

To the Libertyville Zoning Board of Appeals,

We are writing to respectfully request a code variation to install a fence on our property at **512 Sandy Lane**. Our proposal is a direct response to the unique physical conditions of our lot and our need for a reasonable level of privacy, safety, and security that is commonly enjoyed by other homeowners in Libertyville.

Our property at 512 Sandy Lane presents a distinctive challenge due to its two corner exposures: one at the bend of Sandy Lane and another at the intersection of Sandy Lane and Sandy Court, a cul-de-sac. While our primary street frontage faces Sandy Lane, the rear of our property directly abuts the cul-de-sac. When we purchased this home, we were captivated by the beautiful, established privacy hedge of mature trees that ran along the back of our lot. This natural screen was a key selling point, offering a sense of seclusion despite the extensive road exposure.

However, the reality of living with such exposure has highlighted significant concerns. We are seeking this fence primarily for privacy and the safety of ourselves, our future young children and future dog. Our goal is to create a secure backyard where our family can play and relax without the constant worry of them venturing into the street. We've also experienced concerning instances of uninvited individuals entering our property. Our security cameras have captured people regularly walking through our backyard mulch and trees, seemingly using our private yard as a public shortcut, despite clear sidewalks being available. Furthermore, we've encountered aggressive solicitors who bypassed our front doorbell, instead approaching us directly in our backyard from the cul-de-sac, creating an unsettling and intrusive experience. These incidents underscore our vulnerability and the pressing need for defined boundaries and enhanced security.

Our proposed fence will be a standard, traditional style crafted from cedar wood, standing 6 feet tall. This height is crucial for providing the necessary privacy and ensuring the safety of pets. Recognizing the existing ~30-foot tall arborvitae hedge along the back, we have thoughtfully designed a material transition to maintain the hedge's breathability and aesthetic. Along the hedge, we will transition to 6-foot tall black aluminum fencing, ensuring continuity and maintaining a cohesive look. We plan for a double gate on the East side and a single gate on the West side, aligning with our neighbor's existing fence and gate (Lot 143) to foster neighborhood harmony.

We are actively working to enhance our yard, building upon the rich foliage and native wildlife that attracted us to this home. Neighbors have already expressed appreciation for our efforts in tidying and improving the garden. Our fence proposal is an extension of this commitment, aiming to elevate the overall appearance and functionality of our lot, harmonizing with and enhancing the community's aesthetic.

The current code interprets our lot as having two "front yards," which, given the prominent privacy hedge and the actual use of the space, is not visually or functionally accurate for our

backyard area. Adhering to the strict code-mandated fence setback would result in a fence line that would leave a significant portion of our functional backyard outside the enclosure, rendering the fence largely ineffective for its intended purpose of privacy and security. Frankly, such a solution would be impractical and undesirable, denying us the reasonable enjoyment of our property. This variation is essential to overcome the practical difficulties posed by our unique lot shape and to allow us to secure and enjoy our backyard like any other homeowner.

As first-time homeowners, recently engaged and new to the suburbs, we are absolutely loving our experience in Libertyville. We've quickly come to appreciate the charm of its streets and the welcoming spirit of the village as a whole. This house represents the beginning of a significant new chapter for us, and we are incredibly excited to settle in and experience life here as we look forward to growing our family in this wonderful community. Granting this fence variation will allow us to fully embrace our new home and create a safe, private haven for years to come.

Thank you for your time and consideration.

Sincerely,

Maxwell Jansons (and Peggy Leisz)

STANDARDS FOR VARIATIONS

- a. General Standard. No variation shall be granted pursuant to this Section 16-8 unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Section 16-8.7.

The strict application of the current code provisions creates a practical difficulty due to my lot's unique shape, making a standard fence installation impossible without a variation. This variation is essential to allow for the reasonable use and enjoyment of my private backyard space.

- b. Unique Physical Condition. The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including the presence of an existing use, structure, fence or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot or its existing development rather than the personal situation of the current owner of the lot.

