

MINUTES OF THE NORTH BARRINGTON ZONING BOARD OF APPEALS  
PUBLIC HEARING HELD TUESDAY, APRIL 8, 2003 AT 8:00 P.M.  
AT THE NORTH BARRINGTON VILLAGE HALL,  
111 OLD BARRINGTON ROAD, IN SAID VILLAGE

1. Call to Order & Roll Call

At 8:02 P.M. Chairman Nass called the meeting to order and the Deputy Clerk called the roll:

Present: Chairman Warren Nass, John Cifonelli, Brian Johnson, Janis Menges,  
and Gene McAlester

Absent: William Buecking, Kelly Mazeski

Also Present: Kathy Nelander, Deputy Clerk

Melissa Roth, Trustee

Bruce Zintz, 224 Kimberly Road

Peder Finnberg, PAF & Assoc., 1207 Algonquin Road, Algonquin

Bruce Tinkoff, 413 E. Main Street, Barrington

Larry Sandberg, 2087 Berystrom Drive, Rockford

Bill & Marianne Denison, 1046 Orchard Pond, Lake Zurich

J.H. Lee, 570 Christopher Drive

Ronald Sekenske, 1914 Manor Lane, Mundelein

Pat Kemper, 471 E. Oxford Road

Edgar Plagemann, 463 East Oxford Road

Dave Adolphson, 483 East Oxford Road

2. The following variations are requested in the petition submitted by Mr. & Mrs. Jay Lee, 570 Christopher Drive, North Barrington, Illinois 60010.

Chairman Nass welcomed the audience to the Zoning Board of Appeals Meeting and explained the variances to the code requested by Mr. Jay Lee.

ZR-2-1: Accessory structures shall not exceed 250 square feet in area and shall be clad in wood, stucco, or brick only, except for greenhouses. Any metal or plastic exterior materials are prohibited.

The proposed aluminum framed pool enclosure structure is approximately 1,436 square feet in area. The exterior is a combination of sliding doors and translucent polycarbonate roof glazing panels.  
glass

Chairman Nass explained that there had been no objections from the Health & Sanitation Officer, the Village Forester, the Village Engineer, or any neighbors to the proposed plan for the swimming pool and pool enclosure at 570 Christopher Drive. Chairman Nass explained that a variance was required for this pool enclosure because per the Village's Zoning Code, the

building is considered an accessory structure and also per Village Zoning Code, accessory structures shall be clad in wood, stucco or brick.

Chairman Nass asked that any person wishing to speak during the public hearing, stand in order to be sworn in. The witnesses were sworn in.

Chairman Nass then invited Mr. Lee, or a representative, to address the Board and explain the plans for the home. Larry Sandberg from CCSI International, Inc., introduced himself to the Board and explained that he was the contractor for the pool enclosure. He said that he, nor his client, did not understand or agree with the Village Attorney's memorandum of November 11, 2002 as to why the Lee's required a Zoning variance. He explained the materials to be used for the enclosure, and how the building would be constructed and attached to the home. He said that the enclosure is considered an all season building that is heated, surrounded with glass, with opening roofs.

Chairman Nass noted that the neighborhood character was made up of homes with brick and cedar, and that there were no homes in the Village of North Barrington that had an accessory structure like the one proposed. There was some concern about the Board setting a precedent for future pool enclosures. There was lengthy discussion about materials used, about adding brick to the walls of the enclosure and visibility from adjacent properties. Larry Sandberg from CCSI International, Inc., said that brick could be incorporated into the design of the enclosure, but would be more expensive. There were some questions from the Board.

Motion: John Cifonelli moved that the Zoning Board recommended to the Village Board approval of the requested variance from Section ZR-2-1 of the Village Zoning Code by Mr. Jay Lee swimming pool and pool enclosure using the plans prepared by Alan H. Comm Architect, dated 1/13/03; seconded by Brian Johnson.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	John Cifonelli, Gene McAlester and Janis Menges
	Absent:	William R. Buecking and Kelly Mazeski
	Nays:	Chairman Nass and Brian Johnson
	Abstain:	None

Chairman Nass declared the motion approved and that the recommendation would be made to the Village Board. He stated that the next Village Board Meeting was scheduled for April 28, 2003 at 7:30 p.m. and invited Mr. Lee to attend.

3. The following variations are requested in the petition submitted by Mr. & Mrs. Bruce Zintz, 224 Kimberly Road, North Barrington, Illinois 60010 for the property at 226 Kimberly Road, North Barrington, Illinois 60010.

Chairman Nass explained the variance to the code requested by Mr. Bruce Zintz.

ZR-8-2(B): From a park, beach, lake, or waterway adjoining the front or rear of a lot or plot, or from streets adjoining both the front and rear of a lot or plot, the setback shall not be less than the average of the setbacks of existing similar improvements on the plots within two hundred (200) feet, but if there are no such improvements then at least thirty (30) feet.

