

Village of River Hills

IN THE MATTER OF THE CONSIDERATION OF PRELIMINARY MATTER OF WHETHER THE BOARD OF APPEALS HAS JURISDICTION TO HOLD A HEARING IN THE APPEAL OF JASON GREEN, 1150 W RIVER CT REGARDING THE BUILDING BOARD APPROVAL OF A SPLIT RAIL FENCE IN A PERMIT ISSUED TO TAMARA MILLER AND JONATHAN WERTZ, 1125 W RIVER CT.

The meeting of the Village of River Hills Board of Appeals was called to order March 10, 2020 at 4:00 p.m. by Chairman Steve Spector, with Board Members David Melnick, Billie Smith, and Don Daugherty present pursuant to a notice duly published and posted. Also present Building Inspector Tod Doebler, Village Manager Tammy LaBorde, and Deputy Clerk Stephanie Waala.

Attorney Kirsten Hildebrand presented concerns of homeowner

- Notice of the fence request for installation approval was received only days before the meeting.
- Confusion around when the appeal process begins
 - Within the village ordinances there is reference to days, business days, and calendar days but do not know what the definition of any of those is.
 - There is no explanation of the process, the procedure or the timeline for the appeals process
 - Normal procedure of law requires notice be sent to affected parties after the decision has been made informing them of the decision and the steps need to be taken to appeal such decision
- Reference village ordinance 7.0904B – reasons for the Board’s determination and its finding of facts
 - Building Board minutes on December 16, 2019 state basic facts of the type of fence but there is no record as to the reasons to the board’s determination, reference to factual findings, or discussion of ordinances which will allow this type of fencing
- Requests Mr Green be allowed the ability to have a full, fair, and complete hearing
 - Reference Ordinance 7.1004B1 – alleged there is error in any order, requirement, decision, or determination made by an administrative official

Board of Appeals member Billie Smith asked Attorney Hildebrand where do you feel the village attorney made an error in his opinion of the timeline issue.

- Attorney Hildebrand references the last paragraph of the email where the village attorney states the failure to meet the timeline is his opinion but the Board of Appeals will need to address the timeliness and make its own decision

Board of Appeals member Don Daugherty asks Attorney Hildebrand if she agrees with the village attorney's letter stating the approval and filing of the minutes starts the time running for the filing of an appeal.

- Attorney Hildebrand agrees with what the ordinances are saying but claims they are vague

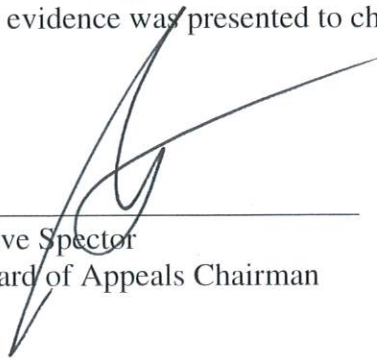
Board of Appeals Chairman questions the village staff if it has ever been required of them to notify affecting residents of a decision made by the Building Board.

- Village Manager Tammy LaBorde informs him no, there is a prior notice but not a follow up notice

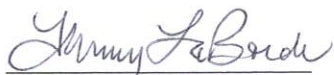
Resident Jon Wertz informs the board that during the second meeting on the fence, January 20, 2020, the Building Board stated multiple times there would be no discussion or decision made on the split rail fence. The decision and action would only be taken on the chain-link fence.

Appellant Jason Green submitted this appeal due to sightline precedence. Currently two of the three sides of the property are surrounded by fences that were installed by adjoining neighbors. If this third fence were to be installed then the property would be completely fenced in.

Motion by Melnick and seconded by Daugherty to deny appeal on basis of not sufficient evidence because it was not timely made and no evidence was presented to change said opinion; motion carried unanimously.



Steve Spector
Board of Appeals Chairman



Tammy LaBorde
Village Manager/Clerk/Treasurer