VILLAGE OF BARRINGTON HILLS

Zoning Board of Appeals

NOTICE OF MEETING

Monday, October 19, 2015 ~ 7:30 pm
MacArthur Room - 112 Algonquin Road

AGENDA

1. Call to Order & Roll Call
2. Public Comments
3. [Vote] Minutes September 21, 2015

PUBLIC HEARING

4. Continued 300 Donlea Road - Special Use Artificial Lake

PUBLIC MEETING

5. [Vote] 300 Donlea Road - Special Use Artificial Lake
6. [Vote] 2 Barrington Hills Road - Appeal Building Restoration
7. Adjournment

Chairman: Dan Wolfgram

NOTICE AS POSTED

President
MARTIN J. McLAUGHLIN

Trustees
FRITZ GOHL, Pro-Tem
JOSEPH S. MESSER
KAREN S. SELMAN
PATTY MERONI
COLLEEN KONICEK
MICHAEL HARRINGTON

DOLORES G. TRANDEL, Village Clerk

THE VILLAGE OF BARRINGTON HILLS

112 ALGONQUIN ROAD
BARRINGTON HILLS, ILLINOIS 60010-5199
www.barringtonhills-il.gov

TELEPHONE
(847) 551-3000

FACSIMILE
(847) 551-3050

August 13, 2015

Ms. Cynthia Pinkos
2629 32nd St.
Santa Monica, CA 90405

RE: 2 Barrington Hills Road; Violation
Certified: 7012 1010 0000 0693 3232

Ms. Pinkos,

We have spoken via telephone and you sent an email. I do not believe that you had an existing non-conforming structure (see attached photos). Rather, I believe that the remains of a once existing structure had no fair market value and was not a candidate for repair.

Now there is an accessory structure on the north side of your property that has been constructed within the required setbacks. Village ordinance 5-5-7-3 states:

5-5-7-3: MINIMUM INTERIOR SIDE YARD, ACCESSORY USES:

For each accessory use in sections 5-5-2 and 5-5-3 of this chapter, located in the R1 to R4 districts inclusive, the minimum interior side yard requirements shall not be less than those specified for the principal uses in sections 5-5-7-1and 5-5-7-2 of this chapter; except, however, the following accessory uses which must meet the minimum interior side yard requirements specified in this section:

Buildings accessory to single-family dwellings, except those uses specifically itemized - R-1:50 feet

You are required to demolish or re-locate the structure. Demolition or relocation must be accomplished within 45 days of receipt of this letter. Failure to comply with this decision may result in fines of up to $750.00 per day for each day the violation exists.

Should you wish to re-locate the structure you must obtain a permit and relocate it as follows:

1. If the structure is intended to house animals, you must maintain 150 feet from the front property line and 100 feet from the side and rear property lines.

2. If the structure is for general storage purposes you must maintain 50 feet from any property line.

You have the right to appeal this decision. A decision must be filed in writing within 45 days of receipt of this letter. Please contact the Building Department with any questions at 847-551-3003. Your cooperation in this matter is greatly appreciated.

Thank you.

Donald Schuman, Code Enforcement Officer
Attachment: Photos

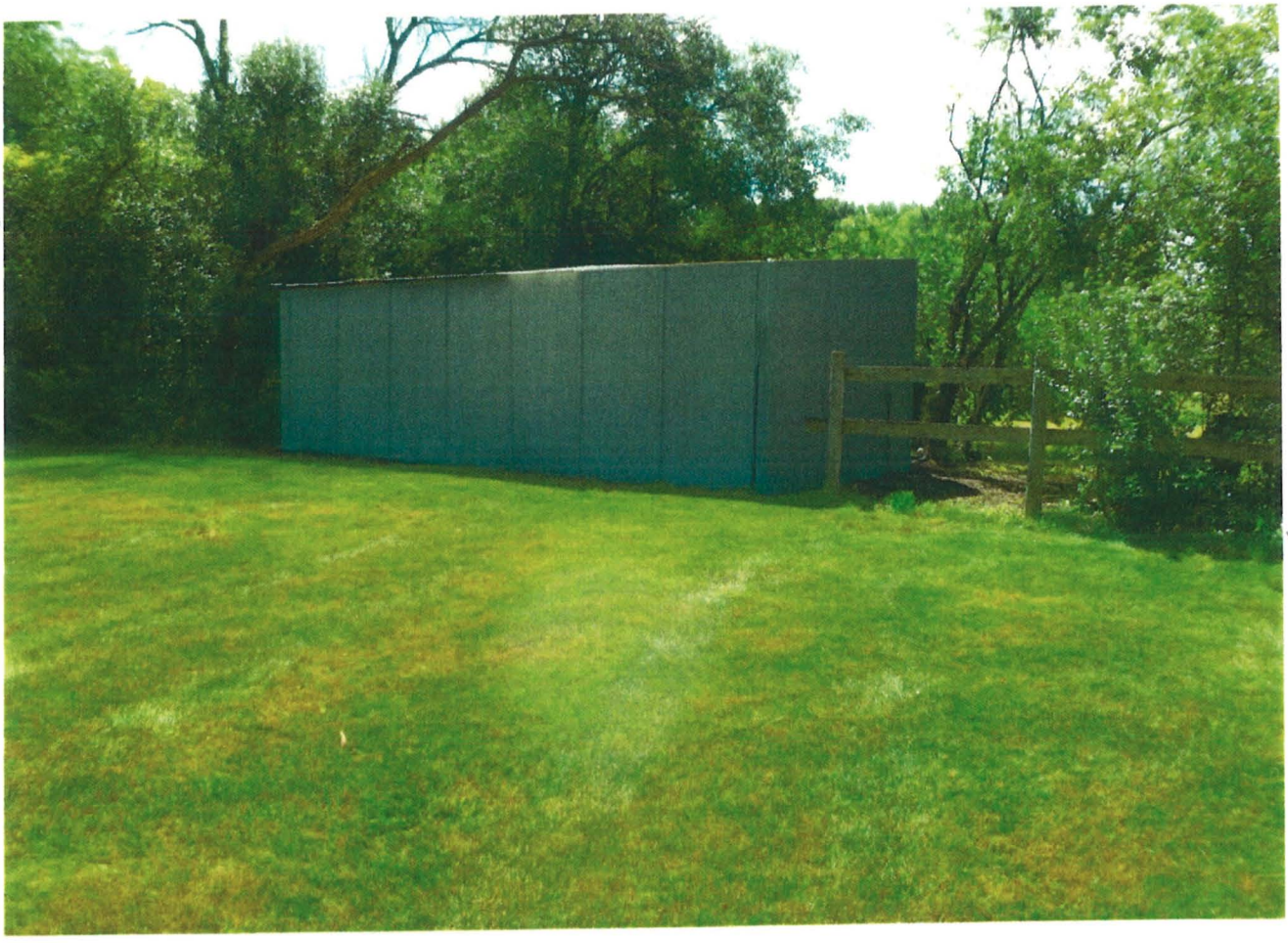
2 BARRINGTON HILLS ROAD

BEFORE



07.21.15

AFTER



08.11.15

Village of Barrington Hills
Zoning Ordinance

5-10-5: APPEALS:

(A) Scope Of Appeal: An appeal may be taken to the zoning board of appeals by any person aggrieved by a decision of the enforcing officer made pursuant to this title or by any officer, department, board or bureau of the village in respect of this title. Such appeal shall be taken within forty five (45) days of the action complained of, by filing with the enforcing officer a notice of appeal specifying the grounds thereof. The enforcing officer shall forthwith transmit to the zoning board of appeals all of the papers constituting the record upon which the action appealed from was taken.

(B) Findings On Appeals: An appeal shall stay all proceedings in furtherance of the action appealed from unless the enforcing officer certifies to the zoning board of appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the zoning board of appeals or by a court of record on application on notice to the enforcing officer and on due cause shown.

The board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a written decision on the appeal without unreasonable delay. The board may affirm or may, upon the concurring vote of five (5) members, reverse, wholly or in part, or modify the order, requirement, decision or determination, as in its opinion ought to be done, and to that end shall have all the powers of the officer from whom the appeal is taken.

The enforcing officer shall maintain complete records of all actions of the board relative to appeals.

Village of Barrington Hills
Zoning Ordinance: Nonconforming Buildings, Structures, Uses

5-9-1: STATEMENT OF PURPOSE:

It is the purpose of this Chapter to provide for the regulation of nonconforming buildings, structures and uses, and specify those circumstances and conditions under which those nonconforming buildings, structures and uses which adversely affect the maintenance, development or use, and taxable value of other property in the district in which they are located shall be permitted to continue.

This Zoning Title establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those nonconforming buildings, structures and uses which substantially and adversely affect the orderly development and taxable value of other property in the district not be permitted to continue without restriction.

5-9-2: AUTHORITY TO CONTINUE NONCONFORMANCE:

Any nonconforming buildings, structure or use which existed lawfully at the time of the effective date hereof and which remains nonconforming, and any such building, structure or use which shall become nonconforming upon effective date hereof or upon the adoption of any subsequent amendments of this Title, may be continued, subject to the regulations set forth in this Chapter.

5-9-3: NONCONFORMING BUILDINGS AND STRUCTURES, AND USES THEREOF:

Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located may be continued, subject to the provisions of this Section.

(A) Repairs and Alterations:

1. Building or Structure Designed or Intended for a Nonconforming Use: Repairs and alterations may be made to a nonconforming building or structure, provided that nostructural alterations which increase the bulk of the building or structure shall be made in or to a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law or except to make the building or structure and use thereof conform to the regulations of the district in which it is located. For the purpose of this Section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of, substitutions for,

machinery or equipment not involving structural alterations to the building or structure except as hereinabove provided.

2. Building or Structure Designed or Intended for a Permitted Use: Repairs, alterations and structural changes may be made to a nonconforming building or structure, all or substantially all of which is designed or intended for a use permitted in the district in which it is located, provided said repairs, alterations or structural changes conform to the regulations of the district in which said building or structure is located.

(B) Additions and Enlargements: A nonconforming building or structure which is nonconforming as to bulk, or all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to, or enlarged, in any manner unless such additions or enlargements thereto are made to conform to all the regulations of the district in which it is located, and unless such nonconforming building or structure, including all additions and enlargements thereto, shall conform to the following:

1. Applicable regulations concerning the amount of lot area provided per dwelling unit, as provided in Chapters 5 and 6 of this Title.

2. The allowable floor area ratio as provided in Chapters 5, 6 and 7 of this Title.

3. The allowable gross floor area per establishment as provided in Chapter 6 of this Title.

(C) Relocation of Building or Structure: No building or structure which does not conform to all of the regulations of the district in which it is located, except those required by law, shall be moved in whole or in part to any other location unless every portion of such building or structure which is moved and the use thereof is made to conform to all the regulations of the district in which it is to be located.

(D) Restoration of Damaged Building or Structure:

1. Building or Structure Designed or Intended for a Nonconforming Use: A building or structure, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the cost of the restoration of the entire building new, shall not be restored, except as required by law, unless said building or structure and the use thereof shall conform to all the regulations of the district in which it is located.

In the event such damage or destruction is less than fifty percent (50%) of the cost of restoration of the entire building new, no repairs or reconstruction shall be made unless such restoration is started within one year from date of the partial destruction and is diligently prosecuted to completion.

2. Building or Structure Designed or Intended for a Permitted Use: A building or structure, all or substantially all of which is designed or intended for a use which is permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the cost of restoration of the entire building new, shall not be restored, except as required by law, unless said building or structure and the use thereof shall conform to all of the regulations of the district in which it is located. In the event such damage or destruction is less than fifty percent (50%) of the cost of restoration of the entire building new, no repairs or reconstruction shall be made unless such restoration is started within one year from date of the partial destruction and is diligently prosecuted to completion.

(E) Discontinuance of Nonconforming Use:

1. In Building or Structure Designed or Intended for a Nonconforming Use: A building, structure or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, which is, or hereafter becomes, vacant and remains unoccupied or is not used for a continuous period of one year, shall not thereafter be occupied or used except by a use which conforms to the use regulations of the district in which it is located.

2. In Building or Structure Designed or Intended for a Permitted Use: If a nonconforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of six (6) consecutive months, it shall not be renewed and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises arelocated.

3. Land: The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, if discontinued for a period of six (6) consecutive months, shall not thereafter be renewed, and any subsequent use of the land shall conform to the regulations of the district in which it is located.

(F) Expansion of Nonconforming Use:

1. In Building or Structure Designed or Intended for a Nonconforming Use: The nonconforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure, except those required by law, shall be made unless such changes or structural alterations and the use thereof conform to all the regulations of the district in which the building or structure is located.

2. In Building or Structure Designed or Intended for a Permitted Use: The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure, nor changed to any nonconforming use.

3. Land: The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded or extended beyond the area it occupies.

(G) Change of Nonconforming Use:

1. In Building or Structure Designed or Intended for a Nonconforming Use: The nonconforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located may not be changed to another nonconforming use, but may be changed to a use permitted in the same district as the nonconforming use which presently occupies the building or structure or to a use permitted in a more restrictive district. For the purpose of this subsection only, the R1 District shall be considered the more restrictive and the Light Industrial District the least restrictive district.

2. In a Building or Structure Designed or Intended for a Permitted Use: No nonconforming use shall be changed to another nonconforming use when such nonconforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.

3. Land: The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be changed to any other use except to a use permitted in the district in which the land is located.

Bate Stamp Record

Record Series 100 – 108

Notice of Appeal

Record Series 281 – 363

Appeals Record

September 22, 2015

Re: Letter dated August 13, 2015 from Donald Schuman, Code Enforcement Officer regarding 2 Barrington Hills Rd.

Dear Mr. Wolfgram and members of the Zoning Board of Appeals:

This letter is in support of my appeal of the demands of the above-referenced letter ("August 13 letter") to "demolish or re-locate" my shed.

To begin with, please note that the description of the issue in the Monthly Code Enforcement Report submitted to the Board of Trustees for its August 24, 2015 meeting is factually incorrect: I was *not* given notice to "re-locate or demolish" the shed until *after* I provided notice to the Village that I was repairing the shed *and after* repairs were made. I am not asking for a variance from the Barrington Hills ("Village") zoning code. I am requesting that the Village not act outside the code or the law. Also, since I am a single parent and sole guardian of my minor daughter, I hope that there will be some flexibility as to when the date is set for your meeting when this issue is considered, so that I can make travel plans from Los Angeles and arrangements for my daughter's care and personally attend the meeting.

I was so happy and proud that I was repairing the shed on my property that has stood there from when I was a little girl and my family moved to Barrington Hills ("Village") in 1960. I was very careful to keep the shed as my father originally built it, completely by hand, not wanting to destroy its authentic rustic character and saving all the fittings that were added to care for my horses. I took time to compare and select paint colors (including driving down Barrington Hills Rd. to see how the colors would look from a distance to those traversing the road, and looking at the colors both in daylight and at night) so that the shed would blend in with the natural landscape that my parents and I worked so hard to create and maintain.

Thus it was with great surprise that I received Mr. Schuman's August 13 letter. The Village's Building Department is well aware of the shed's protected grandfather status and had made no objection to my repair plans of which the Village and Mr. Schuman had been fully informed. I then realized that the August 13 letter and demands were likely the result of the relatively recent purchaser of the adjacent lot who, upon discovery of the shed's existence, wanted it gone. Pertinent facts include the following:

1. The shed was built by my parents in 1961 and predates any applicable Barrington Hills, IL Village Code ("Code") provisions. It is located in the back of my property (2 Barrington Hills Rd.) next to the side yard adjacent to 11 Barrington Hills Rd.

2. The shed has been completely obscured from view (except for the front, visible only to occupants of my property) until approximately two years ago when Donald Stellato purchased the adjacent property at 11 Barrington Hills Rd. (The Stellatos reside at 240 Donlea Rd. and their back yard abuts the back of 11 Barrington Hills Rd.)

3. Upon purchasing the property at 11 Barrington Hills Rd., the Stellatos proceeded to demolish the house, barn, gazebo, pool and all other structures on 11 Barrington Hills Rd., regrade the land with bulldozers, and remove most of the mature-growth trees and all the brush from the property, thereby exposing to view (from the now vacant 11 Barrington Hills lot) the shed on my property.

4. Once Mr. Stellato discovered the existence of the shed on my property, he tried to get me to tear it down, offering to have it demolished himself as part of his "bigger project", as he has done with the house and all other structures on the adjacent lot he purchased. I replied that I did not want it torn down and that it was built pre-Code and was grandfathered. Mr. Stellato responded via email (August 12, 2013) in what I took to be a threatening tone: "if you want it to stay, this may only be temporary. So think about it." I heard nothing more and considered the matter over.

