

MINUTES OF THE NORTH BARRINGTON ZONING BOARD OF APPEALS
"CONTINUED" PUBLIC HEARING HELD TUESDAY, MAY 10, 2005 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 Nass, W. Gene McAlester, Joe DiPino, Bryan McGonigal and
Carleen Kreider
Absent: Vice Chairman Cifonelli, Janis Menges
Also Present: Kathy Nelander, Village Clerk
Robert Knox, 75 Saddle Tree Lane
Kent Venema, 418 S. Cook Street, Barrington
James Proctor and Dave Blumhorst, 221 Liberty, Crystal Lake
Anne and Matthew Leahy, 604 Sioux Drive
Al Pino, Village Trustee
John Schnure, Village Trustee

Chairman Nass welcomed the audience to the Zoning Board of Appeals "Continued Public Hearing" and noted that the hearing was a continuation from the April 12, 2005 Public Hearing, which was continued from the March 15, 2005 Public Hearing, which was continued from the February 8, 2005 Hearing.

2. The following variations are requested in the petition submitted by Mr. & Mrs. Robert Knox, 75 Saddle Tree Lane, North Barrington, Illinois 60010.

Chairman Nass noted that all requirements had been met by the applicants and explained the variances to the code requested by Mr. & Mrs. Robert Knox.

ZR-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 five feet (5') in height.

ZR-10-11-2(A,1): No fence shall be permitted in front yards except ornamental fences. An ornamental fence is one which is for decorative purposes and the primary function of which is not an enclosure, barrier or means of protection or confinement.

In accordance with the Village Zoning Ordinance, the front lot line

shall be the line which abuts the ingress and egress to your property. The front yard is therefore considered to be the yard extending between side lot lines and between the front lot line and front building line. While the fence brochure submitted in support of the application describes the fencing style as being an "Ornamental Aluminum Picket Fence", the zoning ordinance defines an ornamental fence as one which is for "decorative purposes", where the "primary function" is not an enclosure or barrier. It is clear that the proposed fence, which runs the entire perimeter of the property, is both an enclosure and barrier. Even if, in your eyes, the purpose of the fence is decorative, it cannot meet the primary function test. As such, the proposed fencing in the front yard is not exempted from the regulations of the zoning ordinance as being "ornamental".

ZR-10-11-2(A,7): Except as otherwise permitted by this chapter, no fence that is of the form, shape or structure of a chain link or mesh like or wire fabric, made of any material (including, but not limited to, metal or plastic) is permitted.

Option #2 proposes 1,282 lineal feet of five foot (5') high vinyl coated chain link fencing.

Chairman Nass gave a recap of the requested variance to the ZBA. He explained that the applicant wished to install a five-foot fence around the perimeter of the five-acre parcel at 75 Saddle Tree Lane to keep out neighboring dogs and coyotes. Chairman Nass explained that the ZBA had recommended that Mr. Knox contact Trustee Forman (police liaison) as well as call the Lake County Sheriff's Police with regard to the neighboring dogs at the February 8th Public Hearing. It was noted that Mr. Knox was in the process of building a home on the property and did not currently live in the home. Chairman Nass asked Mr. Knox to address the Board. Mr. Knox said that he was still pursuing the installation of a fence and he had not contacted Trustee Forman, as he felt it would not accomplish anything. Mr. Knox explained that he had spoke to his neighbors about the offending dogs, but it didn't seem to make any difference and that the neighbors no longer talk to him as they did not feel he should call the police if their dogs were found on his property. Mr. Knox said that he had not recently seen the dog he was most concerned about, a neighboring pit bull. Mr. Knox distributed some news articles about pit bull attacks, and then quoted some statistics from the articles. Mr. Knox said that he would not need to install the fence if it were not for the threat of the neighboring dogs, and the fence was to serve as a protective measure for the safety of his children.

Chairman Nass noted that there were objections from Village Forester Susan Allman not only about the removal of trees, but with regard to the restriction of movement of wildlife with such a large tract of fencing.

ZBA member Carleen Kreiter said that she felt that the issue of the pit bull transcended the fence issue. She said that if pit bulls or any dangerous dogs were in the community, she was felt that it was the dangerous dog that needed to be addressed and not the granting of a variance for a fence. Ms. Kreiter pointed out that the neighboring pit bull could move tomorrow, and the resulting fence enclosing a five acre parcel would not set a very good precedent. Ms. Kreiter also agreed with Village Forester Susan Allman's comments about restricting the movement of wildlife on this large parcel.

ZBA member Joe DiPino agreed with Ms. Kreiter and said that a variance should not be granted based on a neighboring dog. Joe DiPino said that any dangerous dogs should be removed from the community.

Mr. Knox said that if the pit bull could be removed, he would not want the fence. Mr. Knox said that his neighbor has the dog for the protection of his home.

The Village Clerk mentioned that she had previously provided Mr. Knox with the Village Code with regard to dogs and explained that the Village Code includes regulations with regard to dogs running at large, and for dogs that menace, pursue, chase, worry, wound or bite a person. She explained that a complaint with the Lake County Sheriff is required in order for the dog to be impounded. Mr. Knox asked if a previous attack could be used for a complaint to the Sheriff. The Clerk said that she could work with Mr. Knox in submitting the initial complaint.

Motion: Carleen Kreiter moved to deny the variance request based on her previous comments; seconded by W. Gene McAlester.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call: Ayes: Chairman Nass, W. Gene McAlester, Joe DiPino, Bryan McGonigal and Carleen Kreider

Absent: Vice Chairman Cifonelli, Janis Menges

Nays: None

Abstain: None

Chairman Nass declared the motion approved and the request denied. Chairman Nass explained that the recommendation would be made to the May 23, 2005 at 7:30 p.m. and invited Mr. Knox to attend.

3. Adjournment

There being no further business to come before the Board, Joe DiPino moved to adjourn the Continued Public Hearing; seconded by Bryan McGonigal.

The voice vote was unanimous in favor.

At 7:50 p.m. Chairman Nass declared the meeting adjourned.

These Minutes were approved by the Zoning Board of Appeals at a Hearing held June 14, 2005.

Attest: _____

Kathy Nelander, Village Clerk

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