AGENDA FOR REGULAR MEETING
VILLAGE OF TINLEY PARK
ZONING BOARD OF APPEALS
July 28, 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 – July 14, 2016 Regular Meeting

<u>Public Hearing #1</u>: **NELSON – 17100 FOXGROVE LANE – VARIATION FROM THE REQUIRED FRONT YARD SETBACK – FENCE**

Consider recommending that the Village Board grant a Variation to the Petitioner, Russell Nelson, that would allow for a fence, including:

1. A twenty-four foot (24') Variation from Section V.B. Schedule II (Schedule of District Requirements) where the front yard setback requirement is twenty-five feet (25').

This Variation would allow the Petitioner to replace the existing fence with a six foot (6') tall wood privacy fence at a one foot (1') setback on the north (171st Street) side of this corner lot at 17100 Foxgrove Lane in the R-4 (Single-Family Residential) Zoning District and within the Old Oak 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

JULY 14, 2016

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on July 14, 2016 at 7:30 p.m.

ROLL CALL

Present and responding to roll call were the following:

Acting Zoning Board Chairman:	David Samuelson
Zoning Board Members:	Michael Fitzgerald Paul Lechner Bob Paszczyk Steve Sepessy
Absent Zoning Board Members:	Chris Verstrate, Chairman Jennifer Vargas
Village Officials and Staff:	Stephanie Kisler, Planner I Dominick Lanzito, Village Attorney Lisa Beck, Planning & Building Clerk

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 7:30 p.m. ZONING BOARD ACTING CHAIRMAN SAMUELSON declared the Motion approved. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Minutes of the June 9, 2016 meeting of the Zoning Board of Appeals were presented for approval. A motion was made by ZONING BOARD MEMBER LECHNER seconded by ZONING BOARD MEMBER SEPESSY to approve the Minutes as presented. THE MOTION WAS APPROVED UNANIMOUSLY by voice vote. ZONING BOARD MEMBER SAMUELSON declared the motion approved.

DRAFT

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

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

SUBJECT: **MINUTES OF THE JULY 14, 2016 MEETING**

RE: **PUBLIC HEARING #1**
CIPOLLA – 17101 OVERHILL AVENUE – VARIATION FROM THE REQUIRED FRONT YARD VARIANCE - 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 (171st 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.

Present were the following:

Acting Zoning Board Chairman:	David Samuelson
Zoning Board Members:	Michael Fitzgerald Paul Lechner Bob Paszczyk Steve Sepessy
Absent Zoning Board Members:	Chris Verstrate Jennifer Vargas
Village Officials and Staff:	Stephanie Kisler, Planner I Dominick Lanzito, Village Attorney Lisa Beck, Planning & Building Clerk
Guest(s):	Giuliano & Maureen Cipolla

A motion was made by BOARD MEMBER SEPESSY, seconded by BOARD MEMBER PASZCZYK to open the Public Hearing at 7:32 p.m. THE MOTION WAS APPROVED by voice call. ACTING CHAIRMAN SAMUELSON declared the Motion approved.

ACTING CHAIRMAN SAMUELSON 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.

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

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MAUREEN CIPOLLA, 17101 Overhill Avenue, explained they are seeking a 27'11" Variance to the front yard setback requirement to allow for the construction of 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 (171st 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.

STEPHANIE KISLER, Planner I, presented the Staff report. She stated the Petitioners are seeking a Variation from the required front yard setback for a new fence at 17101 Overhill Avenue. The Petitioners' previously had a fence that was damaged in a storm and was removed. 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. An aerial view of the property was displayed to show the differences between the Petitioners' Variation request (12'1" setback), the area where the previous fence was placed (23'8" setback), and the area showing where Staff could grant an Administrative Variation (30' setback).

MS. KISLER provided images from various perspectives of the property to demonstrate if this Variation would affect line-of-sight. There were no concerns with respect to line-of-sight since there were no intersections (street or sidewalk) directly adjacent to the fence. While the fence would not create a line-of-sight issue, it was noted that the Petitioners' currently have trees that will need to be maintained as they mature in order to ensure that visibility is not obstructed. The Petitioners' agreed to monitor these plantings.

