

ZONING BOARD OF APPEALS MEETING MINUTES
Wednesday, August 19, 2020

Call to Order: Chairman Zinni called the meeting to order virtually over Zoom at 5:30 p.m.

Roll Call:

Present: Members Chichirillo, Eckert, Eichholz, Hendle, Priestly, and Zinni

Absent: None.

Staff: Patrick N. Watkins, Community Development Director, Caron Bricks, Planner, Brian Joanis, Administrative Intern

Member Priestly joined the meeting at 5:52 PM.

Approval of the Agenda: Member Eichholz moved to approve the agenda as presented. Member Eckert seconded the motion and the motion carried (5-0) by a voice vote.

Approval of the Minutes: Member Eckert asked for clarification on the discussion of a neighboring fence at 152 Linden Avenue. Planner Bricks stated that she would review the meeting recording and adjust the minutes as necessary. Member Hendle moved to approve the minutes as edited, if necessary by Planner Bricks. Member Eckert seconded the motion and the motion carried (4-0, Member Eichholz abstained) by a voice vote.

Consideration of Petitions:

A. ZBA 20-454: Lewis, 562 Siems Circle: Corner side yard setback – 6' 50% open fence
Member Eckert made a motion to open public hearing for ZBA 20-454, seconded by Member Eichholz. The motion carried (5-0).

Chairman Zinni stated that the proper notice had been served. Planner Bricks presented the staff report. The property owner is requesting a variation to construct a 6' chain link fence in his corner side yard in lieu of the 3' 70% open fence permitted.

Chairman Zinni asked for clarification of where a 6' fence would be permitted. Planner Bricks confirmed that it would be allowed in line with the edge of the building.

Chairman Zinni asked if there were any comments from the members and there were none.

Chairman Zinni swore in Joe Lewis, 562 Siems Circle. Mr. Lewis stated that he would like to install metal posts instead of wood posts. Planner Bricks stated that this would be part of his request and it would not be an issue to change. Member Chichirillo clarified the type of fence being installed.

Discussion between staff, members, and Mr. Lewis occurred regarding the variation needed for fences in corner side yards.

Chairman Zinni stated that he would like the fence to be 18' (height of the fence times 3) from the property line to provide clearance around the sidewalk. Discussion occurred regarding how Chairman Zinni arrived at 18' setback and whether any members supported the idea.

Member Eichholz stated that as the neighbors support this request, he also supports the request. Member Hendle stated that the fence appears to be 3' off the property line and is fine with that location. He stated that he appreciates the change to metal posts as he thinks that is a more attractive appearance. He supports the request.

Member Eckert asked for clarification of how far the fence is from the sidewalk. Mr. Lewis stated that is likely 18 inches from the sidewalk.

Member Priestley joined the meeting at 5:52 PM. She had been on the call since the call to order at 5:30 PM but due to technical issues, could not be heard. She heard all of the testimony.

Member Hendle made a motion to close the public hearing, seconded by Member Eckert. The motion carried (6-0).

Member Hendle made a motion to approve the findings of fact, seconded by Member Eichholz. The motion carried (5-1).

Member Eichholz made a motion to approve the variation with metal posts in lieu of the wooden posts originally proposed, seconded by Member Eckert. The motion carried (5-1).

B. ZBA 20-455: Mills, 425 W. Ardmore Avenue: Corner side yard setback – 6' 0% open privacy fence

Member Hendle made a motion to open public hearing for ZBA 20-455, seconded by Member Eichholz. The motion carried (6-0).

Chairman Zinni stated that proper notice had been served. Planner Bricks presented the staff report. Mr. Mills applied for a fence in 2012. The permit was approved for a fence at the 30' setback line. However, it does not appear that the fence was not installed at the setback line, but rather within the corner side yard setback.

An above ground pool permit was applied for in 2014. The location of the pool was approved within the required corner side yard setback, in violation of the zoning ordinance. Mr. Mills would like to replace his existing fence, which has fallen over due to storms, in the same location with the same materials.

Chairman Zinni swore in Chuck & Serena Mills, 425 W. Ardmore Avenue.

Mr. Mills stated that he understands that the location of his fence will not impact visibility at the corner of Ardmore and West End. With the high school across the street, having a fence nearer their property line to provide security for their property and to keep people out of their pool.

Member Eichholz asked about the neighbor to the rear's fence location. Mr. & Ms. Mills stated that their neighbor's fence is located closer to the street than their fence. Planner Bricks clarified that the property to the rear is unincorporated and not subject to the Village's fence requirements.

