

*Village of Barrington
Zoning Board of Appeals
DRAFT Minutes Summary*

Date: August 4, 2015

Location: Village Board Room
200 South Hough Street
Barrington, Illinois

In Attendance: William Fitzpatrick, Commissioner
David Holtermann, Commissioner
Kate Duncan, Commissioner
Ryan Julian, Vice-Chairperson
Patricia Pokorski, Chairperson

Staff Members: Natalie Ossowski
Jennifer Tennant

Call to Order

Chairperson Pokorski called the meeting to order at 7:00 p.m.

Chairperson's Remarks

Chairperson Pokorski gave the order of business and explained the process and duties of the ZBA. She swore in those members of the audience that may speak during the meeting.

Roll Call noted the following: Victoria Perille, absent; William Fitzpatrick, present; David Holtermann, present; Kevin Connolly, absent; Kate Duncan, present (arrived at 7:05 p.m.); Vice-Chairperson Ryan Julian, present; Chairperson Patricia Pokorski, present.

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Old Business

ZBA 15-05: 882 Bosworthfield Road - Public Hearing

Applicant: Kaye Lowman
882 Bosworthfield Road
Barrington, IL 60010

The applicant seeks approval of a variation from Chapter 4, Section 4.4, Subsection A, Number 4 of the Village of Barrington Zoning Ordinance relative to a variation for the placement of an accessory structure. The petitioner is additionally requesting approval of a variation from

Chapter 6, Section 6.6, Subsection E, Numbers 1, 3 and 4 (front, interior side yard, and rear yard setback) for a decrease in the required front yard setback, interior side yard setback, and rear yard.

Due to a lack of a quorum, ZBA 15-05 was continued from the regularly scheduled Zoning Board of Appeals meeting on July 7, 2015 to August 4, 2015.

Ms. Lowman, 882 Bosworthfield, said the lots are small in Chippendale because there is a great amount of common area in the subdivision. She has a large front yard. She said her house was setback farther to allow other neighbors a better view of the pond. There is a lot of open space surrounding her home. She would like to build a screened in porch. She wants it to look like it has always been part of the house.

Ms. Ossowski said this was originally to go before the Commission on July 7, 2015, but for lack of a quorum, it was continued to August 4, 2015. The petitioner is requesting a reduction in the rear yard setback to allow an encroachment for a screened in porch. It is surrounded by open space to the east and south. She wants the Commission to understand that the property was granted a variation in 2000 for a similar request to allow a rear addition. The rear yard setback is 30 feet for this district and the variation granted was for 17 feet. If this addition was part of the original house, a variation would not need to be requested as they would be able to continue that plane of the original encroachment.

Ms. Ossowski said that the proposed screened in porch would be built on an existing wood deck. The deck does encroach on the setback, but this is allowed for a deck. Originally, this subdivision required a 20-foot setback on all sides. The porch would be in harmony with the neighborhood. Staff thinks that there are two other options for the petitioner. They could still build a screened in porch, it just would not go out as far. There is quite a bit of room on the side as well as the front. The front would not really be appropriate and the side could affect the neighborhood more. Staff recommends denial because it does not meet all eight standards.

Chairperson Pokorski asked for public comment. There was none.

Commissioner Duncan asked if this was an allowable obstruction in a rear yard.

Ms. Ossowski answered no, a screened in porch is part of the primary structure. An open deck is allowable.

Chairperson Pokorski was confused about the standard of it not being self-created that the Staff considered met. She asked if the petitioner in fact built the home.

Ms. Ossowski said that yes, they built it, but they were not responsible for how far back the house was set on the property.

Ms. Tennant said that the builder placed the house on the lot and the owners were not aware of future issues that it might create. The zoning has changed since the house was built.

Vice-Chairperson Julian said that they could have just made the porch 11 feet and they would not have had to come before the Commission.

Ms. Lowman said her intent was to make it the appropriate scale for the deck and the addition to the east.

Vice-Chairperson Julian said that another challenge is when they are close to public spaces rather than encroaching on a neighbor. He said he feels that encroaching on a public space is as important as on a neighbor.

Chairperson Pokorski says she agrees with Staff. It does not meet six or seven of the possible standards. She could not in good conscience approve it.

Commissioner Fitzpatrick is not as troubled by the proximity of the open area. He noted that they were granted a variation for an addition in 2000. The porch is less of an encroachment than the addition.

Commissioner Duncan says she agrees with Chairperson Pokorski. The petition does not meet the standards.

Commissioner Holtermann said he would like to find a way to support it. For this project though, it does not meet the standards.

