

# AGENDA VILLAGE OF GLENCOE FENCE BOARD OF APPEALS REGULAR MEETING

Village Hall Council Chambers 675 Village Court January 10, 2023 7:00 pm

1. CALL TO ORDER AND ROLL CALL

Scott Novack, Chair Sara Elsasser Dena Fox Jake Holzman Alex Kaplan Michael Kuppersmith Debbie Ruderman

- 2. CONSIDER ADOPTION OF THE DECEMBER 5, 2022 FENCE BOARD OF APPEALS MEETING MINUTES
- 3. PUBLIC HEARING AND CONSIDERATION OF A REQUEST TO AMEND THE CONDITIONS OF APPROVAL OF A VARIATION FROM THE BUILDINGS AND CONSTRUCTION CODE TO ALLOW A NEW FENCE TO EXCEED THE MAXIMUM HEIGHT REQUIREMENT AT 840 VERNON AVENUE
- 4. PUBLIC COMMENTS ON NON-AGENDA ITEMS
- 5. ADJOURN

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## 1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Fence Board of Appeals of the Village of Glencoe was called to order by the Chairman, at 7:18 p.m. on December 5, 2022, held at Glencoe Village Hall in the Council Chambers.

Attendee Name	Title	Status			
Fence Board of Appeals					
Scott Novack	FBA Chairman	Present			
Sara Elsasser	Member	Present			
Alex Kaplan	Member	Present			
Michael Kuppersmith	Member	Present			
Debbie Ruderman	Member	Present			
Jake Holzman	Member	Absent			
Dena Fox	Member	Present			
Village Staff					
Taylor Baxter	Development Services Manager	Present			
Rich McGowan	Rich McGowan Planner Presen				

# 2. CONSIDERATION OF THE JUNE 6, 2022 MINUTES

RESULT: ACCEPTED

AYES: Novack, Elsasser, Kaplan, Kuppersmith, Ruderman, Fox

NAYS: None ABSENT: Holzman

## 3. CONSIDER VARIATION REQUEST AT 840 VERNON AVENUE

Richard McGowan gave a brief overview of the case, explaining that the applicant (Am Shalom), is requesting one variation from the following section of the Buildings and Construction Code:

1. Section 9-75(a)(3): To increase the maximum allowable fence height from four feet to six feet.

Mr. McGowan noted that the primary reason for the requested variation is to improved security for those who attend Am Shalom, as the six-foot-tall fence and gate would restrict access to the staff parking lot, located in the southwest corner of the property. Mr. McGowan added that the fence would be a black, wrought-iron fence with small spikes on the top, it would have a pedestrian access gate, and intercom speak for access. Chairman Novack thanked staff and noted that there are several Fence Board of Appeals (FBA) Members that regularly attend worship at Am Shalom, so it is very important that the FBA Members evaluate the request based on the merit of the proposal, not based on a relationship with the applicant. Furthermore, Chairman Novack added that if the involved FBA Members were to recuse themselves, their votes would be counted as a "no" or "nay" vote, and since the community is not very large, it is very difficult to review a case where a Member does not have some connection to the applicant.

Taylor Baxter then swore in the applicant, Michael Blum, who is a representative of Am Shalom. Mr. Blum stated that Am Shalom has hired security advisors to analyze the current conditions of the property and this was one of their recommendations to improve public safety and mitigate opportunities for an armed intruder. Mr. Blum added that Am Shalom intends on implementing other security measures such as bulletproof glass and an access gate intercom.

Chairman Novack thanked Mr. Blum and asked about noise regarding the intercom speaker and gate mechanisms. Mr. Blum stated that the intercom would be relocated to the east side of the gate (whereas the proposal rendering depicted the intercom speaker on the west side of the gate), so that it would be further away from the adjacent neighbor at 385 Lincoln Avenue. Mr. Blum added that he is unsure about any noise from the gate opening and closing, but it should not make very much noise. Mr. Blum reiterated Mr. McGowan's comments regarding safety and added that this would help Am Shalom address some of their existing safety concerns. Chairman Novack then invited members of the public to provide any comments.

