



PUBLIC MEETING NOTICE AND AGENDA  
PLANNING AND ZONING COMMISSION MEETING

SEPTEMBER 12, 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 August 15, 2022 Planning and Zoning Commission meeting minutes
4. New Business
  1. Conditional Use for an Obedience School with Dog Day Care at 9190 Pyott Road
  2. Variation to Section 7.4, Residential Bulk Chart, for an Attached Garage at 255 Indian Trail
5. Old Business— None
6. Items for Discussion--None
7. Staff Report
  - A. August, 2022 Board of Trustees meeting
8. Audience Participation
9. Trustee Liaison Report
10. Next Planning & Zoning meeting is scheduled for October 17, 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:** September 9, 2022

**Time:**



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING COMMISSION

AUGUST 15, 2022

## Call to Order

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

Roll call was answered by Commissioners Walker, Murphy, Bolton, Swanlund, and Chairman Esposito.

Commissioners Siakel and Dixon were absent.

Also present were Community Development Director Josh Langen and Recording Secretary Nancy Sujet.

## Approval of Meeting Minutes

Motion to accept the Planning and Zoning Commission meeting minutes of July 18, 2022 was made by Commissioner Swanlund and seconded by Commissioner Walker. The motion was approved by a voice vote of 5-0.

## New Business

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

Commissioner Esposito opened the public hearing at 7:31 p.m. and confirmed with staff that the public was given proper notice regarding the public hearing.

### Staff Report

Director Langen reviewed the Request for Commission Action dated August 15, 2022.

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

Commissioner Bolton verified that the fence is going between the trees and pool on the side yard. Director Langen stated yes, and that the resident may need to trim the trees, but no trees will be removed.

There were no public comments and Commissioner Esposito closed the public hearing at 7:36 p.m.

A motion to recommend approval to the Village Board for a variation of 11 feet 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 foot, and allow for a fence at 3410 Chadwick Lane, Parcel 18-14-303-022, to be constructed in the front yard(side) was made by Commissioner Walker and seconded by Commissioner Bolton. On a roll call vote, Commissioners Walker, Murphy, Bolton, Swanlund, and Chairman Esposito voted Aye. No Nays. Motion carried 5-0.

### **B. 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**

Commissioner Esposito opened the public hearing at 7:38 p.m. and confirmed with staff that the public was given proper notice regarding the public hearing.



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING COMMISSION

AUGUST 15, 2022

## Staff Report

Director Langen reviewed the Request for Commission Action dated August 15, 2022.

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

Resident Larry Falk is concerned about the offset of the property line to the house being different within the community. He would like to see consistency. He suggested to go back a certain distance from the permanent structure instead of the property line. There will be future roofs and decks and he would like to see consistency.

Director Langen stated that this is a specific variation for this property only. He stated that if a resident was looking to extend or cover a structure, they would need to request a variance for their address and the Village has to measure from the property line.

Chairman Esposito stated that when measuring from the property line the Planning & Zoning Commission takes into consideration if the request is extravagant or too big, they take that into consideration.

Commissioner Bolton confirmed that the variation is for only 1 Juniper Court.

Commissioner Esposito closed the public hearing at 7:48 p.m.

A motion to recommend approval to the Village Board for a variation of 19 foot from the 25 feet 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 was made by Commissioner Bolton and seconded by Commissioner Walker. On a roll call vote, Commissioners Walker, Murphy, Bolton, Swanlund, and Chairman Esposito voted Aye. No Nays. Motion carried 5-0.

## **C. Variation to PUD Zoning that was Established by the Fourth Amendment to the Annexation Agreement Made and Entered into on March 25, 1999 at Boulder Ridge West Nine Villas Phase I**

Commissioner Esposito opened the public hearing at 7:51p.m. and confirmed with staff that the public was given proper notice regarding the public hearing.

## Staff Report

Director Langen reviewed the Request for Commission Action dated August 15, 2022.

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

A resident of Boulder Ridge confirmed that the change is from 25 feet to 10 feet. Director Langen stated that the variation is a reduction of 15 feet, which is 10 feet.

Commissioner Esposito closed the public hearing at 7:57 p.m.



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING COMMISSION

AUGUST 15, 2022

A motion to recommend approval to the Village Board a variation of 15 feet from the 25-foot 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 was made by Commissioner Swanlund and seconded by Commissioner Murphy. On a roll call vote, Commissioners Swanlund, Murphy, Bolton, Walker, and Chairman Esposito voted Aye. No Nays. Motion carried 5-0.

Old Business-None

Item for Discussion-None

**Staff Report**-Director Langen reported that the Village Board did not approve a variance for a 20-foot sign for Moretti's. He stated that staff meet with the applicant to discuss different height options. The Village Board approved a 15-foot sign.

Commissioner Bolton asked if the sign would be in the same spot. Director Langen stated yes, approximately 8 feet off the property line.

Audience Participation- None

Trustee Liaison- None

## Adjournment

A motion to adjourn the meeting was made by Commissioner Walker and seconded by Commissioner Murphy. The motion was approved by a voice vote of 5-0.

There being no further business to discuss, the meeting of the Lake in the Hills Planning & Zoning Commission was adjourned at 8:01 p.m. The next Planning and Zoning Commission meeting is scheduled for September 12, 2022.

Submitted by,

A handwritten signature in black ink that reads "Nancy Sujet".

Nancy Sujet  
Recording Secretary



# REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

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## PLANNING AND ZONING COMMISSION

**MEETING DATE:** September 12, 2022

**DEPARTMENT:** Community Development

**SUBJECT:** Conditional Use for an Obedience School with Dog Day Care at 9190 Pyott Road

## EXECUTIVE SUMMARY

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### General Information

*Requested Action:* Sean Galavan requests a Conditional Use Permit to allow for an obedience school with dog day care as a secondary use to train dogs.

*Owner:* MAH Holdings LLC, William Hinde

*Applicant:* Sean Galavan, John Curtis

*Purpose:* Establish an obedience school business with dog day care as a secondary use to train dogs

*Location and Size:* 9190 Pyott Road – approximately 1 acre

<i>Zoning and Land Use:</i> Site:	M-1 Manufacturing Limited/Light industrial
North:	M-1 Manufacturing Limited/Vacant
East:	M-1 Manufacturing Limited/Light industrial
South:	B-4 Business-Commercial/Retail and service
West:	M-1 Manufacturing Limited/Vacant
Future Land Use:	Manufacturing/Industrial

### Background

The applicant proposes a dog obedience and training school in three (3) of the tenant spaces at the address. The operation will consist of indoor training classes for dogs and their owners. Training will be oriented towards home protection. Day or overnight care will be limited and secondary as most classes will have owners accompany their dog for each session. Outdoor training space and dedicated parking is also proposed to serve the business. As obedience schools and dog day care are listed as conditional uses in the M-1 zoning district, the applicant is requesting a conditional use permit to establish the business.

## Standards and Findings of Fact for a Conditional Use

**The Planning and Zoning Commission may recommend and the Board of Trustees shall consider the following factors and how they are relevant to the specific conditional use requested:**

- A. 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;

The applicant indicates the location will serve as the center of operation for GIK9 and that demand for dog training has grown, providing a business opportunity.

Staff finds there to be no dog obedience schools in the nearby area and find this service to be necessary and desirable as dog ownership is common practice.

- B. 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;

The applicant indicates they hold themselves to strict safety criteria, including certified trainers. They have behavioral screening and required vaccination records.

