



PUBLIC MEETING NOTICE AND AGENDA
PLANNING AND ZONING COMMISSION MEETING

May 15 2023
7:30 P.M.

AGENDA

1. Call to Order
2. Roll Call
3. Consent Agenda
 - A. Motion to accept and place on file the minutes of the April 17, 2023 Planning and Zoning Commission meeting minutes
4. New Business
 - A. Variation from Section 7.4 of the Zoning Code to Reduce the Minimum Front Yard for an Attached Garage at 332 Hiawatha Drive
5. Old Business
6. Items for Discussion
7. Staff Report
8. Audience Participation
9. Trustee Liaison Report
10. Next Planning & Zoning meeting is scheduled for June 12, 2023
11. Adjournment

MEETING LOCATION
Lake in the Hills Village Hall
600 Harvest Gate
Lake in the Hills, IL 60156

The Village of Lake in the Hills is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at (847) 960-7400 [TDD (847) 658-4511] promptly to allow the Village to make reasonable accommodations for those persons.

Posted by:

Date: May 12, 2023

Time:



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

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Call to Order

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

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

Also present were Director of Community Development John Svalenka, Trustee Bill Dustin, and Recording Secretary Laura Carpenter.

Approval of Meeting Minutes

Motion to accept the Planning and Zoning Commission meeting minutes from March 13, 2023 was made by Commissioner Dixon and seconded by Commissioner Siakel. The motion was approved by a voice vote of 6-0.

New Business

Conditional Use for a Religious Use for BAPS Midwest at 1300 Cunat Court

Chairman Esposito asked for a motion to open the public hearing. Commissioner Siakel made a motion to open the public hearing, and Commissioner Walker seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito opened the public hearing at 7:31 p.m. and confirmed with staff that the public was given proper notice regarding it.

Director Svalenka reviewed the Request for Public Hearing and Commission Action dated April 17, 2023.

On December 14, 2017 the Village President and Board of Trustees passed Ordinance 2017-65 granting a conditional use at 1300 Cunat Court to allow Bochasanwasi Shri Akshar Purushottam Swaminarayan Sanstha Midwest, Inc (BAPS Midwest) to operate a religious use on the subject property. The ordinance approved the conditional use for a term of five years with the option to request renewal. The original approval expired on December 14, 2022. Therefore, BAPS Midwest has requested approval to renew the conditional use permit and make the use permanent.

Director Svalenka continued with a detailed staff analysis of all of the petitioner's conditional use and the staff recommended conditions. Those conditions are as follows:

1. The landscaping and lawn on the site must be maintained in a code-compliant condition at all times.
2. The sand volleyball court and net at the northeast corner of the property must be removed and lawn grass must be established not later than October 31, 2023.
3. The number of people in the building at any one time shall be limited to 444 people or the occupancy limit of the building as required by the Fire Code, whichever is less.
4. All waste receptacles and dumpsters must be stored inside the building, or a dumpster enclosure compliant with Municipal Code Section 13.02 must be constructed.



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5. The existing asphalt parking lot must be repaired to a code-compliant condition not later than October 31, 2023, as detailed in the attached proposals.

In conclusion, Director Svalenka recommended that the Planning and Zoning Commission review, deliberate, and make a motion to approve the petitioner's requests with the conditions noted in the staff report.

Representing the applicant, Yash Patel was sworn in and spoke. He said he had read through all the conditions and said BAPS Midwest will comply with all the conditions.

Mary Ann Benson, homeowner and PPMCA (HOA) Board President was sworn in and spoke. She expressed her concern about granting a permanent conditional use because of the poor property maintenance, road condition and congestion, and future drainage issues if the petitioner decides to expand and build a new building. There was discussion amongst Ms. Benson and the Commission about these issues. Director Svalenka said village staff can check into the drainage issue and stormwater would be addressed when and if a building permit was submitted for a new building. However, he and Chairman Esposito confirmed this public hearing is to determine if there should be a permanent conditional use for BAPS Midwest at 1300 Cunat Court, and no new building or paving are proposed at this time.

There being no further public comments or discussion, Commissioner Esposito asked for a motion to close the public hearing. Commissioner Siakel made a motion to close the public hearing, and Commissioner Walker seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito closed the public hearing at 7:59 p.m.

A motion to recommend approval of the requested Conditional Use Permit to allow BAPS Midwest to operate a religious on the property at 1300 Cunat Court, per the findings and with the conditions noted in the staff report dated April 17, 2023 was made by Commissioner Bolton and seconded by Commissioner Siakel. On a roll call vote, Commissioners Siakel, Walker, Murphy, Bolton, Dixon, and Chairman Esposito voted Aye, No Nays. Motion passed 6-0.

Conditional Uses and Development Plan for a Class 3 Solar Energy System at 6000 Grafton Farm Drive

Chairman Esposito asked for a motion to open the public hearing. Commissioner Siakel made a motion to open the public hearing, and Commissioner Walker seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito opened the public hearing at 8:00 p.m. and confirmed with staff that the public was given proper notice regarding it.

Director Svalenka reviewed the Request for Public Hearing and Commission Action dated April 17, 2023.

FFP IL Community Solar, LLC proposes to develop a 2.75 megawatt (MW) solar facility on an approximately 14-acre tract of land located just south of the intersection of Grafton Farm Drive and Lucerne Lane. The property is part of a larger 70-acre parcel of land owned by Huntley Community School District 158 as part of the district's Reed Road Campus. The applicant intends to lease the 14 acres from the school district. The facility will be comprised of rows



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of photovoltaic (PV) cell panels mounted on posts set into the ground (solar arrays). The solar arrays will tilt between 60-degree/negative 60-degree angles, and the height will not exceed 12-feet. The facility will be enclosed by a chain link security fence and maintenance vehicles will access the site from a 25-foot-wide asphalt driveway.

The subject property is within the I-B Institutional Buildings zoning district. Any solar energy system greater than 10 acres in size is defined as a Class 3 Solar Energy System. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code, a Class 3 Solar Energy System is allowed in the I-B zoning district only with the approval of a conditional use. The applicant has requested approval of this conditional use.

As noted in the definition of "Planned Development" in Section 3 of the Zoning Code, if land is greater than four (4) acres in size it shall be developed as a Planned Development. Therefore, the development of the subject 14-acre property would require the approval of a conditional use for a planned development. In accordance with Section 25.5 of the Zoning Code, a Development Plan must be prepared and submitted for any Planned Development. Therefore, the applicant has also requested approval of a conditional use for a Planned Development and approval of a development plan for the subject property.

Director Svalenka continued with a detailed staff analysis of all of the petitioner's conditional use and the staff recommended conditions. Those conditions are as follows:

1. The solar energy system must be decommissioned at the end of its useful life in accordance with the submitted decommissioning plan.
2. The plans must be revised to provide stormwater management facilities if required by the Village Engineer to comply with all stormwater management requirements.

In conclusion, Director Svalenka recommended that the Planning and Zoning Commission review, deliberate, and make a motion to approve the petitioner's requests with the conditions noted in the staff report.

Applicant, Matthew Vollbrecht, was sworn in and spoke. He said that the solar farm will provide energy for about 400 homes for alternative energy for those that want to subscribe, and that this is the same company that currently has a solar farm at Huntley High School. He would make a vegetative buffer a condition, as Commissioner Siakel suggested, if that is what the commission wanted. Mark Altmeyer, Chief Financial Officer of District 158, was sworn in and spoke. He indicated that the land is unbuildable and talked about the solar farm advantages from a finance standpoint. Kelsey Crane of Forefront Power, was sworn in and spoke. She gave more details about the solar farm project scope.

Resident Mike Benkusky was sworn in and spoke about his concern that this solar farm will only benefit a small number of homes, that there is no data regarding any health hazards from the solar panels, and that the property is tax exempt so the Village will not get any tax benefit. Resident Andrew Vasis was sworn in and spoke about his concern regarding the need and type of vegetative buffer to be added between the existing homes and the solar farm. There was discussion back and forth about the details of the landscaping. The Commission agreed that if this request is approved, there should be a condition regarding the vegetative buffer and a maintenance plan.



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Doug Renkosky, School District 158 Director of Operations and Maintenance was sworn in and spoke about the school district's plans for the solar farm.

There being no further public comments or discussion, Commissioner Esposito asked for a motion to close the public hearing. Commissioner Dixon made a motion to close the public hearing, and Commissioner Bolton seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito closed the public hearing at 8:22 p.m.