#### **PUBLIC COMMENT**

Chairman Novack then asked if there were any public comments. Mary Cascino of 385 Lincoln Avenue was then sworn in by Mr. Baxter. Ms. Cascino stated that she lives directly west of Am Shalom and will be closest to the proposed fence, gate, and intercom speaker. Ms. Cascino stated that she is concerned about the noise the gate will make if it opens and closes multiple times a day with deliveries and garbage disposal services, but her primary concern was the height and aesthetics of the fence – she mentioned that the tall, black, wrought-iron fence would make it look like a jail. Ms. Cascino stated that she did not like the speaker intercom on the fence as she will be able to hear everything, but if they can locate it to the other side, then so be it. Ms. Cascino said that she would prefer her four-foot-tall wood fence to continue to the front lot line rather than the proposed fence.

Mr. Blum stated that the intercom speaker can be moved to the other side of the access gate, further away from her property, but does not anticipate it being frequently used for services such as garbage disposal, and they intend to provide Lakeshore Recycling Services (LRS) with a remote control device to open and close the access gate. Mr. Blum stated that he wants to make

sure that Ms. Cascino's concerns are addressed and added that he has spoken with neighbors prior to tonight's meeting.

Board Member Debbie Ruderman added that she thinks the applicants chose a wrought iron fence so that it would not create any safety issues for visibility, such as Ms. Cascino backing out of her driveway. Board Member Sara Elsasser asked if the applicants are allowed a four-foottall fence in the location that they're proposing a six-foot-tall fence and staff confirmed that they can. Board Member Dena Fox suggested perhaps landscape screening would help address Ms. Cascino's concerns with aesthetics and the existing parking lot. Chairman Novack asked Ms. Cascino about how much space she has between her driveway and the lot line and Ms. Cascino said not much, but perhaps if the applicants shrubbed (landscaped) the area. Chairman Novack asked if a six-foot-tall wood fence be preferred and Ms. Cascino said not really. Chairman Novack stated that Ms. Cascino's concerns are valid and important, but she does share a lot line with a different use, so the FBA also needs to evaluate the safety aspect. Chairman Novack asked if a wood fence that covered the wrought-iron fence on her side would help satisfy her concerns and Ms. Cascino stated that she didn't think it would. Board Member Elsasser asked for clarification on Ms. Cascino's existing fence - after staff shared a Google Street View, it appeared that Ms. Cascino actually has a six-foot-tall wood fence, not a four-foot-tall wood fence.

Ms. Cascino noted that if Am Shalom planted bushes on their side of the fence, that might be a solution to help screen the vehicles in the parking lot that the fence will surround. Mr. Blum stated that the current landscaping will be preserved to the extent possible, but he does not think that a four-foot-tall fence would be as secure for the concerns they are trying to address. Mr. Baxter shared a plat of survey for 385 Lincoln Avenue which provided context for the lot line between Ms. Cascino and Am Shalom. After further review, the plat of survey depicted Ms. Cascino's wood fence to be on Am Shalom's property. Chairman Novack added that it's very important that everyone looks at the lot lines closely, and that Ms. Cascino's "flocks" (plants) may actually be encroaching into Am Shalom's property, so it's important to look at this for a hypothetical fence installation. Mr. Blum stated that Am Shalom is happy to keep the existing flocks and Ms. Cascino noted that she would be in favor of that. Board Member Alex Kaplan stated that based on the plat of survey, there may be enough room for landscape alterations in the future if desired. Board Member Fox asked about the gate noise and Mr. Blum stated that Am Shalom is unsure about the noise of the gate, but they anticipate it being quiet. Chairman Novack asked Ms. Cascino if she would be satisfied with the flocks remaining in place and Ms. Cascino appeared to be in favor of the request variation with certain conditions.

