



PUBLIC MEETING NOTICE AND AGENDA
PLANNING AND ZONING COMMISSION MEETING

October 14, 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 September 16, 2024 Planning and Zoning Commission meeting
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
 - B. Conditional Use for Automotive Service at 9114 Virginia Drive, Suite 111
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 November 18, 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: October 10, 2024

Time:



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING

SEPTEMBER 16, 2024

Call to Order

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

Roll call was answered by Commissioners Siakel, Walker, Murphy, Bolton, and Swanlund. Chairman Esposito was absent, and Commissioner Siakel chaired the meeting in his absence

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

Approval of Meeting Minutes

Acting Chairwoman Siakel asked for a motion to approve the meeting minutes from the July 15, 2024 Planning and Zoning Meeting. Commissioner Swanlund made a motion to accept the meeting minutes, and Commissioner Bolton seconded. Acting Chairwoman Siakel and Commissioners Walker, Murphy, Bolton, and Swanlund voted Aye, No Nays. The motion passed 5-0.

New Business

Conditional Uses for an Automotive Service and Accessory Outdoor Storage of Vehicles at 9100 Trinity Drive.

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

Director Svalenka reviewed the Request for Public Hearing and Commission Action dated September 16, 2024.

Oskar Ex Incorporated is a transportation company based and founded in Illinois in 2015. The business is owned by Mr. Andrii Verbych. The business owns a fleet of sprinter vans, small trucks and large trucks, and specializes in providing expedited overnight deliveries. In October 2023 the company purchased a property in Lake in the Hills at 9100 Trinity Drive and moved their headquarters to the existing building. On July 31, 2024, the Village received a building permit application from design firm Projekt Plus to allow the existing building to be remodeled and expanded to create an indoor garage area that is large enough for the maintenance and repair of the truck fleet.

The subject property is located within the B-4 Commercial 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, Mr. Arek Jarog from Projekt Plus has requested approval of this conditional use on behalf of the owner.

As part of the business, the owner needs outdoor space to park trucks. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code, the "outdoor storage of vehicles accessory to principal use" is allowed in the B-4 zoning district only with the approval of a conditional use. Therefore, Mr. Jarog has also requested approval of this second conditional use.



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING

SEPTEMBER 16, 2024

Director Svalenka reviewed his analysis, findings, and recommended conditions and action. He recommended approval of the conditional use for an automotive service and Accessory Outdoor Storage of Vehicles at 9100 Trinity Drive with the following six conditions, per the findings noted in the staff report dated September 16, 2024.

1. All vehicle repairs must take place inside the building on the subject property and no exterior vehicle repairs shall be allowed.
2. Vehicles in disrepair may not be stored outside the building for longer than 30 days.
3. Landscaped screening must be provided to meet the intent of the requirements in Section 26.10-2 of the Zoning Code, subject to review and approval by the Director of Community Development.
4. The applicant must obtain a Construction Impact Review (Health Review) from the McHenry County Health Department and provide a copy of the Health Department approval to the Village prior to the issuance of a building permit.
5. Civil engineering plans shall be submitted to the Village for review and shall be subject to final approval by the Village Engineer prior to the issuance of a building permit.
6. The newly constructed building areas shall include decorative exterior elevations consisting of a minimum of 33 percent brick, stone, or other masonry material, in compliance with Section 24.16(P) of the Municipal Code.

The applicant, Arkadiusz Jarog of Projekt Plus Inc., and the property owner, Andrii Oksluta, were sworn in and spoke at the podium. Mr. Jarog presented to the Commission that they plan to do major interior remodeling, raise the roof to make modifications to accommodate the trucks, and restripe the existing parking so it is ADA compliant. Mr. Jarog responded to a commissioner's inquiry of the fleet size, which is comprised of 20 box trucks and three semi-trucks, which are currently being parked offsite. He also clarified that there is going to be maintenance on the trucks, and not trailers.

There being no further public comments or discussion, Acting Chairwoman Siakel asked for a motion to close the public hearing. Commissioner Swanlund made a motion to close the public hearing, and Commissioner Bolton seconded. Acting Chairwoman Siakel, and Commissioners Walker, Murphy, Bolton, and Swanlund voted Aye, No Nays. The motion passed 5-0. Acting Chairwoman Siakel closed the public hearing at 7:40 p.m.

Commissioner Bolton made a motion to recommend approval of the requested Conditional Use Permits to allow Oskar Ex Incorporated to operate an automotive service use with accessory outdoor vehicle storage on the property at 9100 Trinity Drive, per the findings and with the six conditions noted in the staff report dated September 16, 2024. Commissioner Murphy seconded the motion. On a roll call vote Commissioners Walker, Murphy, Bolton, Swanlund and Acting Chairwoman Siakel voted Aye. No Nays. Motion to approve passed 5-0.



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING

SEPTEMBER 16, 2024

Old Business

None

Item for Discussion

None

Staff Report

Director Svalenka reported that the Village Board was presented with and approved the petition for the Development Plan and Conditional Use for Outdoor Storage of Vehicles at 8907 South Route 31. He also announced that Commissioner Dixon moved out of the Village. Therefore, President Bogdanowski is accepting applications for a new commissioner, and recommendations are welcome.

Trustee Liaison

Trustee Dustin spoke about the new Starbucks under construction at 4501 W. Algonquin Road. Director Svalenka indicated that the developer is anticipating a late October/November opening. He also answered the inquiry from Commissioner Bolton regarding the former Bank of America building located at the corner of Randall and Algonquin Roads. The easement is still being negotiated.

Adjournment

A motion to adjourn the meeting was made by Commissioner Walker and seconded by Commissioner Murphy. Acting Chairwoman Siakel, and Commissioners Walker, Murphy, Bolton and Swanlund voted Aye, No Nays. The motion passed 5-0.

There being no further business to discuss, the meeting of the Lake in the Hills Planning & Zoning Commission was adjourned at 7:45 p.m. The next Planning and Zoning Commission meeting is scheduled for October 14, 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: October 14, 2024

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, in 2023 the applicant 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.

Expiration of 2023 Variation

The Planning & Zoning Commission conducted a public hearing on May 15, 2023 to consider the requested variation from Section 7.4. The Commission recommended approval of the request by a vote of 7-0. Next, the Committee of the Whole reviewed the requested variation on May 23, 2023. Finally, on May 25, 2023 the Village President and Board of Trustees adopted Ordinance number 2023-22 granting the requested variation. Pursuant to Section 23.10 of the Zoning Code, an ordinance approving a variation shall be valid for no longer than one year from the date of adoption unless a building permit has been issued for the work that required the variation. Unfortunately, the applicant has not yet obtained a building permit for the proposed addition. As a result, Ordinance number 2023-22 expired on May 25, 2024 and is no longer in force.