My lot is exceptional due to its irregular and unique shape, which is inherent to the property and directly prevents a conforming fence installation. This unique physical condition amounts to more than a mere inconvenience, impacting the functional use of my private property. The elongated amount of street exposure provides a safety concern for future pets and small children while enjoying the backyard space.

- c. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title, other than the construction of structures that were lawful at the time of such construction, and existed at the time of the enactment of the provisions from which a variation is sought or was created by as a result of natural forces or governmental action, other than the adoption of this Code.

The unique and irregular shape of my lot is a pre-existing condition, not a result of any action or inaction on my part or previous owners. This physical characteristic existed prior to the enactment of the current code provisions from which this variation is sought.

- d. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

Without this variation, the strict application of the code would deprive me of the substantial right to enclose my backyard with a fence for privacy from the road exposure and safety with the consideration of future pets and small children, a right commonly enjoyed by other property owners in the vicinity. My unique lot shape prevents the standard exercise of this right.

- e. Not Merely Special Privilege. The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot; provided, however, that where the standards set out in this Section 16-8.7 are met, the existence of an economic hardship shall not be a prerequisite to the grant of a variation.

The requested variation does not seek a special privilege but rather aims to overcome a practical difficulty inherent to my unique lot shape to allow for the reasonable enjoyment of my property. The ability to install a fence is a fundamental right for property owners to define and use their space.

- f. Code and Plan Purposes. The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

Granting this variation for a fence would be in harmony with the general purposes of the Code and the Comprehensive Plan by promoting safety, privacy, and the reasonable use of private property. The proposed fence will not detract from the neighborhood's character.

- g. Essential Elements of the Area. The variation would not result in a use or development on the subject lot that:
- 1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or
 - 2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
 - 3) Would substantially increase congestion in the public streets due to traffic or parking; or
 - 4) Would unduly increase the danger of flood or fire; or
 - 5) Would unduly tax public utilities and facilities in the area; or
 - 6) Would endanger the public health or safety.

The proposed fence, facilitated by this variation, will not be detrimental to public welfare or injurious to neighboring properties; it will maintain light and air, and will not impact traffic, public utilities, or safety. The materials selected aim to promote arborvitae growth and its purpose is to define and secure my private backyard area.

- h. No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.

Due to the unique and irregular shape of my lot, there is no other practical or reasonable method to install a fence that meets my privacy and safety needs while adhering to the strict letter of the current code. The requested variation is the only viable solution.



Aspen Fence Co.

Specializing in repairs and installation

PROPOSAL NO.: 25-0152
DATE: 4/24/25
Revised

TO: Peggy Leisz
512 Sandy Ln.
Libertyville, IL 60048

PROJECT SCOPE : Tear down and haul away approximately 48' of existing neighbor's fence. Furnish and install approximately 239' of 1"x 6"x 6' solid traditional style fence with two (2) 2"x 4" rails, two (2) 1"x 4"x 8' face and 1"x 4"x 8' cap board using 4"x 4" posts and include one (1) 4' wide single gate and one (1) 8' wide double gate. Also furnish and install approximately 70' of either 4' or 6' high black three-rail flat top (Starling) aluminum fence. All new cedar fence materials will be #1 grade western red cedar and cedar fence will be custom stick-built on site. All new posts will be set in concrete 36" deep.

<u>ITEM</u>	<u>UNIT COST</u>	<u>NO. OF UNITS</u>	<u>EXTENDED</u>
Tear down and haul away 48' of neighbors fence	\$ 200.00	lump sum	\$ 200.00
Install 239' of 6' high cedar fence and gates	\$ 9,980.00	lump sum	\$ 9,980.00
Install 70' of 4' aluminum	\$ 2,580.00	lump sum	\$ 2,580.00
Install 70' of 6' aluminum	\$ 3,780.00	lump sum	\$ 3,780.00

ASPEN FENCE CO. requires 48 hours for all utilities to be marked on the property following acceptance of this proposal. Owner is responsible for any permits and marking underground structures **not** marked by JULIE (i.e. sprinkler systems, electric fencing, etc.). All proposals require a **50% deposit** prior to initiating work. All new fencing has a **5-year** warranty on labor and materials (excludes abuse, vandalism, and Acts of God). Full payment is required upon completion of work.

