



## **AGENDA FOR REGULAR MEETING VILLAGE OF TINLEY PARK PLAN COMMISSION**

September 21, 2023 – 7:00 P.M.  
Council Chambers  
Village Hall – 16250 S. Oak Park Avenue

**Regular Meeting Called to Order**

**Pledge of Allegiance**

**Roll Call Taken**

**Communications**

**Approval of Minutes:** Minutes of the September 7, 2023 Regular Meeting

**ITEM #1 PUBLIC HEARING – WEST POINT AT HAMRONY SQUARE, 67<sup>TH</sup> CT. & NORTH ST. SPECIAL USE, VARIATIONS, REZONING, TEXT AMENDMENT, FINAL PLAT, AND SITE PLAN/ARCHITECTURAL APPROVAL**

Consider recommending that the Village Board grant West Point Builders, Inc. on behalf of Tinley Park Main Street, LLC a Special Use, Final Plat of Subdivision, Plat of Vacation, Rezoning, and Variations for the mixed-use development West Point at Harmony Square. A Text Amendment to the Zoning Ordinance is also proposed to facilitate the development by relocating a segment of the “Street-Level Commercial Required” designation in the Legacy Downtown Core Regulating Plan. The project includes a five-story mixed-use building on North Street with commercial space on the first floor and 63 residential units located above. Additionally, the development includes 63 townhome units at the former site of Central Middle School. Site Plan and Final Plat approval are also being considered at the meeting.

**\*\*Requested to be continued to the October 5, 2023 meeting\*\***

**ITEM #2 PUBLIC HEARING – TINLEY BOWL – CONCESSIONS BUILDING ADDITION – 7601 183<sup>RD</sup> STREET – SPECIAL USE, SITE PLAN/ARCHITECTURAL APPROVAL**

Consider recommending that the Village Board grant Cassie Beno on behalf of Tinley Bowl a Special Use for a Substantial Deviation of the Hickory Creek Business Center for the development of a concessions building and athletic courts at 7601 183rd Street. Site Plan/Architectural Approval is also being considered at the meeting.

**\*\*Requested to continue to the October 19, 2023 meeting. \*\***

**ITEM #3 PUBLIC HEARING – 9306 WALNUT LANE ACCESSORY STRUCTURE – 9306 WALNUT LANE – VARIATION APPROVAL**

Consider recommending that the Village Board grant Mahmoud Abuhamdeh (Petitioner) Variations from Section III of the Tinley Park Zoning Ordinance to increase the maximum floor area of an accessory structure and to increase the maximum width of an accessory structure within the R-2 (Single-Family Residential) Zoning District. The Petitioner is proposing to erect a canopy and paver patio in the required rear yard at 9306 Walnut Lane.

**Receive Comments from the Public**

**Good of the Order**

**Adjourn Meeting**



**MINUTES OF THE REGULAR MEETING OF THE  
PLAN COMMISSION, VILLAGE OF TINLEY PARK,  
COOK AND WILL COUNTIES, ILLINOIS**

**September 7, 2023**

The meeting of the Plan Commission, Village of Tinley Park, Illinois, was held in the Council Chambers located in the Village Hall of Tinley Park, 16250 Oak Park Avenue, Tinley Park, IL on September 7, 2023, 2023.

**CALL TO ORDER** – ACTING CHAIR GATTO called to order the Regular Meeting of the Plan Commission for September 7, 2023 at 7:00 p.m.

Jason Engberg, Planning Manager, called the roll.

Present Plan Commissioners:      Acting Chair Angela Gatto  
Steve Sepessy  
Kurt Truxal  
Terry Hamilton  
James Gaskill

Absent Plan Commissioners:      Chairman Garrett Gray  
Andrae Marak  
Eduardo Mani (Absent for Roll Call)  
Kehla West

Village Officials and Staff:      Patrick Carr, Village Manager  
Dan Ritter, Community Development Director  
Jason Engberg, Planning Manager  
Michael O. Whalen, Associate Planner  
Jarell Blakey, Management Analyst  
Michael Pasquinelli, Village Attorney

Petitioners:      Ghassan Abdallah (Item 1)  
Layalee Elzahdan (Item 1)  
Pat Woytek (Item 2)  
Terry Smith (Item 2)  
Pat Curran (Item 2)

Members of the Public:      John Stalmack (Item 2)  
Lisa Latronico (Item 2)  
Desiree Kirsch (Item 2)  
David Brueggemann (Item 2)  
Chuck Latronico (Item 2)

Sara Nolan (Item 2)  
Karen Stalmack (Item 2)  
Jack Coyle (Item 2)  
Katherine Peplinski (Item 2)  
Dan Murphy (Item 2)  
Lauren Gallagher (Item 2)

COMMUNICATIONS –

None

APPROVAL OF THE MINUTES - Minutes of the August 17, 2023, Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER SEPESSY, seconded by COMMISSIONER TRUXAL to approve the August 17, 2023 minutes. ACTING CHAIR GATTO asked for a voice vote; all were in favor. She declared the motion carried.

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

**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**

**SUBJECT: MINUTES OF THE SEPTEMBER 7, 2023 REGULAR MEETING**

**ITEM 1: PUBLIC HEARING – FAMILY DENTAL – MIXED-USE BUILDING  
ADDITION, 7895 159<sup>th</sup> STREET – SPECIAL USE, VARIATION  
APPROVAL**

Consider recommending that the Village Board grant Ghassan Abdalah of Family Dental Care, (Petitioner) a Special Use for a residence located above or to the rear of a principal use within the B-3 (General Business and Commercial) Zoning District and Variation approval to reduce parking lot drive aisle widths. The Petitioner is proposing to construct a mixed-use addition behind the existing structure for ground level office space and two second story apartments. Site Plan/Architectural Approval is also being considered at the

Present Plan Commissioners: Acting Chair Angela Gatto  
Steve Sepessy  
Kurt Truxal  
Terry Hamilton  
James Gaskill

Absent Plan Commissioners: Chairman Garrett Gray  
Andrae Marak  
Eduardo Mani  
Kehla West

Village Officials and Staff: Patrick Carr, Village Manager  
Dan Ritter, Community Development Director  
Jason Engberg, Planning Manager  
Michael O. Whalen, Associate Planner  
Jarell Blakey, Management Analyst  
Michael Pasquinelli, Village Attorney

Petitioners: Ghassan Abdallah  
Layalee Elzahdan

Members of the Public: None

ACTING CHAIR GATTO introduced Item 1.

COMMISSIONER TRUXAL made a motion to open the public hearing; COMMISSIONER GASKILL seconded the motion. ACTING CHAIR GATTO asked for a voice vote; all were in favor. She declared the motion carried and opened the public hearing.

