07/26/24

VILLAGE OF BARRINGTON

ORDINANCE NO. 2024-4428

ZONING ORDINANCE VARIATION

RE: ZBA 24-04: Property of Jane Williamson at 203 S. Glendale Avenue
Request for Approval of a Variation from the Provisions of the
Zoning Ordinance Relative to a Rear Yard Setback

ADOPTED BY

THE CORPORATE AUTHORITIES

OF THE VILLAGE OF BARRINGTON

THIS 26 DAY OF August, 2024

Published in pamphlet form by authority of the Corporate Authorities of the Village of Barrington, Illinois, this 27 day of August, 2024

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RE: ZBA 24-04: Property of Jane Williamson at 203 S. Glendale Avenue
Request for Approval of a Variation from the Provisions of the
Zoning Ordinance Relative to a Rear Yard Setback

WHEREAS, Jane Williamson (hereinafter referred to as the "Owner" or the "Petitioner") is the owner of the property commonly known as 203 S. Glendale Avenue, Barrington, Illinois (hereinafter sometimes referred to as the "Subject Property"), who is requesting approval of a variation from the provisions of Section 6.7-F, "Minimum Yard Requirements", of Chapter 6 the Zoning Ordinance, in order to construct and maintain a shed with a footprint area of not-to-exceed 100 square feet on the Subject Property with a rear yard setback of five (5') at a location which would otherwise be considered an interior side yard of the Subject Property, notwithstanding the fact that the proposed shed would otherwise require a thirty foot (30') setback, which shed would be constructed by the Petitioner in substantial compliance with the Approved Plans therefor attached hereto as Exhibit A and thereby made a part hereof; and

WHEREAS, the Subject Property is rectangular, being approximately 63 feet in width and approximately 289 feet in length, and 18,193 square feet in area, is located in the Village's R-6 Single-Family Residential Zoning District, is improved with an existing single-family residence with attached garage, and is legally described as follows:

LOT 16 IN BLOCK 5 IN ARTHUR T. MCINTOSH AND COMPANY'S MAIN STREET ADDITION TO BARRINGTON, BEING A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
(PIN: 01-01-209-001); and

WHEREAS, the matter was referred to the Zoning Board of Appeals ("ZBA") of the Village of Barrington (the "Village"); and

WHEREAS, after due publication and notice as provided by law, the ZBA held a public hearing on July 9, 2024, and submitted its report and recommendation to the Corporate Authorities of the Village recommending approval of the requested variation; and

WHEREAS, consistent with the recommendation of the Zoning Board of Appeals, the Corporate Authorities have determined that there are practical difficulties and particular and undue hardships resulting from the strict application of the aforesaid provisions of the Zoning Ordinance to the Petitioner's property; and

WHEREAS, the Corporate Authorities of the Village considered the following findings of fact:

(1) The Subject Property is a rectangular corner lot, and the location of the house on the Subject Property is unique in that the house faces the north side of the Subject Property, which would otherwise be considered the side yard. The rear yard on the Subject Property is minimal and, therefore, the proposed shed could not be located in the rear yard on the Subject Property at a location which would be in compliance with the minimum rear yard setback requirements

of the Zoning Ordinance, thereby providing the Petitioner with no opportunity to construct and install such an accessory structure, i.e., the proposed shed, in a location on the Subject Property which would otherwise be in compliance with the provisions of the Zoning Ordinance.

(2) Due to the above facts, the Petitioner is seeking a variation to allow a five (5') setback, which would otherwise require a setback of thirty feet (30'), as the proposed location of the shed would otherwise be technically considered the "interior side yard" of the Subject Property.

WHEREAS, the Corporate Authorities of the Village, after reviewing the record of the proceedings and the report and recommendation of the ZBA, have considered the request of the Petitioner for the aforesaid variation and have determined that this is an appropriate circumstance in which to grant the requested variation:

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington, Cook and Lake Counties, Illinois, in exercise of the authority of the Village as a Home Rule unit, that:

SECTION 1: The Corporate Authorities of the Village of Barrington hereby find that the statements in the preamble to this Ordinance are true and correct and are incorporated herein as its findings of fact the same as if each had been set forth in its entirety in the text of this Ordinance.

SECTION 2: The Corporate Authorities of this Village also hereby make the following additional findings of fact:

A. Practical Difficulty:

"No variation shall be granted unless the applicant shall establish that carrying out the strict letter of the provisions of this Ordinance would create a particular hardship or a practical difficulty."

