

**DOWNERS GROVE PUBLIC LIBRARY  
BOARD OF TRUSTEES  
REGULAR MONTHLY MEETING  
WEDNESDAY MARCH 26, 2014, 7:30 P.M.  
CHILDREN'S PROGRAM ROOM**

**MINUTES**

1. **Call to Order.** President Kathleen DiCola called the meeting to order at 7:30 p.m.
2. **Roll Call.** Present: Trustee Susan Eblen, Trustee Wendee Greene, Trustee David Humphreys, Trustee Daniel Loftus, Trustee Thomas Read, President Kathleen DiCola.

Also Present: Director Rick Ashton, Assistant Director for Support Services Sue O'Brien, Assistant Director for Public Services Bonnie Reid, Public Relations Manager Melissa Doornbos, Children's Services Manager Sara Pemberton, Downers Grove Public Library Foundation Board Member John Mochel, Downers Grove Friends of the Library President Joanne Hansen, Chicago Tribune TribLocal Reporter Dawn Rhodes, Downers Grove resident Gordon Goodman.

3. **Welcome to Visitors.** President DiCola welcomed the staff and visitors and thanked them for their interest in the work of the Library Board.
4. **Approval of Minutes.**
  - a. February 26, 2014 Regular Monthly Meeting. It was moved by Greene and seconded by Eblen THAT the Minutes of the February 26, 2014 Regular Monthly Meeting be approved. Roll Call: Ayes: Eblen, Humphreys, Loftus, Read, DiCola. Nays: None. Abstentions: Greene.
  - b. March 5, 2014 Special Meeting. It was moved by Eblen and seconded by Loftus THAT the Minutes of the March 5, 2014 Special Meeting be approved. Roll Call: Ayes: Eblen, Greene, Loftus, Read, DiCola. Nays: None. Abstentions: Humphreys.
5. **Approval of Payment of Invoices and Other Financial Reports.** It was moved by Loftus and seconded by Eblen THAT March invoices totaling \$78,698.17 from the Operating Fund, \$25,355.85 from the Construction Fund, March credit memos totaling \$390.49, and journal entries totaling \$2,150.00 be approved, and that

February payrolls totaling \$188,207.176 be recognized. Roll Call: Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Nays: None. Abstentions: None.

**6. Opportunity for Public Comment on Agenda Items.**

President DiCola invited comment. There was none.

**7. Opportunity for Public Comment on Other Library Business.**

President DiCola invited comment. There was none.

**8. Unfinished Business.**

a. Downers Grove Public Library Foundation response to funding request.

Foundation President Susan Eblen reported that the Foundation Board had met on March 12 and unanimously approved a gift of \$200,000 for enhancement of the building renovation project.

b. Building Renovation Project Report. Pricing and approval of additional items.

Ashton reported that the development of specific plans for the work to be supported by the Foundation gift of \$200,000 is underway. Product Architecture and Shales McNutt Construction will present detailed proposals, including pricing information, for consideration at the April Board meeting.

c. Report on Web Site improvements. Melissa Doornbos briefed the Board on the

process that had been used to test the new site before activation. This included live testing by 70 library patrons of all ages, resulting in hundreds of specific, detailed fixes and improvements. She reported that public response to the new site has been positive, with a continuing informational and educational effort. Continuous improvement and correction of the site will now be a widely shared staff responsibility. Board members expressed appreciation for this work and suggested a few areas where continued close examination of the site is needed.

**9. New Business.**

a. Downers Grove Public Library Foundation Chair Donation Program. Ashton

presented a draft outline of a program (attached). Board members expressed general approval and directed Ashton to make this a matter of formal business at the next meeting of the Downers Grove Public Library Foundation Board.

b. Draft Policy on Donor Recognition. Ashton presented a draft policy for Board

consideration (attached). Board members agreed to give further consideration to this initial proposal and stressed the need for close coordination with the Downers Grove Public Library Foundation and Friends of the Library.

10. **Report of the Director.** Ashton summarized his written report (attached).

- a. Public Library Association Conference reports.
- b. Building Renovation Project preparations.
- c. Appreciation for surplus furniture and equipment.
- d. Recent media coverage.

11. **Board Member Comments and Requests for Information.**

None.

12. **Adjournment.** President DiCola adjourned the meeting at 8:25 p.m.

**DOWNERS GROVE PUBLIC LIBRARY**

**BOARD OF TRUSTEES**

**MARCH 26, 2014**

**AGENDA ITEM 9A**

**DRAFT CHAIR DONATION PROGRAM**

**Purpose:** Opportunity for community participation in the Downers Grove Public Library Foundation's enhancement of the Library building renovation. Funds raised will be used by the Foundation to support additional Library initiatives.

**Program:** Using the title "Chairs for Children," the program will take advantage of community interest in the renovation of the Children's Services Department. Enhanced children's services, including books and other materials, technology upgrades, and program development will be featured in discussion and marketing of the program. While funding for the purchase of the desired number of new chairs in the area has already been provided by the Foundation, additional funds raised will help make certain that the newly-renovated area is the success that it should be.

**Schedule:** Announcement and promotion begin July 1, 2014. Program will be evaluated July 1, 2015 for extension or closure.

**Administration and marketing:** The program will be administered and marketed by Library staff in consultation with the Downers Grove Public Library Foundation. Funds will be placed in Foundation accounts and made available to the Library upon formal request. Costs of the program, including marketing and promotional materials and purchase and installation of plaques will be charged to the Foundation.

**Pricing:** \$500 per chair.

**Donor recognition:** A small plaque bearing an inscription designated by the donor will be affixed to a chair. As in the case of Garden Walk Bricks, the inscription will be confined to a fixed number of characters and lines of text.

**Activation:** Library Board action to request that the Foundation initiate the program, followed by Foundation response.

# **DOWNERS GROVE PUBLIC LIBRARY**

## **BOARD OF TRUSTEES**

**MARCH 26, 2014**

### **AGENDA ITEM 9B**

#### **POLICY DRAFT**

#### **RECOGNITION OF DONORS**

In addition to the public financial support provided by the entire community, the Downers Grove Public Library encourages private giving. Private giving does not replace public funding. It supplements normal public resources, enhancing the capabilities of the Library and enabling it to serve at the highest levels.

In order to provide appropriate channels for giving, the Library cooperates closely with the Downers Grove Public Library Foundation and the Friends of the Library of Downers Grove. The Foundation solicits, receives, and manages monetary gifts and disburses them to the Library as appropriate. The Friends organization gathers gifts of books and other materials, offers them for public sale, and uses the proceeds for the benefit of the Library. The Library also directly receives and manages gifts of memorial and tribute books.

