

**Village of Bartlett  
Zoning Board of Appeals  
Minutes**

**June 4, 2015**

**Chairman Werden called the meeting to order at 7:00 pm.**

**Roll Call**

**Present: M. Werden, G. Koziol, B. Bucaro, J. Banno**

**Absent: P. Hanson, R. Carney, L. Hanson**

**Also Present: J. Plonczynski, CD Director; R. Grill, Asst. CD Director; A. Zubko, Village Planner**

**Approval of Minutes**

**A motion was made to approve the minutes of the May 7, 2015 meeting.**

**Motioned by: G. Koziol**

**Seconded by: B. Bucaro**

**Roll Call**

**Ayes: M. Werden, G. Koziol, B. Bucaro**

**Nays: None**

**Abstain: Abstain**

**The motion carried.**

**Case # 15-10 1200 Pinetree Lane – Variation – Fence Height – PUBLIC HEARING**

The petitioner, Krzysztof Pilasiewicz, was present and sworn in. He resides at 1200 Pinetree Lane, Bartlett, IL.

**The following Exhibits were presented:**

- Exhibit A - Picture of Sign**
- Exhibit B - Mail Affidavit**
- Exhibit C - Notification of Publication**
- Exhibit D - List of 20 Neighbor Signatures in support of 6-foot fence approval**

**K. Pilasiewicz** - We would like to have the approval of putting up a 6-foot fence where the 3-foot fence is currently located. It is basically for the reason of safety of our kids, our family and our dog and other neighborhood kids as well. We ask for your approval.

**M. Werden** – Is this something you are wanting to put all the way around the yard or just on that one side?

**K. Pilasiewicz** –Where the lighter portion of the fence is, we already got a permit for and we've built it around. The rest of it, based on your approval, we would like to finish it all the way around so we can have an enclosed, safe yard.

**M. Werden** – Is your purpose for the fence for privacy or to keep people from coming into the yard, or what is the purpose of the 6-foot fence along the street?

**K. Pilasiewicz** – Like I said, for the safety of our kids. We live by Struckman Boulevard, which is busier than we expected. There is a lot of speeding and we are afraid for the kids and that they don't cross over a 3-foot fence with ease.

**M. Werden** – I know the current fence is in a state of disrepair, but you have very thick foliage along there. That is why I asked because if you are driving by quickly, you don't really see anyone in the yard. The maximum height requirement of a fence in a corner side yard is 3-feet. This is quite a jump in height level to go to 6 feet. Would you be tearing out any trees or bushes along there? I noticed that you have a lilac bush and couple of oak trees.

**K. Pilasiewicz** – If we would be allowed to do that, we would trim it within the 6-foot fence, where the line is. Yes. So that way, it would open up even more visibility as far as traffic goes. Right now if you can see the pictures, there are bushes overlapping over the 3-foot fence. Yes, we would definitely trim the bushes that are overlapping right now. Which would, again, assure better visibility and for the safety of our kids.

**G. Koziol** – I have several comments. In our packet of information for each of these meetings, there is a section under Recommendation that reads" *According to the provisions of the Zoning Ordinance, the Zoning Board of Appeals should render a decision based upon the following:*

- A. That the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

If the request for a 6-foot fence were not to be approved, there would not be a particular hardship upon the owner, rather it might be an inconvenience. According to the permit in our packet, there has been a 3 foot fence in the area of concern for the past 25 years and no true hardship was stated prior to today. A new 3-foot or 4-foot high fence could be a good replacement. The old, broken fence would be replaced and it would meet the requirements of the ordinance or be a 4-foot fence obtained through a variance request. No hardship or inconvenience would occur. I believe that we should not vote to approve.

- B. That conditions upon which the petition for variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classifications.

There is nothing unique with this property that is so different from other properties in the area. Other properties in the area, specifically 2 properties just across the street, have met the requirements for a 3-foot side yard fence, as stated in our current Ordinance. If others in the area with similar situations have met the requirements as stated in the Ordinance, then there is nothing so unique to this property that the request for a 6-foot tall fence should be approved. Again, we should not vote to approve this.

- G. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Title to other lands, structures or buildings in the same district.

The granting of this variance request on this property would be conferring on this applicant a special privilege that was not granted to other homeowners/property in the area. This is clearly visible by the fact that 2 nearby properties installed 3-foot fences which are as stated in the current ordinance referring to fences in corner side yards. Again, we should not vote to approve this.

In your application to the Village, there is a section that states "That the purpose of the variation is not based exclusively upon a desire to make money out of the property." Your response was "The purpose of the variation is based upon a desire to live at this property for many years to come, with that comes safety, privacy, and curb appeal to the neighborhood." It is my belief that curb appeal is in the eye of the beholder. It is my belief that 6-foot high fences do nothing to enhance the neighborhood or community. For that matter, 6-foot high fences are like a wall; a fortress. They imply that you want nothing to do with the world outside of the fence. As you can tell, I am not in favor of this type of fence in this location.

**M. Werden** – I think, to back up what George is saying, all you have to do is to drive along Newport Boulevard and see what he is talking about. You have that canyon effect. Even though the fence is back from the road itself, it is one big tunnel. In general, we just do not have 6-foot fences unless it is in the backyard or abutting a commercial district or something like that.

