



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

**August 4, 2022**

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 August 4, 2022.

**CALL TO ORDER** – ACTING CHAIRPERSON GATTO called to order the Regular Meeting of the Plan Commission for August 4, 2022 at 7:00 p.m.

Lori Kosmatka, Associate Planner called the roll.

Present and responding to roll call were the following:

Acting Chairperson Gatto  
James Gaskill  
Terry Hamilton  
Eduardo Mani  
Andrae Marak  
Brian Tibbetts

Kurt Truxal

Absent Plan Commissioners: Chairman Garrett Gray  
Ken Shaw

Village Officials and Staff: Daniel Ritter, Planning Manager  
Lori Kosmatka, Associate Planner  
Jarell Blakey, Management Analyst

Petitioners: Kathryn Whitman, Owner of 6862 Michael Circle  
Andrew Birks, Owner of 17642 67<sup>th</sup> Ave

Members of the Public: Mike Whitman, Son of Kathryn Whitman  
Joyce Smith, Neighbor of Kathryn Whitman  
Bob Maher, Dun Raven Villas Homeowner's Association  
President  
Bill Tasker

COMMUNICATIONS- Dan Ritter, Planning Manager thanked Commissioner Gatto for stepping in as Acting Chairperson. The previously continued Tinley Park Plaza Brixmor Phase II

development and the 6627 173<sup>rd</sup> Street duplex conversion items were taken off the agenda. When they resubmit, they will republish.

APPROVAL OF THE MINUTES - Minutes of the July 21, 2022 Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER TRUXAL, seconded by COMMISSIONER MANI to approve the July 21, 2022 minutes as presented. ACTING CHAIRPERSON 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 AUGUST 4, 2022 REGULAR MEETING**

**ITEM #1 PUBLIC HEARING – 6862 MICHAEL CIRCLE / DUN RAVEN PLACE  
UNIT II TOWNHOMES – SPECIAL USE FOR SUBSTANTIAL  
DEVIATION TO THE PUD**

Consider recommending that the Village Board grant Kathryn Wittman a Substantial Deviation from the Dun Raven Place Unit II Planned Unit Development with an Exception from the Zoning Ordinance to allow all sunroom additions in the subdivision to be constructed without required first-floor face brick located at the northeast corner of Centennial Drive and Centennial Circle in the R-6 PD (Medium Density Residential District, Dun Raven Place Unit II PUD).

**Present Plan Commissioners:**

Acting Chairperson Gatto  
Terry Hamilton  
Andrae Marak  
Kurt Truxal  
Brian Tibbetts  
James Gaskill

**Absent Plan Commissioners:**

Chairman Garrett Gray  
Ken Shaw

**Village Officials and Staff:**

Daniel Ritter, Planning Manager  
Lori Kosmatka, Associate Planner  
Jarell Blakey, Management Analyst

**Petitioners:**

Kathryn Wittman

**Members of the Public:**

Mike Wittman, Son of Kathryn Wittman  
Joyce Smith, Neighbor of Kathryn Wittman  
Bob Maher, Dun Raven Villas Homeowner's Association  
President

ACTING CHAIRPERSON GATTO introduced Item #1, and then asked for a motion to open the Public Hearing.

COMMISSIONER TIBBETTS made a motion to open the public hearing seconded by COMMISSIONER MANI. ACTING CHAIRPERSON GATTO requested a voice vote asking if any were opposed to the motion; hearing none, she declared the motion carried.

Lori Kosmatka, Associate Planner presented the staff report.

COMMISSIONER TIBBETTS made a motion to open the public hearing. Second by COMMISSIONER MANI.

ACTING CHAIRPERSON GATTO certified proper public notice was made in accordance with state statutes.

COMMISSIONER GASKILL noted that the presented project does not qualify as a sunroom. It is more adjacent to a room addition.

COMMISSIONER TRUXAL agreed with the staff report and staff recommendation. He stated that the materials for the presented project would not conform to the existing sunrooms on neighboring properties. He asked what the addition's depth is.

Lori Kosmatka, Associate Planner responds it is a 12' 5" x 11' 3 1/2" addition that protrudes 6' from the rear façade to the property line.

COMMISSIONER TRUXAL noted the patio is six feet and that the addition will stick out another 6' then suggests that petitioner sticks with code and design of the existing sunrooms.

COMMISSIONER MANI agreed with the COMMISSIONERS and understands that the material requirement can make the project cost more but the addition needs to have more of a sunroom feel.

COMMISSIONER TIBBETTS commented that he would like to know what the process was in designing this sunroom as opposed to the other sunrooms in the subdivision. Noting that it would be helpful in the decision-making process.

COMMISSIONER HAMILTON stated that it appears that it is more of a mudroom. He asked if the plan was approved by the Homeowner's Association.

Maher HOA President stated yes.

COMMISSIONER HAMILTON stated that it appears that the people in the immediate area are okay with the plan. He commented that it looks okay to him.

ACTING CHAIRPERSON GATTO noted that she agreed with the Commissioners. She commented that she understands the need for uniformity is important and believes that the petitioner should keep with the two designs that are in place in the subdivision.

ACTING CHAIRPERSON GATTO Swears in Petitioner

Kathryn Whitman, Petitioner stated she has lived in Tinley for 45 years and feels like it is her townhouse and property. She stated she is not building something shabby, as it will cost her over \$25,000. She noted she has gone through so much since the start of this project, starting this a year ago last May. She felt the Village should not tell her what to do with her property. She cannot maintain the windows that are on the neighboring structures. She chose what she did because it is more feasible since she is older. She noted when she looks at the neighbor's sunrooms she feels like they are in a fishbowl and she does not care for that but that is just her

opinion. She noted she had to pay \$250. She asked if she would get her \$250 back since she can't do what she wants.

Daniel Ritter stated that is an application fee.

Kathryn Whitman asked that if she makes the addition similar to the other ones that are primarily windows if that would be okay.

ACTING CHAIRPERSON GATTO responds yes.

Kathryn then asked if the Commissioners will come and help her wash the windows when she puts them in.

Daniel Ritter noted that his recommendation is for the petitioner to revise the request. In doing so there appears that the Commission is willing to work with the petitioner to get to some common ground.

COMMISSIONER TRUXAL asked if staff be more open to half brick instead of all brick.

Daniel Ritter responded that it would be dependent on how it blends with the area.

COMMISSIONER TRUXAL noted the amount of vinyl stands out too much. The consistency of the construction in the area should be considered.

COMMISSIONER TIBBETTS noted the Petitioner is working with a contractor. He recommended the Petitioner work with the contractor to make it more of a sunroom appearance by increasing the windows. The windows could still be low. She could add shades to maintain privacy.

Kathryn Whitman stated she didn't think there was enough room. The one wall from the house comes out over half of the way, so there's only one and a half walls.

COMMISSIONER TIBBETTS noted that the petitioner's contractor may be able to work that out for her. He noted she may save some money by using Hardieboard in lieu of vinyl. Hardieboard is a little wider and might give you a more consistent look.

Kathryn Whitman stated the only reason she has vinyl is that it's on other areas of homes, that the other two have it. She stated that she does not care.

COMMISSIONER TIBBETTS said that maybe with the increase in window size that she'd reduce the amount of vinyl.

Daniel Ritter comments that while white is used on the front of the home, it is in stark contrast from the brick. Perhaps a red, brown, or tan may blend in better.

COMMISSIONER TIBBETTS commented that the sunroom is a removable addition. The next homeowner could tear it out and not damage the existing home. The brick would not hold anyway.

ACTING CHAIRPERSON GATTO swore in Mike Whitman.

Mike Whitman, son of the Petitioner, stated that she has been going through the process for over a year getting the runaround from the village. It is very disheartening to a person who has worked for the village for 33 years. When a village employee comes to the house and insinuated that she can afford to put the brick on the house it is very unprofessional. He didn't think that what she is looking to do is that big of a deal. Someone made a comment about it being a mudroom. Its not a mudroom it's a room that she is going to spend time in. She has spent money as a retired person to make something look nice. Based on the fact that she does not like the big windows should not waiver the Commission's decision. There is white vinyl on all the properties in the area. She is using licensed and bonded contractors and is following everything the village has required of her to do. He stated there were excuses.

COMMISSIONER GASKILL asked when she was going through the process if they told her it was against the code.

Mike Whitman stated that initially it was approved then it was denied, then they were told they could work with them. She started with Walter Smart then went to Dan Ritter then worked with Lori Kosmatka. He also made phone calls. It was more of a runaround than solution based.

COMMISSIONER GASKILL stated that he has been on the board for over a year and has not heard this case.

Mike Whitman responded that is because it was kept from getting to this point. It is the first time that it has gotten to this point. It has taken several individuals to get this project done now we're at where we're at. He thought that the decision based on the windows is the wrong decision. I don't think that she is putting anything up that is bad. It's a small addition that will give her some privacy.

COMMISSIONER TRUXAL states that it is not a sunroom, it is more adjacent to a room addition.

Mike Whitman states she was told that she has to cut a foot and a half off the patio.

Daniel Ritter responded that is because it is coming off of the property line. That was one of the issues the Village had to work through.

Mike Whitman stated that they got that resolved and they are taking a foot and a half off the patio.

COMMISSIONER MANI noted that the confusion is coming from noting the structure as a sunroom instead of a room addition. He goes on to state that if the vision is to do an addition the petitioner should revise the application materials to make it an addition not a sunroom.

Kathryn Whitman, noted I had a home for 45 years which had what was considered a sunroom similar to the style that she wants to do now.

Daniel Ritter noted by definition there is no difference between sunroom and room addition. Anything that is an addition has to match materials to the building to ensure uniformity. Glazing is discounted. Glazing with a brick base is permitted. Sunrooms are still additions.

ACTING CHAIRPERSON GATTO asked in a normal sunroom if there no brick requirement.

Daniel Ritter notes it depends on the materials of the home as it is supposed to be matching materials. This is for all homes, single family, townhomes, duplexes. Exceptions have been with glazing in sunrooms.

COMMISSIONER MANI notes that doing Hardieboard will maintain some element of uniformity to the existing property as opposed to something like gray metal.

Kathryn Whitman stated she had no problem with Hardieboard. She doesn't know what that is. She just picked white vinyl because that is what is on the house.

COMMISSIONER MANI explains to the petitioner that Hardieboard is a rectangular piece of material that is higher quality. It has a look and pattern of vinyl, but it is better quality and lasts longer. He doesn't agree with the brick requirement.

Daniel Ritter noted that the reason that we are here is to maintain consistency. There are 26 units in this development phase, and about another 30 in the first phase. The goal is not to have 50 different types of rear additions out there. This is why this is a Planned Unit Development. If someone moves in and builds something different, it is not what The goal is to have some consistency. Changes to the original plan have to go through this process. The original plan was for the units to have patios. The purpose is not to be difficult, but to ensure uniformity for the entire PUD.

Kathryn Whitman stated that the first two residents to build sunrooms paid less than 250

Dan Ritter noted that it was a lesser fee at that time, it was \$150. They went through the exact same process.

ACTING CHAIRPERSON GATTO swore in Joyce Smith.

Joyce Smith, member of the public stated that she appreciates the process that is going on here. She lives across Ms. Whitman on Michaels Circle. When she comes out in the morning to water her flowers she sees Kay out getting her sun in her garage with the garage door open. I want to attest to the fact that she is indeed wanting to use the addition as a sun room. She does appreciate the consistency of the subdivision and I appreciate That it's given a lot of attention. It's understood it may be possible to have the addition with some alterations.

COMMISSIONER MARAK noted that he is in favor of waiting for revision before holding a vote.

COMMISSIONER TIBBETTS stated that he agrees that he is in favor of a revision and resubmittal if the petitioner goes back and works with her contractor to increase the window size. He is okay with the vinyl. He stated the Petitioner mentioned there was vinyl elsewhere in the development, so vinyl here could be consistent. He felt that Hardieboard might not be consistent.

Daniel Ritter notes that staff has met with petitioner's contractors before. Staff is willing to do that again. Our Building Official, who is an architect, may be available to meet as well. He may

be able to help guide the Petitioner in how to get it done from a construction standpoint to fit the recommendations here. He asked the Petitioner if she wanted to look into some adjustments based on the Commission's feedback.

Kathryn Whitman stated she has no problem making adjustments, but that she feels that it is a never-ending cycle and she should not be told what she can and cannot do with her home. She also stated that when she bought her home the real estate agents told her that she could make the addition.

COMMISSIONER GASKILL asked Lori to scroll back in the presentation.

Daniel Ritter noted that real estate agents will tell you anything and one thing that we were able to resolve was the patio issue. If she can make a few adjustments, we can get to a consensus. One big hurdle that has been resolved was about getting it within the property lines. With a few tweaks like bigger windows or checking out the other materials, we could get to something for the Commission and Village Board. We are in the process now. If approved, you could get a permit the day after.

COMMISSIONER GASKILL said when we look at the front of these buildings there is minimal vinyl. The first floor is all brick. The project as proposed is primarily vinyl and all staff is asking to add similar materials to ensure uniformity. He stated that the point of the meeting is to come to common ground.

Daniel Ritter stated that the goal is to be sure that in the future there is a standard.

Kathryn Whitman states that vinyl is on the house. When you put the sliding glass door and windows, there is not much room for more. She will talk with the builder. She said the other sunrooms have white vinyl.

COMMISSIONER GASKILL responds that there is minimal vinyl siding on the home on the posts, and with minimal vinyl on the bottom of the existing sunrooms.

ACTING CHAIRPERSON GATTO noted that moving forward there should be two standard options available to residents. She compared the two existing sunroom differences, and prefers the one with slightly less glazing with about a foot or two of siding at the bottom.

Daniel Ritter stated the goal is for the variance to apply for the entire PUD so that there is uniformity moving forward if anyone in the PUD wants to build the addition. Originally the Petitioner was just going to apply for her unit. His recommendation was that she ask for it for the entire PUD. This way, there is some level of consistency.

ACTING CHAIRPERSON GATTO noted that it is odd that there are no provisions for this built into the HOA bylaws.

Daniel Ritter stated that is probably because there was none permitted.