The Subject Property is a standard, rectangular lot in the R-6 Zoning District. However, the existing house on the Subject Property was originally constructed to face what would traditionally be considered the interior side yard of the lot (i.e., the wider North side of the lot) rather than the narrow front yard of the lot (i.e., the West side of the lot), leaving a very minimal, noncompliant rear yard which could not accommodate the installation of an accessory structure at a location in compliance with the current provisions of the Zoning Ordinance. This creates a practical difficulty and particular hardship upon the Petitioner because the setbacks under the current provisions of the Zoning Ordinance are established based on the direction a residential structure faces, i.e., where the front door is located. The strict application of the relevant provisions of the Zoning Ordinance could prevent the property owner from being able to install a shed at a location that would otherwise be permitted if the house on the Subject Property were constructed facing what would otherwise be considered the front yard of the lot (i.e., the West side of the lot). Therefore, this standard has been or will be met.

B. Unique Physical Condition:

"The Subject Property is exceptional as compared to other properties subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming, irregular or substandard shape or

size, exceptional topographical features, or other extraordinary physical conditions peculiar to, and inherent in, the Subject Property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the property rather than the personal situation of the current owner of the property."

The construction of the house fronting toward what would have traditionally been the interior side yard creates a unique physical condition which essentially creates a very minimal rear yard for the Subject Property. Therefore, this standard has been or will be met.

C. Not Self-Created:

"The aforesaid unique physical condition is not the result of any action or inaction of the owner and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Ordinance."

The construction of the house on the Subject Property in the current configuration pre-dates the Petitioner's ownership of the Subject Property, and therefore, the unique physical condition of the Subject Property was not the result of any action or inaction of the Petitioner. In addition, a shed built on or about 1985, which shed deteriorated and was removed from the Subject Property approximately five (5) years ago, was located at approximately the same location as the Petitioner proposes to construct the subject shed. Therefore, this standard has been or will be met.

D. Denied Substantial Rights:

"The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the Subject Property of substantial rights commonly enjoyed by owners of other properties subject to the same provision."

Applying the strict letter of the Zoning Ordinance would prevent the Petitioner from constructing a shed at approximately the same location as a previous shed which was located on the Subject Property and subsequently demolished and removed that would otherwise be permitted if the house were constructed so as to face what would otherwise be considered the front yard of the lot (i.e., the West side of the lot) instead of the interior side yard (i.e., the North side of the lot). Therefore, this standard has been or will be met.

E. Not Merely Special Privilege:

"The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the Subject Property."

The requested variation does not constitute a special privilege due to the unique physical condition of the Subject Property as described above and the unique physical condition of the Subject Property is not self-created by the Petitioner. Therefore, this standard has been or will be met.

F. Ordinance and Plan Purposes:

"The variation would not result in a use or development of the Subject Property that would not be in harmony with the general and specific purposes for which this Ordinance, and the provision from which a variation is sought, was enacted or the general purpose and intent of the Comprehensive Plan."

Approval of the requested variation to construct the proposed shed at a location which is not otherwise in compliance with the current provisions of the Zoning Ordinance does not result in the development of the Subject Property in a way which would conflict with the plan and purpose of the Zoning Ordinance. If the house on the Subject Property were in the exact same location with the exact same footprint but faced the West side of the lot, rather than the North side of the lot, then the shed would be permitted in the proposed location. Therefore, this standard has been or will be met.

G. No Other Remedy:

"There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Subject Property."

Given the unique configuration of the house on the Subject Property and the other applicable requirements in the Zoning Ordinance, there is no other remedy that would allow the Petitioner to construct a shed in a location which is in compliance with the Zoning Ordinance. Therefore, this standard has been or will be met.

H. Minimum Required:

"The requested variation is a minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of the provisions of the Zoning Ordinance."

The Petitioner is proposing what would otherwise be a fully compliant shed in a reasonable location except for the fact that the existing house on the Subject Property faces what would traditionally be considered the interior side yard (i.e., the North side of the lot) of the Subject Property. If the existing house were in the exact same location with the exact same footprint but faced the West side of the lot, rather than the North side of the lot, then the shed would be permitted at the proposed location. The requested variation is the minimum that is required to alleviate the hardship presented by the strict application of the Zoning Ordinance. Therefore, this standard has been or will be met.