The Wisniewski family still intends to renovate and construct additions onto the front and rear of their residence. Therefore, the applicant has submitted a new application requesting approval of the same 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 again 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 October 14, 2024.



RECEIVED

AUG 22 2024

Village of Lake in the Hills
Community Development

Village of Lake in the Hills Development and Zoning Application

Date: 8/22/24

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: (same as above)

City/State/Zip: (same as above)

Phone Number: _____

Email: _____

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		\$500 + \$10/ac over 2 ac	I	Yes	
Rezoning		\$500 + \$10/ac over 2 ac	J	Yes	
Text Amendment		\$500	K	Yes	
Variance – Residential	X	\$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					\$100
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					Already on file


 Property Owner Signature


 Applicant Signature

8/22/24
 Date

8/22/24
 Date

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

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

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

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.

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.

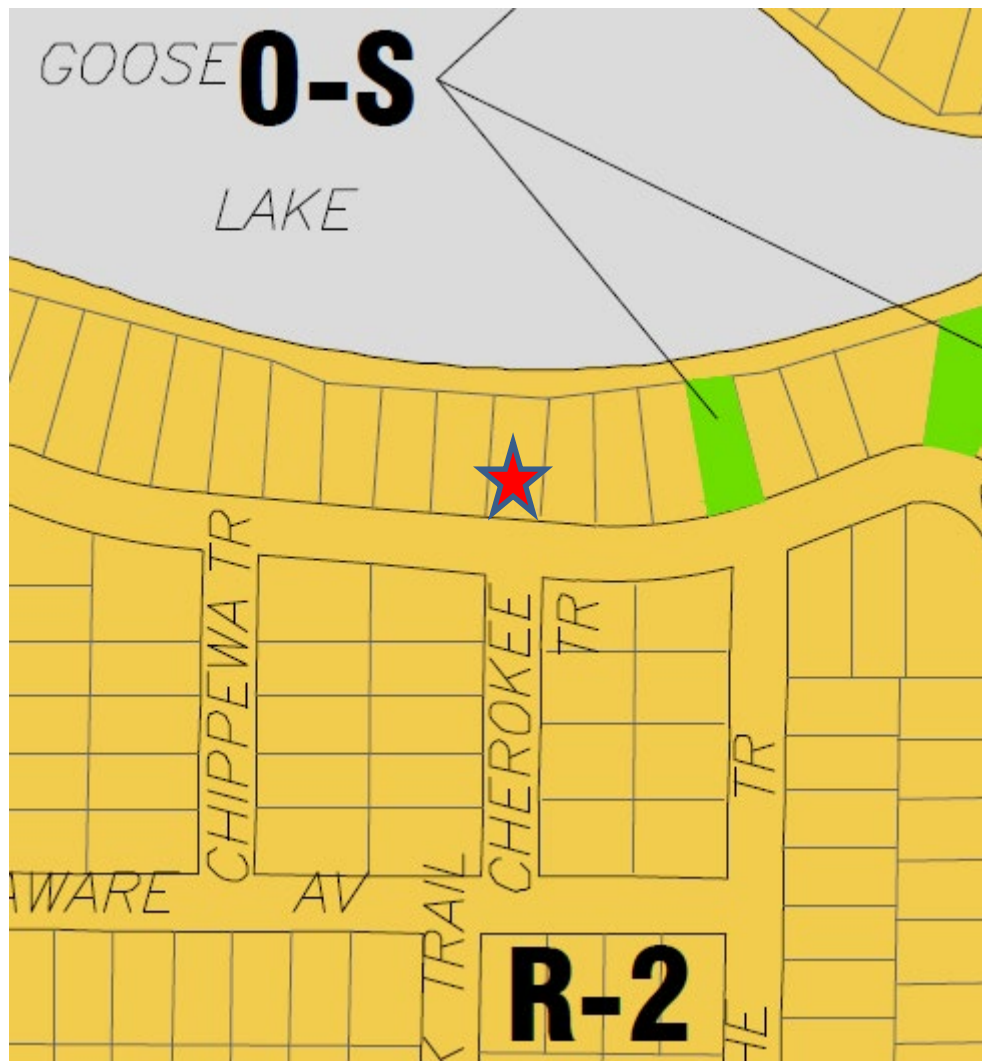
Submit 1 Full Size (minimum 24" x 36") hard copy and a full size PDF of each required plan.

