

Village of Winthrop Harbor
President and Board of Trustees
Virtual Regular Board Meeting

AMENDED

Tuesday, January 19, 2021 - 7:00 PM

Municipal Building – 830 Sheridan Road – Winthrop Harbor, IL

COVID – 19 VIRTUAL BOARD ATTENDANCE NOTE

In order to comply with the requirements of 5 ILCS 120/2.06(9) and 65 ILCS 5/8-2-9, and in further compliance with the Executive Orders issued by Governor Pritzker, including without limitation Executive Order 2020-52 (Covid-19 Executive Order No. 48) issued on August 21, 2020, and in furtherance of protecting public health, taking into consideration the available technology, hardware and software, as well as the likely difficulties reasonably anticipated in permitting the public to participate remotely, public comment will be limited to pre-submitted communications filed with the Village Clerk.

Any member of the public wishing to make comments in the meeting which is the subject of this Agenda must submit such comments in writing, by audio or video recording to the Village Clerk not later than 4:00 pm on the day of the meeting listed above. The Clerk, or her designee, shall play or read into the record any and all such comments received. Comments that would take longer than three minutes to read shall be distributed to the Mayor and Trustees in writing and appended to the minutes in their entirety, but shall not be read aloud.

The public may view and listen to the meeting via the Zoom platform on You Tube via:

https://www.youtube.com/channel/UCASDGaJyHbe_EKS4KUwrrqg However, due to the risk of disruption by computer hackers, members of the public will not be able to speak during the meeting.

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. INVOCATION & PLEDGE OF ALLEGIANCE**
- 4. ABSENT OFFICIALS WISHING TO ATTEND REMOTELY**
- 5. APPROVAL OF MINUTES OF PREVIOUS MEETING OR MEETINGS**
 - i. December 15, 2020 Virtual Regular Board Meeting Minutes
- 6. MAYOR'S REPORT**
 - i. An Ordinance Ratifying and Extending Mayoral Declaration of Emergency Relating to Coronavirus
 - ii. An Appoint Resolution Appointing Gerry Woods to the Police Pension Board
- 7. VILLAGE ADMINISTRATOR'S REPORT**
 - i. Discussion of Draft Tree Preservation Ordinance
- 8. CLERK'S CORRESPONDENCE**
- 9. OLD BUSINESS**
- 10. NEW BUSINESS – COMMITTEE REPORTS**
 - A. *Community Development*
 - i. Guidelines and Approval Procedures for TIF Grants Supporting the Sheridan Road TIF Redevelopment Plan

- ii. PZB Recommendation to Approve Docket #01-PZB-21 and the Petitioner's Request for a Variance to the Front Yard Setback Requirements of the Winthrop Harbor Zoning Code for R2 Properties
- iii. An Ordinance Approving a Variance to Lafayette and Melissa Knox to Allow Construction of a Residence Encroaching Over the Front Yard Zoning Setback Line (File #01-PZB-21)

B. Finance

- i. Accounts Payable Warrant 2020-14 in the Amount of \$175,783.45
- ii. Treasurer's Report

C. Fire

- i. Discussion and Action on Request for Disposal of Equipment
- ii. An Ordinance Declaring Personal Property Surplus and Authorizing the Sale Thereof – One (1) 1996 Seagrave Engine #1712
- iii. Status Update – Fire Staffing Committee

D. Police

- i. Acceptance of K9 Grant from DAS Charitable Fund in the Amount of \$6,600.00

E. Public Works

- i. Request Approval of the FY2020/21 Street Improvement Program

11. PUBLIC COMMENT

12. UNFINISHED BUSINESS

13. CLOSED SESSION for any lawful purpose including but not limited to:

- i. Appointment, employment, discipline, performance or dismissal of specific employees;
- ii. Collective Bargaining matters or consideration of salary schedules for one or more classes of employees;
- iii. Selection of person to fill a public office or discipline, performance or removal of the occupant of a public office where authorized to appoint or remove the official;
- iv. Purchase or lease of real property or setting of a price for sale or lease of municipal property;
- v. Review of closed session minutes
- vi. Litigation, pending or probable

14. OPEN SESSION

15. ADJOURNMENT

1/15/2021 "No vote may be taken on any item which has not been listed on the Agenda for the meeting. Any matter not specifically listed on this Agenda, or brought up under "Unfinished Business" may be discussed by Board members at this meeting, but a vote on the matter shall be postponed until the next Board Meeting".

