

**Meeting of the Village of Beecher  
PLANNING AND ZONING COMMISSION  
Washington Township Center  
March 28, 2013**

At 7:15 p.m., Phil Serviss called the meeting to order.

**AGENDA ITEM II: ROLL CALL.** Members present: Kim Koutsky, Gayle Ahrendt, Phil Serviss, Kevin Bouchard, Lance Saller, George Schuitema and Dennis Tatgenhorst. Absent: Althea Machtemes. Staff present: Robert Barber and Don Thomas.

**AGENDA ITEM III: CONSIDER APPROVAL OF THE MINUTES OF THE FEBRUARY 28, 2013 MEETING.** A motion was entered by Bouchard and seconded by Schuitema to approve the minutes as presented. Roll call: 6 ayes (Koutsky, Serviss, Saller, Bouchard, Schuitema and Tatgenhorst). 0 Nays. Motion carried.

**AGENDA ITEM IV: PUBLIC HEARING: CONSIDER A REQUEST FOR TWO VARIANCES TO PERMIT A SUGAR STORAGE SILO AT DUTCH AMERICAN FOODS, 1362 DUTCH AMERICAN WAY, TRIM CREEK BUSINESS PARK WITH A HEIGHT VARIANCE OF TEN FEET AND A FRONT YARD SETBACK VARIANCE OF FIVE FEET.** Bouchard entered a motion to open the public hearing. Schuitema seconded. Roll call: 6 ayes (Koutsky, Serviss, Saller, Bouchard, Schuitema and Tatgenhorst). 0 Nays. Motion carried. Bob Barber reiterated the request by Art Van Baren, owner of Dutch American Foods to install a 50' silo on the front side of the building for the storage and use of sugar in the facility. This silo would protrude 5' into the required 40' front yard setback.

Joe Durante, 1655 Fox Hound Trail, Beecher, testified that the request by the petitioner makes sense and would help keep his business running smoothly. He felt it was a good idea.

Commissioner Tatgenhorst asked if the issues expressed by Goldie's have been resolved. Barber answered that they were.

Commissioner Koutsky asked if the manufacturer of the silo has a commentary that explains the difference between a 40' and a 50' silo. Neal Van Baren answered that a shorter silo has more opportunity for bridging. The sugar won't slide properly and it actually costs \$10,000 more to ship the shorter silo. After manufacture, the 40' silo actually becomes 45' tall. Art Van Baren Sr. provided drawings and noted that to get the same volume as a 50' silo, the shorter silo would have to be 45' tall and more steel is involved. It classifies as a wide load with different routes of transport required.

Koutsky entered a motion to close the public hearing and Schuitema seconded. Roll call: 6 ayes (Koutsky, Serviss, Saller, Bouchard, Schuitema and Tatgenhorst). 0 Nays. Motion carried.

**AGENDA ITEM V: CONSIDER A RECOMMENDATION TO THE VILLAGE BOARD FOR TWO VARIANCES TO PERMIT A SUGAR STORAGE SILO AT DUTCH AMERICAN FOODS, 1362 DUTCH AMERICAN WAY, TRIM CREEK BUSINESS PARK WITH A HEIGHT VARIANCE OF TEN FEET AND A FRONT YARD SETBACK VARIANCE OF FIVE FEET.** Bouchard entered a motion to send a positive recommendation to the Village Board to permit both variances with the condition that the silo be painted white or a neutral color and the petitioner's logo may also be painted on the silo. Schuitema seconded. Roll call: 6 ayes (Koutsky, Serviss, Saller, Bouchard, Schuitema and Tatgenhorst). 0 Nays. Motion carried.

**AGENDA ITEM VI: PUBLIC HEARING: CONSIDER A REQUEST FOR TWO VARIANCES TO PERMIT A SOLID FENCE IN LIEU OF A 50% OPEN FENCE AT A HEIGHT OF SIX FEET IN LIEU OF A MAXIMUM HEIGHT OF FIVE FEET AS REQUIRED BY ORDINANCE AT 1655 FOX HOUND TRAIL.** Koutsky entered a motion to open the public hearing. Schuitema seconded. Roll call: 6 ayes (Koutsky, Serviss, Saller, Bouchard, Schuitema and Tatgenhorst). 0 Nays. Motion carried. Barber noted that extensive deliberation occurred at the workshop regarding setting a precedent if these variances were allowed but if the \$750 variance fee continues, the fee alone will continue to check the variance requests. Thirty one neighbors signed a petition to allow the variances and Staff recommends approval.

Commissioner Serviss asked if a fence in another area of town is being torn down since their pool was never installed. Barber said the letter was sent and Staff received a pool permit from the resident shortly thereafter.

Joe Durante, the petitioner, testified that most of the audience had come to support him. His wife feels strongly about the issue due to the grade difference, the dog next door, family privacy and the safety of his children. His family prefers their privacy to use sprinklers and water slides in their yard. Any fear of new requests for fence variances due to this variance could be addressed by the fact that his hardship is different from anyone else's. The fence he is requesting is not entirely solid; the top foot is open. To address safety concerns, a 5' fence won't prohibit view by law enforcement officials. He testified that there are three registered sex offenders in the Beecher area and he would be more comfortable with his wife and children in his yard if they can have this fence. He provided documentation regarding the fence specifics and the support of his neighbors.

Commissioner Schuitema asked why there was so much insistence on a solid fence rather than partially open. Durante replied that it was due to privacy. Schuitema noted that a solid fence has less wind tolerance.