Staff finds the proposed business has safety and sanitary protocols. The business is also located in an area where dog training will not impact residential neighborhoods. The use is not anticipated to 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.

- C. 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;

The applicant indicates dogs will be secured and will not be outside unmonitored. Trainers will be present and the area will be fenced.

Staff finds the area to host a number of different light industrial and professional service businesses. The area is generally industrial in nature. Permitting the use of tenant spaces for dog obedience would not interfere with current surrounding operations and would not impede normal and orderly development of this light industrial area.

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

The applicant indicates they would like to join the local business community and provide a service to the surrounding area and the Village.

Staff finds the surrounding uses include light industrial, professional service, and retail. The parcel hosting the proposed service is a large lot with various vehicles and equipment stored and serviced. The proposed business would be professional service that would not be in conflict with the comprehensive plan and would be an addition to the different uses include in this land use district.

- E. 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;

The applicant indicates the services provided would not need to accommodate large crowds of in-person customers at the location. Pets are dropped off individually or are instructed in small groups.

Staff finds the facility would generate very little traffic and no congestion or hazards would occur as a result of the conditional use. Circulation would remain the same and similar to other uses in the area.

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

The applicant indicates property owners have prioritized quick and easy access for all essential/private facilities including emergency services.

Staff finds the property and facility have served various tenants in the existing building and are anticipated to be able to service the proposed use as well. Essential public and private facilities and services appear adequate.

- G. 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;

The applicant indicates they will comply with Village requirements and regularly confirm conditions are being met.

Staff finds the proposed use will comply with regulations and conditions in the Zoning Code.

#### **ATTACHMENTS**

1. Application
2. Plat
3. Exhibits

#### **RECOMMENDED ACTION**

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Planning and Zoning Commission recommend approval to the Village Board to grant a Conditional Use Permit to allow for an obedience school with dog day care at 9190 Pyott Road, Parcel #19-21-126-003.



## PLANNING & ZONING APPLICATION

### Property Information

Common street address: **9190 Pyott rd, Lake in the hills, IL 60156**

PIN (Property Index Number): 19-21-126-003

Current Zoning: M1-Manufacturing Proposed Zoning: Same

Current Use: Empty Proposed Use: Obedience School

Is the request consistent with the Comprehensive Plan? **Yes**

Number of Acres: ↓ 1 **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): \_\_\_\_\_

Commercial

### Property Owner Information

Name(s): William Hinde

Business/Firm Name (if applicable): MAH Holdings LLC

Address: 1480 Imhoff Dr

City/State/Zip: Lith, IL 60156

Phone Number: 847-854-4370

Email: maprecision@sbcglobal.net

### Applicant Information

Name(s): **Sean Galavan**

Business/Firm Name (if applicable): **GIK9, LLC.**

Address: **535 Northview Lane**

City/State/Zip: **Hoffman Estates, IL, 60169**

Phone Number: **(224)-244-0544**

**(561) 814-7022**

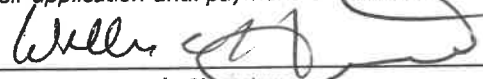
Email: **galig3521@gmail.com**



**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	X	\$500 + \$10/ac over 2 ac	I	Yes	\$500
Rezoning		\$500 + \$10/ac over 2 ac	J	Yes	
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>					<b>\$500</b>
<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 8-1-22

**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.**



Property Address/PIN: 19-21-126-003

**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.**

**This location will serve as the center of operation for GIK9. The demand for dog training has grown exponentially across Illinois allowing a perfect opportunity for a small business like ourselves to grow. We hope to bring our passion for pet companionship not only through providing an essential service but by also being a community hub for canine education.**

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.**

**We hold ourselves to a strict standardized safety criteria. This includes fully certified trainers, behavioral screening of all canines prior to acceptance, vaccination records to permit canines on premises, and regular disinfecting of the facility.**

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.**

**All dogs will be secured in appropriately sized kennels and will not have access to any outside premises unmonitored. Trainers will periodically train and walk the dogs in an outside designated area that is fenced off from any surrounding properties.**

Property Address/PIN: 19-21-126-003

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.**

**We hope to join the Village's community of booming small businesses by incentivizing surrounding areas to take our service thus bringing potential traffic to local business.**

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.**

**GIK9 does not provide a service that will require a large crowd of in-person customers at the location. Our customers primarily drop off their pets allowing the facility to focus on checking clients**

**in individually. GIK9 does offer group sessions that will include no more than 6 people on location at once (there will be designated parking for GIK9 customers).**

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.**


**Property owners have prioritized quick and easy access for all essential/private facilities and services including emergency services.**

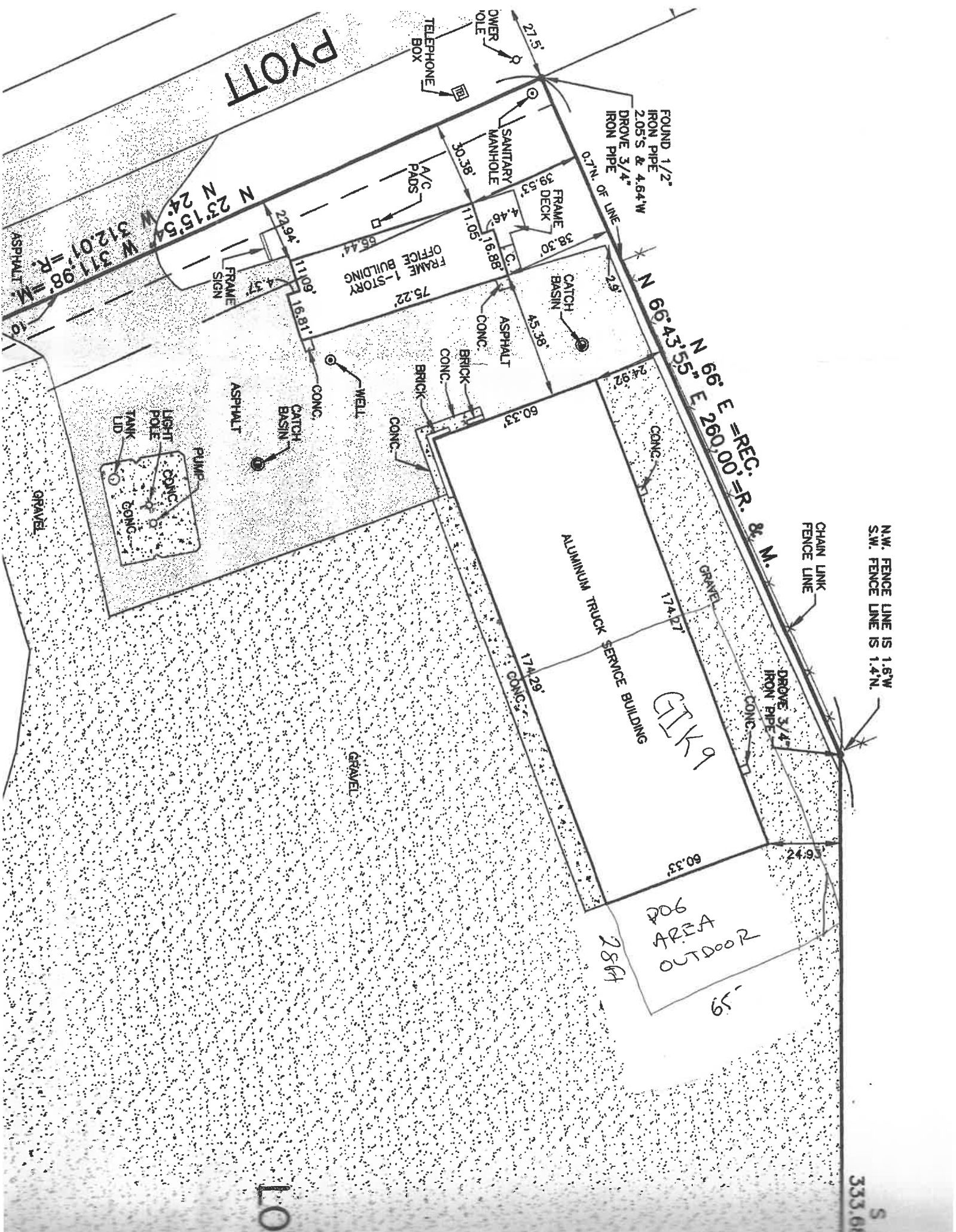
7. That the proposed use will comply with the regulations and conditions specified in this Zoning Code for such use, and with the stipulations and conditions made a part of the authorization granted by the Board of Trustees. **Explain how this standard is met.**

