

ZONING BOARD OF APPEALS
July 31, 2007

CALL TO ORDER

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

ROLL CALL

Quid polled the members present: Haselhorst, Hughes, Murren, Rosch, Ruckoldt and Schneider. Celske arrived shortly thereafter. Also present were Peter Rosenthal, Village Attorney, Curt Ulrich, Bldg. and Zoning Sup't., and Village Trustee Jerry Menzel.

APPROVAL OF MAY 23, 2007 MINUTES

A motion was made by Murren and seconded by Rosch to approve the minutes from the May 23, 2007 meeting. A roll call vote followed with Haselhorst, yes; Hughes, yes; Murren, yes; Rosch, yes; Ruckoldt, yes; Schneider, abstained.. The motion was passed.

ZONING CASE #2007-04 (Matthew and Jaime Pablecas, 302 Morgan Lane)

The public hearing opened at 7:03 p.m. Return receipts from adjacent property owners and a photo of the posted public hearing sign were presented. Those wishing to speak were sworn in.

The Petitioner, Mr. Pablecas, has requested a variation pursuant to Article IV.H.2. The variation is to allow a reduced setback distance to permit a fence to be constructed less than the 30 ft. required minimum setback distance from the side yard adjoining a street property line. He would like to construct the fence 5 feet from said side yard adjoining a street property line. He would continue a row of hedges, matching his neighbor, which would essentially block a majority of the fence as viewed from the street. He would like to protect his kids from traffic and feels that the fence would not detract from the aesthetics of the neighborhood. The public portion of the hearing closed at 7:10 p.m.

Discussion followed. Board members were polled and several were concerned that the size of the requested variance was unreasonable and that he would still have plenty of yard with the 30 ft. setback. Another home in the neighborhood followed the ordinance and there is no record of a variation request in Hunter's Farm previously. Also concerned about setting a precedent.

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*****MOTION

A motion was made by Haselhorst and seconded by Murren to recommend to Public Health & Safety approval of the variance subject to the fence consisting of a 4 ft. open iron fence with landscaping consistent with the neighbor at 301 Saddle. A roll call vote followed with Celske, yes; Haselhorst, yes; Hughes, yes; Murren, yes; Rosch, yes; Ruckoldt, no; and Schneider, no. The motion was passed with 4 yes votes and 2 no votes.

The public hearing closed at 7:26 p.m.

ZONING CASE #2007-0305 (Gheorghe Tabara, 307 N. River Road)

The public hearing opened at 7:35 p.m. Return receipts from adjacent property owners and a photo of the posted public hearing sign were presented. Those wishing to speak were sworn in.

The Petitioner has requested a variation pursuant to Article IV, F. c.3. He is requesting a detached garage which would be located 3 feet from the side lot line and 3 feet 4 inches from the rear lot line. The variation requested is for a side and rear yard set back of less than the five-foot minimum.

The existing garage did not meet the 5 yard setback requirement. The new garage follows the same line as the bldg. that was there. Construction of the garage addition began in January with no permits issued. A stop-work order was placed on the structure in February. The foundation (slab) was extended and walls have been constructed.

Residents Comments

Deb Borre, whose property is adjacent to 307 N. River, explained that they have removed a tree and some shrubs to make room for the new addition. Mr. Tabara flips houses for a living and should know the rules about permits. She is concerned about the overhang (24 inches) of the garage. It is right on the lot line and will be infringing on their property line when gutters are installed. It was determined that an official plat of survey has not been obtained and must be requested before this hearing can go further. Rosenthal explained that Mr. Tabara must obtain an "as built" survey and provide copies to his neighbors to see whether or not a 2 ft. eave will hang over the property line. Ulrich explained that the building permit has been applied for but not issued.

Rosenthal explained that the fact that 90% of the garage has already been built without a permit, cannot influence the Board's decision in this case.

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*******MOTION**

A motion was made by Ruckoldt and seconded by Schneider to continue the hearing on August 14, 2007. A roll call vote followed with all in favor. The motion was passed.

The public hearing closed at 8:00 p.m.

OTHER BUSINESS

Two hearings on porch additions are scheduled for August 14, 2007 at 7:00 p.m.

ADJOURNMENT

A motion was made by Rosch and seconded by Murren to adjourn the meeting. The meeting adjourned at 8:02 p.m. A roll call vote followed with all in favor. The motion was passed.

Pat Hughes, Chairman

Karen Quid, Secretary

Date approved