SECTION 3: A variation from the provisions of Section 6.7-F, "Minimum Yard Requirements", of Chapter 6 of the Zoning Ordinance is hereby granted to the Petitioner to permit the construction and maintenance in good condition of a shed with a footprint area of not-to-exceed 100 square feet on the Subject Property at a location which would otherwise be considered the interior side yard (i.e., the North side) of the Subject Property with a setback of only five feet (5'), notwithstanding the fact that a thirty foot (30') setback would otherwise be required by the Zoning Ordinance. Such proposed shed shall be constructed by the Petitioner in substantial compliance with the Approved Plans therefor attached hereto as Group Exhibit A and thereby made a part hereof.

SECTION 4: The following are conditions of the variation herein granted and the grant

of this variation is expressly subject to the Petitioner's timely and continued compliance with this Ordinance, the Barrington Village Code, the Zoning Ordinance, the Approved Plans, and the following conditions:

A. The variation herein granted shall only apply to the current request by the Petitioner relative to the installation of a shed with a footprint area of not-to-exceed 100 square feet as proposed to be constructed and maintained in good condition on the Subject Property, and for no other improvements.

B. Except as expressly granted herein, nothing contained in this Ordinance shall imply or be construed as approving or granting any other variation, waiver, or exception from any other provisions of the Zoning Ordinance, the Village Code, or from the provisions of any other ordinances of the Village.

SECTION 5: The variation approved in this Ordinance shall be established within one (1) year as provided in the Zoning Ordinance. Upon application, such one (1) year period may be extended by the Corporate Authorities of the Village if the facts and circumstances of the case warrant an extension after such one (1) year period has expired. The variations shall run with the land and shall be binding upon all owners from time to time of all or any portion of the Subject Property.

SECTION 6: This Ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law and its acceptance and approval by the Petitioner as provided below.

PASSED THIS 26 DAY OF August, 2024 BY ROLL CALL VOTE AS FOLLOWS:

AYES: Trustee Johnson Trustee Sholeen Trustee Wondra Trustee Duncan Trustee Riggs 3 President Darch

NAYS: None

ABSENT: Trustee Mike Moran

ABSTAIN: None

APPROVED THIS 26 TH DAY OF AUGUST, 2024

Karen Y. Darch

Karen Y. Darch, Village President

ATTESTED AND FILED THIS 26 TH DAY OF AUGUST, 2024.

Tony Ciganek

Tony Ciganek, Village Clerk

Published in Pamphlet Form the 27 Day of August, 2024.

Village of Barrington CORPORATE SEAL Cook & Lake Counties, IL

ACCEPTANCE

The undersigned states that she is the owner of the Subject Property and the Petitioner herein, and that on behalf of herself and her heirs, successors and assigns, she hereby accepts and agrees to the provisions of the foregoing Ordinance this ____ day of _____, 2024.

OWNER OF RECORD AND PETITIONER:

