06/17/25
07/07/25

VILLAGE OF BARRINGTON

ORDINANCE NO. 2025-4541

ZONING ORDINANCE VARIATION

RE: ZBA 25-02: Property of John and Crystal Pepper at 821 S. Country Drive
Request for Approval of Variations from the Provisions of the Zoning Ordinance
Relative to a Fence Proposed to be Installed Within
a Required Corner Side Yard Setback

ADOPTED BY

THE CORPORATE AUTHORITIES

OF THE VILLAGE OF BARRINGTON

THIS 14 DAY OF JULY, 2025

Published in pamphlet form by authority of the Corporate Authorities of the Village of Barrington, Illinois, this 14 day of JULY, 2025

Ordinance No: 2025- 4541

ZONING ORDINANCE VARIATION

RE: ZBA 25-02: Subject Property of John and Crystal Pepper at 821 S. Country Drive
Request for Approval of Variations from the Provisions of the Zoning Ordinance
Relative to a Fence Proposed to be Installed Within
a Required Corner Side Yard Setback

WHEREAS, John and Crystal Pepper (hereinafter referred to as the "Owners" or the "Petitioners") are the owners of the property commonly known as 821 S. Country Drive, Barrington, Illinois (hereinafter sometimes referred to as the "Subject Property") which is a corner lot located on the southeast corner of Country Drive and Sunset Road within the Village's R-3 Residential Zoning District, which consists of an existing single-family residential structure with an attached garage, a swimming pool, and other related improvements and is legally described as follows:

LOT 17 IN BARRINGTON HIGHLANDS FIRST ADDITION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED MAY 2, 1956 AS DOCUMENT 16567063, IN COOK COUNTY, ILLINOIS.
P.I.N. 01-02-410-001; and

WHEREAS, the Owners wish to expand the fenced area on the Subject Property and remove and replace a portion of the existing non-conforming wooden fence located along the Northerly side yard of the Subject Property and construct a new solid cedar wooden fence with a height of approximately six feet two inches (6'2") at its highest point to be consistent with the approximately six foot (6') height of the portions of the existing fence which will remain on the Subject Property, and said replacement fence will be of a style similar to the existing fence on the Subject Property, at a location which will be as close as approximately three feet six inches (3'6") from the Northerly side yard lot line of the Subject Property, which would thereby encroach by approximately eleven feet six inches (11'6") into the minimum required fifteen foot (15') side yard setback otherwise required by the Village of Barrington Zoning Ordinance (the "ZO"); and

WHEREAS, for purposes of safety with regard to the existing swimming pool on the Subject Property and for aesthetic reasons, the Owners have requested the Village's approval of variations from certain provisions of the ZO, as the proposed new fence would not be in strict compliance with other requirements of the ZO, and specifically:

(a) Chapter 4, Part I, "General Regulations", Section 4.5, "Fences", Subsection A.2, "Maximum Height in a Corner Side Yard", which requires fences constructed in corner side yards to not exceed four feet (4') in height in order permit the Petitioners to construct and maintain in good condition a new solid cedar wooden fence on the Subject Property having a height of approximately six feet two inches (6' 2") at its highest point;

(b) Chapter 4, Part I, "General Regulations", Section 4.5, "Fences", Subsection C.3, "Percentage Open in Corner Side Yard", which requires that fences located in a side yard be open a minimum of 33% across the gross surface area in order to permit the Petitioners to construct

and maintain in good condition a new relocated solid cedar wooden fence on the Subject which will not have the minimum 33% of open surface area; and

(c) Chapter 6, "Residential Districts", Section 6.4(E)(2), "Minimum Yard Requirements", and from Table 6.11 thereof, which require a minimum fifteen foot (15') corner side yard setback, to permit the proposed fence on the Subject Property to be located approximately three feet six inches (3'6") from the corner side yard lot line, thereby encroaching by approximately eleven feet six inches (11'6") into the minimum fifteen foot (15') corner side yard setback otherwise required by the ZO;

which new fence would be constructed by the Petitioners in substantial compliance with the Approved Plans therefor attached hereto as Group Exhibit A and thereby made a part hereof and thereafter such new fence shall be maintained in good condition; 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 June 10, 2025, and submitted its report and recommendation to the Corporate Authorities of the Village recommending approval of the requested variations; 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 Subject Property; and

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

(1) Pursuant to Chapter 4 of the ZO, Section 4.5, Subsections A.2 and C.3, a fence located within a corner side yard shall not exceed four feet (4') in height and must also be open a minimum of 33% across the face of the fence; and

(2) The Subject Property is located on the corner of Country Drive and Sunset Road, and the North side of the existing residence on the Subject Property faces Sunset Road and is considered to be the side yard of the Subject Property; and