**B. Bucaro** – I also have a few comments. As the diagram depicts, there are several fences that are 6-foot fences, but they are set back behind the setback line. I believe there are several to the west of you that are like that. That is another option. Obviously you lose some of your fenced in yard, but it does meet some of your objectives of the pets and the safety of the children. And if you put in a swimming pool, it would be enclosed in that area. I look at every fence variance request independently. I do like this style than the stockade style, which is just a much larger barrier. But, that being said, I think there are options

you can take and still meet your objectives and not need a variance for a fence. I drove down the street today and I can fully appreciate your comment about the speed of the cars. In just the 5 minutes I was there, going the speed limit, up and back, I had a guy right behind me and just about every car was greatly exceeding the speed limit. In that vein, I would suggest that you and your neighbors talk with the police department and see what can be done for that issue.

**K. Pilasiewicz** – We were here 2 weeks ago to hear another variance request and the Chief of Police was here. I talked to him and they are trying to do whatever they can with radar and everything, but people don't pay any attention to it. They see the speed limit, but they always go above it. They know they are not going to get a ticket for it. I call all the time and they come right away, but I don't know what else to do. I just want our kids to be safe. And, as far as putting it back, based on the plat of survey, it would be allowable by the building line, right? There is a concrete patio along the building line along with the stairs from the deck, which was already there when we bought the house. When we came here to inquire about the fence variance a year ago, one of the staff members pulled the permits. Plus, down the line of the building line, there are 2 trees in the way. That right there would be pretty much impossible. We don't want to get rid of the landscaping because it is nature and it should stay there.

**B. Bucaro** – I can't speak of the trees. Obviously you would want to save them. At the corner where the concrete patio is, if you are able to go around that corner, even if you had to have a variance to go around the corner, is much less obtrusive than going all the way out to the sidewalk.

**K. Pilasiewicz** – That is correct.

**B. Bucaro** – You would still need a variance to get around the corner of the patio.

**K. Pilasiewicz** – But there are still bushes there.

**B. Bucaro** – You said you are already taking down bushes on the other side or along the sidewalk in order to put up the fence. I mean, it's a trade-off. Maybe that is another option that this Board and the Village Board may look more favorable toward. Even though you would still need a variance to cut that corner.

**J. Banno** – I feel like this request for a variance would reduce visibility in the area. I also don't like the fact that a 6-foot fence will be in the front portion of the yard. I think this type of fence will have a negative impact on the neighborhood and the property values. I would be willing to consider a 4-foot high fence, but I think a 6-foot fence is a bit excessive.

**A. Pilasiewicz** – I am Kris's wife and we have two small kids. Like my husband has said, the two trees that are there are two feet in diameter. Then there is the concrete patio with the stairs. As a mother, I really would appreciate having the 6-foot fence. We have two small children and a dog. And setting the fence back, we would have to get rid of those trees, which is another expense. Plus, we have done our research to see how much visibility may be impacted. We put our fence panels to see if it would cause a visibility problem. We have some pictures to show you. *She submits a CD disc with photos, however, the laptop computer had no disc drive to enable the Staff to show the photos. No photos were submitted in printed form.* I have walked on the bike trail; we walk on it every day. It is not like we are secluding ourselves from the trail. We just feel that it would be more secure to our children with a 6-foot fence. Our dog wouldn't cause any harm to others. I have also spoke to our neighbors and sent out letters to inform them of this hearing. I spoke to about 40 residents and 20 of them couldn't be here, but they signed this to say they don't object to a 6-foot fence. Some of the other neighbors are here. *A list of signatures is*

*submitted – Exhibit D.* There was one gentleman that said he was not in favor of the 6-foot fence, but I don't think he is here tonight. He lives on Keim Trail. But, I think that area has a restriction for fences. When we moved to this house, we knew there was a fence and thought we could put a new fence in its place. My son was born without a hand, and I don't want anything else to happen to him.

**M. Werden** – Did we receive any phone calls or anything about this?

**A. Zubko** – We did not receive any phone calls regarding this.

**J. Plonczynski** – We have a number of audience members that completed a Witness Form to speak tonight. Just so you know.

**G. Koziol** – I have an additional comment to make. I have lived in Bartlett for 27 years and I am in a community that has no fences. The only fence that exists is along the one main street. In the 142 homes there have been a number of children that have grown up and there are also quite a number of dogs that live there. I have a dog and how do I solve the problem of no fence, I put my dog on a leash and walk the dog. I walk him in the front yard and the back yard, whatever. It is doable. You can make these things work.

**A. Pilasiewicz** – I understand completely, but buying this house 2 ½ years ago and I researched that this house could have a fence. We did not know about the ordinance for only a 3-foot high fence. I understand why it is in force. I know it is for traffic safety and traffic concerns, but we have taken old panels of a 6-foot high fence to see if this would cause a traffic problem to cars or walkers. We believe it would not be a problem.

**G. Koziol** – The requirement for a 3-foot fence has been effect for a number of years and during that time a number of requests have been filed and it has been suggested that the ordinance be changed to increase the height to a 4-foot fence. Maybe a 4-foot fence would be a better solution for you.

**K. Pilasiewicz** – With a 4-foot fence, even with a 5-foot fence, our concern is that there is a very busy trail right along our property. Especially during the warm weather months. We don't know what kind of people go along there. People run or walk along the path, even a lot of our neighbors use the path. But our concern is kidnapping. That is a concern for us. And to protect our kids. We want the kids to have a little bit of freedom within their own backyard without us looking at them constantly.

