

ORDINANCE NO. 2190-22

AN ORDINANCE GRANTING A CERTAIN VARIATION – ALEX AND JESSICA
VEALITZEK – FRONT YARD SETBACK AND ACCESSORY STRUCTURE VARIATION –
12 BRIERWOODS LANE

WHEREAS, on or about May 19, 2022, Alex and Jessica Vealitzek, 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 detached garage and allow for two accessory structures as depicted in the plans in **Exhibit "B"**; and,

WHEREAS, a Notice of Public Hearing was published on or about July 26, 2022 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 August 10, 2022, 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 August 10, 2022, 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 Code requiring a minimum thirty (30) foot front yard setback on the SUBJECT REALTY, is hereby varied to permit a minimum front yard setback of three (3) feet on the SUBJECT REALTY in accordance with the plans attached as **Exhibit “B”**.
- B. That Section 9-3-15.B of the Village Code prohibiting sheds on the SUBJECT REALTY, is hereby varied to permit two (2) detached structures on the SUBJECT REALTY in accordance with the plans attached as **Exhibit “B”**.

SECTION TWO: The petitioners shall reach an agreement with the Village regarding the construction of the proposed driveway depicted in **“Exhibit B”**. Said agreement shall be approved by the Village Board prior to the issuance of a building permit for said driveway.

SECTION THREE: 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 FOUR: 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.

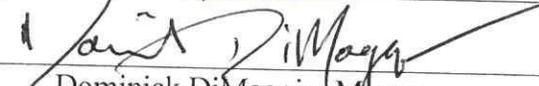
SECTION FIVE: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

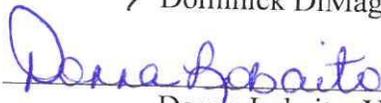
The foregoing Ordinance was passed by a roll call vote as follows:

AYES: Kaiser, David, McCarthy, Riscalie, Bayer

NAYS: 0

ABSENT AND NOT VOTING: Riess

APPROVED: 
Dominick DiMaggio, Mayor

ATTEST: 
Donna Lobaito, Village Clerk

PASSED: September 26, 2022

APPROVED: September 27, 2022

EXHIBIT "A"

LEGAL DESCRIPTION

LEGAL DESCRIPTION: PARCEL 1: THE WEST 431.69 FEET OF THE SOUTH HALF OF OF THE NORTHWEST QUARTER OF THE SOUTHWEST OF SECTION 8, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS,

PARCEL 2: ALL THAT PART OF THE WEST 431.69 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHERLY OF THE CENTER OF OUTLET CREEK OF LAKE ZURICH, IN LAKE COUNTY, ILLINOIS.

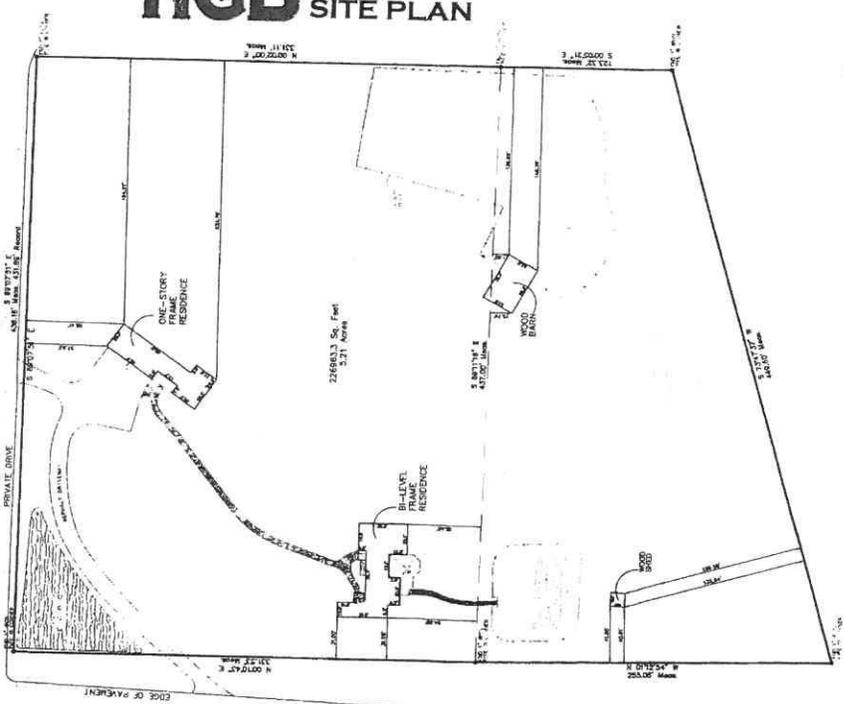
EXHIBIT "B"