(3) Without the Village's grant of the requested variations relative to the proposed new solid cedar wooden fence, the Petitioners would be unable to expand the fenced area on the Subject Property and construct a new fence on the Subject Property which will have a height of approximately six feet two inches (6'2") at its highest point and at a location which would be approximately three feet six inches (3'6") from the corner side yard property line, and which would thereby encroach by approximately eleven feet six inches (11'6") into the fifteen foot (15') minimum corner side yard setback otherwise required by the ZO; 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 Petitioners for the aforesaid variations and have determined that these are appropriate circumstances in which to grant the requested variations:

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 Home Rule authority of the Village, 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 Petitioners are requesting the Village's approval of variations from certain provisions of the Village's Zoning Ordinance to permit the Petitioners to install a new solid cedar wood fence having a height of approximately six feet two inches (6'2") along and within the Northerly corner side yard of the Subject Property. The Village's Zoning Ordinance otherwise permits a maximum fence height in a corner side yard of four (4) feet with a minimum of thirty-three (33) percent open across the surface of the fence. The existing non-conforming solid wood fence on the Subject Property has an existing height of approximately six feet (6') that extends near and is located along the Northerly corner side yard property line, and the Petitioners, for purposes of safety with regard to the existing swimming pool and aesthetics, wish to remove that portion of the existing fence along the Northerly corner lot line, expand the fenced area on the Subject Property and replace a portion of the fence at that location with a fence which is of materials and a height consistent with the portions of the existing fence which will remain on the Subject Property. The required corner side yard setback in the R-3 Zoning District is 15 feet, but the existing fence, at its closest portion, is located approximately six (6) feet from the property line, and such existing fence is not in compliance with the current provisions of the Village's ZO. The existing fence was installed on the Subject Property in 1986 at the same time that the existing swimming pool was installed; however, the Petitioners did not purchase the Subject Property until 2014. The swimming pool is of a shape which will not allow for the installation of a retractable pool cover, and a fence is a permitted alternative for pool barriers. The practical difficulties with regard to the Subject Property are that there is an existing swimming pool on the Subject Property, for which a barrier is required, and an existing fence on the Subject Property which was installed on the Subject Property prior to the Petitioners' purchase of the Subject Property at a location which does not comply with the provisions of the Village's ZO, which circumstances would prevent the Petitioners from maximizing their backyard space and from modifying and/or expanding the existing fence that has existed on the Subject Property for 30 years. All of these circumstances would create a particular hardship and practical difficulty for the Petitioners in creating an aesthetically pleasing and secure yard for their Property. 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 is a corner lot located in the R-3 Zoning District in a neighborhood where large lots are typical, and where there are no sidewalks. In combination with the increased depth of the rights-of-way in this area and the lack of sidewalks, the house has a side-loading garage which faces the Northerly corner side yard of the Subject Property, which would not interfere with any line-of-sight issues that may typically be a concern with a fence in a corner side yard. Additionally, a portion of the Northerly side yard of the Subject Property where the new fence is proposed to be located and the fenced area is proposed to be expanded has mature trees and/or shrubs greater than six (6) feet in height. The intent of the ZO is to prevent tall fences in a front yard. Having an existing swimming pool on the Subject Property which requires a barrier located on a corner lot in such a neighborhood creates a unique physical condition 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 existing non-conforming fence was installed over 30 years ago prior to the Petitioners purchasing the Subject Property. The fence provides the required protection of the swimming pool, because the unique shape of the pool does not allow for the installation of a retractable cover. While the Petitioners would like to maximize useable backyard space, any expansion or change to the existing fence would require one or more variation(s). The swimming pool and nonconforming fence located on the Subject Property existed prior to the Petitioners' purchase of the Subject Property, and therefore, the practical difficulties and unique physical condition of the Subject Property were not self-created by the Petitioners. 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."

Considering the practical difficulties and unique physical condition of the Subject Property, the strict application of the provisions of the ZO would deprive the Petitioners of the ability to replace a portion of an older nonconforming fence and maximize useable backyard space. 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."

Approval of the variations requested by the Petitioners would allow the Petitioners to replace a portion of an older nonconforming fence and expand an otherwise unused area of the Subject Property which could be incorporated into the existing backyard space. The requested variations do not constitute a special privilege due to the unique physical condition of the Subject Property as described herein and the fact that said unique physical condition is not self-created by the Petitioners. 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."

The fence proposed to be installed by the Petitioners would be constructed of materials and at a height which is compatible and in harmony with the existing fence and the condition of the Subject Property for over the past 30 years. Additionally, no part of the proposed new fence will extend into the front yard, and it will not have a negative impact on the value of any nearby properties. 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."

