

ORDINANCE 2019-O-20

**AN ORDINANCE APPROVING A VARIANCE TO JOSEPH J. RUSHFORTH
TO ALLOW AN ACCESSORY STRUCTURE ON A RESIDENTIAL
LOT WITHOUT A PRINCIPAL BUILDING
(FILE NO. 03-PZB-19)**

WHEREAS, Joseph J. Rushforth, is the owner of certain property located within the Village of Winthrop Harbor, commonly known as 1311 East Broadway, PIN 04-16-101-064, 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, Joseph J. Rushforth, (“Petitioner”), has petitioned the Village for approval of a variance from the Village’s Zoning Code in order to construct a garden shed upon his otherwise unimproved vacant residential lot in order to store the garden tractor and other outdoor equipment necessary for the maintenance of the property. The requested variance is necessary because the Zoning Code generally allows sheds as accessory uses only to principal residential buildings in residential zoning districts, and a true copy of his petition is attached as Exhibit B hereto, and

WHEREAS, the Combined Planning Commission and Zoning Board (“PZB”) conducted a public hearing, following notification as required by law, on October 8, 2019, and

WHEREAS, following testimony from the petitioner, Staff and the public, the PZB concluded with a 6 -1 vote in favor of a positive recommendation on the request, 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 marginally create a non-conforming use, given the size of the large parcel of land and the small footprint of the proposed shed.
2. The particular physical surroundings of the specific property involved result in a practical difficulty or hardship upon or for the owner if the strict letter of the regulations were carried out in that the property is:
 - a. a reasonably remote piece of property;
 - b. a fairly sizable parcel;

- c. maintained in a park-like condition requiring significant effort, expense and equipment;
 - d. adjacent to a regional trail making the property inviting to trespassers, especially given its physical beauty and park-like condition; and
 - e. in need of continual maintenance using expensive equipment which in turn needs to be safely housed.
3. The conditions outlined above create a Special Condition not generally applicable to other property within the same zoning classification.
 4. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
 5. The hardship was not created by the property owner.
 6. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements.
 7. 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.
 8. 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 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 Resolution.

SECTION TWO. The request for a zoning variance is granted, subject to strict compliance with the following specific conditions:

1. The construction of one (1) new garden shed on the Subject Property in the location designated on the plat of survey attached as Exhibit A is permitted.
2. The shed shall be constructed in substantial compliance with the building plans submitted by the Petitioner and attached as Exhibit C hereto, and in no instance shall it occupy a space larger than 250 square feet in size.

3. The shed shall be used only for storage of materials and equipment necessary for the maintenance of the property and all such materials and equipment shall be owned by the owner of the property and no other person or entity.
4. Expansion of this permitted nonconforming use is prohibited without compliance with the applicable provisions of the Zoning Code.
5. 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, approval and publication as provided by law.

YEAS: (3) Hargett, McCarthy, Whitmore

NAYS: (2) Levin, Marabella

ABSENT: (1) Weiss

PASSED and APPROVED this 15th day of OCTOBER, 2019.

Dr. MICHAEL BRUNO, Mayor

ATTEST:

JULIE RITTENHOUSE, Clerk