VILLAGE OF BARRINGTON

ORDINANCE NO. 2024-4450

ZONING ORDINANCE VARIATION

RE: ZBA 24-06: Property of Barrington Masonic Lodge No. 522 at 312 S. Cook Street
Request for Approval of a Variation from the Provisions of the
Zoning Ordinance Relative to Lot Coverage

ADOPTED BY

THE CORPORATE AUTHORITIES

OF THE VILLAGE OF BARRINGTON

THIS 28 DAY OF October, 2024

Published in pamphlet form by authority of the Corporate Authorities of the Village of Barrington, Illinois, this 28 day of October, 2024

Ordinance No: 2024-4450

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RE: ZBA 24-06: Property of Barrington Masonic Lodge No. 522 at 312 S. Cook Street
Request for Approval of a Variation from the Provisions of the
Zoning Ordinance Relative to Lot Coverage

WHEREAS, Barrington Masonic Lodge No. 522 (hereinafter referred to as the "Owner" or the "Petitioner") is the owner of the property commonly known as 312 S. Cook Street, Barrington, Illinois (hereinafter sometimes referred to as the "Subject Property"), and the Petitioner is seeking the Village's approval of an after-the-fact variation for the Subject Property from certain provisions of the Zoning Ordinance ("ZO"), and specifically, from Section 6.7-H.2, "Lot Coverage", to allow the Petitioner to maintain the existing driveway and parking areas on the Subject Property, which have been expanded and constructed by the Petitioner at locations and in substantial compliance with the Approved Plans therefor which are attached hereto as Group Exhibit A and thereby made a part hereof, which expansion resulted in the Subject Property having a non-compliant impervious surface covering more than fifty percent (50%) of the Subject Property, notwithstanding the fact that Section 6.7-H.2 of the Zoning Ordinance otherwise provides that the maximum impervious total lot area in the R-6 Single Family Residential Zoning District in which the Subject Property is located may not otherwise exceed fifty percent (50%); and

WHEREAS, although the Subject Property is located in the Village's R-6 Single-Family Residential Zoning District, it was improved with a place of public assembly in the nature of the Barrington Masonic Lodge No. 522 prior to the Village's adoption of its current Zoning Regulations, and is legally described as follows:

LOT 7 IN BLOCK 3 IN BARRINGTON, IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
PIN: 01-01-109-007 (hereinafter, the "Subject Property")
; 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 October 8, 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, pursuant to Section 6.7-H.2, "Lot Coverage", of the Village of Barrington Zoning Ordinance, the maximum amount of impervious total lot area otherwise allowed is fifty percent (50%) of the total lot area; and

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 located at 312 S. Cook Street and was a former Church which has since been converted to a Masonic Lodge. Although the Subject Property is located within the R-6 Zoning District, the use is not residential but rather, the use is institutional and a place of public assembly, which requires additional paved surfaces for a driveway and to accommodate parking. 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 Subject Property has always been a non-residential use located in a single-family residential neighborhood in the R-6 Zoning District. The development pre-dates all current zoning regulations and, therefore, the Subject Property is unique compared to all neighboring properties. 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 building on the Subject Property was originally constructed as a Church and was taken over by the Masonic Lodge. The practical difficulty and the unique physical condition created by having a non-residential use in a residential neighborhood in the R-6 Zoning District were not self-created by the Petitioner. 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 this particular residential standard for impervious surface limitation to a non-residential application would deprive the Petitioner of the opportunity to expand the driveway on the Subject Property to better accommodate parking and for functionality and for aesthetic purposes as well as the opportunity to address a drainage issue on the Subject Property next to the building. While many residential standards are still applicable to non-residential uses which are located in a residential zoning district to maintain the residential character of the area, impervious surface limitations of 50% are impossible to maintain when such non-residential driveway parking areas exist. 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 considering the unique physical condition of the Subject Property, the non-residential use of the Subject Property in a residential zoning district, which use pre-dated the Village's adoption of its Zoning Ordinance, and the fact that said unique physical conditions were 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."

