

Andrew and Caitlin Herwig  
325 Broadway  
Libertyville, IL 60048  
July 5, 2024

Community Development Department  
Village of Libertyville  
118 W Cook Ave  
Libertyville, IL 60048

**Re: Variance Application for Fence Installation at 325 Broadway**

Dear Members of the Community Development Department,

We are seeking a variance to install a 3-foot white picket fence around the full perimeter of our yard at 325 Broadway. Our unique property layout, with narrow and deep home dimensions on this corner lot, including driveway and pavers in the rear, leaves us with no protected yard space. This variance is essential for providing a safe and secure yard for our young son and dog, ensuring their safety and well-being while enjoying time outside on our property.

Granting this variance will allow us to align our property with the typical rights and usage enjoyed by other homeowners in our neighborhood, many of whom either have similar fence installations to what we are seeking, or feature detached garages that allow for protected yard space within the lot. Our proposed low fence will enhance the aesthetic appeal of our property and the neighborhood while maintaining a harmonious and inviting environment. We appreciate your consideration of our request and believe this variance will greatly improve our quality of life without negatively impacting the community.

Included within this application are the following materials:

- Response to Standards for Variation
- Plat of Survey
- Proposal from Stars Fence containing Site Plan and Elevations of proposed fence (Please note the proposal shows an unfinished cedar fence. We plan to paint it white in keeping with the established aesthetic of the neighborhood.)
- Aerial satellite image of 325 Broadway (applicant lot)
- Reference photos of 325 Broadway (applicant lot)
- Aerial satellite image of 524 Broadway (reference lot)
- Reference photos of 524 Broadway (reference lot)

Thank you for your time and attention.

Sincerely,

  
Andrew & Caitlin Herwig



774-212-3379  
HerwigA@gmail.com

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325 Broadway  
Libertyville, IL 60048  
July 5, 2024

Community Development Department  
Village of Libertyville  
118 W Cook Ave  
Libertyville, IL 60048

**Re: Response to Standards for Variations**

**A. GENERAL STANDARD**

The narrow-and-deep dimensions of the home and its placement on the lot, including a driveway and pavers in the rear, create very little corner side yard. Fencing only this portion of the property would create an aesthetic inconsistent and out of keeping with that of the surrounding properties. Each of the comparable corner properties in the neighborhood enjoy a functional yard bounded by some manner of barrier from public space. Due either to a granted variance or the nature of the layout of the property, all other lots in the surrounding area enjoy the seemingly fundamental right of a yard separated from direct public access in a way that our property is currently unable to enjoy. We are seeking variation not to become an exception, but rather to be precisely in keeping with those privileges afforded to each of our wonderful neighbors.

**B. UNIQUE PHYSICAL CONDITION**

The dimensions of the home are narrow and deep from Broadway, and the position of the house and driveway within the lot—along the inside edge—means that the only grass on the property is in the front and side yards. This creates a unique condition compared to other lots that have more balanced yard space, or yard space between nearby homes and their detached garages.

**C. NOT SELF-CREATED**

The unique physical condition is purely a result of the lawful construction of structures. These physical conditions were not created by us.

**D. DENIED SUBSTANTIAL RIGHTS**

A majority of observed corner lots feature a detached garage, providing for a fence-able yard between the home and garage. In most cases, this yard area occupies the full width of the lot. In our case, there is no rear yard, and the allowed corner-side area is small and inaccessible directly from any house door. Denying the variance deprives us of the substantial right to a protected and usable yard space enjoyed by other homeowners in the area.

**E. NOT MERELY SPECIAL PRIVILEGE**

The property at 524 Broadway Street, just two blocks east, is a comparable corner lot with a fence across the full width of the front yard and length of the side yard in precisely the manner we are

seeking. Granting this variance does not afford us any special privilege but rather aligns our property rights with those of similar properties.

#### **F. CODE AND PLAN PURPOSES**

A low 3-foot white picket fence will be cohesive with those seen throughout the neighborhood, while also maintaining an inviting and neighborly aesthetic. It aligns with the general and specific purposes of the zoning code and comprehensive plan by enhancing the property's appearance without disrupting community harmony.

#### **G. ESSENTIAL ELEMENTS OF THE AREA**

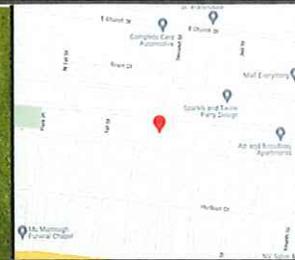
1. A low picket fence will not materially change the public welfare, enjoyment, use, development, or property value.
2. A low picket fence will not materially impair an adequate supply of light and air to the properties and improvements in the vicinity.
3. A low picket fence set back sufficiently from each roadway will not affect traffic or parking.
4. A low picket fence will not increase the danger of flood or fire.
5. A low picket fence will not unduly tax public utilities or facilities in the area.
6. A low picket fence will not endanger the public health or safety.

#### **H. NO OTHER REMEDY**

There are no known means other than a low picket fence that will provide this property with the same rights available to other surrounding lots. Other options do not offer the necessary protection and security for our family and pet that can be reasonably expected.



PROPER TITLE

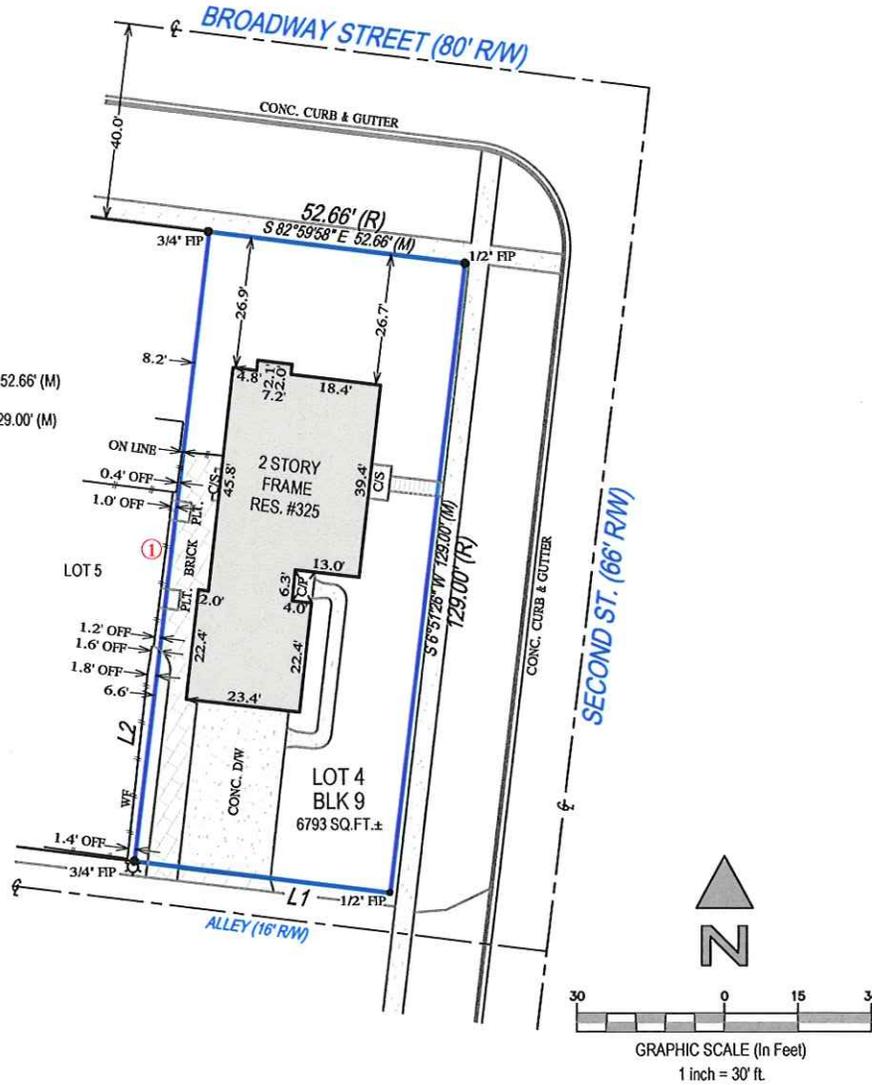


PROPERTY ADDRESS: 325 BROADWAY STREET, LIBERTYVILLE, ILLINOIS 60048

SURVEY NUMBER: IL2406.0307

IL2406.0307  
PLAT OF SURVEY  
LAKE COUNTY

LINE TABLE:  
 L1 52.66' (R)  
 N 82°59'58" W 52.66' (M)  
 L2 129.00' (R)  
 N 6°51'25" E 129.00' (M)



STATE OF ILLINOIS }  
COUNTY OF LASALLE } SS

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. GIVEN UNDER MY HAND AND SEAL THIS DATE HEREON.



ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2971  
LICENSE EXPIRES 11/30/2024  
EXACTA LAND SURVEYORS, LLC  
PROFESSIONAL DESIGN FIRM 184008059-0008

POINTS OF INTEREST:  
1. BRICK OVER PROPERTY LINE



Exacta Land Surveyors, LLC  
FIS# 184008059  
o: 773.305.4011  
316 East Jackson Street | Morris, IL 60450



DATE OF SURVEY: 06/07/24  
FIELD WORK DATE: 6/5/2024  
REVISION DATE(S): (REV.0 6/7/2024)

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION  
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

**JOB SPECIFIC SURVEYOR NOTES:**

**LEGAL DESCRIPTION:**

LOT 4 IN BLOCK 9 IN C. FRANK WRIGHT'S ADDITION TO LIBERTYVILLE, BEING A SUBDIVISION OF PART OF SECTIONS 15, 16, 21 AND 22, TOWNSHIP 44 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JULY 24, 1893, AS DOCUMENT NUMBER 55584, IN BOOK C OF PLATS, PAGES 66 AND 67, IN LAKE COUNTY, ILLINOIS.

**GENERAL SURVEYOR NOTES:**

- The Legal Description used to perform this survey was supplied by others. This survey does not determine nor imply ownership of the lands or any fences shown hereon. Unless the title Commitment Number is referenced on this survey, an examination of the abstract of title was NOT performed by the signing surveyor to determine which instruments, if any, are affecting this property.
- The purpose of this survey is to establish the boundary of the lands described by the legal description provided and to depict the visible improvements thereon for a pending financial transaction. Underground footings, utilities, or other service lines, including roof eave overhangs were not located as part of this survey. Unless specifically stated otherwise the purpose and intent of this survey is not for any construction activities or future planning.
- If there is a septic tank or drain field shown on this survey, the location depicted hereon was either shown to the surveyor by a third party or it was estimated by visual above ground inspection. No excavation was performed to determine its location.
- This survey is exclusively for a pending financial transaction and only to be used by the parties to whom it is certified.
- Alterations to this survey map and report by other than the signing surveyor are prohibited.
- Dimensions are in feet and decimals thereof.
- Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain said data was performed at [www.fema.gov](http://www.fema.gov) and may not reflect the most recent information.
- Unless otherwise noted "SIR" indicates a set iron rebar, 5/8 inch in diameter and twenty-four inches long.
- The symbols reflected in the legend and on this survey may have been enlarged or reduced for clarity. The symbols have been plotted at the approximate center of the field location and may not represent the actual shape or size of the feature.
- Points of Interest (POI's) are select above-ground improvements, which may appear in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. These POI's may not represent all items of interest to the viewer. There may be additional POI's which are not shown or called-out as POI's, or which are otherwise unknown to the surveyor.
- Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.
- The information contained on this survey has been performed exclusively by and is the sole responsibility of Exacta Land Surveyors, LLC. Additional logos or references to third party firms are for informational purposes only.
- Due to varying construction standards, building dimensions are approximate and are not intended to be used for new construction or planning.
- Surveyor bearings are used for angular reference and are used to show angular relationships of lines only and are not related or orientated to true or magnetic north. Bearings are shown as surveyor bearings, and when shown as matching those on the subdivision plats on which this survey is based, they are to be deemed no more accurate as the determination of a north orientation made on and for those original subdivision plats. North 00 degrees East is assumed and upon preparation of this plat, the resulting bearing between found points as shown on this survey is the basis of said surveyor bearings as defined and required to be noted by Illinois Administrative Code Title 68, Chapter VII, Sub-Chapter 8, Part 1270, Section 1270.56, Paragraph 8, Sub-Paragraph 6, Item k.
- THIS SURVEY IS A PROFESSIONAL SERVICE IN COMPLIANCE WITH THE MINIMUM STANDARDS OF THE STATE OF ILLINOIS. NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. PLEASE REFER ALSO TO YOUR DEED, TITLE POLICY AND LOCAL ORDINANCES. COPYRIGHT BY EXACTA ILLINOIS SURVEYORS. THIS DOCUMENT MAY ONLY BE USED BY THE PARTIES TO WHICH IT IS CERTIFIED. PLEASE DIRECT QUESTIONS OR COMMENTS TO EXACTA ILLINOIS SURVEYORS, INC. AT THE PHONE NUMBER SHOWN HEREON.

**SURVEYOR'S LEGEND**

<p><b>LINETYPES</b></p> <ul style="list-style-type: none"> <li>Boundary Line</li> <li>Center Line</li> <li>Chain Link or Wire Fence</li> <li>Easement</li> <li>Edge of Water</li> <li>Iron Fence</li> <li>Overhead Lines</li> <li>Structure</li> <li>Survey Tie Line</li> <li>Vinyl Fence</li> <li>Wall or Party Wall</li> <li>Wood Fence</li> </ul> <p><b>SURFACE TYPES</b></p> <ul style="list-style-type: none"> <li>Asphalt</li> <li>Brick or Tile</li> <li>Concrete</li> <li>Covered Area</li> <li>Water</li> <li>Wood</li> </ul> <p><b>SYMBOLS</b></p> <ul style="list-style-type: none"> <li>Benchmark</li> <li>Center Line</li> <li>Central Angle or Delta</li> <li>Common Ownership</li> <li>Control Point</li> <li>Catch Basin</li> </ul>		<p><b>ABBREVIATIONS</b></p> <ul style="list-style-type: none"> <li>(C) - Calculated</li> <li>(D) - Deed</li> <li>(F) - Field</li> <li>(M) - Measured</li> <li>(P) - Plat</li> <li>(R) - Record</li> <li>(S) - Survey</li> <li>A/C - Air Conditioning</li> <li>AE - Access Easement</li> <li>ANE - Anchor Easement</li> <li>ASBL - Accessory Setback Line</li> <li>B/W - Bay/Box Window</li> <li>BC - Block Corner</li> <li>BFP - Backflow Preventer</li> <li>BLDG - Building</li> <li>BLK - Block</li> <li>BM - Benchmark</li> <li>BR - Bearing Reference</li> <li>BRL - Building Restriction Line</li> <li>BSMT - Basement</li> <li>C - Curve</li> <li>CL - Center Line</li> </ul>	<ul style="list-style-type: none"> <li>C/P - Covered Porch</li> <li>C/S - Concrete Slab</li> <li>CATV - Cable TV Riser</li> <li>CB - Concrete Block</li> <li>CH - Chord Bearing</li> <li>CHIM - Chimney</li> <li>CLF - Chain Link Fence</li> <li>CME - Canal Maintenance Easement</li> <li>CO - Clean Out</li> <li>CONC - Concrete</li> <li>COR - Corner</li> <li>CS/W - Concrete Sidewalk</li> <li>CUE - Control Utility Easement</li> <li>CVG - Concrete Valley Gutter</li> <li>D/W - Driveway</li> <li>DE - Drainage Easement</li> <li>DF - Drain Field</li> <li>DH - Drill Hole</li> <li>DUE - Drainage &amp; Utility Easement</li> <li>ELEV - Elevation</li> <li>EM - Electric Meter</li> <li>ENCL - Enclosure</li> <li>ENT - Entrance</li> <li>EOP - Edge of Pavement</li> <li>EOW - Edge of Water</li> <li>ESMT - Easement</li> <li>EUB - Electric Utility Box</li> <li>F/DH - Found Drill Hole</li> <li>FCM - Found Concrete Monument</li> <li>FF - Finished Floor</li> <li>FIP - Found Iron Pipe</li> <li>FIPC - Found Iron Pipe &amp; Cap</li> </ul>	<ul style="list-style-type: none"> <li>FIR - Found Iron Rod</li> <li>FIRC - Found Iron Rod &amp; Cap</li> <li>FN - Found Nail</li> <li>FN&amp;D - Found Nail &amp; Disc</li> <li>FRRSFK - Found Rail Road Spike</li> <li>GAR - Garage</li> <li>GM - Gas Meter</li> <li>ID - Identification</li> <li>IE/EE - Ingress/Egress Easement</li> <li>ILL - Illegible</li> <li>INST - Instrument</li> <li>INT - Intersection</li> <li>IRRE - Irrigation Easement</li> <li>L - Length</li> <li>LAE - Limited Access Easement</li> <li>LB# - License No. (Business)</li> <li>LBE - Limited Buffer Easement</li> <li>LE - Landscape Easement</li> <li>LME - Lake/Landscape Maintenance Easement</li> <li>LS# - License No. (Surveyor)</li> <li>MB - Map Book</li> <li>ME - Maintenance Easement</li> <li>MES - Mitered End Section</li> <li>MF - Metal Fence</li> <li>MH - Manhole</li> <li>MHWL - Mean High Water Line</li> <li>NR - Non-Radial</li> <li>NTS - Not to Scale</li> <li>NAVDD88 - North American Vertical Datum 1988</li> <li>NGVD29 - National Geodetic Vertical Datum 1929</li> <li>OG - On Ground</li> </ul>	<ul style="list-style-type: none"> <li>ORB - Official Records Book</li> <li>ORV - Official Record Volume</li> <li>O/A - Overall</li> <li>O/S - Offset</li> <li>OFF - Outside Subject Property</li> <li>OH - Overhang</li> <li>OHL - Overhead Utility Lines</li> <li>OHWL - Ordinary High Water Line</li> <li>ON - Inside Subject Property</li> <li>P/E - Pool Equipment</li> <li>PB - Plat Book</li> <li>PC - Point of Curvature</li> <li>PCC - Point of Compound Curvature</li> <li>PCP - Permanent Control Point</li> <li>PI - Point of Intersection</li> <li>PLS - Professional Land Surveyor</li> <li>PLT - Planter</li> <li>POB - Point of Beginning</li> <li>POC - Point of Commencement</li> <li>PRC - Point of Reverse Curvature</li> <li>PRM - Permanent Reference Monument</li> <li>PSM - Professional Surveyor &amp; Mapper</li> <li>PT - Point of Tangency</li> <li>PUE - Public Utility Easement</li> <li>R - Radius or Radial</li> <li>R/W - Right of Way</li> <li>RES - Residential</li> <li>RGE - Range</li> <li>ROE - Roof Overhang Easement</li> <li>RP - Radius Point</li> </ul>	<ul style="list-style-type: none"> <li>S/W - Sidewalk</li> <li>SBL - Setback Line</li> <li>SCL - Survey Closure Line</li> <li>SCR - Screen</li> <li>SEC - Section</li> <li>SEP - Septic Tank</li> <li>SEW - Sewer</li> <li>SIRC - Set Iron Rod &amp; Cap</li> <li>SMWE - Storm Water Management Easement</li> <li>SN&amp;D - Set Nail and Disc</li> <li>SQFT - Square Feet</li> <li>STL - Survey Tie Line</li> <li>STY - Story</li> <li>SV - Sewer Valve</li> <li>SWE - Sidewalk Easement</li> <li>TBM - Temporary Bench Mark</li> <li>TEL - Telephone Facilities</li> <li>TOB - Top of Bank</li> <li>TUE - Technological Utility Easement</li> <li>TWP - Township</li> <li>TX - Transformer</li> <li>TYP - Typical</li> <li>UE - Utility Easement</li> <li>UG - Underground</li> <li>UP - Utility Pole</li> <li>UR - Utility Riser</li> <li>VF - Vinyl Fence</li> <li>W/C - Witness Corner</li> <li>W/F - Water Filter</li> <li>WM - Water Meter/Valve Box</li> <li>WV - Water valve</li> </ul>
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**CERTIFIED TO:**  
PROPER TITLE;