REQUEST FOR BOARD ACTION

Date Referred to the Board: January 13, 2021



Originating Department: Community Development

Subject Matter: PZB recommendation to approve Docket # 01-PZB-21 and the petitioner's request for a variance to the front yard setback requirements of the Winthrop Harbor Zoning Code for R2 properties.

Summary and Background: The request for a variance to the front yard setback requirements for R2 resulted from the builder constructing a new single family home using an unapproved site plan. During the permitting process a site plan indicating a front yard setback of 26' was rejected and eventually replaced with an approved site plan showing a 36' front yard. The error was detected when the builder submitted a final, as-built plan for approval. Remedies available to correct the error are to move the structure or to seek relief from the zoning regulation. The builder and property owners opted to petition the village for relief by way of requesting a variance permitting a front yard setback of 25'. The Planning & Zoning Board heard the petition on January 12, 2021 and voted unanimously to approve the request.

Financial Impact: None apparent.

Community/Neighborhood Impact: Required notices were issued in advance of the public hearing. No testimony was offered in opposition to the petitioner's request.

Documents Attached: Variance Application and Supporting Documents for Docket # 01-PZB-21

Staff Recommendation: Staff recommends.

Department Head Signature: _____ Date: January 13, 2021

Village Administrator Signature: Gregory Jackson Date: 1-15-21

APPLICATION REQUESTING A ZONING VARIATION
DO NOT WRITE IN THIS SPACE, VILLAGE USE ONLY

Date of Application: 12-6-20 Existing Zoning: R2
Fee Received: \$150.00 Date, Public Hearing: 01-12-2021
Receipt Number: - Date, Notice Published: _____
Received By: [Signature] Finding, Plan Commission: _____
Rec'd. Bldg Commissioner: [Signature] Action, Plan Commission: _____
Variation Requested: 154-048(B)(1) Action, Village Board: _____

Applicant - Please PRINT or TYPE information below. Applicant must also include in this request: 1) the existing survey of the lot, 2) a copy of deeded property (applicant is record owner), 3) Trust/Corporation (supported document of disclosure), and 4) Joint Purchase (copy of contract purchase with sale price blocked out). Additional pages may be added if you run out of room on this form.

I GENERAL INFORMATION

Name of Applicant(s) Smith Builders Inc. Phone 847-951-2602
Mailing Address 3118 James Ave Winthrop Harbor IL 60096
Name of Agent/Attorney Smythe & Lee (Jerry Lee) Phone 847-662-8744
Mailing Address 207 N. Martin Luther King Jr. Ave Waukegan, IL 60085
Name of Owner Lafayette & Melissa Knox Phone 224-730-9275
Mailing Address _____
Relationship of Applicant to Property Builder

II PROPERTY

Location of Property:
Street Address: 212 Colvin Ave Winthrop Harbor, IL 60096
Real Estate Index Number: 04-04409011-000

Is any lawsuit or legal action pending against the property? YES _____ NO
If YES, explain the details:

Current occupancy / use of property New construction
Current zoning classification of property R-2
Character and occupancy uses of adjacent properties within 500 feet R2 and R5

Have there been previous Appeal Actions involving the property in question?
YES _____ NO If YES, state date of action, details and ruling _____

Have a building permit or Occupancy Permit ever been denied or revoked?
YES _____ NO If YES, state date of action, details and ruling _____

DESCRIBE THE VARIATION REQUESTED: I am requesting that a variation be granted for the property located at 212 Cavin Ave. which is an R2 area which provides that the 25 buildingline (setback line from Cavin Ave) be changed from 35 feet to 25 feet.

III. REASONS FOR THE REQUEST

Listed below are the Standards of Variations. You should "make your case" by explaining how your proposed request satisfies each of the standards listed below.

Please note that the Planning & Zoning Board cannot recommend a variance to the Village Board of Trustees unless it, in each specific case, makes findings of fact, based upon the evidence presented to it, which supports the conclusion that all standards have been satisfied.

Please use the space provided to DESCRIBE briefly your supporting evidence and conclusions. Attach photographs, surveys, drawings or additional sheets if desired.