Following consideration of the testimony and discussion, the motion seconded, that the variance request be granted per the drawings presented, with the conditions that the fence is east of the walnut tree between 840 Vernon Avenue and 385 Lincoln Avenue for the portion near the walnut tree; that the fence runs roughly parallel to the property line until it makes a 90-degree turn to connect with the existing fence; and that the pedestrian gate and intercom speaker are relocated to the east side of the access gate, further away from 385 Lincoln Avenue, making findings, and resolving as follows:

#### **FINDINGS**

- 1. The requested variation is within the jurisdiction of the Fence Board of Appeals.
- 2. Based on the totality of the relevant and persuasive testimony heard and presented, the Fence Board determines that:
  - a) The variation if granted will not alter the essential character of the locality;
  - b) The variation will be in harmony with the general purpose and intent of the fence ordinance;
  - c) The variation will set no unfavorable precedent either to the immediate neighborhood or to the village as a whole; and
  - d) The variation will not affect public safety.

#### **RESOLUTION**

NOW THEREFORE BE IT RESOLVED that the requests to increase the maximum allowable fence height from four feet to six feet in a front yard at 840 Vernon Avenue be granted as shown in the drawings or plans submitted by the owner and made part of the record.

BE IT FURTHER RESOLVED that the decision of the Development Services Manager is hereby reversed insofar as he denied the issuance of a building permit on the aforesaid property for the aforesaid construction;

BE IT FURTHER RESOLVED that this variation shall expire and be of no further force or effect at the end of twelve (12) months unless during said twelve-month period a building permit is issued, and construction begun and diligently pursued to completion; and

BE IT FURTHER RESOLVED that this resolution shall be spread upon the records of the Board and shall become a public record.

RESULT: ACCEPTED

AYES: Novack, Elsasser, Kaplan, Kuppersmith, Ruderman, Fox

NAYS: None ABSENT: Holzman

#### 4. CONSIDER VARIATION REQUEST AT 1087 BLUFF ROAD

Richard McGowan gave a brief overview of the case, explaining that the applicant is requesting one variation from the following section of the Buildings and Construction Code:

2. Section 9-75(a)(3): To increase the maximum allowable fence height from four feet to six feet.

Mr. McGowan explained that this property is a corner lot and a through lot with an existing six-foot-tall fence in the location they are proposing to replace with a new six-foot-tall fence. Since it is a through lot, Mr. McGowan noted that it technically has two "front" yards per the zoning code, which means that the maximum fence height for both frontages is four feet. Mr. McGowan clarified that the applicant has stated that she will be replacing the existing wood fence that is in disrepair with a similar style wood fence (abutting Green Bay Road) as the area functions as her backyard.

Mr. McGowan concluded that five adjacent properties southeast of 1087 Bluff Road are also through lots and have all been approved for six-foot-tall fence variations on separate occasions:

- 1. 1065 Eastwood Road
- 2. 1057 Eastwood Road
- 3. 1049 Eastwood Road
- 4. 1039 Eastwood Road
- 5. 1029 Eastwood Road

## **PUBLIC COMMENT**

Chairman Novack then asked if there were any public comments. Taraneh Firoozi of 1049 Eastwood Road was then sworn in for comment. Ms. Firoozi noted that she will need to replace her six-foot-tall fence as well and appeared to be under the impression that this was where she could request that. The FBA explained that she too would need to go through the Fence Board of Appeals process when she is ready to replace her six-foot-tall fence.

After public comments were received, Board Member Alex Kaplan stated that this proposal makes sense for a six-foot-tall fence as it functions as the applicant's backyard and Green Bay Road is a heavily traveled road. Chairman Novack agreed and stated that it makes sense, especially along Green Bay Road.

