

ORDINANCE NO. 2044-20

AN ORDINANCE GRANTING A CERTAIN VARIATION – JOHN AND PAMELA SMITH –  
LOT COVERAGE VARIATION – 26 OLD BARN ROAD

WHEREAS, on or about September 4, 2020, John J Smith Jr. and Pamela Smith, 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 a pavilion on a concrete pad as depicted in the plans in **Exhibit "B"**; and,

WHEREAS, a Notice of Public Hearing was published on or about September 23, 2020 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 8, 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 October 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:

- A. That Section 9-5A-4.C of the Village requiring a maximum lot coverage of 15% for the SUBJECT REALTY, is hereby varied to permit a maximum lot coverage of approximately 16% on the SUBJECT REALTY in accordance with the plans attached as **Exhibit "B"**.

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 granting 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.

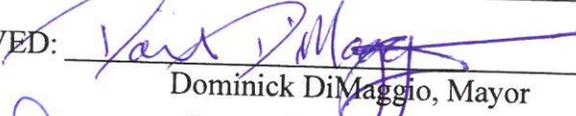
SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

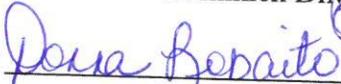
The foregoing Ordinance was passed by a roll call vote as follows:

AYES: Kaiser, Kosik, Riess, Corrigan, David McCarthy

NAYS: 0

ABSENT AND NOT VOTING: \_\_\_\_\_

APPROVED:   
Dominick DiMaggio, Mayor

ATTEST:   
Donna Lobaito, Village Clerk

PASSED: October 26, 2020

APPROVED: October 26, 2020

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

LOT 55 IN HAWTHORN KNOLLS PHASE 2, BEING A SUBDIVISION OF LOT "A" IN HAWTHORN KNOLLS AND PART OF THE NORTHWEST QUARTER OF SECTION 13, AND PART OF RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

