

Item #3:

Ord. Granting Side Yard Setback Variation - 7019 Meadow Lane

VILLAGE OF LONG GROVE
ORDINANCE NO. 2016-O-___
AN ORDINANCE GRANTING A VARIATION
FOR THE CONSTRUCTION OF AN ADDITION
(7019 Meadow Lane)

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this 12th day of January, 2016

Published in pamphlet form by direction
and authority of the Village of Long Grove
Lake County, Illinois
this 13th day of January, 2016

VILLAGE OF LONG GROVE

ORDINANCE NO. 2016-O-___

**AN ORDINANCE GRANTING A VARIATION
FOR THE CONSTRUCTION OF AN ADDITION
(7019 Meadow Lane)**

WHEREAS, Brian Boehm ("**Owner**") is the owner of that certain real property commonly known as 7019 Meadow Lane, Long Grove, Illinois and legally described in Exhibit A attached hereto ("**Property**"); and

WHEREAS, the Property is located in the R-2 Single Family Residence District and is currently improved with a single family residence, accessory structures, and a pond ("**Residence**"); and

WHEREAS, the Property is part of the Tower's Subdivision, which was platted under the jurisdiction of Lake County in the 1960s, and the Residence was constructed in or around 1966, prior to the Property's annexation into the Village; and

WHEREAS, the Residence, which remains generally in its original configuration, encroaches into the required front (north) and side (east) yard setbacks on the Property as established by the Long Grove Zoning Code, and is therefore a legal nonconforming structure under the Zoning Code; and

WHEREAS, the Owner desires to construct an addition to the Residence on the Property ("**Addition**"); and

WHEREAS, the Residence is located approximately 20 feet from the east side lot line on the Property; and

WHEREAS, the Addition is proposed to extend from the south side of the existing Residence and would also be located approximately 20 feet from the Property's side lot line as depicted on the site plan attached hereto as Exhibit B ("**Site Plan**"); and

WHEREAS, the Property contains substantial wetlands, and the proposed placement of the Addition will minimize impacts to the wetlands and other environmentally sensitive features on the Property; and

WHEREAS, Paragraph 5-3-12(C)1 of the Long Grove Zoning Code requires a minimum side yard setback of 40 feet in the R-2 District; and

WHEREAS, the Owner submitted an application requesting a variation from Paragraph 5-3-12(C)1 of the Long Grove Zoning Code to permit the construction of the Addition to encroach into the required side yard setback; and

WHEREAS, Section 5-11-15(E)(1)(a) authorizes the Village Board to grant a variation to reduce the size of any required yard; and

WHEREAS, pursuant to notice duly published in the November 14, 2015 edition of the Daily Herald, the Plan Commission and Zoning Board of Appeals (“**PCZBA**”) of the Village of Long Grove conducted a public hearing on December 1, 2015, regarding the Owner’s request for a variation; and

WHEREAS, the Zoning Board of Appeals, having fully heard and considered the testimony by all those attending the public hearing who wished to testify, made the following findings:

1. The Property is located within the R-2 Single Family Residence District under the Long Grove Zoning Code;
2. Owner proposes to install the Addition on the south side of the existing Residence, which Addition would be located within the required 40-foot side yard setback, but no closer than approximately 20 feet, from the east side lot line of the Property;
3. The evidence presented indicates that installation of the Addition in compliance with the Zoning Code will create a hardship due to: (i) the existing conditions of the Residence, including its location and existing encroachment into the required front and side yards; (ii) due to the presence and configuration of substantial wetlands on the Property, the construction of the Addition in a fully conforming location would cause undue complication and expense and harm environmentally sensitive features; and (iii) the proposed location for the Addition is the most aesthetically and architecturally logical location on the Property;
4. The evidence presented indicates that the installation of the Addition in the proposed location on the Property is consistent with the character of the surrounding neighborhood and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, and will not result in other detrimental effects to the area of the Property;