A motion to recommend approval of the requested Conditional Use Permit to allow a Class 3 Solar Energy System, approval of the requested Conditional Use Permit to allow a Planned Development, and approval of a Development Plan, all to allow construction of a 14-acre solar energy system on the property at 6000 Grafton Farm Drive, per the findings and with the conditions noted in the staff report dated April 17, 2023, with the added condition of a vegetative buffer to be maintained was made by Commissioner Dixon and seconded by Commissioner Walker. On a roll call vote, Commissioners Siakel, Walker, Murphy, Bolton, Dixon, and Chairman Esposito voted Aye, No Nays. Motion passed 6-0.

Commissioner Dixon left the meeting.

Conditional Use for an Automotive Service at 8302 Pingree Road

Chairman Esposito asked for a motion to open the public hearing. Commissioner Siakel made a motion to open the public hearing, and Commissioner Walker seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito opened the public hearing at 8:30 p.m. and confirmed with staff that the public was given proper notice regarding it.

Director Svalenka reviewed the Request for Public Hearing and Commission Action dated April 17, 2023.

Public documents available from the McHenry County Recorder's Office show that James and Charleen Augustine purchased the property at 8304 Pingree Road in February 2000. Soon thereafter they began operating a car wash business named Jetstream Detail & Wash on the property. In September 2001 Mr. & Mrs. Augustine purchased the residential property next door at 8302 Pingree Road and made it their home. In October 2018 Mr. & Mrs. Augustine deeded the property at 8304 Pingree Road to an organization named Chicago Urban Missions Foundation in lieu of foreclosure on the mortgage for the property. Chicago Urban Missions Foundation then sold the property in November 2021 to an LLC owned by Mr. Dariusz Saletnik.

Today, Mr. & Mrs. Augustine still own and live on the property at 8302 Pingree Road. Mr. Saletnik owns the property at 8304 Pingree Road and operates an automobile repair business named Mega Auto Collision and Repair. Mr. & Mrs. Augustine still operate their car wash business in a part of the building at 8304 Pingree Road, but as a tenant. Their lease at 8304 Pingree Road ends later this year. Therefore, they would like to move the car wash business into a recently constructed detached garage behind their residence at 8302 Pingree Road.



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The subject property at 8302 Pingree Road is currently used for residential purposes, but is within the B-4 General Business zoning district. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code “automotive service” is allowed in the B-4 zoning district only with the approval of a conditional use. Therefore, James and Charleen Augustine have requested approval of this conditional use. They have indicated that they will continue to live in the house on the property, which is allowed to remain as a legal non-conforming use.

Director Svalenka continued with a detailed staff analysis of all of the petitioner’s conditional use and the staff recommended conditions. Those conditions are as follows:

1. Not more than eight cars may be parked outside on the subject property at any one time, and that all cars parked outside must be located on a paved surface located north and east of the fence shown on the plat of survey.
2. The applicant must obtain a written access easement from the owners of 8304 Pingree Road that is recorded with the McHenry County Recorder of Deeds not later than one year after approval of the conditional use, or the applicant must install a code compliant asphalt or concrete driveway with a valid building permit on the subject property to provide access to Pingree Road not later than one year after approval of the conditional use.
3. Vehicles may only be washed inside the detached garage.
4. No automatic car wash equipment may be installed or used on the subject property.
5. The proposed car wash must stop operating if the existing private sewage disposal system fails or if a new driveway is constructed at 8302 Pingree Road, and the business may not resume operations until a private sewage disposal system in compliance with the McHenry County Health Department requirements is established.
6. The applicant must obtain a building permit for a paved driveway expansion in the area of the gravel shown on the attached photos not later than one month after approval of the conditional use, or the applicant must remove all of the gravel from the property and restore all non-paved areas to lawn grass not later than one month after approval of the conditional use.

In conclusion, Director Svalenka recommended that the Planning and Zoning Commission review, deliberate, and make a motion to approve the petitioner’s requests with the conditions noted in the staff report.

Applicant, Charlene Augustine, was sworn in and spoke about her and her husband’s business, the driveway, septic system and available storage space for the cars while operating their business.

Maria Saletnik, owner of 8304 Pingree and Mega Auto Collision and Repair, was sworn in and spoke about their business, their concerns about the driveway, septic system, and car wash waste water discharging from Jetstream Detail & Wash onto their property. Currently, there is no agreement between property owners of access to the driveway. There was discussion and disagreement between the two parties regarding a septic field at 8304 Pingree.



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Commissioner Esposito suggested that Jetstream Detail & Wash should have access to the shared driveway as long as a lease is in place, and asked when the lease would expire. Mrs. Augustine stated that the lease ends on November 30, 2023 with an option to renew. Commissioner Esposito stated that the deadline for compliance with the condition to provide a recorded access easement or paved driveway should be changed from one year to not later than November 30, 2023.

There being no further public comments or discussion, Commissioner Esposito asked for a motion to close the public hearing. Commissioner Siakel made a motion to close the public hearing, and Commissioner Walker seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito closed the public hearing at 9:04 p.m.

A motion to recommend approval of the requested Conditional Use Permit to allow James and Charleen Augustine to operate an automobile detailing business in the detached garage on the property at 8302 Pingree Road, per the findings and with the conditions noted in the staff report dated April 17, 2023, with the added condition that Condition number 2 must be complied with by November 30, 2023, was made by Commissioner Murphy and seconded by Commissioner Walker. On a roll call vote, Commissioners Siakel, Walker, Murphy, Bolton and Chairman Esposito voted Aye, No Nays. Motion passed 5-0.

Old Business

None.

Item for Discussion

None.

Staff Report

Director Svalenka reported that the Village Board of Trustees approved the request from Moretti's for a conditional use, variation, and a development plan for an outdoor deck at 220 N. Randall Road.

Audience Participation

None.

Trustee Liaison

Trustee Dustin had nothing to report.

Adjournment

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



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There being no further business to discuss, the meeting of the Lake in the Hills Planning & Zoning Commission was adjourned at 9:06 p.m. The next Planning and Zoning Commission meeting is scheduled for May 15, 2023.

Submitted by,

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

Laura Carpenter
Recording Secretary

DRAFT

REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION



PLANNING AND ZONING COMMISSION

MEETING DATE: May 15, 2023

DEPARTMENT: Community Development

SUBJECT: Variation for an Attached Garage at 332 Hiawatha Drive

EXECUTIVE SUMMARY

General Information

Requested Action: Variation from Section 7.4 of the Zoning Code to reduce the minimum front yard

Owner: Peter Wisniewski

Applicant: Peter Wisniewski

Purpose: To allow the construction of a home renovation to add a new garage and living space about 27 feet closer to Hiawatha Drive

Location and Size: 332 Hiawatha Drive. Approximately 7,687 square feet in area.

Zoning and Land Use:

Site:	R-2 One-Family Dwelling - Single-Family Residential
North:	R-2 One-Family Dwelling - Goose Lake
East:	R-2 One-Family Dwelling - Single-Family Residential
South:	R-2 One-Family Dwelling - Single-Family Residential
West:	R-2 One-Family Dwelling - Single-Family Residential
Future Land Use:	Low Density Residential

Background

The existing single-family detached residence at 332 Hiawatha Drive is a typical raised ranch constructed in 1973, with three bedrooms and two bathrooms. The home has 1,080 square feet of living area on the upper level and 528 square feet on the lower level, along with a 428-square-foot two-car garage on the lower level. The applicant, Peter Wisniewski, purchased the home on February 26, 2007.

Mr. Wisniewski would like to renovate and construct additions onto the front and rear of the residence to add living space and create a more usable garage. The lot is steeply sloped and drops 22 feet in elevation from the front lot line along Hiawatha Drive to the rear lot line along Goose Lake. The floor of the existing lower-level garage is over 14 feet lower than the street, and is accessed by a steep asphalt driveway. As a part of the project, the existing garage is proposed to be converted to living space, and a new two-car garage is proposed to be added onto the front of the upper level of the house. A basement recreation room is proposed to be built into the hill underneath the garage. The additions would add over 2,300 square feet to the house and increase the living areas to four bedrooms and 3½ bathrooms.

The subject property is within the R-2 One-Family Dwelling zoning district. In accordance with Section 7.4 of the Zoning Code a minimum front yard of 25 feet is required to be maintained in the R-2 zoning district. The proposed new attached garage would be set back only 6.66 from the front lot line. Therefore, the applicant has requested approval of a variation from Section 7.4 of the Zoning Code to reduce the required front yard from 25 feet to 6.66 feet.

