

MINUTES OF THE NORTH BARRINGTON ZONING BOARD OF APPEALS
PUBLIC HEARING HELD TUESDAY, FEBRUARY 8, 2005 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 7:56 P.M. Chairman Nass called the hearing to order and the Village Clerk called the roll:

Present: Chairman Nass, Vice Chairman Cifonelli, W. Gene McAlester, Joe DiPino and Carleen Kreider
Absent: Janis Menges, Bryan McGonigal
Also Present: Kathy Nelander, Village Clerk
Angus Hollis and Wayne Leonardi, 471 Miller Road
Robert Knox, 75 Saddletree Lane
Susan Allman, Village Forester
Andrew Venamore, Airoom

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

2. Approve Minutes from January 11, 2005 Public Hearing

The Minutes of the January 11, 2005 Public Hearing were made available to the Board. There were some changes made to the minutes.

Motion: Carleen Kreider moved that the Minutes of the January 11, 2005 Public Hearing be approved as amended; seconded by W. Gene McAlester.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

Chairman Nass declared the Minutes of the January 11, 2005 Public Hearing approved and put on file.

3. The following variations are requested in the petition submitted by Mr. & Mrs. Robert Knox, 75 Saddle Tree Lane, North Barrington, Illinois 60010.

Chairman Nass noted that all requirements had been met by the applicants and explained the variances to the code requested by Mr. & Mrs. Robert Knox.

Section 10-11-2(A,2): Except as otherwise permitted by the Village Code, no fence shall be more than three feet (3') in height.

The proposed fencing is six feet (5') in height.

Section 10-11-2(A,1): No fence shall be permitted in front yards except ornamental fences. An ornamental fence is one which is for decorative purposes and the primary function of which is not an enclosure, barrier or means of protection or confinement.

In accordance with the Village Zoning Ordinance, the front lot line shall be the line which abuts the ingress and egress to your property. The front yard is therefore considered to be the yard extending between side lot lines and between the front lot line and front building line. While the fence brochure submitted in support of the application describes the fencing style as being an "Ornamental Aluminum Picket Fence", the zoning ordinance defines an ornamental fence as one which is for "decorative purposes", where the "primary function" is not an enclosure or barrier. It is clear that the proposed fence, which runs the entire perimeter of the property, is both an enclosure and barrier. Even if, in your eyes, the purpose of the fence is decorative, it cannot meet the primary function test. As such, the proposed fencing in the front yard is not exempted from the regulations of the zoning ordinance as being "ornamental".

ZR-10-11-2(A,7): Except as otherwise permitted by this chapter, no fence that is of the form, shape or structure of a chain link or mesh like or wire fabric, made of any material (including, but not limited to, metal or plastic) is permitted.

Option #2 proposes 1,282 lineal feet of five foot (5') high vinyl coated chain link fencing.

Chairman Nass asked that the applicants to address the Board explaining their request. Mr. Knox explained that he was having problems with neighboring dogs and coyotes on his property. He explained that he would like to build a 5 foot fence around the perimeter of the five-acre parcel on Saddle Tree Lane. Mr. Knox said that the fence would be for the protection of his children. There was lengthy discussion about the purpose and the stipulations of the Village's Fence Ordinance and the maximum allowed height of three feet. Mr. Knox said that a three-foot fence would not keep out a coyote as he has experience in raising fowl such as peahens, peacocks and swans, and he stated that a coyotes can jump a three foot fence. There was lengthy discussion.

The Zoning Board of Appeals felt that Mr. Knox should use a non-intrusive means to control the neighboring dogs. It was noted that it was the dog owner's responsibility to keep his dogs confined to his own premises, and if neighboring dogs were on Mr. Knox's property, he should contact the Lake County Sheriff's Police Department to file a complaint. Chairman Nass explained to Mr. Knox that the Village and the Lake County Sheriff have worked together to notify residents of their responsibilities when it involves their dogs, and the consequences that arise if the Village Ordinances are not followed. Mr. Knox said that he felt notification would not do anything and he would prefer to have the fence installed.

The ZBA recommended that Mr. Knox contact Trustee Forman (police liaison) as well as call the Lake County Sheriff's Police with regard to the neighboring dogs. It was explained to Mr. Knox that Trustee Forman had previously sent out letters in a similar case, and the dog owners were now in compliance with their dogs and the homeowner had withdrew her request for fencing. The Clerk told Mr. Knox that she would get all the contact information, as well as a copy of the Village Code as it pertained to dogs, and for Mr. Knox and would have the information ready the next business day. The Board said that the matter would be continued to the March 15th Public Hearing.

Motion: Joe DiPino moved to continue the Public Hearing to date certain, March 15, 2005 at 7:30 p.m; seconded by Vice Chairman Cifonelli.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

Chairman Nass declared the motion approved and matter continued to the March 15, 2005 Public Hearing.

4. The following variations are requested in the petition submitted by Mr. Nick Farina and Ms. Jane Jedlicka, 269 Brookside Road, North Barrington, Illinois 60010.

Chairman Nass noted that all requirements had been met by the applicants and explained the variances to the code requested by Mr. Farina and Ms. Jedlicka.

Section ZR-10-1-2(B)

and ZR-10-4-2(A1b): A non-conforming building or use shall not be expanded.

The subject property is non-conforming on account of lot size and building setback.

Section 10-6-3(A):

R-3 Residential Zoning District requires that each lot have an area of at least 40,000 square feet.

The lot area of the subject property is approximately 26,308 square feet.

ZR-10-9-2(A3): From all other public roads or streets the setback shall not be less than 60 feet from the established centerline.

Based on the 60 foot right-of-way established for Brookside Road, the required setback shall be 30 feet as measured from the property line. The existing house is located approximately 12 feet from the front property line.

Chairman Nass asked that the applicants to address the Board explaining their request. Andrew Venamore from Airoom, Inc. introduced himself to the Board and displayed the proposed plans for the addition and alterations to the home. He explained that the homeowners would like to update an existing small master bath space to a more reasonable size and provide a closet for the master bedroom. He explained that the expansion is approximately in the same location of the existing bathroom and will be accomplished by locating a dormer along the front of the home. The dormer will not encroach any further into the front yard than the existing front of the home. Mr. Venamore explained that the addition is proposed to provide a more reasonable use of the existing space and will not detrimentally impact any of the surrounding neighbors. There were some questions from the Board.

Motion: Vice Chairman Cifonelli moved to recommend to the Village Board approval of the requested variances for Mr. Nick Farina and Ms. Jane Jedlicka to construct additions and alterations to the home at 269 Brookside Road, using the plans prepared by Airoom Architects & Builders, dated 12/13/04; seconded by Joe DiPino.

Discussion: There was some discussion.

Vote on Motion

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

Chairman Nass declared the motion approved and that the recommendation would be made to the Village Board. He stated that the next Village Board Meeting was scheduled for Monday, February 28, 2005 at 7:30 p.m. and invited Mr. Farina and Ms. Jedlicka to attend.

5. Adjournment

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

The voice vote was unanimous in favor.

At 8:15 p.m. Chairman Nass declared the meeting adjourned.

These Minutes were approved by the Zoning Board of Appeals at a Hearing held April 12, 2005.

Attest: _____
Kathy Nelander, Village Clerk

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