1. The particular physical surroundings, shape, or topographical condition of the specific property involved which result in a practical difficulty or particular hardship upon or for the owner, lessee, or occupant, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

Describe briefly your supporting evidence:

Yes, it would create a financial hardship to the builder and the new home owner would not have an occupancy permit.

2. The conditions upon which the petition for a variation is based are unique and would not be generally applicable to other property within the same zoning classification.

Describe briefly your supporting evidence:

The new house is built and almost completed with a 25 ft set back from the property line.

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

Describe briefly your supporting evidence:

NO

4. The alleged difficulty of hardship has not been created by any person presently having an interest in the property.

Describe briefly your supporting evidence:

Smith Builders Inc was using a grading plan which showed the set back of 26ft which was provided to the village when applying for a permit. Smith Builders Inc did not see an email from the village and the surveyor of changes made to set back of 38ft.

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

Describe briefly your supporting evidence:

NO it would be detrimental to the public's welfare.

6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Describe briefly your supporting evidence:

NO it is a new construction home on a street that has several vacant lots on the street.

Please use this additional space to add any other pertinent information you may wish to include in this application.

Smith Builders Inc. made an error on the setback because of the grading plan that we were looking at, this was an honest error and we would not want the homeowner to be affected because of this error.

I (we) certify under penalties of perjury that all of the above statements and the statements contained in any papers or plans, specifications or exhibits attached hereto are true to the best of my (our) knowledge and belief.

(Signature) Applicant (Date)

 12/1/2020

(Signature) Owner (Date)

(Signature) Owner (Date)

Please use this additional space to add any other pertinent information you may wish to include in this application.

We are requesting that a variance be granted on our property located at 212 E. Van Ave. We request that the setback line from Van Ave be changed from 35 ft to 25 ft. We also would request that Darren Smith of Smith Builders Inc will be acting as our agent during this process.

I (we) certify under penalties of perjury that all of the above statements and the statements contained in any papers or plans, specifications or exhibits attached hereto are true to the best of my (our) knowledge and belief.

(Signature) Applicant (Date)

Melissa Jones 12/6/20
(Signature) Owner (Date)

Deborah Jones 12/6/20
(Signature) Owner (Date)

154.045 PERMITTED USES.

Any use that is permitted in the R-1 Residential District shall be permitted in the R-2 Residential District, and in Unified Residential Developments, as defined in § 154.003, subject to the standards and restrictions imposed by §§ 154.150 through 154.153.

(Ord., passed 2-18-64)

§ 154.046 [RESERVED].**§ 154.047 LOT SIZE REQUIREMENTS.**

(A) The minimum lot area shall be as follows:

- (1) Lots with community sewer and water facilities: 12,750 square feet.
- (2) Lots without community sewer and water facilities: 22,000 square feet.

(B) The minimum lot width shall be as follows:

- (1) Lots with community sewer and water facilities: 75 feet.
- (2) Lots without community sewer and water facilities: 130 feet.

(Ord., passed 2-18-64; Am. Ord. 1988-O-34, passed 9-20-88; Am. Ord. 2003-O-10, passed 5-6-03)

§ 154.048 BUILDING BULK REGULATIONS.

(A) The maximum building height shall be 35 feet, provided that a building or structure may exceed this maximum if it is set back from each lot line an additional 2 feet for each 1 foot by which it exceeds 35 feet in height.

(B) Yard requirements shall be as follows:



(1) A front yard of not less than 35 feet.

(2) A side yard on each side of the lot of not less than 8 feet and a combined total of side yards that is not less than 18 feet. On a corner lot the side yard adjacent to the street shall be not less than 12 feet wide.

(3) A rear yard of not less than 20 feet or 20% of the lot depth, whichever is the lesser.

(4) Any building or structure located on a lot that fronts on a major or secondary street, as defined in § 154.003, shall be set back from the center line of such street as follows:

- (a) On major streets: 85 feet.
- (b) On secondary streets: 75 feet.

(C) The lot coverage shall not exceed 40% of the area of the lot.

