



PUBLIC MEETING NOTICE AND AGENDA

PLANNING AND ZONING COMMISSION MEETING

July 15, 2019

7:30 p.m.

1. Call to order
2. Roll call
3. Approval of the June 17, 2019 Planning and Zoning Commission meeting minutes
4. New business
 - a. Variation to the Zoning Ordinance, Section 15.3-1D, Front Yards, at 1221 Crystal Lake Road
 - b. Variation to the Zoning Ordinance, Table 13.5, Permitted Accessory Structures, at 1221 Crystal Lake Road
5. Old business--None
6. Items for discussion
7. Staff report
 - a. June Board of Trustees meeting
8. Audience participation
9. Trustee liaison report
10. Next meeting is scheduled for August 12, 2019
11. Adjournment

Meeting Location:

Lake in the Hills Village Hall
600 Harvest Gate
Lake in the Hills, IL 60156

The Village of Lake in the Hills is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at 847-960-7414 (TDD 847-658-4511) promptly to allow the Village to make reasonable accommodations for those persons.

Posted by: Laura Pekovic

Date: July 12, 2019

Time: 5:00 p.m.



PLANNING AND ZONING COMMISSION

June 17, 2019 MEETING MINUTES

Village of Lake In the Hills

Commissioner Brent Borkgren called to order at 6:00 p.m. the meeting of the Lake in the Hills Planning and Zoning Commission.

ROLL CALL

Commissioners Anna Siakel, Greg Walker, Michael Esposito, Suzanne Artinghelli, John Murphy, and Brent Borkgren were present. Absent was Chairman Joe DeMay. Commissioner Borkgren was the Chairman for this meeting in Joe DeMay's absence. Also in attendance were Community Services Director Fred Mullard, Assistant Community Development Director Ann Marie Hess, Village Trustee Bill Dustin, and Administrative Specialist Laura Pekovic.

APPROVAL OF MEETING MINUTES

Commissioner Borkgren made a motion to approve the Commission meeting minutes of May 13, 2019, and Commissioner Walker seconded. Motion carried 6-0.

NEW BUSINESS

1. Variation to the Zoning Ordinance, Section 15.31A & E of the Zoning Ordinance, Front Yards at 1211 Crystal Lake Road.

Commissioner Borkgren convened the public hearing at 6:04 p.m. All commissioners that answered roll call were present.

Staff Report

Community Services Director Mullard reviewed the Request for Public Hearing and Commission Action dated June 17, 2019.

Presentation by Petitioner and Questions and Comments by Planning and Zoning Commission

Mr. Paul Wall spoke about the reasons for his variation request. It is mostly for privacy at his home. He also said he would like to remove the reference to the transition from the 6 foot to the 4 foot fence.

Motion to grant a variation to Section 15.3-1A & E of the Zoning Ordinance, was made by Commissioner Esposito and seconded by Commissioner Walker.

A motion was made by Commissioner Walker and seconded by Commission Esposito to amend the original motion to remove the reference to Subsection 15.3-1E, to accept the amended motion, and recommend to the Village Board a Variation to Section 15.31A of the Zoning Ordinance. On a roll call vote Commissioners Borkgren, Siakel, Esposito, Murphy, Artinghelli, and Walker, voted Aye. Motion carried 6-0.

2. Zoning Text Amendment to Section 11, Permitted and Conditional Use Chart

Staff Report

Community Services Director Mullard reviewed the Request for Public Hearing and Commission Action dated June 17, 2019.

Presentation by Petitioner and Questions and Comments by Planning and Zoning Commission

Staff proposed adding an additional conditional use of "Kennel" in the General Business (B-3) District. The B-3 district is established to provide for a more intense amount of business than found in the B-2 District. This B-3 district will provide a large variety of facilities, stores and services to add kennels. Commissioner Borkgren inquired if this particular use was this something that was eliminated or was it always like this. Director Mullard said he believed it was always like this. Commissioner Siakel asked how many dogs this use would include. Director Mullard indicated that had not been determined.

Motion to recommend approval to the Village Board for a zoning text amendment to Section 11, Permitted and Conditional Use Chart was made by Commissioner Esposito and seconded by Commissioner Siakel. On a roll call vote Commissioners Borkgren, Siakel, Esposito, and Walker, Murphy, and Artinghelli voted Aye. Motion carried 6-0

3. Conditional Use for a Kennel and Development Plan Approval for Pet Suites of America, Inc. at 390 North Randall Road

Staff Report

Community Services Director Mullard reviewed the Request for Public Hearing and Commission Action Dated June 17, 2019.

Presentation by Petitioner and Questions and Comments by Planning and Zoning Commission

Jared Keynon, P.E. of Kimley Horn and Rob Antrim, Executive VP Real Estate Development of TM Crowley, spoke on PetSuites of America, Inc.'s Development Plan in Lake in the Hills. They said dogs would be let outside on the east side of the building, and turf and splash pools would be in the play area. Dogs are let outside at different times to keep the noise down. Cats and dogs could be both boarded at this facility. Pet waste would be cleaned up daily. There was discussion among the group about the pet smell both inside and outside of the building. Mr. Antrim indicated that cleanliness at PetSuites of America, Inc. is very important. This company is part of a nationwide chain and is entering the Illinois market.

Motion to recommend approval to the Village Board for a Conditional Use for a Kennel and approval of a Development Plan for Pet Suites on Parcel 19-29-151-027 at 390 North Randall Road was made by Commissioner Walker and seconded by Esposito. On a roll call vote Commissioners Borkgren, Siakel, Esposito, Murphy, Artinghelli, and Walker, voted Aye. Motion carried 6-0.