We at *ASPEN FENCE CO.* look forward to providing quality and efficient services in support of your fence project.

Sincerely,

Jeffrey M. Winton
President

Accepted by: _____

Date: _____

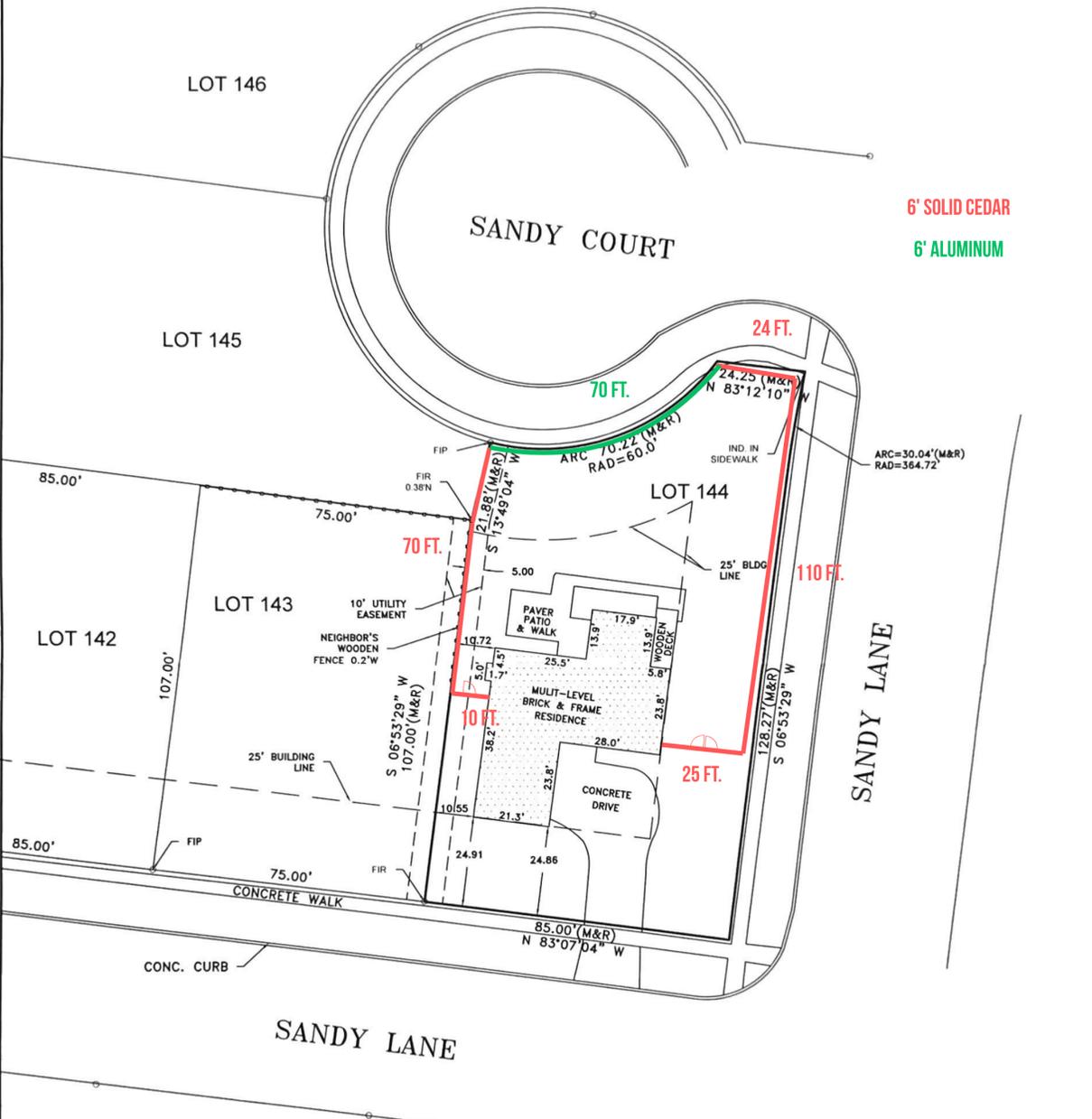


ZAHN LAND SURVEY, P.C.