MS. KISLER reported that she conducted a study of properties in the same subdivision and zoning district along 171st Street. There were thirteen (13) similar lots that meet the criteria, with five (5) of the lots having fences, and three (3) of the five (5) lots having fences that encroach into the front yard setback requirement. The address at 17102 Overhill Avenue was granted a twenty-six foot (26') Variation in 2006, but she could not locate Variations for the fences encroaching into the front yard setback at 17100 Oriole Avenue or 17100 Odell Avenue. She noted that if these property owners were to replace or build a fence, they would be required to go through the same Variation process as the current Petitioner.

MS. KISLER highlighted the following options for the Zoning Board of Appeals to consider:

1. Installing the fence to meet the required forty foot (40') setback;
2. Installing the fence at a thirty foot (30') setback with administrative approval;
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; 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.

BOARD MEMBER FITZGERALD stated that it was difficult to see where the neighbor's fence would line up with the proposed Variation as there appeared to be a triangular section of fence on the easterly neighbor's fence. MR. CIPOLLA stated that a utility pole was located there. MS. KISLER clarified that the Petitioner wished to box it out and displayed a photo of the angled section of fencing.

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.
   - 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).

ACTING CHAIRMAN SAMUELSON noted for the record that 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.

ACTING CHAIRMAN SAMUELSON inquired if anyone in the audience would like to speak or ask questions. No one in the audience requested to address the Zoning Board of Appeals, Staff, or the Petitioners.

There being no further questions or comments, a motion was made by BOARD MEMBER SEPESSY, seconded by BOARD MEMBER LECHNER to close the Public Hearing at 7:56 p.m. for deliberation.

A MOTION WAS MADE BY BOARD MEMBER PASZCZYK, SECONDED BY BOARD MEMBER LECHNER to recommend the Village Board grant the Petitioner Variation. BOARD MEMBER PASZCZYK clarified the Motion as follows:

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

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 (171st 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.

AYE: Zoning Board Members Bob Paszczyk, Steve Sepessy, David Samuelson, and Paul Lechner

NAY: Zoning Board Member Fitzgerald

ABSENT: Zoning Board Member Jennifer Vargas and Chairman Chris Verstrate

THE MOTION WAS APPROVED by voice vote. ACTING CHAIRMAN SAMUELSON declared the Motion approved.

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BOARD MEMBER FITZGERALD questioned if there was a time to have open discussion between closing the public hearing and the vote.

DOMINICK LANZITO, Village Attorney, clarified this could take place after the motion is made but before the vote.

MS. KISLER stated that the vote had already been taken tonight but asked BOARD MEMBER FITZGERALD to provide his comments for the record. She stated that these minutes will be presented to the Village Board for further consideration.

BOARD MEMBER FITZGERALD stated for the record that he voted no on the Variation request due to the aesthetics of the triangular section of fence. He felt that the fence should be installed at the same location as the previous fence.

GOOD OF THE ORDER

BOARD MEMBER PASZCZYK requested that Staff decrease the amount of documentation provided in the ZBA packets. He stated that much of it is redundant. Discussion ensued regarding the streamlining of information distributed to the Zoning Board of Appeals and whether it was possible to use only digital copies of the packets rather than printed copies. Several Zoning Board Members mentioned different preferences, so in lieu of providing different materials to each person, it was decided that Staff would continue with current procedure and investigate ways to consolidate the information into smaller packets.

ACTING CHAIRMAN SAMUELSON asked if there was any public comment and no one from the audience addressed the Zoning Board of Appeals.

MS. KISLER queried the Zoning Board regarding future Text Amendments related to fences. A discussion ensued with varying opinion on what should or should not be allowed regarding front yard setback requirements. MS. KISLER stated that she would like the Zoning Administrator to have more authority to make decisions rather than have Petitioners go through a 2-3 month process to have a Variation granted. She also noted that other communities sometimes allow fences in front yards when they choose lower heights and open style versus privacy style fences. Additionally, she noted that the front yard fence regulations could be somehow determined based on the classification of the street adjacent to the lot. She requested that the Zoning Board Members provide additional feedback at the next meeting.

