

**MINUTES OF A PUBLIC MEETING
OF THE CITY OF BUNKER HILL VILLAGE
ZONING BOARD OF ADJUSTMENT
WEDNESDAY, APRIL 28, 2021 AT 4:00 P.M.**

I. CALL TO ORDER

Vice Chairman David Light called the Zoning Board of Adjustment Meeting to order at 4:04 p.m. Those present at the beginning of the meeting, including alternates, constituted a quorum.

Regular Members Present:

Jennifer Rigamonti
Michelle Belco
David Light
David Marshall
Patricia Shuford

Absent:

Alternate Members

Ryan West (via Zoom)

Louie Crapitto

Also in Attendance:

Karen Glynn, City Administrator/Acting City Secretary
Steve Smith, Dir of Public Works/Bldg Official
David Olson, City Attorney
Loren Smith, City Attorney (left at 4:50)
Councilman Robert Lord
Councilman Keith Brown
Councilwoman Laurie Rosenbaum (via Zoom)
Jennifer Namie, Assistant to the City Secretary (via Zoom)

II. WORKSHOP WITH THE ZONING BOARD OF ADJUSTMENT OUTLINING ROLES AND RESPONSIBILITIES

Loren Smith and David Olson made a presentation on the roles and responsibilities of the board including open meetings and open records.

Chairwoman Jennifer Rigamonti joined the meeting during the workshop.

III. OATH OF OFFICE AND STATEMENT OF AUTHORITY

Jennifer Namie of Olson and Olson administered the Oath of Office to the members and alternate member present.

IV. ELECTION OF CHAIRMAN AND VICE CHAIRMAN TO SERVE FOR A ONE YEAR TIME PERIOD FOR THE ZONING BOARD OF ADJUSTMENT.

A motion was made by Patricia Shuford and seconded by Michelle Belco to appoint Jennifer Rigamonti as Chairwoman and David Light as Vice Chairman of the Board of Adjustment.

The motion carried 5-0.

V. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF THE APRIL 21, 2016 MINUTES FOR THE BOARD OF ADJUSTMENT

A motion was made by David Light and seconded by David Marshall to approve the minutes of April 21, 2016 as submitted.

The motion carried 5-0.

VI. A PUBLIC HEARING WILL BE HELD AT 5:00 P.M. REGARDING A REQUEST FROM C. MAI HOMES/DAVID DORN REQUESTING A VARIANCE TO APPENDIX A, SECTION 7.10 FENCES AND WALLS FOR 11646 MEMORIAL DRIVE

ALL INTERESTED PARTIES SHALL HAVE THE RIGHT AND OPPORTUNITY TO APPEAR AND BE HEARD ON THE ITEM LISTED ABOVE

Chairperson Rigamonti opened the Public Hearing at 5:03 p.m.

Karen Glynn and Steve Smith introduced the request by C. Mai Homes/David Dorn for a Variance to Appendix A, Section 7.10 Fences and Walls for the Property located at 11646 Memorial Drive:

The City received a request for a variance to the City's Zoning Ordinance pertaining to the placement of a fence/wall for a proposed single family house to be newly constructed at 11646 Memorial Drive in District A of the City.

The Submission and Description: The property owner submitted a site plan for a proposed single-family house to be located at 11646 Memorial Drive. The lot is located at the corner of Memorial Drive and Briar Forest. The lot is considered and has been registered as a "vacant property" per the City's vacant property ordinance. There is currently an abandoned single-family house on the lot which has been deemed inhabitable by the Village Fire Marshall and will need to ultimately be demolished. The lot also has some challenges with access with the curvature of Memorial Drive with Briar Forest. The proposed house and site plan meet all setbacks and access requirements of the City. The applicant has proposed an 8-foot wall/fence in the front of the house which does not comply with the City's Zoning Ordinance; therefore, the applicant has submitted an application for a variance.

The Ordinances: This lot is located in District A as defined by the City's Zoning Ordinance. **§ 7.10. - Fences and walls.** Except as otherwise specifically permitted herein, no fence or wall shall be erected or constructed in the required front yard of a lot. Fences and freestanding fence-type walls, not to exceed eight (8) feet in height, may be erected or constructed in or along any required side yard or rear yard of a lot. All fences and fence-type walls shall be kept in good repair and maintained so as to comply with the provisions of this ordinance. A fence or wall may be erected within a required front yard of a corner lot along the exterior lot line adjacent to the side street if same is located at the entrance to a subdivision and if such wall or fence does not exceed three (3) feet in height. **(Ord. No. 92-130, § 11, 12-15-92)**

Variance Process: A Public Hearing has been called to hear public comments on the variance request. Per law, all properties in Bunker Hill Village within 200 feet of the property were notified of this request 10 days prior to the hearing by letter delivered to each home. The notice, application and site plan has been published on the City's website and has been available for review. Staff has not received any inquiries regarding the variance request.