The Petitioners are making several improvements to the Subject Property, including an addition, patio, landscaping, and a sports court, and the expansion of the fenced area would allow the Petitioners to utilize more of their backyard space to accommodate those improvements with only minor variations. 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 Zoning Ordinance does not allow fences to be located in a corner side yard or in a front yard. No part of the proposed new fence will extend or be located in the front yard. 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: Variations from the Village's Zoning Ordinance are hereby granted to the Petitioners for the Subject Property, and specifically from:

(a) Chapter 4, Part I, "General Regulations", Section 4.5, "Fences", Subsection A.2, "Maximum Height in a Corner Side Yard", which requires fences constructed in corner side yards to not exceed four feet (4') in height in order permit the Petitioners to construct and maintain in good condition a new solid cedar wooden fence on the Subject Property having a height of approximately six feet two inches (6' 2") at its highest point;

(b) Chapter 4, Part I, "General Regulations", Section 4.5, "Fences", Subsection C.3, "Percentage Open in Corner Side Yard", which requires that fences located in a side yard be open a minimum of 33% across the gross surface area in order to permit the Petitioners to construct and maintain in good condition a new solid cedar wooden fence on the Subject which will not have the minimum 33% of open surface area; and

(c) Chapter 6, "Residential Districts", Section 6.4(E)(2), "Minimum Yard Requirements", and from Table 6.11 thereof, which requires a minimum fifteen foot (15') corner side yard setback, to permit the proposed fence on the Subject Property to be located approximately three feet six inches (3'6") from the corner side yard lot line, thereby encroaching by approximately eleven feet six inch (11'6") into the minimum fifteen foot (15') corner side yard setback otherwise required by the ZO;

, which new fence shall be constructed in substantial compliance with the Approved Plans therefor attached hereto as Group Exhibit A and thereby made a part hereof and thereafter maintained in good condition by the Petitioners.

SECTION 4: The following are conditions of the variations herein granted and the grant of these variations is expressly subject to the Petitioners' timely and continued compliance with this Ordinance, the Barrington Village Code, the Zoning Ordinance, the Approved Plans, and the following conditions:

A. The variations herein granted shall only apply to the current request by the Petitioners relative to a new solid cedar wooden fence not to exceed six feet two inches (6'2") in height at its highest point to be constructed and maintained in good condition on the Subject Property, and except for the variations granted herein, no other or further expansion into any required setback(s) shall be permitted without an amendment to this Ordinance.

B. The existing fence shall be removed from the Subject Property and a new solid cedar wooden fence not to exceed six feet two inches (6'2") in height shall be constructed on the Subject Property pursuant to the respective permits therefor which shall be obtained by the Petitioners prior to the commencement of any construction activity on the Subject Property, and all debris related to the removal of the existing fence and the construction of the new solid wooden fence shall be removed from the Subject Property at such time as when installation of the proposed new fence is completed.

C. The new solid cedar wooden fence herein approved to be constructed on the Subject Property shall be constructed in substantial compliance with the Approved Plans therefor which are attached hereto as Group Exhibit A and thereby made a part hereof, and such fence shall encroach no further than eleven feet six inches (11'6") into the minimum required fifteen foot (15') corner side yard setback on the Subject Property and shall thereafter be maintained in good condition by the Petitioners and by any subsequent owner(s) of the Subject Property.

D. These variations shall also authorize the new cedar fence to be extended at the same height and in the same plane as the new fence along Sunset Road.

E. The future removal of the remaining portions of the existing fence located in the Northerly corner side yard on the Subject Property and replacement thereof at the same existing location, utilizing the same or similar materials as the new solid cedar wooden fence, is also hereby authorized when the condition of this portion of the existing fence so requires.

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 variations 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 Owners as provided below.

PASSED THIS 14 DAY OF JULY, 2025 BY ROLL CALL VOTE AS FOLLOWS:

AYES: Trustees Lohmeyer, Sholeen, Wondrasek, Duncan, Prigge, Klauer and President Moran

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

APPROVED THIS 14 DAY OF JULY, 2025

Michael Moran, Village President

ATTESTED AND FILED THIS 14 DAY OF JULY, 2025.

James P. Dillon, Village Clerk

Published in Pamphlet Form the 14 Day of JULY, 2025.

Village of Barrington CORPORATE SEAL Cook & Lake Counties, IL

ACCEPTANCE

The undersigned states that they are the Owners of the Subject Property and the Petitioners, and that on behalf of themselves, and their respective heirs, successors and assigns, they hereby accept and agree to the provisions of the foregoing Ordinance this 30th day of July, 2025.

