



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, MAY 2, 2018

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Chairman Patrick Duffy
Mike Boyer
John Kolleng
Christine Norrick
Michael Robke
Reinhard Schneider
Bob Surman

Members Absent: None

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

Chairman Patrick Duffy called the meeting to order at 7:30 p.m.

II. 2018-Z-19 1163 Romona Road

See the complete case minutes attached to this document.

III. 2018-Z-18 34 Canterbury Court

See the complete case minutes attached to this document.

V. Approval of the April 4, 2018 Meeting Minutes

Mr. Schneider moved to approve the April 4, 2018 meeting minutes.

Mr. Robke seconded the motion and the voice vote was all ayes and no nays. Motion carried.

VI. Public Comment

There was no public comment.

VII. Adjournment

The meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Lisa Roberts
Assistant Director of Community Development

3.0 TESTIMONY, COMMENTS, AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Ms. Jane Hall, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 2.0' fence height variation and a fence openness variation to permit the installation of 6.0' tall solid fence in a front yard. The Village Board will hear this case on May 22, 2018.

3.22 The applicant said she is requesting to close the yard from the existing fence to the corner of her screened porch. She cannot pull the fence back farther because there is an existing patio. She wants a 6' high fence because the current fence is 6'. She has two German shepherds. She could make the fence open because there is a lot of tree cover, but she didn't want the dogs to bark at everyone going by. There is a lot of foot traffic and dog traffic.

3.23 Mr. Boyer clarified that the current fence ran from the south to the west corner or the length of the neighbor's property line.

3.24 Chairman Duffy said that the fence stops just before the front yard setback or west of their porch. The fence goes from the rear corner to about the front of the house.

3.25 Mr. Surman said if this was being compared to the case from two weeks ago with the fence in the front yard, tonight's case has the fence in the side yard. Is that correct?

Ms. Roberts said that this considered the front yard due to property orientation. The setback required is 57' and that corner of the house is at 54'. The fence is on an angle towards the street so at least some of the fence is in the 57' front yard setback.

3.26 Mr. Surman asked if the fence would be permitted at 57'.

Ms. Roberts said that it would be permitted at 57.01'.

3.27 Ms. Norrick asked if the property had two front yards.

The applicant said she is on a corner. The front of her house faces Illinois, but the address is Romona.

3.28 Chairman Duffy explained that the way the front yard is defined is the shorter of the two would be the front yard and along Illinois is a side yard.

3.29 Mr. Surman asked if the fence would parallel the porch.

The applicant said that the fence would angle into the existing fence. There is a break between bushes and the new fence will not be visible from the street.

3.30 Mr. Surman asked if there was a fence along the back and on the west.

The applicant said there are no fences there at this time. This is part of the request, but it does not require a variance. She will close off that portion.

3.31 There was no one in the audience to speak on this case.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

5.1 Mr. Boyer said that overall this is a small request. It will not impact neighbors. This turns on the orientation of the house siting on the lot. All standards of review are met, and he can support the request.

5.2 Ms. Norrick agreed with the above comments. The house is uniquely oriented on the lot and she believes that the request is appropriate. She can support the request.

5.3 Mr. Robke said that the orientation is the hardship. He can support this request.

5.4 Mr. Surman agrees that the hardship is the orientation. He can support the request.

5.5 Chairman Duffy said that this is a minimal request and he can support the request. The shape of the lot as well as what is side yard and what is front yard impacts how the house is sited.

6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for a 2.0' fence height variation and a fence openness variation to permit the installation of 6.0' tall solid fence in a front yard at 1163 Romona Road in accordance with the plans submitted.

6.11 Ms. Norrick seconded the motion and the vote was as follows:

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Christine Norrick	Yes
Michael Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes

Motion carried.

6.2 Mr. Kolleng moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-19.

6.21 Mr. Surman seconded the motion and the voice vote was all ayes and no nays.

Motion carried.

7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F and the fence variation standards of Section 5.4.F.h of the Zoning Ordinance. The particular physical conditions of the property, its location as an irregular corner lot and the siting of the house on the lot, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the orientation of the lot and house. The difficulty prevents the owner from making reasonable use of their property with an enclosed backyard space. The proposed variations will not impair an adequate supply of light and air to adjacent properties or otherwise injure other properties and its use. The variations if granted will not alter the essential character of the neighbor.

The fence provides backyard enclosure for a corner of the property that faces Romona Road. At this point, Romona Road is fairly busy, connecting between Lake Avenue and Illinois Road. The fence is consistent with other fences in the neighborhood. The location of the fence within the front yard will not be noticeable; it will allow the fence to reach the front corner of the house at the sunroom and will look consistent with other homes in the neighborhood. Existing landscaping will largely shield the fence from view.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends granting a request for a 2.0' fence height variation and a fence openness variation to permit the installation of 6.0' tall solid fence in a front yard at 1163 Romona Road in accordance with the plans submitted.

