cost which we are unable to incur and there would be a negative impact on curb appeal.

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

If the fence were relocated based on the current zoning regulations, it would be costly to move the landscaping and bushes. To move the fence based on the current regulations would add substantial work and cost which we are unable to incur and there would be a negative impact on curb appeal.

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

The difficulty was created due to the 1996 variance granted and how it was miscommunicated/misinterpreted by the prior owner.

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.

This variance is unique to this property due to the prior variance given. The fence was permitted as the current location and needs to be replaced due to deterioration.

- 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 variance is not an attempt at financial gain but to replace the current deteriorating fence. It is not creating any additional yard space.

- 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).

This variance would not be detrimental or injurious as it is replacing the fence currently at this same location since 1996. It allows adequate space to see cars or pedestrians.

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

The variance would not alter the character of the neighborhood. It would be a replacement of the current deteriorating fence. We want to fix the fence for property maintenance / property investment.

FINDINGS OF FACT (Continued)

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

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

This is a privacy fence that would not impact supply of light or air to adjacent properties. This is on a corner property and not adjacent to a neighboring property.

2. Substantially increase the congestion of the public streets.

This fence is on private property and would not have an impact on the public streets.

3. Increase the danger of fire.

The fence would not increase the danger of fire. The fence would be built with a building permit and meet village codes.

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

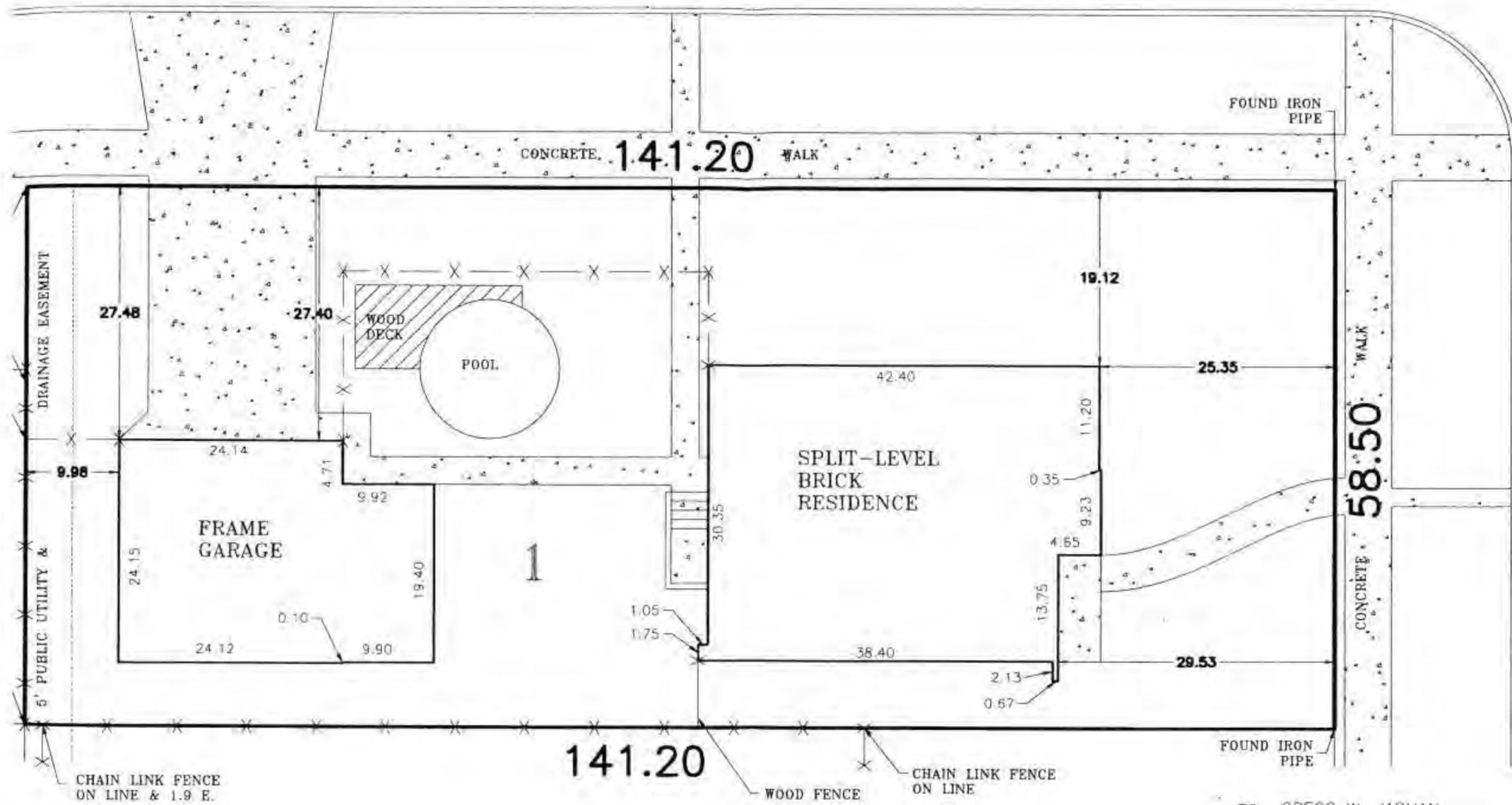
The fence would not impair or create drainage problems as there are no adjacent properties to the fence. The fence would be built with a building permit and meet village codes. The permit would be reviewed by public works and engineering and meet all applicable codes.