Kathryn noted that some of the homes have patios and others are built higher and have porches which accounts for some of the variance as not all homes have the room in the back. Some of the people have enclosed the porches.



Daniel Ritter recommended that if the Petitioner is open to revisions, the case should be continued to allow for the proper revisions and notice to be made. The continuation should probably be for two meetings from now since the packet for the next meeting is already about to go out. Staff needs a little more time than that to work with the builder if needed for adjustments. He suggested the public hearing be continued to September 1<sup>st</sup>.

COMMISSIONER GASKILL made a motion to continue the public hearing to September 1<sup>st</sup> meeting.

Motion seconded by COMMISSIONER TIBBETS. Vote taken by Roll Call; all in favor, 7-0. ACTING CHAIRPERSON GATTO declared the motion carried.

Dan Ritter noted that Staff would reach out to the Petitioner tomorrow or Monday at the latest.

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

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

**SUBJECT: MINUTES OF THE AUGUST 4, 2022 REGULAR MEETING**

**ITEM #2 PUBLIC HEARING – 17642 67<sup>TH</sup> AVENUE, BIRKS –  
SIDE YARD SETBACK VARIATION**

Consider recommending that the Village Board grant Andrew Birks (Property Owner) a side yard setback Variation from Section V.B. Schedule II of the Zoning Ordinance to permit the principal structure and construct an attached home addition (sunroom) for the property located at 17642 67th Avenue in the R-3 (Single-Family Residential) Zoning District. The requested 2.58 feet side yard setback variation will apply to the existing principal structure and allow the petitioner to construct a home addition (sunroom) located 5.42 feet from the side property line to the south, where the minimum required side yard setback is 8 feet.

**Present Plan Commissioners:**

Acting Chairperson Gatto  
James Gaskill  
Terry Hamilton  
Eduardo Mani  
Andrae Marak  
Brian Tibbetts  
Kurt Truxal

**Absent Plan Commissioners:**

Chairman Garrett Gray  
Ken Shaw

**Village Officials and Staff:**

Daniel Ritter, Planning Manager  
Lori Kosmatka, Associate Planner  
Jarell Blakey, Management Analyst

**Petitioners:**

Andrew Birks, Owner of 17642 67<sup>th</sup> Ave

**Members of the Public:**

None

ACTING CHAIRPERSON GATTO introduced Item #2, and then asked for a motion to open the Public Hearing.

COMMISSIONER GASKILL made a motion to open the public hearing seconded by COMMISSIONER TRUXAL. ACTING CHAIRPERSON GATTO requested a voice vote asking if any were opposed to the motion; hearing none, she declared the motion carried.

ACTING CHAIRPERSON GATTO stated she received certification of the public hearing notice

as being published in the local newspaper as required by state law. She stated anyone wishing to speak on this matter will be sworn in to speak, but after Staff's presentation. She invited staff to start with the presentation of this item.

Lori Kosmatka, Associate Planner, presented the Staff Report.

ACTING CHAIRPERSON GATTO asked Commissioners for comments.

COMMISSIONER MANI notes that he is okay with it and it makes sense.

COMMISSIONER TIBBETTS stated he had no issues with it.

COMMISSIONER HAMILTON noted that it appears to be a large sunroom but no issues.

COMMISSIONER GASKILL asks if he is understanding that the house is built out of conformance and how that happens.

Lori Kosmatka, Associate Planner, responded the existing house is 5.42 feet from the lot line.

Daniel Ritter, Planning Manager, responded that there are several reasons that this could happen. It's an older issue. It could be from an older zoning code, or else built under the County and then annexing in.

COMMISSIONER GASKILL asked if there were other houses like that.

Dan Ritter, Planning Manager, responded, yes, in older parts of town. Sometimes the issues are in the side yards or front yards. In the past, there have been requests for additions in the front yards.

COMMISSIONER GASKILL clarified that the materials will be brick to match the house.

COMMISSIONER TRUXAL notes that he has no issues with the sunroom. The way it aligns with the principal property will follow the sight lines. The materials and windows are great.

COMMISSIONER MARAK and ACTING CHAIRPERSON GATTO both stated they had nothing to add.

ACTING CHAIRPERSON GATTO swore in Andrew Birks.

Andrew Birks, Petitioner, noted that he understands that the addition is large but that is due to the fact that they have a very large family and the home is too small to entertain them. The house itself is too small to handle everybody. He has entertained in the back yard, and would like to have an enclosed room on the back to avoid issues with weather. The main goal is to line up with the home to make the space more cohesive. He noted moving the addition over would look weird. He noted that he was shocked when he found out that the home was built in nonconforming fashion. He thanked Dan Ritter and Lori Kosmatka.

Dan Ritter notes that the variation ensures that if something were to happen the home will be able to be built in the same way.

ACTING CHAIRPERSON GATTO asked if there were any further questions or discussion. Hearing none, she asked for a motion to close the Public Hearing.

COMMISSIONER GASKILL made a motion to close the public hearing. Second COMMISSIONER TRUXAL. ACTING CHAIRPERSON GATTO requested a voice vote asking if any were opposed to the motion; hearing none, she declared the motion carried.

Lori Kosmatka, Associate Planner, presented the standards.

Motion - Variation:

COMMISSIONER GASKILL made a motion to recommend that the Village Board grant Andrew Birks a side yard setback Variation from Section V.B. Schedule II of the Zoning Ordinance to permit the principal structure and construct an attached home addition (sunroom) for the property located at 17642 67th Avenue in the R-3 (Single-Family Residential) Zoning District. The requested 2.58 feet side yard setback variation will apply to the existing principal structure and allow the petitioner to construct a home addition (sunroom) located 5.42 feet from the side property line to the south, where the minimum required side yard setback is 8 feet.

Motion seconded by COMMISSIONER TRUXAL. Vote taken by Roll Call; all in favor, 7-0. ACTING CHAIRPERSON GATTO declared the motion carried.

ACTING CHAIRPERSON GATTO noted this item will go to the Village Board Tuesday, August 16<sup>th</sup>, 2022.

Dan Ritter, Planning Manager, noted that Lori Kosmatka would follow up with the Petitioner. Staff recommends the Petitioner attend the Village Board meeting. Unanimous votes typically do not have much discussion.

**Receive Comments from the Public**

Bill Tasker, member of the public asked about the 6627 173rd case that was originally on the agenda.

Daniel Ritter, responded that staff will be in contact with him.

**Good of the Order**

Daniel Ritter informed the commission that Loyola has gone vertical; Smoothie King has also gone vertical. Holiday Inn exterior is finishing up; Murphy Olcott variation was passed after revision to the plan. Next meeting may be canceled more information to come. Training still anticipated to happen it will just be pushed back.

COMMISSIONER GASKILL made a motion to adjourn second by COMMISSIONER TRUXAL.

Meeting Adjourned at 8:30pm.

