MINUTES OF THE ZONING BOARD OF APPEALS

VILLAGE OF TINLEY PARK,
COOK AND WILL COUNTIES, ILLINOIS

AUGUST 25, 2016

The regular meeting of the Zoning Board of Appeals was held in the Council Chambers of Village Hall on August 25, 2016 at 7:30 p.m.

PLEDGE

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 Dave Samuelson Steve Sepessy Jennifer Vargas
Village Officials and Staff:	Stephanie Kisler, Planner I Dominick Lanzito, Village Attorney Patricia Meagher, Commission Secretary

CALL TO ORDER
A motion was made by ZONING BOARD MEMBER SEPESSY, seconded by ZONING BOARD MEMBER PASZCZYK to open the regular meeting of the Zoning Board of Appeals at 7:30 p.m. ZONING BOARD CHAIRMAN VERSTRATE declared the Motion approved.

APPROVAL OF MINUTES
Minutes of the July 28, 2016 meeting of the Zoning Board of Appeals were presented for approval. A motion was made by BOARD MEMBER SEPESSY seconded by ZONING BOARD MEMBER LECHNER to approve the Minutes as presented. THE MOTION WAS APPROVED by voice call. CHAIRMAN VERSTRATE declared the Minutes approved.

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

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

SUBJECT: **MINUTES OF THE AUGUST 25, 2016 MEETING**

RE: **PUBLIC HEARING #1**
COVIC – 6401 TERRACE DRIVE – VARIATION FROM THE REQUIRED FRONT YARD SETBACK – FENCE

Consider recommending that the Village Board grant a Variation to the Petitioner, Mario Covic, which would allow for a fence, including:

1. A fifteen foot, six inch (15'6") 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 install a new four foot (4') tall chain-link fence in alignment with the existing home at a nine foot, six inch (9'6") setback on the east (Ridgeland Avenue) side of this corner lot at 6401 Terrace Drive in the R-4 (Single-Family Residential) Zoning District and within the Tinley Terrace Subdivision.

Present were the following:

Zoning Board Chairman:	Chris Verstrate
Zoning Board Members:	Michael Fitzgerald Paul Lechner Bob Paszczyk Dave Samuelson Steve Sepessy Jennifer Vargas
Village Officials and Staff:	Stephanie Kisler, Planner I Dominick Lanzito, Village Attorney Patricia Meagher, Commission Secretary
Guest(s):	Mario Covic

A motion was made by ZONING BOARD MEMBER FITZGERALD, seconded by BOARD MEMBER LECHNER to open the Public Hearing at 7:35 p.m. THE MOTION WAS APPROVED by voice call. CHAIRMAN VERSTRATE declared the Motion approved.

CHAIRMAN VERSTRATE stated that the Public Hearing was for the Variation of the required front yard setback for a fence at 6401 Terrace Drive. He explained the process of the Public Hearing.

CHAIRMAN VERSTRATE confirmed Village Staff provided confirmation that appropriate notice regarding the public hearing was published in the local newspaper in accordance with State law and also sent to the surrounding area per Village requirements.

CHAIRMAN VERSTRATE requested the Petitioner, and anyone present who wished to give testimony, comment, engage in cross-examination or ask questions during the Public Hearing being held this evening stand and be sworn in. He then requested that the Petitioner present his request for a Variation.

MARIO COVIC, 6401 Terrace Drive, explained that he is requesting a fifteen-foot (15') Variation for his fence. He explained that he is requesting this for security purposes. He noted that there is a church located behind his property and there is a lot of activity. He stated there are people who cross through his backyard to get to the church. He mentioned being concerned about something happening on his property where he could be liable. He also mentioned that he would like the yard fenced in for his dog.

CHAIRMAN VERSTRATE clarified with MR. COVIC that there is not currently a fence at the back of the yard but there is a fence on the west side of the yard that is his neighbor's. MR. COVIC confirmed this and also stated that he will put in a fence identical to the neighbor's and line it up to the neighbor's existing fence. CHAIRMAN VERSTRATE asked if any of the BOARD MEMBERS had any questions for MR. COVIC.

