



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

**September 1, 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 September 1, 2022.

**CALL TO ORDER** – CHAIRMAN GARRETT GRAY called to order the Regular Meeting of the Plan Commission for September 1, 2022 at 7:00 p.m.

Lori Kosmatka, Associate Planner called the roll.

Present and responding to roll call were the following:

Chairman Garrett Gray  
Terry Hamilton  
Andrae Marak  
Brian Tibbetts  
Ken Shaw  
James Gaskill  
Eduardo Mani

Absent Plan Commissioners: Angela Gatto  
Kurt Truxal

Village Officials and Staff: Daniel Ritter, Interim Community Development Director  
Lori Kosmatka, Associate Planner  
Jarell Blakey, Management Analyst

Petitioners: Kathryn Wittman, Owner of 6862 Michael Circle  
Dawn Brechtel, Owner 19330 Fane Court

Members of the Public: None

### **COMMUNICATIONS-**

Daniel Ritter, Interim Community Development Director noted there were no communications.

**APPROVAL OF THE MINUTES** - Minutes of the August 4, 2022 Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER SHAW, seconded by COMMISSIONER GASKILL to approve the August 4, 2022 minutes as presented. CHAIRMAN GRAY asked for a voice vote; all were in favor. He 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 1, 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:

Chairman Garrett Gray  
Terry Hamilton  
Andrae Marak  
Brian Tibbetts  
Ken Shaw  
James Gaskill  
Eduardo Mani

Absent Plan Commissioners:

Angela Gatto  
Kurt Truxal

Village Officials and Staff:

Daniel Ritter, Interim Community Development Director  
Lori Kosmatka, Associate Planner  
Jarell Blakey, Management Analyst

Petitioners:

Kathryn Wittman, Owner 6862 Michael Circle

Members of the Public:

None

CHAIRMAN GRAY introduced Item #1.

COMMISSIONER GASKILL made a motion to continue the public hearing seconded by COMMISSIONER MANI. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRMAN GRAY stated he received certification of the public hearing notice as being published in the local newspaper as required by state law. He stated anyone wishing to speak on this matter will be sworn in to speak, but after Staff's presentation. He invited staff to start with the presentation of this item.

COMMISSIONER GASKILL asked for clarification regarding what the request was for. He went on to note that the issue in this case was not just a room addition.

Daniel Ritter, Interim Director noted that the request was two-fold. He stated that additions in PUDs need their own approval and the other request was for the exception in the materials.

Lori Kosmatka, Associate Planner presented the staff report.

CHAIRMAN GRAY asked if Kathryn Wittman, petitioner would like to speak.

Kathryn Wittman responded no.

COMMISSIONER TIBBETTS stated he had no additional comments

COMMISSIONER MANI agreed with the first staff open item, wants to ensure that the brick matches. He asked if open item number two is required as each homeowner should be entitled to do what they want to do with their own property.

COMMISSIONER SHAW asked if moving forward will these types of requests be subject to an administrative approval only.

Daniel Ritter, Interim Director stated that a recommendation to the petitioner was to request this for the entire PUD to reduce the need for other owners to go through this process. Also, to ensure consistency across the development.

COMMISSIONER SHAW noted that he agrees and he feels that it will reduce the red tape in the process.

Daniel Ritter, Interim Director added that the petitioner is the first to request this style and if the commission approves the request there is no need to have other people go through the process.

COMMISSIONER SHAW- Notes that it makes sense and that he agrees with Commissioner Mani's point of limited government influence. He asked if the HOA has given approval for the style.

Daniel Ritter, Interim Director noted that they provided one for the last meeting.

COMMISSIONER MANI comments that he feels that the requirement is more of an aesthetic requirement and feels that is the prerogative of the homeowner.

COMMISSIONER SHAW commented if he understands correctly, if someone wants to propose a new design, they will they have to go through this process again.

COMMISSIONER GASKILL noted that he is in favor of the new proposed brick material. He asked if the windows are the same.

Kay Wittman, Petitioner notes that the windows in the other existing additions have similar sized windows.

Daniel Ritter, Interim Director noted that there is a more continuous look in the other design.

COMMISSIONER GASKILL notes that his question is more a matter of how much light is coming into the addition.

Daniel Ritter, Interim Director notes that this is more of a traditional room addition rather than a sunroom. Options include matching her design or the other existing designs.

Kay Wittman, Petitioner commented that other designs with larger windows have rear property lines that abut Menards and have bushes that offer more privacy. Her rear property line is abutting other houses so installing the larger windows would offer less privacy.

COMMISSIONER MARAK noted he was satisfied with the brick. He stated that the HOA is in favor with the others then asks if they have weighed in on the revised design.

Kay Wittman states that she can get a letter from the HOA president. The HOA president was unable to attend.

Daniel Ritter, Interim Director noted staff can confirm.

COMMISSIONER MARAK noted that it appears to be more conforming.

COMMISSIONER GASKILL commented that if the brick matches there is no problem. Then asks if there is a requirement for doors and light.

Daniel Ritter responds that it will need to be in compliance with Building Code.

COMMISSIONER HAMILTON stated as he understands it the language is restrictive to the two designs moving forward, but they are allowed to petition for a third design.

Daniel Ritter agrees that is the intention of the request. He stated that a petitioner can always request for a third design but they will have to go through this process.

CHAIRMAN GRAY notes that he likes the design and agrees with staff recommendation.

Kay Wittman, Petitioner notes that it is matching.

COMMISSIONER GASKILL notes that it is reasonable.

CHAIRMAN GRAY appreciated the support from the HOA and applauds the petitioner's work to set the precedent.

CHAIRMAN GRAY requested a motion to close the public hearing. COMMISSIONER MANI made a motion second by COMMISSIONER GASKILL. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried. He asked Staff to present the standards.

Lori Kosmatka presented the standards.