# PLAN COMMISSION STAFF REPORT

August 4, 2022 - Public Hearing

## Dun Raven Place Phase 2 Sunroom Addition (6862 Michaels Circle)

Dun Raven Place Unit II Planned Unit Development

### Petitioner

Kathryn Wittman, 6862  
Michaels Circle

### Property Location

Dun Raven Place Phase 2  
Subdivision/PUD

### PIN

28-19-104-025-0000

### Zoning

R-6 PD, Medium Density  
Residential

### Approvals Sought

Special Use for  
Substantial Deviation to  
the PUD

### Project Planner

Lori Kosmatka  
Associate Planner



## EXECUTIVE SUMMARY

The Petitioner, Kathryn Wittman, property owner of 6862 Michaels Circle, is requesting a Special Use for a Substantial Deviation from the Dun Raven Place Unit II Planned Unit Development (PUD) with an Exception from the Zoning Ordinance. To permit a sunroom addition on the structure she resides, she is requesting to allow sunroom additions on all residential structures in the Dun Raven Phase 2 PUD with a consistent look to what she is proposing. The proposal includes an Exception to construct the sunroom additions without required first-floor face brick. The Dun Raven Phase 2 Subdivision/PUD is located at the northeast corner of Centennial Drive and Centennial Circle in the R-6 Medium Density Residential District. Village Staff recommended the Petitioner request a Substantial Deviation to the overall PUD rather than an individual lot to ensure the development has a consistent appearance for all sunroom additions going forward.

If approved, the proposal would allow each unit in the 26-unit development to construct an addition by-right on their private lot per the specifications of the currently proposed design. The Petitioner's proposed one-story addition to the rear of the property largely consists of white vinyl lap siding on each of the three facades, with a sliding glass door and smaller 33.75"x56.75" windows, as opposed to a typical sunroom with larger windows and glazed area.

The 26-unit Dun Raven Place Unit II PUD (subject development) consists of first-floor masonry. Currently there are only two existing sunroom additions throughout. Both additions previously received variations and, typical of sunrooms, largely consist of glazing rather than opaque material. The Petitioner has cited financial reasons for proposing vinyl siding rather than masonry as required by code and prefers not to match the design of the existing sunrooms. Staff recommends considering alternative designs such as matching the existing sunroom design or using alternative materials that are higher quality and more closely match the existing development's character.



## EXISTING SITE & HISTORY

The Petitioner, Kathryn Wittman, owns property at 6862 Michael Circle, which is within the Dun Raven Place Phase II subdivision. The 26-unit development is located northeast of Centennial Circle and Centennial Drive, situated along the Michaels Circle and Johns Circle cul-de-sacs.

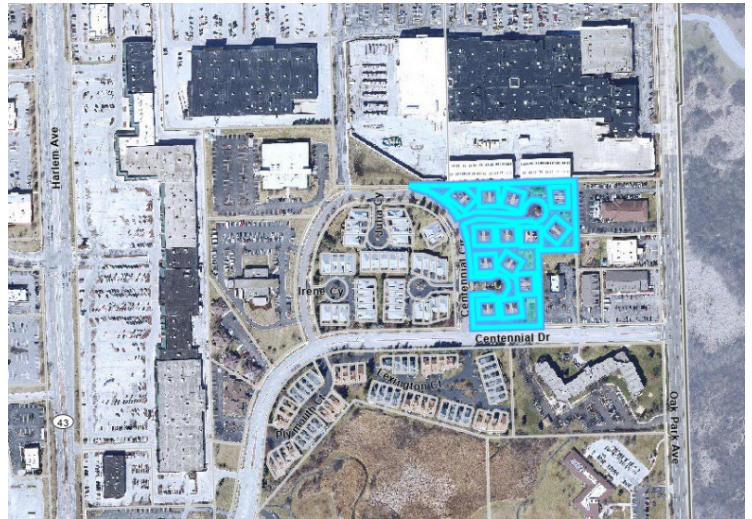
The subject development is the second phase of the Dun Raven Place townhome duplexes and was approved in 2001 (Ord. #2001-O-045) as the Dun Raven Place Unit II PUD. The initial phase was created in 1999 (Ord. #99-O-012), located northwest of Centennial Circle.

The two developments are under their own, separate homeowner's associations (HOAs). The Petitioner is applying on behalf of the 26-unit subject development (Phase II). The ruling HOA over the subject development, Dun Raven Villas Homeowner's Association, has provided a letter agreeing to the Petitioner's request.

The 26 units in the subject development are located in 13 buildings, five on Michaels Circle, 8 on Johns Circle. They are generally oriented to these streets with exception of the northwesternmost building (16077 Centennial Circle and 6876 Johns Circle). There are several mature trees located within the common areas between the buildings as well as along the north side of Centennial Drive.

There are currently two existing sunroom additions located at 6844 Johns Circle and 6851 Johns Circle. These sunrooms previously received variations in 2013 (Ord. #2013-O-021 and 2013-O-044). Both sunrooms are the same design largely constructed of glass with minimal white trim.

The subject development is in the R-6 Medium Density Residential Zoning District. To the west, across Centennial Circle is the initial phase of the Dun Raven townhomes, also within the R-6 Zoning District. To the south, across Centennial Drive, are multi-family properties in the R-7 High Density Residential Zoning District. To the east and north, are businesses within the B-2 Community Shopping Zoning District. They include a multi-tenant commercial center with medical office uses, CTF development center, Kindercare daycare, and a salon suites. Menards is located to the north.



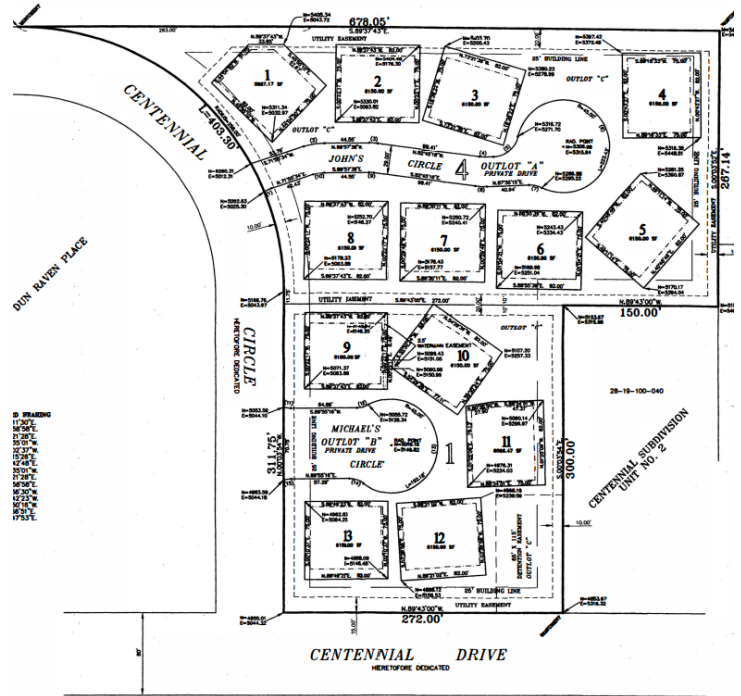


## CODE BACKGROUND & ZONING

The Residential Masonry Requirements are currently located in Zoning Code Section V.C.4.B.:

*"In all single-family detached, single-family attached, townhomes, and in all single-family semi-detached dwellings, exterior walls shall be constructed of face brick or decorative stone. Said construction shall commence from the finished grade and shall extend to the uppermost portion of the first story of such dwellings."*

The masonry requirements for residential developments in Tinley Park have existed since the late 1970's and largely require first floor masonry (brick or stone) on all units. The requirement ensures a high level of aesthetics, building quality, and durability is held within new developments along with some improve building and fire protection. The code has remained in place with only minor changes including transitioning from the building code to the zoning code. Variations have been approved only for areas that were developed prior to the masonry requirements and have a neighborhood with varying material types.



