



Zoning Board of Appeals
AGENDA & NOTICE OF MEETING

Monday, June 19, 2017 ~ 6:30 pm
112 Algonquin Road

1. Call to Order & Roll Call
2. Public Comments
3. [Vote] [Minutes May 22, 2017](#)
4. Discussion
 - 4.1 [Open Space Signage](#)
 - 4.2 [Text Amendment Application Procedure](#)
 - 4.3 Zoning Violation Enforcement Procedure
5. Adjournment

Chairman: Dan Wolfgram

NOTICE AS POSTED

**VILLAGE OF BARRINGTON HILLS
ZONING BOARD OF APPEALS
MacArthur Room, 112 Algonquin Road
Monday, May 22, 2017**

- 1. Call to Order/Roll Call:** The Meeting was called to Order at 6:35 p.m. by Chairman Dan Wolfgram. On roll call, the following members were present:

Dan Wolfgram, Chairman
Jim Root
Debra Buettner
Jan Goss
David Stieper

Absent: Richard Chambers
Patrick J. Hennelly

Staff Present: Robert Kosin, Village Administrator
Anna Paul, Village Clerk
Mary Dickson, Legal Counsel

- 2. Public Comment**

Public comment was presented by Linda Cools and Pauline Boyle.

- 3. Approval of Minutes**

February 21, 2017

Member Stieper moved, seconded by Member Root, to approve the minutes of the February 21, 2017 meeting. In discussion, the following corrections were made to the minutes: page 3, line 5 should be "text," not "test;" the "x" showing voting should be corrected to show proper votes; p.2. the motion for approval of the special use permit language should be corrected; p. 4 correcting the description relative to the form for complaints and how the Village responds to them; spelling out "Attorney" for "atty.;" correcting the sentence "seek out non-compliance "is" to "if;" and in the last paragraph, 9th line from bottom, change "of" to "or." On a voice vote, all members voted "aye." The Motion Carried.

- 4. Public Hearing – 48 Brinker Road - Variance**

With only five members present, Chairman Wolfgram offered the Applicant the opportunity to continue the public hearing to a meeting where all ZBA members will be present, in that the Applicant requires five positive votes for the grant of the variance. Rather than continue, the Applicant chose to pass on its presentation in favor of allowing the second hearing to proceed while waiting for additional members this evening.

- 5. Public Hearing – 180 Hawthorne Road – Special Use**

Chairman Wolfgram called the public hearing to order. Those intending to testify were placed under oath. Administrator Kosin testified relative to notice of the hearing and provided background for the Application.

H.B. Brewer, Director of Facilities for the Chapel, testified as the representative of the Applicant. He stated that the Chapel was seeking to amend its existing special use to provide a Montessori School at the Church as another way of reaching out to the community. The School would be open to children aged 3 – 6, and would operate Monday through Friday, from 7 a.m. to 6 p.m. Such use would complement the existing use of the Church facility. The buildings and grounds used for Montessori classes will be a partially shared use of designated areas in what are currently the children's areas, with no expanded footprint or alterations to the building, driveway entrance or parking lot necessary. The Applicant also seeks permission for the addition of a sign on the north side of the driveway that will be a vinyl banner for the first years until an illuminated, washed permanent sign is constructed in planned year 3, when the school will be expanded to accommodate all ages. Both the temporary and permanent signage will display the same logo and information as shown on Exhibits G and H of the Application. Mr. Brewer proceeded to outline the factors in support of the Application as set forth in the written Application, as follows:

1. The Montessori School vision and operation is congruent with many of the existing outreach opportunities the Applicant currently provides to the community; therefore it will not be detrimental to the public health, safety, morals, comfort of general welfare of the community.
2. Mr. Brewer provided economic data showing the stability of property values that have existed since the onset of the Church's ministry; therefore, amending the existing special use permit will not be injurious to the use and enjoyment of other property in the immediate area.
3. Mr. Brewer provided information from the Barrington Countryside Fire Marshall, the State's Division of Children and Family Services and the Cook County Health Department to establish that no substantial exterior or interior physical changes will need to occur to establish and operate the School; thus amending the special use will not impede ordinary development and improvement of surrounding property.
4. The existing septic system is more than adequate for the increased use by the Montessori School population, thus there are adequate facilities to serve the addition of the School, according to a report from Manhard Engineering.
5. Ingress/egress is planned to minimize traffic congestion, pursuant to a traffic engineering report presented by the Applicant, thus adequate measures have been taken and are in place.
6. The amended special use permit shall in all other respects conform to the applicable regulations of the district in which it is located.