5. Endanger the public safety.

The fence would not endanger public safety. With replacement, the fence would be in a better condition. The fence would be built a building permit and meet all village codes.

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

The fence would be a positive improvement to the neighborhood - improving curb appeal by replacing a deteriorating fence. It is not altering the property in any way as this is a placement of the current fence in the current location.



SCALE: 1"=15'

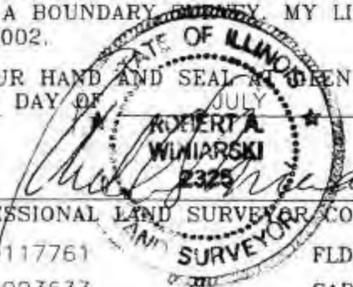
S. 70TH AVENUE

TO: GREGG W. JARMAN

PROFESSIONAL NATIONAL TITLE NETWORK, INC.

THIS IS TO CERTIFY THAT WE, PREFERRED SURVEY, INC., ILLINOIS PROFESSIONAL LAND SURVEYOR CORPORATION NO. 116 HAVE SURVEYED THE PROPERTY DESCRIBED HEREON AND THAT THE PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THAT SURVEY, ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. MY LICENSE RENEWS ON NOVEMBER 30, 2002.

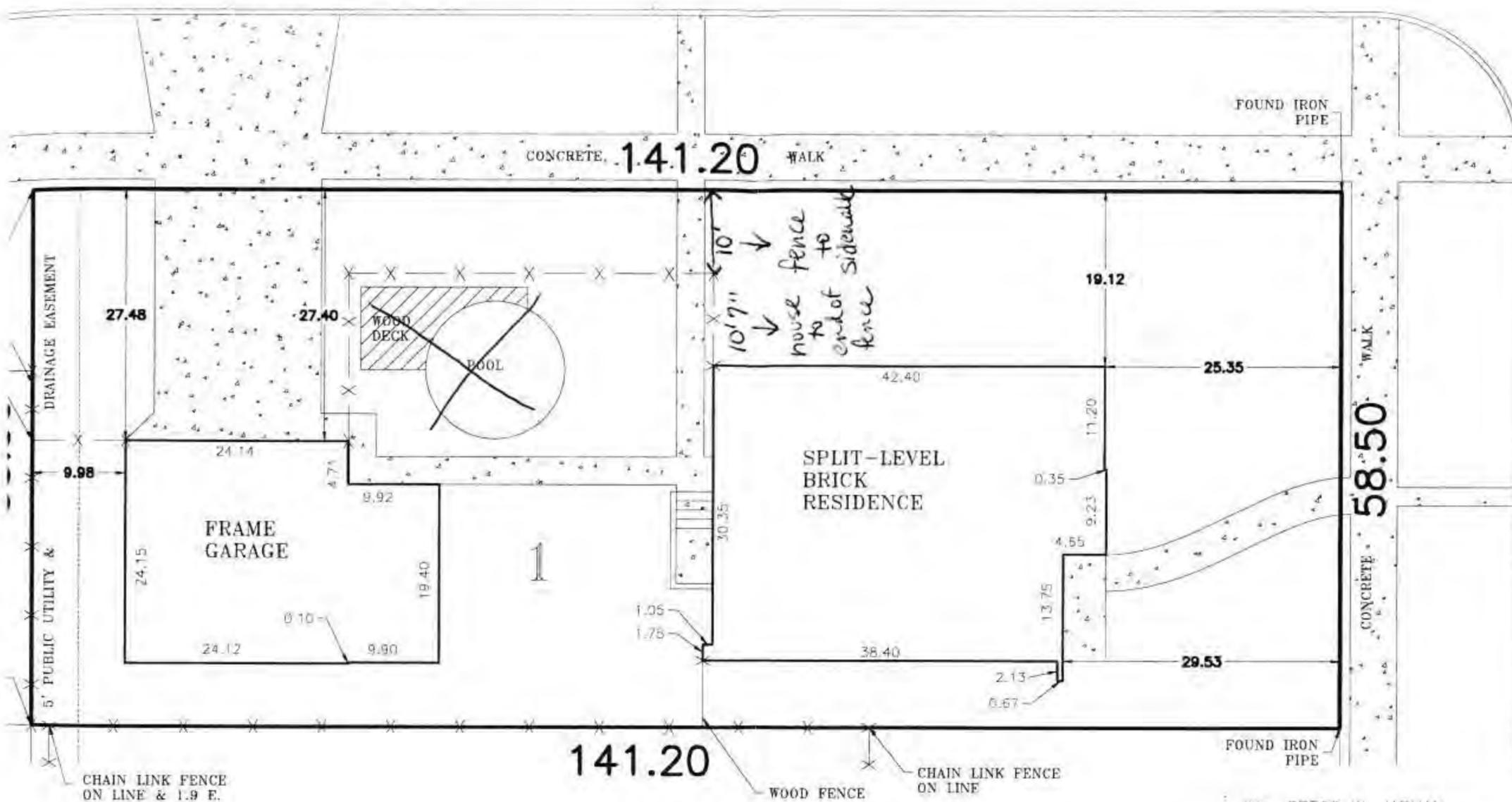
GIVEN UNDER OUR HAND AND SEAL AT GLEN ELLYN, ILLINOIS, THIS 12TH DAY OF JULY A.D. 2001



ILLINOIS PROFESSIONAL LAND SURVEYOR CORPORATION #116
 P.S.I. NO. 0117761 FLD CREW GZ/MM
 P.N.T.N. 6003633 CAD PS

PREFERRED SURVEY, INC.

Suite 305/Glen Ellyn, IL 60137
 Fax 830-858-8217



SCALE: 1"=15'

S. 70TH AVENUE

SURVEY, INC.
 Suite 305/Glen Ellyn, IL 60137
 Fax 830-858-8217



TO: GREGG W. JARMAN

PROFESSIONAL NATIONAL TITLE NETWORK, INC.

THIS IS TO CERTIFY THAT WE, PREFERRED SURVEY, INC., ILLINOIS PROFESSIONAL LAND SURVEYOR CORPORATION NO. 116 HAVE SURVEYED THE PROPERTY DESCRIBED HEREON AND THAT THE PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THAT SURVEY, ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. MY LICENSE RENEWS ON NOVEMBER 30, 2002.

