

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**April 11, 2011**

The regular meeting of the Zoning Board of Appeals was called to order by Chairman William Cotey at 7:02 p.m. at the Village Hall.

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

Members absent: Dan Donahue.

A quorum was established.

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

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**ZBA 11-05 Mark and Kathy Leider, Applicants**  
**950 Wheeler Court**

**Request is for a variation for a fence in order to allow a six (6) foot fence in the corner side yard for property located in an R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, introduced the variation request. Mr. Smith stated that the petitioner is requesting a variation for the location of a fence in order to allow a six (6) foot tall treated wood fence in the corner side yard in an R-6, Single Family Residential District located at 950 Wheeler Court. Mr. Smith stated that the property is located at the southeast corner of Ellis and Wheeler in the Colby's Subdivision.

Mr. Smith stated that the petitioner reports that the existing fence was in its current location when they purchased the house in 1992. Mr. Smith stated that the petitioners were told that the fence was originally installed when the original garage was erected over 25 years ago. Mr. Smith stated that the petitioner has stated that in 1996, there was a fire that destroyed their garage and part of the fence. Mr. Smith stated that the garage was in a non-conforming location, but permitted to be rebuilt in 1998 as long as it was within the same location and size. Mr. Smith stated that the fence was more recently reconstructed without obtaining a permit.

Mr. Todd Stephens, 833 Elm Street, Winnetka, IL., and attorney representing the petitioner, introduced himself to the Zoning Board of Appeals. Mr. Stephens presented a brief history of the case.

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Mr. Mark Leider, petitioner, stated that there had been a fence in the corner side yard when they purchased the home.

Mr. Stephens stated that there had been a fence the subject location for a long time without the request for a variation submitted to the Village and with no neighbor complaints.

Board Member Oakley asked what was the fence used for. Mr. Leider stated that they store their garbage cans behind the fence and out of view. He stated that they keep a flower bed in the back yard as well.

Board Member Adams asked about the fence height. Mr. Leider stated that the existing fence is six (6) feet in height.

Board Member Moore asked if the existing fence is in the same location as the fence that was damaged by the 1996 fire. Mr. John Spoden, Director of Community Development, stated that there isn't documentation in Village files that can confirm the prior fence location.

Board Member Semmelman asked for clarification as to the length of time that the existing fence has been installed. Mr. Leider stated that it has been in place for more than 10 years.

Chairman Cotey stated that the existing fence looks nice and it seems to be serving a practical purpose. He asked the petitioner what he would like for the Zoning Board of Appeals to do this evening. Mr. Stephens stated that he would like for the Zoning Board of Appeals to give a recommendation for approval to the Village Board for the requested fence variation.

*In the matter of ZBA 11-05, Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation for a fence in order to allow a six (6) foot fence in the corner side yard for property located in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

*Ayes: Cotey, Adams, Moore, Oakley, Schultz, Semmelman*

*Nays: None*

*Absent: Donahue*

**ZBA 11-06 Willow Hill Enterprises, LLC, Applicant**  
**103 Third Street**

**Request is for variations to: 1) reduce the minimum required front yard setback; and 2) reduce the minimum required corner side yard setback in order to construct a front covered porch in an R-8, Multiple-Family Residential District.**

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Due to improper notification by the applicant, this item will be re-noticed for the May 9, 2011, Zoning Board of Appeals meeting.

**COMMUNICATIONS AND DISCUSSION:**

Mr. John Spoden, Director of Community Development, stated that the other item on the Zoning Board of Appeals agenda will be heard at the May 9, 2011 meeting.

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

Motion carried 6 - 0.

Meeting adjourned at 7:14 p.m.