

**FINDINGS AND DECISION FROM
THE PUBLIC HEARING
BEFORE THE ZONING BOARD OF APPEALS
February 19, 2014**

Variance –Minimum Lot Area

Re: 88 Paganica Drive

WHEREAS, the Zoning Board of Appeals (“ZBA”) for the Village of Barrington Hills, Illinois (the “Village”) held a public hearing on February 19, 2014 to hear the Petition under Section 5-10-4 of the Village Zoning Ordinance (“Zoning Code”) for a variation from the Minimum Lot Area requirements under Section 5-5-4-1 of the Zoning Code in the R-1 Zoning District for the property located at 88 Paganica Drive, Barrington Hills, Illinois 60010 (“Subject Property”) submitted by Colin and Diane Wickstrom (“Petitioner”), owner of the Subject Property;

WHEREAS, the Subject Property is described on Exhibit A attached hereto and made a part hereof;

WHEREAS, the Subject Property was created by a plat of subdivision approved by the Village in 1967 and was determined at the time to have a Gross Lot Area (as defined in the Zoning Code) of 5.0 acres;

WHEREAS, as a result of the determination by the Village Engineer of the existing base flood elevation the Subject Property has a Gross Lot Area of 4.631 where the minimum lot area required in the R-1 zoning district is 5.0;

WHEREAS, to grant a variation of the required minimum lot area, the ZBA must find: (1) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district for which it is zoned; (2) the plight of the owner is due to unique circumstances; and (3) the variation, if granted, will not alter the essential character of the locality. See Section 5-10-4(C) of the Village Zoning Code.

NOW, THEREFORE, the ZBA made the following findings and determinations with respect to the Subject Property at the February 19, 2014 public hearing of the ZBA:

1. Robert Kosin, Village Administrator, testified that the appropriate notices had been (i) published in a newspaper of general circulation, (ii) posted on the Subject Property, and (iii) delivered by certified mail to the adjoining property owners, all as required by Section 5-10-4(B) of the Zoning Code and the rules of the ZBA. Robert Best the attorney for the Petitioners submitted the return receipts from the notices mailed to the adjoining property owners. The Petitioner testified that he had received no comments from his neighbors other than the Barrington Hills Country Club which indicated it had no objection to the requested variation.

2. The Subject Property was created by subdivision in 1967 and the plat of subdivision indicated the Subject Property was 5.0 acres. When the Petitioner purchased the Property they were told and obtained evidence that the Subject Property contained more than 5.0 acres. The Petitioner approached the Village in order to obtain a building permit for interior renovations to the home located on the Subject Property. The Village Engineer then prepared a zoning certificate and based on information in the Village Engineer's possession regarding the base flood elevation of the surrounding area and it was determined that the Gross Lot Area of the Subject Property was actually 4.631 acres. In order to meet the minimum lot area requirement of 5.0 acres in the R-1 zoning district, the Petitioner had to request a variance for the minimum lot area. The Subject Property is a non-conforming lot without the variance requested.

3. With respect to the variance requested, the ZBA found that (1) the Subject Property could not yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district for which it is zoned; (2) the plight of the Petitioner is due to unique circumstances; and (3) the requested variation would not alter the essential character of the locality.

4. Bruce Pfaff, ZBA member, made a motion to approve the request of the Petitioner for the requested variation to the minimum lot area requirements of Section 5-5-4-1 of the Zoning Code for the Subject Property, which has a Gross Lot Area of 4.631 acres. Clark Benkendorf, ZBA member, seconded the motion.

5. On a role call vote Mr. Pfaff's motion passed on a vote of five (5) ayes and zero (0) nays, Members Anderson and Stieper being absent.

6. The variation of the required minimum lot area for the Subject Property is hereby approved.

Dated this ____ day of February, 2014

Judith Freeman, Chairman

EXHIBIT A

LEGAL DESCRIPTION

Lot 42 in Paganica Subdivision, a subdivision of part of Lots 20, 23, 24 and 25 in Chicago Highlands in part of Sections 34 and 35 Township 43 North, Range 9, East of the Third Principal Meridian, according to the Plat of Paganica Subdivision recorded December 19, 1967, as Document Number 1363082, in Book 44 of Plats, Page 45, in Lake County, Illinois.

PIN: 13-34-201-021

Common Address: 88 Paganica Drive, Barrington Hills, Illinois