



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

**May 17, 2023**  
**07:00 pm**

# VILLAGE OF LAKE ZURICH

## PLANNING AND ZONING COMMISSION MEETING

**MAY 17, 2023**  
**07:00 PM**  
**AGENDA**

### 1. CALL TO ORDER AND ROLL CALL

Oath of Office for newly appointed PZC members:

- Antonio Castillo
- Jake Marx
- Scott Morrison

**CALL TO ORDER AND ROLL CALL:** Chairperson Orlando Stratman, Vice-Chair Antonio Castillo, Sean Glowacz, Joe Giannini, Jake Marx, Scott Morrison, Mike Muir and Ildiko Schultz.

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

#### A. Minutes of the Planning and Zoning Commission Meeting, on April 19, 2023.

Attachment: [2A.PZC 2023-4-19 unapp.pdf](#)

### 3. PUBLIC MEETING - No items were received for consideration.

### 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. 154 Oak Street -- Planned Unit Development and Final Plat of Subdivision (2023-08)

Application for a Planned Unit Development (PUD), and Final Plat approval to subdivide the existing lot into two buildable lots. The item was continued from the April 19, 2023 meeting.

Applicant and Owner: Mr. Patryk Wielgo of SV Estates, LLC

Attachment: [4A.154 Oak St Resubdivision.pdf](#)

#### B. 833 Foxmoor Lane -- Variation for a Fence in the Corner Side Yard (2023-10)

Application for a Variation to allow for the construction of a five-foot (5') high fence within the required corner yard setback.

Applicant and Owner: Mr. Jay and Ms. Divya Gandhi

Attachment: [4B.833 Foxmoor Fence.pdf](#)

### 5. OTHER BUSINESS

### 6. STAFF REPORTS

This is an opportunity for staff of the Community Development Department to report on matters of interest to the Planning & Zoning Commission

### 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**  
**April 19, 2023**

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

The meeting was called to order by Chairman Stratman at 7:00 p.m.

**ROLL CALL:** *Present* – Chairman Stratman, Commissioners Castillo, Muir, Riley, and Schultz. Chairman Stratman noted a quorum was present. Commissioners Glowacz and Giannini were absent and excused.

*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 March 15, 2023 Meeting Minutes of the Planning & Zoning Commission:

MOTION was made by Commissioner Muir, seconded by Commissioner Schultz to approve the March 15, 2023 minutes of the Planning and Zoning Commission with no changes.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Muir, Riley, and Schultz.

NAYS: 0

MOTION CARRIED

**PUBLIC HEARING:**

MOTION was made by Commissioner Schultz, seconded by Commissioner Riley to open the following public hearings at 7:02 p.m. for Application PZC 2023-03 for the property at 405 North Rand Road – Special Use Permit, and Application PZC 2023-08 for the property 154 Oak Street – Planned Unit Development and Final Plat of Subdivision.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Castillo, Muir, Riley, and Schultz.

NAYS: 0

MOTION CARRIED

Those wishing to speak were sworn in by Chairman Stratman.

The following applications were considered:

A. 405 North Rand Road: Special Use Permit (2023-03):

This Public Hearing is to consider an Application for a Special Use Permit for live entertainment and exterior lighting at the currently established restaurant in the B-3 Regional Shopping Business District. This item has been continued since the January PZC meeting at the request of the Applicant while they prepared additional information.

*Applicant: Mr. Kristopher Schoenberger*

*Owner: HWS Productions, LLC*

The item was presented by Kris Schoenberger representing BBQ Productions. He described the scope of the project and the various upgrades that were made to the property. These “upgrades” were first discovered by staff and put BBQ Productions in a state of violation. In order to achieve compliance, Mr. Schoenberger is requesting a special use permit for live entertainment and decorative exterior lighting. Mr. Schoenberger explained

that modifications to the lighting and landscaping have been made since the January PZC meeting and the existing lighting has been dimmed to meet code. As a courtesy to the neighboring properties, the smoke stack on the exterior smoker has been raised to the highest possible height. Several members of the public spoke in favor of this project: Barbara Reed, Susie Abbott, and Nick Sipola. One member of the public stated their objection to the project: Gina Planell. Each Commissioner had a question that was answered by the Applicant and Village Staff. Questions included: Why wasn't this caught earlier, were the trash enclosures addressed, and is each item of the special use meeting code now. MOTION was made by Commissioner Schultz, seconded by Commissioner Muir to close the public hearing.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Muir, Riley, and Schultz.

NAYS: 0

MOTION CARRIED

MOTION was made by Commissioner Castillo, seconded by Commissioner Riley, 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 Application PZC 2023-03 – an Application for a Special Use Permit for live entertainment and exterior lighting at the currently established restaurant in the B-3 Regional Shopping Business District."

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Muir, Riley, and Schultz.

NAYS: 0

MOTION CARRIED

**B. 154 Oak Street – Planned Unit Development and Final Plat of Subdivision (2023-08):**

This Public Hearing is to consider an Application for a Planned Unit Development (PUD), and Final Plat approval to subdivide the existing lot into two buildable lots at 154 Oak Street.

*Applicant & Owner: Mr. Patryk Wielgo of SV Estates, LLC*

Director Saher informed the Commission that the Applicant was unable to make the Public Hearing this evening and that the hearing should be further continued to the May 17, 2023 meeting of the PZC.

MOTION was made by Commissioner Schultz, seconded by Commissioner Riley to continue the item.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Muir, Riley, and Schultz.

NAYS: 0

MOTION CARRIED

**OTHER BUSINESS** – None.

**STAFF REPORT:**

Staff indicated there will be 2 items on the next PZC meeting agenda.

Planning & Zoning Commission Meeting Minutes, April 19, 2023

3

Director Saher also informed the PZC that there will be a short introductory Comprehensive Plan discussion at the May 17, 2023 PZC meeting by staff and the selected consultant.

**PUBLIC COMMENT:**

No additional public comment was provided.

**ADJOURNMENT:**

MOTION was made by Commissioner Schultz, seconded by Commissioner Riley to conclude the meeting.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Muir, Riley, and Schultz.

NAYS: 0

MOTION CARRIED

The meeting was adjourned at 8:07 p.m.

*Submitted by: Tim Verbeke, Planner*

Approved by:



*At the Heart of Community*

COMMUNITY DEVELOPMENT DEPARTMENT

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Lake Zurich, Illinois 60047

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**APPLICATION PZC 2023-08**  
**PZC Meeting Date: May 17, 2023**

**AGENDA ITEM 4.A**

**STAFF REPORT**

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

From: Sarosh Saher, Community Development Director

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

Date: May 17, 2023

Re: PZC 2023-08 – PUD and Final Plat of Subdivision  
154 Oak Street

**SUBJECT**

Mr. Patryk Wielgo of SV Estates, LLC, (the “Applicant”) requests a Planned Unit Development (PUD), and Final Plat approval for the creation of a new 2-lot subdivision at the property commonly known as 154 Oak Street and legally described in Exhibit A attached hereto (the “Subject Property”).

**GENERAL INFORMATION**

Requested Action: Planned Unit Development, Final Plat of Subdivision

Current Zoning: R-5 Single Family Residential

Current Use One (1) Single-Family Residence on one lot

Proposed Use: Two (2) new Single-Family Residences on two lots

Property Location: 154 Oak Street (final new addresses to be determined)

Applicant & Owner: Mr. Patryk Wielgo of SV Estates, LLC

Staff Coordinator: Tim Verbeke, Planner

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

**LIST OF EXHIBITS**

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

**BACKGROUND**

Mr. Wielgo, (the “Applicant” and “Owner”), the Applicant, is proposing the SV Estates, LLC Subdivision, consisting of two zoning lots. The property is located along Oak Street, just north of the Main Street Area of Lake Zurich at the northwest corner of Oak Street and Lions Drive, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received on March 22, 2023, (the “Application”) seeking approval of the following:

- Final Plat of Subdivision for SV Estates Subdivision
- Special Use Permit for a Planned Unit Development (PUD) to allow for the construction of two residential single-family homes.
- Modification to the zoning code requirements as follows:
  - Modification to minimum lot width.
  - Modification to minimum total lot area.

The Subject Property is currently comprised of one parcel on one zoning lot with a land area of approximately 0.47 acres. The property is zoned within the Village’s R-5 Single Family Residential Zoning District and was improved with a home, detached garage, gravel driveway, and utility shed prior to being demolished.

The Applicant intends to subdivide the lot to provide for two future single-family residential homes. The proposed subdivision will contain two lots similar in size to the neighboring lot configuration, with both lots having frontage and access along Oak Street to make them lawful buildable lots.

*Proposed Lot 1.*

The proposed Lot 1 will contain 8,679 square feet of land area, 63 feet of lot width (street frontage) and will be configured to provide for a single-family residence with 10-foot side yard setbacks on each side for any required public utility and/or drainage easements. After deducting the side yard setbacks, the buildable width of the lot will be 43 feet.

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

*Proposed Lot 2*

Proposed Lot 2 is a corner lot and will contain 11,607 square feet of land area, 75 feet of lot width will also be configured to provide for a single-family residence with a 10-foot interior side yard setback along with west side to allow for any public utility and/or drainage easement. The front yard and corner side yard setbacks will conform to the code requirements of 30 feet. After deducting the interior side yard and corner side yard setbacks, the buildable width of the lot will be 35 feet.

Pursuant to public notice published on April 1, 2023, in the Daily Herald, a Public Meeting has been scheduled with the Lake Zurich Planning & Zoning Commission for April 19, 2023, to consider the Application. On March 31, 2023, the Village posted a public meeting 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 older parts of the community at the edge of the Main Street area. The lot on the subject property was platted as a double-width residential lot within Marina Park Subdivision. The property was zoned within the A-Residential District in the Original Zoning Map of Lake Zurich approved in 1944. Subsequent amendments to the zoning code classified the property within an R-3 single-family district and later within the R-5 single-family residential district following a comprehensive amendment to the zoning code in 1994. The property has since remained within the R-5 district. Records show that the earliest structures on the property were constructed around 1915.
- C. Surrounding Land Use and Zoning.** The subject property is located at the northwest corner Oak Street and Lions Drive, at the northern edge of the historic center of Lake Zurich. Oak Street serves as a transition between the single-family residential areas along the east side of the lake and the commercial areas within the central business areas of the village. The areas to the north, west and south are zoned within the R-5 single-family residential district and improved with single-family residences. The property to the east is zoned within the IB institutional building zoning district and contains the St. Peter United Church of Christ property.

Access to the subject property is from Oak Street, which is a local road serving the residential properties to the north and northeast.

- D. Trend of Development.** The subject property is located on the edge of the historic central business area of Lake Zurich. The area is part of a mature residential area to the northwest and provides a transition from the higher intensity commercial land uses to the southeast.

Lots within this area were generally smaller in land area with smaller street frontages than what the R-5 single-family residential district requires. In particular the lots immediately



**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

to the south of the subject property have 50-foot frontages along Oak Street, the lots to the west have 70-foot frontages and the lots to the rear of the subject property are between 70 and 73 feet wide.

- 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)

**GENERAL FINDINGS**

Staff of the Village's Development Review Team (DRT) has evaluated the development against the various standards and provisions of the Lake Zurich Municipal Code and offers findings on specific sections of the Code.

**10-4-1: PLAN COMMISSION GUIDELINES (FOR SUBDIVISIONS).**

Staff has reviewed the plan and found that the development proposal will continue to remain in substantial conformance with the standards for Subdivision Approval as outlined below.

- A.** The Plan Commission, in the examination of the subdivision plans for approval, and in the application of this Title, shall take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to width and location of streets, suitable sanitary utilities, storm water drainage, lot sizes and arrangements, as well as local requirements such as parks and playgrounds, schools and recreation sites and other public uses.

**Staff Response: Standard met. The proposal is for a subdivision of two lots consisting of 2 new single-family homes. No changes to streets or public amenities are proposed. The property is currently served adequately with essential public facilities and services such as streets, utilities, drainage and other municipal services. Such services will need to be provided to the two resultant lots.**

**Staff Response: Standard Somewhat met. One of the two proposed resultant lots, proposed Lot 2, meets the minimum bulk requirements of the underlying R-5 single-family residential district as they relate to lot area and lot width.**

**Proposed Lot 1 does not meet the following bulk requirements of the R-5 district and has requested modifications to these zoning standards through the PUD.**

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

1. **Lot width: Required width – 75 feet. Proposed lot width – 63 feet.**
2. **Lot area: Required lot area – 10,000 square feet. Proposed lot area: 8,679 square feet.**

**The Applicant intends to construct new homes on these lots in conformance with all setback and minimum landscape surface area requirements for single-family residential development. The Applicant has made the request for the reduced lot width and lot area on Lot 1 to prioritize maintaining the required 30-foot front yard and corner side yard setback off Oak Street and Lions Drive on Lot 2.**

**The Applicant is intentional in his minimal request for departures so as not to minimize impact on the neighboring residents. By designing the lots in this manner, the Applicant has thereby eliminated the need for variations, modifications or other zoning relief to the zoning or land development codes for Lot 2.**

- B. **Conformity with Comprehensive Plan:** The Plan Commission shall especially require that all subdivisions conform to the provisions and conditions of the Comprehensive Plan. Plat approval may be withheld if a subdivision does not conform to the provisions of the Comprehensive Plan.

**Staff Response: Standard met. The proposed subdivision and resultant development will continue to remain in substantial conformance with the purpose and intent of the R-5 Single Family Residential Zoning District, and the residential designation of the adopted Comprehensive Plan.**

- C. **Conformity with Conservancy Districts:** No building shall be constructed on any site in the Village which lies in the Conservancy Districts. The conservancy area is based on soil types and flood-prone areas.

**Staff Response: Not Applicable. The provisions for conservancy districts (classified by soil types and flood prone areas) was repealed by Ordinance 91-04-444 on April 15, 1991. It should be noted that the requirements for natural resource protection areas were modified in 2016 to rely on the requirements of the Lake County Watershed Development Ordinance.**

**Staff is additionally recommending that all necessary public utility and drainage easements be provided on the plat prior to approval. Additionally, the rear and side (corner lot line) wooded area will be cleaned and enhanced.**

- D. **Area Plan Required:** Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the Village as a whole, the Plan Commission may, before recommending approval, cause to be prepared a plan for the entire area or neighborhood, such plan to be used by the Plan Commission as an aid in judging the proposed plat

**Staff Response: Standard met. The proposed subdivision plat is located wholly within land owned and controlled by one property owner.**

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

- E. Storm Water Detention Required: The Plan Commission shall not recommend for approval by the Village Board any plat of subdivision which does not make adequate provision for storm or floodwater runoff channels, basins and detentions.

**Staff Response: Not Applicable. The Lake County Watershed Development Ordinance (WDO) does not require on-site detention within the subdivision as the proposed development will create less than one (1) acre of new impervious surface. However, the project is considered a minor development per the WDO and will disturb greater than 5,000 square feet. Therefore, a Watershed Development Permit Application and accompanying documentation including a stormwater narrative will need to be provided.**

- F. Preservation of Natural Features: In all subdivisions, due regard shall be given to the preservation of natural features such as large trees, watercourses, historical sites or structures, and similar features. (Ord. 89-08-335, 8-21-89)

**Staff Response: Standard met. There are presently no natural features such as watercourses, historical sites or structures, and similar features on the buildable portions of the proposed resultant lots.**

**The Applicant is in contact with the Village Arborist to assess the condition of the remaining trees on the property. Removal of trees will be subject to the requirements of the tree preservation ordinance.**

The Application requires approval through a Planned Unit Development (PUD), which is classified as a Special Use Permit. As such the Application is reviewed against the standards for Special Use Permits and PUDs.

Staff of the Community Development Department's development review team has evaluated the development against the various standards and provisions of the Lake Zurich Municipal Code and offers findings on specific sections of the Code.

**Standards for Special Use Permits**

- A. General Standards. No special use permit shall be recommended or granted pursuant to this Chapter unless the applicant shall establish that:
1. Code and Plan Purposes. The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the official Comprehensive Plan.

**Staff Response: Standard met. The proposed subdivision and resultant development will continue to remain in substantial conformance with the purpose and intent of the R-5 Single Family Residential Zoning District, and the residential designation of the adopted Comprehensive Plan.**

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

2. No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

**Staff Response: Standard met. The proposed development is consistent with other residential lots within the Robertson/Marina Park Subdivision. The proposed two-lot subdivision will not increase the vehicular traffic on Oak Street or Lions Drive. Due to the proposed homes abiding by all setbacks, the proposed residences will not have any substantial or undue adverse effect upon any adjacent properties.**

3. No Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.

**Staff Response: Standard met. The land uses and their operation are proposed to be conducted entirely on the Subject Property. The new residences are proposed to be located towards the front of the property and will face Oak Street.**

**The proposed structures will not encroach onto any front, interior or corner side yard, rear yard setbacks, or existing easements. The location, design, construction and operation of the proposed homes will be completed wholly on the subject lot within the buildable area of the lot.**

4. Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

**Staff Response: Standard met. The proposal is a subdivision of two lots to provide for 2 new single-family homes. No changes to streets or public amenities are proposed. The property is currently served adequately with essential public facilities and services such as streets, utilities, drainage and other municipal services. The resultant lots will need to be provided with such services.**

5. No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through the surrounding streets.

**Staff Response: The Applicant anticipates these two residences resulting in an additional 2-4 vehicles a day on both Lions Drive and Oak Street, which is well under both roadways design capacity. The traffic will be consistent with normal residential traffic.**

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

**Parking is in conformance with the requirements of the zoning code with two garage spaces and guest parking available on the driveway.**

6. No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

**Staff Response: Standard Met. The reconfiguration of the property will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance other than what was previously impacted by the original development.**

7. Compliance with Standards. The proposed use and development comply with all additional standards imposed on it by the particular provision of this Code authorizing such use.

**Staff Response: Standard met. The proposed resubdivision will comply with all other additional standards imposed through the building codes for residential buildings.**

8. Positive Effect. The proposed special use creating a positive effect for the zoning district, its purpose, and adjacent properties shall be placed before the benefits of the petitioner.

**Staff Response: Standard met. The proposed development will continue to uphold the established character of the residential neighborhood, and will allow for two additional residences in the community.**

- B. Special Standards for Specified Special Uses. When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

**Staff Response: Standard met. There are no uses proposed that warrant special standards for their establishment. Staff will ensure that compliance is established before any additional permits are issued.**

- C. Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Board of Trustees shall consider:

1. Benefit. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

**Staff Response: Standard met. The proposed residential single-family homes will provide an attractive and convenient location for residing within the community.**

2. Alternative Locations. Whether the purposes of the zoning code can be met by the location of the proposed use and development in some other area or zoning district that may be more appropriate than the proposed site.

**Staff Response: Not Applicable. The property is currently owned by the Applicant. He does not intend to abandon this site and build in another location. The subject property continues to offer the ability of the owner to construct a use that is appropriate for the property and the area of the community in which it is presently located.**

3. Mitigation of Adverse Impacts. Whether all steps possible have been taken to minimize any substantial or undue adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

**Staff Response: Standard met. The two single family residential homes will be developed to prevent any undue adverse effect on themselves or on surrounding property in relation to its location, design and operation.**

- **The new homes will be located 30 feet off the front lot line, thereby minimizing their impact on the street and adjacent properties.**
- **The new homes will be designed in a style and materials similar to the existing homes in Lake Zurich.**

**9-22-5: STANDARDS FOR PLANNED UNIT DEVELOPMENTS (PUDs).**

Planned unit developments are included in the zoning code as a distinct category of special use. As such, they are authorized for the same general purposes as all other special uses and in recognition of the fact that traditional bulk, space, and yard regulations that may be useful in protecting the character of substantially developed and stable areas may impose rigidities on the development or redevelopment of parcels or areas that lend themselves to an individual, planned approach.

- A. Special Use Permit Standards: No special use permit for a planned unit development shall be recommended or granted pursuant to this chapter unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special use permits pursuant to chapter 19 of this title.

**Staff Response: Standard met. Please refer to the “Standards for Special Use Permits” contained within this report.**

- B. Additional Standards for All Planned Unit Developments: No special use permit for a planned unit development shall be recommended or granted unless the applicant shall

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

establish that the proposed development will meet each of the following additional standards:

1. **Unified Ownership Required:** The entire property proposed for planned unit development treatment shall be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.

**Staff Response: Standard met. The entirety of the PUD is under common ownership of Mr. Patryk Wielgo of SV Estates, LLC.**

2. **Minimum Area:** The applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which planned unit developments may be established pursuant to this section.

**Staff Response: Standard not met. One of the proposed lots will require relief from the minimum total lot area and minimum lot width.**

- **Per the Bulk, Space, and Yard Requirements (Section 9-3-11) for the R-5 single-family residential district, the minimum lot area is 10,000 square feet. The applicant is requesting a decrease in the minimum lot area to 8,679 square feet in Lot 1. Minimum Lot Area is defined as the minimum total area of a parcel of land legally described as distinct portion or piece of land of record. For purpose of calculating Minimum Lot Area, water areas and land areas with natural resource restrictions including floodplains, wetlands, and lowland conservancy soils are not included as part of the calculation.**
  - **Per the Bulk, Space, and Yard Requirements (9-3-11) the minimum lot width in the R-5 single-family residential district is 75 feet. The applicant is requesting a decrease in the minimum lot width to 63 feet for Lot 1. This lot width modification request is to accommodate two single family lots on this parcel. Lot Width is defined as the shortest distance between side lot lines measured by a line passing through the point of the required front yard line equidistant from the points where the front yard line intersects the side yard lines (measured along the front yard line); provided, however, that the length of the front lot line shall not be less than eighty percent (80%) of the required minimum lot width.**
3. **Covenants and Restrictions to Be Enforceable by Village:** All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned unit development shall provide that they may not be modified,

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

removed, or released without the express consent of the board of trustees and that they may be enforced by the village as well as by future landowners within the proposed development.

**Staff Response: Standard met. The Village will ensure that all easements are properly recorded, abided by the owners and enforced by the Village.**

4. Public Open Space and Contributions: Whenever the official comprehensive plan, zoning map, or official map indicates that development of a planned unit development will create a need for land for public purposes of the village within the proposed planned unit development, the board of trustees may require that such area be designated and to the extent such need is specifically and uniquely attributable to the proposed development, dedicated to the village for such use. In addition, the board of trustees may require evidence that all requirements of village ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met as respects the proposed planned unit development.

**Staff Response: Not Applicable. The nature and scope of the development does not create a need for land for public purposes of the village within the proposed planned unit development. The purpose and intent of such contributions are provided primarily for larger residential developments consisting of multiple properties with common areas to provide for or compensate for public amenities for the benefit of new residents that will move into the community to occupy such developments.**

**The village has therefore determined that the development is not required to provide any public open space at this time. However, the additional lot will be subject to the various fees and contributions required by the municipal code.**

5. Common Open Space:
  - a. Amount, Location, And Use: The failure of a planned unit development to provide common open space shall be considered to be an indication that it has not satisfied the objectives for which such developments may be approved pursuant to this zoning code. When common open space is provided in a planned unit development, the amount and location of such open space shall be consistent with its intended function as set forth in the application and planned unit development plans. No such open space shall be used for the construction of any structure or improvement except such structures and improvements as may be approved in the final plan as appropriate to the intended leisure and recreational uses for which such open space is intended.
  - b. Preservation: Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use, structure, improvement,



**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

or development other than that shown on the approved final plan. The restrictions must be permanent and not for a given period of years and must run with the land. Such covenants and dedications may provide that they may be released, but only with the express written consent of the board of trustees.

- c. **Ownership And Maintenance:** The final plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation in accordance with predetermined standards and to ensure that remedial measures will be available to the village if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned unit development or the village.
- d. **Property Owners' Association:** When the requirements of subsection B5c of this section are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners' association, such association shall meet each of the following standards:
  - i. The bylaws and rules of the association and all declarations, covenants, and restrictions to be recorded must be approved as part of the final plan prior to becoming effective. Each such document shall provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this subsection B5d(1); and
  - ii. The association must be established and all covenants and restrictions must be recorded prior to the sale of any property within the area of the planned unit development designated to have the exclusive use of the proposed open space or improvements; and
  - iii. The association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it; and
  - iv. Membership in the association must be mandatory for each property owner and any successive owner having a right to the use or enjoyment of such open space or improvements; and
  - v. Every property owner having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with state statutes; and
  - vi. The association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such adjustment shall not be fixed at more than two-thirds (2/3) of the members voting on the issue; and

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

- vii. The village must be given the right to enforce the covenants; and
- viii. The village must be given the right, after ten (10) days' written notice to the association, to perform any maintenance or repair work that the association has neglected to perform, to assess the membership for such work and to have a lien against the property of any member failing to pay such assessment. For this purpose alone, the village shall have all the rights and powers of the association and its governing body under the agreements and declarations creating the association.

**Staff Response: Not Applicable. Based on the nature and scope of the development, and size of the subject property, the village has determined that the development is not required to provide any public open space at this time.**

- 6. Landscaping and Perimeter Treatment: Any area of a planned unit development not used for structures or circulation elements shall be landscaped or otherwise improved. The perimeter of the planned unit development shall be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures, setbacks, screening, or natural or manmade buffers.

**Staff Response: Standard Met. All portions of the development are proposed to be either improved with paved areas or landscaped.**

- 7. Private Streets: Private streets are prohibited unless expressly approved by the board of trustees. If so approved, they shall meet all construction standards applicable to public streets. No such streets shall be approved except upon the condition that they shall be owned and maintained by a property owners' association meeting the requirements set forth in subsection B5d of this section.

**Staff Response: Not Applicable. The development is being proposed on a single site and therefore no private streets are proposed.**

- 8. Sidewalks: A sidewalk meeting the standards of the Lake Zurich subdivision ordinance shall be provided along at least one side of every street in or abutting a planned unit development; provided, however, that such sidewalk may be constructed in a street right of way or as a specific element of the design of the planned unit development.

**Staff Response: Standard met. A sidewalk currently does not exist along the Lions Drive boundary and the Oak Street boundary. This trend exists throughout a majority of the Marina Park Subdivision.**

**A compensating amenity fee will therefore be collected and placed into an escrow account that will fund the construction and upkeep of other amenities within the Village.**

- 9. Utilities: All utility lines shall be installed underground.

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

**Staff Response: Standard Met. All existing and proposed utilities including water and sanitary mains, electric, gas and communications (cable) attributable to the development are proposed to be underground. Currently, cable and electric are run overhead across the street. The locations of the public utilities are to be determined.**

- C. Additional Standards for Specific Planned Unit Developments: When the district regulations authorizing any planned unit development use in a particular district impose standards to be met by such planned unit development in such district, a special use permit for such development shall not be recommended or granted unless the applicant shall establish compliance with such standards. (Ord., 10-2004)

**Staff Response: Standard Met. There are no additional standards imposed through the establishment of SV Estates Subdivision that is proposed within such district other than what are currently being requested for approval.**

**IDENTIFICATION AND ANALYSIS OF ZONING RELIEF FOR THE PLANNED UNIT DEVELOPMENT (PUD)**

On analysis of the proposed development against the various standards contained within the municipal code, staff has identified the following modifications to the zoning code.

1. **Section 9-3-11.B.2. Minimum Lot Area and Dimensions: Minimum lot area per unit (square feet).** The minimum lot area per unit within the R-5 Single Family Residential District is 10,000 square feet. Lot 1 is proposed with a lot area of 8,679 square feet, requiring a modification to the code. However, Lot 2 is proposed to conform to this standard with a lot area of 11,607 square feet.
2. **Section 9-3-11.B.3. Minimum Lot Area and Dimensions: Minimum lot width (feet).** The minimum lot width within the R-5 Single Family Residential District is 75 feet. Lot 1 is proposed with a lot width of 63 feet, requiring a modification to the code. However, Lot 2 is proposed to conform to this standard with a lot width of 75 feet.

The reduced lot area and lot width are consistent with lots within this area.

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

**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 9-19-3: Standards for Special Use Permits
- Section 9-22-5: Standards for Planned Unit Developments (PUD)
- Section 10-4-1: Plan Commission Guidelines for Subdivision Approval

Based on the review of staff, the standards for approval will be met and therefore staff recommends that the Planning and Zoning Commission make these standards a part of the official record of the Application.

Staff of the Community Development Department therefore recommends the approval of Application PZC 2023-08, subject to the following conditions:

1. Substantial conformance with the following documentation submitted as part of the application subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
  - a. Zoning Application and Cover Letter dated March 16, 2023, submitted by Mr. Patryk Wielgo.
  - b. Exhibit A: Legal Description of the Subject Property
  - c. Final Plat of Subdivision for SV Estates LLC Subdivision, Lots 1 and 2, prepared by Pro-Plan Architects, prepared on March 16, 2023.
  - d. Subdivision Engineering Plans, for SV Estates Subdivision, Lots 1 and 2, prepared by Pro-Plan Architects, prepared on March 16, 2023.
  - e. Plat of Survey for SV Estates Subdivision, Lots 1 and 2, prepared by Pro-Plan Architects, prepared on March 16, 2023.
  - f. Proposed Engineering Plan for both Single-family Residences at 154 Oak Street prepared by Pro-Plan Architects, prepared on March 16, 2023.
  - g. Landscape Plan for SV Estates Subdivision, Lots 1 and 2, prepared by Pro-Plan Architects, prepared on March 16, 2023.
2. Tree removal shall be reviewed and approved following review of the village arborist. A final landscaping design and plant count shall be reviewed by village staff prior to issuance of site engineering and building permits.
3. Under the Village of Lake Zurich Land Development Code, the Applicant is required to install all required public utilities and shall provide surety to guarantee the proper installation of these improvements and to ensure that water and sanitary sewer service is delivered to each lot in the new two-lot single-family residential subdivision.
4. The Applicant shall be responsible for payment of all Impact Fees under the Land Development Code of the Village of Lake Zurich and as a condition of the approval of the

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

PUD and Final Plat. The school impact fees, park impact fees, and library impact fees are paid pro-rata and due at the time a building permit is issued for the applicable building.

5. The Applicant shall pay a fee in lieu of installing a sidewalk along the street frontages of both properties to be collected and placed into an escrow account that will fund the construction and upkeep of sidewalks within the Village. Such fee shall be based upon the per square-foot cost of a 5-foot wide sidewalk as determined by the Village at the time of issuance of the building permit, and collected at such time.
6. Each lot in the new two-lot single-family residential subdivision will be provided with 10-foot side yard setbacks, a 30-foot rear yard setback, and a 30-foot front yard and corner side yard setback in accordance with the bulk requirements of the R-5 single-family residential district.
7. Removal of the existing structures on the Subject Property prior to issuance of any building permit.
8. The Redevelopment shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich, including general and continuing compliance with Title 10 of the Village Code, the Land Development Code, and all of the engineering and land improvement requirements, standards and specifications set forth in Chapter 6 of said Land Development Code, unless otherwise approved or provided for in the final engineering plans or development agreement for the Subject Property.

Respectfully Submitted,

Tim Verbeke, Planner

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

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

**FOR 154 OAK STREET – PUD and SUBDIVISION**  
**MAY 17, 2023**

The Planning & Zoning Commission recommends approval of Application PZC 2023-08, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated **April 19, 2023** for this Application and subject to any changes or approval conditions as listed below:

1. Substantial conformance with the following documentation submitted as part of the application subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
  - h. Zoning Application and Cover Letter dated March 16, 2023, submitted by Mr. Patryk Wielgo.
  - i. Exhibit A: Legal Description of the Subject Property
  - j. Final Plat of Subdivision for SV Estates LLC Subdivision, Lots 1 and 2, prepared by Pro-Plan Architects, prepared on March 16, 2023.
  - k. Subdivision Engineering Plans, for SV Estates Subdivision, Lots 1 and 2, prepared by Pro-Plan Architects, prepared on March 16, 2023.
  - l. Plat of Survey for SV Estates Subdivision, Lots 1 and 2, prepared by Pro-Plan Architects, prepared on March 16, 2023.
  - m. Proposed Engineering Plan for both Single-family Residences at 154 Oak Street prepared by Pro-Plan Architects, prepared on March 16, 2023.
  - n. Landscape Plan for SV Estates Subdivision, Lots 1 and 2, prepared by Pro-Plan Architects, prepared on March 16, 2023.
2. Tree removal shall be reviewed and approved following review of the village arborist. A final landscaping design and plant count shall be reviewed by village staff prior to issuance of site engineering and building permits.
3. Under the Village of Lake Zurich Land Development Code, the Applicant is required to install all required public utilities and shall provide surety to guarantee the proper installation of these improvements and to ensure that water and sanitary sewer service is delivered to each lot in the new two-lot single-family residential subdivision.
4. The Applicant shall be responsible for payment of all Impact Fees under the Land Development Code of the Village of Lake Zurich and as a condition of the approval of the PUD and Final Plat. The school impact fees, park impact fees, and library impact fees are paid pro-rata and due at the time a building permit is issued for the applicable building.
5. The Applicant shall pay a fee in lieu of installing a sidewalk along the street frontages of both properties to be collected and placed into an escrow account that will fund the construction and upkeep of sidewalks within the Village. Such fee shall be based upon the

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

per square-foot cost of a 5-foot wide sidewalk as determined by the Village at the time of issuance of the building permit, and collected at such time.

6. Each lot in the new two-lot single-family residential subdivision will be provided with 10-foot side yard setbacks, a 30-foot rear yard setback, and a 30-foot front yard and corner side yard setback in accordance with the bulk requirements of the R-5 single-family residential district.
7. Removal of the existing structures on the Subject Property prior to issuance of any building permit.
8. The Redevelopment shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich, including general and continuing compliance with Title 10 of the Village Code, the Land Development Code, and all of the engineering and land improvement requirements, standards and specifications set forth in Chapter 6 of said Land Development Code, unless otherwise approved or provided for in the final engineering plans or development agreement for the Subject Property.

- ☐ Without any further additions, changes, modifications and/or approval conditions.
- ☐ With the following additions, changes, modifications and/or approval conditions:

---

Planning & Zoning Commission Chairman

**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

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

THAT PART OF THE SOUTH HALF OF SECTION 17, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF OAK STREET WITH THE WEST LINE OF THE RIGHT OF WAY OF THE PALATINE, LAKE ZURICH AND WAUCONDA RAILROAD COMPANY CONVEYED BY DEED FROM JOHN ROBERTSON AND JULIA ROBERTSON, HIS WIFE, DATED APRIL 24, 1911 AND RECORDED APRIL 27, 1911, AS DOCUMENT 135231; AND RUNNING THENCE WEST ALONG THE NORTH LINE OF OAK STREET, 138.0 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID RIGHT OF WAY OF THE PALATINE, LAKE ZURICH AND WAUCONDA RAILROAD COMPANY, 130 FEET; THENCE NORTH EASTERLY IN A STRAIGHT LINE 142.13 FEET TO A POINT IN THE WEST LINE OF SAID RIGHT OF WAY OF THE PALATINE, LAKE ZURICH AND WAUCONDA RAILROAD, 164 FEET NORTH OF ITS INTERSECTION WITH THE NORTH LINE OF OAK STREET; THENCE SOUTH ALONG THE WEST LINE OF SAID RIGHT OF WAY 164 FEET TO THE PLACE OF BEGINNING.

PARCELS INVOLVED: 14-17-400-012



**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**

**EXHIBIT B**  
**PUBLIC MEETING SIGN PRESENT AT SUBJECT PROPERTY**



**Staff Report**  
**APPLICATION PZC 2023-08**

**Community Development Department**  
**PZC Meeting Date: May 17, 2023**


**EXHIBIT C**  
**IMAGES OF THE SUBJECT PROPERTY**






154 Oak Subdivision







Lake County, Illinois



Map Printed on 4/7/2023



N

 Tax Parcel Lines

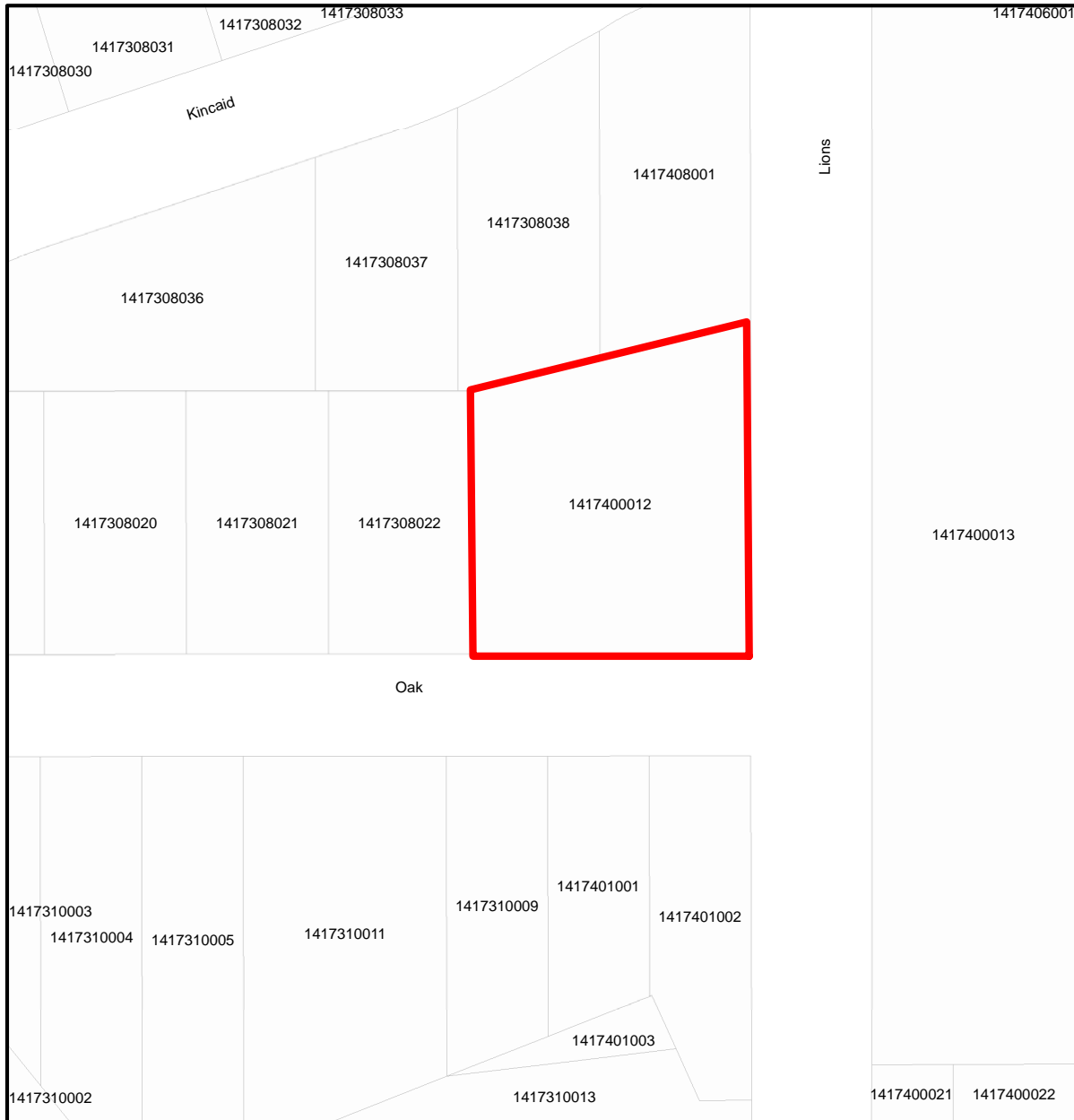
Tax Parcel Information

**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.



# Subdivision Creation

## 154 Oak Street



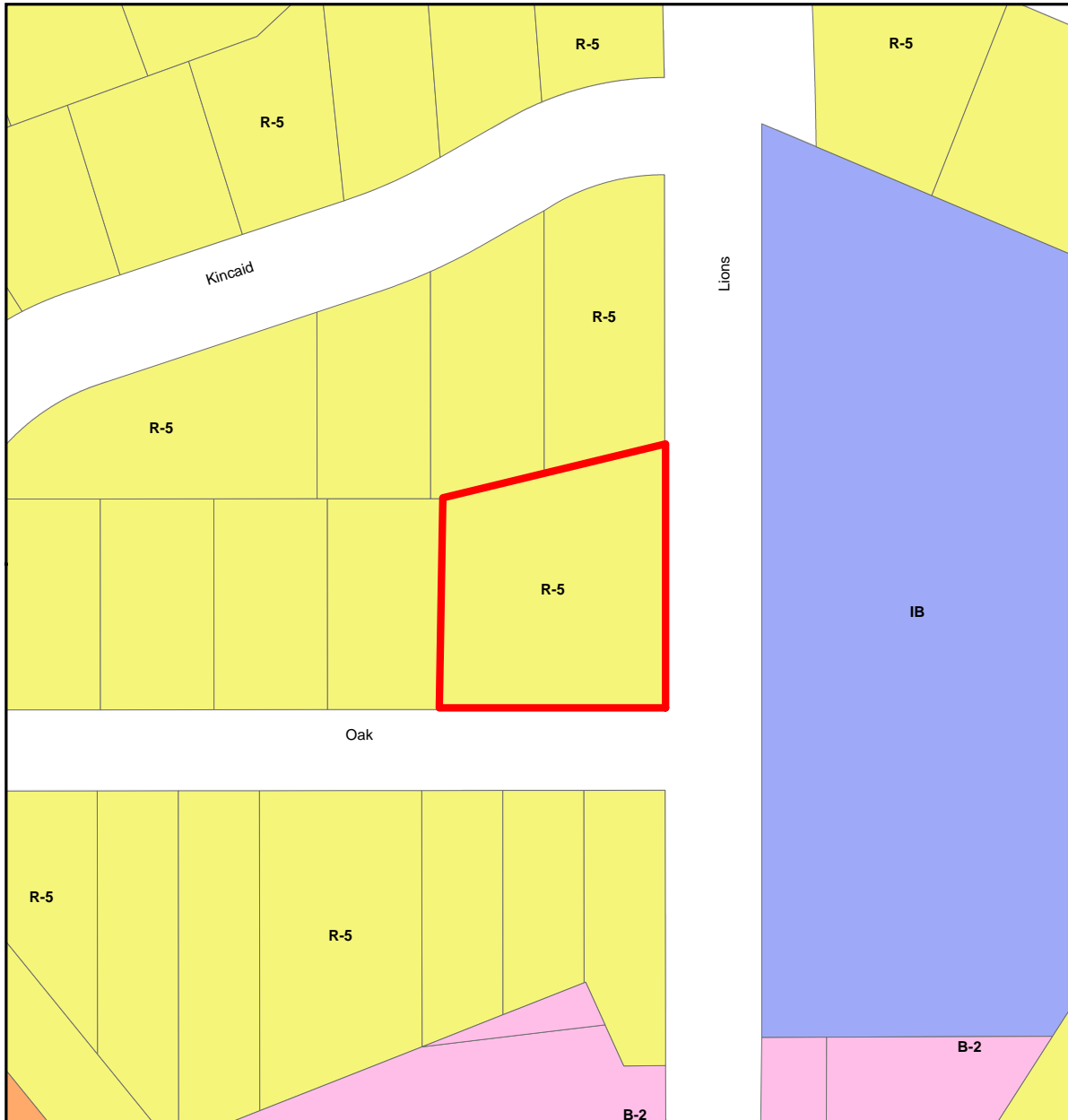
COMMUNITY SERVICES DEPARTMENT  
Building and Zoning Division  
505 Telser Road, Lake Zurich, Illinois 60047

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



# Subdivision Creation

## 154 Oak Street



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

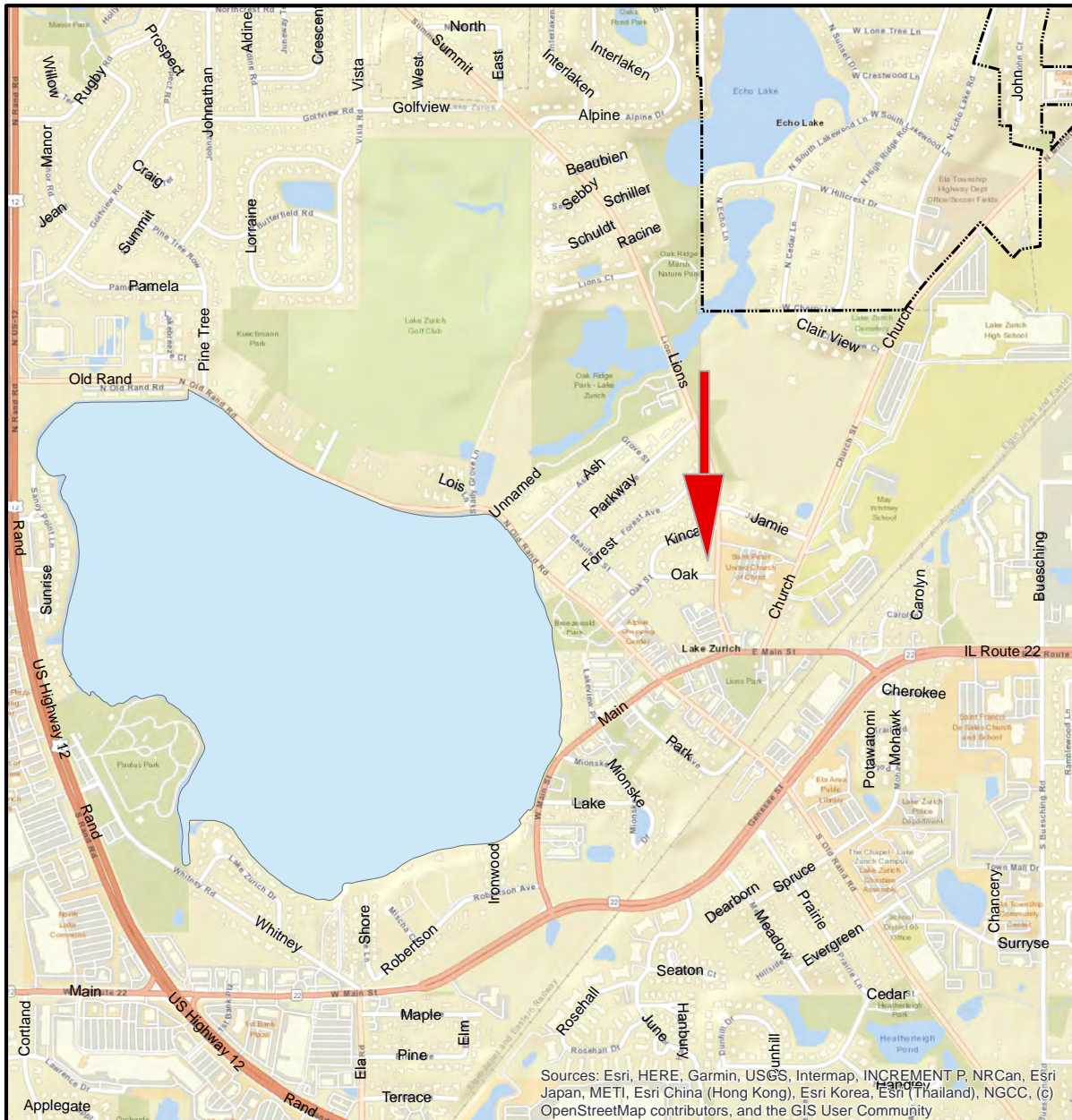
(847) 540-1696  
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# Subdivision Creation

## 154 Oak Street



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

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



(Please Type or Print)

**ZONING APPLICATION**

Community Development Department

505 Telser Rd.

Lake Zurich, IL 60047

Phone: (847) 540-1696

Fax: (847) 540-1769

1. Address of Subject Property: 154 OAK STREET, LAKE ZURICH, IL 60047
2. Please attach complete legal description
3. Property Identification number(s): 14-17-400-012
4. Owner of record is: SV ESTATES, LLC Phone: (773) 319-6306  
E-Mail: info@micoroofting.com Address: 30 CARLISLE RD.  
HAWTHORN WOODS, IL 60047
5. Applicant is (if different from owner): SAME Phone: \_\_\_\_\_  
E-Mail \_\_\_\_\_ Address: \_\_\_\_\_
6. Applicant's interest in the property (owner, agent, realtor, etc.): OWNER
7. All existing uses and improvements on the property are: building two (2)  
residential, standard homes.
8. The proposed uses on the property are: Two residential homes
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:  
Project to be completed according current building codes.
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.

PATRYK WIELGO  
(Name of applicant)

Patryk Wielgo  
(Signature of applicant)

Subscribed and sworn to before me this 20th day of March, 2023.

A. Tarczon-Bak  
(Notary Public)



My Commission Expires 01/20/2027

(Name of Owner, if different)

(Signature of Owner, if different)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

(Notary Public)

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



Please indicate what 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 \_\_\_\_\_



**SV ESTATES, LLC**

30 CARLISLE ROAD  
HAWTHORN WOODS, IL 60047  
773 319-6306/224 255-7663

DATE: 03/16/2023

Property Address:  
154 Oak Street  
Lake Zurich, IL 60047

To Whom It May Concern,

The estimated cost of development for the proposed project of two (2) residential homes will be approximately \$350,000 each.

The proposed project includes two (2) – residential homes with two story structure. This project replaces a single residential home (hoarder home) and will bring a positive impact on the neighborhood.

Sincerely,

Patryk Wielgo  
773 319 6306  
SV Estates, LLC

**SV ESTATES, LLC**

30 CARLISLE ROAD  
HAWTHORN WOODS, IL 60047  
773 319-6306/224 255-7663

DATE: 03/16/2023

TO: Orlando Stratman  
Chairperson of the Planning and Zoning Commission

FROM: SV Estates, LLC

RE: Approval request for Preliminary Plat and Final Plat Approval for 154 Oak Street, Lake Zurich, IL 60047

I would like to request an approval for the Preliminary Plat and Final Plat Approval and the modification approval of Lot 1 width from 75 to 63 feet.

SV Estates, LLC is in the process of obtaining the approval to build two (2) single residential homes at 154 Oak Street, Lake Zurich, IL 60047.

This project includes a contemporary style architecture with two (2) story frame structures of two (2) separate homes on concrete slab without the basement. Each house will have four (4) bedrooms, 3.5 bathrooms and two (2) car garage with driveway.

Each house will have an open porch (entrance) in the front of the house and a brick patio in the back.

The approximately living space for each house will be 3,000sq.ft. where the first floor will have approximately 1,425 sq. ft and the second floor will have approximately 1,630.00 sq. ft.

The current size of the lot will provide enough space and privacy for the proposed homes that will bring comfort to the future residents/families with children.

SV Estates, LLC does not plan to sell the proposed homes and will use them as a rental income.

Sincerely,

Patryk Wielgo  
773 319 6306  
SV Estates, LLC

Mail to:  
SV ESTATES, LLC  
30 Carlisle Rd.,  
Hawthorn Woods, IL 60047

# **EXECUTOR'S DEED**

The Grantor(s), Thomas B. Hood and P. Joseph Balmes as Public Administrators for the Estate of Diane Rose Armi, which was so duly appointed in the probate proceeding in the County of Lake and State of Illinois as Case No. 2022 PR 30 in consideration of \$120,000.00 and other good and valuable consideration in hand paid hereby:

Convey and warrant to SV Estates LLC, an Illinois limited liability company the following described real estate situated in the County of Lake and State of Illinois, to-wit:


## **SEE ATTACHED LEGAL DESCRIPTION**

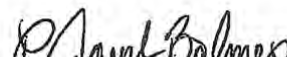
hereby releasing and waiving all rights under and virtue of the homestead exemption laws of the State of Illinois.

Subject to covenants, conditions and restrictions of record and general real estate taxes for the year 2022 and subsequent years.

Permanent Index No. 14-17-400-012  
Common address: 154 Oak Street, Lake Zurich, Illinois 60047

Dated this 28 day of Sept., 2022.

  
\_\_\_\_\_  
Thomas B. Hood as Public Administrator  
for the Estate of Diane Rose Armi

  
\_\_\_\_\_  
P. Joseph Balmes, as Public Administrator  
for the Estate of Diane Rose Armi

Name of Grantee	Address
SV ESTATES, LLC	30 Carlisle Rd., Hawthorn Woods, IL 60047
Name of Taxpayer	Address
SV ESTATES, LLC	30 Carlisle Rd., Hawthorn Woods, IL 60047

Name of Person Preparing Deed and Address  
Daniel J. Hood 501 N. Riverside Drive, Suite 204, Gurnee, Illinois 60031

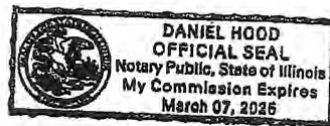
State of Illinois  
County of Lake

I, the undersigned, a notary public do hereby certify that Thomas B. Hood and P. Joseph Balmes are personally known to me to be the same person(s) whose name(s) is subscribed to the foregoing instrument, appeared before me this day in person and the acknowledged that he signed this instrument under his own free and voluntary act, for the purposes set forth.

Given under my hand and seal this 28 day of Sept., 2022.



Notary Public



15827-22-70959-IL

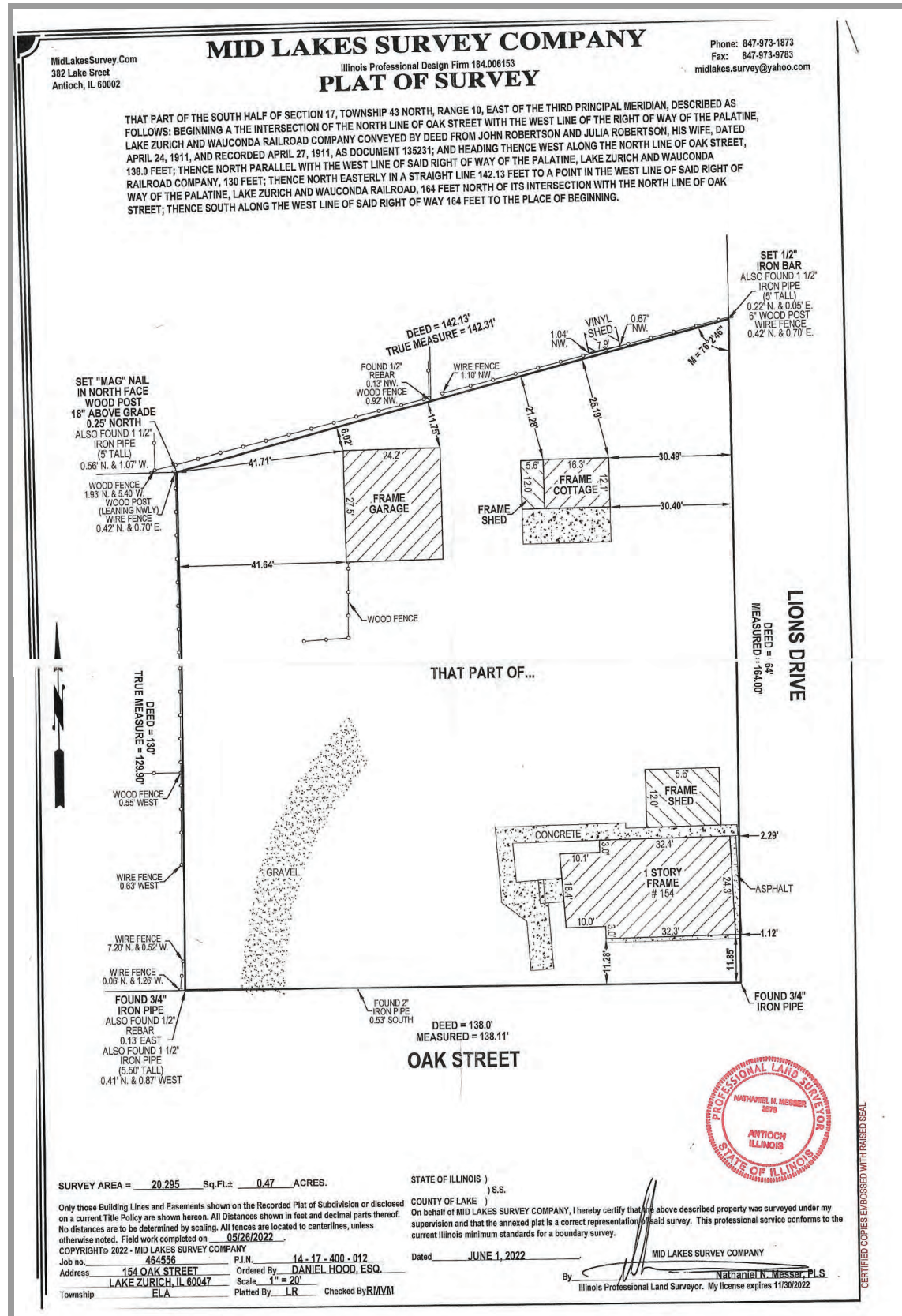
Property Address: 154 Oak Street, Lake Zurich, IL 60047  
Parcel ID: 14-17-400-012

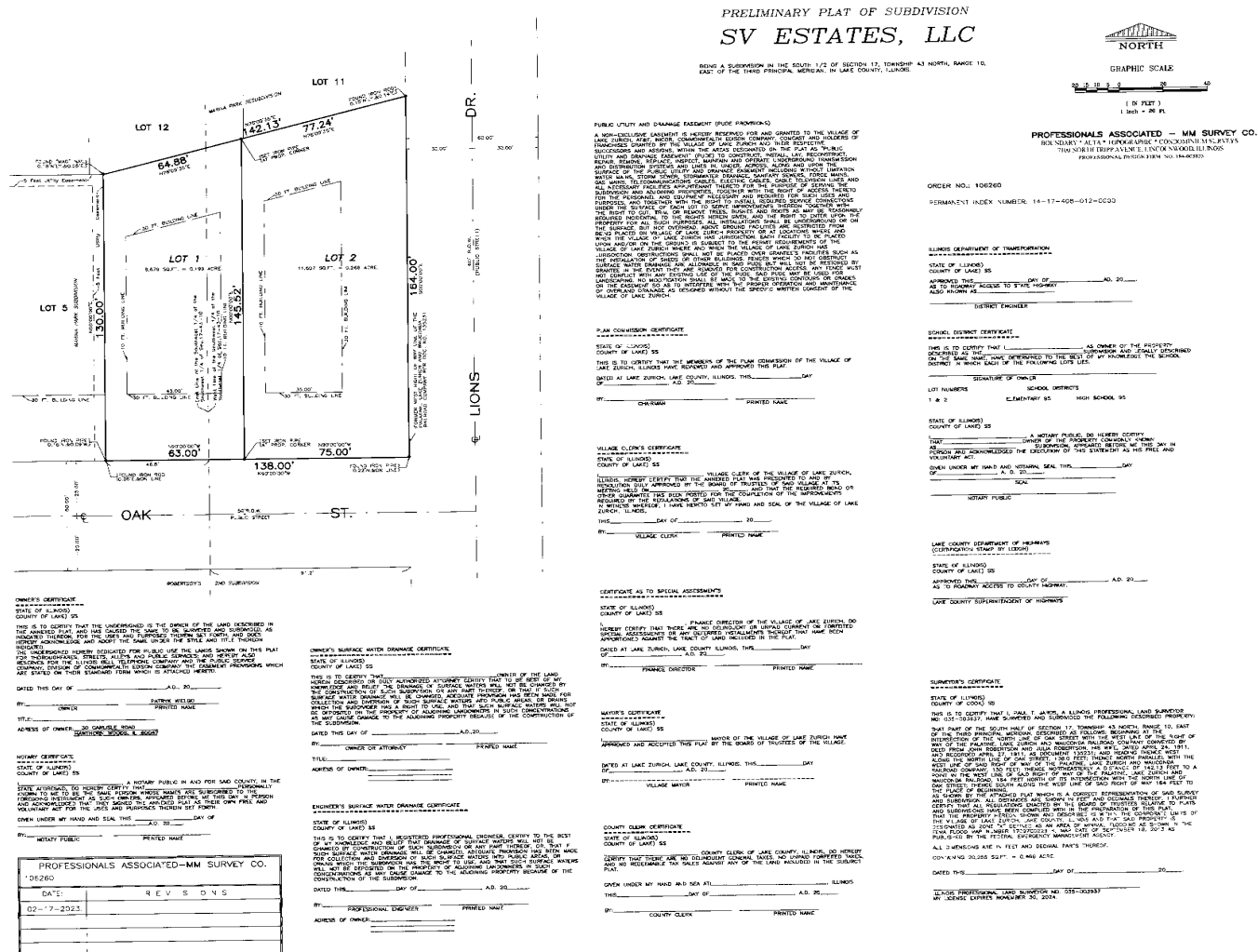
THAT PART OF THE SOUTH HALF OF SECTION 17, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF OAK STREET WITH THE WEST LINE OF THE RIGHT OF WAY OF THE PALATINE, LAKE ZURICH AND WAUCONDA RAILROAD COMPANY CONVEYED BY DEED FROM JOHN ROBERTSON AND JULIA ROBERTSON, HIS WIFE, DATED APRIL 24, 1911 AND RECORDED APRIL 27, 1911, AS DOCUMENT 135231; AND RUNNING THENCE WEST ALONG THE NORTH LINE OF OAK STREET, 138.0 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID RIGHT OF WAY OF THE PALATINE, LAKE ZURICH AND WAUCONDA RAILROAD COMPANY, 130 FEET; THENCE NORTH EASTERLY IN A STRAIGHT LINE 142.13 FEET TO A POINT IN THE WEST LINE OF SAID RIGHT OF WAY OF THE PALATINE, LAKE ZURICH AND WAUCONDA RAILROAD, 164 FEET NORTH OF ITS INTERSECTION WITH THE NORTH LINE OF OAK STREET; THENCE SOUTH ALONG THE WEST LINE OF SAID RIGHT OF WAY 164 FEET TO THE PLACE OF BEGINNING.

