

MINUTES OF THE ZONING BOARD OF APPEALS
September 23, 2013

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

Members present: Chairman William Cotey, Scott Adams, Dan Donahue, Mark Moore, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: None.

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

Board Member Adams moved, seconded by Board Member Schultz, to approve the August 26, 2013, Zoning Board of Appeals meeting minutes.

Motion carried 7 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**ZBA 13-07 Steven Ward, Applicant
600 East Rockland Road**

Request is for variations to: 1) install a fence in a corner side yard that extends beyond the rear building line of the principal structure; and 2) install a fence in a corner side yard so that the fence line is located 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. David Smith, Senior Planner, introduced the petitioner's variation request to the Zoning Board of Appeals. Mr. Smith stated that the applicant, Steven Ward, is requesting variations to allow a fence line to extend beyond the rear building line of the principal structure and to allow a fence line to be located closer to the street than the front yard established for the abutting lot in an R-6, Single Family Residential District located at 600 East Rockland Road. Mr. Smith stated that the applicant is proposing to construct a 4 foot high picket fence along the corner side yard property line with the fence line established at the front edge of the principal structure. Mr. Smith stated that the subject site is located on at the northeast corner of Fourth Avenue and Rockland Road. Mr. Smith stated that the Village Board granted a similar fence variation to the previous owner for the subject property in 2003 to allow the fence line to be located closer to the street than the front yard established for the abutting lot to the north but not to extend beyond the rear building line of the principal structure. Mr. Smith stated that the fence approved in 2003 was not constructed.

Minutes of the September 23, 2013, Zoning Board of Appeals Meeting
Page 2 of 3

Mr. Steven Ward, petitioner, stated that he needs a fenced in yard for his dog and future children. He stated that he started construction of the fence without realizing that he needed a permit. He stated that he then learned that the fence of his intent and design required variations and that is when he submitted his application for the variations. He stated that the previous owner was granted one of the two variations that he is seeking today. He stated that there already exists a shrub row along the vicinity where he wishes to install a fence and that there have never been any complaints received from neighbors regarding any visual obstructions.

Chairman Cotey asked the petitioner if he will agree to trim the vegetation located within the Sight Distance Triangle adjacent to his driveway per Staff recommendation. Mr. Ward stated that he agrees to trim the vegetation in order to be compliant with the requirement of the Sight Distance Triangle.

Board Member Oakley stated that he did not have a problem with the request.

Board Member Adams asked if there were any comments from the neighbors. Mr. Ward read a letter received from a neighbor that supports his proposed fence.

Board Member Moore asked why the petitioner did not continue the proposed fence line further on the interior side yard property line. Mr. Ward stated that it didn't serve his purpose to do so.

Board Member Donahue stated that he did not have a problem with the request.

Board Member Schultz stated that he did not have a problem with the request.

Chairman Cotey asked for clarification as to why the fence height changes from 4 to 3 feet.

Mr. Smith stated that the petitioner is proposing to reduce the height to 3feet adjacent to his driveway in order to be compliant with the regulations for the Sight Distance Triangle.

Chairman Cotey asked the petitioner what he wanted the Zoning Board of Appeals to do tonight. Mr. Ward stated that he wanted the Zoning Board of Appeals to provide a positive recommendation to the Village Board.

In the matter of ZBA 13-07.1), Board Member Schultz moved, seconded by Board Member Adams, to recommend the Village Board of Trustees approve a variation to install a fence in a corner side yard that extends beyond the rear building line of the principal structure for property located in an R-6, Single-Family Residential District, in accordance with the plans submitted.

Motion carried 7 - 0.

Ayes: Cotey, Adams, Donahue, Moore, Oakley, Schultz Semmelman
Nays: None
Absent: None

Minutes of the September 23, 2013, Zoning Board of Appeals Meeting
Page 3 of 3

In the matter of ZBA 13-07.2), Board Member Semmelman moved, seconded by Board Member Adams, to recommend the Village Board of Trustees approve a variation to install a fence in a corner side yard so that the fence line is located closer to the street than the front yard established for the abutting lot for property located in an R-6, Single-Family Residential District, in accordance with the plans submitted.

Motion carried 7 - 0.

Ayes: Cotey, Adams, Donahue, Moore, Oakley, Schultz Semmelman
Nays: None
Absent: None

COMMUNICATIONS AND DISCUSSION: None.

Board Member Donahue moved, seconded by Board Member Adams, to adjourn the Zoning Board of Appeals meeting.

Motion carried 7 - 0.

Meeting adjourned at 7:20 p.m.