

example on Ridge and Mr. Huesmans confirmed it would be and stay within the four foot height requirement. He noted that the restriction is because of the three front yards on this property.

Connie Henderson, 3188 North Farmcrest expressed her support for the fence. She stated that split rail fence is installed on adjacent properties.

Chair Bardach asked if the Village received any other comments from residents. Mr. Lahrmer confirmed that no communications were received regarding this application. Chair Bardach asked if there were any other neighbors present to speak on the request.

James Reidel, 3195 Farmcrest, expressed his opposition to the fence. He stated he lives across the street and there is not a speeding problem and did not agree that would be a reason for a fence. He suggested his preference for plantings which would also help block car lights coming through the windows. He stated the biggest problem there are cars rolling through the stop signs which he notices while walking his dog.

Mr. Wolf stated that generally speaking speed would not be reason the board would consider. The code dictates that all 3 sides of the property are a front yard, and the Board is to decide which side will be the front yard going forward.

Molly Cain, 3197 North Farmcrest, shared her opposition to the fence. She stated that she preferred the greenery which was removed, and would prefer a natural border rather than a fence. She noted a fence would not filter the car lights like greenery. She was not opposed to a fence on the back side close the road.

Mr. Lauer inquired as to whether there was any other reason other than the variance for the front yard issue. Mr. Lahrmer confirmed there is no setback or height adjustment being requested.

Ms. Rissover stated that the Board does not have the authority to request bushes ore plantings in place of the requested fence.

Mr. Wolf shared that the Board has received requests in the past and have allowed the fences with multiple yard fronts. He stated that none were required nor can the Board require bushes be put along a fence. He noted speed was not a factor that could be considered, as that is a police issue not a zoning issue. He stated the Board follows consistency with prior requests where there are multiple front yards.

Chair Bardach agreed with the points Board members made thus far.

Mr. Lauer moved to approve the variance as requested on the condition that the fence be representative of a split rail farm fence in the location depicted with the appropriate setbacks. Mr. Rubenstein seconded, and the motion passed unanimously.

Case No. 2019

Chair Bardach introduced the application from resident Sandra Copenhaver of 3690 Lansdowne Avenue is seeking a variance from Village Code Section 154.12 (C) for the installation of an above ground pool with a 3 foot rear yard setback and a 4 foot rear yard setback for related decking, and a variance to Section 154.14 (A) to allow the existing fence to be relocated 2' into the front yards.

Mr. Lahrmer provided the staff report. He stated that the property owner of 3690 Lansdowne Avenue has submitted plans to install a 27' above ground swimming pool and 8'x14'x4.5' high deck in the rear yard of her residence which includes replacing the existing chain link fence with a 4' high privacy fence and relocating the fence into the front yard.

The property is a corner lot and has two front yards: Lansdowne Avenue to the south and Gwenwyn Drive to the east. There is a small back yard with the property being located on a corner. The area of the proposed pool and deck is approximately 33' from the back of the house to the north property line and approximately 30' from the east end of the house to the patio.

The property is a non-conforming lot in the Residence A Zoning District. The proposed setback for the pool is 3' from the north property line and the proposed setback for the deck is 4' from the north property line. The existing fence is proposed to be replaced and relocated 2' into the front yard.

The proposed project requires a variance to Code Section 154.12 (C) to allow the 17' encroachment of the pool and the 16' encroachment of the deck into the required rear yard. The project also requires a variance to Code Section 154.14 (A) to allow the fence to be relocated 2' into the front yard, otherwise the fence can be installed at the existing location without the variance.

Chair Bardach asked if anyone was present to speak on the request. The applicant, Ms. Copenhaver, was not in attendance.

Anna Shaw, 3687 Landsdowne, expressed her opposition to the pool. She stated she sent an email to the Board explaining how it would impact curb appeal and property values. She also stated that she does not have a way of screening her property to block the view of the pool, and she is concerned with the precedent that would be set if approved.

It was noted that there was an anonymous email from a neighboring property that was opposed to the application.

Solicitor Frank noted to the Board that the drawing submitted was not to scale.

Patricia Burke, 3677 Landsdowne, expressed her opposition to the application. She stated that she lives across the street and does not want to see the pool which would be a direct view for her. She stated that she and her sister Sue Maloney, who was also present, were opposed.

Ms. Rissover commented that the zoning code is in place to ensure that one neighbor does not encroach on another neighbor's peace and quiet. The jogged fence would also be an eyesore in the front side yard.

Mr. Lauer held a discussion regarding any other options that might be available for erecting the pool on the property where they would not need a variance. He asked if there was a way to comply with the setback. Mr. Lahrmer stated that it would not be permitted in the various areas on the property. Mr. Lauer commented that arguably a smaller pool could be installed, although he is not favor of the variance.

Mr. Lauer stated that he has an in-ground pool next to his home and it interferes with the enjoyment of his property. He stated he was against this application because of the close proximity to the property line and that it is not in character the neighborhood.

Mr. Wolf stated that with the fence on the front yard and the size of the pool being requested, all of the neighbors surrounding it would be impacted as well as property values. He is opposed to the application.

Mr. Lauer moved to approve the variance as submitted. Chair Bardach took the voice vote and the nays were unanimous. The motion to approve failed.

NEW BUSINESS

There being no further business the meeting was adjourned.

Nicole Browder, Clerk

Richard Bardach, Chairperson