Variation for an Attached Garage at 332 Hiawatha Drive



2. EXHIBITS

ZONING MAP



FUTURE LAND USE MAP



AERIAL PHOTO

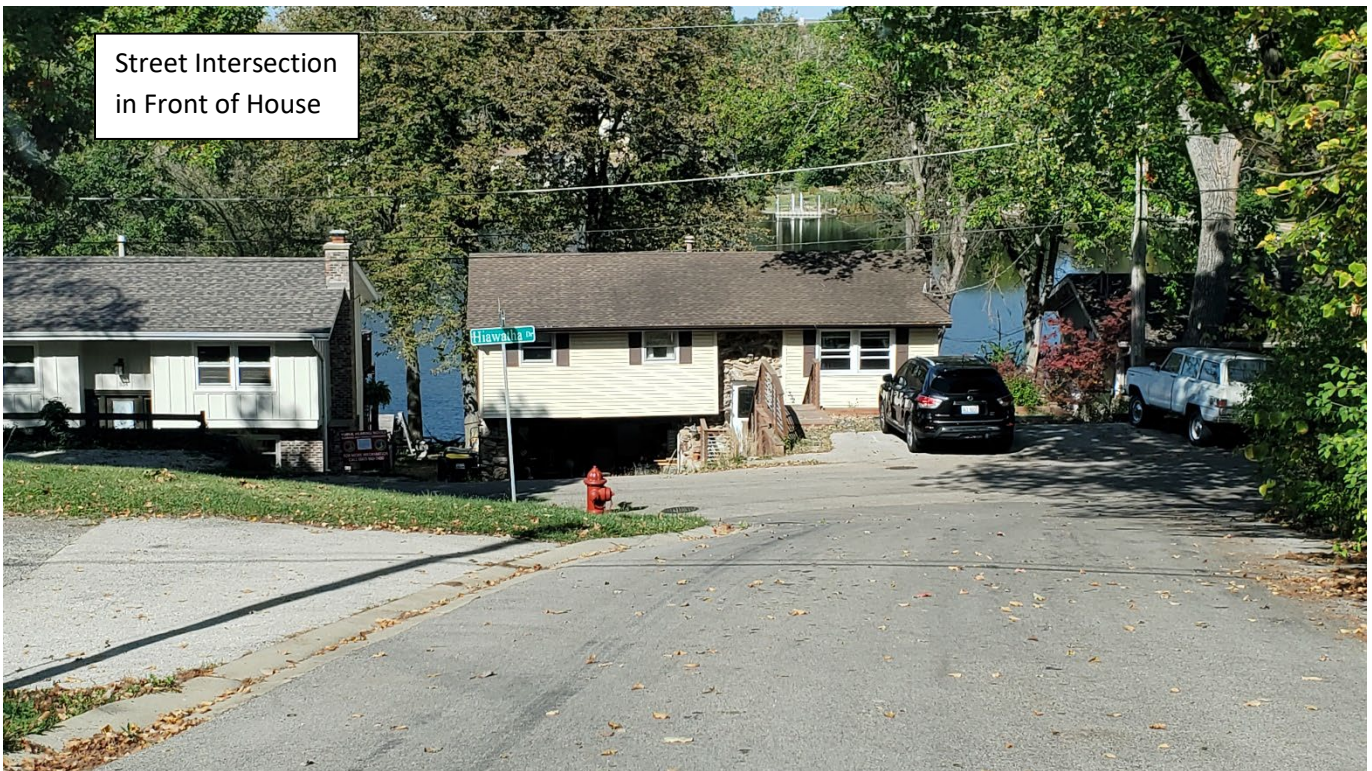


PROPERTY PHOTOS

Front of House
with Driveway

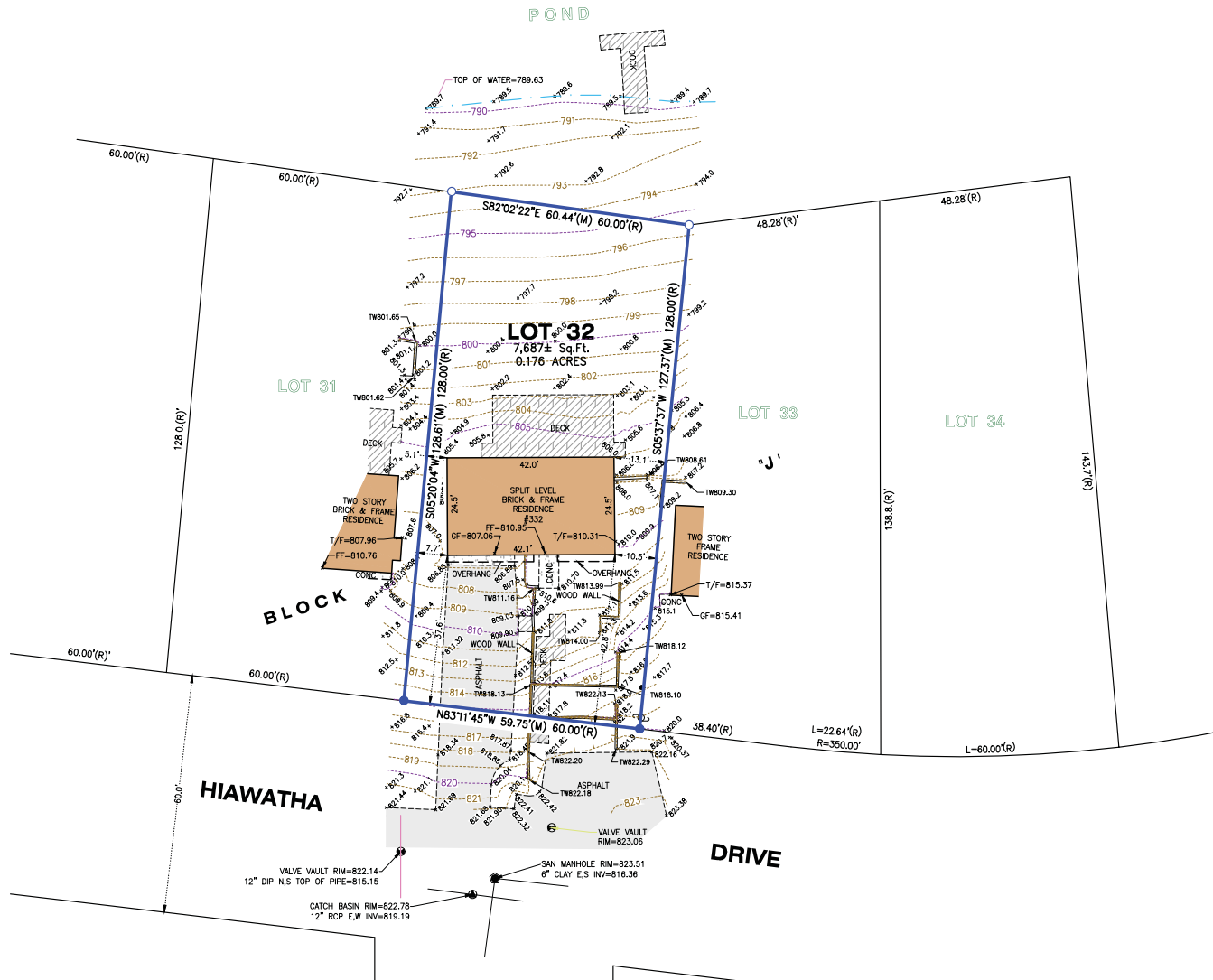


Street Intersection
in Front of House

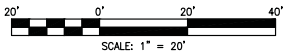


BOUNDARY AND TOPOGRAPHIC SURVEY

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.



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: IL 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.

SITE BENCHMARK
ARROW BOLT ON FIRE HYDRANT
ELEV=830.78 NAVD88

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



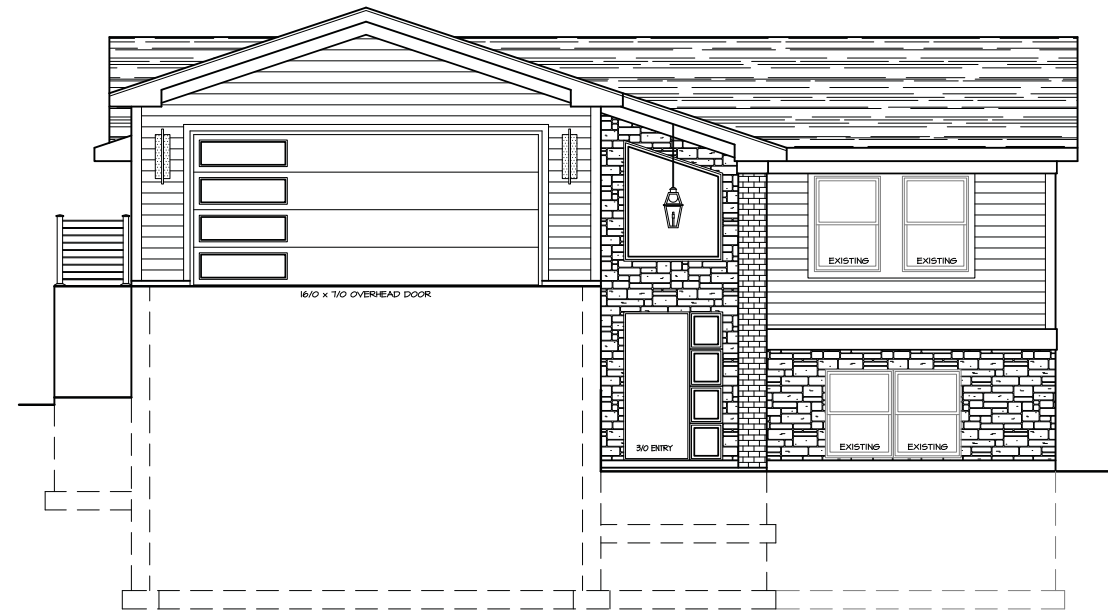
STATE OF ILLINOIS)) S.S.
COUNTY OF MCHENRY)

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

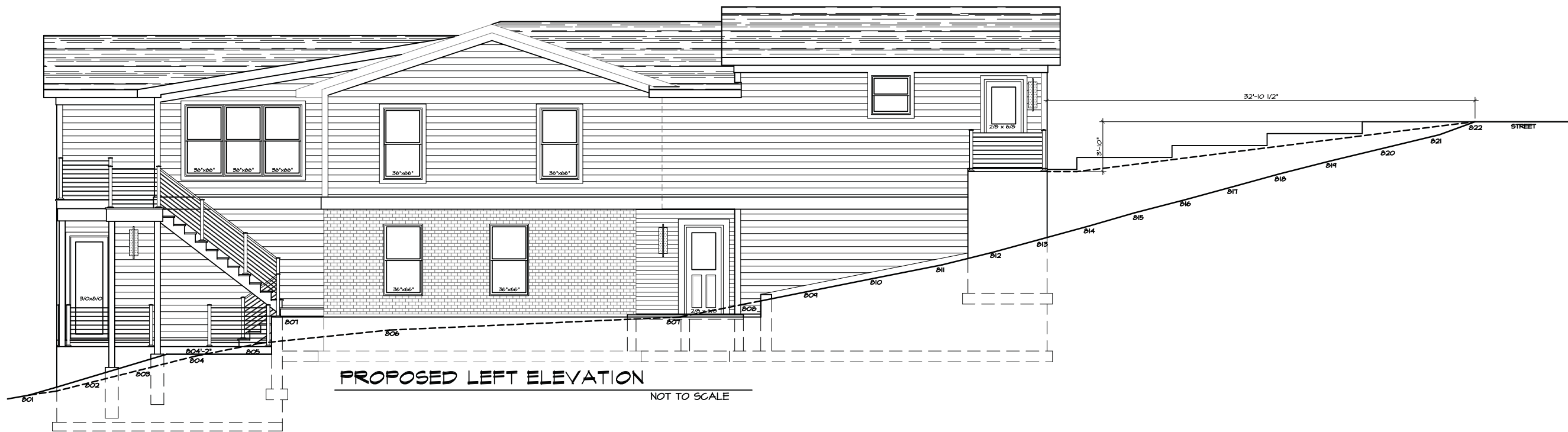
By: Matthew P. Grimmer
Illinois Professional Land Surveyor No. 3857

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

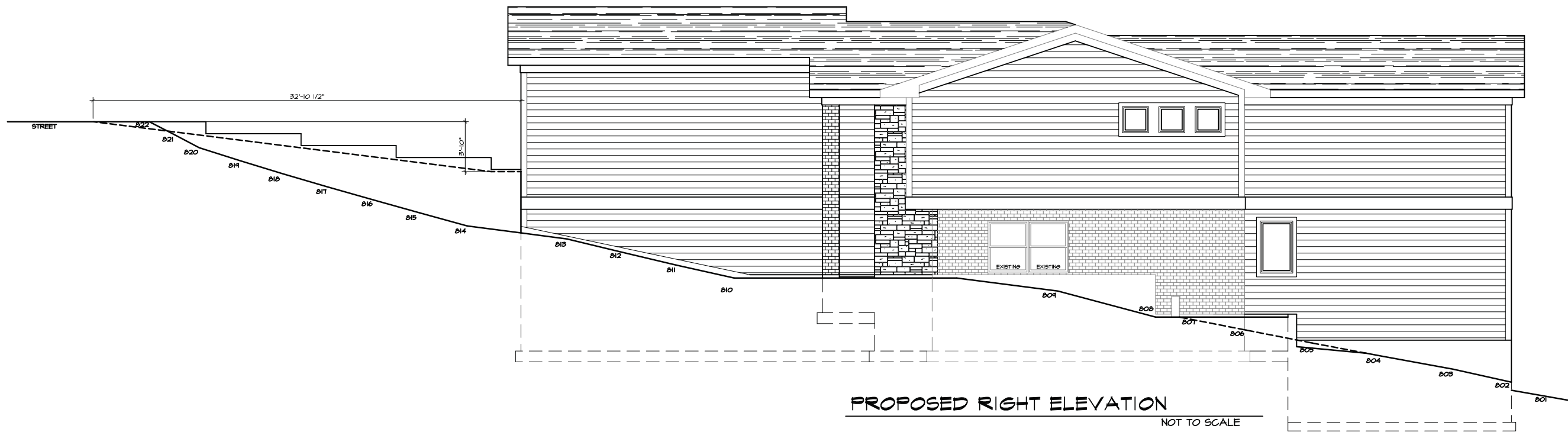
COPYRIGHT 2023

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

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

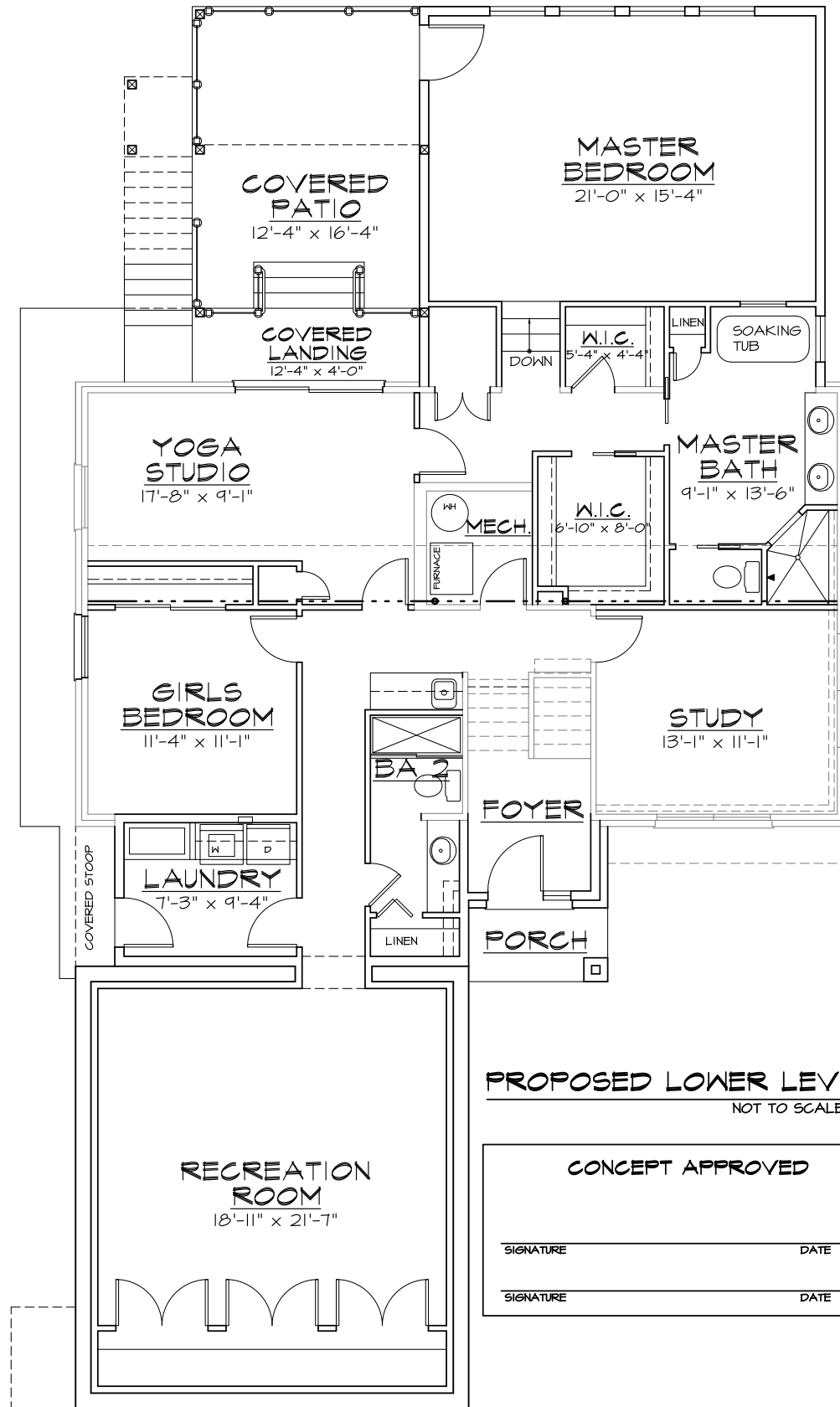
DRAWN BY: KNS

ELEVATIONS

A3

COPYRIGHT 2023

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

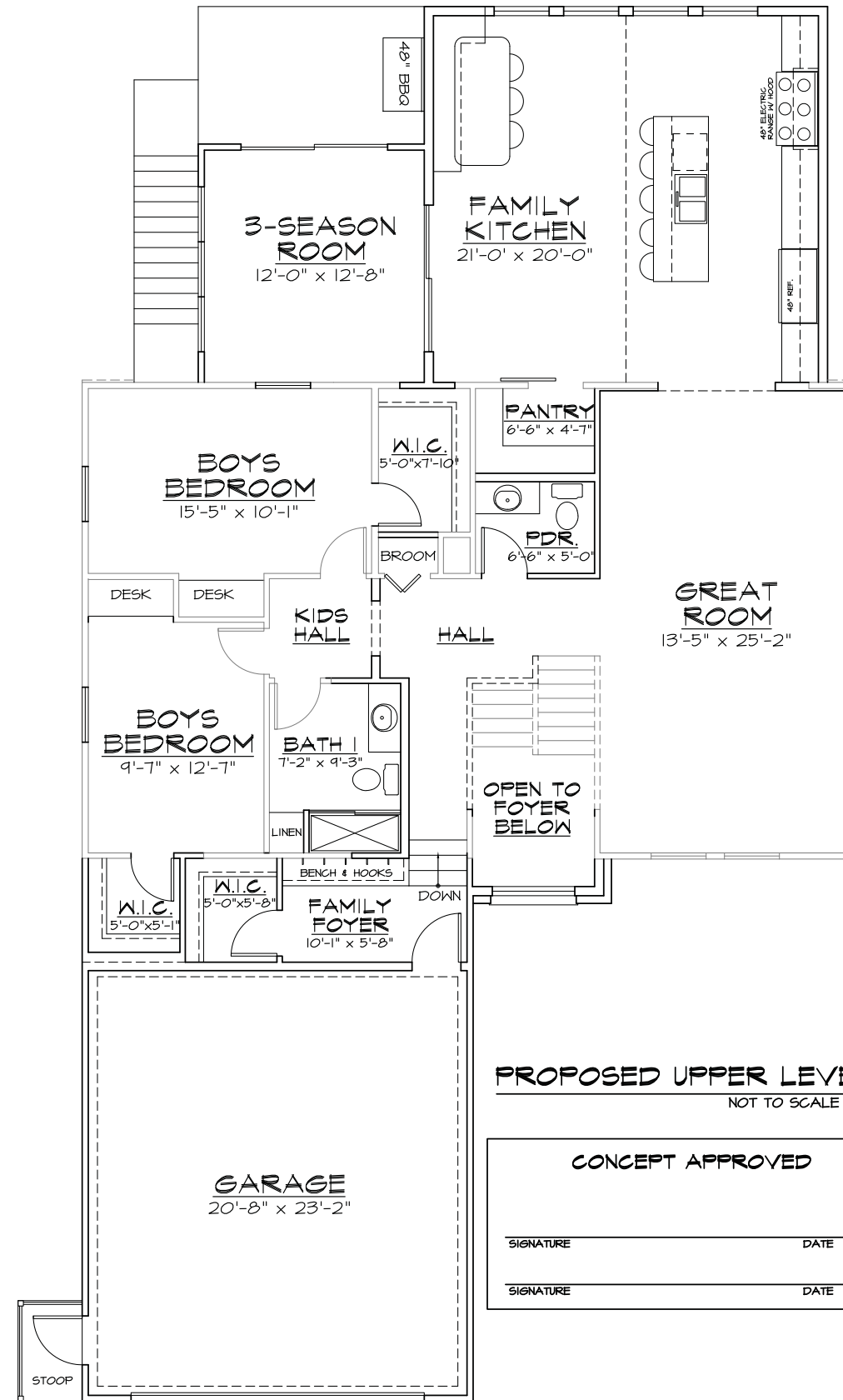


PROPOSED LOWER LEVEL
NOT TO SCALE

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



REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION



PLANNING AND ZONING COMMISSION

MEETING DATE: October 14, 2024

DEPARTMENT: Community Development

SUBJECT: Conditional Use for Automotive Service at 9114 Virginia Drive, Suite 111

EXECUTIVE SUMMARY

General Information

Requested Action: Conditional Use Permit to allow an automotive service use.

Owner: 9114 Virginia LLC / Riggsby Rental of the Riggsby Family LLC

Applicant: Top Tier Tints LLC / Francisco Gomez

Purpose: To allow an automobile tinting business on the subject property

Location and Size: 9114 Virginia Drive, Suite 111 / 2,093 square-foot tenant space on a property with an area of approximately 3.01 acres.

Zoning and Land Use:

Site:	B-4 Commercial Business – multi-tenant retail building
North:	M-1 Limited Manufacturing – Quarry lands
East:	M-1 Limited Manufacturing – Manufacturing
South:	M-1 Limited Manufacturing – Quarry lands B-4 Commercial Business – multi-tenant industrial building
West:	M-1 Limited Manufacturing – Quarry lands
Future Land Use:	Commercial

Background

Top Tier Tints is a business that applies window tinting to vehicles. The business is owned by Mr. Francisco Gomez, who has signed a lease to operate the business in Suite 111 of the multi-tenant retail building at 9114 Virginia Drive. The service provided by the business meets the definition of “automotive service” in the Zoning Code. The subject property is located within the B-4 Commercial 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, Mr. Gomez has requested approval of this conditional use.

Analysis – Conditional Uses

Per Section 24.6 of the Zoning Code, there are seven factors that shall be considered by the Planning and Zoning Commission regarding how they are relevant to the specific conditional use being requested. The applicant has indicated on his submitted application form how he believes these factors are met. Staff has provided a detailed analysis below of all factors for the request.

In the review of whether the proposed automotive window tinting business is necessary or desirable to provide a service or facility which is in the interest of public convenience and will contribute to the general welfare, the applicant states on the submitted application form that window tinting not only enhances the appearance of vehicles but also reduces the sun damage and heat inside vehicles. Therefore, staff finds that the facility would service the needs of the general public, and would contribute to the general welfare.

Next, staff has reviewed whether the proposed automotive window tinting business will be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity. The Village previously approved conditional use permits to allow other automotive service businesses to operate in various tenant spaces within the building on the subject property, including JD Auto Specialists and Enhanced Autowerks. Both of those businesses perform much more intensive services than window tinting, such as oil changes, transmission service, brake repair, etc. These adjacent businesses have not been detrimental to general welfare, and staff finds that the proposed window tinting business would operate similarly while having much less of a chance to be detrimental to the public welfare. Therefore, staff finds that the proposed automotive window tinting business generally will not be injurious to general welfare or property values in the vicinity. However, if vehicle tinting work were to be performed outside the building on the subject property, it might cause visual blight that would negatively affect properties values in the vicinity. Therefore, if the Planning and Zoning Commission recommends approval of the conditional use, staff suggests that the recommendation include the condition that all automotive service work must take place inside the building and no exterior automotive service work shall be allowed on the subject property.

Third, staff has reviewed whether the establishment of the automotive window tinting business will impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The properties directly to the north, west and south are quarry lands, which will be unaffected by the proposed use. The property directly to the east is already developed with a manufacturing business, which staff finds to be a more intensive use than the proposed window tinting work. The property just to the southeast is already developed with a multi-tenant building which includes a mix of similar commercial businesses. Staff finds that the proposed uses will not affect the continued occupancy of the adjacent buildings. Therefore, staff finds that the establishment of the proposed uses will not impede the normal and orderly development and improvement of the surrounding property.

In the review of the extent to which the conditional use is harmonious and compatible with the goals and objectives of the Village's comprehensive planning documents, staff notes that the future land use map calls for commercial development on the subject property and the proposed automotive window tinting business is a commercial use. As such, staff finds that the proposed use will be compatible with the comprehensive plan.

Next, staff has considered the amount of traffic congestion or hazards, if any, that may occur as a result of the proposed conditional use, as well as the extent and adequacy of pedestrian and vehicular access and circulation. All pedestrian pathways, vehicular drives, and parking lots are already in place on the subject property and function well without any congestion or hazards. The proposed business would generate a similar small amount of traffic as other existing businesses on the property. Therefore, staff finds that the automotive window tinting business will not result in additional traffic congestion or hazards.

In review of the extent that the conditional use can be adequately served by essential public facilities and services and private utilities, staff notes that all necessary utilities are already in place. Public sewer and water service is not available at the subject property. Instead, the property is currently served by a private well and private septic system. The Village is not aware of any issues with these systems, and staff notes that the proposed window tinting work will not require any unusual utility services. Other utilities such as gas and electrical are already in place, and other public services such as police and fire protection services are already in place.

Finally, staff has examined whether the proposed use will comply with the regulations and conditions specified in the Village's codes for such uses. Staff does not have record of any code violations in the applicant's tenant space on the subject property. The applicant has committed on the submitted application forms to follow all Village regulations and to maintain a high standard of operation. Therefore, staff generally finds that the proposed use will comply with the requirements of the code.

Findings - Summary, Conditional Use

Based on the analysis noted above, staff offers draft findings that support the approval of the requested conditional use, subject to compliance with one condition. 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, Conditional Use

The commissioners shall arrive at findings relevant to the conditional use request. There are seven review factors listed in the Zoning Code that need to be addressed by the applicant. Below are the seven criteria and staff findings for each based on the application:

1. The Planning and Zoning Commission may recommend and the Board of Trustees shall find that the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community: *The requested conditional use on the property at 9114 Virginia Road, Suite 111 is necessary or desirable to provide a service or a facility which is in the*

interest of public convenience and will contribute to the general welfare of the neighborhood or community, in that automotive window tinting not only enhances the appearance of vehicles but also reduces the sun damage and heat inside vehicles.

