



PUBLIC MEETING NOTICE AND AGENDA  
PLANNING AND ZONING COMMISSION MEETING

AUGUST 15, 2022  
7:30 P.M.

1. Call to Order
2. Roll Call
3. Consent Agenda
  - A. Motion to accept and place on file the minutes of the July 18, 2022 Planning and Zoning Commission meeting minutes
4. New Business
  1. Variation to Section 15.3 Permitted Fencing, C. Fences Within the Front Yard (side) at 3410 Chadwick Lane
  2. Variation to PUD Zoning that was Established by the Fourth Amendment to the Annexation Agreement Made and Entered into on March 25, 1999, at 1 Juniper Court
  3. Variation to PUD Zoning that was Established by the Fourth Amendment to the Annexation Agreement Made and Entered into on March 25, 1999
5. Old Business— None
6. Items for Discussion--None
7. Staff Report
  - A. July/August, 2022 Board of Trustees meetings
8. Audience Participation
9. Trustee Liaison Report
10. Next Planning & Zoning meeting is scheduled for September 12, 2022
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:**

**Date:** August 8, 2022

**Time:**



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING COMMISSION

JULY 18, 2022

## Call to Order

The meeting was called to order at 7:30 p.m.

Roll call was answered by Commissioners Siakel, Murphy, Bolton, Dixon, and Swanlund. Absent were Commissioner Walker and Chairman Esposito.

Also present were Community Development Director Josh Langen, Trustee Bill Dustin, President Raymond Bogdanowski, and Recording Secretary Laura Carpenter.

Commissioner Siakel asked for a nomination for tonight's Chairperson in Chairman Esposito's absence. A motion to nominate Commissioner Siakel was made by Commissioner Murphy, and was seconded by Commissioner Bolton. On a roll call vote, Commissioners Murphy, Bolton, Dixon and Swanlund vote Aye. No Nays, Motion carried 4-0

## Approval of Meeting Minutes

Motion to accept the Planning and Zoning Commission meeting minutes of June 13, 2022 was made by Commissioner Swanlund and seconded by Commissioner Murphy. On a roll call vote, Commissioners Murphy, Bolton, Dixon, Swanlund, and Chairperson Siakel voted Aye. No Nays. Motion carried 5-0.

## New Business--None

## Old Business

### **A. Variations to Section 16.7, Table 5, - Signs Permitted, Height and Area Maximums, at 220 North Randall Road**

Chairperson Siakel re-opened the public hearing from June 13, 2022 at 7:37 p.m.

Mr. Mark Hoffman, owner of Moretti's, introduced himself. He stated that Moretti's has weathered through the pandemic and other restaurant challenges, and is still happily in business in Lake in the Hills after many years. He explained that a portion of the land in front of the restaurant was taken for the Randall Room Improvement Project, leaving the restaurant with no sign along Randall Road for the past two years.

The proposed sign would be about a \$100,000 investment in a state-of-the art LED sign, which is needed for visibility to the restaurant. He would like the sign higher than allowed because he wants it visible to the high-volume of cars and trucks traveling north and south on Randall Road. He furthermore stated that similar sign heights have been approved for other Moretti's locations in other municipalities. He also indicated that Moretti's has recently started having live music after the dinner hour Thursday through Friday, and there are plans for a future beer garden.



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING COMMISSION

JULY 18, 2022

## Staff Report

Director Langen reviewed the Request for Commission Action dated July 18, 2022. The applicant proposes the installation of a ground sign advertising an on-premise business at 220 N. Randall Road. The sign would be a replacement of a smaller ground sign removed due to the widening of Randall Road. The original sign appeared to meet current sign regulations and no variations were applied for or approved for a larger sign. The site where the sign would be placed is located on the west side of Randall Road. The subject property is surrounded by both multi-tenant shopping center and single-tenant businesses. Nearby signs for Steak n Shake, White Castle, and Taco Bell are in conformation with current sign regulations.

The proposed sign would be for a single-tenant business, which is regulated by Table 5 of Section 18, Signs. Table 5, allows for ground signs a maximum of 8 feet in height. Sign height is measured at the grade elevation of the business entrance. The grade elevation of the business entrance is 4 feet below the proposed sign location. The applicant is proposing a sign 20 feet in height, which is 12 feet above grade level, resulting in a 24 foot height total measurement from the front door grade. Therefore, the applicant will need a variation of 16 feet above the 8 feet allowed.

Director Langen confirmed for Chairperson Siakel that he communicated with the sign manufacturer, and the sign's light speed, intensity, etc. will abide by regulations in the Village's sign ordinance. Commissioner Bolton asked Mr. Hoffman about distractions, and he indicated that there would not be any. Commissioner Dixon asked Mr. Hoffman to be clear that there will be no moving images on the sign, as he does not want distractions on the road. Mr. Hoffman replied that they will follow all of the Village's sign regulations, and there will be no games televised on the sign, for example. Commissioner Dixon also inquired about the timing of static images. Mr. Hoffman said he found 5-6 images is the best case scenario. Commissioner Swanlund asked Mr. Hoffman to provide clarity on what trucks he spoke about that need visibility to the sign. Mr. Hoffman indicated that he considered the highest trucks, such as semitrucks, that drive up and down Randall Road. There was discussion about trees and sign heights along the strip centers along Randall Road. Mr. Hoffman answered Commissioner Bolton's inquiry that the corporate office manages the sign messages and graphics.

There were no public comments.

A motion to recommend approval to the Village Board for a variation to Section 16.8, Table 5, Signs Permitted, Height and Area Maximums with the noted condition, at 220 North Randall Road was made by Commissioner Dixon and seconded by Commissioner Murphy. On a roll call vote, Commissioners Murphy, Bolton, Dixon and Chairperson Siakel voted Aye. Commissioner Swanlund voted Nay. Motion carried 4-1.



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING COMMISSION

JULY 18, 2022

**Item for Discussion**—Commissioner Dixon expressed concern that there are very few LED sign regulations in Illinois, and that this should be looked at in case there are future requests for sign movements. Commissioner Swanlund agreed that this is a reasonable request. Director Langen stated that he could review the Village's sign ordinance again. He also noted that the Village Board could put conditions on the variations.

Commissioner Dixon made a motion to request an advisory on the issues and limitations that may come up in the future to be brought up for discussion at a later date. Commissioner Murphy seconded.

**Staff Report**—Director Langen stated that variation for 20 East Oak Street was approved by the Village Board of Trustees.

**Audience Participation**—Nothing

**Trustee Liaison**—Trustee Dustin had nothing to report.

## Adjournment

A motion to adjourn the meeting was made by Commissioner Dixon and seconded by Murphy. On a roll call vote, Commissioner Murphy, Bolton, Dixon, Swanlund, and Chairman Siakel voted Aye. No Nays. Motion carried 5-0.

There being no further business to discuss, the meeting of the Lake in the Hills Planning & Zoning Commission was adjourned at 8:04 p.m. The next Planning and Zoning Commission meeting is scheduled for August 15, 2022.

Submitted by,

A handwritten signature in blue ink that reads "Laura Carpenter".

Laura Carpenter, Recording Secretary



# REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

---

## PLANNING AND ZONING COMMISSION

**MEETING DATE:** August 15, 2022

**DEPARTMENT:** Community Development

**SUBJECT:** Variation to Section 15.3. Permitted Fencing, C. Fences Within the Front Yard (side) at 3410 Chadwick Lane

## EXECUTIVE SUMMARY

---

### General Information

*Requested Action:* Olga and James Tambakos request a variation to Section 15.3. Permitted Fencing, C. Fences within the front yard (side), at 3410 Chadwick Lane to allow for the installation of a fence.

*Owner:* Olga and James Tambakos

*Applicant:* Olga and James Tambakos

*Purpose:* Install a fence in the Front Yard (Side)

*Location and Size:* 3410 Chadwick Lane – approximately 12,250 square feet.

