



Decision filed, and draft minutes approved on May 14, 2020.

I. CALL TO ORDER

Chairperson Dickman called the meeting to order at 5:06pm via remote teleconferencing.

II. ROLL CALL

Chair: Max Dickman
Members: Dan Rosenfeld Barry Chaet
Amy Krier
Ben Minkin

Also Present: Village Manager Andy Pederson
Trustee Mike Barth
Administrative Services Director Lynn Galyardt
Attorney Christopher Jaekels
There were six people in the audience

III. PUBLIC HEARING

- A. The purpose of the public hearing is to consider the request for a special exception by Jeff and Elizabeth Billings, for the property located at 9377 N Regent Road to replace existing fence with a 760 foot linear fence that is 15% open, contrary to section 104-125 (1).**

Chairperson Dickman read the above meeting notice and called for public discussion at 5:07pm.

1. Public Discussion

Chairperson Dickman stated he had read the letters sent by the neighbors and noted the questions raised by the neighbors are to be dealt with by the Village and will not be addressed at this meeting.

Jeff Billings, homeowner, stated the existing chain link fence is in disrepair and they are looking to replace it with a 760 foot linear fence that is 15% open, contrary to section 104-125 (1). Mr. Billings noted the current fence crosses on to the neighbor's property in several place and they want to replace it with a fence rated for pool safety as suggested by their insurance company and recommended by their contractor.

Trustee Barth stated there are struggles to get a fence code to have everyone agree and opposes the project noting this would open a floodgate to allow others to request to put up fences that are not compliant with code.

Barry Chaet stated he felt pool safety was important.

Chairperson Dickman stated he thought there were other types of fences that could be put up that meet code.

Mr. Billings stated they had looked at cedar fences, however they appeared to wear down quickly and they were looking for a fence that would last and have pool safety, wind safety and not tempt people to try to climb to get into the pool area. Mr. Billings noted they were going off of the recommendation of the fence company.

Ken Force, 9410 N Fairway Drive, stated he is not happy with an obscure fence and is concerned about the density.

Mr. Billings stated the fence has 3" pickets with a ½ inch space between and the fence contractor is unable to make the space larger as the fence has predrilled holes and noted they had wanted the 6 foot fence for more privacy as there are six homes that abut their property.

Ben Minkin questioned how far from the fence Mr. Force's house was located. Mr. Force stated currently it is 100 feet, however it will be at 80 ft when the fence project is completed.

2. Board Discussion

Barry Chaet stated he believed the Billings did their due diligence by talking to different contractors and relying on their contractor for recommendation. Dan Rosenfeld noted he agreed.

Chairperson Dickman stated the goal of the Billings is to purposely build something contrary to the code and doesn't see a hardship for the Billings.

Amy Krier questioned if the other neighbors were in agreement with the fence project. Mr. Billings stated four of the six neighbors were in agreement with the project.

Manager Pederson stated in the past recommending different sections of the fence have different types of openness means the homeowner has had to come up with up to six different types of fences, creating a hodgepodge looking fence.

Attorney Jaekels stated the Board has to find that compliance with the code would be unreasonably burdensome, or unreasonably and negatively impact the use of the property, and would be consistent with the existing character of the neighborhood, would not undermine the ability to apply or enforce the requirement with respect to other property, and would be in harmony with the general purpose and intent of the ordinance prescribing the requirement.

Ben Minkin noted one code that applies to all properties does not work and if he was a neighbor he would prefer to look at a neat clean fence.

Barry Chaet stated this does meet the burden, noting the homeowner came prepared, three of the four contractors were concerned about the wind and there is not even a quarter inch difference between what meets code and what they are proposing.

Paul Gondek, 9355 N. Regent Road, stated he is opposed to the fence, noting going to this type of fence is detrimental to the area.

Dan Rosenfeld questioned if the applicant would like the Board to not take action tonight and take 30 days to come up with another option.

Mr. Billings stated they would take the time to research other options.

B. The purpose of the public hearing is to consider the request for a special

exception by Steve Cramey, for the property located at 8635 N Pelham Pkwy to place a shed less than 10 feet from the south property line contrary to section 125-91(c).

1. Public Discussion

Steve Cramey, homeowner, stated he placed the shed less than 10 feet from the south property line contrary to section 125-91(c) due to the stability of the soil in the surrounding area, the location being the only flat spot near the lot line and not in the telephone pole cabling support system.

Attorney Jaekels questioned if this was new shed. Mr. Cramey stated it was.

2. Board Discussion

There was no board discussion.

Chairperson Dickman closed the public hearing at 6:02pm.

IV. APPROVAL OF MINUTES

A. April 27, 2020 Board of Zoning Appeals Public Hearing and Meeting.

Motion by Ben Minkin, seconded by Barry Chaet, to approve the minutes of the April 27, 2020 Board of Zoning Appeals Public Hearing and Meeting. Motion carried unanimously.

V. BUSINESS

A. Discussion/recommendation on the request for a special exception by Jeff and Elizabeth Billings, for the property located at 9377 N Regent Road to replace existing fence with a 760 foot linear fence that is 15% open, contrary to section 104-125 (1).

Motion by Dan Rosenfeld, seconded by Ben Minkin, to table the project for 30 days to determine if the applicant can find a fence that meets code. Motion carried unanimously.

B. Discussion/recommendation on the request for a special exception by Steve Cramey, for the property located at 8635 N Pelham Pkwy to place a shed less than 10 feet from the south property line contrary to section 125-91(c).

Motion by Barry Chaet, seconded by Amy Krier, to recommend to the Board of Trustees approval on the request for a special exception by Steve Cramey, for the property located at 8635 N Pelham Pkwy to place a shed less than 10 feet from the south property line contrary to section 125-91(c). Motion carried unanimously.

VI. ANY OTHER BUSINESS AS MAY PROPERLY COME BEFORE THE BOARD

VII. ADJOURNMENT

Motion by Dan Rosenfeld, seconded by Barry Chaet, to adjourn the meeting at 6:04pm. Motion carried unanimously.

Respectfully submitted,

DRAFT