### **FINDINGS**

- 1. The requested variation is within the jurisdiction of the Fence Board of Appeals.
- 2. Based on the totality of the relevant and persuasive testimony heard and presented, the Fence Board determines that:
  - a) The variation if granted will not alter the essential character of the locality;
  - b) The variation will be in harmony with the general purpose and intent of the fence ordinance;
  - c) The variation will set no unfavorable precedent either to the immediate neighborhood or to the village as a whole; and
  - d) The variation will not affect public safety.

## RESOLUTION

NOW THEREFORE BE IT RESOLVED that the requests to increase the maximum allowable fence height from four feet to six feet in a front yard at 1087 Bluff Road be granted as shown in the drawings or plans submitted by the owner and made part of the record.

BE IT FURTHER RESOLVED that the decision of the Development Services Manager is hereby reversed insofar as he denied the issuance of a building permit on the aforesaid property for the aforesaid construction;

BE IT FURTHER RESOLVED that this variation shall expire and be of no further force or effect at the end of twelve (12) months unless during said twelve-month period a building permit is issued, and construction begun and diligently pursued to completion; and

BE IT FURTHER RESOLVED that this resolution shall be spread upon the records of the Board and shall become a public record.

RESULT: ACCEPTED

AYES: Novack, Elsasser, Kaplan, Kuppersmith, Ruderman, Fox

NAYS: None ABSENT: Holzman

#### 5. ADJOURN

The meeting was adjourned at 8:28 p.m.



# VILLAGE OF GLENCOE MEMORANDUM

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# Fence Board of Appeals Memorandum

**DATE:** December 27, 2022

**TO:** Fence Board of Appeals

**FROM:** Rich McGowan, Planner

**CC:** Taylor Baxter, AICP, Development Services Manager

**SUBJECT:** Request for change of conditions of approval of a variation to increase

maximum allowable fence height at 840 Vernon Avenue

**Background:** The applicant is requesting a change of conditions of approval of an approved variation from the following section of the Buildings and Construction code:

1) Section 9-75(a)(5): To increase the maximum allowable fence height from four feet to six feet.

	Existing	Allowed/Required	Proposed
Fence height	n/a	4 ft.	6 ft.

On December 5, 2022, the Fence Board of Appeals approved a fence height variation with two conditions:

- 1. The fence must run to the east of the walnut tree between 840 Vernon Avenue and 385 Lincoln Avenue for the portion near the walnut tree, and must run roughly parallel to this shared property line until making a 90-degree turn to meet the existing fence along the shared property line.
- 2. The intercom speaker and pedestrian entrance be located on the east side of the vehicular entrance, further away from the neighboring property to the west at 385 Lincoln Avenue.

After the variation was approved, the applicant informed the Village that the intercom speaker will need to be moved back to the west side of the access gate, where it was originally proposed. To change or remove conditions of approval, a new public hearing is required. There are no other changes to the previously approved variation request. Regardless of the outcome of this new request, the six-foot-high fence variation remains approved. The Board may add or remove conditions of approval as determined to be appropriate.

**Analysis:** The Buildings and Construction code includes the following standards for the consideration of fence variation requests:

(a) The variation if granted will not alter the essential character of the locality;

The applicant has stated that a black, wrought iron fence, would be more attractive than the current unobstructed view of the Congregation's dumpsters and maintenance vehicles, though the fence and gate would not be opaque so that the neighbor to the west can safely exit their driveway. Black wrought iron fences are common in the Village.

The requested change in conditions of approval would move the pedestrian entrance and intercom to the west of the vehicular gate, closer to the neighboring property at 385 Lincoln Avenue.

(b) The variation will be in harmony with the general purpose and intent of the fence ordinance;

One purpose of the fence ordinance is to minimize fences' visual impact by limiting height, especially along public right-of-way. Given the transparent appearance of the wrought iron fence and necessity to increase security at this location, it is likely the height variation would be in harmony with the intent of the fence ordinance.

