

**MINUTES OF A SPECIAL MEETING OF THE BUILDING, PLANNING AND ZONING  
COMMITTEE OF THE VILLAGE OF KENILWORTH HELD AT THE KENILWORTH  
VILLAGE HALL, 419 RICHMOND ROAD AT 7:30 P.M. ON  
WEDNESDAY, JUNE 25, 2008**

Chairperson Bossu called the meeting to order at 7:30 p.m. Attendance was as follows:

Present:	Jackie Bossu	Chairperson
	Robert Smietana	Member
	James Hughes	Member
Others Present:	Brad Burke	Village Manager
	Susan Crieziz	Community Development Director
	Grace & Tom Terrill	122 Woodstock Avenue
	Sally Hagan	260 Oxford Road

The minutes of the March 18, 2008 meeting were placed before the Committee. Several corrections were made. Member Smietana made a motion to approve the minutes. Member Hughes seconded the motion, and the minutes as corrected were unanimously approved.

Chairman Bossu provided a brief background on why the topic of fence regulations was before the Building, Planning and Zoning Committee. She mentioned an issue raised between neighbors generated questions of Zoning Ordinance fence regulations and noted the Zoning Board of Appeals, in their consideration of the administrative appeal, had recommended the Village Board consider the revisions to the Zoning Ordinance to provide clarity. Chairman Bossu explained the question raised pertains to the height of a fence permitted on a property when there is an existing fence on an adjacent property.

Member Smietana suggested if there were not any other issues about the fence regulations needing review, the Committee should confine its discussion to the topic of fence height and how height is determined. Chairman Bossu said she agreed that the Committee's work should be narrowly focused on fence height regulations.

Community Development Director Crieziz provided a review of how fence permits are processed and issued. Director Crieziz noted questions have been raised in the past regarding how close a fence can be to a neighboring fence and be required to remain the same height, unless permission is given by the neighbor to allow a taller fence. The question was asked if one resident puts his fence 3 feet away, can he make it higher than the neighbor's fence without the neighbor's permission. Ms. Crieziz said the Zoning Ordinance never defined how close or far a fence had to be from a neighbor's fence to avoid the neighbor permission rule and noted this is an additional topic the members of the BPZ may want to consider.

Chairman Bossu expressed her opinion there could be some language that height be determined based upon conditions in the field rather than via a previous permit when there is an existing fence on an adjacent property.

A discussion of the history of the development of the current fence regulations followed.

Sally Hagen of 260 Oxford Road said her neighbors wanted to put in a fence that was higher than hers. Ms. Hagen noted she had concerns and complaints about the process and the method of measuring.

Member Smietana said the Village needs to find a data point for determining the height of a fence. He said, as a Committee, we have to determine how the Village should measure a fence. Chairman Bossu agreed and noted the Village needs to determine on site the height of a fence if a new fence is going to be installed near the existing fence.

Village Manager Burke explained the use of fence permit records to determine what is allowable on the property if there is an existing fence on an adjacent property.

Trustee Terrill expressed his opinion the Village should be more defining and exacting of what fence height is.

Member Hughes asked if a permit is issued for a four foot tall fence, does the permit allow a fence up to four feet or require the fence be built at four feet. Manager Burke noted if a fence permit is obtained for a permitted height, the Village's inspection process involves a review to ensure the fence does not exceed the permitted height. Manager Burke explained the Village's inspector is primarily concerned with assuring the new fence does not exceed the permitted height and does not require residents to increase the height of a fence installation up to the permitted height if it is installed at a height lower than what is permitted.

A discussion of the grade changes east of Ridge Road and the impact on height and retaining wall issues followed.

Chairman Bossu asked if the Committee had a preference for the method used for the measurement of height. The members discussed fence height measurement methods from other Villages' zoning codes. Member Smietana proposed using Highland Park's fence measurement method in which fence height is measured from the average ground level of both sides of the fence. The members agreed with this definition of fence height measurement.