SITE PLAN

Plat of Survey

LEGAL DESCRIPTION: PARTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

HGB EXISTING SITE PLAN



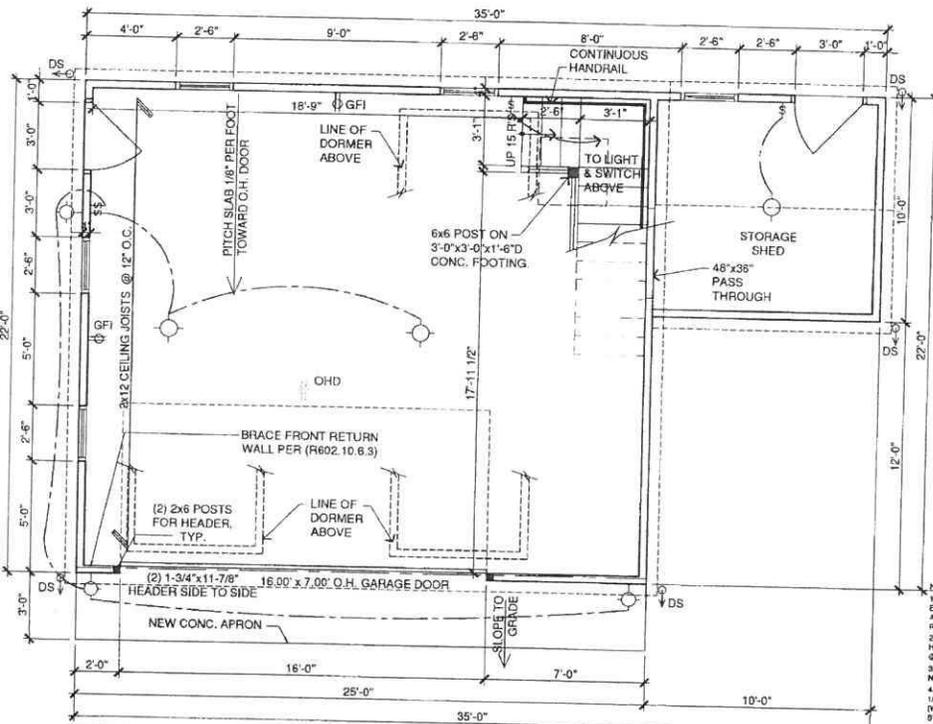
BRIERWOODS LANE

STATE OF ALABAMA
 COUNTY OF LEE
 I, _____, Surveyor, do hereby certify that the above and foregoing is a true and correct copy of the original record and plat of the same as recorded in the public records of the County of Lee, State of Alabama.
 My commission expires _____
 My office is located at _____
 My telephone number is _____
 My e-mail address is _____
 My fax number is _____
 My mobile phone number is _____
 My home address is _____
 My business address is _____
 My professional seal is on file with the State of Alabama.