**M. Werden** - How old are the kids?

**K. Pilasiewicz** – The boy is 7 years old and the girl is 4 years old. I believe they should have the freedom of enjoying their own backyard. It is still a concern for us even if it were a 5-foot fence. There is still the traffic and the speeding cars.

**Chairman Werden opened the Public Hearing.**

**Terry Daszek resides at 1208 Pinetree Lane, Bartlett, IL 60103.**

**Terry Daszek** – I have lived in Bartlett for 12 years. I am in favor of letting them have what they need for several reasons. I am a mother, a grandmother, a special Ed teacher and I see the need for a 6-foot fence. I watch the news a lot. They are right on the corner. Anybody can go by. They can grab these kids with these fences. It would be an advantage to the neighborhood. I don't want to see everybody's junk or

high grass. If we care about this town, we help one another. That block has had a lot of issues. There were 3 foreclosures. It is a big issue to us that live there. We want neighbors that are good and take care of their property. I want to see the kids protected. I want to see this family be happy in this neighborhood and to have to be pushed down because of an issue like this. I walk down Struckman and I see other fences that come up to the sidewalk. I don't know why they are allowed to have them and not this family.

**G. Koziol** – Could you repeat your address?

**Terry Daszek** – I live at 1208 Pinetree Lane. That is about 4 houses down from them. I don't have a fence, but both of my neighbors do. I don't have a dog. My grandkids come over and I play with them in the backyard. But I have been a mother. I've seen dogs attack kids. I have seen people take kids or kids getting lost. Anybody riding a bike by can entice them. This way, they won't be able to see if there are kids in the yard. These people want to protect their children. Why in heaven's way would we stop them? I came here tonight to tell you that I want them to be able to have the fence they want for protection. Look at all of the houses that have cars drive right up into the house. In fact, I think that the mailbox right across from them got knocked over last year. We can't protect our kids enough. And the fact that they want to, and you don't want them to, makes me question you guys. I want Bartlett to be a friendly, family oriented place. That is why we moved here.

**B. Bucaro** – I don't think it is a matter of us not wanting them to protect their kids. What we are looking at is a Village wide ordinance. Maybe it is a difference of opinion, by a 4-foot fence or a 6-foot fence is not going to stop a car. I am of the opinion that a 4-foot fence will certainly be a deterrent of somebody coming into the yard for improper intentions. Or for dogs coming in or out of the yard. That was another alternative or suggestion. A 4-foot fence may meet your needs almost as well as a 6-foot fence. It is not a matter of us not caring about this family. Maybe it is a different opinion or a different objective or point of view. There are some variances along there, as indicated on the diagram in red. I can't speak for any of those. I don't know anything about any previous variances. Evidently, there was something at the time those variances were granted and evidently the Village Board agreed with it, for whatever reason.

**M. Werden** – Everything that is shown in green on the diagram actually meets the Code, so they wouldn't even have had to come before us.

**B. Bucaro** – Corner side yards have always been a problem as to the height of the fence.

**G. Koziol** – Can Staff tell us when the permits were issued or when the fences were put up for the houses directly across the street from this property?

**A. Zubko** – Directly across the street on the east side of Pinetree Lane, there was a building permit granted in 1992 and it was for a 3-foot fence in the corner-side yard. The property on the left, at 1196 Pinetree Lane there was a permit granted in 2009, also for a 3-foot fence.

**M. Werden** – Those would not have come before us because they met the Code requirement.

**Terry Daszek** – The one on the corner by Route 59 is just what this family wants. I don't know how it is any different. Plus, there are sounds from the traffic. We put up big ugly fences on Route 59 for the sound and to protect the residents that live along Route 59. We protect those residents. This family wants to protect their own family. I've had a dog that has jumped over a 6-foot fence, and it wasn't a big dog. If they want to get out bad enough, they will. People from all over walk their dog along that bike

trail. The fence they have now, I sure wouldn't have because it would not protect the kids at all. Anybody could grab one of the kids. I don't see a problem with a 6-foot fence at this location.

**G. Koziol** – The reason for ordinances related to fences is to keep some sort of control throughout the Village.

**Terry Daszek** – And, I agree with those.

**G. Koziol** – But you are also an advocate for the 6-foot fence. Are you an advocate for everyone in the Village to have a 6-foot fence to control dogs and to protect children? I don't think everyone in this Village wants to see 6-foot fences everywhere.

**Tom Daszek** – If that is their wish, yes I am. Times have changed. I don't have a fence and I like that I don't. But, we have to determine if we are going to be a friendly neighborhood or a vicious neighborhood.

**M. Werden** – Well, fences fence out friendliness.

**Terry Daszek** – But the opposite is true also. After I have raised my kids, I don't need the neighbor kids playing in my backyard and then suing me. There are all kinds of reasons to put up a fence. But I believe they should be able to have the fence they want. Simply for the reason that their two kids will be safer. We always want whatever is best for our kids.