OWNERS OF RECORD AND PETITIONERS:

John Pepper

Crystal Pepper

GROUP EXHIBIT A

RE: ZBA 25-02: Subject Property of John and Crystal Pepper at 821 S. Country Drive
Request for Approval of a Variation from the Provisions of the Zoning Ordinance
Relative to a Fence Proposed to be Installed Within
a Required Corner Side Yard Setback

NEW FENCE LOCATION PLAN
("APPROVED PLANS")

UNITED SURVEY SERVICE, LLC
CONSTRUCTION AND LAND SURVEYORS
2100 N. 15TH AVENUE, UNIT C, MELROSE PARK, IL 60160
TEL: (847) 299 - 1010 FAX: (847) 299 - 5887
E-MAIL: USURVEY@USANDCS.COM

PLAT OF SURVEY

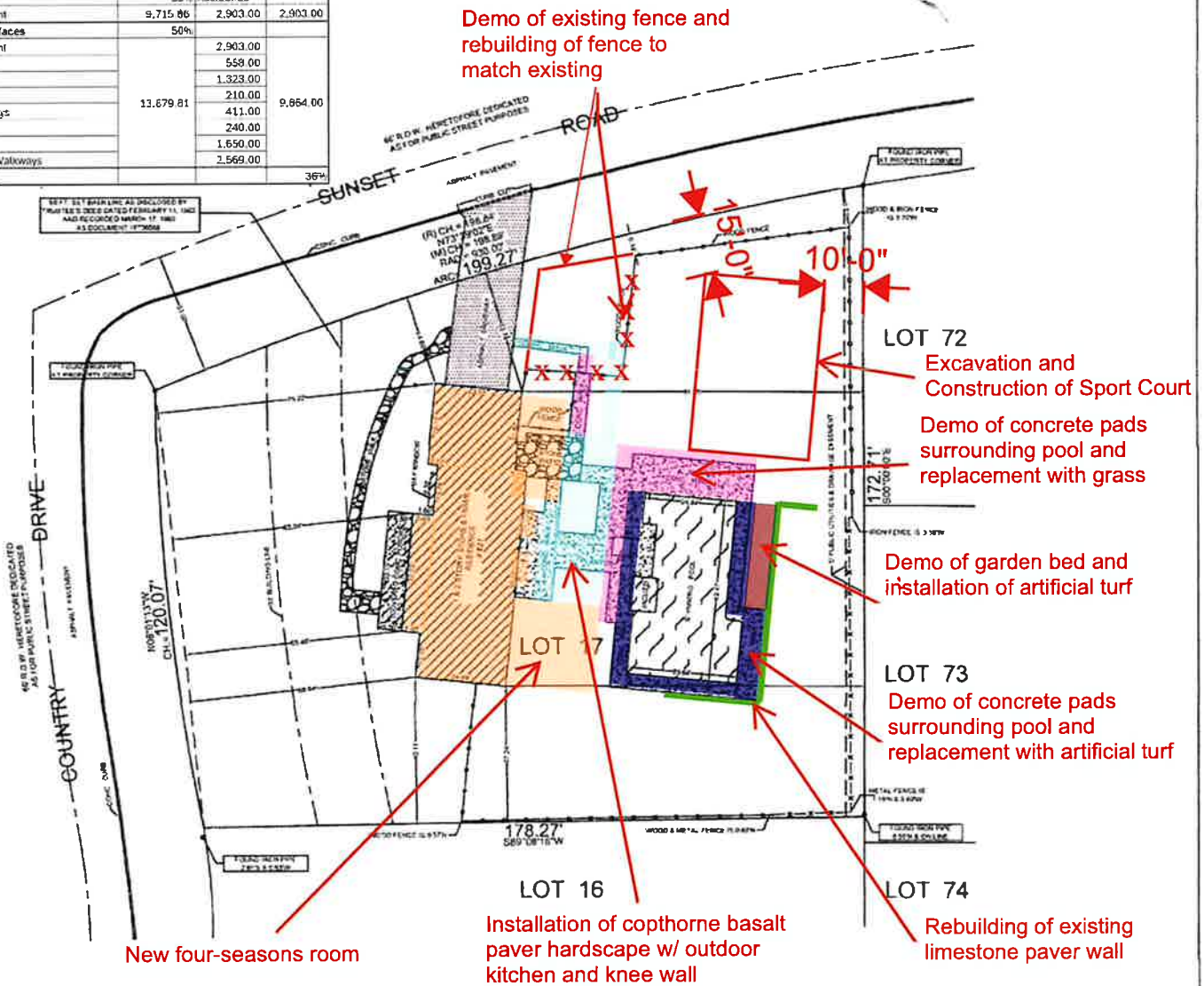
OF

LOT 17 IN BARRINGTON HIGHLANDS FIRST ADDITION BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED MAY 2 1956 AS DOCUMENT 16978813 IN COOK COUNTY, ILLINOIS

KNOWN AS 921 COUNTRY DRIVE, BARRINGTON, ILLINOIS

PERMANENT INDEX NUMBER 01 - 02 - 413 - 301 - 0000

Category	Allowable	Calculations	Actual
F.A.R.	50%		
First Floor		2,900.00	
Second Floor		700.00	3,600.00
Basement	13,879.81		
Attic			
Garage attached			
Lot Coverage	35%	Residence	
Building Footprint	9,715.86	2,903.00	2,903.00
Impervious Surfaces	50%		
Building Footprint		2,903.00	
Driveway		558.00	
Pool		1,323.00	
Front Porch	13,879.81	210.00	9,864.00
Existing Walkways		411.00	
Existing Patio		240.00	
Pickleball		1,650.00	
New Patio and Walkways		2,569.00	
Lot = 27,759.61			36%



STATE OF ILLINOIS)
) S S
COUNTY OF COOK)

I, ROY G. LAWNICZAK, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY

DIMENSIONS ARE SHOWN IN FEET AND DECIMALS AND ARE CORRECTED TO A TEMPERATURE OF 68° FAHRENHEIT

MELROSE PARK, ILLINOIS, SEPTEMBER 13, A.D. 2014

ROY G. LAWNICZAK, REGISTERED ILLINOIS LAND SURVEYOR NO. 35 2290
LICENSE EXPIRES: NOVEMBER 30, 2014
PROFESSIONAL DESIGN FIRM LICENSE NO. 184-004578
LICENSE EXPIRES: APRIL 30, 2015

ROY G. LAWNICZAK — 35-2290 — PROFESSIONAL LAND SURVEYOR — CHICAGO, IL

ORDERED BY: EILEEN C. LALLY & ASSOCIATES		
DATE: SEPTEMBER 13, 2014		
FILE No.: 2014 - 21833	DATE	REVISION

BARRINGTON
Be Inspired.

June 23, 2025

Village President Mike Moran & Village Board of Trustees
200 South Hough Street
Barrington, Illinois 60010

Re: ZBA 25-02 – 821 S. Country Drive - Variation

Dear President Moran and Board of Trustees:

The Petitioner is seeking approval of a Variation for the purpose of constructing a solid, six-foot tall wood fence in the corner side yard at 821 S. Country Drive pursuant to ZO Section 4.5-A.2 and C.3.

Katie Rivard, Village Planner, presented the staff report. Ms. Rivard gave an overview of the project and an 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 25-02 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 25-02 subject to the findings in the Staff Report and Commissioner Holterman seconded the motion. The motion carried, 5-0.

Respectfully Submitted,
Katie Rivard, Village Planner

BARRINGTON
Be Inspired.

Zoning Board of Appeals Staff Report

HEARING DATE: June 10, 2025 – Public Hearing
PREPARED BY: Katie Rivard, Village Planner

ZBA 25-02: 821 S Country Drive – Variation Request

PETITIONER(s): John Pepper, 821 S Country Drive, Barrington, IL 60010
PROPERTY OWNER(s): John and Crystal Pepper, 821 S Country Drive, Barrington, IL 60010
EXISTING ZONING: R-3 Single-Family Residential District
EXISTING LAND USE: Single Family Residence
PROPERTY SIZE: 27,759 sq. ft.

The Petitioner is requesting a variation from ZO Section 4.5 Fences to install a solid, six-foot tall wood fence in the corner side yard. The proposed fence also requires a variation from the percentage open across the face of the fence in the corner side yard. The Petitioner has an existing non-conforming solid, six-foot tall wood fence in the corner side yard. At this time, the Petitioner would like to remove a section of the fence and expand the fenced area. The closest the fence will be from the property line is 3'-6". Additionally, the requested variation should include the existing fence to allow for the future removal and replacement. The proposed fence would be built with cedar wood boards and built to match the existing fence.

SUBMITTALS/DOCUMENTATION

1. Project Summary
2. Location Map
3. Plat of Survey
4. Proposed Site Plan
5. Fence Elevations
6. Photos of Subject Property and Surrounding Properties