7514 BEVERLY WAY
 SPRING GROVE, IL 60081
 (815)675-2774
 D.F.P.R. #184003386

PLAT OF SURVEY

LOT 144 IN GREEN TREE UNIT 2, BEING A SUBDIVISION OF PART OF LOTS 6 AND 7 IN ERNST HECHT ESTATES SUBDIVISION, SAID GREEN TREE UNIT 2 BEING PART OF SECTIONS 28 AND 29, TOWNSHIP 44 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID GREEN TREE UNIT 2, RECORDED JULY 12, 1974 AS DOCUMENT 1671838, IN BOOK 52 OF PLATS, PAGE 24, AND CORRECTED BY CERTIFICATE OF CORRECTION RECORDED NOVEMBER 13, 1974 AS DOCUMENT 1687209, AND SECOND CERTIFICATE OF CORRECTION RECORDED DECEMBER 4, 1975, AS DOCUMENT 1741683 IN LAKE COUNTY, ILLINOIS.



6' SOLID CEDAR
 6' ALUMINUM

LEGEND:

- R=RECORD
- D=DEED
- M=MEASURED
- FIP=FOUND IRON PIPE
- FIR=FOUND IRON ROD
- SQ. FT.=SQUARE FEET
- P.O.C.=POINT OF COMMENCEMENT
- P.O.B.=POINT OF BEGINNING
- B.S.L.=BUILDING SETBACK LINE
- S.R.L.=SEPTIC RESTRICTION LINE
- CL=CENTERLINE
- R/W=RIGHT OF WAY
- =IRON PIPE FOUND
- =IRON BAR FOUND
- ⊙=IRON PIN SET

SURVEY NOTES:

ONLY THOSE BUILDING LINE RESTRICTIONS OR EASEMENTS SHOWN ON A RECORDED SUBDIVISION PLAT ARE SHOWN HEREON UNLESS THE DESCRIPTION ORDERED TO BE SURVEYED CONTAINS A PROPER DESCRIPTION OF THE REQUIRED BUILDING LINES OR EASEMENTS.
 *NO DISTANCE SHOULD BE ASSUMED BY SCALING.
 *NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE NOTED.
 *COMPARE DESCRIPTION, MEASUREMENTS AND BOUNDARY CORNERS BEFORE BUILDING AND IMMEDIATELY REPORT ANY APPARENT DISCREPANCY TO THE SURVEYOR.
 *THIS SURVEY AND PLAT OF SURVEY ARE VOID WITHOUT EMBOSSED SEAL AND SIGNATURE.
 *LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A LEICA TCP1203 ROBOTIC TOTAL STATION AND/OR LEICA RTK GPS.