The Library provides tangible recognition to individuals and organizations making significant gifts. The nature and duration of this recognition are proportional to the size of the gift. Various levels of recognition are offered. Each level includes appropriate naming, physical markers, and identification in Library publications and web resources.

Recognition is provided with the understanding that it may not be permanent. The full expenditure of a fund, the completion of a program, the re-purposing or renovation of a space, the obsolescence of equipment and furnishings, or the removal of an unneeded book may result in the closure of a particular instance of recognition.

#### **Levels of Recognition:**

1. Naming of a program or fund. This recognition is offered to the donor of a gift of \$500,000 or more, designated for a specific purpose. Examples: The Jane Smith Fund for Children's Books; The Charles Jones Library Education Program.
2. Recognition associated with a room or space in the building. This recognition is offered to the donor of \$25,000 or more, whose gift has created, enhanced, or equipped a specific space in the building. Examples: Miss Mouse's House, Made Possible by the Downers Grove Public Library Foundation; The Frank and Frances Franklin Conference Room.
3. Major equipment. This recognition is offered to the donor of \$5,000 or more to support the purchase of a specific equipment item. Recognition will take the form of a small name plaque attached to or near the item. Example: Early Reader Computer Stations,

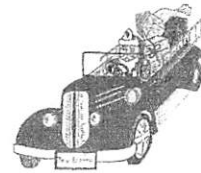
Gift of the Downers Grove Community Service Club; Magazine Lounge Furnishings,  
Gift of the Johnson Family.

4. **Chairs for Children.** This recognition is offered to the donor of \$500 or more, directed to this Downers Grove Public Library Foundation program. Recognition will take the form of a small name plaque, attached to a chair in the Children's Services Department.  
Examples: Downers Grove Woodworkers; Burger Bonanza of Downers Grove; George and Martha Washington.
5. **Garden Walk Bricks.** This recognition is offered to the donor of \$100 or \$250, directed to this Downers Grove Public Library Foundation program. Recognition will take the form of a brick in the Garden Walk, inscribed with text designated by the donor.  
Examples: Books are Magical; In Memory of William McKinley.
6. **Memorial and Tribute Books.** This recognition is offered to the donor of \$50 or more, designated for the Library's purchase of books or other library materials. This program is directly administered by Library staff. Recognition will take the form of a bookplate in one or more books, proportional to the size of the gift.

**DOWNERS GROVE PUBLIC LIBRARY  
BOARD OF TRUSTEES  
MARCH 26, 2014**

**AGENDA ITEM 10  
REPORT OF THE DIRECTOR**

- a. **Public Library Association Conference reports.** Six staff members attended the biennial conference of the Public Library Association in Indianapolis, March 11-15. They returned with a variety of good ideas about creative programming, partnerships, promotional and advocacy efforts, and technology developments. The opportunity to support staff members' involvement in this learning experience is very valuable to the Library.
- b. **Building Renovation Project preparations.** Throughout the building, the collections, staff, and operations are on the move. A workspace has been made available for the project superintendent, plans for contractor access to the building have been developed, and the details of relocation plans for collections and furnishings are being finalized. Publicity and other informational efforts have been stepped up. Members of the community and the staff are responding well as initial changes occur.
- c. **Appreciation for surplus furniture and equipment.** Most of the items no longer needed by the Library have been given to local organizations and individuals. Appreciation has been substantial, as indicated in the attached letter from the Toy Express Children's Charity.
- d. **Recent media coverage.** Attached.



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**Toy Express Children's Charity, Inc.**

P.O. Box 703  
Downers Grove, IL 60515  
(630) 963-1147

February 26, 2014

Downers Grove Public Library  
1050 Curtiss  
Downers Grove IL 60515

Attention: Administration

RE: Furniture Giveaway

Gentlemen:

We are very grateful to have been able to take advantage of your generosity and inherit five (5) of the rotating book racks from your recent furniture giveaway offer. They will be used during the Christmas holidays to offer new books to parents of children in need through our annual toy distribution charity.

In the past, we have had to use plastic milk cartons as our "library shelves", which sometimes made it difficult to adequately display the many titles we had available. The addition of these new, used spinning racks will certainly be a major improvement.

Your staff members, Katelyn, Rachel and especially John were very gracious and helpful in assisting us to select, dismantle and load the items. Please convey our thanks to them as well for their kindness.

This generous opportunity is truly appreciated and will help in our efforts to make children's Christmas morning much brighter. On their behalf, as well as ours, thank you.

Sincerely,

Diane McGovern

Co Chair

Toy Express Children's Charity



**►► NEWS BRIEFS****Downers Grove library launches new website**

DOWNERS GROVE – The Downers Grove Public Library launched its redesigned website this month.

“The last several months were spent reviewing other websites, discussing new features, choosing color schemes, and reorganizing content for a completely new look to [www.dglibrary.org](http://www.dglibrary.org),” library spokesperson Melissa Doornbos said in a press release.

The new site is designed to be more responsive on different platforms – phones, tablets and laptops.

It also will feature staff blogs, and the site’s “what you should read next” quiz, named Book Genie, got a makeover, complete with many book images and a new mascot.

The new site’s search box is also bigger and easier to find.

Tutorials for the new site are available at the computer help desk on the second floor anytime, or patrons can schedule an

appointment through the “Book a Tech” service at [www.dglibrary.org/contact](http://www.dglibrary.org/contact).

# OPINIONS

## Lots of changes in store for your library

Spring is in the air. The long-planned Downers Grove Public Library renovation project is ready to roll. Beginning April 1, Shales McNutt Construction and a full complement of specialty contractors will make life at the library very interesting. They will start work in several locations on the first and second floors while near-normal library operations continue. Within a six-month period, carpenters, plumbers, electricians, drywallers, painters, flooring specialists and furniture and equipment installers will touch almost every inch of the building. When their work is done, Downers Grove will have a fresh, updated, technologically public library.

The first area of impact will be in the most active, visible part of the first floor. New capabilities for self-managed checkout of books will be accompanied by new sorting equipment for returned items. These investments will speed our everyday transactions and free library staff members' time for customer assistance. The new checkout and return arrangements will begin operating in May.

Following close behind will be a new home for Miss Mouse, the beloved mascot of our Children's Services Department, restroom upgrades, new small study and meeting rooms on the first and second floors, an exciting children's program room, a media learning and production lab, an expanded and welcoming space for teens and rearranged shelving areas that make finding books an easier task. A comfortable seating area for magazine and newspaper reading, an upgraded computer training room, a food-and-drink-friendly café space will round out the program.

This ambitious project will be accomplished without incurring any debt or increasing any taxes. Thanks to careful financial stewardship by the Library Board, conservative management by the staff and generous support from the Downers Grove Public Library Foundation, existing financial resources are being put to good use. Everyone in the community will benefit.