ACTING CHAIR GATTO confirmed proof of publication in accordance with state law.

Michael O. Whalen presented the staff report.

ACTING CHAIR GATTO asked for comment from the COMMISSIONERS, beginning with COMMISSIONER GASKILL.

COMMISSIONER GASKILL asked for clarification on the proposed configuration of the building addition. Michael O. Whalen responded that the two-story addition is proposed to the rear of the existing building.

COMMISSIONER SEPESSY had no comments or questions.

COMMISSIONER TRUXAL asked whether the Fire Department was okay with the drive-aisle width reduction variation. Michael O. Whalen confirmed they are.

COMMISSIONER HAMILON had no comments or questions.

ACTING CHAIR GATTO said she had the same question as COMMISSIONER TRUXAL but otherwise had no additional comments or questions.

ACTING CHAIR GATTO asked whether anyone in the audience wished to give public comment. None did.

The Petitioner was present but declined to give comment.

COMMISSIONER TRUXAL made a motion to close the public hearing. COMMISSIONER GASKILL seconded the motion. ACTING CHAIR GATTO requested a roll call vote, all were in favor and the motion was declared carried.

Michael O. Whalen presented the standards.

COMMISSIONER GASKILL made a motion to make a motion to recommend the Village Board grant a Special Use Permit for Residences, when Located Above or to the Rear of a Principal Use to the Petitioner, Ghassan Abdallah of Family Dental Care, at 7895 159th Street in the B-3 (General Business and Commercial) Zoning District, in accordance with the plans submitted and adopt the Findings of Fact as proposed in the September 7, 2023 staff report, subject to the conditions proposed in said staff report. COMMISSIONER SEPESSY seconded. ACTING CHAIR GATTO requested a roll call vote, all were in favor and the motion was declared carried.

COMMISSIONER TRUXAL made a motion to recommend the Village Board grant Variations from the Zoning Ordinance as listed in the September 7, 2023 staff report pertaining to drive-aisle width and sign location to the Petitioner, Ghassan Abdallah of Family Dental Care, to permit the construction of a mixed-use addition to include office space and Residences, when Located Above or to the Rear of a Principal Use at 7895 159th Street in accordance with the plans submitted and adopt the Findings of Fact as proposed in the staff report. COMMISSIONER GASKILL seconded. ACTING CHAIR GATTO requested a roll call vote, all were in favor and the motion was declared carried.

COMMISSIONER HAMILTON make a motion to grant Site Plan/Architectural Approval to the Petitioner, Ghassan Abdallah of Family Dental Care, for the development of a mixed-use building with apartments above offices at 7895 159th Street in accordance with the plans submitted and adopt the Findings of Fact as proposed in the September 7, 2023, staff report, subject to the conditions proposed in said staff report. COMMISSIONER TRUXAL seconded. ACTING CHAIR GATTO requested a roll call vote, all were in favor and the motion was declared carried.

COMMISSIONER SEPESSY make a motion to recommend approval of the final plat of easement to the Petitioner, Ghassan Abdallah of Family Dental Care, in accordance with the plat of easement submitted and dated July 6, 2023, subject to the condition that the plat is subject to final review and approval by the Village Engineer and Village Attorney. COMMISSIONER GASKILL seconded. ACTING CHAIR GATTO requested a roll call vote, all were in favor and the motion was declared carried.

ACTING CHAIR GATTO noted that the item would go before Village Board on September 19<sup>th</sup>, 2023.

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

**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**

**SUBJECT: MINUTES OF THE SEPTEMBER 7, 2023 REGULAR MEETING**

**ITEM 2: PUBLIC HEARING – NORTH STREET, 67<sup>th</sup> COURT AND NORTH STREET, SPECIAL USE, VARIATIONS, REZONING, TEXT AMENDMENT, FINAL PLAT, AND SITE PLAN/ARCHITECTURAL APPROVAL**

Consider recommending that the Village Board grant West Point Builders, Inc. on behalf of Tinley Park Main Street, LLC a Special Use, Final Plat of Subdivision, Plat of Vacation, Rezoning, and Variations for the mixed-use development West Point at Harmony Square. A Text Amendment to the Zoning Ordinance is also proposed to facilitate the development by relocating a segment of the “Street-Level Commercial Required” designation in the Legacy Downtown Core Regulating Plan. The project includes a five-story mixed-use building on North Street with commercial space on the first floor and 62 residential units located above. Additionally, the development includes 63 townhome units at the former site of Central Middle School. Site Plan and Final Plat approval are also being considered at the meeting.

Present Plan Commissioners: Acting Chair Angela Gatto  
Steve Sepessy  
Kurt Truxal  
Terry Hamilton  
James Gaskill  
Eduardo Mani

Absent Plan Commissioners: Chairman Garrett Gray  
Andrae Marak  
Kehla West

Village Officials and Staff: Patrick Carr, Village Manager  
Dan Ritter, Community Development Director  
Jason Engberg, Planning Manager  
Michael O. Whalen, Associate Planner  
Jarell Blakey, Management Analyst  
Michael Pasquinelli, Village Attorney

Petitioners: Pat Woytek  
Terry Smith  
Pat Curran

Members of the Public: John Stalmack  
Lisa Latronico

Desiree Kirsch  
David Brueggemann  
Chuck Latronico  
Sara Nolan  
Karen Stalmack  
Jack Coyle  
Katherine Peplinski  
Dan Murphy  
Lauren Gallagher

ACTING CHAIR GATTO introduced Item 2.

COMMISSIONER SEPESSY made a motion to open the public hearing; COMMISSIONER GASKILL seconded the motion. ACTING CHAIR GATTO asked for a voice vote; all were in favor. She declared the motion carried and opened the public hearing.

ACTING CHAIR GATTO confirmed proof of publication in accordance with state law.

Daniel Ritter, Community Development Director, presented the staff report.

ACTING CHAIR GATTO asked the Commissioners for comment.

COMMISSIONER GASKILL noted that the car port parking is not visually appealing. COMMISSIONER SEPESSY noted the same concern. COMMISSIONER MANI also noted dissatisfaction with the proposed carports.

COMMISSIONER TRUXAL noted that the architectural plans appear to be compatible with the Boulevard development on South Street. He said that he liked the addition of commercial space. He said he thought the density of the development might be controversial, but that he wanted to hear from the public.

ACTING CHAIR GATTO commented that she feels that the proposed site is compatible with the Boulevard property. She went on to comment that the density may be a problem on the site and noted her concern with potential commercial vacancy. She noted the carports were out of context for the region.

ACTING CHAIR GATTO invited the Petitioners to speak.

