



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

**May 18, 2023**

The meeting of the Plan Commission, Village of Tinley Park, Illinois, was held in the Council Chambers located in the Village Hall of Tinley Park, 16250 Oak Park Avenue, Tinley Park, IL on May 18, 2023.

**CALL TO ORDER** –CHAIRMAN GRAY called to order the Regular Meeting of the Plan Commission for May 18, 2023 at 7:00 p.m.

Lori Kosmatka, Associate Planner called the roll.

Present and responding to roll call were the following:

Chairman Gray  
Donald Bettenhausen  
James Gaskill  
Terry Hamilton  
Eduardo Mani  
Andrae Marak  
Steve Sepessy  
Kurt Truxal

Absent Plan Commissioners: Angela Gatto

Village Officials and Staff: Dan Ritter, Community Development Director  
Lori Kosmatka, Associate Planner  
Michael O. Whalen, Associate Planner

Petitioners: Emmanuel Bistas, Healing Matters, Inc.  
Janice Jordan  
Anthony Jordan

Members of the Public: none

COMMUNICATIONS – Lori Kosmatka noted that Donald Bettenhausen was present and appointed to the Plan Commission, replacing Plan Commissioner Ken Shaw.

APPROVAL OF THE MINUTES - Minutes of the April 6, 2023, Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER TRUXAL, seconded by COMMISSIONER GASKILL to approve the April 6, 2023, 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 May 18, 2023 REGULAR MEETING**

**ITEM #1: PUBLIC HEARING – HEALING MATTERS, INC., 18440 THOMPSON COURT SUITE 102 – SPECIAL USE PERMIT**

Consider recommending that the Village Board grant Emmanuel Bistas a Special Use Permit to operate a Vocational Educational Facility at 18440 Thompson Court Suite 102 in the ORI PD (Office and Restricted Industrial, Hickory Creek) zoning district.

Present and responding to roll call were the following:

Chairman Gray  
Donald Bettenhausen  
James Gaskill  
Terry Hamilton  
Eduardo Mani  
Andrae Marak  
Steve Sepessy  
Kurt Truxal

Absent Plan Commissioners: Angela Gatto

Village Officials and Staff: Dan Ritter, Community Development Director  
Lori Kosmatka, Associate Planner  
Michael O. Whalen, Associate Planner

Petitioners: Emmanuel Bistas, Healing Matters, Inc.

Members of the Public: none

CHAIRMAN GRAY introduced Item #1. He confirmed that certification of publication was received.

COMMISSIONER SEPESSY made a motion to open the public hearing; COMMISSIONER GASKILL seconded the motion. All agreed.

Michael O. Whalen, Associate Planner, presented the staff report.

Emmanuel Bistas, the Petitioner, was sworn in. He provided an overview of the business and the purpose for amending the existing Special Use Permit to allow students of the school to practice massage on the public at the Tinley Park location.

CHAIRMAN GRAY asked the Petitioner to confirm the number of people that will be present

during the massage practice sessions. The Petitioner stated approximately eight to twelve. CHAIRMAN GRAY asked about the operating hours of the massage practice sessions. The Petitioner stated that practice is proposed on weekends from 9:00 a.m. to 1:00-1:30 p.m.

CHAIRMAN GRAY called on COMMISSIONER HAMILTON for comment. He had none. COMMISSIONERS MANI, BETTENHAUSEN, MARAK, and GASKILL said they had no questions or comments.

COMMISSIONER TRUXAL asked if members of the public receiving massage at the school will pay for the massages. The Petitioner said that an hour massage will cost between \$30-45 per hour. COMMISSIONER TRUXAL had no further questions or comments.

COMMISSIONER SEPESSY said he sympathizes with students of the school needing to receive clinical hours to receive certification. He said the recommendation for approval is a good idea.

CHAIRMAN GRAY said that he hopes approval of the amended Special Use Permit will allow the school to increase enrollment. He asked Staff to clarify that there would be no parking concerns; Michael O. Whalen confirmed none were anticipated.

COMMISSIONER HAMILTON asked if the practice subjects would be members of the public or other students of the school. The Petitioner confirmed that massages would be offered to members of the public and described how massages would be conducted.

CHAIRMAN GRAY asked how customers would sign up for massages. The Petitioner stated that massages are scheduled through the school's website.

CHAIRMAN GRAY asked if any members of the public wished to speak on the item. None were present.

COMMISSIONER MANI made a motion to close the public hearing. COMMISSIONER GASKILL seconded the motion. All agreed CHAIRMAN GRAY declared the public hearing closed.

Michael O. Whalen presented the standards for granting a Special Use.

CHAIRMAN GRAY entertained a motion for the item.

COMMISSIONER GASKILL made a motion to recommend that the Village Board grant the Petitioner, Emmanuel Bistas, a Special Use Permit to operate a Vocational Educational Facility at 18440 Thompson Court Suite 102 in the ORI-PD (Office and Restricted Industrial, Hickory Creek PUD), according to the submitted plans and adopt the Findings of Fact as listed in the May 18, 2023 Staff Report. The motion was seconded by COMMISSIONER MANI.

CHAIRMAN GRAY called for a roll call vote.

Lori Kosmatka called the roll.

COMMISSIONER BETTENHAUSEN: Aye  
COMMISSIONER GASKILL: Aye  
COMMISSIONER HAMILTON: Aye  
COMMISSIONER MANI: Aye  
COMMISSIONER MARAK: Aye  
COMMISSIONER SEPESSY: Aye  
COMMISSIONER TRUXAL: Aye  
CHAIRMAN GRAY: Aye

CHAIRMAN GRAY declared the motion carried (8-0). He added that the item will go before the Village Board on June 6, 2023.

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

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

**SUBJECT: MINUTES OF THE MAY 18, 2023 REGULAR MEETING**

**ITEM #1: PUBLIC HEARING – 17127 ORIOLE AVE., ANTHONY & JANICE JORDAN – MINIMUM HOUSE SIZE VARIATION**

Consider recommending that the Village Board grant Anthony and Janice Jordan (Property Owner) a Variation from Section V.C.2 (Usable Floor Area Per Dwelling) of the Zoning Code at the property located at 17127 Oriole Avenue in the R-1 (Single Family Residential) zoning district. This Variation would permit a new residential home to be constructed with 2,430 square feet of Usable Floor Area, where the minimum required Usable Floor Area is 3,500 square feet.

Present and responding to roll call were the following:

Chairman Gray  
Donald Bettenhausen  
James Gaskill  
Terry Hamilton  
Eduardo Mani  
Andrae Marak  
Steve Sepessy  
Kurt Truxal

Absent Plan Commissioners: Angela Gatto

Village Officials and Staff: Dan Ritter, Community Development Director  
Lori Kosmatka, Associate Planner  
Michael O. Whalen, Associate Planner

Petitioners: Janice Jordan  
Anthony Jordan

Members of the Public: none

CHAIRMAN GRAY introduced Item #2. He confirmed that certification of publication was received.

COMMISSIONER TRUXAL made a motion to open the public hearing; COMMISSIONER GASKILL seconded the motion. All agreed.

Lori Kosmatka, Associate Planner, presented the staff report.

COMMISSIONER GASKILL asked how the square footage number was created if there are no houses in the neighborhood that meet it.

Dan Ritter, Community Development Director, responded that the square footage number historically appears to have been meant for subdivisions as a starting point for negotiations with builders. Exceptions were not really built into the code.

COMMISSIONER GASKILL noted that perhaps that needs to be done. He commented that the other than the 3,000 square foot house, this one proposed is almost the biggest.

COMMISSIONER TRUXAL concurred.

Lori Kosmatka, Associate Planner, noted the square footages regulated per the previous code amendments. In 1993, the minimum of 2,500 square feet was established with reasoning established as providing greater housing stock.

Dan Ritter, Community Development Director, commented that he thinks that's where it was headed especially in the early 2000's for bigger homes. Since then some people have realized they may not need such large homes. A lot has changed since then, and it may be something to look into for the future. He appreciated the Commission's feedback.

CHAIRMAN GRAY offered the Petitioners to speak.