**M. Werden** – Well, let's move on. We know how you feel. Let's hear from someone else.

**Tom Daszek resides at 1208 Pinetree Lane, Bartlett, IL.**

**Tom Daszek** – I have gone past the property several times on my bike and the existing fence is rotten and falling apart. I have seen that he has put a substantial amount of money into his property since he has moved here. This fence will complete his project and it does not obstruct the view of traffic on Struckman Boulevard. I think it is a good idea. When he first told me about it, I said yes, I agree. Now the Village, and you four people are telling him he can't do that. Give me a good reason why. And not just because the Village Ordinance says that he can't. That is B.S. I am not going to accept that. You people are telling us how to live and I resent that. I pay taxes...

**J. Plonczynski** – Excuse me sir. This is a recommending body to the Village Board and the Village Board takes their recommendation and then has to approve this. The fact is that the Ordinance is in place and the Ordinance is applied throughout the whole Village. You cannot reprimand the Zoning Board of Appeals Commission for carrying out their duties. Please do not be condescending to the Zoning Board of Appeals. They are reviewing the case in front of them. You are allowed to give your testimony for consideration. They appreciated you giving your testimony. Please do it respectfully.

**G. Koziol** – Earlier, when I spoke about recommendations, those are suggestions or rules we should follow as we go through our review. We do that for any and all variation requests. They have been used for years to guide us in our review.

**M. Werden** – These rules have been in place for a long time. We are here to review each case and, if necessary, be lenient and make a recommendation for an exception to the Ordinance. We are not telling anyone what to do. And we do not have the final say so. The Village Board does.

**Tom Daszek** – Well, that is my opinion. I gave it.

**Robert C. Smith resides at 1214 Pinetree Lane, Bartlett, IL.**

**R. Smith** – Good evening. I am the number one resident on Pinetree Lane. I have lived there since 1978. I have watched all of these houses get built. I have watched residents come and go. I have seen problems with the previous tenant. His dog jumped that little 3-foot fence and it attacked my other dog that I used to have. And, to tell you the truth, they have a lousy looking back yard I don't like to look at it. I walk my dog along that path and for us that walk by every day, we get tired of looking at all of the junk in the backyard. If you go over by the Struckman Basin, the fence on the back side of that is very close to the sidewalk. You can reach out and touch the 6-foot fence that is there. I know. They have a pit-bull and I have had an issue with them about their dog. So, there have been some considerations granted in some cases and I would like to see some consideration to these people. It is not a visibility problem. I drive there and walk past there every day. The part of the fence that goes to the house is not a visibility problem is not in the way at all. When you pull up to the stop sign, it does not block anything. It is not an issue at all. Actually, the bush on the next block is more of an issue. The 9-foot high bush obstructs the vision when you pull up to that corner. Landscaping is not regulated. It causes more of a problem than this fence does. I don't mind a 6-foot fence here. It would be a lot better looking than what is there now. If there was a 4-foot high fence, I could still see into their backyard. A 6-foot high fence doesn't bother the aesthetics of the neighborhood. A 3-foot fence is ludicrous if you have any type of animal. A 6-foot fence isn't going to decrease property values. People are getting more for their homes now than they ever have. I would really like to see this variation go through. Because most people don't really care. These people are obviously trying to do it the right way. It would help them out to finish their yard out with a 6-foot fence. I have a 6-foot fence in my yard. It is just not out in the front. I got a 6-foot fence to replace my 3-foot fence. Nobody really cares if it is 6- feet high. We only found one person that objects to a 6-foot fence. And that person lives in the Keim Trail Subdivision. They object to anything anyway because they think they are better than us. They have \$500,000 houses, so they object to everything. I would like to see this variation approved. I don't think it hurts anything.

**M. Werden** – Well, that is the purpose of the Public Hearing. I am impressed to see this many people show up that are for it. In general, people come out because they are opposed to something. I am very impressed to see this many people that are for it. But, I am curious to see what everyone else has to say.

**Lydia Saric resides at 1201 Dogwood Lane, Bartlett, IL.**

**L. Saric** – Thank you for offering us the time to speak tonight. My property touches the back of their property. So, our backyards abut. I would like to address the issue of hardship and uniqueness of the property. If I could respectfully ask that you show the drawing of the plat of survey so it can guide my thoughts? Thank you. *The plat of survey is shown.* My lot is the one to the left of the picture and my lot abuts two yards. So the back fence of my house comprised of two yards. The angle that the house is placed on this particular lot and the curvature of the street does make this property unique. If they were to put the fence back at the blue, building line, look at the significant reduction in the size of their backyard. Property values are based on curb appeal, square footage and lot space. A significant reduction, visually a significant reduction in their backyard space, would significantly decrease their property value. And that is specifically because of the way the developer placed the house on the lot. So, I think they do have a just cause on uniqueness of the property. Another element of uniqueness to the



property is the existing landscaping, which has been there for practically 20 years and is a significant, old growth. The amount of work it would take to pull up those trees to put that fence along the blue building line, I think, is an undue hardship. The cost involved and the risk to a passerby is enormous. I think the Village would have to get involved in order to take those trees down. Police would have to come and direct traffic on Struckman while the trees come down. So, I think they have both a hardship and a uniqueness to their property if they were to try to comply. The other gentleman mentioned that dogs can jump 3-foot high fences. They can also jump 4-foot fences. I am a dog owner. I have also gone to agility training classes and I have seen what large dogs can do; even what medium sized dogs can do. You would be surprised what small of a dog can reach the top of a 4-foot fence. I think the primary thing is that there would be a significant reduction to their property value if they were to put the fence back to the building line. Also, could you show the picture of the corner of the house that also shows the bike path? *The picture is shown.* If you look at the angle of the bike path and the angle of the house, you will see that the house was angled away from the corner. It was probably because the developer wanted to get a balance of privacy so the windows of the house were not facing down Struckman Boulevard. But, because of that angle, that is exactly what causes the problem for them if they were to put the fence at the building line. They have all this extra space of greenery up at the front of the house, which was the desired feature the developer wanted to create by putting the house at that angle.