LEGEND

---	Property Line
---	Setback Line
---	Utility Line
---	Wood Bank
---	Wood Bridge
---	Other

LUCO CONSTRUCTION CO.
 11500 11th Street, Suite 100, Birmingham, AL 35224
 Phone: (205) 329-3888
 Fax: (205) 329-3888
 Email: lucoco@lucoco.com
 Website: www.lucoco.com
 License No. 15-35841



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

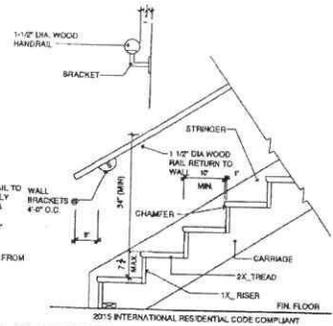
ALL CONSTRUCTION TO CONFORM TO:

- 2015 INTERNATIONAL RESIDENTIAL CODE WITH VILLAGE OF HAWTHORN WOODS AMENDMENTS
- 2015 INTERNATIONAL BUILDING CODE WITH VILLAGE OF HAWTHORN WOODS AMENDMENTS
- 2014 NATIONAL ELECTRICAL CODE (NFPA 70-2014) WITH VILLAGE OF HAWTHORN WOODS AMENDMENTS

ELECTRICAL DETAILS

- CIRCUITS: (1) 20 AMP, #12 GA. (1) 15 AMP, #14 GA.
- CONTAINED IN 3/4" RIGID STEEL CONDUIT
- BURIAL DEPTH: 8 INCHES
- WIRING: SEPARATE CIRCUITS TO SERVICE PANEL
- PROVIDE DISCONNECT SWITCH

- NOTES:**
1. CONC. STAIR HANDRAIL TO EXTEND 8" HORIZONTALLY ABOVE THE TOP RISER & RETURN TO WALL
 2. GUARDS SHALL BE 36" HIGH WITH BALLISTERS @ 4" O.C. (MAX.)
 3. MINIMUM HEADROOM FROM FINISHING TO CEILING 7'-6"
 4. 1 LAYER OF TYPE "X" 1/2" GWS BELOW STAIRS (WHERE EXPOSED TO STORAGE)



STAIR DETAIL

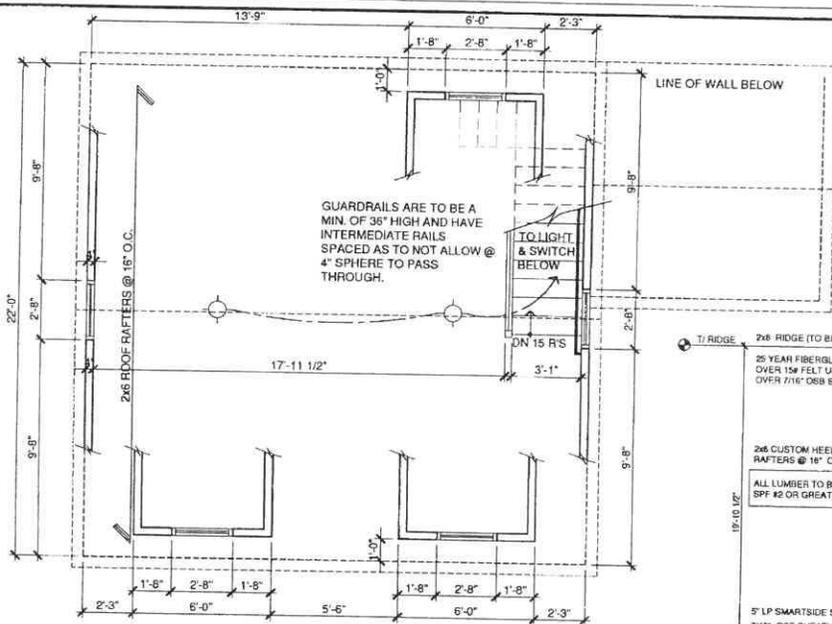
SCALE: 1/2" = 1'-0"