PLANNING AND ZONING COMMISSION

June 17, 2019 MEETING MINUTES

Village of Lake In the Hills

OLD BUSINESS--Commissioner Borkgren asked if U-Haul was allowed to make their parking lot a one-way thoroughfare, and was it in the Development Plan? Director Mullard indicated he would look into the issue.

Director Mullard gave an update on the existing sign moratorium. Currently, the Village is still in the 90-day period of the original moratorium and will consider extension of it in July, if necessary.

ITEM FOR DISCUSSION – None

STAFF REPORT – None

Commissioner Siakle asked for more communication between Staff and the Commission in regards to vacancies and any action taken outside of the Planning & Zoning meetings that would affect items brought before them in the past.

AUDIENCE PARTICIPATION – None

TRUSTEE LIAISON REPORT – None

Commissioner Walker made a motion to adjourn the meeting and was seconded by Commissioner Siakel. All in favor voted Aye. Commissioner Borkgren adjourned the meeting at 6:40 p.m.

The next Lake in the Hills Planning and Zoning Commission meeting will be held Monday, July 15, 2019 at 7:30 p.m.

Laura Pekovic
Administrative Specialist

REQUEST FOR PUBLIC HEARING AND COMMISION ACTION



PLANNING AND ZONING COMMISION

MEETING DATE: July 15, 2019
DEPARTMENT: Community Services
SUBJECT: Variation to Section 15.3-1D, Front Yards

EXECUTIVE SUMMARY

General Information

Requested Action: Variation to Section 15.3-1D of the Zoning Ordinance to allow six-foot tall fence in the front yard (side) and front yard (rear) of the home. The proposed locations in these yards as well as the proposed height do not comply with the Zoning Code.

Owner: Scott Thoennissen

Applicant: Scott Thoennissen

Purpose: Allow a six-foot high 30 percent open wooden fence in the front yard (side) and front yard (rear).

Location and Size: 1221 Crystal Lake Road / 0.18 acres

Zoning and Land Use:

Site:	R-2 One Family Dwelling District
North:	R-2 One Family Dwelling District
East:	R-2 One Family Dwelling District
South:	R-2 One Family Dwelling District
West:	R-2 One Family Dwelling District

Background

The applicant requests variations to the Zoning Ordinance to allow construction of a six-foot, 30 percent open wooden fence from the middle of the residence in the front yard (side) to the property line on the front yard (side), then along the property line to the rear lot line, then along the rear lot line to the side lot line and back to the residence. The attached site plan shows the requested location for the fence in black and the permitted location for the fence in red.

This is a unique lot because it is a through corner lot that fronts on to three streets. It one of 45 lots meeting these conditions across the Village. The requested location for the fence involves four parts to the variation.

1. The applicant requests the fence start at the middle of the north side of the structure. The Zoning Ordinance only permits a fence in the front yard (side) which begins or ends at the rear yard, which is the northwest corner of the residence. There is no door on the north side of the residence that would allow access to the fenced yard if the fence were located as proposed; however, there are two windows that would fall within the proposed fenced area. This location for the fence would not be permitted on any corner lot, but would be permitted on interior lots where the side yard is adjacent to another residence.
2. The applicant requests the fence be allowed to extend to and run along the lot line on the front yard (side). The Zoning Ordinance permits the fence to extend no closer than 10 feet from the lot line. Miller Road at this location has an 80-foot right-of-way that is smaller than the 100-foot currently required for collector roads in the Subdivision Control Ordinance. If placed on the lot line, the fence would still be 25 feet from the edge of the sidewalk along Miller Road.

There are 14 parcels on Pershing Avenue, which back up to Miller Road adjacent to this parcel. Eight of these parcels have four-foot chain link fences on the Miller Road property line and one has a two-foot wooden fence. Records show permits approved for most of these locations in the seventies and eighties. Most of these properties are well above the grade of Miller Road. The proposed location for this fence along Miller Road would not be out of character for neighborhood.

3. The applicant requests the fence be allowed to run along the lot line on the front yard (rear). The Zoning Ordinance does not permit fence in the front yard (rear). The front yard (rear) in the R-2 District is 25 feet. This is the same requirement on all through lots.

There are 11 lots located between Crystal Lake Road and Decatur Avenue. Two have fences along the lot line on the front yard (rear). One is a four-foot fence and the second was the recently approved variation for a six-foot fence. There are also a number of structures along Decatur Avenue within the 25-foot setback. These include:

- Shed at approximately 20 feet from the Decatur lot line
- Garage at approximately 20 feet from the Decatur lot line
- Garage at approximately 12 feet from the Decatur lot line
- Garage at approximately 12 feet from the Decatur lot line
- Garage at approximately 5 feet from the Decatur lot line

The homes on the west side of Decatur Avenue are setback approximately 20 feet from the lot line.

The intent of the Zoning Ordinance is to maintain setbacks that allow for consistent minimum front yards along the roadway to create an open space. Based on the current situation in this neighborhood, 25 feet is beyond the norm. Based on 16 built lots, here is a summary of the setbacks:

<u>Setback</u>	<u>Number of properties</u>	<u>Percentage</u>
25-foot or greater	4	25
20-foot or greater	11	69
12-foot or greater	13	82
5-foot or greater	14	87
No setback or greater	16	100

4. The applicant requests the ability to install a six-foot high fence. The Zoning Ordinance only allows for a five-foot high fence. This lot sets below the grades of Miller Road and Decatur Avenue where the fence line would run. A variation was recently approved down the street from this parcel allowing a six-foot fence along Decatur Avenue. It would not create a significant impact on the neighborhood to allow the extra foot of height.

