

ZONING BOARD OF APPEALS  
MEETING MINUTES  
May 15, 2013

**Call to Order:** Chairperson Pro Tem Rhode called the meeting to order in the Roselle Village Hall Council Chamber at 7:09 p.m.

**Roll Call:**

Present: Members Cliff Lewis, Tom Piorkowski, Terry Walloch, as well as Chairperson Pro Tem Richard Rhode

Absent: Member Josh Bickford and Chairperson Bob Stare

Staff: Bob Zimmerer (Planner)

**Approval of the Agenda:** Member Piorkowski moved to approve the agenda for the meeting as presented. Member Walloch seconded the motion and the motion carried (5-0) by a voice vote.

**Approval of Minutes:** Member Lewis moved to approve the minutes for the meeting of December 12, 2012 as presented. Member Piorkowski seconded the motion and the motion carried (5-0) by a voice vote.

**Consideration of Petitions:**

A. ZBA 13-426 – Stoffel @ 130 W. Glendale Terrace – Fence Height (Corner Side Yard)

Chairperson Pro Tem Rhode asked for a motion to open the public hearing for ZBA 13-426. Such a motion was made by Member Piorkowski and seconded by Member Walloch. The motion carried (5-0) by a voice vote.

Planner Zimmerer provided an overview of the petition. The highlights from Mr. Zimmerer's overview are as follows:

- The homeowner would like to construct a fence in the northern yard of their property – including in the northern half of their corner side yard; however, the fence would be five feet (5') in height and the Village's Code of Ordinances limits fences in the corner side yard to three feet (3') in height.
- The request amounts to a 67% increase.

- The fence, as proposed, would meet all other requirements – including the “openness” provision of the Code of Ordinances, which states, “When located in a front yard or corner side yard, [fences] shall be at least seventy (70) percent open.”
- Since the petitioner could install most of the fence without a variance (i.e. all portions except those within the corner side yard, which encompasses the westernmost 30 feet of the property), before the petitioner applied for a variance, Staff asked the petitioner to consider not installing the portion of the fence in the corner side yard.
- However, the petitioner considers the portion of the corner side yard to the north of the residence to be part of her rear yard and would like it enclosed along with the rest of the rear yard.

Chairperson Pro Tem Rhode then asked whether the petitioner wanted to testify.

The primary arguments of the petitioner, Shari Stoffel, of 130 W. Glendale Terrace, were as follows:

- She would like to enclose the northern portion of her property for her dogs, and a fence three feet (3') in height would be too short for that purpose.
- Because the fence would be bronze in color and wrought iron in style, the fence would “blend in” with the neighborhood.
- If she installed the fence as required by the Code of Ordinances (i.e. flush with the west wall or corner side yard setback line), it would cut through the middle of the northern/rear yard and require her to remove a good amount of mature landscaping.
- There is widespread support from neighboring owners of property, and she submitted several letters of support for the petition from neighboring owners to the chair. (Those letters are attached hereto and made a part hereof.)

Chairperson Pro Tem Rhode then asked whether there were any questions for Staff or the petitioner.

Member Lewis asked why there was not a public sidewalk at this location. Planner Zimmerer responded that the Village typically requires owners of property to install a public sidewalk upon annexation; however, in this particular case, the Village elected not to require one.

Chairperson Pro Tem Rhode then asked whether anyone in attendance wanted to speak in favor of, or in opposition to, the petition.

Warren & Joan Messamore of 6N330 Oak Street, as well as Richard Lehpamer of 6N316 Oak Street, spoke in favor of the petitioner and the petition.

No one spoke against the petition.

Chairperson Pro Tem Rhode then facilitated a discussion of the petition by the board.

Member Walloch indicated that, in the past, the board asked petitioners to place their fence further back from the right-of-way when it was higher than three feet (3') and in the corner side yard. Thus, he preferred a larger setback.

Chairperson Pro Tem Rhode asked Staff where a public sidewalk would be – should the Village ever install one at this location. Planner Zimmerer responded that a public walk is typically one foot (1') away from the property line – assuming there are no grading or other unique concerns.

Member Lewis indicated that the fence was far enough back from the right-of-way as proposed, and, therefore, was “okay” with the petition.

Member Piorkowski stated that the request was very reasonable – especially compared to other petitions the board had considered during his tenure.

Chairperson Pro Tem Rhode indicated that he favored the request because it would prevent the removal of the mature trees and landscaping. However, he asked the petitioner to consider installing the fence at an angle in its southwestern limits to lessen the impact.

After some clarification as to what Chairperson Pro Tem Rhode was proposing, the other members of the board expressed their support for the modification as well, and the petitioner agreed to make the modification.

Chairperson Pro Tem Rhode then asked for a motion to close the public hearing for ZBA 13-426. Such a motion was made by Member Piorkowski and seconded by Member Walloch. The motion carried (5-0) by a voice vote.

Chairperson Pro Tem Rhode then asked for a motion to find the findings of fact in favor of the petitioner for the variation request associated with ZBA 13-426. Such a motion was made by Member Lewis and seconded by Member Walloch. The motion carried (5-0) by a voice vote.

Chairperson Pro Tem Rhode then asked for a motion to approve the variation request associated with ZBA 13-426 with the condition that the petitioner installs the fence at an angle in its southwestern limits (in the central part of the corner side yard). Such a motion was made by Member Walloch and seconded by Member Piorkowski. The motion carried (5-0).

**Old Business:** There was none.

**New Business:** Planner Zimmerer provided an overview/update of various developments/projects going on in the Village.

**Adjournment:** Chairperson Pro Tem Rhode then called for a motion to adjourn. Member Piorkowski made such a motion, and Member Walloch seconded the motion. The motion carried (5-0) by a voice vote, and the meeting concluded at 7:51pm.