

Mr. Lauer asked if the hen house was inside the area to be enclosed. Mrs. Pentecost confirmed it was located inside of the proposed enclosure. Mr. Lauer offered the idea of an open run for the chickens and she shared that friends of hers have experienced open runs and warned that predators are an impact.

Mr. Rubenstein asked for confirmation that the hen house is behind the home. Ms. Pentecost stated that is the proposed location and currently the chickens are in the garage.

Mr. Rubenstein asked the applicant to view the aerial image of the property online and the Board and applicant then discussed the location and layout in relationship to the neighboring properties.

The Pentecosts stated that they talked with their neighbors and received support as long as the fencing is not chain link.

Mr. Bardach asked Village Manager Scot Lahrmer if anyone contacted the Village regarding this application. Mr. Lahrmer confirmed that he had not received any communications for or against the request.

Mr. Lauer commented that this is one of the areas of the Village Code that could be better written.

Mr. Wolf stated the Board has a long history of not granting seven foot fences for gardens but the chicken ordinance has not been in existence very long. He proposed the Board consider whether this request is reasonable or not.

Mr. Rubenstein commented that the Board did recently review a request for the same type of fencing however that location was visible where many neighbors could see it, and that request was denied. He stated he came to his decision on that request quickly because it was out in front of the neighbors. He noted that, however, if the Board approved this fence it would create an inconsistency on the issue. He stated that it appears the applicant in this case has done everything possible to remediate how it will appear from other properties and based on its location it would not be seen. He proposed the Board consider precedent.

Chair Bardach noted that he was concerned with setting a precedent and otherwise would not have an issue with the request.

Mr. Wolf stated that this would be a request to support when it cannot be seen by neighbors and there are no complaints about it. He agreed that the applicant did a good job of screening and selecting a location that is not out in the open.

Mr. Lauer commented that if the Village were to draft an ordinance for garden fencing, it should include lack of visibility from neighboring properties and require material that reduces its visibility. He noted it was difficult to permit some reasonable use with the existing code as written.

Mr. Rubenstein inquired to Solicitor Frank in regards to whether the Board could grant variances with conditions. Mr. Frank confirmed that conditions could be applied and encouraged the Board to consider the seven practical difficulty factors when considering a variance request.

Mr. Lauer stated that he did not believe the proposed fence would negatively impact surrounding properties and considering that the applicant has reasonably mitigated an impact on other properties, he moved to approve the variance request as submitted with the condition that the fencing in the application be used to reduce visibility and that the landscaping described in the application be installed if it is not ready installed to further reduce any visibility of neighboring properties. Seconded by Mr. Wolf.

Mr. Wolf expressed that he felt the variance was not substantial, there are no negatives, there would be no effect on neighbors' property values, and while the Board has been tough in the past on such fences, under these circumstances where it is not in sight of the neighbors and is well screened, it is reasonable.

Mr. Lauer noted that the previous fence request which was denied was a case where the location was on a corner lot out in the open and was already installed, and then in addition a complaint was received.

The motion carried:

AYE: Lauer, Rubenstein, Wolf (3)
NAY: Bardach (1)

Case 2008

Chair Bardach introduced the application from residents Steve and Christine Guyer of 2390 Section Road seeking a variance from Village Code Section 154.14 to allow for the construction of a six foot in height shadowbox (privacy) fence along the east property line between their house and the Synagogue at 2400 Section Road.

Mr. Brown provided the staff report on the application. Mr. and Mrs. Guyer's property abuts 2400 Section Road, the Congregation Sha'arei Torah (to the east). Due to multiple cars and numerous daily visitors, they are requesting a variance to allow for the installation of 200' of 6' high privacy fence. The proposed fence would be installed between the structures on both properties and is to provide privacy to their rear yard.

The letter to the Board states that while they have a good relationship with the members, it is still a public place of worship and there are many members they don't know. Unlike a residential property adjacent to them, where they would recognize the two or three cars and one family that frequents the property. The current situation has many vehicles and families that frequent the property on a daily basis which they do not recognize. The letter also states that in January 2016 their home was broken into, their sons were one of the first to discover the incident after returning from school and that it has been very traumatic for them, especially their 10 year old son. They have chosen a shadowbox style fence so it will be pleasing to look at from both sides.

Chair Bardach invited Mr. Guyer to speak to the Board. Mr. Guyer stated that privacy is an issue. He stated there are several cars parked in the parking lot of the synagogue. He has contacted police for suspicious vehicles in the lot as well. He stressed that unlike if a residence was next door, he does not know who is frequenting the property and there are a lot more events that he might have expected.

Mr. Wolf asked if the fence was the same on both sides. Mr. Guyer confirmed it was appealing from both sides and he did talk with the synagogue about it and they were supportive.

Mr. Lauer stated that he seemed to recall the site plan for the synagogue and inquired about landscaping that was to be installed on the boundary between the properties. Mr. Guyer stated there was landscaping but it was not enough. Mr. Wolf affirmed that this was a unique situation.

Mr. Bardach asked Village Manager Scot Lahrmer if the Village received any comments from surrounding properties. Mr. Lahrmer stated that no communications were received for or against the variance request.

Mr. Lauer stated the Board has looked higher fences in the past and some higher than the proposed for this application. He stated that higher fences have been approved when the applicant is adjacent to other communities or the use of the neighboring property, which is part of the reason for this variance.

Mr. Wolf stated that he saw this as a unique hardship with multiple cars next door and understands the applicant's appreciation for wanting to know who should be there and should not be there. He stated it was a reasonable request under the circumstances.

Mr. Bardach commented that this is a distinguishing case from typical residential properties. Mr. Rubenstein agreed and moved to approve as submitted, seconded by Mr. Bardach and the roll call showed the following vote:

AYE: Bardach, Lauer, Rubenstein, Wolf (4)
NAY: (0)

There being no further business the meeting was adjourned.

Nicole Browder, Clerk

Richard Bardach, Chairperson