

CITY OF PLANO
MINUTES OF PLAN COMMISSION/ZBA
May 2, 2016
7:00 PM

The regular meeting of the Plan Commission/Zoning Board of Appeals was called to order on Monday, May 2, 2016 at 7:00 PM by Chairman Dave Teckenbrock at City Hall.

1. Roll Call:

Members in Attendance:

Dave Teckenbrock, Chairman
Cara Brummel
Ed Carter
Kim Droysen
Cliff Oleson
Eric Oleson

Members Absent:

Kurt Dreisilker –Excused

2. Approve April 4, 2016 Minutes

A motion was made by Member C. Oleson, seconded by Member E. Oleson to adopt the minutes of the meeting of April 4, 2016 as printed.

Roll Call:

Voting “Aye”: Teckenbrock, C. Oleson, E. Oleson, Carter, Droysen, Brummel
Voting “Nay”:
Absent: Dreisilker
Abstain:

Motion Carried

3. Variation – 203 & 207 N. Center – 5’ Fence in Front Yard

A motion was made by Member Droysen, seconded by Member E. Oleson to open a public hearing.

Roll Call:

Voting “Aye”: Teckenbrock, Droysen, E. Oleson, C. Oleson, Brummel, Carter
Voting “Nay”:
Absent: Dreisilker
Abstain:

Motion Carried

Chairman Teckenbrock read the Admonition of Rights and witnesses were sworn in.

The petitioner, Brian Kahl, of 203 N. Center was present to state his case for the requested variance to allow a 5’ fence in his front yard. Mr. Kahl stated that he would like to remove the old picket fence on the property and replace it with new ornate black steel fence from the corner

of 207 N. Center to the corner of 203 N. Center. He stated that the proposed fence would be 1' off of the sidewalk to be in compliance with the current code.

Member Droysen asked if three sides of the property would be completely surrounded. Mr. Kahl used the Plat of Survey to demonstrate the current and proposed fencing.

Member Brummel asked if there is a particular reason for having a taller fence. Mr. Kahl stated that he has large dogs and would like the taller fences as a security measure for when the dogs are in the yard as he has had issues in the past with people poking at the dogs with sticks. He stated there would only be 3.5" between each of the slats in the fence, so it would be secure that way, but he feels that having the fence 5' tall would help keep anyone from being able to reach over the fence as well.

Robert Jones of 8 W. North St. Plano stated he wasn't sure of the property in question but had seen mention of a fence. He stated that he lives next to a house on the corner of N. Street and Center where a fence was put up several years ago which is now falling down. Mr. Jones asked if this is the same property as was being discussed at the meeting. Member C. Oleson asked Mr. Jones if he was talking about the property across from the library, in which case is not the same property. Mr. Jones stated he was talking about the property across from the library, and so he is not concerned with this particular petition and has no issues with the request.

Member C. Oleson stated that he stopped by the property and saw the petitioner's dog and stated that he believes the 5' fence is a good idea. He also stated that he believes the proposed fence will look better than the picket fence currently on the property. Mr. Kahl wanted to add that his dogs are great dogs, but are very tall when standing up on their hind legs.

A motion was made by Member Carter, seconded by Member Brummel to close the public hearing.

Roll Call:

Voting "Aye": Teckenbrock, Carter, Brummel, Droysen, C. Oleson, E. Oleson

Voting "Nay":

Absent: Dreisilker

Abstain:

Motion Carried

Tom Karpus stated that personally he believes it would be a great improvement and that with bigger dogs it is a good idea to take the extra precaution with the taller fence. Mr. Karpus explained to the members that the only variation being requested is to allow an additional 12" to the height of the fence in the front yard. He stated that as this is a corner lot, the property in question has two front yards.

Chairman Teckenbrock polled the Members on the following:

Standards for Variations:

1. The zoning board of appeals shall not recommend to the city council variation of this title, unless it shall make findings based upon the evidence presented to it in each specific case that the standards for hardships set forth in the Illinois municipal code are complied with and the following:

a. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

Chairman Teckenbrock stated that in his opinion, the petitioner's situation with having large dogs does not constitute a hardship.

Member Droysen stated that she does believe it is a hardship due to this being a corner lot, so as most properties would be able to install the taller fence on three sides, in this particular case, the petitioner would be limited to two sides if the regulations were carried out.

Member Carter stated that it is not a hardship.

Member E. Oleson stated that this being a corner lot does make it somewhat of a hardship, but then that would mean it is a hardship for all corner lots, which he does not believe is the case. He voted no, that this is not a hardship.

Member C. Oleson stated that the topographical conditions of the property do not create a hardship.

Member Brummel voted that there is a hardship.

Motion Denied 4 to 2

b. The conditions upon which the petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classification.

Member C. Oleson stated that this being a corner lot does make it unique. He stated that there are more properties in town that are not corner lots than those that are.

Member E. Oleson stated that this is not unique, as there are many other corner lots in town.

Members Droysen, Carter and Brummel voted yes, this is unique to the property in question.

Chairman Teckenbrock voted no, it is not unique to the property in question.

Motion Carries 4 to 2

c. The alleged difficulty or hardship is caused by this title and has not been created by any person presently having an interest in the property.

The Members all agreed that the hardship was not created by the petitioner.

Unanimous Yes

d. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Chairman Teckenbrock stated that in his opinion this would actually be an improvement and would protect people going down that particular street.

The Members all agreed that the granting of the variation will not be detrimental to the public welfare.

Unanimous Yes

e. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger to the public safety, or substantially diminish or impair property values within the neighborhood.

The Members all agreed that the proposed variation will not impair light/air, diminish property values, or increase danger to the public safety within the neighborhood.

Unanimous Yes

2. The zoning board of appeals may recommend such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards established in this subsection, to reduce or minimize the effect of such variation upon other property in the neighborhood and to better carry out the general intent of this title.

A motion was made by Member C. Oleson, seconded by Member E. Oleson to recommend to the City Council approval of the petition in accordance with the application to allow a 5' fence as opposed to a 4' fence in the front yard.

Roll Call:

Voting "Aye": C. Oleson, E. Oleson, Carter, Droysen, Brummel

Voting "Nay": Teckenbrock

Absent: Dreisilker

Abstain:

Motion Carried

There being no other business to come before the Commission, a motion was made by Member E. Oleson, seconded by Member Carter to adjourn the meeting. A unanimous "Aye" voice was heard. The meeting adjourned at 7:30 p.m.

Kiara Beckman, Recording Secretary