ACTING CHAIR GATTO swore in Terry Smith.

Terry Smith presented his presentation.

COMMISSIONER GASKILL commented that he feels the carports look like a gas station and proposed an enclosed carport instead of the current rendering. COMMISSIONER SEPESSY concurred with COMMISSIONER GASKILL. COMMISSIONER MANI concurred with COMMISSIONERS GASKILL and SEPESSY. COMMISSIONER TRUXAL noted that he agreed



with COMMISSIONER GASKILL making mention that he would prefer an enclosed carport. He added that potentially including electrical infrastructure to charge EVs might be beneficial. COMMISSIONER HAMILTON noted that he thinks the plan looks nice, that he understood the functionality of the carports, and does not see the carport as a deal breaker. ACTING CHAIR GATTO agreed that she does not like the appearance of the car ports, but something semi-enclosed might look better. Dan Ritter commented that the easiest option is to remove them completely. COMMISSIONER SEPESSY asked if the carport spaces are assigned. Dan Ritter noted that state law requires that electrical infrastructure must be installed for every dwelling unit to have the capability of adding EV chargers.

ACTING CHAIR GATTO swore in Pat Curran.

Pat Curran noted that if the Commission and Board do not want the carports, they are willing to remove them completely.

COMMISSIONER TRUXAL asked the Commission if there should be a consensus to deliver to the Board.

Dan Ritter commented that it appeared that the consensus of the Commission was that the car ports should be removed.

ACTING CHAIR GATTO invited the public to comment.

ACTING CHAIR GATTO swore in John Stalmack

John Stalmack commented that the vacant lot the Petitioner proposes to develop is used as a parking lot. He argued that, when the lot is developed, there will be nowhere for people to park. He said the subject property is full of cars during Village events and the nearby VFW's events. He also noted traffic concerns on the streets surrounding the proposed development. He asked if people would be parking on his street after the vacant lot is developed. ACTING CHAIR GATTO said that the Metra parking lots are available for parking for events. COMMISSIONER GASKILL asked where people parked before the subject property was vacant. Mr. Stalmack said he did not know, but that the Village hosts more events downtown now. ACTING CHAIR GATTO asked Mr. Stalmack if he would prefer the appearance of a parking garage.

COMMISSIONER SEPESSY noted that the construction of the Harmony Square plaza will increase the amount of available parking as the events will no longer be held in the commuter lot and will instead be hosted at the Harmony Square plaza. Mr. Stalmack responded that there will still be parking issues in the surrounding areas.

ACTING CHAIR GATTO noted the overnight parking ordinance will help limit parking on residential streets.

COMMISSIONER TRUXAL asked if there were plans to build additional parking in the area of the development.

Dan Ritter said the developer would be constructing on-street parking spaces and that there is a lot of parking downtown, between the Metra lots and surrounding municipal lots. He said that during major events, people may park on streets.

COMMISSIONER TRUXAL asked if there is any way to add additional traffic controls to address traffic concerns.

Dan Ritter stated that the traffic controls have been noted and the Village is aware and looking into solutions but that is not in the scope of what is being requested in the public hearing for the proposed project.

ACTING CHAIR GATTO asked how many parking spaces are in the Metra lots. Jarell Blakey said there are several hundred spaces. COMMISSIONER TRUXAL said that there are spaces, but people need to know where to find them. Dan Ritter noted that it's important to consolidate parking in suburban downtowns to make them pleasant places to walk around.

COMMISSIONER TRUXAL asked if there is space in the townhome development for guests to park within the development. Dan Ritter answered that townhome visitors will use on-street parking or available spaces in the development's parking lot.

COMMISSIONER TRUXAL asked if there is any traffic control during events and whether something could be done to limit access to neighboring streets.

Dan Ritter noted that he would forward the concerns to the Marketing Department and Police Department.

ACTING CHAIR GATTO swore in Lisa Latronico.

Lisa Latronico said she was concerned with the proposed density and appearance of the proposed development. She said she was concerned about traffic and suggested a traffic study be completed. She also noted a concern about parking, especially accessible parking for visitors to the nearby VFW.

ACTING CHAIR GATTO swore in Desiree Kirsch

Desiree Kirsch asked what the starting price for the townhomes would be, citing concerns with access to affordable housing. She also asked where overnight guests were going to park and whether the Metra lot would allow overnight parking. She also asked if the units would be rental or for sale.

Dan Ritter said that the Petitioner could answer if they wished to do so but that price does not have anything to do with the Petitioner's requests. He said the Village does not regulate type of ownership for residential properties.

ACTING CHAIR GATTO swore in David Brueggemann.

David noted concerns with the Village communications regarding the project. He said the proposed

development will not fit in in the neighborhood. He said the development is important because it is so visible on the future plaza. He said he was also concerned about parking. He said he was concerned about noise coming from the patios and balconies on the mixed-use building and wanted future residents to be reminded of the Village's noise ordinance with signs. He asked if 67<sup>th</sup> Court and 67<sup>th</sup> Avenue will be redesigned, and utilities upgraded and buried. Dan Ritter said part of the street and utility modifications would occur with the proposed project but could not comment on what exactly would happen when. Dan Ritter said the Village intends to upgrade the area. He commented on the appearance and quality of materials of the proposed development. He said he did not like the orientation of the townhouses with the sides of buildings facing the street. He said that the density of the proposed townhouses was too high, and that he preferred a concept from 2019 which he said oriented the townhomes differently.

ACTING CHAIR GATTO swore in Chuck Latronico.

Chuck noted concerns with the proposed height of the development, the inclusion of a private dog park in the development and echoed the parking concerns of the previous comments.

ACTING CHAIR GATTO noted that Metra ridership at the Oak Park Avenue station is down and that many commuters drive to the 80<sup>th</sup> Avenue station instead because an express train stops there. Dan Ritter explained the forthcoming parking meter program will help manage the station's parking utilization. Mr. Latronico asked about public infrastructure and whether the streets will be widened. He claimed it's difficult for two cars to pass in each direction. Dan Ritter responded that the utilities in the area are going to be upgraded. Chuck Latronico asked if the plaza or the proposed project would begin construction first. Dan Ritter said underground utility work would be the first project. Chuck Latronico said that would be a lot of construction happening all at once.

Chuck Latronico asked which businesses would be located on the ground floor of the mixed-use building. Dan Ritter said the developer does not have any businesses lined up yet. Chuck Latronico said that he felt the proposed commercial space will remain vacant like at the Boulevard. He stated his perception that the Oak Park Avenue corridor has a high vacancy rate.

Dan Ritter said there is a lot of demand for commercial spaces but many existing spaces are not equipped to handle new businesses. He referred to the redevelopment of the Charter Fitness building attracting new commercial tenants.