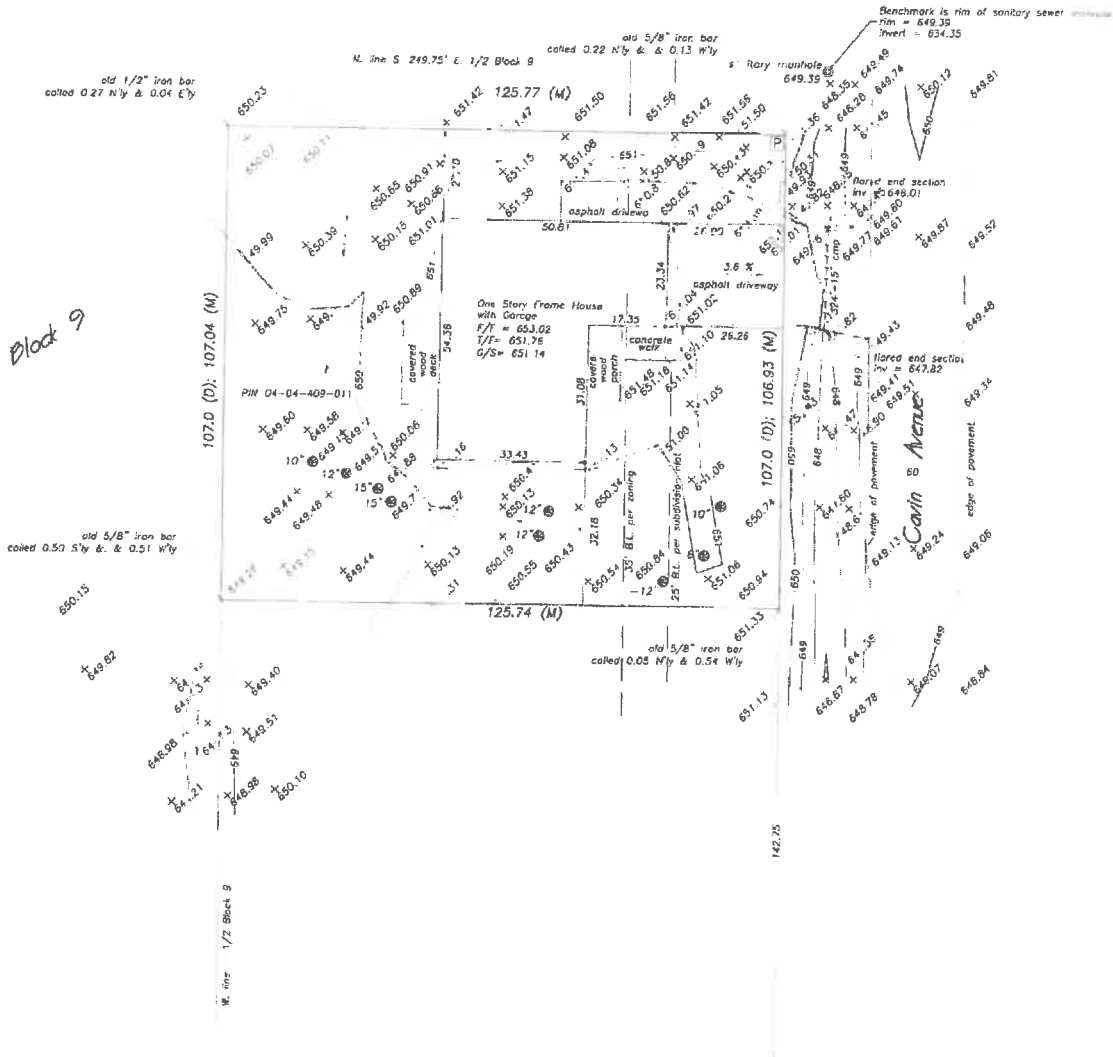
(Ord., passed 2-18-64; Am. Ord. 2003-O-10, passed 5-6-03)

(847) 336-0059 phone
 (847) 336-8753 fax

PEKLAY SURVEYING CO., LTD. FINAL AS BUILT GRADING PLAN

163 N. GREENLEAF ST.
 SUITE 1
 GURNEE, IL 60031-3344

THE NORTH 107.00 FEET OF THE SOUTH 249.75 FEET OF THE EAST HALF OF BLOCK 9 IN FREDERICK H. BARTLETT'S NORTH SHORE ACRES, FIRST ADDITION, BEING PARTS OF SECTIONS 3, 4 AND 9, TOWNSHIP 46 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JULY 7, 1926, IN BOOK "P" OF PLATS, PAGES 65, 66 AND 67, AS DOCUMENT 280317, IN LAKE COUNTY, ILLINOIS.



