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## VILLAGE OF HOFFMAN ESTATES PLANNING AND ZONING COMMISSION STAFF REPORT

**PROJECT NUMBER:** 2021-032P  
**PROJECT NAME:** 410 Amherst Lane – Variation for Fence Setback  
**ADDRESS/LOCATION:** 410 Amherst lane  
**PROPERTY SIZE:** 13,000 SF  
**OWNER / PETITIONER:** Max Rizk / Joseph Lentz (Village in the Park Apartments)  
**REQUEST:** Variation for Fence Setback  
**PUBLIC HEARING:** Yes  
**ZONING / LAND USE:** R-3 One Family Residential / Single-Family Residence  
**ADJACENT PROPERTIES:** NORTH: R-3 One Family Residential  
SOUTH: R-3 One Family Residential  
EAST: Village of Schaumburg – Village in the Park Apartments  
WEST: R-3 One Family Residential  
**PZC MEETING DATE:** October 6, 2021  
**STAFF ASSIGNED:** Daisy Dose, Development Services Technician

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### REQUESTED MOTION

Request for a Variation from Section 9-3-3-C-3 of the Zoning Code to permit a fence to be in the front yard setback for the property located at 410 Amherst lane.

**INCLUDES RECOMMENDED CONDITIONS: YES**

### APPLICABLE ZONING CODE SECTIONS

Section 9-3-3-C-3 of the Zoning Code states no fence shall be constructed or installed in any front yard closer to any street or roadway than the front building line.

### BACKGROUND

The subject property at 410 Amherst Lane is currently improved with one single-family residence. An eight (8) foot tall retaining wall separates the subject property from the property to the west. A five (5) foot chain link fence is currently located along the east property line of the subject property. This existing chain link fence also extends south across the Amherst Lane right of way (east of the dead end) and extends south along a portion of the east property line of 425 Amherst Lane. The property abuts the Village in the Park apartments to the east, which is located in the Village of Schaumburg. The Village in the Park apartments received approval from the Village of Schaumburg in August of 2020 to construct a 143 space surface parking lot expansion on the vacant property located immediately east of 410 Amherst Lane.

The Village of Schaumburg code requires a solid fence between multi-family and single family residential developments. Due to the significant grade differential between the Village in the Park property and the adjacent residential properties located at 410 and 425 Amherst Lane in Hoffman Estates, a condition of the Village of Schaumburg approval required Village in the Park ownership to work with the adjacent property owners to erect privacy fences on the Hoffman Estates property (on top of the retaining wall). Locating a six (6) foot tall fence on the Village in the Park property, which is approximately 12 feet lower in elevation than 410 Amherst Lane, would not provide the intended visual screening for the adjacent single family properties at 410 and 425 Amherst Lane.

### **PROPOSAL**

The Petitioner is proposing to remove the existing five (5) foot chain link fence located on the eastern perimeter of 410 Amherst Lane and construct a six (6) foot tall solid privacy fence extending from the northeast property line to the southeast property line.

The property owner of 425 Amherst Lane provided written confirmation that she is not interested in having a new solid fence installed on her property. Therefore, the existing five (5) foot chain link fence and mature vegetation will remain along the east property line of the Amherst right of way and a portion of the east property line of 425 Amherst Lane.

### **STAFF ANALYSIS**

The proposed fence would extend into the front yard setback, which is not permitted per code. Given that the subject property is located at the dead end of Amherst Lane, the fence will not negatively impact adjacent properties or obstruct driver or pedestrian sight lines. It will provide visual screening benefiting the property at 410 Amherst Lane that would otherwise be required on the adjacent Village in the Park property. The height of the proposed fence is compliant with the Village of Hoffman Estates Municipal Code.

### **VARIATION STANDARDS**

Section 9-1-15 of the Zoning Code – *Standards for a Variation* - states that the Planning and Zoning Commission shall not recommend the adoption of a proposed variation unless it finds that the variation meets the Standards for Variations as set forth in the Zoning Code.

1. The Planning and Zoning Commission shall not recommend the variation of the regulations of the Code unless it shall first make a finding based upon the evidence presented to it in each specific case that:
  - a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;
  - b. The plight of the owner is due to unique circumstances;
  - c. The variation, if granted, will not alter the essential character of the locality.
2. For the purpose of implementing the above rules, the Planning and Zoning Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence;

- a. The particular physical surroundings, shape of topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
  - b. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification;
  - c. The purpose of the variation is not based exclusively upon a desire to increase the value of the property;
  - d. The alleged difficulty or hardship has not been based exclusively upon a desire to increase the value of property;
  - e. 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; and
  - f. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fires, or endanger the public safety, or substantially diminish or impair property values in the neighborhood.
3. The Planning and Zoning Commission may recommend to the Village Board that such conditions and restrictions be imposed upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and better to carry out the general intent of this Code.

