

APPEALS & REVIEW BOARD

Oak Lawn Municipal Center – Village Hall Auditorium
9446 Raymond Avenue Oak Lawn IL 60453
Tuesday, November 22, 2022 at 7:00 p.m.
Meeting Minutes #2022-4

I. ROLL CALL:

- A.) Chairman: Jay Lurquin
- B.) Commissioners: Joe Cwiklinski (*ABS*) Jay Lurquin
Matt Dillon Chuck Miller (*ABS*)
Bill Egan Pat Pulver
Kai Grant
- C.) Staff: Donald E. McKenna, Building & Zoning Administrator
Deanne Adasiak, Recording Secretary
Drew Guardi, Engineering Technician

Also present: Trustee Soch, District 6 Trustee

II. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairman Lurquin.

III. APPROVAL OF PRIOR MEETING MINUTES:

- A.) Regular Meeting #2022-3 – July 26, 2022:

*A motion was made by Commissioner Pulver approve the Meeting Minutes #2022-3 – July 26, 2022.
The motion was seconded by Commissioner Egan.*

Roll call: Dillon, yes; Egan, yes; Grant, yes; Lurquin, abstain; Pulver, yes.

Motion to approve carries: 4-0-1.

The Oath was administered by Chairman Lurquin.

IV. NEW BUSINESS

- A.) **Pet. #A-2022-5-Request for 25' corner side yard at 5132 W. 101st Street, Luis Correa, Jr.,
Petitioner**

Mr. Luis Correa, Jr., 5132 West 101st Street, Oak Lawn, Illinois 60453

The petitioner explained his request for a 25' side yard variation to install a 6' wood fence on the property's west side yard. The petitioner pointed out that his back door faces 52nd Avenue. He mentioned his six-year-old daughter and his desire to install a privacy fence to allow his daughter to safely go in and out of the house. He stated that in order to do so, he would have to install a fence on the west side of his property. The petitioner stated that he has photos of a few houses in the area that

show the type of fence he wants to erect. The pictures were shown to the Commissioners by the petitioner.

Commissioner Lurquin asked about the petitioner's unique circumstances or hardship to install the fence. The petitioner expressed that with a daughter and grandchildren, he believes a privacy fence will secure the home. He said 52nd Avenue is a busy street, and he gets nervous and scared when the kids play outside. He went on to say that times have changed and that, despite the fact that the speed limit is 25 mph, most cars do not adhere to it. He stated that the fence would be for his family's safety and privacy.

Commissioner Lurquin expressed concern about adding a fence that may potentially create a visual restriction around the corner at 101st and 52nd Avenue. The petitioner explained that the fence will end at the house line, giving 20' before reaching the corner. Commissioner Pulver asked if the highlighted area on the survey plat was for the proposed fence. Yes, the petitioner replied.

Commissioner Grant asked whether the back side of the fence would extend to the lot line. Yes, said the petitioner. Commissioner Grant asked if there were any sidewalks on the property. Commissioner Pulver mentioned a piece of sidewalk at the west corner. Commissioner Lurquin said according to Village Ordinance, it must be the same all the way down. He said being on a corner, although it is the petitioner's side yard, it is also everyone else's equal front yard. The petitioner stated that the other fences in the area are similar to what he proposes to erect. According to Commissioner Lurquin, those fences may have been grandfathered in over 15 years ago.

A motion was made by Commissioner Grant to approve Pet. #A-2022-5-Request for 25' corner side yard variation at 5132 W. 101st Street, Luis Correa, Jr., Petitioner. The motion was seconded by Commissioner Dillon.

Roll call: Dillon, yes; Egan, yes; Grant, yes; Lurquin, no; Pulver, yes.

Motion to approve passes: 4-1.

B.) Pet. #A-2022-7– Request for a 1' fence height variation at 10421 Kedvale Avenue, Matthew and Sarah Malburg, Petitioner

Mr. and Mrs. Matthew Malburg, 10421 Kedvale, Oak Lawn, Illinois 60453

According to the petitioner, the fence line is next to Grace Community Church and then on the east property line, he is next to a residential lot. He stated that the lot's grade varies. He explained that there is a catch basin and that the grade changes throughout the lot to allow for drainage. He said he installed a horizontal cedar fence with black trim, and that the top rail remains level throughout. He mentioned that due to the lot's grade change, he is unable to change the site line of the top of the fence. He stated that he put up a solid fence, especially on the north side, because it is a thoroughfare for residents in the area. He said everyday so many people walk their dogs in the area and through the church parking lot, and it's like living in an aquarium. He claims that people have stood in the middle of the yard before he put up the fence. He expressed that because of the investment he made and the fact that he has small children, he does not want people in his yard and does not want to drain water on other properties, and that the water must go to the catch basin.