PIN 14-13-104-009

**EXHIBIT "B"**

**SITE PLANS**

# PLAT OF SURVEY

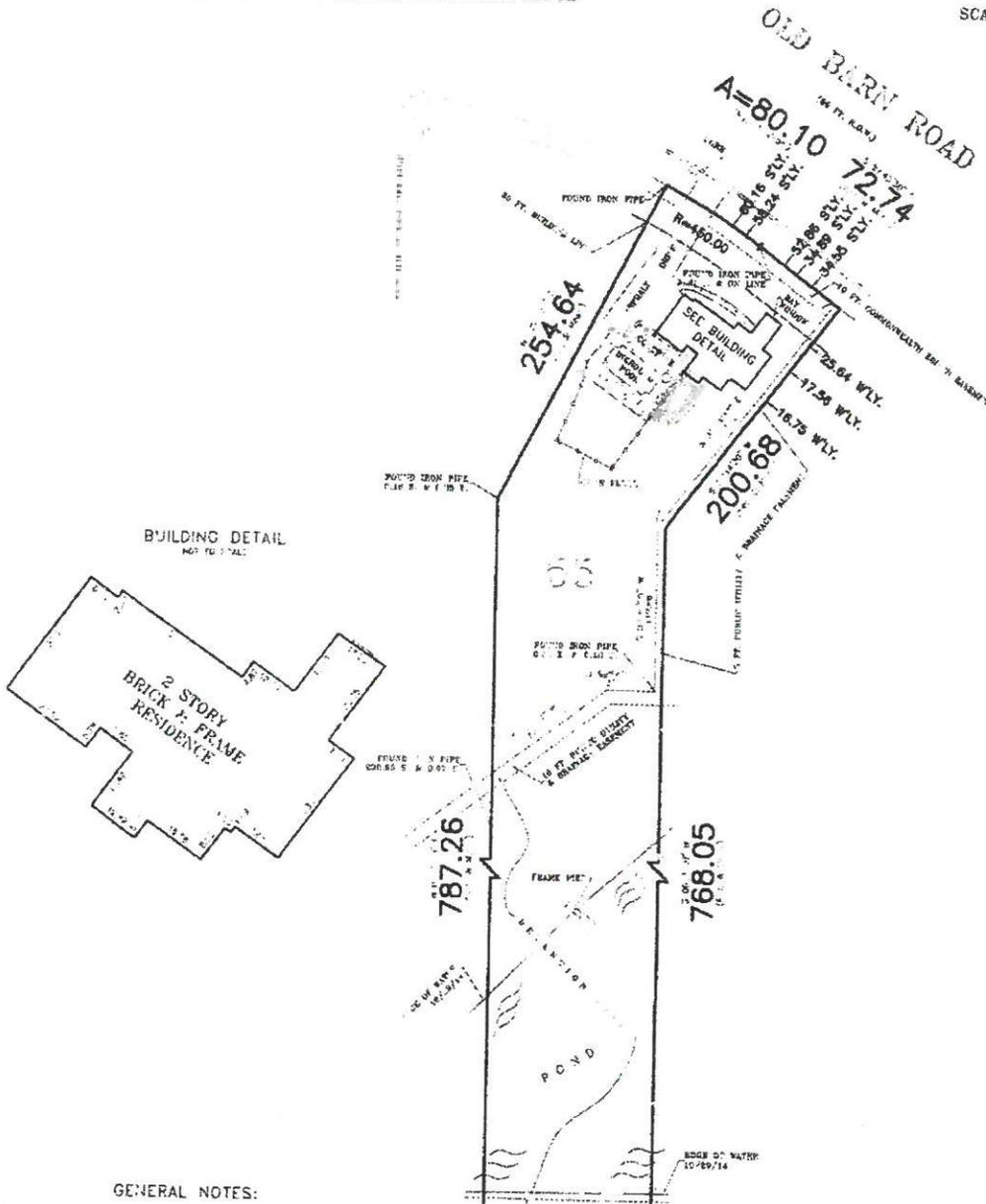
of

LOT 55 IN HAWTHORN KNOLL'S PHASE 2, BEING A SUBDIVISION OF 'LOT A' IN HAWTHORN KNOLLS AND PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, AND PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 21, 1981, AS DOCUMENT 1114396 IN LAKE COUNTY, ILLINOIS.

ADDRESS: 26 OLD BARN ROAD, HAWTHORN WOODS, ILLINOIS

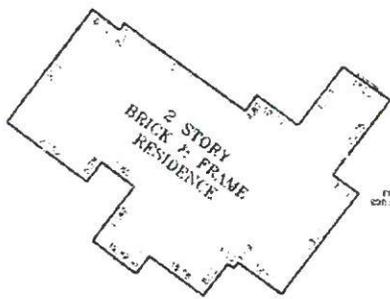


SCALE: 1"=80'



*Partia*  
*Concrete Pat*

BUILDING DETAIL  
NOT TO SCALE



### GENERAL NOTES:

- 1) THE LEGAL DESCRIPTION HAS BEEN PROVIDED BY THE CLIENT OR THEIR AGENT.
- 2) THIS SURVEY SHOWS THE BUILDING LINES AND EASEMENTS AS INDICATED BY THE RECORDED PLAT. THIS PLAT DOES NOT SHOW ANY RESTRICTIONS ESTABLISHED BY LOCAL ORDINANCES UNLESS SUPPLIED BY THE CLIENT.
- 3) BEARS OF BEARING FOR THIS SURVEY IS AS THE NORTH ARROW INDICATED, AND IS SUBJECT TO INCREASE TO THE AMOUNT RELATIONS OF THE EDGE DATA LINES.
- 4) MONUMENTS, IF SET DURING THIS SURVEY, REPRESENT THE TRUE CORNERS OF THIS DEED PLAT AS SHOWN.
- 5) LOCATION OF SOME FEATURES MAY BE EXAGGERATED FOR CLARITY, NO INTERPOLATION MAY BE MADE FROM THE INFORMATION SHOWN HEREON.
- 6) ONLY COPIES WITH AN ORIGINAL SIGNATURE AND SEAL ARE OFFICIAL LEGAL DOCUMENTS. IN ALL SURVEYS ARE COPYRIGHTED MATERIALS WITH ALL RIGHTS RESERVED.

