



MINUTES OF THE ZONING BOARD OF APPEALS

VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS

MAY 26, 2016

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on May 26, 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:	Michael Fitzgerald Paul Lechner Bob Paszczyk David Samuelson Steve Sepessy Jennifer Vargas
Village Officials and Staff:	Paula Wallrich, Interim Community Development Director Stephanie Kisler, Planner I Dominick Lanzito, Village Attorney Debra Kotas, Commission Secretary

CALL TO ORDER

A motion was made by ZONING BOARD MEMBER PASZCZYK, seconded by ZONING BOARD MEMBER SEPESSY to open the regular meeting of the Zoning Board of Appeals at 7:31 p.m. ZONING BOARD CHAIRMAN VERSTRATE declared the Motion approved. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Minutes of the March 24, 2016 meeting of the Zoning Board of Appeals were presented for approval. A motion was made by ZONING BOARD MEMBER PASZCZYK seconded by ZONING BOARD MEMBER SEPESSY 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 MAY 26, 2016 MEETING

**RE: 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; and,
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 Petitioners 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.

Present were the following:

Zoning Board Chairman:	Chris Verstrate
Zoning Board Members:	Michael Fitzgerald Paul Lechner Bob Paszczyk David Samuelson Steve Sepessy Jennifer Vargas
Village Officials and Staff:	Paula Wallrich, Interim Community Development Director Stephanie Kisler, Planner I Dominick Lanzito, Village Attorney Debra Kotas, Commission Secretary
Guest(s):	Brittany Bowen, All-Right Sign, Inc.

A motion was made by BOARD MEMBER SAMUELSON, seconded by BOARD MEMBER PASZCZYK to open the Public Hearing at 7:33 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN VERSTRATE declared the Motion approved.

ZONING BOARD CHAIRMAN VERSTRATE reviewed the Public Hearing process. He explained the Petitioner(s) will be allowed to present evidence in support of the Variation request. He stated they have already provided the written Findings of Fact to support the Variance request and it will be their obligation to provide a burden of proof with facts and evidence to support the Findings that this Board requires before a Variance can be granted. He explained the Village Staff will present their report with any objectors or interested parties being allowed to question both the Petitioner and Village Staff. He stated the Zoning Board will then deliberate and vote on the petition. He confirmed Village Staff provided confirmation that appropriate notice regarding the public hearings were published in the local newspaper in accordance with State law and Village requirements and to the surrounding area.

CHAIRMAN VERSTRATE requested the Petitioner(s) and anyone present who wished to give testimony, comment, engage in cross-examination or ask questions during any of the public hearings being held this evening stand and be sworn in.

CHAIRMAN VERSTRATE introduced the Petitioner's request for Variations as noted above.

BRITTANY BOWEN of All-Right Sign, Inc. on behalf of International Kia, presented the request for two (2) Variations. She explained Kia is seeking a Variance to allow three (3) wall signs, where only one (1) is allowed, and a Variance to exceed the allotted area for wall signs for a total of 117 square feet of total sign face area.

MEMBER PASZCZYK inquired if the signage would have any back lighting. MS. BOWEN stated all signs will be front lit.

STEPHANIE KISLER, Planner I, presented the Staff Report. She stated the Petitioner is seeking a total of three (3) walls signs and a fifty-four (54) square foot Variation for total sign area allowed. She explained the existing, previously approved freestanding square footage is included in this request since the Ordinance does not differentiate between wall and freestanding signs, therefore, the Variance request accounts for it all.

MS. KISLER reviewed the images of the current building and various elevations showing the locations of the proposed signs. She reported the dealership is also in the process of façade changes, which have been permitted, but have not yet begun showing the temporary banners currently covering the previous Mini Cooper dealership signs.

MS. KISLER showed existing signage at several surrounding Tinley Park and Orland Park dealerships noting the Petitioner's request is consistent with other dealerships having multiple wall signs. She explained the proposed "Service" sign is considered more of a directional sign distinguishing the service area from the sales area.

MS. KISLER reviewed the following draft Findings of Fact prepared by Staff for Standards for Variations:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 - 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 wall sign. 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. This is consistent with what Staff has seen with other dealerships on 159th Street.
4. The Zoning Board of Appeals can add any findings or discuss any standards based on whether there are practical difficulties or particular hardships, and can be added to the record or have the Petitioner address.

MEMBER VARGAS requested clarification regarding letter (h) of the Findings of Fact submitted by the Applicant indicating the wall sign “WILL cause congestion of the public street.” MS. BOWEN explained that was a typographical error and the signage will NOT affect traffic congestion.

There being no further questions or comments, a motion was made by MEMBER FITZGERALD, seconded by MEMBER PASZCZYK to close the Public Hearing at 7:46 p.m. for deliberation.