**FLOOD ZONE INFORMATION:**

**DATE SIGNED:** 06/07/24

**BUYER:**

**LENDER:**

**TITLE COMPANY:** PROPER TITLE

**COMMITMENT DATE:**

**CLIENT FILE NO:** PT24-100635

SEE PAGE 1 OF 2 FOR MAP OF PROPERTY  
PAGE 2 OF 2 - NOT VALID WITHOUT ALL PAGES



Exacta Land Surveyors, LLC  
PLS# 184008059  
o: 773.305.4011  
316 East Jackson Street | Morris, IL 60450

13620 ROCKLAND RD  
LAKE BLUFF, IL 60044  
[www.starsfence.com](http://www.starsfence.com)

MAIN / SCHEDULING: (847) 362-4500  
FAX: (847) 362-4501  
CELL: (847) 980-7247  
EMAIL: [starsfence@aol.com](mailto:starsfence@aol.com)

WE ACCEPT:  
\*VISA \*MASTERCARD \*DISCOVER

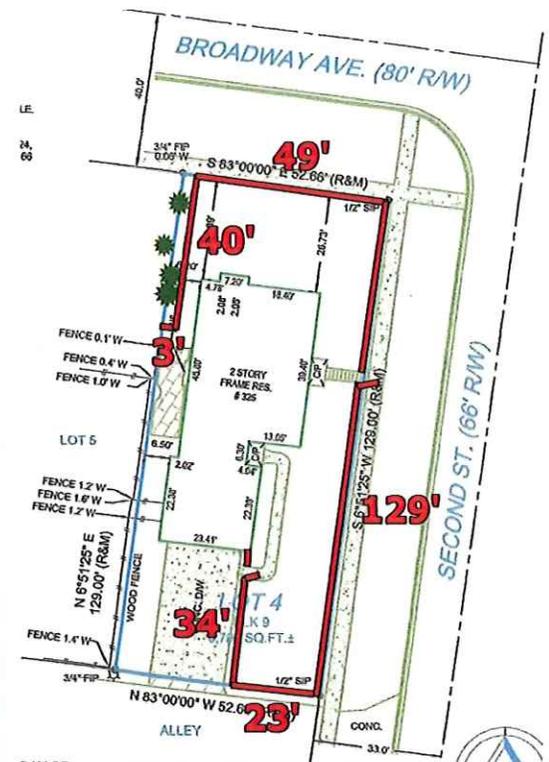
# STARS FENCE

Andrew Herwig  
325 Broadway St.  
Libertyville, IL 60048  
Phone: (774) 212-3379  
(847)  
Email: [herwiga@gmail.com](mailto:herwiga@gmail.com)

## NEW FENCE: (\$10,285.00)

- Furnish and install 278 ft. of 3 ft. high Scallop Picket Fence w/ (2) 3 ½' wide gates along west, north, east, & south sides.
  - 1x4 boards, 2x4 rails, 4x4 posts

- \* Natural Western Red Cedar #1 Materials
- \* Fence Custom Built On Site



If any construction permit that may be required, PURCHASER agrees to obtain at his cost. Stars Fence Inc. can only be responsible for the location of property line when supplied with a current and urate plat of survey at the time this contract is executed. This Original Contract needed for any warrantees and guarantees to be in effect, otherwise they will be null and void.

A charge of 25% of cash contract price will be made in case of cancellation of this order by property owner or agent of which he/she agrees to pay upon demand after refusing to allow the work to proceed as within agreed terms. Contract costs based on all fence work being done at the same time, additional costs of \$300.00-\$800.00 per trip charge if customer wants crew to finish on a different date.

I hereby accept the terms and conditions on both sides of this contract and I agree to pay the amount mentioned in said proposal. Payment will be made as outlined above. Customer agrees to pay collection costs and reasonable attorney fees plus 2% per mo. on past due balance.