Chuck Latronico went on to comment that the developer should consider single-family residential as opposed to townhomes or apartment housing. He said a five-story building is excessive and there are no others in the Village.

Dan Ritter responded that the Boulevard is four-stories and Springfort Hall is five-stories. He again noted that the proposed project is permitted by-right.

Chuck Latronico then asked whether it was fair that the proposed dog park would not be open to the public. He said people use the vacant lot for their dogs.

Dan Ritter informed him that the petitioner does not have to put a dog park there continuing to state

that by-right, the petitioner can build another building or parking in that space. He continued by informing Chuck Latronico that the park is intended for the residents of the building and would be privately operated.

Chuck Latronico asked whether sidewalks would be added and asked about guest parking.

Dan Ritter informed him that there would be sidewalks and on-street parking is being built into the development.

Chuck noted space concerns with on-street parking in the area adjacent to the proposed development.

ACTING CHAIR GATTO swore in Karen Stalmack.

Karen noted similar concerns to the previous speakers citing parking, traffic, and density concerns. She continued to note that the development is visually unappealing and will have a negative effect on surrounding area property values.

ACTING CHAIR GATTO swore in Sarah Nolan.

Sarah Nolan commented that there is not enough room for the proposed development and invited the Commissioners to make a site visit.

ACTING CHAIR GATTO swore in Jack Coyle.

Jack Coyle stated his concern over road congestion, especially during events. He asked how stormwater would be managed. Dan Ritter said there is an off-site pond to accommodate stormwater. Jack Coyle said he felt the existing roadways are too narrow to accommodate on-street parking.

Dan Ritter clarified that parking and density were not part of the request before the Plan Commission then went on to comment that staff will pass along the recommendation of a traffic study to the Village Board.

ACTING CHAIR GATTO swore in Katherine Peplinski.

Katherine Peplinski agreed with previous comments about parking and density and asked where existing residents' guests could park.

Dan Ritter informed her that there will be no on-street parking on the west side of 67<sup>th</sup> Court but there will be public on-street parking on the east side of 67<sup>th</sup> Court.

Terry Smith clarified that there are 21 total parallel parking spaces.

Patrick Carr, Village Manager requested a recess to confer with staff.

COMMISSIONER SEPESSY made a motion to take a five-minute recess. COMMISSIONER TRUXAL seconded. ACTING CHAIR GATTO requested a voice vote; all were in favor.

The public hearing was resumed after the recess.

ACTING CHAIR GATTO swore in Dan Murphy.

Dan Murphy agreed with previous comments and suggested that the developer phase the project to build the townhouses later. He added that he did not like the appearance of the proposed carports.

ACTING CHAIR GATTO swore in Lauren Gallagher.

Lauren Gallagher commented that she shares the same concerns regarding parking, traffic, and density. She continued to comment that there is a lot of current construction projects and that the Village may benefit by slowing development down.

ACTING CHAIR GATTO asked if anyone else in the audience wished to speak. None responded.

ACTING CHAIR GATTO suggested that the public hearing be continued to allow staff and the developer to address the concerns discussed.

COMMISSIONER GASKILL made a motion to continue the public hearing to the September 21, 2023 Plan Commission meeting. COMMISSIONER SEPESSY seconded. The ACTING CHAIR GATTO requested a roll call vote; all in favor. She declared the motion carried.

### **Good of the Order**

Dan Ritter informed the Commission that Oak Park Townes, Brixmor, Gas N Wash, and Drip Drop Smokes were approved at Village Board. He also noted that Kehla West was appointed to the Plan Commission.

### **Receive Comments from the Public**

There were no additional comments from the public.

### **Adjournment**

ACTING CHAIR GATTO requested a motion to adjourn the meeting.

COMMISSIONER GASKILL made a motion to adjourn the meeting; COMMISSIONER TRUXAL seconded the motion. ACTING CHAIR GATTO requested a voice vote; all were in favor. She declared the meeting adjourned at 9:18p.m.



# Village of Tinley Park

## Memo

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**Date:** September 21, 2023

**To:** Plan Commission

**From:** Daniel Ritter, AICP  
Community Development Director

**Subject:** Continuation of Item 1 – West Point at Harmony Square

Item 1 on the meeting agenda for the public hearing that was continued from the September 7, 2023 meeting for the West Point at Harmony Square development has been requested for a continuation by the Petitioner. The Petitioner continues to work through comments and update plans based on feedback. Continuation for the public hearing is requested to the October 5, 2023, Plan Commission meeting.



# Village of Tinley Park

## Memo

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**Date:** September 21, 2023

**To:** Plan Commission

**From:** Daniel Ritter, AICP  
Community Development Director

**Subject:** Continuation of Item 2 – Tinley Bowl

The Petitioner for Item 2—Tinley Bowl at 7601 183<sup>rd</sup> Street—is requesting to continue the public hearing to the October 19, 2023 Plan Commission meeting. The Petitioner is requesting a continuance to allow for additional time to submit required plans for staff review.



## PLAN COMMISSION STAFF REPORT

September 21, 2023 –Public Hearing

### Petitioner

Mahmoud Abuhamdeh

### Property Location

9306 Walnut Lane

### PIN

27-27-308-002-0000

### Zoning

R-2 Single-Family  
Residential

### Approvals Sought

Variation

### Project Planner

Jason Engberg, AICP  
Planning Manager

### Abuhamdeh –Accessory Structure Variation

9306 Walnut Lane



### EXECUTIVE SUMMARY

The Petitioner, Mahmoud Abuhamdeh, is seeking a Variation from Section III.I.2.b. of the Zoning Ordinance to permit the construction of a new 1,200 square foot accessory structures to be located in the rear yard at 3906 Walnut Lane. The property is located in the R-2 Single-Family Zoning District, which allows for accessory structures to be located in the required rear yard with a maximum floor area of four-hundred (400) square feet and a maximum width of thirty-four (34) feet.

The petitioner has removed his above ground pool and begun construction on a new paver patio with an accessory canopy. The petitioner received a building permit for the paver patio but the canopy was never reviewed by zoning. Therefore, the petitioner is requesting the variation to complete the construction of the canopy.



### EXISTING SITE & HISTORY

The subject property is an interior lot that is approximately 12,150 square feet in size and is located in the Timber Estates subdivision, located northeast of the 175<sup>th</sup> Street and 94<sup>th</sup> Avenue intersection. The original house was built in the early 1990's and the owner had an above ground pool and deck which was removed this year to install a new patio.