While we are justly proud of this unique achievement here in Downers Grove, we are also aware that we are participating in a national trend. Library attendance and use continue to grow, even as our environment is saturated with electronic devices. Americans still want and need to read books. We like to gather and work in small groups, find and organize information and develop our own written and graphic creations. In response to these needs, libraries everywhere are building, remodeling, and refreshing their facilities.

Let the fun begin!

*Rick Ashton is director of the Downers Grove Public Library*



**COMMUNITY  
VOICE**

**Rick  
Ashton**

# Library foundation to contribute \$200k to interior renovation

## SUBURBAN LIFE MEDIA

**DOWNERS GROVE** – The Downers Grove Public Library Foundation will donate \$200,000 to enhance the Downers Grove Public Library's upcoming interior renovation project, it announced Thursday.

The additional funding will support a new "Mouse House" in the children's area, a new and expanded Teen Space, a Media Lab, and new "inviting" features at the north and south entrances of the building.

"We are thrilled to be able to make this gift," Foundation President Susan Eblen said in a press release. "Our mission is to support the library in ways that go beyond what is possible using normal public

funding, and we believe these extra-special spaces will make the library an even more attractive destination for everyone in the community."

Eblen also is a library board member.

The Foundation has accumulated the funds for the gift during a 15-year period. Individual gifts, bequests, and memorials, fundraising events including Library Mini Golf, and successful long-term investments have made the donation possible, according to a press release.

The \$200,000 gift is the second-largest contribution ever given to the library. A century ago, the Carnegie Foundation donated \$11,000 (\$260,000 in today's dollars) for the construction of the Curtiss Street

building that served Downers Grove from 1915 until 1977.

Construction will begin April 1 and continue for about six months.

Last month, the second round of construction bids interior renovation project successfully came in under budget.

Several firms competed in all 10 construction specialty areas. The construction budget estimate, compiled by construction management firm Shales McNutt, was \$1,714,477. The combined total of the 10 apparent low bids was \$1,711,172, a margin of 0.2 percent, according to the library.

The library board chose to rebid the project after the low bids in the first attempt came in over budget in December.

**DOWNERS GROVE LIQUOR COMMISSION  
VILLAGE HALL COUNCIL CHAMBERS  
801 BURLINGTON AVENUE**

Thursday, April 3, 2014

**I. CALL TO ORDER**

Chairman Strelau called the April 3, 2014 Liquor Commission meeting to order at 6:30 p.m.

**II. ROLL CALL**

**PRESENT:** Mr. Austin, Mr. Jacobson, Ms. Fregeau, Chairman Strelau

**ABSENT:** Mr. Clary, Ms. King Mr. Krusenoski

**STAFF:** Liaison to the Liquor Commission Carol Kuchynka, Assistant Village Attorney Dawn Didier

**OTHERS:** Xing Li Lin, Pete Kosanovich, Mark Hedrick, Court Reporter

**III. APPROVAL OF MINUTES**

Chairman Strelau asked for approval of the minutes for the March 6, 2014 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the March 6, 2014 minutes of the Liquor Commission meeting were approved as written.

Chairman Strelau reminded those present that this evening's meeting was being recorded on Village-owned equipment. Staff was present to keep minutes for the record and a court reporter was present taking the minutes verbatim.

**IV APPLICATION FOR LIQUOR LICENSE**

Chairman Strelau made the following statements:

"The first order of business is to conduct a public hearing for liquor license application. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of the issuance of any license. We may at the end of each hearing, make a finding or recommendation with respect to the application. If necessary, the Commission may adjourn a hearing to a later date in order to have benefit of further information."

"At the conclusion of the hearing, the Commission will summarize its findings and determine any recommendations it wishes to make to the Liquor Commissioner."

"The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of the Ordinance, render decisions regarding issuance of available licenses within 60 days in order to consult the Plan Commission for its recommendations."

"Hearings by this Commission are held according to the following format: 1) reading of information pertinent to the application, 2) comments from the applicant, 3) comments from the public, 4) discussion by the Commission, and 5) motion and finding by the Commission."

### Kyoto Japanese Restaurant

Chairman Strelau stated that the next order of business was an application hearing for Kyoto Sushi, Inc. d/b/a Kyoto Japanese Restaurant located at 1408 Butterfield Road. She stated that the applicant was seeking a Class "R-1", full alcohol, on-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. Xing Li Lin was sworn in by the court reporter. Mr. Lin introduced himself as the new owner of Kyoto Japanese Restaurant.

Chairman Strelau asked the applicant to present its case.

Mr. Lin stated that Kyoto is a restaurant serving sushi, Japanese and Chinese food. He stated that they currently hold a beer and wine license. He stated that he was seeking a full liquor license.

Ms. Kuchynka informed the Commission that Mr. Li plans to take over the existing restaurant held by his uncle's corporation which currently holds a beer and wine license. She stated that since 1999 there have been no control buy violations. She added that Mr. Lin has worked for Kyoto and planned to take over the business. She stated that Mr. Lin has established a new corporation and was seeking an upgrade to a full liquor license. Ms. Kuchynka advised that since there is a change in the corporation, along with the upgrade, a new license is required.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka stated that the restaurant is currently in operation and a revised certificate of occupancy will be needed. She added that issuance of the license is also contingent upon receipt of dram shop insurance, the annual fee and satisfactory background checks. Ms. Kuchynka stated that the lease revision was dated for September. Ms. Kuchynka stated that Mr. Lin would like the new liquor license some time in May, if approved. She stated that an amendment to the lease may also be required.

Chairman Strelau asked for comments from the Commission.

Ms. Fregeau stated that Mr. Lin indicated that he had no prior experience on the liquor manager form. Ms. Fregeau asked if he had prior experience as a server. Mr. Lin replied yes.

Ms. Fregeau asked how many employees he had. Mr. Lin replied three. Ms. Fregeau asked if they were the three individuals that provided training certificates. Mr. Lin replied yes. Ms. Fregeau asked Mr. Lin if he had a certificate. Mr. Lin replied yes.

Ms. Fregeau asked Mr. Lin if he has served at the restaurant. Mr. Lin replied yes.

Ms. Fregeau asked Mr. Lin how many hours he plans on spending at the restaurant during the week. Mr. Lin replied that he is in the restaurant all the time. Ms. Fregeau asked if there was anyone that would manage the restaurant in his absence. Mr. Lin replied his wife. Ms. Fregeau asked if she was one of the employees that provided a certified training certificate. Mr. Lin replied yes.