Commissioner Egan asked for clarification about the variation. Commissioner Dillon explained that the petitioner has a pitched yard with a 6' fence and wishes to vary the height of the fence. Commissioner Egan asked about the height of the fence on the south side. The petitioner responded 4'. The petitioner claims that the grade drops near the catch basin between his neighbor to the south

and his house, and that as the grade drops, the top rail and foundation of the fence stick out slightly. The petitioner claimed he was issued a violation for failing to comply with the Village's fence Ordinance.

Ms. Joyce Jager, 4049 West 104th Place, Oak Lawn, Illinois 60453

Ms. Jager claims that the petitioner's backyard is her front yard. She stated that she has no objections to the petitioner's fence because she finds it to be beautiful, but she is concerned about the fence's opening. She believes the 14 inch opening looks "stupid" at her side of the property. She claims the fence is at least 12 inches into the air. Ms. Jager is concerned about aesthetics, according to Commissioner Lurquin. Ms. Jager stated that the petitioner mentioned his plans to install a fence to keep their dogs in the yard. She said that while the petitioner's dog is unable to leave the yard, if the petitioner were to sell the house, someone else's dog could escape through the opening. Ms. Jager stated that the petitioner did inform her and shared pictures of what he was doing, and she reiterated her concern that the fence is up in the air.

Commissioner Lurquin asked if the height of the fence is the same from post to post. The petitioner responded no. The petitioner explained that the fence is at grade at the northeast corner, but the lot pitches at the southeast corner. He stated that the slope is required for the catch basin. He said it is necessary in order to maintain and not flood.

The petitioner said if he needs to add railroad ties at the bottom along the north side, he will do so. The petitioner mentioned that he boxed the north side with pea gravel so no one can damage the fence with weed whacking, etc. He said he has no issue modifying the fence but once it gets to the point near the catch basin he is concerned with erosion.

Ms. Jager stated that the house next to the petitioner installed wire beneath their fence to keep the animals in. She suggested the petitioner add wire to his fence. She claims that many people have approached her and asked why the fence is in the air. She expressed that when you look at the fence from her property, it looks bad.

Mr. McKenna expressed concern about preventing water from flowing into the basin. He stated that it would not be an issue in the side yard but could be in the rear yard. Commissioner Egan asked the petitioner whether he could add panels. According to the petitioner, there is a bottom rail that is level from post to post. Mr. McKenna clarified that the Board proposes filling the gap without interfering with the flow of water. He stated that the Board is suggesting attaching something to the existing bottom rail. The petitioner stated that modifying the fence is not an issue if it will make Ms. Jager happy, and he asked if the Board is okay with adding a bottom piece to fill the gap. The petitioner said that he can add mesh to the bottom of the fence. Ms. Jager said she is fine with that.

A motion to approve was made by Commissioner Pulver with the condition to fill in the bottom gap in order to leave the 7' fence for Pet. #A-2022-7– Request for a 1' fence height variation at 10421 Kedvale Avenue, Matthew and Sarah Malburg, Petitioner; The motion was seconded by Commissioner Egan.

Roll call: Pulver, yes; Lurquin, yes; Grant, yes; Egan, yes; Dillon, yes.

Motion to approve passes: 5-0.

V. OTHER BUSINESS BY:

A.) Chairman:

Chairman Lurquin extended holiday greetings to the Board and announced his resignation from the Board. He expressed his gratitude and appreciation for serving on this Board for the last 12 years.

B.) Commissioners: *None.*

C.) Staff: *None.*

Trustee Soch thanked the Commissioners for their efforts and service to the Appeals Board.

VI. ADJOURNMENT:

A motion to adjourn was made by Commissioner Grant and seconded by Commissioner Egan.

Voice Vote: All in favor, Aye.

The meeting adjourned at 7:26 p.m.