120.00  
16 FT. PUBLIC UTILITY & DRAINAGE EASEMENT

STATE OF ILLINOIS )  
COUNTY OF COOK ) S.S.

SURVEY ORDERED BY: \_\_\_\_\_  
I, M. MARL J. LOPEZ, AS AN EMPLOYEE OF PREFERRED SURVEY INC., DO HEREBY STATE THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARD FOR A BOUNDARY SURVEY. PROPERTY CORNERS HAVE BEEN SET OR NOT IN ACCORDANCE WITH CLIENT AGREEMENT. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECT TO THE NEAREST TENTH OF 68 DEGREES FAHRENHEIT.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2014.

WITNESS MY HAND AND SEAL ON 11/30/14

P.S.I. NO. 1-15

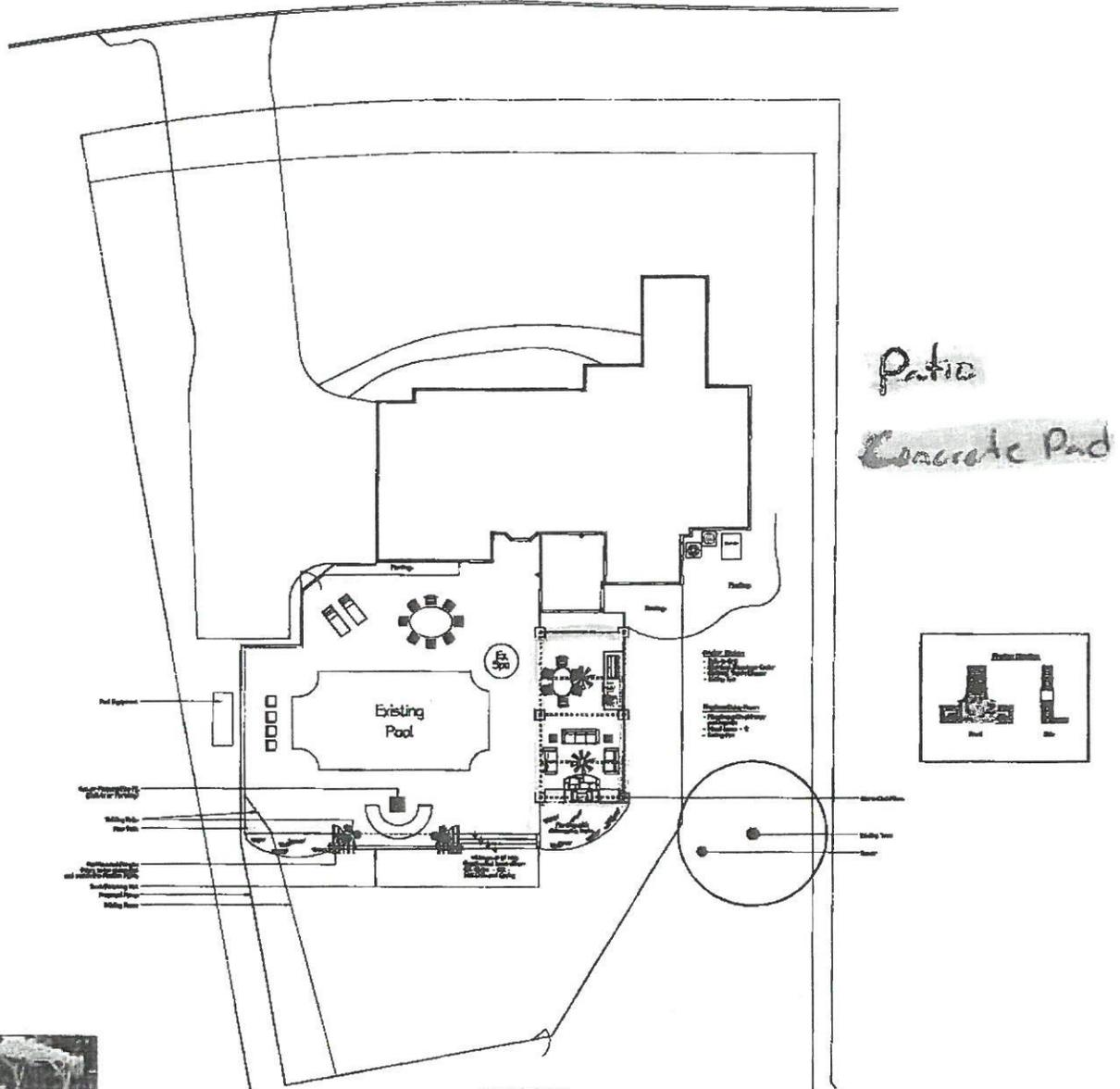
Professional Survey Registration #181-902795  
**PREFERRED SURVEY, INC.**

