

MINUTES OF THE ZONING BOARD OF APPEALS
October 9, 2023

The regular meeting of the Zoning Board of Appeals was called to order by Chairman Gregory Wheeler at 7:00 p.m. at the Village Hall.

Members present: Chairman Gregory Wheeler, Amy Flores, Walter Oakley, Richard Pyter, Eric Steffe, and Aaron Zych.

Members absent: Thomas Rankin.

A quorum was established.

Village Staff present: John Spoden, Community Development Director; and David Smith, Senior Planner.

Others present: Brooke Lenneman, Village Attorney.

Board Member Oakley moved, seconded by Board Member Flores, to approve the September 18, 2023, Zoning Board of Appeals minutes.

Motion carried 6 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 23-08 Kristopher and Erene Tohovitis, Applicants
430 S. Second Avenue

Request is for a variation to locate a fence in the corner side yard closer to the street than the front yard established for the abutting lot for property located in an R-6, Single Family Residential District.

Mr. Kristopher Tohovitis, introduced the variation request he is requesting. Mr. Tohovitis stated that they need the proposed fence to wrap around their rear and corner side yard behind their house in order to provide a safe place for their children.

Mr. John Robbins, 424 Second Avenue, stated that he resides directly to the north of the applicant's lot. He stated that he would support the fence variation if it ran from the northwest corner of their house straight north. He stated that he is concerned that there isn't a public sidewalk on Second Avenue and there are no street lights on Second Avenue in that area. He stated that he supports the fence variation of a lesser degree.

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Board Member Flores stated that consideration should be given to reducing the height of the fence to four feet along Second Avenue.

Mr. Tohovitis stated that he could agree to four feet in height.

Board Member Steffe stated that he agrees that the fence height should come down. He stated that he is concerned about the fence being opaque at that location.

Mr. Tohovitis stated that he is concerned that his dog would bark from the back yard and become a nuisance to the neighbors. He stated that the opaque fence will help to muffle the noise.

Board Member Steffe stated that he supports the variation if the fence height is brought down to four feet.

Board Member Pyter stated that he supports the variation if the fence height is brought down to four feet.

Chairman Wheeler stated that the fence line along the eastern property line appears to be exceptionally close to the neighboring garage to the east.

Mr. Tohovitis stated that the plat of survey shows the neighbor's garage to be approximately 1.6 feet east of the property line separating the two neighbors. He stated that they will install the fence within their property to allow ample space between the fence and the neighboring garage.

Chairman Wheeler asked the applicant if they are ready for the Zoning Board of Appeals to make their recommendation tonight. Mr. Tohovitis stated that they are ready for the Zoning Board of Appeals' recommendation.

In the matter of ZBA 23-08, Board Member Steffe moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to locate a fence in the corner side yard closer to the street than the front yard established for the abutting lot for property located in an R-6, Single Family Residential District, subject to the following condition:

- 1. The maximum height of the fence located closer to the street than the front yard established for the abutting lot shall not exceed four feet tall.*

Motion carried 6 - 0.

Ayes: Wheeler, Flores, Oakley, Pyter, Steffe, Zych
Nays: None
Absent: Rankin

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**ZBA 23-09 Andrew and Sara Stewart, Applicants
1289 Thornbury Lane**

Request is for a variation to Section 26-14-4.1 related to legal nonconforming lots of record to reduce the minimum required lot area from 28,000 square feet (70%) to approximately 25,804 square feet (64.5%) in order to construct a house addition for property located in an R-2 Single Family Residential District.

**ZBA 23-10 Andrew and Sara Stewart, Applicants
1289 Thornbury Lane**

Request is for a variation to increase the maximum permitted length of the fence line in the front yard from 41.25 feet to approximately 92 feet for property located in an R-2 Single Family Residential District.

Mr. Mike Kollman, introduced the variation requests to the Zoning Board of Appeals. Mr. Kollman stated that they are seeking approval to construct a house addition on nonconforming lot of record that is under minimum required land area. He stated that they are not seeking any other relief for the house addition as it will comply with the minimum required setbacks and the maximum permitted lot and building coverage limitations. He stated that they are also seeking a variation to install a fence in the front yard.

Board Member Pyter asked for clarification regarding the fence location. Ms. Sara Stewart, applicant, clarified the intended location of the split rail fence and that it is not part of an existing stockade fence.

Board Member Zych asked if there were any Engineering Division concerns. Mr. David Smith, Senior Planner, stated that the Engineering Division had no concerns regarding the requested variations.

Chairman Wheeler asked the petitioner if they are ready for the Zoning Board of Appeals to make their recommendation regarding the requested variations. Mr. Kollman stated that they are ready for the Zoning Board of Appeals to render their recommendation.

In the matter of ZBA 23-09, Board Member Oakley moved, seconded by Board Member Steffe, to recommend the Village Board of Trustees approve a variation to Section 26-14-4.1 related to legal nonconforming lots of record to reduce the minimum required lot area from 28,000 square feet (70%) to approximately 25,804 square feet (64.5%) in order to construct a house addition for property located in an R-2 Single Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

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Ayes: Wheeler, Flores, Oakley, Pyter, Steffe, Zych
Nays: None
Absent: Rankin

In the matter of ZBA 23-10, Board Member Steffe moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted length of the fence line in the front yard from 41.25 feet to approximately 92 feet for property located in an R-2 Single Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Wheeler, Flores, Oakley, Pyter, Steffe, Zych
Nays: None
Absent: Rankin

STAFF COMMUNICATIONS AND DISCUSSION: None.

Board Member Oakley moved, seconded by Board Member Steffe, to adjourn the Zoning Board of Appeals meeting.

Motion carried 6 - 0.

Meeting adjourned at 7:43 p.m.