

MINUTES OF THE NORTH BARRINGTON ZONING BOARD OF APPEALS PUBLIC HEARING HELD TUESDAY, AUGUST 14, 2007 AT 7:30 P.M. AT THE NORTH BARRINGTON VILLAGE HALL, 111 OLD BARRINGTON ROAD, IN SAID VILLAGE

1. Call to Order & Roll Call

At 7:31 P.M. Chairman Nass called the Public Hearing to order and the Village Clerk called the roll:

Present in Person: Chairman Warren Nass, Vice Chair John Cifonelli, Joe DiPino, Carleen Kreider, W. Gene McAlester, and Bryan McGonigal

Absent: Janis Menges

Also Present: Kris Lennon, Deputy Village Clerk
Tom Klein, 12 Executive Court, South Barrington
Ben Andrew, 610 Signal Hill
Mr. & Mrs. Manfred Schwan, 421 Brook Forest Lane
Kathy Moran, 415 Brook Forest Lane
Jim Moran, 415 Brook Forest Lane
Mr. & Mrs. Jeremy Mates, 294 N. Highway 59
Ron Gagnier, 245 Honey Lake Court
Dr. and Mr. Roelof Boonstra, 71 N. Saddle Tree
Mr. & Mrs. Charles Gockenbach, 170 Rainbow Road
Susan Allman, 425 Mockingbird Lane
Mark Spreyer, 33 W. Penny Rd., South Barrington
Al Pino, 110 Hillandale Court

Chairman Nass welcomed the audience to the Zoning Board of Appeals Public Hearing and asked that any person wishing to speak during the meeting, stand in order to be sworn in. The witnesses were sworn in.

2. Andrew Petition

The following variation is requested in the petition submitted by Mr. & Mrs. Ben Andrew, 610 Signal Hill Road, North Barrington, IL 60010:

Chairman Nass explained the variances to the code requested by Mr. & Mrs. Ben Andrew:

VC 8-5-2A: Every person owning land on which there is situated a swimming pool that contains water over twelve inches (12") deep at any point, shall erect and maintain thereon a fence or other barrier to provide protection against potential drowning by retraining access to the swimming pool . Said barrier shall be design and constructed in accordance with Section 10-11-3 of the Village zoning regulations as amended from time to time, and Appendix G of the International Residential Code as amended from time to time. A pool cover shall not qualify as a barrier which is required by this section. In the event of a conflict between the provisions of the

zoning ordinance and said Appendix G, the provisions of the zoning ordinance shall govern.

VC 8-5-2B: Swimming pools which are in existence on August 1, 2005, which do not meet or conform to the barrier requirements of this section shall be brought into compliance not later than June 1, 2006.

Chairman Nass invited the applicant to address the Zoning Board of Appeals (ZBA). Chairman Nass asked Mr. Ben Andrew to explain why he is seeking a variance. Mr. Andrew explained that he and Mrs. Andrew had an opportunity to discuss the pool fence ordinance with the Village due to recent flooding/drainage problems on their street. Mr. Andrew explained that they wanted to take a proactive approach by submitting their variance request before the ZBA. The ravine that flows nearby, the general layout of the property and the natural terrain act as a natural barrier and deterrent. Mr. Andrew stated that the closest house is 300 feet away and that the pool is not visible from the front of the house.

Chairman Nass noted that the residents located at 600 Signal Hill Lane complied with the pool fence ordinance. Chairman Nass stated that he parked in the driveway and walked to the pool with no problem. He stated a child could walk down to the pool just as easily.

Vice Chairman Cifonelli asked if there was a particular hardship that would prevent a fence from being erected around the pool. Mr. Andrew stated that they are trying to preserve the property and that a fence would severely compromise the landscaping in the backyard.

Mr. Andrew asked if they could fence the property around the house instead of the pool; additionally, he asked if he could place a fence on the side of the house to the side property line. Chairman Nass stated that the ordinance requires a pool to have a barrier. It is a safety feature.

Vice Chairman Cifonelli stated that the ordinance is specific.

Mr. Andrew stated that there was not a fence around the pool when purchased the house. If he would have known that a pool fence was a requirement, he wouldn't have purchased the house.

Chairman Nass stated that Mr. Andrew may go before the Village Board if he is not pleased with the decision of the ZBA.