Legal Description with Address

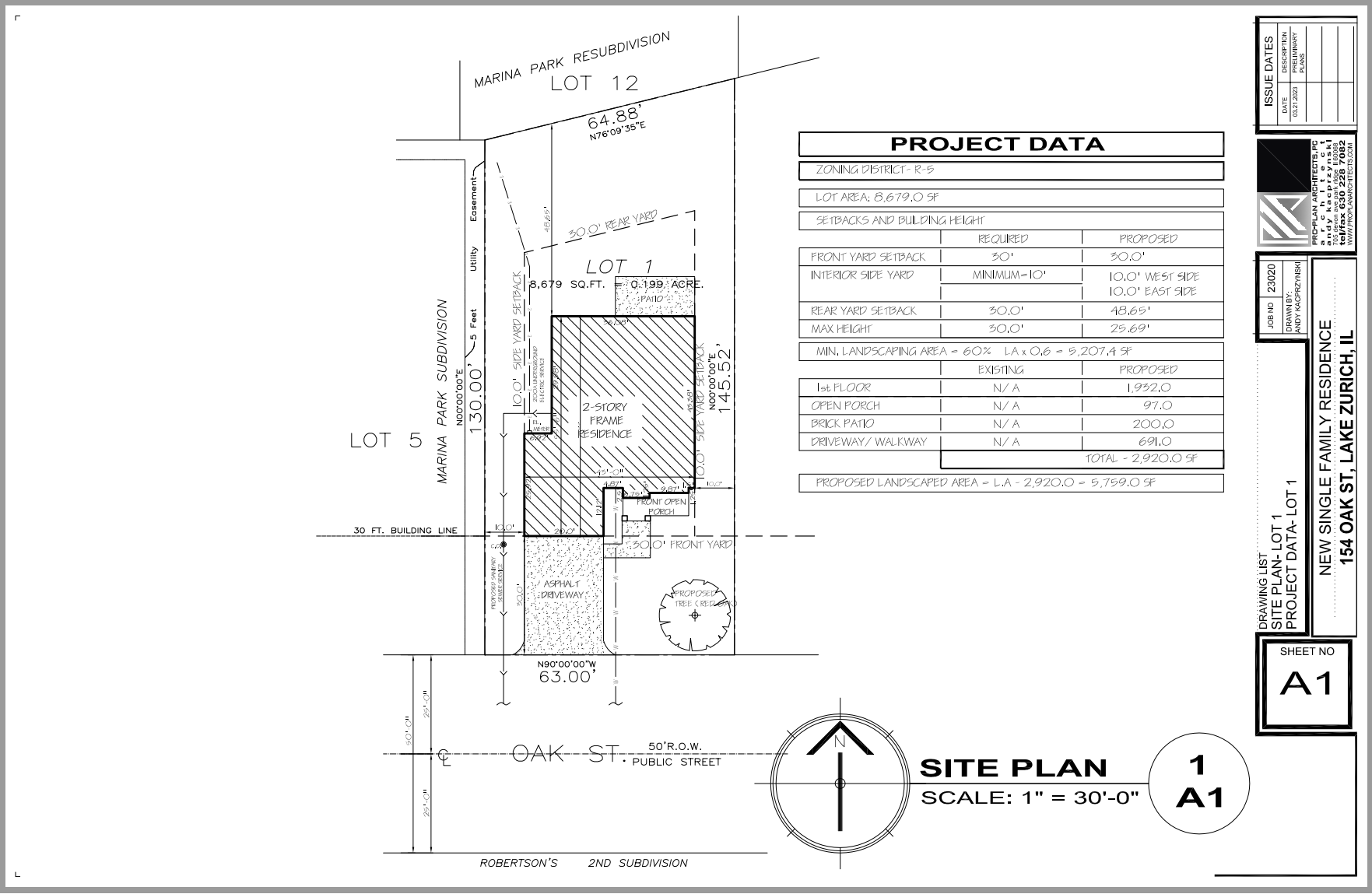
15827-22-70959-IL



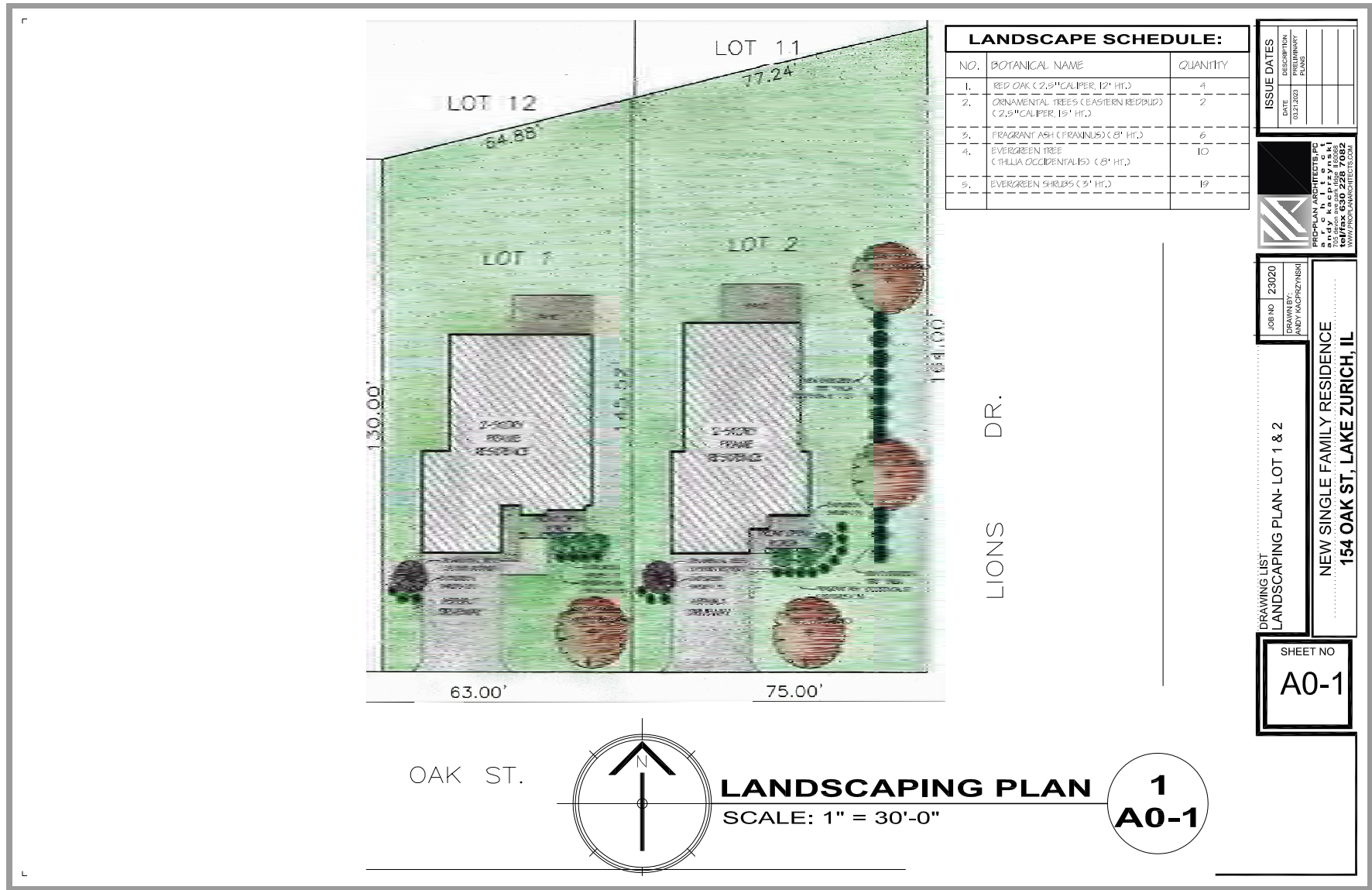


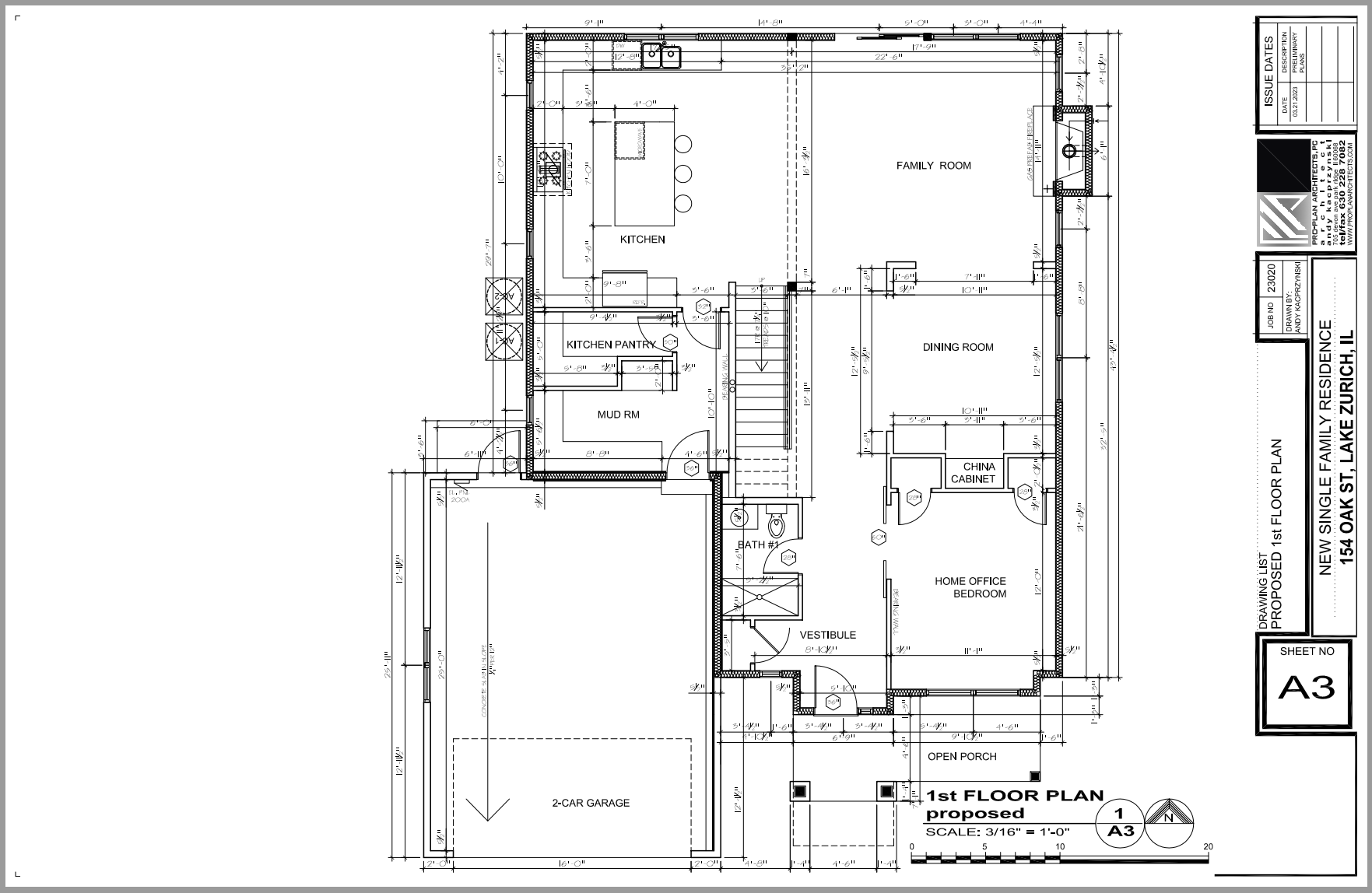


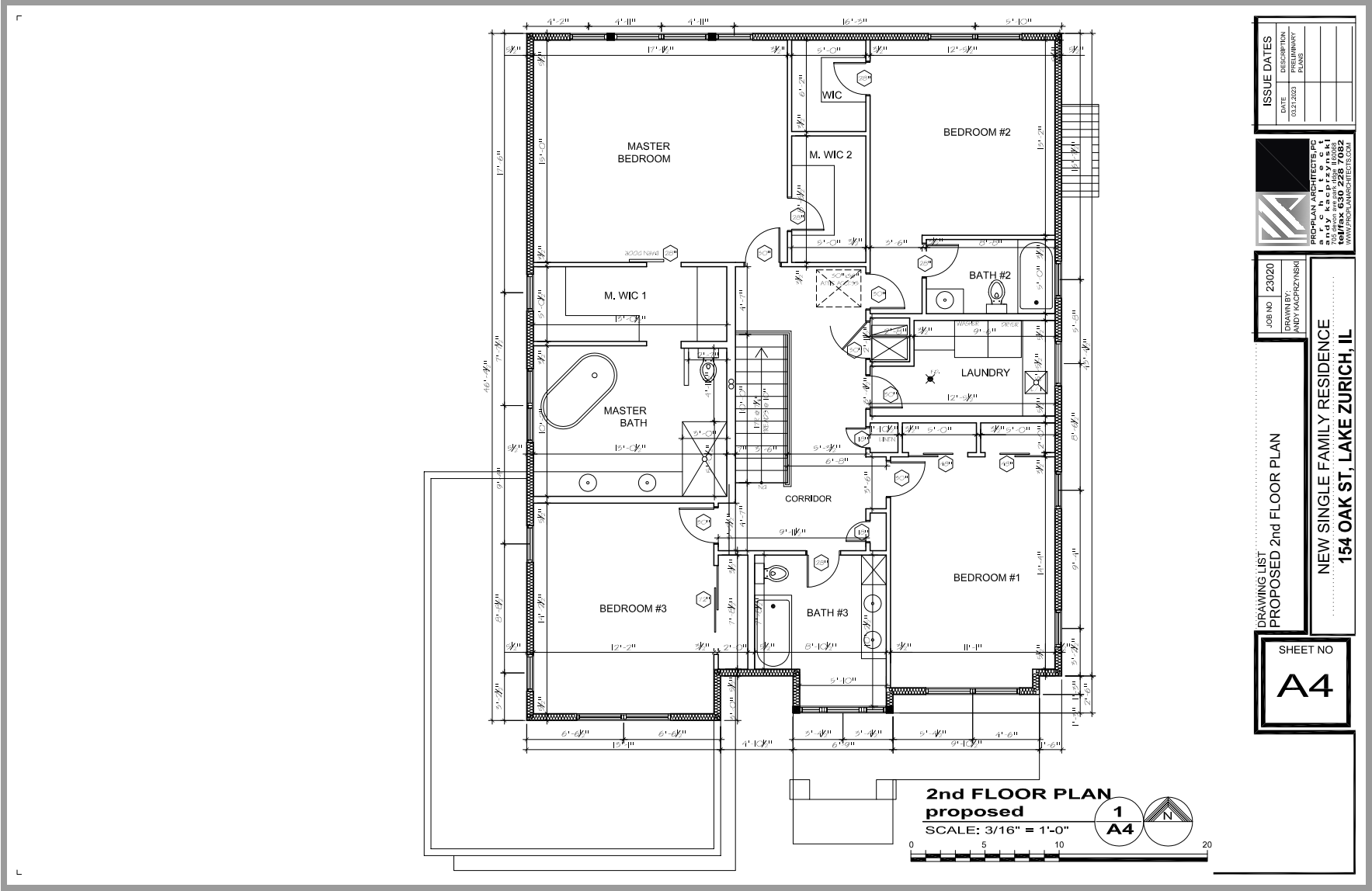
















ISSUE DATES	
DATE	DESCRIPTION
03.21.2020	PRELIMINARY PLANS

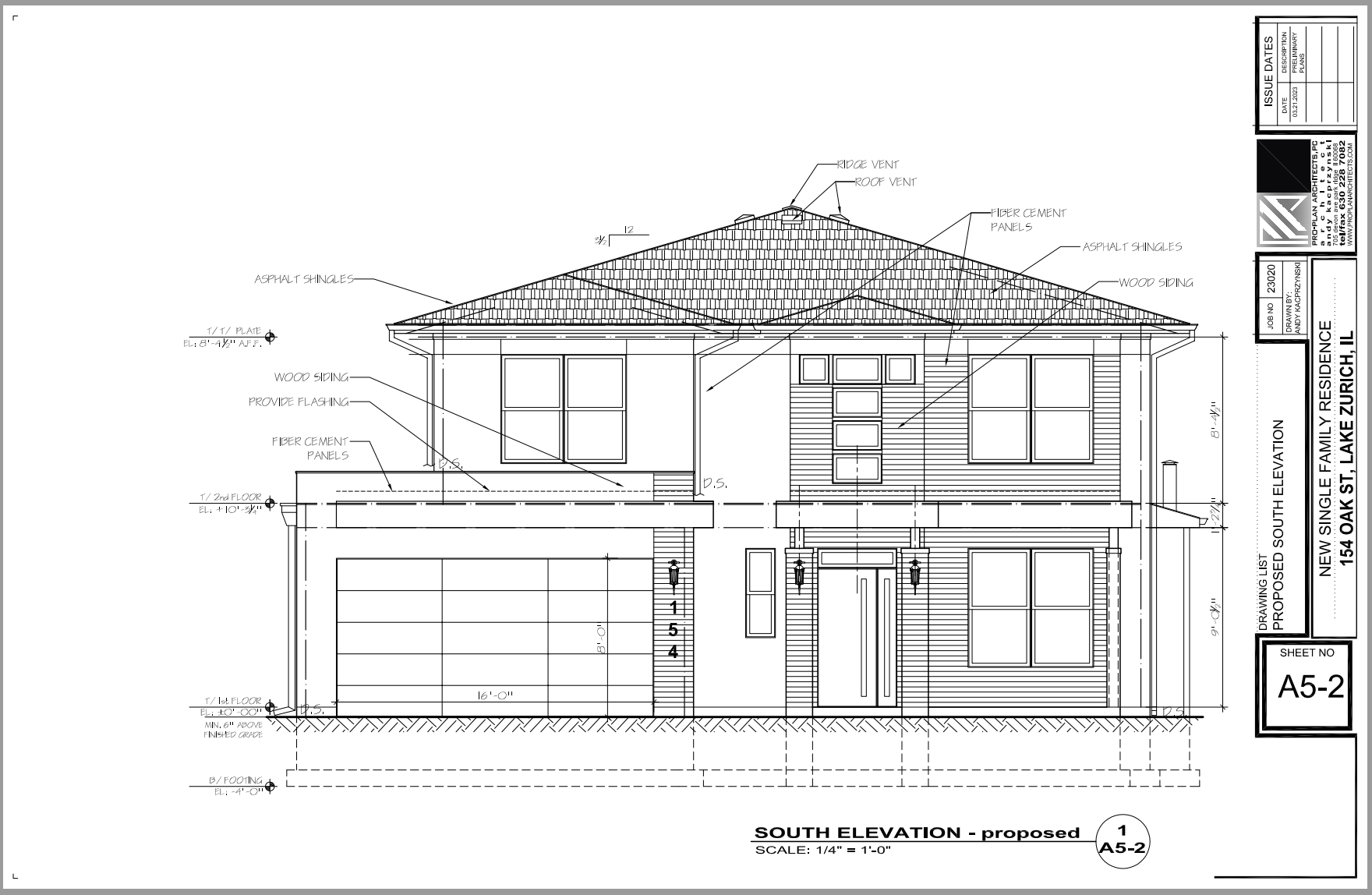


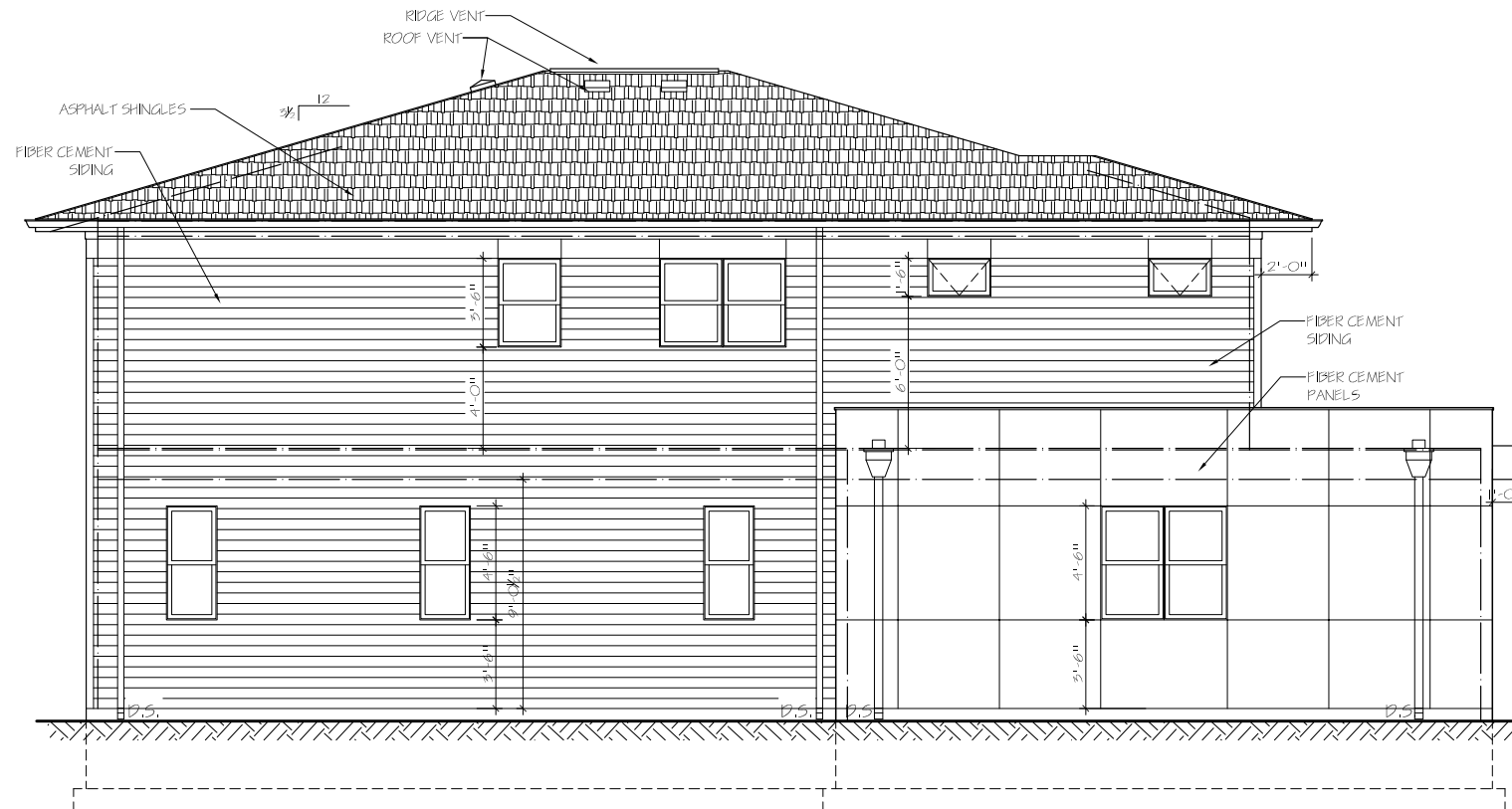
PRO-PLAN ARCHITECTS, PC  
ANDY KACPRZYNSKI  
ARCHITECT  
tel/fax 630 228 7082  
WWW.PROPLANARCHITECTS.COM

JOB NO.	23020
DRAWN BY:	ANDY KACPRZYNSKI

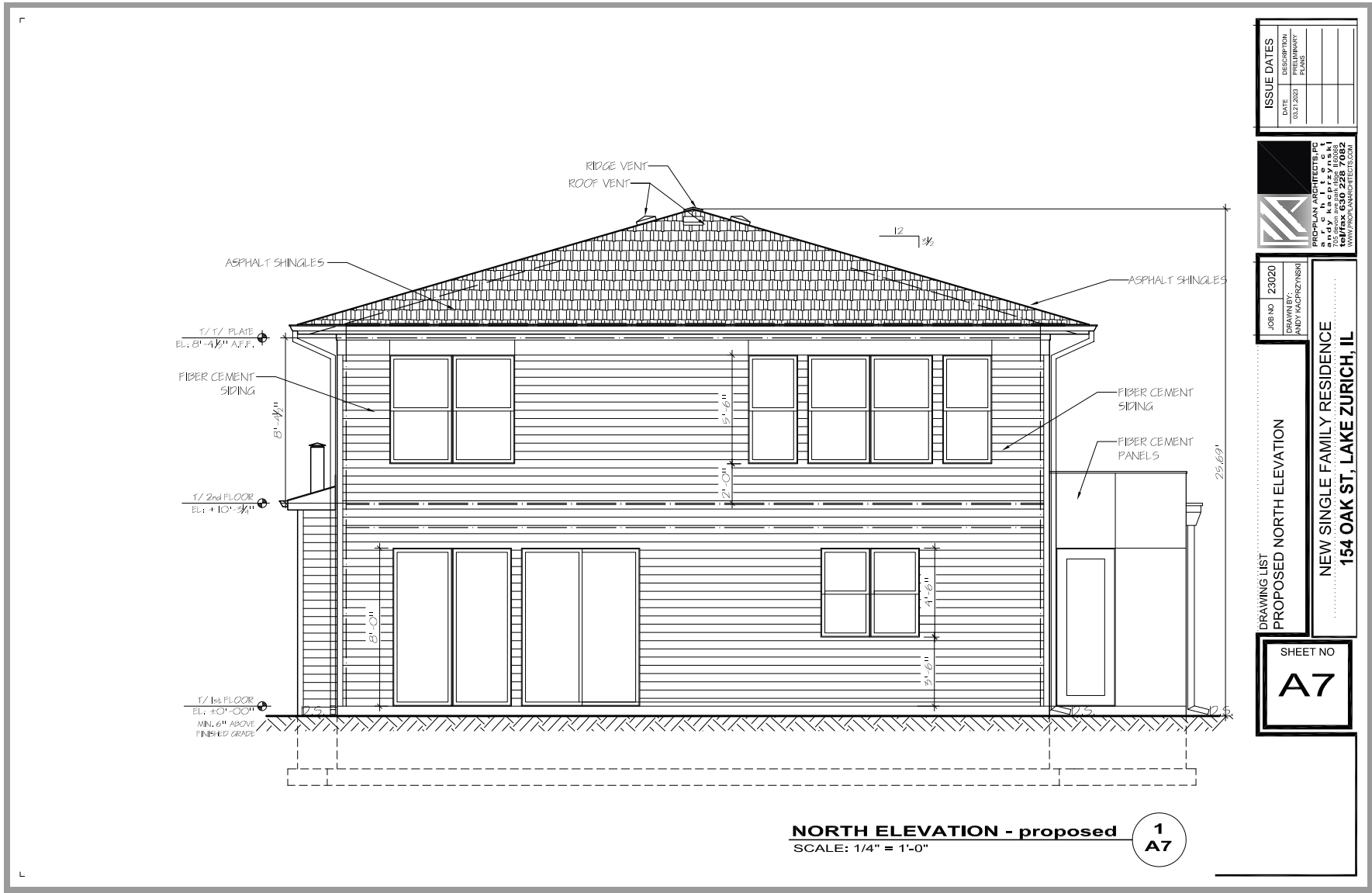
DRAWING LIST  
PROPOSED SOUTH ELEVATION  
NEW SINGLE FAMILY RESIDENCE  
154 OAK ST, LAKE ZURICH, IL

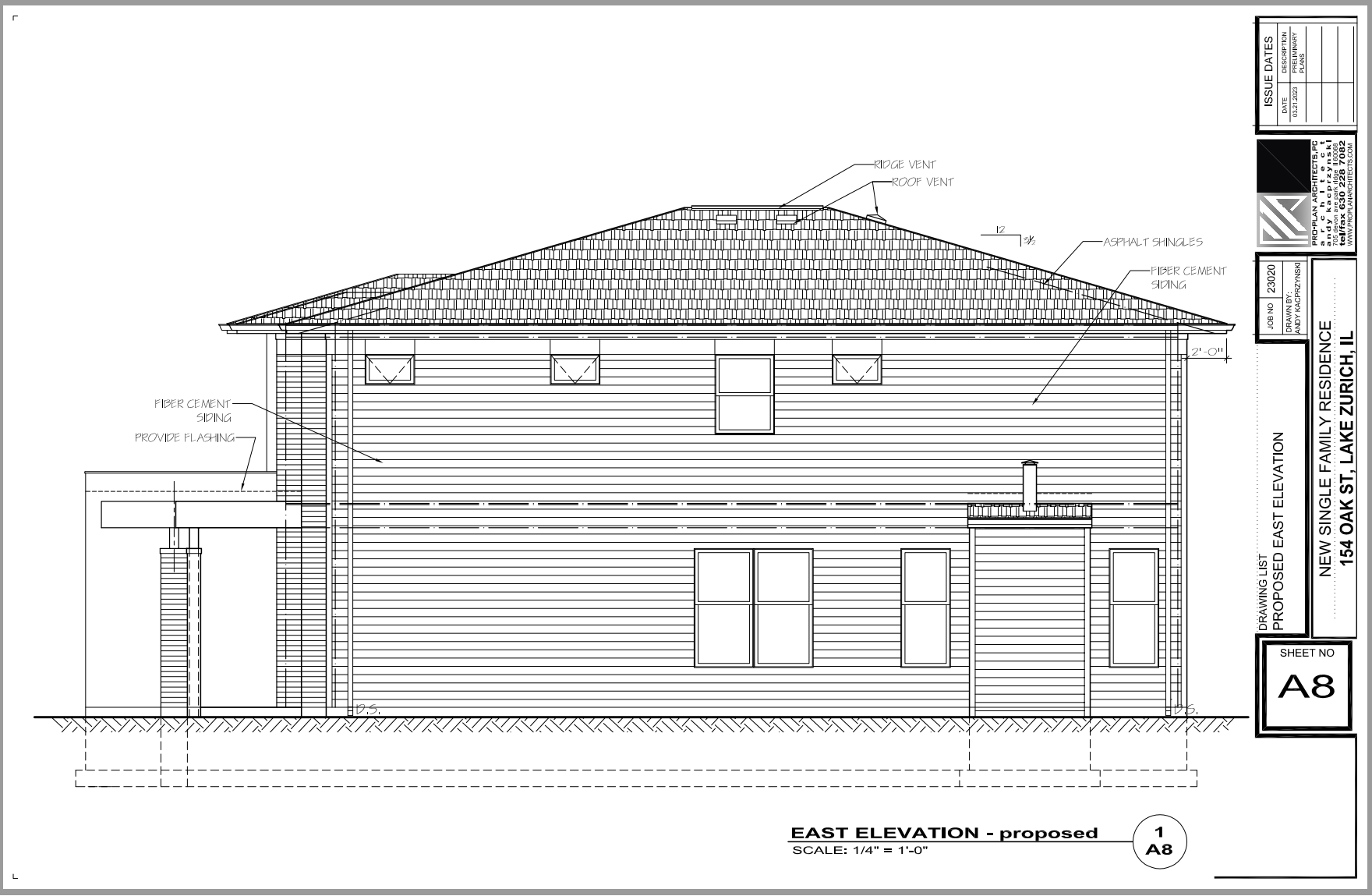
SHEET NO  
**A5**













*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 2023-10**  
**PZC Hearing Date: May 17, 2023**

**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: May 17, 2023

Re: PZC 2023-10 Zoning Application for a Corner Yard Fence Variation  
833 Foxmoor Lane

**SUBJECT**

Jay and Divya Gandhi (the “Applicants”) request a Variation from Zoning Code Section 8-11-1-F-1, Maximum Fence Heights: Front and Corner Side Yards: Three Feet (3’) to allow for the construction of a five-foot (5’) high fence within the required corner yard setback at the property commonly known as 833 Foxmoor Lane, legally described in Exhibit A attached hereto (the “Subject Property”). The property is located within Hunter’s Creek Subdivision.