DETACHED GARAGE - GABLE ROOF
 12 BRIERWOODS LANE, HAWTHORN WOOD; VEALITZEK

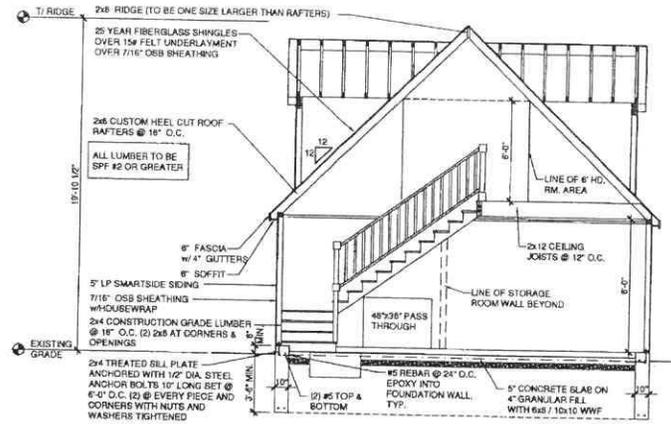
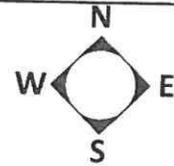
CONTRACTOR:
HEARTLAND GARAGE BUILDERS
 602 ACADEMY DRIVE
 NORTHBROOK, IL 60062
 PHONE: (224) 619-4539
 EMAIL: INFO@HLGBS.COM

SHEET NAME:
1st FLOOR PLAN & STAIR DETAIL
 SHEET NUMBER:
1 OF 5



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



BUILDING SECTION

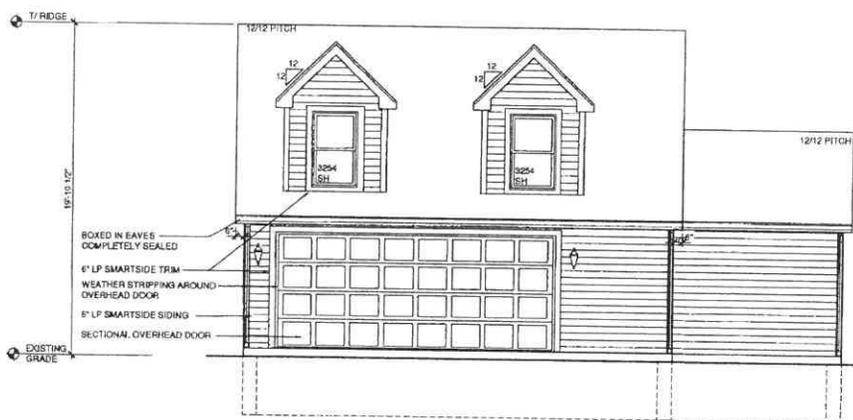
SCALE: 3/16" = 1'-0"



DETACHED GARAGE - GABLE ROOF
 12 BRIERWOODS LANE, HAWTHORN WOOD; VEALITZEK

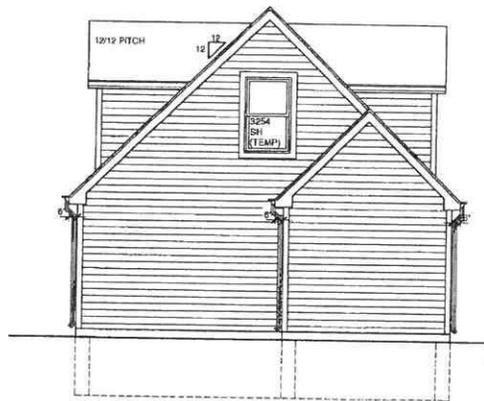
CONTRACTOR:
HEARTLAND GARAGE BUILDERS
 602 ACADEMY DRIVE
 NORTHBROOK, IL 60062
 PHONE: (224) 619-4539
 EMAIL: INFO@HLGBS.COM

SHEET NAME:
2nd FLOOR PLAN & BUILDING SECTION
 SHEET NUMBER:
2 OF 5



WEST ELEVATION

SCALE: 3/16" = 1'-0"



SOUTH ELEVATION

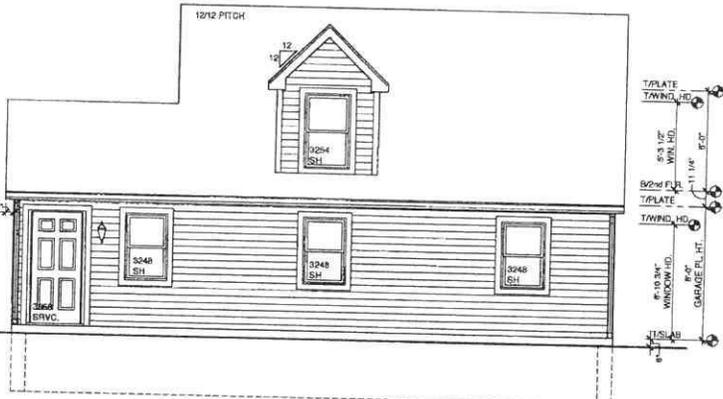
SCALE: 3/16" = 1'-0"



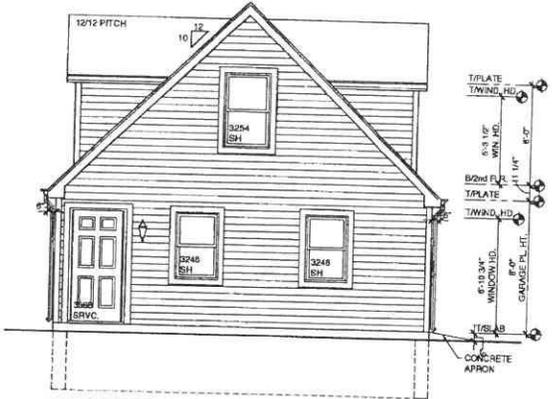
DETACHED GARAGE - GABLE ROOF
 12 BRIERWOODS LANE, HAWTHORN WOOD; VEALITZEK

CONTRACTOR:
HEARTLAND GARAGE BUILDERS
 602 ACADEMY DRIVE
 NORTHBROOK, IL 60062
 PHONE: (224) 619-4539
 EMAIL: INFO@HLGBS.COM

SHEET NAME:
ELEVATIONS
 SHEET NUMBER:
3 OF 5



EAST ELEVATION
SCALE: 3/16" = 1'-0"



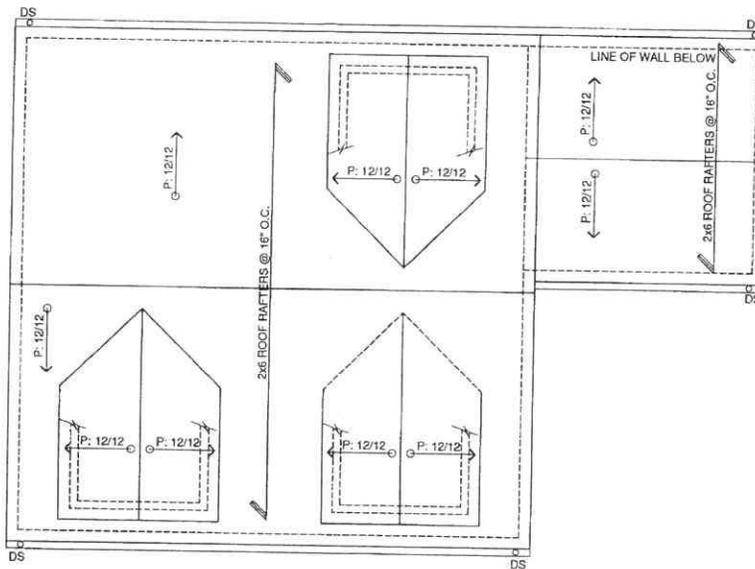
NORTH ELEVATION
SCALE: 3/16" = 1'-0"



DETACHED GARAGE - GABLE ROOF
12 BRIERWOODS LANE, HAWTHORN WOOD; VEALITZEK

CONTRACTOR:
HEARTLAND GARAGE BUILDERS
602 ACADEMY DRIVE
NORTHBROOK, IL 60062
PHONE: (224) 619-4539
EMAIL: INFO@HLGBS.COM

SHEET NAME:	ELEVATIONS
SHEET NUMBER:	4 OF 5



ROOF PLAN

SCALE: 1/4" = 1'-0"



DETACHED GARAGE - GABLE ROOF
 12 BRIERWOODS LANE, HAWTHORN WOOD, VEALITZEK

CONTRACTOR:
HEARTLAND GARAGE BUILDERS
 602 ACADEMY DRIVE
 NORTH BROOK, IL 60062
 PHONE: (224) 619-4539
 EMAIL: INFO@HLGBS.COM

SHEET NAME:
ROOF PLAN
 SHEET NUMBER:
5 OF 5

**VILLAGE OF HAWTHORN WOODS
ZONING BOARD OF APPEALS
12 Brierwoods Lane – Vealitzek Residence**

PROJECT EXPLANATION

The proposed project seeks to replace the existing detached garage with a new detached garage that is more proximate to the residence. This would increase accessibility for extended family members who currently have a difficult time walking approximately 200 feet up a slope from the garage to the home. Daily convenience and home value would also be positively impacted, creating a “best use” of the property.

This project would also remove an existing accessory building from the property, as the newly constructed garage would allow for more storage.

Due to the undulating grades of the land, over two dozen mature oaks surrounding the home, and the location of the septic field, there are limited practical locations for this garage. The proposed location attempts to accommodate those restrictions while locating the garage with access to the street and home.

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?

The property’s residence was originally constructed between 1895 and 1933, with the garage/coach house constructed some 200 feet away, down a slope. It is a modern expectation that homes have either an attached (certainly more common in the village) or an accessible detached garage, and this proposal seeks to correct that condition. The overall design of the garage is intended to match the ‘Farmhouse’ look of the home and so will assist in providing a reasonable return, while solving the issue of accessibility, convenience, and home amenity.

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

As one of the oldest properties in the village, it is unique in the number of large, second-generation oak trees surrounding the home. Two oaks on the property are listed as heritage oaks with the Ancient Oaks Foundation, including one immediately southwest of the rear of the house. While the proposed setback is less than the required frontage of 30 feet, there is little opportunity for locating this garage closer to the house that wouldn’t impact the numerous large trees adjacent to the home, or the sloping grade, wetlands, and septic on the other available locations.

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

Because the structure would attempt to reflect the architecture of the home, and with over 5 acres on the lot, the request for variation will not alter the rural nature of this part of Hawthorn Woods. While this project certainly requests relief from the ordinance’s front yard requirements (though in this case, it is the side of the home that faces the street, not the front), it does so as a result of careful consideration of the availability of other locations and the belief that the design and location will ensure that the essential character of the property within the immediate neighborhood is maintained.

Variance request for 12 Brierwoods Lane

Dear committee members,

Thank you for your time and consideration of our request.

We would like to describe our property and tell you its story, to give you a better sense of how we arrived where we are today with our request for two variances.

We have spent the last seven years rehabilitating the land. Originally, as you know, this area was an oak prairie. Our home is surrounded by mature white and bur oak trees. Two of them are registered as heritage oaks with the Ancient Oaks Foundation. The oldest tree is a white oak located at the southwest corner of our house and dates to about 1865.

But when we moved in, over three of the five acres was covered in buckthorn, honeysuckle, and vines several inches thick. Buckthorn and vines choked out adolescent oaks, killed mature trees, encroached the ponds and creek, and completely took over the old horse paddock—in fact, we didn't know we had a paddock until we moved in and started exploring. Now, buckthorn exists only along the road in the right of way and in the southeast corner of the property. We have planted or cultivated many species of natives, from cardinal flower and dogwood along Flint Creek, to boneset, milkweed, and goldenrod on the slope.