Analysis

Per Section 23.7 of the Zoning Code, there are three conditions and six supplemental standards that shall be considered by the Planning and Zoning Commission in determining whether to recommend approval of a variation. The applicant has indicated on their submitted application form how they believe these factors are met. Staff will provide a detailed analysis below of all factors for the request.

Staff has reviewed whether the subject property could yield a reasonable return if required to comply with the minimum yard requirements. As noted on the submitted application form, the home currently has a steep driveway that is difficult for paving contractors to maintain and is unsafe in the winter. Because of this condition, the homeowners represent that they cannot find a reasonable quote for asphalt paving. Staff finds that this condition makes the existing garage and driveway less desirable to when compared to other homes in the vicinity, and would potentially reduce the sale price of the subject property when compared to similar raised-ranch residences. The requested variation would allow construction of a garage that is only 3'10" lower than the street, which would eliminate the steep driveway. Therefore, staff finds that the property would yield a reduced return without the granting of the requested variation.

Staff has reviewed whether the plight of the owner is due to unique circumstances, and notes that the subject property is on a steep hillside that backs up to Goose Lake. Many other properties along the four Village lakes have similar situations with a garage constructed close the front lot line, such as with the residences nearby at 342, 344, 346 & 348 Hiawatha Drive. Certainly, this condition is common around the lakes, but staff finds that condition is not prevalent throughout the Village in general. Therefore, staff finds that the location of the subject property on a steep lot along a lake is a unique circumstance that supports the variation request.

Staff has reviewed whether the variation, if granted, would alter the essential character of the locality. If the variation were to be granted, the attached garage would be set back only 6.66 feet from the front lot line on the south side of the lot. However, the street pavement for Hiawatha Drive is located on the far south side of the public right-of-way, leaving a large parkway area on the north side of the roadway. Therefore, the attached garage would be set back 32.89 feet away from the northern edge of the Hiawatha Drive pavement. Per Section 18.4-3 of the Zoning Code, a typical

parking space is 18 feet long. This means that a car could be parked on the proposed driveway and be located over 14 feet away from the edge of the street. Essentially, to the casual observer on the street who is not aware of the location of the lot line, the house would not appear to be especially close to the street. Further, the applicant has proposed a design that includes low pitched roof lines with only a minimal increase in overall height, such that views of the lake from surrounding properties will remain nearly the same as in the existing condition. Therefore, staff finds the essential character of the area will not be changed.

In review of whether the physical surroundings, shape or topographical conditions of the specific property would bring a particular hardship upon the owner as distinguished from a mere inconvenience, the submitted application lists details of drainage issues with the existing garage and driveway. Staff notes that the house is located directly at the intersection of Hiawatha Drive and Cherokee Trail, and at the downstream end of Cherokee Trail. During typical rain events, stormwater coming down Cherokee Trail crosses the street and runs down the driveway on the subject property. The applicant has included a website link in their application packet to a video showing this flow of water. The applicant has also indicated that water enters their garage during larger rain events. The proposed new garage would eliminate this issue, and the construction is proposed to include drainage improvements. Staff finds that these unique physical conditions of the property bring a particular hardship upon the owner.

As noted above, it is common for lots along the lakes to have steep slopes, and lakefront lots are limited to a specific area of the Village and are not prevalent throughout the Village in general. Therefore, staff finds that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.

In review of whether the purpose of the variation is based exclusively upon a desire to make more money out of the property, staff notes that the applicant has owned and lived in the residence for 16 years, and the submitted plans appear to show that the construction project will add more living space for a master bedroom and for children's bedrooms. It seems clear that the proposed construction is primarily intended to provide more space to allow the applicant's family to stay and live in the house, and not an exclusive desire to sell the house for more money. Further, as noted on the submitted application, the proposed design would eliminate a drainage problem and make it safer for cars to back out of the driveway. Specifically, in the current condition, drivers exiting the driveway would have a lot of difficulty seeing traffic along Hiawatha Drive because the driveway is much lower than the street. The required variation would result in a flatter driveway which would greatly increase the visibility for drivers on the driveway and on the street.

Staff has reviewed whether the alleged difficulty or hardship has been created by any person presently having interest in the property, and notes that the steeply sloped driveway and drainage problem already existed when the applicant purchased the residence in 2007. Staff finds that the applicant did not create this hardship.

Staff has reviewed whether the granting of the variation will be detrimental to the public welfare or injurious to other property in the neighborhood. As detailed above, the proposed attached garage would be set back 32.89 feet away from the roadway, and the proposed driveway would be much more level. The flatter driveway would greatly increase the visibility for drivers on the driveway and on the street. Further, staff notes that there is an existing paved parking area for the subject property within the Hiawatha Drive public right-of-way that was approved by the Village Board in 1995. Therefore, even with the reduced setback, the property owner will still have sufficient space

to park four cars outside of the garage. Therefore, the variation will not cause injury to other properties in that there will still be sufficient parking areas, and in that the variation will increase the public welfare by eliminating a hazardous condition.

Finally, staff has reviewed whether the proposed variation will impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood. The requested front yard variation would reduce the distance from the building to the front property line, but the distance from the building to the side property lines would stay the same. Therefore, approval of the variation would not increase the danger of fire to the adjacent residences to the east and west. The existing house is two stories tall, and the proposed attached garage would only be one story tall along the front. Therefore, staff finds that the requested variation to allow the proposed attached garage would not reduce the supply of light and air to the surrounding properties.

Findings – Summary

Based on the analysis noted above, staff offers draft findings that support the approval of the requested variation. The Planning and Zoning Commission’s decision must be consistent with the findings, otherwise the commissioners should deliberate new findings at the public hearing.

Findings – Detail

The Planning and Zoning Commission may recommend and the Board of Trustees shall permit a variation of the provisions of the Zoning Code 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 property would yield a reduced return without the granting of the requested variation in that the existing driveway is very steep and access to the existing garage is difficult, and the requested variation would allow for a normal driveway slope.*
- B. The plight of the owner is due to unique circumstances: *The plight of the owner is due to the unique circumstance in that the home is located on a steep lot that backs up to Goose Lake.*
- C. The variation, if granted, will not alter the essential character of the locality: *The variation, if granted, would not alter the essential character of the locality, in that the proposed attached garage would be set back 32.89 feet from the edge of the street pavement along Hiawatha Drive, and in that the view of Goose Lake from surrounding properties will remain basically unchanged.*

For the purpose of supplementing the above standards, the Village, in making its determination whether 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 that:

- D. 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 physical conditions of*

the specific property would bring a hardship upon the owner if the strict letter of the regulation were to be carried out in that the property receives extra stormwater that flows down the hill along Cherokee Trail.

- E. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification: *The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification, in that steep lakefront lots are limited to a specific area of the Village.*
- F. The purpose of the variation is not based exclusively upon a desire to make more money out of the property: *The purpose of the variation is not based exclusively upon a desire to make more money out of the property, but rather a desire to expand the house so that 16-year Village residents may stay in the house and resolve a drainage problem.*
- G. The alleged difficulty or hardship has not been created by any person presently having interest in the property: *The alleged difficulty or hardship has not been created by any person presently having interest in the property in that the existing house and steep driveway were constructed in 1973, and the applicant purchased the property in 2007.*
- H. 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 granting of the requested 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, in that the proposed attached garage will result in a driveway with better visibility for drivers, which will lessen the chance for vehicular accidents and improve the public welfare.*
- I. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood: *The 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, in that the proposed attached garage would not be located any closer to the adjacent residences to the east and west, and the garage would be only one story tall along the front.*

ATTACHMENTS

1. Application
2. Exhibits
3. Survey
4. Architectural Plans

RECOMMENDED ACTION

Staff recommends that the Planning and Zoning Commission review, deliberate, and make the following motion:

A motion to recommend approval of the requested variation from Section 7.4 of the Zoning Code to reduce the required front yard from 25 feet to 6.66 feet to allow construction of an attached garage on the property at 332 Hiawatha Drive, per the findings noted in the staff report dated May 15 2023.



Village of Lake in the Hills Development and Zoning Application

Date: 4/6/23

Property Information

Common street address: 332 Hiawatha Dr. Lake in the Hills 60156

PIN (Property Index Number): _____

Current Zoning: _____ Proposed Zoning: _____

Current Use: _____ Proposed Use: _____

Is the request consistent with the Comprehensive Plan? _____

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

Legal description of the property (print or attach exhibit): _____

Property Owner Information

Name(s): Peter Wisniewski

Business/Firm Name (if applicable): _____

Address: 332 Hiawatha Dr.

City/State/Zip: LITH, IL - 60156

Phone Number: 815-404-9525

Email: Peter.j.wisniewski@gmail.com

Applicant Information

Name(s): Peter Wisniewski

Business/Firm Name (if applicable): _____

Address: _____

City/State/Zip: (same as above)

Phone Number: _____

Email: _____

**Lake in the Hills Development and Zoning Application
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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
Variance – Non-Residential		0-2 ac = \$250 Over 2 ac = \$500	L	Yes	
Development Plan Review		\$500 + \$10/ac	M	No	
Total Fees					\$1000
Additional Fees					
Stormwater Permit Application Fee to be paid at time of permit issuance Minor = \$250 Intermediate or Major = \$1,000					
Reimbursement of Fees Required (Attach Appendix B) = \$2,000 + \$100/acre for every acre over 5 acres					\$2,000

Property Owner Signature

Date

If Owner/Applicant is a School District please, complete and submit Appendix N

Applicant Signature

Date

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

EXHIBIT A

**VILLAGE OF LAKE IN THE HILLS
REIMBURSEMENT OF FEES AGREEMENT**

Project Name: 332 Hiawatha Renovation

Owner Name: Peter Wisniewski

Address: 332 Hiawatha Dr LITH 60156

Telephone number: 815-404-9525

Petitioner Name: Peter Wisniewski

Address: 332 Hiawatha Dr

Telephone Number: 815-404-9525

Address and General Parcel Location:

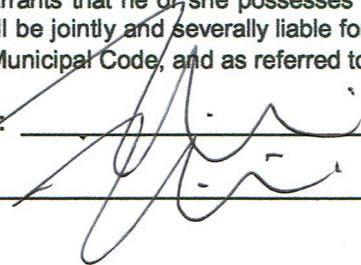
Parcel Identification Number:

Total Acreage:

Invoices should be mailed to: 332 Hiawatha Dr.

By signing this Agreement the petitioner and/or owner acknowledge that each of them has read Chapter 44 of the Lake in the Hills Municipal Code and each of them fully understands and agrees to comply with the terms set forth therein. Further, by signing below, each signatory warrants that he or she possesses full authority to so sign. The owner and/or petitioner agree that owner and petitioners shall be jointly and severally liable for payment of fees referred to in applicable sections of Chapter 44 of the Lake in the Hills Municipal Code, and as referred to hereinabove.

Property Owner Signature & Date:  4/6/23

Petitioner Signature & Date:  4/6/23

FOR OFFICE USE ONLY:

Initial Escrow Amount Received \$ _____ On / /

Copies of Agreement forwarded to:

- Village Administrator
- Village Engineer
- Village Attorney
- Planning Consultant
- Director of Community Services
- Director of Public Works
- Village Collector
- Other _____

Village of Lake in the Hills Account Number: _____

APPENDIX L Variation

This appendix shall be filled out, signed, and submitted with the following information along with the Development and Zoning Application and in accordance with Village Ordinances <http://www.lith.org/administration/page/municipal-code-zoning> and all other applicable requirements:

1. Compliance with Appendix A regarding public notice and hearing requirements
2. Plat of Survey
3. Current Deed to verify property ownership
4. Development Plans (if applicable) that comply with the Zoning Ordinance and all other Village ordinances to include:
 - a. Existing Conditions Plan
 - b. Site Plan
 - c. Utility Plan
 - d. Grading Plan
 - e. Landscape Plan
 - f. Lighting Plan
 - g. Color Building Elevations
 - h. Sign Plan
 - i. Detail Page
5. Stormwater Application and associated reports, if applicable (Appendix C)
6. All documents and information necessary to comply with Village Ordinances.
7. Reimbursement of Fees Agreement, if applicable (Appendix B, Exhibit A)

Submit 1 hard copy of each report and a PDF of each report.

Submit 1 Full Size (minimum 24" x 36") hard copy and a full size PDF of each required plan.

1. Please indicate the variation that is being sought, include section(s) and paragraph(s) of the Zoning Ordinance and any dimension(s) and a brief description of the proposed use, construction or development that prompted the request:

We would like a variance of Section 7.4 of the Zoning Ordinance to decrease the front yard setback requirement for the purpose of constructing a 636 foot addition/attached two car garage facing Hiawatha Dr. based on the Plat of Survey dated October 7th, 2022.

Mr. Peter and Mrs. Allison Wisniewski are proposing a home renovation at 332 Hiawatha Dr. (owners since 2007) to add a new kitchen, new garage and living space 20 feet towards Goose Lake and about 27 feet closer to Hiawatha Dr.

The property owners would like to excavate the current driveway to add a 21 x 18 foot concrete walled recreation room attached to the current house and then build a two-car attached garage on top and closer to Hiawatha in order to create a safer driveway slope with better drainage.

Standards and Findings of Facts for a Variance per Section 23.7 of the Zoning Ordinance

The Planning and Zoning Commission may recommend and the Board of Trustees shall permit a variation of the provisions of this Zoning Code, as authorized in this Section, only if the evidence, in the judgement of the Village sustains each of the following three conditions:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located. **Explain how this standard is met.**

The property owners cannot safely maintain the driveway in the winter or find an asphalt contractor who can provide a reasonable bid because of the slope and worry for asphalt paving equipment.

The driveway has lowered the resale value of the home because of the uncontrollable excessive water coming from the top of Cherokee Trail hill and down the steep slope of the driveway, leading to regular flooding in all four seasons.

The driveway slope is unsafe because it does not provide a sufficient line of sight. It is dangerous to Hiawatha Dr. traffic and makes backing out of driveway incredibly hazardous.

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

The properties location is unique in that it lies at the bottom of a steep hill (Cherokee Trail), a street (Hiawatha Dr.) and also at the top of a steep hill (Driveways) that slopes into Goose Lake.

Therefore during storms, water, sediment and debris flow directly down the driveway from the street above, and routinely go through the garage on it's way to the lake, water sometimes inside the home as well (see video).

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

The neighborhood has large trees and a wide range of pitched roof designs and obstructed views of Goose Lake. The proposed architectural design utilizes natural stone, low pitched roof with extensions coming off the front and rear of the original house keeping maximum views. We propose the following:

- Upgraded drainage to improve the storm water management and stop the consistent land erosion.
- Keeping the essential character of the area with upgraded landscaping along the West side of the property.
- The new low-pitched garage roof would minimize the impact of the proposed construction in keeping with the appeal and character of the area.
- The requirement of the low-pitched roof would minimize the impact of the proposed construction on the neighboring property values.

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.**

332 Hiawatha Drive's extreme front slope off the paved intersection of Hiawatha Dr. and Cherokee Trail, unique position on a hill and drainage situation is documented in the following:

- Professional photographs dated Spring of 2022
- Topographical surveys completed by Vanderstappen Land Surveying, Inc. 9/20/22
- Video evidence of a typical rain event flooding on 4/4/23

5. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification. **Explain how this standard is met.**

Our house is unique due to being located at the paved intersection of Hiawatha Dr. and Cherokee Trail without adequate sewer and drainage facilities.

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 variation would drastically improve the safety of driving conditions and provide the opportunity to improve the underlying drainage systems with large diameter plumbing and a channel drain installed at the top of the new proposed driveway.

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 hardship is created by increasing weather events due to environmental changes and by poor village planning, rules and regulations when the neighborhood and home was originally built.

Zoning Committee,

We, Mr. Peter and Mrs. Allison Wisniewski are proposing a home renovation at 332 Hiawatha Dr. (owners since 2007) to add a new kitchen, new garage and living space 20 feet towards Goose Lake and about 27 feet closer to Hiawatha Dr. We would like to dig out our current driveway to add a 21 x 18 foot concrete walled recreation room attached to the current house and then build a two-car garage on top in order to create a safer driveway slope and better living conditions.

Hardships:

1. Our existing brick and frame residence is located at the bottom of a hill (Cherokee Dr.) and at the base of a steep incline (our driveway). This causes regular flooding issues in our garage that have led to mud, sediment, water and mold building up in one of our few storage areas.
2. Due to the sharp descent of the driveway, shoveling and maintaining the driveway in the winter is dangerous. Use of the driveway for parking is impossible with ice and snow, and hauling heavy garbage cans/recycling bins up and down an icy slope proves interesting and sometimes frightening.
3. Multiple attempts at getting reasonable bids to fix the existing driveway have been unsuccessful because contractors are nervous about getting paving equipment up and down the hill, the cost outrageous due to the pitch.
4. For 15 years, we have made many attempts to manage the erosion and garage flooding such as consistent drainage updates, and properly maintaining gutters. Unfortunately our efforts are no match for any torrential downpour that carries with it heavy onslaughts of water and sediment flowing from the street above us.
5. The regular flooding and extremely steep driveway decline make our 3 Seasons/1.5 car garage useless for parking our vehicles and storing anything of value.
6. There is no parking on Hiawatha Dr, therefore the dangerous driveway causes safety and parking issues for visitors.
7. The steep driveway causes unsafe driving conditions, especially when backing out as the field of view is blocked.
8. The steep driveway causes increased wear and tear on vehicles.

We would like a variance of Section 7.4 of the Zoning Ordinance to decrease the front yard setback requirement for the purpose of constructing a 636 foot addition and above attached two car garage facing Hiawatha Dr. based on the Plat of Survey dated October 7th, 2022.

The new proposed driveway will be approximately 33 feet from the street at a much safer slope for our young family and visitors. This will allow us to reconfigure the drainage, similar to how we added drainage to our terrace garden walkway on the South side of our home that has stopped the erosion.

Thanks for your consideration to build an addition, upgrade the drainage and move a useable garage close to the top of the hill like our neighbors did at 346 Hiawatha Dr. in 2005.

We amend the following:

- A. Upgraded drainage will improve the storm water management and stop the consistent land erosion.
- B. The essential character of the area would not be altered, but improved to a high degree with upgraded landscaping along the West side of the property.
- C. The new low-pitched roof off the garage would minimize the impact of the proposed construction in keeping with the appeal and character of the area.
- D. The requirement of the low-pitched roof would minimize the impact of the proposed construction on the neighboring property values.

Attachments:

- 1. Plat and topographical Survey:
https://drive.google.com/drive/folders/1SxxzVS0zZQ2mZeCUGDDSqfwUwd-u6_nB?usp=share_link
- 2. Zoning Review Architectural Plans:
https://drive.google.com/file/d/1biCKCVaN1o7GGnQmuDoyWgjTEmJIK68n/view?usp=share_link
- 3. Video and Photos of driveway and garage flooding during heavy rain (4/4/23):
https://drive.google.com/drive/folders/1-GzIQj7ojstXUTv8oRGQCJQ7-Tq4-cF-?usp=share_link
- 4. Standards and Findings of Facts for a variance per section 23.7 of the Zoning Ordinance:
https://drive.google.com/file/d/1gC6JYuazluQ-AIVzo5fqj_G6i5XTbJ8Q/view?usp=share_link
- 5. 332 Hiawatha Dr. Property Deed:
https://drive.google.com/file/d/1ydIhbDFGA1fBBG9IUEGnO-tDhGz9ert/view?usp=share_link