5. During the first two weeks of June 2015, as I state in my July 8 email (see below) repairs were scheduled to occur, and I began emptying the contents of the shed, removing a section of roof and pulling down the panels that I knew I would be replacing. Unfortunately, due to heavy rain and my contractor's other job commitments, I was unable to have the repairs completed during my June trip.

6. On July 7, 2015, Mr. Schuman called me and told me that a "neighbor" complained about my shed and that pursuant to Code sections 593(D) and 593(E), I was to relocate or demolish the shed.

7. The next day, July 8, 2015, I responded to Mr. Schuman's phone call by email (a copy of which is attached hereto) ("July 8 email"). My July 8 email (i) set forth why the Code sections Mr. Schuman cited were inapplicable; and (ii) gave detailed information about my plans for repairing the shed, including that repairs would be made during the first two weeks of August. As I did not receive a reply to my July 8 email, it appeared that the matter was settled and the Building Department had no further objections.

8. On August 6, 2015, after I returned to my property to continue repairs in accordance with the plans I had detailed to Mr. Schuman, I received a call from James Busch, identifying himself as the prosecutor for Barrington Hills. He said he was calling because he had been given a copy of my July 8 email. I informed Mr. Busch that materials for the shed repairs were delivered, and

that the contractor and workers would be there the next few days to make repairs. Mr. Busch said that there were "gaps" in the Code and that no Code or other building code provisions applied to my shed. Being a lawyer myself and having thoroughly reviewed the Code, I knew that he was correct. He did not tell me not to proceed with the repairs, nor indicate that I should expect any further correspondence regarding my shed.

9. I proceeded with repairs to the shed, knowing that the Village was fully and timely informed of my repair plans, and having received no communication not to repair the shed. As detailed in the July 8 email, the repairs were to a portion of the back wall of the (original, smaller) shed (approximately 12 feet) and replacement of a 12x12 section of the roof. I was also compelled to make an unplanned repair to an additional 4-foot panel of the back wall due to an apparent act of vandalism that took place after my June inspection of the shed: a large hole had been punched in the side of the panel with a hammer, rock, or some other object and it appeared that someone had tried to tear another panel down. My contractor, who discovered the damage, showed how the damage was not ordinary wear and tear but instead had been intentionally caused. In addition to the repairs, we replaced other parts of the shed for aesthetic purposes. However, even including such replacements and upgrades, less than half of the total shed structure was affected. (Please refer to the July 8 email for detailed measurements.)

10. Only after these duly-noticed repairs were made did the Building Department send the August 13 letter.

11. The photos Mr. Schuman included in his August 13 letter distort and are not representative of the true dimensions or condition of the shed, due to the angle from which they are taken. The photos enlarge the smaller, previously damaged portion of the shed in the foreground, minimizing the vast majority of the structure that remains structurally sound and intact. (As detailed in the July 8 email, the wall and roof that needed repair together constituted merely 15.63% of the whole structure). Furthermore, according to the notations on the photo, the "Before" photo was taken July 21, 2015. This date is after I had already begun dismantling portions in preparation for repairs in June (which is when they were most recently scheduled prior to August) and is not representative of the true condition of the shed prior to the current status. (See paragraph 5 above.) The "After" photo was taken before repainting and does not reflect the current status of the shed. I have attached a current picture. The "Conditions on 10/01/2013" photos distributed to the Board of Trustees for their August 24, 2015 meeting should be disregarded because (i) considering the perspective from which they were taken, it would have been impossible for these photos to have been obtained without committing an illegal trespass on my property which I would want to have investigated and (ii) they are inapplicable as they show a side of the shed not visible to anyone except occupants of my property.

000102

The shed is grandfathered and no Code provisions require its demolition or re-location:

As noted above, the shed was built in 1961 – before enactment of any of the Code provisions that have been cited in an attempt to justify its demolition. Mr. Schuman's August 13 letter begins: "I do not believe that you had an existing non-conforming structure." Yet in Mr. Schuman's correspondence of July 7, 2015, he referred to it as a nonconforming structure, and the Code provisions cited as being applicable (section 5-9-3) are all for "NONCONFORMING BUILDINGS AND STRUCTURES, AND USES THEREOF." (Please refer to my July 8 email setting forth why these sections are not applicable (unrelated to status as a Nonconforming Structure).) The status of the shed did not change in the intervening month, but after I explained in my July 8 email that Code section 5-9-3 was inapplicable, Mr. Schuman then cited another Code section, even though that contradicted his previous position. To say that I did not have an existing structure, but have created a new structure, is simply contrary to the facts. See, e.g., paragraphs #9 and 11 above.

In addition, the August 13 letter claims that my structure "had no fair market value and was not a candidate for repair". But these are entirely subjective statements, not based on fact, measurement or actual knowledge. As stated in other proceedings and meetings, the Village has authority to enforce existing and applicable Code, but not to impose a subjective judgment. Secondly, where in the Code is "fair market value" used as criteria for anything? Even if fair market value were relevant, (i) the shed's fair market value is indeterminable because the shed can't be separated or sold separated from the land; and (ii) if one were to try to value it, its location is inherently part of its value, and that, along with its grandfather status give it a great deal of value as an inseparable part of the 2 Barrington Hills property.

If Mr. Schuman and the disgruntled landowner are opposed to the existence of my shed, they can't make me remove it just because they don't like it. The Village has to have a legal basis for forcing me to do something and it does not. As stated by the then-Chairman of the Zoning Board of Appeals ("ZBA"), Jonathan Knight, in the May 17, 2010 hearing before the ZBA, "[the existence of many dogs on the property] was creating an issue with neighbors....[but] our zoning regulations did not allow us to legally enforce that....that's the way it is." [lines 16-22, page 38] The Village can only step in if there is an applicable zoning regulation for them to enforce. The authority of the Village is to ensure compliance with the Code as it exists, not to subjectively use an otherwise inapplicable Code provision to appease a landowner who simply doesn't like something.

The Village was fully informed yet issued its demands after the fact:

As I state in my July 8 email, I planned to complete repairs in early June, before I received any contact whatsoever from the Village, but the repairs were delayed due to bad weather and contractor scheduling issues. The Village was fully and timely informed of my repair plans, both in writing in my July 8 email and in conversations (including with the Village prosecutor as set forth in paragraph 8 above) and made no objections thereto. Having received no response to my email, I reasonably concluded that the Building Department's concerns had been addressed and I proceeded in good faith with my repairs, incurring large expense. Only after such expense was incurred and repairs were completed did the Building Department seek to block the repairs and seek removal of the shed.

Summation and conclusion:

The demand made in the August 13 letter is not about enforcing the law or the Village Code, but is a mission plain and simple to eliminate my 50+ year-old shed and violate my rights as a landowner. The efforts are without merit and legal support. Moreover, I was not given notice to "re-locate or demolish" until after the fact. Accordingly, what is relevant is the condition of the shed now.

As anyone can see by looking at my property and the inconspicuous house thereon, I greatly value Barrington Hills's natural environment. I have worked very hard to maintain the beautiful trees my parents planted and open space by destroying and keep at bay the invasive Buckthorn that has taken over so many acres surrounding me. The Stellatos enjoy the privacy afforded by the trees, plantings and ridge that my parents created on our property along almost the entire dividing line between the two lots. Only the 30' section where the shed resides is now visible to them, and that is due, as aforementioned, to the *Stellatos' action* in clearing the barn, trees and brush on their lot. A simple and obvious solution of course, and completely within the complainant's control, would be to plant shrubbery/trees along the 30 feet to replace those that they removed, making the shed virtually invisible as it has been for most of its life.

The Village's actions have caused me an inordinate amount of emotional distress. Did it intentionally not respond to my July 8 email, letting me conduct repairs and then after the fact sending me the letter? I am determined not to be bullied or wrongly have my landowner rights violated. If the Village nonetheless demands that I demolish or relocate my shed, I will seek a remedy via the courts. In such case I will of course hold the Village responsible for my costs, including the costs of the repairs I made in good faith and reliance on the Village's non-objection thereto and my travel costs from California in dealing with this matter. I certainly hope I do not have to proceed to litigation. As lifelong resident, taxpayer and devoted fan of Barrington Hills, I would hate to see my tax dollars so wasted. Does the Village really want to spend thousands of dollars in litigation costs when the disgruntled

landowner could be appeased spending a few hundred dollars to replace the plantings he tore out?

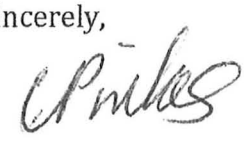
To enforce the demands in the August 13 letter would be wrong in so many ways:

- The shed is grandfathered.
- No Code provisions exist requiring me to tear it down.
- Reasons the Building Department has used as the basis for its demands are not Code or fact-supported, but are entirely subjective judgments.
- My repair efforts were made in good faith and I have gone out of my way (i) to not extend my rights by expanding or changing the dimensions, location or nature of the structure and (ii) to make it acceptable to the neighborhood and respectful of the natural environment.
- The Village was fully informed and nonetheless issued its notice after the fact.
- To force me to move or demolish the shed would be an unreasonable financial burden and cause me irreparable harm.
- There is an easy, inexpensive solution within the complainant's control.

The shed and its location are of extreme importance to me as a landowner and lifelong resident. 2 Barrington Hills Road is where I spent my entire childhood. After becoming an adult, I regularly visited and stayed there and it is where I will spend my final years. It is part of my land, and what my parents built and gave to me. Its existence and location are part of what made me who I am today: my physical strength from the early years hauling water from the house and hay from our garage to the little shed in the corner where my horses patiently waited; and my confidence and determination from making do with what I had to compete successfully with my backyard horses against riders from the "fancy" barns. It is the shed and its location that gave me strength and memories that I have and will carry with me the rest of my life.

For all of the reasons listed above, I respectfully request that the demands set forth in the August 13 letter be dropped. Thank you.

Sincerely,

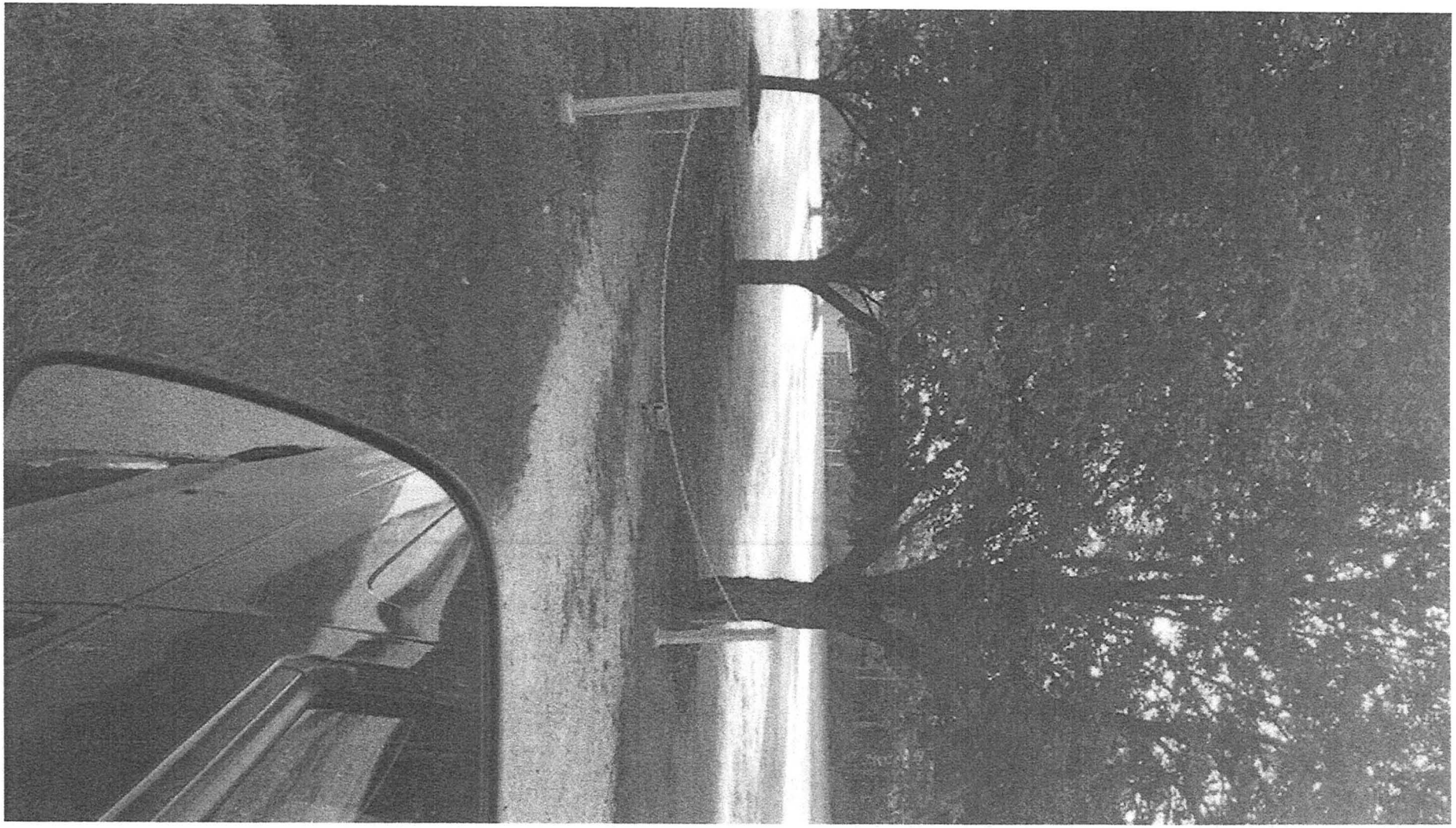


Cynthia Pinkos

Enc.

000105

9/22/15 (From Barrington Hills Rd., edge of 11 Barrington Hills Rd. property)



000106

Gmail by Google

"July 8 email"

Cynthia Pinkos <cynthiapinkos@gmail.com>

2 Barrington Hills Rd.

1 message

Cynthia Pinkos <cynthiapinkos@gmail.com> Wed, Jul 8, 2015 at 11:24 PM
To: Building Dept <building-dept@barringtonhills-il.gov>

Dear Don:

As I mentioned to you in our phone conversation July 7, my shed repairs had to be delayed due to weather and scheduling conflicts and are now scheduled with the contractor and materials for the first two weeks of August. As a lawyer, I reviewed the Village Code including the sections you gave me and found that they do not apply: Section 5-9-3(D) is for building or structure "destroyed or damaged by fire or other casualty or act of God." Ordinary wear and tear, which caused the condition of my structure after 50 plus years, does not qualify. Furthermore, even if 5-9-3(D) were to apply, the amount of repair "is less than 50% of the cost of restoration of the entire building new." The entire structure is approximately 12X32 feet, consisting of an approximately 12X12 section that was built first, then the 12X20 foot section. The one back wall and roof of the 12X12 section (constituting approximately 15.63% of the entire structure) are to be replaced. My contractor said to rebuild the structure new would be over $5000, but to repair the entire structure would be $1000 (including labor and materials), only 20% of the cost of building if new.

Regarding Code section 5-9-3(E), the structure has been in continuous use since it was built, for either animal shelter (last in 2013) or storage. The most recent and current use is for storage. I removed some items I was storing there approximately two weeks ago in preparation for the repairs.

The repairs will be in complete compliance with section 5-9-3. They will not alter the original size or appearance of the structure and will be at least as sound as when first built over 50 years ago. In fact, if the complainant wants to choose the color or finish of the visible side of the structure, I would be pleased to discuss it with her.

You mentioned the Zoning Board of Appeals. I am not asking for a zoning exception so I do not see why the Zoning Board of Appeals would be involved. The structure is for a conforming use and well pre-dates the Village Code, so its location receives grandfather protection. Furthermore, your mention of "appealing to the Zoning Board" makes it sound like you have pre-judged the situation and ruled against me based on an anonymous complaint. As set forth in this email, any such case has no merit and is simply wrong. If however, this were to somehow rise to such a level and I am not satisfied with the result, rest assured that I will take it to the next level including court and trial. I am an experienced attorney and can represent myself at no out-of-pocket cost.