Ms. Fregeau stated that she reviewed the manual and they did a good job of outlining the provisions of the ordinance, but suggested that they give more detail about the types of identification they plan to take. She stated that staff and the State have materials and aids for them to utilize and remind employees the importance of carding.

Ms. Fregeau asked about the floor plan. She stated that there is an area that is marked "employees only - bar area". She asked if that was a storage area or if there was a bar area for patrons to sit and drink. Mr. Lin stated that there are no seats. Ms. Kuchynka advised that was a service bar only. Mr. Lin confirmed that it was the employee service bar area and noted that they will have more storage in back.

Ms. Fregeau asked about the employee training program. Mr. Lin replied that they will not take under 21 vertical identification or traffic tickets. He stated that they will ask for identification from anyone appearing under 30 years of age. Ms. Fregeau stated that not accepting the vertical identification was a good policy.

Ms. Fregeau stated that the manual reads that they will not give away alcohol. She noted that it was illegal to do so and noted that they should never give away free drinks.

Mr. Austin asked if all the employees will remain the same. Mr. Lin replied that he and his wife have been working for the past three years. He stated that his uncle will continue to help. Mr. Lin planned on hiring a few of his friends when he takes over.

Mr. Austin asked Mr. Lin if he anticipated any turnover. Mr. Lin replied no.

Mr. Jacobson congratulated Mr. Lin for taking over the business. He asked if his uncle will stay around for awhile. Mr. Lin replied yes and will help with the takeover.

Chairman Strelau asked how many employees there are. Mr. Lin replied two on a week day and three on a weekend. Chairman Strelau asked if that was the serving staff. Mr. Lin replied yes. He stated there were a total of eight employees. Chairman Strelau asked if they had worked in the establishment before. Mr. Lin replied yes.

Chairman Strelau was glad that Mr. Lin has experience in working in the restaurant for a few years before he takes it over. She stated that holding a license is a huge responsibility.

Chairman Strelau asked if staff explained the control buy testing program. Mr. Lin replied yes.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "R-1" liquor license application.

**MS. FREGEAU MOVED TO FIND KYOTO SUSHI, INC. D/B/A KYOTO JAPANESE RESTAURANT LOCATED AT 1408 BUTTERFIELD ROAD, QUALIFIED FOR A CLASS "R-1", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. AUSTIN SECONDED.**

**VOTE:**           **Aye:**               Ms. Fregeau, Mr. Austin, Mr. Jacobson, Chairman Strelau

**Nay:**               None

**Abstain:**       None

**MOTION CARRIED: 4:0:0**

Motion carried.

## V. OLD BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any old business.

Ms. Kuchynka stated she included a draft ordinance in the packet concerning the establishment of a brew facility liquor license. She stated that Mad Ape Brewing Company representatives were present as a follow up to the March meeting discussion.

Ms. Kuchynka asked individual(s) representing Mad Ape to step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. Pete Kosanovich and Mr. Mark Hedrick were sworn in by the court reporter. Mr. Kosanovich introduced himself as co-founder of Mad Ape Brewing Company. Mr. Hedrick introduced himself as a partner of Mad Ape Brewing Company.

Ms. Kuchynka stated that staff drafted an ordinance creating a brew facility license. She stated that she based the draft upon other municipalities ordinances and input from Mad Ape at last month's meeting discussion.

Chairman Strelau asked Mad Ape representatives if they have had a chance to review the draft ordinance. Mr. Kosanovich replied yes. He thanked the Commission for considering their request. He asked for further revision to the draft to allow under 21 year olds on the premises when accompanied by an adult over 21. Ms. Kuchynka noted that the proposed draft allows for under 21 year olds on the premises, however, not allowed during tours, in classes or seminars. Ms. Kuchynka stated that Mad Ape would like to allow under 21 year olds on tours. Mr. Kosanovich replied not allowing it would not be a deal breaker.

Ms. Fregeau asked for clarification. She stated, as written, the draft ordinance would not allow for under 21 year olds on tours, at classes or seminars. Mr. Kosanovich stated that minors can come in accompanied by adults who are picking up products and would be allowed in the Tap Room.

Ms. Kuchynka advised that Naperville drafted their ordinance to not allow under 21 year olds on the premises until Solemn Oath petitioned to allow adult patrons to bring in children when picking up product. She stated that Naperville amended the ordinance to allow under 21 year olds in when accompanied by an adult.

Ms. Kuchynka stated that in the event Mad Ape gets a number of requests to allow minors on tours, the Village can consider amending the ordinance. Ms. Kuchynka noted that staff was in support of having tours, classes and seminars limited to those 21 and over. Chairman Strelau noted that this classification is different in that they will not be serving food and there may be no other reason for an under 21 year old to be in the facility other than when a child is with an adult.

Mr. Kosanovich stated he wanted to make it abundantly clear that they will not be a bar. He stated that they are not a restaurant. He stated that they were interested in having underage people come in for the tour if they are showing a home brewer who is a parent and allow an under 21 year old to watch and learn the brewing process. Mr. Hedrick added that he did not want to turn away business.

Mr. Hedrick stated that it is their hope to expose customers to their product.

Mr. Kosanovich stated that seeing the equipment and brewing process in terms of science and the magic of the brewery. He understood that they would not be allowed to bring in school tours. He stated that the facility is unique and different from any other type of license. He stated that the Tap Room will be an area for them to market their beer and noted over time the Tap Room will drop off of importance when the distribution and production of the craft brew becomes more prominent.

Mr. Austin asked staff if under 21 year olds are prohibited from entering liquor stores. Ms. Kuchynka replied no.

Mr. Austin noted that Mad Ape discussed brewing craft soda as well. He understood why staff questioned under 21 year olds touring the facility. He noted that the limitation may not be warranted as the law prohibits them from serving beer to someone under 21 and noted the severe repercussions if they do. He agreed that the facility is a place of industry and science. He stated they may wish to consider allowing under 21 year olds in for the tours.

Chairman Strelau asked staff about Naperville restrictions and asked if they allow tours. Ms. Kuchynka believed that they allowed tours, however, was unsure if they limited them to patrons 21 years of age and older. She stated that the only issue she was aware of was Naperville changing the code to allow parents into the facility with children.

Chairman Strelau asked the name of who the liquor license will be under. Ms. Kuchynka replied Mad Ape, LLC with Mr. Kosanovich, Mr. Hedrick and Mr. Yob as owners.

Chairman Strelau asked Mr. Kosanovich and Mr. Hedrick if they have liquor handling experience and if either has held a liquor license. Mr. Hedrick stated that he had worked in liquor stores and bars since he was thirteen. Mr. Kosanovich replied that none of them have held a liquor license. Mr. Kosanovich stated that he has worked in bars and restaurants between the age of 18-23. He stated that he has been a server, bartender and bouncer.

