



**AGENDA FOR REGULAR MEETING  
VILLAGE OF TINLEY PARK  
ZONING BOARD OF APPEALS  
July 14, 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 – June 9, 2016 Regular Meeting**

**Public Hearing #1:**

**CIPOLLA – 17101 OVERHILL AVENUE – VARIATION FROM THE  
REQUIRED FRONT YARD SETBACK – FENCE**

Consider recommending that the Village Board grant a Variation to the Petitioners, Giuliano and Maureen Cipolla, that would allow for a fence, including:

1. A twenty-seven foot, eleven inch (27'11") Variation from Section V.B. Schedule II (Schedule of District Requirements) where the front yard setback requirement is forty feet (40').

This Variation would allow the Petitioners to construct a five foot, eight inch (5'8") tall wrought iron fence with brick pillars at a twelve foot, one inch (12'1") setback on the north (171<sup>st</sup> Street) side of this corner lot at 17101 Overhill Avenue in the R-1 (Single-Family Residential) Zoning District and within Arthur T. McIntosh and Company's Southlands Subdivision.

**Close Public Hearing #1**

**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

**JUNE 9, 2016**

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on June 9, 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  
Jennifer Vargas

Absent Zoning Board Members: Steve Sepessy

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 LECHNER, seconded by ZONING BOARD MEMBER FITZGERALD to open the regular meeting of the Zoning Board of Appeals at 7:29 p.m. ZONING BOARD CHAIRMAN VERSTRATE declared the Motion approved. The Pledge of Allegiance was recited.

#### APPROVAL OF MINUTES

Minutes of the May 26, 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 LECHNER 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 JUNE 9, 2016 MEETING**

**RE: PUBLIC HEARING #1  
ENGLEHART – 8667 MONAGHAN DRIVE – VARIATION FROM THE REQUIRED  
FRONT YARD SETBACK FOR A FENCE**

Consider recommending that the Village Board grant a Variation to the Petitioner, Matthew Englehart, that would allow for a fence replacement, including:

1. A ten foot (10') Variation from the front yard setback requirement of twenty feet (20') per the Regulations of the Brookside Glen Planned Unit Development.

This Variation would allow the Petitioner to install a six foot (6') tall vinyl fence at a 10' setback on the south (Fairfield Lane) side of this corner lot at 8667 Monaghan Drive in the R-2 PD (Single-Family Residential, Brookside Glen Planned Unit Development) Zoning District and within the Brookside Glen Subdivision. Note that the PUD allows a twenty-five foot (25') front yard setback requirement for the west side of the property and a twenty foot (20') front yard setback requirement for the south side of the property.

Present were the following:

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

A motion was made by BOARD MEMBER FITZGERALD, seconded by BOARD MEMBER PASZCZYK to open the Public Hearing at 7:30 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN VERSTRATE declared the Motion approved. He reported 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 and to the surrounding area.

CHAIRMAN VERSTRATE introduced the Petitioner's request for the Variation as indicated above. He noted the Petitioner(s) were not present.

As a formality, STEPHANIE KISLER, Planner I, reviewed the Staff Report since the meeting had been noticed as a Public Hearing. She reported the Petitioner is seeking a 10' Variation from the front yard setback requirement of 20' to allow for a 6' tall vinyl fence, for the purpose of enclosing a satellite dish and air conditioner equipment, 10' from the property line on the Fairfield Lane side of the property.

Per conversations with the Village Attorney, MS. KISLER explained this Variance was able to be granted administratively by the Village Zoning Administrator. She referred to Section III.H.1. that allows the Zoning Administrator the authority to grant an Administrative Variation of up to 10' into the required front yard setback within the non-addressed front yard and this should not be any different for subdivisions that have legally reduced setbacks through the terms of the Planned Unit Development, therefore, this particular request does not need to be heard by the Zoning Board of Appeals.

BOARD MEMBER FITZGERALD stated he has no problem with this particular Variation, however, requested further clarification on what determines the amount of Variation that can be granted administratively. MS. KISLER reported the Zoning Administrator bases the decision on the respective setback requirement of the subdivision and surrounding conditions including other fences in the area, any line-of-sight issues, and other characteristics of the neighborhood. PAULA WALLRICH, Interim Community Development Director, added the granting of these types of administrative Variances by the Zoning Administrator are intended to save additional efforts and time for the resident and for Staff including preparation of a staff report, cost of a Public Hearing notice, and time required by the Zoning Board of Appeals and the Village Board.

BOARD MEMBER VARGAS reported contacting the respective school district since there are two (2) bus stops at this particular corner of Fairfield and Monaghan. She reported they have no issues or concerns with line-of-sight.

There being no additional questions or concerns, a motion was made by BOARD MEMBER PASZCZYK, seconded by BOARD MEMBER LECHNER to closed the Public Hearing at 7:40 p.m. and return this Variation request to the Village Zoning Administrator. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN VERSTRATE declared the Motion approved.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**

**FROM: VILLAGE OF TINLEY PARK ZONING BOARD OF APPEALS**

**SUBJECT: MINUTES OF THE JUNE 9, 2016 MEETING**

**RE: PUBLIC HEARING #2  
CRAIG – 17004 ODELL AVENUE – VARIATION FROM THE REQUIRED FRONT  
YARD SETBACK FOR A FENCE**

Consider recommending that the Village Board grant a Variation to the Petitioners, Kenneth and Sherry Craig, that would allow for a fence replacement, including:

1. A twenty-five foot (25') Variation from Section V.B. Schedule II (Schedule of District Requirements) for a fence where the front yard setback requirement is 25'.

This Variation would allow the Petitioners to replace an existing fence with a four foot (4') tall open style fence at a zero foot (0') setback on the north (170<sup>th</sup> Place) side of this corner lot at 17004 Odell Avenue in the R-4 (Single-Family Residential) Zoning District and within Tinley Heights Subdivision.

Present were the following:

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

A motion was made by BOARD MEMBER LECHNER, seconded by BOARD MEMBER FITZGERALD to open the Public Hearing at 7:41 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 of Appeals will then

deliberate and vote on the petition. He confirmed 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 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 Petitioners' request for Variations as noted above.

KEN CRAIG, 17004 Odell Avenue, presented his request for a Variation to replace his existing four foot (4') tall fence with a similar open style fence. He reported he is the fourth owner of the property with the original fence being installed in 1971 then replaced by himself in 1995. SHERRY CRAIG reported contacting the Village in 1995 to determine if a permit was needed for replacement and was told they did not. MS. CRAIG noted the published required height for a fence surrounding a pool is 4'. PAULA WALLRICH, Interim Community Development Director, referenced the IRC (International Residential Code) that requires 4'; however, 5.5' is required by current Village Code. She explained an amendment to the Code is currently in the process of consideration by the Village Board that will require a minimum of 5'.