Regards,

Allison and Pete Wisniewski
332 Hiawatha Dr.
Lake in the Hills, IL

60156

Cell: (815) 404-9525

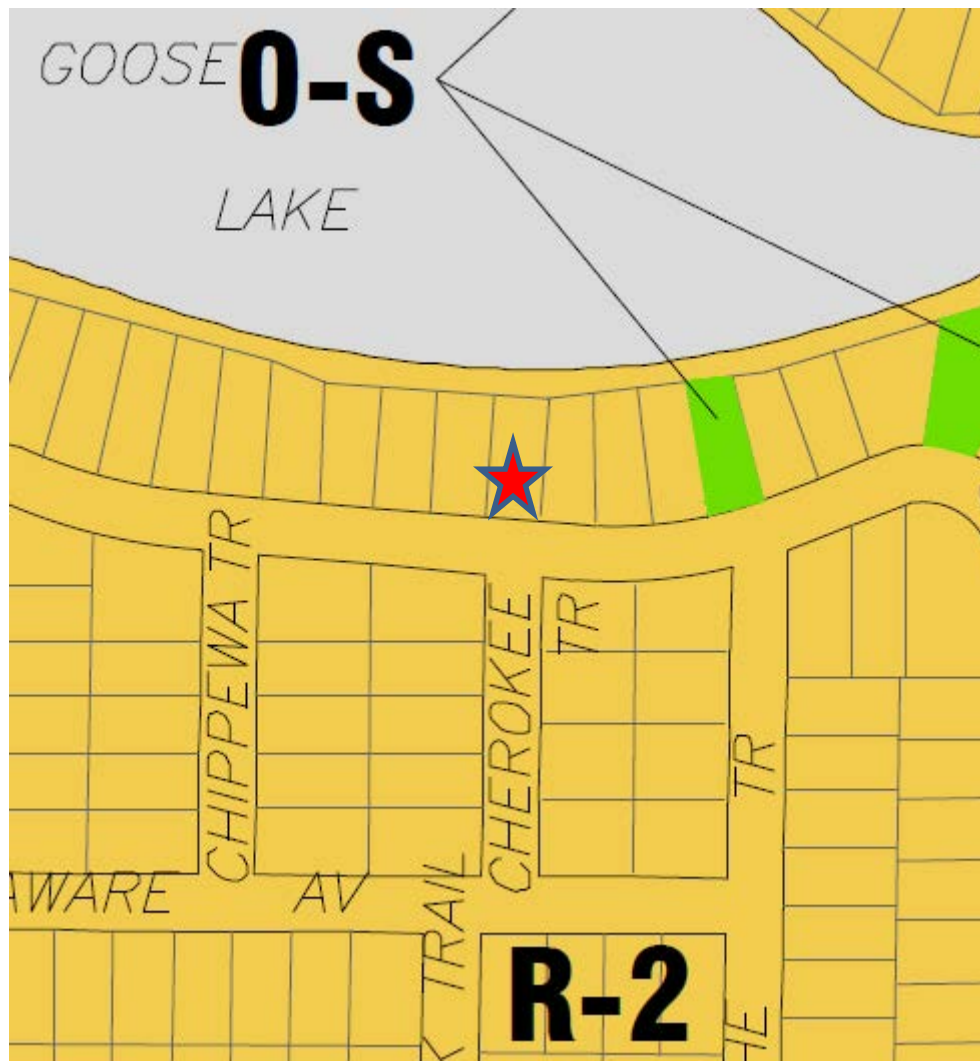
Email: peterjwisniewski@gmail.com

Variation for an Attached Garage at 332 Hiawatha Drive



2. EXHIBITS

ZONING MAP



FUTURE LAND USE MAP



AERIAL PHOTO



PROPERTY PHOTOS

Front of House
with Driveway

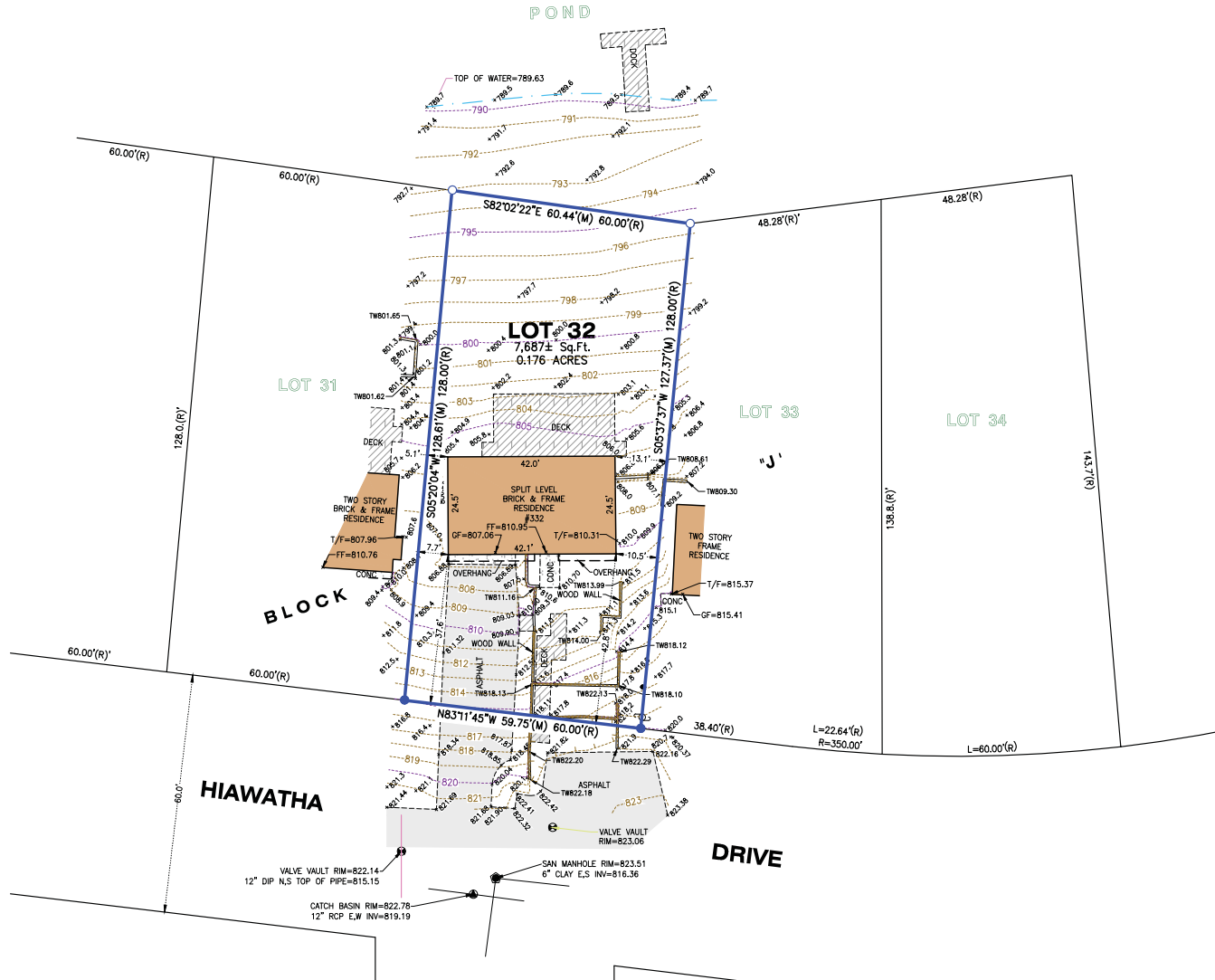


Street Intersection
in Front of House



BOUNDARY AND TOPOGRAPHIC SURVEY

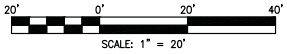
Lot 32 in Block J in Lake in the Hills Estates Unit No. 10, a Subdivision of part of Section 28, Township 43 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded August 5, 1952 as Document No. 255945, in Book 11 of Plats, page 56, in McHenry County, Illinois.



VALVE VAULT RIM=822.14
12" DIP N.S TOP OF PIPE=815.15
CATCH BASIN RIM=822.78
12" RCP E,W INV=819.19
SAN MANHOLE RIM=823.51
6" CLAY E,S INV=816.36

SITE BENCHMARK
ARROW BOLT ON FIRE
HYDRANT
ELEV=830.78 NAVD88

PROJECT BENCHMARK
MCHENRY COUNTY GEODETIC
CONTROL STATION
DESIGNATION "ALGONQUIN"
ELEV=897.18 NAVD88



CLIENT: PETER WISNIEWSKI
DRAWN BY: PJD CHECKED BY: APG
SCALE: 1"=20' SEC. 28 T. 43 R. 08 E.
BASIS OF BEARING: ILL. EAST ZONE NAD83 (2011)
P.I.N.: 19-28-106-031
JOB NO.: 220971 I.D. TPB
FIELDWORK COMP.: 09/20/22 BK. PG.
ALL DISTANCES SHOWN IN FEET AND DECIMAL REF.
PARTS THEREOF CORRECTED TO 68° F.

NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.

- * No distance should be assumed by scaling.
- * No underground improvements have been located unless shown and noted.
- * No representation as to ownership, use, or possession should be hereon implied.
- * This Survey and Plat of Survey are void without original embossed or colored seal and signature affixed.

Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.



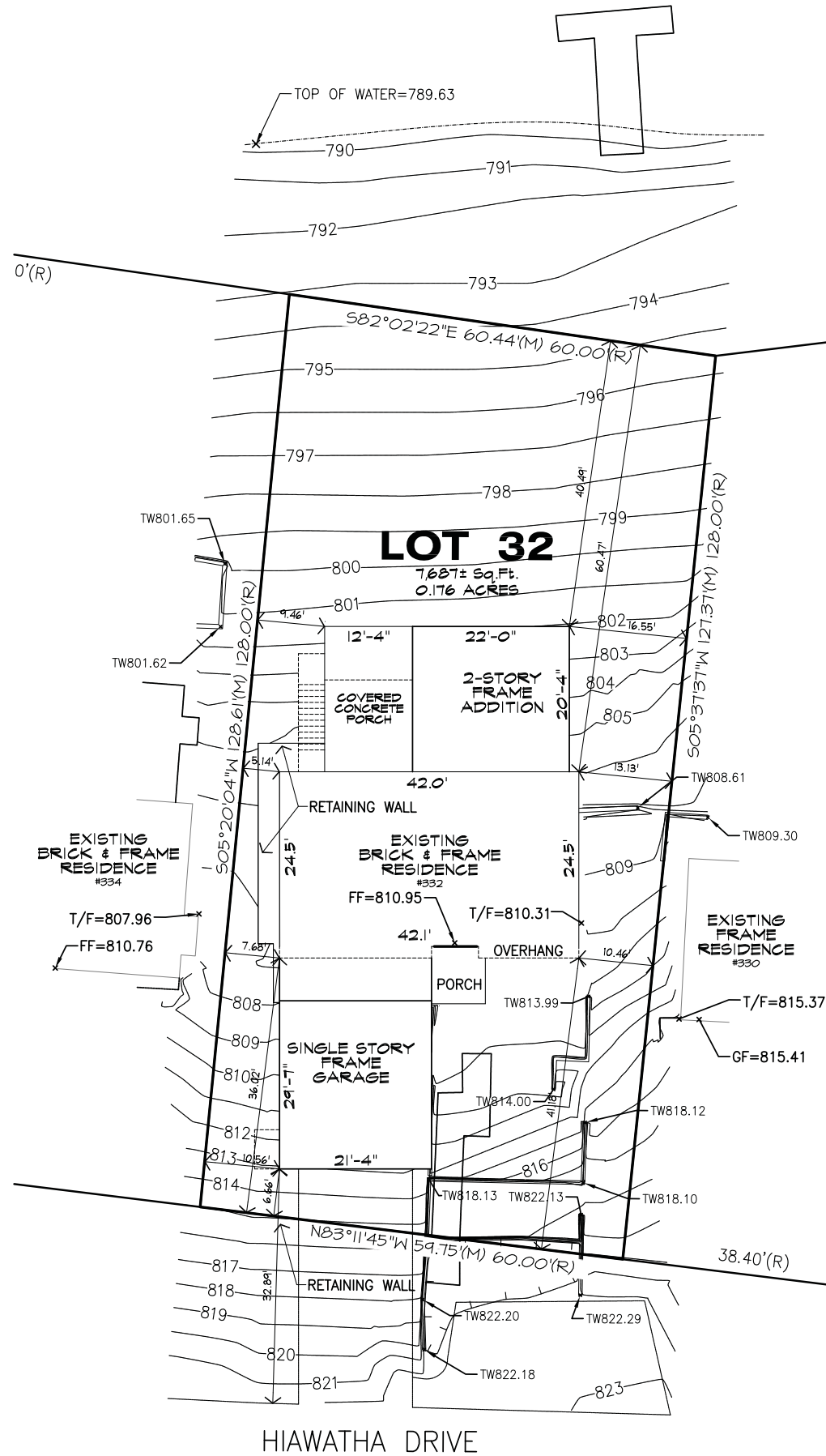
LEGEND	
●	CATCH BASIN
○	DOWN GUY
⊕	FIRE HYDRANT
●	FOUND IRON BAR
○	FOUND IRON PIPE
⊙	MANHOLE
⊕	UTILITY POLE
⊕	VALVE VAULT
FF	FINISHED FLOOR
TF	TOP OF FOUNDATION
GF	GARAGE FLOOR
(M)	MEASURE
(R)	RECORD

STATE OF ILLINOIS)) S.S.
COUNTY OF MCHENRY)

In my professional opinion, and based on my observations, I hereby certify that we have surveyed the premises above described, and that the plat hereon is a true representation of the said survey. This professional service conforms to the current Illinois minimum standards for a boundary and topographic survey.