Vice-Chairperson Julian said that an 11-foot screened in porch would fit within the standards.

Vice-Chairperson Julian moved the Zoning Board of Appeals accept the Staff's recommendation to deny ZBA 15-05, a variation for the placement of an accessory structure and a variation from Chapter 6, Section 6.6, Subsection E, Numbers 1, 3 and 4 for a decrease in the required front yard setback, interior side yard setback, and rear yard. Commissioner Holtermann seconded the motion.

Roll Call Vote: Ms. Perille, absent; Mr. Fitzpatrick, no; Mr. Julian, aye; Mr. Holtermann, aye; Mr. Connolly, absent; Ms. Duncan, aye; Ms. Pokorski, aye; the vote was 4 to 1. Chairperson Pokorski declared the motion approved.

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New Business

ZBA 15-06: 518 E. Russell Street - Public Hearing

Applicant: James O'Leary
518 E. Russell Street
Barrington, IL 60010

The applicant seeks approval of a variation from Chapter 4, Section 4.4, Subsection A, Number 4 of the Village of Barrington Zoning Ordinance relative to a variation for a the placement of an accessory structure. The petitioner is additionally requesting approval of a variation from Chapter 6, Section 6.8, Subsection E, Number 1 (front and rear yard setbacks) for a decrease in the required front yard setback and rear yard setback. The property is zoned R-7 Two-Family Residential.

Mr. James O'Leary, 518 E. Russell Street, said he would like to build a new garage on his property. The driveway has a very steep grade and he shares part of the driveway with the property next door. In the winter, it is a challenge. There is open space to the west of the house. It would be of similar size to the present garage. It would allow access to the garage without the steep gradient. The building should fit with the neighborhood very well.

Ms. Ossowski said that the petitioner is proposing to construct a new detached garage. The current house has an attached garage with a shared driveway with a steep slope. They would like to convert the attached garage into living space, remove the portion of the driveway leading to the house, and build a new detached garage and driveway on the other side. She reviewed the standards. Driveways usually have between a two and eight percent slope. The current driveway has a 20 percent slope. It would not be permitted if it were built today. There is no rear yard to place an accessory structure. There are no other viable options. All other zoning standards will be met. Staff recommends approval.

Commissioner Fitzpatrick said this is a good plan given the restrictions of the lot.

Vice-Chairperson Julian asked about the stormwater detention system.

Ms. Ossowski said that this property is located in a flood plain area. Any additional impervious surface added has to provide detention so that it does not add to the flooding in the area.

Mr. O'Leary said he has engaged an engineering firm and the detention will be underground.

Vice-Chairperson Julian asked if the shared driveway served the other two houses as well.

Mr. O'Leary said that the driveway with the steep slope is not shared.

Commissioner Duncan moved to approve ZBA 15-06, a variation from Chapter 4, Section 4.4, Subsection A, Number 4 of the Village of Barrington Zoning Ordinance relative to a variation for a the placement of an accessory structure. Also requested is a variation from Chapter 6, Section 6.8, Subsection E, Number 1 (front and rear yard setbacks) for a decrease in the required front yard setback and rear yard setback, with the condition that further expansion of the garage will not be permitted. Commissioner Fitzpatrick seconded the motion.

Roll Call Vote: Ms. Perille, absent; Mr. Fitzpatrick, aye; Mr. Julian, aye; Mr. Holtermann, aye; Mr. Connolly, absent; Ms. Duncan, aye; Ms. Pokorski, aye; the vote was 5 to 0. Chairperson Pokorski declared the motion approved.

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ZBA 15-07: 550 Westwood Drive - Public Hearing

Applicant: James C. Howard
550 Westwood Drive
Barrington, IL 60010

The applicant seeks approval of a variation from Chapter 4, Section 4.5, Subsection A, Number 2 of the Village of Barrington Zoning Ordinance relative to fence requirements for a fence in the corner side yard. The property is zoned R-5 Single Family Residential.

Mr. James Howard, 550 Westwood Drive, said they have a swimming pool and over the years they have moved the fence back and over to the lot lines to give them more room. They would like to replace the fence on the south of the property because it is in disrepair. They also own the partial lot next door. They would like to put a fence on the lot line.

Ms. Ossowski said there was miscommunication with the petitioner regarding fence height. On the corner side yard, the fence can be a maximum of six feet, but it can be shorter than that. They are proposing a four-foot fence. She also said in the corner, the setback is 15 feet in this District rather than 9 feet as stated by the petitioner.

