

MINUTES OF THE NORTH BARRINGTON ZONING BOARD OF APPEALS PUBLIC HEARING HELD TUESDAY, DECEMBER 9, 2008 7:30 P.M. AT THE NORTH BARRINGTON VILLAGE HALL, 111 OLD BARRINGTON ROAD, IN SAID VILLAGE

1. Call to Order & Roll Call

At 7:30 P.M. Vice Chair John Cifonelli called the Public Hearing to order and the Deputy Village Clerk called the roll:

Present in Person: Vice Chair Cifonelli, Ginger Das Gupta, Joe DiPino, and Bryan McGonigal
Absent: Chairman Warren Nass, Carleen Kreider, W. Gene McAlester
Also Present: Kris Lennon, Deputy Village Clerk
Lawre Weiner, 261 Kimberly Road
Brad Sparesus, 463 East Oxford Road

Vice Chair Cifonelli 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. Approve Minutes from the June 10, 2008 Meeting

The Minutes of the June 10, 2008 Meeting were made available to the Board.

Motion: Joe DiPino moved that the Minutes of the June 10, 2008 Meeting be approved as presented; seconded by Bryan McGonigal.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

Vice Chair Cifonelli declared the Minutes of the June 10, 2008 Meeting approved and put on file.

3. The following variations are requested in the petition submitted by Mr. Brad Sparesus, 463 Oxford Road, North Barrington, IL 60010:

Vice Chair Cifonelli explained the variances to the code previously requested by Mr. Brad Sparesus.

ZONING VARIATIONS NEEDED:

The petitioner requests a zoning variation from the existing R-3 Zoning District to permit Petitioner to erect a "Batting Cage" to be maintained on the premises between March 15 and October 1 of each year (and thereafter removed) which will be approximately 55 feet long by 14 feet wide and 12 feet in height and located not less than 10 feet from the side and rear property lines substantially as indicated on the drawing filed with this application, said cage to be constructed with 1 5/8 inch diameter, 16 gauge black powder coated galvanized steel tubing covered with black netting.

Vice Chair Cifonelli invited the applicant to address the Zoning Board of Appeals (ZBA) and explain the reason for the zoning variations.

Mr. Brad Sparesus, 463 East Oxford Road addressed the Board and explained that he would like to create a temporary training apparatus during the spring and summer months for his children. The materials would include black galvanized steel poles with black netting. The batting cage would be erected March 15, weather permitting, through October 1st. Mr. Sparesus stated that batting cage would be an activity that the entire family could use together.

Joe DiPino asked if there would be a pitching machine for the batting cage. Mr. Sparesus replied that there would not be a pitching machine.

Vice Chair Cifonelli noted for the record that Village Health Officer Natalie Karney and Village Forester had no objections to the zoning variations. Additionally, there were no objections from adjacent neighbors to the variance request.

Vice Chair Cifonelli inquired about a shared driveway located south of the applicant's property and if that drive is obscured by trees. It was noted for the record that the shared driveway, south of the applicant's property is utilized by residents residing at 224, 224, 226 Kimberly Road. Mr. Sparesus replied that there are trees which obscure the view between his property and the owners of the shared driveway.

Mr. Sparesus provided pictures to the ZBA of his property with cones displaying where the batting cage would be erected.

Vice Chair Cifonelli asked if the batting cage was previously erected and if it's been taken down at this time. Mr. Sparesus explained that the batting cage was previously erected, and has not been set up for over one year.

Vice Chair Cifonelli asked how the batting cage is affixed to the ground. Mr. Sparesus explained that the batting cage is erected by installing ground sleeves. Mr. Sparesus provide a picture with a description of the ground sleeves to the ZBA. Mr. Sparesus further explained that the ground sleeves are inserted into cement and set into the ground. The ground sleeves are not visible.

Joe DiPino verified that supporting poles of the cage are placed into the ground sleeves. Mr. Sparesus confirmed.

Vice Chair Cifonelli referenced to a Memo dated May 11, 2007, submitted by Village Attorney J.W. Braithwaite. It was noted that it was Attorney Braithwaite's opinion that the batting cage is not a permitted accessory structure and that even if it was considered "playground equipment", the batting cage exceeds the permitted size. The batting cage would need a zoning variation from the existing R-3 Zoning.

Vice Chair Cifonelli stated that there was some ambiguity as to whether the batting cage is a permanent accessory structure due to the applicant's being able to take down the netting during winter months.

Bryan McGonigal noted that the setbacks appeared to be far-off from the surrounding properties and seemed to be isolated.

Ginger DasGupta stated that she lives across the street from the applicant and noted that there is substantial tree coverage during the spring and summer months. The structure would be down after the leaves have fallen when there is more visibility.

Joe DiPino asked if the batting cage would be taken down by October 1st. Mr. Sparesus confirmed.

It was noted for the record that the subject property is 142.40 ft. x 281.13 ft. or 40,032.91 square feet which is a conforming lot size in the R-3 District.

Vice Chair Cifonelli asked the applicant why he feels that there is a particular hardship. Mr. Sparesus explained that he and his wife both work and that their time with their family is limited. Mr. Sparesus has requested to construct the batting cage in order to utilize limited family time with something that is easily accessible and located within a safe environment. Mr. Sparesus added that he is willing to cooperate with neighbors by planting additional landscaping if needed. Cedar saplings were recently planted.

Vice Chair Cifonelli noted that there were no residents present at the meeting and asked Mr. Sparesus if he'd spoken to any neighbors regarding the project. Mr. Sparesus stated that he spoke to the neighbors located on each side of his property.

Motion: Ginger DasGupta moved to recommend to the Village Board approval of the zoning variation requests for Mr. Brad Sparesus to construct a batting cage approximately 55 feet long by 14 feet wide and 12 feet in height and located not less than 10 feet from the side and rear property lines as indicated on the Plat of Survey last dated 04/14/05 for the months of March 15th through October 1st of each year for the property located at 463 East Oxford Road; seconded by Bryan McGonigal.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:

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

Vice Chair Cifonelli 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 December 17, 2008 at 7:30 p.m. and encouraged Mr. Sparesus to attend.

4. Adjournment

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

The voice vote was unanimous in favor.

At 7:55 p.m. Vice Chair Cifonelli declared the meeting adjourned.

These Minutes were approved by the Zoning Board of Appeals at a Meeting held March 10, 2009.

Attest: _____

Kris Lennon, Deputy Village Clerk