Members Chambers and Hennelly entered the meeting at 7:07 p.m. during the presentation of the factual support for the Application.

Various questions were asked of the Applicant by the ZBA, including:

Whether there are any other Montessori Schools in the Village. **No.**

Whether there will be traffic issues related to the start of the school day. **Mr. Brewer responded that the traffic engineer reviewed this and said no.**

Whether the temporary sign will be lighted. **No, but when the permanent signage is installed, it will be illuminated. It will be ground mounted, and will be installed on a rise, where it will replace the temporary sign. The temporary banner is 96 x 48”; whereas the permanent sign will be 24 x 96”.**

There was no public comment on the Application.

Member Stieper moved, seconded by Member Hennelly, to close the public hearing. On a voice vote, all members voted aye. The public hearing was closed.

48 Brinker Road Public Hearing

With all ZBA members present, Chairman Wolfgram called the public hearing to order. Those intending to testify were placed under oath.

Administrator Kosin testified relative to notice of the hearing and provided background for the application. The matter comes before the ZBA for a decision on whether to grant the Applicant's request for a variance to the required average lot width from 300 feet to 295 feet, pursuant to Section 5-5-5(a) of the Village's zoning ordinance.

This section provides that “no use shall be established on a lot which was recorded as a lot after January 26, 1981, which is of less “average lot width” . . . than is prescribed hereinafter for such use in the zoning district in which it is to be located. (B) In every residence district, on a lot which was recorded between April 1, 1963 and January 26, 1981, the average lot width as prescribed hereinafter shall be calculated using only the front lot line.” The average lot width required is 300 feet.

As part of a plan to build on the vacant lot, the Applicant conducted the lot width calculation, which was then verified by the Village's engineers. In both calculations, the lot width was slightly less than that required by the Village Code. Upon this finding, Mr. Kosin testified that Village staff reviewed the Village Code to determine whether some accommodation could be made to the owner as the lot width was so close to that required, and in all other respects the property met all standards for development. The only avenue open to the Applicant was to apply for a variance, pursuant to Section 5-10-4 D. 2. Thus, this Application was made.

Patrick Lytle testified as the representative of the Applicant. He stated that the documents relative to the parcel date back to the 1930s, with the lot being in the same condition as currently. The Applicant, who bought the property in 2008, is not trying to re-subdivide nor to create a new lot, but merely to build a private residence on the existing lot. In calculating average lot width, the Applicant's surveyor arrived at a lot width of 299.6 feet, and Gewalt's calculation was 297.4 feet. Under either calculation, the lot did not meet the required average lot width using the Village's required calculations. The request for variance is to allow a variance from 300 to 295 feet to allow for a proper variance, in consideration of a margin of error in the calculation.

Mr. Lytle submitted written factual support for the standards required pursuant to Title 5, Chapter 10, Section 5-10-4 (c), said facts being found in the written application made in this cause, as follows:

1. **Standard for reasonable return:**

There is significant financial investment in the property as it exists. The property as deeded in 1969 apparently never met the current lot width minimum. If no building is allowed, it is impossible to receive a reasonable rate of return.

2. **Unique Circumstances which cause the owner's plight.**

The ability to market the property is inhibited due to the non-conforming frontage size of the lot. The owner will be unable to sell due to the fact that the lot is non-conforming.

3. **Variation will not alter the essential character of the locality.**

The variance will not alter the character of the locality, in that the variance sought is minor, and if granted, will allow the owner to market the lot as a conforming property.

Pursuant to Title 5, Chapter 10, Section 5-10-4 (D), the ZBA is vested with the final authority to grant variances to the Zoning Ordinance.

There was no public comment on the Application.

Member Goss moved, seconded by Member Chambers, to close the public hearing. On a roll call vote, all members voted aye. The public hearing was closed.