### ZONING & NEARBY LAND USES

The subject property is located within the **R-2 Single-Family Residential Zoning District**. The table below indicates the surrounding zoning and land uses in the area:

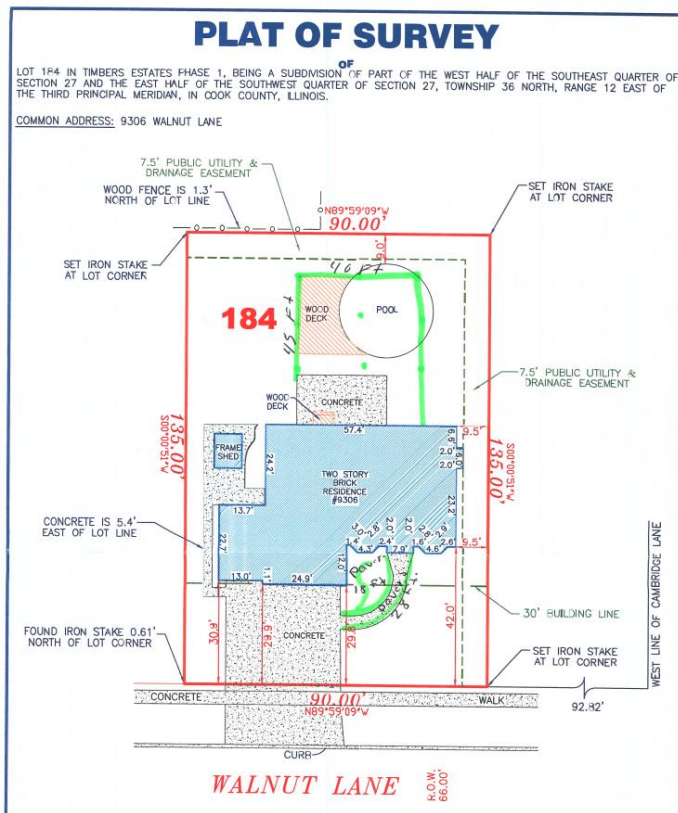
Direction	Zoning	Land Use
North	R-2 Single-Family Residential Zoning District	Detached Homes
East	R-2 Single-Family Residential Zoning District	Detached Homes
South	R-2 Single-Family Residential Zoning District	Detached Homes
West	R-2 Single-Family Residential Zoning District	Detached Homes

The subject property is located within a fully developed and complete residential neighborhood.

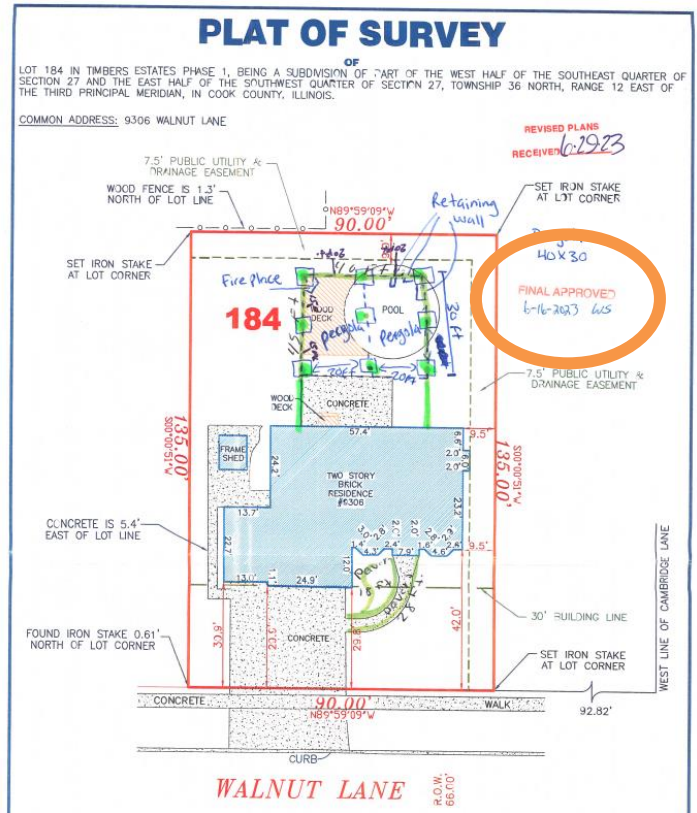
### PROPOSED STRUCTURE & BUILDING PERMIT PROCESS

The petitioner initially applied for a paver patio in their rear yard in June 2023. The permit application was submitted with a plat of survey attachment which illustrated a forty-five-foot (45') by forty-foot (40') area to be designated for a paver patio. The existing wood deck and above ground pool indicated on the plat of survey were to be removed. Additionally, the petitioner was replacing their front walkway with paver patio blocks. Since the proposed patio met all regulations within the zoning ordinance, it was approved by the Zoning Administrator and forwarded to the Building Department for review.

The petitioner was contacted by Building Department staff as a material list attached to the application did not align with a paver patio. The petitioner stated that a canopy over the patio was going to be installed and staff required the petitioner to supply building plans for this addition in a revised application. The petitioner then provided a plan showing the footings for the canopy with dimensions as well as a sketch of the structure. The petitioner's newly revised plan was drawn over the existing plat of survey which was stamped for approval. Therefore, the permit application was not routed to the Zoning Administrator for review, and a building permit was issued for the canopy at the end of June.



**Original Paver/Patio Submission**



**Revised Submission (see orange circle)**

The construction of the patio commenced in July and the canopy structure began to be erected in August. At this time nearby residents contacted the Village and asked to investigate if the structure was permitted. On August 17<sup>th</sup> staff examined the entire permit application and it was noticed that zoning approval was not conducted for the canopy. A stop work order was issued that day so proper zoning review could be conducted.

The Zoning Administrator conducted his review and noted that the canopy is not permitted as an accessory structure as Section III.1.2.b of the Zoning Ordinance states the following for residential accessory structures:

*The maximum floor area shall be seven hundred twenty (720) square feet for a detached garage, two hundred (200) square feet for a storage shed, and four hundred (400) square feet for all other structures. The width of any structure shall not exceed 34 feet;*

The proposed structure is eight-hundred (800) square feet over the maximum floor area size and six feet (6') over the maximum width for permitted accessory structures. Therefore, the only way for the petitioner to continue to construct the canopy was to receive a variation from the code for these nonconformities. He applied promptly for this variation to finish the construction of the canopy.

It should be noted that while Code Enforcement was notifying the petitioner in mid-August of the stop work order, they were installing electrical lights on the structure without a permit. The petitioner was notified that they were required to obtain a permit for this work after and if the stop work order was lifted. Also, as of September 14<sup>th</sup>, the petitioner finished the roof of the canopy and installed shingles on it even though a stop work order was in place.





