



PUBLIC MEETING NOTICE AND AGENDA  
PLANNING AND ZONING COMMISSION MEETING

December 14, 2020

7:30 p.m.

AGENDA

This Meeting will be Conducted Remotely

Due to the Governor's order restricting gatherings of people, and in an effort to minimize the potential spread of COVID-19, this meeting will take place remotely using GoToMeeting.com. The Village encourages anyone who wishes to address the Planning and Zoning Commission to submit a written statement to be read aloud at the meeting. Please submit to Interim Community Development Director Ann Marie Hess at [ahess@lith.org](mailto:ahess@lith.org) a written statement by 4:00 p.m. on December 14, 2020. You may also join the meeting remotely by using your phone and dialing 1- 224- 501-3412 and Access Code 419-612-045 or join via computer, tablet or smartphone at the link below:

<https://global.gotomeeting.com/join/419612045>

When you join the meeting, please announce yourself as a member of the public. Please be aware that the meeting will be recorded.

1. Call to order
2. Roll call
3. Approval of the November 16, 2020 Planning and Zoning Commission meeting minutes
4. New business:
  - a. 104 Deer Path—Request for Approval of a Variation to Section 7.4, “Residential Districts, Residential Bulk Chart”, and a Variation to Section 4.4-2, “General Provisions, Lot Area & Dimension”.
  - b. 8302 Pingree Road—Request for Approval of a Variation to Section 13.5, “Permitted Accessory Structures”, and a Variation to Section 13.3-2, “Floor Area-Size”.
  - c. Village of Lake in the Hills—Request for Approval of a Text Amendment to the Zoning Ordinance, Section 11, Permitted and Conditional Use Chart, to Allow “Outdoor Storage of Materials/Vehicles/Equipment Accessory to Principle Use” in the B-1 Zoning District.
  - d. 1203 Crystal Lake Road—Request for Approval to Rezone 1203 Crystal Lake Road from B-2, Neighborhood Convenience, to a B-1, Transitional Use, and a Conditional Use to Section 11, Permitted & Conditional Use Chart, to Permit Outdoor Storage of a Vehicle Accessory to Principle Use in a B-1 Zoning District.
5. Old business- None
6. Item for discussion- Continuation of Section 16, Fences, and Section 3, Definitions, of the Lake in the Hills Zoning Ordinance
7. Staff report
  - a. November 2020 Board of Trustees meeting
8. Audience participation
9. Trustee liaison report
10. Next meeting is scheduled for January 17, 2021
11. Adjournment

**Village of Lake in the Hills**  
**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 11, 2020

**Time:** 5:00 p.m.



Chairman DeMay called to order at 7:30 p.m. the meeting of the Lake in the Hills Planning and Zoning Commission. This meeting was held remotely via Go To Meeting.

## ROLL CALL

Commissioners Brent Borkgren, Michael Esposito, Anna Siakel, Craig Bolton, and Chairman DeMay were present. Commissioner John Murphy joined remotely at 7:37 p.m., as he had a connectivity issue. Commissioner Walker joined at 7:43 p.m. Also in attendance were Interim Community Development Director Ann Marie Hess, Village Consultant Paul Evans, Trustee Bill Dustin, and Administrative Specialist Laura Pekovic.

## APPROVAL OF MEETING MINNUTES

Commissioner Siakel made a motion to approve the Commission meeting minutes of October 12, 2020, and Commissioner Esposito seconded. Motion carried 5-0.

## NEW BUSINESS

- a. Change the Zoning Classification from B-2 to R-2 at 1126 West Algonquin Road

### Staff Report

Director Hess reviewed the Request for Commission Action dated November 16, 2020.

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

There was discussion among the group about the property at 1126 West Algonquin Road, the shared driveway, and the different zoned properties surrounding it. Property owner, Michael Lange, said that while he had the property for sale, buyer interest was for it to be a residential home, not another business. Mr. Lange stated he felt if the property was residential, it would cause less traffic than a business. Commissioner Walker said he didn't see changing the zoning as a problem, as it was originally zoned residential and there are other residential buildings nearby. Commissioner Siakel said that several years ago the Commission had discussed that area and saw it as business area.

Commissioner Esposito made a motion to approve the zoning classification request from B-2 to R-2 at 1126 West Algonquin Road. The motion was seconded by Commissioner Walker. On a roll call vote Commissioner Esposito, Murphy, Bolton, Walker, Borkgren, and Chairman DeMay voted Aye. Commissioner Siakel voted No. Motion carried 5-1.

**OLD BUSINESS** – None

**ITEMS FOR DISCUSSION**— Section 16, Fences, and Section 3, Definitions, of the Lake in the Hills Zoning Code.

Paul Evans, Village consultant, started the presentation. He indicated that the goal was to improve Section 16's wording, comprehension, and permitted location illustrations. Another goal is to update the types of fences allowed and modernizing the standards based upon community needs and wants. The yard diagrams were presented and referred to by the group during this discussion.

Mr. Evans reviewed the community comparison study of surrounding municipalities and what is allowed for materials, height, location, and fence-panel openness. He stated that Algonquin, for certain fences, and Lake in the Hills are the only two communities in the comparison study that require some opening to the fence panels. Lake in the Hills has a 30 percent open requirement.

The discussion turned to fence types and materials. Commissioner Esposito felt PVC (poly vinyl chloride) is not a strong enough material, especially if the Commission allows a solid fence. He said the vinyl is not sturdy enough to withstand the cold and wind. He also said that vinyl or composites that are made to look like wood, would be acceptable materials. Commissioner Walker said he feels that vinyl is acceptable if the material is up to code and that if the fence is maintained and fixed in a timely fashion when it blows down. Director Hess explained PVC materials have improved over the years. Maintenance on cedar and pressure-treated wood fences have become a maintenance issue within the Village. She has noticed that some of the wood fence barriers along the north side of Randall Road are curled and pulled away from the rails, and some areas need maintenance. Commissioner Esposito clarified his concern of non-conformity of white vinyl PVC.

There was discussion about the PVC vinyl and its low-maintenance and panel-side consistency, in that both panel sides look the same. Chairman DeMay inquired as to what the surrounding communities allow. Mr. Evans explained that the surrounding communities allow PVC, except for Lakewood. Lakewood does not also allow chain-link fences. He reiterated that people choose PVC because it is low maintenance, meaning there is no rotting or rusting.

Director Hess said that according to the International Residential Code, the frost depth is 42 inches below grade. The Village requires it for fence posts to withstand high winds and prevent the post leaning issues. Some surrounding communities don't require that depth and they have problems with leaning fences. Commissioner Walker said vinyl will not rot like the wood and treated wood and agreed the deep post-hole depths make the fence sturdier. There was discussion about pressure-treated wood and its need to be maintained. Commissioner Esposito said he likes vinyl composite fences because they resemble wood & their posts are wood with a vinyl cover. Commissioner Esposito also asked if Village staff sees residents using the new expansive foam that is hard as concrete to set their fence posts. Director Hess replied that it is allowed in Lake in the Hills, and she had a couple of inquiries for installations with that material. She indicated that is a newer type of material that may take time to catch on in this area with the fence companies.

## PLANNING AND ZONING COMMISSION

November 16, 2020 MEETING MINUTES

Village of Lake In the Hills

There was discussion about what the Commission would like to have as suitable materials. Commissioner Esposito would like see PVC vinyl composite and wood as an acceptable material. Commissioner Walker said maintenance is most important to him. Commissioner Siakle asked about the Village regulating fence colors. Director Hess indicated that Village does not have an architectural committee to regulate colors. The Village has not had a problem with fence colors in the past. Commissioners Walker and Esposito said they were in agreement with the proposed changes thus far.

There was discussion about perimeter fences, and Commissioner Walker suggested that the Village pay or cost-share with the homeowner to maintain/replace permitted fencing along the main roads so there is uniformity and better aesthetics, which could increase property values. Commissioner Walker feels that there could be money in the budget for this. Director Hess expressed concern regarding sensitivity to customers with mandating expenditures in these current economic times. Commissioner Walker requested of Trustee Dustin to ask the VBOT and he said he would, but in general it would cost \$100K+. Commissioner Esposito suggested perhaps a grant could be applied for to pay for it.

Mr. Evans stated that he didn't propose changes to lakefront fences. He did propose changes to corner, perimeter, through, and interior lots for height, location, and openness. He explained the proposed changes and answered questions. There was discussion about uniformity of fence colors, styles, and heights.

There was discussion among the group about the maintenance, requirements and types of permitted fences. Commissioner DeMay indicated that he liked the proposed changes for corner fences. Commissioner Esposito said he liked the proposed changes to proposed hybrid fence (flat panel with top lattice) for corner lots and solid six-foot high panels for perimeter fences.

Mr. Evans said he would review the notes that he took at this meeting, would discuss with staff, and plan to continue this discussion at the next Planning & Zoning meeting.

### STAFF REPORT

- a. October 2020 Board of Trustees meeting—The fence variation at 261 Wright Drive was approved by the Village Board of Trustees.
- b. It was determined by the Commission that the February 15, 2021 Planning & Zoning meeting would be moved to February 16, 2021 due to the Presidents' Day holiday.

### AUDIENCE PARTICIPATION—None

**TRUSTEE LIAISON REPORT**— There was discussion by the Village Board of Trustees regarding the fence variation request for 261 Wright Drive. There was concern about a neighboring fence lining up with it. It was ultimately approved by the Village Board of Trustees by a vote of 5-1.

Commissioner Borkgren announced that this was his last Planning & Zoning meeting after 19 years of service.

**PLANNING AND ZONING COMMISSION**

**November 16, 2020 MEETING MINUTES**

**Village of Lake In the Hills**

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Commissioner Siakel made a motion to adjourn the meeting and was seconded by Commissioner Borkgren. All in favor voted Aye. Chairman DeMay adjourned the meeting at 9:42 p.m.

The next Lake in the Hills Planning and Zoning Commission meeting is scheduled for Monday, December 14, 2020 at 7:30 p.m.

*Laura Pešović*  
Administrative Specialist

DRAFT

# REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION



## PLANNING AND ZONING COMMISSION

**MEETING DATE:** December 14, 2020

**DEPARTMENT:** Community Development

**SUBJECT:** 104 Deerpath- Variations to Section 7.4, Residential Bulk Chart, and minimum front yard depth required, including footnote number 3; and to Section 4.4-2, Lot Area and Dimension, minimum side yard setback required.

## EXECUTIVE SUMMARY

### General Information

*Requested Action:* At 104 Deer Path, approve variation to Section 7.4, Residential Bulk Chart, including footnote number 3, minimum front yard depth required, to allow a 15'- 1½" front yard depth, where the average of the block controls the front yard depth which is established to be 25'-11" for this location; and a variation to Section 4.4-2, Lot Area and Dimension, to allow a 5'-4¼" side yard setback, where a 6'-0" side yard setback is required.

*Owner:* Peggy Setter

*Applicant:* Peggy Setter

*Purpose:* Allow construction of an attached garage addition on a limited area lot with an existing home and carport.

*Location and Size:* 104 Deerpath, Pin. 19-29-177-005, .1928 acres

*Zoning and Land Use:*

Site:	R-2, Single Family Zoning District
North:	R-2, Single Family Zoning District
East:	R-2, Single Family Zoning District
South:	R-2, Single Family Zoning District
West:	R-2, Single Family Zoning District

### Background

The applicant requests variation to the Zoning Ordinance to construct an attached garage addition. The existing home currently has a carport area at the front of the home. The owner would like to convert the space to an enclosed attached garage addition. In order to create a standard size 2-car enclosed garage,

the owner is seeking approval for front and side yard setback encroachments being dictated by the existing location of the home on the site. The owner has been working closely with an architect to develop a design that will function and minimize the dimensions of encroachment from the code required setbacks to the front and side lot lines. The new garage design blends nicely with the existing home and serves a much needed expansion of the home to create indoor storage for vehicles and lawn equipment.

### **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 property enhancements will aesthetically blend with other homes on the block and also help to support property values.

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

The applicant indicates not having an enclosed garage, currently poses safety risks during winter months for the members of the household.

**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, and a new garage addition will be aesthetically pleasing and align their property with other properties in the neighborhood.

*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 without the variance approval, the property would not be able to have an attached garage, which is common for homes throughout the neighborhood.

**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 having an attached garage is standard for a single family home. The homes surrounding this property have attached garages.

**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 to help provide much needed indoor storage and a factor of safety during the winter months.

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

The applicant indicates they did not create the hardship of how the property was constructed without an attached garage.

**F. 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 and the plan to build an attached garage is supported by the neighbors.

**G. 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 the new attached garage will not impair an adequate supply of light and air to adjacent properties

## **ATTACHMENTS**

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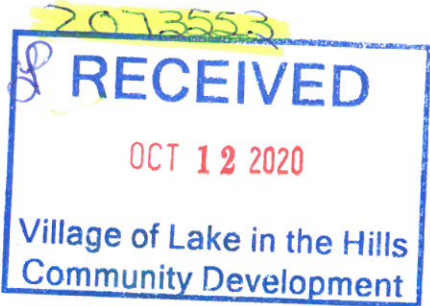
1. Application
2. Site Aerial
3. Zoning Map
4. Plat of Survey
5. Architectural Plans
6. Photo

## **RECOMMENDED ACTION**

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The Commission recommends approval to the Village Board for variation to Section 7.4 of the Zoning Ordinance at 104 Deer Path, parcel 19-29-177-055, to allow construction of a garage addition allowing a 15'- 1½" front yard depth, and to allow for a variation to Section 4.4-2, Lot Area and Dimension, permitting a 5'-4¼" side yard setback.





**PLANNING & ZONING APPLICATION**

**Property Information**

Common street address: 104 Deerpath Rd

PIN (Property Index Number): 19-29-177-005

Current Zoning: R2 Proposed Zoning: R2

Current Use: Residential Home Proposed Use: Garage Addition

Is the request consistent with the Comprehensive Plan? N/A

Number of Acres: STD. LOT **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): Single Family Residential

**Property Owner Information**

Name(s): MARGARET (Peggy) SETTER

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

Address: 104 Deerpath Rd

City/State/Zip: Lake in the Hills IL 60156

Phone Number: 224-200-8384

Email: psetter@rtc.com

**Applicant Information**

Name(s): SAME

Business/Firm Name (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_



RECEIVED

OCT 29 2020

Village of Lake in the Hills  
Community Development

104 Deer Path  
2073553

PROPERTY ADDRESS/PIN 19-29-177-005

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 requesting a variance regarding the required front yard setback under Section 7.4, Residential Bulk Chart, including footnote number 3, minimum front yard depth required.

We request a variance to allow for an 18'-0" front yard setback, where the average of the block controls the front yard setback.

Additionally, we are requesting a variance regarding required side yard setback under Section 4.4-2, Lot Area & Dimension.

We request a variance to allow for a 5'-4 1/4" side yard setback, where a 6'-0" side yard setback is required.

**This property is currently an existing single-family residence that does not have a garage. The proposed design would allow for a standard size 2-car attached garage.**

PROPERTY ADDRESS/PIN 19-29-177-005

**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.**

The property enhancements will aesthetically be more aligned with other properties in the neighborhood. It will also provide for increased resale value.

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

Adding a garage will provide better safety for entering and exiting our vehicles during the winter months, especially with a 1 yr old child living in our house with us.

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

It will actually align us visually and aesthetically with the other properties in the neighborhood.

PROPERTY ADDRESS/PIN 19-29-177-005

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 VARIANCE APPROVAL. THIS PROPERTY WOULD  
NOT BE ABLE TO HAVE AN ATTACHED GARAGE.

- 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.**

HAVING AN ATTACHED GARAGE IS STANDARD FOR SINGLE  
FAMILY HOMES. THE SURROUNDING HOMES CURRENTLY HAVE  
ATTACHED GARAGES.

- 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 request provides a safety factor during  
winter months.

- 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.**

We are using the current existing layout  
of the property + driveway.

PROPERTY ADDRESS/PIN 19-29-177-005

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.**

This request is actually encouraged by our neighbors by enhancing the aesthetics of the property. All of the individuals on our street have already reviewed and approved the plan layout. The covered porch allows better interactions with the neighbors.

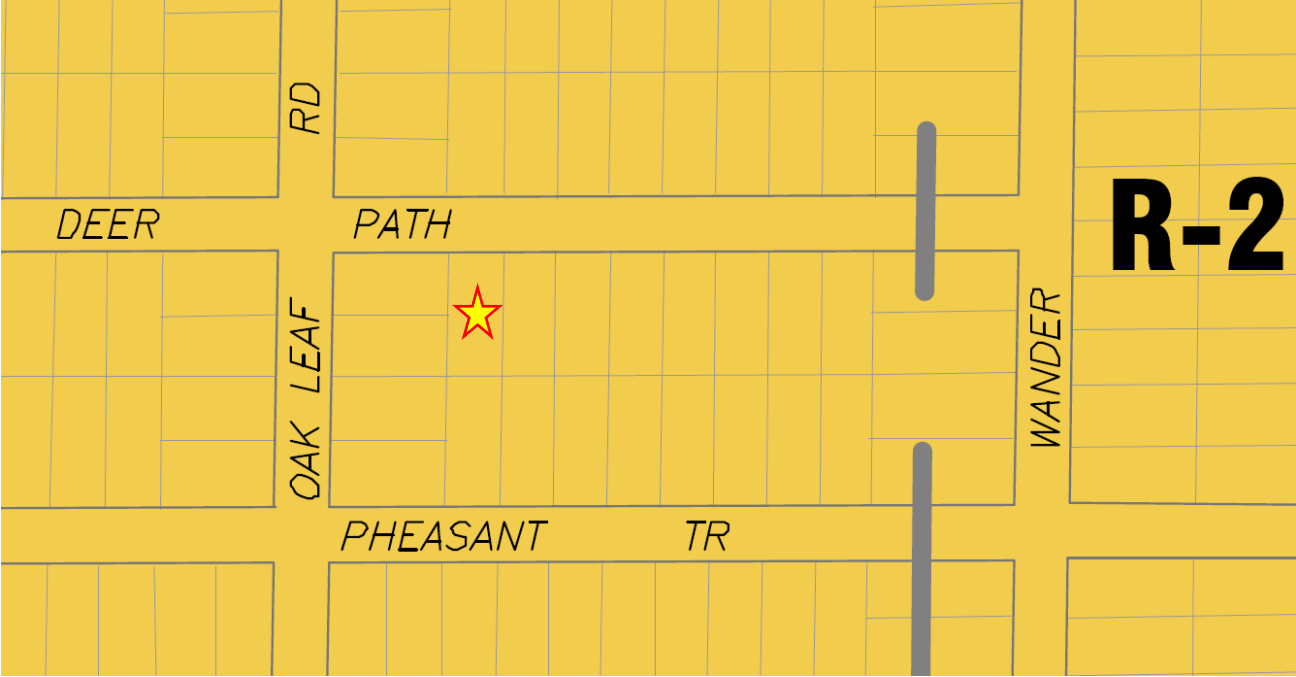
9. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood. **Explain how this standard is met.**

This change will not encroach on either/any of the neighbors properties and will not exceed the layout of the adjacent properties. It will actually better align us with the adjacent properties

Peggy Setter 10-15-20  
Applicant's Signature                      Date

Peggy Setter 10-15-20  
Property Owner's Signature              Date

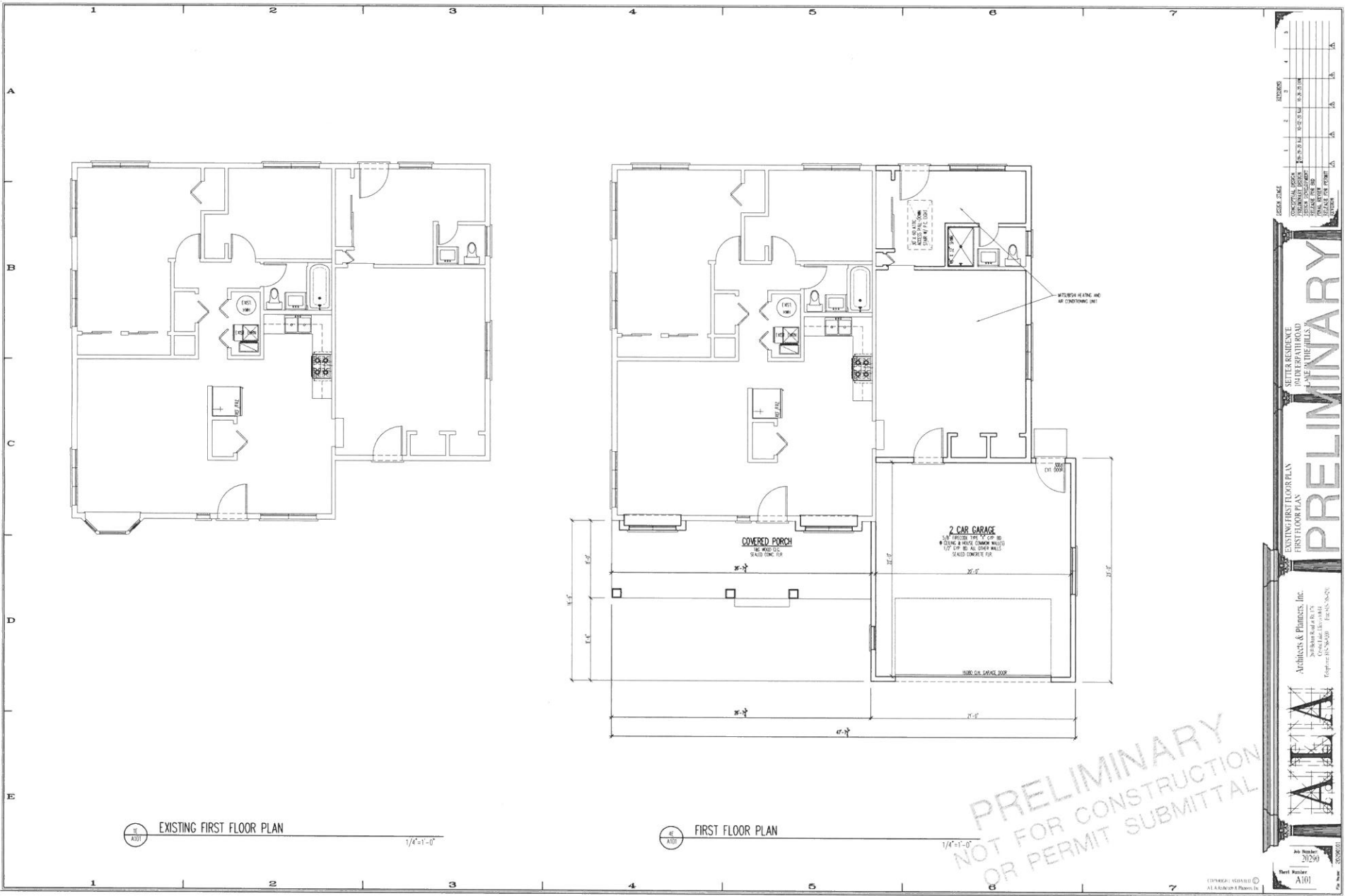












EXISTING FIRST FLOOR PLAN  
 1/4"=1'-0"

FIRST FLOOR PLAN  
 1/4"=1'-0"

PRELIMINARY  
 NOT FOR CONSTRUCTION  
 OR PERMIT SUBMITTAL

ARCHITECTS & PLANNERS, INC.  
 200 SOUTH MAIN STREET  
 FORT MYERS, FL 33901  
 PHONE: 888-588-8888 FAX: 888-588-8888  
 WWW.AIAA.COM

SHEET NUMBER: A101  
 PROJECT NUMBER: 202500  
 DATE: 02/20/2015

TITLE: EXISTING FIRST FLOOR PLAN  
 PROJECT: LITTLE BEACH HOME  
 ADDRESS: 11000 PALM BEACH BLVD  
 CITY: PALM BEACH  
 COUNTY: PALM BEACH  
 STATE: FL  
 ZIP: 33480

PRELIMINARY  
 LITTLE BEACH HOME  
 11000 PALM BEACH BLVD  
 PALM BEACH, FL 33480



NO.	REVISIONS	DATE
1	ISSUED FOR PERMIT	08/15/2020
2	ISSUED FOR PERMIT	08/15/2020
3	ISSUED FOR PERMIT	08/15/2020
4	ISSUED FOR PERMIT	08/15/2020
5	ISSUED FOR PERMIT	08/15/2020
6	ISSUED FOR PERMIT	08/15/2020
7	ISSUED FOR PERMIT	08/15/2020
8	ISSUED FOR PERMIT	08/15/2020
9	ISSUED FOR PERMIT	08/15/2020
10	ISSUED FOR PERMIT	08/15/2020

SETTLER RESIDENCE  
 SHEAR THE HILLS  
 EXISTING FRONT ELEVATION  
 FRONT ELEVATION  
**PRELIMINARY**

Architects & Planners, Inc.  
 2000 Lakes Road, Suite 100  
 Raleigh, NC 27607  
 Phone: 919.876.2000  
 Fax: 919.876.2001

**ATA**  
 Architects & Planners, Inc.

Job Number: 202001  
 Sheet Number: A200

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 NOT FOR CONSTRUCTION  
 OR PERMIT SUBMITTAL



18  
A201 LEFT ELEVATION 1/4"=1'-0"

18  
A201 RIGHT ELEVATION 1/4"=1'-0"

18  
A201 REAR ELEVATION 1/4"=1'-0"

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	05.21.20
2	ISSUED FOR PERMIT	05.21.20
3	ISSUED FOR PERMIT	05.21.20
4	ISSUED FOR PERMIT	05.21.20
5	ISSUED FOR PERMIT	05.21.20

SETTLER RESIDENCE  
 100 PETERSTHROD  
 WINTER HILLS  
 FLORIDA 32787

REAR ELEVATION  
 100 PETERSTHROD  
 WINTER HILLS  
 FLORIDA 32787

**PRELIMINARY**

**ATA**

Architects & Planners, Inc.  
 2000 Bank Road, Suite 100  
 Winter Springs, FL 32789  
 Telephone: 407-620-2000 Fax: 407-620-2001

Job Number: 202001  
 Sheet Number: A201

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PRELIMINARY  
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 OR PERMIT SUBMITTAL



PUBLIC HEARINGS NOTICE  
FOR MORE INFORMATION  
CALL (847) 980-7700

# REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION



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## PLANNING AND ZONING COMMISSION

**MEETING DATE:** December 14, 2020

**DEPARTMENT:** Community Development

**SUBJECT:** 8302 Pingree Road- Variations to Section 13.5, Permitted Accessory Structures; and Section 13.3-2, Floor Area Size of Accessory Structures.

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## EXECUTIVE SUMMARY

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### General Information

*Requested Action:* At 8302 Pingree Road, approve variation to Section 13.5, Permitted Accessory Structures to allow for (2) detached garages on the site; and approve variation to Section 13.3-2, Floor Area Size of Accessory Structures to allow for construction of an 1,800 square feet detached garage.

*Owner:* James and Charleen Augustine

*Applicant:* James and Charleen Augustine

*Purpose:* Allow construction of an oversized detached garage for the storage of recreational vehicles.

*Location and Size:* 8302 Pingree Road, Pin. 19-15-100-038-0040, .570 acres

*Zoning and Land Use:* Site: B-4, Commercial Business District

North: B-4, Commercial Business District

East: B-4, Commercial Business District

South: B-4, Commercial Business District

West: M-1, Limited Manufacturing District

### Background

The applicant requests variation to the Zoning Ordinance to permit a 1,800 square foot detached garage to be constructed for the storage of personal use recreational vehicles. The zoning ordinance permits a maximum size of 624 square feet. The Zoning Ordinance permits (1) detached garage to be located in the side or rear yard, in all zoning districts. The proposed detached garage would be located in the rear yard. There currently exists a garage that has a conditioned space connection to the main home, however for all practical purposes; it is situated on the site as primarily detached from the home.

The Augustine Family seeks to construct the garage for the indoor storage protection of recreational vehicles they intend to acquire. The site is nearly  $\frac{3}{4}$  acres in size, is heavily forested, and is in a primarily isolated location. The chosen location on the site for the new garage is well-suited for the intended use and it is adjacent to an open lot vehicle storage operation and adjacent to the Jet Stream Car Wash site.

### **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 building of a detached garage would allow for storage of recreational vehicles so they would not be parked outside.

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

The applicant indicates the building of the garage would protect vehicles from weather and theft.

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

The applicant indicates the garage would match the home and be landscaped to be aesthetically pleasing. There are currently no other existing homes in the area.

*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 if not allowed to build the garage, vehicles and equipment would have to be stored outside subject to the weather conditions and possible theft.

**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's location is unique. They operate the business on the lot directly south of their home. They are surrounded by other vehicle storage operations and gravel mining pits.

**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 for storage and future increase of property value.

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



The applicant indicates the desire is to protect personal property from the weather and theft.

**F. 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. There are no surrounding residential neighborhoods.

**G. 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 the new detached garage will not impair an adequate supply of light and air to adjacent properties

## **ATTACHMENTS**

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1. Application
2. Site Aerial
3. Zoning Map
4. Plat of Survey with new detached garage location shown
5. Architectural Plans
6. Photos

## **RECOMMENDED ACTION**

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The Commission recommends approval to the Village Board for variation to Section 13.5 and Section 13.3-2 of the Zoning Ordinance at 8302 Pingree Road, parcel 19-15-100-038, allowing for the construction of a 1,800 square feet detached garage in the rear yard meeting setback requirements.



PLANNING & ZONING APPLICATION

Property Information

Common street address: 8302 Pingree Rd.

PIN (Property Index Number): 19-15-100-038-0040

Current Zoning: B-4 Proposed Zoning:

Current Use: Residential Proposed Use: Personal

Is the request consistent with the Comprehensive Plan? Yes

Number of Acres: 3/4 less than 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): Lot 2

Subdivision of the West Half of Section 15, Township 43 North Range 8 East of the Third Principal Meridian in Village of Lake in the Hills

Property Owner Information

Name(s): James + Charleen Augustine

Business/Firm Name (if applicable):

Address: 8302 Pingree Rd.

City/State/Zip: Lake in the Hills IL 60156

Phone Number: 815-529-9758 or 815-353-6725\*

Email: jetstreamjim7@gmail.com

Applicant Information

Name(s): James + Charleen Augustine

Business/Firm Name (if applicable):

Address: 8302 Pingree Rd.

City/State/Zip: Lake in the Hills IL 60156

Phone Number: 815-529-9758 or 815-353-6725

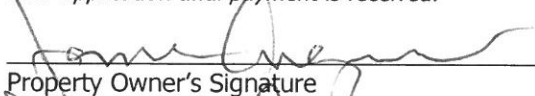
Email: jetstreamjim7@gmail.com

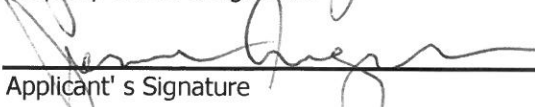
**PLANNING & ZONING APPLICATION**

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

*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.*


11/17/20  
 Property Owner's Signature Date


11/17/20  
 Applicant's Signature Date

*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.*

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:

~~13.3 - Height Limit~~

13.3-2 limit ~~to~~ <sup>sq ft.</sup> 624

We are looking to build an 1800 <sup>sq ft</sup> Detached Garage To house future vehicles and recreational vehicles

13.5 Allow Detached Garage to house large vehicles such as

boat, RV, Rec. Vehicles, etc. so Not to be parked outside.

**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.**

The building of Detached garage would  
allow storage of Recreational Vehicles  
so they would not be parked outside.

---

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

The building of this Garage would  
protect vehicles from weather,  
theft.

---

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

The garage would match home  
and be landscaped to be  
aesthetically pleasing.

Note: We have no neighbors living  
in proposed area.

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 cannot build this garage  
future purchases, i.e. Boat RV  
and additional cars, riding lawn  
mower would have to be outside in elements  
and subject to theft.

- 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 location is unique. There is  
a business (outs) on the south property  
a storage business on the east & north.  
Gravel pit on West. <sup>residential</sup> No neighbors.

- 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 is for storage  
and future increase in property  
value.

- 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.**

The desire is to protect personal  
property from elements and theft.

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.**

The building of this garage would  
protect contents and therefore not  
be outside where could be damaged.  
There are no surrounding neighborhoods.

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.**

The building of this garage is  
far enough from any other business  
as to not impair light or air.  
Danger of fire or public safety is not  
an issue. Future property values should  
increase.

[Signature] 11/17/20

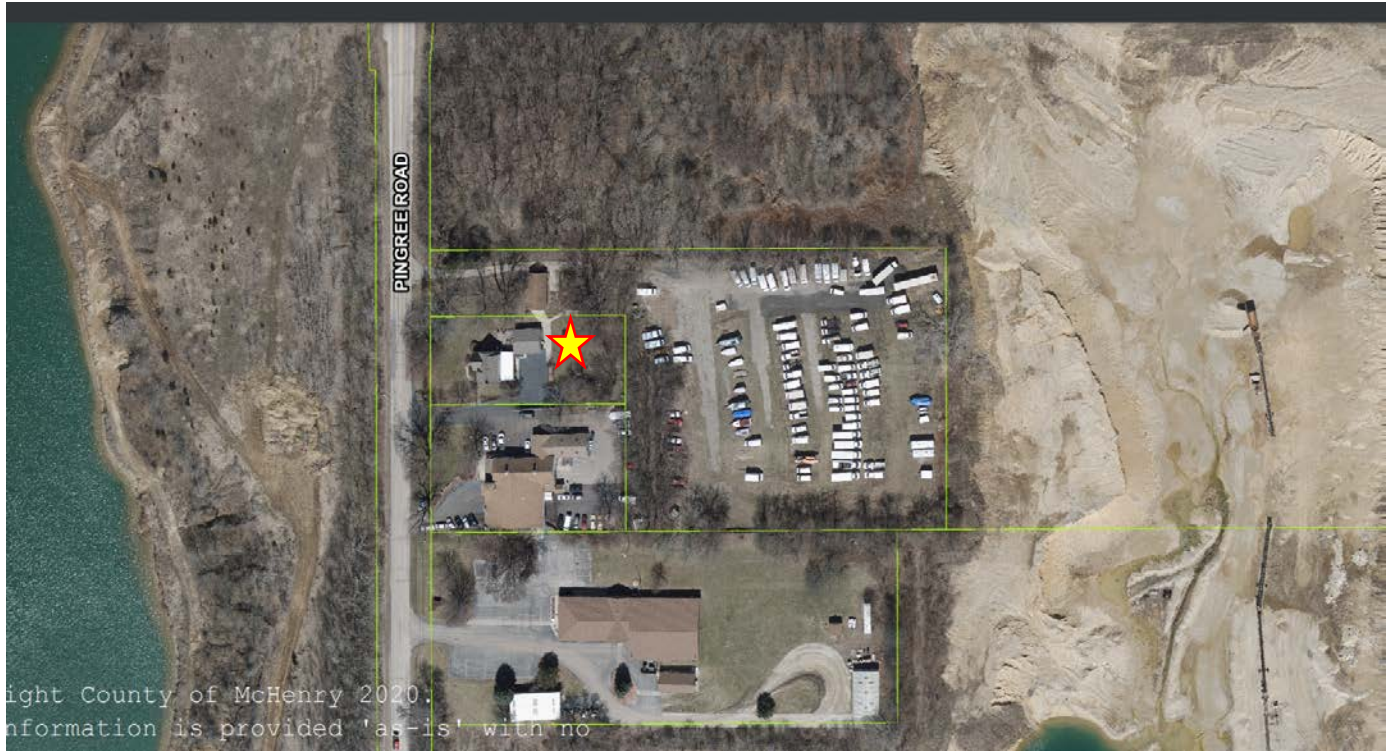
Applicant's Signature

Date

[Signature] 11/17/20

Property Owner's Signature

Date



ight County of McHenry 2020.  
nformation is provided 'as-is' with no



**M-1**

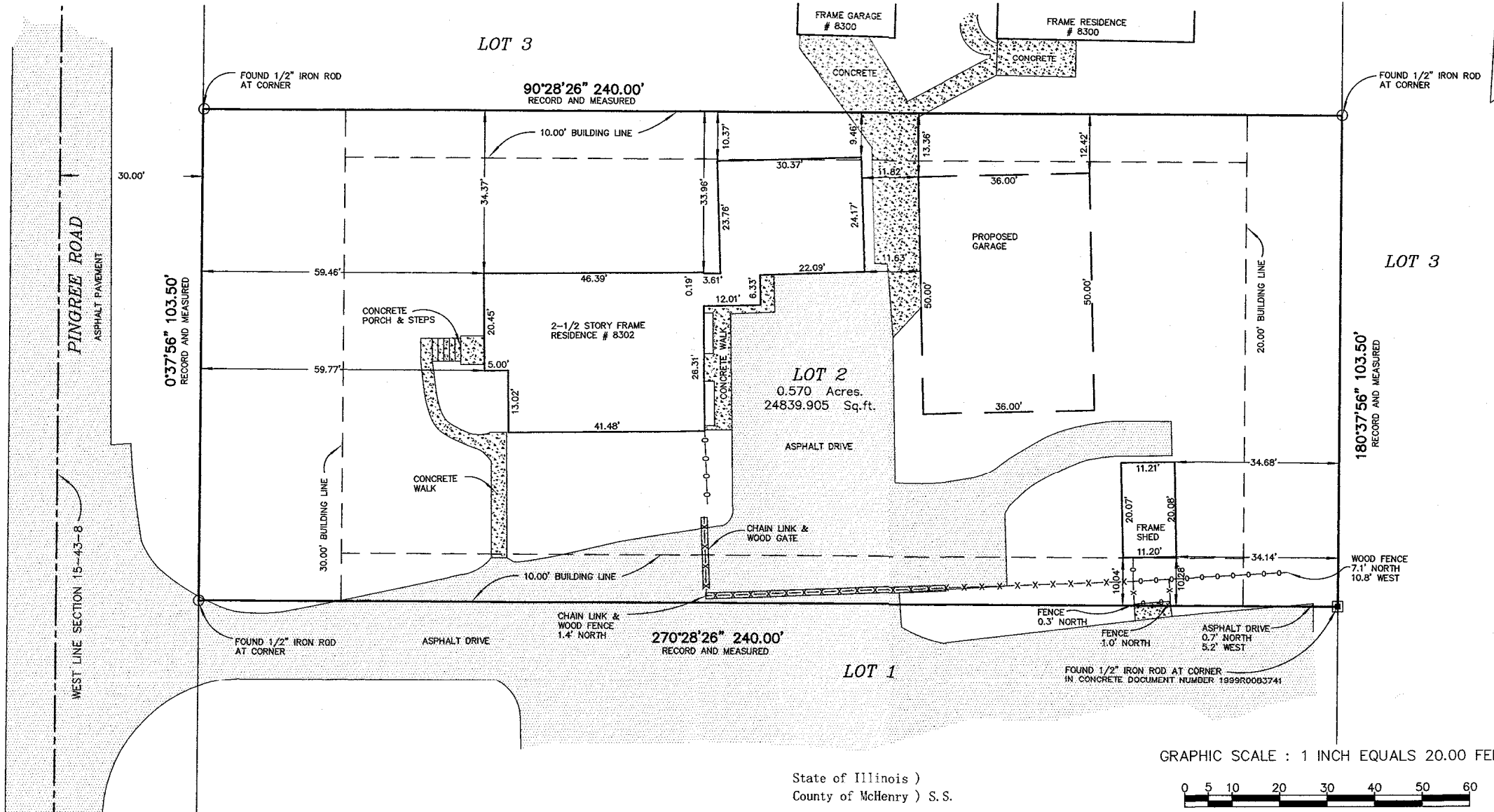
PINGREE ROAD



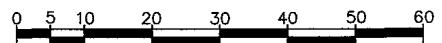


# Plat Of Survey

LOT 2 IN ERICSON'S RESUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, (IN THE VILLAGE OF LAKE IN THE HILLS) ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 9, 1999 AS DOCUMENT NUMBER 1999R0083741, IN MCHENRY COUNTY, ILLINOIS.



GRAPHIC SCALE : 1 INCH EQUALS 20.00 FEET



Compare your description and site markings with this plat and report any discrepancies you may find to the surveyor immediately.

Refer to title & local ordinances for possible unrecorded easements &/or building restrictions. All distances are given in feet & decimal parts thereof. North azimuths from document number 1999R0083741.

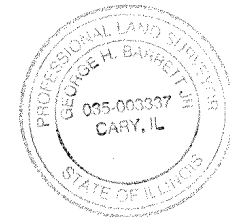
SCALE: 1" = 20'  
 JOB No. 20-171  
 ORDERED BY: Charleen Augustine  
 TAX I.D. 19-15-100-0038

State of Illinois )  
 County of McHenry ) S.S.

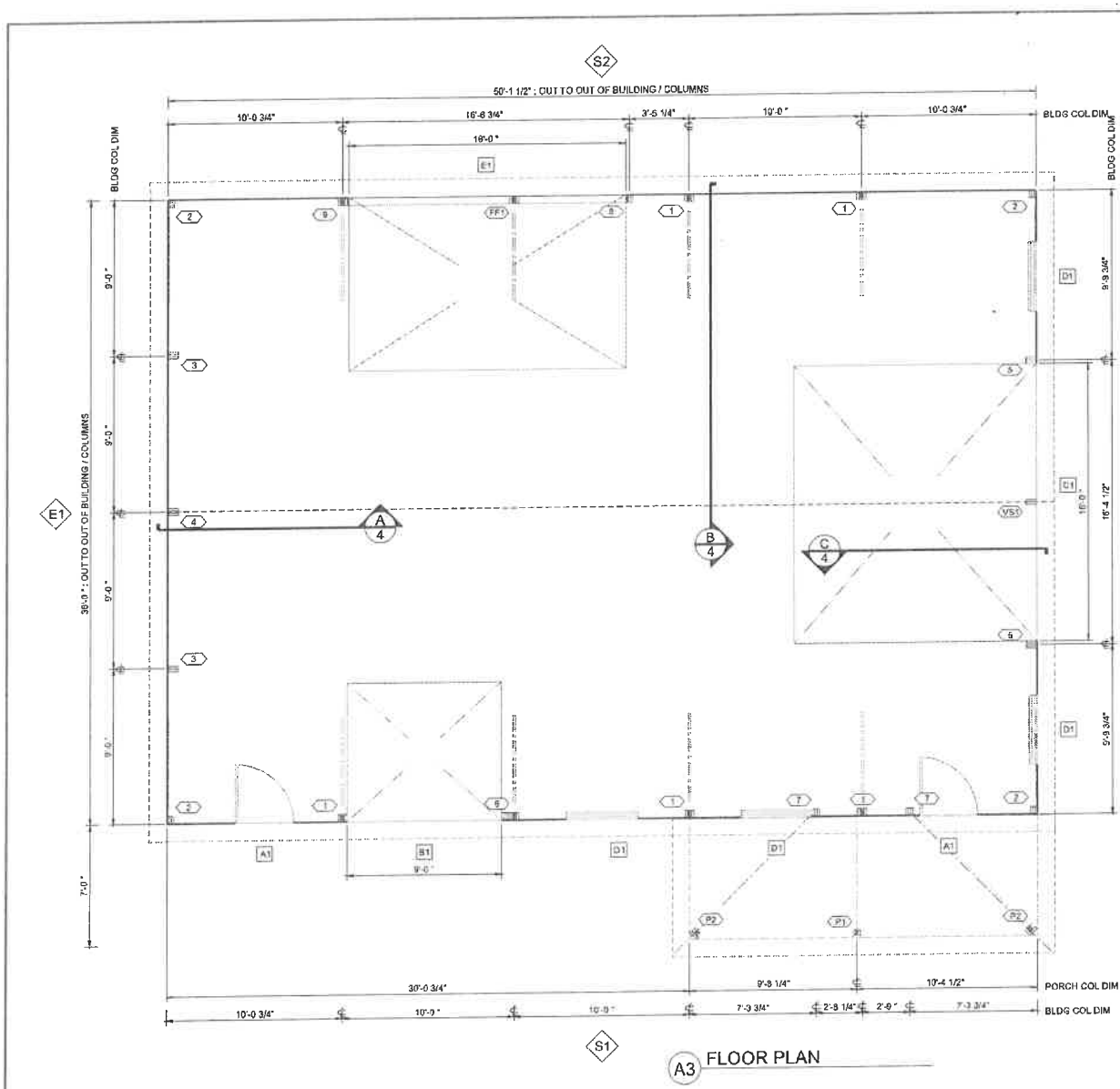
I George H. Barrett Jr., an Illinois Professional Land Surveyor, do hereby certify that I have surveyed the above described property. And that this Plat of Survey correctly represents the facts found at the time of the survey. Field work was completed on ( 12 - 02 - 2020 ). This professional service conforms to the current Illinois minimum standards for a boundary survey.

Dated: 12/08/2020  
*George H. Barrett Jr.*  
 I.P.L.S. No. 035-3337/ Expires 11-30-2022

Design Firm No. 184-3028  
 8404 Russell Road Cary, Ill  
 Ph: 847-462-8464  
 Email: Barrettlandsurvey@att.net







**COLUMN SCHEDULE**

NO	PART	SHAPE	LENGTH	BASE	SIZE	TYPE	YDS/CS	DET	ANCHOR	QTY	FINISH DET
1	691232	FS5666	22-00-00	-55	8x24	POURED	0.0776	EF203	BLOCK	-	EF211
2	692222	FS666	24-00-00	-55	8x18	POURED	0.0436	EF203	BLOCK	-	EF211
3	6923	FS666	24-00-00	-55	8x18	POURED	0.0436	EF203	BLOCK	-	EF211
4	C04	FS666	28-00-00	-55	8x18	POURED	0.0436	EF203	BLOCK	-	EF211
5	D05	FS666	14-00-00	-55	8x18	POURED	0.0436	EF203	BLOCK	-	EF211
6	C06	FS666FS566	22-00-00	-55	8x24	POURED	0.0776	EF203	BLOCK	-	EF211
7	C07	FS666	22-00-00	-52	8x18	POURED	0.0436	EF203	BLOCK	-	EF211
8	C08	FS666	22-00-00	-55	8x18	POURED	0.0436	EF203	BLOCK	-	EF211
9	C09	FS666	22-00-00	-55	8x18	POURED	0.0436	EF203	BLOCK	-	EF211
P1	6818	BFS444	14-00-00	-52	8x18	POURED	0.0436	EF203	BLOCK	-	EF211
P2	C01	BFS444	14-00-00	-52	8x18	POURED	0.0436	EF203	BLOCK	-	EF211
FF1	FS666	FS666	4-00-00	133.37	-	HEADER	-	-	PHD2A	-	FO354
VS1	C011	TRUSS	8-00-00	169.6	-	TRUSS	-	-	-	-	HR607

**OPENING SCHEDULE**

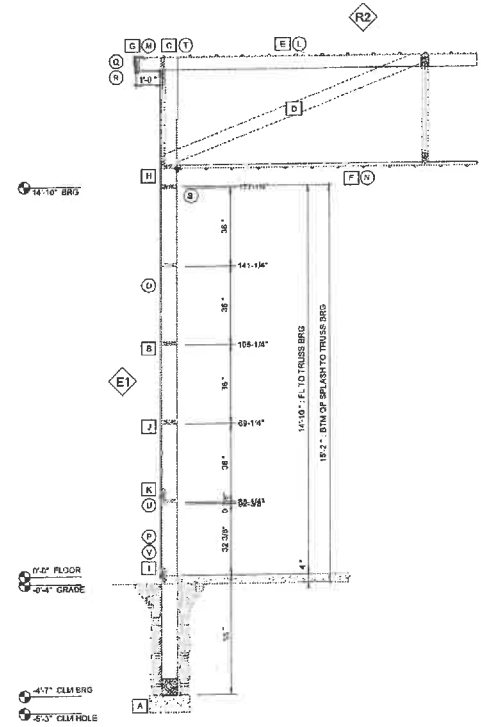
ID	MODEL	COLOR	NOMINAL	ROUGH	FRAME DET	FINISH DET
A1	WLK DOOR 7100 X-BUCK & 22X36 LITE	D.WHT	36x80	40 3125x81.125	KC431	102035
B1	9130 PREMIUM RAISED SHORT INSULATED	WHITE	108x96	105x86	?	101876
C1	9130 PREMIUM RAISED SHORT INSULATED	WHITE	182x118	182x108	?	111876
D1	VINYL SLIDER THERMAL PANE W/ EZ-V	WHG	48x36	48x36	K6431	102455
E1	9130 PREMIUM RAISED SHORT INSULATED	WHITE	182x120	182x120	?	101876

**INCLUDED ITEMS NOT BY LESTER BUILDING SYSTEMS**

QTY	UM	PART DESCRIPTION
NA	EA	
NA	EA	
NA	EA	
NA	EA	
NA	EA	R-32 CELLULOSE BLOWN-IN INSULATION
NA	EA	
NA	EA	

	<b>DEALER INFO.</b>	<b>CUSTOMER INFO.</b>	<b>BUILDING DESCRIPTION</b>	<b>Customer Approval</b>	<b>Bldg Direction</b>	<b>PROJ: 061A-15908-02-00</b> <b>PROPOSAL DRAWINGS ONLY</b> Not Intended for Construction Purposes The information presented in this drawing is based on a preliminary design using the input provided. The final design is subject to Lester Engineering review. * NOT TO SCALE *
	Dan Hogan 563 7th Circle Marengo, IL 60152	Jim Augustine 8304 Pingree Lake in the Hills, IL 60156	36'-0" x 50'-1" x 14'-10" Uni-Frame Embedded QP101520	_____ (Initials) DATE:	 (Mark North)	

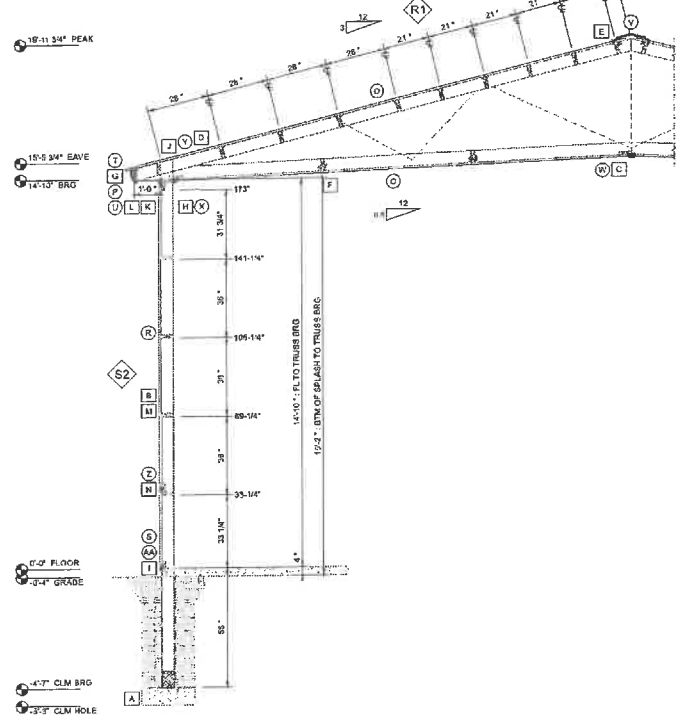
**ATTENTION**  
BLDG HAS SNOW RETENTION TRIM - SEE DETAILS BEFORE INSTALLING ANY ROOF FINISH



**A4** ENDWALL E1 SECTION  
19'-0" FROM S2

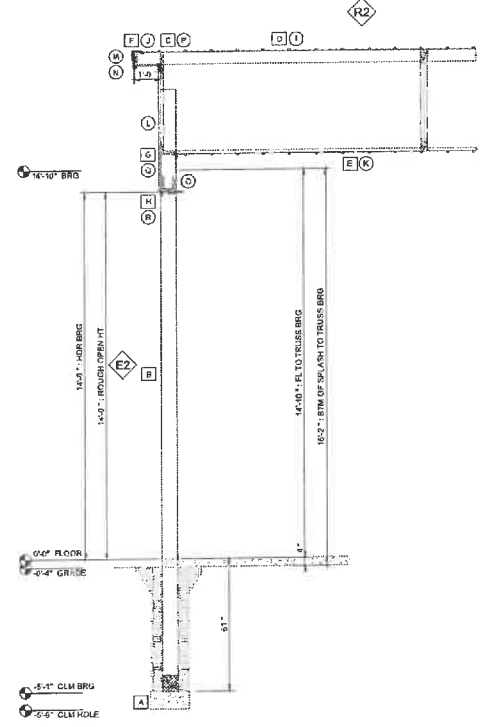
ID	LOCATION	DESCRIPTION	DETAILS
A	FOOTING	18" DIA. R. TH. - POURED	EF213
B	COL. CURB	PERM ANCHOR BLOCK	EF131
C	TRUSS	14'-0" x 14'-0" DOUBLE TRUSS 2X2 TC / 2X2 B	FF400
D	TRUSS BRG	14'-0" x 14'-0" DOUBLE TRUSS 2X2 TC / 2X2 B	FF400
E	TRUSS BRG	14'-0" x 14'-0" DOUBLE TRUSS 2X2 TC / 2X2 B	FF400
F	RIM CHD BRG	2X4 RSP NO.2	QA178
G	RIM CHD BRG	2X4 RSP NO.2	QA178
H	RIM CHD BRG	2X4 RSP NO.2	QA178
I	RIM CHD BRG	2X4 RSP NO.2	QA178
J	RIM CHD BRG	2X4 RSP NO.2	QA178
K	RIM CHD BRG	2X4 RSP NO.2	QA178
L	RIM CHD BRG	2X4 RSP NO.2	QA178
M	RIM CHD BRG	2X4 RSP NO.2	QA178
N	RIM CHD BRG	2X4 RSP NO.2	QA178
O	RIM CHD BRG	2X4 RSP NO.2	QA178
P	RIM CHD BRG	2X4 RSP NO.2	QA178
Q	RIM CHD BRG	2X4 RSP NO.2	QA178
R	RIM CHD BRG	2X4 RSP NO.2	QA178
S	RIM CHD BRG	2X4 RSP NO.2	QA178
T	RIM CHD BRG	2X4 RSP NO.2	QA178
U	RIM CHD BRG	2X4 RSP NO.2	QA178
V	RIM CHD BRG	2X4 RSP NO.2	QA178
W	RIM CHD BRG	2X4 RSP NO.2	QA178
X	RIM CHD BRG	2X4 RSP NO.2	QA178

**ATTENTION**  
BLDG HAS SNOW RETENTION TRIM - SEE DETAILS BEFORE INSTALLING ANY ROOF FINISH



**B4** SIDEWALL S2 SECTION  
18'-10" FROM E2

ID	LOCATION	DESCRIPTION	DETAILS
A	FOOTING	18" DIA. R. TH. - POURED	EF213
B	COL. CURB	PERM ANCHOR BLOCK	EF131
C	TRUSS	14'-0" x 14'-0" DOUBLE TRUSS 2X2 TC / 2X2 B	FF400
D	TRUSS BRG	14'-0" x 14'-0" DOUBLE TRUSS 2X2 TC / 2X2 B	FF400
E	TRUSS BRG	14'-0" x 14'-0" DOUBLE TRUSS 2X2 TC / 2X2 B	FF400
F	RIM CHD BRG	2X4 RSP NO.2	QA178
G	RIM CHD BRG	2X4 RSP NO.2	QA178
H	RIM CHD BRG	2X4 RSP NO.2	QA178
I	RIM CHD BRG	2X4 RSP NO.2	QA178
J	RIM CHD BRG	2X4 RSP NO.2	QA178
K	RIM CHD BRG	2X4 RSP NO.2	QA178
L	RIM CHD BRG	2X4 RSP NO.2	QA178
M	RIM CHD BRG	2X4 RSP NO.2	QA178
N	RIM CHD BRG	2X4 RSP NO.2	QA178
O	RIM CHD BRG	2X4 RSP NO.2	QA178
P	RIM CHD BRG	2X4 RSP NO.2	QA178
Q	RIM CHD BRG	2X4 RSP NO.2	QA178
R	RIM CHD BRG	2X4 RSP NO.2	QA178
S	RIM CHD BRG	2X4 RSP NO.2	QA178
T	RIM CHD BRG	2X4 RSP NO.2	QA178
U	RIM CHD BRG	2X4 RSP NO.2	QA178
V	RIM CHD BRG	2X4 RSP NO.2	QA178
W	RIM CHD BRG	2X4 RSP NO.2	QA178
X	RIM CHD BRG	2X4 RSP NO.2	QA178



**C4** ENDWALL E2 SECTION  
15'-4" FROM S1

ID	LOCATION	DESCRIPTION	DETAILS
A	FOOTING	18" DIA. R. TH. - POURED	EF213
B	COL. CURB	PERM ANCHOR BLOCK	EF131
C	TRUSS	14'-0" x 14'-0" DOUBLE TRUSS 2X2 TC / 2X2 B	FF400
D	TRUSS BRG	14'-0" x 14'-0" DOUBLE TRUSS 2X2 TC / 2X2 B	FF400
E	TRUSS BRG	14'-0" x 14'-0" DOUBLE TRUSS 2X2 TC / 2X2 B	FF400
F	RIM CHD BRG	2X4 RSP NO.2	QA178
G	RIM CHD BRG	2X4 RSP NO.2	QA178
H	RIM CHD BRG	2X4 RSP NO.2	QA178
I	RIM CHD BRG	2X4 RSP NO.2	QA178
J	RIM CHD BRG	2X4 RSP NO.2	QA178
K	RIM CHD BRG	2X4 RSP NO.2	QA178
L	RIM CHD BRG	2X4 RSP NO.2	QA178
M	RIM CHD BRG	2X4 RSP NO.2	QA178
N	RIM CHD BRG	2X4 RSP NO.2	QA178
O	RIM CHD BRG	2X4 RSP NO.2	QA178
P	RIM CHD BRG	2X4 RSP NO.2	QA178
Q	RIM CHD BRG	2X4 RSP NO.2	QA178
R	RIM CHD BRG	2X4 RSP NO.2	QA178
S	RIM CHD BRG	2X4 RSP NO.2	QA178
T	RIM CHD BRG	2X4 RSP NO.2	QA178
U	RIM CHD BRG	2X4 RSP NO.2	QA178
V	RIM CHD BRG	2X4 RSP NO.2	QA178
W	RIM CHD BRG	2X4 RSP NO.2	QA178
X	RIM CHD BRG	2X4 RSP NO.2	QA178

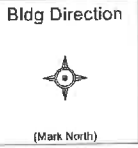


**DEALER INFO.**  
Dan Hogan  
563 7th Circle  
Marengo, IL 60152

**CUSTOMER INFO.**  
Jim Augustine  
8304 Pingree  
Lake in the Hills, IL 60156

**BUILDING DESCRIPTION**  
36'-0" x 50'-1" x 14'-10"  
Uni-Frame Embedded  
QP101520

**Customer Approval**  
  
**(Initials)**  
  
**DATE:**



**PROJ: 061A-15908-02-00**  
**PROPOSAL DRAWINGS ONLY**  
Not Intended for Construction Purposes  
The information presented in this drawing is based on a preliminary design using the input provided. The final design is subject to Lester Engineering review.  
\* NOT TO SCALE \*



**PUBLIC HEARING NOTICE**  
PLANNING AND ZONING COMMISSION  
   
**FOR MORE INFORMATION**  
**CALL (847) 960-7400**



# REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

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## PLANNING AND ZONING COMMISSION

**MEETING DATE:** December 14, 2020

**DEPARTMENT:** Community Development

**SUBJECT:** Zoning Text Amendments to Section 11, Permitted and Conditional Use Chart

## EXECUTIVE SUMMARY

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It has come to staff's attention that the current Permitted and Conditional Use Chart of the Zoning Ordinance does not permit outdoor storage of materials, vehicles, or equipment as accessory to the principle use of a property in the B-1, Business Transitional Zoning District. Staff proposes consideration be given for an update of the Permitted and Conditional Use Chart to allow for these types of accessory uses in the B-1 District. Staff would further suggest that due to the transitional designation of the district, such accessory uses only be considered as possible with a conditional approval. This change will help to better serve properties in the Village with a B-1 business designation, yet still ensure a level of protection to nearby properties that have residential zoning designations.

According to the Zoning Ordinance, the B-1, Transitional Business District is established for uses which may be reasonably established in a building originally designed and constructed for residential use. The Transitional Business District is intended to provide land and structures to be used primarily as space for professional offices and service uses. Residences, built and designed as a home, are allowed as a permitted use, and a single dwelling unit is allowed in a building containing a business use. The uses permitted are characterized by a low volume of traffic and limited outdoor signing.

For consideration, attached is the proposed change to Section 11 of the Zoning Ordinance, to update the Permitted and Conditional Use Chart such that a Conditional Use may be permitted in the B-1, Transitional Business Zoning District.

## ATTACHMENTS

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1. Proposed change to Section 11, Permitted and Conditional Use Chart

## RECOMMENDED ACTION

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Commission recommends approval to the Village Board to amend Section 11, Permitted and Conditional Use Chart of the Zoning Ordinance, to allow for a conditional use for outdoor storage of materials, vehicles, and equipment accessory to a principle use in the B-1, Business Transitional Zoning District.

**SECTION 11**  
**PERMITTED AND CONDITIONAL USE CHART**

**P - Permitted Use**  
**C - Conditional Use**

A 1	R E 5	R E 2	R E 1	R 1 A & B	R 2	R 3	R 4	USE	B 1	B 2	B 3	B 4	B 5	M 1	M 2	O S	I B	A D 1	A D 2
								Adult Entertainment Establishments (Additional regulation – see <a href="#">Chapter 11</a> of the Municipal Code and <a href="#">Section 24</a> of the Zoning Ordinance)							C				
P								Agriculture/Apiary(bee keeping)Farm/Farming/Horticulture											
								Airport										P	P
								Ambulance Service and Garage				P					P		
								Amphitheater								C	P		
								Amusement park				C				C			
C								Animal Shelter				C			C				
								Armed Forces Training Center				C		C	C		P		C
								Armory							C		P		
								Assembly – Civic/Social Organizations		P	P	P	P						
								Automatic teller machines (ATMs) & commercial overnight delivery boxes		P	P	P	P	P	P		P	P	P
								Automotive Service				C	C		P	P		C	C
C	C	C	C					Bed and Breakfast Establishment	C										
								Campground								C			
P								Cannabis Craft Grower						P	P				
P								Cannabis Cultivation Center						P	P				
								Cannabis Dispensing Organization			P	P		P	P				P
P								Cannabis Infuser Organization			P	P		P	P				P
								Cannabis Processing Organization						P	P				
P								Cannabis Testing Facility						P	P				
								Cannabis Transporting Organization						P	P				
								Cigar, cigarette, tobacco store		P	P	P							
								Collection Bin (Additional Regulations - see <a href="#">Section 28</a> )		P	P	P	P	P	P		P	P	P
								Day Care Center	C	C	C	C							
C	C							Dog Day Care Facility / Obedience School				C		C					C
								Drive-Through				C	C						
					P	P	P	Dwelling – Group Home 1											
					C	C	C	Dwelling – Group Home 2											
								Dwelling – Multi-Family											
								Dwelling – Senior Housing		C	C								
								Dwelling – Single Family Attached											
P	P	P	P	P	P	P		Dwelling – Single Family Detached	P										
							P	Dwelling – Two-Family											
								Dwelling - Above Business	P	C	C								
								Dwelling - with Business	P										
								Entertainment			P	P		P		P	P	C	P
								Gas Station		C	C	C		C	C				
					C	C	C	Golf Course								C	C		
P	P	P	P	P	P	P	P	Home Occupation											
								Hotel/Motel				C	C						C
C	C							Kennel				C	C		C				
								Liquor Store				C	P						
							C	Long Term Care Facility				C	C						
								Manufacturing							P	P		P	P



A 1	R E 5	R E 2	R E 1	R 1 A & B	R 2	R 3	R 4	USE	B 1	B 2	B 3	B 4	B 5	M 1	M 2	O S	I B	A D 1	A D 2
								Mobile Home Sales				C		C					
								Nightclub			C	C		C					
								Office/Service – Business/Professional	C	P	P	P	P	P	P			P	P
								Outdoor Sales/Open Sales Lot accessory to principle use			C	C		C	C			C	C
								Flea Market						C					
								Outdoor Storage of Materials/Vehicles/Equipment accessory to principle use	C		C	C		C	C		C	C	C
								Outdoor Storage of Vehicles as principle use						C	C		C	C	C
								Outdoor Use accessory to principle use		C	C	C		C	C	C	C	C	C
								Park, government owned and operated								P	P	P	P
								Parking Area, Public		C	P	P				C	P	P	P
								Parking Garage, Public			P	P					P		
								Pawn Shop			C	C							
								Personal Wireless Service Facilities, Towers (Additional Regulations – see <a href="#">Section 14.4</a> )			C	C		C	C	C	C		
	C	C	C	C	C	C	C	Planned Development	C	C	C	C	C	C	C	C	C	C	C
								Public Uses (local, regional, state, federal agencies/offices/facilities)			P	P	P			P	P	P	P
								Recreation / Open Space / Park								P	P		
								Recreation Center, indoor			P	P	C	C		C	P		
C	C	C	C	C	C	C	C	Religious Use	C	C	C	C		C					C
								Restaurant, Classes I-V		P	P	P		P				P	P
								Retail Sales	C	P	P	P		P				P	P
							C	Rooming House											
								Sanitary Landfill							C		C		
	C	C	C	C	C	C	C	Schools – Mentally and Physically Challenged			C	C							
								Schools – Nursery			P	P							
	C	C	C	C	C	C	C	Schools – Public Pre-K to High School									P		C
	C	C	C	C	C	C	C	Schools – Private Pre-K to High School			P	P							C
								Schools – University, College									P	C	C
								Self-Storage Facility						P	P			P	P
								Shooting Range – Indoor			C	C				C	P		
								Shooting Range – Outdoor						C	C	C			
								Shopping/Business center (all shopping/business centers shall be Planned Developments)		C	C	C	C	C	C	C			C
							C	Social Service Agency		C	C	C		C					
P	P	P	P	P	P	P	P	Solar Energy Systems 1	P	P	P	P	P	P	P	P	P	P	P
P								Solar Energy Systems 2						P	P		P	P	P
C	C	C	C	C	C	C	C	Solar Energy Systems 3	C	C	C	C	C	C	C	C	C	C	C
								Tavern			P	P							
								Transportation Service (taxi, limousine etc.)			P	P	P	P	P			P	P
								Utilities – government owned and operated								P	P	P	P
C								Utilities - Wind energy system, small, on-site, ground-mounted		C	C	C	C	C	C	C	C	C	C
P	P	P	P	P	P	P	P	Utilities - Wind energy system, small, on-site, roof-mounted	P	P	P	P	P	P	P	P	P	C	C
								Veterinary clinic, small animals		C	P	P		C					C
P	P	P	P	P	P	P	P	Village Owned & Operated Uses	P	P	P	P	P	P	P	P	P	P	P
								Warehouse/Distribution/Trucking						P	P			P	P
								Wholesale				P		P	P			P	P

Definitions for each use can be found in [Section 3](#) of the Zoning Ordinance

**New Compatible Uses:** The Planning and Zoning Commission may allow a land use to be considered as a permitted or conditional use which, though not identified by name in a zoning district list of permitted or conditional uses, is deemed to be similar in nature, and clearly compatible with the listed uses. The Commission shall consult the North American Industry Classification System (NAICS) to determine similarity or compatibility. However, such non-listed uses shall not be approved until the application for such use has been reviewed by the village attorney. **Addition of Non-listed Uses to Zoning Ordinance:** All non-listed uses that may be approved may be added to the appropriate use list at the time of periodic updating and revision.

# REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION



## PLANNING AND ZONING COMMISSION

**MEETING DATE:** December 14, 2020

**DEPARTMENT:** Community Development

**SUBJECT:** 1203 Crystal Lake Road- Rezoning from B-2, Neighborhood Convenience Business District to B-1, Transitional Business District and, Conditional Use approval for outdoor storage of a vehicle, accessory to principle use in a B-1 Business District

## EXECUTIVE SUMMARY

### General Information

*Requested Action:* Rezoning of 1203 Crystal Lake Rd- from B-2 to B-1 and, Conditional Use approval for outdoor storage of a vehicle accessory to the principle use of the property in a B-1 Business District.

*Owner:* Kris Karter Grand, President of Granchar Inc.

*Applicant:* Kris Karter Grand

*Purpose:*

- Change the zoning classification of the parcel to permit overnight stays as allowed in a B-1 business district.
- Permit the parking of a tractor trailer truck cab outside the building

*Location and Size:* 1203 Crystal Lake Road, Pin. 19-20-308-006, .337 acres

*Zoning and Land Use:* Site: B-2, Neighborhood Convenience Business District

North: B-2, Neighborhood Convenience Business District

East: R-2, One Family Dwelling District

South: B-2, Neighborhood Convenience District

West: R-2, One Family Dwelling District

### Background

The petitioner requests to amend the zoning classification of the parcel to match the intended use of the property by permitting overnight stays in the structure. The current zoning of B-2 does not allow for staying overnight in a business whereas the classification of B-1 does permit it is the reason for the request for the change. The petitioner intends to make this structure his home.

Secondly, the petitioner drives a semi-tractor trailer truck for a living and is out on the road for the major portion of time each month. He is requesting a conditional use approval to allow that during limited days of the month when he is able to travel home, he would be permitted to park the tractor trailer cab only on the property.

### **Standards and Findings of Facts for Rezoning per Section 22.5 of the Zoning Ordinance**

Before recommending any Zoning Map Amendment (Rezoning), the Planning and Zoning Commission and the Board of Trustees shall first determine and record its findings based on the following criteria:

**1. What are the existing uses of the property within the general area of property in question?**

There is a mix of existing uses on the parcels within the general area. The majority of parcels in the area are being used as single-family residences, with the parcel directly south actively being used as business. The parcel to the north sits as open land.

**2. What are the zoning classifications of the property within the general area of property in question?**

There is a mix of zoning classifications within the area of the property consisting of R-2, single-family dwellings, B-2, neighborhood convenience business district, and I-B, institutional buildings.

**3. What is the suitability of the property in question of the uses permitted under the existing zoning classification(s)?**

The property is not particularly well-suited for B-2 use due to the limited size of the structure and property, and its proximity to surrounding single family structures. A change to a B-1 zoning classification would be a reduction in the potential intensity of the use, blending better with the surrounding R-2, single-family parcels of this predominantly residential neighborhood.

**4. What is the trend of development, if any, in the general area of the property in question?**

There are no current trends of development in the area.

**5. What is the length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property?**

It has been vacant for approximately one to two years.

**6. What is the projected use of the property, as indicated in the Comprehensive Plan?**

The property falls within a general area indicated for business use, with nearby parcels indicated for residential use.

### **Standards and Findings of Fact for a Conditional Use**

Before recommending any Conditional Use, the Planning and Zoning Commission and the Board of Trustees shall consider the following factors and how they are relevant to the specific conditional use being requested.

1. **That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community; and**

The applicant states with the property having been vacant for several months, it is desirable to have the property occupied to contribute to the general welfare of the neighborhood.

2. **That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity; and**

The applicant believes this standard has been met.

3. **That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; and**

The applicant believes this standard has been met.

4. **The extent to which the conditional use is harmonious and compatible with the goals and objectives of the Village's comprehensive planning documents.**

The proposed use is less intense than another type of use that would be permitted by the comprehensive land use map.

5. **The amount of traffic congestion or hazards, if any, that may occur as a result of the conditional use, as well as the extent and adequacy of pedestrian and vehicular access and circulation; and**

This conditional use will not generate noted additional traffic on the area roads.

6. **The extent that the conditional use can be adequately served by essential public facilities and services, and by private utilities; and**

Adequate utilities are available.

7. **That the proposed use will comply with the regulations and conditions specified in this Zoning Code for such use, and with the stipulations and conditions made a part of the authorization granted by the Board of Trustees; and**

This site will comply with all regulations and conditions as stated in the Zoning Ordinance unless otherwise stated.

8. **Any other criteria as identified in this Zoning Code.**

## **ATTACHMENTS**

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1. Application
2. Zoning Map
3. Site Aerial
4. Plat of Survey
5. Photos

## **RECOMMENDED ACTION**

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The Commission recommends approval to the Village Board for the rezoning of 1203 Crystal Lake Road, parcel 19-20-308-006 from B-2, Neighborhood Convenience Business, to B-1, Transitional Business.

If the Commission does approve a text amendment for to allow for conditional uses for outdoor storage of materials, vehicles, and equipment accessory to principle uses in B-1, Business Transitional Zoning Districts, that the Commission impose the following conditions with a Conditional Use approval for this parcel:

1. Truck parking shall be limited to only one tractor trailer truck cab.
2. The truck cab shall be under the ownership and control of the property owner.
3. The truck cab shall not be permitted to idle on site at any time.
4. The truck cab shall only be parked in a designated spot immediately adjacent to the entrance to the structure, reducing visibility from surrounding properties.
5. The owner shall restrict driving the truck cab to and from the site to between the hours of 8 AM to 8 PM, (7) days/ week.
6. The owner shall restrict the route of travel entering and exiting the neighborhood to the shortest possible route leading to the closest main arterial roadway in the route of travel.



**PLANNING & ZONING APPLICATION**

**Property Information**

Common street address: 1203 Crystal Lake Rd

PIN (Property Index Number): 19-20-308-006-0000

Current Zoning: B2

Proposed Zoning: B1

Current Use: Commercial

Proposed Use: Mixed-use

Is the request consistent with the Comprehensive Plan? Commercial + Residential

Number of Acres: (100x147) **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): Granchar Inc.

Business/Firm Name (if applicable): \_\_\_\_\_

Address: 509 Eagle Ct

City/State/Zip: Schaumburg IL 60194

Phone Number: 630-802-1345

Email: \_\_\_\_\_

**Applicant Information**

Name(s): Kris Carter Grand

Business/Firm Name (if applicable): \_\_\_\_\_

Address: 509 Eagle Ct

City/State/Zip: Schaumburg IL 60194

Phone Number: 630-802-1345

Email: \_\_\_\_\_

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

*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

\_\_\_\_\_ Date

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

  
 \_\_\_\_\_  
 Applicant's Signature

\_\_\_\_\_ Date

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

19-20-308-006

Property Index Number/Address: 1203 Crystal Lake Rd

Current Property Zoning: B2

Current Property Zoning: \_\_\_\_\_

**Standards and Findings of Facts for Rezoning per Section 22.5 of the Zoning Ordinance**

Before recommending any Zoning Map Amendment (Rezoning), the Planning and Zoning Commission and the Board of Trustees shall first determine and record its findings based on the following criteria. Please answer the following questions.

1. What are the existing uses of the property within the general area of property in question?

The existing uses right now is B2 commercial

2. What are the zoning classifications of the property within the general area of property in question?

Mixed R-2, B-2, I-B, O-S

3. What is the suitability of the property in question of the uses permitted under the existing zoning classification(s).

Similar to B-2 without the residential exception



4. What is the trend of development, if any, in the general area of the property in question?

The trend is stable and B-2 would have no negative impact on the area.

5. What is the length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property?

It was on the market at least for one year, and vacant for a year or more.

6. What is the projected use of the property, as indicated in the Comprehensive Plan?

B-2 Transitional Business District.  
(office-dwellings)

  
Property Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

  
Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_



**Standards and Findings of Facts**  
**Per Section 24.6 of the Zoning Ordinance**

Before recommending any Conditional Use, the Planning and Zoning Commission and the Board of Trustees shall consider the following factors and how they are relevant to the specific conditional use being requested.

- 1. That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will it contribute to the general welfare of the neighborhood or community? **Explain how this standard is met.**

The property has been abandoned for many years, the zoning and use being asked for <sup>will</sup> only improve the interest of the neighborhood.

- 2. That the proposed use, under the circumstances of the particular case, will not be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity. **Explain how this standard is met.**

Vehicle is being parked for personal use only, and has less impact than other similar lots of properties in the area

- 3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. **Explain how this standard is met.**

The property will be improve by looks and mantance unlike its current condition.

- 4. The extent to which the conditional use is harmonious and compatible with the goals and objectives of the Village's comprehensive planning documents. **Explain how this standard is met.**

NONE, personal use

5. The amount of traffic congestion or hazards, if any, that may occur as a result of the conditional use, as well as the extent and adequacy of pedestrian and vehicular access and circulation. **Explain how this standard is met.**

Personal use only - NONE

6. The extent that the conditional use can be adequately served by essential public facilities and services, and by private utilities. **Explain how this standard is met.**


Personal use only - NONE

7. That the proposed use will comply with the regulations and conditions specified in this Zoning Code for such use, and with the stipulations and conditions made a part of the authorization granted by the Board of Trustees. **Explain how this standard is met.**

To my knowledge, NO standards exist

8. The Village may impose any other criteria as identified in the Zoning Code.

  
\_\_\_\_\_  
Property Owner's Signature                      Date

  
\_\_\_\_\_  
Applicant's Signature                              Date

**Mixed Use**

Status: **CLSD**

Area: **156**

Address: **1203 Crystal Lake Rd, Lake In The Hills, IL 60156**

Directions: **Algonquin Rd. just before Randall to Crystal Lake Road**

Sold by: **Pawel Czauderna (109658) / Leader Realty, Inc. (18148)**

Closed Date: **09/02/2020**

Off Mkt Date: **08/06/2020**

Township: **Algonquin**

Year Built: **1977**

Zoning Type: **Commercial**

Actual Zoning: **B2**

Subtype: **Ofc/Store**

Lot Dimensions: **100 X 147**

Land Sq Ft: **14800**

Mobility Score: **38 - Minimal Mobility.**

List Price Per SF: **\$73.43**

MLS #: **10695305**

List Date: **04/21/2020**

List Dt Rec: **04/22/2020**

Mkt. Time (Lst./Tot.): **108/108**

Contract: **08/06/2020**

Concessions:

Unincorporated: **No**

Built Before 78: **Yes**

PIN #: **1920308006**

County: **Mc Henry**

Relist:

List Price: **\$74,900**

Orig List Price: **\$79,000**

Sold Price: **\$66,000**

Rented Price:

Lease Price SF/Y: **\$0**

Mthly. Rnt. Price:

CTGF:

# of Stories: **1**

Multiple PINs: **No**

Owners Assoc: **No**

Lease Type: **N/A**

Lease Terms:

Estimated Cam/SF:

Est Tax per SF/Y:

Apx. Total SF: **1020**

Sold Price Per SF: **\$64.71**

Remarks: **Quonset Hut Awaiting Your Personal Business & Architecture Designs. Great Traffic on a main road through rural Lake In The Hills. Near Randall Road corridor, and other local businesses. Lots of opportunity here! Large lot & asphalt parking for approx. 8 cars or more. Storage shed and fenced in backyard for maximizing your business options. Post sign already in place in front of property for your unique advertising. Look under additional information for zoning and allowed business use.**

Total # Units: <b>1</b>	Total # Tenants:	Total # Apartments: <b>0</b>	Total # Offices: <b>0</b>	Total # Stores: <b>1</b>
# Dishwashers:	# Washers:	# Dryers:	W/D Leased?:	# Ranges:
# Disposals:	# Fireplaces:	# Refrigerators:	# Window AC:	
Office SqFt:	Manufacturing SqFt:	Retail SqFt:	Warehouse SqFt:	Other SqFt:

Approx Age: **36-50 Years**  
 Type Ownership: **Individual**  
 Frontage/Access: **Township Road**  
 Current Use: **Commercial**  
 Potential Use: **Commercial**  
 Client Needs:  
 Client Will:  
 Known Encumbrances: **Other**  
 Location: **Mixed Use Area**  
 Geographic Locale: **Northwest Suburban**  
 Construction: **Wood Frame, Pre-cast**  
 Exterior: **Aluminum Siding**  
 Foundation:

Roof Structure:  
 Roof Coverings:  
 Docks/Delivery:  
 Misc. Outside:  
 # Parking Spaces: **9**  
 Indoor Parking:  
 Outdoor Parking: **6-12 Spaces**  
 Parking Ratio:  
 Misc. Inside:  
 Floor Finish:  
 Air Conditioning: **None**  
 Electricity: **101-200 Amps**  
 Heat/Ventilation: **Forced Air, Gas**  
 Fire Protection: **Fire Extinguisher/s**

Water Drainage:  
 Utilities To Site: **Electric to Site, Gas to Site, Sanitary Sewer to Site, Sewer-Storm Available, Water-Community, Water to Site, Well-Community**  
 Tenant Pays: **Common Area Maintenance, Electric, Heat, Insurance**  
 Equipment:  
 HERS Index Score:  
 Green Disc:  
 Green Rating Source:  
 Green Feats:  
 Backup Info:  
 Sale Terms: **Conventional, Lease/Purchase, Owner May Help/Assist, Cash Only, Land/Lease, Negotiable**  
 Possession: **Closing**  
 Electric Supplier: **Commonwealth Edison**

Gross Rental Income: **\$0**  
 Gross Rent Multiplier: **0**  
 Total Annual Expenses: **\$0**  
 Annual Net Operating Income: **\$0**  
 Total Monthly Income: **\$0**  
 Real Estate Taxes: **\$3,007.74**

Expense Source:  
 Net Operating Income Year: **2017**  
 Total Annual Income: **\$0**  
 Tax Year: **2019**  
 Expense Year:  
 Cap Rate:

Fuel Expense (\$/src): **\$0/**  
 Electricity Expense (\$/src): **\$0/**  
 Water Expense (\$/src): **\$0/**  
 Scavenger Expense (\$/src): **\$0/**  
 Insurance Expense (\$/src): **\$0/**  
 Other Expense (\$/src): **\$0/**

Broker Private Remarks: **Great Location & Access For Your Dream Business. Zoned B2 on 1/3 acre of property with fenced in Quonset Hut. Complete with water, electric, & gas. Parking spaces for up to 9 and storage shed as well. Full furnace all inclusive on 1020 square feet. Land & Quonset Hut included in list price. A stilted sign in front of the property is already in place for business advertising.**

Internet Listing: **Yes**  
 VOW AVM: **Yes**  
 Listing Type: **Exclusive Right to Sell**  
 Coop Comp: **2.5%-\$395 (on Gross SP)**  
 Information: **Short Notice OK**  
 Showing Inst: **Call Showingtime @ 855-746-9100 for confirmation**

Remarks on Internet?: **No**  
 VOW Comments/Reviews: **No**  
 Address on Internet: **Yes**  
 Other Compensation:  
 Cont. to Show?:

Broker Owned/Interest: **No**  
 Lock Box: **SentriLock (Located at Front)**  
 Special Comp Info: **None**  
 Call for Rent Roll Info:  
 Expiration Date:

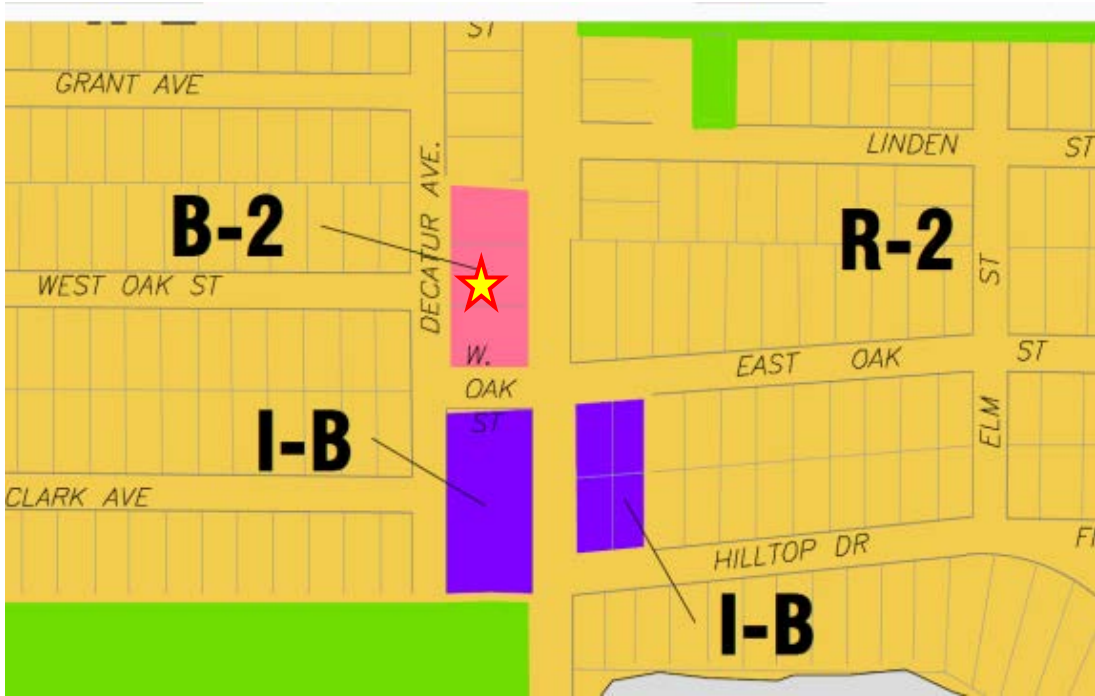
Broker: **Baird & Warner (5168) / (847) 426-7510**  
 List Broker: **Renee Pflanz (54868) / (847) 772-2010 / renee.pflanz@bairdwarner.com**  
 CoList Broker:

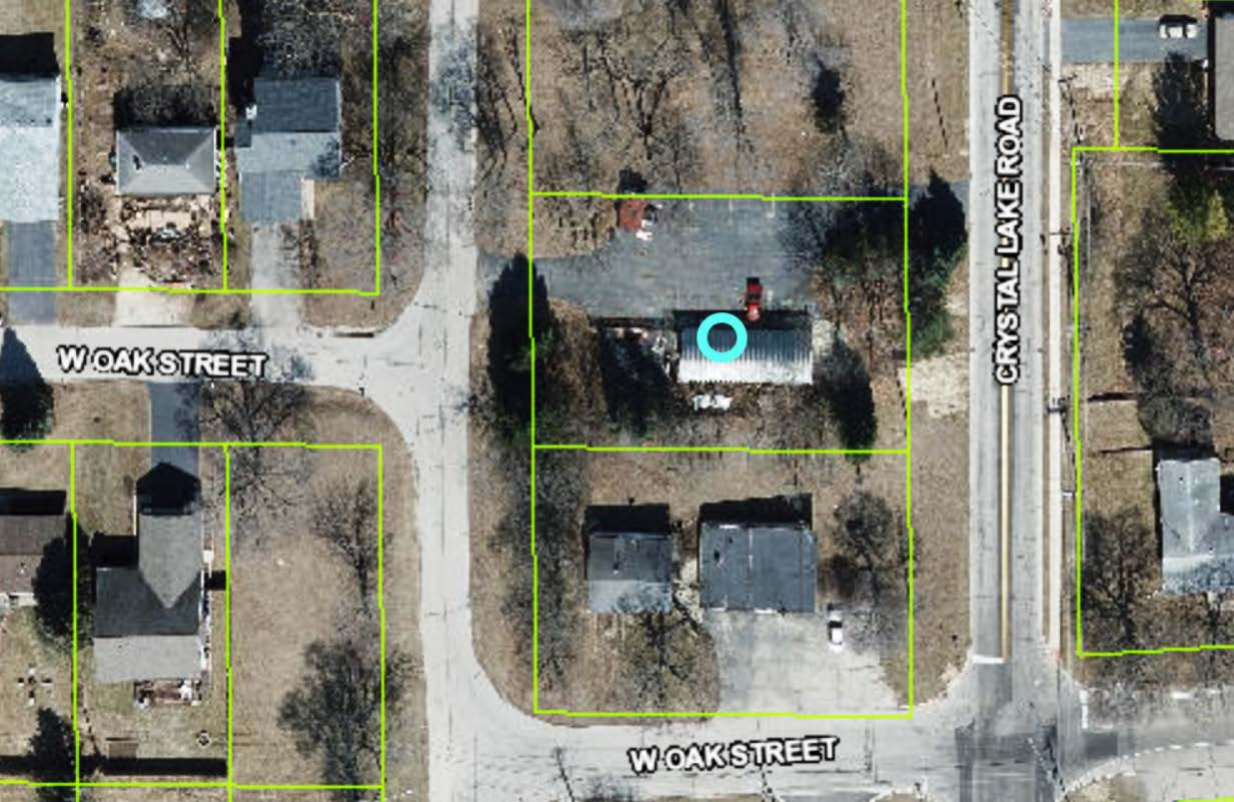
More Agent Contact Info:

Copyright 2020 MRED LLC - INFORMATION NOT GUARANTEED, REQUEST ADDITIONAL INFORMATION FROM BROKER, INVESTIGATE ENVIRONMENTAL. USE DUE DILIGENCE.

MLS #: 10695305

Prepared By: Tatyana Grancharova | Leader Realty, Inc. | 10/04/2020 02:47 PM





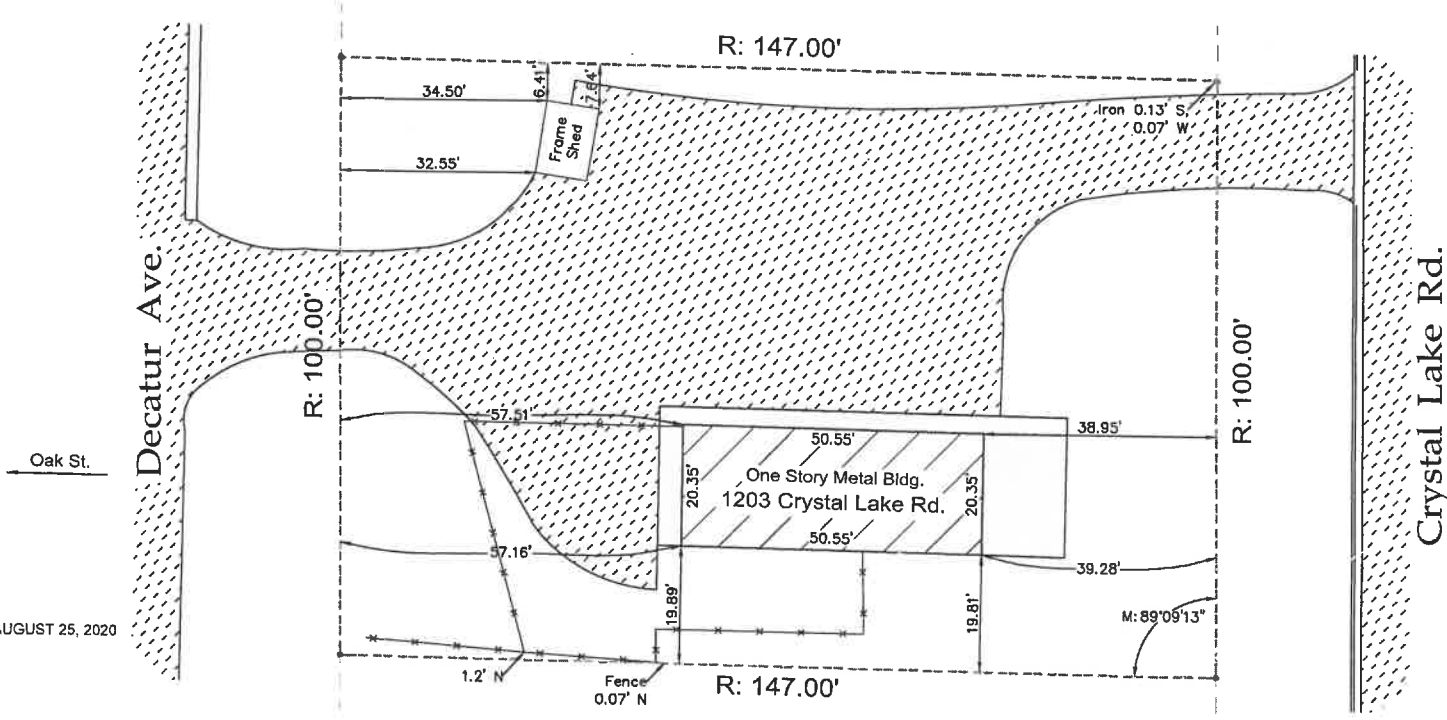
W OAK STREET

CRYSTAL LAKE ROAD

W OAK STREET

# PLAT OF SURVEY

LOT 2 IN BLOCK 1 IN LAKE IN THE HILLS ESTATES UNIT NO. 5, A SUBDIVISION OF PART OF SECTION 20, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1949 AS DOCUMENT NO. 222260, IN BOOK 10 OF PLATS, PAGE 117, IN MCHENRY COUNTY, ILLINOIS.



DATE OF SURVEY: AUGUST 25, 2020  
 STATE OF ILLINOIS  
 COUNTY OF KANE

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED, UNDER MY SUPERVISION, ACCORDING TO THE OFFICIAL RECORD AND THAT THE ABOVE PLAT CORRECTLY REPRESENTS SAID SURVEY. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.

I FURTHER CERTIFY THAT UNLESS OTHERWISE SHOWN, THE BUILDINGS ON THE PARCEL ARE WITHIN PROPERTY LINES AND THE ADJOINING VISIBLE IMPROVEMENTS DO NOT ENCROACH ON THE ABOVE DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

*Vincent B. Frye*

MY LICENSE EXPIRES 11-30-2020

COMPARE THE DESCRIPTION OF THIS PLAT WITH DEED, REFER TO THE TITLE POLICY FOR ITEMS OF RECORD NOT SHOWN ABOVE. UNLESS OTHERWISE NOTED, UTILITIES WITHIN EASEMENTS ARE NOT SHOWN HEREON, UNDERGROUND UTILITIES INCLUDING BUT NOT LIMITED TO CONDUITS AND CABLE (IF ANY) HAVE NOT BEEN SHOWN HEREON.

ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYING CORPORATION NO. 4183



Note: Document no. 251130 has not been provided to the surveyor. Building lines and easements, if any, described in it have not been shown.

PROPERTY AREA: 14693.7 SQ. FT.  
 CLIENT: ATTY. NICHOLAS  
 JN 20635

LEGEND	
R - RECORD DISTANCE	
M - MEASURED DISTANCE	
PROPERTY LINE	--- --
FENCE LINE	--- x ---
UTILITY POLE W/ CVHD. WIRES	--- x ---
CONCRETE	□
ASPHALT	▨
FOUND IRON	●
SCALE 1" = 20'	

<p>SCHLAF-SEDIG &amp; ASSOCIATES, INC.                  130 GATES STREET                  ELBURN, ILLINOIS 60119                  (630) 365-9831                  schlafsedig@comcast.net</p>
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# INFORMATIONAL MEMORANDUM

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## PLANNING AND ZONING COMMISSION

**MEETING DATE:** December 14, 2020

**DEPARTMENT:** Community Development

**SUBJECT:** Fence Section and Definitions --Section Updates to the Zoning Ordinance

## EXECUTIVE SUMMARY

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Commissioners, staff, and the planning consultant will continue to discuss potential updates to Section 15, Fences, and Section 3, Definitions of the Zoning Ordinance. This month's discussion will focus on buffer fencing and corner lot fence locations.

## FINANCIAL IMPACT

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None

## ATTACHMENTS

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1. Draft revisions- Section 3, Definitions, of the Zoning Ordinance
2. Draft revisions- Section 15, Fences, of the Zoning Ordinance

## SUGGESTED DIRECTION

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Open a discussion and provide direction to staff and the consultant concerning proposed changes to the Fence Section and Definitions Section of the Zoning Ordinance.

**Zoning District:** A geographical area within the limits of the Village in which the regulations and requirements governing the use of land are uniform.

**Zoning Map:** The map incorporated into this Zoning Code designating zoning districts.

**Zoning Lot:** A plot of ground, made up of one or more parcels, that is, may be, or is intended to be occupied by a use, building or buildings including the open spaces required by this Zoning Code.

### **1. INTERIOR LOT:**

Terms used in this subsection shall mean as follows:

A. Interior lot is any lot having a lot line fronting or facing only one street.

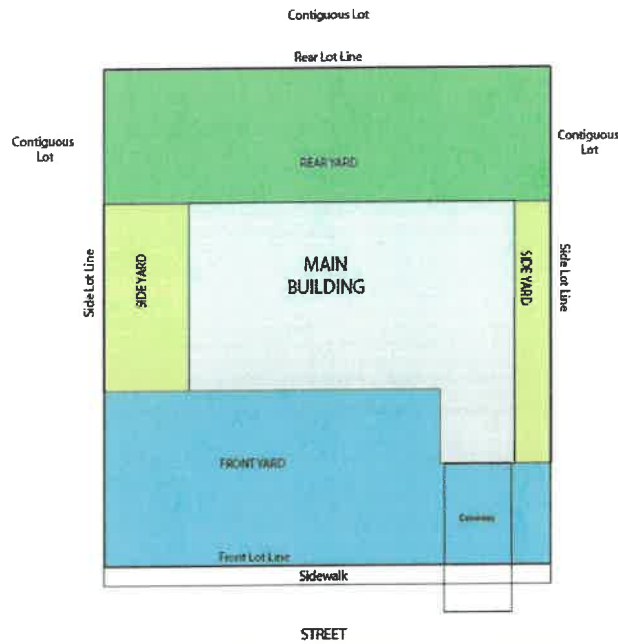
B. The front yard of an interior lot is the area extending across the front of a lot and being contained within the front lot line, the front elevation of the main building and the side lot lines. (See Illustration B.)

C. The rear yard of an interior lot is the area extending across the rear of a lot and being contained within the rear lot line, the rear elevation of the main building, the side lot lines and at the opposite end of the lot from the front lot line. (See Illustration B)

D. The side yard of an interior lot is the area extending along a side lot line and contained between the front and rear yards, the side lot line and the side elevation of the main building. (See Illustration B.)

## ILLUSTRATION B

### Interior Lot



## 2. CORNER LOT:

Terms used in this subsection shall mean as follows:

A. A corner lot is a lot situated at the junction of, abutting on or facing two intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less. Lot lines fronting, abutting or facing the streets shall be considered the front lot lines.

B. Corner lots have two front yards, as follows:

- (i) The front yard (front) is the area extending within and along the front lot lines to the side lot lines and then inward alongside lot lines to a point equal to that part of the main building (exclusive of projections) closest to the front lot lines and then continuing parallel to the front lot line and extending to the property line

along the adjacent street. (See *Illustration C*)

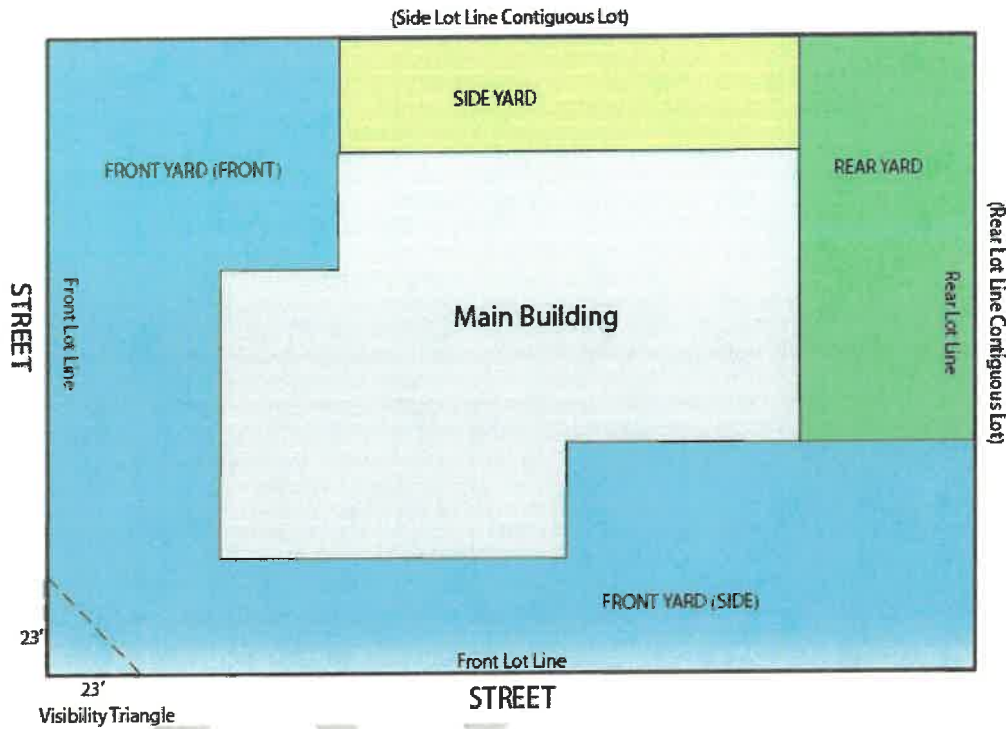
- (ii) The front yard (side) is that area contained between the front yard (front), the rear lot line, the main building and the front lot line abutting the adjacent street. (See *Illustration C*)

C. The rear yard is the area extending across the rear of the lot and parallel to the street upon which the lot has its shortest dimension. Such area shall be within and extending along the rear lot line to a point equal to that part of the main building (exclusive of projections) closest to the front lot line and then inward from the rear lot line to that part of the main building and from the rear lot line along the side lot line to a point equal to that part of the main building (exclusive of projections) closest to the rear lot line and then inward from the side lot line to that point of the building. (See *Illustration C*)

D. The side yard is that area remaining after establishing the front and rear yards or the area extending along the side lot line and contained between the front and rear yards, the main building and the side lot line. (See *Illustration C*)

# ILLUSTRATION C

## Corner Lot (Rear Yards Abutting)



### 3. THROUGH (INTERIOR) LOT:

Terms used in this subsection shall mean as follows:

A. Through (interior) lot is defined as a lot that has a pair of opposite lot lines along two more or less parallel streets and that is not a corner lot. On an interior through lot, both lot lines parallel to, fronting or facing a street shall be considered the front lot lines.

B. Through (interior) lots have two front yards, as follows:

(i) Front yard (front) is the area extending across the front of the lot and being contained within the front lot line, the side lot lines and the front of the main building. (See Illustration D)

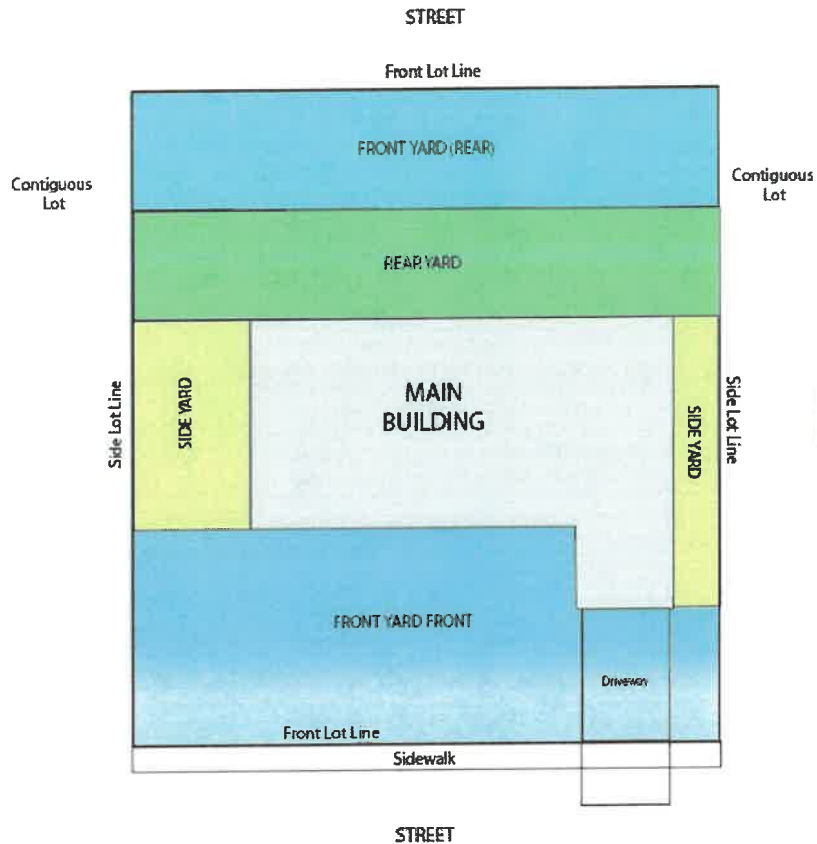
(ii) Front yard (rear) is the area extending across the rear of the lot, opposite from the front yard (front) and being contained within its front lot line, the side lot lines and for the minimum depth of front yard as required for the applicable zoning district. (See *Illustration D*)

C. Rear yard is the area remaining after determining the front yard (rear) and being contained within the side lot lines, the rear of the main building and front yard (rear). (See *Illustration D*)

D. Side yard is the area extending along a side lot and contained between the side lot line and the main building and the front yard (front) and the rear yard. (See *Illustration D*)



## ILLUSTRATION D Through (Interior) Lot



#### 4. THROUGH (CORNER) LOT:

Terms used in this subsection shall mean as follows:

A. Through (corner) lot is defined as a lot which has a pair of opposite lot lines along two more or less parallel streets and has another lot line fronting or facing another street or roadway and has its side lot line adjoining or contiguous to another lot or lots. On the corner through lot, all lot lines parallel to, fronting or facing any street shall be considered the front lot lines.

B. Front yards in through (corner) lots shall

have three front yards as follows:

(i) Front yard (front) is the area extending across the front of the lot with the least dimension and being contained within that front lot line, the front of the main building, the side lot line and its opposite front lot line. (See *Illustration E*)

(ii) Front yard (rear) is the area extending across the rear of the lot, opposite from the front yard (front) and being contained within its front lot line, the side lot line and its opposite front lot line and for minimum depth of a front yard as required for the applicable zoning district. (See *Illustration E*)

(iii) Front yard (side) is the area extending along the front of the lot with the greatest dimension and contained within the front yard (rear), the front yard (front), the front lot line and the main building. (See *Illustration E*)

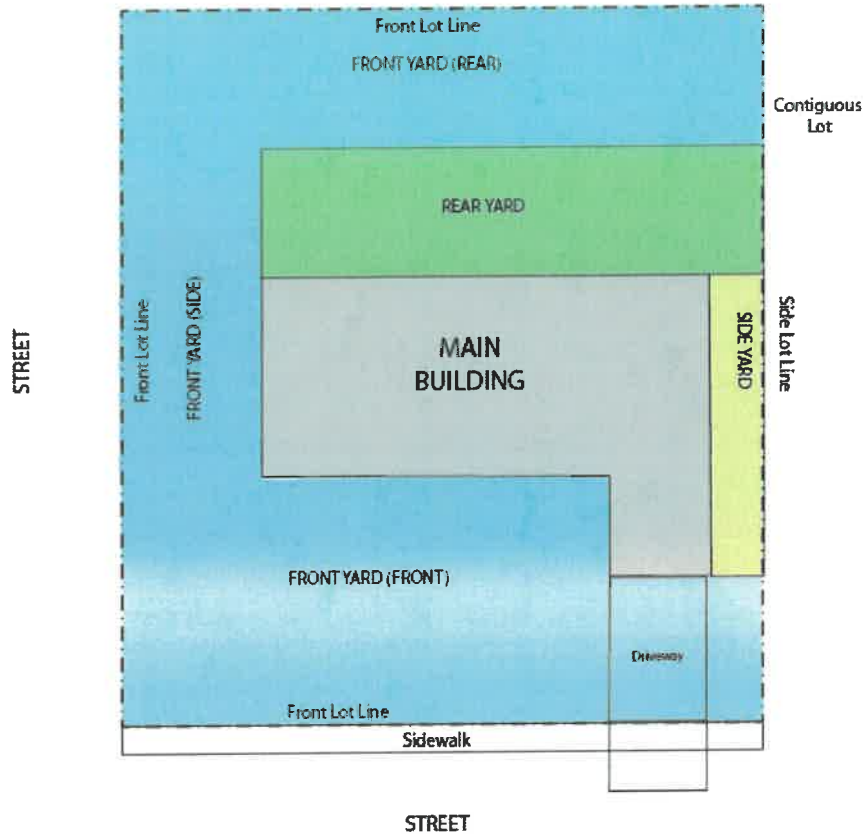
C. The rear yard is the area contained between the front yard (rear) and the main building and the side lot line and the front yard (side). (See *Illustration E*)

D. The side yard is the area extending along a side lot line and contained between the side lot line and the main building and the front yard (front) and the rear yard. (See *Illustration E.*)

# ILLUSTRATION E

## Through (Corner) Lot

NON-RESIDENTIAL STREET



### 5. THROUGH (ENTIRE BLOCK) LOT:

Terms used in this subsection shall mean as follows:

A. Through (entire block) lot is a lot which has all of its lot lines abutting, fronting on, or facing streets and which does not have any side lot lines. On a through lot (entire block), all lot lines abutting, fronting on or facing any street shall be considered the front lot lines.

B. A through lot (entire block) shall have four

front yards as follows:

(i) One, front yard (front), is the area extending across the front of the lot with the greatest dimension and being contained within the front lot line and the front of the building or buildings and the two front lines opposite from each other with the least dimension. (See *Illustration F*)

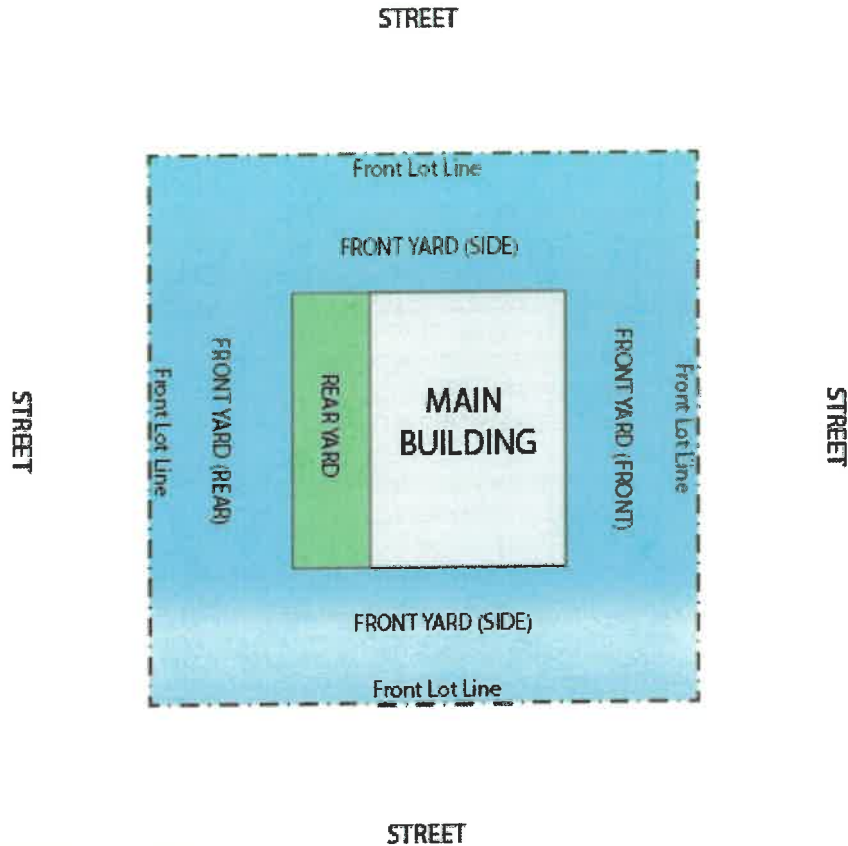
(ii) One, front yard (rear), is the area extending across the rear of the lot, opposite from the front yard (front) and being contained within its front lot line, the two front lot lines opposite from each other with the least dimension and for the minimum depth of a front yard as required for applicable zoning district. (See *Illustration F*)

(iii) Two, front yards (side), each shall be the area extending along the front of the lot with the least dimension and contained within the front yard (rear) and the front lot line and the main building. (See *Illustration F*)

C. Rear yard is the area contained between the front yard (rear) and the main building and the two front yards (side). (See *Illustration F*)

# ILLUSTRATION F

## Through (Entire Block) Lot



### 15.11 FENCES, REVERSED CORNER LOT

15.11-1 Terms used in this subsection shall mean as follows:

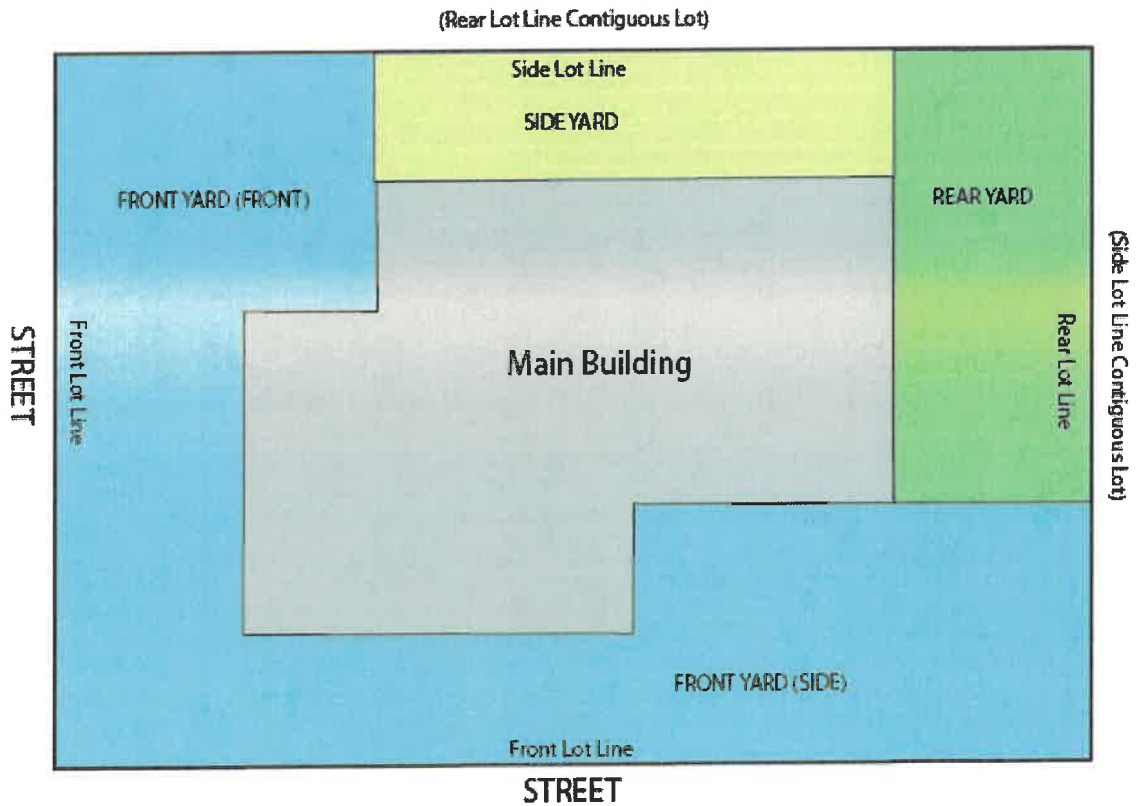
- A. A reversed corner lot is the same as a corner lot except that its front lot line with the greatest dimension is substantially a continuation of the front lot lines of the interior lots to its rear, and its rear lot line adjoins or abuts the side lot line of the lot to

its rear. Lot lines abutting, fronting or facing a street shall be considered the front lot lines.

B. Front yard, side yard and rear yard of a reversed corner lot is the same as the front yard, side yard and rear yard of a corner lot. (See Illustration G)

## ILLUSTRATION G

### Reverse Corner Lot (Rear & Side Yard Abutting)



**SECTION 15**

**FENCES**

**15.1 GENERAL PROVISIONS:**

15.1-1 *Permit Required:* No fence shall be constructed without a permit first having been properly issued therefor by the Village; ~~provided, however, that no permit shall be required for the installation of sections of decorative fencing in a front yard.~~ The fee for a fence permit shall be determined by the Board of Trustees.

15.1-2 *Plans Required:* The Community Development ~~Division~~Department shall require such plans and drawings as deemed reasonably necessary prior to issuance of a permit to assure compliance with this Zoning Code.

15.1-3 *Code Compliance Required:* All fences shall be constructed in conformance with the ordinances of the Village. The Community Development ~~Division~~Department shall inspect same for compliance.

15.1-4 *Barbed Wire:*~~7~~ *Dangerous Fences Prohibited:* With the exception of Section 15.14-2 no fence shall contain any barbed wire or be constructed in any way ~~so as~~ to potentially cause injury to any person.

15.1-5 *Maintenance:* All fences shall be maintained and kept in good condition.

15.1-6 *Airport District 1 Restrictions:* Fences in the AD-1 District shall be allowed only per the airport regulations described in Chapter 26 of the Municipal Code.

15.1-7 *Definitions:* See Section 3 for definitions of Front Yard, Front Yard (side), Front Yard side), Front Yard (Front), Side and Rear Yards, Through Corner Lot, Reverse Corner Lot, Interior Lot, Corner Lot, Through Corner Lot, and Through (entire block) Lot.

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15.1-8 *Nonconforming Fences:* All fences heretofore lawfully constructed and not conforming to the provisions hereof are declared legal nonconforming structures and may

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continue to exist, but shall not be reconstructed or altered,  
and if rebuilt, must conform to existing codes.

15.1-9 Prohibition: No fence shall be permitted in or on the  
property between the front lot line and the street.



## 15.2 CONSTRUCTION STANDARDS:

A. All fences shall be constructed of one or more of the following materials: suitable plastic material (PVC, vinyl, and composite), wood that is treated or a species that is naturally resistant to withstand decay and rot, chain link, decorative aluminum, wrought iron, or other suitable material.

B. All rails and supports shall be on the inside of the fence, such that the decorative side of the fence shall face outward from the property enclosed. Supports may also be internal to the fence so that both sides of the fence have the same decorative appearance.

C. All fence post holes shall be a minimum of 42 inches deep for five foot and taller fences. All fences less than five feet in height, may have post holes that are only 36 inches deep. Posts shall be securely anchored in the ground with concrete.

D. Fence, other than decorative corner fence, in excess of four feet in height are allowed to encroach 6 inches above the maximum height for posts or ornamental caps on posts.

~~E. Where chain link used in fences that are erected allowed in areas zoned residential, and agricultural shall not be less than 11 gauge. Chain link used in fences that are erected in areas zoned for business and manufacturing, they shall not be less than 9 gauge.~~ be maintained in good condition.

~~FE.~~ A gate shall be provided along at least one fence line adjacent to the public street to allow access for emergency response personnel. The gate shall be a minimum of 36 inches in width. The gate shall be mounted in such a manner that the gate swings over private property of the lot where it is located and not over the public right-of-way. All gates provided for fencing around swimming pools must swing outward, away from the pool area.

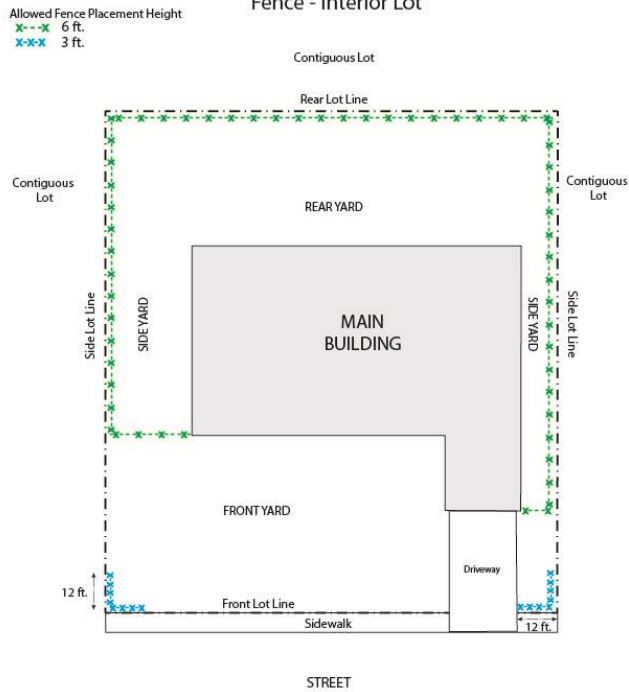
15.3 PERMITTED FENCING

15.3-1 Front yards:

A. ~~Decorative~~ Corner fencing sections, such as ~~split rails or pickets or other open (at least 70% permeable to light and air) fences, not to exceed 1012 feet in length each along each property line, and a maximum of 3 feet in height and at least 70 percent open. The t~~wo sections must join together at an ~~120 degree~~ angle ~~or less~~ running parallel to the respective lot lines to form a corner (corner section), but no corner section may be closer than 10 feet to another corner section. (See Illustration B)

ILLUSTRATION B

Fence - Interior Lot



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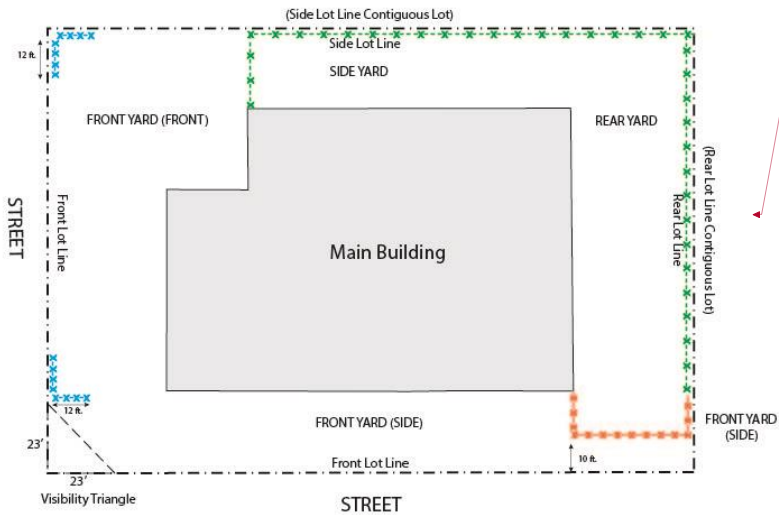
B. Fence, other than decorative corner fence, within the **front yard (side) which abuts another front yard (side) on a corner lot** shall be at least 30 percent open may be up to 100 percent closed, not exceeding five four feet in height, exclusive of posts or ornamental objects on posts, provided the fence is not closer than ten feet to the front yard (side) property line. plus starts and ends at a rear yard The fence must also be located in line with the rear elevation of the building or within the rear yard. Up to an additional foot may be added to the top the fence that is at least 30% open (lattice). (See Illustration C)

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Allowed Fence Placement Height  
 x - - x 6 ft.  
 - - - - - 4-5 ft.  
 \* \* \* \* \* 3 ft.

### ILLUSTRATION C

Fences - Corner Lot (Rear Yards Abutting)



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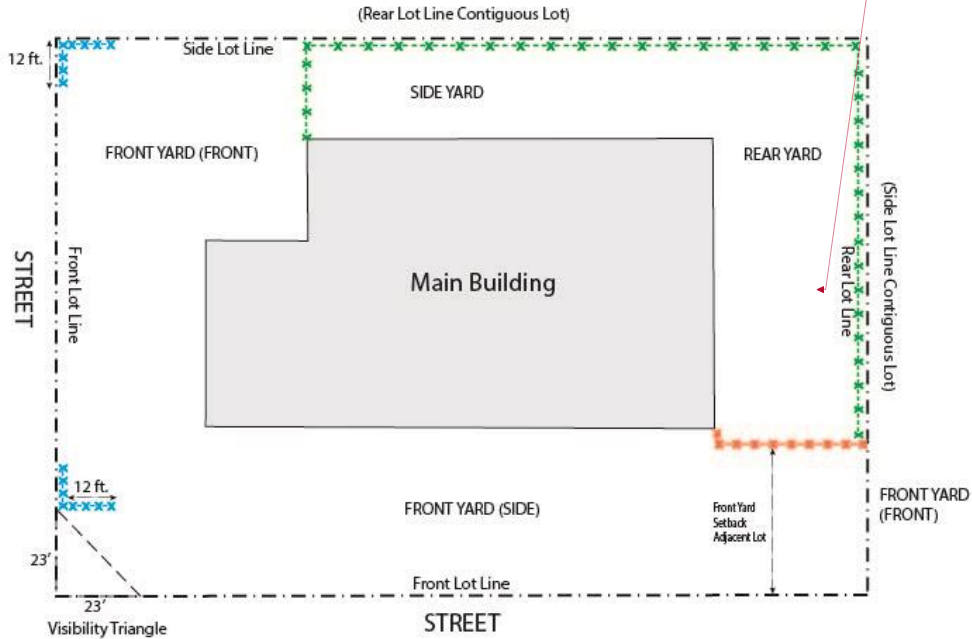
Fence, other than decorative corner fence, within the front yard (side) on a **reversed corner lot** ~~shall be at least 30 percent open~~ may be up to 100 percent closed, not exceeding ~~five-four~~ four feet in height ~~exclusive of posts or ornamental objects on posts~~, provided the fence ~~is not closer than ten feet to the property line along the street and starts and end at a rear yard.~~ The fence shall not extend closer to the front lot line (front yard side) than the width applicable ~~of the~~ front yard (front) building line of the adjacent lot and is located behind the rear elevation of the building. Up to an additional foot may be added to the top of the fence that is at least 30% open (lattice.) (See Illustration G)

Allowed Fence Placement

- x--x 6 ft.
- x--x-x 4-5 ft.
- x-x-x-x 3 ft.

# ILLUSTRATION G

## Fences - Reverse Corner Lot (Rear & Side Yard Abutting)



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D. Fence, other than decorative corner fence, within the front yard (~~side/rear~~) on a **through (corner) lot** shall be at least 30 percent open may be up to 100 percent closed, not exceeding five-six feet in height ~~exclusive of posts or ornamental objects on posts~~, provided the fence is not closer than ten feet to the front yard (side) property line than the required building setback line and starts and ends at a is contained within the front yard (rear) and/or "Rear Yard". The fence shall not extend beyond the rear most line of the rear yard. (See Illustration E).

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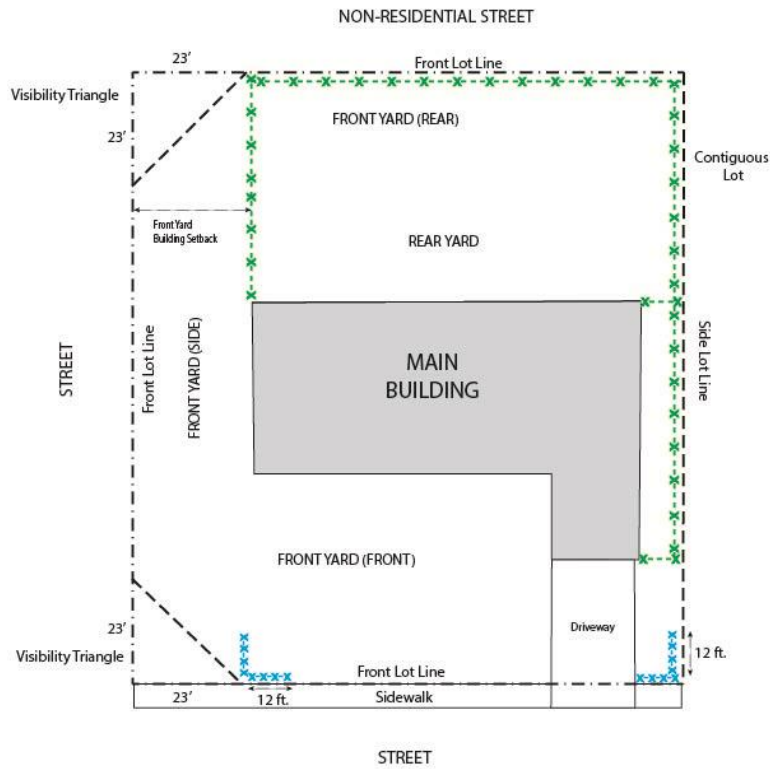
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Allowed Fence Placement Height  
 X--X 6 ft.  
 X-X-X 3 ft.

## ILLUSTRATION E

Fence - Through (Corner) Lot



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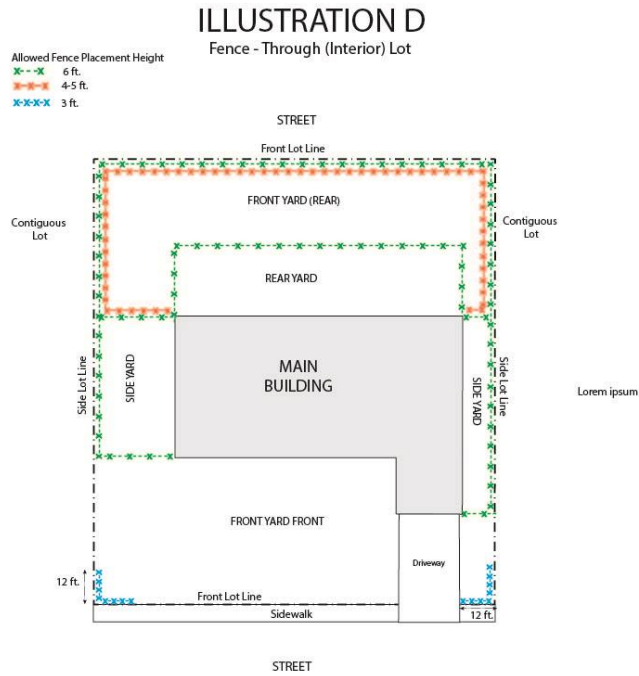
G.

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E. Fence, other than decorative corner fence, contained within the front yard (rear) on an interior through lot, may be up to 100 percent closed and not exceed four feet in height. Up to an additional foot may be added to the top of the fence that is at least 30% open (lattice). Fence, (1) contained within the Rear Yard; or (2) where a front yard (rear) is contiguous to other front yard (rear) yards, may be 100 percent closed and shall

not exceed 6 feet in height exclusive of posts or ornamental caps on posts. (See Illustration D)



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F. Fence, other than decorative corner fence, within the **front yard (rear) on a through (entire block) lot** may be up to 100 percent closed, not exceeding six feet in height, provided the fence is contained within the "Rear Yard". (See Illustration F)

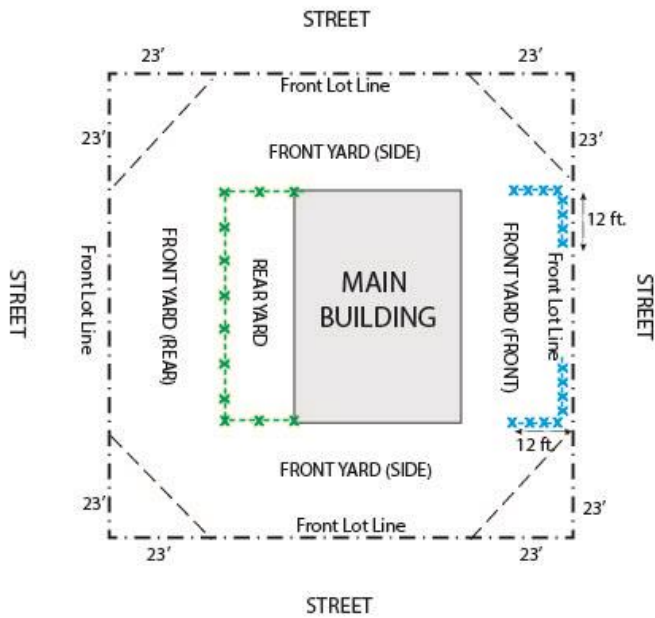
Allowed Fence Placement

x--x 6 ft.

xxxx 3 ft.

## ILLUSTRATION F

### Fence - Through (Entire Block) Lot



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~~H. Where the interior fence is taller and adjoining fence shorter, the change in grade shall taper in height to match the adjoining section. (See Illustration I)~~

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~~J.G. No chain link shall be used in any residential front yard.~~

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~~K.H. When existing neighborhood conditions for fences in front yards differ from current requirements, the Community Services Director or designee shall have authority, but not the~~

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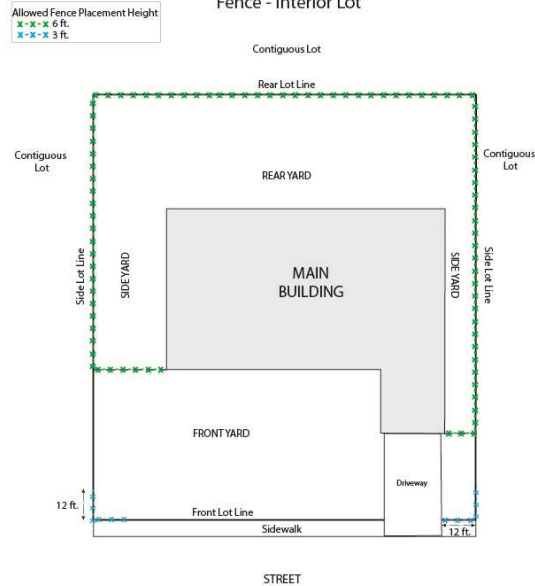


obligation, to grant minor or technical variations to these standards where: 1) conditions are physically unique and would result in a height variation of 6 inches or less; 2) approval of an open fence that meets the intent of 30% open or 70% open but does not exactly meet the requirement; 3) approval to locate a fence closer to the property line than allowed because of a physical obstruction that would prevent the placement of the fence in the required location. to allow construction similar to the nearby properties. The Any minor or technical variation shall be documented and presented to the Planning and Zoning Commission at their next regular meeting for their information. ~~Differing from existing neighborhood conditions shall be defined as a majority of the similar situations within 1000 feet of the property in question.~~

15.3-2 **Side and rear yards (including Front Yard (rear):** Fences, up to 100% closed, at least 30 percent open, not exceeding six feet in height ~~exclusive of posts or ornamental objects on posts,~~ provided, however that perimeter buffer fencing shall be permitted in accordance with the provisions of Section 15.12 (15.6) of this Zoning Code. Fences in the rear yards of lots fronting the following four lakes shall be regulated per Section 15.15: Woods Creek Lake ~~Lake #1~~, Goose Lake ~~Lake #2~~, Willow Lake ~~Lake #3~~, and Lake Scott ~~Lake #4~~. (See Illustration B)

## ILLUSTRATION B

### Fence - Interior Lot



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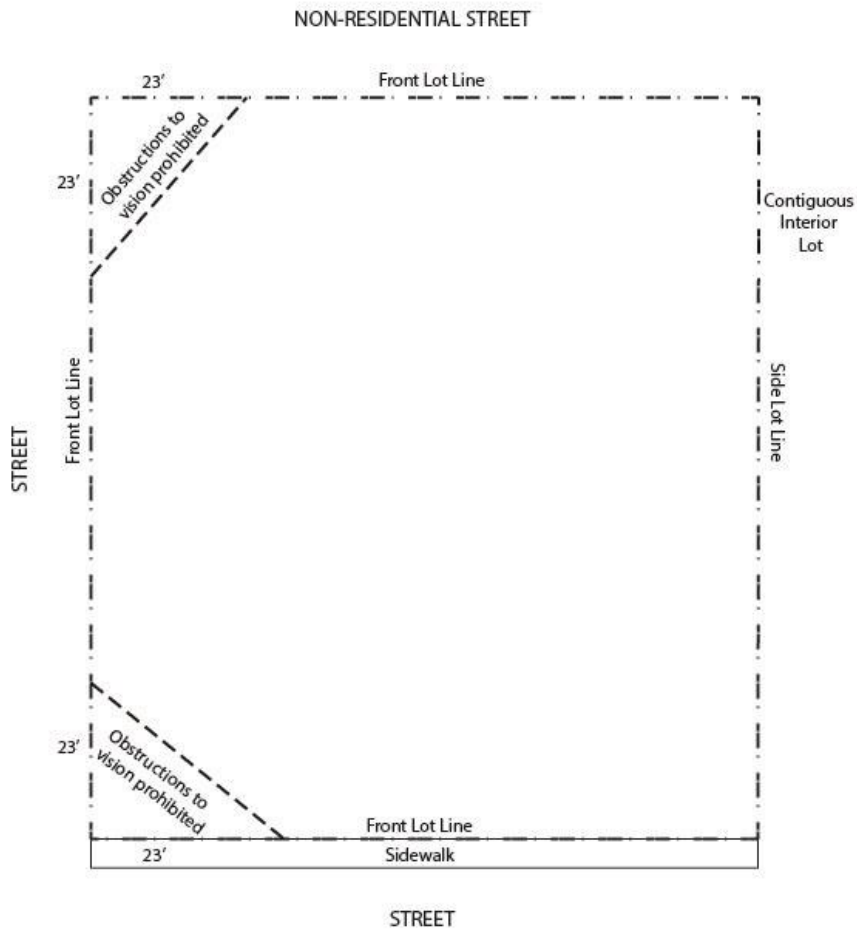
15.3-3 *Temporary Fencing:* Temporary fencing for special events or construction sites shall obtain a permit and follow Building and Fire Code safety standards for means of egress requirements and be securely mounted. Temporary fencing shall be of suitable materials and may consist of chain link, may be a maximum height of 8 feet. is allowed, without permit, as authorized by the Community Services Director or designee.

#### 15.4 VISION OBSTRUCTIONS PROHIBITED:

No fence, screening, or other structure shall be constructed on any corner lot taller than 24 inches in height from curb level or street crown if located within the area of a sight-line triangle, two legs of which are a distance of 23 feet each when measured along each of the intersecting front lot lines and from the point where such lines intersect. (See *Illustration A.*)

# ILLUSTRATION A

Vision Area - Corner Through Lot



**15.5 EXEMPTIONS:**

15.5-1 *Certain Institutional Fences:* Nothing in this Zoning Code shall prohibit the erection of an open mesh-type or chain-link fence for public parks, recreational areas, ballfields, public or private school sites, or property owned by any public utility or agency.

15.5-2 *Soil and Erosion Control:* Nothing in this Zoning Code shall prohibit the erection of soil and erosion control fencing around any disturbed area during construction.

15.5-3 *Snow Fencing:* Nothing in this Zoning Code shall prohibit the erection of snow fencing to control blowing snow between November 1 and April 1 on any property owned by any public utility or agency.

15.5-4 *Certain Terraces and Patios:* Open terraces and patios located in a rear yard may be enclosed by a solid fence not to exceed 72 inches in height and not extending more than 12 feet out from the principal building.

~~**15.6 FENCES, INTERIOR LOT:**~~

~~15.6-1 Terms used in this subsection shall mean as follows:~~

~~A. Interior lot is any lot having a lot line fronting or facing only one street.~~

~~B. The front yard of an interior lot is the area extending across the front of a lot and being contained within the front lot line, the front of the main building and the side lot lines. (See Illustration B.)~~

~~C. The rear yard of an interior lot is the area extending across the rear of a lot and being contained within the rear lot line, the rear of the main building, the side lot lines and at the opposite end of the lot from the front lot line. (See Illustration B)~~

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~~D. The side yard of an interior lot is the area extending along a side lot line and contained between the front and rear yards, the side lot line and the main building. (See Illustration B.)~~

~~15.6-2 Prohibitions: No fence shall be permitted in or on property between the front lot line and the street or roadway.~~

#### ~~15.7 FENCES, CORNER LOT:~~

~~15.7-1 Terms used in this subsection shall mean as follows:~~

~~A. A corner lot is a lot situated at the junction of, abutting on or facing two intersecting streets or roadways, or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less. Lot lines fronting, abutting or facing the streets shall be considered to be the front lot lines.~~

~~B. Corner lots have two front yards, as follows:~~

~~(i) The front yard (front) is the area extending within and along the front lot lines to the side lot lines and then inward alongside lot lines to a point equal to that part of the main building (exclusive of projections) closest to the front lot lines and then continuing parallel to the front lot line and extending to the property line along the adjacent street. (See Illustration C)~~

~~(ii) The front yard (side) is that area contained between the front yard (front), the rear lot line, the main building and the front lot line abutting the adjacent street. (See Illustration C)~~

~~C. The rear yard is the area extending across the rear of the lot and parallel to the street upon which the lot has its shortest dimension. Such area shall be within and extending along the rear lot line to a point equal to that part of the main~~

~~building (exclusive of projections) closest to the front lot line and then inward from the rear lot line to that part of the main building and from the rear lot line along the side lot line to a point equal to that part of the main building (exclusive of projections) closest to the rear lot line and then inward from the side lot line to that point of the building. (See Illustration C)~~

~~D. The side yard is that area remaining after establishing the front and rear yards or the area extending along the side lot line and contained between the front and rear yards, the main building and the side lot line. (See Illustration C)~~

~~**15.8 FENCES, THROUGH (INTERIOR) LOT:**~~

~~15.8-1 Terms used in this subsection shall mean as follows:~~

~~A. Through (interior) lot is defined as a lot that has a pair of opposite lot lines along two more or less parallel streets or roadways and that is not a corner lot. On an interior through lot, both lot lines parallel to, fronting or facing a street or roadway shall be considered to be front lot lines.~~

~~B. Through (interior) lots have two front yards, as follows:~~

~~(i) Front yard (front) is the area extending across the front of the lot and being contained within the front lot line, the side lot lines and the front of the main building. (See Illustration D)~~

~~(ii) Front yard (rear) is the area extending across the rear of the lot, opposite from the front yard (front) and being contained within its front lot line, the side lot lines and for the minimum depth of front yard as required for the applicable zoning district. (See Illustration D)~~

~~C. Rear yard is the area remaining after determining the front yard (rear) and being contained within the side lot lines, the rear of the main building and front yard (rear). (See Illustration D)~~

~~D. Side yard is the area extending along a side lot and contained between the side lot line and the main building and the front yard (front) and the rear yard. (See Illustration D)~~

~~15.8-2 Prohibition: No fence shall be permitted in or on the property between the front lot line and the street or roadway.~~

#### ~~15.9 FENCES, THROUGH (CORNER) LOT:~~

~~15.9-1 Terms used in this subsection shall mean as follows:~~

~~A. Through (corner) lot is defined as a lot which has a pair of opposite lot lines along two more or less parallel streets or roadways and has another lot line fronting or facing another street or roadway and has its side lot line adjoining or~~

~~contiguous to another lot or lots. On the corner through lot, all lot lines parallel to, fronting or facing any street or roadway shall be considered as front lot lines.~~

~~B. Front yards in through (corner) lots shall have three front yards as follows:~~

~~(i) Front yard (front) is the area extending across the front of the lot with the least dimension and being contained within that front lot line, the front of the main building, the side lot line and its opposite front lot line. (See Illustration E)~~

~~(ii) Front yard (rear) is the area extending across the rear of the lot, opposite from the front yard (front) and being contained within its front lot line, the side lot line and its opposite front lot line and for minimum depth of a front yard as required for the applicable zoning district. (See Illustration E)~~

~~(iii) Front yard (side) is the area extending along the front of the lot with the greatest dimension and contained within the front yard (rear), the front yard (front), the front lot line and the main building. (See Illustration E)~~

~~C. The rear yard is the area contained between the front yard (rear) and the main building and the side lot line and the front yard (side). (See Illustration E)~~

~~D. The side yard is the area extending along a side lot line and contained between the side lot line and the main building and the front yard (front) and the rear yard (See Illustration E.)~~

~~15.9-2 Prohibition: No fence shall be permitted in or on the property between the front lot line and the street or roadway.~~



~~15.10 FENCES, THROUGH (ENTIRE BLOCK) LOT:~~

~~15.10-1 Terms used in this subsection shall mean as follows:~~

~~A. Through (entire block) lot is a lot which has all of its lot lines abutting, fronting on, or facing streets or roadways and which does not have any side lot lines. On a through lot (entire block), all lot lines abutting, fronting on or facing any street or roadway shall be considered to be front lot lines.~~

~~B. A through lot (entire block) shall have four front yards as follows:~~

~~(i) One, front yard (front), is the area extending across the front of the lot with the greatest dimension and being contained within the front lot line and the front of the building or buildings and the two front lines opposite from each other with the least dimension. (See Illustration F)~~

~~(ii) One, front yard (rear), is the area extending across the rear of the lot, opposite from the front yard (front) and being contained within its front lot line, the two front lot lines opposite from each other with the least dimension and for the minimum depth of a front yard as required for applicable zoning district. (See Illustration F)~~

~~(iii) Two, front yards (side), each shall be the area extending along the front of the lot with the least dimension and contained within the front yard (rear) and the front lot line and the main building. (See Illustration F)~~

~~C. Rear yard is the area contained between the front yard (rear) and the main building and the two front yards (side). (See Illustration F)~~

~~15.10-2 Prohibition: No fence shall be permitted in or on~~

~~the property between the front lot line and the street or roadway.~~

#### ~~15.11 FENCES, REVERSED CORNER LOT~~

~~15.11-1 Terms used in this subsection shall mean as follows:~~

~~A. A reversed corner lot is the same as a corner lot except that its front lot line with the greatest dimension is substantially a continuation of the front lot lines of the interior lots to its rear, and its rear lot line adjoins or abuts the side lot line of the lot to its rear. Lot lines abutting, fronting or facing a street or roadway shall be considered to be front lot lines.~~

~~B. Front yard, side yard and rear yard of a reversed corner lot is the same as the front yard, side yard and rear yard of a corner lot. (See Illustration G)~~

~~15.11-2 Prohibition: No fence shall be permitted in or on the property between the front lot line and the street or roadway.~~

#### ~~15.612 PERIMETER-BUFFER FENCING ADJACENT TO BUSY STREETS:~~

~~15.612-1 Defined: Perimeter-Buffer fencing is defined as fencing along thoroughfares having a speed limit of 30 miles per hour or higher abutting a rear property line or designated rear yard which does not allow vehicular access to those thoroughfares from abutting lots or tracts.~~

~~15.612-2 Clear Vision Areas: When a thoroughfare intersects with any other roadway, the perimeter fencing must terminate 23 feet from the corner lot stake. In the case of radius lot stakes, the fence must terminate 23 feet from the intersecting point that a line extended from each lot line would create, or at the radius lot stake, whichever is greater. (See Illustration H-1.)~~

When two ~~thoroughfares-streets~~ intersect, a clear vision area must be maintained by measuring 23 feet from the intersecting

~~stake or stakes~~lot lines, down each lot line and creating a diagonal line across the two points. ~~In the case of radius lot stakes, the fence must terminate 23 feet from the intersecting point that a line extended from each lot line would create, or at the radius lot stake, whichever is greater. (See Illustration H-2.)~~This is known as the The Clear View Triangle. Buffer fencing shall be located along property lines.

15.612-3 ~~One Foot Distance Standards~~Location: Perimeter Buffer fencing shall be located ~~not less than one foot inside all lot lines, or not less than one foot as close to the rear property line as possible outside of any required easements from any existing County or State roadway maintenance easement, or not less than one foot in from any existing landscaping easement. (See Illustration H-1 and H-2.)~~

~~15.12-4 Posts:~~ Fence posts shall be located on the side yard lot lines so adjacent property owners may tie into existing fencing on adjacent property in order to maintain uniformity. The post location requirement shall not apply to developers developing two or more consecutive lots subject to this Zoning Code.

~~15.12-5 Changes in Elevation:~~ Changes in elevation shall be rolling with the contour of the property, subject to the Director of Community Services or designee's approval, keeping the top of the fencing even.

~~15.612-46 Material:~~ Perimeter Buffer fencing shall be constructed ~~entirely of sturdy and durable materials such as western red cedar, which shall remain in its natural condition except for clear wood or cedar wood preservatives used to prevent decay and rotor pressure-treated wood, metal, vinyl, or composite materials.~~

15.612-75 Height; Style: Perimeter Buffer fencing shall be ~~five~~permitted up to a maximum of 6 feet in height and ~~30~~percent open,~~may be a solid style fence flat topped, board on board.~~Chain link fences may not be used as Buffer fencing.

15.612-68 Gates: ~~Gates are p~~ermitted gates shall be

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constructed of the same material and style of the Buffer fencing but shall be of the same construction as the fence.

15.~~612-97~~ *Connection of Interior Fencing:* Where ~~perimeter Buffer~~ fencing is installed, interior fencing is permitted to be extended and connected to the ~~perimeter Buffer~~ fencing. ~~Where the interior fencing is six feet high, the change in grade shall be made evenly, with the eight foot section connecting. (See Illustration I.)~~

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#### **15.713 DOG POUNDS, RUNS & ENCLOSURES:**

15.713-1 *Rear Yard Only; Lot Line Limitation:* Dog ~~pounds, runs and~~ enclosures shall be permitted only in rear yards and shall be located not closer than 10 feet to any lotline.

15.713-2 *Construction Standards:* Such enclosures shall be constructed of fencing that is at least 30 percent open, shall not exceed ~~eight-six~~ feet in height and shall not exceed a total of 50 ~~lineal-square?~~ feet.

15.713-3 *Number Limited:* Only one such pound, run or enclosure shall be permitted per zoning lot.

#### **15.814 SEPARATION WALLS/FENCING (MULTIPLE FAMILY, BUSINESS, MANUFACTURING PROPERTY):**

15.814-1 *Separation Fence Required if Abutting Residential:* Whenever a business abuts a residential area, there shall be erected a wall or durable solid fence at least six feet in height and maintained in good condition.

15.814-2 *Standard in not Abutting Residential:* Whenever a business does not abut a residential area a fence of at least six feet in height, but no more than eight feet in height, may be erected. A three-strand barbed wire extension, not exceeding eighteen inches is permissible, unless {maybe justified through a variation} it does not meet the applicable setback standard.

15.814-3 Whenever a duplex, townhouse, condominium or any

other multiple family zoned property abuts single family zoned property, a six foot high board on board cedar or pressure treated wood fence or approved vinyl, PVC, or metal fence shall be erected between the two areas. ~~The later of the two builders shall be responsible for the fence.~~

**15.915 -LAKEFRONT FENCING:**

15.915-1 *Defined:* Lakefront fencing is defined as fencing that is located in the rear yards of lots that abut one of the following four lakes: Woods Creek Lake ~~Lake #1~~, Goose Lake ~~Lake #2~~, Willow Lake ~~Lake #3~~, and Lake Scott ~~Lake #4~~.

15.915-2 *Height:* The maximum height for any lakefront fencing shall be 4 feet exclusive of posts or ornamental objects.

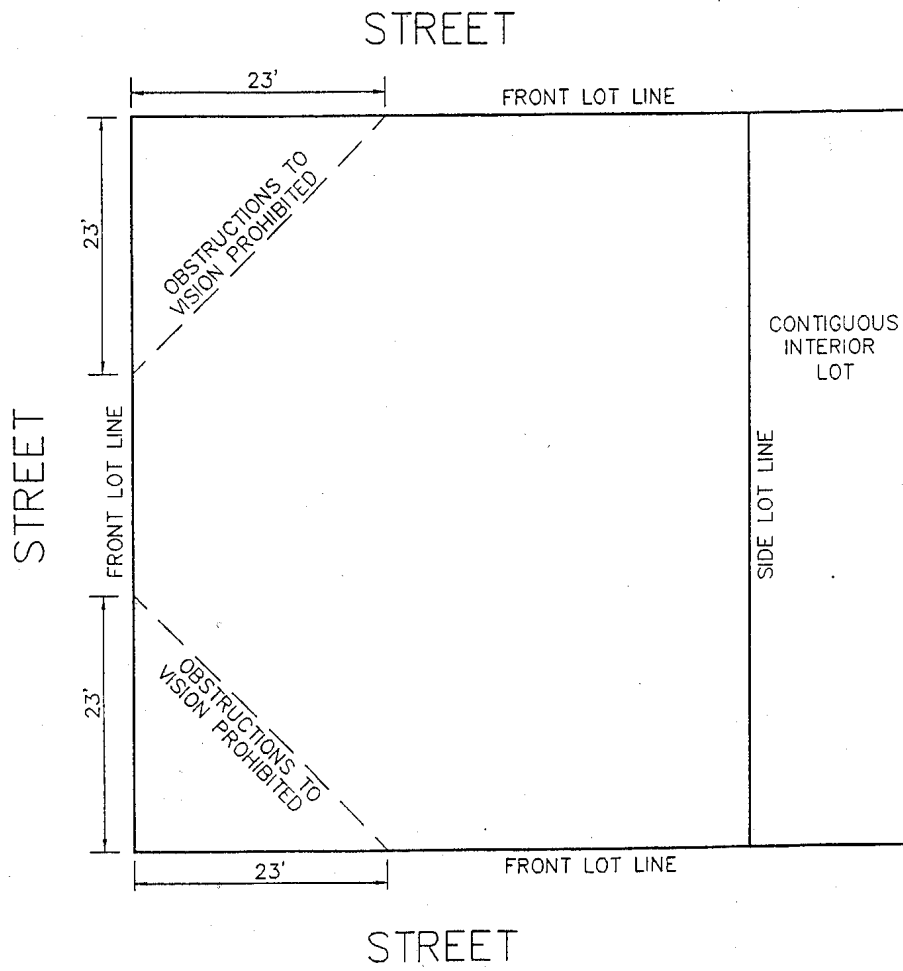
15.915-3 *Setback:* The minimum setback for lakefront fencing is 15 feet from the shoreline or property line, whichever is closest to the principal structure on the lot at the time of permit.

15.915-4 *Percent Open:* Lakefront fencing shall be at least 50% open as viewed at 90 degrees.

15.915-5 *Type of Fences:* Lakefront fencing shall be restricted to vertical pickets or split rails.

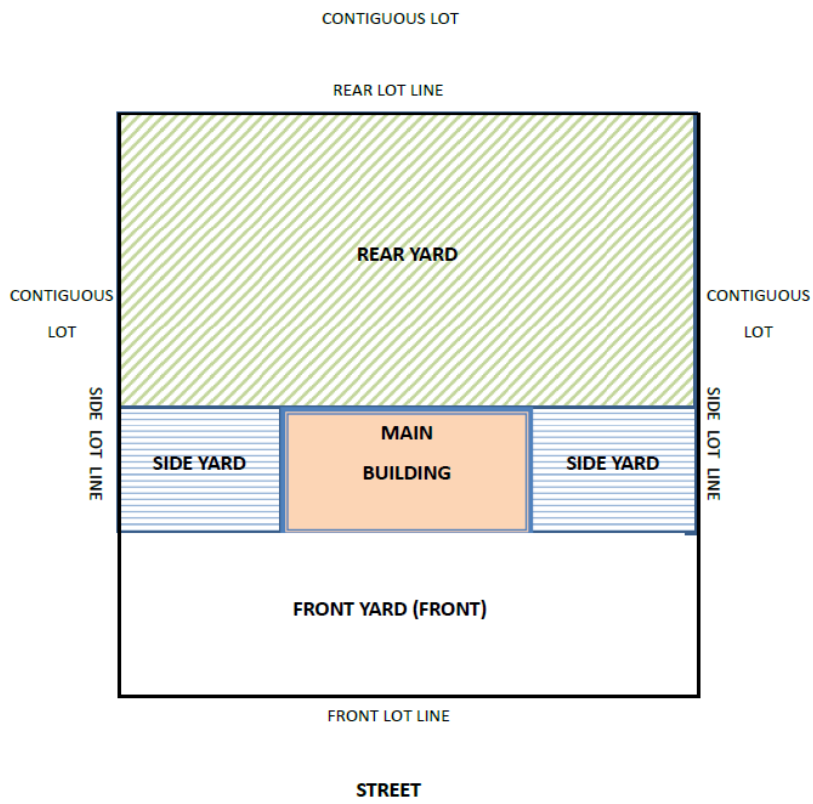
15.16 Illustrations

ILLUSTRATION A  
VISION AREA - CORNER THROUGH LOT



## ILLUSTRATION B

### YARDS— INTERIOR LOT

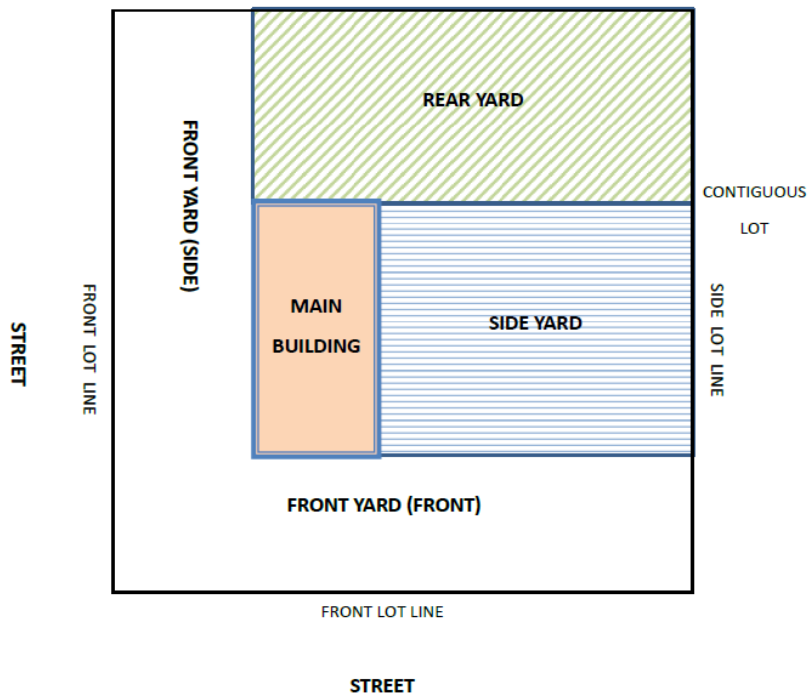


# ILLUSTRATION C

## YARDS— CORNER LOT

CONTIGUOUS LOT

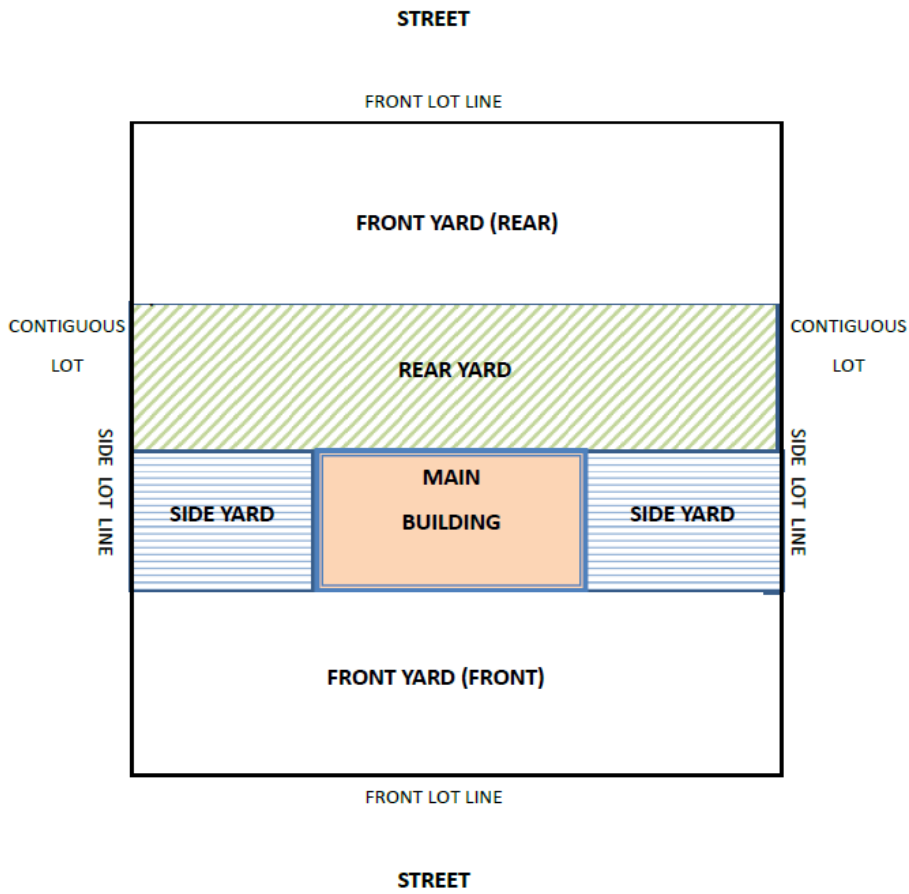
REAR LOT LINE





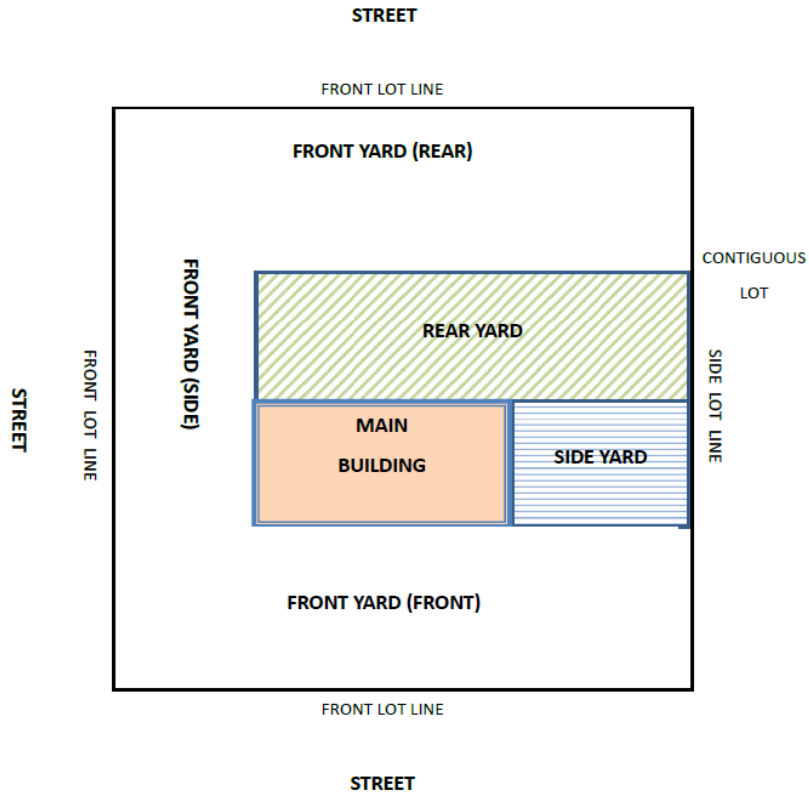
# ILLUSTRATION D

## YARDS—THROUGH (INTERIOR) LOT



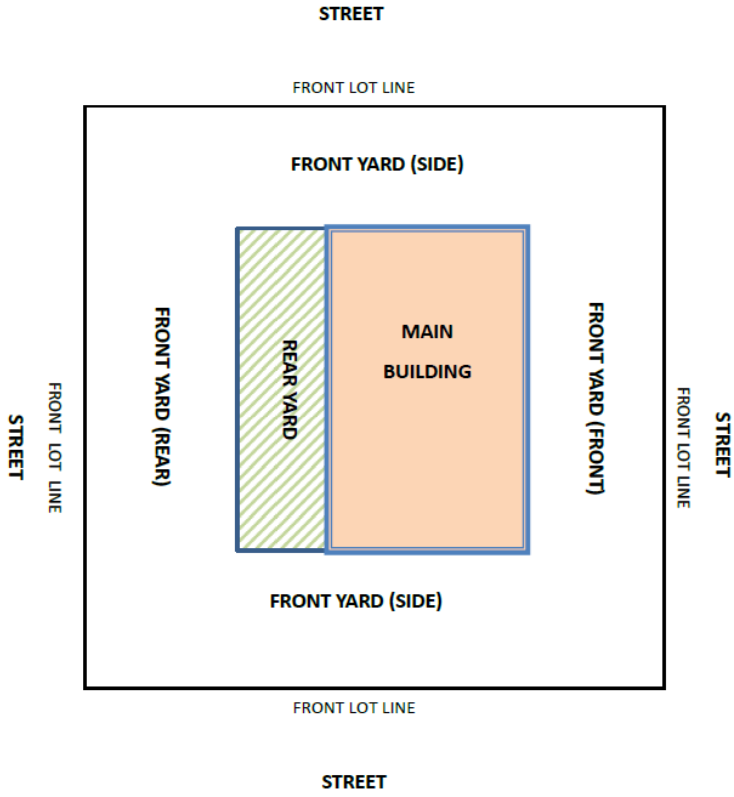
# ILLUSTRATION E

## YARDS—THROUGH (CORNER) LOT



# ILLUSTRATION F

YARDS— THROUGH (ENTIRE BLOCK) LOT

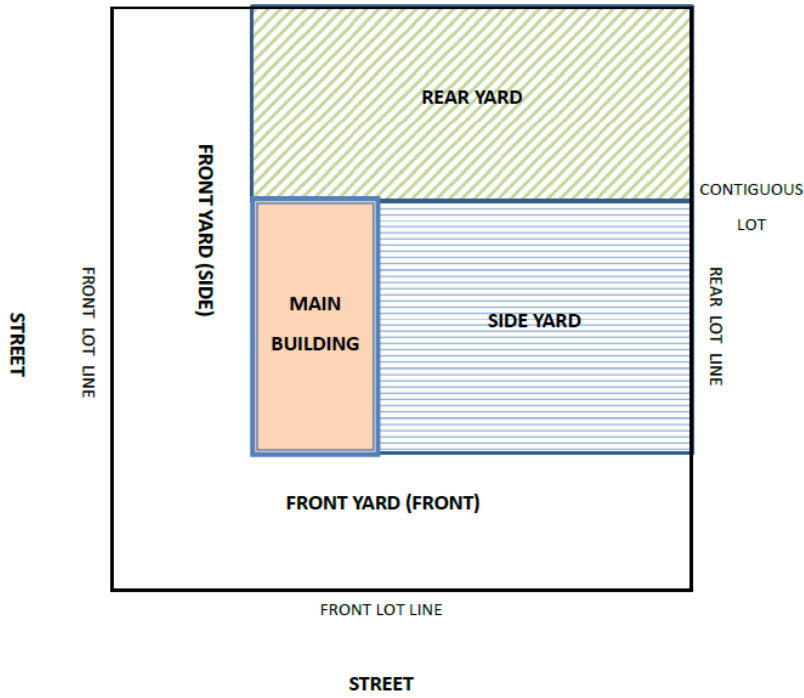


# ILLUSTRATION G

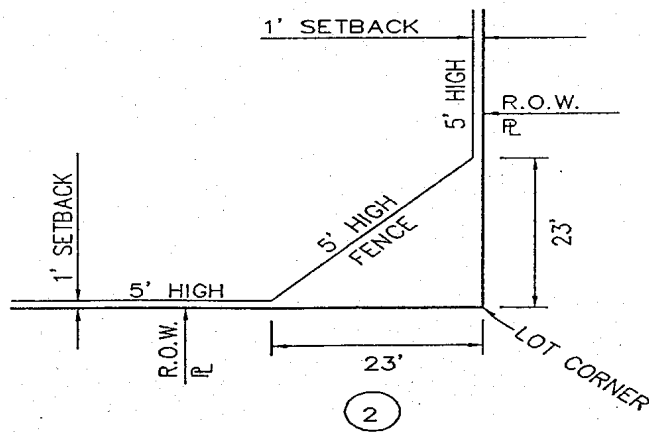
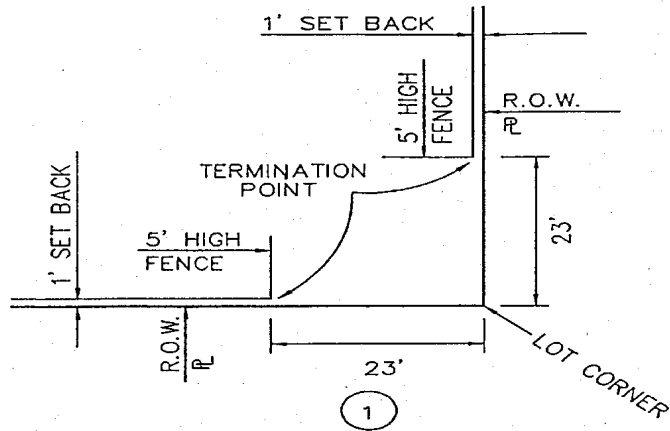
## YARDS— REVERSED CORNER LOT

CONTIGUOUS LOT

SIDE LOT LINE

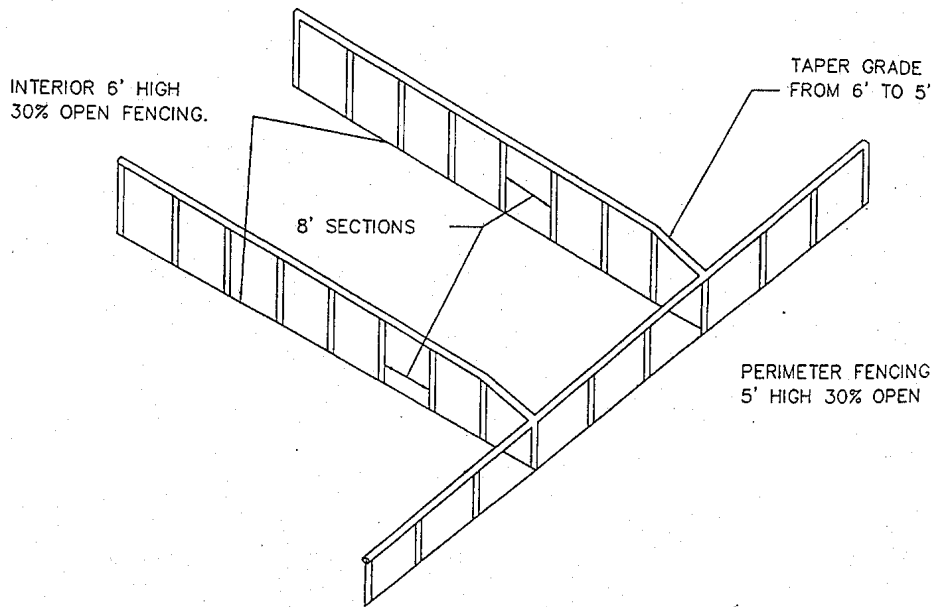


# ILLUSTRATION H (CORNER TOP VIEWS)



NOTE: ONE FOOT SETBACK IS FROM RIGHT - OF WAY, ROAD CONSTRUCTION / MAINTENANCE EASEMENT OR LANDSCAPE EASEMENT, WHICHEVER IS GREATEST.

# ILLUSTRATION I



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