

# PUBLIC MEETING NOTICE AND AGENDA

# PLANNING AND ZONING COMMISSION MEETING

October 12, 2020

7:30 p.m.

- 1. Call to order
- 2. Roll call
- 3. Approval of the September 14, 2020 Planning and Zoning Commission meeting minutes
- 4. New business
  - a. Variation to the Lake in the Hills Zoning Ordinance, Section 15.3-2, Side and Rear Yards, at 261 Wright Drive
- 5. Old business--None
- 6. Items for discussion—None
- 7. Staff report
  - a. September 2020 Board of Trustees meeting
  - b. Administrative variations for 2900 Brisbane Drive and 2891 Melbourne Lane per Section 15.3-1(G).
- 8. Audience participation
- 9. Trustee liaison report
- 10. Next meeting is scheduled for November 16, 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.

# PLANNING AND ZONING COMMISSION

SEPTEMBER 14, 2020 MEETING MINUTES

Village of Lake In the Hills



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

## ROLL CALL

Commissioners Brent Borkgren, Michael Esposito, Anna Siakel, John Murphy, Craig Bolton, and Chairman DeMay were present. Commissioner Greg Walker was absent. Also in attendance were Interim Community Development Director Ann Marie Hess, Village Administrator Fred Mullard, and Administrative Specialist Laura Pekovic.

### **APPROVAL OF MEETING MINNUTES**

Commissioner Esposito made a motion to approve the Commission meeting minutes of August 17, 2020, and Commissioner Borkgren seconded. Motion carried 6-0.

### NEW BUSINESS

### 1. <u>Request for a Variance to the Lake in the Hills Zoning Ordinance, Section</u> <u>15.3-1 (D), and Permitted Fencing at 1610 Royal Oak Lane</u>

#### Staff Report

Interim Community Development Director Hess reviewed the Request for Commission Action dated September 14, 2020.

#### Discussion and Comments by Staff and the Planning and Zoning Commission

Mr. Richard Marvel, homeowner of 1610 Royal Oak Lane, Richard spoke. He explained that he received a permit to build the fence and it was planned to be 6-feet high to accommodate the close proximity to the deck and above-ground swimming pool. Also, he does not feel it is appropriate or fair for him redo the deck and that the fence is appropriate for the home site.

Resident Jack Rossatt also spoke. Also has a corner lot nearby and he his built his fence to comply with Village code and tapered the fence height lower towards the back to assist with the traffic site line. He showed the Commission pictures of the fence at 1610 Royal Oak, and was his opinion the fence blocks the traffic sight lines.

Resident Ernesto Cruz spoke. It was opinion that the fence is appealing, safe, and brings value to the neighborhood. He has no issues with the fence.

# PLANNING AND ZONING COMMISSION SEPTEMBER 14, 2020 MEETING MINUTES Village of Lake In the Hills

Interim Community Development Director Hess conveyed to the Commission that Mr. Rossat indicated that the last few feet of the back of the fence at 1610 Royal Oak could be tapered to 5-foot tall fence instead of 6-foot tall fence to alleviate the traffic sight line issues. There was discussion/clarification about the request and the issue of safety.

Motion to recommend approval to the Village Board to approve the variance to the Lake in the Hills Zoning Ordinance, Section 15.3-1 (D), Permitted Fencing, at 1610 Royal Oak Lane was made by Commissioner Murphy and seconded by Commissioner Siakle. On a roll call vote Commissioners, Esposito, Murphy, Borkgren, Bolton, Siakel, and Chairman DeMay voted Aye. Motion carried 6-0.

# 2. <u>Request for a Variance to the Lake in the Hills Zoning Ordinance, Section</u> <u>13.3-1, Accessory Structure – Height Limitations and Section 13.3.2,</u> <u>Accessory Structure – Size, at 4660 West Algonquin Road</u>

#### Staff Report

Interim Community Development Director Hess reviewed the Request for Commission Action dated September 14, 2020.

#### Discussion and Comments by Staff and the Planning and Zoning Commission

The petitioner, Tom Yucis, owner of Butcher on the Block spoke on the need for this outdoor accessory structure/cooler. He explained that since COVID-19 started, his business has seen an a 60 percent increase of sales, has brought more business to Lake in the Hills from other nearby communities, and he predicts this will continue in the future. He currently has three coolers inside the building and a refrigerated truck parked outside the back of the building to store product such has meat, deli meats, and salads that are in demand for his business. Mr. Yucis clarified for the Commissioner Siakle that he has three back doors to the building, and people will not have to enter the cooler to enter the back of the building. It was clarified for Commissioner Borkgren, who would like to see the cooler located further back on the lot, that the accessory structure/cooler's location was decided upon, per the architect, because of the 10-foot required setback, and space for roof water drainage.

Motion to recommend approval to the Village Board to approve the variance to the Lake in the Hills Zoning Ordinance Section 13.3-1, Accessory Structure—Height Limitations and Section 13.3.2, Accessory Structure—Size that allows for construction a 14-foot high, 465 square foot accessory shed/cooler located at the back of the building at 4660 West Algonquin Road with the area directly behind the shed to be grass instead of asphalt, was made by Commissioner Borkgren and seconded by Commissioner Esposito. On a roll call vote Commissioners Borkgren, Bolton, Siakel, Esposito, Murphy, and Chairman DeMay voted Aye. Motion carried 6-0.

# 3. Zoning Text Amendments to Section 16, Signs

#### Staff Report

Interim Community Development Director Hess reviewed the Request for Commission Action dated September 14, 2020 and also read outloud the public comments that were submitted to Village staff ahead of this public hearing. Also in attendance to answer any questions was Mr. Darrel Garrison of Planning Resources and consultant Paul Evans.

#### Discussion and Comments by Staff and the Planning and Zoning Commission

Tim Borden, Vice President of Moretti's spoke. He indicated that there is an electric message board at the Morton Grove location. He said it is a tasteful way to advertise the business and community events. He would like the same sign available in Lake in the Hills.

At Commissioner Borkgren request, there was discussion and clarification regarding monochromatic window signs pertaining to Section 16.E-2. It will be clarified in the new ordinance that there will be no mixing graphics and solids on a single elevation.

Motion to recommend approval to the Village Board to amend Section 16, Signs, to the Zoning Ordinance was made by Commissioner Borkgren and seconded by Commissioner Siakle. On a roll call vote Commissioners Borkgren, Bolton, Siakel, Esposito, Murphy and Chairman DeMay voted Aye. Motion carried 6-0.

## OLD BUSINESS

# 1. <u>Request for a Conditional Use for Senior Housing, Variations, and</u> <u>Development Plan Final Approval for Arden Rose Senior Living</u>

#### Staff Report

Interim Community Development Director Hess reviewed the Request for Commission Action dated September 14, 2020.

#### Discussion and Comments by Staff and the Planning and Zoning Commission

Tony Sarillo, Architect and Developer, spoke to recap the development plans for Arden Rose Senior Living. Commissioner Borkgren asked for clarification regarding the vacated easement. Mr. Sarillo and Interim Community Development Director Hess clarified the location of the planned bike path, which now meets the Village's requirement. He reiterated that he and Laurel Sorenson have submitted a new photometric plan, plat of easements, a new building rendering, final engineering plans, and landscape plans to comply with the Village's requirements.

# PLANNING AND ZONING COMMISSION SEPTEMBER 14, 2020 MEETING MINUTES

Village of Lake In the Hills

Motion to recommend approval to the Village Board to approve a Conditional Use for Senior Housing, variations to Table 8.4, Section 18.9, Sections 15.2 & 15.3, and Section 26 of the Zoning Ordinance, , and Development Plan Final Approval for Arden Rose Senior Living at 700 East Oak Street was made by Commissioner Esposito and seconded by Commissioner Siakel. On a roll call vote Commissioners Borkgren, Bolton, Siakel, Esposito, Murphy, and Chairman DeMay voted Aye. Motion carried 6-0.

### ITEMS FOR DISCUSSION - None

**STAFF REPORT** – Roots Autism Solutions was approved by the Village Board of Trustees last month.

### 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 8:31 p.m.

The next Lake in the Hills Planning and Zoning Commission meeting is scheduled for Monday, October 12, 2020 at 7:30 p.m.

#### *Laura Pekovíc* Administrative Specialist I

# REQUEST FOR PUBLIC HEARING AND COMMISION ACTION



#### PLANNING AND ZONING COMMISION

- MEETING DATE: October 12, 2020
- **DEPARTMENT:** Community Development
- SUBJECT: Variation to Section 15.3-2, Side and Rear Yards

#### **EXECUTIVE SUMMARY**

#### **General Information**

Requested Action:	Variation to Section 15.3-2, Side and Rear Yard Fencing, of the Zoning Ordinance to allow for construction of a solid fence. (The ordinance requires fencing panels to be a minimum of 30 percent open).			
Owner:	Jacob Gregory			
Applicant:	Jacob Gregory			
Purpose:	Allow construction of a solid fence in the side and rear yards.			
Location and Size:	261 Wright Drive			
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 variation to the Zoning Ordinance to permit a six-foot high solid panel fence along the side and rear lot lines of his property.

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

The applicant indicates without a solid fence, he cannot maximize the enjoyment of his property due to adjacent properties with barking dogs that pounce on the current fencing. He feels his family's health, safety, and security are threatened.

#### B. <u>The plight of the owner is due to unique circumstances; and</u>

The applicant indicates the current five-foot high board-on-board fence does not offer sufficient protection for his children from the neighbor's dogs.

#### C. <u>The variation, if granted, will not alter the essential character of the locality.</u>

The applicant indicates this will not alter the essential character of the locality, and a new solid fence will be aesthetically pleasing.

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. <u>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;</u>

The applicant indicates the hardship created is if required to install a board-on-board fence, his children could put their small hands through the boards and be bitten by the neighbor's dogs. The applicant also believes people coughing and sneezing at the adjacent properties will endanger his family's health.

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

The applicant indicates the solid fence will protect his family and neighbors from airborne Covid-19, and his family from dog bites.

# 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.

# F. <u>That the alleged difficulty or hardship has not been created by any person presently having interest in the property;</u>

The applicant indicates he did not intentionally desire to not meet minimum code required fence openness. He indicates the variance request is driven by conditions present at adjacent properties.

# G. <u>That the granting of the variation will not be detrimental to the public welfare or injurious to</u> <u>other property or improvements in the neighborhood in which the property is located; or</u>

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.

# H. <u>That the proposed variation will not impair an adequate supply of light and air to adjacent</u> 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 the new fence will not impair an adequate supply of light and air to adjacent properties, will reduce fire hazard by removing the old wooden fence, and will help property values.

#### ATTACHMENTS

- 1. Application
- 2. Site Plan
- 3. Plat with fence location
- 4. Photos

#### **RECOMMENDED ACTION**

The Commission does **not** recommend approval to the Village Board for variation to Section 15.3-2 of the Zoning Ordinance at 261 Wright Drive 18-26-179-007 allowing the construction of six-foot high solid fencing along the side and rear lot lines.

The recommendation is based on the fact that variations are intended to be property rights that run with the land, not intended to address specific individual's needs that currently occupy the property.

Should the Commission desire to consider a text amendment to allow solid fencing throughout the Village, the petitioner's hearing, could be continued.

DECEIVED SEP 0 8 2020 By SP 2013225 PLANNING & ZONING APPLICATION
Property Information
Common street address: 261 wright Drive
PIN (Property Index Number):_ 1826 179 007
Current Zoning: <u>R2-Pub</u> Current Use: <u>R2-Pub</u> Proposed Use: <u>R2-Pub</u> Proposed Use: <u>R2-Pub</u>
Current Use: <u>Proposed Use</u> : <u>Proposed Use</u> : <u>Proposed Use</u> :
Is the request consistent with the Comprehensive Plan?
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): Jacob Gregory
Business/Firm Name (if applicable):
Address: 261 wright Drive
City/State/Zip: Lake In the Hills, IL 60156
Phone Number: 847-529-8507
Email: JacobLV77@AoL.com
Applicant Information
Name(s): Jacob Gregory
Business/Firm Name (if applicable):
Address: 261 wright Drive
City/State/Zip: Lake in the Hills, IL 60156
9 Number: 847-529-8507
Jacob LV 77@ Aol. com

#### PLANNING & ZONING APPLICATION Page Two

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	Н	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	$\times$	\$100	L	Yes	501 #
Variance – Non- Residential		0-2 ac = \$250 Over 2 ac = \$500	L	Yes	
Development Plan Review		\$500 + \$10/ac	М	No	,
		Total Fees - a	add column 6 (Se	eparate Check)	#100.#L
		Additio			
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					

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's Signature	<b>B/2020</b> Date	_ If Owner/Applicant is a School District please, fill out and submit Appendix N
S-She	09/08/2020	
Applicant' s Signature	Date	

+1

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

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#### 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

Jacob Gregory

(Applicant)

regarding the property at 261 wright Orive Luxein the Hills IL 60156.

I understand a hearing will be held on the \_ lack day of \_ Gctober \_\_\_\_\_ 20\_\_\_\_, at 7:30pm at the Lake in the Hills, IL 60156.

Property Owner's Signature	Date	9/8/2020	
Address 261 wright Orice Lake in the Hills,	I2601	56	
PIN# 1826179007			

 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 a Variation for A 6FOOT white solid Vinyl

Privacy Fence or a 6 Foot Vingl Solid Privacy Fense in the

Driftwood Gray Golor in wood Vingl grain To replace The Arched

Old Bourd on Board Semi Privacy Fence And Two GAtes To replace the existing ones.

This Request is To prevent my three and foor your ald children

From being bitten by the large vicious doss that Live

At the properties located to the Left hand side of my home

and the two homes behind my home.

This request is Also being made To Keep the Noise coming From Neighbors homes. I Suffer From PTSD & Anxiety ATTacks. Loud Noises initials Anxiety ATTACKS

The Fence is made of beautiful white or Driftwood Gray Unyl, so it will be usually pleasing to others. our children, privacy and health are our Top Privary. The existing Fence has openings between each board which endagers my children and our health. with covid-19 Airborne Parnicals can travel between the boards of the existing Fence. Neighbors have parties on the weekends and Do no tweer masks A New GRout vingl solid Fence will provide security to my Children and A Solid burger Against covid-19. The Fence will Also Provide Privacy and Reduce Noise levels.

#### 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 NOW. The exessive Dog barking and dogs Pouncing on My Fence when My children come out to Play does not provide us safety or security. Children Are curious and I am AFraid At what would happen if they Put their Tinz hands Throug The Openings OF the existing Pence.

A 6 Foot Solid Privacy Fener will Protect mychildren and our Health.

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

Current Arched Stoot woold Board on Board Fenez has openings My children could be bitten by any of the Large dogs that Live in the houses that Arebehind my yard or by the one To The Left of My house. A 6 foor Solid Ving Fence will not Allow The Dogs To see My children and will reduce Dog Barking, Noise From Backyard PArties and will Provide a better barrier Agains could-19

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

Anew solid Vingl Fence will replace the existing Fence

And will be aesthericay pleasing.

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 install a 6 Foot Board on Board Fence as is currentlaw, our children could put their small hands through The Boards and be bitten. People coughing and sneezing will endangerour health since they Do not wear MASKS.

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.

The Fence would not be an obstruction. The 6 Foot

Solid Vinyl Privacy Fence Will Protect my children, and myself From could-19. Protection from Dog bites will be Provided by The new 6 Foot Solid Ving Fence.

- The Fence will also Protect neishbors from Airbourne covid\_19
- 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, sto provide A SAFE enclossore To our children and the clotdren OF visiting Friends and Relatives. Adding Anew 6Foot ving! Solid Fence would increase the "Gale price" However we purchase our home in August 2019

and have no intention of selling our home at All.

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.

My house is not for sale and won't be. The Stoot Arched board on board Fence Was Already installed. A Solid 6 Foot Winyl 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.** 

Replacing The old Fence with A 6 FOOT Solid Vingl Privacy Fence is not Detrimental To Public Welfare - but the opposite. It will not in Jur other Property of improvements as The Fence Will be replacing the old Fence that is on my property

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.

A GFOOT VINIL Solid Privacy Fence Vill Nor impair Adequate Supply of light or Air To Adjacent Proporties. A Vingl Fence will reduce The Danger of Fire. The existing old wood Fine Poses Arisk of Fire and does not help the Value of Properties rround me.

Anew 6 Foot Privacy vinal Fenere beartifies my rard and their yardswich help their property values.

9/8/2020

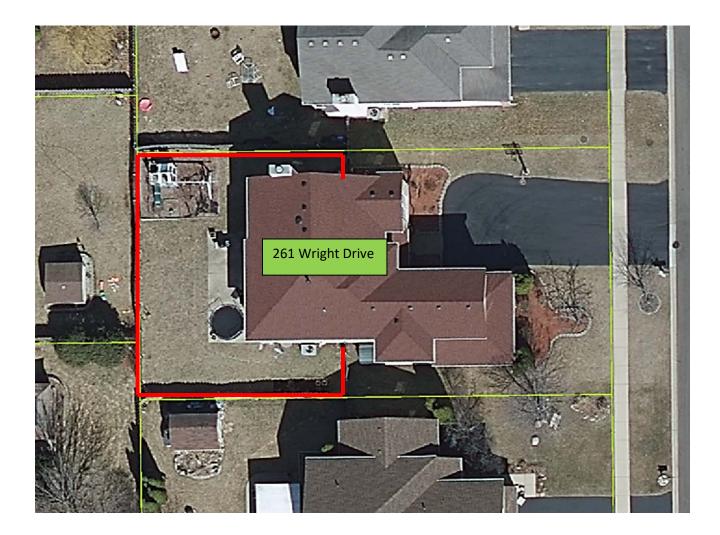
**Applicant's Signature** 

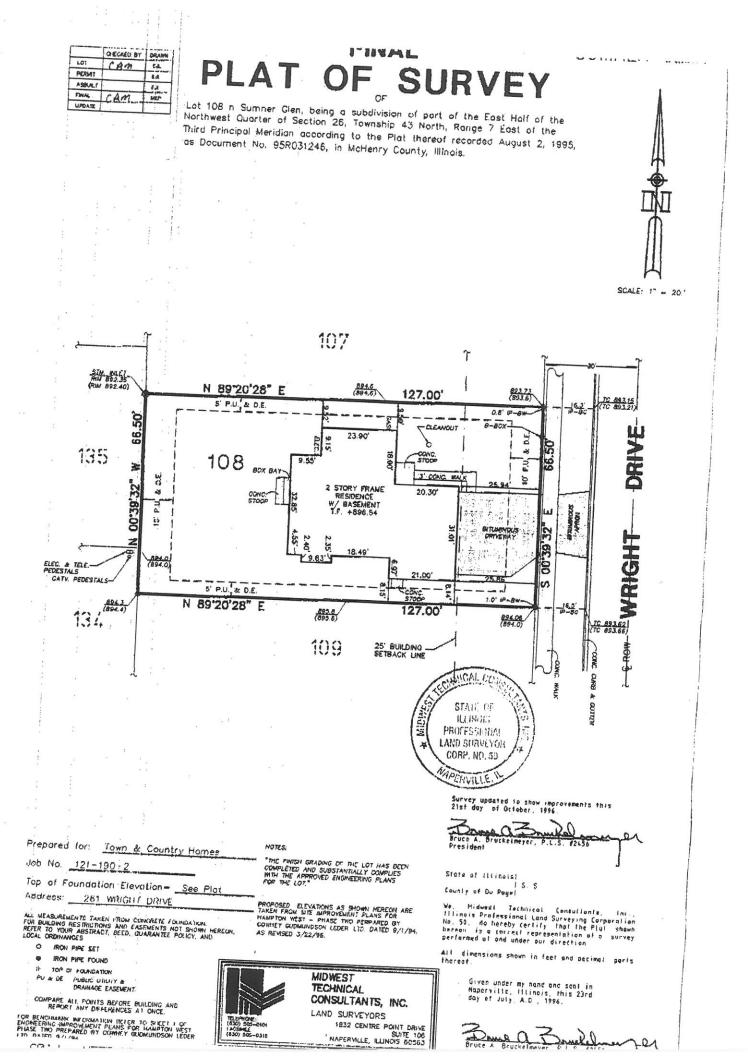
Date

4/8/2020 esh.

Property Owner's Signature

Date







Existing fencing at 261 Wright Drive.



Existing fencing at 261 Wright Drive.



Existing fencing at 261 Wright Drive.