If this request is approved, the variation ordinance would be granted to the property in perpetuity or until otherwise amended or dissolved by a future ordinance.

### **NOTIFICATION**

The public notice was published in the Daily Herald 15 days prior to the hearing. Standard notification letters have been sent to surrounding properties within 150 feet. No objections have been received.

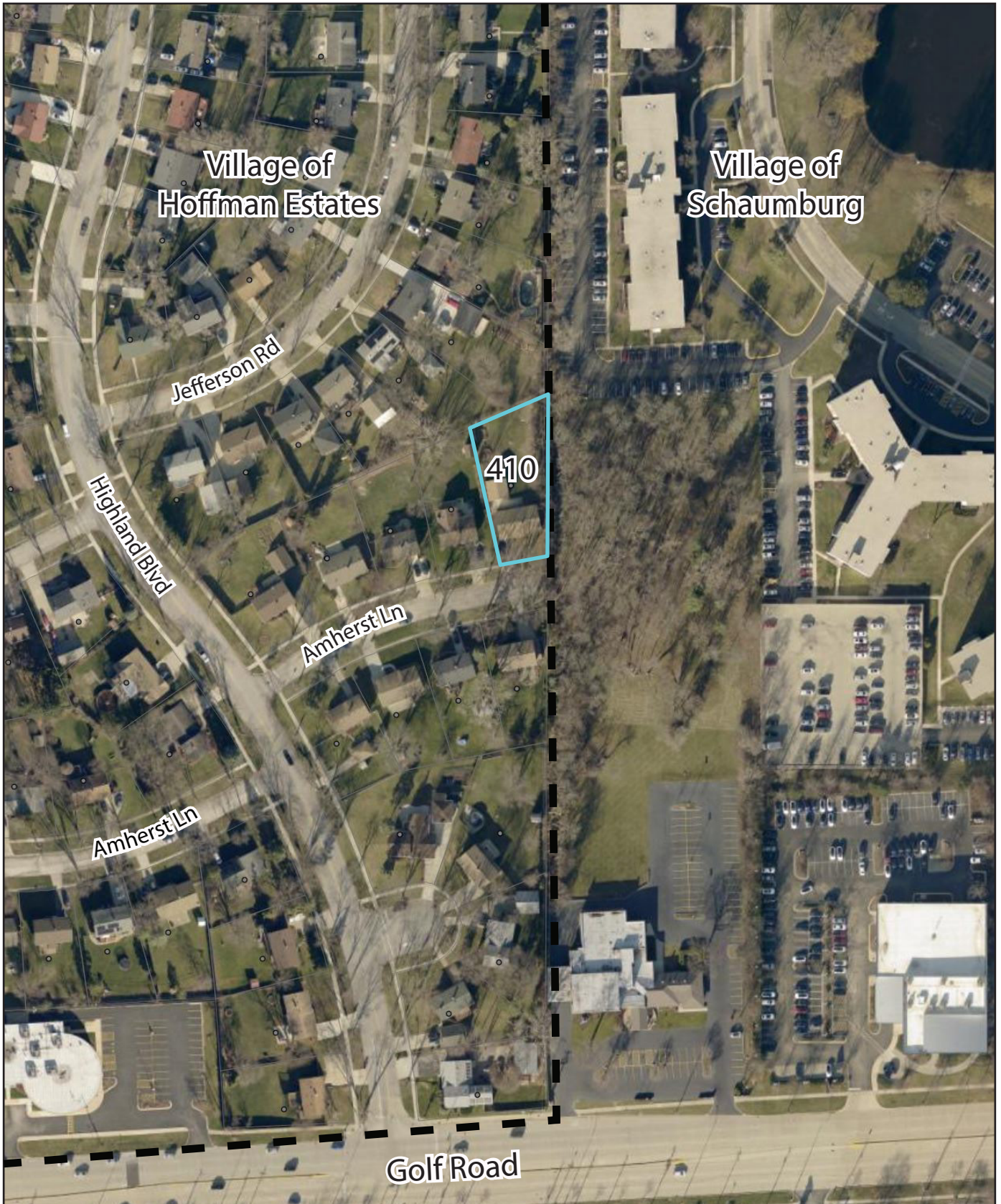
### **RECOMMENDED CONDITIONS**

If the Planning and Zoning Commission finds that the standards for a variation have been met, staff recommends the following condition:



1. The building permit shall be obtained within twelve (12) months of the Village Board action on this request.

Attachments: Petitioner's Application and Submittal  
Location Map  
Public Notice

Exhibit A  
410 Amherst Lane  
P.I.N.: 07-09-409-001-0000



Legend

-  Subject Parcel
-  Village Boundary



Planning and Transportation Division  
The Village of Hoffman Estates  
September 2021