ACTING CHAIRMAN SAMUELSON stated that the Zoning Board should take a hard look at these requests.

ADJOURNMENT

A motion was made by BOARD MEMBER PASZCZYK, seconded by BOARD MEMBER LECHNER to close the regular meeting of the Zoning Board of Appeals of July 14, 2016 at 8:20 p.m. THE MOTION WAS APPROVED by voice call. ACTING CHAIRMAN SAMUELSON declared the Motion approved.

DRAFT

ZONING BOARD OF APPEALS STAFF REPORT
July 28, 2016

NELSON (17100 Foxgrove Lane)
Variation from the Required Front Yard Setback for a Fence

Petitioner
Russell Nelson

Property Address
17100 Foxgrove Lane

PIN
27-26-311-030-0000

Parcel Size
0.25 acres ±
(11,220 square feet)

Zoning
R-4 (Single-Family Residential)

Subdivision
Old Oak

Publication
Daily Southtown
(July 13, 2016)

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

Project Planner
Stephanie Kisler, AICP
Planner I

Photo of Petitioners' House (from Foxgrove Lane)

Photo of Petitioner's Existing Fence Along 171st Street

SUMMARY OF VARIATION REQUEST

The Petitioner, Russell Nelson, is requesting a twenty-four foot (24') Variation from Section V.B. Schedule II (Schedule of District Requirements) where the front yard setback requirement is twenty-five feet (25').

This Variation would allow the Petitioner to replace the existing fence with a six foot (6') tall wood privacy fence at a one foot (1') setback on the north (171st Street) side of this corner lot at 17100 Foxgrove Lane in the R-4 (Single-Family Residential) Zoning District and within the Old Oak Subdivision.

VILLAGE STAFF COMMENTS

Staff has reviewed the Variation petition from the required front yard setback for the replacement of an existing fence on a corner lot at 17100 Foxgrove Lane. Staff notes that the Petitioner has an existing wood privacy fence parallel to 171st Street installed by a previous homeowner. The existing fence is in a deteriorated condition; the Petitioner wishes to replace it with a similar six foot (6') tall wood privacy fence at the same location.

Building permit records indicate that the wood fence line along the north side of the property was permitted in 2009; however, there no Variation was issued. When the Petitioner purchased the property in 2013, he received a permit to install a connection of chain-link fencing from the north side of the home to the fence that was installed in 2009 along the north property line (parallel to 171st Street). There is also no record of a Variation for the 2013 fence. Staff also notes that a shed was also permitted within the front yard setback without a Variation in 2009.

The Petitioner's Variation request would formalize the existence of both the 2009 wood fence line and the 2013 chain-link fence connection and allow the fence to extend twenty-four feet (24') into the twenty-five foot (25') required front yard setback. Note that the proposed fence would align with existing rear yard fences to the west.

LEGEND	
Red dashed line	Property Lines
Pink dotted line	25' Required Front Yard Setback Lines
Yellow Line	Existing Fence (Does Not Require Variation)
Green Line	Variation Request for Fence
Blue Line	Administrative Variation Location

