

MINUTES OF THE NORTH BARRINGTON ZONING BOARD OF APPEALS
PUBLIC HEARING HELD TUESDAY, DECEMBER 14, 2004 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 7:45 P.M. Chairman Nass called the hearing to order and the Village Clerk called the roll:

Present: Chairman Warren Nass, Vice Chairman John Cifonelli, Janis Menges,
Bryan McGonigal, W. Gene McAlester, Joe DiPino
Absent: Carleen Kreider
Also Present: Kathy Nelander, Village Clerk
Kelly Mazeski, Village Trustee
Hollis Angus, 471 Miller Road
Wayne Leonardi, 471 Miller Road
Rick Cavanaugh, 454 E. Oxford Road
Bill Bowyer, 450 E. Oxford Road

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

2. David Carlson and Tony Rotolante, 283 Kimberly Road – Request to extend Zoning Variation

Chairman Nass explained that zoning variations may be extended by the Village Board of Trustees upon recommendation by the Zoning Board of Appeals. Chairman Nass invited David Carlson to address the Board and ask why he was asking for an extension. Mr. Carlson explained that his Zoning variation was approved by the ZBA as well as the Village Board in July of 2004. Mr. Carlson explained that he was hoping to start the construction this past fall, but had since decided it would be best to start construction in the spring. Mr. Carlson said that he was asking for a six month extension and that construction would start in April, May or early June. There were some questions from the Board.

Motion: Vice Chair John Cifonelli moved to extend Ordinance 1042, a Zoning Variance Ordinance for Messrs. David Carlson and Tony Rotolante, 283 Kimberly Road, for an additional six months; seconded by Bryan McGonigal.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Chairman Warren Nass, Vice Chairman John Cifonelli, Janis Menges, Bryan McGonigal, W. Gene McAlester, Joe DiPino
Absent: Carleen Kreider

Nays: None
Abstain: None

Chairman Nass declared the motion approved and that the recommendation would be made to the Village Board. Chairman Nass explained that the Village Board would consider the matter at their December 20, 2004 Meeting.

3. The following variations are requested in the petition submitted by Ms. Hollis Angus and Mr. Wayne Leonardi, 471 Miller Road, North Barrington, Illinois 60010.

Chairman Nass noted that the detached hot tub enclosure structure was constructed on the property without the benefit of a building permit, and an after-the-fact building permit was needed from the Village in order to legally maintain and occupy the accessory structure in its present form and location. Chairman Nass explained that in addition to being constructed without the benefit of a building permit, the location and exterior materials of the accessory structure did not meet or conform to the applicable provisions of the Village Zoning Ordinance. Chairman Nass explained the requested variances from the Village Zoning Ordinance:

Section 10-2-1: The exterior of accessory structures shall be clad in wood, stucco or brick only. Any metal or plastic exterior materials on an accessory structure are prohibited.

The accessory structure has corrugated plastic roof panels and tarpaulin fabric exterior wall panels.

Section 10-9-4: Accessory buildings and structures, except garages and fences, shall be located at least eighty five feet (85') in back of the front of the lot or right of way.

The accessory structure is located approximately forty feet (40') from the front of the lot and road right of way.

Chairman Nass asked that the applicants address the Board explaining their request. Wayne Leonardi explained that he had the plans drawn for the building permit submittal by a structural engineer after the he built the structure. He explained that the hot tub was a wood-fired hot tub, and the structure has tarps around it to keep leaves out of the tub. Mr. Leonardi explained that there was a deck around the hot tub, and a roof over the entire area using plastic corrugated panels to allow light to enter the area. Mr. Leonardi said that the back portion of the property is very wet and there was no other location for the hot tub structure. Mr. Leonardi said that there were no objections from neighbors to the existing hot tub enclosure.

There were questions from the Board about the construction and the materials used. There were questions about the use of the tarps on the sides and how they were fastened. There was some discussion how the structure would be more appealing if the tarps were not in place. Mr. Leonardi explained that the tarps were held in place by velcro closures.

There was some discussion about water ponding in the backyard. The Village Clerk suggested contacting Environmental Commission member Barb Potter with regard to stormwater matters and drainage.