The property was reviewed for approval under Section 15.3-1G by the Community Services Director, but the conditions did not meet the standard.

Standards and Findings of Fact for a Variation

The Planning and Zoning Commission may recommend and the Board of Trustees shall permit a variation of the provisions of this Zoning Code, as authorized in this Section, only if the evidence, in the judgement of the Village sustains each of the following three conditions:

- A. **The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;**

The applicant indicates the fence is needed to protect privacy and security for a dog. The current occupant of the property is considering installing a pool within the fenced area. The proposed pool would be 15 feet in diameter and 3.5 feet high. With a depth of less than 4 feet, a fenced enclosure is required around the pool for safety.

- B. **The plight of the owner is due to unique circumstances; and**

The applicant indicates that the through corner lot is a unique situation with roads on three side of the residence.

- C. **The variation, if granted, will not alter the essential character of the locality.**

The applicant indicates this will not alter the essential character of the locality.

For the purpose of supplementing the above standards, the Village, in making this determination whenever there are practical difficulties or particular hardship, also shall take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

- D. That the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;

The applicant indicates the hardship created is a lack of privacy and the need to provide separation from the public for the dog and the pool.

- E. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;

The applicant indicates the amount of traffic on Crystal Lake Road and Miller Road creates a unique situation.

- F. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;

The applicant indicates the variation is not to make money from the property.

- G. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;

The applicant indicates he did not create the presence of the traffic.

- H. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or

The applicant indicates it will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

- I. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The applicant indicates this condition will be met.

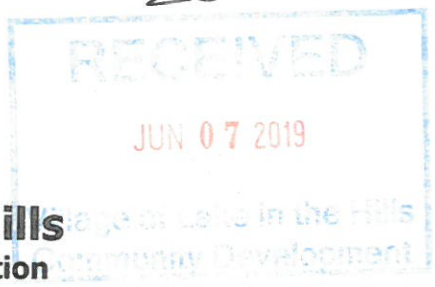
ATTACHMENTS

1. Application
2. Site Plan
3. Photos

RECOMMENDED ACTION

Commission recommend approval to the Village Board for variations to Sections 15.3-1D of the Zoning Ordinance at 1221 Crystal Lake Road on parcel 19-20-307-001 allowing construction of a six-foot, 30 percent open wooden fence in front yards with conditions specified by the Commission.

2068423



Village of Lake in the Hills Development and Zoning Application

Date: 5/26/19

Property Information

Common street address: 1221 CRYSTAL LAKE ROAD

PIN (Property Index Number): 19-20-307-001

Current Zoning: _____ Proposed Zoning: N/A (NOT CHANGING)

Current Use: _____ Proposed Use: N/A (NOT CHANGING)

Is the request consistent with the Comprehensive Plan? YES

Number of Acres: _____ If greater than 4 acres, 2 acres for government property or 5 acres for manufacturing zoned land, application shall be processed as a Planned Development as a Conditional Use. See definition of Planned Development and PD Section of Zoning Ordinance.

Legal description of the property (print or attach exhibit): _____

Property Owner Information

Name(s): SCOTT THOGANNISSEN

Business/Firm Name (if applicable): SGT ENTERPRISES

Address: 1221 CRYSTAL LAKE ROAD

City/State/Zip: LAKE IN THE HILLS FL

Phone Number: 224 300 1522

Email: SGTCT445@SBCGLOBAL.NET

Applicant Information

Name(s): SAME AS ABOVE

Business/Firm Name (if applicable): _____

Address: _____

City/State/Zip: _____

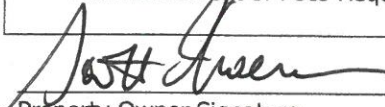
Phone Number: _____

Email: _____

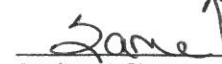
Lake in the Hills Development and Zoning Application
Page 2

1	2	3	4	5	6
Request	Select Request with X	Required Fee ac = Acre	For Requirements See Appendix	Public Hearing Required See Appendix A2	Total Fee (enter Amount per Column 3)
Annexation		\$1,000/ac payable upon annexation	D	Yes	
Sketch Plan		\$0	E	No	
Tentative Plan		\$500 + \$10/ac	F	No	
Final Plat		\$500 + \$10/ac	G	No	
Plat of Vacation and/or Resubdivision Plat		\$500 + \$10/ac	H	No	
Conditional Use		\$500 + \$10/ac over 2 ac	I	Yes	
Rezoning		\$500 + \$10/ac over 2 ac	J	Yes	
Text Amendment		\$500	K	Yes	
Variance - Residential	X	\$100	L	Yes	\$100.00
Variance - Non-Residential		0-2 ac = \$250 Over 2 ac = \$500	L	Yes	
Development Plan Review		\$500 + \$10/ac	M	No	
Total Fees					\$100.00
Additional Fees					
Stormwater Permit Application Fee to be paid at time of permit issuance Minor = \$250 Intermediate or Major = \$1,000					\$0.00
Reimbursement of Fees Required (Attach Appendix B) = \$2,000 + \$100/acre for every acre over 5 acres					\$0.00




 Property Owner Signature

5/26/19
 Date


 Applicant Signature

Date

If Owner/Applicant is a School District please, complete and submit Appendix N

All required appendices and documentation shall be submitted with this application. Incomplete applications will not be processed.