Mr. Kosanovich stated that they do not want customers getting drunk. He stated that they do not want to have a bar. He stated that the Tap Room is for patrons to come in, try different beers, talk with the brew master and get an understanding of craft brews. He stated that the Tap Room is a marketing tool for them. Mr. Hedrick added that it is a way to expose customers to their product.

Chairman Strelau noted that their goal was to sell more product through distribution than just to a person who is stopping by.

Chairman Strelau asked if they were interested in selling kegs. Mr. Hedrick replied yes. Chairman Strelau advised them that the Village has a Keg Tag Program.

Chairman Strelau noted that in order to make this a viable effort, they will also need to be distributing the product. She asked if there will be as much interest in customers who wish to tour the facility once the mass distribution gets underway. Mr. Hedrick expected a lot of people will visit the Tap Room.

Mr. Hedrick stated that Solemn Oath has a three beer limit. He stated that they have been open for 22 months and are planning to double in size as they are having problems keeping up with demand in the Tap Room and distribution. He stated that the Mad Ape core profit will come through the Tap Room. He stated that patrons are rarely in the Tap Room more than an hour, but they can be crowded. He noted that the retail profit they get for a pint of beer in the Tap Room is larger than what they are able to get for the distributed product.

Mr. Hedrick stated that they would like to build their brand by having robust Tap Room sales and through marketing. He stated that they would like to get product out to local retailers or potentially expand and



have their own craft brew restaurant. Mr. Austin recalled them stating at the last meeting they hoped to move the Tap Room or open a separate business.

Chairman Strelau believed the brewing facilities are becoming a very popular concept. She stated that her unease was if she would want underage kids in the Tap Room. She stated that there will be no food but they may offer non-alcoholic beverages. She stated it may not be an environment that lends itself to underage customers. She stated that she was not suggesting that they have food, but if they did have food, it would make more sense if under aged children were in the facility. She stated that the billiard hall and a few other facilities do not allow under 21 year olds in the facility. She did not have a problem with them coming in with parents who come in to run an errand and grab something to go.

Mr. Kosanovich asked if it were possible to allow specific dates or times that someone under age could take the tours with a parent. Chairman Strelau stated that was an administrative issue, a question for staff and their ability to monitor it. Ms. Kuchynka replied that administratively, it should be allowed at all times or not allowed at all. She stated that they could have the option to apply for a Special Event License.

Ms. Fregeau liked the brew facility concept and that they were seeking to locate in Downers Grove. She stated that, in their own words, they explained they want to “expose customers to their product”, “stimulate interest”, “use the Tap Room as a marketing tool to build our brand”. She stated those statements are quite contrary to the spirit and intent of local ordinance which attempts to de-emphasizes liquor sales and marketing programs to minors.

Ms. Fregeau stated that she did not anticipate 18 year olds attempting to make beer at home after taking a tour of their facility. She wanted to be cautious about marketing to underage kids and how cool it is to brew beer and get them excited about how beer is made. She was glad that the issue was not a deal breaker if under 21 year olds are not allowed to take the tours.

Ms. Fregeau stated that she read through the minutes and liked the fact that they will limit drinks to three per person. She stated that she did not have any issue with off premise sales.

Mr. Hedrick stated that they did not plan to advertise or encourage patrons to bring their kids in, but did not want to turn down potential business.

Ms. Fregeau asked if someone under 21 would be allowed in the facility by themselves. Mr. Hedrick replied no and that they must be accompanied by an adult. He stated that he recently visited Two Brothers and he took kids aged 4-16 on their tour. He stated that they were able to see the process from grain to glass. He stated it is a process, science and art. He stated that if they are responsible operators they should not have to turn away customers with minors. He stated that if they did not allow kids on the tour at Two Brothers, they would not have stayed and took their business elsewhere.

Ms. Fregeau stated that the last thing anyone wants is to stifle business.

Mr. Hedrick stated that patrons of craft breweries spend money. He stated it is not a college-age type of drinking establishment. He stated it is a responsible facility where patrons learn about beer they love.

Mr. Kosanovich stated that the Tap Room and brewing areas will be set apart. He stated that of age tour patrons might sample beer. He stated that patrons can leave after the brewery tour or stop in at the Tap Room. He stated that they do not want to limit people from seeing the brewery and the beauty of seeing how things are made.

Ms. Fregeau stated that they cannot predict what customers will walk in with a minor.

Ms. Fregeau asked about the physical layout. She asked if the tour would be set up to end up in the Tap Room area for samples. Mr. Kosanovich replied that patrons will go through the brewery, see how it is made and end up in the Tap Room.

Mr. Austin asked about craft brewery and how fast the industry is growing. Mr. Hedrick replied that market share for craft breweries in 2009 was 5-6% and is now approaching 9% . He felt that there will be a point where the market may get saturated and felt it was good idea to stay in the Midwest. He stated that there is a lot of competition for shelf space and tap handles but wanted to keep the brews as fresh as possible and keep the product local.

Mr. Kosanovich stated that the craft brewing industry is one of the fastest growing industries in the United States. He stated in the first half of 2011 dollar growth was up 15%. He stated that a Brewer's Association Chicago Tribune article dated April 2, 2011, stated that Chicagoland was the seventh largest craft beer market with store sales of craft beer up to \$22.5 million dollars.

Mr. Austin asked that what sort of investment is involved. Mr. Kosanovich replied equipment alone will be \$250,000. Mr. Hedrick estimated \$1.2 to \$1.5 million total.

Mr. Jacobson stated that he did not see a problem with young people taking the tour or a class to see how its done. He stated that it seemed very interesting due to the physics and chemistry involved in the process.

Mr. Jacobson stated that there may be some youngsters in the Tap Room if parents run in and want to taste something. He did not see a problem with a kid going to the class, seminar or tour if they are seeing the science behind the making.

Mr. Jacobson stated that brew facilities are popping up all over the Midwest.

Chairman Strelau stated staff drafted an ordinance narrowing the under 21 year olds out of the tours. Ms. Kuchynka stated that staff's position was why allow them to go through the tour if they are not old enough to drink. She stated that marketing to underage kids is something the Village tries to avoid through the code. She stated under 21 year olds are not allowed in Rita's, Gnarly J's and the billiard hall.

Mr. Jacobson stated that if there is a violation, the punishment for this facility would not be the same as for a restaurant. Ms. Kuchynka agreed. She stated that they would have to be closed to the public for retail sales and on-site consumption, as only alcohol will be sold from the facility. Ms. Kuchynka added that the Village will only regulate retail sales. She stated that distribution and manufacture is regulated by the State. She stated that if they were to violate the local ordinance, the Village would not make them cease manufacture or distribution, but they would need to be closed for on-site sales.

