

Village of Bartlett  
Zoning Board of Appeals  
Minutes

May 7, 2015

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

Roll Call

Present: M. Werden, G. Koziol, B. Bucaro, P. Hanson, R. Carney, L. Hanson

Absent: J. Banno

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 April 2, 2015 meeting.

Motioned by: G. Koziol

Seconded by: P. Hanson

Roll Call

Ayes: M. Werden, G. Koziol, B. Bucaro, P. Hanson, R. Carney

Nays: None

Abstain: L. Hanson

The motion carried.

**Case # 15-07 908 Shorewood Drive – Variation – Fence Height – PUBLIC HEARING**

The petitioner, Sean Considine, was present and sworn in. He resides at 908 Shorewood Drive, Bartlett, IL.

**The following Exhibits were presented:**

- Exhibit A - Picture of Sign**
- Exhibit B - Mail Affidavit**
- Exhibit C - Notification of Publication**

**S. Considine** – We are here today to request a variance from the Code that allows for a 3-foot fence on a corner lot. We are seeking a 5-foot fence. It is a reverse-corner lot at the start of a cul-de-sac. We are trying to provide our family with a little bit more green space, usable green space. We moved into the home 3 years ago. There was an existing 5-foot fence that you can see on the plat of survey. Most of the back yard is a concrete slab. We are trying to provide ourselves with a little bit more room on the left hand side. A little bit more usable space for our family. And to provide a safe area for our family as well. We feel that with close proximity of the intersection of Newport and Shorewood Drive and also the pond and its retaining wall that is at the back of the cul-de-sac presents a hazard and a greater chance that something could happen if a 3-foot fence were constructed. Children and pets could wander into the busy intersection or to the pond and retaining wall that surrounds it. It is very hard to get out of the pond, as I know firsthand. One of our dogs accidentally got out of our yard and jumped into the pond. It was very difficult for me to get out and I am a grown man. If any child or any animal were to fall into the pond, we feel that it would cause a very big hardship for us to get them out.

**M. Werden** – Are there any questions from the Commissioners?

**G. Koziol** – When did you move into this property?

**S. Considine** – We purchased the home in April 2012.

**G. Koziol** – So, you were aware of the pond?

**S. Considine** – We were aware that the pond was there a little bit, but I wasn't aware of the retaining wall. We are first time home buyers and it was something that we kind of overlooked in the home buying process. As you are all aware, the home buying process is a very large process and very stressful. When you are looking at all of these things, as a first time home buyer, it was something that we really didn't take into full consideration when we moved into the home. When we realized what we had there and our ambitions to put something on the side, which is when our concerns started to be raised about that retaining wall. In talking to some of the neighbors in our cul-de-sac, I guess that retaining wall was never meant for that specific pond. It is part of the association. It was meant for the pond on the other side of Newport Boulevard. It is also a concern for some of the other neighbors in the area, i.e. the pond with the retaining wall, for some of the same reasons that I have stated.

**G. Koziol** – When I look at ponds as an issue, I think of the community that I live in. We have three ponds on the property. And there are no fences anywhere near the ponds. In fact, there are no fences on the residential properties except for the houses that have a pool. That is the only type of house that

would have a fence. People should realize what they are moving into and the fact that they have backyards with a pond in it.

**S. Considine** – Well, we technically don't have a backyard with a pond. I know that if we purchased a home that backed up specifically to a pond, the concerns and safety issues would have been more prevalent in our minds because you can see the pond directly out of your backyard. If you look at where our home is located, we are 350 feet from the pond, so it is not directly in our backyard. It is not a direct safety hazard, but with children and pets that could wander, it is in close proximity. We feel that it is in close proximity and could cause an issue.

**P. Hanson** – Is the existing 5 foot fence the same type of fence that you are putting up?

**S. Considine** – No ma'am. The existing 5 foot fence we have is a privacy-style fence. There are no spaces in between the slats. There are individual slats, but they are butted together and joined side by side. We are proposing a picket-style fence with a 3 inch space between each slat. We feel that this provides the safety we are looking for and provides better sight lines and the view for our neighbors in the cul-de-sac.

**M. Werden** – Do we know how long the existing fence has been up?

**R. Grill** – A long time.

**M. Werden** – In the record before us, there is a traffic count. It seems high for Shorewood Drive.

**S. Considine** – That is an interesting story. My father is retired and I gave him the task of sitting out in the yard during the peak hours of 2:30 – 6:30 pm and actually count the cars for a week. However, it wasn't consecutive five days. It was over a 5 week period and we chose a new day every week, so it wasn't consecutive days. The issue we have is that we have a townhome community that is in the neighborhood and this is one of two entrances, but seems like the main entrance into that townhome community. It seems like a high traffic count for single family homes, there is a larger number of residents in the townhome units and produces the larger number of cars that pass through down the street and through the intersection.

**M. Werden** – So, they are utilizing this entrance instead of the one further down at Harbor Terrace?

**S. Considine** – That is correct. It is another thing that we overlooked. We came to look at the home on a Saturday morning and there was not a lot of traffic and you are not there for a long amount of time. It was only after we established ourselves in the home that we came to realize it was a very busy street and intersection.

**M. Werden** – What kind of dog do you have that jumped the fence?

**S. Considine** – It didn't actually jump the fence. It was technically my fault. We have two Labrador Retrievers and the gate wasn't shut all the way. He used his nose to pop it out. And if anyone of you has a Labrador Retriever, you know that they are water dogs. They know where the water is. One of his favorite activities is swimming and he was gone. He is a very obedient dog but jumped in and then looked at me as if to say, Help. I had to have him swim to the corner where there was a drainage area where I could flip my shoes off, get in there and then try to get myself out. I have done some studies on

the pond and it is about 8 feet deep with about 1- 1 ½ feet of thick mud at the bottom. Once you get into it, it kind of traps you in there if you try to stand in it.