COMMISSIONER SHAW made a motion a motion to recommend that the Village Board grant Kathryn Wittman a Substantial Deviation from the Dun Raven Place Unit II Planned Unit Development to allow additions in the subdivision 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 September 1, 2022 Staff Report, subject to the following conditions:

1. The exterior facade material at 6862 Michaels Circle shall be first-floor face brick color matching the principal structure in color, size, texture, and overall design.
2. All future additions within the Planned Unit Development shall either match the proposed addition at 6862 Michaels Circle or the existing additions at 6844 Johns Circle and 6851 Johns Circle in color, material, and style, with sizing and placement of glazing to also match. All additions shall be on private lots and all other zoning codes must be met. No further addition designs shall be permitted. Motion seconded by COMMISSIONER GASKILL.

CHAIRMAN GRAY requested a roll call vote.

Ayes:

SHAW  
GASKILL  
HAMILTON  
TIBBETTS  
MANI  
MARAK  
CHAIRMAN GRAY

Nays:

None.

Hearing no opposition, CHAIRMAN GRAY declared the motion carried then informed the Petitioner the item will go to Village Board on September 20<sup>th</sup>, 2022.

Daniel Ritter, Interim Director informed the Petitioner that the VB meeting should be the last meeting.

Kay Wittman, Petitioner asks if there is a chance she can build before it snows outside.

Daniel Ritter replied that the permit can be issued as soon as the required materials are submitted and receives board approval.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**  
**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**  
**SUBJECT: MINUTES OF THE SEPTEMBER 1, 2022 REGULAR MEETING**  
**ITEM #2 PUBLIC HEARING – 19330 FANE COURT, BRECHTEL –**  
**CORNER FENCE AND PATIO VARIATIONS**

Consider recommending that the Village Board grant Dawn Brechtel (Property Owner) a Variation from Section III.J. (Fence Regulations) and Section III.H. (Permitted Encroachments) of the Zoning Code at the property located at 19330 Fane Court in the R-2 PD (Single Family Residential, Brookside Glen PUD). This Variation would permit the Petitioner to install a five-foot (5') high open style fence to encroach up to nine feet (9') into the required secondary front yard (located 16 feet from the property line). A Variation is also requested for the existing patio to be located in the secondary front yard where a patio is not permitted.

Present Plan Commissioners:

Chairman Garrett Gray  
Terry Hamilton  
Andrae Marak  
Brian Tibbetts  
Ken Shaw  
James Gaskill  
Eduardo Mani

Absent Plan Commissioners:

Angela Gatto  
Kurt Truxal

Village Officials and Staff:

Daniel Ritter, Interim Community Development Director  
Lori Kosmatka, Associate Planner  
Jarell Blakey, Management Analyst

Petitioners:

Dawn Brechtel, Owner 19330 Fane Court

Members of the Public:

None

CHAIRMAN GRAY 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 TIBBETTS. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRMAN GRAY stated he received certification of the public hearing notice as being published

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

Lori Kosmatka, Associate Planner, presented the Staff Report.

CHAIRMAN GRAY asks the Petitioner if there is anything they would like to add.

The Petitioner, Dawn Brechtel, responded no.

CHAIRMAN GRAY asked Commissioners for comments.

COMMISSIONER HAMILTON stated proposed fence looks reasonable

COMMISSIONER MARAK commented that the Property appears as if patio belongs in the place where one isn't allowed

COMMISSIONER GASKILL asked who installed the patio.

Petitioner stated that it was a previous owner.

COMMISSIONER GASKILL stated that he does not want to penalize for someone else's bad deeds.

CHAIRMAN GRAY noted that from a record keeping standpoint the permit could've been issued but it could have been misplaced.

Dan Ritter, Interim Director, noted that we can never say it wasn't there, as there is always a chance something could have been filed in error.

COMMISSIONER SHAW asked if they were the original owner. He said that he attempted to envision what a conforming fence would look like and it would not fit the spirit of the neighborhood. It meets the requirement for a physical hardship and seems reasonable.

COMMISSIONER GASKILL noted that the patio could have been angled off at the setback line.

COMMISSIONER SHAW responded that there could be the creation of a conforming patio, but it would be odd if it were built in conformance.

CHAIRMAN GRAY stated that would be aesthetically off.

COMMISSIONER GASKILL notes that having a patio in the front of your home is odd as well.

COMMISSIONER SHAW it speaks to the unique placement of the home and essentially having three front yards.

CHAIRMAN GRAY agreed that it is unique, given the triangular lot shape and house orientation.

COMMISSIONER MANI agreed and noted the positioning of the house is weird.

Dan Ritter, Interim Director, noted this is caused by the cul-de-sac.

COMMISSIONER TIBBETTS agrees with the other Commissioners.

CHAIRMAN GRAY agreed with all that has been discussed by Staff.

Daniel Ritter, Interim Director noted that the Petitioner was agreeable with reducing the variation request. They originally had approached Village Staff wishing to build to the lot line.

CHAIRMAN GRAY appreciated the flexibility of the Petitioner.

CHAIRMAN GRAY asks if the public would like to speak. Hearing none, he entertained a motion to close the public hearing.

COMMISSIONER MANI made a motion to close the public hearing seconded by COMMISSIONER GASKILL. CHAIRMAN GRAY requested a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried. He asked Staff to present the Standards.

Lori Kosmatka, Associate Planner presents the standards.

COMMISSIONER GASKILL made a motion to recommend that the Village Board grant the Petitioner, Dawn Brechtel a Variation from Section III.J. (Fence Regulations) of the Zoning Ordinance, to permit a five-foot high open fence encroaching nine feet into the required 25 foot secondary front yard, where a fence encroachment is not permitted at 19330 Fane Court in the R-2 PD (Single-Family Residential, Brookside Glen PUD) Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the September 1, 2022 Staff Report. Motion seconded by COMMISSIONER HAMILTON

CHAIRMAN GRAY requested a Roll Call Vote:

AYES:

HAMILTON  
MARAK  
GASKILL  
SHAW  
MANI  
TIBBETTS  
CHAIRMAN GRAY

NAYS:

None.

Hearing no opposition, CHAIRMAN GRAY declared the motion carried.

