

AN ORDINANCE GRANTING A SPECIAL USE PERMIT ALLOWING FOR THE EXPANSION OF AN EXISTING ARTIFICIAL LAKE AT 153 ALGONQUIN ROAD

WHEREAS, the Village of Barrington Hills (“Village”) is a duly organized and existing Illinois home rule municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, Section 5-10-7 of the Village’s Zoning Code authorizes the Zoning Board of Appeals (“ZBA”) to recommend, and the Board of Trustees to approve, special uses within the zoning districts of the Village; and

WHEREAS, Anthony P. Dimucci (“Applicant”) applied for a Special Use Permit to allow for the expansion of an existing artificial lake on property located at 153 Algonquin Road (“Property”), within the R-1 Residential District, identified by Permanent Index Nos. 01-07-101-006; -009 and 011; and

WHEREAS, Section 5-5-3(A) of the Village Zoning Code classifies an artificial lake as a special use within the R-1 Residential District; and

WHEREAS, on February 21, 2017, the ZBA, with six members present and voting on this matter, held a public hearing on the application for special use permit, prior to which time a notice of the public hearing was published in a timely manner in the Daily Herald as well as posted in the Village Hall, and individual notice was provided to all property owners within two hundred fifty feet (250) of the Property, as recorded in the most recent County real estate tax records, and notice of said hearing was properly posted on the Property; and

WHEREAS, Section 5-10-7(D) of the Village Zoning Code provides that for each application for a special use, the ZBA shall report to the Board of Trustees of the Village its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest; and

WHEREAS, Section 5-10-7(E) of the Village Zoning Code establishes standards which must be met before the ZBA may recommend approval of a special use; and

WHEREAS, at the close of the public hearing, the ZBA made all necessary findings of fact as to compliance with the standards set forth in Section 5-10-7(E) of the Village Zoning Code, and recommended on a unanimous vote of the six members present and voting that the special use be granted, subject to compliance with the requirements set forth in the December 20, 2016 correspondence of Village Engineer Gewalt Hamilton, as is set forth in the Findings of Fact and Recommendations in Exhibit A attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality the following;

Section One: The special use permit is hereby granted to allow for the expansion of the existing artificial lake on the Property, which artificial lake shall be constructed in substantial compliance with the plans submitted for purposes of the ZBA public hearing on February 21, 2017, and that said permit is hereby granted, subject to the following condition, in keeping with the standards set forth in Section 5-10-7(E):

- That the Applicant satisfies all conditions set forth in the December 20, 2016 correspondence from Gewalt Hamilton.

Section Two: If any part or provision of this Ordinance shall be held or deemed invalid, such invalidity shall not have the effect of rendering another part or provision of this Ordinance invalid.

Section Three: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Ayes: Nays: Absent:

PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 24th day of April, 2017.

APPROVED:

ATTEST:

Village President

Village Clerk

April 20, 2017

To: President and Board of Trustees
Village of Barrington Hills

RE: Application for Special Use Permit
To Allow Enlargement of An
Existing Artificial Lake
153 Algonquin Road

This is to advise you that at a public hearing of the Zoning Board of Appeals ("ZBA") held at 6:30 P.M. on Monday, February 21, 2017, in the MacArthur Room of the Village Hall, where a quorum was present, the ZBA considered the application of Anthony P. DiMucci ("Applicant") for the grant of a special use permit to allow the expansion of an artificial lake on his property at 153 Algonquin Road ("Property"), identified by PINs 01-07-101-006; -009 and -011.

Notice of the hearing was published in a timely manner in the Daily Herald as well as posted in the Village Hall. Proof of individual notice, by registered mail, return receipt requested, was submitted for all property owners within 250 feet as recorded in the office of the appropriate tax assessor, and the notice of the hearing was properly posted on the Property.

The Applicants were represented at the public hearing by their engineer Jason Doland, who testified in support the Application for special use permit, which information was also provided as part of the Application, which is on file with the Village.

FACTS

Mr. Doland testified that the property owner seeks to expand its existing pond which is .94 acres to 1.69 acres at the 100-year flood elevation (per the application). Enlarging the pond to the north and the east will not change the existing 100-year flood elevation, and release rate of the pond. The existing pond has a defined low and high water line which will not be changed with the enlargement. The pond collects run off for the Applicant and a significant water shed. The Applicant seeks to enlarge the pond because at present, the water in the area makes the grass very hard to mow because it is spongy, and the property hard to maintain. By enlargement, the pond will become a water feature with a depth to about 4-5 feet. Currently, the pond is not that deep. The pond is supported by a current well, there is no additional well planned for the enlargement.