**GIK9 will uphold all of the Village's proposals by regularly doing an internal census to confirm specified conditions are being met.**

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

  
Property Owner's Signature \_\_\_\_\_ Date 8-1-22

**Sean Galavan**  
  
Applicant's Signature \_\_\_\_\_ Date 8-1-22



PYOTT

GILK9

206 AREA OUTDOOR

28ft

65-

N 23.15.54  
 W 312.01 = R.  
 N 24.24  
 W 311.98 = M.  
 ASPHALT

FOUND 1/2" IRON PIPE  
 2.05'S & 4.64'W  
 DROVE 3/4" IRON PIPE  
 C/V.N. OF LINE

N 66.43.55" E 260.00' = R.  
 M.

N.W. FENCE LINE IS 1.6'N  
 S.W. FENCE LINE IS 1.4'N

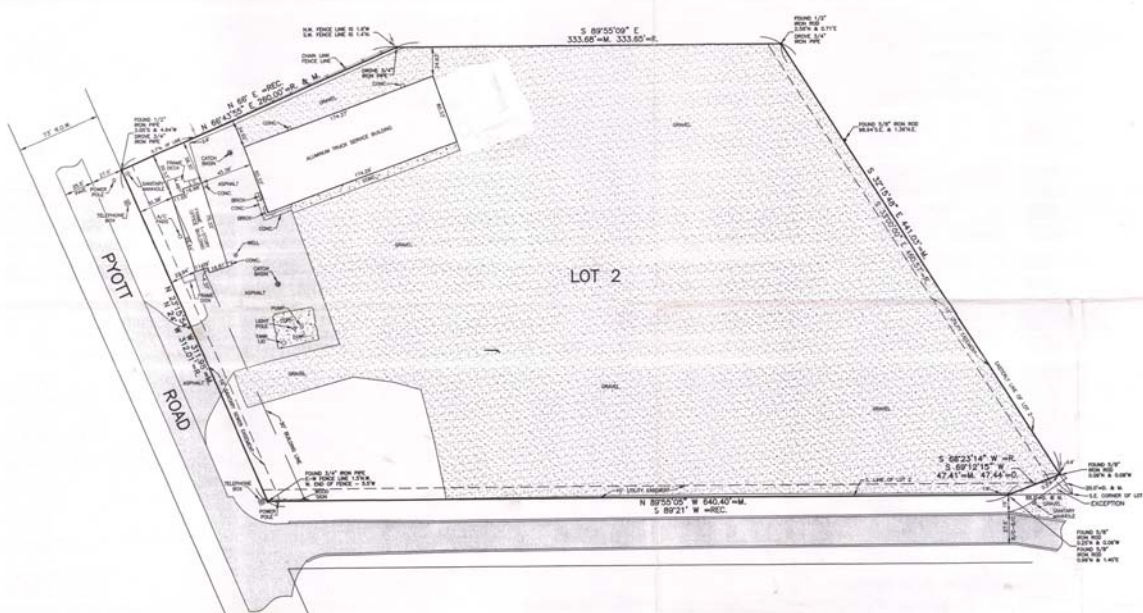
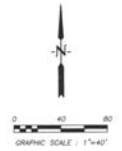
333.68

LO

S 1

## PLAT OF SURVEY

LOT 2 IN ROSENTHAL ACRES (EXCEPT THAT PART OF LOT 2 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 33 DEGREES, 00 MINUTES WEST ALONG THE EASTERLY LINE OF SAID LOT 2, 20.00 FEET; THENCE SOUTH 68 DEGREES, 23 MINUTES, 14 SECONDS WEST, 47.44 FEET; TO THE SOUTH LINE OF SAID LOT 2; THENCE NORTH 89 DEGREES, 15 MINUTES, 17 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 2, 55.00 FEET TO THE PLACE OF BEGINNING), BEING A SUBDIVISION OF PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 43 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 1, 1982 AS DOCUMENT NO. 835795, IN MAHENRY COUNTY, ILLINOIS.



STATE OF ILLINOIS, S.S.  
 COUNTY OF MAHENRY

WE, CHARLES A. MIONSKA, INC. DO HEREBY CERTIFY THAT WE HAVE SUBMITTED THE PROPERTY DESCRIBED HEREON AND THAT THE PLAT SHOWS A SUBDIVISION IN PART OF LAND SURVEY, ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMALS THEREOF, GIVEN UNDER MY HAND AND SEAL AS A PROFESSIONAL LAND SURVEYOR THIS 27th DAY OF MAY, 2005.

*Mark T. Bernhardt*  
 MARK T. BERNHARDT  
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 0318007  
 LICENSE RENEVAL DATE: 11-30-2008

- ABBREVIATIONS ON SURVEY:**
- B.L. BOUNDARY OR MONUMENT POINT OF SUBDIVISION
  - S.P. SURVEY POINT
  - S.M. SECTION OR TOWNSHIP BOUNDARY
  - R.B. RANGE OR RANGE BOUNDARY
  - T.B. TOWNSHIP OR TOWNSHIP BOUNDARY
  - P.M. PRINCIPAL MERIDIAN
  - C.M. CORNER MONUMENT

INDICATES 3/4" IRON PIPE (SHALL BE SETTING)

THIS PROFESSIONAL SERVICE CONFORMS TO THE COMPANY POLICY AND THE STANDARDS OF PRACTICE ESTABLISHED BY THE BOARD OF SURVEYORS OF ILLINOIS.

NONE TO BE USED ON EXISTING POLYMER AND LOCAL JURISDICTIONS FOR RECORDING AND TO BE USED FOR RECORDING PURPOSES ONLY. THIS SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSES.

REMARKS: NO MONUMENTS SHALL BE SET OR USED TO DETERMINE LOT LINE LOCATIONS.