Anthony and Janice Jordan, the Petitioners, were sworn in. Mr. Jordan noted they have lived in Tinley Park for many years. Due to his employment, he has to live in Cook County and prefers to stay in Tinley Park. Their children are moving on into college so their house size needs have changed. They want a ranch home. He was considering a lot to build on, and discovered the subject property for sale. He looked into it, research the zoning, and spoke with Staff. He noticed the 3,500 square feet requirement and that the property had been for sale about a year. He indicated that staff sounded like they may be supportive of the variation request, and just needed to see more detailed information. They purchased the property and decided to move on with getting the drawings printed.

COMMISSIONER GASKILL

COMMISSIONER MARAK commented that it looks nice.

COMMISSIONER SEPESSY thanked the Petitioners for choosing Tinley Park.

COMMISSIONER BETTENHAUSEN noted it will be a nice addition to the neighborhood.

COMMISSIONER MANI thanked then for re-looking into Tinley Park. He is also a long-time resident, having been in the Village for 22 years. The house looks beautiful, and the size meets their needs. The 3,500 square foot minimum code requirement should be looked at.

COMMISSIONER TRUXAL said it will be a positive addition to the neighborhood. The design looks great.

COMMISSIONER HAMILTON asked if the original building was already demolished.

Anthony Jordan responded it was already demolished.

COMMISSIONER HAMILTON noted it is a great idea, a nice addition to the neighborhood, and will infill the hole in the neighborhood.

CHAIRMAN GRAY echoed what Staff said. Page 3 of the Staff Report explained it all, where all the homes were shown with the square footage. This request seems reasonable, it fits the neighborhood, and per COMMISSIONER GASKILL and MANI's comments, perhaps this requirement should be looked into, at least for established neighborhoods.

COMMISSIONER HAMILTON noted it seemed like Staff guided the Petitioners when they inquired about the property, giving a clue that the 3,500 square feet may be overcomeable.

Anthony Jordan responded that he came in to get feedback from Staff on whether they'd say it's possible or not. He then purchased the property and came back and asked Staff further before investing additional money into \$3900 cost of the prints. We now have the drawings showing what we want to accomplish.

COMMISSIONER HAMILTON commented he's glad we have Staff that's on top of things like that to give guidance. Otherwise people might just walk away.

Dan Ritter, Community Development Director, noted luckily there was some history there. If this was in Brookside Glen, it would be a different situation as the neighborhood might be larger. It has to be reasonable in the neighborhood's limits. It should at least fit with the neighborhood. This isn't the only neighborhood with this situation, he believes there are a couple others with smaller and older homes, such as lots on Ridgeland.

Anthony Jordan noted that he believes he recalls that R-1 zoning is the only one that has that big a house size for a ranch. A ranch typically costs a higher percentage, about 15-18% more, to build and take a larger area. If you look at R-2 or R-3, it's usually 200 or 300 square feet for ranch. R-1 just flat out requires 3,500 square feet.

Dan Ritter, Community Development Director, noted we want to promote new homes in infill development. Showing there's a good market and demand is good for property values.

CHAIRMAN GRAY commended the Petitioners for having the knowledge to see if it's doable before purchasing the property. He appreciated their respect, and that they used it beneficially. He asked if Commissioners had further comment.

COMMISSIONER MANI noted we need to look at these numbers in the code, tweak them to make Tinley Park attractive. The 3,500 square foot minimum will scare people away, as it may be unaffordable. He wondered if 2,400 square feet may, instead, be big enough. Tinley Park is a great place to live and raise your kids.

COMMISSIONER MARAK added that he's shared with staff some research on property development and density. This is a key factor going forward. People want more walkability and more density. Having huge homes and yards is counterproductive for this. Conceptually and in principle he's in favor of this type of work.

CHAIRMAN GRAY asked if any members of the public wished to speak on the item. None were present. He asked for a motion to close the public hearing.

COMMISSIONER SEPESSY made a motion to close the public hearing. COMMISSIONER BETTENHAUSEN seconded the motion. All agreed. CHAIRMAN GRAY declared the public hearing closed.

Lori Kosmatka, Associate Planner, presented the standards for granting a Variation.

CHAIRMAN GRAY entertained a motion for the item.

COMMISSIONER TRUXAL made a motion to recommend that the Village Board grant the Petitioners, Anthony and Janice Jordan, a Minimum House Size Variation from Section V.C.2. (Usable Floor Area Per Dwelling) of the Zoning Ordinance, to permit a new residential home to be constructed with 2,430 square feet of Usable Floor Area, where the minimum required Usable Floor Area is 3,500 square feet, at 17127 Oriole Avenue, in the R-1 (Single-Family Residential) Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the May 18, 2023 Staff Report.

The motion was seconded by COMMISSIONER MANI.

CHAIRMAN GRAY called for a roll call vote.

Lori Kosmatka called the roll.

COMMISSIONER BETTENHAUSEN: Aye

COMMISSIONER GASKILL: Aye

COMMISSIONER HAMILTON: Aye

COMMISSIONER MANI: Aye

COMMISSIONER MARAK: Aye

COMMISSIONER SEPESSY: Aye

COMMISSIONER TRUXAL: Aye

CHAIRMAN GRAY: Aye

CHAIRMAN GRAY declared the motion carried (8-0). He added that the item will go before the Village Board on June 6, 2023.



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

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

**SUBJECT: MINUTES OF THE May 18, 2023 REGULAR MEETING**

**ITEM #3: PUBLIC HEARING – FENCE REGULATIONS – ZONING ORDINANCE TEXT AMENDMENT**

Consider recommending that the Village Board adopt a proposed text amendment to the Tinley Park Zoning Ordinance amending Section III.J. (fence Regulations).

Present and responding to roll call were the following:

Chairman Gray  
Donald Bettenhausen  
James Gaskill  
Terry Hamilton  
Eduardo Mani  
Andrae Marak  
Steve Sepessy  
Kurt Truxal

Absent Plan Commissioners: Angela Gatto

Village Officials and Staff: Dan Ritter, Community Development Director  
Lori Kosmatka, Associate Planner  
Michael O. Whalen, Associate Planner

Petitioners: none

Members of the Public: none

CHAIRMAN GRAY introduced Item #3. He confirmed that certification of publication was received.

COMMISSIONER TRUXAL made a motion to open the public hearing; COMMISSIONER GASKILL seconded the motion. All agreed.

Michael O. Whalen, Associate Planner, presented the staff report.

CHAIRMAN GRAY called on Commissioners for questions or comments. COMMISSIONERS BETTENHAUSEN, SEPESSY, GASKILL, MANI, and HAMILTON said they had no questions or comments.

COMMISSIONER TRUXAL said he hopes the amendment will cut down on the number of variations. He had no further questions or comments. CHAIRMAN GRAY said he agrees with COMMISSIONER TRUXAL that the amendment will hopefully reduce the number of residential

fence variation requests, but acknowledged that the amendment will not eliminate all requests.

Dan Ritter said the amendment should help and that Staff can revisit the regulations if any other issues or solutions arise.

COMMISSIONER MANI commented on the distance between slats on fences.

COMMISSIONER TRUXAL asked how many variance requests last year would have been avoided with the amendment. Michael O. Whalen said two of the seven would not have needed a variance.

Dan Ritter said that some of the applicants may not have pursued variation requests if the proposed regulations were in place. Michael O. Whalen said that while the number of fence variation requests that come before the Commission are relatively low, Staff receives substantially more calls from people seeking to expand their yards. Dan Ritter added the proposed amendment will be easier for the public to understand and easier for Staff to implement.

CHAIRMAN GRAY thanked Dan Ritter for bringing the proposed amendment forward.

Dan Ritter thanked Lori and Michael.

CHAIRMAN GRAY asked if there were any addition questions or comments from the Commission. There were none.

CHAIRMAN GRAY asked if any members of the public wished to speak on the item. None were present.

COMMISSIONER TRUXAL made a motion to close the public hearing; COMMISSIONER MANI seconded the motion. All agreed.

CHAIRMAN GRAY entertained a motion on the item.

COMMISSIONER GASKILL made a motion to recommend that the Village Board adopt a proposed text amendment to the Tinley Park Zoning Ordinance amending Section III.J. (Fence Regulations). COMMISSIONER TRUXAL seconded.

CHAIRMAN GRAY called for a roll call vote.

