

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE INSTALLATION OF AN ARTIFICIAL POND AND NATURAL POOL AT 5 POTTER LANE

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, Peter Isaac Velagapalli, Albert and Sangetta Francis as beneficiaries of Chicago Title Land Trust Company Trust Number 8002374229 (“Petitioners”) applied for the grant of a special use permit to allow the installations of an artificial pond and a natural pool on the property at 5 Potter Lane (the “Property”), within the R-1 Residential District, identified by Property Index No. 01-019-201-016-0000; and

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

WHEREAS, on August 21, 2017, the ZBA, with seven members present and voting on this matter, held a public hearing on the application for a 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 permit; 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 seven members present and voting that the requested special use be granted, subject to the Village Engineer’s verification that Petitioners have adequately addressed any open concerns provided in the Gewalt Hamilton correspondence to Albert Schmitt dated August 7, 2017.

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 ZBA’s above referenced findings of fact and recommendation with conditions are accepted and incorporated herein by reference.

Section Two: The special use permit is hereby granted to allow for the installation of a natural pool and artificial pond on the Property located a 5 Potter Lane, conditioned on the Village

Engineer's verification that Petitioners have adequately addressed any open concerns provided in the Gewalt Hamilton correspondence to Albert Schmitt dated August 7, 2017.

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

Ayes: 5 Nays: 0 Absent: 1

PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 25th day of September, 2017.

APPROVED:



Village President

ATTEST:



Village Clerk