

ORDINANCE NO. 1851-18

AN ORDINANCE GRANTING CERTAIN VARIATIONS – DONNA AND DAVE HOWE –
LOT COVERAGE & SETBACK VARIATIONS – 4 BEDFORD COURT

WHEREAS, on or about April 19, 2018, Donna and Dave Howe, 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 patio as depicted on **Exhibit "B"**; and,

WHEREAS, a Notice of Public Hearing was published on or about May 7, 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 May 22, 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 May 29, 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 9-5B-4.C of the Village Code of the Village of Hawthorn Woods requiring a maximum lot coverage of 3,051 square feet, or 25 percent, for the SUBJECT REALTY, is hereby varied to permit a maximum lot coverage of approximately 5,807 square feet, or approximately 48 percent, on the SUBJECT REALTY.
- B. That Sections 9-3-2.E.19 and 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 pools, patios and all appurtenances, is hereby varied to permit a ten-foot (10') encroachment into the 20-foot (20') required rear-yard setback for a patio and related accessory structures 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, Kasik, Rios, Corrigan, DiMaggio

NAYS: 0

ABSENT AND NOT VOTING: David

APPROVED: Joseph Mancino
Joseph Mancino, Mayor

ATTEST: Donna Lobaito
Donna Lobaito, Village Clerk

PASSED: May 29, 2018

APPROVED: May 29, 2018

EXHIBIT "A"

LEGAL DESCRIPTION

LOT 52 IN LAKEWOOD MEADOW, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 4, 1996 AS DOCUMENT NO. 3896225, IN LAKE COUNTY, ILLINOIS.

PIN: 14-15-115-060

EXHIBIT "B"

SITE PLAN

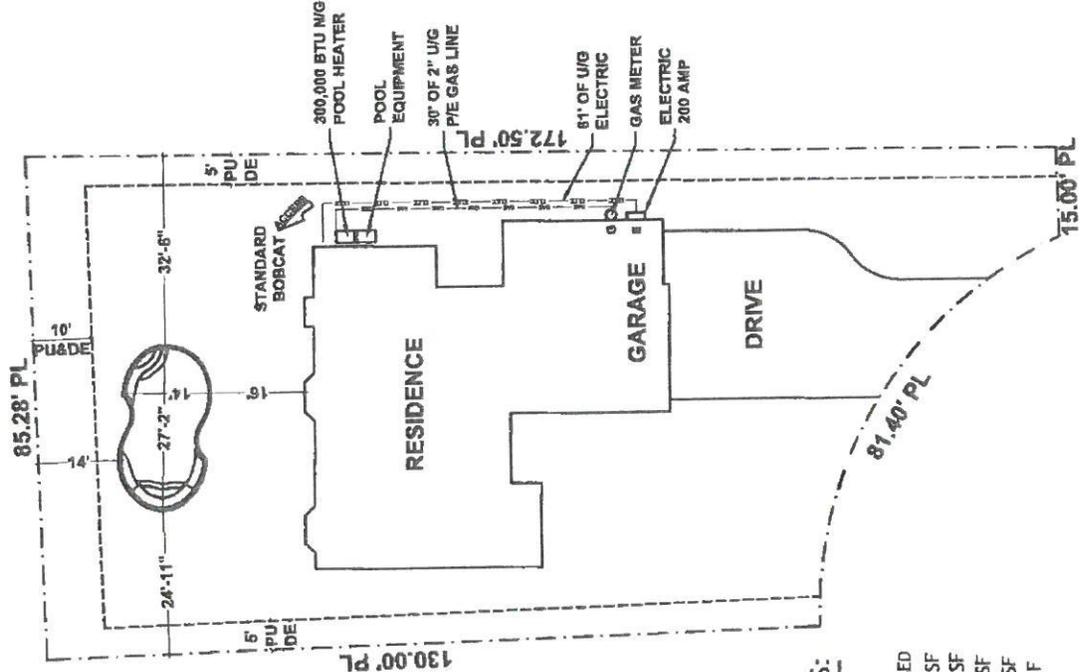
PATRIOT POOLS OF LAKE COUNTY MANAGEMENT INC.
 39736 N. PEARL ST. ANTOCH, IL
 PHONE: (847) 395-5800

HOWE, DAVE & DONNA
 4 BEDFORD COURT
 HAWTHORN WOODS, IL 60047

JOB NUMBER:	
ISSUE DATE:	06-04-2018
OWNER PHONE:	
DRAWN BY:	J.R.
CONTRACT DATE:	
SHEET NUMBER:	1 of 4

DIRECTIONS & PLOT PLAN

DRAINAGE IN REAR AND ALONG SIDES OF RESIDENCE TO BE MAINTAINED
 ALL POOL SUCTION TO BE 2008 VGB COMPLIANT



**EXCAVATION EQUIPMENT:
 STANDARD BOBCAT**
 ACCESS:
 OPEN ACCESS

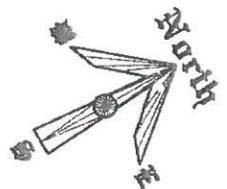
DIRECTIONS
 SCALE: NTS



SITE DETAILS
 SUBDIVISION: LAKEWOOD MEADOW
 PIN NO: 14-15-115-060
 LOT#: 52

IMPERVIOUS AREA CALCULATIONS:

TOTAL LOT AREA :	12,203.31 SF
EXISTING	PROPOSED
HOUSE AREA = 2684.94 SF	2684.94 SF
DRIVEWAY AREA = 1435.05 SF	1435.05 SF
WALKWAY AREA = 251.55 SF	251.55 SF
PATIO AREA = 517.69 SF	1150.33 SF
POOL AREA = 0 SF	285.96 SF
IMPERVIOUS TOTAL = 4889.23 SF	5807.83 SF
PERVIOUS TOTAL = 7314.08 SF	6395.48 SF

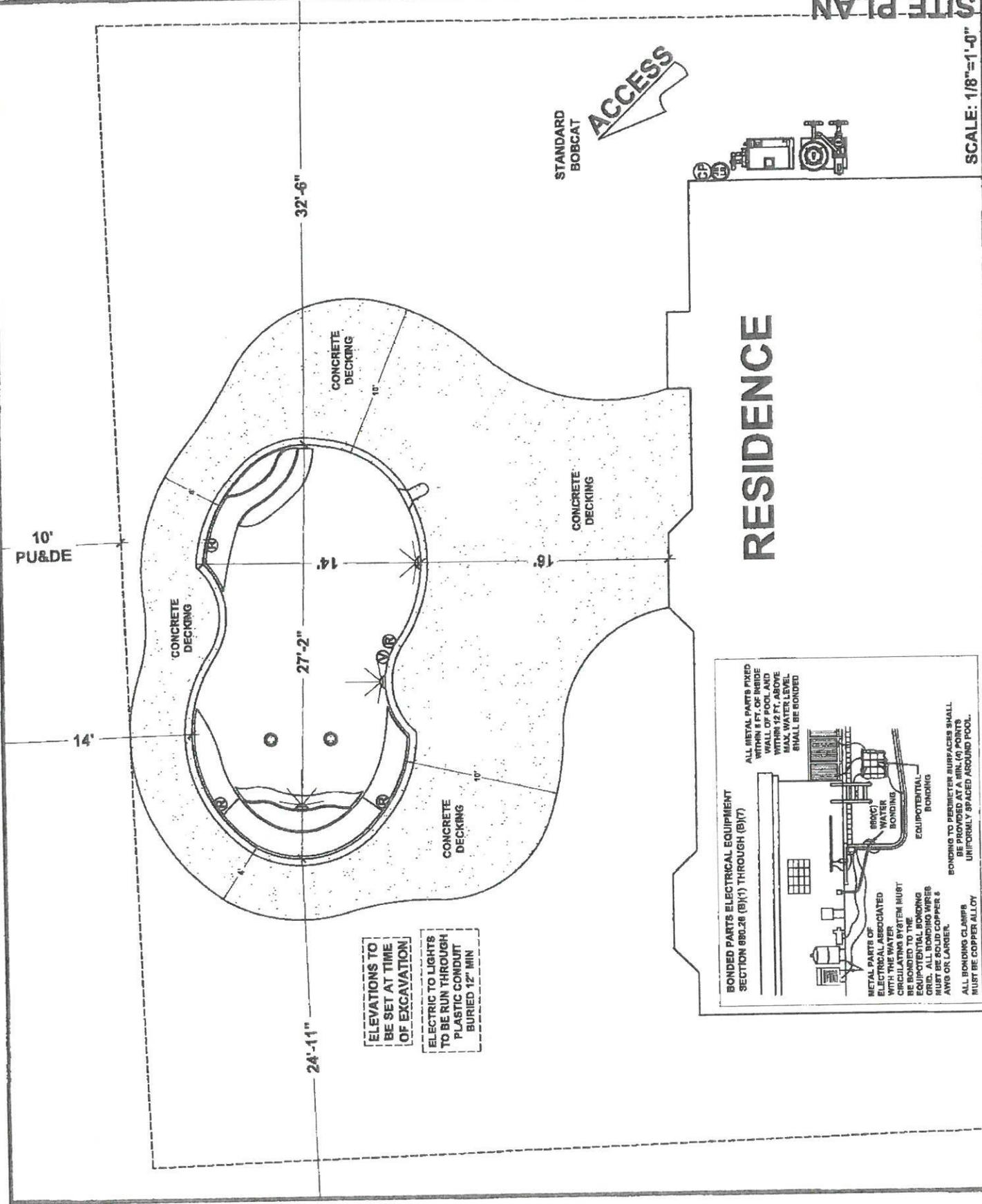


JOB NUMBER:	ISSUE DATE:	OWNER PHONE:	DRAWN BY:	CONTRACT DATE:	SHEET NUMBER:
	05-04-2018		J.R.		2 of 4

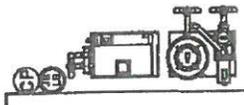
SITE PLAN

PATRIOT POOLS OF LAKE COUNTY MANAGEMENT INC.
 39736 N. PEARL ST. ANTIPOCH, IL
 PHONE: (647) 395-6900

HOWE, DAVE & DONNA
 4 BEDFORD COURT
 HAWTHORN WOODS, IL 60047



STANDARD BOBCAT ACCESS



RESIDENCE

SCALE: 1/8"=1'-0"

EXHIBIT "C"
FINDINGS OF FACT



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

FINDINGS OF FACT

**Public Hearing Date:
May 22, 2018**

4 Bedford Court

Request for Variation to Section 9-5B-4.C of the Village Code to exceed the maximum lot coverage by approximately twenty-three percent (23%) for construction of an in-ground pool and patio

Request for Variations to Sections 9-3-2.E.19 and 9-3-2.E.21 of the Village Code to allow a swimming pool and all appurtenances, as well as a patio to encroach the required twenty-foot (20') setback for accessory structures by approximately ten feet (10')

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 as the permitted lot coverage maximum does not adequately take into account the existing storm sewer system in the subdivision, thereby mitigating excess storm water concerns.

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

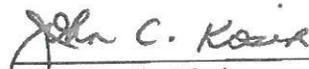
Finding: The ZBA finds that the plight of the property owner is due to unique circumstances revolving around the lot coverage maximum not adequately taking into account the existing storm sewer system in the subdivision.

(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 May 22, 2018.

Respectfully submitted,



John Kosik, Chairperson

MJC