



**AGENDA PACKET**  
**VILLAGE OF LAKE ZURICH**  
**Planning and Zoning Commission Meeting**

**October 19, 2022**  
**07:00 pm**

# VILLAGE OF LAKE ZURICH

## PLANNING AND ZONING COMMISSION MEETING

OCTOBER 19, 2022

07:00 PM

### AGENDA

**1. CALL TO ORDER AND ROLL CALL**

Chairperson Orlando Stratman, Vice-Chair William Riley, Antonio Castillo, Ildiko Schultz, Craig Danegger, Joe Giannini, Mike Muir and Sean Glowacz.

**2. CONSIDERATION OF MINUTES AND FINDINGS OF THE COMMISSION**

Minutes of the Planning and Zoning Commission Meeting, on September 21, 2022.

Attachment: [2A.pdf](#)

**3. PUBLIC MEETING - No items received.**

**4. PUBLIC HEARING**

(This agenda item includes proposals presented to the Planning & Zoning Commission requiring public testimony, discussion and recommendation to the Village Board for final action.)

**A. 1420 Deerpchase Road -- Variation for a Swimming Pool (2022-18).**

Application for a variation to allow for the construction of an above-ground pool that will encroach into the required 23-foot rear yard setback at the property in the R-5 Single-family Residential District.

Applicant and Owner: Mr. Demetrios Tzoras

Attachment: [4A.pdf](#)

**B. 845 Oakwood -- Variation for a Security Fence (2022-17).**

Application for a variation to allow for the construction of 7-foot tall security fence with a 1-foot "Y"-shaped barbed wire on top and gravel security apron that will encroach into the required 35-foot front yard setback at the property in the I Industrial District.

Applicant: Mr. Will Otter of Sidley Austin, LLP

Owner: Commonwealth Edison Company (ComEd)

Attachment: [4B..pdf](#)

**5. OTHER BUSINESS**

**6. STAFF REPORTS**

**7. PUBLIC COMMENT**

This is an opportunity for residents to comment briefly on matters included on the agenda and otherwise of interest to the PZC.

**8. ADJOURNMENT**

Unapproved  
**VILLAGE OF LAKE ZURICH**  
**PLANNING & ZONING COMMISSION MINUTES**  
**September 21, 2022**

Village Hall  
70 E Main Street, Lake Zurich, IL 60047

The meeting was called to order by Chairman Stratman at 7:02 p.m.

**ROLL CALL:** *Present* – Chairman Stratman, Commissioners Castillo, Dannegger, Glowacz, and Schultz. Chairman Stratman noted a quorum was present. Commissioners Riley & Muir were absent and excused. Commissioner Giannini was absent  
*Also present:* Community Development Director Sarosh Saher, Planner Tim Verbeke and Management Services Director Michael Duebner.

**CONSIDERATION OF MINUTES AND FINDINGS OF THE COMMISSION**

Approval of the August 17, 2022 Meeting Minutes of the Planning & Zoning Commission:

MOTION was made by Commissioner Schultz, seconded by Commissioner Glowacz to approve the August 17, 2022 minutes of the Planning and Zoning Commission with no changes.

Upon roll call:

AYES: 4 Chairman Stratman, Commissioners Castillo, Glowacz, and Schultz

NAYS: 0

OBSTAIN: 1 Commissioners Dannegger

ABSENT: 3 Commissioners Riley, Muir & Giannini

MOTION CARRIED

**PUBLIC HEARING:**

MOTION was made by Commissioner Schultz, seconded by Commissioner Castillo to open the following public hearings at 7:05 p.m. for a Application PZC 2022-14 for the property at 815 Oakwood Road, Unit E – Special Use Permit for Special Warehousing and Storage, and new Application PZC 2022-15 for the property at 181 South Rand Road: Text Amendment and Special Use Permit.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Castillo, Dannegger, Glowacz, and Schultz

NAYS: 0

ABSENT: 3 Commissioners Riley, Muir & Giannini

MOTION CARRIED

Those wishing to speak were sworn in by Chairman Stratman.

The following applications were considered:

- A. 815 Oakwood Road, Unit E – Special Use Permit for Special Warehousing and Storage (2022-14)

Public Hearing to consider the Application for a Special Use Permit to allow special warehousing and storage of spirits at the property within the I Industrial District.

Planning &amp; Zoning Commission Meeting Minutes, September 21, 2022

2

*Applicant: Pavlos Dafnis, Wolf Point Distilling Owner: David and Lucy Voitik*

The applicant requested that this item be closed due to the tenant space not be conducive to their use.

MOTION was made by Commissioner Schultz, seconded by Commissioner Dannegger close the item.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Dannegger, Glowacz, and Schultz

NAYS: 0

ABSENT: 3 Commissioners Riley, Muir & Giannini

MOTION CARRIED

**B. 181 South Rand Road: Text Amendment and Special Use Permit (2022-15):**

Public Hearing to consider an Application for a text amendment and special use permit to allow for an automobile driving instruction school to be established within a tenant space at 181 South Rand Road located within Lakeview Plaza Shopping Center in the B-3 Regional Shopping Business District.

*Applicant: Joyce's Driving School*

*Owner: Knapp Investments, LLC*

The item was presented by Mr. Charles Ryan of Joyce's Driving School, the Applicant, with support from the property owner Knapp Investments. He made a presentation regarding the type of potential improvements to the property and how the school would use the space. There were questions where testing would be conducted and pickup/drop-off. Mr. Ryan and staff answered each question to the satisfaction of the Commissioners.

MOTION was made by Commissioner Schultz, seconded by Commissioner Glowacz to close the public hearing.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Dannegger, Glowacz, and Schultz

NAYS: 0

ABSENT: 3 Commissioners Riley, Muir & Giannini

MOTION CARRIED

MOTION was made by Commissioner Schultz, seconded by Commissioner Dannegger, to receive into the public record the staff review of compliance of this Application with the zoning standards as presented by staff; and to receive the testimony presented by the Applicants, by members of the public, by the PZC Members, and by Village Staff at tonight's Public Hearing; and make these standards and testimony a part of the official record for the Application and Findings of the PZC; and to recommend that the Village Board approve the Application PZC 2022-15 for a text amendment and special use permit to allow for an automobile driving instruction school to be established within a tenant space at 181 South Rand Road located within Lakeview Plaza Shopping Center in the B-3 Regional Shopping Business District.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Dannegger, Glowacz, and Schultz

NAYS: 0

ABSENT: 3 Commissioners Riley, Muir & Giannini

MOTION CARRIED

Planning & Zoning Commission Meeting Minutes, September 21, 2022

3

**OTHER BUSINESS** – None.

**STAFF REPORT:**

Planner Verbeke reported that there might be a few potential projects on the schedule for the October meeting.

Director Saher gave a brief update on all the pending/open projects going on around the Village. The commissioners interjected several comments along the way.

**PUBLIC COMMENT:**

No additional public comment was provided.

**ADJOURNMENT:**

Upon roll call:

Motion: Schultz. Second: Glowacz.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Dannegger, Glowacz, and Schultz

NAYS: 0

ABSENT: 3 Commissioners Riley, Muir & Giannini

MOTION CARRIED

The meeting was adjourned at 7:30 p.m.

*Submitted by: Tim Verbeke, Planner*

Approved by:



*At the Heart of Community*

COMMUNITY DEVELOPMENT DEPARTMENT

505 Telser Road  
Lake Zurich, Illinois 60047

(847) 540-1696  
Fax (847) 726-2182  
LakeZurich.org

**APPLICATION PZC 2022-18**  
**PZC Hearing Date: October 19, 2022**

**AGENDA ITEM 4.A**

**STAFF REPORT**

To: Chairperson Stratman and Members of the Planning & Zoning Commission

From: Sarosh Saher, Community Development Director

CC: Mary Meyer, Building Services Supervisor  
Tim Verbeke, Planner

Date: October 19, 2022

Re: PZC 2022-18 Zoning Variation for Pool at 1420 Deerpark Road

**SUBJECT**

Mr. Demetrios Tzoras (the “Applicant” and “Owner”) request a Variation from Zoning Code Section 9-3-11-C-3, Residential Minimum Yards: Rear Yard to allow for the construction of an above-ground pool that will encroach into the required 23-foot rear yard setback at the property commonly known as 1420 Deerpark Road, legally described in Exhibit A attached hereto (the “Subject Property”).

**GENERAL INFORMATION**

Requested Action: Variation

Current Zoning: R-5 Single Family Residential District

Current Use: Single Family Home

Property Location: 1420 Deerpark Road

Applicant and Owner: Mr. Demetrios Tzoras

Staff Coordinator: Tim Verbeke, Planner

**Staff Report**  
**APPLICATION PZC 2022-18**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

**LIST OF EXHIBITS**

- A. Legal Description
- B. Public Hearing Sign
- C. Site Photos
- D. Aerial Map
- E. Zoning Map
- F. Parcel Map
- G. Development Application and Attachments
- H. Development Review Comments

**BACKGROUND**

Mr. Demetrios Tzoras (the “Applicant”), is the owner of the property located at 1420 Deerpark Road, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received on September 30, 2022 (the “Application”) seeking:

- A Variation from Code Section 9-3-11-C-3, Residential Minimum Yards: Rear Yard

The Subject Property is located within the Village’s R-5 Residential District that provides for single-family homes. The R-5 zoning district requires a 23-foot setback for both above and in-ground pools from any rear lot line. Pools may be located no less than 7 feet from any interior side lot line and cannot be placed within any required front yard, corner side yard, or interior side yard. In the case of the subject property, the above ground pool is proposed to be constructed 10 feet from the rear lot line (encroaching 13 feet into the required setback) but will not encroach into the interior side yard or street yard (front yard or corner side yard) setback.

Currently, there is a 12-foot x 10-foot shed in the rear yard that is located 15 feet from the rear lot line and within the allowable rear yard setback. The proposed above-ground pool will encroach 5 feet farther into the rear yard than the existing shed. The owners will obtain the clearance from all utility companies to install the above ground pool in the rear yard prior to construction. There are no Village utility easement requirements or grade concerns that would prevent the pool from being constructed in the rear portion of this lot, since the pool is being constructed 10 feet from the rear lot line, just outside the 10-foot utility & drainage easement.

The proposed above-ground pool is 18 foot in diameter, and designed as a non-diving pool with a maximum depth of 4 feet. The pool is requested as a therapeutic treatment measure for the Applicant’s son. A private pool will allow him to complete his therapies and continue to improve and become more independent. The Village has not received any letters of objections to the construction of the pool at the proposed location. The Village is in receipt of a letter of support from the son’s Behavior Specialist. The applicant will not be affecting either of the side yards or the front yard of the property adjacent to it.

The Applicant has stated that, due to existing property configuration limitations, the proposed location in the rear yard is the only possible location to construct the above-ground pool. The rear yard on the property is 42 feet deep. With a 23-foot setback, the property owner is left with 19 feet

**Staff Report**  
**APPLICATION PZC 2022-18**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

to install the pool. Since the pool is 18 feet in diameter, it would require the pool to be located 1 foot from the house, leading to potential drainage issues.

As such, to accommodate the pool proposed by the applicant, it would be set back 10 feet from the rear lot line (encroach 13 feet into the required 23-foot setback), 18 feet off the east interior side lot line, and 54 feet off the west corner side lot line, which are in compliance with the Lake Zurich Zoning Code regulations. The pool will be screened along the rear by a series of mature trees and a fence to maintain sightlines and to not infringe on the neighbor's enjoyment of their property. The area of the rear yard is already completely surrounded by a compliant 5-foot fence per the requirement of the code.

Pursuant to public notice published on October 1, 2022, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for October 19, 2022, to consider the Application. On September 30, 2022, the Village posted a public hearing sign on the Subject Property (Exhibit B).

Staff offers the following additional information:

- A. Courtesy Review.** Due to the low impact of this project, courtesy review was not recommended.
- B. Zoning History.** The property is located within the Countryside Subdivision on Lot 1, which was recorded on May 19, 1977 in Lake County and is zoned within the R-5 Single Family Residential District. The existing home was built in 1977. Using documents from the Lake County's collection of aerial photographs, Staff was able to conclude that the home has not had major exterior alteration since initial construction.
- C. Surrounding Land Use and Zoning.** The subject property is zoned within the R-5 Single Family Residential District. The surrounding properties to the north, south, east, and west are zoned within the R-5 Single Family Residential District and are improved with residences within Countryside Subdivision developed in the mid to late 1970s.
- D. Trend of Development.** The residence at 1420 Deerpark Rd was constructed in 1977. It is a two-story home and is similar to other homes in the subdivision that were constructed in the mid to late 1970s.
- E. Zoning District.** The zoning code provides for four (4) zoning districts for single-family residential development. The single-family districts provide for a limited range of single-family detached housing densities consistent with the village's established single-family residential neighborhoods. The R-5 district allows for somewhat higher density residential use and smaller lot sizes.

Taken as a whole, the residential district regulations are intended to preserve established neighborhoods and encourage new residential development, but only in a manner consistent with the overall character of the village. (Ord., 10-2004)



**Staff Report**  
**APPLICATION PZC 2022-18**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

- F. General provisions for the granting of variations.** The purpose of the variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of the zoning code that create practical difficulties or particular hardships for which no other remedy is available.

Section 9-17-3 entitled “Authorized Variations” provides a list of the zoning code provisions that may be varied by authority of the Village Board. The requested variation is an authorized variation.

**GENERAL FINDINGS**

Staff of the Community Development Department and its development review team have evaluated the development against the various standards and provisions of the Lake Zurich Municipal Code and offer findings on specific sections of the Code as they relate to the development of the property.

Staff finds that under Standard H “No Other Remedy,” that there are 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.

However, to provide the property owner with due procedure to be heard by the PZC, staff has evaluated the request for a variation against the standards provided in Section 9-17-4 of the Zoning Code.

**9-17-4: STANDARDS FOR VARIATIONS.**

- A. General Standard: No variation shall be granted pursuant to this chapter unless the applicant shall establish that carrying out the strict letter of the provisions of this zoning code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this section.

**Staff Response: Standard met. The Applicant has demonstrated that there is a practical difficulty in constructing the above-ground pool in compliance with the provisions of the zoning code.**

**Staff has determined that there are no other potential locations on the property where an above-ground pool could be constructed and not violate the setback requirements. These include the interior side yard, the front yard and the corner side yard of the property.**

- B. Unique Physical Condition: The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use or structure, 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

**Staff Report**  
**APPLICATION PZC 2022-18**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

**Staff Response: Standard partially met. There is no unique physical condition, presence of an existing use or structure, irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions that would make the subject property unique from its immediately surrounding properties and thereby warrant a variation. The subject property is consistent in dimension and size with the neighboring properties at 800 Woodbine Cir and 12 E Harbor Dr directly to the north and west of the subject property.**

The 18-foot pool is proposed to be setback 10 feet from the rear lot line, 18 feet off the east side lot line, and 54 feet of the west side lot line (behind the building line). The proposal could meet the requirements of the zoning code and not need a variation through the following options recommended by staff:

- The pool manufacturing company offers 15-foot round pools or 12x19 rectangular pools as their smallest sizes:
  - A 15-foot round pool located outside of the setback will need to be located 4 feet from the house
  - A 12x19 pool located outside of the setback will need to be located 7 feet from the house, OR
- Move the entire pool so that it is setback 1 foot from the foundation of the house, therefore meeting the 23-foot rear yard setback.

- C. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this zoning code, for which no compensation was paid.

**Staff Response: Standard met. The unique or extraordinary physical condition was not the result of any action of the property owner, rather a result of the design and configuration of the original developer who was not known to the current property owner.**

- D. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

**Staff Response: Standard met. The owner is requesting an 18 foot in diameter above-ground pool. Denying the above-ground pool to be built would deny the property owners the opportunity to enjoy a feature offered to other residents at its most practical utility.**

- E. Not Merely Special Privilege: The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available

**Staff Report**  
**APPLICATION PZC 2022-18**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

**Staff Response: Standard met. The hardship does not involve the inability of the owner to enjoy any special privilege in using the property. Granting the variation will allow the current owners to enjoy an above-ground pool that is traditional and customary to the enjoyment and use of a residential property in a manner similar to other properties in this area.**

- F. Code and Plan Purposes: The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this zoning code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan.

**Staff Response: Standard met. Granting the variation would not change the residential use of the Subject Property. The location and design of the home, potential above-ground pool and other accessory structures will continue to remain in harmony with the residential purpose of the zoning code and comprehensive plan. The inclusion of a pool on the property would not detract from any stormwater drainage on the property as it is currently designed to accommodate overland drainage through the provision of easements on three sides of the property.**

- G. Essential Character of the Area: The variation would not result in a use or development on the subject property that:

1. Detrimental to Enjoyment: Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or

**Staff Response: Standard met. Granting of the variation will not create a negative effect on public welfare, enjoyment, development, or value of property if the Applicant is granted the requested variation.**

2. Light and Air: Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or

**Staff Response: Standard met. Granting of the variation would have no effect on the supply of light and air to the subject property or those properties in the vicinity as the Applicants only wish to construct an above-ground pool and surrounding fence that will be no greater than the height of the principal structure. The proposed above-ground pool will be built to modern standards of the building code.**

3. Congestion: Would substantially increase congestion in the public streets due to traffic or parking; or

**Staff Report**  
**APPLICATION PZC 2022-18**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

**Staff Response: Standard met. Granting of the variation would not increase any congestion due to traffic or parking as the land use of the property is not being changed.**

4. Flood or Fire: Would unduly increase the danger of flood or fire; or

**Staff Response: Standard met. The proposed above-ground pool will conform to current building codes.**

5. Tax Public Facilities: Would unduly tax public utilities and facilities in the area

**Staff Response: Standard met. Granting of the variation would not cause the property to tax public utilities or facilities in the area other than what is currently caused by the use and function of the existing residence and the traditional customary water usage of a pool, charges and fees for which are being borne by the property owner.**

6. Endangerment: Would endanger the public health or safety.

**Staff Response: Standard met. The proposed variation would not affect the public's health, safety or welfare. The proposed 18 foot in diameter above-ground pool will be surrounded by a fence as required by the building codes.**

- H. 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.

**Staff Response: Standard partially met. The Applicant has stated that the requested variation is the only option for the Applicant to build the above-ground pool and the proposed location is the minimum adjustment that the property owner can accommodate to include the requested level of functionality, utility and enjoyment. However, staff has determined that the Applicant has the ability to construct the said pool in a manner that will meet the requirements of the zoning codes thereby not requiring a variation.**

- The pool manufacturing company offers 15-foot round pools or 12x19 rectangular pools as their smallest sizes:
  - A 15-foot round pool located outside of the setback will need to be located 4 feet from the house
  - A 12x19 rectangular pool located outside of the setback will need to be located 7 feet from the house, OR
- Locate the entire 18-foot pool so that it is setback 1 foot from the foundation of the house, therefore meeting the 23-foot rear yard setback.

**While these suggested remedies would allow for compliance with the setback requirements, they may not necessarily provide reasonable use of the property through the functionality, utility and enjoyment that the Applicant seeks with the proposed variation.**

**Staff Report**  
**APPLICATION PZC 2022-18**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

**RECOMMENDATION**

The recommendation of the Planning and Zoning Commission should be based on the standards included in the following Sections of the Lake Zurich Municipal Code:

- Section 9-17-4: Standards for Variations

Section 9-17-5 entitled "Variation less than requested" provides the PZC with the option of granting a variation less than or different from that requested when the record supports the applicant's right to some relief but not to the relief requested. Using the authority of this standard, the PZC may require that the distance of the pool from the house be reduced from 14 feet to 10 feet, thereby allowing the pool to encroach 9 feet into the rear yard setback.

Based on the review of the standards for approval which have been met with the exception of Standard H, staff recommends that the Planning and Zoning Commission make these standards a part of the official record of the Application.

Should the PZC recommend approval of the Variation as requested to afford the Applicant functionality, utility and enjoyment of the proposed pool, Staff of the Community Development Department recommends that the following conditions be incorporated in the Findings of the PZC:

1. Substantial conformance with the following documentation submitted as part of the application and subject to revisions required by Village Staff, Village Engineer, and any applicable governmental agencies:
  - a. Zoning Application prepared by Mr. Demetrios Tzoras, homeowner of 1420 Deerpark Rd; and Cover Letter both dated September 28, 2022.
  - b. Exhibit A: Legal Description of the Subject property
  - c. Plat of Survey provided by Mr. Demetrios Tzoras, homeowner of 1420 Deerpark Rd dated September 28, 2022.
  - d. Above-ground Pool Example provided by Mr. Demetrios Tzoras, homeowner of 1420 Deerpark Rd dated September 28, 2022.
2. As further mitigation for development of above-ground pool, the applicant shall agree not to further increase the amount of impervious surface on the parcel, beyond what is being proposed.
3. The Applicant shall ensure that the existing landscape material and proposed fence along the lot lines coterminous with the adjacent properties to the west, north and east that serve as visual screening shall be properly maintained to continue its function as visual screening.
4. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

Respectfully Submitted,

Tim Verbeke, Planner

**Staff Report**  
**APPLICATION PZC 2022-18**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

**LAKE ZURICH PLANNING & ZONING COMMISSION**  
**FINAL FINDINGS & RECOMMENDATIONS**

**1420 DEERCHASE ROAD**  
**OCTOBER 19, 2022**

The Planning & Zoning Commission recommends approval of Application PZC 2022-18, subject to any changes or approval conditions as listed below:

1. Substantial conformance with the following documentation submitted as part of the application and subject to revisions required by Village Staff, Village Engineer, and any applicable governmental agencies:
    - a. Zoning Application prepared by Mr. Demetrios Tzoras, homeowner of 1420 Deerchase Rd; and Cover Letter both dated September 28, 2022.
    - b. Exhibit A: Legal Description of the Subject property
    - c. Plat of Survey provided by Mr. Demetrios Tzoras, homeowner of 1420 Deerchase Rd dated September 28, 2022.
    - d. Above-ground Pool Example provided by Mr. Demetrios Tzoras, homeowner of 1420 Deerchase Rd dated September 28, 2022.
  2. As further mitigation for development of above-ground pool, the applicant shall agree not to further increase the amount of impervious surface on the parcel, beyond what is being proposed.
  3. The Applicant shall ensure that the existing landscape material and proposed fence along the lot lines coterminous with the adjacent properties to the west, north and east that serve as visual screening shall be properly maintained to continue its function as visual screening.
  4. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.
- ☐ Without any further additions, changes, modifications and/or approval conditions.  
☐ With the following additions, changes, modifications and/or approval conditions:

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Planning & Zoning Commission Chairman

**Staff Report**  
**APPLICATION PZC 2022-18**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

**EXHIBIT A**  
**LEGAL DESCRIPTION OF SUBJECT PROPERTY**

LOT 1 IN BLOCK 6 IN COUNTRYSIDE OF LAKE ZURICH, UNIT# 2A, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 19, 1977 AS DOCUMENT #1837817, AND CORRECTED BY CERTIFICATE OF CERTIFICATE OF CORRECTION RECORDED APRIL 4, 1978 AS DOCUMENT #19076382, IN LAKE COUNTY, ILLINOIS.

Parcels Involved: 14-28-302-016

**Staff Report**  
**APPLICATION PZC 2022-18**

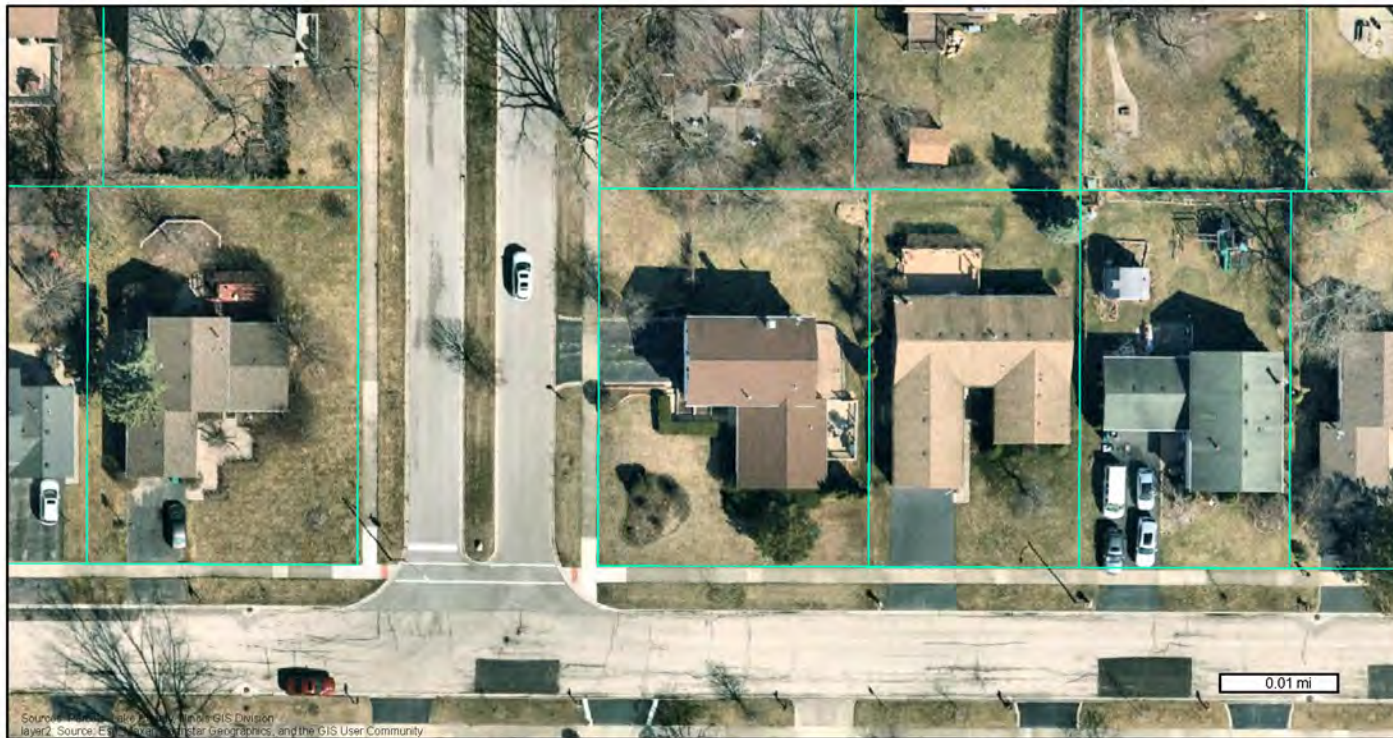
**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

**EXHIBIT B**  
**HEARING SIGN ON SUBJECT PROPERTY**





## 1420 DeerpCHASE



Map Printed on 10/7/2022



☐ Tax Parcel Lines  
Tax Parcel  
Information

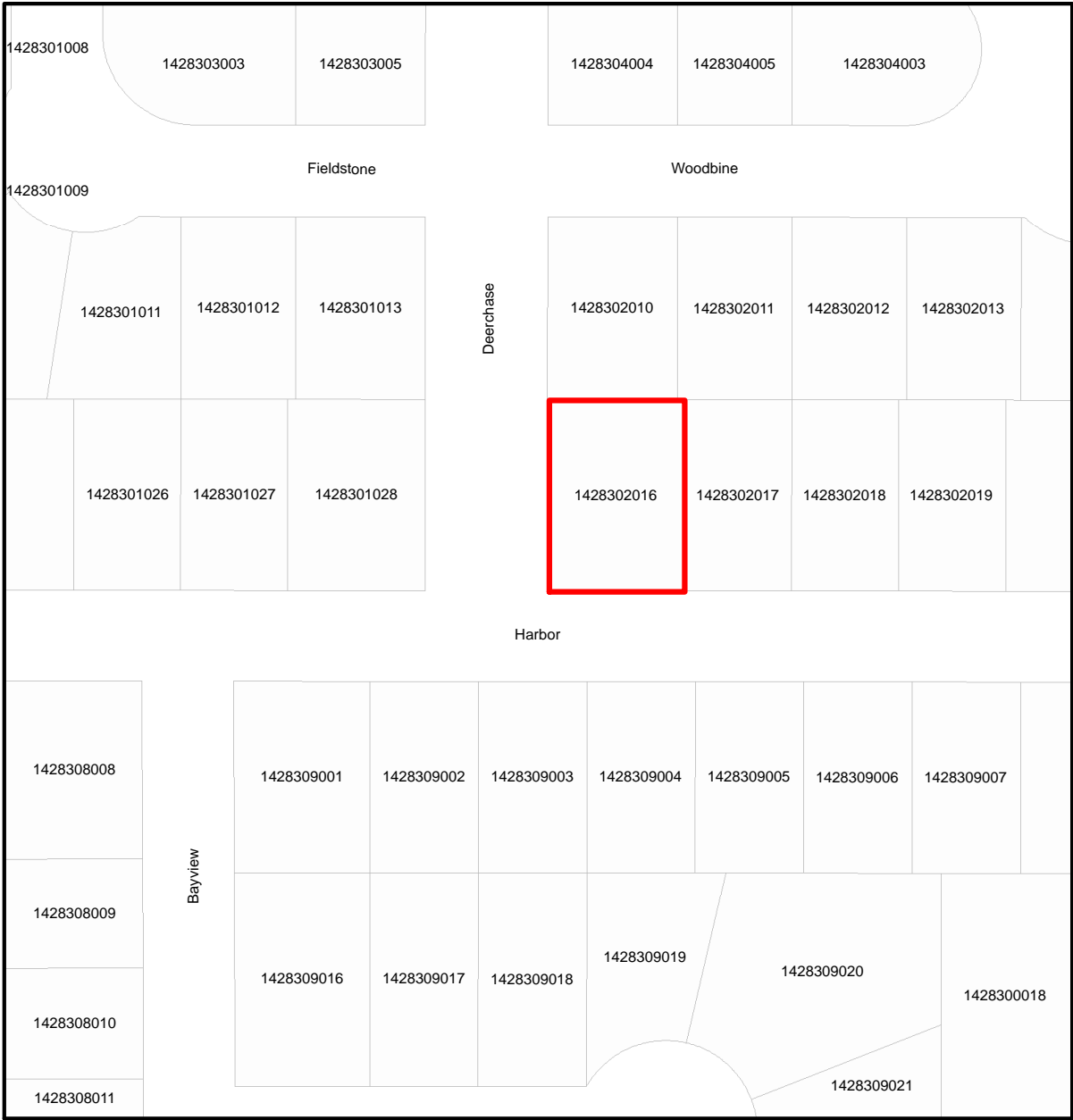
**Disclaimer:**

The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.



# Pool Variation

## 1420 Deerchase Rd



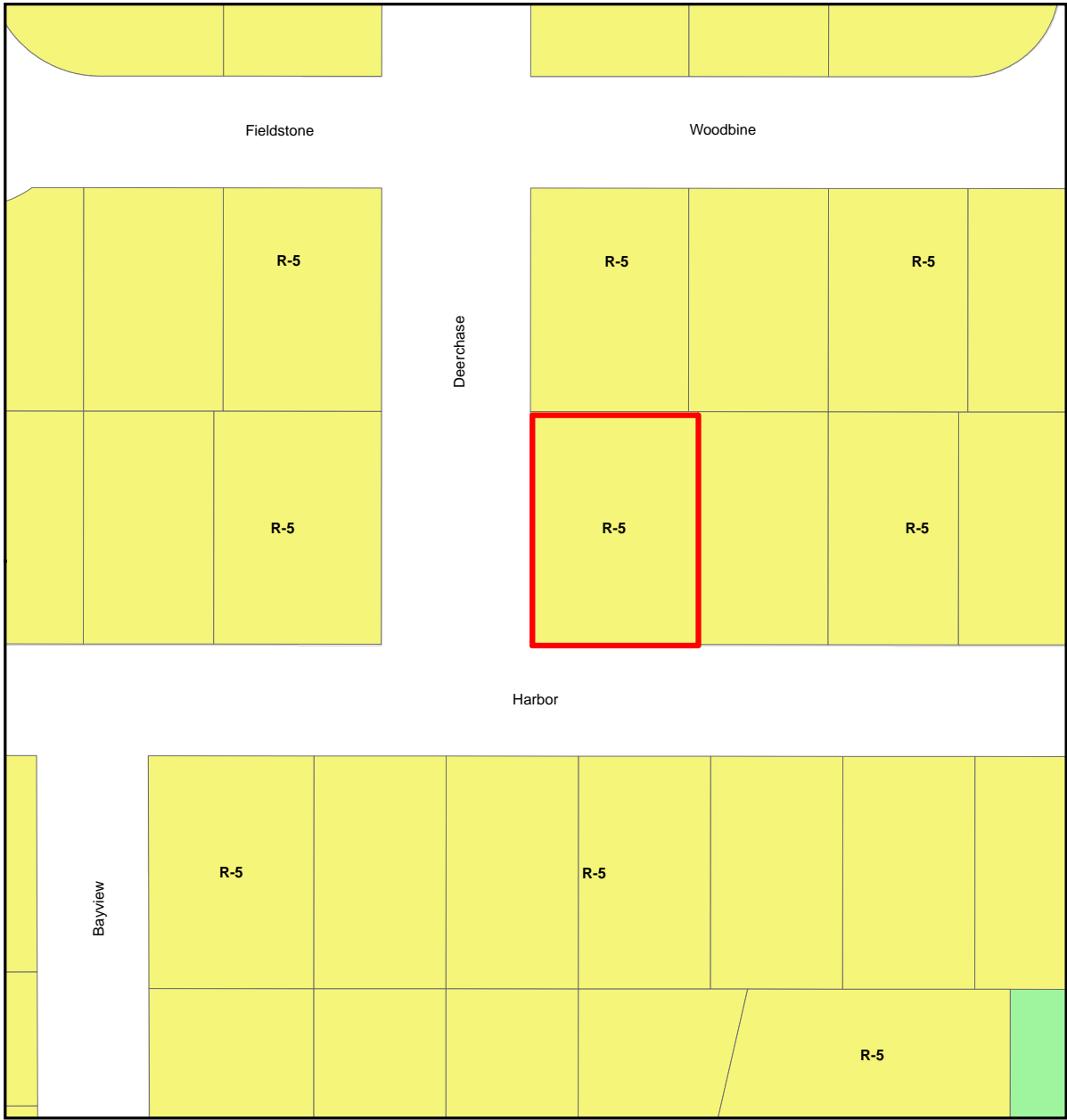
COMMUNITY SERVICES DEPARTMENT  
Building and Zoning Division  
505 Telser Road, Lake Zurich, Illinois 60047

(847) 540-1696  
Fax: (847) 726-2182  
LakeZurich.org



# Pool Variation

## 1420 Deerchase



COMMUNITY SERVICES DEPARTMENT  
Building and Zoning Division  
505 Telser Road, Lake Zurich, Illinois 60047

(847) 540-1696  
Fax: (847) 726-2182  
LakeZurich.org

**ZONING APPLICATION**

Community Development Department

505 Telser Rd.

Lake Zurich, IL 60047

Phone: (847) 540-1696

Fax: (847) 540-1769

(Please Type or Print)

1. Address of Subject Property: 1420 Deerchase Rd Lake Zurich IL 60047
2. Please attach complete legal description
3. Property Identification number(s): \_\_\_\_\_
4. Owner of record is: \_\_\_\_\_ Phone: 708-508-3020  
E-Mail demetriosjohn@yahoo.com Address: 1420 Deerchase Rd. Lake Zurich IL 60047
5. Applicant is (if different from owner): \_\_\_\_\_ Phone: \_\_\_\_\_  
E-Mail \_\_\_\_\_ Address: \_\_\_\_\_
6. Applicant's interest in the property (owner, agent, realtor, etc.): \_\_\_\_\_
7. All existing uses and improvements on the property are: Primary residential Home
8. The proposed uses on the property are: Install above ground swimming pool
9. List any covenants, conditions, or restrictions concerning the use, type of improvements, setbacks, area, or height requirements placed on the Subject Property and now of record and the date of expiration of said restrictions:  
City requires 23ft setback, I need a 10ft setback
10. Describe any contract or agreement of any nature relevant to the sale or disposal of the Subject Property:
11. For applications requiring a public hearing, please attach a list which contains the PIN, owner, and owner's mailing address of all properties located within 250 feet (excluding all Public Right-of-Ways) of the Subject Property.

THE APPLICANT'S SIGNATURE BELOW INDICATES THE INFORMATION CONTAINED IN THIS APPLICATION AND ON ANY ACCOMPANYING DOCUMENTS IS TRUE AND CORRECT.  
THE APPLICANT ALSO ACKNOWLEDGES IF THE CONSULTANT EXPENSES EXCEED THE INITIAL ESCROW DEPOSIT, THE APPLICANT WILL REIMBURSE THE ACCOUNT IMMEDIATELY.

Demetrios Tzoras

(Name of applicant)

(Signature of applicant)

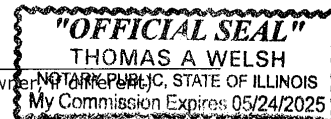
Subscribed and sworn to before me this 29 day of Sept., 2022.

(Notary Public)

My Commission Expires 5-24-25

(Name of Owner, if different)

(Signature of Owner)



Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

(Notary Public)

My Commission Expires \_\_\_\_\_

Please indicate what form of zoning relief your application requires. For assistance, please contact Staff:

☐ Zoning Code **Map** Amendment to change zoning of Subject Property from 23 to 10

☐ Zoning Code **Text** Amendment to amend the following section(s) of the Zoning Code Backyard Setback

(See Section 18-103 of the Lake Zurich Zoning Code for specific standards. If a specific parcel is the subject of this amendment, then provide the additional information listed in Section 18-103C.)

☐ Special Use Permit/Amendment for \_\_\_\_\_

(See Section 19-103 of the Lake Zurich Zoning Code for specific standards.)

☐ Planned Unit Development/Major Adjustment/Amendment

(Planned Unit Developments are a distinct category of special use and are intended to create a more desirable environment than through strict application of the zoning and subdivision regulations. See Section 22-105 of the Lake Zurich Zoning Code for specific standards. Please list all the 'modifications' requested in the cover letter.)

☒ Variation for 23<sup>ft</sup> swimming pool placement to 10<sup>ft</sup> swimming pool placement

(See Section 17-104 of the Lake Zurich Zoning Code for specific standards. Please indicate what your specific hardships are in the cover letter.)

☐ Modification to the Land Development Code (includes retaining walls more than 2 feet in height)

(See Section 10-6-18 of the Land Development Code for specific standards.)

☐ Preliminary Plat of Subdivision

☐ Final Plat of Subdivision or Amendment to Plat of Subdivision

(See Sections 10-5-2 and 10-5-9 of the Land Development Code for specific standards.)

☐ Site Plan Approval/Major Adjustment/Amendment

(See Section 20-103 of the Lake Zurich Zoning Code for specific standards.)

☐ Exterior Appearance Approval or Amendment

(See Section 21-103 of the Lake Zurich Zoning Code for specific standards.)

#### APPLICATION TO ANNEX CERTAIN TERRITORY

All land annexed to the Village is classified automatically after such annexation in the R-1\2 Single Family Residential District. The owner must file an application for a Zoning Map amendment if he or she desires a different zoning classification for the Subject Property.

☐ Petition to Annex Certain Territory (Please complete attached petition)

☐ Application to Annex Certain Territory

#### COMPREHENSIVE PLAN APPLICATION

☐ Comprehensive Plan **Map** Amendment for \_\_\_\_\_

☐ Comprehensive Plan **Text** Amendment for \_\_\_\_\_

Demetrios Tzoras  
708-508-3020  
[Demetriosjohn@yahoo.com](mailto:Demetriosjohn@yahoo.com)

28 September 2022

Orlando Stratman  
Chairperson of the Planning & Zoning Commission  
Village of Lake Zurich  
505 Telser Road  
Lake Zurich, IL 60047

Dear Orlando,

I am writing to you to obtain a variance to install a swimming pool in my backyard. I have recently purchased a swimming pool from American Sales in Lake Zurich IL. I am the owner of the residence at 1420 Deerchase Road Lake Zurich, IL 60047. The property is a residential zoning lot, without a pool. I am requesting a zoning lot with a pool. I am seeking a rear lot variation. A pool within the required 23-foot rear yard setback.

I would like to install an above ground pool in my backyard. The issue I am having is that the city has deemed my backyard as the side of the home. Which means I must install the pool 23 feet from the fence line. Here it becomes my problem. If I put the pool 23-feet from the fence line, it would place the pool 2 feet from the exterior wall of my home. I do not feel comfortable placing a large body of water so close to my home and foundation. Now in normal circumstances my yard would not be a problem, but my home is a lot on the corner and that's another reason why this is becoming difficult. My front door faces Deerchase Road which would make the 23-foot requirement acceptable. The city has deemed that the side of my house that faces East Harbour Drive is the front of my home which makes my side yard the backyard. So, what I am asking for is a variance to install the pool in my backyard 10 feet from my neighbor's fence line.

The projected hours of installation would be one day, with about four employees to complete the project.

To give some background of why this swimming pool is important would be one word, Nicholas. My son Nicholas is a non-verbal Autistic boy who has two loves in his life, playing on the swing and swimming all day. I have always wanted to install a pool for him and for my other children since they were born. I just know that a pool is essential for his happiness and wellbeing. Swimming has become a very calming and soothing therapeutic need for him, and I would really hope with your blessing that you would allow me to install this pool where it makes the most sense in my yard. I can't install the pool where the city requires the 23-foot clearance. It would be more trouble than worth installing. If this variance is not given, I will have to cancel the project all together. Please let me give this to my son who needs this more than anything you can imagine. I hope and pray that you find it in your heart to approve this for me and my family.

Estimated cost of pool and installation will be Pool cost 7,000 dollars, electrical 1,200 dollars and permit fees 630 dollars plus permit for installation 479 dollars which total to 9,309 dollars.

Sincerely,



To the city of Lake Zurich,

My name is Allison Bihler and I am a Board Certified Behavior Analyst that has worked with Nicholas Tzoras providing Applied Behavior Analysis Therapy for over 2 years. Nicholas is a sweet boy who has been diagnosed with Autism Spectrum Disorder (ASD) and therefore has significant behavior challenges that impact him daily. Nicholas has improved in regards to communication and becoming more independent, but given his maladaptive behaviors, we have found that the therapeutic effects of water considerably help reduce and/or eliminate his problematic behaviors. While community pools are always an option, due to the nature of his behaviors and social impacts of others, a private pool located at the family's residence would be beneficial. Nicholas continues to improve daily and a private pool where he can complete his therapies, in addition to proactively preventing maladaptive behaviors or deescalating himself when behaviors do occur would significantly help him and his family. If you have any questions or concerns, please do not hesitate to reach out to me.

Sincerely,



Allison Bihler, M.S., BCBA

Certification Number: 1-15-19763  
Positive Behavior Supports Corp.  
phone: 855-832-6727 ext. 2530  
fax: 1-772-675-9100  
site: [www.teampbs.com](http://www.teampbs.com)  
email: [abihler@teampbs.com](mailto:abihler@teampbs.com)

American Land Title Association

ALTA Settlement Statement - Combined  
Adopted 05-01-2015

File No: AF1025474

First American Title Insurance Company

Printed: 06/29/2022, 3:47 PM

Officer/Escrow Officer: Lisa Kalden/LK

85 West Algonquin Road, Suite 390 • Arlington Heights, IL 60005

Settlement Location:

Phone: (847)290-6370 Fax: (866)563-7611

85 West Algonquin Road, Suite 390,  
Arlington Heights, IL 60005

Final Settlement Statement



First American

Property Address: 1420 Deerchase Rd, Lake Zurich, IL 60047-3020

Buyer: Demetrios Tzoras, Theodora Tzoras

Seller: Jeffrey R. Leist, Kevin C. Wiczer

Lender: Key Mortgage Services, Inc.

Settlement Date: 06/30/2022

Disbursement Date: 06/30/2022

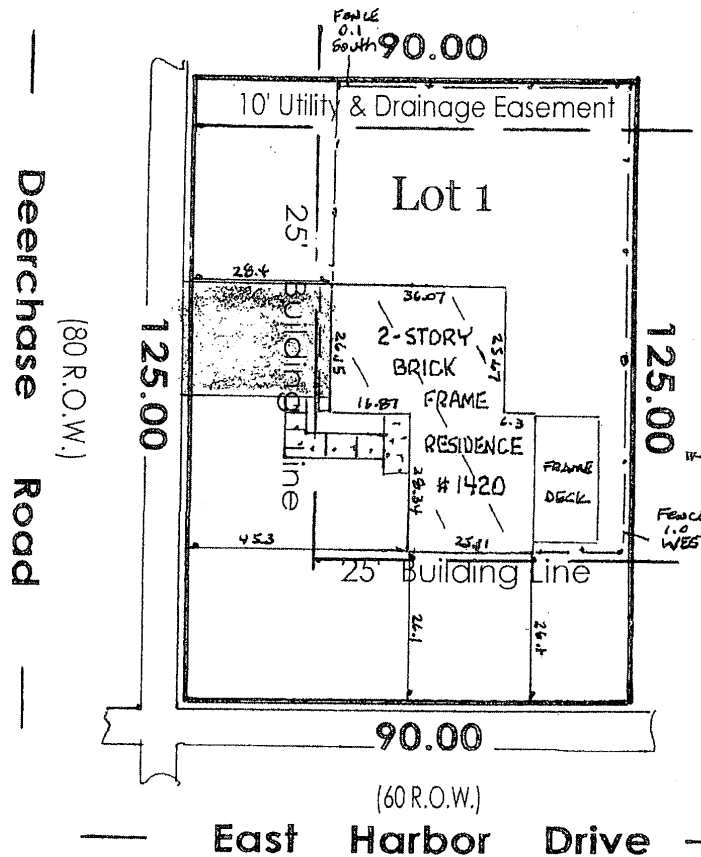




# PLAT OF SURVEY

71350 SO. WINDS CROSSING  
ORLAND PARK ILLINOIS 60467  
PHONE (708) 388-8483  
FAX # (708) 388-8761  
knightsurveyors@aol.com

Lot 1 in Block 6 in Countryside of Lake Zurich, Unit # 2A, being a subdivision of part of the Northwest 1/4 of the Southeast 1/4 and part of the Southwest 1/4 of Section 28, Township 43 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded May 19, 1977 as Document # 183/817, and corrected by Certificate of Certificate of Correction recorded April 4, 1978 as Document # 19076382, in Lake County, Illinois.



STATE OF ILLINOIS) SS  
COUNTY OF COOK)

Derchase Road

(80 R.O.W.)

East Harbor Drive

I, Joseph P. Knight, hereby certify that I have Surveyed the above described tract of land and that this Plat is a correct representation of said survey. This Professional service conforms to the current Illinois minimum standards for a Boundary Survey. State of Illinois Professional Design Firm # 184-002803. Expires 04/30/2023.

IRLS # 2102

Dimensions are given in feet/decimal parts thereof and converted to 66 degree Fahrenheit. Compare all points before building and report at once if any difference exists between the points shown hereon. For easements and building line restrictions consult Deed or Title Policy. Lot corners have not been resicked unless otherwise indicated.

Scale: 1" = 30'

Note: Iron Pipe Found = 1.P.F.

Iron Pipe Set = I.P.S.

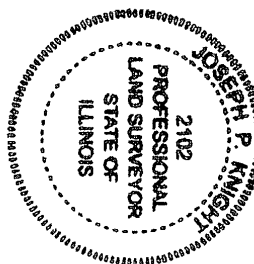
At Clients Request Lot was Restaked

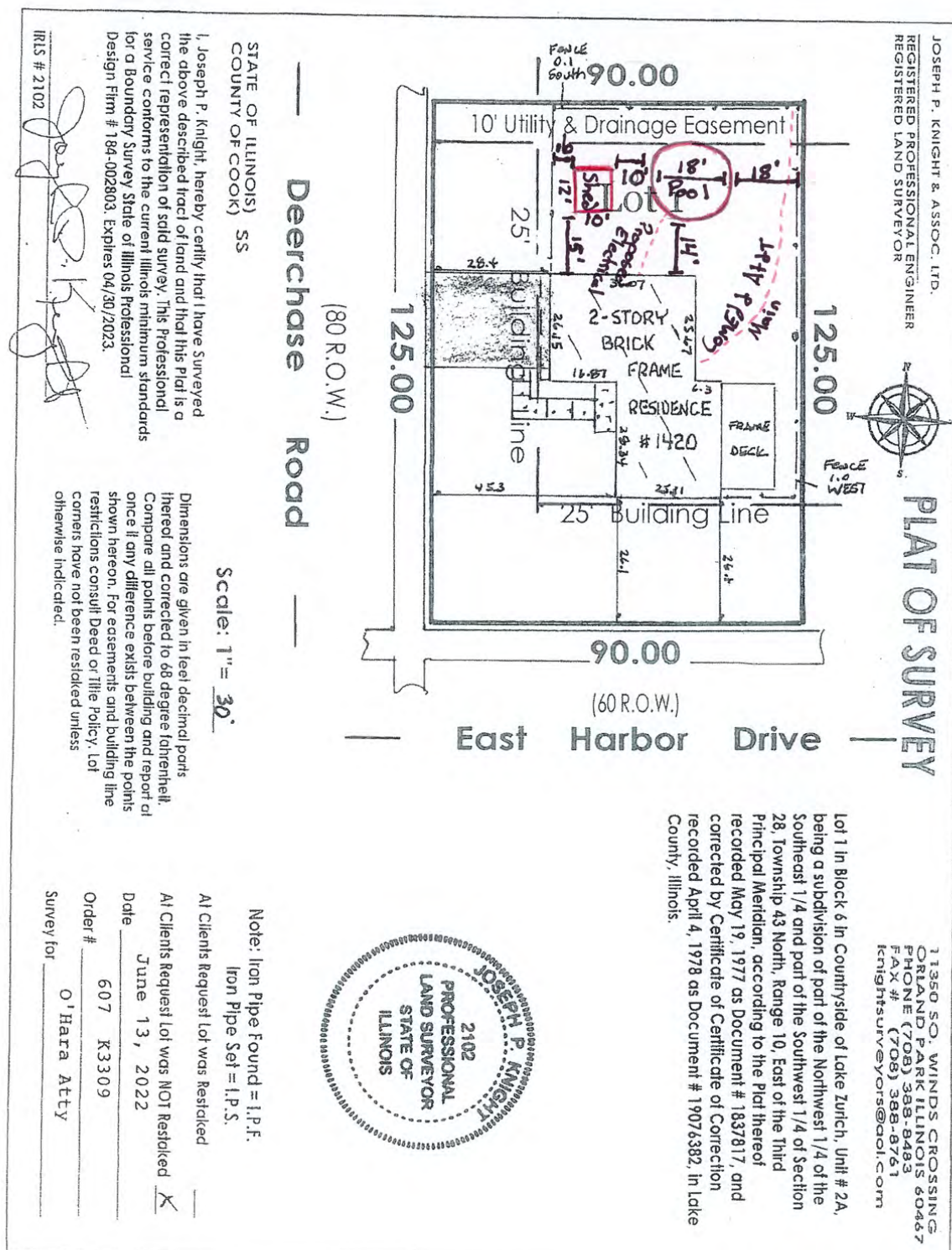
At Clients Request Lot was NOT Restaked

Date \_\_\_\_\_

Order #

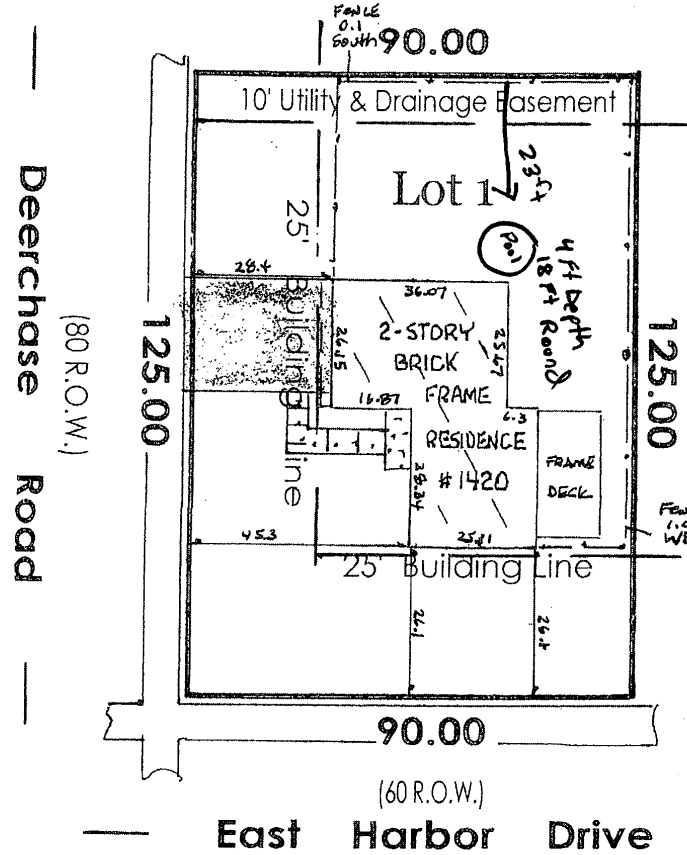
## Survey for \_\_\_\_\_





11350 SO. WINDS CROSSING  
ORLAND PARK ILLINOIS 60467  
PHONE (708) 388-8483  
FAX # (708) 388-8761  
knightsurveyors@aol.com

2102  
 PROFESSIONAL  
 LAND SURVEYOR  
 STATE OF  
 ILLINOIS  
 JOSEPH P. KNIGHT



Scale: 1" = 30'

2102

Note: Iron Pipe Found = I.P.F.  
Iron Pipe Set = I.P.S.

At Clients Request lot was Restacked

At Clients Request lot was NOT Restacked ☒

Date June 13, 2022

Order # 607 K3309

Survey for O'Hara Atty

## American Sale

LAKE ZURICH  
 14906 HOWARD Z  
 ZURREG3D1 61639 CASHEG10  
 9/22/22 64416 12:48:57  
 16338

Home 708 508 3020  
 Work  
 Day 708 508 3020  
 TZORAS/THEODORA  
 1420 Deer Chase Rd  
 Lake Zurich, IL 60047

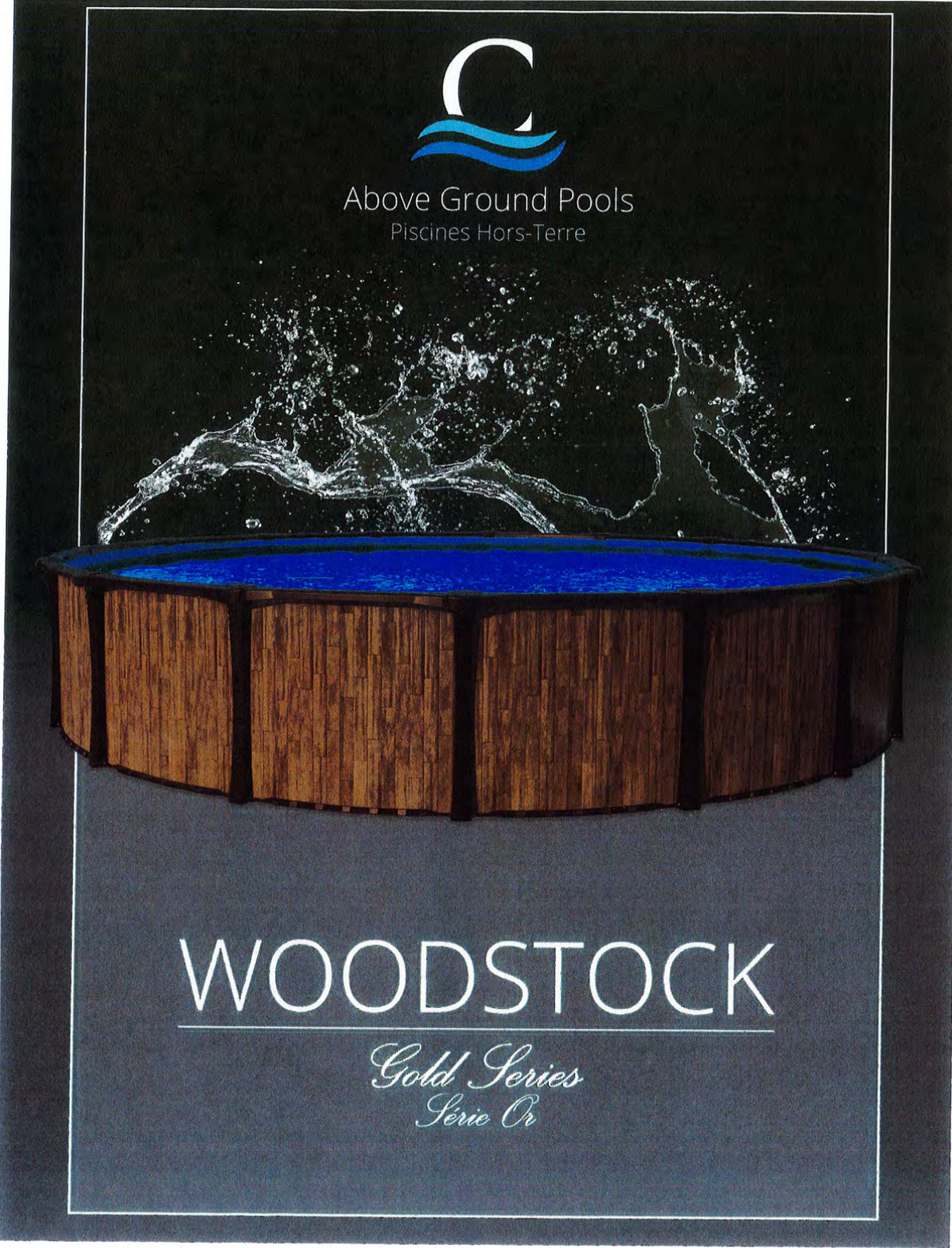
Item	Description	Qty	Price	Total
96-963	18/52" Woodstock BOM	1	5909.00	5909.00
	CCP 18/52 WOODSTOCK BOM			
170-390	BOM 18"Cove/Shield	1	431.98	431.98
	HOR			
93-658	18/52" Graystone	1		
	MED LR18-52JH-BLD			
96-441	Waterway SV 43-779	1		
	FLB FC-1285			
06-464	4" Install this year	1		
	ANS			
43-779	150' .75 HP Filter	1		
	WAY FCS15S1527-3RAM			
40-892	Smart Step Sys 24"	1		
	MCC 200700T/200600T			
38-799	Select Maint Kit Reg	1		
	ANS 15-21 RD 12 OV			
93-820	Peace of Mind Pkg	1		
	ANS			
88-672	AlgaeFree Grtee Kit	1		
	ANS			
99-300	Delivery Charge	1		
	ANS 102			
48-277	SkwrFceptlt/LidWidMth	1	24.99	24.99
	AQD 1010			
117-767	Lil Rebel Cleaner	1		
	PNT 360450			
57-548	18"Classic Wint Cov	1		
	SWM CLS-18			

Total Merchandise 6365.97  
 Tax Due..... 477.45  
 Total Amount..... 6843.42

Balance due MUST be paid in full at least  
 30 days before delivery. Deposits hold  
 price but do not guarantee stock.  
 Balance 2843.42

Type Card Number Exp Date  
 3733 XX/XX





The advertisement features a dark background with a large, dynamic splash of water in the upper center. Below the splash is a large, octagonal above-ground pool with a wooden-textured wall and a dark blue interior. The pool is set against a dark, textured background. The text 'Above Ground Pools' and 'Piscines Hors-Terre' is centered above the pool. The brand name 'WOODSTOCK' is prominently displayed in large, white, serif capital letters, followed by 'Gold Series' and 'Série Or' in a smaller, elegant script font.

Above Ground Pools  
Piscines Hors-Terre

WOODSTOCK

*Gold Series*  
*Série Or*





## Above Ground Pool Agreement

**2022**

### - INSTALLATION -

Below are our installation packages and included services. Installations are assigned out on a delivered pool basis and only if all essential items have been delivered. **All electrical and bonding should be performed by a licensed electrician and is not included in installation.** Extra charges may result from optional items such as fencing, bottom circulation, cove, and armor shield. Installer "add-on" services such as deck modifications, extra digging, dirt haul away, fence install, backfilling, travel fees, heater hook-up, lights/water features, or landscaping/hardscaping are not included with packages and are paid directly to the installer if required or requested. Due to insurance restrictions, installers are not allowed to build ladders. Customer has the right to request a different installer, contract their own installer, and/or do a self-install. **Installers are sub-contractors and not employees of American Sale. Extra services or related fees outside of this agreement are negotiated and paid directly to installers, and are not eligible for compensation by American Sale.**

- ☐ **Self-Install** Installation and all related coordination/costs are customer responsibility.
- ☐ **Replacement Pool Install (993-161)** Includes:
  - ☐ The preparation of the ground and leveling the pool site up to **4" out of level**. *Any additional inches of leveling are not included. Additional leveling fees are issued on a per inch basis and are to be paid directly to installer at time of installation. Please ask installer for rates.*
  - ☐ Placement of patio blocks under each upright post. Installation of pool & liner to within 1" of level
  - ☐ Liner Cut for Skimmer and Returns
  - ☐ Filter hook up
  - ☐ Filling the pool 3" deep of water to secure the liner
  - ☐ Does NOT include installation of accessories (i.e- ladder, step, fencing, lights, water features, etc.)
  - ☐ Installation warranty for **120 days** from date installer was paid (provided by Installer directly)

**NOTE:** Current pool photos of all sides of pool/deck must be submitted to [PoolInstall@AmericanSale.com](mailto:PoolInstall@AmericanSale.com) within **1 week post-sale** in order to assign to an installer. Install will not be assigned without proper photos of current area regardless of delivery status. Please include your *last name* and *order number* when emailing (see page 1). Permits are still required in most towns for installation of a replacement pool. Some installers will remove old pools and can contract this service separately. Please contact installer directly for a quote prior to installation date.

#### **Deluxe Pool Install** Includes:

- ☒ The preparation of the ground and leveling the pool site up to **4" out of level**. *Any additional inches of leveling are not included. Additional leveling fees are issued on a per inch basis and are to be paid directly to installer at time of installation. Please ask installer for rates.*
- ☒ Grading the sand that will be under the pool liner (Installer to provide sand)
- ☒ Placement of patio blocks under each upright post (Installer to provide blocks)
- ☒ Installation of pool & liner to within 1" of level
- ☒ Liner Cut for Skimmer and returns
- ☒ Filter and Water purifier hook up
- ☒ Filling the pool 3" deep of water to secure the liner
- ☒ Does NOT include installation of accessories (i.e- ladder, step, fencing, lights, water features, etc.)
- ☒ Installation warranty for **120 days** from date when installer was paid (provided by Installer directly)

*scope of work*

#### **PLANNING QUESTIONS: (Must be filled out if deck/pool is currently present)**

- Do you have an existing deck next to where pool will be installed: ☐ Yes ☒ **No**
- Do you have an existing pool you are removing prior to replacement pool installation: ☐ Yes ☒ **No**
  - ☐ If yes, please indicate the date of planned removal: \_\_\_\_\_
  - ☐ Size of existing pool: \_\_\_\_\_ | Shape (please circle): **Oval or Round**

American Sale Customer Order: 010 0061639 9-22-2022 CASHEG10 ZURICH RECEIPT Page 1  
 ZURICH (224) 286-1650 9/22/2022 12:48:57 64416  
 Sales Associate: 04906 Howard Zavala

TZORAS, THEODORA

Merchandise 6365.97

1420 Deer Chase Rd  
 Lake Zurich IL 60047

Sales Tax 477.45 7.500 %

Home Phone (708) 508-3020 Ext  
 Work Phone ( ) - Ext  
 Day Phone (708) 508-3020 Ext

Total 6843.42  
 Payments 4000.00  
 Balance 2843.42 ✓

EMAIL- demetrios.john@yahoo.com

Item	Spec Order	Order Quantity	Entered Price
CCP 18/52" Woodstock BOM	18/52 WOODSTOCK BOM	996-963	1 5909.00
HOR BOM 18'Cove/Shield		170-390	1 431.98
MED 18/52" Graystone Liner	LR18-52JH-BLD	93-658	1
FLB Waterway Clwrtr SV for 43-779	FC-1285	996-441	1
AMS 4" Install W/Materials This Yr		206-464	1
WAY 150' .75 HP Filter	FCS15S1527-3RAM	43-779	1
MCC 24" Smart Step System	200700T/200600T	340-892	1
AMS Select Maint. Kit 12'-21'Pools	15-21 RD 12 OV	38-799	1
AMS Peace of Mind Package		993-820	1
AMS Algae Free Guarantee Kit		88-672	1
Delivery Charge		999-300	1
AQD Skimmer Facep/Lid Wide-Mouth	1010	448-277	1 24.99
PNT Lil Rebel Cleaner	360450	217-767	1
SWM 18' Classic Winter Cover	CLS-18	357-548	1
Order Notes		Date	Time
2022 FREEDOM PACKAGE INSTALL. SUMMER CLEARANCE PRICING APPLIED, UPGRADE TO GREYSTONE LINER HZ			12:44:05 12:44:05

Thank You for shopping at American Sale.

\*\*\*KEEP THIS RECEIPT\*\*\*

Your receipt is necessary for returns, credits, and warranty service.

\*\*GENERAL\*\*

American Sale reserves the right to accept or decline any return. Approved returns may be subject to a restocking fee. RETURNS MUST BE MADE WITHIN 30 DAYS OF PURCHASE, unless otherwise noted. Returned merchandise must be in new condition and in original packaging. Final Sales: ALL Chemical sales and Replacement Part sales are FINAL. Display items and Tent Sale items are 'As Is' and FINAL. All opened INTEX Pool purchases are FINAL.

Order Cancellations: All orders canceled after 14 days are subject to a 10% cancellation fee. All In-Process Special Orders are subject to a 50% cancellation fee. Delivered merchandise may be subject to a re-stocking fee and management approval.



# MAIN ACCESS 24" EASY ENTRY STEP

- Color: Taupe
- Step treads are 24" wide
- Weight Limit: 350 lbs.
- Features a sturdy handrail
- Adjustable 48" to 54" deep pools
- The Smart Step System is a combination of the 200600T Smart Step and 200700T Smart Choice Ladder
- Features No-Swim Zone and Flow-Thru step design
- Made from corrosion resistant resin for long-lasting durability
- On outside of pool, heavy-duty structural grade ladder that offers solid footing and a swing-up and lift and lock safety feature
- Smart Lite sold separately

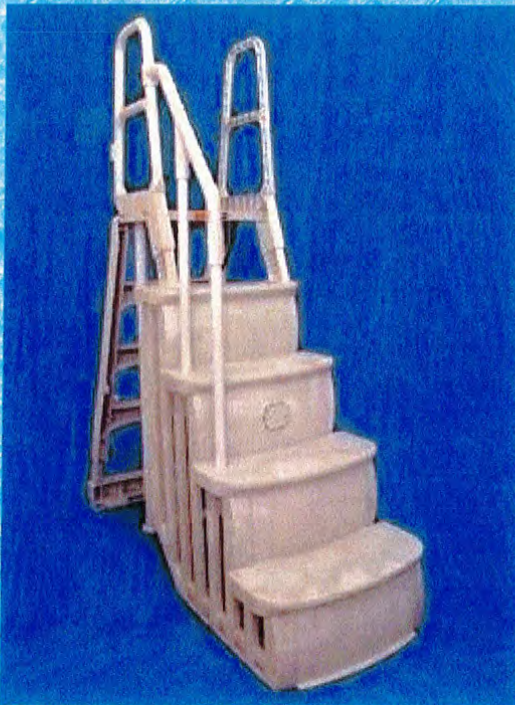
**340-892**



The Smart Step System is an innovative and comfortable entry and exit for the above-ground pool. Especially designed for smaller pools, the inside 24" width step provides ample room for a smooth transition while maximizing the swim area. The flow through design allow for improved water circulation in preventing algae. The superior strength-to-weight performance, stability and easy assembly make this combo the leader among the above-ground swimming pool step systems! Add cool to your pool with the UL approved LED Smart Lite!



## MAIN ACCESS 24" EASY ENTRY STEP



- Features **NO-SWIM ZONE** and **Flow-Thru** step design!
- **Wide 24" treads**
- Superior strength, **durability and stability**
- Hand rail for **added safety and security**
- Shown with optional **Smart Lite**

The Smart Step System is an innovative and comfortable entry and exit for the above-ground pool. Especially designed for smaller pools, the inside 24" width step provides ample room for a smooth transition while maximizing the swim area. On the outside of the pool, a heavy-duty structural grade ladder offers solid footing and a swing up and lift-and-lock safety feature. The flow through design allow for improved water circulation in preventing algae. The superior strength-to-weight performance, stability and easy assembly make this combo the leader among the above-ground swimming pool step systems! Add cool to your pool with the UL approved LED Smart Lite!





## Pool Filters - Above Ground / ClearWater II - Cartridge Deluxe System

### Filters / Filter Systems

Complete the Cartridge filtration system with the Waterway Supreme High Performance Pump and accessories.

#### FEATURES:

- Large filtration, small footprint cartridge filter
- Top of the line Supreme High Performance Single or Dual Speed Pump
- Extra large 7" pump trap with clear lid
- Unionized gate valve to isolate the system for maintenance
- Two 1 1/2" diameter hoses with clamps
- Filter and pump mounting base
- Complete fitting package for all connections
- Accessory base allows for addition of optional timer and/or chlorinator kits for minimal maintenance
- Dual speed pump meets CEC Title 20 Code - Effective January 1, 2008



#### INCLUDES:

- 2 hoses (1 1/2" x 6 ft.)
- Filter / Pump Union Adapter, Hose fittings and hose clamps
- 3 ft. cord Twist-Lock plug (NEC/UL), or 3 ft. cord NEMA plug
- Deluxe one-piece base system
- Unionized gate valve to isolate system for maintenance
- Accessory base for optional timer and/or chlorinator

#### ClearWater II Cartridge Deluxe System with Supreme 1-Speed Pump

Part No.	Filter	Filtration Area	Pump	HP	Volts	Weight (lbs.)	Cord	List (US \$)
<b>FCS075107-3S</b>	FC0757	75 sq. ft.	PSP1100-3R	1.0	115	69	3 ft. Twist-Lock	1,160.87
<b>FCS100107-3S</b>	FC1007	100 sq. ft.	PSP1100-3R	1.0	115	--	3 ft. Twist-Lock	1,322.43
<b>FCS125157-3S</b>	FC1257	125 sq. ft.	PSP1150-3R	1.5	115	--	3 ft. Twist-Lock	1,451.31
<b>FCS150157-3S</b>	FC1507	150 sq. ft.	PSP1150-3R	1.5	115	72	3 ft. Twist-Lock	1,547.50
<b>FCS200157-3S</b>	FC2007	200 sq. ft.	PSP1150-3R	1.5	115	--	3 ft. Twist-Lock	1,695.23
<b>FCS075107-6S</b>	FC0757	75 sq. ft.	PSP1100-6R	1.0	115	--	3 ft. NEMA	1,160.63
<b>FCS100107-6S</b>	FC1007	100 sq. ft.	PSP1100-6R	1.0	115	74	3 ft. NEMA	1,322.43
<b>FCS100137-6S</b>	FC1007	100 sq. ft.	PSP1075-6R	0.75	115	74	3 ft. NEMA	1,231.14
<b>FCS125157-6S</b>	FC1257	125 sq. ft.	PSP1150-6R	1.5	115	--	3 ft. NEMA	1,451.31
<b>FCS150157-6S</b>	FC1507	150 sq. ft.	PSP1150-6R	1.5	115	72	3 ft. NEMA	1,547.50
<b>FCS200137-6S</b>	FC2007	200 sq. ft.	PSP1075-6R	0.75	115	78	3 ft. NEMA	1,471.69
<b>FCS200157-6S</b>	FC2007	200 sq. ft.	PSP1150-6R	1.5	115	--	3 ft. NEMA	1,695.23

#### INCLUDES:

- 2 hoses (1 1/2" x 6 ft.)
- Filter / Pump Union Adapter, Hose fittings and hose clamps
- 3 ft. cord Twist-Lock plug (NEC/UL), or 3 ft. cord NEMA plug
- Deluxe one-piece base system
- Unionized gate valve to isolate system for maintenance
- Accessory base for optional timer and/or chlorinator

#### ClearWater II Cartridge Deluxe System with Supreme 2-Speed Pump

Part No.	Filter	Filtration Area	Pump	HP	Volts	Weight (lbs.)	Cord	List (US \$)
<b>FCS075107-3</b>	FC0757	75 sq. ft.	PSP2100-3R	1.0	115	69	3 ft. Twist-Lock	1,316.64
<b>FCS100107-3</b>	FC1007	100 sq. ft.	PSP2100-3R	1.0	115	74	3 ft. Twist-Lock	1,531.92
<b>FCS125157-3</b>	FC1257	125 sq. ft.	PSP2150-3R	1.5	115	--	3 ft. Twist-Lock	1,700.03
<b>FCS150157-3</b>	FC1507	150 sq. ft.	PSP2150-3R	1.5	115	72	3 ft. Twist-Lock	1,829.28
<b>FCS200157-3</b>	FC2007	200 sq. ft.	PSP2150-3R	1.5	115	--	3 ft. Twist-Lock	1,864.56
<b>FCS075107-6</b>	FC0757	75 sq. ft.	PSP2100-6R	1.0	115	69	3 ft. NEMA	1,304.14
<b>FCS100107-6</b>	FC1007	100 sq. ft.	PSP2100-6R	1.0	115	74	3 ft. NEMA	1,554.91
<b>FCS125157-6</b>	FC1257	125 sq. ft.	PSP2150-6R	1.5	115	--	3 ft. NEMA	1,700.41
<b>FCS150157-6</b>	FC1507	150 sq. ft.	PSP2150-6R	1.5	115	72	3 ft. NEMA	1,829.28
<b>FCS200157-6</b>	FC2007	200 sq. ft.	PSP2150-6R	1.5	115	--	3 ft. NEMA	1,864.98

#### INCLUDES:

- 2 hoses (1 1/2" x 6 ft.)
- Filter / Pump Union Adapter, Hose fittings and hose clamps
- Deluxe one-piece base system
- Unionized gate valve to isolate system for maintenance
- Accessory base for optional timer and/or chlorinator

#### ClearWater II Cartridge Deluxe System (without Supreme Pump)

Part No.	Filter	Filtration Area	List (US \$)
<b>FCS0757S</b>	FC0757	75 sq. ft.	730.43
<b>FCS1007S</b>	FC1007	100 sq. ft.	974.29
<b>FCS1257S</b>	FC1257	125 sq. ft.	1,182.47
<b>FCS1507S</b>	FC1507	150 sq. ft.	1,182.47
<b>FCS2007S</b>	FC2007	200 sq. ft.	1,182.47

All power cords are 3' in length.



*Gold Series*

# WOODSTOCK

*Series Or*





**Easy Base assembly.**  
Facilité d'assemblage de la base.



**Easy Top structure assembly.**  
Facilité d'assemblage de la structure supérieure.



**Multiple layers of Protection.**  
Protection multi-couches.



**Graded rail to ensure good assembly.**  
Rail graduée assure un bon montage.

**Starjet Option**  
*Incorporate the illuminated Waterjet system.*

**Ajustable Ledges Covers**  
*One Screw interlock system.*

**Thick & Robust Ledges**  
*Optimised for better weight distribution. Superior quality resin blends. 6 1/2" Width.*

**StarGlow Option**  
*Incorporate LED light system to your uprights.*

**High Quality Walls**  
*Industry renowned, heat treated, multilayered protection process. Superior sturdiness. Architectural 3D Design.*

**Snap in Uprights**  
*Uprights Snaps in feet for quick Assembly. Durable Top Plate Interface. 6" Width.*

**Strong Feet Connexion**  
*Strong interconnect rail assembly with disassembly feature. Screwing option for increased durability.*

**Stable & High Wall Rails**  
*At 1.6 inches high, the rail keeps the wall in place during ground shifts.*

**Option Starjet**  
*Incorporez le système de jet d'eau illuminé.*

**Couvres Margelles Ajustables**  
*Système d'emboîtement à une vis.*

**Margelles Robuste & Épaisse**  
*Optimisée pour une meilleure répartition du poids. Mélange de résine supérieure. Largeur de 6 1/2".*

**Option StarGlow**  
*Incorporez un système de lumière LED à vos poteaux.*

**Murs de Haute Qualité**  
*Procédé de protection multicouche traité thermiquement de renommée industrielle. Solidité supérieure. Design 3D architectural.*

**Montants Encliquetables**  
*Les Montants s'encliquent pour un assemblage rapide. Interface de Support de Margelle Durable. Largeur de 6".*

**Connection de Pied Robuste**  
*Interconnexion rail solide avec détail de désassemblage. Option de vissage pour durabilité accrue.*

**Rail Stable & Haut Support de Mur**  
*D'une hauteur de 1.6 pouces, la rail garde le mur stable aux mouvements de sol.*

## Design & Architecture

*The Carvin Pool offers architecture on the cutting edge of Canadian Engineering. The quality of its 100% resin design provides an extremely reliable and robust product, which will be able to withstand the weather. All this, while also having a unique and modern design that will allow your backyard to stand out. Available sizes from 12 to 33 feet.*

*La piscine Carvin offre une architecture à la fine pointe de l'ingénierie canadienne. La qualité de sa conception 100% résine permet d'obtenir un produit extrêmement fiable et robuste, qui saura braver les intempéries. Tout cela, en ayant aussi un design unique et moderne qui permettra à votre cour extérieure de se démarquer. Tailles disponible de 12 à 33 pieds.*





## Above Ground Pool Agreement

**2022**

### - RECOMMENDED PRODUCTS -

*These items must be purchased prior to installation of your pool*



Pool Cove

Pool Cove is a permanent coving that prevents sand washout. Pool Cove also acts as an "O" ring and will prevent ground moisture from forming between your liner and the wall. Without cove, your installer will bank sand at a 45° angle against your wall.

15'	508-193 /3	\$120	12' x 19'	240-895 /3	\$140
18'	508-247 /3	\$150	12' x 24'	240-901 /3	\$160
21'	508-261 /3	\$170	15' x 26'	240-925 /5	\$180
24'	508-278 /5	\$200	15' x 30'	240-932 /5	\$200
27'	508-285 /5	\$220	18' x 33'	240-970 /5	\$220
30'	508-308 /5	\$240			



Armor Shield

Liner Armor or Armor Shield protects your pool liner from pebbles, rocks, nut grass, roots & other abrasive hazards that can cause damage to your liner.

15'	032-315 /5	\$300	12' x 24'	044-882 /5	\$320
18'	032-322 /5	\$330	15' x 30'	032-407 /5	\$350
21'	032-346 /5	\$350	18' x 33'	032-414 /5	\$380
24'	032-353 /5	\$380			
27'	032-360 /5	\$420			
30'	068-123 /5	\$450			
33'	032-384 /5	\$490			



Bottom Circulation System

Bottom Circulation improves pool circulation and reduces your chemical cost. It improves heating and reduces vacuuming time. It also acts as a second skimmer at the bottom of your pool. (Not available on 12' and 15' round pools.)

012-638 /5 \$499

### •• CUSTOMER SELECTIONS ••

Because the above items cannot be added to a pool after installation, we need confirmation that you are choosing to have or not have these items installed on your pool. Please check your selection.

#### POOL COVE

☒ YES ☐ NO

#### ARMOR SHIELD

☒ YES ☐ NO

#### BOTTOM CIRCULATION SYSTEM

☐ YES ☒ NO

### ADDITIONAL RECOMMENDATION



#### Aquadoor Service Panel

The original, number one easy snap-on skimmer closure system that stops the water flow and protects the skimmer through winter. Whether you are winterizing your pool or repairing your pump or filter, Aquadoor is a great option for you!

Aquadoor Service Panel/  
Winter Plate

448-277 /5 \$24.99

☒ YES

INIT:

Version as of 6/20/2022

Page 2 of 7

**WHAT YOU CAN EXPECT TO SEE DURING YOUR INSTALLATION**

Before the excavation can begin, sand will be delivered to your location. The sand is usually placed in the driveway, unless another agreed upon site is chosen. The installers will wheel barrow the sand back to the site on installation day. There will be some sand left behind on the driveway after installation.



On the installation date, a bobcat (similar to this one) will arrive at your home to excavate the pool site.



**Note:** Installers will need at least a 7' access to your backyard. They cannot move fences or gates.

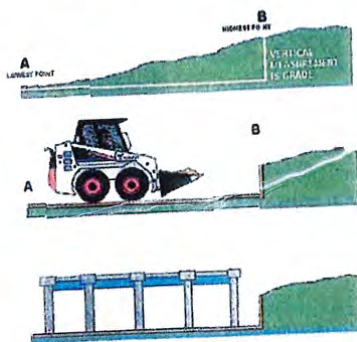


Be prepared! Due to various weather and soil conditions, there will be some tire tracks and/or ruts in your yard. This is normal and unavoidable for a construction job like a pool installation.

(Ruts can be repaired with access dirt and grass seed)



### GRADE EXAMPLE CHART



A level will be used to determine the dig depth. The excavator will notify you of this depth and any extra digging charges (if over the included 4"). The excavator will level the ground to prepare the site.

This means digging to the lowest point so that the pool is built on 'solid' even soil.



It is the customer's responsibility to mark the proper pool site before the installer arrives. The pool site must be in accordance with all local and state laws for building codes.

The excavator will mark a circle based on your center mark (a stake marked with a "C" works best) of where you'd like your pool. You should mark the spot of where you'd like your filter system located (again, a stake marked with an "F" works best).



### **EXCAVATION PROCESS**

The dirt will be placed in a location NEAR the excavation site. The excavator will not be able to haul the dirt or move it more than an obstacle free distance of 15'.



The excavator will dig the site larger than the actual size of the pool to allow for access during the installation of the pool.

(Example: a 24' pool may be excavated to approximately 28')

As a result of excavation, you will have a lot of dirt. You will need to use some of this dirt for backfilling the outside perimeter of the pool after completion of the install. (**Note:** Dirt Haul Away is quoted separately by installer. Please ask your installer prior to your install date for rates.)





Upon completing the site, the excavator will check to confirm the site is level. Payment for an over-dig (if applicable) is to be made to the excavator at this time. The site is now prepared for the installers to begin the installation process.



### **INSTALLATION PROCESS**

After the ground is dug, sand will be wheel-barrowed to the pool site by the installer. The sand is then spread and raked throughout the site.



As the sand is being raked, the bottom plates and bottom tracks are set in place.

After these are set, the installer will either roll or tamp the sand bottom.

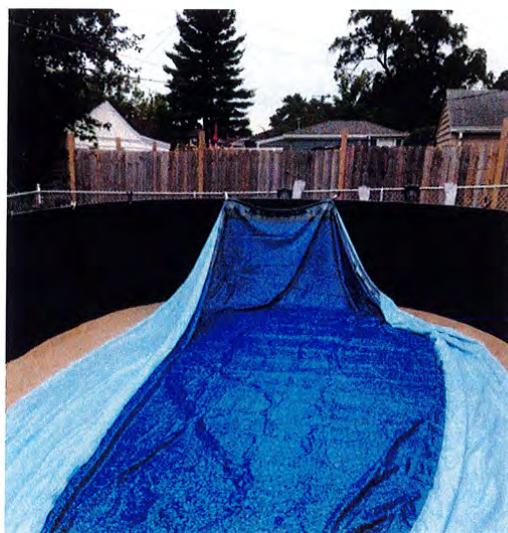
**NOTE:** The bottom will still be wavy - it will not be perfectly flat and smooth.



Once the bottom has been prepared, the installers will set the pool wall in the bottom track and install the pool uprights.



The next step is setting the liner in the pool. The installer will make every effort to prevent wrinkles in the pool bottom.



### **POST-INSTALL CHECKLIST**

Now that your pool is built, there are a few things that will still need to be taken care of to finalize your pool for usage.

1. **Backfilling Your Pool:** You will need to backfill the dirt around your pool after it's built. Excess dirt will be left after install and can be used for backfilling. It is the homeowner's responsibility to remove or spread the excess dirt. The pool must be backfilled to at least the height of the bottom track. No part of the track should be visible if properly backfilled with sufficient amount of dirt. If backfilling over 8", you must install a corrugated perforated drainage pipe to keep moisture away from the pool.
2. **Electrical and Bonding:** You will need to hire a licensed electrician to ensure proper electrical service and water/ground bonding is performed to your town's codes. They will also need to ensure proper receptacle fitting. All motor and pump assemblies need to have proper 115V, 20 amp G.F.C.I. service to the filter. All pumps have a 3' NEMA L5-20R Plug, commonly known as a "Twist Lock" Safety plug. The use of extension cords does not meet Electrical Codes, will damage the equipment, and voids manufacturer warranties.
3. **Gas Hook-Up for Heater:** If you purchased a pool heater, a gas line will have to be run by a licensed contractor. Pool installers will not connect your heater to the filter system as they are not licensed to perform this work.
4. **Village Inspection:** Your village or township will need to perform a final inspection of the pool after its backfilled and gas/electrical is complete.
5. **Yard Repair:** Yard repairs are also homeowner responsibility including any track marks, ruts, fence/gate reassembly, and dirt haul away.



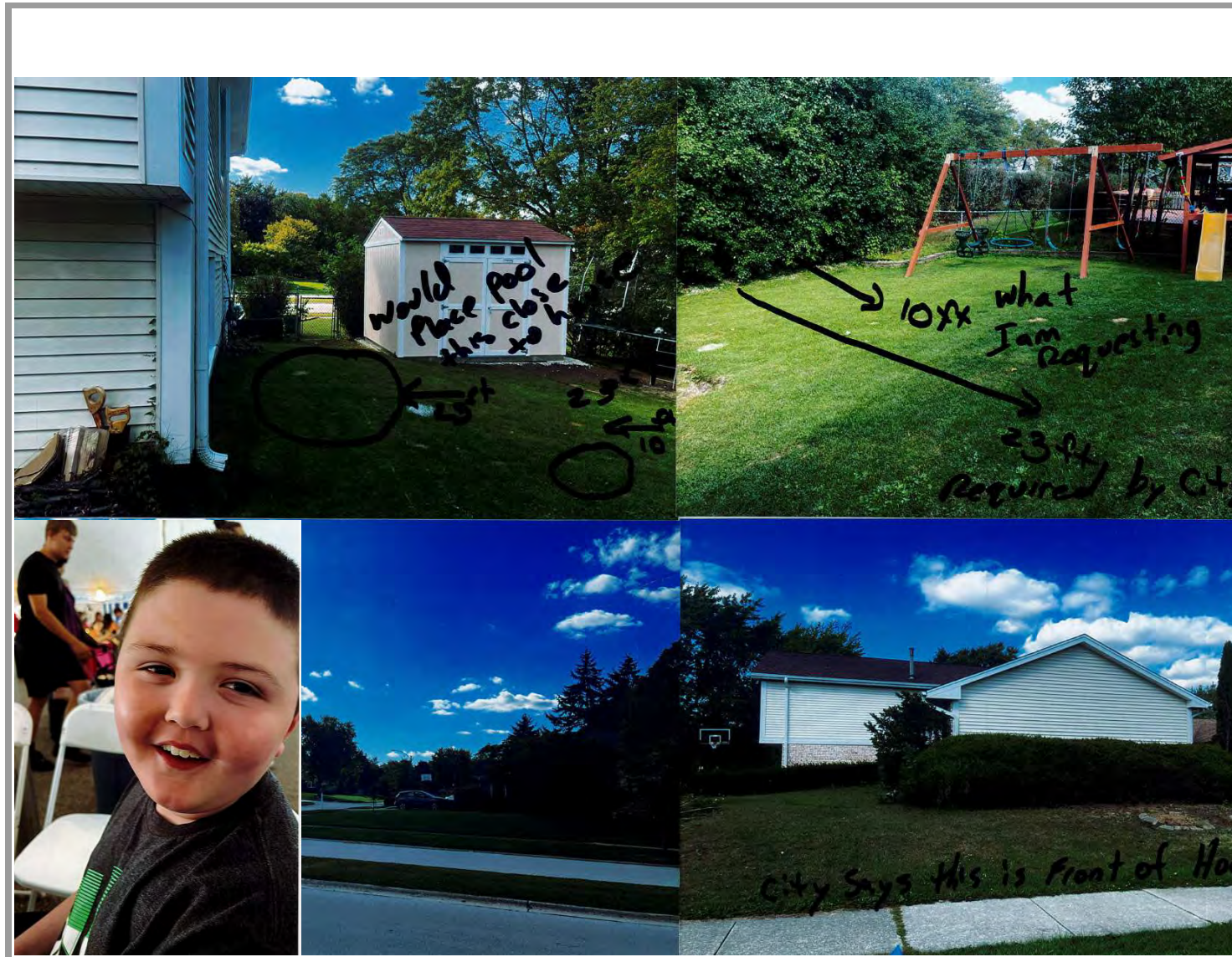
**We hope that this step-by-step guide has been helpful to you! Your Product Expert will also be able to answer any questions that you may have in regards to the installation process and product warranties. You can also call our Pool Service Dept. at 708-623-1486 or email us any questions you may have at [PoolService@AmericanSale.com](mailto:PoolService@AmericanSale.com).**

**Thank you for your business! Happy Swimming!**











*At the Heart of Community*

COMMUNITY DEVELOPMENT DEPARTMENT

505 Telser Road  
Lake Zurich, Illinois 60047

(847) 540-1696  
Fax (847) 726-2182  
LakeZurich.org

**APPLICATION PZC 2022-17**  
**PZC Hearing Date: October 19, 2022**

**AGENDA ITEM 4.B**

**STAFF REPORT**

To: Chairperson Stratman and Members of the Planning & Zoning Commission

From: Sarosh Saher, Community Development Director

CC: Mary Meyer, Building Services Supervisor  
Tim Verbeke, Planner

Date: October 19, 2022

Re: PZC 2022-17 – 845 Oakwood Road  
ComEd Security Fence Setback Variation

**SUBJECT**

Mr. Will Otter of Sidley Austin, LLC (the “Applicant”) on behalf of Commonwealth Edison Company (the “Owners”), and hereinafter referred to as “ComEd,” request a Variation from Zoning Code Section 9-6-10-C-1, Industrial District Bulk, Space and Yard Requirements; Minimum Yards; Front and Corner side Yard, to allow for the construction of a 7-foot tall security fence with a 1-foot “Y”-shaped barbed wire on top and gravel security apron that will encroach into the required 35-foot front yard setback at the property commonly known as 845 Oakwood Road, legally described in Exhibit A attached hereto (the “Subject Property”).

**GENERAL INFORMATION**

Requested Action: Variation

Current Zoning: I Industrial District

Current Use: Public Utility – Electric Power Distribution Substation

Property Location: 845 Oakwood Road

Applicant: Mr. Will Otter of Sidley Austin, LLC

Owner: Commonwealth Edison Company (ComEd)

Staff Coordinator: Tim Verbeke, Planner

**Staff Report**  
**APPLICATION PZC 2022-17**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

**LIST OF EXHIBITS**

- A. Legal Description
- B. Public Hearing Sign
- C. Site Photos
- D. Aerial Map
- E. Zoning Map
- F. Parcel Map
- G. Development Application and Attachments
- H. Development Review Comments

**BACKGROUND**

Mr. Will Otter of Sidley Austin, LLC (the “Applicant”) submitted the application on behalf of ComEd (the “Owners”) for the property located at 845 Oakwood Road, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received on September 26, 2022 (the “Application”) seeking:

- A Variation from Code Section 9-6-10.C.1, Residential Minimum Yards: Front Yard
- A Variation from Code Section 8-11-1.C.1, Prohibited Fences (only allowed under certain circumstances)

The Subject Property is located within the Village’s I Industrial District that provides for certain professional offices and industrial uses. The I Industrial zoning district requires a 35-foot setback for all structures within the front and corner side yard.

ComEd is proposing to install a new a black, expanded metal fence which is 7 feet in height plus 12 inches of “Y”-shaped barbed wire along the northern portion of the property. The fence will encroach 5 feet into the required 35-foot front yard setback, requiring a variation of the zoning code provisions for front yard setback, and variations of the building code provisions for type (design) and height of fence. ComEd additionally proposes to lay CA-6 gravel to surface the newly fenced-in area between the new northern fence line and the existing control building on the property. The location of the new gravel also requires a variation of the setback requirements of the code.

The requested variations are authorized variations under Section 9-17-3.A.: “Authorized Variations”; Paragraph 1. Yards; Setbacks; Spacing: To reduce the dimension of any required yard, landscaped yard, setback, or building spacing, and to allow structures and uses to be located in any required yard in addition to, and to a greater degree than, those authorized by applicable district regulations.

On the interior of the property, the Applicant is also proposing to install a chain-link fence which is 7 feet tall plus 12 inches of “Y”-shaped barbed wire along the southern, eastern and western fence lines along the property. that portion of the fence will also include five 16-foot-tall posts which support the fence and other security functions, i.e. cameras. The new fence line along the

**Staff Report**  
**APPLICATION PZC 2022-17**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

interior portion of the property is located outside of applicable required setbacks and allowed by right.

In conjunction with the new fence installation, ComEd will be implementing the following additional measures:

- i. Replacing the Substation's existing northwest swinging gate with a motorized sliding gate,
- ii. Installing a concrete gate apron under the Substation's existing southeast manual sliding gate,
- iii. Installing three new 25-foot-tall light posts and removing one light post within the Substation, each of which will only be illuminated when ComEd personnel are inside the Substation after dark,
- iv. Laying CA-6 gravel to surface the newly fenced-in area between the new northern fence line and the control building, inclusive of a 3-foot "apron" outside of the fence line (referred to as the "Expansion Area"). This is consistent with the Substation's existing gravel surface, and
- v. Removing certain trees and bushes in the Substation's front yard and replacing them with new trees as part of a new landscaping plan. 7 new trees will be added I front of the fence.

ComEd is undertaking the above measures to address physical security risks and vulnerabilities related to the reliable operation of the electric power grid by upgrading security at its critical infrastructure facilities like the subject Electrical Power Distribution Substation. The site is designated as a critical infrastructure site (which includes substations such as this one comprising the electrical grid) as required by the Federal Energy Regulatory Commission ("FERC") and the North American Electric Reliability Corporation ("NERC"). FERC is the federal agency that regulates the interstate transmission of electricity, and it oversees NERC in the United States. Both FERC and NERC regulate ComEd's activities and impose obligations on ComEd with regard to securing the bulk power system. The Applicant has provided a detailed analysis and description of precedents and reasons for such measures in their narrative.

*Changes from Existing Conditions and Variations from the Code Requirements (relevant to the Variations requested):*

Currently, there is a chainlink fence on the property, completely surrounding and securing the substation and its outdoor storage areas. The following is a listing if what is proposed to be changed on the property as related to the requested variations, and how the changes vary from the requirements of the code.

- a. *Fence type and design* (including entrance gate)
  - Existing: Aluminum Metal fence (and entrance gate) facing Oakwood Road on west side of building and chain link fence on east side of building; 6 feet in height plus 12 inches of outward-facing barbed wire on top.
  - Proposed: New black, expanded metal fence, 7 feet in height plus 12 inches of "Y"-shaped barbed wire. Design proposed because chainlink fences are prohibited within front yards on all properties.

For additional reference, a large part of the fence will be located in front of the existing building on the property which is approximately 20 feet in height.

**Staff Report**  
**APPLICATION PZC 2022-17**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

- Variation from the Code:
  - Overall height to increase from 6 feet to 8 feet along northerly fence
  - Inclusion of 12 inches of barbed wire on fence. Barbed wire and razor wire and similar materials are prohibited except only after written approval of the code official to protect the public health, safety, or welfare.
- b. *Fence location* (including entrance gate)
  - Existing: Located 45 feet from front lot line, along and abutting the northerly building edge, outside of required front yard setback of 35 feet
  - Proposed: To be located 30 feet from front lot line and 15 feet in front of building in order to encompass building, resulting in 5 feet encroachment into required front yard setback  
 For additional reference, the fence will be located at approximately 65 feet from the Oakwood Road curb.
  - Variation from the Code:
    - Encroachment into front yard setback by 5 feet.
- c. *Gravel apron location*
  - Existing: No gravel present
  - Proposed: CA-6 gravel to surface the newly fenced-in area between the new northern fence line and the control building, inclusive of a 3-foot “apron” outside of the fence line. Total width of gravel along the fence and building facing street is 18 feet.
  - Variation from the Code:
    - Encroachment into front yard setback by 8 feet.

Pursuant to public notice published on October 1, 2022, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for October 19, 2022, to consider the Application. On September 26, 2022, the Village posted a public hearing sign on the Subject Property (Exhibit B).

Staff offers the following additional information:

- A. **Courtesy Review.** Due to the low impact, courtesy review was not recommended.
- B. **Zoning History.** The property is located within the School Trustee’s Subdivision on Lot 3 of Section 16, which was recorded in Lake County and is zoned within the I Industrial District. Using documents from the Lake County’s collection of aerial photographs, Staff was able to conclude that the substation has only had minor alteration since initial construction between 1993 and 1997.
- C. **Surrounding Land Use and Zoning.** The subject property is located at the northern section of the Industrial Park, near the intersection of the CN rail line and Oakwood Road. All directly surrounding land to the east, west and south is zoned I Industrial District and is improved with both multi-tenant and single user industrial buildings. The parcels across Oakwood Road is zone R-6 Multiple Family Residential, and improved with a multi-family unit development within Wicklow Village. The nearest of these homes to the north are



**Staff Report**  
**APPLICATION PZC 2022-17**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

located approximately 190 to 200 feet from where the new fence is proposed to be located and are currently screened by means of a landscape buffer and solid privacy subdivision fence.

- D. Trend of Development.** The subject property is located within Lake Zurich's thriving Corporate Industrial Park. Currently, this is the only electrical substation established within the I Industrial zoning district. A majority of other utility type facilities are special uses, with only a few similar facilities located in the Village.
- E. Zoning District.** The (I) Industrial District is intended to provide for a range of nuisance free manufacturing, warehousing, transportation, wholesaling, and industrial uses that are compatible with the suburban residential character of the village. The industrial district is also meant to accommodate certain professional offices and similar uses that may provide services to the industrial users and are compatible with the industrial character of the district. It is the goal of these regulations to provide and preserve an area within the village for industrial uses that create employment and economic benefits for the village and the industrial district.
- F. General provisions for the granting of variations.** The purpose of the variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of the zoning code that create practical difficulties or particular hardships for which no other remedy is available.

Section 9-17-3 entitled "Authorized Variations" provides a list of the zoning code provisions that may be varied by authority of the Village Board. The requested are authorized variations under this Section.

**GENERAL FINDINGS**

Staff of the Community Development Department and its development review team have evaluated the development against the various standards and provisions of the Lake Zurich Municipal Code and offer findings on specific sections of the Code as they relate to the development of the property.

**9-17-4: STANDARDS FOR VARIATIONS.**

- A. General Standard: No variation shall be granted pursuant to this chapter unless the applicant shall establish that carrying out the strict letter of the provisions of this zoning code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this section.

**Staff Response: Standard met. The Applicant has demonstrated that there is a practical difficulty in constructing the 7-foot security fence and associated gravel in compliance with the provisions of the zoning code – which would be outside the required 35-foot setback.**

**Staff Report**  
**APPLICATION PZC 2022-17**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

As stated by the Applicant, "...Carrying out the Project is linked to ComEd's unique need to meet the heightened security objectives of PPD-21 and FERC Order 802 and implement electric utility industry requirements and best practices. ComEd is required to enhance security at the Substation in compliance with these federal directives, which do not apply to typical property owners in the Village."

"Additionally, the presence of existing underground electrical infrastructure at the Substation [immediately north of the existing building] is a unique physical condition requiring ComEd to construct the new northern fence line within a small portion of the front yard setback. Due to this condition, ComEd cannot meet its security protocols if it constructs the new northern fence line outside of the minimum required front yard."

The Applicant has additionally stated that security measures cannot use one façade of the building and fence as currently configured to meet its security requirements.

While staff has determined that there are alternate locations for the fencing where a security fence could be constructed and not violate the setback requirements, by moving the fence 5 feet back toward the building and removing the gravel from the proposal, this would limit access to the fence and underground mechanical equipment for maintenance purposes thereby reducing the necessary "visibility buffer" deemed necessary by the Applicant for security purposes between the building face and the fence.

- B. Unique Physical Condition: The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use or structure, 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 lot rather than the personal situation of the current owner of the lot.

**Staff Response: Standard met. While there is no unique physical condition, irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions that would make the subject property unique from its immediately surrounding properties and thereby warrant a variation, there is the presence of existing structures – the underground mechanical equipment – that prevents the fence from being located outside of the setback while meeting the security plan requirements.**

- C. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the

**Staff Report**  
**APPLICATION PZC 2022-17**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

result of governmental action, other than the adoption of this zoning code, for which no compensation was paid.

**Staff Response: Standard met. The unique or extraordinary physical condition was not the result of any action of the property owner, rather a result of federal and industry directives for public utilities, with which ComEd is attempting to comply.**

- D. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

**Staff Response: Standard met. The electrical power distribution land use operated by ComEd, is required to address and implement the extraordinary security measures as prescribed by the federal government, measures which are not otherwise required by other land uses and owners of property within the industrial district.**

**As stated by the Applicant, "...Because ComEd is a public utility, ComEd's rights with regard to the Substation property are inextricably linked to the right of Village citizens to receive reliable electric energy delivery and ComEd's regulatory obligations (and commitments as per its Franchise Agreement with the Village) to provide it. If ComEd is not allowed to properly secure its Substation in accordance with industry standards through implementation of the Project, it could be denied the substantial right to continue effectively fulfilling its responsibility as a Village public utility provider."**

- E. Not Merely Special Privilege: The alleged hardship or difficulty is not 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 an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

**Staff Response: Standard met. The requirements to address and implement the security measures prescribed by the pertinent federal agencies does not grant the Applicant a special privilege, rather is a requirement that ComEd has to implement.**

**As stated by the Applicant, "...This request is simply meant to facilitate ComEd building its new fence line in a way which overcomes an engineering hurdle relating to existing underground electrical infrastructure. With approval of the variations, ComEd will be able to implement the federally-mandated Project, which is not motivated by ComEd's desire to benefit itself, but rather by ComEd's obligation to benefit its numerous customers in the Village and surrounding areas to whom it distributes power."**

- F. Code and Plan Purposes: The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for

**Staff Report**  
**APPLICATION PZC 2022-17**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

which this zoning code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan.

**Staff Response: Standard met. Granting the variation would not change the use and operation of the Subject Property. The location and design of the substation, the fence and any potential gravel areas will continue to remain in conformance with the industrial purpose of the zoning code and comprehensive plan.**

G. Essential Character of the Area: The variation would not result in a use or development on the subject property that:

1. Detrimental to Enjoyment: Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or

**Staff Response: Standard met. Granting of the variation will not create a negative effect on public welfare, enjoyment, development, or value of property and its surroundings if the Applicant is granted the requested variation.**

**It should be pointed out that the Applicant is also proposing four security cameras mounted on 16-foot tall poles on each corner of the property as an additional security measure. While the Applicant has indicated that the cameras will be directed onto the property, further details on the impact on the neighboring properties have not been shared with staff.**

**The installation of security cameras is not a violation of the codes nor is the subject of this variation, but staff believes that that anyone on camera should have a reasonable expectation of privacy, with particular respect to the residences across Oakwood Road within Wicklow Village (located approximately 200 feet away from the cameras).**

**The upgraded design of the fence as an expanded metal fence (rather than a chainlink fence) and the additional planting of 7 trees along the front of the new fence will help reduce the impact of the fence from the street and property to the north.**

2. Light and Air: Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or

**Staff Response: Standard met. Granting of the variation would not impede the adequate supply of light and air to properties and improvements in the vicinity.**

3. Congestion: Would substantially increase congestion in the public streets due to traffic or parking; or

**Staff Report**  
**APPLICATION PZC 2022-17**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

**Staff Response: Standard met. Granting of the variation would not increase any congestion due to traffic or parking as the land use of the property is not being changed.**

4. Flood or Fire: Would unduly increase the danger of flood or fire; or

**Staff Response: Standard met. The proposed security fence and gravel apron will need to conform to current building codes. The gravel will additionally conform to the requirements of the Water Shed Development Ordinance (Stormwater Ordinance) of Lake County.**

5. Tax Public Facilities: Would unduly tax public utilities and facilities in the area

**Staff Response: Standard met. Granting of the variation would not cause the property to tax public utilities or facilities in the area.**

6. Endangerment: Would endanger the public health or safety.

**Staff Response: Standard met. The proposed variation would not affect the public's health, safety or welfare.**

- H. 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.

**Staff Response: Standard partially met. The Applicant has stated that the requested variation is the only option for the Applicant to build the security fence with associated gravel and the proposed location is the minimum adjustment that the property owner can accommodate to include the requested level of functionality, and utility.**

**However, staff has determined that the Applicant may have the ability to construct the said fence and install gravel in a manner that will meet the requirements of the zoning codes thereby not requiring a variation.**

- **Move the fence no less than 5 feet closer to the building and reconfigure the location of the CA-6 gravel from the proposal, OR**
- **Create bump outs in the alignment of the fence to accommodate the existing underground electrical infrastructure, while a majority of the fence maintains conformity.**

**These have been conveyed to the Applicant, but have been deemed impractical and detrimental to accomplishing the goal of security by limiting access to the fence and underground mechanical equipment for maintenance purposes and reducing the necessary "visibility buffer" deemed necessary by the Applicant for security purposes between the building face and the fence.**

**Staff Report**  
**APPLICATION PZC 2022-17**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

**RECOMMENDATION**

The recommendation of the Planning and Zoning Commission should be based on the standards included in the following Sections of the Lake Zurich Municipal Code:

- Section 9-17-4: Standards for Variations

Based on the review of the standards for approval which have largely been met staff recommends that the Planning and Zoning Commission make these standards a part of the official record of the Application.

Staff emphasized testing of the Application against the “General Standard” and “Unique Physical Condition Standard” in determining appropriateness of recommending approval of the requested variations and found that the application largely meets these standards.

Should the PZC recommend approval of the Variation as requested to afford the Applicant the ability to meet the goals of securing the property in a manner recommended by the federal agencies, Staff of the Community Development Department recommends that the following conditions be incorporated in the Findings of the PZC:

1. Substantial conformance with the following documentation submitted as part of the application and subject to revisions required by Village Staff, Village Engineer, and any applicable governmental agencies:
  - a. Zoning Application prepared by Mr. Will Otter of Sidley Austin, LLC (the “Applicant”) on behalf of Commonwealth Edison Company (the “Owners”) and Cover Letter containing an introduction and summary of requested approvals both dated September 21, 2022.
  - b. Boundary and Topographic Survey prepared by HR Green dated May 12, 2021 and last updated on September 14, 2022.
  - c. Views of property submitted by Applicant dated September 21, 2022
  - d. Site Plan Fence Project prepared by Burns McDonnell dated July 27, 2022 and last updated on August 26, 2022.
  - e. Landscape Plan prepared by Burns McDonnell dated August 1, 2022.
  - f. Fence elevation exhibit entitled “7’H+1’ Typical Elevation (Hot Dipped Galvanized) prepared by Guardiar dated December 2, 2021
  - g. Fence Panel specification prepared by Betafence USA dated July 29, 2015
  - h. Fence/Gate Example submitted by applicant on September 21, 2022
2. As further mitigation for construction of the fence and installation of the gravel, the applicant shall agree not to further increase the amount of impervious surface on the property, beyond what is being proposed, and shall conform to the requirements of the Watershed Development Ordinance of Lake County.
3. The fence shall be of a design and color (black or other dark color acceptable to the village) as depicted in the “Fence/Gate Example” exhibit submitted with the application, and shall be no greater than height than 8 feet.

**Staff Report**  
**APPLICATION PZC 2022-17**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

4. No less than seven (7) trees shall be planted along the front of the fence as depicted in the Landscape Plan prepared by Burns McDonnell dated August 1, 2022.
5. The CA-6 gravel installed on the front of the property between the building, proposed fence and additional 3-foot “expansion area” shall be maintained in a manner that will prevent the gravel from migrating or sinking into the soil, kept free of weeds and shall be replenished from time to time when deficiencies in the amount of gravel arise.
6. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

Respectfully Submitted,

Sarosh Saher  
Community Development Director

**Staff Report**  
**APPLICATION PZC 2022-17**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

**LAKE ZURICH PLANNING & ZONING COMMISSION**  
**FINAL FINDINGS & RECOMMENDATIONS**

**845 OAKWOOD ROAD**  
**OCTOBER 19, 2022**

The Planning & Zoning Commission recommends approval of Application PZC 2022-17, subject to any changes or approval conditions as listed below:

1. Substantial conformance with the following documentation submitted as part of the application and subject to revisions required by Village Staff, Village Engineer, and any applicable governmental agencies:
  - a. Zoning Application prepared by Mr. Will Otter of Sidley Austin, LLC (the "Applicant") on behalf of ComEd (the "Owners") and Cover Letter containing an introduction and summary of requested approvals both dated September 21, 2022.
  - b. Boundary and Topographic Survey prepared by HR Green dated Sept. 14, 2022.
  - c. Views of property submitted by Applicant dated September 21, 2022
  - d. Site Plan Fence Project prepared by Burns McDonnell dated August 26, 2022.
  - e. Landscape Plan prepared by Burns McDonnell dated August 1, 2022.
  - f. Fence elevation exhibit entitled "7'H+1' Typical Elevation (Hot Dipped Galvanized) prepared by Guardiar dated December 2, 2021
  - g. Fence Panel specification prepared by Betafence USA dated July 29, 2015
  - h. Fence/Gate Example submitted by applicant on September 21, 2022
2. As further mitigation for construction of the fence and installation of the gravel, the applicant shall agree not to further increase the amount of impervious surface on the property, beyond what is being proposed, and shall conform to the requirements of the Watershed Development Ordinance of Lake County.
3. The fence shall be of a design and color (black or other dark color acceptable to the village) as depicted in the "Fence/Gate Example" exhibit submitted with the application, and shall be no greater than height than 8 feet.
4. No less than seven (7) trees shall be planted along the front of the fence as depicted in the Landscape Plan prepared by Burns McDonnell dated August 1, 2022.
5. The CA-6 gravel installed on the front of the property between the building, proposed fence and additional 3-foot "expansion area" shall be maintained in a manner that will prevent the gravel from migrating or sinking into the soil, kept free of weeds and shall be replenished from time to time when deficiencies in the amount of gravel arise.
6. The development shall be in compliance with applicable codes and ordinance.
  - ☐ Without any further additions, changes, modifications and/or approval conditions.
  - ☐ With the following additions, changes, modifications and/or approval conditions:

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Planning & Zoning Commission Chairman



**Staff Report**  
**APPLICATION PZC 2022-17**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

**EXHIBIT A**  
**LEGAL DESCRIPTION OF SUBJECT PROPERTY**

THAT PART OF LOT THREE IN SCHOOL TRUSTEES SUBDIVISION OF SECTION SIXTEEN, TOWNSHIP FORTY-THREE NORTH, RANGE TEN, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTH LINE OF OAKWOOD ROAD ACCORDING TO THE PLAT OF DEDICATION RECORDED AS DOCUMENT NO. 2179933 AND WEST OF A LINE 100.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION SIXTEEN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID OAKWOOD ROAD WITH THE WEST LINE OF THE EAST 100.00 FEET OF THE NORTHWEST QUARTER OF SAID SECTION SIXTEEN; THENCE SOUTH 00 DEGREES 04 MINUTES 39 SECONDS WEST, BEING AN ASSUMED BEARING ON THE WEST LINE OF THE EAST 100.00 FEET OF THE NORTHWEST QUARTER OF SAID SECTION SIXTEEN, A DISTANCE OF 523.08 FEET TO THE NORTHWESTERLY LINE OF THE ELGIN AND JOLIET EASTERN RAILROAD; THENCE SOUTH 43 DEGREES 04 MINUTES 06 SECONDS WEST ON THE NORTHWESTERLY LINE OF SAID ELGIN AND JOLIET EASTERN RAILROAD A DISTANCE OF 366.60 FEET TO THE INTERSECTION WITH A LINE 350.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION SIXTEEN; THENCE NORTH 00 DEGREES 04 MINUTES 39 SECONDS EAST ON THE LAST DESCRIBED PARALLEL LINE A DISTANCE OF 794.42 FEET TO THE SOUTH LINE OF SAID OAKWOOD ROAD; THENCE SOUTH 89 DEGREES 11 MINUTES 34 SECONDS EAST ON THE SOUTH LINE OF SAID OAKWOOD ROAD A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING, ALL IN LAKE COUNTY, ILLINOIS.

Parcels Involved: 14-16-100-059

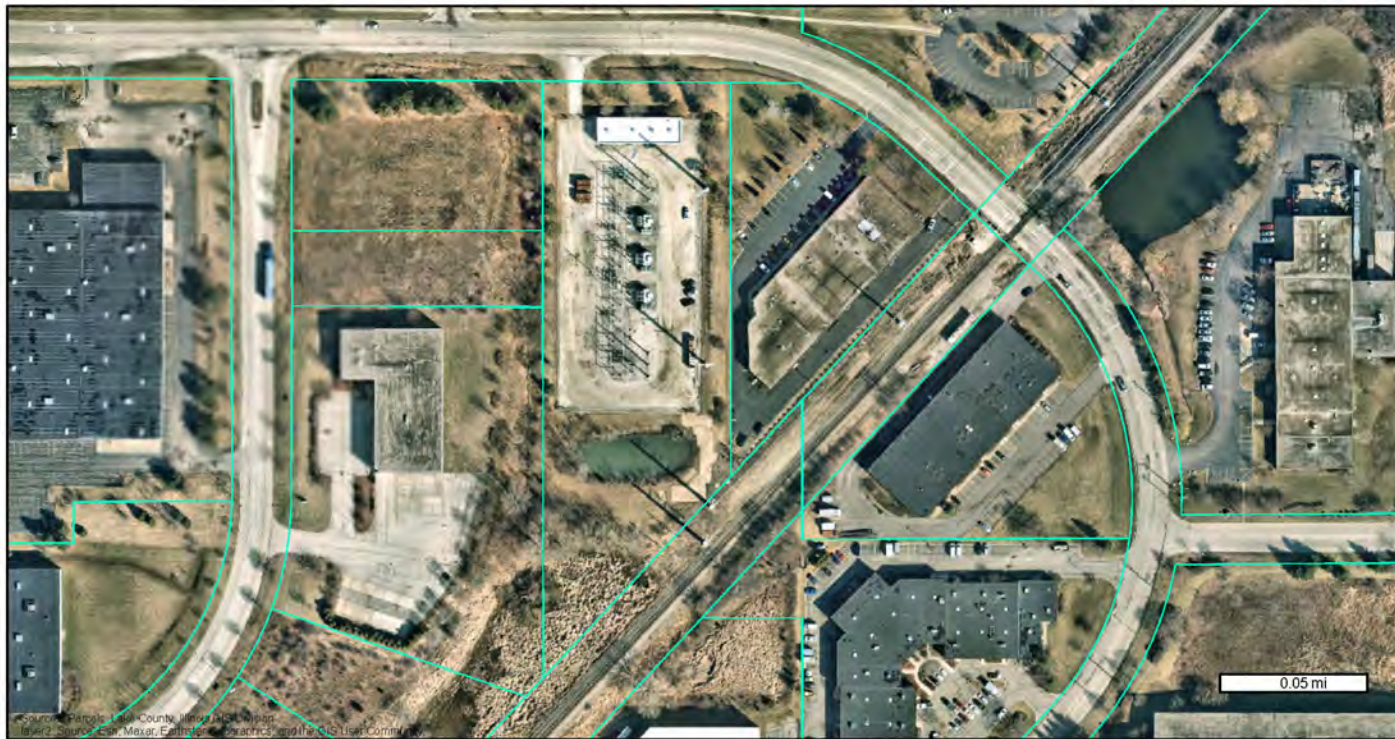
**Staff Report**  
**APPLICATION PZC 2022-17**

**Community Development Department**  
**PZC Hearing Date: October 19, 2022**

**EXHIBIT B**  
**HEARING SIGN ON SUBJECT PROPERTY**



## 845 Oakwood - ComEd



☐ Tax Parcel Lines  
 Tax Parcel  
 Information

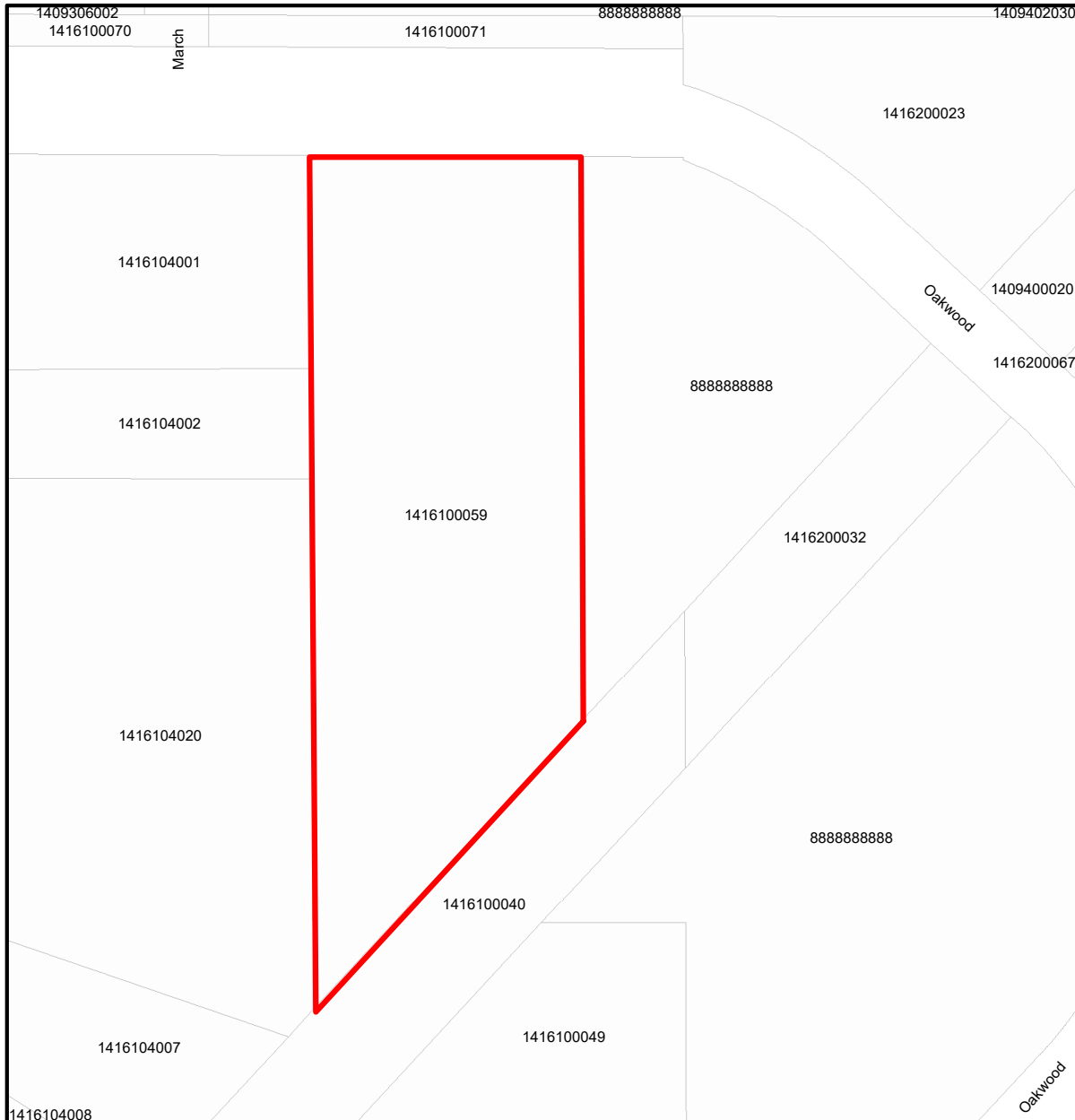
**Disclaimer:**

The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.



# ComEd Fence Variation

## 845 Oakwood Rd



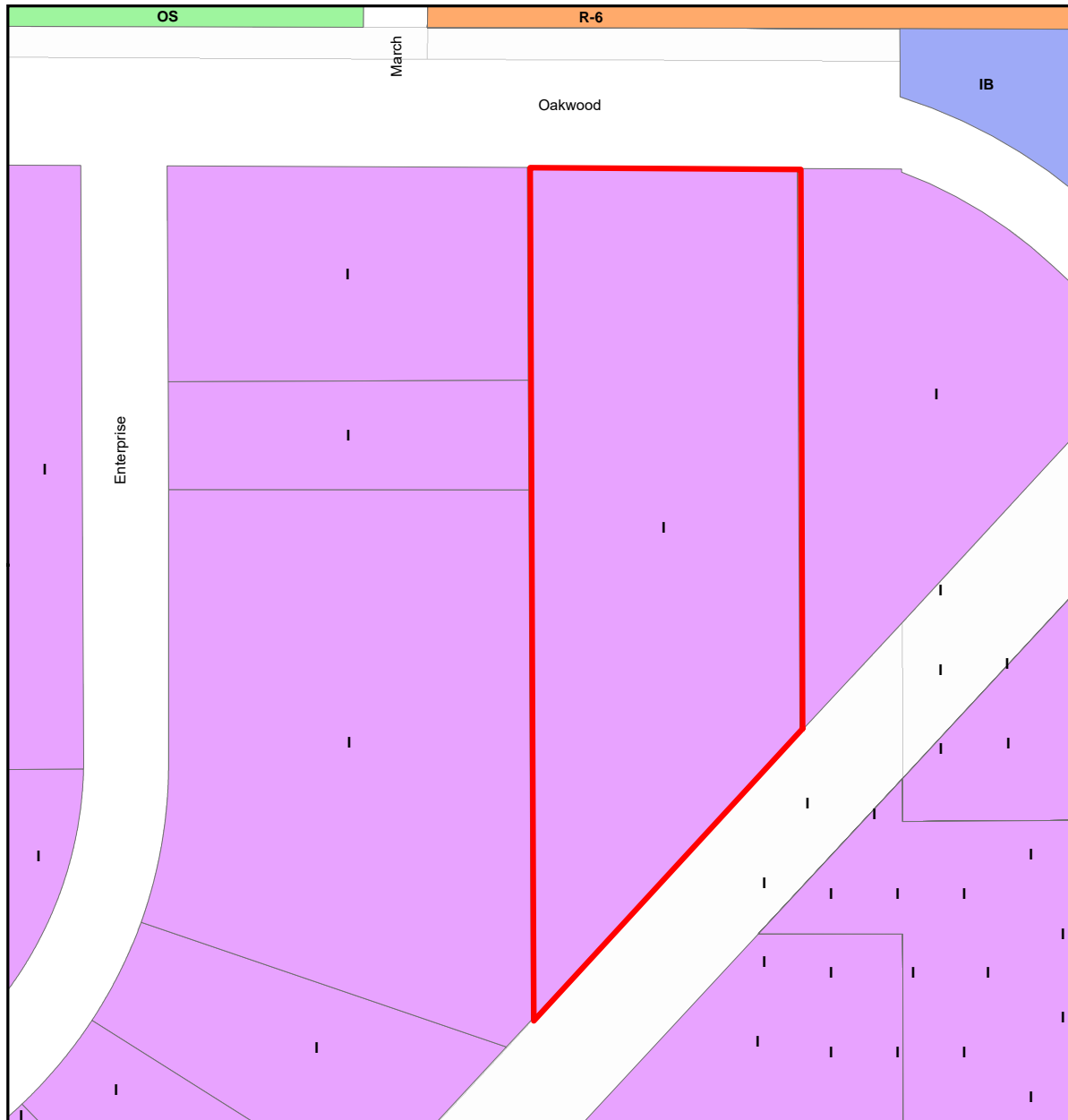
COMMUNITY SERVICES DEPARTMENT  
Building and Zoning Division  
505 Telser Road, Lake Zurich, Illinois 60047

(847) 540-1696  
Fax: (847) 726-2182  
LakeZurich.org



# ComEd Fence Variation

845 Oakwood Rd



COMMUNITY SERVICES DEPARTMENT  
Building and Zoning Division  
505 Telser Road, Lake Zurich, Illinois 60047

(847) 540-1696  
Fax: (847) 726-2182  
LakeZurich.org



**ZONING APPLICATION**

Community Development Department  
505 Telser Rd.  
Lake Zurich, IL 60047  
Phone: (847) 540-1696  
Fax: (847) 540-1769

(Please Type or Print)

1. Address of Subject Property: 845 Oakwood Road, Lake Zurich, IL 60047
2. Please attach complete legal description
3. Property Identification number(s): 1416100059
4. Owner of record is: Commonwealth Edison Company Phone: c/o 779-231-1498  
E-Mail: c/o shemeka.wesby@comed.com Address: Three Lincoln Centre, Oakbrook Terrace, IL 60181
5. Applicant is (if different from owner): Will Otter - Sidley Austin LLP Phone: 312-853-7093  
E-Mail: wotter@sidley.com Address: One South Dearborn, Chicago, IL 60603
6. Applicant's interest in the property (owner, agent, realtor, etc.): attorney for owner
7. All existing uses and improvements on the property are: electrical substation
8. The proposed uses on the property are: electrical substation
9. List any covenants, conditions, or restrictions concerning the use, type of improvements, setbacks, area, or height requirements placed on the Subject Property and now of record and the date of expiration of said restrictions:  
N/A - note, however, original deed addresses earlier landscape plan
10. Describe any contract or agreement of any nature relevant to the sale or disposal of the Subject Property:  
N/A
11. For applications requiring a public hearing, please attach a list which contains the PIN, owner, and owner's mailing address of all properties located within 250 feet (excluding all Public Right-of-Ways) of the Subject Property.

THE APPLICANT'S SIGNATURE BELOW INDICATES THE INFORMATION CONTAINED IN THIS APPLICATION AND ON ANY ACCOMPANYING DOCUMENTS IS TRUE AND CORRECT.  
THE APPLICANT ALSO ACKNOWLEDGES IF THE CONSULTANT EXPENSES EXCEED THE INITIAL ESCROW DEPOSIT, THE APPLICANT WILL REIMBURSE THE ACCOUNT IMMEDIATELY.

Will Otter  
(Name of applicant)

(Signature of applicant)

Subscribed and sworn to before me this 21st day of September, 2022.

(Notary Public)

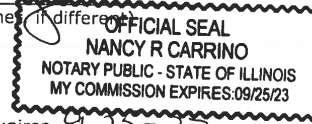


Shemeka Wesby, Commonwealth Edison Company  
(Name of Owner, if different)

(Signature of Owner, if different)

Subscribed and sworn to before me this \_\_\_\_ day of September, 2022.

(Notary Public)



My Commission Expires 9-25-23



Please indicate what form of zoning relief your application requires. For assistance, please contact Staff:

☐ Zoning Code Map Amendment to change zoning of Subject Property from \_\_\_\_ to \_\_\_\_

☐ Zoning Code Text Amendment to amend the following section(s) of the Zoning Code \_\_\_\_\_

(See Section 18-103 of the Lake Zurich Zoning Code for specific standards. If a specific parcel is the subject of this amendment, then provide the additional information listed in Section 18-103C.)

☐ Special Use Permit/Amendment for \_\_\_\_\_

(See Section 19-103 of the Lake Zurich Zoning Code for specific standards.)

☐ Planned Unit Development/Major Adjustment/Amendment

(Planned Unit Developments are a distinct category of special use and are intended to create a more desirable environment than through strict application of the zoning and subdivision regulations. See Section 22-105 of the Lake Zurich Zoning Code for specific standards. Please list all the 'modifications' requested in the cover letter.)

☐ Variation for \_\_\_\_\_

(See Section 17-104 of the Lake Zurich Zoning Code for specific standards. Please indicate what your specific hardships are in the cover letter.)