Village of Lake in the Hills Planning and Zoning Commission

Hearing Acknowledgement Form for Single Family Residential Variations per Section 21.6-4 of the Zoning Ordinance

The undersigned acknowledges receipt of the public notice for a residential variation filed by

Scott Shoenberger (Applicant)

regarding the property at 1221 CRYSTAL LAKE ROAD.

I understand a hearing will be held on the 15 day of July 2020, at 7:30pm at the Lake in the Hills Village Hall, 600 Harvest Gate, Lake in the Hills, IL 60156.

Property Owner Signature Scott Shoenberger Date 5/26/19

Address 1221 CRYSTAL LAKE ROAD PIN# 19-20-307-001

RECEIVED

JUN 07 2019

Village of Lake in the Hills
Community Development

Appendix L - Variance Requirements

1. Please indicate the variation that is being sought, include section(s) and paragraph(s) of the Zoning Ordinance and any dimension(s) and a brief description of the proposed use, construction or development that prompted the request:

6' WOODEN FENCE 30percent open IN Location
ON ATTACHED plot seeking variation to allow fence
IN the front & side yards on the corner lot of
Mullen, Crystal Lake and Decatur Roads.

(I essentially have 3 front yards)

PLS Note: there is approx 3' variation in elevation
between Decatur street and my yard floor and a
2' variation on the Mullen side so a 6' fence
from a visual stand point is truly 3' in actuality.

Standards and Findings of Facts for a Variance per Section 23.7 of the Zoning Ordinance.

The Planning and Zoning Commission may recommend and the Board of Trustees shall permit a variation of the provisions of this Zoning Code, as authorized in this Section, only if the evidence, in the judgement of the Village sustains each of the following three conditions:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located. **Explain how this standard is met.**

Primary purpose is to provide me more privacy
space & an added insurance policy for my
pool as well as a safety factor for my
Bull Mastiff dog. From people & traffic

Appendix L - Variance Requirements

2. The plight of the owner is due to unique circumstances. **Explain how this standard is met.**

PROPERTY IS A CORNER LOT EXPOSED TO PEOPLE
& CAR TRAFFIC ON BOTH SIDES OF
HOUSE.

3. The variation, if granted, will not alter the essential character of the locality. **Explain how this standard is met.**

IF NOT ON A CORNER LOT THERE WOULD
BE NO ISSUE WITH FENCE REQUEST

For the purpose of supplementing the above standards, the Village, in making this determination whenever there are practical difficulties or particular hardship, also shall take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

4. That the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out. **Explain how this standard is met.**

WITHOUT THE VARIATION THE LAND IS USELESS
TO ME, NO PRIVACY AND A POSSIBLE RISK TO
PEDESTRIANS WITH MY DOG. - POOL.

5. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification. **Explain how this standard is met.**

BORN MILLER RD + CRYSTAL LAKE RD HAVING
A LOT OF MOVING TRAFFIC. DECATON RD
DOES NOT HAVE A SIDEWALK

Appendix L – Variance Requirements

6. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property. **Explain how this standard is met.**

THIS IS FOR THE SAFETY OF MY DOG SO IT IS NOT MET BY TRAFFIC AND TO PREVENT PEDESTRIANS FROM TRYING TO PET THE DOG.

7. That the alleged difficulty or hardship has not been created by any person presently having interest in the property. **Explain how this standard is met.**

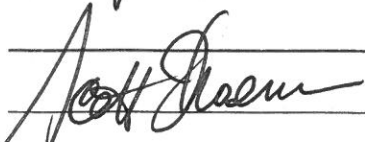
THIS IS ONLY FOR PERMANENT PROTECTION & ASSOCIATED ISSUES WITH THE POOL FOR INSURANCE OTHERWISE THE SPACE IS USELESS

8. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. **Explain how this standard is met.**

IF APPROVED THIS WILL NOT BE DETRIMENTAL TO PUBLIC WELFARE, INJURY TO OTHER PROPERTY OR IMPROVEMENTS IN THE AREA. IN FACT IT SHOULD ENHANCE THE NEIGHBORHOOD PROPERTIES.

9. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood. **Explain how this standard is met.**

IF APPROVED FENCE WILL NOT IMPAIR LIGHT SUPPLY OR AIR TO ADJACENT PROPERTIES OR IMPAIR VISION TO ANY ROAD TRAFFIC


Property Owner Signature

6/7/19
Date

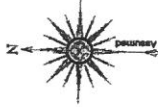

Applicant Signature

6/7/19
Date

Plat of Survey

LEGAL DESCRIPTION: LOT 1 IN BLOCK 1 IN LAKE IN THE HILLS ESTATES UNIT 11, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN MCHEMERY COUNTY, ILLINOIS.

PARCEL AREA: 8057 Sq. Feet



THIS DOCUMENT IS NOT VALID WITHOUT THE SURVEYOR'S SEAL.
STATE OF ILLINOIS }
COUNTY OF MCHEMERY }

IN MY PROFESSIONAL OPINION, AND BASED ON MY OBSERVATIONS, I HEREBY CERTIFY THAT THE PLAT HEREON DRAWN IS A TRUE REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

Jeffrey A. Sirex
JEFFREY A. SIREX, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 5898
REGISTERED AGENT FOR LUCO CONSTRUCTION COMPANY
LICENSE TO BE RENEWED NOVEMBER 30, 2018

DATED September 28, 2018

NOTES:
*COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED AND REPORT ANY DIFFERENCE IMMEDIATELY.
*ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
*BEARINGS AS SHOWN ARE ASSUMED AND ARE SO INDICATED FOR INTERIOR ANGLES ONLY.
*BUILDING LINES AND EASEMENTS AS SHOWN ARE BASED SOLELY ON PROVIDED DOCUMENTS.
*UTILITIES WITHIN EASEMENTS ARE NOT SHOWN HEREON. UNDERGROUND UTILITIES, INCLUDING, BUT NOT LIMITED TO CONDUITS AND CABLES (IF ANY) HAVE NOT BEEN SHOWN HEREON.