Dun Raven Place - Phase II Subdivision



Existing Building's Concrete Patio / Recessed Property Corner



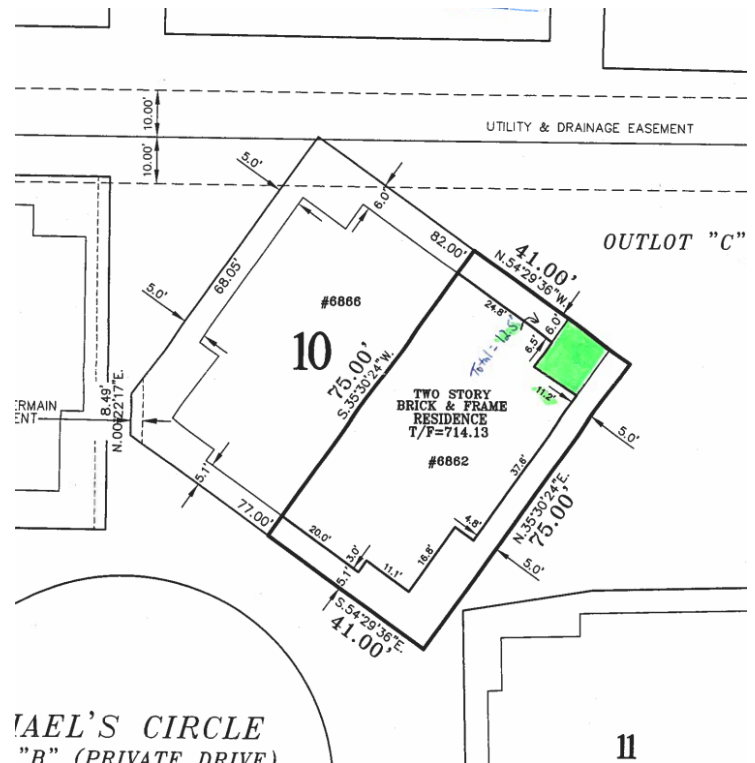
## SUBSTANTIAL DEVIATION / ZONING EXCEPTION

The Petitioner currently has a concrete patio protruding from the rear recessed corner of her property at 6862 Michaels Circle. The Petitioner now proposes to construct a one-story sunroom addition in that location. The Petitioner states the footprint of the sunroom addition (*shown in green on the plat of survey*) will be similar to the patio, less 1.5 feet depth. The proposed addition will be 12'-5" by 11'-3 1/2" and will protrude out six feet from the rear building façade to meet the rear property line. There is landscaped common area beyond the property lines.

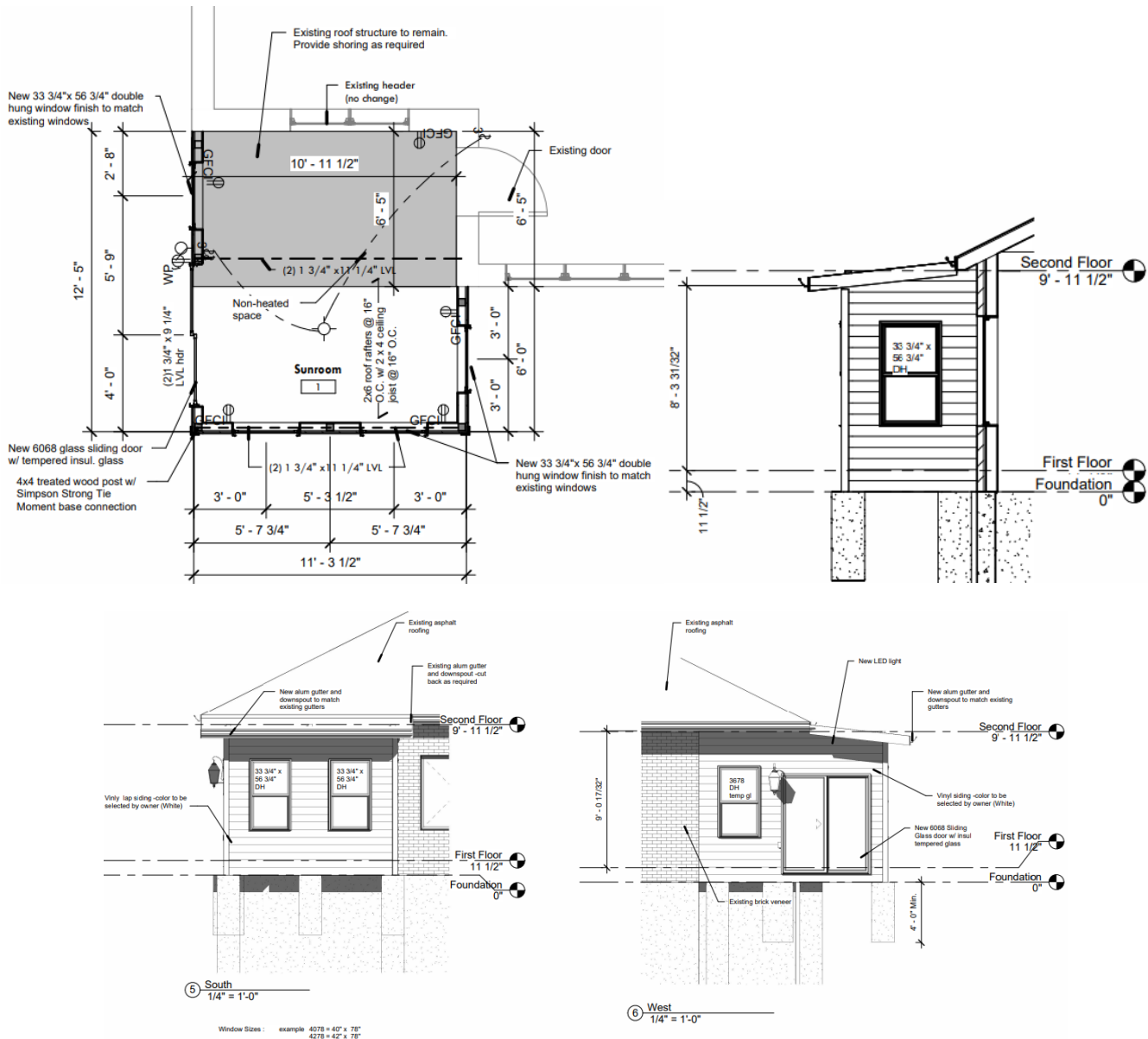
The proposed sunroom consists of white vinyl lap siding on the majority of the three facades, with one window on the east, two on the south, and one along with a sliding door on the west. The windows are 33.75"x56.75". The west façade also has a 5'-0"x5'-8" glass sliding door. The majority of the facades have more opaque material (as vinyl siding) rather than glazing, contrary to typical sunroom design. The Petitioner has provided architectural drawings showing the window sizes and placement. Based on the architectural drawings, the percentage of glass windows & doors are only approximately 26.6% on the east façade, 28.3% on the south façade, and 40.2% on the west façade. The Petitioner's proposed sunroom addition will not meet the masonry requirements in the Zoning Ordinance.

