

Item #8:
Resolution Granting Building Code Variations For 4255 RFD

VILLAGE OF LONG GROVE

RESOLUTION NO. 2011-R-___

A RESOLUTION GRANTING VARIATIONS FROM THE BUILDING CODE REQUIREMENTS FOR A COVERED WALKWAY LOCATED AT 4255 RFD (4255 Route 83)

WHEREAS, the Village of Long Grove (the "**Village**") has adopted with amendments the 2009 International Building Code and the 2009 Residential Building Code as Sections 4-1-1, 4-1-2, 4-2-1, and 4-2-3 of the Village Code (collectively, the "**Village Building Codes**"); and

WHEREAS, pursuant to Section 4-1-2, amended part 113.1, the Village Board of Trustees (the "**Village Board**") may hear appeals and grant relief from the provisions of the Village Building Codes; and

WHEREAS, the owner of certain property commonly known as 4255 RFD, 4255 Route 83, Long Grove, Illinois (the "**Property**") desires to construct a garage addition (the "**Garage**") along with a covered walkway connecting the existing residence on the Property to the proposed Garage (the "**Covered Walkway**"); and

WHEREAS, the Owner of the Property desires to construct the Covered Walkway with an asphalt walking surface, substantial open walls, and with standard foundations only as required to support the vertical supports for the roof of the Covered Walkway and the limited vertical wall elements of the Covered Walkway (the "**Proposed Construction**"); and

WHEREAS, the Proposed Construction does not satisfy the strict requirements of the Village Building Codes; and

WHEREAS, the Owner of the Property has sought an appeal (the "**Appeal**") of the requirements of the Village Building Codes to pursue the Proposed Construction of the Covered Walkway; and

WHEREAS, the Village Board, having considered the facts and circumstances relating to the Appeal and based on certain information regarding the Covered Walkway, its purpose, the Proposed Construction, and the Property and its environs, has determined that a variation from the strict requirements of the Village Building Codes is warranted, subject to the terms and conditions set forth in this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, LAKE COUNTY, ILLINOIS, as follows:

SECTION ONE. **RECITALS.** The foregoing recitals are incorporated as if fully set forth in this Resolution.

SECTION TWO. **GRANT OF VARIATION.** Subject to the conditions set forth in Section 3 of this Resolution, the Village Board hereby grants to the Owner of the Property a variation from the strict requirements of the Village Building Codes to permit the Proposed Construction of the Covered Walkway (the "**Variation**").

SECTION THREE. CONDITIONS ON VARIATION. The Variation granted pursuant to Section Two of this Resolution is conditioned on the following terms, and such Variation shall be of no force or effect except in conformance with and upon satisfaction of the following conditions:

A. Approval of Elevations. Prior to the issuance of a building permit for the Proposed Construction of the Covered Walkway, the Owner shall present to the Village Board for review and approval in open session elevation drawings of the Covered Walkway (the "**Elevations**"). Upon approval of the Elevations, the Village President or Village Manager shall sign such Elevations, which signed Elevations shall be the basis for issuance of any permits or approvals relating to the Covered Walkway. Actual construction of the Covered Walkway shall substantially comply with the signed Elevations.

B. Approval of Landscaping. Prior to the issuance of a building permit for the Proposed Construction of the Covered Walkway, the Owner shall present to the Village Board for review and approval in open session of landscaping plans relating to the Covered Walkway (the "**Landscaping Plans**"). Upon approval of the Landscaping Plans, the Village President or Village Manager shall sign such Landscaping Plans, which signed Landscaping Plans shall be the basis for issuance of any permits or approvals relating to the Covered Walkway. Actual construction of the Covered Walkway, and no final certificate of occupancy for the Covered Walkway and the Garage shall be issued until the signed Landscaping Plans have been implemented fully.

C. Building Permits. No building permits may be issued for the Proposed Construction of the Covered Walkway except pursuant to the signed Elevations, the signed Landscaping Plans, and building plans otherwise satisfying the requirements of the Village Building Codes.

D. Limited Variations. Except for the asphalt walking surface, the foundation of the walking surface, and the less than fully enclosed walls of the Covered Walkway, the Proposed Construction shall fully comply with the requirements of the Village Building Codes.

E. Violations. Any violation of the terms and conditions of this Resolution shall (i) entitle the Village Board to revoke this Resolution and the approvals herein granted upon 30 days prior written notice sent to the Owner of the Property at the address to which the last tax bill for the Property was mailed, and (ii) be deemed a violation of the Village Building Codes, which will subject the Owner of the Property to a fine as provide in the Village Building Codes for each day that such violation continues.

F. Acceptance of Resolution Terms. The Owner of the Property shall be deemed to accept the terms and conditions of this Resolution by applying for a building permit for the Covered Walkway based on the Proposed Construction (including the signed Elevations and the signed Landscaping Plans). This Resolution shall be expressly referenced on any building permit or certificate of occupancy issued for the Covered Walkway as a condition of such permit or certificate.

SECTION FOUR. EFFECTIVE DATE. This Resolution shall become effective following its passage and approval in the manner provided by law.

PASSED THIS ____ DAY OF _____, 2011.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____ DAY OF _____, 2011.

Village President

ATTEST:

Village Clerk

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