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

North: R-2 One Family/Residential

East: R-2 One Family/Residential

South: R-2 One Family/Residential

West: R-2 One Family/Residential

Future Land Use: Low Density Residential

### Background

The applicants are applying for a variation to locate a fence in the front yard (side) at 3410 Chadwick Lane. The property is located in an R-2 one family residential district. The property is a reverse corner lot. Section 15.3. Permitted Fencing, C., requires fences within the front yard (side) of a reverse corner lot to be no closer than the neighboring lot front setback. The neighbor's front setback is 25'. The applicants installed a pool in 2018 and is now requesting a fence for security reasons. As the fence would be within 14' feet of the front yard (side) property line, the applicants will need an 11' variation from the 25' requirement. The configuration of the rear yard allowed for a pool to be built in a location which is behind the house; however, it cannot be

enclosed by a fence without encroaching upon the 25' foot fence requirement. The applicants are anticipating a wrought iron or other mostly transparent fence.

**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 applicants indicate most homeowners find that a pool without a fence is a safety and liability concern and may cause issues when selling the home.

Staff finds the configuration of the rear yard allowed for a pool to be built in a location which is behind the house; however, it cannot be enclosed by a fence without encroaching upon the 25' foot fence requirement. The owners cannot reasonably install a security fence given the lot configuration.

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

The applicants indicate a school bus stop on the corner of Chadwick and Princeton creates crowds around and on the property several times a day during the school year. An unsecured pool, although 4' high, creates a unique liability circumstance. The applicants indicate a need to add and ensure extra security and safety to both the property's backyard and the public.

Staff finds the property to have a uniquely configured lot and backyard which allows for a pool location which cannot be secured with a fence.

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

The applicants indicate a black aluminum see-through picket fence will be elegant, neat, and aesthetically pleasing to the eye. The fence will be installed behind existing trees and will not be very visible or alter the essential character of the neighborhood.

Staff finds the surrounding area to be residential with fenced pools within the neighborhood. Fences can be found on corner lots in this neighborhood closer to front yard (side) lot lines than 25' and within 15'. The proposed fence would not alter the essential character of the locality.

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

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

The applicants indicate a school bus stop on the corner of Chadwick and Princeton creates crowds around and on the property several times a day during the school year. An unsecured pool, although 4' high, creates a unique liability circumstance. The applicants indicate a need to ensure safety and security of both public and property's backyard and owner's belongings.

Staff finds the configuration of the rear yard allowed for a pool to be built in a location which is behind the house; however, it cannot be enclosed by a fence without encroaching upon the 25' foot fence requirement.

The owners cannot reasonably install a security fence given the lot configuration, resulting in a less secure environment for the public and for the property and no method of keeping children and others from accessing the property and pool from the busy intersection.

**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 applicants indicate a school bus stop on the corner of Chadwick and Princeton creates crowds around and on the property several times a day during the school year. The swimming pool creates a need for extra safety and security, such as a fence, which may not be applicable to other property.

Staff finds the lot to be a reverse corner lot and the configuration of the rear yard allowed for a pool to be built in a location which is behind the house; however, it cannot be enclosed by a fence without encroaching upon the 25' foot fence requirement. These circumstances are generally not applicable to other properties in the same zoning classification as most are not reverse corner lots and generally do not have this particular configuration of curved front (side) street.

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

The applicants indicate the variation is not to make money out of the property in any way, but to ensure safety and security of the backyard of the property, owner's belongings and provide added public safety and security as there is a swimming pool on the property and a school bus stop of the corner which creates crowds around the property several times a day during a school year.

Staff finds the installation of a fence to be a common security measure to for properties and for pools and are generally used for the enjoyment of the property.

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

The applicants indicate there is no person presently having interest in the property. The purpose of the fence is to secure the backyard of the property for safety and security of both the public and the property's backyard and owner's belongings as there is a swimming pool on the property and a school bus stop on the corner which creates crowds during the school year.

Staff finds the hardship was created when the lot was platted and when the house was constructed, not by the current owners. The owners installed a 4' high pool in the rear yard, as allowed by the Village zoning ordinance.

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

The applicants indicate the granting of the variation will not be detrimental to the public welfare or injurious to other property of improvements in the neighborhood in which the property is located. A fence will serve as added safety and security. A flat aluminum see-through fence will not be injurious to other property or improvements in the neighborhood. It will allow light and airflow and is fireproof, it will be 6 inches away from the property line of the neighboring property and will butt in with the neighbor's new fence, which as been coordinated and agreed upon between the neighbors.

Staff finds fences are installed on properties and around pools in this neighborhood and the variation would not be detrimental or injurious. As Princeton Lane curves away from the neighboring lot, the impact of the

fence will be lessened. In addition, the house is set back from the 12.5' front yard (side) setback and thus decreases the size of the rear yard adjacent to the neighboring property and potential fencing.

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

The applicants indicate an aluminum picket fence will not affect a supply of light or air. As it is metal, there will be no pickets sticking out and it is not a fire or public hazard. The fence will not endanger public safety, but add protection to public safety by securing the swimming pool from school year crowds at the corner.

Staff finds the fence would not impair adequate supply of light and air or substantially increase risks beyond a typical residential fence. It would increase the level of safety of the property and to the general public.

## **ATTACHMENTS**

---

1. Application
2. Plat of Survey
3. Exhibits

## **RECOMMENDED ACTION**

---

Planning and Zoning Commission recommend approval to the Village Board for a variation of 11' from Section 15.3. Permitted Fencing, C., requiring setbacks for fencing in the front yard (side) to be equal to the neighboring property front setback of 25', and allow for a fence at 3410 Chadwick Lane, Parcel 18-14-303-022, to be constructed in the front yard (side).





2082022



PLANNING & ZONING APPLICATION

Property Information

Common street address: 3410 CHADWICK LN, LAKE IN THE HILLS, IL

PIN (Property Index Number): 18-14-303-022

Current Zoning: R-2 Proposed Zoning: N/A

Current Use: Residential Proposed Use: Same

Is the request consistent with the Comprehensive Plan? YES

Number of Acres: 0.24 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): SEE ATTACHED

Property Owner Information

Name(s): JAMES TAMBAKOS

Business/Firm Name (if applicable):

Address: 3410 CHADWICK LN

City/State/Zip: LAKE IN THE HILLS, IL 60156

Phone Number: 847-366-8000 OLGA: 847-867-2515

Email: JIMT-@OUTLOOK.COM

Applicant Information

Name(s): OLGA TAMBAKOS & JAMES TAMBAKOS

Business/Firm Name (if applicable):

Address: SAME AS ABOVE

City/State/Zip:

Phone Number:

Email:



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.

Most homeowners as well as public in general find that a pool without a fence in the backyard is a safety and liability concern. Which may cause as issue in any possible future sale of the property.

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

A school bus stop on the corner of Chadwick and Princeton creates crowds around the property ( and often ON the property) several times a day during a school year and a swimming pool on the property create unique

Liability circumstance and a need to add and insure xtra security and safety to both the property's backyard and public.

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

A Black Aluminum Seethrough Picket Fence will be elegant, neat, esthetically pleasing to the eye,

it will be installed behind the existing large pine trees and will not be very visible from a public sidewalk

which will not alter the essential character of the locality.

**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 school bus stop on the corner of Chadwick and Princeton creates crowds several times a day during a school \_\_\_\_\_

year around the property (and often ON the property) and a swimming pool on the property requires a fence \_\_\_\_\_

to insure safety and security of both public and property's backyard and owner's belongings.

\_\_\_\_\_

- 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 school bus stop on the corner of Chadwick and Princeton which creates crowds around the property several \_\_\_\_\_

times a day during a school year and a swimming pool on the property creates a need for extra safety and \_\_\_\_\_

security measures such as a fence, which may not be applicable to other property.

