



PUBLIC MEETING NOTICE AND AGENDA
PLANNING AND ZONING COMMISSION MEETING

January 15, 2024
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 December 18, 2023 Planning and Zoning Commission meeting
4. New Business
 - A. Variations for a Privacy Screening Fence at 2840 Briarcliff Lane
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 February 12, 2024
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: January 11, 2024

Time:



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING

DECEMBER 18, 2023

Call to Order

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

Roll call was answered by Commissioners Walker, Murphy, Bolton, Dixon and Swanlund, and Chairman Esposito. Commissioner Siakel was not in attendance.

Also present were Director of Community Development John Svalenka, Trustee Bill Dustin, Director of Public Works Ryan McDillon, Village Attorney Brandy Quance, and Recording Secretary Laura Carpenter.

Approval of Meeting Minutes

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

New Business

Conditional Uses for an Automotive Service and Accessory Outdoor Storage of Vehicles at 8545 Pyott Road

Chairman Esposito asked for a motion to open the public hearing. Commissioner Murphy made a motion to open the public hearing, and Commissioner Bolton seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito opened the public hearing at 7:32 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 December 18, 2023.

Available documents show that the building on the private property at 8545 Pyott Road was originally constructed in the early 1990s as an airplane hangar. As such, previous property owners had entered into license agreements with the Village of Lake in the Hills to allow ingress and egress from the private hangar facility to the secure areas of the adjacent public airport property for general aviation purposes. The most recent license agreement was signed in 2014. In addition to allowing access to the airport, the agreement gave the Village the right to allow third-party aircraft parking on the western 20,000 square feet of the private property. The 2014 license agreement automatically terminated when the property was sold in March of 2021. Soon thereafter the property was used for non-aviation purposes. It should be noted that such license agreements are considered by the Village Board of Trustees without any review by the Planning and Zoning Commission, so the above is only included here to provide background information.

On March 22, 2021 the Village issued a business license to allow JHB Group to operate from the subject property. The company performs "trailer upfitting" services, which involves the assembling of components inside trailers to create mobile platforms for fire departments, police, military and public health professionals. This industrial assembling work meets the definition of manufacturing in the Zoning Code, which is permitted by right in the subject AD-2 zoning district without the need for approval of a conditional use permit.

The property is currently for sale, and Oleksandr Kes Kovalskyi of Arias Truck Repair, Inc. has a contract to purchase the property. Mr. Kovalskyi currently operates Arias Truck Repair in a leased tenant space in the Village at 14 Prosper Court and wishes to move his business to the larger space on the subject property at 8545 Pyott Road. In accordance with the



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Permitted and Conditional Use Chart in Section 11 of the Zoning Code “automotive service” is allowed in the AD-2 zoning district only with the approval of a conditional use. Therefore, Mr. Kovalskyi has requested approval of this conditional use.

As part of the proposed truck repair business, the applicant needs outdoor space to park trucks that are dropped off for repair or that are waiting for pickup after being repaired. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code “outdoor storage of vehicles accessory to principal use” is allowed in the AD-2 zoning district only with the approval of a conditional use. Therefore, Mr. Kovalskyi has also requested approval of this second conditional use. Per Section 26.6 of the Zoning Code Director Svalanka reviewed the seven factors that shall be considered by the Planning and Zoning Commission regarding how they are relevant to the specific conditional uses being requested. The applicant indicated on his application form how he believes these factors are met. Director Svalanka provided a detailed analysis of all the factors for the requests.

In summary, staff offers draft findings that support six of the seven review factors that was reviewed, but staff does not support one of the seven factors. Specifically, staff finds that the establishment of the conditional uses will impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The Planning and Zoning Commission’s decision must be consistent with the findings, or the commissioners should deliberate new findings at the public hearing. Director Svalanka reviewed the seven criteria and staff findings based on the application.

Based upon the staff findings, Director Svalanka recommended denial of the Conditional Use Permits to allow Arias Truck Repair, Inc. to operate an automotive service business with accessory outdoor vehicle storage on the property at 8545 Pyott Road, per the findings noted in the staff report dated December 18, 2023.

The applicant, Oleksandr Kes Kovalskyi, of Arias Truck Repair, Inc. and his attorney, Aaron Tenenbaum, were sworn in. Mr. Tenenbaum stated that his client is experienced in truck repair, his request is within the permitted zoning use, and has he always been compliant with all zoning laws and ordinances. It is also his belief that Arias Truck Repair at this new location will bring in additional business to the Village. He furthermore stated that all truck repairs will be done inside the building. There were multiple offers on this property, and none of them were aviation related. If Mr. Oleksandr Kes Kovalskyi does not get this conditional use approval, there could potentially be another buyer of the property that would use the building as a warehouse, and no Village permission would be needed. Commissioner Walker asked how this business could bring in revenue, in addition to property taxes, as according to his sources, the aviation industry is growing at 2.5-3 percent. There was discussion about taxes on services and parts. The attorney said that by Arias expanding the business at this location, it could create more jobs and would attract people to Lake in the Hills.

Kevin Kovarik of Lakes Aviation LLC was sworn in and spoke. He indicated that there are a lot of unfamiliar cars in the airport area, and he would like to see this property return to mostly aircraft-related uses.

Joseph Kovarik of Lakes Aviation LLC was sworn in and spoke. He said he has security concerns. Also, since the existing gate is the only access to the business, he feels non-aviation interests allowed inside a gated area is not a good idea. He recommends the Village consider a way to return the area to an aviation use, which is on the upswing.



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James Finefield of Finefield Aviation was sworn in and spoke. He said the hangar at 8545 Pyott Road would hold about 14 airplanes that could create Village revenue via fuel and storage fees. He is unhappy about a non-aviation business at this location.

Eric Langsfeld, was sworn in and spoke. He currently owns EL Parts, LLC, which is a neighboring business at the airport property. He said he does not have an airplane nor plans to have an airplane. He spoke about the 15 foot easement around his property, and the building can only be accessed via the northside. He noted that no aviation enthusiasts offered to purchase 8545 Pyott, and that other industries are growing faster than the aviation industry.

Kimberly Monreal was sworn in and spoke. She is a pilot, current airplane owner, and hanger owner/renter. She heard that the FAA has granted money to the Village for improvements. Her main concern is safety of the airplanes and people when trucks are moving around. The Village is putting more people at risk by allowing this to happen. She would like the Village to buy the property and have an easement agreement. The aviation community is passionate, and they will come to any future meetings, if needed.

Michael Monreal was sworn and spoke. He is a hangar owner. He agreed that safety is a concern, as truck drivers are not trained to drive around airplanes. Furthermore, he knows the airport needs to be secure, and letting people come and go through the fenced area is not good. He further stated that if this conditional use is approved, then there needs to be a secured area with barbed-wire fence. He also indicated that there is not a lot of parking at the airport; and if it is not addressed, the airport could close down. Also, the only way he knew the building was for sale was the public hearing sign posted on the property. There was no for sale sign out front.

John Gritschke was sworn and spoke. He is an aircraft owner and has rented a hangar at the airport for about three years. He supports the staff recommendation to deny the request. Or if it is approved, require at the minimum the conditions and an easement agreement. He stated that the Village already owns T-hangars and rents them to people to store their cars. He feels there is too much non-aviation traffic at the airport, and is dangerous to bring more foreign object debris (FOD) to the airport that can damage airplanes.

John O'Hara was sworn and spoke. He has owned P-28 for about 20 years. He has concerns about safety and room to maneuver the airplanes around truck traffic. He feels that there needs to be parking and lighting requirements with this conditional use approval, and all of these would need to comply with FAA rules and building codes. According to the airport rules, the new buyers would need to have a licensed access agreement.

Louis Gantz was sworn and spoke. He represents JHB Group, which is the business currently in the hangar at 8545 Pyott Road. He expressed concerns about the recommendation of denial from the Village. He feels that the Village needs to support small business and help them to grow, as they bring in tax revenue. Furthermore, he stated that there are a lot of commercial properties on airport property that are not being used for aviation use purposes, and those commercial properties should no longer not be considered hangars.

Dan Benassi was sworn and spoke. He is the real estate broker for Entre Commercial Realty that represents JHB Group in the sale of this property. He reiterated the positive aspects of the conditional use being granted and allowing the sale to proceed.



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Mike Carzoli was sworn and spoke. He has been the owner of Blue Skies Flying Service for over 30 years at the airport. He said that he would like to expand his business, but he can't because of a lack of space. It is his opinion that the Village of Lake in the Hills is using losing thousands of dollars in lost fuel revenue because pilots can't fly into 3CK because there is nowhere for them to go once they get here. Also, he voiced concern about foreign object damage (FOD) and non-aviation vehicles maneuvering around airplanes. It was his opinion that the airport needs to be secured down, and he supports the staff's denial.

Matt VanBergen was sworn and spoke. He is the current president of EAA Chapter 790. He agrees with the safety and security concerns voiced by the previous speakers. Due to the lack of transit space, their group can now only provide limited services to the community. For example, the Young Eagles and annual pancake breakfast events had to stop and be moved from 3ck to the Schaumburg airport because of the lack of parking space. The EAA Chapter 790 membership urges the Village to consider the impact of the interest of the community. If the airport trickles away, then the programs and education fall to the wayside.

Commissioner Dixon spoke and said he would like to see the hangar property return to being used for airplanes and parking.

Chairman Esposito gave the petitioner the opportunity to respond. Oleksandr Kes Kovalskyi, of Arias Truck Repair, Inc. and his attorney, Aaron Tenenbaum returned to the podium.

The attorney said that his client wants to be a good neighbor. Nobody will be driving on the airport road, and trucks will be accessing the building via Pyott Road. Also, the truck drivers have a commercial driver's license (CDL) which indicates that they are good drivers. Mr. Kovalskyi said he would be willing to install a fence and contribute \$10K worth of fuel to bring Young Eagles back. Commissioner Esposito asked the petitioner about after-hours parking. He responded that customers would only be able to pick up trucks during business hours, and trucks won't be able to be dropped off during non-working hours.

Commissioner Dixon asked the petitioner about his vision of expanding his business, as this location could have expansion limitations. He responded that he is willing to invest money into the business and possibly open another business location.

Chairman Esposito questioned the petitioner about trucks maneuvering and turning around if a fence was built. There was discussion about access and fence location. Director Svalenka said that the business can only be accessed using non-airport property.

There being no further public comments or discussion, Commissioner Esposito asked for a motion to close the public hearing. Commissioner Swanlund made a motion to close the public hearing, and Commissioner Dixon seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito closed the public hearing at 8:48 p.m. Director Svlanka reminded the Commissioners that they could recommend a denial of the conditional use or an approval with any of the suggested listed conditions that were written on a motion sheet.

A motion to recommend denial of the requested Conditional Use Permits to allow Arias Truck Repair, Inc. to operate an automotive service business with accessory outdoor vehicle storage on the property at 8545 Pyott Road, per the findings noted in the staff report dated December 18, was made by Commissioner Walker and seconded by Commissioner Bolton.



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On a roll call vote, Commissioners Walker, Murphy, Bolton, Dixon, Swanlund, Chairman Esposito voted Aye, No Nays. Motion to deny passed 6-0.

Old Business

None

Item for Discussion

None

Staff Report

The Village Board approved amendments to Section 3, Definitions, and Section 11, Permitted and Conditional Use Chart of the Zoning Code. The amendment added the definition of indoor amusement establishment and clarified the use of a restaurant.

Audience Participation

None

Trustee Liaison

Trustee Dustin had nothing to report.

Adjournment

A motion to adjourn the meeting was made by Commissioner Walker and seconded by Commissioner Swanlund. The motion was approved on a voice vote of 6-0.

There being no further business to discuss, the meeting of the Lake in the Hills Planning & Zoning Commission was adjourned at 8:51 p.m. The next Planning and Zoning Commission meeting is scheduled for January 15, 2024.

Submitted by,

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

Laura Carpenter
Recording Secretary

REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION



PLANNING AND ZONING COMMISSION

MEETING DATE: January 15, 2024

DEPARTMENT: Community Development

SUBJECT: Variations for a Privacy Screening Fence at 2840 Briarcliff Lane

EXECUTIVE SUMMARY

General Information

Requested Action:

- Variation from Section 13.5 of the Zoning Code to allow a fence to be considered a privacy screen and to allow a privacy screen as a permitted accessory structure in the rear yard.
- Variation from Section 15.3-3 of the Zoning Code to allow a fence that exceeds 6 feet in height.
- Variation from Section 15.2.A of the Zoning Code to allow a fence made of temporary fabric instead of a suitable approved fence material.

Owner:

Nicole and Rene Xicotencatl

Applicant:

Nicole Xicotencatl

Purpose:

To allow an existing 9.5-foot-tall fabric screening fence installed without a permit to remain on the subject property.

Location and Size:

2840 Briarcliff Lane. Approximately 7,489 square feet in area.

Zoning and Land Use:

Site:	R-2 One-Family Dwelling – Single-Family Residential
North:	R-2 One-Family Dwelling – Single-Family Residential
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

On October 13, 2023 the Village received an anonymous complaint about a tarp installed on top of an existing six-foot-tall fence on the subject property at 2840 Briarcliff Lane. Village staff investigated and found black fabric material tied to metal poles with rope, with the fabric extending along the rear lot line over the top of an existing white vinyl privacy fence to a height of approximately ten feet, and with the poles mounted in the ground about one foot away from the fence inside the rear yard of the subject property. Village records show that the white vinyl privacy fence was installed with a valid fence permit issued on February 17, 2022, and that the final inspection for the fence was approved on May 5, 2022. When questioned by Village staff, a resident of the subject property stated that the black fabric material was installed just after installation of the fence by the same contractor. Staff informed the resident that the structure does not comply with the standards in the Village codes and must be removed. On November 16, 2023 the Village issued a written Notice of Violation that required the structure to be removed by December 22, 2023. Therefore, on December 5, 2023 one of the owners of the property, Nicole Xicotencatl, submitted an application to the Village for a zoning variation to allow the structure to remain.

The application submitted by Ms. Xicotencatl requests a variation from Section 13.5 of the Zoning Code to allow the existing structure to remain in place, and describes the structure as “a light and air permeable privacy screen.” Section 13.5 is the table of permitted accessory structures. The table does not list light and air permeable privacy screens as permitted accessory structures. However, the table does list “fences” as permitted accessory structures, and the existing structure meets the definition of a fence. Specifically, Section 3 of the Zoning Code defines a fence as, “a structure erected for the purpose of enclosing or visually defining an area.” As such, the structure must comply with the fence regulations in Section 15 of the Zoning Code.

Within Section 15 of the Zoning Code, Section 15.3-3 states that fences in rear yards shall not exceed six feet in height. The black fabric fence is located in the rear yard of the subject property, and the submitted application indicates that the top of the structure is located 9.5 feet above the ground, which violates Section 15.3-3. Further, Section 15.2.A of the Zoning Code states that all fences shall be constructed of one or more of the following materials: suitable plastic material (PVC, vinyl, and composite), wood that is treated or a species that is naturally resistant to withstand decay and rot, chain link, decorative aluminum, wrought iron, or other suitable material. The existing black fabric material is not listed as an acceptable material for a fence, and staff finds that such a temporary type of a material and construction is not a suitable fence material. Therefore, in order to allow the existing structure to remain in place, the applicant must receive approval of variations from Sections 15.2.A and 15.3-3 of the Zoning Code.

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 regarding variations from Sections 13.5, 15.3-3 and 15.2.A of the Zoning Code as listed above.

Staff has reviewed whether the subject property could yield a reasonable return if required to comply with the accessory structure and fence requirements. The applicant indicates on the

submitted application form that they believe they cannot use the rear area of the subject property without the black fabric screen because the removal of the screen would allow a neighboring property owner to scrutinize and comment upon activities taking place in the rear yard of the subject property, and that they believe it is reasonable to be able to use their rear yard without such scrutiny and commentary. However, staff notes that the maximum allowable fence height in residential rear yards throughout the Village is six feet, and residents throughout the Village are able to see over fences into their neighbors' yards and make comments. Such similar properties throughout the Village are still bought and sold on a regular basis while yielding a reasonable return. In fact, in order to make a finding that the property could not yield a reasonable return without a variation, one would generally need to find that the property could not be sold without the variation or that the property cannot be used for any legal purpose without the variation. While staff has no doubt that the applicant's feud with their rear-yard neighbor at 2831 Hillsboro Lane is real, staff finds that the subject property could easily be sold for a reasonable return without the granting of the requested variations and without the need for the existing black fabric privacy screen. For example, the rear-yard neighbors at 2831 Hillsboro Lane can also see directly into the rear yard of the applicant's neighbors at 2850 Briarcliff Lane, and available public records show that the property at 2850 Briarcliff Lane was sold in 2021. Therefore, staff finds that the subject property could yield a reasonable return without the granting of the requested variations, which does not support the request.

Staff has reviewed whether the plight of the owner is due to unique circumstances, and notes that the applicant's feud with their rear-yard neighbor is well described in the submitted application form. While anecdotal evidence might suggest that neighbor disagreements have become more common in recent years, staff would find that constant harassment by a neighbor would be a unique situation. Therefore, staff finds that the applicant has demonstrated a unique circumstance that supports the variation request.

Staff has reviewed whether the variations, if granted, would alter the essential character of the locality. The subject property is in the middle of a residential subdivision with over 400 similar lots with similar homes constructed by the same builder. Without actually speaking with all of the residents in the subdivision, staff finds it to be likely that some residents have a good relationship with their neighbors while other residents have difficult relationships with their neighbors. If the requested variations were to be granted for the subject property based primarily on the relationship with a neighboring property owner, staff finds that it would open the door for other properties throughout the subdivision to be granted similar variations. If 9.5-foot-tall temporary fabric privacy screens were to be allowed to proliferate throughout the neighborhood, staff finds that this would drastically alter the visual appeal and character of the area. While visual appeal is a subjective concept, staff finds that other legal privacy enhancements such as evergreen trees and tall bushes are clearly different than black fabric screens. Such plantings already exist through the neighborhood, and the addition of evergreen trees and tall bushes in the rear yard of the subject property would eliminate the need for the variation without altering the character of the area. Therefore, staff finds the granting of the requested variations would alter the essential character of the locality, which does not support the request.

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 states that the rear-adjacent property is topographically higher in elevation than the subject property, and that this causes a hardship. However, staff has

examined the plats of survey for the two properties and finds both properties are essentially flat and level, and that the adjacent property is only a few inches higher than the subject property. Specifically, the ground elevation directly adjacent to the foundation of the house on the subject property is 882.9 feet and the elevation at the foundation on the adjacent property is 883.2 feet, which is only 3.6 inches (0.3 feet) higher. Staff finds that this small elevation difference does not bring a particular hardship, and doesn't even rise the level of being an inconvenience. The submitted application also indicates that the presence of an elevated deck on the adjacent property also creates a hardship. However, staff finds that there are two-story-tall residences throughout the subdivision, and elevated decks are common in the subdivision. Staff finds that such a common structure as an elevated deck on an adjacent property is not a unique physical surrounding and does not create a hardship specific to the subject property. Further, staff notes that the subject property is of the same size, shape and topography as the majority of lots in the subdivision. Therefore, staff finds that the physical surroundings, shape and topographical conditions of the subject property are not in any way unique and do not bring any hardship upon the owner, which does not support the request.

As noted above, staff finds that the physical conditions upon which the variation is based are common throughout the neighborhood and do not create a hardship. The submitted application form states that the reported harassment by the neighbor would not be applicable to other properties within the same zoning classification. As noted above, staff finds it likely that the residents of other properties within the subject zoning district do not get along well with some of their neighbors, and that this is likely not a unique condition. Regardless, staff notes that the concern of harassment by a neighbor is an issue to be handled in criminal court or civil court, and is not an issue that would justify the granting of zoning variations. Therefore, staff finds that the conditions upon which the petition for variation is based would 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 submitted application is clearly based on the primary issue of the poor relationship between the applicants and their rear-yard neighbors. Therefore, staff finds that the purpose of the variation is not at all based on a desire to make more money, which supports the request.

Staff has reviewed whether the alleged difficulty or hardship has been created by any person presently having interest in the property. While the need for the requested variations has clearly been created by the owner of the subject property by their installation of a non-compliant fence without a permit, staff finds that it is more difficult to determine who created the alleged hardship regarding the dispute with their neighbor. In any argument between two parties, whether related to property issues or not, staff finds it to be a truism that there are always two sides to the story. Staff has only received the applicant's side of the story as of the date of the drafting of this report. Therefore, based on the available information, staff finds that the applicant did not create the alleged hardship. However, staff suggests that the Planning and Zoning Commission consider any comments that may be made by the neighboring residents during the public hearing, which may alter the finding of fact regarding this particular review standard.

Staff has reviewed whether the granting of the variations will be detrimental to the public welfare or injurious to other property in the neighborhood. As shown in the attached staff photographs, the black fabric is temporarily tied to metal poles with rope instead of being attached with permanent fasteners. Also, the black fabric is a temporary type of material that would not meet the zoning code

or building code requirements for a permanent construction material. Therefore, staff finds that the rope connections are more likely to degrade over time when compared to permanent fasteners, and that the black fabric is likely to degrade much more quickly than a permanent fencing material. As such, staff finds that there is an increased chance that such temporary materials could be blown off the poles and onto neighboring properties during heavy storms. Regardless, the materials are soft and not likely to cause injuries to neighbors. Therefore, staff finds that the variations will not cause injury to other properties and will not affect the public welfare.

Finally, staff has reviewed whether the proposed variations 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 submitted application states that the black fabric material is light and air permeable, and the attached staff photos show that the fabric has small holes that allow light to pass through. As a code-compliant alternative to the existing structure, the applicant could easily have ten-foot-tall evergreen trees or shrubs installed in the same location, and such plants would block a similar amount of light and air without diminishing property values. Staff does not know the flame-spread rating of the black fabric, but notes that the existing structure is located more than ten feet away from any buildings. As such, staff finds that it does not increase danger from fire. Therefore, staff finds that the requested variations to allow the 9.5-foot-tall black fabric fence would not reduce the supply of light and air to the surrounding properties and would not substantially increase the danger of fire.

Findings – Summary

Based on the analysis noted above, staff offers draft findings that do not support the approval of the requested variations, in that the evidence does not sustain four of the nine conditions and standards. Specifically, staff finds negatively regarding findings A, C, D and E. 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 could yield a reasonable return without the granting of the requested variations in that it is common throughout the Village for residential properties to be bought and sold that are adjacent to other residential rear yards from which neighboring residents can make comments, and in that the property directly next door at 2850 Briarcliff Lane was able to sold for a reasonable return without the need for the same variation.*
- 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 applicant has documented an apparently severe disagreement with the occupants of the adjacent property at 2831 Hillsboro Lane.*

C. The variation, if granted, will not alter the essential character of the locality: *The variations, if granted, would alter the essential character of the locality, in that 9.5-foot-tall privacy screens made of temporary fabric material would drastically alter the visual appeal of the neighborhood.*

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 not bring a hardship upon the owner if the strict letter of the regulation were to be carried out, in that the subject property is of the same size, shape and topography as all surrounding properties, and that the height of the house and deck on the adjacent property to the rear is common in the vicinity.*

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 be applicable generally to other property within the same zoning classification, in that it is not uncommon for neighboring properties owners to have disagreements.*

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 is based exclusively on a dispute between the applicants and their rear-yard neighbors.*

G. The alleged difficulty or hardship has not been created by any person presently having interest in the property: *Based solely upon the statements in the submitted application, the difficulty or hardship alleged by the applicant has not been created by any person presently having interest in the property.*

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 variations 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 black fabric material and rope connections are soft and not likely to cause any damage or injury.*

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 variations 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 structure is light and air permeable and is located more than ten feet away from any buildings.*

ATTACHMENTS

1. Application
2. Exhibits
3. Plats of Survey

RECOMMENDED ACTION

The Planning and Zoning Commission may recommend a variation of the provisions of the Zoning Code only if the evidence sustains each of the conditions and supplemental standards listed in the code. As detailed above, staff finds that the evidence sustains only five of the nine conditions and standards. Therefore, regardless of the compelling nature of the alleged hardship regarding harassment by a neighbor, staff has no choice but to recommend denial of the requested variations. Therefore, staff recommends that the Planning and Zoning Commission review, deliberate, and make the following motion:

A motion to recommend denial of the requested variation from Section 13.5 of the Zoning Code to allow a fence to be considered a privacy screen and to allow a privacy screen as a permitted accessory structure, a variation from Section 15.3-3 of the Zoning Code to allow a fence that exceeds 6 feet in height, and variation from Section 15.2.A of the Zoning Code to allow a fence made of temporary fabric instead of a suitable approved fence material, all on the property at 2840 Briarcliff Lane, per the findings noted in the staff report dated January 15, 2024.



Village of Lake in the Hills Development and Zoning Application

Date: 12-3-2023

Property Information

Common street address: 2840 Briarcliff Lane, Lake in the Hills, IL

PIN (Property Index Number): 1823126033

Current Zoning: Residential Proposed Zoning: Residential

Current Use: Residential Proposed Use: Residential

Is the request consistent with the Comprehensive Plan? _____

Number of Acres: 0.17 If greater than 4 acres, 2 acres for government property or 5 acres for manufacturing zoned land, application shall be processed as a Planned Development as a Conditional Use. See definition of Planned Development and PD Section of Zoning Ordinance.

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

Property Owner Information

Name(s): Nicole & René Xicotencatl

Business/Firm Name (if applicable): _____

Address: 2840 Briarcliff Lane

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

Phone Number: 847-909-7780

Email: nxicot@comcast.net

Applicant Information

Name(s): Nicole Xicotencatl

Business/Firm Name (if applicable): _____

Address: 2840 Briarcliff Lane

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

Phone Number: 847-909-7780

Email: nxicot@comcast.net

**Lake in the Hills Development and Zoning Application
Page 2**

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					
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	
Total Fees					
Additional Fees					
Stormwater Permit Application Fee to be paid at time of permit issuance Minor = \$250 Intermediate or Major = \$1,000					N/A
Reimbursement of Fees Required (Attach Appendix B) = \$2,000 + \$100/acre for \$500 every acre over 5 acres					\$ 500.00

Cheryl E. Quotenecatt 12/03/2023
Property Owner Signature Date

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

Cheryl E. Quotenecatt 12/03/2023
Applicant Signature Date

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

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)

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.

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:

A variation to Section 13, paragraph 5 is being sought to approve an existing accessory structure located on the rear of the property of 2840 Briarcliff Lane.

The accessory structure is a light and air permeable privacy screen that functions to increase the privacy for the residents of the property. The dimensions of the screen are 4 feet tall by 39 feet wide. The privacy screen is supported by four flagpoles that are independently cemented into the ground for stability. The privacy screen is situated beginning at a height of 5.5 feet above the ground and is installed one foot inside of the bounds of the privacy fence surrounding the property, though the privacy screen only covers the rear property line. The screen was installed and deemed safe by North Fence, an accredited professional landscaping company that services the community.

The purpose of the screen is to further ensure the privacy of the residents and prevent further harassment from the rear-adjacent neighbor, which has been ongoing for two decades. The harassment began after an incident in 2002 when the rear-adjacent neighbor's dog bit the youngest child of the family residing at 2840 Briarcliff Lane (the current residents). As a result of this unfortunate accident, McHenry County deemed the rear-adjacent neighbor's dog to be unsafe and mandated euthanization. Since then, the rear-adjacent neighbor has conducted countless acts of "revenge" against the current residents of 2840 Briarcliff Lane, even resorting to harassment on the basis of race, culture, and disability.

The residents have unsuccessfully attempted many methods to ensure separation and privacy, including but not limited to planting vegetation (evergreen and large shrubbery), installing a regulation 6-foot privacy fence, and utilizing patio sun umbrellas. For over 20 years, the rear-adjacent neighbor has verbally harassed the residents, conducted video surveillance of the residents on their private property, and has even leveraged local law enforcement by submitting false anonymous complaints that have never resulted in ticketing for the residents of 2840 Briarcliff Lane. All of this harassment culminated in the Summer of 2022 when the rear-adjacent neighbor filed legal action against the residents of 2840 Briarcliff Lane—the matter went to the McHenry County Court system, wherein it was dismissed due to lack of supporting evidence of the rear-adjacent neighbor's claims. During the court proceedings, the rear-adjacent neighbor testified to knowing very detailed information about the schedule of the residents of 2840 Briarcliff Lane, due to continuous observation and video surveillance. In addition to this very disturbing admission by the rear-adjacent neighbor, there was also video presented in court by the neighbor that showed a full, continuous view of the private property of 2840 Briarcliff Lane within the bounds of the privacy fence. This video footage was from a "security camera", but it was positioned in a way that did not show the back door of the rear-adjacent property, and instead was presumably used to further violate the privacy of the residents of 2840 Briarcliff Lane.

After learning how deeply violated their privacy was, the residents of 2840 Briarcliff Lane installed a privacy screen above the previously installed privacy fence, and as a result, the harassment from the rear-adjacent neighbor seemed to stop. However, it is believed that the rear-adjacent neighbor, in another attempt at leveraging community resources to conduct her harassment, has contacted the Village of Lake in the Hills with an apparent complaint about the privacy screen.

For over 18 months, the privacy screen has fulfilled its function in providing sufficient privacy and protection from the harassment of the rear-adjacent neighbor. The total cost of all harassment prevention efforts taken by the residents of 2840 Briarcliff Lane is well over \$20,000, including the cost of the fence and installation, the planting of vegetation, the legal fees to fight harassment via the court system, and the countless lost wages as a result of time spent attempting to resolve this dispute.

The residents of 2840 Briarcliff Lane would like to petition the Village to allow an exception to the Zoning Ordinance (Section 13, paragraph 5) to include the privacy screen in an effort to continue the prevention of and protection from harassment by the rear-adjacent neighbor.

Supporting documentation will be submitted with the application.

PROPERTY ADDRESS/PIN 2840 Briarcliff Lane
Lake in the Hills, IL

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.**

See attached.

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

See attached.

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

See attached.

PROPERTY ADDRESS/PIN 2840 Briarcliff Lane
Lake in the Hills IL

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.**

See attached.

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.**

See attached.

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.**

See attached.

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.**

See attached.

PROPERTY ADDRESS/PIN 2840 Briarcliff Lane
Lake in the Hills IL

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.**

See attached.

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.**

See attached.

Mike & Quiana 12-03-2023

Applicant's Signature

Date

Mike & Quiana 12-03-2023

Property Owner's Signature

Date

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

- 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 back of the property is unable to be used for the enjoyment of the owners due to scrutiny and harassment of the rear-adjacent neighbor. It is perfectly reasonable to expect to be able to use the full extent of one's property privately, especially with the enclosure of a privacy fence. The privacy screen further ensures the reasonable expectation of the ability to use one's property however one sees fit without the scrutiny or commentary of the rear-adjacent neighbor.

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

The owner and family residing on the property have experienced surveillance and harassment by the rear-adjacent neighbor. All other manners of dispute resolution and mediation have failed in preventing this continued surveillance and harassment, except the privacy screen which has seemingly caused the cessation of direct harassment.

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

The accessory structure/privacy screen is necessary only due to the presence of the specific resident of the rear-adjacent property. Upon departure of either this neighbor or the property owner of 2840 Briarcliff Lane, the accessory structure will be removed. Additionally, this privacy screen functions no differently than any other privacy enhancements such as evergreen trees, tall bushes, clotheslines, sheds, or privacy fences, which are all permitted under the property zoning regulations.

- 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.**

The rear-adjacent property is topographically higher in elevation than the property located at 2840 Briarcliff Lane, and the rear-adjacent property features an elevated deck at the rear of the home. These two elements combined nullify the effect of a regulation 6-foot privacy fence, denying the property owners of 2840 Briarcliff Lane the right to privacy in their own backyard. Without the accessory structure, the property owners are subject to unique and violating surveillance which causes severe distress to the residents, including one of whom is in physical and emotional recovery from years of medical trauma (a lower leg soft tissue sarcoma and subsequent amputation). This resident, because of her physical disability, not only has limited ability to navigate the backyard, but also cannot do so with sufficient privacy—in fact, prior to erecting the privacy screen, the disabled resident was subject to questioning, unsolicited commentary, and mocking by the rear-adjacent neighbor.

- 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.

This standard is met for two reasons: First, the topography of the rear-adjacent neighbor's yard makes a privacy fence insufficient to prevent sight line into the backyard at 2840 Briarcliff Lane. Second, the particular harassment of the resident of the rear-adjacent property is unique and specific to the resident herself—these harassing behaviors include submitting repeated false complaints to the local police, inappropriate and cruel verbal harassment pertaining to disability, race, and culture, and the installation of a so-called security camera that is trained on the backyard of the property at 2840 Briarcliff Lane, the view of which is only prevented by the installation of the privacy screen. The assumption here is that other properties subject to the zoning classification are not also subject to both the unique topography and this specific brand of harassment from this specific neighbor.

- 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 approval of the accessory structure will not result in any financial gain for the property owners. As previously stated, the accessory structure will be removed if the property owners sell their home, or if the rear-adjacent neighbor moves away. Moreover, the maintenance of the property as required by Village zoning laws would be impeded—the rear-adjacent neighbor has harassed not only the owner of the property but also maintenance workers and landscapers when they have been present and working on the property. This behavior has ceased since the installation of the privacy screen but would surely resume immediately if the screen were mandated to be removed. This would result in a reluctance to perform landscape improvements beyond any basic maintenance, thus in fact lowering the property value for the property owners and surrounding properties.

- 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 current property owners have a deep desire to remain in the community and do not have immediate plans to sell their home. The only interest at play here is the interest for the current property owners to remain in their home and enjoy their property to the full extent, with their privacy intact.

- 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 accessory structure is free-standing, cemented into the ground, and installed by a professional landscaping company. It has been deemed safe and stable, and does not present any risk of injury to any other structure or individual in the community. Nor does this privacy screen impact any ongoing maintenance or neighborhood improvements—it

does not interfere with overhead power lines, underground infrastructure, adjacent buildings or structures, and it is not visible from the street. The impact of this structure on the community is non-existent.

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 accessory structure extends less than 4 feet above the top of the 6-foot privacy fence, and the screen attached is light and air permeable. For these reasons, it does not block adequate supply of light or air to any adjacent property. Additionally, as previously stated, the privacy screen is a temporary structure that provides privacy which has been otherwise compromised by the actions of the rear-adjacent neighbor. Upon the departure of either the neighbor or the property owner, the structure will be removed.

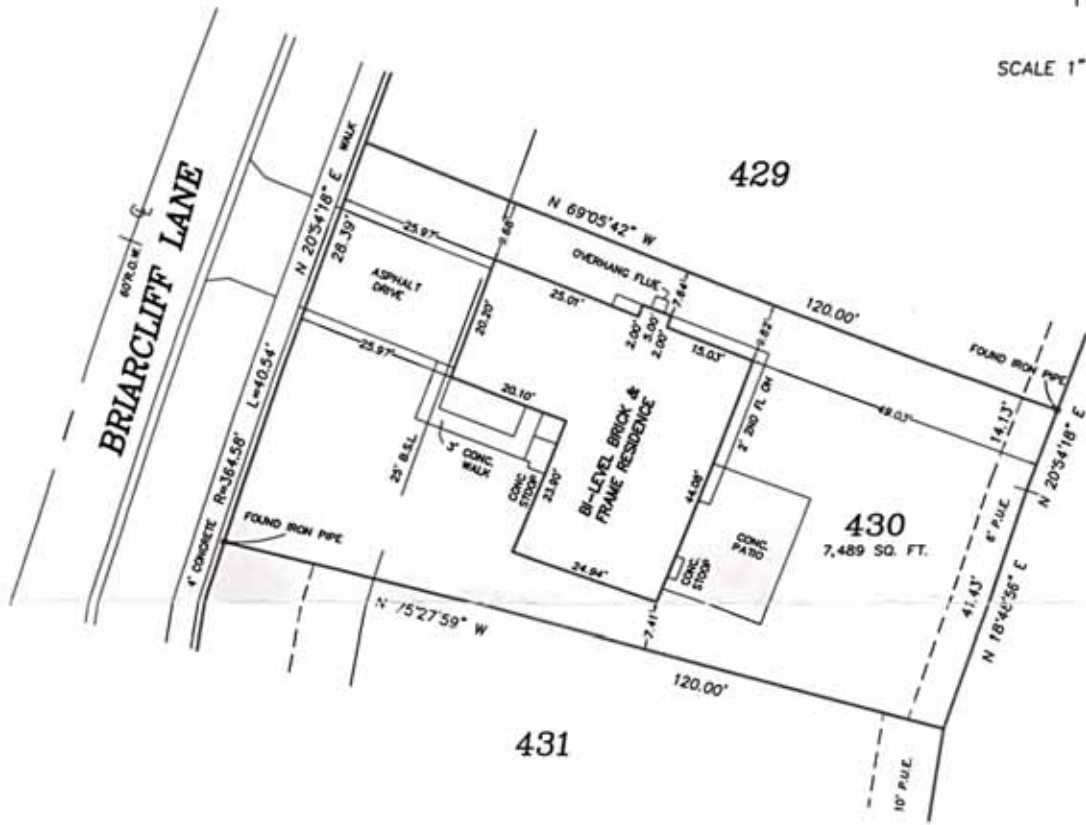
PLAT OF SURVEY

LOT 430 IN CONCORD HILLS AT MEADOWBROOK UNIT 7 BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED ON SEPTEMBER 3, 1996 AS DOCUMENT NO. 96R045156, IN MCHENRY COUNTY, ILLINOIS.

2840 BRIARCLIFF LANE



SCALE 1" = 20'



NOTE: THERE IS A 4.0' SIDE YARD PUBLIC UTILITY EASEMENT ON ALL LOTS FOR A TOTAL OF 8.0' UNLESS OTHERWISE NOTED.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF DUPAGE }

THIS IS TO CERTIFY THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED BY HAGENSEE SURVEYING, L.L.C. UNDER THE DIRECTION OF AN ILLINOIS PROFESSIONAL LAND SURVEYOR AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.

GIVEN UNDER MY HAND AND SEAL AT DOWNERS GROVE, ILLINOIS THIS 29th DAY OF

MARCH A.D. 2000
BY: *David P. Withar*
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3357



LOT SVY	6-14-96 GEF
PERMIT	4-16-98 DPW
SPOT	6-23-98 SDR
FINAL	6-10-99 P.V.

Mar 25, 2000 - 10:20 Dwg Name: D:\Permits7.dwg Updated By: Julie

Hagensee Surveying, LLC

3050 Finley Road, Suite 302
Downers Grove, IL 60515
(630) 369-1000
FAX (630) 369-1374

REVISIONS

6-09-99 G. SURVEY P.V.
03-25-00: UPDATE - JAM

LEGEND

- + - FOUND IRON PIPE (F.I.P.)
- T/F - TOP OF FOUNDATION
- T/C - TOP OF CURB
- F/G - FRESH GRADE
- B.S.L. - BUILDING SETBACK LINE
- P.U.A. D.E. - PUBLIC UTILITY & DRAINAGE EASEMENT
- P.U.E. - PUBLIC UTILITY EASEMENT
- U.E. - UTILITY EASEMENT
- 725.0 - EXISTING GRADES
- (725.0) - PROPOSED GRADES

CASLH/H521

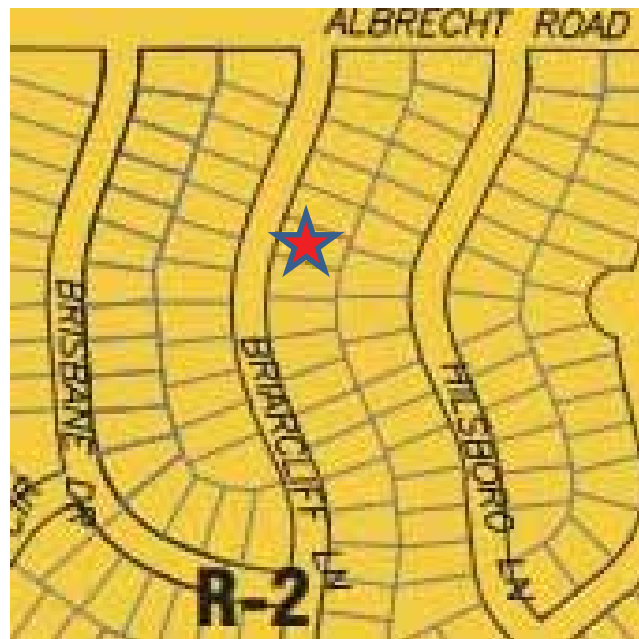
Drawn By: GEF Date: 6-14-96 Job No.: 600-822

