

MINUTES OF THE NORTH BARRINGTON ZONING BOARD OF APPEALS PUBLIC HEARING HELD TUESDAY, NOVEMBER 13, 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 7:30 P.M. Chairman Nass called the Public Hearing to order and the Deputy Village Clerk called the roll:

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

Absent: Carleen Kreider

Also Present: Kris Lennon, Deputy Village Clerk
Jeff Ropers, 260 Shady Lane
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. Approve Minutes from the October 9, 2007 Meeting

The Minutes of the October 9, 2007 Meeting were made available to the Board.

Motion: Bryan McGonigal moved that the Minutes of the October 9, 2007 Meeting be approved as presented; seconded by Vice Chair Cifonelli.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

Chairman Nass declared the Minutes of the October 9, 2007 Meeting approved and put on file.

3. The following variations are requested in the petition submitted by Mr. & Mrs. Jeff Ropers, 260 Shady Lane, North Barrington, IL 60010:

Chairman Nass explained the variances to the code requested by Mr. & Mrs. Jeff Ropers.

Section 10-11-2(A): No fence shall be located in a front yard.

The proposed fencing along the south property line will extend approximately twenty five feet (25') into the front yard.

Section 10-11-2(B): Except as otherwise permitted or required by this chapter or by this code, no fence shall be more than forty two inches (42") in height at any point.

The proposed fencing along the south property line will be six feet (6') in height.

Section 10-11-2(F): Every fence shall be constructed with at least fifty percent (50%) open space between the elements of which the fence is constructed in order that one may see through the fence when viewed in a direction perpendicular to the fence.

The proposed fencing along the south property line will be a solid, privacy type, fence with zero percent (0%) open space between the elements of which the fence is constructed.

Chairman Nass invited the applicant to address the Zoning Board of Appeals (ZBA) and explain why he is seeking a zoning variation in order to construct a stockade fence. Mr. Ropers stated that he and his family have resided at the property for approximately three years. He and his wife have three daughters who are 7, 5, and 2 years of age. Mr. Ropers explained that the house next door, located at 254 Shady Lane has been mostly vacant and quiet since the purchase of their house, however, renters recently moved in, creating a lot of traffic and activity around the house; additionally, foliage located along the southern property line has been thinned out reducing the amount of privacy between the two houses. The current renters have 3 dogs which on several occasions have crossed onto the Ropers' property; Mr. Roper did note that that when the dogs crossed onto their property, the dogs were retrieved. Mr. Ropers' concern is that their back yard is not secure and the children cannot be left outside by themselves.

Mr. Ropers further explained that there is an existing stockade fence currently on their property and that he is looking to match the proposed fence with the existing fence. The reason the proposed fence extends into the front yard is so that it will blend in with the established tree line and close in the backyard securing the children's play area from straying animals and passers-by.

Chairman Nass asked Mr. Ropers if he was aware that the existing stockade fence is illegal and non-conforming and that he is asking the ZBA to recommend the construction of a non-conforming fence. Mr. Ropers replied that the existing fence was there when they purchased the house.

It was noted that Mr. Ropers has not been able to contact the owner of the house however; Mrs. Ropers has been in communication with the wife of the family who is renting the property who has been somewhat agreeable, but always after the fact.

Bryan McGonigal stated that he drove by the property located at 254 Shady Lane prior to the ZBA meeting. The dogs were outside but did not appear to be threatening. The dogs did not leave the yard but did walk down and noticed him sitting in his car.

Joe DiPino stated that he recently drove past the residence located at 254 Shady Lane and did not notice the dogs outside. He asked Mr. Ropers what kind of dogs live at the residence. Mr. Ropers answered that one is a bulldog, and that he did not know the breed of the other two.

Vice Chairman Cifonelli asked Mr. Ropers if he contacted the Village about the dog issue. Mr. Ropers stated that he personally spoke with Village President Bruce Sauer who stopped by their residence to speak with them about the dogs and explained the various procedures to pursue. Subsequent to his visit with the Ropers, President Sauer visited the property at 254 Shady Lane and spoke with the renters about their dogs. Mr. Ropers later contacted the Village to inquire about the zoning variation process after the dogs came onto their property during the summer as well as, other ongoing activities at rented house.

Janis Menges questioned whether the actual owner of 254 Shady Lane is actually aware of the situation. Mr. Ropers stated that the name which appears on the tax records for 254 Shady Lane is Sebastian Twardowski.

It was noted that the police have been contacted about the activity at 254 Shady Lane. The Ropers also have concerns about the number of cars which constantly park at the house and onto their property. Cars enter and leave the Biltmore subdivision operating at high levels of speed. Mr. Ropers explained that their fear is that someone will get injured.

It was noted that the Lake County Health Department/Animal Control has not been contacted.

Chairman Nass asked if consideration was given to planting natural barriers as opposed to constructing a fence. Mr. Ropers stated that a natural barrier would not keep out angry dogs.

Joe DiPino asked if the neighbors have an invisible dog fence. Mr. Ropers stated that he noticed white flags in the yard and monitored the effectiveness. It appeared that the invisible fence was not effective.

There was discussion about constructing a conforming fence and planting trees for privacy. Mr. Ropers stated that they've considered many options, but ultimately decided on the fence that has been proposed.

Janis Menges noted that a fence would solve the Roper's problem, but that it would not solve the dog problem.

Joe DiPino referenced page 2 of Mr. Ropers letter to Chairman Nass and asked if circumstances have quieted since the police were called to the residence at 254 Shady Lane. Mr. Ropers replied that audibly things have improved, but there are still numerous cars constantly on the property.

Chairman Nass explained that while he sympathizes with the situation, he suggested that the Ropers contact the Lake County Health Department/Animal Control regarding the dog issue and plant evergreens to secure privacy between the two houses. Chairman Nass stated that ZBA makes a recommendation to the Village Board and encouraged Mr. Ropers to attend the next Village Board meeting to explain his circumstance.

Vice Chair Cifonelli stated in his opinion, that the first step of recourse for the Ropers should be with the Village; that the Village needs to enforce its ordinances.

Motion: Vice Chair Cifonelli moved to recommend to the Village Board denial of the variance requests for Mr. & Mrs. Ropers to construct a fence on the property of the existing home located at 260 Shady Lane; seconded by Janis Menges.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:

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

Chairman Nass declared the motion approved and that the recommendation for denial would be made to the Village Board. He stated that the next Village Board Meeting was scheduled for November 19, 2007 at 7:30 p.m. and encouraged Mr. & Mrs. Ropers to attend.

4. Adjournment

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

The voice vote was unanimous in favor.

At 7:58 p.m. Chairman Nass declared the meeting adjourned.

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

Attest: _____
Kris Lennon, Deputy Village Clerk