

Item #2:

Request For Referral To PCZBA:

1. Amendment To Allow Residences Greater Than 13,000 Sq. Ft.
2. Variation To Permit Residence Of 18,000 Sq. Ft, 3111 Old McHenry



MEMORANDUM

To: Village President Underwood and Board of Trustees
From: James M. Hogue, Village Planner
Date: 1.7.16
RE: Referral of Text Amendment & Variation Request 3111 O.M.R.

Staff has received requests for 1) amendment to the Village Code for the Village of Long Grove, Title 5, Zoning Regulations, including Section 5-11-5 (E) "Authorized Variations" and Section 5-3-12 "Bulk, Space and Yard Requirements" including footnote C and other regulations within the Village of Long Grove, Illinois to allow residences of greater than 13,000 square feet on property with a minimum lot size of 8 acres or greater; and 2) a request for a variation to permit a residence of greater than 13,000 sq. ft. on property containing ten (10) acres +/- and zoned within the R-1 Residential District and located at 3111 Old McHenry Road within the Village of Long Grove, Illinois.

These require referral by the Village Board to the PCZBA for public hearing and further consideration should the Village Board deem that action appropriate.

TEXT AMENDMENT

History

In 2007 the Village was considering a "major" amendment to the zoning code. During those deliberations the issues of "bulk" loomed large and in particular floor area and lot coverage. The concern was the "bulkiness" of structures on the "rural character" of the village.

The results of those deliberations formed the current "bulk" regulations under which the village operates. In general, these regulations have worked well, particularly in dealing with large structures on small lots. The issue presently raised has been the maximum square footage limitation on larger lots (e.g. 5 acres and above). The current village code has a maximum cap of 13,000 square feet (minimum of 3 acres) regardless of how large the lot may be. To achieve the maximum floor area greater setbacks also apply.

In 2015 an amendment was proposed to allow a text amendment which would allow "without limitation modifications to the maximum floor area, impervious surface coverage limitations, floor area ratio and other regulations" to allow residential structure of greater than 13,000 square feet village wide. At that time the Plan Commission recommended that no changes to the Long Grove Zoning Code regarding maximum floor area, impervious surface, lot coverage limitations, floor area ratio and other regulations be made.

At the June 9th 2015 Village Board meeting the Village Board accepted the recommendation of the PCZBA and to maintain the “status quo” with regard to the text amendment and no modification to the village code occurred. The Board did note that an “exception” on a case by case basis may be acceptable. An excerpt from the 6.9.15 Board minutes follows;

“Confirmation that an individual petitioner could request an exception, which would be reviewed as an exception. It could be a “text amendment” as an avenue of relief if a larger structure is desired. Attendee shared references to the Comprehensive Plan (referenced pages 6 and 305). Resident shared opinion that guidelines may need review to restrict size even more. Decision to keep as is; no vote at this time”

The text amendment as received is consistent with this direction as provided by the Village Board in June of last year.

Proposed Text Amendment

As proposed an amendment to the Village Code for the Village of Long Grove, Title 5, Zoning Regulations, including Section 5-11-5 (E) “Authorized Variations” and Section 5-3-12 “Bulk, Space and Yard Requirements” including footnote C and other regulations within the Village of Long Grove, Illinois to allow residences of greater than 13,000 square feet on property with a minimum lot size of 8 acres or greater is being considered as starting point for discussion of the text amendment. This would allow review of such proposals on a “case by case” basis as an “exception” to the existing zoning code. As a side bar, as proposed, a minimum of 8 acres of land area would be required before such a variation could be requested.

Proposed Variation Request

Should the text amendment be approved staff has received a request for a variation to allow an attached garage which would result in a residence of greater than 13,000 square feet on property located at 3111 Old McHenry Road which contains 10 acres (+/-). If approved as requested (and subject to the approval of the text amendment) this would result in a single family residence of approximately 16,500 square feet on the 3111 property.

CUSTOM RESIDENTIAL
GARAGE ADDITION
3111 OLD McHENRY ROAD
LONG GROVE, ILLINOIS 60047

BUILDING INFORMATION

ZONING = R1

LOT AREA = 442,191 S.F.

MAXIMUM BUILDING HEIGHT = 35'-0"

EXISTING BUILDING HEIGHT = 35'-0"

PROPOSED BUILDING HEIGHT = 35'-0" (UNCHANGED)

MAXIMUM IMPERVIOUS ALLOWABLE 40% = 176,800 S.F.