6. Public Meeting

Chairman Wolfgram asked the clerk to call the roll; all ZBA members were present.

48 Brinker Road

Member Goss moved, seconded by Member Chambers, to adopt the facts as set forth by the Applicant in support of the requested variance.

In discussion, Member Chambers stated he favors the Application, because the property is in general compliance with the Village Code at about 5.5 acres in size.

Member Stieper commented that while the ZBA is reluctant to grant variances from the Zoning Code, there are unique circumstances presented here based on the fact that the lot has existed in its current state for many years, and its average lot width may have been deemed properly calculated in the past using older equipment; but with the scientific advances in method of lot calculation, it is now a few feet shorter than required. Member Buettner concurred stating it was reasonable to give the variance, particularly as it appears it is based on calculations of measurement which are different from the 1960s to today.

On a roll call vote:

		Aye	No	Absent
Dan Wolfgram	x			
Richard Chambers		x		
David Stieper	x			
Patrick J. Hennelly		x		
Jim Root		x		
Debra Buettner		x		
Jan Goss		x		

The Motion Carried.

On a motion by Member Chambers, seconded by Member Goss to approve the requested variance of average lot width from 300 feet to 295 feet:

On a roll call vote:

		Aye	No	Absent
Dan Wolfgram	x			
Richard Chambers		x		
David Stieper	x			
Patrick J. Hennelly		x		
Jim Root		x		
Debra Buettner		x		
Jan Goss		x		

The Motion Carried.

This is a final decision of the Village of Barrington Hills relative to this Application for variance, affecting the property commonly known as 48 Brinker Road, Barrington Hills, IL, PIN: 01-04-401-014.

7. 180 Hawthorne Road

Member Stieper moved, seconded by Member Hennelly, to approve the Application for special use permit, by adopting the findings of facts set forth by the Applicant, as meeting the requirements pursuant to Section 5-10-7 for amendment of the existing special use.

In discussion, members concurred that the special use permit be granted, conditioned on the limitations as set forth in the Application as to the additional use of the property solely for a Montessori School.

With this condition, on a roll call vote:

		Aye	No	Absent
Dan Wolfgram	x			
Richard Chambers		x		
David Stieper	x			
Patrick J. Hennelly		x		
Jim Root		x		
Debra Buettner		x		
Jan Goss		x		

The Motion Carried.

8. Discussion

8.1 Open Space Signage

Mr. Kosin opened discussion on the suggestion to amend the text of the Zoning Code as it relates to dedicated private open space signage. The Village has several properties under the contract of Citizens for Conservation and Barrington Area Conservation Trust. Both groups have expressed interest in signing their property in a manner and size similar to that used by the Forest Preserve District in designating its property. The Zoning Ordinance does not permit signage for the sole purpose of denoting open space; therefore some consideration of a text amendment for this purpose is suggested.

Discussion ensued about the reasons for such suggestion, and if the text was to be amended, the type of limitations to be put on the signage. Following discussion, Mr. Kosin was directed to draft language for consideration at the next meeting.

8.2 Zoning Violation Procedures/Enforcement

Mr. Kosin informed the ZBA that the Village is not proactive in enforcement of its Code; instead it is reactive to a complaint. The question was asked relative to whether there is a form used for purposes of a complaint. While there is not one currently, Mr. Kosin said the Village could develop one. All records relative to complaints and enforcement are public records. General discussion ensued relative to the desire for a form for such purpose. Mr. Kosin was directed to develop a form for future discussion.

8.3 Text Amendment Application Process

Ms. Dickson informed the ZBA she had conducted a survey of nearby towns, and all of them appear to allow for text amendment applications to be filed by property owners. Discussion ensued relative to the ZBA's desire to limit the application for text amendment to the Village Board Trustees or the ZBA. In limiting it in this fashion, the ZBA does not intend to disenfranchise residents, but it will ensure that the resident making an application has some modicum of support prior to seeking a change in existing law.

The ZBA proposed making the text more clear so that individuals know they have the right to apply for map amendments, but separate this from the general text amendment language.

9. Adjournment

Motion to adjourn by Member Stieper, seconded by Member Hennelly, at 9:08 p.m. On a voice vote, all members present voting "aye." The Motion Carried. The meeting stands adjourned.