Variations for a Privacy Screening Fence at 2840 Briarcliff Lane

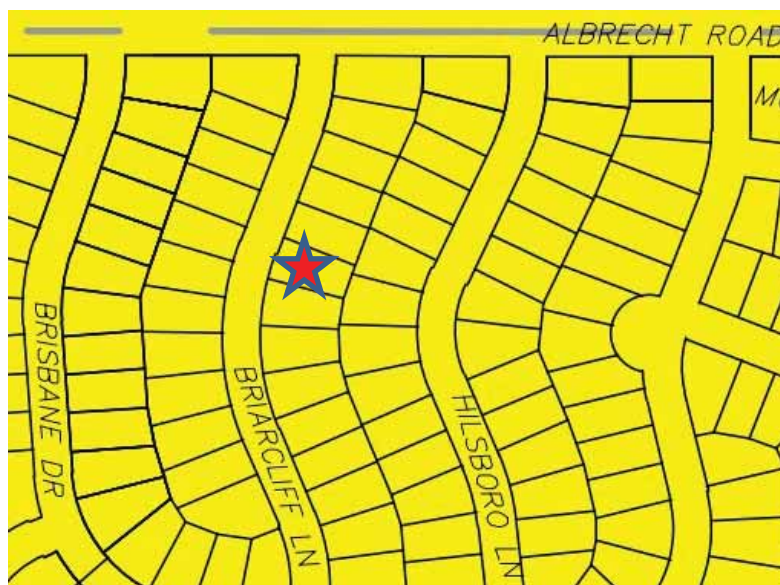


2. EXHIBITS

ZONING MAP



FUTURE LAND USE MAP



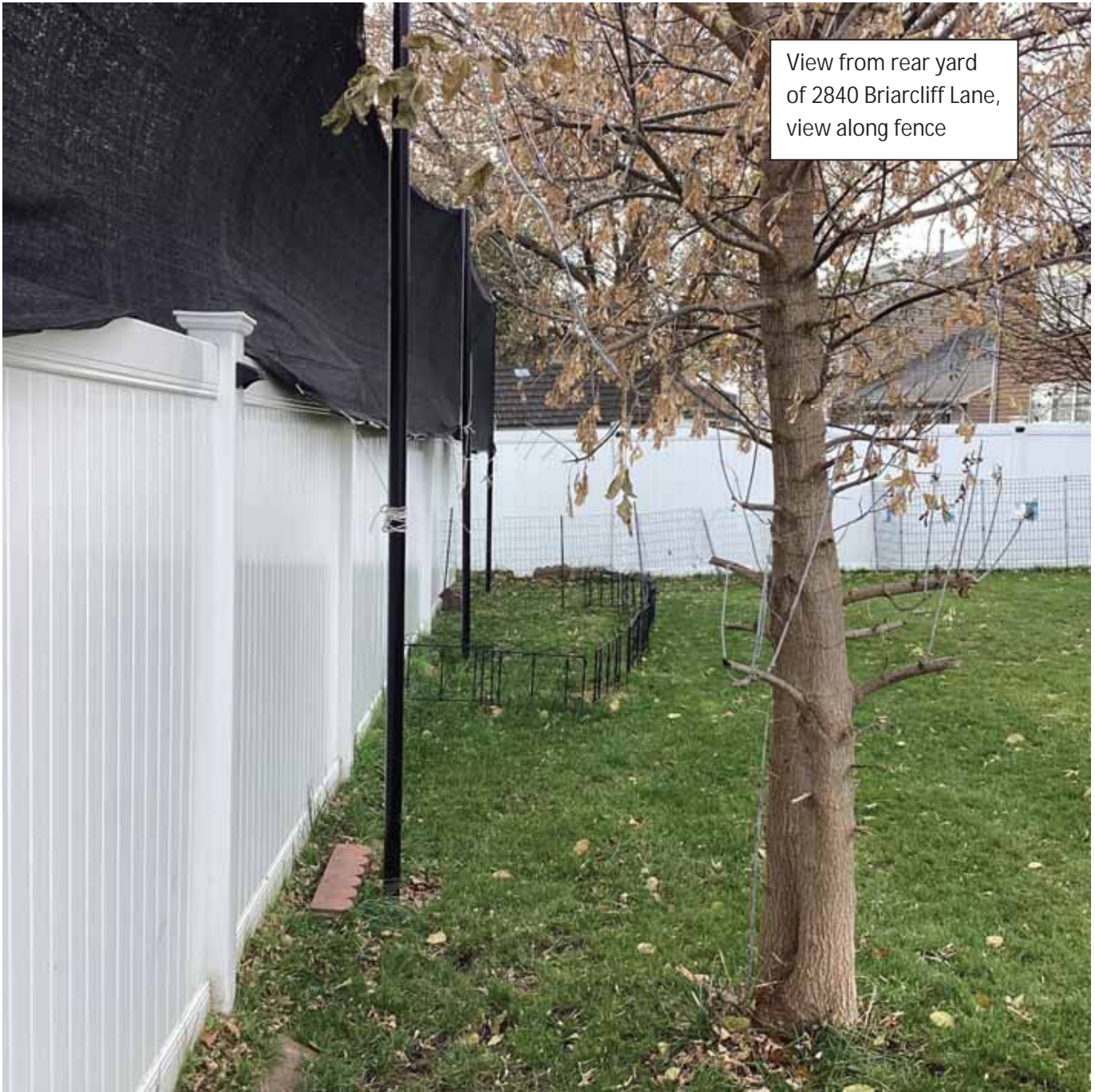
AERIAL PHOTO



PROPERTY PHOTOS

View from rear yard
of 2840 Briarcliff Lane





View from rear yard
of 2840 Briarcliff Lane,
view along fence



Close up view
of material

View of pole
and attachment
method



View from
Hillsboro Lane



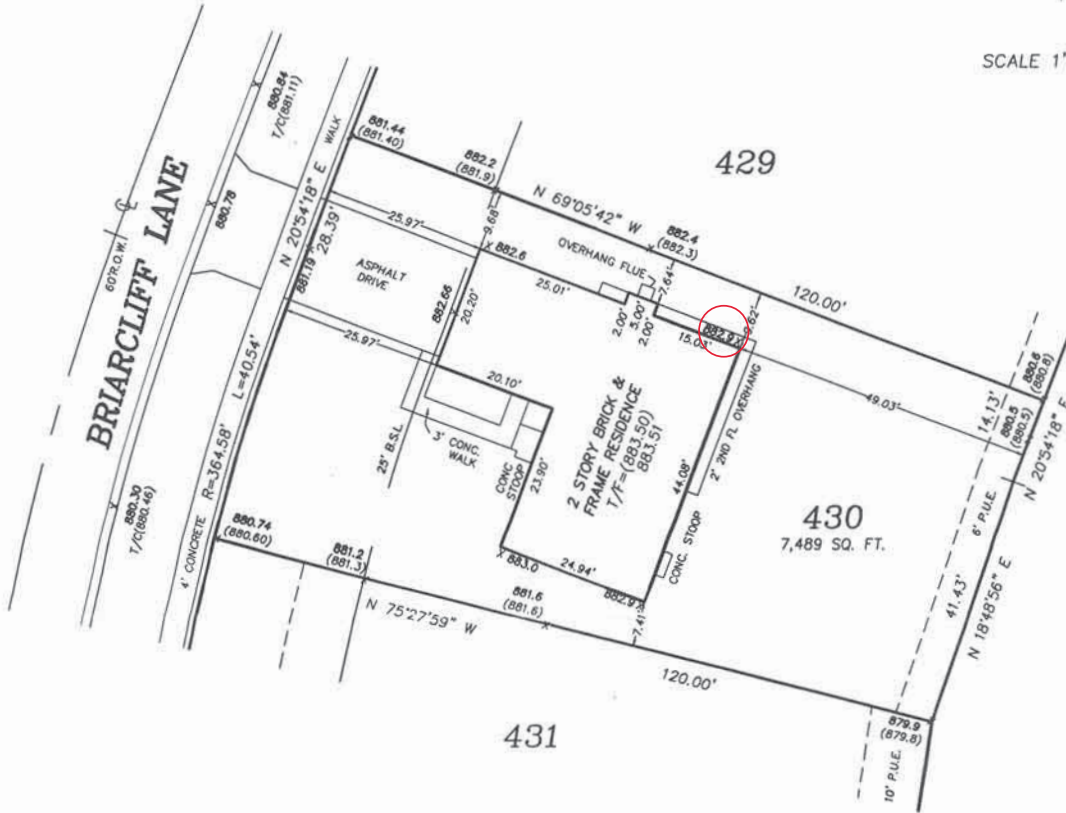
PLAT OF SURVEY

LOT 430 IN CONCORD HILLS AT MEADOWBROOK UNIT 7 BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED ON SEPTEMBER 3, 1996 AS DOCUMENT NO. 96R045156, IN MCHENRY COUNTY, ILLINOIS.



2840 BRIARCLIFF LANE ←

SCALE 1" = 20'



*OK PS
6-22*

NOTE: THE EXISTING GRADING DATA OBTAINED ON NOVEMBER 12, 1998 SHOW CONDITIONS ARE SUCH THAT THERE IS SUFFICIENT DRAINAGE AND THE LOT IS IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED GRADING PLAN.

NOTE: THERE IS A 4.0' SIDE YARD PUBLIC UTILITY EASEMENT ON ALL LOTS FOR A TOTAL OF 8.0' UNLESS OTHERWISE NOTED.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF DUPAGE }

THIS IS TO CERTIFY THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED BY HAGENSEE SURVEYING GROUP, L.L.C., UNDER THE DIRECTION OF AN ILLINOIS PROFESSIONAL LAND SURVEYOR AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.