COMMISSIONER HAMILTON made a motion to recommend that the Village Board grant the Petitioner, Dawn Brechtel a Variation from Section III.H. (Permitted Encroachments) of the Zoning Ordinance, to permit an existing 202.8 sq. ft. patio encroaching approximately nine feet into the required 25 foot secondary front yard, where a patio encroachment is not permitted at 19330 Fane Court in the R-2 PD (Single-Family Residential, Brookside Glen PUD) Zoning



District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the September 1, 2022 Staff Report. Second by COMMISSIONER GASKILL

CHAIRMAN GRAY requests a roll call vote

AYES:

HAMILTON  
MARAK  
GASKILL  
SHAW  
MANI  
TIBBETTS  
CHAIRMAN GRAY

NAYS:

None

Hearing no opposition, CHAIRMAN GRAY declares the motion carried then informs the petitioner that this item will go before the Village Board on September 20, 2022.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**  
**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**  
**SUBJECT: MINUTES OF THE SEPTEMBER 1, 2022 REGULAR MEETING**  
**ITEM #3 PLAN COMMISSION DISCUSSION**

Plan Commission will discuss the following items:

- A. Fence Regulation Review/Ideas
- B. Active Transportation Plan Review
- C. APA-IL Training Date

Present Plan Commissioners:

Chairman Garrett Gray  
Terry Hamilton  
Andrae Marak  
Brian Tibbetts  
Ken Shaw  
James Gaskill  
Eduardo Mani

Absent Plan Commissioners:

Angela Gatto  
Kurt Truxal

Village Officials and Staff:

Daniel Ritter, Interim Community Development Director  
Lori Kosmatka, Associate Planner  
Jarell Blakey, Management Analyst

Petitioners:

None

Members of the Public:

None

Daniel Ritter, Interim Director stated that this is something new for the Plan Commission. The intent is to give the commission a more active role in the policymaking process.

COMMISSIONER SHAW noted that neighborhood dynamics should go into the decision-making process when regulating fences. He cited considerations that need to be made for historic neighborhoods in Tinley that have fences that are now considered non-conforming.

Daniel Ritter responded that the Legacy District does allow for exceptions in certain cases.

COMMISSIONER SHAW commented that the Legacy District is narrow and does not account for neighborhoods that fall east or west of Oak Park Avenue. He noted that the new regulation

would need to be narrowly crafted to ensure that front yard fences could only be placed in neighborhoods that would make the most sense.

Dan Ritter, Interim Director agreed that there are neighborhoods that would not fit front yard fences and it would need to be strategically crafted.

COMMISSIONER SHAW stressed that he wants a comprehensive overhaul not just the one change.

COMMISSIONER MANI commented that he feels that older neighborhoods are negatively impacted by the current fence regulations.

Dan Ritter, Interim Director noted that there are some communities that have fencing regulations based on zoning districts but more research would be needed to look into it.

COMMISSIONER SHAW noted that there still needs to be some sort of regulation in place to avoid irregularity.

CHAIRMAN GRAY noted that there has to be a set standard.

COMMISSIONER GASKILL noted that historical site designation should be considered as an exception.

Dan Ritter, Interim Director agreed that there should be a guiding principle for the code. He stated that if anyone has any suggestions email them to the Planning Department.

Dan Ritter, Interim Director then mentioned the discussion topic is regarding the Active Transportation Plan.

COMMISSIONER HAMILTON asks if Dan can explain what the plan is.

Dan Ritter, summarized the Active Transportation Plan then explained that he would appreciate feedback from the Commission but it is not required.

COMMISSIONER GASKILL asks if the plan was in the notebook that was given to the COMMISSIONERS.

Dan Ritter, responded that it could have been but it has been a while.

COMMISSIONER MARAK expressed interest in revamping the plan as one of the reasons he moved here was because of the transportation options.

CHAIRMAN GRAY noted that he feels that there should be feedback from community members in revamping the plan.

Dan Ritter, Interim Director responded that he agrees and feels that if we get buy-in from the community we may be able to utilize grant opportunities to assist in creating pedestrian friendly commuting spaces.

Dan Ritter, Interim Director then mentioned the remaining discussion topic regarding the APA Training. He asked if everyone is able to attend if it is scheduled for November 3<sup>rd</sup>.

CHAIRMAN GRAY notes that he may not be able to make the November 17<sup>th</sup> date but can do November 3<sup>rd</sup>.

### **Good of the Order**

Lori Kosmatka, Associate Planner informed the Commission that Ethics and Open Meetings Act trainings are needed and she will be in contact with the Commissioners who need to provide signatures or certification.

Daniel Ritter, stated the next meeting is September 15<sup>th</sup>, 2022 then informed the Commission the Kimberly Clarke is no longer here and he is filling in as Interim Director.

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

None

COMMISSIONER MANI made a motion to adjourn the Meeting. Motion seconded by COMMISSIONER SHAW. CHAIRMAN GRAY requested a roll call vote. Hearing no opposition he declared the Meeting Adjourned at 8:26pm.

# PLAN COMMISSION STAFF REPORT

September 1, 2022 - Public Hearing

## Dun Raven Place Phase 2 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) to permit a one-story addition on the structure she resides. The request will affect the entire Dun Raven Phase 2 PUD to thereby allow additions on all its residential properties with a consistent appearance. Village Staff recommended the Petitioner request a Substantial Deviation to the overall PUD rather than an individual lot to ensure the development has a more uniform aesthetic for all additions going forward.

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. The 26-unit Dun Raven Place Unit II PUD (subject development) consists of first-floor masonry. Currently there are only two existing sunroom additions in this PUD. Both additions previously received variations and, typical of sunrooms, largely consist of glazing rather than opaque material. The current proposal will be more reminiscent of an addition than a traditional sunroom.

The previous proposal at the August 4, 2022, Plan Commission Workshop requested vinyl siding and did not appear similar to the existing sunrooms. The lack of matching masonry to the principal structure required an Exception to the Zoning Ordinance. The petitioner considered the Commission's feedback and is now proposing to have the required matching first-floor face brick on the proposed addition. Revised architectural plans have not yet been provided but the proposed design will use the same with brick veneer matching the existing structure, instead of the previously proposed siding.