ZBA members questioned:

1. The location of the existing septic field, which was pointed out as being in the rear of the existing home. The enlargement of the pond will not impact the field.
2. The flow of water. The pond will be managed so not to be stagnant. The enlargement will improve the water quality by increasing its depth.
3. The creation of a temporary stock-pile. This is shown on the plans as material being stripped from topsoil, but will be replaced on site.

Exhibit A

4. Whether expansion of water body will create future issues for use of the site. Mr. Kosin responded it would not.
5. Whether the weir will create a silt issue. The engineer responded it would not, as the silt would settle out prior to getting to the pond, and would not be transferred downstream.

Public Comments were received from two residents, who asked questions and received answers relative to the flow rate of the pond and the location of the temporary stock-pile; and relative to whether a soil percolation test had been performed, and what the soil types were on the Property.

A Gewalt Hamilton representative testified that they were awaiting Applicant's response to the December 20, 2016 correspondence wherein engineering issues were raised. Specifically questions were raised (among others) relative to location of the septic field, rate calculations and whether a tree study was required. They also recommended a wetland delineation be done, in part to determine if there is a wetland jurisdiction issue which could require additional permitting from the Army Corps of Engineers.

FINDINGS

The ZBA, after having examined the facts as presented, and taking into consideration the testimony set forth during the public hearing, voted 6 – 0, with one member absent, to recommend approval of the Application for Special Use Permit, finding that the facts set forth in the application for the amendment, and as testified to at public hearing, are sufficient for the Special Use Permit, those facts as adopted by the ZBA being:

1. That the establishment, maintenance, or operation of the special use will not be injurious to use or enjoyment of other property in the neighborhood.
2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor will it substantially diminish property or impair property values within the neighborhood.
3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and/or other facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and roads.
6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such

regulations may in each instance be modified by the board of trustees pursuant to the recommendations of the zoning board of appeals.

And that approval of the Special Use Permit be subject to the conditions as set forth in the December 20, 2016 letter from the Village's Engineers.

RECOMMENDATION

The ZBA recommends that the Village Board approve the request for Special Use Permit to allow the expansion of an artificial pond at the Property in the R-1 Zoning District as applied for, on the following condition:

1. The Applicant satisfies all conditions set forth in the December 20, 2016 correspondence from Gewalt Hamilton, attached hereto.

Respectfully submitted,

Zoning Board of Appeals
Village of Barrington Hills

December 20, 2016

Mr. Jason Doland
Doland Engineering, LLC
334 E. Colfax Street, Suite C
Palatine, Illinois 60067

Re: 153 Algonquin Road
Proposed Pond Improvements- Review #2

Dear Mr. Doland:

Our office has reviewed the proposed pond improvements at 153 Algonquin Road. Our review is based on the following information:

- Preliminary Engineering plans (2 sheet) prepared by Doland Engineering, LLC, revised November 12, 2016.
- Watershed Development Permit Application (unsigned).
- Special Use Permit Application transmittal, dated November 18, 2016

In addition to the documents received, Village Administrator Robert Kosin and I met with you at the Village Hall on November 30, 2016 to review the special use permit application process. Based on our review and our discussions to date, we offer the following comments.

1. The Village Code designates artificial lakes (ponds) as a special use in the R-1 zoning district. The application is anticipated to be on the agenda of the Zoning Board of Appeals at their January 23, 2017 regularly scheduled meeting.

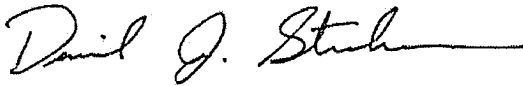
Please note we have reviewed the address list provided with the special use permit application and have noted five additional parcels (highlighted in the attached spreadsheet) that require notification.

2. The final plans shall show the Village benchmark utilized to prepare the existing topography and shall be signed and sealed.
3. Additional detail should be provided to demonstrate the basis for the time of concentration indicated. The additional storage volume to be provided in the pond should be quantified and noted in the calculations. We would also recommend consideration be given to a low flow outlet for the pond so that potential erosion from routine storm events is minimized.
4. The proposed grading plan should be updated to include the calculated 100-year high-water level of the proposed ponds as well as typical cross sections along the length and width of the ponds.