# VILLAGE OF HOFFMAN ESTATES PLANNING AND ZONING GENERAL APPLICATION\*

Special Use for \_\_\_\_\_  Rezoning from \_\_\_\_\_ to \_\_\_\_\_

Variation:  Commercial  Residential  Sign

Plat (Subdivision & Others):  Preliminary  Final

Site Plan:  Amendment  Concept  Preliminary  Final

Master Sign Plan:  Amendment

Other: Privacy Fence extended past building setback to property corner \_\_\_\_\_

**\* ADDENDUM MATERIALS ARE REQUIRED FOR SPECIFIC REQUESTS**

**Posting of Notification Sign(s) may be required.**

**Specific requirements will be provided when your request is scheduled.**

FOR VILLAGE USE ONLY		
Hearing Fee	\$175	Check No. card
		Date Paid 8/27/21
Project Number:	2021-031P	
Staff Assigned:	Daisy Dose	
Meeting Date:	10/06/21	Public Hearing: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Sign Posting Required:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Date Sign Posted _____

**PLEASE PRINT OR TYPE**

Date: July 15, 2021

Project Name: 6' Trex Privacy Fence

Project Description: replace existing chain link fence with 6' Trex privacy fence along East Property line to Property corner \_\_\_\_\_

Project Address/Location: 410 Amherst Lane

Property Index No. 07-09-409-001

Acres: .25-.49 Zoning District: \_\_\_\_\_

#### IV. Acknowledgement(s)

- Applicant acknowledges, understands and agrees that under Illinois law, the Village President (Mayor), Village Trustees, Village Manager, Corporation Counsel and/or any employee or agent of the Village or any Planning and Zoning Commission member or Chair, does not have the authority to bind or obligate the Village in any way and therefore cannot bind or obligate the Village. Further, Applicant acknowledges, understands and agrees that only formal action (including, but not limited to, motions, resolutions and ordinances) by the Board of Trustees, properly voting in an open meeting, can obligate the Village or confer any rights or entitlement on the applicant, legal, equitable or otherwise.
- Planning and Zoning Commission members and Village Staff often conduct inspections of subject site(s) as part of the pre-hearing review of requests. These individuals will be carrying official Village identification cards that can be shown upon request.

The Owner and Applicant, by signing this Application, certify to the correctness of the application and all submittals.

Owner's Signature: Max Rizk

Owner's Name (Please Print): Max Rizk

Applicant's Signature: Joseph Lenz, P.M.  
(If other than Owner)

Applicant's Name (Please Print): JOSEPH LENTZ, P.M. FOR VILLAGE IN THE PARK

Date: 09/19/21

All requests must be accompanied by the items required and all fees must be paid before the Planning and Zoning Commission can hear any case.

Please contact the Planning Division (located in the Municipal Building) with any questions:

Email: planning@hoffmanestates.org  
Address: 1900 Hassell Road  
Hoffman Estates, IL 60169  
Phone: (847) 781-2660  
Fax: (847) 781-2679

#### Addendums Attached:

- Special Use
- Rezoning
- Variation
- Plat
- Site Plan
- Master Sign Plan
- Other Fence Specifications





# VILLAGE OF HOFFMAN ESTATES PLANNING AND ZONING COMMISSION VARIATION ADDENDUM

Commercial  Residential  Sign

## REQUIRED SUBMITTALS

- General Application
- Variation Hearing Fee: (Checks payable to the Village of Hoffman Estates)  
Commercial: \$500.00 per Variation\*  
Residential: \$175.00  
Sign: \$500.00 per Sign
- Legal Description  
(Typically found on a tax bill, survey, mortgage documents or deed)
- Current Plat of Survey drawn to scale showing the proposed improvement(s) and distance(s) from existing structures and property lines. For sign variations, ALL signs should be shown and labeled on the plat including the sign(s) for which the variation is being requested.
- A scale drawing of the floor plan and elevations, including windows and door locations.
- A Project Narrative detailing the variation request including whether there are other options that would not require a variation, proposed construction materials, whether removal/relocation of trees, utilities will be required and the estimated total project cost. Include any relevant plans, documents, photos to support the request.
- If any part of your existing and/or proposed use is located in any part of a utility easement, written release(s) from the Village or utility company may be required; contact the Planning Division for information.
- For residential variations only:** You are encouraged to discuss your variation request with your neighbors and have them a Statement of Awareness acknowledging their awareness of your proposal. Statement of Awareness forms can be found on the Village's Planning Documents & Applications webpage or can be provided by Staff.

\* *Some commercial requests require the posting of a notification sign(s) on the property 10 days before the Planning & Zoning Commission hearing and removal of the sign(s) 10 days after final Village Board action. Should your request require a notification sign, the specific requirements will be provided by Planning Staff.*



**Zoning Code Section 9-1-15-C-2 of the Municipal Code requires that the Planning and Zoning Commission shall, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence. (Respond to each standard as it applies to your request either below or address on a separate sheet)**

1. The particular physical surroundings, shape of topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

**Village in the Park Apartments are developing land to  
the east of my home into a parking lot. The 6' privacy  
fence would block the noise and light of the lot.  
It would also stop pedestrian traffic from the Apt's.**

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

**The privacy fence would extend past the property set  
back to the property line**

3. The purpose of the variation is not based exclusively upon a desire to increase the value of the property.

**This privacy fence would replace an existing chain  
link fence that does not limit light and noise**

4. The alleged difficulty or hardship has not been based exclusively upon a desire to increase the value of property.

**It is intended for privacy and security of neighborhood**

5. 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.

**This proposed fence replaces an existing chain link  
fence**

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6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fires, or endanger the public safety, or substantially diminish or impair property values in the neighborhood.

**This fence is a buffer from the apartment buildings to  
the residents of Amherst Lane. The fence is a  
requirement between different zoning**

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Village in the Park  
Apartments

1417 Valley Lake Drive  
Schaumburg, Illinois 60195  
Phone: 847-882-4220  
Fax: 847-882-4150  
[www.villageinthepark.com](http://www.villageinthepark.com)

September 9, 2021

**Project Narrative for Fence Variation Request  
410 Amherst Lane, Hoffman Estates Illinois**

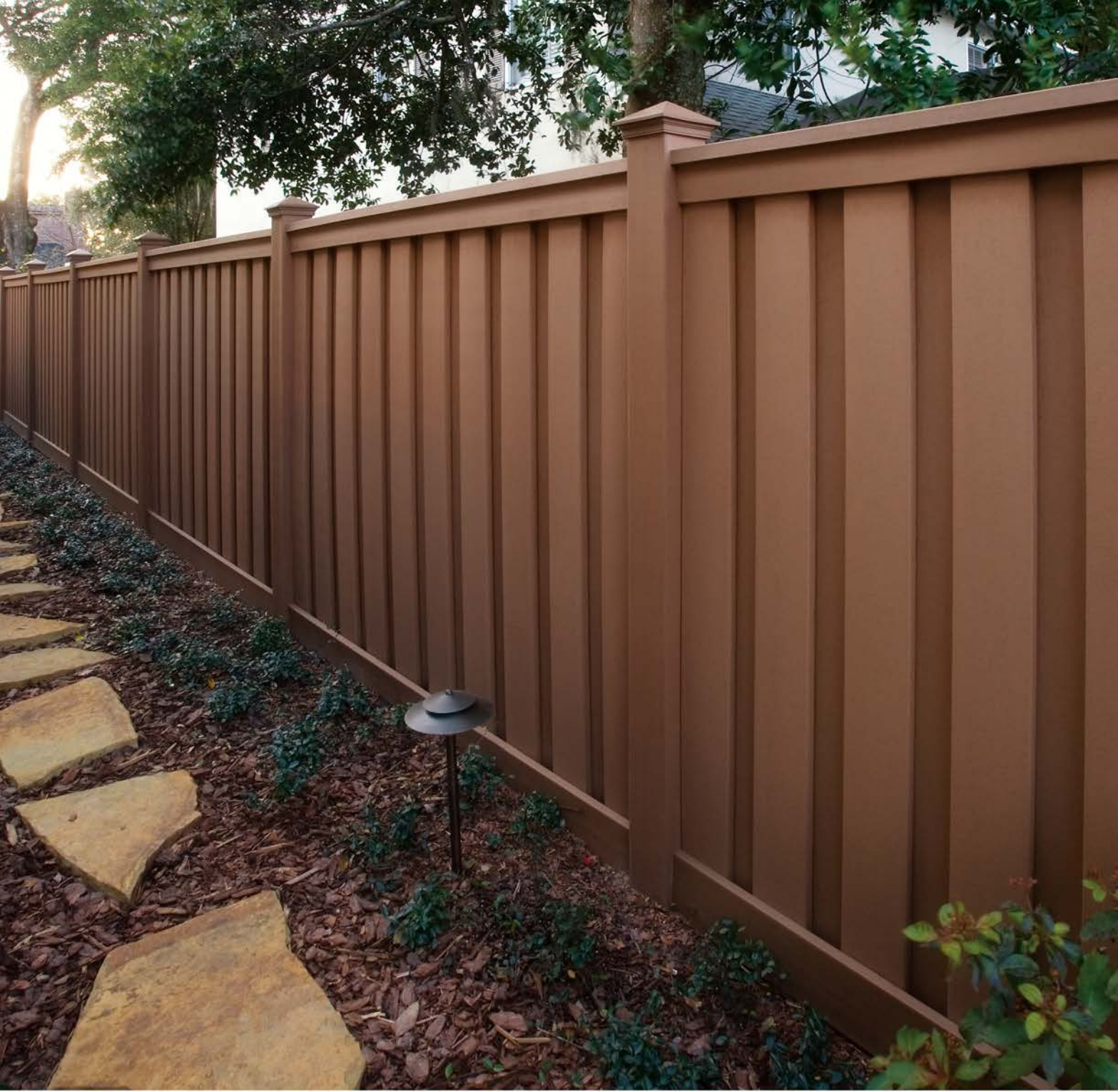
In conjunction with the approved PUD for Village in the Park Apartments, Schaumburg, to construct a new parking lot on the property abutting 410 Amherst Lane, the resident is requesting that a privacy fence be installed along his property line. The 6' Trex privacy fence would extend from the NE property corner, running south along the east property line past the building set back to the property corner.

There is currently a chain link fence separating the 2 properties. The fence is covered with overgrown vegetation and some trees. This vegetation would be removed with the installation of the new fence. The Property of 410 Amherst Lane is approximately 12' higher in elevation than the proposed parking lot. There is a large retaining wall separating the properties with rises to 8' above the ground from Village in the Park to 410 Amherst Lane. The current chain link fence runs along this wall past the building set back and across the dead end of Amherst Lane. The new proposed privacy fence would replace the existing chain link fence to the property line.

The Village of Schaumburg (VOS), working with the residents of Hoffman Estates on Amherst Lane, agreed to have the requirement of the a privacy fence between the properties erected in Hoffman Estates as proposed in this variance request. It was determined that due to the large changes in elevation, the fence installed along 410 Amherst Lane would meet the VOS requirements and better buffer the resident from the parking lot.



Joseph Lentz, Project Manager  
Village in the Park Apartments



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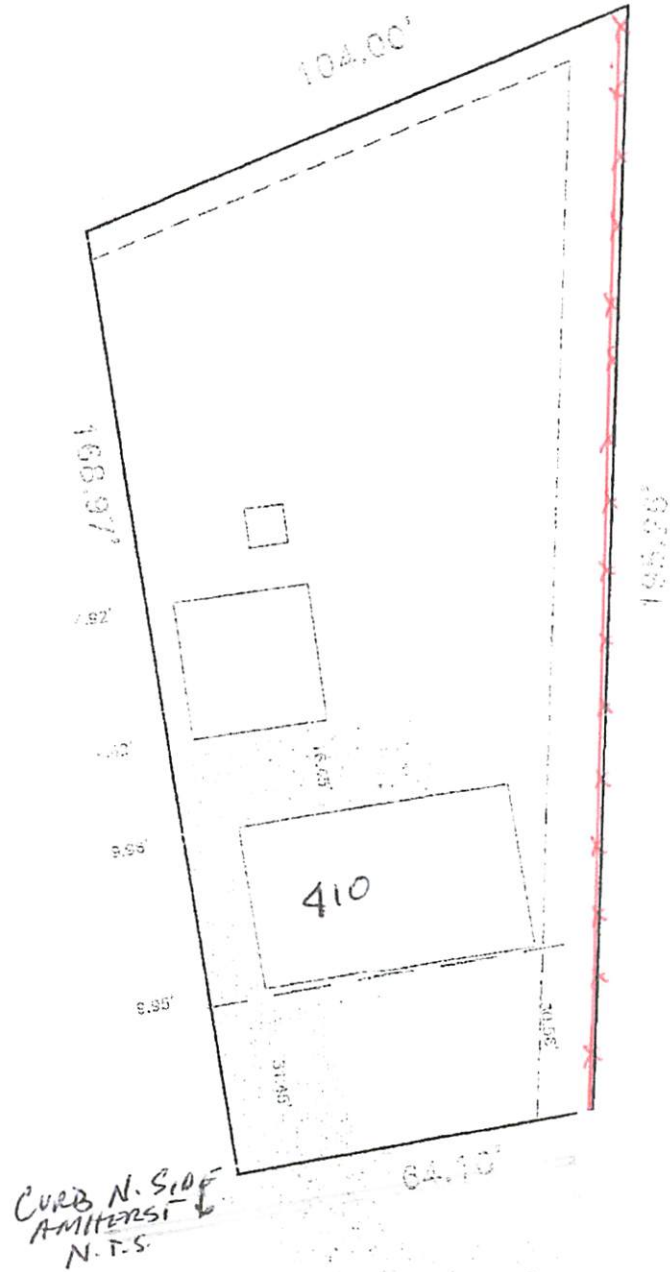
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FCLT01-0210



# Plat of Survey



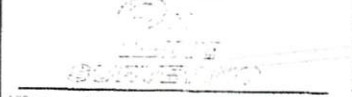
x — x = PROPOSED FENCE

CURB N. SIDE  
AMHERST  
N.T.S.