[Changes from the August 4, 2022, Plan Commission workshop are indicated in **Red.**]



## 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.

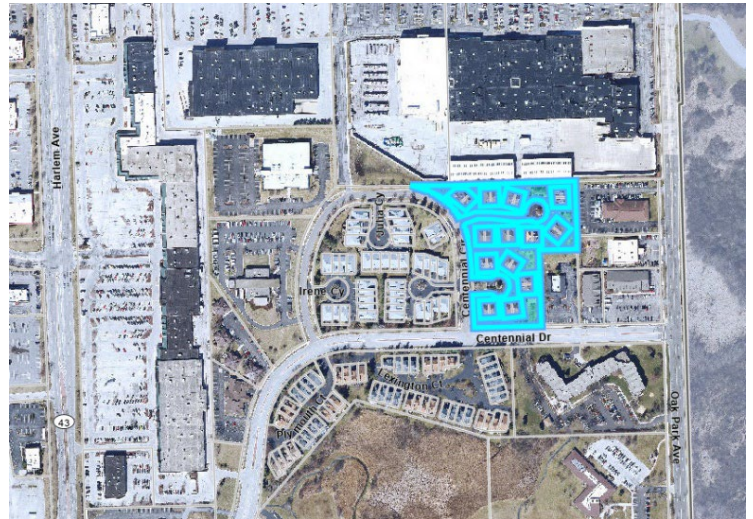
The subject development is the second phase of the Dun Raven Place townhome duplexes and was approved in 2001 (Ord. #2001-O-045) as the Dun Raven Place Unit II PUD. The initial phase was created in 1999 (Ord. #99-O-012), located northwest of Centennial Circle.

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.







Dun Raven Place - Phase II Subdivision



Existing Building's Concrete Patio / Recessed Property Corner

## CODE BACKGROUND & ZONING

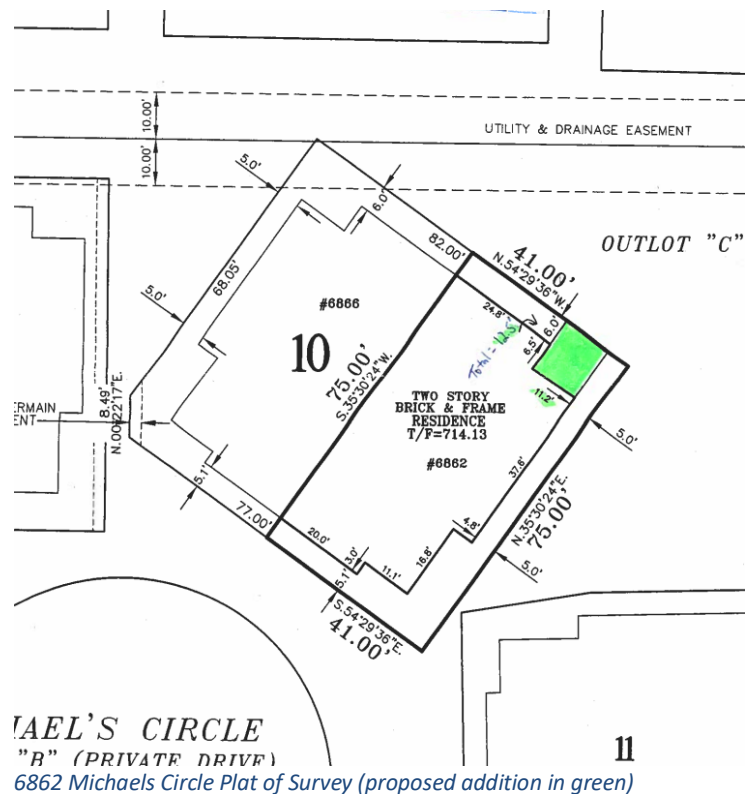
The Residential Masonry Requirements are currently located in Zoning Code Section V.C.4.B.:

*"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."*

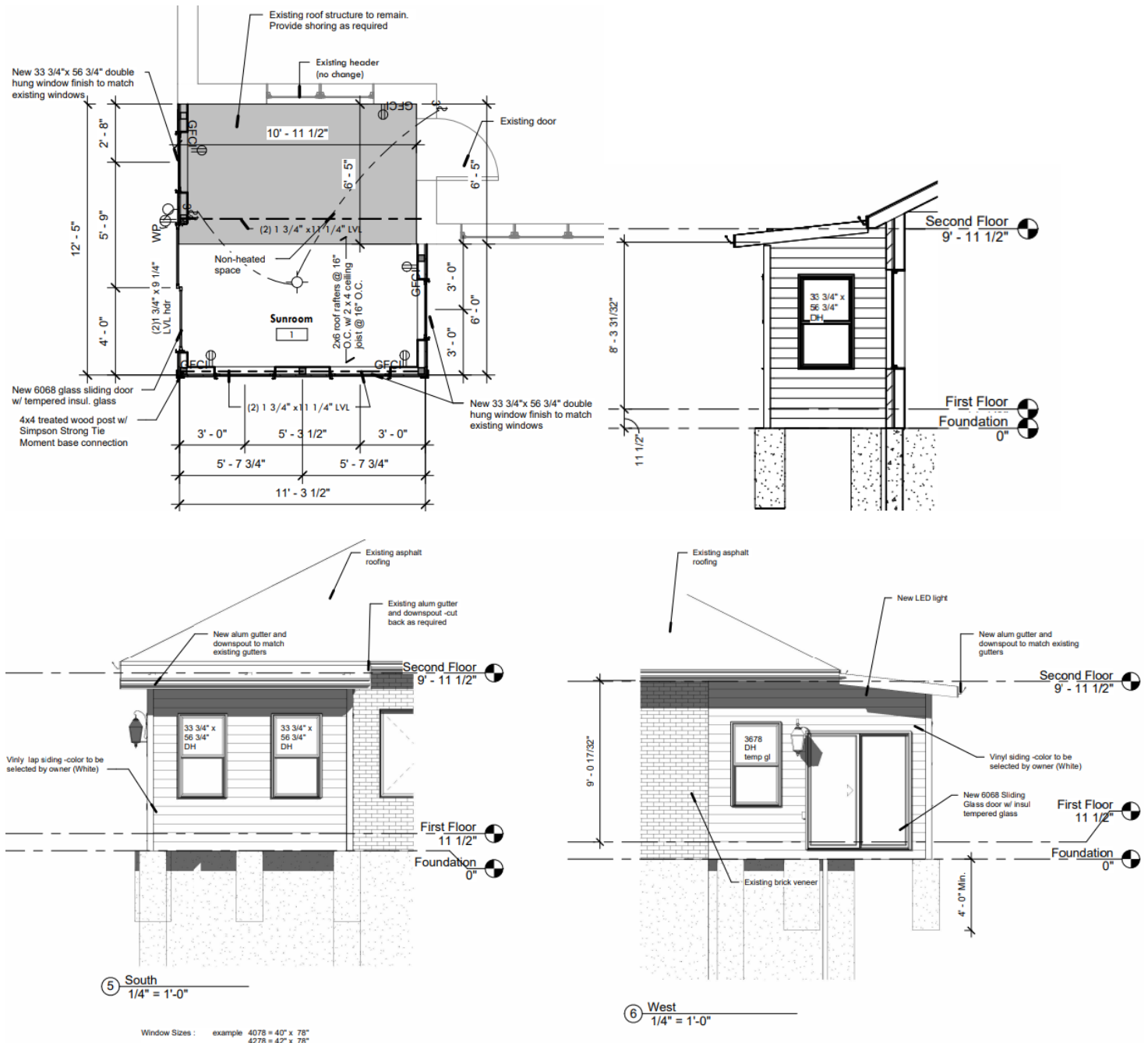
The masonry requirements for residential developments in Tinley Park have existed since the late 1970's and largely require first floor masonry (brick or stone) on all units. The requirement ensures a high level of aesthetics, building quality, and durability is held within new developments along with 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.