Village Staff notes a concern that if individual units pursue individual Variations in the future, then the subject development runs a risk of having an highly inconsistent aesthetic of a variety of materials and styles, which was not the intent of the development or PUD. Village Staff recommended that the subject development have a consistent aesthetic for all sunroom additions. Thus Staff requested the Petitioner pursue a Special Use for a Substantial Deviation with an Exception from the Zoning Ordinance for all sunroom additions in the subject development (Dun Raven Place Unit II PUD) be considered rather than a Variation for the single property at 6862 Michaels Drive. The Petitioner has brought this forward to the association as well to clarify that only the approved design will be permitted going forward.

Deviations from Village's Zoning Ordinance are considered Exceptions rather than Variations when located within a PUD and do not require the standard Variation Findings of Fact. Alternatively, Exceptions are looked at in terms of their conformance to their overall PUD's proposed design and goals. The Petitioner is requesting a Special Use Permit for the Exception from Zoning Ordinance Section V.C.4.B (Residential Masonry Requirements) to allow all for sunroom additions and to be constructed per the proposed design without required matching first-floor face brick.



6862 Michaels Circle Plat of Survey (proposed sunroom addition in green)



The Petitioner has contacted the HOA and received their approval for the addition as proposed for all future additions in their subject development. The Petitioner proposes the vinyl siding material instead of the brick masonry required by the Zoning Ordinance for financial reasons as vinyl is a cheaper exterior building material. Vinyl siding is not recognized as a high-quality and durable material when compared to masonry and other alternative materials such as fiber cement (Hardie Board) siding. Vinyl siding is only utilized as an accent material at roof peaks and at the top of the garages within the PUD. Though the proposed white color complements the other white accents on the existing buildings, the white color is considered a contrast to the red brick it is parallel to. A red or brown tone material that may better blend in. The development has multiple sets of outdoor rear stairs that are stained in shades of dark reddish browns. Staff previously suggested alternative materials and colors to the Petitioner who preferred the vinyl siding option due to cost.

While there are no specific standards set for residential architectural requests, it is useful to look at the context of the development similar to some of the standards set for commercial architectural plan reviews. The three most relevant standards used are listed below:

- Compatible Architecture – Is the new structure and proposed materials compatible with neighboring properties and the surrounding neighborhood's existing housing stock?

- b. Proposed Building Materials – Are the proposed materials of high-quality and durability? Do the proposed materials negatively affect the homes attractiveness or future marketability?
- c. Cohesive Building Design – Do the proposed materials compliment the style and design of the home, or do they detract compared to alternative materials? Do the proposed exterior materials compliment the architectural design and create natural breaks within the façade to transition between materials?

The standard the Village's Community Development Committee traditionally used was to review masonry Variations in context with the existing neighborhood's architecture. This ensures the character and quality of materials within a neighborhood does not degrade over time and that new construction is fit for the neighborhood. It is important that the proposed architecture/building materials are not so incongruent with the existing architecture/building material that it devalues existing property. The goal should be that the new "in-fill" development is compatible with the neighborhood, enhances rather than detracts, and will maintain value over time.

## **ARCHITECTURE**

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The subject development's architecture is consistent among all the buildings with the same massing, gable and dormer types, and materials. They largely consist of reddish-brown brick on the first floor. The brick has varying tones. Parts of the upper façade on the gables, dormers, and over the garage have cream (pale yellow) siding and white siding in a decorative pattern. The trim, entry columns, gutters, and undersides of the eaves, and garage doors are all white which serve as an intentional contrast to the brick. The shingles are gray.



*Existing Building Frontage*



The essential character of the subject development involves a consistent design aesthetic, with only two of the 26 units having existing sunrooms. The two existing sunrooms in the subject development are mainly constructed of glass with minimal white trim. One of the sunrooms has a low knee wall with plain white panels, while the other sunroom has glazing that runs farther down to a horizontal wood member at ground level. Aside from upper triangular area below the roof slope, the windows go up to the maximum possible height of the facades. Also, neither have vinyl siding. Due to the small amount of opaque material, both sunrooms have an overall transparent look and feel. The facades have an aesthetic of continuously framed windows as opposed to a few individual windows punched out in a wall consisting of vinyl lap siding. Staff has recommended the Petitioner match the design of the existing sunroom enclosures and they have not wished to have large window expanses.



*Existing Sunroom @ 6851 Johns Circle*



*Existing Sunroom @ 6848 Johns Circle*



### Plan Commission Discussion

Staff recommends a few points for discussion by the Plan Commission:

- Discuss whether the proposal for all future sunroom additions is appropriate and compatible for the subject development.
- Consider whether the proposed design is cohesive to the existing building design.
- Consider compatibility with two previously approved sunrooms.
- Consider design elements such as:
  - Percentage and location of glazing (transparency) for a “sunroom”
  - Exterior materials (quality, durability, color, etc.)

## STANDARDS FOR A SPECIAL USE

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Section X.J.5. of the Zoning Ordinance lists standards that need to be considered by the Plan Commission. The Plan Commission is encouraged to consider these standards (listed below) when analyzing a Special Use request. Staff draft Findings of Fact are provided below for the Commission's review and approval.

X.J.5. Standards: No Special Use shall be recommended by the Plan Commission unless said Commission shall find:

- a. That the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
  - ***The proposed addition will not be detrimental to public health, safety, morals, comfort or general welfare. The proposed addition is one-story and does not extend into the common area but would not match with existing structures or materials as approved under the original PUD.***
- b. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
  - ***The proposed addition will be within each property's boundaries and are surrounded by common area. However, it does not create a uniform design with high quality materials as is existing under the current PUD regulations.***
- c. That the establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
  - ***The proposed addition will be attached to residences in a recessed location and protrude minimally within each property's boundaries. The overall boundaries of the development will not change but permits additions that are inconsistent with the PUD's existing development style.***
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
  - ***Adequate utilities, access roads, and/or other necessary facilities are already existing and are not proposed to change.***
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
  - ***Adequate ingress and egress are already existing and are not proposed to change.***
- f. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission. The Village Board shall impose such conditions and restrictions upon the premises benefited by a Special Use Permit as may be necessary to ensure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance.
  - ***The Petitioner will conform to all other applicable regulations of the district.***
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
  - ***The proposed addition will provide larger living accommodations and provide more taxable value.***

## MOTION TO CONSIDER

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If the Plan Commission wishes to act on the Petitioner's request, the appropriate wording of the motion is listed below. *Do note, the Commission can alternatively provide the petitioner with recommendations and continue the meeting to allow the petitioner time to consider and design alternatives that would be more acceptable to the Commissioners.*

The protocol for the writing of a motion is to write it in the affirmative so that a positive or negative recommendation correlates to the Petitioner's proposal. By making a motion, it does not indicate a specific recommendation in support or against the plan. The Commission may choose to modify, add, or delete from the recommended motions and recommended conditions: :