The requested change in conditions would allow the pedestrian intercom and entrance to be to the west of the vehicular entrance. The fence ordinance does not include any requirements related to the location of intercoms or pedestrian entrances. The entrance and intercom are only required to be to the east of the vehicular gate by the conditions of approval of the fence height variation.

(c) The variation will set no unfavorable precedent either to the immediate neighborhood or to the village as a whole; and

Given the security concerns for a congregation and place of worship raised by the applicant, it is unlikely that the height variation would set an unfavorable precedent to the neighborhood or Village as a whole.

The condition of approval under consideration is unique to this property, and changing it would not set an unfavorable precedent for other properties.

(d) The variation will not affect public safety.

The height variation should not affect public safety in a negative way. The location and design of the proposed fences will likely improve public safety.

A change in the location of the intercom box and pedestrian entrance is unlikely to have any impact on public safety.

This variation request received printed public notice at least 15 days prior to the public hearing. Additionally, owners of properties within 200 feet of the subject property were notified.

**Recommendation:** Based on the materials presented and the public hearing, it is the recommendation of staff that the variation request of be <u>accepted or denied</u>.

The previously approved fence height variation would remain in place regardless of whether the request to change the conditions of approval is approved. If this request is denied, the applicant may still move forward with a six-foot-high fence in this location, subject to the previously approved conditions of approval.

**Motion:** The Fence Board of Appeals may make a motion as follows:

Move to <u>accept/deny</u> the request for a variation to increase the maximum allowable fence height at 840 Vernon Avenue, with the condition that the fence run east of the walnut tree between 840 Vernon Avenue and 385 Lincoln Avenue for the portion near the walnut tree and that the fence runs roughly parallel to the property line until it makes a 90-degree turn to connect with the existing fence near the shared property line between the two properties.



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# **Zoning Board of Appeals (ZBA) Application**

Section A: Application Information Check all that apply: Request for variation(s) from the zoning code Appeal of an order, determination, or decision made by Village staff based on the zoning code Subject property address: 840 Vernon Avenue, Glencoe IL 60022 \_\_\_\_\_Applicant phone: 847-254-4404 Applicant name: Michael D. Blum, MD Applicant email: urodoc@aol.com Owner name (if different from applicant): Am Shalom Owner phone: 847-835-4800 Owner email: zoes@amshalom.com Brief description of project: The proposed project is the installation of a fence to enclose the south parking lot of Am Shalom. The purpose of this fence is to address security concerns raised by several Vulnerability Assessments by security analysts. This fence would prevent entry into the parking lot of an intruder vehicle, as well as providing a degree of safety to congregants exiting the rear of the Sanctuary in the event of an armed intruder. The fence would extend from the end of the existing neighbor's

#### Variation request(s):

front the sidewalk.

We request a variance to allow a 6 foot height for the entire fence, including along the sidewalk. This is within the Village of Glencoe setback rules, necessitating the request for the variance.

fence to the west, down to the sidewalk, eastward to the east extent of the parking lot, and north to the margin of the building. A vertical pivot gate for vehicles as well as a pedestrian panic exit would



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## Section B: Standards for Variations

For applications for variations, provide a brief response to the following prompts. Use this form or attach a separate letter to this application. The full text of the standards for the approval of variations can be found in <u>Sec. 7-403(e) of the zoning code</u>.

1. Why are the requested variations necessary? What hardship or practical difficulty would result if they are not approved? Include a description of any exceptional physical characteristics of the property (for example, unusual size, shape, topography, existing uses or structures, etc.), if applicable.

The allowable 4 foot fence height would not provide the necessary level of security against intruders

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properties or the public good.

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From an aesthetic standpoint, the new fence would be an improvement for the neighbors, as there is currently no visual barrier to the existing dumpster and maintenance vehicles. Vertical wrought iron design will allow the neighbor to the west to see the oncoming traffic on the street from their driveway. We would provide a remote control to the waste management company for their truck.

