

ORDINANCE 2018-O-10

**AN ORDINANCE APPROVING A VARIANCE TO LANCE CENNI
TO ALLOW AN ACCESSORY STRUCTURE ON A RESIDENTIAL
LOT WITHOUT A PRINCIPAL BUILDING
(FILE NO. 01-PZB-18)**

WHEREAS, Lance Cenni, is an owner of certain property located within the Village of Winthrop Harbor, commonly known as 115 Garnett Avenue, which property is legally described as set forth on Exhibit A hereto, and which property is hereafter described as the “Subject Property”, and

WHEREAS, Lance Cenni, (“Petitioner”), has petitioned the Village for approval of a variance from the Village’s Zoning Code in order to maintain an existing garage upon his otherwise unimproved vacant residential lot, which condition of the property has existed for an indeterminate period in excess of two decades. The requested variance is necessary because the Zoning Code generally allows garages as accessory uses only to principal residential buildings in residential zoning districts, and

WHEREAS, the Combined Planning Commission and Zoning Board (“PZB”) conducted a public hearing, following notification as required by law, on June 12, 2018, and

WHEREAS, following testimony from the petitioner, Staff and the public, the PZB concluded with a unanimous positive recommendation on the requests, 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 only not expand the current non-conforming use.
2. The hardship that exists is the apparent allowance of a building permit for the garage many years ago without requiring the combination of the Subject Property with a lot containing a residence. Since Mr. Cenni bought the property in its current condition, this nonconforming use of the land is not a factor which is attributable to Mr. Cenni.
3. Nothing herein should be considered to grant any other variance from the Zoning Code, and in particular, no right to use the Subject Property for any commercial purpose whatsoever is hereby granted; rather the same is affirmed as unlawful.

NOW, THEREFORE, BE IT RESOLVED 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, subject to strict compliance with the following specific conditions:

1. The maintenance of the existing garage on the Subject Property is allowed to continue indefinitely.
2. Expansion of the current use is prohibited without compliance with the applicable provisions of the Zoning Code.
3. Any commercial use of the Subject Property is prohibited.

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

YEAS: (5) Hargett, Marabella, McCarthy, Robards, Weiss
NAYS: (0)
ABSENT: (1) Levin

PASSED and APPROVED this 3rd day of JULY, 2018.

Dr. MICHAEL BRUNO, Mayor

ATTEST:

JULIE RITTENHOUSE, Village Clerk