

ORDINANCE NO. 2103-21

AN ORDINANCE GRANTING A CERTAIN VARIATION – GREG AND KATHLEEN MUNCER – FRONT YARD SETBACK VARIATION – 9 JAMES DRIVE

WHEREAS, on or about June 8, 2021, Greg and Kathleen Muncer, 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 construct a new covered porch on an existing single-family dwelling as depicted in the plans in Exhibit "**B**"; and,

WHEREAS, a Notice of Public Hearing was published on or about June 21, 2021 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 July 7, 2021, 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 July 7, 2021, 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.B of the Village requiring a minimum thirty (30) foot front yard setback on the SUBJECT REALTY, is hereby varied to permit a minimum front yard setback of twenty seven (27) feet, eight (8) inches 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, Bayer, Riess, McCarthy, Reynolds

NAYS: 0

ABSENT AND NOT VOTING: David

APPROVED: Dominick DiMaggio
Dominick DiMaggio, Mayor

ATTEST: Donna Lobaito
Donna Lobaito, Village Clerk

PASSED: July 26, 2021

APPROVED: July 26, 2021

EXHIBIT "A"

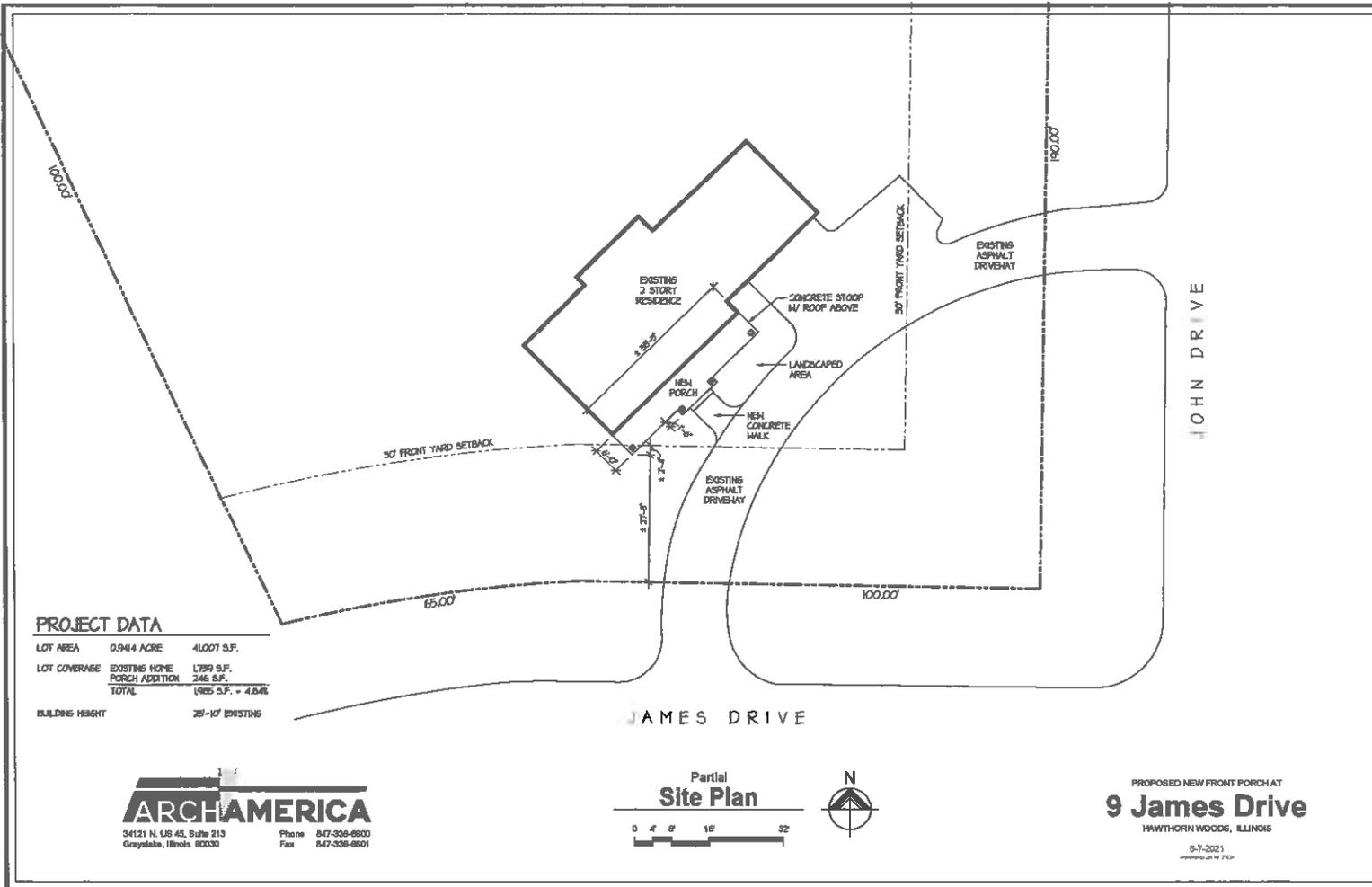
LEGAL DESCRIPTION

LOT 22 IN WOODLAND ESTATES UNIT 1, A SUBDIVISION OF PART OF THE SOUTH THREE-FOURTHS OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 3, 1976 AS DOCUMENT 1750483, IN BOOK 55 OF PLATS, PAGE 43, IN LAKE COUNTY, ILLINOIS.

PIN: 14-11-306-009

EXHIBIT "B"

SITE PLAN



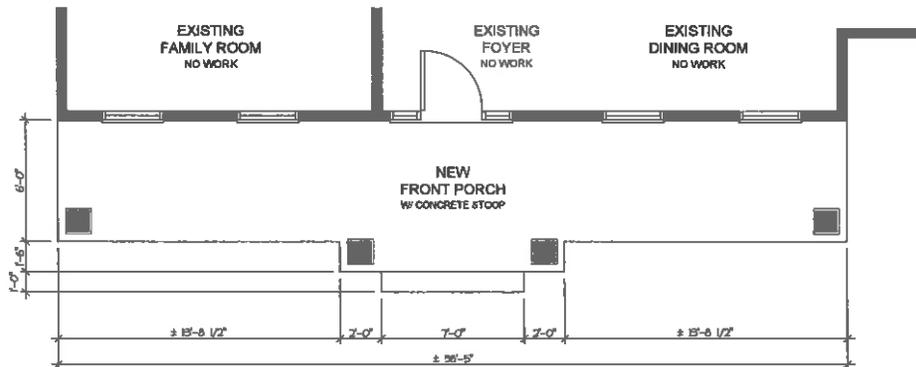
PROJECT DATA

LOT AREA	0.944 ACRE	41,007 S.F.
LOT COVERAGE	EXISTING HOME PORCH ADDITION TOTAL	1,799 S.F. 246 S.F. 1,985 S.F. = 4.84%
BUILDING HEIGHT	29'-10" EXISTING	

ARCHAMERICA
 34121 N. US 45, Suite 213
 Graylake, Illinois 60030
 Phone 847-938-8600
 Fax 847-938-8601

Partial
Site Plan
 0 4 8 16 32

PROPOSED NEW FRONT PORCH AT
9 James Drive
 HAWTHORN WOODS, ILLINOIS
 8-7-2021
 ARCHAMERICA INC. P121



ARCHAMERICA
 34121 N. US 45, Suite 215
 Graystone, Illinois 60330
 Phone 847-338-6800
 Fax 847-338-6501