### Special Use for a Substantial Deviation to the PUD

"...make a motion to recommend that the Village Board grant Kathryn Wittman a Substantial Deviation from the Dun Raven Place Unit II Planned Unit Development with an Exception from the Zoning Ordinance to allow all sunroom additions in the subdivision to be constructed without required first-floor face brick located at the northeast corner of Centennial Drive and Centennial Circle in the R-6 PD (Medium Density Residential District, Dun Raven Place Unit II PUD) in accordance with the plans submitted and adopt Findings of Fact as proposed in the August 4, 2022 Staff Report, subject to the following condition:

1. All future additions within the PUD shall be additions matching the proposed addition in color, material, and style. No further addition designs shall be permitted. "

## LIST OF REVIEWED PLANS

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	Submitted Sheet Name	Prepared By	Date On Sheet
	Application (Redacted) & Response to Standards	Applicant	6/23/22
	Narrative	Applicant	6/29/22
	Dun Raven Villas HOA Letter	HOA	6/30/22 Recd 7/5/22
	Plat of Survey	Applicant	n/a
	Architectural Drawing	AS	7/29/21
	Dun Raven Place Phase II PUD Subdivision Plat	Nekola	Recorded 8/30/1999
	Existing Conditions Additional Staff Photos	Staff	7/28/22

AS=Architectural Studio

# PLAN COMMISSION STAFF REPORT

August 4, 2022 – Public Hearing

## Petitioner

Andrew Birks

## Property Location

17642 67<sup>th</sup> Avenue

## PIN

28-31-205-013-0000

## Zoning

R-3, Single Family  
Residential

## Approvals Sought

Variation

## Project Planner

Lori Kosmatka  
Associate Planner

## Andrew Birks – Side Yard Setback Variation – Existing Home & Addition

17642 67<sup>th</sup> Avenue



## EXECUTIVE SUMMARY

The Petitioner Andrew Birks is requesting a side yard setback Variation to permit the principal structure and construct an attached home addition (sunroom) for property at 17642 67<sup>th</sup> Avenue in the R-3 (Single-Family Residential) Zoning District. The requested variation is for a 2.58 ft. side yard setback for the principal structure and proposed addition to be setback 5.42 ft. from the south side property line instead of the minimum required 8 ft. The Variation will apply to the existing principal structure and allow the Petitioner to construct an attached patio structure that is planned to later be upgraded to a full home addition (sunroom).

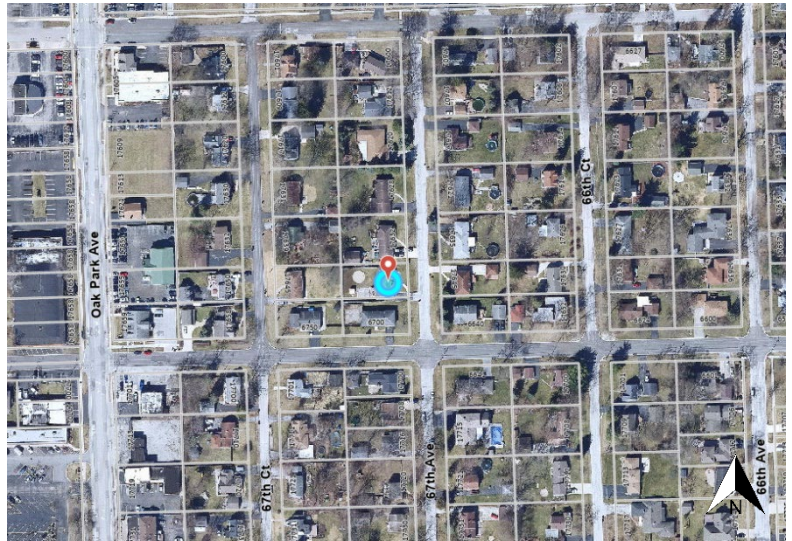
The existing principal structure is nonconforming on the side yard setbacks, lot area, and lot width. The Petitioner had started construction of an attached covered open patio structure aligning flush with the existing principal structure, without a permit and would increase the existing structure's non-conforming setback. The Petitioner wishes to phase the proposal, eventually upgrading the covered open patio to an enclosed sunroom in approximately two years when financially feasible.

The proposed structure would keep a consistent setback line with the existing structure's non-conforming setback. The Petitioner has noted this is a more appealing option than setting the structure in 2.58 ft. and creating a "jog" in the wall to meet the code.

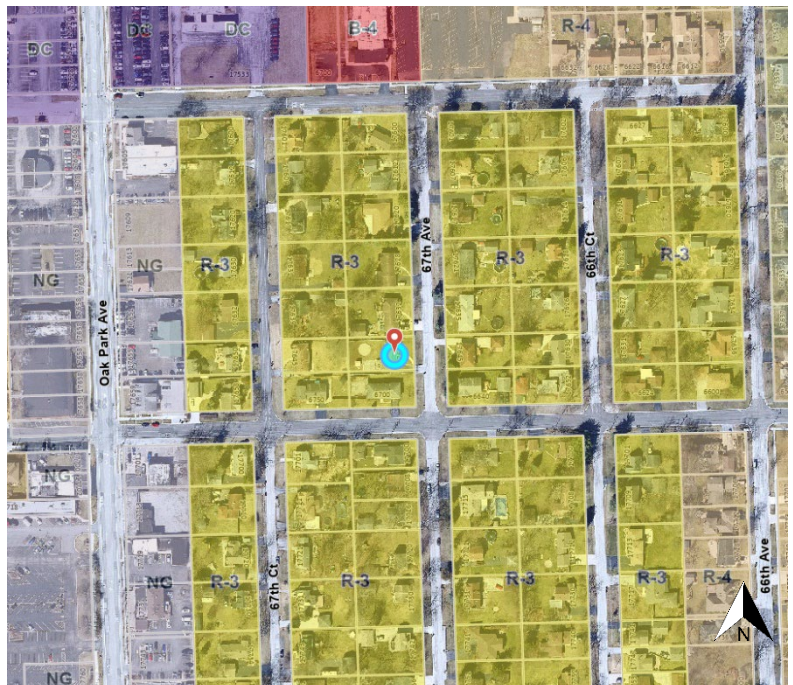


## EXISTING SITE & ZONING

The subject property is a conventional interior lot and 9,359 sq. ft. in size (70'x133.7') that is located in the Reuter and Company's Tinley Park Gardens subdivision. The area was annexed in 1929, and developed in the 1950's under the Village Zoning Code at that time. The subject lot appears smaller than the majority of the properties in the immediate neighborhood one block north and one block south of 177<sup>th</sup> Street between Oak Park and 66<sup>th</sup> Avenue. Most of these properties are wider and approximately 13,350 sq. ft. The corner lot abutting to the south however, is also a smaller property of approximately 10,122 sq. ft.



