



**SPECIAL ZONING BOARD OF APPEALS MEETING
VILLAGE OF HAWTHORN WOODS
2 LAGOON DRIVE, HAWTHORN WOODS, ILLINOIS
THURSDAY, APRIL 16, 2015
6:00 p.m.**

MINUTES

I. Call to Order and Roll Call

Present: Mr. Schildkraut called the meeting to order at 6:00 p.m. The following members were present: Kaiser, Rychlik, Schildkraut, Scaletta, Johnston, and Sedlacek

Absent: Kosik

Staff: Donna Lobaito, Chief Administrative Officer
Michael Cassata, AICP, Planning Manager

Trustee: Dominick DiMaggio

Village Attorney: Robert Kenny

A quorum was established.

II. Opportunity for the Public to Address the Board

None this month

III. Public Hearing

- A. 1 Victoria Lane—Variation to Section 9-3-15 of the Village Code to Allow for a Shed, Which is Identified as a Prohibited Structure
- B. 18 Elm Street—Variation to Section 9-3-15 of the Village Code to Allow for a Shed, Which is Identified as a Prohibited Structure
- C. 25706 N. Gilmer Road—Hidrogo Property—Variation to the Building and Zoning Codes in Conjunction with an Annexation Petition

Motion by Sedlacek, second by Kaiser to continue all three public hearings to the next Zoning Board of Appeals meeting.

Voice vote:

Ayes: 6

Nays: 0

Abstain: 0

Absent: 1

Motion carried.

IV. Public Meeting

A. 9 Turnbury Court—Variation to Section 8-4-2 of the Village Code to Allow for a Fence, Which is Identified as a Prohibited Structure

Village Attorney Kenny briefly explained the process in which this portion of the meeting would be conducted. Furthermore, he stated the ZBA members will deliberate on the evidence presented, and Mr. Cassata will prepare Findings of Fact to bring back to the ZBA at a future meeting. It is the Findings which will be forwarded to the Village Board for the final decision.

Mr. Cassata provided the background information on the construction of a swimming pool and fence at 9 Turnbury.

Mr. Todd Ferguson, 9 Turnbury, and his attorney, John Grady, introduced themselves to the Board. Mr. Ferguson stated he has an autistic son who will benefit from the use of the swimming pool. He noted his house is on the Hawthorn Woods Country Club golf course, and that the fence was constructed around the pool equipment to protect it from being damaged by golf balls coming from the golf course and to screen the ugliness of the pool equipment.

Mr. Grady presented numerous pictures taken from around the Ferguson home to depict the location of the pool equipment, the fence around the equipment, and damage to the Ferguson home from golf balls. He described Mr. Ferguson's pool as an endless pool whereby water is propelled towards the swimmer, thus providing therapy for Mr. Ferguson's son. He noted that this design requires additional pool equipment. He stated the fence was installed to cover the equipment and to protect it from wayward golf balls.

Mr. Grady said the goal is to cover and protect the equipment, and that Mr. Ferguson had a unique situation, because of his autistic son. Mr. Grady asked the ZBA members to focus on the plight of the homeowner. Furthermore, Mr. Grady explained that he did not see that this fence would substantially change the neighborhood, because it is located up against the house and is not an eyesore.

Ms. Scaletta asked if the golf course was going to do anything to prevent golf balls from hitting the house. Mr. Ferguson said he spoke to the country club about moving the tee box further away from his house, but the country club responded that this would be cost prohibitive.

Mr. Sedlacek noted that the approved plans indicated landscaping would be planted to cover the pool equipment, and he asked what happened to that plan. Mr. Ferguson responded that he was not on top of the details, and that he believed his pool contractor, Rosebrook, chose not to plant arborvitae because it would not provide proper protection of the equipment.

The Board discussed whether landscaping as opposed to fencing could suffice. The Board also asked whether the 17' fence distance from the pool was covered under the same variance request, and Mr. Cassata responded that it would.

The Board discussed possible acceptable solutions, including landscaping in front of the fence. Attorney Kenny noted the Board could place conditions on any recommendation they make to the Village Board.

Mr. Ferguson said he would talk to his landscaper to provide a plan whereby 100% opacity could be achieved.

Trustee DiMaggio suggested the combined use of arborvitae, wrought iron type fencing with a tighter placing of the fencing. Mr. Rychlik shared a picture of a type of fencing he is familiar with as it relates to certain types of sports. Trustee DiMaggio stated he agreed that the fencing and landscaping would appear to be a better solution than the exposed equipment, but he noted that wrought iron would comply with the code and stockade fencing does not.

Attorney Kenny suggested that the ZBA request that the applicant provide the Village with plans based on tonight's suggestions, then come back to the next meeting, where the Board can see if the plans meet the intent of tonight's discussion. Mr. Cassata noted the next ZBA meeting will be on Wednesday, April 29, 2015.

Mr. Ferguson suggested the use of Plexiglas behind the fencing to provided added protection.

Mr. Johnston stated that the Board is concluding that landscaping will not provide protection. He wanted to know that the Board is covering all bases by coming to this conclusion. Mr. Ferguson responded that the golf balls can come in at 100 miles per hour, and landscaping would not stop a golf ball from hitting the pool equipment.

Motion by Johnston, second by Rychlik to continue this agenda item to the next scheduled ZBA meeting.

Voice vote:

Ayes: 5

Nays: 0

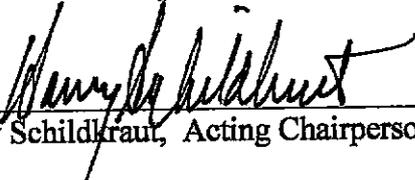
Abstain: 0

Absent: 1

Motion carried.

V. Adjournment

Motion by Kaiser, second by Sedlacek to adjourn the meeting. Upon a voice vote, all voted aye, and the motion carried. There being no further business, the meeting adjourned at 6:43 p.m.



Harry Schildkraut, Acting Chairperson