6/5/2024  
DATE

PURCHASER'S SIGNATURE

DATE

SUBMITTED BY: DAVID R. ZAK

13620 ROCKLAND RD  
LAKE BLUFF, IL 60044  
[www.starsfence.com](http://www.starsfence.com)



MAIN / SCHEDULING: (847) 362-4500  
FAX: (847) 362-4501  
CELL: (847) 980-7247  
EMAIL: [starsfence@aol.com](mailto:starsfence@aol.com)

WE ACCEPT:  
\*VISA \*MASTERCARD \*DISCOVER

CUSTOMER NEEDING TO SECURE <u>FENCE PERMIT</u> (PRIOR TO INSTALLATION): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe (Customer Should Check w/ Village or City Bld. Dept.)		
J.U.L.I.E. UTILITY LOCATE (STARS FENCE TO CALL): <input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West <input type="checkbox"/> Back Yard <input type="checkbox"/> Front Yard <input type="checkbox"/> Side Yards <input checked="" type="checkbox"/> Entire Yard <input type="checkbox"/> NO JULIE		
FENCE INSTALLATION: <input checked="" type="checkbox"/> Follow Contour of Ground <input type="checkbox"/> Stepped    Add. Charge: \$ _____		
FENCE REMOVAL (EXISTING POST CUT OFF JUST BELOW GRADE WHEN NOT IN SAME LOCATION): <input type="checkbox"/> Take Down & Haul Away Fence: _____    Add. Charge: \$ _____		
DIRT REMOVAL (IF WANTED): <input type="checkbox"/> Haul Away & Dispose Of Dirt From Postholes: (No Charge If Kept On Site)    Add. Charge: \$ <u>280.00</u>		
OBSTRUCTIONS IN FENCE LINE (TREES / BUSHES / POLLS): <input type="checkbox"/> Inside <input type="checkbox"/> Stop / Start <input type="checkbox"/> Box <input type="checkbox"/> V-Shape <input type="checkbox"/> Trimming (Minor)    Add. Charge: \$ _____		
CORE DRILLS: <input type="checkbox"/> # Of Concrete: _____ <input type="checkbox"/> # Of Asphalt: _____    Add. Charge: \$ _____		
TERMS OF AGREEMENT:  Plat Of Survey Required For New & Replacement Fencing (& Some Repairs) Any Obstructions Along Fence Line Need To Be Cleared Out (18-24" Path) <u>Prior To Installation</u> Not Responsible For Any Damage To Attachments, Landscaping, & Plantings On Or Near Fence Line Customer Responsible To Mark Any Other Lines <u>Not</u> Located By J.U.L.I.E. (Sprinklers, Electric Dog Collar Lines, Pool Lines, Etc.) Since Crews Not Liable For Their Damage All Posts Set 3' Deep In Concrete Or Depending on Village Code Req. (Excluding Some Rail Fences) Deposit: 1/3 <sup>rd</sup> Down Balance: C.O. Completion		
TOTAL: \$	DEPOSIT: \$	BALANCE: \$

