

MINUTES OF THE NORTH BARRINGTON ZONING BOARD OF APPEALS
PUBLIC HEARING HELD TUESDAY, NOVEMBER 9, 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 7:30 P.M. Chairman Nass called the hearing to order and the Village Clerk called the roll:

Present: Chairman Warren Nass, Janis Menges, Bryan McGonigal, W. Gene McAlester, Joe DiPino

Absent: Vice Chairman John Cifonelli, Carleen Kreider

Also Present: Kathy Nelander, Village Clerk
Kelly Mazeski, Village Trustee
Hollis Angus, 471 Miller Road
Bill McGrath, 120 N. LaSalle, Chicago

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

Chairman Nass explained the variances to the code as requested by Ms. Hollis Angus:

Section 10-11-2(A,2): Except as otherwise permitted by the Village Code, no fence shall be more than three feet (3') in height.
The proposed fencing is six feet (6') in height.

Section 10-11-2(A,9): Every fence shall be constructed with at least fifty percent (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.
The proposed fencing is a solid privacy-type fence.

Chairman Nass noted that there were no objections from neighbors or Village Staff to the proposed fence. Chairman Nass explained the standards for granting a zoning variation by the Zoning Board of Appeals, including one stating "the variation, if granted, will not alter the essential character of the locality". Chairman Nass asked that the applicant address the Board explaining their request.

Mr. Bill McGrath, 120 N. LaSalle, Chicago addressed the Board. He explained that he was a

friend of Ms. Angus and would help her present her variation request. Mr. McGrath explained that Ms. Angus has had trouble with neighboring dogs and dog fights. Ms. Angus explained that in the last three months, there had been two attacks on her dogs (by two different dogs) that have occurred while she was walking down the street with her dogs on leashes. She explained the location of neighboring dogs and how it precludes her from walking her dogs. Ms. Angus explained that her dogs are Afghan Hounds, which are sight hounds and hunters, and have the ability to jump very high. She noted that a fence lower than six feet would not contain them. She also said that the fence would be of solid construction because due to the dog's breed, the sight of other animals, etc. would cause them to become agitated and possibly hurt themselves.

Mr. McGrath explained that the fence would be located to the side and the rear of the house. The ZBA had many questions for Ms. Angus; including questions about the neighboring dogs. Ms. Angus explained that she had lived in the home for four years, and that she had moved to North Barrington because she felt it was pet friendly. Ms. Angus explained that she felt there was no other route to walk her dogs. The ZBA felt that the neighboring dog problem was of more concern for the Lake County Sheriff and Animal Control. Ms. Angus said that she had received no help from the Lake County Sheriff, and said that she has police reports from the incidents. It was suggested that she assemble her documentation from the Sheriff, vet bills, etc., and contact Trustee Forman (police liaison) because if the neighboring dogs were a danger to her dogs, they possibly would be to other dogs as well as children in the neighborhood, etc. Ms. Angus said that she was going to contact Trustee Forman with regard to the sheriff's department.

There was lengthy discussion about non-conforming fences in the Village, and the locations, namely on Route 59, where six foot fences had been allowed for safety purposes.

Chairman Nass referred to a note from Building and Zoning Officer Kelly Rafferty stating that a detached accessory structure had been erected on the east side of Ms. Angus' property without a building permit. It was also noted that the location and exterior materials of the accessory structure did not appear to meet or conform to the provisions of the Village's Zoning Ordinance. An after-the-fact building permit needed to be submitted, and depending on Village Staff's findings, additional zoning variations for the location and exterior materials used on the structure may be required.

The Village Clerk noted that the building permit application for the accessory structure had been received after business hours on November 9th. The ZBA determined that there would probably be another Zoning hearing regarding the accessory structure, possibly at the December 14th meeting. It was suggested that Ms. Angus contact Trustee Kim Forman regarding animal control and that the fence discussion would be continued to the December 14th ZBA meeting.

Motion: Janis Menges moved to continue the Public Hearing to date certain, December 14, 2004 at 7:30 p.m; seconded by W. Gene McAlester.

Discussion: There was no discussion.

Vote on Motion

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

Chairman Nass declared the motion approved and matter continued to the December 14, 2004 Public Hearing.

4. Adjournment

Motion: Janis Menges moved to adjourn the Public Hearing; seconded by W. Gene McAlester.

Discussion: There was no discussion.

The Voice Vote was unanimous.

At 8:10 p.m. Chairman Nass declared the meeting adjourned.

Respectfully submitted,

Kathy Nelander, Village Clerk

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