

**AN ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT
ALLOWING A BOAT HOUSE AT 54 BRINKER 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, on April 24, 2000, the Village Board adopted Resolution No. 00-6 captioned "Resolution Granting a Special Use Permit for a Boat House at 54 Brinker Road," granting a special use permit to allow construction of a boathouse on the property commonly known as 54 Brinker Road in Barrington Hills and legally described in Exhibit A attached hereto and made a part hereof ("Property"); and

WHEREAS, Donna Lyon ("Applicant") applied for an Amendment to the Special Use Permit to allow the reconfiguration, on the same foot-print, of the Boat House previously permitted within the R-1 Residential District; and

WHEREAS, Section 5-5-3(A) of the Village Zoning Code classifies a boat house as a special use within the residential zoning district; and

WHEREAS, on June 18, 2014, the Zoning Board of Appeals ("ZBA") 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 office of the Barrington Township Tax Assessor and notice 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 vote of 4 – 0 that the special use be granted, as are set forth in the Findings of Fact and Recommendations in Exhibit B 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 amendment to the special use permit is hereby granted, to run with the land, to allow a Boat House on the Property, and that said reconfiguration is hereby granted, subject to the following conditions, in keeping with the standards set forth in Section 5-10-7(E):

1. The Applicant shall complete the renovation of the Boat House within six (6) months of the date of approval of this Ordinance.

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.

APPROVED THIS _____ DAY OF JULY, 2014.

AYES _____; NAYS _____; ABSENT _____.

Village President

ATTEST:

Village Clerk

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July 23, 2014

To: President and Board of Trustees
Village of Barrington Hills

RE: Application for Amendment to
Special Permit Granted Pursuant to
Resolution 00-06 for a Boat House at
54 Brinker 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 Wednesday, June 18, 2014, in the MacArthur Room of the Village Hall, where a quorum was present (Member Stieper having recused himself), the ZBA concluded its consideration of the application of Donna Lyons for the amendment to an existing special use permit to allow reconstruction/renovation of a boat house at 54 Brinker Road, granted pursuant to Resolution 00-06.

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.

The ZBA heard testimony, statements and received exhibits requiring the presentation by the Applicant's architect, Al Mussetti. Testimony was also received from resident Tom Roeser, 36 Brinker Road, who lives adjacent to the Property.

FACTS

The Village Board of Trustees granted a Special Use Permit to construct a Boat House on the five acre parcel bearing the common address 54 Brinker Road ("Property"), pursuant to adoption of Resolution 00-06. The owner of the Property, Donna Lyon, has filed an application for Amendment to the Special Use Permit to allow the reconstruction/renovation of the Boat House on the same footprint as currently exists.

The architect, Al Mussetti, presented the plans for the renovation, stating that the renovated Boat House will be constructed on the same foot print as the existing Boat House. The renovation plan includes new siding, roofline, windows, doors, and deck. Ms. Lyon testified that the renovation was necessary as the existing deck of the Boat House is failing and in need of repair.

Resident Tom Roeser spoke in objection to the application, predicating his objection on the construction which has been on-going on the Property since Ms. Lyon acquired the Property in 2009. He stated his belief that the construction was unnecessary and would prolong the aggravation caused by the continuing construction on the Property.

FINDINGS

The ZBA, after having examined the facts as presented, and taking into consideration the testimony of the applicant's architect, and resident Tom Roeser, found:

1. That the renovation/construction and use of the Boat House, on the footprint of the existing Boat House will not be detrimental to or endanger the public health, safety or general welfare.
2. That the reconstruction and use of the Boat House, on the footprint of the existing Boat House, will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impact the property values within the neighborhood – particularly on the condition that the reconstruction be commenced and completed within a strict time frame.
3. That the reconstruction and use of the Boat House, on the footprint of the existing Boat House will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. That other than electric service, there are no other utilities, access roads, drainage or other necessary facilities being provided, thus this factual requirement is not in force.
5. That the reconstruction and use of the Boat House, on the footprint of the existing Boat House, shall in all other respects conform to the applicable regulations of the Zoning District in which it is located, except as such regulation may in this instance be modified by the Board of Trustees pursuant to these recommendations of the ZBA.

RECOMMENDATIONS

After careful consideration of the aforementioned findings, the application for amendment of the special use permit was approved by a majority of the sitting members of the Board, subject to the following conditions:

1. The special use permit granted shall run with the land.
2. To minimize disruption of the enjoyment of neighboring properties, the reconstruction of the Boat House shall commence and be completed within six (6) months of the Village Board's grant of the amendment to the Special Use Permit.

Respectfully submitted,

 Judith K. Freewar, Chairman

Zoning Board of Appeals
Village of Barrington Hills