Ms. Ossowski said the property is a corner lot at the corner of Hillside Avenue and Westwood Drive. The Petitioner is requesting a variation from the fence requirements for corner side yards. The corner side yard is a side yard facing the street extending from the front yard to the rear lot line and from the corner side lot line to the face of the principal building. Corner side yards are treated the same as front yards in regards to fencing restrictions. Fencing in the corner side yard is limited to a maximum height of 3'-0" and must be 33% open across the face of the fence. The Petitioner is proposing a 6'-0" solid wood fence along the corner side lot line.

The subject property contains an in ground swimming pool in the rear yard. Swimming pools are required to have a barrier of at least 48 inches in height. There is no minimum distance between the swimming pool and the barrier. The barrier can surround the pool or enclose the entire yard. There is currently a compliant fence enclosing the pool and part of the rear yard. The Petitioner would like to fence in a larger portion of the yard in order to maximize the usable yard space. A compliant fence in the corner side yard would not meet the barrier requirements for a swimming pool. The Petitioner is requesting a variation in order to construct a 6'-0" solid fence in the corner side yard. The Petitioner is required to have a fence that is at least 4'-0" in height due to the in ground swimming pool located in the rear yard.

Ms. Ossowski said there are several other remedies. They could have two fences, enclose the pool and have the rest of the yard open, or move the fence in 15 feet, which would still allow more fence than they have now. Staff does not recommend approval of this petition, because most of the standards have not been met.

Chairperson Pokorski asked for public comment. There was none.

Commissioner Holtermann asked if there are two parcels and that according to zoning they are considered one property.

Ms. Ossowski said that is correct.

Ms. Tennant said this is for fencing purposes only because fencing is not considered a structure.

Commissioner Holtermann asked if the two parcels have always been owned by Mr. Howard.

Mr. Howard said yes.

Commissioner Fitzpatrick asked, if granted, will the petitioner be taking down the existing fence on the southern portion.

Ms. Ossowski said that is correct.

Commissioner Duncan said in considering the Standards, she will not be able to approve this petition.

Chairperson Pokorski stated that the Village have proposed other remedies. There are safety concerns with the pool and zoning concerns with the side yard.

Commissioner Holtermann asked if the petitioner is asking for a four-foot fence on the property line.

Ms. Ossowski answered yes, a four-foot fence with adequate spacing.

Mr. Howard said there are houses to the south of them that were in support of this petition. The Westwood Association and the Landscape Committee also were in support of their fence.

Ms. Ossowski said that they have received no negative responses from the public notice.

Commissioner Duncan moved to accept Staff's recommendation and deny ZBA 15-07, a variation from Chapter 4, Section 4.5, Subsection A, Number 2 of the Village of Barrington Zoning Ordinance relative to fence requirements for a fence in the corner side yard. The property is zoned R-5 Single Family Residential.

Vice-Chairperson Julian said that the irony is that they have the right to build a six-foot fence along the south line.

Commissioner Holtermann said that the difference is that it is a matter of one foot. The zoning requires a maximum of 3 feet and the pool requires a minimum of 4 feet.

Commissioner Duncan said it has to be set back 15 feet.

Vice-Chairperson Julian said it is a matter of practical difficulty to put in two fences to enclose the pool.

Chairperson Pokorski said it is a reality of owning a pool and living on a corner lot.

Commissioner Holtermann seconded the motion.

Roll Call Vote: Ms. Perille, absent; Mr. Fitzpatrick, aye; Mr. Julian, no; Mr. Holtermann, no; Mr. Connolly, absent; Ms. Duncan, aye; Ms. Pokorski, aye; the vote was 3 to 2. Chairperson Pokorski declared the motion approved.

Minutes

July 7, 2015

The minutes for the July 7, 2015 meeting could not be approved as the appropriate commission members were not in attendance.

June 2, 2015

A voice vote recorded all ayes to approve the minutes of the June 2, 2015 meeting, as amended. Chairperson Pokorski declared the minutes approved.

Planners Report

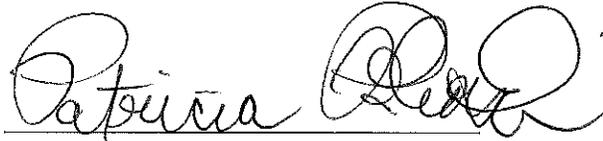
Todd Rhodes, Alley 59, received his permit and is starting construction on the bar. Also, the variation for the handicapped accessible garage is moving forward with construction.

Adjournment

Chairperson Pokorski adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Jean M. Emerick
Recording Secretary

A handwritten signature in cursive script, appearing to read "Patricia Pokorski", written over a horizontal line.

Ms. Pokorski, Chairperson
Zoning Board of Appeals

Approval Date: