

ORDINANCE NO. 1813-18

AN ORDINANCE GRANTING CERTAIN VARIATIONS – MICHAEL & SANDRA
ROGALSKI – LOT COVERAGE & SETBACK VARIATIONS – 10 PRAIRIE LANDING
COURT

WHEREAS, on or about January 15, 2018, Michael and Sandra Rogalski, as petitioners, filed an application for certain variations with respect to the property legally described on **Exhibit "A"** attached hereto and incorporated herein ("SUBJECT REALTY"), in order to install an in-ground pool and deck as depicted on **Exhibit "B"**; and,

WHEREAS, a Notice of Public Hearing was published on or about January 22, 2018 in the Daily Herald, being a newspaper having general circulation within the Village of Hawthorn Woods, all as required by the statutes of the State of Illinois and the ordinances of the Village; and,

WHEREAS, all other notices required by the statutes of the State of Illinois and the ordinances of the Village have been given; and,

WHEREAS, pursuant to said Notice, the Zoning Board of Appeals of the Village of Hawthorn Woods conducted a Public Hearing on or about February 7, 2018, all as required by the statutes of the State of Illinois and the ordinances of the Village; and,

WHEREAS, the Zoning Board of Appeals forwarded its recommendations, which included its Findings of Fact, to the Mayor and Board of Trustees on or about February 26, 2018, a copy of which is attached hereto as **Exhibit "C"** and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, as follows:

SECTION ONE: That pursuant to Section 9-16-7 of the Village Code of the Village of Hawthorn Woods, the following variations from the provisions of the Zoning Ordinance be and the same are hereby granted:

- A. That Section 9-5A-4.C of the Village Code of the Village of Hawthorn Woods as superseded by Resolution No. 527-03-1, A Resolution Authorizing the President and the Village Clerk of the Village of Hawthorn Woods to Enter into a Certain Annexation and Development Agreement – Toll IL HWCC, L.P. – Hawthorn Woods Country Club – Approximately 674 Acres Located West of Gilmer Road, East of Fairfield Road and North and South of Schwerman Road, requiring a maximum lot coverage of 6,800 square feet, or 26 percent, for the SUBJECT REALTY, is hereby varied to permit a maximum lot coverage of approximately 9,675 square feet, or 37 percent, on the SUBJECT REALTY.
- B. That Section 9-3-2.E.21 of the Village Code of the Village of Hawthorn Woods requiring a twenty-foot (20') setback in the rear yard for accessory structures, including patios and recreational firepits, is hereby varied to permit a five-foot (5') encroachment into the 20' required rear-yard setback for a patio and recreational firepit on the SUBJECT REALTY.

SECTION TWO: The Mayor and Board of Trustees find with respect to the variations granted herein that the evidence shows that the standards for the granting of said variations set forth in Title 9, Chapter 16-7 of the Village Code have been met specifically:

1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;
2. That the plight of the owner is due to unique circumstances;
3. That the grant of the variation will not alter the essential character of the locality;
4. That the particular physical surroundings, shape or topographical conditions of the specific property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
5. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoned classification;
6. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;

7. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
8. That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property would be located; and
9. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

SECTION THREE: That all resolutions and ordinances, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, superseded by this Ordinance.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

The foregoing Ordinance was passed by a roll call vote as follows:

AYES: Kaiser, Kosik, Riess, Corrigan, David

NAYS: 0

ABSENT AND NOT VOTING: DiMaggio

APPROVED: Joseph Mancino
Joseph Mancino, Mayor

ATTEST: Donna Lobaito
Donna Lobaito, Village Clerk

PASSED: February 26, 2018

APPROVED: February 26, 2018

EXHIBIT "A"

LEGAL DESCRIPTION

LOT 365 IN THE FINAL PLAT OF SUBDIVISION OF HAWTHORN WOODS COUNTRY CLUB PHASE 4, BEING A RESUBDIVISION OF OUTLOT DD, OUTLOT EE AND OUTLOT II IN HAWTHORN WOODS COUNTRY CLUB PHASE 2, BEING A SUBDIVISION IN PART OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 10, AND PART OF SECTION 33, TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LAKE COUNTY, ILLINOIS.

PIN: 10-33-104-033

EXHIBIT "B"

SITE PLAN

EXHIBIT "C"
FINDINGS OF FACT



2 LAGOON DRIVE - HAWTHORN WOODS, ILLINOIS 60047 - (847) 438-5500

FINDINGS OF FACT

**Public Hearing Date:
February 7, 2018**

10 Prairie Landing Court

Request for Variation to Section 9-5A-4.C of the Village Code and A Certain Annexation and Development Agreement – Toll IL HWCC, L.P. – Hawthorn Woods Country Club and related amendments to exceed the maximum lot coverage by approximately eleven percent (11%) for construction of an in-ground pool and deck

Request for Variation to Section 9-3-2.E.21 of the Village Code to allow a patio/recreational firepit to encroach the required twenty-foot (20') setback for accessory structures by approximately five feet (5')

Based upon the evidence presented to the Zoning Board of Appeals (ZBA) at the public hearing, the ZBA makes the following findings of fact with respect to the requested variations in connection therewith.

9-16-7.E.1:

(a) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulation governing the district in which it is located.

Finding: The ZBA finds that the property in question cannot yield a reasonable return if it is permitted to be used only under the conditions allowed by the regulation governing the district in which it is located: (i) as the permitted lot coverage maximum does not adequately conform to the lot size and related potential buildout of accessory structures; and (ii) removal of the existing patio/recreational firepit is not reasonable.

(b) That the plight of the owner is due to unique circumstances.

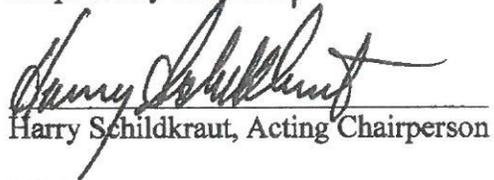
Finding: The ZBA finds that the plight of the property owner is due to unique circumstances revolving around the lot coverage maximum allocated in the originally approved annexation and development agreement, as well as the issued building permit for the patio/recreational firepit.

(c) That the variation, if granted, will not alter the essential character of the locality.

Finding: The ZBA finds that the variation, if granted, will not alter the essential character of the locality.

All of the above Findings of Fact are subject to the conditions of approval, if any, made by the ZBA on February 7, 2018.

Respectfully submitted,



Harry Schildkraut, Acting Chairperson

MJC