☐ Modification to the Land Development Code (includes retaining walls more than 2 feet in height)

(See Section 10-6-18 of the Land Development Code for specific standards.)

☐ Preliminary Plat of Subdivision

☐ Final Plat of Subdivision or Amendment to Plat of Subdivision

(See Sections 10-5-2 and 10-5-9 of the Land Development Code for specific standards.)

☐ Site Plan Approval/Major Adjustment/Amendment

(See Section 20-103 of the Lake Zurich Zoning Code for specific standards.)

☐ Exterior Appearance Approval or Amendment

(See Section 21-103 of the Lake Zurich Zoning Code for specific standards.)

#### **APPLICATION TO ANNEX CERTAIN TERRITORY**

All land annexed to the Village is classified automatically after such annexation in the R-1\2 Single Family Residential District. The owner must file an application for a Zoning Map amendment if he or she desires a different zoning classification for the Subject Property.

☐ Petition to Annex Certain Territory (Please complete attached petition)

☐ Application to Annex Certain Territory

#### **COMPREHENSIVE PLAN APPLICATION**

☐ Comprehensive Plan Map Amendment for \_\_\_\_\_

☐ Comprehensive Plan Text Amendment for \_\_\_\_\_

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WOTTER@SIDLEY.COM

September 21, 2022

**BY ELECTRONIC DELIVERY**

Mr. Orlando Stratman  
Village of Lake Zurich  
Chairperson – Planning & Zoning Commission  
70 East Main Street  
Lake Zurich, Illinois 60047

**Village of Lake Zurich – Variation Request Application Addendum**

**Introduction and Summary of Approvals Requested**

Dear Mr. Stratman,

In accordance with federal mandates relating to security for key infrastructure sites nationwide, Commonwealth Edison Company (“ComEd”) plans to upgrade the exterior protection of its electrical substation located at 845 Oakwood Road (the “Substation”) in the Village of Lake Zurich (the “Village”). The Substation is located in the I zoning district.

ComEd plans to replace the existing exterior fence around the Substation, which today is generally a chain-link fence which is 6 feet tall plus 12” of outward-facing barbed wire, with (i) a chain-link fence which is 7 feet tall plus 12” of “Y”-shaped barbed wire along the southern, eastern and western fence lines, and (ii) a black, expanded metal fence which is 7 feet in height plus 12” of “Y”-shaped barbed wire along the northern fence line. The fence will also include five 16-foot-tall posts which support the fence and other security functions. The new fence line will follow the existing fence line along the southern, eastern and western fence lines, all of which are located outside of applicable required setbacks under the Village Zoning Code (the “Zoning Code”).

The northern fence line will be moved north 15 feet of the existing fence line in order to create a “visibility buffer” for security purposes between the northern fence line and the northern edge of the Substation’s existing control building. This is the fence line which is the subject of this variation application; the remaining portions of the Project are permitted as of right and appropriate issued permits are being implemented at this time.

In conjunction with the fence installation, ComEd will be (i) replacing the Substation’s existing northwest swinging gate with a motorized sliding gate, (ii) installing a concrete gate apron under the Substation’s existing southeast manual sliding gate, (iii) installing three new 25-foot-tall light posts and removing one light post within the Substation, each of which

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Page 2

will only be illuminated when ComEd personnel are inside the Substation after dark, (iv) laying CA-6 gravel to surface the newly fenced-in area between the new northern fence line and the control building, inclusive of a 3-foot “apron” outside of the fence line (the “Expansion Area”), consistent with the Substation’s existing gravel surface, and (v) removing certain trees and bushes in the Substation’s front yard and replacing them with new trees as part of a new landscaping plan (collectively with the new fence installation, the “Project”).

To facilitate the Project, ComEd is requesting that the following variations be approved:

1. Variation to Section 8-11-1 of the Village Municipal Code regarding fences (the “Fence Code”) to install the northern fence line, which is black expanded metal and 7 feet in height plus 12” of “Y”-shaped barbed wire, along the new northern fence line within a small portion of the front yard setback of the Substation property.
2. Variation to Section 9-6-10(C) of the Zoning Code to install a CA-6 gravel surface on the portion of the Expansion Area which is located within the front yard setback of the Substation property.

As a regulated public utility and given that the Project relates to core aspects of the electrical grid, ComEd respectfully suggests that the Village’s land use authority may not apply to the company’s implementation of the Project at its Substation. Nonetheless, ComEd is voluntarily submitting this request in an effort to work on its project cooperatively with the Village.

## Project Narrative

### ***A. Overview of Substation Security Upgrade***

ComEd is undertaking the Project in light of its obligations to upgrade security at its critical infrastructure facilities like the Substation.

The Project is being undertaken at a critical infrastructure site (which includes substations such as this one comprising the electrical grid) as required by the Federal Energy Regulatory Commission (“FERC”) and the North American Electric Reliability Corporation (“NERC”). FERC is the federal agency that regulates the interstate transmission of electricity, and it oversees NERC in the United States. Both FERC and NERC regulate ComEd’s activities and impose obligations on ComEd with regard to securing the bulk power system.

# SIDLEY

Page 3

In February 2013, President Obama issued Presidential Policy Directive 21 (“PPD-21”), which established national policy on critical infrastructure security and resilience.<sup>1</sup> PPD-21 identified energy and communications systems (among other things) as uniquely critical due to the enabling functions they provide across all critical infrastructure sectors, and it required federal departments and agencies to implement the directive. Following the April 2013 “Metcalf” sniper attack on a transmission substation near San Jose, California, FERC started official regulatory proceedings which resulted ultimately (as explained below) in the promulgation of NERC’s CIP-014 mandatory physical security standards.

In March 2014, as part of its ongoing oversight of the bulk power system, FERC ordered NERC to submit proposed reliability standards requiring transmission owners meeting certain criteria to take steps or demonstrate that they have taken steps to address physical security risks and vulnerabilities related to the reliable operation of the electric power grid.<sup>2</sup> On May 23, 2014, NERC filed with FERC (as it was mandated to do by federal law) its proposal for mandatory physical security standards.<sup>3</sup> This reliability standard (Physical Security) requires transmission owners or operators to perform a risk assessment of their systems to identify critical facilities (including transmission substations), evaluate the potential threats and vulnerabilities to those identified facilities, and develop and implement a security plan designed to protect against physical attacks on those identified critical facilities. On November 20, 2014, FERC approved the proposed standard, with minor changes, as NERC’s new Physical Security Reliability Standard (CIP-014-1).<sup>4</sup> FERC approved a revised version of the standard (CIP-014-2) on July 14, 2015.<sup>5</sup> FERC’s order (“FERC Order 802”) made these physical security obligations compulsory.

With oversight by FERC, NERC has the authority to develop, oversee, and enforce implementation of the CIP-014-2 Physical Security Reliability Standard. The stated purpose of NERC’s Physical Security Reliability Standard is to “protect transmission stations and transmission substations, and their associated primary control centers, that if rendered inoperable or damaged as a result of a physical attack could result in instability, uncontrolled separation, or

<sup>1</sup> See Presidential Policy Directive, “Critical Infrastructure Security and Resilience,” Presidential Policy Directive-21, February 12, 2013, available at <https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil>

<sup>2</sup> *Reliability Standards for Physical Security Measures*, 146 FERC ¶ 61,166 (Mar. 7, 2014).

<sup>3</sup> NERC, Petition of the North American Electric Reliability Corporation for Approval of Proposed Reliability Standard CIP-014-1, May 23, 2014, <http://www.nerc.com/FilingsOrders/us/NERC%20Filings%20to%20FERC%20DL/Petition%20-%20Physical%20Security%20CIP-014-1.pdf>

<sup>4</sup> *Physical Security Reliability Standard*, 149 FERC ¶ 61,140 (Nov. 20, 2014).

<sup>5</sup> *N. Am. Elec. Reliability Corp.*, FERC Docket No. RD15-4-000 (July 14, 2015) (delegated letter order) (approving Reliability Standard CIP-014-2).

# SIDLEY

Page 4

cascading within an interconnection.”<sup>6</sup> This standard applies to transmission owners, including ComEd, that own transmission substations meeting certain criteria.<sup>7</sup> The Project as it has been designed is part of a consistent security plan being carried out by Exelon (ComEd’s parent company) public utilities nationwide—of which ComEd is one—pursuant to NERC (and FERC) mandatory requirements as explained herein.

CIP-014-2 is one of NERC’s mandatory and enforceable reliability standards. This standard is enforced by NERC under a penalty review policy for mandatory reliability standards approved by FERC, and it is subject to FERC’s enforcement authority and oversight under the Energy Policy Act of 2005.<sup>8</sup> FERC certified NERC as the electric reliability organization in accordance with Section 215 of the Federal Power Act on July 20, 2006.<sup>9</sup> NERC has authority to monitor compliance with its reliability standards and impose penalties for non-compliance.<sup>10</sup>

In sum, the Project at the Substation is being carried out in accordance with FERC and NERC requirements, implementing a mandatory federal reliability requirement for electric transmission owners to protect transmission substations.

To meet the security mandates described above, Exelon created a standardized list of security requirements for implementation by all of its public utility subsidiaries, including ComEd. In turn, ComEd was required to initiate security improvement projects at each substation consistent with the Exelon Security Standards, all to adhere to the goals committed to by the electric energy subsector and the security plan components approved by FERC Order 802. Exelon’s security standards have six stated design goals: (1) Deter; (2) Delay; (3) Detect; (4) Assess; (5) Communicate; and (6) Respond. The Project implements the first three security goals – Deter, Delay and Detect.

The Project consists of a fence which is chain-link on three sides and expanded metal on the fourth side and which is 7 feet tall plus 12” of “Y”-shaped barbed wire (with five 16-foot-tall posts supporting the fence and other security functions). To meet the “Deter” and “Delay” security requirements described above, Exelon, reflecting industry best practice, requires the installation of fencing with outriggers installed on top of the fence. The outriggers must hold one foot of barbed wire using a “Y”-shaped configuration.

<sup>6</sup> NERC, CIP-014-2 – Physical Security, available at <https://www.nerc.com/ layouts/15/PrintStandard.aspx?standardnumber=CIP-014-2&title=Physical%20Security&Jurisdiction=United%20States>

<sup>7</sup> *Id.*

<sup>8</sup> *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards*, 123 FERC ¶ 61,046 (Apr. 17, 2008).

<sup>9</sup> *North American Electric Reliability Corporation*, 116 FERC ¶ 61,062 (2006)

<sup>10</sup> See 16 U.S.C. § 824o(e)(1); 18 C.F.R. 39.7.

# SIDLEY

Page 5

Importantly, installation of barbed wire increases the delay time for any attempted fence climb-over. This has been proven in prior tests, as has been confirmed by ComEd security consultants retained by the company to evaluate the sufficiency of the upgraded fencing at critical infrastructure sites such as this type of substation. The empirical data has proven that outward-facing barbed wire in particular delays a climb-over threat by several seconds. A “Y”-shaped configuration further mitigates climb-over threats, in part because potential intruders typically need additional tools to attempt to compromise the barbed wire, plus the transport by intruders of such additional tools allows for more rapid threat detection. In the security world, seconds can be the difference between, on the one hand, detection and assessment through on-site cameras and other surveillance methods, or, on the other hand, a security operations employee missing an unauthorized intruder. This is particularly true for the Substation, where much of the existing critical equipment is not situated within a building (which obviously provides an additional physical barrier).

Exelon and ComEd’s mandate for barbed wire, reflective of expectations adopted by the U.S. Department of Defense for its own facilities, is mission-critical for safeguarding the Substation from unauthorized access. Prevention of unauthorized entry not only mitigates the risk of injury or death, but also safeguards the reliability of the power supply to the Village and surrounding communities.

ComEd’s need to surface the Expansion Area with CA-6 gravel is similarly tied to the security goals of the Project, along with Substation operational considerations. Using CA-6 along the Substation fence line has key security benefits given that compacted gravel -- and in particular its “fines” (small particles in the ground rock) -- is appropriately resistant to erosion which creates fence gaps, and also resistant to dig-under breach attempts (consistent with the above-mentioned federal security directives and standards). This gravel will be maintained through ComEd’s routine substation maintenance program and its installation will include surface-level retaining “lips” along its outer edge to prevent spillage and further deter dig-under attempts. Similar to barbed wire as described above, ComEd has tested and approved the CA-6 gravel surfacing as appropriate and preferred for its enhanced substation security protocols.

Additionally, there are numerous operational reasons for ComEd’s selection of CA-6 gravel. First, CA-6 is a drive-rated material suitable for ComEd’s vehicles, including heavy maintenance trucks, which will occasionally drive and park temporarily in the Expansion Area. Second, using CA-6 rather than a vegetated surface within the fence line of a secure substation eliminates the need for ComEd or a contractor to perform landscape maintenance inside the Substation fence line, avoiding safety and hazard issues given the Substation’s density of overhead and underground electrical infrastructure. The 3-foot gravel “apron” outside the fence line serves a similar purpose, as it makes it easier for landscaping crews to maintain longer grass and weeds which -- if there were no apron -- might become intertwined in the fence and compromise its function and appearance. Third, given its limited conductivity, CA-6 is necessary to create a safety

# SIDLEY

Page 6

buffer between the underground electrical equipment in the Expansion Area and workers who would be walking on the substation surface. Finally, in the event ComEd needs to access the underground electrical equipment in the Expansion Area for emergency repairs, CA-6 is simpler for ComEd personnel to remove to access the equipment than, for example, decorative stones or asphalt.

## *B. Site Plan*

As can be noted on the Site Plan provided with this application, the new fence installed in the Project will follow the Substation's existing southern, eastern and western fence lines, all of which are located outside of applicable required setbacks. The eastern and western fence lines are located approximately 35 feet and 25 feet, respectively, from the Substation's side lot lines, with mature trees and shrubs screening the fence from the parking lot of the light industrial property to the east and dense mature landscaping separating the Substation from the vacant and industrial properties to the west. The southern fence line is 124 feet from the closest point of the Substation's southern lot line, which abuts a railroad right-of-way and is also well-screened with mature landscaping.

For security purposes given the national context explained above, ComEd currently requires all new fences to be installed a minimum of 10 feet away from existing substation infrastructure. At the Substation, the existing northern fence line runs flush with the northern edge of the Substation control building. By contrast, the new fence line needs to be installed a minimum of 10 feet north of the control building. This 10 feet of space creates a "visibility buffer" area giving ComEd's security cameras optimum visibility of potential intruders.

During its detailed engineering diligence, ComEd discovered that installation of the new northern fence line exactly 10 feet north of the control building (which would be exactly 35 feet from the Substation's northern lot line, just outside of the required front yard setback) would be infeasible due to the existence of a number of critical pieces of underground electrical infrastructure: both (i) a manhole near the Substation's main gate providing worker access to a large underground vault for maintenance of underground electrical equipment, and (ii) underground electrical ducts and conduits north of the control building which enclose feeder lines for local electric power distribution circuits. Placing the northern fence line's fence posts, gate mechanisms and concrete gate apron at a distance of exactly 10 feet north of the control building is infeasible from an engineering perspective because their foundations cannot be securely located due to conflicts with the existing underground infrastructure. Additionally, this location for the fence line is also untenable from a safety perspective, as the gate when opened would be rest directly above the manhole cover, impeding worker entry to and exit from the vault.

So while it was ComEd's original preference to locate the northern fence line exactly 10 feet north of the control building and thus outside of the 35-foot front yard setback, the



# SIDLEY

Page 7

engineering and safety issues described above require ComEd to instead place its new northern fence line 15 feet north of the Substation (as shown on the attached Site Plan), five feet within the required front yard setback.

Despite this change in location, the new fence's placement an additional five feet north will not make a particularly large difference in the fence's appearance when viewed from Oakwood Road, with the fence line still located just under 70 feet from the southern edge of Oakwood Road. After consultation with Village planning staff, ComEd has also changed the design of the fence along the northern fence line to enhance its visual appeal -- what was originally planned to be a gray chain-link fence will now be a black, expanded metal fence which is 75% opaque providing enhanced screening of the Substation improvements.

In order to provide additional visual softening of the northern fence line and contribute to overall appearance of the street-facing portion of the Substation property in accordance with the Zoning Code, ComEd will also implement a new landscaping plan for the Substation's front yard. ComEd has already removed or plans to remove a total of five mature trees and four bushes in the northern area of the Substation property, some of which were in poor or dying condition and others which conflicted with the location of the new northern fence line. ComEd will replace these trees with seven new deciduous trees spread out across the Substation property's front yard.

As can be seen on the Landscaping Plan provided with this application, the deciduous trees to be planted are all canopy trees with exposed areas (sometimes referred to as "view sheds") between the ground and their lowest-lying foliage. The view sheds which will exist upon installation and maturity of ComEd's proposed deciduous trees are deliberate. Consistent with the security objectives of the Project, the view sheds are meant to soften views of the fence elements (such as barbed wire) but also intended -- through keeping would-be intruders and potential intrusion activities exposed to the street -- to deter crimes of opportunity (with copper theft being one of the most common). Through its Landscaping Plan, ComEd is delicately but appropriately balancing security interests (benefiting the Village in terms of reliability and public safety) with the Village's aesthetic interests.

# SIDLEY

Page 8

## Standards for Variation

Sec. 9-17-4(B): Unique Physical Condition: The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use or structure, 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 lot rather than the personal situation of the current owner of the lot.

Carrying out the Project is linked to ComEd's unique need to meet the heightened security objectives of PPD-21 and FERC Order 802 and implement electric utility industry requirements and best practices. ComEd is required to enhance security at the Substation in compliance with these federal directives, which do not apply to typical property owners in the Village.

Additionally, the presence of existing underground electrical infrastructure at the Substation is a unique physical condition requiring ComEd to construct the new northern fence line within a small portion of the front yard setback. Due to this condition, ComEd cannot meet its security protocols if it constructs the new northern fence line outside of the minimum required front yard.

Sec. 9-17-4(C): Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this zoning code, for which no compensation was paid.

ComEd did not create the necessity for this variation request. The variations sought to carry out the Project will allow ComEd to provide heightened protection and security consistent with federal and industry directives for public utilities, with which ComEd is obligated to comply.

Sec. 9-17-4(D): Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

Because ComEd is a public utility, ComEd's rights with regard to the Substation property are inextricably linked to the right of Village citizens to receive reliable electric energy delivery and ComEd's regulatory obligations (and commitments as per its Franchise Agreement with the Village) to provide it. If ComEd is not allowed to properly secure its

# SIDLEY

Page 9

Substation in accordance with industry standards through implementation of the Project, it could be denied the substantial right to continue effectively fulfilling its responsibility as a Village public utility provider.

Sec. 9-17-4(E): Not Merely Special Privilege: The alleged hardship or difficulty is not 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 an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

This variation request is not based on ComEd's desire to enjoy some special privilege or increase the value of the Substation property. This request is simply meant to facilitate ComEd building its new fence line in a way which overcomes an engineering hurdle relating to existing underground electrical infrastructure. With approval of the variations, ComEd will be able to implement the federally-mandated Project, which is not motivated by ComEd's desire to benefit itself, but rather by ComEd's obligation to benefit its numerous customers in the Village and surrounding areas to whom it distributes power.

Sec. 9-17-4(F): Code And Plan Purposes: The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this zoning code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan.

Approval of this variation request will not result in a use or development of the Substation property which deviates from the purposes and intent of the Zoning Code. ComEd's Substation is a long-standing existing use at this site and currently includes a similar security fence with barbed wire on top. The Village's future planning goals will not be meaningfully affected by allowing ComEd -- a unique property owner in that it is a public utility -- to comply with federal security directives by moving its northern fence line a relatively small distance northward and replacing the fence's material and barbed wire configuration.

Sec. 9-17-4(G): Essential Character Of The Area: The variation would not result in a use or development on the subject property that: 1. Detrimental To Enjoyment: Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or 2. Light And Air: Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or 3. Congestion: Would substantially increase congestion in the public streets due to traffic or parking; or 4. Flood Or Fire: Would unduly increase the danger of flood or fire; or 5. Tax Public Facilities: Would unduly tax public utilities and facilities in the area; or 6. Endangerment: Would endanger the public health or safety.

# SIDLEY

Page 10

The proposed variations for the Project will not alter the essential character of the area in any of the ways listed above. The Substation's existing fence is 6 feet tall plus 12 inches of outward-facing barbed wire on top, so the public welfare should not be materially negatively affected by replacing the existing fence with a 7-foot-tall fence with "Y"-shaped barbed wire on top with only the northern fence line situated 5 feet within the required 35-foot northern setback. The trees planted as part of ComEd's Landscaping Plan will help to soften views of the new northern fence line from Oakwood Road, mitigating the visual effect of the new fence which will be only slightly closer to the road.

If anything, the Project will *enhance* public welfare by improving security at the Substation through Deterring and Delaying potential intruders who may seek to sabotage key electrical equipment and potentially create outages or other service issues. The public welfare of the Village and surrounding communities is, of course, best served when ComEd can secure its electrical grid to continue offering reliable electric energy.

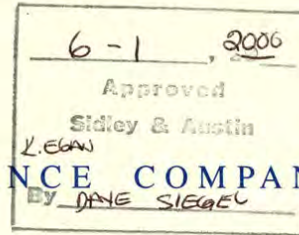
*Sec. 9-17-4(H): No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.*

Without receiving approval for this variation request, ComEd will not be able to meet the heightened security objectives of PPD-21 and FERC Order 802 and implement electric utility industry requirements and best practices. As described in this narrative, ComEd must place its new northern fence line within the front yard setback due to a combination of security and engineering reasons, and ComEd has taken care in its engineering due diligence to confirm that the proposed fence location five feet inside the required front yard setback is the minimum measure of relief necessary to alleviate its hardship in implementing the Project.