Lori Kosmatka called the roll.

COMMISSIONER BETTENHAUSEN: Aye

COMMISSIONER GASKILL: Aye

COMMISSIONER HAMILTON: Aye

COMMISSIONER MANI: Nay

COMMISSIONER MARAK: Aye

COMMISSIONER SEPESSY: Aye

COMMISSIONER TRUXAL: Aye  
CHAIRMAN GRAY: Aye

CHAIRMAN GRAY declared the motion carried (7-1). He added that the item will go before the Village Board on June 6, 2023 for a first reading.

## Good of the Order

Dan Ritter, Community Development Director, provided status on the following projects:

- Planning Manager interviews started this week. COMMISSIONER HAMILTON asked if Dan Ritter would report to this position. Dan Ritter responded no, the Planning Manager position would be under the Director position. The Planning Manager position was his previous position.
- Comprehensive Plan will be starting. This was passed in the budget. Staff will be starting an RFP process. The Plan Commission will be heavily involved in the Comprehensive Plan project. The project will have charettes and several meetings. It is an exciting project. The community is likely in a different place than it was in 2000. We are no longer a community expanding into cornfields. This is an opportunity to enhance the community, otherwise it could go in the other direction. The plan will be a vision for everything we do. It will guide our text amendments as our Zoning Code is out-of-date, seen by the Plan Commission, Board, and residents. The Comprehensive Plan process can take a couple years to allow for enough public feedback to see where we want to go. The plan is bigger than just development. It also includes things like walkability, utilities, schools, parks, etc. He is excited for this plan and hopes the Plan Commission is as well. Other commissions will be able to work on the plan, such as the Sustainability Commission, and anyone else that wants to be involved with the public. COMMISSIONER TRUXAL asked if there will be consultants helping since there will be an RFP. Dan Ritter confirmed yes. Sometimes communities try to do it in-house and it may be that there are times when you have the staff and time, but then you don't. COMMISSIONER TRUXAL noted staff may also need some guidance. Dan Ritter noted that it seems we have experienced staff so that won't have to wholly rely on them. COMMISSIONER TRUXAL noted that it's a huge project to be able to manage into chunks and show progress. That is where the help will come in. He felt it was good. Dan Ritter stated we will go through the process to find the right consultant to help us and we will go from there. We will keep you up to date as we go through that.
- Harmony Square / North Street property/plaza: Development agreement and purchase agreements went to the Board on Tuesday. They are supposed to close soon possibly this week. The plaza is moving ahead. The private development around it which we are working with a private developer is also moving ahead. It will be a good project. COMMISSIONER MARAK asked if includes the second set of housing, condos or apartments. Dan Ritter responded yes, he believes the plan is for townhomes in the old Central Middle School site, and a Boulevard style mixed-use building on the east side of the plaza on North Street. That will have parking and commercial on the first floor and apartments above it. We are excited about this project. It has been talked about for the past 20 years.
- Odyssey: They were here at Plan Commission previously. A lot of the issues with that did get worked out at the Village Board vote. The developer and the association came to an agreement. All we need to do now is get it adopted, get their permits, and everything

will be resolved. He thanked everyone for their help on that project. A lot got hashed out here at Plan Commission before going to Board.

- Banging Gavel is moving along and they may open in June or July. They are working on staffing. You can see the outside is coming together and looking good. The brewery or ale-trail trolley may then be able to include this property when it operates this summer. Marketing has been working on this as a push.
- Vinny's Clam Bar (previously proposed as RJ's Seafood): They previously proposed a patio addition. They did not move ahead with that addition, but are thinking of that as a future phase while they focus on interior build-out. That project should be finishing up in June, and then they will do some training to hopefully open later in June or early July. They are part of the Francesca's group so they should do good work.
- Delta Sonic: They should be opening if not already. They are still working on the back detail center. They have been moving along in stages with the gas pumps then car wash. Hopefully the traffic will be improved with the changes.
- Loyola: They have been moving along to completion to June and opening soon after that.
- Magnuson: The apartments were controversial, but they received the permit and are under construction. It has taken them some time to start. There was some vandalism and pipes were filled with rocks and stones. They installed permanent security cameras on site and are working on utilities underground. Hopefully in less than a month we should see walls going up and other big improvements to the clubhouse and first residential building happening.
- Park Lawn: They are going in the old Montessori School and should be in there soon if not already. We're excited to have that vacancy filled.
- Springfort Hall: They are completely filled now. All spaces were filled up. Hawaii Fluid Art is the latest to move in there. The owner is excited to have this business here as it is unique with none other in the area. That will be another entertainment option downtown along with our escape room and restaurants. Love's Sweet Arrow is also moving in there down the street. They will have an expanded section of their bookstore.
- Downtown parking signs were updated. It makes it clear where there's free and or public parking. There was previously a lot of confusion since the old signs contradicted each other. Staff cleaned that up and attached it to the Village branding. That was phase one. We also plan on doing parking stations so you don't have to buy tokens or put dollars in. There are some other things we are working on downtown to have more clearly available parking such as maps indicating times to park.
- Dendrino's: They were annexed into the Village and will go into effect June 30<sup>th</sup>. Because it gets annexed in, it automatically gets zoned R-1. Eventually, in the future if someone wants to re-develop that for a restaurant or different type of bar, then they would have to come back for a rezoning/redevelopment.

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

There were no comments from the public.

CHAIRMAN GRAY requested a motion to adjourn the meeting.

COMMISSIONER MANI made a motion to adjourn the Meeting. Second by COMMISSIONER SEPESSY. CHAIRMAN GRAY requested a voice vote. Hearing no opposition, he declared the Meeting Adjourned. Meeting was adjourned at 8:04 p.m.

**Petitioner**

Emmanuel Bistas, on  
behalf of Healing  
Matters, Inc.

**Property Location**

18440 Thompson Ct STE  
102

**PIN**

19-09-01-101-012-0000

**Zoning**

ORI-PD (Office and  
Restricted Industrial,  
Hickory Creek PUD)

**Approvals Sought**

Special Use Permit for a  
Vocational Educational  
Facility

**Project Planner**

Michael O. Whalen,  
Associate Planner

# PLAN COMMISSION STAFF REPORT

May 18, 2023 – Public Hearing

**Healing Matters, Inc. Special Use for a Vocational Educational Facility**

18440 Thompson Court Suite 102



*Google Streetview of 18440 Thompson Court*

**EXECUTIVE SUMMARY**

The Petitioner, Emmanuel Bistas, on the behalf of Healing Matters, Inc., is requesting a Special Use Permit to operate a Vocational Educational Facility within the ORI-PD (Office and Restricted Industrial) zoning district in the Hickory Creek PUD. This request allows the Petitioner to amend the existing Special Use Permit (Ord. No. 20-O-063) for the business to allow its students to practice massage on the public to fulfill requirements to attain certification.

A Special Use Permit is required to operate a Vocational Educational Facility in the ORI zoning district. The Tinley Creek PUD maintains Special Use status for the Special Uses within the ORI zoning district. No changes are proposed to the site's architecture, landscaping, parking and access, or lighting.

Healing Matters is a vocational school that teaches massage and bodywork techniques to its students. The school operates a location in Chicago and has graduated over 1,200 students. The school expanded its location in Tinley Park in 2022 and is currently operating as a classroom. The petitioner is requesting the Village allow students of the school to practice massage on the public so that students, many of whom live in southwest Chicagoland, can practice closer to home rather than traveling to the Chicago location.

## EXISTING SITE, NEARBY LAND USES, & ZONING

The subject property at 18440 Thompson Court Suite 102 is located in the Hickory Creek PUD (Ord. No. 2006-O-028). The PUD provides for a mix of ORI uses and certain B-3 (General Business and Commercial) uses. The site has a multi-tenant building.

The property is located between 183<sup>rd</sup> Street and 185<sup>th</sup> Street near 80<sup>th</sup> Avenue. The property is immediately surrounded by large, multi-tenant industrial/warehouse buildings, all of which are zoned ORI.

The Zoning Ordinance states that the ORI zoning district is intended to provide land for medium to large office buildings, research activities, and non-objectionable industrial activities which are attractively landscaped and designed to create a “park-like” setting. The low intensity and limiting restrictions are intended to provide for permitted uses which will be compatible with adjacent residential and commercial developments.

