

MINUTES OF THE JANUARY 16, 2010 SPECIAL MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF OAK BROOK APPROVED AS WRITTEN ON AUGUST 3, 2010

1. CALL TO ORDER:

CALL TO ORDER

The Meeting of the Zoning Board of Appeals was called to order by Chairman Champ Davis in the Samuel E. Dean Board Room of the Butler Government Center at 10:02 a.m.

2. ROLL CALL:

ROLL CALL

Gail Polanek called the roll with the following persons

PRESENT: Chairman Champ Davis, Members Natalie Cappetta, Baker Nimry, Joseph Rush, Steven Young and Wayne Ziemer

ABSENT: Member Jeffrey Bulin

IN ATTENDANCE: Mark Moy, Trustee, Robert Kallien, Jr., Director of Community Development and Michael Hulihan, Village Engineer/ Director of Public Works

3. UNFINISHED BUSINESS

UNFINISHED BUSINESS

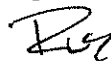
A. ZUBI – 3719 MADISON STREET – APPEAL DECISION OF THE CODE ENFORCEMENT OFFICER – FENCE HEIGHT – NATURAL GRADE

ZUBI – 3719  
MADISON ST –  
APPEAL – FENCE  
HEIGHT–  
NATURAL GRADE

Chairman Davis opened the public hearing and reviewed the process. Instructions were given to the Members to not discuss any matters related to this case while in transit to and from the site. After the site inspection some members would return to the Board Room to adjourn the meeting. He noted that Mr. Beard's testimony would be stricken from consideration regarding the appeal and the covenants he submitted would not be distributed to the members for consideration. The two parties in the appeal can call on any witness.

Motion by Member Young, seconded by Member Ziemer to adjourn the meeting at 10:06 a.m. to travel to the Zubi property located at 3719 Madison to view the site and the fence in question. VOICE VOTE: Motion carried

Chairman Davis reconvened the public at 10:16 a.m. and advised that the Zoning Board of Appeals members were at the property located at 3719 Madison Street in order to inspect the issues regarding the fence.



Chairman Davis swore in John Goss. Mr. Beard gave those in attendance permission to walk along his property.

Mr. Daniel pointed out the area of the northwest lot line for the Zubi property and noted that it extended east. He pointed out the wood retaining areas on the north face of the fence. He added that the grass was added in September. He noted that the Carriage House is located on the middle third of the property. The fence permit included the fence located from the address plaque to the north; and from the area of the wing wall of the coach house to the south along the area in front of the carriage house was not an issue at the hearing.

Member Rush and Member Ziemer reviewed the site plan from the approved fence permit and clarified that the permit was not only for the fence but for the wing wall on the north side of the driveway.

Mr. Daniel noted that page 11 of the case file (copy of the fence detail of the approved fence permit) showed the post to be 6 foot 1 inch up to the top of the post.

Member Ziemer measured the fencing material on the portion of the fence (by the address plate) and called out the measurement to be 46-47 inches in height. Mr. Daniel said that the top of the retaining wall to the grade was approximately 6 inches. The base of the soil to the top of the retaining wall was 18-19 inches. The post to the top brick, which measured 6 feet 2 inches. To the top brick measured approximately 7 feet 4 inches.

Member Rush noted that the diagram on page 11 showed the fence located at the base of the arch, yet the fence as built goes into the middle of the arch.

Member Ziemer noted that the natural occurring grade at the time of permit was 12 inches lower than it was now.

Mr. Daniel noted that the grade increased as you went further south.

Member Ziemer noted that the change over the year with could be due to grade changes over time. He added that the area around the base of the tree would have been the original grade on the property and since then has been regarded to accommodate all of the water shedding and drainage and that the grade differential established around the base of the tree would be of use.

Mr. Daniel walked through and described the areas of the lot where the berms were located along with the grade changes.



Mr. Daniel walked to the north side of the northern part of the fence. He noted the grade changes and how it tapered down to the second series of retaining walls, which was mentioned in the site engineering plans.

Mr. Daniel walked east toward the storm sewer, which he said catches the water that was designed to flow (he pointed south to the Zubi property).

Mr. Daniel noted that the storm sewer had been installed by Mr. Beard within the 20 foot easement area. There was a temporary soil protection device kind of a hay bale that runs the property line because of the soil work on the other side. The local and county ordinance require that protection. He said that they had previously measured the height of the fence from the top of grade and it was 52 inches. When Mr. Beard built the fence he had to comply with the same height requirements, but over time the soil settled and it was uniform on both sides of the property.

They previously had testimony about the relocation of Mr. Beard's wood fence and retaining wall on his property as possible precedents.

Mr. Beard said that the fence was there before; all they did was rebuild it when they put in the easement and driveway.

Mr. Daniel pointed out the deer chain link fence that was located on the Beard property. It was previously a vegetated area.

Chairman Davis asked what the purpose of the easement was. Mr. Beard responded that it served his other lot behind the Zubi property that used to have access from Glendale.

Member Ziemer measured the fence on the Beard property which was 37-38 inches high. The deer fence from grade was about 7 feet 8 ½ inches.

Mr. Daniel said that the general principle on the south side was that the original existing grade was already higher at that end.

Everyone walked toward the south west end of the property where Mr. Daniel cleared around a tree and noted that there was not a retaining wall around the tree, at the natural grass level. Back towards the end of the property was a slight elevation increase, which existed as things flowed off toward the north and northwest. A walk going east with occasional measurements of the fence showed that the fence material was 42 inches high with the grade varying from one to several inches below.

Chairman Davis questioned when the grading was completed.

John Goss, landscaper said that the property was graded in September of 2009 and in order to get the final grade a lot of fresh top soil was brought in. There is often settling when new soil is added. It was done at that time of the year in order to get grass growing, knowing that there would be some additional grading done in the spring.

Mr. Daniel asked if generally, going from the south to north, there was less soil brought in and less settling. Mr. Goss agreed.

Mr. Daniel asked if more grading work was done at the north end rather than the south end. Mr. Goss agreed.

Mr. Daniel asked if it was generally accurate to say that the soil at the north end, when it was originally graded, came up higher on both the inside and outside of the retaining wall and under the fence. Mr. Goss agreed and said that there will be more settlement due to the rain and snow.

Chairman Davis questioned whether it was the intent to have the grade at the north end match the grade at the guest/coach house. Mr. Goss responded that it was.

Mr. Daniel asked if the seasons play a role in settling. Mr. Goss responded that it needs to go through a full season, which they have not as yet, since the work was done in September; so some additional grading would be needed in the spring.

Motion by Member Nimry seconded by Member Ziemer, to adjourn the meeting at 10:56 a.m. to travel back to the Samuel E. Dean Board Room at the Butler Government Center. VOICE VOTE: Motion carried

Chairman Davis reconvened the public hearing at 11:08 a.m. at the Samuel E. Dean Board Room.

Motion by Member Rush, seconded by Member Young to continue the public hearing to the next regular Zoning Board of Appeals meeting scheduled for February 2, 2010. VOICE VOTE: Motion carried



4. ADJOURNMENT:

ADJOURNMENT

Motion by Member Rush, seconded by Member Young to adjourn the meeting at 11:09 a.m. VOICE VOTE: Motion carried

ATTEST:



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Robert Kallien, Director of Community Development  
Secretary

