

ORDINANCE NO. 2022-20

AN ORDINANCE GRANTING A CERTAIN VARIATION – MICHAEL AND KELLY SCARAMELLA – LOT COVERAGE VARIATION – 20 TOURNAMENT DRIVE NORTH

WHEREAS, on or about February 6, 2020, Michael and Kelly Scaramella, 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 install an in-ground swimming pool, spa, firepit, pool deck and required safety fence as depicted on **Exhibit "B"**; and,

WHEREAS, a Notice of Public Hearing was published on or about May 5, 2020 in the Lake County News-Sun, 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 19, 2020, 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 26, 2020, 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:

That Section 9-5A-4.C of the Village Code and Resolution 5-27-03-01 of the Village of Hawthorn Woods requiring a maximum lot coverage of 6,800 square feet for the SUBJECT REALTY, is hereby varied to permit a maximum lot coverage of approximately 9,652 square feet 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, as depicted on Exhibit B.

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, Rizzo, Corrigan, McCarthy, Danica

NAYS: 0

ABSENT AND NOT VOTING: 0

APPROVED: Dominick DiMaggio
Dominick DiMaggio, Mayor

ATTEST: Donna Lobaito
Donna Lobaito, Village Clerk

PASSED: May 26, 2020

APPROVED: May 26, 2020

EXHIBIT "A"

LEGAL DESCRIPTION

LOT 357 IN THE FINAL PLAT OF SUBDIVISION OF HAWTHORN WOODS COUNTRY CLUB PHASE 2, BEING A SUBDIVISION IN PART OF SECTION 4, TOWNSHIP 42 NORTH, RANGE 10, AND PART OF SECTION 33, TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LAKE COUNTY, ILLINOIS.

PIN: 10-33-104-025

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:
May 19, 2020**

**20 Tournament Drive North
Request for Variation to Section 9-5A-4.C of the Village Code to exceed the
Maximum Lot Coverage of 6,800 square feet for the construction of a
Swimming Pool, Spa, Firepit, and Required Fence.**

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 variation in connection therewith.

9-16-7.E.1:

(a) That the subject realty 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 functional 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:

- 1) The permitted lot coverage maximum does not adequately conform to the lot size and related potential buildout of accessory structures
- 2) Removal or modification of the existing deck and/or driveway is not reasonable, and
- 3) The lot is uniquely shaped

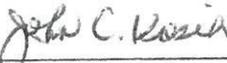
(b) That the plight of the owner is due to unique circumstances.

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 and the unique shape 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 as a single-family residential district.

Respectfully submitted,



John Kosik, Chairperson