

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

PROJECT NUMBER: VAR22-0005  
PROJECT NAME: Fence Setback Reduction  
ADDRESS/LOCATION: 360 GLENDALE LANE  
REQUEST: VARIATION - RESIDENTIAL  
OWNER/OWNER: DONNA BATCHEN  
PROPERTY SIZE: 0.28 Acres (12,358 square feet)  
ZONING / LAND USE: R-3 One-Family Residential  
ADJACENT PROPERTIES: NORTH: R-3 Residential District (Single Family Home)  
SOUTH: R-3 Residential District (Single Family Home)  
EAST: R-3 Residential District (Single Family Home)  
WEST: R-3 Residential District (Single Family Home)  
PZC MEETING DATE: 10/19/22  
PUBLIC HEARING: YES  
STAFF ASSIGNED: Daisy Dose, Assistant Planner

### REQUESTED MOTIONS

Request for a Variation from Section 9-3-3-C-2 of the Zoning Code to permit a fence to be located 0 feet from the corner side lot line for the property at 360 Glendale Lane.

### APPLICABLE ZONING CODE SECTION

Section 9-3-3-2: Fences may be located in required rear or side yards adjacent to a street provided:

- a. That fences be located not less than one (1) foot from corner side lot line.
- b. Fences on lots where the rear yard is adjacent to a driveway located on the adjoining property may install a fence provided the fence shall be located a minimum of five (5) feet from the corner side lot line, and shall not encroach into the sight triangle on either side of a driveway, each leg of which is a distance of fifteen (15) feet, the triangle is measured from the side of a driveway and from the front lot line.

### BACKGROUND

The subject property is zoned R-3 and is approximately 12,358 square feet. It is improved with one single family residence. An existing 4' chain link fence is located along the rear and side lot lines of the property as permitted in 1979.

The adjacent property to the north (655 Mohave Street) is improved with a single-family residence and a driveway situated approximately 1 foot from the shared property line. The rear yard of the subject property is adjacent to the neighboring property's driveway; therefore, a fence along the corner side yard must be located 5 feet from the corner side lot line *and* outside of sight triangle of the driveway per current code requirements. The sight triangle includes an area measured 15 feet from the side of the driveway and the front lot line.



## ANALYSIS

The property owner is proposing to replace the existing chain link fence with a 6 foot privacy fence in the same location along the rear, interior side, and corner side lot lines (up to the front yard setback). The fence is proposed to be 0 feet from the corner side yard lot line and will encroach into the sight triangle, requiring a variation.

The petitioner has indicated that there is existing mature landscaping on the property that would be disturbed if the fence were installed five feet from the property line and outside of the sight triangle as required per the Zoning Code.

Beyond the corner side yard setback variation, the proposed fence meets all other height and location requirements of the code.

## STANDARDS FOR A VARIATION

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.

### **RECOMMENDED CONDITIONS**

If the Planning and Zoning Commission recommends approval of the request, staff recommends the following conditions be included:

1. The building permit shall be obtained within twelve (12) months of the Village Board action on this request.
2. The fence shall significantly conform to the attached plans except as such plans may be changed to conform to Village Codes and Ordinances.

Attachments: Petitioner's Application and Submittal  
Location Map



360 Glendale Lane

PIN: 01-15-307-011-0000



**Legend**

 Subject Property

 Parcels



Planning and Transportation Division  
Department of Development Services

October 2022



VILLAGE OF HOFFMAN ESTATES  
PLANNING AND ZONING  
GENERAL APPLICATION

PROJECT NAME:

Sight Triangle variation

ADDRESS:

360 Glendale Lane

PROPERTY INDEX NO.:

07-15-307-011-0000

PROPERTY ACRES:

ZONING:

PROJECT DESCRIPTION:

Variation from 15' sight triangle

REQUESTS BEING MADE (check all that apply):

Application Type	Subtype	Addendum
<input type="checkbox"/> ANX - Annexation	N/A	N/A
<input type="checkbox"/> MSP - Master Sign Plan	<input type="checkbox"/> New <input type="checkbox"/> Amendment	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> PLAT - Subdivision	<input type="checkbox"/> Non-Residential Preliminary <input type="checkbox"/> Non-Residential Final <input type="checkbox"/> Non-Residential Preliminary/Final	<input type="checkbox"/> Residential Preliminary <input type="checkbox"/> Residential Final <input type="checkbox"/> Residential Preliminary/Final N/A
<input type="checkbox"/> PLAT - Other	Type _____	N/A
<input type="checkbox"/> RPD Amendment	N/A	N/A
<input type="checkbox"/> REZ - Rezoning	From _____ to _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> SPR - Site Plan Review	<input type="checkbox"/> Preliminary Concept <input type="checkbox"/> Preliminary	<input type="checkbox"/> Final <input type="checkbox"/> Preliminary/Final <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> SPA - Site Plan Amendment	<input type="checkbox"/> Staff Review <input type="checkbox"/> Administrative Review	<input type="checkbox"/> Minor Amendment <input type="checkbox"/> Major Amendment <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> SU - Special Use	<input type="checkbox"/> Listed Use (please list) _____ <input type="checkbox"/> Use Not Cited (please list) _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> TA - Text Amendment	<input type="checkbox"/> Subdivision Code <input type="checkbox"/> Zoning Code	<input type="checkbox"/> Other (please list) _____ N/A
<input checked="" type="checkbox"/> VAR - Variation	<input type="checkbox"/> Non-Residential <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Sign	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



**I. Owner of Record**

Name Donna Batchen Company \_\_\_\_\_  
 Street Address 360 Glendale Lane City Hoffman Estates  
 State IL Zip Code 60169 Telephone Number 847-220-1363 Email dbatchen@gmail.com

**II. Applicant (if not the owner)**

Name \_\_\_\_\_ Firm/Company \_\_\_\_\_  
 Street Address \_\_\_\_\_ City \_\_\_\_\_  
 State \_\_\_\_\_ Zip Code \_\_\_\_\_ Telephone Number \_\_\_\_\_ Email \_\_\_\_\_

Applicant's relationship to property: \_\_\_\_\_

**III. Authorized Agent on Behalf of the Owner or Applicant**

Name \_\_\_\_\_ Firm/Company \_\_\_\_\_  
 Street Address \_\_\_\_\_ City \_\_\_\_\_  
 State \_\_\_\_\_ Zip Code \_\_\_\_\_ Telephone Number \_\_\_\_\_ Email \_\_\_\_\_

**IV. Owner Consent for Authorized Representative**

It is required that the **property owner or designated representative** be at all requests before the Planning and Zoning Commission (PZC). During the course of the meeting, questions may arise regarding the overall site, site improvements, special conditions to be included in a PZC recommendation, etc. The representative present must have knowledge of the property and have the authority to make commitments to comply with any and all conditions included in the PZC recommendations. Failure to have the owner or designated representative present at the meeting can lead to substantial delays in the hearing process. **If the owner cannot be present at the meeting, the following statement must be signed by the owner:**

I understand the requirement for the owner or an authorized representative to be present at the meeting with full authority to commit to requests, conditions and make decisions on behalf of the owner. I hereby authorize the following person(s)/firm(s) to act on my behalf and advise that he/she has full authority to act as my/our representative.

Name/Firm \_\_\_\_\_ Name/Firm \_\_\_\_\_  
 Name/Firm \_\_\_\_\_ Name/Firm \_\_\_\_\_

Donna Batchen  
**Owner Signature**

Donna Batchen  
**Print Name**

#### IV. Acknowledgement(s)

- Owner, applicant and authorized representatives may include other team members (consultants, brokers, tenants, etc.) that may be called upon to present at public meetings before the Planning and Zoning Commission and Village Board.
- 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: Donna Batchen  
Owner's Name (Please Print): Donna Batchen  
Applicant's Signature: \_\_\_\_\_  
(If other than Owner)  
Applicant's Name (Please Print): \_\_\_\_\_  
Date: 9-13-22

#### IV. Application and Document Submittals

All required application materials should be submitted to the Planning & Transportation Division in electronic format via email to [planning@hoffmanestates.org](mailto:planning@hoffmanestates.org). Staff will notify the applicant if full size plan submittals are also required for a particular project review. Submittal requirements can be found in Subdivision Code, Section 10-6 of the Village's Municipal Code.

All applications fees must be paid before the Planning and Zoning Commission can hear any case.

Please contact the Planning & Transportation Division with any questions:

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

## STANDARDS OF VARIATION

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 presented. All standards must be answered in full. A separate piece of paper may be used if more room is required.