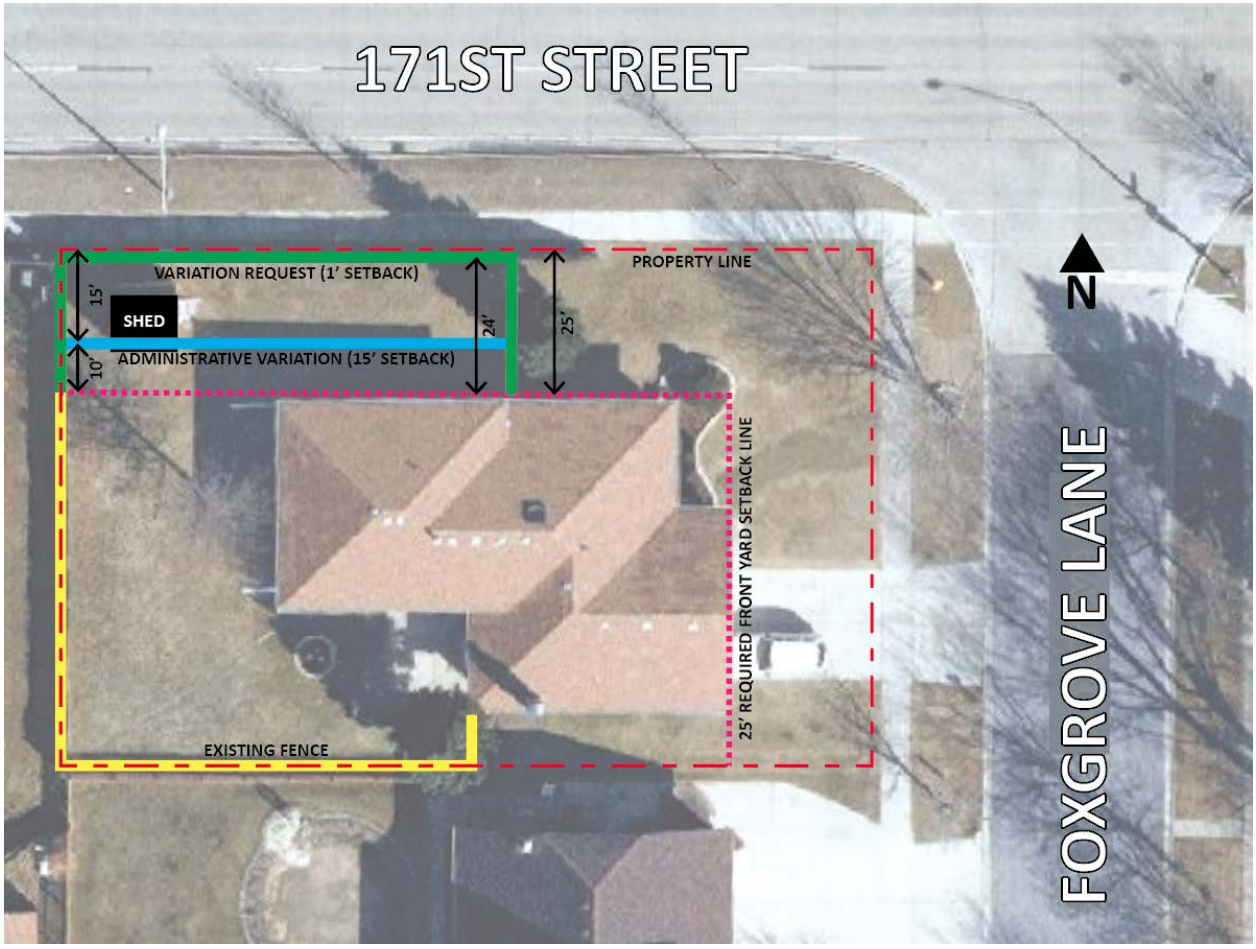


Diagram Showing Variation Request and Relevant Measurements

The property is zoned R-4, so a twenty-five foot (25') setback is required for front yards per Section V.B. Schedule II (Schedule of District Requirements). The **Variation request** is for the fence to be installed at a one foot (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 fifteen feet (15') from the property line parallel to 171st Street. If granted, the administrative Variation would place the fence fourteen feet (14') further south than what the Petitioner is requesting, and would intersect the non-conforming shed. While the shed was permitted without proper adherence to the front yard setback regulations, Staff notes that ideally the shed is best enclosed within the fence rather than outside of the fence and visible from the public right-of-way..

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, driveway, or sidewalk) directly adjacent to the fence. The proposed fence would be one foot (1') off the property line, which is actually about two feet, six inches (2'6") from the sidewalk. In addition, the fence would align with other existing fences to the west, which are considered rear yard fences. Staff notes that the Petitioners' north property line is abutting a relatively major thoroughfare (171st Street) and would be in a consistent location in comparison to other properties along 171st Street.