Member Chichirillo asked if they would like to replace the fence in the current location or have the fence match the location of their neighbor's fence. Ms. Mills stated that she would like to make it uniform, but is open to keeping the fence where it is.

Member Hendle stated that he is concerned that they would be fencing in part of the right-of-way and he would not want to approve that. Discussion occurred regarding the location of the existing fence in relation to the property line and the curb of West End Road.

Chairman Zinni asked for comments from the public and there were none. Chairman Zinni asked if there were any questions from the ZBA members. There were none. Member Hendle made a motion to close the public hearing, seconded by Member Eichholz. The motion carried (6-0).

Member Eichholz made a motion to approve the findings of fact, seconded by Member Hendle. The motion carried (6-0).

Member Eckert made a motion to approve the variation subject to the fence being replaced in the same location as the existing, seconded by Member Eichholz. The motion carried (6-0).

C. ZBA 20-456: Szatrowinski, 810 Woodside Drive: Corner side yard setback – 6' 0% open fence

Member Eichholz made a motion to open public hearing for ZBA 20-456, seconded by Member Eckert. The motion carried (6-0).

Chairman Zinni stated that proper notice had been served. Planner Bricks presented the staff report. The current owners have an existing privacy fence at the building line, as permitted by code. They also have a chain link fence at the sidewalk within the required corner side yard. They have requested a variation so they can enclose the corner side yard with a privacy fence for their pets.

Planner Bricks stated that she received public comment from Dan Peel at 806 Meade Lane stating that he is concerned that a privacy fence will block the view from vehicles backing out of and pulling in to his driveway.

Chairman Zinni swore in Daniel Szatrowinski, 810 Woodside Drive. The internet connection was poor and the commissioners could not understand his original statement. The connection improved and he stated that he wants a taller fence near the sidewalk as his dogs have previously escaped and the fence will be far enough from the street that he does not feel he will have impact on the neighbors.

Chairman Zinni swore in Slawomir Popiel, 993 Woodside Drive. Mr. Popiel stated that he lives very close to Mr. Szatrowinski and he supports the request.

Mr. Szatrowinski stated that he spoke to neighbors and believes many are in favor as well. However, the connection was poor and he was not very clear.

Chairman Zinni swore in Sylwia Bogdanik, 810 Woodside Drive. She stated that she spoke with neighbors and that they support their request. She does not believe that the fence will impact the neighbors who submitted comments.

Member Eichholz asked if the neighbor on Meade was on the call. Planner Bricks stated that she did not believe they were.

Member Chichirillo asked if the current chain link fence was permitted. Planner Bricks stated that if it was 3' tall, than a variance would not have been necessary. Mr. Szatrowinski and Member Hendle confirmed that it was 3' tall.

Member Hendle stated that he reviewed this case closely as he shared the same concerns as the neighbor. The existing fence is set back several inches from the sidewalk. The main issue for the proposed fence is providing clearance for the neighbor

to back out of their driveway. Per his calculations, he believes the fence should be a minimum of 3' off the property line.

Mr. Szatrowinski stated he would agree to install the fence setback several feet from the property line.

Member Eckert agreed with Member Hendle and would like to see the fence setback from the property line.

Member Chichirillo stated that he would also like to see it setback from the property line. It is a busy intersection and he would be comfortable with 5' from the property line. Mr. Szatrowinski did not think it was very busy area, but he would agree to the 5' setback.

Member Hendle stated that they are here to prevent issues, not allow them to happen. Member Eckert asked Member Chichirillo to confirm that he would prefer a 5' setback, he confirmed. Chairman Zinni stated that he agreed with the setback as well as it will improve visual and safety.

The Commissioners discussed calculating a good setback from the property line for the fence. Chairman Zinni stated he would prefer 5' setback instead of 3'.

Chairman Zinni asked for comments from the public and there were none. Chairman Zinni asked if there were any questions from the ZBA members. There were none. Member Hendle made a motion to close the public hearing, seconded by Member Eckert. The motion carried (6-0).

Member Eckert made a motion to approve the findings of fact subject to the fence being setback 5' from the property line, seconded by Member Hendle. The motion carried (6-0).

Member Eckert made a motion to approve the variation subject to the fence being setback 5' from the property line, seconded by Member Chichirillo. The motion carried (6-0).

Old Business: Planner Bricks and Director Watkins updated the members on the status of the Zoning Ordinance update.

New Business: Director Watkins announced his retirement from the Village.

Adjournment: The meeting concluded at 6:30 p.m.