Dated at Woodstock, McHenry County, Illinois 10/05 A.D., 20 22.
Vanderstappen Land Surveying Inc.
Design Firm No. 184-002792

By: Arthur P. Grimmer
Illinois Professional Land Surveyor No. 3857



SITE PLAN

SCALE: 1" = 10'-0"

WISNIENSKI RESIDENCE
 ADDITION/REMODEL PROJECT
 332 HIAWATHA LANE
 LAKE IN THE HILLS, ILLINOIS

ZONING REVIEW 03/20/2023

SASSHAUS STUDIO
 1614 OLCOTT RD.
 MARENGO, ILLINOIS
 815-558-7277

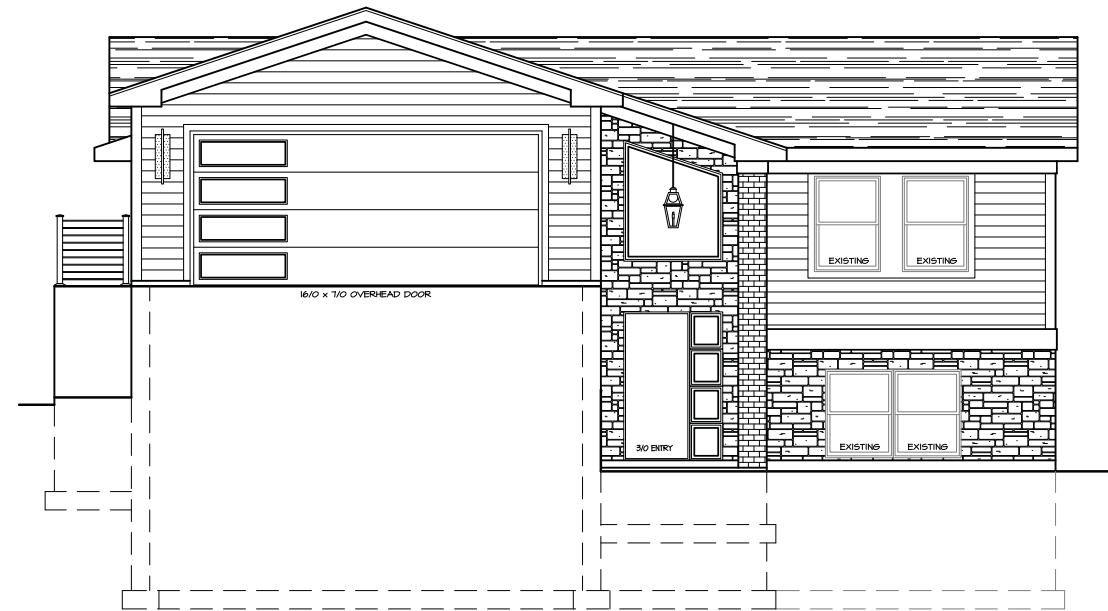
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PLANS



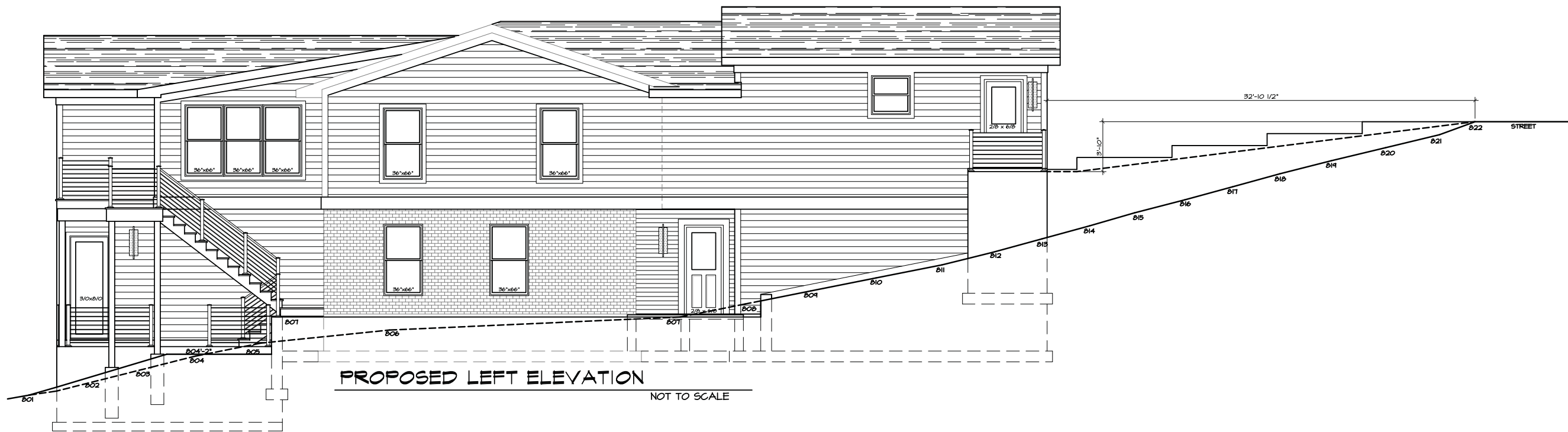
COPYRIGHT 2021

NOTE:
VERIFY ALL EXISTING CONDITIONS
IN FIELD. NOTIFY ARCHITECT
IMMEDIATELY IF ANY DISCREPANCIES
ARE FOUND.



PROPOSED FRONT ELEVATION

NOT TO SCALE



PROPOSED LEFT ELEVATION

NOT TO SCALE

WISNIENSKI RESIDENCE
ADDITION/REMODEL PROJECT
332 HIAWATHA LANE
LAKE in the HILLS, ILLINOIS

ZONING REVIEW 03/20/2023

SASSHAUS STUDIO
1614 OLCOTT RD.
MARENGO, ILLINOIS
815-558-7277

DRAWN BY: KNS

ELEVATIONS

A2

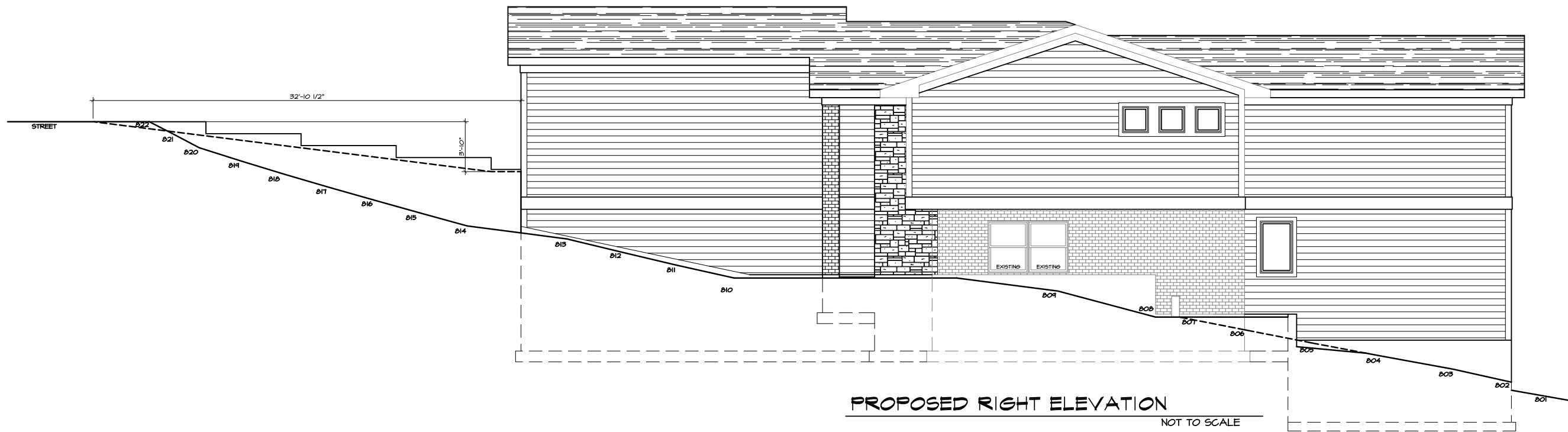
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NOTE:
VERIFY ALL EXISTING CONDITIONS
IN FIELD. NOTIFY ARCHITECT
IMMEDIATELY IF ANY DISCREPANCIES
ARE FOUND.