EXISTING IMPERVIOUS = 152,314 S.F.

NEW ADDITION IMPERVIOUS = 8,869 S.F.

TOTAL PROPOSED IMPERVIOUS = 161,183 S.F. (UNDER BY 15,617 S.F.)

MAXIMUM BUILDING LOT COVERAGE 40% = 176,800 S.F.

EXISTING BUILDING LOT COVERAGE = 7,315 S.F.

NEW ADDITION BUILDING LOT COVERAGE = 3,942 S.F.

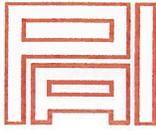
TOTAL PROPOSED BUILDING LOT COVERAGE = 11,257 S.F. (UNDER BY 165,543 S.F.)

MAXIMUM FLOOR AREA RATIO = $11,000 + ((442,191 - 130,680) \times 0.022)$ = 17,853 S.F. (or max. 13,000)

EXISTING FLOOR AREA = 12,540 S.F.

NEW ATTACHED GARAGE AREA = 3,942 S.F. FIRST FLOOR + 1,400 S.F. 7'-0" ATTIC AREA = 5,342 S.F.

TOTAL PROPOSED AREA = 16,482 S.F. (OVER BY 4,882 S.F.)



PSENKA ARCHITECTS Inc.
40 Landover Parkway (Suite 4)
Hawthorn Woods, IL
(847) 756 4700

Text Amendment Synopsis

The Village of Long Grove

12-21-15

Regarding:

3111 Old McHenry Road
"Attached Garage"

(a) The specific feature or features of the proposed use, construction, or development that require a variation.

-The addition of an attached garage would put the existing home over the allowable F.A.R.

(b) The specific provision of this code from which a variation is sought and the precise variation there from being sought.

-Amendments to the Village Code for the Village of Long Grove, Title 5, Zoning Regulations, including Section 5-11-5 (E) "Authorized Variations" and Section 5-3-12 "Bulk, Space and Yard Requirements" including footnote C and other regulations within the Village of Long Grove, Illinois to allow residences of greater than 13,000 square feet on property with a minimum lot size of 8 acres or greater.

(c) A statement of the characteristics of the lot that prevent compliance with the provisions of this code.

-The location of existing residence limits the ability to attach a garage.

(d) A statement of the minimum variation of the provisions of this code that would be necessary to permit the proposed use, construction, or development.

-See proposed text amendment.

(e) A statement of how the variation sought satisfies the standards set forth in section 5-11-15 of this code.

-N/A

(f) A survey, certified by a registered land surveyor, showing existing lot lines and dimensions, lot area, all easements, all public and private rights-of-way, and all streets across and adjacent to the lot.

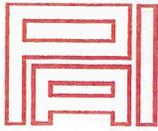
-Attached to submission

(g) A statement concerning the conformity or lack of conformity of the approval being requested to the official comprehensive plan and the official map of the village. When the approval being requested does not conform to the official comprehensive plan or the official map, reasons justifying the approval despite such lack of conformance.

-See proposed text amendment.

Sincerely,

Paul A. Psenka



PSENKA ARCHITECTS Inc.
40 Landover Parkway (Suite 4)
Hawthorn Woods, IL
(847) 756 4700

Variation Synopsis

The Village of Long Grove

12-21-15

Regarding:

3111 Old McHenry Road
"Attached Garage"

A request for a variation to permit a residence of greater than 13,000 sq. ft. on property containing ten (10) acres +/- and zoned within the R-1 Residential District

1. That the particular physical surroundings, shape or topographical conditions other specific property involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;

- Not enough land to expand existing garage , house is to close to property line building setback
- Location based on flat lower exiting topography.
- Location based on limiting the number of trees requiring removal.
- Location required for direct attachment to existing home from nanny's quarters.

2. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;

- This property is larger than most other parcels in this zoning classification.
- The location of the existing residence is specific to this lot.

3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;

- The proposed garage is for the personal use of the owner, and is not being developed for sale.

4. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;

- The present condition is inherent to how the original house was developed.

5. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

- The proposed improvement will not impact neighboring properties and or impact how they could be developed in the future.

6. 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.

The board of appeals may also recommend such conditions and restrictions as may be necessary to comply with the standards set forth in the Village Code to reduce or minimize the injurious effect of such variation upon other property in the neighborhood.

-The requested alteration is specific to the residence in question and will not impair adjacent properties supply of light and air and does not present a safety issue for public safety.