\_\_\_\_\_

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

\_\_\_\_\_

The purpose of the variation is not to make money out of the property in any way, but to insure safety and \_\_\_\_\_

Security of the backyard of the property, owner's belongings and provide added public safety and security \_\_\_\_\_

as there is a swimming pool on the property and a school bus stop on the corner of Chadwick and Princeton which \_\_\_\_\_

creates crowds around the property several times a day during a school year.

\_\_\_\_\_

- 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.**

There is no person presently having interest in the property. The purpose of the fence is to secure the backyard of \_\_\_\_\_

the property for safety and security of both the public and the property's backyard and owner's belongings as there \_\_\_\_\_

is a swimming pool on the property and a school bus stop on the corner of Chadwick and Princeton which creates \_\_\_\_\_

crowds around the property several times a day during a school year.

\_\_\_\_\_

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 granting of the variation will not be detrimental to the public welfare in any way. A fence will serve as an added safety and security measure to public safety as well as the property as there is a swimming pool on the property and a school bus stop on the corner of Chadwick and Princeton which creates crowds around the property several times a day during a school year.

A flat aluminum seethrough picket fence will not be injurious to other property or improvements in the neighborhood. It will allow light and air flow and is fireproof, it will be 6 inches away from the property line of the neighboring property and will butt in with a neighbor's new fence at 4920 Princeton Ln (project pending installation) which has been coordinated and agreed upon between 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.**

Aluminum Picket Fence will not affect a supply of light or air to adjacent property as it is seethrough. Because it is metal and will have no pickets sticking out (see fence photo) it is not a fire hazard or any other hazard to public.

The fence will not endanger public safety in any way, but rather add protection to public safety as there is a swimming pool on the property and a school bus stop on the corner of Chadwick and Princeton which creates crowds around the property several times a day during a school year. The fence will add extra security and safety to both the property and public.

The fence will be an elegant esthetically pleasing to the eye, most of it will not be visible on a public street as it will be installed behind existing large pine trees and it will not diminish or impair property values within the neighborhood in any way, rather will provide added security and safety.

Jim Tamber 7/18/22 Olga Tamber 7/18/22  
Applicant's Signature Date

Jim Tamber 7/18/22  
Property Owner's Signature Date

**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:

To accommodate an existing swimming pool & new fence, we are asking to "reduce the front yard (side) setback fence requirement from 25' to 15' to allow for a fence that is symmetrical.

---

---

---

---

---

---

---

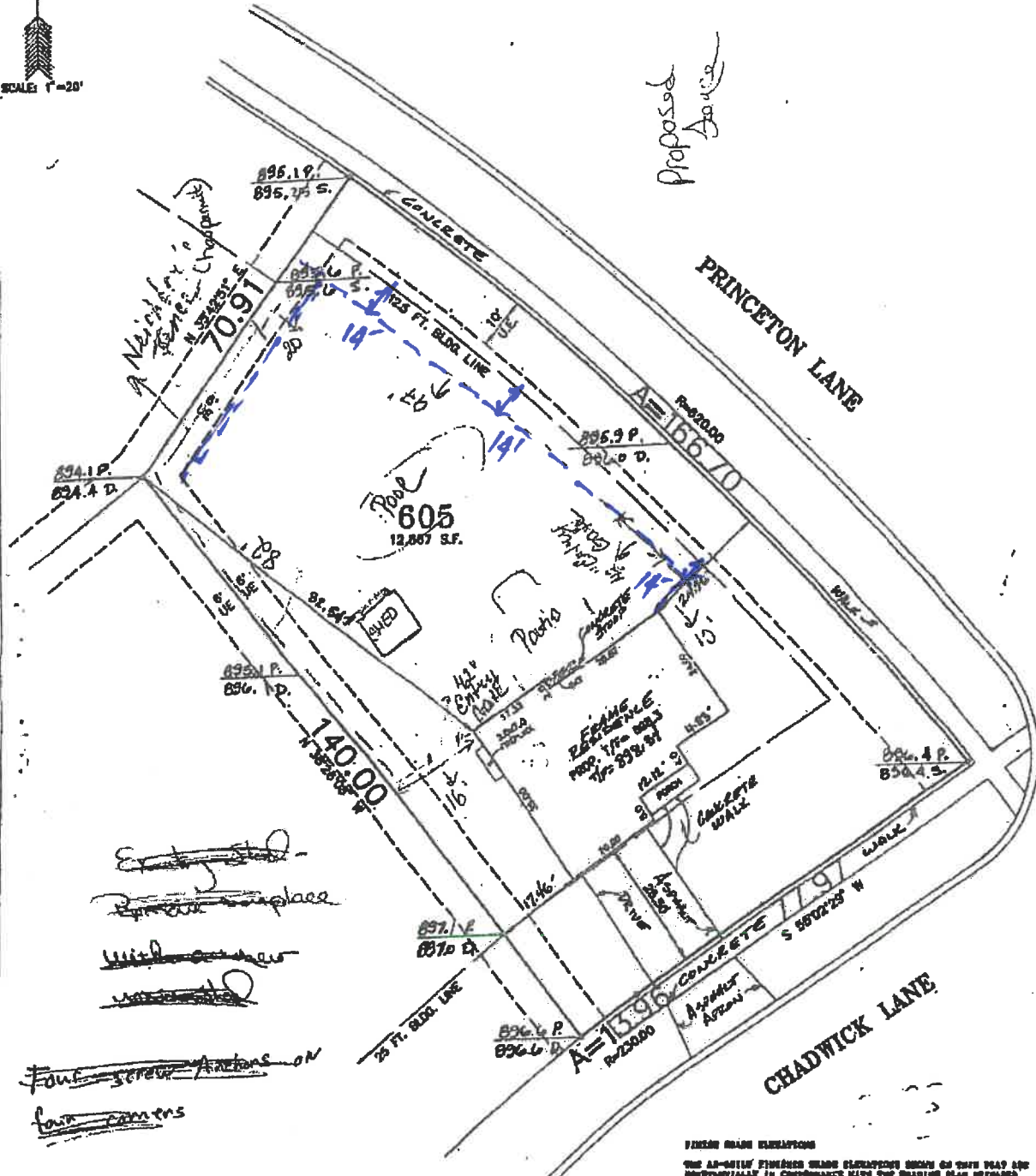
---

---

---

# PLAT OF SURVEY

LOT 605, IN MEADOWBROOK UNIT 14, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 23, 1999 AS DOCUMENT NUMBER 1999R0014385, IN MCHEERY COUNTY, ILLINOIS.



*Proposed*  
*Driveway*

*Four screw anchors on four corners*

~~with owner~~

~~with owner~~

~~with owner~~

**FINISH GRADE ELEVATIONS**

THE AS-BUILT FINISHED GRADE ELEVATIONS SHOWN ON THIS PLAN ARE INDICATED BY CIRCLES WITH THE FINISH GRADE ELEVATION BY COUNTY SUBDIVISION LETTER, L.S.D., AND APPROVAL OF THE VILLAGE OF LAKE VILLA IN THE HILLS.

12/15/99

**NOTE**

894.9 P. = PROPOSED ELEVATION  
894.4 = AS-BUILT ELEVATION

P. = PROPOSED  
S. = SET  
D. = DIT  
L. = L.S.D.  
A. = APPROVAL

### LEGEND

LIK INDICATES PUBLIC-UTILITY AND DRAINAGE EASEMENT. EASEMENTS SHOWN HEREON ARE SUBJECT TO THE EASEMENT PROVISIONS ON THE FINAL PLAT OF SUBDIVISION. PROPOSED ELEVATIONS SHOWN HEREON ARE DERIVED FROM APPROVED ENGINEERING PLANS PREPARED BY CORNEY SUBDIVISION LETTER, LTD.



UPDATED 12/14/99  
Added AS BUILT FOUNDATION 10/15/99

STATE OF ILLINOIS)  
COUNTY OF LAKE VILLA

I, JAMES F. STORE, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON AND THAT THE PLAT HEREON SHOWN IS A CORRECT REPRESENTATION OF SAID SURVEY. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

LAKE VILLA, ILLINOIS DATED THIS 18 DAY OF AUGUST, A.D. 1999.

*James F. Store*

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2622

**JULIAN LASKEY**  
computer services  
Surveying/Level/Plumbing/Estimating  
203 Linden Ln, Mt Pleasant, IL 62256  
(617) 258-0281 fax 258-8780

**LAND AND CONSTRUCTION SURVEY COMPANY, INC.**  
P.O. Box 911, Lake Villa, Illinois 60046  
(815) 258-7238 fax (815) 258-8787 pages (815) 258-8834  
JAMES F. STORE Professional Land Surveyor



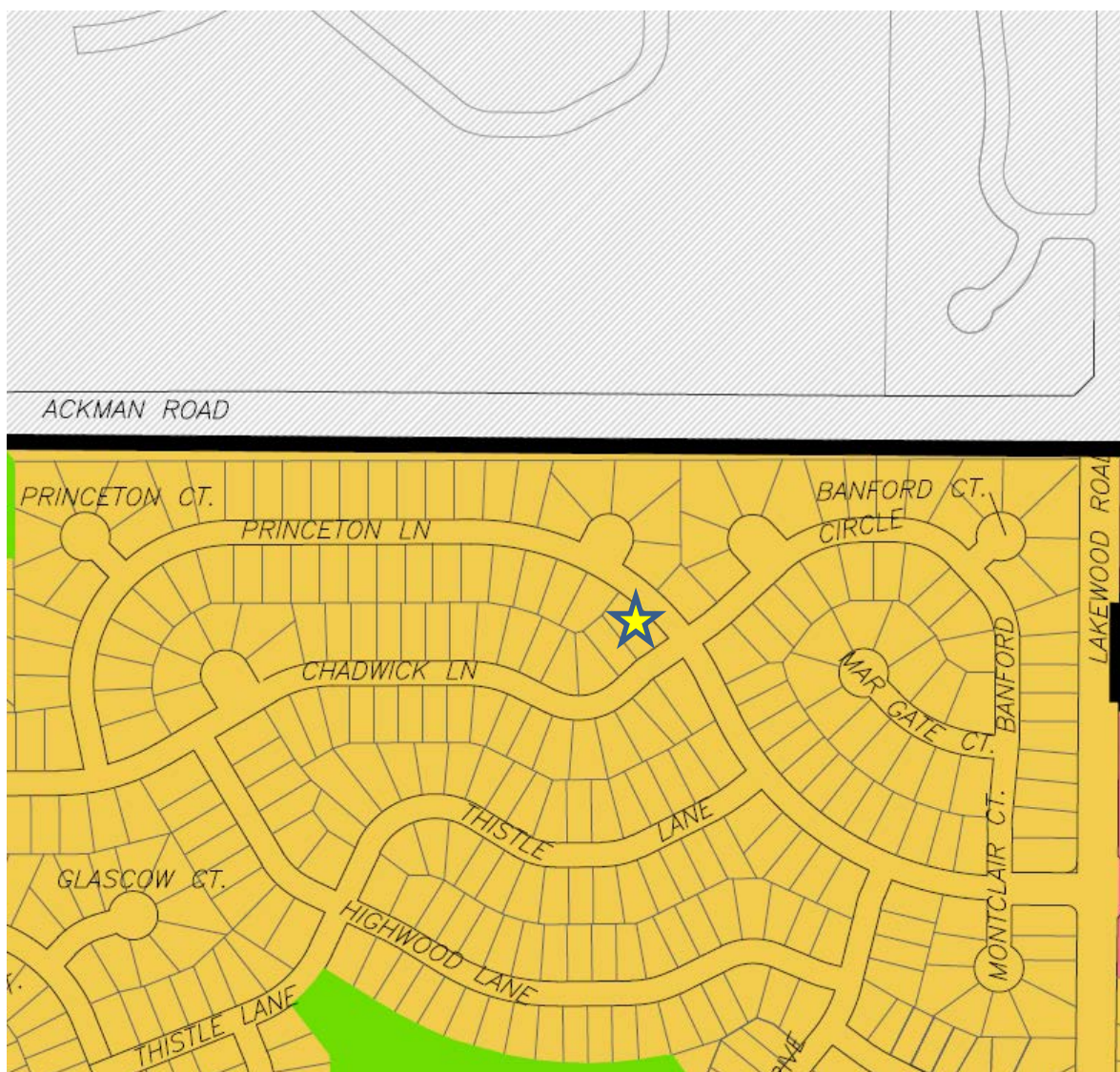
# Variation request to allow for the construction of a fence at 3410 Chadwick Lane



## 3. EXHIBITS

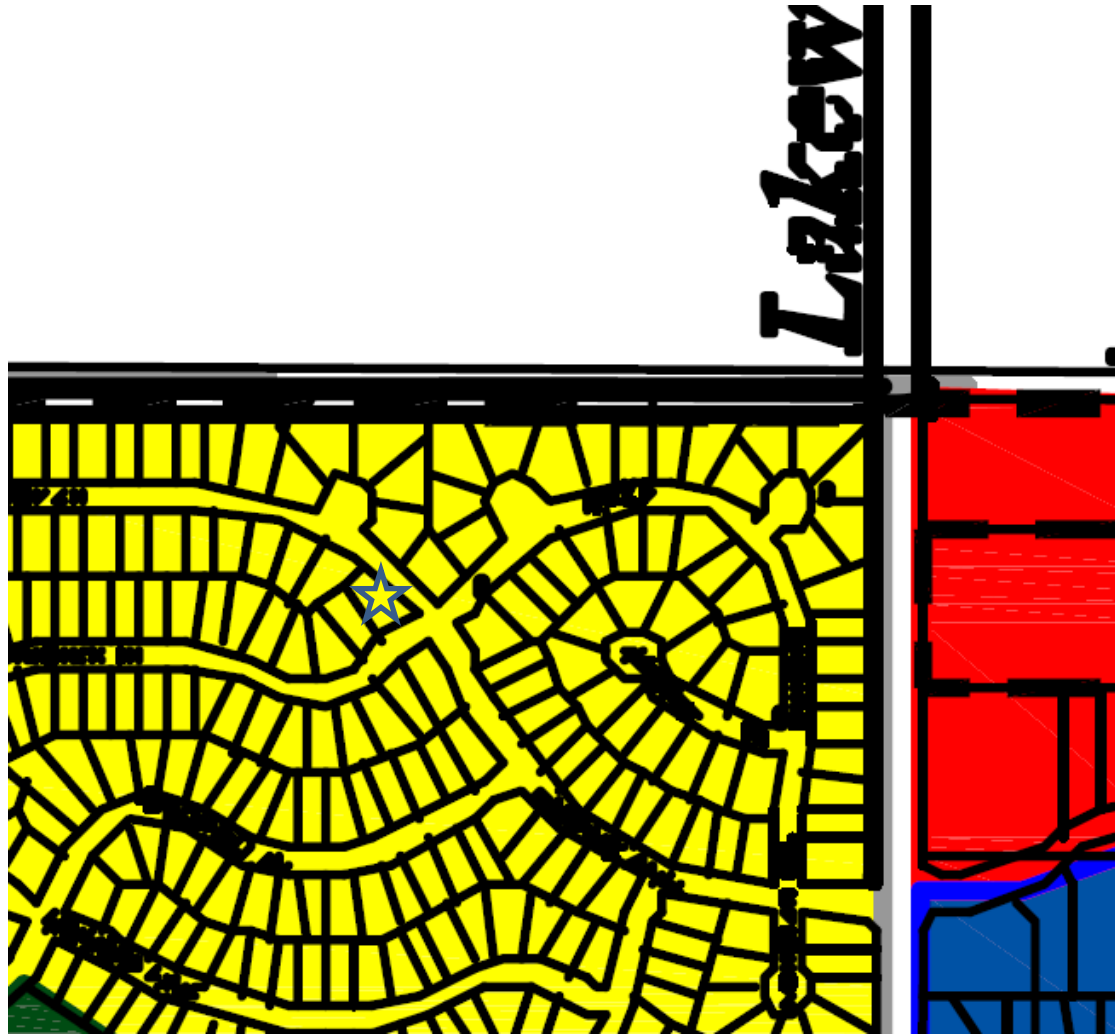
---

### ZONING MAP





FUTURE LAND USE MAP



Estate Residential (< 2.0 units/ac.)



Low Density Residential (2.0 to 3.5 units/ac.)

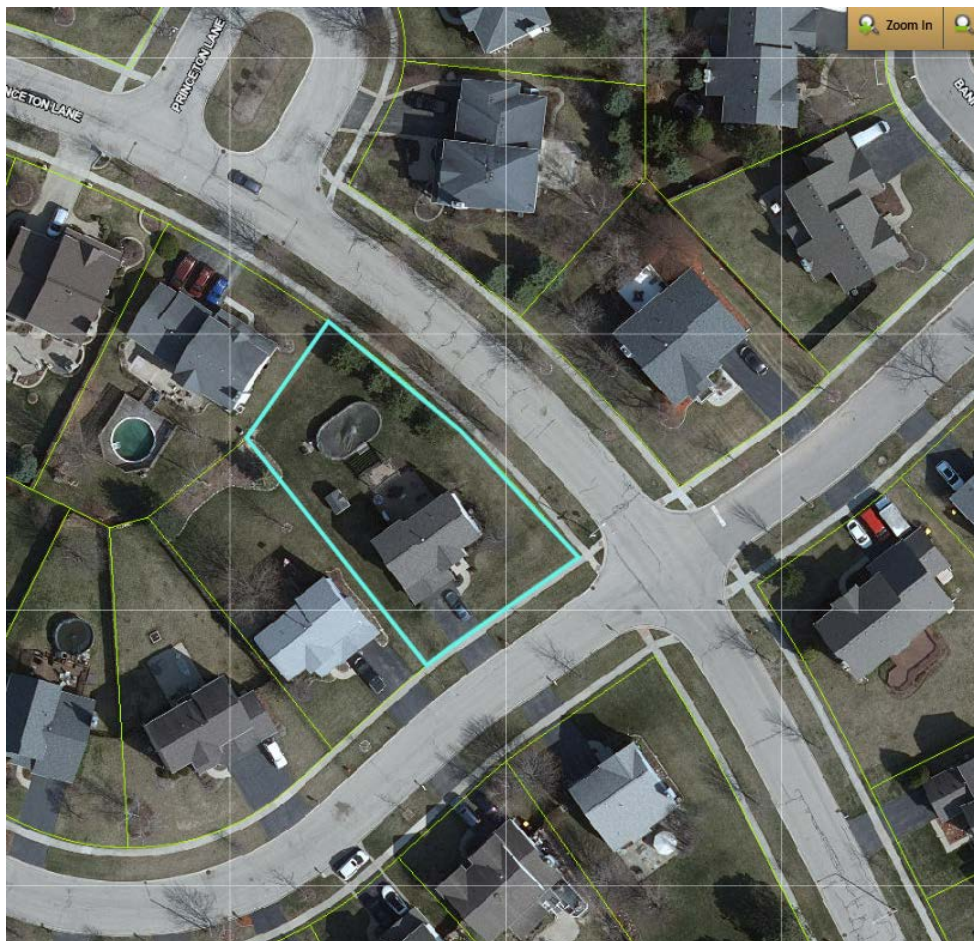


Low Density Residential (> 3.5 to 4.5 units/ac.)



Medium Density Residential (> 4.5 to 7.5 units/ac.)

## AERIAL PHOTO



## SITE PHOTOS





View of pool and front yard  
(side) of property along  
Princeton Ln.



View of front yard (side) and back  
of pool/yard from Princeton Lane.





# REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

---

## PLANNING AND ZONING COMMISSION

**MEETING DATE:** August 15, 2022

**DEPARTMENT:** Community Development

**SUBJECT:** Variation to PUD zoning that was established by the Fourth Amendment to the Annexation Agreement made and entered into on March 25, 1999, at 1 Juniper Court

## EXECUTIVE SUMMARY

---

### General Information

<i>Requested Action:</i>	James and Romona DeLap request a variation to the R-4 PUD zoning that was established by the Fourth Amendment to the Annexation Agreement made and entered into on March 25, 1999, to allow for a roofed addition at 1 Juniper Court.
<i>Owner:</i>	James and Romona DeLap
<i>Applicant:</i>	James and Romona DeLap
<i>Purpose:</i>	Build a roofed addition, sun/screen room, in the year yard
<i>Location and Size:</i>	1 Juniper Court - approximately 4,500 square feet.
<i>Zoning and Land Use:</i>	Site: R-4 PUD/Residential North: R-4 PUD/Residential East: R-4 PUD/Residential South: R-4 PUD/Residential West: R-4 PUD/Residential Future Land Use: Medium Density Residential

### Background

The applicants are applying for a variation to build a sun/screen room attached to the principle residence by roof at 1 Juniper Court. The property is located in an R-4 PUD multi-family residential district. The unit is the part of a three-unit building. The rear yard setback established by the R-4 PUD zoning is 25 feet. The rear yard is 22 feet deep. The existing deck measures 14 feet from the back façade of the unit and will be extended and roofed 2 feet towards the rear of property, leaving the structure 6 feet from the rear property line.

**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 applicants indicate sunrooms are a reasonable return.

Staff finds the applicants would not be able to build a sunroom on their property without the variation. Sunrooms are reasonable additions to houses in this neighborhood and the current setbacks are more applicable to single-family zoning districts.

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

The applicants indicate the plight of the owner is due to unique circumstances.

Staff finds the property was built with a specific configuration which does not allow for additions in the rear yard and finds the rear setback requirement is more suitable for single-family residential zoning.

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

The applicants indicate that the variation, if granted, will not alter the essential character of the locality.

Staff finds the surrounding area to be residential with decks, screen rooms, sunrooms, and roofed additions included in some rear yards closer than the current rear setback requirement. The proposed addition will not alter the essential character of the locality.

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

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

The applicants indicate 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.

Staff finds the property was built with a specific configuration which does not allow for additions in the rear yard and is a hardship. Staff finds the current rear setback requirement is more suitable for single-family residential zoning and rear yard additions are common in this neighborhood.

**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 applicants indicate the conditions would not be applicable to others.

Staff finds the buildings in this neighborhood vary in their configuration and proximity to rear property lines. The conditions of this residential unit and property are not generally applicable to others in the same zoning classification.

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

The applicants indicate the variation is not based on a desire to make money.

Staff finds the construction of screen rooms, sun rooms, and roofed additions to be common for units in this subdivision and the applicants are wanting to expand living space.

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

The applicants indicate the hardship was not created by them.

Staff finds the hardship was created when the lot was platted and when the building and unit was constructed, not by the current owners. The unit has an attached deck and the owners are wanted to extend and covert to a roofed sunroom extension.

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

The applicants indicate 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.

Staff finds the surrounding area to be residential with decks, screen rooms, sunrooms, and roofed additions included in some rear yards closer than the current rear setback requirement. The proposed addition will not be detrimental to the public welfare on injurious to other property or the neighborhood.

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

The applicants indicate the addition will not impair anyone's view or endanger anyone around them.

Staff finds the sunroom would not impair adequate supply of light and air or substantially increase danger of fire or endanger public safety. The sunroom would not diminish or impair property value within the neighborhood.

## **ATTACHMENTS**

---

1. Application
2. Plat of Survey
3. Exhibits

## **RECOMMENDED ACTION**

---

Planning and Zoning Commission recommend approval to the Village Board for a variation of 19' from the 25' rear setback required by Section 7, Residential Districts, 7.4 Residential Bulk Chart, as otherwise required by the R-4 PUD zoning established by the Fourth Amendment to the Annexation Agreement made and entered into on March 25, 1999, to allow for a roofed addition at 1 Juniper Court Parcel 18-24-453-058, for the construction of a roofed addition.





2082103  
RECEIVED  
JUL 25 2022  
DL

**PLANNING & ZONING APPLICATION**

**Property Information**

Common street address: 1 JUNIPER COURT

PIN (Property Index Number): 18-24-453-058

Current Zoning: R-2 PUD Proposed Zoning: N/A

Current Use: Deck Proposed Use: Screened in deck

Is the request consistent with the Comprehensive Plan? YES

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

Legal description of the property (print or attach exhibit): would like to replace our current deck with a screened in deck adding 2 additional ft

**Property Owner Information**

Name(s): James + Romana DeLap

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

Address: 1 JUNIPER COURT

City/State/Zip: LITH IL 60156

Phone Number: 847-254-9963

Email: rgdelap@yahoo.com

**Applicant Information**

Name(s): SAME

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

Address: SAME

City/State/Zip: SAME

Phone Number: SAME

Email: SAME

**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		\$100	L	Yes	100.00
Variance – Non-Residential		0-2 ac = \$250 Over 2 ac = \$500	L	Yes	
Development Plan Review		\$500 + \$10/ac	M	No	
<b>Total Fees – add column 6 (Separate Check)</b>					\$100.00
<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.*

Romona DeLay James 7-25-22  
Property Owner's Signature Date

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

Romona DeLay James 7-25-22  
Applicant's Signature Date

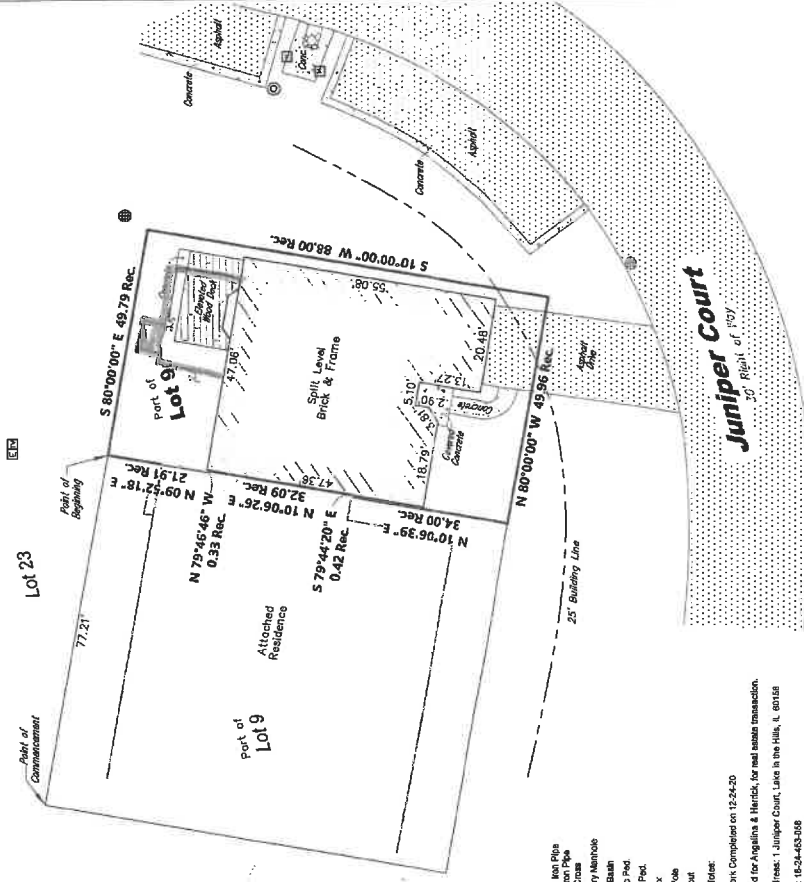
**All required appendices and documentation shall be submitted with this application. Incomplete applications will not be processed.**



# PLAT OF SURVEY



THAT PART OF LOT 9 IN BOULDER RIDGE COUNTRY CLUB WEST NINE - PHASE 1, BEING A PART OF SECTION 25, TOWNSHIP 25S, RANGE 12E, OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 23, 1998, AS DOCUMENT NO. 1866R86665, AS AMENDED BY INSTRUMENT RECORDED MARCH 17, 2000 AS DOCUMENT NO. 2000R1324, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 9; THENCE NORTH 89 DEGREES 52 MINUTES 18 SECONDS WEST 21.91 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 08 DEGREES 52 MINUTES 18 SECONDS WEST 21.91 FEET; THENCE SOUTH 79 DEGREES 46 MINUTES 46 SECONDS EAST 0.33 FEET; THENCE SOUTH 10 DEGREES 06 MINUTES 26 SECONDS WEST 32.09 FEET; THENCE NORTH 79 DEGREES 46 MINUTES 46 SECONDS WEST 21.91 FEET TO THE SOUTHERLY LINE OF SAID LOT 8; THENCE SOUTH 80 DEGREES 00 MINUTES 00 SECONDS EAST 48.99 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE NORTH 10 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE EASTERLY LINE OF SAID LOT 8, A DISTANCE OF 84.00 FEET TO THE POINT OF BEGINNING OF SAID LOT 9; THENCE NORTH 80 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID LOT 9, A DISTANCE OF 49.96 FEET TO THE POINT OF BEGINNING, IN MCHEMERY COUNTY, ILLINOIS.



- Legend**
- 3/4\"/>

- Surveyor's Notes:**
1. Field Work Completed on 12-24-20
  2. Prepared for Aguilera & Herick, for real estate transaction.
  3. Site Address: 1 Juniper Court, Lake in the Hills, IL 60158
  4. Pin No.: 16-24-652-08
  5. The easements shown herein are provided from the current title and the site of this recorded subdivision plat. No search of the records for easements or encroachments was made as part of this survey.
  6. Complete deed description and site conditions with the data given on this plat and report any discrepancies to the surveyor at once.
  7. Any Call Files will not be released under this contract.
  8. The utilities are shown on this drawing were developed from the information available. This is not intended to be a warranty of accuracy and the surveyor assumes no responsibility for the location of all utilities shown or not shown and product and/or utility lines from any damage.
  9. All building dimensions and line are to the correct siding material and not to the foundation.
  10. This plat was prepared with the aid of Esdri & Wenzel Title Surveyor, Inc. File number BMO2005-6566 dated December 1, 2020.

State of Illinois )  
County of Lake )

We, Land Surveying Services, Inc. do hereby state that we have surveyed the above property and that this is the plat that represents the conditions shown on the ground. Given under my hand and seal this 24th day of December, A.D. 2020.

**GLORIA JEAN**  
Professional Surveyor  
035-003533

Field Work Completed:	12-24-20
Scale: 1" = 20'	Date: 12-29-20
Site Address: <b>1 Juniper Court</b> Lake in the Hills, Illinois	
Drafted By: ER	REVISIONS
DATE	

**LSI** Land Surveying Services, Inc.  
1122 N. Lincoln Drive, Lake Zurich, Illinois 60047  
Professional Surveyor License No. 035-003533

20 Number  
**LS201961**  
Sheet Name  
**PLAT OF SURVEY**  
Sheet Number  
**SURVEY**



PROPERTY ADDRESS/PIN

*1 Juniper Court  
18-24-453-058*

**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.**

*sunrooms are reasonable return*

---



---



---

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

*yes*

---



---



---

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

*yes*

---



---



---

PROPERTY ADDRESS/PIN

Juniper Court  
018-24-453-058

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.**

yes

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.**

not applicable to others

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.**

not based on desire

to make money

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.**

hardship not created by us

PROPERTY ADDRESS/PIN

11 Jumper Court  
18-24-453-058

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.**

yes

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.**

It will not impair anyones  
view or endanger anyone around us

James J DeLay  
Romona DeLay 2-25-22

Applicant's Signature                      Date

James J DeLay  
Romona DeLay 2-25-22

Property Owner's Signature              Date

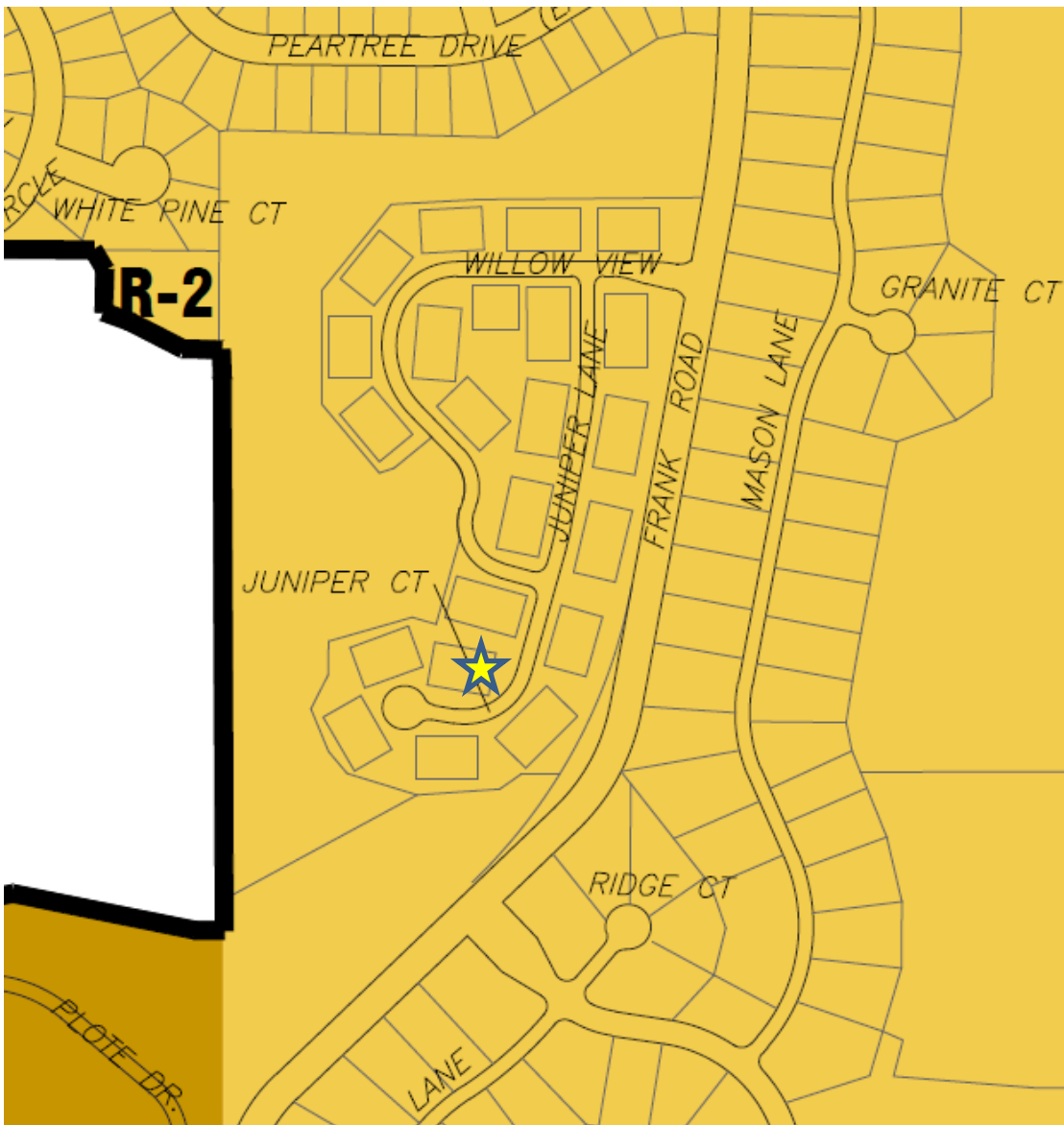
# Variation request to allow for the construction of a roofed addition at 1 Juniper Court



## 3. EXHIBITS

---

### ZONING MAP



FUTURE LAND USE MAP



Estate Residential (< 2.0 units/ac.)



Low Density Residential (2.0 to 3.5 units/ac.)



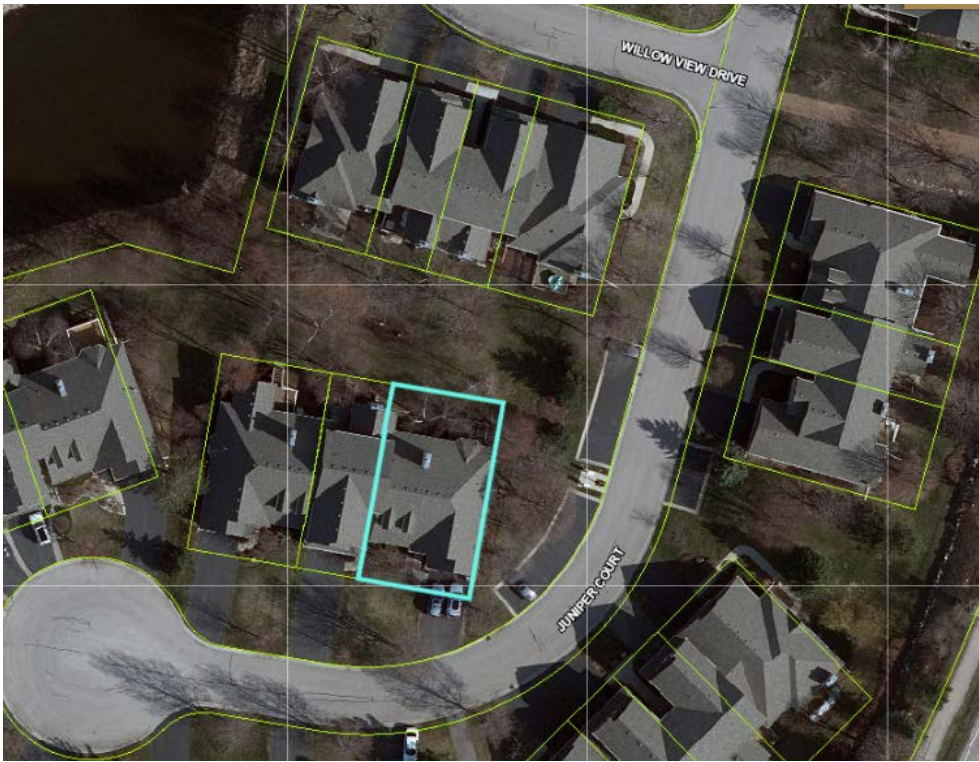
Low Density Residential (> 3.5 to 4.5 units/ac.)



Medium Density Residential (> 4.5 to 7.5 units/ac.)



## AERIAL PHOTO



## SITE PHOTOS





View of side of property from  
Juniper Court.



View of side/rear of property  
from Juniper Court.





# REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

---

## PLANNING AND ZONING COMMISSION

**MEETING DATE:** August 15, 2022

**DEPARTMENT:** Community Development

**SUBJECT:** Variation to PUD zoning that was established by the Fourth Amendment to the Annexation Agreement made and entered into on March 25, 1999

## EXECUTIVE SUMMARY

---

### General Information

*Requested Action:* The Village of Lake in the Hills requests a variation to the R-4 PUD zoning that was established by the Fourth Amendment to the Annexation Agreement made and entered into on March 25, 1999, to allow for a reduced rear yard setback for all addresses and parcels in the subdivision.