VARIATION STANDARDS

1. <u>Practical Difficulty</u>: **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 Petitioner is requesting a variation to install a solid, six-foot tall wood fence in the corner side yard. The maximum allowable height in the corner side yard is four (4) feet with a minimum of thirty-three (33) percent open from one end of the fence to another. The subject property has an existing non-conforming solid, six-foot tall wood fence that extends near the corner side yard property line. The required corner side yard setback in the R-3 zoning district is 15 feet, but the closest portion of the existing fence is approximately six (6) feet from the property line. The fence was installed in 1986 at the same time as the swimming pool was installed; however, the Petitioner did not purchase the home

until 2014. The swimming pool is custom shaped which does not allow for a retractable cover. Therefore, a fence is a required alternative to meet building code for pool barriers. Staff finds that strict application of the zoning restriction will prevent the Petitioner from maximizing their backyard space and from making any changes to the existing fence that has existed on the property for 30 years. It will create a particular hardship and practical difficulty for the Petitioners in creating an aesthetically pleasing and secure yard for their property. *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 is a corner lot in a neighborhood where large lots, increased depths of rights-of-way, and there are not sidewalks. In combination with the increased right-of-way and lack of sidewalks, the house has a side-loading garage, which should prevent any line-of-sight issues that may typically be a concern with a fence in the corner side yard. Additionally, a portion of the proposed expansion area has mature trees/shrubs greater than six (6) feet in height. The intent of the ZO is to prevent a wall of tall fences in the front yard. Staff finds that being situated on a corner lot in such a neighborhood creates a unique physical condition for the subject property. *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 existing non-conforming fence was installed over 30 years ago prior to the Petitioner purchasing the home. The fence provides the required protection of the swimming pool, because the unique shape of the pool does not allow for a retractable cover. While the Petitioner would like to expand the area to maximize useable backyard space, any expansion or change to the existing fence would require a Variation. Staff finds that the practical difficulty and unique physical condition of the subject property are 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 the practical difficulty and unique physical condition of the subject property deny the Petitioner the ability to maximize useable backyard space. *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.**

   The proposed request would allow the Petitioner to utilize and expand an area that could be added

to the existing backyard space. 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.**

   The proposed fence would be compatible and in harmony with the existing fence and conditions of this property for over the past 30 years. Additionally, no part of the fence will extend into the front yard, and it will not have a negative impact on the property values. *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.**

   The Petitioner is making several improvements to their property, including an addition, patio, landscaping, and a sports court, and the expansion would allow them to utilize their backyard space for those permitted improvements. *Staff finds that the requested variation is minor in nature and 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 Zoning Ordinance does not allow such requested fence to be located in the corner side yard and front yard. No part of the fence will extend or be located in the front yard. The requested variation is the minimum that is required to alleviate the hardship presented by the strict application of the Zoning Ordinance. *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 25-02 to the Village Board of Trustees subject to the following considerations and conditions of approval. The exception should include the existing fence in the corner side yard to allow for removal and replacement in the future.

Conditions:
None.

821 S Country Dr Location Map

6/6/2025, 10:23:11 AM

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.09 km

Maxar, Microsoft

Address

Village Boundary

Parcels

Disclaimer of Liability:

GIS data provided AS IS, without warranties to its accuracy & completeness, is intended for reference purposes only. Any use of such data is done solely at the user's own risk.

Zoning Board of Appeals

821 S. Country Dr., Barrington, IL

Project Summary

Members of the Board:

We are planning a landscaping renovation within the backyard of our property. We will be replacing existing hardscape with new hardscape, with semi-permeable artificial turf or removing some existing hardscape completely. We will also be adding new hardscape which includes a sport court, to be located 15' from the side property line and 10' from the rear property line. With the addition of the sport court, we have found that we will need to move a section of the fence to accommodate safe distance between the sport court and fence.

Our property has had a pool and an existing fence since the pool was constructed in 1986. We purchased the home in 2014. The pool is custom shaped and hence, it is not possible to have a retractable cover. The pool also has a diving board and a deep end that is 12 ft. deep. For both reasons, we believe that the pool poses a safety threat to any trespassers entering our backyard. Trespassers can include young children who live in the neighborhood.

Our existing fence is 5'6" at its low point, which is the midpoint between each post, and 6' 2" at the high point, which are the posts. We believe that this height is critical to prevent trespassers from entering our property and potentially putting themselves in danger of drowning.

We are requesting a variance from the 4' fence height requirement in corner side yards to allow for a new section of fence to match the height existing fence. We not only believe that this is critical to maintain safety, but we also believe that it will provide greater harmony and safety assurance to neighbors.

We appreciate your consideration of our variance request.

Thank you,

John & Crystal Pepper

Zoning Board of Appeals

821 S. Country Dr., Barrington, Il

Photos of Subject Property and Surrounding Properties

UNITED SURVEY SERVICE, LLC
CONSTRUCTION AND LAND SURVEYORS
2100 N. 15TH AVENUE, UNIT C, MELROSE PARK, IL 60160
TEL. (847) 209 - 1010 FAX : (847) 209 - 5887
E-MAIL USURVEY@USANDCS.COM