DRAFT

5-5-11: SIGNS:

In residence districts signs shall be classified and permitted in accordance with the regulations set forth hereinafter.

(A) R1 District:

1. In an R1 district, the following nonflashing, nonilluminated signs are permitted under the conditions specified:

a. Nameplates and identification signs, subject to the following:

(1) ~~Area And Content~~, Residential: There shall be not more than one nameplate, not exceeding one square foot in area, for each dwelling unit or driveway entrance, indicating the name or address of the occupant or a permitted occupation. On a corner zoning lot two (2) such nameplates for each dwelling unit, one facing each street, shall be permitted.

(2) ~~Area And Content~~, Nonresidential: For nonresidential buildings, a single identification sign, not exceeding six (6) square feet in area and indicating only the name and address of the building, may be displayed. On a corner zoning lot two (2) such signs, one facing each street, shall be permitted.

(3) Open Space: For private property dedicated by deed or lease for landscape restoration or habitat maintenance which adjoins a public road as defined in the Comprehensive Plan, a single identification sign, not exceeding eighteen (18) square feet in area may be displayed indicating the name associated with the property and persons or organization owning or responsible for it.

~~(3)~~ (4) Height: No sign shall project higher than one story or fifteen feet (15') above the curb level, whichever is lower.

b. For sale or for rent signs, subject to the following:

(1) Number: No more than one for sale or for rent sign shall be located on a zoning lot.

(2) Location: All for sale and for rent signs shall be located on the lot or tract to which the sign pertains, provided, however, if a lot does not front or abut on a public or private right of way, a for sale or for rent sign permitted in subsection (A)1b(1) of this section may be located on the lot adjacent to the lot to which it pertains with the permission of the owner.

(3) Setback: Except as provided in subsection (A)1b(6) of this section, no for sale or for rent sign shall be located closer than twelve feet (12') from the edge of the pavement or other surface of the roadway.

(4) Size: Except as provided in subsection (A)1b(6) of this section, no for sale or for rent sign shall exceed six (6) square feet in area.

(5) Height: Except as provided in subsection (A)1b(6) of this section, no for sale or for rent sign shall project higher than six feet (6').

Deletions/Additions

(6) Subdivision For Sale Sign: A subdivision with more than five (5) lots may have one for sale sign, not exceeding twelve (12) square feet in area or projecting higher than eight feet (8'), said sign shall be located on the premises of the subdivision at a location to be determined by the building official.

c. Temporary signs, subject to the following:

(1) Definition: For purposes of this section a temporary sign shall mean the uses of a material being fabric, vinyl or similar flexible substance to convey information for no longer than fourteen (14) days, with the exception of any temporary sign allowed for a longer period of time by the zoning enforcement officer or by action of the Board of Trustees.

(2) Number: No more than one temporary sign shall be located on a lot whereon is located a Special Use with the exception of any temporary sign allowed by the zoning enforcement officer or by action of the Board of Trustees.

(3) Location: All temporary signs shall be located on the lot or tract to which the sign pertains.

(4) Setback: Except as provided in subsection (A)1b(6) of this section, no temporary sign shall be located closer than twelve feet (12') from the edge of the pavement or other surface of the roadway.

(5) Size: Except as provided in subsection (A)1b(6) of this section, no temporary sign shall exceed twelve (12) square feet in area.

(6) Height: No temporary sign shall project higher than six feet (6') above grade.

d. Signs Accessory to Parking Area, subject to the following:

(1) Area and Number: Signs designating parking area entrances or exits are limited to one sign for each such exit or entrance and to a maximum size of two (2) square feet each. One sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of six (6) square feet, shall be permitted. On a corner zoning lot two (2) such signs, one facing each street, shall be permitted.

(2) Projection: No sign shall project beyond the property line into the public way.

(3) Height: No sign shall project higher than seven feet (7') above ~~curb level~~ grade.

e. "No Solicitation" or "No Trespass" signs, subject to the following:

(1) Number: No more than one of each sign shall be located per driveway entrance on a zoning lot.

(2) Location: The sign(s) shall be affixed to a pole, mailbox or tree on the property at or near the entrance so as to be visible from the paved roadway.