In any case, the issue is not the existence of the shed, but the fact that the recent purchaser of the adjacent lot tore down the house, the barn, and all structures on the lot, cut down trees and removed shrubbery so that now one side of the shed is visible. It is also not about it being in disrepair, as I am willing and able to make any necessary repairs (to be completed, as I first mentioned, early August). It is not to ensure compliance with the law, but to find some way to take away my rights that the homeowner and grandfather rules are there to protect. An anonymous neighbor or individual with a profit motive is simply trying to get me to get rid of it, against my rights and against the law. It is wrong and I will not tolerate it.

Sincerely,

Cynthia Pinkos

2 BARRINGTON HILLS RD

APPEALS RECORD

PRIORITY ★ MAIL ★ EXPRESS

FLAT RATE ENVELOPE

ONE RATE ★ ANY WEIGHT*

SAME GREAT EXPRESS MAIL® SERVICE WITH

1007

U.S. POSTAGE PAID
SANTA MONICA,CA
90401
SEP 22, 15
AMOUNT
$19.99
00113322-10

EK770097685US

C27

UNITED STATES POSTAL SERVICE® | PRIORITY ★ MAIL ★ EXPRESS™

CUSTOMER USE ONLY

FROM: (PLEASE PRINT) PHONE (310) 450-1617

Cynthia Phillips
2607 Second St.
Santa Monica CA 90405

PAYMENT BY ACCOUNT (if applicable)

DELIVERY OPTIONS (Customer Use Only)

☐ **SIGNATURE REQUIRED** *Note:* The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases COD service; OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.

Delivery Options

☐ No Saturday Delivery (delivered next business day)
☐ Sunday/Holiday Delivery Required (additional fee, where available*)
☐ 10:30 AM Delivery Required (additional fee, where available*)
*Refer to USPS.com® or local Post Office™ for availability.

TO: (PLEASE PRINT) PHONE (949) 551-3703

[illegible]
[illegible] Hills CA

ZIP + 4® (U.S. ADDRESSES ONLY)

92618-5197

■ **For pickup or USPS Tracking™, visit USPS.com or call 800-222-1811.**
■ **$100.00 insurance included.**

ORIGIN (POSTAL SERVICE USE ONLY)

☐ 1-Day	☐ 2-Day	☐ Military	☐ DPO
PO ZIP Code	Scheduled Delivery Date (MM/DD/YY)	Postage $	
Date Accepted (MM/DD/YY)	Scheduled Delivery Time ☐ 10:30 AM ☐ 3:00 PM ☐ 12 NOON	Insurance Fee $	COD Fee $
Time Accepted ☐ AM ☐ PM	10:30 AM Delivery Fee $	Return Receipt Fee $	Live Animal Transportation Fee $
Weight ☐ Flat Rate lbs. ozs.	Sunday/Holiday Premium Fee $	Total Postage & Fees $	
	Acceptance Employee Initials		

DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt (MM/DD/YY)	Time ☐ AM ☐ PM	Employee Signature
Delivery Attempt (MM/DD/YY)	Time ☐ AM ☐ PM	Employee Signature

LABEL 11-B, JANUARY 2014 PSN 7690-02-000-9996 3-ADDRESSEE COPY

PS10001000006

EP13F July 2013
OD: 12.5 x 9.5

UNITED STATES POSTAL SERVICE®

0002281

September 22, 2015

Via Priority Mail Express and email: building-dept@barringtonhills-il.gov

Donald Schuman
Code Enforcement Officer
Village of Barrington Hills
112 Algonquin Rd.
Barrington Hills IL 60010-5199

Re: Letter dated August 13, 2015 from Donald Schuman, Code Enforcement Officer regarding 2 Barrington Hills Rd.

Dear Mr. Schuman:

This is to serve as notice of appeal pursuant to section 5-10-5 of the Barrington Hills, IL Village Code of your above-referenced letter demanding me to "demolish or re-locate" my shed. The reasons for such appeal are set forth in the attached letter addressed to the Barrington Hills Zoning Board of Appeals ("ZBA").

By copy of this letter (and pursuant to the 14th bullet point of the Overview of the ZBA) I am requesting that the Village Clerk forward the attached letter to Mr. Daniel Wolfgram, as Chairman of the ZBA, ZBA members David Stieper, Richard Chambers, Jim Root, Jan C. Goss, Debra Buettner and Patrick J. Hennelly, and Colleen Konicek Hannigan, as Trustee Liaison. Thank you.

Sincerely,

Cynthia Pinkos
cynthiapinkos@gmail.com
310-480-1619

Cc: Village Clerk
clerk@barringtonhills-il.gov

Att.

September 22, 2015

Re: Letter dated August 13, 2015 from Donald Schuman, Code Enforcement Officer regarding 2 Barrington Hills Rd.

Dear Mr. Wolfgram and members of the Zoning Board of Appeals:

This letter is in support of my appeal of the demands of the above-referenced letter ("August 13 letter") to "demolish or re-locate" my shed.

To begin with, please note that the description of the issue in the Monthly Code Enforcement Report submitted to the Board of Trustees for its August 24, 2015 meeting is factually incorrect: I was *not* given notice to "re-locate or demolish" the shed until *after* I provided notice to the Village that I was repairing the shed *and after* repairs were made. I am not asking for a variance from the Barrington Hills ("Village") zoning code. I am requesting that the Village not act outside the code or the law. Also, since I am a single parent and sole guardian of my minor daughter, I hope that there will be some flexibility as to when the date is set for your meeting when this issue is considered, so that I can make travel plans from Los Angeles and arrangements for my daughter's care and personally attend the meeting.

I was so happy and proud that I was repairing the shed on my property that has stood there from when I was a little girl and my family moved to Barrington Hills ("Village") in 1960. I was very careful to keep the shed as my father originally built it, completely by hand, not wanting to destroy its authentic rustic character and saving all the fittings that were added to care for my horses. I took time to compare and select paint colors (including driving down Barrington Hills Rd. to see how the colors would look from a distance to those traversing the road, and looking at the colors both in daylight and at night) so that the shed would blend in with the natural landscape that my parents and I worked so hard to create and maintain.

Thus it was with great surprise that I received Mr. Schuman's August 13 letter. The Village's Building Department is well aware of the shed's protected grandfather status and had made no objection to my repair plans of which the Village and Mr. Schuman had been fully informed. I then realized that the August 13 letter and demands were likely the result of the relatively recent purchaser of the adjacent lot who, upon discovery of the shed's existence, wanted it gone. Pertinent facts include the following:

1. The shed was built by my parents in 1961 and predates any applicable Barrington Hills, IL Village Code ("Code") provisions. It is located in the back of my property (2 Barrington Hills Rd.) next to the side yard adjacent to 11 Barrington Hills Rd.

2. The shed has been completely obscured from view (except for the front, visible only to occupants of my property) until approximately two years ago when Donald Stellato purchased the adjacent property at 11 Barrington Hills Rd. (The Stellatos reside at 240 Donlea Rd. and their back yard abuts the back of 11 Barrington Hills Rd.)

3. Upon purchasing the property at 11 Barrington Hills Rd., the Stellatos proceeded to demolish the house, barn, gazebo, pool and all other structures on 11 Barrington Hills Rd., regrade the land with bulldozers, and remove most of the mature-growth trees and all the brush from the property, thereby exposing to view (from the now vacant 11 Barrington Hills lot) the shed on my property.

4. Once Mr. Stellato discovered the existence of the shed on my property, he tried to get me to tear it down, offering to have it demolished himself as part of his "bigger project", as he has done with the house and all other structures on the adjacent lot he purchased. I replied that I did not want it torn down and that it was built pre-Code and was grandfathered. Mr. Stellato responded via email (August 12, 2013) in what I took to be a threatening tone: "if you want it to stay, this may only be temporary. So think about it." I heard nothing more and considered the matter over.

5. During the first two weeks of June 2015, as I state in my July 8 email (see below) repairs were scheduled to occur, and I began emptying the contents of the shed, removing a section of roof and pulling down the panels that I knew I would be replacing. Unfortunately, due to heavy rain and my contractor's other job commitments, I was unable to have the repairs completed during my June trip.

6. On July 7, 2015, Mr. Schuman called me and told me that a "neighbor" complained about my shed and that pursuant to Code sections 593(D) and 593(E), I was to relocate or demolish the shed.

7. The next day, July 8, 2015, I responded to Mr. Schuman's phone call by email (a copy of which is attached hereto) ("July 8 email"). My July 8 email (i) set forth why the Code sections Mr. Schuman cited were inapplicable; and (ii) gave detailed information about my plans for repairing the shed, including that repairs would be made during the first two weeks of August. As I did not receive a reply to my July 8 email, it appeared that the matter was settled and the Building Department had no further objections.

8. On August 6, 2015, after I returned to my property to continue repairs in accordance with the plans I had detailed to Mr. Schuman, I received a call from James Busch, identifying himself as the prosecutor for Barrington Hills. He said he was calling because he had been given a copy of my July 8 email. I informed Mr. Busch that materials for the shed repairs were delivered, and

that the contractor and workers would be there the next few days to make repairs. Mr. Busch said that there were "gaps" in the Code and that no Code or other building code provisions applied to my shed. Being a lawyer myself and having thoroughly reviewed the Code, I knew that he was correct. He did not tell me not to proceed with the repairs, nor indicate that I should expect any further correspondence regarding my shed.

9. I proceeded with repairs to the shed, knowing that the Village was fully and timely informed of my repair plans, and having received no communication not to repair the shed. As detailed in the July 8 email, the repairs were to a portion of the back wall of the (original, smaller) shed (approximately 12 feet) and replacement of a 12x12 section of the roof. I was also compelled to make an unplanned repair to an additional 4-foot panel of the back wall due to an apparent act of vandalism that took place after my June inspection of the shed: a large hole had been punched in the side of the panel with a hammer, rock, or some other object and it appeared that someone had tried to tear another panel down. My contractor, who discovered the damage, showed how the damage was not ordinary wear and tear but instead had been intentionally caused. In addition to the repairs, we replaced other parts of the shed for aesthetic purposes. However, even including such replacements and upgrades, less than half of the total shed structure was affected. (Please refer to the July 8 email for detailed measurements.)

10. Only after these duly-noticed repairs were made did the Building Department send the August 13 letter.

11. The photos Mr. Schuman included in his August 13 letter distort and are not representative of the true dimensions or condition of the shed, due to the angle from which they are taken. The photos enlarge the smaller, previously damaged portion of the shed in the foreground, minimizing the vast majority of the structure that remains structurally sound and intact. (As detailed in the July 8 email, the wall and roof that needed repair together constituted merely 15.63% of the whole structure). Furthermore, according to the notations on the photo, the "Before" photo was taken July 21, 2015. This date is after I had already begun dismantling portions in preparation for repairs in June (which is when they were most recently scheduled prior to August) and is not representative of the true condition of the shed prior to the current status. (See paragraph 5 above.) The "After" photo was taken before repainting and does not reflect the current status of the shed. I have attached a current picture. The "Conditions on 10/01/2013" photos distributed to the Board of Trustees for their August 24, 2015 meeting should be disregarded because (i) considering the perspective from which they were taken, it would have been impossible for these photos to have been obtained without committing an illegal trespass on my property which I would want to have investigated and (ii) they are inapplicable as they show a side of the shed not visible to anyone except occupants of my property.

000285

The shed is grandfathered and no Code provisions require its demolition or re-location:

As noted above, the shed was built in 1961 – before enactment of any of the Code provisions that have been cited in an attempt to justify its demolition. Mr. Schuman's August 13 letter begins: "I do not believe that you had an existing non-conforming structure." Yet in Mr. Schuman's correspondence of July 7, 2015, he referred to it as a nonconforming structure, and the Code provisions cited as being applicable (section 5-9-3) are all for "NONCONFORMING BUILDINGS AND STRUCTURES, AND USES THEREOF." (Please refer to my July 8 email setting forth why these sections are not applicable (unrelated to status as a Nonconforming Structure).) The status of the shed did not change in the intervening month, but after I explained in my July 8 email that Code section 5-9-3 was inapplicable, Mr. Schuman then cited another Code section, even though that contradicted his previous position. To say that I did not have an existing structure, but have created a new structure, is simply contrary to the facts. See, e.g., paragraphs #9 and 11 above.

In addition, the August 13 letter claims that my structure "had no fair market value and was not a candidate for repair". But these are entirely subjective statements, not based on fact, measurement or actual knowledge. As stated in other proceedings and meetings, the Village has authority to enforce existing and applicable Code, but not to impose a subjective judgment. Secondly, where in the Code is "fair market value" used as criteria for anything? Even if fair market value were relevant, (i) the shed's fair market value is indeterminable because the shed can't be separated or sold separated from the land; and (ii) if one were to try to value it, its location is inherently part of its value, and that, along with its grandfather status give it a great deal of value as an inseparable part of the 2 Barrington Hills property.

If Mr. Schuman and the disgruntled landowner are opposed to the existence of my shed, they can't make me remove it just because they don't like it. The Village has to have a legal basis for forcing me to do something and it does not. As stated by the then-Chairman of the Zoning Board of Appeals ("ZBA"), Jonathan Knight, in the May 17, 2010 hearing before the ZBA, "[the existence of many dogs on the property] was creating an issue with neighbors....[but] our zoning regulations did not allow us to legally enforce that....that's the way it is." [lines 16-22, page 38] The Village can only step in if there is an applicable zoning regulation for them to enforce. The authority of the Village is to ensure compliance with the Code as it exists, not to subjectively use an otherwise inapplicable Code provision to appease a landowner who simply doesn't like something.

000286

The Village was fully informed yet issued its demands after the fact:

As I state in my July 8 email, I planned to complete repairs in early June, before I received any contact whatsoever from the Village, but the repairs were delayed due to bad weather and contractor scheduling issues. The Village was fully and timely informed of my repair plans, both in writing in my July 8 email and in conversations (including with the Village prosecutor as set forth in paragraph 8 above) and made no objections thereto. Having received no response to my email, I reasonably concluded that the Building Department's concerns had been addressed and I proceeded in good faith with my repairs, incurring large expense. Only after such expense was incurred and repairs were completed did the Building Department seek to block the repairs and seek removal of the shed.

Summation and conclusion:

The demand made in the August 13 letter is not about enforcing the law or the Village Code, but is a mission plain and simple to eliminate my 50+ year-old shed and violate my rights as a landowner. The efforts are without merit and legal support. Moreover, I was not given notice to "re-locate or demolish" until after the fact. Accordingly, what is relevant is the condition of the shed now.

As anyone can see by looking at my property and the inconspicuous house thereon, I greatly value Barrington Hills's natural environment. I have worked very hard to maintain the beautiful trees my parents planted and open space by destroying and keep at bay the invasive Buckthorn that has taken over so many acres surrounding me. The Stellatos enjoy the privacy afforded by the trees, plantings and ridge that my parents created on our property along almost the entire dividing line between the two lots. Only the 30' section where the shed resides is now visible to them, and that is due, as aforementioned, to the *Stellatos' action* in clearing the barn, trees and brush on their lot. A simple and obvious solution of course, and completely within the complainant's control, would be to plant shrubbery/trees along the 30 feet to replace those that they removed, making the shed virtually invisible as it has been for most of its life.

The Village's actions have caused me an inordinate amount of emotional distress. Did it intentionally not respond to my July 8 email, letting me conduct repairs and then after the fact sending me the letter? I am determined not to be bullied or wrongly have my landowner rights violated. If the Village nonetheless demands that I demolish or relocate my shed, I will seek a remedy via the courts. In such case I will of course hold the Village responsible for my costs, including the costs of the repairs I made in good faith and reliance on the Village's non-objection thereto and my travel costs from California in dealing with this matter. I certainly hope I do not have to proceed to litigation. As lifelong resident, taxpayer and devoted fan of Barrington Hills, I would hate to see my tax dollars so wasted. Does the Village really want to spend thousands of dollars in litigation costs when the disgruntled

landowner could be appeased spending a few hundred dollars to replace the plantings he tore out?

To enforce the demands in the August 13 letter would be wrong in so many ways:

- The shed is grandfathered.
- No Code provisions exist requiring me to tear it down.
- Reasons the Building Department has used as the basis for its demands are not Code or fact-supported, but are entirely subjective judgments.
- My repair efforts were made in good faith and I have gone out of my way (i) to not extend my rights by expanding or changing the dimensions, location or nature of the structure and (ii) to make it acceptable to the neighborhood and respectful of the natural environment.
- The Village was fully informed and nonetheless issued its notice after the fact.
- To force me to move or demolish the shed would be an unreasonable financial burden and cause me irreparable harm.
- There is an easy, inexpensive solution within the complainant's control.