Partial
1st Floor Plan



PROPOSED NEW FRONT PORCH AT
9 James Drive

HAWTHORN WOODS, ILLINOIS

JUNE 8, 2021
not to scale

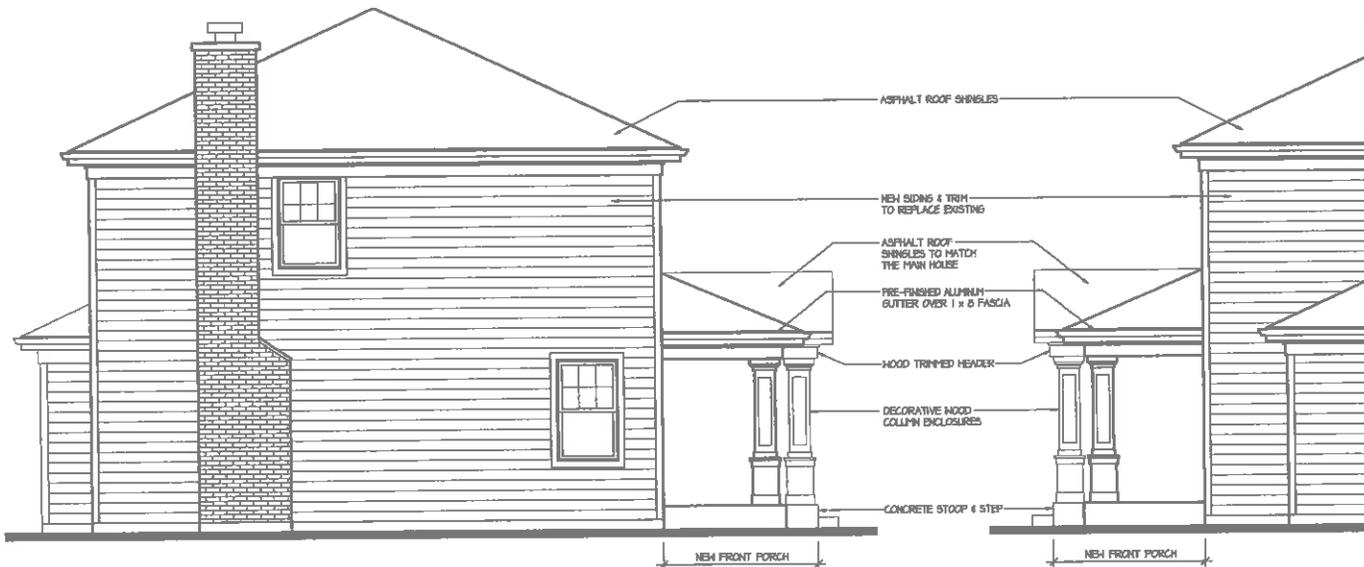


ARCHAMERICA
 34121 N. US 45, Suite 213 Phone 647-336-6500
 Graylake, Illinois 60030 Fax 647-336-6501

Front Elevation



PROPOSED NEW FRONT PORCH AT
9 James Drive
 HAWTHORN WOODS, ILLINOIS
 JUNE 8, 2021
 DRAWING NO. 21-01



Left Side Elevation

Partial
Right Side Elevation

ARCHAMERICA
 34121 N. US 45, Suite 213
 Graylake, Illinois 60030
 Phone 847-336-8800
 Fax 847-336-8801

Side Elevations



PROPOSED NEW FRONT PORCH AT
9 James Drive
 HAWTHORN WOODS, ILLINOIS
 JUNE 6, 2021
 DWG# 21-JAM-01A

EXHIBIT "C"
FINDINGS OF FACT

Addendum to Application for Variance

When applying for a variance from the Village of Hawthorn Woods, the applicant shall respond to the following questions to be considered by the Zoning Board of Appeals and Village Board:

1. How is it 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?

Applicant Response: The variation requested will not effect the return on the property.

Public Hearing Response: The addition of an accessible ramp to the front door will not yield a reasonable return under the conditions allowed. The proposed ramp will be constructed of brick pavers and will be constructed based on the current building codes for the Village.

2. How is it that the plight of the owner is due to unique circumstances?

Applicant Response: The subject property is a corner lot. The existing home was constructed facing the street corner, at an approximate 45 degree angle to both streets. Because the south corner of the home was constructed only 2.5 feet from the south front yard setback, it allows very little flexibility with respect to allowing a front porch to be added.

Public Hearing Response: The ZBA concurs with the Applicants response.

3. Explain how the variance, if granted, will not alter the essential character of the locality.

Applicant Response: The basic style of the home and property will not be changed. However, a variance to allow a full- width front porch will add richness and character to the front of the home, thus enhancing the essential character of the locality.

Public Hearing Response: The ZBA concurs with the Applicants response.

The findings of fact listed above were presented to the Zoning Board of Appeals on July 7, 2021 with additional input from the applicant. The findings were discussed and agreed upon by the Members and are forwarding a positive recommendation to the Village Board.

John C. Kosik
Zoning Board of Appeals Chairman

7/19/2021
Date