7840 W. 70TH STREET, BRIDGEVIEW, IL 60455  
Phone 708-458-7845 / Fax 708-458-7850  
www.ppreferredsurvey.com

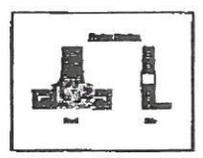


Field Work Completed	11/30/14	11/30/14	11/30/14
Land Area Surveyed	121	121	121
Drawing Revised			

Design: Outdoor - Every landscape design project is unique and we are committed to the highest quality of service. Our design process is a collaborative one, involving the client, the architect, and the contractor. We work closely with the client to understand their vision and needs, and then we create a design that is both functional and beautiful. Our design process is a collaborative one, involving the client, the architect, and the contractor. We work closely with the client to understand their vision and needs, and then we create a design that is both functional and beautiful.



Patio  
Concrete Pad



Example of Cantilevered Pergola

Seal/Retaining Walls

- 35 lf. Coping
- 57 lf. Wall Units

Step Materials

- 16 Steps @ 4' Wide
- OR -
- 65 lf. of Coping and 65 lf. Wall Units

Fireplace materials TBD

\*Waste and cuts NOT included in quantities

Outdoor Kitchen

- 94 lf. Wall Materials
- 46 sq. ft. Counter Top (Net including cut outs)

Unilock  
Old Quarry Stone

Pool and Spa Coping

- 85 lf.

LedgeStone

Pool Decking

- 2400 sq. ft.