The shed and its location are of extreme importance to me as a landowner and lifelong resident. 2 Barrington Hills Road is where I spent my entire childhood. After becoming an adult, I regularly visited and stayed there and it is where I will spend my final years. It is part of my land, and what my parents built and gave to me. Its existence and location are part of what made me who I am today: my physical strength from the early years hauling water from the house and hay from our garage to the little shed in the corner where my horses patiently waited; and my confidence and determination from making do with what I had to compete successfully with my backyard horses against riders from the "fancy" barns. It is the shed and its location that gave me strength and memories that I have and will carry with me the rest of my life.

For all of the reasons listed above, I respectfully request that the demands set forth in the August 13 letter be dropped. Thank you.

Sincerely,

C Pinkos

Cynthia Pinkos

Enc.

000288

Gmail by Google

"July 8 email"

Cynthia Pinkos <cynthiapinkos@gmail.com>

2 Barrington Hills Rd.

1 message

Cynthia Pinkos <cynthiapinkos@gmail.com> Wed, Jul 8, 2015 at 11:24 PM
To: Building Dept <building-dept@barringtonhills-il.gov>

Dear Don:

As I mentioned to you in our phone conversation July 7, my shed repairs had to be delayed due to weather and scheduling conflicts and are now scheduled with the contractor and materials for the first two weeks of August. As a lawyer, I reviewed the Village Code including the sections you gave me and found that they do not apply: Section 5-9-3(D) is for building or structure "destroyed or damaged by fire or other casualty or act of God." Ordinary wear and tear, which caused the condition of my structure after 50 plus years, does not qualify. Furthermore, even if 5-9-3(D) were to apply, the amount of repair "is less than 50% of the cost of restoration of the entire building new." The entire structure is approximately 12X32 feet, consisting of an approximately 12X12 section that was built first, then the 12X20 foot section. The one back wall and roof of the 12X12 section (constituting approximately 15.63% of the entire structure) are to be replaced. My contractor said to rebuild the structure new would be over $5000, but to repair the entire structure would be $1000 (including labor and materials), only 20% of the cost of building if new.

Regarding Code section 5-9-3(E), the structure has been in continuous use since it was built, for either animal shelter (last in 2013) or storage. The most recent and current use is for storage. I removed some items I was storing there approximately two weeks ago in preparation for the repairs.

The repairs will be in complete compliance with section 5-9-3. They will not alter the original size or appearance of the structure and will be at least as sound as when first built over 50 years ago. In fact, if the complainant wants to choose the color or finish of the visible side of the structure, I would be pleased to discuss it with her.

You mentioned the Zoning Board of Appeals. I am not asking for a zoning exception so I do not see why the Zoning Board of Appeals would be involved. The structure is for a conforming use and well pre-dates the Village Code, so its location receives grandfather protection. Furthermore, your mention of "appealing to the Zoning Board" makes it sound like you have pre-judged the situation and ruled against me based on an anonymous complaint. As set forth in this email, any such case has no merit and is simply wrong. If however, this were to somehow rise to such a level and I am not satisfied with the result, rest assured that I will take it to the next level including court and trial. I am an experienced attorney and can represent myself at no out-of-pocket cost.

In any case, the issue is not the existence of the shed, but the fact that the recent purchaser of the adjacent lot tore down the house, the barn, and all structures on the lot, cut down trees and removed shrubbery so that now one side of the shed is visible. It is also not about it being in disrepair, as I am willing and able to make any necessary repairs (to be completed, as I first mentioned, early August). It is not to ensure compliance with the law, but to find some way to take away my rights that the homeowner and grandfather rules are there to protect. An anonymous neighbor or individual with a profit motive is simply trying to get me to get rid of it, against my rights and against the law. It is wrong and I will not tolerate it.

Sincerely,

Cynthia Pinkos

9/27/15 (From Barrington Hills Rd., edge of 11 Barrington Hills Rd. property)

Building Dept <building-dept@barringtonhills-il.gov>

Fwd: 2 Barrington HIlls Road

dschuman139@comcast.net <dschuman139@comcast.net> Thu, Sep 24, 2015 at 10:02 AM
To: dschuman139 <dschuman139@comcast.net>, build@vbhil.gov

From: "Mary Dickson" <marydickson@bond-dickson.com>
To: "Robert Kosin" <rkosin@barringtonhills-il.gov>, "dschuman139" <dschuman139@comcast.net>
Sent: Wednesday, September 23, 2015 1:51:29 PM
Subject: 2 Barrington HIlls Road

Bob, Don:

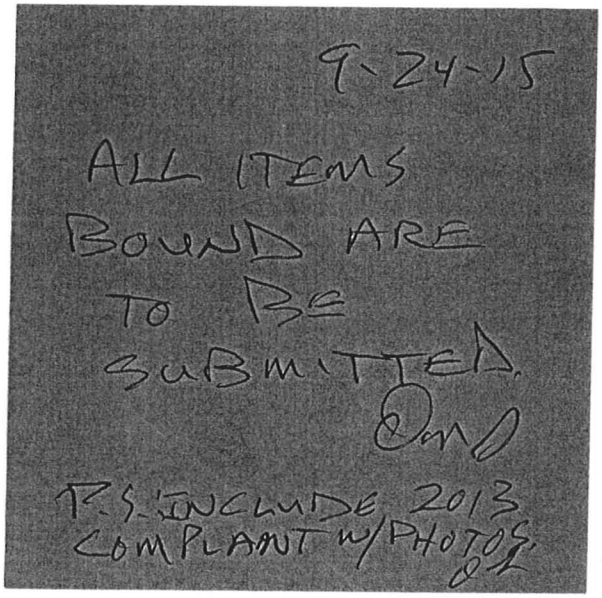
Now that the Village is in receipt of the appeal in regard to the order on 2 Barrington Hills Rd., Don should prepare the record on appeal for tender to the ZBA, and Bob: can you arrange with the Chairman for an appropriate hearing date/time. In this regard, you should also reach out to Ms. Pinkus when a date is selected to ensure she will be in town, and with Mr. Bush who will prosecute the Village's case.

When the record is prepared, could I please have a copy?

Mary

--

Mary E. Dickson
BOND, DICKSON & ASSOCIATES, P.C.
400 S. Knoll Street, Unit C
Wheaton, Illinois 60187
(630) 681-1000
(630) 681-1020 (fax)



000292

VILLAGE OF BARRINGTON HILLS

Permit #: NONE Owner: MS. PINKOS

Issued: Address: 2 BARR. HILLS RD

Building Type: NONE General: COMPLAINT

Date	Time	Initials	Comments - Contacts - Correspondence - Additional
6-30-15	12:10 PM	DS	RCVD. COMPLAINT FROM MR. DON STELLATO of 240 DONLEA 312-419-1087 C/O OLD CHICKEN COUP; LEFT MSG. W/ MR. BARNEY
7-1-15		DS	MR. BARNEY ADVISED "NO LONGER ASSOC."
7-7-15		DS	SPOKE W/ MS. PINKOS
7-8-15		DS	SENT PHOTOS of 10-1-15 TO MS. PINKOS
7-9-15	1:24 AM	DS	RCVD. EMAIL FROM MS. PINKOS
	11:03 AM	DS	SENT/FORWARDED TO ATTY.
7-14-15	9:17 AM	DS	RE-SENT TO ATTY.
7-21-15	10:15	DS	SENT EMAIL TO ATTY
	11:49	DS	SENT EMAIL TO ATTY W/ REF. TO IRC
7-23-15	10:19	DS	" " " "
8-6-15	12:07	DS	VIA EMAIL ASKED ATTY IF SPOKE W/ MS. P
	3:20	DS	REPLY FROM ATTY
8-10-15	12:11 PM	DS	RCVD. EMAIL FROM DON STELLATO
	2:02	DS	WENDI ASKED PERMISSION TO GO ON SITE
8-11-15		DS	TOOK PHOTOS
	12:59 PM	DS	SENT PHOTOS TO ATTY
	1:01 PM	DS	RE-SENT PHOTOS TO ATTY
	1:08 PM	DS.	EMAILED ATTY W/ INTENTION
8-12-15	2:32	DS	EMAIL FROM ATTY.
8-13-15		DS	SENT CERT. LTR. TO MS.
8-20-15		DS	SENT EMAIL TO MR. KOSIN.

000293

VILLAGE OF BARRINGTON HILLS

Permit #: NONE Owner: CYNTHIA PINKOS

Issued: _____ Address: 2 BARR. HILLS RD.

Building Type: _____ General: COMPLAINT

Date	Time	Initials	Comments - Contacts - Correspondence - Additional
9-4-15	10:30	DS	RECEIVED COMPLAINT VIA PHONE (847-382-2764) FROM DENNIS RE: COMMERCIAL VEHICLES (TRUCK & TRAILER PARKED ON SITE.
9-8-15	11:00	DS	LEFT MSG. W/ DAMIAN'S LANDSCAPING (847-532-0911) WARNING "NOT ALLOWED TO PARK COMMERCIAL VEHICLES IN RESIDENTIAL ZONED DISTRICT.

000294

Building Dept <building-dept@barringtonhills-il.gov>

2 Barrington Hills Rd.

Building Dept <building-dept@barringtonhills-il.gov> Wed, Sep 23, 2015 at 11:53 AM
To: James Busch <clarke1971@sbcglobal.net>
Cc: Village Clerk <clerk@barringtonhills-il.gov>

James, Forwarded for your review. Wendi

--------- Forwarded message ---------
From: **Building Dept** <building-dept@barringtonhills-il.gov>
Date: Wed, Sep 23, 2015 at 10:52 AM
Subject: Fwd: 2 Barrington Hills Rd.
To: Mary Dickson <marydickson@bond-dickson.com>
Cc: Village Clerk <clerk@barringtonhills-il.gov>

Mary, Forwarded for your review. Wendi

Building Department
Village of Barrington Hills
Direct: 847-551-3003

--------- Forwarded message ---------
From: **Cynthia Pinkos** <cynthiapinkos@gmail.com>
Date: Wed, Sep 23, 2015 at 10:09 AM
Subject: 2 Barrington Hills Rd.
To: Building Dept <building-dept@barringtonhills-il.gov>
Cc: clerk@barringtonhills-il.gov

Dear Don:

This email, as set forth in the attached letter to you and letter to the Zoning Board of Appeals is to serve as notice of my appeal of your letter to me dated August 13, 2015 regarding my property at 2 Barrington Hills Rd. Although it has been confirmed to me that email notice to you of my appeal is adequate, I also sent a hard copy of this notice to you via USPS Priority Mail Express.

As set forth in the attached, I have included a request to the Village Clerk to forward the letter addressed to Mr. Wolfgram and the Zoning Board of Appeals to all members of the Zoning Board of Appeals.

Thank you.

Sincerely,
Cynthia Pinkos
(310) 480-1619

2 attachments

Ltr to Code Enforcement Officer 22Sept15.pdf
437K

Ltr to ZBA 22Sep15.pdf
12992K

September 22, 2015

Via Priority Mail Express and email: building-dept@barringtonhills-il.gov

Donald Schuman
Code Enforcement Officer
Village of Barrington Hills
112 Algonquin Rd.
Barrington Hills IL 60010-5199

Re: Letter dated August 13, 2015 from Donald Schuman, Code Enforcement Officer regarding 2 Barrington Hills Rd.

Dear Mr. Schuman:

This is to serve as notice of appeal pursuant to section 5-10-5 of the Barrington Hills, IL Village Code of your above-referenced letter demanding me to "demolish or re-locate" my shed. The reasons for such appeal are set forth in the attached letter addressed to the Barrington Hills Zoning Board of Appeals ("ZBA").

By copy of this letter (and pursuant to the 14th bullet point of the Overview of the ZBA) I am requesting that the Village Clerk forward the attached letter to Mr. Daniel Wolfgram, as Chairman of the ZBA, ZBA members David Stieper, Richard Chambers, Jim Root, Jan C. Goss, Debra Buettner and Patrick J. Hennelly, and Colleen Konicek Hannigan, as Trustee Liaison. Thank you.

Sincerely,

Cynthia Pinkos
cynthiapinkos@gmail.com
310-480-1619

Cc: Village Clerk
clerk@barringtonhills-il.gov

Att.

September 22, 2015

Re: Letter dated August 13, 2015 from Donald Schuman, Code Enforcement Officer regarding 2 Barrington Hills Rd.

Dear Mr. Wolfgram and members of the Zoning Board of Appeals:

This letter is in support of my appeal of the demands of the above-referenced letter ("August 13 letter") to "demolish or re-locate" my shed.

To begin with, please note that the description of the issue in the Monthly Code Enforcement Report submitted to the Board of Trustees for its August 24, 2015 meeting is factually incorrect: I was *not* given notice to "re-locate or demolish" the shed until *after* I provided notice to the Village that I was repairing the shed *and after* repairs were made. I am not asking for a variance from the Barrington Hills ("Village") zoning code. I am requesting that the Village not act outside the code or the law. Also, since I am a single parent and sole guardian of my minor daughter, I hope that there will be some flexibility as to when the date is set for your meeting when this issue is considered, so that I can make travel plans from Los Angeles and arrangements for my daughter's care and personally attend the meeting.

I was so happy and proud that I was repairing the shed on my property that has stood there from when I was a little girl and my family moved to Barrington Hills ("Village") in 1960. I was very careful to keep the shed as my father originally built it, completely by hand, not wanting to destroy its authentic rustic character and saving all the fittings that were added to care for my horses. I took time to compare and select paint colors (including driving down Barrington Hills Rd. to see how the colors would look from a distance to those traversing the road, and looking at the colors both in daylight and at night) so that the shed would blend in with the natural landscape that my parents and I worked so hard to create and maintain.

Thus it was with great surprise that I received Mr. Schuman's August 13 letter. The Village's Building Department is well aware of the shed's protected grandfather status and had made no objection to my repair plans of which the Village and Mr. Schuman had been fully informed. I then realized that the August 13 letter and demands were likely the result of the relatively recent purchaser of the adjacent lot who, upon discovery of the shed's existence, wanted it gone. Pertinent facts include the following:

1. The shed was built by my parents in 1961 and predates any applicable Barrington Hills, IL Village Code ("Code") provisions. It is located in the back of my property (2 Barrington Hills Rd.) next to the side yard adjacent to 11 Barrington Hills Rd.

060297

2. The shed has been completely obscured from view (except for the front, visible only to occupants of my property) until approximately two years ago when Donald Stellato purchased the adjacent property at 11 Barrington Hills Rd. (The Stellatos reside at 240 Donlea Rd. and their back yard abuts the back of 11 Barrington Hills Rd.)

3. Upon purchasing the property at 11 Barrington Hills Rd., the Stellatos proceeded to demolish the house, barn, gazebo, pool and all other structures on 11 Barrington Hills Rd., regrade the land with bulldozers, and remove most of the mature-growth trees and all the brush from the property, thereby exposing to view (from the now vacant 11 Barrington Hills lot) the shed on my property.

4. Once Mr. Stellato discovered the existence of the shed on my property, he tried to get me to tear it down, offering to have it demolished himself as part of his "bigger project", as he has done with the house and all other structures on the adjacent lot he purchased. I replied that I did not want it torn down and that it was built pre-Code and was grandfathered. Mr. Stellato responded via email (August 12, 2013) in what I took to be a threatening tone: "if you want it to stay, this may only be temporary. So think about it." I heard nothing more and considered the matter over.

5. During the first two weeks of June 2015, as I state in my July 8 email (see below) repairs were scheduled to occur, and I began emptying the contents of the shed, removing a section of roof and pulling down the panels that I knew I would be replacing. Unfortunately, due to heavy rain and my contractor's other job commitments, I was unable to have the repairs completed during my June trip.

6. On July 7, 2015, Mr. Schuman called me and told me that a "neighbor" complained about my shed and that pursuant to Code sections 593(D) and 593(E), I was to relocate or demolish the shed.

7. The next day, July 8, 2015, I responded to Mr. Schuman's phone call by email (a copy of which is attached hereto) ("July 8 email"). My July 8 email (i) set forth why the Code sections Mr. Schuman cited were inapplicable; and (ii) gave detailed information about my plans for repairing the shed, including that repairs would be made during the first two weeks of August. As I did not receive a reply to my July 8 email, it appeared that the matter was settled and the Building Department had no further objections.

