

Village of Gilberts  
87 Galligan Road  
Gilberts, IL 60136  
Village Board of Appeals  
Meeting Minutes  
June 13, 2017

**Call to Order**

President Zirk called the meeting to order at 7:00 p.m. He proceeded to lead those present in the Pledge of Allegiance.

**Roll Call/Establish Quorum**

Village Clerk Meadows called the roll. Roll call: Members present: Trustees Kojzarek, Corbett, Allen, Zambetti, Farrell, Hacker and President Zirk. Others present: Administrator Sakas, Attorney Tappendorf, Assistant Administrator Beith, Finance Director Erickson, Treasurer Blocker, Utility Superintendent Castillo. For members of the audience please see the attached copy of the sign-in sheet.

**Public Comment**

President Zirk asked if anyone in attendance wished to address the Board Members with respect to the item on the Appeal Board Agenda. Those in attendance offered no comments.

**Consent Agenda**

**A Motion to approve the Minutes from the May 16, 2017 Village Board of Appeals Meeting**

President Zirk asked the Board Members if they had any questions or comments on the Village Board of Appeals Minutes. The Board Members offered no comments. A Motion was made by Trustee Zambetti and seconded by Trustee Allen to approve the minutes from the May 16, 2017 Village Board of Appeals Meeting. Roll call: Vote: 6-ayes: Trustees Kojzarek, Corbett, Allen, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

**Building Code Appeal**

**Fence Installation -50 Industrial Drive, Unit 106**

Administrator Sakas noted that typically the Board's role is to set Village policy and not rule on technical building matters. However, the Village Code places the obligation to rule on building code violation appeals on the Board Members. Administrator Sakas noted that the issue under consideration is regarding the installation of an enclosure located at 50 Industrial Drive.

President Zirk commented on the fact that Staff does not have the latitude to deviate from the Village Code. The Zoning Board of Appeals would be the official body to recommend to the Village Board to allow for a deviation from the Village Code.

President Zirk went onto note that in his eight years as serving as Village President this is only the second time the Board has been charged with the responsibility of ruling on a technical building code matter.

Mr. Lazar owner of the property in question, addressed the Village Board. He reported that the enclosure was constructed to allow his patrons a place to smoke. He continued to report that the fence posts are 30" below the frost line. However, the code required the fence post be 42" below the frost line and he was unaware he needed to apply for a permit. Mr. Lazar noted that he was very willing to apply for the permit. However, he did not understand why the enclosure needed to be uninstalled and then reinstalled to comply with the 42" fence post depth. He noted the fence is solid and has survived very strong storms thus far.

The Board Members discussed in length the justification for denying the appeal or allowing the enclosure to remain as is.

President Zirk noted that the Board Members could vote to approve the appeal, deny the appeal, make no motion, or table the matter until Chief Building Inspector Swedberg was present.

Trustee Zambetti was not in favor of requiring the business owner to remove and rebuild the fence in accordance with the Village Code. He noted that the enclosure is located in back of the building and is in an isolated area and poses no threat to other properties. In addition, he has seen enclosures rotting and broken that appear to be more problematic.

Trustee Farrell expressed concerns with allowing the noncompliant enclosure to remain as is. In her opinion allowing the noncompliant enclosure would set a benchmark for waiving other requests to deviate from the Village Code.

**Trustee Zambetti made a motion to approve the appeal. However, there was no second on the motion the motion failed.**

Trustee Corbett recommended tabling this matter until Chief Building Inspector Swedberg was present to provide technical information. **A Motion was made by Trustee Corbett and seconded by Trustee Hacker to table this matter until Chief Building Inspector Swedberg could be present.** Roll call: Vote: 5-ayes: Trustees Kojzarek, Corbett, Allen, Farrell and Hacker. 1-nay: Trustee Zambetti, 0-abstained. This matter will be placed on the June 20, 2017 Village Board of Appeals Agenda. Mr. Lazar thanked the Board Members for their time.

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**Adjournment**

There being no further public business to discuss, **a Motion was made by Trustee Corbett and seconded by Trustee Zambetti to adjourn from the public meeting at 7:23 p.m.** Roll call: Vote: 6-eyes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows