

# PUBLIC MEETING NOTICE AND AGENDA PLANNING AND ZONING COMMISSION MEETING AGENDA

September 13, 2021 7:30 p.m.

- 1. Call to order
- 2. Roll call
- 3. Planning & Zoning chairperson appointment by the Village President
- 4. Approval of the August 16, 2021 Planning and Zoning Commission meeting minutes
- 5. New business--None
- 6. Old business
  - a. Variations to Section 7.4, Residential Bulk Chart, in the R-2 Zoning District for front and side yard setbacks at 65 Hilltop Drive
- 7. Item for discussion—None
- 8. Staff report
  - a. August 2021 Board of Trustees meeting
- 9. Audience participation
- 10. Trustee liaison report
- 11. Next meeting is scheduled for October 18, 2021
- 12. 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:	Date:	September 10, 2021	Time:
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#### PLANNING AND ZONING COMMISSION

**AUGUST 16, 2021** 

### Call to Order

The meeting was called to order at 7:30 pm.

Roll call was answered by Commission members Siakel, Walker, Esposito, and Bolton. Absent were Commissioners Murphy and Dixon and Chairman DeMay. Commissioner Esposito chaired the meeting in Chairman DeMay's absence. Also present were Community and Economic Development Director Josh Langen, Trustee Bill Dustin, and Administrative Specialist Laura Pekovic.

### Approval of Meeting Minutes

Motion to accept the Planning and Zoning Commission meeting meetings of July 12, 2021 was made by Commissioner Siakel and seconded by Commissioner Walker. On roll call vote, Commissioners Siakel, Walker, Esposito, and Bolton and voted Aye. No Nays. Motion carried 4-0.

### **New Business**

a. Variations to Section 7.4, Residential Bulk Chart, in the R-2 Zoning District for front and side yard setbacks at 65 Hilltop Drive

Acting Chairman Esposito read the staff confirmation that the public was given proper regarding this public hearing.

### Staff Report

Director Langen opened the public hearing at 7:31 p.m. and reviewed the Request for Commission Action dated August 16, 2021.

He stated that the applicant, David Manuel, has requested in writing to the Village that action be deferred because his architect needs to submit updated plans.

Discussion and Comments by the Public, Staff, and the Planning and Zoning Commission There were no public comments, and Director Langen closed the public hearing closed at 7:34 p.m.

Motion to recommend continuance of the public hearing and defer action was made by Commissioner Siakel and seconded by Commissioner Walker. On roll call vote, Commissioners Siakel, Walker, Esposito, and Bolton voted Aye. No Nays. Motion carried 4-0.

b. Conditional Use for a Drive-Through Use at 251 North Randall Road

Acting Chairman Esposito read the staff confirmation that the public was given proper notice regarding this public hearing.

### **Staff Report**

Director Langen opened the public hearing at 7:36 p.m. and reviewed the Request for Commission Action dated August 16, 2021.



#### PLANNING AND ZONING COMMISSION

**AUGUST 16, 2021** 

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

Chris McQuire of McCON, Building Corporation spoke and was joined by two other owners. He thanked Village staff for their guidance and that Director Langen was thorough in his presentation with the company's proposal. Commissioner Siakel asked about the building's exterior. Mr. McQuire provided a colored rendering of the building elevation that showed the Culver's wall signs and shifting of the entry door to the north side of the building. He added that due to the double drive-through, there would be added buffer landscaping. With no further comments or questions, the public hearing was closed at 7:43 p.m.

Motion to recommend approval to the Village Board a Conditional Use for a Drive-Through at 251 North Randall Road with the staff-recommended conditions was made by Commissioner Siakel and seconded by Commissioner Walker. On roll call vote, Commissioners Siakel, Walker, Esposito, and Bolton voted Aye. No Nays. Motion carried 4-0.

Old Business--None

Item for Discussion--None

### **Staff Report**

Director Langen reported that the Culver's incentive package was approved by the Village Board of Trustees.

### **Audience Participation**

None

### Trustee Liaison Report

Trustee Dustin had nothing to report.

### Adjournment

A motion to adjourn the meeting was made Commissioner Siakel and seconded by Commissioner Walker. On roll call Commissioner Siakel, Walker, Esposito, and Bolton voted Aye. No Nays. Motion carried 4-0.

There being no further business to discuss, the meeting of the Lake in the Hills Planning and Zoning Commission was adjourned at 7:57 pm by Acting Chairperson Esposito. The next Planning and Zoning Commission meeting is scheduled for Monday, September 13, 2021.

Submitted by,

Administrative Specialist I

## REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION



### PLANNING AND ZONING COMMISSION

**MEETING DATE:** September 13, 2021

**DEPARTMENT:** Community Development

**SUBJECT:** Variations to Section 7.4 Residential Bulk Chart R-2 Zoning District front and side

yard setbacks at 65 Hilltop Drive

#### **EXECUTIVE SUMMARY**

#### General Information

Requested Action: David Manuel requests variations to Section 7.4 Residential Bulk Chart R-2

Zoning District front and side yard setbacks at 65 Hilltop Drive to allow for

structural rebuild and construction of elevated deck.

Owner: David Manuel

Applicant: David Manuel

Purpose: Rebuild damaged structure on existing foundation and build elevated deck

and associated stairs and access.

Location and Size: 65 Hilltop Drive – approximately 15,140 sq. ft.

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

North: R-2 One Family Dwelling/Residential

East: R-2 One Family Dwelling/Residential

South: R-2 One Family Dwelling/Residential

West: Woods Creek Lake

Future Land Use: Low-Density Residential (3.5+ to 4.5 units/ac)

### **Background**

The applicant proposes to rebuild a structure damaged by water drainage on the existing foundation, to build an elevated deck and associated stairs, and access to the rebuilt and surviving portions of the structure. The damage is estimated to be greater than 50 percent of the value of the structure; therefore, the property no longer has legal non-conforming status and will need to be rebuilt to meet the current Village Zoning Ordinance. Where those sections of the zoning ordinance are not met, variations would be needed. The applicant is proposing the front portion of the house to be rebuilt on an existing foundation which is 2'10"

into the required 25' front setback. A variation to the Section 7.4 Residential Bulk chart for R-2 property to allow for a 22' front setback is requested to accommodate the rebuild.

Given the proposed configuration of the house access to the sides or rear of the house or lot would not be possible with current zoning regulations as stairs over four feet in height are considered obstructions within a required setback and are not allowed. The applicant is proposing decking to access the side and rear of the house. The decking would make use of existing concrete steps and would intrude 7'11" into the required 10' side setback. Therefore, a variation to the Section 7.4 Residential Bulk chart for R-2 property to allow for a 2'1" side setback on the north side lot line is requested to accommodate the proposed decking.

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 current regulations would require extra and unnecessary demolition and alteration to the existing foundation and additional costs would be incurred which would not allow for a reasonable return of the investment necessary to rebuild the house. The applicant also indicates the reliance on steps only to access the house would incur additional costs, further disallowing a reasonable return on the rebuilt investment.

Staff finds pouring a new foundation and relying exclusively on steps would be cost-prohibitive and would likely not allow for a reasonable return on the investment necessary to build/rebuild on the excessive slopes inherent in this property. In addition, exclusive reliance on steps to access a structure on the existing foundation would be cost-prohibitive as the number of steps required would likely not be allowed with the north side lot line setback. A narrower deck could be constructed and still serve as access to the house; however, the proposed deck allows for easier handicap access.

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

The applicant indicates the existing grade at the front of the house has allowed water to drain towards the structure and has caused substantial damage and facilitates the rebuild. There is a substantial grade drop across the property.

Staff finds the property to have unique circumstances. The lot has considerable grade changes and steep slopes. Utilization of the existing foundation requires stairs beyond those allowable by the current zoning regulations on the north side of the house or decking along the north side to gain access. Both methods of access require a variation. The proposed decking addresses these circumstances. A narrower deck could be constructed and still serve as access to the house; however, the proposed deck allows for easier handicap access.

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

The applicant indicates the character of the locality will not be altered as the non-conformity of the existing foundation location will not be altered. The design would maintain the existing single story look at the street side. The proposed home will retain the character of other hilltop lake houses.

Staff finds the essential character of the property will remain residential and would not alter the character of the locality. There are other properties in this area with topography, steep slopes, stairs, and decking. The residential property two lots to the north has steep slopes requiring use of the adjacent lot for driveway access.

The adjacent property is wooded with the access drive being the only improvement. This provides a substantial buffer from the proposed decking. Given the size of the lots, topographic constraints and need for side access to the home two lots to the north, it is unlikely the adjacent lot to the north will ever be developed as another home. The 2012 building code requires a 5' separation for non-fire-rated decking to the side property line and a 2' separation for fire-rated decking. The applicant is proposing fire-rated decking where closer to the property line than 5'.

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 site conditions limit the ability to alter the foundation of the home. Costly construction equipment and methods would be needed to alter the foundation configuration. The use of steps to mitigate topography changes would be an impractical method of accessing the home.

Staff finds the property to have steep slopes and topographic constraints. In addition, the property located in an R-2 zoning district and does not meet the minimum road frontage requirements. Therefore, R-2 setbacks are being applied to smaller lot than required for this district. This combination of conditions brings a construction hardship upon the owner beyond mere inconvenience. A narrower deck could be constructed and still serve as access to the house; however, the proposed deck allows for easier handicap access.

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

The applicant indicates their lot is unique due to its close location to the side lot line and the existing nonconforming location of the foundation.

Staff finds the property to be unique to R-2 zoned property. The lot has considerable topographic constraints which can be considered similar to other lots along the lake, however; other properties in the neighborhood have fewer constraints and better access. Many properties with an R-2 zoning classification in the Village do not have steep slopes and do meet the minimum requirements of the R-2 zoning. A narrower deck could be constructed and still serve as access to the house; however, the proposed deck allows for easier handicap access.

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

The applicant indicates the purpose of the variation is to re-build a damaged structure on the existing foundation and to provide access to the home using decking instead of stairs.

Staff finds the variation would allow the home to be rebuild on the existing foundation, which represents the most practical method of reconstruction. Using decking to access the house, as opposed to multiple stairs to address multiple grades along the house would be impractical and less safe. The purpose of the variation would be to reconstruct a damaged home which would otherwise could face demolition and represent too great of a challenge to reconstruct given the site constraints. A narrower deck could be constructed and still serve as access to the house; however, the proposed deck allows for easier handicap access.

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

The applicant indicates the site difficulties were present before purchase of the home.

Staff finds the hardship was created when the lot was originally platted and when the house was initially constructed and not by the current owners.

### **ATTACHMENTS**

- 1. Application--Supplemental
- 2. Site Plan and Drawings--Updated
- 3. Zoning Map
- 4. Future Land Use Map
- 5. Aerial Photo
- 6. Site Photos

### RECOMMENDED ACTION

Planning and Zoning Commission recommend approval to the Village Board for a Variation to Section 7.4 Residential Bulk Chart R-2 Zoning District front and side yard setbacks at 65 Hilltop Drive, Parcel #19-20-455-040, to allow for home reconstruction on the existing foundation with a 22.6′ front setback and for proposed decking with a 2′1″ northside setback, with the following condition;

1) Proposed fire-resistance measures, including type of materials, application, and location/expanse of the fire-rated portion of the deck, are found by the Village building code official to qualify as fire-rated by the current building code and eligible for a 2' setback, as opposed to the 5' setback required for non-fire rated structures.

PROPERTY ADDRESS/PIN	]
PROPERTY ADDRESS/PIN	

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:

This variance has two parts that are being requested:

- A) To permit a portion of the house to be rebuilt on an existing foundation encroaching 2'-10" into the required 25'-0" front yard setback. This would change the front yard setback from 25'-0" to 22'-0" and allow for the rebuilding of the existing structure on the current foundation. Existing site conditions and construction methods of the current structure have led to irreparable damage that requires repair. The variance would allow for the structure to be updated and improved to better match the rest of the residence, while reusing the existing foundation
- B) To permit an elevated deck to encroach 7'-11" into the required 10'-0" side yard setback. This would place the closest portion of the deck 2'-1" away from the property line. This will allow the deck to accommodate the accessibility needs of the client while reducing the elevation changes required to access the residence.

While the code allows for a landing and steps for access to the residence, those steps would be required to go directly to grade. This variance will allow the landing to extend along the side of the residence and meet the existing grade. This will reduce the total number of steps required to enter the residence and eliminate the need to step down with grade just to step back up to enter the residence.

This variance will also allow this entry deck to continue past the entry door and connect with the rest of the deck system. This connection keeps the deck as one coherent surface and aids in the accessibility for the Owners and their needs. The width of the deck, that would be allowed with this variance, is to provide ease of access and greater maneuverability for the Owners and is aimed at helping meet their needs that are present form their current disabilities. Needs such as assisted walking, wheelchairs, and intermittent EMT/ paramedic assistance.

We recognize allowing the deck to encroach the requested amount will trigger some required fire-proofing. The plans now detail and call out for the Deck to be built of fire-retardant treated wood or have a fire retardant coating applied.

Variation to Section 7.4 Residential Bulk Chart R-2 Zoning District front and side yard setback requirements.

<b>PROPERTY A</b>	DDRESS/PIN					

### 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:

- 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.
   A) The current regulations would require extra and unnecessary demolition and alteration to the existing foundation to bring the structure within compliance. These changes would require additional costs that would not translate into a reasonable return while reducing the overall square footage of the residence.
- B) The current regulations would require an additional 14 steps for access into the building. 7 additional down steps then followed by 7 up steps. This required up down path is burdensome and would translate to less than a reasonable return. An awkward more exhausting path of travel into the residence would reduce return and require more cost in the installation of accessibility aids. Such a chair lifts.

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- 2. The plight of the owner is due to unique circumstances. Explain how this standard is met.
- A) The existing grade at the current garage provided for water to drain directly into the garage. As a result of this existing drainage, the wooden floor system had suffered substantial rot and damage. This damage facilitates the demolition, and repair/rebuild of the structure. The existing structure is a nonconforming structure that sits approx. 2'-9.¾" over the front yard setback.
- B) Both owners have current disabilities that require the frequent use of a wheelchair, assisted walking, & occasional paramedic assistance. The required use of a wheelchair and other specialized equipment, of the owners, necessitates larger clearances, more room for maneuverability, and simpler paths & access to the property.
- 3. The variation, if granted, will not alter the essential character of the locality. **Explain how this standard is met.**
- A) The character will not be altered since we are not increasing the non-conformity just rebuilding and improving the existing non-conforming structure. The design maintains the existing single story look at the street side that is currently there.
- B) The essential character of lake houses built into and atop hills will be retained. The proposed deck addresses the site conditions while providing that unique elevated wrap around deck that one can only get from a lake house on a hill

PROPERTY ADDRESS/PIN
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.
- A) The given site conditions would severely limit the number and type of equipment that could be used in altering the existing foundation. Both the rapidly descending grade and proximity to the property line contribute to this limitation. To overcome this limitation alternative and more costly methods would be required to bring the structure into compliance.
- B) The rapidly descending grade of the property significantly contributes to limiting and complicating access to the residence. The regulations would require 14 additional steps for a net change in elevation of 0" just to enter the building. These extra steps will only make the residence less accessible for the Owners. The regulations also do not allow for the extra clearances and maneuverability the Owners are seeking to aid with their daily life and accommodation of their disabilities.
- 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.
- A) The nonconforming nature of the existing structure is unique to this property and can't be applied to other properties.
- B) While other properties may also have significant grade drops, it's the buildings close location to the side lot line and the presence of the Owner's disabilities that make this unique and not applicable to other properties
- 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.
- A) The desire is to re-build the damaged structure on the existing foundation. The structure would be rebuilt with the same, look, materials, and feel no matter the foundation it sat upon. Whether an all existing foundation or modified to conform foundation is used, the structure would turn out very much the same.
- B) The desire is to provide large easy to maneuver walkways to accommodate the needs of the Owners disabilities.

- 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.
- A) This difficulty existed prior the purchase of the property by the Owners.
- B) This hardship is solely that of the Owners and aimed at improving their quality of life

	PROPERTY ADDRESS/PIN
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. <b>Explain how this standard is met.</b>
cor	Granting this variation will not be detrimental since it is not increasing the size of the existing non afformity and it allows for the improvement and updating of the existing damaged structure to modern des and safety guidelines.
will	Granting this variation will not be detrimental as it keeps the deck solely with in the Owners property and I be built to modern codes and stands. I.E. Fire-retardant construction of the deck as prescribed by the I2 IRC R302.
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. <b>Explain how this standard is met.</b>
maii and	his standard is met by updating the construction of the current structure to modern codes while ntaining the same nonconforming footprint. By keeping it a one story element it allows for similar light air as the previous structure. It also helps improve the curb appeal and at the very least maintain the ounding property values.

B) The inherent nature and lesser scale of a deck, when compared to a house, ensures that the supply of air will not be impeded. Given the deck is on the north side of the residence, it will not impair the supply of light to the north any more than the existing residence already does. The deck is in the shadow of the residence. The deck will be constructed of fire-retardant treated wood or have a fire retardant coating applied to

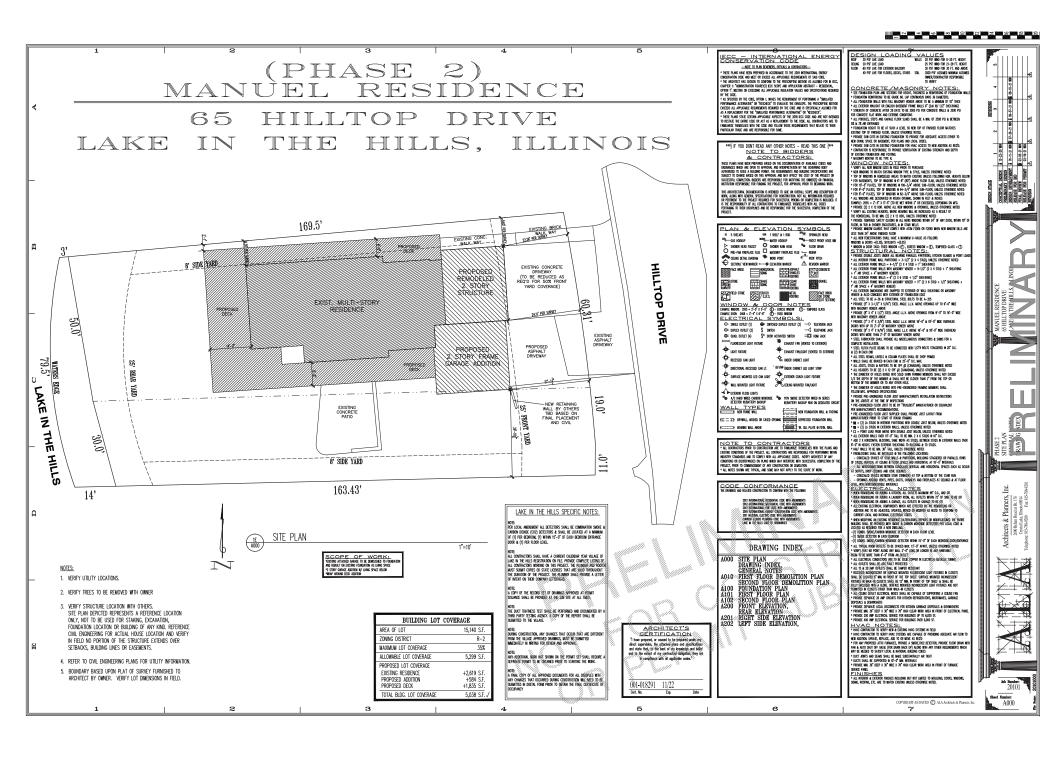
mitigate any increase in the danger of fire.

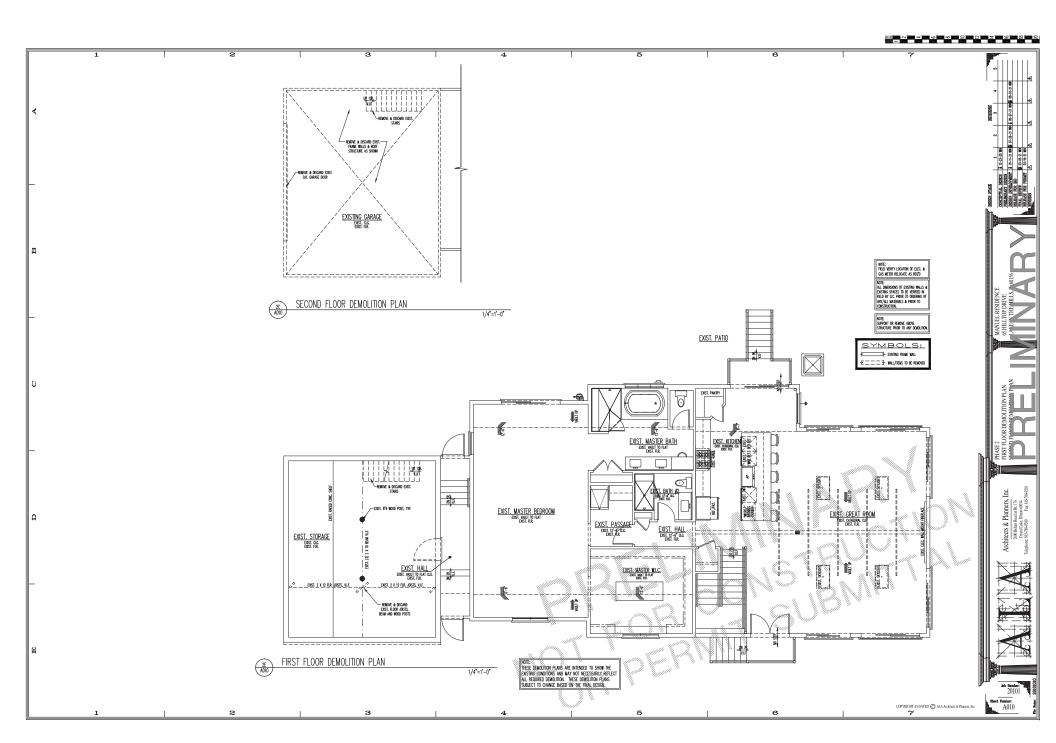
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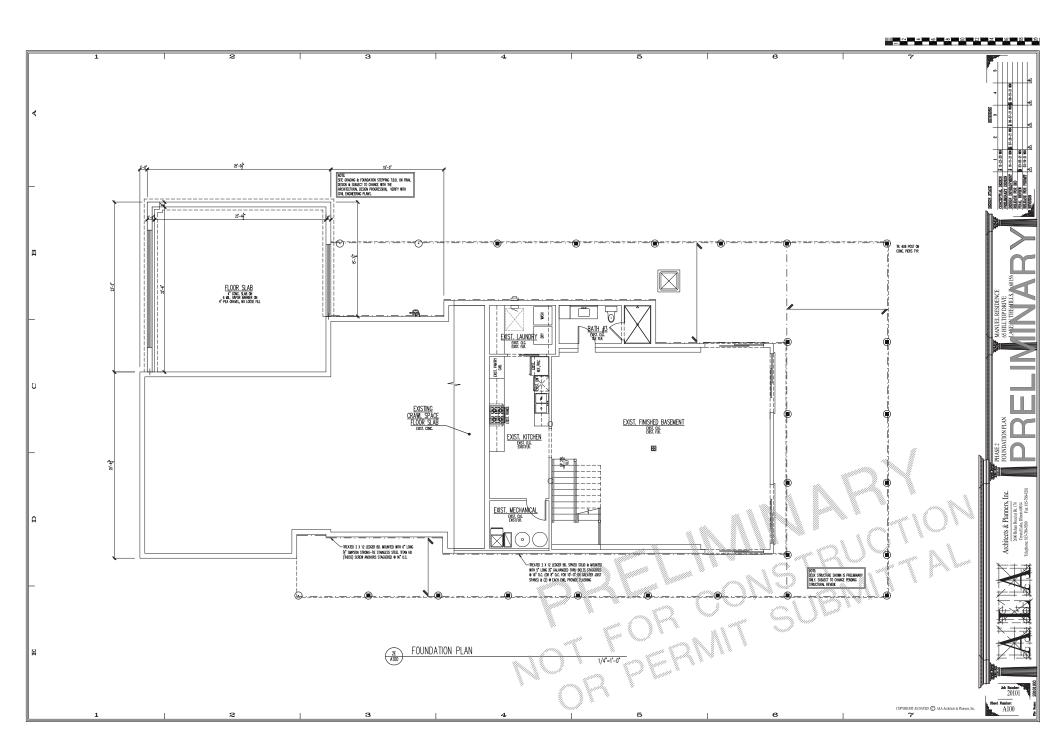
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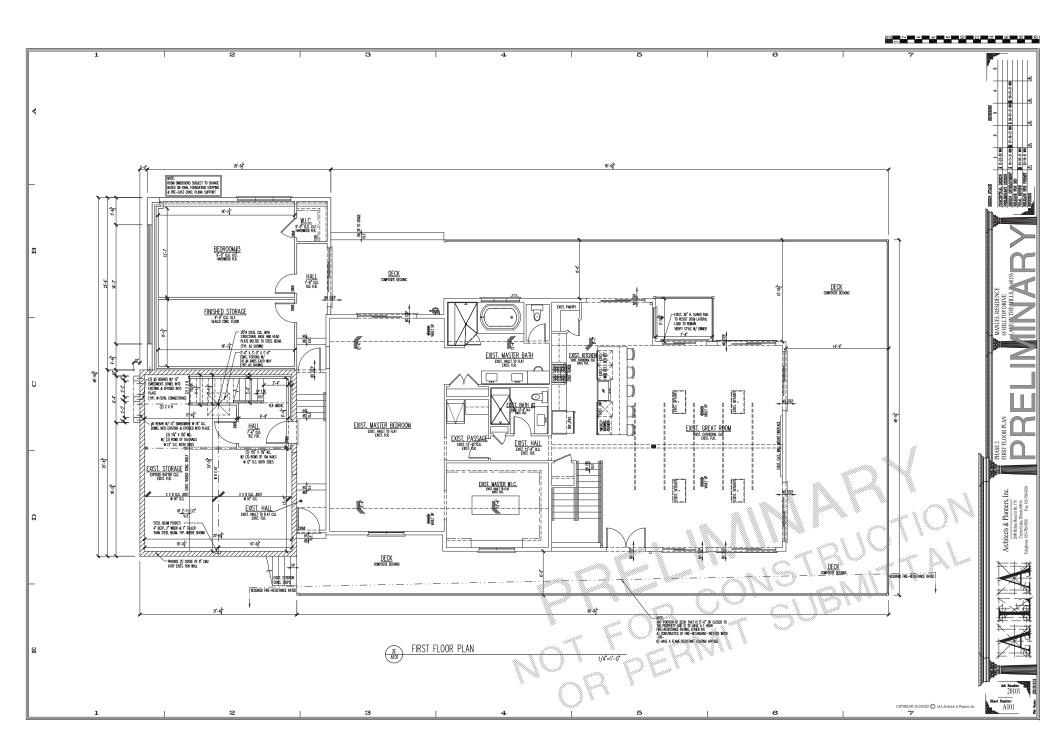
Applicant's Signature

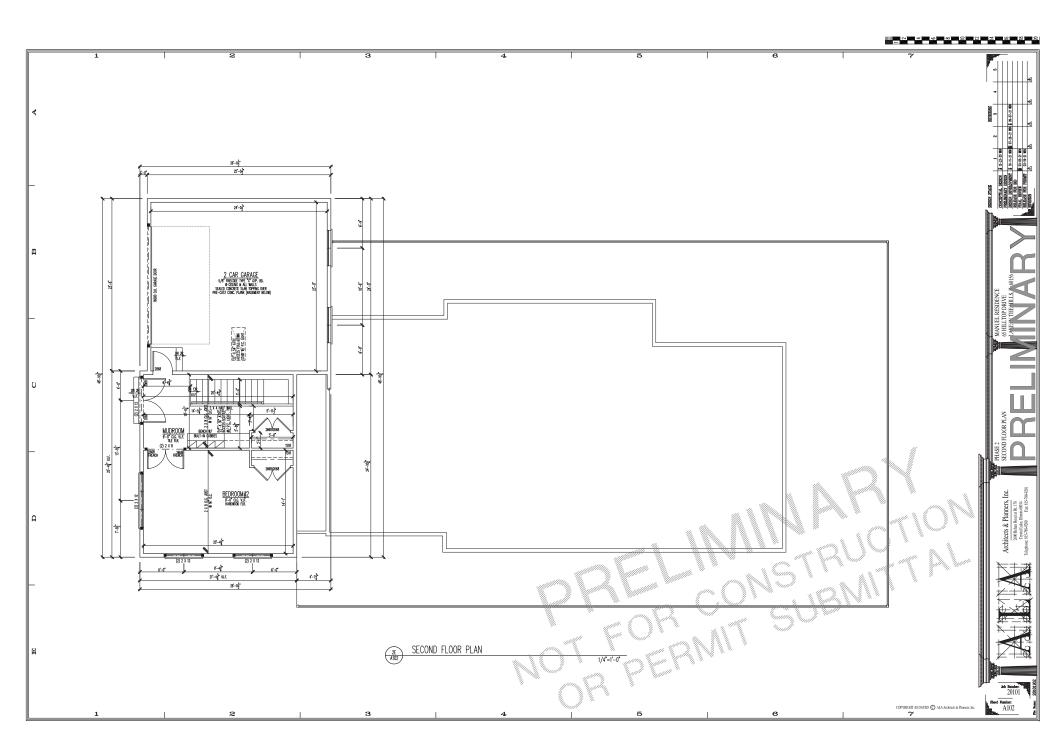
Property Owner's Signature















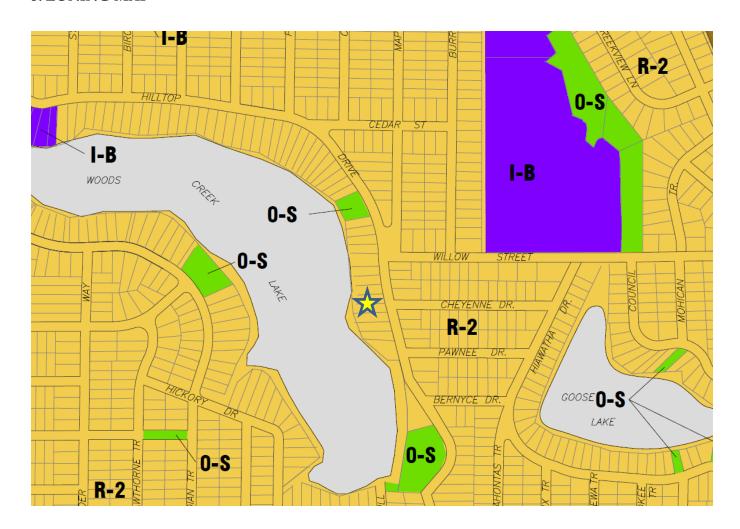


### Variation request for 65 Hilltop Drive From Section 7.4 Residential Bulk Chart R-2 Zoning District

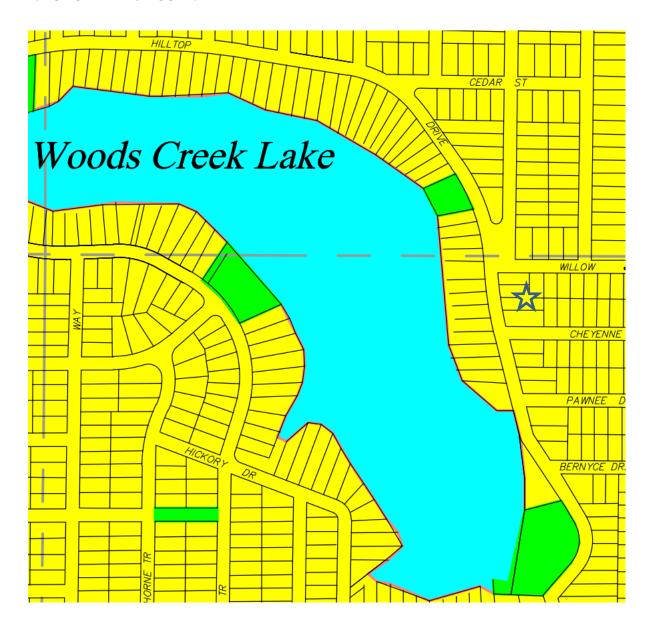


### **EXHIBITS**

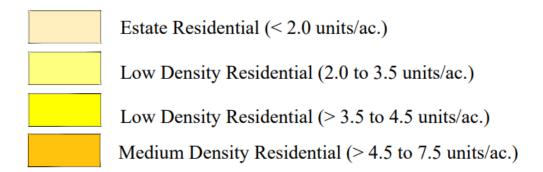
### 3. ZONING MAP



### 4. FUTURE LAND USE MAP



### Legend



### **5. AERIAL PHOTO**



### 6. SITE PHOTOS