2. The Planning and Zoning Commission may recommend and the Board of Trustees shall find that the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity: *The requested conditional use will not be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity, in that the proposed automotive service use is similar to existing adjacent uses that are not detrimental, subject to the condition that all automotive service work must take place inside the building and no exterior automotive service work shall be allowed on the subject property.*
3. The Planning and Zoning Commission may recommend and the Board of Trustees shall find that the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district: *The requested conditional use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district in that the surrounding properties to the north, south and west are used as quarries, and the existing developed properties to the east and southeast will be unaffected by the proposed use.*
4. The Planning and Zoning Commission and the Board of Trustees shall consider the extent to which the conditional use is harmonious and compatible with the goals and objectives of the Village's comprehensive planning documents: *The requested conditional use is harmonious and compatible with the goals and objectives of the Village's comprehensive planning documents in that the automotive service use is commercial in nature and the Future Land Use Map calls for commercial development on the subject property.*
5. The Planning and Zoning Commission and the Board of Trustees shall consider the amount of traffic congestion or hazards, if any, that may occur as a result of the conditional use, as well as the extent and adequacy of pedestrian and vehicular access and circulation: *The requested conditional use will not create traffic congestion or hazards in that the proposed automotive window tinting business will generate a similar amount of traffic as previous and current businesses on the property, and adequate pedestrian access will be provided for the needs of the business.*
6. The Planning and Zoning Commission and the Board of Trustees shall consider the extent that the conditional use can be adequately served by essential public facilities and services, and by private utilities: *The requested conditional uses can be adequately served by the existing private well and septic systems, can be adequate served by public utilities that already serve the property, and can be adequately served by existing police and fire protection services.*
7. The Planning and Zoning Commission may recommend and the Board of Trustees shall find that the proposed use will comply with the regulations and conditions specified in this Zoning Code for such use, and with the stipulations and conditions made a part of the authorization granted by the Board of Trustees: *The requested conditional use is anticipated to comply with the applicable regulations of the Village's code.*

ATTACHMENTS

1. Application
2. Exhibits

RECOMMENDED ACTION

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

A motion to recommend approval of the requested Conditional Use Permit to allow Top Tier Tints LLC to operate an automotive service use on the property at 9114 Virginia Drive, Suite 111, per the findings and with the condition noted in the staff report dated October 14, 2024.

Staff recommends that the motion noted above be subject to compliance with the following condition:

1. All automotive service work must take place inside the building and no exterior automotive service work shall be allowed on the subject property.



2092122



PLANNING & ZONING APPLICATION

Property Information

Common street address: 9114 Virginia Rd Suite 111

PIN (Property Index Number): 19-22-100-014

Current Zoning: B-4 Proposed Zoning: B-4 Conditional

Current Use: Automotive Repair Proposed Use: Automotive Tint Shop

Is the request consistent with the Comprehensive Plan? Yes

Number of Acres: 2.0935F 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): Attached

Property Owner Information

Name(s): Riggsby Family LLC (mark Riggsby)

Business/Firm Name (if applicable): Riggsby Family LLC

Address: 460 Jennings Dr

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

Phone Number: 815-322-3716

Email: Judy@Riggsby.com

Applicant Information

Name(s): Francisco (Frank) Gomez

Business/Firm Name (if applicable): Top Tier Tints LLC

Address: 720 Scott St.

City/State/Zip: Algonquin, IL, 60102

Phone Number: 224 219 7619

Email: TaptierTintsIL@gmail.com

Appendix I Conditional Use

Conditional Use Applying For: **Automotive window tint/training center at 9114 S Virginia Rd, Unit 111, Lake in the Hills, IL.**

Standards and Findings of Facts

Per Section 24.6 of the Zoning Ordinance

Before recommending any Conditional Use, the Planning and Zoning Commission and the Board of Trustees shall consider the following factors and how they are relevant to the specific conditional use being requested.

1. That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will it contribute to the general welfare of the neighborhood or community? **Explain how this standard is met.**

Our window tint shop provides a valuable service to the community by enhancing the appearance, comfort, and privacy of vehicles. Additionally, window tinting helps protect vehicle interiors from sun damage and reduces heat inside vehicles, which benefits customers during the hot summer months. Our business will also contribute to the local economy by creating jobs and attracting customers to the area.

2. That the proposed use, under the circumstances of the particular case, will not be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity. **Explain how this standard is met.**

The window tint shop will operate safely within the guidelines of the law and will not pose any health or safety risks to the surrounding community. We ensure that our services comply with all vehicle tint regulations, and the nature of our business does not generate any hazardous waste, excessive noise, or air pollution. Furthermore, our business is unlikely to impact nearby property values negatively; in fact, the shop will enhance the local area by improving the aesthetics of vehicles and providing a well-maintained facility.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. **Explain how this standard is met.**

The tint shop is compatible with the surrounding commercial and residential areas. Our business will complement other automotive services in the area and is a natural addition to this part of the village. The shop will not hinder the development or improvement of neighboring properties, as our business is low-impact, well-maintained, and provides an attractive storefront.

Appendix I
Conditional Use

4. The extent to which the conditional use is harmonious and compatible with the goals and objectives of the Village's comprehensive planning documents. **Explain how this standard is met.**

Our business aligns with the village's long-term goals for the area by supporting local economic growth and providing a service that meets the needs of residents. The tint shop will improve vehicle sustainability by reducing heat inside cars, which can help lower air conditioning use. Our business will also enhance the visual appeal of the community by promoting well-maintained, professional services.

5. The amount of traffic congestion or hazards, if any, that may occur as a result of the conditional use, as well as the extent and adequacy of pedestrian and vehicular access and circulation. **Explain how this standard is met.**

The shop is located on South Virginia Road, a well-maintained road with moderate traffic, ensuring easy access to our facility. The area already accommodates various commercial businesses, so our customer flow, which will be appointment-based, won't cause any significant increase in traffic congestion. There is ample parking available in front of our unit, and the road infrastructure, including access points and sidewalks, ensures safe entry and exit for both vehicles and pedestrians. The proximity to Randall Road also provides easy access for drivers from surrounding areas like Algonquin and Lake in the Hills, making our location ideal without creating additional strain on local roads.

6. The extent that the conditional use can be adequately served by essential public facilities and services, and by private utilities. **Explain how this standard is met.**

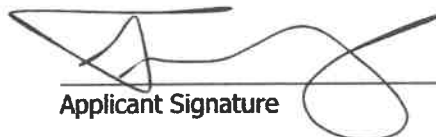
Our location at 9114 S Virginia Rd is fully serviced by all necessary utilities, including water, electricity, and public services. The area is already developed with existing infrastructure to support our business operations without the need for any significant changes. Emergency services, public utilities, and waste management are readily available, and we do not expect any interruptions in service or need for special provisions.

