

VILLAGE OF SOUTH BARRINGTON

ORDINANCE NO. 2018 - 1188

**AN ORDINANCE TO APPROVE AND AUTHORIZE
A VARIATION TO THE WEST SIDE YARD SETBACK
FOR THE PROPERTY LOCATED AT 20 ARCHES COURT,
IN THE VILLAGE OF SOUTH BARRINGTON, ILLINOIS**

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF SOUTH BARRINGTON
THIS 9TH DAY OF AUGUST, 2018.

Published in pamphlet form by authority of
the President and Board of Trustees of the
Village of South Barrington, this 9 day
of August, 2018.

Village of South Barrington

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WHEREAS, pursuant to Ordinance Number 2006-768, adopted on April 13, 2006, the Village of South Barrington approved the final Klehm Woods Planned Unit Development (the "Final PUD Plan"); and

WHEREAS, Toll Brothers, Inc., the successor developer to the residential areas of the Final PUD Plan and the owner/applicant of the real estate located at Lot 21 in The Woods of South Barrington, with a common address of 20 Arches Court, South Barrington, Illinois and legally described on Exhibit A which is attached hereto and made a part hereof ("Subject Property"), has applied for a variation to reduce the side yard setback located on the west side of the Subject Property from eight feet (8') to seven feet, nine inches (7'9"), in order to allow for the after-the-fact construction of the building foundation; and

WHEREAS, said variation request was filed with the Plan Commission/Zoning Board of Appeals (hereinafter referred to as "Plan Commission") of the Village of South Barrington who considered the matter pursuant to duly noticed public hearing on July 16, 2018. The Plan Commission accepted into the record all testimony and documents submitted by the applicant in

support of the variation application. The Plan Commission also received testimony from Village staff. No objectors appeared at the public hearing and no written objections have been filed; and

WHEREAS, the Plan Commission made the following findings of fact:

1. The applicant constructed the west foundation wall for the home at 20 Arches Court .21 feet (2 5/8 inches) beyond or over the west eight-foot (8') side yard setback line. The Foundation Location Survey prepared by Manhard Consulting Ltd, dated 6/13/18 confirmed the location as noted above.
2. The located of the building foundation was due to a mistake that was made either by the surveyor during the stake out process or by the concrete contractor during the foundation wall forming.
3. The clearances between the house foundation and the building setback area for any given lot within the subdivision is typically not more than one to two inches total.

WHEREAS, the Board makes the following additional findings of fact:

1. The Subject Property is zoned as a Planned Unit Development District and the setback requirements are established pursuant to the Final PUD Plan which requires a side yard setback of eight feet (8') for the Subject Property.
2. The requested variation of .21 feet (2 5/8 inches) acknowledges that the Subject Property has a poured foundation which exceeds the one-inch allowance for encroachments of residential buildings and structures as set forth in Section 2-4(E) of Chapter 2 of the Zoning Ordinance of the Village of South Barrington.
3. The building foundation encroachment into the west side yard setback is not substantial. In addition, even with the encroachment, there exists a 16-foot (16') separation between the residence on the Subject Property and the existing residence directly to the west of the Subject Property, thus allowing for the appropriate amount of space between the two residences.
4. Carrying out the strict letter of the Zoning Ordinance regarding the side yard setback requirement would create a hardship because the building foundation on the Subject Property has already been constructed. Moreover, without the grant of the variation the delivery of the Subject Property to the subsequent homeowner would be substantially delayed and the Subject Property would not yield a reasonable return since construction of the residence has commenced and strict compliance would require demolition of the premises.

5. The granting of the recommended variation will not alter the essential character of the area or substantially impair environmental quality, property values, public safety or welfare in the vicinity of the Subject Property.
6. The granting of the variation will be in harmony with the general purpose and intent of the surrounding homes in the subdivision.
7. The granting of the variation is the minimum required to provide the applicant and subsequent owner with reasonable use and enjoyment of the Subject Property.

WHEREAS, the Plan Commission issued a written recommendation that a variation be approved for the property located at Lot 21 in The Woods of South Barrington, 20 Arches Court, South Barrington, Illinois, to allow for a west side yard setback variation of three inches (3") to permit the as-built construction of the residence foundation to be seven feet, nine inches (7'9") from the property line instead of eight feet (8'), as depicted on the Foundation Location Survey dated 6/13/18, prepared by Manhard Consulting, Ltd., attached hereto and incorporated herein as Exhibit B; and

WHEREAS, at the public hearing, the Plan Commission recommended further that going forward Toll Brothers, Inc., should be required to comply with the building and zoning requirements established by the Final PUD Plan and the ordinances of the Village of South Barrington.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of South Barrington, Cook County, Illinois:

Section 1: That the corporate authorities hereby incorporate the foregoing preamble clauses into this ordinance as if fully restated herein.

Section 2: That this Board hereby finds that practical difficulties and undue hardship exist in the way of carrying out the strict letter of the side yard setback regulations and grants a variation for the property located at Lot 21 in The Woods of South Barrington, 20 Arches Court,

South Barrington, Illinois, to allow for a west side yard setback variation of three inches (3") to permit the as-built construction of the residence foundation on the Subject Property to be seven feet, nine inches (7'9") from the property line instead of eight feet (8'), as depicted on the Foundation Location Survey dated 6/13/18, prepared by Manhard Consulting, Ltd., attached hereto and incorporated herein as Exhibit B.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law

PASSED: This 9th day of August, 2018.

APPROVED: This 9th day of August, 2018.


Paula McCombie, Village President

ATTEST:


Donna Wood, Village Clerk

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

EXHIBIT A - Legal Description

Lot 21 in the final plat of subdivision of the Woods of South Barrington Phs. 1 per Document No. 0708715094, being a subdivision in the East Half of Section 28 and the Northeast Quarter of Section 33, all in Township 42 North, Range 9 East of the Third Principal Meridian, Cook County, Illinois.

PIN: 01-33-203-033-0000

Plan Commission / Zoning Board of Appeals

Letter of Recommendation

Date: August 3, 2018
To: Mayor McCombie and Board of Trustees
From: Chairman McCombie, Planning & Zoning Commission
Re: Sideyard Building Setback Variance at 20 Arches Court

Mayor McCombie and Village Trustees,

The Planning & Zoning Commission presided over a public hearing on July 16, 2018 at 7:30 p.m. to study the facts and evidence presented by Toll Brothers, Inc. in their request for a sideyard variance on the property at 20 Arches Court.

The facts included:

1. Toll Brothers constructed the west foundation wall for the home at 20 Arches Court .21 feet (2 5/8 inches) beyond or over the west 8' Building Setback Line. The Foundation Location Survey prepared by Manhard Consulting Ltd, dated 6/13/18 confirmed the location as noted above.
2. Toll Brothers indicated that a mistake was made either by their surveyor during the stake out process or by the concrete contractor during the foundation wall forming. Toll Brothers indicated that this is their first mistake of this magnitude, requiring the issuance of a variance.
3. Mr. Moreland, Building & Zoning Officer noted that in the Regency, the clearances between the house foundation and the Building Setback Area for any given lot is typically not more than 1 to 2 inches total.
4. No objectors were present and no written objections were filed.

5. Mr. Moreland suggested that a variance of three inches (3") be granted as a safety factor.

A motion was made and unanimously approved by the Board recommending the approval of a variance of three inches for the west side yard setback for 20 Arches Court, Lot 21 the Regency Collection, south Barrington, IL. .