Motion: Joe DiPino moved to recommend to the Village Board approval of the requested variances for Ms. Hollis Angus and Mr. Wayne Leonardi in order to receive an after-the-fact building permit to legally maintain and occupy the hot tub structure at 471 Miller Road; seconded by John Cifonelli.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Chairman Warren Nass, Vice Chairman John Cifonelli, Janis Menges, Bryan McGonigal, W. Gene McAlester, Joe DiPino
Absent: Carleen Kreider
Nays: None
Abstain: None

Chairman Nass declared the motion approved and that the recommendation would be made to the Village Board. Chairman Nass explained that the Village Board would consider the matter at their December 20, 2004 Meeting.

4. The following variations are requested in the petition submitted by Mr. Richard Cavanaugh, 454 East Oxford Road, North Barrington, Illinois 60010.

Chairman Nass explained the requested variances from the Village Zoning Ordinance:

Sect. 10-11-2(A)9: Every fence shall be constructed with at least fifty (50%) open space between the elements of which the fence is constructed in order that one may see through the fence when viewed in a direction perpendicular to the fence.

Approximately 60 lineal feet of the fencing adjacent to the driveway and around the pool equipment is proposed to be a 4'6" high brick privacy-type fence/wall which cannot be seen through when viewed in a direction perpendicular to the fence/wall. The remaining approximately 192 lineal feet of the pool enclosures will be code-compliant 4'0" high ornamental aluminum fencing.

Chairman Nass invited Mr. Cavanaugh to address the Board and explain the variance request. Mr. Cavanaugh explained that he had submitted a building permit application for the construction of an in-ground swimming pool, spa and associated protective fence enclosure. He explained that he was requesting that a portion of the fencing, approximately 35 feet adjacent to the driveway, to be a 4'6" high brick privacy-type fence/wall. Mr. Cavanaugh explained that the plans submitted called for 60 feet of brick wall as he was going to enclose the pool equipment in the brick to reduce noise. He explained that since his submittal, his neighbor to the east had

concerns about the noise level from this pool equipment, and he had worked with his engineer to try to relocate the pool equipment to another area, under the current decking of the home, in order to accommodate his neighbor. Mr. Cavanaugh showed an aerial photo of the house and grounds in order to explain where the pool, fencing and pool equipment would be located. He explained that due to the location of the driveway, the brick privacy fence was necessary for safety, as well privacy, as the area would be able to be viewed from the street. He explained that the brick would be the same brick used on the home.

Mr. Cavanaugh also gave some background information about his lot and the Biltmore Manor subdivision. He explained that when the subdivision was platted, they platted all the detention easements but they are not quite located where the detention area actually is located. He explained that proposed pool site was designated as their expansion field for the septic system. In order to relocate the expansion field, a detention easement has to be revised in order to move the expansion field to that area. Thus, he has to appear before the Health & Sanitation Commission with regard to expansion field in the area of a detention area, as well as the Plan Commission in order to re-plate the easement. He explained that he would be appearing before both Commissions in January, with all three items to be considered by the Village Board at their January Board meeting. There were questions from the Board.

Motion: John Cifonelli moved to recommend to the Village Board approval of the requested variance for Richard Cavanaugh to construct approximately 35 lineal feet of 4'6" high brick privacy type fencing at 454 East Oxford Road in conjunction with the permit for a swimming pool; seconded by W. Gene McAlester.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Chairman Warren Nass, Vice Chairman John Cifonelli, Janis Menges, Bryan McGonigal, W. Gene McAlester, Joe DiPino
	Absent:	Carleen Kreider
	Nays:	None
	Abstain:	None

Chairman Nass declared the motion approved and that the recommendation would be made to the Village Board. Chairman Nass noted that the Village Board would consider the matter at their January 24, 2005 Meeting.

5. Adjournment

Motion: Janis Menges moved to adjourn the Public Hearing; seconded by John Cifonelli.

Discussion: There was no discussion.

The Voice Vote was unanimous.

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

Respectfully submitted,

Kathy Nelander, Village Clerk

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Page 5
ZBA 12/14/04