Our house is one of the oldest in Hawthorn Woods. Oral history passed down from owner to owner says that the house started as a hunting cabin sometime between 1895 and 1933. At one point, the old PLZ&W railroad passed alongside it, on what is now Brierwoods Lane. An extension was added onto the cabin and it became a deer lodge sometime around 1933. Then, around 1940, the landowner built a two-story section with bedrooms and moved his family there. We've also heard that the bedrooms long existed, and are where deer lodge members stayed overnight.

We have a copy of the original deed to the first white landowner from the Bureau of Land Management in 1849. His name was Elijah Swift. We also have a framed copy of the first-ever land survey of the area, from 1840. (Where our house is located, the map reads, "Timber." Where Lake Zurich is, it reads, "Cedar Lake; impassable.")

All this is to say we care deeply about our property—its history and its ecosystem.

We are asking for a variance to allow for the construction of a garage that will be (a) detached, and (b) close to the property line. We believe the unique circumstances of this property warrant this request:

- The house is surrounded on all sides by mature oak trees, as well as topography sloping toward wetlands.
- The original garage is detached.

After evaluating several site options with architectural and engineering professionals, we also feel this proposal promotes the best use of the property and landscape:

- a) The original detached coach house/garage is located about 75 yards from our home. Generally speaking, the distance is an impediment for most potential buyers, particularly those with young children and those who are older. Members of our family have a difficult time getting from the driveway to our house, which is also located up a slope.
- b) The garage was in poor condition when we bought it. Over the last seven years, we have taken several steps to improve it, including exterior paint, new gutters, and several new windows, but it is in need of more and will soon require a serious investment. If we are going to make that investment, we believe it is more sensible to place the garage in a location that improves the property overall.
- c) Other potential sites would require the removal of several mature oak trees, altering the aesthetic and environment
- d) Other potential sites would impact wetlands or the slope to Flint Creek (and where the deer browse)

There are several additional environmental and aesthetic benefits we believe add value to this proposal:

- a) Improvement of the existing right-of-way by requiring the elimination of the buckthorn that exists there; we also plan to clear more buckthorn than would be necessary
- b) Our goal is to add solar panels to the garage; the existing garage is too shaded.
- c) The proposed location is on a relatively flat surface (hard to find on our property!), thereby limiting runoff and erosion.
- d) The new garage space would allow for the removal of the existing pool shed, which we were told was grandfathered in.
- e) The proposed garage would be in keeping with the character of the home, likely more than the existing garage, which has been added on to over the years.
- f) The proposed site is not near our neighbors; directly across the street is unused land owned by the school district.

Thank you again for your time and consideration.

Jessica & Alex Vealitzek

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 property's residence was originally constructed between 1895 and 1933, with the garage/coach house constructed some 200 feet away, down a slope. It is a modern expectation that homes have either an attached (certainly more common in the village) or an accessible detached garage, and this proposal seeks to correct that condition. The overall design of the garage is intended to match the 'Farmhouse' look of the home and so will assist in providing a reasonable return, while solving the issue of accessibility, convenience, and home amenity.

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

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

Applicant Response: As one of the oldest properties in the village, it is unique in the number of large, second-generation oak trees surrounding the home. Two oaks on the property are listed as heritage oaks with the Ancient Oaks Foundation, including one immediately southwest of the rear of the house. While the proposed setback is less than the required frontage of 30 feet, there is little opportunity for locating this garage closer to the house that wouldn't impact the numerous large trees adjacent to the home, or the sloping grade, wetlands, and septic on the other available locations.

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: Because the structure would attempt to reflect the architecture of the home, and with over 5 acres on the lot, the request for variation will not alter the rural nature of this part of Hawthorn Woods. While this project certainly requests relief from the ordinance's front yard requirements (though in this case, it is the side of the home that faces the street, not the front), it does so as a result of careful consideration of the availability of other locations and the belief that the design and location will ensure that the essential character of the property within the immediate neighborhood is maintained.

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 August 10, 2022 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. Koish

Zoning Board of Appeals Chairman

9/10/2022

Date