STEPHANIE KISLER, Planner I, presented the Staff Report regarding the Petitioner's request for a 25' Variation for a fence where the required setback is 25' to install an open style wood fence at a 0' setback, similar to the fence that exists in the same location today because it is deteriorating and in need of repair. She reported Staff was unable to locate any previous permits or Variations for the existing fence.

MS. KISLER showed an aerial photograph of the property noting it is a uniquely shaped corner lot that is non-conforming to the required front yard setback. Referring to the photograph, BOARD MEMBER FITZGERALD noted the area of trees in the northwest corner that need to be taken into consideration. MS. KISLER reported it is possible for the fence to be angled and installed around the existing trees, thus only requiring an administrative Variance. She stated historically, Variation requests that would allow fences at a 0' setback on front property lines have been difficult to support unless the property line is abutting a relatively major thoroughfare such as Harlem Avenue or Ridgeland Avenue, having more major traffic. She noted 170<sup>th</sup> Place is a minor residential street. She proceeded to review fence conditions for corner lots along 170<sup>th</sup> Place in the Tinley Heights and Fairmont Village subdivisions, noting only three (3) properties having a fence at the property line. The neighboring fence has no record of a permit or Variation.

MS. KISLER reported this request has been reviewed by other Village Departments who indicated no issues with the proposed fence replacement, including no line-of-sight or safety concerns, however, the Building Department noted that properties that have pools are required by Village Code to have fences a minimum of five feet (5') tall and the Petitioner will need to amend their plans to accommodate meeting this aspect of the Code.

MS. KISLER reviewed the following draft responses for the 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 in question can yield a reasonable return if the fence conforms to Village regulations or the Petitioners seek relief in the form of an administrative Variation to allow for up to ten feet (10') of a reduction in the required setback for the fence. The Petitioners can still utilize their yard and maintain safety within the property.
2. The plight of the owner is due to unique circumstances.

- The request is not due to unique circumstances. The Village could not locate any past permits or Variation for the fence location as it exists today. While the shape of the lot is unique, it is still able to allow a fence to be located in such a manner that it does not require a 25' setback Variation. The location of the existing fence is actually unique to the vicinity since many other corner lots along 170<sup>th</sup> Place either do not have fences, have fences installed to meet the setback requirement, or have a 10' administrative Variation. There are only three (3) other corner lots along 170<sup>th</sup> Place that have fences along the front property line, two (2) of which are abutting Harlem Avenue.
3. The Variation, if granted, will not alter the essential character of the locality.
- The Variation, if granted, will alter the essential character of the locality and further set a precedent for other similar properties in the vicinity. The existing fence location is not consistent with the fence location on other corner lots along 170<sup>th</sup> Place. However, the proposed fence would replace an existing fence at the same location. In fact, since the existing fence is in deteriorating condition, the proposed fence would be an aesthetic improvement to the property.

A motion was made by BOARD MEMBER LECHNER, seconded by BOARD MEMBER FITZGERALD to close the Public Hearing at 8:04 p.m. for deliberation. THE MOTION WAS APPROVED UNANIMOUSLY by voice call. CHAIRMAN VERSTRATE declared the Motion approved.

BOARD MEMBER FITZGERALD expressed concerns with continuing to set precedents solely because something is "grandfathered" in. Again referencing the existing trees on the property, he noted a fair compromise between the Petitioner and Staff would be an Administrative Variance.

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

Consider recommending that the Village Board grant the Petitioners, Kenneth and Sherry Craig, a twenty-five foot (25') 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') to allow the Petitioners to replace an existing fence with a five foot (5') tall open style wood fence at a zero foot (0') setback on the north (170<sup>th</sup> Place) side of this corner lot at 17004 Odell Avenue in the R-4 (Single Family Residential) Zoning District and within Tinley Heights Subdivision with the following conditions:

1. That the fence height be raised to five feet (5') to meet Village code for the required height of a fence when the property has a swimming pool.

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

NAY: Zoning Board Members Michael Fitzgerald and David Samuelson

ABSENT: Zoning Board Member Steve Sepessy

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

MS. WALLRICH, Interim Community Development Director, requested clarification regarding the Findings of Fact from those Board Members who voted in the affirmative.

BOARD MEMBER LECHNER stated the Petitioner should be allowed to replace the existing fence as it stands.

CHAIRMAN VERSTRATE agreed with replacement of the fence particularly since the fence is not obtrusive and there are no line of sight issues. He also noted the fact that the Petitioner was told in 1995 when they last replaced the fence, that a Variation was not required.

BOARD MEMBER VARGAS concurred with replacing the fence at is same location stating it will provide a nice line since it is being connected with the neighbors' fence to the north.

DRAFT

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**

**FROM: VILLAGE OF TINLEY PARK ZONING BOARD OF APPEALS**

**SUBJECT: MINUTES OF THE JUNE 9, 2016 MEETING**

**RE: PUBLIC HEARING #3  
VRDOLYAK LAW – 7711 159<sup>TH</sup> STREET – VARIATION FROM THE ALLOWABLE  
NUMBER OF SIGNS AND TOTAL ALLOWABLE SIGN AREA FOR WALL  
SIGNAGE**

Consider recommending that the Village Board grant two (2) Variations to the Petitioner, David B. Sosin of Sosin, Arnold & Schoenbeck Ltd. on behalf of EPS Holdings, LLC and Vrdolyak Law, that would allow for new wall signage to be installed, 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 one hundred forty-two square foot (142) Variation from Section IX.D.3.b. of the Zoning Ordinance where seventy-four square feet (74) 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 two hundred sixteen square feet (216) of sign face area at 7711 159<sup>th</sup> Street in the B-3 (General Business and Commercial) Zoning District and within the P.T.L. Subdivision.

Present were the following:

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

A motion was made by BOARD MEMBER PASZCZYK, seconded by BOARD MEMBER FITZGERALD to open the Public Hearing at 8:10 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN VERSTRATE declared the Motion approved. ZONING BOARD MEMBER LECHNER recused himself from the public hearing. CHAIRMAN VERSTRATE noted a quorum was still present.

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

DAVID SOSIN, 9501 W. 144<sup>th</sup> Place, Orland Park, IL, explained the nature of these Variation requests is part of an ongoing rehabilitation of the property located on 159<sup>th</sup> Street that has been an eyesore to both the Village and the property owners. He reported the building has been empty for a lengthy period of time having many severe deficiencies. He reported his client plans to invest approximately \$.5 million toward stabilization of the property including landscape and parking lot improvements, then relocate from the adjacent property to the west and occupy the building. Because of the client base, he reported a limited use elevator is also planned for the building. He noted the unique triangle shape of the building placed sideways on a street with a high speed of traffic and as a result, signage is problematic. He stressed the importance for their clients to provide signage that is more directional rather than advertisement. Considering all that is required to be done to the property, MR. SOSIN concluded requesting consideration for his client regarding signage.