2. Describe how the proposed variations would result in a development that is not detrimental to adjacent or nearby

3. Describe any efforts the applicant has made to solicit feedback on the proposed variations from neighboring or nearby property owners or residents. What was the result of these efforts?

The following letter has been sent to the immediate neighbors:

"Dear Am Shalom Neighbor,

My name is Michael Blum. I am a Past President of Am Shalom and have been working to improve the physical security of our temple. Sadly, in today's world, we find it necessary to take extensive measures to keep our staff and congregants safe.

One area of vulnerability that has been identified is the south parking lot that borders Lincoln Avenue. There is currently no barrier to an intruder entering the rear of our facility.

We have applied for and been granted funds from the Department of Homeland Security to install a fence with gate that would border the sidewalk on Lincoln and wrap around to the existing fence to the west and the edge of the building to the east.

We are in the process of applying for a variance from the Village of Glencoe to allow a 6-foot height to the fence. Current zoning allows only a 4-foot fence this close to the street, which would be ineffective.

The fence would be black wrought-iron-type vertical "spikes', easy to see through from the driveway to the west and certainly more attractive than the current unobstructed view of our dumpsters and maintenance vehicles!

Soon, we will file the Zoning Board of Appeals Application. They will then solicit input from neighbors. I wanted to reach out to you in advance to explain our intent. Please do not hesitate to reach out to me directly if you have any questions or concerns that I might address. My cell phone number is 847-254-4404.

Thank you,

Michael D. Blum, MD"

## Section C: Petition for Appeal

Provide a separate letter describing the order, determination, procedures, or failure to act being appealed. <u>Applicants only applying for variations from the zoning code do not need to provide this letter.</u>



Section D: Acknowledgement and Signature

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I hereby acknowledge that all information provided	in this application is true and correct.
Attaum	9/1/2022
Applicant's signature	Date
Lee Themas	09/01/2022
Owner's signature (if different than applicant)	Date



840 Vernon Avenue Glencoe, Illinois 60022-1560

p: 847.835.4800 f: 847.835.5204 amshalom.com

Rabbi Steven S. Lowenstein

Rabbi Phyllis A. Sommer Director of Congregational Learning

Rabbi Pamela Mandel

Rabbi Harold L. Kudan Founding Rabbi

Cantor Andrea Rae Markowicz

Cantor Julie Staple

Judi Berliner Sharon Morton, RJE Educator Emeritae

Edward M. Alpert, FTA Executive Director Emeritus

Laura Horn Director of Operations

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MEMBER OF THE UNION FOR REFORM JUDAISM December 27, 2022

Mr. Taylor Baxter

Village of Glencoe 675 Village Court Glencoe IL 60022

Re: Am Shalom Fence Variance Request

Dear Mr. Baxter,

At the last meeting of the Fence Zoning Board, our request for a variance on the height of our proposed fence around our south parking lot was granted. However, due to the concerns from the next-door neighbor, we volunteered that the pedestrian door and intercom would be moved to the east side of the vehicle gate, so as to minimize noise to the neighbor. The variance was granted with this provision.

As it turns out, the intercom can be moved, but the pedestrian door must be on the west side of the vehicle gate, as the sliding vehicle gate would cut across the pedestrian door.