(3) Size: The sign(s) shall be in compliance with current Village Ordinances.

Deletions/Additions

2. In an R1 District, the following nonflashing business signs are permitted under the conditions specified:

Church bulletins, subject to the following:

a. Area and Number: There shall be not more than one sign per zoning lot, except that on a corner zoning lot two (2) signs, one facing each street, shall be permitted. No sign shall exceed six (6) square feet in area nor be closer than fifty feet (50') to any other zoning lot.

b. Projection: No sign shall project beyond the property line into the public way.

c. Height: No sign shall project higher than one story or fifteen feet (15') above ~~curb-level~~ grade, whichever is lower.

DRAFT

**Forest Preserve District
of Cook County**



www.fpdcc.com





5-10-6: AMENDMENTS:

(A) Authority: For the purposes of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property throughout the village, and lessening or avoiding congestion in the public roads and highways, the president and the board of trustees of the village may, from time to time, in the manner hereinafter set forth, amend the regulations imposed and the districts created by this title; provided, that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the directions of building development to the best advantage of the entire Village, and the uses to which property is devoted at the time of the effective date hereof. (Ord. 63-1, 4-1-63).

For purposes of this Section, the term "text amendment" means an amendment to the text of a zoning ordinance, which affects the whole village or a zoning district in the village, and the term "map amendment" means an amendment to the map of a zoning ordinance, which affects an individual parcel or parcels of land.

(B) Initiation of Amendment:

1. Text Amendment. Amendments to the text of the zoning ordinance, an amendment may be proposed by a Trustee, the Zoning Board of Appeals, or the Enforcing Officer. ~~or by any person owning or having an interest in the subject property.~~ (Ord. 77-1 7, 9-26-77)

2. Map Amendment. Amendments to the map of the zoning ordinance may be proposed by a Trustee, the Zoning Board of Appeals, the Enforcing Officer, or by any person or entity owning or having an interest in the subject property.

(C) Application for Amendment: An application for an amendment shall be filed with the Enforcing Officer, in such form and accompanied by such information as required by the Zoning Board of Appeals. If the application for a text amendment is made by a Trustee, the Zoning Board of Appeals or the Enforcing Officer, the requirement of an application is waived.

(D) Hearing on Application: The Zoning Board of Appeals shall hold a public hearing on each application for an text or map amendment at such time and place within the Village as shall be established by the Zoning Board of Appeals. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Zoning Board of Appeals shall, by rule, prescribe from time to time. (Ord. 63-1, 4-1-63)

(E) Notice of Public Hearing:

1. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Village not more than thirty (30) nor less than fifteen (15) days before such hearing. Supplemental or additional notices may be published or distributed as the Zoning Board of Appeals may, by rule, prescribe from time to time. (Ord. 63-1, 4-1-63; amd. 1977 Code)

2. Where a map the amendment is initiated by a Trustee, the Zoning Board of Appeals, or the Enforcing Officer, and proposes a change of district classification of a particular property, a true copy of the application or of the Zoning Board of Appeal's vote to apply for such change ~~order~~ shall be served upon the owner or owners of record of the property subject to the change in person or by certified United States mail within ten (10) days after the filing of the application ~~or the entry of the Board order~~ initiating the proceeding. Where the application is filed by a person having an interest in the subject property, a notice and copy of the application shall be served in like manner upon each of the other co-owners or those having an interest. The foregoing notice and service requirements shall be in addition to the publishing requirements of this subsection. (Ord. 63-1, 4-1-63; amd. Ord. 77-17, 9-26-77)

(F) Findings of Fact and Recommendations of the Zoning Board of Appeals: Within a reasonable time after the close of the hearing on a proposed amendment, the Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendation to the Board of Trustees of the Village.

Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property or properties, the Zoning Board of Appeals shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

1. Existing uses of property within the general area of the property in question.
2. The zoning classification of property within the general area of the property in question.
3. The suitability of the property in question for the uses permitted under the existing zoning classification.
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was placed in its present zoning classification.

The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R1 District shall be considered the highest classification and the Light Industrial District shall be considered the lowest classification.

Where the purpose and effect of the proposed amendment is to change to text of the zoning ordinance, the Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest. ~~and is not solely for the interest of the applicant.~~

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