5. The evidence presented indicates that the hardship and practical difficulties relating to Owner's request for a variation are based on the existing conditions of the Property that are unique in light of the existing development on and environs of the Property, and is not motivated by a desire to make more money out of the Property;
6. The evidence presented indicates that the installation of the Addition, if undertaken in conformity with the recommended conditions, will promote the public interest, will not alter the essential character of the Property and its environs, and will otherwise satisfy all of the requirements for a variation under Section 5-11-15 of the Long Grove Zoning Code;

and recommended that the Village Board of Trustees grant the requested variation, subject to certain conditions and limitations; and

WHEREAS, the President and Board of Trustees, having considered Owner's request for a variation to permit the installation of the Addition on the Property, and the findings and recommendations of the PCZBA, have determined that it is in the best interests of the Village and its residents to grant Owner the requested zoning relief, subject to the terms and conditions of this Ordinance as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, COUNTY OF LAKE, STATE OF ILLINOIS, as follows:

SECTION ONE: Recitals. The foregoing recitals are hereby incorporated into and made a part of this Ordinance as if fully set forth.

SECTION TWO: Approval of Variation. Pursuant to Section 5-11-15 of the Long Grove Zoning Code, and subject to the limitations therein and the conditions set forth in Section Three of this Ordinance, the Board of Trustees does hereby grant a variation from the regulations contained in Paragraph 5-3-12(C)1 of the Long Grove Zoning Code to permit the construction of the Addition on the Property within the required side yard setback, but no closer than 20 feet from the east side lot line of the Property, as more fully depicted on the Site Plan.

SECTION THREE: Conditions on Approval. The relief granted pursuant to Section Two of this Ordinance shall be, and is hereby, conditioned upon and limited by the following conditions, the violation of any of which shall, in the discretion of the President and Board of Trustees, render void the approvals granted by this Ordinance:

- A. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Property pursuant to the approvals granted in this Ordinance except only after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.
- B. Compliance with Laws. The Zoning Code, the Subdivision Code, the Building Code, and all other applicable ordinances and regulations of the Village shall continue to apply to the Property, and the development and use of the Property shall be in compliance with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.
- C. Site Plan Compliance. The Addition must be constructed on the Property in substantial compliance with the Site Plan.
- D. Fence. The Owner shall erect and maintain an opaque fence between the Addition and the adjacent property lying to the east of the Property in accordance with the Village Code.
- E. Fees and Costs. The Owner shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with the Long Grove Zoning Code. In addition, the Owner shall reimburse the Village for all of its costs (including without limitation engineering, planning, and legal expenses) incurred in connection with the review, consideration, approval, implementation, or successful enforcement of this Ordinance. Any amount not paid within 30 days after delivery of a demand in writing for such payment shall, along with interest and the costs of collection, become a lien upon the Property, and the Village shall have the right to foreclose such lien in the name of the Village as in the case of foreclosure of liens against real estate.

SECTION FOUR: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law; provided, however, that this Ordinance shall, in the discretion of the Village Board of Trustees, be of no force or effect if Owner has not (i) executed and (ii) thereafter filed with the Village Clerk within 30 days following the passage of this Ordinance, his unconditional agreement and consent, in the form attached hereto as Exhibit C and by this reference made a part hereof, to accept and

abide by each and all of the terms, conditions, and limitations set forth herein. The Village Clerk is hereby directed to record this Ordinance and such agreement and consent with the Recorder of Deeds of Lake County.

PASSED THIS _____ DAY OF JANUARY, 2016.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF JANUARY, 2016.

Angela Underwood, Village President

ATTEST:

Heidi Locker Scheer, Village Clerk

EXHIBIT A

Legal Description of Property

DRAFT

LOT 69 IN FRED AND RUSSELL TOWNER'S SUBDIVISION, UNIT NO. 3, BEING A
SUBDIVISION IN PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP
43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO
THE PLAT THEREOF RECORDED JULY 23, 1954 AS DOCUMENT NUMBER 831284,
IN LAKE COUNTY, ILLINOIS.

EXHIBIT B

Site Plan

DRAFT

33'.10" RECORD

LANE ROAD

ASPHALT PAVEMENT

S89°58'31"E
260.10' RECORD
259.97' MEASURE

FENCE 0' 11" NORTH

LIGHT POLE

UG-1 POLE

FOUND 3/4" STEEL PIPE

WROUGHT IRON FENCE

130.18' MI
130.05' R

30' BUILDING LINE

61.0'

ASPHALT DRIVE

45.3'

45.3'

21.91'

20.81'

CONCRETE

29.61'

2 STORY BRICK & FRAME RESIDENCE WITH GARAGE • 7019 MEADOW LANE ROAD

2' OVERHANG

27.03'

15.71'

55.71'

ASPHALT

WOOD FENCE

WOOD BRIDGE

CONCRETE PATK

32.47'

1.43'

1.51'

17.55'

20.57'

BRICK GRILL

CONCRETE

BRICK WALK

FENCE 0' 2" WEST

LOT 69

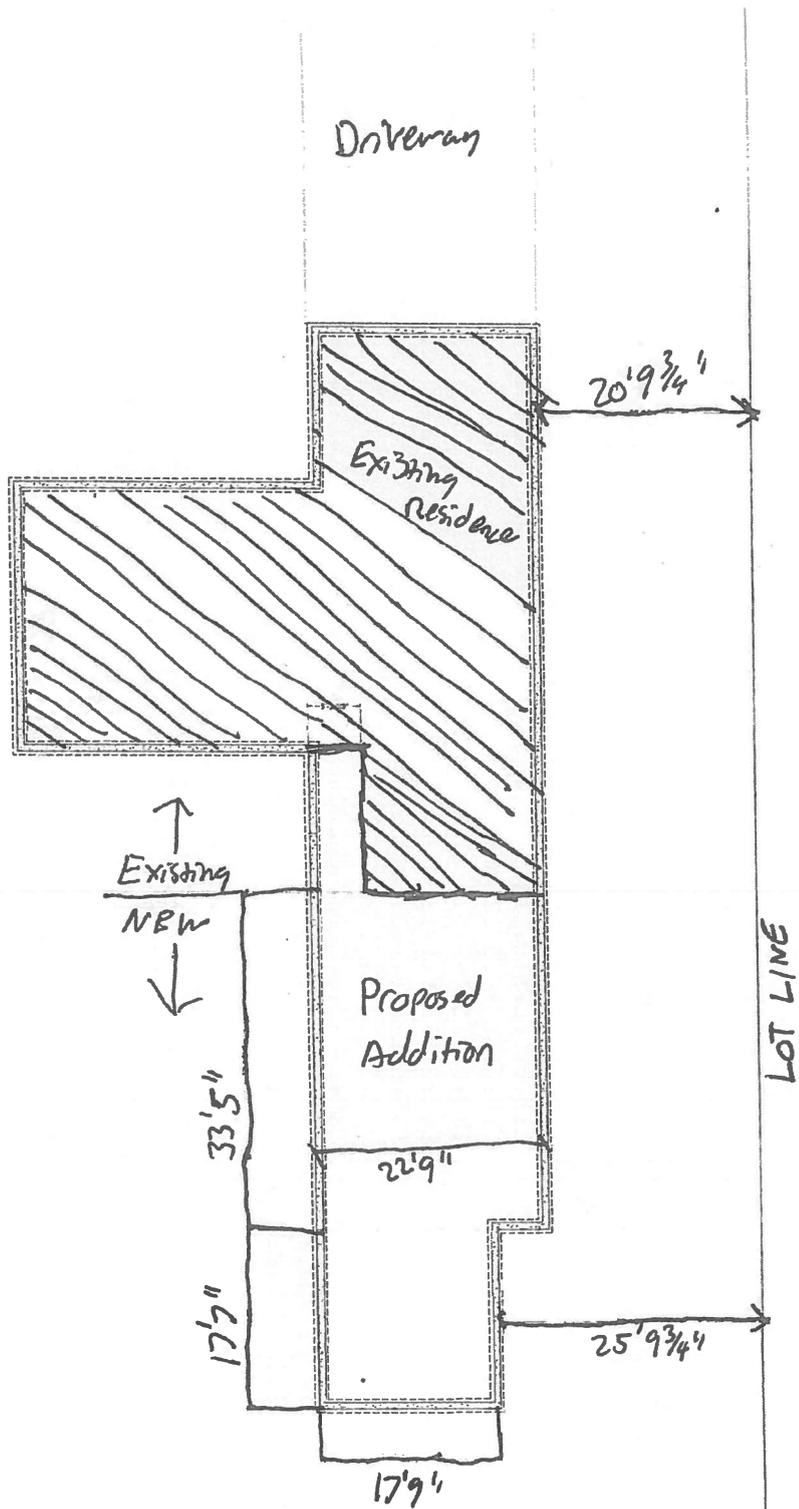