Diagram of Fences Along 171st Street Between 84th Avenue and 88th Avenue

Staff examined the existing conditions of fences along 171st Street between 84th Avenue and 88th Avenue. In the diagram above, existing fences adjacent to 171st Street are shown with black lines, the Petitioner's property is denoted with a yellow star, and properties within the Village of Orland Hills are shaded in purple. This diagram shows how the proposed fencing (retaining the location of the existing fence) would be consistent with the existing fencing along 171st Street. Note also that the orientation of the lots cause the majority of these fences to be considered as rear yard fences rather than front yard fences. Staff has provided a larger view of the area closest to the Petitioner's property below.

The existing fence is in deteriorating condition and may impede drainage due to the way the bottom of the fence was installed. See photo below showing how horizontal planks were added at the bottom of the fence and did not allow water to flow under the vertical planks. In addition, these horizontal planks added uneven height to the fence and the overall height is inconsistent along the fence line. Installation of a new fence could address these concerns and correct the drainage.

Photo Showing Vertical and Horizontal Planks on Existing Northern Fence Line

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 21, 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 an existing fence that was permitted in the proposed location in 2009 and the fence aligns with other existing fences to the west. The previous property owner also received a permit for a shed in 2009, which is located within the required front yard setback. If the fence were to be installed to meet code at a twenty-five foot setback , the shed would be outside of the fence. The proposed fence is consistent with the location of other fences along 171st Street.

2. **The plight of the owner is due to unique circumstances.**
    - There is an existing fence on the property that was permitted to a previous homeowner without a Variation in 2009. The Petitioner has had a fence in the proposed location and enjoyed the privacy and security that the fence provided. The proposed fence location is consistent with the location of other fences along 171st Street. 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 is currently a deteriorating fence on the property in the same location as the proposed fence. If the Variation is granted, the fence will replace the existing fence and be aligned with existing fences to the west. It is not uncommon for fences along major thoroughfares, such as 171st Street, to be installed near or along the property line adjacent to the road.

4. **Additionally, the Zoning Board of Appeals shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:**
    a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
    b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
    c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
    d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
    e. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
    f. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

APPROPRIATE MOTION

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

"...make a motion to consider recommending that the Village Board grant the Petitioner, Russell Nelson, a twenty-four foot (24') Variation from Section V.B. Schedule II (Schedule of District Requirements) where the front yard setback requirement is twenty-five feet (25'). This Variation would allow the Petitioner to replace the existing fence with a six foot (6') tall wood privacy fence at a one foot (1') setback on the north (171st Street) side of this corner lot at 17100 Foxgrove Lane in the R-4 (Single-Family Residential) Zoning District and within the Old Oak Subdivision."

