

Mr. Wolf asked for additional detail on the privacy fence.

Architect Chris Magee reviewed the entire project on the screen with three-dimensional views. He stated that in addition to the driveway, the front walkway will be improved and combine into a uniform concept. He stated the two existing roof drains that work to drain the entire butterfly roof are not sufficient capacity. He stated the roof scupper will help mitigate the water run-off which will be directed down the drain chain and tie into the underground storm water system. He noted the design was adapted to help incorporate the roof scupper.

Chair Bardach asked if anyone present wished to speak on the application.

Dave Stang, 8366 Arborcrest Drive, commented that he applied for a home improvement loan a few years ago and the bank labeled the neighborhood deteriorating. He stated that some changes are being made in the neighborhood, such that an abandoned home was torn down, and another new home owner is starting to clean their property. He stated he felt the proposed design would fit well and improve the neighborhood.

Nancy Moran, 8480 Arborcrest Drive, stated that her home was an abandoned home and it took two years to improve it. She stated she is excited about the recent changes and improvements in her neighborhood. She noted this was a house on the corner which is very unique and because it is a mid-century modern home, it is a showcase home. She stated the home was featured in Atomic Ranch magazine and this addition upgrade will be of great benefit to enhance the property and boost property values on Arborcrest.

Chair Bardach asked if the Village received any comments on the application. Mr. Lahrmer stated that no communications were received.

Ms. Rissover applauded the homeowners for their plan.

Mr. Wolf commented that the Board has often received requests for variances regarding homes with two front yards and it is an understood disadvantage. He stated that he tries to approve plans that significantly increase the beauty and value of homes and takes into consideration whether there is any negative impact from a variance. He stated he felt this was a positive impact on the surrounding neighborhood.

Mr. Wolf moved to approve the plan as submitted. Seconded by Mr. Rissover and the motion passed.

The meeting was suspended at 6:06 p.m. to allow time for Scott Rubenstein to arrive. The meeting was re-opened at 6:16 p.m. with Scott Rubenstein present.

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Chair Bardach re-iterated that four out of five members were present for this meeting and gave the applicants Jim and Ava Frank the opportunity to postpone until next month with all five members or be heard at this meeting with four members present with the understanding that all three votes are needed for an approval. The Franks opted to proceed with four board members present.

Chair Bardach introduced the application from James and Ava Frank, property owners of 3530 section Road, for a variance to Village Code Section 154.14 (A).

Mr. Brown reported that the variance would allow for the installation of 80' of 6' high privacy fence in the rear and front yards.

Mr. Brown stated that the Frank's purchased their home approximately four and a half years ago with the understanding that they owned most of the wooded area in the rear and side yards. After the property owners of 6980 Knoll Road surveyed their property, it was discovered that the neighbor's property extends to approximately 10 feet from the patio of the Frank's. The property line location and incorrect auditor information was confirmed by a second survey.

Mr. Brown reviewed with the Board that earlier this year the Frank's received approval for a variance request to construct 44' of 6-foot-high privacy fence, which was completed in April. The new fence blocks their view of their patio and family room from the property located at 6980 Knoll Road. The elevation of the Knoll Road property is higher and looks down onto the back of the house at 3530 Section Road.

Mr. Brown continued that since the installation of that approved fence, a contractor working for the property owners of 6980 Knoll Road cleared trees and bushes from Mr. and Mrs. Frank's property. Approximately 70-80' of honeysuckle bushes were removed from the Frank's property. As a result of the bushes being removed and not being able to come to an agreement with their neighbors on a plan to replace the bushes, Mr. and Mrs. Frank are requesting a variance to extend the existing 6' high privacy fence. The submitted plan proposes to extend the fence 80' to the southwest along the rear property line and beyond the front of the house approximately 33' into the front yard.

Mr. Brown show the board images on the monitor of various views of the properties and showed where the bushes were removed along with the property parcel depicting the location of the proposed fence and existing fence.

Chair Bardach invited the applicants to address the Board.

Mr. James Frank, 3530 Section Road, explained that when they came to the Board in March the plan which was executed included planting arborvitae trees along property lines with 44' of privacy fence, and the remainder would be 80' of honeysuckle. He stated that since the work was completed, the vegetation on their marked property line was cut. He stated that to identify and preserve property lines and retain their property value, they were asking for a variance to extend he fence. Mrs. Ava Frank brought forward to the Board photos of the property and area showing the various views of the state of the vegetation.

Mrs. Frank also commented that with the honeysuckle gone they needed to have something between the trees planted; a demarcation between the two properties.

Ms. Rissover asked if the stumps were ground or were the stumps left. She noted that honeysuckle is very difficult to eradicate. Mrs. Frank said the stumps are there and are starting new sprouts.

Mr. Frank commented that they did meet with the neighbors about the landscape plan. At that time the honeysuckle was to be kept. Mrs. Frank stated that the regrowth will not be at the 10-foot height it once was. She stated that she may sell in five years and this is damaging to her property value.

Ms. Rissover commented that having a wall versus a perceived space, in her opinion as a realtor, does not improve market value. She stated that she felt this was a neighbor dispute rather than a zoning issue and encouraged plantings. She also noted that she did not see the practical difficulty of the site.

Mr. Rubenstein stated that the Board previously approved a variance to put up a portion of fencing to shield windows and a patio. He asked what else is there on the back of the house. Mrs. Frank stated that more space was exposed with the vegetation removed so bedroom windows are now exposed.

Mr. Rubenstein asked if the Village had received any input from neighbors.

