



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

January 16, 2025

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 January 16, 2025.

CALL TO ORDER – ACTING CHAIR MARTINEZ called to order the regularly scheduled meeting of the Plan Commission on January 16, 2025 at 7:00 P.M.

Jason Engberg, Planning Manager, called the roll.

Present Plan Commissioners: Acting Chair Amanda Martinez
James Gaskill
Eduardo Mani
Andrae Marak
Steve Sepessy

Absent Plan Commissioners: Chairman Garrett Gray
Angela Gatto
Terry Hamilton

Village Staff: Jason Engberg, Planning Manager
Michael O. Whalen, Associate Planner

Petitioners: Lisa Dyrda (#1)
Jason Dyrda (#1)

Members of the Public: Terrance Buckley (#1)

COMMUNICATIONS – Jason Engberg, Planning Manager, noted that Chairman Gray was absent, and that Commissioner Martinez would serve as Acting Chair. He also noted that COMMISSIONER STOCKLOSE formally resigned from the Plan Commission.

APPROVAL OF THE MINUTES – Minutes of the October 3, 2024 and December 5, 2024 meetings of the Plan Commission were presented for approval. COMMISSIONER MARAK noted a correction to the December 5, 2024 meeting minutes for item #4 regarding the Interstate Sportsdome discussion. COMMISSIONER MARAK noted that, during the discussion he asked if the second phase [of the project] might be used to build additional sports fields and that the Petitioner responded yes, that that was a consideration. ACTING CHAIR MARTINEZ requested a motion to approve the amended minutes. COMMISSIONER SEPESSY made a motion to

approve the amended minutes from the December 5, 2024 Plan Commission meeting. COMMISSIONER GASKILL seconded the motion. All were in favor. Motion carried. ACTING CHAIR MARTINEZ requested a motion to approve the October 3, 2024 meeting minutes; COMMISSIONER GASKILL made that motion. COMMISSIONER SEPESY seconded the motion. All were in favor. Motion carried.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE JANUARY 16, 2025 REGULAR MEETING

ITEM 1: PUBLIC HEARING – LISA AND JASON DYRDA – 7542 163RD PLACE – VARIATION FOR DECK ENCROACHMENT

Consider recommending that the Village Board grant Lisa and Jason Dyrda a Variation from Section III.H.1. of the Zoning Ordinance to allow a deck within the required front yard in the R-4 Single-Family Residential Zoning District at 7542 163rd Place.

Present Plan Commissioners: Acting Chair Amanda Martinez
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Andrae Marak
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Michael O. Whalen, Associate Planner

Petitioners: Lisa Dyrda
Jason Dyrda

Members of the Public: Terrance Buckley

ACTING CHAIR MARTINEZ introduced item #1.

ACTING CHAIR MARTINEZ requested a motion to open the public hearing. COMMISSIONER GASKILL made a motion to open the public hearing, seconded by COMMISSIONER SEPESSY. ACTING CHAIR MARTINEZ requested a voice vote; all were in favor. Motion carried.

ACTING CHAIR MARTINEZ noted the proof of publication.

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

ACTING CHAIR MARTINEZ invited the Petitioners to the podium.

Lisa Dyrda was sworn in. She thanked the Plan Commission for hearing the item. She said that they hired a contractor and that the contract with the company stipulated that the company would file building permits on the owners' behalf. She said that the contractor delayed the project and that the contractor stated the reason for the delay was that they were waiting on Village approval.

Lisa Dyrda said that based on the contract and the initial project delay, she assumed everything was being done properly. She offered to present the contract to the Plan Commission for review. She said that the project was almost complete by the time Village staff issued a stop work order, which was the first time she learned there was an issue with the permit. She said that she considered the structure to be a porch, rather than a deck, when she prepared the Variation application. Lisa Dyrda said she hired a contractor that was unethical that took advantage of her. She said she knew that permits were required and assumed the contractor had applied for the permit since their contract stated that. She said that she hoped the structure could stay and mentioned that the structure is attached to the house and the foundation. She said she was concerned about the structural integrity of the house if the structure had to be modified or removed. She said that the architecture of the house would not allow the deck to be covered easily. She stated that there are other examples of houses in the area that have similar structures and offered pictures of those houses. She said that she was not trying to make financial gains with the structure and were trying to improve their home and interact with the community. She said that she hired an attorney to get the contractor to remedy the situation. She said there is no harm to the public with the structure. She said that the structure has been wonderful to meet neighbors. She added that she has a letter of support from the neighbor across the street who was unable to attend the public hearing. She said she was available for questions.