## SPECIAL USE PERMIT APPROVAL

The petitioner has a Special Use Permit for a vocational educational facility that was granted in 2020 (Ordinance #2020-O-063). The purpose of the currently requested Special Use Permit is to modify the existing permit to allow for the school's students to practice massage out of the Tinley Park location, prior to receiving their massage and body work certification.

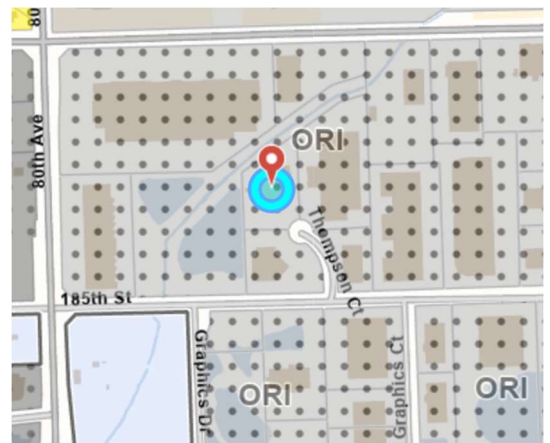
The Zoning Ordinance defines a Vocational Educational Facility as a school established to provide for the teaching of clerical, managerial, computer, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g. beauty school, modeling school, educational tutoring, and testing centers). Such a facility has a very low impact land use and is similar to an office use.

This Special Use Permit will amend the existing Special Use Permit for a vocational educational facility. While the additional use of the property is massage and bodywork of the public, this use is accessory to the primary use of a vocational educational facility. The proposed use is not a standalone Massage Establishment.

## PROPOSED USE

The Petitioner requests to amend the existing Special Use Permit (Ord. No. 20-O-063) for the business Healing Matters to allow its students to practice massage on the public to fulfill requirements to attain certification. Students need to practice 125 hours at a professional clinic before receiving their massage and body work certification. No changes are proposed to the site's architecture, landscaping, parking and access, or lighting.

Healing Matters is a vocational school that teaches massage and bodywork techniques to its students. The school operates a location in Chicago and has graduated over 1,200 students. The school expanded its location in Tinley Park in 2022, and is currently operating as a classroom. The petitioner is requesting the Village allow students of the school to practice massage on the public so that students, many of whom live in southwest Chicagoland, can practice closer to home rather than traveling to the Chicago location.



location map (top); zoning map (bottom)



## **PARKING**

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There is adequate parking on site. The majority of the building is occupied by office tenants, and the addition of the massage practice will not impact parking. The massage practice will occur during the weekend.

## 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.

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 special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The proposed special use is safe for the public, employees, and neighboring properties.*
- 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 proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values within the neighborhood. The special use will support an existing business's operation within the Village.*
- 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;
  - *Neighboring properties are already developed and the proposal will not negatively affect any future development or redevelopment of neighboring properties.*
- d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided;
  - *The site is already developed with adequate utilities and no additional utilities are needed.*
- 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
  - *The site is already developed with a driveway and parking areas. Traffic impacts will be minimal.*
- 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.
  - *All other Village code requirements will be met.*
- g. The extent to which the Special Use contributes directly or indirectly to the economic development of the community as a whole.
  - *The proposal will allow an existing business to function better within the Village. It will bring its students to the Village, many of whom may spend money in the Village on shopping and meals.*

It is also important to recognize that a Special Use Permit does not run with the land and instead the Special Use Permit is tied to the Petitioner. This is different from a process such as a variance, since a variance will forever apply to the property to which it is granted. Staff encourages the Plan Commission to refer to Section X.J.6. to examine the conditions where a Special Use Permit will expire.

## 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 Permit:

"...make a motion to recommend that the Village Board grant the Petitioner, Emmanuel Bistas, a Special Use Permit to operate a Vocational Educational Facility at 18440 Thompson Court Suite 102 in the ORI-PD (Office and Restricted Industrial, Hickory Creek PUD), according to the submitted plans and adopt the Findings of Fact as listed in the May 18, 2023 Staff Report."

## LIST OF REVIEWED PLANS

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Submitted Sheet Name		Prepared By	Date On Sheet
	Application (Redacted)	Petitioner	04/20/23
	Site and Floor Plan	Petitioner	04/20/23
	Special Use Addendum	Petitioner	04/20/23
	Title Survey	Petitioner	04/20/23

# PLAN COMMISSION STAFF REPORT

May 18, 2023 –Public Hearing

## Petitioner

Anthony & Janice Jordan

## Property Location

17127 Oriole Avenue

## PIN

27-25-400-006-0000

## Zoning

R-1 Single-Family  
Residential

## Approvals Sought

Variation

## Jordan – Minimum House Size Variation

17127 Oriole Avenue



## EXECUTIVE SUMMARY

The Petitioner(s), Anthony and Janice Jordan, are seeking a Variation from Section V.C.2. (Usable Floor Area Per Dwelling) of the Zoning Ordinance to permit a new residential home to be constructed with 2,430 square feet of Usable Floor Area at 17127 Oriole Avenue. The property is located in the R-1 (Single-Family Residential) Zoning District, where the minimum required Usable Floor Area is 3,500 square feet at 17127 Oriole Avenue. The property is part of The Southlands neighborhood, which was annexed into the Village in 1976. The previously existing home was demolished per demolition permit issued in 2021, and is currently vacant.

The Petitioner proposes to construct a new single-family detached residence on the vacant lot. The Petitioner feels that a variation to deviate from the minimum house size will better suit the needs of their family, and will be complimentary to the aesthetics of the neighborhood and existing homes on Oriole Avenue. The Petitioner notes homes in the neighborhood are approximately 1,600 sq. ft. The Petitioner provided context photos of the neighborhood which illustrate the massing of the existing homes, the proposed location on the lot (per marked-up plat of survey), architectural plans including the exterior elevations and floor plan, as well as a representative photo showing a similar home constructed elsewhere. The submitted plans, images, and materials indicate quality construction for a home proposed for this Variation.

The homes in this established neighborhood are substantially below the minimum home size requirement of 3,500 square feet. Therefore, building a home meeting the minimum required size would not be comparable nor congruent with the homes in the neighborhood.

## Project Planner

Lori Kosmatka  
Associate Planner



## EXISTING SITE & HISTORY

The subject property is a conventional interior lot that is 20,000 sq. ft in size (100' x 200") and located in The Southlands subdivision, which is located south of 171<sup>st</sup> Street between Harlem Avenue and 80<sup>th</sup> Avenue. This development was annexed into the Village in 1976 (Ordinance #76-O-022).

A Variation was previously granted in 2013 at 17115 Oriole Avenue (Ordinance #2013-O-038) for construction of a 2,500 square foot home. The Variation did not specify if the square footage was gross or usable.

The subject property is currently vacant. The previously existing home on the subject property, which was 1,511 sq. ft., was demolished per demolition permit issued in 2021.

## ZONING & NEARBY LAND USES

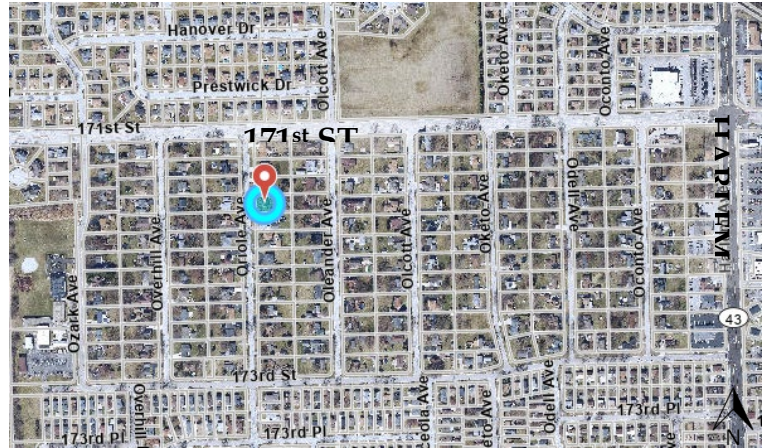
The subject property and the surrounding Southlands neighborhood is in the R-1 Single-Family Residential Zoning District, which is the least dense residential district in the Village.