Third Street



ALL DISTANCES IN FEET AND DECIMAL PARTS THEREOF, NO DIMENSIONS TO BE ASSUMED BY SCALING.
 DATE OF FIELD WORK: 11/20/20

SCALE: One inch = 20 feet
 FILE NO. 20-163-F
 ORDERED BY: D. Smith

PROPERTY ADDRESS: 212 Cavin Avenue, Winthrop Harbor, IL

Legend

- (D) = Deed
- (M) = Measure
- F/F = Top of Foundation
- F/F = Finished Floor
- G/S = Garage Slab
- B.L. = Building Line
- = Storm Sewer
- = drainage direction
- ⊗ = sanitary sewer manhole
- ⊠ = transformer
- 6" ⊗ = tree with diameter in inches

Area = 13,425 sq. ft.
 Elevations shown are N.A.S.D. 1988 datum.
 Boundary survey provided by client from Private State Survey Company dated 8/10/2020

NOTE: Only those Building Line Restrictions or Easements shown as a Recorded Subdivision Plat are shown hereon unless the descriptions ordered to be surveyed contains a proper description of the required building lines or easements.

Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.

STATE OF ILLINOIS
 COUNTY OF LAKE S.S.

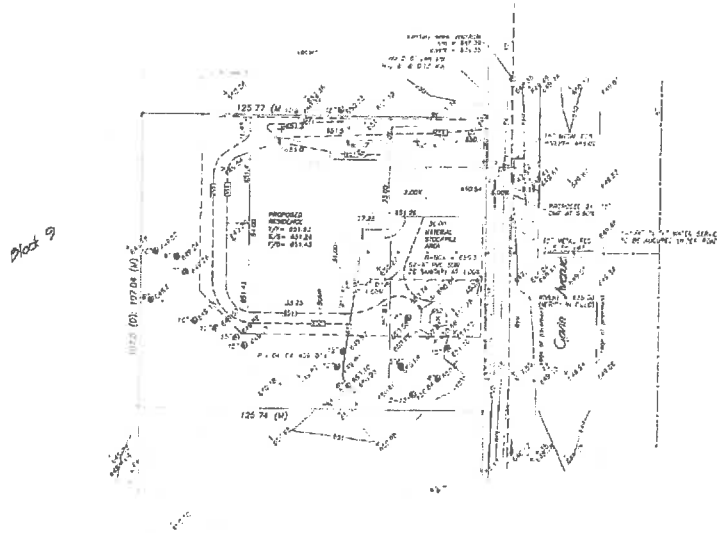
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE APPLICABLE TO TOPOGRAPHIC SURVEYS.

GURNEE, IL 11/21 A.D. 20 20
 PEKLAY SURVEYING CO., LTD.
 PROFESSIONAL DESIGN FIRM NO. 2981

BY: Edward Peklay
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2549. MY LICENSE EXPIRES 11/30/2022

PEKLY SURVEYING CO., LTD.
GRADING PLAN

THE NORTH 107.00 FEET OF THE SOUTH 249.75 FEET OF THE EAST HALF OF BLOCK 9 IN FREDERICK H. BARTLETT'S NORTH SHORE ACRES, FIRST ADDITION, BEING PARTS OF SECTIONS 3, 4 AND 9, TOWNSHIP 46 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JULY 7, 1979, BY BOOK 74 OF PLAT, PAGES 65, 66 AND 67, AS DOCUMENT 280317, IN LAKE COUNTY, ILLINOIS.



Third Street

5" PCC CONCRETE
7" PCC CONCRETE THRU ROW

CONTRACTOR TO FILL NOT MORE THAN 6" AND HAND DIG ANY SHOALS NECESSARY TO ENSURE POSITIVE DRAINAGE IN TREE ROOT ZONES OUTSIDE OF SILT FENCE. (AT DIRECTION OF VILLAGE ENGINEER)
SANITARY CONNECTION TO BE MADE WITH HOLE SAW AND HUB W/IC SADDLE OR HUB TEE SADDLE.

**LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
SOIL EROSION AND SEDIMENT CONTROL CONSTRUCTION NOTES**

1. MAINTAIN AT LEAST 3 FEET OF CLEARANCE FROM ALL UTILITIES AND STRUCTURES FOR TRUCKS AND EQUIPMENT FROM THE PROCEEDING WITH ANY OTHER EARTH REMOVAL OR DEPOSIT.

2. PRESERVE AREA UNLESS OTHERWISE SPECIFIED BY DRAWING. REMOVE ANY EXISTING CURBS OR DRIVEWAYS TO BE REPLACED.

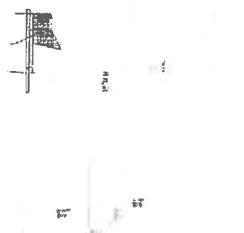
3. APPROXIMATE PROTECTIVE DISTANCE FROM THE EDGE OF THE CONSTRUCTION AREA TO THE EXISTING PROPERTY LINE SHALL BE 10 FEET.

4. THE EXISTING CURBS AND DRIVEWAYS SHALL BE MAINTAINED AND REPAIRED AS NECESSARY TO MAINTAIN THE EXISTING CURBS AND DRIVEWAYS.

GRAVEL CONSTRUCTION ENTRANCE



SILT FENCE PLACEMENT
AS PER COMPANY TO MATCH 232-20



NORTH
ALL DISTANCE IN FEET AND DECIMAL PARTS THEREOF. NO DIMENSIONS TO BE ASSUMED BY SCALING
DATE OF FIELD WORK: 6/27/20
SCALE: ONE INCH = 20 FEET
FILE NO. 20-163
ORDERED BY: D. Smith

NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown herein unless the conditions ordered to be surveyed contain a proper description of the required building lines or easements.
Compare your description and site mappings with this plat and all other record and discrepancies which you may find.

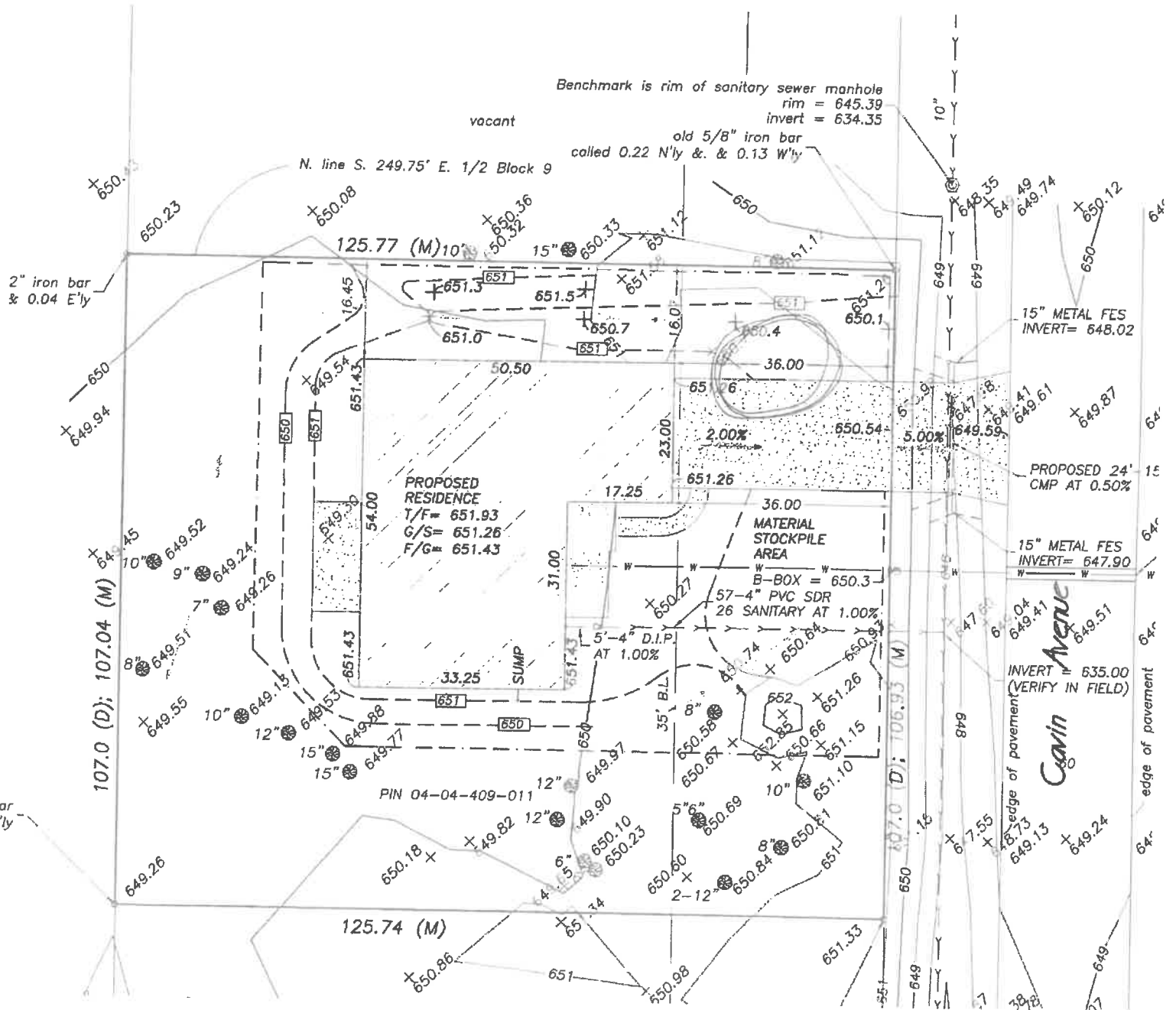
BY: *Edward P. Kelly*
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2549
MY LICENSE EXPIRES 11/30/2020