Amherst Lane

Land Area Surveyed: 14,672.7 Sq. Ft.

PROFESSIONAL DESIGN FIRM NUMBER 194-004803



onlinelandsurveying@gmail.com  
1205 W. PETERSON AVE. Unit D  
PARK RIDGE, ILLINOIS 60068

N.T.S.




Loan No. 1318402498

EXHIBIT A

LOT 1 IN BLOCK 138 IN THE HIGHLANDS OF HOFFMAN ESTATES XI, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN SCHAUMBURG TOWNSHIP, ACCORDING TO PLAT THEREOF RECORDED MAY 6, 1960 AS DOCUMENT NO. 17848413 IN COOK COUNTY, ILLINOIS.

*PIN 07-09-409-001*

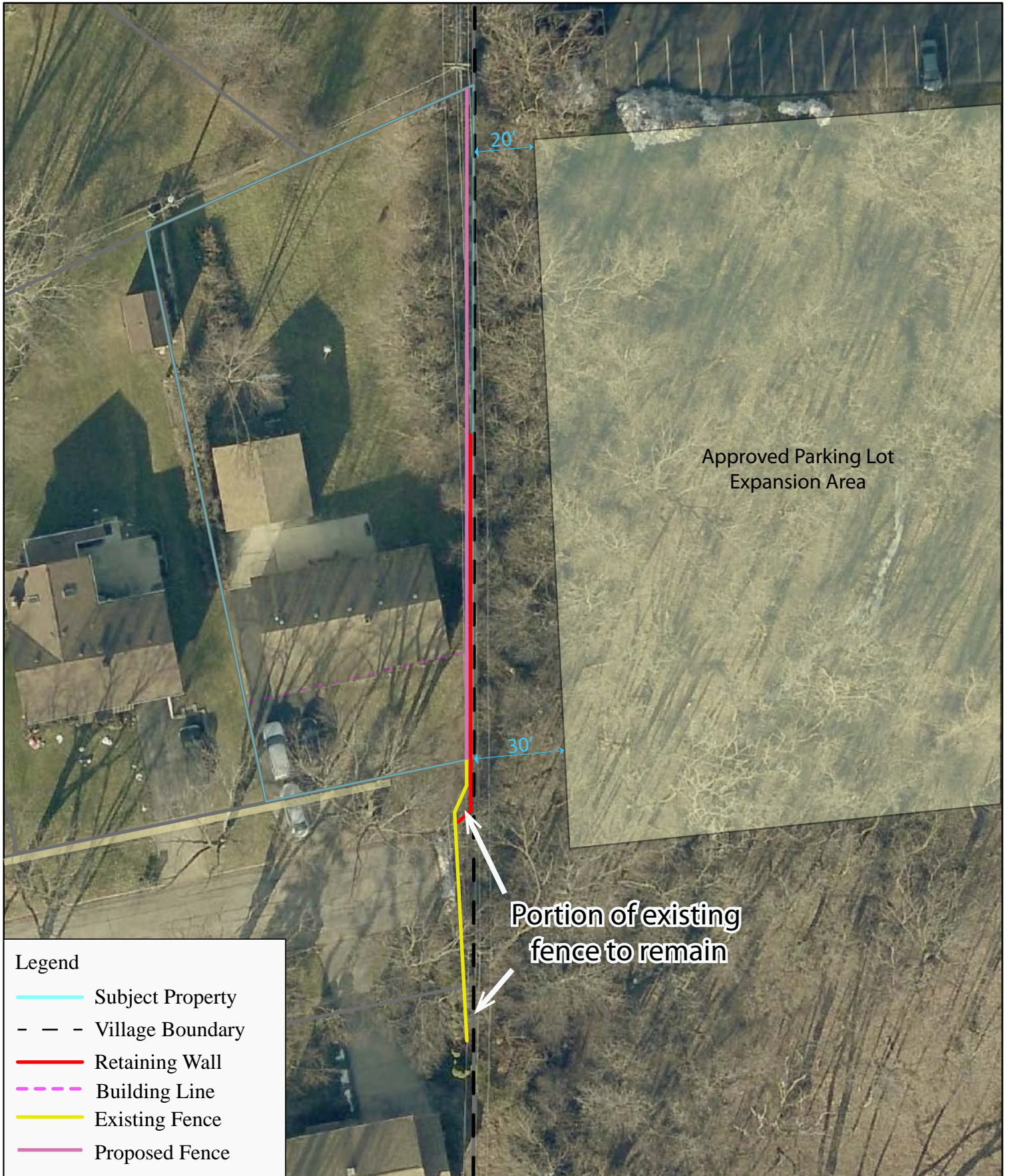
*410 AMSTERST LAWS  
HOFFMAN ESTATES*

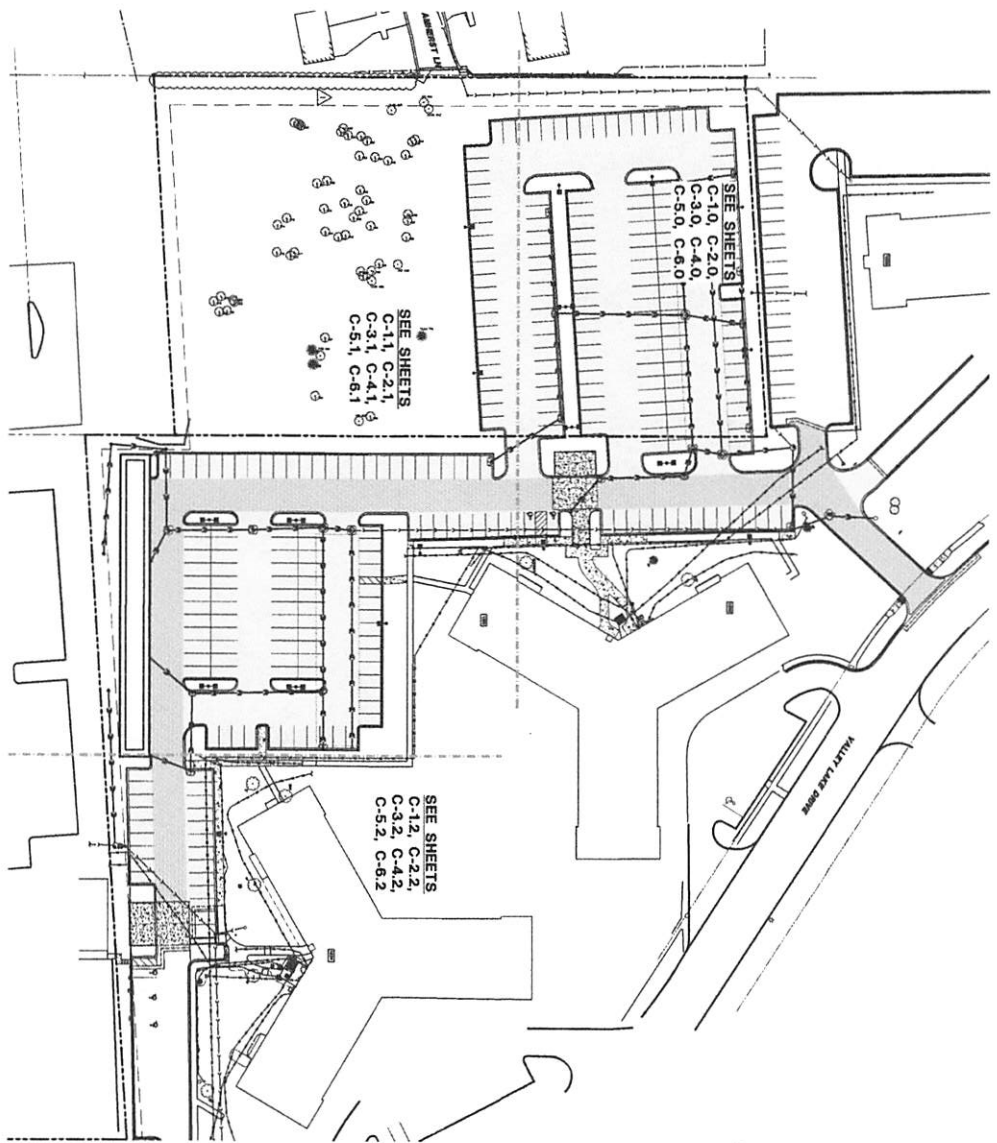
# EXISTING CONDITIONS





# PROPOSED CONDITIONS





*Parking Lot Plan w/ 410 Amherst Lane Show  
SEE CROPPED PAGE FOR DETAILS*

*2/19/9.21*



- STAGING FOR PARKING**
- PHASE 1**
1. CONSTRUCT NEW PARKING LOT ON NORTH SIDE OF EXISTING BUILDING