GIVEN UNDER MY HAND AND SEAL AT DOWNERS GROVE, ILLINOIS THIS 11th DAY OF

June, A.D., 1999

BY: Thomas E. Hagensee
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2419



LOT SVY	6-14-96 GEF
PERMIT	4-16-98 DPW
SPOT	6-23-98 SDR
FINAL	6-10-99 P.V.P.

Jun 23, 1998 - 11:37:53 DWG Name: F:\PROJECTS\576-807\OFFICE\PERMITS\DWG

Hagensee Surveying, LLC
3050 Finley Road, Suite 302
Downers Grove, IL 60515
(630) 369-1000
FAX (630) 369-1374

REVISIONS

6-09-99 G. SURVEY P.V.

LEGEND

- o - FOUND IRON PIPE (F.I.P.)
- T/F - TOP OF FOUNDATION
- T/C - TOP OF CURB
- F/G - FINISH GRADE
- B.S.L. - BUILDING SETBACK LINE
- P.U. & D.E. - PUBLIC UTILITY & DRAINAGE EASEMENT
- P.U.E. - PUBLIC UTILITY EASEMENT
- U.E. - UTILITY EASEMENT
- 725.0 - EXISTING GRADES
- (725.2) - PROPOSED GRADES

Drawn By: GEF Date: 6-14-96 Job No. 600-822

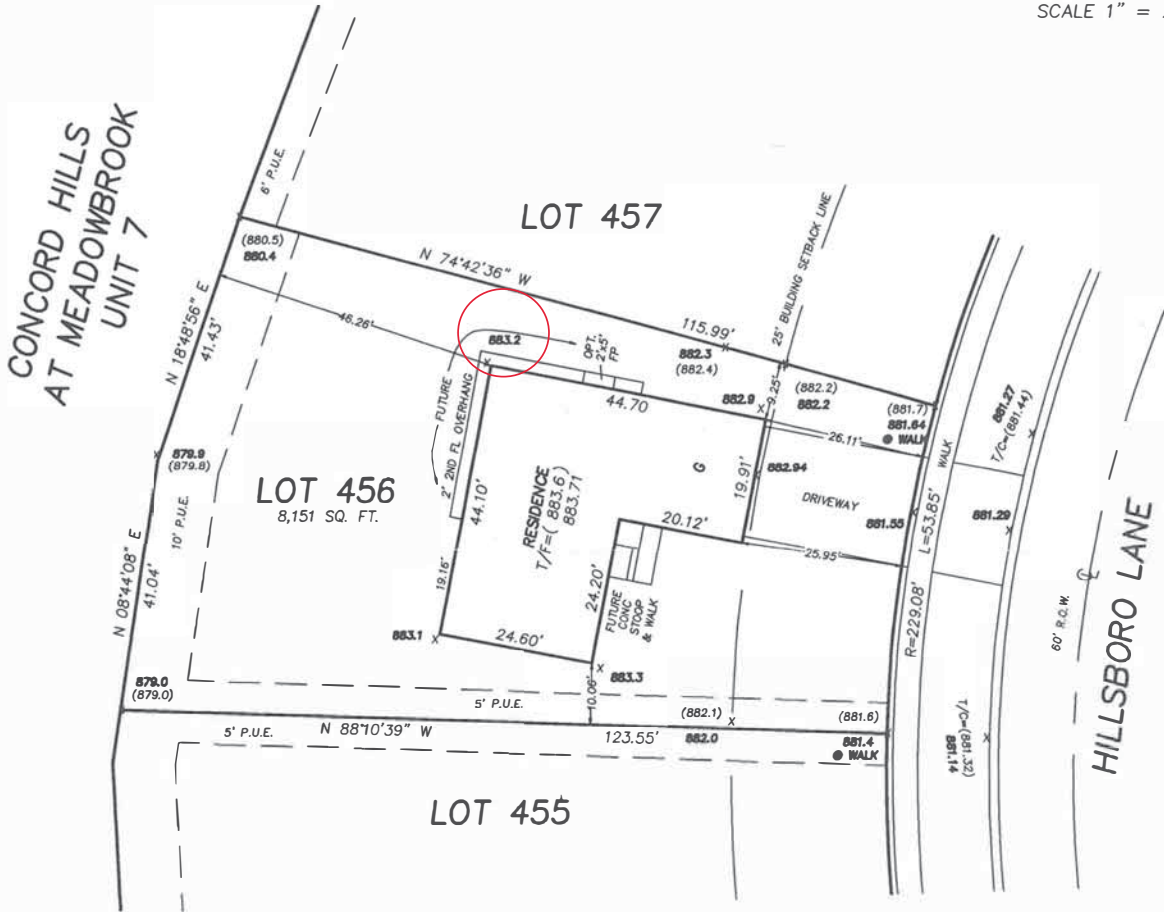
PLAT OF SURVEY

LOT 456 IN CONCORD HILLS AT MEADOWBROOK UNIT 8, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1995 AS DOCUMENT NO. 95R040376, AND CORRECTION CERTIFICATE RECORDED ON APRIL 1, 1996 AS DOCUMENT NO. 96R-015397 IN McHENRY COUNTY, ILLINOIS.

→ 2831 HILLSBORO LANE



SCALE 1" = 20'



OK DS 3-4

THE EXISTING GRADING DATA OBTAINED ON SEPTEMBER 3, 1997 SHOW CONDITIONS ARE SUCH THAT THERE IS SUFFICIENT DRAINAGE AND THE LOT IS IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED GRADING PLAN.

SURVEYOR'S CERTIFICATE

NOTE: THERE IS A 4.0' SIDEYARD PUBLIC UTILITY EASEMENT ON ALL LOTS FOR A TOTAL OF 8.0' UNLESS OTHERWISE NOTED.

STATE OF ILLINOIS }
COUNTY OF DUPAGE }

THIS IS TO CERTIFY THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED BY HAGENSEE SURVEYING GROUP, LTD. UNDER THE DIRECTION OF AN ILLINOIS PROFESSIONAL LAND SURVEYOR AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.

GIVEN UNDER MY HAND AND SEAL AT NAPERVILLE, ILLINOIS THIS 12th DAY OF September, 1997.

BY: *Thomas E. Hagensee*
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2419

LOT SVY	6-4-96 SDR
PERMIT	4-2-97 SDR
SPOT	4-30-97 GEF
GRD SVY	9-04-97 GEF
FINAL	



Sept 04, 1997 - 08:44:54 DWG Name: F:\PROJETS\576-808\OFFICE\DWGS\PERMITS8.DWG

<p>Hagensee Surveying Group, Ltd.</p> <p>1815 Diehl Road, Suite 300 Naperville, IL 60563 (708) 369-1000 FAX (708) 369-1374</p>	<p>REVISIONS</p>	<p>LEGEND</p> <ul style="list-style-type: none"> o - FOUND IRON PIPE (F.I.P.) T/F - TOP OF FOUNDATION T/C - TOP OF CURB F/G - FINISH GRADE P.U. & D.E. - PUBLIC UTILITY & DRAINAGE EASEMENT P.U.E. - PUBLIC UTILITY EASEMENT U.E. - UTILITY EASEMENT 725.0 - EXISTING GRADES (725.2) - PROPOSED GRADES
	<p>Drawn By: SDR Date: 8-4-96 Job No. 576-808</p>	