

principal structure. The attached garage as proposed would have a rear yard setback of approximately 32'. The project requires a variance to Code Section 154.28 (A) to allow an 18' encroachment into the required rear yard to be constructed as proposed.

Chair Bardach invited the applicant to speak to the Board. Mr. Lefke and Ms. Myers approached the Board and reiterated the application and offered to answer any questions.

Mr. Wolf acknowledged the topography challenge of the property. Ms. Myers agreed and stated that the entire lot slopes.

Ms. Rissover noted that the applicant has gone to great effort to match the existing house.

Mr. Lauer clarified that if the application did not have a proposed breezeway that a variance would not be necessary. Mr. Brown stated that breezeway changes the improvement to an attached garage according to the Village Code.

Mr. Rubenstein stated that the property is difficult to see from various viewpoints, citing a significant buffer.

Ms. Myers mentioned that she spoke to Mr. Owens, who is a neighboring property owner that can see them. After reviewing the scope of the project, he did not object or have a concern.

Mr. Lahrmer stated that one call was received from Julie Shifman on East Aracoma. She can see the house from her back yard briefly, and has asked for evergreen plantings. Ms. Shifman did provide photos of her view which was shared with the Board.

Chair Bardach asked if there were any other questions or residents present who would like to speak. There were none.

Mr. Frank commented that he received a question from a Board member about whether variances should condition conditions. He stated that variances run with the land unless you pose a condition at the time of approval. He clarified if the Board would want to condition approval on a project, then a condition would be attached to require the applicant to construct the project exactly as submitted, which prevents someone from doing something substantially different later.

Mr. Wolf agreed and expressed his preference to have that clearer in the Village Code. He stated that he understands it as the Board is approving what is being presented now, not five or ten years down the road.

Mr. Lauer commented that he based the approvals on being constructed in accordance with the plans submitted and considered that part of the approval anyway. He noted that as long as changes made do not have a material effect on zoning issues there is not a problem.

The Board held a brief additional discussion regarding how approvals are processed.

Mr. Lauer then moved to approve the variance as submitted and in accordance with the plans. Seconded by Mr. Rubenstein and the motion carried unanimously.

Case No. 2013

Chair Bardach introduced the application from residents Kyong and Hyun Kim of 6640 West Farm Acres Drive which seeks variances to Village Code Section 154.14 (A). The variance would allow for the replacement of an existing 6' fence in the rear yard surrounding the pool and the 19' extension of the eastern face of the 6' high fence.

Mr. Brown provided the staff report for the application. He informed the Board that Mr. and Mrs. Kim have submitted plans to replace the deteriorating fencing in the rear yard surrounding their pool. The applicant's letter to the board states the proposed project is for safety reasons as there are several children in the neighborhood and several multi-family homes on Vera Avenue in Golf Manor and for overall aesthetics. The letter also states that they would feel more secure with the tall fence and that they believe the taller fence was installed due to the neighbor's house at 6660 W. Farm Acres which sits higher than their yard.

Mr. Brown stated that Village Zoning Code section 154.14 states that "fences, walls, and hedges not exceeding four and a half feet in height may be permitted in any required side or rear yard or along the edge of any yard", therefore a variance is required for the new fence to be installed as proposed.

Chair Bardach invited the applicant to speak to the Board. Ms. Hon Kim introduced herself and offered to answer any questions.

Mr. Wolf asked the applicant to clarify the safety issues as the reason for the application. Ms. Kim stated that the fence is leaning on the four-foot side and it appears people are jumping over it, so a six-foot fence was recommended by the fence company. She stated she does not have kids but there are a lot of children in the area.

Mr. Wolf asked if the fence was deteriorated. Ms. Kim confirmed that it was old and needed replaced. Mr. Rissover asked if the horizontal board would be utilized. Ms. Kim noted it would be a solid fence. Mr. Rissover shared a story about the fence when she saw it lift up from the ground during Hurricane Ike so she agreed that it needs replaced.

The Board discussed the existing height changes in the fencing being six feet and four feet. Mr. Rubenstein stated he was surprised not to hear from surrounding properties as this is a very conspicuous spot. Mr. Lahrmer confirmed that nobody has registered any concerns.

Mr. Lauer commented that he does not have an issue with it; however, the Board has not approved six-foot fencing unless it was on the corporation line.

The Board held additional discussion regarding prior approvals relating to fences. Ms. Rissover stated that a variance to rebuild the existing six foot fence could be granted and then the extension would not need it if it remained at four and a half feet.

Ms. Rissover moved to approve the variance on the west and north sides where the fence is currently six feet and not on the east and south side, including that the horizontal fence board be utilized which is currently what is in place. Seconded by Mr. Wolf and the motion carried unanimously.

NEW BUSINESS

There being no further business the meeting was adjourned.

Nicole Browder, Clerk

Richard Bardach, Chairperson