MEMBER PASZCZYK found all signage is consistent with other Kia dealerships.

CHAIRMAN VERSTRATE stated due to the competition of so many dealerships on 159th Street with the same amount, if not more signage, there appears to be a practical hardship.

MEMBER SEPESSY stated a precedent has been set.

A MOTION WAS MADE BY MEMBER LECHNER, SECONDED BY MEMBER SEPESSY to recommend the Village Board grant the Petitioner Variations. CHAIRMAN VERSTRATE clarified the Motion as follows:

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 Petitioners 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.

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

NAY: None

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

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK ZONING BOARD OF APPEALS
SUBJECT: MINUTES OF THE MAY 26, 2016 MEETING
RE: 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 square feet (550) 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.

Present were the following:

Zoning Board Chairman:	Chris Verstrate
Zoning Board Members:	Michael Fitzgerald Paul Lechner Bob Paszczyk David Samuelson Steve Sepessy Jennifer Vargas
Village Officials and Staff:	Paula Wallrich, Interim Community Development Director Stephanie Kisler, Planner I Dominick Lanzito, Village Attorney Debra Kotas, Commission Secretary
Guest(s):	Graham Watson, Family Hyundai

A motion was made by MEMBER SAMUELSON, seconded by MEMBER PASZCZYK to open the Public Hearing at 7:49 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN VERSTRATE declared the Motion approved.

CHAIRMAN VERSTRATE introduced the Petitioners request for variations as noted above.

GRAHAM WATSON with Family Hyundai, requested Variations for additional signage, total sign area, and maximum height for a monument sign. He explained the existing five signs will be replaced and modified with the company's new branding. He explained they will replacing one monument sign and four wall signs. He reported the signs will be lit with a bronze color having a mirrored metallic appearance. He noted the façade work has already begun and is scheduled to be completed by the end of June. He explained the signage will also provide more clarification of the location of the service department vs. the sales area.

MEMBER SAMUELSON inquired about the existing temporary signage. MR. WATSON reported the temporary banners will be removed; however, the automobile overhang is a distinct look since the building was built around it and will remain.

STEPHANIE KISLER, Planner I, presented the Staff Report. She reviewed the three separate Variation requests for ground sign and wall signage as follows:

1. A Variation to allow a total of five (5) signs where one (1) sign is allowed for each principal building. She explained the current sign regulations do not clarify between ground signs and wall signs; and,
2. A four hundred thirty-three (433) square foot Variation for overall signage, including ground and wall signs, where the maximum of allowed is one hundred seventeen (117) square feet in order to replace the same amount of signage with the new branding; and,
3. An eight foot (8') Variation for the height of the freestanding ground sign.

MS. KISLER showed photographs of the current site comparing it with a rendering showing the upgraded corporate branding. She reviewed each of the five proposed signs. She reviewed the history of the existing monument sign. She explained the sign existed at the dealer's previous location and when the dealership relocated to Tinley Park in 2007, it was part of an inducement agreement that allowed it to relocate it from a different community, therefore, no formal Variance was obtained. She noted the sign will remain the same height but is eight feet (8') taller than allowed by the Zoning Ordinance. She reported the sign is consistent with other Variances granted by the Village of Tinley Park. She also noted that car dealerships are allowed 18' monument signs across the street in Orland Park.

Using aerial photographs, MS. KISLER showed that the Hyundai dealership is set further back and the wall sign on the west façade is for increased visibility. She also showed the exposure is unique since the adjacent property to the west is a Com Ed easement where Hyundai currently leases space for inventory. She reviewed existing signage at other dealerships in Tinley Park that were previously granted variations and Staff found the Petitioner's request to be consistent.

MS. KISLER explained Village Code requires extensive landscaping around the base of a sign. In lieu of ripping up cement pavers surrounding the sign and reducing room for inventory, Staff is recommending planters be placed at the base of the sign, thus meeting the intent of Code.

MS. KISLER reviewed the following draft Findings of Fact prepared by Staff for Standards for Variations:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 - 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 wall sign. 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 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 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 10' in height.
 4. The Zoning Board of Appeals can add any additional findings to the record.

MEMBER SAMUELSON expressed concerns regarding the increasing amounts of total sign area for dealerships. He inquired if Variations or permits had been obtained. MS. KISLER reported permits were obtained; however, no formal Variance was obtained believing it was part of the inducement agreement for this particular dealership.

MEMBER FITZGERALD reported driving by the site and stated the Variance request for variance is fair. He requested clarification regarding the types of planters that will be placed at the base of the monument sign. MR. WATSON explained the planters will have seasonal material assuring there will be no empty planters.

MEMBER VARGAS inquired if the dealership would be using any more temporary signage. MS. KISLER explained they are permitted to have temporary signage on a 30-day basis. Because of dealerships having to adhere to strict corporate standards, she reported Staff is working on update to the Sign Regulations, specifically a temporary sign policy for car dealerships.