GIVEN UNDER OUR HAND AND SEAL AT GLEN ELLYN, ILLINOIS, THIS 12TH DAY OF JULY A.D. 2001

Handwritten signature and official seal of the surveyor.

ILLINOIS PROFESSIONAL LAND SURVEYOR CORPORATION #116

P.S.I. NO. 0117761 FLD CREW GZ/MM
 P.N.T.N. 6003633 CAD PS





Daily Southtown

17600 70th Avenue

5/08/2016

Certificate of Publication

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

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

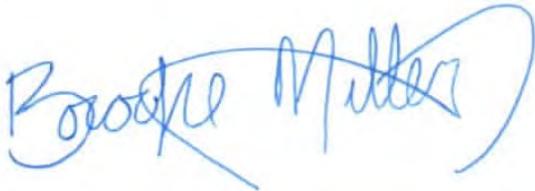
The first publication of the notice was made in the newspaper, dated and published on **5/08/2016** and the last publication was **5/08/2016**

The notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1.

In witness, Daily Southtown has signed this certificate by its registered agent.

Daily Southtown

By:



Registered Agent

Legal Text

LEGAL NOTICE NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Village of Tinley Park, Cook and Will Counties, Illinois, will conduct a Public Hearing beginning at the hour of 7:30 p.m. on Thursday, May 26, 2016 at the Village Hall in the Council Chambers, 16250 South Oak Park Avenue, Tinley Park, Illinois. The purpose of the Public Hearing is to consider whether to recommend to the Village Board to grant the Petitioners, Laurence and Helen Brown, a sixteen foot, six inch (16'6") Variation from Section V.B. Schedule II (Schedule of District Requirements) for a fence where the front yard setback requirement is twenty-five feet (25'). This Variation would allow the Petitioners to construct a six foot (6') tall wood fence at a eight foot, six inch (8'6") setback on the north (176th Street) side of this corner lot at 17600 70th Avenue in the R-4 (Single-Family Residential) Zoning District and within Barrett

Brother's Subdivision. LEGAL DESCRIPTION: LOT 1 IN BLOCK 8 IN BARRETT BROTHER'S ADDITION TO TINLEY PARK IN SECTION 31, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 9, 1956 AS DOCUMENT 16664915, IN COOK COUNTY, ILLINOIS. PARCEL IDENTIFICATION NUMBER: 28-31-107-001-0000 COMMONLY KNOWN AS: 17600 70th Avenue, Tinley Park, Illinois PETITIONERS: Laurence and Helen Brown The proposed Variation may be added to, revised, or eliminated as a result of the Public Hearing. All persons interested may appear at the Public Hearing and will be given an opportunity to be heard relative to the proposed Variation. The Zoning Board of Appeals reserves the right to continue said meeting from time to time as may be required by the Illinois Open Meetings Act. BY ORDER OF THE TINLEY PARK ZONING BOARD OF APPEALS, COOK AND WILL COUNTIES, ILLINOIS. CHRIS VERSTRATE, CHAIRMAN, ZONING BOARD OF APPEALS.

**MINUTES OF THE ZONING BOARD OF APPEALS
MEETING HELD JUNE 13, 1996**

Public Hearing #7 was called to order at 9:15 p.m. by Chairman Ben Martello, and roll call was taken as follows:

PRESENT: Chairman Ben Martello and Board Members: Ed Barta, John Burian, Sam Cardella, Steve Chojnacki, Dan Durkin, Tom Hanna

GUESTS: Greg Hannon - Trustee Liaison
Dave Samuelson - Planning Technician
Joseph Labriola - Petitioner

ABSENT: None

PUBLIC HEARING #7: JOSEPH LABRIOLA, 17600 S. 70TH AVE. - FENCE

Petitioner Joseph Labriola was present to request a 10' Variance to construct a 6' wooden fence on his property. He would like to come out 13' from the corner of the house, rather than 10', because he wants to put in a pool, and needs to keep it at least 5' from the electric line. He thought he had requested 13' rather than 10'. However, Dave Samuelson stated that the Plat that was submitted with the original Variation request had no evidence of the 13' actually written on the document.