ILLINOIS PROFESSIONAL LAND SURVEY AND PLOT, THIS SERVICE FROM COMPANION LICENSE NO. 031-021811 EXPIRES 10/31/2007

PLAT OF SURVEY																							
<p><b>Charles A. Mionska Inc.</b></p> <p style="font-size: x-small;">SURVEYING / LAND PLANNING                      2024 STATE ROUTE 178                      CRISTAL LAKE, ILLINOIS 60014                      (815) 466-3522</p>	<p>SCALE : 1" = 40'</p> <p>DATE : 5-27-2005</p> <p>DATE OF FIELD WORK : 5-20-05</p>	<table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th style="width: 50%;">REVISIONS</th> <th style="width: 50%;">DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>		REVISIONS	DATE																		
REVISIONS	DATE																						
<p>PREPARED FOR: <u>MOORE TRUCKING</u></p> <p>ADDRESS: <u>PIOTT ROAD</u></p> <p>LAKE IN THE HILLS, ILLINOIS</p>		<p>DRAWN BY: <u>DMF</u>    CHECKED BY: <u>WJB</u></p> <p>JOB NO. <u>2005-128</u></p>																					

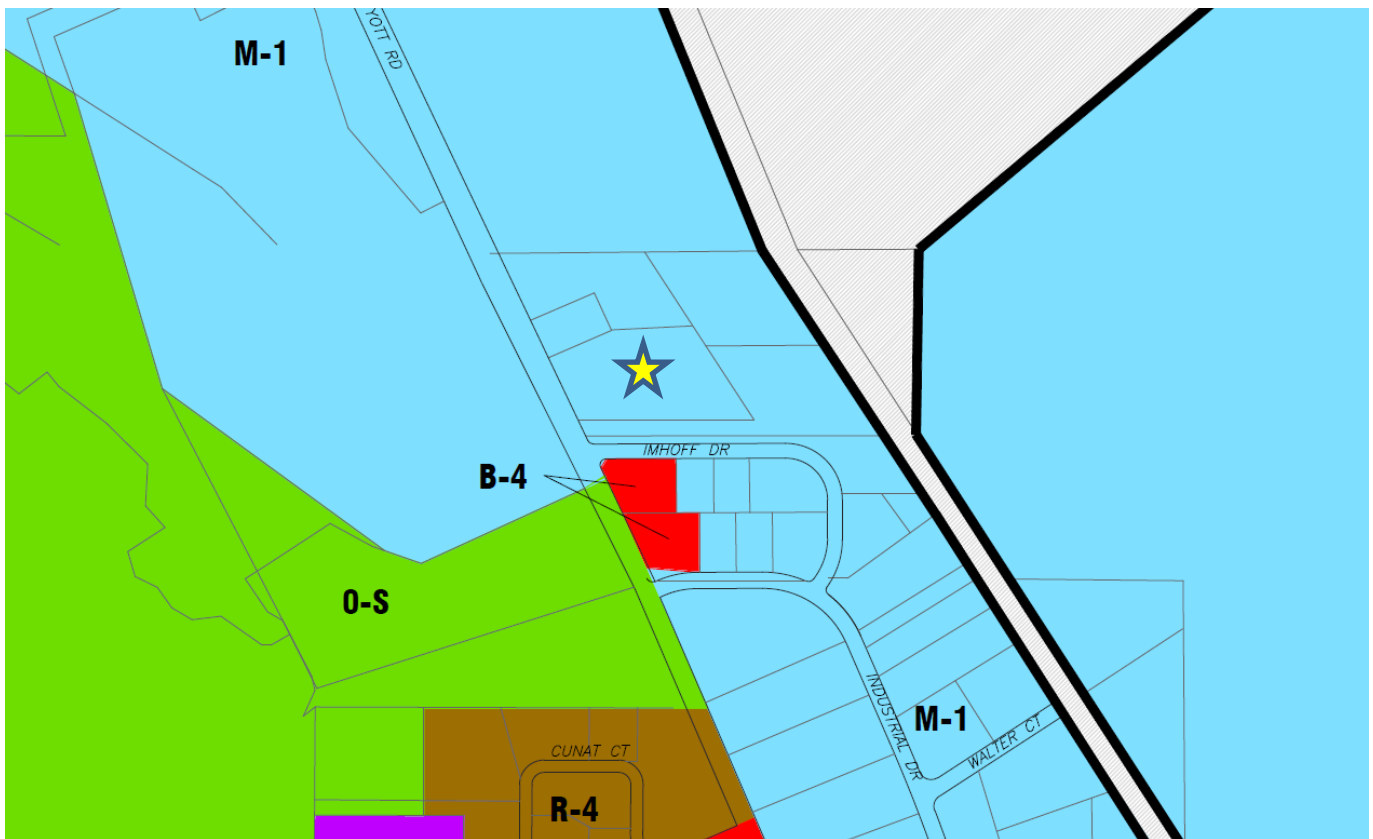
# Conditional Use request to allow for an Obedience School with Dog Day Care at 9190 Pyott Road



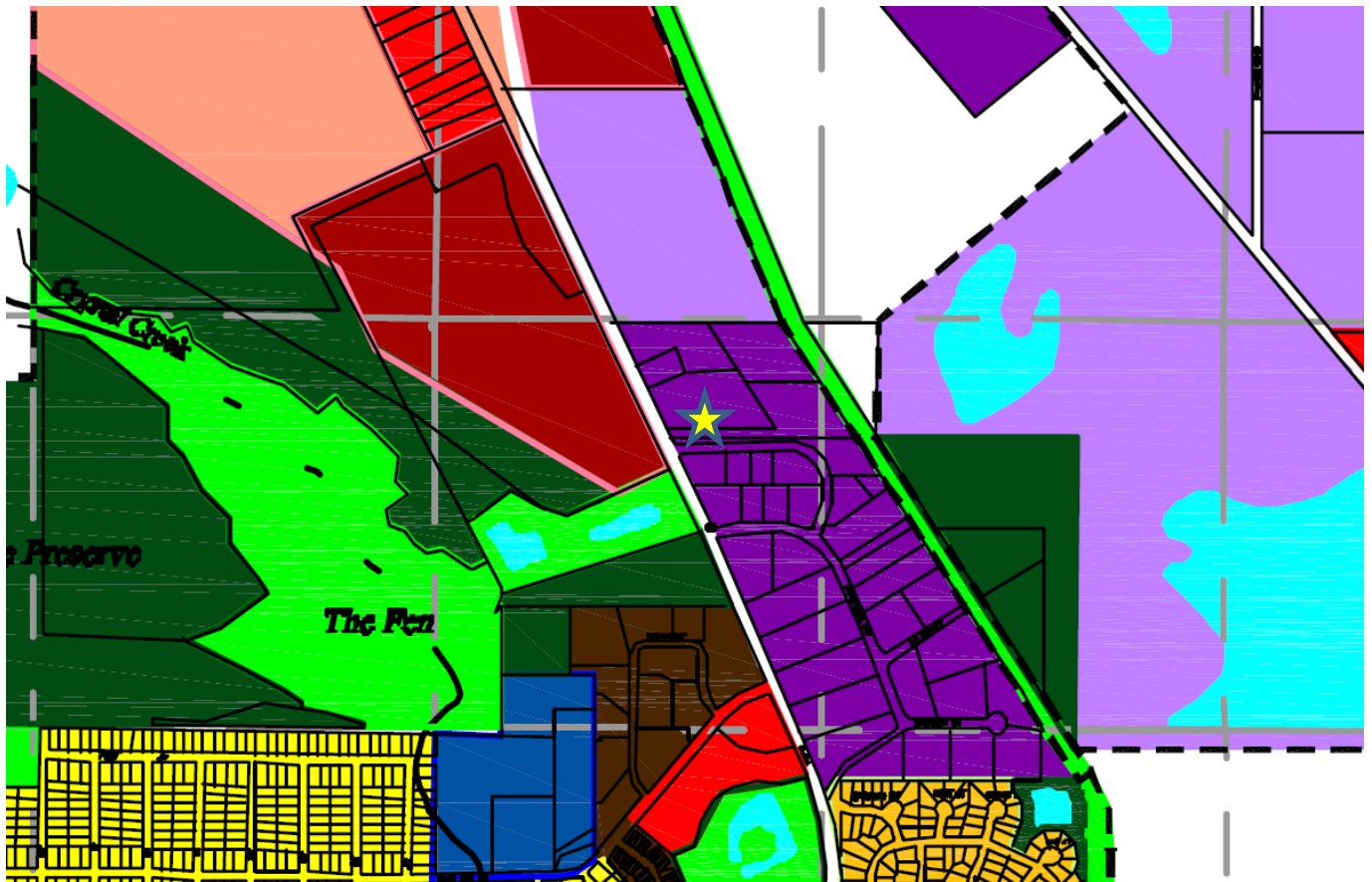
## 3. EXHIBITS

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### ZONING MAP



FUTURE LAND USE MAP



AERIAL PHOTO



## SITE PHOTOS

View of property from parking area.



View of property from Imhoff Drive.





View of property from Imhoff Drive.





# REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

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## PLANNING AND ZONING COMMISSION

**MEETING DATE:** September 12, 2022

**DEPARTMENT:** Community Development

**SUBJECT:** Variation to Section 7.4 Residential Bulk Chart for an attached garage at 255 Indian Trail

## EXECUTIVE SUMMARY

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### General Information

*Requested Action:* Hui D. Tark requests a variation to the Section 7.4 Residential Bulk Chart Minimum Side Yard requirement, at 255 Indian Trail to allow for the construction of an attached garage.

*Owner:* Hui D. and Cristina Tark

*Applicant:* Hui D. Tark

*Purpose:* Build an attached garage

*Location and Size:* 255 Indian Trail – approximately 10,595 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 (> 3.5 to 4.5 units/ac.)

### Background

The applicant is anticipating the construction of an attached garage in a side yard. The garage will be built along the west side of the house and will be served by the existing driveway. The house has an existing attached garage; however, the applicant desires additional vehicle storage space and would be building on existing driveway/parking space already used for vehicle storage. The attached garage would replace an existing carport. The property is located in an R-2 zoning district, which requires 80 feet of frontage and requires a 10' side yard setback. The lot only has 60 feet of frontage along Indian Trail and the house is within 9' of the side yard. The limited frontage and the existing proximity of the house next to the side lot line limit

the applicant's ability to construct additions to the main structure. The proposed garage would be built 1 foot from the west side lot line. Therefore, the applicant is requesting a 9 foot variation from the 10 foot side yard setback requirement.

**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 home was one of the few homes built in 1947 in this neighborhood when most homes only had one (1) car. Twelve (12) of the surrounding fifteen (15) neighboring homes (not including David Tark's home) have a two car garage, one home has a one car attached garage and two homes built in 1947 and 1957 have none. Before David and Christina Tark bought their home, they saw the width and the long length of the driveway and assumed they would be able to build a garage. Therefore, without an allowance for an enclosed structure, future sale of this home will be extremely difficult.

Staff finds the property measures 60 feet wide at the street, below the 80 feet required and resulting in a constrained building environment and not enough space to allow for a garage addition along the west side yard. Garage additions in side yards are common and are reasonable additions to houses, which the current regulations would not allow. The existing garage appears to be a two-car garage; however, there is only a single garage door.

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

The applicant indicates the home was one of the few homes built in 1947 in this neighborhood when most homes only had one (1) car. Twelve (12) of the surrounding fifteen (15) neighboring homes (not including David Tark's home) have a two car garage, one home has a one car attached garage and two homes built in 1947 and 1957 have none. Before David and Christina Tark bought their home, they saw the width and the long length of the driveway and assumed they would be able to build a garage. Therefore, without an allowance for an enclosed structure, future sale of this home will be extremely difficult.

Staff finds the property to have a uniquely configured and constrained lot. The lot has a reduced side yard which does not allow for a garage addition without encroaching further into the side yard setback.

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

The applicants the existing carport was built over three (3) years ago without any community objection. David Tark has 30 years of construction experience. The care and diligence they place in maintaining their home and yard is an asset to the neighborhood. David's craftsmanship is of high quality. His work blends well with his home.

Staff finds the surrounding area to be residential and houses with side yard attached garages and side yard accessed rear detached garages near the side lot line located within the neighborhood. The proposed attached garage 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 applicant indicates because the home is in the original, historic section, many of the lots are irregularly shaped and were built without any future additions in mind. The topography and existing retaining wall to the rear of the carport, as well as the mature arborvitaes – do not allow for a detached garage in the backyard.

Staff finds the property measures 60 feet wide at the street, below the 80 feet required and resulting in a constrained building environment and not enough space to allow for a garage addition along the west side yard. The constrained lot width does not allow for the construction of additional car storage which could be accomplished with a standard lot, resulting in a hardship.

**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 that, unlike “planned” communities with standard sized lots and uniform topography (most likely constructed on former flat farmland), the terrain and irregular lot sizes in this older section creates a unique set of circumstances, as well as a certain amount of charm. Of the 21 properties in the immediate block (with 15 sharing contiguous backyards) – 15 homes have two car garages, three homes have one car garages and three homes have no garages.

Staff finds the lot to be a constrained and of substandard width at the street frontage. Generally, properties in the R-2 zoning district conform to the minimum lot width requirements and are not constrained.

**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 David and Christina plan to stay in Lake in the Hills for many years. They are grateful, community-minded people. Their variance is based exclusively on protecting their primary source of transportation, during inclement weather and the harsh winter conditions.

Staff finds the proposed attached garage to be necessary to allow for additional vehicle storage, not an exclusive desire to make money.

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

The applicant indicates the Tark’s purchased this home, at 255 Indian Trail, based on the proximity to their children and extended family. Their hope was to construct a garage in front of the house. When the village denied this request, they proceeded to place a safe structure on their side lot to protect their car and to ease the burden of snow removal for his wife. No other parties were involved.

Staff finds the hardship was created when the lot was platted and when the house was constructed, not by the current owners. The owners wish to construct an attached garage in the side yard where driveway/parking is already existing.

**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 applicant indicates the design and construction of the current carport adheres to the color and style of the home. In discussions with the neighbors – no one feels it is a liability to their property values. The revised

plan to construct a "Lean To" roofline garage would be constructed with the same care and attention to detail as previously built.

Staff finds the surrounding area to be residential and houses with side yard attached garages and side yard accessed rear detached garages located within the neighborhood. The proposed attached garage would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

- I. **That the proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially 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 proposed attached garage would not impair adequate supply of light and air or substantially increase risks. The garage would allow for covered parking in an area already used for outdoor parking.

## **ATTACHMENTS**

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1. Application
2. Plat of Survey
3. Exhibits

## **RECOMMENDED ACTION**

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Planning and Zoning Commission recommend approval to the Village Board for a variation of 9' from Section 7.4 Residential Bulk Chart Minimum Side Yard requirement of 10', at 255 Indian Trail, Parcel 19-29-129-003, to allow for the construction of an attached garage in the side yard.



## PLANNING & ZONING APPLICATION

### Property Information

Common street address: **255 Indian Trail, Lake in the Hills, IL 60156**

PIN (Property Index Number): **19 – 29 – 129 - 003**

Current Zoning: **Residential**

Proposed Zoning: **Residential**

Current Use: **Residential**

Proposed Use: **Residential**

Is the request consistent with the Comprehensive Plan? **Yes**

Number of Acres: **0.0055** **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 3 IN BLOCK 6 IN LAKE IN THE HILLS ESTATES UNIT 1, A SUBDIVISION OF PART OF SECTION 20 AND 29, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 26, 1947 AS DOCUMENT 200779, IN BOOK 10 OF PLATS, PAGE 56, AND CERTIFICATE OF CORRECTION RECORDED IN BOOK 304 OF PLATS, PAGE 92, IN McHENRY COUNTY, ILLINOIS.**

### Property Owner Information

Name(s): **Hui D Tark (David)**

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

Address: **255 Indian Trail**

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

Phone Number: **224-578-4899**

Email: **humblehdt@gmail.com**

### Applicant Information

Name(s): **Hui D Tark**

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

Address: **255 Indian Trail**

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

Phone Number: **224-578-4899**

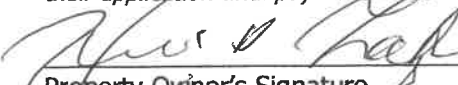
Email: **humblehdt@gmail.com**

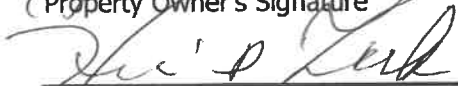
**PLANNING & ZONING APPLICATION**

**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		\$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>					<b>\$100.00</b>
<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.*


9/9/22
**If Owner/Applicant is a School District please, fill out and submit Appendix N**  
 Property Owner's Signature Date


9/9/22  
 Applicant's Signature Date

**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:

**Variation on Section 7.4, paragraph 7**

**The proposed attached garage with a "Lean – To" roofline would be constructed on the western wall of the home at 255 Indian Trail, Lake in the Hills. This new garage would be aligned with the northerly front edge of the home, spanning 10 feet wide and 24 feet deep. Due to the location and age of this home, we are requesting a variance to allow the builder to extend 4.8 feet into the side easement, with a balance of 1.2 feet to the property line.**

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**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.**

**This home was one of the few homes built in 1947 in this neighborhood when most homes only had one (1) car. Twelve (12) of the surrounding fifteen (15) neighboring homes (not including David Tark's home) have a two car garage, one home has a one car attached garage and two homes built in 1947 and 1957 have none.**

**Before David and Christina Tark bought their home, they saw the width and the long length of the driveway and assumed they would be able to build a garage. Therefore, without an allowance for an enclosed structure, future sale of this home will be extremely difficult.**

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

**Due to the age and fixed income of the homeowners, the placement of their home on the property, the width of the lot, the South – to – North slope in topography, as well as the placement of the home west of their property (at 257 Indian Trail – built 30 years after David and Christina Tark's home), we hope that this would be considered as a hardship, since these conditions are beyond their control. We feel that special consideration should be given to any homes built in the 1940's or 1950's in this area.**

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

**The existing carport was built over three (3) years ago without any community objection. David Tark has 30 years of construction experience. The care and diligence they place in maintaining their home and yard is an asset to the neighborhood. David's craftsmanship is of high quality. His work blends well with his home.**

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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.**

**Because the home is in the original, historic section, many of the lots are irregularly shaped and were built without any future additions in mind. The topography and existing retaining wall to the rear of the carport, as well as the mature arborvitaes – do not allow for a detached garage in the backyard.**

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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.**

**Unlike “planned” communities with standard sized lots and uniform topography (most likely constructed on former flat farmland), the terrain and irregular lot sizes in this older section creates a unique set of circumstances, as well as a certain amount of charm. Of the 21 properties in the immediate block (with 15 sharing contiguous backyards) – 15 homes have two car garages, three homes have one car garages and three homes have no garages.**

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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.**

**David and Christina plan to stay in Lake in the Hills for many years. They are grateful, community-minded people. Their variance is based exclusively on protecting their primary source of transportation, during inclement weather and the harsh winter conditions.**

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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 Tark's purchased this home, at 255 Indian Trail, based on the proximity to their children and extended family. Their hope was to construct a garage in front of the house. When the village denied this request, they proceeded to place a safe structure on their side lot to protect their car and to ease the burden of snow removal for his wife. No other parties were involved.**

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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 design and construction of the current carport adheres to the color and style of the home. In discussions with the neighbors – no one feels it is a liability to their property values. The revised plan to construct a "Lean To" roofline garage would be constructed with the same care and attention to detail as previously built.**

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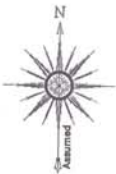
9. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood. **Explain how this standard is met.**

**The property immediately west of 255 Indian Trail (known as 257 Indian Trail) has an attached two car garage at a slightly higher grade level than David and Christina's. The east side windows of the neighboring home are above the carports roofline and therefore, do not inhibit any light or air circulation for either party.**