Section V.C.2. of the Zoning Ordinance requires 3,500 sq. ft. of minimum Usable Floor Areas in the R-1 Single-Family Residential Zoning District.

Minimum floor area requirements date back to zoning code amendments in 1993 (Ordinance# 93-O-020) and 2006 (Ordinance #2006-O-005).

Usable Floor Area per Dwelling is described in Sec. V.C.2. as *"the sum of the net horizontal area of all floors within outside walls of a residential building exclusive of areas in cellars, basements, unfinished attics, garages, open porches, and accessory structures, but including any area that is roughed in but not completed which is designed and intended for human occupancy"*.

The neighborhood is older and already established with homes. Most of the lots in this neighborhood have the same 20,000 sq. ft. lot area size as the subject property and generally contain older homes that are smaller than the 3,500 sq. ft. minimum usable floor area size as required by the Zoning Ordinance. The Petitioner believes the homes in the neighborhood





vary but are approximately 1,600 sq. ft. The Petitioner has provided photos of a few of the surrounding homes to illustrate the massing of these homes as part of the existing neighborhood context.

Staff has provided approximate square footage of nearby homes per Cook County's Property Tax Portal data, for the block between 171<sup>st</sup> St. and 173<sup>rd</sup> St., along both sides of Oriole Avenue and west side of Oleander Avenue. Out of this select area, the average home size is only 1,574 sq. ft. (excluding subject property). Only one home is over 3,000 sq. ft., located on the next block at 17120 Oleander Avenue, listed as 3,033 sq. ft. The largest home on Oriole Avenue is 2,700 sq. ft. (17210 Oriole Ave.). Furthermore, the largest home adjacent to the subject property is 2,394 sq. ft. Note these square footages are not specified if usable or gross floor area, and are considered approximate, but help provide a point of reference.



Approximate Square Footages of Nearby Homes (Per Cook County Property Tax Portal, May 10, 2023)



Previously Approved Variation at 17115 Oriole (2,500 SF home)



Context Photos / Surrounding Neighbor Photos, by Petitioner

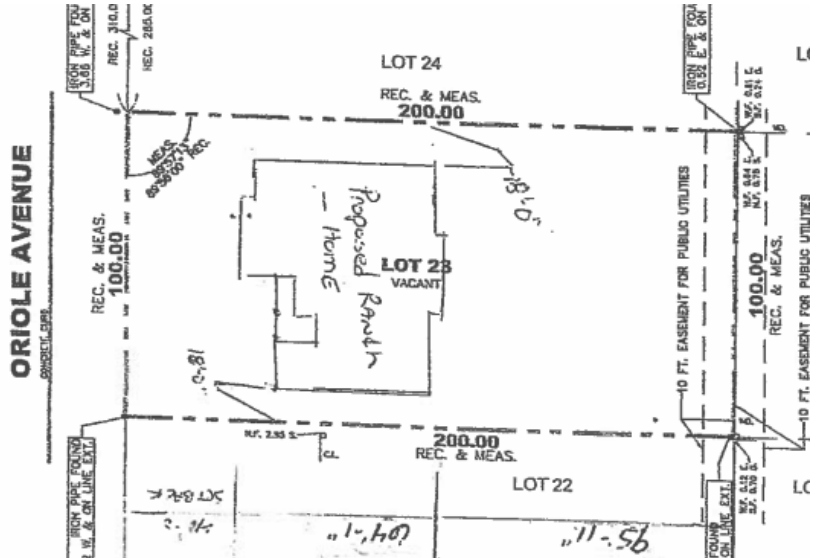


## VARIATION REQUEST

The Petitioner proposes to construct a new single-family detached residence on the vacant lot that is 2,430 square feet of Usable Floor Area where 3,500 square feet is required in the underlying R-1 Single-Family Residential Zoning District. The proposed home will be a single-story ranch home with a full basement. The Usable Floor Area will total 2,430 square feet comprised of 2,369 sq. ft. on the first floor and 61 sq. ft. for the rough-in bath.

The Petitioner requests the variation for minimum house size to better suit their family needs, and be complimentary to the aesthetics of the neighborhood and surrounding homes on Oriole Avenue, which are overall substantially smaller than 3,500 square feet.

In addition to some context photos of the neighborhood which illustrate the massing of the existing homes, the Petitioner has provided the proposed location on the lot (per marked-up plat of survey), architectural plans including the exterior elevations and floor plan, and a representative photo showing a similar home constructed elsewhere. The Petitioner has also provided anticipated physical material samples by the following manufacturers: brick by BrickCraft in "Olde Hickory Q/S" color, stone by Buechel in "White Country Squire" color, and details of windows, gutters, soffit, and fascia in black aluminum. The submitted plans show the home will meet other zoning code requirements, including masonry and setbacks. Staff believes that in addition to improving the appearance of the neighborhood, the submitted plans, images, and materials indicate quality construction for a home to be built below the minimum required Usable Floor Area in the neighborhood.