_____

Jane Williamson

EXHIBIT A

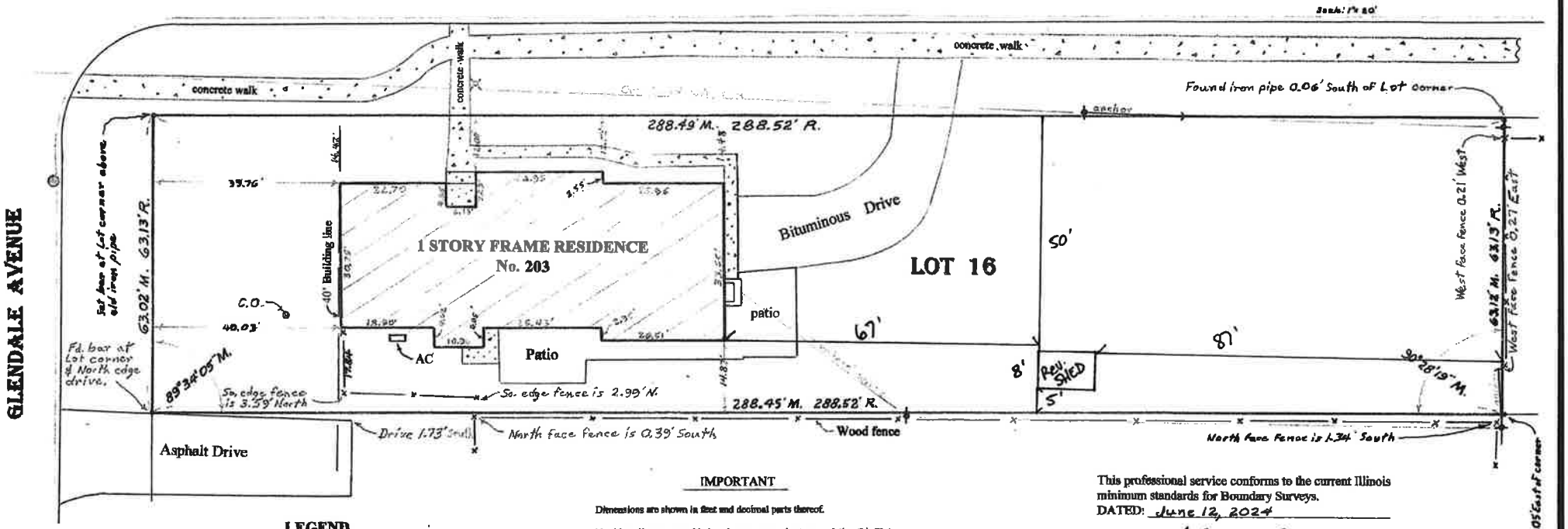
APPROVED PLANS

BOUNDARY SURVEY

Lot 16, Block 5 in ARTHUR T. McINTOSH & COMPANY'S MAIN STREET ADDITION TO BARRINGTON, a subdivision of part of Lot 2 in County Clerk's Division of the Northeast Quarter of Section 1, Township 42 North, Range 9 East of the Third Principal Meridian, all being in Cook County, Illinois.

Area = 18,193 Square Feet

WARWICK AVENUE



GLENDALE AVENUE

LEGEND

- Utility pole
- Hydrant
- x——x Fence
- 127.78 R Record distance
- 142.86 M Measured distance

IMPORTANT

Dimensions are shown in feet and decimal parts thereof.

No title policy was provided to the surveyor prior to completing this Plat

This document is void without the original embossed seal and signature of the Surveyor affixed.

No search of the records for easements or encumbrances was made as a part of this Survey.

Surveyor is not liable for damages in excess of remuneration received for this survey, but in no event shall such liability exceed $900.00.

Environmental and subsurface conditions were not examined as a part of this Survey.

Some improvements are not shown.

Buried utilities are not shown on this document including: gas lines, electric cables, telephone lines, sewer pipes and cable TV lines.

This professional service conforms to the current Illinois minimum standards for Boundary Surveys.

DATED: June 12, 2024

SIGNED: John M. Bruns

JOHN M. BRUNS I.P.L.S. #35-2353
LAKE-COOK LAND SURVEY
200 North Bothwell Street
Palatine, IL 60067
(847) 382-9572
Professional Design Firm No. 184-002801

Job No. 7595

Ordered by: Steve McGovern

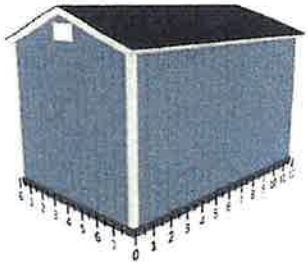
Field work completed June 4, 2024

License renews 11/30/2024

DocuSign Envelope ID: 21FF5BD0-1B11-46C9-9EAA-2D778E349F50

TUFF SHED

Steve McGovern
203 South Glendale Avenue
Barrington IL 60010
Q-2658289



Wall D

Wall A

Wall C

Wall B

Base Details/Permit Details

Building Size & Style
Premier Ranch - 8' wide by 12' long
Paint Selection
Base: Seastone, Trim: Delicate White
Roof Selection
Nickel Gray 3 Tab
Drip Edge
White
Is a permit required for this job?
Yes
Who is pulling the permit?
Tuff Shed

Optional Details

Doors
3' x 6'2" Double Door (6'), Heavy Duty Ramp Pair
Windows
2'x2' Horizontal Sliding Window
Floor and Foundation
4 Ea Shed Anchor into Dirt - Auger or MR88
Vents
2 Ea 16"x8" Wall Vent - White

Jobsite/Installer Details

Do you plan to insulate this building after Tuff Shed installs it?
No
Is there a power outlet within 100 feet of installation location?
Yes
The building location must be level to properly install the building. How level is the install location?
Within 4" of level
Will there be 18" of unobstructed workspace around the perimeter of all four walls?
Yes
Can the installers park their pickup truck & trailer within approximately 200' of your installation site?
Yes
Substrate Shed will be installed on?
Grass

Customer Signature: DocuSigned by: Stephen McGovern 77E281D9A8F5429... Date: 4/30/2024