-The addition is being located on the low side of the property to minimize the size impact on the overall property configuration.

Sincerely,

Paul A. Psenka



RECEIVED

JAN 05 2016

VILLAGE OF LONG GROVE

3110 Old McHenry Road 60047-9635
Phone: 847-634-9440 Fax: 847-634-9408
www.longgrove.net

PLAN COMMISSION ZONING BOARD OF APPEALS
GENERAL ZONING APPLICATION

1.0 General Information (See Subsection 5-11-8(E) of the Long Grove Zoning Code).

1.1 Applicant Name: Marsha L. Forsythe
Address: 3111 Old McHenry Road, Long Grove 60047
Telephone Number: 847-287-8898 Cell E-mail Address: mforsythe@indack-power.com
Fax number: 847-541-8305
Applicant's Interest in Property: Owner / Resident

1.2 Owner (if different from Applicant).

Name: N/A
Address:
Telephone Number: E-mail Address:
Fax number:

1.3 Property.

Address of Property: 3111 Old McHenry Road
Legal Description: Please attach Parcel Index Number(s): 1530100005
Present Zoning Classification R-1 Size of Property (in acres) 9.9 or 10 per RE tax man
Has any zoning reclassification, variation, or special use permit/PUD been granted for the Property?
Yes: No: X
If yes, please identify the ordinance or other document granting such zoning relief:

Describe the nature of the zoning relief granted: Text Amendment / Variation

Present use of Property:

Residential Commercial _____ Office _____ Open Space _____ Vacant _____

Other (explain) _____

Present zoning and land use of surrounding properties within 250' of Property:

	Zoning Classification	Land Use
North:	<u>R1</u>	<u>School Parking Lot / Residential</u>
South:	<u>R1</u>	<u>Church / Residential</u>
East:	<u>R1</u>	<u>Empty Lot / Forest Preserve</u>
West:	<u>R1</u>	<u>Residential</u>

1.4 Trustees Disclosure.

Is title to the Property in a land trust? Yes _____ No

If yes, full disclosure of all trustees, beneficiaries and their legal and equitable interests is required. Attach a copy of all documents showing ownership of the Property and the Applicant's and/ or Owner's control of or interest in the Property.

1.5 Requested Action (Check as many as are applicable).

<input type="checkbox"/> Appeal	<input type="checkbox"/> Code Interpretation
<input checked="" type="checkbox"/> Variation	<input type="checkbox"/> Special Use Permit (non-PUD)
<input type="checkbox"/> Zoning Map Amendment (rezoning)	<input checked="" type="checkbox"/> Zoning Code Text Amendment
<input type="checkbox"/> Preliminary PUD Plat	<input type="checkbox"/> Final PUD Plat

1.6 Supplemental Information (General):**

Every Application filed shall, in addition to the data and information required above, provide the following general information when applicable to the use or development for which approval is being sought:

- (a) A description or graphic representation of any development or construction that will occur or any use that will be established or maintained if the requested relief is granted.
- (b) A table showing the following, as applicable:

- the total lot area of the lot, in acres and in square feet; and
 - the total existing and proposed lot area, expressed in acres, in square feet and as a percent of the total development area, devoted to: residential uses, business uses; office uses; college uses; institutional uses; open space; rights-of-way; streets; and off-street parking and loading areas; and
 - the existing and proposed number of dwelling units; and gross and net floor area devoted to residential uses, business uses, office uses, college uses, and institutional uses.
- (c) A table listing all bulk, space, and yard requirements; all parking requirements; and all loading requirements applicable to any proposed development or construction and showing the compliance of such proposed development or construction with each such requirement. When any lack of compliance is shown, the reason therefore shall be stated and an explanation of the village's authority, if any, to approve the Application despite such lack of compliance shall be set forth.
- (d) The certificate of a registered architect or civil engineer licensed by the State of Illinois, or of an owner-designer, that any proposed use, construction, or development complies with all provisions of this code and other village ordinances or complies with such provisions except in the manner and to the extent specifically set forth in said certificate.
- (e) A landscape development plan, including the location, size and species of plant materials.