Mr. Lahrmer stated that a call was received from Richard King at 7000 Knoll Road, north of the applicant's property. He expressed that his personal feeling is that the Village does not contain privacy fencing throughout the community and proposed that greenery/plantings be utilized as soft screening.

Solicitor Frank summarized that there are two variances, one for a small part of fencing in the front yard, and the remainder of fencing along the rear property line. He clarified that the fence, if at 4.5 feet, is allowed without Board approval, so it is the extra 1.5 feet in fence height being request along with the small front yard portion. He stated that the previously approved portion of fencing was 6' in height.

Chair Bardach stated that the fence would only impact one neighbor.

Ms. Rissover asked what the urgency is to utilize a fence in this area versus plantings.

Mrs. Frank that the neighbor's plantings will not provide privacy for some time, and that she would like to separate the two plots of land and have her own landscape installed. She noted that she may remove the fence once the trees are fuller and taller.

Solicitor Frank commented that landscaping is not a requirement for a fence installation but could be added by the Board, although the applicant has verbalized that they plan to landscape the fencing.

Chair Bardach asked if anyone present would like to speak on the application.

Safina Uberoi, 6980 Knoll Road, stated that her property adjoins the applicant's property. She expressed that Amberley was a beautiful place with rolling greens and feels privileged to be a part of the community. She stated that it is quite usual to have open sight lines between homes, including front, back, sides and windows visible. She commented that a thick line of straight hedges is unusual but does exist in the Village. She stated that she and her husband have been planting a 40-foot deep planting bed that includes native trees and bushes. She stated they did remove honeysuckle from their property, and an accidental removal of the Frank's honeysuckle occurred through the use of a subcontractor by their landscaper.

Some discussion occurred between Mr. Wolf and Ms. Uberoi as to how the removal occurred, and that the Frank's concerns should be addressed.

Ms. Uberoi stated that they did meet with the Frank's first and it was not unilaterally. She stated that there are plantings occurring between the properties. She show pictures to the Board of

views from their property toward the Frank's property. She stated that she felt once their plantings grow in the foliage will provide better coverage than the previously existing honeysuckle.

Ms. Uberoi also commented that this situation is being litigated, and the insurance company has positioned that the honeysuckle will grow in and to wait. She stated that she offered to go over and beyond what the insurance company comes up with to plant a green wall because she does understand the Frank's position.

Ms. Uberoi stated that the proposal is to cover two-thirds of the cost of plantings and she feels that is fair.

Mr. Wolf noted that litigation is an issue outside of this Board's jurisdiction and encouraged the both parties not to discuss it.

Ms. Rissover asked if there was an issue between the neighbors pertaining to the tent that has been constructed over the house, and asked if there is a plan to make it look better.

Ms. Uberoi responded that she has received extended permission to keep the tent there for the complex restoration standards underway for the next six months. She stated she does not like the sight of the tent, and also offered to hold a public forum on the restoration process for the general public to answer questions about the house being a Frank Lloyd Wright home and their challenges and plans for its restoration.

Mrs. Frank then shared with the Board her concern for the neighbors promising to do things and not following through. She showed pictures of tires on the property that she was told would be cleaned up in early March and the tires are still there as of today. Mrs. Frank re-iterated that she is concerned about the privacy of her property.

Mr. Wolf stated that he understands the pain that the Frank's are going through as it related to finding out the property lines were substantially incorrect, and now the honeysuckle that you enjoy within your new property line is also gone. He stated that he questioned whether a six-foot fence would do much to remedy the situation and that he would grant the 4.5 foot fence into the front yard.

Mr. Rubenstein stated that the Board recently heard a request for a very large fence and Ms. Rissover made valid points during that particular meeting regarding approving fences higher than 4.5 feet, which has cause him to pause and think more in terms of precedent. He noted that there are a lot of proposals of remedy on the table and he would prefer to see the outcomes prior to approving the extra fence height.

Mr. Wolf stated that he has a difficult time granting the fence because of previous denials. He clarified to the applicant that they can install a fence at 4.5 feet that is within code.

Chair Bardach stated that the distinguishing factor in this application is that it does not face any other residents, except one, and with the slope of the yards it may not even be seen.

Mr. Rubenstein agreed that it would be difficult to see from Section Road.

Ms. Rissover stated that she respectfully disagrees that this would enhance the value of the property and that vistas are valued over a fence.

Mr. Wolf move to grant the fence as submitted. Seconded by Mr. Bardach. The motion did not pass, and the vote was as follows:

AYE: Wolf, Bardach (2)

NAY: Rissover, Rubenstein (2)

Solicitor Frank stated that they are allowed to install the 4.5 foot fencing in the backyard, and clarified that there are two variances at issue, which is a fence exceeding 4.5 feet and a small portion of any fence into the front yard. The applicant, Mr. Frank, stated that it would be similar material to what was approved in March.

Ms. Rissover expressed her concern for layers of fencing in the front yard with there being a small fenced area existing in the front yard.

Mr. Wolf stated that with the Frank's property lines situation, it becomes a unique property at this point. They are in a very difficult position and because of the unique situation it should be allowed.

Mr. Wolf motioned to approve to allow 4.5 feet of fencing, extended 80' which may go into the front yard approximately 8-10 feet and that it would also be landscaped similar to how the Franks landscaped the portion of their fence approved by the Board earlier this year. Seconded by Mr. Bardach and the motion carried (4-0).

There being no further business the meeting was adjourned.

Nicole Browder, Clerk

Richard Bardach, Chairperson