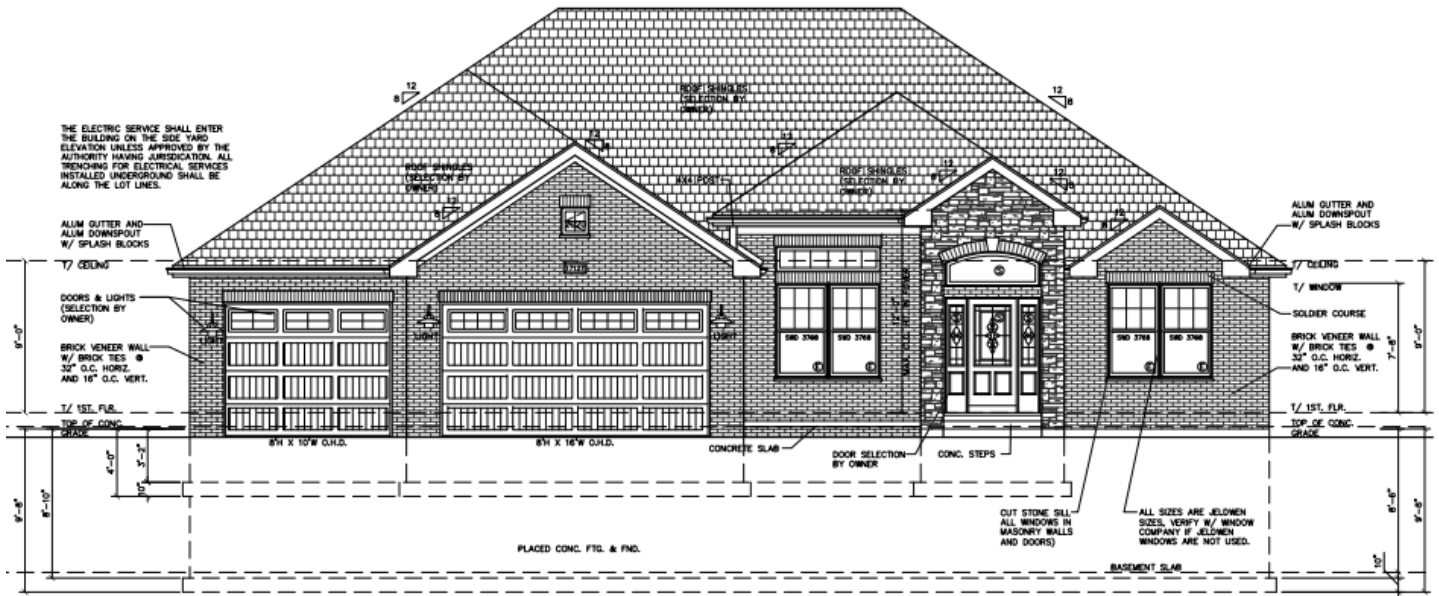


*Proposed Location on Lot (Marked-up Plat of Survey)*



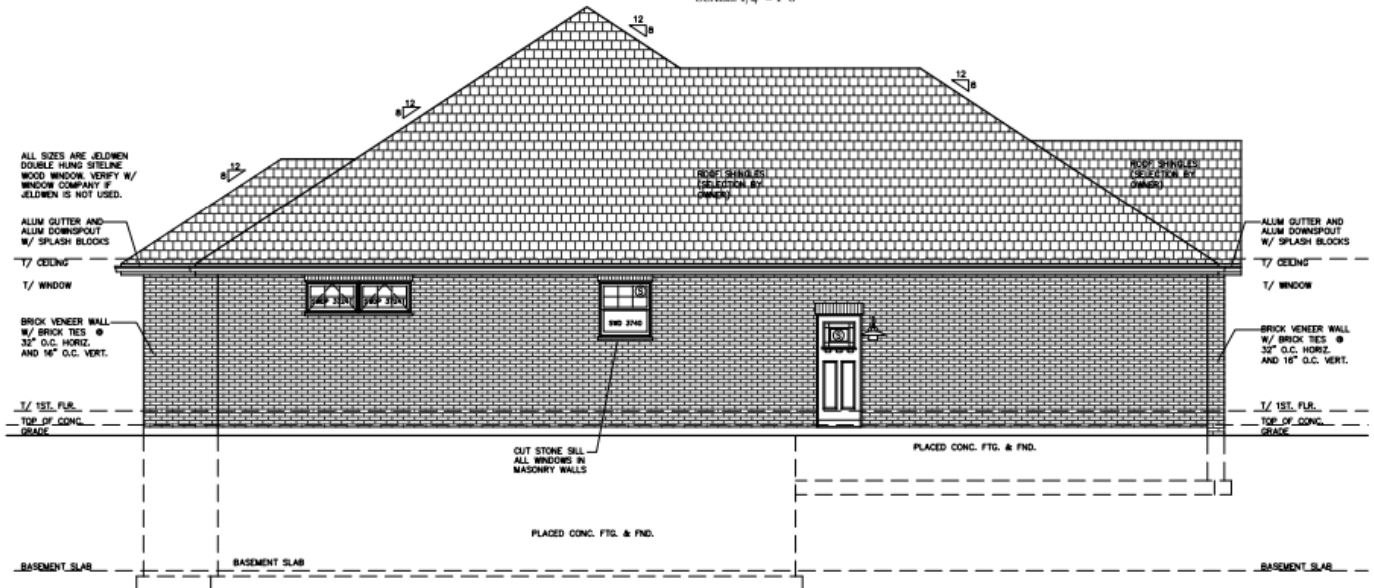
*Proposed Similar / Representative Front Elevation*

The homes in this established neighborhood are substantially below the minimum home size requirement of 3,500 square feet. Therefore, building a home meeting the minimum required size would not be comparable nor congruent with the homes in the neighborhood.



Front Elevation

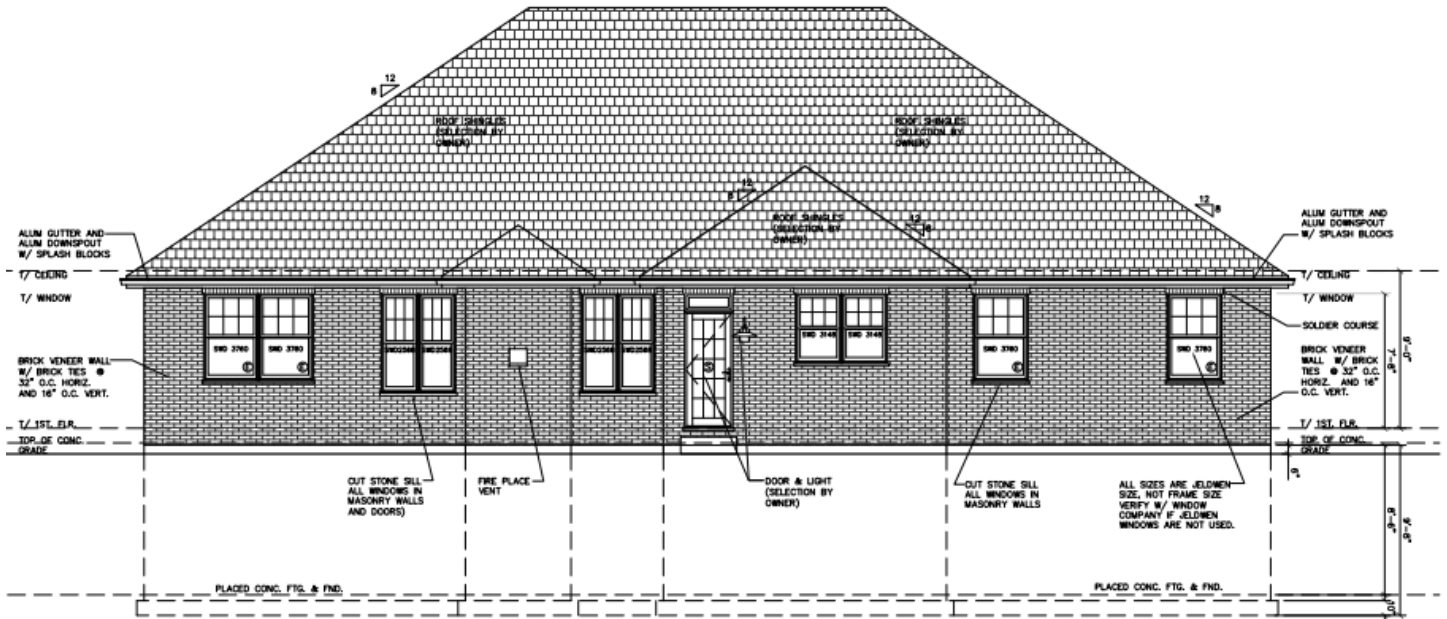
SCALE: 1/4" = 1'-0"



Side Elevation

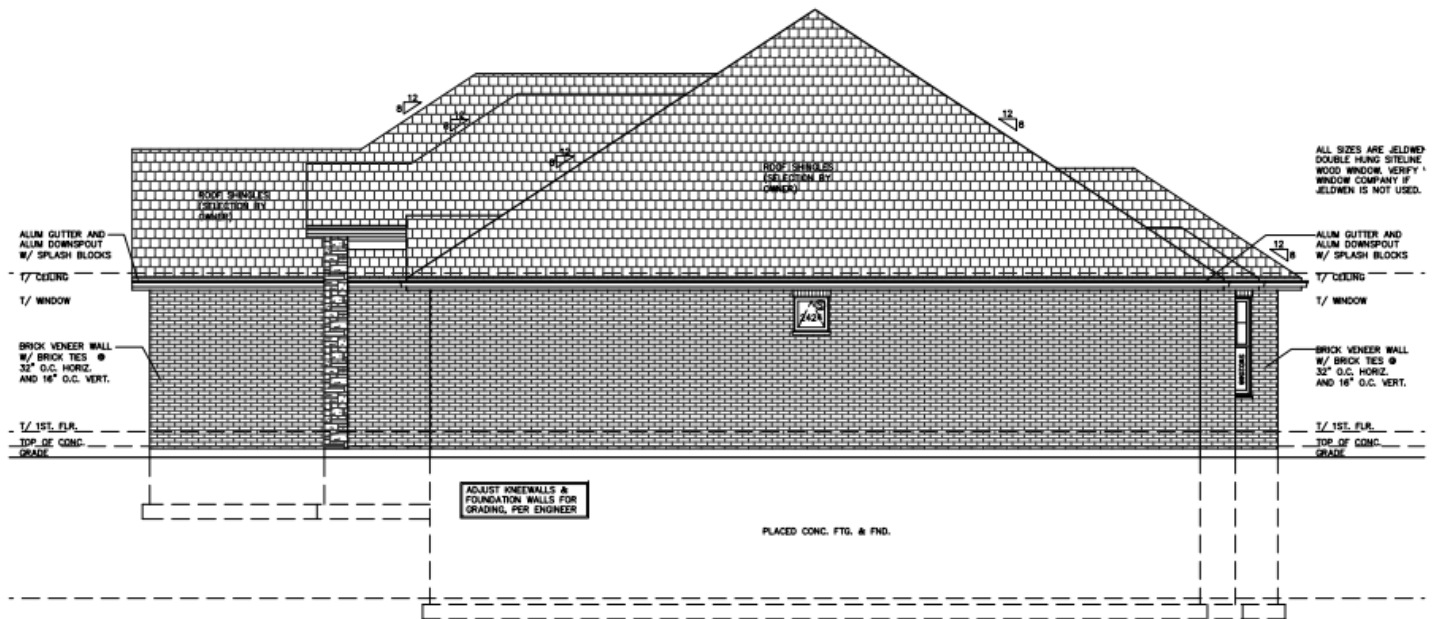
SCALE: 1/4" = 1'-0"