Chairman Ben Martello stated that, because the Legal Notice published for this Hearing stated that he was requesting a 10' Variance, they cannot recommend more than that to the Village Board. It was believed that because there were no written measurements on the Petitioner's Plat, that the request was for the standard 10'. Dave Samuleson stated that even if the request was for 13', 10' would be the greatest distance that the Zoning Board would grant because the 10' has historically been the most granted without creating a precedent, if they decided in favor of the

Petitioner's request. Mr. Labriola was agreeable to the 10' Variance.

A Motion was made by Board Member Dan Durkin, seconded by Board Member Ed Barta, to grant a 10' Variance to encroach upon the required 25' Front Yard Setback in the R-4 Zoning District to allow for a 6' fence on the Labriola property located at 17600 S. 70th Ave.

Vote by roll call as follows: Ayes: Ed Barta, John Burian, Sam Cardella, Steve Chojnacki, Dan Durkin, Tom Hanna, Chairman Ben Martello. Nays: None. Abstain: None.

Vote: 7-0-0. Motion carried.

A Motion was made by Board Member Ed Barta, seconded by Board Member Steve Chojnacki, to close Public Hearing #7 at 9:30 p.m. Vote by voice call. Motion carried.

VILLAGE OF TINLEY PARK ILLINOIS

APPLICATION FOR PERMIT

DATE:

5-13-96

PERMIT #:

16818

TYPE OF PERMIT APPLYING FOR: Building Electric Plumbing (check all that apply)

Address of Structure 17600 S. 70TH AVE TINLEY PARK

Real Estate Tax # 28-31-107-001-0000 Lot # 1 Township BREWSTER

Subdivision BARRETT BROTHERS Type Zoning

Est. Cost \$400 Building Size

of bedrooms (new construction only)

<input checked="" type="checkbox"/> Type of Project FENCE WOOD 6'	FEES
<input checked="" type="checkbox"/> JOSEPH LABRIOLA	17600 S. 70TH AVE
OWNER WHEN COMPLETED	PRESENT ADDRESS
	PHONE

ARCHITECT PHONE PLAN NO.

MY SELF GENERAL CONTRACTOR ADDRESS PHONE LICENSE

EXCAVATOR ADDRESS LICENSE

CARPENTRY ADDRESS LICENSE

CONCRETE ADDRESS LICENSE

LATHING OR DRYWALL ADDRESS LICENSE

PAVING ADDRESS LICENSE

ROOFING CONTRACTOR ADDRESS LICENSE

HVAC CONTRACTOR ADDRESS LICENSE

MASONRY ADDRESS LICENSE

ELECTRICAL CONTRACTOR ADDRESS ECC LICENSE

PLUMBING CONTRACTOR ADDRESS PCC LICENSE

SEWER CONTRACTOR ADDRESS

COMMENTS

INSTALL GOOD SIDE OUT

SIGNED Joseph Labriola (Applicant)