*Owner:* Multiple

*Applicant:* Village of Lake in the Hills

*Purpose:* Reduce rear yard setbacks

*Location and Size:* Boulder Ridge West Nine Villas Phase - 1 – approximately 32 acres.

*Zoning and Land Use:*

Site:	R-4 PUD/Residential
North:	R-2/Residential
East:	R-2/Residential
South:	R-2/Residential
West:	Unincorporated/Open Space
Future Land Use:	Medium Density Residential

### Background

The rear yard setback established by the R-4 PUD zoning for all lots in the subdivision is 25'. Staff review of correspondence between developer and Community Development staff shows the rear yard setback was intended to be reduced to 10'; however, the reduction was not documented as part of the annexation agreement amendment. The majority of the buildings are closer than 25' to the rear property line. The majority of sunrooms and roofed additions are within 10' to 25' of the rear property line. Decreasing the rear setback

to 10' will allow for more sunrooms and roofed additions to be built without the need for individual variations.

**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;**

Staff finds a majority of property owners would not be able to build roofed additions on their property without the variation. Sunrooms are reasonable additions to houses in this neighborhood and the current setbacks are more applicable to single-family zoning districts.

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

Staff finds the property was built with a specific configuration which does not allow for additions in the rear yard and finds the rear setback requirement is more suitable for single-family residential zoning.

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

Staff finds the surrounding area to be residential with decks, screen rooms, sunrooms, and roofed additions included in some rear yards closer than the current rear setback requirement. The proposed variation will not alter the essential character of the locality.

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

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

Staff finds the subdivision was built with a specific configuration which does not allow for additions in the rear yard and is a hardship. Staff finds the current rear setback requirement is more suitable for single-family residential zoning and rear yard additions are common in this neighborhood

**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**

Staff finds the buildings in this neighborhood vary in their configuration and proximity to rear property lines. The conditions of this subdivision are not generally applicable to others in the same zoning classification.

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

Staff finds the construction of screen rooms, sun rooms, and roofed additions to be common for units in this subdivision for property owners who are wanting to expand living space.

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

Staff finds the hardship was created when the subdivision was platted and when the buildings were constructed, not by the current owners.

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

Staff finds the surrounding area to be residential with decks, screen rooms, sunrooms, and roofed additions included in some rear yards closer than the current rear setback requirement. The proposed variation will not be detrimental to the public welfare or injurious to property or the neighborhood.

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

Staff finds the variation would not impair adequate supply of light and air or substantially increase danger of fire or endanger public safety as this development is a multi-family development and should have smaller rear yard setbacks than required for a single-family subdivision. The variation would not diminish or impair property value within the neighborhood.

**ATTACHMENTS**

---

1. Exhibits

**RECOMMENDED ACTION**

---

Planning and Zoning Commission recommend approval to the Village Board for a variation of 15' from the 25' rear setback required by Section 7, Residential Districts, 7.4 Residential Bulk Chart, as otherwise required by the R-4 PUD zoning established by the Fourth Amendment to the Annexation Agreement made and entered into on March 25, 1999, at Boulder Ridge West Nine Villas Phase - 1.

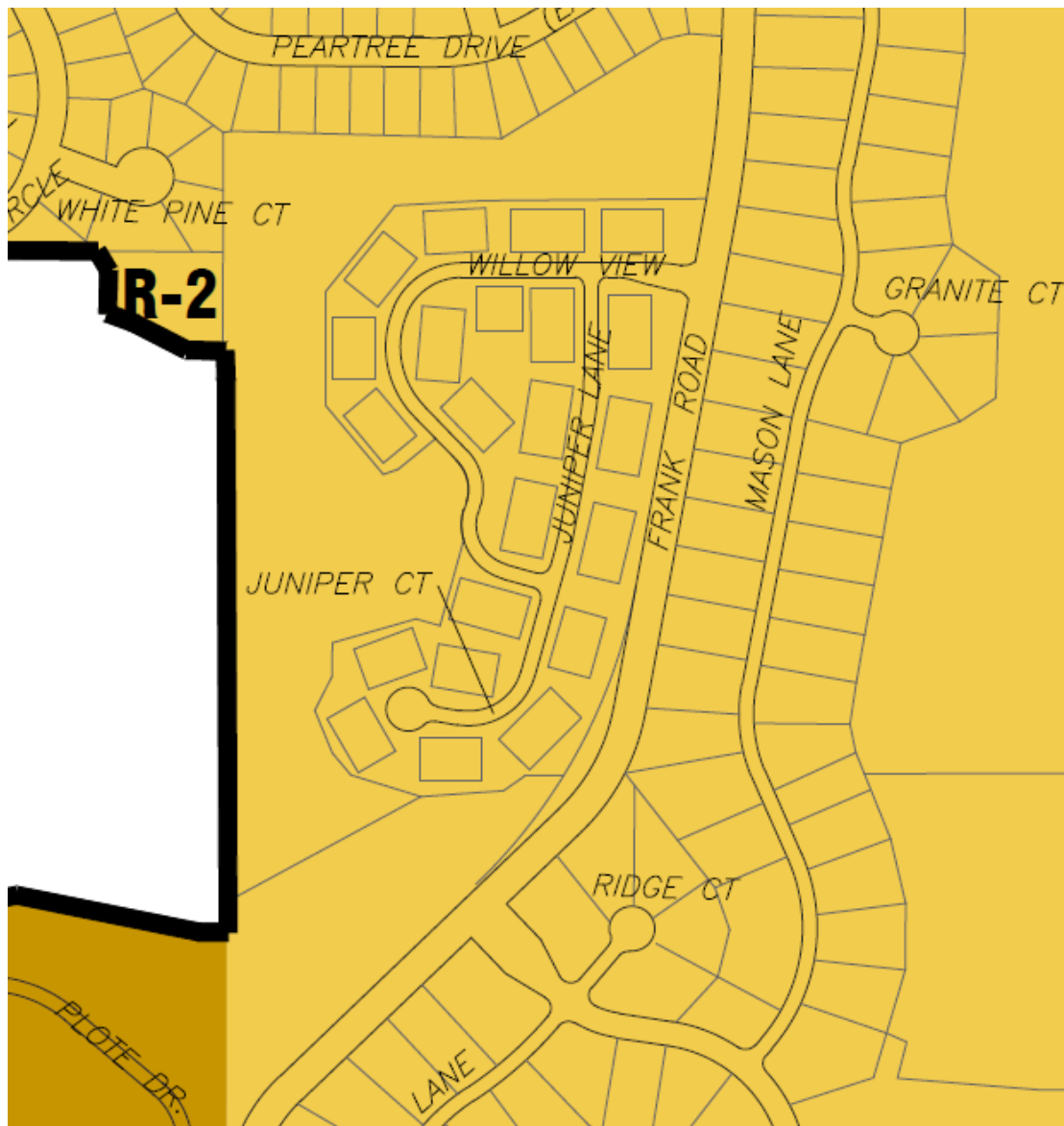


# Variation request to allow for reduced rear yard setback at Boulder Ridge West Nine subdivision



## 1. EXHIBITS

### ZONING MAP



FUTURE LAND USE MAP



Estate Residential (< 2.0 units/ac.)



Low Density Residential (2.0 to 3.5 units/ac.)



Low Density Residential (> 3.5 to 4.5 units/ac.)



Medium Density Residential (> 4.5 to 7.5 units/ac.)

AERIAL PHOTO





## SITE PHOTOS

View of entrance from Frank Road.



View typical multi-unit construction.





View of typical rear yards and common open space.



View of typical rear yards and common open space.



View of typical rear yards and common open space.