5. The previous plan submittal had indicated the location of an existing septic system, but the response letter notes that based on further excavation it was not located in this area. Further investigation will be required to document the location of the existing septic system. As noted previously, the Village code requires 50' horizontal separation between all septic system components and the base flood elevation, as well as a 2' vertical separation between the bottom of septic field trench and BFE.
6. Much of the area in which excavation will occur appears to be heavily wooded. The applicant will be required to submit an arborist tree survey and coordinate with the Village Arborist to ensure that the requirements of the Heritage Tree Ordinance are met.
7. The final submittal shall include an executed watershed development permit application for the proposed development with wetland specialist identified.
8. A wetland delineation and jurisdictional determination will be required. It is noted that the wetland impacts are anticipated to be below the mitigation threshold.

The above review comments are provided based on the engineering information provided. Additional comments may be generated as the final documents are submitted. Please include with the final engineering submittal a cover letter with a written response to each of the above comments.

Sincerely,
Gewalt Hamilton Associates, Inc.



Daniel J. Strahan, P.E., CFM
Village Engineer

cc: Robert Kosin, VBH Director of Administration
Ken Garrett, VBH Building Department

PIN	TaxName	SiteAddress	SiteCity	SiteState	SiteZip	MailingAdd	MailingCit	MailingSta	MailingZip
0312226003	BACHNER, LARRY G & JERRY G	ROUTE 62	BARRINGTON HILLS	IL	60010	154 ALGONQUIN RD	BARRINGTON	IL	600108604
0312276014	HACKL, DELORES F TRUST	20 ROYAL WAY	BARRINGTON HILLS	IL	60110	20 ROYAL WAY	BARRINGTON	IL	60010
0312276015	STORKAMP, GARY & KAREN	30 ROYAL WAY	BARRINGTON HILLS	IL	60010	10441 HOLLYWOOD BLVD NW	MINNEAPOLIS	MN	554334518
0312276017	BRUNS, NICHOLAS A & YVONNE S	40 ROYAL WAY	BARRINGTON HILLS	IL	60010	9 PEBBLE BEACH CT	LAKE IN THE HILLS	IL	601564493
0312276020	COMMONWEALTH EDISON CO					3 LINCOLN CTR FL 4	OAKBROOK TERRACE	IL	601814204
0312276021	COMMONWEALTH EDISON CO					3 LINCOLN CTR FL 4	OAKBROOK TERRACE	IL	601814204
0107101012	PAT & SHARON DEVEREAUX	155 HELM RD	BARRINGTON	IL	60010	155 HELM RD	BARRINGTON	IL	60010
0107101013	COMED TAX DEPARTMENT	157 HELM RD	BARRINGTON HILLS	IL	60010	3 LINCOLN CENTER FL 4	OAKBROOK TERRACE	IL	60181
0107300019	GEORGE PANOS	1 ROUNDSTONE LN	BARRINGTON HILLS	IL	60010	1 ROUNDSTONE LN	BARRINGTON HILLS	IL	60010
0107300027	THE SPIRIT OF CHICAGO	9 ROUNDSTONE LN	BARRINGTON HILLS	IL	60010	PO BOX 09117	CHICAGO	IL	60609
0107100001	GEORGE L BACHNER	152 ALGONQUIN RD	BARRINGTON HILLS	IL	60010	154 ALGONQUIN RD	BARRINGTON	IL	600108604
0107102002	DAVID & MEG NOLAND	158 ALGONQUIN RD	BARRINGTON HILLS	IL	60010	158C ALGONQUIN RD	BARRINGTON HILLS	IL	60010
0107101010	NEIL FERN	157 HELM RD	BARRINGTON HILLS	IL	60010	157 K HELM RD	BARRINGTON HILLS	IL	60010
0107102004	HAZHIR AFZALI	158 HELM RD	BARRINGTON HILLS	IL	60010	105 N WOLF RD	PROSPECT HEIGHTS	IL	60070
0107300016	MICHAEL DRAKERT	157 HELM RD	BARRINGTON HILLS	IL	60010	157D HELM RD	BARRINGTON HILLS	IL	60010
0107300012	WILLIAM SCHIERER	157 HELM RD	BARRINGTON HILLS	IL	60010	157 E HELM RD	BARRINGTON HILLS	IL	60010