  2. CONSTRUCT EXISTING BUILDING
  3. CONSTRUCT NEW PARKING LOT ON SOUTH SIDE OF EXISTING BUILDING
  4. CONSTRUCT NEW PARKING LOT ON SOUTH SIDE OF EXISTING BUILDING
  5. CONSTRUCT NEW PARKING LOT ON SOUTH SIDE OF EXISTING BUILDING
  6. RECONSTRUCT ENTRANCE TO VALLEY LAKE DRIVE
- PHASE 2**
1. CONSTRUCT NEW PARKING LOT ON NORTH SIDE OF EXISTING BUILDING
  2. CONSTRUCT EXISTING BUILDING
  3. CONSTRUCT NEW PARKING LOT ON SOUTH SIDE OF EXISTING BUILDING
  4. CONSTRUCT NEW PARKING LOT ON SOUTH SIDE OF EXISTING BUILDING
  5. CONSTRUCT NEW PARKING LOT ON SOUTH SIDE OF EXISTING BUILDING
  6. RECONSTRUCT ENTRANCE TO VALLEY LAKE DRIVE

- HATCH LEGEND**
- NEW ASPHALT PAVEMENT
  - NEW READY-CUR ASPHALT PAVEMENT
  - NEW CONCRETE SIDEWALK
  - NEW CONCRETE PAVEMENT

EXISTING  
CHAIN LINK  
FENCE

410  
AMHERST

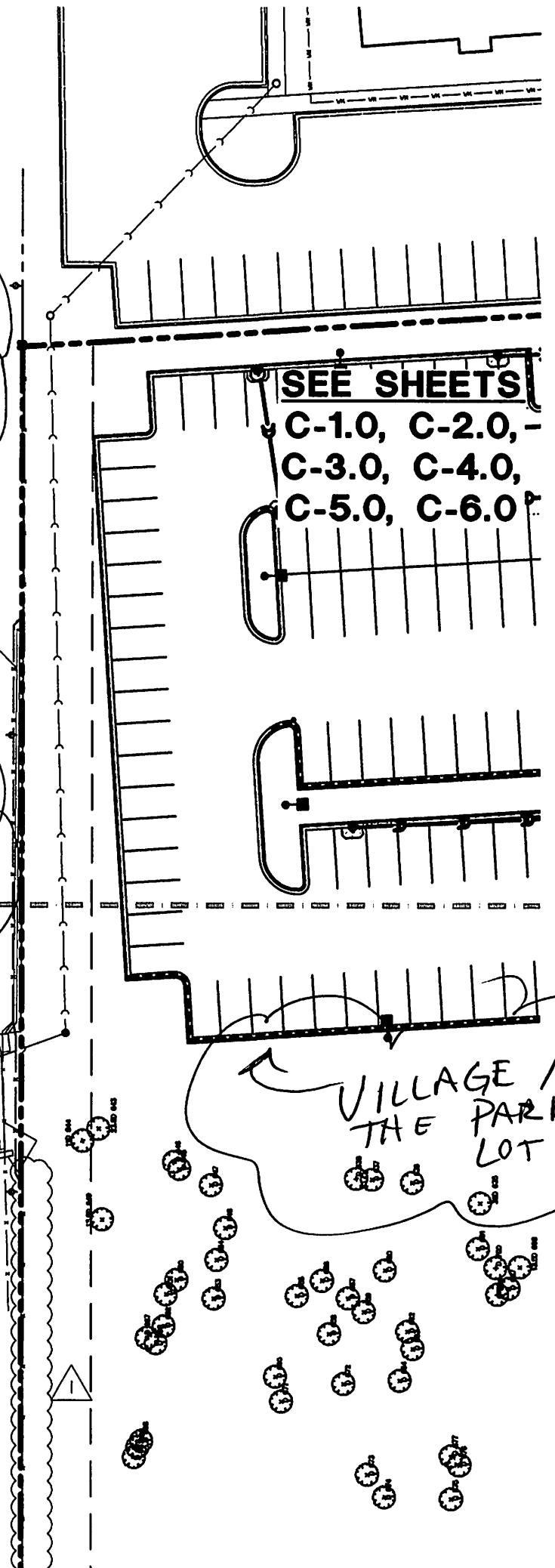
AMHERST LN

SEE SHEETS

C-1.0, C-2.0,  
C-3.0, C-4.0,  
C-5.0, C-6.0

VILLAGE IN  
THE PARK  
LOT

CROPPED  
SH 9-9-21





## **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Planning and Zoning Commission of the Village of Hoffman Estates will hold a public hearing to consider a request for a variation from Section 9-3-3-C-3 of the Zoning Code to permit a fence to be in the front yard setback for the property located at 410 Amherst lane. The petitioner of this request is Village in The Park Apartments.

P.I.N.: 07-09-409-001-0000

The hearing will be held on Wednesday, October 2, 2021 at 7:00 p.m. in the Hoffman Estates Municipal Building, 1900 Hassell Road, Hoffman Estates, IL.

Eva Combs, Chairperson  
Planning and Zoning Commission

To be published by Paddock Publications on Tuesday, September 21, 2021.