A motion was made by MEMBER SEPESSY, seconded by MEMBER FITZGERALD to close the Public Hearing at 8:14 p.m. for deliberation.

MEMBER PASZCZYK requested the Motion include recommendation by Staff regarding the planters.

There being no further questions or comments, a motion was made by MEMBER LECHNER, seconded by MEMBER PASZCZYK to grant the Petitioners request with the condition that planters be provided at the base of the freestanding sign. CHAIRMAN VERSTRATE clarified the Motion as follows:

Consider recommending that the Village Board grant Watson Family Hyundai the following Variations:

1. A Variation 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 where one hundred seventeen (117) square feet is the total sign area allowed for the subject property; and,
3. An eight foot (8') Variation where the maximum height for a freestanding sign is ten feet (10').

These Variations would allow the Petitioners 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 square feet (550) 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 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.

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

NAY: None

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

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK ZONING BOARD OF APPEALS

SUBJECT: MINUTES OF THE MAY 26, 2016 MEETING

**RE: 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, Helen and Laurence 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 the Barrett Brother's Subdivision.

Present were the following:

Zoning Board Chairman:	Chris Verstrate
Zoning Board Members:	Michael Fitzgerald Paul Lechner Bob Paszczyk David Samuelson Steve Sepessy Jennifer Vargas
Village Officials and Staff:	Paula Wallrich, Interim Community Development Director Stephanie Kisler, Planner I Dominick Lanzito, Village Attorney Debra Kotas, Commission Secretary
Guest(s):	Helen Brown, Petitioner

A motion was made by MEMBER FITZGERALD, seconded by MEMBER PASZCZYK to open the Public Hearing at 8:17 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN VERSTRATE declared the Motion approved.

CHAIRMAN VERSTRATE introduced the Petitioners request for the Variation as noted above.

HELEN BROWN, 17600 70TH Avenue, reported purchasing her home in 2001 with the existing 6' wood fence unaware the fence was not in compliance. She and her husband are seeking to replace the fence due to its deteriorating condition. She stated they are seeking to replace the fence with another wood fence in its same location at its same height. She explained to move the fence inward into the property would result in a substantial cost.

STEPHANIE KISLER, Planner I, presented the Staff Report regarding the Petitioner's request for an 8'6" setback to replace an existing fence with another wood privacy fence of the same height in order to improve the appearance of their property. She showed various photographs of the property and existing fence. She noted extensive landscaping would need to be redone if the fence is required to be moved inward. She reported no safety concerns or visibility issues with the location of the fence.

MS. KISLER reviewed the history of the existing fence. She reported the fence was initially installed in 1996 at which time the ZBA granted the previous homeowner a 10' Variation from the setback. Following granting of the Variance, she reported a permit was applied for that showed the fence coming 10' from the house. Following review of the minutes from that meeting, she stated the intent was granting the Variance from the house not the setback. She also noted that the fence had been installed seven inches (7") further toward the north property line than the permit allowed. She also reviewed fences of neighboring properties that had also been granted Variations.

MS. KISLER reviewed the following draft Findings of Fact prepared by Staff for Standards for Variations:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.
 - To meet district regulations the fence would need to be relocated 6' south from the corner of the house because the house was built at a 19' setback on the north side of the property rather than the required 25' setback, which would impact existing landscaping.
 - 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 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 the home because it is nonconforming with respect to the required front yard setback (19' existing vs. 25' required) and is nonconforming with respect to the 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.

A motion was made by MEMBER LECHNER, seconded by MEMBER PASZCZYK to close the Public Hearing at 8:31 p.m. for deliberation.

There being no questions or comments, a motion was made by MEMBER LECHNER, seconded by MEMBER FITZGERALD to grant the Petitioners request. CHAIRMAN VERSTRATE clarified the Motion as follows:

Consider recommending that the Village Board grant a Variation to the Petitioners, Helen and Laurence Brown, a sixteen foot, six inch (16'6") variation 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.

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

NAY: None

ABSTAIN: Zoning Board Member David Samuelson

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

GOOD OF THE ORDER

On behalf of CHAIRMAN VERSTRATE and other Board Members, MEMBER PASZCZYK commended and thanked Staff for providing thorough preparation and presentation of materials and information.

PUBLIC COMMENT

A resident expressed concerns regarding the Zoning Board granting Variations because of situations where a property owner may not have obtained a proper Variance in the past and therefore, should not be “grandfathered” in. He stated if something is not within Code, it should not be allowed.

ADJOURNMENT

A motion was made by MEMBER SEPESSY, seconded by MEMBER PASZCZYK to close the regular meeting of the Zoning Board of Appeals of May 26, 2016 at 8:44 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN VERSTRATE declared the Motion approved.