

MINUTES OF THE ZONING BOARD OF APPEALS
August 10, 2009

The regular meeting of the Zoning Board of Appeals was called to order by Chairman William Cotey at 7:01 p.m. at the Village Hall.

Members present: Chairman William Cotey, Scott Adams, Robert Guarnaccio, Terry Howard, Mark Moore, and Andy Robinson.

Members absent: Walter Oakley.

A quorum was established.

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

Board Member Robinson moved, seconded by Board Member Howard, to approve the July 13, 2009, Zoning Board of Appeals meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**ZBA 09-13 Frank and Diane Weitekamper, Applicants
103 Camelot Lane**

Request is for a variation to increase the maximum permitted height of a fence from 6.5 feet to 10 feet in the rear yard of a single family home in an R-3, Single Family Residential District.

Mr. David Smith, Senior Planner, stated that the petitioners, Diane and Frank Weitekamper, are requesting approval for a variation to increase the maximum permitted height of a fence in the rear yard of a single family home in an R-3, Single Family Residential District located at 103 Camelot Lane. Mr. Smith stated that currently on the property is a six foot fence that partially lines within the rear ¼ portion of the property. Mr. Smith stated that the fence is not located along the rear property line, but is setback approximately 25 to 80 feet from the rear property line depending upon the angle of the rear property line and its juxtaposition to the existing fence. Mr. Smith stated that the petitioners intend to replace the existing fence with a 10 foot tall fence in order to reduce the noise emitting from Park Avenue, (Hwy Rt. 176) located adjacent and to the south of the petitioner's property. Mr. Smith stated that between the fence and the rear property line is a wooded and bermed area. Mr. Smith stated that the fence is screened from adjacent residential neighbors by the existing natural vegetation.

Minutes of the August 10, 2009, Zoning Board of Appeals Meeting
Page 2 of 5

Mr. Frank Weitekamper, petitioner, stated that they are seeking the fence height variation in order to reduce the noise level coming from Hwy. Rt. 176 behind their property.

Board Member Adams asked if the petitioner's neighbors have fences. Mr. Weitekamper stated that he has talked to some of his neighbors and stated that they do not object to his variation request.

Board Member Moore asked the petitioner if they explored alternatives to the requested fence height variation. He stated that he is concerned about a precedent being created. Mr. Weitekamper stated that anyone else seeking a similar fence height request would have to go through the same process.

Board Member Guarnaccio stated that he does not have a problem with the proposed location of the fence, but asked for clarification as to the fence material proposed. Mr. Weitekamper stated that he has not made a final decision yet as to the material, but stated that the cost of the fence will be a deciding factor.

Board Member Guarnaccio stated that he is concerned about the structural integrity of a fence at that height.

Mr. Weitekamper stated that the fence posts will be installed at a 5 foot depth.

Board Member Guarnaccio stated that the existing fence along Rt. 176 next to Ashbury Woods may have used steel posts with a wood product.

Board Member Howard asked the petitioner if they considered installed a berm instead of a fence. Mr. Weitekamper stated that additional berming may hurt existing trees.

Board Member Robinson asked what was behind the fence. Mr. Weitekamper stated that there are trees behind the fence.

Chairman Cotey asked if the proposed fence will match the same fence line length as the existing fence. Mr. Weitekamper stated that the proposed fence will replace the existing fence in the same location and match the fence line length. He stated that the existing berm will help to complete the noise buffer.

Chairman Cotey stated that he is concerned about the material for the fence.

Mr. Weitekamper stated that a composite material will cost twice as much as cedar wood.

Chairman Cotey asked if the petitioner knows the difference between the two types of materials and there ability to absorb noise. Mr. Weitekamper stated that he does not know the difference.

Board Member Moore asked Board Member Guarnaccio if Ashbury Woods is a Planned Development thereby allowing for a taller fence without a variation. Board Member Guarnaccio stated that he did not know if Ashbury Woods is Planned Development or not.