## SUBSTANTIAL DEVIATION

The Petitioner currently has a concrete patio protruding from the rear recessed corner of her property at 6862 Michaels Circle. The Petitioner proposes to construct a one-story addition in that location. The Petitioner states the footprint of the 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 currently proposed addition will consist of thin brick on the three facades. The Petitioner no longer proposes vinyl siding. The Petitioner previously provided architectural drawings for the Plan Commission Workshop, showing the window sizes and placement, with vinyl siding (material no longer being proposed). Those drawings showed the windows as 33.75" x 56.75" with a 5'-0" x 5'-8" glass sliding door. The percentage of glass windows & doors indicated in those drawing is 26.6% on the east façade, 28.3% on the south façade, and 40.2% on the west façade. The majority of the facades have an opaquer material rather than glazing, contrary to typical sunroom design.



The Petitioner has not yet provided updated architectural drawings showing the proposed brick veneer. Staff recommends the exterior facade material at 6862 Michaels Circle shall be first-floor face brick color matching the principal structure. Staff additionally recommends conditioning the Substantial Deviation approval to require all future additions within the PUD shall either match the proposed addition at 6862 Michaels Circle or the existing additions at 6844 Johns Circle and 6851 Johns Circle in color, material, and style, with the sizing and placement of glazing also to match. The proposed addition and existing sunroom additions will create two options of uniform design with high quality materials as is existing under the current PUD regulations. The condition states no further addition designs shall be permitted.





*Existing Sunroom @ 6851 Johns Circle*



*Existing Sunroom @ 6844 Johns Circle*



***Open Item #1: Discuss staff's recommendation to condition the approval to require the exterior facade material at 6862 Michaels Circle shall be first-floor face brick color matching the principal structure.***

***Open Item #2: Discuss staff's recommendations for condition of approval to consider future additions within the Planned Unit Development shall either match the proposed addition at 6862 Michaels Circle or the existing additions at 6844 Johns Circle and 6851 Johns Circle in color, material, and style, with sizing and placement of glazing also to match. No further addition designs shall be permitted.***

Village Staff recommended that the subject development have a consistent aesthetic for all additions. Thus, Staff requested the Petitioner pursue a Special Use for a Substantial Deviation for all additions in the subject development (Dun Raven Place Unit II PUD).

The Petitioner contacted the HOA and received their approval for the addition as previously proposed for all future additions in their subject development.

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:

- a. 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?

## **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. The development has multiple sets of outdoor rear stairs that are stained in shades of dark reddish browns.



*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. 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.

## 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 and existing sunroom additions will not be detrimental to public health, safety, morals, comfort or general welfare. The proposed addition and existing sunroom additions are one-story. The additions consist of mostly glazing or matching brick and retain a uniform design through the development.*
- 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 surrounded by common area. The proposed addition and existing sunroom additions will create two options of 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 and additions can only happen on private lots (not common area). The proposed addition and existing sunroom additions are consistent 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 and attractive home.*

## 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. 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 to allow additions in the subdivision 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 September 1, 2022 Staff Report, subject to the following conditions:

1. The exterior facade material at 6862 Michaels Circle shall be first-floor face brick color matching the principal structure in color, size, texture, and overall design.
2. All future additions within the Planned Unit Development shall either match the proposed addition at 6862 Michaels Circle or the existing additions at 6844 Johns Circle and 6851 Johns Circle in color, material, and style, with sizing and placement of glazing to also match. All additions shall be on private lots and all other zoning codes must be met. 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	Architectural Studio	7/29/21
	Dun Raven Place Phase II PUD Subdivision Plat	Nekola	Recorded 8/30/1999
	Existing Conditions of 6862 Michaels Circle and Sunrooms at 6844 Johns Circle, and 6851 Johns Circle	Staff	7/28/22



# PLAN COMMISSION STAFF REPORT

September 1, 2022 Public Hearing

## Brechtel – Corner Lot Fence Setback and Patio Variations

19330 Fane Court

### Petitioner

Dawn Brechtel

### Property Location

19330 Fane Ct.

### PIN

19-09-12-102-092-0000

### Zoning

R-2 PD, Single-Family  
Residential

### Approvals Sought

Variation



## EXECUTIVE SUMMARY

The Petitioner, Dawn Brechtel, is seeking Variations from Section III.J (Fence Regulations) and Section III.H (Permitted Encroachments) to allow installation of a five-foot (5') high open style fence to encroach up to nine feet (9') into the required secondary front yard, and to allow the existing patio to be located approximately nine feet into the secondary front yard where a patio is not permitted at 19330 Fane Court. Fences are required to be at or behind the Required Setback Line in the primary front yard and secondary front yard. The Brookside Glen Planned Unit Development allows for front yard setbacks of 25' foot front yard in some situations, instead of the standard 30 foot setback required in the R-2 zoning.

