

**MINUTES OF A SPECIAL MEETING OF THE ZONING BOARD OF APPEALS OF THE
VILLAGE OF NORTH BARRINGTON HELD MONDAY FEBURARY 13, 2012,
AT 7:30 P.M. AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD,
IN SAID VILLAGE**

1. Call to Order & Roll Call

At 7:40 P.M. Chairman Warren Nass called the Special Meeting to order and the Deputy Village Clerk called the roll:

Present in Person: Chairman Nass, Vice Chair John Cifonelli, Bryan McGonigal
and Paru Thondavadi
Absent: Joe DiPino, Carleen Kreider, W. Gene McAlester
Also Present: Kris Lennon, Deputy Village Clerk
Kelly Rafferty, Building and Zoning Officer
Chris Carney, 19 Wynstone Way
Doug Hoerr, Hoerr Schaudt Landscape Architects
850 West Jackson Boulevard, Suite 800, Chicago
Bruce Sauer, 23 Hidden Brook Drive

2. Approve Minutes from the March 14, 2011 Special Meeting

The Minutes of the March 14, 2011 Special Meeting were made available to the Board.

Chairman Nass asked the Zoning Board of Appeals if there were any revisions to the Minutes. There were none.

Motion: Bryan McGonigal moved that the Minutes of the March 14, 2011 Special Meeting be approved; seconded by Vice Chair Cifonelli.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

Chairman Nass declared the Minutes of the March 14, 2011 Special Meeting approved and put on file.

3. The following variations are requested in the petition submitted by Mr. Chris Carney for the property located at 42 Castleton Court, North Barrington, IL 60010:

Chairman Nass explained the variances to the code requested by Mr. Chris Carney.

VARIATIONS REQUESTED:

Section 8-5-2 of the North Barrington Village Code requires a fence or other barrier to provide protection against drowning by restraining access to swimming pools; and

Section 8-5-2 of the North Barrington Village Code requires that the barrier be constructed in accordance with Appendix G of the International Residential Code which in turn defines a “barrier” as a fence, wall, building wall, or combination thereof completely surrounding the swimming pool and obstructs access to the swimming pool.

Chairman Nass invited the applicant to address the Zoning Board of Appeals. Mr. Chris Carney addressed the ZBA and explained that he seeking a variance from the Village Code as he wishes to omit the fencing on the west side of the pool area which separates the pool area from the adjacent wetlands and lake as he feels that the existing wetlands and lake would serve as a natural barrier restricting access of the pool from the west.

Chairman Nass noted his concern about the elevation of the pool deck being at grade (ground) level according to the approved site engineering plans.

Mr. Carney requested Doug Hoerr of Hoerr Schaudt of Landscape Architects to address the Board in order to assist with the presentation and answer specific questions.

Doug Hoerr, Hoerr Schaudt Landscape Architects addressed the Board and submitted additional visual depictions for the ZBA. Mr. Hoerr explained that the property is located on an unusual lot. The property is situated on a peninsula surrounded by three sides of wetlands and a lake. There is a long road to the end of the peninsula with an existing home at the end of the peninsula. Mr. Hoerr stated that Mr. Carney is looking for relief from a fence having to be constructed on the west side of the property which faces the wetlands and Dog Bone Lake. Mr. Hoerr noted that the house located next door to the subject property is for sale and vacant.

Mr. Hoerr explained that the pool will have an automatic pool cover which will be used when the pool is not in use. The pool will have code compliant fencing on the north, south, and east sides of the pool. The fence gates will have pool compliant locks. Two surveillance cameras will be installed to monitor the pool area in the back of the house including a third camera to monitor activity on the front driveway. Mr. Hoerr noted that the wetlands and lake are a natural deterrent on the west side.

It was noted that Mr. Carney has seven small children and that pool safety is a priority.

Bruce Sauer, 23 Hidden Brook Drive, addressed the ZBA to speak on behalf of Mr. Carney. Mr. Sauer noted that the location of the property is extremely isolated. The property is located within the Wynstone subdivision which is a Planned Unit Development and a gated community monitored by surveillance cameras. The road leading to the property is located off of a cul-de-sac.

Mr. Sauer, who is the immediate past President of the Village, stated that he visited the property and explained that the wetlands located behind the house are full of silt and mud and he feels it would be difficult for someone to maneuver their way through the wetlands to get to the pool.

Mr. Sauer stated that when the Village considered revising the code with regard to pool fences, it was to avoid the inadvertent problems of wandering children or animals. He explained that the road to Mr. Carney’s house is isolated and in a gated community and; there is not much traffic on the

road due to the location of the property. Therefore the road is less traveled than a public street. Mr. Sauer noted that there will be locks on the gates as well as surveillance cameras. He believes Mr. Carney has put together a practical plan in order to maintain safety. He asked the ZBA to consider the context of the environment when considering Mr. Carney's request.