Motion: Carleen Kreider moved to deny the variation from the swimming pool fencing requirements requested by Mr. & Mrs. Ben Andrew as to their 30 year old swimming pool to the existing home at 610 Signal Hill Road; seconded by W. Gene McAlester.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:

Ayes:	Chairman Warren Nass, Vice Chair John Cifonelli, Joe DiPino, Carleen Kreider, W. Gene McAlester, and Bryan McGonigal.
Nays:	None
Absent:	Janis Menges
Abstain:	None

Chairman Nass declared the motion approved and the variation denied with the right to appeal to the Village Board. He stated that the next Village Board Meeting was scheduled for August 22, 2007 at 7:30 p.m. and encouraged Mr. & Mrs. Andrew to attend.

3. Approve Minutes from the July 10, 2007 Meeting

The Minutes of the July 10, 2007 Meeting were made available to the Board.

Motion: Vice Chair John Cifonelli moved that the Minutes of the July 10, 2007 Meeting be approved as presented; seconded by Carleen Kreider.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

Chairman Nass declared the Minutes of the July 10, 2007 Meeting approved and put on file.

4. Klein Development, Inc. Petition – Public Hearing

The following variations are requested in the petition submitted by Klein Development, Inc., 106-114 S. Wynstone Park Drive, Wynstone South Commercial, North Barrington, IL 60010:

Chairman Nass explained the variances to the code requested by Klein Development, Inc.

ZR 10-10-11: Maximum Allowable Sign Area: The following table provides acceptable guidelines for sign area based on total floor area:

**TOTAL SIGN AREA (SQUARE FOOTAGE)
PERMITTED IN COMMERCIAL ZONING AREAS**

Total Floor Area of Building (s.f.)	Maximum Sign Area (s.f.)	Allowable Number of Signs
1 – 500	8	1
501 – 1000	10	1
1,001 – 3,000	15	1
3,001 – 5,000	20	1
5,001 or higher	25	1

Each of the five (5) office buildings in this development has a total floor area of approximately 12,610 square feet. Therefore, each building is allowed one (1) sign having a maximum sign area of 25 square feet. The developer is seeking permission to install 2 freestanding directory signs in front of each building, each having a sign area of approximately 8 square feet (16 square feet total).

ZR 10-10-9 (I, 2): No freestanding sign shall be nearer than forty feet (40') to any building,

Each of the proposed freestanding directory signs will be located approximately 3 feet from the front entrance wall of the buildings.

Chairman Nass invited the applicant to address the Zoning Board of Appeals. Mr. Tom Klein, President of Klein Development, addressed the Commission and stated that he is in the process of developing the Wynstone South Commercial Office buildings. Mr. Klein is proposing two free standing directory signs to be located at each entrance of each building. Each building will have two main entrances. The proposed signs will be directory signs in order to direct pedestrians and vehicle traffic. Mr. Klein stated that a single sign would not suffice in order to adequately direct pedestrians and vehicle traffic, including emergency vehicles, to a particular business.

Chairman Nass asked if any consideration was given to placing the signs directly on the buildings.

Mr. Klein replied that it is an upscale business area and that he would like to keep it that way. By placing a sign on the building, it would deter from the attractiveness of the buildings. Mr. Klein commented that placing a sign on a building creates a retail type look. The signs will be 16 inches up from the ground, located within 6 feet of the entrances and integrated with landscaping. The address will be placed at the top of the sign and the names of the occupants within a particular entryway will be listed below. The buildings do not have common connections. Access to a particular unit or business is only through the front entrances. There may be up to 8 tenants per building.

Chairman Nass noted that the office buildings located just north of the Wynstone South Commercial buildings have signs located less than 40 feet from their buildings. Mr. Klein is asking for similar consideration, however, the north office building signs were installed prior to the ordinance. Mr. Klein stated that if the signs were placed 40 feet from the building, the signs would be in the parking lot.

Joseph DiPino inquired about the sign dimension used in the demonstration and how many tenants will be listed on each sign. Mr. Klein replied that the most tenants listed on each sign will be four.

Chairman Nass asked if Mr. Klein was the owner of the office buildings as well as the developer. Mr. Klein replied that he is the owner and that the office buildings will be leased and sold as office condominiums.

Carleen Kreider asked if Mr. Klein had considered placing one large sign with arrows directing pedestrians and vehicles to other office buildings. Mr. Klein replied that due to the location of the sidewalk and handicap parking, the visibility of one large sign would be difficult.

Mr. Klein stated that the Fire Department requires that unit identification be easily visible from the right-of-way. If one large sign was placed in the middle of the office buildings, it would not be easily visible.

