

MINUTES OF THE NORTH BARRINGTON ZONING BOARD OF APPEALS MEETING HELD
TUESDAY, AUGUST 8, 2006 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 7:30 P.M. Chairman Nass called the Meeting to order and the Village Clerk called the roll:

Present: Chairman Warren Nass, Vice Chair John Cifonelli, Joe DiPino, W. Gene
McAlester, Bryan McGonigal, Carleen Kreider and Janis Menges

Absent: None

Also Present: Kathy Nelander, Village Clerk

Jim Archer, 145 Kimberly Road

M/M Jason Hagen, 135 Kimberly Road

Michael Ryan, 155 Pheasant Run Trail

Trustee Al Pino

Chairman Nass welcomed the audience to the Zoning Board of Appeals Meeting and asked that any person wishing to speak during the meeting, stand in order to be sworn in. The witnesses were sworn in.

2. Approve Minutes from the July 11, 2006 Public Hearing

The Minutes of the July 11, 2006 Public Hearing were made available to the Board. There were some changes made to the minutes.

Motion: Joe DiPino moved that the Minutes of the July 11, 2006 Public Hearing be approved as amended; seconded by Bryan McGonigal.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

Chairman Nass declared the Minutes of the July 11, 2006 Public Hearing approved and put on file.

3. The following variations are requested in the petition submitted by Mr. & Mrs. James Archer, 145 Kimberly Road, North Barrington, IL 60010:

Chairman Nass explained the variances to the code requested by Mr. & Mrs. Archer:

VC8-5-2A: Swimming pool barrier shall be designed and constructed in accordance with Appendix G of the International Residential Code (IRC).

Chairman Nass explained that the Village Board had recently passed an Ordinance which changed the Village Code for the process to seek relief from the Village Code regarding pool fencing. Since the variation is to the Village Code and not the Zoning Code, the matter did not require a published legal notice or a public hearing before the ZBA, but the applicant was instructed to appear before the ZBA in a meeting. Notification to adjacent owners was also required, and a decision by the ZBA to grant the variation would be final. A decision by the ZBA to deny would be appealable to the Village Board.

Chairman Nass explained that Mr. & Mrs. Archer had applied for a building permit to erect a code compliant barrier along approximately 75% of the outer perimeter of the pool area and is seeking a variance to be allowed to utilize a portion of the existing non-code compliant barrier along approximately 25% of the outer perimeter of the pool area. Chairman Nass invited Mr. Archer to address the Board and explain the variance request. Mr. Archer explained that there are currently two types of fencing used around the pool, green trellis-like fencing and brown traditional wood deck guardrail. Mr. Archer explained that 5 foot high steel picket style fencing would replace the existing, non-compliant trellis-like fencing with square openings which is around the concrete deck area of the pool. The traditional wood deck guardrail portion attached to the wood decking to the rear of the pool is also non-compliant in the spacing between the vertical balusters and in some areas, the height is 46 inches above grade and the code calls for at least 48 inches above grade. Due to the provisions in the code, the spacing between the balusters should not exceed 1 ¾ inch. There was discussion about adding an additional baluster between the existing ones to create a smaller opening and making the fence compliant.

Michael Ryan, 155 Pheasant Run Trail, had questions about the appeal process and asked why it has taken so long to bring the pool into compliance.

Jason Hagen, 135 Kimberly Road, asked that the Board require the fence to be code compliant as soon as possible. Mr. Hagen has concerns that his young children will get into Mr. Archer's pool.

The Board felt that the purpose of the swimming pool regulations was for the safety of children. The Board felt that the fence was high enough, but the spacing needed to be brought into code compliance with the addition of slats.

Motion: Janis Menges moved to deny the variance request for Mr. Archer to utilize a portion of the existing non-code compliant barrier along approximately 25% of the outer perimeter of the pool; seconded by Carleen Kreider.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call:

Ayes: Chairman Warren Nass, Vice Chair John Cifonelli, Joe DiPino, W. Gene McAlester, Bryan McGonigal, Carleen Kreider and Janis Menges

Nays: None
Absent: None
Abstain: None

Chairman Nass declared the motion approved and that the variance request was denied.

4. Adjournment

There being no further business to come before the Board, Vice Chairman Cifonelli moved to adjourn the Public Hearing; seconded by W. Gene McAlester.

The voice vote was unanimous in favor.

At 8:15 p.m. Chairman Nass declared the meeting adjourned.

These Minutes were approved by the Zoning Board of Appeals at a Meeting held October 10, 2006.

Attest: _____
Kathy Nelander, Village Clerk