The fence setback Variation is requested due to the unique shape and configuration of the lot and existing house. The Variation for the existing patio is also requested to bring the site into conformance since it appears to have been constructed without a permit by the previous owner and relates to the proposed fence, location. Unlike other corner lot homes the lot is irregularly shaped, has a large front yard that is adjacent to right of way, the house is situated at an angle, and is in close proximity to its rear (13.5 ft. to the west property line) which means there is very limited contiguous land area otherwise not restricted by front yard requirements.

The proposed fence will not cause visibility concerns from intersections or private driveways. Additionally, the variations requested have a reduced degree of encroachment and maintain typical angles, for the patio to the house and for the fence. Roughly half of the patio is set within a cornered recess of the house and complies with the setback.

### Project Planner

Lori Kosmatka  
Associate Planner

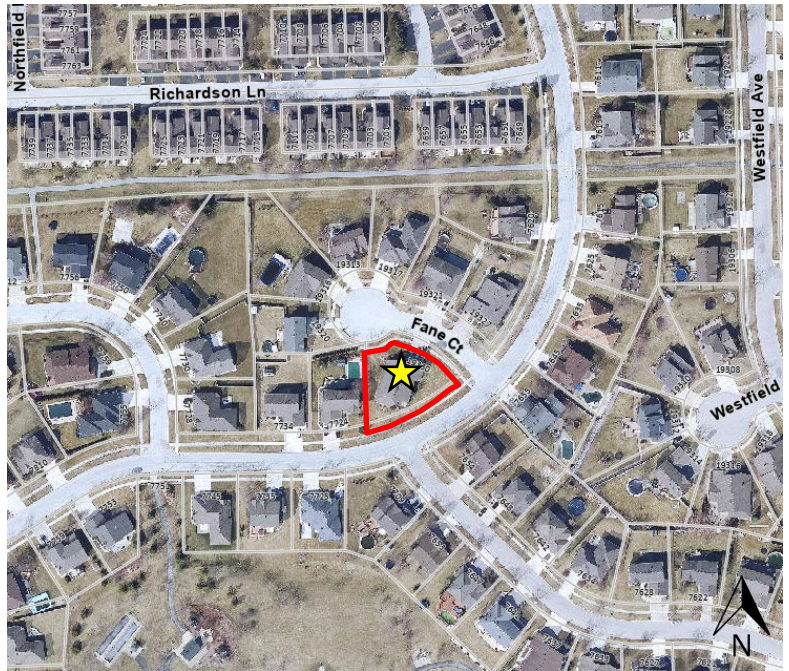


## EXISTING SITE & HISTORY

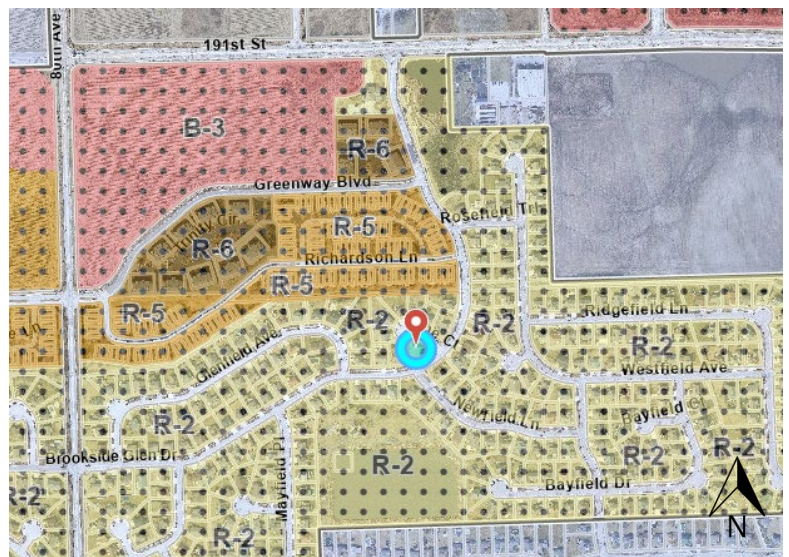
The subject property is a corner lot within the Brookside Glen Planned Unit Development with underlying R-2 Zoning District. Residences in the neighborhood are similarly zoned. The lot is approximately 15,569 sq. ft. and roughly triangular in shape, extending the length of Fane Ct. from the cul-de-sac to Brookside Glen Drive. Though the lot is larger than some interior lots, it is not overall distinctly larger than nearby properties. The home received a building permit in 2002 and completed in 2003.

There is an existing 202.8 sq. ft. concrete patio (12.0 ft. x 16.9 ft.) fitting within a cornered recess of the south portion of the home. The patio's corner is 16 feet from the property line along Brookside Glen Drive. The patio is within a front yard and nonconforming to code. The patio appears to have been constructed without a permit. Roughly half of the patio is set within a cornered recess of the house. It would not be able to be replaced by-right. There is abundant landscaping surrounding the patio, including a small tree located near the corner of the patio.

There are only a few homes in the area which appear to have fences in secondary front yards (such as 7755 Glenfield Ave. and 19410 Mayfield Place), however these were likely due to being constructed prior to the current, more restrictive 2018 fence regulations.



Location Map



Zoning Map



View Looking West, Looking East, and Existing Patio



## ZONING & NEARBY LAND USES

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The subject property is part of the Brookside Glen Planned Unit Development and is within the R-2 Single Family Residential Zoning District. The Zoning Ordinance typically requires primary and secondary yard setbacks of 30 feet each in the R-2 Zoning District. However, the Brookside Glen Planned Unit Development allows a reduction to 25 feet front yards in certain situations and has been applied to this property. The subject property's approximate lot area is 15,569 sq. ft., which is smaller than the minimum lot area for corner lots in the R-2 Zoning District which is 16,250 sq. ft.

