

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: 7 Nays: 0 Absent: 0

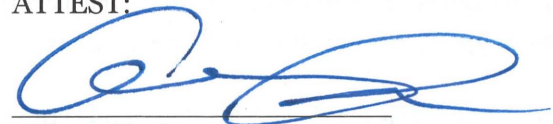
PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 24th day of April, 2017.

APPROVED:



Village President

ATTEST:



Village Clerk