3.0 TESTIMONY, COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

3.1 Persons appearing for the applicant

3.11 Ms. Healy Rice, architect

3.12 Mr. Rick Redmond, applicant

3.2 Summary of presentations

3.21 Ms. Roberts said that this is a request for a 2.0' fence height variation to permit the replacement of an 8.5' tall solid fence. The Village Board will hear this request on May 22, 2018.

3.22 Ms. Rice said that the applicants were at the meeting. They want to replace an existing double-sided stockade fence that is in poor shape. It is along the west side of the property. It currently is 8.5' tall due to unique circumstances. The property is the original coach house for the main house on Sheridan Road. That house is 13' higher at its footprint than the applicant's house. As a result, there is an aesthetic screening they hope to achieve and there is a functional purpose for a new fence because there is a driveway and a garage at the bottom that back up to the property. There is a water situation they are trying to mitigate and minimize the exposure to the applicant's home. There is a concrete retaining wall to help deflect water away from the owner's house. The new fence would sit above that to provide an aesthetic improvement. The next-door neighbors support the request and know that the current fence is in poor condition. They are replacing what is existing and the fence is to the rear of the property and little can be seen from the street. People would look over the fence if they were on Sheridan Road. This is a reasonable request for a minimal variation.

3.23 Chairman Duffy referenced the letter, which states the fence is 8' and then this is crossed out and 8.5' is shown. What height is the fence?

Ms. Rice said that the fence is 8.5' high. The landscape architect did the original plans and the height was recalculated to be 8.5'.

3.24 Chairman Duffy and Mr. Surman both measured the fence. Chairman Duffy said that it is 7'10" at its highest point at the northwest corner where there is a stone foundation that it sets on. The rest of the fence is 6'6", which is standard height for a stockade fence.

3.25 Mr. Surman said he has never seen an 8' high stockade fence.

Ms. Rice said that the landscape architect drew the plan.

- 3.26 Mr. Surman said that 8'6" might be at the far north end of the fence.
Chairman Duffy measured 7'10" in that location.
- 3.27 Mr. Surman said that most of the fence that he measured was 6'6".
- 3.28 Chairman Duffy said he measured from the brick patio to the fence.
- 3.29 Mr. Surman explained where he measured.
- 3.30 Both Chairman Duffy and Mr. Surman shared pictures they took.
- 3.31 Mr. Surman said that this is not really a replacement but is a fence that is 2' taller than what is there.
- 3.32 Chairman Duffy said he asked Ms. Roberts how they are determining fence height.
Ms. Roberts said that adjacent grade to the east or west is measured for fence height.
- 3.33 Chairman Duffy said that if was looking at the fence from the applicant's side yard, where is he looking for adjacent grade to measure from.
Ms. Roberts said that one would look at the east side of the fence.
- 3.34 Chairman Duffy said that the ground is at two different levels because they have a step down at the north end.
Ms. Roberts said she would look at that as the fence being at the top of the existing retaining wall.
- 3.35 Chairman Duffy clarified that they are talking about fence height above the stone.
Ms. Roberts said she would measure it from the brick patio.
- 3.36 Chairman Duffy said one would measure from the brick to the top and that is the highest part of the fence. If the request were to be granted, it would be 8.5' from a specific point and not as how it is shown on their drawing. The drawing shows the fence to be 8.5' high on the top of the retaining wall at the northern end of the lot.
- 3.37 Ms. Surman said that by code, they can build a 6'6" high fence.
- 3.38 Chairman Duffy said that the applicants only get a 5'6" fence along most of the fence line.
- 3.39 Mr. Schneider asked how they chose an 8'6" height.

Ms. Rice reiterated that the plan was created by the landscape architect.

- 3.40 Mr. Robke said that the intent for screening is to match existing.

Ms. Rice said that the neighbor's garage is immediately adjacent to the fence, so they would love to buffer the fence from the applicant's property to the adjacent property. They want the fence to be as tall as possible. As proposed, they have a 2' retaining wall with the fence on top.

- 3.41 Mr. Schneider clarified that the drainage pipe is on the neighbor's property.

Ms. Rice said that the pipe is on their property. The fence is set in from the property line. She explained that the pipe went around the back of the property and there is the trench drain on the east side of the property but then moves back to the driveway.

- 3.42 Mr. Surman asked if a foundation can be built on the lot line.

Ms. Roberts said that retaining walls can be 1' from the lot line. It is existing and can be replaced in the same location.

- 3.43 Chairman Duffy said there is no retaining wall at this time. The only wall section is shown in the picture, which is 1' stone stacked on top of itself. To the south is dirt.

Ms. Roberts clarified that the retaining wall is retaining the dirt to the west, so it would be a retaining wall in place right now.

- 3.44 Chairman Duffy said that it is 16' long and not 51' as they are requesting.

Ms. Roberts confirmed they can replace the retaining wall where it is located.

- 3.45 Mr. Robke asked where the property line was on 1.4.

Ms. Rice showed where the property line was located on 1.4.

- 3.46 Mr. Robke said that the retaining wall is 6" from the property line.

Ms. Roberts said that new retaining walls have to be 1' from the property line.

- 3.47 Chairman Duffy referenced 1.6, cross section and said it looks like it is 10".