Professional Design Firm
No. 184.004829

54 Lou Avenue, Crystal Lake, IL 60014
Ph: 815.526.3974
F: 815.526.3984
E-mail: lucoland@gmail.com

Common Address: 1221 Crystal Lake Rd, Lake in the Hills, IL
PIN #: 19-20-307-001

Job Number: 18-47062 Drafted By: CER

Client: Majewski

Reference: Krause Trust

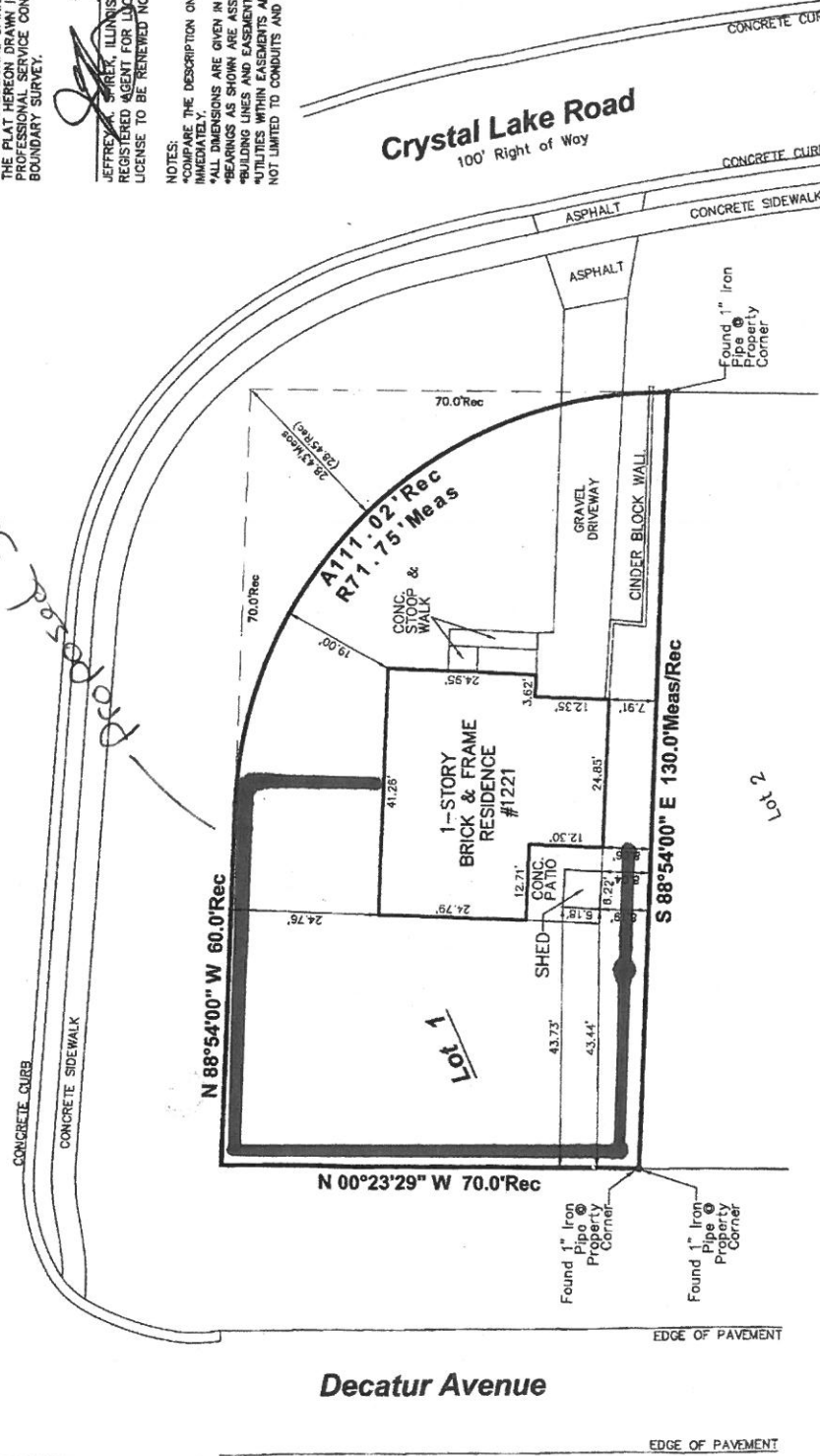
Field Work Completion: 09/25/2018 Revisions:

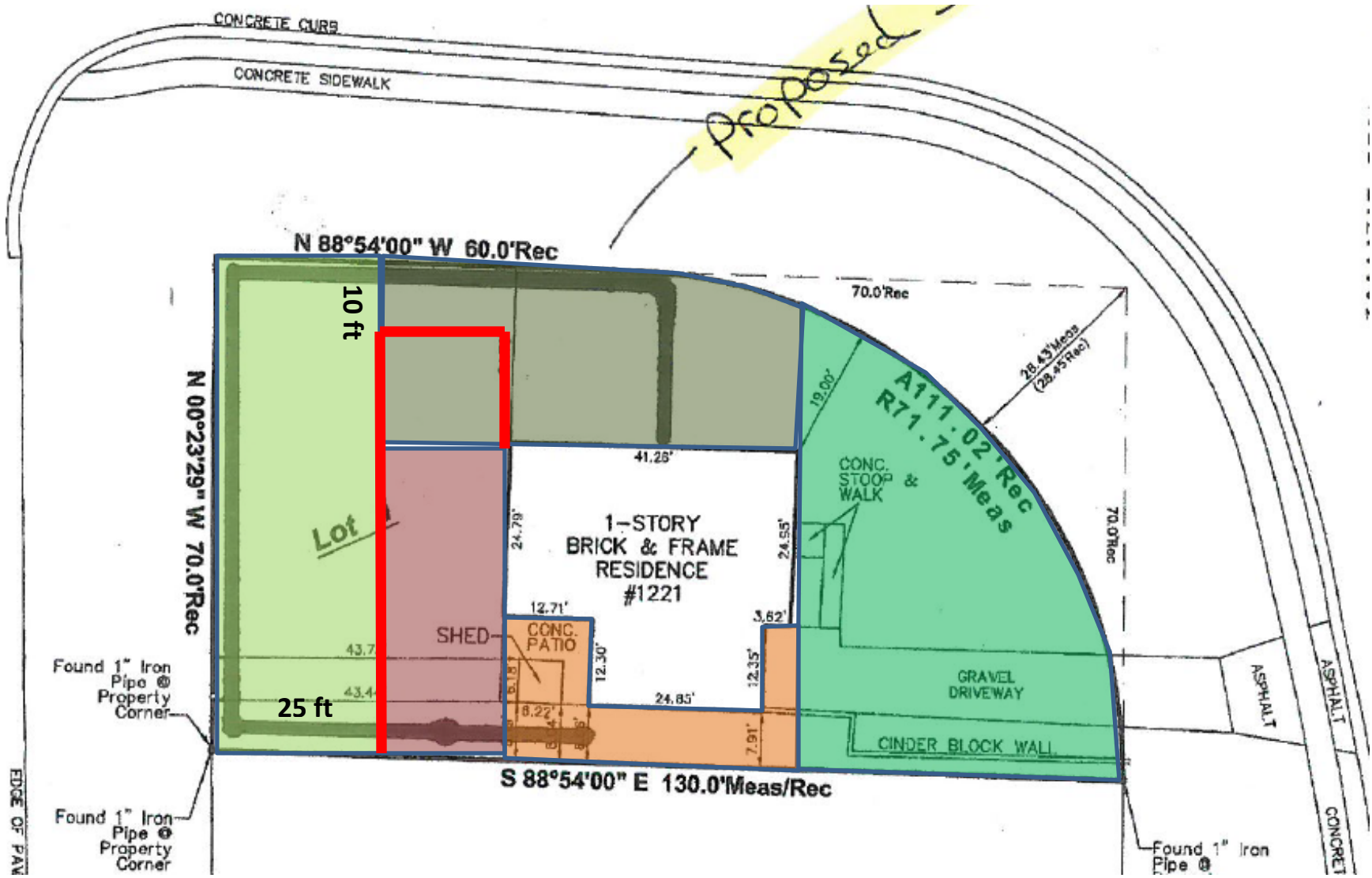
Miller Road

Crystal Lake Road
100' Right of Way

Decatur Avenue

LEGEND	
○	Set IP
○	Find "x"
○	Find P.A.
○	Wood Fence
○	Cl. Fence
▨	Concrete
▨	Wood Deck
▨	Brick
⊙	STREET LIGHT
⊙	WATER VALVE VAULT
⊙	FIRE HYDRANT
⊙	MANHOLE
⊙	STORM MANHOLE
⊙	ANCHOR BOX
⊙	POWER POLE
⊙	ELECTRIC TRANSFORMER







REQUEST FOR PUBLIC HEARING AND COMMISION ACTION



PLANNING AND ZONING COMMISION

MEETING DATE: July 15, 2019

DEPARTMENT: Community Services

SUBJECT: Variation to Table 13.5, Permitted Accessory Structures

EXECUTIVE SUMMARY

General Information

Requested Action: Variation to Section 13.5 of the Zoning Ordinance to allow a six by six foot shed in in the front yard (side) of the residence. The proposed location in this yard does not comply with the Zoning Code.

Owner: Scott Thoennissen

Applicant: Scott Thoennissen

Purpose: Allow a six by six foot shed in in the front yard (side).

Location and Size: 1221 Crystal Lake Road / 0.18 acres

Zoning and Land Use: Site: R-2 One Family Dwelling District

North: R-2 One Family Dwelling District

East: R-2 One Family Dwelling District

South: R-2 One Family Dwelling District

West: R-2 One Family Dwelling District

Background

The applicant requests a variation to the existing zoning ordinance to allow construction of a six foot by six foot shed in in the front yard (side). The attached site plan shows the requested shed location. The lot is a through corner lot with roads on three of the four lot lines. This creates three front yards on the parcel.

The proposed location is in the front yard (side). There is an existing six foot x six foot shed on the property that will have to be removed or relocated. There is also sufficient space in the rear yard to meet

zoning requirements. The Zoning Ordinance requires the shed be at least four feet from an interior lot line and five feet from a rear lot line.