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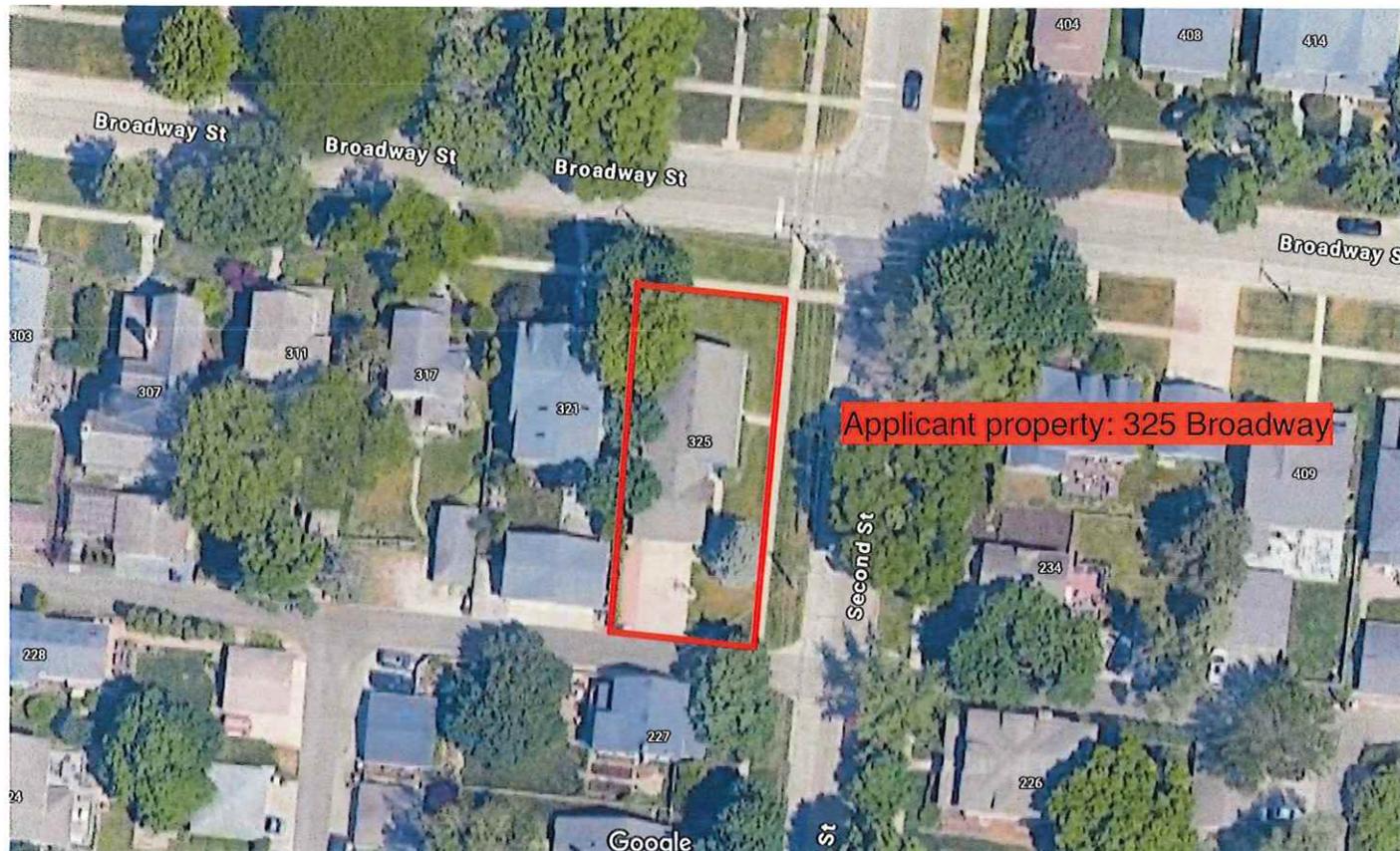
\_\_\_\_\_  
PURCHASER'S SIGNATURE

\_\_\_\_\_  
DATE

  
SUBMITTED BY: DAVID R. ZAK

6/5/2024  
DATE

Applicant property: 325 Broadway



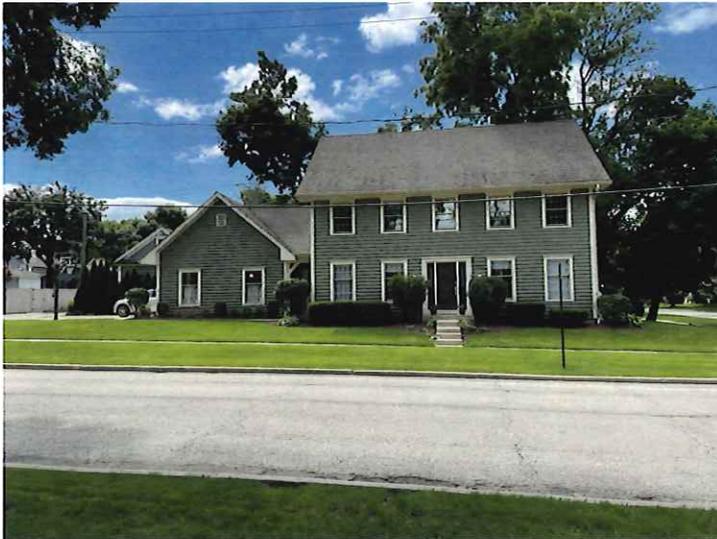
Applicant property: 325 Broadway



Front yard facing Broadway



Front corner at Broadway / 2nd Street



Side yard facing 2nd Street



Corner-side yard facing 2nd Street

Reference property: 524 Broadway with full front yard and side yard fence



Reference property: 524 Broadway with full front yard and side yard fence