BOARD MEMBER VARGAS inquired if other future tenants would want signage on the outside of the building. MR. SOSIN reported this would not be contemplated since there is insufficient room.

BOARD MEMBER PASZCZYK inquired about plans to alter the monument sign. MR. SOSIN reported the sign is non-conforming and his client is awaiting the Village's signage incentive program. BOARD MEMBER PASZCZYK suggest one (1) sign facing north vs. three (3) signs. MR. SOSIN noted that is the shortest side of the building with no frontage, therefore not the best location.

BOARD MEMBER FITZGERALD complimented the Petitioner on the improvement already done to the building including the extensive landscape work that has already been done. He stated the proposed west façade signage is not necessary since it is not visible, however, agrees with the other two (2) signs. CHAIRMAN VERSTRATE concurred.

In conclusion, MR. SOSIN stated that if the Board feels three (3) signs are too many, his client is agreeable to amending their request to two (2) wall signs.

STEPHANIE KISLER, Planner I, presented the Staff Report. She reviewed the Petitioner's Variation requests that would allow the Petitioner to construct a total of three (3) wall signs on three (3) separate sides of the building, comprising a total of 216 square feet. She showed photographs of the building with images of the proposed signage. She noted the building's irregular trapezoid shape. She showed photographs of the surrounding area noting the significant amount of trees and vegetation surrounding the building that the Petitioner has since removed. She showed the existing non-conforming monument sign that Staff has encouraged the Petitioner to also bring into compliance, however, they have elected to wait to alter the existing monument sign. Comparing the property at 7711 159<sup>th</sup> Street with their existing location to the west, she noted the business with have increased visibility simply due to the height of the building. Staff suggests that the unique shape of the building decreases visibility for the requested sign on the west façade since that sign would face in a southwest direction and also be visible to the surrounding residential area. She noted the building has one of the smaller setbacks from 159<sup>th</sup> Street that most others on that side of the street, therefore, has an advantage and is more visible to the traffic along 159<sup>th</sup> Street. She reported no other buildings zoned B-3 along 159<sup>th</sup> Street between 76<sup>th</sup> and 80<sup>th</sup> Avenue have multiple wall signs for a single tenant and may set precedent with other interior lot building requesting additional signage. She expressed concerns with future tenants also requesting signage on the building. As the property owner, MR. SOSIN again stated no other tenants will be permitted to have signage on building.

MS. KISLER proceeded to review the Petitioner's Variation request from the allowable area for a wall sign. She highlighted the Petitioner's request is about three (3) times what is allowed, which is vastly more than what other interior lots have and may be establishing a precedent.

MS. KISLER presented an alternative to meet the Sign Regulations by installing only one (1) of the requested wall signs on the north side of the building.

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 in question can yield a reasonable return if the sign proposal conforms to Village regulations. A conforming wall sign on the north façade would have increased visibility over other adjacent properties in that it has less setback from 159<sup>th</sup> Street. In addition, a wall sign is proposed to be located at the top of the building which is one of a few 2-story buildings in the area.
2. The plight of the owner is due to unique circumstances.
  - The plight of the owner is not unique. It is an interior lot not unlike adjacent properties. The shape of the building is unique but does not pose any significant burden for sign visibility. Other businesses in this vicinity and in the same zoning district have conformed to the Sign Regulations within the Zoning Ordinance and achieve sufficient visibility and successful businesses.
3. The Variation, if granted, will not alter the essential character of the locality.
  - The character of the locality will alter the essential character of the locality and further set a precedent for other similar properties in the vicinity. The additional number of signs and increased sign face area is inconsistent with other buildings in the vicinity and within the same zoning district.

BOARD MEMBER FITZGERALD stressed the uniqueness of this particularly building and stated it really cannot be compared to other buildings in the area. MR. SOSIN further addressed the issue of the building's uniqueness and these requests being precedent setting. He explained there are problems with the building's configuration. He noted this has been a vacant, troubled parcel that proposes an economic hardship. He stated the signage will not be illuminated and not be a detriment to the surrounding neighbors and help business. He reported his client has been in business in Tinley Park for 22 years.

A motion was made by BOARD MEMBER PASZCZYK seconded by BOARD MEMBER FITZGERALD to close the Public Hearing at 8:55 p.m. for deliberation.

BOARD MEMBER FITZGERALD complimented the Petitioner for doing the Village a favor by rehabilitating the property. He emphasized the need to better treat businesses in Tinley Park better. He stated two (2) wall signs would not be an unreasonable request and recommended the Petitioner amend his request.

BOARD MEMBER PASZCZYK concurred with the uniqueness of the building and agrees two (2) wall signs on the building and the ground sign would be sufficient.

After speaking with his client, MR. SOSIN agreed to withdraw the request for a third sign, specifically the sign that would face west, requesting only two (2) wall signs – one (1) on the north side and one (1) on the east side of the building.

BOARD MEMBER VARGAS concurred that the building is unique but stated the east/west facing monument sign is sufficient. She stated that north sign is not necessary.

There being no further questions or comments, a motion was made by BOARD MEMBER FITZGERALD, seconded by BOARD MEMBER PASZCZYK to modify the Petitioner's request and recommend the Village Board grant the Petitioner Variations, as amended. CHAIRMAN VERSTRATE clarified the Motion as follows:

A Motion to consider recommending that the Village Board grant the Petitioner, David B. Sosin of Sosin, Arnold & Schoenbeck Ltd. on behalf of EPS Holdings, LLC and Vrdolyak Law, the following Variations concerning signage on an existing building located at 7711 159<sup>th</sup> Street, Tinley Park, Illinois:

1. A Variation from Section IX.D.1.c. of the Zoning Ordinance to allow a total of two (2) wall signs where one (1) sign shall be allowed for each principal building; and,
2. A seventy-two square foot (72) Variation from Section IX.D.3.b. of the Zoning Ordinance where seventy-four square feet (74) is the total sign area allowed for the subject property.

These Variations would allow the Petitioners to construct a total of two (2) wall signs on the building, comprising a total of one hundred forty-four square feet (144) of sign face area at 7711 159<sup>th</sup> Street in the B-3 (General Business and Commercial) Zoning District and within the P.T.L. Subdivision.

AYE: Zoning Board Members Michael Fitzgerald, Bob Paszczyk, and Chairman Chris Verstrate

NAY: Zoning Board Members David Samuelson, and Jennifer Vargas

RECUSED: Zoning Board Member Paul Lechner

ABSENT: Zoning Board Member Steve Sepessy

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 SAMUELSON, seconded by BOARD MEMBER PASZCZYK to close the regular meeting of the Zoning Board of Appeals of June 9, 2016 at 9:08 p.m. THE MOTION WAS APPROVED by voice call. ZONING BOARD OF APPEALS CHAIRMAN VERSTRATE declared the Motion approved.