ZONING BOARD MEMBER VARGAS asked if MR. COVIC'S requested fence would be placed around the utility box that is located at the back end of his yard or if the fence would enclose the utility box. MR. COVIC stated that it would be enclosed within the fence. BOARD MEMBER VARGAS wanted to know if there is an Ordinance regarding the utility box.

STEPHANIE KISLER, Planner I, explained that if a utility box is fenced in the fence must have a gate so that the utility company has access to it. She confirmed with MR. COVIC that a gate would be installed and made sure that MR. COVIC was aware that the utility company may use the gate to access the utility box within the easement. She provided pictures of the property and indicated the location of the utility box. She also explained how issues could arise when property owners exclude the utility boxes from their properties and render them inaccessible.

CHAIRMAN VERSTRATE asked MS. KISLER if there were any comments from the Police or Fire Departments. MS. KISLER stated that there were no concerns.

CHAIRMAN VERSTRATE asked if there were any other questions for MR. COVIC.

ZONING BOARD MEMBER SAMUELSON asked if MR. COVIC'S request was for a four foot (4') tall chain-link fence. MR. COVIC confirmed that this will be a chain-link fence identical to his neighbors on both sides of his property.

MS. KISLER explained that the Petitioner is requesting a fifteen foot (15') Variance to allow for a fence at a nine foot, six inch (9'6") setback. She presented, via Power Point, diagrams of the proposed fence and the Variation. Also shown was the possible Administrative Variation, a ten foot (10') Variation which can be allowed administratively by the Zoning Administrator if the property does not have certain concerns such as negative impact to line-of-sight or safety issues and is consistent with the character of the neighborhood. Also shown on the diagram was the twenty-five foot (25') required front yard setback. She also noted that there are mature trees along the east side of the property and within the public right-of-way along Ridgeland Avenue providing screening for the fence. She noted, for the record, that the Petitioner originally requested that the fence come out further than the setback of the home. She noted that MR. COVIC subsequently agreed upon a proposal to align the fence with the home.

MS. KISLER noted the church property south of the Petitioner's property. She stated that the fence would not cause any negative impact on that property because it will align with existing fences to the west and align with the Petitioner's home. She mentioned the fence would also decrease any liability to the Petitioner from the possibility of anyone entering his yard.

MS. KISLER stated that MR. COVIC will be making some modifications to his property, such as moving a drain pipe, to make the fence location work. She displayed a number of pictures highlighting the property from all angles and provided relevant measurements for the proposed location of the fence. She also confirmed that MR. COVIC will still be responsible for maintaining the property outside of the fence and the adjacent property within the parkway.

MS. KISLER reviewed the following draft Findings of Fact prepared by Staff for Standards of 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 Petitioner that would not require a Variation; however, these other options would place the fence in the middle of the back yard and the fence would not be able to align with the east side of the home. The proposed location of the fence would be consistent with the intent of the ordinance.

2. The plight of the owner is due to unique circumstances.
   - The proposed location of the fence is requested because the existing home is nonconforming to the current 25' setback requirement. The existing home is setback 9'6" and the Petitioner would like to align the fence with the setback of the home. It is unique for a home on a corner lot to have a nonconforming setback to which Staff cannot administratively grant a sensible location for the fence.

3. The Variation, if granted, will not alter the essential character of the locality.
   - The proposed fence will not alter the essential character of the locality because it will be in alignment with the existing home and will be adequately screened by mature trees that exist on the east side of the property. Additionally, the Petitioner is proposing to use chain-link, which matches the existing chain-link fence to the west of his property.

CHAIRMAN VERSTRATE asked the BOARD MEMBERS if there were any questions.

BOARD MEMBER SEPESSY inquired about the measurements shown in the diagrams presented. MS. KISLER explained the measurements, noting the required setback versus the proposed location of the fence.

