PUBLIC MEETING NOTICE AND AGENDA

PLANNING AND ZONING COMMISSION MEETING

December 16, 2019

***7:30 p.m*.**

1. Call to order
2. Roll call
3. Approval of the November 18, 2019 Planning and Zoning Commission meeting minutes
4. New business
    a. Variation to the Zoning Ordinance, Sections 15-2, 3, & 5, Lakefront Fencing at 355 Council Trail
5. Old business--None
6. Items for discussion
    a. Sign Ordinance Changes
7. Staff report
    a. November 2019 Board of Trustees meeting
8. Audience participation
9. Trustee liaison report
10. Next meeting is scheduled for January 13, 2020
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:** December 12, 2019 **Time:** 5:00 p.m.

PLANNING AND ZONING COMMISSION

November 18, 2019 MEETING MINUTES

Village of Lake In the Hills

Chairman Joe DeMay called to order at 7:30 p.m. the meeting of the Lake in the Hills Planning and Zoning Commission.

ROLL CALL

Commissioners Joe DeMay, Anna Siakel, Greg Walker, John Murphy, Michael Esposito, Suzanne Artinghelli, and Brent Borkgren were present. Also in attendance were Community Services Director Fred Mullard, Trustee Bill Dustin, and Administrative Specialist Laura Pekovic.

APPROVAL OF PLANNING & ZONING MEETING MINUTES

Commissioner Joe DeMay indicated that the October 14, 2019 meeting minutes should include Trustee Ray Bogdanowski's attendance at that meeting. Commissioner Artinghelli made a motion to make that change and approve the Commission meeting minutes of October 14, 2019, and Commissioner Esposito seconded. Motion carried 7-0.

NEW BUSINESS--None

OLD BUSINESS— None

ITEM FOR DISCUSSION—Sign Ordinance Changes

Tonight's meeting was to discuss temporary signs. Mr. Darrell Garrision, with Planning Resources, attended to assist in amending the Village's existing sign ordinance.

Mr. Garrison addressed the Commission. He indicated that temporary signs do have informational value to the community. The issues that need to be addressed are placement and enforcement.

Blade/Feather Banners—Mr. Garrison outlined the options pertaining to height, size, private property setbacks, conditions, and number of them on the property. He made some recommendations and comparisons to the surrounding communities. There was discussion among the Commission regarding feather banner locations currently during the moratorium, pros and cons of having them displayed, possible allowances, guidelines, restrictions, and value to the community. The consensus of the Commission was to allow feather banners with restrictions. There was also discussion to allow certain temporary signs with restrictions, to be handled by Staff with no variation required.

Real Estate Signs/Free Standing Yard Signs--Mr. Garrison outlined the locations, size, and time restrictions of these types of signs. There was discussion among the group about different sign types, current Village ordinances, restrictions, allowances, realtor feedback, resident need, number of signs, and surrounding community ordinances. Director Mullard indicated that he has received feedback from realtors that Open House signs have value. Neighboring communities say real estate signs can be displayed but must be removed in a certain period.

Frame Signs/Portable Signs—Mr. Garrison outlined the types of signs and where they are typically located. There was discussion among the group, and the consensus was that they would like to see them allowed since they do have value to the business and are not obtrusive.

Inflatable Signs/Air Activated Sign—Mr. Garrison gave examples these types of signs. There was discussion among the group and the Commissioners felt they should not be allowed at all.

Window Sign/Custom See-Through Signs—Mr. Garrison reviewed the types of signs, their visibility limits, and the purpose of allowing visual access for the Police Department. These are the newest trending signs and they not addressed in the in any surrounding municipality sign ordinance. Director Mullard indicated that Chief David Brey was asked for his input regarding these types of signs. It was Chief Brey's recommendation that these signs should not to block the view from the outside of the cashier, and 24-hour businesses need to have visual access through the window.

There was discussion among the group that these types of signs need to have some guidelines and restrictions for intensity and colors, graphic size, and possibly make these types a Conditional Use. Lake in the Hills would be one of the first to create an ordinance regarding these types of signs.

STAFF REPORT—Director Mullard informed the Commission that all four items recommended by the Planning & Commission in October 2019 were passed by the Village Board. Those items were as follows: 25 Roosevelt fence variation, 9256 Trinity Drive conditional use and variation, 290 North Randall Road drive-through conditional use, and the ordinance allowing cannabis business establishments.

AUDIENCE PARTICIPATION—None

TRUSTEE LIAISON REPORT— None

Commissioner Siakle made a motion to adjourn the meeting and was seconded by Commissioner Borkgren. All in favor voted Aye. Chairman DeMay adjourned the meeting at 9:00 p.m.

The next Lake in the Hills Planning and Zoning Commission meeting is scheduled for Monday, December 16, 2019 at 7:30 p.m.

Laura Pekovic
Administrative Specialist

REQUEST FOR PUBLIC HEARING AND COMMISION ACTION

PLANNING AND ZONING COMMISION

MEETING DATE: December 16, 2019

DEPARTMENT: Community Services

SUBJECT: Variation to Section 15.15-2, 3, and 5, Lakefront Fencing

EXECUTIVE SUMMARY

General Information

Requested Action: Three variations to Section 15.15 of the Zoning Ordinance

- Section 15.15-2 to allow a five-foot tall fence in the rear of the home. The Zoning Ordinance only allows for a four-foot fence.
- Section 15.15-3 to allow the fence along the rear property line to be set back eight feet. The Zoning Ordinance requires a minimum of a 15 foot setback.
- Section 15.15-5 to allow an ornamental aluminum fence. The Zoning Ordinance requires the fence be restricted to picket or split rail.

Owner: Katherine E. Biesen and Julian A Jastrowski

Applicant: Katherine E. Biesen and Julian A Jastrowski

Purpose: Allow a five-foot high, ornamental aluminum fence, with an eight-foot setback from the rear property line.

Location and Size: 355 Council Trail / 0.23 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 applicants request variations to the Zoning Ordinance to allow construction of a five-foot high, ornamental aluminum fence, with an eight-foot setback from the rear property line. There are currently no fences on this property, on the neighboring side lot lines, nor the neighboring rear lot lines. There is a

chain link fence along the opposite side lot line at 357 Council Trail that extends to the rear lot line and was installed before 2003. Section 15.15, with special requirements for lakefront fences, was added in June 2003. The primary purpose was to preserve the views of the lakes. To date, no other variations were granted to Section 15.15. There are a couple picket fences on side yards and one split rail fence in the rear yards around Willow Lake where this lot abuts. There are a mixed bag of board-on-board, chain link, split rail, and picket fences around the other three lakes. Altogether, less than 20 homes around all of the lakes have fencing in the rear yards.

The height of the fence was limited to preserve the views of the lakes. This lot does have a unique situation. There is an existing four to six-foot high earth berm along and behind the existing property line. A five-foot fence would do little to limit the views of the lake from this or adjacent properties.

The setback reduction would set a precedent that could encourage others to request a reduced setback, especially the adjacent property owners. Allowing the eight-foot setback in lieu of the required 15-foot setback increases the fenced in yard space from about 3600 sf to about 4100 sf. The attached site plan shows the requested location for the fence in black and the permitted location for the fence in red.

Finally, the request for a change in fence type to ornamental aluminum would also set a precedent for variation from the allowed wooden picket or split rail. The proposed fence does comply with the requirement to be at least 50 percent open, but the change from wooden to ornamental aluminum is a significant difference in appearance.

The applicants intend to install the fence to protect their dogs from other dogs, traffic, and wildlife in the area. Staff finds merit to the variation for height and is neutral on the variations for material and setback.

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 for privacy and security for their dogs.

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

The applicant indicates that this lot is a unique situation due to its location near the Fen and being a smaller corner lot.

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 traffic for their dogs.

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 location adjacent to the Fen and the amount of traffic on Roosevelt and Washington Streets 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 wildlife or 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. Plat and Fence Layout
4. Photos

RECOMMENDED ACTION

Commission recommend approval to the Village Board for variations to Section 15.15-2, 3, and 5 of the Zoning Ordinance at 355 Council Trail on parcel 19-28-106-063 allowing construction of a five-foot, ornamental aluminum fence eight feet from the rear property line.

20700

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APPLICATION **Date Filed (Staff Use Only):** NOV 25 2019

Property Information

Common street address: 355 Council Trail

PIN (Property Index Number): 19-28-106-063

Current Zoning: R-2 Proposed Zoning: _____

Current Use: Single-Family Proposed Use: _____

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): Katherine E. Biesen Julian A. Jastrowski

Business/Firm Name (if applicable): N/a

Address: 355 Council Trail

City/State/Zip: Lake In The Hills, IL 60156

Phone Number: 815-342-5021 / 847-915-5433

Email: kebiesen@yahoo.com julian.jastrowski@yahoo.com

Applicant Information

Name(s): Same as above

Business/Firm Name (if applicable): N/A

Address: _____

City/State/Zip: _____

Phone Number: _____

Email: _____

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Application Request

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
Variance – Non-Residential		0-2 ac = $250 Over 2 ac = $500	L	Yes	
Development Plan Review		$500 + $10/ac	M	No	
Total Fees – add column 6 (Separate Check)					100
Additional Fees					
Stormwater Permit Application Fee to be paid at time of permit issuance **(Separate Check)** Minor = $250 Intermediate or Major = $1,000					
Reimbursement of Fees Required **Appendix B** = $2,000 + $100/acre for every acre over 5 acres **(Separate Check)**					

If the Village provides a sign to publicize a public hearing related to this application, the applicant accepts responsibility to ensure the sign is returned within one week after completion of the hearing. The applicant further agrees that if the sign is not returned, they will compensate the Village $75.00 to allow for a replacement of the lost sign and agrees the Village may withhold approval of their application until payment is received.

Property Owner Signature — Date 11/22/19

Applicant Signature — Date 11/24/19

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

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

Appendix L – Variance Requirements

NOV 25 2019

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:

We are seeking variation for a 5 foot fence within 15 feet of the property line in the material of alluminum. Section 15.15 of the zoning code.

This request is to prevent our dogs from running into the street or park / into lake, to protect them from neighboring dogs and from local wildlife. This fence is a beautiful black alluminum so it will be visually pleasing to others as well. Our dogs are our children and our first priority is their well being. I Believe this will add to the quality of their lives and ours.

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.**

We cannot maximize the enjoyment of our property as it is. There is an opposum that lives in the wooded area outside of proposed fence, there have been foxes, skunks and coyotes in our yard and protecting them and our dogs would be solved with this fence.

Appendix L – Variance Requirements

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

Our yard is lower than all surrounding land - we are one lot away from a public park and playground. People and dogs walk behind our house everyday

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

You can still have an unobstructed view of Goose Lake from any point in the yard. (Do to the berm in the back yard)

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.**

If we were to have a 4 foot fence as is currently law, our dog would be able to jump over it and chase. Park 1 lot away and public land behind home.

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.**

Our yard sits lower than the lake and our neighbors. The fence would not be an obstruction. The fence would keep our dogs safe. as proposed

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 desire is to provide a safe enclosure for our dogs and the dogs of visiting friends & family. The addition of "sale price" is a bonus but not one we will be cashing in on anytime soon.

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.**

An invisible fence does not provide safety to my pets from other pets. A physical fence ensures protection/control of property.

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.**

Having a fence is not detrimental to public welfare - but the opposite. This fence will not impact public land access.

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.**

5 foot alluminum fence in the wrought iron style so air/light can flow freely. People will be able to walk all the way around the fenced portion of the yard to all adjacent land.

Kate B. 11/24/19 Kate B. 11/24/19

Property Owner Signature Date Applicant Signature Date

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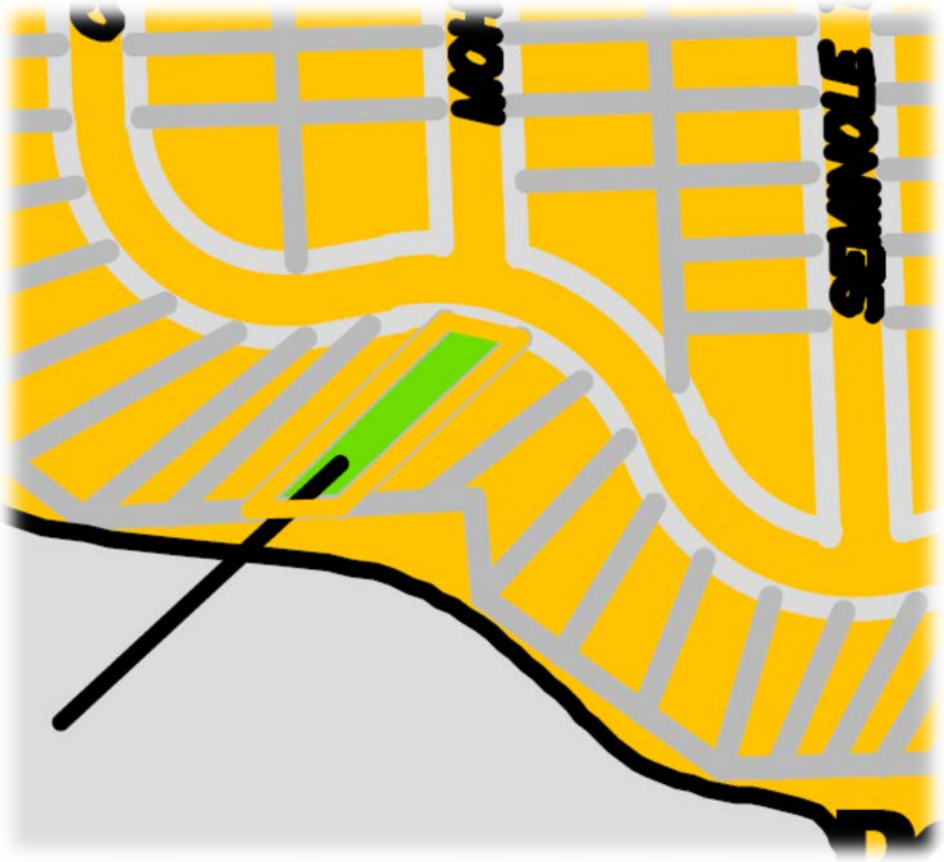

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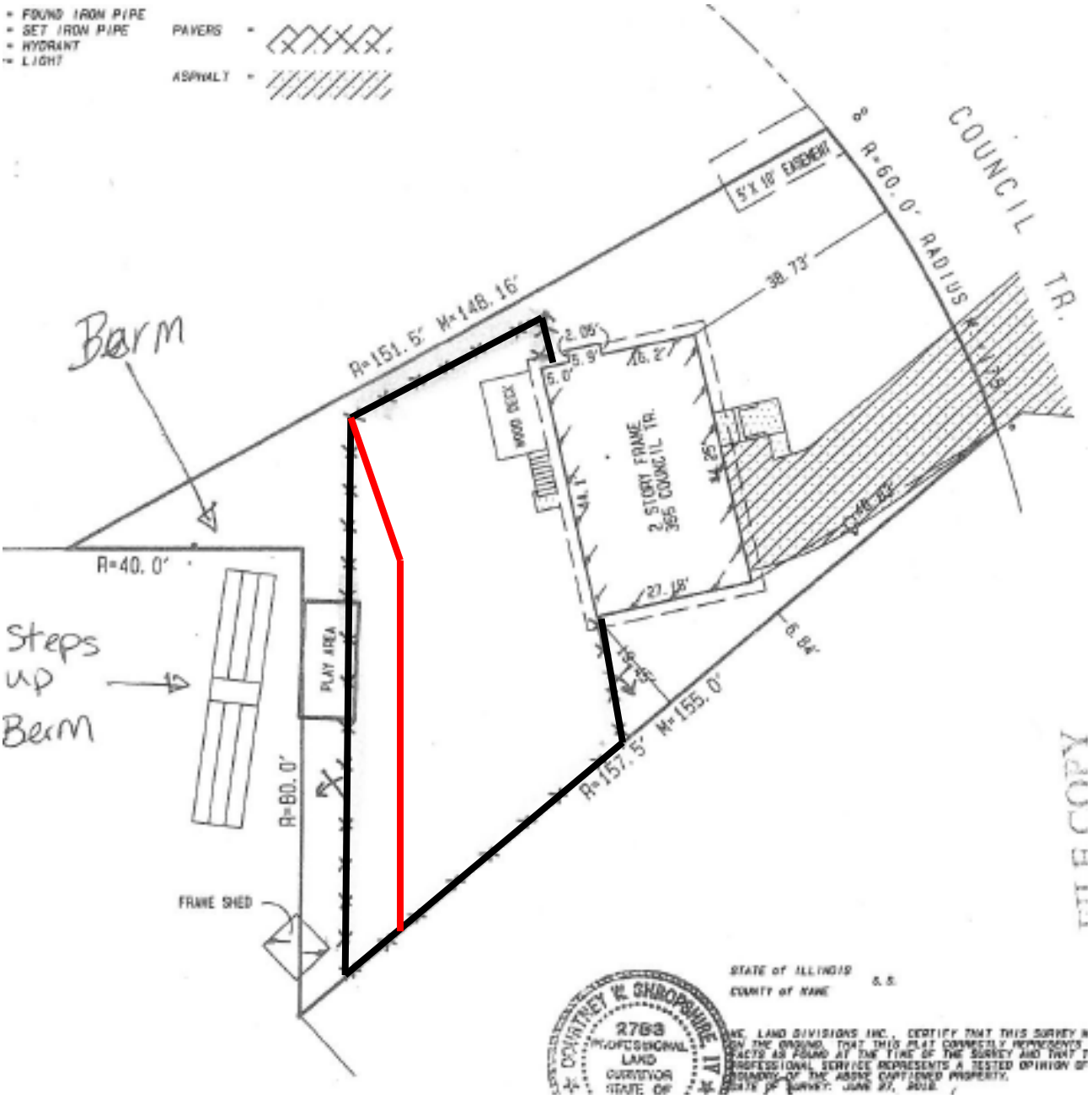

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