Motion: Vice Chairman Cifonelli moved to recommend to the Village Board approval of the variance requests for Klein Development Inc. to install (2) freestanding directory signs in front of each building located at 106-114 S. Wynstone Park Drive as depicted in the plans submitted by The Holland Design Group last dated July 23, 2007 for Job #031507; and using the drawings as submitted by Klein

Development, Inc. showing the location of the directory signs for the Wynstone South Commercial Office Condominiums; seconded by Carleen Kreider.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:

Ayes: Chairman Warren Nass, Vice Chair John Cifonelli, Joe DiPino, Carleen Kreider, W. Gene McAlester, and Bryan McGonigal.
Nays: None
Absent: Janis Menges
Abstain: None

Chairman Nass declared the motion approved and that the recommendation for approval would be made to the Village Board. He stated that the next Village Board Meeting was scheduled for August 22, 2007 at 7:30 p.m. and encouraged Mr. Klein to attend.

5. Mates Petition – Public Hearing

The following variations are requested in the petition submitted by Mr. Jeremy Mates, 294 N. Highway 59, North Barrington, IL 60010:

Chairman Nass explained the variances to the code requested by Mr. Jeremy Mates.

ZR-10-9-2(A,1): From each road or street which is included in the primary system of roads of the state (including all state bond issue routes and all primary federal aid and state aid routes which are designated as a numbered state highway), the required front setback shall be not less than fifty feet (50') from the right of way line.

While the proposed addition complies with the setback requirement, the garage of the existing house is located approximately 37.47 feet from the right of way line, representing an existing approximate 12.53 foot encroachment into the required front yard setback. As a result the existing residence is a non-conforming use.

ZR-10-1-2(B) and ZR-10-4-2(A,1,b): A non-conforming building or use shall not be expanded.

The existing residence is non-conforming due to a front yard setback encroachment.

Chairman Nass invited the applicant to address the Zoning Board of Appeals. Mr. Jeremy Mates explained that the existing residence is a non conforming use due to the garage of the existing house being located approximately 37.47 feet from the right-of-way, representing an existing approximate 12.53 foot encroachment into the required front yard setback. Mr. Mates would like to construct a one story addition, two car garage, and an office. All construction will conform to the Village Code. Mr.

Mates made reference to a prior ordinance that was passed allowing him to erect a fence on his property and stated that once the addition is completed he will complete the fence.

Chairman Nass asked if the material for the new construction would match the existing house. Mr. Mates replied that he is planning to replace the siding on the existing house and it will match the addition. He is planning on integrating stone and siding.

Vice Chairman Cifonelli inquired about the total square footage of the lot. Mr. Mates stated that he owns approximately 3 acres.

Chairman Nass stated that the Environmental & Health Commission approved a septic variance for the new primary septic treatment area to be constructed on previously disturbed area. Chairman Nass also stated that a tree removal permit will be required to remove a total of two trees. Mr. Mates confirmed.

It was noted that there was no objections from the Village Forester, Susan Allman, Village Health Officer, Natalie Karney, or the adjacent neighbors to the variance request.

Motion: Joseph DiPino moved to recommend to the Village Board approval of the variance requests for Mr. Jeremy Mates to construct an addition and alterations to the existing home located at 294 N. Highway 59 using the Septic System Modification as prepared by PAF & Associates, Ltd., last dated May 10, 2007; using the Plat of Survey as prepared by Accurate Survey Service, Inc. last dated July 19, 2007; and by using the Site Plan as prepared by American Landmark Architecture Associates, Inc. last dated July 27, 2007; seconded by Carleen Kreider.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:

Ayes:	Chairman Warren Nass, Vice Chair John Cifonelli, Joe DiPino, Carleen Kreider, W. Gene McAlester, and Bryan McGonigal.
Nays:	None
Absent:	Janis Menges
Abstain:	None

Chairman Nass declared the motion approved and that the recommendation for approval would be made to the Village Board. He stated that the next Village Board Meeting was scheduled for August 22, 2007 at 7:30 p.m. and encouraged Mr. Mates to attend.

6. Boonstra Petition – Public Hearing

The following variations are requested in the petition submitted by Mr. & Mrs. Roelof Boonstra, 71 Saddle Tree Lane, North Barrington, IL 60010:

Chairman Nass explained the variances to the code requested by Mr. & Mrs. Roelof Boonstra.

