



Village of Fox River Grove

ZONING BOARD OF APPEALS SEPTEMBER 23, 2015

CALL TO ORDER

Chairman Celske called the meeting to order at 7:00 p.m.

ROLL CALL

Present at roll call were: Members Celske, Karls, Murren, Riley, Rosch, Schneider and Weber. Also present were Administrator Soderholm and Management Assistant Bechler.

Residents Emery Cole and Jeremy Wheaton and Trustees Curtiss and Migdal were in the audience.

APPROVAL OF THE AUGUST 25, 2015 MINUTES

A motion was made by Murren and seconded by Karls to approve the minutes from the August 25, 2015 meeting as presented. A voice vote followed with all in favor. The motion carried.

ZONING CASE 2015-04 PUBLIC HEARING - REQUEST FOR VARIANCE 109 NORTH RIVER ROAD – Matt & Nicole Spooner, owners

Chairman Celske accepted the proof of proper posted notice of meeting photograph and the certified mail receipts.

Administrator Soderholm explained that a building permit was issued for a split rail fence in the petitioners' front and side yards facing the street. However, given that the fence did not meet the standard for split rail fences in the Village, a stop work order was issued.

Mr. Spooner explained that he is new to the area, and lives on a corner lot where there has been foot traffic in his yard. He explained that he worked with the Village's building consultant Steve Gardner to apply for a fence permit on his corner lot. Mr. Spooner asserted that he believed that there was a common understanding as to his plans to build a picket fence. However, after building the fence, he was informed that the fence was non-compliant and would require a variance.

Chairman Celske inquired as to whether the fence was complete and within the boundaries of the petitioners' property. Each question was answered affirmatively. Chairman Celske asked Mr. Spooner whether or not he was aware of any negative feedback. Mr. Spooner confirmed that he had not personally received any negative comments. Resident Emery Cole commented that the fence looks great.

Village President Robert Nunamaker

Trustees Thomas Anderson / Suzanne Blohm / Jennifer Curtiss / Steve Knar / Andrew Migdal / Patrick Wall

Member Rosch asked Mr. Spooner to confirm that he has no back yard. Mr. Spooner confirmed that the front yard is basically his entire yard.

Member Rosch made a motion to recommend to the Village Board approval for a variance from the provision of the Fox River Grove Zoning Ordinance to allow a fence other than a split rail fence to be constructed in a front yard or in a side yard adjoining a street. Member Schneider seconded. Roll Call: Celske, Karls, Murren, Riley, Rosch, Schneider, Weber – all “yes”. MOTION PASSED. The hearing was closed at 7:17 p.m.

ZONING BOARD CASE 2015-05 PUBLIC HEARING - REQUEST FOR VARIANCE 1100 VICTORIA DRIVE – Syed Bijli & Fasiha Tabassum, owners

Chairman Celske accepted the proof of proper posted notice of meeting photograph and the certified mail receipts.

Administrator Soderholm explained that the petitioners had installed a heavy grade chicken wire fence without a building permit, which had since been removed. At this time, the petitioners intend to install a fence similar to their neighbor across Primrose Lane (1096 Victoria Drive).

Ms. Tabassum explained that their family moved to their current home in late 2014, and did not expect to need a fence. However, given the location near Route 22, they later determined it was necessary. She further explained that she had met with the Village’s building consultant, Don Lay, and that he told her that a chicken wire fence would be allowed without a permit as long as it was screened by natural features. She explained that she planted juniper bushes, but that they had not grown tall enough to block the fence.

Chairman Celske asked the petitioners to confirm that the fence was to be constructed entirely within the boundaries of their property, and whether or not it would be of a similar style to their neighbors across Primrose Lane. The petitioners confirmed that it would.

Member Schneider asked if the fence at 1096 Victoria Drive is a six (6) foot board on board fence. The petitioners confirmed that it is.

Member Weber asked if the fence would be constructed east or west of the berm on the property, and if it would be inside or outside the tree line. Ms. Tabassum stated that the fence would be outside the tree line, and inside the berm.

Member Murren stated that he had no issue with the fence as long as it mirrored the fence at 1096 Victoria Drive. Members Weber and Karls concurred. Chairman Celske recommended that the variance be granted upon the condition that the fence constructed is of the same style as the neighbor at 1096 Victoria Drive.

Resident Jeremy Wheaton commented that he agreed with the variance as requested and had no issue with the fence being installed as long as it is not a chicken wire fence.

Member Rosch asked what happens if the fence falls into a state of disrepair. Administrator Soderholm stated that it would be treated similarly to all other fences in the Village.

Member Rosch and Chairman Celske shared concern about allowing a six (6) foot privacy fence, but stated that the location of this corner lot near Route 22 made the proposal acceptable.

Member Weber asked if the fences had to be five (5) feet off the lot line. Administrator Soderholm stated that fences only need to be constructed entirely within property lines.

Member Murren made a motion to recommend to the Village Board approval for a variance from the provision of the Fox River Grove Zoning Ordinance to allow a fence other than a split rail fence no more than forty-eight (48) inches in height to be constructed in a front yard or in a side yard adjoining a street provided that the fence mirrors the fence at 1096 Victoria Drive. Member Karls seconded.
Roll Call: Celske, Karls, Murren, Rosch, Riley, Schneider, Weber – all “yes”. MOTION PASSED. The hearing was closed at 7:30 p.m.

Member Weber made a motion to adjourn the Zoning Board of Appeals meeting at 7:30 p.m. Member Murren seconded. All were in favor.

Dan Celske, Chairman

Stephen Bechler, Management Assistant

Date Approved