  
Applicant's Signature                      Date 9/19/22

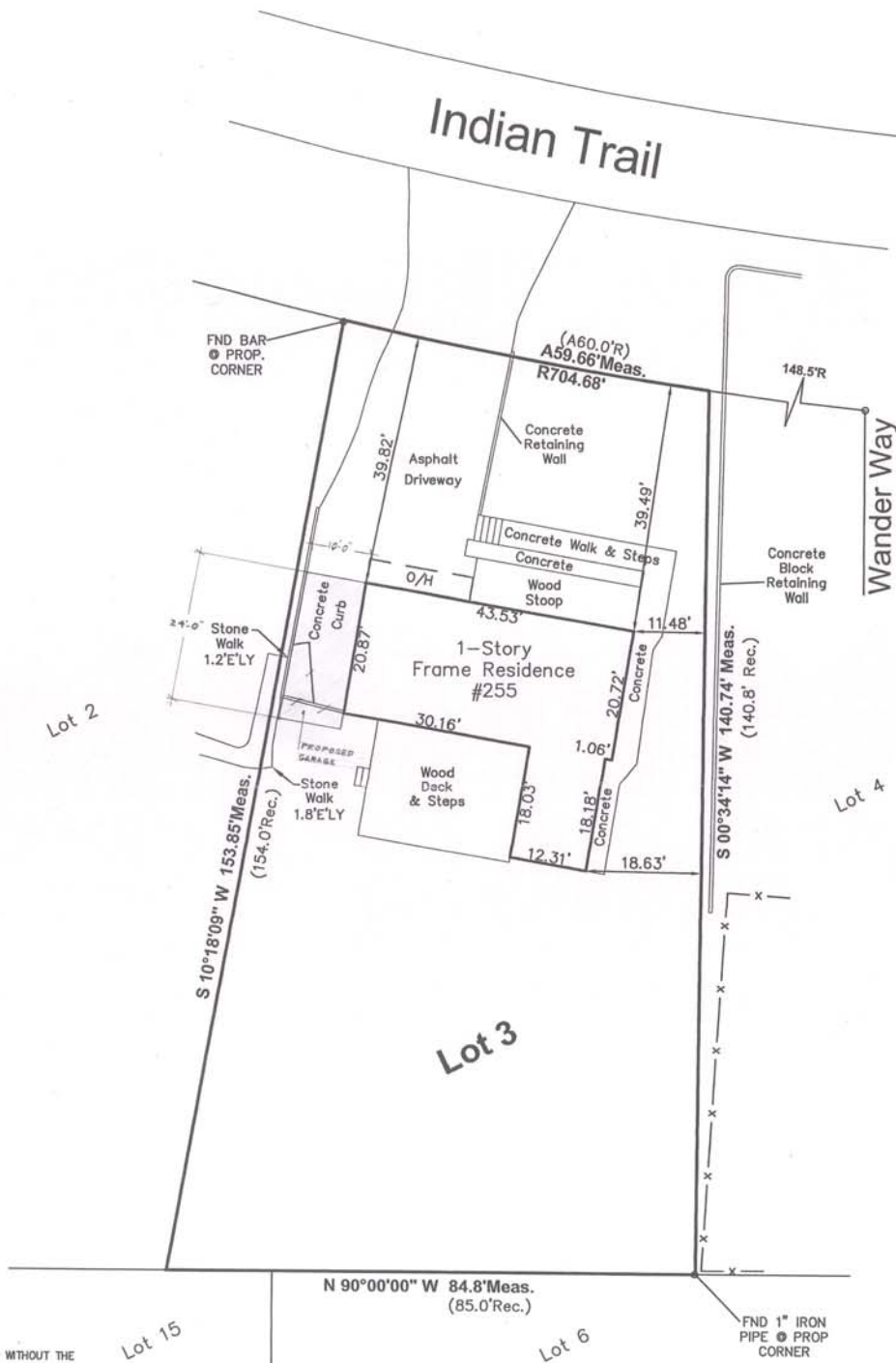
  
Property Owner's Signature              Date 9/19/22

# Plat of Survey



LEGAL DESCRIPTION: LOT 3 IN BLOCK 6 IN LAKE IN THE HILLS ESTATES UNIT 1, A SUBDIVISION OF PART OF SECTION 20 AND 29, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 26, 1947 AS DOCUMENT 200779, IN BOOK 10 OF PLATS, PAGE 56, AND CERTIFICATE OF CORRECTION RECORDED IN BOOK 304 OF PLATS, PAGE 92, IN MCHENRY COUNTY, ILLINOIS.

PARCEL AREA: 10530 SQ. FEET



THIS DOCUMENT IS NOT VALID WITHOUT THE SURVEYOR'S SEAL.

STATE OF ILLINOIS }  
COUNTY OF MCHENRY } S.S.

IN MY PROFESSIONAL OPINION AND BASED ON MY OBSERVATION I HEREBY CERTIFY THAT THE PLAT HEREON DRAWN IS A TRUE REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATE THIS 15TH DAY OF AUGUST, A.D. 2017

*Jeffrey A. Spirek*  
JEFFREY A. SPIREK

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3898  
REGISTERED AGENT FOR LUCCO CONSTRUCTION COMPANY

NOTES:  
\* COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED AND REPORT AND DIFFERENCE IMMEDIATELY.  
\* ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.  
\* BEARINGS AS SHOWN ARE ASSUMED AND ARE SO INDICATED FOR INTERIOR ANGLES ONLY.  
\* BUILDING LINES AND EASEMENTS AS SHOWN ARE BASED SOLELY ON PROVIDED DOCUMENTS.  
\* UTILITIES WITHIN EASEMENTS ARE NORTH SHOWN HEREON. UNDERGROUND UTILITIES INCLUDING BUT NOT LIMITED TO CONDUITS AND CABLES (IF ANY) HAVE NOT BEEN SHOWN HEREON.



**Luco Construction Company**

Professional Design Firm No. 184.004829

54 Lou Ave, Crystal Lake, Illinois 60014

Phone: 815.526.3974

Email: Lucoland@gmail.com

Common Address: 255 Indian Trail, Lake in the Hills, IL  
PIN # 19-29-129-003

Job Number: 17 - 43339 Drawn By: CER

Client: Clark Reference: Tucker

Field Work Completion: 08-10-2017

Revisions:

**LEGEND**

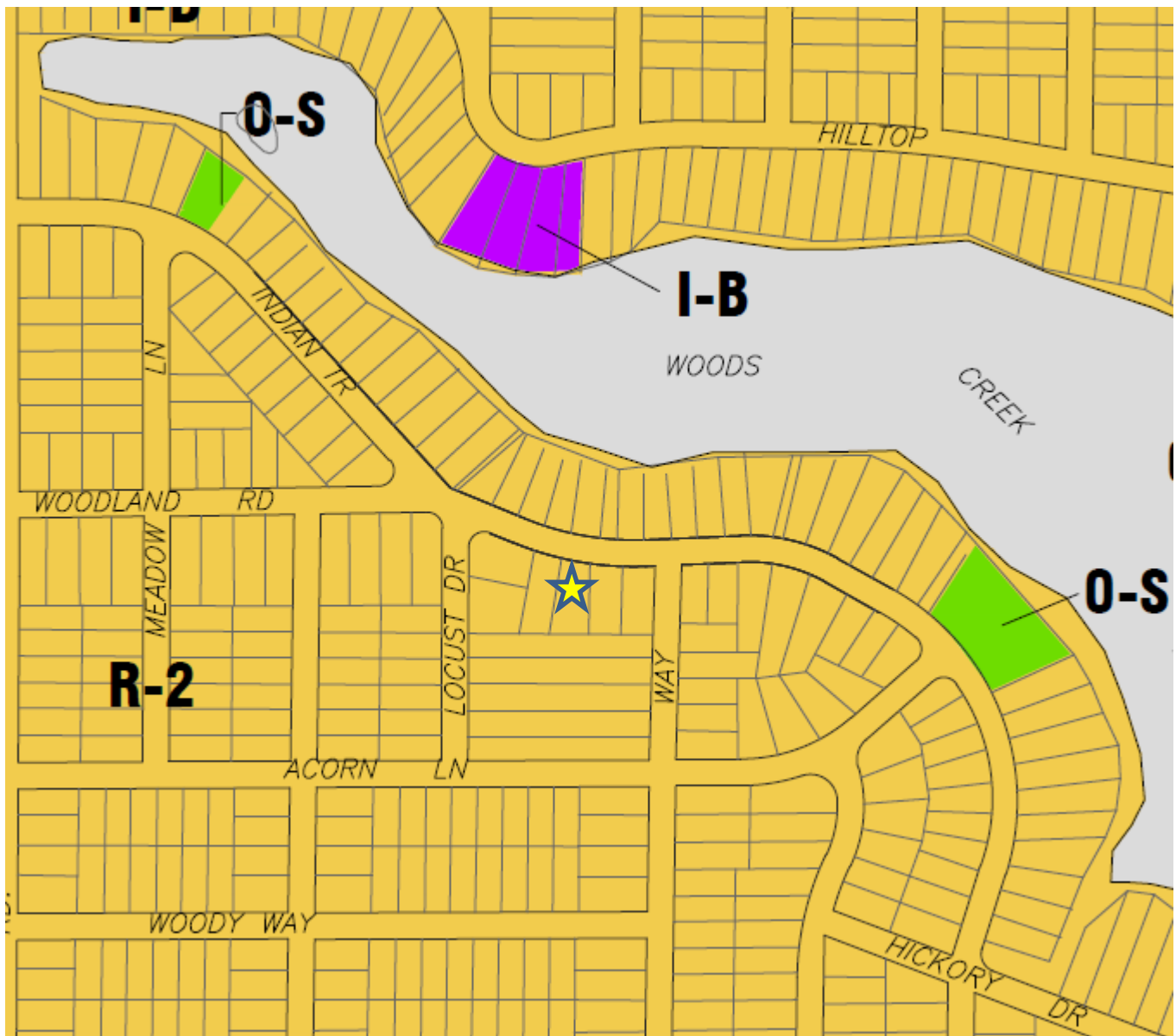
- Set IP
- Fnd IP
- x Fnd "X"
- ⊗ Fnd P.K.
- Wood Fence
- x—x— Cl. Fence