A. a variation from **Section 10-2-1** of the Zoning Ordinance defining "accessory structure" in order to permit a flight cage with the approximate dimensions of 40 ft by 15 ft by 15 ft., and

B. a variation from **Section 10-2-1** of the Zoning Ordinance defining "home occupation" to permit certain veterinarian activities supplemental to proposed flight cage and the care of injured birds of prey, and

C. a variation from **Section 10-4-4** of the Zoning Ordinance which provides that chickens, ducks, geese and similar fowl are not permitted in the Village except when raised as pets by children under the age of 18, and further, no more than 2 such fowl are permitted on an acre of land with a total not to exceed 6 fowl to except injured birds of prey from the definition of fowl.

Chairman Nass invited the applicants to address the Zoning Board of Appeals. Mr. Boonstra stated that he would like his wife, to explain their request for a variance. Mrs. Boonstra explained that they would like to construct a flight cage in order to rehabilitate injured birds of prey. In order to make sure birds of prey are releasable once injuries have been treated, the birds need a flight cage to make sure they have the proper flight capabilities before they are released. The flight cage helps recondition the birds to make sure they are fit for survival once they are released.

Chairman Nass asked if Mrs. Boonstra was a veterinarian. Mrs. Boonstra replied that she is a veterinarian. She explained that she has her state and federal rehabilitation permits and has already been rehabilitating wildlife without the neighbor's knowledge. The number of animals that she would be rehabilitating is limited due to her six day a week work schedule and having a small child.

Mr. Boonstra stated that the birds will not be kept in the flight cage. It only serves to test the bird's capability of flying. A bird may be placed in the cage for 1-2 hours in order to see if the bird can fly appropriately. The dimensions of the flight cage are based on the federal standards of the International Wildlife Rehabilitation Council.

Mrs. Boonstra stated that by law, she is only allowed to hold a bird for 60 days before it is released or euthanized. The birds are released in the area where they were found. She obtains the birds from either the veterinarian hospital she works at or, is called to a location of an injured bird. By law she must fill out a report including the name, address, and county of where the bird was found in order to return the bird to the area where it was found.

Chairman Nass asked Mr. & Mrs. Boonstra if they are aware of the Grassmere Farm Homeowner's Association being opposed to the variance request. Mr. Boonstra replied that he understands that Mr. Moran, his direct neighbor, is opposed to the variance request. Mr. Boonstra stated that the work his wife does is specialized; she is able to treat orthopedics. Mrs. Boonstra added that regular licensed veterinarians cannot treat wildlife. She has state and federal licenses to treat wildlife. There are few places in the surrounding area that are able to treat wildlife at the high level of medical care.

Mr. Boonstra stated that their direct neighbors support their efforts. Mr. & Mrs. Boonstra submitted pictures to show the wooded area that surrounds their house. Mr. Boonstra added that treating wildlife can aid the public in detecting certain diseases like West Nile Virus.

Vice Chairman Cifonelli asked about the materials being used for the flight cage. Mr. Boonstra replied that it is all cedar wood with the exception of nails and screws. There is no floor on the bottom of the cage. The posts will be in concrete and below the frost line.

Mr. Boonstra added that they are not trying to keep the animals and want to rehabilitate the wildlife soon as possible.

There was discussion about the removal of buckthorn on the right-of-way in front of the Boonstra's house. Mr. and Mrs. Boonstra stated that they were upset that Cuba Township cleared a 10 foot perimeter of trees and shrubs without any notification.

Vice Chairman Cifonelli stated that Cuba Township has the right to clear buckthorn on Village right-of-ways.

Joseph DiPino asked if it was customary for specialized veterinarians to bring home wildlife after a surgical procedure at a veterinary hospital. Mrs. Boonstra stated that it is customary.

Carleen Kreider asked if Mrs. Boonstra's main business was practicing at a veterinary hospital. Mrs. Boonstra stated she works primarily at the veterinary hospital.

Mark Spreyer, 33 W. Penny Rd., South Barrington addressed the Zoning Board of Appeals (ZBA). Mr. Spreyer stated that he runs the Stillman Nature Center, he ran America's Falcon Project, and did his graduate work on owls. Mr. Spreyer is an ornithologist and now keeps birds of prey for educational purposes. He visited the site and stated that it is not unusual for Villages to have these types of facilities. Mr. Spreyer stated that the Village is lucky to have the Boonstra's in the area because there is always a demand for rehabilitators.

Vice Chairman Cifonelli asked why the Stillman Nature Center couldn't build a flight cage. Mr. Spreyer replied that he is not a veterinarian and does not have the credentials that Mrs. Boonstra has.