The applicant proposes placing the shed within a fenced area subject to approval of variations for construction of the fence in the front yards. There are three sheds on nearby lots, along Pershing Avenue, in the front yard (rear) that extend 25 feet from the rear lot line. Records show some were permitted in the sixties. One is approximately 20 feet from the rear lot line and two are within a foot of the rear lot line. There are three in the front yard (rear) along Patton Avenue fronting to the sound attenuation wall along Randall Road. Records show some were permitted in the eighties. There is one shed in a front yard (front) along Patton Avenue erected under a permit in 1987.

Standards and Findings of Fact for a Variation

The Planning and Zoning Commission may recommend and the Board of Trustees shall permit a variation of the provisions of this Zoning Code, as authorized in this Section, only if the evidence, in the judgement of the Village sustains each of the following three conditions:

A. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;

The applicant indicates the shed is needed to provide storage space for the residence since there is no garage.

B. The plight of the owner is due to unique circumstances; and

The applicant indicates that the through corner lot is a unique situation with roads on three side of the residence.

C. The variation, if granted, will not alter the essential character of the locality.

The applicant indicates this will not alter the essential character of the locality.

For the purpose of supplementing the above standards, the Village, in making this determination whenever there are practical difficulties or particular hardship, also shall take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

D. That the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;

The applicant indicates the hardship created is due to roads on three side of the residence.

E. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;

The applicant indicates the hardship created is due to roads on three side of the residence.

F. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;

The applicant indicates the shed is needed to provide storage space for the residence since there is no garage.

G. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;

The applicant indicates the hardship created is due to roads on three side of the residence.

H. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or

The applicant indicates it will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

I. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The applicant indicates this condition will be met.

ATTACHMENTS

1. Application
2. Site Plan
3. Photos

RECOMMENDED ACTION

Commission recommend approval to the Village Board for variations to Sections 13.5 of the Zoning Ordinance at 1221 Crystal Lake Road on parcel 19-20-307-001 allowing construction of a six-foot by six foot shed with conditions specified by the Commission.

Appendix L - Variance Requirements

1. Please indicate the variation that is being sought, include section(s) and paragraph(s) of the Zoning Ordinance and any dimension(s) and a brief description of the proposed use, construction or development that prompted the request:

MOVE 6'x6' shed to side yard 4FT AWAY FROM HOUSE.

YOUR ORDINANCE HAS CLASSIFIED MY HOUSE AS HAVING 3 FRONT YARDS SHEDS NOT PERMITTED IN FRONT YARDS.

Standards and Findings of Facts for a Variance per Section 23.7 of the Zoning Ordinance.

The Planning and Zoning Commission may recommend and the Board of Trustees shall permit a variation of the provisions of this Zoning Code, as authorized in this Section, only if the evidence, in the judgement of the Village sustains each of the following three conditions:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located. **Explain how this standard is met.**

PRIMARY PURPOSE IS TO PROVIDE MY TENANT WITH STORAGE FOR GARDEN TOOLS/LAWN MOWER + OUTDOOR FURNITURE (ANTI THEFT) AS THERE IS NO GARAGE

Appendix L - Variance Requirements

2. The plight of the owner is due to unique circumstances. Explain how this standard is met.

There is no GARAGE. My TENANT needs
 Lock upable outdoor STORAGE FOR GARDEN TOOLS
 AND FURNITURE. PROPERTY HAS 3 FRONT YDS.
 ONLY ONE IN LITH. BY ORDINANCE DEFINITION

3. The variation, if granted, will not alter the essential character of the locality. Explain how this standard is met.

With FENCE VARIATION APPROVAL the shed would not
 be seen except for top 2 FT. NO VARIATION REQUEST
 IF NOT FOR THE 3 SIDED FRONT YARD CLASSIFICATION.
 SHED IS WELL CONSTRUCTED + PAINTED SAME COLOR AS HOUSE SO
 IT IS NOT UNSIGHTLY.

For the purpose of supplementing the above standards, the Village, in making this determination whenever there are practical difficulties or particular hardship, also shall take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

4. That the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out. Explain how this standard is met.

WITHOUT THE VARIANCES FOR THE FENCE AND SHED MY PROPERTY
 IS USELESS AND MY TENANT WOULD BE LIVING IN A FISH
 BOWL WITH NO PRIVACY OR STORAGE + A RATHER UNSIGHTLY
 MESS WITH FURNITURE + TOOLS STROWN ALL OVER FRONT YDS.

5. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification. Explain how this standard is met.

MY UNDERSTANDING IS THAT I AM THE ONLY PROPERTY
 IN ALL OF LAKE IN THE HILLS WITH 3 FRONT YARDS

Appendix L – Variance Requirements

6. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property. **Explain how this standard is met.**

The purpose of the shed is for the protection of theft of the tools, grill, garden furniture, etc., as there is no garage for storage.

7. That the alleged difficulty or hardship has not been created by any person presently having interest in the property. **Explain how this standard is met.**

This was created by the Village's criteria of a through-lot definition between Decatur and Crystal Lake Roads. There is not one other home that conforms to the criteria that I am being held to task for.

8. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. **Explain how this standard is met.**

Between the shed and the fence variation requests, this would only enhance the value of the neighboring structures, making it more aesthetically pleasing and hiding unsightly messes.

9. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood. **Explain how this standard is met.**

If approved, the shed will not impair light or air supply to adjacent properties nor impair vision to any road traffic. Please note that I have removed nine trees along Miller Road to improve vision to traffic.

or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood. Explain how this standard is met.