Mr. Jacobson asked if anyone would oversee the tours. Ms. Kuchynka replied if there is a cost for the tour, class or seminar, the Village may have jurisdiction to monitor them.

Chairman Strelau asked staff what they require from the Commission. Ms. Kuchynka replied that staff is requesting a motion that the draft ordinance be forwarded to the Village Council for consideration.

Chairman Strelau asked Mad Ape representatives if they were comfortable with the draft ordinance with the exception that under 21 year olds would be allowed on tours. Mr. Kosanovich replied yes. Chairman Strelau asked if they can properly operate under all other provisions listed in the draft ordinance. Mr. Kosanovich replied yes.

Chairman Strelau noted that in some instances individuals come in for a license request, tell the Commission how they are going to operate and then operate as something else. She wanted to be sure

that the Commission understands exactly how Mad Ape will be operating and what are important issues to them. She stated that the only issue they have is the 21 year old allowed on the tour. Mr. Kosanovich replied yes.

Mr. Austin stated that two members did not see a problem with the under 21 and two members did. He asked if they should postpone so the entire Commission could vote on the issue.

Chairman Strelau stated that they could have staff go back and revisit the draft and bring Mad Ape back again or move forward and keep the process going. She stated that the ordinance should keep moving. She stated that the Liquor Commission is an advisory board only and that there have been some times when Council votes independent of their recommendation.

Ms. Kuchynka stated that the Council will be provided with minutes of the Commission's discussion and make their own decision on the matter. She stated that the Council sometimes adopts provisions other than what is proposed by boards or commissions. Staff preferred to keep the process moving.

Mr. Austin asked if the petitioner had a time frame in which they needed the process complete. Mr. Kosanovich replied that they would like to have the license classification adopted so they could apply within the next few months. He stated that everything they are trying to do is based upon the creation of the license. He stated they are in the final stages of negotiating the building and cannot do anything further without the creation of the license.

Chairman Strelau wanted to keep the process moving.

Ms. Fregeau stated that she wanted to clarify her position. She stated that she did not have an issue with adults who bring in children when they are purchasing product to go. She stated that she had an issue with the tours and felt that children may be influenced when they see how beer is made. She stated that she was in the advertising business and recognizes the value of marketing to potential customers. She noted that it was against the spirit and intent of the Ordinance which prohibits selling to minors. She did not believe it was in the Village's interest to encourage marketing to potential customers.

Ms. Fregeau stated that she wanted Mad Ape to succeed and hoped they do well. She did not believe that they were trying to send kids down the wrong path. She liked their concept but the only issue she had concern with is the minors at the tours.

Mr. Kosanovich asked if the process could proceed with their request for the Mayor and Council to consider their change. Ms. Strelau stated that the Liquor Commission is only a recommending body and under 21 year olds on tours may not be of concern to the Council. She stated that the Council will appreciate the thoughtful discussion and debate by the Commission and that their discussion helps them find their way through the process.

Ms. Didier stated that staff will present the item and include minutes and background discussion for their consideration.

Mr. Hedrick asked if minors will be able to work in the facility. Ms. Kuchynka replied yes, so long as they are not involved in the selling or delivery process. Chairman Strelau stated that any stocking or odd jobs that do not involve the handling of liquor may be held by those under 21.

Chairman Strelau requested a motion from the Commission.

**MS. FREGEAU MOVED TO FORWARD THE PROPOSED ORDINANCE CREATING A BREWING FACILITY LICENSE TO THE COUNCIL FOR CONSIDERATION AS PRESENTED.**

The motion failed for lack of a second.

Mr. Jacobson moved to amend the motion.

**MR. JACOBSON MOVED TO AMEND THE ORDINANCE CREATING A BREWING FACILITY LICENSE TO ALLOW THOSE UNDER 21 TO ATTENDED CLASSES, SEMINARS OR FACILITY TOURS AND TO FORWARD THE AMENDED DRAFT TO THE COUNCIL FOR CONSIDERATION. MR. AUSTIN SECONDED.**

Chairman Strelau asked if there was any discussion on the motion. There was none.

**VOTE:**        **Aye:**            Mr. Jacobson, Mr. Austin, Chairman Strelau

**Nay:**            Ms. Fregeau

**Abstain:**        None

**MOTION CARRIED: 3:1:0**

Motion carried.

Ms. Kuchynka stated that she will provide a draft ordinance to the Village Council for consideration with the amendment including the provisions of under 21 year olds participating in classes, seminars and facility tours.

Ms. Didier advised Mad Ape representatives that the Council may opt to further amend that provision.

Ms. Kuchynka stated that she will request that the Brew Facility ordinance draft be placed on the Council agenda of May 6<sup>th</sup>. She recommended that Mad Ape representatives attend that meeting. She stated she would contact them about the upcoming agenda date and if she needed additional items from them to present.

Mr. Kosanovich thanked the Commission for their time.

## **VI. NEW BUSINESS**

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Kuchynka stated that she left craft brewing materials for the Commission. She stated that it is an up and coming industry. Chairman Strelau stated that it is a completely different ordinance classification from what has been drafted in the past. Ms. Fregeau stated that she liked the concept, but felt the under 21 issue goes against what is portrayed in the ordinance.

Ms. Kuchynka stated that the amendment to the Class P-O grocery store license to allow for on-site and off-site consumption was presented to the Village Council on April 1<sup>st</sup>. She stated that the ordinance was further amended based on Council discussion. She advised that the former Ogden Dominick's location has 56,000 square feet of retail sales area and a drinking area could potentially come to 11,200 square feet without limiting the 20% provision. She stated that Council requested that area be limited to 3,000 square feet of the retail space or 20%, whichever is less. Mr. Austin asked if drinking will be allowed in designated areas only. Ms. Kuchynka replied yes.

Ms. Kuchynka stated that she has reviewed preliminary drawings of Caputo's. She stated it will be a grocery store. She stated that their desire was to compete with Standard Market.

Mr. Austin asked if Standard Market allows tasting stations throughout. Ms. Kuchynka replied yes. She stated that Mayor Tully opted not to allow patrons to walk around with liquor.

Mr. Austin asked if the number of licenses is limited. Ms. Kuchynka replied that the P-O license has increased from one to three.

Ms. Fregeau asked if their fee is affected for monitoring. Ms. Kuchynka replied no. She stated that the Class P-O license holders will be charged accordingly for two control buys, one test for on-premise sales and one test for off-premise sales.