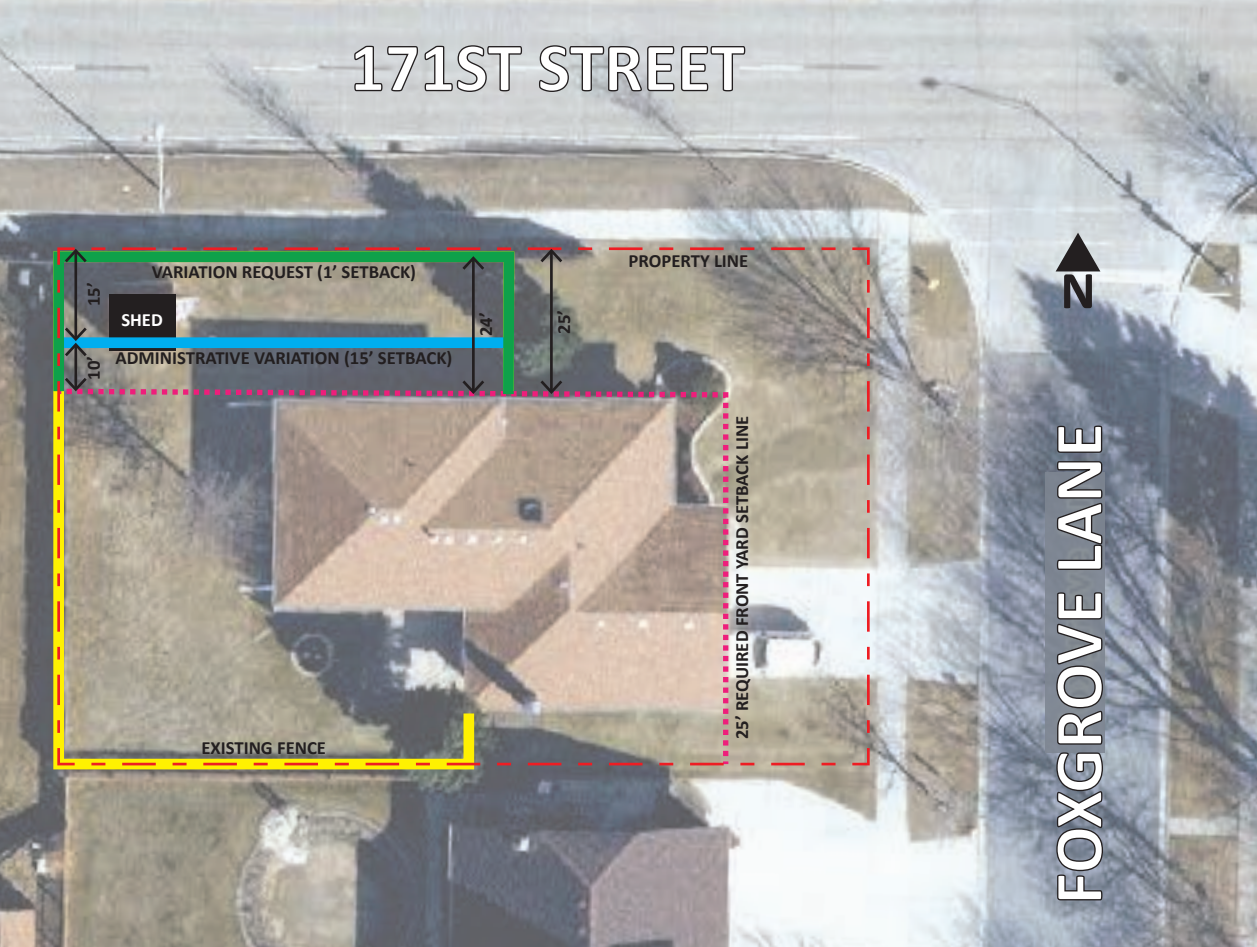
...With the following conditions:

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
VARIATION REQUEST (1' SETBACK)
SHED
15'
10'
ADMINISTRATIVE VARIATION (15' SETBACK)
24'
25'
PROPERTY LINE
25' REQUIRED FRONT YARD SETBACK LINE
EXISTING FENCE
N
FOXGROVE LANE

RECEIVED
JUL - 7 2016

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: RUSSELL NELSON

Mailing Address: 17100 FOXGROVE LN

City: TINLEY PARK State: IL Zip: 60487

Day Phone: [redacted] Evening Phone: [redacted]

Cell Phone: [redacted] Fax Number:

Email Address: [redacted]

Nature of Petitioner's Interest in the property and/or relationship to the owner:
(Applications received on behalf of the owner of record must be accompanies by a signed letter of authorization).

PROPERTY INFORMATION

Street Address: 17100 FOXGROVE LN

Owners: RUSSELL & MARLENE NELSON

SPECIFIC TYPE OF VARIANCE REQUESTED (See Examples Below):

A 24' variance to allow a fence at a 1' setback on the North property line.

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)

Replace existing fence (same location) due to old fence condition.

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: [redacted] Date: 7/7/16

Printed Name: RUSSELL C. NELSON

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?

I want to replace current fence and the current code does not allow me to do so. Fence was up when I bought house. I would have to remove attached fence installed in 2013 to comply with the code.

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

My property abuts a major street (171st) and the fence is necessary for safety and privacy. The current shed would be outside a fence in compliance.

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

The previous owner installed fence and shed and it was approved at these locations by T.P.

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.

It is a corner lot on major street and I am only replacing the existing fence.

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.

It is necessary to replace the existing deteriorating fence.

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).

It will be an improvement to a possible failing structure

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

The essential character of this neighborhood is that fences line 171st St. Other fences are considered back yard 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.

This will be a 6 ft tall privacy fence and will not impact ajacent properties.