IF APPROVED THE SHED WILL NOT IMPAIR LIGHT OR AIR SUPPLY TO ADJACENT PROPERTIES NOR IMPAIR VISION TO ANY ROAD TRAFFIC.

(PLEASE NOTE I HAVE TAKEN OUT 9 TREES ALONG MILLER RD TO IMPROVE VISION TO TRAFFIC)

[Signature]

July 1, 19

[Signature]

July 1, 19

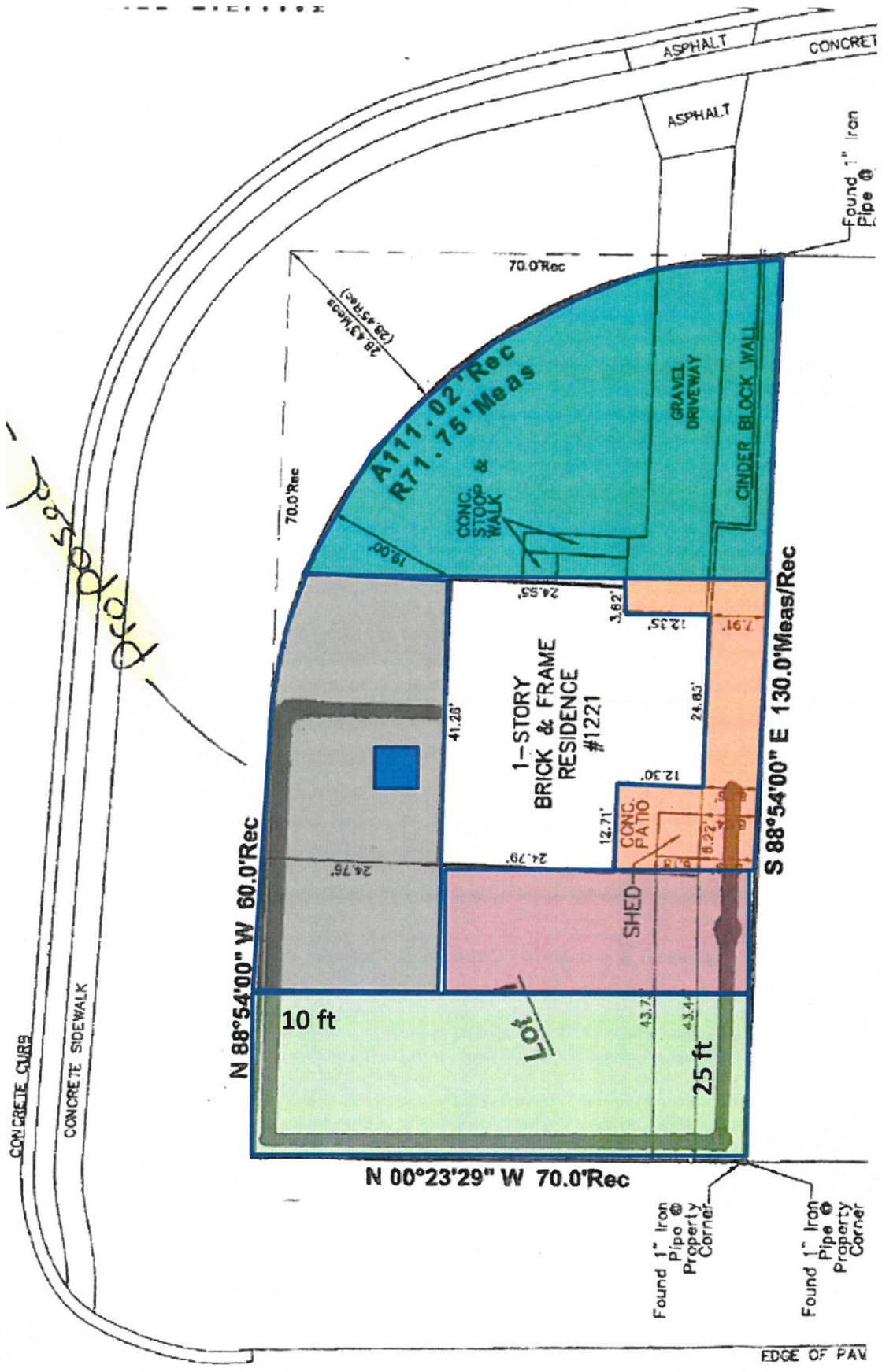
Property Owner Signature

Date

Applicant Signature

Date

Sgt ENTERPRISES



Handwritten note: 750' 00' 50'

N 88°54'00" W 60.0' Rec

N 00°23'29" W 70.0' Rec

S 88°54'00" E 130.0' Meas/Rec

A 111.02' Rec
R 71.75' Meas

70.0' Rec

70.0' Rec

24.75'

41.25'

1-STORY
BRICK & FRAME
RESIDENCE
#1221

Lot

SHED

CONC.
PATIO

25 ft

19.00'

24.55'

3.62'

12.35'

24.85'

7.91'

12.30'

8.22'

8.13'

Found 1" Iron Pipe @ Property Corner

Found 1" Iron Pipe @ Property Corner

EDGE OF PAV

CONCRETE CURBS

CONCRETE SIDEWALK

ASPHALT

CONCRETE

ASPHALT

Found 1" Iron Pipe @

GRAVEL DRIVEWAY

CINDER BLOCK WALL

CONC. STOOP & WALK

.....



PUBLIC INQUIRY HOTLINE
FOR MORE INFORMATION
CALL (847) 960-7000

