



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 (170th 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 170th Place is a minor residential street. She proceeded to review fence conditions for corner lots along 170th 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 170th 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 170th 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 170th 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 (170th 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.

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 159TH 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 159th 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. 144th Place, Orland Park, IL, explained the nature of these Variation requests is part of an ongoing rehabilitation of the property located on 159th 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 159th 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 159th Street that most others on that side of the street, therefore, has an advantage and is more visible to the traffic along 159th Street. She reported no other buildings zoned B-3 along 159th Street between 76th and 80th 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 159th 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 159th 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 159th 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.