Chairman Nass stated that he walked the property and that the area was dry and not muddy. He did not have problem walking around the area. Mr. Hoerr stated that a great deal of buckthorn had been removed. Additionally, there has been no undergrowth on the property which may be why the area seems dry however; he added that the area will be repopulated with wetland vegetation upon construction being completed. Mr. Carney added that the ground is frozen this time of the year as well.

ZBA Member Paru Thondavadi asked about the depth of Dog Bone Lake. Mr. Sauer replied that the lake is approximately 4 feet deep however; the lake is covering approximately 6 feet of silt and mud.

Chairman Nass restated his concern that the pool deck is at-grade (ground level). Mr. Hoerr stated that when the pool is not in use, the pool will be covered with the automatic pool cover.

Mr. Sauer added that the pool deck will be located practically up to the designated wetlands limits.

Chairman Nass asked if the construction of the cabana will be after the house is constructed. Mr. Carney stated that the cabana will be constructed first and construction should begin in approximately 3 weeks.

Chairman Nass explained that the existing Village Code does not define a "pool cover" as a barrier. Residents with existing pools had to bring their pools up to Village Code standards. Mr. Sauer noted that the existing pools did not have inaccessible access due to wetlands and a lake.

Mr. Hoerr stated that he has worked all over the country and explained that cities such as Highland Park or Winnetka , which back up to a lake, do not require fencing on the side that backs up to the lake. The lake serves as a natural barrier.

Chairman Nass asked what Mr. Carney's hardship is.

Mr. Carney replied that if a fence had to be constructed on the west side of the pool, the pool could not be constructed due to the shape of the wetlands. Mr. Carney stated that he tried alternative designs, but the pool would not configure.

Chairman Nass suggested that a fence be placed on the pool deck. Mr. Hoerr stated that the view of the wetlands is one of the attractions of the property and if a fence were built, the view would be obstructed. Mr. Carney replied that if a fence is constructed, it would hinder the aesthetics and he would rather not construct a pool.

ZBA Member Thondavadi asked about the house for sale next door and if a future owner could request a fence on the west side. Mr. Carney stated that he is considering purchasing the house in the future, if possible.

Chairman Nass noted his main concern is safety and that the decision of the ZBA is final. Mr. Carney stated that he has children ages 2-13 years old and safety is a priority. The pool will be covered at all times when it's not in use.

Mr. Sauer added that this property is located on an isolated peninsula in a gated community and; the distance between the road and the property is approximately ½ mile.

ZBA Vice Chair Cifonelli asked if the Wynstone Property Association (POA) approved of Mr. Carney's request. Mr. Sauer stated that the Wynstone POA relies upon the decision of the Village and ZBA.

Vice Chair Cifonelli additionally stated that the ZBA relies upon surrounding property owners for testimony however; there are no surrounding property owners to testify, as the house next door to Mr. Carney's house is vacant.

Chairman Nass asked Building and Zoning Officer Kelly Rafferty's opinion. Mr. Rafferty stated that he could walk on the wetlands this winter however; could not comment on the wetlands as they are not in their natural state as they would be in spring or summer.

ZBA Member Brian McGonigal stated that his concern is the possibility of children wandering into the wetlands. Mr. Carney stated that he is concerned of that issue for his children as well, however; he noted that even if a pool was not constructed, his children have access to the wetlands.

It was noted that there were no objections from the surrounding property owner, the Wynstone POA or Wynstone Golf Club/Course.

Motion: Bryan McGonigal moved to approve the request for Mr. Chris Carney to omit the fencing solely on the west side of the pool area which separates the pool area from the adjacent wetlands and Dog Bone Lake, as the wetlands and lake constitute a natural barrier, for the property located at 42 Castleton Court in accordance with the exhibits submitted in support of the variance request as prepared by Hoerr Schaudt Landscape Architects, dated January 2012; seconded by Vice Chair Cifonelli.

Discussion: There was no further discussion beyond that which previously took place.

Vote on Motion

By Roll Call:

Ayes:	Chairman Warren Nass, Vice Chair Cifonelli, Bryan McGonigal and Paru Thondavadi
Nays:	None
Absent:	Joe DiPino, Carleen Kreider and W. Gene McAlester
Abstain:	None

Chairman Nass declared the motion approved and stated that the decision of the Zoning Board of Appeals to grant such a variation is final. The matter will not proceed to the Village Board.

4. Adjournment

There being no further business to come before the Board, Vice Chair Cifonelli moved to adjourn the Public Hearing; seconded by Bryan McGonigal.

The voice vote was unanimous in favor.

At 8:30 p.m. Chairman Nass declared the meeting adjourned.

These Minutes were approved by the Zoning Board of Appeals at a Public Hearing held May 8, 2012.

Attest: _____
Kris Lennon, Deputy Village Clerk