Serviss gave some background on the current fence ordinance. Deliberations had gone on for about a year. Information had been considered from other towns such as Frankfort where fences are not allowed at all, and some towns that only allow wrought iron. At the end, the commission had sought some form of uniformity; something that everyone could agree on. Variances have been granted in the past for corner lots, etc.

Don Pearson, 1666 Dove Valley, Beecher, testified that there are lots of children in the neighborhood and they take off running. The cars speed down those streets and he is worried about their safety.

Serviss asked the petitioner if he would be opposed to 4' solid and 1' open fence for a total of 5' because he has a real problem with a 6' fence. Will one foot make a difference? Durante stated that one foot makes a difference. Serviss asked Staff if there were any 6' fences in town. Barber responded that he would have to research it. Durante stated that he had seen some. Serviss remarked that he understands the petitioner's passion but these sorts of variances create a precedent and he has a real problem with a 6' fence.

Koutsky asked if this was the petitioner's first home and if the situation with the grade change was existent when he moved in. Durante answered that the situation was existent but that was the last thing they were considering when they purchased. Koutsky stated that he felt the petitioner was going about it the wrong way. He felt the Village Board should be asked to change the ordinance. Durante answered that he wished he'd have known this before he applied for the variance. When he first brought it up it appeared that people were taken aback thinking he wanted to change the ordinance, so he decided to change his approach.

Serviss noted that it's not that people don't feel for his plight, but with no pool it's hard to approve the variance.

John Kypuros, 275 Quail Hollow Dr. Beecher, testified that the idea of a variance is to cure a hardship. The grade change creates the hardship and the petitioner has stated that he intends to put in a pool in the future but it's hard to commit to spending that amount of money in this economy. Could a solid fence be approved if he agreed that a pool would be installed within two years, and if the pool wasn't installed, he could reappear? Koutsky answered that the petitioner hadn't requested that.

Serviss asked the petitioner if his intention was to put in a pool. Durante answered that it was, but that he didn't feel comfortable agreeing to a time frame.

Barber asked if he agreed to a gate in the back to mow the easement area behind the fence since the back 10' of his lot would not be fenced. Durante replied that he agreed.

Lynn Deroos, 291 Hunter's Dr., Beecher, said she has had children and dogs, and boys like to climb. She understands his request because boys can climb 5' like nothing.

Koutsky asked if the neighbor to the rear with the pool and the higher grade change was present. Durante responded the neighbor was not present. Koutsky answered that he doesn't mind the 6' fence but he has a problem with it being solid since the petitioner is not committing to a pool.

Barber and Don Thomas discussed criteria for what creates the permanent nature of a pool. Durante said his neighbor takes down his 4' pool every year and it really isn't a permanent pool unless it is in-ground. Commissioner Bouchard asked again if "just to be clear" the petitioner is not willing to commit to a stipulation that a pool will be installed in two years.

Don Thomas noted that there is no size attached to the stipulation about pools but that it is a rigid structure. Durante said he can afford a frame pool that has rigid sides but that can be removed in the Fall and he would be willing to do that.

Don Pearson testified to the steep nature of the grade change. Cheryl Pearson also expressed her support of the solid fence.

Saller entered a motion to close the public hearing and Bouchard seconded. Roll call: 6 ayes (Koutsky, Serviss, Saller, Bouchard, Schuitema and Tatgenhorst). 0 Nays. Motion carried.

**AGENDA ITEM VII. CONSIDER A RECOMMENDATION TO THE VILLAGE BOARD FOR TWO VARIANCES TO PERMIT A SOLID FENCE IN LIEU OF A 50% OPEN FENCE AT A HEIGHT OF SIX FEET IN LIEU OF A MAXIMUM HEIGHT OF FIVE FEET AS REQUIRED BY ORDINANCE AT 1655 FOX HOUND TRAIL.** Bouchard entered a motion to send a positive recommendation to the Village Board regarding the two variances with two conditions: 1. A permanent pool would be installed by June 1, 2015 or the petitioner would have to reappear before the Plan Commission, and 2. A gate would be installed at the rear of the fence to access the 10' rear easement for mowing. The fence agreed upon is a 5' solid fence with a 1' open lattice top. Roll call: 6 ayes (Koutsky, Serviss (with reservations), Saller, Bouchard, Schuitema and Tatgenhorst). 0 Nays. Motion carried.

Koutsky stated that he believes the petitioner should approach the Village Board with the 31 people who also disagree with the current ordinance and ask them to reconsider the ordinance. Barber said that the Boards must originate a request of this nature; either the Village Board referring it to the PZC or vice versa. Further discussion continued on whether or not the fence ordinance should be readdressed in the future.

**AGENDA ITEM VIII: ILLIANA EXPRESSWAY/LAND USE PLAN UPDATE.** Staff continues to hear that corridor planning grant funds are being considered for municipalities along the corridor to update their land use plans but there is no new news. The Village has placed \$10,000 in the budget for FY2013 for this purpose. The new Village Board should concentrate on a strategic plan prior to the update of the land use plan, based on the plans for the Illiana.

**AGENDA ITEM IX: SOUTH SUBURBAN AIRPORT UPDATE.** The state has filed condemnation proceedings on one 300 acre parcel and was awarded the land at \$3.9 million from the courts. Will County affirmed its position on the support of a governance structure and a consultant hired by the County to articulate its position will be a guest at the next intergovernmental committee meeting.

**AGENDA ITEM X: NEW BUSINESS.** There will probably be no meetings scheduled for April or May. With no further new business, Schuitema entered a motion and Koutsky seconded that the meeting stand adjourned. Serviss called the motion to a vote and it carried unanimously. The meeting stood adjourned at 8:47.

Respectfully submitted,

Marcy Meyer  
Secretary