**GENERAL INFORMATION**

Requested Action: Variation of Maximum Fence Height in Corner Side Yard

Current Zoning: R-5 Single Family Residential District

Current Use: Single Family Home

Property Location: 833 Foxmoor Lane

Applicant and Owner: Mr. Jay and Ms. Divya Gandhi

Staff Coordinator: Tim Verbeke, Planner

**Staff Report**  
**APPLICATION PZC 2023-10**

**Community Development Department**  
**PZC Hearing Date: May 17, 2023**

**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. Jay and Ms. Divya Gandhi (the “Applicant” and “Owner”), are the owners of the property located at 833 Foxmoor Lane, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received on April 4, 2023 (the “Application”) seeking:

- A Variation from Zoning Code Section 8-11-1-F-1, Maximum Fence Heights: Front and Corner Side Yards: Three Feet (3’)

The Subject Property is located within the Village’s R-5 Residential District that provides for single-family homes. The R-5 zoning district only permits three-foot (3’) high fences in the front or corner side yards. A five-foot (5’) fence or higher privacy fence needs to be located behind the Setback Line from any front, or corner lot line. In the case of the Subject Property, a five-foot (5’) fence must be located 25 feet back from the front and corner lot lines according to the bulk requirements of the code. The Applicants are proposing a five-foot (5’) high fence that will begin at the northeast corner of the home, extend up to 6 feet from the sidewalk’s edge, then extend along the northern edge of the property to the northwest corner of the property connecting to an existing neighboring fence. The fence continues on the southern boundary of the property, and finally connecting to the southern corner of the home.

The Applicants are proposing to install a 5-foot-tall metal ornamental fence to improve the safety of their children and pets. Precedence has already been set in the neighborhood, with a 5-foot-tall within the side/corner yard fence at the property directly across the street at 832 Foxmoor Lane.

The owners will obtain the clearance from all utility companies to install the fence in their corner yard prior to construction. There are no Village utility easement requirements or grade concerns that would prevent a fence from being constructed in the corner/rear portion of this lot.

The owners have obtained the consent of the owners of the three surrounding neighbors for the construction of the higher fence.

Pursuant to public notice published on April 29, 2023, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for May 17, 2023, to consider the Application. On April 27, 2023, the Village posted a public hearing sign on the Subject Property (Exhibit B).

**Staff Report**  
**APPLICATION PZC 2023-10**

**Community Development Department**  
**PZC Hearing Date: May 17, 2023**

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 Hunter's Creek Subdivision on Lot 76, which was recorded on April 21, 1989 in Lake County and is zoned within the R-5 Single Family Residential District. The existing home was built in 1991. Using documents from the Lake County's collection of aerial photographs, Staff was able to conclude that the home has not had an 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 property to the immediate north is zoned within the OS Open Space District and contains the Chestnut Corner/Hunters Creek Park, consisting of baseball fields and various other playground equipment. The remaining surrounding properties to the east, south and west are zoned within the R-5 Single Family Residential District and are improved with residences within Hunter's Creek Subdivision developed in the early 1990s.
- D. Trend of Development.** The residence at 833 Foxmoor Lane was constructed in 1991 in the final stage of development of the Hunter's Creek Subdivision. It is a two-story home and is similar to other homes in the subdivision that were constructed in the late 1980s and early 1990s.
- 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.

**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.**

**Staff Report**  
**APPLICATION PZC 2023-10**

**Community Development Department**  
**PZC Hearing Date: May 17, 2023**

- 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. Applicant has shown proof that there is a practical difficulty in constructing the fence in compliance with the provisions of the current provisions of the zoning code. The proposed fence is restricted in location due to the corner yard dimensions and setbacks. The variation being sought will provide utility to the yard and satisfy each of the standards set forth in this section.**

- 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. Lot 76 of the Hunter's Creek Subdivision is on a corner side yard and has a relatively smaller rear yard based on its shape and configuration within the subdivision. This configuration is not conducive to accommodating a backyard fence due to the building setback lines and greatly restricts utility of the rear yard. The Applicant is therefore requesting a variation to construct a higher fence within the corner yard setback and give the rear yard the necessary depth to make it a usable space.**

- 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 Report**  
**APPLICATION PZC 2023-10**

**Community Development Department**  
**PZC Hearing Date: May 17, 2023**

**Staff Response: Standard met. The owners are requesting a five-foot (5') fence to surround the rear yard of their property. Denying the fence to be built would deny the property owners to opportunity to safely enjoy an outdoor area (rear yard) offered to other residents.**

- 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 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 fenced in outdoor space that is traditional and customary to the enjoyment and use of a residential property.**

**The home immediately across the street, 832 Foxmoor Lane has a five-foot (5') fence in the required corner yard along Pheasant Ridge Drive. This fence is a pre-existing non-conforming with respect to the height, constructed in the early 1990s, prior to the establishment of the current fence height requirements.**

- 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, the fence and other accessory structures will continue to remain in harmony with the residential 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 if the Applicant is granted the requested variation.**

**Staff Report**  
**APPLICATION PZC 2023-10**

**Community Development Department**  
**PZC Hearing Date: May 17, 2023**

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 a fence within the corner side yard leaving a six-foot (6') corner side yard setback. The fence is proposed to be built to modern standards of the building and zoning code, and will not impede the drainage flow on the property.**

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

**Staff Response: Not Applicable. Granting of the variation would not affect any congestion due to traffic or parking as the land use or density of the property is not being altered.**

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

**Staff Response: Standard met. The proposed fence is not a solid fence and will therefore not increase any risk of flood or fire.**

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

**Staff Response: Standard met. No utilities are proposed to be connected to the proposed fence. Granting of the variation would therefore not cause the property to unduly tax public utilities or facilities in the area since its function would not change. The Applicants are aware of the condition that a portion of the fence may need to be removed to service any necessary utilities at the cost of the Applicant.**

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 fence proposes to reduce the corner yard setback to four-feet (6') towards Pheasant Ridge Drive and the adjacent neighbor to the west at 740 Pheasant Ridge Court.**

- 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 fence is only being constructed in the proposed location to give the rear yard the desired utility. Due to the extraordinary**



**Staff Report**  
**APPLICATION PZC 2023-10**

**Community Development Department**  
**PZC Hearing Date: May 17, 2023**

configuration of the lot, any other location would either not offer sufficient room to give the rear yard any utility, or place it in a corner yard where such features require a variation.

However, the height of the fence is not at the minimum adjustment that the property owner could apply to give the fenced-in portion of the yard a reasonable level of functionality – namely,

- that a lower fence (3-foot) can be constructed at the same location and still be functional.
- A 5-foot fence can be constructed at the 25-foot setback line where it is allowed.

However, the proposed fence is being proposed at five-foot (5') due to the Applicant's desire for safety for their dog and children. A six-foot (6') privacy screening fence is the maximum height allowed in a residential zoning district and is therefore not creating a precedence for additional non-conformity on the property.

Further, the following measures or existing features serve as mitigation of the variation being requested:

1. The fence is proposed as an open aluminum ornamental fence with a high level of transparency. The design will mitigate the barrier effect of the fence along the street.
2. The fence is only proposed with the rear portion of the corner side yard – approximately half of the street frontage along Pheasant Ridge Drive.
3. The owners of the adjacent properties have not objected to the construction of the fence as proposed and have all submitted letters of support.

Staff also finds that there is precedence for fences of a similar height immediately across the street (Foxmoor Lane).

Staff therefore recommends approval of the variation, despite the partial compliance with this standard.

**Staff Report**  
**APPLICATION PZC 2023-10**

**Community Development Department**  
**PZC Hearing Date: May 17, 2023**

**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.

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.

Further, based on the existing conditions and mitigation proposed by the owner as further described in the staff response to Standard H, Staff of the Community Development Department recommends the approval of PZC 2023-10, subject to the following conditions:

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 the Applicants Jay and Divya Gandhi, homeowners of 833 Foxmoor Lane; and Cover Letter both dated April 4, 2023.
  - b. Exhibit A: Legal Description of the Subject Property.
  - c. Plat of Survey provided by Jay and Divya Gandhi, dated April 4, 2023.
  - d. Comparable examples prepared by Jay and Divya Gandhi, dated April 4, 2023.
  - e. Letters of Support from neighbors prepared by Jay and Divya Gandhi, dated April 4, 2023.
  - f. Fence proposal prepared by Jay and Divya Gandhi, dated April 4, 2023.
2. As further mitigation for construction of the fence, the applicant shall agree not to further reduce the setback of the fence in the corner yard or increase its height beyond what is being proposed.
3. 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 2023-10**

**Community Development Department**  
**PZC Hearing Date: May 17, 2023**

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

**833 FOXMOOR LANE**  
**MAY 17, 2023**

The Planning & Zoning Commission recommends approval of Application **PZC 2023-10**, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated **May 17, 2023** for this Application and 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 the Applicants Jay and Divya Gandhi, homeowners of 833 Foxmoor Lane; and Cover Letter both dated April 4, 2023.
    - b. Exhibit A: Legal Description of the Subject Property.
    - c. Plat of Survey provided by Jay and Divya Gandhi, dated April 4, 2023.
    - d. Comparable examples prepared by Jay and Divya Gandhi, dated April 4, 2023.
    - e. Letters of Support from neighbors prepared by Jay and Divya Gandhi, dated April 4, 2023.
    - f. Fence proposal prepared by Jay and Divya Gandhi, dated April 4, 2023.
  2. As further mitigation for construction of the fence, the applicant shall agree not to further reduce the setback of the fence in the corner yard or increase its height beyond what is being proposed.
  3. 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 2023-10**

**Community Development Department**  
**PZC Hearing Date: May 17, 2023**

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

LOT 76 IN AMENDED AND RESTATED HUNTERS CREEK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 21 AND PART OF THE SOUTHWEST 1/4 OF SECTION 22, ALL IN TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 21, 1989 AS DOCUMENT 2785577, AND PLAT AMENDED AND RESTATED RECORDED MAY 25, 1990 AS DOCUMENT 2908559. IN LAKE COUNTY, ILLINOIS.

Parcels Involved: 14-21-418-023

**Staff Report**  
**APPLICATION PZC 2023-10**

**Community Development Department**  
**PZC Hearing Date: May 17, 2023**

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





(Please Type or Print)

**ZONING APPLICATION**

Community Development Department

505 Telser Rd.

Lake Zurich, IL 60047

Phone: (847) 540-1696

Fax: (847) 540-1769

1. Address of Subject Property: 833 FOXMOOR LN, LAKE ZURICH, IL 60047.
2. Please attach complete legal description
3. Property Identification number(s): 1421418023
4. Owner of record is: Jay Gandhi and Divya Gandhi Phone: 224-727-8002  
E-Mail jay.gandhi1788@gmail.com Address: 833 Foxmoor Ln, Lake Zurich, IL 60047
5. Applicant is (if different from owner): Same as above Phone: \_\_\_\_\_  
E-Mail \_\_\_\_\_ Address: \_\_\_\_\_
6. Applicant's interest in the property (owner, agent, realtor, etc.): Owner
7. All existing uses and improvements on the property are: Residential
8. The proposed uses on the property are: Install of a 5ft ornamental fence for safety of kids and pets, and boundary protection.
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:  
Setbacks limiting the fence layout
10. Describe any contract or agreement of any nature relevant to the sale or disposal of the Subject Property:  
None.
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.

JAY GANDHI  
(Name of applicant)

Gandhi  
(Signature of applicant)

Subscribed and sworn to before me this 4th day of April, 2023.

Nadine J. Gerling  
(Notary Public)

My Commission Expires



(Name of Owner, if different)

(Signature of Owner, if different)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

(Notary Public)

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



Please indicate what 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 a 5ft ornamental fence for safety of kids, pets and boundary protection.

(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.)

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☐ 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.)

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☐ 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.)

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#### 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

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#### COMPREHENSIVE PLAN APPLICATION

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

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



To:  
Orlando Stratman  
Chairperson of the Planning & Zoning Commission  
Lake Zurich, IL.

Regarding:  
Fence Setback Variance  
833 Foxmoor Ln  
Lake Zurich, IL 60047.

I am seeking a fence variation for my single-family home located at 833 Foxmoor Ln, Lake Zurich, IL. My requested variance would involve our neighbors located at 827 Foxmoor Ln, 740 Pheasant Ridge Ct and 750 Pheasant Ridge Ct. The current zoning rules require the setback from the street at 25ft - I respectfully request to install a fence measuring a height of 5ft, approximately 6ft from the sidewalk and 20 ft set back from the street.

My wife and I have been residing at our home for close to 5 years and strive to make our home more aesthetically pleasing as well as safer for our family, pet and neighbors.

As an aesthetic and safety concern, we would like to install a fence on our property. As we live on a corner lot of a busy street in the neighborhood, across from a park with a baseball and softball field, a fence is critical for the safety of our community and our family. A fence will ensure all members of the community including dog walkers and children remain safe. Oftentimes, there are individuals hanging around across the street at odd hours, drivers driving beyond speed limit, and vehicles spinning recklessly in the parking lot. The proposed fence will allow our dog and toddler to enjoy exploring the yard safely.

Our neighbor across the street at 832 Foxmoor Ln has had a 5ft wood fence for many years without any issues. The proposed fence type (ornamental aluminum, pictures attached) allows full visibility of the yard, sidewalk and street and as opposed to other fence materials that may block the view.

We have already spoken to our neighbors about this topic. Our neighbors have assured us that they do not have any concerns about our proposed fence. I am providing the neighbors' consent letters separately.

Thank you for your time concerning this variance.

Respectfully,  
Divya and Jay Gandhi.  
(Jay: 224-727-8002)

Aluminum Ornamental Flat Top Fence



Aluminum Ornamental Arched Gate







**Front corner of house with side yard facing Pheasant Ridge Dr**



**Side yard of house facing Pheasant Ridge Dr**





**Baseball field and park across the street from house**



**Intersection of Foxmoor Ln and Pheasant Ridge Dr – displays park across the street and 5ft wood fence at 832 Foxmoor Ln**

**LETTER OF CONSENT FROM ADJOINING NEIGHBORS**

I, TED ADAMCZYK, am the legal owner  
 of property located at 837 FOXMOOR LANE LAKE ZURICH, IL 60047  
 which is an adjoining property to the petitioner's address (833 Foxmoor Ln, Lake Zurich, IL 60047).  
 I am aware that a variation to install a 5ft ornamental fence is being applied for at the subject  
 property and I have reviewed the plans as presented to me by the property owners for the  
 proposed project plan (fence installation).

I have NO OBJECTION to granting my consent for their request for a 5ft fence installation.

TED ADAMCZYK 837 FOXMOOR LN  
LAKE ZURICH, IL  
 Neighbor name and address 60047

 4-18-2023  
 Neighbor signature and date

**LETTER OF CONSENT FROM ADJOINING NEIGHBORS**

I, Emily Vizcarra, am the legal owner of property located at 740 Pleasant Ridge Ct which is an adjoining property to the petitioner's address (833 Foxmoor Ln, Lake Zurich, IL 60047). I am aware that a variation to install a 5ft ornamental fence is being applied for at the subject property and I have reviewed the plans as presented to me by the property owners for the proposed project plan (fence installation).

I have NO OBJECTION to granting my consent for their request for a 5ft fence installation.

Emily Vizcarra 740 Pleasant Ridge Ct. E. Vizcarra 4/10/2023  
 Neighbor name and address Neighbor signature and date

**LETTER OF CONSENT FROM ADJOINING NEIGHBORS**

I, ELIZABETH KAPRAUN, am the legal owner  
 of property located at 750 Pheasant Ridge Court  
 which is an adjoining property to the petitioner's address (833 Foxmoor Ln, Lake Zurich, IL 60047).  
 I am aware that a variation to install a 5ft ornamental fence is being applied for at the subject  
 property and I have reviewed the plans as presented to me by the property owners for the  
 proposed project plan (fence installation).

I have NO OBJECTION to granting my consent for their request for a 5ft fence installation.

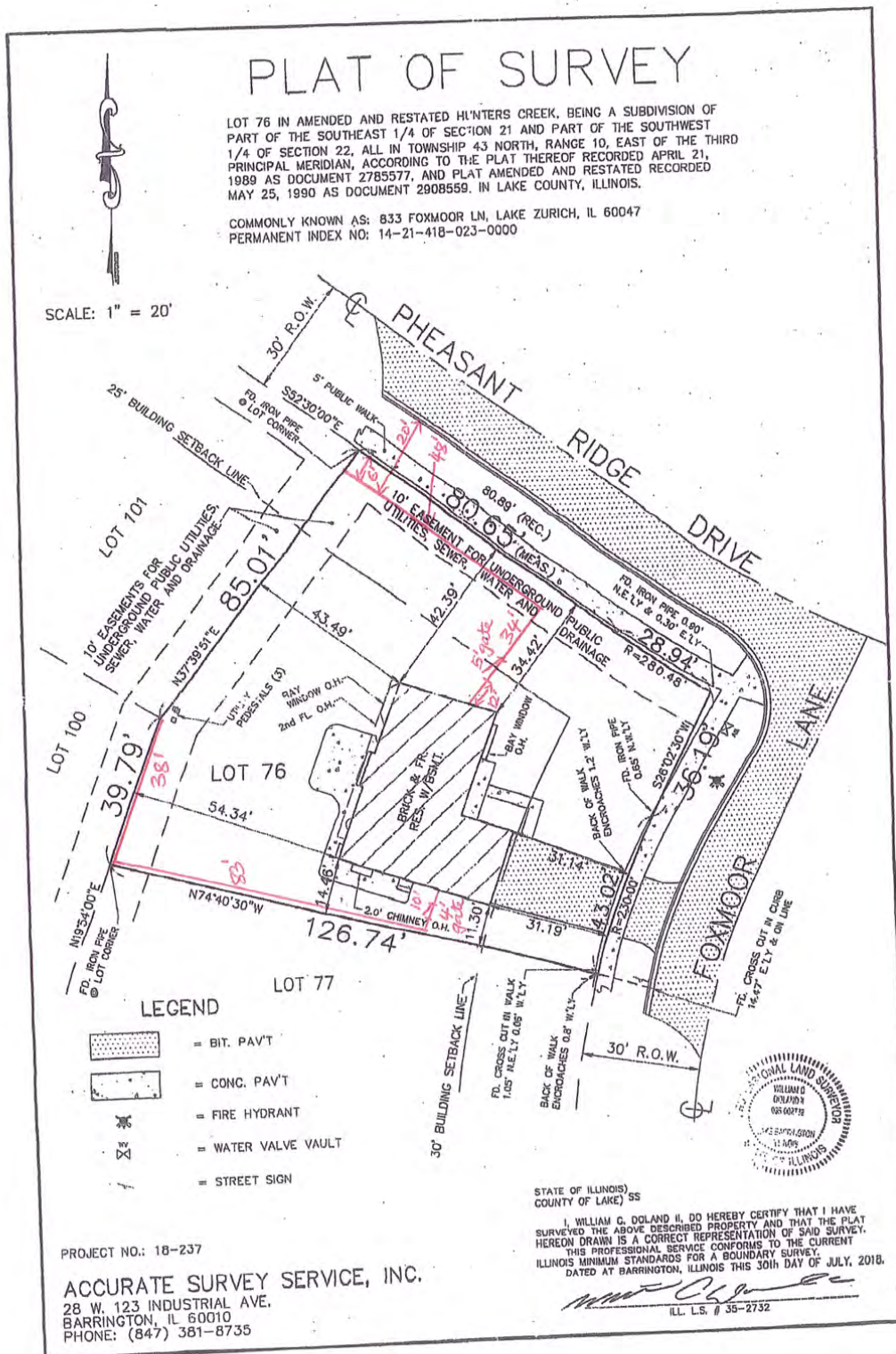
ELIZABETH KAPRAUN  
750 Pheasant Ridge Ct, LZ

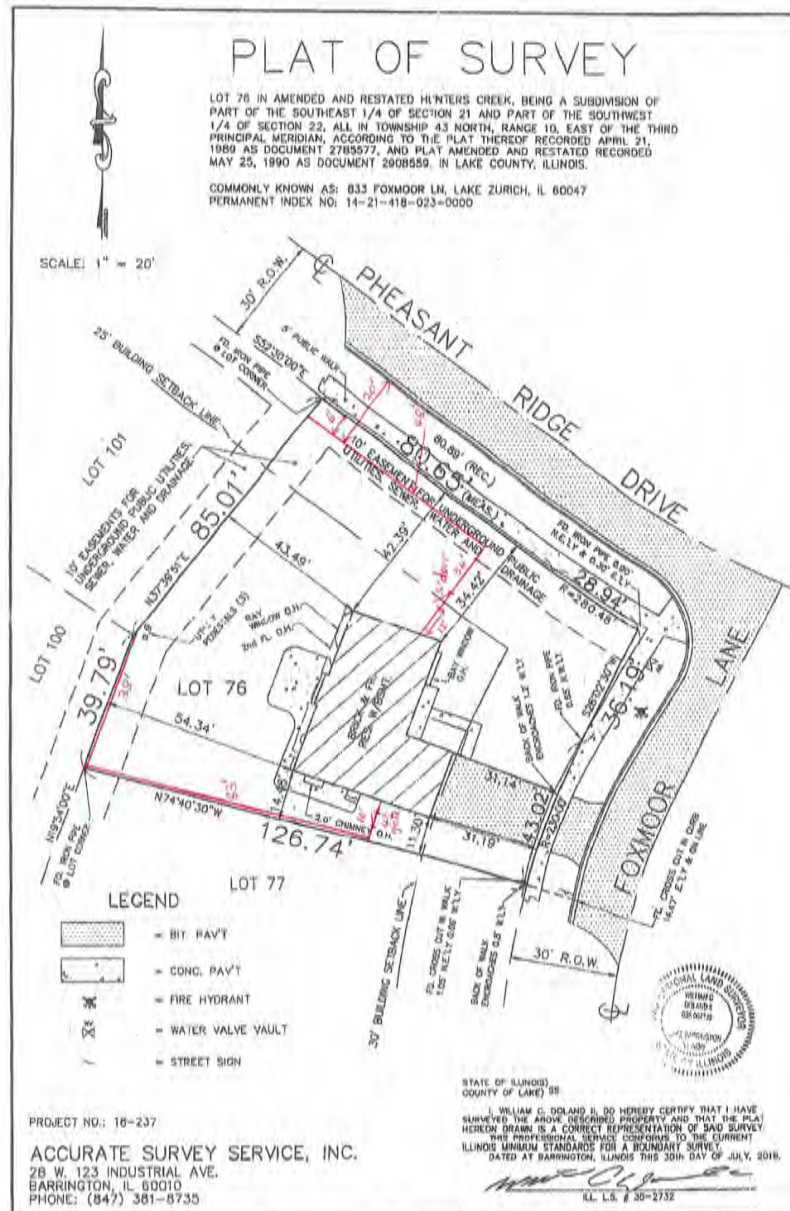
**Neighbor name and address**

Elyse K 4-26-23

**Neighbor signature and date**







LOT 76 IN AMENDED AND RESTATED HUNTERS CREEK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 21 AND PART OF THE SOUTHWEST 1/4 OF SECTION 22, ALL IN TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 21, 1989 AS DOCUMENT 2785577, AND PLAT AMENDED AND RESTATED RECORDED MAY 25, 1990 AS DOCUMENT 2908559. IN LAKE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 833 FOXMOOR LN, LAKE ZURICH, IL 60047  
PERMANENT INDEX NO: 14-21-418-023-0000

American Land Title Association	ALTA Settlement Statement- Borrower/Buyer Adopted 05-01-2015
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<b>File No./Escrow No.:</b> 21142555 <b>Print Date &amp; Time:</b> 10/15/2111:06 AM <b>Officer/Escrow Officer:</b> Jenny Kenney <b>Settlement Location:</b> Old Republic Title 360 Memorial Drive, Suite 110 Crystal Lake, IL 60014	Old Republic National Title Insurance Company <b>ALTA Universal ID:</b> 360 Memorial Drive, Suite 110 Crystal Lake, IL 60014
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<b>Property Address:</b>	833 Foxmoor Ln Lake Zurich, IL 60047
<b>Borrower:</b>	Divya Gandhi and Jay Gandhi 833 Foxmoor Ln Lake Zurich, IL 60047
<b>Seller:</b>	
<b>Lender:</b>	Wintrust Mortgage, a division of Barrington Bank and Trust Co., NA ISAOA/ATIMA, 9701 W Higgins Road Suite 400, Rosemont, IL, 60018
<b>Loan Number:</b>	2100253802
<b>Settlement Date:</b>	10/15/2021
<b>Disbursement Date:</b>	10/20/2021
<b>Additional dates per state requirements:</b>	

**Acknowledgement**


We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Old Republic National Title Insurance Company to cause the funds to be disbursed in accordance with this statement.



Divya Gandhi

10/15/21

Date



Jay Gandhi

10/15/2021

Date

Jenny L Kenney

Jenny Kenney

10/15/2021

Date





**Community Development Department**

505 Telser Road  
 Lake Zurich, IL 60047  
 P: (847) 540-1696 F: (847) 726-2182  
 www.LakeZurich.org  
 Permits@LakeZurich.org

**Permit Application**Date of Application 04/18/2023**Project Information**Property Address: 833 FOXMOOR LN, LAKE ZURICH, IL 60047Type of Project: Ornamental Aluminum Fence Install

Business Name: \_\_\_\_\_

(For commercial/industrial applications only)

Owner's Name/Address: DIVYA GANDHI & JAY GANDHI  
(If different from above) \_\_\_\_\_Owner's Phone: 224-727-8002Value of proposed construction/improvements: \$ 9100.00Owner's Email: jay.gandhi1788@gmail.com**Description of Work**

Installing 213ft of 5ft tall black 3-rail flat top ornamental aluminum fence, using 5/8" pickets, 1" rails and 2" posts with caps.

One 60" gate and one 48" gate, fully welded. All posts set in 36" deep holes with set concrete.

See attached contractor's proposal for more details.

**Contractor Information**

Contractors are required to be registered with the Village of Lake Zurich. Please refer to the Contractor Registration Application.

General Contractor: Paramount Fence Inc.Phone: 630-406-8410Address: 557A S. River St, Batavia, IL 60510E-mail: laura@paramountfence.com

Other Contractor: \_\_\_\_\_ Type: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Other Contractor: \_\_\_\_\_ Type: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the code official's authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit.

Printed Applicant Name: Jay GandhiPhone: 224-727-8002Applicant Signature: *Jay Gandhi*Owner or Contractor Owner  
(Please Select One)Property Owner Signature: *Jay Gandhi*

Application must be signed by the property owner. A signed letter of authorization/contract from the property owner must be submitted with the application in lieu of signature on application.

Director of Building and Zoning Signature: \_\_\_\_\_ Date: \_\_\_\_\_





*At the Heart of Community*

## Locations

\*The proper location of the fence is the responsibility of the homeowner and contractor. All fences shall be wholly within lot lines. End posts are required within your lot line.

\*Attachment to an adjoining fence requires written permission from the owner of the fence.

\*Fence heights shall not exceed 5 feet in any zoning lot, except that fence height shall not exceed 3 ft in any front or corner side yard.

\*Privacy screening may not be erected in any required yard setback, nor exceed 6 ft in height, and 50 linear ft in total length. See Zoning Code for special requirements for certain properties adjacent to main roads.

\*Rear yard fences that abut certain rights-of-way can be 6 ft high and shall be of natural color wood; stockade fences are not permitted. Certain subdivisions are restricted to specific fence types and heights.

## Costs

### Residential

\$22.00 Plan Review Fee

\$45.00 Permit Fee

### Commercial

\$55.00 Plan Review Fee

\$115.00 Permit Fee



# Fences

Residential & Commercial Fences  
Dog Runs

## Materials

**\*\*NO barbed wire, razor wire, or similar material is allowed. Electrically charged fences are prohibited.\*\***

## Rules & Restrictions

\*The finished side of all fences shall face away from the owner's property.

\*All support posts must be set in concrete or compacted gravel to a minimum depth of 30 inches.

\*Chain link and wire fabric fences shall be a minimum of 11 gauge in residential districts and not permitted in corner or side yard and 9 gauge in all other zoning districts. No wire fence may be erected in any required front yard.

\*Every fence shall be constructed to resist a horizontal wind pressure of not less than 35 pounds per square foot, in addition to other normal forces.

\*No advertising signs are allowed on fences.

\*Dog runs shall be located behind the rear building line and maintain a minimum 10 ft side yard and 10 ft rear yard setback.

\*Contact utility company prior to boxing out fence around utility. Owner is responsible for maintaining their property even if utility area is boxed out.

\*Call J.U.L.I.E. (800-892-0123) before digging.

## Note:

\*If an inspector needs to return more than once for the same phase of any required inspection, a \$85.00 residential re-inspection fee, or a \$170.00 commercial re-inspection fee, will be required to be paid before the re-inspection takes place.

## What to Submit

\*Completed application.

\*2 copies of a Certified Plat of Survey with lines drawn or highlighted to show the precise location of where you are proposing to erect the fence.

\*A signed contract or scope of work that includes the description of the proposed fence, including material, style, and height.

## Inspections

\*Inspections are scheduled for A.M. or P.M. Monday through Friday with 48 hours advance notice at 847-540-1696. Call before 1:00 P.M. two business days before you want your inspection. Same day re-inspections are not available.

\*Pre-pour inspection-after postholes are dug and prior to setting posts. **A string line must be installed along the property line to show the proposed fence line and must be maintained until inspections are completed.**

\*Final inspection. In some cases an engineering final may be required.

I have read and reviewed these requirements.

Signature of Applicant

Date

Address

*[Signature]* 04/18/2023 833 Foxmoor Ln, Lake Zurich.