**M. Werden** – It may have been for privacy. We don't know now what the developer was thinking back then.

**L. Saric** – All of our houses face a risk of value because of the railroad that goes behind our houses. The houses tremble when the trains go by. And the traffic on the railroad has increased over the years. We already face risks in our property values. I don't think we should be putting a resident in another situation where they could decrease their property values even more.

I would also like to address the issue of the gentleman who lives in a community that has no fences. Properties are different. Neighborhoods are different. Needs are different. I could not imagine living in a house without a 6-foot fence. Just because he has lived for 27 years in a neighborhood without fences, I don't think that is a legitimate argument to make in terms of whether a family should live with or without a fence or how high it should be. I have been on Dogwood Lane since I was 12 years old. I lived a few houses in when I was growing up and then moved to the corner house in 2011. I have seen a lot of houses up and down and owners change. That house, previous to this owner, never had a family with children. So, when the comment was made that the property survived 25 years with a 3-foot fence I find a little bit weak. None of the previous residents had a need for a higher fence. I, myself, do not have children, but I like a 6-foot fence. But for this property, the previous residents evidently didn't feel a need for a higher fence for security. The other thing I would like to address about security is that there are groups of teenagers that come from the metropolitan area who are bused into this area for the purpose of solicitation. That is another concern for security. And for hardship, times have changed. Everybody watches the news and hears of the crazy schemes that people come up with. So, despite the fact that previously we didn't need fences for security, I think nowadays it is a significant issue. There have been several cases of girls being abducted. In fact, they have been abducted from bus stops, one half block from her step-father, who was on the driveway and watching. It is a new world. I would like you to take that also into consideration. I am just saying that it is a new and different world than it was when I moved into Bartlett at the age of 12. I think the primary points that address the ordinance is to show hardship, and uniqueness and I hope that I have done that today.

**G. Koziol** – When you speak of trees, when a homeowner either plants them for the first time or whether he purchases the home with trees on the property, he is responsible for the maintenance of the tree for its entire life. And, at some point, for whatever reason, the removal of the tree. He is responsible for the tree. Yes, the removal of trees is very expensive. I just went through the removal of a 45-foot tree with a 4-foot base that cost \$1,800. Yes, the removal of a tree could be expensive, but it is part of the property that you own and you are charged with the maintenance of it and for whatever costs it may incur.

**L. Saric** – You still can't get around the reduction in the size of their backyard. That angle of that property is detrimental to the placement of the fence on the building line. It will dramatically reduce the size of his backyard, which will negatively impact their property value.

**G. Koziol** – What year did you move in?

**K. Pilasiewicz** – In 2013. January of 2013.

**G. Koziol** – At that time was this fence a concern of yours? Or did you like what you saw?  
*Petitioner's response was inaudible.*

**L. Saric** – If I could comment on that, as a neighbor? Struckman Boulevard is a lot busier during the summer than what it is in the winter when they would have moved in. So, I would like to say they probably didn't understand the amount of traffic that Struckman generates. They would have only realized it after the first summer.

**K. Pilasiewicz** – We were extremely happy that we were buying a house in a nice neighborhood. We thought we could put up a high fence. It was just a matter of gathering some extra money for it and being back on our feet after purchasing the house. Now, here is the time and we would like to do it. I would like to go back to the comment at the beginning that it would look like a privacy bunker. We chose a type of fence that you can see through. It will not completely cut us off from the rest of the neighborhood. It will be a shadow-box fence. So, when we clean up the yard, anyone that is walking down the path, they would still be able to see through the fence. Again, the 6-foot height is for the safety of our children.

**M. Werden** – I appreciated that it is at least somewhat see-through. That way no one will be able to hide behind it in any way.

**K. Pilasiewicz** – Yes, we did the extra homework so it would be safe. It is unfortunate that you cannot see the pictures on the CD I brought. We put up some used panels to show how it would look and to get an opinion from our neighbors.

**M. Werden** – I am impressed with the time you put to contacting all your neighbors. But, that is why we review these cases on a one by one basis.

**G. Koziol** – The fence that you are proposing is it an open picket or is it staggered?

**J. Plonczynski** – The board-on-board term is also called a shadow-box fence. One picket is on one side and the other picket is on the other side.

**G. Koziol** – So, it pretty much blocks the view. It is not just an open picket fence. *A picture of the fence style is shown.*

**K. Pilasiewicz** – The pickets are on an angle. So, if you are walking or driving on Struckman Boulevard you can see the entire yard.

**L. Saric** – Serving the needs of the community as it changes is an important thing to an ordinance. As long as the community has transparency, open procedures and fairness there is no perception of why one family gets a variance when another family does not. I think with open procedures and transparency and meeting the needs of the ordinance, like the hardship and uniqueness of the property, then I don't believe there is any harm in offering the variance.