1. The particular physical surroundings and shape of topographical conditions 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. Please provide an explanation.

possible removal of mature landscaping

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. Please provide an explanation.

The fence will be in the same spot as old fence.

3. The purpose of the Variation is not based exclusively upon a desire to increase the value of the property. Please provide an explanation.

Original family home - not looking to sell

replacing chain-link fence with privacy fence

on corner lot - don't want to damage or remove

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

landscape that would be affected is an

Arbor Day tree, planted about 35yr ago.

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. Please provide an explanation.

neighbor directly affected has been notified and has no objection to fence. Replacing chain link with privacy fence.

6. The proposed variation will not impair an adequate supply of light and air to adjacent properties, 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. Please provide an explanation.

I don't believe replacing fence will cause any problems, but will enhance the property as well as the neighborhood.

existing landscaping



## PROJECT NARRATIVE – 360 GLENDALE LANE - FENCE

I am requesting to remove and replace my existing chain-link fence with a PVC privacy fence. I am asking to follow the same footprint of the existing fence. My home is located on the corner of Glendale Lane and Mojave Street. My current fence is set back more than 5 1/2 feet from the sidewalk on Mojave Street and 0 feet from the property line. This fence was installed in 1979 and is in great need of replacement. That existing fence was installed prior to Hoffman current fence regulation code.

If I were to comply with the current zoning regulation it would require me to move my fence and additional 5 feet from sidewalk as well as comply with a 15-foot site triangle. This would greatly reduce my yard space for family activities as well as disturb existing landscaping, that has great sentimental value for my family. One tree was planted by my daughter when she was in grade school for Arbor Day, 35+ years ago and peonies my mother planted that were from her mother's garden. As well as other mature trees and landscaping.

My family is the original home owners of this property and I am second generation owner. The fence was installed for safety of young children and family pets. My side yard is the majority of open space for play and entertainment with friends and family as well as pets. I would like to have a safe, private yard in which to entertain and enjoy with friends and family. Living on a corner it is heavily traveled by pedestrians and pets. For myself and family to feel comfortable in our yard and have a sense of privacy and safety for entertaining, I'm requesting your consideration for this variance.

My intentions are to keep my yard and house looking good and to continue enjoying my neighbors and neighborhood.

