

ORDINANCE 2015-O-20

**AN ORDINANCE ADDING §32.08
TO THE MUNICIPAL CODE OF WINTHROP HARBOR
PROVIDING A DEFINITION OF HARDSHIP FOR PZB CASES**

WHEREAS, the Planning and Zoning Board is frequently called upon to consider petitions for variances from the zoning code, and

WHEREAS, in such cases, the governing statute and local code provisions require the PZB to consider whether a petitioner has made out a case of “hardship” or “particular hardship” consistent with the language of applicable law, and

WHEREAS, neither the statute, nor local code provisions, nor interpreting case law has yet clearly defined what a “hardship” or “particular hardship” is, leaving that term open to local interpretation as a question of fact, and

WHEREAS, the PZB has recommended that the Village Board adopt a definition of the term so as to provide additional guidance to petitioners and to the PZB, thereby improving the process and making the decision-making process somewhat more predictable and even-handed,

NOW THEREFORE, BE IT ORDAINED by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

SECTION ONE: Section 32.08 shall be added to the Winthrop Harbor Municipal Code and it shall hereafter read as follows:

32.08. Definitions. For the purposes of the consideration of issues presented to the PZB, the following terms shall have the following meanings:

Hardship, particular: A significant difficulty or burden imposed by the requirements of the ordinance or code provision(s) from which a variance is sought resulting from conditions beyond the control of the property owner, and compliance with such requirements would achieve no discernible public benefit. Whether a hardship exists in a given case or petition is a question of fact for determination by the PZB based on the evidence presented by the property owner.

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

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP HARBOR, ILLINOIS, ON THIS 18TH DAY OF AUGUST, 2015.

APPROVED:

ROBERT D. LOY, MAYOR

ATTEST:

JANA J. LEE, VILLAGE CLERK

AYES: Braden, Marabella, McCarthy, Robards, Weiss

NAYS: NONE

ABSENT: Hargett

FIRST AND SECOND READING: WAIVED August 18, 2015

ORDINANCE PASSED: August 18, 2015