2. Substantially increase the congestion of the public streets. It is on my private property and will not effect the street.

3. Increase the danger of fire. Fence will conform to village code.

4. Impair natural drainage or create drainage problems on adjacent property. The fence will have adequit space for drainage and will conform to

5. Endanger the public safety. There is no sight issues with fence, will be 2½ feet from public sidewalk.

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

The new fence could only increase property values.

KDC CONSULTANTS INC.

16144 S. BELL ROAD
HOMER GLEN, ILLINOIS 60491

WWW.KDCCONSULTANTSINC.COM
LAND PLANNING ENGINEERING LAND SURVEYING

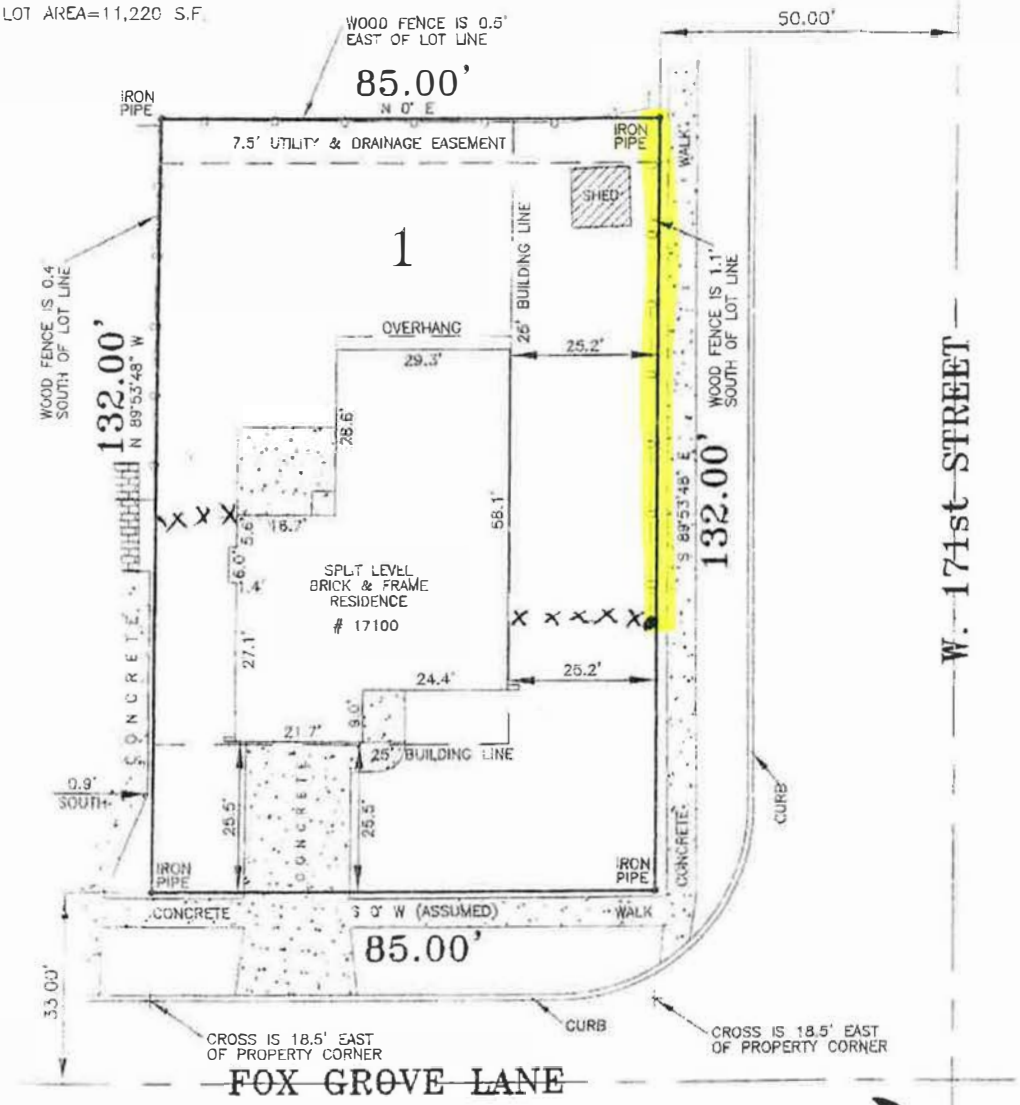
(708) 645-0545
Fax: 845-0546

PLAT OF SURVEY

OF

LOT 1 IN OLD OAK SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 27-26-311-030
LOT AREA=11,220 S.F.