I thank you for your consideration for the variance on my fence

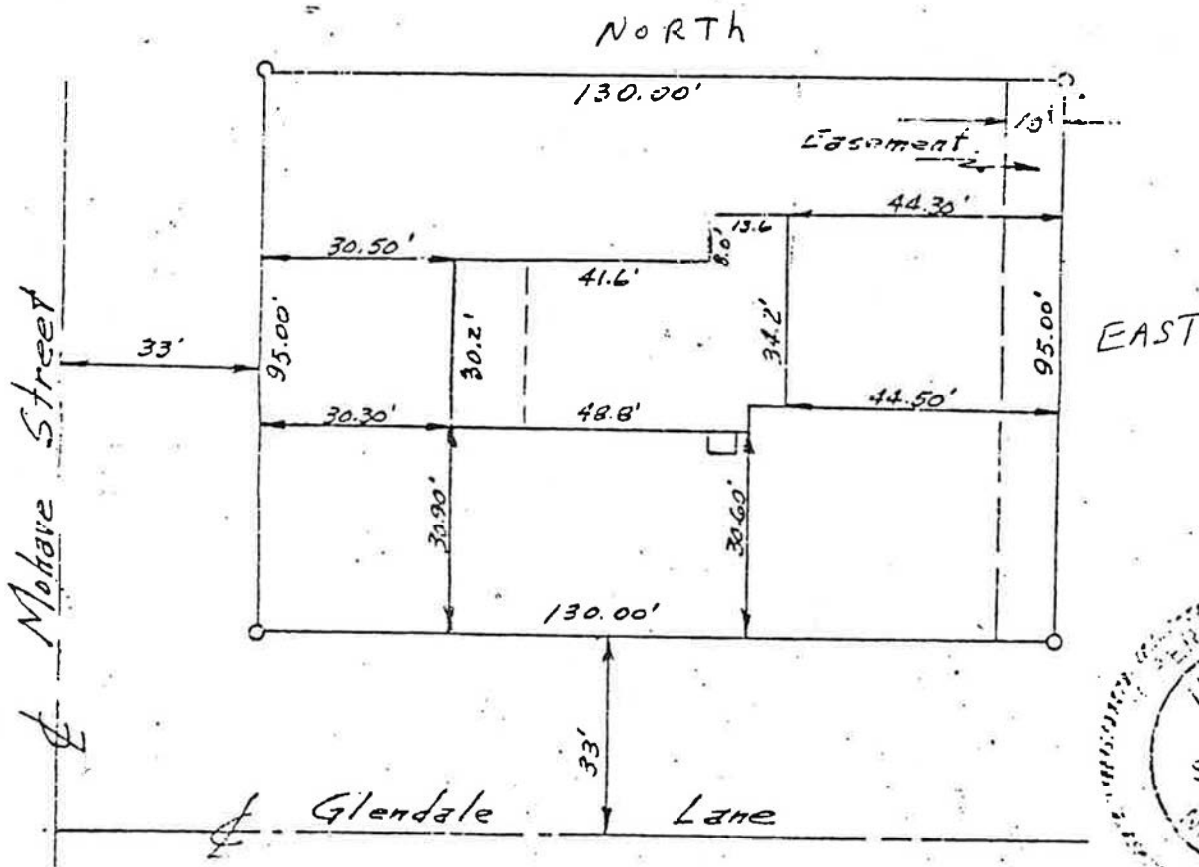
Sincerely,

Donna Batchen

DATE May 22, 1957

LOT NO. 1

BLOCK NO. 46



ADDRESS 127 Glendale Lane, Hoffman Estates, Cook County, Illinois.

ENGINEER'S CERTIFICATE

I hereby certify that the above plat is a true and accurate description of a survey made under my supervision and on the ground as per recorded description of the above described property, a part of Hoffman Estates, Cook County, Illinois, and that the location and dimensions of all buildings, improvements, easements, alley or rights of way in evidence or known to me and encroachments by or on the premises are accurately shown.

Robert E. Frederick  
Robert E. Frederick, Registered Land Surveyor  
202 N. State Road  
Arlington Heights, Ill.  
CL 5-4090