8. On August 6, 2015, after I returned to my property to continue repairs in accordance with the plans I had detailed to Mr. Schuman, I received a call from James Busch, identifying himself as the prosecutor for Barrington Hills. He said he was calling because he had been given a copy of my July 8 email. I informed Mr. Busch that materials for the shed repairs were delivered, and

000298

that the contractor and workers would be there the next few days to make repairs. Mr. Busch said that there were "gaps" in the Code and that no Code or other building code provisions applied to my shed. Being a lawyer myself and having thoroughly reviewed the Code, I knew that he was correct. He did not tell me not to proceed with the repairs, nor indicate that I should expect any further correspondence regarding my shed.

9. I proceeded with repairs to the shed, knowing that the Village was fully and timely informed of my repair plans, and having received no communication not to repair the shed. As detailed in the July 8 email, the repairs were to a portion of the back wall of the (original, smaller) shed (approximately 12 feet) and replacement of a 12x12 section of the roof. I was also compelled to make an unplanned repair to an additional 4-foot panel of the back wall due to an apparent act of vandalism that took place after my June inspection of the shed: a large hole had been punched in the side of the panel with a hammer, rock, or some other object and it appeared that someone had tried to tear another panel down. My contractor, who discovered the damage, showed how the damage was not ordinary wear and tear but instead had been intentionally caused. In addition to the repairs, we replaced other parts of the shed for aesthetic purposes. However, even including such replacements and upgrades, less than half of the total shed structure was affected. (Please refer to the July 8 email for detailed measurements.)

10. Only after these duly-noticed repairs were made did the Building Department send the August 13 letter.

11. The photos Mr. Schuman included in his August 13 letter distort and are not representative of the true dimensions or condition of the shed, due to the angle from which they are taken. The photos enlarge the smaller, previously damaged portion of the shed in the foreground, minimizing the vast majority of the structure that remains structurally sound and intact. (As detailed in the July 8 email, the wall and roof that needed repair together constituted merely 15.63% of the whole structure). Furthermore, according to the notations on the photo, the "Before" photo was taken July 21, 2015. This date is after I had already begun dismantling portions in preparation for repairs in June (which is when they were most recently scheduled prior to August) and is not representative of the true condition of the shed prior to the current status. (See paragraph 5 above.) The "After" photo was taken before repainting and does not reflect the current status of the shed. I have attached a current picture. The "Conditions on 10/01/2013" photos distributed to the Board of Trustees for their August 24, 2015 meeting should be disregarded because (i) considering the perspective from which they were taken, it would have been impossible for these photos to have been obtained without committing an illegal trespass on my property which I would want to have investigated and (ii) they are inapplicable as they show a side of the shed not visible to anyone except occupants of my property.

The shed is grandfathered and no Code provisions require its demolition or re-location:

As noted above, the shed was built in 1961 – before enactment of any of the Code provisions that have been cited in an attempt to justify its demolition. Mr. Schuman's August 13 letter begins: "I do not believe that you had an existing non-conforming structure." Yet in Mr. Schuman's correspondence of July 7, 2015, he referred to it as a nonconforming structure, and the Code provisions cited as being applicable (section 5-9-3) are all for "NONCONFORMING BUILDINGS AND STRUCTURES, AND USES THEREOF." (Please refer to my July 8 email setting forth why these sections are not applicable (unrelated to status as a Nonconforming Structure).) The status of the shed did not change in the intervening month, but after I explained in my July 8 email that Code section 5-9-3 was inapplicable, Mr. Schuman then cited another Code section, even though that contradicted his previous position. To say that I did not have an existing structure, but have created a new structure, is simply contrary to the facts. See, e.g., paragraphs #9 and 11 above.

In addition, the August 13 letter claims that my structure "had no fair market value and was not a candidate for repair". But these are entirely subjective statements, not based on fact, measurement or actual knowledge. As stated in other proceedings and meetings, the Village has authority to enforce existing and applicable Code, but not to impose a subjective judgment. Secondly, where in the Code is "fair market value" used as criteria for anything? Even if fair market value were relevant, (i) the shed's fair market value is indeterminable because the shed can't be separated or sold separated from the land; and (ii) if one were to try to value it, its location is inherently part of its value, and that, along with its grandfather status give it a great deal of value as an inseparable part of the 2 Barrington Hills property.

If Mr. Schuman and the disgruntled landowner are opposed to the existence of my shed, they can't make me remove it just because they don't like it. The Village has to have a legal basis for forcing me to do something and it does not. As stated by the then-Chairman of the Zoning Board of Appeals ("ZBA"), Jonathan Knight, in the May 17, 2010 hearing before the ZBA, "[the existence of many dogs on the property] was creating an issue with neighbors....[but] our zoning regulations did not allow us to legally enforce that....that's the way it is." [lines 16-22, page 38] The Village can only step in if there is an applicable zoning regulation for them to enforce. The authority of the Village is to ensure compliance with the Code as it exists, not to subjectively use an otherwise inapplicable Code provision to appease a landowner who simply doesn't like something.

060300

The Village was fully informed yet issued its demands after the fact:

As I state in my July 8 email, I planned to complete repairs in early June, before I received any contact whatsoever from the Village, but the repairs were delayed due to bad weather and contractor scheduling issues. The Village was fully and timely informed of my repair plans, both in writing in my July 8 email and in conversations (including with the Village prosecutor as set forth in paragraph 8 above) and made no objections thereto. Having received no response to my email, I reasonably concluded that the Building Department's concerns had been addressed and I proceeded in good faith with my repairs, incurring large expense. Only after such expense was incurred and repairs were completed did the Building Department seek to block the repairs and seek removal of the shed.

Summation and conclusion:

The demand made in the August 13 letter is not about enforcing the law or the Village Code, but is a mission plain and simple to eliminate my 50+ year-old shed and violate my rights as a landowner. The efforts are without merit and legal support. Moreover, I was not given notice to "re-locate or demolish" until after the fact. Accordingly, what is relevant is the condition of the shed now.

As anyone can see by looking at my property and the inconspicuous house thereon, I greatly value Barrington Hills's natural environment. I have worked very hard to maintain the beautiful trees my parents planted and open space by destroying and keep at bay the invasive Buckthorn that has taken over so many acres surrounding me. The Stellatos enjoy the privacy afforded by the trees, plantings and ridge that my parents created on our property along almost the entire dividing line between the two lots. Only the 30' section where the shed resides is now visible to them, and that is due, as aforementioned, to the *Stellatos' action* in clearing the barn, trees and brush on their lot. A simple and obvious solution of course, and completely within the complainant's control, would be to plant shrubbery/trees along the 30 feet to replace those that they removed, making the shed virtually invisible as it has been for most of its life.

The Village's actions have caused me an inordinate amount of emotional distress. Did it intentionally not respond to my July 8 email, letting me conduct repairs and then after the fact sending me the letter? I am determined not to be bullied or wrongly have my landowner rights violated. If the Village nonetheless demands that I demolish or relocate my shed, I will seek a remedy via the courts. In such case I will of course hold the Village responsible for my costs, including the costs of the repairs I made in good faith and reliance on the Village's non-objection thereto and my travel costs from California in dealing with this matter. I certainly hope I do not have to proceed to litigation. As lifelong resident, taxpayer and devoted fan of Barrington Hills, I would hate to see my tax dollars so wasted. Does the Village really want to spend thousands of dollars in litigation costs when the disgruntled

landowner could be appeased spending a few hundred dollars to replace the plantings he tore out?

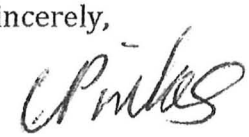
To enforce the demands in the August 13 letter would be wrong in so many ways:

- The shed is grandfathered.
- No Code provisions exist requiring me to tear it down.
- Reasons the Building Department has used as the basis for its demands are not Code or fact-supported, but are entirely subjective judgments.
- My repair efforts were made in good faith and I have gone out of my way (i) to not extend my rights by expanding or changing the dimensions, location or nature of the structure and (ii) to make it acceptable to the neighborhood and respectful of the natural environment.
- The Village was fully informed and nonetheless issued its notice after the fact.
- To force me to move or demolish the shed would be an unreasonable financial burden and cause me irreparable harm.
- There is an easy, inexpensive solution within the complainant's control.

The shed and its location are of extreme importance to me as a landowner and lifelong resident. 2 Barrington Hills Road is where I spent my entire childhood. After becoming an adult, I regularly visited and stayed there and it is where I will spend my final years. It is part of my land, and what my parents built and gave to me. Its existence and location are part of what made me who I am today: my physical strength from the early years hauling water from the house and hay from our garage to the little shed in the corner where my horses patiently waited; and my confidence and determination from making do with what I had to compete successfully with my backyard horses against riders from the "fancy" barns. It is the shed and its location that gave me strength and memories that I have and will carry with me the rest of my life.

For all of the reasons listed above, I respectfully request that the demands set forth in the August 13 letter be dropped. Thank you.

Sincerely,



Cynthia Pinkos

Enc.

Gmail by Google

"July 8 email"

2 Barrington Hills Rd.

Cynthia Pinkos <cynthiapinkos@gmail.com> Wed, Jul 8, 2015 at 11:24 PM
To: Building Dept <building-dept@barringtonhills-il.gov>

Dear Don:

As I mentioned to you in our phone conversation July 7, my shed repairs had to be delayed due to weather and scheduling conflicts and are now scheduled with the contractor and materials for the first two weeks of August. As a lawyer, I reviewed the Village Code including the sections you gave me and found that they do not apply: Section 5-9-3(D) is for building or structure "destroyed or damaged by fire or other casualty or act of God." Ordinary wear and tear, which caused the condition of my structure after 50 plus years, does not qualify. Furthermore, even if 5-9-3(D) were to apply, the amount of repair "is less than 50% of the cost of restoration of the entire building new." The entire structure is approximately 12X32 feet, consisting of an approximately 12X12 section that was built first, then the 12X20 foot section. The one back wall and roof of the 12X12 section (constituting approximately 15.63% of the entire structure) are to be replaced. My contractor said to rebuild the structure new would be over $5000, but to repair the entire structure would be $1000 (including labor and materials), only 20% of the cost of building if new.

Regarding Code section 5-9-3(E), the structure has been in continuous use since it was built, for either animal shelter (last in 2013) or storage. The most recent and current use is for storage. I removed some items I was storing there approximately two weeks ago in preparation for the repairs.

The repairs will be in complete compliance with section 5-9-3. They will not alter the original size or appearance of the structure and will be at least as sound as when first built over 50 years ago. In fact, if the complainant wants to choose the color or finish of the visible side of the structure, I would be pleased to discuss it with her.

You mentioned the Zoning Board of Appeals. I am not asking for a zoning exception so I do not see why the Zoning Board of Appeals would be involved. The structure is for a conforming use and well pre-dates the Village Code, so its location receives grandfather protection. Furthermore, your mention of "appealing to the Zoning Board" makes it sound like you have pre-judged the situation and ruled against me based on an anonymous complaint. As set forth in this email, any such case has no merit and is simply wrong. If however, this were to somehow rise to such a level and I am not satisfied with the result, rest assured that I will take it to the next level including court and trial. I am an experienced attorney and can represent myself at no out-of-pocket cost.

In any case, the issue is not the existence of the shed, but the fact that the recent purchaser of the adjacent lot tore down the house, the barn, and all structures on the lot, cut down trees and removed shrubbery so that now one side of the shed is visible. It is also not about it being in disrepair, as I am willing and able to make any necessary repairs (to be completed, as I first mentioned, early August). It is not to ensure compliance with the law, but to find some way to take away my rights that the homeowner and grandfather rules are there to protect. An anonymous neighbor or individual with a profit motive is simply trying to get me to get rid of it, against my rights and against the law. It is wrong and I will not tolerate it.

Sincerely,

Cynthia Pinkos

9/27/15 (From Barrington Hills Rd., edge of 11 Barrington Hills Rd. property)

Building Dept <building-dept@barringtonhills-il.gov>

2 Barrington Hills Rd.

Mary Dickson <marydickson@bond-dickson.com> Wed, Sep 23, 2015 at 11:28 AM
To: Building Dept <building-dept@barringtonhills-il.gov>

Thanks Wendi. The ZBA will now have to schedule a time to hear this. Mary

[Quoted text hidden]

[Quoted text hidden]

To ensure compliance with the Open Meetings Act, elected or appointed members of the public body may reply to this message, but they should not forward it or send a copy of the reply to other members of the public body.

–

Mary E. Dickson
BOND, DICKSON & ASSOCIATES, P.C.
400 S. Knoll Street, Unit C
Wheaton, Illinois 60187
(630) 681-1000
(630) 681-1020 (fax)

Building Dept <building-dept@barringtonhills-il.gov>

2 Barrington Hills Road

Building Dept <building-dept@barringtonhills-il.gov> Tue, Sep 22, 2015 at 11:19 AM
To: Mary Dickson <marydickson@bond-dickson.com>

As Ms. Pinkos signed the Certified mail receipt on August 17, 2015, I calculate that 45 days would be October 8, 2015. Please let me know if Ms. Pinkos was notified.

Thank you.

Don Schuman
Building Department

Building Dept <building-dept@barringtonhills-il.gov>

Appeal of Code Enforcement Letter dated Aug. 13, 2015 re: 2 Barrington Hills Rd.

Building Dept <building-dept@barringtonhills-il.gov> Fri, Sep 11, 2015 at 1:40 PM
To: Mary Dickson <marydickson@bond-dickson.com>

Bob Has requested I forwarded this inquiry to you. I have attached the signed return receipt card.

Wendi Frisen
Building Department
Village of Barrington Hills
Direct: 847-551-3003

---------- Forwarded message ----------
From: **Cynthia Pinkos** <cynthiapinkos@gmail.com>
Date: Fri, Sep 11, 2015 at 11:57 AM
Subject: Appeal of Code Enforcement Letter dated Aug. 13, 2015 re: 2 Barrington Hills Rd.
To: Building Dept <building-dept@barringtonhills-il.gov>

Hi Don. As you already know, I will be appealing the demands of the above-referenced letter. In order to give you formal notice of my intention to appeal, would you please tell me the date you are using as the date I received your letter (and therefore the date from which the 45 days begins to run)? You have the receipt I signed for your certified letter which gives the date I received the letter, but I do not. Thank you.

2 Barrington Hills Rd 2015.08.13 certified & RRR.pdf
1450K

Building Dept <building-dept@barringtonhills-il.gov>

2 Barringtoin Hills Road.

Building Dept <building-dept@barringtonhills-il.gov> Thu, Aug 20, 2015 at 12:24 PM
To: Robert Kosin <rkosin@barringtonhills-il.gov>

As you may be aware, I have ordered Ms. Pinkos to remove the structure in the required yard at 2 Barrington Hills Road. It is Ms. Pinkos intention to appeal my decision. I do not believe that she is obligated to notify her neighbors of her appeal.

I have advised Ms. Pinkos that I would respond by Wednesday, August 25. Unless directed otherwise, I will advise her to appeal in writing and that she can expect to be heard at the October meeting. Similarly, I will advise her that she is not required to notify her neighbors.

Thank you.

Don Schuman
Building Department

President
MARTIN J. McLAUGHLIN

Trustees
FRITZ GOHL, Pro-Tem
JOSEPH S. MESSER
KAREN S. SELMAN
PATTY MERONI
COLLEEN KONICEK
MICHAEL HARRINGTON

DOLORES G. TRANDEL, Village Clerk

THE VILLAGE OF BARRINGTON HILLS

112 ALGONQUIN ROAD
BARRINGTON HILLS, ILLINOIS 60010-5199
www.barringtonhills-il.gov

TELEPHONE
(847) 551-3000

FACSIMILE
(847) 551-3050

August 13, 2015

Ms. Cynthia Pinkos
2629 32nd St.
Santa Monica, CA 90405

RE: 2 Barrington Hills Road; Violation
Certified: 7012 1010 0000 0693 3232

Ms. Pinkos,

We have spoken via telephone and you sent an email. I do not believe that you had an existing non-conforming structure (see attached photos). Rather, I believe that the remains of a once existing structure had no fair market value and was not a candidate for repair.

Now there is an accessory structure on the north side of your property that has been constructed within the required setbacks. Village ordinance 5-5-7-3 states:

5-5-7-3: MINIMUM INTERIOR SIDE YARD, ACCESSORY USES:

For each accessory use in sections 5-5-2 and 5-5-3 of this chapter, located in the R1 to R4 districts inclusive, the minimum interior side yard requirements shall not be less than those specified for the principal uses in sections 5-5-7-1and 5-5-7-2 of this chapter; except, however, the following accessory uses which must meet the minimum interior side yard requirements specified in this section:

Buildings accessory to single-family dwellings, except those uses specifically itemized - R-1:50 feet

You are required to demolish or re-locate the structure. Demolition or relocation must be accomplished within 45 days of receipt of this letter. Failure to comply with this decision may result in fines of up to $750.00 per day for each day the violation exists.