SCALE: 1" = 20'

REDUCED COPY

STATE OF ILLINOIS)
COUNTY OF WILL) ss.

WE, KDC CONSULTANTS INC., 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 THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

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.

SURVEYED 13TH DAY OF JUNE 2013.

SIGNED THIS, 19TH DAY OF JUNE 2013.

BY: _____
PROFESSIONAL ILLINOIS LAND SURVEYOR No. 3184

16144 S. BELL ROAD
HOMER GLEN
60491
KEVIN D. CHARTIN
035-003184
PROFESSIONAL
LAND SURVEYOR

LICENSE EXPIRATION
11-30-2014

PREPARED FOR: NELSON

COMPARE LEGAL DESCRIPTION WITH DEED AND REPORT ANY DISCREPANCY IMMEDIATELY. A TITLE COMMITMENT MAY NOT HAVE BEEN FURNISHED FOR USE IN PREPARATION OF THIS SURVEY. IF A TITLE COMMITMENT HAS 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. SUBJECT TO EASEMENTS OF RECORD.

DO NOT SCALE DIMENSIONS FROM THIS PLAT. NO EXTRAPOLATIONS SHOULD BE MADE FROM THE INFORMATION SHOWN WITHOUT THE PERMISSION OF KDC CONSULTANTS, INC. THIS PLAT IS NOT TRANSFERABLE. ONLY PRINTS WITH AN EMBOSSED SEAL ARE OFFICIAL COPIES. © COPYRIGHT. ALL RIGHTS RESERVED.

SURVEY No. 13-06-015

AMERICA'S BACKYARD
FENCING & DECKING

1909 Briggs Street ★ Joliet, IL ★ 60433
Phone: (708) 301-1200 ★ (815) 834-1200
Fax Line: (815) 834-1589

[redacted]

Proposal

Sales Person Chris Dehner
Date 6-21-16
Target Install Date ASAP
Job Location

Last Name Nelson
First Name Rus + Marlene
Address 7100 Foxglove
City Tinley Park
State, Zip
Email [redacted]
Home Phone
Work Phone
Fax Number
County
Village/City (urban)
or unincorporated township (rural)
Subdivision
Intersecting Streets
Location Info

Total Job Cost 2643.00
Down Payment 643.00
(Form)
Additional Payment
(Form) 1127
Final Payment
(Form)
Balance Due 2000.00

Height
Boards
Top *(arch, scallop)*
Style *(spaced, solid, shadow)*
Back Rails
Post
Gates
# of Sections
Slopes
Total Footage

$ 643 Deposit
MISA

85' 6' Traditional Board on Board (Takedown & haul wood fence)
* 3/4" Thick Verticals
* 2x4 Rails (offset mid)
* 4x4 Posts (flat caps)
100% Eastern White Cedar
No Gates
Crew Chief has 15 years experience Minimum
Home
Slope to 4'
85'
* STAINED *

Customer to contact AMERICA'S BACKYARD if J.U.L.I.E. marks are NOT present three days prior to installation. Customer to obtain all permits. Dirt removal not included.

Directions: 15

Condition Of Sale. We Propose to furnish material and labor – complete in accordance with above specifications. All material is guaranteed to be as specified. All work to be completed in a workman like manner according to standard practices. All agreements contingent upon strikes, accidents or delays beyond our control.

Dollars ($)

Payment to be made as follows:
All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Acceptance Of Proposal – Terms and Conditions On Reverse Side. The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be make as outlined above.

Date of Acceptance

Authorized Signature [redacted]

Note: This proposal may be withdrawn by us if not accepted within ___days.

Signature X [redacted]

Signature

3/16 1K printer