**G. Koziol** – For years, Bartlett has had an Ordinance that said you couldn't have a fence higher than 3 feet. I am a strong advocate for no fences. But, I will admit that my thoughts over the years have changed, to the extent that I understand why a 3-foot fence may not be truly effective. So, I lean more to the possibility of a 4-foot fence. If this fence weren't coming out outside of the sight line of the house, I would have no issue with a 5-foot fence, like you have there today. When you bring it outside of the sight line of the house, it changes the appearance. When I visited the property and I turned onto Shorewood Court, after looking at your house, the first thing I noticed is the house on the other side of the street has what I believe is a 3-foot fence. And it is aluminum. And, rather unobtrusive.

**S. Considine** – Yes, that is correct. The reason we chose a 5-foot fence is that we just wanted to match the existing fence. And speaking specifically to that other 3-foot fence, I have seen instances where a bunny or squirrel has run by and the dog is right over the fence and into the street.

**G. Koziol** – That is why I said earlier my opinion of a 3-foot fence has changed over the years. I feel that a 4-foot fence is more reasonable. Maybe someday, our Ordinance will change.

**S. Considine** – The thing we are basing it on is that we live at the beginning of a cul-de-sac and there are four homes behind us in the cul-de-sac. We don't feel that the traffic concern is very big at all to exit the cul-de-sac. There isn't even a stop sign at the corner of Shorewood Court and Shorewood Drive. So, that tells me that the Village doesn't see that as a large traffic impact as there is no sign forcing residents to stop and look at the intersection before they turn onto the street.

**R. Carney** – I would have to agree with you, based on the fact that it is a corner of a through street and a court. The people on the court have plenty of opportunity to see east and west. So, I don't see it being a problem. It would enable you to have more space for your yard and still contain everyone. I really don't see a problem with a 5-foot high fence, being that you are on the corner of a cul-de-sac.

**P. Hanson** – And, being 10-feet off of the sidewalk.

**R. Carney** – Yes, you are 10 feet in from the sidewalk and it starts at the front of the house.

**S. Considine** – Yes, with the 10 feet, it is an easement so we weren't even allowed to put anything closer to the sidewalk. And, with being 10 feet off the walk, the sight line is definitely improved. And, of course, with the picket-style fence. It provides a better sight line.

**M. Werden**- As was already stated, we normally don't have a problem with the back lot line having a fence that high, but it is somewhat overpowering when it comes toward the front of the house. It is, however, 10 feet off the sidewalk and it is on a cul-de-sac. Did we receive any phone calls or questions from the neighbors?

**R. Grill** – We had one phone call yesterday. The neighbor directly to the north. The first house on the cul-de-sac. But, I believe the petitioner spoke to that neighbor since that time.

**S. Considine** – Yes. I spoke with him yesterday and their concern was that if the fence came all the way to the sidewalk they would have a sight issue. Once I explained it was 10 feet off the sidewalk, they felt

there was no concern of seeing anyone coming when they back out of their driveway. They talked about the resale value of the home and of having a fence in their front yard. I think there was just a misunderstanding of where they thought the fence was going to be. I believe that was the reason for their phone call. They are new to the neighborhood. They just moved in and we didn't formally get a chance to meet. I didn't just want to throw that on them. But, yesterday, we had a good 30 minute conversation and got to formally introduce ourselves and for them to get an understanding of exactly what is going on. I felt that he was happy with our plans and I think he left feeling pretty good about what we were doing.

**M. Werden** – Are there any further questions?

**M. Werden opened the Public Hearing.** *There was no one in the audience that wished to speak.*

**G. Koziol** – My only comment would be that I would be happier if you were asking for a 4-foot fence instead of a 5-foot fence.

**M. Werden** – I would agree with that.

**S. Considine** – Are you saying that we could go along the back fence line with a 5-foot fence and then come to a 4-foot fence along the side and front of the house?

**G. Koziol** – I would prefer to see a 4-foot fence in place of where you want the 5-foot fence. A 4-foot fence all the way.

**R. Carney** – The back of the property already has a 5-foot fence, which is what he is trying to match.

**G. Koziol** – It is still my opinion.

**M. Werden** – The way the house is situated, it is a long side yard for the people that live behind this home. Are there any other comments? *There was no response from the commissioners.*

**A motion was made to send a positive recommendation to the Village Board.**

**Motioned by:** P. Hanson

**Seconded by:** R. Carney

**Chairman Werden closed the Public Hearing.**

### **Roll Call**

**Ayes:** B. Bucaro, P. Hanson, R. Carney, L. Hanson

**Nays:** M. Werden, G. Koziol

**The motion carried.**

**M. Werden** – We will pass on a positive recommendation to the Village Board. Keep in touch with Staff to find out when this will appear on a Board agenda.

**Old Business / New Business**

**J. Plonczynski** – I just want to remind you that your Statement of Economic Interest was due May 1<sup>st</sup>. Many of you have already returned them. But, if you have not, please get them in. I won't name names, but please get them in.

**R. Grill** – I would like to introduce Angela Zubko. She is our new planner. She just started on Monday. *The Commissioners all welcomed her verbally.*

The meeting adjourned at 7:19 pm.