Should you wish to re-locate the structure you must obtain a permit and relocate it as follows:

1. If the structure is intended to house animals, you must maintain 150 feet from the front property line and 100 feet from the side and rear property lines.

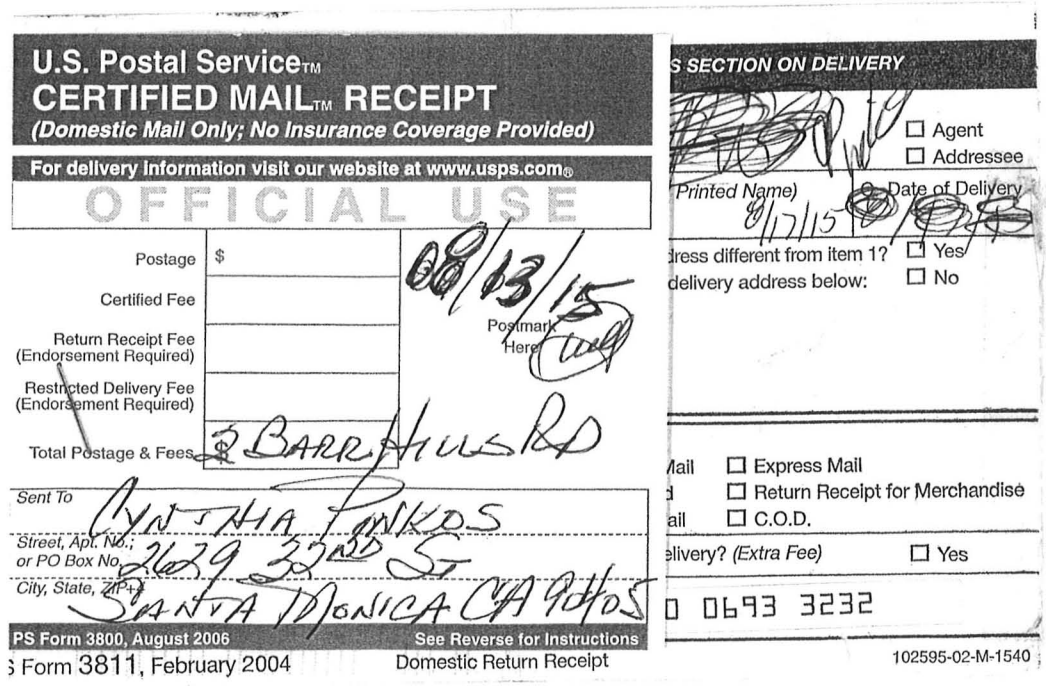
2. If the structure is for general storage purposes you must maintain 50 feet from any property line.

000310

You have the right to appeal this decision. A decision must be filed in writing within 45 days of receipt of this letter. Please contact the Building Department with any questions at 847-551-3003. Your cooperation in this matter is greatly appreciated.

Thank you.

Donald Schuman, Code Enforcement Officer
Attachment: Photos



U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

08/03/15
Postmark Here

BARR HILLS RD

Sent To CYNTHIA PONKOS
Street, Apt. No.; or PO Box No. 2629 32ND ST
City, State, ZIP+4 SANTA MONICA CA 90405

PS Form 3800, August 2006 See Reverse for Instructions

S SECTION ON DELIVERY

☐ Agent
☐ Addressee

Printed Name) C. Date of Delivery
8/17/15

dress different from item 1? ☐ Yes
delivery address below: ☐ No

Mail ☐ Express Mail
☐ Return Receipt for Merchandise
ail ☐ C.O.D.
elivery? (Extra Fee) ☐ Yes

0 0693 3232

102595-02-M-1540

S Form 3811, February 2004 Domestic Return Receipt

000311

2 BARRINGTON HILLS ROAD

BEFORE



07.21.15

AFTER



08.11.15

000312

Building Dept <building-dept@barringtonhills-il.gov>

2 Barrington Hills Road

Building Dept <building-dept@barringtonhills-il.gov> Thu, Aug 13, 2015 at 1:57 PM
To: John Clarke <clarke1971@sbcglobal.net>
Cc: Robert Kosin <rkosin@barringtonhills-il.gov>

James, Attached is the letter and photos sent today by certified mail to Cynthia Pinkos.

Don Schuman
Building Department
Village of Barrington Hills
Direct: 847-551-3003

On Wed, Aug 12, 2015 at 2:32 PM, John Clarke <clarke1971@sbcglobal.net> wrote:

> Dear Don, I presumed that this issue would not go away quietly. I agree that the pictures appears to depict a rebuild and not just a repair. Although this would generally resolve the problem, but will be in direct conflict with her claim of a preexisting and therefore exempt structure. The only method in order to proceed would be to issue an Order of Demolition. The question remains in my mind as to whether or not the Village will seek a Judicial Order of Demolition in the event that she does not see the need to appeal your Order. I ask this question in the event that Ms. Pinkos feels it unnecessary to file an appeal and she takes no steps within 45 days.
>
> -James
>
> On Tue, Aug 11, 2015 at 12:59 PM, Building Dept <building-dept@barringtonhills-il.gov> wrote:
>
> > James, I visited the site today. Photos (attached) taken from the adjacent property. In my estimation the structure was "rebuilt" and not repaired. There are new walls, new studs, new header and new roof framing members & sheathing. Also, the west end of the north wall was excavated as shown in the photo. I suspect they needed to shore-up the wall.
> >
> > I intend to issue an order to demolish the structure as it is within the required setback.I will advise the owner that they can appeal my order (an appeal must be filed within 45 days). I would expect the owner to appeal.
> > Please let me know if you agree or disagree.
> >
> > Thank you.
> > Don Schuman
> > Building Department
> > Village of Barrington Hills
> > Direct: 847-551-3003

2 attachments

2 Barrington Hills Rd 2015.08.13 violation .pdf
1532K

2 Barrington Hills Rd 2015.08.13 violation before & after.pdf
4238K

Building Dept <building-dept@barringtonhills-il.gov>

2 Barrington Hills Road

John Clarke <clarke1971@sbcglobal.net> Wed, Aug 12, 2015 at 2:32 PM
Reply-To: John Clarke <clarke1971@sbcglobal.net>
To: Building Dept <building-dept@barringtonhills-il.gov>

Dear Don,

I presumed that this issue would not go away quietly. I agree that the pictures appears to depict a rebuild and not just a repair. Although this would generally resolve the problem, but will be in direct conflict with her claim of a preexisting and therefore exempt structure. The only method in order to proceed would be to issue an Order of Demolition. The question remains in my mind as to whether or not the Village will seek a Judicial Order of Demolition in the event that she does not see the need to appeal your Order. I ask this question in the event that Ms. Pinkos feels it unnecessary to file an appeal and she takes no steps within 45 days.

-James

[Quoted text hidden]

[Quoted text hidden]

To ensure compliance with the Open Meetings Act, elected or appointed members of the public body may reply to this message, but they should not forward it or send a copy of the reply to other members of the public body.

Building Dept <building-dept@barringtonhills-il.gov>

2 Barrington Hills Road

Building Dept <building-dept@barringtonhills-il.gov> Tue, Aug 11, 2015 at 1:08 PM
To: Clarke & Busch <clarke1971@sbcglobal.net>

Link to photos

2 Barrington Hills Rd shed

---------- Forwarded message ----------
From: **Building Dept** <building-dept@barringtonhills-il.gov>
Date: Tue, Aug 11, 2015 at 12:59 PM
Subject: 2 Barrington Hills Road
To: Clarke & Busch <clarke1971@sbcglobal.net>

James, I visited the site today. Photos (attached) taken from the adjacent property. In my estimation the structure was "rebuilt" and not repaired. There are new walls, new studs, new header and new roof framing members & sheathing. Also, the west end of the north wall was excavated as shown in the photo. I suspect they needed to shore-up the wall.

I intend to issue an order to demolish the structure as it is within the required setback.I will advise the owner that they can appeal my order (an appeal must be filed within 45 days). I would expect the owner to appeal. Please let me know if you agree or disagree.

Thank you.

Don Schuman
Building Department
Village of Barrington Hills
Direct: 847-551-3003

Building Dept <building-dept@barringtonhills-il.gov>

2 Barrington Hills Road

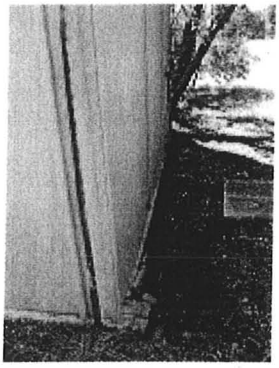
Building Dept <building-dept@barringtonhills-il.gov> Tue, Aug 11, 2015 at 1:01 PM
To: Clarke & Busch <clarke1971@sbcglobal.net>

2 of 2

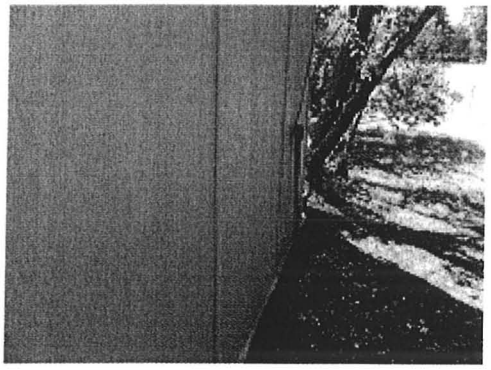
Don Schuman
Building Department
Village of Barrington Hills
Direct: 847-551-3003

[Quoted text hidden]

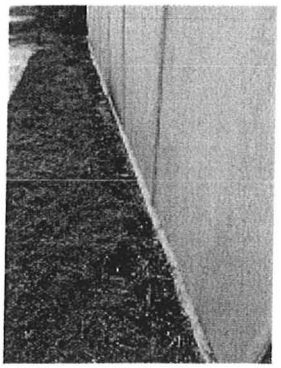
4 attachments



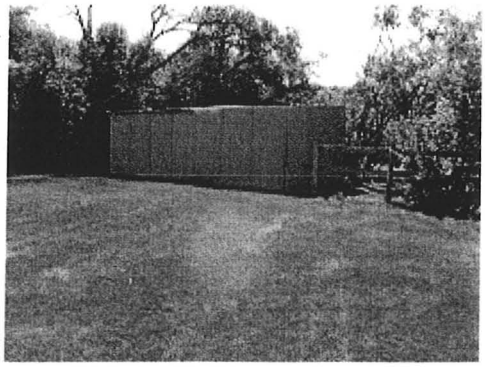
P1040092.JPG
4938K



P1040093.JPG
5540K



P1040094.JPG
5159K



P1040095.JPG
4791K

Building Dept <building-dept@barringtonhills-il.gov>

2 Barrington Hills Road

Building Dept <building-dept@barringtonhills-il.gov> Tue, Aug 11, 2015 at 12:59 PM
To: Clarke & Busch <clarke1971@sbcglobal.net>

James, I visited the site today. Photos (attached) taken from the adjacent property. In my estimation the structure was "rebuilt" and not repaired. There are new walls, new studs, new header and new roof framing members & sheathing. Also, the west end of the north wall was excavated as shown in the photo. I suspect they needed to shore-up the wall.

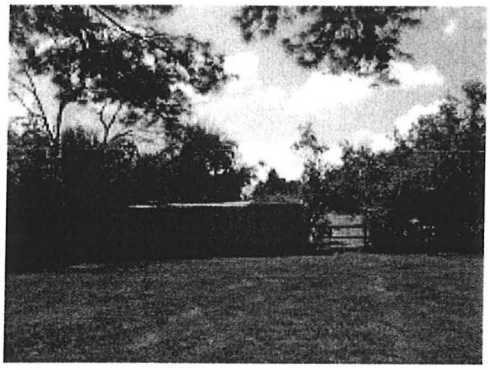
I intend to issue an order to demolish the structure as it is within the required setback.I will advise the owner that they can appeal my order (an appeal must be filed within 45 days). I would expect the owner to appeal. Please let me know if you agree or disagree.

Thank you.

Don Schuman
Building Department
Village of Barrington Hills
Direct: 847-551-3003

Photos 1 of 2

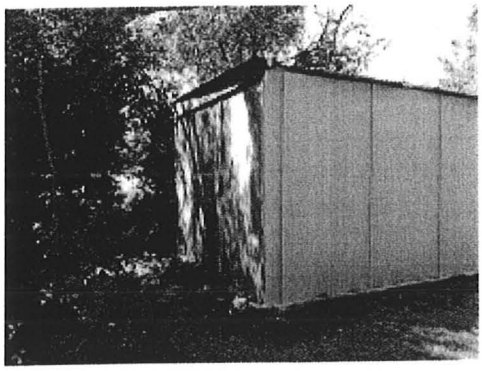
4 attachments



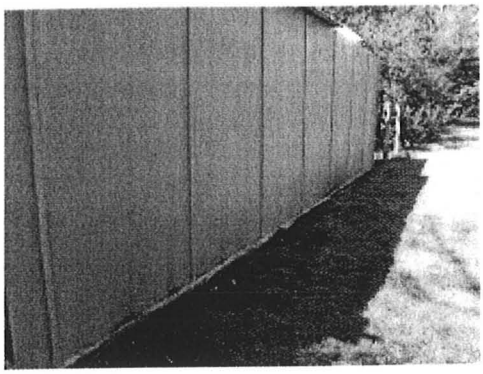
P1040088.JPG
5817K



P1040089.JPG
5751K



P1040090.JPG
5672K



P1040091.JPG
5890K



000320

NORTH ELEVATION-2 BARRINGTON HILLS BLVD-11-15

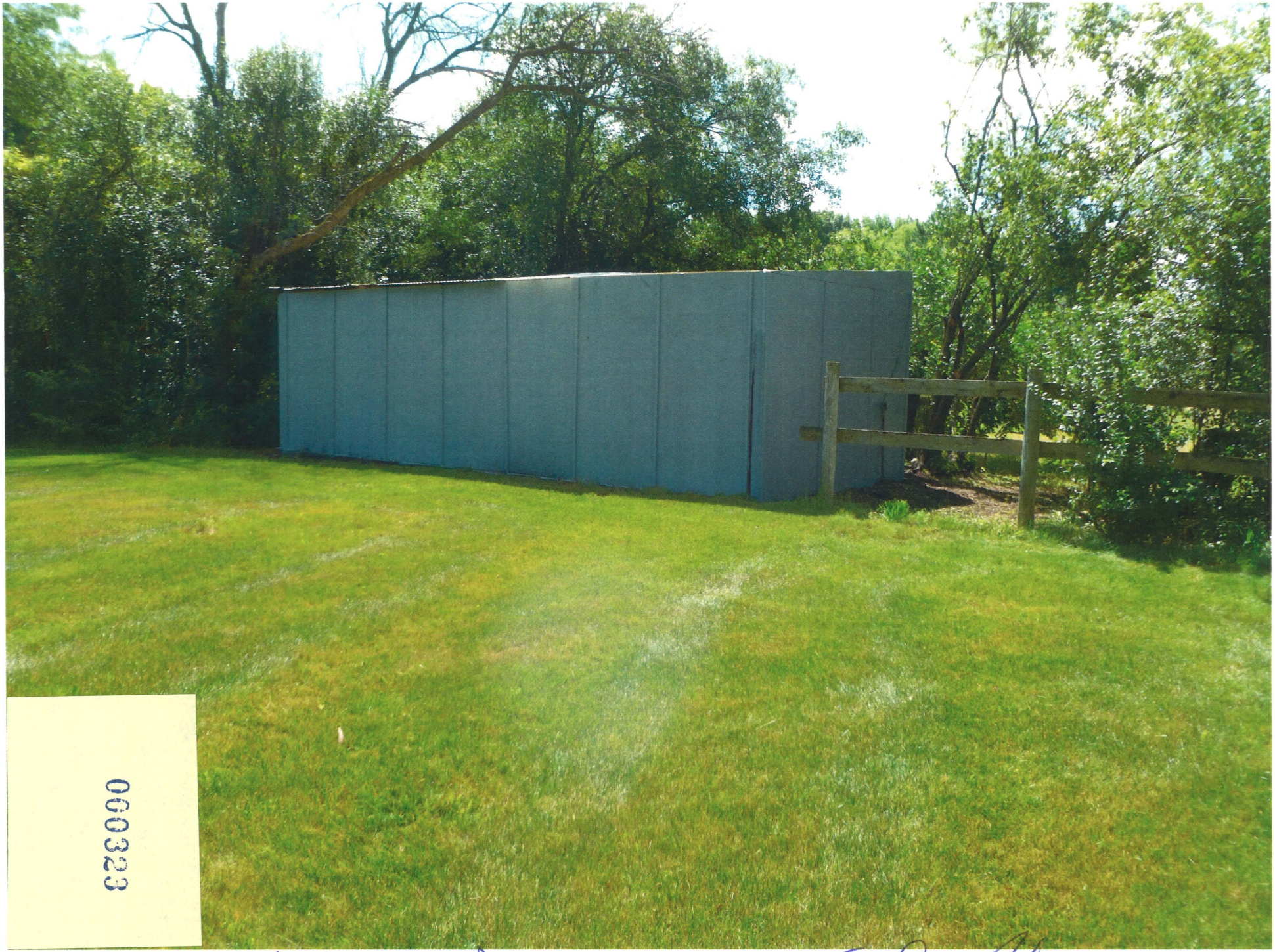


000321

8-11-15

000322

NORTH WALL - LOOKING EAST 8-11-15



000323

2 BARRINGTON HILLS RD.

8-11-15



0600324

2 BARRINGTON HILLS RD. 8-11-15



0000325

NORTH WALL (LOOKING WEST) 8-11-15

TOP

000326

WEST WALL SHED

2 BARRINGTON HILLS RD. 8-11-15 Or



0003271

WEST WALL-LOOKING SOUTH

8-11-15

Building Dept <building-dept@barringtonhills-il.gov>

2 Barrington Hills Road

2 messages

Building Dept <building-dept@barringtonhills-il.gov> Mon, Aug 10, 2015 at 12:02 PM
To: Donald Stellato <DStellato@stellatoschwartz.com>

Mr. Stellato, Don will be in at 9:00 am tomorrow and I will have him check on what is being done and call you back. If need be, may he enter your property at 11 Barrington Hills Road?