LESLIE SURVEYING CO., LTD.

GRADING PLAN

THE NORTH 107.00 FEET OF THE SOUTH 249.75 FEET OF THE EAST HALF OF BLOCK 9 IN FREDERICK H. BARTLETI NORTH SHORE ACRES, FIRST ADDITION, BEING PARTS OF SECTIONS 3, 4 AND 9, TOWNSHIP 46 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JULY 7, 1926, IN BOOK " OF PLATS, PAGES 65, 66 AND 67, AS DOCUMENT 280317, IN LAKE COUNTY, ILLINOIS.

PLAN APPROVED FOR CONSTRUCTION



Avenue
Cavin

REQUEST FOR BOARD ACTION

Date Referred to the Board: January 13, 2021



Originating Department: Community Development

Subject Matter: AN ORDINANCE APPROVING A VARIANCE TO LAFAYETTE AND MELISSA KNOX TO ALLOW CONSTRUCTION OF A RESIDENCE ENCROACHING OVER THE FRONT YARD ZONING SETBACK LINE.

Summary and Background: This Ordinance formalizes the granting of the variance requested under PZB Docket # 01-PZB-21.

Financial Impact: None.

Community/Neighborhood Impact: None.

Documents Attached: Ordinance.

Staff Recommendation: Staff recommends.

Department Head Signature: _____ Date: January 13, 2021

Village Administrator Signature: Gregory J. Patton Date: 1-15-21

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIANCE TO LAFAYETTE AND
MELISSA KNOX TO ALLOW CONSTRUCTION OF A RESIDENCE
ENCROACHING OVER THE FRONT YARD ZONING SETBACK LINE
(FILE NO. 01-PZB-21)**

WHEREAS, Lafayette and Melissa Knox are the owners of certain property located within the Village of Winthrop Harbor, commonly known as 212 Cavin Avenue, PIN 04-04-409-011, which property is legally described as set forth on the plat of survey attached as Exhibit A hereto, and which property is hereafter described as the “Subject Property”, and

WHEREAS, Smith Builders, Inc., (“Petitioner”), the contractor and agent for the said owners of the Subject Property has petitioned the Village for approval of a variance from the Village’s Zoning Code seeking relief from the provisions of Section 154.048(B)(1) thereof, which requires a front yard setback of 35 feet in R-2 residential zoning districts, and

WHEREAS, the Combined Planning Commission and Zoning Board (“PZB”) conducted a public hearing, following notification as required by law, on January 12 2021, and

WHEREAS, in his testimony on behalf of the Petitioner, Darren Smith, President of Smith Builders, Inc., described the following facts:

- a) That the original plat of subdivision from the 1920’s showed a 25-foot platted setback line;
- b) That his original building plot plan, submitted with his building permit application showed conformance with the platted setback;
- c) That the original building plot plan was duly rejected by the Building Official since the Zoning Code (adopted in 1964, long after the land was originally platted) requires a 35-foot setback;
- d) That the rejection of the original plot plan was duly and properly communicated to Mr. Smith and his surveyor;
- e) That Mr. Smith erroneously failed to grasp that his original plot plan was rejected, and he instructed his subcontractors and building crews to proceed with construction of the otherwise-permitted residence on the lot using the original plot plan;
- f) That the building project was duly inspected using standard protocols which did not disclose the improper site location of the construction;

- g) That when the request was made for an occupancy permit, the mistaken location of the residence was determined, rendering it impossible for the Building Official to issue this permit without a zoning variance.
- h) That the final measurements on the Subject Property show that the residence is located 26 feet from the property line rather than the 35 or more feet required by the Zoning Code.

WHEREAS, the foregoing testimony was uncontradicted, and

WHEREAS, the only other testimony offered was by a neighbor, Michael Hundall of 1820 3rd Street, Winthrop Harbor and owner of the adjacent vacant lot PIN 04-04-409-010, who stated that he had no objection to the variance request, and

WHEREAS, there is no evidence in the record before the PZB to indicate that the owners of the Subject Property were aware of, or participated in, the non-conforming location of the residence upon their lot, and

WHEREAS, the variance request was examined by the PZB at length, and the consensus of the members was that the construction of the residence in a non-conforming state was inadvertent and was the result of human error, and while there was a lack of evidence of complete compliance with the *LaSalle* factors that would ordinarily and customarily justify the variance requested, the PZB members described the scope of the variance as being comparatively minor in this particular setting due to the character of the neighborhood, the small number of residences affected in this block on this very short street and the lack of any apparent impact on surrounding properties, and therefore, upon a motion duly made and seconded, voted 7-0 in favor of recommending that the variance requested be granted, and

WHEREAS, the Village Board has received the recommendations of the PZB, and has duly deliberated upon the issues and it thereupon makes the following factual findings:

1. The proposed use of the Subject Property will not materially affect any other property, will not impose any hardship to anyone else and will create a comparatively minor non-conforming use, given the character of the neighborhood and surrounding properties.
2. The particular circumstances surrounding the erroneous construction upon the Subject Property would result in a very significant financial hardship upon the owner if the strict letter of the regulations were carried out in that the cost of correcting the error after construction is otherwise complete are obviously quite large, and the comparative benefit to the Village as a whole is not correspondingly significant.

3. That the hardship would also directly flow to the owners of the Subject Property in that they have been so far unable to move into the residence or otherwise use their property, and this inability would continue indefinitely if the variance is not granted.
4. The conditions outlined above create a Special Condition not generally applicable to other property within the same zoning classification.
5. The purpose of the variation is not based exclusively upon a desire to make more money out of the property, but rather to avoid the waste of resources on reconstructing an existing house and causing additional loss and inconvenience to innocent owners.
6. The hardship was created inadvertently by human error on the part of the property owner.
7. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements.
8. The proposed variation will not adversely impact the adequate supply of light and air to adjacent property, increase traffic, endanger public safety or diminish or impair neighborhood property values in the particular circumstances involving the Subject Property and its specific neighborhood.
9. Nothing herein should be considered to grant any other variance from the Zoning Code, and in particular, nothing herein should be considered to stand as a precedent of any kind for the abrogation of the setback rules applicable in residential zoning districts.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP HARBOR, ILLINOIS, AS FOLLOWS:

SECTION ONE. The Mayor and Board of Trustees of the Village of Winthrop Harbor hereby find the facts as stated in the preamble hereof are true and correct and said findings are made a part of this Ordinance.

SECTION TWO. The request for a zoning variance is granted, and the existing non-conformity of the location of the constructed residence upon the Petitioner's property is allowed as a legal non-conforming use, provided that any other or further improvements constructed on the subject property shall be constructed in conformity with all applicable Village Codes as may then be in existence.

SECTION THREE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

YEAS: _____

NAYS: _____

ABSENT: _____

PASSED and APPROVED this ___ day of _____, 2021.

Dr. MICHAEL BRUNO, Mayor

ATTEST:

JULIE RITTENHOUSE, Clerk