Summary: As noted above, the existing house at 11646 Memorial is vacant. The property has been vacant for almost 10 years. As with other vacant properties and the indent of the newly adopted "Vacant Property Ordinance," the City continues to monitor the property for code issues including the proper maintenance of the property. It is the goal of the City, to see vacant properties maintained and ultimately, developed. In discussion with the applicant, the installation of a wall/fence in the front of the house is critical to the successful development of the property because of the location of the property fronting two major roadways: Memorial Drive and Briar Forest. The applicant has submitted a site plan and rendering for the proposed development. Staff agrees that the location of the property is unique to other areas of the City and redevelopment has been challenging fronting these two major roadways, especially with the curvature of Memorial Drive. Staff recommends the Board of Adjustment consider the variance. Conditions such as materials and renderings may be considered and required as part of the variance.

The applicant, Mr. David Dorn presented the proposed variance and shared the proposed renderings and confirmed details of the request.

Public Comments Received:

Keith Brown, who resides at 12006 Winwood remains convinced that a "wall" is not in the best interest of the City. He offered the following options in order of preference:

- 1. A wrought iron similar fence with green living privacy wall behind it.*
- 2. A wooden fence, perhaps with concrete pillars and appropriate landscape.*
- 3. A concrete fence with the condition that they may do so as long as they agree to landscape in front of the wall with landscaping approved by City Administrator and City Engineer.*

Mohammad Mohebzad, who resides at 11607 Applewood expressed that the lot belongs to the owner but the fence belongs and affects every resident of the City. He wants to make sure the wall is no more than 6.5 feet in height. He worries that children will be able to climb the wall. He also wants to know what material will be used to construct the wall.

Jerry Thompson, who resides at 201 Bylane Drive does not have an issue with the wall. He has a brick wall which stands at 8 feet. His wall is adorned with fig ivy and believes that if the owner uses landscaping on the proposed wall, it will look fine. He also noted that even with the wall he has, the road noise from Memorial is extremely loud and he believes this property should have a wall to help mitigate the noise.

Applicant, David Dorn spoke once more to clarify that the proposed design is simply an artist's rendering and that he is amenable to changing the design.

VII. CLOSE THE PUBLIC HEARING

Chairperson Rigamonti closed the Public Hearing at 5:29 p.m.

VIII. DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM C. MAI HOMES/DAVID DORN REQUESTING A VARIANCE TO APPENDIX A, SECTION 7.10 FENCES AND WALLS FOR 11646 MEMORIAL DRIVE

Following a thorough discussion, a motion was made by Chairperson Rigamonti and seconded by Vice Chairperson David Light to approve a request from C. Mai Homes/David Dorn, for a variance to Appendix A, Section 7.10, Fences and Walls for 11646 Memorial Drive with the conditions as follows:

Site & Configuration – Approval contingent on the permitting and construction of a single-family home facing south.

Wall – Construction of a City-approved solid masonry wall with pillars, provided no unfinished concrete or cinder block, in the front of the house; Ownership and maintenance of the wall will be the homeowner’s responsibility. The section of the masonry wall approved by variance shall match and be consistent with the remainder of the wall proposed to be located in accordance with City requirements on the property along Memorial Drive.

Fence and Gate – Construction of a metal fence and gate to allow the opportunity to see the front of the home. All landscaping in front of the metal fence and gate will be the homeowner’s responsibility for installation and maintenance.

Landscape Easement – Dedication of a Landscape Easement to provide for a minimum of 12 feet behind the existing curb of Memorial Drive to allow for a sidewalk at 8 feet and additional City approved landscaping along the wall, to be installed and maintained by the property owner; Easement dedication prior to construction of the wall.

Timeframe – Approval of the variance contingent on the demolition of the existing structure and clean-up of the lot six (6) months from the Decision of the Board.

Roll Call Vote:	Jennifer Rigamonti	<u>YES</u>
	Michelle Belco	<u>YES</u>
	David Light	<u>YES</u>
	David Marshall	<u>YES</u>
	Patricia Shuford	<u>YES</u>

The motion carried 5-0.

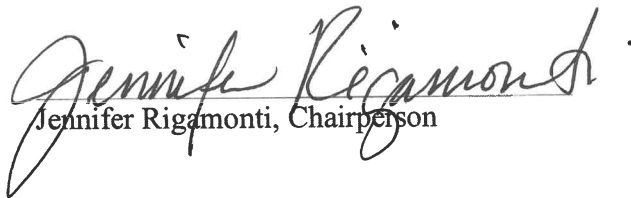
IX. UPDATE ON ACTIVITIES IN THE CITY

City Administrator, Karen Glynn, appreciated the Board coming together for this meeting and plans to get back to at least an annual meeting for the Board. The Mayor will be making appointments in June for another two-year term. Ms. Glynn said that she is hopeful all of the members will want to serve again.

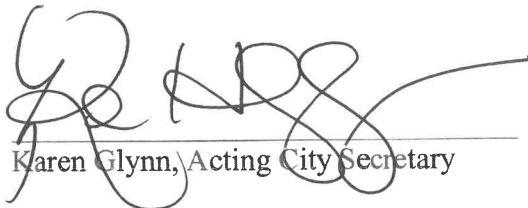
X. ADJOURN

Chairperson Rigamonti announced the closing of the Zoning Board of Adjustment at 6:40 p.m.

Approved and accepted on June 16, 2021.


Jennifer Rigamonti, Chairperson

Attest:


Karen Glynn, Acting City Secretary