Section III.J. *"Fence Regulations"* states that for corner lots, fences are only permitted at or behind the Required Setback Line in the primary front yard and secondary front yard. Section III.J.3.a (*Administrative Approvals of Secondary Front Yard*), states administrative approvals may be granted for open style fences up to five feet in height in secondary front yards however, they may only encroach up to ten feet into the Required Setback Line in the secondary front yard. Allowable fence encroachments also require that the fence must not obstruct sight lines and cannot abut a neighboring primary front yard.



7755 Glenfield Ave.



19410 Mayfield Pl.



## VARIATION REQUEST

The Petitioner requests two variations which are related to each other. The Petitioner requests a fence setback Variation due to an existing physical hardship based on unique shape and configuration of the lot and existing house. The Petitioner also requests a Variation for the existing patio since it relates to the proposed fence, and to bring it into conformance.

### Requested Fence Variation

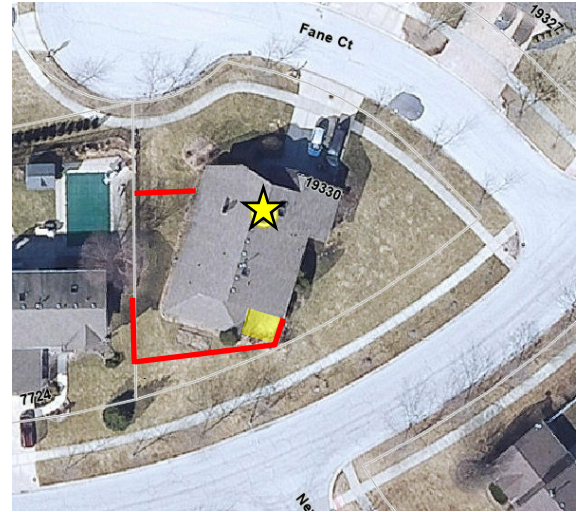
The Petitioner proposes to construct a new five ft. high open-style fence, similar to others in the neighborhood, on the western part of the property, with a portion at the north, and portion at the south. These portions will connect into and match the style of the neighbor's existing fence. The north portion will comply with code. Part of the southern portion will encroach into the 25-foot secondary front yard on Brookside Glen Drive, thus requiring a Variation. The fence will begin at the house, wrap 12' along the existing concrete patio and run 63 feet westerly and then run at a right angle 30' northerly to terminate at the neighbor's fence. The fence will encroach nine feet into the 25-foot secondary front yard, thus located 16 feet from the southerly property line, but the encroachment lessens as the fence runs westerly. At the west property line adjacent to the neighbor (at 7724 Brookside Glen Drive), the fence will be located 35 feet from the southerly property line which more than complies with the 25-foot secondary front yard requirement. The fence has been angled as to not encroach within the abutting primary front yard of the neighbor at 7724 Brookside Glen Drive.

### Requested Patio Variation

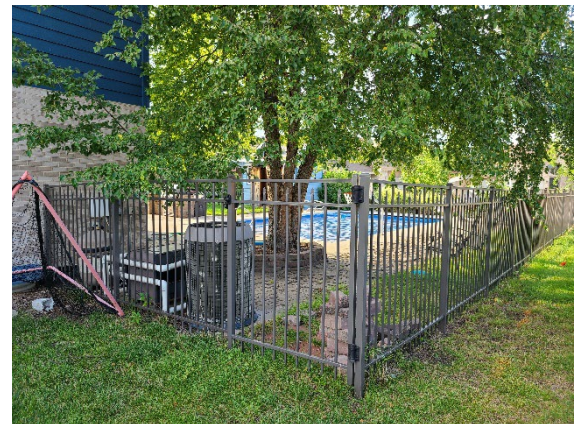
The Petitioner also proposes to request a Variation for the existing patio which would allow it to be replaced in the future. The existing concrete patio is 16.9 feet by 12.0 feet, but is nonconforming as it is located within the secondary front yard. The patio appears to have not received a permit when constructed by the previous owner. The edge of the patio is approximately 16 feet from the front (south) property line, thus it encroaches approximately nine feet into the secondary front yard.

### Unique Site / Hardship

Staff believes there is a physical hardship to the property largely justified by the lot's unique shape and configuration. A significant portion of the lot is within the 25-foot primary and secondary front yard setback area. The shape of the lot is roughly triangular with unique frontages adjacent to Brookside Glen Drive, all of Fane Ct. and part of its cul-de-sac. Also, unlike other corner lot homes in the nearby area, the house is situated at angles protruding along the property lines and is in close proximity to its rear (13.5 ft. to the west property line) which means there is limited available contiguous land area otherwise not restricted by front yard requirements.



