

September 25, 2015

To: President and Board of Trustees
Village of Barrington Hills

RE: Application for Special Use Permit
To Allow Construction of An Artificial
Lake – 385 Spring Road

This is to advise you that at a public hearing of the Zoning Board of Appeals (ZBA) held at 7:30 P.M. on Monday, September 21, 2015, in the MacArthur Room of the Village Hall, where a quorum was present, the ZBA considered the application of Gary and Kristen DiCicco (“Applicants”) for the grant of a special use permit to allow the completion and maintenance of an artificial lake on their property at 385 Spring Creek Road (“Property”), identified as PIN19-36-201-001.

Notice of the hearing was published in a timely manner in the Daily Herald as well as posted in the Village Hall. Proof of individual notice, by registered mail, return receipt requested, was submitted for all property owners within 250 feet as recorded in the office of the tax assessor of Barrington Township, and the notice of the hearing was properly posted on the Property.

The Applicants were represented at the public hearing by owner/applicant Gary DiCicco, who testified in support the Application for special use permit, which information was also provided as part of the Application, which is on file with the Village. There were no residents present at the public hearing on this issue.

FACTS

Mr. DiCicco testified that the property has a total site area of 5.56 acres, and the existing artificial lake is 1.35 acres. Applicants acquired the property at foreclosure, and were informed thereafter that the artificial lake on the Property had not been completed in accordance with prior approvals. The Application is to allow the Applicants the required special use permit to modify and complete grading of the 0.14 area of the pond as required by submitted plans and as part of this to allow the removal of two existing 6 inch pipes, which will no longer be required.

Also testifying in support of the Applicant was Dana DuBos of Land Technology, Inc., who presented information relative to the work to be undertaken, and responded to questions regarding the water flow from the pond and whether such flow would affect neighboring properties. Village Engineer Dan Strahan also testified relative to the modification of the pond, and the need for an easement approved by the neighboring property owner to allow the Applicants temporary use of his property for regrading purposes such that the pond is contained entirely within the Property.

Also testifying in support of the Application was Dan Krill of DK Environmental Services, the wetland specialist. Mr. Krill testified that control of the northerly flow will not be changed, although the channel going out from the pond will have more capacity. With the modification, control of release rate is staying the same.

Questions from the ZBA centered on the direction and nature of the water flow from the modified pond to ensure that the water flowing from the pond would not impact on any other adjacent property. The response was that this would not happen.

FINDINGS

The ZBA, after having examined the facts as presented, and taking in consideration the testimony set forth during the public hearing, voted 6 – 0, with one member absent, to recommend approval of the Application for Special Use Permit, finding that the facts set forth in the application for the amendment, and as testified to at public hearing, are sufficient for the amendment to the Special Use, those facts being:

Standards for Special Use Permit:

1. That the establishment , maintenance, or operation of the special use will not detrimental to endanger the public health, safety, morals, comfort or general welfare.
2. That the special use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish property or impair property values within the neighborhood.
3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and/or other facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and roads.
6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the board of trustees pursuant to the recommendations of the zoning board of appeals.

RECOMMENDATION

THE ZBA recommends that the Village Board approve the request for special use permit to allow an artificial pond in the R-1 Zoning District as applied for, on the following condition:

1. The Applicants secure a Temporary Construction Easement which would substantially comply with the requirements of the Village engineer, to allow use of neighboring property for construction related activities relative to grading of the pond.

Respectfully submitted,

Zoning Board of Appeals
Village of Barrington Hills

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
ALLOWING FOR THE CONSTRUCTION, USE AND MAINTENANCE
OF AN ARTIFICIAL LAKE AT 385 SPRING CREEK ROAD**

WHEREAS, Section 5-10-7 of the Zoning Code of the Village of Barrington Hills ("Village") authorizes the Village Zoning Board of Appeals ("ZBA") to recommend, and the Board of Trustees to approve, special uses within the zoning districts of the Village; and

WHEREAS, Gary and Kristen DiCicco ("Applicants") applied for a Special Use Permit to allow for the completion and maintenance of an artificial lake on property they own located at 385 Spring Creek Road ("Property"), within the R-1 Residential District, which Application is on file with the Village's Building Department as of the date of hearing; and

WHEREAS, Section 5-5-3(A) of the Village Zoning Code classifies an artificial lake as a special use within the R-1 Residential District; and

WHEREAS, on September 21, 2015, the Zoning Board of Appeals ("ZBA"), with six members present and voting on this matter, held a public hearing on the application for amendment, prior to which time all notice of the public hearing was published in a timely manner in the Daily Herald as well as posted in the Village Hall, and individual notice was provided to all property owners within two hundred fifty feet (250) of the Property, as recorded in the most recent County real estate tax records was properly posted on the Property; and

WHEREAS, Section 5-10-7(E) of the Village Zoning Code establishes standards which must be met before the ZBA may recommend approval of a special use; and

WHEREAS, at the close of the public hearing, the ZBA made all necessary findings of fact as to compliance with the standards set forth in Section 5-10-7(E) of the Village Zoning Code, and recommended on a unanimous vote of the six members present and voting that the special use permit be granted, as are set forth in the Findings of Fact and Recommendation in Exhibit A attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality the following;

SECTION ONE: The special use permit is hereby granted to allow for the construction, use and maintenance of an artificial lake on the Property, in substantial compliance with the plans submitted for purposes of the ZBA public hearing on September 21, 2015, and that said artificial lake is hereby granted, subject to the following condition, in keeping with the standards set forth in Section 5-10-7(E):

1. The Applicants shall secure a Temporary Construction Easement which would substantially comply with the requirements of the Village engineer, to allow use of neighboring property for construction related activities relative to grading of the pond.

SECTION TWO: If any part or provision of this Ordinance shall be held or deemed invalid, such invalidity shall not have the effect of rendering another part or provision of this Ordinance invalid.

SECTION THREE: This Ordinance shall be in full force and affect from and after its passage and approval as provided by law.

Ayes: Nays: Absent:

PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 28th day of September, 2015.

APPROVED:

ATTEST:

Village President

Village Clerk