Rear Elevation

SCALE: 1/4" = 1'-0"



Side Elevation

SCALE: 1/4" = 1'-0"

## 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 homes in this established neighborhood are substantially below the minimum home size requirement of 3,500 square feet. Therefore, building a home meeting the minimum required size would not be comparable nor congruent with the homes in the neighborhood.***
2. The plight of the owner is due to unique circumstances.  
***Unique circumstances are present in the immediate vicinity of the subject property. This is an 'in-fill' development as the only currently vacant property within an existing established neighborhood. The properties in the neighborhood have similar lot sizes and home sizes which are substantially below the minimum home size requirement. The proposed home is designed below the minimum size requirement so it will be compatible with the homes in the neighborhood.***
3. The Variation, if granted, will not alter the essential character of the locality.  
***The neighborhood is established, and the homes are substantially below the minimum home size requirement. Therefore, building a home meeting the minimum required size would not be comparable nor congruent with the homes in the neighborhood. The proposed home is designed below the minimum size requirement so it will be compatible with the homes in the neighborhood. The quality of the proposed home will be a neighborhood improvement, and is not harmed by the proposed square footage.***
4. Additionally, the Plan Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the Petitioner have been established by the evidence:
  - a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
  - b. The conditions upon which the petition for a Variation is based would not be applicable, generally, to other property within the same zoning classification;
  - c. The purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
  - d. The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
  - e. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
  - f. The proposed Variation will not impair an adequate supply of light and air to an adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or

endanger the public safety, or substantially diminish or impair property values within the neighborhood.

## MOTION TO CONSIDER

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

Variation:

“...make a motion to recommend that the Village Board grant the Petitioners, Anthony and Janice Jordan, a Minimum House Size Variation from Section V.C.2. (Usable Floor Area Per Dwelling) of the Zoning Ordinance, to permit a new residential home to be constructed with 2,430 square feet of Usable Floor Area, where the minimum required Usable Floor Area is 3,500 square feet, at 17127 Oriole Avenue, in the R-1 (Single-Family Residential) Zoning District, consistent with the Submitted Plans and adopt Findings of Fact as proposed by Village Staff in the May 18, 2023 Staff Report.

## LIST OF REVIEWED PLANS

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Submitted Sheet Name		Prepared By	Date On Sheet
	Application (Redacted) and Response to Standards	Petitioner	4/18/23
	Applicant Narrative	Petitioner	5/1/23
	Email From Designer Confirming Usable Floor Area	Griffin Studios	4/24/23
	Proposed Location on Lot (Marked up Plat of Survey)	Petitioner	4/18/23
	Proposed Architectural Plans (Bid Set)	Griffin Studios	4/6/23, Rec'd 4/18/23
	Proposed Similar/Representative Front Elevation	Petitioner	Rec'd 4/18/23
	MLS Real Estate Listing	N/A	N/A; Rec'd 4/18/23
	Context Photos / Surrounding Neighbor Properties	Petitioner	Rec'd 4/18/23

# PLAN COMMISSION STAFF REPORT

May 4, 2023 – Public Hearing

## Zoning Text Amendment – Fence Regulations

### Petitioner

Village of Tinley Park

### Zoning Code Sections

Section III.J, Fence  
Regulations

### Approvals Sought

Text Amendment

### Project Manager

Michael O. Whalen, AICP  
Associate Planner



## EXECUTIVE SUMMARY

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The purpose of this proposed amendment is to modify Section III.J, Fence Regulations of the Zoning Ordinance to allow additional fence encroachment into secondary front yards.

The Tinley Park Zoning Ordinance regulates fences for residential and non-residential development. In 2022, the Community Development Department processed seven residential fence variation applications, typically to adjust fenced-in areas for backyards on corner lots. These applications cost the Village staff time and cost residents time and money to go through the variation process. Staff also frequently discuss secondary front yard fences with the public, many of whom are frustrated with the current regulations. The Plan Commission, over the last couple of years, directed staff to consider potential changes to allow additional flexibility while still maintaining aesthetics and safety.

Relating to residential corner lot fences, the Village currently allows residents to place a fence at the setback line of secondary front yard. An existing administrative approval provision is available to allow additional encroachment of up to ten feet into secondary front yards so long as fences do not project beyond the abutting neighbors' required primary front yards. This regulation is designed to create some uniformity and reduce the visual impact of fences. As with all parts of the Zoning Ordinance, the fence regulations apply equally to all properties. Non-conforming fences must be brought into compliance during replacement.

The purpose of this Public Hearing is to discuss recommending that the Village Board modify the Zoning Ordinance, Sec. III.J, Fence Regulations. The Village Board last amended this Code section in 2019, to adjust provisions relating to corner lot fences. This report contains an overview of existing provisions and the information presented to the Plan Commission and Zoning Board of Appeals in 2017. The goal of the proposed amendment is to reduce the number of fence variation applications the Village receives each year while still controlling the aesthetics concerns of fenced-in yards.



## HISTORY

The Village adopted a building code in 1964 (Ord. No. 64-O-037) and amended it several times. Prior to 1974, the Village's Building Code had regulations pertaining to fences. Section 317 of this Code regulated fence materials, open and solid fences, and fence heights, and prohibited fences in required front yards. In 1976, the Building Code was amended (Ord. No. 76-O-041) to expressly prohibit fences outside required setbacks except where yards do not abut rights-of-way (rear and side yards for interior lots). This amendment also added that the finished side of fences must face adjacent properties and prohibited barbed wire. In 1978, a major amendment to the Zoning Ordinance occurred. While this Ordinance is missing, it is likely that this ordinance relocated fence regulations from the Building Code to the Zoning Ordinance.

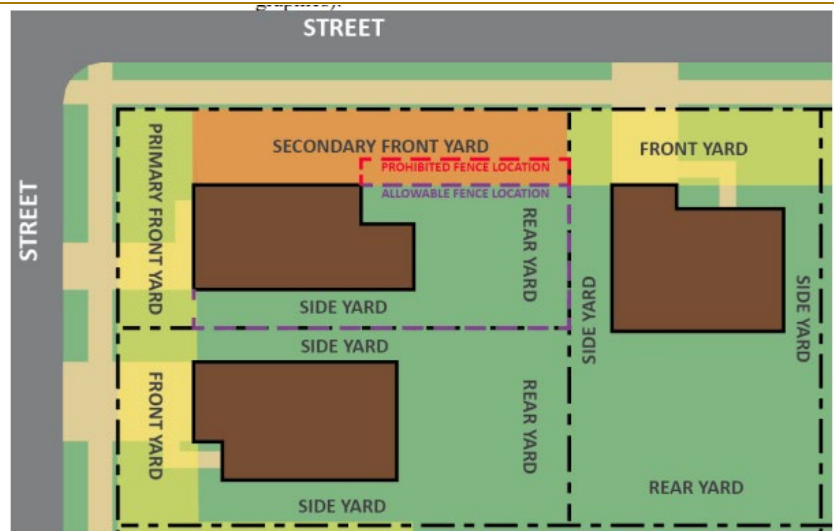
The Village Board amended the Zoning Ordinance in 2018 (Ord. No. 2018-O-002) to explicitly prohibit fences in secondary front yards for corner lots. The amendment also clarified language, added new definitions, and created a ten-foot administrative variation to allow fences in secondary front yards in certain circumstances. The amendment was the result of months of deliberation between the Zoning Board of Appeals, the Plan Commission, and the Community Development Committee, and was intended to reduce ambiguity and the number of fence variations. These groups anticipated that many existing fences would become nonconforming with the updated Code provisions since fence rules were not uniformly enforced. Language was added to the ordinance that fences being replaced must conform to the new standards.