XERO COPY

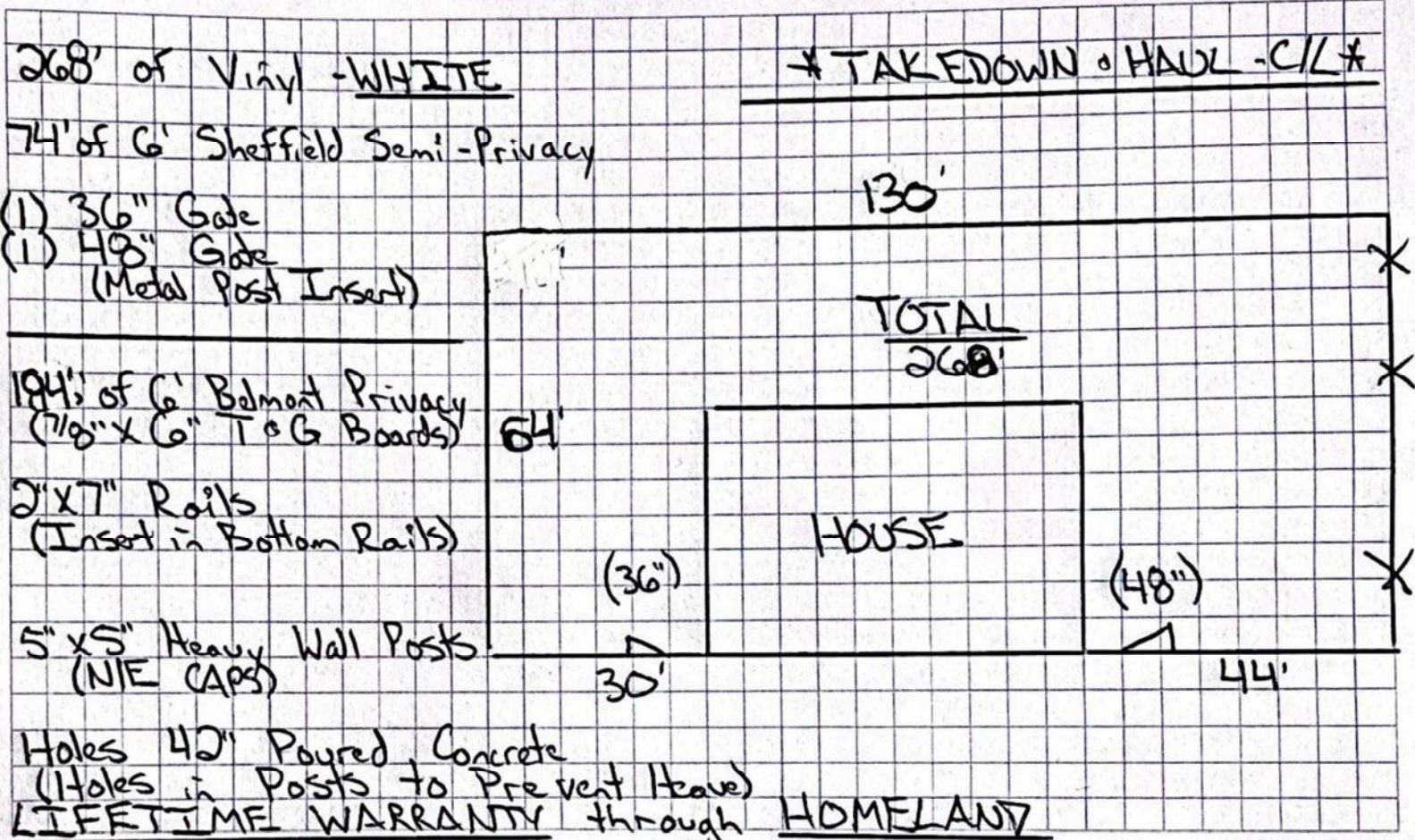
XERO COPY

XERO COPY

LEGAL DESCRIPTION

LOT 1 IN BLOCK 46 IN HOFFMAN ESTATES, ILLINOIS, BEING A SUBDIVISION OF PART OF SECTION 15, TOWNSHIP 41 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 11, 1956 AS DOCUMENT 16693491, IN COOK COUNTY, ILLINOIS





**Customer to contact America's Backyard if J.U.L.I.E. marks are NOT present three days prior to installation. Customer to obtain all permits. Dirt removal ~~is~~ included.**

Direction: Customer to have fence line cleared

**Terms and Condition Of Sale.** America's Backyard proposes to furnish material and labor—complete in accordance with above specifications. All material is guaranteed to be as specified. All work to be completed in a workman like manner according to standard practices. All agreements and schedules contingent upon strikes, accidents, weather, unforeseen ground conditions, permit delays, HOA approvals or any other delays beyond. Any alteration or deviation from original proposed work, per request of customer (written or verbal) will become an extra charge over and above the original cost.

**Acceptance Of Proposal - Terms and Conditions On Reverse Side.** The above prices, specifications and conditions are satisfactory and are hereby accepted. America's Backyard is authorized to do the work. A deposit or signature will act as full acceptance of all terms and conditions.

Authorized Signature: \_\_\_\_\_ Date 6/17/22

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

Signature: \_\_\_\_\_



# STATEMENT OF AWARENESS

TO: THE VILLAGE OF HOFFMAN ESTATES  
PLANNING AND ZONING COMMISSION

DATE: 7-3-2022

THIS IS TO CERTIFY THAT THE UNDERSIGNED, BEING A PROPERTY OWNER DIRECTLY AFFECTED, IS AWARE OF THE INTENTIONS OF:

Donna Batchen

Petitioner Name

360 Glendale Lane H.E. 60169

Petitioner Address

TO INSTALL/ERECT/CONSTRUCT A:

6ft fence - privacy fence

ON PROPERTY LOCATED AT:

360 Glendale Lane H.E. 60169

Address

HOFFMAN ESTATES, ILLINOIS, AS SO STATED IN THIS PETITION FOR A ZONING VARIATION.

Lisbet Prybylko

Signature of Property Owner Directly Affected

655 Mohave St Hoffman Est. IL 60169

Address of Property Owner Directly Affected

This form is to be completed by the property owner directly affected by the petitioner before the Planning and Zoning Commission and submitted with the Residential Variation Application.

The "property owner affected by the petition" may appear and testify for or against the petition. The date and time of the hearing will be mailed to said property owner.

Should assistance be required in determining property owners affected or in obtaining signatures, contact the Planning Division, 847/781-2660.