Bruce Tinkoff, Attorney for Mr. Bruce Zintz, explained that his client was seeking a zoning variance from Section ZR-8-2(B) for the building setback from Honey Lake for Lot 3. He explained that Mr. Zintz is the property owner of both Lot 2 and 3, and that the Zintz home was on Lot 2. Lot 3 was for sale contingent on receiving the Zoning Variation in order to build a home. The proposed home will be approximately 145 feet from the approximate high water level of Honey Lake. He noted that the five surrounding residences within 200 feet are approximately 86 feet, 95 feet, 112 feet, 155 feet and 590 feet set back from the approximate high water level of Honey Lake, resulting in an average setback of 207 feet. Mr. Tinkoff said that the average is significantly altered by one property having a 590 foot setback. He said that the property was subdivided after the ordinance was in effect and after the home to the South having the 590 foot setback was constructed. He said that if a variance is not granted, Lot 3 would not be buildable, even though the Village allowed it to be a separate subdivided lot. Mr. Tinkoff said that they were of the opinion that the Owner does have the practical difficulties and particular hardships necessary for the requested variance. Mr. Tinkoff also added that there would be minimal environmental effects and that drainage on the property would not be adversely affected.

Chairman Nass explained that there were review comments from Building and Zoning Officer Kelly Rafferty, Health & Sanitation Officer Natalie Karney, Village Forester Susan Allman, and Village Engineer Al Stefan for the Board's review. Chairman Nass asked Mr. Tinkoff if the issues outlined in the memo dated 4/3/03 from Village Engineer Al Stefan had been addressed, including revision of plans and U.S. Army Corps approval of the work. Mr. Tinkoff said that the variance request did not concern the wetlands delineation, but the high water mark, and thus did not need the reports from the U.S. Army Corp for the variance request. Those reports from the U.S. Army Corps would be used to secure a building permit. Chairman Nass informed Mr. Tinkoff that those engineering issues needed to be addressed before the variation went before the Board of Trustees.

Mr. Tinkoff provided the Board with a copy of letters from the homeowners at 222 Kimberly Road, the Lopez, and 453 E. Oxford Road, the Johnsons, stating that they did not have an objection to the requested variance.

Peder Finnberg explained that the property owners to the south of the proposed home built their home 590 feet away from the lake, and it was this property that was affecting the "average". He explained that of the five homes used for the averaging, three were closer to the lake than the proposed home on Lot 3.

Pat Kemper, 471 E. Oxford Road, said that the Board needed to take into consideration that most of the lakefront homes on Kimberly are set back from the lake, and are located on larger lots. She also explained that the homes on East Oxford Road, the homes being used for the "averages" are located in a different subdivision, Canterbury Hill, and that these properties do not own property into the lake like the Kimberly Road parcels. She also said that since the subdivision of the Mitchell property in 1982, not only had the property changed, but also the conservations laws and she felt that this property may not be considered buildable today. She also voiced concerns about the loss of trees and possible future loss due to root damage, and drainage on the property.

Edgar Plagemann, 463 East Oxford Road, said that he objected to the variance request and said that he would not be able to see over the new house from his house and that the building of the new home would depreciate his property value, as his property would no longer have a view of the lake.

Dave Adolphson, 483 East Oxford Road, said that he had concerns about the building of more homes and the effect on Honey Lake. Mr. Adolphson said that the building on the north side of East Oxford had caused extensive drainage damage to adjacent properties and the lake, and if this home were to be built, it would adversely affect drainage. He said that all this additional building could cause the lake to fill in at an accelerated rate.

Mark Alarik, 457 East Oxford Road, said that he would like to see the Village maintain the integrity of the environment, and that drainage issues had to be looked at very carefully when building close to the lake. He also expressed concerns about the trees in the area.

There was further discussion by the Board. The Board discussed that all the environmental concerns would be handled during the permit process, that the Board was specifically looking at the setback variance.

Motion: Gene McAlester moved that the Zoning Board recommended to the Village Board approval of the requested variance to Section ZR-8-2(B) of the Zoning Code by Mr. Bruce Zintz to construct a home approximately 145 feet from Honey Lake using the Site and Septic Plan prepared by PAF & Assoc. Dated 1/3/03, last revision 3/31/03; seconded by Janis Menges.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call:	Ayes:	Chairman Nass, Brian Johnson, John Cifonelli, Gene McAlester and Janis Menges
	Absent:	William R. Buecking and Kelly Mazeski
	Nays:	None
	Abstain:	None

Chairman Nass declared the motion approved and that the recommendation would be made to the Village Board. He stated that the next Village Board Meeting was scheduled for April 28,

2003 at 7:30 p.m. and invited Mr. Zintz to attend.

4. Adjournment

Motion: Janis Menges moved to adjourn the public hearing; seconded by Brian Johnson.

Discussion: There was no discussion.

The Voice Vote was unanimous.

At 9:25 p.m. Chairman Nass declared the meeting adjourned.

Respectfully submitted,

---

Kathy Nelander, Deputy Village Clerk

Page 4

ZBA 4/8/03

zba030408