**John Mansour resides at 1203 Pinetree Lane, Bartlett, IL.**

**J. Mansour** – I think the other speakers have presented a lot of good reasons. I live right across the street at 1203 Pinetree Lane and have lived there since 1999. I don't see any issues with the fence or the visibility or for security. I don't see any issues at all and I am in favor of you approving the variation.

**Vickie Mansour** resides at 1203 Pinetree Lane, Bartlett, IL.

**V. Mansour** – I echo what my husband just said and as a mother, your child's safety is absolutely the top priority. I agree with everything else these wonderful people stated earlier this evening. Since we have lived in our house, which is right across the street from their property we came back from vacation one year and there was graffiti on our patio in our backyard. A high fence would definitely keep the teenagers or people that you don't want in your backyard out. And, just like the others have stated, we live in a different world now. There was recently a woman attacked on an Elgin path. Who knows when this will happen in Bartlett or our backyard? The safety of our kids are our top priority. I know, that when I pull out from Pinetree Lane to Struckman Boulevard, there is no blockage of visibility whatsoever. I think it is a beautiful fence and it will help increase our property values as well. I would appreciate it if you take all of that into consideration. And the uniqueness of the property is right on point like the other neighbor stated. None of our properties are shaped the same way as theirs and it would be a hardship for them to move the fence back. Thanks you so much.

**Jose Vargas resides at 1204 Pinetree Lane, Bartlett, IL.**

**J. Vargas** – I have lived in my house for 13 years. The people that lived in the house before these people were grown-ups. When you walk along the bike path and there are dogs in yards, the dogs rush the fence and try to jump the fences. I think they should have a 6-foot fence for safety of the people that walk the path. I don't want to have my daughter walk our dog and have another dog jump a fence and attack my daughter. I think it is unfair not to let them put a 6-foot fence on their property where he wants it. That is pretty much what I have to say.

**R. Smith** – When Mayor Melchert had the bike path put in there, they actually took what was a 28 inch sidewalk and made it into a 6.5 foot wide bike path. It goes all the way up to their property line. It looks like the fence has a piece of grass this big. It used to be a good 4 feet from the fence to the sidewalk. Now you only have about 12 inches of grass between the bicycle /jogging path and the fence. That is the change that occurred. I think what is there already, the red fence would look nice with an addition of a 6-foot fence continuing. I don't think it would look quite as nice if you dropped the fence height down to 3 feet. It's not that big. I can still see over it. I am 6'4" tall. Right now with the 3-foot fence there, I can see three backyards down the line. Thank you.

**L. Saric** – We were talking about what they would have to do to put the fence back at the building line and we talked about the cost, and whether or not that is a hardship. I also think taking out the trees would decrease the property value. It's not just the reduction of the size of the yard. Those trees are Filberts, a Maple and a Magnolia tree. All of the landscaping was very pretty. So, to be forced to take them out would again reduce the property value. There is an unsold home across the street from them and they cut out a lot of the landscaping that was previously there, and that house has not sold. So, I am wondering if the amount of landscaping that was cut out of that house has decreased the ability to actually sell the house because both of those houses actually had the prettiest landscaping along Struckman Boulevard. So, taking those trees out, the age of the trees and the variety of the trees would also be a reduction of the neighborhood. Thank you.

**K. Pilasiewicz** – I just wanted to make one more point. Not only the dogs in the neighborhood, but we have recently had an increase in the coyote sighting.

**M. Werden** – Yes. That is something we didn't see very often in years past.

**K. Pilasiewicz** – That is just another risk factor we have to deal with. Supposedly, a coyote can even jump a 6-foot fence. But a 6-foot fence should reduce the possibility of that happening. I have seen coyotes out when I walk my dog in the morning or the evening. It is just another risk factor for us.

**R. Smith** – Could you show the other diagram that shows the building line again? Is someone suggesting that they run the fence through their patio?

**M. Werden**- It was noted that the patio was there. He has already stated that he was willing to look at a variance that would go around that corner. That is not an issue for us. Is there anyone else in the audience that wishes to speak? *No response from the audience.*

**Chairman Werden closed the Public Hearing.**

**B. Bucaro** – I can't tell where the trees are from looking at the plat of survey. I understand that you don't want to cut down trees, given the cost and also taking into consideration the value of the property, but I can't tell where the trees are. Would you be amiable to come from the corner of the house or the corner of the concrete block patio straight to the corner of the property where the two fences intersect? Part of my issue with this is the part in the front of the house. If you drew a line from the house corner to the yard corner, to take into account the weird angle, would you be willing to do that? If there are no trees in the way and you get the fence to go from there to there, would you be willing to do that? You would still need a variance for a 6-foot fence in that location, but I personally would be more agreeable to that situation than the fence going out toward Struckman Boulevard at the front of the house. Would something like that work?

**K. Pilasiewicz** – Well, there is a lot of money involved. A lot of additional money involved in it by trimming everything. When we applied, we kind of expected someone from the Village to show up and talk to us and do some kind of survey on the property about this. Again, it would require a lot of trimming and a lot of money. Besides the trees, there is some kind of little hill in the middle of the yard as well, which would also be a problem for us as well. We would have to flatten it. It is in between the trees.

**B. Bucaro** – So, as we see the reddish looking fence, that is the neighbor’s fence and basically it is on the building line of that property, correct?