1.7 Supplemental Information (per specific request):

- Appeals, Code Interpretations, and Variations: See 5-11-8(E)3, 4, & 5 of the Zoning Code and Form "A"
- Special Use Permit (non-PUD): See 5-11-8(E)7 of the Zoning Code and Form "B"
- Zoning Map Amendment (rezoning): See 5-11-8(E) 8 of the Zoning Code and Form "C"
- Zoning Code Text Amendment: See Form "D"
- Preliminary PUD Plat: See 5-11-18(D)(2) of the Zoning Code and Form "E"
- Final PUD Plat: See 5-11-18(D)(3) of the Zoning Code and Form "F"

** The scope and detail of information shall be appropriate to the subject matter of the Application, with special emphasis on those matters likely to be affected or impacted by the approval being sought in the Application. Information required in the application shall be considered the minimum information required for filing an application. Additional information including but not limited to graphic depictions, environmental impacts, plans for sewer and water service and storm water management, photometric plans, traffic studies and effects on property values, among others, should also be considered and may be helpful in detailing the Application.

Special Data Requests. In addition to the data and information required pursuant to this Application, every Applicant/Owner shall submit such other additional data, information, or documentation as the

building superintendent or any board or commission before which the Application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular Application.

1.8 Consultants.

Please provide the name, address, and telephone number of each professional or consultant advising Applicant with respect to this Application, including architects, contractors, engineers or attorneys:

Name: Psenka Architects Name: _____
Professional: Architect Professional: _____
Address: 148 W. Station Street Address: _____
Barrington, IL 60010
Telephone: 947-756-4700 Telephone: _____
E-mail: ppsenka@comcast.net E-mail: _____

Name: _____ Name: _____
Professional: _____ Professional: _____
Address: _____ Address: _____
Telephone: _____ Telephone: _____
E-mail: _____ E-mail: _____

1.9 Village Officials or Employees.

Does any official or employee of the Village have an interest, either directly or indirectly, in the Property? Yes: No:

If yes, please identify the name of such official or employee and the nature and extent of that interest. (Use a separate sheet of paper if necessary.)

Commissioner for the Long Grove Fire Protection District.

1.10 Successive Applications (5-11-9).

Second Applications Without New Grounds Barred. Whenever any Application filed pursuant to this code has been finally denied on its merits, a second Application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless in the opinion of the officer, board, or commission before which it is brought there is substantial new evidence available or a mistake of law or fact significantly affected the prior denial.

New Grounds to Be Stated. Any such second Application shall include a detailed statement of the grounds justifying consideration of such Application.

Summary Denial With or Without Hearing. Any such second Application may be denied by the building superintendent summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such Application is set for hearing, the owner shall be required to establish grounds warranting reconsideration of the merits of its Application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the Application may be summarily dismissed for such failure.

Exception. Whether or not new grounds are stated, any such second Application filed more than two years after the final denial of a prior Application shall be heard on the merits as though no prior Application had been filed. The Applicant or Owner shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first Application. In the absence of such evidence, it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first Application.

2.0 Required Submittals (See Specific Supplemental Information Form for filing Fees).

- Fully completed Application with applicable supplementary information
- Non-refundable Filing Fee. Amount: \$ 100.⁰⁰
- Planning Filing Fees. Amount: \$ 1000.⁰⁰
- Minimum Professional Fee/deposit Escrow. Amount \$ 5000.⁰⁰

3.0 Certifications. The Applicant and Owner certify that this Application is filed with the permission and consent of the Owner of the Property and that the person signing this Application is fully authorized to do so.

3.1 The Applicant certifies that all information contained in this Application is true and correct to the best of Applicant's knowledge.

3.2 The Applicant acknowledges that the Village may seek additional information relating to this Application and agrees to provide the Village with such information in a timely manner. Failure to provide such information may be grounds for denying an Application.

- 3.3 The Applicant and Owner agree to reimburse the Village for any and all costs relating to the processing of this Application, including any consultants' fees. By signing this Application, Applicant and Owner agree to be jointly and severally liable for such costs, and Owner further agrees to the filing and foreclosure of a lien against the Property for all such costs plus all expenses relating to collection, if such costs are not paid within 30 days after mailing of a demand for payment.
- 3.4 The Applicant agrees that the Village and its representatives have the right, and are hereby granted permission and a license, to enter upon the Property, and into any structures located there on, for purposes of conducting any inspections that may be necessary in connection with this Application.
- 3.5 The Owner, Applicant, and/or designated representative is required to be present during the meeting.

Marsha L. Forsythe
Name of Owner

 1-5-16
Signature of Owner Date

Marsha L. Forsythe
Name of Applicant

 1-5-16
Signature of Applicant Date