PROPERTY ADDRESS: 512 Sandy Lane,
 Libertyville, IL 60048

CLIENT: NEIL J. ANDERSON, P.C.
 DRAWN BY: CAD CHECKED BY: KCC
 SCALE: 1" = 30'
 JOB NUMBER 2024-165
 PIN: 11-28-107-018



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

SURVEYOR'S CERTIFICATE

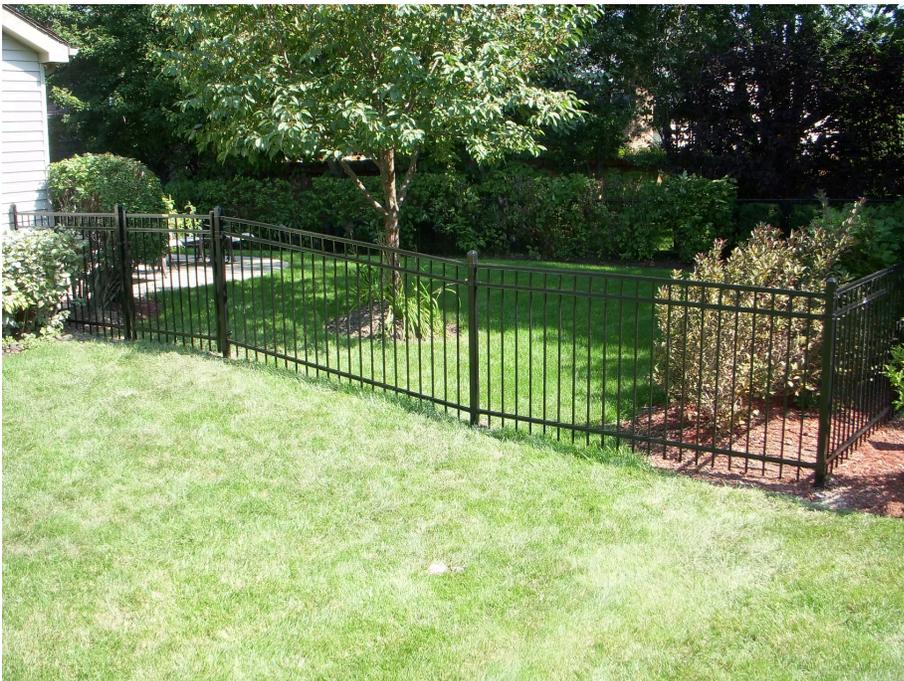
STATE OF ILLINOIS }
 COUNTY OF McHENRY } S.S.
 I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY IN ACCORDANCE WITH THE OFFICIAL RECORDS, AND THAT THE PLAT DRAWN HEREON IS A CORRECT REPRESENTATION OF SAID SURVEY. SIGNED AND SEALED AT SPRING GROVE, McHENRY COUNTY, ILLINOIS THIS 13TH DAY OF NOVEMBER, 2024.
Kathryn C. Clemen
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 4036

Fence Materials:

- Solid Traditional Cedar Wood, 6 ft.
- Image Source: Aspen Fence Co. (Selected provider)



- Aluminum, (Along 30 ft. Arborvitae Hedge only), 6 ft.
- Image Source: Aspen Fence Co. (Selected provider)



Sample Mockups:

- Side & Front view from Sandy Lane:
 - Double gate access
 - Cedar

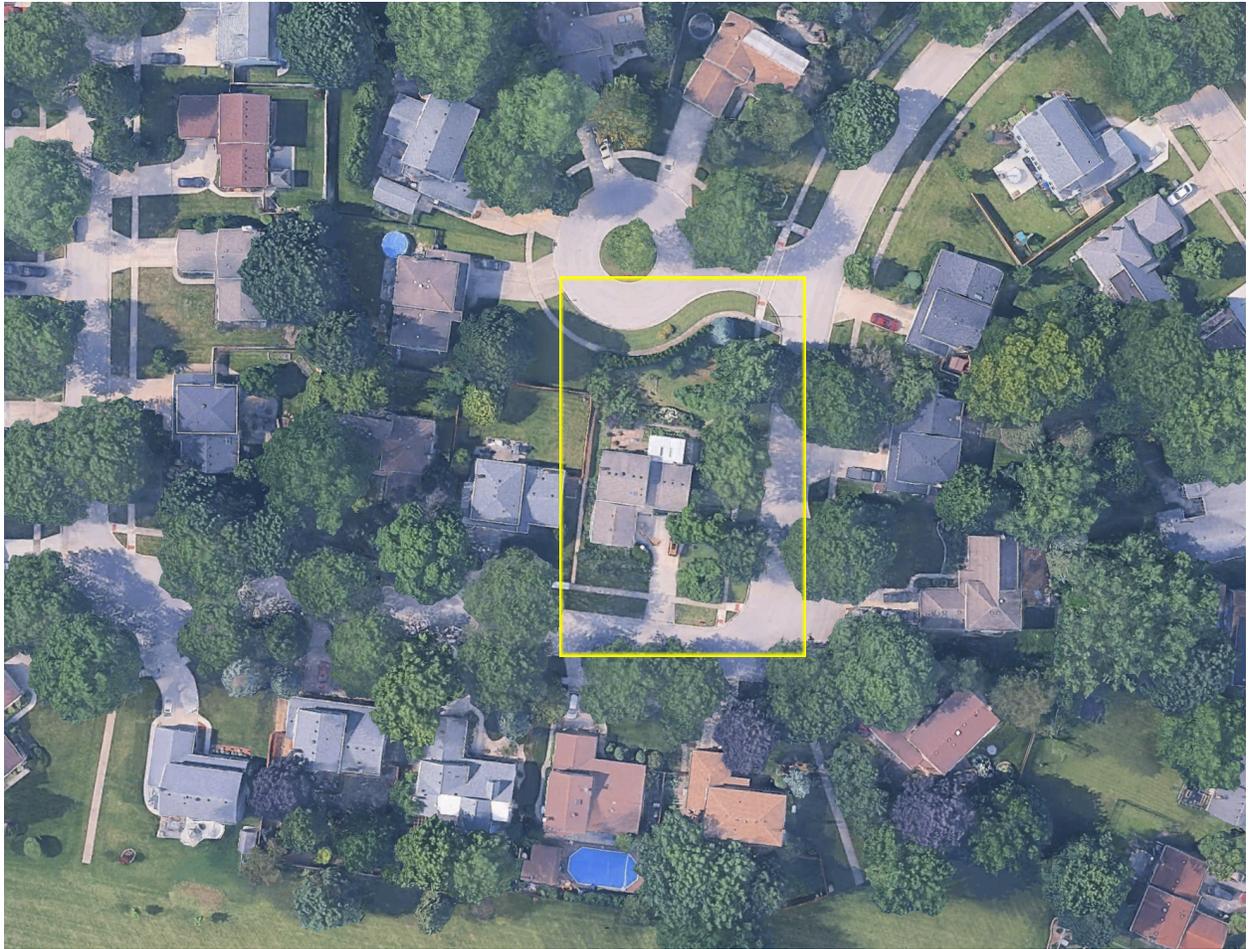


- Side yard view from Sandy Lane:
 - Cedar



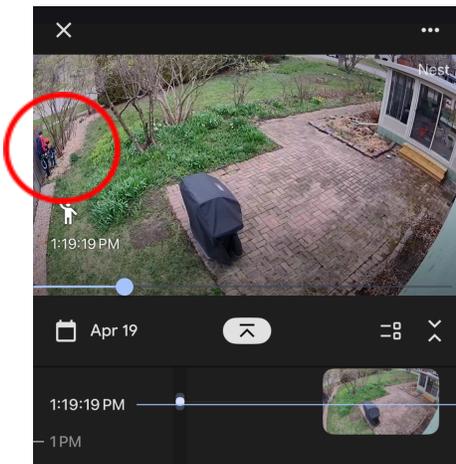
- Back view from corner of Sandy Lane & Sandy Court:
 - Cedar (1 panel)
 - Aluminum (along foliage)



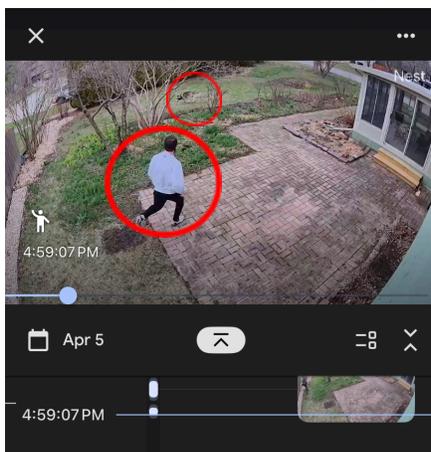


Surveillance footage examples of privacy invasion on private property:

- Neighbors using our yard as a shortcut to Sandy Court. (**repeated occurrence**)



- A neighbor ran through our yard to chase a dog.



- A solicitor encroached from our backyard and had to ask them to leave many times.