AMERICAN LAND TITLE ASSOCIATION  
OWNER'S POLICY  
(10-17-92)

CHICAGO TITLE INSURANCE COMPANY



SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

*In Witness Whereof*, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of Date of Policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

Issued by:  
LAKE COUNTY OFFICE  
870 N. MILWAUKEE AVE.  
VERNON HILLS, IL 60061  
(708) 367-5820

CHICAGO TITLE INSURANCE COMPANY  
By:

*Robert L. Polla*  
President



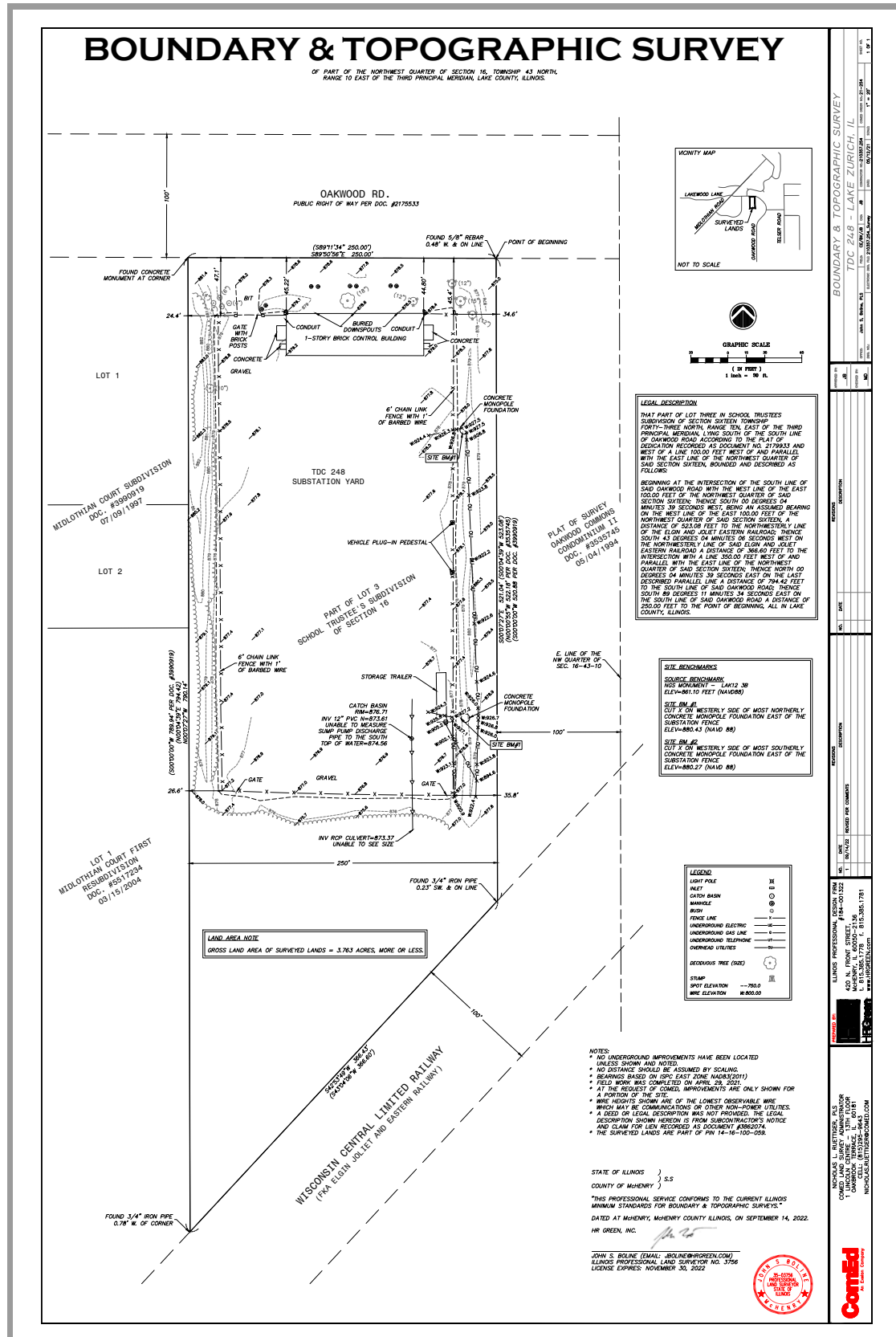
By:  
*Thomas J. Adams*  
Secretary

ALTA Owner's Policy (10-17-92)

**ComEd – TDC 248 Lake Zurich – Legal Description**

THAT PART OF LOT THREE IN SCHOOL TRUSTEES SUBDIVISION OF SECTION SIXTEEN, TOWNSHIP FORTY-THREE NORTH, RANGE TEN, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTH LINE OF OAKWOOD ROAD ACCORDING TO THE PLAT OF DEDICATION RECORDED AS DOCUMENT NO. 2179933 AND WEST OF A LINE 100.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION SIXTEEN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID OAKWOOD ROAD WITH THE WEST LINE OF THE EAST 100.00 FEET OF THE NORTHWEST QUARTER OF SAID SECTION SIXTEEN; THENCE SOUTH 00 DEGREES 04 MINUTES 39 SECONDS WEST, BEING AN ASSUMED BEARING ON THE WEST LINE OF THE EAST 100.00 FEET OF THE NORTHWEST QUARTER OF SAID SECTION SIXTEEN, A DISTANCE OF 523.08 FEET TO THE NORTHWESTERLY LINE OF THE ELGIN AND JOLIET EASTERN RAILROAD; THENCE SOUTH 43 DEGREES 04 MINUTES 06 SECONDS WEST ON THE NORTHWESTERLY LINE OF SAID ELGIN AND JOLIET EASTERN RAILROAD A DISTANCE OF 366.60 FEET TO THE INTERSECTION WITH A LINE 350.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION SIXTEEN; THENCE NORTH 00 DEGREES 04 MINUTES 39 SECONDS EAST ON THE LAST DESCRIBED PARALLEL LINE A DISTANCE OF 794.42 FEET TO THE SOUTH LINE OF SAID OAKWOOD ROAD; THENCE SOUTH 89 DEGREES 11 MINUTES 34 SECONDS EAST ON THE SOUTH LINE OF SAID OAKWOOD ROAD A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING, ALL IN LAKE COUNTY, ILLINOIS.







View looking southwest  
from neighboring property



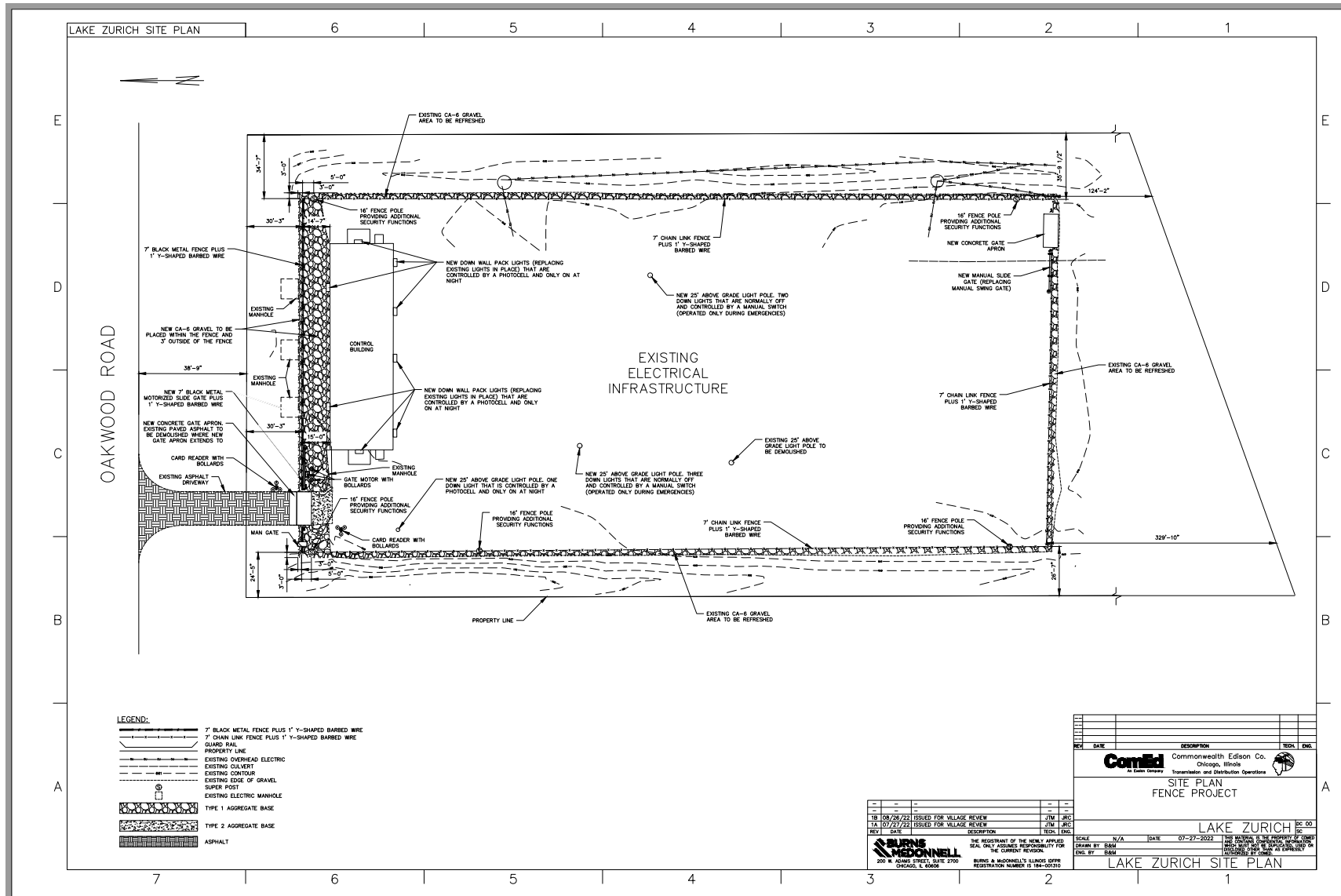




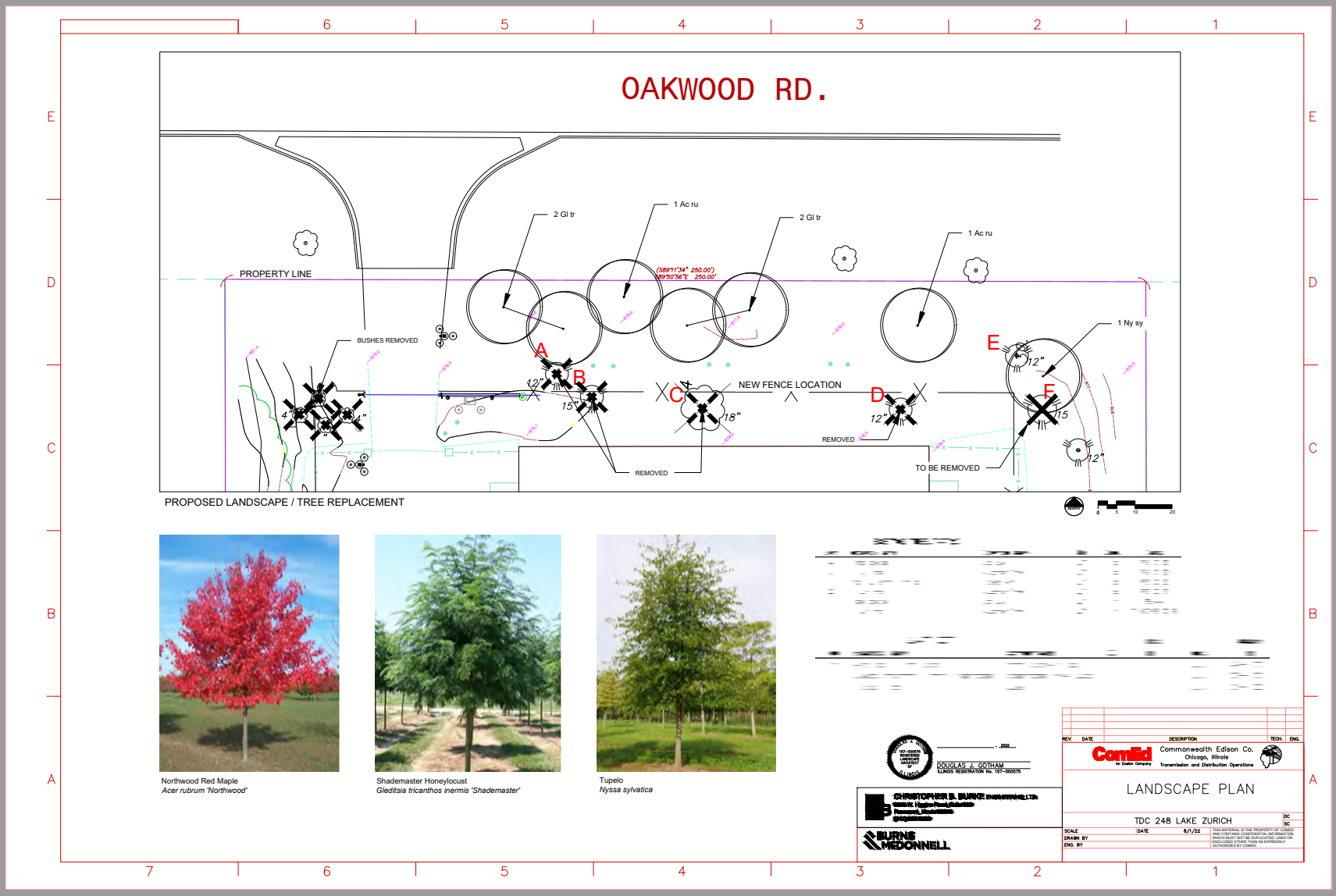
View looking north from  
substation gate

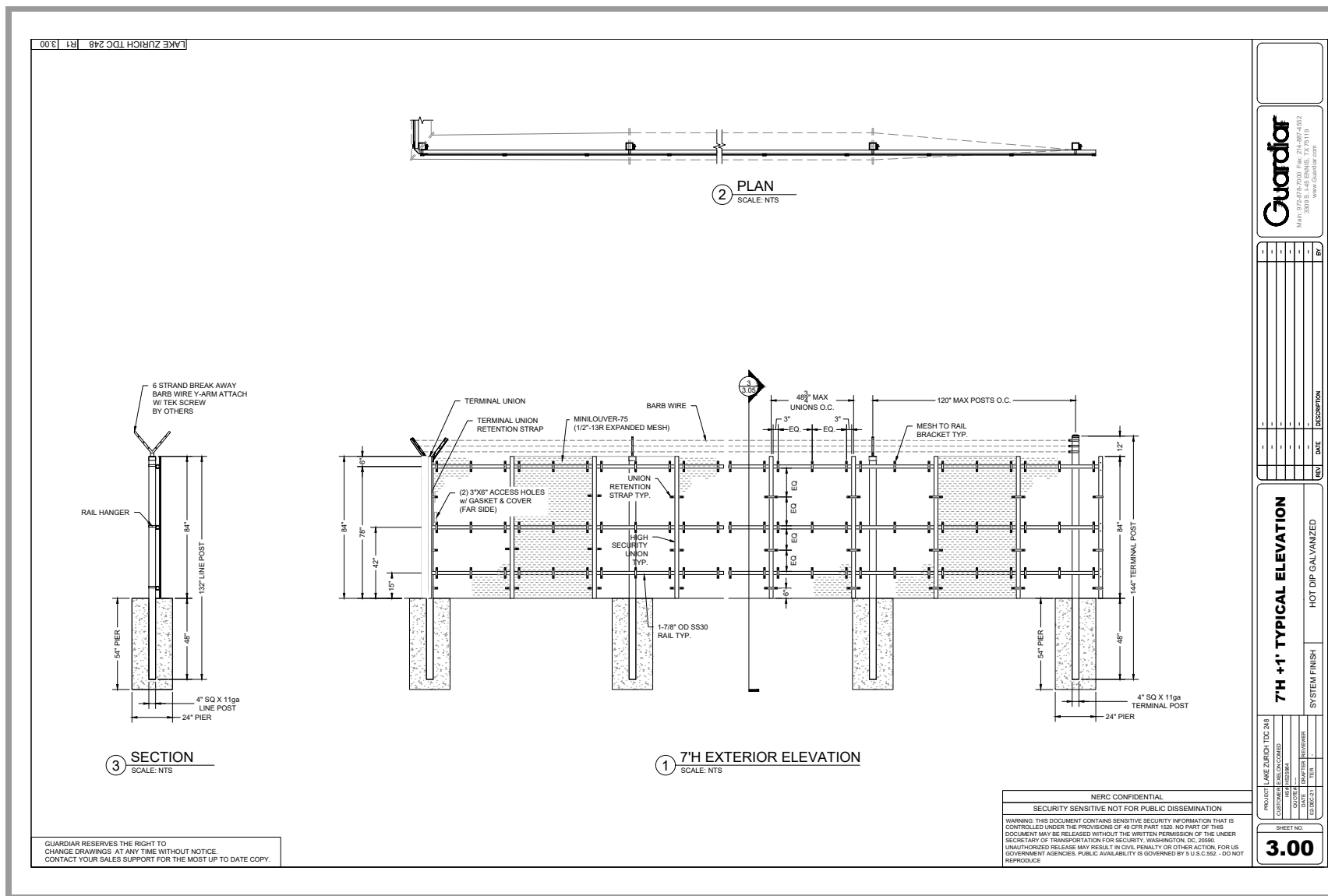


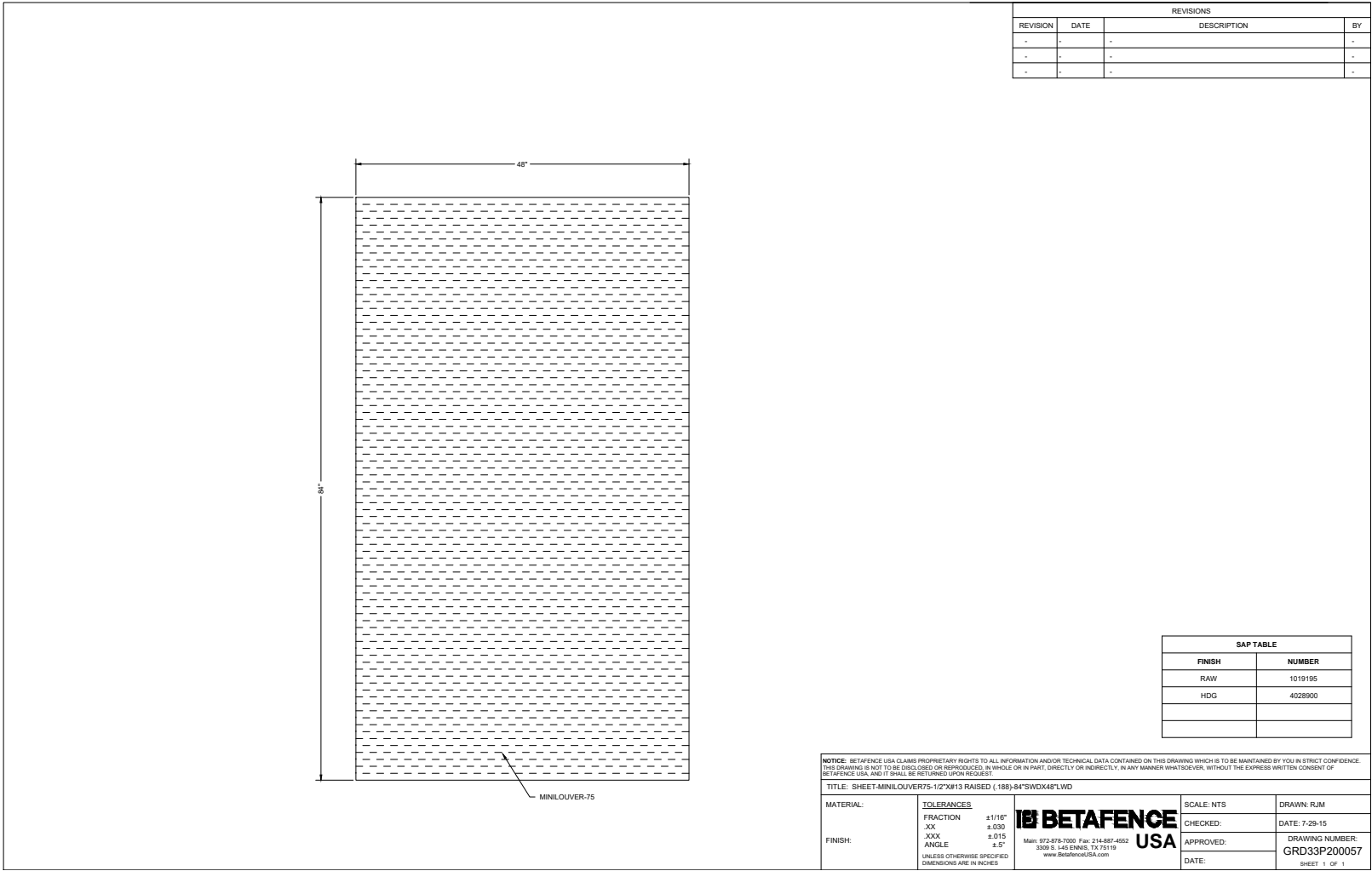












## Fence/Gate Example

Note: 11 ft fence pictured  
(proposed fence is 7 ft)