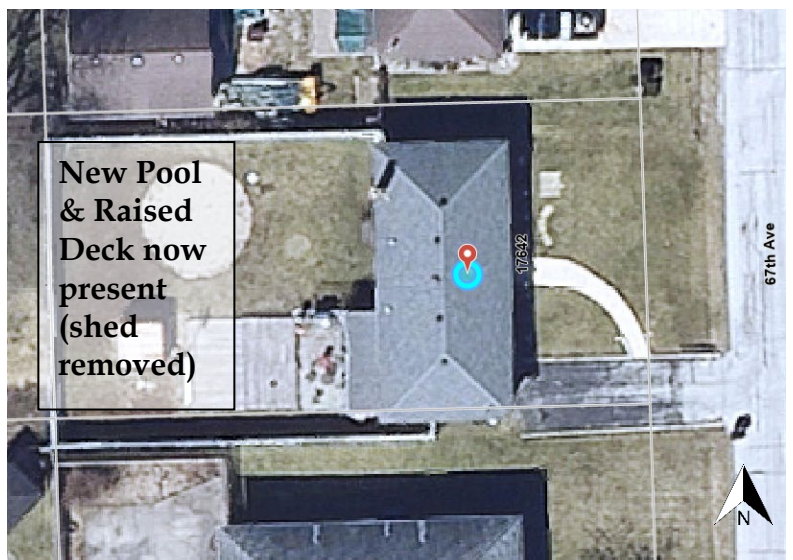
The existing property has a principal structure, approximately 1,589 sq. ft., as well as a covered open patio structure attached to the principal structure, which is not permitted. There is an aboveground pool at the northern portion of the rear yard, as well as a raised deck at the southern portion which was recently permitted in July 2022. The newly permitted and constructed raised deck (*not shown on aerial or plat*) is set back five feet from the south and rear property lines, located west of the addition structure. The property also has a 6 ft. privacy fence which appears to be along the property's edge but is not indicated on the plat of survey.



### Zoning

The subject property is zoned R-3 (Single-family Residential). All the surrounding properties are also detached single-family homes also within the R-3 Zoning District.

The R-3 Zoning District has minimum yard requirements which include minimum eight feet side yard setbacks, with a minimum 16 feet total of two side yards. Other minimum yard setbacks per the R-3 Zoning District include 25 feet front yard, and 30 feet rear yard. The minimum lot area is 10,000 sq. ft. and minimum lot width is 75 feet.





## VARIATION REQUEST

10' EASEMENT

70.00' REC/65.88' MEAS

133.70' REC/133.50' MEAS

8' side yard code req't

40' H

Proposed Sunroom Addition

36.22' calc.

40'

26.9'

26.90'

5.47' calc.

Existing 2-Story Residence Structure

70.00' REC/MEAS

67TH AVENUE

10' EASEMENT

70.00' REC/65.88' MEAS

133.70' REC/133.52' MEAS

36.22' calc.

40'

26.9'

26.90'

5.47' calc.

Existing 2-Story Residence Structure

70.00' REC/MEAS

67TH AVENUE

The Petitioner wishes to phase the proposal, eventually replacing the covered open patio (started without a permit) to an enclosed sunroom in approximately two years when financially feasible.

Regarding other code requirements, the addition would be located 36.22 feet from the rear property line, thus meeting the code required 30-foot minimum rear yard setback. Also, the Petitioner has confirmed to Staff that the eaves and gutters will not project more than 3 feet into the side yard and will not be out any further than the gutters on the existing principal structure. Regarding the material construction, Petitioner has confirmed to Staff that the half walls on the addition will be brick to match the existing structure (light pinkish brown) in compliance with the Zoning Code's masonry requirements for additions. The majority of the sunroom facades will be glazing.



The Petitioner requests the variation with reasons cited in the submittal. Mainly the Petitioner states the variation will align the addition with the existing home for aesthetic and functional reasons. Additionally, the Petitioner notes adding living space will maximize the property sale. He notes this is not an attempt for financial gain but solely for purposes of enjoying an expanded usable space while improving the look and functionality of the home. He cites the hardship is that the home was already constructed and is existing nonconforming. The Petitioner also notes that there are several other homes with additions in the neighborhood, though the proximity to lot lines have not been identified.

Staff notes the property is undersized and is short five feet of the 75-foot minimum lot width requirement, which may be an additional consideration to the variation request. Additionally, the existing home is already existing and has a smaller footprint of approximately 1,589 sq. ft. While an addition is not required, it is a typical improvement expected with homes today. Also, the area of the addition's encroaching area is relatively small at 103.2 sq. ft. (40'x2.58').



*Renderings Proposed Addition with Existing Home*

#### Adjacency to Neighbor

As an interior lot, the subject property's south side property line is adjacent to a neighboring lot at 6700 177<sup>th</sup> Street. The distance between the roof lines of the subject property's home to the neighbor's home is approximately 21 feet. That property is an undersized corner lot with a one-story home. The neighboring home's side façade is a straight wall with high windows and a side door. Part of the rear portion of that property has an existing fence set in from their property line.



*Adjacency to 6700 177<sup>th</sup> Street (Neighbor to South)*

## 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 prepared draft responses for the Findings of Fact below.

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.
  - ***While an addition is not required, it is a typical improvement expected with homes today. The addition will help increase the property's functionality and value. The Variation for the encroachment does not cause the property to yield additional return as the structure could still be constructed elsewhere on the property.***
2. The plight of the owner is due to unique circumstances.
  - ***The lot is undersized for the code requirements of lot area and lot frontage. The principal structure is also already existing at the requested amount of encroachment. If the proposed addition were to meet code, it would not align with the existing principal structure's south elevation, creating an awkward appearance.***
3. The Variation, if granted, will not alter the essential character of the locality.
  - ***The neighborhood largely has older homes and varying setbacks. The existing principal structure appears to meet the essential character of the neighborhood. The proposed addition will be behind the existing principal structure, thus having minimal impact on the frontage to the neighborhood.***
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 act on the Petitioner's request, the appropriate wording of the motion is listed below. *Do note, the Commission can alternatively provide the petitioner with recommendations and continue the meeting to allow the petitioner time to consider and design alternatives that would be more acceptable to the Commissioners.*

The protocol for the writing of a motion is to write it in the affirmative so that a positive or negative recommendation correlates to the Petitioner's proposal. By making a motion, it does not indicate a specific recommendation in support or against the plan. The Commission may choose to modify, add, or delete from the recommended motions and recommended conditions:

### Variation:

**"...make a motion to recommend that the Village Board grant Andrew Birks (Property Owner) a 2.58 ft. side yard setback Variation from Section V.B. Schedule II of the Zoning Ordinance to permit the principal structure and an attached patio structure (to eventually be upgraded to an attached home addition/sunroom) to be setback 5.42 ft instead of the required 8 ft. minimum at the property located at 17642 67th Avenue in the R-3 (Single-Family Residential) Zoning District in accordance with the plans and Findings of Fact as listed in the August 4, 2022 Staff Report."**

## LIST OF REVIEWED PLANS

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Submitted Sheet Name		Prepared By	Date On Sheet
	Application (Redacted)	Applicant	5/13/22
	Response to Standards	Applicant	5/13/22
	Narrative	Applicant	n/a
	Existing Conditions Photos per Applicant	Applicant	7/12/22
	Plat of Survey	Applicant	7/12/22
	Structural Detail Drawing	Applicant	5/13/22
	Color Renderings	Applicant	7/12/22
	Photos of Neighborhood Examples per Applicant	Applicant	7/12/22