Ms. Rice said that 10" from the property line would be the back side of the wall. They would have to be at 12" and they can make this happen.

3.48 Chairman Duffy asked if they would be rebuilding it all the way to the northern corner.

Ms. Rice said they would be rebuilding it all the way to the northern corner.

3.49 Mr. Boyer noted that there is a 16' section on 1.5. He said he heard Chairman Duffy's concern that there is an existing retaining wall with an existing fence. The tallest section is 7'7".

3.50 Chairman Duffy said that on the drawing it shows the fence on top of the retaining wall is 8'6". Existing is 6'6" approximately. But that includes the existing retaining wall.

3.51 Mr. Boyer said that on 1.5, they have a drawing at 14', where it potentially is 10'6".

3.52 Chairman Duffy said that the retaining wall is about 1'.

3.53 Mr. Boyer said that 9'6" for the new ask at the highest for 14'. And the rest of the fence is 8'6". Is that accurate?

Ms. Roberts said that was accurate.

3.54 Chairman Duffy clarified that the retaining wall is part of the height of the fence. He said that the existing height at its highest point right now is 8' to the top of the fence at its highest fence. And now they are asking for 9.5' at the point that was previously 8'. They are not replacing what is existing and they are asking for more than is existing.

3.55 Mr. Robke said that with the addition of a retaining wall, the new fence is not in the same line as the current fence.

3.56 Mr. Boyer said that the fence does exist, and they are replacing a fence, retaining wall or no retaining wall.

3.57 Mr. Schneider said if he had a 7' high retaining wall he could not put a fence on top.

Ms. Roberts said that request would need a variation.

3.58 Mr. Surman said that most of the existing fence is at 6'6".

3.59 Chairman Duffy said that is not the situation that exists.

Ms. Rice said she spoke with the homeowners whose intent is to replace what is there at the existing height. She apologized for an error in calculation, but she did not create the drawing.

- 3.60 Chairman Duffy said that the request is to be modified.
- 3.61 Ms. Rice asked if they could continue the case.
- Ms. Roberts said that the case could be continued.
- 3.62 Mr. Robke noted that the exhibits do not match one another.
- 3.63 Chairman Duffy said if the request is amended as discussed, the case could be heard at the next meeting.
- 3.64 Mr. Schneider asked if they could request an amendment tonight from 8.5' to 6.5'.
- 3.65 Chairman Duffy said that the plans would need to be altered.
- 3.66 Mr. Schneider said they wouldn't need a variance at 6'6".
- 3.67 Chairman Duffy said that the fence needs to be measured from the highest point, which would be 7'6".
- 3.68 Mr. Boyer asked if the plans got changed, would it then be an administrative review.
- Ms. Roberts said that if the board voted on it tonight, the applicant can be asked to change the plans based on what was discussed tonight.
- The applicant said that this is an expensive undertaking for them. Now they are putting in a retaining wall and underground piping. There are variations in height along the property line on the west side of the fence and on the east side of the fence. He doesn't want to get in a situation where there is a vote that is disputed later and then they would have to rip it out. He would rather get a continuation. He does not want a misunderstanding of what was approved.
- 3.67 Chairman Duffy said there are already six cases on the next agenda but asked the board if they could put this case on the next agenda.
- Board members said that this case could be put on the next agenda.
- The applicant suggested that he or his wife be there when the board comes out to the property to see that everyone is on the same page with measurements.
- 3.68 Chairman Duffy said that the proposed fence would be 6'6" on top of the retaining wall and at the highest point they can get to 8'.
- Ms. Rice said that she understands what the Chairman said.

3.69 Chairman Duffy clarified that the board would not fight on an extra 1” on height.

Ms. Roberts said plans would need to be submitted on 5/9/18. The next meeting is on May 16, 2018.

The applicant is out of town on that date, as is Ms. Rice.

Ms. Roberts said that meeting would be on June 6, 2018.

The applicant will return to the June 6, 2018 meeting.

3.70 Mr. Robke said if someone wanted to speak tonight, they should be given the chance to do so.

3.71 Mr. Schneider said that if 8’6” is changed to 6’6” and then there is a short section could that not be handled by administrative review. The variation is small.

Ms. Roberts said it cannot be handled administratively.

Ms. Rice clarified that she or the applicant would have to attend the meeting for the proposal.

3.72 Suggestions were made to hear the case this evening, but Chairman Duffy pointed out that the applicant wants to ensure that nothing happens in the future that would cause them to have to tear out what they have done.

3.73 Mr. Kolleng asked if the applicant could get someone to come to the meeting.

3.74 Chairman Duffy asked if the landscape architect could present the plans at a future meeting.

Ms. Rice said they would have to confirm the landscape architect’s availability.

Ms. Roberts said that the case could be continued to the May 16th meeting and if that doesn’t work, then they can return on June 6th.

6.0 DECISION

6.1 Mr. Boyer moved to continue the case to the May 16, 2018 meeting.

6.11 Mr. Kolleng seconded the motion and the voice vote was all ayes and no nays.

Motion carried.