## ZONING BOARD OF APPEALS STAFF REPORT

July 14, 2016

### CIPOLLA (17101 Overhill Avenue)

Variation from the Required Front Yard Setback for a Fence

#### Petitioners

Giuliano and Maureen  
Cipolla

#### Property Address

17101 Overhill Avenue

#### PIN

27-25-304-001-0000

#### Parcel Size

0.45 acres ±  
(20,000 square feet)

#### Zoning

R-1 (Single-Family  
Residential)

#### Subdivision

Southlands

#### Publication

Daily Southtown  
(June 26, 2016)

#### Requested Action

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

#### Project Planner

Stephanie Kisler, AICP  
Planner I

mcc



*Photo of West Side of Petitioners' House (from Overhill Avenue)*



*Photo of Northeast Side of Petitioners' House (showing 171<sup>st</sup> Street at right)*

### SUMMARY OF VARIATION REQUEST

The Petitioners, Giuliano and Maureen Cipolla, are requesting a twenty-seven foot, eleven inch (27'11") Variation from Section V.B. Schedule II (Schedule of District Requirements) where the front yard setback requirement is forty feet (40').

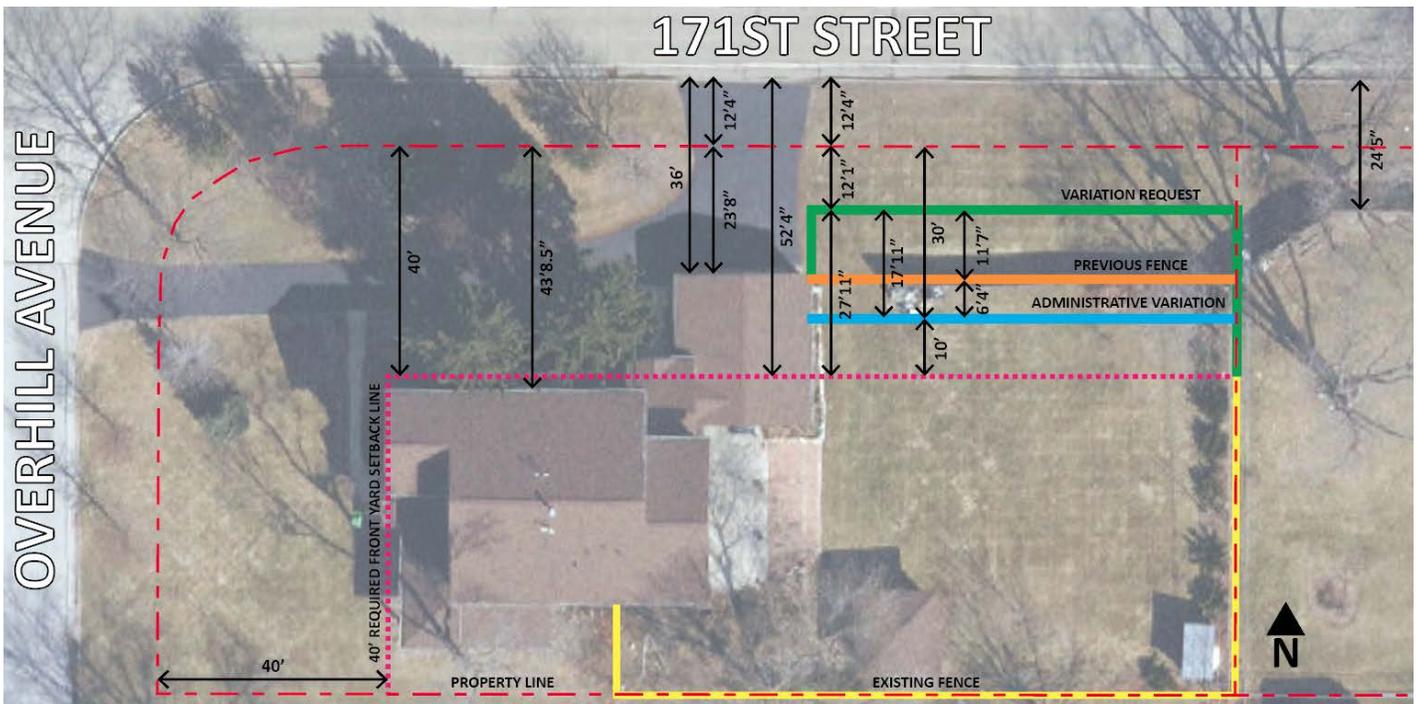
This Variation would allow the Petitioners to construct a five foot, eight inch (5'8") tall wrought iron fence with brick pillars at a twelve foot, one inch (12'1") setback on the north (171<sup>st</sup> Street) side of this corner lot at 17101 Overhill Avenue in the R-1 (Single-Family Residential) Zoning District and within Arthur T. McIntosh and Company's Southlands Subdivision.

**VILLAGE STAFF COMMENTS**

Staff has reviewed the petition for a Variation from the required front yard setback for a new fence at 17101 Overhill Avenue. Staff notes that the Petitioners previously had a fence located in alignment with the garage at a twenty-three foot, eight inch (23'8") setback, but that fence was damaged in a storm and has been removed. The previous fence that was aligned with the garage was permitted to a previous homeowner in 1991. Staff was unable to locate a Variation for the Petitioners' previous fence. Regardless, the proposed location would require a new Variation since the fence is proposed to be about eleven feet, seven inches (11'7") further north than the previous fence.

The Petitioners' new fence is proposed to be setback twelve feet, one inch (12'1") from the north property line so that it would be in alignment with the neighbor's fence to the east. The diagram below displays the Variation request visually.

LEGEND	
<b>Red dashed line</b>	Property Lines
<b>Pink dotted line</b>	40' Required Front Yard Setback Lines
<b>Yellow Line</b>	Existing Fence (Does Not Require Variation)
<b>Green Line</b>	Variation Request for Fence
<b>Orange Line</b>	Previous Fence Location
<b>Blue Line</b>	Administrative Variation Location

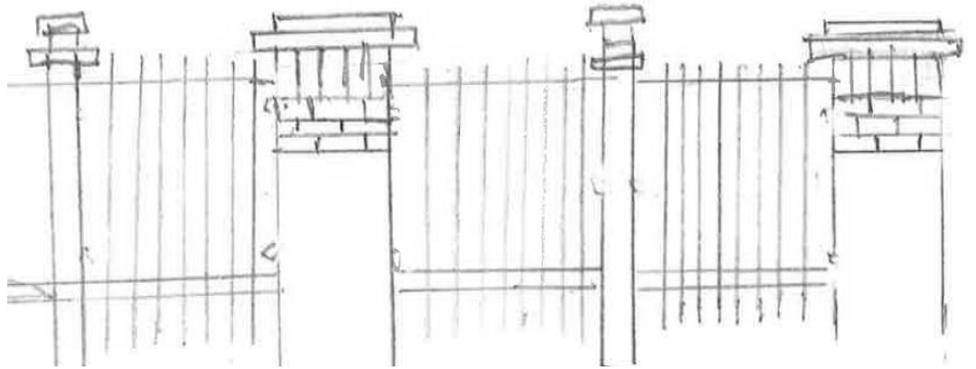


*Diagram Showing Variation Request and Relevant Measurements*

The property is zoned R-1, so a forty foot (40') setback is required for front yards per Section V.B. Schedule II (Schedule of District Requirements). While setback requirements are measured from private property lines, it is important to note that the proposed fence location would be roughly twenty-four feet, five inches (24'5") from the south curb of 171<sup>st</sup> Street. There is no sidewalk along either the 171<sup>st</sup> Street or Overhill Avenue rights-of-way.

The **previous fence** was installed at a twenty-three foot, eight inch (23'8") setback. The **Variation request** is for the fence to be installed at a twelve foot, one inch (12'1") setback. Per Section III.H.1. of the Zoning Ordinance, Staff is able to grant an **administrative Variation** of up to ten feet (10') from the required setback. This would allow the Petitioner to maintain a setback for the fence of thirty feet (30') from the property line nearest 171<sup>st</sup> Street. The administrative Variation is seventeen feet, eleven inches (17'11") further south than what the Petitioner is requesting and six feet, four inches (6'4") further south than their previous fence, thus, the administrative placement would also be about six feet, four inches (6'4") south of the setback of the garage.

The Planning Department notes that there are no concerns with this Variation request with respect to line-of-sight since there are no intersections (street or sidewalk) directly adjacent to the fence. Additionally, the proposed fence is open-style in design (see Petitioners' sketch at right). The north-facing portion of the driveway is about thirty-six feet (36') long from the garage to the curb of 171<sup>st</sup> Street.



The proposed fence would impact visibility for about eleven feet, seven inches (11'7") of that portion of the driveway, leaving about twenty-four feet, five inches (24'5") available for people in the driveway to view oncoming traffic. Although the fence may not be a line-of-sight issue, Staff is concerned about the small evergreens that have been planted near the property line. Over time, these may grow taller and wider and become a line-of-sight issue for the vehicles exiting the driveway. The property owner should be advised to monitor these plantings throughout the future to ensure that visibility is not obstructed. Staff has provided a diagram below using a photo of the property to indicate the approximate location of the proposed fence (shown in purple).



*Diagram Showing Approximate Fence Location Over Photo*

## Research of Comparable Properties

Staff researched other corner properties within the Southlands subdivision zoned R-1 and along 171<sup>st</sup> Street to compare the existing fence locations with the Petitioners' request. A summary table and diagram has been provided below. Note that the Petitioners' property is designated with a yellow star.

<b>Study of Corner Lots Along 171<sup>st</sup> Street in the Southlands Subdivision (R-1 Zoning District Only)</b>	
Total Number of Corner Lots	13
Total Number of Lots with Fences Along 171 <sup>st</sup> Street	5
Number of Lots with Fences that Encroach into the Front Yard Setback Along 171 <sup>st</sup> Street	3



*Diagram Showing Existing Fences in Front Yards Along 171<sup>st</sup> Street in the Study Area*

The three (3) properties with fences that encroach into the front yard setback are 17102 Overhill Avenue, 17100 Oriole Avenue, and 17100 Odell Avenue. These fences are roughly twenty-five feet (25') from the south curb of 171<sup>st</sup> Street. Of these properties, Staff found that 17102 Overhill Avenue was granted a twenty-six foot (26') Variation for a fence in 2006 and did not find a Variation for 17100 Odell Avenue or 17100 Oriole Avenue; however, both properties have obtained fence permits for the fences. Staff is unsure how permits were approved without Variations on file.

In comparison, the Petitioners' request is similar to the existing conditions at the three (3) properties mentioned above. The Petitioners are not requesting the fence to be installed at the closest extent (a zero foot (0') setback); instead, the request is for the fence to be setback twelve feet, one inch (12'1") from their north property line. The Petitioners' north property line is abutting a relatively major thoroughfare (171<sup>st</sup> Street) and the proposed fence will be setback twelve feet, one inch (12'1") from the property line and about twenty-four feet, five inches (24'5") from the south curb of 171<sup>st</sup> Street.

**Options for Fence Location**

The Zoning Board of Appeals should consider these options when reviewing this request:

1. Installing the fence to meet the required forty foot (40') setback (**pink line**);
2. Installing the fence at a thirty foot (30') setback with administrative approval (**blue line**);
3. Installing the fence to align with the existing garage where the previous fence was located at a twenty-three foot, eight inch (23'8") setback (**orange line**); or
4. Installing the fence where the Petitioners' have requested to align with the easterly neighbor's fence at a twelve foot, one inch (12'1") setback (**green line**).



*Diagram Showing Fence Location Options*



*Diagram Showing the Petitioners' Fence Options Related to 17102 Overhill Avenue and 17100 Oriole Avenue  
(Note: Existing Fences Shown in Black)*

Although the Petitioners have the ability to meet the forty foot (40') setback requirement and/or receive an administrative approval for installing the fence at a thirty foot (30') setback, they have stated that these options do not give them enough space in their yard and that it would be out of character and inconsistent with the setback of the neighbor's fences to the east and to the west (see diagram on the previous page). The third option would be to allow them to construct a fence in the same location as the previous fence at a twenty-three foot, eight inch (23'8") setback. The Petitioner has also stated that they have had a fence along the 171<sup>st</sup> Street side of their yard for many years, which provides privacy and security from a highly trafficked road. When the Petitioners needed to replace the fence, they felt that aligning the fence with the neighbor's fences to the east and west would be a more aesthetically pleasing solution.

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

Staff is currently investigating possible Text Amendments for fence setbacks in an attempt to alleviate the numerous requests for fence Variations. As a mature community that has developed over time under various codes and enforcement policies, there are many non-conforming fences that need to be addressed. Staff encourages dialogue amongst the Zoning Board of Appeals regarding this issue and seeks direction regarding future Text Amendments.

**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 July 7, 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.**
  - There are other options available to the Petitioners that would not require a Variation; however, there is precedence set with the neighbor to the west (17102 Overhill Avenue) receiving a Variation in 2006 and the existing fence's location on the adjacent property to the east (17100 Oriole Avenue). The Petitioners have stated that an administrative Variation would limit the use of the rear yard. The Petitioners' request is consistent with the fence location on the property to the east (17100 Oriole Avenue) and the property west of Overhill Avenue (17102 Overhill Avenue).
  
- 2. The plight of the owner is due to unique circumstances.**
  - There was an existing fence on the property that did not meet the current setback requirements of the Zoning Ordinance. The previous fence was installed in 1991 and was removed recently due to damage from a storm. The Petitioners have had a fence and enjoyed the privacy and security that the fence provided. There are other fences in the area that also are non-conforming, some of which did not receive Variations. The Village has encountered many fences on corner lots in the community that are illegal and/or non-conforming and Staff has begun to investigate a Text Amendment to address the issue.
  