[Signature]
Zoning Administrator

[Signature]
Building Commissioner

[Signature]
Electrical Inspector

[Signature]
Plumbing Inspector

VARIANCE APPROVED BY ZBA 6-13-96

1216 E Central Road
Arlington Heights, IL 60005
Phone 708-392-7600
Fax 708-392-7719



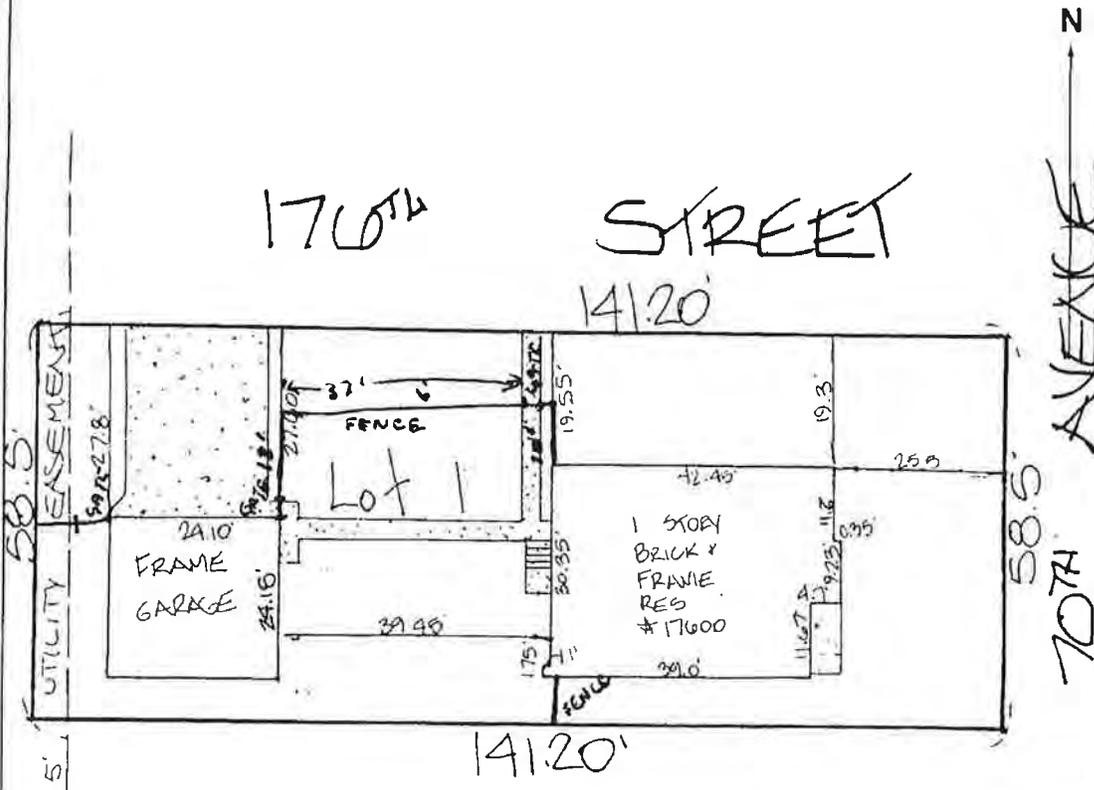
218 N County Street
Waukegan, IL 60085
Phone 708-336-2473
Fax: 708-336-2113

9800 S Roberts Road
Palos Hills, IL 60465
Phone 708-430-4077
Fax 708-598-6580

PLAT OF SURVEY

373 S County Farm Road
Wheaton, IL 60187
Phone 708-690-3733
Fax 708-690-6985

LOT 1 IN BARRETT BROTHERS ADDITION TO TINLEY PARK, ILLINOIS, IN SECTION 31, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



STATE OF ILLINOIS) S S
COUNTY OF LAKE)

On behalf of MID AMERICA SURVEY COMPANY I hereby certify that the Building(s) on property shown are within the property lines as monumented and that the adjoining improvements do not encroach unless shown. Dated 11/3/92

MID AMERICA SURVEY COMPANY

By [Signature]
Registered Illinois Land Surveyor

All distances shown are in feet & decimal parts thereof.

Scale 1" = 20'

Job No 509105A

Ordered By CROWN, LTD

NOTE Only those Building Lines or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered contains a proper description of the required Building Lines or Easements.

No angles or distances are to be determined by scaling.

Compare your description and site markings with this plat and at once report any discrepancies which you may find.

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