PLAT OF SURVEY

OF

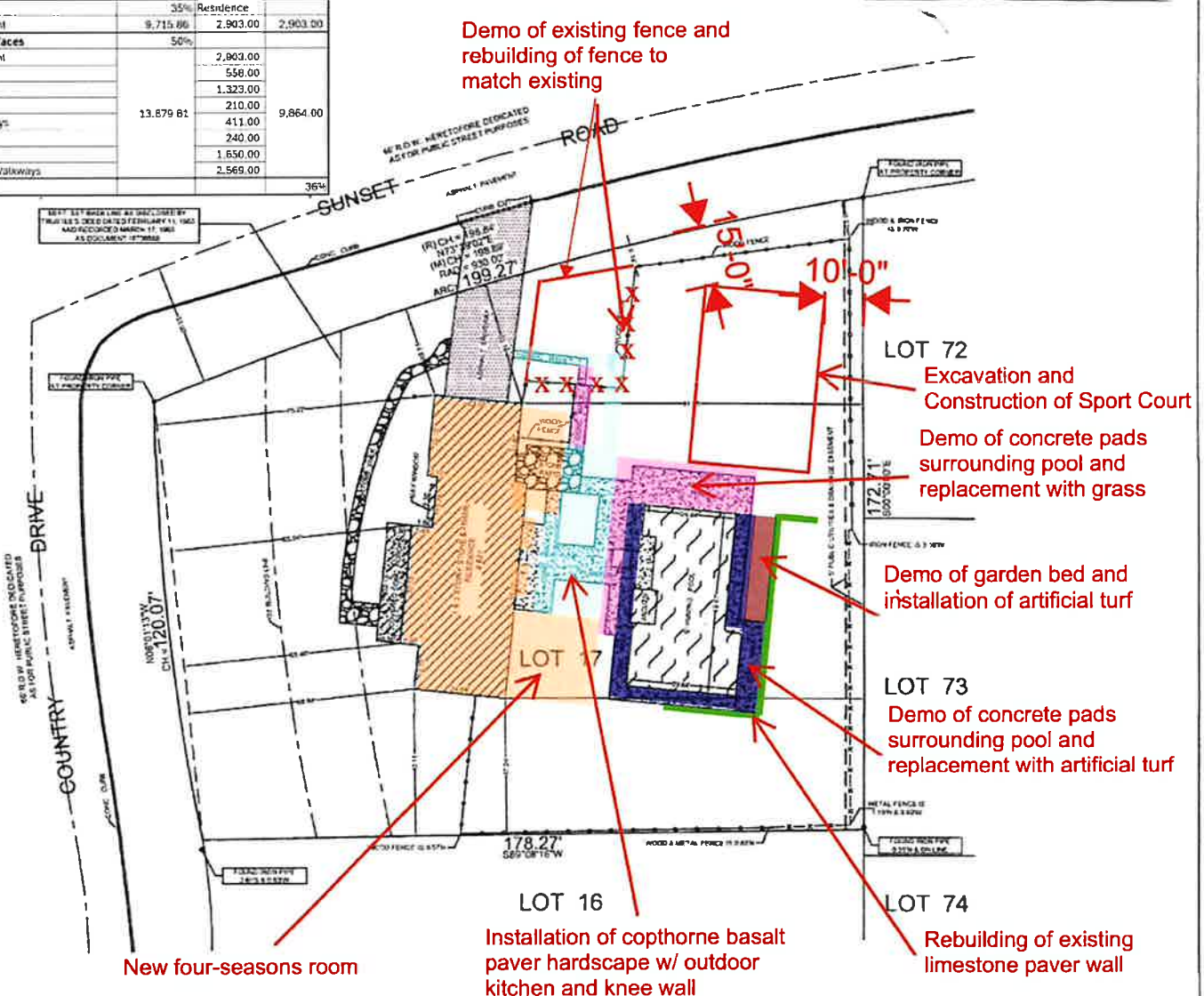
LOT 17 IN BARRINGTON HIGHLANDS FIRST ADDITION BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED MAY 2 1955 AS DOCUMENT 16167983 IN COOK COUNTY, ILLINOIS

KNOWN AS 521 COUNTRY DRIVE, BARRINGTON, ILLINOIS

PERMANENT INDEX NUMBER 01 - 02 - 479 - 001 - 0000

0 10 20 50

Category	Allowable	Calculations	Actual
F.A.R.	50%		
First Floor		2,900.00	
Second Floor		700.00	
Basement	13,879.81		3,600.00
Attic			
Garage attached			
Lot Coverage	35%	Residence	
Building Footprint	9,715.86	2,903.00	2,903.00
Impervious Surfaces	50%		
Building Footprint		2,903.00	
Driveway		558.00	
Pool		1,323.00	
Front Porch	13,879.81	210.00	9,864.00
Existing Walkways		411.00	
Existing Patio		240.00	
Pickleball		1,650.00	
New Patio and Walkways		2,569.00	
Lot = 27,759.61			36%



STATE OF ILLINOIS)
) S.S.
COUNTY OF COOK)

I, ROY G. LAWNICZAK, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY

DIMENSIONS ARE SHOWN IN FEET AND DECIMALS AND ARE CORRECTED TO A TEMPERATURE OF 68° FAHRENHEIT

MELROSE PARK, ILLINOIS, SEPTEMBER 13, A.D. 2014

ROY G. LAWNICZAK, REGISTERED ILLINOIS LAND SURVEYOR NO. 35-2290
LICENSE EXPIRES: NOVEMBER 30, 2014
PROFESSIONAL DESIGN FIRM LICENSE NO.: 184-004576
LICENSE EXPIRES: APRIL 30, 2015

ROY G. LAWNICZAK 35-2290 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS CHICAGO, IL

ORDERED BY: EILEEN C. LALLY & ASSOCIATES	
DATE : SEPTEMBER 13, 2014	
FILE No.: 2014 - 21833	DATE / REVISION

UNITED SURVEY SERVICE, LLC
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TEL.: (847) 299 - 1010 FAX : (847) 299 - 5887
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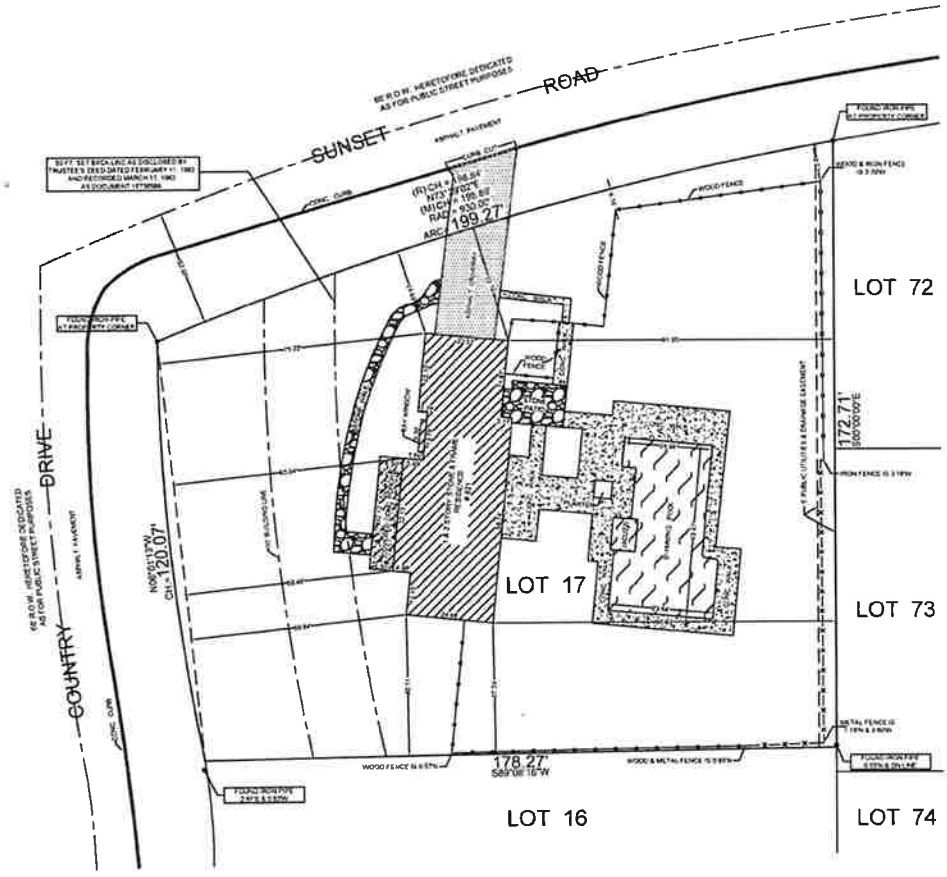
PLAT OF SURVEY

OF

LOT 17 IN BARRINGTON HIGHLANDS FIRST ADDITION BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED MAY 2 1958 AS DOCUMENT 17597063 IN COOK COUNTY, ILLINOIS

KNOWN AS 831 COUNTRY DRIVE, BARRINGTON, ILLINOIS

PERMANENT INDEX NUMBER: 01 - 02 - 415 - 001 - 0000



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LICENSE EXPIRES: APRIL 30, 2015

ORDERED BY: EILEEN C. LALLY & ASSOCIATES	
SCALE : 1" = 15'	
DATE : SEPTEMBER 13, 2014	
FILE No.: 2014 - 21833	

DATE	REVISION

Zoning Board of Appeals

821 S. Country Dr., Barrington, Il

Fence Elevations

Fence will be built with cedar wood boards and will be built to match existing fence.