- 3. The Variation, if granted, will not alter the essential character of the locality.**
  - There was a non-conforming fence previously on the property. If the Variation is granted, the fence will match the same setback as the adjacent properties to the east (17100 Oriole Avenue) and to the west (17102 Overhill Avenue).
  
- 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, Giuliano and Maureen Cipolla, a twenty-seven foot, eleven inch (27'11") Variation from Section V.B. Schedule II (Schedule of District Requirements) where the front yard setback requirement is forty feet (40'). This Variation would allow the Petitioners to construct a five foot, eight inch (5'8") tall wrought iron fence with brick pillars at a twelve foot, one inch (12'1") setback on the north (171<sup>st</sup> Street) side of this corner lot at 17101 Overhill Avenue in the R-1 (Single-Family Residential) Zoning District and within Arthur T. McIntosh and Company's Southlands Subdivision."

...With the following conditions:

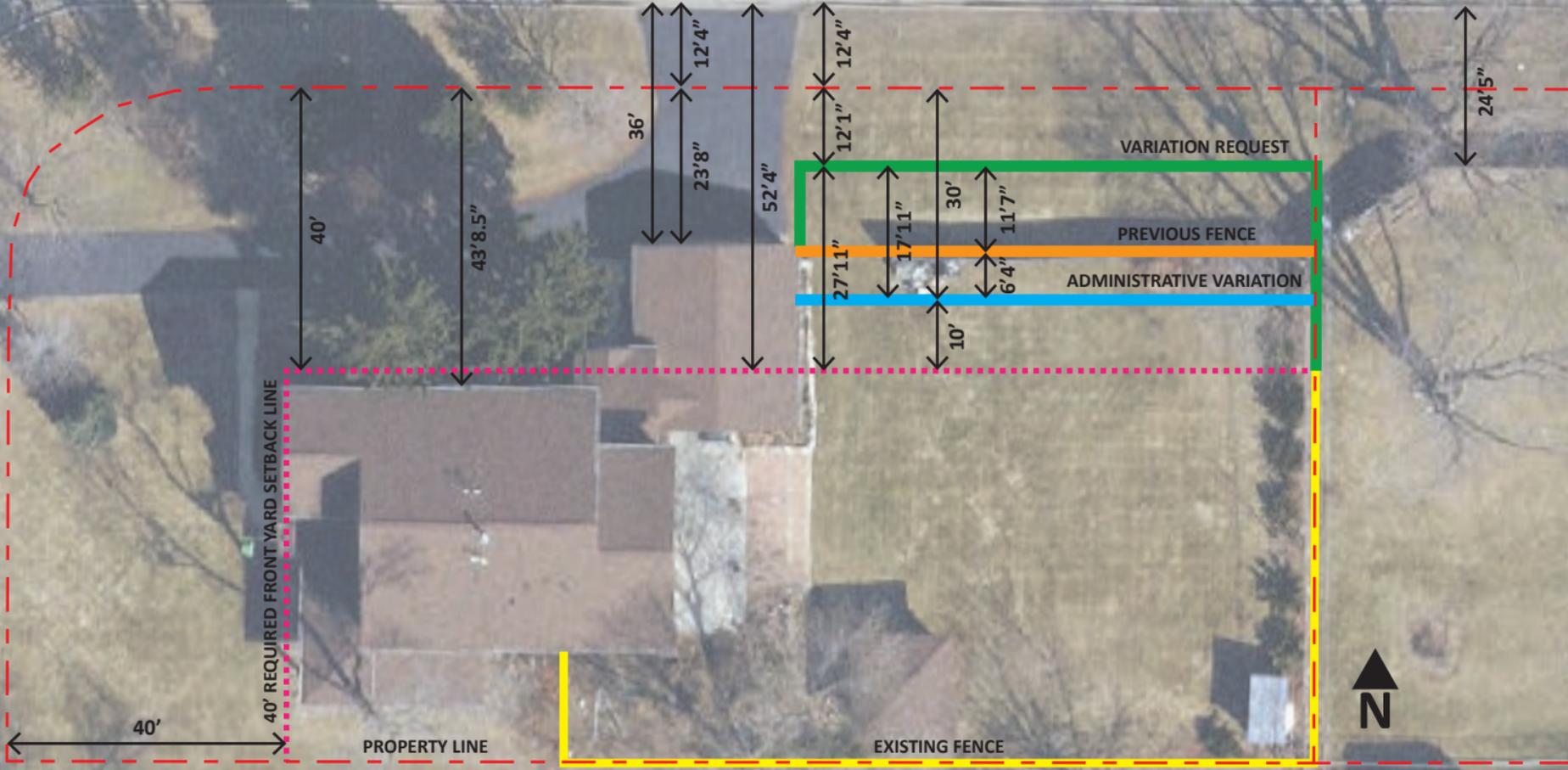
1. *[any conditions that the Zoning Board of Appeals would like to recommend.]*

...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.]*

# 171ST STREET

# OVERHILL AVENUE



**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: Giuliano & Maureen Cipolla

Mailing Address: 17101 Ovherill Ave

City: Tinley Park State: IL Zip: 60477

Day Phone: ██████████ Evening Phone: ██████████

Cell Phone: ██████████ Fax Number: \_\_\_\_\_

Email Address: ████████████████████

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 accompanys by a signed letter of authorization).

---

**PROPERTY INFORMATION**

Street Address: 17101 Overhill Ave Tinley Park IL 60477

Owners: Giuliano Cipolla, Maureen Cipolla

**SPECIFIC TYPE OF VARIANCE REQUESTED (See Examples Below):**

A 15.4ft variance to the north side of our backyard, setback on the north side of the property to install/replace our existing wood fence that came down due to a severe storm.

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 install a 5.8ft tall x 81ft length wrought iron fence with brick pillars 24.4 ft from the curb on the north side of our property adjacent to 171st Street. This request is to secure our property and will run in conjunction with our neighbors fences directly to the east and west of us along 171st Street.

**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: 05/25/2016

Printed Name: Giuliano Cipolla

-----  
**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?

Based on the current restrictions the installation of the fence would cause a disruption and interfere with the current underground utilities that run congruent on the east side of our lot.

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

In the event we were to conform to the setback restrictions we would lose 15.4ft in backyard space in which would decrease the value of our home in comparison to our neighbors directly to the east and west of us.

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

We were presently unaware to this zoning restriction until our present fence came down in a severe storm and we filed for a permit with the Village.

## 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 request is unique due to the fact that our property is a corner lot and as the current zoning variance reflects when the property was built in 1955. Since then, 171st Street has become a 4 lane major thoroughfare with major traffic patterns.

