



Decision filed, and draft minutes approved on August 25, 2021.

I. CALL TO ORDER AND ROLL CALL

Chairperson Dickman called the meeting to order at 5pm.

Chair: Max Dickman
Members: Darren Fisher
Amy Krier
Ben Minkin-Excused
Eido Walny-1st alternate
Dan Rosenfeld-2nd alternate
Barry Chaet-Excused

Also Present: Village Manager Andy Pederson
Assistant to the Village Manager Leah Hofer
Village Attorney Chris Jaekels
Administrative Services Director Lynn Galyardt
There were two people in the audience.

II. PUBLIC HEARING

A. The purpose of the public hearing is to consider the request for a special exception by Mike and Stephanie Tack, for the property located at 9300 N Fairway Dr, to allow an installed tree house to remain in place, contrary to Section 125-90(b) (5).

Chairperson Dickman read the above meeting notice and called for public discussion at 5:01pm.

1. Public Discussion

Mike Tack, 9300 N Fairway Dr, outlined the process they took to build the tree house during a 10-week process of building the tree house around the existing tree stating a relative helped them build the structure. The tree house was built due to COVID-19, knowing they would be homebound with their three children, the fact that pre-built structures were already in short supply and the area was the only logical place to build the structure.

2. Board Discussion

Dan Rosenfeld questioned if the Tack's had a survey provided to them when they purchased the home. Mr. Tack stated they did not have a survey and Ms. Tack noted they had been able to find one of the stakes in the ground and used it to measure to verify the structure was on their property.

Chairperson Dickman questioned if there were guidelines the Commission could focus on such as could the Board request the climbing wall be moved or a fence installed. Attorney Jaekels stated the code allows for an accessory structure to be placed 10 feet from the property line and noted the Commission could allow the structure to encroach on the 10 feet, could set a time period of number of years and the structure would need to be removed, instruct the property owners to add plantings.

Eido Walny questioned what Mr. Dugan's concerns were about the structure. Manager

Pederson stated Mr. Dugan had several concerns such as the location was on his property, the structure was too high, and if someone fell out onto his property would he be liable.

Manager Pederson noted should the Board of Zoning Appeals approve the special exception the property owners would need to receive Architectural Review Committee approval and the Village Board would need to approve the special exception.

III. APPROVAL OF MINUTES

A. June 2, 2021, Board of Zoning Appeals Public Hearing and Meeting.

Motion by Eido Walny, seconded by Darren Fisher, to approve the minutes from June 2, 2021, Board of Zoning Appeals Public Hearing and Meeting. Motion carried unanimously.

IV. BUSINESS

A. Discussion/recommendation on the request for a special exception by Mike and Stephanie Tack, for the property located at 9300 N Fairway Dr, to allow an installed tree house to remain in place, contrary to Section 125-90(b) (5).

The Board discussed what could be done to prevent access to the back of the structure to avoid trespassing on the Dugan's, such as fence being placed directly on the property line. Attorney Jaekels stated a motion should include what will need to be done should the tree die.

Motion by Dan Rosenfeld, seconded by Darren Fisher, to recommend approval to the Board of Trustees the request for a special exception by Mike and Stephanie Tack, for the property located at 9300 N Fairway Dr, to allow an installed tree house to remain in place, contrary to Section 125-90(b) (5) due to the location being the best place for the treehouse to be placed provided it is removed after 15 years; a fence section that is 20 feet wide and allowed to weather to a natural color is installed behind the tree house; if the tree dies the structure is treated as non-conforming and cannot be rebuilt; the climbing wall on the back side is removed; and all of the findings adhere to Section 12-57. Motion carried unanimously.

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

None

VI. ADJOURNMENT

Motion by Darren Fisher, seconded by Eido Walny, to adjourn the meeting at 5:25pm. Motion carried unanimously.

Respectfully submitted,

Lynn Galyardt
Administrative Services Director