

ORDINANCE NO. 1892-18

AN ORDINANCE GRANTING A CERTAIN VARIATION – AARON AND AMY KARSTENS
– LOT COVERAGE VARIATION – 110 GOVERNORS WAY

WHEREAS, on or about September 19, 2018, Aaron and Amy Karstens, as petitioners, filed an application for a certain variation with respect to the property legally described on **Exhibit "A"** attached hereto and incorporated herein ("SUBJECT REALTY"), in order to account for an existing in-ground pool and patio and install an a paver patio and firepit as depicted on **Exhibit "B"**; and,

WHEREAS, a Notice of Public Hearing was published on or about October 8, 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 October 23, 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 October 23, 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 variation 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 requiring a maximum lot coverage of 7,841 square feet, or 15 percent, for the SUBJECT REALTY, is hereby varied to permit a maximum lot coverage of approximately 10,900 square feet, or approximately 21 percent, on the SUBJECT REALTY.

SECTION TWO: The Mayor and Board of Trustees find with respect to the variation granted herein that the evidence shows that the standards for the granting of said variation 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, Rios, David

NAYS: 0

ABSENT AND NOT VOTING: Corrigan, DiMaggio

APPROVED: Joseph Mancino
Joseph Mancino, Mayor

ATTEST: Donna Lobaito
Donna Lobaito, Village Clerk

PASSED: December 26, 2018

APPROVED: December 26, 2018

EXHIBIT "A"

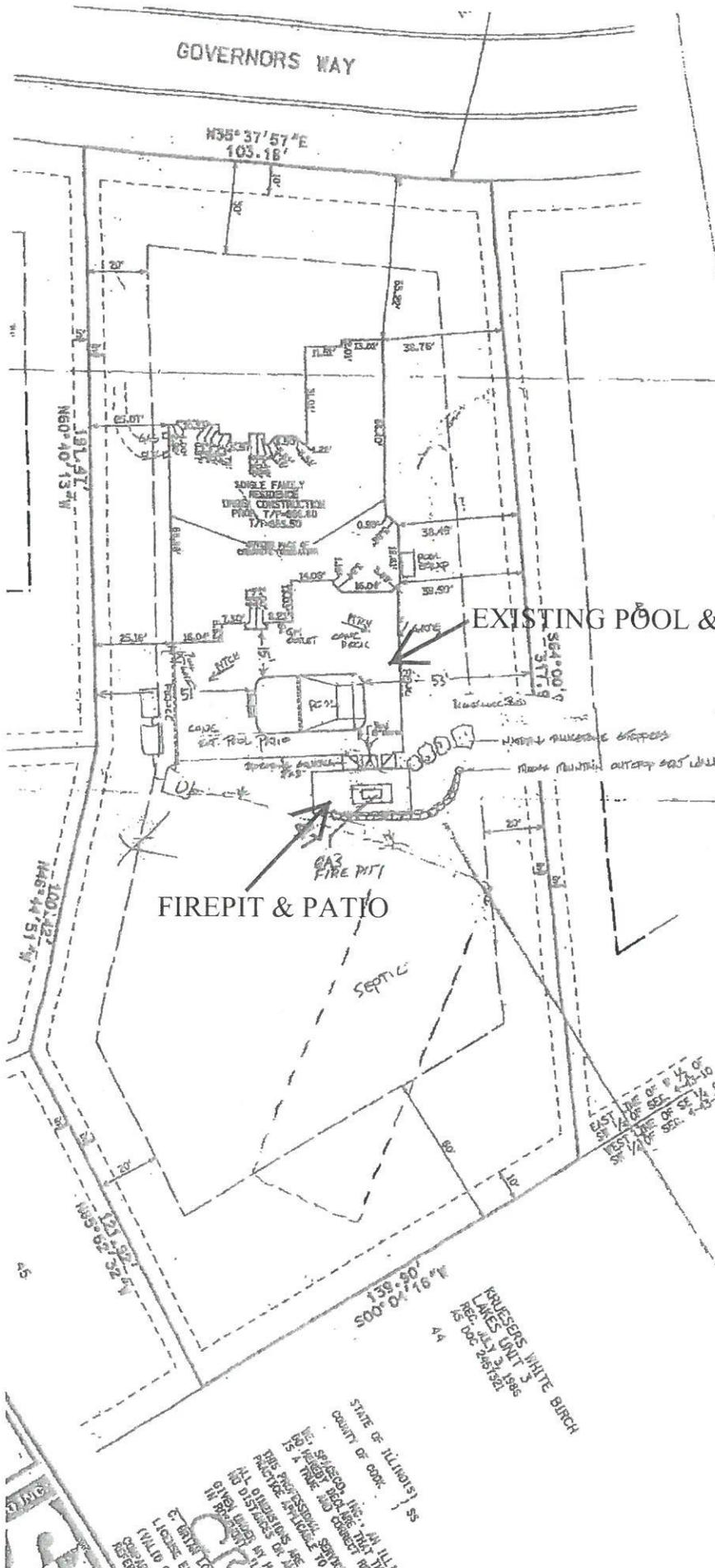
LEGAL DESCRIPTION

LOT 41 IN WHITE BIRCH MEADOWS, BEING A SUBDIVISION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 25, 2002 AS DOCUMENT NO. 5015142, IN LAKE COUNTY, ILLINOIS.

PIN: 14-04-302-021

EXHIBIT "B"

SITE PLAN



KARSTENS
2014

110 GOVERNORS WAY
HAWTHORN WOODS
PROPOSED PATIO/FIREPIT
LOCATION

* SCALE 1" = 30'

ADDED 11/15/2014

PATIO
24' x 9'

FIREPIT
6' x 4'

SEPTIC
15' LENGTH

KARSTENS

BEACHMAN
80% CUT AT THE INTERSECTION
OF GOVERNORS WAY AND THE SOUTH
GENTLY ROLLING
ELEVATION 571'

10.11.10
02 58

EXHIBIT "C"
FINDINGS OF FACT



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

FINDINGS OF FACT

Public Hearing Date:
October 23, 2018

110 Governors Way

Request for Variation to Section 9-5A-4.C of the Village Code to exceed the maximum lot coverage by approximately six percent (6%) to account for an existing in-ground pool and patio and construction of a paver patio and firepit

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 large size of the lot at over one acre.

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

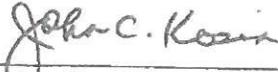
Finding: The ZBA finds that the plight of the property owner is due to unique circumstances revolving around the lot coverage maximum not adequately taking into account the large size of the lot at over one acre.

(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 October 23, 2018.

Respectfully submitted,

Handwritten signature of John C. Kosik in cursive script.

John Kosik, Chairperson

MJC