

ORDINANCE NO. 1942-19

AN ORDINANCE GRANTING CERTAIN VARIATION –
CHRISTOPHER AND KATHLEEN KIM – LOT COVERAGE – 77 MILLER ROAD

WHEREAS, on or about March 14, 2019, Christopher and Kathleen Kim, 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 resurface and expand an existing driveway and pave an existing gravel driveway as depicted on **Exhibit "B"**; and,

WHEREAS, a Notice of Public Hearing was published on or about March 28, 2019 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 April 16, 2019, 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 April 16, 2019, 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 requiring a maximum lot coverage of 6,652 square feet, or 15 percent, for the SUBJECT REALTY, is hereby varied to permit a maximum lot coverage of approximately 9,746 square feet, or approximately 22 percent, 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.

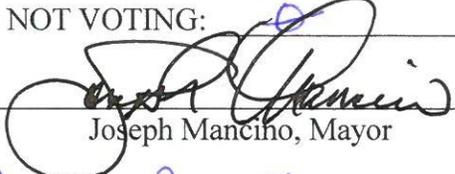
SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

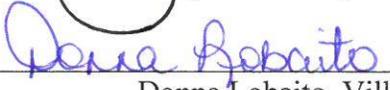
The foregoing Ordinance was passed by a roll call vote as follows:

AYES: Kaiser, Kasik, Rios, Corrigan, Dimaggio, David

NAYS: 0

ABSENT AND NOT VOTING: 0

APPROVED: 
Joseph Mancino, Mayor

ATTEST: 
Donna Lobaito, Village Clerk

PASSED: April 22, 2019

APPROVED: April 22, 2019

EXHIBIT "A"

LEGAL DESCRIPTION

LOT 1 IN WINDING CREEK, BEING A SUBDIVISION OF THE WEST 250.0 FEET OF THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER LYING NORTHWESTERLY OF THE CENTERLINE OF FLINT CREEK ROAD, (NOW CALLED MILLER ROAD) AND THE WEST 250.0 FEET OF THE SOUTH 109.50 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER ALL IN SECTION 9, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 12, 1981 AS DOCUMENT 2096766, IN LAKE COUNTY, ILLINOIS.