## VARIATION REQUEST

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The Petitioner is proposing to complete their canopy in their required rear yard. As stated previously, the petitioner is requesting relief from Section III.I.2.b. to increase the overall maximum floor area for a residential accessory structure to one-thousand-two-hundred (1,200) square feet and to increase the maximum width of a residential accessory structure to forty feet (40'). **The canopy over the patio is the only structure requiring a variance. The patio, retaining wall, and outdoor kitchen are permitted in their current location.**

## STANDARDS FOR A VARIATION

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Section X.G.4. of the Zoning Ordinance states the Plan Commission 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. The Plan Commission must provide findings for the first three standards; the remaining standards are provided to help the Plan Commission further analyze the request. Staff draft Findings of Fact are provided below for the Commission's review and approval.

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.
2. The plight of the owner is due to unique circumstances.  
***The petitioner has a unique situation where a building permit was issued for their project. While the proper zoning review was not conducted for all parts of the project, the petitioner believed they had received proper authority to move forward with construction.***
3. The Variation, if granted, will not alter the essential character of the locality.
4. Additionally, the Plan Commission 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.



## MOTION TO CONSIDER

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If the Plan Commission wishes to take action, an appropriate wording of the motions would read:

Variation:

"...make a motion to recommend that the Village Board grant the Petitioner, Mahmoud Abuhamdeh, a Variation from Section III.I.2.b of the Zoning Ordinance, to permit a residential accessory structure to be constructed which has a maximum floor area of one-thousand two-hundred square feet and a maximum width of forty feet at 9306 Walnut Lane, in the R-2 Single-Family Residential Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the September 21, 2023 Staff Report.

## LIST OF REVIEWED PLANS

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Submitted Sheet Name		Prepared By	Date On Sheet
1	Application for Variation	Petitioner	8/17/2023
2	Building Permit Application	Petitioner	6/14/2023
3	Revised Plan for Canopy	Petitioner	7/13/2023
4	Photos of Canopy	Staff	8/17/2023




Village of Tinley Park  
Community Development Dept.  
16250 S. Oak Park Ave.  
Tinley Park, IL 60477  
708-444-5100

VILLAGE OF TINLEY PARK, ILLINOIS  
PLANNING AND ZONING GENERAL APPLICATION

**Authorized Representative Consent**

It is required that the property owner or his designated representative be present at all requests made to the Plan Commission and Zoning Board of Appeals. During the course of a meeting, questions may arise regarding the overall project, the property, property improvements, special conditions attached to recommendations among other aspects of any formal request. The representative present must have knowledge of the property and all aspects of the project. They must have the authority to make commitments related to the project and property. Failure to have the property owner or designated representative present at the public meeting can lead to substantial delays to the project approval. If the owner cannot be present or does not wish to speak at the public meeting, the following statement must be signed by the owner for an authorized repetitive.

I hereby authorize  (print clearly) to act on my behalf and advise that they have full authority to act as my/our representative in regards to the subject property and project, including modifying any project or request. I agree to be bound by all terms and agreements made by the designated representative.

Property Owner Signature: \_\_\_\_\_

Property Owner Name (Print): \_\_\_\_\_

**Acknowledgements**

- Applicant acknowledges, understands and agrees that under Illinois law, the Village President (Mayor), Village Trustees, Village Manager, Corporation Counsel and/or any employee or agent of the Village or any Planning and Zoning Commission member or Chair, does not have the authority to bind or obligate the Village in any way and therefore cannot bind or obligate the Village. Further, Applicant acknowledges, understands and agrees that only formal action (including, but not limited to, motions, resolutions, and ordinances) by the Board of Trustees, properly voting in an open meeting, can obligate the Village or confer any rights or entitlement on the applicant, legal, equitable, or otherwise.
- Members of the Plan Commission, Zoning Board of Appeals, Village Board as well as Village Staff may conduct inspections of subject site(s) as part of the pre-hearing and fact finding review of requests. These individuals are given permission to inspect the property in regards to the request being made.
- Required public notice signs will be obtained and installed by the Petitioner on their property for a minimum of 10 days prior to the public hearing. These may be provided by the Village or may need to be produced by the petitioner.
- The request is accompanied by all addendums and required additional information and all applicable fees are paid before scheduling any public meetings or hearings.
- Applicant verifies that all outstanding fees and monies owed to the Village of Tinley Park have been paid.
- Any applicable recapture, impact, engineering, contracted review or other required fees and donations shall be paid prior to issuance of any building permits, occupancy permits, or business licenses.
- The Owner and Applicant by signing this application certify that the above information and all supporting addendums and documentation is true and correct to the best of their knowledge.

Property Owner Signature: \_\_\_\_\_

Property Owner Name (Print): \_\_\_\_\_

MAHMOUD ABU HAMDEH

Applicant Signature:  
(If other than Owner) \_\_\_\_\_

Applicant's Name (Print): \_\_\_\_\_

Date: \_\_\_\_\_

8/17/23



Village of Tinley Park  
Community Development Dept.  
16250 S. Oak Park Ave.  
Tinley Park, IL 60477  
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VILLAGE OF TINLEY PARK, ILLINOIS  
PLANNING AND ZONING GENERAL APPLICATION

**REQUEST INFORMATION**

\*Additional Information is Required for Specific Requests as Outlined in Specific Addendums

- ☐ Special Use for: \_\_\_\_\_
- ☐ Planned Unit Development (PUD) ☐ Concept ☐ Preliminary ☐ Final ☐ Deviation
- ☒ Variation ☒ Residential ☐ Commercial for \_\_\_\_\_
- ☐ Annexation
- ☐ Rezoning (Map Amendment) From \_\_\_\_\_ to \_\_\_\_\_
- ☐ Plat (Subdivision, Consolidation, Public Easement) ☐ Preliminary ☐ Final
- ☐ Site Plan
- ☐ Landscape Change Approval
- ☐ Other: \_\_\_\_\_

**PROJECT & PROPERTY INFORMATION**

Project Name: ABUHAMDEH

Project Description: Set BACK Variation

Project Address: 9306 WALNUT LANE Property Index No. (PIN): \_\_\_\_\_

Zoning District: \_\_\_\_\_ Lot Dimensions & Area: \_\_\_\_\_

Estimated Project Cost: \$ 65,000

**OWNER OF RECORD INFORMATION**

Please supply proper documentation of ownership and/or designated representative for any corporation.

Name of Owner: Abuhamdeh Company: \_\_\_\_\_

Street Address: 9306 WALNUT LANE City, State & Zip: Tinley Park, IL 60487

E-Mail Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**APPLICANT INFORMATION**

☒ Same as Owner of Record

All correspondence and invoices will be sent to the applicant. If applicant is different than owner, "Authorized Representative Consent" section must be completed.

