

Village of Germantown Hills Zoning Board of Appeals

March 15, 2016 Meeting with Public Hearing 6:00 p.m.

Variance Request-Lot 105 & 106 Fandel Farm

2016-01

Call to Order/Roll Call-Don Schaffer called the meeting to order at 6:00 p.m.

ZBA Members	RC	1	2	3
Don Schaffer	P	Y	Y	Y
Tom Emlen	P	Y	Y	Y
Jamie Clark	A	-	-	-
Joe Maier	A	-	-	-
Ron Schneider	P	Y	Y	Y
Glen Riley	P	Y	Y	Y
Kendall Stevens	P	Y	Y	Y

Don Schaffer opened the public hearing at 6:00 p.m. and noted all wishing to speak will be heard.

Elizabeth Bockewitz, 716 Bittersweet Avenue was in attendance and was sworn in to speak.

Request for a variance to the Village's fencing requirements as contained in Title 9, Chapter 4, Section 12 of the Village Code pertaining to the zoning regulations for the property located at 716 Bittersweet Avenue, Germantown Hills, Illinois.

Ann Sasso explained the history of the property. In 2011 Brandon and Elizabeth Bockewitz approached the Village about wanting to be able to build a shed and pool on an adjacent empty lot and construct a fence around the perimeter of both properties. They had purchased the lot next to the lot that their house was built on. The Village allowed the plan that was proposed and recorded a covenant on the properties in order to authorize the improvements which would normally have required variance approvals. The property owner is interested in releasing the covenant as the shed and pool were never built and they would like to sell the lots individually. The fence was built around the property but they removed the front portion on lot 106 in Fandel Farm Subdivision. The black ornamental fence remains on the side and rear property lines on lot 105 and 106. Due to the definition of a front yard the side fence on lot 105 is technically considered a front yard fence due to the road. Village code doesn't allow a front yard fence to exceed 4' and the fence as it measures is 5' in height. The property owner has

a buyer so they need to get the covenant released in order to sell the lots separately but in order to do that both lots need to comply with Village code.

The ZBA considered the procedure set forth in the Village code for variance approval.

a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.

The ZBA discussed the fact they have two front yards which makes the lot different than most lots in the Village and the existing covenant allowed the fence at 5' in this location.

b. That the literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this title.

Residential lots are allowed up to a 6' fence in side and rear yards. The covenant allowed for the fence to be 5' in this location so it should be able to remain since nothing has changed.

c. That the special conditions and circumstances do not result from the actions of the applicant.

Elizabeth Bockewitz explained they had intended to stay but things changed. They have tried to sell the lots together for the past year but have not been able to. They now have a buyer for the lot with the house on it but in order to sell the properties separate the covenant needs to be released. The fence that was there was to remain other than the front portion on Lot 106 which has been removed.

d. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands or structures in the same district.

The ornamental fence was already approved for this location by the Village approved covenant.

A motion was made by Ron Schneider to approve the request for a variance to the Village's fencing requirements as contained in Title 9, Chapter 4, Section 12 of the Village Code pertaining to the zoning regulations for the property located at 716 Bittersweet Avenue, Germantown Hills, Illinois to allow the 5' front yard fence in the existing location. The motion was seconded by Glen Riley. **Motion passed #1.**

Minutes Approval-May 28, 2015 A motion was made by Glen Riley to approve the May 28, 2015 Zoning Board of Appeals minutes. The motion was seconded by Tom Emlen. **Motion passed #2.**

A motion was made by Glen Riley to adjourn the meeting at 6:13 p.m. The motion was seconded by Tom Emlen. **Motion passed #3.**

Ann Sasso, Village Clerk