

MINUTES OF THE ZONING BOARD OF APPEALS
November 8, 2010

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, Mark Moore, Walter Oakley, and Kurt Schultz.

Members absent: Robert Guarnaccio and Andy Robinson.

A quorum was established.

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

OLD BUSINESS: None.

NEW BUSINESS: None.

ZBA 10-20 Jeffrey and Jennifer Criel, Applicants
600 Meadow Lane

Request is for a variation for the location of a fence in order to allow the construction of a four (4) foot tall black aluminum fence in the corner side yard in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, introduced the variation request to the Zoning Board of Appeals. Mr. Smith stated that the petitioners, Jeffrey and Jennifer Criel, are requesting a variation for the location of a fence in order to allow the construction of a four (4) foot tall black aluminum fence in the corner side yard in an R-6, Single Family Residential District located at 600 Meadow Lane. Mr. Smith stated that the property is located at the northeast corner of Meadow Lane and Fourth Avenue in the Sunnyside Park Subdivision.

Mr. Smith stated that the petitioners recently sought and were approved for a variation to construct a new two story home to encroach into the corner side yard. Mr. Smith stated that the new home, currently under construction, will have a 20 foot corner side yard setback. Mr. Smith stated that the Zoning Code states that fences may be installed in a corner side yard, provided that the fence line does not extend beyond the rear building line of the principal structure and, if the corner side yard abuts a front yard of another lot, the fence line shall not be located closer to the street than the front yard established for the abutting lot. Mr. Smith stated that the subject property's rear yard abuts an unimproved alley along the north rear property line. Mr. Smith stated that the north side of the unimproved alley abuts a front yard of another residential lot. Mr. Smith stated that the Zoning Code defines 'abut' as, 'to touch, to lie immediately next to, to share a common wall or lot line, or to be separated by only an alley'. Mr. Smith stated that the alley separating the subject site and the lot to

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the north is the same as two lots abutting each other in terms of Zoning Code regulation and would require the petitioners to set the proposed fence thirty (30) feet back from the Fourth Avenue right-of-way property line. The petitioners are requesting a variation to locate a four (4) foot tall black aluminum fence along the rear yard and the corner side yard property lines, but not forward of the rear building line.

Mr. Jeffrey Criel, petitioner, stated that they are seeking approval in order to install a four (4) foot tall black aluminum fence around their rear and corner side yard behind their home. He stated that there is a 16 foot wide unimproved alley located behind their home and separates their property from their neighbor's property.

Board Member Oakley asked what the impact would be if the alley were to be improved. Mr. John Spoden, Director of Community Development, stated that it is not within the current capital improvements program to improve the subject alley.

Board Member Moore asked the petitioner if they explored any options in lieu of the proposed variation request. Mr. Criel stated that they currently have an approval to construct their new home with a twenty (20) foot setback now. He stated that the unimproved alley located to the rear of their home promotes a separation between their property and the neighbor's property.

Board Member Moore asked if there are other properties in the area with similar variations. Mr. Smith stated that there have been similar fence variations granted, but was uncertain as to their exact location.

Chairman Cotey asked if it made any sense to vacate the unimproved alley. Mr. Spoden stated that by holding on to the alley allows the Village to manage the underground utilities.

Chairman Cotey asked the petitioner to describe the fence. He asked if the petitioner would be willing to bring the fence back from the corner side yard property line to create a lesser variation. Mr. Criel stated that it is a four (4) foot tall black aluminum fence and will be gated in the rear and possibly a second gate along the side. He stated that he prefers to request the variation as initially proposed so the fence is closer to the corner side property line. He stated that he would like for the Zoning Board of Appeals to render their recommendation to the Village Board at tonight's meeting.

In the matter of ZBA 10-20, Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation for the location of a fence in order to allow the construction of a four (4) foot tall black aluminum fence in the corner side yard in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 5 - 0.

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Ayes: Cotey, Adams, Moore, Oakley, Schultz

Nays: None

Absent: Guarnaccio, Robinson

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 5 - 0.

Meeting adjourned at 7:12 p.m.