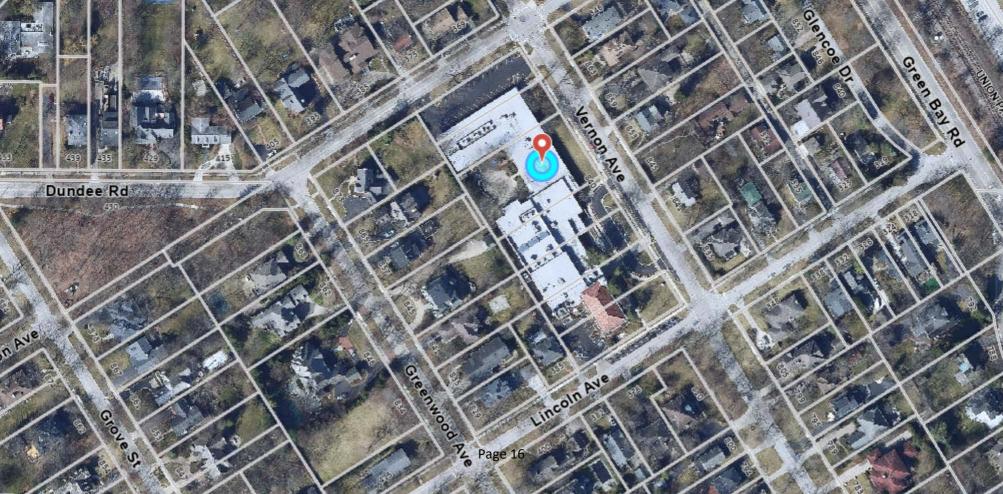
Fortunately, this pedestrian door is a non-electronic, panic-bar-only emergency exit from the parking lot, and will never be used for access to the lot from the outside. I understand the neighbor's concern, as the original drawing looked like a visitor would be using the intercom to gain walking access to the parking lot, creating some noise. This is not the case. The intercom will only be used for vendors seeking access to the back door for events, and not commonly used. All staff (including the garbsge technician) will have "clickers" to open the vehicle gate.

As our previously-granted variance required moving the pedestrian gate to the east of the vehicle gate, we are requesting a "variance on our variance" to move the intercom away from the neighbor but keep the pedestrian door in place.

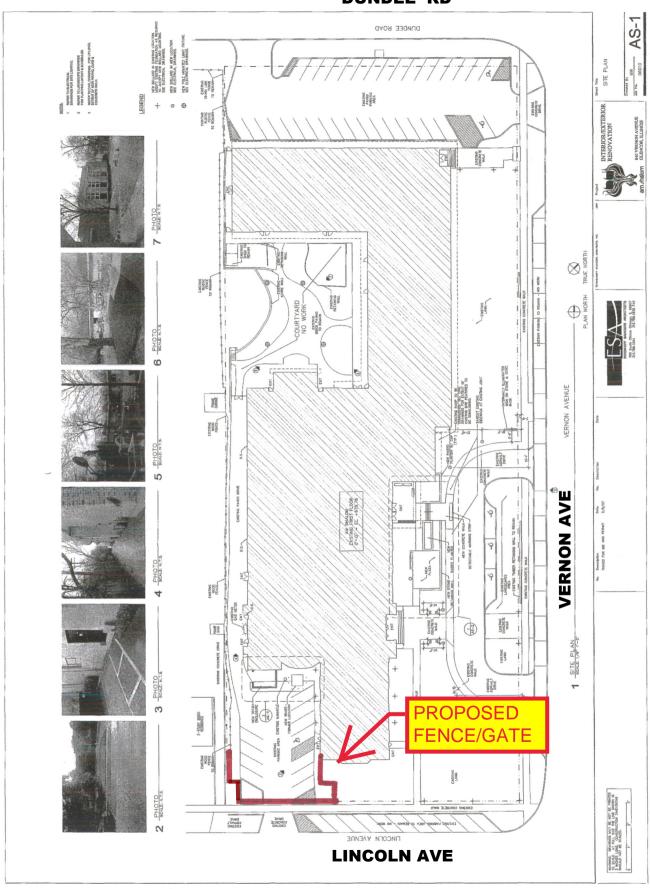
Updated, formal plans for the fence have been submitted to Rich McGowan. I have discussed this plan with the neighbor in person, and she voices no further objections.

Thank you,

Michael Blum



# **DUNDEE RD**



# Rolling Gate and Fence – Conceptual Rendering