Wendi Frisen
Building Department
Village of Barrington Hills
Direct: 847-551-3003

Donald Stellato <DStellato@stellatoschwartz.com> Mon, Aug 10, 2015 at 12:11 PM
To: Building Dept <building-dept@barringtonhills-il.gov>

Ok. He shd also know that there has been a flurry of activity there the past 3-4 days. Work was done on Saturday and Sunday, too. The shack has just been completely rebuilt, even seemingly larger, too. It continues to be right on the property line. It is not back off the line at all and certainly not 50 feet back. He shd call me and look at it. Will be at office at 312-419-1087. Thx. Don Stellato

From: Building Dept [mailto:building-dept@barringtonhills-il.gov]
Sent: Monday, August 10, 2015 12:02 PM
To: Donald Stellato
Subject: 2 Barrington Hills Road

[Quoted text hidden]

To ensure compliance with the Open Meetings Act, elected or appointed members of the public body may reply to this message, but they should not forward it or send a copy of the reply to other members of the public body.

000328

Building Dept <building-dept@barringtonhills-il.gov>

2 Barrington Hills Road

2 messages

Building Dept <building-dept@barringtonhills-il.gov> Thu, Aug 6, 2015 at 12:07 PM
To: Clarke & Busch <clarke1971@sbcglobal.net>

Please let me know if you spoke with Ms. Pinkos. If so, what transpired?

Please advise.

Thank you.

Don Schuman
Building Department
Village of Barrington Hills
Direct: 847-551-3003

John Clarke <clarke1971@sbcglobal.net> Thu, Aug 6, 2015 at 3:20 PM
Reply-To: John Clarke <clarke1971@sbcglobal.net>
To: Building Dept <building-dept@barringtonhills-il.gov>

Dear Don,

I did have occasioned to speak to Ms. Pinkos, I believe she is in town this week and repairs are being made to the shed. Clearly I did not authorize the repairs nor can I prevent her form doing them. The Village cannot issue a permit, but the repairs will nevertheless be done. I am unsure if the Village can cite her for failure to obtain a building permit when the Village cannot issue her a building permit in the first place. We are in an area of the law with regard to the Village Code where there is no clear answer as to how to proceed. We maybe in a situation where the repairs are completed and we are looking at a post repair situation where we again have no clear resolution other than the state of disrepair has been resolved. If you have any thoughts please advise.

-James

8-11-15 ≈ 30'x12'

[Quoted text hidden]

[Quoted text hidden]

To ensure compliance with the Open Meetings Act, elected or appointed members of the public body may reply to this message, but they should not forward it or send a copy of the reply to other members of the public body.

MR. STELLATO
312-419-1087

000329

Building Dept <building-dept@barringtonhills-il.gov>

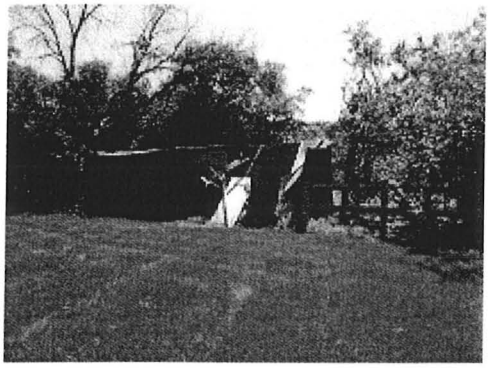
2 Barrington Hills Road

Building Dept <building-dept@barringtonhills-il.gov> Thu, Jul 23, 2015 at 10:19 AM
To: Clarke & Busch <clarke1971@sbcglobal.net>
Cc: Robert Kosin <rkosin@barringtonhills-il.gov>

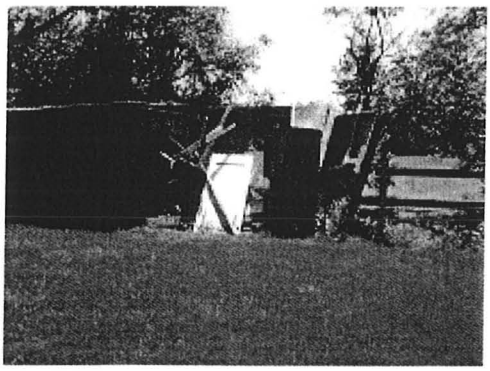
Please see the attached photos. Clearly, at least one-half of the structure is rubbish. I would argue the other half is not structurally sound. In reply to her reasoning, I would argue that the cost of repairs exceeds 50% of the fair market value.

Don Schuman
Building Department
Village of Barrington Hills
Direct: 847-551-3003

3 attachments



P1040060.JPG
5463K



P1040061.JPG
5439K



P1040058.JPG
5540K

000330

Building Dept <building-dept@barringtonhills-il.gov>

2 Barrington Hills Road

Building Dept <building-dept@barringtonhills-il.gov> Tue, Jul 21, 2015 at 11:49 AM
To: Clarke & Busch <clarke1971@sbcglobal.net>
Cc: Robert Kosin <rkosin@barringtonhills-il.gov>

Please see the attached section R105.3.1.1. This section is from the 2000 edition of a widely accepted building code (the International Residential Code). The language in our existing ordinances is antiquated. I would use the attached as a reference to support demolition of the structure.

In any case, the owner should not be allowed to make any changes to the structure. Only cosmetic work, ie: paint or siding. Any roofing, joists, studs or flooring is not permitted.

We should ask permission to inspect. Otherwise, we should consider an administrative warrant.

Please read and review with me before contacting the owner.

Thank you.

Don Schuman
Building Department
Village of Barrington Hills
Direct: 847-551-3003

2000 IRC Section R105.3.1.1.pdf
2301K

structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

R104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

R104.4 Inspections. The building official is authorized to make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

R104.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

R104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

R104.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

R104.8 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

R104.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

R104.9.1 Used materials and equipment. Used materials, equipment and devices shall not be reused unless approved by the building official.

R104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements or structural. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

R104.10.1 Areas prone to flooding. The building official shall not grant modifications to any provision related to areas prone to flooding as established by Table R301.2(1) without the granting of a variance to such provisions by the board of appeals.

R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of the International Code Council (ICC) codes in lieu of specific requirements of this code shall also be permitted as an alternate.

R104.11.1 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

SECTION R105
PERMITS

R105.1 Required. Any owner or authori
to construct, enlarge, alter, repair, move,
the occupancy of a building or structur
enlarge, alter, repair, remove, convert or
gas, mechanical or plumbing system, the
is regulated by this code, or to cause any

000332

shall first make application to the building official and obtain the required permit.

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures, provided the floor area does not exceed 200 square feet (18.58 m^2).
2. Fences not over 6 feet (1829 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment accessory to a one- or two-family dwelling.
9. Window awnings supported by an exterior wall.

Electrical:

Repairs and maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation appliances.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

R105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

R105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

R105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

R105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section R106.1.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

R105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements [illegible] building official shall reject such ap[illegible] the reasons therefor. If the buil[illegible] the proposed work conforms to [illegible] and laws and ordinances appli[illegible] official shall issue a permit the[illegible]

000333

R105.3.1.1 Substantially improved or substantially damaged existing buildings and structures. For applications for reconstruction, rehabilitation, addition, or other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamage condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure, the finding shall be provided to the board of appeals for a determination of substantial improvement or substantial damage. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall meet the requirements of Section R327.

R105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

R105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.6 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

R105.7 Placement of permit. The building permit or copy thereof shall be kept on the site of the work until the completion of the project.

R105.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

SECTION R106
CONSTRUCTION DOCUMENTS

R106.1 Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

R106.1.1 Information on construction documents. Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

R106.1.2 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

R106.1.3 Information for construction in areas prone to flooding. For buildings and structures in flood hazard areas as established by Table R301.2(1), construction documents shall include:

1. Delineation of flood hazard areas, floodway boundaries, and flood zones, and the design flood elevation, as appropriate;
2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade; and
3. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elev data available from other sources.

R106.2 Site plan. The construction docun the application for permit shall be accomp showing the size and location of new const structures on the site and distances from lo

000334

SECTION R325
SITE ADDRESS

R325.1 Premises identification. Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

SECTION R326
ACCESSIBILITY

R326.1 Scope. Accessible dwelling units shall comply with Chapter 11 of the *International Building Code* as applicable.

SECTION R327
FLOOD-RESISTANT CONSTRUCTION

R327.1 General. All buildings and structures erected in areas prone to flooding as identified in Table R301.2(1) and classified as either flood hazard areas (including A Zones) or coastal high hazard areas (including V-Zones) shall be constructed and elevated as required by the provisions contained in this section.

Exception: All buildings and structures erected in identified floodways as established in Table R301.2(1) shall be designed and constructed as stipulated in the *International Building Code*.

R327.1.1 Structural systems. All structural systems of all buildings and structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the design flood elevation.

R327.1.2 Flood-resistant construction. All buildings and structures erected in areas prone to flooding shall be constructed by methods and practices that minimize flood damage.

R327.1.3 Establishing the design flood elevation. The design flood elevation shall be used to define areas prone to flooding, and shall describe, at a minimum, the base flood elevation at the depth of peak elevation of flooding (including wave height) which has a 1 percent (100-year flood) or greater chance of being equaled or exceeded in any given year.

R327.1.4 Lowest floor. The lowest floor shall be the floor of the lowest enclosed area, including basement, but excluding any unfinished flood-resistant enclosure that is useable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the building or structure in violation of this section.

R327.1.5 Protection of mechanical and electrical systems. New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the design flood elevation. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the design flood elevation unless they conform to the provisions of the electrical part of this code for location of such items in wet locations. Duct systems shall not be installed below the design flood elevation.

R327.1.6 Protection of water supply and sanitary sewage systems. New and replacement water supply systems shall be designed to minimize infiltration of flood waters into the systems in accordance with the plumbing provisions of this code. New and replacement sanitary sewage systems shall be designed to minimize infiltration of floodwaters into systems and discharges from systems into floodwaters in accordance with the plumbing provisions of this code and Chapter 3 of the *International Private Sewage Disposal Code*.

R327.1.7 Flood-resistant materials. Building materials used below the design flood elevation shall comply with the following:

1. All wood, including floor sheathing, shall be pressure preservatively treated in accordance with AWPA C1, C2, C3, C4, C9, C15, C18, C22, C23, C24, C28, P1, P2 and P3 or decay-resistant heartwood or redwood, black locust, or cedars.
2. Materials and installation methods used for flooring and interior and exterior walls shall conform to the provisions of FEMA/FIA-TB-2.

R327.1.8 Manufactured housing. New or replacement manufactured housing shall be elevated in accordance with Section R327.2 and the anchor and tie-down requirements of Sections AE604 and AE605 of Appendix E shall apply. The foundation and anchorage of manufactured housing to be located in identified flood ways as established in Table R301.2(1) shall be designed and constructed in accordance with the applicable provisions in the *International Building Code*.

R327.1.9 As-built elevation certifications. A licensed land surveyor or registered design professional shall certify that the building or structure is in compliance with the elevation requirements of Section R327.2 or R327.3.

R327.2 Flood hazard areas (including A Zones). All areas that have been determined to be prone to flooding but not subject to high velocity wave action shall be designated as flood hazard areas. All buildings and structures erected in flood hazard areas shall be designed and constructed in accordance with Sections R327.2.1 through R327.2.3.

R327.2.1 Elevation requirements.

1. Buildings and structures shall have the lowest floors elevated to or above the design flood elevation.
2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet (mm) on the FIRM, or at least ber is not specified.
3. Basement floors that ar be elevated to or above

Exception: Enclosed area tion, including basements

000335

Building Dept <building-dept@barringtonhills-il.gov>

2 Barrington Hills Rd.

Building Dept <building-dept@barringtonhills-il.gov> Tue, Jul 21, 2015 at 10:15 AM
To: Clarke & Busch <clarke1971@sbcglobal.net>

I need to discuss our position on the above matter.

Please review Ms. Pinkos email and call me at the Village to discuss.

Thank you.
Don Schuman
Direct: 847-551-3003

--------- Forwarded message ---------
From: **Cynthia Pinkos** <cynthiapinkos@gmail.com>
Date: Thu, Jul 9, 2015 at 1:24 AM
Subject: 2 Barrington Hills Rd.
To: Building Dept <building-dept@barringtonhills-il.gov>

[Quoted text hidden]

2 BARRINGTON HILLS RD. 7-21-15



000337

2 BARRINGTON HILLS RD. 7-21-15 Dan Achum



000338


2 BARRINGTON HILLS RD. 7-21-15 Dr Schumm
003090

2 BARRINGTON HILLS RD. 7-21-15 On Schumm



060340

2 BARRINGTON HILLS RD. 7-21-15 O. Schumann



TP0034

Building Dept <building-dept@barringtonhills-il.gov>

2 Barrington Hills Rd.

Building Dept <building-dept@barringtonhills-il.gov> Tue, Jul 14, 2015 at 9:17 AM
To: Clarke & Busch <clarke1971@sbcglobal.net>

I am forwarding the response from Ms.Pinkos.
Thank you.

Don Schuman
Building Department
Village of Barrington Hills
Direct: 847-551-3003
[Quoted text hidden]

000342

Building Dept <building-dept@barringtonhills-il.gov>

2 Barrington Hills Road

Building Dept <building-dept@barringtonhills-il.gov> Thu, Jul 9, 2015 at 11:03 AM
To: Clarke & Busch <clarke1971@sbcglobal.net>
Cc: Robert Kosin <rkosin@barringtonhills-il.gov>

Please see the attached photos and emails. To summarize: I received a complaint regarding the shed (hovel) at 2 Barrington Hills Rd. The photos indicate the dilapidated state of the structure in 2013. The shed in now non-conforming as it is within the setback (required yard). Also, the owner (an attorney) states that the structure pre-dates our ordinances and she adamantly wants to keep the structure. The photos were taken in 2013 when we were investigating another complaint of rubbish and an abandoned vehicle. The owner lives in California. The owner does not want to let me on the property to assess the current condition. I would like to see the structure re-located or demolished.

I attempted tp apply ordinances 5-9-3 D and/ or E; however, she refuted their application (see her email).

As she played the "attorney" card, I thought that you should be involved.