BOARD MEMBER LECHNER inquired about ownership of the property within the parkway. MS. KISLER stated that that it is a public right-of-way.

CHAIRMAN VERSTRATE asked MR. COVIC if he had any questions for Staff or if he had any closing statements. MR. COVIC stated that he did not have questions and he felt that all points were covered.

CHAIRMAN VERSTRATE opened up deliberations with BOARD MEMBERS. He started by stating that due to the property being nonconforming to the front yard setback, it makes it difficult for the Petitioner to be conforming with the location of the fence.

BOARD MEMBER PASZCZYK stated that by reviewing the proposal and looking at the pluses and minuses, the pluses are that the chain-link fence is consistent with the neighbors, there are no line-of-sight restrictions, and the proposed fence is in a clean alignment with the neighboring fences, and the liability issue that the Petitioner is concerned about would be mitigated. He noted that he did not see any minuses.

There being no further deliberation, CHAIRMAN VERSTRATE asked for a Motion to close the Public Hearing. BOARD MEMBER LECHNER made the Motion, seconded by BOARD MEMBER SEPESSY. CHAIRMAN

VERSTRATE asked for a voice vote to close the Public Hearing portion of the first Agenda item. THE MOTION WAS APPROVED by voice vote.

CHAIRMAN VERSTRATE asked for a Motion to consider the Petitioner's request. A Motion was made by BOARD MEMBER SAMUELSON, seconded by BOARD MEMBER SEPESSY to recommend that the Village Board grant the Petitioner, Mario Covic, a fifteen foot, six inch (15'6") 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 install a new four foot (4') tall chain-link fence in alignment with the existing home at a nine foot, six inch (9'6") setback on the east (Ridgeland Avenue) side of this corner lot at 6401 Terrace Drive in the R-4 (Single-Family Residential) Zoning District within the Tinley Terrace Subdivision.

AYE: Zoning Board Members Bob Paszczyk, Dave Samuelson, Steve Sepessy, Michael Fitzgerald, Paul Lechner, and Jennifer Vargas

NAY: None

ABSENT: None

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

FOR THE GOOD OF THE ORDER

MS. KISLER requested input from the BOARD MEMBERS for amendments regarding fence regulations. She provided the BOARD MEMBERS diagrams of various properties within the community, asking that each BOARD MEMBER draw their recommendation where fencing should be permitted and note any comments or concerns. She noted that all information will be taken into consideration for the future Text Amendment. She stated these can be either dropped off at the Village Hall or emailed to her directly.

MS. KISLER also noted that there will not be a Zoning Board of Appeals Meeting on September 8, 2016.

CHAIRMAN VERSTRATE asked the BOARD MEMBERS if there were any questions or concerns regarding an amendment to the fence regulations that would allow more administrative decision making. BOARD MEMBER VARGAS did state that many of the individuals coming before the Board are new homeowners and were not informed of any issues before their purchase. She asked if the listing Real Estate Agent is supposed to inform the buyers of any concerns. MS. KISLER stated that no, typically at closing the buyers are given the Plat of Survey for the property and the closing attorney present should mention any issues seen from the Plat of Survey. Most homeowners do not find any concerns until they apply for a building permit. CHAIRMAN VERSTRATE asked if the setbacks are on the Plat of Survey. MS. KISLER stated that they are sometimes included on the Plat of Survey, but the owner should confirm with the Village that the Plat of Survey is correct since the setback regulations could have changed since the home was built.

CHAIRMAN VERSTRATE asked the BOARD MEMBERS if there were any other comments and there were none.

RECEIVE COMMENTS FROM THE PUBLIC

CHAIRMAN VERSTRATE asked if anyone had a Public Comment. No one in the audience wished to comment.

ADJOURNMENT

CHAIRMAN VERSTRATE asked for a Motion to adjourn the meeting.

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 August 25, 2016 at 8:04 p.m. THE MOTION WAS APPROVED by voice call. CHAIRMAN VERSTRATE declared the Motion approved.