Name of Applicant: \_\_\_\_\_ Company: \_\_\_\_\_

Relation To Project: \_\_\_\_\_

Street Address: \_\_\_\_\_ City, State & Zip: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_



## VILLAGE OF TINLEY PARK, ILLINOIS VARIATION ADDENDUM

### **APPLICATION & SUBMITTAL REQUIREMENTS**

A complete application consists of the following items submitted in a comprehensive package. If materials are submitted separately or are incomplete they will not be accepted and may delay the review and hearing dates until a complete application package is received. The following information is being provided in order to assist applicants with the process of requesting a **Variation** from the terms of the Zoning Ordinance. This information is a summary of the application submittal requirements and may be modified based upon the particular nature and scope of the specific request.

Depending upon meeting schedules, legal notification requirements, and the specific type and scope of the request, this process generally takes between 45 to 60 days from the date of submission of a complete application package. Please schedule a pre-application meeting with Planning Department staff to review the feasibility of the proposal, discuss applicable Ordinance requirements, discuss submittal requirements and receive preliminary feedback on any concept ideas or plans prior to making a submittal.

- ☒ General Application form is complete and is signed by the property owner(s) and applicant (if applicable).
- ☐ Ownership documentation is submitted indicating proper ownership through a title report or title policy. If a corporation or partnership, documentation of the authorized agent must be supplied as well. All beneficiaries of a property must be disclosed.
- ☐ A written project narrative detailing the specific variation(s) from code requirements that are being requested, the reasoning for requiring the variation, the general nature and specific aspects of the proposal being requested. Any additional requests such as a Special Use or Site Plan approval should be indicated in the narrative as well.
- ☒ A Plat of Survey of the property that is prepared by a registered land surveyor and has all up-to-date structures and property improvements indicated. All proposed improvements shall be indicated on the survey and be appropriately scaled with all setbacks and dimensions clearly indicated.
- ☒ Any applicable site plan, engineering/grading plans, exterior elevations or interior layout plans that indicate the full scope of the project and the Standards for a Variation.
- ☐ Responses to all Standards for a Variation on the following page (can be submitted separately along with the narrative, but all standards must be covered).
- ☒ Residential Variation Hearing Fee - \$250 + \$75 per additional Variation  
Commercial Variation Hearing Fee - \$500 + \$75 per additional Variation

## STANDARDS AND CRITERIA FOR A VARIATION

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 statements and questions related to the Standards with factual evidence and information to support the requested Variation. If additional space is required, you may provide the responses on a separate document or page.

- 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?

Building Permit WAS Already issued and I  
was under the understanding OF IT WAS permitted.

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

Structure has already been built.

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

Build Permit has been issued already.

- 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.

= SAME

- 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.

= SAME

- 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.

THE Pergola is totally 100% on my property  
and does not affect any of my Surrounding Neighbors.

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

its Common with other properties in the area.

**H. Describe how the requested Variance will not:**

- 1. Impair an adequate supply of light and air to adjacent properties.**

N/A

- 2. Substantially increase the congestion of the public streets.**

N/A

- 3. Increase the danger of fire.**

N/A

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

N/A

- 5. Endanger the public safety.**

N/A

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

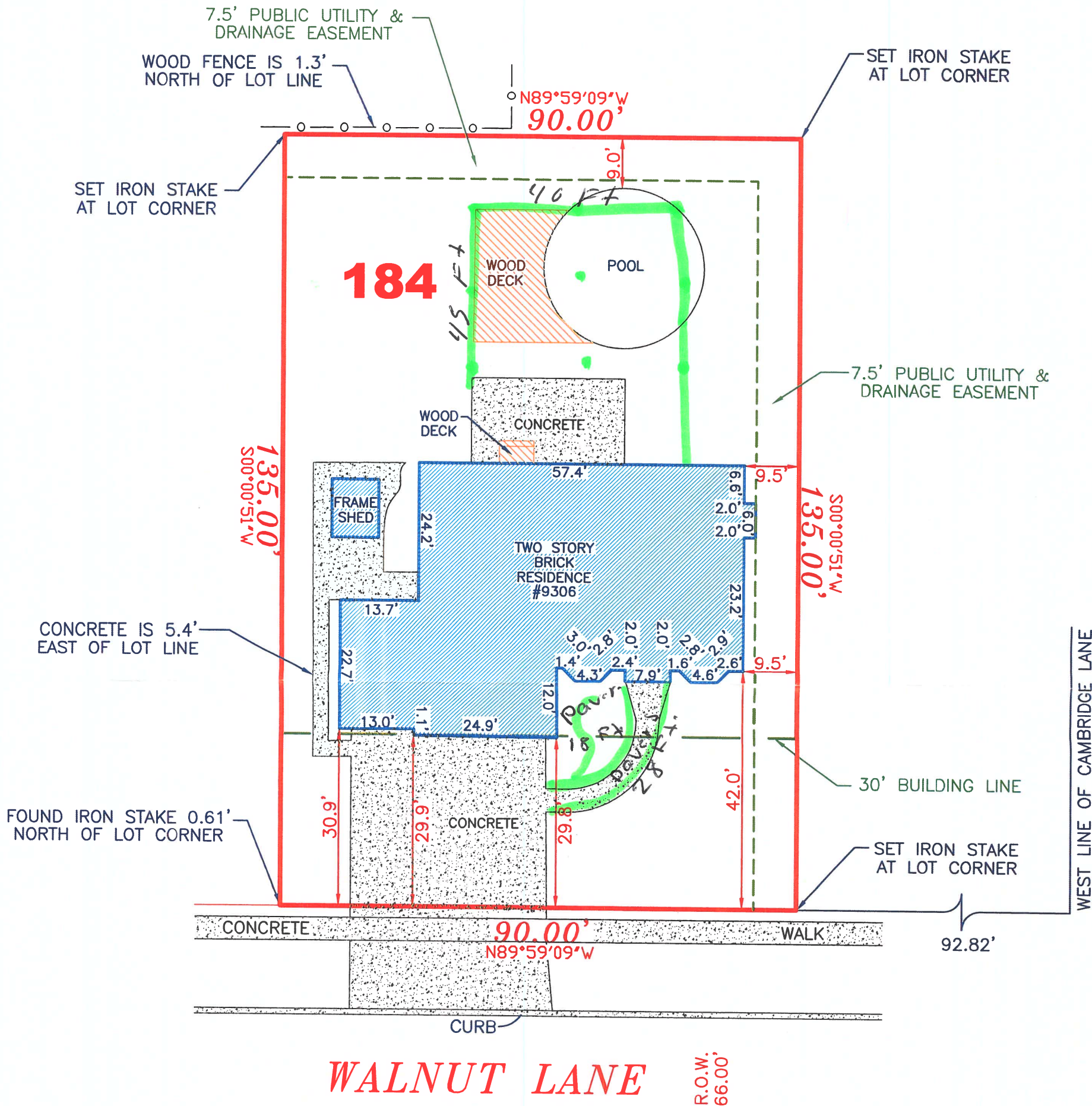
N/A

# PLAT OF SURVEY

OF

LOT 184 IN TIMBERS ESTATES PHASE 1, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 27 AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: 9306 WALNUT LANE