- 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 request is a necessity of safety first and foremost. We have a very large family of all age groups along with pets. This request is to provide safety to our family as we like to spend in our yard.

- 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 will provide private and public safety for our community. The installation of the wrought iron fence will not inhibit a view or cause any safety concerns on the contrary it may save a life in the event a car loses control during inclement weather. It will provide safety to our family by allowing us to enclose our backyard and allow for us to play with our grandchild without the worry of he little one walking out on a busy street.

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

The variance will comply with our neighbors fences to the east and west of us and ascetically conform to their existing fences.

## 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 new fence is constructed of black wrought iron with 4 inch slats open that will allow light and air throughout the yard.

2. Substantially increase the congestion of the public streets.

The new fence will have no impact on congestion or visibility to the public streets.

3. Increase the danger of fire.

The new fence is comprised of iron and brick therefore no endangerment of fire.

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

The new fence will have no impact on any drainage.

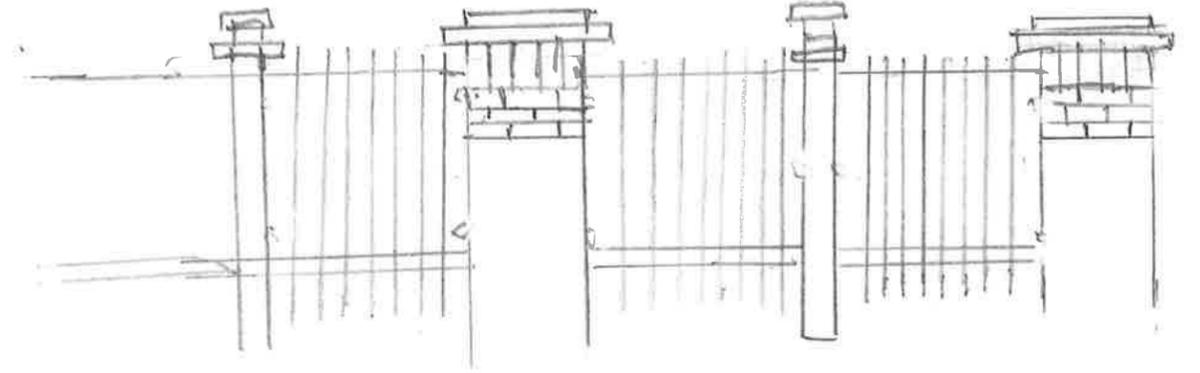
5. Endanger the public safety.

The new fence will not have any impact on public safety as the material is solid with no safety hazards to present to the public.

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

The new fence will not have any negative impact on property values as this material of fence conforms with the highest standards of neighborhoods. The materials are made to last forever with little to no maintenance.

171<sup>ST</sup> ST



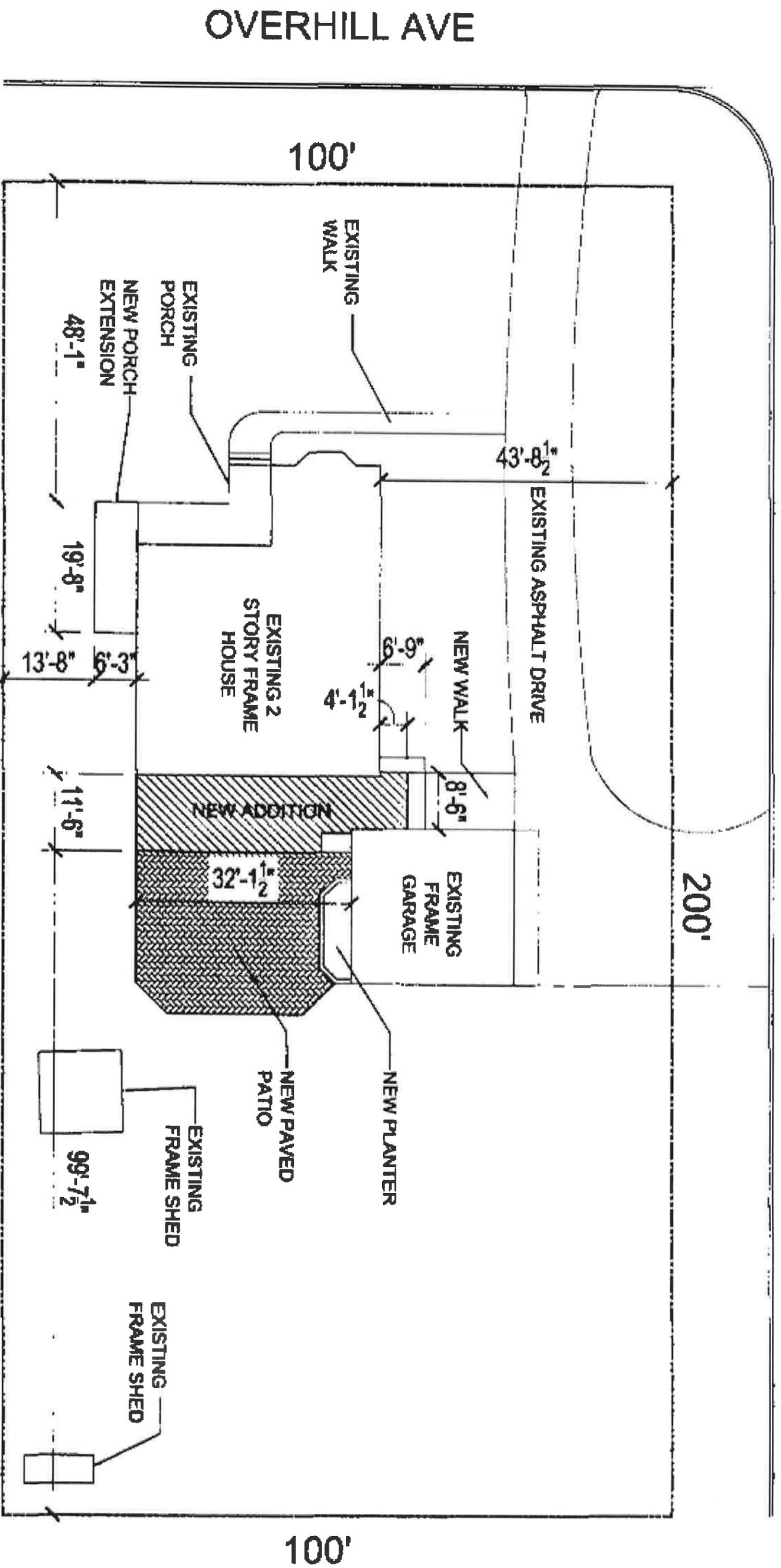
NEIGHBOR'S FENCE  
'24' 4" FROM 171ST

FENCE DESIGN FOR 17101 OVERHILL





171ST STREET



2

Site Plan

SCALE: 1" = 20'