Mr. Austin asked staff if they expect any other larger chain grocery stores to request this license. Ms. Kuchynka was unsure. She stated that existing groceries would need to revise their floor plan to add a food service area and dining to comply with the requirements of this license class.

Ms. Fregeau asked if staff received any feedback from other licensees about there being no food service at brewing facilities. Ms. Kuchynka replied no. Chairman Strelau noted that they have a three drink limit, which other establishments do not. Ms. Kuchynka noted it is a very unique license. She stated that she had an opportunity to visit Temperance in Evanston. She stated that the patrons are really into the craft beer scene and it has a very unique atmosphere. She noted that most all brewing facilities are located in industrial areas.

Ms. Fregeau asked if servers in the retirement facilities will be over 21. Ms. Kuchynka stated that servers can legally be 19 to serve, but anyone doing physical pouring, making drinks and doing the initial carding must be 21.

Ms. Kuchynka anticipated a meeting on May 1<sup>st</sup>. Mr. Jacobson was uncertain if he would be available for the May meeting.

## **VII. COMMENTS FROM THE PUBLIC**

There were none.

## **VIII. ADJOURNMENT**

Concluding business for the evening, Chairman Strelau called for a motion to adjourn.

Mr. Jacobson moved to adjourn the April 3, 2014 meeting. The meeting was adjourned by acclamation at 7:50 p.m.

**VILLAGE OF DOWNERS GROVE  
ZONING BOARD OF APPEALS  
FEBRUARY 26, 2014 MINUTES**

**Call to Order**

Chairman White called the meeting to order at 7:32 PM.

**Roll Call**

**Present: Mr. Domijan, Ms. Earl, Ms. Majauskas, Mr. McCann, Ms. Souter, Ch. White**

**Absent: None**

**A quorum was established.**

**Staff: Stanley Popovich, Senior Village Planner**

**Kelley Chrise, Planner**

**Patrick Ainsworth, Planner**

**Also Present: Don Zebrauskas, 412 68<sup>th</sup> St.**

**James McElligott, 400 68<sup>th</sup> Street**

**Minutes of December 18, 2013 meeting**

**Ms. Earl moved, seconded by Mr. Domijan, to approve the minutes of the December 18, 2013 meeting as corrected.**

**AYE: Ms. Earl, Mr. Domijan, Ms. Souter, Ch. White**

**NAY: None**

**Abstain: Mr. McCann**

**Ms. Majauskas was not present for the vote.**

**The Motion passed 4:0.**

Village Senior Planner Popovich then introduced new Staff members Kelley Chrise and Patrick Ainsworth to the Board. This is Ms. Chrise's first case before the Zoning Board of Appeals, although she has been with the Staff for several months and has worked on various Plan Commission projects. Mr. Ainsworth joined the staff within the past month and previously worked with Franklin Park.

**Meeting Procedures**

Chairman White explained the function of the Zoning Board of Appeals, and reviewed the procedures to be followed during the public hearing, verifying with Staff that all proper notices have been published with regard to Case ZBA-01-14. He called upon anyone intending to speak before the Board on the Agenda item to rise and be sworn in, as the public information portion of the meeting is an evidentiary hearing. Chairman White explained that members of the Zoning Board of Appeals all have had the opportunity to review the documents for the petition prior to the meeting. In order for a requested variation to be approved there must be a majority of four votes in favor of approval. Chairman White added that the Zoning Board of Appeals has authority to grant petitions without further recommendations being made to the Village Council.

1 He noted that Staff would make its presentation first, followed by comments by the Petitioner. If  
2 anyone in the audience wishes to speak either in favor of or in opposition to the petition, they  
3 will be able to do so following the Petitioner's presentation. When the public participation part  
4 of the meeting is closed, the Board will deliberate on the information provided and vote to either  
5 approve or deny the petition.  
6

7 .....  
8

9 **ZBA 01-14** A petition seeking a fence variation to erect a six-foot tall fence in the front yard.  
10 The property is currently zoned R-3 Single-Family Residential. The property is  
11 located at the northwest corner of 68<sup>th</sup> Street and Fairview Avenue and is  
12 commonly known as 400 68<sup>th</sup> Street, Downers Grove, IL (PIN 09-20-416-006);  
13 James T. McElligott, Petitioner; James T. & Kelly McElligott, Owners.  
14

15 **Staff's Report**  
16

17 Village Planner Chrisse said the petition is a request for a fence variation to permit a six-foot  
18 privacy fence within the front yard along Fairview where a four-foot open design fence is  
19 permitted. The property is at the northwest corner of 68<sup>th</sup> Street and Fairview Avenue. The  
20 wood privacy fence would be in the front yard adjacent to the sidewalk along Fairview. She  
21 showed the Plat of Survey, noting that there had been a six-foot tall fence at the location  
22 previously, however it was removed in the early summer of 2013. The petitioner had previously  
23 submitted a permit to replace the fence earlier in the year, but was denied. Ms. Chrisse showed a  
24 photograph of the site, noting a nonconforming shed in the front yard.  
25

26 Ms. Chrisse then showed the location of the proposed fence, noting that the petitioner could  
27 place a four-foot open design fence in that location if he chose to do so. Ms. Chrisse then  
28 explained the difference of the corner lots in the Village. The first is a back-to-back, where the  
29 back yard of one backs up to another. A six-foot tall privacy fence would be allowed on this  
30 type of lot. The type of lot and its frontage is what determines allowing a six-foot tall privacy  
31 fence. In this case, the subject lot does not fit the requirements that would permit construction of  
32 a six-foot tall fence. Only a four-foot tall fence, open design, would be allowed.  
33

34 Ms. Chrisse stated that Staff finds no unique circumstances associated with this property to  
35 warrant granting the requested fence variation. This corner lot is no more unique than any other  
36 corner lot in the community. There are no physical hardships associated with the property that  
37 would require a six-foot solid design fence. There are other options available, such as landscape  
38 screening to address the petitioner's privacy concerns. Granting this request would make the  
39 variation applicable to other corner lot properties throughout the community. Based upon those  
40 factors and the analysis of the Standards for granting variations, Staff recommends denial of the  
41 request.  
42

43 Ms. Chrisse reviewed the Standards for Granting Variations, as noted in her report dated  
44 February 26, 2014, pages 2-4. The petitioner has not met the majority of these standards.  
45 Therefore, Staff believes that there is no physical hardship or unique circumstance associated  
46 with the property and recommends denial. Ms. Chrisse requested, if the ZBA decides to approve  
47 the request, that it be subject to the condition that the fence shall comply with the permit  
48 application submitted by the owner dated October 29, 2013.

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In response to Mr. McCann, Ms. Chrisse said there are actually no setback requirements. She noted other properties that use shrubbery off of Fairview Avenue to create the barrier.

