

ORDINANCE 2019-O-7

**A ORDINANCE APPROVING MULTIPLE VARIANCES
TO KARON C. RUSSELL TO ALLOW AN OVERSIZE GARAGE
ON AN UNDERSIZED LOT
(FILE NO. 01-PZB-18)**

WHEREAS, Karon C. Russell, is an owner of certain property located within the Village of Winthrop Harbor, commonly known as 720 Landon 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, Karon C. Russell, (“Petitioner”), has petitioned the Village for approval of four variances from the Village’s Zoning Code in order to construct a garage upon her severely undersized residential lot. The requested variances are necessary because the Zoning Code generally limits the size of garages to less than the square footage of the principal structure on the property, requires a minimum lot size and minimum width for new construction within the R3 zoning district, and it further limits the overall coverage of a residential lot, and

WHEREAS, a true copy of the Petitioner’s 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 March 12, 2019, and

WHEREAS, following testimony from the petitioner, Staff and the public, the PZB concluded with a 6 to 1 vote for a positive recommendation on the requests, and

WHEREAS, a copy of the report from the PZB is attached hereto as Exhibit C; 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 Petitioner has presented a cogent explanation of the steps she has taken to ensure that her proposed project will have at most a minimal impact on the other owners of property in the block where the Subject Property lies, and that the water coming from the proposed improvements will be shunted into an unused alley, thereby minimizing any potential for runoff or flooding.
2. The proposed use of the subject property will not materially affect any other property, will not impose any hardship to anyone else and while it will expand the

current non-conforming use, such expansion is in the best interest of the Petitioner, the neighborhood and the Village.

3. The hardship that exists is the fact that the Subject Property was platted in the early 1900's well before any zoning code was in force. This resulted in a very undersized lot which was improved with a small house sometime in the 1940's. The size of this lot renders it functionally impossible to effectively use the property to its highest and best use because the limitations imposed by the R3 zoning regulations severely inhibit the construction of additions and accessory buildings on the Subject Property impacting it in a disproportionate way from other properties within the R3 zoning district. In particular, the storage capacity of the existing house is extremely limited which would be alleviated by allowing a slightly larger than 2 car garage to be constructed. Additionally, the addition of a garage and driveway will help to ensure that there is off-street parking available, thereby reducing congestion on Landon Avenue. Finally, the useful life of the property would be extended greatly by allowing this addition while at the same time causing minimal impact on neighboring properties.
4. The Subject Property is sufficiently unique that allowing the requested variances would not impact other properties within the R3 zoning district, nor would it establish a precedent that is violative of the overall scheme of regulations built into the R3 zoning regulations.

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 Resolution.

SECTION TWO. The request for the following four zoning variances is granted:

1. The lot width requirement of Section 154.057(B)(1);
2. The minimum lot area of Section 154.057(A)(1);
3. The 45% maximum lot coverage of Section 154.058(B); and
4. The requirement that accessory structures must have smaller footprints than the principal structure of Section 154.010(5)(a).

SECTION THREE: The forgoing variances are granted subject to strict compliance with the following specific conditions:

1. The construction of the garage and driveway in substantial conformance with the drawings and site plan submitted as a part of the Exhibit B petition;
2. Any further expansion of the current use is prohibited without compliance with the applicable provisions of the Zoning Code; and
3. Any commercial use of the Subject Property is prohibited.

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

YEAS: (4) Hargett, Levin, McCarthy, Weiss

NAYS: (0)

ABSENT: (2) Marabella, Robards

PASSED and APPROVED this 19th day of MARCH, 2019.

Dr. MICHAEL BRUNO, Mayor

ATTEST:

JULIE RITTENHOUSE, Clerk