No change in use is being requested by the Petitioner, and the existing non-residential use of the Subject Property will continue to be generally in-line with most residential zoning standards with the exception of impervious surface limitations due to the unique non-residential use of the Subject Property. Therefore, the Petitioner's request is generally in line with the plan and purpose of the Zoning Ordinance since the Petitioner is requesting the minimum relief necessary to alleviate the hardship and unique condition imposed by having a non-residential use in a residential zoning district. 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 condition of the Subject Property as a non-residential use located in a residential zoning district and the fact that the Subject Property already has impervious surface coverage of more than the 50% maximum otherwise permitted by the Zoning Ordinance, there does not appear to be any other remedy that would alleviate the practical difficulties and particular hardships of the Petitioner to allow the Petitioner to expand the impervious surface for the driveway and parking areas on the Subject Property and no other remedy that would allow the Subject Property to be brought into compliance with the impervious surface limitations of 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 requesting approval of a variation from the Village's Zoning Regulations to permit the Petitioner to expand the existing impervious surface on the Subject Property to better accommodate the driveway and parking areas on the Subject Property and to improve the functionality and aesthetics of the existing driveway as well as to improve the drainage next to the building on the Subject Property. The Petitioner's request is the minimum relief necessary to alleviate the practical difficulties and particular hardships relative to the Subject Property. Therefore, this standard has been or will be met.

SECTION 3: An after-the fact variation from Section 6.7-H.2, "Lot Coverage", of the Zoning Ordinance ("ZO") is hereby granted to the Petitioner to permit the Petitioner to install and thereafter maintain in good condition an expanded driveway and parking areas on the Subject Property at locations and in a configuration which is in substantial compliance with the plans therefor approved by the Village, a copy of which plans are attached hereto as Group Exhibit A and thereby made a part hereof (the "Approved Plans"), notwithstanding the fact that such expanded driveway and parking areas would increase the impervious surface on the Subject Property to a level which would not otherwise be in compliance with the applicable provisions of the Village's Zoning Ordinance.

SECTION 4: The following are conditions of the variation herein granted and the grant of this variation is expressly subject to the timely and continued compliance by the Petitioner and its successors and/or assigns with this Ordinance, the Barrington Village Code, the Zoning Ordinance, the Approved Plans, and the following conditions:

A. The additional impervious surface which has now been constructed on the Subject Property will not create an adverse drainage impact on neighboring properties.
B. The expanded driveway and parking areas authorized on the Subject Property have been constructed at locations and in substantial compliance with the Approved Plans and shall thereafter be maintained in good condition by the Owner of the Subject Property and/or its successors and/or assigns.
C. No additional impervious surface shall hereafter be constructed on the Subject Property in addition to that which currently exists as shown on the attached Group Exhibit A, without the Village's approval of another variation for the Subject Property.
D. 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 herein granted 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 Owner as provided below.

PASSED THIS 28 DAY OF October, 2024 BY ROLL CALL VOTE AS FOLLOWS:
AYES: Trustees Lohmeyer, Sholeen, Wondrasek, Duncan, Moran and President Darch
NAYS: NONE
ABSENT: Trustee Prigge
ABSTAIN: NONE

APPROVED THIS 28 DAY OF October, 2024

Karen Y. Darch

Karen Y. Darch, Village President

ATTESTED AND FILED THIS
28 DAY OF October, 2024.

Tony Cigarek

~~Tony Cantieri~~, Village Clerk

Published in Pamphlet Form the 28 Day of October, 2024.

TONY CIGAREK

Village of Barrington CORPORATE SEAL Cook & Lake Counties, IL

ACCEPTANCE

The undersigned state that they are the duly-authorized representatives of the Owner of the Subject Property and the Petitioner herein, and that on behalf of themselves individually, the Owner, and their respective heirs, successors and assigns, they hereby accept and agree to the provisions of the foregoing Ordinance this ____ day of _____, 2024.

OWNER OF RECORD AND PETITIONER:

BARRINGTON MASONIC LODGE NO. 522

By: _____
_____, its _____

ATTEST:

By: _____
_____, its _____

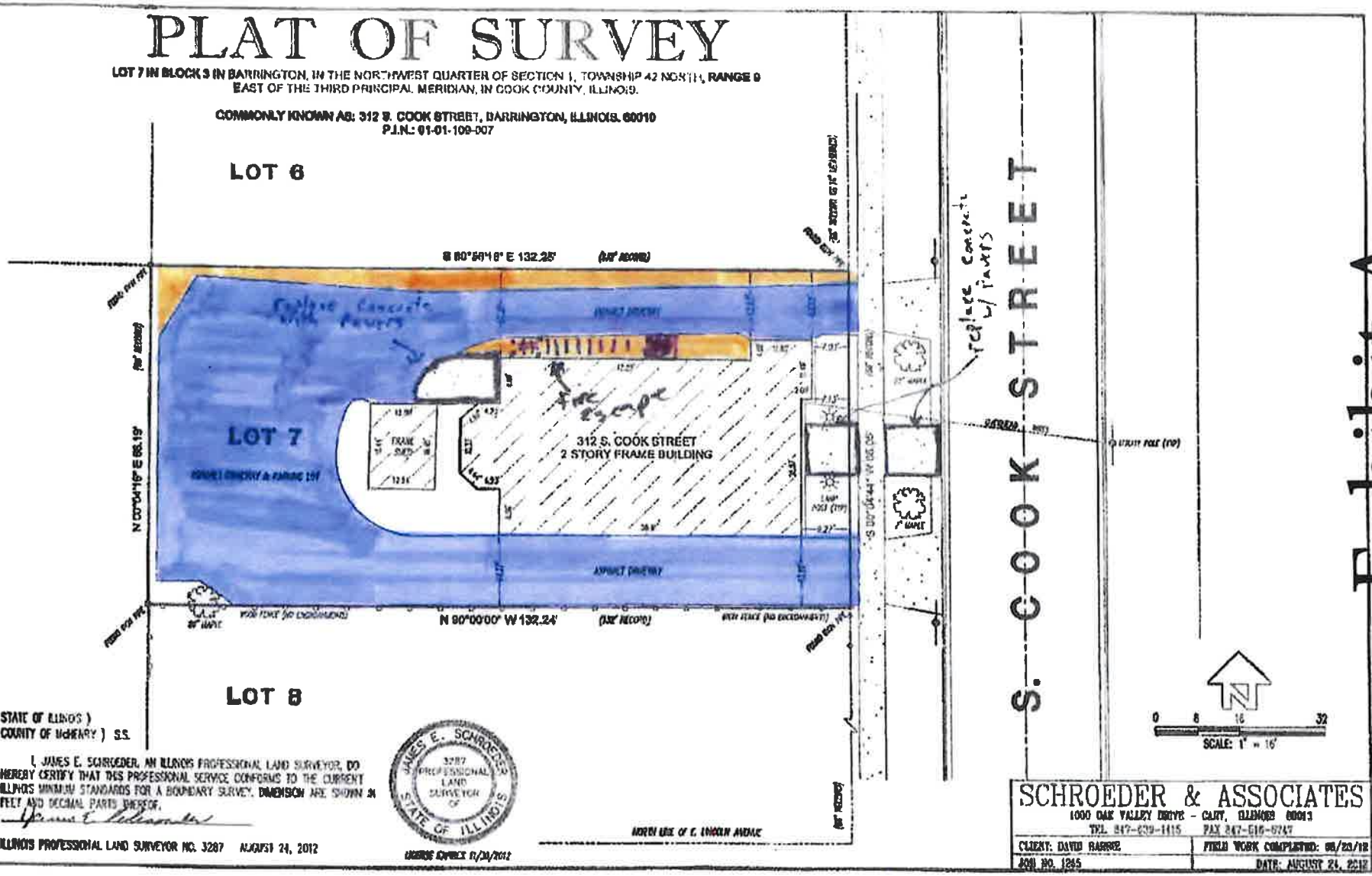
GROUP EXHIBIT A

APPROVED PLANS

PLAT OF SURVEY

LOT 7 IN BLOCK 3 IN BARRINGTON, IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 312 S. COOK STREET, BARRINGTON, ILLINOIS 60010
P.I.N.: 01-01-109-007



STATE OF ILLINOIS)
COUNTY OF McHENRY) SS.

I, JAMES E. SCHROEDER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. DIMENSION ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3287 AUGUST 24, 2012

JAMES E. SCHROEDER 3287 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS

LICENSE EXPIRES 11/30/2012

NORTH SIDE OF E. LINCOLN AVENUE

SCHROEDER & ASSOCIATES
1000 OAK VALLEY DRIVE - CARY, ILLINOIS 60013
TEL 847-639-1115 FAX 847-516-0747

CLIENT: DAVID RABBIE	FIELD WORK COMPLETED: 08/23/12
JOB NO. 1265	DATE: AUGUST 24, 2012

Exhibit A

BARRINGTON
Be Inspired.

October 28, 2024

Village President Karen Darch & Village Board of Trustees
200 South Hough Street
Barrington, Illinois 60010

Re: ZBA 24-06 - 312 S. Cook Street - Variation

Dear President Darch and Board of Trustees:

The Petitioner is requesting a variation from ZO Section 6.7-H.2 Lot Coverage to permit the expansion of the existing driveway to allow more than 50% impervious surface on the subject property as 50% is the maximum allowable impervious surface in single family residential zoning districts.

Jennifer Tennant, Asst. Director of DS, presented the staff report. Ms. Tennant gave an overview of the project and explanation of the requested variation. Staff finds that all applicable standards are met and recommends approval of the requested variation.