COMMISSIONER GASKILL said that he was sorry about the situation. He said that the Plan Commission had to consider proposals on an individual basis and that the structure was not allowed. Jason Engberg, Planning Manager, noted that there were options to bring the structure into compliance with the Zoning Ordinance: either cover the whole thing, remove the uncovered portions on both side of the covered section, or to remove the entire structure and replace it with a stoop as it was prior to the project. COMMISSIONER GASKILL said it was unfortunate that there were not many choices available to the Petitioners.

COMMISSIONER SEPESSY said it would be challenging to cover the entire structure. He said it does not seem feasible to lower the surface of the structure to gain window clearance and adequate roof pitch. He said the portico was beautiful but said it was not feasible to keep the sides of the deck. He said that the Petitioners had to go after the contractor.

COMMISSIONER MANI said he thought the structure looked nice. He said he's seen the same type of house throughout Tinley Park and thought it was a good way to increase living space.

COMMISSIONER MARAK asked the Petitioner to confirm that the contract stipulated that the contractor would apply for the building permit. Lisa Dyrda confirmed that it did. COMMISSIONER MARAK asked to see the photos of similar houses with similar structures. COMMISSIONER MARAK said that the Plan Commission did not have authority to overturn these sorts of things but that the Village Board does. He said one thing the Plan Commission can do is make a recommendation to the Village Board to amend the Zoning Ordinance to allow these types of structures. He said that however, the Plan Commission should not recommend breaking the rules, because that is not the function of the Plan Commission. He asked when the matter would go before Village Board. Michael O. Whalen noted that the item was scheduled for the February 4, 2025 Village Board meeting. COMMISSIONER MARAK said that the Village Board can vote to approve an item even if the Plan Commission recommends denial of the item. He said that the

meeting minutes should reflect that the contract stipulated that the contractor was responsible for applying for the building permit. He said that the option of covering the existing structure would ruin the look of the house. Jason Engberg said that adding a roof was not feasible because it would not have adequate pitch. Jason Engberg said that planning staff met with the Building Official to discuss the feasibility of adding a roof and said it was agreed that it was not feasible. COMMISSIONER MARAK added that a roof would not look good.

Lisa Dyrda presented a document with three photos of similar houses with similar structures.

COMMISSIONER MARAK said that sometimes people know they need a permit to do work but neglect to file an application intentionally.

ACTING CHAIR MARTINEZ asked if the setback was typical on this block and if any other houses on the block had similar structures. Michael O. Whalen confirmed the setback was typical and that no other houses on the block had similar structures. He added that he would like to see the pictures of the similar houses too because he did not notice any others in the neighborhood. Jason Engberg said it was possible that houses with similar structures in front might not be in the required setback. Michael O. Whalen added that a deck is allowed in the front of the house, but is prohibited within the required front yard. Jason Engberg said this structure encroaches eight feet into the required front yard. Michael O. Whalen added that the structure is almost entirely located within the required front yard. Jason Engberg reminded the Plan Commission that there are standards to use when considering a recommendation of approval for the Variation request. He said that if the Plan Commission agrees that the structure looks nice, they can recommend that Village staff consider allowing structures in the future as the Zoning Ordinance is rewritten.

COMMISSIONER MARAK said the new structure looks much nicer than the bushes that were previously there.

COMMISSIONER SEPESSY asked how far down the structure would have to be moved in order to get a roof onto it. Jason Engberg responded that the ceiling height of the structure must be at least seven feet, but that additional overall height would be needed for adequate roof pitch.

ACTING CHAIR MARTINEZ thought that the structure was too large. She said that landscaping would soften the appearance. COMMISSIONER GASKILL said that still would not make the structure legal. Lisa Dyrda said they have landscaping planned but the stop work order made them not go forward with planting the landscaping.

COMMISSIONER GASKILL said the best thing to do would be to pursue legal action against the contractor and make them bring the structure to code. COMMISSIONER SEPESSY agreed.