1

Russell Schomig PLS # 2446  
William Schomig

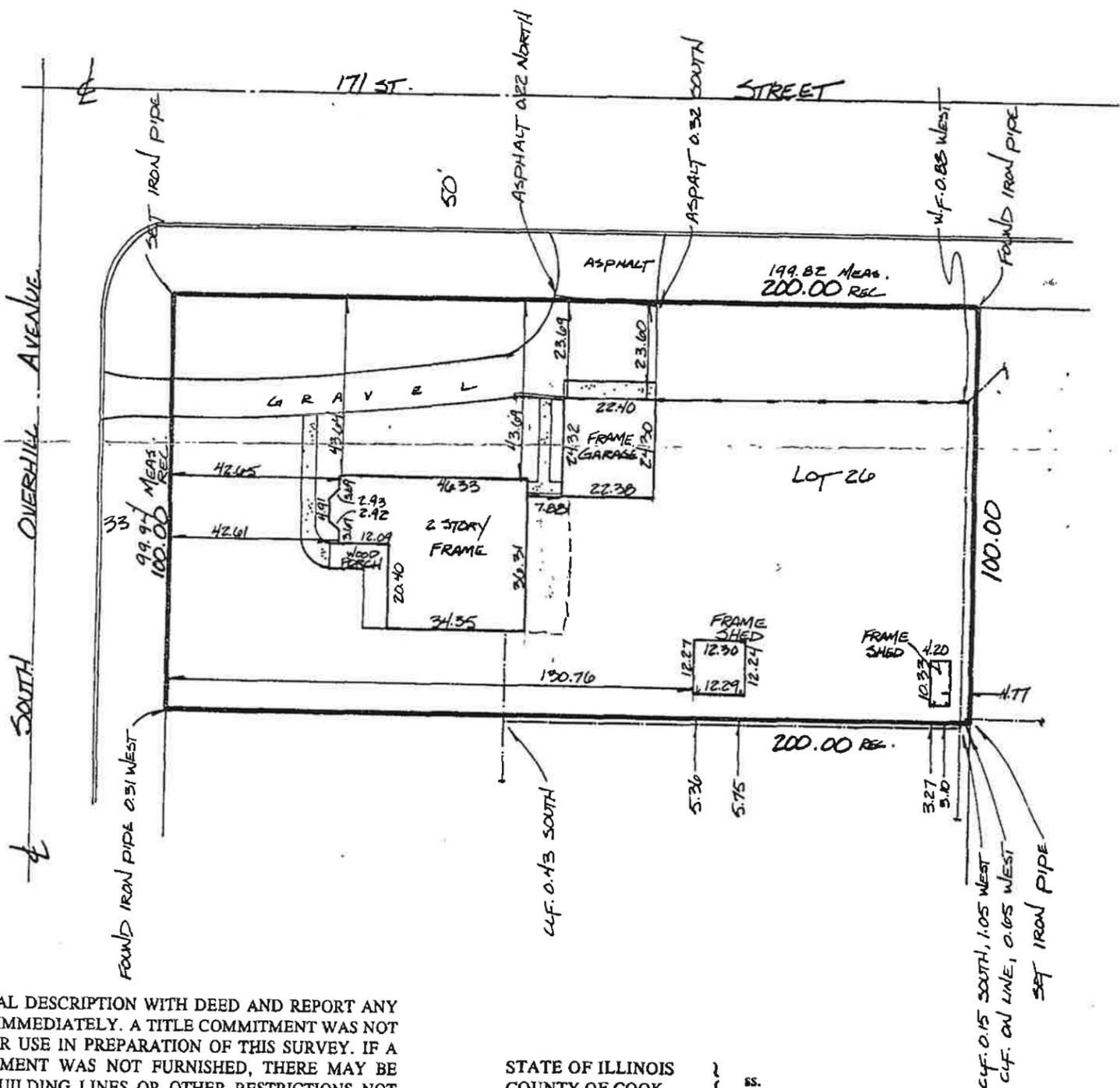
SCHOMIG LAND SURVEYORS, LTD.

1915 East 31<sup>st</sup> Street  
LaGrange Park, Illinois 60526  
Office (708) 352-1452  
Fax (708) 352-1454

# Plat of Survey

LOT 26 IN BLOCK 7 IN ARTHUR T. MC INTOSH AND COMPANY'S SOUTHLANDS UNIT 3, BEING A SUBDIVISION OF CERTAIN PARTS OF THE NORTH 1393 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: 17101 SOUTH OVERHILL AVENUE



COMPARE LEGAL DESCRIPTION WITH DEED AND REPORT ANY DISCREPANCY IMMEDIATELY. A TITLE COMMITMENT WAS NOT FURNISHED FOR USE IN PREPARATION OF THIS SURVEY. IF A TITLE COMMITMENT WAS NOT FURNISHED, THERE MAY BE EASEMENTS, BUILDING LINES OR OTHER RESTRICTIONS NOT SHOWN ON THIS PLAT. THIS PLAT DOES NOT SHOW BUILDING RESTRICTIONS ESTABLISHED BY LOCAL ORDINANCES. LOCAL AUTHORITIES MUST BE CONSULTED REGARDING ANY RESTRICTIONS. DO NOT SCALE DIMENSIONS FROM THIS PLAT. NO EXTRAPOLATIONS SHOULD BE MADE FROM THE INFORMATION SHOWN WITHOUT PERMISSION OF SCHOMIG LAND SURVEYORS, LTD. THIS PLAT IS NOT TRANSFERABLE. ONLY PRINTS WITH AN EMBOSSED SEAL ARE OFFICIAL COPIES. © COPYRIGHT, ALL RIGHTS RESERVED.

SURVEYED: NOVEMBER 7, 1997  
BUILDING LOCATED: NOVEMBER 7, 1997  
ORDERED BY: Donatelli & Coules, Limited  
PLAT NUMBER: 979722 SCALE 1" = 30'

STATE OF ILLINOIS }  
COUNTY OF COOK } ss.

WE, SCHOMIG LAND SURVEYORS, LTD. AS ILLINOIS LICENSED PROFESSIONAL LAND SURVEYORS, HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY DESCRIBED IN THE CAPTION TO THE PLAT HEREON DRAWN AND THAT THE SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SAME.

ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS OF A FOOT AND ARE CORRECT AT A TEMPERATURE OF 68 DEGREES FAHRENHEIT. DIMENSIONS SHOWN ON BUILDINGS ARE TO THE OUTSIDE OF BUILDINGS.

I.P. = IRON PIPE  
C.L.F. = CHAIN LINK FENCE  
D.E. = DRAINAGE EASEMENT  
W.F. = WOOD FENCE  
P.U.E. = PUBLIC UTILITY EASEMENT  
B.L. = BUILDING LINE

*Russell W Schomig*  
PROFESSIONAL ILLINOIS LAND SURVEYOR