Ron Gagnier, 245 Honey Lake Court, addressed the ZBA and spoke on behalf of the Grassmere Farm Homeowner's Association. Mr. Gagnier stated that 71 Saddle Tree abuts the east side of their community and that it would affect the 6 residences on Saddle Tree Lane. It is a non profit business in a residential area. The Grassmere Farm Homeowner's Association has strict rules and regulations about the construction and conducting of business inside/outside the home that may adversely affect the community. The Grassmere Farm Homeowner's Association is opposed to the variance request.

Carleen Kreider noted that 71 Saddle Tree Lane is not a part of the Grassmere Farm Homeowner's Association, but that the residence abuts the east side of their community.

Kathy Moran, 415 Brook Forest Lane, addressed the ZBA. Mrs. Moran stated that when the Village Board met in June, Mr. Boonstra was there and stated that the structure he is intending to build will be located 110 feet from his house and that Boonstra's bedroom is located in the front left side of their house. The structure that the Boonstra's are proposing is 40 feet from the Moran's house and their bedroom window. Even though the area is heavily wooded, 7 months out of the year, there are no leaves on the trees and they will be able to see the structure. Mrs. Moran has concerns of noise coming

from the birds of prey. Mrs. & Mrs. Moran attended the University of Minnesota's Raptor Center and spent several hours inquiring information on birds of prey. She learned that each bird must have its own cage. She has a concern about the number of cages that will be on the Boonstra's property. Additionally, if the birds of prey escape i.e. eagles, they could attack people causing bodily injury and/or attack small animals like a small dog or cat. Mrs. Moran also stated birds of prey are fed dead rats.

Gene McAllister stated that by looking at the pictures the Boonstra's submitted, it appeared that the Moran's property was located more than 40 feet from the proposed structure. Mrs. Moran stated that she can stand on her driveway and see the structure.

Jim Moran, 415 Brook Forest Lane addressed the ZBA. Mr. Moran submitted a signed petition from residents who are opposed to the flight cage which include some of the Brook Forest subdivision residents as well as other adjacent residents to 71 Saddle Tree Lane. Mr. Moran also submitted information from the Boonstra's website regarding the Whispering Oaks Wildlife Rehabilitation Center. The information states that the Boonstra's treated 41 raccoons at one time and that in 2006, the rehabilitation center upgraded to a trauma center. Mr. Moran stated that he is not comfortable with that many animals living in his neighborhood. During the winter, when the leaves are off the trees, the Moran's can see the Boonstra's property clearly, due to the amount of very bright lighting they have on their property. Mr. Moran stated that the poles for the flight cage extend 40 feet and the size of the proposed structure is a concern. Mr. Moran feels that the activities taking place on 71 Saddle Tree Lane are not akin to an upscale residential area and is opposed to the Whispering Oaks Wildlife Rehabilitation Center and trauma center.

Mr. Boonstra wanted to make a final comment and stated that they do not have the facilities to treat eagles and that the biggest bird they would rehabilitate is a red tailed hawk. Mr. Boonstra stated he is willing to work with Mr. Moran and adjust the location of the flight cage so that the Moran's would not be able see it.

Carleen Kreider noted that some of the residents located near 71 Saddle Tree Lane did not sign the petition.

Motion: Joseph DiPino moved to recommend to the Village Board denial of the variance requests for Mr. & Mrs. Boonstra to construct an accessory structure on the property of the existing home located at 71 Saddle Tree Lane; seconded by Vice Chairman Cifonelli.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call:

Ayes:	Chairman Warren Nass, Vice Chair John Cifonelli, Joe DiPino,
Nays:	Carleen Kreider, W. Gene McAlester, and Bryan McGonigal.
Absent:	Janis Menges
Abstain:	None

Chairman Nass declared that due to a split vote there was no recommendation. The matter will go to the Village Board for a final decision. He stated that the next Village Board Meeting was scheduled for August 22, 2007 at 7:30 p.m. and encouraged Mr. & Mrs. Boonstra to attend.

7. Adjournment

There being no further business to come before the Board, Vice Chairman Cifonelli moved to adjourn the Public Hearing; seconded by Bryan McGonigal.

The voice vote was unanimous in favor.

At 8:50 p.m. Chairman Nass declared the meeting adjourned.

These Minutes were approved by the Zoning Board of Appeals at a Meeting held September 11, 2007.

Attest: _____
Kris Lennon, Deputy Village Clerk