CLIENT: TOSCAS LAW GROUP, LLC

AREA OF SURVEY = 12150 SQ.FT.  
BASIS OF BEARINGS: RECORD SUBDIVISION PLAT



15935 S. BELL ROAD (708) 645-1136  
HOMER GLEN, IL. 60491 FAX (708) 645-1138  
WWW.JNTLANDSURVEY.COM

PROFESSIONAL DESIGN FIRM  
LAND SURVEYOR CORPORATION  
LICENSE NO. 184.004450  
EXPIRES 4/30/21

STATE OF ILLINOIS } S. S.  
COUNTY OF WILL }

FIELD WORK COMPLETED ON 2ND DAY OF JULY, 2020.

JNT LAND SURVEYING SERVICES INCORPORATED HEREBY CERTIFIES THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

Dated this 6TH Day of JULY, 2020.

IPLS No. 3354

SURVEY NO. 20-07-014



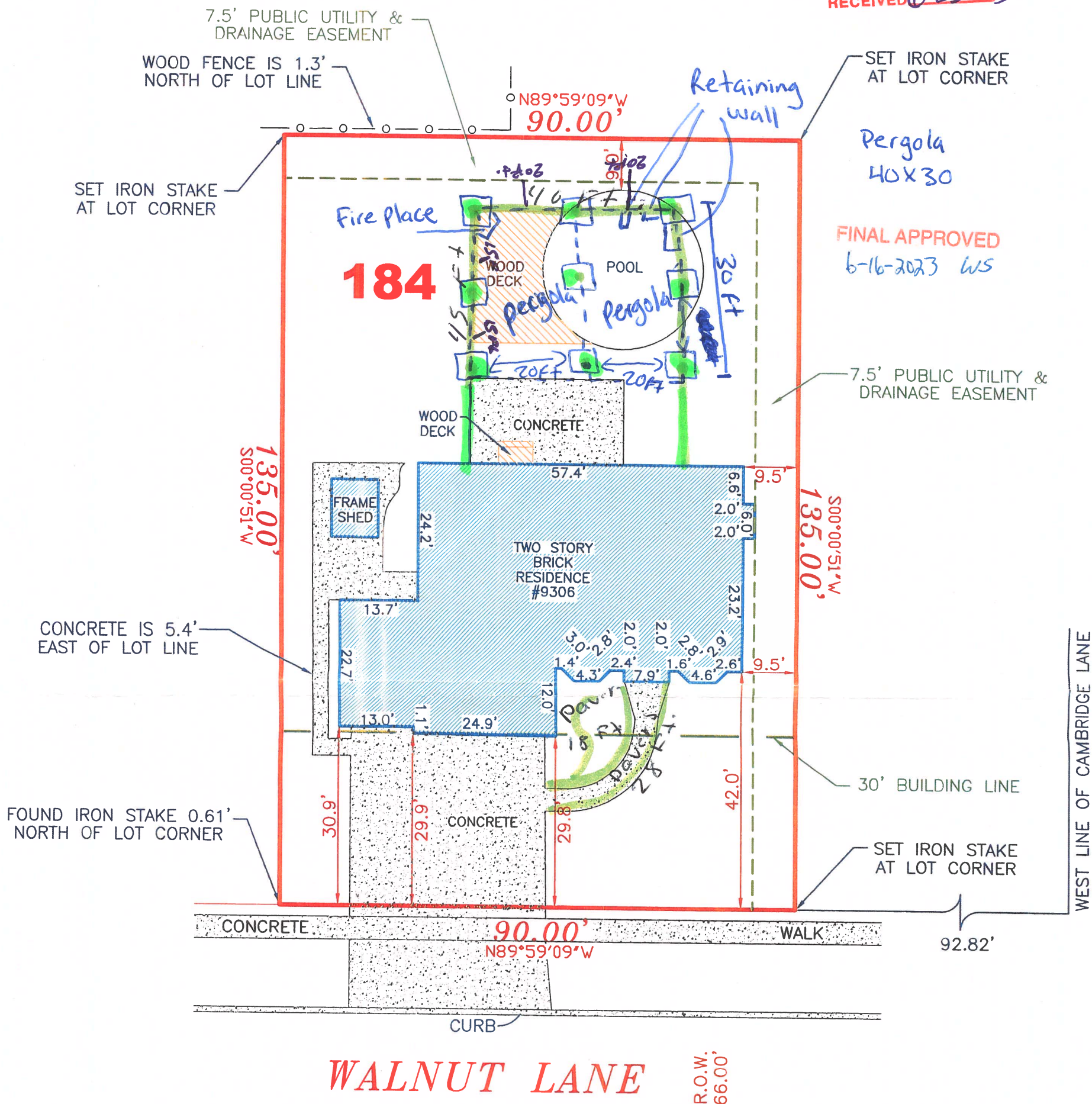
# PLAT OF SURVEY

OF

LOT 184 IN TIMBERS ESTATES PHASE 1, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 27 AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS: 9306 WALNUT LANE

REVISED PLANS  
RECEIVED 6.29.23



CLIENT: TOSCAS LAW GROUP, LLC



15935 S. BELL ROAD (708) 645-1136  
HOMER GLEN, IL. 60491 FAX (708) 645-1138  
WWW.JNTLANDSURVEY.COM

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCE.

AREA OF SURVEY = 12150 SQ.FT.  
BASIS OF BEARINGS: RECORD SUBDIVISION PLAT



PROFESSIONAL DESIGN FIRM  
LAND SURVEYOR CORPORATION  
LICENSE NO. 184.004450  
EXPIRES 4/30/21

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. LICENSE EXPIRES 11/30/20



1" = 20'  
SCALE

STATE OF ILLINOIS } S. S.  
COUNTY OF WILL }

FIELD WORK COMPLETED ON 2ND DAY OF JULY, 2020.

JNT LAND SURVEYING SERVICES INCORPORATED HEREBY CERTIFIES THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

Dated this 6TH Day of JULY, 2020.

IPLS No. 3354