PROPOSED REAR ELEVATION

NOT TO SCALE



PROPOSED RIGHT ELEVATION

NOT TO SCALE

WISNIENSKI RESIDENCE
ADDITION/REMODEL PROJECT
332 HIAWATHA LANE
LAKE in the HILLS, ILLINOIS

ZONING REVIEW 03/20/2023

SASSHAUS STUDIO
1614 OLCOTT RD.
MARENGO, ILLINOIS
815-558-7277

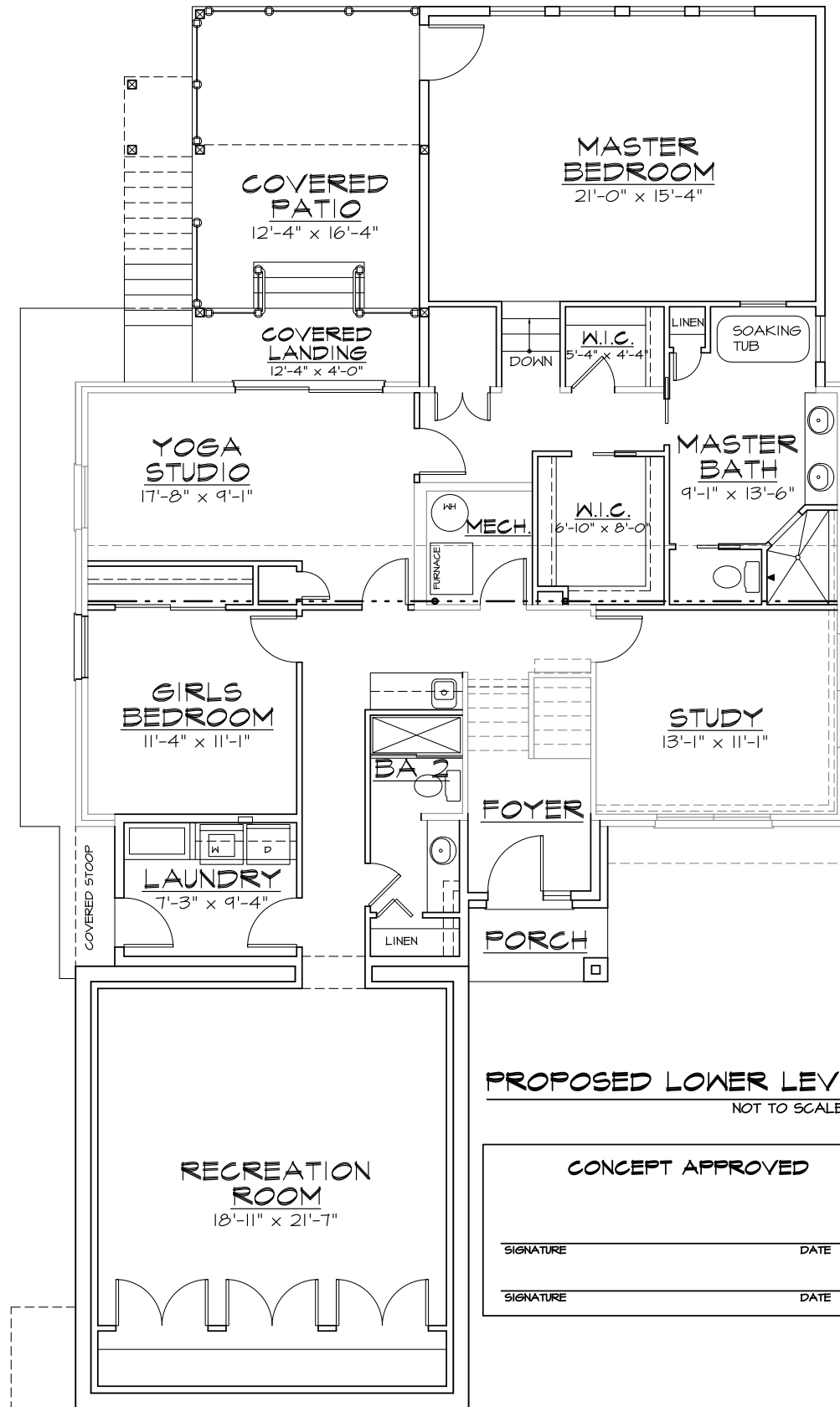
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ELEVATIONS

A3

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NOTE:
VERIFY ALL EXISTING CONDITIONS
IN FIELD. NOTIFY ARCHITECT
IMMEDIATELY IF ANY DISCREPANCIES
ARE FOUND.

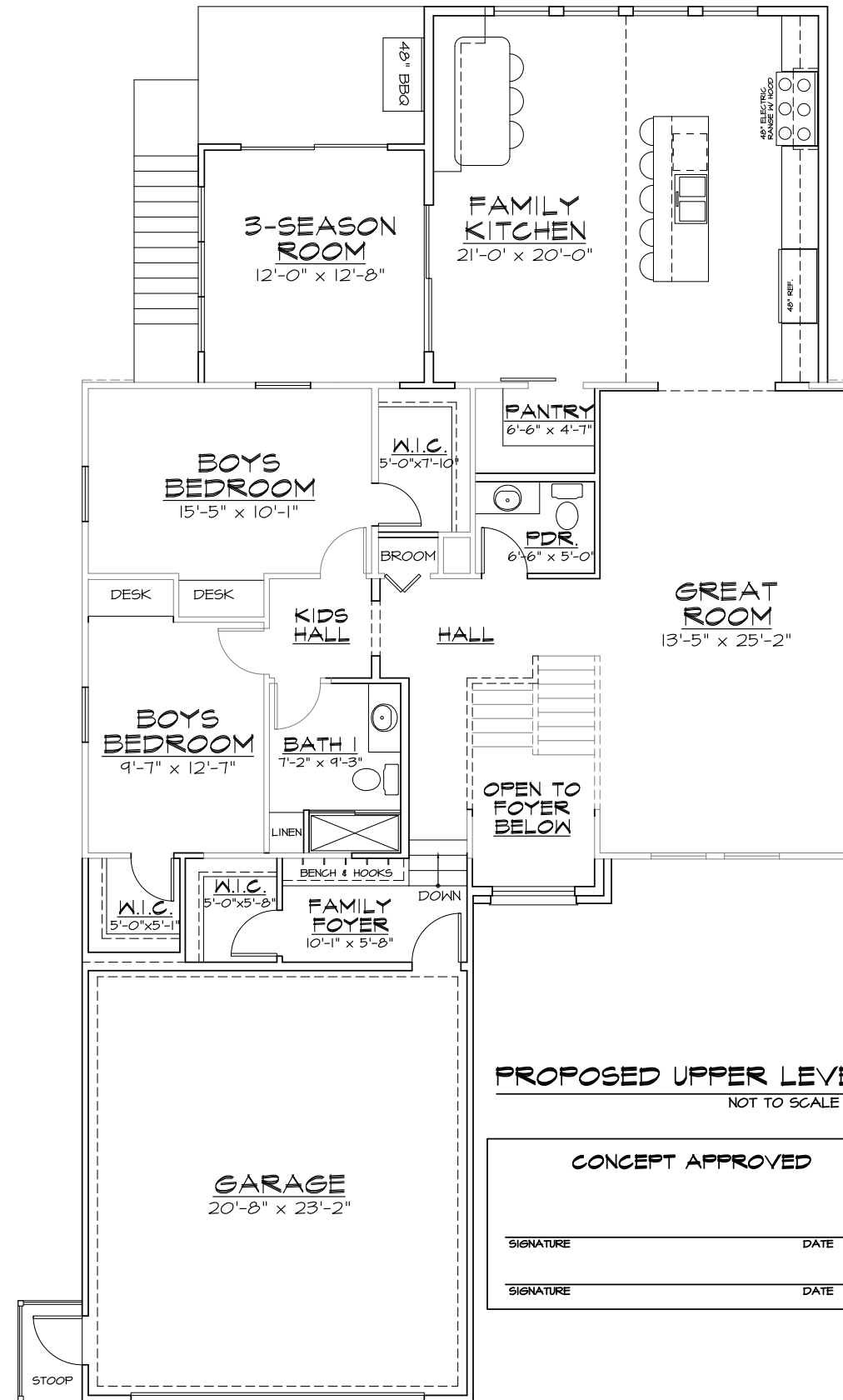


PROPOSED LOWER LEVEL
NOT TO SCALE

CONCEPT APPROVED

SIGNATURE _____ DATE _____

SIGNATURE _____ DATE _____



PROPOSED UPPER LEVEL
NOT TO SCALE

CONCEPT APPROVED

SIGNATURE _____ DATE _____

SIGNATURE _____ DATE _____

WISNIEWSKI RESIDENCE
ADDITION/REMODEL PROJECT
332 HIAWATHA LANE
LAKE in the HILLS, ILLINOIS

ZONING REVIEW 03/20/2023

SASSHAUS STUDIO
1614 OLCOTT RD.
MARENGO, ILLINOIS
815-558-7277

DRAWN BY: KNS

FLOOR PLANS