Ms. Souter asked about an “open air” fence. Ms. Chrisse said it could be something like a picket fence, or some type of fence that you can see through.

Mr. Domijan referenced a new development along Fairview. Mr. Popovich explained how the properties in the Atwood Subdivision are considered front yards.

Ms. Majauskas said it seems as though the purpose is to avoid a six-foot privacy fence in a neighbor’s front yard. Ms. Chrisse said she has received comments and messages left anonymously, with some people seeking additional information, and one person who was opposed to the six-foot fence because that individual also had a corner lot.

Ms. Souter asked for clarification that they could put in an open design fence, and Ms. Chrisse said that was correct.

There being no further questions, Chairman White called upon the Petitioner to make its presentation.

**Petitioner’s Presentation:**

Mr. James McElligott of 400 68<sup>th</sup> Street Petitioner in the case, said he wanted to address the question of having two front yards. He has no driveway, door or windows facing Fairview Avenue. The new development on Fairview seems like an identical situation. In terms of real estate value, anything but a privacy fence especially for a family with children, would be difficult to sell. Mr. McElligott said he recently lost his job and is close to becoming behind on his payments. If he has to put the house on the market, he believes it will move more quickly with the privacy fence. Otherwise, he expects that it will just sit on the market and may not sell at all. He spoke with the neighbor behind him who has no problem with the proposed fence as it will have no obstructive effect on the neighbor’s property. Mr. McElligott doesn’t understand why it would be difficult to grant something that was standing there for thirty years. He said approving this would not result in people coming in one after another seeking privacy fences.

Mr. McCann asked when they bought the house. Mr. McElligott said he bought the house in 2009, and the fence was built with the house in 1982. Ms. Chrisse said that a provision in the Code said that according to the Code, any nonconformities that were destroyed more than 50% have to be replaced according to the current Code.

Chrisman White called upon anyone in the audience who wished to speak either in favor of or in opposition to the Petition.

Mr. Don Zebrauskas of 412 68<sup>th</sup> Street said he understands that the fence will only go along Fairview, and not 68th Street. That was confirmed by Staff.

Mr. McElligott said that obviously there is a question regarding the two front yards, as his house faces 68<sup>th</sup> Street.



1  
2 Chairman White closed public participation.  
3

4 Ms. Majauskas questioned the statement by the petitioner regarding reduction of property values,  
5 asking what the difference would be between a six-foot privacy fence and a four-foot open fence.  
6 Mr. McElligott said it creates a barrier to separate a physical and visual barrier between the home  
7 and Fairview Avenue traffic. Ms. Majauskas said she's wondering why they can't plant  
8 landscaping for privacy. Mr. McElligott said that refers again to a family with children, who  
9 would want a barrier between the house and the street. It would also allow a family to use the  
10 back yard and not be encumbered by the traffic on Fairview.  
11

12 Mr. McCann said the Zoning Ordinance is being revised with drafts being proposed right now.  
13 The issue with corner lots comes up with fair regularity, particularly with regard to two front  
14 yards. He asked how the new Ordinance treats corner lots. Ms. Chrisse replied that there is no  
15 proposed change to corner lot provisions, particularly with regard to fences on corner lots. Mr.  
16 McCann then asked how the Ordinance designates a corner lot's back yard on a multi-frontage  
17 yard, if on a cul de sac. Mr. Popovich replied that it deals with the rear of the house versus the  
18 front of the house—the front door versus the back door, in essence. He further explained how it  
19 would be handled in a variety of lot placement situations.  
20

21 Ms. Earl commented that she lives on a lot similar to this, and it's not all that unique of a  
22 situation. She has two front yards, a block off of Fairview. In her neighborhood, north of the  
23 tracks, the houses are built closer to Fairview, some face Fairview, and some have open design  
24 fences around their back yards.  
25

26 Ms. Majauskas said the petitioner has options on the site. He can go with landscaping, or open  
27 design fencing, etc. She said approving this type of petition could result in more requests and  
28 she would vote to deny it.  
29

30 Mr. McCann said that it is true you can go up and down Fairview and see a variety of treatments  
31 depending upon the nature of the property, or perhaps how the contractor chose to build a  
32 development.  
33

34 Ms. Earl said there was a case similar to this where the house next door to the petitioner was on a  
35 slight angle on Highland Avenue, and the next-door house being on an angle and the high speed  
36 limit on Highland were used by the petitioner as hardships and unique circumstances. In the case  
37 before the Board now, that type of situation does not exist, and it is less unique than the one on  
38 Highland. She sees nothing that different here that an open design fence or landscaping would  
39 not solve.  
40

41 Chairman White agreed that it could be screened with an open design and landscaping quite  
42 adequately. It might pose a financial problem, but can still address the concerns of the owner.  
43

44 Mr. Domijan said that corner lots can be both an advantage and a detriment depending upon  
45 what the owner wishes to achieve.  
46

47 Ms. Souter mentioned that perhaps a realtor would recommend a fenced in yard to make the  
48 property easier to sell. She noted that even an open design fence, however, could be two inch

1 columns separated by two inches of space. Ms. Chrisse replied that there is actually a 2:1 ratio  
2 with a two-inch column separated by one inch of space.

3  
4 Chairman White said in this case it appears as though the open design fence paired with  
5 landscaping would achieve the privacy sought by the petitioner.

6  
7 Mr. McCann said it is unfortunate that there was a six-foot fence there for so many years, and  
8 that changes in the ordinance now make it impossible to replace that fence. Part of the Board's  
9 concern is not to grant variances that would affect so many properties and result in re-writing the  
10 Code.

11  
12 Chairman White noted that if the elevation change between this property and the adjacent  
13 property were larger, perhaps they could consider this.

14  
15 **Board's Deliberation**

16  
17 **Mr. Domijan moved in case ZBA-01-14 to deny the requested variation to permit a 6'**  
18 **privacy fence as presented. Ms. Majauskas seconded the Motion.**

19 **AYES: Mr. Domijan, Ms. Majauskas, Ms. Earl, Mr. McCann, Ms. Souter, Ch. White**  
20 **NAY: None**

21 The Motion to deny the variation passed unanimously.

22  
23  
24 .....  
25

26 Mr. Popovich said that there is one case for the next ZBA meeting in March. There will be  
27 several sign variation requests coming in.

28  
29 Mr. Popovich asked the Board whether it would be possible to change the meeting time from  
30 7:30 to 7:00 PM. The consensus was that 7:00 would be acceptable.

31  
32 Chairman White adjourned the meeting at 8:32 PM.

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34  
35 Respectfully submitted,

36  
37  
38 Tonie Harrington  
39 Recording Secretary

40  
41