LOT

500' 02' 00" W
334.95' RECORD
334.42' MEASURE

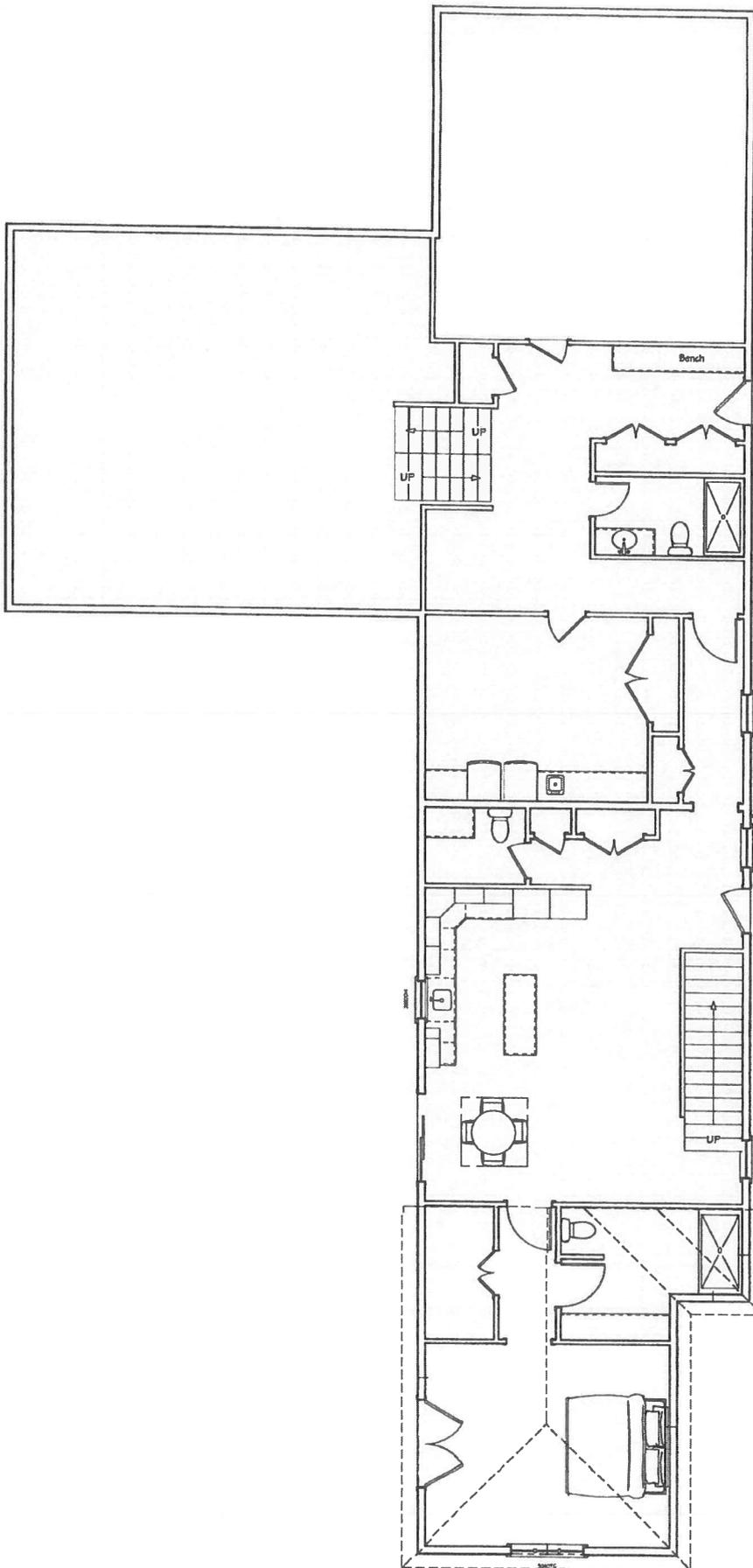
EXISTING CONDITIONS

BRICK WALK

FENCE



PROPOSED
ADDITION

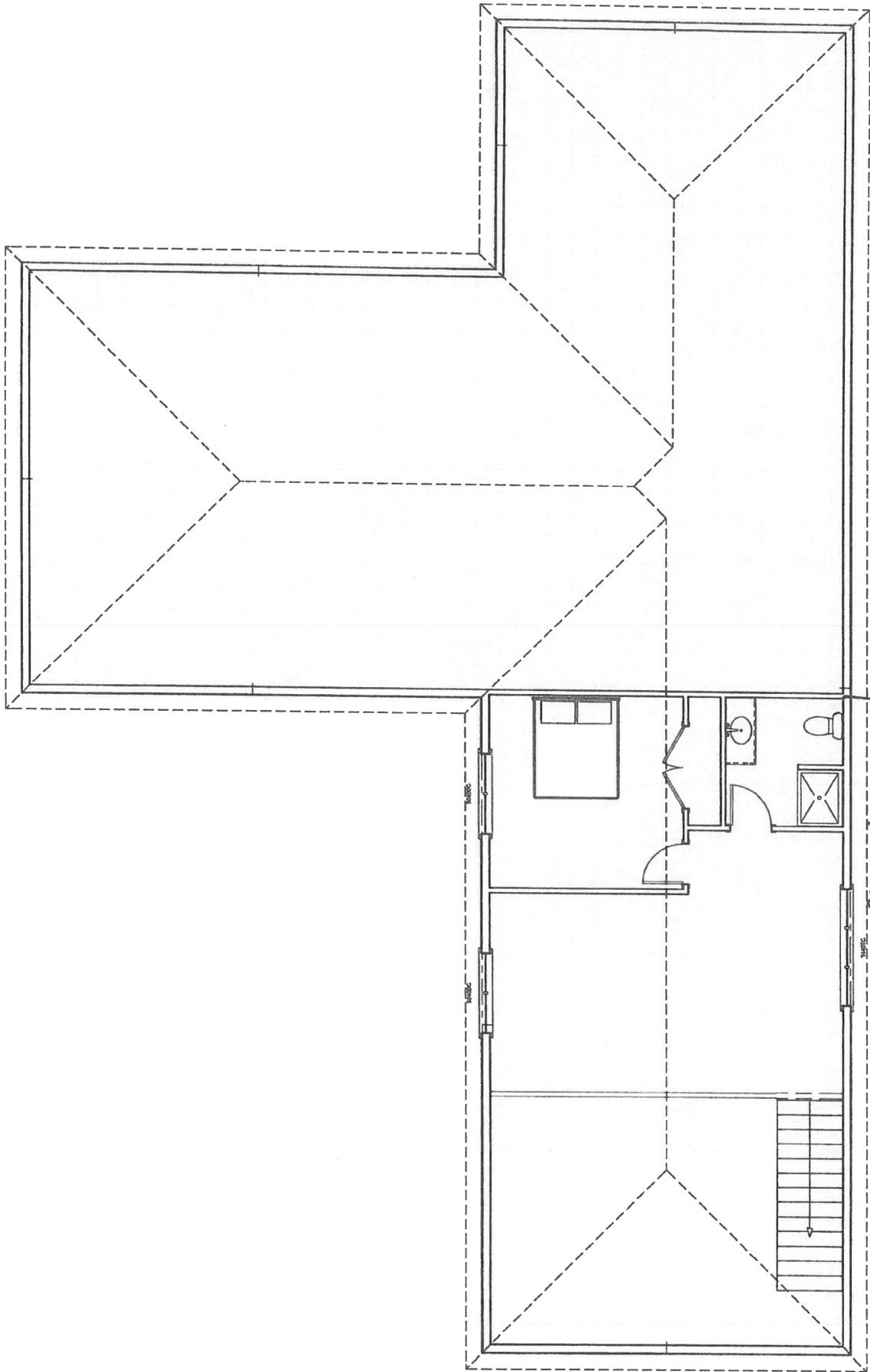


Existing

Proposed
Two Story

FIRST FLOOR

One
Story
Proposed

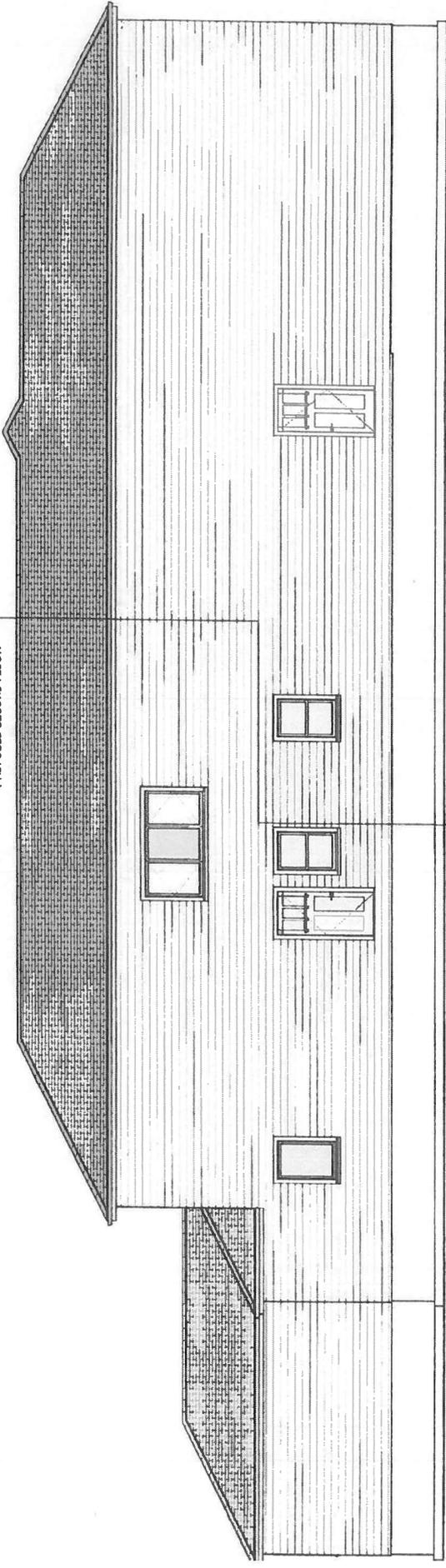


Existing Second Floor

Proposed Second Floor



PROPOSED SECOND FLOOR



Existing First Floor

PROPOSED FIRST FLOOR

EAST ELEVATION



EXHIBIT C

Unconditional Agreement and Consent

Pursuant to Section Four of Long Grove Ordinance No. 2016-O-____, and to induce the Village of Long Grove to grant the approvals provided for in such Ordinance, the undersigned acknowledges for himself and his successors and assigns in title to the Property that he:

1. has read and understands all of the terms and provisions of Ordinance No. 2016-O-____;
2. hereby unconditionally agrees to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance, the Long Grove Zoning Code, and all other applicable codes, ordinances, rules, and regulations;
3. acknowledges and agrees that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's issuance of any permits for the use of the Property, and that the Village's issuance of any permit does not, and shall not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time;
4. acknowledges that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance;
5. agrees to and does hereby hold harmless, defend, and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of these parties with respect to the Property and the Village's adoption of the Ordinance or granting the approvals to the Owner pursuant to the Ordinance; and
6. represents and acknowledges that the person signing this Unconditional Agreement and Consent is duly authorized to do so on behalf of the Owner of the Property.

BRIAN BOEHM

ATTEST:
