



**AGENDA FOR PUBLIC HEARING FOR ZONING VARIANCE REQUEST  
AND  
PLANNING AND ZONING COMMISSION MEETING  
Village Municipal Center, 14N042 Reinking Rd, Pingree Grove, IL 60140**

**Monday, June 17, 2019  
6:00 p.m.**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PUBLIC HEARING:** Conduct of a Public Hearing to Consider a Request For a Zoning Variance at 1795 Prospect Circle, Pingree Grove, IL
  - A. Open Public Hearing
  - B. Public Comment
  - C. Close Public Hearing
- 5. APPROVAL OF MINUTES**
  - A. Approval of Minutes from September 17, 2018
- 6. ITEMS FOR SEPARATE ACTION**
  - A. Discussion/Approval of Recommendation Regarding a Pool Variance Request for 1795 Prospect Circle, Pingree Grove, IL
- 7. OLD BUSINESS**
- 8. NEW BUSINESS**
- 9. ADJOURNMENT**



**MINUTES FOR PUBLIC HEARING FOR ZONING OF PROPERTY  
AND  
ZONING TEXT AMENDMENT  
AND  
PLANNING AND ZONING COMMISSION MEETING  
Village Hall, 14N042 Reinking Rd, Pingree Grove, IL 60140**

**Monday, September 17, 2018  
6:00 p.m.**

**1. CALL TO ORDER**

Chairman Smith called the meeting to order at 6:00 pm

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited by all.

**3. ROLL CALL**

The Roll was called. Answering present were Chairman Smith and Planning Commissioners: Eckert, Lemus, Sutton, Grant, and Book. Commissioner Nowosielski was absent. Also present were: Village Planner Chris Heinen, Village Attorney Dean Frieders, and Village Clerk Dawn Grivetti. Property owner, Jack Saleh, and planner, Chris Lannert were also present to answer any questions.

**4. PUBLIC HEARING:** Conduct of a Public Hearing to Consider a Request For Zoning Of Property Located Along the Eastern Side of US Rt 47 North of US Rt 72 and South of Reinking Rd

A. Chairman Smith opened the public hearing at 6:02pm

**B. Public Comment:**

Chris Lannert, Planning Consultant for Pioneer Landing development, described the proposed development, and indicated they are interested in developing the commercial area first with residential to follow. A mixed residential/commercial use is allowed in the section designated for commercial use. Site development is contemplated to start in 2020.

Lloyd Goebbert, 42W813 Reinking Rd, spoke in favor of the development; however he has concerns about his farm's drainage that currently passes

through the proposed development. He requested the Planning and Zoning Commission consider current and future storm drainage in their recommendations for developments along Rt 47.

- C. There being no further comments, the Public Hearing was closed at 6:11pm.
- 5. **PUBLIC HEARING:** Conduct of a Public Hearing to Consider the Proposed Text Amendment to the Village Zoning Ordinance as it Relates to Home Occupations
  - A. Chairman Smith opened the public hearing at 6:12pm.
  - B. Public Comments:

Attorney Frieders stated a review of DR Horton Cambridge's declarations of covenants, conditions, and restrictions (CCR's) led the Village to look at our own Zoning Ordinance in regards to home occupations. This ordinance represents a comprehensive update to the Zoning Code in regards to home occupations. The Commission discussed proposed changes as presented.
  - C. There being no further comments, the public hearing was closed at 6:17pm.

6. **APPROVAL OF MINUTES**

Commissioner Book made a motion, seconded by Commissioner Lemus to approve the Planning and Zoning Commission meeting minutes from July 16, 2018. A Voice vote determined all responded aye, and the motion carried.

7. **ITEMS FOR SEPARATE ACTION**

- A. Discussion/Approval of Recommendation Regarding Annexing Certain Property, Approving of an Annexation Agreement for Pioneer Landing, Approving PD-R/C Zoning for Pioneer Landing, Approving a Preliminary Plat for Pioneer Landing and Approving Related Concept Plans for Pioneer Landing.

Attorney Frieders summarized the application for annexation and zoning. The proposed development meets the requirements of the Village's Comprehensive Plan and Rt 47 Corridor Plan. He addressed Rt 47 access to the development in relation to other proposed developments within the corridor. A review of the annexation agreement led to a discussion of IDOT standards regarding signalized intersections in regards to the proposed Rt 47 and Daniel Blvd intersection; and the proposed number of monument signs.

Commissioner Sutton made a motion, seconded by Commissioner Eckert to recommend approval of the planned development residential/commercial zoning, preliminary plat and related concept plans for Pioneer Landing, subject to revision necessary to comply with staff comments. A Roll Call vote determined Chairman Smith and Commissioners: Sutton, Eckert, Lemus, Grant and Book answered aye. Commissioner Nowosielski was absent. Roll Call vote passed 6-0.

B. Discussion/Approval of Recommendation Regarding Amendment to Village Code Section 11-6-2, Home Occupations.

The Commission discussed the existence of home occupations and compliance with current zoning and HOA covenants. The Heritage District is not subject to changes to Village zoning as uses currently in place are exempt from any restrictions presented. The Commission further discussed conflicts between Village Code and Cambridge HOA covenants and restrictions.

Commissioner Book made a motion, seconded by Commissioner Grant to recommend approval of the amendment to Village Code Section 11-6-2. A Roll Call vote determined Chairman Smith and Commissioners: Book, Grant, Eckert, Lemus, and Sutton answered aye. Commissioner Nowosielski was absent. Roll Call vote passed 6-0.

8. **OLD BUSINESS**

9. **NEW BUSINESS**

Commissioner Grant would like Village Staff to review setbacks for corner yard fences to increase setbacks away from sidewalks. The Commission requested Village Planner Heinen to review current setbacks and report back to the Commission.

10. **ADJOURNMENT**

A motion was made by Commissioner Book, seconded by Commissioner Eckert to adjourn the meeting. A voice vote determined all responded aye, and the motion carried. The meeting was adjourned at 6:42 pm.



**Planning and Zoning Commission Supplement  
Agenda Item No: 6.A.**

**Village Board Agenda Supplement  
Agenda Item No: 7.a.**

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<b><u>Meeting Date:</u></b>	<b>June 17, 2019</b>
<b><u>Item:</u></b>	<b>Pool Variance Request for 1795 Prospect Circle.</b>
<b><u>PZC Motion:</u></b>	<b>I move to adopt the findings of fact and recommend approval of a variation request for 1795 Prospect Circle.</b>
<b><u>Board Motion:</u></b>	<b>I move to adopt ordinance approving of a variation request for 1795 Prospect Circle.</b>
<b><u>Staff Contact:</u></b>	<b>Dean Frieders, Village Manager</b>

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**Background:**

The Village has received an application for a variation request from Rafal Rapacz, owner of the single family residence located at 1795 Prospect Circle. Mr. Rapacz proposes to install a 24' diameter above-ground pool at his home, inside the fenced yard. As the property is on a corner-lot, there are some unique configuration issues associated with the pool.

Under Village Code Section 11-5-6(C)(1), above-ground pools are required to be located in the rear yard, in accordance with these standards:

*Aboveground swimming, soaking or wading pools, hot tubs and other similar structures, including any pool or tub support structure, fencing or screening, deck, pump or recreation equipment or other appurtenances thereto (hereafter "aboveground pool structure") shall only be allowed in rear yard areas behind the principal building and shall be generally centered between the lines formed by the extension of lines parallel with the side walls of the principal building into the rear yard area. No portion of any aboveground pool structure shall be located within twenty feet (20') of a rear lot line, nor within one foot (1') of any easement or right of way. No aboveground pool structure may cover more than one-third ( $\frac{1}{3}$ ) of the total area contained in the rear yard of the lot in which it is located.*

Because of the configuration of this corner lot, the applicant is seeking authorization to locate the pool closer to the southerly edge of the property, and outside of the area formed by the parallel extension of the building lines. The area in question is as depicted in the following aerial photograph from Kane County GIS:



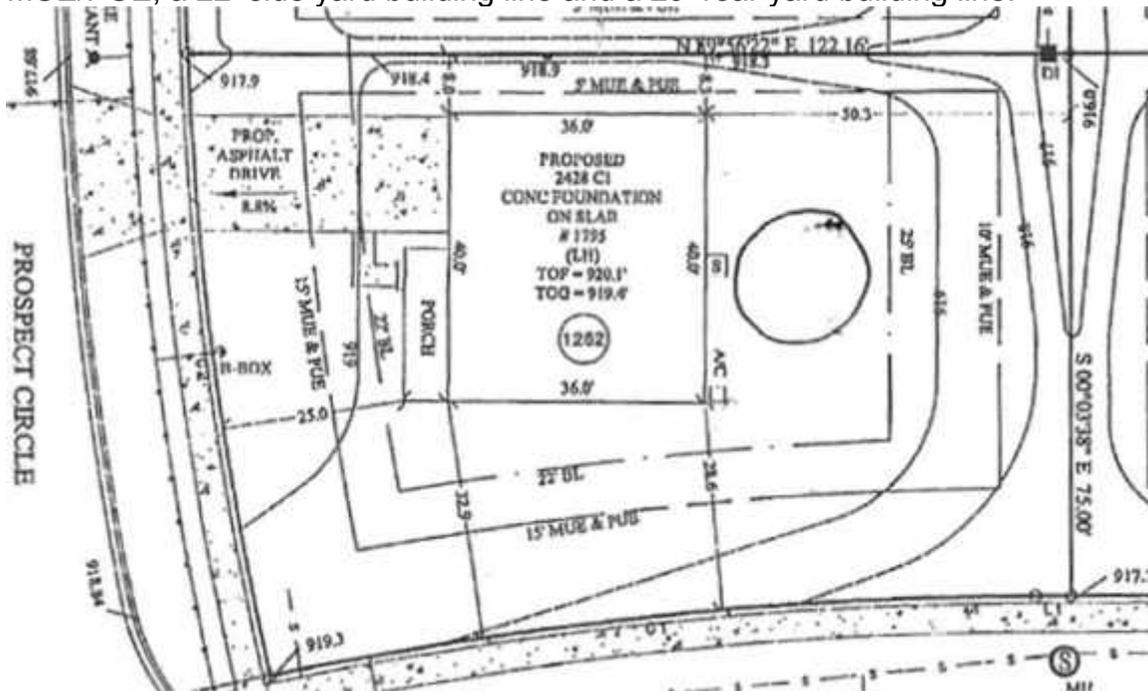
A closer view of the property and immediate neighbors is as follows:



And finally, a view of the specific property:



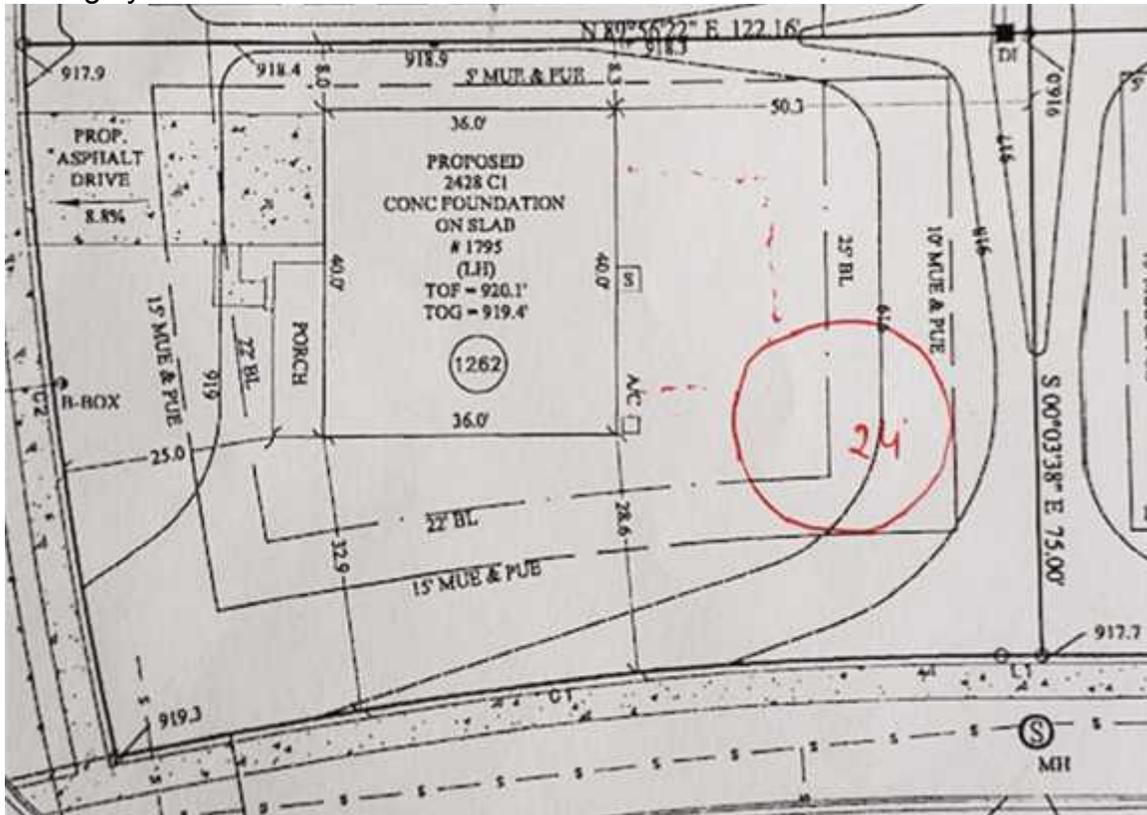
The applicant has reviewed a number of different proposed placements for the pool. As shown in this excerpt from the site survey, the property has a 10' rear yard municipal utility easement / public utility easement (MUE/PUE), a 15' side MUE/PUE, a 22' side yard building line and a 29' rear yard building line:



The applicant originally considered attempting to locate the pool within the area permitted by the Village Code, which is roughly the circle shown in the photo above. However, this places the pool immediately adjacent to the house, and precludes the applicant from having a rear patio or deck.

The applicant thus revised his proposed location, to locate the pool at the southeastern corner of the lot, immediately adjacent to the MUE/PUE. This places the pool outside of the building lines, but inside of the easements.

Because this locates the pool outside of the parallel extension of the building lines, which requires the consideration of a variation. The proposed pool location is roughly as follows:



The pool is proposed to be located within the MUE and PUE, in an area where it will not adversely impact future utility maintenance. A number of alternate proposals were prepared by the applicant, but as the other layouts conflicted with the MUE and PUE, they were not recommended. The applicant thus agreed to revise the plans to show the pool in the location reflected above.

The staff recommendation with regard to the variation request is to permit the pool to be located one foot off of the MUE and PUE. That would mean locating the pool 16' from the southern property line and 11' off of the eastern property line. The variation request, if granted, would permit this location despite the pool not being within the area behind the principal building.

Section 11-5-6 also limits the overall height of above-ground pools to no more than 48" above finished grade; the applicant proposes a pool that is 54" in height. While the pool base may be below grade, there is the potential that the pool shall extend to above 48" in height. Accordingly, it is recommended to authorize a variation to permit height of up to 54" above finished grade.

The applicant has provided written notice of the hearing on the variation to all property owners within 250', and has also published a notice in the newspaper, advertising the conduct of the hearing.

In considering the variation request, the Planning and Zoning Commission is asked to consider the following factors from the Village Code, Section 11-3-5.

The factors are underlined, and the staff analysis and recommended findings of fact are in *italics*.

The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is used.

*While the property at issue can likely yield a reasonable return without an above-ground pool, installation of the pool would enhance the property's value and return on investment.*

The plight of the owner is due to unique circumstances.

*This lot is uniquely configured as a corner lot and does have a significant component of the "rear yard" located in the side yard as a result. This is a unique condition that does not exist in all residential yards in the Village.*

The variation, if granted, will not alter the essential character of the locality.

*It is not believed that this variation will fundamentally alter the character of the residential neighborhood. The property does have fencing that provides significant screening and mitigates any impact of this variation on the surrounding properties.*

The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out.

*As noted above, the site is uniquely configured as a corner lot with multiple yards fronting on public streets, and with more area covered by MUE and PUE. The configuration does bring a unique hardship upon the property owner as compared to a non-corner residential lot.*

The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.

*While these conditions do appear on other corner lots, they are not generally applicable to all properties with the same mixed-use planned unit development zoning applicable in Cambridge Lakes.*

The purpose of the variation is not based exclusively upon a desire to make more money out of the property.

*The petitioner is seeking the variation in order to install the pool for recreational purposes and not purely out of a desire for an economic return.*

The alleged difficulty or hardship has not been created by any person presently having interest in the property.

*The property was platted by the subdivision developer as a corner lot, and that unique configuration was not created by the petitioner.*

The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

*The variation should not adversely impact any other properties or the general neighborhood.*

The variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the property.

*Located within the fenced rear/side yard, the pool should not have any impact on the surrounding properties lighting, air circulation or safety.*

**Financial Impact:**

This item does not have a financial impact on the Village.

**Recommendation:**

The staff recommendation for the Planning and Zoning Commission would be to adopt a set of findings of fact consistent with the recitations contained above, and to recommend approval of the variation request, subject to the following conditions:

- 1) The variation shall be granted subject to the pool being located not less than one foot from the nearest MUE/PUE at the subject property.
- 2) The fence enclosing the rear yard of the subject property shall be maintained in good condition and shall be functional screening and access control for the property at all times.
- 3) Compliance with all other applicable codes and ordinances shall be maintained, and the petitioner shall obtain all applicable permits and comply with any conditions thereof.
- 4) The proposed swimming pool shall be installed within one year of the date of approval of the variation.
- 5) If the swimming pool is removed from the property and is not reinstalled within thirty (30) days, the variation shall terminate without further notice or process.
- 6) These variances apply only to the requirements of the Village Zoning Code and Subdivision Code, and do not alter other applicable requirements, including but not limited to the Building Code, Electrical Code, Fire Code, Plumbing Code or other similar codes.
- 7) The variation shall permit the construction of the pool with no part of the pool being greater than 54 inches above finished grade (other than pool access ladders or related railing).

The recommendation for the Village Board is to approve of the variation, based upon the foregoing findings of fact and conditions.



Planning and Zoning Commission  
Findings of Fact and Recommendation  
Pool Variance Request / 1795 Prospect Circle

The Planning and Zoning Commission, having met pursuant to duly required publication and mailed notice, hereby adopts the following Findings of Fact and Recommendation with regard to the application for variation received with respect to the proposed installation of an above-ground swimming pool at 1795 Prospect Circle:

**Findings of Fact:**

The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is used.

*While the property at issue can likely yield a reasonable return without an above-ground pool, installation of the pool would enhance the property's value and return on investment.*

The plight of the owner is due to unique circumstances.

*This lot is uniquely configured as a corner lot and does have a significant component of the "rear yard" located in the side yard as a result. This is a unique condition that does not exist in all residential yards in the Village.*

The variation, if granted, will not alter the essential character of the locality.

*It is not believed that this variation will fundamentally alter the character of the residential neighborhood. The property does have fencing that provides significant screening and mitigates any impact of this variation on the surrounding properties.*

The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out.

*As noted above, the site is uniquely configured as a corner lot with multiple yards fronting on public streets, and with more area covered by MUE and PUE. The*

*configuration does bring a unique hardship upon the property owner as compared to a non-corner residential lot.*

The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.

*While these conditions do appear on other corner lots, they are not generally applicable to all properties with the same mixed-use planned unit development zoning applicable in Cambridge Lakes.*

The purpose of the variation is not based exclusively upon a desire to make more money out of the property.

*The petitioner is seeking the variation in order to install the pool for recreational purposes and not purely out of a desire for an economic return.*

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*The property was platted by the subdivision developer as a corner lot, and that unique configuration was not created by the petitioner.*

The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

*The variation should not adversely impact any other properties or the general neighborhood.*

The variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the property.

*Located within the fenced rear/side yard, the pool should not have any impact on the surrounding properties lighting, air circulation or safety.*

**Recommendation:**

The Commission recommends approval of the variation request, subject to the following conditions:

- 1) The variation shall be granted subject to the pool being located not less than one foot from the nearest MUE/PUE at the subject property.
- 2) The fence enclosing the rear yard of the subject property shall be maintained in good condition and shall be functional screening and access control for the property at all times.

- 3) Compliance with all other applicable codes and ordinances shall be maintained, and the petitioner shall obtain all applicable permits and comply with any conditions thereof.
- 4) The proposed swimming pool shall be installed within one year of the date of approval of the variation.
- 5) If the swimming pool is removed from the property and is not reinstalled within thirty (30) days, the variation shall terminate without further notice or process.
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- 7) The variation shall permit the construction of the pool with no part of the pool being greater than 54 inches above finished grade (other than pool access ladders or related railing).

Adopted as of the \_\_\_\_ day of \_\_\_\_\_, 2019.

Village of Pingree Grove  
Planning and Zoning Commission

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Robert Smith, Chairman