PIN: 14-08-403-001

NOTE:
DRIVEWAY MUST
BE MINIMUM 7'
FROM PROPERTY
LINE

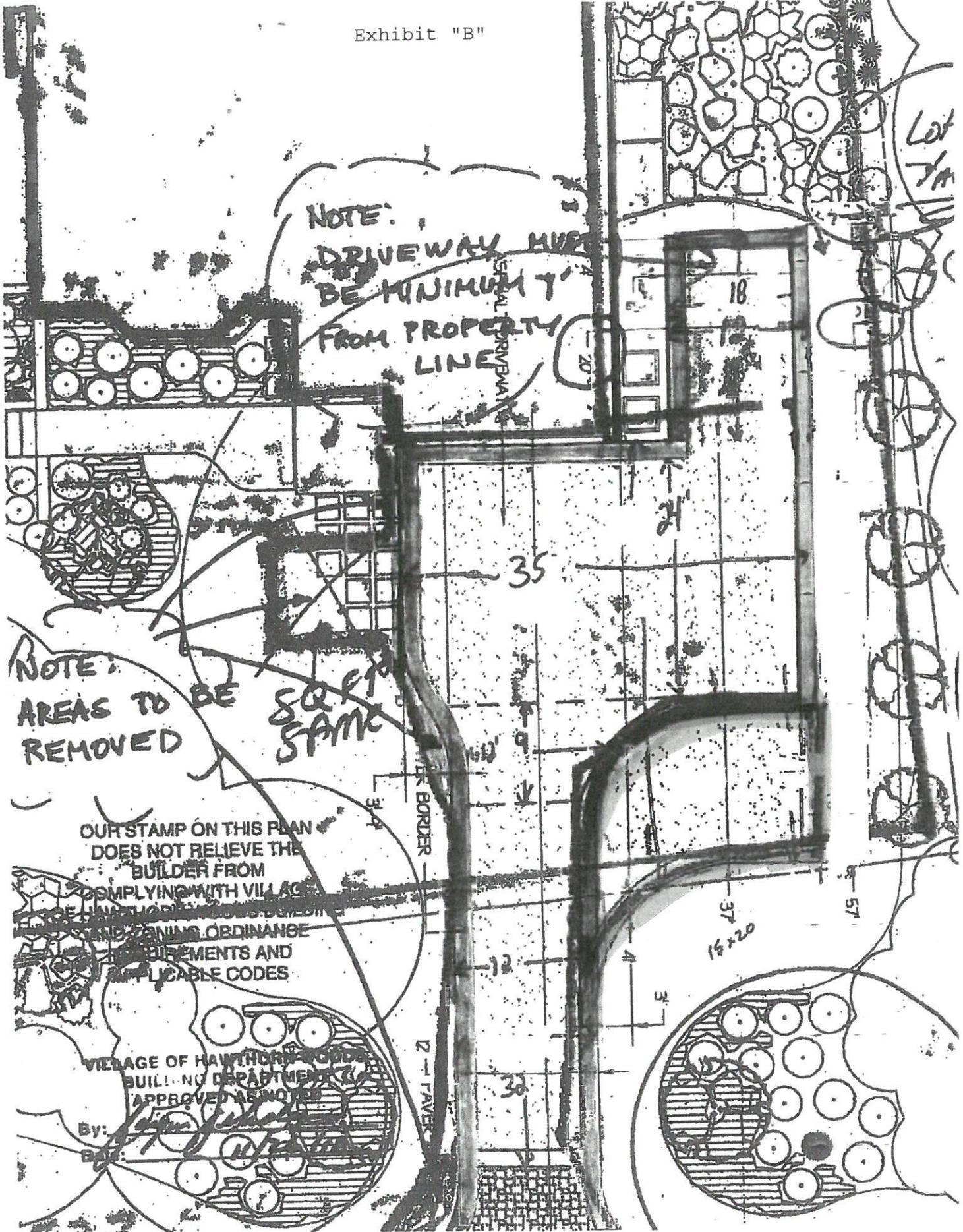
NOTE:
AREAS TO BE
REMOVED

SOFT
SPACE

OUR STAMP ON THIS PLAN
DOES NOT RELIEVE THE
BUILDER FROM
COMPLYING WITH VILLAGE
ORDINANCE
REQUIREMENTS AND
APPLICABLE CODES

VILLAGE OF HAWTHORNE WOODS
BUILDING DEPARTMENT
APPROVED AS NOTED

By: *[Signature]*
Date: *[Signature]*

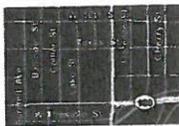


Lake County, Illinois Maps Online

77 miller road

Show search results for 77 mill...

Add Data

Search	URL	File
ArcGIS Online	Search...	
<input type="checkbox"/> Within map...	Type	Relevance
	World Transportation Map Service by esri	ADD DETAILS
	Transition Feature Service by Stephane.Isai	ADD DETAILS
	TDF_points Feature Service by Stephane.Isai	ADD DETAILS
	etapesTDF Feature Service by Stephane.Isai	ADD DETAILS
	TypeTDF Feature Service by Stephane.Isai	ADD DETAILS
	Info_depart Feature Service by Stephane.Isai	ADD DETAILS
	ThirdPartyLocations Feature Service by adotitg	ADD DETAILS
	EmbassyMap Feature Service by OliPhantCE_OCS	ADD DETAILS
	Road_Closures Map Service by wkron	ADD DETAILS
	National Forest System Roads	

60ft

42.216 -88.090 E

1 > 1,137,693 Items

LAYERS



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

FINDINGS OF FACT

**Public Hearing Date:
April 16, 2019**

77 Miller Road

Request for Variation to Section 9-5A-4.C of the Village Code to exceed the maximum lot coverage to account for the expansion of an existing driveway

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.

(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.

(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 April 16, 2019.

Respectfully submitted,



John Kosik, Chairperson

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