# Variation request to allow for an attached garage at 255 Indian Trial

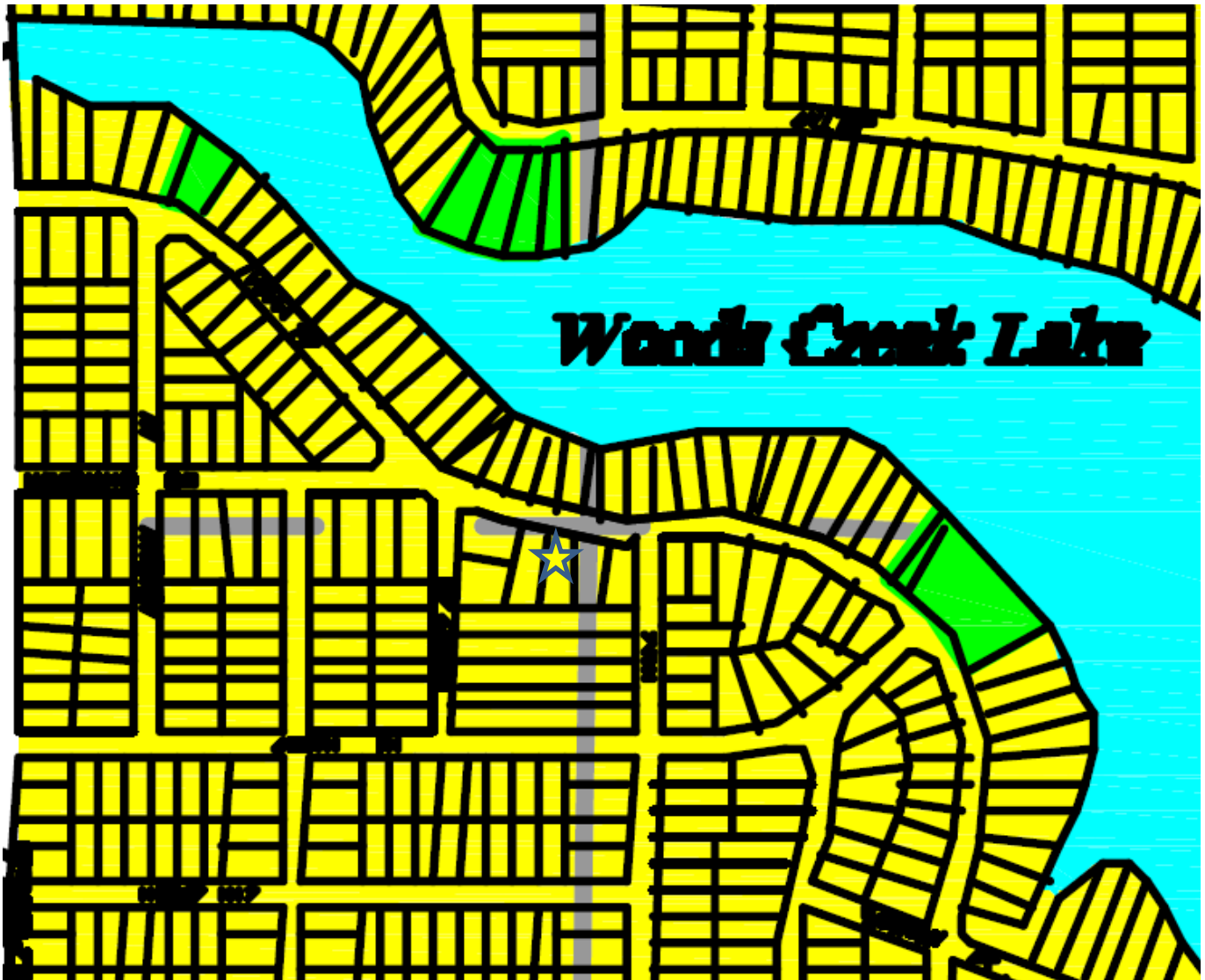






## 3. EXHIBITS

### ZONING MAP

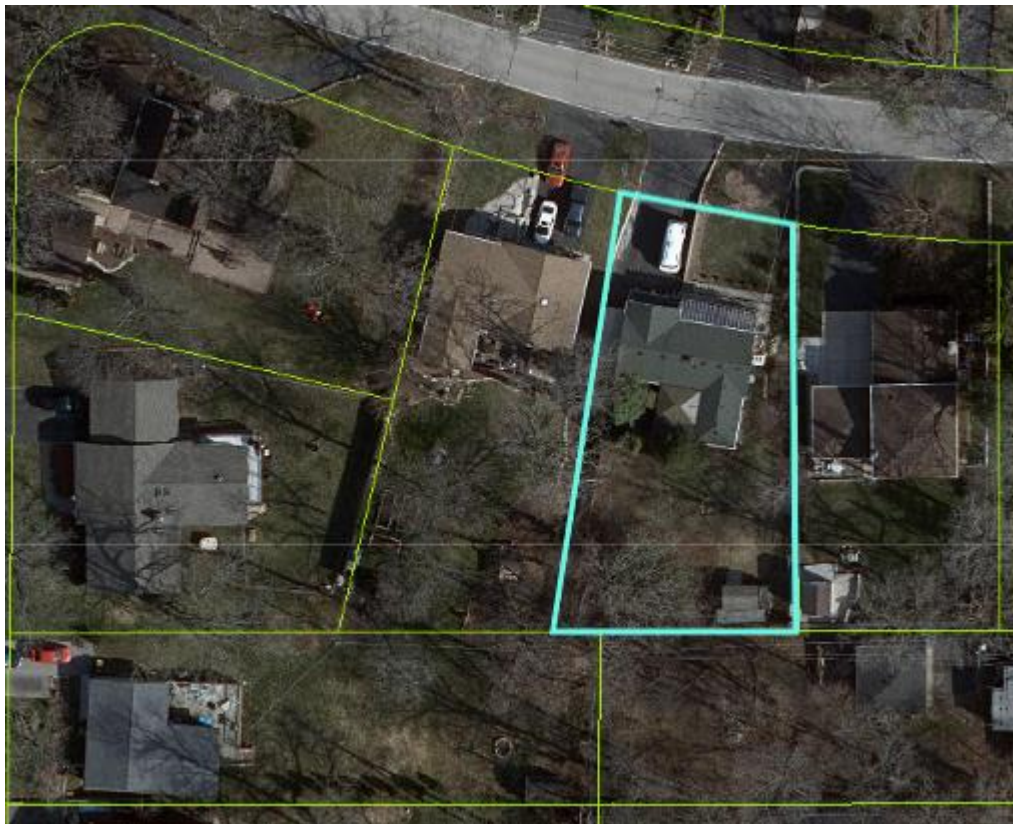


FUTURE LAND USE MAP



-  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 existing driveway and existing carport.



View of existing carport.