Minutes of the August 10, 2009, Zoning Board of Appeals Meeting
Page 3 of 5

Chairman Cotey stated that the variation request from the petitioner is for a particular property and that all requests in the future shall be looked at in accordance to their own merits on a case by case basis.

Board Member Howard stated that 6-1/5 feet in height should be adequate for a fence. He stated that he is concerned about a precedent being set with a 10 foot high fence. He stated that he is concerned about the visual impact.

Chairman Cotey stated that the proposed setback between the rear property line and the actual street should be taken into consideration.

Board Member Adams stated that the proposed fence location will be set back and hidden in the property owners' trees.

Chairman Cotey asked the petitioner what he would like for the Zoning Board of Appeals to do regarding the fence variation request. Mr. Weitekamper stated that he would like for the Zoning Board of Appeals to recommend approval for his request.

In the matter of ZBA 09-13, Board Member Robinson moved, seconded by Board Member Adams, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted height of a fence from 6.5 feet to 10 feet in the rear yard of a single family home in an R-3, Single Family Residential District, in accordance with the plans submitted.

Motion carried 4 - 2.

Ayes: Cotey, Adams, Guarnaccio, Robinson

Nays: Howard, Moore

Absent: Oakley

ZBA 09-14 Corey and Amy Weaver, Applicants
235 Third Street

Request is for variations to: 1) reduce the minimum required front yard setback from 30 feet to approximately 23 feet; and 2) reduce the minimum required corner side yard setback from 30 feet to approximately 14.9 feet in order to construct an addition to a single family home in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, stated that the petitioners, Corey and Amy Weaver, are requesting approval for variations to reduce the minimum required front and corner side yard setbacks in order to construct a single family home in an R-6, Single Family Residential District located at 235 Third Street. Mr. Smith stated that currently on the property is a one-story single family home with a detached garage. The petitioner is proposing to add a second story and wrap around front covered porch. The existing house has a non-conforming front yard setback of approximately 29.6 feet from the Broadway Avenue r.o.w. property line and approximately 19.9 feet from the Third Street r.o.w.

Minutes of the August 10, 2009, Zoning Board of Appeals Meeting
Page 4 of 5

property line. The petitioner is not proposing to expand the footprint of the existing house at the foundation, but will reduce the front and corner side yard setback with the proposed front covered porch.

Mr. Corey Weaver, petitioner, stated that they are attempting to architecturally match the other homes in the neighborhood.

Board Member Robinson asked the petitioner if he is a realtor. Mr. Weaver stated that he is not a realtor.

Board Member Howard asked if the footprint of the home is changing. Mr. Weaver stated that the basic foundation of the home is not being expanded except for the proposed wrap around porch and this is what is increasing the degree of non-conformity.

Board Member Howard stated that he is concerned about the lot coverage. He stated that the petitioner has very little or no wiggle room for future improvements to the property.

Mr. Weaver stated that if necessary they will reduce their rear patio area.

Chairman Cotey asked the petitioner what he would like for the Zoning Board of Appeals to do regarding the variation requests. Mr. Weaver stated that he would like for the Zoning Board of Appeals to recommend approval for his requests.

In the matter of ZBA 09-14.1), Board Member Robinson moved, seconded by Board Member Howard, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 30 feet to approximately 23 feet in order to construct an addition to a single family home in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Cotey, Adams, Guarnaccio, Howard, Moore, Robinson
Nays: None
Absent: Oakley

In the matter of ZBA 09-14.2), Board Member Howard moved, seconded by Board Member Robinson, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 14.9 feet in order to construct an addition to a single family home in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

Minutes of the August 10, 2009, Zoning Board of Appeals Meeting
Page 5 of 5

Ayes: Cotey, Adams, Guarnaccio, Howard, Moore, Robinson
Nays: None
Absent: Oakley

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 6 - 0.

Meeting adjourned at 7:40 p.m.