The Plan Commission discussed the request in relation to the applicable standards and determined that all standards were satisfied. The Plan Commission recommended approval of ZBA 24-06 subject to the findings listed in the Staff Report.

No members of the public were present in regards to this request. No members of the public commented.

Motion:
Vice-Chairperson Hogan moved to recommend approval of ZBA 24-06 subject to the findings in the Staff Report and Commissioner Gall seconded the motion. The motion carried, 6-0.

Respectfully Submitted,
Jennifer Tennant, Assistant Director of Development Services

BARRINGTON
Be Inspired

Zoning Board of Appeals Staff Report

HEARING DATE: October 8, 2024 – Public Hearing
PREPARED BY: Jennifer Tennant, Asst. Director of Development Services

ZBA 24-06: 312 S. Cook Street – Variation Request

PETITIONER(s): Barrington Masonic Lodge #522
PROPERTY OWNER(s): Barrington Masonic Lodge #522
EXISTING ZONING: R-6 Single-Family Residential District
EXISTING LAND USE: Masonic Lodge
PROPERTY SIZE: 8,712 sq. ft.

The Petitioner is requesting a variation from ZO Section 6.7-H.2 Lot Coverage to permit the expansion of the existing driveway to allow more than 50% impervious surface on the subject property as 50% is the maximum allowable impervious surface in single family residential zoning districts. The requested impervious surface expansion has already been completed.

SUBMITTALS/DOCUMENTATION

1. Project Summary
2. Site Plan with existing impervious shown in blue and new impervious shown in orange
3. Photos of Surrounding and Subject Property

VARIATION STANDARDS

1. 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 located at 312 S. Cook Street and was a former Church which has since been converted to a Masonic Lodge. The use is institutional and not residential which requires additional paved surfaces for driveway and parking. *Staff finds that this standard is met.*

2. 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 subject property has always been a non-residential use located in single-family residential neighborhood and zoning district. The development pre-dates all current zoning regulations and

therefore the subject property is unique compared to all neighboring properties. *Staff finds that this standard is met.*

3. 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 building in the subject property was originally constructed as a Church and was taken over by the Masonic Lodge. The practical difficult and the unique physical condition created by having a non-residential use in a residential neighborhood and zoning district were not self--created by the Petitioner. Staff finds that this standard is met.

4. 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.**

   Staff finds that applying this particular residential standard for impervious surface limitation in a non-residential application deprives the Petitioner the opportunity to improve their driveway for functionality and aesthetic purposes as well as the opportunity to address a drainage issue on their property next to the building. While many residential standards are still applicable to non-residential uses in residential district to maintain the residential character of the area, impervious surface limitations of 50% cannot be strictly maintained when non-residential driveways parking areas exist. *Staff finds that this standard is met.*

5. 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.**

   Staff finds that the requested variation does not constitute a special privilege due to the unique physical condition established herein and the fact that said unique physical condition is not self-created by the Petitioner. *Staff finds that this standard is met.*

6. 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.**

   Staff finds that the non-residential development is generally in-line with most residential zoning standards with the exception of impervious surface limitations due to the unique nature of the non-residential use. Therefore, Staff finds that the request is generally in line with plan and purpose of the Zoning Ordinance since they are requesting the minimum necessary to alleviate the hardship and unique condition imposed by having a non-residential use in a residential neighborhood. *Staff finds that this standard is met.*

7. 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 use of a non-residential use in a residential neighborhood and the fact that the property is already over the 50% impervious surface maximum, there is no other remedy that would allow for additional impervious surface to be constructed on the property and no other remedy that would allow for the property to be brought into compliance with regards to impervious surface limitations. *Staff finds that this standard is met.*

8. **Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this Ordinance.**

   The Petitioner is requesting approval to expand the existing impervious surface on the site to improve the functionality and aesthetics of the driveway as well as the drainage next to their building. Staff finds that the request is the minimum necessary to alleviate the practical difficulty established in this report. *Staff finds that this standard is met.*

STAFF RECOMMENDATION

If the Zoning Board of Appeals concurs with the above findings of fact, Staff recommends that the Zoning Board of Appeals adopt this finding of fact and make a motion to recommend approval of ZBA 24-06 to the Village Board of Trustees subject to the following considerations and conditions of approval:

Conditions:

1. **The additional impervious surface added to the site shall not create an adverse drainage impact for neighboring properties.**
2. **No additional impervious surface shall be added to the site, over what exists today as show on the attached exhibit, without approval of another variation.**