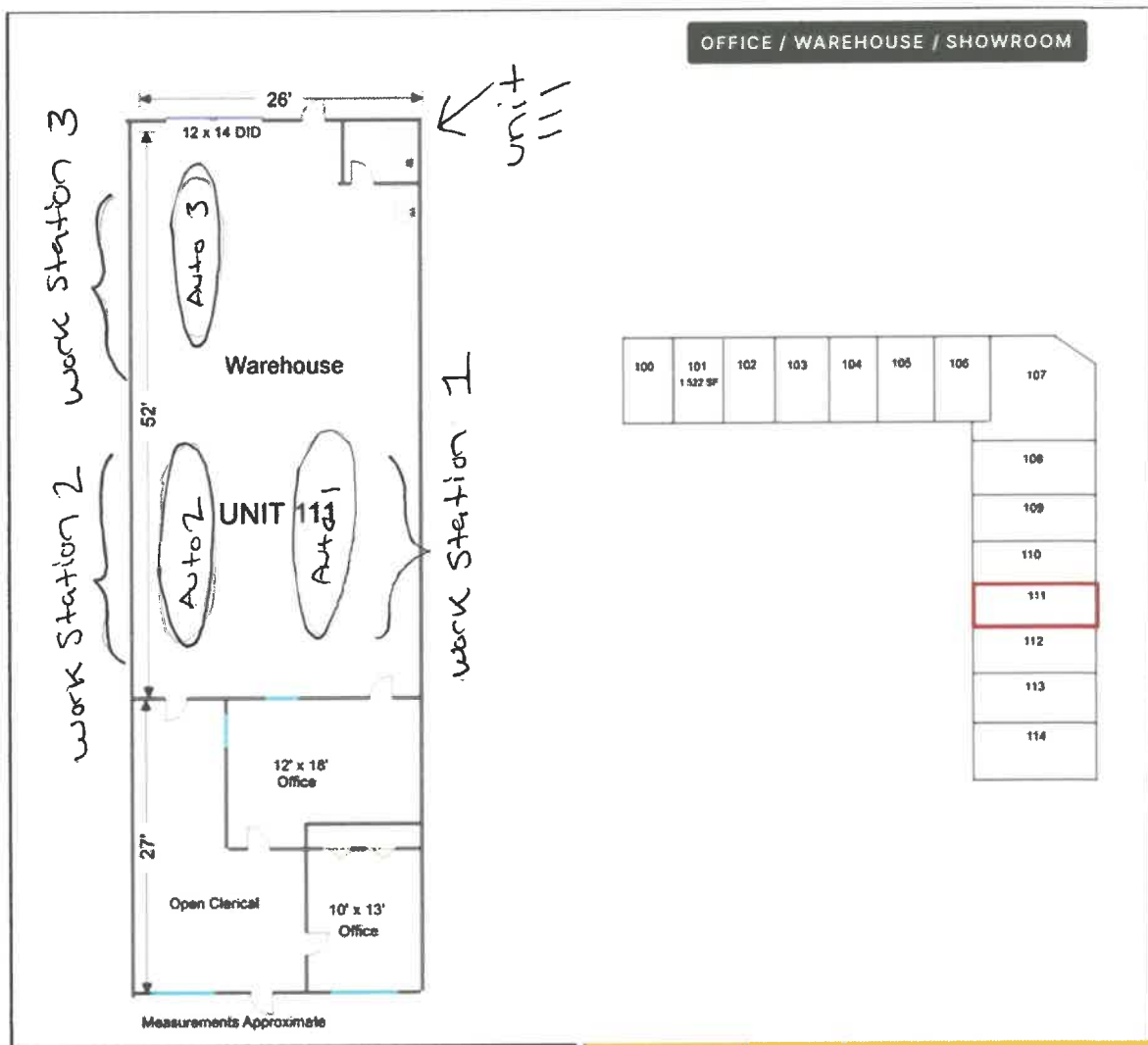
7. That the proposed use will comply with the regulations and conditions specified in this Zoning Code for such use, and with the stipulations and conditions made a part of the authorization granted by the Board of Trustees. **Explain how this standard is met.**

We are committed to following all village ordinances and regulations. Our business will comply with the zoning requirements for commercial properties in the area, and we are prepared to meet any conditions set by the Board of Trustees. We take pride in maintaining a high standard of operation and will work closely with village authorities to ensure our business runs smoothly within the legal framework.

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

(Lease attached)

_____ Property Owner Signature	_____ Date
 Applicant Signature	09/11/24 Date



Conditional Use for Automotive Service at 9114 Virginia Drive, Suite 111

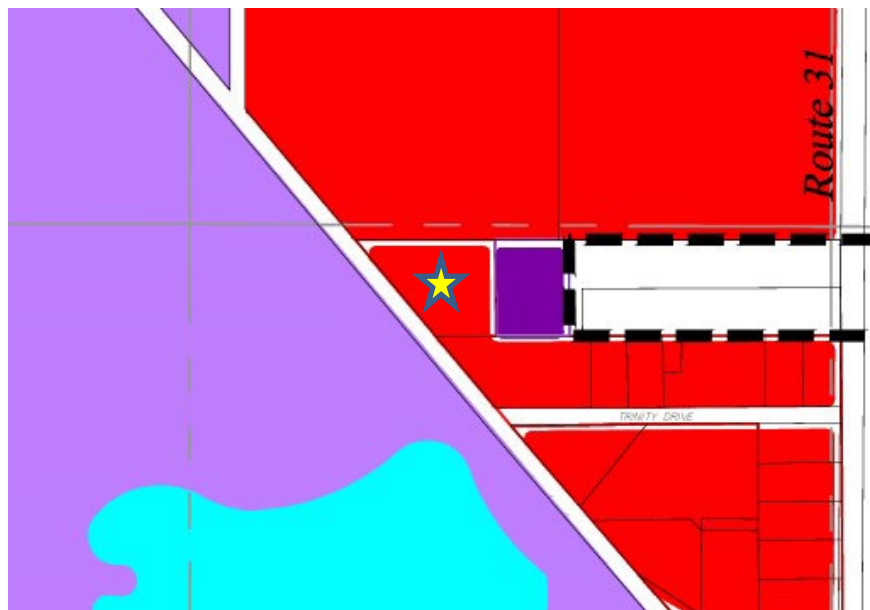


2. EXHIBITS

ZONING MAP



FUTURE LAND USE MAP



AERIAL PHOTO



PROPERTY PHOTO