Terrance Buckley was sworn in. He said that he lives next to the Petitioners' house. Mr. Buckley said he has lived in his house for 33 years. He said that he felt the structure will improve the value of his house next door. He said that he has never seen a portico on a deck, so he considered the structure to be a porch rather than a deck. He mentioned the etymology of the word porch and cited the definition from the dictionary. COMMISSIONER GASKILL said that the sides of the structure were considered a deck because the portico did not extend over the sides. Mr. Buckley said that

removing the structure would cause the value of his house to go down. He said that he's spoken to other neighbors and has not come across anyone that has an issue with it. He said other houses in the neighborhood had similar structures. He said the structure is not a deck. ACTING CHAIR MARTINEZ said that the Zoning Ordinance defines the structure as a deck.

Jason Dyrda was sworn in. He said that it has always been his dream to have a front porch. He said that he is a Navy veteran and wants to live in his dream home. He said the structure made the house his dream home.

ACTING CHAIR MARTINEZ asked if the Variation could be conditioned to bring the structure into compliance over time. Jason Engberg said that since a Variation runs with the land, you cannot attach a timeframe to it. He said that the property owners are not at fault. He said that the standards for granting a Variation must relate to something unique about the property, not that the contractor lied to the Petitioners. He said that allowing this Variation could lead to additional Variation requests in the future. He said that the proper way to allow these types of structures would be to amend the Zoning Ordinance. He added that staff is proposing a full rewrite of the Zoning Ordinance in the future. He said the responses to standards were written in the negative because the request does not comply with the standards. ACTING CHAIR MARTINEZ asked if there was any land-related hardship for the property. Jason Engberg responded that the property conformed with the Zoning Ordinance prior to the construction of this structure. He said it is a standard lot with no topographical issues. He added that the Plan Commission may amend the proposed standards.

COMMISSIONER SEPESSY asked if the center portion of the structure was conforming. Jason Engberg said that a porch or covered stoop is permitted in this location.

COMMISSIONER GASKILL asked about the dimensions of the posts. Michael O. Whalen said that the structure will have to comply with the Building Code and that could require some modification to the structure.

Lisa Dyrda asked that a letter of support from the neighbor across the street be read into the record. ACTING CHAIR MARTINEZ read the letter.

ACTING CHAIR MARTINEZ requested a motion to close the public hearing. COMMISSIONER SEPESSY made a motion to close the public hearing; seconded by COMMISSIONER MANI. ACTING CHAIR MARTINEZ requested a voice vote; all were in favor. Motion carried.

ACTING CHAIR MARTINEZ requested that staff present the standards for Variation approval.

Michael O. Whalen presented the standards.

ACTING CHAIR MARTINEZ requested a motion on the Variation. COMMISSIONER MANI made a motion to [recommend that the Village Board] grant the Petitioners a Variation from Section III.H.1 of the Zoning Ordinance to permit a deck within the required front yard and encroach no more than a maximum of eight feet into the required front yard in accordance with the plans submitted and adopt the Findings of Fact as proposed in the January 16, 2025 staff report.

COMMISSIONER MARAK seconded the motion. ACTING CHAIR MARTINEZ requested a roll call vote. Only COMMISSIONER MANI was in favor. Motion failed 1-4.

Michael O. Whalen noted that the item would go before the Village Board on February 4 without a recommendation of approval by the Plan Commission.

COMMISSIONER MARAK added that he hopes the Village Board will approve the Variation. He said that he felt the outcome was not equitable. COMMISSIONER MANI said that he thinks the Village needs to revisit the Zoning Ordinance because it is detrimental to the happiness of the residents. He said there are houses on his block that have a similar structure. ACTING CHAIR MARTINEZ said that she agrees with COMMISSIONER MANI that the Zoning Ordinance should be amended. COMMISSIONER MARAK said that the photographs of houses with similar structures had structures that were not as large as that proposed by the Petitioners.

ACTING CHAIR MARTINEZ said the item would go to the February 4, 2025, Village Board meeting.

Good of the Order

Jason Engberg said all of the items from the December 5, 2024, meeting were approved by Village Board with the exception of the Larry Debb project which includes the Gas N Wash. He said that project was now working on an annexation agreement and would be going before the Village Board when that component is ready.

Receive Comments from the Public

None.

Adjournment

ACTING CHAIR MARTINEZ requested a motion to adjourn the meeting.

COMMISSIONER GASKILL made a motion to adjourn the meeting. COMMISSIONER MANI seconded the motion. ACTING CHAIR MARTINEZ requested a voice vote; all were in favor. The meeting adjourned at 7:53 p.m.