The Village Board amended the Zoning Ordinance again in 2019 (Ord. No. 2019-O-017) to increase the height of open fences in secondary front yards from four feet to five feet. The purpose of this amendment was to require taller fences in yards with pools as an alternative to pool enclosures.

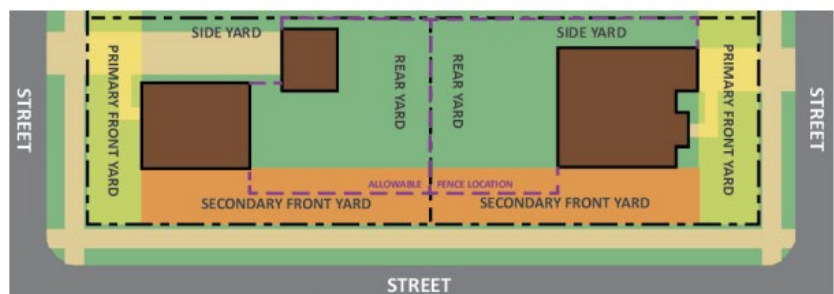
## EXISTING REGULATIONS

The Zoning Ordinance regulates the location, materials, and maximum height of fences. It contains provisions on permitting, temporary fences, and nonconforming fences. The allowable location is currently based on the lot type (interior, corner, etc.), and yard type (primary front, secondary front, side, and rear). The distances of the yards vary, depending on the zoning district the subject property is in. Thus, properties in a less-dense residential zoning district (such as R-1) require fences to be set back further in than a property in a more dense district (such as R-7). Sight lines and clear vision triangles must be maintained, and private fences are not allowed in rights-of-way, nor may obstruct utilities. Fences may be allowed in certain easements with written approval. Maximum fence height is 6'-0" from top of panel and 6'-6" to top of post, measured from grade. Permits are not required for fence repairs not more than one 8' section of fencing per year on a legally permitted fence.

The Zoning Ordinance contains a provision that allows an administrative variation for corner lot fences in R-1 through R-7 zoning districts. This administrative approval allows fences to



Graphic: Prohibited Fence Location in Secondary Front Yard



Graphic: Allowable Fence Location in Secondary Front Yard

Graphic per Section III.J.3.a.1 Administrative Approvals – Secondary Front Yard

encroach up to ten feet into a secondary front yard. They are limited to a maximum height of five feet panels and 5'-6" posts, must be open style (prohibiting chain link and privacy style), and not obstruct sight lines or cause a negative impact to safety. They cannot abut a neighboring primary front yard, meaning the provision may only be applied to properties where rear property lines abut, as depicted above.

Fence Variation requests that come to the Village Plan Commission and Village Board are generally evaluated in terms of whether there is a physical hardship or uniqueness to the property. Hardships for a Variation must be related to the physical characteristics of the property. Some situations where a variation may be approved include lots that are of an unusual shape such as three sides (two secondary front yards) or lots that are located behind the neighboring lot due to extended right-of-way lawn area.

In the Legacy District, open fences may be located within the buffer zone (parkway) when incorporated into raised planter beds or used as tree guards. Fences three to four feet tall are permitted along front property lines of private frontages. Residential lots with secondary front yards are permitted to have six-foot open or privacy fences fifteen feet from the property line, not extending past the front façade of the primary structure.

## **PREVIOUS PLAN COMMISSION DISCUSSION AND OPTIONS**

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At the March 16, 2023 Plan Commission meeting, the Commission directed staff to bring forward an amendment with unanimously agreed upon provisions highlighted in the Modified Regulations section below.

At the September 1, 2022 Plan Commission meeting, the Commission discussed fence regulations related to front yard fences in older, historic neighborhoods within the Village where the Legacy Code does not apply. Commissioners Shaw, Mani, and Gaskill, and Chairman Gray noted that the current regulations create nonconformities in historic neighborhoods where front yard fences are part of the character of the neighborhood.

To address front yard fences in historic neighborhoods, the Plan Commission could continue the current policy of requiring a variation to replace or install open fences in front yards. These variations can be conditioned to control the character of front yard fences and coordinate with existing properties. This policy would be applied on a case-by-case basis, which requires Staff and Commission time to consider each variation request.

The City of Evanston and Villages of Plainfield and Lemont take a different approach to recognize the context of front yard fences. Evanston designates certain streets as "Type 1 Streets" which are based on the character of a neighborhood. Along these streets, open-style front-yard fences are permitted. There are five streets designated as Type 1 Streets in the Evanston City Code. The streets are designated with specific block ranges, and either prohibit certain fence materials (mostly chain-link) or require wrought iron fences. Both Plainfield and Lemont allow 4' open fences only in their downtown zoning district areas.

Evanston's approach reduces the number of variations by allowing front yard fences by right along certain streets. Plainfield's and Lemont's approach does the same, but in a specific area rather than along certain streets. With front yard fences permitted by right, more property owners may opt to install appropriate style fences, enhancing the character of the neighborhood.

## MODIFIED REGULATIONS

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After deliberation lead by staff, the Plan Commission unanimously agreed to direct staff bring forward an amendment to:

- Allow fences in secondary front yards no less than ten feet from the Secondary Front Yard property line that:
  - are open-style and/or privacy-style;
  - are no taller six feet (six-foot six-inch post height); and
  - are comprised of materials allowed elsewhere in Section III.J. Fence Regulations with the exception of chain-link.

An ordinance draft and code amendment draft showing additions and deletions are provided as attachments to this report. While not eliminating all variation requests these changes would greatly increase the yard area permitted to be fenced on corner lots. However, the changes also work to maintain aesthetics, still ensures visibility is maintained on all lots, and keeps the same requirements across all zoning districts.

## MOTION TO CONSIDER

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If the Plan Commission wishes to act on the proposed text amendment, appropriate wording of the motion is:

**“...make a motion to recommend that the Village Board amend Section III.J. Fence Regulations of the Zoning Ordinance as described in the May 4, 2023 staff report and attached drafted ordinance to modify secondary front yard fence regulations.”**

## Staff Exhibit A

## History of Fence Regulations Related to Corner Lots

1956-2005	<i>"Fences in which the opening between the materials of which the fence is constructed represent less than seventy (70) percent of the total surface may be erected to a height not exceeding four (4) feet along the boundaries of a lot, except that no such fence shall be erected within thirty (30) feet of a street intersection. Wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than seventy (70) percent of the total fence area may be erected to a height of six (6) feet, except within thirty (30) feet of a street intersection."</i>
2007-2009	<p>Corner fences are allowed 10 feet into the required side yard similar to the current regulations and allowed to be 6 foot solid with Zoning Administrator review of visibility.</p> <p><i>"Fences not exceeding six (6) feet in height above natural grade level projecting not more than ten (10) feet into the required front setback on the side yard street frontage of a corner lot in a residential zoning district, provided that the Zoning Administrator or his designee determines that the provisions of Section III.G of this Ordinance will be maintained and that there will be no obstruction to the visibility of vehicular or pedestrian traffic. If the Zoning Administrator deems that such a visibility obstruction would occur, he may require that portions of or all of the fence be constructed of an open design, or of a shorter height, or a combination of both, or the Zoning Administrator may deny the request. The determination of the Zoning Ordinance may be appealed to the Zoning Board of Appeals pursuant to Section X.F of this Ordinance."</i></p>
2011-2017	A chart was created which determined what accessory uses and structures could encroach within a required yard under certain situations. It was here when fences 6 feet in height were permitted as an obstruction within 10 feet of the required secondary front yard. The Zoning Administrator was left to determine if the fence was a visibility obstruction and if it was required to obtain a Variation or not. This process and the standards attached resulted in the inconsistent enforcement of the zoning code requirements and numerous issues that created aesthetic and visibility concerns.
2017-Present	Code Changes were initiated to determine what fences in the secondary front yard should be permitted going forward and to make the regulations clear to residents and staff. The new regulations were reviewed and revised by the Zoning Board of Appeals, Community Development Committee, and the Plan Commission. They were approved by the Village Board in January 2018. The result of the text amendments reduced allowable fences extending into the required secondary front yard to be a maximum 4 feet in height (4'6" posts) and open style (50% open to light and air). When approved it was known that there would be numerous fences that would become legal non-conforming in the Village and would need to come into compliance when their fence needed replacement or adjustment.