Please help'

Thank you.
Don Schuman
Building Department
Village of Barrington Hills
Direct: 847-551-3003

---------- Forwarded message ---------codes
From: **Cynthia Pinkos** <cynthiapinkos@gmail.com>
Date: Wed, Jul 8, 2015 at 4:16 PM
Subject: Re: 2 Barrington Hills Road
To: Building Dept <building-dept@barringtonhills-il.gov>
[Quoted text hidden]

Building Dept <building-dept@barringtonhills-il.gov>

2 Barrington Hills Rd.

Cynthia Pinkos <cynthiapinkos@gmail.com> Thu, Jul 9, 2015 at 1:24 AM
To: Building Dept <building-dept@barringtonhills-il.gov>

Dear Don:

As I mentioned to you in our phone conversation July 7, my shed repairs had to be delayed due to weather and scheduling conflicts and are now scheduled with the contractor and materials for the first two weeks of August. As a lawyer, I reviewed the Village Code including the sections you gave me and found that they do not apply: Section 5-9-3(D) is for building or structure "destroyed or damaged by fire or other casualty or act of God." Ordinary wear and tear, which caused the condition of my structure after 50 plus years, does not qualify. Furthermore, even if 5-9-3(D) were to apply, the amount of repair "is less than 50% of the cost of restoration of the entire building new." The entire structure is approximately 12X32 feet, consisting of an approximately 12X12 section that was built first, then the 12X20 foot section. The one back wall and roof of the 12X12 section (constituting approximately 15.63% of the entire structure) are to be replaced. My contractor said to rebuild the structure new would be over $5000, but to repair the entire structure would be $1000 (including labor and materials), only 20% of the cost of building if new.

Regarding Code section 5-9-3(E), the structure has been in continuous use since it was built, for either animal shelter (last in 2013) or storage. The most recent and current use is for storage. I removed some items I was storing there approximately two weeks ago in preparation for the repairs.

The repairs will be in complete compliance with section 5-9-3. They will not alter the original size or appearance of the structure and will be at least as sound as when first built over 50 years ago. In fact, if the complainant wants to choose the color or finish of the visible side of the structure, I would be pleased to discuss it with her.

You mentioned the Zoning Board of Appeals. I am not asking for a zoning exception so I do not see why the Zoning Board of Appeals would be involved. The structure is for a conforming use and well pre-dates the Village Code, so its location receives grandfather protection. Furthermore, your mention of "appealing to the Zoning Board" makes it sound like you have pre-judged the situation and ruled against me based on an anonymous complaint. As set forth in this email, any such case has no merit and is simply wrong. If however, this were to somehow rise to such a level and I am not satisfied with the result, rest assured that I will take it to the next level including court and trial. I am an experienced attorney and can represent myself at no out-of-pocket cost.

In any case, the issue is not the existence of the shed, but the fact that the recent purchaser of the adjacent lot tore down the house, the barn, and all structures on the lot, cut down trees and removed shrubbery so that now one side of the shed is visible. It is also not about it being in disrepair, as I am willing and able to make any necessary repairs (to be completed, as I first mentioned, early August). It is not to ensure compliance with the law, but to find some way to take away my rights that the homeowner and grandfather rules are there to protect. An anonymous neighbor or individual with a profit motive is simply trying to get me to get rid of it, against my rights and against the law. It is wrong and I will not tolerate it.

000344

Building Dept <building-dept@barringtonhills-il.gov>

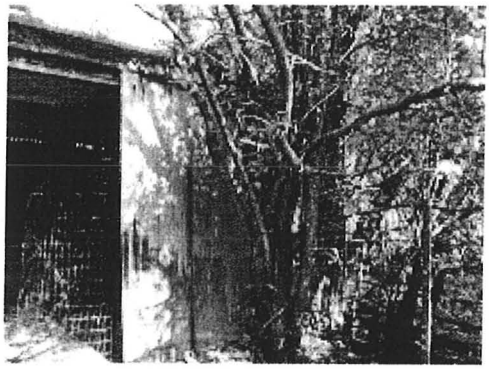
2 Barrington Hills Road

Building Dept <building-dept@barringtonhills-il.gov> Wed, Jul 8, 2015 at 3:21 PM
To: Cynthia Pinkos <CynthiaPinkos@gmail.com>

As requested, these photos were taken 10/01/2013.

Don Schuman
Building Department
Village of Barrington Hills
Direct: 847-551-3003

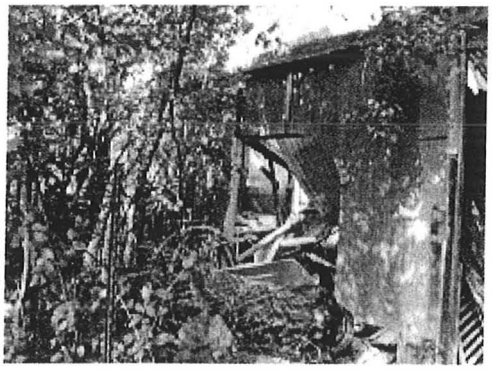
4 attachments



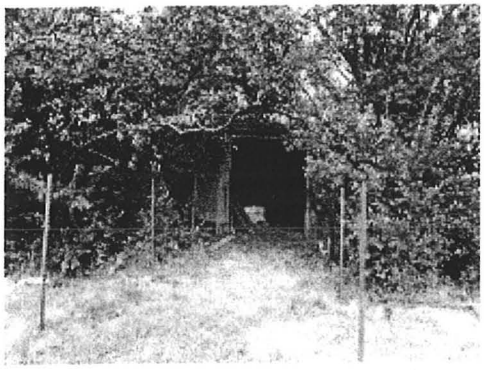
P1030422.JPG
6168K



P1030423.JPG
5212K



P1030424.JPG
5579K



P1030425.JPG
5735K





000347





000348



000349

10.01.2013

000350

000351

000352

VILLAGE OF BARRINGTON HILLS

Permit #: NONE Owner: PINKOS

Issued: _____ Address: 2 BARRINGTON HILLS ROAD

Building Type: _____ General: COMPLAINT

Date	Time	Initials	Comments - Contacts - Correspondence - Additional
8-14-13		RS (WF)	RCVD CALL FROM PINKOS: NEIGHBORS WANT SHED GONE
9-27-13	10:00	DS	RCVD. PHONE COMPLAINT FROM DENNIS O'HARE (847-382-2764). COMPLAINED of 2 RVS, OLD BOAT & BOX TRUCK
10-1-13	12:15	DS	INSPECTION of SITE: SEE REPORT & PHOTOS
10-3-13		DS	SPOKE W/ MR. O'HARE: ADVISED: WILL CONTACT OWNER/RENTER TO RE-LOCATE VEHICLES; AFTER 6-8 WEEKS MAY CONSIDER "ABANDONED"
			SPOKE W/ JOSH BARNEY (LOCAL CONTACT FOR MS. PINKOS). MR. FUNMAKER IS RENTING. MR. BARNEY 323 W. MAIN, BARR. IL. 60010 847-909-6464.
10-8-13	11:40	DS	WENDI RCVD. CALL FROM JIM SCHERR of 15 BARR. HILLS RD. 239-595-2399 COMPLAINT of VEHICLES. SPOKE W/ MR. SCHERR ADVISED: DO NOT YET CONSIDER VEHICLES ABANDONED

000353

INSPECTION REPORT

VILLAGE OF BARRINGTON HILLS
112 ALGONQUIN ROAD
BARRINGTON HILLS, ILLINOIS 60010-5199
(847) 551-3003

Time In 12:15 Time Out 12:30

Permit No. _____

Owner/Contractor _____

Date 10-1-13

Address 2 BARRINGTON HILLS RD.

Inspection: COMPLAINT

Inspection No. _____

- ☐ Footing
- ☐ Foundation Backfill
- ☐ Slab _____
- ☐ Septic/Well
- ☐ Framing/Building
- ☐ Electrical
- ☐ Plumbing
- ☐ Energy
- ☒ Other: _____
- ☐ Rough
- ☐ Final
- ☐ Re-Inspection

INSPECTION REPORT UPON ARRIVAL SPOKE W/ MR. CARSON FUNMAKER WHO STATED HE IS RENTING THE PROPERTY FROM MR. JOSH BARNEY (847-909-6464). SPOKE W/ MR. BARNEY VIA TELEPHONE & HE ADVISED ME HE WAS WORKING ON THE R.V.S.

COMPLAINT ORIGINATED FROM MR. O'HARA (NEIGHBOR). ADVISED VIA VOICEMAIL MESSAGE FROM MR. O'HARA. I LEFT A VOICEMAIL MESSAGE FOR MR. O'HARA THAT THE VEHICLES ARE NOT CONSIDERED ABANDONED.

- ☐ The above inspection has been made and approved.
- ☐ Work must not proceed until all corrections have been made and re-inspected. Call for re-inspection.
- ☐ Inspection reveals items too numerous to list. Refer to Village Ordinances and Codes.
- ☐ Approved for occupancy: issue Certificate.
- ☐ Not approved for occupancy
- ☐ Notified Owner ☐ Contractor ☐ Agent ☐ Mail ☐ Inspection Re

Received By: _____ Inspector: _____

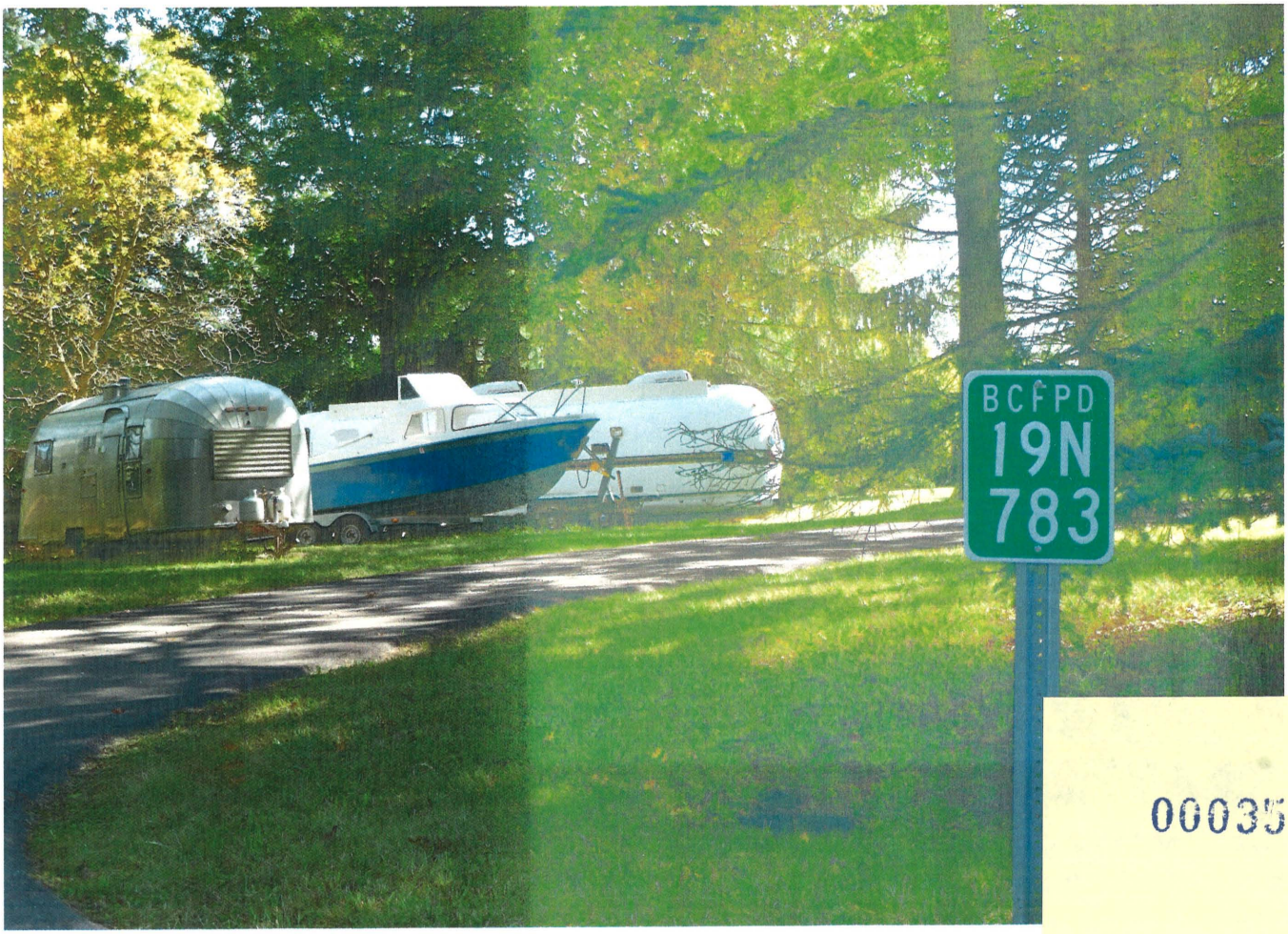
000354

BHDOC 12/11

THIS IS AN INSPECTION REPORT, NOT A CERTIFICATE OF OCCUP



2 BARR HILLS RD.



SEPT. 27, 2013

000355

INSPECTION REPORT

VILLAGE OF BARRINGTON HILLS
112 ALGONQUIN ROAD
BARRINGTON HILLS, ILLINOIS 60010-5199
(847) 551-3003

Time In 12:40 Time Out 12:45

Permit No. NONE

Owner/Contractor _____

Date 10.8.13

Address 2 BARRINGTON HILLS ROAD

Inspection: COMPLAINT

Inspection No. _____

☐ Footing	☐ Framing/Building	☐ Other: _____
☐ Foundation Backfill	☐ Electrical	☐ Rough
☐ Slab _____	☐ Plumbing	☐ Final
☐ Septic/Well	☐ Energy	☐ Re-Inspection

INSPECTION REPORT

OBSERVED THREE VEHICLES NEAR ENTRANCE, OFF DRIVEWAY TO RESIDENCE. ADVISED COMPLAINANT, MR. SCHORR (15 BARRINGTON HILLS RD.) THAT I DO NOT CONSIDER THE VEHICLES ABANDONED. (ADVISED VIA PHONE).

☐ The above inspection has been made and approved.

☐ Work must not proceed until all corrections have been made and re-inspected. Call for re-inspection.

☐ Inspection reveals items too numerous to list. Refer to Village Ordinances and Codes.

☐ Approved for occupancy: issue Certificate. ☐ Not approved for occupancy

☐ Notified Owner ☐ Contractor ☐ Agent ☐ Mail ☐ Inspection Re

Received By: _____ Inspector: _____

000358

BHDOC 12/11

THIS IS AN INSPECTION REPORT, NOT A CERTIFICATE OF OCCUP



0003537

10.08.2013 2 Barrington Hills Rd

000358

000359

000360

10.01.13

000361



10-1-13 Env Health

000362

2 Barrington Hills Road

Conditions on 10/01/2013

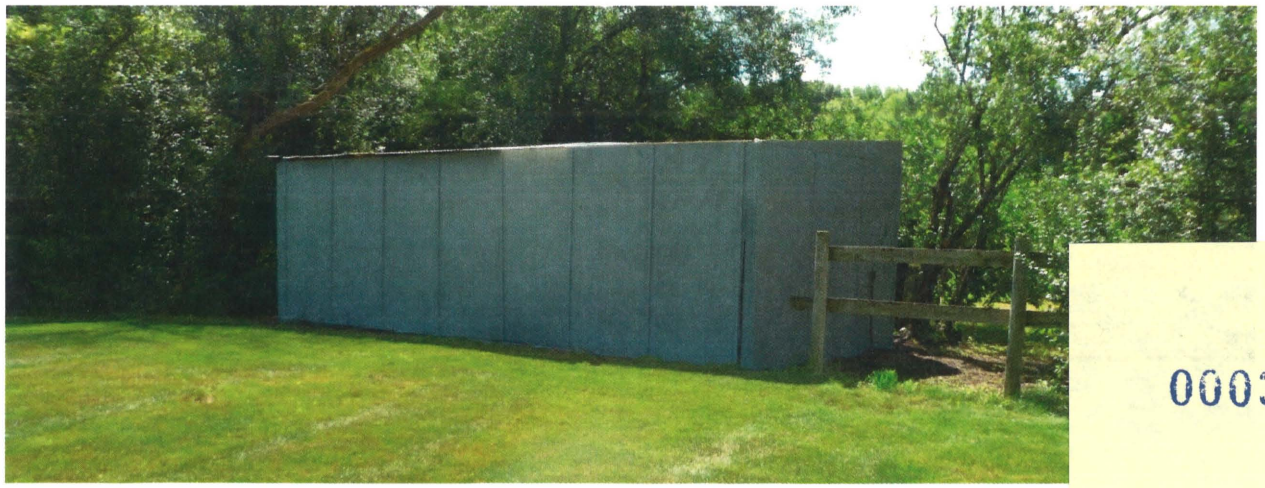




Photo taken 07/21/2015 before construction



Photo taken 08/13/2015 after construction



000363