Unilock Beacon Hill

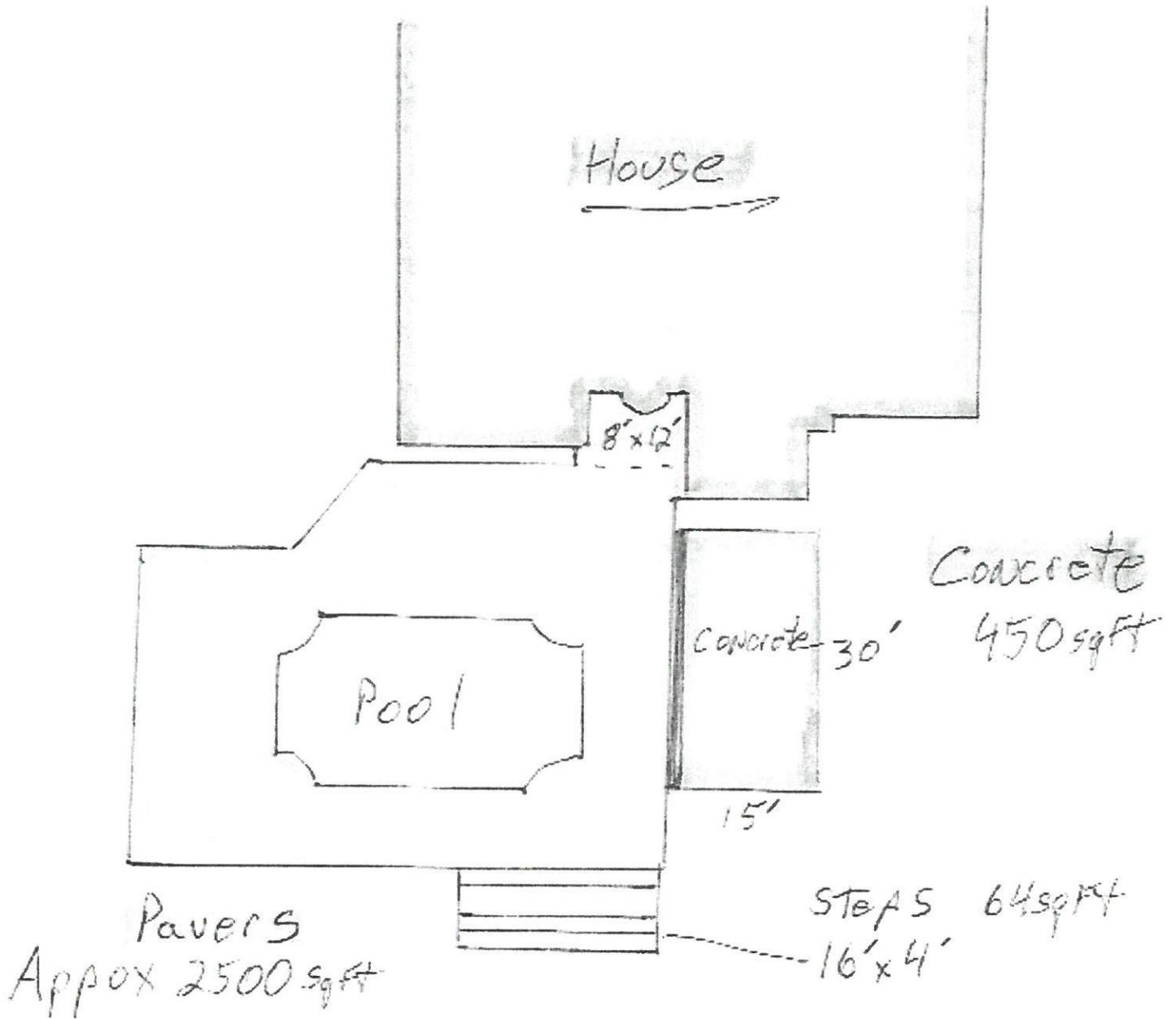
Pavilion Flooring

- 663 sq. ft.

**LURVEY**  
design  
2550 E. Dempster Street  
Des Plaines, IL 60016  
647-824-0756  
www.lurvey.com

THE SMITH RESIDENCE			
26 Old Barn Road Hawthorn Woods, IL 60047			
date	job	written	RO
1 - 81	January 15, 2020		
drawn by	checked by	drawing #	
J. Baloroff	J. Baloroff		

26 Old Barn Rd.



**EXHIBIT "C"**  
**FINDINGS OF FACT**



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

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## FINDINGS OF FACT

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**Public Hearing Date:  
October 8, 2020**

**26 Old Barn Road  
Request for Variation to Section 9-5A-4.C of the Village Code to exceed the  
Maximum Lot Coverage of 15% for the construction of a Pavilion.**

*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) Having a pool without coverage negatively impacts resale value.

**(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 as-built conditions pre-dating the R-1 zoning district's maximum lot coverage requirement.

**(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,

A handwritten signature in black ink, appearing to read "Harry Schildkraut", written over a horizontal line.

Harry Schildkraut, Acting Chairperson