**L. Saric** – Yes, my fence is on the building line, but my land is raised up because I have a split ranch home. Both the front and back of my property rise up to meet the house. I have to keep a fence at the building line to achieve any kind of privacy for my patio. His property is low and flat. Mine is angled up. The plan for the location of what you just proposed has the large Filbert tree in the corner.

**B. Bucaro** – Well, maybe you move it over about 3 feet. Is there a fairly straight sight line without having to take trees down?

**K. Pilasiewicz** – The trees are staggered. It is not only branches. It would be extremely tough. Like I said, I was hoping for someone to come out and talk to us and make some kind of educated suggestion on what to do.

**B. Bucaro** – You wanted someone from the Village to come out?

**K. Pilasiewicz** – Yes. No one ever came out or called us. It was just the required paperwork.

**R. Grill** – I believe that when this gentleman made his application to the Village, we did propose alternatives. We explained to him the different scenarios that would be possible. Typically what we have discovered is that this Zoning Board is more favorable to placing a 6-foot fence back at least 10 feet from the property line. That was explained to this gentleman.

**K. Pilasiewicz** – I would just like to say again that there are trees in between. Like I said, I was hoping for someone to come out and see the property.

**R. Grill** – Angela has done that. She took pictures of your property. That has been done.

**K. Pilasiewicz** – Do you have pictures of the inside of the yard?

**R. Grill** – We typically don’t go inside or onto your property.

**K. Pilasiewicz** – Well, that was what I was hoping you would do. So you could see it personally.

**R. Grill** – I think what they are asking you is, would you be willing to change the location of your 6-foot fence, around the tree to the corner of your patio? That is what I believe they are asking you.

**K. Pilasiewicz** – Honestly, I don’t see how and where to put it. Just because of the way these trees are laid out in the backyard. I would be willing to, of course.

**A. Zubko** – I show a tree here (*she indicates the location on the diagram*). And then, I don’t show a tree until here (*she indicates the location on the diagram*) in a picture, but I could be wrong. Where is the other tree?

**K. Pilasiewicz** – All of the branches are overlapping.

**A. Zubko** – But where is the trunk of the tree? I really don’t care about where the branches are.

**K. Pilasiewicz** – There is another one down the line. More toward the blue line. And then there is the mound of dirt.

**R. Grill** – So, you are saying that the elevation changes in your yard?

**K. Pilasiewicz** – Yes.

**M. Werden** – Is the mound grassed over?

**K. Pilasiewicz** – It is just dirt. If grass grows there, so be it. I don't want to dig into it because I don't know what is underneath it.

**J. Plonczynski** – The most logical placement would be along the easement line; parallel with the 15 foot easement line. Sometime down the line, that storm sewer may need to be repaired. The best place to put the fence would be 15 feet in. You have a 15-foot easement that parallels the house.

**R. Grill** – I spoke to the Village Engineer and he said he would prefer to have it outside of this easement. The only reason he agreed to this fence, at this location, was because the 3-foot fence was already there and not causing a problem. But his preference is to move it 15 feet outside to keep it out of the easement, which would be about 5 feet off of the patio.

**M. Werden** – Is the location of the dotted line the easement line?

**R. Grill** – Yes.

**J. Plonczynski** – You could run the fence all of the way from the back property line up to the front of the house on that 15 foot line and then come and meet the front corner of the house. Instead of angling it the way it is now. You could angle it to the front of the house.

**M. Werden** – So the red line would be moving forward?

**J. Plonczynski** – It would be parallel and then hit the front of the house. That is the most logical place if you are going to reduce the side yard setback. He would have to revise his petition and come back in front of you to do that.

**K. Pilasiewicz** – What about the trees that are still outside of the fence?

**M. Werden** - Can he possibly get some assistance then?

**J. Plonczynski** – To remove those trees?

**M. Werden** – Not to remove the trees. Assistance in plotting this out? I am not quite sure about the type of assistance he wants.

**J. Plonczynski** – Our position is that he can have a 3-foot fence. We do not plot out variances. We have given him suggestions, as Roberta said.

**R. Grill** – We suggested that to him as well.

**G. Koziol** – If there was a need to change this and follow the dotted line, I think a landscaper or whoever their draftsman or architect from the fence company is, should be able to go back to the property, look at it, and based upon these comments decide what the petitioner wants to consider. It is the homeowner's responsibility to work with whoever he wished to engage to modify the plat of survey to show a new plan. Some plats of survey even show where trees are. But the Village does not provide those services.

**M. Werden** – Were you having someone else install the fence for you, or were you doing it yourself?

**K. Pilasiewicz** – Two of my friends are doing it.

**M. Werden** – If they come back again, would we just continue this hearing so he doesn't have to re-publish the notice and everything?

**R. Grill** – If you recall, last year we had almost the identical situation up on Orchard Pass and South Bartlett Road. You made a recommendation and it failed. The petitioner then decided to submit a new application and change the location of their fence and come back before you. We closed the Public Hearing and ended the meeting. So, I would recommend that you stay consistent with that, if they choose to do that. They can choose to move forward to the Village Board with your recommendation, whatever that is, as well.

**J. Plonczynski** – I agree. You should make your recommendation. If they were to make a change similar to what you have suggested, then, it is really a new petition. It is their call to make that decision.

**R. Grill** – You would make your motion in the positive and then depending what the result, the petitioner will decide what to do from there.