Village Manager Burke discussed the notices sent to neighbors regarding fence regulations and noted the Village's building regulations require notice to all adjacent property owners as well as owners across the street for any fence installation. Manager Burke explained this requirement has not been followed since the adoption of the ordinance and such a requirement is a challenge to implement given the quick turn around expected for most fence permit applications, the fact that some fence permits are only for replacement/repair of a portion of an existing fence, and when a resident approaches the Village with a fence permit application, they are typically ready to engage their contractor within a day or two.

A discussion followed about the ability of a person who already has a fence to stop a neighbor from installing a new fence and the ability of that neighbor to install a 6 foot high fence along a common property line.

Chairman Bossu expressed her opinion she preferred to retain the neighbor permission requirement of the Zoning Ordinance. She asked if the Committee thinks the person who wants to install a fence needs to provide notice to neighbors. She also asked if the Committee feels the adjacent property owners should be noticed. Member Hughes said he thought the concept of notices was good but asked if they should be required.

A discussion of seeing open style fences next to more closed style fences followed.

Chairman Bossu asked if it was the preference of the Committee to clarify the ordinance to state that in no event would a new fence be allowed to exceed the height of a neighbor's existing fence. There was a general consensus that in those instances where there was an existing fence, any new fence proposed by adjacent property owners would not be allowed to exceed the height of the existing fence.

In response to the concern about an older deteriorating fence, Member Hughes said if the existing fence is in disrepair, then the property owner could petition the Zoning Board of Appeals for a variation.

Member Smietana noted the proposed averaging method of determining fence height based upon measuring the height of the fence from the grade on both sides of the fence to arrive at an average height would not allow a new fence to exceed the height of an adjacent fence.

Member Smietana expressed his opinion any change to the Zoning Ordinance should provide some allowance for minor deviation or minor field adjustments that would be administratively approved.

Village Manager Burke said the average height method does address retaining walls related to the adjacent natural grade.

Member Hughes asked if there were any other practical problems with the fence ordinance.

Chairman Bossu said one issue is how decorative finials are treated. Member Smietana said the visual cue for the height of any new fence permitted in those instances where there is an existing fence will be the height of the existing fence and not the permitted height of decorative finials.

There was a discussion of site triangles for fences in the front yard. There was a consensus not to address the site triangle issue at this time.

There was also a consensus to take out notices for fences from the neighbor notification requirement in the building code ordinance requiring notice.

Next, the Committee addressed sign regulations in residential districts.

Chairman Bossu had asked Community Development Director Criezis to contact real estate companies about the size of signs. Ms. Criezis said the typical sign is 24" x 24" with an additional smaller attached sign of 6" x 24" or 9" x 24". She said the typical signage total square footage is almost 7 square feet, which includes the primary sign as well as smaller information signs such as name of realtor. Ms. Criezis noted the Village currently permits the size to be up to 12 square feet, which is rather large.

There was a consensus of the Committee to allow only 1 sign per property.

There was a discussion of the allowable height. Member Smietana noted that a 2' x 2' sign could be 4 feet above the grade. A brief discussion of the permitted height of real estate signs followed.

Chairman Bossu recommended the for sale sign size limit be 6 square feet, 5 feet as a maximum height, and 1 sign allowed per property. It was the general consensus of the Committee to agree with this recommendation.

Next the Committee discussed construction signage. The Committee was in agreement that advertisement signage not be permitted, which is currently prohibited in the Zoning Ordinance.

The Committee next discussed political signs and message signs.

Member Smietana said he is hearing staff would like a code to reference when inquiries regarding political signs are made. Member Smietana expressed his opinion Lake Forest has a section on political and message signs which is well written and concise.

A general discussion of Lake Forest signage regulations followed.

Member Smietana said he thought message signs should be permitted in front yard setbacks, which would be a deviation from the regulations found in the Lake Forest sign code.

The Committee was in consensus to change the sign regulations for political signs to be similar to Lake Forest's with the change to permit message signs to be located in the required front yard setback.

Then there was a discussion of miscellaneous building issues including international codes, part-time building inspections, and zoning codification.

Community Development Director Criezis discussed the building inspection process.

Chairman Bossu said it would be helpful to add an explanation of the types of building permits required to the Village website.

Member Hughes made a motion to adjourn. Member Smietana seconded the motion, which was unanimously carried, and the meeting adjourned at 9:33 p.m.

Respectfully submitted,

Brad Burke