*Approx. existing patio & proposed fence location*



*Neighbor's Existing Fence (south connecting point)*



*Close Proximity House to West Property Line*

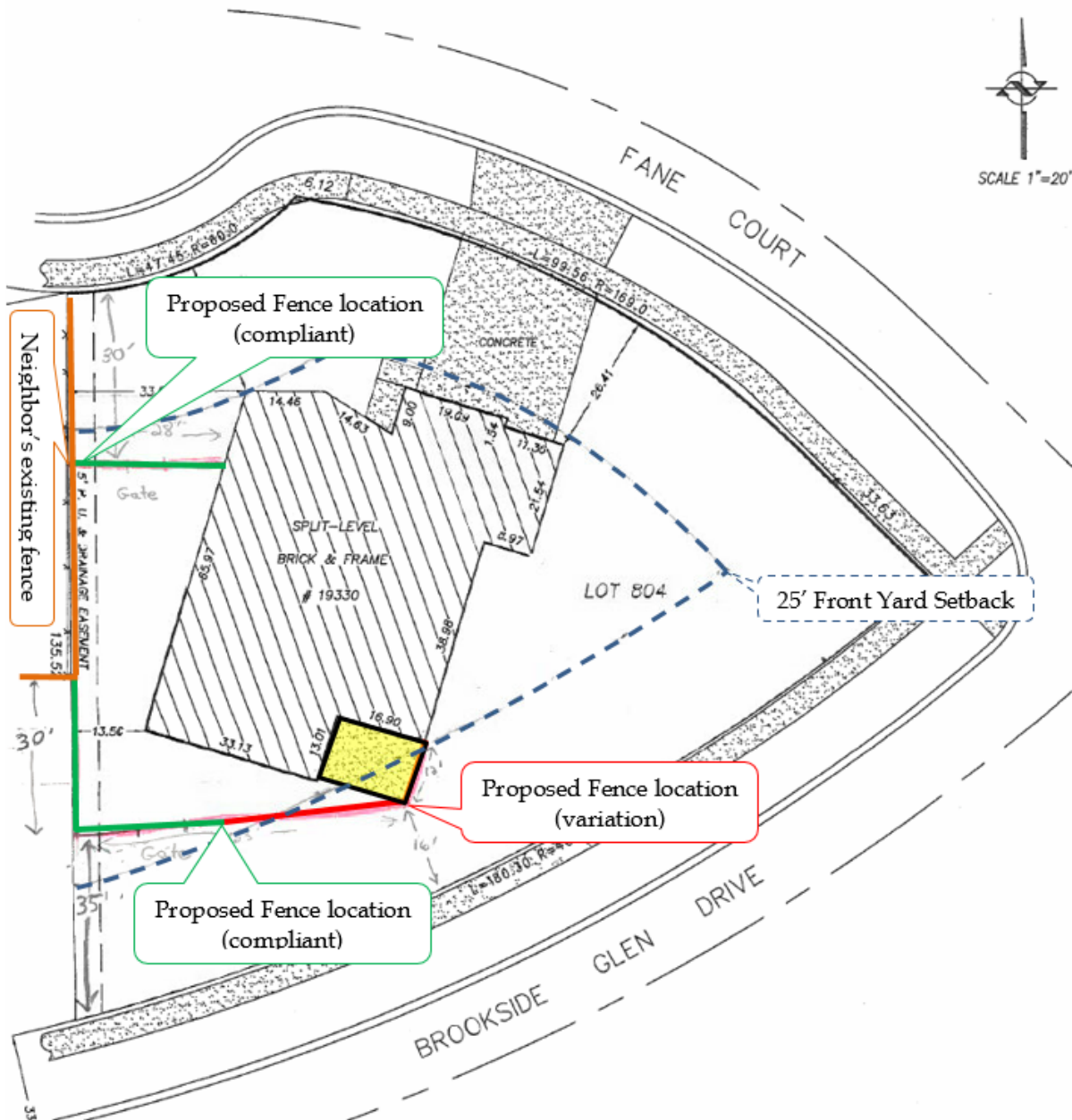


*View from front*



The lot area of the subject property is not distinctly larger than nearby properties. There is a variety of lot sizes and shapes due to block irregularity, including short cul-de-sacs (Fane Ct.) and curved roadways with staggered “T” intersections (Brookside Glen Dr.). The subject property is approximately 15,569 sq. ft. The Zoning Ordinance minimum lot area for corner lots is 16,250 sq. ft. Comparisons of approximate areas include interior lots of 12,583 sq. ft. (7724 Brookside Glen) and 18,422 (19316 Fane Ct.), and corner lots of 13,932 sq. ft. (19327 Fane Ct.) and 15,480 sq. ft. (7709 Newfield Ln.).

The proposed fence will not cause visibility concerns from intersections or private driveways. The open style is similar to other fences in the neighborhood. Staff notes the variations request have a reduced degree of encroachment and logically maintain right angles, for the patio to the house and for the fence connecting to the adjacent neighbor to the west. The existing patio’s distance of 16 feet from the property line is from its corner, whereby roughly half of the patio is set within a cornered recess of the house.



## 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.
  - ***The proposed fence location and existing patio both create a more useful property that utilizes limited available contiguous land area otherwise not restricted by front yard requirements. The location of the fence and patio both have a reduced degree of encroachment.***
2. The plight of the owner is due to unique circumstances.
  - ***The lot and existing house have a unique shape and configuration. The lot area of the subject property is not distinctly larger than nearby properties. A significant portion of the lot is within the 25 foot primary and secondary front yard setback area. Unlike other corner lot homes in the nearby area, the house is situated at angles protruding along the property lines and is in close proximity to its rear (13.5 ft. to the west property line). There is limited available contiguous land area otherwise not restricted by front yard requirements.***
3. The Variation, if granted, will not alter the essential character of the locality.
  - ***The proposed fence location and existing patio both will not alter the essential character of the locality. The fence will connect to the neighboring property's existing fence. The patio aligns with house's recessed corner. There is a variety of lot sizes and shapes due to block irregularity, including short cul-de-sacs and curved roadways with staggered "T" intersections. The five-foot open style fence is also similar to other fences in the neighborhood and has been angled back to align with the neighboring property's front yard setback.***
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 requests, the appropriate wording of the motions are listed below. 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:

1. Variation - Fence

"...make a motion to recommend that the Village Board grant the Petitioner, Dawn Brechtel a Variation from Section III.J. (Fence Regulations) of the Zoning Ordinance, to permit a five-foot high open fence encroaching nine feet into the required 25 foot secondary front yard, where a fence encroachment is not permitted at 19330 Fane Court in the R-2 PD (Single-Family Residential, Brookside Glen PUD) Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the September 1, 2022 Staff Report."

2. Variation - Patio

"...make a motion to recommend that the Village Board grant the Petitioner, Dawn Brechtel a Variation from Section III.H. (Permitted Encroachments) of the Zoning Ordinance, to permit an existing 202.8 sq. ft. patio encroaching approximately nine feet into the required 25 foot secondary front yard, where a patio encroachment is not permitted at 19330 Fane Court in the R-2 PD (Single-Family Residential, Brookside Glen PUD) Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the September 1, 2022 Staff Report."

## LIST OF REVIEWED PLANS

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Submitted Sheet Name		Prepared By	Date On Sheet
	Application (Redacted) and Response to Standards	Applicant	6/10/22
	Applicant Narrative	Applicant	6/10/22
	Plat of Survey (Marked)	Applicant	8/10/22