**J. Plonczynski** – You don't want to be in the position of negotiating fence variations. You have to make your recommendation based on the facts that are presented and the testimony you heard tonight. That recommendation then goes to the Village Board.

**M. Werden** – Is there any other discussion from the members of the Commission? *No response from the Commissioners.*

**A motion was made to pass a positive recommendation for approval to the Village Board.**

**Motioned by: G. Koziol**

**Seconded by: B. Bucaro**

### Discussion

**M. Werden** – Normally for me, a big part of the decision process is the people that have to look directly at the zoning change and if they have objections. I am very impressed in this case that the people that are surrounding you are for this. This is very unusual. I am impressed with that and it has caused me to take another look at it, personally. It is not a common thing for us. It is hard to get a fence like this passed. I would like to see it brought back to the easement, but I guess this is something that the Village Board can decide. We are a 7 member Board and it takes 4 to have a quorum, and we are short 3 people, so it would be difficult to come to a total agreement anyway.

**Roll Call**

**Ayes:** M. Werden  
**Nays:** G. Koziol, B. Bucaro, J. Banno  
**Abstain:** None

**The motion failed to pass.**

**M. Werden** – At this point, it is basically a straw poll opinion. The Village Board will have the final say so. Stay in touch with Staff to see when this will appear on a Village Board agenda. You might want to consider some revisions. Basically this is going forward with no recommendation from us because it takes 4 people. Okay?



Old Business / New Business

**M. Werden** – Is there anything else coming up?

**J. Plonczynski** – I don't think there are any variation requests coming up for next month. I think you have all met Angela, our new Planner. She has been to a meeting before.

**B. Bucaro** – I have seen in the paper articles about a proposed housing development off of Naperville Road, south of Lake Street. What I read is about a setback variance. I believe, from what I read, the required setback is 45 feet and the original proposed setback was to 25 feet for the rear yard. Then there was a compromise at 35 feet for the rear yard. My question is, is there a variance there that would have to come before this Board?

**R. Grill** – The development is coming in as a Planned Unit Development Overlay on the SR-4 Suburban Residential Zoning District, which requires a 45 foot rear yard. As the Planned Unit Development allows for flexibility, part of that flexibility allows this developer to request a reduced setback in the rear yard. That means it will go to the Plan Commission for review and not this Board.

**J. Plonczynski** – It will be part of the plan for the overall subdivision. But, you are correct in reading it that way. That case is slated for review next week at the Plan Commission.

**B. Bucaro** – And they are doing something at Route 59 and West Bartlett Road. Are they taking topsoil off? What is going on there?

**J. Plonczynski** – Right now, that is just topsoil removal. The owner of the property contracted with a company to remove the black dirt, the topsoil from the site. We don't have a petition on that property, but it is in anticipation that there could be a development proposal soon. The owner wanted to get rid of the topsoil. That required a Special Use Permit for the removal.

**G. Koziol** – Before I read a statement into the minutes, I would like to know if there is a consensus of this Board to ask for a change in the existing Ordinance to allow for a 4-foot fence in the corner side lot instead of a 3-foot fence, as it is now. The reason for my question is that I would like to make a recommendation or a suggestion to the Village Trustees to consider that issue.

**J. Plonczynski** – If you remember, we did that before. It fell on its face. But you can propose it again.

**G. Koziol** – Do we have a general agreement that we want to change it from 3 feet to 4 feet?

**B. Bucaro** – Corner side yards are always a problem. Maybe in tonight's case a 4-foot fence wouldn't have done it for them. That's the impression I got when we tried to suggest that to them. But, I would be in favor of making that amendment.

**J. Banno** – I would also be in favor of it.

**G. Koziol** – Okay. Then this is my statement:

“At this time I think it is appropriate to make a statement related to the section of the current Ordinance referring to 3 foot fences in corner-side yard. I have to assume that Village Trustees read the minutes of

the ZBA meetings. I think it is correct when I say that for years, the ZBA has been faced with the issue of fences greater than 3 feet in the corner side yards. Numerous times, by past ZBA members and by current ZBA members, it has been stated that a more reasonable, functional, useful, practical fence height might be 4 feet. A change to the Ordinance would be a prudent action to take. If the Ordinance were to be changed to allow up to a 4-foot fence in side yards, several benefits would occur:

1. Homeowners would be able to simply apply for a fence construction permit for a 4-foot high fence;
2. Homeowners would no longer be required to submit a variance request for a 4-foot fence. (Anything over 4 feet would still require a variance);
3. Staff would not be required to manage the variance process;
4. The ZBA would no longer have to review and vote on variance requests for 4-foot fences.

We would hereby ask that the Village Board instruct Staff to review and modify the existing fence Ordinance to allow 4-foot fences in corner-side yards. If this were to be done soon, there could still be a benefit to all involved parties, this year, 2015.”

**B. Bucaro** – When was this last proposed?

**J. Plonczynski** – I think it was 4 or 5 years ago.

**B. Bucaro** – Well, there are several new Village Trustees on the Board since then.

**M. Werden** – Speaking about new Board members, will we have another meeting on security during meetings? I mean, instructions on what we should do if there were an incident or security breach during one of our meetings? I think we should have a refresher course on those procedures.

**J. Plonczynski** – We will do that again. I think they planned on conducting that “Duck and Cover” rules first at the Village Board level and then it will trickle down to the other Commissions.

The meeting adjourned at 8:37 pm.